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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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Questioner
Speaker Collins, Sen Jacinta

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Senator JACINTA COLLINS (Victoria) (06:28): I move opposition amendment (1) on a sheet 7859:

(1) Clause 2, page 2 (table item 1), omit "The day after this Act receives the Royal Asset.", substitute "19 July 2016".

Before I address that amendment, because Senator Rhiannon seems to think that commentary about how we are proceeding is the order of the day—and, of course, hers is not particularly accurate—I will indicate, given some of the nature of the interjections that occurred during that last division, that, as an example of how we are proceeding in a way that deals with the substantive matters in this bill, Labor did not believe it was appropriate or necessary to pull out of the previous discussion amendments such as amendment (6) which is simply:

(6) Schedule 1, items 26 and 27, page 7 (lines 16 to 21), omit the items, substitute:

26 Section 270

Repeal the section.

There have been accusations during this debate about the time wasting and the like that has been occurring. We have made our points in relation to those amendments and we are more than happy to move on to our first significant amendment.

This amendment, which will delay the commencement of the bill until 19 July 2016, demonstrates to the minister that it is possible to be very clear about when the provisions of the bill will first apply. He could, hypothetically, have been far more clear with us about how an advertising campaign might occur and when it could commence and, therefore, give the AEC the certainty that they need. But of course the one thing it would not do is give the government their policy rationale, which is to run a double-D. So, whilst the minister in the earlier discussion attempted, disingenuously, to argue that the issue of a double-D and the provisions in this bill were independent, anyone following this debate knows otherwise—except, of course, the Greens, who cottoned on a little bit too late. But I will come to that in a moment.

Setting a clear commencement date of 19 July is important because it will prevent the government from using this legislation as part of its plan to hold a double dissolution election. The tandem benefit, though, is that it will also provide the AEC with sufficient time and certainty as to when these provisions should apply. On the first point, it will frustrate the Liberal Party's undemocratic plan to wipe out the crossbench and will save the careers of several Greens senators. Under the Constitution, the latest date the Prime Minister can ask the Governor-General to simultaneously dissolve the House and the Senate for a double dissolution election is 11 May, the day after the budget is delivered—although there has obviously been lots of discussion and hypotheses about when we might see a budget from this chaotic government.

The simultaneous dissolution of the houses is the first step in the double dissolution process. Under the Electoral Act, polling day cannot be held any later than 68 days after the parliament is dissolved. Presuming the Prime Minister asks the Governor-General to dissolve the parliament on 11 May, the latest date the polling day can occur is therefore 18 July, albeit polling day would have to be a little closer, as the election must be held on a Saturday. So, if the Senate, including the Greens party, joins with Labor to delay the commencement of this legislation until 19 July, the government will be deprived of the ability to use this legislation as part of its plan to call a double dissolution. When the Greens seek to delay commencement, their date is of course, as we know, 2 July. The point I have made previously is: that is a half-measure, because we know there are three more Saturdays available.

The only people who will benefit from a double dissolution election are the conservative politicians sitting on the other side of the chamber. Senator Cormann is going around the press gallery telling journalists that he has

conned Senator Di Natale into thinking this deal is in his best interests and that, once the Greens have been suckered into voting for this legislation, the government will have the keys to a double dissolution trigger.

Senator Cormann: Mr Temporary Chairman, I rise on a point of order. Senator Collins is misleading the chamber. I have never made such comment to anybody—not to a journalist and not to anybody else. This is a straight-out lie.

The TEMPORARY CHAIRMAN (Senator Ketter): There is no point of order. Senator Collins.

Senator JACINTA COLLINS: Thank you, Chair. I would like you to ask Senator Cormann to withdraw that statement that it is an outright lie.

The TEMPORARY CHAIRMAN: Minister, I think it would assist the chamber if—

Senator Cormann interjecting—

Senator JACINTA COLLINS: If you said it was a lie, you are telling me I am a liar.

The TEMPORARY CHAIRMAN: As I understand it, Minister, you have not directly accused Senator Collins of lying but—

Senator JACINTA COLLINS: That was pretty close.

The TEMPORARY CHAIRMAN: Let us keep to the facts. Senator Collins.

Senator JACINTA COLLINS: We can see that Senator Cormann is again being disingenuous here. He may not have heard the stories around the way the government is peddling this within the press gallery, but I certainly have. Whether it is accurate or not is something that it is open to you to challenge, but what you cannot do is accuse me of lying. That is unparliamentary and should have been withdrawn. That is has not been is a very poor reflection on the minister, the government and certainly the leader sitting here going, 'Yes!' You all should know better. This Leader of the Government in the Senate has been challenged in the chamber to withdraw on several occasions. We know he likes to play tricky.

But all of this, of course, is a side issue. Let me get to the point: why is a double dissolution election so appealing to the government? I know this hurts, but let us get to the point: it is because it helps the coalition gain control of the Senate, either on its own or in conjunction with Senator Xenophon. A double dissolution, using these new voting laws, will wipe out the Senate crossbench other than Senator Xenophon. It will also wipe out several Greens senators—principally Senator Hanson-Young and Senator Simms—with Senator Siewert, Senator Waters and Senator Rice also at risk of losing their seats.

