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SITTING DAYS—2016

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<td>December</td>
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RADIO BROADCASTS
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- **BRISBANE** 936AM
- **CANBERRA** 103.9FM
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- **MELBOURNE** 1026AM
- **PERTH** 585AM
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FORTY-FOURTH PARLIAMENT
FIRST SESSION—EIGHTH PERIOD

Governor-General

His Excellency General the Hon. Sir Peter Cosgrove AK, MC (Retd)

Senate Office Holders

President—Senator Hon. Stephen Parry

Deputy President and Chair of Committees—Senator Gavin Mark Marshall

Temporary Chairs of Committees—Senators Christopher John Back, Cory Bernardi, Sam Dastyari, Sean Edwards, Alexander McEachian Gallacher, Susan Lines, Deborah Mary O'Neil, Nova Maree Peris OAM, Dean Anthony Smith, Zdenko Matthew Seselja, Glenn Sterle, Peter Stuart Whish-Wilson and John Reginald Williams

Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC

Deputy Leader of the Government in the Senate—Senator Hon. Mathias Cormann

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

Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy

Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield

Manager of Opposition Business in the Senate—Senator Claire Moore

Senate Party Leaders and Whips

Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC

Deputy Leader of the Liberal Party in the Senate—Senator Hon. Mathias Cormann

Leader of The Nationals in the Senate—Senator Hon. Nigel Scullion

Deputy Leader of The Nationals in the Senate—Senator Hon. Fiona Nash

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

Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy

Leader of the Australian Greens—Senator Richard Di Natale

Co-deputy Leaders of the Australian Greens in the Senate—Senators Scott Ludlam and Larissa Joy Waters

Chief Government Whip—Senator David Christopher Bushby

Deputy Government Whips—Senators David Julian Fawcett and Dean Anthony Smith

The Nationals Whip—Senator Matthew James Canavan

Chief Opposition Whip—Senator Anne McEwen

Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart

Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate
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<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
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<td>Collins, Hon. Jacinta Mary Ann</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives:

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<th>Term expires</th>
<th>Party</th>
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<td>Xenophon, Nicholas</td>
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</table>

(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.
(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice J Faulkner), pursuant to section 15 of the Constitution.
(3) Chosen by the Australian Capital Territory Legislative Assembly to fill a casual vacancy (vice K. Lundy), pursuant to section 15 of the Constitution.
(4) Chosen by the Parliament of Queensland to fill a casual vacancy (vice B. Mason), pursuant to section 15 of the Constitution.
(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice C. Milne), pursuant to section 15 of the Constitution.
(6) Chosen by the Parliament of South Australia to fill a casual vacancy (vice P Wright), pursuant to section 15 of the Constitution.
(7) Chosen by the Parliament of Victoria to fill a casual vacancy (vice M Ronaldson), pursuant to section 15 of the Constitution.
PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
FFP—Family First Party; IND—Independent, LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—R Stefanie
Parliamentary Budget Officer—P Bowen
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<tr>
<td>Prime Minister</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>Senator the Hon Arthur Sinodinos AO</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Counter-Terrorism</td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Senator the Hon James McGrath</td>
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<tr>
<td>Assistant Minister for Cities and Digital Transformation</td>
<td>The Hon Angus Taylor MP</td>
</tr>
<tr>
<td>Assistant Cabinet Secretary</td>
<td>The Hon Dr Peter Hendy MP</td>
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<tr>
<td>Deputy Prime Minister and Minister for Agriculture and Water Resources</td>
<td>The Hon Barnaby Joyce MP</td>
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<tr>
<td>Assistant Minister for Agriculture and Water Resources</td>
<td>Senator the Hon Anne Ruston</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>The Hon Keith Pitt MP</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon Julie Bishop MP</td>
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<tr>
<td>Minister for Trade and Investment</td>
<td>The Hon Steve Ciobo MP</td>
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<tr>
<td>Minister for International Development and the Pacific</td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
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<tr>
<td>Minister for Tourism and International Education</td>
<td>Senator the Hon Richard Colbeck</td>
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<td>Senator the Hon Richard Colbeck</td>
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<tr>
<td>Attorney-General</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td>(Vice-President of the Executive Council)</td>
<td>The Hon Michael Keenan MP</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Justice</td>
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<tr>
<td>Treasurer</td>
<td>The Hon Scott Morrison MP</td>
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<tr>
<td>Minister for Small Business</td>
<td>The Hon Kelly O’Dwyer MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon Kelly O’Dwyer MP</td>
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<td>Minister for Finance</td>
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<tr>
<td>(Deputy Leader of Government in the Senate)</td>
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<td>Minister for Regional Development</td>
<td>Senator the Hon Fiona Nash</td>
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<tr>
<td>Minister for Infrastructure and Transport</td>
<td>The Hon Darren Chester MP</td>
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<td>(Deputy Leader of the House)</td>
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<tr>
<td>Minister for Major Projects, Territories and Local Government</td>
<td>The Hon Paul Fletcher MP</td>
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<tr>
<td>Minister for Industry, Innovation and Science</td>
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<td>Minister for Resources, Energy and Northern Australia</td>
<td>The Hon Josh Frydenberg MP</td>
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<td>Minister for Immigration and Border Protection</td>
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<td>Senator the Hon James McGrath</td>
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<td>Minister for the Environment</td>
<td>The Hon Greg Hunt MP</td>
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<tr>
<td>Minister for Health</td>
<td>The Hon Sussan Ley MP</td>
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<tr>
<td>Minister for Aged Care</td>
<td>The Hon Sussan Ley MP</td>
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<tr>
<td>Minister for Defence</td>
<td>Senator the Hon Marise Payne</td>
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<td>The Hon Dan Tehan MP</td>
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<td>The Hon Michael McCormack MP</td>
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<tr>
<td>Minister for the Arts</td>
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* Senator Katy Gallagher’s appointment to the Shadow Ministry is effective from 1 November 2015. Senator the Hon. Jan McLucas will serve as Shadow Minister for Housing and Homelessness and Shadow Minister for Mental Health, and represent the Shadow Minister for Northern Australia, the Shadow Minister for Health, the Shadow Assistant Minister for Health, the Shadow Minister for Sport and the Shadow Minister for Indigenous Affairs in the Senate until 31 October 2015.
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Thursday, 17 March 2016

The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 9:30, read prayers and made an acknowledgement of country.

DOCUMENTS

Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

Details of the documents also appear at the end of today's Hansard.

COMMITTEES

Environment and Communications References Committee

Meeting

The Clerk: A proposal has been lodged by the Environment and Communications References Committee for a private meeting today from 1.10 pm.

The PRESIDENT (09:31): Does any senator wish to have that motion put? There is none.

STATEMENT BY THE PRESIDENT

Photography in the Senate

The PRESIDENT (09:31): I indicated to the Senate yesterday that I had had a request from the media in relation to photography in the chamber. I indicated that I would bring that proposal again back to the Senate so that people could consider that overnight. My proposal is: if any senator objects at all to any changes in the current media rules governing the Senate, without debate, the status quo will remain. Does any senator object?

Senator Conroy: I object.

The PRESIDENT: Then, in that case, the status quo remains.

BUSINESS

Rearrangement

Senator LEYONHJELM (New South Wales) (09:31): I seek leave to move a motion to vary the resolution of 15 March 2016 relating to the hours of meeting and routine of business.

Leave not granted.

Senator LEYONHJELM: Pursuant to contingent notice, I move:

That so much of standing orders be suspended as would prevent me moving a motion relating to the consideration of a matter, namely a motion to vary the resolution of 15 March 2016 relating to hours of meeting and routine of business.

The motion for variation that I seek to move will ensure a vote in the Senate on same-sex marriage this week. The Greens may seek to put their Marriage Equality Amendment Bill 2013 to a vote in private senators' time, but, if they do not, or cannot, then my motion comes into play. My motion will require that the bill be finally considered before we adjourn this sitting. My amendment does not limit the government's ability to require the final consideration of the bills on its list; it just requires that the Marriage Equality Amendment
Bill be finally considered before we adjourn. The Marriage Equality Amendment Bill 2013 is a Greens bill. I support this bill, even though it differs from the Liberal Democrats bill on this issue—the Freedom to Marry Bill 2014—because I support allowing same-sex marriage regardless of which party's bill finally comes into play and finally becomes reality.

The Greens are a swing vote on this issue. The Greens have said that parliament should deal with same-sex marriage and that there is no case for delay. They have repeated this position recently at Mardi Gras and in the wake of the Safe Schools debate, which has foreshadowed the kind of debate that we would see in the lead-up to a plebiscite. I do not look forward to an expensive and divisive plebiscite where people would be asked to vote on other people's rights. The potential for coalition parliamentarians to vote as a block against allowing same-sex marriage is not a reason to put off a parliamentary vote; it is a reason to proceed. Each voter should know before an election whether their coalition parliamentarian is committed to allowing same-sex marriage. It would be perverse and undemocratic for the Greens to avoid parliamentary consideration of their own bill just to provide coalition parliamentarians with cover on this issue.

I call on all senators to support this amendment, including senators who do not support change to the Marriage Act. Supporting this amendment simply means that you do not fear voting on the issue of same-sex marriage and you accept it as part of your job.

Senator SIMMS (South Australia) (09:34): The Australian Greens do not support this motion.

Senator Dastyari: Oh!

Senator SIMMS: Here we go again—the Labor Party interjecting. They were the party which had six years to deliver this reform and did everything they could to try and avoid a debate. Then today, when we have an opportunity to do one, they start using this issue once again as a cheap political wedge. Let us be absolutely clear about what is happening here: after six years of inaction, after voting against marriage equality at every opportunity, every vote, every time, they then come into this place on Tuesday and say, 'Hey presto, let's deal with it; let's bring it on.' So the Greens said, 'We've got private members' time on Thursday; let's do it.'

Senator Dastyari: One hour! You want to do the whole debate in one hour.

Senator SIMMS: And, of course, suddenly they then cannot bring themselves to do a vote during that period.

Senator Dastyari: We are giving you the whole day to do it.

Senator SIMMS: We have had so much debate within the community over this issue over many years—

Senator Dastyari: One hour!

Senator SIMMS: Senator Dastyari is screaming at me, 'One hour.' Does he actually genuinely think this issue has only been debated for one hour? We have seen discussion here in this chamber. We have seen this bill debated as recently as November. We have seen it debated in the previous parliament. We have seen it discussed and debated in our community for decades. Well, it is time for some action. The Greens support the Labor Party in wanting
to see a resolution on it. We have private senators' time today. Let us bring it to a vote; let us bring it on and let us deal with it.

Can I just say to the ALP and to Senator Leyonhjelm, please stop using this issue as a cheap political wedge.

_Honourable senators interjecting—_

_Green_  

**Senator SIMMS:** I am being heckled here, but, genuinely, please stop using this issue in such a cheap and cynical way. It is actually people's lives you are stuffing around with here. The community has a right to see this issue resolved and treated seriously. It should not be used as a wedge tactic to try to derail voting reform. And let's face it: that is what you are really about. If you genuinely cared about this issue, you would have approached it in a much more ethical way.

We have some time available today in private senators' time. Let us deal with it then and let us have a vote. We can resolve the matter. We welcome the opportunity to do that. The Greens have a proud record on this reform. I want to say to anybody who is listening to this, and I want to say to those in the Labor Party in particular: we will not be lectured by you mob on standing up for equality. I hear that you have been doing phone banking in my state, saying that we have been voting against marriage equality. That is a complete and utter lie and it demonstrates what this tactic is about. What you are trying to do here is to use this issue as a wedge. You are playing with the lives of people in my community. I think it is reprehensible and I think you should be ashamed of yourselves. We have an opportunity in private senators' time. Let us end the delay and have a vote. Let us not see this being used as an opportunity to try to derail voting reform. It is so obvious you are desperate to do whatever it takes to prevent this reform. If is not marriage equality, it is coal seam gas or an issue of workers' rights. There is nothing you will not do to try to stop this reform. You even voted to bring on the ABCC. You are utterly shameless and hypocritical, so give us a break and let us have a vote.

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (09:38): Can I first say I do not actually need a lecture from anybody about this being about people's lives. I know that. It is about my life. Can I also say that the Greens are wrong to say that this was never brought to a vote. It was brought to a vote in the previous parliament, and I and many people on my side voted for marriage equality.

I want to say this about Senator Simms—and I have said previously that I do respect the fact that he advocates for this issue with genuine conviction. He says here, 'Don't use this as a political wedge.' The Greens on social media and in the media have been going on about, 'Bring it on for a vote today,' but they now stand up and say, when we are trying to bring it on for a vote today, 'That's a political wedge.' We have the Greens tweeting and on other social media, saying: 'It's time. Marriage equality's been discussed for decades and debated for decades. Let's bring it to a vote and get it done.' Then Senator Simms stands up and says, 'But not this vote; just maybe a vote later if we can get a gag up in private senators' bills.

Let no-one misunderstand what Senator Leyonhjelm's motion would enable. I commend him for his commitment to this issue. We may not agree on everything, but I commend him for his commitment on this issue. His motion would ensure a vote on marriage equality before we go home, and we would have a full debate. It would be treated as the Senate voting
changes would be treated. Every senator who wants to make a contribution would be able to make a contribution, and we would vote on marriage equality before we went home. That is what is being offered up today to the Australian Greens. But what we have is their spokesperson on this saying, 'Every Green, every vote, every time, but not today'—again—'because we want it to be a vote on a gag,' after two or three senators in private senators' business have had the opportunity to make a contribution. Now who wants to talk about political wedging and a lack of commitment on this issue?

**Senator Di Natale:** Boring!

**Senator Wong:** Senator Di Natale says, 'Boring'. Yes, the facts are boring, aren't they? 'Every Green, every vote, every time,' but not today, again. Twice in three days the Australian Greens will vote to ensure that there is not a vote on marriage equality. Twice in three days the Australian Greens will vote to prevent a vote on marriage equality. So don't you ever come in here and tell us how committed you are to this issue. We will be supporting Senator Leyonhjelm's suspension of standing orders in order to ensure that there is a vote on marriage equality. Twice in three days, on the basis of Senator Simms's contribution, we will see the Australian Greens vote with Senator Bernardi to prevent a vote on marriage equality before the Senate leaves today.

The Australian Greens care more about eliminating the minor parties in this place than they do about eliminating discrimination against same-sex couples. And twice in three days they will demonstrate that, when they walk—on the walk of shame—and vote to prevent a vote on marriage equality before the Senate rises. I say to Senator Simms: if you are seriously telling the Australian people and the LGBTI community that somehow a gag in a private senators' debate for an hour is a better option than a full debate in the Senate, when every single senator who wants to make a contribution can make a contribution and the debate can be brought to conclusion before we leave, I think really you are wrong and your base politics on this will be demonstrated. The truth is: the only vote you are going to propose is one that the Liberals will let you have. The only vote you are going to propose is the one that Senator Abetz and Senator Bernardi and the Liberals will let you have, and that is a gag vote in private senators' business. The only vote the Australian Greens want on marriage equality is the one that the Liberal government will let them have. Their contribution later today will be a demonstration of their hypocrisy on this matter.

**Senator Brandis** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (09:43): I move:

That the question be now put.

**The President:** The question is that the motion moved by Senator Brandis, that the question now be put, be agreed to.

The Senate divided. [09:47]

(The President—Senator Parry)

Ayes ......................38
Noes ......................24
Majority ..................14

**AYES**

Abetz, E Back, CJ
AYES
Bernardi, C
Bushby, DC
Colbeck, R
Di Natale, R
Fawcett, DJ (teller)
Hanson-Young, SC
Lindgren, JM
Macdonald, ID
McKenzie, B
O'Sullivan, B
Paterson, J
Reynolds, L
Rice, J
Ryan, SM
Seselja, Z
Simms, RA
Smith, D
Whish-Wilson, PS

Brandis, GH
Canavan, MJ
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Ludlam, S
McGrath, J
Nash, F
Parry, S
Payne, MA
Rhiannon, L
Ruston, A
Scullion, NG
Siewert, R
Sinodinos, A
Waters, LJ
Williams, JR

NOES
Bilyk, CL
Cameron, DN
Conroy, SM
Gallacher, AM
Ketter, CR
Leyonhjelm, DE
Ludwig, JW
McEwen, A
Moore, CM
Peris, N
Sterle, G
Wang, Z

Bullock, JW
Collins, JMA
Dastyari, S
Gallagher, KR
Lazarus, GP
Lines, S
Marshall, GM
McLucas, J
Muir, R
Polley, H
Urquhart, AE (teller)
Wong, P

PAIRS
Birmingham, SJ
Brown, CL
Cash, MC
Heffernan, W
McAllister, J

Singh, LM
McKim, NJ
Carr, KJ
O'Neill, DM
Fierravanti-Wells, C

The President—Senator Parry (09:51)
The question now is that the motion moved by Senator Leyonhjelm be agreed to.

The Senate divided. [09:51]

Ayes .................... 24
Noes .................... 38
Majority ............... 14
AYES

Bilyk, CL
Cameron, DN
Conroy, SM
Gallacher, AM
Ketter, CR
Leyonhjelm, DE
Ludwig, JW
McEwen, A
Moore, CM
Peris, N
Sterle, G
Wang, Z

Bullock, JW
Collins, JMA
Dastyari, S
Gallagher, KR
Lazarus, GP
Lines, S
Marshall, GM
McLucas, J
Muir, R
Polley, H
Urquhart, AE (teller)
Wong, P

NOES

Abetz, E
Bernardi, C
Bushby, DC
Colbeck, R
Di Natale, R
Fawcett, DJ (teller)
Hanson-Young, SC
Lindgren, JM
Macdonald, ID
McKenzie, B
O'Sullivan, B
Paterson, J
Reynolds, L
Rice, J
Ryan, SM
Seselja, Z
Simms, RA
Smith, D
Whish-Wilson, PS

Back, CJ
Brandis, GH
Canavan, MJ
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Ludlam, S
McGrath, J
Nash, F
Parry, S
Payne, MA
Rhiannon, L
Ruston, A
Scullion, NG
Siewert, R
Sinodinos, A
Waters, LJ
Williams, JR

PAIRS

Brown, CL
Carr, KJ
McAllister, J
O'Neill, DM
Singh, LM

McKim, NJ
Cash, MC
F ierravanti-Wells, C
Heffernan, W
Birmingham, SJ

Question negatived.

BILLS

Social Security Amendment (Diabetes Support) Bill 2016
Second Reading

Debate resumed on the motion:
That this bill be now read a second time.
Senator MUIR (Victoria) (09:54): Due to the confusion in the Senate in the lead-up to this sitting period there was uncertainty as to whether the Social Security Amendment (Diabetes Support) Bill 2016 was going to have an opportunity to be debated, so I would like to thank the chamber, and of course my parliamentary colleagues, for the opportunity to present my second reading speech today. Some would ask, why would the representative of the Australian Motoring Enthusiast Party be debating a bill in relation to type 1 diabetes? Well, the party may have a single-issue name, but we are all too aware that this position—my role—comes with a responsibility to all Australians. This is an important issue, and I am proud to be the one to bring it front and centre in parliament and for it to be debated, hopefully quite thoroughly.

Type 1 diabetes directly affects over 120,000 people in Australia alone, some of whom work right here in Parliament House. Type 1 diabetes, an autoimmune condition, is a non-choice disease that lasts for life. The Social Security Amendment (Diabetes Support) Bill 2016 will ease the impact of diabetes on individuals who are affected by the disease. The purpose of the bill is to amend the Social Security Act 1991 to give individuals with a diagnosis of type 1 diabetes access to the required medication and peripheral devices that the disease imposes upon them, regardless of their geographic location or social status.

Type 1 diabetes is a form of diabetes marked by a complete lack of insulin. Therefore, insulin replacement is required for survival. Type 1 diabetes can create a significant financial and emotional burden for patients, their family and the community. Differing social statuses can result in an unintended disregard for an individual's care plan, leading to a higher risk of complications that require hospital admissions. As a result, it can impose a significant burden on the taxpayer.

The more time people with type 1 diabetes spend outside the normal range of blood glucose levels, the greater their risk of serious health complications. Currently the cost of hospital admitted patient services as a result of diabetes-diagnosis admittance is equal to expenditure on blood-glucose-lowering medications. This level of hospital admittance is a completely unnecessary burden on the taxpayer which could potentially be reduced should this bill be supported. This bill ensures that access to medication and peripheral devices that are required by individuals with a diagnosis of type 1 diabetes are accessible regardless of socioeconomic status.

I was approached by Dr Peter Goss of the Gippsland Paediatrics diabetes unit in Sale, in my electorate of Victoria, in October 2014. Dr Goss requested that I advocate for the age group of 18- to 25-year-olds with type 1 diabetes. At the time, he cited that this group has the highest rate of death from diabetes. With such a substantial number of Australians being directly and indirectly affected by type 1 diabetes, this was something I was more than happy to discuss further and support unconditionally.

Type 1 diabetes is an unwelcome and unwanted intruder into the life of an individual and their family. It is an autoimmune disease that cannot be prevented or cured. Before the discovery of insulin in the 1920s, type 1 diabetes was a fatal condition. Although type 1 diabetes is now manageable, it places an enormous burden on families by requiring them to enter a daily and relentless grind of blood testing and insulin injections. There is solid evidence that the peak risk of poor control of type 1 diabetes and death is between ages 16 and 25 years. Currently a child with type 1 diabetes often loses their Health Care Card at 16
years, which imposes a significant financial burden on the person with type 1 diabetes as they enter their most vulnerable period of life. There is also anecdotal evidence that young people are more likely to skimp on the essentials of diabetes care, such as insulin scripts, glucagon scripts, blood glucose and blood ketone test strips, insulin pump consumables and even quality food because of the cost.

This lack of attention to scripts, doctors visits, diabetes education visits and devices due to lack of financial assistance can create long-term complications and possible hospital admissions, which imposes significant health and financial burdens on not only the individual but also the community. Given that type 1 diabetes is a lifelong autoimmune disease, it is not unreasonable to not only try to ease the pressure on such a high-risk demographic but to make available to all those at risk a healthcare card to assist sufferers of type 1 diabetes in accessing the medical and peripheral devices required.

On 20 August 2015, I moved a motion in the Senate in relation to type 1 diabetes. The text was:

That the Senate—
(a) notes that:
(i) Type 1 Diabetes Mellitus is an autoimmune (not lifestyle) condition which affects over 120 000 Australians,
(ii) people diagnosed with Type 1 Diabetes require insulin to manage their diabetes for life,
(iii) Type 1 Diabetes is one of the most common chronic diseases affecting children in Australia, and
(iv) Type 1 Diabetes creates a significant financial and emotional burden for its patients, families and the community; and
(b) acknowledges the importance of access to optical medical management for people with Type 1 Diabetes regardless of geographic location or social status.

This motion was passed in the Senate unopposed. In addition to this, I note that the Australian National Diabetes Strategy 2016-2020, which was released to supersede the National Diabetes Strategy 2000-2004, was endorsed by the Australian Health Ministers’ Advisory Council on 2 October 2015, noted by the COAG Health Council on 6 November 2015 and publicly released on 13 November 2015.

Since I moved my motion, I am pleased to note that the Australian government has developed a new national diabetes strategy to update and prioritise the national response to diabetes across all levels of government. I appreciate that there are current government initiatives in place in addition to the recently developed Australian National Diabetes Strategy 2016-2020, such as the National Diabetes Services Scheme and chronic disease management assistance to assist individuals. I strongly believe that the Social Security Amendment (Diabetes Support) Bill 2016 can work in collaboration with the key government initiatives which are essential for individuals diagnosed with Type 1 Diabetes. I also believe that the Social Security Amendment (Diabetes Support) Bill 2016 can support some of the key purposes outlined in the Australian National Diabetes Strategy.

The purpose of the Australian National Diabetes Strategy 2016-2020 is:
... to prioritise Australia’s response to diabetes and identify approaches to reducing the impact of diabetes in the community. It recognises the social and economic burden of the disease and provides action areas that:
• prevent, detect and manage diabetes
• improve diabetes services and care
• recognise the different roles and responsibilities of all levels of government and the non-government sector
• promote coordination of health resources across all levels of government
• facilitate coordinated, integrated and multidisciplinary care
• improve use of primary care services
• increase recognition of patient needs across the continuum of care.

More specifically, goal 3 of the Australian National Diabetes Strategy 2016-2020 aims to:
… reduce the occurrence of diabetes-related complications and improve quality of life among people with diabetes.

The potential areas for action addressed with this goal are:
  Develop nationally agreed clinical guidelines, local care pathways and complications prevention programmes …
  Expand consumer engagement and self-management …
  Develop and implement quality improvement processes …
  Use information and communication technology …
  Improve affordable access to medicines and devices …
  Improve workforce capacity …
  Improve funding mechanisms …
  Provide mental health care for people with diabetes …
  Strengthen and expand transition from child to adult services …
  Make preschool, school and child care diabetes safe environments …
  Provide high-quality hospital care.

Many of these potential areas for action can be addressed directly and indirectly through support for this bill. More specifically, optimal diabetes care for children or adolescents in school is crucial to achieve the best possible diabetes control and to prevent any present or future risk of harm to their health and wellbeing. This will give affected children and adolescents the best opportunity to concentrate, participate and learn whilst at school.

   Children with type 1 diabetes should have the same educational and social opportunities as children without diabetes. Every child has the right to participate equally in school activities, including outdoor activities and sponsored events away from school, and to receive support for diabetes care. Ensuring the implementation of accessibility to diabetes care from a younger age will carry over into better diabetes care practices into adolescence and adulthood.

In closing I would like to readdress the importance of awareness surrounding type 1 diabetes. Not one person who has type 1 diabetes had a choice in their diagnosis. It cannot be prevented or cured. Type 1 diabetes creates a significant financial and emotional burden for patients, families and the community. This bill will ensure medication and peripheral devices that are required by individuals diagnosed with type 1 diabetes can be accessed regardless of one's socioeconomic status. If we are in any way serious about improving the quality of life of people with type 1 diabetes, I suggest all senators support this bill.
I would also like to take this opportunity to inform the Senate that, since I introduced the Social Security Amendment (Diabetes Support) Bill 2016, I have received copious amounts of correspondence and support. It is moving that so many people have taken this opportunity to reach out to me, sharing their personal accounts of the highs and lows associated with the burden that comes with being diagnosed with type 1 diabetes. These often saddening accounts have come not only from individuals who have been diagnosed but also from their loved ones: the parents who have to care for their child knowing that every decision they make will affect the future health of the life they created; the brothers and sisters who have to accept a feeling of helplessness when their sibling may not have the same support and health care as themselves for a disease which is not their fault; the extended family members and friends who can do nothing but sit back and watch loved ones doing all they can in an often disheartening battle.

I would like to share a couple of these messages from individuals who have made contact with me. Kyla sent to me on Tuesday, 8 March:

Dear Mr Muir

Thank you so much for addressing this vitally important issue. My son was diagnosed with this horrific chronic disease a week after his second birthday. It has changed our life in every conceivable way. There are of course the numerous finger pricks, insulin injections, set changes; the weighing and calculating of every gram of carbohydrate, fat and protein of every mouthful of food that passes his lips; the never ending night checks and constant zombie state of sustained sleep deprivation; and the unending worrying about how every bit of exercise or play or even a common cold will effect his blood sugars. There’s the largely unspoken detrimental effects on partnerships and family relationships, the constant stress and fear of your child not waking up alive and the fear of every day childhood occasions like birthdays, sleepovers, and even just being away from you at school. There is also a huge financial burden - even with a health care card. … and all of this is just from a parents point of view. My little boy will have to deal with this for the rest of his life. There is no way that this disease was his fault. As you know Type 1 Diabetes is not caused by eating too much sugar or not exercising enough. This is a life threatening autoimmune disease. He will have so much to deal with every hour of every day forever, and that’s not counting any of the other everyday stuff. Please, please, at least continue to allow him, and every other person with Type 1 Diabetes, fight this ongoing battle with the subsidised medical necessities they need throughout their lives.

Yours in hope

Kyla

Juanita sent to me on Wednesday, 9 March:

I’d like to see ALL Type 1 Diabetics be included in this Bill. As a Type 1 Diabetic, the costs associated with this disease are high. It becomes a financial juggling act with the questions ‘do I buy diabetes medication and peripherals or do I buy food’ this week? The costs associated with Type 1 Diabetes are often subsidised, however, even with these subsidies it is expensive and often we have to ‘go without’ necessary medications/insulin, test strips and other peripherals, simply because we cannot afford them. My council, has taken away all public sharps containers, it now costs $22 for every 2.5kg container $7.50 per container as well, so, that’s around $30 per disposal. Add to that the cost of test strips, machines, insulins etc each week and that’s before you even think about buying ‘healthy’ foods, such as fresh produce. We, as Type 1 Diabetics, get 5 free visits per year from the government, however, with
Diabetes Educator, Dietitian, Exercise Physiologist, Podiatrist and Optometrists visits, that's just one visit each per year and I've have several visits alone, just with the Diabetes Educator in these last few months. That means no Dietitian, Podiatrist, Optometrist or Exercise Physiologists for me for another year and if I need to see my Diabetes Educator again, it will cost me around $70 per visit. I can't afford that. Type 1 Diabetes, is not a lifestyle disease, it's not something I brought on myself and it's hard enough to live with, without the costs associated with trying to maintain it to it's optimum level. It ends up being a choice between 'do I want to keep my blood sugars under control? Or do I want to eat this week?' Each week, I have to decide which Diabetes product I need the most, test strips? Or Insulin? Glycogen? Glucose? Hypo snacks? If I had a Health Care Card, I could afford to do what I'm supposed to do, with medications, etc and thereby, easing the burden on the health care system in the future. Unless there are changes to all health care cards, I'm a statistic waiting to happen, will it be Kidney failure and Dialysis? Or perhaps, Heart disease? Amputation of limbs? The list goes on. Give ALL TYPE 1 DIABETICS a permanent health care card. It will be cheaper in the long term!

Juanita

This is just the tip of the iceberg. Not one individual's situation is the same as another's. A doctor cannot simply look at an individual diagnosed with type 1 diabetes and say, 'Okay, you have diabetes; take this medication.' The healthcare plan required by each and every person diagnosed with type 1 diabetes is individually tailored to them by a team of healthcare professionals, including but not limited to endocrinologists, diabetes educators and dieticians.

I would also like to address some questions I have received from individuals in relation to my introduction of this bill. As mentioned earlier in my second reading speech, this healthcare card would only be applicable to individuals who are diagnosed with type 1 diabetes. This is due to the fact that type 1 diabetes is a non-lifestyle disease. There is no prevention for type 1 diabetes. There is no cure for type 1 diabetes. Unlike other forms of diabetes, there is no alternative to insulin injections for life for the individuals who fall into this category. As a nation we need to be looking at preventative health. Assisting individuals diagnosed with type 1 diabetes to maintain optimal health could significantly reduce future health costs associated with disabilities derived from diabetes related complications.

If there is the opportunity to ease the emotional and financial burden on individuals and families affected by type 1 diabetes, why would it not be considered? If there is the opportunity to make diabetes control more accessible to people diagnosed with type 1 diabetes, preventing permanent damage, why would it not be considered? This is the first step in a preventative health approach, setting a positive precedent for the future of Australian health.

**Senator FAWCETT** (South Australia—Deputy Government Whip in the Senate) (10:12): I rise to make a contribution on Senator Muir's bill on diabetes—the Social Security Amendment (Diabetes Support) Bill 2016—and the topic of concession cards. I would like to talk a little bit about diabetes up-front—particularly for South Australia because it is a significant burden for individuals there. We actually have the highest rate of diabetes in Australia. I would also like to talk a little bit about the current process of how the government provides support to people who are suffering with diabetes. Lastly, I will talk a little about concession cards.

The framework of my points on this is that concession cards are something that the government targets to people on the basis of means and not on the basis of a condition. We have traditionally provided support for people with a medical condition to make those
treatments affordable and sustainable. There are areas in that where I concur with Senator Muir that there are perhaps improvements to be made, but I would argue that it is within the established system that we need to extend those improvements, rather than crossing purposes, if you like, with a system that is designed to support people on the basis of income as opposed to their condition.

As I said, South Australia has the highest prevalence of diabetes of all Australian states and territories. The last quantitative report, of 30 June 2015, showed that 1.17 million Australians, some 4.9 per cent of the population, suffer with diabetes. In South Australia that rate is at 5.8 per cent, which means that over 98,000 people in South Australia are suffering with diabetes. The rate of diagnosis is estimated to be around 600 people every month in South Australia. That is approximately 20 people every day in South Australia who are diagnosed with diabetes.

It is Australia's fastest-growing chronic condition and it leads to quite serious complications, the consequences of which can include heart attacks, stroke, blindness, kidney damage and foot ulcers that in far too many cases lead to amputation. So it is a serious issue that we need to understand and manage and then, where we cannot manage pre-emptively and help people to avoid it—as Senator Muir has pointed out, type 1 is not necessarily something that you can avoid—then we need to make sure that people can adequately obtain the services, medications and items they need to live with the condition.

Part of managing and understanding is actually monitoring and looking at trends. According to the Australian Institute of Health and Welfare there is actually no measurement data for monitoring trends in diabetes prevalence at the moment. There is a great deal based on self report, but even the self-reporting has doubled from around 1½ per cent in the early 1990s to around 4.2 per cent in 2011-12. As I said, now the national rate is some 4.9 per cent.

There are a few reasons for that. One is that with an increased awareness of diabetes, people are seeking diagnosis and then reporting for that. Also, with increased and improved management people are living longer and therefore there is a greater period where people who have diabetes are part of the population. But that does not mask the fact that this is, across both type 1 and type 2 diabetes, a growing problem in Australia that we do need to manage.

We need to manage it from two perspectives. Clearly, one is the impact on the individual and their family. As Senator Muir has pointed out—particularly from the letters from constituents that he has received—it does have a significant impact on the individual's lifestyle and on their family or carers. This is particularly where we see the incidence of things like overnight monitoring. We have had a young lady, tragically, pass away in Australia just recently because of the fact that her blood sugars dropped dramatically overnight and that was not picked up. So it does have a significant impact on people's lifestyles.

The other aspect that we need to address, though, is that the consequential costs to Australian society and to our economy are large in terms of the treatment that is required. In some cases—for example, post-amputation, if people lose a foot or more due to diabetes—the ongoing rehabilitation and care, prostheses and other services for those people are dramatic costs that our country can ill afford. So there are a couple of significant reasons why we should seek to manage and provide support for diabetes in the best possible way.
The other point I just want to raise on this is that if we look at diabetes as a whole, our Indigenous population actually has a substantially higher rate of diabetes than other Australians. If you look at the hospitalisation rates for both diabetes and renal diseases, it is some eight times higher for Indigenous people than for other Australians. And so this is something that we need to be very proactive about in our preventative and management work for people in those communities.

In South Australia, for example, one of the measures that the South Australian health department reports is that over a five-year period there were some 63,300 hospitalisations as a result of diabetes. Type 2 was the principal secondary diagnosis in many, but there were also 12,671 hospitalisations with type 1 diabetes being listed as the principal secondary diagnosis. Mortality attributed to diabetes has not changed significantly but it is a significant number, with an average of 280 deaths reported—106 of these over a five-year period attributed directly to type 2 diabetes and another 31 attributed to type 1 diabetes. A further 144 deaths were attributed to diabetes, but the records did not show whether it was for type 1 or type 2. Clearly, there is a significant impact on people and their families through this disease.

So what does the government do at the moment? I come here specifically to type 1 diabetes. Under the Pharmaceutical Benefits Scheme we supply and support subsidised medicines. We also supply diabetes products through the National Diabetes Services Scheme, or the NDSS. Over the past five years there has been $1 billion supplied by the government into the NDSS to meet these support needs.

In 2014-15, expenditure on medicines for diabetes through the PBS was $526 million. That was for things such as insulin. Expenditure on products supplied through the NDSS was $185 million. That is on top of the $35 million that was provided to the Juvenile Diabetes Research Foundation—the Australian Type 1 Diabetes Clinical Research Network—to help find a cure and to provide support and education for people suffering from this.

So the current agreement for the National Diabetes Services Scheme has been running since 1987. As I said, over the last five years that has had approximately $1 billion. That agreement is coming to an end during this year. That does not mean the funding is coming to an end; it means the agreement for the current service provision is. One of the changes that we are looking at there, which I think needs to be accelerated, is just like under the PBS, where providers can come to the government and say, 'We have a product that we wish to see listed,' and there is an independent body which assesses the efficacy of that product and the difference it will make in people's lives. I think we need the same kind of system in the diabetes space so that where we see, particularly, young people who have that very intensive daily routine, and there are certain technologies that can help them to manage that more proactively, that people could put forward their case to an independent body and say, 'This is why an investment in this technology, subsidised and provided to sufferers of type 1 diabetes, will be a saving to the government in the long run.' We could see that kind of support provided.

I come back again, Senator Muir, to the point that the way our system works is that we provide support through these kinds of schemes to people with a condition, as opposed to giving them a card for the condition. As we look at renewing the agreement the funding will continue; it is an uncapped scheme. I think it is important to note that it is uncapped funding for the NDSS. But as we change the agreement we need to look at that opportunity and ask,
'What are the other measures, technologies, services or support that would deliver long-term savings that we can bring into this scheme?'

The scheme is available to anyone who is a resident of Australia and has been diagnosed with diabetes. It is free and the products that are subsidised currently includes syringes and needles, blood glucose test strips, urine ketone test strips, insulin pump consumables et cetera. All of these are designed to help people to self-manage their condition in an affordable manner. There are also new services being developed through the National Development Programs which are targeted priority areas such as Indigenous health. I would like to see that independent body associated with the NDSS so that we can see the specific programs and products provided to people who need them.

The other program that is funded by the federal government is the Insulin Pump Program. That provides a means tested subsidy for insulin pumps and associated consumables for people under the age of 18 with type 1 diabetes. Again, the means testing in these programs is a way to address the concerns raised by Senator Muir, where those who can afford to pay for the service with some subsidy do so, but for those who do not have the means, the means testing is there so that this enhanced subsidy is available for them. The program is designed to increase the affordability of the insulin pumps for families, who do not have access to other means for reimbursement such as private health insurance. Subsidies are available for families with an annual income of up to $101,000 and that is indexed each year. There is an attempt there to address the point Senator Muir was talking about in terms of making sure those on a lower incomes do have access to subsidised services.

It is an area where, again, if you look at the cost of not managing diabetes, perhaps that program and those subsidies should be enhanced and I would certainly support consideration of that. But I think that is the mechanism to do it rather than a concession card, which is not something we do in our current system. Concession cards are provided to people on the basis of their income not on the basis of a condition.

The framework within which we can take some of these conversations forward is the Australian National Diabetes Strategy, which is over the period of 2016 to 2020. That was launched in November last year. It is a strategy that aims to have goals and areas for actions that cross different levels of government. It is important to realise that this does cross levels of government. It also includes private practice, it includes research and it includes not-for-profit groups who provide training and support for people with diabetes. All of those efforts need to be keyed up for this to work well.

The Australian Health Ministers' Advisory Council has undertaken to develop an implementation plan for the strategy and, as always, strategies are not worth the paper they are written on if they just sit on a shelf. There needs to be an effective implementation plan that crosses all of those areas.

The Department of Health is also looking beyond diabetes to develop a National Strategic Framework for Chronic Conditions to update how we approach support for people suffering from chronic conditions in Australia. That was to provide an overarching policy framework for national and state based strategies. That will include disease specific strategies such as the Australian National Diabetes Strategy.
It is important that we do get alignment in terms of our approach to all chronic diseases because as bad as diabetes is it is only one of a number of diseases that are chronic and affect people long-term. We owe it to the people of Australia to provide the level of good governance that can see us working collaboratively not only on a bipartisan basis here but also across state and federal boundaries to make sure we have a coherent approach to providing affordable and effective care to people. To do that the cross-jurisdictional working group has been established, and that is officials from each state and territory and federal department. The key deliverable they have set for this year is the final implementation plan, which will identify short, medium and long-term goals.

Prevention is also important. Again, for type I diabetes specifically this is perhaps not as applicable, but the prevention and management of chronic conditions is important. The Primary Health Care Advisory Group is looking at ways to get better prevention and connection between primary health care and hospital care. The Medicare Schedule Benefits Review Taskforce is looking to consider how services can be aligned with contemporary clinical practice to improve health outcomes for patients. The National Strategic Framework For Chronic Conditions is being developed to give an overarching framework.

The kinds of areas where these reviews could be of benefit are, for example, the Podiatry Association have come to me in the past seeking support for some of the work that they are doing where they have looked at the fact that there are some 10,000 hospital admissions nationally due to diabetes related foot ulcerations and in excess of 4,300 amputations every year due to diabetes. Each of the amputations alone costs the Australian healthcare system some $26,700, not to mention the after-care costs in terms of rehabilitation, prostheses and support for the person who has lost one or more feet.

Best practice research by the podiatrists indicates that improving access to podiatry services for patients with foot complications from diabetes can prevent future hospitalisations and amputations, which would well and truly recoup the cost of the services of the diabetes compared to the costs of the amputation and the follow-up support. Cost savings in the implementation of best practice research were estimated in 2012 of being in the order of $397 million annually. Whilst the Medicare Benefits Schedule Review sounds like something that is just another process, one of the letters that Senator Muir referred to referred to a lady who said there are only five services available—one visit to the podiatrist a year. However, it is this kind of review that has the potential to look at the cost burden of not providing these services and to put in place affordable access for people for those allied health services they need to better manage their health condition so that not only does the individual stay healthier but the economy overall has a better outcome in terms of a lower cost of providing the preventive care.

Even with type 1 diabetes, there are consequential effects so that, if we are more proactive and effective in our preventative measures—whilst we cannot change the fact that people have type 1 diabetes—we can pre-emptively put in place measures that will improve the quality of life for the individual, improve the quality of life for those who are caring for them as well as having long-term positive outcomes for our economy.

The contribution I have made to this bill, Senator Muir, through you, Mr Acting Deputy President Williams, recognises the significant burden, as I say, in South Australia, where we are particularly affected in terms of not only our total population but also our Indigenous
population. I support your call for affordable services for people to make sure they get the care that the need.

My contention is that the concession cards that the Commonwealth government gives out—such as the pensioner concession card, the health care concession card and the Commonwealth seniors health card—are more around people's financial positions as opposed to a specific condition. We already have schemes in place—whether it is the Medicare scheme and specific strategies such as the NDSS—to provide support to people with particular conditions. My advocacy has been in the past and continues to be that it is through those schemes and processes such as the Medicare Benefits Schedule Review that we need to be pushing for enhancements to see sufficient access to the right services that will make a difference to people—whether they are affected type 1, type 2 diabetes or other chronic conditions—that will not only improve their quality of life but from the taxpayers' and community's perspective deliver longer-term savings to the government.

Senator GALLAGHER (Australian Capital Territory) (10:32): I welcome the opportunity to speak to the Social Security Amendment (Diabetes Support) Bill 2016 this morning. This bill will amend the Social Security Act 1991 to automatically issue a healthcare card to all Australians with type 1 diabetes and people with dependent children who have type 1 diabetes.

It would entitle those cardholders to diabetes services, including medical and allied health consultations and goods—for example, to administer insulin—regardless of their income. It would entitle those cardholders to other healthcare card benefits below certain income thresholds—$88,000 for singles and $176,000 for couples—and make other technical changes related to residency compliance penalties and indexation. This bill itself does not provide the funding for the increased expenditure associated with these additional benefits.

The issue in this bill raised by Senator Muir is a valid one. There is no doubt that people with ongoing health conditions have additional cost burdens placed on them to manage those chronic and ongoing health conditions. When we look at the statistics across the country, more broadly, around chronic disease, of which diabetes is one, the Australian Institute of Health and Welfare estimates that one in five Australians is affected by multiple chronic diseases. The leading one of course is cardiovascular disease: one in five. In cancer, it is one in two men over 85 or one in three women over 85. One in 10 Australians have chronic kidney disease. One in 19 Australians have diabetes. One in five are affected by mental health. One in four Australians have musculoskeletal conditions. In oral health, for example—something that not many people focus on in the area of chronic disease but it is a very important one—three in 10 adults suffer from teeth decay. Then there are the very large numbers of people who have asthma—one in 10—or other respiratory contributions, for example, COPD: one in 42 Australians.

There is no doubt for anyone who is interested in health care or understands the healthcare system that managing the ongoing human and economic costs of those chronic diseases is one of, if not, the biggest challenges facing the health system in the future. It is right up there.

The cost to the community is not only large in terms of expenditure from budgets and revenue raised through tax; it is also the economic cost of people not being able to work or having long periods of time where the management of their health condition is unstable. If
you approach this bill from that point of view, the arguments that Senator Muir put forward are well understood and have merit.

I also think in relation to type 1 diabetes, particularly, its onset is often between the ages of 10 and 14. The human cost of managing a child who suddenly has a lifelong condition and the additional expenditure that comes with it are very difficult things for families to manage.

The information that the ABS and the AIHW collects shows us that the rate of type 1 diabetes in Australia is remaining stable but it is still not an insignificant number of people: in 2013, there were 2,300 with 23 new cases of type 1 diabetes in Australia, which equals 11 cases per 100,000 population. The incidence rate for type 1 diabetes is higher in males than females. It peaked at age 10 to 14, where 33 per 100,000 population were diagnosed with type 1 diabetes. More than half of all new cases of type 1 diabetes were in young people under the age of 18.

When you look over the long term, from 2000 to 2013 there were 31,895 cases of type 1 diabetes diagnosed. This was around 2,300 new cases of type 1 diabetes each year, or six new cases a day. That incidence rate has remained stable over the last 13 years. That puts us in contrast with other countries that are seeing increases in the incident rate of type 1 diabetes. That is not being seen in Australia. One other interesting issue is the low rate of type 1 diabetes in Aboriginal and Torres Strait Islander people, which is in stark contrast obviously to the rate of type 2 diabetes for those population groups.

There is no doubt that type 1 diabetes is an enormous burden on both individuals and the community. Those who have the condition require lifelong health management. It has associated health problems—in some cases disability and in other cases it certainly affects quality of life and can lead to premature death, particularly if it is not managed well in the primary healthcare system. The Incidence of type 1 diabetes in Australia says that the financial burden of type 1 diabetes is estimated to be $517 million annually. The incidence rate of type 1 diabetes amongst children and young people in Australia is relatively high when compared to other countries. Australia is in the top 10 countries in the world even though, as I have previously commented, this rate has remained stable over the last 10 to 15 years.

More broadly—and again the health economists can easily pull numbers together on what the direct and indirect health costs are—back in 2008-09 direct health costs to manage chronic disease in Australia were estimated to be about 36 per cent of all health expenditure. I would expect that, as that data is quite old, that percentage rate would have increased slightly with the huge growth we are seeing in the number of Australians experiencing and living with chronic disease. Of course, then there are the indirect costs associated with those conditions.

There is no doubt that the health costs associated with chronic disease management more broadly in Australia are a massive challenge for governments and parliaments when considering legislation that seeks to extend or increase the amount of support that is provided. Certainly in the states and territories the expenditure on health, mainly through the hospital system, is eating up increasingly large areas of their revenue base. Anywhere from 30 to 35 per cent—heading to 40 per cent pretty quickly—is being spent on health care. Whilst we have seen some reductions in the growth rate that the Commonwealth is prepared to fund, there is still a large amount of expenditure going into health from the Commonwealth as well. We would argue that the decisions around cutting back on the growth rate to hospitals in particular, the cuts that have been made, are making it increasingly difficult for people with
chronic illness to manage their condition, as are the cuts that have been flagged and imposed in the primary healthcare system.

From a health point of view one of the great things about Australia is Medicare. Labor designed the Medicare system, and we will protect it as a priority. Medicare makes sure that health services are available to all people. Wherever you are in Australia you are able to access top-quality health care if you need to. That is a fundamental principle that underpins Medicare and it is why Labor will fight so hard to ensure that Medicare is protected. The minute you start tinkering with that we start walking away from that principle.

We also believe that people, particularly those on low incomes, must be able to afford the costs associated with accessing health care. That goes to some of the entitlements that are received through access to a healthcare card. That is targeted to income and access to that healthcare card does not specifically give additional entitlements for particular health conditions. The main focus must be that any decision government makes to provide financial support for people with ongoing health conditions must be targeted to those who need it and to all who need it. That is why the cuts to bulk-billing, the freezing of the indexation rates for GPs, the pathology changes and the pathology cuts are so critical in this space. They will mean that people, particularly those with chronic health conditions like diabetes, will end up having to pay a lot more money.

It is not just about meeting the costs or improving on the costs that they are currently experiencing; it is the fact that some of the changes being proposed, whether it be through the MYEFO or for decisions already taken, will mean that people with diabetes, for example, could be hundreds of dollars every year out of pocket for the cost of actually staying well—that is, going in for monitoring, for blood tests, for urine tests or for checking on the function of their kidneys. All of those tests that people who have diabetes must have to manage and keep their diabetes stable will potentially now cost a lot more money. Labor has been resisting and arguing against precisely that because: first, it will mean people who have already got additional health costs will have to pay more; and, second, it will potentially reduce the availability of those services to people who need it. There are enough service providers in the pathology industry saying that that will be the result.

Also, if those tests are not done and if people do not keep on top of the management of their diabetes in the community then they will end up in hospital. When they end up in hospital, the costs associated with that care are much greater. We would argue that this is a very short sighted save the government is proposing because it will provide a disincentive for people to actually proactively manage their disease well so that they do not end up in hospital. Once they enter hospital, there is a whole range of human costs and financial costs associated with that.

Listening to the debate this morning, the other issue that comes up from time to time is whether some particular diseases and illnesses should be treated preferentially to others—it is not an easy discussion—because some diseases and illnesses are the result of lifestyle factors and others cannot be helped at all; therefore because an individual did not, in a sense, bring it upon themselves, the entitlement to access financial supports may be greater. I think that is a very difficult argument to resolve because when you look at the expenditure in health care, an amount of it no doubt is expended because of choices individuals make about their lifestyles. There is obviously a whole range where that is not relevant but I think one of the fundamental
strengths of a universal healthcare system is that there is not judgement attached to the particular illness that may require you to access health services. It is a pretty slippery slope that will act as a disincentive for people to seek treatment, to seek support. For the greater good of the community, we need to have those options available to people.

Whilst I completely understand and sympathise with families who are having to manage some of these costs, I think it is worthy of review. It is worthy of further examination across the board as to whether the current arrangements are adequate. Some would argue that the MBS review will allow that broader examination. I know that there are various health groups that have provided input into the adequacy of the current arrangements but I think that is probably a broader debate than we can pursue in relation to this bill.

I think the main focus for us as politicians who are interested in the future of the Australian healthcare system should be to ensure that we protect the fundamental principles of the healthcare system, which is Medicare for a start. It is appropriate to fund the primary healthcare system, the hospital system, the exit points from the healthcare system and to make sure that those who are unable to afford care still have access to top-rate, first-class, international quality health care. If you accept that those are the criteria for which you plan and fund your healthcare system then the flow down from that will benefit people who have ongoing chronic and lasting health conditions. There is no doubt if we can better manage people in the primary care system, if we are able to put the focus on preventative health care—and that will not affect people with type I diabetes; I accept that—and if we can lessen the burden of disease in other lifelong and chronic health conditions then resources will be freed up to plug into other areas of demand within the healthcare system.

The healthcare system is going under such huge transformative change at the moment that the opportunities to reallocate should be real. The government has not helped here with the cuts to the Preventative Health Agency or with the cuts to the National Partnership on Preventative Health, which go precisely to that point. Early investment in this area will actually deliver long-term benefits if we are able to stop the amount of escalating cardiovascular disease, respiratory illnesses and mental health conditions. If the investment goes in early, the benefits are there for all of the community including for those who have ongoing health conditions that cannot be addressed by a change of lifestyle.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:52): It is with pleasure that I rise to contribute to the debate on the Social Security Amendment (Diabetes Support) Bill 2016. Issues around diabetes are very dear to my heart. It is an issue that I have worked on extensively in this chamber, particularly as diabetes relates to Aboriginal and Torres Strait Islander peoples, because we know that they are disproportionately affected by some of the end-stage kidney diseases that are related to diabetes. I am also very passionate about issues for young people with juvenile diabetes. It is an issue that we all need to be paying attention to. The fact that this bill is being debated will highlight the issue extensively and I do congratulate Senator Muir taking up this issue. This debate helps to bring this very important issue to national attention and to the attention of the government so that they know there is a lot of public pressure and commitment from many of us in this chamber to addressing this issue. We know diabetes is recognised as a national health priority due to its significant contribution to the burden of chronic illness in this country. It is a very significant chronic illness and it is a significant contributor.
Australia has, unfortunately, one of the highest rates in the world of type 1 diabetes, with over 130,000 Australians living with its effects. It is the fastest growing chronic disease in Australian children. There is much that can be done in the management of type 1 diabetes that would prevent serious consequences from progression of the illness and there are new techniques that can help to avoid hospitalisation and debilitating or even life-threatening events. Those developments are there in part because of the ongoing advocacy on this issue. Many of these management approaches and technologies would relieve the considerable stress on people with diabetes and their families and save money in the acute aspects of the budget. As with most things in health, prevention, early intervention and good management is better all round for patients, for their families and for the health system.

Senator Muir's bill would provide an automatically issued health care card to those who suffer from diabetes mellitus—I usually just refer to it as diabetes type 1, its common name—who meet a means test of up to $176,000 for a member of a couple or $88,000 from an individual. This bill cannot appropriate funds, as we know the issues around that in the Senate—to actually make a payment an appropriation is needed. The bill would introduce an anomaly into concession card arrangements providing concessions for those with a specific health condition. While we congratulate Senator Muir for picking up this issue, we think there are some issues around this particular mechanism. I know that we do need a mechanism, but it is a different approach to the way that we make arrangements for concession card arrangements. The card would also be anomalous, in that it would entitle holders only to concessions relating to diabetes treatment, management and for those who only qualify through HHS under the proposed conditions. It is unclear how this would apply in the case of the Medicare safety net concession thresholds—for example: would the concession thresholds apply only to diabetes related services? I understand very clearly—and I am sure many of us do—the predicament of advocates for people with type 1 diabetes, who are keen to see more support from government, and we share that very strongly. They, obviously, would see the bill as a way of doing this. I know of the work of the Danii Foundation, which was set-up in the name of Danii Meads Barlow, who tragically lost her life to type 1 diabetes at the very young age of 17. Having done a lot of work in this area, I also know of other young people who have lost their lives at a very early age to type 1 diabetes. I am aware of the Danii Foundation's submission seeking a program to subsidise 4,000 continuous glucose monitor sensors for high-risk children and adolescents with type 1 diabetes who have impaired awareness of the warning symptoms of severe hypoglycaemia, yet can be protected from seizure, coma and potential death through these CGM sensors—hence their importance.

I also believe they would be happy with other strategies such as funding through the National Diabetes Services Scheme—known as the NDSS. I understand that Minister Ley's office is looking at whether they can add new devices to the NDSS, but, as usual, they are under financial pressure. Of course, we believe that we need to be putting more effort into making sure that people have access to this vital equipment.

Much like the rest of the world, Australia's health system is facing rising costs and uneven quality. The system is also facing rising public expectations for new treatments and technologies to be made available as they come to our attention. The health system adopts these technologies, but the bureaucracy of the health system has been slow to figure out ways in which they can respond to these new technologies and to funding for these new
technologies advancements. There is a relentless public debate about the state of the government's finances. The debate shifts from fiscal crisis to a crisis in growth or productivity at the government's political convenience. So we have this conundrum of rising health costs, a pipeline of innovation, rising expectations, growing inequality and a paralysis on revenue generation. The Greens believe that health spending is a reflection of our values. It is a choice. It should not be seen as a drag on our economy. Better health outcomes are good for labour force participation, for productivity, for families and, of course, for our wellbeing. We know from the now extensive literature on the social determinants of health that poor health outcomes do have a significant impact and we know that inequality has an impact on our health.

The Greens have the courage and the vision to see that we need to spend more on our health rather than spending less. We have a suite of tax reform measures that will generate additional revenue, that do this in a fair way and that direct investment towards more productive areas of the economy and, in doing so, enable us to make better choices about how to use our collective wealth. Just this morning we released costings from the Parliamentary Budget Office that show we can raise an additional $4.1 billion over the forward estimates from making the deficit levy permanent and introducing a new marginal tax rate for the people who earn over a million dollars a year. That kind of money can help to pay for vital health care, education and infrastructure. These are choices that the government could be making.

I am not saying that there is no need for improvements in our health funding. We can always be more efficient, and we should target our spending better. We are a wealthy country and we can afford to deliver better quality health care for all. But we are concerned that this bill, which would amend the Social Security Act, is rather clunky. It creates a precedent for a single health issue but does not actually appropriate funds to cover costs, and for this reason we have some serious concerns about the bill. I also work in a number of other areas that address issues round health. This bill deals with a single health issue. Do we start addressing this issue by making the same sort of concession for each particular health issue and chronic condition? I have just articulated some other ways that we could be addressing this issue, because we are very committed to making sure that we are helping those with type 1 diabetes. There is some concern about this amendment to the Social Security Act. Being the spokesperson on social services for the Greens, I am very aware of the overall clunkiness of this legislation and the extreme complexity of the act.

People have raised with me their concerns about the cuts to health which will result in people having to pay for certain pathology tests and other procedures. I have, quite frankly, lost count of the number of emails that I received. They number into the thousands, and I am sure all my colleagues are getting the same sorts of emails. People are deeply concerned. In fact, when I was out in the community during the weekend, the one issue that people raised with me on an ongoing basis was the additional cost for pathology that people will have to pay and the fact that, because of this additional cost, people with chronic conditions who require access to things like pathology tests on a very regular basis will delay some of their test requirements, endangering their health even further. On that, I share the concerns expressed by Senator Gallagher and others in this place who are concerned about those particular proposals by the government.
We add the voice of the Australian Greens to call on the government for action to ensure vital healthcare and health technologies with proven benefits and safety make it to Australians in a timely and affordable manner. This bill has enabled us to have this debate and, hopefully, to provoke the government into taking this issue seriously. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Marriage Equality Amendment Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator RICE (Victoria) (11:05): I am so proud to be standing here today to debate the Marriage Equality Amendment Bill 2013, and proud to be a member of a loving same-sex couple who was legally married in Australia. Voting for marriage equality is well overdue. We need to achieve a vote on marriage equality to achieve equality and to stop discrimination against lesbian, gay, bisexual, transgender and intersex people.

My marriage to Penny is so central to my life. I cannot imagine life without her, and I am so proud of being a legally married same-sex couple in Australia. We became that in 2003, 13 years ago, when Penny transitioned to Penny and became female, and suddenly our life changed. Suddenly we went from being a normal heterosexual couple to a same-sex couple. Then, in 2004, the change to the Marriage Act, introduced by John Howard, meant that our marriage was no longer a legal marriage in Australia—that is, if Penny's recognition as a female was changed on her birth certificate.

In 2004, with the change to the Marriage Act, we were placed in the position that, if we wanted to stay married, Penny would not be able to change her gender on her birth certificate. So we entered this netherworld of discrimination. Penny absolutely wanted to change her gender on her birth certificate but we absolutely did not want to get divorced. So we have chosen to stay married and in this netherworld—a world which has been there for far too long. We need to be acting on this. We have been debating marriage equality in this place and in the other place for far too long. Since 2004, when the Marriage Act was changed, the debate has continued.

Penny and I have been lucky. We have been very lucky. Everybody should have the opportunity to marry the person that they love, but, right now, same-sex couples in Australia do not have that opportunity. I spent some time on the weekend at the ChillOut Festival in Daylesford, surrounded by friends, surrounded by lots of people celebrating their life as LGBTIQ people. There was my friend Sean, who is engaged to his partner and who would dearly, dearly like to be married. He cannot be married. There was Rachel, the person I travelled in the car with; similarly, she is in a same-sex relationship with her partner. I do not know whether Rachel wants to get married, but she wants to have that choice. There were the two women that I danced with who were dressed as brides. They said it was lovely to be there in this celebration at ChillOut, to be able to be celebrating. They said it was almost like a wedding—almost. But there is the sadness that they are not able to get married.

We have fallen behind the rest of the world. Twenty-one other countries now have marriage equality. Australia is the only developed English-speaking country where loving
couples are discriminated against simply because of their gender. Not only has the time for marriage equality come in Australia, but it is so long overdue. For the couples who are being denied the right to marry, it breaks my heart. Now is the time. It falls to us. We have the opportunity to change that. We have the opportunity to change the law. We have the opportunity to vote and change the law today. It was in 2004, after the change to the Marriage Act, that the first bill to legalise equal marriage was introduced into the parliament by the Greens’ first member of the House of Representatives, Michael Organ. In 2007 former Senator Kerry Nettle introduced a bill; in 2008 Democrats Senator Andrew Bartlett introduced a bill, and Sarah Hanson-Young's bill, the bill that we are debating today, was introduced in 2009.

This is going to continue until we vote to legalise same-sex marriage, because this is the last state sanctioned discrimination against same-sex attracted and transgendersed people, and it is the most important state sanctioned discrimination that still exists. Now in 2016, after 17 bills in the parliament—17 bills since 2004—and after countless hours of debate we can take a crucial step on the path to equal love right now. We are now debating Sarah Hanson-Young's bill, but we have had enough talk. Let's bring on the vote. It is long past time. If we ring the bells now we can be hearing wedding bells in no time. We do not need extra time for debate. The Labor Party was confident that the numbers were there earlier this week, so let's get this long overdue reform through the Senate and get it through today. We need a vote this morning. Labor, it seems, want to vote to keep on talking. We want to vote to change the law.

If Labor's position on same-sex marriage were motivated by a genuine desire to win the vote, not to sabotage Senate voting reform, then there is no reason why we cannot just vote on the bill this morning, without delay. We are ready to vote. We are ready to vote 'yes'. But we are not going to be bullied on unrelated pieces of legislation. We have got time this morning to vote and we can do it, so I am calling on Labor. Labor are saying that they are committed to equal marriage. Labor are saying they want to have a vote on equal marriage, so I am calling on Labor to allow it. Labor, we can do it this morning. There are people's lives that are dependent on this. There is Penny's and my life, there are other people in this parliament's lives, there are the lives of the people that I have talked about this morning.

I am calling on Labor to support this bill going to a vote this morning. If Labor do not support this, maybe it is because they are not confident of getting the outcome, and they are not confident in their numbers. If Labor do not support bringing on a vote this morning then maybe it is just a cynical exploitation of an issue that means so much to so many. And if Labor does not allow a vote today then they are going to be responsible for missing an historic opportunity to vote on this issue. We are ready to bring on a vote today, and we can guarantee with a vote today that every one of our MPs will vote unanimously for marriage equality, because we have done that—every vote, every MP, every time. Every time there has been opportunity to vote on marriage equality the Greens have done it—17 bills in this parliament. We will continue to vote for marriage equality because it is so important for ending discrimination against lesbian, gay, bisexual, transgender and intersex people.

We want to see marriage equality. We need to see marriage equality. Now is the time. We can vote on this today, and I call on all people in this place today to be voting for marriage equality, to be voting for love, to be voting for those wedding bells to be ringing as soon as possible.
Senator IAN MACDONALD (Queensland) (11:13): In my long time in this chamber I have heard a number of speeches that were dripping with hypocrisy and insincerity, but the one I heard this morning from the Leader of the Opposition on a formal motion—a procedural motion relating to the same subject—just about took the cake. I want to explain to those who might be listening to the debate what the coalition’s position is. It starts from the premise that, if you are a member of the Liberal and National parties, you go to an election and make a promise, and you make the promise intending that promise to be kept. This subject of same-sex marriage is one that I know raises a lot of emotions on both sides of the debate, and I understand the emotion that is engendered on both sides of the debate.

But this is an issue that has been around for some time and the coalition have a policy on it. We went to the last election saying that the definition of marriage would stay the same as it is in the Marriage Act for this term of parliament, and that is the commitment we took to the Australian people. I remember that, at the time, the coalition thought long and hard about that policy. We were petitioned by the church groups, if I can loosely label them as that. They had very, very strong views on it and they made a point which resonated with the coalition as a whole. We decided to go to the last election with this commitment to retain the definition of marriage as it is in the Marriage Act.

I know Labor senators find it hard to believe that a political party would make a promise, intending to keep it, and then actually keep it. I know that is foreign to the Australian Labor Party. We all remember the promise by the Labor Party: ‘There will be no carbon tax under a government I lead.’ Having been elected on that promise, what was the first thing that an Australian Labor government did when it took the reins? It introduced a carbon tax—the direct opposite of what they had promised before the election. That is not a one-off.

In the last few days, I have raised a number of times the Keating Labor Party’s l-a-w law tax reductions. Remember that? Some senators might have been around then, as I was. Thinking they were going to lose the next election, Mr Keating and the Labor Party actually legislated for tax cuts before the election. It was passed and Mr Keating said: ‘It’s l-a-w law. These tax cuts will happen. They have been legislated.’ Lo and behold, unexpectedly, Mr Keating and the Labor Party won that election. What was the first thing that they did, the first legislative program that they indulged in on being returned to government? It was to renege, to cancel, to abolish that bill giving what was then called the l-a-w law tax cuts.

The Labor Party have form when it comes to making promises and then doing the exact opposite when they come to power. Take the current issue of electoral reform. Two years ago, I sat on the Joint Standing Committee on Electoral Matters and we looked at the issue of the rort—the dishonesty of the Senate voting system at the time. That committee travelled all around Australia. It took evidence from everybody who wanted to have a say and it took evidence from some very clever academic people, people who understand the voting system.

The committee deliberated long and hard and it came to a unanimous conclusion. Firstly, I will just explain that the committee comprised Liberal, National, Labor, Greens, Xenophon and anyone else who wanted to go along. I was not a formal member of that committee but, under the rules we have in the Senate, any senator can become a participating member, with all the powers and privileges of the committee. I put myself onto that committee because I was interested in the issues. As a senator who has been around for a while and as a Queenslander, I wanted to make sure that when the people of Queensland cast a vote for the
Senate, they were actually making the choice themselves, not putting 1 in a box and then letting the various political parties to determine where the preferences go.

I well recall at the time Mr Katter, the member for Kennedy—who had been a member of the National Party but had left the National Party and become an Independent—telling people that he was still our way inclined, that he did not like some of the things that were happening so he had left the party to became an Independent. But he indicated to people, 'If you vote for me, I'll be okay and my preferences will go to my old party'—by then the Liberal National Party of Queensland. We then looked at the Katter Party voting ticket that he had registered and, low and behold, who got the preferences?

Senator Williams: Labor.

Senator IAN MACDONALD: Yes, Labor got the preferences. In good faith, people said: 'We'll vote for Mr Katter for old time's sake. He's not very effective but at least we know him. He's a nice enough guy. We'll vote for him and we'll vote for him in the Senate because our preferences will flow on to the LNP'—because that is what he had indicated to them. But when you looked at his card which is registered and locked up in the AEC vaults in Brisbane, you found that the preferred the Labor Party before he preferenced the coalition.

Now, we do not want that sort of thing to happen, not because we did not get the vote—and he did not get many anyhow, so it did not have a great impact—but people should be given the chance to make their own decisions on where their preferences go. If people want to vote for Mr Katter's party in the Senate, fine, that is great. But if they want to give a No. 2 preference to the Labor Party, that is fine; they can put a 2 next to Labor.

If they want to give their preferences to the LNP then are able to do it themselves, making a conscience vote when they go to fill in their ballot paper, and it will not be very hard anymore when this legislation comes in. People will be able to vote 1, 2, 3, 4, 5, 6 above the line, if they are the political parties they want, or they will be able to vote 1 to 12 below the line. It is simple, anyone will be able to do it. I have always voted below the line. But I can tell you that when you get up to 103, you start to wonder whether you have left out a number or not.

The committee that looked at this voting came to the conclusion that the voting system in the Senate, for various reasons, one of which I have mentioned, had to be changed. Who voted for that?

It was a unanimous decision of senators from all parties; that is, senators from the Liberal Party, senators from the National Party, senators from the ALP, senators from the Greens and Senator Xenophon. I emphasise: senators and members from the Labor Party were there. I remember that Senator Tillem was there, and I remember that the respected Labor Senator John Faulkner was there and—as you would imagine—took a leading part in the debate. He signed off on changes to the Senate electoral voting system, as did Mr Gary Gray. Whatever you think about Mr Gary Gray, he is recognised as an honest, fair and sensible leader of the Labor Party. He signed off on it, because he understood, as did everyone on the committee, that the system that is in place was being rorted. I find it hard to understand how the Labor Party continue this process of saying one thing—

Senator Cameron: Mr Acting Deputy President, on a point of order: we are debating the Marriage Equality Amendment Bill 2013. I have been extremely patient. I have waited 10
minutes. Halfway through Senator Macdonald's contribution to this bill, I do not think he has mentioned the bill. His attention should be drawn to the issue before the Senate.

**The ACTING DEPUTY PRESIDENT (Senator Seselja):** Thank you, Senator Cameron. I will rule on that. Senator Macdonald did mention it earlier. He is straying into other areas—which is not uncommon, might I say, in these debates. I would simply remind Senator Macdonald that we are debating the Marriage Equality Amendment Bill.

**Senator IAN MACDONALD:** Thank you, Mr Acting Deputy President. I thank Senator Cameron. He has been patient, particularly when the examples I am using in relation to this bill—which I will come back to shortly—are things that I know the Labor Party do not want to hear about. Particularly as we seem to be on broadcast today, I am sure the Labor Party do not want me reinforcing to those people listening just what hypocrisy abounds in the Australian Labor Party when it comes to promising one thing before the election and doing another thing after the election.

I must confess that I am not absolutely confident of what the Labor Party's position is on same-sex marriage, but it seems to change quite a bit—

*Honourable senators interjecting*

**Senator IAN MACDONALD:** You are not clear either. Then I do not feel so bad that I cannot work it out. I know there are a number of people in the Australian Labor Party who have very, very strong views on both sides of this argument. But my understanding of the Labor policy—and perhaps Senator Cameron, who is speaking next, can elaborate on this for me. I understand that the Labor Party have now decided that this will be a party policy vote. So you will not be able to have a conscience vote in the future, you will not be able to vote on this very complex and difficult issue as you might believe, in all sincerity, that your conscience demands that you do. The Labor Party will regiment you into voting in a particular way. And, if you dare cross the Labor Party, you know the consequences. You are out on your ear, and we have seen a couple of times over the last couple of decades where Labor senators and members have dared to have their own view and they have been expelled from the party for doing that.

I am a member of the coalition and so I went to the last election promising, as all of my colleagues did, that the definition of marriage would stay the same in this term of parliament. Because we are a party that keeps its promises, that is what we are going to do. We know that there are very, very strong and genuine views on both sides of this matter and so, after a very long, full and involved debate in the coalition party room, we decided by a good majority: why not ask the Australian people what they think on this very complex, difficult, sensitive subject? So that is what the coalition have done. We have said that we will ask the Australian people—and what could be fairer than that? Frankly, I am gobsmacked that anyone could think that asking the Australian people what they think on this rather different matter could be wrong. What could be better in a democracy than going to the Australian public and asking, 'What is your view on this?' I genuinely believe that asking the Australian public what they think is the right way to go about it. And I say here and now that, whatever the result of the referendum, that is what I will be implementing in parliament in the years ahead.

If the Australian people say, 'Yes, this is a good idea', then, in a democracy, having been told by my constituents across Australia, that is what I will be doing. I simply cannot
understand why anyone would think that is a bad idea. Ask the Australian people in a
democracy. People will say, 'We don't ask them to pass the budget', 'We don't ask them to
pass road traffic laws'; we do that in parliament. That is what parliament is about, and that is
all true and correct. But I think everyone would agree that this is an issue beyond the normal
rules of government and it does involve people's very personal beliefs, opinions and emotions,
and it is something that I think the Australian people should be given an opportunity to have a
say on.

I know the churches have a view, and it is a genuine view, but I know other people—a lot
of my gay friends—have a quite different view, and I respect that view as well. But I do think
in an issue like this the right way to do it is to ask the Australian public. Isn't that what a
democracy is about? If I were in the Labor Party and asking people to vote for me because I
had a policy on this, I would not know which member of the Labor Party I was supporting,
because I know some on the other side have very strong, deeply held, reasonable views
against same-sex marriage, and I know that there are members of the Labor Party, similarly,
who have very strong views in favour of same-sex marriage. If you vote for the Labor Party,
which one are you voting for?

So there is that difficult question. It is an unusual question in that it is not the normal sort
of thing we debate here. I think the coalition has made the right decision, and certainly I was
part of that decision that said, 'In issues like this, let's ask the people of Australia.' Mind you, I
would not mind if we added to the referendum a question on medically assisted termination of
life. That is another issue in that same category. I have made my views on that known very
clearly, but I think that is another decision that could well be put to the Australian public to
ask the Australian public what they think about it. Again, those two issues are issues where
people have very firm, very reasonable, very fixed, very deeply held and emotional views: the
subject of same-sex marriage and, I might add, the subject of euthanasia. In a democracy,
what better can you do than to ask the people of Australia what their view is? Frankly, I have
never heard a real argument as to why asking our fellow Australians what they think is so
wrong.

I think Senator Brandis indicated that the referendum would be held pretty soon. It does not
matter to me whether it is by 31 December or by 31 January or whenever, but it will be pretty
soon. Once the referendum is held, the results of the Australian view—the decision the
Australian public give in that referendum—will if necessary be legislated very quickly and
will become law very quickly—that is, assuming that the voters say yes. People tell me in
debates, 'Everyone supports this.' Okay, if everyone supports this, why not have the
referendum? Why not confirm it? You will never have any doubt about it if you ask the
Australian people what their view is. If, as those in favour of this legislation before us say, it
is a foregone conclusion and everybody wants this, let's just ask the Australian people. It is
their right, and perhaps they do. Then they will have no fear from the plebiscite. The
plebiscite will express the view of all Australians on this quite difficult and sensitive issue.

So that is the approach we have taken. The coalition parties are always open, transparent
and honest about what we will promise at an election and then what we will deliver after it.
We are not one of these parties—unlike, regrettably, our opponents in this chamber—who
before an election say one thing, as I have demonstrated, and after the election do the exact
opposite. We promised before the election the marriage definition would stay. We

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subsequently promised we will carry out our promise for this term, but we have said, for the
next term, 'Let the people of Australia decide.' What could be fairer than that? (Time expired)

Senator CAMERON (New South Wales) (11:34): I always enjoy following Senator
Macdonald.

Senator Williams: He makes a great speech, doesn't he?

Senator CAMERON: No, Senator Macdonald does not make a great speech. He is
absolutely full of nonsense when he gets on his feet. He spent 10 minutes not even going near
the issue of marriage equality. I want to indicate clearly that marriage equality is an issue that
I believe needs to be dealt with. It is an issue that discriminates against people who love each
other in this country, and it is an issue that should not be determined by what Senator
Macdonald describes as a 'referendum'. He said 'referendum' on a number of occasions. We
are not having, according to the coalition, a referendum, so Senator Macdonald needs to get
his facts right. It is a plebiscite; it is not a referendum. I will come to that later, but the
plebiscite, in my view, is an absolute abrogation of the responsibility of members of
parliament and senators who were elected here to make decisions on the basis of a decent
society in this country.

I will divert, given that Senator Macdonald probably spent two minutes out of his 20-
minute speech on the issue of marriage equality. So I will divert to deal with some of the
other issues before I come back to the important issue of marriage equality. Senator
Macdonald spoke about the hypocrisy of saying one thing before you are elected and doing a
different thing after you are elected. Senator Cormann is sitting here. Maybe Senator
Cormann could give Senator Macdonald a lesson in the 2013-14 budget—the broken
promises that were layered through that 2013-14 budget. There were the attacks on
pensioners, when pensions were not going to be touched, to try to force down the increases in
pensions to make it tougher for pensioners to survive in this country. There was the broken
promise on health—$80 billion taken out of health and education.

Senator Cormann thought that was such a great manoeuvre, that he would break out the
Havana and have a cigar after the budget to celebrate taking $80 billion out of health and
education in this country. They cracked out the Havana, taking away the living standards of
pensioners in this country. They made promises on Gonski and walked away from education
promises. They walked away from promises on family benefits. They walked away from
promises on health and imposing a $7 co-payment. They walked away on promises on
superannuation and took away support for low-income earners to get an opportunity to have
superannuation when they retire. They walked away from a promise on company tax rate.
They walked away from 18C of the Racial Discrimination Act. I am not advocating that, but
this is another area where they walked away. They walked from a promise to build 12
submarines in South Australia and do a deal with the Japanese government to send them
there. They are now sending 3,000 jobs over to Spain. These are only some of the broken
promises. For Senator Macdonald to come here and talk about broken promises, I think he is
on the wrong track when the coalition government talks about that. I can go on—broken
promises on spending, tax, small government and doing cost-benefit analysis. They are all
broken promises—broken promises on multinational tax-dodgers, broadband and the NBN
and broken promises to young people on the six months on the dole.
Senator Simms: Mr Acting Deputy President, on a point of order: Labor has been calling for this to be dealt with and they have yet to actually discuss the substantive issues. Could we have some actual debate about the issue of marriage equality rather than more partisan posturing.

The ACTING DEPUTY PRESIDENT (Senator Seselja): Unfortunately, that was a debating point rather than a point of order. What I will do is as I did to Senator Macdonald. I will remind Senator Cameron that we are discussing the Marriage Equality Bill.

Senator CAMERON: It took you about 4½ minutes to remind me. It took 10½ minutes for me to remind you of Senator Macdonald's contribution, so I am happy to take on board—

The ACTING DEPUTY PRESIDENT: Senator Cameron, I have given the same ruling—

Senator CAMERON: I am happy to do that. Debate is wide-ranging. I have a bill in front of me. I raised the issue. I have only spent a few minutes on these issues, and I am not going to have Senator Macdonald come here and claim that the coalition are not a government that has broken promises. They are a government that cannot be trusted. They cannot be trusted on marriage equality, health, education or any of the key issues that build a good society in this country, including the $100,000 university degrees. It goes on and on. For Senator Macdonald to come here and argue those issues is complete hypocrisy.

The issue of marriage equality is a very difficult situation and position. Senator Macdonald's argument is that we should have a referendum. We are not going to have a referendum. I hope we see some common sense and decide the matter in parliament not on some crazy plebiscite cooked up by the right wing of the coalition. Senator Williams came in and said I am voting against democracy. The way democracy works in this country is that you elect parliamentarians to make decisions after an election. That is what you do. That is how democracy works in this country. Marriage equality is not a matter of life and death. It is not a conscience matter that people keep telling me. It has been captured by the right wing of the Liberal Party and to some extent the churches, especially the Catholic Church, running the arguments against marriage equality. I did not ask Most Reverend Anthony Fisher, the Archbishop of Sydney in the Catholic Church, to write to me to tell me what I should be thinking about in terms of marriage equality. What I think on marriage equality has nothing to do with the Archbishop.

I have come late to this debate. I do not come here saying that I have fought for marriage equality all of my life. I was 27 years a blue-collar union official. I was a blue-collar worker before that. I did not think a lot about the lives that were being decimated around this country by homophobic attitudes towards LGBT people in this country. I did not think about that. Shame on me—I did not do that. I did not realise it, but I did when I became a senator, and I have told this before. One of my constituents from the suburb of Greystanes in the western suburbs of Sydney—a mother—rang me crying because of her son, who had been brought up in the western suburbs of Sydney. He was gay. He had been targeted by homophobic behaviour at school and after school, and this kid had a terrible life in school and in his formative years, being attacked on the issue of his sexuality. The mother said to me that he had found love. He had a same-sex partner. They were in a loving relationship and they wanted to get married. For the first time in his life, he was actually happy.
I do not think this would be an unusual story for many people after I have started to engage in this debate. This would not be an isolated incident. For those people that want to get married, in my view, they should be allowed to get married. If people love each other, why should some homophobic attitude pushed by some our colleagues in both the Senate and the House of Representatives stop people from entering a loving relationship?

The last time we had this debate there were discussions about the 'sanctity' of marriage. That puts marriage in a religious context. Marriage has not always been a religious issue; marriage is not a religious issue. I have now been married for 45 years. I was not married in a church or a chapel; I had an ordinary marriage in a registry office in Scotland because my wife was Catholic and I was Protestant. We did not want to get engaged in any of that. We did not want to tell our kids what religion to be brought up in or whether they would have a religion. So we decided to have a civil ceremony. The civil ceremony that I engaged in, that has kept my marriage for 45 years, was no less important than any marriage in a church. And I think my marriage has lasted a lot longer than many church marriages, where the sanctimonious position has been taken and people have given vows. I have had a marriage for 45 years, with all its ups and downs—as every marriage has—

Senator Williams interjecting—

Senator CAMERON: Yes! We are not saying anywhere that if the view of the churches is that being married in a church when you have a same-sex partner is some abomination against God, or any of that, that they do that. That is not what is being proposed here. I just think that is an absolute nonsense argument anyway. I say that one day churches will start providing same-sex marriages within churches because that is going to be seen to be part of the process of keeping churches alive and keeping churches at least a little bit relevant to what is happening in the rest of the community.

After I spoke to that woman I was really concerned that I had not dealt with this issue effectively as a parliamentarian. I then went to Albury-Wodonga on a Senate reference committee hearing. I was having a cup of tea in one of the cafes in Albury and a middle-aged guy came up and said hello. He introduced himself and said, 'Look, I know who you are and I just want to put a proposition to you. I have lived in the Albury-Wodonga area all my life. It's a regional-rural area. I'm gay and my life has been hell in terms of the homophobic attitudes that have been taken against me. But, again, I have found peace, I've found love and I've found happiness. I have been with my partner for 10 years and we want to get married. I've got the support of my family, I've got the support of my friends—why can't you politicians just give me the opportunity to get married?'

After that there was a lot of debate within the Labor Party. With the arguments that Senator Macdonald put up about how strongly people believe in this, I do not see any reason why people should not give others the same rights as they have in a democratic country. I suppose that, as an atheist, it makes it easier for me to raise these issues. I suppose if you have a deeply religious point of view then, yes, these points come into play. But if you are religious and you are demanding religious tolerance and the right to exercise your religion, both that tolerance and those rights should not be exercised at the expense of gay people in this country, or transgender people or lesbians. They should not be treated differently because some people have a religious point of view on this. They should not!
Clearly, this should be a position that is determined without any interference from the churches. The separation of church and state should come into play. We should have a clear separation and we should show some backbone—actually have the debates and have decisions on marriage equality in this parliament. That is what we should do.

Senator MacDonald said that he had heard no arguments about why we should not have this plebiscite and let the people decide. Just recently, there was one big argument. If we want to talk about financial arguments, let's look at the cost of this plebiscite. The cost of the plebiscite is going to be about $158.4 million—$158 million because we are not prepared to make a decision in the interests of all Australians!

The funding to the ACCC is $132 million. The funding for rural assistance is $205 million. The funding for APRA is $121 million. And for natural disaster relief we get $33 million. So we are prepared to spend $158.4 million because the Prime Minister of this country does not have the courage and does not have the backbone to stand up for what he proclaims are his values, for marriage equality. I am just beginning to wonder whether the Prime Minister ever did have any of the values that he proclaims he has, because if he did he would not capitulate to the right wing and the homophobes in the coalition, and he would not capitulate to the worst elements in our society. He would stand up for his values and have a parliamentary vote, both in the House of Representatives and in the Senate, to give our fellow Australians equal rights.

What is going on is a nonsense. Senator Macdonald's argument that nobody has said there is a problem here is wrong, because people have raised the cost of this. But it is not only a financial cost: this is about a cost to the LGBTI community itself. We have seen the Australian Christian Lobby getting out and talking about 18C, that racial discrimination and discrimination should not apply during this plebiscite. So they want a free ticket to get out and attack people who are not heterosexuals and who do not fit their view of what a normal society should look like. I would hate to see a normal society if they were all like George Christensen. What kind of normal society would that be? The guy is out there spewing hatred, spewing homophobic views and not being called to account by the coalition. He is not being called to account.

We take the view that the Christian Lobby should be ignored, that people with crazy views like George Christensen should be ignored and that we should put our fellow Australians first because we do not want their mental position diminished even more because of attacks during a plebiscite. We do not want this position that they are pushing where they are going to have a debate about whether they are real Australians, whether they are real human beings, whether they are aberrations. These are our fellow Australians. They are the people who we should support. We should support them.

The cost of this plebiscite is a nonsense. We should support the gay community, the lesbian community and the transgender community. We should make the decision here, and we should do it because it is the right thing to do to make sure that people who love each other have an opportunity to get married.
Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (11:53): Thank you very much, Deputy President. I am next on the speakers list—

Senator Cameron: I understand that the convention normally is this. The Greens have had an opportunity. They have spoken. The opposition spoke—sorry, the government; you will be opposition soon. The government has spoken. The opposition had a contribution. It should now go to the crossbench.

The DEPUTY PRESIDENT: I am basing the call on who I thought did jump in their place first. I thought it was Senator Waters. I am not particularly interested in the speakers list. That is simply something organised in the chamber, and it assists in the normal conduct. It was a close call, but I am afraid it is my opinion that Senator Waters did jump first, and the call is now going to the crossbench. Senator Day, did you want to say something?

Senator Day: Yes, I did.

The DEPUTY PRESIDENT: On a point of order?

Senator Day: Yes. There is a spot for the crossbenchers, as Senator Cameron has said. We have heard from three Greens senators and only one crossbench senator, all in support of this motion. Surely it is time to hear from someone from the opposing side. I do not want to be gagged on this topic—

The DEPUTY PRESIDENT: Senator Day, you are really now debating the issue. I know you both jumped very quickly, but I am probably in the best position in the chamber to make these judgements, and I thought Senator Waters did in fact jump first. It was a close run thing, Senator Day. I am sorry, but that is my decision.

Senator WATERS: I move:

That the question be now put.

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

Senator Cameron: I raise a point of order, Mr Deputy President.

The DEPUTY PRESIDENT: I will take a point of order because I think there is some confusion in the chamber.

Senator Cameron: Yes, there is some confusion. We have only this minute had Senator Waters standing and arguing that she should push Senator Day out of the speakers list. Clearly there has been an arranged position, a clear position, and Senator Waters is trying to play games here—

The DEPUTY PRESIDENT: That is not a point of order, Senator Cameron. Senator Waters can move such a motion because she has not yet spoken in the debate. She has moved the motion. Unless anyone else wants to raise a point of order, I will now put that motion.

The question is that the question now be put.

The Senate divided. [12:01]

(Deputy President—Senator Marshall)

Ayes ....................12
Noes ....................40
Majority ...............28
Question negatived.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (12:04): I wanted to indicate why it is the view of the government that this debate should not have been gagged and why government senators joined with Labor senators on this occasion in resisting a gag.

Nobody in this chamber doubts that this is a very, very serious matter. It is an issue on which there is a variety of different views within the coalition, and we do not have any difficulty with the fact that there is a variety of views. Both the Prime Minister and I are on the record as being in favour of change to the law but we respect the fact that there are many of our colleagues who have a different view.

What we are all united on though is in the belief that this matter is one of those matters which, because of its peculiar sensitivity, ought to be resolved ultimately by the Australian people at a plebiscite, which is what the coalition has committed to do.

I might say that that is the view of the Australian people themselves. Only two days ago the research firm Essential published an opinion poll on this very question. The results of that opinion poll are very instructive. When asked whether the matter should be decided by a vote of members of parliament or by a national vote of the Australian people, fully 66 per cent of...
respondents agreed with the government that the matter ought to be resolved by the Australian people; only 23 per cent were of the view that it should be decided by politicians only sitting in parliament.

That view was uniform across all party affiliations: 68 per cent of Labor voters thought the matter should be decided by a plebiscite; 67 per cent of coalition voters thought the matter should be decided by a plebiscite; and 58 per cent of Greens voters thought the matter should be decided by a plebiscite. So whatever one's views might be of the ultimate question—and we in the government respect the fact that there is a variety of views—there is a strong, overwhelming preference by the Australian people that they should be included in this decision, which is precisely what the coalition is committed to doing. It is certainly, in light of those considerations, not the sort of matter that should be decided here today by the device of a gag on a procedural vote.

**Senator DAY** (South Australia) (12:06): I rise today to oppose the Marriage Equality Amendment Bill 2013. As I said in a previous speech about free speech, it is shameful that activists for marriage equality assume that opponents must be bigots. It seems there is no free speech in this country as long as there is this concept of hate speech. It is anathema to free speech to have attitudes and laws that are called hate speech.

With this bill today the Greens seek to jump the gun on the efforts of others in order to claim a political win for themselves. The government has agreed to a public vote on marriage but no, the Greens do not want to wait for that. They are scared of putting the question to the people. They are scared of how the silent majority will vote when given the chance. Opinion polls on news websites seem enough for them. They want to rush headlong into yet another radical experiment on Australian society.

**Senator Waters:** Radical experiment?

**Senator Rhiannon interjecting—**

**Senator DAY:** Mr Deputy President.

**The DEPUTY PRESIDENT:** Even though it is a long way away from me and I cannot hear all the details of the interjections, I think senators should be more courteous when they are so close to another senator speaking and keep the noise down. Senator Day, you have the call.

**Senator DAY:** When members of parliament and senators sought the views of their own electorates in the not too distant past the majority told them the truth—Australians do not want marriage or the word 'marriage' to be redefined. On the question of a public vote, you just have to ask how it can be a fair debate when you have a barrage of unfounded claims thrown at you the minute you open your mouth saying you support keeping the status quo, keeping the definition of 'marriage' as it is. You also have to ask how it will be a fair debate when you look at who is lining up on the yes case.

But the Greens do not want to wait for any of that to materialise. The Greens are just like chanting students and socialists. They chant: 'What do we want? Gay marriage. When do we want it? Now.' Name-calling, sloganeering and empty platitudes are unbecoming and facile. Take, for example, the phrase 'marriage equality' itself. By calling same-sex unions 'marriage', it is asserted by stealth that they already qualify as marriage. This is before any supporting
arguments have even been offered. Saying it is a matter of equality evokes the struggle of the suffragettes or Martin Luther King.

If you dare oppose that, you do not have a difference of opinion; according to the gatekeepers of tolerance, you are just plain wrong—end of story. While this may be very effective rhetoric, it tells us nothing about what marriage actually is or why different treatment is automatically bigoted. It is ironic that those who cry bigot are guilty of bigotry themselves. When people advocating traditional marriage are dismissed out of hand or when their motives are treated with suspicion and malice, that is prejudice and that is bigotry. When, like Archbishop Porteous, they are subjected to complaints—complaints that cost the alleged victim nothing but merely completing a form, but cost the accused everything—bigotry gains an ally on its side: the gorilla of state apparatus to suppress dissent and the expression of millennial values.

A civil debate on marriage would focus on the key principles of what is marriage. Why does it matter what it is? What sort of relationship is marriage or is a marriage? Should the state define a marriage? If so, why? What role does the state have in this institution of marriage? Marriage is the foundation of society's most fundamental unit—the family. Marriage is itself a social good worthy of protection by law. Marriage provides the best environment for the family to flourish and for children to be raised and nurtured. It is this critical function of marriage in our society that allows the state to take an interest in its regulation. I will repeat that. Marriage provides the best environment for the family to flourish and for children to be raised and nurtured. It is that critical function that allows the state to take an interest in its regulation.

Normally the state would not regulate relationships between adults. It is only because marriage has a position as a foundational building block of society that marriage is an exception to that rule. Out of the 1,000-plus societies recorded in Murdock's Ethnographic Atlas marriage between one man and one woman is common in all, whilst the marriage of men to multiple wives is prevalent in over 800. By contrast, marriage between people of the same sex has never been widely accepted in any culture since the dawn of time.

Here are another set of questions a civil and measured debate should consider. If this bill seeks marriage equality, what is it trying to protect equally? What relationships then are not marriages? Why would redefining marriage stop at same-sex relationships? The bill talks about two people, but why not three? The 'throuple' concept—three people—advanced by polyamory advocates goes something like this. Three people of any gender can be married to one another. They will make all the claims of emotional union, romantic feelings, pledges to care for one another et cetera. How soon until we have marriage equality dusted off for the 'throuples'? I suggest that there will not even be enough time for the dust to settle, and it will be on again. If you do not believe me, I note that the Greens' cousins in the UK are right now advocating for consenting polyamorous relationships.

Senator Williams: Really?

Senator DAY: Absolutely. The goal of this push is to have, in a borrowed phrase, 'marriage equality'.

A recent Canadian court case has made the argument that three people in a loving relationship are not harming anyone so why not give them marriage too? Given the
demographic rise in Australia of people from cultures like those in the Middle East where there is polygamy, you can safely assume there will be a marriage equality push for them sometime soon too. But why stop even there? In places where gay people, typically men, have been able to form recognised unions, they do not necessarily equate their commitment to monogamy. The term 'monogamish'—monogamy as a kind of 'monogamish'—has now been coined, a sort of 'open marriage'—a tautology if ever I heard one in this brave new world—as they feel a restriction to one partner is unrealistic and unnatural.

A three-year study of civil unions in Vermont found that 15 per cent of straight married men had sex outside their relationship, compared to 58 per cent of gay men in civil unions. Other studies have reported candid admissions from many gay couples about monogamy. Despite their intention to stay faithful, a survey found that only seven out of 156 same-sex couples had managed to do so. This 'monogamish' compromise is nothing short of surrender. As usual, all the guarantees about marriage staying the same have come to nought.

Speaking on a panel of homosexual authors at the 2012 Sydney Writers' Festival, Dennis Altman said:

Now I am going to speak as a gay man: one of the things about gay male culture is that it is not a monogamous culture. All the evidence we have suggests that monogamy is a myth. There are many longstanding gay relationships. There are virtually no longstanding monogamous gay relationships.

Now let me pause here for a minute. I am fortunate that I can say these things under parliamentary privilege. But could I say them outside? With the persecution of Archbishop Porteous, I am not so sure. But I digress.

Let us shift to the question of children. Children deserve a mother and a father. They need both. We are not talking here about only redefining marriage; we are talking about redefining the words 'mother' and 'father'. Already birth certificates around the country are being written to say 'parent 1' and 'parent 2'—or more—right here in the ACT. There is no such thing as parenting; there is only mothering and fathering. And children need both a mother and a father. Whenever a child is born, the mother will obviously be close by. And fathers should be close by as well. The two of them take responsibility to raise that child. When that does not happen, the social costs for the spouses and for the child and for society are very high.

Katy Faust, a recent visitor and speaker in Australia, told her own story of being raised by lesbian mothers. She spoke of the loving and caring nature of their parenting, but emphasised that neither were a substitute for the father she desperately needed in her life. This echoes the sentiments of another child of gay parents, Heather Barwick. In a speech delivered last year, she said:

Same-sex marriage and parenting withholds either a mother or father from a—

The DEPUTY PRESIDENT: The time for this debate has now expired.

PETITIONS

The Clerk: Petitions have been lodged for presentation as follows:

Royal Commission into Institutional Responses to Child Sexual Abuse

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

This petition of Vincent Alexander Charles Tough:
Draws to the attention of the Senate that on 29 January 2016, the Honourable Senator George Brandis QC and the Hon Christian Porter MP, Minister for Social Services did release the following Media Release:

29 January 2016
Developing a national approach to redress for survivors of institutional child sexual abuse

As an advocate for "Survivors of Institutional Child Abuse" and an alleged victim of institutional child sexual abuse, I believe I fall within the parameters of the "Royal Commission's Inquiry into Institutional Responses to Child Sexual Abuse" and can pro-actively contribute in a very real way to investigating and formulating appropriate policies that best meet the needs for all concerned.

I therefore ask the Senate to support my request to be party to all relevant discussions between the Commonwealth, the States and any other parties that will develop proposals that may have a direct or marginal effect on matters being discussed either as an independent active participant or independent observer.

by Senator Moore (from 1 citizen).

Ms Ping (Brenda) Hu

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

The petition of the undersigned shows:

Support from members of Mark the Evangelist Congregation, supporters of UnitingCare Hotham Mission, and members of the community in requesting that the Senate support the aforementioned application for Ministerial Intervention by the Hon. Peter Dutton, Minister for Immigration and Border Protection, on behalf of Ping (Brenda) Hu, Matter ID 1068. We request that the Minister exercise his discretion pursuant to section 417 of the Migration Act (Cth) 1958 ('the Act') and substitute a more favourable decision than that of the Refugee Review Tribunal ('the Tribunal') on the basis of exceptional and compelling circumstances which justify his intervention on humanitarian grounds and which satisfy the public interest requirement.

We also ask that the Minister consider exercising his discretion pursuant to section 48B of the Act to allow Ms Hu to lodge a further Protection (Subclass 866) visa on the basis that there is new, credible evidence that has not previously been considered by the Tribunal that would be likely to substantially change the outcome of the application.

The petitioners ask that the Senate:

Support the application of Ms Hu for a Ministerial Intervention by the Hon. Peter Dutton, to personally review her case pursuant to section 417 of the Migration Act, 1958.

by Senator Marshall (from 88 citizens).

Petitions received.

NOTICES
Presentation

Senator Carr to move:

That the Migration Amendment (Offshore Resources Activity) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 211 and made under the Migration Act 1958, be disallowed [F2015L01937].

Senator Siewert to move:

That the Senate—

(a) notes that:
(i) as reported on 16 March 2016, incarceration of Aboriginal young people costs almost a quarter of a billion dollars a year, and

(ii) Aboriginal and Torres Strait Islander young people are 26 times more likely to be incarcerated than non-Indigenous young people; and

(b) calls on the Government to reconsider its rejection of a justice target, and adopt a national justice target. (general business notice of motion no. 1113)

Withdrawal

Senator WILLIAMS (New South Wales) (12:20): Pursuant to notice given on 16 March 2016, I withdraw business of the Senate notices of motion Nos 1 and 2 standing in my name for 10 May 2016, the next day of sitting, proposing the disallowance of Christmas Island Marine Traffic and Harbour Facilities Determination 2015 and Cocos Islands Marine Traffic and Harbour Facilities Determination 2015.

PETITIONS

Senator RHIANNON (New South Wales) (12:21): by leave—I table two non-conforming petitions. One relates to the anti-nuclear dump at Hill End. The other one is slightly different but in the same place; it relates to the Central West nuclear waste dump.

COMMITTEES

Selection of Bills Committee

Report

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (12:21): I present the fourth report of 2016 for the Selection of Bills Committee and I seek leave to have the report incorporated in Hansard.

Leave granted.

Ordered that the report be adopted.

Senator BUSHBY: I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT No. 4 of 2016

1. The committee met in private session on Wednesday, 16 March 2016 at 7.21 pm.

2. The committee resolved to recommend—that—

(a) the provisions of the Customs and Other Legislation Amendment Bill 2016 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 June 2016 (see appendix 1 for a statement of reasons for referral);

(b) the Fair Work Amendment (Protecting Australian Workers) Bill 2016 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 10 May 2016 (see appendix 2 for a statement of reasons for referral);

(c) the provisions of the Migration Amendment (Family Violence and Other Measures) Bill 2016 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 10 May 2016 (see appendices 3 and 4 for a statement of reasons for referral); and
(d) the provisions of the Primary Industries Levies and Charges Collection Amendment Bill 2016 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 12 May 2016 (see appendix 5 for a statement of reasons for referral).

3. The committee resolved to recommend—That the following bills not be referred to committees:
   • Financial System Legislation Amendment (Resilience and Collateral Protection) Bill 2016
   • Northern Australia Infrastructure Facility Bill 2016
   • Northern Australia Infrastructure Facility (Consequential Amendments) Bill 2016
   • Registration of Deaths Abroad Amendment Bill 2016
   • Social Security Amendment (Diabetes Support) Bill 2016.
   
   The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
   • Automotive Transformation Scheme Amendment (Securing the Automotive Component Industry) Bill 2015
   • Corporations Amendment (Auditor Registration) Bill 2016
   • Corporations Amendment (Publish What You Pay) Bill 2014
   • Law and Justice Legislation Amendment (Northern Territory Local Court) Bill 2016
   • Migration Amendment (Free the Children) Bill 2016
   • National Disability Insurance Scheme Amendment Bill 2016
   • National Disability Insurance Scheme Savings Fund Special Account Bill 2016
   • Regulatory Powers (Standardisation Reform) Bill 2016
   • Restoring Territory Rights (Dying with Dignity) Bill 2016
   • Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
   • Social Services Legislation Amendment (Consistent Treatment of Parental Leave Payments) Bill 2016
   • Statute Law Revision Bill (No. 2) 2016
   • Statute Update Bill 2016
   • Superannuation Legislation Amendment (Choice of Fund) Bill 2016
   • Superannuation Legislation Amendment (Transparency Measures) Bill 2016
   • Tax and Superannuation Laws Amendment (2016 Measures No. 2) Bill 2016
   • Tax Laws Amendment (Tax Incentives for Innovation) Bill 2016.

   (David Bushby) Chair
   17 March 2016

APPENDIX 1

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of Bill:
   Customs and Other Legislation Amendment Bill 2016
Reasons for referral/principal issues for consideration:
Schedule 6 pertains to the actions of officers at sea and appears to protect the action of officers where there has been a defective consideration of the UN Convention of the Laws of the Sea.

Possible submissions or evidence from:
Refugee sector re international law

Committee to which bill is to be referred:
Legal and Constitutional Affairs

Possible hearing date(s):
May/June

Possible reporting date:
20 June 2016

(signed)
Senator Siewert

APPENDIX 2
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of Bill:
Fair Work Amendment (Protecting Australian Workers) Bill 2016

Reasons for referral/principal issues for consideration:
Detailed scrutiny - Measures include new criminal offences, increased penalties for serious contraventions of Fair Work Act 2009 and additional protections for employees in cases of sham contracting and phoenixing.

Possible submissions or evidence from:
Unions, employer organisations, Law Council, academics, government departments and regulators.

Committee to which bill is to be referred:
Senate Education and Employment Legislation Committee

Possible hearing date(s):
Determined by the committee

Possible reporting date:
10 May 2016

(signed)
Senator McEwen

APPENDIX 3
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of Bill:
Migration Amendment (Family Violence and Other Measures) Bill 2016
Reasons for referral/principal issues for consideration:
To further investigate potential impacts and unintended consequences of the Bill

Possible submissions or evidence from:
Department of Immigration and Border Protection
United Nations High Commissioner for Refugees
Australian Human Rights Commissioner
Law Council of Australia

Committee to which bill is to be referred:
Senate Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):
Determined by the committee

Possible reporting date:
10 May 2016

(signed)
Senator McEwen

APPENDIX 4
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of Bill:
Migration Amendment (Family Violence and Other Measures) Bill 2016

Reasons for referral/principal issues for consideration:
This bill amends the sponsorship framework to allow the disclosure of personal information and allows introduces Ministerial power to cancel or bar a family sponsor where family violence is involved. The terms are currently vague and therefore evidence and expert opinion are required in order to examine this Bill in greater detail.

Possible submissions or evidence from:
Migration sector

Committee to which bill is to be referred:
Legal and Constitutional Affairs

Possible hearing date(s):
May/June

Possible reporting date:
June

(signed)
Senator Siewert

Senator McEwen
APPENDIX 5
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of Bill:
   Primary Industries Levies and Charges Collection Amendment Bill 2016
Reasons for referral/principal issues for consideration:
   To investigate the structures and systems that will safeguard and provide protection to levy payers relating to the sharing of levy payer information with Rural and Research Corporations and to eligible recipients.
Possible submissions or evidence from:
   Department of Agriculture and Water Resources
   GrainGrowers, Catttle Council, Sheepmeat Council, Rural and Research Corporations
Committee to which bill is to be referred:
   Senate Rural and Regional Affairs and Transport Legislation Committee
Possible reporting date:
   12 May 2016
(signed)
Senator McEwen
   Ordered that the report be adopted.

PERSONAL EXPLANATIONS
Senator DI NATALE (Victoria—Leader of the Australian Greens) (12:22): I seek leave to correct the record.
Leave granted.
Senator DI NATALE: In a speech I gave to this chamber two weeks ago, I stated that the Labor Party supported the invasion of Iraq. Of course, what I meant to say was that the Labor Party supported the invasion of Afghanistan.
Senator McEWEN (South Australia—Opposition Whip in the Senate) (12:22): I seek leave to make a short statement.
The DEPUTY PRESIDENT: Leave is granted for one minute.
Senator McEWEN: Thank you. I appreciate that Senator Di Natale has come into the chamber and corrected the record of yesterday's debate where he made an egregious mistake, claiming that Labor supported the 2003 invasion of Iraq. Labor certainly did not support that. I was offended, as were my Labor colleagues, that he could make such a complicit error about what is clearly on the record. Labor did not support that.

NOTICES
Withdrawal
Senator McEWEN (South Australia—Opposition Whip in the Senate) (12:23): I have acknowledged that Senator Di Natale has now corrected the record, and with that in mind I now withdraw my motion in that regard. It is general business notice of motion No. 1097.
BUSINESS

Rearrangement

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (12:23): In what I am sure some will think represents a triumph of hope over experience, I move:

That, should consideration of the Commonwealth Electoral Amendment Bill 2016 conclude before 12:45pm today—

(a) government business order of the day no. 8 (Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015) be considered from 12.45 pm; and

(b) government business be called on after consideration of the bill listed in paragraph (a) and considered till not later than 2 pm.

Question agreed to.

The DEPUTY PRESIDENT: Just in relation to the motion that has just been passed: it only has effect if the Senate has in fact dealt with the electoral reform bill, which has precedence.

COMMITTEES

Education and Employment Legislation Committee

Foreign Affairs, Defence and Trade References Committee

Reporting Date

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


Foreign Affairs, Defence and Trade References Committee—

Contamination caused by firefighting foams at government sites other than RAAF Base Williamtown and Australian Defence Force facilities extended to 11 May 2016.

Planned acquisition of the Joint Strike Fighter extended to 29 June 2016.

The DEPUTY PRESIDENT (12:25): Does any senator wish the question to be put separately on any of those proposals?


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator WHISH-WILSON: Thank you. I just want to say that I am disappointed that the Foreign Affairs, Defence and Trade References Committee has extended the deadline for the report on the Joint Strike Fighter. We only need a day of hearings on this very important inquiry. A lot of work has gone into putting those hearings together. I have not had an explanation from the chair of the committee as to why this reporting date has to be extended for nearly two months. It smacks of politics to me, and I am very disappointed that we cannot get this reported on 1 May as was the original decision. There has been no evidence provided to me, and I want to express on the record my disappointment.
BUSINESS

Days and Hours of Meeting

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (12:26): At the request of Senator Fifield, I move:

That the hours of meeting for Tuesday, 10 May 2016 be from 12.30 pm to 6.30 pm and 8.30 pm to adjournment, and for Thursday, 12 May 2016 be from 9.30 am to 6 pm and 8 pm to adjournment, and that:

(a) the routine of business from 8.30 pm on Tuesday, 10 May 2016 shall be:
   (i) Budget statement and documents 2016-17, and
   (ii) adjournment; and
(b) the routine of business from 8 pm on Thursday, 12 May 2016 shall be:
   (i) Budget statement and documents—party leaders and independent senators to make responses to the statement and documents for not more than 30 minutes each, and
   (ii) adjournment.

Question agreed to.

MOTIONS

Battle of Pozieres

Senator McEWEN (South Australia—Opposition Whip in the Senate) (12:27): I move:

That the Senate—

(a) acknowledges that:
   (i) 23 July 2016 marks the centenary of Australia's participation in the Battle of Pozieres,
   (ii) 24 000 Australian soldiers lost their lives in the battle, and
   (iii) no other battle in World War I equalled the horror of the Battle of Pozieres as measured by lives lost and soldiers wounded; and
(b) thanks the Australian Pozieres Remembrance Association Inc., together with the village of Pozieres, for creating a Memorial Garden in Pozieres to pay tribute to Australia's World War I defence personnel.

Question agreed to.

COMMITTEES

Environment and Communications References Committee

Reference

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:27): At the request of Senator McKim, I move:

That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 30 May 2016:

The response to, and lessons learnt from, recent fires in remote Tasmanian wilderness affecting the Tasmanian Wilderness World Heritage Area, with particular reference to:

(a) the impact of global warming on fire frequency and magnitude;
(b) the availability and provisions of financial, human and mechanical resources;
(c) the adequacy of fire assessment and modelling capacity;
(d) Australia’s obligations as State Party to the World Heritage Convention;
(e) world best practice in remote area fire management; and
(f) any related matter.


The PRESIDENT: Leave is granted for one minute.

Senator RYAN: The Tasmanian government is best placed to investigate the management response and on-ground work necessary following the fires. The Tasmanian Premier has already announced that the Tasmania Fire Service has initiated an independent inquiry conducted by the Australasian Fire and Emergency Service Authorities Council. The coalition applauds the tireless work of nearly 7,000 personnel and up to 40 aircraft and pilots involved in firefighting efforts. We also commend the efforts of Emergency Management Australia for their responsiveness on behalf of the Commonwealth. The coalition wholeheartedly supports the priority effort to protect lives and property in Tasmania and notes that Tasmania continues to identify areas of high ecological value and cultural significance for protection. The Australian government is also providing $14.8 million annually to increase national aerial firefighting capability.

Question agreed to.

MOTIONS

Yellow Crazy Ants

Senator LAZARUS (Queensland—Leader of the Glenn Lazarus Team) (12:29): I move:

That the Senate—

(a) recognises the damaging impact of yellow crazy ants in northern Queensland on:

(i) rainforests, including a 60 hectare World Heritage Area within an 800 hectare infestation south of Cairns,

(ii) ecotourism,

(iii) farming, including the infestation of 230 hectares of sugarcane,

(iv) Australian wildlife and pets, including many endangered species endemic to northern Queensland rainforests,

(v) the health of residents, including the risk of temporary blindness if sprayed in the eye with formic acid,

(vi) the safety of schools,

(vii) the liveability of the region, and

(viii) property values; and

(b) calls on the Government to urgently commit funding to the Yellow Crazy Ant Eradication Program to fund it for 3 years past June 2016.

I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LAZARUS: I have travelled through Cairns and the region and have walked deep into the rainforests, and I have seen firsthand the damage yellow crazy ants are doing to our environment, our wildlife, the lives of people and the value of our properties. These little
but mighty dangerous ants run fast, spit acid, travel in huge clumps and destroy everything in their path. They blind large animals, destroy our habitat and cause blindness in people. Unless the pest is eradicated it is going to cause further unbelievable damage to our country. I appreciate that they sound like a small problem but, when you see the damage that these ants cause, you will realise the extent of the problem. This is what happens with many introduced pests. The destruction is not recognised until it is on our doorstep and too late to stop. The ants can and must be eradicated, and a small amount of federal funding from 1 July 2016 will do this.

I would also like to acknowledge the amazing work of Lucy Karger and Frank Teodo in fighting this cause. You are extraordinary Australians.

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (12:30): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator RYAN: The government is not opposed to the intent of this motion. We acknowledge the severity of the yellow crazy ant infestation in the wet tropics World Heritage area and are taking action now. We have committed close to $4 million dollars to protect the wet tropics against yellow crazy ants. This includes deploying 10 Green Army projects with up to 100 participants working to combat yellow crazy ants in and around the wet tropics. I acknowledge the passionate advocacy by Senators McGrath and Macdonald and the member for Leichhardt, Mr Warren Entsch, on behalf of their constituents in this matter. I can assure senators that the Turnbull government is doing all we can and we are considering what more can be done. However, it is now time for the Queensland government to come to the table, to take this issue and to urgently match our investment so that yellow crazy ants are eradicated from the wet tropics.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator WATERS: On behalf of the Australian Greens, I rise in strong support for funding to eradicate the yellow crazy ant from this most precious World Heritage area, which brings in $426 million in tourism revenue every year and is a World Heritage icon of international significance. The funding is due to run out in June. I have been writing to both the state and the federal governments for almost three years now begging for this funding to be secured and extended. We commend this motion.

Question agreed to.

COMMITTEES

Foreign Affairs, Defence and Trade References Committee

Reference

Senator McEWEN (South Australia—Opposition Whip in the Senate) (12:32): At the request of Senator Gallacher, I move:

That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 11 May 2016:

The partial suspension of sanctions against Iran, with particular reference to:
(a) the nature and scope of public consultation prior to the making of the Autonomous Sanctions (Suspension of Sanctions—Iran) Instrument 2016, the Autonomous Sanctions (Designated Persons and Entities and Declared Persons—Iran) Amendment List 2016, and the Autonomous Sanctions (Designated Persons and Entities and Declared Persons—Iran) Amendment List 2016 (No. 2);

(b) the adequacy of the explanatory statements accompanying the regulations for the removal of certain activities and entities from the sanctions regime;

(c) the extent to which any removed entities have institutional or financial ties to any entities that continue to be designated, and the nature of such ties;

(d) the impact of lifting sanctions on the conduct of Iran in international affairs and on Australia’s national interest;

(e) the Australian Government’s decision to re-open a trade office in Iran; and

(f) any related matters.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator RYAN: The decision to remove economic and financial sanctions on Iran was made in full accordance with the Autonomous Sanctions Act 2011, introduced by the former Labor government. A number of Labor members and senators spoke in support of the bill, including the member for Melbourne Ports. The bill was considered by the Senate Foreign Affairs, Defence and Trade Legislation Committee, which recommended it be past. Australia’s decision to remove economic and financial sanctions is consistent with the approach of the United States, the European Union, Japan and Canada and is in line with the United Nations Security Council resolution 2231. We will use this inquiry to highlight Labor’s hypocrisy on this issue as well as their legislative record and Australia’s international obligations.

Question agreed to.

**MOTIONS**

Climate Change

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (12:33): I move:

That the Senate—

(a) notes that:

(i) the Chief Scientist, Dr Alan Finkel, stated on the Australian Broadcasting Corporation's Q&A program that Australia is 'losing the battle' against global warming,

(ii) Professor Terry Hughes has told 'The Conversation' that Australia can either develop new coal mines or protect the Great Barrier Reef, but 'we can’t possibly do both',

(iii) coral bleaching caused by global warming has already caused the Great Barrier Reef Marine Park Authority to raise its bleaching alert to Level 2, and the United States’ National Oceanic and Atmospheric Administration has upgraded its Coral Reef Watch warning for the far northern Great Barrier Reef to Alert Level 2, the highest threat level, and

(iv) the mining and burning of coal is driving dangerous global warming which threatens the Great Barrier Reef; and
(b) calls on the Federal Government to abandon its support for the Adani mega coal mine and Abbot Point coal port expansion, and support a rapid transition to 100 per cent clean energy as soon as possible, and at least 90 per cent clean energy by 2030.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator RYAN: The coalition government is doing more than any government prior, including those opposite, to protect the Great Barrier Reef. Our Reef 2050 long-term sustainability plan is supported by scientists, conservationists, industry and the broader community. It is the roadmap for ensuring long-term resilience and protection of the reef. The challenges facing the Great Barrier Reef have been experienced by other reefs, including in the Caribbean and Hawaii due to El Nino. We have been watching the situation and, due to recent rain and cloud cover, the impact is not as great as it could have been. But the best protection for the reef is to make it as resilient as possible—and that is what the Reef 2050 plan is doing.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 1083 be agreed to.

The Senate divided. [12:39]

(The Deputy President—Senator Marshall)

Ayes .................9
Noes ...................39
Majority ...............30

AYES

Di Natale, R
Ludlam, S
Rice, J
Simms, RA
Whish-Wilson, PS

Hanson-Young, SC
Rhiannon, L
Siewert, R (teller)
Waters, LJ

NOES

Abetz, E
Bullock, JW
Cameron, DN
Day, RJ
Fawcett, DJ
Gallagher, KR
Ketter, CR
Leyonhjelm, DE
Lines, S
Macdonald, ID
McEwen, A (teller)
McKenzie, B
Moore, CM
O’Sullivan, B
Peris, N
Reynolds, L

Brown, CL
Bushby, DC
Collins, JMA
Edwards, S
Gallacher, AM
Johnston, D
Lazarus, GP
Lindgren, JM
Ludwig, JW
Madigan, JJ
McGrath, J
McLucas, J
Muir, R
Paterson, J
Polley, H
Ruston, A
Question negatived.

**Carbon Pollution Reduction Scheme**

Senator **URQUHART** (Tasmania—Deputy Opposition Whip in the Senate) (12:41): I
move:

(a) recalls the decision of the Australian Greens to vote with the Liberal and National parties to oppose the introduction of the Carbon Pollution Reduction Scheme; and

(b) recognises the significant role played by the Australian Greens in opposing action on climate change and the subsequent damage to Australia’s future.

Senator **RYAN** (Victoria—Minister for Vocational Education and Skills) (12:42): I seek leave to make a short statement.

Leave granted.

Senator **RYAN**: The carbon tax increased household electricity prices and gas prices, reduced business competitiveness and did not reduce emissions to any significant extent. The government is implementing policies that actually work to address climate change. We are on track to meet and to beat our 2020 emissions target and have set an ambitious target of a 26-28 per cent reduction in emissions by 2030. Our renewable energy target will see a doubling of renewable energy generation by 2020. The emissions reduction fund has already achieved 92.8 million tonnes of emissions reduction by supporting businesses to be more energy efficient, to reduce waste and increase recycling and to adopt programs involving reforesting degraded land and indigenous fire management. The government does not support fossil fuel subsidies.

Senator **DI NATALE** (Victoria—Leader of the Australian Greens) (12:42): I seek leave to make a short statement.

Leave granted.

Senator **DI NATALE**: The CPRS was never designed to address the transformational change that is necessary to deal with the climate emergency that we are now in and was never designed to drive the transformational change in our economy to create jobs and international investment. The CPRS would have locked in our emissions targets at five per cent with no ability to scale up the level of ambition that is required to meet the science. If you look at where the carbon price is set in the way that scheme was designed then you will see that, rather than the $23 a tonne that was agreed through the fixed price as a result of a constructive negotiation between the Greens, the Independents and the Labor Party, the price would have been set under the CPRS at $1. That is right—$1. As a result of those unlimited cheap permits available from dubious international markets, it would have been set at $1. It gave money away to big business— *(Time expired)*
Question negatived.

**Daniel Morcombe Foundation**

**Senator LAZARUS** (Queensland—Leader of the Glenn Lazarus Team) (12:44): I move:

That the Senate—

(a) notes that:

(i) the Daniel Morcombe Foundation was established as a lasting legacy to Daniel by parents Bruce and Denise Morcombe in 2005 after their son Daniel was abducted and murdered in December 2003 while waiting to catch a bus on the Sunshine Coast, and

(ii) the foundation has two main aims: to educate children on how to stay safe in a physical and online environment, and to support young victims of crime;

(b) recognises the important work of the foundation in:

(i) assisting educators and parents in the education of children about their personal safety, by funding the development of child safety educational resources,

(ii) assisting young victims of crime through financial support in addition to that provided by Government agencies, and

(iii) empowering all Australians to make their own local communities safer places for children;

(c) congratulates Denise and Bruce Morcombe on their selfless and tireless work to protect children from harm and recognise their call for the establishment of a national 'Sex Offender and Child Homicide Offender Public Website', known as Daniel's Law, which would list 'the worst of the worst' child sex offenders, including those convicted of killing a child; and

(d) calls on the Federal Government to establish a working group comprising state and territory government representatives, law enforcement, child safety advocates and other relevant professionals to consider and develop solutions to issues affecting children's safety, including for example the possible viability of the establishment of such a register.

**Senator RYAN** (Victoria—Minister for Vocational Education and Skills) (12:44): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

**Senator RYAN:** The federal government is committed to protecting children from the dangers of sexual and physical exploitation and abuse wherever it may occur. Under Australia's federal system of government, the Commonwealth, states and territory governments have different areas of responsibility and child protection matters fall within the responsibility of states and territories. Discussion on advancement in ways to protect children are ongoing between state and federal authorities, and stakeholder contributions are an important part of those considerations.

Within the family law portfolio responsibilities of the Attorney-General, the Attorney-General's Department continues to work with the family law courts in the states and territories to improve the interface between the family law system and state and territory child protection systems. The purpose of this work is to promote the best interests of children and protect them from harm. The government is considering the findings of the interim report from the Family Law Council on the issue of families with complex needs, including violence, that intersect Commonwealth family law and state and territory child protection systems. The establishment of a national child protection database would be a significant undertaking from a policy, legislative and technical perspective, and would require the agreement of all jurisdictions.
Senator MOORE (Queensland) (12:45): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MOORE: Labor have the greatest respect for the Morcombe family and in particular for the ongoing wonderful work of the Daniel Morcombe Foundation. We support measures which will keep Australian children safe from abuse. However, we are not convinced that a national sex offender registry is an appropriate path forward. This proposal was already put to COAG in 2014 and was rejected by the Commonwealth and every state and territory except the Northern Territory. There are a number of concerns about such a registry, including the fact that there is no clear evidence to indicate it would reduce offending or make children safer; concerns that publication could lead to identification and further trauma of victims; concerns that publication could discourage reporting of abuse; and ongoing concerns about encouragement of vigilante action and the disruption of rehabilitation.

Question negatived.

The DEPUTY PRESIDENT: It being past 12.45, we will now proceed to government business orders of the day.

BILL

Commonwealth Electoral Amendment Bill 2016

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

At the end of the motion, add "but the Senate is of the opinion that there is a need to reform Australia's political donation system by lowering the disclosure threshold, banning foreign donations, restricting anonymous donations and preventing donation splitting to avoid disclosure".

Senator MOORE (Queensland) (12:46): Continuing on from my contribution last night on the Commonwealth Electoral Amendment Bill 2016, I was talking about the concern about the process and the division now in this place. Around the issues of the process, I was talking about the time constraint that has been placed on the decisions that this parliament will make. We have had the ongoing and very valuable work of the Joint Standing Committee on Electoral Matters, which had met over a period of months during 2014 and 2015. In fact, their last report was delivered in April 2015. However, there has been no further consideration in this place or in any committee process around changes to the electoral process for the Senate. I am not sure why that is, but I have been very clear that there did not seem to be any sense of urgency. As I said last evening, I had checked the Hansard and there was no commentary made.

However, two weeks ago in the media we found out that this was going to be an exceptionally important and urgent vote in this place to change the voting system for the Senate. Linked to that, in exactly the same media coverage, was that the government was looking to move quickly to a double dissolution because they could not get their legislation passed in the Senate. My major concern is the link between these two issues: the urgency around this electoral amendment legislation, which we have only had before us for a fortnight, and the push around the double dissolution. It is impossible not to see a link between these
two issues, and that is the point I have been trying to make in a number of my contributions in this debate.

The election of senators is an important issue. It was raised during the joint standing committee process and it has certainly been raised in the media. In terms of an ongoing consideration in this place, it has not happened. Whilst it is absolutely critical that it should happen in this place, more importantly, it should also happen in the wider community. Indeed, the roundtable discussion that was held two weeks ago on this, which was purported to be a joint standing committee inquiry into this bill, the Electoral Commission stated the importance of an education campaign in the community about any changes.

The election of senators is an important issue. It was raised during the joint standing committee process and it has certainly been raised in the media. In terms of an ongoing consideration in this place, it has not happened. Whilst it is absolutely critical that it should happen in this place, more importantly, it should also happen in the wider community. Indeed, the roundtable discussion that was held two weeks ago on this, which was purported to be a joint standing committee inquiry into this bill, the Electoral Commission stated the importance of an education campaign in the community about any changes.

The Electoral Commission made the same statement in their April 2015 recommendations, that because of the magnitude of the change and because there is already an acknowledgement that voting for the Senate is a complex issue—we know that every time we go to the polls—educating the community about the changes must be an important element in the whole process. If we have this truncation of the process, if we have a rushed process in this place to accept new legislation and compound that by having a double dissolution, there will be no time at all to have effective engagement with the wider community to explain the process and to bring them on board with the way we vote for the Senate.

I believe that this is a very serious attack on our democratic process. All the way through, from the time we actually set up this Federation, the expectation was that citizens would be involved in the electoral process. That is what is critically important for us to understand, and there will not be time for this educative process if this bill goes through and we have on top of that the double-dissolution process.

In questions and answers in the conversation around the joint standing committee report two weeks ago, the Australian Electoral Commission—as they do, as professional public servants who are well-skilled in the running of elections—said that they would be able to commit to changing their systems and holding an effective election if these changes go through in a three-month period. They would need a minimum of a three-month period to ensure that the programs are tested and that there could be an effective electoral process. That was for the basic processes of making sure the computer systems work, making sure the counting system works and making sure that they have the appropriate documentation. That did not include any consideration of the range of electoral education that must be considered when we are looking at such a significant change in the way our electoral rules operate.

I am on record as saying there needs to be much more community education around our electoral processes—in a standard way, let alone in terms of what would happen when we are having such a major change. Any of us who have survived the process of a double-dissolution vote—I am not talking about whether we survive the actual election; I am talking about when we actually go to the polls to vote—understand the complexity of having to vote for 12 senators and to understand exactly how that operates. As I said earlier, my major concern around what has occurred is that I think we have made an attack on effective process around something that should receive much more consideration and engagement with a whole range of people who would need to be involved. Also, the outcome is one where I think people who have a purely political motive—and we understand that is a reality—have constructed a process to get the outcome whilst not understanding the elements of process that should be put forward.
I wish to foreshadow a second reading amendment which has been circulated in the chamber. That is for debate at a future time, but I just wanted to foreshadow that I will be moving an amendment, which is on sheet 7892. In terms of where we will go, I feel absolutely certain there will be more opportunities as we go on to have further discussion around a whole range of issues. But, moving right aside from the interactions we have been having in this chamber about who is moving what and why, I think we should take the time to take a very close look at whether this change will have impacts into the future which have not been considered up until now. If there had been the appropriate time given for full consideration to this bill, there would have been a greater chance for more involvement by people in the community, people who have an understanding of the system. Rather than having this debate in the media—which seems to be the chosen method of this government, to have exchange of information and communication through the media—we could have had more effective time for feedback on the kinds of information and data that we as senators should have before casting a vote on such a significant issue.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (12:56): I thank all my colleagues who have made such informative contributions over the last few hours, yesterday and ongoing through the evening. I come to this debate with a mixture of frustration, anger and sadness—frustration that genuine reform of Senate voting procedures was possible and that we could have addressed some of the somewhat overblown concerns that were discussed over the last few years and found a way to ameliorate some of those concerns without having to engage in parties rotting the voting system into the future for their own benefit. We could have solved this if those who were involved had been prepared not to stick to a deal they did years ago on the parliamentary committee—which did not have the support of the Labor Party and never had the support of the Labor Party at any stage, ever. The federal parliamentary Labor Party determines the position of the senators in this chamber, not the national secretary. The federal parliamentary caucus determines this position, not the national secretary or any individual spokesman. Only the federal parliamentary Labor Party determines the position on this floor as guidance for the senators in this chamber. Nobody is above that, no matter how passionate they are on an issue.

I was prepared to put my position to the floor of the caucus any and every time over the last 2½ years—any and every time. And I promise you: the outcome would have been exactly what it is today, at any time this had ever been put to people—any time whatsoever, because this is a deal that was put together for the sole purpose of eradicating minor parties and Independents to the benefit of the Liberal-National coalition and the Greens.

Ironically, because they struggle to walk and chew gum, they did not actually envisage the prospect of a double-D, so I will wave sadly goodbye to a couple of Greens senators who will not be coming back after the double-D is called on 11 May. But sometimes you get a bit of justice in politics, and that day will be justice, because you are consigning some of your own colleagues to oblivion. You will be okay, but we all know what was really driving you.

The tantrums that I have witnessed—the sense of entitlement that now surrounds the Greens senators—I find extraordinary. But it is not just you. Senator Xenophon says, 'I got 1.7 quotas and I should have got two senators.' No, Senator. To get two senators you have to get two quotas, and, if everybody else in the system decided they were not going to preference you because they did not want you to get two senators, guess what: that is called democracy.
I have seen some pretty ugly references to Senator Muir recently: a disgrace to the Senate and the parliament. Frankly—and I am happy to say this in front of Senator Muir, who happens to be here—he is probably the most normal person that has been elected to this parliament in a long, long time.

**Senator Cameron:** Oh, me?

**Senator CONROY:** No, Doug, not you. No, Senator Cameron, not you. But Senator Muir is probably the most normal Australian to have been elected to this chamber in a long time. I would have preferred a third Labor senator—apologies, Senator Muir—but I do not find it a disgrace that Senator Muir got elected. I accept there is some criticism of the voting system that could have been reformed without ever coming to a position where a normal person like Senator Muir could never get elected to this parliament. The Greens are perpetrating this atrocity. This absolute travesty of democracy, where they devised a system where 3.4 million Australians will have no say about the make-up of this chamber, is an absolute disgrace.

I am frustrated. I keep seeing members of parliament and senators saying they are sad about what has happened and about the Labor Party position. Let me say again: I am sad that 3.4 million Australians are going to be locked out of representation. What is really sad is the dishonesty. I have sat as national secretaries, federal directors or senior politicians have said, 'We don't know what's going to happen as a result of these reforms.' The national secretary—or the equivalent, the federal director—of the Liberal Party does not know what is going to happen! Senior frontbenchers say, 'Oh, I don't know what's going to happen; it's the will of the people.' How dishonest can you be? Everybody else has stood up and said this bill is designed to eradicate the crossbenchers. I do not know how much blunter it could be. You should have just written 'eradication of crossbench senators' as the title of the bill. You could not be more obvious. You could not be more blatant.

Then you have some of the key people like Senator Rhiannon and some of the key people who have been on the parliamentary committee—senior figures who have spent their entire lives maximising the vote for their party—who say, 'I have no idea what the outcome of this is going to be.' Even key, important commentators have been dishonest in their representation of what this particular alleged reform will do in terms of the outcome. The only thing that came out of that farce of a parliamentary inquiry that the Greens and the government foisted on us was that finally Antony Green was forced to confess that, yes, there was a strong chance that the coalition could get 38 or more seats in a double-D or a halfSenate election. He finally confessed it. I looked at it for 30 seconds when I saw the first proposal and said, 'This can deliver 38 senators for the coalition and 12 senators for the Greens.'

They know it. They just do not want to admit it, because then it will be seen for what it is: a rort that is about denying the opportunity for ordinary Australians to get elected to parliament. It is a total rort. It is not a reform; it is a bill where the Greens say: 'We're pulling up the drawbridge. We're sick of those nasty minor parties that won't give us any preferences because they don't agree with us.' Watching Senator Rhiannon attack Glenn Druery at the committee was comical, as they traded blows about what happened in the year 2000 and why you would not give us preferences in this year and what happened in this state election. Goodness me! What a tantrum from the Greens. What a tantrum from Senator Xenophon. What a sense of entitlement.
That is the thing I really find offensive about the position being advocated by the Greens: they pretend that it is not going to get them more senators in a half-Senate election—so don't let them come back in here and say, 'Oh, one minute you're saying you're winning and one minute you're saying we're losing.' There are two very different scenarios. The fact they were too stupid to work out the government were actually planning a double-D to use the new legislation is a matter for the black Wiggle to explain to the people of Australia. I mean, seriously!

So I find extraordinary the sense of entitlement from those who are voting for this—that they are entitled to Senate positions. Senator Rhiannon is so offended by what happened in the last New South Wales Senate vote—the prospect that she might not win her seat. Oh, my goodness! We cannot possibly have a vote of the New South Wales people and make sure everyone's preferences are taken into account!

You have to admire it. Tony Abbott has left the prime ministership, but the spirit of the Abbott slogan lives on: 'We're going to give the people of Australia control of their preferences, because it's wrong the other way.' We will not tell them that 25 per cent of them will not be counted at all because they are going to exhaust. We will not tell them that what we are actually doing is introducing a radical package which will disenfranchise 25 per cent of Australians who I wish voted for the Labor Party but who do not vote for the Labor Party, the coalition, the Greens or Senator Xenophon. Apparently the way to fix that is to disenfranchise them.

Let us take away their rights to cast a preference below the line, 1 to however many, or to vote above the line. It is all about those nasty backroom deals. You are such hypocrites. I have spent years pseudonegotiating with your backroom boys through various committees. You have been in the preference deal arrangements for years. You yourself, Senator Rhiannon, have engaged in practices to get yourself elected into the New South Wales state election and the federal election. They are the very things you are now attacking. You are guiltier than Glenn Druery for your behaviour, the very behaviour you have been attacking, and you are now so mortified and opposed to. You have been engaging in it for years and you never thought it was wrong until all of a sudden, you worked out: 'Oh my goodness, no-one wants to give us a presence. The best way to fix that is to disenfranchise 25 per cent of Australians who vote in the Senate.' What a lousy argument.

But, no, we will just keep saying over and over again, Tony Abbott style: 'We've got to stop the backroom boys. We've got to stop the factional deals.' You have been in the middle of them. At least say backroom boys and girls, because you have been in the room. For goodness sake, what a hypocrite! I expect the coalition to always rort the system to try and make it as favourable to the coalition as possible. I expect that. I do not even bother to waste my breath on you. It is standard operating procedure—'Whatever we have to do to win, we will do'—block supply, bring down the Prime Minister and knock over any convention, all of it.

Government senators interjecting—

Senator CONROY: No. I am talking about one from the opposite party when they were Prime Minister and you were the opposition. It is 1975 I am talking about. Okay. Let us be clear. There is no convention to trust you to keep up. I respect that. I do not like it. I do not agree with it, but at least I am prepared to accept it is standard operating procedure.
Senator CONROY: I know you would prefer me not to mention you. I know you are cheering me on, because she is not going to kick to the kerb. At 12 o'clock tomorrow they are going to kick you to the kerb. I am disgusted by you. They despise you. They are going to laugh all the way to the double-D and wave a couple of you goodbye. They will say, 'Well, you voted for it, idiots.'

It would be laughable if it was not so fundamentally wrong. I have seen a speech this morning that says, 'The only way the Libs can get 38 is if the people of Australia vote for it.' That is not true under this system. That is the point. Seventy-five per cent of people will vote for a particular main party and 25 per cent will get nothing. The 25 per cent will not have voted. Their votes would have been exhausted, cast aside and eliminated by this legislation, and that is what gives those opposite 38 in the future. That does it and not the way the people of Australia vote.

When those dishonest people give speeches saying the only way the Liberals and Nationals can get 38 is by the will of the people, that is not true. That is so dishonest from some people who spent their entire lives harvesting votes for the Labor Party that it beggars belief for the dishonesty that you could stand up in public and say that. And then, when you ask a serious question, what happens? You go, 'Oh, I don’t know.' How can you take someone seriously, who actually says, 'I am proposing this voting change and I don’t know what the outcome is,' when their spent their entire lives harvesting votes, doing preference deals, maximising the Labor Party's vote at every single election and then suddenly say, 'I don’t know what the outcome is going to be'?

Anyone who has a modicum of understanding of quota preferential voting fully understands the game, the scam and the rort being polled by those opposite and the Greens. You have put all political principle and your own platform aside for a filthy deal that you thought would get you 12 votes, 12 green bums on seats, because you are entitled to them. The people of Australia decide who comes here. There is no sense of entitlement. They do not owe us anything. If I get elected, I consider it an absolute privilege to be here. I do not believe I am entitled to be here, unlike those in that crossbench now, who think they are entitled to red leather under their bums. That is what this is about down that end of the—oh please!

Senator McGrath: Mr Deputy President, on a point of order: what about bottom? I think bottom may be more parliamentary. I prefer bottoms rather than bums!

The ACTING DEPUTY PRESIDENT (Senator Seselja): Thank you, Senator McGrath.

Senator Cameron: Mr Deputy President, on a point of order: I have been in Australia long enough to know what bums means. Bottom is a Pommy thing, and I know you have been there. I know you got thrown out. But bums is okay!

The ACTING DEPUTY PRESIDENT: I do not think I will buy that. Senator Conroy, proceed.

