



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

MOTIONS

Suspension of Standing Orders

SPEECH

Tuesday, 21 March 2017

BY AUTHORITY OF THE SENATE

SPEECH

Date Tuesday, 21 March 2017
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Questioner
Speaker Bernardi, Sen Cory

Source Senate
Proof No
Responder
Question No.

Senator BERNARDI (South Australia) (16:12): I move:

That so much of the standing orders be suspended as would prevent Senator Bernardi moving a motion relating to the conduct of the business of this Senate, namely a motion to give precedence to general business notice of motion no. 240.

Opposition senators interjecting—

The PRESIDENT: Senator Bernardi, you are in order. There is no contingent notice of motion, for those that asked, but Senator Bernardi can move a motion to suspend standing orders. I just remind the Senate that he needs an absolute majority of the Senate to effect anything through this motion.

Senator BERNARDI: Thank you, Mr President. I will try not to delay the Senate too much, but I may remind the Senate that the normal courtesies extended, whether it be to an Independent senator, a senator of the opposition or a senator of the government, in allowing debate about motions in the discovery of formal business have historically been sacrosanct in this place. So I would suggest that those who want to deny formality to a motion simply because they find the truth inconvenient need to think again.

The support and back-up that the shameful comments by the head of the ACTU, Ms McManus, have received from those on the other side and from the Greens senators are an indictment upon this place, because the rule of law applies equally to everyone in this country. When we have leaders of organisations like the ACTU who say, 'I only want to uphold the rule of law when it suits me and when it suits my purposes,' you know you have a problem. But the problem is one of an unelected and unrepresentative official, because the ACTU represents a tiny subsection of the community; we know that. But when those statements are supported by the apparent third party in this place, the Greens, with Senator Di Natale saying that he perfectly agrees with them, you know you have a problem with your democracy.

In this notice of motion, which stated the facts and noted the comments by Ms McManus and the support by Senator Di Natale, I also note—and I put this fact on the record—that the Leader of the Opposition and the Prime Minister both distanced themselves from the statements of Ms McManus and said, 'If you don't like a law, you change it; you don't disregard it or ignore it just because it doesn't suit you.' The shameful thing is that, when we are asking for this place to pass that motion, formality is denied by those Chicken Littles on the other side. That is a shameful indictment upon you. I remind you that when you bring in your notices of motion, if you want to go down this path and you say things that somehow upset the cerebral amongst us—those people who actually think through the consequences of things—and your formality is denied, we will see how much you enjoy that. It is an indictment upon you that you do not want to even have a vote or declare support for your own leader. That is what I would say to those on the other side. The rule of law is fundamental to our democracy. It is fundamental to a democratic process. That is what we have in elected democracy, and we are representative of that.

I think it is wrong for any member of this parliament to say in any way, shape or form or endorse the view that, if you do not like a law, you can ignore it. The ACTU has influence over some of the most lawless, rogue unions in this place, including the CFMEU, which has been the subject of repeated debate because of the actions of its members, the thuggish standover activity and the abusive conduct which has all been contrary to the law. And yet the ACTU president says that is okay, because it does not suit her to have those laws in place, so it is all right for people to disregard them. She said that on national television. People can make foolish statements all they like on national TV, but they should be held to account for it, and so too should those in this place who are going to endorse those statements and who think it is okay.

Let me remind you that the Greens are the group that supported the dishonest press release by one of their activists seeking to derail a mining venture in the finance forum. It cost hundreds of millions of dollars of shareholder wealth as a result of that fraudulent activity, and they supported it. It is a shame and an indictment on the political

party that they endorsed lawless behaviour. We can excuse the ACTU president as someone who just supports anti-Semitic BDS boycotts, but, hang on, so does a section of the Greens party. They support anti-Semitic campaigns against businesses owned by Israeli citizens. What sort of a democratic position are we in? How can you defend this in any way, shape or form? How is it okay to be a lawmaker in this place, not to be advocating for change of the law but then to say to people, 'You can go out and break whatever laws don't suit your purpose.' Then to deny formality for the factual statements coming through in this place reflects poorly on those others.

Senator Whish-Wilson interjecting—

Senator BERNARDI: I hear Senator Whish-Wilson interjecting as per normal— *(Time expired)*