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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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Speaker Collins, Sen Jacinta

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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 dealing 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.