Senator CONROY: What I find dishonest about the argument that has been put forward is that they stank before you. Senator Muir, how many votes did you get?

Senator Muir: I got 17,000.
Senator CONROY: Senator Muir, do you know how many votes I got to be elected to the Senate of Australia? I got 1,472—what a disgrace I am! I am even a bigger disgrace than you! I am about one-sixteenth of a disgrace to you or bigger disgrace than you, because it is okay for a party to pass a preference down its ticket. It is okay for two parties to come together to pass their votes between each other if you call yourself coalition. National Party, Liberal Party—they can pass preferences to each other. That is okay. What is absolutely wrong is the Australian Motoring Enthusiast Party passing its preferences to the Liberal Democratic Party! That is wrong. The Greens have been trying to pass their preferences from their No. 1 candidate to their No. 2 candidate. It is not going to work for them, because they are not going to get enough votes. But it is okay to pass preferences of Senator Rhiannon to the No. 2 on the Greens ticket and from Senator Ludlam, with that huge vote that he got last time, pass it down to his No. 2. That is okay. But Senator Muir, how dare you give a preference to the Jacqui Lambie Party, or the Glenn Lazarus party or the Liberal Democrats or Family First?

How dare you! What an affront to democracy! But it is okay for the Liberals to give votes to the Nationals. That is okay! But you are a disgrace! You are a disgrace to this parliament, Senator Muir! How dare you actually want to engage in a preference arrangement with another political party? You could form a coalition and that would be okay—okay? That is fine.

What hypocrisy! If you want to deal with pop-up parties and if you want to deal with some of the other complaints about the system, there are better ways to do it than this. Much better ways. But you are obstinate, you refuse to discuss it and you are committed to only one path because you knew it maximised the political benefit to yourselves. And that is what is so frustrating, disappointing and sad. You are going to pull a rort on the people of Australia—pull a rort!—because you think you are entitled to have your bums on red leather.

Ultimately, the Australian people will work you out. That is the great thing about democracy in this country: ultimately, the punters on the street work out the scams, the rorts and the frauds. And they work out those who pretend they are interested in democracy and will mark you down accordingly. They know a filthy deal that gives the coalition a ‘blocking majority’, as I call it—38 votes. But you do not care. No principle and no policy can pass without the permission of those opposite. No future environmental gains or social justice gains—any of that: it all goes out the window so you can get your bum on your seat for New South Wales in the Senate, Senator Rhiannon. You should be ashamed of yourself.

There are fairer ways to fix this. There are much more democratic ways to fix this. But at the end of the day, 25 per cent of Australians will be disenfranchised by this vote—25 per cent! There will be 3.4 million Australians who have their ballot papers put in the bin. They will have no say about who is elected to this chamber because of the filthy deal that Senator Rhiannon has orchestrated on behalf of the 'Black Wiggle' and his friends, and they are too obstinate to admit that they have made a mistake. There is still time, but I do not think they have the fortitude or the backbone to stand up for what is right. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Seselja): I would just remind senators to refer to other senators by their correct titles.

Senator McEWEN (South Australia—Opposition Whip in the Senate) (13:17): I too would like to contribute to the debate on the Commonwealth Electoral Amendment Bill 2016. This is a bill which has been rushed through the parliament committee scrutiny processes so
that the Prime Minister can call a double dissolution election, knowing that he has manipulated the way senators are elected and so that the current crossbench of this Senate will be wiped out and the Liberal-National coalition will gain eventual total control of the Australian Senate.

That is what this is about. The motivation of the government in bringing this bill on is to achieve lasting electoral dominance in the Senate for the conservative parties—the big Liberal and National parties, who want to destroy Medicare, who hate public education, who do not believe in climate change, who want to slash workers’ superannuation, who despise working people and want to destroy their working conditions and who want to make higher education unaffordable for ordinary Australian families. They are the parties that oppose everything that is fundamental and fair and which is decent policy—policy which has been worked on and fought for by the Labor Party for over 100 years.

Complicit with the government in this deal to disenfranchise Australian voters and to install majority conservative governments is the Greens party. Senator Di Natale, the leader of the Greens, and his ragtag band of hangers on are up to their necks in this, because some of them will find it easier to get elected—some of them. In his desperate desire to be more than just a page 90 fashion shoot in GQ magazine, Senator Di Natale has decided to shelve any principles that he may have had and to shelve the principled stance of the Greens leaders before him, Senators Bob Brown and Christine Milne, who were principled—most times—when it came to dealing with the hard right of Australian politics. The Greens today, though, are all sanctimony, all spin and no spine at all. They are self interested—as are, indeed, the coalition.

This bill is of great significance to all Australians, that is why the Labor Party will scrutinise the bill extensively in the coming debate on it. The bill fundamentally changes how Australians elect the Senate. If it is successful in this place, it changes an electoral system that has been in place for 30 years. It does that by introducing optional preferential above-the-line voting for the Senate by numbering at least six boxes. It introduces a limited savings provision to ensure that a ballot is still formal where the voter has numbered one, or fewer than six boxes, above the line. It abolishes group and individual voting tickets. It introduces a restriction to prevent individuals holding relevant official positions in multiple parties and it also deals with the matter of parties having a logo on the ballot paper.

These are significant changes—big changes—and so this bill should have the opportunity to be properly scrutinised by the appropriate committee of the parliament. And it should be properly scrutinised by the Senate, because, rightly, most Australians think of the Senate as the house of review and expect senators here to review legislation—particularly significant legislation like this.

That is why the Labor senators are critical of the disgraceful so-called 'committee process' that the coalition and Greens pretend was a process of scrutiny and consideration. Just to go back a step: the coalition claims that the bill reflects the findings of the Joint Standing Committee on Electoral Matters of the parliament, which conducted an inquiry subsequent to the 2013 election. That inquiry was finalised last year. Despite claims by the government that this bill implements the findings of that joint standing committee of the federal parliament, the bill does not.
The bill includes new matters, and for that reason Labor insisted the current bill again be scrutinised by the Joint Standing Committee on Electoral Matters—a very well-regarded committee, not just within this parliament but also around the world. But that scrutiny process proved to be a complete farce. It minimised the scrutiny of the bill. It was an attempt by the government and the Greens, working together, to pull the wool over the eyes of all Australians.

The committee—the JSCEM, as we call it here—received 107 submissions on this bill from a range of interested parties in Australia, and, of those 100-plus submissions, only eight people were called forward to appear before the JSCEM when it had its public hearing into this significant bill. That hearing lasted 4½ hours. Labor senators were then advised at 9.40 pm, in the evening after that truncated hearing, that the committee's draft report was available for them to have a look at. That was a matter of hours. It just indicated to everybody in the Labor Party that the report had basically already been written before the hearing had been held. Then Labor senators were given until eight o'clock the following morning to provide dissenting reports. Here was a draft report on the most significant change to Australia's electoral system in 30 years, and Labor senators had overnight to have a look at it and to provide dissenting comments. It was a farcical process.

At the hearing itself, which most of us watched, as it was broadcast here—it was well attended, of course, by the crossbench senators—people were shut off, unable to ask questions and not given time to fully explore the issues that they wanted to explore and should have been given the opportunity to explore in that committee hearing. There is no way that a bill like this can be properly scrutinised with only one public hearing that lasts just over four hours. The alleged scrutiny process also did not allow time for people to put in significant, considered submissions, but we thank the people who did put in submissions.

What was the rush? Why couldn't the committee have had longer to consider this bill, which I understand from evidence at that committee hearing was concocted by the coalition, probably in consultation with the Greens, without any input from the Electoral Commission? That is the Electoral Commission that works out the electoral system in this country and applies it. It is because, as I said before, this Prime Minister wants to set up a double-dissolution election and wipe out the crossbench. He wants to wipe them out because neither he nor the Prime Minister before him, Mr Abbott, has been able to work effectively with the crossbench. There have been two coalition governments, the Abbott and the Turnbull governments, and neither figured out how to negotiate successfully with the crossbench. And neither figured out that, if their legislation was not passing the Senate, it was not because the crossbench were being recalcitrant and not because Labor were the bad guys; it was because the legislation itself was bad and should not have been supported. But, instead of devising legislation that would pass the Senate, out comes the double-dissolution sledgehammer and the electoral reform that goes with it.

Labor have always said that we are willing to look at some type of electoral reform. We know that the system is not perfect, and we acknowledge that there are limited concerns about aspects of the Senate election process. Anybody who has been confronted in the Senate voting booth with those massive ballot papers—70 or more candidates to vote for if you wish to vote below the line—knows it is very difficult without spoiling your vote. But we are not convinced that this bill is the way forward.
Australian voters have spent 30 years voting 1 above the line. At the 2013 federal election, more than 96 per cent of Australians voted that way. Following that election, we did see more Independent and microparty senators take a seat in this place. As much as the government hates that, that is democracy in action. That is how it is. That is how the Australian parliament was elected. It is not unusual for the government of the day not to have the numbers in the federal parliament. It is not unusual. In fact, having the numbers is rare, and it has only happened twice in history. In the most recent instance where a coalition government had the numbers in the Senate, it ended very, very badly for that coalition government because the people of Australia do not like one party to have control of the Senate.

The legislation is probably the most self-serving piece of legislation to come into this place in recent memory. As I said, it was primarily concocted by the government to serve the interests of the government, to seize control of this place.

You have to ask: what are the Greens getting for this deal with the coalition? I laughed out loud when I read that Senator Mathias Cormann had appeared on Sky News and had denied that he had considered the impact of this legislation on the preference deals that his party is doing with the Greens. I had to laugh. He outright rejected suggestions that the government had considered how this legislation might benefit the government at the expense of the opposition. With a straight face, he said his 'simple objective' was 'to ensure that the Australian people have the opportunity to direct' what happens to their preferences and who is elected to the Senate. But we all know that the principal beneficiary of this new voting system will be his party, the Liberal Party.

The bill is designed to exhaust preferences early to deprive Independents and the so-called microparties like the Motoring Enthusiast Party, which my senatorial colleague Senator Muir represents—he will soon speak on this bill—of votes so that senators like Senator Muir do not get elected. We all know that preference negotiations and lower house deals between the Greens and the coalition are at the heart of the changes. The idea that Senator Cormann, a senior cabinet minister, has not given any consideration to the impact of the bill in the context of preference deals with the Greens is laughable.

As I said, the current Australian Senate electoral system has been in place since 1983. Back then the newly elected Labor government removed a number of constrictions that had impacted past elections, and we established the Joint Standing Committee on Electoral Reform, now called the Joint Standing Committee on Electoral Matters.

That committee, when it is treated with respect and is allowed to do its work properly, has given rise to significant changes to Australia's voting system such as printing of party affiliations on the ballot paper; the introduction of party financing laws; and the creation of the independent Australian Electoral Commission.

Consequently, the Electoral Commission has worked closely with the committee to maintain an effective implementation of the will of the parliament in the electoral field. However, that close collaboration was not seen in the creation of this bill and in the parliamentary scrutiny process that should have been applied to this bill through the JCSEM process.

We know that at the last federal election we saw record levels of support for minor parties and independents in both the House and Senate. Support for non-major party candidates
reached 21.1 per cent in the other place, representing more than one in five votes; and, in this place, support for non-major party candidates soared, reaching over 32 per cent.

Non-major party support in the Senate has always been greater than in the House of Representatives, but the 2013 record surpassed the results of the 2010 election as well as the 1998 election when 25 per cent of the vote was received by the One Nation Party. But minor and party independent support has been above 19 per cent in the Senate for every election since 1996. It challenges us in the Labor Party as to why that increase in support for minor parties and independents is so.

I think it indicates that Australians are dissatisfied to some extent with their political representation—and it was blindingly obvious in the 2013 Senate result. However, Labor Senators do not think that addressing the issue should be by manipulating the Senate election system. It should not attempt to be remedied by changing the rules to make it harder for independent and minor parties to join the Senate and, importantly, making it easier for the conservatives to seize complete control of the Senate. That is why we continue to say that we will look at sensible Senate reform but we will not consider, we will not contemplate and we will not support this reform before this parliament, because it is intended to implement the potential for Prime Minister Turnbull to go to a double-dissolution election and wipe out the Senate crossbench that was elected in the 2013 federal election.

There is an opportunity here though, while we are addressing electoral reform, to make some positive changes, and the Labor Party has proposed some amendments to deal with that. Those amendments go to the issue of political donation laws. I have been in this place for a while and I know that Labor has attempted many times to change the laws regarding transparency and accountability for political donations. My former well-regarded senatorial colleague Senator John Faulkner was passionate about this, but his electoral reform in this regard could not pass the Senate: it was thwarted by the Senate and opposed by the conservative parties opposite.

So Labor will move some more amendments to this particular piece of legislation to lower the disclosure threshold for political donations from $10,000 to $1000; ban foreign donations; restrict anonymous donations; and prevent donation splitting to avoid disclosure. It is essential for the purposes of transparency in our political donation system that the information about who is making donations to political parties and members of parliament should be publicly available—and lower levels of political donations—otherwise the political donation system can be gamed.

I look forward to seeing how the sanctimonious Greens and Senator Xenophon vote on those amendments. Both of them like to put themselves forward as paragons of virtue when it comes to political donations—however, we know that both the Greens and Senator Xenophon have been recipients of corporate donations. I would hope that they will support Labor's amendments.

Talking about amendments to this legislation, I note there is a raft of amendments from the government to its own legislation—and that is a factor of the way this legislation was cobbled together, and concocted by the Prime Minister, to facilitate a double-dissolution election without regard for due parliamentary process. If there had been proper parliamentary scrutiny on this legislation, then we would not be in a situation where the government was having to
amend its own bill, because—shock, horror—’We examined it in such a rush that now we’ve found that there are mistakes in it.’

You should always have a scrutiny process for such significant pieces of legislation—especially one that fundamentally changes the way the Senate of the Australian parliament is elected—to avoid a situation where the government is going to have to come in and say, ‘Oh my God: we’ve made a mistake. Here are some amendments.’ It will just delay the process but, nevertheless, Labor will take the opportunity in the committee stage, which the government has brought upon itself, to examine in forensic detail the implications of this legislation for the future of the Australian Senate and the ability for people from beyond the major parties to put themselves forward for election; and for the Australian public to have the opportunity to vote for crossbench senators, micro and smaller parties, if that is their wish.

It is incumbent upon the major parties, if we are disturbed about the amount of the Senate votes that are going to crossbench and minor parties, to examine our own policies to understand why that is the case. It is not up to us to support this appalling retrograde legislation that will deny the voters of Australia the right to choose who they want to represent them in the Senate. It is not up to us to support this legislation that will fundamentally change the Senate in Australia, enshrine dominance by governments like the Turnbull and the Abbott governments—like all of the coalition governments, all of the conservative governments—and then wreak havoc upon the fairness and the dignity of the Australian community.

Senator MUIR (Victoria) (13:37): I rise to contribute to the debate on the Commonwealth Electoral Amendment Bill 2016. You will have to forgive the speed at which I am speaking because I have a lot to say and not enough time to do it. Firstly, I would like to acknowledge the ALP’s contribution to this debate, noting the possible impacts of this legislation in the future and highlighting that even the government has got amendments at the last minute. It goes to show how great this process has been. I commend you for your support of the crossbench and the 25 per cent of voters who are choosing to vote outside of Labor, Liberal, the Nationals and the Greens, who are the instigators of all of this.

My election is largely used as justification for this bill being presented to the parliament. To quote some of the rhetoric, 'It is undemocratic that somebody can be elected on 0.51 per cent of a quota.' This is a commonly used statement. Those who preach this forget that to be elected I had to receive 14.5 per cent of the vote. As it turns out, I did not get elected on 479 votes below the line nor on 17,122 votes above the line but on 483,076 votes after receiving preferences. I started gathering preferences after receiving 0.51 per cent—the common number that gets spread around. These are the exact same rules which the major parties play by and have used to their advantage for 32 years.

In the current make-up of the Senate there are 13 senators who received significantly less of a primary vote than I did—as low as 0.01 per cent before receiving preferences and ending up being elected at the required 14.5 per cent. Nobody is speaking about that of course because it does not suit the agenda. It seems that this bit of information is regularly missing in this debate. Why? Because it highlights exactly how the major parties and the Greens have been using this system to their advantage and pulling the wool over the eyes of voters for 32 years.
I might be called the accidental senator but I am a duly-elected Australian senator nevertheless. I was elected under the rules that have served this country well for 32 years. What is different now is that the minor parties have figured out how to use the rules the exact same way the major parties do and have levelled the playing field by doing just that. If minor parties had been directing their preferences to the major parties or the Greens above other minor parties, we would not be having this debate because they would still be the beneficiaries of the system designed by them to benefit them 32 years ago.

The reality is that one in four voters have become unimpressed with the way they have been represented—or, in reality, unrepresented—by the major parties and the Greens. They are looking elsewhere and that is the only way minor parties are receiving enough votes to stay in the game. If the major parties were passing the pub test by the voters, I would still be blissfully disenfranchised of politics while milking timber in country Victoria.

I note that in Senator Back's contribution to this debate he made some good points in relation to the need for some form of electoral reform. I am not actually saying that things need to or have to stay as they are. I am opposing the so-called reform in its current form as it strips democracy from the people and empowers certain parties. Senator Back quoted section 7 of the Australian Constitution, which highlights that parliamentarians should be elected directly by the people. Senator Back, I agree. Where is the debate about removing above-the-line voting, which encourages party voting and internal party preferences? On Senator Back's assessment, why are we not encouraging below-the-line candidate based voting?

Senator Rice interjecting—

Senator MUIR: I am going to ignore the interjection. It would seem that this would not benefit the majors, so why was it not even discussed by the Joint Standing Committee on Electoral Matters? Either that or this is more evidence that, even with this so-called committee oversight, it was missed by the major party political geniuses. This is more reason why I am calling for a proper process in relation to this bill, not just the Greens claiming that, because they have been discussing a topic for 10 years, the first bill proposed should be rammed through parliament, gagging important debate and oversight on the issue. This just highlights that there is something to hide and they are treating the public of Australia with contempt.

This deal has shown how those who have opposing ideologies sometimes unite around a common cause, albeit a dirty cause this time. The deal between the government and the Greens has shown how these differences of opinion are put aside to unite around a common—yet misguided in this case—view so much so that the government will not discuss its own Australian Building and Construction Commission legislation, which the government has been publicly saying is the most important legislation it needs to present to the parliament. More to that, the Greens have proven that opposing parties will work together on common issues to the extent of opposing their own legislation in relation to marriage equality, twice in one week, and their bill to allow landholders the right to refuse gas and coalmining on their land.

So much for this rubbish that when you vote for a minor party you may get someone who does not have the same values as who you voted for. It appears that it is okay to vote for the Greens and get the LNP, or vote for the LNP and get the Greens. It seems that the government is happy to let the Greens steer their direction while the LNP are now the ones lost in the
This bill, this debate, is all based around the argument about the need to remove individual and group-voting tickets. Those supporting the removal of group-voting tickets have followed this approach to ensure that these changes are passed in the Senate. Let us think about this for a moment. Let us consider what these parties from opposite sides of politics have done. They have done the exact thing the minor parties did with their group-voting ticket negotiations at the last election. The minor parties from opposing ideologies united around a common cause. That cause was to save the Australian Senate—save the Senate from being either a rubber stamp for the government or a tool of hostile opposition for opposition's sake. Engaged minor party voters agreed, with around one in four voters choosing to vote against the coalition, Labor or the Greens. They trusted their preferred political party to negotiate in their interests. The voters put forward their voice. The voters wanted something different in the Senate. If you consider for a moment that the concept is around minor parties and their supporters uniting against the established major parties and the Greens then this is what the results delivered. But somehow all of a sudden, when the established major parties and the Greens are challenged, the rules are wrong. All of a sudden, the media is enlisted to whip up voter outrage—and don't I know it. How dare minor parties put their political ideology aside to unite! That is only allowed if you are the Liberal or National Party member, Senator Xenophon or the Greens. How dare they pass their preferences amongst themselves to get a political outcome at the expense of the established parties! So what do those with the most to lose do? They unite against the minor parties and Independents to effectively try to wipe them out. Votes will exhaust. Same process, different deals—that is politics, it seems.

The Australian Motoring Enthusiast Party and others worked within the rules, and I make no apology for that. This resulted in me being elected on a full quota of near half a million votes—votes not directed to any of the major parties. These are the rules the major parties were happy with so long as their minor party cousins did not break ranks and continued to funnel their preferences to the majors.

One thing the minor parties have done is keep both the government and opposition accountable during this parliamentary term. They highlight the failings of both sides of politics in this house of review. The government has to win over a diversity of views in the Senate, something that is easily possible if you negotiate and communicate. The government claim that this makes things hard for them. The government are forced to keep up the spin during their whole term, rather than just at the end of it. As a result, the government are accountable during the whole parliamentary term rather than afterwards like they are used to.

This government has failed to be agile and has struggled to adapt. The government has struggled to understand the concepts of negotiation and consultation. The fact of the matter is the government does not have a clue how to deal with the crossbench nor has it any desire to listen to the voices of the people. We saw that with ex-Prime Minister Abbott and we see it still today with Prime Minister Turnbull. I, like others, had very high hopes that Prime
Minister Turnbull actually understood. He talked the talk but, for some reason, cannot walk the walk, unless, of course, there is a 'selfie' involved.

I do not attack like this too often. I am generally against political tit-for-tat and am quite vocal about that; however, I feel justified in highlighting the failings of a government and a Prime Minister who have failed to live up to expectations, especially when I am often told by members of the public how I have grown into the role and how they are pleased with my performance. Now that the Prime Minister's failings are starting to show, he wants to divert attention away from myself and my crossbench colleagues completely by attempting to have us removed. He wants to do this with threats and coercion—all the things, ironically, that he seeks to remove from the construction industry. I would always rather play the ball and not the man. It is a shame the Prime Minister of this great country is not willing to do the same.

I will also direct some comments towards the Greens. To their credit, they have adapted. For most of this parliament, they had simply been an irrelevant, minor-party opposition voting bloc on most issues. They began this parliament unwilling to compromise, unwilling to negotiate, and, as a result, would have rather seen children left in detention on Christmas Island. Thankfully, I was able to negotiate and have them removed, even if the process took a bit longer than I expected. I suppose if these issues are actually resolved, it is hard for the Greens to go to an election and gather votes by promising to reach a resolution for these innocent, desperate, vulnerable people—thank God we have a diverse crossbench.

Raising false hope, with complete disregard to how it will affect those it is aimed at, through motions which the Greens know will not get up is a disgusting tactic that needs to be called out. What we see now, however, under the new leadership of Senator Di Natale, is a senator who is actually willing to negotiate and play for the middle. So the Greens are now doing what minor parties have been accused of doing—that is, working with each other from opposite sides of the political spectrum. What worries me is that Senator Di Natale is effectively trying to trick that middle-ground swinging voter to vote for the Greens at the expense of their grassroots supporters, not because he actually wants to represent the middle ground but so that the Greens might increase their power and influence. So finally, under new Greens leadership, they have been able to return to the table and actually become a non-government force. The price for this shift towards the middle is yet to be paid by the Greens, so we will have to wait and see how that plays out.

Let us now turn to the bill itself. Put simply, the bill is rushed and the bill is flawed. The bill fails to address many of the issues introduced by above-the-line voting. We have already established this bill has been introduced to benefit political operatives rather than the people of Australia. I have highlighted many of these concerns in my 30-page dissenting committee report. I encourage voters to read it. I have publically spoken about the token sham process in which this bill has been introduced. The below-the-line omission from the legislation was, it seems, an intentional flaw. It was done to make it appear that the committee process actually found something. It was done so that it would appear that consultation had taken place. I think it was also done so the Greens could run around and crow about yet another fake achievement. I find it very hard to believe, with the seasoned politicians who put this bill together, with all the legal advice that was sought when drafting the bill, that this omission was not intentional. They insult our intelligence, and that of all Australians, thinking that we would fall for such an obvious trick.
The government would continue to insult our intelligence by thinking that Australians are unable to count to twelve. Why would we accept the marking of six boxes below the line to record a formal vote when the minimum is 12 is beyond me. If the majority of Australians are not able to count to 12, and we have to make it easier by allowing a 50 per cent pass mark to cast a vote then I think that screams volumes about the various governments’ leadership in education over the years.

Above-the-line voting has turned a pure candidate based system into one where people are voting for a party and not for the candidate. We often hear complaints about the ballot paper and the amount of microparties that form. Nobody is talking about how the number of Independent candidates has declined over the years. Has anyone bothered to consider that these are symptoms of the same problem? That problem is above-the-line voting. Above-the-line voting was designed to allow for the use of group or individual voting tickets. If we are to scrap these then perhaps we should scrap above-the-line altogether. All we need to do is simply make it easier to cast a formal vote. Knowing that political self-interest always wins ahead of the interests of the people, I have quickly given up on this approach to reform.

So how can we make this butchered system better? For a start, let's actually give all preferences back to the voter, not just the preferences exchanged between political parties. Stop saying that this is the intention of these so-called reforms publically, but then presenting a bill which does not do this. I would also like to see the preferences exchanged within a party group go back to the voter. But if we did that then the major parties would oppose it. Why? Because they would no longer be able to help out a mate who otherwise be a dud candidate. That dud candidate can currently be dropped into the first spot on the ticket. For a candidate to shine above the others, they would need to actually be a candidate of quality. But that would make them accountable to the voters and take power away from the party hacks that put them there. Well, I say, 'Let the people choose.' They can make that choice at the ballot box by voting below-the-line for that candidate.

The problem is that they are not going to do so unless they are encouraged to do so. There is a way to encourage this engagement between candidate and voter by encouraging below-the-line voting. We have established, however, that this will only be done if it is in their self-interest and not the interest of the voter. We will need to make them work for their vote. This could be achieved by rotating the order of groups on the ballot paper. This system of rotation is known as the Robson rotation, and it is used in the Hare-Clarke system that exists already in some of the Australian elections. This will mean that those parachuted in by party hacks will have to get out there and work for their vote. Other candidates in the other spaces on the ticket would have a fighting chance to build a strong local following and earn their seat. This encourages accountability over self-interest.

I should, however, return to the issue of the rise of microparties and the fall of the Independent candidates. Once this bill is passed, it will be impossible for any ungrouped Independent candidate to be represented above the line. Let us consider that for a moment. Around 97 per cent of votes are cast above the line. This bill fails to allow all candidates to be represented above the line. Only grouped, party based candidates are able to access this pool of votes—that is, unless two Independents group together on a ticket, they are not able to be represented above the line. So we have just doubled the number of candidates that will now appear below the line. It is no wonder that people are voting above the line.
To stand a chance, an Independent needs to group above the line for just one available seat. In order to group together, each member of a group must gather 100 different nominators in the state they are nominated in. That is a lot of work for just one seat that will be declared via preferences.

Now consider what you need to do to register a political party when you can centrally nominate. You only need to gather 500 signatures from all over the country. You can then run as many candidates as you like, in whatever state you like, without having to demonstrate any local support at all. You can be a resident of Victoria and run in Western Australia when you are in a political party. If you are in a team of two Independents, you have to have 200 local nominators in that state in order to run. This bill does nothing to address this. Why? Because it means that the political parties would have to work a little bit harder.

If I had been invited to be part of a genuine reform process, my focus would have been on restoring accountability between a candidate and the voter. I would have sought to address all the problems that above-the-line voting has introduced into the system, not just change the rules around the ones that the established major parties, Senator Xenophon and the Greens find to be a threat to themselves. Most importantly, I would have made the system fair again so that small political groups did not need to form a political party just to have a chance. I would have made sure that people stood a fair chance as Independents in their own right. I would hope that any High Court challenge to this bill and perhaps above-the-line voting would consider how there has been a significant shift away from candidate based voting to party based voting. I would hope that they would consider how it is impossible for a single Independent candidate to be directly elected by the people, because of the party based voting above the line.

This bill has been rushed through parliament with little to no oversight for a reason: it does not deliver what those who want it claim. We may well find ourselves with a rubber-stamp Senate after the imminent double-dissolution election, and the Greens will be the ones who will have to answer for it. I am buoyed by the support I have received from across Australia over the past three weeks from coalition supporters disappointed with the coalition and from Greens supporters bitterly disappointed with the Greens. Of course, it is not too late for the Greens to realise the error of their ways and withdraw their support for this ill-considered bill.

Yesterday, Senator Rice mentioned in her speech: how would somebody who votes for the Bullet Train for Australia or the No CSG Party feel with me being elected via their preferences? I suspect they feel pretty good, considering that I have been very vocal about the right for farmers to veto mining companies' access to their land. The question has not been raised about a train from Melbourne to Sydney via Canberra, but—I tell you what—it sounds like a pretty good idea to me.

If I can come to this debate and highlight clear flaws, it shows one thing: Senator Lee Rhiannon is no longer for the grassroots Greens supporters, who are against a political machine; she is part of that machine and allowing the minority Liberal government, who would be nobody without a coalition, to lock diversity out. If this is so important, where is the plebiscite? Why aren't the people having a chance to vote on this? Why is it being rushed through the Joint Standing Committee on Electoral Matters, locking everybody else, who might actually have an intelligent contribution to add to it, out of the debate? I would have to say what the Labor Party may have just said: you are running scared.
Senator WANG (Western Australia) (13:56): I rise to speak on the Commonwealth Electoral Amendment Bill 2016. Ever since the coalition leadership change, the government has been very keen to claim it is a 21st-century government that is agile and nimble and embraces disruptive technology, but the government's behaviour in relation to Senate voting reform in recent weeks has been in stark contrast to these claims. Let me be crystal clear: the bill in front of us today is not a genuine and legitimate reform. It is nothing more than a Senate restructure, because, simply put, this bill does nothing more than make sure that small political parties face an even greater hurdle to be elected. It does nothing more than make sure that the one-quarter of voters who chose not to vote for the coalition, the Labor Party and the Greens cannot be represented in the Senate.

It is okay for the government on one hand to argue that media reform is needed so that media companies can embrace new technologies and take steps to be competitive. Yet, on the other hand, when faced with a growing number of disillusioned voters, this so-called 21st-century government chooses to resort to 20th-century trickery. I am afraid that unfortunately the coalition has no clue at all on how to deal with those more than three million discontented voters, so, instead of trying to be a more competitive political party by listening to the people and representing them better, the coalition along with the Greens and Senator Xenophon have formed a union to entrench their own political domination by eliminating their competitors—the crossbench.

If the same logic had been applied to the media landscape, the then Minister for Communications, now Prime Minister Turnbull, would have proposed a media reform package that could be summarised as follows: competition is bad; newcomers are bad; online news, social media, online streaming and so on all represent serious competition to our traditional media; therefore, they must all be banned. In fact, while they are at it, why not ban the internet altogether? There would be no NBN at all. It has given the government too much grief anyway! The obvious hypocrisy here is that this government likes to tell others to embrace competition and to be more competitive, but when it finds itself exposed to new political forces its only approach is to get rid of its rivals.

I was very puzzled at why the coalition would do a deal with the Greens and Senator Xenophon, after having a look at the Senate voting records, which confirm that the crossbench senators have been more constructive and more balanced than the Greens and Senator Xenophon. Without the Palmer United Party, Australia would still have a carbon tax and a mining tax. Without us, Australians, when they get sick, would right now be paying a GP co-payment.

Debate interrupted.

QUESTIONS WITHOUT NOTICE
Shenhua Watermark Coalmine

Senator STERLE (Western Australia) (14:00): My question is to the Minister representing the Minister for Agriculture, Senator Colbeck. I refer to the statement by the Deputy Prime Minister and Minister for Agriculture last week on the Shenhua Watermark coalmine, and I quote:

There is only one mine that'll be in New England and that is at Werris Creek …
Is it the position of the Turnbull government that the Shenhua Watermark coalmine will not be finally approved?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:00): I have to admit that I have not seen the comment from Minister Joyce in relation to that mine. The final approval of the mine and whether it is built or otherwise does not necessarily fall within the portfolio responsibilities that I am representing here. I will have to take that question on notice and ask for some further information. I do not have any specifics around the expression by Minister Joyce because I have not seen his comments. So I can only take on face value your representation of them here today. I am happy to come back to the chamber with further information.

Senator STERLE (Western Australia) (14:01): Mr President, I ask a supplementary question. I might be able to assist the minister here with my supplementary question. Can the minister confirm that the Minister for the Environment has sole federal responsibility for environmental approval of the Shenhua Watermark coalmine under the Environment Protection and Biodiversity Conservation Act? Can he confirm that the Minister for Resources and the Minister for Indigenous Affairs are the only ministers required to be consulted by the Minister for the Environment in relation to the Shenhua Watermark coalmine?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:02): I thank Senator Sterle for the question. In the terms of pure responsibility within portfolios, I think you can take those statements at their face value, Senator. So I would not argue with the statements that you made in the context of the pure responsibilities of a particular portfolio. As the EPBC Act states, the environment minister is responsible for environmental approvals under the act. You are right: that is his responsibility, and he is assigned to that.

Members of this place are quite capable and have the capacity to make statements in respect of their own electorates. I think that is part of the democratic process. Unfortunately, on the Labor side, the only way that you can have an independent point of view—as Senator Bullock has demonstrated—is to resign from the parliament. You cannot have an independent point of view— (Time expired)

Senator STERLE (Western Australia) (14:03): Mr President, I ask a further supplementary question. Why is the Minister for Agriculture and not the Minister for the Environment making announcements on national television about the future of this project?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:03): As I was just saying, as the local member in that area, I think it is quite pertinent that the minister make his opinion known on something that is happening in his patch. I would expect any member of parliament to be able to do that. We know that the only way that a member of the Labor Party can have an independent view is to resign from the parliament, because their rules do not allow them to have a differential perspective.
I think Minister Joyce should be able to, quite reasonably, make comments about what is going on in his electorate and make representations to his colleagues in that context. That is what we are elected to do. That is why we are here.

**Turnbull Government**

**Senator PATERSON** (Victoria) (14:04): My question is to the Leader of the Government in the Senate, representing the Prime Minister, Senator Brandis. Can the Leader of the Government in the Senate update the Senate on recent important initiatives of the Turnbull government to create a more prosperous and secure Australia?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:04): Thank you very much, Senator Paterson. This gives me the opportunity, by the way, to congratulate you on that superb maiden speech last night. It is great to be joined on this side of the chamber by another great champion of liberty. Senator Paterson, the question you posed is very appropriate. It is very appropriate, indeed, on this last sitting day of the autumn sittings to reflect on the many important initiatives that the Turnbull government has announced in only the last seven weeks since parliament returned from the summer recess.

On 25 February we had the defence white paper announced by the Minister for Defence and the Prime Minister, in which the government committed to delivering a more potent, agile and engaged Australian Defence Force ready to respond whenever our interests are threatened and our help is needed—a once-in-a-generation statement of Australian defence policy, widely praised and well received by all commentators; a real landmark achievement of the defence minister, Senator Payne.

Meanwhile, on 1 March, more recently, the Minister for Communications, Senator Fifield, announced that the government would introduce the most significant reforms in a generation to our media laws, supporting the viability of our local organisations as they face increasing competition from a rapidly changing digital landscape. These reforms will result in major changes to the regulations governing the control and ownership of Australia's traditional media outlets and the provision of local television content in regional Australia—once again, a once-in-a-generation reform pioneered by the Turnbull government, pioneered by ministers in this government, which eluded previous governments, that have been the subject of announcement in recent weeks. And, if Senator Paterson cares to enquire further, I will be able to inform him further of other announcements the government has lately made.

**Senator PATERSON** (Victoria) (14:07): Mr President, I ask a supplementary question. What else is the Turnbull government doing to promote Australia's economic and national security?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:07): To further the story of the major reform announced in recent weeks by the Turnbull government: as recently as yesterday the Prime Minister, the Treasurer and the Assistant Treasurer announced that the government will legislate to fix competition policy in Australia through the implementation of the Harper review's recommendations to reform section 46 of the Competition and Consumer Act, which, as you know, Senator Paterson, is the misuse of market power provision. Those reforms will include the introduction of an effects test to limit the potential misuse of market
power and to ensure a better deal for consumers and a better deal for small businesses. This is something that has been debated for years—indeed, for decades—and we have now announced the reforms for which Australians have been waiting for so long. And, as you know, Senator Paterson, before the chamber at this very moment is the Senate voting reform legislation—a fundamental piece of institutional reform also pioneered in recent weeks by the Turnbull government. (Time expired)

Senator PATERSON (Victoria) (14:08): Mr President, I ask a further supplementary question. Are there any risks to developing a more prosperous and secure Australia?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:09): Indeed there are risks to a more prosperous and secure Australia, Senator Paterson, and you can see them before you on the frontbench of the opposition. It is those who are braying and caterwauling because they cannot face the fact that in six years they did nothing yet in the last six weeks the Turnbull government—on four different fronts that I mentioned in answer to your earlier question—has made landmark, once-in-a-generation reforms.

We do know what the Australian Labor Party stands for, because Mr Shorten announced at the beginning of last year that 2015 would be the year of ideas. And some of us—including me, I must confess—were cynical enough to say, 'There will be no ideas!' But we were wrong. There were ideas; in fact, there were five ideas—five ideas announced last year in the Labor Party's year of ideas—and every one of them was an idea for a new tax. So if you seek to know the risks, look before you. (Time expired)

Competition Policy

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:10): My question is to Senator Brandis, the Minister representing the Prime Minister. I refer to the Turnbull government's backflip to support an effects test. I also refer to a report in The Australian Financial Review last year, which stated that 'Cabinet heavy-hitters oppose the policy, including Senator Brandis, Senator Cormann, Mr Turnbull and Ms Bishop.' Do these so-called cabinet heavy-hitters now support an effects test?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:10): Senator Wong, I am very proud to have been part of a cabinet that subjected the Competition and Consumer Act and in particular section 46 of the Competition and Consumer Act to the most searching and thoroughgoing discussion of that provision that any Australian government has ever undertaken.

Senator Conroy: How can you be in the same room as Malcolm?

Senator BRANDIS: I will take your interjection, Senator Conroy. As you may be aware, section 46 of what was the Trade Practices Act—now the Competition and Consumer Act—is something about which I have been engaged in discussion for the best part of a quarter of a century, and I am bound to say, Senator Conroy, that I have never seen a better discussion of the important policy issues raised as in the discussion we had in cabinet. The Prime Minister was asked about this yesterday in his press conference, and he said:
Let me say that we do have lots of lawyers in the cabinet and all I can tell you without breaching cabinet secrecy is that the discussion was extremely erudite and I was very proud to be the leader of such a fine and thoughtful and well-schooled group of men and women.

And we have landed in the right place because, unlike the Australian Labor Party, who finds it incapable even to think about reforming section 46 of the Competition and Consumer Act, the cabinet adopted a recommendation by Professor Harper, one of the acknowledged experts in the field; endorsed by Professor Allan Fels, a former chair of the Australian Competition and Consumer Commission; endorsed by the current chairman of the Australian Competition and Consumer Commission, Mr Sims; and endorsed by Professor Miller, one of the acknowledged academic specialists in the field, which rebalances section 46 to protect the legitimate interests of consumers and business and protects the competitive process.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:13): Mr President, I ask a supplementary question. Does the Prime Minister agree with Liberal MP Mr Craig Kelly, who says that:

It is not an effects test; its effect is to substantially lessen competition. It is not what you think it is; it is a Trojan Horse.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:13): I am not familiar with Mr Kelly's views but, if the views that you ascribe to him are indeed his views, I do not agree with him.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:13): Mr President, I ask a further supplementary question. Can the Minister representing the Prime Minister advise the Senate when Mr Turnbull decided that Senator Canavan and the National Party could run the government's economic agenda?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:14): My colleague Senator Matt Canavan and my colleague Mr Barnaby Joyce have a great deal more experience of the real economy and the real world than any individual we see before us in the Australian Labor Party; as does Mr Bruce Billson who, in his former ministerial capacity, first brought this submission to cabinet; as does Mr Scott Morrison, the Treasurer; and as does Ms Kelly O'Dwyer, who joined with Mr Morrison in bringing this submission to cabinet.

You see, Mr President, unlike the benighted ranks of the Australian Labor Party, entirely recruited from trade union officials, we have a variety of people in our cabinet and in our party room with real-world experience. They are people who have actually run businesses, unlike any single individual we see before us. They are people who have actually run small businesses. They are people who have actually participated in the real economy.

The PRESIDENT: Pause the clock. Order, Attorney-General.

Senator Sterle: On a point of order, Mr President: the minister is misleading the Senate. I ran my own small business for 12 years.

The PRESIDENT: There is no point of order. That is a debating point. Resume your seat, Senator Sterle.
Senator BRANDIS: So we have a variety of people in our cabinet with a variety of life experience in the real economy, and they are all the proud authors of this decision. *(Time expired)*

Climate Change

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (14:15): My question is to the Minister representing the Prime Minister, Senator Brandis. Twenty fourteen was the hottest year on record, and then 2015 trumped it. Now 2016 is looking to smash that, with NASA finding that February 2016 was the hottest month on record. Eminent scientists have rightly called this news completely unprecedented and have labelled it a climate emergency. Using the government's own data, RepuTex this week forecast that Australia's emissions will continue to rise, debunking Minister Hunt's claims that emissions had peaked in 2005. Do you agree with your own Chief Scientist, Alan Finkel, who says that we are losing the battle against runaway global warming?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:16): Well, Senator Waters, you flatter me. You flatter me in thinking that I would be in a position to express a specialist opinion about this issue, because I am not. I am aware that the Chief Scientist has made that observation. I was watching him on the television during the interview which he gave. I am aware that the Chief Scientist's view is one among many on the issue of climate change. I am also aware, not being a scientist myself, that the preponderant view of most scientists is that global climate is rising and ought to be dealt with. That is why the Australian government at the Paris Climate Change Conference committed to the second most ambitious per capita targets of any G20 nation in terms of per capita emissions reduction, so that we will see emissions reduction of 26 to 28 per cent of 2005 levels by 2030. That is why we have adopted that policy—because we take this problem seriously. Unlike you, Senator Waters, our achievements are real achievements. They are not rhetorical flourishes; they are not achievements of rhetoric; they are achievements in terms of real outcomes.

Senator Wong: Pollution going up is a real achievement!

Senator BRANDIS: No, Senator Wong, not pollution going up, pollution going down 26 to 28 per cent of 2005 levels by 2030, which puts Australia at the very forefront of the nations of the world addressing this problem.

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (14:18): Mr President, I ask a supplementary question. Global warming driven by burning coal, oil and gas is threatening the Great Barrier Reef. Studies this week showed that coral bleaching is almost at 20 per cent in all surveys. The Great Barrier Reef Marine Park Authority has raised its coral bleaching warnings to alert level 2. Climate Professor Terry Hughes has said that the government must choose between coal and the Great Barrier Reef; it cannot have both. Which do you choose?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:18): I am not familiar with Professor Terry Hughes. I have never heard of Professor Terry Hughes, but I would venture to say that Professor Terry Hughes is not the only scientist who has expressed a view on this matter. As I said to you, Senator Waters, in answer to your primary question, there are a
variety of views. There are a variety of views about this issue across the entire scientific community, and you have selectively quoted one. I have no doubt at all that Professor Terry Hughes holds his view in good faith, but the binary proposition that you quote Professor Hughes as expressing—that is, we have to choose between coal and the Great Barrier Reef—I would venture to suggest to you is wrong. You of all people, a Queensland senator, should be supporting the great coal industry of Queensland, because that is what the people of Queensland are expecting you to do.

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (14:19): I beg to differ. Mr President, I ask a further supplementary question. Moody's has said that coal is in structural decline and has downgraded Abbot Point to one level above junk status. Coal giant Peabody is near bankruptcy, and 15 banks and financiers have ruled out funding the Adani coalmine. Will you now overturn the federal approvals for Adani's mega coalmine and the Abbot Point coal port expansion?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:20): No, Senator, we will not. Nor will we take delight or joy, as you seem to be doing, in seeing Australian businesses producing Australian jobs suffering. We will not enjoy the sight, we will not enjoy the thought of the great Australian coaling industry suffering economic disadvantage—no, we will not.

Like the Queensland Labor government, we the federal coalition government support the Adani mine. We support the jobs that it will create, we support the safeguards and measures that have been put in place by the federal Minister for the Environment, Mr Hunt, and we will always support the Australian mining industry. For the people particularly of central Queensland, this is not an academic question. This is not an academic question to be discussed at inner city cafes. This is about their livelihoods, this is about their jobs, and you should treat those people with a bit more respect.

Member for Fadden

Senator JACINTA COLLINS (Victoria) (14:21): My question is to the Minister representing the Prime Minister, Senator Brandis. Can the minister confirm that a former member of Mr Turnbull's ministry, Mr Stuart Robert, is the subject of an Australian Federal Police investigation for abuse of public office?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:21): I am aware that there was a reference to the Australian Federal Police in relation to the member for Fadden. As to the nature of that reference, I am not in a position to inform you. But if, as you say in your question, there is a current investigation then it would not be appropriate for me to comment.

Senator JACINTA COLLINS (Victoria) (14:22): Mr President, I ask a supplementary question. Will an unredacted copy of the report into Mr Robert's conduct by the secretary of Mr Turnbull's department be provided to the Australian Federal Police? Will all documents recording knowledge of Mr Robert's conduct held by Mr Turnbull and his department be provided to the police?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:22): That is not a matter for me. If,
as you say, there is an investigation into Mr Robert, the conduct of that investigation is entirely a matter for the Australian Federal Police and it is not appropriate for me to comment on it.

Senator JACINTA COLLINS (Victoria) (14:22): Mr President, I ask a further supplementary question. I remind the minister that I am asking him a question in his capacity representing the Prime Minister, regarding what material will be provided to the Australian Federal Police in this investigation. So I ask: will the Prime Minister, Dr Parkinson and ministers involved in the discussions about Mr Robert's fate, including you, Attorney-General, fully cooperate with the Australian Federal Police in the conduct of its investigation?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:23): I am not aware of what, if any, documents have been requested by the Australian Federal Police. However, as I said in answer to your primary and first supplementary questions, it would be entirely inappropriate for me to comment on an investigation.

Senator Jacinta Collins interjecting—

The PRESIDENT: Order! You have asked your question.

Defence Procurement

Senator XENOPHON (South Australia) (14:23): My question is to the Minister for Finance in his capacity as the sole shareholder minister in ASC Pty Ltd. I note the ASC is a government business enterprise which operates in accordance with the Commonwealth's business enterprise governance and oversight guidelines, which include:

A principal objective for each GBE is that it adds to its shareholder value.

With a full workload and greater efficiency with respect to the build costs of the Air Warfare Destroyer ships 2 and 3 in the 2014-15 financial year, and improved profits in that year of $21.9 million, what was the shareholder value of ASC Pty Ltd, taking into account the value of its wholly owned subsidiary, ASC Shipbuilding Pty Ltd?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (14:24): I thank Senator Xenophon for that question. The financial valuation of ASC is commercially sensitive and, as such, not something that I can publicly disclose, which is precisely the answer that former finance minister Senator Wong gave me when I asked her a similar question about the financial valuation of Medibank Private, from opposition. For further information, though, in relation to the financial performance of ASC, I am pleased to table the ASC's 2015 annual report for the information of Senator Xenophon.

Senator XENOPHON (South Australia) (14:25): Mr President, I ask a supplementary question. Given the government has not yet signed any shipbuilding contracts and, by 2018, ASC Shipbuilding will have no ships on its books—and, by ASC's own estimates evidence, only 100 staff will be left in that entity by the end of 2018—does the government concede that that will diminish the value of ASC?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (14:25): The future evaluation of ASC is, self-evidently, a function of its future performance. But, during the most recent
financial year, ASC recorded an after-tax profit of $21.9 million, which was a material improvement on the performance in the previous financial year and which was the result of significant productivity improvements. We look forward to ASC continuing to improve its performance moving forward.

Senator XENOPHON (South Australia) (14:25): Mr President, I ask a further supplementary question. Can the minister confirm whether at least the first two OPVs will be built by ASC, as promised by then Prime Minister Abbott on 21 August 2015? Will the minister advise how much of the $89 billion of naval shipbuilding, announced on 4 August 2015, will actually go to the ASC? Does the minister concede the value of this government business enterprise is tied to the extent and value of its naval shipbuilding contracts?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (14:26): As I have indicated to Senator Xenophon during Senate estimates, the relevant procurement of relevant Defence assets is appropriately and entirely a matter for the Defence portfolio and for the Minister for Defence, my good friend and valued colleague Senator Payne. The government's naval shipbuilding plan, of course, and the record investment into our defence capability allocated in the 2016 defence white paper, do provide significant opportunities for ASC to gain further shipbuilding work into the future. But my role as the shareholder minister—

The PRESIDENT: Pause the clock. Order, Minister.

Senator Xenophon: Mr President, I rise on a point of order on relevance. A direct question was asked in relation to whether the first two OPVs will be built by ASC, as promised by Prime Minister Abbott.

The PRESIDENT: The minister did, up-front in his answer, indicate that he has already informed you on a previous occasion that the matter would be best directed to the Minister for Defence, so I believe that he was being directly relevant to your answer. I will allow the minister to continue.

Senator CORMANN: Senator Xenophon, in his primary question, actually pointed out that I am the sole shareholder minister for ASC. As such, I am the shareholder minister for one of the potential suppliers in relation to a range of procurements that the Defence portfolio is currently undertaking and will undertake into the future. As such, obviously my answers are provided in that context. (Time expired)

Economy

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:27): My question is also to the Minister for Finance, Senator Cormann, representing the Treasurer. Will the minister update the Senate on progress in building a stronger, more prosperous economy?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (14:28): I am pleased to advise Senator Bushby and the Senate that we are making progress, heading in the right direction, as we are working through our transition from resource investment and construction driven growth to broader drivers of economic activity and growth. The Australian economy is growing more strongly now than it was when we came into government in 2013. More jobs continue to be created, and our unemployment rate today is materially lower than what was
anticipated would be the case today when Labor lost government in 2013. Over the past year, our economy grew by three per cent, up from just two per cent growth during Labor's last year in office. More than 400,000 jobs have been created in the economy since we came into government and, over the past 12 months, more than 10 times as many jobs were created in our economy than in Labor's last year in office.

This has not happened by accident. Since our election in 2013, the government has pursued reforms to help ensure the Australian economy transitions as successfully as possible from resource investment driven growth to broader drivers of growth. We have worked to ensure that our economy is as competitive, productive, innovative and agile as possible. We have worked to help business to be the most successful they can be so they can employ more Australians.

We have worked to make our tax system or growth-friendly by abolishing the mining tax, by abolishing the carbon tax and by delivering tax cuts for small business, and in this year's budget there will of course be a further instalment in our effort to make our tax system more growth-friendly. We have worked to reduce the cost of doing business, through an ambitious deregulation agenda. We have worked to help our exporting businesses get better access to key markets in our region. We have export agreements with China, Korea and Japan, and the Trans-Pacific Partnership Agreement, all designed to help our exporters be more successful and employ more Australians.

**Senator BUSHBY** (Tasmania—Chief Government Whip in the Senate) (14:30): Mr President, I ask a supplementary question. How do the government's policies help to drive growth and jobs?

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (14:30): Removing taxes like that the carbon tax and the mining tax, reducing the level of regulation and improving the regulation, opening trade and investing in innovation and infrastructure—these are all helping us to maintain strong growth in the face of global volatility. These are all our initiatives: our ambitious infrastructure investment program; our ambitious Innovation and Science Agenda; our work to invest in our defence capability; and the work we are doing to ensure the NBN project is on track by upgrading three in four premises by June 2018. All of these initiatives and reforms have been progressing. All will help to make Australian businesses more successful and will, of course, help them to employ more Australians.

We are working to restore the Australian Building and Construction Commission, to improve competitiveness and remove unnecessary costs out of the construction industry. As soon as the Senate has dealt with the very important reforms, when we come back in May the Senate will have the opportunity to consider that legislation. *(Time expired)*

**Senator BUSHBY** (Tasmania—Chief Government Whip in the Senate) (14:31): Mr President, I ask a further supplementary question. Is the minister aware of any alternative approaches?

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (14:31): When we came into government we inherited from Labor a weakening economy, rising unemployment and a budget position that was rapidly deteriorating, after Labor in their period in government kept
putting more and more lead into our saddlebags. What is very clear is that Labor have not learnt the lessons of the past. They are still at it. They are still wanting to tax more. In their year of ideas, all they come up with is more new taxes aimed squarely at the Australian families, families working to get ahead. Labor's so-called policy on negative gearing is all about making it harder for families across Australia to get ahead—families who are leveraging their existing income and their existing assets to invest in new assets and to increase their income by deducting from their existing income the cost of investing in housing or in shares, as they currently can. Labor's approach will be bad for the economy and bad for families, and we hope it will be rejected by the Australian people at the next election.

Financial Services

Senator WHISH-WILSON (Tasmania) (14:32): My question is to the Minister representing the Prime Minister, Senator Brandis. In 2014, the Senate economics committee recommended a royal commission into the financial advice scandal at the Commonwealth Bank. Since then, further scandals involving financial advice have been uncovered at the National Australia Bank, ANZ Bank and Macquarie Bank. IOOF are being investigated for insider trading. ANZ Bank have been charged with rigging interest rates, and, again, the Commonwealth Bank appears to have unfairly denied life insurance claims. This is not just a few bad apples, as Senator Cormann once said in this chamber. This is systemic and a cultural issue. What will it take for this government to establish a royal commission into crime and misconduct in the financial services sector?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:33): I will take on notice those parts of your question that I am not in a position immediately to respond to. But may I make this observation to you, Senator Whish-Wilson? I reject outright your suggestion that there is systemic criminality in the Australian financial system. I think that is a very wild and irresponsible thing to say. In fact, we have a very strong financial system, a strong and wellregulated financial system whose integrity and strength is underpinned by institutions—created by both sides of politics, I might say—most particularly by APRA, a product of the Howard government.

The PRESIDENT: Pause the clock.

Senator Whish-Wilson: Mr President, I rise on a point of order. Senator Brandis is misleading the chamber. I never said that there was systemic criminality in the Australian financial system. He has misquoted me.

The PRESIDENT: There is no point of order. There are ways of addressing that after question time. The minister is in order. The minister has the call.

Senator BRANDIS: I thought you did say that in fact, Senator Whish-Wilson, but if I misheard you then I acknowledge that. But there is not systemic criminality in the Australian financial system. Australia's financial system is one of the best regulated, best governed and strongest in the world. As a former member of that industry, Senator Whish-Wilson, you would be in a position to know that. That is not to say, however, that there are not instances of misconduct. In relation to the particular instances you have given, some of them, I am aware, are currently the subject of proceedings before the courts and, for obvious reasons, it would not be appropriate for me to comment on those particular instances. But the suggestion that
there is the kind of widespread wrongdoing in the Australian financial system that we have seen, by comparison, in the trade union movement, leading to the Heydon royal commission, is simply wrong. The direct answer to your question, as I said at the time of the establishment of the Heydon royal commission, is that you establish a royal commission where the wrongdoing is comprehensive and systemic, and that is not this case.

Senator WHISH-WILSON (Tasmania) (14:36): Mr President, I ask a supplementary question. On the point of wrongdoing, sometimes there is a fine line between criminality and legality and things that are immoral. Since 2010, the big banks have donated a combined total over $5 million to the Labor Party and the Liberal Party. Is this the reason that you are on the unity ticket with Mr Bill Shorten and the Labor Party in opposing a royal commission into the financial services sector?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:36): It is the case that banks and financial restrictions have made donations to both the coalition parties and to the Labor Party. I can assure you that in respect of the Liberal Party and the National Party—

Senator Conroy: The biggest donation in history—

Senator BRANDIS: I am coming to that, Senator Conroy—all of those donations have been properly and appropriately declared, and I dare say the same may be said of the Australian Labor Party. But, Senator Whish-Wilson, it does strike me as passing strange that this question would come from someone who represents the political party that was the beneficiary of the largest single corporate donation in Australian history—I believe $1.6 million in one donation from Wotif. I think people in glass houses ought not to be throwing around stones. (Time expired)

Senator WHISH-WILSON (Tasmania) (14:37): Mr President, I ask a further supplementary question. Senator Brandis, you have touched on this, but how does the government compare the scale of misconduct in the union movement with that which has been shown to exist within the financial sector? How can the government justify a royal commission into unions but not into one of the banks, when we know, including from a recent Senate inquiry into managed investment schemes, that tens of thousands of Australians have had their life savings taken by dodgy financial planners and institutions?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:38): Senator Whish-Wilson, you ask how I compare them. They are incomparably different. Even in your primary question you were able to cite three or four instances—in each case, by the way, defended or disputed—of misconduct in a sector that is near to universally acknowledged as a well prudentially regulated sector. Compare that, as you invited me to do in your question, with the systemic criminality and corruption of large areas of the trade union movement—unions like the CFMEU, and not merely the CFMEU but also unions like the AWU, which was responsible for the disgrace of the Cleanevent case, directly involving the Leader of the Opposition, where the union took money so as to not prosecute the interests of the workers. There is no comparison at all.
Housing Affordability

Senator GALLAGHER (Australian Capital Territory) (14:39): My question is to the Minister representing the Treasurer, Senator Cormann, and relates to housing affordability. Is the minister aware that on house price to income ratios Sydney is now the second most unaffordable city in the world and Melbourne the fourth? What is the Turnbull government doing to address housing affordability and ensure that more Australians are not permanently locked out of the housing market?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (14:40): The price of anything is a function of supply and demand, and obviously if the demand exceeds supply then prices will go up and if supply exceeds demand then prices will go down, and over time, in the free market, things will get into balance. The truth is that the best way to improve housing affordability is to increase the supply of housing, and there are a whole range of things that state governments, in particular, can do in relation to that. Indeed, the Commonwealth, through the Treasurer, is working with state governments in relation to some possible initiatives in that space. What I would say, though, is that the worst thing to do in terms of housing affordability would be to pursue Labor's disastrous policy on negative gearing, because it would push up the cost of rental accommodation and push down the value of existing properties, which means it would undermine the wealth of families across Australia and their capacity to invest, to get ahead. That is why we continue to—

The PRESIDENT: Pause the clock.

Senator Moore: Mr President, I rise on a point of order on direct relevance—and the minister may have just been getting to it as I stood up: the question was, in particular, what the Turnbull government is doing, rather than what concerns the minister has about our policy.

The PRESIDENT: There were two elements to the question. The first one was whether the minister is aware of Sydney and Melbourne housing affordability. He has been addressing that question, and I believe he has been addressing the second element of the question.

Senator CORMANN: Labor get very touchy when people on our side of the parliament start pointing out the deep flaws in their ill-thought-out so-called policy, because Labor want people who are looking for rental accommodation across Australia to pay more for their housing. People in the Labor Party want to reduce the supply of rental accommodation, which of course will mean—

The PRESIDENT: Pause the clock.

Senator Moore: Mr President, a point of order, again on direct relevance to the question about what the Turnbull government is doing: the minister has just gone straight back into his comments about our policy rather than answering what his actions are.

The PRESIDENT: The minister has not fully addressed the second part of the question, I agree. However, the minister did address the first part of the question. I cannot direct the minister as to what elements he should or should not answer, but he has certainly been directly relevant to the element that he did answer. Minister, you have the call.

Senator CORMANN: I very clearly said what we were doing, and I am also saying what we are not doing, and what we are not doing is implementing Labor's disastrous policy which
would push up the price of rental accommodation and which would undermine and drive down the value of existing properties, because we believe that is bad for families and bad for the economy.

Senator GALLAGHER (Australian Capital Territory) (14:43): Mr President, I ask a supplementary question. Is the minister aware that the homeownership rate for 25- to 30-year-olds has fallen from more than 60 per cent to 48 per cent over the past three decades? Why won't the government do more to help young people buy their first home?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (14:43): The Turnbull government is working very hard to help ensure that young people can get ahead, and the most important thing we can do is to ensure that young people across Australia have an opportunity to get a good job, to pursue a career whereby they can get a better-paying job. After six disastrous years of Labor governments, when Labor was putting more and more lead into our saddlebags, making it harder and harder for our economy to be successful, we are now taking the lead out of our saddlebags. We are investing in our country's future. We are helping to ensure that our economic transition is as successful as possible by investing in innovation, by making sure that we are as competitive and productive as possible, by making sure that our exporting businesses have the best access possible to key markets in our region, by making sure that our tax system is as growth-friendly as possible and by making sure that we deliver the NBN faster and at a lower cost than the disastrous previous Labor government was going to do. (Time expired)

Senator GALLAGHER (Australian Capital Territory) (14:44): Mr President, I ask a further supplementary question. I refer to the coalition's promise at the last election to improve housing affordability and encourage high levels of homeownership. Can the minister confirm that under this government housing affordability has declined?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (14:45): As I indicated in response to a question by Senator Bushby earlier, this government is making progress in putting the Australian economy on a stronger foundation for the future. We are guided by giving people across Australia the best possible opportunity to get ahead. That includes the best possible opportunity to afford their own home. We will continue to press ahead. The worst thing that Australia could do is to go back to the discredited and disastrous ways of the previous Labor government.

Workplace Relations

Senator McKENZIE (Victoria) (14:45): My question is the Minister for Employment, Senator Cash. Will the minister update the Senate on recent incidents of lawlessness in Australia's construction sector?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:45): I thank Senator McKenzie for her question. Just a few weeks ago I stood in this place and advised the Senate that, disappointingly, there were 73 representatives of the CFMEU who are currently before the courts. Unfortunately, the update today is that in that short period of time there are now
100 representatives of the CFMEU, one of the most militant unions in Australia, who are now facing charges before the courts. In fact, the number of charges now being faced totals 1,000.

Many of them are actually in their full glory on the front page of today's *The Australian* newspaper. Let us just have a look at what some of them have been fined. Gareth Stephenson, an organiser, has already been fined $118,000. Remember that it is the union members who end up paying the fines. Shaun Reardon, who has been dumped by White Ribbon as an ambassador, has been fined $50,000. Ralph Edwards has been fined $53,200. Then there is a picture of the Leader of the Opposition, Bill Shorten, with Joe McDonald, notorious in Western Australia—

**Senator Moore:** Mr President, I rise on a point of order. I am concerned about the public display of *The Australian* that Senator Cash is reading from prominently in the chamber. I think it could possibly be used as a prop in this instance.

**The PRESIDENT:** Thank you, Senator Moore. Minister, I ask that you do not wave the paper around. You were reading quotes or extracts from it. That is fine, but please do not display the paper.

**Senator CASH:** Joe McDonald, notorious in Western Australia, particularly in relation to right-of-entry breaches, has been fined $105,580. There are so many more. In fact, as I said, 100 of them are now facing 1,000 charges before the courts. But what do we hear from those on the other side, in particular from the Leader of the Opposition, Mr Shorten? Deny, deny, deny. In fact, the very best that Mr Shorten's spokesperson, Mr O'Connor, can say is, 'Well, it's just a rough and tough industry.'

**Senator McKENZIE** (Victoria) (14:48): Mr President, I ask a supplementary question. Is the minister aware of anyone who continues to make excuses for this kind of behaviour?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:48): As Senator Brandis said, really they are just some ordinary blokes having a good time. No, they are not. They are actually disrupting Australia's building and construction industry, in particular.

**Opposition senators interjecting**—

**Senator CASH:** Again, those on the other side—you can hear the interjections now—continue to defend bullying, intimidation and thuggery on building sites in Australia. Those on the other side have no friends in this regard. They may hear no evil, they may see no evil and they certainly would not speak any evil regarding the militant construction unionists within Australia. Let us look at a former Labor luminary, someone whom I believe all of us in this chamber would actually consider to be one of the more reasonable members of the Labor Party. That is, of course, Martin Ferguson. What does he say? He says that the manner in which the former BLF conducted themselves is now rife within the CFMEU. *(Time expired)*

**Senator McKENZIE** (Victoria) (14:49): Mr President, I ask a further supplementary question. Given this deplorable behaviour, which results in thuggery and intimidation on construction sites, what is the government's response?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:50): Unlike those on the other side, the government does take this exceptionally seriously. We believe that there is one law for both employers and unions. We do not make exceptions like those on the other side.
do. We stand for enforcing the law equally, no matter who is accused of breaching it. This government will stand up for workers, whether or not they choose to be a member of a trade union. This government is not going to be afraid of calling out bullying, intimidation or thuggery whenever we see it. This is a government that stands for transparency and accountability in relationships with workers.

Opposition senators interjecting—

Senator CASH: But, again, those on the other side—and you can hear all the interjections—are in a continual state of denial: hear no evil, speak no evil, see no evil when it comes to the militant unions.

Vocational Education and Training

Senator KIM CARR (Victoria) (14:51): My question is to the Minister for Vocational Education and Skills, Senator Ryan. Is the minister aware of the comments made by the Liberal member for Robertson on NBN News on 10 March 2016:

The federal government does not fund TAFE, absolutely does not fund TAFE. That is purely and simply a state government matter.

Is the member for Robertson correct?

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (14:51): I am not familiar with those particular comments, Senator Carr. I understand that you may be quoting—I take it on good faith that you have made a quote—but I am not aware of the full context.

But I will take this opportunity to outline the Commonwealth's role here. Senator Carr, as a member of the previous government, you are particularly familiar with that role, given your longstanding interest in this area. The Commonwealth government does fund the state governments through national partnership and special purpose payments that allow the states to deliver vocational training in the markets they still control. We do not directly fund TAFE; the states do. That is the measure that was adopted under the national partnership agreement that you signed.

I will take this opportunity to outline that when you look at the national partnership payments and the special purpose payments—some of which can be directed by the state governments to support TAFE—then in terms of the national partnership payments there has been a 58 per cent increase since this government came to office, if we consider this financial year and the payments that will fall due soon and if the states actually meet the targets that they have set. I might also say that, if we consider the special purpose and national partnership payments, we have seen an increase of 11 per cent.

Senator Carr, I know that those opposite have been making noise about contestability in this market, but I will also point out that contestability in the vocational education market was a specific part of the national partnership agreement that your government signed with the states. So it is absolutely hypocritical for those opposite to be making noises about contestability as they try to import a state election campaign into federal politics, knowing full well that the Commonwealth can do nothing—under the national partnership agreement that they signed—to directly fund any TAFE.
Senator KIM CARR (Victoria) (14:53): Mr President, I ask a supplementary question. I ask the minister: does the Turnbull government plan to withdraw funding of national partnerships for TAFE? Or does the Turnbull government plan to take over TAFE?

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (14:54): My first question from Senator Carr in this place upon taking this office was about an alleged national takeover plan. I made the point at the time that that was a discussion paper drafted by officials that was circulated as part of the COAG process—a longstanding COAG process to try to clarify roles and responsibilities.

There is no national plan to take over TAFE. The Commonwealth would have a great deal of trouble seizing TAFE even if it so desired. I might say, though, that under the flawed VET FEE-HELP scheme set up by those opposite—if we just go through the numbers that TAFEs have accessed through that—what we have seen since 2013 is an increase of 116 per cent in public TAFEs accessing the VET FEE-HELP scheme, from $168 million to $363 million.

So, Senator Carr, the contrived outrage of those opposite who signed a national partnership that talks about contestability and then set up a system that seized the TAFEs' access— (Time expired)

Senator KIM CARR (Victoria) (14:55): Mr President, I ask a further supplementary question. Given the chaos and confusion surrounding vocational education and training policies under the Turnbull government, when will this government come clean on its plans for VET and TAFE?

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (14:55): If only I had more than a minute! This government has been focused on cleaning up the disastrous VET FEE-HELP scheme that you set up. You put fewer protections in place than exist for universities. You put a pile of money on the table. Over the last 18 months this government, led by my predecessor, Senator Birmingham, has had to put measures in place to stop brokers getting students in shopping centres with free iPads—something you did not do.

I might say that, in the press release that was released yesterday by the opposition, they did talk about their plan. I want to go through a few comments. You said you wanted to establish a VET ombudsman, to cap tuition fees, to lower the lifetime limit for VET FEE-HELP loans, to ban or place restrictions on brokers and to give the minister power to suspend payments to a private college under an investigation. None of those is in place in the scheme you set up. None of those powers currently exists. We are constrained by the flawed legislation you put in place.

Defence Procurement

Senator BERNARDI (South Australia) (14:57): That was so embarrassing for Senator Carr, wasn't it? My question is to the Minister for Defence, Senator Payne. Would the minister be kind enough to update the Senate on the development of a naval shipbuilding plan and the certainty it will provide to the defence industry right across the nation?

Senator PAYNE (New South Wales—Minister for Defence) (14:57): I was hoping Senator Bernardi had a question for Senator Ryan, but I will take it anyway. Mr President, I can indicate to the Senate that the Turnbull government will release a naval shipbuilding plan this year to complement and to support the commitments we have made in our 2016 Defence
white paper. This will be the delivery of a long-term plan to ensure the retention of a sovereign Australian naval shipbuilding industry and the jobs that go with that.

It will require the cooperation of government, industry, educational institutions and skilled workers, and it will be a process of both reform and development. As Chris Burns from the Defence Teaming Centre said today—and I agree—a long-term naval shipbuilding plan allows industry to invest in innovation early, to evolve designs progressively, to ensure their best capabilities are available and, as a result, to become globally competitive and enter the export market.

The plan is important because it will help to ensure that we have the best capability for our Defence Force and that we maintain our sovereign manufacturing and technology capabilities. It will help to ensure and provide certainty for industry and the skills and innovation that come with that. It will help South Australia—Senator Bernardi's own state—to become a focus of naval shipbuilding in Australia as a result of the development of that plan.

I know that there are some members of the opposition who have been running around this week spreading all sorts of myths—and I will call them myths as a courtesy—about naval shipbuilding plans. So let me make our current commitments quite clear. The Turnbull government will construct Australia's fleet of nine future frigates in Adelaide. We will construct Australia's fleet of 12 offshore patrol vessels in Australia. We are undergoing a competitive evaluation process for future submarines. We are in a tender process for Pacific patrol boats, and our commitments to build our future naval service fleet in Australia are absolutely in stark contrast to those opposite. (Time expired)

Senator BERNARDI (South Australia) (14:59): Mr President, I ask a supplementary question. Would the minister be kind enough to address some of the recent commentary regarding the replacement supply ship project?

Senator PAYNE (New South Wales—Minister for Defence) (14:59): I thank Senator Bernardi. I think some of the commentary in recent days has particularly come from the Labor member for Wakefield, Mr Champion. I heard him claim that the former government was committed to building supply ships in Australia and that that was not an issue while they were government because 'everybody knew these supply ships were going to be built in Australia'.

Unfortunately for Mr Champion, these ministers did not: the then Prime Minister and the then defence industry and defence materiel ministers. They did not because they announced that they were going to seek options for local hybrid and overseas build or the lease of an existing vessel—no building and the lease of an existing vessel. So what Mr Champion said is quite simply not true, and rewriting history will not erase Labor's appalling record on this.

Senator Conroy interjecting—

Senator PAYNE: Those opposite cannot come in here and play hypocritical games because this is too important to our nation and it is too important to the workers that you purport to represent.

Senator Cormann: Mr President, on a point of order. I am just wondering whether it is appropriate for the shadow minister for defence to play candy crush while the Minister for Defence is providing a very important answer about our naval shipbuilding capability.

Senator Conroy interjecting—

CHAMBER
The PRESIDENT: Order, Senator Conroy! There is no point of order, Senator Cormann.

Senator BERNARDI (South Australia) (15:00): Mr President, I ask a final supplementary question. Given the long lead times and infrastructure investments required for naval shipbuilding projects, will the minister please explain whether it is possible to build the supply ships in Adelaide at the same time as the air warfare destroyer?

Senator PAYNE (New South Wales—Minister for Defence) (15:01): The very short answer for Senator Bernardi is no. It is not possible now, but it was if the infrastructure at the Adelaide shipyard had been upgraded when Labor was told in 2007, 2010 and 2013 that that was what was required. Their own 2013 industry skills plan stated that it was not possible to be the supply ships here unless the infrastructure was upgraded. But they did not make that call when they were in government; they did nothing, and it was all too late. They were told in 2007, in 2010 and again in 2013.

The member for Wakefield said yesterday: 'We were never going to invest the money in ASC until the AWDs were finished.' That is very different from what others opposite have said. They are all over the place. If that is true, how was Labor ever going to be able to build the replacement supply ships in Adelaide given all three AWDs are still under construction under Labor today? Under their mystery plan, construction would not have begun until the mid-2020s. (Time expired)

Senator Brandis: Mr President, I ask that further questions be placed on the Notice Paper, and might I take this opportunity to wish all honourable senators a happy Easter.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Shenhua Watermark Coalmine

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (15:02): I indicated to Senator Sterle that if there was any further information I could get in relation to his question, I would come back to the chamber. I have had the opportunity to review the Deputy Prime Minister's statement and it is, in effect, a statement of fact at a point in time, as the Deputy Prime Minister saw it. The Shenhua Watermark mine must submit a biodiversity management plan and a water management plan for approval before work can start. These plans have not been submitted yet. The preparation and submission of these plans is entirely up to Shenhua, and the project cannot proceed without a mining lease from New South Wales.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:03): I seek leave to take to note of the minister's additional answer.

Leave granted.

Senator WONG: I move:

That the Senate take note of the minister's additional answer.

I will take the opportunity to read the Hansard, but I think the minister's answer was essentially that there is a legal process in place under the EPBC Act. There is a set of legal requirements for the mine and he has given—

Senator Colbeck: Approval has been given.

Senator WONG: Sorry, which have not been given—
Senator Colbeck: Approval has been given.

Senator WONG: It has been given? I thought you said 'has', or perhaps he could clarify that.

Senator Colbeck: I do not recall what I said in Hansard.

Senator WONG: No, now. What is the additional information? Has approval been given or not?

Senator Colbeck: Yes.

Senator WONG: It has been given?

Senator Colbeck: It has.

Senator WONG: Well, that is a very interesting contribution to this chamber if that is in fact the case because that is completely contrary to what the Deputy Prime Minister said on television. We will certainly take an interest in this. What has been interesting about this set of answers, as well as Mr Joyce's contribution, is that he makes a statement on television which is effectively making an announcement about a decision that the environment minister under law has to make. I do not know how it is that the Turnbull government thinks that that is appropriate. We now have a set of answers from his representative, which appear to suggest approval has been given, which is contrary to what the Deputy Prime Minister has said.

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (15:05): The inference by the Labor Party is that the comment by Deputy Prime Minister Joyce is in fact a reflection on the approval process of the Shenhua Watermark coalmine. That approval has been given. So the inference that is being made by the Labor Party actually cannot stand. As I said, the Deputy Prime Minister was making a point; giving an opinion about mines in his electorate at a particular point in time, as he is entitled to do as the local member. The inferences that are being made now by the Labor Party are a political construct, quite frankly. Having had the opportunity to read the statements by the Deputy Prime Minister, that is exactly what they are; they are a statement of how he saw things at a particular point in time and nothing more, and not a reflection on anything else.

Question agreed to.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Housing Affordability

Senator GALLAGHER (Australian Capital Territory) (15:06): I move:

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

Earlier in question time, I asked a fairly straightforward series of questions around the issue of housing affordability around the country, particularly about house prices in Sydney and Melbourne. Median house prices in Sydney now exceed a million dollars and median house prices in Melbourne are certainly going very close to that. We are also seeing the average mortgage size for both those cities exceeding $400,000 for the first time. At the same time, the level of first home owners as a percentage of owner occupiers has declined to 15 per cent from the long-term average of 19.7 per cent. Around a million people across Australia are
living every day in housing and mortgage stress. This is the picture of housing affordability for many Australians. It is simply becoming unaffordable.

Over the last 2½ years the response from the federal government has been completely and totally inadequate. The response has been one of disinterest and of referring to the states and territories. The view of the federal government appears to be that they have no active role to play in ensuring that housing remains affordable for a whole range of groups across the community. This is the challenge that is presented. It was clearly outlined in a very comprehensive report of the Senate Economics References Committee which reported over 10 months ago. Earlier this week we received a letter from minister responsible, saying that the response which was due approximately seven months ago will not be forthcoming in the foreseeable future.

In response to the questions that I asked today, the minister did touch on the fact that they are working with states and territories to look at possible initiatives which might improve the supply of housing. The coalition went to the last election with its 'real solutions' statement, saying they would work with states and territories to improve the supply of housing. And yet, a few months before an election, 2½ years into a term, nothing has been done. In January this year a working group was established. More than two years following the election of the government they established a working group—at the request of state and territory treasurers, I might add; I am not sure they would have done it had it not been requested of them—to look at financing arrangements for the supply of housing and at affordability initiatives.

Interestingly, this working group—which does not include anyone from the affordable housing sector, community housing sector, social housing sector or industry—will report to heads of Treasury on 30 July this year, with a report to government probably sometime after that. What this says, and what the minister confirmed today in his answers, is that the federal government really does not see that it has any role to play in addressing the issues of unaffordability of housing across the country. They are prepared to do nothing for an entire term, to have a failed federation white paper process, which looked at some of the issues but then decided they were too hard. They stopped that, they started a working group and ensured that it will not report until after the election, and they pretend that they are doing something about it. There has not been a single initiative by this government to improve affordable housing across this country. In fact, it is the opposite. They have abolished the National Housing Supply Council and they have withdrawn $44 million in capital funding from the National Partnership Agreement on Homelessness. We have 105,000 people who are homeless every night in this country, and we have homelessness groups that operate on the smell of an oily rag—with no long-term certainty about their funding future because there is no long-term strategy to deal with the issues presented by homelessness and the numbers of people who are increasingly being locked out of the housing market.

Others are now speaking of 'generation rent'—the people who will never buy a house in this country. The federal government has no interest at all in these people. (Time expired)

Senator SESELJA (Australian Capital Territory) (15:11): I find it ironic when I hear Senator Katy Gallagher talk about this. You only have to read today's editorial in The Canberra Times to look at who is actually to blame for high house prices. It certainly is local Labor governments—ACT Labor governments and other Labor governments. The editorial reads:
Canberra land prices have surged to record levels as a result of unprecedented population growth and the government's tacit policy of drip-feeding land releases.

We know that they deliberately push up the cost of housing in the ACT. They do it under the current Chief Minister and they did it under the former Chief Minister, and then she comes in and cries crocodile tears about it.

There is another thing that pushes up the cost of housing in the ACT, and that is union corruption and the cartel behaviour that we have seen exposed at the trade union royal commission. I will read from a press release from the Master Builders Association about the impacts of this type of corruption and the impacts of these types of dodgy deals which encourage this cartel behaviour, which encourage price fixing and which see the costs going up, making housing less affordable. The media release calls for a return to competitive tendering. I will quote some bits from the master builders. This is supposed to be a highly competitive negotiation between a client and provider. Now we see it is a three-way process that also involves a union tip-off and pay-off. In construction services the union has a direct commercial interest in who wins and who does not win government tenders. Their huge wealth and power has been built on forcing Canberra's construction industry into the woefully anti-competitive pattern agreements that delivered $1.2 million in direct profits to the CFMEU ACT in 2013-14 alone. Secretly inviting them to participate in tenders as a third party corrupts the entire process and leaves ACT taxpayers to foot the bill. The ACT government must move to scrap the MOU and return the territory to a competitive commercial tender process.' That is something that could be done about it. You could scrap these dodgy deals which encourage price fixing, which we heard about at the union royal commission. You could release more land, which successive governments—Labor governments in particular, right around the country—have failed to do. And you certainly would not allow the kind of price fixing and standover tactics that we have seen exposed at the royal commission.

These things have a real impact. They have a real impact on small business and on people within the construction industry. But the flow-on is into higher prices, and we see that, whether it is in the construction of roads or in major commercial projects. It also flows into the construction of new homes, and we saw evidence of this. Ewin Hannan wrote a very good piece about this entitled 'How the CFMEU captured control of Canberra's building industry', and he goes into some detail on some of the evidence that we heard from the royal commission. He talked about how the Competition and Consumer Commission, which enforces anti-price-fixing laws, said it will use a special unit to investigate the CFMEU's behaviour in Canberra. We heard evidence of price fixing. Mr Josifoski described his meeting with the CFMEU. Evidence was given about corrupt payments made in cars, cafes and restaurants and these kinds of standover tactics, but this particular evidence was about price fixing in the industry—price fixing which encouraged contractors to pay more than they could afford. It would flow in, they would all agree on the price, and guess who in the end has to pay for it: the consumer. It is the consumer. It is those seeking to buy a home. It is those investing in property, or it is governments and others—and taxpayers in the end—who are paying for infrastructure who pay for these sorts of things.

I repeat a couple of the points that I made yesterday. If you are going to engage in these kinds of dodgy deals where you empower this kind of corrupt behaviour, you will get all sorts
of dodgy outcomes. Not only do you empower the corruption but you also have real impacts on real people. In this case, if Labor wants to talk about housing affordability, it is these kinds of dodgy deals—in this case between the ACT Labor government and Unions ACT and unions like the CFMEU—which push house prices up. So, if you want to see prices come down, stop doing the dodgy deals, get out and release more land so that there can be affordable housing not just here in the ACT but right around the country. (Time expired)

Senator LINES (Western Australia) (15:16): The ignorance of the Turnbull government when it comes to housing affordability, demonstrated by the answers to questions we asked today on housing affordability in this place, is astounding. We had last year the first ever rental affordability index, and it revealed that there is a deep crisis in rental accommodation right across Australia. In fact, many Australians who are renting are paying 65 per cent of their total weekly wage towards rent. If that is a crisis that those opposite want to ignore then again it just shows how ignorant they are when it comes to the actual facts around what is going on.

Of course, the worst hit are low-income earners, and now that crisis of rental affordability is spreading to middle-income earners. Coupled with that, we also see now a decline in the new housing market. Fewer Australians are able to afford a house. And why? Because almost half the houses sold in Australia now are going to speculators, because the negative gearing and capital gains tax policies that are in place are way too generous. They are distorting the market. Those two levers are under the direct control of the federal government, and they sit on their hands. In fact, housing affordability has got much worse under the Turnbull government. They have never had a housing minister and they have never had a housing policy. Despite the very early promises of Mr Kevin Andrews that there would be one, there has never been one, and those are absolute facts.

Then they try to say that Labor's very solid negative gearing policy—which will come into effect, if we are in government, in 2017 and which will grandfather people who already have houses; it will apply to the new housing market—is somehow skewed. What is skewed is the Turnbull government trying to pretend in this place that somehow housing affordability in this country is someone else's responsibility. When they sit on the two levers that are directly impacting the housing market in this country, that is pure ignorance.

Labor will act to do something about making sure that low-income and middle-income earners can at least afford to live. When you pay more than 30 per cent of your household income in a mortgage or rent, you are in stress. We have many, many Australians now paying 65 per cent of their income, so how do they afford to eat, to put fuel in their car or to get on? The simple answer to that is that they do not; they fail to make ends meet.

The other point that you never hear those opposite talk about is that those incentives that are currently there for negative gearing and the capital gains discount are costing our economy $10 billion. That is more than we spend in education or child care. They should hold their heads in shame, but we know that they would rather enable people to buy their seventh or eighth house than help people in to buy their first house, or indeed help those who are currently struggling with rental affordability.

It is worse than them doing nothing. They sit on the two big levers that they are doing nothing about. The Treasurer has absolutely no idea what is happening on the tax front. Not only that—they trashed, burned and cancelled the good policies that Labor had in place to
keep, particularly, rental in place. The capital gains tax concession is growing at eight per cent a year. That is not a number to be proud of. That is making it much harder for ordinary Australians to have fair rents and to get into the housing market. That rate of growth at eight per cent is greater than the rate at which we fund research, our universities, our VET providers and our schools, and the government want to sit on their hands. And why is that? Because they only look after their rich mates—their mates at the big end of town. That is who is being advantaged here, and meanwhile they try to pretend that the Australians in rental stress, paying huge amounts in rent, are somehow somebody else's problem. Those two levers—capital gains and negative gearing—are completely within their control, and they are having this internal fight—'Will we or won't we?' They are absolutely ignorant when it comes to housing affordability, and they should be ashamed. (Time expired)

Senator PATERSON (Victoria) (15:21): I am very pleased to rise to speak on this issue because I am from the generation that struggles with this issue. A phrase was used before: generation rent. I am generation rent. My wife and I are currently saving our deposit to buy our first home. We know how hard it is. We know the challenges that young people in Australia are facing in the housing market, but the reality is that those opposite have absolutely no answers and no understanding of the real causes of housing unaffordability.

All of the international evidence shows that the most powerful thing that you can do to improve housing affordability is to increase the supply of land. This is not a recent issue. This is not an issue which only Australia faces. This is a widely studied issue. There are reports put out each year that look at all the different factors that affect housing affordability, and every time they conclude that jurisdictions which have an easy and open supply of land and less restrictive planning restrictions on what you can do on that land are also the jurisdictions that have the most affordable housing. It is not a coincidence that Australia, with some of the worst land release policies in the world and the most restrictive planning regulations on what you can do on that land, has some of the least affordable housing in the world.

Of course, that is not something which is in the control of the federal government. Whether senators opposite like it or not, we live in a federal system, and, unless you are proposing a referendum to change the Constitution to give the federal government control over the supply of land and abolish state governments, there is a limited amount that the federal government can do to improve that. It rests on state governments to release more land and to reduce the regulation on planning to allow people to do more on that land if you want to improve housing affordability.

I find it particularly ironic that this issue was raised today by the former Chief Minister of the ACT. The ACT is not exactly renowned for record housing affordability, good land release policies or light regulation on planning. In fact it is the opposite. Despite being one of the wealthiest and highest income jurisdictions in Australia, it faces some one of the most severe housing affordability stresses in the nation. Those opposite will do well to look in their own backyard and what they have contributed to this issue.

Those opposite do suggest, though, that we should look at negative gearing as a possible solution to this. This is an absolute fallacy of economics. In which other market would we try and control the demand to improve the price? If we had an issue of the affordability of bread, would we put a tax on bread to make it more affordable or would we look at measures to increase the supply of bread to make it affordable? It is absolute economic lunacy to put a
tax on something in an effort to make it more affordable. Of course, the negative gearing policy does not only apply to housing. It also applies to shares. This is part of the grand plan to improve housing affordability: remove the tax deductibility for shares that are making a loss. This a kind of harebrained economic thinking that is going on in the Labor Party at the moment.

Capital gains tax is highly renowned around the world as one of the least efficient forms of raising revenue. Around the world, countries are looking at abolishing and cutting capital gains tax, and yet we have the Labor Party in Australia recommending that we increase capital gains tax—again sheer economic lunacy. One of the suggestions of those opposite is that maybe this will be improved if we had a housing minister. The previous federal Labor government had a housing minister, and how did that work out? How did that improve anything for my generation? How did that make housing more affordable? This is typical of the attitudes of those who think that the federal government and governments generally can fix all the problems that we face and that, if we only appointed a minister for it, it would improve. The housing minister in the previous government did not do such a bang-up job in fixing this problem, so I have no confidence that a new housing minister would fix it either.

This is a serious issue and it is one that particularly affects my generation, but this is an issue that will be solved at the state level by state governments releasing more land and reducing the regulations on planning so that people can do more on their land. The best way to solve any affordability problem is to increase supply, and in a federal system of government, that is the responsibility of our states and local councils. The solution to this issue is not higher and increased taxes. It is not fiddling with negative gearing, which the Prime Minister has very eloquently described as 'the greatest assault on economic freedom' in his lifetime. It is certainly the greatest assault on economic freedom in my lifetime. This is a measure which is used largely by middle- and low-income people to improve their lives, to invest and to pass on wealth to their children, and I do not think that is something that should be closed off to them. I am very proud to be part of a government that is defending those who want to invest in housing and improve the wealth of their families. Thank you very much.

Senator STERLE (Western Australia) (15:26): I look forward to making my contribution to take note of the questions asked by Senator Gallagher to Senator Cormann. Before I do, I have to clear up a couple of things. I know the new senator has replaced Senator Ronaldson. We are all on the same swing and we will be up at the next election. This is not good news. The unfortunate thing is I have kids the same age—I wish I was your age!—that are struggling to try and find and buy a house. Through you, Mr Acting Deputy President: Senator, I know that you are No. 1 on the ticket, but I also know that you are paid $200,000 a year like we are as well. I also know that means you will get at least seven years, so you will be right mate, and good luck to you.

Now I have that off my chest, I will clear a few things. I have three rental properties and I have my own on home. I can tell you that, when my wife and I first started, we had no chance. In fact, her mother gave us a good suggestion and said: 'Look, you have only been married a couple of months. You are renting a place in Ferndale, in Perth's eastern suburbs, trying to pay off a truck. You can't afford it. Would you like to move in and live with us for six months so you can save some dollars,' so I could go back to the Commonwealth Bank and plead for a
loan. I have to tell you that that six months turned into 2½ years before they threw us out—joking! I was getting very comfortable. We were able to afford to buy a block of land.

I am in a very good suburb in Perth, just out of Fremantle, called Cardinia. I remember when my wife and I bought that block of land and then had to save for another 2½ years before we could build on it. I had no idea how I was going to pay $28,000. I was actually stressed because my truck was worth $32,000. But to sit there and actually put our heads in the sand—I struggle with this. The kids are now off our hands. We have been able to save a few bob and invest in rental properties. It is a great thing because I am thinking to myself: 'You know what? I am going to give my kids a property each.' But then I sit and I struggle with this, thinking: 'Hang on, let's say it as it is. It's not a bad tax loop to negative gear.' Some people might want to throw rocks at me, but I have to get this on the record. I have used the system and it is not illegal. But I am really struggling with it now when I look at my 25-year-old and my 28-year-old as they are desperately trying to enter the housing market.

My daughter—God bless her, I love her dearly—just got married. She and her husband have a unit in Subiaco and they have had to scrounge and scrimp to put together every single cent they can to get this unit. Sadly, unlike a lot of our generation, today the younger generation would love to start a home—that being four bedrooms, two bathrooms, a studio, two cars in the driveway and international holidays every six months. That is great if you can get it! But we really have to put the interests of the next generation first. We should explore every avenue there is to do whatever we can to make housing affordability one of the No. 1 issues in this nation, because not every young Australian is going to have the opportunity to earn what we earn. It would be lovely if they could! Therefore, I want to make it very clear that I will support and endorse, fanatically, any policies that give our younger generations the opportunity to enter the housing market.

When you look at my home town of Perth, it is a classic example of where we enjoyed the benefits of the mining boom—that mad 10 years. No-one talked about housing prices around the barbecues in Perth—it was your football team or whatever it may be—until the boom started. It got embarrassing, and I think that Senator Wang would actually agree with me here. I think he would. It got to the stage where I was not interested in listening to Western Australians who would start every conversation at the barbie with how much their house was worth! It just went crackers!

We all fell for this thing, 'Oh well, I bought my house for 20 grand and it is now worth 180 grand!' They did not think, 'Hang on—if I want to sell it and upgrade where the heck am I going to get the money from?' It went ludicrous. If you look at our home state—Senator Wang and I—and in Perth: for young people to be able to afford a piece of land to put a nice little three-bedroom, two-bathroom cottage on we are talking about going 30 kilometres out of the city. That might not be a lot for those from New South Wales but I have to say that when you see young people balancing wanting to start a family, wanting to have their own residence and trying to juggle two wages until the pregnancy comes along and then one, it is damn frightening.

We need to grow up. It is now time to put the interests of the next generation first, not our own. (Time expired)

Question agreed to.
Financial Services

Senator WHISH-WILSON (Tasmania) (15:32): I move:

That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Whish-Wilson today relating to the financial services sector.

I am glad that Senator Brandis is still in the chamber. If I were to break into Senator Brandis's car, or his house or even his bank account and repeatedly steal money from him, or from other people, it is very likely that I would be charged under a criminal offence—and Senator Brandis would know better than I would what that would be—and I would go to jail.

What I cannot stomach is that the committee I am part of, which itself recommended a royal commission—and I will get to why in a second—has seen evidence of systemic fraud, deception and misleading conduct within the financial planning industry that has ripped millions of dollars out of Australian savings. We have just released a report into forestry management investment schemes and the sum total of it was that $4 billion worth of investment money was lost, billions of dollars in tax was avoided and the schemes have totally failed to achieve what they set out to do, and that was to be self-sufficient in timber products. They were sold for a few cents in the dollar to foreign interests. And while a few people made a lot of money out of these schemes, such as financial planners, accountants, broking firms and the promoters of the schemes themselves, tens of thousands of Australians have lost their savings and some have lost their homes, and are still losing their homes.

The committee has found that while this is not strictly illegal or criminal it is certainly something else: that is, it is a serious cultural issue that needs to be dealt with. So maybe the situation is that our laws actually need to change so that people who knowingly rip off customers—mum-and-dad investors—and take away their life savings by putting them into dodgy products because it is to the advantage of the financial planner or the accountant to do so, go to jail. There should be fines in place that actually provide a disincentive for this kind of bad behaviour.

When the committee looked into the Commonwealth Bank there was not just one situation; there were dozens, if not hundreds, of people implicated in a scandal at that bank, including clear evidence of fraud. To their credit, the bank said that they would fix it. We then uncovered a number of other scandals at other banks that were similar or, in some cases, worse. Last week it was revealed by Four Corners that Commbank's Comminsure business was, in many cases, not paying out to people who were due for their life-insurance, and they were coming up with very dubious reasons for not doing so.

There is a fine line between me stealing $100,000 by hacking into someone's bank account and making a dodgy decision about not giving someone a payout that they are due for. While that might not be criminal behaviour, there is a systemic cultural issue within financial services companies: from the CEO down they are remunerated according to bonuses. In other words, it is based on how much money they make. The profit-at-all-cost mentality is why corners get cut and why salespeople are under pressure to meet targets. This is all the kind of stuff that the committee has heard.

Senator Bishop, a Labor senator who chaired the economics committee, recommended a royal commission just into the Commonwealth Bank because he felt that as much as the
Senate did what it could we did not have the investigative powers and the resources to get to the bottom of this cultural issue.

Since then, we have seen a number of blow-ups across the sector. One has to wonder whether we are really just scratching the surface. We have to take the word of a CEO when they front the committee and say that it is all fine and that they have fixed it. But how long is it until the next scandal arises—nearly always because of whistleblowers?

The GFC wiped trillions of dollars from the world economy. It was an absolute catastrophe. Do you know what? Only one person has been sent to jail. If senators have not seen the movie, The Big Short, or read the book, I thoroughly recommend that every senator goes to see it. Do not come into this chamber and tell me that those acts in the GFC, as for those in forestry managed investment schemes and other toxic financial products, were not the acts of criminals. If it is not illegal to profit at someone else's expense and do it continually, and if we do not have the regulations and the power to prosecute—if that is not illegal then it should be, and we need to change the law. *(Time expired)*

Question agreed to.

DELEGATION REPORTS
Parliamentary Delegation to the United Kingdom and Germany

Senator KIM CARR (Victoria) (15:37): by leave—I present the report of the Australian parliamentary delegation to the United Kingdom and Germany, which took place from 26 October to 5 November 2015. I seek leave to move:

That the Senate take note of the document.

Leave granted.

Senator KIM CARR: I move:

That the Senate take note of the document.

It was a privilege to be the deputy leader of the delegation, which comprised the member for Brisbane, Ms Teresa Gambaro, who was the delegation leader; the member for Parkes, Mr Mark Coulton; and Senator Fawcett, who is in the chamber here today.

Before I get to the substance of the issue, I wish to record our appreciation for the work that went into preparing for the visit, including the arrangements made by the Australian parliamentary International and Parliamentary Relations Office, the Commonwealth Parliamentary Association UK Branch, officials from the Scottish parliament and the administration of the German Bundestag. I also thank the Australian diplomatic missions in the United Kingdom and Germany for their work in developing programs and their excellent support during the visit.

The European project, which has developed since 1957, I think is one of the great achievements of modern time. It is of some concern, though, that the recent developments within Europe have put that great project at risk. Recent evidence is the regional elections in Germany, which took place last weekend, where the far right nationalist party, the Alternative for Germany—or AfD—carved into the vote of the ruling Christian Democratic Union. More than half of Germany's 16 state parliaments now have AfD representation.

The context of the AfD's rise is part of the biggest migration crisis we have seen since the Second World War. More than a million people entered Germany alone in 2015. Eighty per
cent of them were from Syria, Iraq or Afghanistan. At the time of our delegation visit in November, 1,200 people a week were arriving in Germany. With 6½ million people displaced from Syria alone, the flow of asylum seekers is not likely to be diminished anytime soon.

The AfD opposes the open border policy of Chancellor Angela Merkel, which it claims will result in the Islamisation of Germany. We have heard similar rhetoric in the far right of British politics. We have seen this with UKIP, and we have seen it in other countries within the European Union as well.

In the UK, the UK Independence Party has risen to a mixture of Islamophobia, resentment of migrants who settle in the United Kingdom and hostility to the British membership of the European Union. In last year's general election, UKIP received 3.8 million votes, almost 13 per cent of the total and an increase of more than nine per cent on the vote in the previous elections. This was the largest increase of any British political party, although UKIP won only one seat because of the British electoral system itself.

There is fear of losing more than just votes if UKIP is able to develop its agenda any further. It is very much the concern of the British Conservative Party that the Cameron government will hold a referendum on 23 June to decide whether or not Britain remains part of the European Union. While leaders of the major political parties of Labour and the conservatives, the Liberal Democrats and the Scottish nationalists all favour staying within the European Union, the support for British exit is substantial—according to most recent polls, at least one in three voters in the United Kingdom. During our visit we did have the opportunity to meet with parliamentary supporters and opponents of the British engagement in the European Union.

It is difficult to avoid the conclusion that the questions of the British engagement with the European Union are really not just about the advantages or disadvantages for voters but about the very existence of the European Union itself. Of course, there are now really serious risks emerging about that whole European project. The most toxic forms we have seen are actions on the east of Europe with various governments around the issue of migration, questioning the very fundamental, underlying principles of human rights that have been such an important part of the European experience.

This was a very worthwhile trip and exposed us to a range of issues which I think are worth considering in detail. I commend the report to the chamber.

Question agreed to.

**COMMITTEES**

**Public Accounts and Audit Committee**

**Senator SMITH** (Western Australia—Deputy Government Whip in the Senate) (15:43): I seek leave to make a statement relating to the decision of the Joint Committee of Public Accounts and Audit on the appointment of the Parliamentary Budget Officer.

Leave granted.

**Senator SMITH**: As the committee responsible for parliamentary oversight of the Parliamentary Budget Office, the Joint Committee of Public Accounts and Audit is required by legislation to consider the appointment of the Parliamentary Budget Officer as proposed by
the Presiding Officers and to approve or reject this proposal. The committee is then required to report to both houses of the parliament on its decision.

In accordance with the Parliamentary Service Act 1999, I am pleased to inform the parliament that the committee has approved the proposal that Mr Phil Bowen be reappointed as Parliamentary Budget Officer for a further term of 12 months. This term will commence on 23 July 2016.

The role of the Parliamentary Budget Office is to inform the parliament by providing independent and nonpartisan analysis of the budget cycle, fiscal policy and the financial implications of proposals. The committee's 2014 report on the PBO commended Mr Bowen, the inaugural Parliamentary Budget Officer, for his leadership in establishing the PBO as a respected source of expert analysts in this regard. We further commend the excellent work of Mr Bowen and officials in the Parliamentary Budget Office since that 2014 report.

The committee believes that Mr Bowen's reappointment will ensure continuity of leadership for the Parliamentary Budget Office during the upcoming federal election period.

National Disability Insurance Scheme

Joint Select Committee on Trade and Investment Growth

Government Response to Report

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (15:45): I present two government responses to committee reports as listed on today’s Order of Business. In accordance with the usual practice, I seek leave to incorporate the documents in Hansard. Leave granted.

The documents read as follows—

Joint Standing Committee on the National Disability Insurance Scheme

Progress Report on the implementation and administration of the National Disability Insurance Scheme

The Australian Government welcomes this report and recognises the important and ongoing work of the Joint Standing Committee on the National Disability Insurance Scheme (NDIS) in reviewing the implementation and administration of the NDIS.

2014-15 was another important year for the NDIS, with trials in the Australian Capital Territory (ACT), Western Australia, and the Northern Territory (NT) joining the existing trials in New South Wales (NSW), Victoria, South Australia (SA) and Tasmania. Over the year, an additional 10,000 participants entered the scheme, bringing the total number of participants to 19,817.

The Government remains committed to the full, nationwide roll-out of the NDIS. As noted by the Committee in its report, both NSW and Victoria have signed bilateral agreements for the transition to full scheme. Transition to full scheme has already commenced in the ACT. Since the report was finalised, the Prime Minister has also signed bilateral agreements with the Premiers of South Australia and Tasmania. The signed agreements, in total, provide certainty for around 64 per cent of the 460,000 Australians with disability expected to be eligible for the NDIS.

The NDIS is a complex and challenging initiative and the Government is determined to ensure that it is sustainable into the future. When delivered, it will address the chronic unmet needs of people with disability, their families and carers.

Response to the Joint Standing Committee's Progress Report

The Government agrees, or agrees in-principle, to all of the recommendations made by the Committee.
The National Disability Insurance Agency (NDIA) and its Board, as well as representatives from the Department of Social Services (DSS) and the Treasury, state government officials and key stakeholders, participated actively in sessions held by the Committee leading up to publication of the progress report. The NDIA and DSS have already started work to address many of the recommendations.

The Committee has made several recommendations that will involve further consultation and negotiation with State and Territory Governments. Consistent with current and long-standing arrangements, these will be addressed under the auspices of the Council of Australian Governments (COAG) Disability Reform Council. All Australian Governments continue to work together closely to ensure the Scheme is delivered in a timely, effective and efficient manner.

**Government Response to the Joint Standing Committee on the National Disability Insurance Scheme**

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<th>Recommendation</th>
<th>Government Response</th>
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<td>1. The committee recommends that National Disability Insurance Agency work with stakeholders to ensure that pre-planning information for potential participants adequately provides all information required for people to make well-informed decisions about their disability care and supports.</td>
<td>Agree</td>
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<td>2. The committee recommends that risk management practices around the flexibility of supports within plans are underpinned by the principle of choice and control for participants.</td>
<td>Agree</td>
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<td>3. The committee recommends that the status of guidance for plan reviews is clarified and communicated consistently across National Disability Insurance Agency publications.</td>
<td>Agree</td>
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<td>4. The committee recommends that the National Disability Insurance Agency and NDIS My</td>
<td>Agree</td>
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Way provide access to training and technical support to those participants who want to self-manage some or all of their plans.

with participants who need assistance to set up self-management as part of their plan implementation.

For participants who do not have current capacity to self-manage, the National Disability Insurance Agency can assist them through provision of supports in their plan for capacity building, which can include training to self-manage their plan.

The National Disability Insurance Agency is also supporting people to self-manage through ICT improvements and through staff advice on claiming queries from participants.

5. The committee recommends that the National Disability Insurance Agency and the Department of Social Services carry out more in-depth research to assess the viability of various Local Area Coordination delivery models before any commitment is made.

Agree

During transition, the Local Area Coordination function will be implemented in a manner that builds on existing capabilities. The National Disability Insurance Agency will work with the Department of Social Services to complete an analysis of the market response to scheme delivery requirements and undertake a limited co-design process to inform arrangements moving forward.

6. The committee recommends that the Department for Social Services work with the National Disability Insurance Agency, and state and territory governments to ensure that sector development funding and assistance measures are flexibly designed to support organisations transition into the NDIS and become sustainable service providers.

Agree-in-principle

The Department of Social Services works closely with the National Disability Insurance Agency and state and territory governments to identify projects that align with the outcomes of the Sector Development Fund (SDF) and its priorities as outlined in the SDF Strategy. The Market Sector and Workforce Strategy developed with all jurisdictions identified priority areas of work that also could be funded through the SDF. While the SDF looks for projects with national applicability it will also work with jurisdictions to develop projects to address issues unique to that jurisdiction.

The SDF has funded a range of capacity building projects for both the sectors such as carers and mental health as well as for individuals and their families. In addition SDF has funded capacity building projects in each jurisdiction and provider readiness projects. SDF is currently planning for new projects to commence throughout 2016, of which some will be led by jurisdictions and the National Disability Insurance Agency.

7. The committee recommends that the National Disability Insurance Agency facilitates information and knowledge sharing from

Agree

Learnings from trial sites are captured by the National Disability Insurance Agency and by the COAG Disability Reform Council to inform the development of national strategies that
other trial sites across the disability and community sectors in Queensland.

The National Disability Insurance Agency is working with the Queensland Government to support existing providers in the transition to the NDIS and highlight the market opportunity in Queensland to current and prospective providers.

8. The committee recommends that the roles and responsibilities of each party in relation to the interface between the Scheme and mainstream services are clearly set out in bilateral agreements between the commonwealth and state and territory governments.

Agree

The mainstream interactions are guided by the legislative framework for the scheme (the National Disability Insurance Scheme Act 2013 and Rules) and a set of Applied Principles and Tables of support initially agreed by the Council of Australian Governments (COAG) in April 2013.

A review of the Applied Principles and Tables of Support used to determine the responsibilities of the NDIS and other service systems was requested by COAG in 2014 to report back by June 2015. This review was undertaken and completed during 2015 and updates to the Principles, and Applied Principles were published on the COAG website in December 2015, along with the Tables of Supports which set out the roles and responsibilities of each party.

Bilateral Agreements have been agreed with New South Wales, Victoria, Tasmania and South Australia and all have a schedule on the mainstream interfaces with the NDIS. The 2015 review of the Applied Principles and Tables of Supports identified that escalation procedures are required to address areas where operationalisation of the Applied Principles and Tables of Supports results in unintended consequences. The escalation clauses in the bilateral agreements Agreement will be used to address these areas. All subsequent bilateral agreements will have similar provisions.

The COAG Disability Reform Council will continue to review the operation of the Applied Principles and Tables of Supports and provide advice to COAG, as needed.

This recommendation is being implemented.

9. The committee recommends that all options to develop a market that provides choice and control for participants in rural and remote areas be explored, and that any additional funding for disability in the Northern Territory to any provider is conditional on measurable

Agree-in-principle

The Australian Government, in partnership with the National Disability Insurance Agency and state and territory governments, will continue to consider how to best support the development of a market for supports in rural and remote areas.

Where appropriate funding from the Sector Development Fund will be sought.
The committee recommends the Commonwealth government provides funding for research to establish robust data on the scale and nature of disabilities in Indigenous communities.

Agree-in-principle
Over time, the National Disability Insurance Agency will develop a comprehensive dataset of information related to NDIS Indigenous participants and this will go some way to filling data gaps that currently exist regarding the scale and nature of disabilities in Indigenous communities.

There are options available for organisations to submit proposals for funding to undertake work that will assist the Commonwealth to understand the type and extent of disabilities among indigenous people including those eligible for NDIS. The Commonwealth welcomes proposals that would support effective and robust data collection and analysis in Indigenous communities, in particular, proposals that build on existing structures and processes and do not place an undue reporting burden on communities and organisations.

The committee recommends that the Government, through the Disability Reform Council, make all haste with the finalisation all of the bilateral agreements for the transition phase of the National Disability Insurance Scheme.

Agree-in-principle
The Commonwealth is committed to the full, nationwide roll-out of the NDIS.

Transition to full scheme has already commenced in the Australian Capital Territory.

The Prime Minister has signed bilateral agreements with the Premiers of New South Wales, Victoria, South Australia and Tasmania. The signed agreements, in total, provide certainty for around 64 per cent of the 460,000 Australians with disability expected to be eligible for the NDIS.

The early transition to the NDIS in Queensland commences in Townsville and Charters Towers for children and young people (0-18 years), and for all eligible participants from Palm Island from January 2016.

The Commonwealth is committed to finalising arrangements with the Northern Territory and Queensland as soon as possible, where viable and affordable proposals are provided, which are also in line with agreed timeframes and funding shares.

In Western Australia (WA), a comparative trial of the NDIA and My Way models will inform future directions for disability reform in WA. The Commonwealth has commenced discussions with WA on the future of disability reform in WA. This recommendation is being implemented.
12. The committee recommends that the Government, through the Disability Reform Council, agree effective roles and responsibilities including funding regarding Information, Linkages and Capacity building (Formerly Tier 2 supports) and access to Mainstream services.

Agree

The Disability Reform Council agreed the Information, Linkages and Capacity Building (ILC) Policy Framework in April 2015. This framework provides guidance to the NDIA on the scope and type of ILC activities which should be supported under the NDIS. Implementing ILC is the responsibility of the National Disability Insurance Agency.

The National Disability Insurance Agency is currently developing a Commissioning Framework for ILC, which seeks to outline its implementation approach, including outcome measures and investment priorities.

In addition to the Commissioning Framework, the National Disability Insurance Agency is working with the Commonwealth, states and territories to developed detailed transition plans which include the new ILC sourcing approach in each jurisdiction.

Funding for ILC has been allocated by the Commonwealth. See Department of Social Services Portfolio Budget Statement 2015-16, under 'community inclusion and capacity development grants' for Outcome 1 (p239).

This recommendation is being implemented.

Australian Government response to the Joint Select Committee on Trade and Investment Growth report

_Inquiry into Business Utilisation of Australia’s Free Trade Agreements_

March 2016

Tabled 15 October 2015

**Recommendation 1:**

The Committee recommends that the Department of Foreign Affairs and Trade should include financial services regulators in free trade negotiations to boost the opportunities for Australia’s financial services sector.

**Response:**

The Government agrees with the recommendation. The Department of Foreign Affairs and Trade (DFAT) includes financial services regulators in free trade agreement negotiations. This includes through formal consultations on key negotiating positions, regular updates on negotiations and maintaining open communication channels for access to DFAT trade negotiators at all times. Financial services regulators have at times also participated in formal trade negotiating rounds—for example, the Reserve Bank of Australia, the Australian Prudential Regulation Authority and the Australian Securities and Investments Commission were all involved in negotiating rounds for the recently concluded China-Australia Free Trade Agreement.

**Recommendation 2:**

The Committee recommends that the Department of Agriculture should continue negotiating with trading partners to gain acceptance of the fruit fly-free status of particular regions of mainland Australia in free trade agreements where this is an issue.
Response:
The Government does not support the recommendation. Australia does not negotiate sanitary and phytosanitary (SPS) outcomes in free trade agreements (FTAs). The Australian Government will continue to negotiate SPS market access outcomes, including pest free areas for fruit flies, with Australia's trading partners on a science and evidence-based approach.

Recommendation 3:
The Committee recommends that proposed changes to the Tasmanian Freight Equalisation Scheme include all exported goods whether destined for export via air or sea.

Response:
The Government notes the recommendation. The Government has agreed to the expansion of the Tasmanian Freight Equalisation Scheme (TFES) from 1 January 2016. This will enable Tasmanian businesses sending their goods to the mainland to be able to claim under the scheme regardless of the goods' final destination.

Shipments via the mainland for markets not currently covered by the Scheme will now be covered and will be able to claim assistance at the flat rate of $700 per TEU (twenty foot equivalent unit). Shippers from King Island and the Furneaux Group of Islands will be eligible for a 15 per cent additional loading. The flat rate of assistance will be introduced for eligible non-bulk goods that are shipped to any mainland port regardless of the goods' final destination, and whether the goods are air freighted or shipped to a final destination.

The objective of the TFES, including in its expanded form, is to provide Tasmanian industries with equal opportunities to compete, recognising that unlike their mainland counterparts, Tasmanian shippers do not have the option of transporting goods interstate by road or rail.

Shipments of eligible non-bulk goods that bypass the Australian mainland are not eligible for assistance under the expanded TFES.

Recommendation 4:
The Committee recommends that the Department of Foreign Affairs and Trade:

- review the roll out schedule of the North Asia FTA Advocacy Program seminars with a view to providing quicker and more effective outreach to its target audience; and
- engage peak industry bodies to deliver seminars under the North Asia FTA Advocacy Program.

Response:
The Government notes the recommendation.

The Department of Foreign Affairs and Trade and Austrade have jointly delivered 38 North Asia Free Trade Agreement (FTA) Information Seminars around the country since April 2015. Seminars have taken place in all states and territories. More than 1500 small and medium enterprises and other interested parties had attended these events; feedback to date on the events continues to be very positive. The regularity of seminar delivery has increased over recent months and this is likely to continue as a result of efficiencies in the planning, logistics and program delivery aspects of the seminars. The seminars are well advertised by Austrade and DFAT to general and target audiences, and through outreach to member-based organisations. Presentations and other material used at the seminars are available to the public through the "Open for Business" website.

As regards peak body involvement, the Government strongly supports North Asia FTA outreach activities undertaken by the private sector across Australia. Austrade and DFAT are engaging closely with a wide variety of peak industry bodies, as well as state governments and other stakeholders, on the roll-out of the seminars, including through inviting their members, as well as providing speakers and panellists for separate corporate and industry-focused events. Austrade and DFAT will continue to support these events wherever possible.
Additionally, as part of the FTA advocacy package funded in the May 2015 Federal Budget, Austrade has also developed an online 'FTA Toolkit' with video case studies, talking points, presentations and fact sheets for industry, regional business development groups and bilateral business chambers to inform their members about the FTAs. Austrade also will shortly begin assessing applications for the FTA Training Provider Grant program, established to assist eligible organisations deliver tailored training projects aimed at helping Australian small and medium-sized enterprises and stakeholders understand how to use and access FTAs with China, Japan and Korea.

**Recommendation 5:**
The Committee recommends that the Department of Foreign Affairs and Trade ensure the FTA Dashboard is designed to enable easy access to country-based information and enable end-users to easily switch between the FTA Dashboard and the MICoR database.

**Response:**
The Government agrees with the recommendation. The FTA Portal (formerly referred to as the FTA Dashboard) is designed to provide access to FTA information on a country basis. In particular, searches are conducted by country, rather than by Agreement.

In the most recent release version (December 2015), the Department of Foreign Affairs and Trade (DFAT) and the Department of Agriculture and Water Resources ensured the FTA Portal directs users easily to the Department of Agriculture and Water Resources Manual of Importing Country Requirements (MICoR). Both agencies will further explore the possibilities for improving the ease with which information can be accessed.

**Recommendation 6:**
The Committee recommends that the Department of Agriculture:
- review the demand for 24 hour/7 day access to the export document hub; and
- assess the feasibility of developing technology to meet the demand for 24 hour/7 day access to the export document hub.

**Response:**
The Government notes the recommendation. The Government notes that demand for 24 hour/7 day access to the export document hub is currently very low. The development and implementation of technology to provide such access would require significant human and financial resources, and would increase costs for exporters through cost recovery mechanisms. The Department of Agriculture and Water Resources will continue to monitor demand for this service, but does not believe a feasibility study is warranted at this time.

**Recommendation 7:**
The Committee recommends that the Export Market Development Grant scheme be broadened to recognise anti-counterfeiting measures as an expense.

**Response:**
The Government notes the recommendation. The Export Market Development Grants (EMDG) scheme is a key Australian Government financial assistance programme for small to medium aspiring and growing export-ready businesses. It encourages businesses to increase international marketing and promotion expenditure to achieve more sustainable international sales. Eligible businesses can claim expenses under nine categories: overseas representation; marketing consultants; marketing visits; communications; free samples; trade fairs, seminars, and in-store promotions; promotional literature and advertising; overseas buyers; and the registration and/or insurance of eligible intellectual property. For the purposes of the EMDG scheme, intellectual property covers, but is not limited to:
- patents,
• designs,
• trademarks,
• plant breeders' rights,
• circuit layout rights,
• confidentiality/trade secrets or
• copyright.

The grant, registration or extension of the term or period of the registration of the intellectual property must have been made for an approved promotional purpose. More information on this category of EMDG expenditure can be found at: http://www.austrade.gov.au/ArticleDocuments/1433/EMDG-IP-registration-insurance-2014-15.pdf.aspx

While packaging and labelling may provide Australian exporters with other anti-counterfeiting protection, the EMDG scheme cannot cover expenditure relating to the cost of production, and this type of expenditure would not be eligible expenditure for the purposes of the EMDG scheme.

**Recommendation 8:**
The Committee recommends that the Department of Foreign Affairs and Trade provide assistance to free trade agreement partner countries, where appropriate, to build their capacity to assess sanitary and phytosanitary risks.

**Response:**
The Government notes the recommendation.

Australia's development assistance programs in the agriculture and fisheries sectors, valued at approximately $225 million in 2014-15, included technical assistance for managing sanitary and phytosanitary (SPS) risks and improving food safety. These programs provide assistance to current and future free trade agreement partner countries in the Indo-Pacific region.

For example:
• The Pacific Horticultural and Agricultural Market Access Program (PHAMA) aims to increase Pacific horticultural and agricultural exports to international markets;
• The Australia-Indonesia Partnership for Emerging Infectious Diseases Animal Health Program supports the Indonesian Agriculture Ministry's capacity to plan and implement disease prevention and control activities;
• Agricultural Productivity in Solomon Islands supports the Solomon Islands Agriculture and Livestock Ministry's cocoa extension systems and includes SPS-related technical assistance in the Ministry; and
• Australia also supports the World Organisation for Animal Health's Stop Transboundary Animal Disease and Zoonoses initiative, including a program to build veterinary capacity in Asia.

Australia also provides assistance to developing countries for negotiating and implementing free trade agreements, which include SPS chapters. For example:
• The ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA) Economic Support Program assists developing country members of the Association of South East Asian Nations (ASEAN) to implement their AANZFTA commitments so they can benefit from trade liberalisation and economic integration.

The PACER Plus Support program assists Pacific Island countries negotiating the Pacific Agreement on Closer Economic Relations (PACER) Plus.
Recommendation 9:
The Committee recommends that when the Government signals an intention to begin free trade agreement negotiations with a trading partner, industry assistance should be targeted towards exporters who may wish to achieve a presence in the intended trading partner’s market before completion of the free trade agreement negotiations.

Response:
The Government notes the recommendation. The outcomes of a Free Trade Agreement (FTA), including market access commitments and other potential benefits, are not finalised or made public until around the time of the conclusion of negotiations. As such, it would not be possible to target industry assistance before the completion of the free trade agreement negotiations, as the benefits for a particular good or service provider would not be certain.

Businesses seeking to expand into the market of a new or existing FTA partner are eligible to apply for assistance through a range of government programmes. Businesses could cite any known or expected benefits from an FTA in such applications.

Government websites carry a substantial amount of materials to assist exporters (by country and sector), if they wish to target a given market. The Government typically increases assistance through the provision of broad information and advice on how to expand to an FTA partner’s market near the conclusion of an agreement. For example, the North-Asia FTA information seminar series began well before the entry into force of the China-Australia FTA in December 2015.

Recommendation 10:
The Committee recommends that at the commencement of free trade negotiations, the Department of Employment should undertake modelling of the human capital and workforce needs arising from the agreement, particularly for the services sector. Based on the modelling outcomes, the department should develop a workforce strategy to take advantage of the agreement.

Response:
The Government does not support the recommendation. The Government notes that economic modelling on free trade agreements does not usually include estimates on employment growth or sectoral labour market impacts and, where such modelling occurs, it is more appropriately undertaken at the conclusion of negotiations. The limitations of economic modelling (see response to recommendation 12) would prevent its use for workforce strategy development purposes.

Recommendation 11:
The Committee recommends that Austrade, in consultation with Australian business, facilitate:

- the development of a recognisable Australia brand logo and signage for exported Australian goods and services; and
- the development of anti-counterfeiting measures for exported Australian goods.

Response:
The Government notes the recommendation, and supports the creation of a recognisable logo and related brand assets for exported goods and services. Austrade has previously responded to a government request to develop a brand identity (logo) to identify Australian goods. The ‘Australia Unlimited’ logo was created as part of the Building Brand Australia program to represent the capability internationally, including to identify goods and services as Australian. The use of the ‘Australia Unlimited’ logo was encouraged across government, with varying success. More recently, the Government has used the Open For Business logo to position all of the free trade agreement advocacy and business utilisation activities under a single brand. Elsewhere, work is being carried out by the private sector in relation to food branding, and in particular red meat, and this work is being monitored.
The Government establishes the policy and legal frameworks for intellectual property protection in Australia, and FTAs and other international agreements help underpin intellectual property standards which assist Australian companies to do business internationally. The Australian Government also participates in international fora dedicated to better detection and mitigation of intellectual property infringements in global markets. However, taking the commercial measures and legal steps to protect and enforce their brand rights, including in foreign markets, is a matter predominantly for Australian companies to consider and undertake. Nevertheless, Australian government agencies do provide information to assist Australian businesses on these important issues, including in international markets. There is a range of publicly-available information on protection of IP rights, including trademarks, overseas, on the Austrade and IP Australia websites.

**Recommendation 12:**
The Committee recommends that the Department of Foreign Affairs and Trade commission independent modelling of the potential benefits of free trade agreements. Modelling should be undertaken before negotiations begin and be compared to the outcomes of a second modelling exercise undertaken after negotiations have been completed, but before signing. The modelling results together with an explanation of variances should be made publicly available.

**Response:**
The Government does not support the recommendation. While economic modelling simulations can provide helpful indications of the possible quantitative impacts of an FTA, such models have limitations and their results should be regarded as only one input into the process for assessing the merits of trade agreements.

DFAT does not consider that it would be practical or feasible to delay signature of FTA negotiations in order to conduct quantitative modelling of final outcomes. Critical market access outcomes are often the final elements agreed by the negotiating parties; undertaking modelling at that stage, or making signature contingent on the results of economic modelling, could prejudice Australia's negotiating position and impact on the Government's capacity to negotiate outcomes in the national interest.

The Department of Foreign Affairs and Trade has, from time to time, commissioned independent modelling on the possible impacts of free trade agreements in consultation with government, and, where this occurs, will continue to ensure the publication of modelling results is accompanied by the assumptions upon which the modelling is based.

**Recommendation 13:**
The Committee recommends that the Department of Foreign Affairs and Trade formally involve representatives from Australia's peak industry bodies, both employer and employee, in free trade agreement negotiations, reflecting the US model.

**Response:**
The Government does not support the recommendation. The Government currently consults extensively with the public before a decision is made whether or not to enter into FTA negotiations, including through a wide call for submissions. This consultation process continues throughout the course of any FTA negotiations. Stakeholders or other interested parties are welcome to make a submission, meet with relevant negotiators or join DFAT's regular (typically bi-annual) peak body trade consultations at any time. This Government-instituted model works well in both identifying commercially-significant impediments to increasing Australian trade and ensuring the Government is well informed when developing negotiating positions.

**Recommendation 14:**
The Committee recommends that the Government should be taking all possible means to ensure that market access is enabled and that negotiators from the Department of Foreign Affairs and Trade remain involved in market access negotiations after a free trade agreement enters into force.
Response:
The Government notes the recommendation. The Departments of Foreign Affairs and Trade (DFAT) and Agriculture and Water Resources have different areas of responsibility in negotiating market access for Australian exporters. DFAT and the Department of Agriculture and Water Resources work together in negotiations, with DFAT having the lead on tariffs and tariff quotas. The Department of Agriculture and Water Resources is the lead agency on technical market access negotiations (Sanitary and Phytosanitary negotiations) with DFAT playing a supporting role, including attendance at negotiations.

COMMITTEES
Report

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:45): Pursuant to order and at the request of the chairs of the respective committees, I present reports as listed at items 12 and 16 on today’s Order of Business as well as Report No. 3 of 2016 of the Parliamentary Standing Committee on Public Works and additional information for the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity together with the Hansard records of proceedings and documents presented to the committees.

Ordered that the documents be printed.

Publications Committee
Report

Report adopted.

Human Rights Committee
Report

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:47): by leave—I move:
That the Senate take note of the report.
I seek leave to continue my remarks later.
Leave granted; debate adjourned.

Joint Standing Committee on Treaties
Report

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:47): by leave—I move:
That the Senate take note of the reports.
I seek leave to continue my remarks later.
Leave granted; debate adjourned.

Joint Standing Committee on National Capital and External Territories
Report

Senator CAROL BROWN (Tasmania) (15:47): by leave—I move:
That the Senate take note of the report.
On behalf of the Joint Standing Committee on the National Capital and External Territories, I present the committee's final report on Economic Development and Governance in the Indian Ocean Territories—which encompasses the Christmas Island and the Cocos (Keeling) Islands.

As external territories Christmas and the Cocos (Keeling) Islands are administered by the Commonwealth, with the Department of Infrastructure and Regional Development and the minister for the territories having overall responsibility.

Arrangements with the Western Australian government provide state-type services.

Today I wish to briefly highlight the work of the joint standing committee in undertaking this inquiry.

In March 2015, the Assistant Minister for Infrastructure and Regional Development referred the issue of the economic development and governance in the Indian Ocean Territories to the committee for inquiry and report.

The terms of reference directed the joint standing committee to look into the interaction between formal institutions and the Indian Ocean communities, reviewing:

- the role of the administrator and the capacity (and appropriateness) of the administrator taking on a stronger decision-making role;
- existing consultation mechanisms undertaken by government representatives, including the IOT Regional Development Organisation, and best practice for similar small remote communities' engagement with Australian and state governments;
- local government's role in supporting and representing communities in the Indian Ocean Territories; and
- opportunities to strengthen and diversify the economy, whilst maintaining and celebrating the unique cultural identity of the Indian Ocean Territories.

As part of the inquiry, the joint standing committee visited Cocos (Keeling) and Christmas Islands in April 2015.

A visit I was sadly unable to attend myself.

However, those colleagues in this and the other place that were able to participate in the visit undertook a hearing, took community statements and made a range of inspections on the islands.

Throughout the course of the inquiry the joint standing committee received 53 submissions and held 14 hearings throughout 2015.

The joint standing committee heard from a diverse array of stakeholders, including Commonwealth officers, local governments, former and the current administrators, business owners, community groups and residents.

The committee heard evidence of great contrast between the islands. The Cocos (Keeling) Islands have long had a static and small economy.

By contrast, Christmas Island has experienced a 'boom and bust' cycle over the years.

In particular, the committee heard calls for call for alternative economic drivers for Christmas Island as a result of the recent decline in immigration detention activity on
Christmas Island and ongoing concerns about the longer-term sustainability of the Christmas Island phosphate mine.

Previously, in June 2015, the joint standing committee tabled an interim report which focused on some aspects of economic development where the evidence on how to proceed was clear and consistent.

The committee's interim report did not include the consideration of the more complex issues in relation to the IOT's governance arrangements.

The committee agreed to concentrate on a few measures it believes have the potential to stimulate the IOT economy relatively quickly and could have a multiplier effect.

The committee's interim report contained three recommendations centring on:

• establishing a policy, legislative and regulatory framework that facilitates the reopening of the Christmas Island casino, and conducting an appropriate process to assess proposals from private sector proponents;
• allowing Christmas Island District High School to accept fee-paying international students again; and
• a sea freight service that offers more regular and affordable shipping.

The interim report also highlighted the Mining to Plant Enterprises project which has been successfully trialling agriculture on exhausted mining lease land on Christmas Island.

The joint standing committee's final report into the inquiry, which has been tabled today, makes 19 recommendations.

The recommendations in the final report both builds recommendations of the earlier report on economic development as well as addressing longstanding service delivery and governance issues.

In particular, in considering further opportunities to stimulate economic activity in the IOTs the report looks at ways to increase tourism.

Tourism has long been considered a potential cornerstone of a diversified IOT economy.

The attractive landscapes, rare animal and bird life, and unique cultures of the Christmas and the Cocos (Keeling) Islands are considerable drawcards.

However, the committee heard that like other remote Australian destinations, the development of a vibrant tourism sector in the region faces significant challenges.

These challenges are compounded by the territories’ unique governance arrangements and the presence of immigration detention operations on Christmas Island.

The committee concluded that overcoming these barriers will require close collaboration between Commonwealth and local governments, industry and the community to boost promotion and marketing of the region and revitalise the territories’ reputation as a premier holiday destination.

Recommendations include establishing closer links with Tourism Western Australia to facilitate access to tourism support services, and measures to promote the Indian Ocean Territories as a unique destination with capacity-building assistance for the local tourism associations from Tourism Australia.

Significantly the report also makes recommendations to improve land management.
The need to conduct a detailed geological survey on Christmas Island was identified as a priority.

A further priority which was identified is clarification of the operation of the land trust on the Cocos (Keeling) Islands.

The report also identified the need for a Crown land management framework which sets out the principles governing the release of Crown land, and processes that developers need to follow to lease and purchase Crown land.

The evidence to the inquiry made it clear that residents are dissatisfied with the management and delivery of services in the IOTs.

For example there were well-founded concerns that fire and emergency services on Christmas Island were in jeopardy when existing arrangements were due to expire and new arrangements had not been negotiated.

While I note that this issue has since been resolved it is unsatisfactory that the situation was even allowed to occur in the first place and must never be allowed to happen again.

Related to this are the committee's recommendations on the need for improved consultation with the community and increased transparency and accountability.

Over the course of the inquiry it became apparent that public servants within the Department of Infrastructure and Regional Development have assumed some of the responsibilities that were previously assigned to the Administrator.

And as a result the role of the IOT Administrator has diminished over time.

Uncertainty about the role of the IOT Administrator has been compounded by the different approaches of successive administrators.

The result is that the IOT communities are increasingly uncertain about who is responsible for what.

For this reason, the committee has recommended that the role and responsibilities of the IOT Administrator be clarified, including outlining specified delegations.

The report, in its final chapter, examines possible options for reform.

While at a local level there may be scope to streamline and amalgamate some functions of the IOT shire governments, it is clear it is going to take more fundamental reform to achieve significant improvements in governance for the IOT.

This is not a new consideration; however it has been over two decades since the proposal for incorporation of the IOT into a state or territory was last mooted.

The committee came to the view that bringing governance arrangements into line with the rest of Australia would significantly improve investor confidence and enhance economic prospects.

Accordingly, the committee has recommended that the Australian government fully investigate the option of incorporating the IOT into a state or territory as a longer term solution for the IOT and its residents.

Initially this would involve making formal approaches to the relevant state and territory governments and critically, extensive consultation with residents of the IOT.
As we know from previous experience significant reform of this type would not be without its challenges.

However these reforms may be the best and most appropriate way to achieve a stronger foundation and new strategic direction for the IOT.

Finally, on behalf of the chair, myself and my committee colleagues, I wish to thank everyone who contributed to the inquiry, especially residents of the Indian Ocean Territories for sharing their views and experiences.

I would also like to acknowledge the work of the committee secretariat for their work on the inquiry and the support they have provided the joint standing committee.

I commend this report to the Senate.

Question agreed to.

*Foreign Affairs, Defence and Trade References Committee*

*Report*

*Senator GALLACHER* (South Australia) (15:58): I move:

That the Senate take note of the report.

I am pleased to table this report of the Foreign Affairs, Defence and Trade References Committee into mental health of Australian Defence Force members and veterans. The government, opposition, and Australian Greens senators worked cooperatively during the inquiry and I am pleased to report that the majority report's recommendations have broad cross-party support.

The committee has a deep respect for those Australians who serve and protect our country, putting their life, as well as their physical and mental health, on the line. This report examines the prevalence of mental ill health and the impact that ADF service can have on the mental health of its members and veterans, as well as the services available to support ADF members and veterans struggling with mental ill health.

It is a terrible tragedy whenever any ADF member loses their life during their service; however, when a member or veteran dies as a result of suicide it is particularly devastating for the family, friends, and colleagues of the deceased member.

Since 2000, more than 100 ADF members are suspected or have been confirmed to have died as a result of suicide. Suicide claims the lives of many veterans as well; however, it is difficult to determine the number of veterans who have died as a result of suicide.

In general, the committee has been satisfied that ADF members’ access to mental health services is adequate, provided the member is willing to seek treatment. However, evidence received by the committee of ADF members who were brave enough to report mental ill-health and seek treatment being ostracised, ridiculed, and accused of 'malingering' was deeply disturbing and completely unacceptable.

The committee has made a number of recommendations to Defence, DVA and the Commonwealth government more broadly. The recommendations focus on:

- improving the identification and recording of mental ill-health in ADF members by auditing the scope and accuracy ADF medical record keeping, especially during
deployment, and ensuring that medical officers and mental health professionals have ready access to records of potentially traumatic events experienced by members;

- addressing stigma by emphasising the benefit of early identification and treatment of mental ill-health for an ADF member's long-term career and encouraging ADF members to plan beyond their next deployment when considering mental ill-health;

- improving transparency regarding the use of the anti-malarial drug mefloquine and ensuring that ADF members and veterans, who have been administered mefloquine during their service, are advised of the possible short-term and long-term side effects and be given access to neurological assessment;

- the introduction of a universal veterans identification number and card that is linked to veterans' service and medical records;

- encouraging veterans to seek assistance early by ensuring that e-health records identify veterans and that GPs are encouraged to promote annual ADF Post-discharge GP Health Assessments for all veterans;

- simplifying the pathways for veterans to seek assistance by broadening eligibility for the Veterans and Veterans Families Counselling Service (VVCS) and ensuring that DVA has the resources to achieve the full digitisation of its records and modernisation of its systems and claims processes;

- ensuring that the DVA Psychologists Schedule of Fees be revised to better reflect the Australian Psychological Societies' National Schedule of Recommended Fees and that any restrictions regarding the number of hours or frequency of psychologist sessions are based on achieving the best outcome and guaranteeing the safety of the veteran;

- addressing veteran homelessness, advocating a 'housing first approach' which focuses on providing stable housing and ongoing psychosocial support for veterans who are homeless or at risk of homelessness.

Early identification and treatment of mental ill-health is crucial for ADF members and veterans struggling with mental ill-health to achieve the best possible outcomes.

Mental ill-health in veterans may go unrecognised and undiagnosed for many years after leaving the ADF. Whilst it is true that engagement with DVA must be initiated by the veteran, more must be done to encourage veterans to seek assistance early and to make the process for seeking assistance simple and swift.

It is a terrible failing that we as a community do not know how many of our veterans are struggling with mental ill-health. More must be done to ensure continuity of identification of veterans, regardless of whether they are clients of DVA. All veterans should be provided with a universal identification number and identification card that can be linked to the veteran's service and medical records and utilised by both Defence and DVA, as well as other government and community services.

The committee commends RSL Lifecare for its Homes for Heroes Program and for the work of its founder, Mr Geoff Evans, helping veterans who are homeless and struggling with mental ill-health. Despite being in its early stages, the program's 'housing first approach' and focus on ongoing psychosocial support for veterans appears to be achieving excellent results at minimum cost. I commend the report to the Senate and seek leave to continue my remarks.
Leave granted; debate adjourned.

Finance and Public Administration References Committee

Report

Senator PERIS (Northern Territory) (16:04): I move:

That the Senate take note of the report.

I rise to speak to the Finance and Public Administration References Committee's inquiry into the Indigenous Advancement Strategy Tendering Process report. In the 2014-15 budget, the government announced that from 1 July 2014, over 150 programs, grants and activities for Indigenous Australians, which were delivered across a range of government portfolios, would be rationalised and streamlined into five broad programs under the new Indigenous Advancement Strategy (IAS), which would be administered by the Department of the Prime Minister and Cabinet (PM&C).

There has been $4.8 billion allocated to fund the IAS for the four years from 2014-15 through to 2018-19. The stated objective of the IAS is to improve the lives of Indigenous Australians and also to make the grants process more efficient and effective for applicants. In July 2014, PM&C released the IAS guidelines to advise potential applicants, which explained that the strategy has been designed to reduce red tape and duplication for grant funding recipients, increase flexibility, and more efficiently provide evidence based grant funding to make sure that resources hit the ground and deliver results for Indigenous people.

On 8 September 2014, PM&C announced there would be a six-week open competitive grant tender funding round under the IAS. After a delay in the assessment process, the announcement of funding outcomes was made on 4 March 2015. There was $860 million worth of funding allocated to 964 organisations to deliver 1,297 projects.

During this inquiry, the Senate Finance and Public Administration References Committee examined the program design and delivery framework of the IAS, as well as the conduct of the first round of competitive funding. Submitters and witnesses to the inquiry saw the potential benefit of streamlining 150 programs into five priority areas through the IAS process. It was seen that this change could offer greater flexibility and scope to develop on the ground, targeted responses to issues in communities. It was also seen as an opportunity to cut red tape and reduce bureaucracy.

