



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

BILLS

Commonwealth Electoral Amendment Bill 2016

In Committee

SPEECH

Thursday, 17 March 2016

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SPEECH

Date Thursday, 17 March 2016
Page 2533
Questioner
Speaker Collins, Sen Jacinta

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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I was actually going to return to this area, because I found the minister's representation of the provisions that were repealed somewhat limiting when he was responding to Senator Muir earlier.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Senator Muir's questions in this area, he referred to the fact that the penalty provisions that were in 329A had been repealed.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?