Respected electoral analyst Antony Green gave evidence to the JSCEM that a double-D held under these new voting laws would reasonably be expected to return six coalition senators in each state, which, together with the two senators they are guaranteed to elect in each of the territories, would give them a blocking majority of 38. This is not a myth. I know the Greens are in denial on this, but this is not a myth. After a double dissolution election, the conservatives will be empowered to ram their draconian legislative agenda through the parliament, and there is nothing that the non-government parties in the Senate will be able to do about it. As we have said before, this includes the harshest elements of Tony Abbott's 2014 budget. The Greens are facilitating a return of the measures that they themselves are opposed to—measures Greens have spent many hours in this place highlighting as draconian. As we have seen with the pretence of the working-class hero in *GQ* recently, the Greens again are talking about these issues—not just Senator Rhiannon—with a forked tongue.

We will also see the abolition of the Clean Energy Finance Corporation, which is already a double dissolution trigger. If the Liberals are re-elected at a double dissolution election and the legislation to abolish the Clean Energy Finance Corporation is rammed through the parliament, the Australian people will have Senator Di Natale and the Greens to thank for it. Likewise, the ABCC legislation and the Fair Work registered organisations legislation will be rammed through the parliament at a joint sitting—antiworker, anti-union legislation produced by Senator Abetz, and the rabid right wing of the Liberal Party, brought to you by the Australian Greens.

The only out the Australian Greens have to this is if they have an agreement with the government that they are not talking about. We have seen the farce of both Senator Di Natale and Senator Rhiannon misrepresenting the

agreement that the Greens had with the Labor government. We have seen them try and claim that it guaranteed things it never did. But what I need to remind senators here is that, in this case, Senator Di Natale trots in here and proudly tells us that there is nothing in writing. What a joke! Is it any wonder that people out there are saying, 'We are really worried about the Clean Energy Finance Corporation?' People are surmising that the Greens have a side deal on that—a side deal by backroom operators, the very people they stand here and criticise as if they are not them themselves. But no, we do not know whether there is a side deal on the Clean Energy Finance Corporation. There are no guarantees that its abolishment will not be part of a double dissolution election brought to you by the Australian Greens.

We have also heard discussion today—it is one day in Senate time, although in real time it was yesterday—about why is this happening. People have surmised that Senator Rhiannon is deliberately throwing her colleagues under the bus for her own personal interest. Why are the Greens voting for a deal which is so clearly against their interests beyond those of Senator Rhiannon? We know that Senator Rhiannon is driving this, even though Michael Kroger tells us that she is still one of the extreme ones. Remember, Senator Rhiannon is the extreme, and our black Wiggle is the modern, New-Age working class hero. Forget about the shoes; forget about the modelling of clothes; just remember that he is the working class hero.

Why are they doing that? Let us look at Senator Rhiannon's prospects. She knows that her prospects of being re-elected at an ordinary half-Senate election are grim. She knows that from hard past experience. The Greens failed to win a Senate seat in New South Wales at the 2013 federal election. If these results were repeated at a half-Senate election later this year, Senator Rhiannon would lose her seat. It has been rumoured that the Greens' results in New South Wales in the 2013 election were caused by a poor campaign and an exceptionally poor candidate. Regardless, Senator Rhiannon knows that her best chance of being re-elected, possibly her only chance, is to engineer a double-dissolution election. In a double-dissolution election her quota will be halved and she is more likely to be returned.

Compare that to the prospects of her South Australian colleagues, who will face the Nick Xenophon factor. She is throwing her colleagues under a bus. There is no chance that Senator Hanson-Young and Senators Simms will both be re-elected at a double dissolution. One of them will lose their seat, and it could be both of them that would be looking at needing to find a new job. Senator Rhiannon knows this, but she does not care. Both Senator Hanson-Young and Senator Simms could well be collateral damage in this mystical deal where we cannot understand why, as has been suggested, the Greens have been conned by this government into believing that it is in their interests. As the unions have argued, why would it be in their interests to give the government balance of power, either in their own right or with Senator Xenophon in the Senate? The unions know Senator Xenophon's policies on things like penalty rates. That is why they are scared stiff. They know what happened under Work Choices and they know the measures that were in the 2014 budget. It is pretty easy to understand why they are campaigning against this deal and putting pressure on the Greens.

What is the Greens' response to that? It is simply to dig in and whinge. How dare people challenge the working class hero, Doctor Senator Di Natale? How dare they challenge him! As Michael Kroger has already told us, he is the sensitive New-Age Senator—he is not the extremist. I say, give me Bob Brown any day. I agree with Senator Cameron that Bob Brown was a far more principled operator in this place than they complaining, how-dare-you-challenge-me Senator Di Natale, who Michael Kroger believes— (*Time expired*)