However, the reality was that a shift of this magnitude was too ambitious. There was little to no consultation or engagement with communities and organisations on this fundamental change to Aboriginal and Torres Strait Islander programs and no input sought at the start of this process. In addition to implementing a completely new and untested way of doing business, the process was further complicated by the machinery-of-government changes and budget cuts. As Mr John Paterson from the Aboriginal Medical Services Alliance of the Northern Territory and Aboriginal Peak Organisations Northern Territory stated:

Overall … our members found the Indigenous Advancement Strategy application process to be stressful and frustrating, exacerbated by the lack of consultation and clarification of concerns from the department. We were also frustrated by the limited information made publicly available regarding the number of successful organisations that were granted funding and the breakdown of that funding.

While PM&C was able to identify the analysis done by the Australian National Audit Office and the Department of Finance as the evidence for such a dramatic policy change, it did not
articulate the evidence base for the development of the IAS as the means by which to address earlier policy failings in this area.

The shift to a competitive tendering model appeared to disadvantage Indigenous organisations. The IAS processes especially disadvantaged smaller Indigenous organisations with less experience in applying for competitive funding and those who lacked the resources to hire such expertise, compared with the large non-government organisations. More than $1.7 million was spent on engaging external organisations to assist with administration processes and probity advice. Despite all this assistance, the administration issues were significant, and there was an unreasonable timetable for applicants. There was a clear lack of reliable information for applicants and a lack of clarity around incorporation requirements, and the advice and feedback to successful and unsuccessful applicants was often unclear and generic.

Changes to the process were underway including the funding extension and the gap-filling processes. It appeared that the IAS was being adapted on the run, which to many stakeholders meant the new process lacked transparency and was not a level playing field. Witnesses to the inquiry said that communication throughout the tender application process was poor and confusing. It was clear that the process was not well understood, as evidenced by almost half of the applications being noncompliant.

For all the upheaval and chaos created, the outcome appears to be that organisations funded previously have, by and large, been funded to do the same activities with less money. Of particular concern is that the funding uncertainty across the sector has led to respected and experienced staff being lost. It is profoundly disappointing that, eight months after acknowledging the shortcomings, the situation does not appear to have improved. Many organisations are in the same position they were in last year of having funding running out on 30 June 2016 and not knowing what the next steps are. This is despite the minister's reassurance that the new process would result in longer term funding contracts. On top of this, the revised guidelines to apply for funding that will need to start from 1 July have been delayed, which will result again in a very short time frame to lodge applications. Again, this has created further uncertainty for service providers and their staff.

I am very concerned that this loss of expertise and relationship has led to a disconnect between the people on the ground and their local needs and the decision-making process undertaken here in Canberra. While the idea of the IAS was initially welcomed, I believe the price paid by the Indigenous communities for implementing the unreasonable time line was far too high. This would appear to be a case of the goodwill being hard to gain and easy to lose. I agree 100 percent with the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Mick Gooda, who said: 'To have confidence in the outcomes, we have got to have confidence in the process.'

The Auditor-General is currently conducting an audit of the establishment and implementation of the IAS. I strongly support this audit because we all need to see the evidence of how the process has improved. We will continue to monitor the future of the IAS process through estimates hearings.

The committee has made nine recommendations as a result of its inquiry. Those recommendations include recommendations in relation to future rounds of the IAS grant funding. I will conclude here because I know that Senator Siewert wants to make a
contribution. I would just like to put on record that I would like to thank all those who made submissions to the inquiry and who provided evidence at the public hearings. I commend the report to the chamber, and I seek leave to continue my remarks later.

Leave granted.

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:12): I rise to make a contribution to the discussion on this report, Commonwealth Indigenous Advancement Strategy tendering processes. I initiated it—and it was with the support of the chamber, of course, that this committee inquiry was undertaken—because of the enormous feedback that we got from the community about how disruptive the IAS process was. The inquiry has established that in fact it was enormously disruptive to the process. We had a final hearing in Canberra, but the one just before that, in late February, was in Darwin. There, even 12 months down the track, organisations are still feeling the effects of the disruption from this process. The committee inquiry overwhelmingly confirmed that sense of disruption and confusion and how disheartened people were by this process.

I build on the comments that Senator Peris made, because she has also described what we found during the inquiry. I too would like to quote from Mr Gooda, who is quoted in the report. He said:

Respectful engagement with Aboriginal and Torres Strait Islander peoples regarding these significant changes was conspicuous by its absence; there was little or no input from Indigenous peoples, their leaders or their respective organisations into the design or the implementation of the tendering processes.

Mr Rod Little, the Director of the National Congress of Australia's First Peoples, also reported that they had not been consulted at the beginning of the process and suggested that there should have been greater involvement of Aboriginal and Torres Strait Islander people in the design and delivery of the IAS. Those comments were reiterated and reiterated by witnesses and in the large number of submissions that we received.

So what did the government do after that? The government said, 'Okay, we'd better go and find out afterwards what people think, what they thought of the process.' So they did some consultation after the fact, but then they gave short notice to people to attend those meetings. They developed a new set of guidelines—which, as Senator Peris outlined, seem to have been delayed again—but there is going to be no consultation on those guidelines. Those guidelines are coming out as the final guidelines. Once again, we are seeing a top-down approach to the way the IAS is rolled out.

One of the recommendations that Senator Peris outlined—there are nine recommendations in the majority report, and the Greens have two more in our additional comments, and I will come to those in a moment—was:

The committee recommends that the Government release the revised funding guidelines as a draft for consultation with Aboriginal and Torres Strait Islander communities and their organisations.

And I really encourage the government to listen to this process, because when this announcement was made, gaps were immediately identified in the funding process. Youth services in Central Australia were just not funded. Up in the Kimberley, the domestic violence and women's shelter was not funded. You could go around Australia and find service after service not funded. If you look at the government's additional comments to this report, you see that they talk about the disruption and they say:
Government senators acknowledge that this process has been disruptive for organisations and some organisations have missed out on funding.

Yes, it has been disruptive and organisations have argued very strongly to us that that disruption was not worth it, because it has not delivered better outcomes.

The government then went on to quote Mr Tongue, from the Department of the Prime Minister and Cabinet, saying:

However the government is determined to ensure that money is serving Aboriginal and Torres Strait Islander communities best, therefore it should be provided to organisations which are achieving positive outcomes.

The fact is that the government did not do an audit of what services were available and who was doing a good job. So that is a nonsense. Government senators also go on to talk about the need for increased transparency. This process has not increased transparency. It is extremely hard to find the information on who was funded and who was not. We still do not definitively know which organisations were not funded. The committee also recommended that ‘future tender rounds are not blanket competitive processes’ because—and this is really important—that process undermines Aboriginal organisation, and that those processes should be ‘underpinned by robust service planning and needs mapping’.

The committee talks about the guidelines—and this is particularly important—and recommends that the ‘selection criteria and funding guidelines should give weighting to the contribution and effectiveness of Aboriginal and Torres Strait Islander organisations to provide to their community beyond the service they are directly contracted to provide’. We also talk about the need to support Aboriginal organisations to participate in the processes, because we found that larger organisations were basically able to out-compete smaller organisations because they could take on consultants.

I know that a number of people want to contribute to debates this afternoon, so I am going to wind up very shortly. The Greens put in two additional recommendations. We urged the government to reinstate the funding to Aboriginal and Torres Strait Islander programs. As Senator Peris clearly pointed out, so much money was taken out of Aboriginal and Torres Strait Islander programs during the 2014-15 budget. That should be reinstated. We also need to particularly look at the funding gap that has been identified for legal services in the Barkly region.

Senator MOORE (Queensland) (16:18): I will try to keep my contribution on this report short, even though, with the amount of anger I have in me, it could take me a while. One of the frustrations is that we are here today talking about this grant process and five months ago we were in the same place talking about the DSS grant process and covering nearly all the same allegations about poor planning, lack of communication, lack of knowledge of client group and lack of care for either the community or the people they are serving. All those recommendations and statements we made in our Senate Community Affairs inquiry into DSS grants were replicated in our inquiry on the Indigenous Advancement Strategy.

The actual aim of the program was positive and there was no confusion, concern or distress in the community about what the overall aim of the program was, which was to contract the large number of grants that are in a certain area into a smaller number and allow for competitive tendering—an issue which I know is very worrying—to ensure that there was the best possible service for the community while respecting the professionalism of the providers.
That is all well and good, but the process that was put in place—as Senator Peris and Senator Siewert have both identified—not only did not provide a result that met those requirement; it did worse than that. It took us back and it caused immediate—and I am hoping not permanent—damage to the relationship of trust, which is absolutely essential, between the government and the people who provide services on the ground to the community.

That lack of trust was identified earlier in a Productivity Commission report about service delivery in areas, and there was a clear understanding about the program and the process that should be in place when you are doing government service delivery. Key to that is an effective communication model. Again, one of the core aspects of this particular program was that there was no effective communication model. Community organisations that had been working in the field for many years were completely unclear of the expectations that were upon them to provide submissions to government, what sort of program availability there was and what kind of money was available in the program. People did not know what they were applying for. They were used to the circumstances under which they were operating and they were used to their own geographic areas, but the terms of the contracts did not match anything. In fact, there was a strategy to make sure that everybody applied. I can remember that, in the processes we heard about, particularly in these grants, there was an encouragement for everyone to apply—to be innovative, to be creative. What no-one was told was that the actual pot of money at the end of this great creativity exercise had been significantly reduced.

We have spoken to the minister in this place time and time again and have asked him to identify exactly the available funding and what cuts had been made, and he stood here in the chamber and told all of us that there would be no cuts to on-the-ground services. Senator Peris asked questions and Senator Siewert questions. We asked him to identify to us what the cuts were going to be to on-the-ground services, and the minister told us that there were going to be none. Unfortunately, he also said that to the community, and that was exposed consistently to be untrue. As we have heard, key services in areas such as domestic violence, child care, and alcohol and drug support have remained underfunded or non-funded as a result of this round of 'innovative', 'creative' government programs.

This is the kind of program which damages communities, and that was never the intent of the department nor of the minister. I put that on record. There was no intent to cause harm, but they should now identify that it has caused harm. Our inquiry has identified evidence of places and people who have put on record the impact this round of grants has had on their local communities, and now that information is publicly available to the department, to the minister and also to the Audit Office. I am going to end very quickly because there is a queue, but when we get the government response to this report—and I hope that sometime between now and death we will get it. We got a response to the report from community affairs about the DSS grants. One of our core recommendations from that inquiry was that there needed to be an independent audit of what had gone on so that we could see where these programs had failed and where they could be improved.

We now have the basis of a model for future funding rounds. We know what has gone wrong. We need to know what can work and what can work into the future. When we received the government response to that particular recommendation about the need for an independent audit inquiry, that response was: 'We will work with an audit.' That was it. It did not say, 'We identify that there is a need for an audit,' and at no stage did it give an apology to
the people who had been damaged. I would hope that maybe PM&C could go a step further and actually say that—acknowledge that pain was caused. But we would like to see more than 'we will work with an audit' because if there is an audit then the department has no option to say they will work with it or not, because it is part of their job to work with it.

I applaud the people who came to talk to us. Some of them were still scarred; some of them were worried that if they came to see us they might not get any funding into the future; some of them were concerned about their client groups, which may or may not get the services they deserve into the future either; but they did have the integrity and the courage to come and see us. We have now put forward the report. This report is now available for the minister, who told us there was no problem. We can now tell him: 'Minister, there were problems.' Now it is up to the minister to make sure that that is looked at and not completed in the future. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Environment and Communications Legislation Committee Report


I rise to speak on the Environment and Communications Legislation Committee additional estimates report. There is a number of areas that the committee touches on in this. Within this committee we cover an extensive amount of ground at the hearings: cuts to the CSIRO, whaling in the Southern Ocean, Australian Heritage Strategy, the Green Army Program, environmental regulation, the Antarctic, water reform, the Great Barrier Reef, our national Biodiversity Conservation Strategy, renewable energy, the Bureau of Meteorology, the National Wind Farm Commission and many more areas.

The Communications and the Arts portfolio considers the work of important government funded agencies such as Australia Post, the ABC, SBS, the Australia Council, ACMA and Screen Australia, but a significant amount of the communications estimates is devoted to the NBN portfolio, and I guess that that, particularly, is the scrutiny of the rollout of Prime Minister Malcolm Turnbull's substandard NBN. Some of the issues I want to touch on today are around questions on notice. Particularly when we go into estimates, we have dates when questions are to be given to agencies by and when we expect the responses by. We had questions from the previous estimates back in October that were returned on 5 February, when the next estimates was on 9 February. That is certainly not appropriate from our point of view.

When I questioned nbn co on that—and as the Hansard of 9 February shows—Mr Morrow from nbn co said that 'the list of questions was finalised and sent on 9 November.' So we had the estimates in October, then the questions were sent on 9 November. He recalled that the Hansard deadline was in fact 14 December, which was correct. But they had sent 80 per cent of their questions by 9 December—quite some time prior to the next estimates. I did ask the minister at the time, in estimates, why they were held up in his office, and the only response I got was that they would probably go to the department. Was the minister holding onto those questions and, if he was, why? Some of those questions were very, very important,
particularly in relation to the area on the west coast of Tasmania and the NBN rollout that I have been concerned about for a long period of time. I think it was very important to make sure that we had those responses in adequate time to be able to advise our constituents and the community of the west coast as to what was happening with NBN in their part of the world and also to enable us to prepare ourselves for the next estimates. But we were not given the courtesy of that.

One of the questions I asked that was taken on notice was: what is the population of the largest town scheduled to be connected to satellite NBN nationally? The response we got from nbn co was that that was not known at this stage, which I thought was quite bizarre. They said that the access technology for specific towns would be included in future releases of the three-year construction plan, so they did not even answer the question. Interestingly, on Tuesday of this week I asked the question again at an NBN committee, and the response I got was that, yes, Queenstown—which has around 1,200 to 1,400 premises—is the largest town in Australia that will be connected via the slower satellite. They were slated to get the full fibre rollout under the previous government and also under this government. It was not until the middle of last year, 2015, that that was changed to be satellite.

Some of the timing of these questions is really important for that community not only to understand what is happening but also to understand why those changes have occurred, so they can try to understand why that happens. But they were not getting the answers from anyone at all. They were not getting answers from the government, they were not getting answers from—

The ACTING DEPUTY PRESIDENT (Senator Sterle): The time for the debate has expired and the debate is adjourned.

BILLS

Commonwealth Electoral Amendment Bill 2016

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

At the end of the motion, add: "but the Senate is of the opinion that there is a need to reform Australia's political donation system by lowering the disclosure threshold, banning foreign donations, restricting anonymous donations and preventing donation splitting to avoid disclosure".

Senator WANG (Western Australia) (16:30): The crossbench senators certainly have their differences and I would argue that even though there is only a relatively small number of us, we are a true broad church. But we do have one thing in common, one thing that justifies our existence—that is, that we are not rubber-stampers. We are here because 25 per cent of the Australian voters did not want rubber-stampers. We are here because 25 per cent of the Australian voters did not want rubber-stampers in the Senate, the house of review. Therefore, we of course do not always endorse the government's legislative agenda, but we do try to get to the bottom of the issues and approve, reject or amend legislation, according to our assessments. Sometimes in this very chamber, ministers would even praise the constructive approach we take. So why have they formed the 'Liberal National Greens Xenophon Union', the LNGXU, to wipe out the crossbench? Why, all of a sudden, has the same crossbench become the coalition's enemy?
I can tell you that being a crossbench senator is not easy. I am often expected to have a view on anything and everything. I am required to have discussions with ministers and shadow ministers on subjects they have researched for years. But that is okay. They may have earned more knowledge on such subjects than me while I was busy living a civilian life, but I enjoy those discussions because I can pick their brains. That is why when I came into this place, I came with a promise: all sides of politics always get a fair hearing from me. This has been the principle I operate under. I know some of the crossbench senators are fair and balanced too. However, despite our hard work and the voting record that speaks for itself, whenever the government fails to pass a bill, we are likely to be the ones who are blamed. Ironically, the Greens have suddenly become the Liberal-National coalition's new mates.

What does the Commonwealth Electoral Amendment Bill 2016 do? Or should the real question be: what does the LNGXU want to do through this bill? There are all sorts of analyses with all sorts of predicted outcomes. One thing for sure is that there will be even fewer small party senators representing the growing number of voters who just do not want the established party machines. But, instead of working harder to win back voters hearts, the established parties want to ignore them and just make it harder for their votes to elect a senator from a smaller party.

Let me put it in the context of a footy game. The losing team, despite how badly they wish to turn the game around, should never, ever be allowed to change the rules to favour them nor, of course, should the winning team. In this place, however, the parliament is the rule maker and political parties are teams. One footy team cannot be allowed to change the rules. But in the parliament right now, one very unexpected team, the LNGXU, is changing the rules. The fact that one side of the chamber endorses these changes and the other side strongly opposes them speaks volumes about how fishy these changes are.

A lot has been said by many about what this bill does and how flawed it is. But there are genuine and much more important issues involving electoral voting that this bill does not even mention. For instance, Western Australians had to vote twice in the 2013 election because almost 1,400 ballot papers disappeared during the first election. How much extra did it cost taxpayers? It cost $20 million.

Multiple votes were another big issue in the 2013 election. The AEC sent inquiry letters to over 18,000 voters who had multiple marks recorded beside their names. Of those, some 8,000 cases were referred to the AFP, compared to only 19 such cases in 2010. About 10,000 multiple votes were attributed to official error. What does it mean? Who made the errors and, most importantly, how can such errors be stopped from happening again? There are the lost ballot papers, the multiple votes. Look at the numbers. It is reasonable to believe that the results of a few seats could be changed. I cannot even imagine how devastating it is to democracy for an electoral system that allows for these sorts of errors and odd behaviour to be exploited by evil minds.

Any genuine and legitimate electoral voting reform must give these issues the utmost priority to safeguard and defend our democracy. This bill, however, is silent on this matter, silent on protecting democracy. Yes, the crossbench is a broad church because of vast differences in our life experiences. But if the government has no clue at all on how to deal with one builder, one vet, one engineer, one blacksmith, one soldier, one sawmill worker and one footballer, how can the government deal with everyday Australians? Maybe here is a
good starting point: focus your energy on being a good government. Make effort in proposing fair and reasonable bills. Let the Senate do its job without any further blackmailing and bullying. Thank you.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (16:36): I rise to speak on the Commonwealth Electoral Amendment Bill 2016. Labor opposes this bill because it is wrong for Australian democracy. It is the wrong policy response to the issues raised by preference harvesting, and it is a bill that is being pursued through the wrong process. The process that we have witnessed is a gagging of debate, a sham half-day inquiry and a process which curtails the rights of the minorities in this chamber.

This bill makes changes to the voting system for this chamber in response to concerns about preference harvesting. But, in doing so, it creates another problem. It disenfranchises more than three million voters—people who, at the last election, chose to vote for someone other than the major parties or the Greens. It disenfranchises them from having their votes count towards electing members of this place.

We know this bill seeks to implement an unprincipled deal between the government and the Greens, and we know this unprincipled deal is being pursued out of political self-interest—political self-interest by the Liberals so they can implement measures like $100,000 university degrees, a GP tax and cuts to age pensions and family benefits; and political self-interest by the Greens so they can eliminate their rivals on the crossbench. It is an unprincipled deal between two unprincipled leaders. The Prime Minister has already sold out his own principles, ranging from marriage equality to climate change, in order to win the leadership of the Liberal Party. And now Mr Turnbull wants to rewrite Senate voting rules so he can go to a double dissolution to get Tony Abbott's budget through the parliament. The Greens leader, Senator Di Natale, has already sold out his party's principles by voting to cut age pensions and to let big companies hide how much tax they pay. Now Senator Di Natale has entered a deal with the Liberals to purge the Senate of the Greens' competitors and to disenfranchise millions of voters.

Labor acknowledge that the current Senate voting system can be improved. There are issues when large numbers of candidates stand for the Senate and when some seek to game the system through preference harvesting deals. But it is a fundamental principle of democracy that everybody's vote must count. Yet here we have two established political parties using their power to reduce the opportunity for Independents and minor parties to win positions in the Senate. And that is just as much a case of gaming the system as anything anyone described as a preference harvester has done. It is a deal designed to purge this Senate of Independents and minor parties for all time. As I said, at the last election one in four voters—3.3 million Australians—gave their first preference to Senate candidates other than the major parties or the Greens. Under this bill, millions of these votes will be exhausted—that is, not counted. That is not democratic.

This bill will also mean more coalition senators are elected. It makes it highly likely that the coalition will win three of the six Senate positions in each state in a half-Senate election, and that puts the coalition closer to a working majority in the Senate—certainly closer than it would otherwise be but for these changes. If this system had been in place at the last election, Mr Abbott's 2014 budget would probably now be law: $100,000 degrees, Medicare co-payments, cuts to the pension, cuts to family payments, and young Australians waiting six
months to access unemployment benefits. The Greens are so determined to purge their competitors that they are willing to risk the Senate turning into a rubber stamp for Liberal governments. What does that say about this Greens political party? They are so determined to purge their competitors, they are willing to risk this Senate becoming a rubber stamp for the coalition. That is not the action of a progressive party.

I want to explain in a little more detail how the bill disenfranchises voters. The current Senate voting system is a compulsory preferential system, and that means that the vast majority of votes elect a senator or ultimately go to the seventh, unsuccessful candidate in the race. The deal between the government and the Greens changes this to optional preferential voting. Under such a system, large numbers of Senate votes will be exhausted from the count once their preferences run out.

At the 2013 election, over three million voters gave their first preference Senate vote to parties other than the coalition, Labor or the Greens. Under an optional preferential system the vast majority of these votes would have been exhausted. That is, three million votes would have been exhausted. Nearly a quarter of the formal votes cast would not have counted towards the final result. This analysis is supported by the Parliamentary Library. I am going to quote this passage:

Australian voters have spent 30 years voting 1 above the line, and it seems reasonable to assume that many people will continue to do so, despite the ballot paper instructions and any media campaigns.

... ... ...

The only parties that could reasonably be expected to transfer preferences at sufficient numbers to elect another candidate are the larger parties—the ALP, the coalition parties, and the Greens. Directing preferences consistently under the new system is only possible through How To Vote (HTV) cards, and only the larger parties have the infrastructure to distribute these to their supporters across the state. The Parliamentary Library analysis makes clear that the only parties who are going to be able to transfer preferences such that they matter are the coalition parties, the Greens and the Labor Party.

Senator Rhiannon interjecting—

Senator WONG: I will take Senator Rhiannon's interjection. You have designed this system to purge this Senate of your competitors, and you should be honest enough to stand up and say it. This analysis is also supported by academic experts. Emeritus Professor John Warhurst, from the Australian National University, has said the changes will replace the problem of preference harvesting with a new problem of exhausted votes. He said:

All the focus has been on getting rid of the micro parties and that's almost become justification for the reforms. Once you move to optional preferential, there is the exhausted vote syndrome. It is a problem. It's almost the alternative problem.

Dr Nick Economou, from Monash University, has warned that the new rules will significantly increase the number of exhausted votes. He said:

If we looked at the result of the last election and we applied the new rules, you'd be looking at exhausted votes in each state of anywhere between 14 and 20 per cent. Normally, exhausted are only a handful. So the exhaustion process, I think, is going to be the new disenfranchising of voters.

Under the current Senate voting system, all votes are in play until the final seat is filled in each state. Under the proposed new system, votes for Independents and minor parties will be
exhausted unless the voter prefers the coalition, Greens or Labor. Exhausted votes will not count towards electing a senator. Those voters will be disenfranchised.

This outcome is not an accident. It is the whole point of the deal. This bill is designed to exhaust the three-million-strong minor party and Independent vote or to corral it to the major parties or the Greens. That is the whole purpose of this legislation. It is an utterly cynical approach by the Greens, who now criticise preferential voting and group-voting tickets.

Senator Rhiannon interjecting—

Senator Wong: Senator Rhiannon is interjecting again, so let's talk about her, because her party and she personally in the past have benefited from these arrangements. When the Greens were first emerging as a new political force, several of their candidates were elected to the Senate with low primary votes. Former Greens Senators Vallentine and Margetts from Western Australia were elected with primary votes of less than half a quota; they were elected on preference flows. Former Greens Senator Kerry Nettle from New South Wales was elected with a primary vote of just four per cent, and she was elected on preference flows from One Nation. The architect of this deal, who is here interjecting in the chamber, Senator Lee Rhiannon, began her parliamentary career by being elected to the New South Wales Legislative Council with 2.9 per cent of the primary vote. Now she wants to purge this Senate of senators who were elected from primary votes of nine, 10 and 12 per cent. So she gets elected on 2.9 per cent, but she says Senator Leyonhjelm, Senator Lazarus and Senator Wang, who were elected with more than nine per cent, should be gone. Yet she was first elected with 2.9 per cent back in 1999. What hypocrisy! She comes in here behind her leader—an unprincipled leader—telling us this is all about principle. It is all about electoral advantage, and you should be up front about that.

I recall also, Senator Rhiannon, that back in 1999 you also advocated term limits for Green parliamentarians—anyway, enough said on that. It is not to the Greens' credit that, having using preferential voting to build up their position back when they were just getting started as a microparty, they now seek to pull up the drawbridge behind them. If this system that they are now supporting had been in place 20 years ago, the Greens would have been a passing phase; they would have been shut out of this Senate. Now they have done a deal with the Liberals to impose barriers to entry to this place for Independents and emerging parties. It is not only cynical, it is fundamentally antidemocratic.

Labor is the only major party in this place which is advocating the national interest on this issue rather than our self-interest. The changes made by this bill will probably advantage us. We will probably get more Labor senators under this bill. I have said that publicly. We would probably have more Labor senators under this bill. Despite this, we are taking a stand, because we do not believe this is the right change for the country. We think this is an unprincipled deal done by unprincipled leaders who are seeking electoral advantage. We are opposing this bill because it will purge the Senate of small parties and Independents, it will prevent new parties from securing election to the Senate, it will exhaust up to three million votes, it will disenfranchise the one in four Australians who do not vote for the major parties or the Greens, and it risks turning the Senate into a rubber stamp for coalition governments.

Of course, in the current context, with this deal the Greens are handing Mr Turnbull the keys to a double dissolution election. They know that, and they have made a mistake, and their supporter base knows that.
I want to talk briefly about process, because these are the largest changes in 30 years to how Australians elect people to the Senate. Laws that determine how our representatives are elected to parliament should not be cooked up behind closed doors and rammed through. The policy response here is wrong, and the process is wrong. The dangers of ramming this legislation through have already been exposed. The day after introducing the bill to the House, the government was forced to rewrite the bill to fix a serious mistake. The bill would have prevented assistant returning officers from counting Senate first preferences on election night. They forgot to make sure they counted. It took the ABC’s Antony Green to point out this blunder. So the government had to rush in six amendments to the House of Representatives to fix this mistake. Now there are further amendments which have been circulated by the government and the Greens in this place. How many more mistakes are there in this bill?

So I invite anybody listening to think about what we have witnessed in the Senate this week. We have seen the coalition and Greens in lock step, voting to shut up the people they do not like, voting to shut down the arguments they do not like, and voting to deny Senators the opportunity to vote and to speak. It is an early insight into their vision for the future of this Senate: less diversity and fewer voices.

It is a bill which is the latest in a series of deals Senator Di Natale has done with the Liberal Party since he took over as Greens leader. He has complained about us holding him to account for his deals, but he seems to have developed a case of amnesia about his own actions. So let’s remind the Greens supporters about Senator Di Natale’s deals with Mr Abbott and Mr Turnbull. Six weeks after he took over as leader, the Greens voted with the government to pass Tony Abbott’s budget measure cutting age pensions by $2.4 billion. In August last year, the Greens voted to allow the health minister to ignore expert advice on medical research funding. They voted with the coalition to defeat Labor amendments requiring the minister to follow recommendations from an independent advisory body when making multimillion-dollar medical research funding decisions. They voted with the coalition to defeat a motion calling on the government to honour its promise to procure 12 submarines for the Navy through a local build. They voted with the Liberals and the Nationals to erect new barriers against investment. And, in December, Senator Di Natale did a deal with the Liberals to let big companies keep how much tax they pay a secret from the public, by voting with the coalition to defeat Labor amendments requiring large private companies making more than $100 million in profits to disclose how much tax they pay.

Honourable senators interjecting—

Senator WONG: I am not surprised they are yelling at me, because they do not like to be reminded of this.

While I am here, I now wish to turn to amendments. I foreshadow a second reading amendment circulated on sheet 7881, pursuant to standing order 1142, to omit ‘now’ from the question ‘that this bill be now read a second time’ and substitute instead ‘this day six months’. It makes clear the opposition’s view that this legislation should not proceed. If the Greens really do not want to hand Mr Turnbull the keys to a double dissolution election, they should consider this amendment. But they will not consider it.

Labor opposes this latest Greens-Liberal deal. Given that the deal has been done and the Greens are taking their marching orders from the Liberals, Labor will move amendments to
the bill to improve transparency around political donations in our system. Labor will move to reduce the donations disclosure threshold from $13,000 to $1,000 and remove CPI indexation, ban foreign political donations, ban anonymous donations above $50 to registered political parties and limit donation splitting that evades disclosure requirements. These amendments implement longstanding Labor policy and they are about transparency in our democracy and in our electoral donation laws.

I say to the Greens, 'Here is a test for you. Will you support these reforms to the electoral laws dealing with political donations? These amendments reflect your policies.' You have an opportunity, because you have the numbers with the government to insist on these amendments passing, so you should be saying to Senator Cormann, 'Yes we got a deal, but we want as part of it, the reforms that Senator Milne and Senator Brown and our party have been arguing for, for years.' And if you do not, everyone will see the extent of the unprincipled nature of the secret deal that you, Senator Rhiannon and Senator Di Natale, have engaged in. You have done a deal and you have not even been prepared to say to them, 'We will be insisting, if you are going to change our electoral laws and we are going to cut a dirty deal behind closed doors, on reforms to our electoral donations system.' You did not bother with that, because you were so fixated on the electoral advantage that this system will bring to you.

If the Greens are serious about their policies and their rhetoric on political donations, they will support these amendments. This is a test for them. Will the Greens vote for their own policies and will they vote for transparency around donations or will they take their voting orders from the Liberal Party? Will they take their voting orders on electoral donation reform from the Liberal Party or will they do what they did on marriage equality this morning and sell out their own principles in pursuit of this grubby voting deal again?

We should consider ways of removing incentives for gaming the Senate voting system. But you do not do that by purging new parties and Independents from this parliament. This is what the Liberal-Greens deal would do. This is what the bill before the Senate will do. The Liberal-Greens deal disenfranchises Australians who vote for small parties and Independents, discourages people from standing for the Senate or from organising new parties, reduces participation in our political system, risks a working majority for the coalition in the future and, important at this point in time, hands Malcolm Turnbull the keys for a double-dissolution election. You would have to wonder why the Greens would do such a deal. None of these things are good for democracy in Australia. The disenfranchising of people who vote for small parties, the discouragement of people standing for the Senate, the reduction of participation in our political system—none of this is good for democracy in Australia.

We need to get the balance right on Senate voting reform, and it will not happen by ramming this grubby, self-interested, backroom deal through the parliament. I say to the Australian Greens: this is a dirty deal done in secret. You are a party that has lectured this chamber for years about transparency. You are ramming this bill through after a half-day hearing where the report on the proposed bill had already been written before the hearing in order to enable debate to start the next day. This is not the way to do Senate reform. (Time expired)

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (16:56): I thank all those many senators who have contributed to this debate, which I believe has taken close to 20 hours now
since we first received the message from the House of Representatives. The Commonwealth Electoral Amendment Bill 2016 will ensure that future Senate election results truly reflect the will of the Australian people. The measures in this bill will empower voters to direct their preferences according to their wishes instead of having them traded and directed by backroom operators and political parties through insufficiently transparent group voting ticket arrangements.

Some speakers in this debate have asserted that these reforms will advantage one political party or another. That is not correct. The only people who get advantaged by this reform are voters, who will now be able to direct where their preferences go. Do not take my word for it. I will quote to you the comments of a senior Labor shadow cabinet minister and long-serving Special Minister of State and then till recently the shadow Special Minister of State representing the Labor Party. This is what he said on this point in the Federation Chamber this morning:

Over the course of the last few weeks, there have been many pieces of misinformation spread about the bill that is currently being debated. Some have said that the bill will deliver the coalition 38 or 39 members—a controlling majority in the Senate. That is not true …

This is Mr Gray in the House of Representatives this morning. That is not true, unless people vote for it. And if people vote for it … that is how the ballot falls. None of us can predict the outcome of future elections, but all of us should be concerned about future elections being manipulated by pop-up parties being created and by outcomes being confected by those whose interests are not the national interest, are not the interests of the people and are not the interests of our community.

I could not have put it better myself. Candidates putting their hand up for election to the Senate will do well or not so well depending on how well they do in persuading people across Australia to support them at the next election or in deed at any subsequent election. That is precisely the way it should be. The result of the next election is of course entirely and appropriately a matter for the Australian people. The bill responds to key elements of the interim and final reports of the Joint Standing Committee on Electoral Matters inquiry into the 2013 federal election, which were tabled on 9 May 2014 and 15 April 2015 respectively.

Again, some speakers on the Labor side have argued that our reforms bear no resemblance to the recommendations—the unanimous recommendations—made by the Joint Standing Committee on Electoral Matters. Let me answer that criticism that has been raised—again in the words of the long-serving Special Minister of State and shadow special minister of state representing the Labor Party, the continuing senior Labor shadow cabinet minister Gary Gray. This is what he said in the Federation Chamber as recently as this morning:

… they—

that is, these reforms—

are 95 per cent of the reforms that were recommended by the Joint Standing Committee on Electoral Matters.

So do not take my word for it. This is what a senior Labor shadow cabinet minister said as late as this morning.
The Labor Party is deeply divided on this. The truth of the matter is: when this issue was comprehensively considered by the Joint Standing Committee on Electoral Matters, it was Labor members on that committee that most strongly advocated for the reforms that the government has put forward here to improve Senate voting arrangements. It was Labor members on that committee that were among the strongest advocates. It was the Labor deputy chair of that committee, Alan Griffin, who 12 months ago urged the government to get on with it. It was Mr Gray, a senior shadow cabinet minister, who went on national television, in The West Australian in my home state of Western Australia and anywhere and everywhere to urge the government to get on with it and implement these reforms. Then, of course, as recently as this morning, he has said that the reforms in front of the Senate actually implement 95 per cent of what the Joint Standing Committee on Electoral Matters unanimously recommended should be done to improve our Senate voting arrangements.

The bill proposes to introduce optional preferential voting above the line, with voters to number at least six squares in the order of their preference, except where there are fewer than six squares above the line. It also abolishes individual and group voting tickets, to return the control of preferences to voters—precisely what was recommended by the Joint Standing Committee on Electoral Matters. It removes the capacity for an individual to be the registered officer or deputy registered officer of multiple political parties—again, entirely consistent with the recommendations of the Joint Standing Committee on Electoral Matters. It allows political party logos to appear on ballot papers for both the House of Representatives and the Senate.

The government has considered the issues raised and the recommendations of the Joint Standing Committee on Electoral Matters. In its most recent report inquiring into this bill, it recommended to introduce a form of optional preferential voting below the line as well as above the line. And we have decided to adopt that recommendation. So when Senator Wong talks about mistakes—no, they were not mistakes. We have gone through the proper parliamentary process. We have put our bill to the scrutiny of a parliamentary committee which has the job and the expertise to scrutinise that bill. And, of course, that committee made some recommendations, which we have supported and they are reflected in our amendments.

Senator Wong: Mr Acting Deputy President, I rise on a point of order. The minister is misrepresenting what I said. The reference I made was to the minister's mistake in forgetting to ensure that the votes would be counted.

The ACTING DEPUTY PRESIDENT (Senator Edwards): There is no point of order.

Senator CORMANN: Hansard will show that Senator Wong asserted that the fact that we are proposing to amend this bill in the Senate now is somehow a mistake. It is not a mistake. It is just that we have taken on board the considered recommendations on how our very good bill could be further improved that were made in the Joint Standing Committee on Electoral Matters. The government, as I have already indicated, moved amendments to that effect during the committee stage of the debate on the Commonwealth Electoral Amendment Bill 2016. Those amendments will provide full instructions to voters to number at least five boxes from 1 to 12 in order of their preference when voting below the line, together with the related savings provision that any vote with at least six boxes numbered from 1 to 6 below the line
would still be considered formal. Taken together, the measures in this bill will give voters
greater control over their vote, increase transparency and simplify the Senate voting system.

As I said right at the outset, these reforms are important reforms. They are reforms which
will ensure that future Senate election results truly reflect the will of the Australian people.
The measures in this bill will empower voters to direct their preferences according to their
wishes instead of having them traded and directed by backroom operators in political parties
through insufficiently transparent group voting ticket arrangements. I commend this bill to the
Senate.

The PRESIDENT: The question is that the second reading amendment moved by Senator
Collins be agreed to.

The Senate divided. [17:09]

(The President—Senator Parry)

Ayes ......................36
Noes ......................26
Majority ...............10

AYES

Brown, CL
Cameron, DN
Collins, JMA
Day, RJ
Gallacher, AM
Hanson-Young, SC
Lambie, J
Leyonhjelm, DE
Ludwig, JW
Marshall, GM
McEwen, A
Moore, CM
Polley, H
Rice, J
Simms, RA
Urquhart, AE (teller)
Waters, LJ
Wong, P

Bullock, JW
Carr, KJ
Dastyari, S
Di Natale, R
Gallagher, KR
Ketter, CR
Lazarus, GP
Ludlam, S
Madigan, JJ
McAllister, J
McLucas, J
Muir, R
Rhiannon, L
Siewert, R
Sterle, G
Wang, Z
Whish-Wilson, PS
Xenophon, N

NOES

Birmingham, SJ
Bushby, DC
Colbeck, R
Edwards, S
Fifield, MP
Lindgren, JM
McGrath, J
Nash, F
Parry, S
Reynolds, L
Ryan, SM
Seselja, Z

Brandis, GH
Cash, MC
Cormann, M
Fawcett, DJ
Johnston, D
Macdonald, ID
McKenzie, B (teller)
O’Sullivan, B
Paterson, J
Ruston, A
Scullion, NG
Sindonis, A
Question agreed to.

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (17:11): I move the second reading amendment standing in my name, as circulated in the chamber on sheet 7881:

Omit "now", substitute "this day 6 months".

**The PRESIDENT:** The question is that the second reading amendment moved by Senator Wong be agreed to.

The Senate divided. [17:13]

(The President—Senator Parry)

Ayes ...................... 25
Noes ...................... 35
Majority ............... 10

**AYES**

Bullock, JW
Carr, KJ
Dastyari, S
Gallacher, AM
Ketter, CR
Lazarus, GP
Ludwig, JW
Marshall, GM
McEwen, A
Moore, CM
Polley, H
Urquhart, AE (teller)
Wong, P

**NOES**

Birmingham, SJ
Bushby, DC
Colbeck, R
Di Natale, R
Fawcett, DJ (teller)
Hanson-Young, SC
Lindgren, JM
Macdonald, ID
McKenzie, B
O'Sullivan, B
Paterson, J
Rhiannon, L
Ruston, A
Scullion, NG
Siewert, R
Smith, D

(Chief Librarian—Senator Sterle)
Question negatived.

**Senator MOORE** (Queensland) (17:16): I move the amendment to the second reading motion I foreshadowed in my earlier speech:

At the end of the motion, add "and further consideration of the bill be an order of the day for the next sitting day after the following document is laid on the table: A statement by the Minister for Finance and the Special Minister of State (Senator Cormann) specifying the harm to the commercial interests of the Commonwealth that could result from the disclosure of information in the documents recording communications between the Australian Electoral Commission and either the Department of Finance or ministers in the Finance portfolio relating to proposed electoral reform in the Commonwealth Electoral Amendment Bill 2016".

**The PRESIDENT:** The question is that the second reading amendment be agreed to.

The Senate divided. [17:17]

(The President—Senator Parry)

Ayes ...................... 25
Noes ...................... 34
Majority ............... 9

**AYES**

Bullock, JW
Carr, KJ
Dastyari, S
Gallacher, AM
Ketter, CR
Lazarus, GP
Ludwig, JW
Marshall, GM
McEwen, A
McKenzie, B
Moore, CM
Polley, H
Urquhart, AE (teller)
Wong, P

Cameron, DN
Collins, JMA
Day, RJ
Gallagher, KR
Lambie, J
Leyonhjelm, DE
Madigan, JJ
McAllister, J
McLucas, J
Muir, R
Sterle, G
Wang, Z

**NOES**

Birmingham, SJ
Bushby, DC
Colbeck, R
Di Natale, R
Fawcett, DJ (teller)
Hanson-Young, SC
Lindgren, JM
Macdonald, ID
McKenzie, B
O'Sullivan, B
Paterson, J

Brandis, GH
Cash, MC
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Ludlam, S
McGrath, J
Nash, F
Parry, S
Reynolds, L
Question negatived.

The PRESIDENT (17:19): The question now is that the bill be read a second time.

The Senate divided. [17:21]

(The President—Senator Parry)

Ayes ....................34
Noes ....................23
Majority .................11

AYES

Birmingham, SJ  Brandis, GH
Bushby, DC  Cash, MC
Colbeck, R  Cormann, M
Di Natale, R  Edwards, S
Fawcett, DJ (teller)  Fifield, MP
Hanson-Young, SC  Johnston, D
Lindgren, JM  Ludlam, S
Macdonald, ID  McGrath, J
McKenzie, B  Nash, F
O’Sullivan, B  Parry, S
Paterson, J  Reynolds, L
Rhiannon, L  Rice, J
Ruston, A  Ryan, SM
Scullion, NG  Seselja, Z
Siewert, R  Simms, RA
Smith, D  Waters, LJ
Whish-Wilson, PS  Williams, JR

NOES

Bullock, JW  Cameron, DN
Carr, KJ  Collins, JMA
Dastyari, S  Day, RJ
Gallacher, AM  Gallagher, KR
Ketter, CR  Lambie, J
Lazarus, GP  Leyonhjelm, DE
Madigan, JJ  Marshall, GM
McAllister, J  McEwen, A
Moore, CM  Muir, R
Polley, H  Sterle, G
Urquhart, AE (teller)  Wang, Z
Wong, P
Original question, as amended, agreed to.

Bill read a second time.

Reference to Committee

Senator McALLISTER (New South Wales) (17:25): Pursuant to standing order 115(2)(a) I move:


It is no secret that those of us on this side of the chamber have been frustrated and disappointed by the time frame in which this bill has been sought to be dealt with in this chamber. People here understand that these are significant changes to our electoral laws that speak to the character of this chamber and the character more broadly of our democracy. And it is true that it has generated an interesting public debate already about the nature of representation in a chamber such as this, which is characterised by proportional representation.

Only today I was asked by a member of the public, 'Can you explain to me what are the issues at stake in this debate around electoral reform that is being dealt with in the Senate?' I of course gave that person my perspective on the issues at stake, but it brought home to me the challenge we face, which is that the community has not had time to engage with these significant changes. I know that those opposite and those in favour of moving this bill through this place quickly have argued repeatedly that this was all dealt with in the JSCEM. Well, people in this chamber do not accept that. Many opposition senators feel that the bill differs substantially from the issues that were canvassed in JSCEM.

But, more significantly, everybody here understands that when a Senate committee starts investigating an idea in the abstract there is a certain level of interest from a particular group in the community that always takes an interest in those policy issues. It is, however, at the point of legislation that community interest is truly piqued. It is when the parliament decides that it is actually going to take a step towards implementing recommendations of a committee that the community start to understand that this is something that might impact them. And I would say to senators here that that is the point that has now been reached amongst ordinary people in the Australian community. It is for that reason that I consider that this bill does need to be referred for a proper legislative inquiry.

It may be that people want to make the argument, in response to this motion, that the more recent JSCEM hearing was adequate, but I just want to remind senators of the facts surrounding that process. A very limited time was made available for individual citizens to provide submissions to that committee. I do not believe we can have any confidence at all that the full range of citizens who may have wished to contribute to this debate were able to do so in the time allowed for the preparation of submissions to the JSCEM.

I would also make the very obvious point that four hours is a plainly insufficient period of time in which to conduct a hearing. It is hard to think of another piece of legislation that we just whipped through in four hours. We will deal soon, I understand, with Senator Fifield's media reform bill. That bill is going to have two days worth of hearings, to look at that piece of legislation. But when it comes to the most significant electoral reforms in 30 years, the time allocated is just four hours. I do not think you have to be a partisan participant in this
debate to recognise that that is simply an unacceptable arrangement. One consequence is that
there was an inadequate representation of the variety of views on this bill at that hearing.
Inevitably, a four-hour hearing allows for a very limited number of witnesses. It allows for an
even more limited number of questions to be asked of those witnesses, particularly in relation
to a bill which is of such great interest to such a broad range of senators. Again, I would say
to people in the chamber that you do not have to be particularly partisan to accept the
argument that the procedures and scrutiny of this bill, which has only just come before this
chamber, have been completely inadequate.

I conclude by drawing people's attention to the ludicrous reporting time frame. The hearing
finished at 5 pm. The committee secretariat went away to write up the findings of the
committee, and Labor senators had between 10 o'clock at night and 8 o'clock the next
morning to review the findings of the committee. It is simply unacceptable, and I urge
senators to accept the motion.

**Senator Ian Macdonald:** Mr President, I rise on a point of order. I want to draw your
attention to the fact that some senators in this place are improperly attired—one of them a
minister, no less. Not only do they have very loud socks on, but they have different socks on
each foot. I have approached them myself, but they give me some excuse about Down
Syndrome Day. I draw it to your attention.

**The PRESIDENT:** Despite how good the cause is, there is no point of order.

**Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the
Government in the Senate and Special Minister of State):** Listening to that
contribution just now, I note that the Labor Party is yet again trying to defer consideration by
the Senate of this very important reform, which has been considered in the Senate for more
than 20 hours now and which has been inquired into by the Joint Standing Committee on
Electoral Matters for more than two years. No wonder that Labor's senior shadow cabinet
minister Gary Gray said in the Federation Chamber today:

I must say the position taken by my party continues to simply make me sad.

That is what Mr Gray said this morning. Of course on this side of the chamber we all know
that Mr Gray is a highly regarded, highly respected senior Labor member of parliament, who
was a long-serving Special Minister of State and a long serving shadow special minister of
state. He is highly regarded on both sides of politics. Today, the Labor Party just makes him
sad.

Senator McAllister, you did not have to accept this job that was handed to you by the
tactics committee of the Labor Party. The Senate has already voted on this exact point on
several occasions. The person that you replace in this chamber, the very highly regarded
former senator John Faulkner, was part of the committee which nearly two years ago
recommended the improvements to Senate voting arrangements that are here in the Senate
before us today. The Labor deputy chair of that committee, Mr Griffin, the member for Bruce,
urged the government 12 months ago to get on with it. Mr Gray, the shadow special minister
of state at the time, went on national television urging the government to get on with it. Today
Mr Gray told the House of Representatives that our reforms achieve '95 per cent of the
reforms that were recommended by the Joint Standing Committee on Electoral Matters.' The
five per cent that we are not doing was not actually a good idea. That is why we discarded it.
Sadly, the Labor Party today is very juvenile. What we are putting before the Senate for consideration today, which the Greens and Senator Xenophon have indicated they are prepared to support, is doing the right thing in the public interest. We are ensuring that future Senate election results truly reflect the will of the Australian people. That is what we are doing. By passing these reforms the Senate will ensure that voters are empowered to direct their preferences according to their wishes, instead of having them traded and directed by backroom operators in political parties through insufficiently transparent voting ticket arrangements.

I understand why people like Senator Carr and Senator Conroy do not like that. They have made a career out of being backroom operators. I know that Senator Carr and Senator Conroy are the national secretaries of the backroom operators union. We know that Senator Carr is the chief operating officer of the backroom operators union, so we understand why Senator Carr comes in here to stand up for the backroom operators of Australia, for the union heavies of Australia.

But, Senator McAllister, you are better than that. You come into this chamber after the august, highly regarded former senator John Faulkner, who has his fingerprints all over these recommendations, who was behind these recommendations, who was a strong advocate for what is in front of us here and who was part of the committee that unanimously recommended that we do what is here in front of the Senate today. So, instead of playing games as though you were still in student politics, you should actually get involved in the substance of the debate. You say you want to have a debate; let us have a debate. Let us get into the committee stage of the debate and get into the substance of it, instead of running all these little procedural games.

If you still want to be here on Good Friday, that is fine. Let us be here on Easter Friday. We will be here until this legislation has been dealt with by the Senate, because this is something that is very much in the national interest. This is very much in the interests of the people of Australia. We on this side are absolutely committed to ensuring that future Senate election results truly reflect the will of the Australian people.

Senator JACINTA COLLINS (Victoria) (17:35): Listening to Senator Cormann here now, we hear repeated versions of much the same thing. He cannot justify the process that has occurred here. He shields both himself and the Department of Finance and once again now tries to argue that the committee stage here in the Senate is a reasonable substitute for a proper Senate committee inquiry. That is a joke, and the fact that you have convinced the Greens of that is a joke.

Senator Ian Macdonald interjecting—

Senator JACINTA COLLINS: Senator Macdonald, let me remind you of one element of that Senate committee inquiry. That Senate inquiry involved the Greens—Senator Rhiannon—siding with the government three times to prevent the department from appearing. Do you know what the bigger joke of it was? She then asked questions of the AEC, and they said, ‘Senator, that is a political matter—you would need to ask the department that.’ If we are forced to deal with this tonight, we will have lots of questions for the department and a very detailed consideration. If we are forced to go down the path of a proper inquiry in this chamber, we will do so.
Senator Ian Macdonald: You've had it!

Senator JACINTA COLLINS: We have not had it. We have not had the Department of Finance appear before the Senate committee. That is why this motion of the chair of the references committee is appropriate. We should have this before the Finance and Public Administration Legislation Committee.

Let me deal with some of the other shams. When we get to the committee stage, there will be more. The reason why this motion is pertinent is that several shams have arisen since we first dealt with the message. The first of those shams is the minister now saying, 'We've already had 20 hours.' We have not had 20 hours in the second reading debate. You cannot argue or debate in this place around the sham, confusion and chaos which this government—

Senator Cormann: Mr President, I rise on a point of order. Senator Collins is misleading the chamber. I referenced the 20 hours of debate since the message was received.

The PRESIDENT: There is no point of order, Senator Cormann.

Senator JACINTA COLLINS: The statement of fact I made is that there has not been 20 hours of a second reading consideration in relation to this bill. Another pretence from the minister is his perpetual reference to one Labor member as justification for the government's case because he cannot argue a sensible case. The reason we have not had the department up here before the committee is that his own department cannot argue that case. When you look at the report of the sham committee process, they even confect arguments for matters that are not even on the public record to justify the position that the government has taken.

If we are forced to, we will go into all of this in minute detail during the committee stage consideration. I will indeed have many questions, through the minister, for the department about matters that were not addressed during the committee inquiry. I will even deal with Senator Rhiannon's matters, if she does not do so. We will ask the questions that need to be addressed. We will give this matter the proper scrutiny it should have.

To pretend that a sham inquiry—that would not even allow the department to appear before members and senators so that we could ask them sensible questions about this legislation—is an appropriate consideration is a joke. But to then go on—as the Greens have too—and say, 'Through legislation by attrition, we'll let you sit here forever to have a committee stage consideration,' is a joke too. That is as much of a joke as this morning was.

We saw a farce this morning. We had the Australian Greens saying, 'We won't gag the consideration of electoral matters, but we will gag a conscience vote on same-sex marriage.' How does that work? You Greens are not even going to allow individual senators to speak in relation to a matter of conscience. Where on earth are the Greens coming from these days? Give me Bob Brown any day. He would not have perpetuated that joke. You cannot have a debate around an issue of conscience in this place and not allow any individual senator who wants to speak in the second reading debate to do so. It was a joke.

But it is typical, because with the Greens we have the forked tongue I referred to yesterday. We have them saying one thing and doing something completely different. Senator Macdonald sits there, nodding his head. But, Senator, they are your partners now. They are the people you will be sitting with right through tonight as you execute the sham that they have been convinced to join. They are too ignorant about process and procedure to understand what they have done. *(Time expired)*
Senator IAN MACDONALD (Queensland) (17:41): This piece of legislation, the Commonwealth Electoral Amendment Bill 2016, and its precursor have been through two full committee hearings. The first hearing went for many weeks. The legislation was thoroughly investigated by every senator and member on that committee. Who were the senators on that committee? Who were the senators who took part in not a majority report but a unanimous report recommending that this bill come forward?

Senator Edwards: Unanimous? The Labor Party?

Senator IAN MACDONALD: Unanimous! The people on that committee—apart from coalition, Green and Senator Xenophon—were Senator John Faulkner, Mr Gary Gray, Senator Tillem, Mr Alan Griffin and one or two others as well. They participated in this over a space of—from memory—four or five weeks. We went all across Australia. We looked at everything and we inquired of everybody. We had the best evidence—from the most senior academics to the person off the street. We looked at this and looked at this and looked at this. How can anyone say we have not had a debate on this?

I understand that, since the bill has come into this chamber, we have already had in excess of 20 hours of debate, and yet we hear from Senator Collins that this is being rammed through without discussion. Of course, I remember the dying days of the Labor government, when 134 bills were put through this chamber by the Labor government without so much as one word being spoken on them—not one word! On 134 different occasions debate was curtailed. Twenty hours on any piece of legislation is a long time in anyone's language.

Not only have we had 20 hours of debate so far, but we have had a debate in the other place as well. The committee was recalled to look specifically at this legislation. The committee at the time thoroughly investigated. In fact, the committee was so thorough that it said to the government: 'We don't quite like your bill. We don't think it's gone far enough. We the committee recommend there should be an addition to it.' Fortuitously, the government have accepted the recommendation of that committee. That is how thoroughly the committee looked into it. We had answers from anybody we wanted them from. We had all of the experts.

Senator Jacinta Collins: I was!

Senator IAN MACDONALD: Well, Senator Polley was not there but she is saying a lot now! Why didn't you come along? If you had questions you could have raised them there.

There have been more than 20 hours of debate so far and the Labor Party would suggest to anyone who might be fooled by them—and there would not be too many—that there has been no debate on this. Well, there have been 20 hours of debate so far on this particular bill and I anticipate, as the lead minister has said, that this will go for another 40 hours. And we are happy to sit here and debate it.
But you know where it is going to end. I have been here for a while and many of you have—Senator Ludwig has. We know that there will come a stage when you will all say, 'Look, we know what the result is going to be, why are we punishing ourselves, sitting here to make a childish point?' It is not even student politics, it is pupil politics—I think it is 'pupils' who go to primary school, isn't it? That is what will happen. It is pure childishness.

We have had 20 hours of debate already and had two committee hearings that thoroughly investigated every single aspect of this bill—two full committee hearings!—and we are being told by the Labor Party that there has been no debate and that they have not had a chance to look at it. What have you been doing in the last 20 hours, if you have not had the chance to investigate it? What have they been doing?

I know what they have been doing: they have been attacking their old mates in the Greens all the time! That is what it has all been about. (Time expired)

Senator RHIANNON (New South Wales) (17:46): This amendment to the Commonwealth Electoral Amendment Bill 2016 is not about an inquiry. The Labor senators might make out that it is, but it is the latest attempt to derail Senate voting reform. That is what they have been doing—

Senator RHIANNON: Debating your fix!

Senator RHIANNON: I am happy to acknowledge your interjections. That is what Labor have been attempting to do. They had two plans when Senate voting reform came forward. One was to derail the whole thing and the other was to discredit the Greens. They have failed miserably at both. But let's just look at what is going on with Labor here. They say that they want an inquiry—

Senator Jacinta Collins: Your polling went down 20 per cent!

Senator RHIANNON: Again, I am happy to acknowledge your interjection. But how deeply divided Labor are on this! It is really extraordinary. Look at what their own leader, Mr Shorten, had to say when questioned just this week about this very issue. He was asked the question, 'What would you do if you win the election?' He said that he appreciated being asked if he would win the election—he thought that was good. The actual question, so we can be exact, was:

Given that you have problems with that—

meaning Senate voting reform—

if it does pass and you do win Government, will you repeal or amend it?

It was a simple question. Mr Shorten said:

In terms of what we do after the election, we accept that the system, if it gets changed, has been changed, we’ll see how it works.

I acknowledge that he goes on to be critical of the system, but he says it there, ‘we accept the system, if it gets changed, has been changed, we’ll see how it works’.

And he is not alone. Remember Mr Faulkner? Former Senator Faulkner's comments on this are very informative. When he spoke in this chamber about this very issue in response to the report from the JSCEM recommending Senate voting reform he said:
In practice, this will mean that the voters themselves will control the candidates and party groups who get their vote and their preferences. … I would say that this reform is uncontroversial and it is certainly overdue.

Those were his words, and back then he was speaking for Labor. I notice that Senators Conroy, Dastyari and Wong, with all their vicious words, are not down here doing any of their heavy lifting. But at the time, Senator Faulkner spoke for Labor and he spoke for Labor very clearly.

**Senator Cormann:** Listen to Senator Faulkner!

**Senator RHIANNON:** Again, I am happy to acknowledge the interjections. What has been very informative in this debate is how insulting Senator Conroy has been of his own party. Some of his comments have been quite extraordinary—really putting the caucus and certain people in the caucus above the whole party. He spelt that out very clearly, more than once in this debate, when it came up that his party put in a submission—a very clear submission—to JSCEM supporting Senate voting reform. This came from the ALP's national secretary, George Wright:

Labor's preferred position would also see a requirement that ballot paper instructions and how-to-vote material advocate that voters fill in a minimum number of boxes above the line, …

He had also spelt out very clearly that group-voting tickets must be abolished. Again, very clear support for Senate voting reform. Very clear—

**Senator Di Natale:** Just like this legislation!

**Senator RHIANNON:** I acknowledge the comment from the Greens leader, Senator Di Natale—it is very similar. Then, we were working together. What is going on here now is that a few Labor senators—and it is only a few Labor senators—are trying to derail this. They talk about sham and they talk about advantage; they are the ones who are looking for an advantage here.

Again, I will repeat for listeners who may just have come in: what we are about to vote on is not about a real inquiry to help advance Senate voting reform. We have had the experience with upper house voting reform in New South Wales since 1999, through four elections, very similar to what we have here. Small parties have been elected, there have been no complaints, we have the proof in practice and we have so many experts backing this. There are just a few Labor senators who I would say are causing problems for the leader of the Labor Party in a very destructive way for their own party. The former minister and former shadow on this issue, Gary Gray, has spelt it out very clearly.

This is not a good day for Labor: they have been exposed for the very destructive way in which they can operate—not in the best interests of the common good for Australia or for the interests of democracy. Thank you.

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training) (17:51): What a remarkable scene we are witnessing—

**Senator Polley:** Mr President, I rise on a point of order. I believe that you need to come back to this side now. We have heard the government, then Rhiannon and how you have gone back to the government again. It should be for and against.

*Honourable senators interjecting—*
The PRESIDENT: Order! I do not need everyone to be involved in this.

Senator Di Natale: Mr President, I rise on a point of order. I would just remind Senator Polley that it is 'Senator Rhiannon', not 'Rhiannon'.

The PRESIDENT: Thank you very much, Senator Di Natale. Senator Polley, in relation to your point of order: it is practice to go from side to side in the chamber. The debate commenced with the Labor Party, it went to the government, back to the Labor Party, back to the government, then to the crossbench. If an Independent senator had stood I would have gone there next but it is back to the government.

Senator BIRMINGHAM: What a remarkable act of hypocrisy we are witnessing from those opposite, and I appreciate that they do not want to be called out for it. They do not want to be called out for the hypocrisy we are seeing here today. But, of course, it is quite remarkable, not just the substance of their argument but also the mere fact that they are having this argument to go off to an inquiry. And the fact that it is Senator McAllister who is here moving this motion is most remarkable of all. As Senator Cormann—

Opposition senators: Why?

Senator BIRMINGHAM: You say, 'Why?' It is a very good question you ask. Senator Cormann highlighted the fact that Senator McAllister took Senator Faulkner's seat—he was an advocate of the very reforms we are bringing here. More importantly, Senator Rhiannon just referenced, quite rightly, the ALP submission to the JSCEM inquiry, signed off by George Wright, the national secretary. Guess who the national president of the Australian Labor Party was when this submission was launched. Senator McAllister. Senator McAllister was heading up the federal executive of the Labor Party that authorised this submission—this fine submission, this upstanding submission from the Australian Labor Party, this submission dated 24 April 2014. It was a mere two years ago.

Let me read some more from this submission because it is so outstanding:
The manipulation of Group Voting Tickets (GVTs) are a central reason that candidates with little public support have seen themselves elected to the Australian Senate. Without GVTs, the capacity of these candidates to deliver sufficient preferences through a coordinated preference harvesting strategy would not exist.

They are very strong arguments against group voting tickets, very strong arguments for the exact legislation before this chamber that Senator McAllister now seeks to delay. Mr Wright, who was answering to Senator McAllister at that time two years ago, went on:

In the specific circumstances of the current Senate voting system where GVTs—

group voting tickets—

are so blatantly being abused to frustrate the democratic will of electors, even the normally undesirable effect of OPV—

optional preferential voting—

which leads to a significant number of votes exhausting may be the lesser of two evils.

Then Mr Wright went on to put the very statement that Senator Rhiannon read, the precise argument in favour of the precise reforms we have brought to this chamber, reforms that require votes above the line to be dictated at the preference of the elector; that require there to be more than one box to be filled out; that require there to be a savings provision, though, if
somebody only fills out the one box—all of the measures in the legislation that Senator Cormann brings to this chamber and that has been the subject of much scrutiny.

'How much scrutiny?' you might ask. Let us go back and have a look at the joint standing committee inquiry that the submission of Senator McAllister, of the Australian Labor Party, was made to—because it was a very long inquiry, you know, Mr President. When they come here and say they want more inquiry time, let us look back, because that inquiry had 21 hearings. It had 21 hearings! Those hearings were held over a period of time from February 2014 to March 2015. There were 13 months of inquiry. There were 13 months of hearings that resulted in recommendations that we have put into legislation.

You supported those recommendations, yet now you seek to frustrate it. Now the Australian Labor Party, having put a submission to an inquiry two years ago asking for these reforms, having participated in 13 months of hearings, 21 different hearings, come here and say, 'Now we've changed our minds and we don't want it.' The most hypocritical and the most petulant behaviour I have seen in nine years in the Senate I see from those opposite at present. It is the most hypocritical, petulant behaviour I have ever seen in this place. Why? They are simply standing up for backroom operators, for preference whisperers, and standing against the democratic will of the Australian voter.

We on this side are proud to say that we trust voters to direct their preferences. We do not think that backroom operators should direct the voters' will. We think voters should direct their preferences as they see fit. That is exactly what our legislation will determine. We are proud of it, and you should be ashamed of yourselves for your hypocritical backflip.

The PRESIDENT: The question is that the motion moved by Senator McAllister under standing order 115 be agreed to.

The Senate divided. [18:01]

(The President—Senator Parry)

Ayes ...................... 24
Noes ...................... 35
Majority ................. 11

AYES

Brown, CL
Cameron, DN
Collins, JMA
Gallacher, AM
Ketter, CR
Lazarus, GP
Ludwig, JW
Marshall, GM
McEwen, A (teller)
Muir, R
Polley, H
Urquhart, AE

Bullock, JW
Carr, KJ
Day, RJ
Gallagher, KR
Lambie, J
Leyonhjelm, DE
Madigan, JJ
McAllister, J
Moore, CM
Peris, N
Sterle, G
Wang, Z

NOES

Birmingham, SJ
Canavan, MJ

Bushby, DC
Cash, MC

CHAMBER
In Committee

Bill—by leave—taken as a whole.

Senator JACINTA COLLINS (Victoria) (18:04): In that brief moment we had earlier in addressing some of the arguments for why this bill has not been adequately considered, I indicated that it is very unfortunate that proper consideration of a piece of legislation with the significance of this—a major change that has not occurred in 30 years—in terms of how we elect senators and that there will be many areas of questions arising from the poor consideration that had occurred. I intend at the outset to highlight a number of those areas. For example, I think I said in that five-minute statement when I had the opportunity to review the Hansard of the very brief hearing we had—in fact, let me take this moment to go to that point. I was reminded by one of my colleagues—in fact Senator Moore but also others—during that division that the report that Senator Birmingham was referring, but I see he has now left the chamber; it was a very brief interest.

Senator Cormann: No, he hasn't.

Senator JACINTA COLLINS: Oh, he's here. Good—where is he? Senator Birmingham, the interim report on the inquiry into the conduct of the 2013 federal election covered many issues. To maintain the pretence that that was an adequate consideration of the issues that this
government has done a fix with the Greens behind closed doors to create this bill—and even when I say create this bill, you have got to look at what this bill is once you wade through four explanatory memorandums. It has shifted because of the farce of process that occurred in its creation.

I would like to remind the Senate that the genesis of the considerations that the minister refers to when he tries to misrepresent Labor's position was the joint parliamentary committee's consideration of the conduct of the 2013 federal election. So let me remind senators of what some of the issues in the conduct of that election were. They are quite pertinent to what we will deal with during the course of what, unfortunately, for senators will be a very lengthy committee stage consideration of a bill. We would rather it occurred another way. We would rather it did not involve senators staying here in the chamber day and night to address these matters but we will not leave these matters unaddressed.

In the very brief inquiry we had whilst we had the AEC—and let me remind senators of how that process worked—I think Senator Conroy had two or maybe three turns of five minutes of questions. Senator Macdonald described that as an 'adequate inquiry'. Labor had two or three goes of five minutes of questions. In fact, when I sought to clarify a point the chair tried to rule me out during Labor senators' time. Fortunately, the chair was subsequently reminded that it was Labor's time according to his own rules, as limited as those rules were, and Senator Conroy was happy to cede to my request again that the department appear so that we could ask them questions. But I stray from the main point.

The main point is that, if you go back to the Interim report on the inquiry into the conduct of the 2013 federal election, you go back to what the issues were. Do senators recall what problems the AEC had at that point? They were not just the issues over microparties. There were serious problems with how the election had been conducted. This was why when the AEC appeared before the farce committee they were very keen to stress that they needed at least three months to implement the changes that were before the committee at that stage. We do not know yet—hopefully, the minister will be able to enlighten us during this discussion—what the AEC's view is with respect to the implementation of the further amendments to the bill. We do not know that. The AEC may actually feel that they require further time because the government has now proposed to make more significant changes. We do not know. Hopefully, the minister will be able to enlighten us here on what consideration has occurred since the government considered JSCEM's recommendations. That will be another area I will come to.

I would like to understand after we went through that farce of a process—where we were required to consider the inquiry in such a limited time frame—what subsequently occurred within government. We are told—and I think Senator Rhiannon might have signed on to this one too—first up in the interim report that JSCEM had been concerned about logos on ballot papers. They were concerned that they had not had an opportunity to assess the associated copyright and printing ramifications. The committee went on through some process of imagination, because there was not any material before us. Maybe these members of the committee were party to some process we did not have an opportunity to participate in. The reflection of the majority of the committee there was: 'The committee is pleased that these issues have been addressed to the government’s satisfaction.' How do we know that? There
was no discussion before the committee of that point. The department did not appear before the committee on that point.

So we go back to an issue that had been highlighted in the *Interim report on the inquiry into the conduct of the 2013 federal election*—the implications of including logos on ballot papers—and what do we find? We find even the majority of the committee say that they had not had an opportunity to assess the associated copyright and printing ramifications. In reality what this report should have said was that we still have not considered it. Instead, somehow something happened that implanted this idea—because there was no evidence and there were no submissions before the committee that covered these points—and suddenly, 'The committee is pleased that these issues have been addressed to the government's satisfaction.' As far as I can see, the discussions in the four explanatory memorandums do not cover this point, so where did it come from? It is a sham. It seriously is a sham.

There will be concerns about how logos will be used. We do not know what processes ultimately the AEC will apply. I have previously made the point that you may have political parties who are not quite as proud of their logo as the Australian Greens and feel that under these new rules it is appropriate to change their logo. Will there be sufficient time to do that? Will the AEC facilitate that process? We do not know.

Of course, that is not the only thing we do not know. There are the other things we do not know that I was referring to earlier on on behalf of Senator Rhiannon, because she was really concerned about this policy issue. We really do not know what the implications here might be. Senator Rhiannon asked the AEC:

> As you know, there is a requirement in the bill that people should number a minimum of one to six boxes. Should there be a penalty for anyone advocating to just vote 1 above the line?

Quite rightly, and predictably, the AEC said that that is a matter of policy, that is a matter for government. This bill has already been through the House, by virtue of a deal done between the Greens and the government. It has already been through a process where they have made further amendments. Commentators have said: 'What? Are you serious?' It has already been through that stage and in the Senate inquiry we had Senator Rhiannon asking a really basic policy question that should have been considered in the discussions that the Greens had with the government.

This is even more astounding. We should be able to find a policy response to that question. The AEC was the wrong place to go to ask but maybe that explains why Senator Rhiannon sidled up with the government members of the committee and prevented a very reasonable request—attempted three times—for the committee to have the opportunity to question the department. She herself needed to question the department because you cannot find the answer to that question. When you look at the bill, when you look at the explanatory memorandum, when you look at the government first and second reading speeches, the answer to that basic question is not there.

The other questions that were asked in the committee inquiry covered things such as what modelling had the AEC done or was the AEC aware that the government had conducted modelling. At least, according to the AEC, there was not any so we really do not know the implications of even just that basic question that Senator Rhiannon asked. We do not know whether there should be a penalty for someone advocating to just vote 1 above the line. We do not know how many people might vote just 1 above the line under the new arrangements. We
have not seen any mapping or any indication of what consideration the government has applied.

We have seen lots of signs, which I will come to later, about what a farce this process has been. In fact, I would have to suggest it has been the most astounding government consideration process that I think I have seen in 20 years in the Senate. That we struggle so hard to find any description of the government's policy rationale is incredible. Partly it is incredible because it has been through a process with the Australian Greens where a rationale has not been required. Now perhaps if the government had gone through the proper process and had sought to engage all participants in the Senate then they would have been challenged to provide an adequate policy rationale. But unfortunately, in the backroom discussions with the Australian Greens, it seems that challenge did not occur. What else did not occur, which is an example of the inexperience or the ineptitude—let me be generous and say—of both parties, is the consideration of what process might need to follow. Because with that lack of a policy rationale and without some sense of what process you are then going to undergo, we end up in this chaos.

I will be generous to the Greens here because opposite me are the government of the day. It is actually the government's job to have a sense of how they want to progress their agenda. But, instead, we have the chaos that is this. Why do we have that? We have that because they have driven down this tunnel sort of thinking they want a double dissolution, sort of thinking they only want a double dissolution if they can change the way the Senate works, sort of thinking they want the ABCC but do not know when they are going to have the time or opportunity to deal with that. Their whole management of procedure in this place has been fraught.

Of all the scams, the most recent was Senator Cormann's description—and we had it from Senator Birmingham too but he was just trotting out the earlier lines—of the 20 hours: 'There has been 20 hours of debate on this'—what a fraud. This bill has been before the Senate since we commenced the second reading. Because those opposite have been caught up in a sham of a process and have not managed the process appropriately, it has not proceeded in the way it might normally. If there is an appropriate attempt to engage in an open and transparent process with all senators—crossbench, Greens, opposition and government—it is strange how easily legislation then does progress. There will not be arguments about whether we should receive messages and how they should be managed. There will not be debates about what a fraud the committee inquiry was. And there will not be protracted, lengthy committee stage considerations, where all the latest that should be addressed by the department or the government—(Time expired)

**Senator MOORE** (Queensland) (18:19): In the arguments we heard in that previous discussion around taking this bill to a committee or not, claims were made by members of the government about the extensive consultation—the number of hours and the number of meetings—that had gone on around this legislation. It is always difficult because I know that when you get excited and want to put forward your particular point of view, it sometimes is tempting to over exaggerate the statements you are making. I am not a member of the Joint Standing Committee on Electoral Matters but, in preparation for this, I managed to go through the website and have a look at the process that was undertaken from December 2013, when
Senator Ronaldson actually referred the conduct of the 2013 election to the joint standing committee, as happens after every election as a standard process.

Despite the papers being waved around about how many hours and how many meetings took place to consider the issue of Senate voting, as Senator Birmingham said, it was highly inflated. In fact the agenda items that the joint standing committee looked at were a range of issues that were part of the 2013 election. They cover things such as electronic voting. In fact a whole segment of the hearings that Senator Birmingham felt concentrated exclusively on the issue of Senate voting, did not. There was a very serious series of meetings and inquiry discussions and processes that looked particularly at the issue of electronic voting, and one of the interim reports concentrated on that.

There was a very interesting report around the issue of electronic voting. It raised a number of issues that were put forward by submissions and it looked at processes into the future. The recommendations from that element were that, at this stage, it was not appropriate to proceed. That is fine. That is the process that the committee takes. I have not counted the hours. Maybe someone would have the time to go through and count how many hours of the joint standing committee inquiry was taken on each particular issue, how many of the submissions covered what issue and what the focus of the Australian Electoral Commission was during the debate.

I have not done that, but I have looked at the reports and I have seen that, whilst the issues around Senate voting processes were a significant issue in the overall discussion of the joint standing committee, it was not the only focus. To come into this debate, as part of making a strong argument—and in fact, Senator Collins, one of the expressions that my mother used to use was that someone 'overegged the custard'. I think the custard was flowing strongly in some of the debate that we have heard and, I would expect, will continue to hear. I think it is important that at least we lay down some of the processes around making sure that we keep a reasonable approach. I want to put on record the work that I have done in looking at what the joint standing committee did. People who are listening to this debate will not have the time or possibly the interest to go through and check out the veracity of the statements that are being made in the argument.

What I strongly believe around this issue—which, as we know, is the biggest single change to the way that the Senate voting process will operate in many years; it is 30 years, I believe, since the last major change occurred—is that there is a need for strong consideration, element by element, about what the most effective way to take this forward is. I certainly have some questions—through you, Mr Chairman—to the minister about getting some information about the education process which was strongly recommended by the Australian Electoral Commission and also the joint standing committee. Should there be a change in the way that this would operate, there would need to be a strong education process put in place to work with the community, to make them aware of the changes and how they would operate. That is a standard process, I think, if we are making changes, but particularly if we are making changes to an already complex system.

I think many people have already raised this in the discussion that we have had so far—and I do not know whether it has been 20 hours, Minister; I think there has been a significant amount of discussion since the bill came into this place. What has not happened in the debate in this place is the opportunity to hear from other people about how they feel.
The first time that this particular bill was placed under any scrutiny as a piece of legislation was the four-hour process that we had two weeks ago. Senator Collins has already described the process. I read it. I did not have the opportunity to attend, because I was at another committee. I am sorry—if Senator Macdonald is listening—but that does not indicate that I had a lack of interest in the issues of the electoral reform. He seemed to infer that anyone who did not turn up for the actual hearing was not interested in the process. It was just that there were other responsibilities to be had, but I did read the Hansard of that hearing.

I saw that because of the time constraint—and clearly even the chair of that hearing said there were time constraints—there were very strong restrictions on how many questions people could ask and also on the sequential nature of the way that people could be engaged in the process. It is understandable, if you are having a four-hour hearing. If you had a clear, focused, committee process around the piece of legislation itself, there would be a wider opportunity for senators to ask questions, to follow up questions and to be involved in debate. That was not offered on this piece of legislation. That is in fact one of the faults that I see in the process.

We can talk here about how long the issues of Senate electoral reform have been on the agenda. We can talk about for how many hours the joint standing committee actually looked at this particular issue. But the piece of legislation that came out of the joint standing committee process—no-one debates that; the piece of legislation did come out of the joint standing committee process—has not been subject to the standard scrutiny that this chamber expects for new legislation being brought forward.

What we have had is—up till now, and I think it will continue—debate in the chamber. That is people with various points of view standing up and giving that evidence into the debate. That has happened; no-one can challenge that. In fact, there have been more hours in us giving our opinions of the bill than in finding out what other people thought about it and giving questions to experts in the process. No-one can challenge that. If we had had a 20- or 25-hour process of looking at the bill in a committee, that would then have been giving the chance.

I think there were about 110 or 112 submissions to the four-hour process. Most of those submissions are from individuals. They are quite short submissions—considering they had three days to put their submissions in—from people who felt strongly enough to say, 'This is how I feel about the process.' Many of them were distressed about the process in which we were engaged, because they felt it was being rushed. In fact, one—I will not read the person's name into Hansard, but you will find it in one of the submissions to the four-hour inquiry, chat or discussion—said that this does not give value to the way the Senate should operate, that this very rushed process is not a reflection of how we should operate.

My point is that you cannot say that this bill has been subject to extensive scrutiny by this chamber. You cannot say this bill has been the subject of extensive scrutiny by the joint standing committee. And you certainly cannot say that the series of reports that are on the web page that reflect what did occur as a result of the joint standing committee review of the 2013 election—those documents—were fully focused on Senate electoral reform. That is just not true, and to purport that that is factual actually weakens the argument. If we are going to talk about what appropriate consultation is, let us talk about how the process has operated up until now.
It would seem to me to be a simple challenge for this chamber. How are we going to be able to get the answers to the questions that some of us have about how it will work, how the process will operate and who has been consulted? How are we going to get answers to all these things—answers which Senator Collins said we would hope we would get in a formal committee process that was looking at the legislation, allowing then for more amendments if required? Even as a result of that short discussion, there came to be amendments brought forward into this place. Those amendments were not there before we had even that level of scrutiny.

I believe that there should have been a further opportunity to have more extensive scrutiny and more evidence provided by those people who are genuinely interested in the process of electoral law in our country. There should have been a further opportunity for people to scrutinise the options in front of us. There should have been a further opportunity for people to scrutinise what had occurred between when the original evidence was taken at a number of inquiries of the Joint Standing Committee on Electoral Matters and to be able to listen to various opinions that were raised after those interim reports had been brought forward. As all of us would acknowledge, the joint standing committee were doing their work scrupulously through that period of 2014 and 2015. As Senator Birmingham said earlier, they were working really hard and presented us with quite detailed reports about what they had done. But was any of that brought back into this chamber? No. Between 2015 and two weeks ago, there was no discussion in this place around electoral reform. That is a serious fault.

Senator Rhiannon interjecting—

Senator MOORE: I take that contribution from Senator Rhiannon. When was the report from the joint standing committee debated in this place between 2015 and now? There was no debate. You can check the Hansard on that process, and I am happy to have that discussion. It is good to have some elements of our Senate and the House of Representatives involved in these discussions. That is why we have joint standing committees operating. But the next step of that kind of consideration is to come back into this place and have a discussion in this place about what happens next. That did not occur between April 2015 and two weeks ago.

If these things need to be considered fully and if we are going to recommend that there are such significant changes to our process, we need to have those discussions in this chamber—and we did not have that until two weeks ago. I believe that that is a serious fault. As I said earlier in this debate, that raises questions about why it was not urgent in April 2015 and it is suddenly urgent in March 2016. That is where I think we seriously need to look at our process. What will happen in this debate will happen. It will go on and there will be lots of people making contributions and arising points and putting arguments as to why change should or should not happen, and that is how the process operates.

When the Joint Standing Committee on Electoral Matters is looking at issues around the election of 2016—we will have an election in 2016 and we will have the extraordinarily hardworking Joint Standing Committee on Electoral Matters working on these issues with the people from the AEC who professionally look at the process—we should continue to have the discussion back in this place. That needs to happen so that these quite viable issues around why processes should change and, for example, electronic voting—that wealth of information—can come back into the Senate so that we are able to consider it.
Now, during the night of 17 March 2016—St Patrick's Day—we will be trying, in that period of time, to conduct a formal inquiry around the issues only of electoral voting in the Senate, rather than looking at all the issues of the election of 2013.

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (18:34): A number of inaccurate assertions have been made by the two speakers in the committee debate so far. The suggestion that this legislation is being rushed is blatantly false. It is of course well understood that this bill, the Commonwealth Electoral Amendment Bill 2016, implements the unanimous recommendations of the Joint Standing Committee on Electoral Matters which were first released in May 2014. That committee had some very significant Labor luminaries on it—not just anybody but two former Special Ministers of State; two former Labor ministers, cabinet minister, who were looking after electoral policies. They were Mr Gray and then Senator John Faulkner.

*Senator Jacinta Collins interjecting—*

**Senator CORMANN:** I know that Senator Collins does not like to hear this—and she likes to continue to rudely interrupt. I did not interrupt Senator Collins at all. I listened to her in silence. But let me again remind Senator Collins—and I will do this, I suspect, on a number of occasions tonight—that Mr Gray this morning said that these reforms that are before the Senate implement 95 per cent of the reforms that were recommended by the Joint Standing Committee on Electoral Matters. Mr Gray is not alone when it comes to the Labor Party; there are other senior Labor luminaries who actually share his views. Today we had on Sky News the former Premier of Queensland, from Senator Moore's home state of Queensland, Mr Beattie. Do you remember Mr Beattie?

**Senator Moore:** Yes, I remember him.

**Senator CORMANN:** Here is what Mr Beattie said:

I think Gary Gray's comments are right on Senate reform. Frankly, I don't agree with the Labor Party's position on this. Senate reform is important.

The Labor Party under Mr Shorten's leadership is out of step with the respected opinion of senior Labor people across the country. Everybody in Australia knows that the only reason that Bill Shorten decided to ignore the considered advice of people like Mr Gray, former Senator Faulkner, Peter Beattie, former ACTU President Jennie George and a member in the House of Representatives is that he did not have the courage to stand up to the bullying tactics of people like Senator Conroy and various interests in the union movement. That is the reason. He did not want to pick the fight. Mr Shorten knows in his heart of hearts that what we are doing here today is right—hence the comments that he made in a doorstop earlier this week, which Senator Rhiannon read into the chamber earlier, where he said that he actually accepts the system and that, if it is changed, he will keep the system. He knows that what we are doing is right. He is just humouring people like Senator Stephen Conroy, like Senator Dastyari, like the sort of union heavies who come in and out of his office every day, because he does not have the guts to pick the fight, even though that is what would be required in order to stand up for the national interest.

People say that we are rushing these reforms, but on 6 February 2016 this is what Mr Gray, the then shadow minister for electoral matters—the then shadow minister representing the
Labor Party, the spokesperson for the Labor Party, dealing with Senate electoral reform—had
to say. As the person responsible for this area for the government, I was talking to Mr Gray as
the person responsible for the Labor Party. He was my talking partner in order for me to
ascertain Labor's position, to ascertain whether there was opportunity for common ground, to
ascertain the best way forward. And he published an opinion piece in The West Australian on
6 February saying:
The system needs to be fixed. Fixing the Senate voting system is as important as one-vote-one-value
and it is as important as the franchise.
Then he talks about the recommendations of the Joint Standing Committee on Electoral
Matters:
These recommendations would see the power to allocate preferences given back to voters and stop
opaque preference swaps between parties.
More specifically, under the recommended optional preferential voting system, voters would be able to
expressly preference parties or candidate groups above the line rather than having their preferences
distributed for them under a registered group voting ticket.
Then he says:
These changes will mean voter intention is reflected in a democratic electoral outcome. They will give
voters control over whom they do and do not vote for.
These reforms are not intended to stifle or prevent the formation of new parties. These reforms simply
mean that political parties, including my own, will have to convince the public rather than backroom
deal-makers that they deserve their votes.
And here comes the clincher—the final sentence in that opinion piece:
The government should act now without delay and before the next election.
That is from the person who at the time was the appointed Labor spokesperson for Senate
electoral reform. He was the person who was speaking for the Labor Party. He was the person
who I was talking to as the spokesperson for the Labor Party. But now they are all saying:
'Oh, he was on a frolic of his own. That was never supported by the Labor Party.' But Senator
Birmingham has already read out the extracts from the submission of the National Secretary
of the Labor Party complaining about the manipulation of group voting tickets as a central
reason that candidates with little public support have seen themselves elected to the
Australian Senate. He has already read out the quotes from the National Secretary of the
Labor Party, George Wright, indicating that Labor's preferred position would also see a
requirement that ballot paper instructions and how to vote material advocate that voters fill in
the minimum number of boxes above the line—which is precisely what we are doing—while
still counting as formal any ballot paper with at least a 1 above the line. That is precisely, 100
per cent, what this bill is doing.
Mr Gray is not the only one who is urging us to get on with it. On 18 April 2015, Mr
Griffin was, as he is now, the Labor deputy chair of the Joint Standing Committee on
Electoral Matters. This is what he said in April last year, nearly a year ago: 'The government
should be acting on these recommendations' from the Joint Standing Committee on electoral
Matters 'and, if they’re going to, they need to hurry up because they’re running out of time.'
And after all these Labor luminaries have been out there saying to the government, 'Get on
with it—let's do it! It's important. We need to fix this,' here we are putting a proposal to the
Senate which, according to the Labor shadow cabinet minister, Gary Gray, is 95 per cent of

CHAMBER
what was recommended on Senate voting reform, and Labor says: 'No, no, no, no, no. Let's just wait for another six months. Let's just do it later.' The truth is that we could have an inquiry that lasts for another five years. If Bill Shorten is the leader with people like Senator Conroy and Senator Dastyari pulling his strings, the Labor Party will never change its mind in relation to what is a good public policy position.

It has again been suggested that this legislation is dramatically different from what the Joint Standing Committee on Electoral Matters recommended back in 2014, some two years ago. Let me take you through it. Let me take you through the individual recommendations and explain to you precisely what is similar and what is different. The Joint Standing Committee on Electoral Matters recommended optional preferential voting above the line—full stop. That would have meant that people could have just filled in 1 above the line without any guidance or instruction or advice to fill in at least six boxes from 1 to 6 in the order of their preference. We have decided to do the latter—instead of going with the original Joint Standing Committee on Electoral Matters recommendation to just put 1 and to advise to just put 1, we are going with the advice on the ballot paper that, to vote above the line, the voter needs to complete at least 1 to 6 but with the savings provision that one or fewer than six is still formal.

So the position we have adopted is more consistent with the submission that the National Secretary of the Labor Party put to the Joint Standing Committee on Electoral Matters. Yes, we have departed from what was recommended by JSCEM; we are not strictly adopting their position, but our position is actually more consistent with the Labor Party position put to that committee at the time. I would have thought that the Labor Party would have congratulated us for the fact that we were taking on board the suggestions of the National Secretary of the Labor Party. I would have thought that, in particular, Senator McAllister, the National President of the Labor Party at the time when Labor made that submission, would have congratulated us for having taken that on board and for the fact that the coalition and the Greens thought, 'Yes, George Wright is right on this, and we will take on board what he is saying.' That is exactly what we have done.

In relation to below-the-line voting, the Joint Standing Committee on Electoral Matters recommended partial optional preferential voting, with preferences to be completed equal to the number of vacancies—six, 12 or two. The government—and this not hard to understand—has accepted the subsequent recommendation of the Joint Standing Committee on Electoral Matters—that in order to vote below the line, the advice on the ballot paper should encourage the voter to number at least 1 to 12, but with a savings provision that any ballot paper where at least one to six boxes have been filled in sequentially from 1 to 6 in order of their preference, is still formal. Again, it is not complicated; you agree or you disagree. It is a slight variation on what was recommended, but it is extremely close.

The JSCEM recommended the abolition of group- and individual-voting tickets. We are abolishing, through this bill, group- and individual-voting tickets. The JSCEM recommended additional resources to the AEC to educate voters on changes. We have already publicly indicated, and the AEC told the most recent inquiry, that the government are providing additional resources for that purpose.

Then there was a range of recommendations in that interim report that was released in May 2014 to increase various membership requirements: membership numbers, verification,
compliance et cetera. The background to this is the level of gaming that took place where members of one party would set up another party and another party and another party, and the same members of one party were officers of several parties and negotiating preferences with themselves through group-voting ticket arrangements. So for voters, it was completely misleading and they were not clear who they were actually voting for when voting for one of these pop-up parties that were channelling preferences in all sorts of directions.

There is only one change that we have adopted out of those recommendations—that is, that a registered officer for a political party should not be able to be a registered officer for several parties. We would have thought that that was sensible. It is a complete conflict for a person to be the registered officer of two different parties. Senator Leyonhjelm appeared as a witness at the inquiry and said if he had had the time, he would have set up 20 different parties with various names—the no carbon tax party, the no this party, the no secret taxes party, the no that party. The name of the party, being a slogan, would attract some primary votes, which would then be channelled, after they had negotiated with themselves on how to channel the preferences through group-voting tickets. Is that really the way we should elect senators to this chamber? Is that really what the Labor Party believe? So we are making that change that was recommended by JSCEM.

We were not able to reach consensus with the Greens, and I am quite open and candid about this. The government's preference would have been to accept the recommendation which would have required an increase in the membership requirement from the 500 or so that it is at present to 1,500. But, in the end, we had to make a judgement on what was realistically achievable through this chamber, so the government compromised. The government accepted that the Greens would not support this. Nobody knew where the Labor Party was going to be in relation to any of this because, by then, the Labor Party was in chaos and complete dysfunction. Their shadow spokesperson was expressing one view and people in the Senate were expressing a different view. So it was very hard to actually know what the Labor Party position was.

There was a recommendation from JSCEM that we should require candidates to be resident in the state or territory in which they were seeking election. The proposition was that if you do not have enough support in the state that you cannot even attract a candidate in that state, you should not be able to run a candidate. Initially, we considered adopting that recommendation, but we received legal advice that that would highly likely be found to be unconstitutional. So we did not proceed with that recommendation because the eligibility requirements for election to this place are provided for in the Senate.

_Teacher Jacinta Collins interjecting—_

**Senator Cormann:** I am taking it through quite logically. Finally, while there was no specific JSCEM recommendation in relation to party logos, the joint standing committee did point out that there was a problem of potential voter confusion with similar party names and that the government should consider ways to address it. Our proposal to allow political parties, at their discretion, to have their logo included in the ballot paper is our attempt at minimising voter confusion when you have political parties with similar names presenting themselves for election.

The government have very much constructively and positively taken on board the recommendations of the joint standing committee. We have consulted subsequent to that,
including with the Labor Party through the official spokesperson on electoral matters from the Labor Party. We have gone in good faith through a very thorough process and the bill that is in front of the Senate today is a result of that process.

Senator JACINTA COLLINS (Victoria) (18:49): I would like to thank the minister for moving on after 10 minutes of his Labor luminary talking points. I could stand here and do Liberal luminary talking points and waste the time of senators, but I am not going to do that. Let’s get to some of the key matters that the minister did start addressing in part. The minister told us that, in some respects, they considered the report—he shifted a bit between the JSCEM 2014 and what I understand to be the JSCEM 2016 report. I am wondering if the minister could inform the committee when exactly the government considered the recommendations of the 2016 report?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (18:50): We considered them obviously after they were tabled.

(Quorum formed)

Senator JACINTA COLLINS (Victoria) (18:51): Given the response I just got to the last question, I ask the minister when he first considered the recommendations from the 2016 JSCEM report?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (18:51): I thank Senator Collins. I first considered the recommendations of the Joint Standing Committee on Electoral Matters 2016 report after that report was tabled. But obviously on the day that the hearing took place, it would not surprise you that, rather than attend the coalition joint party room meeting, I was glued to my television watching the evidence that was being given by some very distinguished Australians, including people like Antony Green and others. Obviously, I had to have conversations with a number of experts in this space. As I was considering the evidence that was being given in public session, I started to think that maybe there was a further way that a very good bill could be further improved. And, after some further consultation with some key stakeholders in the parliament—after the 2016 recommendations of the Joint Standing Committee on Electoral Matters had been tabled—I decided to recommend to the government in my capacity as the Special Minister of State, that we should develop and initiate a further set of amendments which I have since publicly flagged and which were circulated in the chamber some 10 or 11 days ago. And that reminds me that I should table a supplementary explanatory memorandum relating to the government amendments to be moved to this bill, which I now do.

Senator JACINTA COLLINS (Victoria) (18:53): Minister, did you receive advice from your department in relation to the recommendations of the JSCEM 2016 report? If so, when?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (18:53): Self-evidently, I sought and received advice in relation to the amendments that the government has initiated and circulated and in relation to which I have just tabled an additional explanatory memorandum.

Senator JACINTA COLLINS (Victoria) (18:53): The problem is that this is not self-evident, and the minister is deliberately being very vague in his responses. So I will try a
different question. Minister, did you receive advice or consult the secretary of your department in relation to the recommendations of the JSCEM report? If so, when?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (18:53): Sorry, could you repeat that question?

Senator JACINTA COLLINS (Victoria) (18:54): It is going to be a long night. It is a pretty straightforward question. The secretary of your department—Ms Halton, I believe: did you consult her as one of the people you indicated that you consulted following the JSCEM committee's 2016 recommendations?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (18:54): Not me personally. I am not sure what Senator Collins is getting at. We follow the usual standard procedure in relation to these matters. The government was inclined to pursue a particular change to the bill that had been introduced into the parliament and passed by the House of Representatives. We communicated our intention in the usual way to the relevant people in the department. Relevant advice was sought and provided, and of course the amendments were drafted and have since been circulated.

Senator JACINTA COLLINS (Victoria) (18:54): The problem is that the minister talks about 'the usual way'. What would usually happen in terms of a committee recommendation in relation to legislation is that the minister would seek advice from his department. The minister has told us that he sought advice from—if I am correct in my recollection of what he said—some colleagues. That is about the best description we have of what government consideration occurred at this moment in terms of the JSCEM committee's 2016 recommendations.

Let me put part of that in the broader picture. The broader picture is: I do not believe the government has responded to the 2014 JSCEM committee report. Am I accurate there?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (18:55): I think everybody across Australia would be of the view that the government has responded by virtue of the proposal that we have put in front of the parliament for the parliament's consideration. Indeed, when the Prime Minister and I announced the proposed improvements to Senate voting arrangements, we very clearly indicated at that time that this was our response to the unanimous recommendations of a cross party committee of the parliament with relevant expertise in relation to these matters—namely the Joint Standing Committee on Electoral Matters report released on 9 May 2014.

Senator JACINTA COLLINS (Victoria) (18:56): Again we go back to usual process, because the government did not table before the Senate a response. In fact, it did not table a response before the House. As Senator Moore was pointing out, there has not been an opportunity to canvass before the parliament the government's view about the appropriate response to that 2014 report. The minister stands there and attempts to argue that this is not a rush and it is not an attempt to ram through the legislation. Once again he is relying on what seems to be his one key line, which is 'Labor luminaries'. As I pointed out, I could continue to
stand here and talk about 'Liberal luminaries' until the cows come home, but it is not really a
policy rationale for the approach to be taken.

More concerning about the policy rationale are several issues that I will come to. I will stay
on the issue of the consideration of the JSCEM committee's recommendations. Senator
Cormann came into this place at 10.08 on the morning that the JSCEM report was tabled in
the House. I think it was tabled at about 9.05 by the chair in the House. By 10.08 Senator
Cormann is telling us:

The government has considered the issues raised and the recommendation of the joint standing
committee to introduce a form of optional preferential voting below the line …

I can accept that the minister was watching the hearings, still hiding behind a department that
he was not prepared to allow to front the committee—just remember that bit. He is studiously
sitting in his office, following the hearings, following the issues, talking to a few people about
their views on these issues. But when I ask a really basic question, which is: when did
government consider? He then says, 'After the report' and 'I had a chat with a few fellows.'
Seriously! Is that the way this government functions? Did the amendments before the Senate
now go before cabinet?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the
Government in the Senate and Special Minister of State) (18:58): The amendments before the
Senate went through all of the proper processes. I am happy to confirm that, and I am also
happy to refer Senator Collins to the revised explanatory memorandum for the
Commonwealth Electoral Amendment Bill 2016, which again confirms:

The Bill—

which is the bill before the Senate—

responds to key elements of the first interim report and the final report of the Joint Standing Committee
on Electoral Matters (JSCEM) inquiry into the 2013 Federal Election, which were tabled on 9 May
2014, and 15 April 2015, respectively.

In relation to the matter of principle about whether or not the government would consider
taking on board the suggestion that had been made by a range of stakeholders to also make
some improvements to the voting arrangements for voting below the line, as I have indicated,
we started some consideration within government in relation to these matters as a result of the
evidence that was provided at the hearing, and subsequently, after the report was tabled, the
government made a formal decision. That decision has since been reflected in amendments
which I believe were circulated in the Senate on the Thursday. I believe that the 2016 report
by JSCEM was tabled just after nine on the Wednesday, and by Thursday afternoon the
government had circulated some amendments, having taken the in-principle decision that we
would adopt the view of many and the recommendation that was reflected in the JSCEM
report that there should be relevant improvements to below-the-line voting arrangements,
which we have adopted.

Senator JACINTA COLLINS (Victoria) (19:00): Minister, I am still asking: when was
even that in-principle decision taken? You say that these decisions were taken in an
appropriate way. You have refused to answer my question about whether the changes that
these most recent amendments represent went through cabinet, and I press that question.
Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (19:01): Senator Collins has been here long enough, and she has been a cabinet minister herself. I do not talk about what goes and what does not go before cabinet. But let me just again very firmly put on the record that the amendments that the government will be moving during this committee stage of the debate, in relation to below-the-line voting arrangements in the Senate, have gone through all of the appropriate processes of the coalition, and of course they directly respond to the relevant recommendations made by the Joint Standing Committee on Electoral Matters in its report released a few weeks ago. I am not quite sure what point Senator Collins is trying to prove. I am not quite sure what conspiracy theory she is trying to pursue.

I would have thought that the government acted in very good faith. We put our bill out for consideration. It was scrutinised by people across Australia who made submissions to the inquiry. The submissions were obviously there for all to see. I had a number of conversations with some people who made submissions to try to understand some of their points a bit better, and of course in the end the government made a decision to initiate a further amendment, and that is something that I did indeed announce on Wednesday morning—I believe when I was finally allowed the opportunity to speak in what had by then been a six-hour debate on whether or not the Senate should accept the message from the House of Representatives in relation to this bill and whether we should allow this bill to be read a first time. So from memory it was about 10 o'clock on Wednesday morning that I rose to speak, and by then clearly I had all my ducks in a row and I was able to make relevant announcements in this chamber.

Senator JACINTA COLLINS (Victoria) (19:03): I suppose we need to still have some humour in this, although it is not very funny with some of the poor processes that the Greens have allowed to occur. The minister stands here and wanders between the appropriate processes of the coalition and the appropriate processes of government, and he refuses to cover a very important issue, which is that a joint parliamentary committee makes its recommendations at roughly 9.05, and by 10.08, through means that the minister cannot describe other than that he chatted with a few colleagues, we have the minister announcing that the government has considered the issues raised and the recommendations of the joint standing committee to introduce a form of optional preferential voting below the line.

As the minister says, I have been a member of the cabinet and I have been around this place a long time. Unlike some, Minister, I do not accept that you are Superman. I am more likely to accept the musings that were on Antony Green's blog, which were that the government had a predetermined position on this, that the bill as it was introduced in the House was actually their ambit position, and that they were thinking that they would back down to the crossbenchers and respond on below-the-line issues at a later point. The somersaults that Senator Cormann was able to do between 9.05 and 10.08 on the day that he announced the government's position—the same morning that the JSCEM report occurred—combined with the points that I made earlier about some of the recommendations, such as that the government and Green committee members seemed to have picked up policy rationales by osmosis, because they do not exist anywhere else, really do make you think this whole process stinks.
The minister—and I should highlight this point—is not prepared to advise the committee when he sought advice from his department, when he had discussions with any particular people and whether this issue had been addressed by cabinet, and he retreats back to coalition processes. I am really not sure why, because he does not seem to have any respect for Labor Party processes. He wants to stand here and talk about Labor luminaries rather than a unified position of the current Labor caucus. In that respect, Minister, you are just going to have to deal with that fact. The Labor caucus is united, we have a clear position and I am here to execute that position. I am not a backroom boy. I am not Senator Conroy or Senator Dastyari. But they are the facts of life. If we have to, by virtue of this deal you have with the Greens, conduct what should be proper parliamentary consideration through a committee stage debate, possibly my colleagues would suggest that I am probably in a good position to do that. But it is a very concerning world where we are.

Perhaps now I will use the other example of this point. The other example that Senator Moore used is the second reading amendment that was voted down by the Australian Greens. There is a principle at play here that is far more important than this particular piece of legislation that the Greens have wittingly colluded with the government to trample, and that principle is public interest immunity. The Senate has upheld on countless occasions in relation to public interest immunity—and I see Senator Ludlam raising and paying attention on this point, because I know it has been a very important issue to him as well. But he may not understand, when he voted down Senator Moore's second reading amendment, exactly what was occurring there. What was occurring there was in response to my return to order. Senator Cormann had retreated to the commercial interests of the Commonwealth.

Senator Cormann interjecting—

Senator JACINTA COLLINS: I am talking about the commercial interests aspect at the moment, but, if you would like to make that contribution, you are welcome to. I am not suggesting that that is not part of it, but the issue of principle that the Greens have colluded with—quite astoundingly—is that they have allowed you to continue to hide behind the commercial interests of the Commonwealth when asked important questions about the considerations of this bill. All that Senator Moore was seeking was that you be required to outline what harm was being claimed. That is all. What was the particular harm that would occur to the public interests by you responding to that return to order? It is a pretty routine matter. Many times over the years in this place I have been here ministers have sought to hide behind commercial interests. Senator Ludlam might be able to give me an example—I cannot think of one at hand—where the Senate response to that has been to require that the minister at least indicate the harm that they are proposing might occur. But on this occasion—the first that I can think of—the Greens have colluded with the government and ensured that they do not even need to put before the Senate what the harm is that they are proposing might come forward.

I can only hypothesise here—and I know even some in the media have also—but the types of harm are issues related to transparency. For example, in The West Australian on 7 March, after some people had an opportunity to look at the limited information that the minister provided in a highly redacted form, there was a story from Paul Osborne talking about his concerns about AEC funding. I know Senator Rhiannon had an interest in a few matters, but
none of those concerns seem to have been resolved, so I will be interested to see if she eventually attempts to press on any of these matters.

Minister, in your first reading contribution, you said—that must have been the 2014 recommendation, because I do not recall it from the 2016 one—'The JSCEM recommended that additional resources be provided to the AEC to educate voters on changes,' and you said, 'We are allocating additional resources to the AEC.' It seems—at least to date—the Greens are satisfied with that assurance, but nobody else is. They have not been required to indicate the nature of the additional resources, where those funds are going to come from, how the various appropriation debates we are having will actually impact on whether or not those funds will arrive in time, the timing issues associated with that or indeed the longer historical issues that Paul Osborne highlights about the funding and about what this return to order actually showed.

I will go for a moment to the return to order. Perhaps in a more casual way, it certainly is sniffy enough to suggest that we need to keep looking. I apologise in advance, Chair, if you will think of this as a prop, but I need senators to understand the highly redacted form in which this documentation was provided. Perhaps we both need to take advice from the clerks as to whether it is appropriate. I demonstrate for senators the redactions that the minister made. The first of those documents is an agenda. Item 3 is 'matters to discuss,' fully redacted. Seriously? The next page, I reckon, would come close to be about 80 per cent redacted, but even what has been provided is interesting in part. For instance, the bottom dot point on page 1 of 2 of the next document is, 'The AEC felt that the parliament expects major changes to both operation and legislation, noting that legislative change will be a challenge.' This is from the executive strategy meeting of the AEC in the Department of Finance dated 29 April 2015, I think the same date Paul Osborne was referring to some of the critical financing and resourcing issues.

In terms of us being able to understand in any way what the nature of those challenges might be—redaction, redaction and more redaction. The intriguing part to these documents when I looked at them was a different reference here. This was on the executive strategy meeting on 9 June 2015. You go to page 2 and the action items. I will be interested, Minister, if you are able to explain to us these action items, because it is really quite intriguing. Action item 1 is: 'The AEC will identify areas of JSCEM response that they should not be consulted on.' Why on earth would the AEC be identifying areas that they should not be consulted on? I could understand why they would identify areas that they should be consulted on. But what was the minister trying to hide here?

Why on earth do we have a government agency whose independence is as important as that of the AEC, suggesting in executive minutes as an action item that 'the AEC will identify areas of the JSCEM response that they should not be consulted on'? In other words, 'Don't ask us about this!' And to finish the dot point: 'also any advice on preferred method of engagement in advance of the meeting on 24 June.' Preferred method of engagement? What are we engaged in here? This is a public agency. Preferred method of engagement from the AEC? What is really occurring here?

Does that explain why so much of this needs to be redacted, or perhaps the minister can inform the committee now of the response to the question that should have been supported by
the Greens in relation to the return to order, which is: what harm to the Commonwealth's commercial interests are you suggesting requires this information not be made available?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (19:15): Firstly, in a bipartisan spirit let me agree with Senator Collins's assertion that I am indeed not Superman! I have never claimed to be Superman. Clearly, I am somebody who is trying to do the best he can to get these reforms through the Senate, but I am definitely not that.

As much as Senator Collins is desperate to find a conspiracy theory here, there is actually no conspiracy theory. Obviously, the government was not only aware of what was taking place at the hearing of the Joint Standing Committee on Electoral Matters on 29 February 2016 we were also aware of the submissions that were made to that inquiry. Self-evidently, we were considering the issues after the public response to the reform proposal that we had put forward. And so, yes, we did have further conversations, among other things, with the Australian Greens and others, including the Labor Party. I had further conversations with the Labor Party, because at that point in time, on 29 February, Mr Gray was still the shadow minister for electoral matters. Mr Gray was still a spokesperson for the Labor Party on matters related to Senate electoral reform.

Senator Collins chose to quote very selectively from my response to the order for production of documents. I pride myself in this chamber on always responding in a very timely fashion and to the fullest extent possible to requests for documents. Senator Collins quoted selectively from my letter by referring to a claim in part in relation to the commercial interests of the Commonwealth. Let me read the full claim.

I claim Public Interest Immunity for these exclusions on the grounds that some relate to Cabinet deliberations;—

That is a longstanding position, which was adopted, amongst others, by the government that Senator Collins was part of; it is the same—

to the commercial interests of the Commonwealth which would be harmed in the event of disclosure; and to the private information of Commonwealth officers (including junior officer information).

There was a subsequent order passed. I had written to the President of the Senate in order to respond to that subsequent order, but because of the way the proceedings developed today we did not get to the point where this was to be tabled. So I table this now, but I am happy to confirm for the Senate that in that letter I reaffirm my previous claim of public interest immunity for certain documents recording communications between the AEC and ministers or officials. I reaffirm that my claim of public interest immunity for certain documents was consistent with the established precedents of the Senate around protecting the deliberations of cabinet, protecting commercial interests of the Commonwealth and respecting certain personal information of Commonwealth officers, including private contact details and junior officer identities. I table that now.

Senator Jacinta Collins interjecting—

Senator CORMANN: Can you just sit back and let me deal with the questions that you have asked? Again, I listened to you courteously and in silence. I know that courtesy is not something that you embrace spontaneously, but perhaps let me just answer your question.
In its evidence at the Joint Standing Committee on Electoral Matters, which you said was so short that it should not have taken you that long to read through the Hansard of that evidence, the AEC actually addressed this precise point. Not only did the AEC advise the committee that they would be sufficiently funded to implement these reforms, to comprehensively educate the public about the changes and to run the next election but the Electoral Commissioner also indicated at the Joint Standing Committee on Electoral Matters public hearing into this bill that because the Australian Electoral Commission uses external providers there is a commercial-in-confidence element to this funding and that it would not be appropriate to go into specific funding amounts at that time.

Senator Jacinta Collins: That's not the point!

Senator CORMANN: That is exactly the point. You asked me what commercial interests are relevant to the information that has been redacted. I have just giving you a very—

Senator Jacinta Collins: Third time around on a return to order!

Senator CORMANN: You asked a question and I am answering it. That is the way this process is meant to work! Just because you do not like the answer, do not abuse me for trying to answer your questions in good faith.

In relation to the second reading amendment that was moved by Senator Moore: clearly, that amendment was simply the latest in a long line of Labor tactics and attempts to delay proper debate on this important bill. There was a part in that second reading amendment which I am sure Senator Collins knows about, but she did not quote it when she was having a crack at Senator Ludlam—she left that bit out. It was the bit that said the effect of the second reading amendment was to defer consideration of this bill to another day.

Senator Jacinta Collins interjecting—

Senator CORMANN: Ah! So here is Senator Collins having a crack at Senator Ludlam, allegedly for going against their long-established position in favour of transparency. Let me say to you: when I was in opposition in this Senate I championed the disclosure of information and forcing the government of the day to claim the public interest immunity properly. I take a very strong interest in these matters, as I know does Senator Ludlam. We had a number of conversations about that when I was in opposition.

I am very sad if you have not noticed this, but in government I have prided myself to respond in a timely fashion to orders for the production of documents—genuinely and in good faith, with due deference and respect to the important role of the Senate to scrutinise the activities of government and in as comprehensive a fashion as is appropriate, given the limitations of established public interest immunity claims that are able to be made.

Compare this to the previous Labor government. I was trying to get information out of the previous Labor government in relation to their disastrous mining tax deal negotiated in secret and behind closed doors with the chief executives of three big mining companies, and I got nothing. In fact, for weeks and weeks it was completely ignored.

Senator Collins has started to put in orders for the production of documents late one afternoon, expecting a lot of information to be tabled the next morning. I am sorry, but some of the officers were not able to get all of the information together and have it properly scrutinised and put into the right format in time for 9.30 the next morning. But as quickly as we possibly could—including, from memory I sought leave before question time on the
Thursday of the last sitting week. From memory, that would have been 2 March. I sought leave and I was granted leave to table the response and the various documents, and we provided as much information as we possibly could, but there are some bits of the documents that we were asked for that relate to cabinet deliberations. There are some bits that relate to the commercial interests of the Commonwealth. There are some bits that relate to private information of junior Commonwealth officers or the private contact details of Commonwealth officers. Consistently with long-established precedent and long-established practice, we have indeed redacted those bits.

The Labor Party clearly have nothing to say against the substance of the reform that we are putting forward. They clearly have no criticism of what we are actually doing to empower voters to direct not only their primary vote but their preferences the way they wish instead of having those preferences traded and directed by backroom operators. That is why they are going down all these little rabbit holes chasing one conspiracy theory after the other.

When it comes to the substance of the debate, you have not asked a single question yet that in any way challenges the proposition that we are putting forward, and that is that this bill will ensure that results at future Senate elections will truly reflect the will of the Australian people. These reforms will empower voters across Australia to direct their preferences the way they want to and not the way political parties want to. That is what we are trying to do.

We understand why you are going to do everything you can now and maybe over the next three, four or five days. We are ready for it. That is why you are now just going down every little conspiracy-theory rabbit hole—because you have not got anything to say on the substance of the legislation.

**Senator Jacinta Collins** (Victoria) (19:24): I would like to take the opportunity to respond to the minister, given the nature of that contribution. You see, Minister, sure, time lines have been tight, but they have been tight on everything. They have been extremely tight on the committee inquiry! As I pointed out earlier, I think Labor had—if I am generous—maybe three lots of five minutes in the section where we had the AEC before us. As I recall, at that time the chair even tried to block me at one point from asking any questions.

But what we have been very light on is the policy rationale. Do not worry; we will get to the issues of substance, but we are going to have a very lengthy look at what has occurred in the process here because that process stinks. It has been part of an inappropriate fix between the government and the Greens, and you are obviously very sensitive to the issues of the return to order. The first time, in part of your response, you referred to how you pride yourself on being timely. And, yes, indeed I have had limited responses in a very timely way. It does not really satisfy me much, Minister. You might as well just write back to me and say no, and then you can stand here and claim timeliness. The response that you tabled I did in fact receive. I received it and considered that when we looked at Senator Moore's second reading amendment, because we simply were not satisfied with it.

The minister should know, given his pride and experience in these issues, that his response should cover what harm it is proposed would result from the disclosure of that information. It really is not adequate, Minister, for you to suggest that there was some reference possibly to some harm to commercial operations of contractors used by the AEC, as your blanket response here now. You have had opportunities for that return to order. In fact, I think Senator
Moore's motion is the third one for you to deal with the issues of what harm it is that you are proposing.

To just characterise my comments to Senator Ludlam as an attack on him I do not think is reasonable. I did point out to Senator Ludlam that I noticed, I noted and I acknowledged that this has been a key area of interest of his—fairly respectfully, I thought. But I did highlight that I was surprised that as part of this fix—this is one of the many things that I have been surprised that the Greens have been prepared to just tolerate, because these are principles far broader than just the consideration of this bill. Parliamentary accountability of the government of the day is, as you have said, an issue of significant importance. The public interest immunity arguments are those that allow senators—whether they are in the crossbenches, the Greens or the opposition or you in opposition—to highlight government inadequacies and to talk about dissatisfaction that the government is not able to be held to account.

Why you have such a glass jaw about me highlighting that—other than that fairly glib reference to the Hansard of the AEC, and if I burrowed away in there somewhere I might find them having talked about commercial interests of work that they outsource—it really still is an inadequate answer from government—

*Senator Cormann interjecting—*

*Senator Jacinta Collins:* Here we now have the minister doing exactly what he claimed he was not doing. He says: 'Don't interject on me. I'm polite.' He then insults me, and now he sits there doing exactly the same. I am sorry, but it is 7.30.

You are really going to have problems here, Senator Cormann.

*Senator Fifield:* You know someone is struggling when they are taking interjections!

*The Temporary Chairman:* Order! Continue, Senator Collins, disregard the interjections.

*Senator Jacinta Collins:* But I am being so sorely tempted. Senator Fifield will know that I am absolutely delighted to take his interjections on these sorts of things.

*Senator Fifield:* That is my point; you need it for material.

*Senator Jacinta Collins:* No, I do not need material; I have got heaps of material. The point that I have—

*Senator Ian Macdonald:* Can you get on with it, please.

*Senator Jacinta Collins:* Sorry—Chair, I would ask for your protection here.

*Senator Fifield interjecting—*

*The Temporary Chairman:* Order on my right! Senator Fifield, order please. Senators should be heard in silence. Continue, Senator Collins.

*Senator Jacinta Collins:* Thank you. I note that Senator Macdonald has come into the chamber now and I could be provoked to reflect on his earlier contribution. Usually, I do not allow myself to but I see Senator Fifield's face here and I am going to tempted by just this one element. Usually, I do not respond but I think every senator in this place will appreciate the reflection that Senator Macdonald's characterisation of what goes on in a committee is very creative—that is probably the most polite way I can put it: very creative. For him to be
admonishing Senator Moore earlier for not being at the hearings and how well conducted they are is just a farce. It really is and it deserves to be acknowledged and noted at this time now that he has come back into the chamber.

Senator Ian Macdonald: It was Senator Polley.

Senator JACINTA COLLINS: Sorry: it was Senator Polley, not Senator Moore—that is right; I apologise for that. However, I think Senator Moore must have been responding to someone else's criticism at that stage. Senator Cormann, what you did not respond to—and this is why I am glad I have not allowed myself to be distracted at 7.30 at night by your interjections, which of course you do not make because you do not do that.

Senator Fifield: He's not here!

Senator JACINTA COLLINS: He has gone. I have to say that now that the minister has gone I think perhaps, Chair, I should bring attention to the state of the House.

(Quorum formed)

Senator IAN MACDONALD (Queensland) (19:32): Senator Collins, with all the questions that she had, seems to have disappeared from the chamber, so I will take the call, if I can. Unlike some of my colleagues, I quite like Senator Collins and we get along well together in the legal and constitutional affairs committee. I have to say to my good friend Senator Collins: you will need to get some substance in the debate, if you are going to carry this on for a couple of hours. Quite frankly, I have never heard so much padding in any speech for a long, long time.

Can I just explain to those members of the Labor Party and people who might be listening, because this is a very serious debate: it is about our democracy and allowing Australians to vote for who they want to vote for in the Senate. I cannot understand why the Labor Party cannot see that. It is a pretty simple bill—there are a few other provisions but, effectively, it says: above the line, you can vote 1 to 6; and the 1 you vote above the line, the 2, 3, 4 is for a political grouping. If people want to vote 1 in the Liberal-National party box in Queensland, what that effectively means is that they are voting 1, 2, 3, 4, 5, 6 for the Liberal-National party team. If they voted 2 for the Christian Democrats team, it means that their votes 7, 8, 9, 10, 11, 12 would go to the Christian Democrats. It is pretty simple—much better than the current system where you just put a 1 in the political grouping of your choice but then you just adopt the grouping that your No. 1 choice has registered with the AEC—a pretty complicated system.

People who voted 1 for the Sex Party did not actually realise that their effective preferences were going to the Christian Democrats and vice versa. That is because, quite frankly, 98 per cent of Australians did not understand that, when you voted 1 above the line, you actually adopted the registered card of your chosen political chooseree and had no idea where it went.

Under this system, the people of Australia will actually decide who they want as No. 2, and maybe people from the Christian Democrats do want the Sex Party as their No. 2 choice—I would doubt it, but maybe they do. Now they have the option of voting 1 for the Christian Democrats; 2 for the Sex Party; and 3 for the marijuana league or whatever. It is their choice. If that is the way they want to go, that is it.

It is a pretty simple bill. The addition that arose out of the committee hearing a couple of weeks ago—the committee looked at this and recommended to the government that they
should go one step further, which was back to what was proposed by the all-party committee unanimously just two years ago: as well as going above the line on a 1 to 6, you could go below the line 1 to 12 optional preferential. That means if, in Queensland, people want to vote 1 for me but they like Senator Moore—they do not want to give their second votes to another one of my political party; they want to vote for Senator Moore because they think she has not done a bad job—they can vote below the line. All they have got to do is fill in 12 squares. They can put me 1, Senator Moore 2 and whoever they like 3, 4, 5, 6, 7, 8, 9, 10, 11, 12. Their vote will be valid and then they choose who they want, not the LNP in that case or the Australian Labor Party in Senator Moore’s case. The people choose, so what is so bad about that? How outrageous is that?

It is such a good idea that respected Labor Senator John Faulkner sat on the original committee and was part of the unanimous recommendation that this new approach be adopted. Not only was Senator John Faulkner there but so was Senator Tillem and Mr Gary Gray, who we know understands these things. Gary Gray was the National Secretary of the Labor Party at an election a few years ago so he understands implicitly the voting system. Yet Mr Gary Gray, a Labor member of parliament, was one of those who joined with Senator Faulkner and unanimously supported the approach to bring in this new regime in the bill before us now.

You do not need to be very clever to work that out. It is a pretty simple bill. How it works is pretty simple—one to six above the line or one to 12 below the line, if you like. The people of Australia make their own choice. If you get a quota, you are elected to the parliament, because that is what the people of Australia actually want. I understand because of some very good detective work from some of my colleagues that the submission the ALP put to the first inquiry—that is, the organisational ALP—asked for just what we are doing now. That is what they asked for. I am told that the President of the ALP at the time was none other than Senator McAllister, who—curiously—replaced Senator John Faulkner when he retired. So Senator McAllister was the President of the ALP.

Senator Smith: Serendipity.

Senator IAN MACDONALD: Serendipity, indeed. She was the President of the ALP and she signed off—or had her team sign off; perhaps it was then Mr Dastyari—on a submission to this inquiry saying: ‘This is what you have to do. You have to have optional preferential above the line and optional preferential below the line. That is what we want. That is what we the Australian Labor Party want.’

Naturally enough, when it came before the committee the committee unanimously agreed. Certainly the three or four Labor members on the original committee thought, ‘We think it is a good idea. Not only do we think it is a good idea but the organisational ALP in their submission also think it is a good idea.’ They asked the committee to do it, so the committee did it unanimously. All the Labor people and everyone else supported it, yet here we are a couple of years later and it seems that the Labor Party no longer support it. We cannot understand why. Nobody has given us a serious explanation. My good friend Senator Collins waffled for eight minutes. She could not finish her 15 minutes and left.

This is an important piece of legislation. It is a piece of legislation that should be passed. What is more it is a piece of legislation that the Australian public want us to pass. In the aftermath of the last federal election there was palpable anger around Australia, not just from political parties but across the board. The people of Australia could not understand how their
vote could be hijacked by the mathematical gaming of the preference system. A lot of the minor parties cross-preferenced and you had the very odd situation of parties of the extreme Left ending up supporting parties of the extreme Right, and vice versa. Nobody could understand how Australia could get into that situation.

This bill before us today is very simple. It makes it easy to understand. It says to the voter: 'You pick who you want in the Senate. Do not allow the backroom boys to do it.' I have mentioned this before and I will mention it again because people listening to this may not understand. Mr Bob Katter is the member for Kennedy. He used to be a member of the National Party, but he left the National Party in a huff at one stage and became an Independent. He said to his supporters: 'I am preferencing the Liberal-National Party. I still have my basic philosophies. It is just that I do not like the party. If you vote for me, your second preference will go back to the Liberal-National Party.' Many people in his electorate prefer our side of politics to the Labor side.

Mr Katter in the Senate had registered a card, as all the parties did. Very few people saw them. I had a look at them. I would be one of the few in Australia who did. When I looked at Mr Katter's card, I saw he actually preferenced the Australian Labor Party before the Liberal-National Party. He was denying around the state that he was supporting Labor, 'No, my preferences are going to the Liberals and Nationals.' If you looked at the registered card he had—and most of the people who voted for his team in the Senate would not have looked at that—you would have seen effectively that, with respect, you, Mr Temporary Chairman Ketter, got the preferences of the Katter party before the Liberal-National Party.

Those of us who follow politics know that that is a seat where a lot of people support Mr Katter because he is an old friend and they think he is a nice guy. He is pretty ineffective but a nice guy. They voted for him but expected that his preferences would go back to where they really belong, and that is the LNP. But, sorry, Mr Katter's card did not say that. This is the sort of thing that this legislation will stamp out. If the people want to vote for Mr Katter and give a second preference to Labor, that is fine but they can do it themselves. They do not vote 1 for Katter thinking that his preferences will go to the Liberal-National Party. They will in the future be able to exercise their vote. The people in Kennedy will now be able to vote 1 for Mr Katter's Senate team and vote 2 for the Liberal-National Party, or wherever they want to go. It will be their choice. How can anyone object to this? How can you argue against it? I know Senator Faulkner could not argue against it. In fact, he was one of the main protagonists of the proposal. I know Mr Gary Gray cannot argue against it because, again, he was one of the architects of this piece of legislation. I hope that Senator Moore or Senator Collins—if she comes back—may be able to explain to us the change of heart. Why was it two years ago you thought this was a great idea, Senator Faulkner thought it was a great idea, Mr Gary Gray thought it was great idea, all senior respected members of the Labor Party thought it was a good idea, the people of Australia thought it was a good idea but suddenly for a reason which has not been explained—and I will wait anxiously to hear the explanation—the ALP have done a complete backflip.

I can only think that Senator Conroy, Senator Carr and the big backroom dealers have suddenly worked out there is a way they can rort—and I use that in a political sense—the system and give themselves a political advantage. They are keener to do that and leave in place this broken system than allow this legislation to go through and give the people of
Australia the right to make their determination of who they want to elect to the Senate. I cannot think for the life of me how anyone can seriously argue against that. I will be listening very intently to future Labor speakers for an explanation of why it was that some of their most senior, some of their most respected members of this parliament were totally in favour of this bill two years ago but now suddenly Labor is not.

As I said before, this has been fully debated for 23 hours now in this chamber. If you have not been able to make your point in 23 hours, Senator Collins, I do not know what another 23 hours is going to allow you to do. We have had this debate. We have had two full committee hearings. We have investigated it up hill and down dale. Everybody knows what it is about. Everybody knows it is what is needed for real democracy in Australia and for Australians to be given the right to select who they want in the Senate.

**Senator JACINTA COLLINS** (Victoria) (19:47): I will take this moment briefly to respond to part of what Senator Macdonald said before I go back to the more significant issues that we were addressing. I took advantage, I must admit—I should inform those watching the Senate—of a moment to address some matters outside of the chamber. As I noted, Senator Cormann had done the same. Observers of this process might like to understand that there are not regular breaks, meal breaks and the like so we do the best that we can under the circumstances. It was certainly not an indication, as Senator Fifield suggested, that I had run out of material. Oh no, there is an enormous amount of material that needs to be addressed.

**Senator Smith interjecting—**

**Senator JACINTA COLLINS:** Senator Cormann talks about the quality. Senator Cormann, you took a brief break. I was hoping that you took that opportunity to reflect that it was fairly early in the stage that you were doing exactly what you claim that you did not do, which was starting to interject and starting to get a bit narky. I was a bit concerned. It is now 10 to eight in what is going to be a fairly lengthy process. Maybe after a bit of oxygen and maybe some sustenance or a bathroom break you might return to what you hoped to be, which was listening and responding. This is where I think it is timely now to at least do a brief rehash to what you have not responded to.

When I had countless people—

**Senator Ian Macdonald interjecting—**

**Senator JACINTA COLLINS:** Now we have Senator Macdonald interjecting. Earlier than that, we had Senator Fifield. I do not know what they are doing out there in the party room, whether they are having a few drinks or whatever it is but coming in here with perpetual interjections is not going to help the process.

**Senator Ian Macdonald interjecting—**

**Senator JACINTA COLLINS:** I would appreciate if you would discourage Senator Macdonald from his perpetual interjections. Generally, as he indicated, we do get along relatively well—not always in a committee since. Senator Macdonald was not here when we were addressing the return to order. When I was going through what limited material Minister Cormann had provided, I had some specific questions that he failed to respond to. Those questions were the areas that I highlighted.

**Senator Ian Macdonald interjecting—**
Senator JACINTA COLLINS: Chair, I cannot even hear myself.

The TEMPORARY CHAIRMAN (Senator Ketter): Order! I remind senators that senators have the right to be heard in silence and that interjections are unparliamentary.

Senator JACINTA COLLINS: Thank you, Chair. I asked for some explanation as to why we could not be provided with the material around the legislative change challenges that were referred to in the minutes of the executive strategy meeting. I asked for an explanation for why on earth the AEC would be taking on an action item to identify areas of JSCEM response that they should not be consulted on. This is just bizarre. I do not know if the minister has had an opportunity to be briefed on why such strange material is in here.

The other question I asked was for more adequate information around funding issues confronting the AEC. I alerted the minister of the media commentary that arose out of the limited material he provided in the return to order and the concerns about cuts to the AEC being deferred. I asked for some accountability around what funds would have actually been allocated to these specific proposed measures. This is really limiting. The responses that we are getting and the heckling that is starting to occur is really going to slow down this process because if you are not answering and if you think that bullying and badgering is the way to move things along, it is not going to work.

I would add to that that before we get any amendments, adequate information around a range of issues is required—more information than just that one liner in your first reading speech about 'we will make available more resources'. I will get to further questions—and I have already pre-empted this earlier—about what actual modelling did occur. I have already raised Senator Rhiannon's question which we have had no answer to, which was her concerns about what policy considerations went into issues around penalties. So there is an example of a policy rationale issue that has still has not been addressed.

On the policy rationale: I think I highlighted the process of osmosis that seemed to occur in the committee's report over them being happy that government seems to be satisfied with the issues that had previously concerned JSCEM over the use of logos. They were issues of copyright and other matters, as I recall.

You know, I can revisit my questions twice if I have to, but, since you are bringing in your coalition colleagues and saying, 'Where are your questions; where are your questions?' I thought it was timely for me to go back and go through the questions that have already been put before you and have not been responded to. They have not been addressed. So far all we have had was that very brief component—probably for about five minutes—where you strayed away from your key lines about Labor luminaries and actually went through some of the measures in this bill. But you have not adequately responded to one of the general questions that have been asked at this stage. Instead, you have retreated into the sort of behaviour you said that you do not undertake. Seriously, Minister, it is time now for you to actually answer questions that have been put.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (19:54): Firstly, in her opening contributions, Senator Collins raised a series of issues where she said she would ask some further questions, and the issue of party logos and copyright fell into that category. She did not ask a specific question. She said that she would ask questions in relation to these at a later
stage, so I was still looking forward to that question, but I am still happy to address it nevertheless.

In relation to the issue of AEC resourcing, I have directly answered that question. The government will be providing additional resources for the AEC. As I have previously announced, the AEC will be sufficiently funded to implement these reforms, to conduct an appropriately comprehensive education campaign to ensure the public understands these changes in the run-up to the next election and to ensure that the public understands that these reforms empower them to direct where they want their preferences to go instead of having political parties direct them through insufficiently transparent group-voting ticket arrangements.

I have also indicated to the Senate, very openly, that, as the Electoral Commissioner had indicated at the public JSCEM hearing into this bill, because the AEC uses external providers for a range of its services—in particular, in the context of conducting education campaigns and the like—specific information about the extent of that funding will not be made public at this point, though you will of course be able to ask questions about how much has been spent after the relevant campaigns have taken place.

To put this into context—and Senator Wong, who has joined us for this debate, would well understand this—there are in a series of departments and agencies what are called demand-driven programs. The Electoral Commission has responsibilities under the Constitution and under relevant legislation to conduct elections. Elections are fairly and squarely a demand-driven program, and it is always funded appropriately and adequately to conduct elections that need to take place. Indeed, when a by-election had to take place for the WA Senate—and we have in the chamber with us Senator Linda Reynolds, who was a candidate who had to stand for election not once but twice, including at a Senate by-election in WA, which I do not believe has ever happened in the history of the Commonwealth in the way it had to happen on that occasion—the AEC got, in the ordinary course of events, a relevant supplementation to ensure that adequate funding was available for that purpose. That is the way that it always operates, and that is the way it will operate on this occasion.

It is also important to note that the Electoral Commission in the lead-up to every and any election will provide a level of public education in order to ensure that people across Australia are aware that they must vote—we have compulsory voting in Australia—to encourage people to enrol to vote, to advise people that they have to vote if they are enrolled to vote, to advertise the date of the election and various other matters, to inform people of how to cast a formal vote and the like. In the lead-up to this election, subject to what the Senate decides in the context of this bill, if this bill passes, the Electoral Commission will receive adequate resources again for the purposes of these sorts of campaigns. And of course on this occasion their public education campaigns will include a very strong and particular focus on the public education required to ensure that people understand these reforms.

Senator Collins asked about the issue of party logos and copyright related matters. The issue of party logos is of course addressed in part 3 of schedule 1 of this bill. The bill addresses the copyright issue in two ways. First, in relation to the application process, as set out in item 63, the logo cannot be the logo of another person or nearly resemble the logo of another person. Second, the use of the logo by the AEC is also protected from breach of copyright as outlined in clause 91 of the bill. Accordingly, the government has addressed fully
the potential copyright issue that was identified by the Joint Standing Committee on Electoral Matters.

The AEC has also advised that it has already commenced work on the possible requirements for the logos to appear on ballot papers. A proposed new clause 126(2AA) allows for the logos to be set out in black and to appear on the register of political parties. The AEC requirements will be that the logo is submitted in a specified electronic format. It will need to be a vector graphic so that it can be printed on both Senate and House of Reps ballot papers. There will be a minimum and maximum frame size. All text will need to be converted to outline. These technical requirements will both enable parties to lodge their logos with the AEC and enable electors to recognise them on the ballot paper, and this will help to avoid voter confusion between parties of similar names.

Senator Collins also asked a question in relation to penalties. She wondered whether they should apply where information provided by political parties was different to the information provided to voters on Senate ballot papers. Let me say very clearly in relation to that that the government's view—and indeed the advice that we have—is that the Electoral Act already provides that political parties are not allowed to mislead or deceive voters into casting an informal vote. That prohibition will continue. The government is of the opinion that the penalties currently listed in section 329 of the Electoral Act, relating to the distribution of misleading material, are sufficient and act as a significant deterrent to any such behaviour. Beyond that important safeguard to protect voters from any advice which could mislead them into casting an informal vote, we do not propose to ask the Electoral Commission to become the regulator of the how-to-vote cards issued by political parties at election time.

In the lead-up to the next election, the AEC conduct a comprehensive education campaign to clearly explain the options available to voters when voting for the Senate. Specifically, the campaign will explain to voters that they will now be able to direct their preferences when voting either above the line or below the line. It will detail clearly that the way to vote above the line or Senate is by numbering at least six boxes in order of the voter's choice, with the No. 1 representing their highest choice, with similar instructions to No. 1 to 12 below the line as a result of government amendments that the government will be moving later in the committee stage debate on this bill.

It is also worth noting that the ballot paper will explicitly direct voters to number at least one to six above the lie or one to 12 below the line. Taken together, the existing penalties for the distribution of misleading and deceptive material and the education campaign that will be conducted by the AEC in the lead-up to the next election mean any suggestion that there should be additional penalties introduced as part of this legislation is not warranted, as they are not necessary.

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (20:01): I apologise, Minister, as I was a bit distracted. Can you remind us when that AEC campaign that you just gave an answer about will commence? I missed the start date for that.

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (20:01): No, Senator Wong, you did not miss the start date of that. Obviously, we are not going to have an education campaign in relation to legislation that has not yet passed the Senate. Obviously the first thing comes first. If the Senate decides to support our legislation, the AEC has advised us that the AEC would
require about three months between passage of the legislation and implementation of the legislation at an election.

Senator Jacinta Collins: At least three months is what they said.

Senator CORMANN: About three months is the advice they have given me.

Senator Jacinta Collins: They said to the committee that it would be at least three months.

Senator CORMANN: Were you in the conversation that I had with the AEC?

Senator Jacinta Collins: No. I am just telling you what they said to the committee.

Senator CORMANN: The AEC has told me about three months. I cannot predict if or when the Senate will pass this legislation. I am hopeful that the Senate will pass this legislation sometime between now and Easter—but who knows? Once the legislation is passed, the Electoral Commission will then take all of the necessary steps to ensure that the Australian voting public is appropriately informed and educated about the changes and the benefits of these changes to them and the way these changes empower the voters to direct where their preferences go and who they ultimately elect to the Senate. We are very confident that the AEC will do a very good job in relation to this, and certainly the government will ensure the AEC is adequately resourced for that purpose.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (20:03): That does not actually allay our concerns. In fact, the minister, in that contribution, really failed to deal with our primary question, which is: how long after the assent will the campaign actually commence? He gave a sort of, 'Oh, well, we don't know when the bill is going to be passed.' He does. He knows that we cannot leave this place until this bill is passed. I would like to understand when the AEC will be able to commence subsequent to assent. So he does not have to give me the day; how about he says how many days subsequent to the bill being passed through the parliament before there can be an explanation—

Senator Ian Macdonald: He told you three months.

Senator WONG: I will take the interjection from Senator Macdonald. He says that he said three months. I did not understand that to mean that it would be three months before an education campaign could start. If that is the government's position, maybe they should explain that. Why does one even be told about this for three months? That cannot possibly be the government's position. But you never know with Senator Macdonald. Maybe that is what he really believes.

But I do want to make a point about why such a campaign is so important and why I and many senators in this place are deeply concerned about voter understanding of the changes that are being rammed through in this dirty deal the government has done with the Australian Greens—a dirty and unprincipled deal that is all about improving the position of the parties to deal but ensuring that they pull up the drawbridge to any of those who might come after them. These are the largest changes to the electoral system for the Senate in three decades, and one would have thought that, rather than trying to rush this through in time for a double dissolution, the government might have actually—

Senator Ian Macdonald: It has been two years.
Senator WONG: Senator Macdonald, it is going to be a very long night if you keep interjecting the whole time.

Senator Ian Macdonald interjecting—

Senator WONG: Senator Macdonald, you really are an adornment to this place, aren't you? We can always rely on you to continue to talk and continue to interject. I am always impressed that you assist in extending the time for debate. Even if it is not in your government's interest to do so, you do and we often welcome it. I suspect some of your colleagues do not welcome it, as you contribute to the debate.

