



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**BILLS**

**Commonwealth Electoral Amendment Bill 2016**

**In Committee**

**SPEECH**

**Thursday, 17 March 2016**

BY AUTHORITY OF THE SENATE

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## SPEECH

**Date** Thursday, 17 March 2016  
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**Questioner**  
**Speaker** Collins, Sen Jacinta

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**Question No.**

**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 JSCM 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 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 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*)