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PARLIAMENTARY DEBATES



THE SENATE

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Commonwealth Electoral Amendment Bill 2016

In Committee

SPEECH

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BY AUTHORITY OF THE SENATE

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Page 2549
Questioner
Speaker Collins, Sen Jacinta

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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 Xenophon'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.