Senator Cormann: We love his contributions.

Senator WONG: Senator Cormann says that they love his contributions. We know that that may not in fact be true, but at least he is being courteous. These are, undeniably, the largest reforms in some three decades. That is why there should have been a different process. This has not been a sensible process. One loses count of the number of times the Australian Greens have come in here and lectured the parliament about transparency, about scrutiny and about proper process. Well, all of that went out the window when it came to this, didn't it? All of that went out the window when it came to this and Senator Rhiannon saw a bit of an opportunity to try to improve her position and the position of whoever the candidate on the side of the ticket will be. All of that went out the window. Leaving that aside, though, I actually think that voting reform should have the widest possible partisan support. It should not be about partisan advantage; it should have the widest possible partisan support, and it does not. The alternative government does not support the legislation that is before the chamber, and we have outlined why. That is the first point.

The second point is that this is about the functioning of Australia's democracy. It seems to me that voters ought to be given the time and ought to understand very clearly what these changes mean. We know that the overwhelming majority of voters—96 per cent or thereabouts—vote above the line. Before we even get to informality—which is a whole different issue, as I think the minister himself has acknowledged in an earlier contribution—if they vote above the line then of course that will be their only vote. One of the things that has not got sufficient attention in this debate is exhausted votes. Perhaps I should have left the contribution for exhausted votes for 2 or 3 am, and we could have had a discussion about that then, but this is a genuine issue of concern. As you know, we currently have a system for the Senate—a system that has been in place for many years—whereby you vote, it is essentially in a compulsory preferential system and your vote continues to be in play. All formal votes essentially stay in play. The vast majority of them elect a senator or ultimately go to the seventh, and unsuccessful, candidate in the race.

The challenge and the difficulty with optional preferential voting of the sort that has been agreed to between the Greens and the government is that it does mean that you are going to see a high number of exhausted votes—that is, votes which essentially exit the count once their preferences run out. This is not some esoteric point; this is an important point about the questions that arise in this bill about democracy and what is a fair voting system. I want to place on record, as I have a number of times, that I acknowledge that the current Senate voting system is not perfect. I do not think anybody has come before the JSCEM or before the chamber suggesting that everything is perfect. But in the government's desire and the Greens'
desire to gain electoral advantage out of this behind the smokescreen of democracy, I would respectfully submit to the chamber that they are actually creating another problem.

I want to refer to a paper and a couple of public remarks made by two political scientists which I think were reported this week—I have to say I cannot recall the date. They deal with this issue that I am describing, which is the problem of exhausted votes; that is, a vote where somebody votes 1 above the line and then, essentially, their vote exits the system. Senator Rhiannon or Senator Cormann might say, 'Oh well, bad luck!' but that is not the way the voting system currently works. And in their desire to do something about a genuine issue—and I acknowledge that preference arrangements have not all the time but on occasion yielded outcomes that were not foreseen by voters—the Greens and the government are creating another problem. So I draw the Senate's attention to the contribution of—I am not sure if he is a professor or an assistant professor—Dr Economou, who made the point that exhausted vote would become an issue of federal elections if voters continue to vote 1 above the ticket of their choice. Of his modelling, which worked on the assumption of single primary vote, he said: 'What you are likely to see is exhausted votes in each state of anywhere between 14 and 20 per cent.'

Let's understand what this contribution to the public debate shows. It does make an assumption that most people will continue doing what they have been doing for the last 30 years, and this is why the AEC campaign issue is important. But if you assume that many voters will continue to do what they have been doing for three decades, which is to put the 1 above the line, the consequence of that is a very large increase in exhausted votes. Under the modelling that Dr Economou has published, he says:

If we looked at the result of the last election and we applied the new rules, you'd be looking at exhausted votes in each state of anywhere between 14 and 20 per cent.

I, for one, do not think that is very democratic. What it says is that between 14 and 20 per cent of voters risk having their votes essentially go nowhere—and let us understand that that is partly the point. That is actually the point of what the government and the Greens are doing, because they do not want those pesky votes if they are not corralled for the major parties or the Greens. I disagree with many of the positions that a number of crossbench senators hold. Senator Day and I probably both love South Australia but will disagree on most other issues, but he does reflect the voting intentions of a set of South Australians, and I do not think it is a democratic thing to have a voting system that risks between 14 and 20 per cent of votes exiting the system and not staying in play. I think the difficulty is that when you combine the rushed way in which this legislation has been pushed through the parliament and therefore a concomitant absence of or a truncated education campaign and the likelihood therefore that people's voting patterns and voting habits will continue, together with the provisions of the bill, you are likely to see more exhausted votes—between 14 and 20 per cent of votes essentially not counting. I do not think that is democratic, and I think that that is a real problem that the government has failed to really countenance.

In terms of what I would like to hear from the minister, I would really like him to respond to this issue of the extent of the proportion of exhausted votes that the government anticipates. Did they consider it? Did they get advice from the AEC about those matters? Did they consider how many votes are likely to be exhausted in this system? Do they consider that to
be an issue in terms of the efficacy and democracy of the voting system? Those questions really are germane to the first question I asked which goes to the campaign.

One of the primary problems here is the government's urge to get this through, to ensure it can have a double dissolution in the time frame that it wants—and that is what is happening; the Greens are giving the keys to Mr Turnbull for a double dissolution—which will mean much less time for these amendments, these changes, the greatest changes in 30 years, to be properly debated and properly understood by the community. We, in this place, are probably focused on the detail of this bill and focused on what it means. But for the most voters this has not been a discussion in which they have been engaged.

As Senator Cormann no doubt has, I have scrutineered on counts in booths, not when I was a candidate—just making that clear! I do not have the informal vote figures in front of me, but we know there are a lot of people who do vote informal who do make mistakes on their ballot paper. We are imposing a system where a continuation of an existing voting habit risks the vote being exhausted. I think that is disenfranchising for voters.

I say to the government: the Labor Party would like to understand what the time frame will be, after this legislation is given royal assent, for the AEC to commence conducting a campaign. What will it involve? How extensive will it be? How will you deal with non-English speaking background voters, given we know the levels of informality in those communities are much higher? Did the government consider the extent of the exhausted votes that this system would impose? Have they done any modelling that they can share with us? Do they have any concerns about the disenfranchisement of voters that the sort of increase in exhausted votes that Dr Economou is describing would impose? Obviously, that is a much greater proportion than has previously been the case. It really is an example of why this ought not have been so rushed and why there ought to have been a much better process for this legislation.

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (20:18): Firstly, let me again reject the assertion that the government are rushing this through. This reform proposal has been the subject of very lengthy and comprehensive consideration by the expert committee of the parliament, the Joint Standing Committee on Electoral Matters. Let me address the two principal issues that Senator Wong has raised, before I get to the questions of the campaign—that is, the assertion that there will be an increase in informal votes as a result of this and the issue of exhausted votes. I will address both. Let me say again,
there is absolutely no reason why there should be an increase in informal votes when voting for the Senate under this legislation. It was none other than the Labor spokesperson for electoral matters at the time that comprehensively discredited assertions by Senator Dastyari that these reforms would lead to 800,000 additional informal votes. As Mr Gray pointed out, Senator Dastyari had clearly not read the legislation. He had not understood that our proposal was not only to provide guidance to the voter when voting above the line, to number at least six boxes above the line; we would also include a very generous savings provision, which means that any ballot which fills in at least one above the line will indeed be considered formal.

In relation to voting below the line, what we are doing with the amended legislation, if it is supported by the Senate, is making it much easier for people to vote below the line compared to current arrangements. Right now, you have to fill in every single box. There is a savings provision which says that if 90 per cent of the ballot paper is accurate and you do not have more than three errors in sequence, then the ballot will still be considered formal. Essentially, the requirement right now under the current system is that you have to number every box in order of your preference. What we are proposing here is much less cumbersome.

We are proposing to say to the Australian voter that if you want to vote below the line for individual candidates, all you need to do is number boxes 1 to 12. And there is a generous savings provision where if you number the boxes in order of your preference from 1 to 6, your vote will still be formal. Even under the current system, contrary to what people might think, the level of informality from people voting below the line is actually extremely low. I was surprised myself when I sought that advice from the Australian Electoral Commission. At the last election, about 481,000 Australians voted for the Senate below the line. Less than two per cent of that vote was informal. If you compare that to your average House of Representatives election, given the complexity of voting for the Senate below the line at present, I would have thought that that was good.

Senator Wong talked about the issue of exhaustion, and she made the point that for the last 30 years people have voted 1 above the line and, if they keep doing what they have been doing, then we are going to have all these exhausted votes. Let me make a couple of points. Firstly, right now people have no choice but to vote 1 above the line. They are not allowed to vote more than 1 above the line. As soon as you vote 1 above the line you lose control of your vote. You lose control of your vote to political parties who then trade and direct those preferences to other parties, not according to the voter's preferences but according to the preferences and the strategic and tactical interests of their political party. It gets so ridiculous that they can not only trade and direct these preferences after the voter votes 1 above the line to one set of political parties but also direct them in three different directions. All of these different group voting tickets are registered on the Australian Electoral Commission website, and a voter can go and consult what group voting tickets people register with the Electoral Commission, but how can any normal voter figure out what ultimately happens to their preference when voting for a particular party 1 above the line? To compare a circumstance where right now you have no choice but to vote 1 above the line if you vote above the line—which 97 per cent of voters did at the last election—and to extrapolate that into a situation where, now that voters are allowed and encouraged to number every box above the line, at least 1 to 6 above the line, but with a generous savings provision, and to say that as a matter
of course we can translate the circumstance at the last election, where you did not have any choice but to vote 1 above the line, and to overlay the system now onto the result of the last election is completely erroneous. It is flawed logic. You cannot draw the conclusion that voters at the next election will do exactly as they did at the last election, when clearly now they have a choice and a power over their votes and their preferences that they did not have before. You cannot make that comparison. Exhaustion of a vote is not actually a bad thing per se.

Senator Wong: Oh, right.

Senator CORMANN: Senator Wong says, 'oh, right' as if I am saying some terrible thing. Let me put it to you this way. It is actually up to the individual voter to determine whether they issue a preference and how many preferences they issue—they will be provided with instruction to vote at least 1 to 6 above the line—but we cannot and we should not force voters to preference every single party putting themselves forward in the Senate. If Senator Edwards does not want to vote for the Sex Party in South Australia, he should not have to. And if Senator Edwards wants to vote 1 Liberal, as I am sure he will; 2 National, as I am sure he will; 3—I don't know, Family First, as he might; and if he wants to vote for other parties that coincide with his views, maybe not as much as the Liberal Party but still relatively closely aligned to his views, then of course he should be entitled to do that, and he will be entitled to do that under our legislation. But he should not be forced to express a preference and to keep going down the line expressing a preference for parties whose views he quite frankly objects to.

Let me put it this way: it is preferable for a vote to exhaust because the voter has made an active choice and an active decision not to preference beyond a certain number of parties than to have the situation under the current system where a person's vote might ultimately end up with a party they never intended to vote for and that they do not support and that they would not want to represent them here in the Senate. So if you have got two alternatives, the opportunity for a voter to make a democratic choice that they are entitled to make—who they vote for at No. 1, who they preference, how many parties they want to preference when voting above the line, how many parties not to preference when voting above the line—that is an entirely legitimate, democratic choice for an Australian voter to make at an election, and it is 100 per cent preferable to have a vote exhaust in that circumstance than to have that vote go to a political party that the voter never, ever intended to support but with whom their vote might ultimately end up because of non-transparent group voting ticket arrangements. That is the reason we are putting forward our proposal that is in front of the Senate now, and that is why we believe it is significantly superior to what is currently in place.

In relation to the campaign, we agree with Senator Wong and with those who say there needs to be adequate education campaigns, there needs to be adequate information to voters across Australia on how they are now going to be able to direct their preferences according to their wishes instead of having their preferences traded away by political party backroom operators, by political party backroom preferences manipulators. We do need to explain to people that they now will have the power to determine not only where their No. 1 vote above the line goes in the Senate but also where their subsequent preferences go in voting above the line in the Senate. The judgements on how that is done and when that is done in practice is entirely a matter for the independent statutory agency, which is the Australian Electoral
Commission. I am not going to micromanage the way the Australian Electoral Commission deploys its considerable expertise in this area. What we have said is that they will be adequately resourced. The Electoral Commission has said to us that they need three months between passage of the legislation and implementation of the legislation at an election. That is advice that the government has taken on board; that is advice that the government will be acting on. But beyond that, if Senator Wong, as part of the strategy to drag this debate out for as long as we can, is going to go into all sorts of micromanagement issues—

_Opposition senators interjecting—_

**Senator CORMANN:** I doubt that Senator Wong, when she was the minister for finance with responsibility as part of her broader portfolio for electoral policy matters, I would be very surprised if Senator Wong got herself involved in the specific conduct of Electoral Commission campaigns in the lead-up to an election. I would be very surprised.

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (20:29): Wasn't that an extraordinary contribution? These are the biggest voting reforms in 30 years, but it is micromanagement for the government to actually tell the Senate when they might actually start telling voters about it. Well, I do not remember you waiting for legislation before you spent millions advertising your failed university reforms. Tell me why you are advertising—what is this thing?—the 'ideas boom'. That is an important advertising campaign, isn't it? What is it? 'There's never been a more exciting time to be an Australian. That is pretty important! Or how about the failed Dr Karl campaign on the _IGR_? That went well too, didn't it? Then there is the China FTA campaign, which magically did not target exporters or businesspeople or firms; it magically targeted—guess who their target audience was—every Australian above 18. I wonder if that is just every voter.

What a disingenuous contribution, to dismiss a question about an advertising campaign—an education campaign—by saying, 'Oh, we don't micromanage.' You are very happy to micromanage an ad campaign about your failed university reforms. You are very happy to run a campaign with taxpayers' money on a tax white paper that you shelved. You are very happy to use taxpayers' money to fund an advertising campaign on your 'ideas boom', magically using some of the words that the Prime Minister himself loves to utter—'never been a more exciting time to be an Australian'. You are very happy to run a failed campaign on the _Intergenerational report_, but you are not happy to come in here and tell the Senate when you will start explaining to Australians what these reforms mean.

Minister, I have a very simple question: what is the difference between all the campaigns I have just spoken about and the one you will not tell us about?

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (20:31): I say it again very slowly. Senator Wong clearly did not listen to a word I said before. The Australian Electoral Commission is an independent statutory agency, and the Electoral Commission, under legislation passed by this parliament, has independent responsibilities. What we have said as a government—the commitment that we have made—is that the independent statutory agency with responsibilities under our Constitution and the Commonwealth Electoral Act to conduct federal elections will be adequately resourced to ensure that, among other things, the Australian people are properly informed about the great improvement to Senate voting arrangements the Senate has passed—if, indeed, it will pass it.
Senator WONG (South Australia—Leader of the Opposition in the Senate) (20:32): The fact that the independent statutory agency—oh, I am sorry. Senator Rhiannon, I think, has—

Senator RHIANNON (New South Wales) (20:32): Thank you, Senator Wong. Again we are seeing Senator Wong mislead the Senate. To start off—I will come to the issue about exhausted votes—she is making up the claim about this issue being rushed. It is Labor that is dragging the chain on this. Let's remember that in the Labor-Greens agreement in 2010 one of the key points was that there should be Senate voting reform. It was discussed, and that was part of the agreement.

Senator Wong: We didn't agree with you, Lee. You were desperate to get this up.

Senator RHIANNON: No, it is not desperation.

The TEMPORARY CHAIRMAN (Senator Reynolds): Senator Wong, Senator Rhiannon has the call.

Senator RHIANNON: You are embarrassed that you have just flipped over. You have airbrushed Gary Gray out of history. The current shadow Special Minister of State, Brendan O'Connor, has not commented.

Opposition senators interjecting—

The TEMPORARY CHAIRMAN: On my left! Senator Rhiannon has the call.

Senator RHIANNON: Your own leader has said that it will not be repealed—that he will see how it goes and what the effect of it is. At the moment it looks like Labor is being run by a little cabal out of the Senate. It is not a good look for Labor. But let's get on to some of the key issues.

Senator Wong: You know about cabals.

Senator RHIANNON: I am happy to take your interjections. Let's get onto this key issue about exhausted votes, because that is one of the major scare tactics that we have seen come in the second reading speeches, particularly from Senator Conroy and Senator Wong but also from many others. It is worth looking at closely, because when you listen to them they come out with these numbers—sometimes very large numbers. They have not substantiated the numbers or said where they come from. So it is worth looking into.

Senator Conroy, when he spoke, spoke about 25 per cent of the vote being exhausted and 3.4 million Australians having their votes stranded—very dramatic, as Senator Conroy can be. It is the sort of thing that is not picked up on Hansard, but it is worth sharing with people who will read this at a later stage, that so often, when Senator Conroy and Senator Dastyari finish these dramatic speeches, they have a wink, they put their thumbs up and they have a bit of a laugh. They know they have been extreme. They know that they are over the top. They know they are exaggerating. They know they are misleading the house, and they have a bit of a joke about it.

But this is serious. Labor has just gone too far this time, and the exhausted vote issue illustrates the depth of the deception. So let's look into what is going on here. When we were at the inquiry, this was one of Senator Conroy's questions to Antony Green:

Do you think a fairer system is one that sees 80 per cent of votes exhaust?

There is clearly an implication there that that is one of the things that will happen here. I acknowledge today—and I have just given the figures—that he has now dropped that down to
25 per cent, but still Senator Conroy and Senator Wong are not giving the details of how they arrive at those figures.

It is useful to go to some of the evidence that was presented to the inquiry, in a very considered way, by Kevin Bonham, because when you read some of the evidence before the inquiry you come to the conclusion that the exhausted vote argument is greatly exaggerated. Kevin Bonham, in his evidence to JSCEM, demonstrated that many voters who vote for a microparty actually then preference a major party. Anyone who votes for the coalition, Labor or the Greens will not be exhausting their vote, and any voter who votes for a smaller party and preferences one of these larger parties is unlikely to be exhausting their vote. In addition, anyone who votes for a party other than the larger parties mentioned, if that party wins a Senate seat or is a runner-up in the battle for the last seat, will not be exhausting their vote.

The ballot paper will be instructing voters to number at least 1 to 6. Most voters will follow the instructions, particularly as how-to-vote cards will show that too. I know that Senator Wong is saying that is highly unlikely because it is a changeover from the previous system. We know there will be an education system. We know the AEC is very effective at doing this. I will also come to the experience in the ACT. Again, we have heard a great deal of talk from Labor. One of their favourite words in this debate is 'hypocrisy'. This is where Labor are being hypocrites.

I will read some of the information from Dr Kevin Bonham's submission to JSCEM. This is where he deals with the claim that the bill will disenfranchise the about 23 per cent of Australians who vote for parties other than Labor, the coalition, or the Greens in the Senate. That is essentially Labor's argument. Let's look at what he says:

This claim rests on the completely false belief that a person who prefers one other party to Labor, the coalition or the Greens will also generally prefer different minor parties to the 'big three'. In an article published on my website, I analysed sample preference flows from microparty candidates when their candidates were excluded from House of Representatives counts. In cases where a microparty candidate was excluded from the count, I found that between 33 per cent and 71 per cent of preferences (varying by microparty) flowed directly to one of the 'big three' even when there was still at least one other microparty in the count.

Obviously not every microparty can be represented in any given state. The House of Representatives' preferences show that once voters are making a choice involving the 'big three' parties and any given microparty, their support for the latter is nothing like as strong as the 23 per cent support for all non big-three parties combined. A vote for a given microparty is not a vote for any microparty come what may, and therefore the idea of measuring the proportionality of support for micros by the proportion of seats they win collectively is a furphy.

That is absolutely clear.

Senator Cormann: Logical.

Senator RHIANNON: Thank you very much. I take that interjection from my colleague, because that is the essence—logical, working through and giving the evidence. What it shows is that the key objection of Labor—and remember they have had many objections along the way—is this issue around exhausted votes. They are now saying, 'Oh, yes, we can see the system is not perfect.' How many times—and you know Senator Wong, because I have sat with you and heard you say and nod your head when Senator Conroy will go into his rage about how terrible the proposal is that we are now considering. What would he say? He would
say to us, 'I will not have anything to do with it, because it will lock the coalition into controlling the Senate for ever in a day.' That has been the argument, but you have realised that you have had to modify. You have landed on this issue around exhausted votes, and now that has been exposed.

I think we have to remember this is coming from a few senators here. Gary Gray was air-brushed from history and removed from his job on 2 March. Who comes in? Brendan O'Connor. Maybe he has commented. I could not find any comment where he has come in and added his voice to the biggest electoral issue going on at the moment. How extraordinary. The Special Minister for State has nothing to say. If he has said something, please inject it into this discussion.

What is also relevant to this discussion are some comments that Mr Antony Green gave when we had the inquiry. This is in response to a question from Senator Conroy about exhausted votes. Antony Green states:

I will point out a different ballot paper, which is the ACT Legislative Assembly ballot paper. It has something similar to what will be on the Senate ballot paper. It says, 'Number seven boxes from 1 to 7 in the order of your choice.' You may then go on and number from eight onwards. They only get about two per cent with less than seven preferences. So a ballot paper that says number up to that—

And then Mr Conroy interjects again. My key point is that Mr Antony Green has shared with us some very useful information about an electoral system that is actually similar to what we are proposing for this Senate.

*Opposition senators interjecting—*

**Senator RHIANNON:** What the very useful evidence given to the inquiry from Mr Antony Green and Dr Bonham has again absolutely demolished—

*Opposition senators interjecting—*

**Senator RHIANNON:** the last argument—and at this point Senator Conroy walked out of the door. The last argument that Labor have in justifying—

**Senator Wong:** Madam Temporary Chair, on a point of order: Having a go at senators for leaving to go and eat something is really pretty poor form, Senator Rhiannon.

**The TEMPORARY CHAIRMAN:** Senator Wong, that is not a point of order. Senator Rhiannon.

**Senator RHIANNON:** What we have here is the clear evidence Mr Antony Green and Dr Bonham has again solidly demolished the last argument that Labor have for why they are not supporting this legislation. Their big winning point has been the supposed exhausted votes, that they would be this 23 or 25 per cent—or, when Senator Conroy is in full flight, 80 per cent—of votes exhausted. That has been demolished. We will get a solid education program from the AEC, we will have clear instructions on the ballot paper, we have the example from the ACT and we can have a very democratic electoral system with that simple change to allow the voters to determine their preferences. Remember, that is what Labor is fighting against. How extraordinary! That is where this is at. That is what they are fighting about. Let's get into the issues before us. At the moment, for those listening, what is going is Labor using every attempt to avoid getting into the main issues that we should be dealing with in the committee stage. There have been barely any solid points that you have raised at all.
Senator WONG (South Australia—Leader of the Opposition in the Senate) (20:43): I am going to respond to some of those falsehoods. I think the senator is having a go at the opposition for asking questions in committee. I remember when the Greens used to think that was a good idea. I remember when the Greens use to talk about transparency and process. They would never vote for a gag under Senators Milne and I think Brown. They said, 'We have to have to have this as a proper chamber of review.' Those were the days, and now, when we come in here and ask questions about educating voters about these changes, Senator Rhiannon says, 'That's such a dreadful thing.' It is a dreadful, undemocratic thing for the Labor Party to be asking the government when you are going to get up the education campaign to tell voters how this works. All of a sudden, Senator Rhiannon says, 'Oh, that's a bad thing.' Senator Rhiannon, I am not as Stalinist as you. I think people should be given the example—

Senator Simms: Madam Chair, I rise on a point of order. Can Senator Wong refrain from insulting members of the parliament, thank you?

The TEMPORARY CHAIRMAN: Are you referring to the Stalinist reference?

Senator Polley: Madam Chair, I would just like some clarity on what the point of order was.

The TEMPORARY CHAIRMAN: Senator Simms, can you clarify what your point of order was?

Senator Simms: Would Senator Wong refrain from making personal reflections on senators and withdraw the negative inference against Senator Rhiannon?

Senator WONG: I am happy to withdraw the phrase about Stalinist. I do not know what her personal politics actually are. I was making the point about democracy and actually ensuring that instead of a group in here—a cabal—

Senator Rhiannon interjecting—

Senator WONG: making decisions that they just impose on everybody it is probably a good idea if the millions of Australians who do not follow every word that the Senate debates and every aspect of every bill are actually given the opportunity to understand the largest changes in its voting system in 30 years. If Senator Rhiannon thinks that is wasting time, well, that says something about her politics and her priorities.

I am also going to make this point about Senator Rhiannon. She accused me of misleading—well, she had better get up and correct it, because she said, 'We've been arguing about this for years. It was in the Labor-Greens agreement.' Let's be very clear about what was in the agreement. She did not mention this part that I am quoting:

d) The Parties note that Senator Bob Brown will reintroduce as a Private Members Bill the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008. The ALP will consider the Bill and work with the Greens to reach reforms satisfactory to the Parties.

So we never made a commitment that we agreed with them. But that little bit of context happened to be left out. I make that point.

I have to say, it was kind of amusing to have Senator Rhiannon lecture us all about it being a bit rich for this to be run by a Senate cabal—the Greens would know a bit about a Senate cabal, wouldn't they? They would know a fair bit about that. In fact, it is a cabal which Senator Rhiannon and Senator Di Natale have imposed on the party room. They might all
Come in here and say how great it is, but we know the division in their party room and the concern about this—

Senator Rhiannon interjecting—

Senator WONG: and the concern about the way that you, Senator Rhiannon, have pressed this through. I remember how desperate you were to get this through, because it is about your seat in New South Wales—poor old South Australia!—and the failure by you as a negotiator to consider a double dissolution. And now some of the Greens are getting angry at the trade union movement, who have actually had the temerity to say, 'Oy! You're giving the keys to Malcolm Turnbull for a double dissolution.' Maybe you should have thought of that before.

Senator Rhiannon was also talking about the merits of this bill—and I will come to the exhausted votes point in a moment. But I do want to reprise the fact that Senator Rhiannon, who talks so much about people not getting enough votes, started her political career how, Senator Rhiannon? With how many votes?

The TEMPORARY CHAIRMAN: Senator Wong, I would remind you to make your remarks through the chair.

Senator WONG: Through you, Madam Chair? Through you?

The TEMPORARY CHAIRMAN: To the chair.

Senator WONG: Through? To?

Senator Edwards: Don't go through her!

Senator WONG: I do not mind which preposition we use! It is going to be a long night!

Let's remember what Senator Rhiannon's initial vote for the New South Wales parliament was—2.9 per cent.

Senator Polley: It was 2.6!

Senator WONG: Was it? I am sorry—well, under three per cent. Shall we agree with under three? Now she comes in here to give us a lecture about how people like that should not have the chance to be elected. If we want to talk about hypocrisy, I think we have seen a fair bit tonight.

This is quite interesting—I am answering more questions than Senator Cormann is, but I am going to come back to him! Senator Rhiannon also asked, 'Where is the source of the 3.3 million voters?' like this was some made-up thing. The Australian Electoral Commission is the source of the 3.3 million votes that we have calculated were first preference votes in the 2013 federal election—ex-WA, plus the 2014 Western Australian re-election.

The next point I would make is that she asserted that somehow exhausted votes are a new argument. That is not true. In fact, I have said that before on radio and I will reference a study that I am going to get my staff to bring in—oh, here it is! There you go—it was only released on Tuesday, so I guess I could not have quoted it before. But it is actually possible to have a number of arguments and have them all be legitimate, Senator Rhiannon.

I will finally just make this point: the Greens political party want us to believe that this is a matter of high principle. I do not believe it is. I think it is a matter of them seeing the merit of a set of changes for them as a political party. I would make the point, as I did in the second
reading speech debate, that I actually do think that Labor is likely to get more senators out of this. I do.

*Senator Simms interjecting—*

**Senator WONG:** We all make assumptions! But we actually have to look at what the national interest is. What is the national interest and what is a democratic system? I have said on a number of occasions—

*Senator Simms interjecting—*

**Senator WONG:** Senator Simms, I know you are feeling wounded by today but, really, you do not need to continue to interject—

**The TEMPORARY CHAIRMAN:** Senator Wong I would remind you to address your remarks to the chair.

**Senator WONG:** I am happy to address you, because you know I like talking to you, but he keeps interjecting so I have to respond. What do you want me to do, Chair?

**The TEMPORARY CHAIRMAN:** Ignore the interjections, including those from over on my left.

**Senator WONG:** Well, maybe you could stop him interjecting! I have lost my train of thought now! Oh, my point was about the Australian Greens and political benefit. As I said, I do think it is quite likely that Labor will get more senators out of this system than it would out of the existing system, but we ought not to be driven by political advantage—as Senator Rhiannon is. We ought to understand what a system will mean and we ought to think through the various ways in which democratic objectives can be balanced.

I have said on a number of occasions, and I say so again: I agree that there are issues with the current preferencing arrangements and the preference whisperer phenomenon that we have seen. But I do not share Senator Cormann's view, which is essentially a view that first-past-the-post—

**Senator Cormann:** That's not what I'm saying!

**Senator WONG:** No—essentially, his argument applies equally to a first-past-the-post system. I think the Senate has served the nation well in being a house which has a compulsory preferential system and where we get a range of different views. I think it is undeniable that these changes make it almost impossible for there to be any new entrants. Regardless of what my views might be about some new entrants or some Independents, I do not think that is necessarily a good thing for democracy.

I want to come back to Senator Cormann because he did not answer my question. I asked him about advertising. I asked him about advertising, and he waved me away. The advertising, of course—to you, Chair—is the education campaign about the largest changes in 30 years. I think it is a legitimate question. I know Senator Rhiannon and the Greens suddenly do not think it is an important thing to educate voters, but we think it is important. I asked some questions about that education campaign. I was dismissed with: 'First, we don't know when this will be passed.' I said, 'Okay, why don't we leave that, shall we, and say how many weeks after royal assent?' 'Second,' he said, 'they're an independent statutory agency,' and then some diatribe.
I again would point this out: the government have spent millions and millions of dollars on advertising. They seem to be very happy to spend $37 million promoting the *Intergenerational report*—no legislation there. They spent a great deal of money talking about the Competition Policy Review, including printing copies of the report and promotional banners.

They have wasted a couple of million dollars on the dumped tax white paper—hasn't that been fantastic? That has been a great process, hasn't it! 'We're going to have a green paper. We're going to have a white paper. I don't know if we're going to have any paper. Actually, we don't know if we've got any tax policy at all, so we haven't got anything to advertise because we actually don't know what we're doing.' Anyway, it was $2 million on the tax white paper that this minister told us in Senate estimates was definitely happening. It was going to happen, and all of a sudden it has been airbrushed out.

And then, as I said, in addition to this I do not recall them waiting for university reforms to be passed before we all were subjected to those advertisements. I do not recall the China FTA coming into force before they decided that every Australian over 18, which just happens to be the same number of people who vote, would be subjected to advertising about the benefits of the fair trade agreement.

You are pretty happy to throw around taxpayers' money when it comes to a whole range of political advertising. I think you should be up front with the Senate about how you are going to ensure that Australians understand the changes that are being imposed on them through this system and how you will ensure that people do have the choice. The thing I was observing when Senator Cormann was saying, 'People have the choice; people have the choice'—and I appreciate that this is a fundamental philosophical difference between Labor and the Liberal Party—is that they think individual choice is the answer to everything. If you are poor, you can pull yourself up by your bootstraps. You just work hard enough. You can just choose. You can just choose to get a job or not to get a job et cetera.

We know people vote informal for many reasons, literacy amongst them. We know that 96 or 97 per cent of people vote above the line and have done so for the last three decades. Now to simply say, 'They can just choose,' and fail to understand that voter habit therefore has an effect how this system operates I think is really an ideological position rather than a practical position. I would ask the minister: how are you going to actually ensure that people understand what the largest changes in voting in three decades mean?

**Senator Cormann** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (20:56): Before getting back to the issue of advertising, let me just spell out again very slowly why the argument that Senator Wong has been advancing about how somehow 3.3 million people who voted for minor parties at the last election will now, as a matter of course, have their votes exhausted is a completely false, misleading and deceptive assertion.

*Senator Conroy interjecting—*

**Senator Cormann:** I will tell you why, Senator Conroy. It is because under our current system any voter voting above the line for the Senate has no choice but to fill in only one box above the line. One hundred per cent of voters voting in the Senate above the line can only vote one way, and that is to put a No. 1 in that box below or above the party of their choice.
and do nothing else. As soon as they do that, they lose control of their preferences. These preferences are directed by backroom operators and political party manipulators for the best interests of these parties but not according to the deliberate wishes and intent of voters. Voters right now, after they put in that No. 1 in that box above the line, immediately lose control of their preferences to group-voting-ticket arrangements, where these preferences are directed sometimes in three different directions.

Our proposal is for that to change. Under our proposal, an Australian voter voting for the Australian Greens, the Liberal Party, the Labor Party, the Australian Motoring Enthusiast Party, the Palmer United Party, the Sex Party, the 'let's grow marijuana party', or the 'let's do this and that party' now will not be forced to just vote 1 above the line. That voter will now be able to vote 1, 2, 3, 4, 5 and 6. They can now number every single box above the line. They can determine what happens to their preferences.

It will not be Senator Conroy who determines what happens to Labor Party preferences. It will be the voter who puts a 1 in the box next to the Labor Party spot on the Senate ballot paper. And, if the person voting for the Labor Party in Victoria wants to put a 2 in the Liberal Party box, they will be able to do that, irrespective of what Senator Conroy might have done.

Incidentally, in the joint standing committee hearing inquiry Senator Conroy proved our point that the current system is non-transparent and does not give the voters the power they should have to direct their own preferences. At some point—questioning the federal director of the Liberal Party—this is what Senator Conroy said: 'Mr Nutt, there're only really 10 people around Australia who understand the science and the maths of preferencing. There are only really 10 people. Ha, ha. Isn't it funny? This is sort of like a boys club little thing where only a few of us really know how the science, the maths and the secret black arts of preference whispering go.' That proved the point on why we need the reforms that we are putting forward here. There should not just be 10 people around Australia, as Senator Conroy said, who understand what happens to preferences. Every single Australian voter should have control not just of their primary vote; they should have control of their preferences.

I say again what I said to Senator Wong before: it is preferable, if that is a voter's choice, for their vote to exhaust than for it to be directed by a political party to somebody that that voter did not intend to elect. It is up to the voter to determine how many preferences they want to issue above the line. The guidance on the ballot paper will be to vote above the line and at least number six boxes from 1 to 6 in order of your preference.

The voter is entitled to fill in as many boxes as they like. Indeed, if they only fill in one box, their vote will still be valid. But for Senator Wong, Senator Conroy and others to make this extrapolation, because there were 3.3 million people who voted 1 above the line for a minor party, that 100 per cent of those voters at the last election under the current system would have exhausted is false. Senator Conroy and Senator Wong do not know what choices voters may have made at the last election, if they had had the choice to issue preferences above the line—a choice they did not have at the last election—so the comparison, analogy and extrapolation that they are seeking to make is completely false, misleading and deceptive. It does not add to the debate or give you any credibility at all when you bring up this sort of fallacious argument.

Let me just touch on campaign advertising. If Senator Wong wants to start a debate on campaign advertising, she will lose, because the Labor Party has a disastrous record when it
comes to this. I well remember when I was sitting on the other side of the chamber when the Gillard Labor government—actually, the Rudd and then the Gillard Labor government—committed $38.5 million to advertise a new tax which ended up costing the budget money. So the Labor Party initially came up with the resource super profits tax, which was meant to raise $12 billion. There was a big fallout: Prime Minister loses his job; new Prime Minister; negotiation behind closed doors with the three chief executives of the three biggest miners; new deal—$38.5 million worth of advertising for a tax that did not raise any money and ended up costing the budget money. The Labor government at the time spent all the money they thought it would raise and more but they advertised how it was going to raise all this money and do all these wonderful things.

Let me just remind you of another thing: if you want to have a conversation about campaign advertising, in Senate estimates in May 2014, the secretary of the finance department provided evidence that he was directed by the former Labor government during the caretaker period to conduct political advertising in relation to—that was when Labor was trying to create the impression that somehow they were committed to protecting our borders. Remember that? After 50,000 illegal arrivals into Australia, after all those boats had arrived illegally and after all those drownings, in the middle of an election campaign, Labor thought they needed to create the impression that they were actually going to do something about it, so they ran a campaign in contravention of the caretaker conventions.

Let me also just say: in each one of the first two financial years for which we have data in terms of how much has actually been spent under the coalition government, our expenditure on public campaigns has been well below that of any and every single year of the Labor government. So if you want to start having a conversation about campaign advertising, bring it on.

I have already answered the substantive question that Senator Wong put forward. Yes, there will be a public education campaign to explain to voters the benefits from the reforms that we have passed through the Senate, if the Senate passes them. Of course there will be a public education campaign to explain how these reforms will help empower Australian voters to determine what happens to their preferences when voting above and below the line. Of course there will be a public education campaign explaining how this reform will ensure that the next Senate election and future Senate election results will reflect the will of the Australian people.

As I have already indicated, the Electoral Commission will be adequately resourced. This is a matter where they receive resourcing in the lead-up to any election for the purposes of conducting the election, for the purposes of running relevant education campaigns. On this occasion, there will be an education campaign in relation to these specific reforms. We will not be disclosing the specific amount that will be allocated to it because, as the Electoral Commission has indicated on the public record already, there is a commercial-in-confidence component to this. There is a commercial interest component to this, and that is because the Electoral Commission will be contracting to external providers in relation to aspects of that campaign. Quite frankly, we are not going to undermine the commercial position of the Commonwealth by putting out into the public domain how much we have allocated for that purpose.
After the event, we will of course, as a government, be accountable—as we should be and as we must be—for how much was spent and for what purpose. As is usually the case, Senate estimates will no doubt probe the government on how that money was spent and how effective it was. I am sure that, after the next election in the ordinary course of events, the Joint Standing Committee on Electoral Matters will review the conduct of that election. After reviewing the conduct of that election, it will make recommendations either on how the system has worked really well or how the system can be further improved at the edges. The government at that time will, as we always do, consider very carefully any findings and recommendations from that committee.

In the meantime, we are very confident that the Electoral Commission has got everything they need in order to be able to implement these reforms in a timely, efficient and effective manner as long as we provide them with three months between the passage of this legislation and implementation at an election. Of course it is absolutely the intention of the government to ensure that the Electoral Commission does have that time, and the expertise and wherewithal, to run an effective, well-targeted and appropriate education campaign to ensure that people across Australia well understand the great benefits that will flow from these reforms to them and how these reforms will empower them to direct what happens to their vote.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (21:06): I rise to join the festivities. I would like to find out who in this chamber knows what a Green preference feeder party is. Senator Rhiannon, I expect you to have your hand up. I would like to talk about the New South Wales election back in 1999. You are going to love this. You are going to be clapping by the time I am finished. Senator Rhiannon ran for the first time for the New South Wales parliament. Let us talk about how many votes she got back in 1999. She got 2.53 per cent of the votes. You might ask: how on earth did she get elected with such a pitiful—some might say disgracefully low, Senator Muir—number of votes? Has anyone ever heard of the Young Australians Caring for Our Future party? Come on, Senator Rhiannon, put up your hand.

The TEMPORARY CHAIRMAN: Senator Conroy, I remind you to address your comments to the chair.

Senator CONROY: I accept your admonishment. My apologies. Senator Rhiannon I am sure would like to put up her hand to say that she knows all about the Young Australians Caring for Our Future party. It was not just that Green preference feeder party that popped up in the New South Wales 1999 state election. We had another party called the Euthanasia Referendum Party. They miraculously formed just before that election as well. Guess who they preferred too? Oh, my goodness yes, it was Senator Rhiannon. Then there was the Make Billionaires Pay More Tax! party. Guess who they preferred? Oh, my goodness,
it will come as a great shock to everybody in the chamber to know that they preference
dated Senator Rhiannon. Senator Rhiannon comes in here and attacks Senator Ricky Muir and
attacks preference whisperer Glenn Druery. When you are going to do that you have to come
in here with clean hands. I can actually say that I have never set up a feeder party to get
myself elected.

**Senator O'Sullivan:** Not personally.

**Senator CONROY:** I have not set up a feeder party, but I am looking at a list of parties here—

**Senator Cormann interjecting—**

**Senator CONROY:** What you have here is a Green senator who is so desperate to protect
themselves at the next election that they are prepared to introduce a voting rort. I admire
Senator—

**Senator Edwards:** Cormann?

**Senator CONROY:** Senator Cormann. I think it is unfair of the South Australian Liberals
to put you at No. 6 when there are only five current senators. I really think it is rude of them
to put you at No. 6. They put an X in No. 5 just to put you in No. 6.

**The TEMPORARY CHAIRMAN:** Senator Conroy, address your comments through the
chair.

**Senator CONROY:** I apologise. I have been sorely provoked. Senator Cormann with a
straight face says, 'Who knows how the Australian public are going to vote?' Oh, my
goodness, who knows? The hypocrisy of that statement matches the hypocrisy of those at that
end of the chamber, your federal secretary and even some people who may have been
associated with thinking this proposal up. I do not know.

**Senator Cormann:** Gary Gray.

**Senator CONROY:** I am not going to name names here, but you could be close to the
mark. I have watched it happen. I have seen people put their hand on their heart and say, 'I
don't know what the result of this ballot is going to be. I just don't know.' But Antony Green
spilled the beans. The one useful thing that happened at that farce of a committee was that Mr
Antony Green pointed out that the impact of first-past-the-post voting for the Senate when
you only had to put 1 in the box, which is exactly what you only have to do in this case, was
80 per cent of above-the-line votes exhausted.

**Senator Cormann:** That's not what he said.

**Senator CONROY:** That is exactly what he said. I was actually there in the committee. I
was given a grand total of three minutes, I think, per witness to ask questions—

**Senator Jacinta Collins:** Five.

**Senator CONROY:** Five, was it? Thank you, Senator Collins. I was being too mean on
myself. I was given five minutes to ask questions.

**Senator Jacinta Collins:** You had to share it with me.

**Senator CONROY:** I did have to share it, but I was very grateful for the assistance. So
Antony Green belled the cat about what this really is about—if they follow the same

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**CHAMBER**
processes as the New South Wales election above the line 80 per cent of 3.4 million Australians exhaust. That is the scam going on here today.

Senator Di Natale interjecting—

Senator CONROY: You thought you were entitled to a seat and you could not get a seat because they would not give you their preferences. The thing I find most disgraceful is that the black Wiggle down the end thinks he is entitled to a seat. He has run so many times for so many things and he has lost every time because no-one wanted to give him a preference. Perhaps if you had strutted the catwalk in those fancy pants of yours.

The TEMPORARY CHAIRMAN: Senator Conroy—

Senator CONROY: I apologise. Perhaps if Senator Di Natale had strutted his stuff on the catwalk in those fancy pants from the photo shoot—yes, those are the fancy pants—he might have got more votes.

Senator Ludlam: Madam Temporary Chairman, I rise on a point of order. Could you ask Senator Conroy to direct this incoherent rant to the question that is actually before the chair?

The TEMPORARY CHAIRMAN: Senator Ludlam, that is no point of order, but I remind you, Senator Conroy, to address your comments to the chair and be very careful with the use of props.

Senator CONROY: I have been provoked. I forswear them. I was being heavily provoked from all corners of the chamber. Senator Di Natale and the Greens could not get enough preferences, so what did they decide to do? Disenfranchise 3.4 million Australians. That is the only way they can get elected. It is a sorry state of affairs. You ran a couple of times but could not get enough preferences. Steve Fielding got elected before you, for goodness sake. My goodness, Senator Di Natale objected to that.

They are entitled to a position in every state—that is the Greens position. They do not care if 3.4 million Australians get disenfranchised and get nobody representing them in this chamber. As I said earlier, I do not think we would see Senator Muir in a pair of pants like that but, given his current look, anything is possible. But I do not have a problem with probably the most normal Australian in this chamber getting elected—that is, Senator Muir. I said this earlier. He is probably the most normal Australian to be elected, and that is being very unkind the other 75 of us. I do not have a problem that somebody was not aspiring to get elected to the Senate unlike Senator Di Natale, who so desperately clawed and fought and scratched to get here just so he could do the photo shoot of his life. What a pair of pants they were! Other people like the skivvy but I love the pants! Seriously, what a sense of entitlement.

The TEMPORARY CHAIRMAN: Senator Conroy, please address your remarks through the chair and also some degree of relevance would be useful for the chamber.

Senator CONROY: It is entirely relevant. The motivation behind why the Greens have signed up to this piece of legislation, this voting rort is to get their own bums on the seats. I am hoping we are not going to have a repeat of the earlier discussions. This is about 12 Greens bums on red leather. That is all this debate is about. Senator Rhiannon knows that she might not get elected for New South Wales in the next Senate election. She watched what happened to the 2013 Greens candidate who missed out. So she decided she is not going to take that chance. She does not care that she is going to attack those dirty backroom pop-up
party preference deals, the ones that she herself has been this centre of. She wrote them up on a whiteboard once to do describe the Greens feeder parties.

Senator Jacinta Collins: I wish we had a picture.

Senator CONROY: No-one had cameras back then on their phones; otherwise, we would have one. Senator Rhiannon comes to this debate with the dirtiest hands in the chamber because that is what the Greens got up to and then tragically other people would not preference the Greens—boo-hoo.

Senator Di Natale: So we have got quotas.

Senator CONROY: So you have got quotas. We will see what happens after the double-D. After you have facilitated the double-D to wipe out the crossbenchers, guess what is going to happen?

Senator Di Natale: Why are you scared of a double-D?

Senator CONROY: I am not scared of a double-D. I am scared for the people of Australia. Senator Di Natale is rudely interjecting on me and trying to make me address him but I am resisting.

The TEMPORARY CHAIRMAN: Senator Conroy, Senator Di Natale and Minister, I have indulged a little bit of debate across the chamber; however, I think a three-way debate is not very helpful. Senator Conroy, you have the call.

Senator CONROY: Senator Di Natale, who has missed out on preferences before, has consigned his own party to losing senators in the coming double-D. But what I am afraid of—from the interjection from Senator Di Natale—is not about facing a double-D; I am afraid of the consequences for the Australian public and there are two. The first is the three million plus who do not want to vote for you, Senator Di Natale, you are going to lockout of getting any representation here. I think that is a disgraceful voting rort. The second, but most important, is your system, as has been admitted now by anyone who understands this system, is ultimately going to hand control, a blocking majority, or, worse, an actual affirmative majority to the coalition.

When those opposite get 38 votes, the Greens will never get an environmental piece of legislation through this parliament. Those opposite are already champing at the bit and cheering over there—I am being harassed again from across the chamber. Those opposite are already champing at the prospect of this; they know that they will be able to block every single piece of environmental legislation into the future. You will be able to pass legislation that they approve of. You will never get an environmental bill through. We will never get a social justice bill through or an equality bill through.

I noted in the clips today the Greens are rushing out policies. They are trying to cover for their disgraceful conduct here. They have got a suggestion about a new taxation regime. Senator Di Natale and the Greens, I say this to you: you have no chance of any tax proposal in history getting passed because of what you are doing in this chamber tonight. You will give that coalition government on the other side of the bench there a blocking majority, ultimately. Not necessarily straight away because I expect Senator Xenophon is probably going to have a few senators, maybe even as many as you by the time the election is finished, that will actually put him in a position. There is no surprise why he is voting for this bill; he can count.
He must be the only person in this chamber who can count because he knows exactly how many senators he is going to pick up in South Australia but nobody else knows.

So what you will see is the conservative forces in this chamber given to the keys to the kingdom. They are being given the keys to the gold vault because they will never have to compromise again in this chamber. When they get 36 or 37 over a couple of elections as they build towards the magic number of 38—a blocking majority—the Greens will have to look at themselves and their supporters. They will have to look at that and they will have to get down and apologise to the people of Australia for the atrocity they are committing.

Senator Xenophon, welcome to the debate. You are very popular in the chamber tonight. He is the reason four being four, five or six. It does not matter for you, Senator Xenophon, let me tell you. You can pretend you are not six but it will not matter.

Senator Rhiannon comes to this debate with the dirtiest hands. I want to know, Senator Rhiannon, what you know about those parties that I have described. I want you to put your hand on your heart and say, 'I had nothing to do with those pop-up parties.' Come on, you have got a chance in a few minutes to say, 'I had nothing to do with those pop-up parties.' If she stands up and says that then I will be taking a few points of order.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (21:22): That was all very interesting, but—

Opposition senators interjecting—

Senator CORMANN: Of course, we are now another couple of hours down in this debate. We have now debated this bill since the message was received, for about 23 hours, I believe—I think a bit more. Why don't I start moving the first set of government amendments? As I flagged to the chamber on 2 March and as I have flagged again today, the government is moving a series of amendments to give effect to the recommendations of the Joint Standing Committee on Electoral Matters inquiry into this bill, which reported on 1 March. The amendments that I am about to move to the Commonwealth Electoral Amendment Bill 2016 reflect the consideration of this bill, indeed, by that committee. In particular, several submissions to the Joint Standing Committee on Electoral Matters advocated the need for further amendments to the provisions relating to below-the-line voting. In particular, that committee recommended 'that the government introduce a system of partial optional preferential voting below the line' that instructs voters 'to mark a minimum of 12 preferences' with related savings provisions so that any ballot with at least six boxes numbered sequentially starting at 1 is to be considered formal.

In addressing the recommendations of the Joint Standing Committee on Electoral Matters, these proposed amendments provide for partial optional preferential voting below the line on Senate ballot papers. The amendments propose to instruct voters to consecutively number at least 12 boxes commencing at 1 and sequentially numbering after that below the line, or numbering all boxes below the line where there are fewer than 12 candidates. The amendments also include a savings provision, as we have provided for, for voting above the line. In relation to voting below the line, where there is a minimum number of six squares marked sequentially from 1 to 6 the vote will be considered formal. I seek leave to move all of the government amendments on sheet JP109 together, from (1) to (9).
Leave not granted.

Senator CORMANN: I move:

(1) Schedule 1, item 1, page 3 (after line 8), after the definition of above the line, insert:

below the line: a square is printed below the line on a ballot paper if the square is printed on the ballot paper in accordance with subparagraph 210(1)(f)(i).

Senator WONG (South Australia—Leader of the Opposition in the Senate) (21:24): I want to return to the question that I have not had an answer on. I would like to understand when the advertising campaign will commence—how long after assent? That is the first thing. And the second is that I want to come back to the issue of the exhaustion rate. I think I asked earlier, but I have still not had an answer, whether the government had done any assessment of the exhaustion rate. Senator Cormann, I think, answered it by giving a lengthy discussion about choice.

I was looking at the joint standing committee Hansard—there was only a half-day hearing, so it has to be from 1 March—where Mr Green, who has been quoted a few times, said 83 per cent of ballot papers had only a single 1 above the line, when he was asked about the New South Wales system and the experience of the New South Wales system. He was asked about the exhaustion rate, which is 84.8, and then he said, 'For the last election, 83 per cent of ballot papers had only a single 1 above the line.' That would mean that essentially you have a first-past-the-post system for 83 per cent of the vote.

Senator Cormann: That is not true.

Senator WONG: It is; 83 per cent of ballot papers had only a single 1 above the line.

Senator O'Sullivan interjecting—

Senator WONG: Yes, I am extrapolating! Oh my goodness, isn't that a dreadful thing to do! You might think that how people vote in a state might also demonstrate how they might vote federally. Yes, you are right; federally, currently it is more—96 to 97 per cent vote 1 above the line. A useful assessment—and we are all looking into the future—of the extent to which an optional preferential system results in people maintaining that habit of going 1 above the line is the New South Wales system. The evidence before JSCEM is that 83 per cent of ballot papers had only a single 1 above the line.

That accords with the report that I quoted, which was an ABC news report reporting comments by Monash University's Dr Nick Economou, where he said that his assessment was that voters had been voting above the line at rates of about 90 per cent or more since the system was introduced in 1980s:

He said the new rules were likely to increase the number of exhausted votes.

"If we looked at the result of the last election and we applied the new rules, you'd be looking at exhausted votes in each state of anywhere between 14 and 20 per cent," …

Interestingly, the figures that I have just quoted from the New South Wales system are in the same window. That would suggest that that is probably about right. What that essentially means is that a great many voters would essentially have their votes exhausted under the system that the government is proposing. So I want to know: what analysis was done on exhausted votes? And, if I can finally have an answer on the campaign, I would really appreciate it.
Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (21:28): Firstly, I have answered the question on exhausted votes extensively. Let me also reference again what the Electoral Commission said in evidence to the Joint Standing Committee on Electoral Matters—that is, you cannot predict voter behaviour. That is specifically and explicitly what the Electoral Commission said. You cannot actually predict how voters will respond and what choices they will make at the next election. That is of course entirely a matter for them. It is not possible to model how that will happen. That is something that we will have to observe after the event, and I am sure the Joint Standing Committee on Electoral Matters will do exactly that.

I am, though, referencing a tweet by Kevin Bonham in relation to the contribution that Senator Wong has just made to this debate. Kevin Bonham is of course an expert in these matters. He takes a great interest in this from the great state of Tasmania. This is what he is saying: 'Senator Wong thinks a voting system where votes exhaust is not democratic. Her own party instilled such systems in New South Wales and Queensland.' The truth is that it is not only Gary Gray; it is not only Jennie George; it is not only George Wright; and it is not only Peter Beattie—who came out today supporting Gary Gray. It is actually Labor when in government that introduces exactly the sort of system that we are proposing on this occasion.

In relation to the education campaign, I have answered that question ad nauseam. There will be an education campaign. It will be conducted by the Electoral Commission and the Electoral Commission will be adequately resourced for that purpose. The Electoral Commission has told us that, in order to provide adequate education and information about the benefits of this reform to the Australian reform and to make certain other changes to their systems and the like to implement these reforms at an election, they need about three months between the passage of this legislation and the implementation at an election. And, of course, that is something that the government will comply with. When exactly the campaign will start depends on a whole range of things, including the timing of the election—which is, of course, something that has not yet been determined.

I understand why Senator Wong is holding onto this as an issue that can get her half an hour or 45 minutes of time chewed up. Labor have a bit of a target on how long they want this debate to go. So they have to keep the debate going. So I understand why she is holding onto this, but I have actually answered that question very directly and there is nothing further to add.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (21:31): I was not going to make a major contribution to this debate at this stage, although I did want to thank Senator Conroy for his contribution and for arguing so eloquently in favour of these reforms. Let us just talk through some of the arguments that Senator Conroy used. He in fact referred to the 1999 infamous tablecloth ballot election where there were 81 parties running, and he described the process of feeder parties being organised in a way to distribute preferences. Of course, I utterly reject that the Greens were in anyway implicated in that. But he is absolutely right: that was the genesis of these reforms.

We know that there were 81 parties in that election. We know that Glenn Druery was involved. We know that many of those feeder parties were directing their votes and their preferences to other entities. That is exactly why we need the reform. He is absolutely right. That 1999 election was outrageous and it is in fact the reason that we need this reform—so we
can stop those feeder parties from being set up and established with the express purpose of basically feeding votes to other entities that people do not vote for and who often hold completely contradictory policy positions. So I want to thank Senator Conroy for highlighting the 1999 election and for highlighting the reason that we do need this reform. That tablecloth ballot makes the argument better than we could possibly make it. Again, Senator Conroy makes a very cogent argument for why we need these reforms.

He then went on to say that this is about bums on seats for the Greens and in the same speech he then spoke about how we are going to lose South Australian senators. I just do not know how on the one hand it is about self-interest and, on the other hand, about losing senators. Those two things just do not add up. It is totally incoherent. It is also incoherent when you consider that he says that, as a result of us not being able to get preferences, we want to abolish a system that is designed for people to be able to harvest preferences.

I think he made a reference to campaigns that I was involved in and said, 'You were unable to get preferences and now you want to change the system.' But, hang on; I want to change the system so that we cannot harvest preferences and have people being elected on the back of these secret preference deals. Again, he is making the argument as to why we need to reform the system. The incoherence goes on and on. On one hand we are too close to the Liberal Party and, on the other hand, Senator Rhiannon is criticised for being too far left. Again, which one is it? The debate has become so irrational that we are having contradictory points of view being expressed within the same tirade.

Without wanting to go on much further, he talks about the notion of these reforms delivering a conservative Senate. I would just make the point that, if these reforms were implemented in 2010 and we had had them over the last two elections, we would still have a carbon price. We would have a Senate that was more progressive, that would have fought to retain a carbon price. We would not have TPVs for people seeking refuge and asylum in this country. That is what people voted for. Unfortunately, the voting system produced an outcome that was much more unpredictable and inconsistent with the wishes of voters. Under this set of rules in the last two elections, we would actually have a more progressive Senate and we would now have a carbon price. Why would the Labor Party be arguing against a set of reforms that would have allowed us to retain the carbon price?

The other argument is that this reform may lead to a double dissolution. Why is the Labor Party running so scared from an election? Show a bit of courage. Stand up to the opposition and show a bit of courage; otherwise, it becomes a self-fulfilling prophesy. It becomes like the child who is hitting their head against a brick wall and saying, 'But, mummy, it hurts.' I am hitting my head against a brick wall—

**Senator Wong:** You are a Liberal lapdog. Don't talk to us about courage. You couldn't even vote for marriage equality because he wouldn't let you. You are the lapdog. You are a Liberal lapdog.

**Senator DI NATALE:** It is like the little child who is banging their head against a brick wall saying, 'Mummy, it hurts.' Well, stop doing it; stand up and show a bit of courage. Stop running away from an election. If you do not stand up and fight, you will in fact deliver government to the coalition. The time to fight, to stand up and to show a bit of courage and be a real opposition is now. It is right now.
Opposition senators interjecting—

The TEMPORARY CHAIRMAN (Senator Ketter): Order! I remind the chamber that interjections are disorderly. The senator is entitled to be heard in silence.

Senator DI NATALE: Without wanting to continue on much further, what we have is a set of democratic reforms that ultimately put power back in the hands of voters. They take the power away from us, the politicians, from the backroom operators who wield their power and influence through these deals—and effectively that is their currency in this chamber—and give it back to voters. The question of exhaustion has also been something that has been raised. We know that, ultimately, it becomes a question for voters as to how they distribute their preferences. If a voter wants to allocate preferences to a number of smaller parties and then decides to allocate a preference to one of the bigger parties, that is their choice and, in the end, what is a democracy about if it is not about giving voters the choice of who they elect?

You see, I believe in democracy. I believe in the Australian people. I believe in the Australian people's ability to make the right decision. And one of the great things about a democracy is that, whatever the outcome of an election, the people have always got it right. I have a lot of faith in people—unlike those opposite, who want to continue to have a set of rules that are rigged instead of those rules which are designed to keep power within that small clique who love exercising and wielding power through those backroom preference deals. Ultimately, at a time when in the parliament we are often fighting against the slow and gradual erosion of democracy, what a great day it is when we can say that today we have stood up, we have strengthened our democracy and we have given more power back to the people.

Senator LEYONHJELM (New South Wales) (21:38): I want to pursue this issue of exhausted votes and disenfranchising voters as well. It has been mentioned by a number of people previously. I would like to talk in particular about the Liberal Democratic Party voters and whether or not they would be disenfranchised in the proposed voting system, and I want to talk in particular about the election of two Liberal Party senators.

The first of those that I want to discuss is Senator Linda Reynolds from Western Australia. If it were not for the fact that Senator Reynolds received the preferences from the Liberal Democratic Party, she would not be here. There would be another Labor senator in the chamber.

Senator Jacinta Collins: I bet you regret that one!

Senator LEYONHJELM: I have, at times, wondered whether we did the right thing! But let me continue. I was approached by two 'preference whisperers' to arrange this deal. They were, namely, former senator Ron Boswell and Mr Ben Morton—the State Director, I think he was, of the Liberal Party in Western Australia. I have no idea whether they called me from a front room or a back room, but the fact is that they called me, we discussed various aspects—the details of which are not all that important—and, in the end, the Liberal Democratic Party gave its preferences to the Liberal Party prior to the Labor Party in that Western Australian election.

The significant thing about it, of course, is that that group voting ticket that led to the Liberal Democratic Party's preferences going to the Liberal Party before the Labor Party, and
the Greens, obviously, as well, was that those votes—our votes, my party's votes—did not go to the Liberal Party at No. 2 or 3 or 4 or 5 or 6. They were at about No. 25 or 26 or 27 or 28 or thereabouts. That is very, very significant, because under this voting system—this brand new, brave voting system—they will only be asked to vote for six above the line and, as far as I can tell, they are likely to be told: 'Just vote 1 anyway. That's good enough.' The point about it is that in another election they will not vote for minor parties, which is what they did. They will not vote for those minor parties before they put the Liberal Party; they will just vote for those minor parties because our voters do not much like the big parties. They just like the little ones.

In another election under this new voting system, because their votes do not go any further than what they are going to put on the ballot paper, they will cease at No. 6—that is, if they even get to No. 6. So the question is: does that reflect their will? I think I know a fair bit about Liberal Democratic Party voters, and I am pretty confident in saying that they trust us to do the right thing with their vote. And if I had said to them, 'If you can't get any of those minor parties, if we can't get elected and none of those minor parties that you would put second, third, fourth, fifth or sixth gets elected, who would you prefer?' then they would have had a preference. They would have said, very likely: 'The Liberal Party ahead of the Labor Party or the Greens.' I absolutely guarantee it would have been before the Greens.

The second example that I want to talk about is the election of Senator Sinodinos in New South Wales. Senator Sinodinos was elected at No. 6 on the New South Wales ticket at the 2013 election. It was not our preferences that got him elected; our preferences were not distributed, since I was elected. Senator Sinodinos was elected on the preferences of the Christian Democratic Party, One Nation, the Shooters and Fishers Party, the Fishing and Lifestyle Party and a number of others. If he had not received those preferences from those parties—and there were others; I cannot remember them all at the moment—then guess who would have won. It would have been Cate Faehrmann from the Greens.

Senator Wong: Oh!

Senator LEYONHJELM: Hmm. Tragic. So if voters of those parties had only been required to number 1 to 6 on the ballot paper—and perhaps not even that many—do you think they would have gone and put the Liberal Party, Senator Sinodinos, ahead of the Greens?

Almost certainly they would have stopped at No. 6, if they got that far, and they would have voted for other minor parties with which they thought they had common interest. The point about it, of course, is that if you actually went to those party supporters and said to them, 'Who do you support, the Liberal Party or the Greens?' I would be confident in saying that the vast majority of them would have said, 'I would prefer a Liberal got elected if it was the choice between a Liberal and a Greens.' I am is quite certain they would have.

The thing about this, of course, is that these voters of ours, the Liberal Democratic Party, and the voters for Christian Democrats, One Nation, Shooters and Fishers Party, Fishing and Lifestyle Party and the others trusted their parties. They said to their parties: 'You take care of our vote. If you cannot get elected and you cannot get a another party with which we have some common interest to get elected, then at least make sure it goes to someone we hate least.' That is the whole point of not having a vote that exhausts. Your vote ends up helping a party you hate the least, even if it is not the party you love.
I am confident that our voters think they can trust us with their vote. I am confident also that the voters that support Christian Democrats, One Nation, Shooters and Fishers Party and Fishing and Lifestyle Party also trust their parties with their vote. It is entirely possible that Greens voters do not trust that party with their vote and that is why they are so determined to make sure that their voters do not end up having that vote that the party can deal with. Perhaps that is the case, but that has to be the exception. As far as all the other minor parties are concerned that I have ever dealt with, my feeling is that the voters that support those parties or trust those parties with their votes would say, 'If you cannot get elected, make sure my vote goes to someone who I don't hate.'

Senator WONG (South Australia—Leader of the Opposition in the Senate) (21:47): I want to respond first to some of Senator Di Natale's contribution. First, he said, 'If these reforms were in place, we would still have a carbon price.' That is just not true. He knows that the purpose of these reforms is essentially to create a closed shop. I am surprised, I have to say, that Senator Cormann would be supporting something that was essentially like a closed shop. But I think he knows that his side of politics will be advantaged—

Senator Dastyari: A clothes shop.

Senator WONG: Closed not clothes. Will everyone get off the pants please—a closed shop. The reality is Senator Di Natale is supporting these reforms not for the highly principled argument he sought to put but because he thinks he will get more Greens. That is what he does think. I think we will get more Labor people, but I do not think these are the right reforms for a democracy. Again, I think there is an issue with some of—

Senator Di Natale: Gary Gray does.

Senator WONG: Yes, Gary Gray does, and he is disappointed, I am sure, that he did not convince the majority of his colleagues.

Senator Di Natale interjecting—

Senator Rhiannon interjecting—

Senator WONG: Senator Di Natale and Senator Rhiannon are willing to join with the government in pushing through these changes because they think they will be advantaged. They do not actually care that there is a great likelihood that this will lead to a blocking and, ultimately, a working majority for the coalition. They just do not worry about that. Why is that? They are not a party of government. They are quite happy to have people there—

Senator Di Natale: Not yet.

Senator WONG: Here we go—not yet. Right. Okay. I will take that interjection because I want to talk about the assertion that we lack political courage—coming from a Green, that is extraordinary. It suggests that Labor actually never go out and campaign against the coalition. Well, we are the only party that actually campaigned against them because the only party that seeks to shift votes away from the coalition is Labor. All the Greens want to do is shift votes from the Labor Party to the Greens. You do not actually want to change Australia. You do not actually want to deliver progressive reforms. You just want more people in here so you can feel more important.

Senator Conroy interjecting—
**Senator WONG:** I am not going to use the phrase Senator Conroy got in trouble for. But you want more people here. You do not actually ever try to shift a vote from the coalition to someone else. Your attack, and it has been demonstrated here time and time again, is against the Labor Party. I have never understood why that was regarded as a progressive position. If I look at the things that I think are important progressive reforms in this country, whether it be Medicare or having more people in universities or the Gonski reforms or superannuation or a fair system of wages and conditions or a decent age pension or an independent foreign policy or the National Disability Insurance Scheme or the sex discrimination act or the Racial Discrimination Act or the Native Title Act, and so much more, they have been delivered by Labor governments. We went out, people like us and those who went before, and campaigned and talked to people who do not agree with us, and convinced people to vote for the Labor Party rather than the coalition.

You, on the other hand, sit here and snipe and try to take votes from Labor to the Greens. That is not progressive politics. I am happy to talk about the dirty deal. You talk about the preference deals. Well, what about the dirty deal that Michael Kroger has blown the whistle on? This leader, the Liberal lap-dog that is Senator Di Natale—oh, he is going red; a bit of blushing there—has done a deal with the Liberal Party to issue open tickets to advantage the Liberal Party in certain marginal seats so that the Liberals can help him target Ms Plibersek and Mr Albanese. And he has the temerity to come in here and talk about courage. That is not courage; that is a dirty backroom deal. You keep denying it, but unfortunately Mr Kroger has blown the whistle on you. Your modus operandi is all about trying to take out Labor people and Labor voters.

I would like to ask the Greens this: tell me why progressive politics in this country would be better for having Tanya Plibersek and Anthony Albanese out of the parliament. How is that progressive politics? I will not be campaigning for that. I will be campaigning to get some of the Liberal Party and the National Party out of the parliament. That is what we do. But, no, you campaign to get Labor people out of the parliament. So do not come in here and give us a lecture about political courage, because there is only one party that actually tries to change the government. And when you change the government you change the country. What you are having is a sort of Senate version, a national political version of a dinner party conversation: 'We don't like this and that about the Labor Party but we are going to keep talking to people who agree with us. We're prepared to lie in bed with them, whether it is on Senate voting changes or on the dirty preference deal that Michael Kroger has blown the whistle on. And then you come in here and talk about political courage. Well, show some.

Senator Di Natale says, 'If we'd had these voting changes we would still have a carbon price.' My response to that, as he would probably know, is: we would probably still have a carbon price if the Australian Greens had not voted against a carbon price and had not done what they did today, which was to do the walk of shame and vote with Senator Bernardi and, at the time, Senator Fielding and Senator Minchin—who thought that climate change was 'a left-wing conspiracy to de-industrialise the Western World'. That is who you voted with. They get out on Twitter, and I am sure that Mr Paris—the staffer who likes tweeting at me, likes trolling me—will now be tweeting his lovely tweets at me again, and they will say, 'It was
such a dreadful piece of legislation.' You voted very shortly afterwards for a piece of legislation that was almost identical and that gave at least the same amount of assistance, if not more, to what you described as the 'big polluters'. Who showed political courage then? Not the Australian Greens. All you cared about was making sure that you made the Labor Party look like we were bad. And you were prepared to vote with Senator Bernardi and Senator Minchin to do that.

So the lecture about political courage from a leader of the Greens who not only has done a deal with the Liberal Party on Senate changes but also has done a dirty preference deal—which he sort of half denies but Michael Kroger keeps talking about it and has blown the whistle on it—is pretty hard to stomach, frankly. Maybe you should stick to your photo shoots.

Senator Cormann keeps saying, 'I've answered the question.' He keeps finding different ways to not answer the question—which is impressive. I have probably been there myself, but I am going to have another go, and it is a question about the timing of the education campaign.

Senator O'Sullivan interjecting—

Senator WONG: It is not a waste of time. Unlike you, Senator O'Sullivan, I actually think that making sure Australian voters understand the largest changes in 30 years is probably not a bad idea. I first asked Senator Cormann about the campaign and when it will commence. He said, 'It depends when the bill gets passed.' I said, 'How long after assent?' He said, 'That's not when we measure it from. We measure it from when the election will be.' Okay, let's forget the game playing around that. How long prior to the election date will the campaign run? Or, another way of asking it: will there be any of the education campaign run before the election is called? He is shaking his head. Is that a no?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State): I can confirm that there will be an education campaign in good time before the next election.

Senator DI NATALE (Victoria—Leader of the Australian Greens): I was not planning on standing up, but I will make a few points just to correct the record. Let's begin with the assertion that Senator Wong made about the Greens not targeting Liberal Party seats. As a brief reminder for Senator Wong, at the last New South Wales state election it was in fact the Greens that took a National Party seat, in the seat of Ballina. There is a seat from the hands of the conservatives that now lies with the Greens. In the last Victorian state election, the seat of Prahran, a seat held by the conservative side of politics, is now held by the Greens.

In this federal election we have got some outstanding candidates who are standing in Liberal-held seats. I think Kelly O'Dwyer is in a bit of trouble in Higgins, because we have Jason Ball there—an outstanding candidate who looks like he might take the seat of Higgins. We are, of course, targeting many of those conservative seats. This notion that we are not fighting hard against the coalition: I remind Senator Wong that when it comes to voting with the coalition it is the Greens who have voted with the coalition six per cent of the time. It is the Labor Party that has voted with the coalition over 30 per cent of the time. That is just some basic maths in terms of where the Greens stand relative to the coalition and where the Labor Party stand relative to the coalition.
Senator Wong also asked why somebody would vote to elect a Green in the seats of Sydney and Grayndler. I will give a very succinct explanation. When there is a vote in the parliament about whether we should punish a doctor for reporting child abuse or speaking out against the abuses that are going on in our detention camps, a Green will vote against that every single time, and yet Ms Plibersek and Mr Albanese have voted in support of those things. The most important thing that we are gifted when we are elected to this place is our vote. All the rhetoric and all the words in the world do not matter next to the most important thing that we are given in this place, and that is our vote.

So, when it comes to voting to strengthen renewable energy or to slash it, what we have seen is again those members of the Labor Party voting with the coalition to slash the Renewable Energy Target. Ms Plibersek and Mr Albanese voted with the government to slash the Renewable Energy Target. When it comes to data retention—again, some of the widest and most far-reaching laws, which impact on 23 million Australians, saying to them that their personal information is no longer theirs but belongs to the government who are unaccountable and can access it without a warrant—again Ms Plibersek and Mr Albanese voted to ensure that your data is no longer yours. If you elect a Green in one of those seats, you can be absolutely guaranteed that, when it comes to expressing how we feel about those issues, it will not be a rhetorical flourish; it will be done through our vote. So, if you want to know why people will be electing more Greens to lower house seats, it is because, when we have the opportunity through our vote to implement progressive reforms, we will do it every time.

Senator Wong also talked about the issue of Steven Fielding. That is a wonderful place to finish, because Senator Fielding was elected to this parliament on the back of a preference deal as a result of those clever backroom operators within the Victorian Labor Party who ensured that Steven Fielding would be elected ahead of the Greens. Again, let's just go back, because it was a bit of an own goal, Senator Wong. What we have is Senator Fielding, who held the balance of power in the federal parliament as a result of a preference deal where the Labor Party gave Steven Fielding a seat in this parliament ahead of a Green. The consequence of that decision I do not need to explain to anybody, because what we saw was somebody with a conservative view which you, Senator Wong—through you, Chair—outlined: the notion that the CPRS was some conspiracy to deindustrialise society. Let's remember who put him there. The Labor Party backroom operators in Victoria, through a preference deal, got him elected with 1.8 per cent of the vote. So, again, thank you for making the arguments as to why these reforms are just so critical. They are critical because if the voters of Australia want Steven Fielding in this parliament then he should be voted into this parliament, not as a result of the decisions of some of the backroom operators inside the Labor Party.

Senator DASTYARI (New South Wales) (22:02): I do not want to hold the Senate up for long tonight, so I am going to try to make my remarks as brief and to the point as possible. In politics you get asked some really tough questions from time to time. There are tough calls to make. There are times where you have to be able to make a tough judgement call and you are going to held to the calls that you make.

Senator Conroy: Do I wear a skivvy or do I wear fancy pants?

Senator DASTYARI: Senator Conroy has spent a lot of time talking about pants tonight, and I am a little bit disturbed, because I am sitting with him until the early hours of the
morning—bums and bottoms, I believe. But when a fashion magazine asks the leader of what purports to be one of the most progressive parties represented in this place—

Senator Conroy: They used to be.

Senator DASTYARI: 'Purports' is the word that I would use. When asked whether or not he would form an alliance or go into coalition with the Liberal Party, the words that he responded with were 'never say never'. He would never say never to forming a coalition with one of the most right-wing governments that this country has ever seen. He would never say never to forming a coalition with one of the most extreme, ideologically driven organisations and parties. He would never say never to being in a formal alliance with a party that has people with very conservative views, like Cory Bernardi, George Christensen—we saw him at it again today—and Senator Abetz. 'Never say never' is the position that the purported leader of a progressive party chooses to take. Frankly, there is a line. It is not a 'never say never' proposition. There is a line.

Senator Di Natale, in subsequent interviews, was at pains to distance himself from the comment and say, 'I did say that I'd probably be more inclined to be in a progressive alliance than a right-wing one.' That is not the point. Once you cross that threshold, once you are prepared to do that, once that is no longer the line of what you will not do as a progressive leader, you have lost all credibility on the progressive front of Australian politics. Once that is the line that you are prepared to cross, it just does not stop. It reminds me of a great story—and I am sure others in this chamber have heard it before—about Lord Beaverbrook, the famous Canadian philanthropist, who said to an actress once, 'Would you marry me for a million dollars?' She turned around and said, 'Yes, I would.' Then he said, 'Would you marry me for 10?' She said, 'What do you think I am?' He said: 'Well, I think we've established that. Now we're just haggling about the price.' Senator Di Natale has said he will cross the threshold. Now it is just about the price. Now it is just about the right deal. Now it is just about getting the outcome that is enough for him to be able to sell out on basic centre-left principles. That is the path that Senator Di Natale has chosen to go down.

There are those on my side of politics who will argue, 'Let it happen; it's a good thing,' because frankly we have seen what happens to left-wing parties when they shift to the right. We have seen what happens when people sell out on core principles.

We have seen what happens to parties like the Liberal Democrats in the UK or even the Australian Democrats here. We have seen what happens to parties that start selling out fundamental principles. There are those who would make the pragmatic argument that, if that happens, after a period of time it is kind of the end of the party and that is probably good. I do not share that view. I believe in a progressive Australia. I believe in progressive outcomes. I believe in progressive change. I believe in a united progressive front to be able to achieve that.

When you start having a party that purports to have these left-wing values start selling out—it started with tax transparency, we are now doing it on electoral voting reform and who knows where it goes next—where does it end? It ends in a coalition-style arrangement. Let's be clear: there are some things you rule out in this business. The Labor Party would happily rule out going into a coalition government with the Liberals, because fundamentally there are too many issues that we just do not share and cannot share with them. Once you start going down that road, where does it end?
In a whole host of interviews he has been doing in recent weeks, Senator Di Natale has tried to be very clever when he talks about the preference arrangement between him and the Liberal Party. Mr Kroger is a man of honesty and decency. He is someone whose politics I do not agree with at all, but I have always respected him. He has always been honest, open and forthright. When Mr Kroger turns around and says, 'We prepared for a loose preference arrangement,' let's be clear what he means. There are Liberal members in this chamber who privately have come to senators like me and expressed their concerns, but let's explain what it is. The Liberal Party would preference the Greens in inner-city electorates where they are trying to take out the Labor Party, and in return the Greens would run open tickets and preference nobody in seats where the Labor Party is contesting against the Liberals.

What is the outcome of this if this were to be successful—and I do not think it is going to be very successful. I do not think it is helpful to the progressive cause. The goal is on one hand to be replacing some Labor MPs with Greens in the inner-city electorates. We are prepared to battle the Greens in the inner city, and, if that were all that this were about, that is the progressive side of politics having an internal fight, and so be it. But part of that also is the dividend for the Liberals in doing this: making sure that progressive votes are leaked out of the progressive pile. That is the whole point of this.

Senator Di Natale says, 'We won't be preferencing the Liberals anywhere.' I do not believe he will be preferring the Liberals yet. You are heading down that road. You are not there yet, and I accept that. For the sake of progressive politics in this country, I hope you never get there. I think that, once you head down there, in the short term it will be disastrous for everybody involved. In the long term, it would be the end of your party, but that is a separate matter. When the Senator says there is no preference deal where they would be preferencing the Liberals, I believe that is probably true, but that is not what this loose arrangement is about. That is where this is heading. This is going down a path which is going to be bad for progressive outcomes and progressive people being elected into these types of chambers. It is going to result in more right-wing, extreme, ideologically driven views.

Let's not kid ourselves here. The conservative side of politics has become incredibly and increasingly ideological. They are entitled to do that. A few days ago we heard the first speech of Senator James Paterson. It was his first speech, and I will say some nice things. I thought Senator Paterson delivered it eloquently. I thought he was articulate. I thought he expressed what he believes and he was genuine with what he believes. I think he should be commended and congratulated for his first speech. I thought it was a remarkable contribution. I also think it represented an extremely right-wing, ideological world view, which he is entitled to and is openly representing. Again, I give Senator Paterson credit. A lot of people on the conservative side of politics have shared these views and have not been prepared to put them forward or do not put them forward eloquently, so I do congratulate him on that.

But that is where they are going. That is the future of the conservative parties. The future of the Liberals, LNP or however they are going to be branded in the next couple of years as this Lib-Nat merger finalises across the country is right-wing, extreme, ideologically driven views. Senator Di Natale and the Greens party are facilitating and incredible power grab.

The leader of the Greens political party was going on earlier about how you say it is both good and bad. Let's be clear what all of this does. If your outcome that you care about is not a majority of progressive voices in this chamber—if your outcome is making sure your small
section of the pie is protected—then, yes, this is a pragmatic approach. Yes, this is in self-interest. If you say the interests you want to represent are the broader interests of actually progressive social outcomes then this is bad legislation. These are bad laws. These are laws that do bad things for the people that we represent. That is what is so wrong about the legislation that we are facing here.

Senator Williams: You're not going to be long, are you?

Senator DASTYARI: I did promise I was not going to go for too long, and Senator Williams has noted that. I did want to get to a more specific question for Senator Cormann. There were comments that you made earlier that I wanted to clarify because I perhaps misunderstood the transcript of the inquiry report and the testimony that was given by the AEC. My understanding—again, I read this a few days ago and I have not had an opportunity to go back to my office and check this—is that the AEC's position was that they needed a minimum of three months. Could the minister check whether that is correct. I know there are some officials here. Maybe they could clarify that. Minister, you said they need 'about' three months. I would like to get that clarified.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (22:15): I have already clarified that precise point three times tonight in response to questions by some of Senator Dastyari's Labor colleagues. The Electoral Commissioner, Mr Rogers, provided specific advice to me that the Electoral Commission needed about three months between the passage of this legislation and the implementation of this legislation at an election.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (22:15): It is slightly unusual that much of the debate today is not actually focusing on the content of the legislation and the amendments that we are debating. I think we should return to that. Of course, I cannot let some of the comments made in the previous contribution go unchallenged. It is important to remember that, through this discussion of preferences, some assertions have been made. Again, I would like to make it absolutely crystal clear that there is no arrangement with the Liberal Party.

Secondly, the Labor Party has been the beneficiary of Liberal preferences at a number of elections. Mr Albanese's recent contribution was really just a pitch to the conservative base of the Liberal Party: 'Please give us your preferences because we're more like you than the Australian Greens.' It is really important to remember that that is where this is being driven. This whole issue emerged because Mr Albanese made some assertions about a non-existent arrangement. He made a desperate pitch to Senator Bernardi, Senator Abetz, Mr Christensen and others: 'Be careful if your party preferences the Greens ahead of us. 'Traditionally they did that for many years because they thought that was in their interests. At the last federal election, the Liberal Party decided to change tack. Labor wants to make sure the Liberal Party continues doing that. So Mr Albanese came out with his pitch to the conservative elements of the Liberal Party: 'This is something that some people in the Liberal Party are considering because it is within their interests. But please remember that our policies, my policies, are much more aligned to yours than the Greens policies are. So make sure you continue to preference me so that I can hold my seat.' That is what this debate is really about. Let's be absolutely crystal clear about that.
There is a bit of debate about a coalition. It is inconceivable that we would enter into any sort of coalition arrangement with the Liberal Party. You need only look at the recent history to know that it was with the support of the Greens that the Rudd-Gillard government was able to govern. Again, if we are being frank about this, the most logical coalition in the parliament is a Labor-Liberal coalition. Some of us Greens do come from the conservative side of politics. There are some who are more in the tradition of Malcolm Fraser. But I, like most of us, grew up in a Labor household immersed in Labor politics, a house in which Gough Whitlam was eulogised. Some of us realised the gradual shift in policy direction from the Labor Party, right from the time they introduced mandatory detention; right from the time that they continued to sign the death knell of some of our most precious native forests, with successive state governments continuing that—in fact it continues to this day; right through the invasion of Afghanistan, which was endorsed by the Labor Party; right through to measures such as walking away from the most important moral challenge of our time, which of course is global warming; right through to successive foreign incursions such as the one we have seen in Syria; data retention; and, of course, that huge, gaping wound that exists in Australian politics at the moment which is the treatment of people seeking refuge and asylum in this country.

The point of that is that there are many of us who decided that we could no longer tolerate those things and that without that commitment to the environment that says that economy is a subsidiary of the environment, and without a readjustment in terms of the way our relationship with the environment works, we will not have a planet to sustain all of us.

That is why the Australian Greens have gone from strength to strength. This is a fundamental point: all the bluster in the world does not take away from the fact that the Labor Party at the moment are experiencing an existential crisis. What do they do about the emergence of the Australian Greens, knowing that we are not going anywhere? In fact, quite the opposite: we are a party that is going from strength to strength. You just need to look at the support base of our party to know that among young people we are now one of the three major parties. Our vote at various times is higher than the Labor Party's, depending on the most recent opinion poll you look at. We are matching it with all sides of politics. That is where we sit at the moment. When you look at the challenges that we face as a nation and indeed as a planet—the issue of climate change and global warming—we are the party that is best placed to deal with that challenge.

Again, on the issue of people seeking refuge and asylum, there are so many people in this country who desperately want a bit more decency and compassion. When you factor in the conflicts that are going on around the world—the issue of Syria at the moment which is causing an unprecedented displacement of people, something that has not been seen since World War II at least—when you look at all of those challenges—and of course the issue of refugees and asylum seekers in the context of catastrophic global warming will only escalate exponentially—they are the issues where people are increasingly acknowledging that the Australian Greens best represent their values.

I know that people are very frustrated by this debate—people at home who might be listening in and thinking, ‘Why on earth is there so much vitriol going on between the Labor Party and the Greens, when in fact it was the Greens that supported the Labor Party in office?”
Underneath all of that is this notion about where the Labor Party stands on this issue and how they deal with the emergence and continued growth of the Australian Greens.

That is what is at the heart of this. We are seeing this tussle inside the Labor Party. There are so many good people inside the Labor Party that many of us have worked with. Let me name check someone like Melissa Parke, for example, who we have worked with so closely on the issue of drug policy and law reform, on refugees and asylum seekers and on so many issues. There are many, many good people inside the Labor Party who want to reach some sort of accommodation, who want that for the sake of progressive politics. But there is also a group inside the Labor Party, many of them represented here today, who are lashing out in anger. They are grasping at any possibility they can to try and throw a bit of mud and hope that it sticks. The nonsense that engaging in a photo shoot somehow represents some betrayal of progressive values—how absurd! How absurd this debate has now become.

I am sure this will continue until that internal struggle within the Labor Party is resolved one way or another. I hope that, for the sake of all of us who want to see a more decent society and a little more courage, vision and leadership, that it is resolved quickly. If it is not, all the concerns that the Labor Party are now expressing about the coalition winning government and winning control of the Senate will become a self-fulfilling prophecy.

So once again I say to the Labor Party, stand up, show some courage, recognise that, ultimately, if we are to defeat a conservative agenda it is going require a focus on conservative policies—the conservative policies of this government. Until they are able to acknowledge and recognise that fact, they are handing the coalition everything they want. I hope we can return to the substance of this debate, which is ultimately about ensuring we see more democracy in the Australian parliament—about taking power away from us, the politicians, and giving it back to you, the voters.

Senator MOORE (Queensland) (22:25): Minister, you may remember that much earlier in this debate I was talking about the education campaign—not in the same way as Senator Wong was but more, rather, about the process surrounding the education campaign. You have given us evidence this evening that the Australian Electoral Commission will be conducting a campaign and that, for financial reasons, they will be outsourcing that, which is why we cannot get details—for commercial-in-confidence reasons. I have also raised concerns in my previous contributions about the issue of these electoral changes going through at a time when there is a strong possibility, or probability, of an election being held very soon.

I am trying to find out whether the education campaign will be purely about the changes and how they will operate, encouraging people to vote, getting on the roll and all the normal stuff the AEC covers. Or will there also be a political message in the campaign as well, along the lines of what you have been repeating in your various contributions: 'These changes are going to save your vote', 'This is going to be a major change for democracy', 'Our government has protected your choice', and all that sort of stuff? I am trying to find out, as I have been throughout this process, how the community is going to be brought onside, how we are going to get them involved and how they will know about the changes. Even with just your first amendment, the explanation you read into the record is not a simple message.

Senator Cormann interjecting—
Senator MOORE: I am not claiming the current process is simple either. I have never claimed that. But, with the message that is going to have to go out, will there be a clear electoral process message completely separate from any political message along the lines of: 'Your government has delivered your vote in a more democratic way'? The reason I am asking that is clear, but there is also, as I have said all the way through, the issue of having such an electoral change so close to an election. My point, all the way through, has been that I would have preferred the changes to the electoral system to have been made well outside an election period. Seemingly, however, that is not going to be the case. I think you should have picked up the drift of my question. I would just like to get some detail on those issues.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (22:28): Senator Moore is right. The government very strongly asserts that these reforms before the Senate today are a great step forward for democracy. Senator Moore is right that the government asserts that the reforms, if legislated, will ensure that the result of future Senate elections will truly reflect the will of the Australian people—because they empower Australian voters to determine what happens to their preferences. Instead of having political parties, backroom operators and preference manipulators determine, trade and direct preferences in different directions according to their own interests, it will be up to the voter to determine what they want to do with their vote. So the government's message to voters is: 'This is your vote, your decision. You determine whom you vote for, whom you preference, either above the line or below the line.' That is indeed one of the great virtues of these reforms.

Senator Moore asked about the campaign. I have sought to address her question in different ways. I did touch on this in my responses to questions from Senator Wong. This campaign will be run by the Electoral Commission. The Electoral Commission is an independent statutory agency which is nonpartisan. It operates completely independently from any political party and it has a proven track record when it comes to running relevant information campaigns in the lead-up to elections. These education campaigns, which are non-partisan, non-politically charged and informational, essentially present the facts and the information that voters need to have. They focus on what the voters need to know in order to exercise their democratic rights.

I cannot remember off the top of my head a previous example, but changes have been made by previous governments on previous occasions and the Electoral Commission ran campaigns to make sure that people across Australia understood those changes. The process that will be followed on this occasion is the exact same process. This will not be a political campaign; it will be an education campaign. It will be run independently from government, at arms-length from government, by the Electoral Commission as they believe it needs to be done in order to explain the way the voting system will operate if these reforms are passed.

I completely reject the proposition that the amendment I have moved, which is what is in front of the chair at the moment, shows that voting below the line is going to be more complicated in the future than what it is at present. Let me explain exactly what the arrangement in voting below the line is at present. If you want to vote below the line at present, you have to fill in every single box. There could be 120 or 150 boxes; you have to fill in every single one of them. And the way the savings provisions work is that for your vote to
be formal, you have to at least get 90 per cent of those boxes filled in correctly, with no more than three errors in sequence in that filling in of all of the boxes.

What we are going to do from here is we are going to say to voters: ‘We're going to make it easier for you. If you want to vote for individual candidates instead of expressing a preference for your party of choice above the line, if you want to order the candidates for the Senate in order of your preference by voting below the line, we're going to make it easier for you.’ We are going to say to you that on the ballot paper, in black-and-white on the ballot paper, ‘To vote below the line, number at least 12 boxes from 1 to 12 in order of your preference, 1 being your highest preference to 12 being your lowest preference.’ People are free to do what they have done so far—that is, fill in every single box—but the guidance on the ballot paper will be to fill in at least 12 boxes from 1 to 12 in order of a voter's preference. There is a savings provision, which is much more straightforward than the current savings provision. The savings provision will be that if you get at least six boxes right, from 1 to 6—if you number at least six boxes from 1 to 6—so that is 50 per cent of what the guidance provides; certainly much less than the full ticket—then your vote will be counted as formal.

The Electoral Commission will find the most appropriate way, based on expert advice and contracting external providers as appropriate to assist in the actual running of the campaign. They will provide factual information to inform the Australian people, in good time before the next election, on how they should vote in the Senate: to vote above the line, number at least six boxes, 1 to 6, in order of your preference; to vote below the line, number at least 12 boxes below the line in order of your preference from 1 to 12. It is really as simple as that.

What the artwork is going to be like, exactly what words are going to be used—that is not something I am going to involve myself in. That is not something the government is going to be involved in. And that is not something that governments of either political persuasion would have been involved in in the past. This is why I have said to Senator Wong, in answer to a number of her questions, that I cannot really provide her with some of the very specific details she was seeking, because, quite appropriately, the political arm of government does not get itself involved in the conduct of that sort of campaign at that level.

What I can say is that the government has made a very firm commitment that the AEC will have all of the necessary resources to run that campaign in a way that they, in their professional judgement, feel that it needs to be run. From the government's point of view, that is our responsibility, and that is responding to JSCEM and the recommendations they have made. When you make a change like this, you do have to run a campaign to inform the public. The Electoral Commission will tell us what that needs to involve. They will put together the campaign with advice that needs to be run. They will tell us how much it will cost and they we will have the necessary resources.

Senator JACINTA COLLINS (Victoria) (22:34): Senator Cormann, I know that you are keen to move onto your first amendment, but we are a long way from finished with the general issues we need to address in the consideration of this bill. And, unfortunately, I need to take you to the detail of the AEC's appearance before JSCEM, because your characterisation of what they said there about resourcing is not accurate. In fact, I would challenge you to cite the page reference in the Hansard which would demonstrate it in the way that you characterised it earlier. Let me take you to some specific references in it. If you
look at page 1, Mr Rogers, towards the middle of the second paragraph of his opening statement, indicates very clearly that, from the AEC's point of view, they are looking at 'an estimated three-month minimum time frame'. Let's not be confused about that: 'minimum'. In fact, Senator Rhiannon tried to ask them whether they could fast-track it and she got a very clear response, which was: 'No'. But, worse than that, if you look at what was put to us, Mr Rogers said, again in that second paragraph, 'Should the bill change significantly'—which, indeed, these recommendations before us now do—

Senator Cormann: That is your opinion; it's not my view.

Senator JACINTA COLLINS: It may or may not be your view, but the facts are that the changes to below-the-line voting were not part of their original indications—of course, unless they were aware of your original intentions in the House, but I think you would find that hard to justify given your earlier arguments. But the point is that the indications that the AEC would have been talking to us about during that hearing were on the bill as it came out of the House of Representatives, before you had made this decision to accept the recommendations of the inquiry which dealt with the below-the-line voting issues. So these changes to how Australians will vote in the Senate below the line, which were not part of your original proposal, were not part of what the AEC was dealing with when it appeared before JSCEM.

Let's look, again, at my point about what Mr Rogers says: Should the bill change significantly, the AEC will need to revise its timing, cost and other resource estimates.

I would like to know whether that revision has occurred and I would like to know the nature of that revision, because the evidence from the AEC to the committee was that changes during the legislative progress would have implications for their initial indications. In fact, I would like to see their initial indications.

Going back to the very poor response to the return to order and the farce of a committee inquiry: material that should have been before the committee and that should be before individual senators about how this process is to occur has not been available. You might like to characterise it as 'micromanagement', but these are basic issues around how much time is required for the AEC and what the resourcing implications are of these changes. If I go to the very issues that Mr Rogers was highlighting, then what is the indicative advice on those matters? These are not things that we should have to wait for Senate estimates to do post facto. These are things that any decent government should be able to make available to the Senate. There is no reason for commercial-in-confidence or even cabinet considerations for why we should not be able to see what the non-partisan AEC's indications are about how they need to progress with the legislation as proposed.

I asked you earlier and I still really have not got an adequate response, other than some flippant remark that I should look at the Hansard, as to what the issue or the problem or the harm is in relation to making available that type of information. I think it is astounding, Minister, the response that you are taking to a fairly routine and general question about how a matter will proceed. This takes me to my next point, because I sat here while Senator Di Natale—who has now gone, unfortunately; I was hoping he would still be sitting in the back there when I got to this point—said, 'Let's talk substance.' Seriously! I have never sat in this place—and I remember even Senator Bob Brown. What I think Senator Di Natale has is what I would call doctor syndrome. He is not used to being challenged. He does not think that he
should be subject to inquiry, and unfortunately his ignorance and Senator Rhiannon's self-interest and ineptitude have allowed this government to lead you along by the nose. Basic substantive matters that should have been addressed, either in their backdoor negotiations or in the committee stage consideration, have not been—basic issues.

So, as a result of your poor management, we have no transparency. We now have a minister here who is quite happy to sit here and say: 'I'm not going to tell you about resourcing. We have said we will resource the AEC, so we will and you can ask us about it in estimates later.' I cannot understand or conceive how some of the more seasoned Greens senators have swallowed this. I really cannot understand how senators who have participated in a range of issues in this place in the past—I referred to Senator Ludlam when I was talking about return to order matters as one example—can allow this government not even to indicate the harm. They turn their noses up at even indicating the harm of providing basic information—information the AEC told us they had provided to government. Let us go back to that point. The AEC indicated that they had provided indicative advice on costings and resource implications. They also told us about the timing implications of the changes.

At this stage, I will try again because I have not been more specific in other areas and failed, but let us try this one again. Has advice been sought from the AEC in relation to the government's 'decision' to accept the recommendations of JSCEM 2016? Have the AEC been consulted about what the indicative cost resource implications of those changes are? Have they been asked what time frame issues arise as a consequence? If so, what was their response?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (22:42): Firstly, I reject the characterisation of our amendments as a significant change to the bill. They are not. Of course, we sought advice from the Electoral Commission about these amendments. As I have already indicated to you on several occasions now, the Electoral Commissioner gave me very firm advice that the Electoral Commission would need about three months between passage of the legislation and the successful implementation at an election. The amendments that are before the chair in relation to below-the-line voting do not actually make the system more complex. If anything, they make the system simpler. It certainly makes the algorithm simpler. In relation to the advice from the AEC to government about the resources that are required, of course the AEC has given us some indicative costings, but, as I have already indicated to you, that is not something that I can share with you, for the reasons that I have previously outlined.

What I can tell you is that the AEC will have all of the necessary resources in order to ensure that this very important reform is effectively and professionally implemented.

Senator JACINTA COLLINS (Victoria) (22:43): What harm is there in you telling us the ballpark figure for what resources the AEC say they need to implement these changes? You cannot argue commercial-in-confidence. I am not asking you to draw it down to that level. You cannot argue that it is a cabinet-in-confidence issue, because it is not. It is a straightforward question. What advice have the AEC provided about what resourcing they need to properly implement these changes?

Senator RHIANNON (New South Wales) (22:44): Senator Conroy made a serious and inaccurate allegation about my role in the New South Wales election in 1999. There were no Greens feeder parties. There were no Greens feeder parties that I or any other Greens
members were involved in. We were not involved in the establishment of such parties—feeder parties or front parties.

To come to the issue that is before us now, one of the very important aspects of this bill is about changing the below-the-line voting system. In the current system, which many people have complained about, if you want to choose your candidates and not get caught in party blocks then you had to fill in every box. Many people have raised that. This is very relevant because we continually hear these repetitive speeches from Labor trying to discredit the JSCEM inquiry. The JSCEM inquiry was real. We thank the people who put in submissions—

Senator Jacinta Collins interjecting—

Senator RHIANNON: I acknowledge the interjection, Senator Collins! This was a very useful inquiry and, seriously, this very point illustrates it. One of the recommendations was that the bill should be changed from what originally went through the House of Representatives to what we now have before us with this amendment—voters voting below the line would only have to number 12 boxes. They could number more boxes but they would have to number a minimum of 12 boxes. It is a really important amendment. Again, there was solid evidence given and there was certainly much public consideration of this matter. It underlines the usefulness of the work that was undertaken by JSCEM and its important role.

Let us get back to what this amendment is about. It is about something that is very important and really makes a big difference to the importance of the legislation that is before us.

Senator JACINTA COLLINS (Victoria) (22:46): I will go back to this wonderful point that Senator Rhiannon has made about what a fantastic inquiry the Greens conspired with the government to have, in which even a simple request that we have the department appear was blocked. No rationale or justification given; that request was just outright blocked. Labor was given 15 minutes in total to question the AEC. What a farce!

Senator Rhiannon came in here in the earlier debate and said, 'Senator Conroy didn't even use all his time.' Senator Conroy, how could you not? He used every moment he had with the AEC—it might not necessarily have been critical for some of the other witnesses but for the AEC we used every ounce of what we were given. Do not pretend this inquiry was something it was not. It was the most appalling committee farce I have ever observed. What's more, it says what the Greens are prepared to do. We have sanctimonious lecturing from Senator Di Natale. We have a Green cabal here who do not even know how to properly work Senate transparency. Instead, they trot over with the government, regardless of what the issue is, every time they are required. Senator Rhiannon wanted to ask the AEC a question. She should be asking the minister this question but she has not—because she is really all about substance! Let's go back to the substance. Minister, I have already asked you Senator Rhiannon's question once but let me ask you again: should there be a penalty for anyone advocating to just vote '1' above the line? Let's hear your philosophy on this one.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (22:49): I have already answered that question in some detail. I refer Senator Collins to the Hansard.

Senator JACINTA COLLINS (Victoria) (22:49): He did not answer that question. He did not answer it at all. If he has—and he claims he has—I would like him to repeat it. Maybe
when I was getting a bite to eat I missed it—I am being generous there. No, I do not believe you answered it. The response you have given to other genuine questions is 'in good time', 'some time before an election' or 'whenever it might be'. How dare you ask questions! You are starting to sound like a doctor! It is simple information.

It seems pretty obvious, at least in Senator Rhiannon's mind, that maybe there should be a penalty to preclude that. It certainly was part of the commentary around these measures from some of the parties who were commenting. Obviously it drove Senator Rhiannon to think that she should ask someone this question, but she picked the wrong people. It really should have been the department or the minister. So let's go back to the question. What consideration did government give to whether there should be a penalty for anyone advocating voting 1 above the line, and what is the policy rationale for not including it in the measures?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (22:50): In an abundance of helpfulness I will address this issue again. But first let me just say—not that I would want to speak on behalf of Senator Rhiannon, who is obviously capable of speaking for herself—that I think you are verballing and misrepresenting her line of questioning at the Joint Standing Committee on Electoral Matters.

I watched the hearing very carefully from our office, because, as you know, it was broadcast on TV, and it was a fascinating hearing. Senator Rhiannon, referring to some incident in the past which led to the Joint Standing Committee on Electoral Matters recommending against certain penalties for these circumstances, asked the Electoral Commission to clarify whether they had a view in relation to these matters. From memory the Electoral Commission referred to what I also referred to in my answer—that is, the existing penalties that are already in the Electoral Act.

The Electoral Act already provides that political parties are not allowed to mislead or deceive voters into casting an informal vote. That prohibition will continue. The government is of the opinion that the penalties currently listed in section 329 of the Electoral Act relating to the distribution of misleading material are sufficient to act as a significant deterrent to any such behaviour. We do not believe that we need to go beyond that important safeguard in section 329, which protects voters from any advice which could mislead them into casting an informal vote. We do not propose to ask the Electoral Commission to become the regulator and enforcer of how how-to-vote cards issued by political parties at election time are put together.

In the lead up to the next election the AEC will conduct a comprehensive education campaign to clearly explain the options available to voters when voting for the Senate. Specifically the campaign will explain to voters that they will now be able to direct their preferences when voting either above the line or below the line. It will detail clearly, as a result of government amendments adopted by the Senate, that the way to vote above the line for the Senate is by numbering at least six boxes in order of the voter's choice, with the number 1 representing their highest choice, with similar instructions to number 1 to 12 below the line. It is also worth noting that the ballot paper will explicitly direct voters to number at least 1 to 6 above the line or 1 to 12 below the line.

I will just say that again: the ballot paper will explicitly direct voters to number at least 1 to 6 above the line or 1 to 12 below the line when voting for the Senate. Taken together with the
existing penalties for the distribution of misleading and deceptive material and the education campaign that will be conducted by the AEC in the lead-up to the next election, we believe that there is no need to introduce further penalties in the context of what Senator Collins has raised.

Senator XENOPHON (South Australia) (22:53): I will be very brief—

Senator Conroy interjecting—

Senator XENOPHON: What sarcasm from my friend Senator Conroy!

Senator Conroy interjecting—

Senator XENOPHON: Hang on a second—no, no, no. I need to respond to that interjection about me 'ducking the debate'. I made a contribution on this bill. Senator Conroy knows that we worked almost like a tag team in Senate estimates talking about submarines and future shipbuilding and arguing about a fair deal for Australian shipbuilding, so do not say I was ducking the debate. We were on a unity ticket on that, so please do not say I was ducking the debate.

In relation to this issue, I just want to make this contribution: in respect of my additional comments to the inquiry report, I made reference to Dr Kevin Bonham, who in his submission to the inquiry, in terms of the savings provisions and publicity, said:

A common issue surrounding the use of savings provisions is the potential for parties or commentators to advocate 'just vote 1' style voting, which is contrary to the instructions on the ballot paper but formal as a result of the savings provision.

Dr Bonham made a suggestion that there be banned:

- Issuing any how-to-vote card that recommends that voters vote in a manner contrary to the instructions on the ballot paper (even if the instruction represents a formal vote).
- Encouraging a voter to vote in a manner contrary to the instructions on the ballot paper.
- Publishing or purchasing any advertisement that states that voters can vote in a manner contrary to the instructions on the ballot paper.

Dr Bonham suggested in his submission—and he referred to it in his evidence—that:

While there has been some suggestion that even discussing the existence of the savings provision should be banned, I am strongly opposed to going that far. It is necessary that people be able to discuss a voting system and its operation for the purposes of research, analysis and debate.

Senator Collins made the point that there has been some commentary about whether we should do anything about that. That was initially my view but, after further discussion with Dr Bonham and Antony Green, I think it would be overkill. I think that the safeguards in the legislation for misleading voters are sufficient. If someone is advocating 'Just vote 1 above the line,' I think they are actually doing themselves in the eye. It is almost self-regulating in respect of that. So I think that the existing safeguards are there and the matters Dr Bonham raises are important. However, to go any further we are going to end up in a Langer-type situation, and I do not think we want to go back to that. I think the behaviour will be moderated by the fact that for those who do advocate 'Just vote 1 above the line,' it will be quite counterproductive for them. There are provisions in terms of penalties.

Briefly, on the issue—and I think Senator Conroy made reference to—of the New South Wales system, about 80 per cent of voters in the legislative council just vote 1 and only about
20 per cent vote more than 1. The counterpoint to that is that in the ACT my understanding is that it is 1 to 7 above the line and most voters—I think 75 to 80 per cent of voters—actually do that, and the other 20 or 25 per cent vote below the line in the requisite number of boxes. So there is only a very small proportion of voters that actually—

**Senator Conroy:** What's more representative of Australia than the ACT?

**Senator XENOPHON:** The ACT is part of Australia.

**Senator Conroy:** Is it representative of Australia?

**Senator XENOPHON:** I said the ACT is part of Australia. The point I make is that I would like to think, in terms of voter behaviour, that the overwhelming majority of voters will fill in at least 1 to 6 above the line. I think that will mean that preferences will flow to minor parties, microparties and independents as well.

**Senator JACINTA COLLINS** (Victoria) (22:58): I thank Senator Xenophon for his contribution here. It is probably the first detailed response we have had which offers any detail of a policy rationale, except for the very first time Senator Cormann actually started to respond to some of Senator Wong's earlier questions in relation to the advertising campaign. I do not know what the change was but, whatever it was, it worked. Something prompted Senator Cormann to actually start providing: 'This is the government's rationale behind it and this is the education campaign that we're looking at.'

However, listening to Senator Cormann, he told us pretty quickly—and I am pretty confident, Senator Cormann, that it was the first time this information has been put before us in the committee stage. You read through it very quickly. You were saying that you are satisfied with the current penalty provisions in relation to the encouragement of an informal vote. But what we are talking about is not an informal vote. This is why we are trying to understand how you will see these provisions operating. As Senator Rhiannon raised in her original concerns—and, in fact, that is actually part of my mirth here, because Senator Rhiannon was the one who was raising these questions in the committee—she did not get an answer from the AEC. Minister, you have mischaracterised what occurred during the hearing. The AEC did not give a response anywhere near the response you just gave this committee. This is fresh information to the Senate committee.

I understand Senator Xenophon has actually been down this burrow. Again, to my mirth, the Greens ask a question and there is no answer and it apparently does not matter. But when Senator Xenophon burrows down and tries to get a detailed understanding the minister is capable of responding in a substantive way in the committee stage of the debate. In fact it is in a better fashion than what we were able to get from the minister at the table. But, hey—we are in a wild new world here. It is demonstrative of what the wild new Senate might look like after a further election.

But once again I would encourage the minister to go back and check the record after the sitting today because there have been a range of areas where he has misrepresented the early consideration of these matters. Several times he has referred to the evidence before JSCEM in a way which is not accurate. This is one of those again.

I was not solely picking on Senator Rhiannon when I went to this particular question, because I have already made the point and highlighted the fact that not having the department appear before the committee meant that there were significant issues we were not able to get a
policy rationale response to. So, Minister, I will give you the answer from the AEC to Senator Rhiannon's question, because it was not as you suggested. Senator Rhiannon asked:
Should there be a penalty for anyone advocating to just vote 1 above the line?
Mr Rogers said:
That is absolutely not a matter for me, Senator. That is a matter for government.

There was no policy rationale. The AEC were attempting to maintain their nonpartisan and independent role and we did not have the relevant section of the department with us to try to get the policy rationale of government. We did not even have the relevant department before us to test the assertions, opinions or propositions put to us by the other witnesses. We obviously did not have the time to do that either, but we did not even have an opportunity to test.

So it is good to see that Senator Xenophon has gone off and had further discussions with some of the witnesses outside of the Senate inquiry process. It is good to see that Senator Xenophon can actually articulate a position in a way that the minister at the table has not been able to do to date. It is probably also good to see that Senator Xenophon seems to have a clearer and better understanding of what occurred before the committee.

On that note, again referring to the AEC appearance, I go again to the mischaracterisation of the minister. I do not know if he is doing this deliberately; he is possibly referring to discussions he himself has had with the AEC when we talk about the 'about three months'. I remind him of the earlier point. Senator Rhiannon, for reasons unknown, was concerned about that three-month figure. She wanted to know if it could be shortened. The very, very clear advice we had from Mr Rogers was that the three-month period is already streamlined.

I also quoted earlier the comments from Mr Rogers where he said 'an estimated three-month minimum time frame'. Given what we know occurred with the AEC in the 2013 election and given how significant these changes are to Senate voting, I would have thought you would give them more than the bare bones, streamlined minimum. I would have thought that. Instead the minister is standing here in the committee stage pretending about an already streamlined minimum of three months. The minister just says, 'Oh, that three months? She'll be right.'

Minister, we are not asking you to micromanage this process; we are asking you to ensure that the AEC can maintain the integrity it needs to continue to conduct elections adequately in our democracy. We know there were issues and problems with the last election, and you will recall that was why the inquiry occurred. There were recommendations from the 2014 report about a range of things, including resourcing. Frankly, a one-liner in your first reading speech to the Senate saying, 'We will resource' is just not adequate.

What the Senate needs to understand, especially after the last election result and the difficulties and the problems that the estimates committee dealt with and that the JSCEM inquiry dealt with, is that the institution that we need to ensure can function with integrity will have adequate resources. So, why is the minister is unable to tell us what the broad indicative estimates were and that those estimates have integrity, given the further amendments that the government has now adopted following the evidence of the AEC to the committee that further changes would require a change to their indicative costs? And why is the minister unable to tell us how the government proposes to meet those costs? Indeed, the minister stands before
us and says, 'I'm not going to micromanage it. It is the independent, non-partisan AEC.' But surely you can provide the Senate with more information than just, 'There will be an education campaign at some time before an election.'

Surely not only senators here but Australian voters have a right to understand that the education campaign will be adequate and that the AEC will be adequately resourced to conduct it. These are the answers that the minister is currently not providing. It might work with the Greens in a backroom deal to say, 'She'll be right mate.' Senator Di Natale might be happy to take your word or, as Senator Brandis often likes to say, 'Trust me.'

An honourable senator: You would have to be very gullible.

Senator JACINTA COLLINS: Well, you would, Senator. You would have to be pretty gullible. And that is my fear here. As we have dealt with this matter and as we have crossed a range of other issues, that gullibility is what we have seen time and time again.

The Greens complain that this has been a protracted process, but then they say to us, 'Oh, no, we're going to let it take all it needs to take.' So, when we stand here and ask questions that the minister is failing to answer adequately and highlight what should be an adequate answer from the government of the day, they don't like it. They then say, 'We've got to get to the substance.' But then they occupy the committee stage debate time with lectures about how the Labor Party should function. I almost think Senator Di Natale is going to come and save the Labor Party—

Senator Moore: Be courageous.

Senator JACINTA COLLINS: Be courageous, I know. Given the earlier discussion, and I suppose a little bit of self-indulgence, I have to share with the Senate, after the dialogue with Senator Conroy, the quip I made here amongst ourselves. I do have to share that with the Senate.

An honourable senator: No you don't.

Senator JACINTA COLLINS: Why not, Senator?

An honourable senator: Because you're boring.

Senator JACINTA COLLINS: Well, that is fine. I am sure you are bored, but unfortunately we would rather you were not and you actually understood what you are doing. That would be a much better scene.

An honourable senator: Competent.

Senator JACINTA COLLINS: Well, competent would be good too.

Senator Cameron: Temporary Chairman, I raise a point of order. If you are to interject, though interjecting can be disorderly, you should do it from your seat. I think it is outrageous that the Greens are up the back, not in their seats, interjecting because they are all too worried about the truth coming out—about the dirty deal they have done with the Liberal Party.

The TEMPORARY CHAIRMAN (Senator Gallacher): There is no point of order, Senator Cameron. Senator Ludlam, do you wish to speak on the point of order—on which I have ruled there is not one?

Senator Ludlam: Mr Temporary Chairman, from my seat Senator Collins is indeed boring.
Senator JACINTA COLLINS: I have had worse insults from Senator Ludlam during debates around things like national security and data retention. But that is fine. It just does not get to me, Senator Ludlam, so do not worry about it. If you want me to be characterised as boring that is okay. I have been accused of worse things.

The point that I was going to make about this whole discussion about what motivates Senator Di Natale was that I got over the 2004 election. He obviously has not. He has not got over it. That is really sad, because I had the trolls in the Greens Party going for me. I had every insult you could possibly imagine but, jeez, I got over that years ago. What happened with Senator Di Natale that he would be prepared to be led by the nose in the Senate chamber in the way that we have seen; to not worry about a whole range of very important transparency principles in the way the Senate works; to allow Senator Rhiannon to be led by the nose on how a Senate inquiry, or a joint inquiry in this case, should occur; to not worry about issues such as public interest immunity—and I could go on and on? The number of principles that the Greens claim to represent about open and transparent government all of a sudden are being ignored completely.

I know the Greens are not fully united here. I know you have a little front happening and you are all in here—actually, no, Senator Sarah Hansen-Young is not here. I am not surprised, because Senator Hanson-Young does have a bit of a better sense about the implications of this, which is why she did not give a second reading contribution, I suspect. She does see the writing on the wall. She is concerned about the implications of what has gone on here and she understands that she is obviously not in the Kroger deal. Mr Kroger, I think, excluded both her and Senator Rhiannon as examples of: 'Oh no, they are new, these Greens. Senator Di Natale, he is a doctor and he owns a farm.'

An opposition senator: And he is a man.

Senator JACINTA COLLINS: Yes, but I do not know if the gender issue is necessarily relevant in here because I think there is another South Australian senator who is vulnerable as well who is not a woman—

Government senators interjecting—

Senator JACINTA COLLINS: At least as far as I am aware—

Government senators interjecting—

Senator JACINTA COLLINS: The suggestion was that there was a relevant gender issue. My point was that I do not think there is. But if you are entertained by that, that is fine. Go for it.

The real issue—and I have seen Greens leadership for many years here now—is that I could not imagine Bob Brown doing anything of this nature. Sure, on the Kroger criteria, Bob was a doctor and Bob owns a farm. But this sanctimonious lecturing—

Government senators interjecting—

Senator JACINTA COLLINS: I know that Senator Bob Brown has said, 'I do not mind these arrangements.' That is a different point. I cannot imagine him allowing the Greens to be led by the nose and completely walk over the various important principles that have been established in this place about transparency and the way we conduct our affairs. I cannot imagine him sanctioning Senator Rhiannon to allow a committee inquiry to occur without
having the department appear. It is a joke. And that you cannot see that highlights what this really is about. You have been dug in, you are now in denial and you are just going to trot across to support this fix on every occasion. (Time expired)

Senator CAMERON (New South Wales) (23:14): I would like to make a contribution to this debate. Senator Ludlam accused Labor Party spokespeople here of being boring. I would rather be boring than be dumb. I would rather be boring than be absolutely ripped off by the coalition, showing your inexperience, showing your leader's lack of capacity to negotiate, showing your leader's glass jaw. I was listening earlier and I heard Senator Di Natale say, 'I was not going to make a contribution here.' He was going to be the leader. He was going to sit back and be the leader and let the debate take place. But as soon as he was criticised he was on his feet. What a glass jaw this guy has. If you add the glass jaw to the lack of capacity to negotiate and the incompetence, the coalition have taken your playlunch off you guys.

You come here and you talk about democracy and you talk about great democratic changes. There are two issues that really go to the issue of democracy. One is the misuse of funding in the electoral process. You are well aware of it, and you had an opportunity to deal with that issue as part of the negotiations for your capitulation on the electoral bill. You could have dealt with that funding issue, but either you did not have the intellect or you did not have the courage or you were only looking at one thing, and that was to try to get an advantage for the Greens, whether it was real or imaginary. You wanted some advantage and you were not in a position to take on that fundamental issue of electoral funding reform.

I am not arguing that this is the best technical resolution—far from it—but there is no use having a good technical resolution to the voting system in this country if you do not deal with the electoral funding issue. Look at how the Liberal Party have been manipulating electoral funding in this country for years. You only have to look at The Sydney Morning Herald this morning to see the reports about Manildra and the millions of dollars that have been poured into the coalition from their mates in big business and how that money then gets shifted through various trust funds. It is moved from New South Wales into federal trust funds to try to avoid the electoral laws in New South Wales and then back into New South Wales in dribs and drabs. The other thing we have seen in New South Wales is the brown paper bag in front of the Bentley, where the multimillionaires in Newcastle hand over $10,000 in $100 notes in a brown paper bag to a Liberal MP in New South Wales.

These are some of the issues that should have been dealt with if you had had any vision and if this were not simply about some kind of short-term grab for power, a short-term grab to shore up your position so that no-one else can ever do what you have done, which is actually to get in and build. There will be no other parties or individuals in this country that will ever be able to get in and build. Senator Xenophon has done the same thing. He has locked the door. The Greens are in there. Senator Xenophon is there. I did not know you were there, Senator Xenophon, but I am glad you are—I am sure he is running back to his seat now—you will have to put up with 10 minutes of this. Senator Xenophon and the Greens have seen a great opportunity here to lock the door on anyone else coming in. That issue of electoral funding has just been absolutely ignored when you had an opportunity to deal with it. The Greens have dropped the ball on that issue.

The second issue is what Ross Gittins outlined on 29 February in terms of what this does for lobbyists. It simply concentrates the power in a small group and allows the lobbyists to
lobby more effectively. Certainly the Liberal Party are well aware of lobbyists; they have people who are holders of positions in their party and are also lobbyists. We have seen that happen in New South Wales and federally. The power of lobbyists will increase through this. Democracy is not made more transparent or better through this process, because two key issues have not been dealt with: the power and influence of lobbyists and the power and influence of electoral donations on the Liberal Party.

I have said before that, if you ever want to see what the Liberal Party stands for, chase their electoral funding back. You will see that the Liberal Party in New South Wales changed their policy on ethanol because they are getting millions of dollars from the ethanol producers. They will not take on the multinationals, they will not take on companies with $100 million turnovers, regarding a fair share of tax, because they are getting money from them for their electoral funding. Look at where the money comes from and you will see where the policies of the Liberals are.

The problem we have is that the Greens are arguing that there is this great change in democracy. There will be no change in democracy unless we deal with these two fundamental issues: the power and influence of lobbyists, and the power of money on the Liberal Party in particular. We will head down the US path where you buy more and more influence—where you can actually let the gun lobby, because of their power and influence, create a situation in the US where citizens are killed. I am not saying that will happen in Australia with guns; I think we are all a bit smarter than that. But the influence of lobbyists is huge, and none of these issues were dealt with in relation to this bill when there was an opportunity to look at all of the issues that go towards ensuring that you have a decent democracy.

When I heard all the pious talk from Senator Di Natale about democracy, I thought to myself: 'What a mug you have been. You had an opportunity to deal with a couple of the big issues that are a real problem for democracy in this country, and you did nothing.' Why did he do nothing? Because he is just so inexperienced. I think it is a combination of a lack of experience, a lack of understanding about how to negotiate, and not having much ticker. The coalition has really taken the Greens to the cleaners on these negotiations.

**Senator Ludlam:** Mr Temporary Chairman, I rise on a point of order. Could you draw the good senator's attention to the question that is before the chair?

**The TEMPORARY CHAIRMAN:** Senator Cameron, please direct your contribution to the amendments before the chair.

**Senator CAMERON:** This goes directly to the bill and the amendments, because this is about democracy. We have had all these pious lectures about democracy from the Greens tonight, and every time there was any criticism of Senator Di Natale he said, 'I wasn't going to get up, but my glass jaw is a little bit fractured. I had better get up and make a contribution,' and up he got again. Now and then in this place you have to have a bit of a thick hide, a bit of thick skin, but he even had to react to Senator Conroy and others having a go at his photo shoot. He even had to react to that. I thought that was not a good look—either in the photo shoot or tonight. I do not think either was a good look. Anyway, he had to do that—again, a bit of a sign of weakness in relation to that issue.

There are a load of amendments that we have to deal with, and I am sure every time we get up and talk about the amendments, we will have some discussion about how this is a great
thing for democracy. Other people have different views, both inside and outside parliament, about whether this will actually lead to a better democracy in this country. I am inclined to see this in a fairly simple position. The Greens have seen an opportunity to make sure that no-one else can do what they have done as a party. They have got in their with small amounts of votes and all these other feeder parties feeding in to give them an opportunity to get in. Vote for the feeder party and you are really voting for Senator Rhiannon—that was when she was in the upper house in New South Wales. These are the problems that we face with the Greens. They really are, now, just a small political machine that wants to stay there and does not want anyone else to actually get into parliament. No-one else gets an opportunity to get in. I think Senator Xenophon is running on the same view. Senator Xenophon is going to do pretty well out of this. He is a smart politician: He has seen an opportunity and he has moved in.

This is really not about democracy unless you deal with those two issues that I raised earlier. If you want to have real democracy in this country, you will deal with the issue of lobbyists and the rorting that goes on by the Liberal and National parties with political donations.

I want to go back to what was said earlier. You can have above-the-line voting or below-the-line voting, you can do all that stuff, but what Michael Kroger says is that he is going to have a loose arrangement with the Greens. Michael Kroger came out and belled the cat. In New South Wales recently, in the election before last, I saw how the Greens refused to give preferences to a good, progressive woman candidate in the Blue Mountains, and for nearly four years we had one of the most, right-wing, incompetent—

*Senator Rhiannon interjecting—*

**Senator CAMERON:** The Greens are all yapping. They cannot accept the reality of what happens.

**The TEMPORARY CHAIRMAN:** Each senator is entitled to be heard in silence. I request senators extend that courtesy.

**Senator Jacinta Collins:** I raise a point of order. I have been told that Senator Rhiannon referred to Senator Cameron as being corrupt. I would ask that you ask her to withdraw that.

**The TEMPORARY CHAIRMAN:** I was unable to hear that contribution.

**Senator Siewert:** She certainly did not accuse Senator Cameron of being corrupt.

**Senator CAMERON:** I will accept that. Senator Rhiannon has known me long enough. We have our differences and we certainly have our differences on this, but I do not think that Senator Rhiannon, knowing me and my work, either in the union movement or as a senator, would accuse me of being corrupt. We are all getting a bit excited down there. That is okay.

I want to ask a question about the Australian Electoral Commission and their capacity to be ready for this election. This is to the minister. I want to draw your attention to the ageing infrastructure of the computer systems around government and the government departments. Have you been assured that the computer systems in the AEC are capable of managing the changes within the time, and have you satisfied yourself that there will be no computer glitches that could happen between now and the election that could have significant implications for the election? As you are aware, there have been significant computer problems in DHS, in Health, in Taxation—there have been problems all over the place. What
is the situation and what have you done to satisfy yourself that the computer systems that the AEC are using are up to the job?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (23:30): The answers to the first two questions are yes and yes, and the answer to the final question is that, as I indicated to the chamber before, I sought relevant advice from the Electoral Commissioner, and the Electoral Commissioner has satisfied me, has provided advice to me, that as long as there are about three months that elapse between the passage of the legislation and the implementation of these reforms at an election they will be able to make all of the necessary changes and adjustments to their systems and they will be able to do all of the things that need to be done in order to ensure an orderly implementation of these reforms at the next election.

Senator JACINTA COLLINS (Victoria) (23:31): I would like to go back to the issue I was discussing earlier with Senator Xenophon and the minister in relation to Senator Rhiannon's concerns about penalties for those who might encourage people to just vote 1. I appreciate the responses to that, and particularly from Senator Xenophon, who has obviously tried to follow that through, but I think it would be helpful for us to confirm that it will be, under these proposed arrangements, lawful for someone to say, promote or advertise 'just vote 1'.

The TEMPERARY CHAIRMAN: It does not appear that you are getting an answer, Senator Collins.

Senator Conroy: They cannot even be bothered standing up and answering a question. It is pretty simple and straightforward.

Senator Cormann interjecting—

Senator JACINTA COLLINS: What? Oh dear! Maybe if I give the minister a few moments and move on to another matter while he further considers that answer.

Senator Conroy: The stupidity of that answer.

Senator JACINTA COLLINS: It is not just stupidity; it would be—

An opposition senator interjecting—

Senator JACINTA COLLINS: It is disdain, but it is not just disdain; it is—

Senator Cormann: On a point of order: I have already answered that question on several occasions now. Senator Collins knows that. She obviously does not have a lot of material, so she is going through tedious repetition. Just asking the same question over and over does not mean that she is going to get a different answer.

Senator JACINTA COLLINS: Thank you. I do not know what world this minister lives in but I had not asked that question. The question I had asked was the question that Senator Rhiannon asked in the hearing about penalties. This is a different issue. The answer you gave in relation to penalties was to refer to the existing penalty provisions in the act. My question is whether promoting a 'just vote 1' case would be lawful.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (23:33): As I have previously indicated, the Electoral Act already provides that political parties are not allowed to mislead or deceive voters into casting an informal vote, and that prohibition will continue. For the
reasons I have previously outlined and for the reasons that Senator Xenophon has very eloquently outlined, we do not believe that there is a case for additional penalties and additional offence provisions. We believe that, taken together, the existing penalties against the distribution of misleading material and the education campaign that will be conducted by the AEC in the lead-up to the next election mean that there is no need for further offence and penalty provisions, as Senator Collins appears to be suggesting we should consider.

Senator JACINTA COLLINS (Victoria) (23:34): I am trying to clarify what the situation is, as indeed was Senator Xenophon from his own inquiries. Certainly some witnesses had proposed that case, and obviously Senator Rhiannon had a concern on the penalty side, but I am concerned on the lawfulness side. You referred to section 329 of the Electoral Act. Perhaps you would like to run as through how it works and how it would deal with this situation.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (23:34): Thank you very much, Senator Collins. You actually now are asking me to assist in the Labor filibuster, because clearly you have run out of material. You are now asking me to read to you section 329 of the Electoral Act. So I will oblige. In an abundance of helpfulness, I will now read out for you section 329 of the Electoral Act:

Misleading or deceptive publications etc.

(1) A person shall not, during the relevant period in relation to an election under this Act, print, publish or distribute, or cause, permit or authorize to be printed, published or distributed, any matter or thing that is likely to mislead or deceive an elector in relation to the casting of a vote.

(4) A person who contravenes subsection (1) is guilty of an offence punishable on conviction:
   (a) if the offender is a natural person—by a fine not exceeding $1,000 or imprisonment for a period not exceeding 6 months, or both; or
   (b) if the offender is a body corporate—by a fine not exceeding $5,000.

(5) In a prosecution of a person for an offence against subsection (4) by virtue of a contravention of subsection (1), it is a defence if the person proves that he or she did not know, and could not reasonably be expected to have known, that the matter or thing was likely to mislead an elector in relation to the casting of a vote.

(5A) Section 15.2 of the Criminal Code (extended geographical jurisdiction—category B) applies to an offence against subsection (4).

(6) In this section, publish includes publish by radio, television, internet or telephone.

That pretty well covers it.

Senator JACINTA COLLINS (Victoria) (23:36): The minister well knows that it does not cover it, but perhaps I will approach this matter another way. Before I go there, I need to continue to deal with these snide remarks: 'Don't have much material', 'Doesn't have enough to do', 'I'm going to help with the Labor filibuster.' Minister, this is not a filibuster. This is the proper consideration that should have occurred for this bill in committee. I have made this point several times—that what we are doing now is having an adequate consideration that did not occur in the backroom deal with the Greens. We can revisit that several times, and I promise you, Minister, there are many other areas in general that I intend to deal with before I
deal specifically with this first amendment. That said, if I need to start being creative and find ways to frame my questions in the context of the first amendment—

Senator Ludlam interjecting—

Senator JACINTA COLLINS: Senator Ludlam, I am happy to get more boring, but what this really is is your first attempt at a gag. It is somewhat bemusing, because you promised us you would not. You said—or actually the minister said—'We're here till Easter if we have to be,' and yet, when Senator Cameron is on his feet, what do you do? You try and limit him to the first amendment, because, in a discussion between Senator Di Natale and Senator Cormann, they got together and they said, 'How can we move this pace along? We've said we won't gag but what else can we do?' Seriously, it is Senate procedure 101—you are going to try and limit us to the first amendment? I can play that game if you want to, but I would rather go back to the substantive issues that the Greens did not deal with in their backroom deal, that senators and members of the House were not able to deal with in the truncated fraud of a JSCEM committee process and that do still need to be addressed.

I have other issues with how the minister has characterised the AEC's evidence, and we will get to those as well. But, before we do, we will stay on this particular issue. Minister, does it make it unlawful to encourage a person to cast an informal vote provided they are honest about the effect of informal voting? As long as someone covers the benchmark of the unanimous High Court decision in Evans v Crichton-Browne—so as long as they are not misleading or deceptive—they will not be prevented from encouraging someone to cast an informal vote that will be saved by the provisions in this bill?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (23:39): I will address the issues that Senator Collins has raised in turn. Let me start with her assertion that Labor is not conducting a filibuster. We all know that Labor is conducting a filibuster. Don't take my word for it: Labor senators are bragging to the press gallery that they are conducting a filibuster. In fact, if you go to Twitter—and I encourage you to follow Alice Workman from BuzzFeed—you will see that Alice Workman from BuzzFeed has tweeted that Labor senators have texted her saying that they plan to filibuster in the Senate until 9 am or until the Greens gag them.

This is a game for the Labor Party. This is not serious. You are not interested in the issues. You know that we are doing the right thing. You know that the proposal put forward by the government and supported by the Greens and Senator Xenophon is doing the right thing by the Australian people. It is empowering the Australian people to determine what happens to their preferences instead of having their preferences traded and directed by political parties and backroom operators against their wishes.

Senator Collins again asks me the same question in relation to misleading or deceptive publications. I have already referred to section 329 of the Electoral Act. I have already said very clearly that the government believes that this is a sufficient deterrent to ensure that voters are not misled or deceived in relation to the casting of their vote. That is our position. Senator Collins is entitled to disagree with it. Senator Collins is entitled to move an amendment to make a different arrangement, and then the Senate can adjudicate in relation to her amendment. However, I have transparently put in front of the Senate the position of the government, and the position of the government is that we support the current provisions in
section 329 of the Electoral Act dealing with misleading or deceptive publications when it comes to the casting of a vote.

Senator JACINTA COLLINS (Victoria) (23:41): The answer I have had from the minister is that the government thinks the existing provisions are sufficient. It is not an answer to the question. The question was: do the proposed arrangements make it unlawful to encourage a person to cast an informal vote, providing they are honest about the effect of informal voting? In other words, as long as, in your promotion of just vote 1, you have not been misleading or deceptive that will be fine. That is the situation that these existing provisions will allow.

Yes, thank you, Senator Cormann, for your advice on how I could move an amendment, if I chose to, and that we could subsequently debate the amendment—I do know these things. But what we are doing now is having a general discussion about the provisions in this bill and we are doing it in a way which will be detailed. We are doing that, because the extraordinary process that was agreed between the government and the Greens did not allow this to occur as it should.

I have referred several times for the committee inquiry but I think other senators have highlighted the point that it is not just the committee inquiry that has been inadequate or, in my view, the most extreme situation I have ever come across; it has been the whole process. People have made the point that, had the government approached this in a different way rather than just the one-liner: 'Labor luminaries say.' 'Labor luminaries say.' 'Labor luminaries say'—that is it. That is all you can say. You cannot run a substantive case for why we should proceed this way.

But, worse than that, to develop these provisions, you have gone behind closed doors with the Australian Greens and Senator Xenophon, and you have organised a fix. Rather than approach this in a manner which involved all of the relevant parties that could at least attempt to generate a more consensual outcome, you have just generated a self-interested fix. That is what has happened here and that is what any political observer who can see the prioritising that has gone around this can understand.

You might want to say, 'No, it's not a fix and this is something that happened and it needed to happen in the course of political time.' But everything about this process reeks. And, yes, we will use our time to make that point and we will use political flourish—or boredom, as Senator Ludlam suggests. However, we will also do it in a way which highlights the significant substantive issues that both you and the Greens—who are pretending to be an opposition party in this place half the time—have been incapable of doing.

I understand what you are saying here—probably more credit to Senator Xenophon than to you, Senator Cormann. I understand that I am not going to get much more out of you on this issue. It was just your usual one-liner, which is, 'The government believes it is sufficient.' That was the one-liner that the committee majority came out with, 'We think the government has been satisfied.' They have not told us how they have been satisfied on the logos issue, but they are satisfied, so that is okay.

Well this opposition do not focus that way. We require more than just you to stand up and say, 'The government thinks it is sufficient,' or, 'The government has been satisfied.' We want to know the next layer, which is how. How have you been satisfied? How do we know this
will work? We have been around this place a little longer and when we go into ex post facto estimates we will compare what we were told up-front with what happened and then we will be able to ask: why didn't it happen? It is called keeping the government accountable. Unfortunately, sometimes when self-interest arises people lose sight of longer term accountability matters, and that is what has occurred here.

Let me go to the next area where the minister has been characterising the evidence before the AEC in a creative way. Others senators have asked questions about what sort of modelling has occurred and, indeed, the minister is right, that question was raised with the AEC. The AEC told the inquiry that you cannot use past election results to predict outcomes of these proposals, and that is true. However, the answers from the minister today suggest that there has been no testing. So I ask the minister: is that the case? It may, as the AEC has suggested, quite rightly be the case that past election results are not the appropriate way to test how these measures might be implemented but that does not mean that you cannot test how they might work.

Have there been any trials? Have there been any focus groups? Has anyone run through how these proposals might operate? Or is that the next month or the next two months in the plans of the AEC? We certainly know that the AEC have focus groups and test other issues—advertising campaigns and how they might operate. Has there been any testing in terms of how in the real world with real voters these provisions might actually operate? We had a discussion earlier about whether it was the ACT or New South Wales which was the best-case scenario. Why on earth would you not just find a way to test it?

We know from the AEC that they were not asked to. We do not know whether the department did any testing. Minister, I do not want to conclude from earlier discussions that absolutely nothing occurred so I ask that very specific question.

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (23:48): I can very happily confirm that the government has not done any testing, as Senator Collins is suggesting. Any such testing would be quite ludicrous because you cannot actually predict future voter behaviour at future elections because there are obviously a whole range of factors that go into the decision making of voters at an election, not least of which is the information provided by various political parties and candidates about what they intend to do on being elected and the information they can provide about their track record. It is not actually possible to conduct the sort of testing that Senator Collins is talking about for the purposes of this exercise. Obviously, at the next election the Australian people will have the opportunity to exercise their democratic right to determine what happens not just to their primary vote when voting above the line but also to their preferences.

I understand Senator Collins, Senator Conroy and Senator Dastyari—the backroom operators in the Labor Party—prefer to be able to control those preferences. They prefer to prevent people from voting above the line, from expressing their preferences, because people in the Labor Party want to trade people's preferences away. They want to direct them to maximum tactical advantage for the Labor Party.

We want to empower voters. Our message to voters is: 'This is your vote. You determine how you vote when voting in the Senate above the line. You determine who you support with your No. 1 preference. You determine who you support with your subsequent preferences.'
should not be up to a complicated, opaque, non-transparent group voting ticket arrangement that could send voter preferences in three different directions.

Nothing Senator Collins has said tonight in any of her questions or any of her contributions actually detracts from this core proposition that what we are doing here is a significant improvement to the way the Senate electoral system would be working. Instead of forcing people to just vote 1 above the line, and then take their preferences away from them and direct them according to political party preferences, we are saying to the voter that these are your preferences and you determine what to do with them. That is what we believe is appropriate, because that will help to ensure that the result of the next election is a true reflection of the will of the Australian people, and surely that is something all of us are interested in.

