



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

SPEECH

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Questioner
Speaker Collins, Sen Jacinta

Source Senate
Proof No
Responder
Question No.

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.