Senator MUIR (Victoria) (23:51): I have a question for the minister. He was looking very bored for quite some time, so I thought I would try to wake him up! But the Labor Party did end up asking him a couple of questions. I note his extreme concern to make sure that voters can have control of their preferences above the line. You cannot help but be cynical in this place and not necessarily trust everything that everybody says. I have been trying to do a little bit of homework, and I have a question that I really hope you can address, Minister. Section 329 of the electoral act applies only if you advocate for an informal vote. Given that the savings provision makes an informal vote formal, does section 329 apply, or is it made redundant by virtue of the savings provision?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (23:52): Section 329 does apply to any information that is published, printed, distributed or caused, permitted or authorised to be printed, published or distributed and that would be likely to mislead or deceive an elector in relation to the casting of a vote. The provision is there in black and white, and everybody can see what it is. Also, given that the question is being asked again, I refer to the evidence in front of the Joint Standing Committee on Electoral Matters on Tuesday 29 February, from memory, where the federal director of the Liberal Party, Mr Tony Nutt, clearly indicated that the intention of the Liberal Party is to provide guidance to voters on our how-to-vote cards. It is consistent with what is going to be on the Senate ballot paper: that to vote above the line, you number at least 1 to 6 above the line. That is what the Liberal Party intends to do. I cannot speak for other parties. I do not know whether the Labor Party has some other cunning plan that they are wanting to pursue. Listening to the line of questioning by Senator Collins, I do not know whether it is just another pursuit of a conspiracy theory or whether it is actually something that they are entertaining to conduct in a particular way.

But the provision in the electoral act has been there for some time. Certain other penalty provisions have been removed at some point in the past in the context of the case that Senator Xenophon previously mentioned. I do not think it is in the public interest for us to go back to these arrangements of the past. The government cannot be clearer than what we are now, and that is that we believe the current section 329 is sufficient. And let's remind ourselves again that the instruction to voters on Senate ballot papers is going to be very explicit: to vote above the line, number at least six boxes 1 to 6, in order of your preference; to vote below the line, number at least 12 boxes 1 to 12 below the line.

The reason we have a savings provision for people voting above the line, who vote just 1, or 1 and 2, or 1, 2, 3, is because, as Senator Wong previously indicated, for the past 30 years,
courtesy of the reforms of the Hawke government at the time, when they introduced above-the-line voting, people have been allowed to vote 1 only when voting above the line. They were not allowed to vote any other way. Once you vote above the line, which 97 per cent of voters in Australia did at the last election, then, courtesy of the legislation passed by Labor in 1984, people lose control of their preferences. And they lose control of those preferences to political parties, to political backroom operators who go and negotiate the best possible deal with a plethora of other parties.

It should not be for the political party that attracts the No. 1 vote above the line to determine what happens to that vote subsequently. It should be up to the voter to determine what happens to that preference after. And people should be empowered to express not just their first preference but subsequent preferences for parties when voting above the line. That is of course what this reform will enable to take place.

Senator XENOPHON (South Australia) (23:55): A while ago we had a discussion about the whole issue of the New South Wales electoral system for the Legislative Council, where there is a requirement to simply put 1 above the line, but it is optional preferential—you can put more than one. We know from the experience in the New South Wales Legislative Council that the voting patterns are that about 80 per cent of voters simply put 1, so there is a high number of exhausted votes. In the ACT, by contrast, the position is that you are supposed to put 1 to 5 above the line, or indicate five preferences, or seven, depending on which electorate you are in. It is five preferences in Brindabella and Ginninderra and seven preferences in Molonglo.

The 2012 report on the ACT Legislative Assembly election, from Elections ACT, makes this point, which I want to have on the record. I think it is a reasonable benchmark for us to go by or at least aim for—this level of relatively low informality. The report, at page 76, says:

Around 97%-98% of all formal voters in 2012 followed the instructions on the ballot papers and indicated at least as many preferences as there were vacancies in the electorate. This result indicates that the instructions provided to voters were effective. Around 72% of formal voters indicated exactly as many preferences as there were vacancies in the electorate.

It goes on to say:

Around 26% of formal voters showed more than the instructed minimum number of preferences. And it goes on to say:

These results indicate that, while around 7 out of 10 voters are inclined to cast "the recommended minimum" number of preferences, another 1 in 4 voters take the opportunity to show more preferences than the recommended minimum.

It also goes on to say:

The formality rules accept as formal ballot papers that indicate at least a unique first preference, even if the instructed minimum number of preferences is not shown. Around 1.7% of electors in Brindabella and 1.6% in Ginninderra and 2.5% of formal voters in Molonglo failed to number at least as many preferences as there were vacancies in the electorate. It is impossible to know how many of these votes were cast in the knowledge that these votes were not complying with the recommended minimum, but were nevertheless formal votes, and how many of these votes were the result of a failure to understand or follow the instructions. Whatever the reason, the number of ballot papers concerned is significant enough to make it worth keeping the current formality rules, while maintaining the general instruction to number at least as many candidates as there are vacancies in the electorate.
I put this on the record to show that that seems to be closer to the system that is being proposed in this legislation. And it is pretty heartening that in the ACT, with the savings provision, the overwhelming majority of voters follow the instructions to number the minimum number, either five in one two electorates or seven in another electorate. I just wanted to put that on the record, and I will let another speaker take us into the new day.

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (23:59): Following up from what Senator Xenophon has just said and to again correct Senator Wong and Senator Conroy's verballing of the evidence by Mr Green in front of the Joint Standing Committee on Electoral Matters: they essentially sought to indicate that because there was more than 80 per cent of exhausted votes in the election in New South Wales with an optional preferential voting system then the same would necessarily be the case under our proposed model. That is, of course not true. As Mr Green very explicitly indicated in that evidence—I refer you to page 18 of the evidence on Tuesday, 1 March 2016—New South Wales ballot papers say:

… New South Wales ballot papers say: 'Just vote 1 if you want to. You may go on and do something else.'

Our ballot paper will give guidance to voters to number at least six boxes 1 to 6 if voting above the line and at least 12 boxes 1 to 12 when voting below the line. That is a very different arrangement. Mr Green also referred to the ACT in that same answer. Conveniently, both Senator Conroy and Senator Wong ignored that fact. He referred, indeed, to the ACT legislative assembly ballot paper:

It has something similar to what will be on the Senate ballot paper. It says, 'Number seven boxes from 1 to 7 in the order of your choice.' You may then go on and number from eight onwards. They only get about two per cent with less than seven preferences. So a ballot paper that says number up to that—

So it actually works. The way that Senator Conroy and Senator Wong sought to misrepresent Mr Green's evidence during the debate here tonight is another example of their attempt to mislead and deceive the Australian people.

**Friday, 18 March 2016**

**Senator MUIR** (Victoria) (00:01): I would like to read a little piece from the AEC website in relation to informal voting:

It is not an offence to vote informally in a federal election, nor is it an offence to encourage other voters to vote informally. However, anyone who encourages electors to vote informally, or to vote '1,2,3,3,3…' etc. on a House of Representatives ballot paper, will be encouraging electors to waste their votes as no vote will be counted from these ballot papers.

I go back to my last question to the minister, where I highlighted that section 329 of the Electoral Act only applies if you advocate for an informal vote. The minister indicated that section 329 was sufficient, but doesn't this savings provision make section 329 redundant, as it makes a vote of 1 above the line formal?

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (00:02): The answer is no, it does not make it redundant. The second answer is that this is consistent with repeated and ongoing judgements of the High Court. We always ought to apply these sorts of laws erring on the side of the franchise. Where there is a clear indication of voter intent, voter intent should be taken into account when counting ballot papers. Given that Labor introduced the system in 1984,
which meant that everyone for more than 30 years has had to vote just 1 above the line, if we
did not have the sort of savings provision that we have put forward as part of our proposal, we
would indeed have an increased number of informals. Indeed, quite erroneously, Senator
Dastyari on the day that we made our announcement of these reforms pressed out and said
there would be 800,000 additional informal votes, because he assumed that everyone who
would vote 1 above the line would all of a sudden have their vote discarded. That was, of
course, wrong.

We think it is very important to have a savings provision. We do think it is very important
to ensure that, where there is clear voter intent, that voter intent is counted to the extent that it
has been expressed. Obviously, if only one preference is expressed above the line, you cannot
keep allocating preferences beyond that, but that is the voter's choice. The voter will be
advised to vote above the line and number six boxes 1 to 6 in order of their preference. Where
such a system does exist—namely, in the ACT—the experience has been that only a very
small number of voters do not follow that instruction. Our expectation is that voters
overwhelmingly will follow the instruction that is on the ballot paper, and that is to vote for
the Senate above the line and number at least six boxes 1 to 6 in order of their preference.

Senator LAMBIE (Tasmania) (00:04): I wanted to know what contingency plan the
Liberals have in place if someone seeks an injunction from the High Court to prevent the
government from holding an election under the new election reforms. If you could tell me
what sort of contingency plan you have to deal with that if that were to occur, that would be
great.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the
Government in the Senate and Special Minister of State) (00:04): I have to admit I do not
really understand the question, but I will try to answer what I think it might be. If the Senate
supports this legislation, the Australian Electoral Commission has said to us that they would
need about three months between the passage of the legislation and the implementation of that
legislation at an election. Obviously, I do not know when the next election will be. That
decision, as far as I am aware, has not been made. What I can say, though—and we have
given this indication on the record—is that there is an amendment which has been circulated
by the Greens to, essentially, provide that this reform cannot take effect for a polling day that
would happen before 1 July, so the first election that this reform could apply to under that
amendment would be a polling day after 1 July. The government has indicated that we will be
supporting that Green amendment.

If the Senate decided to support our very important reform tonight, tomorrow morning or
next week—if the Senate votes in favour of it—the Electoral Commission will do all the work
they need to do to give effect to this change and to implement it professionally and
competently, providing adequate and appropriate education and information to the Australian
people. It would not be implemented at an election until at least 1 July.

Senator LAMBIE (Tasmania) (00:06): We will try that again. If there were a High Court
challenge once this goes through that sends everything into disarray, all I want to know is if
you have a contingency plan to deal with that.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the
Government in the Senate and Special Minister of State) (00:06): I did not hear the reference
to a High Court challenge in your initial question. We are very confident that our reform
proposal is consistent with all of the relevant requirements in the Constitution. That is the advice that we have. We are very confident that this legislation is entirely consistent with the requirements in the Constitution. The point that Mr Mackerras has raised in relation to these matters in evidence in front of the Joint Standing Committee on Electoral Matters was that, in his view, since 1984 every single Senate election has been in breach of the Constitution. I am not sure whether he is a constitutional lawyer, but the High Court has never agreed with him. Indeed, he was complaining about the fact that the High Court did not agree with him when it was tested in the High Court, but in his view, for what it is worth, every Senate election since 1984 has been unconstitutional because senators have not been directly elected when voting for parties above the line.

The truth is that under our reforms voters will be more empowered to directly determine who is ultimately elected as a result of their vote, because voters will have the opportunity—

Senator Lambie: Mr Temporary Chairman, I rise on a point of order. I simply asked the minister whether or not they have a contingency plan.

The TEMPORARY CHAIRMAN (Senator Whish-Wilson): That is not a point of order unless you are raising—

Senator Lambie: He is not answering the question. I asked him if they had a contingency plan in place if it is going to the High Court. I do not need all the fluffy stuff.

Senator CORMANN: Let's be very crisp: we do not believe we need such contingency plans, because we are very confident that the legislation before the Senate is entirely consistent with the requirements of the Constitution.

Senator MUIR (Victoria) (00:09): Can you explain what the threshold is for the above-the-line saving provision? What is the minimum vote before the saving provision kicks in?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (00:09): In relation to voting above the line, as is indicated in our bill and as I have explained on several occasions now, the advice to voters will be to vote in the Senate above the line and that you must number at least six boxes in order of your preference 1 to 6. People can, of course, indicate additional preferences. People can indicate more than six preferences. What the savings provision does is ensure that, as long as a voter fills in at least one box with a 1, that vote will still be counted as formal. I think that is a well-understood feature of this reform.

Senator Conroy interjecting—

Senator CORMANN: Given that Senator Conroy is back, I will go back to the submission of the national secretary of the Labor Party, George Wright, which was made on 24 April 2014, at a time when Senator McAllister was the national president—so I suspect she was 100 per cent behind this proposition as well.

Opposition senators interjecting—

Senator CORMANN: You are saying that Senator McAllister did not even read the submission put forward by Mr Wright? Are you saying she was a bad national president? You are saying you think she never read it?

Senator Conroy: I am saying she never saw it.
Senator CORMANN: Tell us more about the Labor Party—the national secretary keeps the national president of the Labor Party in the dark! That is the way they operate. We are getting all the revelations now about the internal workings of the Labor Party. The national president of the Labor Party is treated like a mushroom. The national secretary does not even share with the president what is in a submission he makes to a parliamentary committee looking into Senate voting arrangements. You are not really taking this very seriously, Senator Conroy.

But let me just remind you what the national secretary of the Labor Party said to the Joint Standing Committee on Electoral Matters on 24 April 2014 in relation to this precise point:

Labor’s preferred position would also see a requirement that ballot paper instructions and how-to-vote material advocate that voters fill in a minimum number of boxes above the line, while still counting as formal any ballot paper with at least a 1 above the line.

That is precisely what our reforms do. We are precisely following the preferred position of the national secretary of the Labor Party—which apparently he has put to a committee of the parliament in secret, without even consulting his national president. I find that very hard to believe, but let us take Senator Conroy’s word for it.

Senator MUIR (Victoria) (00:12): I know you got lost there for a minute, Minister, but in the original answer you said ‘at least 1 to 6’. That is the first time I have heard that sort of language at all today. Just out of curiosity: if somebody votes 1 to 6, but only gets to 3, is that a formal vote?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (00:12): Let me refer to you to precisely what it will say on the ballot paper. On the Senate ballot paper, it will say:

You may vote in one of two ways for the Senate, either by numbering at least six of these boxes in the order of your choice, with 1 as your first choice …

That will be the advice to voters voting above the line—to number at least six boxes, 1 to 6. The experience in the ACT is that, where such advice is provided in the ballot paper, all but two per cent of voters end up following that advice. That is the lived experience.

As a result of the law that Labor introduced in 1984, however, people have voted just 1 above the line for more than 30 years. We did not want to have a massive increase in informal votes. We did not want votes discarded simply because people vote the way they always have. That is why we have included a savings provision which ensures that, if someone votes 1; 1 and 2; 1, 2, 3, 4 and 5; or indeed fills in every single box above the line when casting their Senate vote, their vote will still be formal. I very much welcome Senator Bullock back to the chamber, one of four federal members of parliament from the great state of Western Australia who has decided to pull the pin. One of them, Mr Gray, told the chamber today that the Labor Party position on this legislation makes him sad. No wonder he is leaving; he is thoroughly disappointed at the way Bill Shorten approaches issues like this one—with complete disregard for the national interest.

Senator MUIR (Victoria) (00:14): Minister, you said that at least six numbers would be written on the ballot paper. Last time I checked, that was not the case. I might ask you to read that again, just so I can hear it properly.
Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (00:15): If you suggest that that is not the case, it means that you have not looked at the bill. The bill includes a template ballot paper, and what I have just read out to you is in the bill that has been introduced to the parliament, which should be available to you. If you do not have a copy of the bill, I am happy to get you one.

Senator MUIR (Victoria) (00:15): Thanks, Minister. I do have a copy. I have read it. I was just making sure that I heard right, so I was asking you to read it again.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (00:15): If you have a copy of the bill, don't take my word for it. Go to page 12 of the bill and you will see that it says there:

*You may vote in one of two ways—

for the Senate; it is obviously a Senate ballot paper—

*either

By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice)* …

That is what it says very clearly.

Senator MUIR (Victoria) (00:16): Thank you, Minister. I did slightly mishear what you said, and thank you for the clarity. In saying that, with the bill saying to number at least six, you are constantly encouraging formal voting by saying '1 to 6' in this chamber. You are constantly misleading voters by saying 1 to 6. Shouldn't the language be 'a minimum of six'?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (00:16): It is a minimum of six, but you have to be very clear. We do not want to mislead voters. We want to make sure that voters understand very clearly that they need to number at least six of these boxes in the order of their choice, starting with 1, where 1 is obviously the first choice. So you vote 1, 2, 3, 4, 5, 6. So the guidance on the ballot paper is at least six, from 1 to 6, and if you want to do more, do more. If you end up doing fewer because you did not follow the guidance on the ballot paper, the savings provision that we have included makes sure that your vote is still saved for the votes that you have cast.

Senator MUIR (Victoria) (00:17): For a vote to be formal under these changes, there must be six. The minimum is absolutely six. However, the savings provision has allowed a No. 1 vote to become formal. Therefore, proposed section 329, although you said not, would seem to become redundant. I am trying to get some really good clarity around that, because this is a huge blunder if this is actually the case.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (00:17): It is not a blunder. It is the intentional decision that the government has made.

Senator Conroy: You're too embarrassed to admit that you've used first past the post.

Senator CORMANN: It is not first past the post. Senator Conroy knows it is not. It is a reform which will empower the Australian people to determine what happens to their preferences. Instead of having their preferences traded and directed by political parties into
directions that the voter may not support, this will ensure that it is the individual voter who
determines what happens, not just with their primary vote when voting above the line but also
with their second, third, fourth and subsequent preferences.

Yes, we have made a deliberate decision, which has been well advertised and which I think
is broadly supported, that if a voter ends up not following the guidance on the ballot paper by
filling in a lower number of boxes than six then the vote will be saved, because we need to err
on the side of the franchise. We need to err on the side of counting those votes that have been
cast and making sure they are properly taken into account. That is something we have put
forward very transparently as our proposal.

Senator Muir, you are entitled to disagree with the reform that we have put forward. You
are entitled to vote against it. You are entitled to try and move amendments, of course. But
that is very openly and transparently our position. That is our preferred approach. We would
like to think that there is majority support for our preferred approach in the chamber, but let's
see what happens when we ultimately get to vote on the various amendments and on the bill.

Senator MUIR (Victoria) (00:19): I thank the minister for having enough concern about
people's preferences that he thinks that they should be able to have control of them above the
line. I am very sceptical about that, considering one to six is what has been said in this
chamber all day every day and out in the media, instead of six right through. If the minister
were really concerned about people having control of their preferences, it would be six
minimum right through to the end. If you really want control of your preference, go six,
because that is formal right through to the very end of above the line. Or go below the line
and go to 12.

That aside, Minister, I have heard you say many times in this debate that if you vote above
the line for a minor party, you lose control of your vote the second you put '1' in the box
above the line. Under these changes, if you vote '1' for a minor party above the line and that
party does not receive a quota, you lose your vote. Can you explain for the one in four voters
who vote for a minor part

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the
Government in the Senate and Special Minister of State) (00:21): It is entirely a matter for
the voter to determine what they want to do with their vote and with their preferences. The
guidance on the ballot paper is to number at least six boxes. Of course, the voter can decide to
number more boxes, and if the voter ends up numbering fewer than six boxes the vote will be
formal under the savings provisions. But ultimately—and we had quite a detailed discussion
on this with Senator Wong earlier—it is an entirely legitimate democratic choice for an
individual voter to make not to issue a preference to a party they do not want to support in any
way, shape or form.

So, as I said earlier, if Senator Edwards, who was in the chamber then, does not want to
preference the Sex Party, he should not be forced to preference the Sex Party. If he wants to
preference six, seven or eight parties, after the Liberal Party, who he thinks are sufficiently
aligned to his view of the world that he would be happy to see his vote go to—or any other
voter's vote, if they would be happy to see their vote go to other minor parties—then of course
people are entitled to make that choice. If any voter who puts '1' above the line for the
Australian Motoring Enthusiast Party wants to preference two, three, four, five, six or more

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other parties—minor or major parties; it does not matter—that is their choice. The point that I
made earlier is that in a proper, well-functioning democratic system it is preferable for a vote
to exhaust because the voter has made a decision not to issue additional preferences rather
than to have a voter's preference go and elect somebody that they never intended to elect or
that, in the worst case scenario, they are actually opposed to and that they would only end up
contribute to electing by virtue of the way that these non-transparent group voting ticket
arrangements operate.

I remind the chamber again that political parties, in trading and directing preferences of
voters who vote above the line—and 97 per cent of people vote above the line—can channel
these preferences in three different directions. How can anybody credibly suggest that a voter
can ascertain what happens to their preferences after they have voted '1' above the line under
the current system?

**Senator Conroy:** So for 30 years you have been misleading the voters!

**Senator CORMANN:** Indeed, Senator Conroy thought it was a bit of a joke at the Joint
Standing Committee on Electoral Matters. He was being quite chummy with our very
distinguished federal director, Mr Tony Nutt. Here was Senator Conroy saying to Tony Nutt:
'Ha, ha, ha! There are only 10 of us in Australia who know how this thing works. There are
only 10 of us who understand the science and maths of preference arrangements.' This is the
whole point, Senator Muir: every single voter should understand what happens not just to
their primary vote but also to their preferences. Every single voter should have the power to
determine who they ultimately might help to elect. That is what we are seeking to do here.
Because in our judgement—and ultimately the Senate is free to make its own judgement—it
is up to the voter to determine what happens to their preferences. It should not be up to
political parties to trade and direct those preferences in a non-transparent and opaque way in
three different directions.

**Senator MUIR** (Victoria) (00:24): Minister, you said at the start of that answer that if the
one in four voters who vote for minor parties—and it could end up being more this year
because it becoming more and more prevalent—vote '1' above the line, because that is formal,
and their vote exhausts, that is their choice. You said it is up to the voter if they want to vote
for a minor party; that is their choice. But then you pointed out that 97 per cent of voters are
voting '1' above the line—they have been doing that for 32 years—so you put a savings
provision in. What I am taking out of that is that if somebody votes for a minor party, and that
vote becomes informal, that is fine—if they are going to vote '1' above the line, and their vote
exhausts, that is fine; it is up to them to make sure they vote for six candidates. So, for those
one in four people who vote for a minor party, voting for anything below six candidates is not
acceptable. But you put a savings provision in for those who are used to going in and voting
'1' above the line for you. So what is good for the goose is not good for the gander. That
makes absolutely no sense. Am I reading that wrong?

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the
Government in the Senate and Special Minister of State) (00:26): With due respect, yes, you
are reading this wrong. As I have indicated to the chamber before—and as Senator Xenophon
very accurately indicated to the chamber and as Mr Green indicated in his evidence to the
committee—the ACT has an arrangement whereby, in the Legislative Assembly here,
guidance is provided to voters to number at least seven boxes or whatever it might be in the
relevant electorate. And the experience is that all but two per cent of voters follow that guidance and fill in the recommended number of boxes. So we do not actually believe that the circumstance that you are predicting will occur. That is why I have previously said during this debate that the assertions that Senator Wong, Senator Conroy and others from the Labor Party have made about the level of exhaustion and the level of informals is not an accurate prediction of what is likely to happen.

Senator Conroy interjecting—

Senator CORMANN: Senator Conroy mentions New South Wales. Of course, in verballing Antony Green, what Senator Conroy fails to tell the Senate is that the instruction on the ballot paper in New South Wales is to just vote ‘1’ and then, beyond that, do anything you want.

Senator Conroy interjecting—

Senator CORMANN: For the benefit of Senator Conroy, who has been verballing Mr Green on several occasions now, I will read it into the Hansard again. Mr Green said: ‘New South Wales ballot papers say just vote ‘1’. If you want to you may go on and do something else.’ That is not what will be printed on the Senate ballot paper. The Senate ballot paper will say that, to vote above the line, you should number at least six boxes in the order of your choice with ‘1’ as your first choice. So it is a completely different proposition. The position that we are putting forward in the context of the Senate ballot paper is much more aligned with the system that currently exists in the ACT Legislative Assembly. It has nothing whatsoever in common with the system that is currently in place in New South Wales. That is why the comparison that Senator Conroy has been seeking to make—and the comparison that Mr Green never made despite what Senator Conroy has asserted during the debate today—is very different.

Senator MUIR (Victoria) (00:28): Minister, you seem very confident that with the guidance, the way the ticket is written, people are going to understand what is going on—even though, after 32 years, people are struggling with this.

Senator Cormann interjecting—

Senator MUIR: That is great. I am interested then in why it says to vote ‘1’ to ‘6’ below the line. It seems you do not have faith that people can count to 12. Anyway, I am very glad that you are very confident that the guidance is going to work and you have so much faith in the Australian people. If you are so confident in the Australian people, why don't you have a sunset clause in the savings provisions?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (00:29): Thank you very much, Chair. I do not really understand that question. The savings provision is a very sensible thing to do, because we ought to err on the side of the franchise and we ought to err on the side of including as many votes as possible to ensure that the result of the election truly reflects the intent of the Australian people.

I have great confidence in the Australian people though, which is why I think it is important that we empower them to determine what happens to their preferences. I do not have the same level of confidence in political parties' backroom operators. When I see the sort of gaming that has been going on where office bearers of one party set up several other parties
with the same members and the same office bearers negotiating preference flows with themselves, after they have sought to harvest them through various harvesting strategies, that is not the way a proper democratic system works. That is not the way our electoral system for the Senate should work. That is why we quite openly and transparently have put forward the reforms that we have put forward.

Obviously, the result of the next election will entirely be a matter for the Australian people. If you, Senator Muir, are able to convince a sufficient number of Australians—a sufficient number of Victorians—to support you or to preference you in relation to those who will see their preferences distributed, then you will be successful. The same applies to the rest of us.

Senator Muir (Victoria) (00:31): I mentioned the sunset clause, because the minister was very confident that the Australian people would understand how this works. Considering 1 is supposed to be informal—although, it has become formal, which really does raise a question around section 329. There is supposed to be a savings provision, not a permanent provision where you can go 1 above the line forever, so you can do what you have been doing for the last 32 years and, for maybe an election or two—that is what I take the savings provision to be—that would be allowed. The rules, which have been changed, say 'six minimum,' so we should be encouraging people and educating people. I would have thought that the AEC would have a massive education campaign in place, ready to go, ready for these reforms, if that was the case.

Backroom political operators—you mentioned, Minister, in your answer that this change will remove parties being able to preference each other, even if they have got a very close alliance. That is fine; you are saying that is what it is all about. But it does not actually remove backroom political operators; it allows factional tensions within parties to continue. Why then hasn't the government considered the Robson rotation, if they are that concerned about removing backroom political operators?

Senator Cormann (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (00:32): Firstly, I assume that Senator Muir is referring to the ordering of candidates by political parties as presented on the ballot paper. The ordering of candidates on the Senate ballot paper is transparently put before the voter, and the voter can make a choice. The voter can either accept the ordering by the political party of their choice, which they do not have to go and find in the AEC on some internet register—

Senator Conroy interjecting—

Senator Cormann: Okay, let's call it the AEC website where political parties can register three different group-voting tickets directing preferences below the line in three different directions for more than 100 candidates. What we are talking about here is—very transparently on the ballot paper—when people vote above the line for a party of their choice, or the parties of their choice, then obviously the ordering of candidates is very transparently in front of voters. If voters do not agree with the ordering of candidates by the political party of their choice, they can of course vote below the line.

Senator Muir, I understand your perspective; I understand the proposition you are putting. You are entitled to your view—of course you are—but we might have to agree to disagree,
because we decided to follow the suggestion of the Labor Party. We decided to follow the suggestion of Labor's National Secretary, George Wright—I quote him again:

Labor's preferred position would also see a requirement that ballot paper instructions ... advocate that voters fill in a minimum number of boxes above the line, while still counting as formal any ballot paper with at least a 1 above the line.

That is what George Wright, the National Secretary of the Labor Party, put to the Joint Standing Committee on Electoral Matters—according to Senator Conroy, without the knowledge of the National President of the Labor Party at the time, Senator McAllister. Senator Conroy now says, 'All without the knowledge of the national executive.' The revelations about the inner workings of the Labor Party become more and more interesting. I do not understand how the National Secretary of the Labor Party still has his job. Why hasn't he had to resign? He has put forward the exact reform proposal to Senate voting arrangements which the government is giving effect to. Here is Senator Conroy saying that Mr George Wright, the National Secretary of the Labor Party, put this proposal on the table to a committee of the parliament without telling his president, without telling his national executive, on a frolic of his own. How come he has not been sacked, given what a strong position you have taken against this reform? Please explain that to me. How can he continue to have the confidence of the National Executive of the Labor Party if, on such an important issue—an issue that you think is so important that you are running a 27-hour filibuster—you are not applying a sanction to the National Secretary of the Labor Party, who actually was actually at the beginning of this precise way that we would recommend that people should be able to vote when voting for the Senate above the line?

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (00:36): I wanted to cite an article in The Guardian, this week, that goes to the heart of this issue. It is written by someone I have never met by the name of Van Badham, who says:

After the election of 2013, the Greens lost the senate balance of power to a diverse group of minor and micro-party senators; the government need six of the eight to pass their legislation without Labor or the Greens. Initially believed to represent the conservative side of politics, all eight, in various capacities, have since committed the politically unforgivable sin of not only thinking for themselves, but voting that way, frustrating Coalition attempts to legislate policy priorities – like the May 2014 budget – ever since.

She then goes on to describe why those opposite would want to gut the crossbench. But she also has a discussion about the motivation of other parties and individuals in the chamber. She says:

The Greens have been advocating senate voting changes since 2004 when they were denied a coveted Victorian senate seat, losing to Family First's Steven Fielding when voter preferences flowed against them. It’s a flow that originally gave them seats in the senate, when WA Greens founder Jo Vallentine got elected on a “Nuclear Disarmament Party” ticket and built the Greens from there.

With their balance of power lost, it’s now a tap they’d like to turn off; with the Libs and Xenophon—apologies; I am quoting directly from the article—they’ve agreed to disable the mechanism that allows preferences to be redistributed amongst parties with a low primary vote.

She goes on to make the very important point:
Australia is poised to erode one of the most powerfully enfranchised electorates in the world – and we’re losing it without a sophisticated discussion.

All we get from those in that corner and all we get from those over there is a three- or four-line slogan—a slogan. Tony Abbott would be proud of you for your sloganeering on this issue. She then gives a brief guide to how Senate voting actually works, saying that each state selects six senators when they achieve the ‘quota’, and she describes the ballot paper:

If you choose to vote “below the line”, you number every single box of every single candidate of every single party in the order you wish them elected. If you choose to vote “above the line”, you mark a “1” next to your chosen party’s name, thereby delegating them to assign all the preferences for you. The parties register these with the Australian Electoral Commission pre-election. The vast majority of Australians vote above the line.

I would like to make a point for those senators who have not voted for that long here in Australia that it is a simple matter to ask at any polling booth that you would like to see it—you ask the electoral official. If you walk in and you do not know the how-to vote card, because you have not had a chance or you have not been interested until that moment, you can ask for a copy at every single polling booth.

An honourable senator interjecting—

Senator CONROY: Every single slogan. Let’s have some facts, not your slogans. You are a proud Abbott warrior. Let’s not pretend some obscure website is the only place you can find them. You can go to the Australian Electoral Commission or you can ask to see it at a polling station. But, if you choose to vote below the line, as I said, you have to order them. The Greens insist that it is to offer voters more control over their preferences, that it will end party-preference registration, and the bill recommends that voters themselves number a 1 or at least six in the boxes above the line, creating a far shorter list of destinations for preferences. I do not know: why is it okay to pass votes six times and not seven or eight or nine? What is the magic about the number six? Can anyone give me a rational explanation as to why it is okay to pass votes six times? Why don't you tell them to vote 12 or tell them to vote 20, because what you are really about is introducing first-past-the-post voting. That is exactly it.

This is what Van Badham says:

“Voter control” is a disingenuous argument, given the option of below-the-line voting is already offered to every voter ...

That goes to the heart of the sloganeering disguised as rational arguments. Australians have a choice to vote below the line.

Senator Whish-Wilson interjecting—

Senator CONROY: If you were genuine about this, Senator Whish-Wilson, you would have just proposed optional preferential voting below the line, but, no, that is not what you wanted. You wanted to gut the crossbench. So voter control is a disingenuous argument, but it is your slogan. Tony Abbott will be proud of you today.

The TEMPORARY CHAIRMAN: Senator Conroy—

Senator CONROY: My apologies. I am being harassed, but I should accept your direction and ignore the harassment. You are right, Mr Temporary Chairman. I accept your admonishment. Van Badham says:
“Voter control” is a disingenuous argument, given the option of below-the-line voting is already offered to every voter, while the list of how parties have ordered their preferences are offered online and at every ballot booth— as I just said—
Even so, the change looks—
and sounds—
fair—unless you know anything about voting.
While everyone knows that Victoria's Australian Motoring Enthusiast Party—Senator Ricky Muir—won only a small number of No. 1 votes, few people appreciate that Senator Michaela Cash from the Liberals received even less. She must be a bigger disgrace than Senator Muir, according to the Prime Minister. She must be a bigger disgrace, and yet under the Greens' proposed changes, her re-election will be near guaranteed while his will not. What a fair reform that is! Your hypocrisy is exposed by this article. The first task—

Government senators interjecting—

**Senator CONROY:** No, she is just explaining the facts. The facts!
The first task of a ballot count is to establish which of the candidates have met that 14.3 per cent quota—it's easily reached by the popular major parties. What people don't know is that when a candidate goes 'over quota', the number of votes that go over quota are redistributed at a percentage of where their 'number 2' preferences are going.
I will put it to you that if you were to ask almost anyone, even in this chamber, no-one could explain to you how the preferences pass on and at what value.

**Senator Whish-Wilson:** If it was not so serious—

**Senator CONROY:** Oh my goodness, 'if it was not so serious' you would get rid of this system and call it for what it is: first-past-the-post voting. First-past-the-post voting is what you are introducing. You know it, you are embarrassed about it, but you cannot utter the words.

**Senator Whish-Wilson interjecting—**

**Senator CONROY:** You are embarrassed and cannot utter the words! You are embarrassed and cannot even admit the truth! You know you are misleading the Australian public with your slogan. You stick to creating popular parties!

**The TEMPORARY CHAIRMAN (Senator Williams):** Order! Order! Senator Conroy!

**Senator CONROY:** I apologise. I am being harassed and I should be ignoring them.

**The TEMPORARY CHAIRMAN:** I have not finished, Senator Conroy. Order!

**Senator CONROY:** You are right, Mr Temporary Chairman.

**Senator Seselja interjecting—**

**The TEMPORARY CHAIRMAN:** Senator Seselja, order, please.

**Senator CONROY:** She might write other fiction but she has got the facts right here.

**The TEMPORARY CHAIRMAN:** Order! I am speaking. Order on my right! Senator Conroy, please refer your comments to the chair and disregard those interjections, which are disorderly as well.

**Senator CONROY:** My apologies again, Mr Temporary Chairman.
The TEMPORARY CHAIRMAN: Senator Wong.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (00:46): I am sure that Senator Conroy is able to take care of himself—

The TEMPORARY CHAIRMAN: Very able.

Senator WONG: but the interjections are very consistent.

Government senators interjecting—

Senator WONG: Now they are going to applaud. Maybe we could at least have a space in between them?

How about that? Why don't you just give him, maybe, one second or five seconds or something like that?

The TEMPORARY CHAIRMAN: Senator Wong, you make a very good point.

Senator Whish-Wilson interjecting—

The TEMPORARY CHAIRMAN: Order, Senator Whish-Wilson! Interjections are disorderly no matter where they come from, so I ask for a little bit of shush in the chamber please while Senator Conroy proceeds.

Senator CONROY: I have no idea what else she writes but, I tell you what, she has actually done more research than you have on this topic. She has done more research than you have and certainly more than the minister responsible, who did not even know—

An honourable senator interjecting—

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (00:48): I told you, I have never heard of her before! Okay? But she knows more about the voting system than the minister, who did not even know you could get the preferences at the ballot box! You can actually get them, and he did not even know it! He is in here telling us about the system and how terrible it is, and he did not even know that you can get them at the polling booth. He is giving us a lecture about the voting system and he did not even know that. This writer has done more research than the minister and you, Senator Seselja. But I should be following your advice, Mr Temporary Chairman. You are right again. I could read your mind then.

Van Badham continues:

This mechanism will remain with the Greens' changes. What the Greens are removing is what happens to the microparty votes that do not automatically reach a quota: their primary votes are individually small, but combined are around—

She has 20 per cent, and the discussion has been mainly around 24 per cent. So she is four per cent out, which is a helluva lot closer than you have been most of the day.

When a quota isn't met by any candidate, but there are still senators to elect, the counters start go through the smallest pile of votes; they are declared excluded, and their votes are redistributed, at full value, to whoever is second on each individual ballot paper, until a quota is reached.

So while it's true that Ricky Muir got only .51 per cent of a quota in primaries, no less than 23 minor parties—

You know a bit about those, Senator Rhiannon—Senator Lee 'pop-up party' Rhiannon—

—directed preferences to him as they were excluded. He stayed in.'
Honourable senators interjecting—

The TEMPORARY CHAIRMAN: Order! Senator Conroy, I will ask you to address people in this place by their correct titles, thank you.

Senator CONROY: My apologies. So, yes—

Senator Wong: You are defending—

The TEMPORARY CHAIRMAN: The standards of the chamber—

Senator CONROY: He is biting his tongue while he does it, though. Be fair to him. Van Badham continues:
Yes, the micro parties swap preferences amongst themselves. Why wouldn't they? But the effect of the Greens changes means that by choosing fewer parties to preference, votes "exhaust" and preferences cease to circulate. If you only vote for one or six minor parties above the line, and all are excluded, your vote will not count, at all, towards electing a senator.

That is exactly correct. That is exactly what you are proposing. Exhausting votes—


Senator Whish-Wilson interjecting—

Senator CONROY: Go on, tell Senator Muir he is a disgrace. Go on, tell him. Tell the voters who elected him they are disgraceful.

The TEMPORARY CHAIRMAN: You are talking through me, Senator Conroy.

Senator CONROY: My apologies. I was being heavily provoked again. Ms Badham writes:
Power, as a result, gets consolidated amongst the groups who already have influence—this is what the Greens are banking on: on sheer force of primaries and transfer value alone they are more likely to stay in the race to win the final senate position. Obviously, the political strategists of the bigger parties also know that if they direct voters to mark only a "1" above the line, there will be even less preferences in circulation …

That is exactly right.

Senator Cameron: First past the post.

Senator CONROY: First past the post, Senator Cameron. But let's be clear. We have seen the flirting going on this week and for the last few weeks between Mr Michael Kroger and Senator Di Natale. He has even been forced to say the Greens are not really the nutters they used to be. He needs to get out more, because he would quickly discover he is wrong.

When it comes to hypocrisy, I want to make something very clear. While Senator Di Natale earlier tonight was saying, 'We've done no deal,' let me tell you what the Greens did in the last Victorian state election. They did a grubby backroom deal to run split tickets in the six most marginal electorates in Victoria. They tried to help the Liberals get elected in the six most marginal seats in Victoria. That is what they are proposing to do again. Senator Dastyari said it earlier. They are not going to preference the Liberals; they are just going to help them in a sneaky way, in return for receiving their preferences in marginal seats. That is exactly what is going on here. This 'loose preference deal', this, 'Oh, I could see myself forming government with the Liberal Party,' and this lovely flirting and preening we have been seeing are all about one thing: more green bums on red seats. To hell with the principles of the party; to hell with the principles of the Greens; 'We just want more green bums on red seats.' (Time expired)
Senator RHIANNON (New South Wales) (00:52): Groundhog day, courtesy of Senator Conroy. How many times do we have to go through it? How much repetition do we need? It does not get more informative. It is a historic day.

Senator Conroy interjecting—

Senator RHIANNON: I am sure you will come back to it. You are a broken record; it is groundhog day—whatever you want to call it. But it is a historic day for Senate voting reform. When the history of this period is written, we will see that Labor has fallen on the wrong—

Senator Conroy interjecting—

Senator RHIANNON: I am happy to acknowledge all your interjections. Labor has fallen on the wrong side of history here. Labor is out there, effectively defending the comfort zone of Senator Conroy. His comfort zone is hanging out in the backroom deals. That is what he knows; that is what he wants to maintain and defend. How could you come in here and speak against voters having the right to decide their preferences?

Senator Conroy interjecting—

The TEMPORARY CHAIRMAN: Order! Senator Conroy!

Senator RHIANNON: Oh, come on. Okay, groundhog day—here he goes again. Go for it.

Senator Conroy: They've got below-the-line voting.

Senator RHIANNON: And you know—

Senator Conroy interjecting—

The TEMPORARY CHAIRMAN: Come on, interjections are disorderly and it is getting a little out of hand, Senator Conroy. Would you please hear the senator in silence.

Senator RHIANNON: Senator Conroy interjected a bit of information—there is obviously a question mark on how accurate it is—about Victoria and Victorian elections I think it is worth contemplating what No. 3 for Labor in the Victorian Senate election in 2010 would have to say about Labor's position now—Labor's position in refusing this opportunity to get rid of group-voting tickets and clean up how Senate voting reform is conducted. I think the person's name was Antony Thow. It was the dodgy group-voting-ticket system that thwarted—

Senator Conroy: The dodgy group-voting-ticket system!

Senator RHIANNON: Yes. Senator Conroy is shocked that it is a dodgy system, but maybe one day he will understand. It thwarted the will of the voters when the last seat was won—

Senator Conroy interjecting—

Senator RHIANNON: Yes, Senator Conroy. And here you have a system, and yes it resulted in Senator Madigan coming in instead of Labor, who in all fairness actually deserved to win.

Senator Conroy interjecting—

Senator RHIANNON: You dispute that, do you, Senator Conroy? Do you dispute that in that election—
Senator Conroy: He actually beat McGauran—

Senator RHIANNON: If it had been the voters determining their preferences—

Senator Conroy interjecting—

The TEMPORARY CHAIRMAN: Senator Conroy!

Senator Conroy interjecting—

Senator RHIANNON: I acknowledge all the ridiculous comments that he has made, because—

The TEMPORARY CHAIRMAN: Order! Senator Rhiannon resume your seat. Come on, this is getting a bit out of hand and Senator Conroy especially. Please restrict your interjections. I am not going to continue asking you every few minutes to do this. Please let the speaker be heard in quiet.

Senator RHIANNON: It is an incredible about-face that Labor has had on its policy on group-voting tickets. Again, it is worth remembering that we have seen Labor in recent times in alliance with Family First—and that arrangement blew up in their face a bit. But let's come back to Labor here. It is just on one o'clock, and we have a few, only a few, Labor people here and, yes, they have woken up and come to life again, so we are probably going to get another round of groundhog day. So what is going on here? You have had your cold war language going on for a week but you have airbrushed former Special Minister of State, Gary Gray, out of history and out of the whole arrangement, and you bring in a new minister. Could one of you actually come on the record to say whether he has made any comment? It is the biggest issue, you keep telling us, in Senate voting reform, but you cannot come forward with any comment that he has made.

So you have a minister that is not participating in this—this whole episode that will be recorded as disgraceful for Labor when the history of this period is written—and there is no ministerial comment about it. That absolutely speaks volumes.

Again, let's also remember that your own leader is not with you. We now know that your own leader is not with you. He has given no commitment that the legislation will be repealed. If you think it is so terrible, you have put so much effort—you are now filibustering deep into the night to try and put off any vote on this and your own leader is not with you, your minister is not with you, the former minister is not with you and one of the people with the most outstanding record on Labor's side and probably in the whole parliament, former Senator John Faulkner, is certainly not with you—

Senator Cameron interjecting—

Senator RHIANNON: I think you are the one who is closer to Martin Ferguson these days, Doug, not me. You know that.

The TEMPORARY CHAIRMAN: Ignore the interjections, Senator Rhiannon, I hope they cease.

Senator RHIANNON: Who is close to Martin Ferguson?

Senator Conroy interjecting—

Senator RHIANNON: I am happy that the cold war warriors are now competing with groundhogs. Let's just remember what the current leader, Mr Shorten, said: 'In terms of what
we have to do after the election, we accept the system.’ I know I have said it before, but these people need to be reminded of this: he said, ‘In terms of what we do after the election, we accept the system. If it gets changed, has been changed, we will see how it works.’

That does not instil any confidence in the tactics that have been run out of here by Senators Wong, Conroy, Cameron, Collins, Dastyari—I note Senator Dastyari has not done much heavy lifting tonight. You have fallen into the groundhog system; spare us more groundhog days.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (00:59): I think it is interesting that Senator Rhiannon accuses us of airbrushing history—but the less said about that the better, I suspect. They are not talking about the issue before the chamber; they have spent almost the entirety of their contribution talking about us. Senator Di Natale felt a need to talk about his photo shoot. That is fine. We can talk about his photo shoot if he wants. But I do not think criticism from the Australian Greens about not dealing with the legislation before us really holds much water after that contribution or the leader's contribution.

I want to make a number of points. I know that my colleague Senator Collins has more to say, so I will try not to take up too much of the chamber's time. The first point I want to raise is that it has been interesting to observe the right of the Liberal Party and the Greens both talking about choice and both talking about the freedom of the individual to make decisions. I suppose it is one of those things in politics sometimes. It is a circle. I make the point that, when it comes to electoral systems, the discussion and slogan about voter freedom and choice is actually one of the arguments people use for voluntary voting. We do not have voluntary voting in this country for very good reasons. You only have to look at those electorates and nations where they do not have compulsory voting to see all the negative consequences. There is the corrupting power of money. I will not, because of diplomatic niceties, point to any particular candidates in the United States, but you see it in those jurisdictions where you have voluntary voting. You see the negative consequences of prioritising this slogan about choice and not thinking about the effect that sort of voting system has on the way democracy functions and the way the polity functions.

I would say to Senator Rhiannon and Senator Cormann—although I understand it more from him as he is a Liberal; I disagree with him, but at least it is consistent with his political philosophy—that this argument about choice is a good slogan but it fails to understand the consequences of a set of voting rules on the nature of our democracy and our representation. Everybody in this chamber knows the real reason why the Australian Greens and the Liberal and National parties are supporting this legislation is not that they have discovered some great new-found commitment to the principles of choice and individual freedom. It is because they think they will do better. That is why they are supporting this legislation. It is because they think they will do better. They know that this will make it harder for anyone else to come in. Being lectured by Senator Rhiannon, the senator who came into public life on 2.9 per cent or 2.6 per cent or 2.3 per cent—let's agree that it was under three per cent—about how dreadful it is that people get in on small primary votes through preferences is one of the more hypocritical sets of contributions I think I have heard in this place.

There was also a contribution about Labor being on the wrong side of history. What I would say to that is this: I would suspect that, if, as we anticipate, this leads to the coalition
over time getting a working majority in the Senate and it implements the sorts of policies that we have seen fail here because of the nature of the chamber, people will look to this debate and to Senator Rhiannon and it will be very clear who was on the wrong side of history.

*An honourable senator interjecting—*

**Senator WONG:** I will not take that interjection, as tempting as it is. I will be disciplined. As tempting as it is, I will not. I often say, about the 2014 budget, that it was an insight into the soul of the Liberal Party, because we saw what they really want to do.

**Senator Conroy:** And what they really believe.

**Senator WONG:** What they really believe in. They really believe in Medicare co-payments. They really believe in young people being pushed off the dole and not having any income to sustain them for six months. They really believe in $100,000 degrees. They really believe in cuts to pensions, and they really believe in undermining Medicare. We can go on and on. It is a very clear insight into the soul of the Liberal Party.

And this Senate stopped that—not all of it; there were certainly a few deals done, but this Senate stopped a great many of the measures in that budget which not only were broken election promises and a breach of faith with the electorate but were policies and programs and cuts which really went to what sort of Australia we are. It was this Senate that stopped them. So I say to the Greens—I suspect there is probably no-one else listening—and to anybody who might listen that putting in place a system which advantages you but which, over time, has a higher risk than the existing system of enabling the coalition to obtain a working majority of the Senate is not a progressive thing to do. It is in fact a remarkably selfish thing to do.

I also want to return to a point that I think Senator Conroy made, where he was suggesting that in operation, in practice, this system is a first-past-the-post system in effect. Senator Cormann, I think, responded—if not to Senator Conroy then to me—saying, 'That's ridiculous; it's not the case.' I want to go back to the evidence put before the Joint Standing Committee on Electoral Matters by Mr Green, who is an advocate and a proponent for this reform, which he is entitled to be, but he ought not to be put into this debate as someone who is a disinterested academic on this. He is a proponent of change. As I said, that is reasonable. I disagree with him, but that is his position. Senator Conroy was asking him about exhausted votes, and he was also asking him about the number of ballot papers with only a single 1 above the line.

As you recall, we have already heard in this debate that some 96 or 97 per cent of voters, as a result of the system which has been in place for the last 30 years, put 1 above the line. In New South Wales the number of ballot papers with only a single 1 above the line—remember, there is a not dissimilar system in New South Wales; is that a reasonable proposition?—is 83 per cent. If 83 per cent only have 1 above the line, I suppose you could say it is not technically a first-past-the-post system, but it is a hell of a lot of votes which are being treated in essentially the same way. Some might say, 'That's okay,' but that is not the system that Labor supports. We have outlined time and again here why we think a compulsory preferential system is preferable. It is very clear from the numbers that Mr Green asserts occur in New South Wales—

**Senator Cormann:** That is actually misleading.
Senator WONG: I have been accused now by the minister of being misleading. I am simply quoting what Mr Green said.

Eighty-three per cent of ballot papers had only a single 1 above the line. There were 15.3 per cent that had above-the-line votes with preferences and … 1.7 per cent completed before the line.

There was some discussion about the Parliamentary Library advice, which I think was tabled in the other place. I want to read from that. This is about changes in voter behaviour, and I note that Senator Cormann said earlier that it was very hard to model voter behaviour—and I accept that; it is hard—but you can make a pretty educated judgement about what the likely outcome is, given how voters have behaved in other jurisdictions with similar voting systems and how they have behaved in the current voting system. This is what the Parliamentary Library had to say: 'Australian voters have spent 30 years voting 1 above the line, and it seems reasonable to assume that many people will continue to do so, despite the ballot paper instructions and any media campaigns.' This is what I mean when we talk about the abstract principle of voter choice—the slogan of voter choice—and ignore what will actually happen. What will actually happen will be a reflection of voter behaviour—

Senator Conroy interjecting—

Senator WONG: I will take Senator Conroy’s interjection. The thing is that I think the Greens actually know that. I think the Greens actually know that the vast majority of voters will continue to vote 1 above the line and that their votes will exhaust. But that is why the Greens want it. They want it because it will make sure that other parties and independents will find it much harder to enter this place. So all the talk from Senator Cormann and Senator Rhiannon that this is all about choice, when they know that the vast majority of Australians are likely to continue to vote 1 above the line, really demonstrates that it is just a slogan. The whole purpose of this is to ensure that there is less competition for the Greens in this place. They are pulling up the drawbridge in terms of anybody else entering—and, of course, from the coalition’s perspective it makes it easier for more coalition senators to be elected.

I want to quote from a range of commentators, because it is useful to recognise that there have been concerns raised about this. I wanted to quote from Mr Gittens, but his is a very long quote, so maybe I will start with Mr Mackerras. He said: 'It is not about fairness what is going on here. It is about the reshaping of our party system. South Australia is to have a four-party system, Liberal on the right, Xenophon in the centre and Labor and Greens on the left. The rest of Australia is to have a three-party system—coalition, Labor and Greens.' It is not about fairness; it is about the reshaping of our party system—and that is the truth. That is the purpose of this reform.

I have seen Mr Paris again on Twitter saying that I cannot do maths. He asked: how can there be more coalition and more Labor senators? The point is that there will be fewer minor parties and independents. This is all about reshaping this place so that there is as closed a shop as the Liberals and Greens can make it. It will mean more coalition, Labor and Greens senators, but it will make it much harder for any minor parties or independents to get into this place. This is from a senator—Senator Rhiannon—who was first elected with less than three per cent of the vote. She is lecturing us all about the evils of preference arrangements.

The agenda here is not about choice—although that is a great slogan. The agenda here is not about fairness—
Senator Conroy interjecting—

The TEMPORARY CHAIRMAN: Order! Senator Conroy!

Senator Conroy: My apologies.

The TEMPORARY CHAIRMAN: Continue, Senator Wong.

Senator WONG: The agenda here is not about choice. It is not about empowerment. It is not about any of those slogans which are being used. It is fundamentally about political power. It is about political power and it is about reshaping this Senate and this political system to ensure that the parties that are here tonight—the coalition, the Greens and the Labor Party—will be advantaged. It is about ensuring that independents and minor parties cannot, or will find it extremely difficult to, get into the Senate.

I wish the Australian Greens would actually be up-front about it. I wish they would say: 'Do you know what? It is because we want more of us in here. We are prepared to risk the coalition having a working majority in this Senate to pass their radical reforms because we want to try and make sure that there are more of us in here and fewer of anybody else on the crossbench.'

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (01:14): Senator Rhiannon is right; it really is like groundhog day. This is now the fourth or fifth time that a Labor senator has repeated the same deceit. Senator Conroy and Senator Wong, on several occasions now—

Senator Wong interjecting—

Senator CORMANN: deceit—have verballed the evidence of Mr Green by selectively quoting from his evidence. Here was Senator Wong again suggesting that somehow the experience in New South Wales—the number of voters in New South Wales and the percentage of voters in New South Wales voting 1 above the line—is somehow relevant to what is likely to happen in Senate elections in the future as a result of these reforms. The truth is it is not; it is actually not. Do not take my word for it; I go directly to the bit immediately after the quote that Senator Wong read into the Hansard. Mr Green said in his evidence:

New South Wales ballot papers say: 'Just vote 1 if you want to …

It is no surprise that most people—that is what they do because on the ballot paper that is the instruction: 'Just vote 1 if you want to.' That is a material bit of evidence from Mr Green that Senator Wong deliberately left out of her presentation. Of course in those circumstances a large percentage of voters will just vote 1 because that is the instruction on the New South Wales ballot paper. The voters are following the instruction of the New South Wales ballot paper:

'Just vote 1 if you want to. You may go on and do something else.'

The more accurate, the more appropriate comparison would be with the electoral system here in the ACT. Here in the ACT the guidance provided to voters on the ballot papers is to number 1 to 7 or 1 to 5, depending on the number of votes. And Senator Wong, having misled the Senate, having misled the Australian people, is now turning her back on the Senate; she is not interested in the correction of her inaccurate assertions. She is not interested. The comparison that is actually more appropriate is the experience in ACT, where—

Senator Wong interjecting—
Senator CORMANN: Here is the report. Do not take my word for it. The report on the ACT Legislative Assembly election in 2012 shows that 97 per cent to 98 per cent of people filled in seven or five boxes, depending on what the instruction was on the ballot paper—that is, people followed the instructions on the ballot paper! There is no reason why the same would not happen in the context of the Senate ballot paper. People are as smart in other parts of Australia as they are here in the ACT. People in other parts of Australia can actually follow instructions that are on a ballot paper. Please stop verballing the evidence of Mr Green by selectively quoting, because you are actually using a small part of his evidence, taken out in isolation, to try to mislead the Australian people about the effect of this reform.

Let me make some comments about the evidence of Mr Mackerras. Let me say right up front: the government does not accept the evidence of Mr Mackerras that was provided at the Joint Standing Committee on Electoral Matters. And I suspect that if Labor looked closely at what he said, neither would the Labor Party. Mr Mackerras says that in his opinion every single Senate election since 1994, since the Hawke Labor government reforms to Senate voting arrangements in 1994, is unconstitutional. Every single election since 1994, when the Labor Party introduced above-the-line voting for political parties, in his opinion—I do not know what qualifies him to express that opinion, but it is his opinion—has been unconstitutional.

Having said that, he was then asked whether the High Court agreed with him—or words to that effect. He complained; he said, 'Actually, no; the High Court, when they looked at it, they didn't agree with me, but they got it wrong.' So here is Mr Mackerras saying the High Court got it wrong! 'I, Mr Mackerras, am the font of all wisdom.' He is the person that the Labor Party now relies on to essentially come up with a fig leaf to try to justify its completely outrageous attempts to hide the motivation for its decision making.

Senator Conroy interjecting—

Senator CORMANN: Here is the national secretary of the backroom operators union again. Senator Conroy is not interested in the public interest. He is not interested in making sure that the results of the next election and subsequent elections truly reflect the will of the Australian people. The only thing he is interested in is ensuring that he and people like him can continue to do their little deals with political parties around trading and directing preferences of voters after they have voted 1 above the line.

Senator Conroy had a bit of a swipe at me for being a migrant to Australia. Here he was, saying that I do not really understand what was going on because I have not been voting for long in Australia. That was what he was saying. Senator Conroy was suggesting that somehow did not know that you could actually ask for the booklet with the group voting tickets at every polling station. Of course I knew that. How many voters do you think ask for that booklet, Senator Conroy? And even if they do, with the size of the ballot papers, with all of the gaming that has been going on and with the capacity for individual parties to direct preferences in three different directions, I would hazard a guess that there would not be many people in Australia that could actually figure out what would happen to their preferences depending on which party they support with their primary vote. If you have 100-plus candidates, 100-plus preferences below the line directed on the group voting ticket and three different versions of a group voting ticket preferencing different parties in different orders, how can an individual voter possibly figure it out? 'If I put my 1 above the line in support of
that particular party, this is where my vote will end up’—how can you possibly figure that out?

Senator Conroy actually agrees that it is not possible to figure it out. When he was having his powwow with the federal director of the Liberal Party at the Joint Standing Committee on Electoral Matters inquiry he made the point that maybe only 10 people across Australia understand the science and maths of preferences. That is how Senator Conroy went. He was patting himself on the back! 'Isn't this fantastic; there's only a small club of us who actually really understand how this whole thing works!' Senator Conroy, in that little question that you asked of our federal director you made the case in the most succinct fashion for the reforms that we are putting forward.

*Senator Conroy interjecting*—

**The TEMPORARY CHAIRMAN:** Senator Conroy—walking around here and screaming out—would you please cease with your interjections. Let's just proceed with a little bit of silence. Can I just remind senators, especially those on my right, that interjections are disorderly, especially if you are not in your own seat. So let's proceed with a bit of calm and get on with the job. Senator Wong?

**Senator Wong:** I will be calm, I promise.

**The TEMPORARY CHAIRMAN:** That is good to hear!

**Senator Wong:** Mr Temporary Chairman, I rise on a point of order. I understand that some licence is given, and Senator Conroy is not sensitive, but you did pull me and a number of us up for talking directly at senators. If you are going to apply it to us, I would ask you to apply it to the minister.

**The TEMPORARY CHAIRMAN:** Certainly, Senator Wong. I will keep that in mind.

**Senator CORMANN:** I was not talking to Senator Conroy; I was talking about him. Here is the national secretary of the backroom operators union. He is in there organising the demonstration. He is organising the people in the streets to fight so that backroom operators like him can continue to trade and direct Senate preferences in years to come.

*Senator Conroy interjecting*—

**Senator Jacinta Collins:** Mr Temporary Chairman, I rise on a point of order. Just as a matter of consistency, I was asked to withdraw referring to Senator Di Natale as the senator for half-measures. Surely this is a similar circumstance.

**The TEMPORARY CHAIRMAN:** Senator Cormann, I will remind you to refer to senators by their correct titles.

**Senator CORMANN:** I am actually pretty confident that Senator Conroy wears that description as a badge of honour. I do not think he is embarrassed by this at all. I am sure that if you were to ask Senator Conroy what his role and approach is in the context of the Labor Party he would readily agree that he is a backroom operator. The whole purpose of this legislation is to take power away from the backroom operators and to give the power to the Australian people to determine what happens not just to their primary vote but also to their subsequent preferences when voting above the line. That is what this is about.

The Labor Party are fighting so hard because they believe, for some reason, that they can do better by manipulating preferences than by trying to persuade the Australian people. In the
end, if the Labor Party want to be more successful they have to be better at convincing more Australians that they deserve their support. Do not take my word for it. That is what Mr Gray wrote in an opinion piece in The West Australian in early February 2016. That is the point. Senator Conroy does not want a system that empowers the Australian people because he is scared of the Australian people. He worries that the Labor Party are not going to do well enough by putting their faith into the hands of the Australian voters. That is what Senator Conroy is worried about. Rather, Senator Conroy runs a system where he can do little deals here and there, asking for pop-up parties to send preferences Labor's way so that they can get more seats in the Senate than they actually deserve as a result of the democratic vote that they have achieved at an election.

We are prepared to put our faith into the hands of the Australian people. The result of an election is entirely a matter for the Australian people. If this reform is passed, the result of an election will be a reflection of the will of the Australian people. That is what this is all about. We understand what Labor are doing here tonight. They are running a marathon filibuster. Some of the Labor senators are bragging to the media about how long they can run it.

Senator Jacinta Collins: You are filibustering right now.

Senator CORMANN: No, I am just—

Senator Wong: I think the percentages will bear us out.

Opposition senators interjecting—

Senator CORMANN: I am correcting some of your inaccurate assertions. To be frank, it was getting a bit boring sitting here just tweeting along, and I thought I wanted to have a bit of a run in the paddock. In particular, given all of the misleading information that Senators Wong and Conroy have put into the public domain, I thought it was incumbent upon me to ensure that those who are still listening on Radio National did not get the false impression—although they are actually—

Senator Jacinta Collins interjecting—

Senator CORMANN: You are so two-hours-ago, Senator Collins. They stopped and shifted over to the BBC, but Twitter informs me that they are back on, because, apparently, they decided that our debate here tonight is really interesting. It is great to see that the host of Insiders and Talking Pictures is here with us tonight, and I hope we are all going to get a mention on Sunday when the events of tonight are reported on the weekend.

To get back to the matters at hand, we do have an amendment before the chair. It is the first of nine government amendments and it seeks to ensure that people voting below the line are given guidance to vote below the line. You number 12 boxes 1 to 12 in your order of preference. The nine amendments that the government will be moving, the first of which is currently before the chair, will introduce a form of optional preferential voting below the line to complement our initial proposal of optional preferential voting above the line, and we commend the government's amendment to the Senate.

Senator JACINTA COLLINS (Victoria) (01:28): I understand that, at this hour, following where the minister was up to is not necessarily—

The TEMPORARY CHAIRMAN: I was talking to the clerk—
Senator JACINTA COLLINS: I understand. I was not being critical, but it does help me move towards the point that I am making. I note that Senator Rhiannon is now back in the chamber. I was about to suggest or hope that she had gone to have a rest, because the contribution that she made a little while ago was so unhinged. But it did reinforce where we are in the consideration of this legislation. As much as I would like to hear Senator Wong go into further references and, perhaps, long quotes that challenge the position that the minister is seeking to maintain or recreate, I seriously do think that at this hour we are in quite a ridiculous process.

Let me remind both the Greens and the government, though, that this is a process of your creation. So do not try to sheet home the blame to anyone else. Do not try to say that anyone else is responsible for the fact that we are attempting to have adequate consideration of this matter—in order to make up for the fraud that was the government's consultation in developing these measures, not to mention the purported committee consideration that was so inadequate that we could not even question the department. Indeed even the Greens could not question the department about important aspects.

I thought I sighted Senator Xenophon a moment ago. I thought perhaps he was back in the chamber with us. I want to go back briefly to an earlier discussion that took place, I think, when he was not here. Senator Cormann was using this rhetoric about 'choice'. As part of the discussion, he said people should not be forced to vote for parties they might not want to vote for. I thought for a moment: 'My God! He is going to go down the path of an argument for voluntary voting', because what he seemed to be suggesting was that people should not be forced to follow the very instructions he claims are going to be on the ballot papers, which is for people to vote for the number of positions that are being filled. Instead he is saying, 'No, you should not be forced to vote for a party if you do not want to.' That sort of philosophy would take us very much us down the path towards voluntary voting.

I contrast that with Senator Xenophon's discussion about New South Wales, the ACT and what an appropriate benchmark would be to allow us to subsequently review what the implications of the changes had been. When he said that, I thought: 'Good heavens! Senator Xenophon has given these issues more competent consideration than the minister is displaying in his reference to them.' The minister was asked what the appropriate benchmarking would be, but instead of answering he gave us a philosophical discussion about how people should not be forced to vote.

I am sorry, but——

Senator Cormann: That is not what I said.

Senator JACINTA COLLINS: You go back and read what you were saying, because it was definitely leading right down that path. When I get the Hansard, I will put it right under your nose. You have already misrepresented the AEC's position. I have had the Hansard here and have cited it on several occasions to demonstrate how you were not following, as you were claiming, that position. You showed you did not really know what happened in the JSCEM's considerations and you have misrepresented the AEC's position on several occasions. So please do not take that holier-than-thou attitude now.

Add to that these glib comments and insults flying across the chamber. 'That is so two hours ago' was one comment I heard. I wanted to refer, and I will now refer, to a complaint
that came to my office. It was not two hours ago; it was about an hour ago. The complaint that came to my office an hour ago was: ‘I think that this matter and how it is being dealt with is a form of the gag. I am here listening and the coverage was shut off at midnight.’ The coverage of this debate was shut down at midnight.

_An honourable senator interjecting—_

**Senator JACINTA COLLINS:** It is! In terms of public transparency and the processes of this parliament, to shut down the public broadcast of our considerations is appalling. Again this highlights the process. The way this person represented the issue to my staff was that this was just another form of the gag. The Greens are getting pretty experienced at this: ‘Let’s force the debate to occur late at night. Let’s slide it through. Let’s deal with it as legislation by attrition.’ They want to sit here and wear people down rather than justify their case.

 honourable senators interjecting—

**Senator JACINTA COLLINS:** What does that lead to? It leads to the sorts of unhinged contributions we are hearing now. Senator Xenophon has rightly chosen this time to reinforce his point, because Senator Xenophon knows what the alternatives are—and we have used those alternatives in the past

At this hour of night, what a competent government would be doing is saying, ‘How close are we to making progress on this?’ And if we were not close to making significant progress then we would suspend and commence again the next day, after senators have had an opportunity to get some sleep. But this is not what is happening, and that is why I move:

That progress be reported and the committee have leave to sit again on the next day of sitting.

**The CHAIRMAN:** The question is that progress be reported and the committee have leave to sit again on the next day of sitting.

The committee divided. [01:39]

(The Chairman—Senator Marshall)

Ayes ....................25
Noes .................36
Majority .............11

**AYES**

Brown, CL          Bullock, JW
Cameron, DN        Carr, KJ
Collins, JMA       Conroy, SM
Dastyari, S        Day, RJ
Gallacher, AM      Gallagher, KR
Lambie, J          Lazarus, GP
Leyonhjelm, DE     Madigan, JJ
Marshall, GM       McAllister, J
McEwen, A (teller) McLucas, J
Moore, CM          Muir, R
O’Neill, DM        Polley, H
Urquhart, AE       Wang, Z
Wong, P

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**CHAMBER**
Question negatived.

**The TEMPORARY CHAIRMAN (Senator Back):** The question is that the amendment moved by the minister, Senator Cormann—

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (01:42): I was accused prior to the break—it is all right we are not going to vote for a while; you can all go—of misleading the chamber, again; it is a serial accusation and untrue. I did actually say a couple of things. I said that voter behaviour obviously depends on a whole set of assumptions about—

**The TEMPORARY CHAIRMAN:** Senator Wong, would you resume your seat. Colleagues, would you please either resume your seats or leave the chamber quietly so we can hear the speaker. Senator Wong.

**Senator WONG:** I think I did actually in the discussion about assumptions about voter behaviour when assessing—

**Senator McGrath interjecting—**

**Senator WONG:** Senator McGrath, if you are going to laugh, can you at least laugh on your side?

**Senator McGrath:** Sorry.

**Senator WONG:** If you could just cackle over there—

**The TEMPORARY CHAIRMAN:** Senator Wong, don't be distracted. Resume.

**Senator WONG:** I cannot help it. I have got this bloke behind me who seems to have lost it, and it is not Senator Conroy; it is one of yours and he is on our side. You can stay here, if you want—if you vote with us! I will start again—I am sure you are very happy about that.

Senator Cormann, I think, just prior to the division, was accusing me of misleading the chamber in relation to some evidence before JSCEM and voter behaviour. I would make the point: I was actually quite clear that you do have to make a set of assumptions about how
voters will respond to a new system. Senator Cormann places great store in the fact that the
instruction on the ballot paper will be there. That will ensure a great many people change their
voting behaviour. He might be right. He might be wrong. The point I was making is that, if
you look at the statistics over 30 years, if you look at the New South Wales position and if
you also look at what the Parliamentary Library were saying, it is a reasonable assumption
that many people will continue voting 1 above the line. He may be right. It may be that
people, overnight, are able to change their voting behaviour. I make the point again—and the
senator never responded to this: Australian voters have spent 30 years voting above the line,
and it seems reasonable to assume that many people will continue to do so, despite the ballot
paper instructions and any media campaigns.

I note that Senator Cormann did not actually address that at any point, which is the
Parliamentary Library research which has been tabled in the parliament. Why does this
matter? This matters because your assumptions about how voters respond actually drive, or
heavily influence, your assumptions about the outcomes that this Senate voting change will
deliver. We on this side in part—this is not our only objection—are of the view that a great
many voters will do what they have been doing for the last 30 years, which is to put 1 above
the line, and we have documented on a number of occasions tonight why we have concerns
about what that means for democracy, for the franchise, what that means in terms of the
numbers of exhausted votes and what that means in terms of the effective first-past-the-post
system that will be introduced. Senator Cormann did not deal with the proposition that I wa
putting to him about what the Parliamentary Library were saying as to changes in voter
behaviour.

I would also make the point that Senator Cormann's argument might have more merit if
there had been a good lead-in time, if there had been a lengthy period of voter education,
including for non-English-speaking-background communities, if there had been a long lead
time to educate people about what this voting change meant and what their options were
under it. Let us remember, if we look at the informal voting statistics for the last election, they
do vary quite considerably between the House of Representatives and the Senate, where of
course the Senate has a lower informal vote, in great part because of the above-the-line voting
system. In New South Wales, you are looking at an informal vote of around 7.5 or 7.6 per
cent in the House of Reps and about 3.3 per cent for the Senate. That is probably the starkest
difference, to be honest. In Queensland it is 2.16 versus 5.13. My
point is that the Senate has a system where people are used to voting above the line and that
has led to higher levels of formality than in the House of Representatives. What we are
proposing now is a system where the government is assuming that suddenly people will
move away from the 1 above the line.

I have to say I think that is a heroic assumption given how quickly this is being introduced.
It is not the case that these reforms have been put out there, discussed in the community,
communicated and explained well ahead of an election campaign. This is being rushed
through in order to enable a double-dissolution election under the new rules. It is being rushed
through for the purposes of the election. We can have an argument about Senate procedure—
and I am happy to have a discussion about the fact that you allowed a half-day sham inquiry
on this, Senator McKenzie—but this has been rushed through in terms of voter education.
You are rushing it through. If Senator Rhiannon's amendment gets up, the extent to which it is
being rushed through is demonstrated by the fact that you are seeking to have the application in terms of the design of the ballot paper predate the commencement of the act. I will be asking questions about that. That shows how rushed through it is. You are saying: 'We want to get it through. We might have the commencement date later but, in case there is a double-D and a prepoll, we need to have an application provision in the legislation that says that we can have this ballot paper under the new provision actually in place before the act commences.' This is extraordinary. It is chaotic. Do you know why you want to do it? Because you are so desperate to make sure you have a double-dissolution election at the timing you choose.

I just wanted to place on record my response to the accusation that I was misleading the chamber. I wanted to remind senators that the 1 above the line has been the overwhelmingly predominate voting method in the Senate—96 per cent—and it has led to lower levels of informality. The assumptions about choice, for the reasons I have previously outlined, mask the true agenda here, which is about political power.

Senator CAMERON (New South Wales) (01:50): I was watching Senator Di Natale earlier tonight—

An honourable senator: The black Wiggle.

Senator CAMERON: The black Wiggle, yes. He was trying to be the leader. He was sitting there, the square jawed leader of his party. He indicated he was not going to engage but he actually did engage. Every time there was any criticism of Senator Di Natale the glass jaw was cracking and he was in here. He reminded me of someone. I am sure there are some Monty Python fans in here tonight. Remember the taunting French guard? He is up in the castle, which is absolutely impenetrable. Everyone is trying to get into the castle and the French guard is up there. The French guard is not going to let anyone else in. You have the French guard—Senator Di Natale—up in the castle. He is here and no-one else is going to get in. No-one else is going to get there. That is like the Independents.

Senator Ludlam: Mr Temporary Chairman, I have a point of order. Could you please draw the senator's attention to the question that is before the chair?

The TEMPORARY CHAIRMAN: That is not a point of order, but thank you, Senator Ludlam.

Senator CAMERON: I would certainly have appreciated it if he had done the same when Senator Cormann was on his feet going all around the mulberry bush, so there is a bit of hypocrisy, but I suppose they are mates now. Getting back to the taunting French guard, everyone is trying to get in—and everyone has a right to try to get in—but the Greens and Senator Di Natale are up in the castle. What did the French soldier say in Monty Python and the Holy Grail? He said in a French accent, 'I don't want to talk to you no more.' I cannot do the accent.

Honourable senators interjecting—

Senator CAMERON: I will give it a go: 'I don't want to talk to you no more.' He does not want to talk to the people he has been talking to over a period. He goes, 'You empty-headed animal food trough wiper! I fart in your general direction!' That is basically what he has done. That is basically what they have done for you guys.
Senator CAMERON: It is Monty Python.

The TEMPORARY CHAIRMAN: Senator Cameron, would you direct your comments through the chair.

Senator CAMERON: Don't you know Monty Python?

The TEMPORARY CHAIRMAN: Be careful about your parliamentary language.

Senator CAMERON: He said, 'Your mother was a hamster and your father smelt of elderberries!' Every time I have seen Senator Di Natale on his feet—and to some extent Senator Rhiannon—I keep seeing the taunting French guard. They are here and no-one else is going to get in.

An honourable senator interjecting—

Senator CAMERON: You can do it better than me. That is the reality. You see them there. That is what it is all about. They are in the castle. No-one else is going to get in and there will be no more new parties come into this place. As Senator Wong indicated, there will be the major parties in the rest of Australia and in South Australia there will be the major parties plus Senator Nick Xenophon and his party, whatever it is called. They will all be there in their pyjamas looking to get more people into parliament. But anyone who has any interest in politics but is not aligned to any of the major parties will not be there because they will be locked out. See Senator Rhiannon up there, she is the female version of the taunting French guard. No-one else is getting in! I am surprised that Senator Cash would say that people will think I am drunk. No-one who knows me would think I am drunk.

Senator Cash interjecting—

Senator CAMERON: I am certainly not drunk. Senator Cash, I can understand why you would not know Monty Python. I have not seen much humour from you ever in any of the stuff you do in this place, and sometimes a little sense of humour goes a long way. So you do not have to call me drunk. If you cannot understand Monty Python, if you cannot understand a bit of humour, if you cannot understand that there is really a serious point to it in relation to what the Greens are doing—they are in the castle, no-one else is going to get in. The Liberal Party are in but no-one else is ever going to get in. The drawbridge is up, the ladders are up and no-one else is going to get in. That is what the public need to understand.

What we are going to get is a first-past-the-post proposition. The punchline is that you guys are behaving exactly like a Monty Python figure. That is what you are. But you are not even as strong as capable as the Monty Python figure, because you could not negotiate a decent deal if it was put in front of you. You had an opportunity to deal with a range of important issues to your rank-and-file membership, who are telling you that this is the wrong thing to do.

You had an opportunity to actually deal not only with electoral reform but with reform in a range of areas. You could have had a proper debate. We could have been here tomorrow dealing with marriage equality. We could have been doing that and we could have had an outcome. But, no, the deal you have done is more important than marriage equality; it is far more important than marriage equality to you guys. It is about your power and maintaining your position. That is all you are about, nothing more than that.
You could have had a chance to deal with the donations and the rip-offs that are going on over on the other side—the trust funds that are established, the associated entities that are in the Liberal and National Party, hiding money, shifting money around the country so no-one knows where the donations are coming from—

An honourable senator: And now they are going to give them a company tax cut.

Senator CAMERON: Yes. If you want to know what any of the policy positions that the Liberals and Nationals are taking, look at who is giving them the money, because that is where they go. Look at Manildra in New South Wales, where they have meeting after meeting to hand over more and more money to get an ethanol plant in New South Wales. Even some of the Nationals and some of the Liberals in New South Wales are saying it will mean an extra 8c a litre on petrol in that state. Why is that? It is because a multimillionaire donor is providing funding to the Liberal Party and they are paying that donor back—meeting after meeting, more and more money flowing into the Liberal Party into one of the associated entities. It goes there and it comes down to Canberra, then the money comes out of Canberra and gets filtered back into New South Wales to avoid the New South Wales laws.

If ever there was a need for a royal commission in this country, it is a royal commission into the associated entities of the Liberal and National Party, because that is where the rorts are going on; that is where democracy is being pushed aside for the interests of the Liberal Party donors. That is where the problem is, and the Greens should have seen that as being an issue. The Greens should have known that that is the main problem. If you are getting more and more money coming in to run big businesses' agenda and you do not have to disclose where that money is coming from, and then you introduce legislation for tax cuts for your mates at the big end of town and you take away the superannuation benefits for low-income workers in this country, we all know what that is about. It is about making the poor pay for your rich donors. That is the issue here.

It is an absolute disgrace that the Greens are hand in hand with this mob over here, doing over democracy in this country. We have heard so much about democracy—all the pontification from Senator Di Natale about how this is good for democracy. It is no good for democracy unless you fix up the electoral donation issue. It is no good for democracy if the big end of town and the financial donors to the Liberal and National Party are calling the shots and the money is being hidden in associated entities all over the country, awash with big business money to run their election campaigns against the Greens. Kroger made it quite clear that there might be some sensible Greens, but there are others that are not sensible. The Nationals are already looking at it. They are classifying the Greens as the nutters and the non-nutters. This is not a good look for the Greens. They are going to have this loose arrangement designed to get rid of good, effective local members that have made a huge contribution to politics in this country, and Mr Albanese.

The attacks against these politicians are going to be on the basis that we have to defend other seats, because preferences will not be given by the Greens. These are the deals that are going on, the so-called loose arrangements. Kroger is quoted as going on to praise Senator Di Natale, saying:

You've got a doctor [Di Natale] who owns a farm who doesn't come from this mad environmental background. He's helped the government get legislation through the Federal Parliament. So you look at the Greens through a slightly different lens these days because they're not the nutters they used to be.
Tell that to Senator Abetz. I have not heard Senator Abetz run those lines. I do not think Senator Abetz thinks that is the position. I do not think Senator Bernardi thinks that is the position. We have this massive split in the coalition. We have those that want to cuddle up to the Greens and do deals or have loose arrangements to try and diminish the major Left political party in this country. The Greens can do a deal with the Liberals that will end up meaning that, if we come back and the election is won because of these rorts that are going on by the coalition, Work Choices will be back on the agenda. The ABCC will be back on the agenda. The GST will be back on the agenda. The $7 co-payment will be back on the agenda, because Senator Cormann has never walked away from that first 2014-15 budget. We know that the current Prime Minister, Malcolm Turnbull, has indicated that he supported every element of that first budget—the $7 co-payment and the starving of young unemployed people for six months. These are the situations we are going to face if the coalition are returned at the next election. It will not be enough to have the Greens and us here, because there will be no Independents. Without the Independents, that last budget would have gone through, and ordinary Australians would have been much worse off.

This whole voting system that is being debated tonight is simply about entrenching both the Greens and the coalition. That entrenchment will be bad news for the working-class families in this country. It will be bad news for middle-class families. It will be bad news for workers around this country. That is because the coalition have absolutely no understanding of the battles that workers have. Many of the crossbenchers in here have stood up to some of the worst aspects of the budget. This is about is entrenching the coalition at the expense of the crossbenchers and making life worse for the poor in this country.

Senator WHISH-WILSON (Tasmania) (02:05): I just want to note for the chamber that it is five past two in the morning and we still have nearly 38 amendments before the chair. Some of them need to be debated and discussed in detail. We acknowledge that. For those people who are still awake and listening, tweeting and watching, this is the process that we go through in the Senate when we scrutinise a bill and very important legislation like this. What I would like to say is very simple.

Senator Conroy interjecting—

Senator WHISH-WILSON: I will not take very long, if you will just give me a moment's peace, Senator Conroy.

Senator Conroy interjecting—

The TEMPORARY CHAIRMAN: Order on my left! Let the speaker be heard.

Senator WHISH-WILSON: I think the Senate should actually deal with the substantive legislation in front of us. Let's get on with what the taxpayers of Australia are paying us to do. Let's get on with what the taxpayers in this country are paying us to do, and that is to be adults and parliamentarians and to pass laws in this country. By all means, let's have an adult and mature discussion about the question in front of us. The Greens welcome the input of all senators of all political colours on this bill because it is important. We have weeks ahead of us to get through this. Let's start with a substantive debate and let's get off the grubby politics. I think the Australian people are sick of it and actually want their parliamentarians to grow up and do what they got put into parliament to do—pass good laws on their behalf.
Senator GALLAGHER (Australian Capital Territory) (02:07): I must say that the irony of getting a lecture from the Greens about getting on with it and allowing debate and serious consideration to continue when we ended up in this position because of the truncated process that the Greens and the government agreed to will never cease to amaze me.

I would like to provide a few comments on the ACT electoral system, which has been used by a number of speakers tonight as an example of how some of the concerns around informal voting will not occur because of the education program. What I have picked up from other speakers is that the advice around how to vote will be similar to what is provided on ACT ballot papers. I think it is worth reflecting on a couple of points here.

The ACT has had quite a complicated relationship with self-government. It started with the ACT community not wanting it. We then had to design an electoral system where the ALP did not win every single one of the seats. After two elections we then modified the D'Hondt system. The ACT moved to a Hare-Clark system, which is the system that has been talked about tonight. It included three electorates, two with five members and one with seven. All of that is true. It is also true that there are high levels of formal voting under this arrangement, although it is relevant to look back at when the system was brought in in 1995—the informal vote was actually very high, compared to what it is now. The informal vote reduced at each election, but in 1995, for example, there were electorates where the formal vote was only 91 per cent.

That has improved over the years, but I would say that when the minister quoted figures from the 2012 election, which did have record levels of formal voting, that was after 21 years of experience by the ACT community with that particular way of voting. Of course, the ACT community—the 'United Republic of the ACT'—is a highly-educated electorate. It is very engaged. There are considerable education programs that get put through before every election takes place and the electoral system has not changed in the last 21 years. So there are some differences in comparing and contrasting the ACT electoral system and the high level of formal voting with the changes that we are talking about here tonight.

When the system was brought in, the level of informal voting was relatively high—certainly, for the first election. It has improved every election since, but I do not think it is unreasonable to pose the question, as it has been put tonight, that changing an electoral system—a voting system—and potentially having very few weeks in which to educate the community about it will result in higher levels of formal votes being cast. The other difference, of course, is that we have fixed-term elections in the ACT. So you cannot muck around with, 'When will the election be called?'. So the education program that has led up to election day is actually very comprehensive and planned, and does not rely on the government of the day choosing the election day at their own convenience.

Another difference is that I would say the ballot paper does not have above-the-line voting. Essentially, if you are comparing it with the ballot paper that we are talking about tonight, the only choice for voters is to exercise their votes below the line, even though there is no line. It is also relevant to note that the introduction of the Hare-Clark system was done by referendum. So in order to move to this electoral system a referendum was held at the 1992 election, where the question was asked about whether the community wanted to stay with the modified D'Hondt system or move to the Hare-Clark system. That was endorsed by about 65 per cent.
There was also a three-year lead-in to that system being changed. The question was put to the community in 1992, the system was changed by law in 1994 and then entrenched at the 1995 election. I think it is also relevant to reflect for a moment, if we are going to use the ACT as an example of best practice—and that is not often the case in this chamber, but I am happy to take it when it happens!—on the electoral reform that has happened since this time. I know a little about it, having stood in the last four of those elections as a candidate. The electoral reform that has happened since 2012 has been conducted via extensive committee processes and extensive consultations with all parties in the assembly. Over the years that has included conservative Independents and Greens, and I think that in most cases the legislation that is brought to the chamber has been thoroughly discussed between the government and the opposition in an attempt to reach agreement prior to a debate being conducted. I think that is the way that you get the best outcome. Obviously, again, that stands in sharp contrast to what we have seen in the process that is being imposed on this chamber in dealing with the legislation that we are trying to deal with comprehensively tonight.

Some of the changes that we brought in in the ACT post the 2012 election dealt with things like donations, disclosures, transparency, accountability, full reporting disclosure and timely disclosure—all of the things that we will get to at some point this morning with some of the amendments that we have before us.

But I think that, if you are going to use the ACT as an example of best practice in terms of the information that will be provided, it is relevant to keep in mind these points. One is that there is no choice to vote above or below the line. Another is that a referendum actually led to the change; it was not a deal that was done between two parties in the assembly in the dark of night in a backroom deal and then rammed through in a couple of weeks. It was a change that was brought in and passed perhaps several weeks before people headed to an election. There was a three-year implementation of that change to the electoral system, which allowed a comprehensive education program. In terms of the voting that happens now, the fixed-term nature of the election dates, which takes away the ability of governments to determine an election date of their convenience, allows the ACT Electoral Commission to run a very comprehensive education program to reduce the opportunity for informal voting as much as it can.

I think those are significant differences to the position that we find ourselves in tonight. I think it is worth putting those on the record. The reason the ACT has done relatively well and has a high level of formal voting is the approach it has taken to electoral law reform, including the ability and the time to introduce that electoral law reform and the fact that, in most instances, it has managed to bring the political parties together. Where agreement can be reached, that agreement is focused on. If there are areas of disagreement, obviously they are agitated within the chamber. Ultimately, the change to the system that the minister refers to was brought in by a referendum. It was taken to the people at an election and agreed to as the preferred electoral system, which, again, is something that has not been done in this situation.

Senator DASTYARI (New South Wales) (02:17): We are looking at the first amendment. I want to deal with the entire amendment process that has got us here. Let's be clear: the problem is that it was an incredibly rushed process, and we are looking at an amendment system that was not done properly. We had the extraordinary situation in which amendments were being introduced in the House almost concurrently with the introduction of the bill by
the government, because the whole process had been so rushed. We know why it had been rushed. It had been rushed, because all of this was part of a dirty deal and the whole thing was run out of the Department of Finance and not PM&C, where this would normally have been done.

A series of nine amendments—the government's own amendments to its own bill—have been introduced in a way that is extraordinary and highlights the race, the pace and the desire to do this whole piece of legislation in such a quick manner. Moments ago, Senator Collins said: 'Let's just quit the farce. This is a serious law. We actually need some time to examine it properly. Let's all go home, spend some time and come back to properly deal with this legislation.' Obviously, that was not the will of the Senate. I respect the Senate. It was not the will of the Senate. It was not what the Senate chose to do. I think that was the wrong call. I think that was a mistake. I think that was an opportunity for us to deal with this in a proper manner.

But you have a rushed process, so it is bad law, and now we are dealing with bad amendments that also had to be rushed into this place. There is no need to be handling it this way. There is no need for us to be dealing with this in the way we are dealing with it. The only reason we are here, the only reason this is happening is because there was a deal. There was a deal between the government and the Greens political party that brought us here. There was a deal that Senator Cormann, the Prime Minister and others did with the Greens political party to get us the outcome and to get us here.

Again, the hypocrisy is mind-blowing. We had Senator Rhiannon professing these kind of purer than thou rhetorical flourishes about democracy and other things—going on and on. Yet, when you actually look at Senator Rhiannon's own record in this space, you have somebody who made it their business to go out there and to create minor parties and the kind of structures to actually game the system in a way in which I am not familiar with anyone else in this chamber engaging with. To turn around and somehow say that the minor parties and those who vote for smaller parties should be punished because people like Senator Rhiannon were prepared to play the system is a hypocrisy that really knows no bounds. Frankly, if this was in a different area, if this was not in setting up in electoral systems, if you were doing this in the welfare space or in any other area, it would actually be a serious issue. Yet the whole thing is laughed off as if it is some kind of a game. No, it is serious; it is very, very serious stuff.

I really think that Senator Lee Rhiannon should actually come into this chamber and explain her own role in the setting up of these micro-parties. In the past few hours some more information has come to light, and we will be able to go through that. But how is this necessary? How is this needed? Why should we be punishing the 25 per cent of voters who choose to vote for a smaller political party, because Senator Lee Rhiannon used to set up micro-parties in a way that, frankly, we all think is highly inappropriate? I say to the Senator Rhiannon, if you are listening, you actually should come down here and give a proper explanation of what your role has been in all of this. Senator Lee Rhiannon—if that is your real name—you need to come down here and actually give an explanation. This kind of a system, this kind of a rort, this kind of a micro-party creation is a problem. So who has to get punished? Senator Day? Senator Leyonhjelm? Senator Muir? Senator Lambie? I am hopeful.
that some of these crossbench senators will do well in elections and will be able to continue to participate.

_Government senators interjecting—_

**Senator DASTYARI:** No, no. I think they have contributed to the debate. I think that has been an exciting contribution that they have continued to make. But we are dealing with a flawed process here. We are dealing with a flawed system. We are dealing with a legislative rush-through that has actually got us into a lot of the mess that we are in here today.

Senator Whish-Wilson is—and I have said this many times in this chamber—somebody I have an incredible amount of respect for. Certainly on his views on financial services, industries and that, we do not always agree eye to eye, but I think he has always been very passionate and strong.

_An honourable senator: _Except when he rolled over.

**Senator DASTYARI:** Well, I note that he made a good contribution even today in question time. I thought he asked a fine question. He is someone I do respect when he comes and says, ‘Oh, this moral high ground; this holier than thou.’ Well, hang on. If you had not rushed and if we were not here—you talk about the dirtiness of politics; there is nothing dirtier than the kind of deal that has lead to us being here and where you decide that you are going to have a political fix and to retrofit a little bit of ideology or a little bit of political rhetoric around it. This is a Greens/government fix to remove some pesky crossbenchers. Everything else has been retrofitted to try to justify that and to justify that kind of behaviour. Let’s not kid ourselves, that is what is going on here. Let’s not pussyfoot around this. This whole thing is a rort masquerading as some kind of democratic reform. It is none of those things. It is an outcome that has been predetermined and a system that has been built around that outcome to actually give the situation you want.

Those on the other side are going on about it, but you cannot argue both ways that it is good. This is bad for progressive Australia. It is bad for progressive voices. In the short term it perhaps could be positive for certain elements within the Greens political party. That is what is going on here. I cannot wait till we hear the contribution from some of the other senators, including the Green senators. I would love to see what some of the senators say who are probably going to be in the firing line as a result of this.

But part of my real issue is this handing of the keys to the government for a double-dissolution under a system that they know will benefit the conservative side of politics. That is the inevitability of where this is going. It is no coincidence that the Greens sit around and say, ‘We will give them an amendment. We will give them 1 July as the date on which this can start being used.’ Is it any coincidence that you have government ministers walking the halls of the media upstairs saying quite openly, ‘We are looking at a double-D election and we are going on 2 July,’ and coincidentally the date that the Greens come up with is 1 July?

_An honourable senator interjecting—_

**Senator DASTYARI:** That is not coming from our side of politics. That is coming from your own.

**Senator Kim Carr:** You do not think it is true then? You will have no election—
Senator DASTYARI: Journalists like Laurie Oakes, Michelle Grattan and other senior press gallery journalists are saying—

Senator Cormann: Are you saying that they are taking you into their confidence?

Senator DASTYARI: No, they are not. Articles that they have written in Australia's leading broadsheets make reference to senior government ministers and members talking to them about a 2 July, or maybe 9 or 16 July, double-D election. That is all on the public record. Senator Cormann, you may say or imply they are lying or you may say or imply that they do not have real sources, but that is a matter for you. It is a view you are entitled to have. That is not my view. When I read these things I will understandably come to a conclusion. Yet there is this sudden coincidence of 1 July. No, a conservative build-up in this chamber is a bad outcome for progressive Australia.

I understand the government's position here. This is good for the government. It is good for the conservative side of politics. It is a political fix that the government is surely going to embrace. I am not surprised by that. I am not shocked by that. I would not expect the government to behave any differently. The government is behaving in its own interests and it can do that. But it is the fact that this pretence, this farce, is presented about it being about other things. It is not. It is about a pesky set of crossbench senators the government is very keen to see removed, because they felt they should have passed elements of the last budget but they did not. That is what has got us here.

When we are looking at these amendments and dealing with them, we have to keep in mind the process that got us here. We have to understand that the way in which this entire thing has been rushed has actually created problems and will continue to create problems. In the past couple of days, I think there has been an incredible job by a lot of the media in exposing some of these flaws. We have heard quotes—and I do not need to quote them, because they have already been quoted by other Senators—from journalists, academics and others who have come out with some very strong views. They were people like Ross Gittins and others. I know that Senator Penny Wong actually quoted some of them and I do not need to put them on the record. I do also note, though, that while we are having this debate—and I think it is unfortunate that we are having this debate in the middle of the night—the coverage of it will of course—

Honourable senators interjecting—

Senator DASTYARI: No, no! We just moved a motion moments ago that you voted against. I am not going to be lectured to by you. I will not be shushed. You may try and silence me but you are not going to lecture me.

The coverage of this will be somewhat limited because we have a situation where a lot of Fairfax journalists, through what I agree is some really outrageous behaviour by the management of Fairfax, have chosen to go on strike. I do want to say I respect them and respect their right to take industrial action. I think that is a move that they are entitled to make. I will always respect the rights of people engaging in that. It must be an incredibly difficult time for a lot of the journalists and a lot of the people who have been following this story, covering this story and participating in this debate. It is unfortunate that as we reach this point they will not be able to participate in this debate, but it must be horrible to show up at work and be told about the types of cuts that are going to be faced by some of the largest and
most important newsrooms in this country. Our thoughts need to go out to the families who will have to grapple with those issues in the coming weeks.

Senator WHISH-WILSON (Tasmania) (02:31): I want to remind the Labor Party again that we have 38 amendments before the chair. This is very important legislation. Senator Dastyari has been talking but has not raised any substantive issues about those amendments. I compliment Senator Muir, who is in the chamber, who did actually get down to the substantive debate and ask some very good questions. I bring the Labor Party's attention to the fact that we have had the politics all week. In fact, we have had the politics for the last two weeks in this chamber, every day. We have heard it all before. Let's actually get on with the substantive debate and let's address this bill. However long that may take and however thoroughly you want to scrutinise these amendments, the Greens will be here, but we want you to address the amendments before the chair.

Senator KIM CARR (Victoria) (02:32): I am quite interested by the response of the government to some of the comments that Senator Dastyari was making when he was suggesting that there has been widespread commentary in the media, stimulated by government leaks, that the government was planning a double dissolution election, and that the reason for the haste in dealing with this bill was to accommodate that matter. That is why the bill has had to be dealt with this week: so the Electoral Commission could have the three months that it had requested to put in place the changes from this legislation before an election was to be called on 2 July. That was the minimum period of time, as they have indicated. This question, as to why the timing is so critical for this, has been widely canvassed. That is why there has been the haste and why this unseemly action has been taken to produce a kangaroo court inquiry and a bodgie set of arrangements whereby the government has introduced a bill that it itself has had to amend because it did not actually take into account a number of measures. It had not considered the implications of its own recklessness in this regard. All of that, I think, is well canvassed.

What really surprised me, though, was the fact that when Senator Dastyari raised the prospect of a double dissolution two government ministers, across the chamber, repudiated the proposition that there would be a double dissolution. Senator Cormann and Senator Fifield repudiated the suggestion that there would be a double dissolution. I repeat that and ask: is it the case that you are repudiating that proposition? Is it the case that you are saying to this chamber that this is not about the government having the option of a double dissolution?

It is a very simple proposition, Minister: if there is not going to be a double dissolution, will the minister agree to Labor's amendment to delay the commencement of this legislation till 19 July 2016 so that it cannot be used as part of a double dissolution election? I have asked you a very straight question; I would appreciate an answer.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (02:35): As so often tonight, a Labor senator contributing to the debate is misleading the chamber by selectively quoting what Senator Fifield and I objected to in Senator Dastyari's contribution, which was his assertion about what government ministers allegedly were doing in the gallery, because Senator Dastyari would have no such knowledge and there is no activity such as he relayed by government ministers in the gallery.
In relation to Labor's amendment: no, we will not be supporting Labor's amendment to further delay the application of these reforms. We will be supporting, as I have already indicated to the chamber, an amendment put forward by the Greens to ensure that the AEC has three months available between the passage of the legislation and the application of these reforms at an election.

In relation to the specific question that Senator Carr asked about the timing of the election, the form of the election: I honestly do not know. No decision has been made, as far as I am aware, in relation to either the precise timing or the form of the election. The Prime Minister has repeatedly indicated that our strong preference and intention is to serve a full term and for the election to take place in the latter part of the year; in the usual course of events, in August, September or October.

There is of course the option of a double dissolution election in order to resolve the deadlock between the houses of parliament in relation to some key legislation. That is an option that everybody is well aware of. It is an option that is provided for under the Constitution. Whether or not that option will have to be exercised depends on a whole range of factors and we really do not know yet how they are going to play out. It might well be that in the next little while a sufficient number of senators give an indication to the government that there is support for the re-establishment of the Australian Building and Construction Commission. It could well be that a sufficient number of senators will give an indication to the government that there is support for the passage of our registered organisations legislation. If that were the case then obviously there would be no deadlock between the two houses of parliament that would need to be resolved and the question would become academic.

The truthful answer is: this reform is completely unconnected to the precise timing or form of the election. That is a decision that has not yet been made. Our view is that whenever the election takes place that is a decision that has not yet been made. Our view is that whenever the next election takes place, voters across Australia should be empowered to direct their preferences as they see fit and not have these preferences traded and directed by political parties according to the interests of those political parties.

Senator KIM CARR (Victoria) (02:38): Minister, I thank you for your response, but it is quite clearly disingenuous for you to suggest that this bill has got nothing to do with election timing or the prospect of a double dissolution in terms of election timing. It is completely disingenuous for you to say 'if only the Senate passed a piece of legislation' which, of course, is not before the parliament and has very limited prospects of being before the parliament given that you have chosen not to put it before the parliament this week. Under the current circumstances the next time we meet will be to discuss the budget, you will need to call an election by 11 May to meet the constitutional requirements, and therefore you will need to pass a supply bill within one day to secure that. It is clearly a nonsense for you to suggest that there is going to be time to consider the ABCC, but that is a choice that the government has made. It is disingenuous for you to suggest that if only we could pass a draconian, offensive bill like the ABCC bill—if we were to capitulate on that matter—then of course we would not need a double dissolution. You know that that bill will not be able to be put to the chamber in the time we have, because you have already set in train a course of action whereby the budget will have to be brought down on 10 May. You cannot call this chamber forward earlier than that without the agreement of the chamber. Of course, 10 May is one day prior to the deadline.
to call a double dissolution election for July. So it is a nonsensical proposition that you have put to us, and of course it is completely disingenuous to suggest that if people simply capitulated on one of your offensive bills all of this would go away.

What concerns me is some of the conversation, which I have been listening carefully to for quite some time now, in regard to the proposal that we have before us. Your first set of amendments—the government has to amend its rush bill yet again!—go to schedule 1, items 1, 19, 23, 24, 26, 27 and 41. Of course, they deal with the issue of voting below the line. We have had a conversation this evening across the chamber in regard to what a formal vote is. I certainly participated in the Senate inquiry—that somewhat fraudulent affair where we had a couple of hours to consider this bill. What we did hear in those couple of hours is that the Australian Electoral Commission told the committee that a vote above the line would be formal regardless of the number of boxes marked above the line. So you can put a '1' in and the vote will be formal regardless of the number of boxes marked above the line. I think you have conceded that this evening, Minister.

Of course, there has been a longstanding issue in relation to that, and I refer here to matters that have been before the High Court—Langer v Commonwealth on the Commonwealth Electoral Act. Of course, this bill we have before us has not picked up many of the issues that were dealt with in that Langer case. Of course, action was taken against Langer for advocating that people vote just '1'. That was the proposition that Albert Langer put. He thought it was an offence against democracy that people be obliged to vote using their preferences. Of course, there was the issue of formality in that case. But the truth of the matter is that current in the Electoral Act at the time was section 329A, which made it a crime to promote voting in a way that was inconsistent with section 240—that is, arguing that people should put only a '1', which under this bill we know would reduce a formal vote. So my concern here, Minister, is that if it is a formal vote and it is recommended to people that they vote in a formal way even if that meant only a '1', which we have acknowledged is a formal vote, would it be a crime under this legislation to recommend, 'Just vote 1'?

I have asked a direct question. I wonder if I can get a direct answer.

Honourable senators interjecting—

Senator KIM CARR: Mr Chairman, there is no movement on the other side. Is it the case that the government does not wish to answer the question?

Senator JACINTA COLLINS (Victoria) (02:44): Given that the response that we are getting from the minister is a shrug, which obviously Hansard cannot record, and given that I have returned to the chamber to see Senator Whish-Wilson returning to the—

Senator Whish-Wilson interjecting—

Senator JACINTA COLLINS: His version is that there are 38 amendments before us. There is actually only one before us at this stage, Senator Whish-Wilson, it is the first of the government's amendments that is—

Senator Whish-Wilson interjecting—

Senator JACINTA COLLINS: I am sorry?

Senator Sterle: I believe he said, 'Such a smart-arse'.

Senator JACINTA COLLINS: 'Such a smart-arse'?
An honourable senator interjecting—

Senator JACINTA COLLINS: Look, Chair, I think I will return to the point that I made earlier. I move:

That the committee report progress and seek leave to sit again.

The CHAIRMAN: The question is that the committee report progress.

The committee divided. [02:49]

(The Chairman—Senator Marshall)

Ayes ..................24
Noes ..................37
Majority.............13

AYES

Bullock, JW
Collins, JMA
Dastyari, S
Gallacher, AM
Ketter, CR
Leyonhjelm, DE
McAllister, J
McLucas, J
Muir, R
Peris, N
Sterle, G
Wang, Z

NOES

Back, CJ
Brandis, GH
Canavan, MJ
Colbeck, R
Di Natale, R
Fawcett, DJ
Hanson-Young, SC
Lindgren, JM
Macdonald, ID
McKenzie, B
O'Sullivan, B
Paterson, J
Rhiannon, L
Ruston, A
Scullion, NG
Siewert, R
Smolinos, A
Waters, LJ
Williams, JR

PAIRS

Bilyk, CL
Brown, CL

Fierravanti-Wells, C
McKim, NJ

CHAMBER
Cameron, DN
Lines, S
Ludwig, JW
Singh, LM
Abetz, E
Heffernan, W
Payne, MA
Bernardi, C

Question negatived.

Senator KIM CARR (Victoria) (02:52): Chairman, I was seeking an answer to a straight question. The committee has considered the question of whether or not a vote 1 above the line is a formal vote, irrespective of the directions issued on a ballot paper, and the advice of the Electoral Commission is that it is, and that is a position I understand the government has actually accepted. My question goes to matters that relate to people arguing in favour of 'just vote 1'. In the Langer case, the High Court found that Mr Albert Langer’s campaign for people to just vote 1 was illegal. It was, in fact, a crime for Mr Langer to undertake that course of action, but that relied upon section 329A, which has been removed—that is, it was a crime to promote voting in a way that was inconsistent with section 240. Of course, the proposition that was put at the time was that, if people had access to this information, they might use it and that would be regarded as a criminal offence, but that section has been repealed. I am asking the minister a direct question: is there a replacement section in this amendment bill? And is it a crime for a citizen to promote voting just 1, which of course would be a formal vote?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (02:54): I have, of course, answered questions in relation to this issue several times now. For the benefit of the chamber, let me advise the Senate that Senator Carr is completely incorrect in what he is asserting. The Langer matter related to voting in the House of Representatives, not to voting in the Senate. That is the first mistake that Senator Carr made. Clearly, he was handed something. He has not got a clue what he is talking about. He is just reading some notes that have been handed to him by some apparatchik from the Labor Party. Let's make sure we know what we are talking about.

The Langer matter related to voting in the House of Representatives. Mr Langer proposed a House of Representatives ballot paper with 1, 2, 2, 3, 3. The relevant section of the act dealing with formality of House of Representatives ballot paper is 240. That does not relate to Senate ballot papers. The issue was whether the system of voting proposed by Langer was compliant with section 240, which required consecutive sequential numbering to be used for a formal House of Representatives vote. The act was subsequently amended to overcome the issue raised in the Langer case.

There has been an amendment as a result of a recommendation of the Joint Standing Committee on Electoral Matters some time ago to remove a certain offence and penalty provision from section 329—I believe that was section 329A—but section 329, dealing with deceptive and misleading conduct seeking to deceive or mislead voters into casting an informal vote, continues to be in place. As the government has said on a number of occasions now, we believe that the prohibitions and penalties in the current section 329 are adequate and that, combined with the education campaign that will be conducted by the Australian Electoral Commission, voters across Australia will be adequately protected.
Senator KIM CARR (Victoria) (02:57): On your own admission, the effect of section 240 is that people must not advise electors to misdirect their vote. The fact remains that it would be a formal vote. Voting 1 above the line is a formal vote. To recommend to people to vote 1 above the line is in fact not to mislead them or to distort the truth; it is in fact to ask them to cast a formal vote. What provisions in this bill would prevent someone from legally suggesting to people to vote 1 above the line and cast a formal vote?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (02:57): I have said several times now that the government has made a deliberate decision to include a savings provision for people voting above the line. There is guidance on the Senate ballot paper that is proposed to provide that, to vote above the line, a voter needs to number at least one to six boxes in order of their preference. But, of course, in order to ensure that a maximum number of votes are counted as formal, we do have a savings provision which will ensure that any ballot paper which includes at least a 1 above the line is formal. We have gone at great lengths to the issue that Senator Carr is now raising. We have gone through it with Senator Conroy. We have gone through it with Senator Wong. We have gone through it with Senator Collins. We have gone through it with Senator Xenophon. Senator Xenophon, incidentally, supports the approach taken by the government here. The position of the government is very clear. You are entitled to have a different view and to vote against our amendments. You are entitled to vote against the bill. But we might have to agree to disagree.

Senator KIM CARR (Victoria) (02:58): It is not a question of disagreement. I would like your advice on a specific matter. Is it a crime to recommend to vote 1 above the line—that is, to cast a formal vote above the line? Is that actually illegal? I want an answer. I do not want smart alec remarks from people who are trying to bamboozle folks in this chamber with a load of rubbish like we have just heard. I want a straight answer to a straight question.

Senator JACINTA COLLINS (Victoria) (02:59): I think, firstly, out of respect for my colleague, we should highlight, at least for the record of this discussion, that the minister is now sitting here again—I did not, on this occasion, observe the shrug. I know that Senator Macdonald is happy to run the government line and claim that the question has been answered. The fact of the matter is—I think Senator O'Neill made the point quite well—in each discussion, there has not been an adequate answer. This is what is frustrating Senator Carr now. I was actually going to return to this area, because I found the minister's representation of the provisions that were repealed somewhat limiting when he was responding to Senator Muir earlier. He was not putting all of the relevant facts earlier on that occasion. I note in the comments that he made a moment ago—I am sorry, Senator Carr, to magnify your frustration for a moment while I make this point, but I was going to return to the earlier discussion—I am sorry, Chair, I cannot hear myself, with Senator Macdonald barrelling across the chamber.

The TEMPORARY CHAIRMAN (Senator Gallacher): Order, Senator Macdonald. You have the call, Senator Collins.

Senator JACINTA COLLINS: Thank you. In the earlier discussion, when Senator Cormann was responding to Senator Muir's questions in this area, he referred to the fact that the penalty provisions that were in 329A had been repealed. What he did not say on that occasion, but he did just a moment ago, was that the mischief itself was removed from the act.
So yes, fine, repeal the penalty provisions if the mischief or the potential mischief has been removed from the act. But that is not the case here. What Senator Carr is attempting to establish, as other senators have as well, is what the mischief is. A questions such as, 'Would it be lawful to encourage a “just vote 1” response from voters?' is around establishing what the mischief would be.

As Senator O'Neill has said before, the minister is skirting around that question. He started, firstly, by saying, 'That's asking for legal advice. You can't do that in this place.' How ridiculous! I do not know where that advice came from. It certainly did not come from the adviser's box. It is a very clear question. It is very relevant and it is very important to the consideration here. Would it be lawful for someone to promote 'just vote 1'? That is your question, is it not, Senator Carr?

Senator Kim Carr: That is exactly right.

Senator JACINTA COLLINS: The issue is that, yes, the question has been raised on a few occasions. I did not hear all of Senator Muir's discussion at the time, but it has been raised by me. Certainly I was here when it was raised by Senator Wong. It may well have been raised by Senator Conroy. It is now being raised by Senator Carr. It has been raised by Senator Muir. It is pretty obvious that the minister is desperately failing to respond to a very basic question. He may think that that is the smart or clever thing to do, but it is the government who will suffer the public scrutiny of not being prepared to respond to a very basic question. Will it be lawful under these proposals—or, indeed, is it the government's intention that it be lawful—for someone to campaign that voters just vote 1?

Senator MUIR (Victoria) (03:03): After our previous conversation, and considering we are discussing section 329, I did have another question in relation to that. Maybe I will be lucky enough to get an answer. Minister, since our last conversation, I have been thinking a bit more about section 329. I want to run a scenario by you: let us say a voter is given a how-to-vote card advocating 'vote 1 above the line'. The voter then casts their vote, based on that advice. In the spirit of a minimum of six votes above the line—six is what the vote is supposed to be—that vote should be declared informal. However, due to the savings provision, the vote will be saved and it will be declared formal. It could be argued that the advice on the how-to-vote card could be misleading or deceptive because it has given advice which is not consistent with the instruction on the ballot paper. The question is: should section 329 apply when advice is published directing a voter to vote in a way that is not consistent with the instruction on the ballot paper?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (03:04): Senator Muir is of course right. The advice and instruction on the ballot paper will be explicit. It will be there at the time when a voter casts their vote for the Senate, and the instruction to vote above the line will be to number at least six boxes in order of preference, with 1 being the highest preference.

In relation to information that may or may not be provided by political parties, let me just say again, as I have said several times before, the Liberal Party gave evidence to the Joint Standing Committee on Electoral Matters inquiry to indicate that our intention is to provide advice and guidance on our how-to-vote card consistent with what is on the ballot paper. The
approach that is taken by other parties—by the Australian Motoring Enthusiast Party, the Family First party or the Labor Party—is a matter for those parties.

But the section in the Electoral Act that any party has to comply with is the section which prohibits misleading or deceptive publications et cetera. I read that section for the benefit of the chamber. I have done it before, but I will do it again. I will read out the relevant section of the Commonwealth Electoral Act 1918, section 329(1):

(1) A person shall not, during the relevant period in relation to an election under this Act, print, publish or distribute, or cause, permit or authorize to be printed, published or distributed, any matter or thing that is likely to mislead or deceive an elector in relation to the casting of a vote.

That is pretty self-explanatory:

(1) A person shall not, during the relevant period in relation to an election under this Act, print, publish or distribute, or cause, permit or authorize to be printed, published or distributed, any matter or thing that is likely to mislead or deceive an elector in relation to the casting of a vote.

Senator Muir interjecting—

Senator CORMANN: Well, if you are not being misleading or deceptive then obviously you are not acting in contravention of this section. That is pretty self-evident. I am actually wondering what the question is. We are going around and around in circles. We have been having a debate over the last six years. If somebody is not misleading or deceiving voters, then obviously they are not contravening this section and they are not going to be penalised.

But in relation to a person who does mislead or engage in deceptive publications:

(4) A person who contravenes subsection (1) is guilty of an offence punishable on conviction:

(a) if the offender is a natural person—by a fine not exceeding $1,000 or imprisonment for a period not exceeding 6 months, or both; or

(b) if the offender is a body corporate—by a fine not exceeding $5,000.

There are a range of other things that I am quite happy to re-ad into Hansard again, but I think you get the gist.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (03:07): I was listening to the debate and I noticed that Senator Cormann declined to answer some legitimate questions. I will try and ask them in a different way. I understand the proposition—

Honourable senators interjecting—

Senator Jacinta Collins: If you ask in different ways, sometimes you get an answer.

Senator WONG: This is a genuine question. I actually want to understand—

An honourable senator interjecting—

Senator WONG: I understand the proposition the minister has just put about misleading conduct, but what is the scope of that?

Senator Ian Macdonald interjecting—

The TEMPORARY CHAIRMAN: Order on my right!

Senator Ian Macdonald interjecting—

Senator WONG: I will just put that on the record. Senator MacDonald just said I was very dense. So when you hear the government talking about how appalling the level of the
debate is, let's just recall the nature of the debate from government senators. Senator Cormann, I currently cannot find it, but the South Australian—

Senator Ian Macdonald interjecting—

An opposition senator: Chuck him out!

Senator Jacinta Collins: No wonder they call you a bully, Ian.

Senator Ian Macdonald interjecting—

Senator Jacinta Collins interjecting—

Senator WONG: Shall I sit down and you two can continue?

The TEMPORARY CHAIRMAN: Senator Wong, resume your seat. Senator Wong, like any senator, is entitled to be heard in silence. I request senators to please observe that courtesy.

Senator WONG: Thank you. I am indebted to my very good adviser, Mr van Bavel, for providing me with this. The section in the South Australian act is section 126. As the minister probably knows—I know he has been engaged on this for some time—the South Australian legislation has quite extensive savings provisions, not just in the upper house but in the lower house. However, one of the counterbalances to the savings provisions, which are even more effective or extensive than what is proposed here, is a prohibition against advocacy. Section 126 of the South Australian legislation prohibits advocacy of forms of voting inconsistent with the act. Subsection 1 says:

A person must not publicly advocate that a voter should mark a ballot paper otherwise than in the manner set out in section 76(1) or (2) …

Subsection 2 says:

A person must not distribute how-to-vote cards in relation to an election unless each card is—

(a) marked so as to indicate a valid vote in the manner prescribed in section 76(1) or (2); or

(b) identical to a card submitted for inclusion in posters under section 66.

I understand the position that the minister has just put in relation to misleading conduct. This is a different provision, because it does not require a mislead; it is simply a prohibition against public advocacy of forms of voting inconsistent with the act. My question is: is there any provision of the bill before us which has the same legal effect as section 126 of the South Australian act?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (03:11): As I have said on several occasions now, the government has taken the view that section 329 of the Commonwealth Electoral Act, relating to misleading or deceptive publications et cetera, is sufficient to deal with any mischief that might happen, as has been suggested, in the context of seeking to mislead or deceive an elector in relation to the casting of a vote. The government is not proposing to introduce into this legislation a provision like the one that Senator Wong has just read out of the relevant South Australian legislation. If the Labor Party wants to put forward the introduction of such a provision, they are of course free to move an amendment, and the chamber can pass judgement on such an amendment.

Senator DAY (South Australia) (03:11): The chamber would be aware that my proposed amendment number 7890, seeks to do exactly what the Leader of the Opposition in the Senate
has just suggested, mirroring section 126 of the South Australian electoral law, which does in fact prohibit the distribution of how-to-vote cards and promotions. I do not want to prolong this point unnecessarily, but I was under a different impression following the hearing and the evidence of the Electoral Commission and Mr Rogers, who was asked this very question and gave a quite clear answer that it was not an offence to promote just putting '1' above the line. Until today I was not in any doubt about that, but now I am. Could the minister comment on Mr Rogers's evidence, where he states that it is not an offence. Do you agree with Mr Rogers, Minister?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (03:13): Thank you, Senator Day. We have gone through this issue now for six or seven hours, round and round in circles. Given that Senator Day mentioned his amendments, it would be good if we could start to deal with some of the amendments and if the Senate could start passing judgement in relation to some of these amendments so that we can get on with making judgements on the legislation as a whole.

Senator Day has circulated amendments in relation to the matter that Senator Wong has raised. As I have said on several occasions now, in the government's judgement the Electoral Act, and specifically section 329, already provides sufficient protection for voters against deceptive and misleading conduct in relation to the casting of a vote. Of course, that prohibition against misleading and deceptive conduct will continue.

As part of this proposal the government is also making sure that voters get very clear, very explicit, black-and-white advice on their Senate ballot paper. It will say, 'To vote above the line, please number at least six boxes 1 to 6 in order of your preference, with 1 being your highest preference.' That is what it will say on the ballot paper, and our judgement is that the information provided on the ballot paper, together with the education campaign that will take place over the next little while, subject to the passage of this legislation, together with the provision in section 329 of the Electoral Act prohibiting misleading or deceptive conduct seeking to mislead or deceive electors in relation to casting their vote—we believe that this is sufficient protection for voters.

On top of that, our indication as the Liberal Party—through our federal director representing the Liberal Party, as you know, at the relevant inquiry—is very clearly that our intention is to provide guidance to voters on our how-to-vote cards entirely consistent with what is on the Senate ballot paper. Obviously it is a matter for other parties how they seek to do this, as long as they do not deceive and mislead voters in relation to the casting of their vote.

Senator DAY (South Australia) (03:16): I apologise to the chamber for prolonging this. I mentioned Mr Rogers's evidence. I am not one for beating around the bush. If you do not agree with Mr Rogers's evidence, please say so and then I will pursue the amendment. Mr Rogers said it was not an offence. I have heard the eight or nine similar answers, Minister. If you do not agree with him, that is fine. There is no law against disagreeing with the commissioner, but if that is the government's view then please say so.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (03:16): The government's view is that section 329 in the Electoral Act, prohibiting misleading or deceptive conduct vis-a-vis
voters in relation to casting a vote, together with the explicit advice on Senate ballot papers on how to vote above the line by numbering at least six boxes in order of preference from 1 to 6, together with the very clear information that will be provided to voters as part of the education campaign, provide sufficient safeguards, and we do not believe that there is further need for the sort of provision that Senator Wong flagged and that is flagged in your amendment.

Senator LAMBIE (Tasmania) (03:17): Minister, just on that, on my how-to-vote cards, when I put 'Vote 1 the JLN,' and nothing else, I just wonder how long it is going to take the police to come and handcuff me and what criminal charges they are going to apply to me.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (03:17): Obviously it is not up to the government to make judgements around enforcing complaints with the Electoral Act. These are matters for the independent statutory authorities to pursue as appropriate.

Senator LAMBIE (Tasmania) (03:18): I simply want to know what criminal charges are going to be applied to me when I put on the how-to-vote cards, 'Vote 1 the JLN,' and nothing else. Please answer my question. I want to know if I am going to jail or not. That is all I want to know.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (03:18): I do not think you should do that, but I also do not think you should go to jail for it, and I do not think the Senate should legislate to put you into jail for doing that.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (03:18): I have just been watching and listening to Senator Day, Senator Wang and Senator Lambie asking a very simple and straightforward question, and you have answered a different question every single time you have got to your feet. You may seek advice—there are plenty of times when ministers seek advice from their officials—but please answer the question. Under the provision that Senator Wong, Senator Day and Senator Lambie have quoted, based on the advice from the Electoral Commissioner—when I was there as well, he made it very clear—it would not be an offence to, as Senator Lambie says, advocate putting a 1 in a box.

An honourable senator: So why are you asking the question?

Senator CONROY: Because we are asking the minister whether or not this other provision catches the party or individual who wants to just put a 1. So do not read the script for a question that you have not been asked. Please seek some advice and answer the question about whether or not you are captured by this other provision in the act. It is a pretty straightforward question: will this other provision capture a just-1-in-the-box vote? You do not know and still cannot tell—

An honourable senator: They are struggling a bit, aren't they.

Senator CONROY: You actually do not know. That is just embarrassing. You are the minister, and you do not know and will not seek advice.

Senator JACINTA COLLINS (Victoria) (03:20): I note Senator Conroy's remark, but add to it that the minister seems—

Senator Cash interjecting—
Senator JACINTA COLLINS: I am sorry, Senator Cash, is there a problem with this? Are you having trouble following? Is it too late in the evening? What is the issue?

The TEMPORARY CHAIRMAN (Senator Gallacher): You have the call, Senator Collins. Please address your remarks through the chair.

Senator JACINTA COLLINS: Added to the point that Senator Conroy just made is the concern that we are not just dealing with the minister sitting here and shrugging and refusing to answer the question about what lawful conduct would be available from us, as Senator Lambie said—a senator who will be campaigning in these circumstances and who wants to understand what would be appropriate campaigning under these new provisions. And the minister simply refuses to answer. Senator Day, though, by raising his amendments, raises an important issue about how to consider amendments in a bill and why we are still at the general question stage, because, of course, there are questions that run across a whole range of amendments. Whilst the government and the Greens seem to satisfy themselves with continuing to argue that we have the government's first amendment before us and, from time to time, they suggest we should narrow ourselves to just that one amendment—

Senator Conroy: When we do.

Senator JACINTA COLLINS: We could, but it is a ludicrous situation because, in terms of considering a piece of legislation, the minister has failed several times now to address important general questions about how these provisions will operate. For anyone who is still listening to this discussion at this hour of the night, the really concerning thing about that is not so much that we are still here now at almost 3.30 at night getting no satisfaction on very important questions; instead, it is that it is happening here under these circumstances that are part of the government-Greens fix. Important questions about how people can campaign in Senate elections in the future cannot or will not be answered by this minister. I think that is a very important to highlight so that anyone who is listening does not continue to hear this little voice harping, 'Can't we get on to substantive matters, and can't you narrow yourselves to the first amendment?' which is just ludicrous.

What it really highlights is the hunger that the Greens and the government have to break their word, to not be here till Easter—as the minister assured us he was prepared to be—and to try to ram this legislation through without adequate consideration. I think that the discussion on this particular issue, which Senator Day says does relate to his amendment and which we will eventually get through as we start moving through amendments, highlights exactly that point. But it is not the only one, Senator Day, I am afraid to say. There are a range of other general issues that have been raised so far that the government is refusing to provide adequate policy rationale for, and I have reflected in the past that I am astounded that these are issues that the Greens just swallowed. But now is the time to highlight where the government has failed to provide adequate policy rationale for this fix.

Senator Ian Macdonald interjecting—

Senator JACINTA COLLINS: The government may think it is adequate at 3.30 in the evening to have Senator Macdonald sit here and try to bully me while I make a contribution—

Senator Cash interjecting—

Senator JACINTA COLLINS: Senator Cash says she does not think anyone is really listening—so it does not matter! The sad thing is that the last time the government tried this,
they eventually realised it was not a good look—after about five hours, I think—and it all went away. They might want to consider that approach again, because there are still a range of general substantive matters that need to be addressed in relation to this bill.

I would be happy to talk about the government's first amendment if that would make them feel happy. I would be happy to make a contribution that dealt with all of it, but it is not going to make those general questions go away. They will still arise at some stage over the course of this debate. We have covered some of them but nowhere near all of them. Some of them we will get to again when we look at the amendments that relate to timing—and there are several of those. Is the minister, and are the Greens, actually suggesting we should deal with the various amendments put forward about the timing of the implementation of these measures one by one? Is that the suggestion? What is the justification for Senator Whish-Wilson or Senator Ludlam sitting there and saying, 'You have to talk to the amendment'? Senator Ludlam at least knows how legislation processes work.

Before we go into any detail on the government's nine amendments, we need to highlight, as has been done by Senator Conroy, the minister's failure to respond on this question about unlawful behaviour to Senator Conroy, to Senator Wang, to me, to Senator Day, to Senator Lambie or to Senator Muir—because it is an inadequate response from the government, an extremely inadequate response. I notice that the minister has not gone back to saying, 'You cannot ask us to respond on whether behaviour would be lawful or not.' Fancy asking that in consideration of a bill! How outrageous! That was his first response. I know that response did not come from the advisers box. I know he just plucked that one out of the air. That is no way to proceed with legislative reform, no way at all. But it does highlight the chaos that has been this government's approach to dealing with this and some of the other matters that other senators have raised during this process.

Another area of non-answer that senators will recall is that of the resources that will be available to the AEC—and they will recall the government's failure to respond to the Senate's return to order on that. Again we had Senator Cormann's typical response—'I am being misrepresented'—when I was complaining that he was trying to claim that the issue was commercial-in-confidence without highlighting what the harm might be. He was trying to use that as a reason to not even give ballpark figures for what resources the AEC would need to implement these changes—which are the most significant changes in 30 years to how we vote for the Senate.

The more amusing answer to that issue—and I think it was in response to another senator, not me—was: 'Wait until estimates.' The minister's response to those legitimate questions before the Senate was to tell us that we should deal with them post facto in estimates! We might as well not deal with legislation in this place. Let us imagine this new world, that the Greens have helped construct, where the government has the balance of power in the Senate. They will not have to deal with pesky committee stage considerations. Hell no, they can go back to what they did after 2004 and just ram things through.

The amusing part of them just ramming things through, however, is the lesson that at least John Howard learned from the Work Choices experience.

An opposition senator interjecting—
Senator JACINTA COLLINS: Eventually he learned it—that is right. In the enthusiasm arising out of having the balance of power, they put through measures that this government would have put through in the 2014 budget had they been able to—and now they will be able to, thanks to the Greens.

They would have put those measures through, but the lesson that John Howard learnt, of course, was: he went too far, and the Australian public responded and booted them out. This was despite the fact that they had already backflipped, but a bit too late, on Work Choices. They had done their backflip but it was too late to impact on the public opinion about the excessive changes that they had allowed to occur to our fair workplace relations system.

Senator O'Neill: Self-indulgent.

Senator JACINTA COLLINS: It was worse than self-indulgent, Senator O'Neill; it was the ideological agenda and the arrogance that you see occur when parties like the coalition have control in the Senate. Others here like to refer to issues of 'choice' and 'democratic principles' and the like, but the point that I made in my contribution earlier is that I believe that Australians actually value the Senate as a brake on executive government. I think that Australians appreciate having a Senate composition, different in nature to that of the House, that allows the Senate to act as a brake on government.

Senator O'Sullivan: Will you get the chance to prove that?

Senator JACINTA COLLINS: We may get a real chance, Senator O'Sullivan, to prove that but, under this fix, it will be under your new system, which is rigged. Your new system is rigged to generate that outcome. And so we go back again to the minister's earlier comments where I think Senator Carr was very generous in saying that the minister—I cannot recall the exact phrase he used—was being disingenuous when he claimed that these measures are completely independent of when an election might occur. They are not completely independent. We know, with pretty much 100 per cent confidence, that Mr Turnbull will not be calling a double dissolution election if these measures do not succeed. We all know that. I do not know the minister's idea on logical possibilities, but he does not seem to have a good grasp of it. We do know that Mr Turnbull will not go to a double dissolution election without these measures.

We also know that the Greens have been complicit in delivering that possibility. I was picked up earlier for referring to Senator Di Natale as the 'senator for half measures', but this gives me the opportunity to explain his half measures, because when he scurried around—concerned because his own colleagues were concerned about the double dissolution implications—to try to work out what he might be able to fix and decided that a delay in the implementation was what would help, he only managed to get a delay until 2 July. We all know that there are three further Saturdays by which a double dissolution could occur. I do not know how he explained that in the party room. I do not know how he said to Senator Hanson-Young, 'Look, I have at least been able to eliminate half of the potential double dissolutions.'

I really do not know how satisfying that was for Senator Hanson-Young. I can only assume that it was not very satisfying because she is the one Green who has not spoken on the second reading of this bill. She has not been here as part of the Greens team during the debate—and I do not blame her at all, because she has been around long enough to understand the
implications of what is going on for her in South Australia. Her scenario is, of course, that her leader, Senator Di Natale, has done a deal with the government, which will benefit Senator Xenophon in South Australia, to her and her other colleagues' detriment. She understands that very clearly. It would be an interesting place to be, the Greens party room, as they muse through this, because not only has the nature of the fix been highlighted, but also the inadequacies of the process and of the issues that they have failed to address in this fix must be outright embarrassing.

But they are now stuck in a scenario where they have to allow hours of detailed consideration to highlight this point, because they have assured the public at large that they will not gag. So, as I said at the outset of this process, we have been forced into an undesirable situation, which is: we need to deal with these issues in a committee stage consideration before the whole of the Senate at this hour of the night, and we need to do it in a way where we have people like Senator Macdonald, again—

The TEMPORARY CHAIRMAN (Senator Edwards): Order! Senator Collins—

An honourable senator: Next time just read out the phone book; it'll be more—

The TEMPORARY CHAIRMAN: Order! Order!
Honourable senators interjecting—

The TEMPORARY CHAIRMAN: I remind senators that interjections are disorderly. Senator Whish-Wilson is on his feet and I am looking to give him the call. Order!

Senator WHISH-WILSON (Tasmania) (03:36): I would just like to remind the chamber and the Labor Party that it is now 3.36 in the morning, and I ask the Labor Party to address the amendment before the chair, and then we have 37 more to go following that. The time for student politics is over. Deal with the issue at hand—through you, Chair—and let us actually get on with doing the job that we are paid for, that the Australian people want us to do, which is to actually look at the legislation, deal with the substantive debate, not the student politics that Senator Collins has been bunging on about for the last 15 minutes, get on with the amendment, and deal with the substantive debate, which is very important—

Senator O'Neill interjecting—

The TEMPORARY CHAIRMAN: Order, Senator O'Neill! Order!

Senator WHISH-WILSON: Protect me, please, Chair! Protect me, please! I am being savaged by a very flaccid attack by the Labor Party on my right flank! That is a word not many men like to hear, but that 'flaccid' word is very, very powerful when it is used in the right context. I am interested in getting on with the substantive debate. There is a lot to debate. There is a lot of detail we need to get through. I ask the Labor Party to deal with the amendment before the chair. Put the politics aside, and let us get on with this.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (03:37): I will respond very briefly. A number of senators, including Senator Day, have now attempted to address very specific questions very specifically—and I did myself, very specifically. So if you would like this debate to progress, why don't you take your new dance partner and say to them, 'How about you actually learn what is in the bill and answer the questions?' Then we might be able to progress, because we have now had four separate senators ask the same basic question about the legislation of the minister, and he has literally repeated the answer to a
different question. So why don't you wander over there and have a word in his ear and say, 'How about, if you want to actually progress it, Minister, you start answering some questions?'

The TEMPORARY CHAIRMAN: Senator Conroy, address your remarks through the chair, please.

Senator CONROY: My apologies, Mr Acting Deputy President.

The TEMPORARY CHAIRMAN: And I am the chair, I am not the acting deputy president.

Senator CONROY: I am being lectured by Senator Whish-Wilson, who is simply running his own mini-filibuster over in the corner instead of actually saying to the minister, 'For goodness sake, Minister! Will you answer the question Senator Day, Senator Lambie, Senator Conroy and Senator Collins have asked? And Senator Wong has put the general proposition to you. Why can't you just answer the question?' You have such a lack of understanding of your own bill that you cannot answer the simple question. I will ask him one more time—and if he does not answer it this time, Senator Whish-Wilson, then do not whine and complain. Minister, will a party that advocates a 1 only in the box be captured by the provision that Senator Wong asked you about?

The TEMPORARY CHAIRMAN: Minister? Senator Muir.

Senator MUIR (Victoria) (03:39): I would like to read a quote from Mr Rogers at the Joint Standing Committee on Electoral Matters. It is not going to be very long. The quote is:

However, if hypothetically someone did advise voters to vote 1 above the line, they would still be advising voters to vote formally.

So, in saying that, I can conclude it is not going to be an offence—am I wrong, Minister?

The TEMPORARY CHAIRMAN: The question is—

Senator Conroy: Has there been an answer?

Senator JACINTA COLLINS (Victoria) (03:39): No, there has not been an answer. But I am sorely tempted by Senator Whish-Wilson's comments to respond to the student politics issue. I never actually participated in student politics so it is hard for me to really understand the nature of that criticism. But the rest of your contribution was so bizarre I do not think I will really bother trying to go there. But I will respond to your concern about the process and the hour.

Again, I move:

That the committee report progress and seek leave to sit again.

The CHAIRMAN: The question is that the committee report progress.

The committee divided. [03:44]

(The Chairman—Senator Marshall)

Ayes ................... 22
Noes .................... 36
Majority................. 14

AYES

Bullock, JW
Carr, KJ

Cameron, DN
Conroy, SM
Question negatived.

Senator JACINTA COLLINS (Victoria) (03:47): I think on the last occasion I highlighted fairly comprehensively the government's failure to respond to some quite significant issues. Perhaps the one quip—

An honourable senator interjecting—

Senator JACINTA COLLINS: Sorry, what was that point?

The TEMPORARY CHAIRMAN: Ignore the interjections, Senator Collins. Proceed.

An honourable senator interjecting—

Senator JACINTA COLLINS: No, I am not going to say it all again.

An honourable senator interjecting—

Senator JACINTA COLLINS: No.

The TEMPORARY CHAIRMAN: Senator Collins, please ignore the interjections.

Senator Conroy: Particularly from people not in their seats.

Senator JACINTA COLLINS: Yes, not in their seats—it is quite a problem. No, the only additional remark I was going to make was the one that I forgot to make earlier, which
was that, if Senator Cormann actually responded to legitimate questions rather than playing on social media about representations of hours and the like, we might actually make some progress. Senators need to understand: whilst he is being asked legitimate questions by a number of senators and failing to respond, what is he doing instead? He is sitting there playing on his mobile, engaging with social media on unrelated issues such as the amount of time that has been involved so far and his misrepresentations in part on that point.

But, as we know, we are at the first of government amendments on sheet JP109. Because this amendment is in a sense definitional and relates to other amendments in this set, I will deal with the opposition's position in relation to all of those amendments, (1) to (9). It will not surprise—oh, look, Senator Cormann is even looking happy!

The TEMPORARY CHAIRMAN: Order!

Senator Cormann: You are talking about the amendments. That is good.

The TEMPORARY CHAIRMAN: Order!

Senator JACINTA COLLINS: Well, Senator Cormann, you give me the opportunity—

The TEMPORARY CHAIRMAN: Senator Collins, ignore the interjections.

Senator JACINTA COLLINS: No, he does give me the opportunity to reflect on some of the taunts and the helpfulness that have come from senators. For those who cannot hear the interjections, they are things such as Senator Birmingham saying, 'You're struggling, you're struggling!' And Senator Fifield saying, 'Why don't you just read the phone book?'

For your edification, I think that the best example on electoral reform and, indeed, a Senate filibuster, was back in 1918, where a particular senator actually spent an enormous amount of time simply reading the bill. Now, I have not got anywhere near that type of behaviour. We have clearly highlighted where the government has failed to respond to very legitimate questions so that anyone following the consideration of this legislation very clearly understands the approach of the government, which is: 'We've got our fix with the Greens and we're not answering!'

Let's go to the latest stage of that fix, because Senator Cormann got so excited when I said I was actually dealing with the set of government amendments that covers—

A government senator: We are excited!

Senator JACINTA COLLINS: Well, it is a very exciting time, according to Mr Turnbull! It is an exciting time to be Prime Minister, I am sure, but it is not necessarily going to be an exciting time if you are a minor party senator, following these measures. I am sure that sentiment is sorely felt.

So it will not surprise Senator Cormann that the opposition opposes the government amendments to this bill. It is difficult to say what is most offensive about these amendments—the bungled handling of them in a procedural sense or the poor public policy outcomes that they represent.

Senator Cormann: And why is that?

Senator JACINTA COLLINS: Some of those issues we have covered to date. Senator Cormann interjects, 'And why is that?' I can go back over some of them if he really wants me to, but I would have thought by now it is pretty clear. I look at my colleagues here and ask, 'Is that pretty clear?'
Opposition senators interjecting—

Senator JACINTA COLLINS: I would have thought so. I do not know whether Senator Whish-Wilson is paying attention now, but it seems as if the minister is actually encouraging me not to deal with the amendments because he wants to go back over the issues about the poor process, the bungled handling of them in a procedural sense and why it is that we are here at 10 to four in the evening—

Senator CORMANN: In the morning!

Senator JACINTA COLLINS: And I could go through that again, but let me focus on the comments on these amendments—firstly, that poor process.

The fact that the government is being forced to suffer the indignity of amending its own bill in the Senate tells us everything we need to know about the shambolic handling of this legislation. I do not know that I have seen a bill before that actually has four versions of explanatory memoranda. There were two in the House and two here.

Senator Brandis interjecting—

Senator JACINTA COLLINS: Senator Brandis sits there and scoffs at the suggestion that this has been a shambolic process but, hell, we would not have seen it in Senator Abetz's day! But we already know that you would not have seen the Greens deal under Senator Abetz's day either, don't we? That Mr Turnbull only woke up to Senator Brandis in relation to the arts portfolio continues to entertain a lot of people in this place. But it is no surprise to us that this has been a shambolic process.

This bill was the product of a dirty deal between the Liberals, the Greens and Senator Xenophon, behind closed doors. It was cooked up, as I said, behind closed doors and is now being rammed through the Senate. They would like it at lightning speed but, of course, they are restricted by the Greens rhetoric that there will not be a gag.

Let me describe a version of a gag to the Greens, just so we get this bit on the record. This is what I call 'legislation by attrition', which ultimately, of course, is a gag, because you get senators like Senator Birmingham coming in and saying, 'Oh, you're running out of puff! Oh, you're running out of material! Oh, you're going to run out! Oh, Jacinta, you need more material!' But we will continue to highlight the important issues in this debate.

Senator Birmingham: You've hurt me now!

Senator JACINTA COLLINS: Well, Senator Birmingham, you were not listening to the discussion that just occurred. Let me give you a brief revisit on that, because we had questions that the minister failed to answer, not only from me but from Senator Wong, Senator Conroy, Senator Lambie, Senator Muir and Senator Day—

An opposition senator: And Senator Carr.

Senator JACINTA COLLINS: And Senator Carr—of course!

He failed to respond on a very critical issue that, as a South Australian, you should appreciate, because your legislation in South Australia does address this issue. Senators had a very important question that the minister has just refused to address.

But these are not the only problems. The process of trying to move this through at lightning speed, ahead of today's—yesterday and today's, or, in Senate terms, today's—lengthy debate has meant that the drafting process has been problematic. The drafting of this bill was so
rushed that it was only half complete when it was introduced into the parliament. Now the
government is suffering the humiliation of amending its own legislation to rectify its policy
failures. I would expect this incompetence from Senator Di Natale and his hapless democracy
spokesperson, Senator Rhiannon, but you would hope that the government of the day could do
better. I suppose I should have seen the signs of that when the minister—maybe it was not the
minister but the government chair of the committee—refused to allow even the department to
appear before the Senate inquiry. If you cannot have the department before the inquiry, what
confidence can you possibly have about what adequate drafting processes might occur? But,
of course, we are not even meant to be asking about things like drafting processes.

We had some discussion earlier about the respected electoral analyst Malcolm Mackerras,
although I heard some scoffing from the other side at the time. He said it best when he
described the legislation as a 'filthy deal' concocted by 'an unelected, dud Prime Minister and
the Greens, that party noted for its moral vanity'. Mr Mackerras said that how many weeks
ago?

Senator Conroy: It is not only moral vanity nowadays.

Senator JACINTA COLLINS: I am sure that was ahead of GQ, wasn't it?

Opposition senators: It was!

Senator JACINTA COLLINS: That statement was well ahead of GQ. I have to say, I
have never seen a political glamour shot go well, but that the Greens are just learning that is
an interesting example of what the problem is here.

Honourable senators interjecting—

The TEMPORARY CHAIRMAN: Order in the chamber!

Senator JACINTA COLLINS: There are lots of things that they are just starting to learn.

I have previously advised the Senate of my concerns about the farcical half-day JSCEM
hearing into the bill. I raised concerns about the risk that the government was overlooking
shortcomings in its own legislation and the unintended consequences that flow from rushed
legislation. By these amendments, the government has effectively admitted that I was right—
that there were unintended consequences and oversights that, certainly, they had to deal with
in the House. What other unintended consequences and oversights are there still within the
legislation? That is a serious concern. It is shameful that this incompetent and panicked
government is administering something as important as electoral law in such a shambolic
fashion. As I said, back in 1918 the response of one senator to that situation, as a government
was trying to ram through electoral changes, was to spend an enormous number of hours,
through the night, just reading the bill. So, when people bleat that this has been a filibuster,
that was a real filibuster.

The challenge we have had, and have dealt with effectively here, is to highlight the
inadequacies both in process and in outcome, and we make no apology for doing that and for
continuing to do that. It may leave the Greens feeling uncomfortable because they have
conspired in both this process and this outcome, but, no, we will continue to do that. When
the government and the Greens issue the challenge, which is, 'Oh, no, we won't gag debate;
you'll have all the time that you want'—until Easter, according to the minister—of course we
are going to take the time to highlight the inadequacies involved here.
It is deeply disappointing that Senator Di Natale and some of his clueless colleagues on some important points are taking part in the contempt of the parliament and the Senate's role in scrutinising legislation and to holding the government to account. Senator Di Natale is so desperate to deal himself into mainstream political relevance that he is dealin his party out of the political values that Greens' pioneer Bob Brown held so dear. I have made earlier comparisons today to former Senator Bob Brown and I think they still apply.

Senator Di Natale is pretending to be this new, reasonable moderate, but when Michael Kroger met Richard Di Natale he must have thought all his Christmases had come at once. There is a reason the surname is Natale—all his Christmases must have come at once, is what Michael Kroger would have thought when he met Richard Di Natale. Of course, this deal is what highlights—

Senator Williams: Temporary Chair, a point of order. Twice in the last 30 seconds, Senator Collins has referred to the Leader of the Greens as Richard Di Natale. I ask you to her correct and to use his correct title.

The TEMPORARY CHAIRMAN: I remind senators that they should refer to their Senate colleagues by their proper title.

Senator Jacinta Collins: If Senator Di Natale is concerned about being referred to by his proper name, I am quite happy to refer to him as Senator Di Natale.

The TEMPORARY CHAIRMAN: Order! Senator Collins, just move along.

Senator Jacinta Collins: What is the problem?

The TEMPORARY CHAIRMAN: You have the call.

Senator Jacinta Collins: Thank you for that point, Chair. Given the response that I just had, I move:

That the committee report progress and ask to sit again.

The TEMPORARY CHAIRMAN: The question is that progress be reported.

The committee divided. [04:06]

(The Chairman—Senator Marshall)

Ayes ......................24
Noes ......................38
Majority ................14

AYES

Bullock, JW
Carr, KJ
Conroy, SM
Day, RJ
Gallagher, KR
Leyonhjelm, DE
McAllister, J
McLucas, J
Muir, R
Peris, N
Sterle, G
Wang, Z

Cameron, DN
Collins, JMA
Dastyari, S
Gallacher, AM
Lambie, J
Marshall, GM
McEwen, A
Moore, CM
O'Neills, DM
Polley, H
Urquhart, AE (teller)
Wong, P
Senator JACINTA COLLINS (Victoria) (04:10): I had been partly led away, by some of the distractions, from our response to government amendments (1) to (9), so I might return to conclude those. I will move on from some of the concerns with process to the policy arguments with respect to those amendments. The government's amendments will lead to poor policy outcomes. The Australian Labor Party supports the current compulsory preferential system. Compulsory preferential voting means that 100 per cent of the formal votes elect a senator or go to the seventh unsuccessful candidate in the race. No votes are wasted.

I encourage senators to look at the Hansard discussion we were having earlier with Senator Cormann about choice. He, in my view—but, given the nature of this debate, we will only know when we can see the Hansard—was practically arguing for voluntary voting in his suggestion that people should not be forced to vote for more than the number of parties that they might want to. I encourage the Greens to consider the implications of the approach that Senator Cormann seemed to be indicating in his fairly philosophical and, possibly, not considered government position on that point.

I note that Senator Xenophon is back. He was not here at the time I raised the issue. Given Senator Cormann's earlier discussion about benchmarking and what standards we might want to test these measures against in the future, I returned to the issues that he had raised and encouraged him to have a look at the discussion that had occurred some time earlier when Senator Cormann became quite philosophical about what things voters should be forced to do. As I said, my reading of that contribution at the time—and we will only know when we get to see the Hansard—was that he was practically moving a pretty strong way down the voluntary voting path. That is certainly not the Labor Party's position. Our view is very clear: no votes should be wasted.

Under optional preferential voting large numbers of Senate votes will be exhausted from the count once their preferences run out. At the 2013 election three million voters gave their
first preference Senate vote to parties other than the coalition, Labor, the Greens or the Xenophon ticket in South Australia. Under an optional preferential system the vast majority of these three million votes would have been exhausted. That means nearly a quarter of the formal votes which were cast would not have counted towards the final result. Millions of Australians would have been disenfranchised. The concerns are compounded by the limited information we have about what education campaign may occur for these very significant changes to the way we have voted.

Government senators interjecting—

Senator JACINTA COLLINS: I note the interjections now that I am just 'making it up'. So I am wondering, Senator Cormann, whether you want Labor to deal with the opposition's position in relation to this, or if you want to again stray off this and move on to concerns about this process where the opposition frontbench is not even able to outline the opposition's position in relation to the policy arguments with respect to these provisions without the type of heckling and interjections that are occurring.

So maybe for the benefit of those senators I will highlight why it was I suggested we report progress on the last occasion. I am pleased, Mr Chairman, that you have stayed here because the nature of the chairing was the issue on that occasion. I had been asked to sit down in the middle of my contribution regarding the opposition's position in relation to government amendments (1) to (9). When we sought to clarify from the temporary chair at the time what the issue was, he was not able to elucidate and I was told to get back on my feet again! That was why I suggested the committee report progress. This is the issue for you, Mr Chairman, in your role as Chairman of Committees: if we cannot find temporary chairs who are able to function in the way we need at quarter past four, added to the various interjections that are occurring, it is a problem. It is a problem that I encourage the Greens to consider again when we go down the path of having to deal with legislation by attrition.

I certainly highlight that this is no criticism at all of the senator who, like myself, was attempting to function at quarter past four in the morning. Indeed, I was highlighting—

Honourable senators interjecting—

The CHAIRMAN: Senator Collins, just resume your seat until interjections cease.

Senator JACINTA COLLINS: I go back to the policy arguments about how millions of Australians will be disenfranchised. No, I am not just making it up. The evidence before JSCEM—Senator Wong was going to go through further quotes, if other senators want further information to highlight this—was that the policy case is not as has been characterised by the government here. There were several criticisms about how millions of Australians will be disenfranchised.

Sadly, this is no accident. It is in fact the intended outcome of the filthy deal cooked up behind closed doors by the Liberals, Greens and Senator Xenophon. This filthy deal has nothing to do with the purported democratic interest of the Australian people or with putting power back into the hands of voters. That has been made obvious by the discussion that we have had so far. Senator Cormann's arguments about choice and what people should be forced to vote for highlighted that more than anything else could have.

I look forward to—Mr Chairman, this is perhaps a question that you might be able to assist the committee with—when we might have access to the Hansard. I wonder whether it might
actually be available before we vote finally on this bill. We have covered some significant areas of policy here. Indeed, the capacity for people to revisit some of that discussion, I think, is an important issue.

Let us go back to what in fact this was designed to achieve, which was to maximise the number of senators elected by the major parties, such as the Liberal Party, and the established minor parties, such as the Greens political party and the Nick Xenophon Team. That is clear from the government's own rhetoric. They have not quite said it that way. It has instead been described in terms of dealing with the microparties. But the consequence of that is pretty easy to see and pretty easy to read. It is designed to exhaust preferences early so Independents and the so-called microparties are deprived of votes.

Senator Conroy: That is actually the plan.

Senator JACINTA COLLINS: It is the plan. The government themselves have highlighted this point. The object of this filthy deal is to prevent new players from entering the Senate, thereby entrenching the electoral dominance of existing players. The principal beneficiary of this new voting system will be the Liberal Party, which traditionally receives a high primary vote. The Liberal Party's motivation for supporting this legislation is to achieve lasting electoral dominance in the Senate for the conservative parties and over time a lasting Senate majority in their own right.

Senator Xenophon sees this as his best chance to increase his own representation in this place and I do not think he is making any pretences there.

Honourable senators interjecting—

The CHAIRMAN: Senator Collins, resume your seat.

Honourable senators interjecting—

The CHAIRMAN: Senator Collins.

Senator Conroy: Mathias has got it wrong again, just ignore him.

Senator JACINTA COLLINS: Senator Conroy, I understand that Mathias is seeking to misrepresent what is here. He seems to have this incredible capacity to reconstruct. This has in part been one of the problems with him responding to questions. When he is asked a question, rather than respond to the question he has been asked, he reconstructs the question and answers a different question. That is what we have seen for hours on end here.

Anyway, back to my point. Senator Xenophon is making no pretences here. He sees this as his best chance to increase his own representation in this place and in particular through the corralling of votes in South Australia, where he is personally very popular. Green senators from South Australia—Senator Hanson-Young and Senator Simms—will of course pay a high price for this proposal. A double dissolution election based on this legislation will spell the end for one or both of their political careers. Over time Senator Xenophon will take both seats the South Australian Greens currently hold in this chamber and Australians will be staring at a Senate controlled by the coalition. This is in fact the major point.

People observing this process and airing their concerns continually say to me: 'My biggest concern with this Greens-coalition deal is not best represented by you saying, "Think of Work Choices." What you really need to do is remind people of what that means. Don't just say "Work Choices". Everyone knows what Work Choices is, but what they do not necessarily
understand is how Work Choices came about and what would have happened to the 2014 budget if this government had had control in the Senate.' That is the main thing people ask me to highlight about this dirty deal.

The Labor Party opposes these government amendments, as I have indicated, just as it opposes this ill-conceived bill. I say to Green senators, particularly those from South Australia, I hope you understand that the biggest concern about this deal is what it will lead to in the future. After a double dissolution in July this year at least one of the South Australian senators will not be coming back, possibly both.

*Senator Hanson-Young interjecting—*

**Senator Jacinta Collins:** Senator Hanson-Young is saying I have already said that. Yes, and I will continue saying that because I think the result of this dirty deal needs to be very clear to the Australian Greens and their supporters. Senator Di Natale has scurried around and tried to compensate for the deal that he should never have done. He has tried to delay commencement but he has only gone halfway there, and he will still allow the double dissolution that this government so desperately wants if it can effect Senate electoral reform. The only want to do it if they can control the outcome of a double dissolution.

Why we oppose these measures was best highlighted here by Senator Cormann’s earlier comments. He claimed disingenuously to us that there was no connection between these electoral reforms and whether there would be a double dissolution. How disingenuous. How disingenuous this whole process is, leading to these amendments. To even pretend the government considered these recommendations out of JSCEM in the 64 minutes there were—

**Senator Wong:** 64 minutes?

**Senator Jacinta Collins:** There were 64 minutes, Senator Wong, between when the committee tabled its report in the House and when Senator Cormann got up here in the Senate with his first reading motion and claimed that the government had responded to the recommendations. What a sham. *(Time expired)*

**Government senators interjecting—**

**The Chairman:** There are already clocks on the walls, thanks, Senators—and you might wish to resume your own seats.

**Senator Muir (Victoria) (04:26):** I have tried to get answers on a very contentious issue, but it seems the minister has lost his voice or something! So I will make a bit of a contribution on this amendment. I have not got an answer at all, and I do not think the people of Australia will until this bill goes through; then they will realise what has actually happened. I believe this amendment is a sham amendment to a sham committee process, a committee process that took—

A government senator: 2½ years.

**Senator Muir:** No, it did not take 2½ years. You discussed the 2013 election and then you brought a bill forward. That is two different processes. You discussed the bill for four hours after taking submissions right up until the evening beforehand, and then you got a committee report out on the evening of the day the committee hearing happened.

A government senator interjecting—
**Senator MUIR:** I was at the hearings. I was actually at the hearings. Yes, I contributed to that. I got to see how much of a sham process this really was. I was not just sitting over the other side of the chamber, trying to make a little bit of noise over it!

I believe that this amendment—and I have read the amendment, Minister Cormann; it is in my hand—fixes an intentional flaw introduced into the bill. I believe that the below-the-line voting process was deliberately left out to make it look like, 'Oh, look, we've found a problem in this sham committee process and we're going to fix it.' Most of Australia can see through that; they really can. The journalists up in the press gallery pick up on this. I believe it has been done to give the impression that the process was actually a democratic one, but it really was not. When we have a party to the left of me here who love to scream about democracy, this is absolutely shocking.

However, having said that, I am somewhat supportive of this amendment, only because the seemingly deliberate flaws need to be fixed.

An opposition senator interjecting—

**Senator MUIR:** There are. There are so many of them. This amendment, I suppose, needs to go through, but it was set up so that that would be the case. It does not really consider the difference in the number of seats that are up for election in a double dissolution. That is something that needs to be addressed further. It is not in this amendment. Funny, that! It has not been thought through properly: the process is a sham. It assumes that each above-the-line box is worth only two votes below the line but, based on the last election, that number should be closer to 2.5. I actually have amendments that will address that, but it is oh so clear that there is no room for any amendments. There is a deal that has been done, and nobody is budging. That is going to come at the expense of the people that you are supposed to represent.

In my amendments, I would also allow the differences between a half and full Senate election, which, again, this amendment seems to have missed. Perhaps if there had been an actual consultation period, a proper consultation period, on the bill, like most other bills have—an involved, successful committee process—these issues could have been addressed. We would not be here at 4.30 in the morning on a Friday. This process had to happen because it has pointed out a whole heap of issues in a debate that the minister did not even want to participate in. Perhaps if this had not been rushed for a political outcome, then these changes, which we will likely be stuck with for the next 30 years, would have been thought through correctly. I feel that in this debate we have highlighted a fundamental flaw in the bill, probably likely to be deliberate, where it will not be an offence to hand out misleading how-to-vote cards as a vote for a major party is not informal, but it would exhaust the vote for one in four voters. This whole process is a sham.

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (04:30): I have to correct an assertion that Senator Muir has just made. He said that it would not be an offence to distribute misleading how-to-vote cards. It is an offence to distribute misleading how-to-vote cards; it will continue to be an offence to distribute misleading how-to-vote cards. That is exactly the prohibition and the penalties provided for in relation to any misleading and deceptive conduct in the context of casting a vote that is provided for in section 329 of the Commonwealth Electoral Act.
Senator MUIR (Victoria) (04:31): So, Minister, if somebody then says 'Vote 1' on a how-to-vote card, that is misleading? It does not represent what is actually written on the ballot paper. So did you just say on the public record that if you have a how-to-vote card that says 'Vote 1 above the line', because it does not represent what is on the ballot paper it is misleading?

Senator XENOPHON (South Australia) (04:31): I think just before midnight yesterday, this issue was raised with Dr Kevin Bonham—

An honourable senator interjecting—

Senator XENOPHON: Several times.

An honourable senator: Numerous.

Senator XENOPHON: Numerous times. It seems it has not been tested. I am not sure what the provisions are in the ACT because putting 1 above the line, even though there is an instruction to put 5 or 7 above the line depending on which electorate you are in, is counted as a valid vote. Is it the advice of the Electoral Commission that someone who advocates only vote 1 above the line would be misleading under section 329? Or would it be fairer to say that it is something that really has not been tested, although it seems that anyone who is running for office would not be so silly as to advocate that because it probably would be contrary to their own electoral interests?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (04:32): Thank you, Senator Xenophon. We have been going around and around and around and around on this issue for seven or eight hours. Indeed, several senators who have repeatedly asked questions have quoted evidence from the Electoral Commissioner as if they did not know the answer. What I have said repeatedly, and I think what you agreed with, Senator Xenophon, in your contribution before midnight, that in our judgement the current prohibition of misleading and deceptive conduct in relation to casting a vote that is contained in section 329 of the Electoral Act, together with the guidance that is provided to voters on the ballot paper—to vote above the line, to number six boxes between 1 and 6—together with the education campaign, which will inform voters on how to vote above the line in the Senate, and together with the fact that, as you say, parties would be quite silly if they did not try to provide information on how to vote to their voters consistent with what is on the ballot paper, provides sufficient safeguards.

As I have said to Senator Wong, Senator Bob Day and to various other senators on repeated occasions: we do not believe there is a case for further amendment to include additional offences and penalties in this bill. We think that the current framework and the current policy and the current arrangements are adequate to ensure that voters are protected from misleading and deceptive conduct.

The CHAIRMAN (04:38): The question is that government amendment (1) on sheet JP109 be agreed to.

The committee divided. [04:38]

(The Chairman—Senator Marshall)

Ayes ....................42
Noes ....................17
Majority ....................25
Thursday, 17 March 2016

AYES

Back, CJ
Brandis, GH
Canavan, MJ
Colbeck, R
Day, RJ
Edwards, S
Fifield, MP
Johnston, D
Lindgren, JM
Macdonald, ID
McKenzie, B
Nash, F
Parry, S
Reynolds, L
Rice, J
Ryan, SM
Seselja, Z
Simms, RA
Smith, D
Waters, LJ
Williams, JR

AYES

Birmingham, SJ
Bushby, DC (teller)
Cash, MC
Cormann, M
Di Natale, R
Fawcett, DJ
Hanson-Young, SC
Leyonhjelm, DE
Ludlam, S
McGrath, J
Muir, R
O'Sullivan, B
Paterson, J
Rhiannon, L
Ruston, A
Scullion, NG
Siewert, R
Sinodinos, A
Wang, Z
Whish-Wilson, PS
Xenophon, N

NOES

Cameron, DN
Collins, JMA
Dastyari, S
Marshall, GM
McEwen, A
Moore, CM
Peris, N
Sterle, G
Wong, P

NOES

Carr, KJ
Conroy, SM
Gallacher, AM
McAllister, AM
McLucas, J
O'Neill, DM
Polley, H
Urquhart, AE (teller)

PAIRS

Abetz, E
Bernardi, C
Fierravanti-Wells, C
Heffernan, W
McKim, NJ
Payne, MA

PAIRS

Gallagher, KR
Lines, S
Singh, LM
Bilyk, CL
Brown, CL
Ludwig, JW

Question agreed to.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (04:40): I move the second government amendment which relates to the same issue, which I have previously talked to. I move:

(2) Schedule 1, item 19, page 5 (line 32) to page 6 (line 1), omit the item, substitute:

19 Subsection 239(1)
Repeal the subsection, substitute:

Voting below the line

(1) Subject to subsection (2), a person must mark his or her vote on the ballot paper in a Senate election by:

(a) writing at least the numbers 1 to 12 in the squares printed on the ballot paper below the line (with the number 1 being given to the candidate for whom the person votes as his or her first preference, and the numbers 2, 3, 4 and so on to at least the number 12 being given to other candidates so as to indicate the order of the person's preference for them); or

(b) if there are 12 or fewer squares printed on the ballot paper below the line—numbering the squares consecutively from the number 1 (in order of preference as described in paragraph (a)).

Note: See also section 268A for when the vote is formal.

I commend the amendment to the Senate, which continues to help give effect to the government's commitment to introduce a form of optional preferential voting below the line where guidance is provided to voters to fill in at least 12 boxes below the line in order of their preference from 1 to 12.

Senator O'NEILL (New South Wales) (04:41): I think there has been a great deal of discussion in here, particularly from Senator Cormann, about filibustering being conducted. I want to put the some remarks on the record around that issue this evening.

Honourable senators interjecting—

The CHAIRMAN: Senator O'Neill, resume your seat.

Honourable senators interjecting—

The CHAIRMAN: Senator O'Neill.

Senator O'NEILL: The comments that were made by Senator Cormann are a cheap shot to obscure the fact that the Special Minister of State has been avoiding answering questions from multiple senators for many hours, from Senator Collins and other opposition senators—and indeed from crossbenchers, Senator Day, who has been sitting here for several hours; and Senator Muir, who has been in the chamber throughout this long, long dark night—that go to the legitimate and important questions of the content of this bill and the government amendments. In light of Senator Cormann's contribution, I thought it would be a good idea to familiarise myself with some of the history of filibustering of debates. It is always used in such pejorative way—

Honourable senators interjecting—

The CHAIRMAN: Order! Senator O'Neill, resume your seat.

Honourable senators interjecting—

The CHAIRMAN: Senator O'Neill.

Senator O'NEILL: I will take the interjection of the Manager of Government Business in the Senate, who said, 'Oh, we should just go home.' That is exactly what this government would like us to do: to just go home, just let this filthy deal between the Liberal Party, the Nationals and the Greens go through without the scrutiny it deserves. But we will not allow that to happen. We will stay here and make sure that scrutiny is provided. That is why I think it is important to understand what the purpose of this long conversation through the night is.
Of course, filibustering is something we often associate with our counterparts in the United States of America, in the Senate there. The filibuster technique is a relatively common experience in the United States, and it can be used merely as a delaying tactic to prevent the passage of legislation. We know that in the current political landscape Senator Ted Cruz is subject to scrutiny right across the world at the moment. He made a very famous 21-hour-long speech in the Senate, on 24 September 2013. So perhaps we are only just warming up. But one thing is, we are not going home, Senator Brandis. We are not going to let you just go through this process without the scrutiny you deserve.

The word ‘filibuster’—I am indebted to Campbell Rhodes at the Museum of Australian Democracy at Old Parliament House for his research here—comes from the Spanish word ‘filibustero’, which itself is derived from a Dutch word, ‘vrijbuiter’, which means pirate or privateer. Some people might think that is appropriate for an act that effectively hijacks the legislature for a period of time, and Senator Cruz's attempt, while not a genuine filibuster in that it was not going to delay any legislation, made headlines around the world because he read from, among other things, that popular children's story by Dr Seuss, *Green Eggs and Ham*. We have not seen anything of that ilk this evening. We have had attempts by many senators to actually get serious questions on the record and to get some answers to those questions. Indeed, the very important question is, will it be legal or illegal at the upcoming election, after this piece of legislation gets through, to hand out a how-to-vote card that says 'Just vote 1'? We cannot get a straight answer out of the relevant minister. He simply refuses to answer that question.

Senator Cruz's effort in the Senate of the US was possible because the rules of the American Senate actually do not require speakers to stay on topic. Mr Rhodes highlights a great filibuster in the Australian parliament that occurred in 1918, when Senator Albert Gardiner, the Labor leader in the Senate, spoke for an exhausting 12 hours and 40 minutes, from 10 pm on 13 November until the following morning. So, we have our own particular and important democratic history to review this evening. And I thought, it is the pre-dawn hour, the deepest, darkest part of the night. This is sometimes called the witching hour, just before the dawn, and there is a dastardly deed being cooked up, in the tradition of *Macbeth*, with the participants. We have the witches reframed this year. Instead of three old hags we have the Liberal Party, the National Party and the Greens, throwing bits into the mix, cooking up this ugly spell to cast across the nation, put them all in the soma zone, knock out the consciousness of Australia and just have 25 per cent of Australian people's votes disappearing into the rubbish bin of history. That is what we are fighting here tonight, and we will not relent in our attack on this shameful attack on the democracy of this nation.

Let's return to that fateful night in 1918—the 12 hour and 40 minute contribution from 10 pm by Senator Albert Gardiner. And senators might begin to see some more relevance here. I know the other side are mocking it, in their sleep deprived state here, where they pretend they are leading the nation. This might provide them with a bit of education, because there is a parallel between the speech of Senator Albert Gardiner and what we are attempting to undertake tonight, and that is that he was speaking on the Commonwealth Electoral Act, which introduced preferential voting, and he read the entire bill to the chamber as his fellow members did what has been going on here tonight. Some dozed, some strolled off for a bite to eat and some stayed. And I do want to acknowledge in this contribution that there is one
member of the general public, an unknown observer, who has sat here through the entire evening to watch this debate unfold. He is an unknown watcher, but his symbolic presence is very powerful. While the rest of Australia sleeps, some people will be watching—perhaps not the Fairfax journalists, who are fighting their own fight now. But this is a debate that should be watched, and it is one that should not be cut short by the dirty deal that is being undertaken by those opposite.

Senator Gardiner, in his contribution in 1918, nearly 100 years ago, did not actually speak continuously for 12 hours, because he was frequently, as I indeed have been in my contribution this evening—this morning; I do not know quite what to call it—in this witching hour, interrupted frequently. Nonetheless, his mammoth effort resulted in a new standing order being adopted the following year limiting speech times to 20 minutes. I went back and familiarised myself with some of the Hansard of Senator Gardiner’s efforts, and I was struck by some interesting comparisons that are relevant the current debate. Gardiner started his filibuster in response to the government of the day trying to gag debate on an electoral bill—the original Commonwealth Electoral Act 1918. This is quite salutary, really, so those on the other side should pay attention. And I am glad their guffawing has stopped for a moment, because what they are attempting to do here is no joke. This is not a laughing matter. This is an abuse of process of the Senate at every level. It was abuse at the inquiry level. It was abuse at the level of the mock meeting of the committee that was undertaken not far from here, in the Main Committee Room over on the other side of the building, when, with unseemly haste, they pushed through a fake inquiry.

And I note Senator Collins’s comments earlier this evening. We have been standing up and asking for answers to questions on notice. People traipse through our office—good people of this country of Australia, lobbyists coming in and begging us to push the government to answer some of their core questions, and people from the childcare sector who were waiting for responses to reports, and people who represent the mentally ill in our community, who are suffering incredible cuts at the hands of this government, and people who ask why the government will not respond to the report that has been with them for 18 months. But instead of 18 months, while these people wait for a response to this important piece of legislation, instead of handling this significant piece of legislation with some respect, they let other reports languish.

Government senators interjecting—

Senator O’NEILL: Personal barbs from the other side might provide some entertainment for them, but I am here, with the Labor Party, standing up for the principles we believe in and the scrutiny that should have been allowed to happen with this bill. To understand the impact of what this is doing to our country is worth paying attention to.

Senator Gardiner, in his filibuster, in response to the government trying to gag debate on the original Commonwealth Electoral Act 1918, was responded to by Senator Pearce, the Minister for Defence at the time. He moved that so much of standing and sessional orders be suspended as would prevent the bill being passed through all its remaining stages without delay. Senator Pearce said:

The Government propose that if this motion is assented to, the first reading, which is a purely formal stage, shall be taken to-night. and that then the Minister shall make his speech in moving the second reading, after which the debate shall be adjourned until to-morrow. There is justification for this course
in the fact that the Bill contains no principles that are new to the community. All its principles are well understood, and many of them are in operation in various States of the Commonwealth. Honourable senators are, in fact, thoroughly familiar with the provisions of the Bill, and the debate on the second reading may therefore very well proceed to-morrow.

How many times this evening have we heard about the fact that when it comes to this bill all of its principles are well-understood—that is the kind of language we have heard from Senator Cormann—and that many of them are in operation in the states of the Commonwealth, like New South Wales and Queensland. The contempt that this government has for this chamber is that they are just asking everyone here to wave it through, to let them have way, to wave this through without scrutiny.

At 10:30, in response to this arrogant attempt to bring on the bill, Senator Gardiner commenced his attack. He said:

I ask the Minister not to adopt this unreasonable attitude in regard to such an important measure as a Bill providing for the representation of the people. After 10 o'clock at night …

I draw the Senate's attention to the time on the clock now. It is five minutes to five and we are going to continue this process of holding this government up to scrutiny. This is what Senator Gardiner said:

… we are asked to suspend the Standing Orders in order to allow of the Bill being passed through all its stages with the rapidity desired by the Government. The Minister, in moving this motion, gave no information which would justify such a drastic action. The existing system of conducting elections has stood the test of sixteen years' experience, and surely at 10 o'clock at night the Government can well afford to deal with an alteration of the system in the ordinary course of parliamentary business without resorting to the extraordinary procedure of suspending the Standing Orders. The Minister said that the Bill introduces no new principle.

That is what we have heard here again this evening in this shameful and embarrassing pushed by the government. Senator Gardiner said:

I venture to say that the explanation of the Government's desire for expedition in dealing with the Bill is that it contains a new principle which they wish to hurry into adoption in time for a coming by-election.

And here we go. That is the very great principle of securing the representation—

Honourable senators interjecting—

Senator O'NEILL: Senator Brandis declares that he is transfixed. But I will tell you what has gone on. A transgression is happening here. A transgression of justice, a transgression of scrutiny and a transgression of democracy in this nation with this unseemly drive to push this legislation through. It is an embarrassment that will go on through history. In 100 years people will reflect on this night and they will see the similarity to the disgraceful way in which the abuse of power of government is being used this evening.

Senator Gardiner continued:

Has the Minister overlooked the fact that it is because he desires this new principle to operate in an election that will take place in a few weeks he has moved for the suspension of the Standing Orders? Is it not beneath the dignity of the National party and of Australia's Parliament that the Standing Orders should be suspended at this hour of night in order that for party purposes a split vote at the coming election may be avoided.

Here Senator Gardiner belled the cat— (Time expired)
Senator STERLE (Western Australia) (04:59): I never thought I would hear myself say this—and I might need to share the same acid bath as Senator O'Sullivan—but I never thought I would ever mess Senators Milne and Brown! I know what I have just said. I can assure everyone that I am stone-cold sober and there are no illegal drugs in my system, but I am certainly missing Senators Milne and Brown, because I am sure there as the fact that God made little green apples that Senators Milne and Brown would never ever have entered into a contract, as we have seen Senator Di Natale do, to take that gaggle over on that side of the chamber and strike a back-room, grubby deal that, whether you like it or not, in the event the government decides to continue its push to get rid of penalty rates, will see that mob in the corner there, ably backed up by Senator Xenophon, held responsible for plight of thousands and thousands of Australian workers, particularly in the hospitality and retail sectors, who predominantly a part-timers, casuals, students and kids, who absolutely count on an overtime rate, a penalty rate. I hope you will feel so proud if the magic number of 38 senators on that side, plus one Senator Xenophon, will deliver the blow to working people. You can sit there and warble as much as you like. The truth of the matter is, the Greens will go down in history and you will be so proud that you have given the coalition government the opportunity to screw the living daylights out of, particularly, casuals, part-timers and kids who rely on those penalty rates.

Here is another problem. You will also be proud to say that you will be able to deliver the abolition of the RSRT to Australia's truck drivers. Congratulations! What a wonderful effort. We will be flooded in this country—we saw this before when the previous Prime Minister, Mr Abbott, was pushing that Chinese free-trade agreement—you know darn well we will be flooded with Chinese workers or other foreign workers at lower rates of pay.

An honourable senator interjecting—

Senator STERLE: No, this is true. They know darn well that the scourge on our nation during the mining construction boom was foreign workers whose rate of pay we could not ascertain. I am so glad that Senator Di Natale—in-between turtleneck shirts—is in the chamber, because the previous Dr Di Natale will be able to correct me if I am wrong when I refer to what I am seeing in this chamber as being very similar to a certain medical procedure! I am actually witnessing in my mind a political colonoscopy.

For those of you who do not know what a colonoscopy is—help me out if I get this wrong, Senator Di Natale—I went to a Pulitzer Prize-winning columnist for the Herald whose name is Mr Dave Barry. I think he gave the best account of a colonoscopy, because I have actually had one and I was wide awake, so I really get this! How great is that—wide awake, because I did not want to wake up with those doctors giving me a surprise! I wanted to hear everything they were saying. I am going to go into a medical procedure here. I am going to look to Dr Di Natale for some—

Senator Cormann: Mr Chairman, I rise on a point of order. I know that these can be at times wide-ranging debates but I am not quite sure how Senator Sterle's colonoscopy relates to the amendment before the chair.

The CHAIRMAN: I do have the amendment in front of me. Just in case senators are not aware, the question before the chair is that government amendment No. 2 be agreed to. I would ask senators to address their remarks to the amendment.
Senator STERLE: This is the analogy that I am getting in my head watching this. I have got to tell you about Mr Barrie. He says he called his friend Andy Sable, a gastroenterologist, to make an appointment for a colonoscopy. A few days later in his office, he said Andy showed him a colour diagram of the colon. He said, 'It is a lengthy organ that appears to go all over the place and, at one point, passing through Melbourne.'

Senator Cormann: The amendment before the chair deals with the proposal of the government to introduce a form of optional preferential voting below the line. It does not relate to the medical procedures that Senator Sterle is describing at great length and in some great detail beyond what I am sure I senators in the chamber would be interested in so I would like to draw him to the question before the chair.

Senator Moore: On the point of order, the senator is trying to make a point. He has tried three times to say he was moving towards his argument. I think the least we can do is give him the opportunity to develop the argument he has got and follow it through. Actually I am really interested to see how he makes this argument.

The CHAIRMAN: Senator Sterle, I do remind you of the question before the chair and I would expect you very shortly to get to the amendment in front of us.

Senator STERLE (Western Australia) (05:06): Mr Temporary Chairman, for you, I promise I will get there but I just have to go through this because it will lead to the amendment in front of us. Before I was rudely interrupted, he said, 'It was a lengthy organ that appears to go all over the place and at one stage passes through Melbourne.' Then Andy explained the colonoscopy procedure to him with a reassuring patient manner. He said he nodded thoughtfully but did not really hear anything, he said, because his brain was shrieking, 'He is going to stick a tube 17 feet up where?' So he left Andy's office with some written instructions—in your case, maybe a bit longer—and a prescription for a product called MoviPrep.

Senator Cormann interjecting—

Senator STERLE: I am getting to it, you big sook.

Senator Cormann: I think Senator Sterle is now defying your order, Chair.

The CHAIRMAN: Senator Sterle, I think we have now passed my ability to keep give you much more time. I really think we should move on if you can, Senator Sterle.

Senator STERLE: Mr Temporary Chairman, this is grossly unfair because I am seeing in my mind something very similar with this bill to a colonoscopy. Why can I not explain? Why am I going to be denied? I have sat here patiently since 2:30 this morning. I have not opened my mouth. I have not said a word. I had a bit of frivolity across the chamber and you are trying to shut down.

Senator Cormann interjecting—

Senator STERLE: Don't give me orders, you big Belgian—

The CHAIRMAN: Senator Sterle, resume your seat.

Senator STERLE: You are a bunch of sooks.

The CHAIRMAN: I am a little bit concerned where this might be heading. There was a long discussion before any amendments were moved which allowed for a general discussion.
about the bill. We have not moved on to amendments and I would ask you to come to the amendment.

Senator STERLE: Mr Temporary Chairman, I am coming to the amendment but it is all right for this mob over there to sit there and not even answer questions asked by Senators Carr, Collins, Muir and Day. I am sitting here watching them. I cannot believe it. They asked a very simple question about voting 1 above the line and that minister there, Minister Cormann, was that rude he would not even answer it—and they want to have a crack at me. I just wish it was later in the day so that all the Australians could hear the absolute rudeness.

Senator Rhiannon interjecting—

Senator STERLE: What are you laughing at? You think that is clever, do you?

Senator Rhiannon interjecting—

Senator STERLE: I will take that interjection. You think that is really clever. I have told you, Senator Rhiannon, you are going to go down in history with what you have done with your grubby little deal that even makes it worse. I want to remind Senator Rhiannon as well. Senator Rhiannon, what did you garner in your first vote when you entered the upper house—two point something? Less than three per cent! Now that you are here, you want to pull the trapdoor up behind you—and you think this is fine! This is as hypocritical as Senator Xenophon's motives here. I think he came in through the upper house with about three per cent as well. So it is very typical of what we see of the political class sitting in this chamber. It is all very well for them to use the system to get in here—and they want to pull the trapdoor up behind them, run across there and do one of the grubbier deals. As I have said very clearly, I will make sure that every working Australian, when they lose their penalty rates, will know who is responsible. You can throw up as many amendments as you like. But the truth of the matter is that the coalition and the Greens are sticking together like glue—and you are so proud of yourselves! I feel absolutely disgusted. Those who could not wait to take money from unions, those who have happily put their hand out to take—

The DEPUTY PRESIDENT: Senator Sterle, I again ask you to come back to the amendment before the chair.

Senator Di Natale: Go and have a coffee and a shower and wake up!

Senator Polley: When are you going to wake up to what you have done?

Senator Conroy interjecting—

The DEPUTY PRESIDENT: Order! It has been a very long night and a long morning. I would ask all senators to have some patience and remember that senators should be courteous to one another in this debate.

Senator STERLE: I cannot let this go. Senator Rhiannon has attacked me and Senator Di Natale has attacked me. I don't mind. I am looking forward to having a shower and a cup of coffee! But I am not going to be silent about the grotty deal that the Greens have done with this lot over here. As I was saying before, this mob here gladly took funds from unions to say, 'We'll be the champions of working people.' Well, I had the privilege of addressing a CFMEU gathering the other day in Perth—

An honourable senator interjecting—

Senator STERLE: Fantastic—I was with real people!
Senator Siewert: Mr Deputy President, on a point of order: we have been extremely patient with a whole lot of comments that have been made in this place. But Senator Sterle has defied your ruling again and continued along with this same line of comment when you have clearly already brought his attention to the need to address the amendment before the Senate.

Senator Conroy: I would accept that, earlier on, Senator Sterle was taking a very broad definition. But I think Senator Sterle is absolutely on message in exposing this filthy deal. He is not going to let you gag him in the chamber. He is entirely relevant to the amendment that is before us and the motivation—

An honourable senator interjecting—

Senator Conroy: I haven't finished. Sit down! This is not a concert for The Wiggles. Sit down. I have not finished my point of order.

The DEPUTY PRESIDENT: Senator Conroy, you have the call.

Senator Conroy: Thank you. This is absolutely relevant to what is behind the Greens' disgraceful, shabby deal to get themselves more bums on seats. Senator Sterle is addressing this. I accept that, on his earlier points, he may perhaps have been a little broad—everyone has been a little broad today—but right now he is absolutely relevant to this piece of legislation and the motivation which has driven the Greens to look after themselves at the expense of their principles.

The DEPUTY PRESIDENT: Senator Di Natale, do you want to speak to the point of order?

Senator Di Natale: No.

The DEPUTY PRESIDENT: Again, I remind senators of the question before the chair and I would encourage senators to make their comments relevant to that question.

Senator STERLE: This is the fifth attempt to try and fix up the shemozzle. This is what it is all about. How could you have five goes at it? Because you could not get it right! You embarrassed yourselves. You are that arrogant at times I cannot believe it. It would not have happened in the Howard government, but it is happening here. You had a half-day inquiry and within 64 minutes the minister was in here bragging about how great an effort you had made!

This is the point which I was getting to. I was getting to that before they started getting the tear ducts going. It is absolutely embarrassing. The arrogance of thinking that the government, because they have their mates over there—they are all in bed together with their pyjamas buttoned up. They do not have to do the hard work. They do not have to go out there and sell it. They do not have to tell the truth. In the Minister's view, they do not even have to answer Senators' questions.

You can treat the Australian Labor Party with all the contempt that you want. But how disgusting! As I am sitting here in my chair keeping my mouth shut, you could not even have the decency, Minister Cormann, to answer Senator Day's questions. You did not even have the decency to answer Senator Lambie's questions. You had no decency when Senator Muir was trying to ask something. If you could see your behaviour from this side of the chamber you would sit back and think, 'Why did I come across as being so arrogant and so rude?' It was not clever at all. You can whack us; that is fine. I just want people to see that.
That mob in the corner—if you thought that was a good look too, you have completely lost whatever political morals you have. You cannot defend it. Senator Siewert can jump up and pull the harp out and start saying, 'We're sick of hearing all this.' The truth does hurt—I have learnt that. You are all guilty. You are up at the same election as me, Senator Siewert. We have already heard some of the experts who have said that the Greens have gone into this with their eyes wide shut. While we are having numerous attempts to try and fix this shocking legislation that you are trying to put through, they actually mentioned that you, Senator Siewert, could be one of the ones who are out of here at the next election. You could very well be. Or it could be Senator Ludlam. It is getting even better, because the experts even said that in South Australia this could be the end of Senator Simms. It could be the end of Senator Hanson-Young. I do not know. But don't stand up there and get all cranky because the truth is hitting you. I have sat here for 11 years with you. I have not agreed on a lot of things with you, but one thing I could always say is that the Greens were a protest party and you knew where they sat. We never would have seen previous Senators Brown and Milne doing any deal like this.

You have to own up to the consequences that you are delivering to working class people. I have to say this one more time: think of the number of students who rely on their penalty rates, working in pubs or in the retail and hospitality industries. My old mate sitting to the left of me is the expert on retail, not me. I do not think many of Senator Bullock's members will go out there and thank the Greens for giving the government the opportunity, should they desire, to remove penalty rates. I am not making this up, because many government senators have made speeches about it in this place. I think Senator Canavan was the last one talking about removing penalty rates. This is not something that Sterle is making up. You should keep your heads very low. In fact, you should keep your heads in here, if you have half a moral fibre in your body. I do not know how you are going to go back to Western Australia, Senator Siewert, because I am going to have so much pleasure in telling everyone in Western Australia that they can thank Senator Siewert. You can give me the death stare and the hairy eyeball as much you like, Senator Siewert. The truth of the matter is that you are up to here in it. You are guilty as charged. So is Senator Ludlam. There was a rumour that this was just Senator Di Natale and Senator Whish-Wilson, and the rest were shut out of it. I am not buying that. You are all tainted with the same brush.

To go back to my original argument, someone said that Senator Cormann pushed out his chest and said we would be here till Easter. I can tell you right now that that does not worry this side of the chamber, because the more people who hear what you are proposing, the better. You could not even get it right the second time. You could not get it right the third time. You could not get it right the fourth time. How many more times will there be? You do not have to have more times, because we have seen the way that Minister Cormann and the Greens are going to do this. It is just a raw numbers game and we know what is going to happen: you will bring the gag on. That is fine. I am not inviting you to, but you may as well, because the Greens have assisted you gagging everything else that was so precious to the Greens. Marriage equality—

_Honourable senators interjecting_

**Senator STERLE:** Come in, spinner! Fantastic! The big marriage equality advocates over on the other side of the chamber went with the government. And you think that is a fantastic
look. I really, really wish that this were broadcast not just on ABC or APAC now and again; I really wish it were broadcast through the commercial channels so many Australians can see the turncoat attitude of the Greens party and Senator Di Natale. You say that one day you will be the party in government. My goodness me. It is getting better every week. *(Time expired)*

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (05:20): I would like to address an issue. Believe it or not, there are more than the gentleman who has sat through this with us tonight in the gallery. I received an email from someone a little while ago who would like to get the minister to explain: if a voter has to mark at least six boxes above the line, why are Senate voters not required to vote for at least 36 below-the-line boxes for a half-Senate election and 72 below-the-line boxes for a full-Senate election? What is the rationale for picking 12?

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (05:20): What would be the rationale to require a voter to fill in 36 or 72 boxes below the line? I note that all of the crossbenchers present, incidentally, as well as the Greens, supported the government's first amendment, which sought to introduce a form of optional preferential voting below the line. The initial Joint Standing Committee on Electoral Matters recommendation was that the instruction below the line should be to ask voters to number the equivalent number of boxes to the number of vacancies. So, for a half-Senate election that would be six, for a full-Senate election it would be 12 and for a Senate election in the Territory it would have to do be two. The view was put to us—and it is a view that we accepted and it is a view that was ultimately reflected in the Joint Standing Committee on Electoral Matters report just the other week, in 2016—that you should require voters to preference more than just the available number of vacancies in order to ensure that preferences are passed on beyond the initial group of candidates on the initial ticket. That is something that favours minor parties, with all of the discussion and criticism that there has been of this reform—how this is supposedly bad for minor parties.

We have accepted the recommendation of 12. The current arrangement is that voters have to, of course, compulsorily fill in every single box. The proposition that has been put to us is that that is too cumbersome. There is a savings provision in relation to current below-the-line voting which says that you need to have at least 90 per cent of the boxes below the line filled accurately with not more than three errors in sequence. We believe that the arrangement that we are proposing is simpler and encourages more people to express a preference for individual candidates below the line instead of having 97 per cent of voters voting above the line, as they did at the last election. We believe we have the balance right. I gather that every party representative in the Senate, other than the Labor Party, supports the government's judgement in relation to this. We know, of course, that further government amendments, amendments (2) to (9) on our sheet, are essentially linked to the same proposal. So, what the Senate has already voted in favour of, in terms of our first amendment, is given proper effect in our further amendments, (2) to (9).

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (05:23): I have a very brief question. I think the minister just asserted that (1) and (2) and perhaps some others are designed to encourage voters to vote below the line. I am inquiring as to whether
the government has made any assessment or can provide any advice of the change in voting patterns it anticipates between above and below the line?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (05:24): As I have previously indicated, it is not possible to predict future voter behaviour. Future voter behaviour is something that will be able to be assessed after the next election. What we do know, though, is that, by making it simpler and easier for people to express a preference below the line, we can reasonably assume that more people will choose to take that option. If you make it less cumbersome, I assume that more people will take advantage of that opportunity. To what extent they will do so, we will find out at the next election and we will be able to have that conversation at that time. The key focus of our reforms is to empower voters to determine what happens not only to their first primary vote but also to their preferences, whether they are voting above the line or below the line. Above the line, voters can express a preference not only for their first party of choice but also for any subsequent party they want to favour with their second, third, fourth and subsequent preferences. Below the line, voters can express a preference for individual candidates. The guidance on the ballot paper will be to vote below the line and to number at least 12 boxes in the order of preference from 1 to 12.

The CHAIRMAN: The question is that amendment (2) on sheet JP109 be agreed to.

The committee divided. [05:30]

(The Chairman—Senator Marshall)

AYES

Back, CJ
Bushby, DC
Cash, MC
Cormann, M
Di Natale, R
Fawcett, DJ (teller)
Hanson-Young, SC
Leyonhjelm, DE
Ludlam, S
McGrath, J
Nash, F
Parry, S
Reynolds, L
Rice, J
Ryan, SM
Seselja, Z
Simms, RA
Smith, D
Waters, LJ
Williams, JR

Birmingham, SJ
Canavan, MJ
Colbeck, R
Day, RJ
Edwards, S
Fifield, MP
Johnston, D
Lindgren, JM
MacDonald, ID
McKenzie, B
O’Sullivan, B
Paterson, J
Rhiannon, L
Ruston, A
Scullion, NG
Siewert, R
Sinodinos, A
Wang, Z
Whish-Wilson, PS
Xenophon, N

NOES

Brown, CL
Bullock, JW

CHAMBER
Thursday, 17 March 2016

NOES

Cameron, DN
Conroy, SM
Gallacher, AM
Ketter, CR
McAllister, J
McLucas, J
O'Neil, DM
Polley, H

Collins, JMA
Dastyari, S
Gallagher, KR
Marshall, GM
McEwen, A (teller)
Moore, CM
Peris, N
Sterle, G

Question agreed to.

Senator O’NEILL (New South Wales) (05:32): I seek to continue the scrutiny that is required of these bills and hark back to a significant political speech nearly 100 years ago by a very important senator of this place: Senator Gardiner, who in 1918 was trying to make a point in a similar way that I think is being undertaken by the opposition this evening. It was to draw attention to the fact of the unseemly haste of the government in advancing a deliberate agenda to marginalise the voice of the Australian people in the way in which our democracy operates. I just got up to recounting the point that there was a concern about the nature of debate happening through the middle of the night, and that is indeed what we have seen.

In this last bit of the pre-light hours I want to indicate that, at that time, the attempted action was particularly egregious in that it sought to alter electoral law after the issue of the writ for the by-election in the division of Corangamite was achieved. It was for this reason that Senator Gardiner even went so far as to say about the bill that its title should be changed. He advocated that it should be called 'A Bill to Improve the Chances of the National Party at the Corangamite Election'. I am thinking perhaps I should move an amendment to this bill before the chamber to change the title to 'A Bill to Improve the Chances of Larger Parties to Squash the Smaller Ones in the Senate Election,' especially if it ends up being a double dissolution on 2 July.

This government, in cohorts with the Greens, is attempting to wipe out all the Independents who have found their place in this parliament and, I think we could say through the contribution of senators tonight, are well and truly able to hold this government to account in language and practices that the Australian people respect, admire and understand.

As a Labor senator, like all my illustrious colleagues on this side of the chamber, Senator Gardiner was a very astute man. Being the astute man that he was, he made this further observation about the motivation of his political opponents. He said:

I have no desire to make it a personal matter. Like most men with a guilty conscience that they are doing something nefarious, they are anxious to get through with a business that is so distasteful to them that only by suspending the standing orders but also by depriving honourable senators of the ordinary custom which has always been observed in this parliament, namely reasonable adjournments so that the business of the Senate may be conducted without danger to the health of any honourable senator.

Now, I look around and our senators here have withstood the challenge of the task of attending to this chamber through the night, on what I will call the longest St Patrick's night of my life—and it is continuing, members still wearing the green. And it is Greens who will be responsible, not in the great way that the Irish wear the green proudly; the green badge is
badge of shame for that party after what they have attempted to push through this chamber in this disgusting and grand coalition of the Liberal Party, the National Party and the Greens.

It just gets better and better. Here we are in the deep, dark dead of night, as a result of this dirty deal by Senator Di Natale, conducting scrutiny of the most fundamental reforms to the Senate voting system in three decades. This is just what the government want and the Greens gave it straight to them. As Senator Collins indicated in her earlier remarks about Mr Kroger's meeting with Senator Di Natale, he had indeed thought that all his Christmases had come at once. This is an issue of concern and some may wonder—indeed, the gentleman in the chamber observing the process—why the minor party vote is increasing in Australia. This sort of practice is the perfect example.

We have a government perpetuating a great fraud on the Australian people, aided and abetted by the Greens party. No wonder they wanted to have us stuck here trying to conduct the committee process to provide some actual scrutiny of this legislation, in a nocturnal environment better suited to the precious Leadbeater's possum, which the Greens constantly speak about, rather than conducting the proper processes of the legislature and enabling full scrutiny and timely discussion. Instead, we have seen them preside over this chaotic presentation of significant legislative reform which is constructed only to their own advantage and the disadvantage of Australians. What Senator Gardiner knew in 1918 is just as true nearly 100 years later—a devious government will push to the extremes of decency to advance a deceitful and duplicitous agenda. Senator Di Natale and his team are right on board.

We have heard much in this place about the allegedly great 2014 report of the Joint Standing Committee on Electoral Matters that apparently precipitated this bill, and how magnificent and wonderful it was. It has been so lauded that I will not be surprised to learn that it has been awarded a Nobel Prize for literature in the next year! If the recommendations of the Joint Standing Committee on Electoral Matters were so good and this legislation was so important, then why did we not see it straight on the heels of the 2014 report? We did not see it then because it was not to their advantage at that point in time. We are seeing it now.

The government had plenty of time to legislate or attempt to legislate for the $100,000 degrees. They found time for that; they did not find time for the recommendations of the Joint Standing Committee on Electoral Matters until now. They found time to allow multinational companies to get away with less scrutiny on their tax affairs, amongst many other abhorrent pieces of legislation that were presented to this parliament in 2014 and 2015.

In many of those most egregious deals they indicated the preliminary relationship that was established with the Greens, which has come to full fruition. They should have a new relationship status on Facebook. The Greens are now in a formal and wonderful relationship. Formalise the coalition. Be honest with the Australian people. Tell them that you are with this government, that you are going to allow them to do as Senator Sterle has said—to cut penalty rates, to take away the opportunities for people to access health care based on Medicare rather than their credit card. This is the grand coalition of the Greens, the Nationals and the Liberal Party.
Yet this government, forcing this legislation through in this unseemly way, could not find time to draft a bill to give effect to the most fundamental changes in the Senate voting in 30 years until just a handful of weeks before it wanted to call a dirty double dissolution. Coincidence? Hardly.

Senator Gardiner was up and down in the Senate for 12 hours nearly 100 years ago, from 10.30 that night until well after the sun rose the next day. I suspect that we might continue in the same vein. I am not quite sure—I have not been outside of the chamber—but it was dark when I came in. Maybe the sun has risen now, but the sun is not rising on a joyous day for the nation. The sun is rising on a dirty deal that has been pushed through by this government. In response to a senator complaining that he was trying to 'starve his colleagues', Senator Gardiner said, 'Since the minister appears to have had adopted the most unusual attitude of refusing to adjourn for breakfast, I appeal to the real leader of the Senate to grant the usual breakfast adjournment, even if it be for only 10 minutes.'

The resolution that establishes the sitting hours tonight states that the Senate shall adjourn 'after a motion for the adjournment is moved by a minister'. In the same spirit as the suggestion Senator Gardiner made, I note that Senator Cormann, the real leader of the Senate, has the option to move the adjournment and allow us all to go home or to have a shower, to have breakfast or to have some version of normality. It would allow the mental health and wellbeing of all participants in this chamber, although I have to question the attitude to life that would allow those in the government to push this process through and indeed to bring this piece of legislation to the chamber.

But Senator Gardiner made that suggestion. Senator Cormann, you as the real leader of the Senate could move that an adjournment be allowed and we could all have a little break. We could return, without such unseemly haste, to this piece of legislation in May. Give it its full and proper consideration. Provide an opportunity for Australians who are waking up this morning, perhaps with their interest now piqued about what is going on here, to get across the detail of the dastardly deal that you are trying to perpetrate.

The problem with what is going on here is that we have a senator who has spent most of this evening repeating trite responses to serious questions that required a decent and proper answer. Senator Collins, Senator Carr, Senator Conroy, Senator Muir, Senator Lambie and Senator Day all asked one critically vital question that would help people understand what is going on, what is being proposed: what does it mean, this change that you have brought in? Will it mean that any political party can put out advertising that says 'vote 1'? Is that legal or illegal? We still have not been able to get a decent and transparent answer to that question from the minister responsible for this piece of legislation. We have given him plenty of hours to do it but, regardless, he is simply unable to answer the question, or unwilling to answer the question, because he does not want the truth to be revealed.

As long as there are matters needing scrutiny in this bill and in other legislation, Labor senators will continue to stand, to perform the role of holding this government to account. That is why, at quarter to six in the morning, we continue our fight for a little bit of scrutiny of this shameful and dirty deal.

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (05:44): We are still dealing with government amendments, which are all designed to introduce a form of option preferential
voting below the line. I seek leave to move government amendments (3) to (9) on sheet JP109 together.

Leave not granted.

**Senator Cormann:** I move amendment (3) on sheet JP109:

(3) Schedule 1, page 6 (after line 19), after item 21, insert:

21A Paragraph 268(1)(b)

Repeal the paragraph, substitute:

(b) subject to sections 268A and 269, in a Senate election, it has no vote indicated on it, or it does not indicate the voter's first preference for 1 candidate and then consecutively number at least 11 other candidates in the order of his or her preference;

21B After section 268

Insert:

268A Formal votes below the line

(1) A ballot paper in a Senate election is not informal under paragraph 268(1)(b) if:

(a) the voter has marked the ballot paper in accordance with paragraph 239(1)(b); or

(b) if there are more than 6 squares printed on the ballot paper below the line—the voter has consecutively numbered any of those squares from 1 to 6 (whether or not the voter has also included one or more higher numbers in those squares).

(2) For the purposes of this Act:

(a) a voter who, in a square printed on the ballot paper below the line, marks only a single tick or cross is taken as having written the number 1 in the square; and

(b) the following numbers written in a square printed on the ballot paper below the line are to be disregarded:

(i) numbers that are repeated and any higher numbers;

(ii) if a number is missed—any numbers that are higher than the missing number.

Note: Paragraph (2)(b) applies both for the purposes of determining whether a ballot paper is formal, and for the purposes of determining which numbers marked on a ballot paper are counted in the election.

Example: A ballot paper has squares below the line that are numbered 1, 2, 3, 3, 4, 5 and 6. The vote is informal because, by disregarding the numbers 3 and upwards under subparagraph (2)(b)(i), only 2 squares have been numbered.

A second ballot paper has squares below the line that are numbered consecutively from 1 to 9 and then 11, 12, 13 and 14. The vote is formal under paragraph (1)(b). However, only the squares numbered from 1 to 9 are counted for the purposes of sections 273 and 273A because the numbers 11 and upwards are disregarded under subparagraph (b)(ii) of this subsection.

**The CHAIRMAN:** The question is that amendment No. (3) on sheet JP109 be agreed to.

The committee divided. [05:49]

(The Chairman—Senator Marshall)

Ayes .................... 40
Noes .................... 18
Majority ............... 22
Question agreed to.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (05:51): I move government amendment No. (4) on sheet JP109:

(4) Schedule 1, item 23, page 7 (after line 9), at the end of subsection 269(1A), add:

Note: Paragraph (1A)(b) applies both for the purposes of determining whether a ballot paper is formal, and for the purposes of determining which numbers marked on a ballot paper are counted in the election.

Example: A ballot paper has squares above the line that are numbered 1, 1, 2 and 3. The vote is informal because, by disregarding the numbers 1 and upwards under subparagraph (2)(b)(i), no squares have been numbered.

A second ballot paper has squares above the line that are numbered consecutively from 1 to 9 and then 11, 12, 13 and 14. The vote is formal under paragraph (1)(b). However, only the squares numbered from 1 to 9 are counted for the purposes of sections 273 and 273A because the numbers 11 and upwards are disregarded under subparagraph (b)(ii) of this subsection.
Senator CAMERON (New South Wales) (05:51): I just want to go back to an issue that Senator Wong raised in relation to this voting below the line. This was an analysis that was done by Ross Gittins. The article I have was reported in *The Canberra Times* on 29 February. What Mr Gittins is saying in relation to this issue—and I did mention this myself in a contribution I made earlier—is that if this bill were passed it would make life a lot easier for lobbyists. They would have a much smaller list of Senate parties to get around—in both senses, he argues. He says:

Another fear about Turnbull’s voting change—being supported by the Greens and Nick Xenophon, but opposed by everyone else in the Senate—is that it will lead to a decline in political competition by raising the barriers to entry by other, newly emerging parties.

I think it is clear that the purpose of this bill is to consolidate those who are here in this Senate and to ensure that no other emerging parties could challenge the Greens in relation to the position they have at the moment. They have basically made sure that no other progressive parties would ever have a chance of getting into the Senate.

But Ross Gittins goes on to say:

The Nobel prize-winning economist Kenneth Arrow, first came to prominence with his ‘‘impossibility theorem’’.

He proved mathematically that when voters have to choose between three or more options, no system of ranking their preferences can produce a single, indisputably best order of precedence.

That is, there’s plenty of room for argument over which voting system, while not being perfect, is better than the others.

In relation to this mathematically proved theory—that, if you have to choose between three or more options, no system of ranking the preferences can produce a single, indisputably best order of precedence—there have been questions asked about how we came to move from the current system to one where you mark six boxes on the top line and 12 on the bottom line. Minister, have you actually looked at this Kenneth Arrow theorem? When you came to the view around the numbers that voters would put in both above-the-line and below-the-line voting, was there any discussion about this? Was there any advice given on this? How did you come to the conclusion that what you were putting was the best way forward?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (05:55): As I have already indicated to Senator Wong, we of course considered the initial recommendation of the Joint Standing Committee on Electoral Matters, which was that we should require voters voting below the line to vote for at least the number of candidates required to fill the number of available vacancies. In a half-Senate election that would be six, in a double dissolution election it would be 12 and in a territory Senate election it would be two. That was the recommendation which was put forward by the original Joint Standing Committee on Electoral Matters interim report, back in May 2014. Indeed, that was the position that was then very strongly advocated by people like Mr Gary Gray, the then shadow special minister of state, and the former Labor Special Minister of State, then Senator John Faulkner.

The government consulted on the number that was recommended by that committee in relation to voting below the line and the position that was put to us was that to just ask people to vote for the number of vacancies would not allow for an adequate distribution of preferences and that this would actually end up inappropriately disadvantaging minor parties.
So we have taken that on board. We also considered the relevant submissions that were made to the JSCEM inquiry into this bill a couple of weeks ago, and, of course, JSCEM then made the recommendation that the government should consider further amendment to our reform proposal to provide for a form of optional preferential voting below the line which involves providing guidance to voters that, to vote below the line, they need to number at least 12 boxes in order of their preference from 1 to 12.

I am aware of Mr Gittins's piece; I read it at the time. He is entitled to his opinion; I disagree with him. I do not agree with any of the propositions that he put forward in that piece, but that is okay. We live in a democracy and he is entitled to his opinion.

Senator CAMERON (New South Wales) (05:57): Minister, I am just wondering when the government suddenly came to the conclusion that it had to do something with voting below the line as contained in the amendments here. Given that you have argued that there was an extensive period of negotiations prior to the current round of negotiations and consultations, can you explain to me why this issue was not picked up when you drafted your original bill and why you had to end up coming with amendments, even though you argue there had been an extensive period of consultation prior to the short period of consultation that was allowed on this bill?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (05:59): For those listening to this debate, the interesting thing is that we are now going back to the line of questioning that Senator Collins started with at 5.30 pm yesterday. For the benefit of the chamber, and in an abundance of helpfulness, let me quickly recap. The government put forward what we judged was the best possible reform proposal when we introduced the legislation into the House of Representatives on 22 February.

But in relation to the below-the-line voting, our initial thinking was, given that we have compulsory voting in the House of Representatives, people voting in the House of Representatives are required, when voting for individual candidates, to fill every single box. In order to keep a level of consistency, it was appropriate to provide for compulsory full preferential voting when voting for candidates in the Senate—which the below-the-line vote is as well.

We did have in our original proposal a proposition to improve and relax somewhat the savings provision of below-the-line voting by increasing the number of allowable mistakes in sequence below the line from three to five. Assessing what happened at the last election, if that had been in place, the number of informal votes would have been reduced from less than two per cent to less than one per cent. So we thought that that was a reasonable proposition.

Though, after having introduced the bill, after having sent it to the Joint Standing Committee on Electoral Matters for inquiry, a range of submissions identified what was perceived to be an asymmetry between the reform to voting above the line with what was proposed to be done below the line. The government carefully considered these arguments. We had discussions with the Labor Party through their then shadow minister. We had discussions with the Greens. We had discussions with others and we made a judgement, on balance, as to what would be an appropriate number in terms of the guidance that should be provided to voters when voting below the line for the Senate.
I guess, because it is at least six boxes about the line, there was a view that there was a good symmetry by asking for at least 12 below the line—six above the line and 12 below the line, six above the line and 12 below the line. It seemed to align quite nicely and it was more than the number of vacancies of any half-Senate election. It was certainly double the number of preferences that would, at least, be required to be indicated when voting above the line.

You can have a different view. I note that all parties represented in the Senate, with the exception of the Australian Labor Party, have supported the government's proposal in relation to below-the-line optional preferential voting. The Labor Party is entitled to have a different view; but the government takes a lot of comfort from the fact that every single party represented in the Senate, with the exception of the Australian Labor Party, actually is supporting the government's approach to below-the-line optional preferential voting.

Senator CAMERON (New South Wales) (06:02): I must say that does not explain why, when we are being told that there had been this extensive period of consultation prior to the current round of consultation, that this issue of symmetry or asymmetry was never recognised. Surely, if you get all these experts who you are consulting with, the issue of symmetry did not take two to three years to find out. The reality is that: this has nothing to do with symmetry or asymmetry. It is simply about trying to come up with a deal between the Greens and the coalition that would lock out other progressive parties ever having an opportunity to come to this place and actually having a different point of view, from a left perspective, to the Greens party. That suits the coalition. It suits the coalition because as Ross Gittins indicated in the article:

If the left-leaning Greens and centrist Xenophon party are happy to give the Coalition what it wants, it's a fair bet that's because the deal leaves room for their comfortable survival, while raising the drawbridge against the emergence of new minor-party rivals of either leaning.

So Ross Gittins has got it. We agree that is what this is all about. That is why we are concerned about the argument that this bill is about democracy and this clause is about symmetry. It is nothing to do with that. It is simply about trying to maximise the coalition in terms of their electoral capacity to either get control of the Senate or block legislation in the Senate. If you look at the issues that Senator Cormann championed in the 2014-15 budget, we know that these are the issues that Senator Cormann would want to bring back. He has never walked away from the 2014-15 budget.

Remember the budget where former Treasurer Joe Hockey and Senator Cormann were outside puffing on Havanas that probably cost more than an unemployed person gets in a week in their payments. They were sitting there with their expensive Havana cigars, celebrating cutting back on pensions and forcing unemployed youth in this country to survive for six months without any payments at all, forcing them into poverty or onto charity. That was the type of approach in that budget. There was the $7 co-payment for families. I remember, even though it was a long time ago now, that when I had young kids, if one of my kids got sick, my other daughter would get sick; my wife, who was looking after them, would end up sick; and I would end up sick. So there would have been four co-payments for many families under the proposal that Senator Cormann was putting forward as part of the 2014-15 budget—the celebratory Havana budget.

I take the view that this is not about symmetry for this clause; this is really about trying to gain control of the Senate in any way it can, and certainly the way it is gaining control of the
Senate is by doing a deal with the Greens, which Senator Abetz is horrified about. It is creating huge divisions within the coalition. It was a divided coalition prior to this but it is an even more divided coalition in relation to this bill and clauses like this that it has been argued are about symmetry. Symmetry is simply a word if you cannot explain what the symmetry will deliver. What will the symmetry deliver? What will it achieve other than being six with 12 or three with six? What else does it achieve? Mr Gittins goes on:

... it was a quite small initial primary vote that allowed Bob Brown to get known and eventually spread the Greens to all states.

The reality is that there will never be another progressive party coming into this place who could do what Bob Brown did—that is, to get some national standing, form a party and spread that party to become a reasonably sized party with a capacity to have an influence, good, bad or indifferent, in this place. This is what it is all about: pulling up the drawbridge and ensuring that no-one else can ever get in here to do what Bob Brown did. Ross Gittins states:

If the indication of preferences becomes optional—meaning many people won't bother—the hurdle facing future Xenophons and Browns will be almost unreachable. They'd need a primary vote not far short of the quota.

Behavioural economists know that the way you "frame" a proposition greatly influences how people respond to it. Turnbull has framed his thus: if you want to put an end to micro-parties gaming the system and getting people with a primary vote of as little as 0.5 per cent elected, support my reforms. That is the threat. That is the argument. But Ross Gittins goes on to say:

Sorry, non-sequitur. You can agree with the first part—as I do—without accepting that Turnbull's solution is the only one, or even the best available.

It was clear that this bill was rushed because they brought the bill in and did a very cursory joint inquiry. Then we suddenly found out, with the most cursory analysis of what was going on, that this bill does not work. I just think this is an absolute nonsense. It is clear what this is all about. Ross Gittins has framed it. Ross Gittins has nailed it. Certainly there is no use asking any more questions on it because the minister has absolutely no idea why this has been done.

Senator RHIANNON (New South Wales) (06:10): It is just after six am. We have been in committee for about 12 hours. We are now dealing with amendments. I have had a few inquiries. People are waking up and wondering, understandably, where it is all up to. I think it is worth reminding ourselves, as I think some of us are starting to wake up a bit more as well, that we are dealing with government amendments. In this lot there are nine amendments. We have had two votes so far. We are now considering the third amendment.

The CHAIRMAN: Senator Rhiannon, we are considering amendment (4).

Senator RHIANNON: Thank you. I am happy to take that correction. The point here is that we are considering something that is very fundamental to the voting process. Specifically at the moment we are looking at below-the-line voting. This change that we are considering in this amendment is to allow people when they vote below the line—this is what the instructions would be—to number at least 12 boxes and then as many as they like. This grouping of nine amendments are all basically the same. People are asking, 'What is going on? We have 60 amendments. It is 12 hours later. What is going on here?' What is going on is that we need to look at Labor's tactics. There was a possibility here—and minister has moved this twice—to consider the amendments, which are all on the same thing, together. They are
all on this issue of voting below the line. Labor have stopped that. For those who just heard the speech from Senator Cameron, it was really a rerun of the speeches we have been hearing all night. They are very generalist and not moving on to the detail. Fair enough. They are able to address the issue as they wish, obviously.

Opposition senators interjecting—

Senator RHIANNON: I am again happy to acknowledge the interjections. But, again, we need to remind ourselves—and I think this is very informative for those who are now starting to tune in—that all parties in this Senate, apart from the Labor Party, support these amendments. We know there is wide public support. When we were in the inquiry—and Senator Collins would have heard this—Professor George Williams described how he went to the polling booth. He had his young daughter with him. He would have liked to have voted below the line but he just did not have the time to fill in every box when there were about 100 candidates that needed to be numbered. Many people do not do that. We have all heard those stories.

Here we have Labor not contributing to the debate in a constructive way. They can vote against this. They can continue to rail against it. But this measure itself is something they should be able to support because it is clearly democratic and it is clearly needed. Labor are running a strong line. They are dishing out blame left, right and centre—particularly to the Greens. The more we hear from them, the prouder I am of our own position. As they try to discredit others who are associated with this reform, they themselves are becoming more discredited. If you look at this very amendment here—a measure that will allow more people to choose to vote below the line rather than above the line—they cannot even support that. They are discrediting themselves and they are absolutely on the wrong side of history on this one.

Senator JACINTA COLLINS (Victoria) (06:14): I cannot believe that contribution gone unchallenged. We have Senator Rhiannon come in here and say, ‘Oh, let’s try and explain to people out there, what’s going on.’ And then she tries to tell us here that we are on the third amendment. No!

Surely, Senator Rhiannon, if this is so important to you, you would address the amendments. You would know which amendment we are on, rather than try and give us some trite lecture about how you know better than anybody else and that the Labor Party has not been addressing the provisions in the bill.

We all know that the answers that we have been getting from the minister have been inadequate. That is why this process has taken so long. In fact, I would like to coin the most inadequate answer—the answers that senators referred to when they refer to the issues raised by Senator Wong, Senator Muir, Senator Day, Senator Lambie, Senator Carr, Senator Conroy and me. That area of questioning around whether it would be legal to promote a vote of ‘vote 1 only’ is actually the Rhiannon question—the question that Senator Rhiannon asked the AEC in the committee inquiry, and the AEC said to Senator Rhiannon, ‘That’s a question for the government.’ We would have needed the department to answer a question of policy of that nature.

We have already seen that Senator Cormann misrepresented the committee inquiry. I had to point out to the chamber the Hansard record of that discussion, because he pretended that the
AEC had actually attempted to answer that question, which was simply false. For you to come in here and lecture us at this hour and not even be on the right amendment is just a joke.

The DEPUTY PRESIDENT: The question is that government amendment (4) on sheet JP109 be agreed to.

The committee divided. [06:21]

(The Chairman—Senator Marshall)

Ayes ...................... 40
Noes ...................... 18
Majority ................ 22

AYES

Back, CJ
Bushby, DC
Cash, MC
Cormann, M
Di Natale, R
Fawcett, DJ
Hanson-Young, SC
Leyonhjelm, DE
Ludlam, S
McGrath, J
Nash, F
Parry, S
Reynolds, L
Rice, J
Ryan, SM
Seselja, Z
Simms, RA
Smith, D (teller)
Waters, LJ
Williams, JR

Birmingham, SJ
Canavan, MJ
Colbeck, R
Day, RJ
Edwards, S
Fifield, MP
Johnston, D
Lindgren, JM
Macdonald, ID
McKenzie, B
O’Sullivan, B
Paterson, J
Rhiannon, L
Ruston, A
Scullion, NG
Siewert, R
Sinodinos, A
Wang, Z

NOES

Brown, CL
Carr, KJ
Dastyari, S
Gallagher, KR
Marshall, GM
McEwen, A
Moore, CM
Peris, N
Sterle, G

Bullock, JW
Collins, JMA
Gallacher, AM
Ketter, CR
McAllister, J
McLucas, J
O’Neill, DM
Polley, H
Urquhart, AE (teller)

Question agreed to.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (06:24): by leave—I move government amendments (5) to (9) on sheet JP109 together:

(5) Schedule 1, item 24, page 7 (lines 11 to 13), omit the item, substitute:
24 Subsection 269(2)
Repeal the subsection, substitute:

(2) If a ballot paper in a Senate election:

(a) has squares marked above the line in accordance with subsection 239(2) or paragraph (1)(b) of this section; and

(b) has squares marked below the line in accordance with subsection 239(1) or section 268A;

then, for the purposes of sections 272 and 273, the only squares that are taken to have been marked on the ballot paper are the squares that are marked below the line.

(6) Schedule 1, items 26 and 27, page 7 (lines 16 to 21), omit the items, substitute:

26 Section 270
Repeal the section.

(7) Schedule 1, item 41, page 13, omit "By numbering these boxes 1 to (7) in the order of your choice (with number 1 as your first choice)", substitute "By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice)**":

(8) Schedule 1, item 41, page 13, omit "(7) Here insert number of candidates.".

(9) Schedule 1, item 41, page 13, after "* If the ballot paper has 6 or fewer squares above the line, replace the instruction with "By numbering these boxes in the order of your choice (with number 1 as your first choice)".", insert "** If the ballot paper has 12 or fewer squares below the line, replace the instruction with "By numbering these boxes in the order of your choice (with number 1 as your first choice)".".

The CHAIRMAN: The question is that government amendments (5) to (9) on sheet JP109 be agreed to.

The committee divided. [6:26]

(The Chairman—Senator Marshall)
Thursday, 17 March 2016

AYES

Smith, D (teller)
Waters, LJ
Williams, JR

Wang, Z
Whish-Wilson, PS
Xenophon, N

NOES

Brown, CL
Bullock, JW

Carr, KJ
Collins, JMA

Dastyari, S
Gallacher, AM

Gallagher, KR
Ketter, CR

Marshall, GM
McAllister, J

McEwen, A
McLucas, J

Moore, CM
O’Neill, DM

Peris, N
Polley, H

Sterle, G
Urquhart, AE (teller)

Question agreed to.

Senator JACINTA COLLINS (Victoria) (06:28): I move opposition amendment (1) on a sheet 7859:

(1) Clause 2, page 2 (table item 1), omit "The day after this Act receives the Royal Asset.", substitute "19 July 2016".

Before I address that amendment, because Senator Rhiannon seems to think that commentary about how we are proceeding is the order of the day—and, of course, hers is not particularly accurate—I will indicate, given some of the nature of the interjections that occurred during that last division, that, as an example of how we are proceeding in a way that deals with the substantive matters in this bill, Labor did not believe it was appropriate or necessary to pull out of the previous discussion amendments such as amendment (6) which is simply:

(6) Schedule 1, items 26 and 27, page 7 (lines 16 to 21), omit the items, substitute:

26 Section 270
Repeal the section.

There have been accusations during this debate about the time wasting and the like that has been occurring. We have made our points in relation to those amendments and we are more than happy to move on to our first significant amendment.

This amendment, which will delay the commencement of the bill until 19 July 2016, demonstrates to the minister that it is possible to be very clear about when the provisions of the bill will first apply. He could, hypothetically, have been far more clear with us about how an advertising campaign might occur and when it could commence and, therefore, give the AEC the certainty that they need. But of course the one thing it would not do is give the government their policy rationale, which is to run a double-D. So, whilst the minister in the earlier discussion attempted, disingenuously, to argue that the issue of a double-D and the provisions in this bill were independent, anyone following this debate knows otherwise—except, of course, the Greens, who cottoned on a little bit too late. But I will come to that in a moment.
Setting a clear commencement date of 19 July is important because it will prevent the government from using this legislation as part of its plan to hold a double dissolution election. The tandem benefit, though, is that it will also provide the AEC with sufficient time and certainty as to when these provisions should apply. On the first point, it will frustrate the Liberal Party's undemocratic plan to wipe out the crossbench and will save the careers of several Greens senators. Under the Constitution, the latest date the Prime Minister can ask the Governor-General to simultaneously dissolve the House and the Senate for a double dissolution election is 11 May, the day after the budget is delivered—although there has obviously been lots of discussion and hypotheses about when we might see a budget from this chaotic government.

The simultaneous dissolution of the houses is the first step in the double dissolution process. Under the Electoral Act, polling day cannot be held any later than 68 days after the parliament is dissolved. Presuming the Prime Minister asks the Governor-General to dissolve the parliament on 11 May, the latest date the polling day can occur is therefore 18 July, albeit polling day would have to be a little closer, as the election must be held on a Saturday. So, if the Senate, including the Greens party, joins with Labor to delay the commencement of this legislation until 19 July, the government will be deprived of the ability to use this legislation as part of its plan to call a double dissolution. When the Greens seek to delay commencement, their date is of course, as we know, 2 July. The point I have made previously is: that is a half-measure, because we know there are three more Saturdays available.

The only people who will benefit from a double dissolution election are the conservative politicians sitting on the other side of the chamber. Senator Cormann is going around the press gallery telling journalists that he has conned Senator Di Natale into thinking this deal is in his best interests and that, once the Greens have been suckereded into voting for this legislation, the government will have the keys to a double dissolution trigger.

Senator Cormann: Mr Temporary Chairman, I rise on a point of order. Senator Collins is misleading the chamber. I have never made such comment to anybody—not to a journalist and not to anybody else. This is a straight-out lie.

The TEMPORARY CHAIRMAN (Senator Ketter): There is no point of order. Senator Collins.

Senator JACINTA COLLINS: Thank you, Chair. I would like you to ask Senator Cormann to withdraw that statement that it is an outright lie.

The TEMPORARY CHAIRMAN: Minister, I think it would assist the chamber if—

Senator Cormann interjecting—

Senator JACINTA COLLINS: If you said it was a lie, you are telling me I am a liar.

The TEMPORARY CHAIRMAN: As I understand it, Minister, you have not directly accused Senator Collins of lying but—

Senator JACINTA COLLINS: That was pretty close.

The TEMPORARY CHAIRMAN: Let us keep to the facts. Senator Collins.

Senator JACINTA COLLINS: We can see that Senator Cormann is again being disingenuous here. He may not have heard the stories around the way the government is peddling this within the press gallery, but I certainly have. Whether it is accurate or not is
something that it is open to you to challenge, but what you cannot do is accuse me of lying. That is unparliamentary and should have been withdrawn. That is has not been is a very poor reflection on the minister, the government and certainly the leader sitting here going, 'Yes!' You all should know better. This Leader of the Government in the Senate has been challenged in the chamber to withdraw on several occasions. We know he likes to play tricky.

But all of this, of course, is a side issue. Let me get to the point: why is a double dissolution election so appealing to the government? I know this hurts, but let us get to the point: it is because it helps the coalition gain control of the Senate, either on its own or in conjunction with Senator Xenophon. A double dissolution, using these new voting laws, will wipe out the Senate crossbench other than Senator Xenophon. It will also wipe out several Greens senators—principally Senator Hanson-Young and Senator Simms—with Senator Siewert, Senator Waters and Senator Rice also at risk of losing their seats.

Respected electoral analyst Antony Green gave evidence to the JSCEM that a double-D held under these new voting laws would reasonably be expected to return six coalition senators in each state, which, together with the two senators they are guaranteed to elect in each of the territories, would give them a blocking majority of 38. This is not a myth. I know the Greens are in denial on this, but this is not a myth. After a double dissolution election, the conservatives will be empowered to ram their draconian legislative agenda through the parliament, and there is nothing that the non-government parties in the Senate will be able to do about it. As we have said before, this includes the harshest elements of Tony Abbott's 2014 budget. The Greens are facilitating a return of the measures that they themselves are opposed to—measures Greens have spent many hours in this place highlighting as draconian. As we have seen with the pretence of the working-class hero in *GQ* recently, the Greens again are talking about these issues—not just Senator Rhiannon—with a forked tongue.

We will also see the abolition of the Clean Energy Finance Corporation, which is already a double dissolution trigger. If the Liberals are re-elected at a double dissolution election and the legislation to abolish the Clean Energy Finance Corporation is rammed through the parliament, the Australian people will have Senator Di Natale and the Greens to thank for it. Likewise, the ABCC legislation and the Fair Work registered organisations legislation will be rammed through the parliament at a joint sitting—antiworker, anti-union legislation produced by Senator Abetz, and the rabid right wing of the Liberal Party, brought to you by the Australian Greens.

The only out the Australian Greens have to this is if they have an agreement with the government that they are not talking about. We have seen the farce of both Senator Di Natale and Senator Rhiannon misrepresenting the agreement that the Greens had with the Labor government. We have seen them try and claim that it guaranteed things it never did. But what I need to remind senators here is that, in this case, Senator Di Natale trots in here and proudly tells us that there is nothing in writing. What a joke! Is it any wonder that people out there are saying, 'We are really worried about the Clean Energy Finance Corporation?' People are surmising that the Greens have a side deal on that—a side deal by backroom operators, the very people they stand here and criticise as if they are not them themselves. But no, we do not know whether there is a side deal on the Clean Energy Finance Corporation. There are no guarantees that its abolishment will not be part of a double dissolution election brought to you by the Australian Greens.
We have also heard discussion today—it is one day in Senate time, although in real time it was yesterday—about why is this happening. People have surmised that Senator Rhiannon is deliberately throwing her colleagues under the bus for her own personal interest. Why are the Greens voting for a deal which is so clearly against their interests beyond those of Senator Rhiannon? We know that Senator Rhiannon is driving this, even though Michael Kroger tells us that she is still one of the extreme ones. Remember, Senator Rhiannon is the extreme, and our black Wiggle is the modern, New-Age working class hero. Forget about the shoes; forget about the modelling of clothes; just remember that he is the working class hero.

Why are they doing that? Let us look at Senator Rhiannon's prospects. She knows that her prospects of being re-elected at an ordinary half-Senate election are grim. She knows that from hard past experience. The Greens failed to win a Senate seat in New South Wales at the 2013 federal election. If these results were repeated at a half-Senate election later this year, Senator Rhiannon would lose her seat. It has been rumoured that the Greens' results in New South Wales in the 2013 election were caused by a poor campaign and an exceptionally poor candidate. Regardless, Senator Rhiannon knows that her best chance of being re-elected, possibly her only chance, is to engineer a double-dissolution election. In a double-dissolution election her quota will be halved and she is more likely to be returned.

Compare that to the prospects of her South Australian colleagues, who will face the Nick Xenophon factor. She is throwing her colleagues under a bus. There is no chance that Senator Hanson-Young and Senators Simms will both be re-elected at a double dissolution. One of them will lose their seat, and it could be both of them that would be looking at needing to find a new job. Senator Rhiannon knows this, but she does not care. Both Senator Hanson-Young and Senator Simms could well be collateral damage in this mystical deal where we cannot understand why, as has been suggested, the Greens have been conned by this government into believing that it is in their interests. As the unions have argued, why would it be in their interests to give the government balance of power, either in their own right or with Senator Xenophon in the Senate? The unions know Senator Xenophon's policies on things like penalty rates. That is why they are scared stiff. They know what happened under Work Choices and they know the measures that were in the 2014 budget. It is pretty easy to understand why they are campaigning against this deal and putting pressure on the Greens.

What is the Greens' response to that? It is simply to dig in and whinge. How dare people challenge the working class hero, Doctor Senator Di Natale? How dare they challenge him! As Michael Kroger has already told us, he is the sensitive New-Age Senator—he is not the extremist. I say, give me Bob Brown any day. I agree with Senator Cameron that Bob Brown was a far more principled operator in this place than they complaining, how-dare-you-challenge-me Senator Di Natale, who Michael Kroger believes—(Time expired)

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (06:44): The government will be opposing this amendment. The Greens' amendments on sheet 7882 propose appropriate arrangements for the commencement of the bill, which the government will support. Those Greens amendments will ensure that the Australian Electoral Commission has enough time to implement the measures contained in this bill before an election with a polling day after 1 July 2016. This is consistent with the evidence provided by the Australian Electoral
Commissioner at the recent inquiry into this bill by the Joint Standing Committee on Electoral Matters that he would require about three months to implement the reforms in this bill.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (06:45): I also rise to speak on this amendment. I note the minister's answer. I did jump up, but obviously he wanted to respond. He may wish to respond to this. I want to focus on the double dissolution timing that this amendment seeks to avoid. Senator Di Natale earlier in the night said, 'Why are you so scared of an election?' I am not scared of an election. I have been in a few national campaigns: won some, lost some; that is life.

Senator Simms interjecting—

Senator WONG: Would you like to make a contribution, Senator Simms, or can I speak?

An honourable senator interjecting—

Senator WONG: I am trying to talk about the amendment, and you are—

An honourable senator interjecting—

Senator WONG: That is actually not true, if you look at my contributions this evening.

The TEMPORARY CHAIRMAN: Order! I remind the chamber that interjections are disorderly.

Senator WONG: I want to focus on why it is that we are concerned about a double dissolution. Unlike the Australian Greens, we do not think giving a coalition government the keys to a double dissolution is a progressive thing to do. It is nothing to do with courage; it is about whether or not it is a progressive thing to do. I want to focus on the two triggers that they already have.

We know that this government already has two double dissolution triggers, and both of them are deeply conservative pieces of legislation. They are the registered organisations legislation, which is antiworker legislation, and the abolition of the Clean Energy Finance Corporation, a body set up by the Gillard government. The Australian Greens joined with Labor, quite rightly, and sufficient of the crossbench to ensure that the government's ideologically driven plan to abolish the Clean Energy Finance Corporation could not be implemented. Let us understand what this legislation that is before the Senate would enable. It would enable this government to go to a double dissolution election with the new Senate voting rules, which is what they want. It will give them the keys to that and, in doing so, it would risk the abolition of the Clean Energy Finance Corporation and the passage of the registered organisations legislation at a joint sitting.

So the Australian Greens have a choice here this morning. They have a choice as to whether or not—leaving aside all of the arguments about the content of this legislation, leaving aside all of the policy arguments about whether or not the intent of this legislation is appropriate, leaving aside all of the technical arguments as to whether in fact it essentially delivers a system where 75 per cent of the vote begets 100 per cent of the outcome, leaving
aside all of those matters, there is a very focused single point here: do the Australian Greens want to protect the Clean Energy Finance Corporation or not? That is the point.

What our amendment does is ensure this government cannot take that to a joint sitting post a double dissolution should they win. So it is about protecting that entity, and ensuring also that any other legislation that this government is able to attain a trigger on is also not presented to a joint sitting, where of course, given the numbers between the houses, it would be passed. So if the Australian Greens are serious about the Clean Energy Finance Corporation, if they are serious about opposing the antiworker legislation—one of which there is already a trigger for—or the ABCC legislation, which the government I am sure will also try to get a trigger on, and in fact some have argued they already have, then they should support this amendment.

Now, the government responded by opposing this amendment. Of course they would, because they see the chance—they get the keys to a double dissolution and they get the opportunity, should they win, at a joint sitting to pass the right-wing legislation that they want to and which the Senate has so far prevented them from doing.

The government says, 'Well, we don't like this. But what we like is the Greens amendment No. 7882.' I think it is 7882. Now, 7882 is a very interesting amendment from Senator Rhiannon. She may well say, 'I've done a really good job; I've got a new start date.'

Firstly—and when we get to this I will put this to the minister—we think this is a very questionable amendment, legally. It ensures that the act is internally inconsistent as between commencement date and application date. I think that is problematic, legally, and I would like to understand how that works. I will put the minister on notice: I will ask him to provide the legal advice as to the efficacy of that and the validity of that. But leaving that to one side, even if Senator Rhiannon's questionable amendment is appropriate what she is doing is ensuring an effective start date of 1 July. That just happens to be the day before the first DD could be held! It is no protection at all! It is no protection at all for the Clean Energy Finance Corporation or the trade unions and their members who are the target of this government and the target of the legislation which could go to a joint sitting.

So when the Australian Greens talk about how much they have defended clean energy in this country, they now have a test. Will they support Labor on this amendment, which ensures that for the purposes of this election this legislation—the keys to the Turnbull double dissolution—could not be utilised for the purposes of abolishing the Clean Energy Finance Corporation. And if they fail to do so they ought to get up and say why. They ought to get up and say why it is that they do not believe the CEFC and the registered organisations bills ought to be prevented.

Again, I want to emphasise Labor's amendment on this: the Greens would still pass this bill and still get the policy that they are arguing for. A number of times I have put in this chamber why we think it is the wrong policy, but they could still have that. What it would do is to ensure that a returned Turnbull government—should that happen—did not have the tools to abolish the Clean Energy Finance Corporation or pass the antiworker, anti-union legislation that it already has in its armoury.

Now, there has been a lot of discussion about this. I know the Greens have been part of discussions with representatives of working people—trade unionists and others—about this
issue. In fact, many trade unionists—and you can see this in their public statements, both on social media and also in the mainstream media—are appalled that the Greens did not think this through. They are appalled that they did not think through a start date so as to ensure that, whatever one's views about voting changes, the Greens did not give Mr Turnbull the capacity to abolish the CEFC, to pass the registered organisations bill and to pass the Australian Building and Construction Commission bill.

Why did they not think of that? If you are going down this path, walking in lockstep with the coalition—with a conservative government—do you reckon that you might not have thought what they might want to do with this? Do you reckon you might not have thought about it? They have made their position very clear on these issues: this government wants to destroy the trade union movement. That is not new—it is not a new thing, is it? Conservative governments have always wanted to do that: Howard wanted to do that and tried to do it for years, and this government is doing so. Part of why they have not been able to has been that this Senate has prevented some of the institutional attacks that are contained in the legislation that I have described.

I join with many people in the Labor movement—many people in the trade union movement—who are appalled but also astonished that the Greens could be so naive as to walk into a situation where they had to hand to a Liberal-National Party government the keys to a double dissolution and not put any protections in in case they are returned to ensure they cannot do these things to working people and their representatives or abolish the CEFC. It is at best naive in the extreme, at worst a betrayal of working people, trade unions and those principles of sustainability that the Greens tell us they hold so dear.

I have been in this debate on clean energy and climate for a very long time. Senator Cormann is complaining about how long we have been here. He was happy—

Senator Cormann interjecting—

Senator WONG: ‘Commenting’ on it. I am happy to rephrase if he feels upset by 'complaining'. I think the CPRS was in excess of 60 hours. He was quite happy to debate a carbon price for that long. I will say that, on the CEFC, this Senate—the Greens, the Labor Party and sufficient of the crossbench working together—has prevented the conservative government undertaking what is an ideological agenda on that front. It is the same with the registered organisations bill. We also know the ABCC bill is coming again. In fact, I have seen some legal argument—that looks peculiarly like Senator Brandis, but anyway—suggesting in the papers that they already have a trigger on the ABCC.

I think progressive people around this country are entitled to an explanation from the Australian Greens for why they agreed to a start date that gave this opportunity to this government. I think people are entitled to that explanation. I say to the Greens again: you have the opportunity to ensure that this morning you protect the CEFC, you ensure the ABCC cannot be passed and you ensure the registered organisations bill not be passed. Without prejudice to your deal with the government on voting reform, you get the policy but you have the opportunity to support this amendment to ensure that those entities are protected.

Senator RHIANNON (New South Wales) (06:57): This amendment from the opposition is actually another stunt. We have seen here Senator Wong present it in an apparently very responsible way, but when you look into the details of it what she is making out starts to fall
away. This amendment would if passed extend the implementation until 19 July this year. There is no reason for that extension. The Australian Electoral Commission have given advice that they need three months, and that is what is set out at the moment. We will come to the Greens amendment about 1 July later on, but that gives approximately three months. That is what we have heard time and time again is what is needed. Clearly, we need to have this legislation in place as quickly as possible. We are about to pass it. The AEC needs three months, and then it should be ready to go, but this needs to be in place for the next election. But, again, we know that Labor have deserted addressing democratic reforms.

In the context of Senator Wong's comments we also need to address this issue about the double dissolution. I thought the interjections were interesting to note; Senator Wong again suddenly remembers that she is supposed to be fighting the Turnbull government here. What have they been doing for days and days, amping it up every time? Team C came in this morning and was a little bit off-message at times. Yes, in the early hours of the morning it gets tough for all of us. But, seriously, it was a further real setback for Labor. But, within that context, they really ramped it up about the Greens. There was not a mention about the coalition. It was just hammer, hammer, hammer. They go on about how we could be the cause of a double dissolution. A double-D can be called at any time—you know that and we know that—so trying to get out there with the public, particularly with unions, making out that we are the dastardly ones—

Senator Cameron interjecting—

Senator RHIANNON: Yes, and I am happy to acknowledge Senator Cameron at this point, because I was now going to move on to the ABCC. This is part of the scare tactics: Senate voting reform is terrible and they are opening it up to the ABCC—

An honourable senator interjecting—

Senator RHIANNON: That will open it up to a double dissolution. Let's look at the ABCC. Certainly it is a shocking institution that should never have been formed and should have been abolished immediately. It is worth going into some of its history. The ABCC came in under the Howard government. The Rudd government was elected in 2007. What happened? Labor did not immediately get rid of it. It was the Greens—I think it was actually Senator Siewert—who introduced the first bill to get rid of the ABCC in its entirety. That was what we gave notice of. That bill was done. Why did we do it? We did it because Labor were not moving to get rid of the ABCC. Then there was the Labor coup and in came the Gillard government and we got the Fair Work Commission. But never did they get rid of every aspect of the ABCC. Senator Cameron knows that, Senator Wong knows that and all the Labor senators should know that.

Then, what did they do yesterday? Or maybe it is still today—it is still today, isn't it? What did they do with the vote earlier in the week about the ABCC? Remember that this is part of this stunt that Labor engineered. When they saw that we were bringing on Senate voting reform and that there was a good chance that these reforms were going to be adopted, Labor came up with all their tactics. You can divide them into two lots. There are wedges—they have tried to wedge us—and then there have been their attempts to block.

The wedges have been around the ABCC, coal seam gas, marriage equality and donations. Regarding the ABCC, what did they do when they tried to bring that to a vote? They tried to
say, 'The Greens are so shocking because they are not voting to support their own legislation.' We have got an absolutely solid record on those four issues: political donations reform, banning coal seam gas, standing up a marriage equality and opposition to the ABCC. It is a clear, solid position. Why has Labor brought those in this week? It is not because of an interest in actually achieving marriage equality—

Senator Wong: Oh, come on!

Senator RHIANNON: Well, why did you do it this week? You know why you did it this week. You are disgraceful, Penny.

The TEMPORARY CHAIRMAN (Senator Ketter): Order! Senator Rhiannon.

Senator Wong interjecting—

Senator RHIANNON: Why did you do it this week? You did it this week, and I know you get angry when we talk about this issue—

The TEMPORARY CHAIRMAN: Senator Rhiannon, would you resume your seat, please.

Senator Wong: And what have you done? Voted against bringing it to a vote.

The TEMPORARY CHAIRMAN: When we have silence, we can resume.

Senator RHIANNON: The first marriage equality bill in Australia was introduced by Senator Nick McKim. The second one was introduced in New South Wales by me.

The TEMPORARY CHAIRMAN: Senator Wong, on a point of order.

Senator Wong: Mr Chairman, I raise a point of order on relevance. We are actually discussing the amendments to the Commonwealth Electoral Amendment Bill 2016 on sheet 7589, an opposition amendment, and I still have not heard this senator mention why she is allowing this government the keys to abolish the CEFC.

The TEMPORARY CHAIRMAN: Thank you.

Senator RHIANNON: That was an attempt to gag an issue around marriage equality, something that flares Senator Wong up more than anything. So she tries to embarrass me by asking me what I have done about marriage equality. I have a very proud record in parliament and in the community—

Senator Wong interjecting—

Senator RHIANNON: And you have never moved it! Why didn't you move it this week?

The TEMPORARY CHAIRMAN: Senator Rhiannon, will you resume your seat.

Honourable senators interjecting—

The TEMPORARY CHAIRMAN: Resume your seat, Senator Rhiannon. We will resume when we have silence in the chamber.

Honourable senators interjecting—

The TEMPORARY CHAIRMAN: Order! Senator Rhiannon, resume your seat.

Honourable senators interjecting—

The TEMPORARY CHAIRMAN: Order! Silence!
Senator Cormann: Mr Temporary Chairman, I rise on a point of order. The Leader of the Opposition in the Senate has now been incessantly interjecting for some time without being called to order by the chair. Chair, you need to call Senator Wong to order.

The TEMPORARY CHAIRMAN: Senator Rhiannon, you have the call.

Senator RHIANNON: To return to the ABCC, Labor do not have a record to be proud of. It is interesting that Senator Cameron is here. Labor have so often been weak on industrial relations reform in this place. Some people here would remember sections 45D and 45E introduced in the Fraser years that removed the right to strike. Again Labor dragged the chain and never actually removed it when they came into power.

Honourable senators interjecting—

Senator RHIANNON: Yes, part of it was removed, but not all of it. This week they were voting to bring on the debate about the ABCC. They ran a huge scare campaign with the unions. The Greens could be responsible for bringing back the ABCC. What did they do? They voted with the crossbenchers to bring on the debate, despite everything.

Honourable senators interjecting—

Senator RHIANNON: Come on! It is very interesting how this debate is playing out. They are stepping up the attacks. Yes, periodically we work with the government.

Honourable senators interjecting—

Senator RHIANNON: Yes, because we are working with the government on legislation that will be better for Australia. That is a judgement—

Honourable senators interjecting—

Senator RHIANNON: You make those judgements. We are critical of your judgements when you do it. Right now we could be voting for this legislation and stepping up the campaign to defeat the Turnbull government, but that is not what you are doing. You are not stepping up. This debate illustrates how bankrupt it is for you. You are in retreat.

The TEMPORARY CHAIRMAN: Senator Rhiannon, will you address your remarks to the chair please.

Senator RHIANNON: I am happy to, Chair. On this we are seeing Labor stepping up their attacks on the Greens and not developing the very necessary campaign to defeat the Turnbull government. The progressive movement should be united in achieving that. Certainly the Greens will continue to develop our work and it is time Labor shifted their own position.

From how this debate has played out and how Senator Wong has responded here and in some other speeches you start to get the impression that they are actually terrified of an election. That is really coming across. This debate illustrates it. There is a high level of dysfunction in Labor. Let us remember what your leader, Mr Shorten, said.

Honourable senators interjecting—

Senator RHIANNON: Chair?

The TEMPORARY CHAIRMAN: Order! I remind the chamber that senators are entitled to be heard in silence. Senator Rhiannon, you have the call.
Senator RHIANNON: Thank you, Chair. The Leader of the Opposition, Mr Shorten, is not going to repeal this bill. I have not been able to find any comment from the new Special Minister of State on this very significant legislation that clearly comes under his portfolio. We have heard comments from the former Special Minister of State. We have comments from highly respected former senator Mr Faulkner and many other Labor people. So there is a division within Labor which drives the perception—maybe it is real—that there is a growing level of dysfunction within Labor and they are now getting more concerned about the coming election, an election that we on the progressive side should be able to win. We do need to get rid of the Turnbull government and we need these Senate voting reforms.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (07:09): What an interesting contribution! She did not actually answer my question. She just ducked and weaved and would not answer the question. I think it was the same speech she gave at 11 o'clock and at four-thirty as well. I really enjoy—and I am sure the Labor Party and Labor supporters really enjoy—the Greens and Senator Lee Rhiannon lecturing us, saying, 'The progressive side of politics should be united to achieve the defeat of the Turnbull government,' as they lie in bed with the coalition on voting reform and on preferences. I mean, really!

We have already had the Leader of the Australian Greens outed on national television by Michael Kroger saying, 'Yes, we have a loose arrangement.' We have already had that. We have had Senator Di Natale in here claiming 'no, not really' but we have already had Michael Kroger saying, 'Yes, we have a loose arrangement with the Greens.' We have had Senator Di Natale in here explaining that they are targeting Ms Plibersek and Mr Albanese because 'they are all so bad'. Gee, that is a really united, progressive side of politics, isn't it? Because progressive politics means you should try and take out two of the most progressive people in this parliament, who have been involved in social and economic reform for the betterment of working people and for the betterment of the LGBTI community, who are strong advocates of multiculturalism—people I am proud to call my colleagues. Yes, it is very progressive of you to lie down with the Liberals and work with the Liberals to defeat them. Do not give us a lecture about progressive politicians working together. You are entitled—

Senator RHIANNON: I rise on a point of order about relevancy and I will also say that for more than 30 per cent of the time Labor have voted with the coalition. The Greens have voted six per cent—

The TEMPORARY CHAIRMAN: That is a debating point, Senator Rhiannon. Resume your seat. I remind all senators to remain as relevant to the topic as they can.

Senator WONG: Thank you, Mr Temporary Chairman. I would be happy to. I am actually responding directly to the points that the senator raised. I also note that at no point in her answer did she actually give the Labor Party, the chamber, the trade union movement and its members, or Labor supporters a justification for handing Malcolm Turnbull the keys to a double dissolution which could lead to the abolition of the CEFC—the Clean Energy Finance Corporation—and the passage of anti-worker legislation. She refused to engage with that. Instead, what she did was to decide that she was going to call the Labor Party dysfunctional.

Senator Cormann interjecting—
Senator WONG: I am interested that Senator Cormann is defending the Greens. You have really got close!

Senator Cormann interjecting—

Senator WONG: No, not at all. Senator Cormann, you know me and you know I will fight very hard at the coming election against you, to take votes off you and to win government—of course we will. What I am pointing out is that they are giving you exactly what you want. Senator Rhiannon tried, I think—it was a convoluted explanation—to say, 'Oh, they can go to a double-d election any time, so it does not matter.'

Senator Jacinta Collins: That's naïve; that's really naïve.

Senator WONG: But let's not be naïve in here. The amendment that the opposition have circulated, that we are proposing, delays the commencement of the provisions of this bill until 19 July. That would prevent the government from relying on this system in a double-d election. The last day the Prime Minister can ask the Governor-General to simultaneously dissolve the House and the Senate for a double dissolution election is 11 May, and, under the Commonwealth Electoral Act, polling day cannot be any later than 68 days after the dissolution of the parliament. That takes you to 18 July. So if the legislation does not come in until 19 July the government cannot use this legislation in a double dissolution. And this is what they need; this is what they want for a double dissolution. You are saying, 'Oh well, they can hold it at any time,' while giving them the keys to the double dissolution, giving them what they want to hold it. And then you refuse to deal with—

Senator Whish-Wilson interjecting—

Senator WONG: Senator Whish-Wilson is trying to run a political argument. The key for a double dissolution election is this legislation. That is the case, and the Greens are refusing to explain to progressive voters across the country why they are risking the abolition of the Clean Energy Finance Corporation and the passage of anti-worker legislation. And no amount of huffing and puffing from Senator Lee Rhiannon about how progressive she is, how pro-worker she is and how bad we are can get around that question, which she has refused to answer. She might want to lay into me—that is fine. But the question I am asking is the one that union officials and members all over the country are asking: why are you selling them out, and why are you not giving them an explanation as to why you cannot support 19 July? I will tell you. I will hazard an answer. If the senator wants to tell me that this is wrong then she should get up and say it. She cannot, because they did a deal without thinking this through. She cannot change the start date because they did not think it through. Mr Bandt knows that. Everybody in this place knows that he understands it. And I am sure all of you have become apprised of it since.

The problem is: you did not think about it. You cut a deal with Senator Cormann before you had worked out the dates, and then suddenly you realised, 'Oh my goodness me! Oh dear! I've just enabled Mr Turnbull to abolish the Clean Energy Finance Corporation and pass anti-worker legislation at a joint sitting!' I mean, come in spinner! Senator Mathias Cormann could not have believed his luck, I am sure. He did not even put up a start date. Did you even ask them to give a commitment? I would not believe it, but did you ask them to give any commitment, should they win, about what would go to a joint sitting?

No amount of personal attack on me or the Labor Party gets away—
An honourable senator interjecting—

Senator WONG: It is fine. I am up for argy-bargy. I get that there is argy-bargy here gets you out of that question, and you are not answering it.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (07:16): Firstly, let me say that I think Senator Rhiannon did a very good job of answering that question. Perhaps I can address the question in a different way. The key thing is this: if you believe in these reforms—and clearly the Labor Party does not, I think, although they did, and I think half of them still do, and Gary Gray does and he is sad at what Labor is doing now, and I understand that a number of people are not actually here in the chamber. But that all said—

An honourable senator interjecting—

Senator DI NATALE: No, no. That said, we accept that at least those present do not support these reforms. Of course we accept that. It is really important to remember, though, that we believe in these reforms. We believe that voters should be able to determine where their preferences go. I get that we have different views on that. So when you actually believe that a reform like this is good for democracy and needs to be in place in an election, why would you say, 'Let's have an election under a dodgy set of rules, and then we'll fix it after that election—we'll fix it later'? Why would you say that? You would not. If you believe in these reforms, what you are saying to the Australian people is: 'We think this is important for democracy and it should be in place at the next election.' So the whole premise of your argument is starting from the wrong place. We believe in these reforms. We think they are good for democracy. And they need to be in place at the next election—whenever that is.

Again, let us talk about the start date. The start date was put there with the sole purpose of ensuring that the Australian Electoral Commission is ready when these reforms are done. That is what that start date is there for—to ensure that the Australian Electoral Commission has the three months that they need to ensure that they are prepared to conduct the election fairly. So that is the simple answer. That is the reason we have a start date at that point, and we have said that, whenever the next election is, we want these reforms in place, knowing all the while that if the government wants to go to a double dissolution under the current system, which we think is flawed, they have the capacity to do so. As Senator Simms pointed out to me just a moment ago, rather than us handing the keys to the government for a double dissolution, those keys are in the Constitution. The government can go to a double dissolution at any time should they want to.

I have a couple of other points. I will not keep us much longer. On the issue of the outcome of an election, Senator Wong seems to think she knows what the outcome of the next election in the Senate is going to be—what is it, four or five months out from an election? I have been in a few tight contests, as we heard before, and I have lost a few. There are people who cannot tell you the outcome of the Senate election after the votes have been cast and we are three days into the process. There are people who cannot tell you what the outcome is after people have voted. And we have Senator Wong saying, 'I can tell you three or four months out what the election result will be.' Really? Are we expected to believe that? That is utterly remarkable. I also think it is very defeatist. It is an incredibly defeatist attitude. Stand up and show some fight. Stand up and have a bit of courage to take on the government. Show some fight; have a bit of courage, because at the moment you are rolling over and saying, 'We have
no chance at this election.’ Well, we do not believe it. We do not buy it. We are fighting hard to make sure that within the Senate we have the numbers to ensure that we get stronger action on climate change and to ensure that we do everything we can to stop treating people who are seeking refuge and asylum in the way we are currently.

I will finish with a few remarks on the role of the trade union movement, seeing as Senator Wong made a number of comments about that. Yes, it is true: we are disappointed that the leadership of the ACTU have expressed their point of view. But let me also say this: we have been contacted by many, many unions—

An honourable senator interjecting—

Senator DI NATALE: We have not spoken to all of them, because I can tell you—and I do not want to embarrass them—there are unions who are very, very disappointed with the actions of the ACTU. Let me also say that we have had members, as well as senior union officials, contacting us and telling us how incredibly disappointed they are that their union fees have been used in a way that is effectively there to try to support the interests of the Labor Party rather than the interests of ordinary working people. That has been disappointing. The union movement have clearly got some thinking to do.

Honourable senators interjecting—

The TEMPORARY CHAIRMAN (Senator Ketter): Order! Senators are entitled to be heard in silence. Senator Di Natale, you have the call.

Senator DI NATALE: As I said, I think there is clearly a debate going on within the union movement about whether they are there to represent the interests of the Labor Party or ordinary working people—that is clear.

I finish by saying that we are very proud that we have the chance now to ensure that we get an orderly transition. That is the reason for the commencement date being 1 July—that we get an orderly transition and give the Electoral Commission the opportunity to see these reforms through. But we want these reforms in place whenever the next election is, because we think the current system is flawed. The sooner they are implemented, the better; and the sooner we all turn our attention to ensuring that we defeat this government’s agenda, the better.

Senator LEYONHJELM (New South Wales) (07:23): This amendment is very important. It is essentially about whether or not the government is to have the opportunity to call a double dissolution. There are a couple of other amendments along similar lines—one from Senator Day and one from Senator Muir—and they essentially have the same objective. So I will only speak to this one. I think probably the date on this one is the most appropriate date.

The question is: who wants a double dissolution? I am not entirely sure that anybody does. If you take each of the characters, each of the players, in this debate, probably the Labor Party has the least to fear from a double dissolution. They say that the coalition might get a majority in the Senate. That would require winning six seats in all six states—not possible, not least because of South Australia and the Nick Xenophon Team. It is just not going to happen, even if they win all those six seats in the other states, and that is very unlikely. I think the Labor Party’s concerns are legitimate—they do not want to be dragged to an election early and they do not want to face the prospect of the possible consequences in the Senate that might emerge
from a double dissolution—but I think overall they have less than anybody else to be concerned about.

From the crossbench point of view, this argument that a double dissolution will wipe out the crossbench is false, and I am delighted to see that finally some in the media have started to realise that. There is a very good chance that some of the existing crossbench will survive and some new crossbench senators will arrive. There is a good chance, in fact, that at least one per state will be elected. There will still be a crossbench. I would not be at all surprised if the crossbench comprised some of the current crossbench that the government would dearly love to see the back of—but let's not go there.

The government's perspective on a double dissolution is twofold. One aspect is that if they have a double dissolution, win the election and call a joint sitting they might as well make it worthwhile. What have they got? There is the abolition of the Clean Energy Finance Corporation. I supported that bill but I read in the media that they have taken that off the table as part of the deal with the Greens. They do not intend to proceed with that. The registered organisations bill is another one, but the government actually have a new one coming, a better one which reflects the recommendations of the Dyson Heydon royal commission. So their hearts are not in it and, in any case, the truth is that if it were not for the penalties in it Labor probably would have supported it. It is no big deal. So that leaves the ABCC. The ABCC bill is the only legislative trigger that makes any sense whatsoever. That is opposed by the Labor Party, the Greens and the entire union movement, so unless the government get a double dissolution the ABCC legislation is unlikely to pass in the next parliament, because the government will not control the Senate. If they get a double dissolution and win, they look likely to have the numbers in a joint sitting and it will pass. That, at least, makes some sense. Clearing out the crossbench makes no sense.

From the government's point of view it also makes no sense to go to an early election, because they might lose. An election in September or October would give the government an opportunity to introduce their economic plan, their economic narrative—to tell us how they are going to lower taxes and balance the budget, convince the Australian people that they know what they are doing with the economy, and win the election. From where I am standing, I think delay, rather than an early election, is in the government's interests.

As I started to say, the crossbench will not be wiped out. Some of us might lose our seats, and for those of us who are used to not being in parliament that holds no fears whatsoever. I had quite an interesting life before I became a senator; it all went downhill when I got elected. The thing, though, is that even if I am re-elected I will only get three years. I am unlikely to be in the top six in a double dissolution, so I would get three years. If there were no double dissolution, just a standard election, then theoretically—subject to an earlier election—I would be here for four years. So I have the prospect of four years in the hand or three years in the bush. Which would you choose? So, from the crossbench point of view, a double dissolution is not a huge fear but it is of no great advantage either.

Let us look at it from the point of view of the Greens. Why would they want a double dissolution? Why would they even facilitate a double dissolution? They will lose seats, in South Australia if nowhere else. Even in the other states, where they have two senators, it will be a struggle. Western Australia comes to mind
They will struggle to hold their seats. Why would you sacrifice members for a double dissolution? They will lose money. The ETU and CFMEU, which, from memory, combined donate about $300,000 a year, will withdraw funding. They have said so, privately and publicly. Why would you give up a major donor of that order to allow a double dissolution?

Senator Di Natale: It's called principle—that's what it's called.

Senator LEYONHJELM: The Liberal Democratic Party has principles. I will spell it out for you one day.

What we will see instead is that, if a double dissolution occurs, it will be primarily about the ABCC and the Greens will have facilitated it. What will that mean? We have seen already that the Greens are a party of betrayal. Twice they have voted against the opportunity to bring forward a vote on their own bill—this week on same-sex marriage, so they have betrayed that community. They will betray their union supporters, the ones who give them money and the ones who think that they speak up for their values. They will betray them and they will betray their fellow senators who will lose their seats. For what? So that Senator Rhiannon can beat the Liberal Democrats in New South Wales. That is what it is all about. They are prepared to sacrifice money and fellow senators for Senator Rhiannon's seat in New South Wales. That is what it adds up to. The best thing that they could do is to support this amendment and rule out a double dissolution completely.

Senator DASTYARI (New South Wales) (07:31): It has certainly been an interesting evening and an interesting night—it has certainly been a long night. I think it is fair to say that there were some points in the evening when things got a little strange. I guess that is what happens when you see strange bedfellows spend the night together. Perhaps they woke up this morning and were thinking about the night before and reassessing some of their decisions.

Senator Cameron: 'How did this happen!'

Senator DASTYARI: 'How did this happen.' They were reassessing some of the decisions that may have been made. It is not a position, in my 33 years, that I have ever been in, but I believe there are other people who, at different times, have woken up with people that they perhaps spent their first long night with, thought that the whole thing was a mistake and decided to reconsider. That is an opportunity that is available to the Greens political party today. I am not going to say that we are prepared to take you back right away, but I am prepared to say we are ready to work on it. We are ready to go through the process. We are ready to get some counselling. Maybe we can sit down with some of our trade union friends together.

Senator Cameron: As long as they visit a clinic!

Senator DASTYARI: I am not going to lie. There have to be some showers and some tests.

Senator Cameron: Yes, clinical tests!

Senator DASTYARI: There was a long period of working on important issues, and it was not all bad. There were some good times.

Senator Cormann: Mr Temporary Chairman, I raise a point of order. Chairs tonight have consistently ruled that speakers have to address the question before the chair. The question before the chair is a specific amendment about the commencement date and I do not know
how the sexual innuendo that Senator Dastyari is spreading around the chamber is in any way relevant to the question before the chair.

The TEMPORARY CHAIRMAN (Senator Ketter): I remind all senators to remain relevant to the issue at hand.

Senator DASTYARI: I note the chair and I note we have had a fairly free-flowing debate across a range of topics to do with voting reform.

Senator Cormann interjecting—

Senator DASTYARI: No. Senator Cormann, I note the comments that I am making do bear reference not only to the specific question, and I will get to the direct point, but there has been a debate that has involved the leader of the Greens, another Greens senator, the leader of the Australian Labor Party, you and others. I believe that my comments do go to that broader debate, but I will make sure they are as relevant as possible.

What we are facing here is the prospect of a double-D election being brought forward, and what this amendment does—

Government senators interjecting—

Senator DASTYARI: No, we are not pretending. I think Senator Wong was very clear about what the effect and purpose of this amendment is. The effect and purpose of this amendment is that this voting reform restructure would not be available for a double dissolution election were it to be held on, I think, 2, 9 or 16 July, which are the three possible dates for a double dissolution election that would not have the Senate be backdated a year.

Right now, and this is a matter of fact, a double dissolution election can be held if the government is able to satisfy the Governor-General that the correct criterion has been met, and that criterion as set out in section 57 of the Constitution is a bill failing to pass in a period of three months, after two different attempts. There are a lot of technicalities around that, how that is interpreted and historical precedent—but this is not the time or the place to go through that historical record. Again, all of this is in the eye of the beholder, the beholder here being the Governor-General.

But it is fairly clear cut that there are two triggers at the moment for a double dissolution election. There is the legislation around the Clean Energy Finance Corporation and there is the legislation around registered organisations. In terms of the Clean Energy Finance Corporation, again it is hard to work out where exactly the government sits. I asked Senator Cormann in this place during question time, I think, three weeks ago: is it the government's intention to abolish the Clean Energy Finance Corporation?

Senator Jacinta Collins: Did he answer?

Senator DASTYARI: Senator Cormann answered it very clearly and very directly. Senator Cormann said, in that instance, that, yes, that was still government policy—and Senator Cormann has always said that, in fact. He is a straight shooter and he has been very straight about that the whole time. So that is one trigger. The other trigger, as I said, is the registered organisations bill.

As for how you use the trigger, even if the request to the Governor-General does not include said legislation, be it the Clean Energy Finance Corporation bill or other legislation—hypothetically, the registered orgs bill, which is already a trigger, or the ABCC bill, if that
were to become a trigger—there is a lot of grey about whether or not, after the election, the Clean Energy Finance Corporation legislation could still be brought to that joint sitting. Just so that is clear: even if the government, prior to an election, does not put in their formal request to the Governor-General with the cause for a double dissolution, there is huge ambiguity and there are those who would argue quite eloquently—and there is High Court precedent to this effect over a similar question; not the exact same question—about what that would mean. So we do not know the answer to that because it has never been tested.

I foreshadow that we could have a situation where, even if the Clean Energy Finance Corporation legislation is not used as the trigger for a double dissolution election, it could potentially still be used in the joint sitting because it meets the criterion under section 57 of the Constitution. None of this is actually been tested. None of this has been tested. That is the question that has to be asked.

We are not afraid of an election. The Labor Party is not afraid of a poll. We are not afraid of a bill. No, we are not afraid of an election. Let's be honest here: the government's ratings have been in a downward spiral for the past couple of months. Things cannot exactly be all rosy when the government cannot even tell you when they are going to deliver their own budget. What does worry me, and it does, is a double dissolution election being held when there is a new voting structure for the Senate. Senator Di Natale, you are right: we do not support that new structure. We think that is a structure that is geared towards the conservative side of politics and to benefit the conservative side of politics. You are right: I do not support the legislation and I do not support these laws. We are not pretending that the aim of this amendment is to do anything other than prevent it from being able to be used for double dissolution action. The ABCC is a likely trigger. We know it is a likely trigger. Again, there is a grey area about whether it is a trigger at this point and about what failure to pass exactly is. Senator Cormann did go on Sky News last Sunday. I may be paraphrasing him here. I am sure he will correct me if I misquote him. My general understanding of what he said in that interview is that it was the government's intention to reintroduce the ABCC bill in an upcoming session of this chamber. If that were rejected, it would be a clear-cut trigger. Again, it may or may not be a trigger already right now. There are many things that have not yet been tested and there is all the grey legality over what can and cannot be used.

The suggestion here is that we make sure there is not a double dissolution election where the two key triggers would be the ABCC and the registered organisations act and create a situation where we are unnecessarily risking the Clean Energy Finance Corporation's future. I believe that they are risks that should not be taken. This amendment directly addresses those concerns.

Senator Di Natale did make some comments and Senator Whish-Wilson, through his interjections, was making comments regarding the idea that says: to make it relevant, this amendment should be rejected for the purpose of the progressive side of politics working together and fighting together as a priority. That is great rhetoric. That is the kind of thing that plays well to a centre-left or a left-wing Twitterer or a Facebook and social media audience. But the reality is that you have Michael Kroger belling the cat on this issue and saying, 'We're working towards a loose preference arrangement.' We know what that preference arrangement is and we know what it involves. It involves the Liberal Party preferencing the Greens in inner-city electorates where they contest the Labor Party, and, where the Labor Party is
contesting against the conservative parties, the Greens not issue preferences, and, essentially, ideally for the conservative side of politics, create a leakage out of the progressive pile. That is that. To turn around and say, 'No, we should all be working together and fighting together'—the logic, the actions, do not match what this would cause. I do not know if there is some rope-a-dope strategy from the leader of the Greens political party, that we did not know—some kind of Muhammad Ali and George Foreman Rumble in the Jungle, where they are going to lull the conservative side of politics into a false sense of security by giving them open tickets and working with them in passing all of the legislation, and somehow this is going to result in them being taken out, knocked out in some kind of final blow. I hope there is a strategy and a logic for the progressive side of politics behind this, because no-one else can see it. It is not there for anyone else.

We have had a very long night. A lot has been said. There were some lighter moments and there was a bit of colour and movement, and that is to be expected, but I think it is important that this legislation does get the proper scrutiny that it deserves. There is the process that we have been going through, discussing these amendments and giving explanations. I think Senator Cormann in many instances has done a good job in making sure questions have been answered. We are not happy that not all of the questions have answers. We perhaps did not like some of the answers he has given us.

An honourable senator interjecting—

Senator DASTYARI: No—I have an incredible amount of respect for Senator Cormann. I do note that when we were debating the carbon price legislation in 2009—a debate before my time in this place—you, Senator Cormann, led the debate in the chamber, or you were one of the instigators. That debate went for 63 hours. I am not purporting that this go for that long—

An honourable senator: Oh!

Senator DASTYARI: No, I believe, beforehand—if for no other reason, it is true that I do have tickets to Madonna on Sunday night in Sydney. I hear she might be late, so I might have even more hours than I thought I had.

Senator CAMERON (New South Wales) (07:45): I want to go to a number of the issues that were raised by Senator Rhiannon in relation to the ABCC. We agree that the Australian Building and Construction Commission was set up as a union-busting operation. There is no doubt about that. That is what it is all about. Under its current name, Fair Work Building and Construction, it is headed up by a guy called Nigel Hadgkiss, who is the most incompetent public servant I have ever seen at estimates. He does not even know how, basically, the operation works. His job is to terrorise workers and to terrorise employers so that there is little, if any, engagement with the CFMEU on building sites. Originally it started with Mr John Lloyd, who is now the Public Service Commissioner. He has developed this government approach on bargaining in the public sector and has left the public sector now for two years in absolute chaos, with industrial disputes ready to break out at nearly every other month in the public sector, because of the attempt by the government and Mr Lloyd to cut wages and conditions of public servants. That is only the start. That is what is going to be happen everywhere else in the country if this government is re-elected.
That is why we will do anything we possibly can to ensure that they are not elected. I agree with Senator Dastyari. We are not afraid of an election. If an election comes, we will go out and fight it. We will fight the coalition. We will not be doing any deals with the coalition to fight anyone else. We will fight the coalition. We will not be doing any secret deals that would try and disadvantage anyone here. We will just have the fight about the issues, and the issues are pretty clear. If we end up with this government in power again, it is going to be bad for the economy, bad for society and bad for working families and the working class in this country. There is no doubt about that.

With the ABCC, when Labor got in, we had a look at these issues in the industry, we consulted widely about the issues in the industry and we decided that we would have what was called Fair Work Building and Construction. We do not want Fair Work Building and Construction to end up being the ABCC because of incompetent negotiations by the Greens and their leader Senator Di Natale in relation to the timing of a double dissolution. The amendment that we have before this place now clearly gives the opportunity for the Greens to ensure that there is no double dissolution this year and that we can get on with exposing the big problems in this coalition—expose the chaos in the coalition, the divisions in the coalition, and the lack of concern for workers, jobs and the people that are down and out and need a hand from government. There is a complete lack of concern from this mob over there.

The best thing that happened when Fair Work Building and Construction was established was that John Lloyd and Nigel Hadgkiss, the opposition's union busters, the opposition's enforcers in the building and construction industry, took off and were warehoused with the IPA or elsewhere. We ended up with a Fair Work Building and Construction that had checks and balances on its operations. It also had a wide brief to look after workers not just the policies—because that is exactly what this Fair Work Building and Construction does under the coalition.

We do not want a double dissolution that could result in this Fair Work Building and Construction getting back in because of some secret deals with the Greens and the coalition about preferences—a secret deal with Mr Kroger in Victoria for deals around the country to try to disadvantage the Labor Party. We had a Fair Work Building and Construction operation that had that wide brief, looked at issues such as phoenixing in the industry, exploitation of 457 workers and had an interest in health and safety issues in the industry. It was not liked by the union movement but certainly, I think, the union movement understood that it was not the type of beast that has been established by the coalition, which was simply about trying to destroy effective trade unionism and effective wages and conditions in the building and construction industry.

The Fair Work Building and Construction has come into place again with Mr Nigel Hadgkiss as its leader, and we have seen a massive amount of politically-timed claims against the CFMEU predominantly; a number of civil actions being taken in courts against the CFMEU designed for the maximum political effect—not in terms of what the issues are. Mr Hadgkiss is doing the bidding of the coalition day-in day-out on these issues.

I had an opportunity this week to meet with the relatives of Mr Gerry Bradley. Mr Bradley was a young Irishman and he was killed on a Jackson job in Western Australia with another young Irish backpacker, Joe McDermott. These were young men with their whole life ahead of them and it was absolutely gut-wrenching to have Gerry Bradley's father and his uncle and
his girlfriend in my office telling me about the problems on these Jackson sites, where these two young men were killed. There were no smoko huts. There was nowhere they could have morning tea. So they were sitting outside in an area where cranes were lifting concrete slabs, close by and over their heads. The concrete slabs slipped and these two young men were crushed to death. One of them was from Omagh and the other was from Colerain.

The families' concern is that when they spoke to WorkSafe Western Australia they were told it could be three years before any outcome is finalised in terms of the investigations into their deaths. They are distraught about how that could take so long. They were also distraught about the lack of conditions on those jobs. This was a site that Fair Work Building and Construction, under its chief executive Nigel Hadgkiss, visited on a regular basis. And part of the visits, we are told, was to stop the CFMEU coming on site to investigate health and safety problems. It is not me that is making those allegations, it is the family of two dead workers. They were appalled that in a country like Australia their sons, their nephews, their boyfriends, having only been in the country for a number of weeks, ended up leaving the country in coffins. And on the day these two workers were killed another worker was killed on a construction site at Kwinana in Western Australia.

We hear all the set-up questions in question time and during estimates about the CFMEU and their behaviour. But we never hear this government talk about the workplace deaths in the building and construction industry—an average of 36 fatalities every year. People are saying that Fair Work Building and Construction, under Nigel Hadgkiss, is contributing to poor safety and a lack of proper safety advice for people on the jobs. I am told that some companies are saying to the union to come on site quietly because they do not want a visit from Fair Work Building and Construction. Fair Work Building and Construction has annual increases in its expenditure year on year—it has moved from $35 million a year to $48 million a year. They are actually looking after wages and conditions for the Fair Work Ombudsman, which is having its budget cut. That is the position under this coalition—an operation which is basically a union-busting operation and, in my view, contributes to injury and death on the building and construction sites in this country. That is a claim that is being made to me in my office—that this organisation is so vicious in its approach to employers and employees that they are absolutely terrified to deal with safety issues on jobs around this country. It is an absolute disgrace.

Jaxon, the company in Western Australia where these two young workers were killed, had 15 visits from Fair Work Building and Construction. Many of those visits, I am told, were to advise the employer not to let the CFMEU on site on any safety issue and to enforce the companies ringing them up to get CFMEU officials off the site. Workers are being intimidated. Companies are being intimidated. Workers are being seriously injured. Workers are being killed. Fair Work Building and Construction, in the view of the people who are putting this to me, are part of the problem, not the solution.

The amendment that we are putting up would prevent the government from relying on the new voting system in a double dissolution election. It would ensure that we would have a better opportunity to ensure that Nigel Hadgkiss does not end up heading up the ABCC and taking further action against decent workers in this country. This is an amendment the Greens should support. If they have any principles left, they should support this amendment to ensure
that this double dissolution cannot go ahead. It is a simple proposition. Just say you will support the amendment we have put up. There will not be a double dissolution.

This government would end up being in a position where it will look weaker and weaker and more and more chaotic as the days go on, with a Prime Minister who cannot enforce any cohesion within the coalition. It certainly would be better. Senator Rhiannon, you should reconsider. Think about the trade union movement, think about workers that are being killed and maimed, and support this amendment. (Time expired)

Senator JACINTA COLLINS (Victoria) (08:00): I assume there is nobody else that wants to make comments in relation to these amendments at the moment, so I would like to respond to some of the issues that have been raised in the debate. Firstly, I would like to thank my colleagues that have pointed out that this is the way for the Greens to remove the keys to the double dissolution that they, unwittingly it seems, provided.

We heard from Senator Di Natale his excuse for that and it was incredibly naive. I do not intend to waste the committee's time much further than with that general reflection, but on top of those contributions there are a couple of other issues that have been canvassed over the day that I think we need to revisit. Senator Rhiannon still runs the fraud that her amendment adequately deals with the issues. We know, firstly, on the double dissolution issue that they obviously do not. But the suggestion that the Greens have accepted—this disingenuous position of Senator Cormann that the double dissolution and the Senate reform are two mutually exclusive issues—is laughable. It is absolutely laughable. I have covered that issue before and I do not intend to go into much more detail there.

The issue that Senator Cormann has addressed during the course of the evening was the evidence before JSCEM in relation to what the AEC required. Despite the fact that in her few minutes before the AEC Senator Rhiannon actually addressed these issues, it seems that she did not comprehend the answers that were given to her, so I will go back to the Hansard once again.

I suspect that it has now gotten to a stage of denial. The Greens are in denial. They are locked in, they cannot move, they have to trot over and vote with the government regardless, and so they maintain that denial. Again, Senator Rhiannon talks about a three-month period, or a period of around three months. We know what the evidence that was given to JSCEM by Mr Rogers was. It was 'an estimated three-month minimum time frame'. We also know that Mr Rogers said in the very next sentence of his opening statement: However, I do wish to emphasise that this estimate and all associated advice is based on the broad shape of the current proposal. Should the bill change significantly, the AEC will need to revise its timing, cost and other resource estimates.

So the minister has refused to provide information to the Senate even about what those estimates were, firstly, and then he sought to deny that the complete change to the below-the-line voting approach was significant, which is ridiculous.

Senator Rhiannon has left her head buried in the sand on the three-month issue. We know the AEC has struggled with certain issues. This was the basis for the JSCEM inquiry that reported in 2014. We know they have told the joint parliamentary committee they need a minimum of three months. Indeed, I need to remind Senator Rhiannon that she actually asked Mr Rogers about this. He said:
Sorry, could I also be on record—
I do not know why he thought he would not be—
as saying that the three-month period is already a streamlined three-month period in any case.

Senator Rhiannon said:
So you are saying that it is already tight?
And Mr Rogers said yes. So this time frame that Senator Rhiannon is proposing as an alternative is, at the very best, 'tight', 'streamlined' and not adequate. It is not adequate at all to deal with the timing issues.

I am not surprised that Senator Rhiannon has forgotten or has not quite understood the procedural issues here, because in the debate she has also misrepresented what happened earlier in the week. She stood in here and suggested that Labor had supported bringing on the ABCC legislation. That was simply false. Senator Rhiannon, you need to learn the difference between a procedural motion and a substantive one. What we supported was a suspension motion. The sooner you learn how this place operates the better, if you are going to be remaining here. To come in here and try to lecture us on what the process is, what amendment we are on, and not even be accurate and then to misrepresent what votes have occurred is outrageous.

Senator Siewert: Mr Temporary Chairman, I rise on a point of order. Could you please remind Senator Collins to address the chair and not to directly yell across the chamber at Senator Rhiannon.

The TEMPORARY CHAIRMAN (Senator Seselja): Senator Collins, I would remind you to address your remarks through chair.

Senator JACINTA COLLINS: Thank you, Chair. I am more than happy to address my remarks through the chair. It has indeed been a long evening and when Senator Rhiannon continues to add falsehoods to the debate, or to introduce her own interjections into the debate at different stages—

Senator Rhiannon: Mr Temporary Chairman, I rise on a point of order. I am requesting that the statement 'falsehoods' be withdrawn. All I said was that they had supported bringing ABCC on.

The TEMPORARY CHAIRMAN: There is no point of order.

Senator Wong interjecting—

The TEMPORARY CHAIRMAN: Order, Senator Wong! I will rule. As much as you may not like it, 'falsehoods' is not unparliamentary. It is a debating point, and you have the opportunity to respond.

Senator JACINTA COLLINS: Senator Rhiannon is a bit touchy. She came into the chamber and she decided to give us a lecture about where we were up to this morning. She was false that time too. She was on the wrong amendment. She did not even know what amendment we were on when she was lecturing us about what we were doing. So yes, it is appropriate that I address the other falsehoods, because her procedural understanding seems to be extremely limited.

We have concerns not only about the unprincipled approach to how we have dealt with this legislation—and we are still here dealing with substantive matters at seven past eight in the
morning. This is, people need to understand, an alternative to a gag. This is legislation by attrition, and any pretence from the Greens that they have not gagged this matter is a joke. Anyone who understands human stamina knows that. I have to say that Senator Cormann is up at the very top. You are the one person who has almost exclusively stayed in this chamber right through the whole period, so I give you credit for that. You are still looking pretty fresh, I have to say. I should also acknowledge that some of your advisers and at least one of our advisers have been here through the process too. But human endurance has its limitations. The Greens can run this pretence that we are not really gagging it. The reality is that this is legislation by attrition, and that is as effective as any gag you could imagine, so stop the pretence.

The TEMPORARY CHAIRMAN (Senator Seselja): The question is that opposition amendment (1) on sheet 7859 moved by Senator Collins be agreed to.

The committee divided [8.13]

(The Temporary Chairman—Mr Seselja)

Ayes .................23
Noes .................37
Majority ..............14

AYES

Brown, CL
Cameron, DN
Conroy, SM
Day, RJ
Gallagher, KR
Leyonhjelm, DE
McAllister, J
Moore, CM
O’Neill, DM
Polley, H
Urquhart, AE (teller)
Wong, P

Bullock, JW
Collins, JMA
Dastyari, S
Gallacher, AM
Ketter, CR
Madigan, JJ
McLucas, J
Muir, R
Peris, N
Sterle, G
Wang, Z

NOES

Back, CJ
Brandis, GH
Canavan, MJ
Colbeck, R
Di Natale, R
Fawcett, DJ
Hanson-Young, SC
Lindgren, JM
Macdonald, ID
McKenzie, B
O’Sullivan, B
Paterson, J
Rhiannon, L
Ruston, A
Scullion, NG
Siewert, R

Birmingham, SJ
Cash, MC
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Ludlam, S
McGrath, J
Nash, F
Parry, S
Reynolds, L
Rice, J
Ryan, SM
Seselja, Z
Simms, RA
Thursday, 17 March 2016

SENATE

2603

NOES

Sinodinos, A
Waters, LJ
Xenophon, N

Smith, D
Whish-Wilson, PS

PAIRS

Bilyk, CL
Carr, KJ
Lines, S
Ludwig, JW
Marshall, GM
McEwen, A
Singh, LM

Heffernan, W
Williams, JR
Bernardi, C
Payne, MA
McKim, NJ
Abetz, E
Fieravanti-Wells, C

Question negatived.

Senator DAY (South Australia) (08:15): I move the Family First amendment on sheet 7858:

(1) Clause 2, page 2 (table item 1, column 2), omit "The day after this Act receives the Royal Assent", substitute "22 August 2016".

This amendment delays the commencement date of the bill until 22 August and substitutes the ordinary day after royal assent clause with 22 August 2016.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (08:16): The government will oppose this amendment for the same reasons as we opposed a similar amendment with a different date by the Labor Party. The government will support the Greens amendment on sheet 7882, which proposes an appropriate arrangement for commencement of the bill.

Senator JACINTA COLLINS (Victoria) (08:16): I thank Senator Day for giving us the opportunity to address once again the issues that were canvassed with respect to our earlier amendment, which just failed. This once again gives the Greens the opportunity to reconsider their poorly-formed position. I suspect it will not change, given the behaviour that we have observed consistently—

Senator Ian Macdonald interjecting—

Senator JACINTA COLLINS: Thank you, Senator Macdonald, that is very generous of you—especially at this hour of the process. I gather that was somewhat tongue in cheek.

For the reasons that we have already outlined, in the absence of the success of our motion we will support this one.

The CHAIRMAN: The question is that amendment (1) on sheet 7858 moved by Senator Day be agreed to.

The committee divided. [08:22]

(The Chairman—Senator Marshall)

Ayes ..................23
Noes ..................37
Majority ..............14
I move my amendment on sheet 7876 as revised:

(1) Page 2 (after line 20), after clause 3, insert:

4 Review of the operation of amendments
(1) The Minister must cause an independent review of the operation of the amendments made by Schedule 1 to be undertaken and completed within 6 months after the result of the election first held on or after the commencement of this clause has been declared.

(2) The review must consider:

(a) the effectiveness of the amendments made by Schedule 1; and
(b) the effectiveness and accuracy of systems and processes put in place by the Australian Electoral Commission to give effect to the amendments made by Schedule 1; and
(c) the adequacy of resources given to the Australian Electoral Commission for the election; and
(d) any other related matters that the Minister specifies.

(3) The person who undertakes the review must give the Minister a written report of the review.

(4) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of receiving it.

My amendment simply asks the AEC to do a very simply and I think also very warranted job after the first election, when the changes we have been discussing overnight come into effect. Because of the changes and because of the election that follows, I think that given the time allowed for the AEC to make such changes, to change the system and to make sure their staffing levels are adequate, it is very possible that we are asking AEC to do a very rushed job. So I think it is very prudent that we ask the AEC to do a review within six months after the results of the election and for the review just to tell us the effectiveness of the amendment, the accuracy of the system and the process that will be put in place, and whether the resourcing that is given to AEC is adequate or not.

That is all this amendment is asking for, and I think it is very prudent that as lawmakers of this country we all make sure we follow through the changes we have made to any laws so that we can understand whether there are any unintended consequences and whether the changes are working as intended.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (08:26): The government will not be supporting this amendment, and let me just advise the chamber that this amendment does not actually do what Senator Wang has just indicated. This amendment does not ask the AEC to conduct a review; this amendment requires the minister to cause an independent review of the operation of the amendments to be made, and it does not specify that that review should be conducted by the AEC at all. It does say that the review must consider various elements in relation to the AEC. But it says, for example, in clause (3), that the person who undertakes the review must give the minister a written report of the review and the minister must cause a copy of the report of the review to be tabled in each House of Parliament.

Now, of course I agree that the operation of this bill at the next election should be subject to review. Of course it should be. And as a matter of course, after every election, there is a review into the conduct of the election that is undertaken by the Joint Standing Committee on Electoral Matters. That was the case in 2013, and I would anticipate that the same would be the case after the 2016 election. These reviews routinely look at all aspects of an election and the way it was conducted by the Australian Electoral Commission. Such reviews provide experts, stakeholders and the broader public with an opportunity to make submissions and participate in public hearings. This process through the Joint Standing Committee on
Electoral Matters is comprehensive and transparent, and the committee's reports are indeed tabled in the parliament once completed. Therefore the government will not be supporting these amendments, as they would be duplicating the work that will already be done by the Joint Standing Committee on Electoral Matters following the election.

Senator JACINTA COLLINS (Victoria) (08:28): I wish I could share Senator Cormann's enthusiasm about the processes of JSCEM, but unfortunately, after participating in the last inquiry, I know that is impossible. So, the opposition is happy to support Senator Wang's proposal to have—

Senator Ian Macdonald interjecting—

Senator JACINTA COLLINS: Chair, can I please express that it is very difficult with Senator Macdonald sitting right behind me verbalising to actually even concentrate on what I am saying?

Senator Ian Macdonald interjecting—

The CHAIRMAN: Senator Macdonald, what you have just said is very inappropriate. You have said it from someone else's chair. So, if you are not going to sit in your own seat, I would ask you to remain silent.

Senator Ian Macdonald interjecting—

The CHAIRMAN: Well, I have just asked you to remain silent, and you have immediately not remained silent, so I will ask you again to remain silent.

Senator JACINTA COLLINS: Thank you, Chairman, and thank you, Senator Cormann; I also noticed you entreating your colleague to conduct himself in a more appropriate way, and I appreciate that attempt.

Honourable senators interjecting—

Senator JACINTA COLLINS: I do not know why the Greens down there are carrying on. Perhaps they would not appreciate having someone sitting right behind them, under this process, in the way that was just occurring. Given that already to date we have had complaints from the Greens that we are 'looking at' them, well, look at this—seriously. So, get over the giggles, please.

An honourable senator: [inaudible] cranky.

Senator JACINTA COLLINS: Well, yes I am cranky. I have already made my comments about what I think about this process of legislation by attrition. I have made that point. And when senators who have not been participating in this debate come in and throw in their trite comments, as I think Senator Cormann is also trying to highlight, they do not expedite the process. I am more than happy to expedite the process to deal with the substantive issues here, and I have not even been able to get through the third paragraph of the opposition's position in relation to Senator Wang's amendment. So, I will try again.

Regarding the review that Senator Wang proposes—that it be an independent review—Senator Cormann, I did not take it to specify, and I did not take it from Senator Wang's comments that he was specifying, that it must be the AEC. Now, potentially it could be the AEC, but equally it could be some other independent party conducting the review, as deemed appropriate by the minister. That is how I read this amendment and how I took Senator Wang's comments to represent it. Such a review will provide an independent analysis of the
impact of the bill and the adequacy of resources provided to the AEC to implement the changes ushered in by the bill, amongst other things. It is not appropriate, and nor is it micromanagement, to suggest that the legislation should set up a process.

Regarding the review itself, in terms of looking at the changes, I was hoping Senator Xenophon might have joined us over that last division; I thought it would be helpful to add to the consideration of this amendment the comments Senator Xenophon made earlier about what the appropriate benchmarking is and what issues we want to look at in terms of what we would regard as appropriate benchmarking and indeed potentially success. So, if this amendment gets up I would encourage those looking at how it should proceed to look at the discussion and the issues raised earlier by Senator Xenophon in terms of some of the benchmarking issues that would be helpful.

Senator Wang's amendment will require the findings of an independent review to be tabled in the House and the Senate so that they can be scrutinised by the parliament and the Australian people. And I am sure the Greens political party will see the merit in having an independent review of the most significant changes to our electoral system in 30 years—although I suspect, unfortunately, that they will probably just cop the line that JSCEM can do it, despite the experience we just went through with the last JSCEM inquiry. It would be nice if they broke away from their trotting across the chamber with the government on every issue and demonstrated that they were up for an appropriate independent review, but the pattern of their behaviour in process in this matter leaves me very doubtful that that is likely to occur.

The other reason, of course, that this is important is that the shambolic handling of this legislation by the government and their new coalition partners, the Greens, make it critical that the Senate agree to Senator Wang's amendment. This legislation is the product, as we have seen, of this deal between the Liberals and the Greens and Senator Xenophon which is now being rammed through the parliament at lightning speed as part of the Prime Minister's plan to rush to the polls for a double dissolution election.

Honourable senators interjecting—

Senator JACINTA COLLINS: Again the Greens laugh, because they are maintaining this charade that legislation by attrition is not a gag. Well, it is a gag, and the lightning speed is this week—although, you never know: they might still be up for until Easter, but I suspect not. It is this week. That is the lightning speed. The speed was the speed that I described earlier, when Senator Cormann responded to the recommendations of the sham JSCEM inquiry within 64 minutes in this place with his first reading contribution. Indeed, it was printed and tabled in that time frame.

It is laughable to suggest that the government considered the JSCEM's recommendations, as limited as they were, within that time frame. It was a fix. It was a set-up. It was, as was suggested by some of the commentary on Antony Green's website, prearranged, preordained. The only question in all of this, which maybe the future will be able to tell us, is: to what extent were the Greens complicit in this preordained plan? Were they deluded too, or were they completely complicit in it? And you never know: an independent review might shed some light on that issue. It will be helpful in the longer term to have an understanding of these issues, and for these reasons Labor is pleased to support the amendment.
The CHAIRMAN: The question is that amendment (1) on sheet 7876 revised, moved by Senator Wang, be agreed to.

The committee divided. [08:39]

(The Chairman—Senator Marshall)

Ayes .................... 21
Noes ...................... 35
Majority .............. 14

AYES

Brown, CL
Cameron, DN
Collins, JMA
Dastyari, S
Ketter, CR
Marshall, GM
McEwen, A
Moore, CM
O'Neil, DM
Polley, H
Wang, Z

NOES

Back, CJ
Brandis, GH
Canavan, MJ
Colbeck, R
Di Natale, R
Fawcett, DJ
Hanson-Young, SC
Lindgren, JM
Macdonald, ID
McKenzie, B
O'Sullivan, B
Paterson, J
Rhiannon, L
Ruston, A
Scullion, NG
Simms, RA
Smith, D
Whish-Wilson, PS

Bilyk, CL
Gallacher, AM
Gallagher, KR
Lines, S
Ludwig, JW
Singh, LM
Sterle, G
Wong, P

Heffernan, W
Williams, JR
McKim, NJ
Bernardi, C
Payne, MA
Fierravanti-Wells, C
Seselja, Z
Abetz, E
Question negatived.

Senator MUIR (Victoria) (08:42): by leave—I move my amendments (2), (3) and (1) on sheet 7874 together:

(1) Clause 2, page 2 (table item 1), omit the table item, substitute:

1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table
The day after this Act receives the Royal Assent.

2. Schedule 1A
The day after this Act receives the Royal Assent.

3. Schedule 1

(2) Page 3 (before line 1), before Schedule 1, insert:

Schedule 1A—Amendments commencing day after Royal Assent

Commonwealth Electoral Act 1918

1 Paragraph 239(1)(a)
Repeal the paragraph, substitute:

(b) writing the numbers 2, 3, 4, 5 and 6 in the squares opposite the names of other candidates on the ballot paper to indicate the order of the person's preference for them.

2 Paragraph 268(1)(b)
Repeal the paragraph, substitute:

(b) subject to section 269, in a Senate election, it has no vote indicated on it, or it is not marked in accordance with subsection 239(1);

3 Section 270
Repeal the section.

4 Schedule 1, Form E
Omit "By placing the numbers 1 to (7) in the order of your preference", substitute "By numbering a minimum of 6 boxes in the order of your preference (with the number 1 as your first preference)".

5 Schedule 1, Form E (footnote 7)
Repeal the footnote.

(3) Schedule 1, heading, page 3 (line 1), at the end of the heading, add "commencing 15 January 2017".

The CHAIRMAN: We can separate the questions, if you request that.

Senator MUIR: These changes are transitional provisions to address some urgent changes now. They relate to recommendation 3 of my dissenting report, which I was going to read out, but we have been here long enough. It is only applicable for the next election. That is the purpose of a transitional change. It allows for further consultation and changes that have broad support. It reduces the scope of change for the AEC and therefore reduces the amount of change needed at the next election, therefore reducing the likelihood of any errors from a rushed implementation.
This also reduces the amount of change for the voter at the ballot box. It reduces the size of the education campaign that the AEC needs to undertake. I think something that has become clear over the last 14 hours or so is that it is a big task that is ahead, and we are not even sure how successful that is going to be. So reducing the size of the education campaign—

_Honourable senators interjecting—_

**Senator MUIR:** I cannot hear myself think very well.

**The CHAIRMAN:** Yes. Again I will make the point: if senators are not sitting in their own seats, they should remain silent.

**Senator MUIR:** Thank you, Chair. This reduces the size of the education campaign that the AEC needs to undertake. As I said a moment ago, it has become very evident that this is going to be a very big task, and it is not even very clear if the message is going to be able to get across. This is making it easier for the AEC to get its message across and of course for the voters to adapt to change over time rather than just having it thrust upon them just before an election.

It does help to remove some of the group-voting-ticket influence. A political party would only need to swap preferences with the minimum of six candidates. They could swap preferences with no more than that, if they wish. A political party would also need to swap preferences with those who they wanted to. So they will not be forced to preference every party, removing a lot of the argument that we seem to hear quite regularly.

The transitional arrangements allow for a more comprehensive reform process to be adequately debated and considered. I have been very vocal about that throughout this whole debate and so have my colleagues in the ALP. I really do think—and I think the public think—that this has been significantly rushed through even though we have been in parliament for a very long time on this debate. This improves the chance for a broader consensus, not only within the parliament but within the broader community, because that is what has been lacking here. Parliament has decided to change our electoral system, which affects the way that the electors elect their representatives. So it is not really acceptable for the parliament to say, 'This suits us; it doesn't matter about what the people out there think,' because, at the end of the day, we are supposed to represent them and not the other way around.

The transitional changes I propose are, like I said, to implement a minimum of six preferences below the line. That, of course, is based on the recommendation from the Joint Standing Committee on Electoral Matters. The transitional changes I propose also retain group and individual voting tickets in a limited form. This modified version of group and individual voting tickets for the next election would only be available for the next election. So I am trying to think ahead here, and think that this is going to be a major change that needs to be transitioned in. As such, these tickets would only need to be marked under a partial optional preferential with a minimum of six preferences below the line; however, it would be possible for a party to mark up to all of the boxes, if they decided to. The amendments would ensure that all participants have a fair and even chance to adapt to the changes, and, ideally, would remove the argument that this is a rushed process.

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (08:46): The government will be
opposing these amendments. Amendments (1) and (3) on this sheet have the effect of delaying the commencement of most of the measures in this bill until 15 January 2017. For the reasons I have previously outlined in the context of similar amendments moved by Labor and by Senator Day, the government does not support this delay. The government does not support this as it would unnecessarily delay the commencement of these very important improvements to our Senate voting system.

Proposed amendment (4) and parts of amendment (2) on this sheet have the effect of removing below-the-line savings provisions currently in place in the Electoral Act that allow voters to make a certain number of mistakes when voting below the line. The government has already removed these provisions as part of our amendments to below-the-line voting and has included a savings provision whereby a vote is formal if a voter numbers at least six boxes below the line from 1 to 6 in order of their preference. The government recognises the intent of these amendments to insert provisions enabling optional preferential voting below the line, which are somewhat similar to the government amendments that have already been agreed to by the Senate. The government amendments, however, are entirely consistent with the final report of the JSCEM inquiry into this bill, which recommended that optional preferential voting below the line with voters directed to number at least 12 boxes to minimise vote exhaustion. For these reasons, the government will not support these amendments.

Senator RHIANNON (New South Wales) (08:48): I did notice that Senator Muir did comment about the problems with group-voting tickets. It is very important that that continues to be a central part of what we are addressing here. Amendments (1) and (3) do try to delay the commencement of the bill until January 2017. It has been well-established time and time again in the consideration of this bill, that the Senate voting reform needs to be in before the next election. So that is why the Greens will not be supporting these.

Senator Muir also proposes some below-the-line amendments that he proposes commence the day after royal assent. We oppose those because they are not necessary. The whole act should commence then. The below-the-line amendments he refers to are all associated with numbering 1 to 6 below the line. The Greens oppose them as they will create poorer preference flow, and numbering 1 to 12 is a big improvement in terms of not having to number every candidate and ensuring voters allocate preferences to a reasonable degree. So we will not be supporting these amendments.

Senator JACINTA COLLINS (Victoria) (08:49): I indicate that Labor will support amendments (1) and (3) as they do indeed relate to delayed commencement. The date on this occasion is 15 January next year. In reflecting on this issue, I could almost coin this one, Senator Muir, the ‘clean hands amendment’, because what it does in fact do is attempt to remove immediate self-interest in the way that Senator Cormann had characterised. It does tend to try and make it mutually exclusive from the question of when the next election might be and what that election might be. It takes us past the next election, whether it be a general election or a double dissolution election. In some ways, that is probably the most principled stand.

Given that Senator Di Natale is so concerned about dealing with Senate reform as an issue of principle, it is quite a challenge for him to have put to him a way in which, with clean hands, he could further his principle and avoid the criticisms that have been made about the placement the Greens are putting themselves in—whether wisely or not has often been part of
the consideration in the debate—with respect to whether there is a double dissolution or with respect to the next general election.

With regard to amendments (2) and (4), we oppose those for the same reasons we have opposed others, which is Labor’s position in relation to optional preferential voting.

The TEMPORARY CHAIRMAN: I put the question that amendments (2) and (3) on sheet 7874 moved by Senator Muir be agreed to.

Question negatived.

The CHAIRMAN: The question now is that amendment (1) on sheet 7874, moved by Senator Muir, be agreed to.

The committee divided. [08:56]

The Chairman—Senator Marshall

<table>
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<th>Ayes</th>
<th>Noes</th>
<th>Majority</th>
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<tbody>
<tr>
<td>23</td>
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AYES

- Brown, CL
- Cameron, DN
- Collins, JMA
- Dastyari, S
- Gallagher, KR
- Leyonhjelm, DE
- Marshall, GM
- McEwen, A
- Moore, CM
- O’Neill, DM
- Polley, H
- Wang, Z

NOES

- Back, CJ
- Brandis, GH
- Canavan, MJ
- Colbeck, R
- Di Natale, R
- Fawcett, DJ
- Hanson-Young, SC
- Lindgren, JM
- Macdonald, ID
- McKenzie, B
- O’Sullivan, B
- Paterson, J
- Rhiannon, L
- Ruston, A
- Scullion, NG
- Siewert, R
- Sinodinos, A
- Waters, LJ
- Xenophon, N

- Bullock, JW
- Carr, KJ
- Conroy, SM
- Day, RJ
- Ketter, CR
- Madigan, JJ
- McAllister, J
- McLucas, J
- Muir, R
- Peris, N
- Urquhart, AE (teller)
The question is that items 26 and 27 of schedule 1, as amended, be agreed to.

Question agreed to.

Senator MUIR (Victoria) (09:01): by leave—moved Australian Motoring Enthusiast Party amendments (1) to (5) and (7) on sheet 7875 together:

(1) Schedule 1, item 1, page 3 (lines 6 to 8), omit the definition of above the line, substitute:

above the line: a square is printed above the line on a ballot paper if the square is printed on the ballot paper in accordance with subparagraph 210(3)(f)(ii) or (iii).

(2) Schedule 1, page 3 (after line 8), after the definition of above the line, insert:

above the line candidate means:

(a) two or more candidates who have made a joint request under section 168 for their names to be grouped on the ballot paper; or

(b) a candidate that has made a request under section 168A for a square to be printed above the dividing line for the candidate.

(3) Schedule 1, page 3 (after line 11), after item 1, insert:

1A Subsection 168(1)

Repeal the subsection, substitute:

(1) Two or more candidates for election to the Senate may make a joint request that their names be grouped in the ballot papers.

1B After section 168

Insert:

168A Candidate may request square be printed above the line

(1) A candidate for election to the Senate that has not joined in a request under section 168 in relation to the election may make a request that a square be printed on the ballot paper for the candidate above the dividing line.

(4) Schedule 1, item 2, page 3 (lines 12 to 15), omit the item, substitute:

2 Subsection 169(4)

Repeal the subsection, substitute:

(4) Where:
(a) a request has been made under subsection (1) in respect of a candidate in a Senate election; and
(b) the candidate is an above the line candidate;
the request may include a further request that the name of the registered political party that endorsed the above the line candidate, or a composite name formed from the registered names of the registered political parties that endorsed the above the line candidate, be printed on the ballot papers adjacent to the square printed above the dividing line in relation to the above the line candidate.

(5) Schedule 1, item 4, page 3 (lines 18 to 20), omit the item, substitute:

4 Subsection 169(4)
Omit "in relation to the group in accordance with subsection 211(5)", substitute "above the line in relation to an above
the line candidate".

(7) Schedule 1, page 4 (after line 17), after item 9, insert:

9A Subsection 213(1)
Omit "of groups", substitute "of above the line candidates".

9B Subsection 213(1)
Omit "or groups" (wherever occurring), substitute "or above the line candidates".

9C Subsection 213(2)
Omit "a group", substitute "an above the line candidate that is a group".

9D Paragraph 214(2)(b)
Omit "section 168", substitute "section 168 or 168A".

There is a bias against ungrouped independent candidates under the current proposal. These amendments are designed to address this. They also relate to recommendation 7 of my dissenting report, which this time I will read out because the recommendation is not that big. The recommendation is to:

Amend the Bill to ensure that all candidates are represented both above and below the line regardless of their party affiliation or independent status. All candidates should have equal opportunity to be represented above as well as below the line.

Under the current act, only an endorsed sitting senator can be represented above the line.

Let's consider if there had been a vote on marriage equality today, which there could have been. What if a senator had crossed the floor on the issue? As a result, they would no longer be preselected at the next election—I should not be so aggressive; as a result, they may not be preselected at the next election. Then, hypothetically, they left their party. Apparently that senator could run as an individual above the line as a sitting independent. The voters could then choose, whether they did the right thing or not. Once this bill is passed this safety net is abolished. This bill does not introduce any replacement safety net. The Senate should have some independence from party politics. So what option would they have to run as an individual independent? They could run below the line, and that is it. As we know, 97 per cent of the voters vote above the line. So they could find a sacrificial running mate in a group. Why? Because they need to access that 97 per cent of the votes cast above the line.

The above-the-line section of these amendments will allow for any independent to be represented above the line. Surely, if it is supposed to be a candidate-based system, we should allow them to access that 97 per cent of the votes that are cast. Should this amendment not be
passed I do hope a High Court challenge considers this disparity. They should consider this bias that means that unless you are a political party you do not have a chance.

It is no wonder that we are seeing a decline in independent candidates and an increase in microparties since above-the-line voting was introduced. It encourages party politics. It does not encourage candidate-based politics. The way the rules are today, unless you are a political party, you do not stand a chance. This bill makes that situation even worse. If this was a truly democratic reform, this would be addressed. We are seeing political reform that only benefits the established political parties and not individual candidates.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (09:04): The government will be opposing these amendments. The proposed amendment to enable individual candidates to have a square above the line is inconsistent with the intention of above-the-line voting. It relates to groups, not individuals. So the way it works and the way it has worked since 1984 is that, when voting above the line, you vote for parties or groups. When voting below the line, you vote for candidates.

The change that we are making will enable and empower people across Australia, when voting above the line for parties or groups, to determine where their preferences will go after they have indicated their primary preference for their first party of choice. That is a significant improvement to the current arrangement.

The amendments that Senator Muir is proposing would significantly increase the size of ballot papers, as every Independent or single-candidate party would seek to have a box above the line. These amendments are not consistent with any of the recommendations of the Joint standing Committee on Electoral Matters and the government will not support them.

Senator KIM CARR (Victoria) (09:06): The opposition will not be supporting these amendments. We acknowledge Senator Muir's genuine interest in this legislation and his efforts to engage with the policy issues. Labor do not support the government's or the Greens' ill-considered tinkering with the Senate voting system, but we do not believe that this particular measure of Senator Muir's would take us forward. We appreciate Senator Muir's efforts to ameliorate some of the worst elements of the government's and the Greens' botched legislation; however, Labor do not support this particular proposal by Senator Muir. Thus we shall not be supporting these amendments. I will just take this opportunity to repeat our acknowledgement of Senator Muir's good-faith efforts.

Senator RHIANNON (New South Wales) (09:06): The Greens will not be supporting these amendments either. Effectively amendments (1), (2), (3), (4) and (5) want to allow an individual, ungrouped candidate to have a box above the line with a party name next to it. We oppose this because it would really clutter up the ballot paper and make it more difficult for the voters. So it is not something that would facilitate a good outcome.

The other amendments—(6), (7) and (8)—would result in quite a complex system of printing the Senate ballot papers in batches that contained different candidate orders. Certainly there have been some successful ways of introducing a rotational system for where names appear on ballot papers, but this one would not achieve that or ensure that we have a ballot paper that works.
The CHAIRMAN: The question is that amendments (1) to (5) and (7) on sheet 7875 moved by Senator Muir be agreed to.

Question negatived.

Senator DAY (South Australia) (09:08): by leave—I oppose schedule 1 in the following terms:

(1) Schedule 1, item 4, page 3 (lines 18 to 20), to be opposed.
(2) Schedule 1, items 7 to 13, page 4 (lines 11 to 26), to be opposed.
(4) Schedule 1, items 22 to 25, page 6 (line 20) to page 7 (line 15), to be opposed.
(5) Schedule 1, item 28, page 7 (line 22) to page 8 (line 17), to be opposed.
(6) Schedule 1, item 39, page 11 (lines 19 to 21), to be opposed.

I also move amendments (3) and (7) on sheet 7861 together:

(3) Schedule 1, item 20, page 6 (lines 2 to 17), omit the item, substitute:

20 Before subsection 239(2)

Insert:

Voting above the line

20A Before subsection 239(4)

Insert:

Candidates who die before polling day

(7) Schedule 1, item 41, page 11 (line 24) to the end of page 13, omit the item, substitute:

41 Schedule 1, Form E (footnote (7))

Repeal the footnote, substitute:

(7) Here insert number of candidates.

(8) Here insert the logo of a registered political party if to be printed.

This amendment will preserve the right of the voter to delegate to the Labor Party the distribution of their preferences. For those who do not wish to do that, they can vote 1 to 12 below the line as per the government's amendment. This and only this gives the voter true power to choose either the group-voting ticket or below-the-line voting preferences themselves.

Much has been said in this debate about giving the power back to the voter. This bill does nothing of the kind. It removes a fundamental right of a voter to delegate to their favourite minor party the distribution of their preferences. So many voters who do not understand preferences are more than happy, more than confident, to give to their party the right to distribute the preferences in the best interests of the party. Those who do not wish to do that can vote 1 to 12 below the line. I commend my amendment.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (09:10): The government will not be supporting these amendments. One of the key elements of this bill, and one of the main recommendations of the Joint Standing Committee on Electoral Matters, is the abolition of individual and group-voting tickets. The Joint Standing Committee on Electoral Matters concluded that most voters are unlikely to understand where their preferences flow when they vote above the line. Indeed, on occasion they can flow in three different directions, as political
parties are able to register three different group-voting tickets. The abolition of group-voting tickets will improve the transparency of the Senate voting system by removing the complex and opaque system that is currently in place to distribute voter preferences.

The measures in this bill introduce partial optional preferential voting above the line. It will give voters greater control over their preferences and confidence that their vote is going to their preferred candidates. Advice on the ballot paper will direct voters to number at least six boxes from 1 to 6 in order of their preference, if they choose to vote above the line, which will minimise the effect of vote exhaustion. Appropriate vote-saving provisions are also in place to ensure that there is no reduction in vote formality as a result of this measure.

Senator LEYONHJELM (New South Wales) (09:11): I rise to indicate my support for this amendment. The claim that is being made by the government and by the Greens that voters should be in control of their votes is handled very well by this amendment. It is actually very similar to what exists in the Victorian Legislative Counsel system for elections. If a voter trust their party to deal with their vote appropriately, they can vote above the line and the party will deal with it as it judges, based on a group-voting ticket, and it will not exhaust—it will go to the next party that the initial party supports, and the one after that, and the one after that. It will end up landing at one of the two last candidates for election. That individual, who has trusted that party, assuming that party has dealt in good faith with that individual's vote, will ensure that that vote counts. That is giving power to the voters. If they do not trust their party, all they have to do is vote to 1 to 12 below the line. In fact, in Victoria, they have to vote only 1 to 5 below the line, because that is how many vacancies there are to be filled. In my opinion, for Senate elections we should have 1 to 6 below the line in a normal half Senate election, as a minimum, and 1 to 12 below the line in a full Senate election, as a minimum.

This amendment maximises voter choice without wiping out the effect of their vote if they do not vote for one of the major parties that will ultimately end up winning the seat. This empowers voters. If they trust their party they can vote above the line. If they prefer to control their preferences themselves, they can vote below the line and go for the minimal vote or vote for as many as they wish. This amendment is what gives voters maximum choice.

Senator JACINTA COLLINS (Victoria) (09:14): I can indicate that the opposition will support Senator Day's amendments, which have the effect of preserving the current system of preferences being distributed according to group-voting tickets, where an elector votes above the line. I think Senator Leyonhjelms eloquently put the position in relation to a lot of the rhetoric around group-voting tickets. It is indeed in stark contrast to how both the government and the Greens purport to misrepresent the effect of group voting. Related vote-saving provisions and ballot paper provisions will also be preserved. Senator Day's amendments will help to ameliorate some of the worst elements of the bill that is currently before the Senate.

The Australian Labor Party wants to ensure that the composition of the Senate reflects the preferences of Australian voters, that all votes count and that small parties and Independents are not shut out of the system by this deal between the conservatives and the Greens. We support removing incentives for gaming the system. We have said this many times, although our position has often been misrepresented. We have never suggested that there are not issues that need to be addressed and we have suggested that there are other options for dealing with them. The minister said at the outset of this discussion that they had indeed wanted to pursue
thresholds, but the Greens were not prepared to cooperate. I think it is the important that that issue be on the record. The bill before us is not the only way to manage some of these issues. This is the deal between the government and the Greens.

We support removing incentives for the gaming of the system, but you do not do that by eliminating all small parties and Independents. We need to get the balance right on Senate voting reform. That will not happen by ramming this backroom deal through the parliament. Senator Day’s amendments will go some way to addressing the worst aspects of this dodgy Liberal/Greens deal, so Labor will support them.

Senator RHIANNON (New South Wales) (09:16): The Greens will not support this amendment. It effectively is about reintroducing group-voting tickets. The starting point that was identified when JSCEM undertook its inquiry into the possible need for Senate voting reform was that we needed to remove group-voting tickets because that is the reason that backroom deals occur. It is because you have to have those negotiations to then qualify to have a box above the line. In turn, some people have then used that, or responded to it, as an incentive to come forward with many parties. I remember the evidence given by Senator Leyonhjelm to the JSCEM inquiry about this very issue of forming many parties that then funnel the preferences. For the reforms that we need, group-voting tickets need to be abolished. We have come up with a very wise and simple solution, which is that the voter determines preferences. Again, of all the arguments that have been given over the past 24-plus hours, none of those people who are trying to knock off this Senate voting reform have come forward with a reason that the voters should not be the ones who determine their own preferences.

The CHAIRMAN: The question is that schedule 1, items 4, 7 to 13, 22, 25, 28 and 39 stand as printed; and items 23 and 24, as amended, be agreed to.

The committee divided. [09:22]

(The Chairman—Senator Marshall)

Ayes ......................34
Noes ......................20
Majority...............14

AYES

Back, CJ
Birmingham, SJ
Brandis, GH
Bushby, DC
Cash, MC
Colbeck, R
Cormann, M
Di Natale, R
Edwards, S
Fawcett, DJ (teller)
Fifield, MP
Hanson-Young, SC
Johnston, D
Lindgren, JM
Ludlam, S
Macdonald, ID
McGrath, J
McKenzie, B
Nash, F
O’Sullivan, B
Parry, S
Reynolds, L
Rhiannon, L
Rice, J
Ruston, A
Ryan, SM
Scullion, NG
Seselja, Z
Siewert, R
Simms, RA
Sinodinos, A
Smith, D
Thursday, 17 March 2016

SENATE

AYES

Waters, LJ
Whish-Wilson, PS

NOES

Brown, CL
Cameron, DN
Collins, JMA
Day, RJ
Ketter, CR
Marshall, GM
McEwen, A (teller)
Muir, R
Peris, N
Urquhart, AE

Bullock, JW
Carr, KJ
Dastyari, S
Gallacher, AM
Leyonhjelm, DE
McAllister, J
Moore, CM
O'Neil, DM
Sterle, G
Wang, Z

Question agreed to.

The CHAIRMAN (09:26): The question now is that amendments (3) and (7) on sheet 7861 moved by Senator Day be agreed to.

The committee divided [09:26]

(The Chairman—Senator Marshall)

Ayes ...................... 20
Noes ...................... 33
Majority ............... 13

AYES

Brown, CL
Cameron, DN
Collins, JMA
Day, RJ
Ketter, CR
Marshall, GM
McEwen, A (teller)
Muir, R
Peris, N
Urquhart, AE

Bullock, JW
Carr, KJ
Conroy, SM
Gallacher, AM
Leyonhjelm, DE
McAllister, J
Moore, CM
O'Neil, DM
Sterle, G
Wang, Z

NOES

Back, CJ
Brandis, GH
Cash, MC
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Ludlam, S
McGrath, J
Nash, F
Parry, S

Birmingham, SJ
Bushby, DC (teller)
Colbeck, R
Di Natale, R
Fawcett, DJ
Hanson-Young, SC
Lindgren, JM
Macdonald, ID
McKenzie, B
O'Sullivan, B
Paterson, J

CHAMBER
Question negatived.

Senator MUIR (Victoria) (09:28): by leave—I move amendments (6) and (8) on sheet 7875:

(6) Schedule 1, items 6 and 7, page 4 (lines 1 to 12), omit the items, substitute:

6 Section 210

210 Printing of Senate ballot papers

Senate ballot papers to be printed in batches

(1) Ballot papers for a Senate election are to be printed in batches with the ballot papers within a batch having the same order of candidate names.

(2) There are to be 2 sets of ballot papers printed. Each set is made up of a number of separate batches of ballot papers.

Note: The number of separate batches within a set of ballot papers will depend on the number of candidates to be listed in a column on the ballot paper.

First set of Senate ballot papers

(3) The first set of ballot papers for a Senate election must be printed so that:

(a) the names of above the line candidates are printed on the ballot paper before the names of other candidates; and

(b) the names of candidates by whom requests have been made under section 168 are printed on the ballot paper in groups with each group being printed in a single column on the ballot paper; and

(c) the order of several above the line candidates across the ballot paper must be determined by the Australian Electoral Officer in accordance with section 213; and

(d) the names of candidates who are not above the line candidates must:

(i) unless subparagraph (ii) applies, be printed in a single column on the ballot paper; and

(ii) if a single column would be longer than the longest column containing the names of above the line candidates, be printed in 2 or more columns on the ballot paper; and

(iii) if the names of the candidates are printed in 2 or more columns, be printed in columns that are no longer than the longest column containing names of above the line candidates; and

(e) where similarity in the names of 2 or more candidates is likely to cause confusion, the names of those candidates may be arranged with such description or addition as will distinguish them from one another; and

(f) except as otherwise provided by the regulations:

(i) a square is printed opposite the name of each candidate; and

(ii) for candidates who made a request under section 168 that their names be grouped in the ballot papers for the...
election—a square is printed above the dividing line and above the squares printed opposite those names; and

(iii) for a candidate who made a request under section 168A—a square is printed above the dividing line and above the square printed opposite the candidate's name; and

(g) for each column containing the names of candidates:

(i) separate batches of ballot papers are printed equal in number to the number of names in a column; and

(ii) in the first batch of ballot papers printed, the order of the names in a column are determined by the Australian Electoral Officer in accordance with section 213; and

(iii) in each subsequent batch of ballot papers printed, the order of the names in a column is the order specified in the table in Schedule 1A for the number of names in the column; and

(iv) so far as practicable, the number of ballot papers in each batch for a column is to be equal to the number of ballot papers in each other batch for the column.

Second set of Senate ballot papers

(4) The second set of ballot papers for a Senate election must be printed so that:

(a) there is a batch of ballot papers corresponding to each batch in the first set of ballot papers; and

(b) the corresponding batch in the second set of ballot papers has the name of the candidate that was in the first position in the first batch of ballot papers printed for the first set of ballot papers, but the order of the names of the candidates below the first name are, as far as practicable, in reverse order; and

(c) so far as practicable, the number of ballot papers in each batch in the second set of ballot papers is to be equal to the number of ballot papers in each batch in the first set of ballot papers.

Note: For paragraph (b), if the order of names on the first batch of ballot papers in the first set of ballot papers is in the order 1 to 6, the order of names on the corresponding batch in the second set of ballot papers is 1, 6, 5, 4, 3, 2.

Collation of Senate ballot papers

(5) The Australian Electoral Officer must ensure that Senate ballot papers distributed to a polling place for the purposes of a Senate election are so collated that the Senate ballot paper immediately following another Senate ballot paper in the issue is in a form different from that of the other Senate ballot paper.

(8) Schedule 1, Part 1, page 14 (after line 6), at the end of the Part, add:

42A After Schedule 1

Insert:

Schedule 1A—Order of candidates on subsequent batches of Senate ballot papers

Note: See subparagraph 210(3)(g)(iii)

1 Order of names of candidates on subsequent batches of Senate ballot papers

(1) For subparagraph 210(3)(g)(iii) of this Act, the table in this Schedule specifies the order that the names of candidates are to be printed in each subsequent batch of ballot papers.

Note: For the order of the names of candidates in the first batch of ballot papers, see subparagraph 210(3)(g)(ii).

(2) In the table in this Schedule:

(a) the number '1' appearing in column 2 to 12 of the following table is taken to represent the name of the candidate determined for the purposes of the first batch of ballot papers to be in the first position in a column on that ballot.
(b) the number '2' appearing in column 2 to 12 is taken to represent the name of the candidate determined for the purposes of the first batch of ballot papers to be in the second position in a column on that ballot paper; and

(c) the number '3' appearing in column 2 to 12 is taken to represent the name of the candidate determined for the purposes of the first batch of ballot papers to be in the third position in the column on that ballot paper;

and so on.

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I will make a short statement before I start speaking about this. A lot of the amendments I am moving are not necessarily because I am supportive of this particular changes; I do actually acknowledge that some changes should happen. Essentially, I am moving these amendments because this is a bad bill.

This amendment relates to recommendation 9 from my dissenting report, which is in regard to the implementation of Robson Rotation. To read from my report, recommendation 9 states:

Ensure that political parties have no control over preferences within their party group by introducing the Robson Rotation

- Robson Rotation is currently used by Tasmania and the ACT in their State and Territory elections;
- This will eliminate "back room deals" in relation to where a candidate is placed within a party group at the ballot box
- This encourages candidates to seek below the line votes from potential supporters, which in turn enhances the relationship between the candidate and the electorate
- Helps to minimise the influence the political party has on who is elected to the Senate and returns the power to the voter.

This will empower voters who choose to vote below the line. Of course, this will not be a benefit to the majors or the Greens—sorry, I should not include the Labor Party in that; the Liberal and National parties and the Greens—so I do not expect this to happen. It also rewards candidates who go out and seek their supporters to number them 1 below the line. It is kind of funny. I get singled out and told that I should not be here, but I would love to see a group photo of everybody in this Senate. Take that out into the public and ask, 'Who can you recognise?'

It does, however, take the party vote away from the party. It rewards voters and individual candidates for their effort and hard work. It eliminates the concept of a safe seat, so there will be no more of these gold and silver classes at the double dissolution election. The voters will get to decide who gets six years and who gets three years at a double dissolution election, not the party hacks. It removes backroom party deals from within the Senate group. It distributes party based votes evenly between each candidate in a group, and it works effectively in other states. That way, a party vote is truly a party vote. This is also something advocated by the Proportional Representation Society of Australia. This amendment will ensure that preference deals within a party group and between party groups are eliminated, giving the voter the power of where their preference goes.
But we know that that is not what this deal is really about. If you believe in giving 100 per cent control of the vote, you will support this amendment—but you will not. Without this amendment, these changes to preference deals are simply opportunistic politics.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (09:32): The government will not be supporting these amendments. The ordering of candidates by political parties is, of course, transparently presented to voters on the Senate ballot paper, unlike the very complex, insufficiently transparent and opaque group-voting ticket arrangements, which could direct preferences in three different directions. The voter has a clear choice of supporting the political party of their choice and who they want to vote for and preference with their first preference and who they want to preference with any subsequent preference. Of course, by voting above the line, a voter accepts the ordering of candidates as presented by relevant parties that are supported with the first, second, third, fourth, fifth, sixth or subsequent preference. Anyone who wants to directly control the ordering of candidates themselves can do so very easily by voting below the line. Indeed, we have made that easier than under the current system because, under the current system, you have to fill in every single box, subject to some savings provisions; whereas, under our proposed reforms, people will just have to number at least 12 boxes, indicating a preference of 1 to 12.

Senator JACINTA COLLINS (Victoria) (09:33): The opposition will not be supporting these amendments at this stage. We acknowledge arguments that Robson rotation in the printing of ballot papers improves democracy and proposals such as that put forward by Senator Muir to apply the Robson rotation to Senate voting, but Labor believes that any changes to our electoral system should be the subject of careful consideration. So, accordingly, we cannot support a proposal to apply the Robson rotation without further inquiry and report—hopefully by JSCEM, but, as I have said, it has been politicised through this current process in a way that compromises one's confidence that it will address the question as it might in the past have conducted an investigation such as this. Perhaps, if senators still have some concerns about JSCEM, some other process should occur to further investigate how it might apply in a broader context than the ACT.

Senator LEYONHJELM (New South Wales) (09:34): I rise to indicate that I cannot support this amendment either. I appreciate the arguments of Senator Muir and I respect the diligent thinking that he has applied to them, but in my view preferences are a matter for parties and for those voters who trust their parties. Order of candidates is also a matter for parties to decide, not for anybody else. It may be appropriate to think about a Robson rotation in the context of a House of Reps ticket, where there is just one candidate per party, but not when there are multiple candidates for a party.

The kind of scenario that Senator Muir sketched out, in which candidates from the same party essentially compete for individual votes, is precisely the kind of circumstance that has led to the election of Senator Xenophon in South Australia. I must say that I do not think that his approach to politics is something that I would like to encourage. Very likely we will find how unconstructive that approach is after the next election, when I anticipate he will have the balance of power in the Senate.

The TEMPORARY CHAIRMAN (Senator Back): The question now is that amendments (6) and (8) on sheet 7875 moved by Senator Muir be agreed to.
Question negatived.

**Senator MUIR** (Victoria) (09:37): by leave—I move my amendments (1) to (8) on sheet 7877 together:

(1) Schedule 1, item 19, page 5 (line 32) to page 6 (line 1), omit the item, substitute:

19 **Subsection 239(1)**

Repeal the subsection, substitute:

_Voting below the line_

(1) Subject to subsection (2), in a Senate election a person must mark his or her vote on the ballot paper by:

(a) writing at a minimum the numbers 1 to 15 in the squares printed on the ballot paper below the dividing line (with the number 1 being given to the candidate for whom the person votes as his or her first preference, and the numbers 2, 3, 4 and so on being given to other candidates so as to indicate the order of the person’s preference for them); or

(b) if there are 15 or fewer squares printed on the ballot paper below the dividing line—numbering the squares consecutively from the number 1 (in order of preference as described in paragraph (a)).

(2) Schedule 1, item 20, page 6 (line 6), omit "at least", substitute "at a minimum".

(3) Schedule 1, page 6 (after line 19), after item 21, insert:

21A **Paragraph 268(1)(b)**

Repeal the paragraph, substitute:

(b) subject to section 269, in a Senate election, it has no vote indicated on it, or it is not marked in accordance with subsection 239(1);

(4) Schedule 1, items 26 and 27, page 7 (lines 16 to 21), omit the items, substitute:

26 **Section 270**

Repeal the section.

(5) Schedule 1, item 41, page 12, omit "By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice)"*, substitute "By numbering a minimum of 6 boxes in the order of your choice (with number 1 as your first choice)*".

(6) Schedule 1, item 41, page 13, omit "By numbering these boxes 1 to (7) in the order of your choice (with number 1 as your first choice)", substitute "By numbering a minimum of 15 boxes in the order of your choice (with the number 1 as your first choice)**".

(7) Schedule 1, item 41, page 13, omit "(7) Here insert number of candidates.".

(8) Schedule 1, item 41, page 13 (at the end of Form E), add: "** If the ballot paper has 15 or fewer squares below the dividing line, replace the instructions with "By numbering these boxes in the order of your choice (with number 1 as your first choice)"".

The speech I am about to present, although very short, is in relation to the next two amendments I am going to move. The government amendments on sheet JP109 went part of the way to fixing the problem that this amendment was intended to correct. However, it does make a false assumption that one box above the line is worth two below the line. It is actually worth 2.5, going off the 2013 federal election. This is why I recommended a minimum of 15
rather than 12 for a half-Senate election. I have also added provisions to allow for changes in
the event of a double-dissolution election—another oversight by those behind this rushed bill.
So let us get this right. I would hope that the Senate can see the common sense and support
the logic behind the amendment.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the
Government in the Senate and Special Minister of State) (09:38): The government will not be
supporting these amendments. They are, in fact, inconsistent with amendments that the Senate
has already passed earlier during this debate. With these amendments Senator Muir seeks to
introduce optional preferential voting below the line with at least 15 boxes to be numbered,
while removing savings provisions without replacing them with new savings provisions.
These amendments also have inconsistencies with sheets 7878 and 7874. This sheet may be
superseded by either or both of them.

The reason the government has decided to introduce optional preferential voting below the
line, with guidance to voters to number at least 12 boxes 1 to 12, responding to the relevant
recommendation of the Joint Standing Committee on Electoral Matters, is because a Senate
group which is entitled to have a box above the line must have at least two candidates. To
mark votes in at least six boxes above the line equates to marking at least 12 candidates below
the line. That is the reason that the government has chosen 12 for the number of boxes to be
marked below the line.

Senator JACINTA COLLINS (Victoria) (09:39): The opposition will not be supporting
these amendments, although we do want to acknowledge, as other senators have and as I have
on other occasions, Senator Muir's efforts to engage with this legislation in good faith, unlike
the Australian Greens. Senator Muir's amendments attempt to address some of the worst
elements of the below-the-line optional preferential voting proposal cooked up between the
Liberals and Greens coalition. We congratulate Senator Muir on his efforts to respond to this
disastrous legislation. However, Labor opposes optional preferential voting in principle, so we
cannot support his amendments. Optional preferential voting can replicate first-past-the-post
voting systems such as that utilised in the British House of Commons. First-past-the-post
systems risk delivering crude winner-takes-all outcomes. They can mean that the winning
party is significantly overrepresented in the parliament, eroding accountability and scrutiny of
the government of the day.

Of course, I have said these things before, but Senator Rhiannon continues to argue that no
alternative positions have ever been put in this discussion. Although it takes the time of the
committee at this disastrous hour through this disastrous process, once again, because Senator
Rhiannon is in denial, I need to cover it again. The optional preferential voting proposal
cooked up by the Liberal-Greens coalition is designed to maximise the number of senators
elected by the major parties, such as the Liberal Party, and the established minor players, such
as the Greens political party and the Nick Xenophon Team—thus, the parties to this coalition.
It is designed to exhaust preferences early so that independents and so-called micro-parties
are deprived of votes. The goal is to prevent new players from entering the Senate—in fact,
the government has been quite clear about their goals here—which will thereby entrench the
electoral dominance of the existing players. Australia has long had full preferential voting for
both the House and the Senate, and this has served our democracy well by allowing voters to
express their preferences.
I reflected earlier about the discussion we had with Senator Cormann talking about whether voters should be forced to vote for all candidates. Despite what this proposal does in providing advice to voters, I think it was pretty clear from his comments the philosophical direction he was heading in. Labor supports compulsory voting and will always maintain that position. Labor wants to maintain the important aspects of the current system and, therefore, we cannot support Senator Muir's amendments which presuppose a system of optional preferential voting. Once again, however, I wish to acknowledge Senator Muir's efforts to engage with the legislation in good faith.

Senator RHIANNON (New South Wales) (09:43): The Greens will not be supporting these amendments. I just want to comment on a couple of aspects of them. They do try to repeal the formal vote savings provisions for below-the-line voting. Savings provisions are a very essential part of these reforms, and we need to retain them as they are set out.

With regard to some of the comments from Senator Collins, again she is misrepresenting how this bill would work. It is not optional preferential voting that would result in a first-past-the-post system. There will be clear instructions—and this has been set out and explained many times when Senator Collins has been in the chamber—that voters will be required, and the instructions will be there on the ballot paper that they fill out, to fill out a minimum of one to six boxes above the line and one to 12 below the line. This is where Labor has done such a disservice to the crossbenchers and to the debate overall. Six boxes have to be filled in. There are not six major parties, so people filling them in will be voting for minor parties. We are directing preferences. The essence of the Senate voting reform legislation we are considering now will direct preferences to minor parties. Even if people vote for Labor, Liberal or the Nationals, there are three more boxes to fill in there. By saying this is a first-past-the-post system, Senator Collins is doing a huge disservice to the debate. Considering how often this is repeated, one has to think it is intentional. The amendments cannot be supported, but it would also be useful if Senator Collins started to be accurate when she speaks on these matters.

Senator JACINTA COLLINS (Victoria) (09:45): I have indeed been accurate. I have pointed out many occasions to date—in fact, I have even gone to the Hansard—where Senator Rhiannon has inaccurately reflected on even the JSCEM inquiry hearings. But now I hear her complete denial of the discussion we have had in this place about what will be lawful here—absolute denial. You have struck a deal that you cannot justify.

The TEMPORARY CHAIRMAN (Senator Back): Through the chair, Senator Collins, if you would.

Senator JACINTA COLLINS: You are right. At this hour, I should be doing this through the chair. The Greens, and particularly Senator Rhiannon, have struck a deal that they cannot justify. For her to suggest that I am not being accurate in my characterisation of what has occurred here is laughable.

The TEMPORARY CHAIRMAN: The question is that amendments (1) to (8) on sheet 7877 moved by Senator Muir be agreed to.

Question negatived.

Senator MUIR (Victoria) (09:46): by leave—I move amendments (1) to (5) on sheet 7878 revised together:

(1) Schedule 1, item 19, page 5 (line 32) to page 6 (line 1), omit the item, substitute:
19 Subsection 239(1)

Repeal the subsection, substitute:

Voting below the line

(1) Subject to subsection (2), in a Senate election a person must mark his or her vote on the ballot paper by:

(a) in the case that:

(i) the election is of Senators for a State following the dissolution of the Senate under section 57 of the Constitution; and

(ii) there are more than 30 candidates on the ballot paper; writing at least the numbers 1 to 30 in the squares printed on the ballot paper below the dividing line (with the number 1 being given to the candidate for whom the person votes as his or her first preference, and the numbers 2 to 30 being given to other candidates so as to indicate the order of the person's preferences for them); or

(b) in the case that:

(i) the election is of Senators for a Territory; and

(ii) there are more than 12 candidates on the ballot paper; writing at least the numbers 1 to 12 in the squares printed on the ballot paper below the dividing line (with the number 1 being given to the candidate for whom the person votes as his or her first preference, and the numbers 2 to 12 being given to other candidates so as to indicate the order of the person's preferences for them); or

(c) in the case that:

(i) the election is of Senators for a Territory; and

(ii) there are fewer than 12 candidates on the ballot paper; numbering the squares consecutively from the number 1 (in order of preference as described in paragraph (c)); or

(d) in any other case:

(i) if there are more than 15 candidates on the ballot paper—by writing at least the numbers 1 to 15 in the squares printed on the ballot paper below the dividing line (with the number 1 being given to the candidate for whom the person votes as his or her first preference, and the numbers 2 to 15 being given to other candidates so as to indicate the order of the person's preferences for them); or

(ii) if there are fewer than 15 candidates on the ballot paper—by numbering the squares consecutively from the number 1 (in order of preference as described in subparagraph (i)).

(2) Schedule 1, page 6 (after line 19), after item 21, insert:

21A Paragraph 268(1)(b)

Repeal the paragraph, substitute:

(b) subject to section 269, in a Senate election, it has no vote indicated on it, or it is not marked in accordance with subsection 239(1);

(3) Schedule 1, items 26 and 27, page 7 (lines 16 to 21), omit the items, substitute:

26 Section 270

Repeal the section.

(4) Schedule 1, item 41, page 13, omit "By numbering these boxes 1 to (7) in the order of your choice (with number 1 as your first choice)", substitute "By numbering (7)".

(5) Schedule 1, item 41, page 13, omit "Here insert number of candidates.", substitute:

(7) Here insert:

(a) in the case of an election of Senators for a State following the dissolution of the Senate under section 57 of the Constitution where there are more than 30 squares to be printed on the ballot paper.
below the dividing line—"at least 30 of these boxes in the order of your choice (with the number 1 as your first choice)"; and

(b) in the case of an election of Senators for a Territory where there are more than 12 squares to be printed on the ballot paper below the dividing line—"at least 12 of these boxes in the order of your choice (with the number 1 as your first choice)"; and

(c) in the case of an election of Senators for a Territory where there are fewer than 12 squares to be printed on the ballot paper below the dividing line—"these boxes in the order of your choice (with the number 1 as your first choice)"; or

(d) in any other case:

(i) if there are more than 15 squares to be printed on the ballot paper below the dividing line—"at least 15 of these boxes in the order of your choice (with the number 1 as your first choice)"; or

(ii) if there are fewer than 15 squares to be printed on the ballot paper below the dividing line—"these boxes in the order of your choice (with the number 1 as your first choice)".

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (09:46): The government opposes these amendments. These amendments stipulate that, in the event of a double dissolution election, voters must number 30 boxes below the line, if there are more than 30 candidates for a state or at least 12 for a territory. These are inconsistent with amendments to below-the-line voting that the Senate has already passed, and as such the government does not support them at all.

Senator JACINTA COLLINS (Victoria) (09:47): The opposition will not be supporting these amendments, for pretty much the same reasons as we did not support the earlier set. As I have already outlined, the Labor Party oppose optional preferential voting in principle, and accordingly we cannot support amendments that presuppose the existence of an optional preferential system. Whilst acknowledging that Senator Muir is attempting to ameliorate what is pretty obviously a fix, we will maintain our principle of not supporting an optional preferential system.

Senator RHIANNON (New South Wales) (09:47): The Greens will not be supporting these amendments. They seek to increase the minimum number of boxes required to be filled out in the ballot instructions, and they do increase the burden on the voters wishing to vote below the line. As we know, there is nothing stopping voters voting for more than the 12 candidates. There will be instructions to vote for a minimum of 12, and they can fill out more boxes. Another of our concerns is that they would repeal the savings provisions that are essential. So we are not able to support these.

The TEMPORARY CHAIRMAN: The question is that amendments (1) to (5) on sheet 7878 revised moved by Senator Muir be agreed to.

Question negatived.

Senator DAY (South Australia) (09:48): by leave—I move amendments (1) to (4) on sheet 7862 together:

(1) Schedule 1, item 23, page 6 (line 25) to page 7 (line 9), omit subsections 269(1) and (1A), substitute:

(1) A ballot paper in a Senate election is not informal under paragraph 268(1)(b) if the voter has marked the ballot paper in accordance with subsection 239(2).
(2) Schedule 1, item 24, page 7 (lines 11 to 13), **to be opposed**.

(3) Schedule 1, item 28, page 7 (line 26) to page 8 (line 17), omit subsections 272(1) and (2), substitute:

(1) This section applies if a ballot paper for a Senate election is marked in accordance with subsection 239(2).

(2) The ballot paper is taken to have been marked as if, instead of the numbers written in squares printed on the ballot paper above the line in relation to groups of candidates (each group being a preferred group):

(a) each candidate in a preferred group was given a different number starting from 1; and

(b) candidates in a preferred group were numbered consecutively starting with the candidate whose name on the ballot paper is at the top of the group to the candidate whose name is at the bottom; and

(c) the order in which candidates in different preferred groups are numbered is worked out by reference to the order in which the groups were numbered on the ballot paper, starting with the group marked 1; and

(d) when all the candidates in a preferred group have been numbered, the candidate whose name is at the top of the next preferred group is given the next consecutive number.

(4) Schedule 1, item 39, page 11 (lines 19 to 21), **to be opposed**.

These amendments remove the so-called savings provision. If it is good enough for the lower house to insist that all boxes be ticked, then it is certainly good enough for the upper house. This is simply setting up the system for a 'just vote 1' campaign and will facilitate—

**Senator Jacinta Collins**: Which will be lawful.

**Senator DAY**: Which will be lawful—thank you, Senator. It will be lawful. This will not be a consequence. 'Just vote 1' will not be a consequence. This is the objective. This is the aim. This was the plan all along—to have people who support minor parties to just vote 1; their votes will exhaust and leave it up the major parties. I encourage senators to see through this cynical attempt to once again wipe out minor parties and Independents from the political process.

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (09:50): The government will be opposing these amendments as currently written. The first of these amendments would have the effect of removing the savings provisions for above-the-line voting by removing sections 269(1) and 269(1)(a) of the bill. This would render any vote with fewer than six sequentially numbered boxes informal, and that is completely contrary to the intent that the government are pursuing with our reforms. We do believe it is important, of course, to support the franchise and to err on the side of counting as many votes as possible where the voter intent is clear.

**Senator JACINTA COLLINS** (Victoria) (09:50): I cannot help but give a wry smile at Senator Cormann's anticipation of the potential outcomes here, given the detailed study of such matters and the government's capacity to predict other things! It is amazing how easily you are confident on occasions, Minister.

The opposition will support Senator Day's amendments, which have the effect of preserving aspects of the current system of above-the-line voting and related vote savings provisions. Senator Day's amendments will help ameliorate some of the worst elements of the
bill that is currently before the Senate. The bill currently before the Senate is a disastrous piece of public policy, where both the government and the Greens—for what I suspect are quite different reasons—remain in denial about what will be lawful conduct. But, if it does proceed, as I said, it will be a measure better if Senator Day’s amendments are adopted. Accordingly, Labor will support the amendments.

In line with my earlier comments regarding Senator Muir, I would like to also thank Senator Day for engaging in consideration of this legislation in good faith, in stark contrast to the denial and the selling-out that we have seen occur elsewhere in this debate.

Senator RHIANNON (New South Wales) (09:52): The Greens will not be supporting these amendments. They are, in essence, overturning the removal of group voting tickets, and, as we have discussed many times, that is essential to be able to move forward with Senate voting reforms. It is group voting tickets that drive the incentive for the funneling of votes, for the abuse of the system. They are not democratic. Again, how can you argue against voters determining their preferences?

The CHAIRMAN: These amendments will be put as two separate questions. The first question is that amendments (1) and (3) on sheet 7862, moved by Senator Day, be agreed to.

The committee divided. [09:57]

(The Chairman—Senator Marshall)

Ayes ................. 21
Noes .................. 35
Majority .............. 14

AYES
Brown, CL
Cameron, DN
Collins, JMA
Gallacher, AM
Leyonhjelm, DE
Marshall, GM
McEwen, A (teller)
Moore, CM
O’Neill, DM
Sterle, G
Wang, Z

Bullock, JW
Carr, KJ
Day, RJ
Gallagher, KR
Madigan, JJ
McAllister, J
McLucas, J
Muir, R
Polley, H
Urquhart, AE

NOES
Back, CJ
Bushby, DC (teller)
Cash, MC
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Ludlam, S
McKenzie, B
O’Sullivan, B
Paterson, J
Rhiannon, L

Brandis, GH
Canavan, MJ
Colbeck, R
Di Natale, R
Fawcett, DJ
Hanson-Young, SC
Lindgren, JM
McGrath, J
Nash, F
Parry, S
Reynolds, L
Rice, J
Thursday, 17 March 2016

SENATE

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NOES

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Question negatived.

The CHAIRMAN (10:01): The question now is that Schedule 1, item 39 stand as printed; and item 24, as amended, be agreed to.

The committee divided. [10:01]

(The Chairman—Senator Marshall)

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AYES

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NOES

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<td>McLucas, J</td>
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<td>Moore, CM</td>
<td>Muir, R</td>
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<td>O'Neill, DM</td>
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<td>Sterle, G</td>
<td>Urquhart, AE</td>
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<td>Wang, Z</td>
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Question agreed to.

Senator RHIANNON (New South Wales) (10:04): This amendment is really quite straightforward. It deals with the important issue of the commencement date for this legislation once it is passed. It identifies 1 July 2016. There has been some debate about this previously when I have spoken on it. To just reiterate: we have had the clear advice from the Australian Electoral Commission that about three months is needed to get the necessary software and the other plans in place to be able to take forward the Senate voting system in the way the reforms will outline. The commencement date is there, 1 July 2016. That is the essence of this amendment and I would urge senators to support it.

The CHAIRMAN: Senator Rhiannon, you will need to move it.

Senator RHIANNON (New South Wales) (10:05): I move Greens amendment—

The CHAIRMAN: So you will be seeking leave to move Greens amendments (2) and (3) on sheet 7882 together?

Senator RHIANNON: I seek leave to move Greens amendments (2) and (3) on sheet 7782 together.

Leave not granted.

The CHAIRMAN: Leave is not granted for you to move them together so if you just move one.

Senator RHIANNON: I move Greens amendment (2).

(2) Division 2—Application provisions

42A Application of amendments

The amendments of the Commonwealth Electoral Act 1918 made by this Part do not apply in relation to any election whose polling day is before 1 July 2016.

Note: Things may be done (for example, a person may vote by pre-poll vote) before 1 July 2016, in accordance with the Commonwealth Electoral Act 1918 as amended by this Part, in relation to elections whose polling day is on or after that day.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (10:05): On behalf of the government, I am pleased to indicate that the government will be supporting Greens amendments (1), (2) and (3) on sheet 7882. These amendments change the commencement of the bill to only apply to elections with a polling day after 1 July 2016 but enables the Electoral Commission to begin preparatory work before that date if required. The government will be supporting these amendments from the Australian Greens. We understand that these amendments have been made to ensure that the Australian Electoral Commission has enough time to implement it. The measures contained in this bill are something that we support.

Senator JACINTA COLLINS (Victoria) (10:06): The opposition will not support Senator Rhiannon and the Greens' cynical amendments. We have already covered the inadequacy of them to meet the purported purpose but also there are other problems such as questionable will legal effect. In that respect, I am surprised that the government is actually supporting these amendments. So let's run through those issues. The amendments purport to provide the new voting system established under this legislation can only apply to elections
held after 1 July 2016. This appears to contradict the commencement provisions at clause 2 of
the bill, which provides that the provisions of the bill commence the day after royal assent. I
cannot recall seeing such an internal contradiction in relation to commencement in a bill such
as this in the past. Internal inconsistency in legislation was one of the cardinal sins of
legislation but then we have already just seen that set Senator Rhiannon even needs to be
reminded to move her amendments, reinforcing the procedural points that I made earlier here.
She does not know which amendment we are on: She does not know what the fix is. She has
got these cynical amendments that she cannot justify. As I indicated, there is what at least
appears to be—and maybe the government can advise me differently from advice they have
themselves received—an internal inconsistency. But as we have seen throughout this process,
Senator Rhiannon is not interested in the detail. All she is interested in is saving her own
political skin. All Senator Rhiannon is interested in is engineering a double dissolution
election, which she sees as her main hope to being returned to the Senate.

I need to remind the Senate are Senator Rhiannon's credibility because even apart from her
competence, the credibility issues that have not been part of the debate here in recent times, I
think, need to be remembered. Senator Rhiannon was so furious that her party had defied her
edict regarding accepting corporate donations that she penned a letter, a poison letter,
attacking her own party for taking a $1.7 million donation, a record-breaking corporate
donation, from wotif and published it under a fake name. She had to face up to that. How she
continues through the huge gap in her credibility as a result of that is astounding.

Senator Di Natale: I draw the senator's attention to the amendment. I am not sure what
any of that has got to do with the amendment in question.

The TEMPORARY CHAIRMAN (Senator Edwards): Your point of order is relevance.
I remind senators to be relevant to the topic.

Senator JACINTA COLLINS: Thank you, because I am indeed being relevant to the
topic. I will remind Senator Di Natale, because he may not have been listening at the time in
the earlier discussion, about commencement dates, because we have had several different
commencement dates proposed during this process. Of course, the first issue is: are these
amendments competent? We have reflected on other competency issues in the course of this
debate, and I think it is quite relevant to make those points now.

And then we move on to the issue of credibility, and that is an important consideration
because, on the one hand, Senator Rhiannon says this will deliver the around three months
that the AEC say they need. We know from at least two or three occasions of reviewing the
Hansard of the JSCEM inquiry that that is a very generous description of what the AEC said.
So, no, credibility is a very important issue.

But I want to remind Senator Di Natale, since he did not seem to think credibility was such
an issue, that Senator Rhiannon was so angry with Senator Di Natale when he changed the
Greens policy to support genetically modified organisms that she made a spiteful donation to
an anti-GMO organisation called Gene Ethics so that they could campaign against her leader's
announcement and campaign against her own party's policy. So much for the pretence of
Greens unity that has been here! So much for that pretence!
Senator Siewert: Mr Temporary Chairman, as I have pointed out in this place previously, the Greens have not changed our policy along the lines that Senator Collins is pointing out, and I have made that point a number of times.

The TEMPORARY CHAIRMAN: Senator Siewert, that is a debating point, not a point of order.

Senator JACINTA COLLINS: Thank you very much, Chair. Senator Siewert might want to argue the accuracy of the Greens' current policy, but what she cannot step away from is the petty act of retaliation from a petty, spiteful, selfish, political operator of a Stalinist background. We have seen it here. But do not take my word for it. Listen to Michael Kroger. He knows. I said earlier that he met Senator Di Natale—

Senator Siewert: On a point of order, Mr Temporary Chairman: can I draw the chair's attention to the point of tedious repetition, please?

The TEMPORARY CHAIRMAN: I do remind contributors that—

Honourable senators interjecting—

The TEMPORARY CHAIRMAN: There is no point of order.

Senator JACINTA COLLINS: Thank you, Chair. I understand why the Greens are edgy about some of these things. I know why they do not want us talking about Michael Kroger. That is pretty obvious, I think, to everyone here.

But let us look at the point of Senator Rhiannon's amendment. She has tried to con her colleagues into thinking that this will prevent the government from going to a double dissolution election. That was the point. In fact, that was the actual origin of this amendment. To see the Greens try to pretend otherwise is a joke. But, in terms of the claims that this has been done to convince her colleagues that they will be protected from a double dissolution, if that is the case then this has been even more deceitful than I would have given credit for. This will do nothing to stop the government from rushing to a double dissolution election. If anything, as Senator Wong has said, this gives the government the keys to one—the keys to a double dissolution election—and Senator Rhiannon knows this. The sad thing is that her colleagues did not seem to understand this.

They take offence at suggestions of Stalinist tactics, but that is what seems to be occurring here. As I said, do not take my word for it. Michael Kroger has got her pinned. She is the extreme, excessive element of the Greens party according to him. In terms of his descriptions of Senator Di Natale, of course, I have already said that he, in meeting him, saw all of his Christmases come at once. Of course it is in his own interests to try to fuel the working-class-boy image. It suits Michael Kroger's interests to do that and to flame the ego and the vanity involved there. But Senator Rhiannon and the Stalinists in the New South Wales Greens know that she has—

Senator Rhiannon: Mr Temporary Chairman, I raise a point of order. I request that she withdraw the insulting comment of 'Stalinist'. It is obviously incorrect, puerile and childish, and it is not consistent with how this chamber should work.

The TEMPORARY CHAIRMAN (Senator Edwards): Senator Collins, I would suggest to you that you have bordered a couple of times on personal reflection in your contribution and you have nearly strayed—
Senator Wong: Mr Temporary Chairman, on the point of order: as Senator Rhiannon would recall, I was happy to withdraw a not dissimilar remark yesterday, I think, but I actually think Senator Collins was not referencing you but your colleagues in the New South Wales Greens.

An honourable senator interjecting—

Senator Wong: That may or may not be so. I am just saying, in terms of the standing orders, the reference, as I understood—and I might have misheard—was not in relation to you.

The TEMPORARY CHAIRMAN: Senator Wong, there was no reflection on that occasion. It was Senator Rhiannon and the Stalinists. But, in the earlier contribution, it was touch and go.

Senator Rhiannon: Mr Temporary Chairman, for clarification, the remark was withdrawn yesterday and it was requested that it be withdrawn. Why is that not repeated now?

The TEMPORARY CHAIRMAN: As I understand it, Senator Rhiannon, it was connected to you yesterday, but it is in addition to you today. I have, as you have heard, cautioned Senator Collins.

Senator Ian Macdonald interjecting—

Senator JACINTA COLLINS: As Senator Macdonald has just interjected, I am happy to take that caution, because Senator Wong was accurate in her understanding of what I said, so I will repeat it. But, at the same time, I will also make the point that, when we are dealing with what is, in reality, a Green gag, because this is legislation by attrition and Senator Rhiannon is the one who seems to be showing the greatest attrition—her comprehension has now declined; I have talked about her procedural competence—

Senator Di Natale: Mr Temporary Chairman, I raise a point of order. We have been pretty relaxed about the debate over the course of the night and we have let the insults be hurled thick and fast, but there is a line that you do not cross. Senator Collins has just crossed that line and made what is a disgraceful attribution to Senator Rhiannon, only a moment after you asked her specifically to conduct this debate with a little more respect. I would ask that Senator Collins withdraw that remark and start conducting this debate with a little more respect for her colleagues and indeed the institution.

The TEMPORARY CHAIRMAN: Senator Di Natale, I think you raise a valid point. Senator Collins, I would ask you to withdraw that last comment.

Senator JACINTA COLLINS: I will withdraw the comment, whatever it is, because I am not sure exactly what it is. So I withdraw whatever that comment is that the Greens have taken offence to.

The TEMPORARY CHAIRMAN: Everybody in the chamber heard it.

Honourable senators interjecting—

The TEMPORARY CHAIRMAN: Order! Senator Collins, have you withdrawn?

Senator JACINTA COLLINS: I did withdraw, yes. I have to make a comparison between comments yesterday, where I think the interjection on Senator Wong was that she was 'dense', and how my earlier reflection that this process was affecting senators' comprehension, and most particularly Senator Rhiannon's, is so offensive. It is just a
reflection on what this process that the Greens and the government have cooked up is delivering in terms of the capacity for any individual to function, but most particularly Senator Rhiannon.

Senator Di Natale: Chair, I raise a point of order. You asked her to withdraw those comments, and she has simply repeated them. She is defying your ruling; she has done so on a number of occasions. She refuses to withdraw and I ask you to enforce that ruling.

Senator Wong: She did withdraw.

Senator Waters: And then she repeated it!

The TEMPORARY CHAIRMAN: Senator Collins, I urge you, in the interests of getting through this business, to look at the level of personal reflection that you are attributing to the crossbenchers. I would encourage you to modify your tone and make your contribution.

Senator Whish-Wilson: As you know, as chair, you have some discretion. The context of how these things are said makes a big difference, and I ask that you reflect on that please.

The TEMPORARY CHAIRMAN: I am listening, I am taking advice and we will see how we go from here.

Senator JACINTA COLLINS: To facilitate the progress of these matters—I think some reflection, when we have all had an opportunity to have some sleep, on some of these matters might be important too. To suggest that a senator participating cannot reflect on this process and the attrition that has been involved and the effect on all senators, and particularly on some—I made an alternative comment earlier, and certainly Senator Cormann did not take offence when I highlighted the fact that he was the one who had been sitting in this chamber the longest but still seemed relatively fresh, because that is what his behaviour has demonstrated. How it could be unparliamentary to suggest an alternative scenario only highlights the sensitivity of the Greens.

Senator Whish-Wilson: Chair, I rise on a point of order on relevance. We are debating an amendment that is before the chair and before the chamber. We are not debating whether people are senile or not, or how much sleep they have had. Could you ask Senator Collins to address the issue before the chair and do her job?

Senator JACINTA COLLINS: I did not say any senator was senile!

Honourable senators interjecting—

The TEMPORARY CHAIRMAN: Order! I understand that everybody has been up for a very long time, and I would—

Senator Jacinta Collins interjecting—

The TEMPORARY CHAIRMAN: Order! Senator Collins!

Senator Whish-Wilson interjecting—

The TEMPORARY CHAIRMAN: Senator Whish-Wilson!

Senator Jacinta Collins interjecting—

The TEMPORARY CHAIRMAN: Senator Collins! If you are going to ignore me—Senator Macdonald?
Senator Ian Macdonald: That was the point of order I was going to make. Senator Collins is now debating your ruling, debating the ruling you have made. I would ask you to tell her—but you have just done that, I might say; you pre-empted my point of order.

The TEMPORARY CHAIRMAN: I encourage senators to make a contribution and, in their contributions, to address the bill.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (10:23): On sheet 7882, I would reiterate my contribution previously that it has been demonstrated by the debate thus far that the Greens have no answer to the question as to commencement date. I will not reprise the entirety of my contribution from earlier this morning, where I pointed out that this legislation is what Mr Turnbull wants in order to hold a double dissolution. If he were to win a double dissolution, he can have a joint sitting. He can abolish the Clean Energy Finance Corporation, he can pass the registered organisations bill, and presumably he may well be able to pass other antiworker legislation such as the ABCC.

I asked the Greens earlier, when we moved an amendment that would have prevented a double dissolution being held under this legislation where these voting arrangements apply, why they could not put a later commencement date to avert that possibility—that is, the abolition of the Clean Energy Finance Corporation and the passage of antiworker legislation? Senators may recall that the only answer that Senator Rhiannon could give was: the AEC needs time—that is, 'We want them to be able to hold the double dissolution that Mr Turnbull wants,' and also a fair bit of attack on Labor and me as well as words like dysfunction and so forth.

We maintain our deep concern about this. It is a real pity that the Australian Greens did not pass that amendment, because they could have had the voting reforms that they say are so important—but coming in at a time that did not suit the government's timetable. I know that this has been put to them by the labour movement and we also know that this is a matter that members of the Greens, including members in the Greens party room, are concerned about. This is Senator Rhiannon's answer to that problem. But, of course, it is no answer because the application date—and I will come to that—that she is proposing is 1 July, which of course suits the government's agenda because 2 July is the first day they can hold the double dissolution election. She is giving them what they want, but I will not reprise that. The questions I have—

Senator Di Natale interjecting—

Senator WONG: Well, I can do it in more than 2½ minutes if you would like, Senate Di Natale!

The TEMPORARY CHAIRMAN (Senator Edwards): Order! Ignore the interjections.

Senator WONG: In 2½ half minutes it was not a bad summary, I thought!

My recollection—and the minister will obviously have advice on this—is the act itself prescribes a ballot paper. What this amendment seeks to do is to not change the commencement date of the act but to say—by way of the insertion of application provisions—that this bit does not apply in relation to any election whose polling day is before 1 July 2016. So my first question is about that inconsistency, and I think Senator Collins pointed to that too. I want to understand: what is the legal position and the validity of that? Are there any legal concerns arising out of the inconsistency between commencement and application?
They are the first set of questions. Can you talk about the legal validity or the legal consequences of that? I had already flagged that I would be seeking for the minister to table any legal advice the government has obtained in relation to that. The second is a practical question, and I can pause if the minister wants to respond to the first question?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (10:27): Thank you chair. I was about to jump up and respond to these questions from Senator Collins, but I was very happy for Senator Wong to take the call first. Firstly, there is no internal inconsistency and there is no legal issue. There is nothing unusual about a relevant part of a bill having a different commencement date to other parts of a bill. This amendment that the Greens have moved has a revised commencement date for the revised Senate voting provisions, and that date is expressed such that the measures will not apply to a polling day before 1 July 2016. Such a commencement date arrangement is not unusual. There were several bills which passed in July 2010, during the period of the previous government, which were expressed to only apply for an election that would occur after the next election. The government is not aware of any legal issue whatsoever. A polling day is of course expressed in a writ. So just to make that clear again: the Greens amendment seeks to delay the commencement for a specific and relevant part of the Senate voting arrangements—for them not to apply to elections unless there are elections with a polling day after 1 July 2016. But it does enable the AEC to begin preparatory work before that date, if required. That is, of course, what we would want them to be able to do. That is a completely routine arrangement in legislation of this sort.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (10:29): The second question was in relation to the practical implementation. If an election is called for a date after 1 July 2016 and a date such that pre-poll can occur prior to 1 July 2016, which ballot paper is to be used? Because, as I recall, ballot papers are prescribed in the legislation. I assume that what the AEC will tell us is that there is a statutory note in the amendment. Does that override the ballot paper which is prescribed elsewhere in the act?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (10:30): In this Greens amendment to change commencement arrangements of this bill, the operative words are that they only apply to elections with a polling day after 1 July. So all of the other usual parts of an election, that process being triggered by the issuing of the writ, and everything that happens between the writ and polling day, would take place under the revised arrangements as per this legislation, if the Senate indeed passes this legislation. So the effect of this amendment is that this reform can only apply to an election with a polling day after 1 July 2016, and the advice that we have from the AEC is that that gives them sufficient time to ensure that they can make the necessary adjustments to the systems and also conduct the necessary and appropriate public education campaigns.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (10:31): That is all very well, but I was asking a specific question about which ballot paper. So election day—

Senator Cormann: I did answer it.

Senator WONG: If you did answer it, I did not understand how that will work in practice. Election day, after a polling day after 1 July—

CHAMBER
Senator Cormann: Polling day.

Senator Wong: Polling day, or whatever you call it. Sorry. Polling day under the act, okay. Therefore, pre-poll is prior to the commencement of the application of this part. Does that mean that the new ballot paper—even though this part only commences post 1 July—will in effect have an earlier application for the purposes of people casting their vote in the pre-poll? If that is the case, what is the legal basis of that? Is it simply the statutory note? Because, elsewhere in the act, there is a prescription as to the ballot paper.

Senator Cormann (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (10:32): Clearly, I did not make myself understood well enough. The trigger in the amendment in terms of the commencement date is a polling day after 1 July 2016. The specific answer to Senator Wong's question is that, during the pre-poll, the ballot papers will be the same as the ballot papers on a polling day post 1 July. The reason for that is that pre-poll is an integral part of the election process leading to polling day. It cannot be said that that is a retrospective application whatsoever. As you have already indicated, relevant parts of the bill, if it is passed by the Senate, will take effect upon royal assent. This amendment means that these provisions, these improved arrangements, these arrangements which will empower the voters to determine what happens to their preferences, will not be able to be used for a polling day prior to 1 July 2016. Obviously, in the context of any election, there is a very much established process that is very well laid out in the legislation, from the issuing of the writs to polling day and, indeed, through the return of the writs, post polling day. So there is a well-established process. But the black-and-white effect of the amendment that the Greens have moved here is that the revised arrangements under this bill could not take effect in an election with a polling day prior to 1 July 2016.

Senator Di Natale (Victoria—Leader of the Australian Greens) (10:34): I will be brief and I will make my contribution based on the recent contribution from Senator Wong. I will use the same standard that Senator Wong applied, which is not reprising the answer that I gave previously in this debate.

But I will spend a few minutes, again, just responding to some of those comments. The first thing that needs to be really clear is the commencement date, because there is some confusion about what the commencement date is actually there for. The commencement date is there to ensure that the Australian Electoral Commission are able to do the work that is necessary to get this reform in place before the next election. That is what it is for. The issue of a double dissolution is up to the government. It is entirely of their choosing whether this legislation is in place or not—it is entirely of their choosing.

The reason we want this legislation in place is because we believe it is good for democracy, that it is an improvement to the way we elect people to the Senate because it gives power back to voters and takes it away from us politicians. So our focus is on ensuring that whenever the next election is that we have this reform in place. Again, just to be clear: we understand that the Labor Party disagrees with these reforms. We do not; we think that they are good. We think they are important and we think they need to be in place at the next election.

That is why the issue of postponing them beyond a double dissolution election simply does not make sense. What the Labor Party is asking us to do is to say, 'Let's retain a dodgy set of election laws for one more election,' when we have the opportunity to say, 'Let's make sure
they are in place for the next election,’ whether that be a double dissolution election or a half-Senate election.

The other issue, of course, then is the assertion that by adopting these laws we are somehow giving the balance of power over to the conservative side of politics. It is remarkable that Senator Wong seems to know the outcome of the election in the Senate four months ahead of time—four months ahead of time! No, the reality is that no-one knows the outcome of this. The only people who will decide the outcome of the next election will be voters, rather than backroom preference dealers.

Of course, Senator Wong also mentioned the role of the trade union movement. It is important that I respond to that by saying that we have had a number of calls, emails and letters from trade union members who have said to us that they are disappointed that their fees are being used by the ACTU leadership in an effort to help the Labor Party. In fact, they question the very role of the ACTU. Does it exist to support their members or does it exist to support the Labor Party? Those two things are absolutely not in line, particularly when it comes to an issue like this. I think I will leave it there.

The CHAIRMAN: The question is that Greens amendment (2) on sheet 7882 be agreed to.

The committee divided. [10:41]
(The Chairman—Senator Marshall)

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<td>............21</td>
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<td>Majority............14</td>
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AYES
Back, CJ
Brandis, GH
Canavan, MJ
Colbeck, R
Di Natale, R
Fawcett, DJ (teller)
Hanson-Young, SC
Lindgren, JM
Macdonald, ID
Nash, F
Parry, S
Reynolds, L
Rice, J
Sculion, NG
Siewert, R
Sinodinos, A
Waters, LJ
Xenophon, N

NOES
Brown, CL
Collins, JMA
Dastyari, S

Birmingham, SJ
Bushby, DC
Cash, MC
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Ludlam, S
McGrath, J
O’Sullivan, B
Paterson, J
Ryan, SM
Seselja, Z
Simms, RA
Smith, D
Whish-Wilson, PS

Brown, CL
Collins, JMA
Dastyari, S

Bullock, JW
Conroy, SM
Day, RJ

CHAMBER
Question agreed to.

Senator RHIANNON (New South Wales) (10:44): I move Greens amendment (3) on sheet 7882:

(3) Schedule 1, item 95, page 26 (lines 22 to 26), omit the item, substitute:

95 Application of amendments

(1) The amendments made by this Part apply (subject to subitem (2)) after this item commences in relation to any registered political party (whether registered before or after this item commences).

(2) The following do not apply in relation to any election whose polling day is before 1 July 2016:

(a) section 214A of the Commonwealth Electoral Act 1918 as inserted by this Part;

(b) the amendments of the following provisions made by this Part:

(i) sections 169B, 209 and 366 of that Act;

(ii) Schedule 1 to that Act.

Note: Things may be done (for example, ballot papers that include party logos may be printed) before 1 July 2016, in accordance with the Commonwealth Electoral Act 1918 as amended by this Part, in relation to elections whose polling day is on or after that day.

Considering the lateness of the hour, I will not go into detail. This is about the commencement date, and the issues have been well canvassed.

The CHAIRMAN: The question is that amendment (3) on sheet 7882 be agreed to.

The committee divided [10:46]

(The Chairman—Senator Marshall)

Ayes .....................35
Noes .....................21
Majority....................14

AYES

Back, CJ
Brandis, GH
Canavan, MJ
Colbeck, R
Di Natale, R
Fawcett, DJ (teller)
Hanson-Young, SC
Lindgren, JM
Macdonald, ID
Nash, F
Parry, S

Birmingham, SJ
Bushby, DC
Cash, MC
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Ludlam, S
McGrath, J
O’Sullivan, B
Paterson, J
AYES
Reynolds, L
Rice, J
Scullion, NG
Siewert, R
Smodinos, A
Waters, LJ
Xenophon, N

NOES
Brown, CL
Collins, JMA
Dastyari, S
Gallacher, AM
Lazarus, GP
Marshall, GM
McEwen, A
Muir, R
Polley, H
Urquhart, AE (teller)
Wong, P

Senator RHIANNON (New South Wales) (10:48): I move Greens amendment (1) on sheet 7882:
(1) Schedule 1, page 3 (after line 2), after Part 1, insert:
Division 1—Amendments
It is very straightforward. This just inserts the title on the measures that we have just dealt with in amendments (2) and (3).

Senator MUIR (Victoria) (10:48): by leave—I move amendments (4) and (5) on sheet 7887:
(4) Amendment (2), item 42A, omit "1 July 2016" (wherever occurring), substitute "5 August 2016".
(5) Amendment (3), item 95, omit "1 July 2016" (wherever occurring), substitute "5 August 2016".

I will speak very briefly. This amendment omits 1 July 2016 and substitutes it with 5 August 2016. It is delaying the implementation till a general election or the possibility of a general election. This is a very serious change to our electoral system. It is very vague as to whether the AEC would be able to make the appropriate implementations in time. It is all but mitigating risk. Essentially, as things are with the current date, the Greens are handing the government a double dissolution, or the potential for a double dissolution trigger. But, most importantly, there is the risk of administrative errors, which would of course raise constitutional issues at the time of the election if votes were not counted properly, if the implementation that the AEC put in place was not successful.

Question negatived.
Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (10:50): I indicate that the government will not be supporting Senator Muir's amendments to the Greens amendment. We believe that the 1 July date that is part of the Greens amendment is the appropriate date. It does give sufficient time for the Electoral Commission to do all of the necessary preparation for an effective implementation of these changes at an election. The 5 August date is unnecessarily delaying the effective date of these important changes.

Senator JACINTA COLLINS (Victoria) (10:51): The opposition will not be supporting these amendments. As I explained when I spoke to Senator Rhiannon's amendments, Labor has concerns about the legal efficacy of these application provisions and their interaction with the commencement provisions at clause (2). Now, I note that Senator Cormann dealt with these issues in part. I must say, at this stage and under this process, we have not been satisfied by that explanation, and for the same reasons that we opposed Senator Rhiannon's amendments we would oppose these.

Senator RHIANNON (New South Wales) (10:51): The Greens will not be supporting these amendments. Any election held after 1 July should be under the new Senate voting system. That is what we are establishing here, and this would rewind that. So, I would urge that senators do not support these amendments.

The CHAIRMAN: The question is that amendments (4) and (5) on sheet 7887, moved by Senator Muir, be agreed to.

Question negatived.

The CHAIRMAN: The question now before the chair is that amendment (1) on sheet 7882, moved by Senator Rhiannon, be agreed to.

The committee divided. [10:57]

(The Chairman—Senator Marshall)

Ayes ..................... 34
Noes ..................... 20
Majority ............... 14

AYES

Back, CJ
Brandis, GH
Canavan, MJ
Colbeck, R
Di Natale, R
Fawcett, DJ (teller)
Hanson-Young, SC
Lindgren, JM
Macdonald, ID
Nash, F
Parry, S
Rhiannon, L
Ryan, SM
Seselja, Z
Simms, RA
Smith, D
Whish-Wilson, PS

Birmingham, SJ
Bushby, DC
Cash, MC
Cormann, M
Edwards, S
Fifield, MP
Johnston, D
Ludlam, S
McKenzie, B
O'Sullivan, B
Paterson, J
Rice, J
Scullion, NG
Siewert, R
Sinodinos, A
Waters, LJ
Xenophon, N

CHAMBER
Question agreed to.

Senator DAY (South Australia) (10:59): I move amendment (1) on sheet 7890:

(1) Schedule 1, page 11 (after line 21), after item 39, insert:

39A After section 328B

Insert:

328C Distributing misleading or deceptive how-to-vote cards

A person commits an offence if:

(a) the person distributes a how-to-vote card in relation to a Senate election; and
(b) the how-to-vote card is distributed during the relevant period in relation to the Senate election; and

(c) the how-to-vote card is likely to mislead or deceive a voter in relation to marking a Senate ballot paper in a way that is contrary to the ways set out in section 239.

Penalty: 25 penalty units.

328D Offence for publicly advocating certain forms of voting

(1) A person commits an offence if the person publicly advocates, during the relevant period in relation to a Senate election, that a voter should mark a Senate ballot paper in a way that is contrary to the ways set out in section 239.

Penalty: 25 penalty units.

(2) Section 15.2 of the Criminal Code (extended geographical jurisdiction—category B) applies to an offence against subsection (1).

The chamber has tried a number of times in this marathon debate to ascertain whether or not it will be an offence to promote just voting 1 above the line, but to no avail. This amendment will mirror the South Australian electoral law, section 126 of the South Australian Electoral Act, which prohibits the distribution of how-to-vote cards and advertising material that encourage or instruct or in any other way promote a voter to cast their ballot contrary to section 239, which requires more than just 1 in a box. This section, among other things, requires voters to number at least six boxes on the Senate ballot paper above the line or as many as are listed if fewer than six options are available. One only has to look at the underhanded way that Queensland elections allow for advertising that deliberately seeks to exhaust preferences.
Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (11:01): This is probably the issue that we spent most of the time on in the initial 10 or 11 hours of committee debate. The government does not support these amendments, for the reasons that I have previously outlined in great detail. There is already a prohibition on misleading or deceptive publications which would be likely to mislead or deceive an elector in relation to the casting of a vote.

Of course, the advice to the voter will be very explicit on the Senate ballot paper: that to vote above the line the voter should number at least six boxes above the line in order of preference from 1 to 6 and that to vote below the line the voter should number at least 12 boxes from 1 to 12 in order of priority below the line. There will of course be, on top of that, an education campaign by the Australian Electoral Commission to ensure that people across Australia well understand how to vote for the Senate above the line and below the line. We believe that there is no need for additional penalty and offence provisions, and we do not support this amendment.

Senator LEYONHJELM (New South Wales) (11:02): I support this amendment. It is substantively similar to mine; therefore, I will speak to this one and not to mine. Professor George Williams provided testimony to the one public hearing of the Joint Standing Committee on Electoral Matters inquiring into the provisions of this bill. He stated:

… further protective measures need to be introduced into the bill to ensure that people are unable to produce how-to-vote cards and other material that could effectively turn this into a de facto ‘vote 1’ system.

… it is possible for this parliament to legislate in a way that removes the possibility … for exploitation, whereby candidates and parties can advocate a vote that is saved but is clearly not the type of vote that is contemplated by the system. I believe that type of measure is important here.

Dr Kevin Bonham also provided testimony as follows:

… it should not be allowed to issue a how-to-vote card that recommends that voters vote in a manner different to the instructions on the ballot paper and … it should also not be allowed to encourage people to do this or publish an advertisement that draws people's attention to the fact that they can do that. Basically, the idea should be that people will just vote 1 above the line but voters should not be encouraged to do that because, if voters are encouraged to do that, you may get higher exhaust rates than otherwise and those may be distributed unevenly between different parties.

This amendment from Senator Day and my amendment that is substantively the same deliver on what Professor Williams and Dr Bonham recommended.

If Liberal-National-Greens coalition does not support this amendment, it would demonstrate that the one public hearing inquiring into this bill was a complete farce and that the expert witnesses who appeared should not have bothered. It would demonstrate that the Liberal-National-Greens coalition cares nothing about votes being exhausted. Let me remind the Senate what vote exhaustion means. It means that, if you did not write in numbers on the ballot paper for the parties vying for the last Senate spot, then you have no say in determining which of those parties wins that last Senate spot. This phenomenon is a feature of optional preferential voting and would be particularly prevalent if just 1 voting took hold. I note that the current directors of the Liberal and National parties provided testimony to the one hearing of the Joint Standing Committee on Electoral Matters stating that they intend to recommend that people vote 1 to 6, but these comments do not bind the Liberal and National parties now
or in the future, and other parties also appear to have the option of pursuing just vote 1 how-to-vote cards if they wish. As such, this amendment is necessary to ensure we do not descend into a just vote 1 electoral system.

Senator JACINTA COLLINS (Victoria) (11:05): The opposition is pleased to support Senator Day's amendments. Senator Day's amendments introduce two new criminal offence provisions in relation to advocating the casting of informal votes. The first amendment is section 328C, which makes it an offence to distribute a how-to-vote card that is likely to mislead or deceive a voter in relation to marking a Senate ballot paper in a way that is informal. The second amendment is section 328D, which makes it an offence to publicly advocate for voters to mark a Senate ballot paper in a way that is informal. These amendments echo the previous section 329A of the Electoral Act, which was repealed, as we discussed earlier, in the late 1990s. What we discussed earlier, of course, was that the mischief was disposed of at the same time. These provisions are obviously introducing new mischief that needs to be addressed, and I do not believe that the minister, in his responses today, has given satisfactory assurances that the existing provisions will be able to manage that mischief.

Senator Day has explained his amendments far more articulately and efficiently than I could at this hour. Senator Day's performance stands in stark contrast to the level of information that has been provided to some critical issues in this debate. Despite hours of questioning from various senators, the minister has not been able to answer a simple question as to whether the government's bill would make it unlawful for a person to advocate to simply vote 1 above the line in the Senate. Senator Lambie's experience was perhaps the most stark. Senator Day understands that nothing about the government-Greens bill will prevent a person advocating such a vote, and he has quite sensibly moved an amendment to deal with that matter. Labor supports Senator Day's intentions and, accordingly, will support this amendment. If this amendment fails, we also notice that Senator Leyonhjelm has indicated his similar amendment, and we would support that as well.

The CHAIRMAN: The question is that amendment (1) on sheet 7890 be agreed to.

The committee divided. [11:13]

(The Chairman—Senator Marshall)

Ayes .................21
Noes ..................34
Majority .............13

AYES

Brown, CL
Cameron, DN
Dastyari, S
Gallacher, AM
Leyonhjelm, DE
McAllister, J
McLucas, J
Muir, R
Peris, N
Sterle, G
Wang, Z

Bullock, JW
Collins, JMA
Day, RJ
Lazarus, GP
Marshall, GM
McEwen, A
Moore, CM
O'Neill, DM
Polley, H
Urquhart, AE (teller)
Senator LEYONHJELM (New South Wales) (11:15): I withdraw my amendment on sheet 7886, and I move amendment (1) on sheet 7868 standing in my name:

(1) Schedule 1, item 89, page 24 (lines 19 to 25), omit paragraphs 214A(3)(a) and (b), substitute:

(a) no more than 3 logos may be printed adjacent to the square that is printed, in accordance with paragraph 214(2)(d), adjacent to the names of the parties; and

(b) if more than 3 of those parties have logos entered in the Register—the parties must notify the Electoral Commission, in writing, which of the logos are to be printed adjacent to that square.

Existing electoral law allows candidates from different parties to appear in the same column on the ballot and for the names of each of these parties to be printed in that column above the line. There could be two, three, four or more parties that wish to share a column under this provision.

The government’s bill allows for party logos to be printed above the line also. However, it does not allow for the logo of each party in a column to be printed above the line; it only allows for two logos to be printed in a column above the line. By sheer coincidence, I am sure, this assists the Liberal-National coalition. They have regularly used the existing provision to have their candidates appear in the same column. Now each of their logos will appear in that column above the line. This will make the Liberal-National coalition more prominent on the ballot compared to their rivals, like the Labor Party. I am surprised that the government did not go further and require that the logos of the Liberals and the Nationals should appear in colour while everyone else's logos must be in black and white.

However, in the preparation of the government's bills there has been an oversight. Because I want to help the government, my amendment addresses this oversight—after all, we crossbenchers are here to help. It appears that the drafters of the government's bill did not realise the potential for a Liberal-National-Greens coalition in the coming election and into the future. Because Senator Di Natale is a doctor and owns a farm, it seems he is welcome in...
the same column as the Liberal's Senator James Paterson and the National's Senator Bridget McKenzie. So to continue to assist those in power, Australia's electoral law should allow the logo of the Liberals, the logo of the National and the logo of the Greens to each appear in the one column. Every voter’s eyes would be drawn to such a sight. Even if the Liberals, the Nationals and the Greens cannot see the potential for this coalition to be formalised in the coming weeks, surely they can see the potential for it over the coming years?

My amendment would allow for up to three logos to be printed in a column above the line. If the Liberals, National and Greens do not support this amendment, they owe it to the Australian people to explain why. What is the principle behind allowing two logos in a column and not just one? Or allowing three? Isn't it reminiscent of Robert Mugabe to amend the electoral law with such brazen self-interest?

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (11:18): Obviously, the government does not accept the closing assertion that Senator Leyonhjelm has made. The provision to allow parties to include a logo, at their discretion, in the relevant spot on the ballot paper is in order to avoid voter confusion between parties of similar names. I suspect that Senator Leyonhjelm might remember an instance where there was a level of confusion between parties of a similar name which might have created some benefit for him in the state of New South Wales!

The reason we are opposed to this amendment is that as it is currently written the bill allows for up to two logos to be printed adjacent to the square that is printed on the ballot paper where that group is endorsed by more than one political party. Having up to two logos on ballot papers will give voters sufficient opportunity to identify who they are voting for without cluttering the ballot paper and creating voter confusion. Going beyond two logos, which must be of uniform size, could create a situation where the ballot paper becomes, again, unnecessarily large and complex. The AEC has advised that since 2007 there have been no instances of three or more parties running as part of the same registered group in a federal election, which suggests that this amendment is clearly not necessary in practice. But, of course, we all understand the somewhat humorous political point that Senator Leyonhjelm sought to make.

Senator JACINTA COLLINS (Victoria) (11:20): Let me share with Senator Cormann the light relief of the humour at this stage in the consideration. It was possibly helpful. I will indicate the opposition's position here, but then I will go on to some of the concerns that were canvassed earlier in the general discussion.

The opposition will not be supporting these amendments. These amendments relate to the party logos being printed on ballot papers. The idea of having party logos printed on ballot papers appears to have been a thought bubble. I am not sure how it arose between the government and the Greens in their discussions. But the policy rationale and how any of the issues and concerns that JSCEM had previously raised had been addressed came, in some way, to the 2016 JSCEM investigation by osmosis.

I asked these questions earlier, and Senator Cormann referred to some elements of the explanatory memorandum which talked about the copyright issues in terms of there being a copyright matter between two political parties. But we are still at a loss as to how the AEC is going to execute this function. How will the AEC necessarily know if there is a copyright
issue? It is not within the AEC's current purview to understand these types of copyright matters. How is it proposed that they will be addressed?

In paragraph 4.20 of the majority JSCEM report it states:

The Committee is pleased that these issues—

that the earlier JSCEM inquiry had raised—

have been addressed to the Government’s satisfaction …

The problem is that we have had no description of what these issues are and how, indeed, they have been addressed. The point made at paragraph 4.19 on party logos in the committee's 2016 report highlights that when JSCEM previously considered this issue:

… it was reluctant to recommend for the inclusion of party logos on ballot papers without having an opportunity to assess the associated copyright and printing ramifications.

Now, that point is made. But the very next point is just simply:

The Committee is pleased that these issues have been addressed to the Government’s satisfaction…

You might assume that they have, if they have been put in the bill, but there has certainly been no competent description about how those matters have been addressed. It simply points out, in the explanatory memorandum, that somehow, in ways that we are yet to understand, the AEC will adopt a new role assessing copyright matters. But what about the other issues about printing ramifications? Sure, we have had references to how we will proceed in black and white—so that wonderful Greens logo is now going to adopt a skivvy and become black—but beyond that the description of what the issues are and how they have arisen through this deal are certainly lacking at this point.

But at the moment we are addressing Senator Leyonhjelm's amendments. What I will say here, which is similar to the point I just made about this overall proposal, is that we are not satisfied that this idea has been subject to any proper analysis. Senator Leyonhjelm's concerns are worthy of consideration, but without that analysis Labor cannot support this amendment on this occasion.

**The CHAIRMAN:** The question is that amendment (1) on sheet 7868 be agreed to.

Question negatived.

**The CHAIRMAN:** Senator Rhiannon, did you seek to ask a question at this point?

**Senator RHIANNON** (New South Wales) (11:24): Yes. I had a question of the minister, thank you, Chair. Minister, do the sections of this bill concerning registered officers—and I am referring to subsections 126(2B) and 126(2C)—allow a person to be the registered officer of a political party registered with the AEC and a registered officer or deputy registered officer of a state branch of that political party where the branch is also a party registered with the AEC?

**Senator CORMANN** (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (11:25): Consistent with the JSCEM's recommendations, the bill proposes changes to remove ambiguity around the accountabilities, affiliations and alliances of political parties by removing the capacity for an individual to be a registered officer or deputy registered officer of multiple political parties. This does not prevent a person from being the registered officer of the same federal political party and the registered officer of a state branch or division of that party, and indeed the
relevant provision that ensures that is the case—and that is certainly the intention—is on page 16 of the bill, clause 52(2C)(b).

Senator RHIANNON (New South Wales) (11:26): The last part of my question was, and this is with regard to a state branch: 'registered officer or a deputy registered officer of a state branch of that political party where the branch is also a party registered with the AEC'. So it is not just about the state branches, because some state branches are registered with the AEC and it concerns different parties, as I am aware.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (11:26): This question, obviously, was raised with us some time ago, and the advice that I received at that time is that subsection (2B), which prevents a person from being a registered officer of several different parties, does not prevent a person from being both the registered officer or a deputy registered officer of a registered political party for the purposes of this act and the registered officer or a deputy registered officer, however described, for the purposes of an act of a state or territory or an ordinance of an external territory of a political party or a branch of a political party.

Senator LEYONHJELM (New South Wales) (11:27): I move amendment (1) on sheet 7867 standing in my name:

(1) Schedule 1, page 26 (after line 26), at the end of the Schedule, add:

Part 4—Voluntary enrolment and voting
Commonwealth Electoral Act 1918
96 Subsection 85(2)
Omit "and otherwise to comply with the regulations relating to compulsory enrolment".

97 Section 101
Repeal the section, substitute:

101 Voluntary enrolment
A person who is entitled to be enrolled for any Subdivision, otherwise than by virtue of section 94, 94A, 95, 96 or 100, whether by way of enrolment or transfer of enrolment may fill in and sign a claim and send or deliver it to the Electoral Commissioner.

98 Section 245
Repeal the section, substitute:

245 Voting to be voluntary
An elector may vote at an election.

99 Section 387A
Repeal the section.

100 Section 388
Repeal the section.

101 Paragraphs 393A(1)(f) and (g)
Repeal the paragraphs, substitute:

(f) pre-poll vote certificates for declaration voting.

102 Paragraph 395(b)
Repeal the section.
103 Transitional provision

Despite the amendment or repeal of a provision of the Commonwealth Electoral Act 1918 by this Part, that provision continues to apply, after the commencement of this item, in relation to:

(a) an offence committed before the commencement of this item; or

(b) proceedings for an offence alleged to have been committed before the commencement of this item; or

(c) any matter connected with, or arising out of, such proceedings;

as if the amendment or repeal had not been made.

Chair, you have the right to remain silent, but a government violates your rights if it forces you to be silent by putting gaffer tape over your mouth. You have a right to privacy, but a government violates your rights if it forces you to be private by locking you in a padded cell. And you have a right to vote, but a government violates your rights if it forces you to vote by making non-enrolment and non-voting an offence. My amendment makes enrolment and voting voluntary. Forcing people to vote when they are dissatisfied with the options available is a practice straight out of the authoritarian handbook. This bill's changes to Senate voting rules will discourage new parties from forming, so that voters will have even less choice in the future than now. It is unconscionable that, when the options available to Australians are effectively reduced to the Liberal-Nationals-Greens coalition or Labor that Australians are not given the option of 'None of the above'. I commend my amendment to the Senate.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (11:28): The government does not support this amendment. The government has absolutely no plan to change the current system of enrolment and compulsory voting in Australia. Compulsory voting at federal elections was introduced in 1912 and has ensured that Australia has some of the highest civic participation rates in the world, with voter turnout of over 93 per cent at the 2013 election.

Senator JACINTA COLLINS (Victoria) (11:29): It will not surprise Senator Leyonhjelm that the opposition will not support this amendment which proposes voluntary voting, as per the earlier discussion about where this deal takes us in relation to people being required to indicate a vote with respect to the total number of candidates. I have already indicated to Senator Cormann that I look forward to reviewing the Hansard of the earlier philosophical discussion about whether people should have a right not to have to vote for particular microparties if they do not want to, which, as I argued at the time, seems to be taking us down that path.

Australians live in a great democracy. As Winston Churchill reminded us, democracy is the worst form of government, except for all the others. Democracy grants citizens many privileges, but those privileges—and this was my innate response to Senator Leyonhjelm before—are balanced with important civic responsibilities. In Australia you are expected to get up and go to work, get the kids off to school, pay your taxes and meet your responsibilities to the community. Perhaps the greatest of these responsibilities is to play a role in our democracy by turning up to hold the government to account on election day. In a democracy, the people act as the bulwark against maladministration, corruption and even tyranny.

Compulsory voting plays a vital role in our democracy by reminding the Australian people that, in exchange for the many privileges that come with living in our country, you are
expected to meet your constitutional duties as a citizen. Compulsory voting also grounds Australian politics in the sensible centre and has helped us to avoid some of the distasteful hyperpartisanship politics that we have seen in some other countries. The Australian Labor Party strongly supports compulsory voting, as I have previously indicated, and therefore we cannot support Senator Leyonhjelm's amendments.

Senator RHIANNON (New South Wales) (11:31): Compulsory voting is certainly a foundation of our voting system, something to be proud of and something that is critical to encouraging people to involve themselves with all aspects of our democratic system. Considering there is a big election brewing on the other side of our planet, I would argue that it is a better system where parties spend time persuading voters to vote for them on policy issues rather than just spending time encouraging them to get out to vote.

The CHAIRMAN: The question is that amendment (1) on sheet 7867 be agreed to.

Question negatived.

Senator LEYONHJELM (New South Wales) (11:32): I move amendment (1) on sheet 7853 standing in my name:

(1) Schedule 1, page 26 (after line 26), at the end of the Schedule, add:

Part 4—House of Representatives voting

96 At the end of section 240

Add:

(3) A vote may be marked on a ballot paper by:

(a) writing at least the numbers 1 to 6 in the squares printed on the ballot paper (with the number 1 being given to the candidate for whom the person votes as his or her first preference, and the numbers 2, 3, 4, 5 and 6 being given to other candidates so as to indicate the order of the person's preference for them); or

(b) if there are 6 or fewer squares printed on the ballot paper—numbering the squares consecutively from the number 1 (in order of preference as described in paragraph (a)).

Note: See also section 268A for when the vote is formal.

97 Subsection 268(1)

Omit "section 239", substitute "section 239 or 240".

98 Paragraph 268(1)(c)

Omit "in a House of Representatives election", substitute "subject to section 268A, in a House of Representatives election".

99 After section 268

Insert:

268A Formal votes—House of Representatives election

(1) A ballot paper in a House of Representatives election will not be informal by virtue of 268(1)(c) if:

(a) a voter has marked the ballot paper in accordance with subsection 240(3); or

(b) the voter has marked the number 1, or the number 1 and one or more higher numbers, in squares printed on the ballot paper.

(2) For the purposes of this Act:
(a) a voter who, in a square printed on a House of Representatives ballot paper, marks only a single tick or cross is taken as having written the number 1 in the square; and

(b) the following numbers written in a square printed on a House of Representatives ballot paper are to be disregarded:

   (i) numbers that are repeated and any higher numbers;

   (ii) if a number is missed—any numbers that are higher than the missing number.

101 Schedule 1 (Form F)

Omit "[here insert number of candidates] in the order of your choice", substitute "6 (if there are 6 squares, if not such number of squares as there are) and, if there are more than 6 squares, such further numbers as you wish, in the order of your choice".

102 Schedule 1 (Form F)

Omit "Remember….number every box to make your vote count."

103 Application provision

The amendments made by this Part apply in relation to elections the writs for which are issued on or after the commencement of this item. This amendment introduces optional preferential voting for the House of Representatives. It replicates the provisions in the government's bill relating to above-the-line voting in the Senate. As such, when voters vote in a House of Representatives election, they will be instructed to write at least the numbers 1 to 6, or fewer if there are fewer candidates, but votes marked with just a 1, tick or cross will still be considered formal. This will make the voting task for the House of Representatives the same as when voting above the line for the Senate. It will also generate a similar degree of vote exhaustion. Those voters who fill in fewer squares than six, or the number of candidates, will end up having no say if the last two candidates vying for election are not in the voter's top six or fewer.

I note that this effect of optional preferential voting particularly disenfranchises supporters of minor parties, because their top six are less likely to include the candidates who are the last candidates standing in the battle for the vacancy. The Liberal-National-Green coalition clearly do not care about vote exhaustion, so I expect them to support my amendment. In fact, this is the only coherent path for the Liberal-National-Green coalition to follow. If the coalition do not support my amendment, the Australian public deserve an explanation: why is optional preferential voting good for the Senate but not for the House of Representatives? I would particularly like the coalition to allay my fear that we are getting optional preferential voting in the Senate because this would help both the Liberals and the Greens but we are not getting optional preferential voting in the House of Representatives because this would hurt the Greens, who rely on people expressing their second, third or fourth preference in order to get elected. I fear this entire reform has nothing to do with the principle and everything to do with entrenching incumbents.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (11:35): The government will be opposing these amendments. Let me just say right up front that our Senate voting reforms have everything to do with the principle that the results at a Senate election should reflect the will of the Australian people. In putting together these reforms, the government has based the reforms on the unanimous recommendations of the Joint Standing Committee on Electoral Matters, which inquired into the conduct of the last election. The Joint Standing Committee...
on Electoral Matters focused its voting reform recommendations on Senate voting. It did not identify any problems that required changes to the method of voting for the House of Representatives.

Senator JACINTA COLLINS (Victoria) (11:35): The opposition will not support these amendments. I have already outlined our in-principle opposition to optional preferential voting. Consistent with that position, we will not support the amendments. I take this opportunity, though, because I have made similar remarks about Senator Day and Senator Muir, to acknowledge Senator Leyonhjelm, and indeed other members of the crossbench, for the way in which they have engaged with this legislation in good faith and during this committee-stage process with amendments seeking to highlight, in what has been a very inadequate process, some of the significant issues and problems with the proposals as they stand.

Senator RHIANNON (New South Wales) (11:36): The Greens will not support these amendments. You could call them Senator Leyonhjelm’s Trojan horse, trying to get OPV into the House of Representatives. The House of Representatives system for preferential voting is a very important part of how we elect the House of Representatives, and that should remain as it is.

The CHAIRMAN: The question now is that amendment (1) on sheet 7853 be agreed to.

The committee divided. [11:41]

(The Chairman—Senator Marshall)

Ayes ......................5
Noes ......................45
Majority.................40

AYES

Day, RJ
Madigan, JJ
Wang, Z

NOES

Back, CJ
Bushby, DC
Canavan, MJ
Colbeck, R
Di Natale, R
Fawcett, DJ
Gallagher, KR
Johnston, D
Ludlam, S
McAllister, J
McGrath, J
McLucas, J
O'Neil, DM
Parry, S
Peris, N
Reynolds, L
Rice, J

Leyonhjelm, DE (teller)
Muir, R

Bullock, JW
Cameron, DN
Cash, MC
Cormann, M
Edwards, S
Gallacher, AM
Hanson-Young, SC
Lindgren, JM
Marshall, GM
McEwen, A (teller)
McKenzie, B
Moore, CM
O'Sullivan, B
Paterson, J
Polley, H
Rhiannon, L
Ruston, A
Senator LEYONHJELM (New South Wales) (11:44): I move amendment (1) on sheet 7866 standing in my name:

(1) Schedule 1, page 26 (after line 26), at the end of the Schedule, add:

Part 4—Election funding

96 Subsection 294(2)
Omit "$1.50", substitute "$1.125".

97 Section 297
Repeal the section, substitute:

297 Payment not to be made in House of Representative elections in certain circumstances

A payment under this Division must not be made in respect of votes given in a House of Representative election for a
candidate unless the total number of eligible votes polled in the candidate's favour is at least
4% of the total number
of eligible votes polled in favour of all of the candidates in the election.

98 Application provision
The amendments made by this Part apply in relation to elections the writs for which are issued on
or after the
commencement of this item.

This amendment reduces Senate election funding per vote by a quarter and removes the
requirement in the Senate to receive four per cent of first preference votes in order to receive
funding. The amendment leaves funding arrangements for House of Representatives elections
untouched. Removing the four per cent barrier will remove baseless discrimination against
minor parties and minor-party voters. It is unconscionable that major parties get a couple of
dollars per vote but minor parties do not. This is the antithesis of one-vote, one-value.

The Liberal/Nationals/Greens coalition say that attacking minor parties is not the purpose
of their bill. If this is the case they will take this opportunity to remove the four per cent
barrier. At the very least they will explain why the four per cent barrier should be retained. I
can see no principle nor practical reason for this four per cent barrier. My amendment reduces
Senate election funding per vote to ensure that the removal of the four per cent barrier does
not increase the burden on taxpayers to fund party-political election campaigning. I commend
my amendment to the Senate.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the
Government in the Senate and Special Minister of State) (11:45): The government will be
opposing this amendment. This amendment will provide electoral funding to any group of

Question negatived.
Senate candidates who received votes at an election, and removes the four per cent first-preferences threshold that is currently required to be met before receiving public funding. It will also provide different levels of funding between candidates for the House of Representatives and for the Senate, creating a potentially discriminatory disparity that does not currently exist. It is not justifiable that minor parties that spend little or no money on elections should profit simply by nominating a group for the Senate and not reaching the four per cent funding threshold. Indeed, we do not want to provide an additional perverse incentive for people to nominate for a Senate election for the sole purpose of generating some public funding support. The government will not be supporting this amendment.

Senator Jacinta Collins (Victoria) (11:46): The opposition will not support these amendments. Public funding of elections and political parties is in the public interest because it helps to reduce the influence of private political donations in the electoral process. The Australian Labor Party has a clear and consistent commitment to enhancing transparency and accountability in relation to political donations. I have already referred to the mischaracterisations of the deal between the Labor government and the Australian Greens—who, to borrow a phrase from Senator Simms and Senator Di Natale: 'every vote, every parliament, every time'.

The Greens party also claims to be committed to reforming political donations, in particular their supposedly pure-as-the-driven-snow democracy spokesperson. But, while she can walk the walk, in the discussion to date we are not seeing that she can talk the talk. Senator Rhiannon will have the opportunity to put her money where her mouth is when, during the later stages of this debate, Labor moves amendments to give effect to our shared commitment to political donations reform. But the Australian Greens have already sold out their commitment to marriage equality, to put it on hold until their deal with the Liberals on Senate voting reform can occur. I will be curious to see how Senator Rhiannon responds to her commitment on political donations reform. This will be addressed with further amendments—but I digress.

The public funding of political parties in elections plays an important role in our democracy. Labor is always willing to look at how the system may be improved, but that should not occur in a rushed or truncated fashion. Absent a proper process with JSCEM—or an alternative process, given recent limitations with JSCEM—with an opportunity for submissions from all stakeholders, Labor believes that it would be imprudent to alter the current arrangements. Accordingly, we cannot support Senator Leyonhjelm's amendments and this time.

The Chairman: The question is that amendment (1) on sheet 7866 be agreed to.

Question negatived.

Senator Muir (Victoria) (11:49): I move amendment (2) on sheet 7873:
(2) Schedule 1, page 26 (after line 26), at the end of the Schedule, add:
Part 4—Amendments to offences
96 Paragraph 329(4)(a)
Omit "$1,000", substitute "100 penalty units"
97 Paragraph 329(4)(a)
Omit "6 months", substitute "12 months".

CHAMBER
98 Paragraph 329(4)(b)
  Omit "$5,000", substitute "300 penalty units".

99 Subsection 340(1)
  Omit "6 metres", substitute "100 metres".

100 Paragraph 340(1A)(b)
  Omit "6 metres", substitute "100 metres".

101 Transitional provision
  Despite the amendment of a provision of the Commonwealth Electoral Act 1918 by this Part, that provision continues to apply, after the commencement of this item, in relation to:
  (a) an offence committed before the commencement of this item; or
  (b) proceedings for an offence alleged to have been committed before the commencement of this item; or
  (c) any matter connected with, or arising out of, such proceedings;
  as if the amendment had not been made.

This amendment relates to the penalties for those who encourage informal voting. We have had substantive debate about this throughout the night. We established last night that the savings provision will make section 329 redundant because vote 1 above the line is not informal. This has been pretty heavily debated. I am still going to move the amendment, because I think there should be penalties in place where it can be proved that someone is deliberately encouraging an informal vote, and they should be a lot stronger than they are—$5,000 for a political party is like a parking fine. I did consider new offences, but I have discovered that this might actually create some constitutional issues, so I decided to simply increase the penalties for those who encourage informal voting.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (11:50): The government does not support this amendment, for the reasons previously outlined.

Senator JACINTA COLLINS (Victoria) (11:50): The opposition will not be supporting these amendments. Labor is open to increasing the penalties for electoral offences. In fact, we will be moving our amendments of our own to achieve this outcome. However, we believe that any increases must be the product of careful analysis and consideration.

I will make that point about JSCEM again. The process that has occurred in relation to this bill has much broader implications that have been highlighted on at least four occasions during the consideration of other proposals that have been put forward in amendments. Each time I get to indicate that JSCEM might be the appropriate body to look further at those suggestions, I now need to pause because of the way the government and the Greens, to further this deal, used what had previously been a bipartisan approach to electoral matters. That is the difficulty of what has occurred for the consideration of this legislation. That is the difficulty with the Greens attending the committee inquiry and voting with the government to block even the department from appearing before that inquiry.

The implications, though, go well beyond this bill. The implications go to the principles of transparency and accountability across the parliament. So each time I say that, for instance on this occasion, Senator Muir is making a worthwhile proposal that warrants further
consideration, we now need to contemplate where such consideration might best occur, whereas previously it would have gone to JSCEM without question.

The increases proposed by Labor are drawn from the legislation we introduced when in government, which was blocked by the coalition. These penalty increases were the product of expert advice from the public service and from consultation and parliamentary scrutiny. Labor therefore believes that our proposals are more solid and we prefer our own amendments to those of Senator Muir. That said, I would like to acknowledge his genuine interest and engagement in this process.

Senator RHIANNON (New South Wales) (11:53): Overall, the Greens do not support these amendments. I did want to comment on the aspect about misleading statements. If it does actually address something that is very important and that the Greens have given support to for a long time—namely, what we call truth in advertising. But the provision does need more consideration. That could be undertaken by JSCEM. We need more far-reaching reforms to prevent misleading statements in election campaigns. I know there is great complexity in this area, because we have tried to work on it. Then, it takes up the issue of a six-year sunset clause on voting reforms. Clearly, we would not support that as it would effectively kill off the legislation fairly quickly. Then there are the exclusion zones around polling booths.

Exclusion zones around polling booths might sound attractive, but, really, election day is a good test of the level of support that a party has in the community. It is the one day where there is a more equal playing field for all candidates and all parties. You mobilise your support, you get out there and you prosecute your involvement with the community. Again, it really is an excellent part of our democratic process. So, overall, we cannot support these amendments.

Question negatived.

Senator JACINTA COLLINS (Victoria) (11:55): I move opposition amendment (1) on sheet 7854:

(1) Page 26 (after line 25), at the end of the Bill, add:

Schedule 2—Donation disclosure threshold

Part 1—Main amendment

Commonwealth Electoral Act 1918

1 Subsection 4(1)

Insert:

related: a political party is related to another political party if:

(a) one of the parties is part of the other party; or

(b) both parties are parts of the same political party.

2 Subsection 123(2)

Repeal the subsection.

3 Subsection 287(4)

After "an election", insert "or a reference in section 305B".

4 After subsection 287(6)

Insert:
(6A) Subsection (6) does not apply in relation to a political party that is a body corporate.

5 Subparagraph 304(5)(b)(ii)
   Omit "$10,000 or less", substitute "less than $1,000".

6 Paragraph 304(5)(c)
   Omit "$10,000 or less", substitute "less than $1,000".

7 Subsection 304(5) (note)
   Repeal the note.

8 Paragraph 304(6)(b)
   Omit "exceeds $10,000", substitute "is $1,000 or more".

9 Paragraph 304(6)(c)
   Omit "exceeds $10,000", substitute "is $1,000 or more".

10 Paragraph 304(6) (note)
    Repeal the note.

11 Subparagraph 305A(1)(b)(ii)
    Omit "more than $10,000", substitute "$1,000 or more".

12 Subsection 305A(1) (note)
    Repeal the note.

13 Subparagraph 305A(1A)(b)(ii)
    Omit "more than $10,000", substitute "$1,000 or more".

14 Subsection 305A(1A) (note)
    Repeal the note.

15 Paragraph 305A(2)(b)
    Omit "more than $10,000", substitute "$1,000 or more".

16 Subsection 305A(2) (note)
    Repeal the note.

17 Section 305B
    Repeal the section, substitutes:

305B Gifts to political parties

Obligation to furnish returns for reporting periods

(1) If, in a financial year, a person makes gifts totalling $1,000 or more to the same registered political party, the person must furnish a return to the Electoral Commission within 8 weeks after the end of the financial year, disclosing all the gifts that the person made to the registered political party during the reporting period.

How section applies to political parties that are related

(2) If:
   (a) 2 or more political parties are related to each other; and
   (b) at least one of those parties is a registered political party;
   subsection (1) applies as if:
      (c) those parties together constituted a single registered political party (rather than being separate political parties); and
(d) a gift made by a person to any of those parties were a gift made by that person to the single
registered political party referred to in paragraph (c).

_How section applies to gifts made with intention of benefiting a party_

(3) If a person makes a gift to any person or body with the intention of benefiting a particular
political party, the person is taken for the purpose of this section (including paragraph (2)(d)) to have
made that gift directly to that political party.

_Content of return_

(4) For each gift, the return must set out the following:

(a) the amount of the gift;
(b) the date on which it was made;
(c) the name and address of the political party that received the gift.

_Disclosure of receipt of gifts in certain circumstances_

(5) If:

(a) a person is required to disclose a gift (the _ultimate gift_) in a return under subsection (1); and

(b) the person received a gift of $1,000 or more (the _enabling gift_) which the person used to make
all or a substantial part of the ultimate gift;

the person must also disclose the relevant details of the enabling gift in the return under subsection
(1).

(6) Relevant details for the purpose of subsection (5), in relation to a gift, are:

(a) the amount or value of the gift; and
(b) the date on which the gift was made; and
(c) in the case of a gift made on behalf of the members of an unincorporated association, other than
a registered industrial organisation:

(i) the name of the association; and

(ii) the names and addresses of the members of the executive committee (however described) of
the association; and

(d) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation:

(i) the names and addresses of the trustees of the fund or of the funds of the foundation; and

(ii) the title or other description of the trust fund or the name of the foundation, as the case
requires; and

(e) in any other case—the name and address of the person who made the gift.

_Return to be in approved form_

(7) The return must be in the approved form.

_Gifts to which section does not apply_

(8) This section does not apply to gifts made by any of the following:

(a) a registered political party;

(b) a State branch of a registered political party;

(c) an associated entity;

(d) a candidate in an election;

(e) a member of a group.

18 Subsection 306(1)
Omit "exceeds $10,000", substitute "is $1,000 or more".

19 Subsection 306(1) (note)
   Repeal the note.

20 Subsection 306(2)
   Omit "exceeds $10,000", substitute "is $1,000 or more".

21 Subsection 306(2) (note)
   Repeal the note.

22 Subsection 306A(1)
   Omit "more than $10,000", substitute "$1,000 or more".

23 Subsection 306A(1) (note)
   Repeal the note.

24 Subsection 306A(2)
   Omit "more than $10,000", substitute "$1,000 or more".

25 Subsection 306A(2) (note)
   Repeal the note.

26 Paragraph 306B(a)
   Omit "exceeds $10,000", substitute "is $1,000 or more".

27 Section 306B (note 3)
   Repeal the note.

28 Subsection 311A(2)
   Omit "$10,000 or less", substitute "less than $1,000".

29 Subsection 311A(2) (note)
   Repeal the note.

30 Subsection 314AC(1)
   Omit "more than $10,000", substitute "$1,000 or more".

31 Subsection 314AC(1) (note)
   Repeal the note.

32 Subsection 314AC(2)
   Repeal the subsection.

33 Subsection 314AE(1)
   Omit "more than $10,000", substitute "$1,000 or more".

34 Subsection 314AE(1) (note)
   Repeal the note.

35 Paragraphs 314AEB(1)(b) and (c)
   Repeal the paragraphs, substitute:
   (b) the total amount of expenditure of all of the kinds referred to in paragraph (a) incurred by the person during the reporting period was $1,000 or more.

36 Subsection 314AEB(1) (note)
   Repeal the note.

37 After subsection 314AEB(1)
Insert:

(1A) An amount of expenditure incurred with the authority of a person is not counted in the total amount referred to in paragraph (1)(b) if, at the time the person gave authority to incur the amount of expenditure, the person was:

(a) a registered political party; or
(b) a State branch of a registered political party; or
(c) the Commonwealth (including a Department of the Commonwealth, an Executive Agency or a Statutory Agency (within the meaning of the Public Service Act 1999)); or
(d) a member of the House of Representatives or the Senate; or
(e) a candidate in an election; or
(f) a member of a group.

38 Paragraph 314AEC(1)(c)
Omit "more than $10,000", substitute "$1,000 or more".

39 Subsection 314AEC(1) (note)
Repeal the note.

40 Subsection 314AEC(2)
Omit "more than $10,000", substitute "$1,000 or more".

41 Subsection 314AEC(2) (note)
Repeal the note.

42 Section 321A
Repeal the section.

Part 2—Application provisions

43 Amendments applying to elections the writs for which are issued on or after the commencement of this Schedule

The amendments made by the items 5 to 16 of this Schedule apply in relation to elections the writs for which are issued on or after the commencement of this Schedule.

44 Amendments applying to a financial year starting on or after the commencement of this Schedule

The amendments made by items 17 and 28 to 34 of this Schedule apply in relation to a financial year that starts on or after the commencement of this Schedule.

45 Amendments applying to gifts etc. made on or after the commencement of this Schedule

The amendments made by items 19 to 27 of this Schedule apply to loans received on or after the commencement of this Schedule.

This amendment will reduce the threshold at which political donations must be disclosed from the current figure of $13,000 to $1,000. The Labor Party believes that political donations should be transparent and that parties should be accountable for the donations they receive. This is part of our commitment to improving transparency and accountability in the system of political donations generally. This is good for democracy.

Prior to 2006, the donation disclosure threshold was $1,000. In a cynical move, John Howard dramatically increased the threshold to $10,000 and then pegged it to inflation, so the figure is now $13,000. Labor's policy is to return the threshold to $1,000, because we believe transparency in political donations is good for democracy. Our concern with this issue, and
why we raise it in this context, is that we find it difficult to imagine why, when the government were keen to deal on electoral reform, they were not pegged on donations.

We do not understand why the Greens did not take the opportunity to respond on this important policy issue when they had that opportunity with the government. They certainly complained when we were not able to progress it further due to the then opposition's intransigence. They had that opportunity to challenge it on this occasion but seem to have played lame.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (11:57): The government will oppose this amendment because, in the government's judgement, the current donation threshold arrangements reflect the appropriate balance between transparency and enabling Australians to participate in the political process. Where there is a donation over the threshold, it is required to be disclosed to the Australian Electoral Commission by both the donor and the recipient. The government believes that it is important that all political parties, associated entities and donors follow the appropriate federal and/or state disclosure laws.

The Commonwealth funding and disclosure scheme is administered by the AEC, an independent statutory authority. The scheme requires candidates, political parties, associated entities and donors in the electoral process to lodge financial disclosure returns with the AEC. These financial disclosure returns must be lodged by 20 October each year and are published on the AEC website on the first working day in February of the following year. The annual returns from political parties, donors and associated entities are all publicly available on the Australian Electoral Commission website.

If Labor were serious about donation reform, they would have made changes when they were in government. Indeed, I am advised that, as part of their agreement with the Greens to form government in 2010, they actually promised the Greens party at the time that they would not only pursue Senate electoral reform but also pursue reforms to the campaign donation arrangements—

Senator Jacinta Collins interjecting—

The CHAIRMAN: Order!

Senator CORMANN: including the donation disclosure threshold. Senator Collins said something really confusing just now. She said that the reason Labor did not pursue these changes that they apparently support was opposition by the coalition. Hello? The Labor Party actually had the numbers in the Senate with the Greens. The Labor Party signed an agreement to form government with the Australian Greens. We all remember the photo.

I am not sure whether Senator Di Natale was at the picture opportunity. No, that was before his time. I remember the photo. I think Senator Bob Brown was still around and he had a big grin in the photo. It was actually quite a significant occasion. At that time, Labor promised two things to the Australian Greens that are directly relevant to what we are talking about here. They promised the Australian Greens that a Gillard Labor government would pursue Senate electoral reform. Of course, it was immediately put into the too-hard basket after the Greens delivered what the Gillard government needed. The other thing that the Gillard Labor government promised to the Greens, as I understand it, was to pursue relevant reforms that
both Labor and the Greens apparently supported at the time in relation to donation disclosure thresholds and related matters.

There is absolutely no excuse for Senator Collins to come in here and say that the only reason they did not do it over the six years of the Labor government was because of the coalition. We did not have the numbers in the Senate. In 2010, we did not have the numbers in the Senate.

An honourable senator: In 2009 you did.

Senator CORMANN: Hang on. The agreement between then Prime Minister Gillard and then Greens leader Bob Brown was actually signed in 2010. When I last looked, Ms Gillard became Prime Minister of Australia in June 2010. The election was in August 2010. The agreement with the Greens was signed in September 2010.

On 17 November 2010, you passed the relevant law through the House of Representatives which you had agreed to with the Greens—the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2010. But that is where it has stayed. That is where it is left stranded. You never brought it to the Senate, even though, if you wanted to, you had the capacity to move it through the Senate much more efficiently than we are able to move anything through the Senate.

In one week, you guillotined 136 bills through the Senate. Senator Cash, Senator Fifield and a number of us were actually here at the time—a number of us were not here. There was a whole bunch of bills on which we did not get to say as much as one word. All we got to do was perhaps raise a point of order. For Senator Collins to come in here and try to suggest that the reason they did not pursue the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2010, after making the promise to the Greens in September 2010, was because of us is just completely deceptive, completely misleading and completely inaccurate. If Labor had wanted to do it at the time, they could have done it.

It is very transparent as to why this is being put on the table here. There is one reason and one reason only why Labor are moving these amendments. They are trying to make things as uncomfortable as possible for the Australian Greens to support this historic and very important reform of the Senate electoral system. Some people in the Labor Party are desperate to ensure that the power to trade and direct preferences remains with backroom operators and political parties. There are some people in the Labor Party, and most of them here in the Senate, who just cannot accept that what we should be doing is empowering the Australian people to determine what happens to their preferences. There are some people in the Labor Party who just cannot fathom that the result at future Senate elections should truly reflect the will of the Australian people.

During this debate earlier today, Senator Collins made this very strange observation. Her key complaint against the reforms that we are putting forward is that a party that attracts more votes ends up with more seats. So the key complaint that Senator Collins has directed at the reforms put forward by the coalition government in relation to Senate electoral voting arrangements is that a party that attracts more votes ends up with more seats. We think that that is the way democracy is actually meant to work. This is a transparent stunt and the government is not going to support these amendments.
Senator DI NATALE (Victoria—Leader of the Australian Greens) (12:04): I will not make a long contribution. I do not want to make this any more acrimonious than the debate has already been over the past more than 24 hours that I think we have been at this now.

We support the intent of this specific amendment. We certainly support the intent of the amendment. We need to also recognise that this is a very different piece of legislation from the changes to Senate voting reform. This is an issue around campaign finance reform as opposed to the method in which people are elected to the Senate. That is why the Greens have separate legislation to deal with this issue. We have separate legislation in the form of a bill which has now been sent to an inquiry. So while we support the intent of the amendments, we have those amendments now before an inquiry. I think when you are talking about an amendment that is so substantively different from the content of a piece of legislation like the one that we are debating at the moment—which is about the method in which we elect senators to the parliament—then, of course, it warrants a much more detailed look.

If the Labor Party is going to be consistent—because their primary criticism has been that this issue has not been subjected to enough scrutiny; something that we reject—then, obviously, they would want these significant amendments to be the subject of an inquiry. This is a very different proposal to the one that we are debating at the moment—which is about the method in which we elect senators to the parliament—then, of course, it warrants a much more detailed look.

I hope, although I suspect it is a forlorn hope, that this is not just another tactic in the same way as the issue—and I have to say it is to the great shame of all of us in this place, let’s be frank about it, that the way this debate will be received by the Australia community is with, I think, a great deal of disgust and contempt for the work that has gone on here over the past week. It is disappointing that issues like campaign finance reform and political donation reform, both of which are really important issue that the Greens have a long history on—Lee Rhiannon has been championing this reform for over a decade in both the New South Wales parliament and the federal parliament. The campaign that she has been running on Democracy for Sale—the websites and so on—has introduced the opportunity for people to assess what corporate donors are funding political parties and to what amount. I think that has all been terrific. So we are keen to progress this issue. But, as I said, it is through an inquiry.

Senator Cormann is absolutely right: this was the subject of the agreement between the Labor Party and the Greens in 2010. It is hugely disappointing that when we did have the opportunity with the Labor Party governing and our support in the Senate—not just our support but making this a condition of the agreement with the Labor Party—they did not bring this on for a vote. If this had been brought on for a vote back in 2010, we would not be having this discussion right now. We would have seen an improvement to our political donation laws.

We have a number of amendments here. I will not speak to each of them individually, just to say that we certainly support the intent of each of those amendments. This is now subject to an inquiry. We hope it is just not another tactic in the same way that marriage equality has been used as a bit of a political football in this place. We hope that we can work cooperatively beyond today's sitting to ensure that we do see what is really important reform that we know the Australian community is desperate for.
Senator JACINTA COLLINS (Victoria) (12:08): I would like to make another contribution, except I do need to respond to the rewriting of history that has just occurred from both Senator Cormann—Senator Di Natale may not have been a participant at this stage. What needs to be set out is: when the Labor Party sought to deal with political donations, we sought to do it in a cross-parliament fashion. We sought to reach arrangements—and, indeed, we made compromises—with the Abbott government. These are the arrangements that the Abbott government retreated from. This was one of Tony Abbott's first broken promises. But this is, indeed, our criticism of this current process. We have said from the outset and we have said in terms of the operations of JSCEM that you cannot progress important matters such as electoral reform or the reform of political donations in a partisan, backroom, closed-door deal type of fashion. That was the problem with political donations. That was the problem with what has occurred here. The consistent theme in that is the government and the government's behaviour in managing those issues, and rewriting history is not going to change any of that.

Senator CAMERON (New South Wales) (12:10): I do not know if anyone noticed that, after 20-odd hours in this place, Senator Cormann moved so quickly to get to his feet on the issue of corporate donations that you would have thought somebody had stuck a cattle prod under his seat. He was up like a jack-in-the-box, because the Liberals do not want this issue debated in any transparent way. The Liberals are the worst of the worst when it comes to the rip-offs in electoral donations.

I will come back to the Liberals in a minute—just let me deal with the Greens contribution from Senator Di Natale. He indicated that Senator Rhiannon had been doing this for a long time. Senator Rhiannon, you have got an opportunity now—through the chair—to get up and agree with us and deal with this issue now. I just draw the chamber's attention to a notice under order 75 that was given by the Greens—by Senator Rachel Siewert—on 24 February. It says pursuant to standing order 75, 'I give notice that today I propose to move': That, in the opinion of the Senate, the following is a matter of urgency:

The need for immediate action on political donations reform, to address the corrupting influence of political donations, including from property developers and fossil fuel companies.

Yours sincerely, Senator Rachel Siewert. This was on 24 February, and on 24 February we did not hear any of the waffle that we had from Senator Di Natale about: 'This is about campaign finance reform. We need to think this through carefully.' On 24 February, they were demanding immediate action. They are all stunts, this mob; they are all stunts and no action. Another stunt from the Greens on this issue—they want to talk about all the issues but, when they get an opportunity to do something about it, they do not do it. They had an opportunity on marriage equality; they squibbed that. They have got an opportunity on campaign financing; they squibbed that. They had an opportunity to kill off a double dissolution and they squibbed that. They are an absolute pathetic mob who really only think about themselves and nothing else.

Here they are talking about how they need an inquiry so we cannot deal with it. But on 24 February, there was a need for immediate action. You cannot trust a word that comes out of Senator Di Natale's mouth. We know they have done a dirty deal with the Liberals and they have crossed the floor so many times with the Liberals in the last 24 hours that I have lost count. They just talk big and do nothing. They really are a do-nothing mob.
I want to get back to the Liberals. As I said earlier, you saw the Libs up on their feet—Senator Cormann up on his feet so quickly. The reason he is up on his feet so quickly is that they have got one of their former key players, one of the insiders in the Liberal Party—the former director of the Victorian and Tasmanian divisions of the Liberal Party, Damien Mantach, pleaded guilty to a $1.5 million fraud against the Victorian division of the party. This was the guy who was sacked by the Tasmanian division of the party, because he stole tens of thousands of dollars through illegitimate charges to his corporate credit card—it all occurred under Senator Abetz's watch. This is the guy who was looking after the money for the Tasmanian and Victorian divisions of the Liberal Party. There is so much money sloshing around in the Liberal Party—donations from banks, donations from finance companies, donations from developers and donations from the big end of town—that they do not even know how much money they have. They did not even know that $1½ million was gone from their own accounts in both Victoria and Tasmania. The money is just pouring in. Look at some of the headlines recently: 'Politics' hidden millions in party favours' and 'Priority access to the Nationals federal government team'. Seventy-five grand gets access to Mr Joyce—what a dream that would be! 'Stuart Robert and political donations' is another one. Mr Stuart Robert, an MP in the lower house, is under investigation by the Australian Federal Police. Going back to 30 June 2015, The Sydney Morning Herald had 'Key Liberal fundraising body took Mafia money for access'. Back on 14 February there was 'Donation disclosure reveals murky deal for Country Liberals'. Another one was 'Illegal donations from developers fund NSW Libs' win'.

This is just about money—in trust funds and in associated entities—in the Liberal Party. If you ever want to know why the Liberal Party are doing something in this place, go on the money trail. Find out where the money is. If they are doing a deal for the banks, you know the banks are giving them money. If they are doing a deal for the finance sector, the finance sector is giving them money. If they do not want to look after ordinary families trying to get into the housing market, because the housing market is distorted to the investors, then look where the money is coming from: the white shoe brigade, the property developers. That is what this mob is about. They are absolutely pathetic when it comes to this issue.

I can go through all the associated entities—well, I cannot go through them all; I can go through some of them—where they are not properly telling where the money is coming from—hundreds of thousands or millions of dollars going into the National Party and Liberal Party coffers so that they can run election campaigns. All they do is take the money. And then what happens? They do favours for the people who make the donations. Who gets the priority access to the government? Who gets priority access to the Liberals? Who gets priority access to the Nationals? It is those who are putting the money into the donations. You cannot find out where the donations have come from, because they are hidden in a web of associated entities. You cannot crack the code. There is so much money that $1½ million can be stolen and they did not even know it was happening. The platinum forum in Victoria received over $1 million, but no donations over $12,000 were declared—all hidden. The former director of the Liberal Party, Brian Loughnane, is the director of Parakeelia Pty Ltd, which received $932,000 but only declared receipts of $43,000 to the ATO. The Liberal club in Western Australia had $830,000 in receipts and only $48,000 in declared donations. I can go on and on and on. It is an absolute rort. If there were ever a need for a royal commission, it is a royal commission into the associated entities of the Liberal Party. We have heard a lot of discussion.
and debate about democracy. This is what is killing democracy in this country—the donations that are flooding in to the coalition, the donations that are not properly accounted for, and the donations that mean the big end of town is saying, 'You should not do this,' or, 'You cannot look after ordinary people in this country.' Look at where the money is coming from; that is what is driving the policy decisions of the Liberal-National Party. It is an absolutely outrageous disgrace. These are the donations that are coming in. It is mafia money. It is so much money that they do not even know if it is being stolen. They are absolutely outrageous.

I do not know where it ends, but I can tell you that, every time there is a policy defending the rich and powerful in this country, it comes from the other side of this chamber. It is because they are delivering for the people who are putting the money into their coffers. They attack the trade union movement. They attack pensioners. They attack families by trying to bring in a $7 co-payment on health care. They are prepared to attack the working class in this country, the poorest people in this country. If you are a kid out of work, Senator Cormann in his 2014-15 budget said you should get no money, that they should get nothing—no support and no assistance—for six months. What an outrageous proposition—starving young people in this country because of the government's ideology. That is what the extreme right wing of the Liberal Party say should happen.

I do not accept for one minute that we should ignore this. We should not ignore this. These people are taking money from big business. They are taking money from the finance sector. They are taking money from the banking sector. They are taking so much money they do not know where it is, they do not know what to do with it and they are hiding it. If ever a royal commission was needed, it is a royal commission into the Liberal and National parties associated entities.

Senator RHIANNON (New South Wales) (12:21): Labor have four amendments very similar to the one they have just moved about linking political donations with the legislation we have before us. As Senator Richard Di Natale has set out, we clearly support the intent of the amendments—

Senator Wong: But you're going to weasel out of it.

Senator RHIANNON: I am very happy to acknowledge the interjection from Senator Wong, because it reveals what their tactics are here.

Senator Wong interjecting—

Senator RHIANNON: I am happy to acknowledge that, too. The intent here from Labor is not to deal with political donations. We know that because if you look at their track record when absolutely the same reforms came before Labor they did not act. We will go through that. This needs to be put on the record. The dots need to be joined here. Why are they bringing it on now? It is another one of their wedges. We have talked about their other wedges—

Senator Cameron: You're just embarrassed.

Senator RHIANNON: No, I am not embarrassed at all.

The TEMPORARY CHAIRMAN (Senator Whish-Wilson): Senator Rhiannon, one moment please. Senator Cameron, you just had your chance and Senator Rhiannon listened quietly throughout your speech. Senators have the right to be heard in silence.
Senator RHIANNON: I am certainly not embarrassed. This is a good opportunity to get this on the record. I think the place to start is with a statement that Senator Cameron made in his most recent speech and has made in other speeches. He makes a big flurry about how it is the Liberals who take the big donations. It is disappointing that he is leaving the chamber at this point because he really does need to understand that he has made a very fundamental mistake here.

I would just like to share with you the data from the Australian Electoral Commission from the 2003 and 2004 returns. To remind you again, Senator Cameron has made out that it is always the Liberals who get much bigger donations than Labor. I am just going to give the data for one year. If you look at the trends since this information became electronically available in 1998 what you see is that, when Labor are on the rise and things are going better for them and their fortunes are looking good, they get more money. Here is the data. Remember that Senator Cameron said that the Liberals always outdo them. From 2003 to 2004, the New South Wales ALP got $15.3 million and the New South Wales Liberals got $10.4 million. The national ALP got $6.8 million and the National Liberals got $4 million. So Senator Cameron is clearly wrong. It would be useful if one of the other Labor senators acknowledged that correction and that the error not be repeated.

There are four important amendments before the chamber—I am certainly very happy to acknowledge that—but why are they being introduced at this stage? They are being introduced at this stage to try to embarrass the Greens. We are not embarrassed. We are very proud of our record of standing up on transparency of political donations and the need to ban and cap political donations and limit election expenditure. We have a long history of that and we will continue to pursue it. But, right now, the job before us is Senate voting reform. Senator Cameron has vast experience in negotiating agreements, including many good agreements for the workers in the union that he worked for. He knows that, when you go into an agreement, you do not pile everything in. You work out your time; you work out your place; you work out your tactics—and that is all we have done here.

For people listening and people reading the Hansard, this is quite unfortunate because Labor are exposing themselves here. It is actually disappointing because, again, this is an area where Labor and the Greens could work together. We are long overdue in getting these reforms in place. We know that Labor have committed to this before. It has been mentioned in this debate and I would like to pull it into this part of the discussion. In 2010, in the Greens-Labor agreement, some very important points were agreed on. When Senator Collins spoke, it was interesting to note that she did not deal with that period when Labor were in government and Labor and the Greens had the numbers in the Senate to pass these measures. Remember that Labor's bill got through the House of Representatives and sat in the Senate for a long time. Right through that period, when we could have got it passed, they would never bring it on. It is concerning and disappointing, I have to say, particularly when you see where we have arrived now. This is being used in quite an unscrupulous way to attempt to say, 'Aren't the Greens bad—they don't even vote for their own position.'

As Senator Di Natale has set out, we have a bill before parliament that is now the subject of an inquiry. It contains measures that we have worked on for a long time. It is good that Labor has picked them up. Labor has included most of them, possibly all of them, in the amendments that are before us now. These are issues to do with lowering the threshold on the
disclosure of political donations to $1,000, publicly disclosing donations within eight weeks, banning foreign donations, the need for the Australian Electoral Commission to deal with misleading statements and tighter overall penalties. The bill is already before an inquiry. It will be interesting to see how Labor handles that. We are ready to work with Labor when we come before that inquiry.

We note there are four amendments on these issues. It is good to see that Labor is showing an interest in them, but right now is not the appropriate time. I am sure that most people in Labor know that. We are dealing with Senate voting reform. Let's get that through and then work on the next big area of reform, which needs to be not just transparency but the bans on caps on political donations coming into political parties, associated entities and all the rest, and limits on election expenditure. There is certainly a lot more to be done.

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (12:28): Quite a lot was said then. I will not take anywhere near that amount of time; I will just make a few short points. The Australian Greens are about to vote against propositions that not only are their policy but they supported when we put a bill into the parliament in 2009. The only justification they have put to the Senate—and to their supporters; remember, they are voting against Greens party policy—is, 'This bill is about something else.' This is another opportunity to get donation reform up. You cannot say you support political donation reform and then vote against lower disclosure thresholds. It is just not logical. In fact, it is worse than that; it is enormously hypocritical.

**Senator JACINTA COLLINS** (Victoria) (12:29): Senator Rhiannon just made one helpful point, which is that all of our four amendments are closely related and relate to political donations. I indicated to Senator Cormann at that stage that I was quite happy to deal with them together to facilitate the process. I understand that the House is waiting to deal with the results of this consideration and I do not want to take longer, given all of the accusations about filibustering—quite inaccurate, in my view—than necessarily needs to occur.

As Senator Rhiannon indicated, all parties in this chamber are fairly familiar with these issues. Let me run very quickly through the other issues. We dealt with the disclosure threshold. The next amendment is on sheet 7855 and deals with foreign donations. It will prohibit donations of a foreign party. This is part of a package of amendments in relation to political donations the opposition will bring to the chamber as part of this debate. We have a longstanding commitment to improving standards of transparency and accountability, as I have already indicated. These are important measures that need to be supported, but again, as Senator Wong highlighted, these are also matters that we do not necessarily need to wait to progress after electoral reform.

My earlier comments about how Labor in government sought to proceed here were described by Senator Rhiannon again in a fairly inaccurate way. I drew a comparison with these current measures. We have been very clear in our statements that the preferred approach is to proceed in a more consensual fashion, consistent with how committees such as JSCEM have operated historically. That has not occurred here. That was our approach when we were dealing with the political donation issues. Senator Cormann, we did not feel it was appropriate to impose on the parliament arrangements that Mr Abbott had agreed to and could progress in a more partisan fashion but, unfortunately, that arrangement fell apart.
The other area we are dealing with here is in opposition amendment (1) on sheet 7856—anonymous donations. This amendment will prohibit anonymous political donations. Again this is part of Labor's broader package of policy measures here. Again I think Senator Cameron has made points relevant to all of these measures. These are important issues if we are going to have a political donation system that has integrity and the support of the Australian community at large. These are all important issues and they do not need to wait.

I am disappointed, however, at the characterisation of me as proceeding with these in an unscrupulous way. I hope I misheard at this long hour the nature of Senator Rhiannon's contribution there, because I would not like to think that the chair did not protect me against an allegation that I was being unscrupulous. Ultimately, the Hansard will show, as indeed the Hansard will show how I was slurried earlier with the suggestion from one of her colleagues that I had said Senator Rhiannon was senile. I would never make those sorts of references. I can only suspect that that end of the chamber misheard me refer to Senator Rhiannon. I would not have said Senator Rhiannon is senile. I am pleased I have had the opportunity to clarify that point.

Going back to the issues we are trying to deal with in a fairly fast way to facilitate progress, I seek leave to move all of Labor's amendments at once.

Leave granted.

Senator JACINTA COLLINS: I move:

(1) Page 26 (after line 25), at the end of the bill, add:

Schedule 2—Gifts of foreign property

Part 1—Main amendments

Commonwealth Electoral Act 1918

1 Before section 303

Insert:

Subdivision A—Interpretation

2 After section 303

Insert:

Subdivision B—Disclosure of gifts

303A Application of Subdivision to gifts returned within 6 weeks

Unless the contrary intention appears, this Subdivision does not apply to a gift that is returned within 6 weeks after its receipt.

303AA Application of Subdivision to gifts of foreign property

(1) This Subdivision applies to a gift of foreign property within the meaning of Subdivision C of this Division, whether or not the gift is returned within 6 weeks after its receipt.

(2) If the gift is so returned, any return under this Subdivision that includes the amount or value of the gift must also include a statement to the effect that the gift was so returned.

3 Section 306

Repeal the section, substitute:

Subdivision C—Rules about gifts of foreign property

306 Definitions

CHAMBER
(1) In this Subdivision:

Australian property means:
(a) money standing to the credit of an account kept in Australia; or
(b) other money (for example, cash) that is located in Australia; or
(c) property, other than money, that is located in Australia.

Note: For how this Subdivision applies to gifts or transfers made using a credit card, see subsection 306AB(4).

candidacy period, in relation to a candidate, means the period:
(a) starting on the earlier of the day on which the person announces that he or she will be a candidate in an election, or the day on which the nomination of the person as a candidate in the election is made; and
(b) ending 30 days after the polling day in the election.

credit card means:
(a) any article of a kind commonly known as a credit card; or
(b) any similar article intended for use in obtaining cash, goods or services on credit;
and includes any article of a kind that persons carrying on business commonly issue to their customers or prospective customers for use in obtaining goods or services from those persons on credit.

enables: a gift or other transfer enables a person or entity to do a particular thing if all or a substantial part of the gift or transfer enables the person or entity:
(a) to do all or a substantial part of that thing; or
(b) to be wholly or substantially reimbursed for having done that thing.

foreign property means:
(a) money standing to the credit of an account kept outside Australia; or
(b) other money (for example, cash) that is located outside Australia; or
(c) property, other than money, that is located outside Australia.

Note: For how this Subdivision applies to gifts or transfers made using a credit card, see subsection 306AB(4).

gift:
(a) in relation to a candidate, has a meaning affected by subsection (2); and
(b) in relation to a member of a group, has a meaning affected by subsection (3).

group period, in relation to a group, means the period:
(a) starting on the day on which the persons constituting the group make a request under section 168 in relation to an election; and
(b) ending 30 days after the polling day in the election.

political expenditure means expenditure incurred for any of the purposes specified in paragraph 314AEB(1)(a).

(2) A reference in this Subdivision to a gift, in relation to a candidate (or a person acting on behalf of a candidate), does not include:
(a) a gift made for the benefit of a group of which the candidate is a member; or
(b) a gift made in a private capacity to (or for the benefit of) the candidate if the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.
(3) A reference in this Subdivision to a gift, in relation to a member of a group (or a person acting on behalf of a group), is a reference to a gift made for the benefit of the group.

(4) A reference in this Subdivision to a thing done by a person includes a reference to a thing done by a person on behalf of the members of an unincorporated association.

306AA Subdivision does not apply to gifts that are returned within 6 weeks

This Subdivision does not apply to a gift that is returned within 6 weeks after its receipt.

306AB Determining whether a gift or transfer is of Australian or foreign property

Status of property as Australian or foreign to be determined by reference to position immediately before gift or transfer

(1) For the purpose of this Subdivision (but without limiting the effect of subsections (2) and (3)):

(a) a gift or transfer of property is a gift or transfer of Australian property if the property was Australian property immediately before the gift or transfer was made; and

(b) a gift or transfer of property is a gift or transfer of foreign property if the property was foreign property immediately before the gift or transfer was made.

Transferring foreign property to enable another person to make a gift

(2) For the purpose of this Subdivision, if:

(a) a person (the donor) transfers foreign property (the primary transfer) to another person (the first recipient); and

(b) the donor's main purpose in making the primary transfer is to enable (directly or indirectly) the first recipient, or another person, to make a gift to another person or entity (the ultimate recipient); and

(c) the first recipient, or another person, makes a gift (the ultimate gift) to the ultimate recipient; and

(d) the primary transfer enabled (directly or indirectly) the first recipient, or the other person, to make the ultimate gift; the ultimate gift is taken to be a gift of foreign property.

Changing location of foreign property etc. prior to making a gift or transfer

(3) For the purpose of this Subdivision, if:

(a) a person:

(i) changes the location of property so that it becomes Australian property; or

(ii) uses foreign property to acquire Australian property; and

(b) the person's main purpose in changing the location of the property, or in acquiring the Australian property, was to enable the person to make a gift or transfer of property that would be Australian property rather than foreign property; and

(c) the person makes a gift or transfer of Australian property in accordance with that purpose;

the gift or transfer is taken to be a gift or transfer of foreign property.

How Subdivision applies to gifts or transfers made by credit card

(4) This Subdivision applies to a gift or transfer of money made by use of a credit card as if the gift or transfer were of money standing to the credit of an account kept in the country in which the credit card is based.

306AC Gifts of foreign property: when unlawful for political party, candidate etc. to receive gift

When receiving gift is unlawful

(1) It is unlawful for a person or entity to receive a gift of foreign property in any of the following circumstances:
(a) the gift is received by a registered political party (or by a person acting on behalf of a registered political party);

(b) the gift is received by a State branch of a registered political party (or by a person acting on behalf of a State branch of a registered political party);

(c) the gift is received by a candidate (or by a person acting on behalf of a candidate) during the candidacy period;

(d) the gift is received by a member of a group (or by a person acting on behalf of a group) during the group period.

**Liability for unlawful receipt of gift**

(2) If a person or entity specified in column 1 of an item in the following table receives a gift that, under subsection (1), it is unlawful for the person or entity to receive, an amount equal to the amount or value of the gift is payable to the Commonwealth by the person or persons specified in column 2 of that item.

<table>
<thead>
<tr>
<th>Items</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a registered political party that is a body corporate (or a person acting on behalf of such a party)</td>
<td>the amount is payable by the registered political party.</td>
</tr>
<tr>
<td>2</td>
<td>a registered political party that is not a body corporate (or a person acting on behalf of such a party)</td>
<td>the agent of the registered political party.</td>
</tr>
<tr>
<td>3</td>
<td>a State branch of a registered political party, being a State branch that is a body corporate (or a person acting on behalf of such a branch)</td>
<td>the State branch.</td>
</tr>
<tr>
<td>4</td>
<td>a State branch of a registered political party, being a State branch that is not a body corporate (or a person acting on behalf of such a branch)</td>
<td>the agent of the State branch.</td>
</tr>
<tr>
<td>5</td>
<td>a candidate (or a person acting on behalf of a candidate)</td>
<td>the candidate and the agent of the candidate.</td>
</tr>
<tr>
<td>6</td>
<td>a member of a group (or a person acting on behalf of a group)</td>
<td>the members of the group and the agent of the group.</td>
</tr>
</tbody>
</table>

(3) If, under subsection (2), an amount is payable to the Commonwealth by 2 or more persons, those persons are jointly and severally liable for the payment of the amount.

(4) An amount that, under subsection (2), is payable by a person or persons to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person or any one or more of those persons.
Persons other than candidates and members of groups (current and former) and associated entities: when incurring expenditure is unlawful

(1) It is unlawful for a person (the recipient) to incur an amount of political expenditure if:
   (a) the recipient:
       (i) is not, and has not at any time been, a candidate or a member of a group; and
       (ii) is not an associated entity; and
   (b) a gift of foreign property received by the recipient from another person (the donor) enabled the recipient to incur the expenditure; and
   (c) the donor's main purpose in making the gift of foreign property was to enable the recipient to incur political expenditure; and
   (d) the recipient is required by section 314AEB to provide a return setting out details of the expenditure (whether or not that return has been provided).

Candidates and members of groups (current and former): when incurring expenditure is unlawful

(2) It is unlawful for a person (the recipient) to incur an amount of political expenditure if:
   (a) the recipient is, or has at any time been, a candidate or a member of a group; and
   (b) a gift of foreign property received by the recipient from another person (the donor) enabled the recipient to incur the expenditure; and
   (c) the donor's main purpose in making the gift of foreign property was to enable the recipient to incur political expenditure.

Associated entities: when receiving gift is unlawful

(3) It is unlawful for an associated entity to receive a gift of foreign property from a person (the donor) if the donor's main purpose in making the gift is to enable the associated entity to incur political expenditure.

(4) In subsections (3) and (6), a reference to an associated entity receiving a gift or incurring expenditure is, if the entity is not a body corporate, a reference to a person receiving a gift or incurring expenditure on behalf of the entity.

Liability for unlawful incurring of expenditure or receipt of gift

(5) If a person incurs an amount of political expenditure that is unlawful under subsection (1) or (2), an amount equal to the amount of the expenditure is payable to the Commonwealth by the person.

(6) If an associated entity receives a gift that, under subsection (3), it is unlawful for the associated entity to receive, an amount equal to the amount or value of the gift is payable to the Commonwealth in accordance with whichever of the following paragraphs applies:
   (a) if the associated entity is a body corporate, or is the trustee of a trust—the amount is payable to the Commonwealth by the associated entity;
   (b) if the associated entity is not a body corporate—the amount is payable to the Commonwealth by the financial controller of the associated entity.
(7) An amount that, under subsection (5) or (6), is payable by a person to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person.

4 After section 314AA

Insert:

314AAA Application of Division to gifts that are returned within 6 weeks

Unless the contrary intention appears, this Division does not apply to a gift that is returned within 6 weeks after its receipt.

303AAB Application of Division to gifts of foreign property

(1) This Division applies to a gift of foreign property within the meaning of Subdivision C of Division 4, whether or not the gift is returned within 6 weeks after its receipt.

(2) If the gift is so returned, any return under this Division that includes the amount or value of the gift must also include a statement to the effect that the gift was so returned.

5 After subsection 315(10)

Insert:

Unlawful receipt of gift of foreign property: situations other than when political party, State branch or associated entity is not a body corporate, or when gift is received by person on behalf of group

(10A) A person commits an offence if:

(a) the person (or a person acting on behalf of the person, but not a person acting on behalf of a group) receives a gift;

and

(b) the receipt of the gift is unlawful under subsection 306AC(1) or 306AD(3), and

(c) the person is:

(i) a registered political party that is a body corporate; or

(ii) a State branch of a registered political party, being a State branch that is a body corporate; or

(iii) a candidate; or

(iv) a member of a group; or

(v) an associated entity that is a body corporate.

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

Unlawful receipt of gift of foreign property: registered political parties, State branches and associated entities that are not bodies corporate

(10B) A person commits an offence if:

(a) a gift is received by (or by a person acting on behalf of) any of the following (the recipient):

(i) a registered political party that is not a body corporate;

(ii) a State branch of a registered political party, being a State branch that is not a body corporate;

(iii) an associated entity that is not a body corporate; and

(b) the receipt of the gift is unlawful under subsection 306AC(1) or 306AD(3); and
(c) the recipient is specified in column 1 of an item in the following table, and the person is specified in column 2 of that item.

<table>
<thead>
<tr>
<th>Items</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a registered political party</td>
<td>the registered officer of the party, the secretary of the party (as defined in section 123), or the agent of the party.</td>
</tr>
<tr>
<td>2</td>
<td>a State branch of a registered political party, being a State branch that itself is a registered political party</td>
<td>the registered officer of the party that is the State branch, the secretary of that party (as defined in section 123), or the agent of that party.</td>
</tr>
<tr>
<td>3</td>
<td>a State branch of a registered political party, being a State branch that is not itself a registered political party</td>
<td>a member of the executive committee of the State branch.</td>
</tr>
<tr>
<td>4</td>
<td>an associated entity</td>
<td>the financial controller of the associated entity.</td>
</tr>
</tbody>
</table>

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

(10C) A person does not commit an offence against subsection (10B) if:
(a) the person does not know of the circumstances because of which the receipt of the gift is unlawful; or
(b) the person takes all reasonable steps to avoid those circumstances occurring.

Note: A defendant bears an evidential burden of proof in relation to the matters in subsection (10C) (see subsection 13.3(3) of the Criminal Code).

Unlawful receipt of gift: person acting on behalf of group

(10D) A person commits an offence if:
(a) the person receives a gift; and
(b) in receiving the gift, the person is acting on behalf of a group; and
(c) the receipt of the gift is unlawful under subsection 306AC(1).

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

Unlawful incurring of expenditure

(10E) A person commits an offence if:
(a) the person incurs expenditure; and
(b) the incurring of the expenditure is unlawful under subsection 306AD(1) or (2).

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

Part 2—Application provisions

6 Amendments applying to gifts received on or after the commencement of this Schedule

The amendments made by this Schedule apply to gifts received on or after the commencement of this Schedule.
7 Amendments applying to acts or omissions occurring on or after the commencement of this Schedule

The amendments made by item 5 of this Schedule apply in relation to acts and omissions that occur on or after the commencement of this Schedule.

(1) Page 26 (after line 25), at the end of the Bill, add:

Schedule 2—Anonymous gifts

Part 1—Main amendments

Commonwealth Electoral Act 1918

1 Subsection 287(1)

Insert:

general public activity: see subsection 306AF(3).

permitted anonymous gift: see section 306AF.

private event: see subsection 306AF(6).

2 Before section 303

Insert:

Subdivision A—Interpretation

3 After section 303

Insert:

Subdivision B—Disclosure of gifts

303A Application of Subdivision to gifts returned within 6 weeks

Unless the contrary intention appears, this Subdivision does not apply to a gift that is returned within 6 weeks after its receipt.

4 Before section 304

Insert:

303AB Application of Subdivision to anonymous gifts

(1) This Subdivision applies to an anonymous gift within the meaning of Subdivision D of this Division, whether or not the gift is returned, or the amount or value of the gift is paid to the Commonwealth, within 6 weeks of the receipt of the gift.

(2) If the gift is so returned, or the amount or value of the gift is so paid to the Commonwealth, any return under this Subdivision that includes the amount or value of the gift must also include a statement to the effect that the gift was so returned, or that the amount or value of the gift was so paid to the Commonwealth.

5 Subsection 304(2)

Omit all the words after "in an approved form," substitute:

setting out:

(a) the total amount or value of all gifts received by the person during the disclosure period for the election; and

(b) for gifts other than permitted anonymous gifts received by the person during the disclosure period for the election—the number of persons who made the gifts, and the relevant details of each gift; and

(c) for each general public activity or private event at which permitted anonymous gifts were received by the person during the disclosure period for the election:
(i) the date and nature of the activity or event; and
(ii) the total amount of permitted anonymous gifts received at the activity or event; and
(iii) for a private event in relation to which an excess was returned, or the amount of an excess was paid to the Commonwealth, as mentioned in paragraph 306AF(4)(d)—the amount of the excess, and a statement to the effect that the excess was so returned or so paid to the Commonwealth.

6 Subsection 304(3)
Omit all the words after "in an approved form," substitute:

setting out:
(a) the total amount or value of all gifts received by the group during the disclosure period for the election; and
(b) for gifts other than permitted anonymous gifts received by the group during the disclosure period for the election the number of persons who made the gifts, and the relevant details of each gift; and
(c) for each general public activity or private event at which permitted anonymous gifts were received by the group during the disclosure period for the election:
   (i) the date and nature of the activity or event; and
   (ii) the total amount of permitted anonymous gifts received at the activity or event; and
   (iii) for a private event in relation to which an excess was returned, or the amount of an excess was paid to the Commonwealth, as mentioned in paragraph 306AF(4)(d)—the amount of the excess, and a statement to the effect that the excess was so returned or so paid to the Commonwealth.

7 Subsection 304(4)
Omit "the purposes of this section", substitute "the purposes of paragraphs (2)(b) and (3)(b)".

8 Before section 306A
Insert:

Subdivision D—Rules about anonymous gifts

306AE Definitions
(1) In this Subdivision:

anonymous gift: a gift is an anonymous gift if the gift is not made by a known donor.
candidacy period, in relation to a candidate, means the period:
(a) starting on the earlier of the day on which the person announces that he or she will be a candidate in an election, or the day on which the nomination of the person as a candidate in the election is made; and
(b) ending 30 days after the polling day in the election.
enables: a gift enables a person or entity to do a particular thing if all or a substantial part of the gift enables the person or entity:
(a) to do all or a substantial part of that thing; or
(b) to be wholly or substantially reimbursed for having done that thing.
gift: (a) in relation to a candidate, has a meaning affected by subsection (2); and
(b) in relation to a member of a group, has a meaning affected by subsection (3).
group period, in relation to a group, means the period:

(a) starting on the day on which the persons constituting the group make a request under section 168 in relation to an election; and

(b) ending 30 days after the polling day in the election.

known donor: a gift is made by a known donor if:

(a) at the time when the gift is made:

(i) the person making the gift (the donor) gives the donor's name and address to the person receiving the gift; and

(ii) the person receiving the gift has no grounds to believe that the name and address so given are not the donor's true name and address; or

(b) the name and address of the donor are otherwise known to the person receiving the gift.

political expenditure means expenditure incurred for any of the purposes specified in paragraph 314AEB(1)(a).

(2) A reference in this Subdivision to a gift, in relation to a candidate (or a person acting on behalf of a candidate), does not include:

(a) a gift made for the benefit of a group of which the candidate is a member; or

(b) a gift made in a private capacity to (or for the benefit of) the candidate if the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

(3) A reference in this Subdivision to a gift, in relation to a member of a group (or a person acting on behalf of a group), is a reference to a gift made for the benefit of the group.

(4) A reference in the definition of known donor in subsection (1) to the donor's name and address is:

(a) in the case of a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—a reference to:

(i) the name of the association; and

(ii) the names and addresses of the members of the executive committee (however described) of the association; and

(b) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation—a reference to:

(i) the names and addresses of the trustees of the fund or of the funds of the foundation; and

(ii) the title or other description of the trust fund or the name of the foundation, as the case requires.

(5) A reference in this Subdivision to a thing done by a person includes a reference to a thing done by a person on behalf of the members of an unincorporated association.

306AF Meaning of permitted anonymous gift

Anonymous gifts made at general public activities

(1) An anonymous gift received by or on behalf of a person or entity (the recipient) is a permitted anonymous gift if:

(a) the amount of the gift is $50 or less; and

(b) the gift is received at a general public activity (see subsection (3)); and

(c) a person involved in the organisation of the activity makes a record, for the purpose of this section, of:

(i) the date, location and nature of the activity; and
(ii) the names and addresses of the people involved in the collection or receipt of gifts at the activity; and
(iii) the total amount of anonymous gifts received by or on behalf of the recipient at the activity.

(2) If:
(a) a particular person makes 2 or more gifts for the recipient at the activity; and
(b) a person involved in the collection or receipt of gifts at the activity knows that the gifts are from the same person, and that the total of the gifts exceeds $50; then, despite subsection (1), so much of those gifts as equals the excess is not a permitted anonymous gift.

(3) A general public activity is an activity that is conducted in a public place or in some other place to which members of the public have ready access.

Note: General public activities include, for example, street stalls and stalls at fetes.

Anonymous gifts made at private events
(4) An anonymous gift received by or on behalf of a person or entity (the recipient) is a permitted anonymous gift if:
(a) the amount of the gift is $50 or less; and
(b) the gift is received at a private event (see subsection (6)); and
(c) a person involved in the organisation of the event makes a record, for the purpose of this section, of:
(i) the date, location and nature of the event; and
(ii) the number of people who attended the event; and
(iii) the names and addresses of the people involved in the collection or receipt of gifts at the event; and
(iv) the total amount of anonymous gifts received by or on behalf of the recipient at the event; and
and
(d) if the total amount of anonymous gifts received by or on behalf of the recipient at the event exceeds the amount worked out by multiplying $50 by the number of people who attend the event—within 6 weeks of the event:
(i) the excess is returned; or
(ii) if it is not possible or practicable to return the excess—the amount of the excess is paid to the Commonwealth.

(5) If:
(a) a particular person makes 2 or more gifts for the recipient at the event; and
(b) a person involved in the collection or receipt of gifts at the event knows that the gifts are from the same person, and that the total of the gifts exceeds $50;
then, despite subsection (4), so much of those gifts as equals the excess is not a permitted anonymous gift.

(6) A private event is a function, meeting or other event that is not a general public activity.

Section only applies to gifts of money
(7) This section only applies in relation to gifts of money.

306AG Subdivision does not apply to gifts that are returned or paid to Commonwealth within 6 weeks
This Subdivision does not apply to a gift if, within 6 weeks of the receipt of the gift:
(a) the gift is returned; or
(b) if it is not possible or practicable to return the gift—the amount or value of the gift is paid to the Commonwealth.

306AH Anonymous gifts: when unlawful for political party, candidate etc. to receive gift

When receiving gift is unlawful

(1) It is unlawful for an anonymous gift that is not a permitted anonymous gift to be received in any of the following circumstances:

(a) the gift is received by a registered political party (or by a person acting on behalf of a registered political party);
(b) the gift is received by a State branch of a registered political party (or by a person acting on behalf of a State branch of a registered political party);
(c) the gift is received by a candidate (or by a person acting on behalf of a candidate) during the candidacy period;
(d) the gift is received by a member of a group (or by a person acting on behalf of a group) during the group period.

Liability for unlawful receipt of gift

(2) If a person or entity specified in column 1 of an item in the following table receives a gift that, under subsection (1), it is unlawful for the person or entity to receive, an amount equal to the amount or value of the gift is payable to the Commonwealth by the person or persons specified in column 2 of that item.

<table>
<thead>
<tr>
<th>Items</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the recipient is ...</td>
<td>the amount is payable by ...</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>a registered political party that is a body corporate (or a person acting on behalf of such a party)</td>
<td>the registered political party.</td>
</tr>
<tr>
<td>2</td>
<td>a registered political party that is not a body corporate (or a person acting on behalf of such a party)</td>
<td>the agent of the registered political party.</td>
</tr>
<tr>
<td>3</td>
<td>a State branch of a registered political party, being a State branch that is a body corporate (or a person acting on behalf of such a branch)</td>
<td>the State branch.</td>
</tr>
<tr>
<td>4</td>
<td>a State branch of a registered political party, being a State branch that is not a body corporate (or a person acting on behalf of such a branch)</td>
<td>the agent of the State branch.</td>
</tr>
<tr>
<td>5</td>
<td>a candidate (or a person acting on behalf of a candidate)</td>
<td>the candidate and the agent of the candidate.</td>
</tr>
<tr>
<td>6</td>
<td>a member of a group (or a person acting on behalf of a group)</td>
<td>the members of the group and the agent of the group.</td>
</tr>
</tbody>
</table>
(3) If, under subsection (2), an amount is payable to the Commonwealth by 2 or more persons, those persons are jointly and severally liable for the payment of the amount.

(4) An amount that, under subsection (2), is payable by a person or persons to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person or any one or more of those persons.

306A1 Anonymous gifts: when unlawful for political party, candidate etc. to receive gift made using anonymous gift

When receiving gift is unlawful

(1) It is unlawful for a person or entity to receive a gift (the political gift) from a person (the donor) if:

(a) the political gift is received in any of the following circumstances:
   (i) the gift is received by a registered political party (or by a person acting on behalf of a registered political party);
   (ii) the gift is received by a State branch of a registered political party (or by a person acting on behalf of a State branch of a registered political party);
   (iii) the gift is received by a candidate (or by a person acting on behalf of a candidate) during the candidacy period;
   (iv) the gift is received by a member of a group (or by a person acting on behalf of a group) during the group period; and

(b) an anonymous gift received by the donor enabled the donor to make the political gift; and

(c) the anonymous gift is not a permitted anonymous gift.

Liability for unlawful receipt of gift

(2) If a person or entity specified in column 1 of an item in the following table receives a gift that, under subsection (1), it is unlawful for the person or entity to receive, an amount equal to the amount or value of the gift is payable to the Commonwealth by the person or persons specified in column 2 of that item.

<table>
<thead>
<tr>
<th>Items</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a registered political party that is a body corporate (or a person acting on behalf of such a party)</td>
<td>the registered political party.</td>
</tr>
<tr>
<td>2</td>
<td>a registered political party that is not a body corporate (or a person acting on behalf of such a party)</td>
<td>the agent of the registered political party.</td>
</tr>
<tr>
<td>3</td>
<td>a State branch of a registered political party, being a State branch that is a body corporate (or a person acting on behalf of such a branch)</td>
<td>the State branch.</td>
</tr>
<tr>
<td>4</td>
<td>a State branch of a registered political party, being a State branch that is not a body corporate (or a person acting on</td>
<td>the agent of the State branch.</td>
</tr>
</tbody>
</table>
behalf of such a branch)

5 a candidate (or a person acting on behalf of a candidate) the candidate and the agent of the candidate.

6 a member of a group (or a person acting on behalf of a group) the members of the group and the agent of the group.

(3) If, under subsection (2), an amount is payable to the Commonwealth by 2 or more persons, those persons are jointly and severally liable for the payment of the amount.

(4) An amount that, under subsection (2), is payable by a person or persons to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person or any one or more of those persons.

306AJ Anonymous gifts: when unlawful for person to incur political expenditure using anonymous gift

Persons other than candidates and members of groups (current and former): when incurring expenditure is unlawful

(1) It is unlawful for a person to incur an amount of political expenditure if:

(a) the person is not, and has not at any time been, a candidate or a member of a group; and
(b) an anonymous gift received by the person enabled the person to incur the expenditure; and
(c) the anonymous gift is not a permitted anonymous gift; and
(d) the person is required by section 314AEB to provide a return setting out details of the expenditure (whether or not that return has been provided).

Candidates and members of groups (current and former): when incurring expenditure is unlawful

(2) It is unlawful for a person to incur an amount of political expenditure if:

(a) the person is, or has at any time been, a candidate or a member of a group; and
(b) an anonymous gift received by the person enabled the person to incur the expenditure; and
(c) the anonymous gift is not a permitted anonymous gift.

 Liability for unlawful incurring of expenditure

(3) If a person incurs an amount of political expenditure that is unlawful under subsection (1) or (2), an amount equal to the amount of the expenditure is payable to the Commonwealth by the person.

(4) An amount that, under subsection (3), is payable by a person to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person.

Subdivision E—Other gifts and loans

9 Before section 314AB

Insert:

314AAC Application of Division to gifts that are returned within 6 weeks

Unless the contrary intention appears, this Division does not apply to a gift that is returned within 6 weeks after its receipt.

314AAD Application of Division to anonymous gifts
(1) This Division applies to an anonymous gift within the meaning of Subdivision D of Division 4, whether or not the gift is returned, or the amount or value of the gift is paid to the Commonwealth, within 6 weeks of the receipt of the gift.

(2) If the gift is so returned, or the amount or value of the gift is so paid to the Commonwealth, any return under this Division that includes the amount or value of the gift must also include a statement to the effect that the gift was so returned, or that the amount or value of the gift was so paid to the Commonwealth.

10 At the end of section 314AC

Add:

(4) If the total amount received by, or on behalf of, the party during a reporting period includes one or more permitted anonymous gifts, the return must include, for each general public activity or private event at which the gifts were received:

(a) the date and nature of the activity or event; and

(b) the total amount of permitted anonymous gifts received at the activity or event; and

(c) for a private event in relation to which an excess was returned, or the amount of an excess was paid to the Commonwealth, as mentioned in paragraph 306AF(4)(d)—the amount of the excess, and a statement to the effect that the excess was so returned or so paid to the Commonwealth.

11 Before subsection 315(5)

Insert:

Making a section 306AF record that is false or misleading

(4C) A person commits an offence if:

(a) the person makes a record in relation to an activity or event; and

(b) the record purports to be made for the purpose of section 306AF; and

(c) the person knows that:

(i) the record is false or misleading in a material particular; or

(ii) the record omits a matter or thing without which the record is misleading in a material particular.

Penalty: Imprisonment for 12 months or 120 penalty units, or both.

12 Before subsection 515(11)

Insert:

Unlawful receipt of anonymous gift: situations other than when political party, State branch or associated entity is not a body corporate, or when gift is received by person on behalf of group

(10F) A person commits an offence if:

(a) the person (or a person acting on behalf of the person, but not a person acting on behalf of a group) receives a gift; and

(b) the receipt of the gift is unlawful under subsection 306AH(1) or 306AI(1); and

(c) the person is:

(i) a registered political party that is a body corporate; or

(ii) a State branch of a registered political party, being a State branch that is a body corporate; or

(iii) a candidate; or

(iv) a member of a group; or
(v) an associated entity that is a body corporate.

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

Unlawful receipt of gift: registered political parties, State branches and associated entities that are not bodies corporate

(10G) A person commits an offence if:
   (a) a gift is received by (or by a person acting on behalf of) any of the following (the recipient):
       (i) a registered political party that is not a body corporate;
       (ii) a State branch of a registered political party, being a State branch that is not a body corporate;
       (iii) an associated entity that is not a body corporate; and
   (b) the receipt of the gift is unlawful under subsection 306AH(1) or 306AI(1); and
   (c) the recipient is specified in column 1 of an item in the following table, and the person is specified in column 2 of that item.

<table>
<thead>
<tr>
<th>Liability for unlawful receipt of gift</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items</td>
<td>If the recipient is ...</td>
<td>the person is liable for the offence if the person is ...</td>
</tr>
<tr>
<td>1</td>
<td>a registered political party</td>
<td>the registered officer of the party, the secretary of the party (as defined in section 123), or the agent of the party.</td>
</tr>
<tr>
<td>2</td>
<td>a State branch of a registered political party, being a State branch that itself is a registered political party</td>
<td>the registered officer of the party that is the State branch, the secretary of that party (as defined in section 123), or the agent of that party.</td>
</tr>
<tr>
<td>3</td>
<td>a State branch of a registered political party, being a State branch that is not itself a registered political party</td>
<td>a member of the executive committee of the State branch.</td>
</tr>
<tr>
<td>4</td>
<td>an associated entity</td>
<td>the financial controller of the associated entity.</td>
</tr>
</tbody>
</table>

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

(10H) A person does not commit an offence against subsection (10B) if:
   (a) the person does not know of the circumstances because of which the receipt of the gift is unlawful; or
   (b) the person takes all reasonable steps to avoid those circumstances occurring.

Note: A defendant bears an evidential burden of proof in relation to the matters in subsection 10C (see subsection 13.3(3) of the Criminal Code).

Unlawful receipt of gift: person acting on behalf of group

(10I) A person commits an offence if:
   (a) the person receives a gift; and
   (b) in receiving the gift, the person is acting on behalf of a group; and
   (c) the receipt of the gift is unlawful under subsection 306AH(1) or 306AI(1).
Penalty: Imprisonment for 12 months or 240 penalty units, or both.

Unlawful incurring of expenditure

(10K) A person commits an offence if:
(a) the person incurs expenditure; and
(b) the incurring of the expenditure is unlawful under subsection 306AJ(1) or (2).

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

13 Before subsection 315(11)

Insert:

Prosecutions to be brought within 3 years

14 After section 315

Insert:

315AA Recovery of undisclosed gifts

(1) Subject to subsection (2), for the purpose of this section, a gift is an undisclosed gift if:
(a) any of the following provisions (the disclosure provision) requires details (however described) of the gift to be included in a return:
   (i) subsection 304(2) or (3);
   (ii) section 314AC;
   (iii) section 314AC, as it applies for the purpose of section 314AEA;
   (iv) section 314AEC; and
(b) either:
   (i) the return has not been furnished by the time required by this Part; or
   (ii) the return has been furnished by that time, but it does not include the required details of the gift.

(2) If:
(a) a notice is served on a person under subsection 318(2) in relation to a return; and
(b) the notice requires the person to furnish certain particulars in relation to a gift within a specified period (the extension period);
then:
(c) paragraph (1)(b) of this section has effect in relation to the return as if it referred to the end of the extension period (rather than the time by which the return is required to be furnished); and
(d) if the particulars are furnished as required by the notice at or before the end of the extension period, subsection (1) has effect as if those particulars had been included in the return.

(3) If the disclosure provision in relation to an undisclosed gift is specified in column 1 of an item in the following table, an amount equal to the amount or value of the gift is payable to the Commonwealth by the person or persons specified in column 2 of that item.

<table>
<thead>
<tr>
<th>Liability for receipt of undisclosed gifts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items</td>
</tr>
<tr>
<td>Column 1 If the disclosure provision is ...</td>
</tr>
<tr>
<td>Column 2 the amount is payable by ...</td>
</tr>
<tr>
<td>1  subsection 304(2)</td>
</tr>
<tr>
<td>2  subsection 304(3)</td>
</tr>
</tbody>
</table>

CHAMBER
the return.

3 section 314AC the agent who is required to furnish the return.

4 section 314AC, as it applies for the purpose of section 314AEA the financial controller who is required to furnish the return.

5 section 314AEC the person who is required to furnish the return.

(4) An amount that, under subsection (3), is payable by a person or persons to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person.

15 Subsection 315A(1)

Repeal the subsection, substitute:

315A Recovery of amounts due to the Commonwealth

(1) If, under a provision of this Part, an amount may be recovered by the Commonwealth as a debt due to the Commonwealth, an action to recover the amount may be brought in the name of the Commonwealth by the Electoral Commissioner.

(2) Any process in the action required to be served on the Commonwealth may be served on the Electoral Commissioner.

(3) Nothing in this section is intended to limit the operation of section 61 or 63 of the Judiciary Act 1903.

16 Subsections 316(2A) and (2B)

Repeal the subsections, substitute:

(2A) An authorised officer may, for the purpose of finding out whether a person or entity specified in column 1 of an item in the following table has complied with this Part or has done something that is unlawful under this Part, by notice to a person who is, or has at any time been, a person specified in column 2 of that item, require the person:

(a) to produce, within the period and in the manner specified in the notice, the documents or other things referred to in the notice; or

(b) to appear, at a time and place specified in the notice, before the authorised officer to give evidence, either orally or in writing, and to produce the documents or other things referred to in the notice.

Use of compliance powers

<table>
<thead>
<tr>
<th>Items</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>For compliance by these persons and entities ...</td>
<td>requirements may be made of these persons ...</td>
</tr>
<tr>
<td>1</td>
<td>a registered political party or the agent of a registered political party</td>
<td>the agent of the party, any officer of the party, any person acting on behalf of the party, or any candidate endorsed by the party.</td>
</tr>
<tr>
<td>2</td>
<td>a State branch of a registered political party or the agent of a State branch of a registered political party</td>
<td>the agent of the branch, any officer of the branch, any person acting on behalf of the branch, or any candidate endorsed by the branch.</td>
</tr>
</tbody>
</table>
3 a candidate or the agent of a candidate the candidate, the agent of the candidate, or any person acting on behalf of the candidate.

4 a member of a group or the agent of a group any member of the group, the agent of the group, or any person acting on behalf of the group.

5 an associated entity or the financial controller of an associated entity the financial controller of the associated entity, any officer of the associated entity, or any person acting on behalf of the associated entity.

6 a person who has furnished a return under section 305A, 305B, 314AEB or 314AEC the person, any person acting on behalf of the person or (if the person is a body corporate) any officer of the person.

7 a prescribed person the prescribed person, any person acting on behalf of the prescribed person or (if the prescribed person is a body corporate) any officer of the prescribed person.

(2AA) A notice to a person under subsection (2A) is to be served personally or by post on the person.

(2AB) Subsection (2A), as it applies in relation to a person who has furnished a return under section 305A, 305B, 314AEB or 314AEC, is not limited just to compliance in relation to that return or the period to which that return relates.

(2B) If a notice under subsection (2A) requires an officer of a political party or branch (other than an agent) to appear before an authorised officer under paragraph (2A)(b), then the agent of the political party or branch is entitled:

(a) to attend at the proceeding under paragraph (2A)(b); or

(b) to nominate another person, in writing, to attend on behalf of the agent.

Part 2—Application provisions

17 Amendments applying to gifts received on or after the commencement of this Schedule

(1) The amendments made by this Schedule apply to gifts received on or after the commencement of this Schedule.

(2) To avoid doubt, a gift made before the commencement of this Schedule is not a permitted anonymous gift.

18 Amendments applying to elections the writs for which are issued on or after the commencement of this Schedule

The amendments made by items 5, 6 and 7 of this Schedule apply in relation to elections the writs for which are issued on or after the commencement of this Schedule.

19 Amendments applying to acts or omissions occurring on or after the commencement of this Schedule

The amendments made by item 12 of this Schedule apply in relation to acts and omissions that occur on or after the commencement of this Schedule.

(1) Page 26 (after line 25), at the end of the Bill, add:

Schedule 2—Other amendments
Part 1—Main amendments

Commonwealth Electoral Act 1918

1 Subsection 17A(1)
Omit "(1)".

2 Subsection 17A(1)
Omit all the words after "compliance with a notice under subsection 316(2A)", substitute "unless, in the opinion of the Electoral Commission, the information relates to an offence that has, or may have been, committed against section 315".

3 Subsection 17A(2)
Repeal the subsection.

4 Subsection 287(2)
Repeal the subsection, substitute:

(2) If this Part requires something to be lodged, given or furnished to the Electoral Commission, the thing is taken to be so lodged, given or furnished if it is lodged at the principal office of the Electoral Commission in Canberra.

5 After subsection 287(4A)
Insert:

(4B) For the purposes of this Part, electoral expenditure incurred by or with the authority of a division of a State branch of a political party is treated as being incurred by that State branch.

6 At the end of Division 1 of Part XX
Add:

287C Commonwealth may not recover the amount of a gift twice

Despite anything in this Part, if the Commonwealth has recovered the amount or value of a gift as a debt due to the Commonwealth under a provision of this Part, the Commonwealth may not recover the amount or value of that gift as a debt due to the Commonwealth under another provision of this Part.

7 Subsection 304(2)
Omit "15 weeks", substitute "8 weeks".

8 Subsection 304(3)
Omit "15 weeks", substitute "8 weeks".

9 At the end of section 304
Add:

Nil returns

(9) If no details are required to be included in a return under this section in respect of a candidate, the return must still be lodged and must include a statement to the effect that no gifts of a kind required to be disclosed were received.

(10) If no details are required to be included in a return under this section in respect of a group, the return must still be lodged and must include a statement to the effect that no gifts of a kind required to be disclosed were received.

10 Paragraph 305A(3)(a)
Omit "15 weeks", substitute "8 weeks".

11 Section 307
Repeal the section.
12 Subsections 315(1) to (4)

Repeal the subsections, substitute:

_Failing to furnish a Division 4, 5 or 5A return_

(1) A person commits an offence if:

(a) the person is required to furnish a return under Division 4, 5 or 5A; and

(b) the person fails to furnish the return to the Electoral Commission by the time required by that Division.

Penalty: 120 penalty units.

_Furnishing a Division 4, 5 or 5A return that is incomplete_

(2) A person commits an offence if:

(a) the person is required to furnish a return under Division 4, 5 or 5A; and

(b) the person furnishes a return to the Electoral Commission; and

(c) the return purports to be a return under that Division; and

(d) the return is incomplete.

Penalty: 120 penalty units.

(3) For the purpose of subsection (2) a return is _incomplete_ if it does not contain all the information that is required to be included in the return by Division 4, 5 or 5A (as the case requires) or by the approved form for the return.

_Failing to retain records as required by section 317_

(4) A person commits an offence if:

(a) the person is required by section 317 to retain records; and

(b) the person fails to retain the records as required by that section.

Penalty: 120 penalty units.

_Furnishing a Division 3 claim that is false or misleading_

(4A) A person commits an offence if:

(a) the person lodges a claim with the Electoral Commission; and

(b) the claim purports to be a claim under Division 3; and

(c) the person knows that:

(i) the claim is false or misleading in a material particular; or

(ii) the claim omits a matter or thing without which the claim is misleading in a material particular.

Penalty: Imprisonment for 2 years or 240 penalty units, or both.

Note: See also subsections (5) and (6).

_Furnishing a Division 4, 5 or 5A return that is false or misleading_

(4B) A person commits an offence if:

(a) the person furnishes a return to the Electoral Commission; and

(b) the return purports to be a return under Division 4, 5 or 5A; and

(c) the person knows that:

(i) the return is false or misleading in a material particular; or

(ii) the return omits a matter or thing without which the return is misleading in a material particular.
(ii) the return omits a matter or thing without which the return is misleading in a material particular.
Penalty: Imprisonment for 12 months or 120 penalty units, or both.

Additional orders if person convicted of offence against subsection (4A)

13 Subsection 315(5)
Omit "subsection (3) or (4)"; substitute "subsection (4A)".

14 Before subsection 315(6A)
Insert:

Giving another person false or misleading information for a Division 3 claim

15 Subsection 315(6A) (penalty)
Repeal the penalty, substitute:

Penalty: Imprisonment for 2 years or 240 penalty units, or both.

16 Before subsection 315(7)
Insert:

Giving another person false or misleading information for a Division 4, 5 or 5A return

17 Subsection 315(7) (penalty)
Repeal the penalty, substitute:

Penalty: Imprisonment for 12 months or 120 penalty units, or both.

18 Before subsection 315(8)
Insert:

Effect of continued failure to furnish a Division 4, 5 or 5A return.

19 Before subsection 315(11)
Insert:

Prosecutions to be brought within 3 years

20 After section 315
Insert:

315AA Recovery of undisclosed gifts
Subject to subsection (2), for the purpose of this section, a gift is an undisclosed gift if:
(a) any of the following provisions (the disclosure provision) requires details (however described) of the gift to be included in a return:
(i) subsection 304(2) or (3);
(ii) section 314AC;
(iii) section 314AC, as it applies for the purpose of section 314AEA;
(iv) section 314AEC; and
(b) either:
(i) the return has not been furnished by the time required by this Part; or
(ii) the return has been furnished by that time, but it does not include the required details of the gift.

(2) If:
(a) a notice is served on a person under subsection 318(2) in relation to a return; and
(b) the notice requires the person to furnish certain particulars in relation to a gift within a specified period (the *extension period*);

then:

(c) paragraph (1)(b) of this section has effect in relation to the return as if it referred to the end of the extension period (rather than the time by which the return is required to be furnished); and

(d) if the particulars are furnished as required by the notice at or before the end of the extension period, subsection (1) has effect as if those particulars had been included in the return.

(3) If the disclosure provision in relation to an undisclosed gift is specified in column 1 of an item in the following table, an amount equal to the amount or value of the gift is payable to the Commonwealth by the person or persons specified in column 2 of that item.

<table>
<thead>
<tr>
<th>Items</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>subsection 304(2)</td>
<td>the agent who is required to furnish the return.</td>
</tr>
<tr>
<td>2</td>
<td>subsection 304(3)</td>
<td>the agent who is required to furnish the return.</td>
</tr>
<tr>
<td>3</td>
<td>section 314AC</td>
<td>the agent who is required to furnish the return.</td>
</tr>
<tr>
<td>4</td>
<td>section 314AC, as it applies for the purpose of section 314AEA</td>
<td>the financial controller who is required to furnish the return.</td>
</tr>
<tr>
<td>5</td>
<td>section 314AEC</td>
<td>the person who is required to furnish the return.</td>
</tr>
</tbody>
</table>

(4) An amount that, under subsection (3), is payable by a person or persons to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person.

21 Section 315A (heading)

Repeal the heading, substitute:

315A Recovery of amounts due to the Commonwealth

22 Subsection 315A(1)

Repeal the subsection, substitute:

(1) If, under a provision of this Part, an amount may be recovered by the Commonwealth as a debt due to the Commonwealth, an action to recover the amount may be brought in the name of the Commonwealth by the Electoral Commissioner.

23 Subsections 316(2A) and (2B)

Repeal the subsections, substitute:

(2A) An authorised officer may, for the purpose of finding out whether a person or entity specified in column 1 of an item in the following table has complied with this Part or has done something that is unlawful under this Part, by notice to a person who is, or has at any time been, a person specified in column 2 of that item, require the person:

(a) to produce, within the period and in the manner specified in the notice, the documents or other things referred to in the notice; or
(b) to appear, at a time and place specified in the notice, before the authorised officer to give evidence, either orally or in writing, and to produce the documents or other things referred to in the notice.

<table>
<thead>
<tr>
<th>Use of compliance powers</th>
<th>Items</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>For compliance by these persons and entities ...</td>
<td>the agent of the party, any officer of the party, any person acting on behalf of the party, or any candidate endorsed by the party.</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>a registered political party or the agent of a registered political party</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>a State branch of a registered political party or the agent of a State branch of a registered political party</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>a candidate or the agent of a candidate</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>a member of a group or the agent of a group</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>an associated entity or the financial controller of an associated entity</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>a person who has furnished a return under section 305A, 305B, 314AEB or 314AEC</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>a prescribed person</td>
<td></td>
</tr>
</tbody>
</table>

(2AA) A notice to a person under subsection (2A) is to be served personally or by post on the person.

(2AB) Subsection (2A), as it applies in relation to a person who has furnished a return under section 305A, 305B, 314AEB or 314AEC, is not limited just to compliance in relation to that return or the period to which that return relates.

(2B) If a notice under subsection (2A) requires an officer of a political party or branch (other than an agent) to appear before an authorised officer under paragraph (2A)(b), then the agent of the political party or branch is entitled:

(a) to attend at the proceeding under paragraph (2A)(b); or
(b) to nominate another person, in writing, to attend on behalf of the agent.

**24 Subsection 316(2C)**
Omit ",(2A)(d)\", substitute ",(2A)(b)\".

25 **Subsection 316(5) (penalty)**  
Repeal the penalty, substitute:  
Penalty: Imprisonment for 12 months or 60 penalty units, or both.

26 **Subsection 316(5A) (penalty)**  
Repeal the penalty, substitute:  
Penalty: Imprisonment for 12 months or 60 penalty units, or both.

27 **Subsections 316(5B) and (5C)**  
Repeal the subsections.

28 **Subsection 316(6) (penalty)**  
Repeal the penalty, substitute:  
Penalty: Imprisonment for 12 months or 60 penalty units, or both.

29 **Subsection 319A(9)**  
Omit "subsection 315(2), (3) or (4)\", substitute "subsection 315(2), (4A) or (4B)\".

30 **Subsections 320(4) and (5)**  
Repeal the subsections, substitute:  
(4) Nothing in this section requires the Electoral Commission to make a copy of a claim or return available for inspection or perusal, or to provide a copy of a claim or return, sooner after lodgement of the claim or return than is reasonably practicable.

**Part 2—Application and saving provisions**

31 **Amendments applying to elections the writs for which are issued on or after the commencement of this Schedule**  
The amendments made by items 4, 5 and 9 of this Schedule apply in relation to elections the writs for which are issued on or after the commencement of this Schedule.

32 **Amendments applying to acts or omissions occurring on or after commencement of this Schedule**  
The amendments made by the following items of this Schedule apply in relation to acts and omissions that occur on or after the commencement of this Schedule:  
(a) items 12 to 17;  
(b) items 25 to 29.

33 **Amendments applying to returns a person becomes required to furnish on or after the commencement of this Schedule**  
The amendment made by item 20 of this Schedule applies in relation to returns a person becomes required to furnish on or after the commencement of this Schedule.

34 **Saving of notices under subsection 316(2A)**  
A notice given before the commencement of this Schedule under subsection 316(2A) of the *Commonwealth Electoral Act 1918* as then in force has effect on and after the commencement of this Schedule as if it had been given under that subsection as amended by item 24 of this Schedule.

**The CHAIRMAN:** The question is that opposition amendments on sheets 7854, 7855, 7856 and 7857 be agreed to.  
The committee divided. [12:39]  
(The Chairman—Senator Marshall)
Ayes ...............22
Noes ...............36
Majority .............14

**AYES**

| Brown, CL | Bullock, JW |
| Cameron, DN | Collins, JMA |
| Dastyari, S | Gallacher, AM |
| Ketter, CR | Lazarus, GP |
| Madigan, JJ | Marshall, GM |
| McAllister, J | McEwen, A |
| McLucas, J | Moore, CM |
| Muir, R | O’Neill, DM |
| Peris, N | Polley, H |
| Sterle, G | Urquhart, AE (teller) |
| Wang, Z | Wong, P |

**NOES**

| Back, CJ | Birmingham, SJ |
| Brandis, GH | Bushby, DC |
| Canavan, MJ | Cash, MC |
| Colbeck, R | Cormann, M |
| Di Natale, R | Edwards, S |
| Fawcett, DJ | Fifield, MP |
| Hanson-Young, SC | Johnston, D |
| Lindgren, JM | Ludlam, S |
| Macdonald, ID | McGrath, J |
| McKenzie, B (teller) | Nash, F |
| O’Sullivan, B | Parry, S |
| Paterson, J | Reynolds, L |
| Rhiannon, L | Rice, J |
| Ryan, SM | Scullion, NG |
| Seselja, Z | Siewert, R |
| Simms, RA | Sinodinos, A |
| Smith, D | Waters, LJ |
| Whish-Wilson, PS | Xenophon, N |

Question negatived.

**Senator MUIR** (Victoria) (12:42): by leave—I move my amendments (1) and (3) on 7873 together:

(1) Clause 2, page 2 (table item 1), omit the table item, substitute:

1. Sections 1 to 3 The day after this Act receives the Royal Assent.
   this Act not elsewhere covered by this table

2. Schedule 1 The day after this Act receives the Royal Assent.

3. Schedule 2 The day that is 6 years after the day that this
I will make only a very short contribution in relation to these amendments. The amendments insert a sunset clause for the savings provisions in the Bill. The minister has spoken very fondly of the AEC and their capability of ensuring that the process of educating people about the electoral reforms will be successful and people will know how best to use their vote. But the rhetoric in this chamber is on a scale of one to six, with six being the minimum. In order to encourage government, the AEC, political parties and everybody else to encourage proper formal votes, I think it is nothing more than appropriate to put in place a sunset clause to the savings provisions—not the bill itself, as much as I would love that—to ensure that proper education is put in place, which gives people time to adapt to the proper, formal way of voting, and then remove them to prevent people and parties using the system, which has deliberately designed to be capable of being rorted, to their advantage. I cannot see how the Greens or the government would oppose this, considering that their whole argument in the
debate has been about giving choice of preferences back to the voter. If that is true, supporting this amendment would actually support your case, and maybe I would actually believe you. At the end of the day, you have savings provisions in there to collect the 97 per cent of the votes that are above the line, which you are going to benefit from. If you do not support this there will be no encouragement whatsoever for people to vote formally. I am happy to put this amendment to the chamber and watch it go down.

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (12:44): The government does not support these amendments for the reasons that we have previously outlined. We do not believe it is appropriate to remove these savings provisions, which we consider to be necessary and appropriate.

Senator JACINTA COLLINS (Victoria) (12:44): The opposition will not be supporting these amendments. We acknowledge the intention that Senator Muir is indicating: the genuine interest in ensuring that we have an adequate review here. It was, indeed, why we supported—but, unfortunately, saw the demise of—Senator Wong's amendment for the review. But, as Senator Muir just referred to, we watched the Greens and the coalition block even something as straightforward as an independent review. Nevertheless, we do not support a sunset clause as the best avenue to force a review of this legislation, and for that reason we cannot support Senator Muir's amendments.

The CHAIRMAN: The question is that amendments (3) and (1) on sheet 7873 be agreed to.

The committee divided. [12:50]

(The Chairman—Senator Marshall)

Ayes .................6
Noes .................50
Majority .............44

AYES
Day, RJ
Lazarus, GP
Leyonhjelm, DE
Madigan, JJ
Muir, R (teller)
Wang, Z

NOES
Back, CJ
Brandis, GH
Brown, CL
Bullock, JW
Bushby, DC
Cameron, DN
Canavan, MJ
Cash, MC
Colbeck, R
Collins, JMA
Cormann, M
Dastyari, S
Di Natale, R
Edwards, S
Fawcett, DJ
Fifield, MP
Gallacher, AM
Hanson-Young, SC
Johnston, D
Ketter, CR
Lindgren, JM
Macdonald, ID
Marshall, GM
McEwen, A
McGrath, J
McKenzie, B
Moore, CM
Nash, F
Question negatived.

The CHAIRMAN (12:58): The question now is that this bill as amended be agreed to.

The committee divided. [12:58]

(The Chairman—Senator Marshall)

Ayes .................37
Noes ..................24
Majority.............13

AYES

Back, CJ
Brandis, GH
Canavan, MJ
Colbeck, R
Di Natale, R
Fawcett, DJ
Hanson-Young, SC
Lindgren, JM
Macdonald, ID
McKenzie, B (teller)
O’Sullivan, B
Paterson, J
Rhiannon, L
Ruston, L
Sculion, NG
Siewert, R
Sinodinos, A
Waters, LJ
Xenophon, N

NOES

Brown, CL.
Cameron, DN
Day, RJ
Gallagher, KR
Lazarus, GP
Madigan, JJ
McAllister, J

Bullock, JW
Dastyari, S
Gallacher, AM
Ketter, CR
Leyonhjelm, DE
Marshall, GM
McEwen, A
Bill, as amended, agreed to.
Bill reported with amendments.

Adoption of Report

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (13:00): I move:

That the report from the committee be adopted.

The Senate divided. [13:02]

(AThe President—Senator Parry)

Ayes ..................... 36
Noes ..................... 24
Majority ................ 12

AYES

Back, CJ
Brandis, GH
Canavan, MJ
Colbeck, R
Di Natale, R
Fawcett, DJ
Hanson-Young, SC
Lindgren, JM
Macdonald, ID
McKenzie, B (teller)
O’Sullivan, B
Reynolds, L
Rice, J
Ryan, SM
Seselja, Z
Simms, RA
Smith, D
Whish-Wilson, PS

NOES

Brown, CL.
Cameron, DN
Day, RJ
Gallagher, KR
Lazarus, GP
Madigan, JJ
McAllister, J
McLucas, J

Bullock, JW
Dastyari, S
Gallacher, AM
Ketter, CR
Leyonhjelm, DE
Marshall, GM
McEwen, A
Moore, CM
NOES

Muir, R
Peris, N
Sterle, G
Wang, Z

O'Neill, DM
Polley, H
Urquhart, AE (teller)
Wong, P

Question agreed to.

Third Reading

Senator CORMANN (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (13:04): I move:

That this bill be now read a third time.

In moving the third reading of this bill, may I thank all senators who have participated in this debate for their contributions. This, it is fair to say, has been a rather lengthy debate. Obviously, the government is of the view that this is a very important reform for Australia. It is a reform which will help ensure that future Senate election results truly reflect the will of the Australian people. It is a reform which will empower voters to direct their preferences according to their wishes instead of having them traded and directed by backroom operators in political parties through insufficiently transparent group voting ticket arrangements.

I thank the Senate for the work over what has been a debate that has been going for nearly 39 hours since the message of the House of Representatives was received on 29 February 2016. I believe that that is the seventh longest debate on any piece of legislation since 1990. We have, of course, over the past 20 or so hours had a very intensive continuous debate on this legislation, taking us to this point today. I would like to pay particular tribute to the very active participants in this debate tonight: senators Wong and Collins, senators Di Natale and Rhiannon and also senators Xenophon, Leyonhjelm, Day and Muir, who have all made a very active contribution and put effort into drafting amendments to improve the bill in the ways that they saw fit. The Senate has made a judgement in relation to the form of the bill that should go forward. The government supports the final form of this bill. We will be supporting the bill, as amended by the Senate, in the House of Representatives. This will mean that, for any future election after 1 July 2016, these will be the voting arrangements that will apply for the Australian Senate. That is a good thing because it means that people across Australia will be able to determine what happens to their vote. I thank the Senators for their support for this important government proposal.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (13:06): It says everything about this government that their most urgent bill on the even of an election is not about helping Australians but about helping themselves. It is not about jobs for Australians; it is about jobs for coalition and Greens senators.

The Senate has just spent, a day, a night and a part of the day debating the coalition-Greens deal on Senate voting—a timetable forced on it by a government and a prime minister determined to get the keys they need for a double dissolution and a Greens leader and party that are happy to oblige. We have had an unreasonable and chaotic timetable on this legislation which has been forced on us by this government by its failure to have a proper
process, because it is so desperate and so determined to get the keys for a double dissolution in the time frame it wants.

The Senate did last night go through a very lengthy process where many things were disclosed, including, for example, that the minister has failed to rule out just-vote-1 advocacy and confirmed marking just 1 above the line would be formal. I think anyone who understands the voting system will understand the implications of that. We also have seen demonstrated here in this chamber a new phase of the relationship—a new dimension of closeness-between Senator Di Natale's Greens party and the Liberal Party. I will not go through all the ways in which that has been demonstrated as they voted with the coalition time after time, but it was most clearly demonstrated by one of the recent votes this morning, where the Greens political party, who have been arguing for greater transparency in political donations, have voted against their policy for greater transparency on a bill they knew the government had to pass. We could have had political donation reform today.

Senator Cormann has spoken of the lengthy debate. It has been a lengthy debate, though not as lengthy as the CPRS debate, which I think was some 63 hours and in which he was also a participant. There has been a lot of talk about principle in this debate. I say to the chamber and to those listening: this has never been a debate about principle; it has been a debate about short- and long-term political advantage. The short-term advantage is the ability and tools to go to a double dissolution, and the long-term advantage is what this means for the Greens and the coalition. It will mean the votes of up to three million voters effectively going in the bin or being corralled to one of the major parties or the Greens. This legislation is about purging the Senate of minor parties and independents. We in this place—and I would remind people of this—have acknowledged two things that are very important. The first thing is that Labor would be advantaged by this but we do not think the national interest would be. The second point we have made is that, yes, there are issues that should be addressed in voting reform in relation to preferences but this bill before us creates a whole set of different problems and a whole set of implications for the franchise.

We on this side do not support this legislation. We think it is very disappointing that the Australian Greens are risking, over time, the coalition getting a working majority in this place—and we all know from the 2014 budget what their agenda will be and what that will mean to working people and marginalised people in this country. In that light, and bearing in mind the time, pursuant to standing order 122(3) I move the third reading amendment standing in my name on sheet 7894:

Omit "now", substitute "this day 6 months".

Senator RHIANNON (New South Wales) (13:11): Today, 17 March, is a most significant day for democracy: we have achieved Senate voting reform. Yes, many other improvements are needed, but today clearly has been an advance for our democratic processes.

Honourable senators interjecting—

Senator RHIANNON: Let's quieten down for a moment. I think this is where we should have unity. There are people in this building who have been working continuously—some for 30 hours, I have just found out. So let's come together and thank the attendants here.

Honourable senators: Hear, hear!
Senator RHIANNON: In particular, I thank John, our senior attendant, who I understand has done over 30 hours straight. And then there are the security officers, the clerks, the Comcar drivers and everybody else who has kept this building going so that we could do our important work. That is a huge contribution.

The journey for Senate voting reform, for the reform of upper house voting, started for the Greens and me in 1999 in New South Wales. What was achieved there and what has been achieved here are quite similar. It is time for some thankyou's for the people who have helped us on that journey. First off, I would like to thank the person who suggested how to deal with this very challenging situation that occurred in New South Wales in 1999 when 81 parties ran in what would became known as the giant tablecloth ballot paper election. Paul Fitzgerald—an author, a Marrickville councillor and a founding member of the New South Wales Greens—came up with a very simple idea. Remember, for all the debate we have had, the beauty of this legislation is actually in its simplicity. Paul Fitzgerald said: 'It doesn't need to be the back room deals. It can be the voters. The ballot paper doesn't need to change. What'll change is that the voters can put '1', '2' and '3'. They can number all the boxes if they like. In the case of New South Wales, they can just put '1'. Again, it was the simplicity of giving it back to the voters.

On top of that, I am very proud of the role the Greens at a federal level have played. It was after the 2004 election that the then Greens leader Bob Brown rang me to ask me about our experience in New South Wales. He realised that the Senate needed similar reform. Bob Brown worked on his first bill for Senate voting reform in 2004. There have since been more bills. Our next leader, Christine Milne, took it up with great passion. I remember that, in one of her final speeches in the party room before she left us, she impressed on us how important this is. She foreshadowed that it would be difficult and challenging but said to stick with it. Our current leader, Senator Richard Di Natale, has picked this up with an equal passion and it has been a pleasure to work with him.

I just want to say to the Senate that, unfortunately, Senator Nick McKim has not been able to be with us. He was here on Tuesday. He has often talked to me about his great commitment to this reform. He is very excited about it. However, he received the sad news that his father was dying and he had to leave us. It is one of those little stories, one of those personal stories that we all have. His dad did not actually want him to go back home. His dad was very proud of him, obviously, and wanted him to stay here. Nick went home, and some of his dad's final words were, 'Give them hell.' We missed you, Nick; it meant a lot to us.

And then there are the experts, who really have assisted all of us. We have quoted different people, but I did particularly want to thank Antony Green, George Williams, Kevin Bonham, as well as the many others who took time with submissions and being witnesses to the inquiries that we have had.

I also want to say a particular thank you to my colleagues on JSCEM. On JSCEM—we all know when we work on committees that it can be quite an interesting dynamic. You become friends and colleagues with people who, in many other areas, you do not agree with. When I joined JSCEM Tony Smith, the now Speaker of the House of Representatives, was the chair. He did a very fine job, a really fine job. Gary Gray and Alan Griffin both gave a great deal of expertise to that committee. And that first JSCEM inquiry, coming out of that 2013 election—
remember at this time that we were a unity ticket, like it had been a unity ticket in New South Wales with all parties. All parties agreed when the New South Wales Greens put up the proposal to have optional preferential voting. That is how we started the journey at a federal level; all parties were on board. JSCEM was united. If you look at the report, unity is in that report.

I particularly want to thank Tony Smith, Gary Gray and Alan Griffin. But our final thank you goes to somebody very special to this house—that is, former Senator John Faulkner. The contribution he made in so many areas was outstanding and we all know that this house misses him, whatever party you come from. He made a very potent comment about this very legislation. He said:

I would say that this reform is uncontroversial and it is certainly overdue.

To finish up, the beauty of the reform we are dealing with here today is really in its simplicity. For all the complexity, for all the arguments that we have been through, it comes down to one significant change: voters are still going to get their ballot paper—what they will be doing will not be that different; the instructions will be slightly different—and they will be able to allocate their own preferences above or below the line. Above the line they will be instructed to vote 1 to 6 at least; below the line 1 to 12 at least. That is really excellent progress in our democratic process.

One of the wonderful things I have learnt in hearing from the Australian Electoral Commission in the many times they have given evidence is the AEC's deep commitment to ensure that where the intent of the voter is clear that those votes are counted. I do believe, with these reforms, that we will see a great participation.

It was disappointing to hear Senator Wong go on about the divisions that she sees, that she was trying to flare up around donations. The Greens have a solid commitment—absolutely solid; you cannot blemish our commitment to this one—to political donations reform. What Labor did today—they will get out there on social media et cetera—was just a tactic. It was a tactic to try to pull this legislation down, because they know if we had voted in this chamber and got a majority for the political donation measures that they put forward, we would not have Senate voting reform.

Senator Doug Cameron, I made these comments when you were out of the chamber: you have done so many negotiations in your life for working people, for workers in the metal industry and the manufacturing industry, and you know, probably more than anyone here, that you do not bundle everything into your negotiations.

Finally, we started on this journey with a unity ticket. We had a unity ticket in New South Wales; we had a unity ticket here. Labor jumped overboard. They were the ones who decided that they were going to give it away. They have ended up on the wrong side of history. They have been left in the back room and there are no backroom dealers there with them.

Senator LEYONHJELM (New South Wales) (13:19): This is a sad note on which to end a rather difficult couple of days. I described this as a dirty little deal when I first heard about it a couple of weeks ago and it has not got any cleaner in that time. This dirty little deal between the Greens and the Liberals could just as easily be called the 'Rhiannon re-election bill' or perhaps the 'Get rid of annoying small parties bill'. In the Joint Standing Committee on Electoral Matters we saw, right from the beginning, that there was no representation of minor
parties and no representation of the Independents. Only Nick Xenophon was on the committee. It was a fix-up right from the start and it was a fix-up at the end. The hearing was a charade; the hypocrisy was rampant.

Speaking of hypocrisy, the Greens—in the process of giving their support for this bill to the government—abandoned their commitment to 'every vote, every time' on same-sex marriage, voted for the gag over and over again and, of course, abandoned their interest in changes to political donations. From the government's point of view, I honestly do not understand why they have pursued this. It will not improve the Senate. It will not overcome the fact that the Senate is a logjam at times. It actually was not a logjam with the crossbench but it will be under these rules. It will not wipe out the crossbench, but there will be fewer of them. It will make it a lot less democratic. There will be fewer crossbench senators, and small parties starting off will find it incredibly difficult, unless they happen to have multimillionaire backers who fund their campaign.

Nobody pretends that the old election rules, as they were until now, were perfect. The crossbench never said they were. The crossbench never defended them. In fact, we had agreed on what we thought were perfectly reasonable remedies, but our voices were swamped in this dirty little deal. It is no improvement.

The PRESIDENT: The question is that the third reading amendment moved by Senator Wong be agreed to.

The Senate divided. [13:26]

(The President—Senator Parry)

Ayes ......................23
Noes ......................36
Majority.................13

AYES
Bullock, JW
Dastyari, S
Gallacher, AM
Ketter, CR
Leyonhjelm, DE
Marshall, GM
McEwen, A
Moore, CM
O'Neil, DM
Polley, H
Urquhart, AE (teller)
Wong, P

NOES
Back, CJ
Birmingham, SJ
Canavan, MJ
Colbeck, R
Di Natale, R
Fifield, MP
Johnston, D

Bernardi, C
Bushby, DC
Cash, MC
Cormann, M
Edwards, S
Hanson-Young, SC
Lindgren, JM
Question negatived.

**The PRESIDENT** (13:30): The question is that the bill be now read a third time.

The Senate divided. [13:30]

(The President—Senator Parry)

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Question agreed to.
Bill read a third time.

**Appropriation Bill (No. 3) 2015-2016**

**Appropriation Bill (No. 4) 2015-2016**

Second Reading

Debate resumed on the motion:
That these bills be now read a second time.

**Senator DASTYARI** (New South Wales) (13:32): I rise to talk to the Appropriation Bill (No. 3) 2015-2016 and the Appropriation Bill (No. 4) 2015-2016 on behalf of the opposition.

At the outset—

**Senator LEYONHJELM** (New South Wales) (13:33): I move my second reading amendment to Appropriation Bill (No.3) 2015-2016:

At the end of the motion add: "but given that:

(a) section 54 of the Constitution prescribes that the bills appropriating moneys for the ordinary annual services of the Government shall deal only with such appropriations; and

(b) appropriations for expenditure on new policies are not appropriations for the ordinary annual services of the Government and the Cities and the Built Environment Taskforce has been 'established' as part of a 'new' Cities Agenda;

the Senate calls on the Government to respect the powers of the Senate and place such programs in appropriation bills other than those for the ordinary annual services of the Government."

The amendment draws attention to the government's inclusion of a new policy in an appropriation bill that the Senate cannot amend. It notes that this inclusion undermines the Senate's constitutional right to amend provisions relating to a new policy. It urges the government to not undermine the Senate and the Constitution in this way. I seek support from any senators who, like me, may wish to oppose spending on new policy, but I also seek...
support from any senators who simply value the constitutional role of the Senate. I commend my amendment to the Senate.

**Senator Dastyari:** Mr President, I rise on a point of order, or clarification. We have been here for a long time, so maybe I have misunderstood what Senator Leyonhjelm said. Senator Leyonhjelm, did you move an amendment to the effect of what you said earlier or is that not the case?

**The PRESIDENT:** Senator Leyonhjelm has moved a second reading amendment, which has been circulated in the chamber.

**Senator Dastyari:** So I can speak to the amendment?

**The PRESIDENT:** You can speak to the amendment.

**Senator DASTYARI** (New South Wales) (13:35): Senator Leyonhjelm, we were doing so well together. Things were going so well. But, unfortunately, I have to say that we will not be supporting your second reading amendment. This issue goes to the classification of appropriation items that constitute the ordinary annual services of government, which was worked through in 1965 in the form of the Senate-executive compact. In 1999 it was agreed that new administered expenses that fell within an existing outcome would be included in Appropriation Bill (No. 1), and therefore, by implication all other odd-numbered appropriation bills. Appropriation bills have been prepared according to this principle since 1999, and outcome structures are the basis and point of appropriations. Therefore, new policies that sit within them can be funded from Appropriation Bill (No. 1) and all odd-numbered appropriation bills such as Appropriation Bill (No. 3). For that principled reason and policy reason, Labor will not be supporting your amendment.

**Senator SINODINOS** (New South Wales—Cabinet Secretary) (13:36): Mr President, what do I do about the amendment?

**The PRESIDENT:** You can speak to both the second reading and the second reading amendment.

**Senator SINODINOS:** I was proposing to address Senator Leyonhjelm's issue, and I will do a summing up at the end.

**The PRESIDENT:** Yes, you can do that, Senator Sinodinos.

**Senator SINODINOS:** Senator Leyonhjelm's second reading amendment expresses a view that funding for the Cities and Built Environment Taskforce has been inappropriately included in an odd-numbered appropriation bill, when in his view it should be in an even-numbered bill. The classification of expenditure between appropriation bills Nos 3 and 4 is fully consistent with the Senate-executive compact. The compact confirms what can be considered to be ordinary annual services of government for the purposes of section 54 of the Constitution.

The Senate-executive compact has not changed since its last update in 1999, when it was last signed off by both the Senate and the government. Over the last 17 years the compact has been applied in the same way by successive governments of different political persuasions. Senator Leyonhjelm contends that all new initiatives should be included in even-numbered bills. In fact, under the compact, even-numbered appropriation bills include only those new
administered expenses which fall under new outcomes. These bills also include appropriations to the states and non-operating appropriations.

In 1999 the then finance minister, John Fahey, explained in a letter to the Senate the rationale for why new administered expenses which fall within existing outcomes should be included in odd-numbered bills. He said this was done 'on the basis that the outcome has been previously approved by the parliament and the new funding simply represents an increase in, or an extension of, an existing outcome.' One of Senator Cormann's predecessors, finance minister Lindsay Tanner, in a letter dated 14 July 2010, advised a previous President of the Senate that there is 'no need to change the interpretation of the Senate-executive compact.'

The appropriation for the Cities and Built Environment Taskforce measure has been included in Appropriation Bill (No. 3) because this initiative is an increase in existing activity under existing outcome 1 of the Department of the Environment, and it is, therefore, part of the ordinary activities of the government. Population policy and cities have been within the responsibility of the Environment portfolio for several years. The cities task force has, therefore, been included under an outcome that already authorises other urban activities.

The PRESIDENT: Are you going to continue with the second reading remarks as well?

Senator SINODINOS: At this stage I commend the bills to the chamber.

The PRESIDENT: The question first of all is that the second reading amendment moved by Senator Leyonhjelm be agreed to.

Question negatived.

Original question agreed to.

Bills read a second time.

Third Reading

The PRESIDENT (13:39): As no amendments to the bills have been circulated, I call the Cabinet Secretary to move the third reading unless any senator requires that the bills be considered in Committee of the Whole.

Senator SINODINOS (New South Wales—Cabinet Secretary) (13:39): I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

Dairy Produce Amendment (Dairy Service Levy Poll) Bill 2016

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

At the end of the motion, add "and the bill be referred to the Rural and Regional Affairs Legislation Committee for inquiry and report by 12 May 2016".

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (13:39): Before we adjourned on this Dairy Produce Amendment (Dairy Service Levy Poll) Bill 2016
some time ago, I was talking about the incredible contribution of the dairy industry to my home state and to our economy.

In fact, our dairy industry is the largest sector of our agricultural industry. I was saying that in 2011 the industry employed more than 2,000 Tasmanians—up by almost 10 per cent from five years ago. Year-on-year outcomes continue to be exemplary, and the potential for ongoing growth is excellent. In 2011 our dairy sector had a gross value of $802 million. Now it is estimated that the industry is worth more than $1 billion each year to the Tasmanian economy.

The growth of the Tasmanian dairy industry in recent years has been an exemplary success story, with Tasmanian milk accounting for around nine per cent of the entire national production in 2013-14. Over the past 10 years milk production in the Tasmanian dairy industry has continued to grow, while the national output has stalled or gone backwards. Tasmanian dairy producers have achieved a rise of 286 million litres of milk a year in the last decade, an impressive growth rate of around 34 per cent. In contrast, dairy farmers on the mainland have seen their production volumes fall by around nine per cent.

The dairy industry is also a key sector in the north-west of Tasmania, where I grew up and continue to live to this day. In the last financial year, Tasmanian milk production reached a record 886 million litres—a full 10 per cent increase over the previous year. Experts predict that it has the potential to grow to as much as 1½ billion litres a year.

In summary, we support the bill. It is good, industry-led reform that will reduce red tape and allow more money to be spent on vital research and development activity.

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (13:41): I thank senators for their contributions on the Dairy Produce Amendment (Dairy Service Levy Poll) Bill 2016 and commend the bill to the Senate.

The PRESIDENT: The question is that the second reading amendment moved by Senator Leyonhjelm be agreed to.

Question negatived.

Original question agreed to.

Bill read a second time.

Third Reading

The PRESIDENT (13:42): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (13:42): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Debate resumed on the motion:
That this bill be now read a second time.

Senator MOORE (Queensland) (13:43): Labor supports the passage of the Trade Legislation Amendment Bill (No. 1) 2016. The dual purpose of this bill is to make a number of minor and technical changes to the Export Market Development Grants Act 1997—the EMDG Act—and to amend a number of acts to effect a change in the title of the Australian Trade Commission to the Australian Trade and Investment Commission.

I would like to address this name change first. It appears that this change from the Australian Trade Commission to the Australian Trade and Investment Commission is another example of the government's preference for slogans over substance. Since coming into government, the Abbott-Turnbull government has invested a lot of money in its 'open for business' sloganeering. We are yet to see the policy substance.

Recognising that Australia is hungry for an increased share of highly-competitive foreign direct investment flows to underpin our future economic development, Labor has stood against the government's anti-investment Foreign Investment Review Board legislation changes. Labor opposed the additional red tape that the government introduced last year as part of its suite of amendments to the Foreign Acquisitions and Takeovers Act regime. Labor stood against the government's imposition of layers of red tape on proposed investments in Australia's agricultural, agribusiness and food-manufacturing industries.

It is inconceivable that those industries could scale up to the levels required to supply rapidly increasing demand from our regional neighbours without the assistance of foreign investment capital. The National Farmers' Federation has estimated that for Australian agriculture to reach the capacity which will be needed to meet rising demand will require investment of between $1.2 trillion and $1.5 trillion over the next 35 years. That is a very significant requirement, and it will require a substantial contribution from foreign capital. Making it difficult to attract such capital is inconsistent with an 'open for business' mantra.

Labor's position on the government's FIRB changes has been supported by the Business Council of Australia. The government's investment screening thresholds have also been criticised by the Australian Food and Grocery Council, the Cattle Council of Australia, the Queensland Farmers' Federation, the Chamber of Commerce and Industry of WA, the Australian Lot Feeders Association, the Financial Markets Association, Wellard, GrainCorp and Ridley Corporation.

In its December 2015 report entitled Building Australia's comparative advantages: a 21st century agrifood sector, the BCA criticises the Turnbull government's new barriers to investment. The BCA report says:
The government has declared that it is 'open for business', however its recent decisions have sent the opposite message to potential international investors considering investing in the Australian agrifood sector.

This was the kind of economic incoherence we came to expect under Mr Abbott. It is disappointing to see Mr Turnbull persisting with this approach. It is another example of how the Prime Minister says one thing and does another.
This current bill just reconfirms this lack of economic and substantive policymaking by the Liberal government. Before us we have a bill that actually changes a name. Like the banners, labels and rhetoric of ‘open for business’, the change to ‘Australian Trade and Investment Commission’ will be an empty attempt to increase needed foreign investment into Australia. Making a name change to the Australian Trade Commission will do little to reverse the impact of the government's actions to deter foreign investment. A name change will also by itself do little to attract and retain much needed foreign investment into our economy.

In relation to the changes to the EMDG Scheme, the amendments comprise minor changes which will improve the operation of the Export Market Development Grants Scheme. The EMDG Scheme is part of Australia’s export promotion effort. It provides government grants to help Australian small and medium sized enterprises to promote their products in export markets. The scheme encourages small and medium Australian businesses to develop export markets, supports small and medium export businesses by reimbursing up to 50 per cent of expenses related to export promotion and provides up to seven grants to each eligible applicant. Under the scheme, SMEs can obtain grants for activities such as attending trade fairs, advertising their products in overseas markets and conducting market research to identify export opportunities.

In this current period of economic transition, it is critical we continue to develop and support measures that open up export opportunities for new and existing export businesses. Labor has a proud history of supporting trade as a means of boosting economic growth and supporting our local industries. The Export Market Development Grants Scheme is itself a Labor initiative, established by the Whitlam government in 1974. The Whitlam government wanted to provide more support to small exporting firms and decided: ‘The emphasis in a new export incentive scheme should be on market development.’ Like many initiatives of the Whitlam government, the Export Market Development Grants Scheme, with its emphasis on small business and new markets, has endured. By helping SMEs with these costs, the scheme helps these businesses to grow and to take advantage of export opportunities. It also helps the wider industry and economy to improve its export performance, which is good for growth and good for jobs.

The scheme has been reviewed several times over the years since then, most recently by Mr Michael Lee, who handed his report to the government last year. Mr Lee found that the EMDG Scheme continues to operate effectively in encouraging the development and expansion of overseas markets for Australian goods, services and intellectual property. Modelling by KPMG estimates that each dollar provided to SMEs generates $7 in benefits, when industry spillovers and productivity gains are taken into account.

Mr Lee further recommended that the EMDG scheme be maintained with a number of changes to improve its operation and performance. Some of his recommendations are effected in the amendments contained in this bill. For instance, the bill removes the EMDG Act's existing sunset provisions but maintains the need for periodic reviews. Mr Lee also recommended that the EMDG Act be amended to include a requirement for independent external reviews of the effectiveness and efficiency of the scheme and that the review be presented to the minister and tabled within 15 sitting days of being received and that the government response be tabled within three months of the report being tabled. Under the act's existing provision, the EMDG scheme would effectively lapse until it is legislatively extended.
every five years. By amending the act’s definition of a ‘grant year’, which is currently defined as ‘any year up to 30 June 2016’, the bill will ensure that the EMDG scheme continues on an ongoing basis and provides greater confidence to small- and medium-sized businesses, especially those planning future export growth.

The opposition believes the EMDG scheme, which costs taxpayers more than $130 million a year, must continue to be subject to regular reviews. These reviews are important for ensuring business can raise any concerns with the administration and design of the scheme and they are important for ensuring that the scheme continues to deliver value for money for taxpayers and net benefits for the community. So our view is that the additional flexibility provided to the minister by these amendments must not be used as a way of avoiding regular, independent reviews of this scheme. Under this amending legislation, the minister will be required to commission an independent review to report by 31 December 2021. Thereafter, the minister will be required to commission subsequent reviews for completion on dates he or she determines, rather than dates prescribed by the act.

The bill makes other amendments which amount to sensible finetuning of the scheme. Communications will be removed as an eligible expenditure category to reflect the reduced cost of communications as a result of advances in technology. A limit of $15,000 will be imposed on the free sample expenditure category. The promotional literature or other advertising expenditure category will include material in electronic form. Provisions for reimbursement of in-country travel other than airfares will be repealed and the daily allowance for overseas visits will be increased from $300 to $350. Expenses incurred on activities or products which a CEO of Austrade considers may have a detrimental impact on Australia's trade reputation will be excluded from the scheme. Austrade will be permitted to direct funds from other sources towards EMDG administration costs. Labor supports the minor and technical changes to the EMDG scheme effected by this bill, and we support the passage of the Trade Legislation Amendment Bill (No.1) 2016.

Senator XENOPHON (South Australia) (13:52): While I indicate that I will be supporting the second reading of Trade Legislation Amendment Bill (No.1) 2016, I have to express some serious concerns about one provision in particular, the $15,000 limit on the free sample expenditure category. While I acknowledge this bill must be passed in order to keep the Export Market Development Grants scheme going—and I emphasise I will not be standing in the way of the scheme continuing—capping the free sample expenditure category is a short-sighted, penny-pinching move that I think will have more serious consequences than the government appreciates. At the outset, it is important to note that a coalition MP, Craig Kelly, the member for Hughes, in his second reading contribution to this bill in the House of Representatives said:

There are a couple of changes in this legislation that I would prefer not to see there. One is the capping of the free samples provision. That is capped at $15,000. Each individual business determines whether promotion should be done through overseas representation, marketing consultants, marketing visits, trade forums, promotional literature or free samples. I understand that there have been times in the past when those free samples may have been overclaimed, but I think that should be left to each individual business rather than putting a cap on it. I would not like to see that there, but it is there.

I agree with Mr Kelly that if there are participants in the scheme who are rorting the system by inflating the actual cost of the free samples they are claiming, then those rogue operators...
should be identified through audits. Punishing all participants of the scheme for the actions of a few is not the way to go about controlling expenditure here.

I have been told by participants in the Export Market Development Grants scheme that free samples can be a more cost-effective way of driving more business than any other expenditure, particularly for small exporters, as they tell me there is nothing like a potential buyer holding a new product in their hand when it comes to their deciding whether or not to go ahead with the purchase. So why are we tying our exporters' hands and putting up barriers to them growing their business by removing what appears to be a sensible concession? It does not make sense to me. It is a matter that I have raised with the trade minister. I wanted to flag these concerns because there are a number of agents involved in this who say that this is going to be counterproductive. I raise that. I know that this bill will be passed, but it needs to be monitored. I will continue to make representations to the minister for trade in relation to these matters, with the anomalies and the unintended consequences that I think will arise out of this particular aspect of the bill.

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (13:55): I thank senators for their contributions. Senator Moore has very clearly articulated the measures within the bill and I thank her for her comments. I do stress the point that there will be regular reviews of the measure, as she expressed the concern. With respect to Senator Xenophon's comments, it needs to be understood that this is a capped scheme and the more that is taken out in the sample section means there is less for other players. A very small component of the scheme has been claiming over that mark—about four per cent. I understand his concern and I am quite happy to continue to receive his representations with respect to those concerns. Again, I thank senators for their contributions. I commend the bill to the Senate.

Question agreed to.
Bill read a second time.

Third Reading

The PRESIDENT (13:56): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (13:56): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Law and Justice Legislation Amendment (Northern Territory Local Court) Bill 2016

Second Reading

Debate resumed on the motion:
That this bill be now read a second time.
Senator McEWEN (South Australia—Opposition Whip in the Senate) (13:57): I note the opposition supports this bill. With the support of the government, I seek leave to incorporate the opposition's second reading speech.

Leave granted.

The speech read as follows—

Labor supports this Bill, which makes technical amendments to a range of Commonwealth Acts in recognition of recent changes to the Northern Territory's court system.

The Bill is necessitated by the Local Court Act 2015 (NT), which passed the Northern Territory Legislative Assembly in April 2015 and is expected to enter force in May of this year.

That Act makes a number of changes to the Territory's court system.

Relevantly for those of us in this place, it consolidates two of the Territory's courts, the Local Court and the Court of Summary Jurisdiction, and renames as 'judges' those presently styled 'magistrates'.

This is of course a matter for the Territory Government and for the Territory Legislative Assembly, but it does have federal consequences.

A range of Commonwealth Acts confer functions on State and Territory courts, judges and magistrates.

Precise wording is important here, and the change of names in the Territory does matter.

When Commonwealth legislation confers particular functions on different kinds of judicial officers, terms like 'judge', 'magistrate' and 'court of summary jurisdiction' hold a very precise meaning.

This Bill ensures that the changes implemented in the Territory do not in substance alter the way in which a range of Commonwealth laws presently operate.

The Bill amends the Acts Interpretation Act 1901 (Cth) so that as a general rule of interpretation in Commonwealth legislation:

- 'Magistrate' would include NT Local Court Judges;
- 'Judge' would not include NT Local Court judges; and
- 'Court of summary jurisdiction' would include the NT Local Court.

Where necessary, the Bill amends references in Commonwealth Acts which separately define those and similar terms.

The Bill also contains a number of transitional provisions to ensure current arrangements under various Acts are not disturbed.

As I said, these changes are technical in nature, and preserve the existing operation of the federal judicial system.

I commend the bill to the Senate.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (13:57): The Law and Justice Legislation Amendment (Northern Territory Local Court) Bill 2016 will make consequential amendments to Commonwealth legislation arising from the enactment of the Local Court Act 2015 of the Northern Territory. The Local Court Act amalgamates the Northern Territory Local Court and the Court of Summary Jurisdiction into one court to be called the Northern Territory Local Court. The Local Court Act also makes changes to the title of judicial officers of that court. It is expected to commence by proclamation on 1 May 2016.

A number of Commonwealth acts confer jurisdiction on state and territory courts. Without amendments to Commonwealth legislation, some of the provisions of the Local Court Act
will have unintended consequences for the jurisdiction of the Northern Territory courts. A change in title for judicial office holders of the Northern Territory Local Court may change the effect of Commonwealth legislation that confers power and jurisdiction on Northern Territory courts. In some instances, this will mean that Northern Territory Local Court judges will have expanded jurisdiction. In other instances, Commonwealth legislation will no longer apply to local court judges, including provisions that confer jurisdiction on magistrates. Finally, despite the Northern Territory Local Court being a Court of Summary Jurisdiction, some Commonwealth acts may no longer extend this jurisdiction to the Local Court Act.

The Law and Justice Legislation Amendment (Northern Territory Local Court) Bill 2016 will make amendments to address each of these unintended consequences. It achieves this by making minor technical amendments to the Acts Interpretation Act 1901 and other Commonwealth legislation to ensure the continued effectiveness of provisions that confer jurisdictional powers on judicial officers. This bill is important in a variety of contexts, including in relation to criminal law matters where functions performed by Northern Territory local court magistrates are depended upon for the purposes of Commonwealth criminal matters—for example, the issuing of warrants. I commend the bill to the Senate.

Question agreed to.
Bill read a second time.

Third Reading

The PRESIDENT (14:00): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:00): I move:
That this bill be now read a third time.
Question agreed to.
Bills read a third time.

Biological Control Amendment Bill 2016

Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

Senator McEWEN (South Australia—Opposition Whip in the Senate) (14:00): I note the opposition supports this bill and I seek leave to incorporate the opposition's second reading speech to facilitate proceedings in the chamber.

Leave granted.
The speech read as follows—
I rise on behalf of the Opposition to support the Biological Control Amendment Bill 2016
To most people, the greatest threat to Australia's agricultural sector is drought. No doubt it is.
But there is a more constant and pernicious threat - invasive weeds and pest animals.
Studies put the loss of agricultural production attributable to pest animals and weed species as high as $10 billion each year.
Of course, pest animals and weeds are also a threat to our unique biodiversity. Part of the response to pest animals and weeds is biological control.

The Biological Control Act 1984, which we are amending today, in conjunction with state and territory legislation, provides the legislative framework for assessing biological control activities to ensure that they are in the public interest and that safety is foremost in the regulatory mind.

The Biological Control Amendment Bill 2016 provides clarity and greater certainty for biological control programs.

In particular, the bill clarifies the definition of an organism under the Biological Control Act.

This Bill clarifies the definition of an organism under the Biological Control Act 1984 to reflect the growing use of viruses and sub-viral agent organisms for biological control activities.

Viruses are known to be effective agents for biological control in a range of tools available to farmers, land managers and the community.

The classification of viruses as organisms and as living entities is a matter of ongoing scientific debate. In light of this debate, the Bill clarifies the definition of an organism for the purpose of the Act, and omits the term 'live', to remove any ambiguity.

The Act only applies in relation to the Australian Capital Territory (including Jervis Bay Territory).

The Act is supported by 'mirror' biological control legislation in all states and the Northern Territory.

The Bill makes a provision to ensure that the minor amendments made to the Act do not impact the validity of 'relevant state law' declarations previously made under the Act to support the mirror legislation scheme.

The Bill will not affect the existing basic scientific, technical or safety procedures and standards applying to biological control.

This means that before any biological control can be used as management tool for pests and weeds it must go through a suite of approval processes to avoid any unintended consequences or ongoing adverse impacts associated with biological control programs.

Biological control agents undergo extensive testing to assess risk to domestic agricultural and native species.

The release of a biological control agent requires approvals under the Quarantine Act 1908 — which will be replaced by the Biosecurity Act in June this year, the Environmental Protection and Biodiversity Conservation Act 1999 and the Agricultural and Veterinary Chemicals Code Act 1994.

**Senator RUSTON** (South Australia—Assistant Minister for Agriculture and Water Resources) (14:01): The Biological Control Amendment Bill 2015 amends the Biological Control Act 1994 to support national programs for the biological control of damaging pests and weeds. It will also provide greater certainty for stakeholders who research, deliver and benefit from biological control programs.

These agents have been used successfully in Australia in the past and will continue to be an important tool for controlling pests and weeds and mitigating their impact on the economy, the environment and the community.

This bill specifically seeks to amend the act by clarifying the definitions of an organism to specifically include viruses and subviral agents. The definitions of an organism are a matter of an ongoing scientific debate, and the amendments will remove any ambiguity, making it clear into the future that, despite the scientific debate, the act is intended to support the declaration of viruses as agents and targets for biological control activities.
The bill will support the Australian government's $1.2 million commitment to support the rollout of a new strain of rabbit calicivirus. This is part of a long-term national program to mitigate the significant environmental impact wrought by rabbits. I commend the bill to the House.

Question agreed to.

Third Reading

The PRESIDENT (14:02): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (14:02): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Territories Legislation Amendment Bill 2016

Passenger Movement Charge Amendment (Norfolk Island) Bill 2016

Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

Senator McEWEN (South Australia—Opposition Whip in the Senate) (14:03): I note the opposition supports these bills and I seek leave to incorporate the opposition's second reading speech to facilitate proceedings in the chamber.

Leave granted.

The speech read as follows—

TERRITORIES LEGISLATION AMENDMENT BILL

PASSENGER MOVEMENT CHARGE AMENDMENT (NORFOLK ISLAND) BILL

I rise to express Labor's support for these two bills.

As Senators would be aware, there have been numerous enquiries since 1979 with regard to matters pertaining to Norfolk Island.

Central to these enquiries have been the sustainability and appropriateness of the governance arrangements, the capacity of a community of around 1800 people to be financially sustainable, and the delivery of services and infrastructure.

It has become clear that the Norfolk Island community is not able to provide Federal functions. This includes functions such as immigration, quarantine and customs, social services and taxation as well as state and local government services in a sustainable way.

Successive Federal governments have sought to reform governance arrangements of Norfolk Island to ensure a decent standard of services and infrastructure for the people of Norfolk Island.

When in office, Labor started the reform agenda for Norfolk Island with the passage of the Territories Law Reform Bill.
We also initiated the road map for reform in 2011 in partnership with the people of Norfolk Island, together with providing emergency funding assistance and investments in infrastructure to lift economic opportunities on the Island.

Given the significant economic and financial challenges facing Norfolk Island, governance, administrative and legal reform is required to bring the jurisdiction in line with mainland standards for health and community services and taxation.

The Australian citizens on Norfolk Island deserve equal access to services as other Australians, whether on the mainland or the other external territories.

Labor is committed to working in partnership with the people of Norfolk Island to ensure this occurs and to harness the opportunities before them.

And that is why Labor supports these bills.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (14:03): This package of bills is the next step in the government's commitment to deliver reforms for Norfolk Island. The first tranche of reform bills passed parliament in 2015 with bipartisan support.

The bills being considered today also have bipartisan support, and I look forward to continuing this approach as we put Norfolk Island on a more sustainable footing. I commend the bills to the Senate.

Question agreed to.

Third Reading

The PRESIDENT (14:03): As no amendments to the bills have been circulated, I shall call the minister to move the third reading unless any senator requires that the bills be considered in Committee of the Whole.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (14:04): I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015

Second Reading

Debate resumed on the motion:

That the bill be now read a second time.

Senator McEWEN (South Australia—Opposition Whip in the Senate) (14:04): I note the opposition supports this bill and I seek leave to incorporate the opposition's second reading speech to facilitate proceedings in the chamber.

Leave granted.

The speech read as follows—

- I rise to support the Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015.
- A visa label is placed in a passport as physical evidence that a traveller has a visa to enter Australia.
- There has been bipartisan support for the phasing out of visa labels since the late 1990s.
- However, until last year travellers still had the option of requesting a label for their passport.
In 2012, the Labor Government introduced a visa evidence charge to discourage people from making such requests.

The Coalition Government increased the charge in 2014, and as a result of the charges the number of visa labels issued was significantly reduced.

In 2011, 100,000 labels were being issued a month, but in August last year only 2816 were issued.

The use of digital systems has made labels unnecessary, and most visitors travel to Australia without a label in their passports.

The Department of Immigration and Border Protection has consulted industry stakeholders on the phasing out of labels, and they have indicated they support this change.

In August 2015, the Government introduced an amendment to the Migration Regulations that effectively ended the use of visa labels.

This Bill gives statutory effect to that decision, and Labor fully supports it.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister and Assistant Minister for Immigration) (14:04): I would like to thank the opposition for their position. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The President (14:05): As there have been no amendments circulated in the chamber, unless any senator wishes to move into committee, I propose to call the minister.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister and Assistant Minister for Immigration) (14:05): I move:

That this bill be read a third time.

Question agreed to.

Bill read a third time.

Committees

Membership

The President (14:05): I have received letters requesting changes in the membership of various committees.

Senator Fifield (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:05): by leave—I move:

That senators be discharged from and appointed to committees as follows:

Education and Employment Legislation Committee—

Appointed—

Substitute member: Senator Rice to replace Senator Simms for the committee's inquiry into the Fair Work Amendment (Protecting Australian Workers) Bill 2016

Participating member: Senator Simms

Environment and Communications References Committee—

Appointed—
Substitute member: Senator McKim to replace Senator Waters for the committee's inquiry into fires in remote Tasmanian wilderness affecting the Tasmanian Wilderness World Heritage Area

Participating member: Senator Waters

**Health—Select Committee—**

Appointed—

Substitute members:

Senator Cameron to replace Senator McAllister from 2 to 5 May 2016

Senator Dastyari to replace Senator McAllister on 4 May 2016

Senator Ketter to replace Senator McAllister on 6 May 2016

Participating member: Senator McAllister

**Legal and Constitutional Affairs Legislation Committee—**

Appointed—

Substitute member: Senator Hanson-Young to replace Senator McKim for the committee's inquiries into the provisions of the Customs and Other Legislation Amendment Bill 2016, and into the provisions of the Migration Amendment (Family Violence and Other Measures) Bill 2016

Participating member: Senator McKim

**Scrutiny of Government Budget Measures—Select Committee—**

Appointed—

Substitute members:

Senator Brown to replace Senator Lines from 21 March to 30 April 2016

Senator Carr to replace Senator Urquhart from 21 March to 10 April 2016

Participating member: Senators Lines and Urquhart

**Rural and Regional Affairs and Transport References Committee—**

Appointed—

Substitute member: Senator Rice to replace Senator Whish-Wilson for the committee's inquiry into the state of Australia's rail industry

Participating member: Senator Whish-Wilson.

Question agreed to.

**BILLS**

**Primary Industries Levies and Charges Collection Amendment Bill 2016**

**First Reading**

Bill received from the House of Representatives.

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:06): I move:

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

Question agreed to.

Bill read a first time.

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CHAMBER
SECOND READING

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:06): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

PRIMARY INDUSTRIES LEVIES AND CHARGES COLLECTION AMENDMENT BILL 2016

Australia’s rural industries are among the most innovative and productive in the world. Continued investment in rural research and development (R&D) is vital to ensure ongoing growth and improvement in the profitability and competitiveness of Australia’s agriculture, fisheries, forestry and food sectors. In recognition of this, the Australian Government works with industry to co-invest in research through our world-leading rural R&D system.

Much of this work is delivered through the 15 rural research and development corporations (RDCs). RDCs provide a mechanism for industry to come together and invest collectively in R&D. The government assists by establishing and collecting a levy on behalf of an industry, if an industry requests this. The government also matches an RDC’s eligible R&D spending up to a legislated cap. It is estimated that for every dollar that the government invests in rural R&D, farmers generate a $12 return over 10 years.

Feedback from primary producers is an integral part of how RDCs work. RDCs are required to consult with industry on their activities, to give those who fund the research, via levies, an opportunity to provide input into the strategic direction of the corporation.

Recent reviews and inquiries, including the Senate Rural and Regional Affairs and Transport References Committee’s inquiry into Industry structures and systems governing levies on grass-fed cattle and Industry structures and systems governing the imposition of and disbursement of marketing and R&D levies in the agricultural sector, have identified improved consultation with levy payers as key to the ongoing strength of Australia’s rural R&D system. Several of these inquiries recommended that the establishment of levy payer registers would offer a way for RDCs to consult more effectively with the primary producers who fund them.

The government agrees that levy payers should have more of a say in how their levy funds are spent. RDCs should know who their levy payers are. Levy payers registers would provide RDCs with the ability to identify and consult directly with levy payers on research priorities and levy expenditure, and to accurately and efficiently allocate voting entitlements for polls, where this is relevant.

This Bill makes possible the establishment of levy payer registers by RDCs by amending the Primary Industries Levies and Charges Collection Act 1991. As it stands, the Act only permits the distribution of levy payer information to the wool and dairy RDCs. This Bill remedies this by allowing the government to provide levy payer information, for the purposes of a levy payer register, to the 13 other RDCs.

The Bill removes the legislative impediment to the development of levy payer registers. However, recognising that a ‘one size fits all’ approach would not be appropriate given the diversity of Australian agricultural industries, the Bill allows for the distribution of levy payer information to an RDC to occur only where an RDC, in consultation with industry, requests it, and that request is approved by the minister. The department would then work with the RDC on the administrative design and development of a register. This is consistent with the government’s approach to the broader R&D levy system, which is centred on industry support.
The Bill also allows the Secretary of the Department of Agriculture and Water Resources to permit levy payer information to be provided to the Australian Bureau of Statistics. This is consistent with the government's Public Data Policy Statement, which commits to securely share data between Australian Government entities to improve efficiencies, and inform policy development and decision-making.

The Bill maintains current practices for distribution of the name and address of the person or body that lodges levy returns with the department, to RDCs, industry representative bodies and others. In limited situations, the person that lodges returns is also the levy payer (for example, in the turf industry).

The Bill does not permit secondary disclosure of information included in a levy payer register, except in limited circumstances and where expressly permitted by the Secretary in writing. This aims to protect the integrity and security of levy and charge payers' personal information.

Where an eligible recipient is permitted to disclose levy payer information to a secondary recipient, that person or body may only use the information for restricted purposes relating to R&D, marketing, biosecurity or the National Residue Survey.

Where levy payer contact details are to be provided to an industry representative body, the administrative arrangements will enable levy payers to choose to opt-out and not receive information.

The passage of this Bill is the first key step in allowing for the development of levy payer registers, making it possible for the RDCs to identify and connect directly with those who fund their work.

Through greater levy payer engagement in the R&D system, RDCs will be able to better align research investments to industry priorities—improving returns to primary producers and contributing to a more profitable, competitive and sustainable agricultural sector.

We will now work with the RDCs and industry to make this happen.

The government is committed to an Australian R&D system that remains transparent, consultative and delivers tangible benefits to Australia's agricultural industries into the future.

The PRESIDENT: In accordance with standing order 115(3), further consideration of this bill is now adjourned to 12 May this year.

Social Services Legislation Amendment (Enhanced Welfare Payment Integrity) Bill 2016

Social Services Legislation Amendment (Interest Charge) Bill 2016

First Reading

Bills received from the House of Representatives.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:07): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:08): I move:
That these bills be now read a second time.
I seek leave to have the second reading speeches incorporated in *Hansard*.
Leave granted.

The speeches read as follows—

SOCIAL SERVICES LEGISLATION AMENDMENT (ENHANCED WELFARE PAYMENT INTEGRITY) BILL 2016

This Bill introduces the legislative amendments required for the 2015-16 Mid-Year Economic and Fiscal Outlook *Enhanced Welfare Payment Integrity – expand debt recovery* measure.

This measure contains two elements that require legislative amendments to strengthen our capacity to recover debt.

Firstly, the Bill contains amendments to allow for the use of departure prohibition orders to prevent targeted social welfare debtors from leaving the country (as currently applies to child support debtors).

The Bill also removes the current six-year limitation on the recovery of social welfare debt that would otherwise be non-recoverable, aligning the treatment of social welfare debt with the recovery arrangements in place for other Commonwealth agencies.

At the end of June 2015, there were over one million debts with a value of $3.04 billion. These debts have increased by almost 10 per cent in value since June 2014.

Of this debt base, approximately $870 million is held by around 270,000 former recipients who do not make sufficient or regular payments.

**Departure prohibition orders**

The Government believes it is not appropriate for an individual to travel overseas, when they have the means to fund that travel but have not set up any arrangement to repay their outstanding debt to the Commonwealth.

This new legislation proposes that the Secretary may make a departure prohibition order prohibiting a person from departing Australia for a foreign country if the person has one or more debts to the Commonwealth and there are no arrangements satisfactory to the Secretary for one or more of the debts to be wholly repaid. This is consistent with the treatment of people with child support debts.

The Government is mindful of reasons why people may be required to travel overseas, and procedures will be put in place to allow for people subject to a departure prohibition order to travel overseas in specified circumstances.

Departure authorisation certificates may also be granted on humanitarian grounds or where the person's travel may be in Australia's best interests.

**Limitation of recovery**

The Government believes that, where there is a debt owed by a person to the Commonwealth, these debts should be recovered wherever possible, and should not be bound by arbitrary timelines.

The Government is introducing an amendment to allow for the pursuit and recovery of debts, similar to the recovery of taxation debts. This will increase the Department of Human Services' capacity to recover outstanding debts.

This measure requires us to remove the current limitation on the recovery of debt where recovery action has not been undertaken in the preceding six years.

Social welfare debtors generally have more than one debt. Given the resources social welfare recipients have to repay debts, debts are generally paid off one at a time over an extended period. It is possible in these circumstances for some of an individual's debts to reach the six-year limitation before recovery can be actioned.
As at the end of 2014-15 there were:

- 36,834 debts worth $131.20 million that will reach their expiry date within one year (i.e. before the legislation is passed). (The Department of Human Services hasn't touched these debts for six years and won't touch them before 30 June.)
- 54,200 debts worth $166.81 million that have already reached their expiry date and so cannot be recovered by compulsory means (withholdings, tax garnishee, garnishee of salary, civil action). Voluntary recoveries can still be accepted.
- A further 4,595 debts worth $12.96 million were permanently written off over the 2014-15 financial year due to being statute barred (i.e. passed the statute date).
- The write-off process is not automatic. DHS periodically checks the limitation date for outstanding debt and writes off debts that have passed the six-year limit in which no recovery action has been taken.

Let me present the following examples to illustrate this point:

1. An 85 year old male was overpaid Unemployment Benefit of $36,949.32 due to undeclared earnings. The debt was raised approximately 30 years ago. There have been no repayments on this debt, meaning the gentleman in question is no longer a recipient of social welfare or family assistance payments. The six-year limitation has expired on this debt, making it unrecoverable.

2. A 71 year old female was overpaid Widows Allowance of $383,359.10 due to false or multiple identities. No recovery action has taken place for this debt as the person is not currently on payment. The person's whereabouts are currently unknown.

3. A 69 year old female was overpaid Family Allowance of $908.53 due to not being in Australia. A debt was raised almost 30 years ago. An outstanding balance remains of $346.53. Repayments have been made through garnishee of tax returns in 2003, 2006, and 2008. The six-year limitation expired in 2015 and as a result, this debt is no longer recoverable.

4. A 64 year old female was overpaid Parenting Payment Single of $5,989.60 due to undeclared earnings. A debt was raised over 30 years ago. Repayments via withholdings were made until September 1990 and a one-off payment in August 2009. An outstanding balance remains of $2,971.60. The six-year limitation expired in 2015 and, as a result, this debt is no longer recoverable.

5. An 87 year old male was overpaid Age Pension of $301,863.23 for a period of 8,482 days (that is just over 23 years) due to false or multiple identities. A debt was raised on 10/12/2014. A single repayment of $33,077.10 was made on 21 January 2015. In the event that this legislation does not pass, and the gentleman in this example fails to make any contributions in the next five years, the Commonwealth will not be able to recover this debt.

So in several of the above examples, we have debts that were raised over 30 years ago. In the intervening period, the recipients ceased to be on payment and the Commonwealth was unable to recoup any of the debt within the six-year limitation. Should these people come back on to a welfare payment after the six-year limitation has expired, we are not able to withhold any contribution from their payments in order to repay their debt.

Should the 85 year old male in the example above become eligible to receive the Age Pension, the Commonwealth would be unable to recover any portion of the $37,000 debt resulting from his failure to declare earnings.

Individual debt to the Commonwealth forms an increasing assets base that poses significant financial costs on the community. These are financial resources that the Government can use to support other priorities for the Australian community.
The Enhanced Welfare Payment Integrity—expand debt recovery measure will also better enable the Department of Human Services to recover debts from current and ex-recipients of social security and family assistance payments.

The measure provides additional funds to expand Centrelink’s debt recovery operations and capacity to utilise the full extent of powers contained within existing legislation for pursuing the recovery of debts. This includes:

- pursuing an additional 1,500 high-value debt cases relating to ex-recipients who have been identified as having the capacity to repay the debt;
- increasing negotiated repayment arrangements with ex-recipients by 8,000 per month;
- negotiating higher repayments from ex-recipients currently making debt repayments but identified as having capacity to pay more; and
- targeting current recipients who are on a partial rate of payment due to employment income so they are in repayment arrangements suitable to their circumstances.

The Government will continue to focus on protecting the integrity of the welfare system.

The Enhanced Welfare Payment Integrity—expand debt recovery measure is estimated to achieve net underlying cash savings of $157.8 million over the forward estimates.

These sensible measures will resonate with the taxpayers of Australia who know that in everyday life they need to manage their household budget including repayment of debts.

This Bill, in conjunction with the Social Services Legislation Amendment (Interest Charge) Bill 2016, provides a suite of measures that strengthens the government’s ability to recover debts from former social welfare and family payment recipients.

I think those opposite will agree that having a social welfare system where an individual can have an outstanding debt to the Commonwealth of $300,000 dating back 30 years is unacceptable and I look forward to their support for this Bill.

SOCIAL SERVICES LEGISLATION AMENDMENT (INTEREST CHARGE) BILL 2016

This Bill introduces the legislative amendments required for the 2015-16 Mid-Year Economic and Fiscal Outlook measure, Applying a general interest charge to the debts of ex-recipients of Social Security and Family Assistance Payments.

From an intended implementation date of 1 July 2016, the Bill will provide for the application of a new annual interest charge to outstanding debts owed by former recipients of social welfare payments who have failed to enter into, or have not complied with, an acceptable repayment arrangement.

The interest charge will apply to social security, family assistance (including child care), paid parental leave and student assistance debts.

At the end of June 2015, there were over one million debts with a value of $3.04 billion. These debts have increased by almost 10 per cent in value since June 2014.

Of this debt base, approximately $870 million is held by around 270,000 former recipients who do not make sufficient or regular payments.

While the average value of social welfare debt is $2,357 and the average length of debt is just over three years, there are some extremes which I will expand on shortly.

To understand how we have end up with over $3 billion in social welfare debt, we must first understand how social security and family assistance debts are raised. A debt to the Commonwealth occurs when a welfare recipient receives an overpayment—a payment to which they are not entitled.

The main reasons for overpayment are as follows:

1. Welfare recipients that have not lodged a tax return
- Until their tax return is lodged, the entire FTB payment is raised as debt. This cohort represents 20% of debts and 39% of the value of debts.

2. Advance payments
- Former recipients who received an advance payment, and before it could be recovered through withholdings, ceased to be a payment recipient. This cohort represents 15% of debts and 1.5% of the value of debts.

3. Undeclared earnings and wrongly declared earnings
- Former recipients who have, either accidentally or deliberately, failed to declare earnings or accurately declare earnings.

This cohort represents 16% of debts and 20% of the value.

4. Reconciliation
- FTB and child care assistance payments through the year are based on a recipient's income estimate, which is then reconciled at the end of the financial year. Debts are raised when a recipient has been overpaid due to under-estimating their income. This is not a fraudulent activity in the main as many families have inconsistent income, fringe benefits and other sources of tax offsets, including negative gearing, that can only be finally determined at the end of financial year.

This cohort represents 13% of debts and 10% of the debt value.

Current recipients of social welfare payments who also have a social security or family assistance debt have their welfare payments reduced until their debts are paid. There is no similar arrangement in place to recover debts once a person no longer requires social welfare or family assistance payments.

In fact, not only is there no incentive for former recipients who are no longer dependent on the welfare payment system to repay their debts, some may actively avoid repayment.

I'd like to illustrate the point by presenting the following examples:

1. A 54 year old male was overpaid $74,459.66 in Unemployment Benefit due to false or multiple identities. The debt was raised almost 30 years ago. While the recipient made multiple repayments each time he came back onto social welfare payments – and similarly failed to make payments each time he left the system – the gentleman in question is now an ex-recipient without a repayment plan in place for the outstanding debt of over $45,000.

2. An 85 year old male was overpaid Unemployment Benefit of $36,949.32 due to undeclared earnings. As in the previous case, the debt was raised approximately 30 years ago. There have been no repayments on this debt, meaning the gentleman in question is no longer a recipient of social welfare or family assistance payments. The limitation on recovery has expired on this debt, making it unrecoverable.

3. A 71 year old female was overpaid Widows Allowance of $383,359.10 due to false or multiple identities. No recovery action has taken place for this debt as the person is not currently on payment. The person's whereabouts are currently unknown.

4. A 93 year old male was overpaid Age Pension of $261,376.85 over a period of 19 years due to having assets over the limit. A one-off payment of $25,000 has been made in January this year.

5. An 87 year old male was overpaid Age Pension of $301,863.23 for a period of 23 years due to false or multiple identities. A single repayment of $33,077.10 was made in 2015.

The interest charge will provide an incentive for the responsible self-management of debts and encourage debtors to repay their debts in a timely manner, where they have the financial capacity to do so.
Debtors who are no longer eligible to receive financial support through social welfare payments are arguably more likely to have the financial capacity to make repayments than those in receipt of income support or family assistance.

The introduction of the interest charge will ensure that people who once received social welfare payments do not receive an unfair advantage by having received what is, in effect, an interest-free loan from the Government.

The rate of the proposed interest charge (approximately nine per cent) will be based on the 90-day Bank Accepted Bill rate (approximately two per cent) plus an additional seven per cent, as is already applied by the Australian Taxation Office under the Taxation Administration Act 1953.

To ensure all debtors are treated consistently and fairly, the interest charge will also apply to those receiving only child care assistance and/or paid parental leave payments (and no other social welfare payment) with outstanding debts. These debtors are not subject to deductions from their payments and should be required to enter into an acceptable repayment arrangement to repay their debts, as with other debtors.

It is important to reiterate that only former recipients of social security and family assistance payments who have a debt to the Commonwealth, i.e. they have received a payment to which they are not entitled, and who do not enter into, or who are not honouring, an acceptable repayment arrangement will have an interest charge applied.

Debtors will receive a letter seeking repayment of the debt in full to avoid the application of the interest charge. Where the debtor cannot repay the debt in full, the letter will encourage the debtor to contact the Department of Human Services within 28 days to negotiate an acceptable repayment arrangement.

If no arrangement is made within 28 days, the interest charge will be applied to the full balance of the debt, accruing on a daily basis, until an acceptable debt repayment arrangement has been entered into.

In cases of severe financial hardship, a debtor can apply to the Department of Human Services for a review of their capacity to pay, and the debt may be waived or temporarily written off until the debtor's financial circumstances improve. Alternatively, a reduced rate of recovery may be applied. No interest charge would be applied for that period of time.

The Bill is expected to achieve savings to the fiscal balance of $24.4 million over four years from 1 July 2016, with underlying cash savings of $416.5 million.

On 14th October 2015, the Member for Jagajaga said:

As we have always said, we will support sensible savings when the government puts them forward. We do understand the task of fiscal repair and we will take decisions that improve our nation's finances when appropriate. But I add that we will only do so when the savings do not offend our fundamental sense of fairness.

It is clear from the examples I outlined above that there is nothing fair about former welfare recipients failing to repay, or enter into a repayment plan, for a debt to the Commonwealth resulting from them being in receipt of a payment to which they were not entitled.

This Bill simply levels the playing field to ensure former welfare recipients with a debt to the Commonwealth are subject to the same requirement to repay the debt as is expected of current welfare and family payment recipients.

I look forward to the support of those opposite.

The PRESIDENT: In accordance with standing order 115(3), further consideration of these bills is now adjourned to 20 June 2016.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.
MINISTERIAL STATEMENTS

Malaysia Airlines Flight MH370

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:08): On behalf of the Minister for Infrastructure and Transport, Mr Chester, I table a ministerial statement to mark the second anniversary of the disappearance of Malaysia Airlines Flight MH370.

BILLS

Australian Crime Commission Amendment (National Policing Information) Bill 2015

Explanatory Memorandum

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:08): I table an addendum to the explanatory memorandum relating to the Australian Crime Commission Amendment (National Policing Information) Bill 2015.

DOCUMENTS

Infrastructure Investment Program

Defence Procurement

Education Funding

Order for the Production of Documents

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:09): I table documents relating to the orders for the production of documents concerning the communications campaign, the submarines tender process and the indexation of school funding.

ADJOURNMENT

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:09): I move:

That the Senate, at its rising, adjourn till Tuesday, 10 May 2016, at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:09): I move the following amendment to that motion:

At the end of the motion, add “but, before fixing a time for the purpose of this order, the President or the Deputy President must secure in writing the concurrence of an absolute majority of senators, for which purpose the leader or deputy leader of a party may be taken to represent all members of that party”.

If I may speak on the amendment, I note I have 20 minutes, and colleagues will be very pleased to know I will not take up that much time. Light-heartedness aside, we have had a game of national kabuki over these last weeks as this government tries to make a decision on whether or not it will go to a double dissolution or early election and whether or not this will require the bringing forward of the federal budget. The government, as has been its wont in
relation to tax policy, has allowed this speculation to continue. Ministers have at various times used different variations of words such as, 'We're working towards,' or, 'The budget is scheduled on,' and other such weasel words, and we have seen a great deal of speculation in the media about that possibility.

I want to make it very clear, from the Labor Party's perspective, that we will not be agreeing to a sitting of the Senate that is not currently scheduled simply to assist this government in an election timetable. If the government were minded to so do, then the government ought have moved a transparent motion to that effect, which it could have done this week. The amendment I have moved ensures that the discretion that the President and the Deputy President have to fix another, earlier time for the Senate is bounded by the requirement of a majority of senators concurring. The motion that the Manager of Government Business has moved is a normal part of what the Senate does in between sittings, but I note the circumstances in which we rise on this occasion are quite different. We have had a great deal of speculation, we have had ministers ducking and weaving and we have not had the government being clear about what its intentions are.

If the government has no such intentions, then the government ought not have any concern about this amendment. It is disappointing that the government has indicated—unless Senator Brandis is going to indicate agreement—that it does not agree with it. Obviously, if there were urgent matters, you would anticipate that the opposition, as a party of government, would ensure that the President's authority could be implemented. I commend the amendment to the Senate.

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:13): The government opposes the amendment moved by Senator Wong. The motion moved by the Manager of Government Business, Senator Fifield, is utterly orthodox. It is the standard motion that is routinely and uncontroversially moved by the government at the end of each parliamentary sittings. For the 16 years that I have been a member of this chamber, I have never seen an occasion in which an opposition has cavilled with, let alone sought to amend, the utterly orthodox motion which Senator Fifield has moved. For that reason alone, because this is unorthodox and, as far as we can determine, unprecedented, the government opposes this motion. However—

*Senator Conroy interjecting—*

**The PRESIDENT:** Order, Senator Conroy! Senator Wong was heard in silence and I think the same courtesy should be extended to the leader of the government.

**Senator BRANDIS:** However, the matter is more serious than that because the amendment is, in fact, at variance with standing orders. I direct your attention, Mr President, to standing order 55(2), the standing order which deals with the times of meetings of the Senate. Standing order 55(2) provides:

The President, at the request of an absolute majority of the whole number of senators that the Senate meet at a certain time, shall fix a time of meeting in accordance with that request, and the time of meeting shall be notified to each senator.

That is one of the modes that Senate practice and procedure provides for for the fixing of a date for the meeting of the Senate, and it provides a mechanism or a device for doing so. It is a manner-and-form provision.
Senator Wong's motion is different in character. Senator Wong's amendment is a prohibition. It would add the words: 'provided that the President or Deputy President may not fix a time under this order unless that time has the concurrence of an absolute majority of senators, where the leader or deputy leader of a party in the Senate can concur on behalf of every senator in that party'. From a legal point of view, there is a very material difference between a provision—standing order 55(2)—which confers a power subject to the satisfaction of stated conditions, on the one hand, and a prohibition on the President from calling the Senate together. This is an amendment to a motion which would have a very different character, but its effect would be to contradict the provisions of standing order 55(2).

If I am wrong about that and Senator Wong's amendment does nothing more than set out, in slightly different language, what is already provided for by standing order 55(2), then it is unnecessary and odious. Whether it be the case—which is my primary submission, sir—that, by containing a prohibition, this proposed amendment limits a power conferred by the standing orders and is therefore obnoxious to the standing orders or, alternatively, does not do that and is redundant and unnecessary, on either view it is unorthodox and ought not be adopted by this chamber.

Senator Wong (South Australia—Leader of the Opposition in the Senate) (14:16): I seek leave to make a short statement.

The President: Leave is granted for one minute.

Senator Wong: Frankly, with respect, those were meaningless word games from the Leader of the Government in the Senate, who really enjoys the sound of his own voice a little too much. It is entirely consistent with the standing order. In fact, it essentially locks in the standing order in respect of a discretion that is contained in the motion the minister has moved.

The President: The question is the motion moved by Senator Wong to amend the motion moved by Senator Fifield be agreed to.

The Senate [14:22]

(The President—Senator Parry)

Ayes ......................31
Noes ......................22
Majority ...............9

AYES

Brown, CL
Cameron, DN
Conroy, SM
Day, RJ
Gallacher, AM
Lazarus, GP
Ludlam, S
McAllister, J
McLucas, J
Muir, R
Peris, N
Rice, J

Bullock, JW
Carr, KJ
Dastyari, S
Di Natale, R
Hanson-Young, SC
Leyonhjelm, DE
Marshall, GM
McEwen, A (teller)
Moore, CM
O’Neill, DM
Rhiannon, L
Siewert, R

CHAMBER
AYES
Simms, RA
Urquhart, AE
Waters, LJ
Wong, P

Sterle, G
Wang, Z
Whish-Wilson, PS

NOES
Back, CJ
Brandis, GH
Bushby, DC (teller)
Canavan, MJ
Cash, MC
Colbeck, R
Edwards, S
Fifield, MP
Johnston, D
Macdonald, ID
McGrath, J
McKenzie, B
Nash, F
O’Sullivan, B
Paterson, J
Reynolds, L
Ruston, A
Ryan, SM
Seselja, Z
Smith, D

Question agreed to.
Original question, as amended, agreed to.

BUSINESS
Leave of Absence

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:24): I move:

That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Senator Sterle: What would that date be, Mitch?

Senator FIFIELD: Good night and sweet dreams!

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:24): On behalf of the opposition, I just wanted to thank all of the Senate staff—particularly for over the last few days, which have been a very heavy schedule. Also, if people would allow me to, I want to thank staff of the opposition. They have worked extraordinarily hard in these last days. I appreciate it. Thank you.

The PRESIDENT (14:25): The question is that the motion moved by Senator Fifield be agreed to—I should say ‘as amended’. Those of that opinion say ‘aye’, those against say ‘no’. Oh, sorry, that was not amended. It has been a long 30-something hours. We have just agreed that we can all go home, I think—that was the motion. Everyone has agreed to that, I take it. There is no dissent.

Question agreed to.

The PRESIDENT: Can I also add my thanks to staff. I want to echo, in particular, the words of Senator Rhiannon when she clearly articulated her thanks to a number of people in
this building over the past 24 to 48 hours. Thank you. I bid all staff here and every senator safe travelling home.

Honourable senators: Hear, hear!

The PRESIDENT: The Senate stands adjourned and will meet again on Tuesday, 10 May 2016 at 12.30 pm.

Senate adjourned at 14:26 (Friday)

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

Australian Bureau of Statistics Act 1975—
- Value of Agricultural Commodities Produced 2015-16—Proposal No. 5 of 2016.


Corporations Act 2001—
- ASIC Corporations (Consents to Statements) Instrument 2016/72 [F2016L00326].
- ASIC Corporations (Substituted Supplementary Disclosure Documents) Instrument 2016/78 [F2016L00323].

Environment Protection and Biodiversity Conservation Act 1999—Amendment of List of Exempt Native Specimens—Macquarie Island Toothfish Fishery, Southern Squid Jig Fishery, Torres Strait Finfish Fishery, Torres Strait Prawn Fishery, Western Australian Octopus Fisheries and the Western Australian South Coast Trawl Fishery (9 March 2016)—EPBC303DC/SFS/2016/08 [F2016L00314].

Federal Financial Relations Act 2009—
- Federal Financial Relations (General purpose financial assistance) Determination No. 83 (February 2016) [F2016L00316].
- Federal Financial Relations (National Partnership payments) Determination No. 103 (February 2016) [F2016L00318].

National Consumer Credit Protection Act 2009—ASIC Credit (Updated details for prescribed disclosure) Instrument 2016/200 [F2016L00319].

**Tabling**

The following document was tabled by the Clerk pursuant to the order of the Senate of 20 June 2001, as amended: