



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**  
**QUESTIONS WITHOUT NOTICE:**  
**TAKE NOTE OF ANSWERS**

**Special Minister of State**

**SPEECH**

**Thursday, 26 November 2015**

BY AUTHORITY OF THE SENATE

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## SPEECH

**Date** Thursday, 26 November 2015  
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**Speaker** Brandis, Sen George

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**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:22): I will participate on behalf of the government in this taking note debate in order to deal with the innuendo that we have heard from Senator Cameron. What Senator Cameron has established

**Senator Cameron:** Mr Deputy President, on a point of order: I am being accused of innuendo and my position on this is clear. I am not putting forward any innuendo on this. I was dealing with the facts that are in the public arena. The minister should withdraw that allegation against me.

The DEPUTY PRESIDENT: I am not sure that an allegation of an improper—

**Senator Jacinta Collins interjecting—**

The DEPUTY PRESIDENT: I am not sure that making innuendos breaches standing order 193(3). That is my reading of it. I do not think it does. But I am going to listen very carefully to what Senator Brandis says, and senators should feel free to take points of order if they wish.

**Senator BRANDIS:** The innuendo from Senator Cameron against Mr Brough is that Mr Brough has been guilty of wrongdoing. In fact, at the very end of his contribution Senator Cameron actually explicitly said that. He actually explicitly said that for some unspecified reason Mr Brough should resign from the ministry. That is plainly an allegation of wrongdoing. What I want to do is expose the paucity of Senator Cameron's allegations against Mr Brough, because all Senator Cameron was able to do—although he did not identify it until pressed—was to quote from a search warrant. It is, as Senator Cameron acknowledges, a matter of public record that Mr Brough, and other individuals as well, were the respondents to search warrants executed by the police in investigating what has been called 'the James Ashby affair'.

Let me put this as simply as I can. For a person to be the subject of a search warrant by the police is absolutely no indication of wrongdoing. None whatsoever. The bases upon which the police may apply for a search warrant are well known. They are, to use layman's language, circumstances which might assist the police in identifying material or a document which may assist an investigation. If the police believe or reasonably suspect that there is such material located at a particular premise, they may seek a search warrant and execute the warrant at that premise. It does not for a second, not for a moment, suggest that the occupier of that premise is guilty of the crime or the offence or the wrongdoing which is the subject of the investigation, merely because a search warrant is executed upon their premises. What Senator Cameron did first by innuendo and ultimately by explicit assertion was to submit in the debate that we should conclude from the fact that a search warrant was executed at premises of which Mr Brough and his family are the occupants that Mr Brough is somehow guilty of wrongdoing. That does not follow. That does not follow, and I am sure Senator Ludwig, who is a member of the Queensland bar, if he contributes to this debate—

**Senator Cameron:** Mr Deputy President, I raise a point of order in relation to the allegations that are being made here against what I have been doing. This is a minister—not Senator Brandis but Minister Brough—who was asked: did he procure copies of Peter Slipper's diary, and he said, 'Yes, I did.' That is illegal, and the minister should stop trying to colour what did happen. This minister tried to procure diaries illegally.

The DEPUTY PRESIDENT: We have now moved on to debating it.

**Senator BRANDIS:** Mr Deputy President, on the point of order: that again is a plain, flagrant breach of standing order 193(3). He has just accused Mr Brough of acting illegally. He has quoted some words Mr Brough used and then stated the conclusion that Mr Brough has acted illegally. That is a matter for a court to determine in the event that the matter comes before a court.

**Senator Cameron:** Mr Deputy President, on the point of order: again I am being positioned unreasonably. What I put was clear—that Mr Brough actually conceded the point publicly. He conceded the point that he did try to procure Peter Slipper's diaries, publicly.

The DEPUTY PRESIDENT: Again, it is not for the chair to determine the facts of these matters. It is really only a matter for me to judge, in this case, on standing order 193(3). But that applies both ways and people cannot accuse other senators of having improper motives with their contributions either. To be honest, I am not even sure what I have been asked to rule on now.

**Senator BRANDIS:** Mr Deputy President, the point I make to you is that to assert, as I do, that Senator Cameron is in breach of standing order 193(3) is not to accuse him of an improper motive; it is merely to ask you to rule on whether or not remarks he has made are against the terms of that standing order.

The DEPUTY PRESIDENT: I think the best I can do right now is again remind senators of the standing order. I will listen quite carefully. Senator Cameron, I remind you that you are not to make imputations of improper motives or personal reflections on members of the other House.

**Senator Cameron:** Mr Deputy President, I rise on that point of order.

The DEPUTY PRESIDENT: I have just ruled on that point of order.

**Senator Cameron:** I rise on a further point of order. I want to indicate that the person that is being impugned in this is me by Senator Brandis.

**Senator BRANDIS:** You have breached the standing orders.

**Senator Cameron:** I have not breached the standing orders. I have simply quoted documents and facts that are on the public record in relation to allegations and admissions from Mr Brough on his behaviour.

The DEPUTY PRESIDENT: Senator Brandis.

**Senator BRANDIS:** I was going to resume my contribution to the debate. May I do that?

The DEPUTY PRESIDENT: Yes.

**Senator BRANDIS:** Thank you. To sum up, Senator Cameron has done two things. He has quoted from words in a search warrant that he did not initially identify as a search warrant though ultimately he did. He has quoted from some words which, I believe, Mr Brough used in a television interview. On the basis of those two sources, and those two sources alone I might say, he has asserted that Mr Brough is guilty of wrongdoing. The points that I simply make to the chamber are: firstly, the fact that a person has a search warrant executed on their premises is no indication whatsoever, none whatsoever, that they are guilty of wrongdoing and, secondly, to quote the words that were attributed to Mr Brough in a press interview is not an admission either. It is not an admission. It does not produce the conclusion, which Senator Cameron, who of course is not a legally trained member of this chamber, asserts that it supports. The innuendo and the claims against Mr Brough are disgraceful.

**Senator Cameron:** Mr Deputy President, I rise on a point of order. Again, the Attorney-General is reflecting on me. That is in breach of standing orders. All I have done is clearly indicate the actual words that Mr Brough himself said, and what Mr Brough did was concede that he tried to procure the diaries of the former speaker, and that is illegal and a breach of law.

**Senator BRANDIS:** I am sorry, I do not mean to be tedious, Mr Deputy President.

**Senator Jacinta Collins:** You are being tedious.

Opposition senators: You are!

**Senator BRANDIS:** That is the most predictable interjection I have heard in 15 years, Senator Collins.

**Senator Jacinta Collins interjecting—**

The DEPUTY PRESIDENT: Order!

**Senator BRANDIS:** The fact is that Senator Cameron cannot, without violating standing order 193(3), keep asserting that Mr Brough or any member of the House of Representatives has broken the law. He can quote what Mr Brough said in a media interview. He can invite people to draw whatever conclusions they may wish to draw, but to assert on the basis of those words, assuming it is an accurate quote from a media interview, that Mr Brough or any member of the House of Representatives has broken the law, when they have not been charged with any offence at all and where the only process to which they have been subject is the execution of a search warrant, which, for reasons I explained before is no indicator of culpability or guilt at all, cannot be other than a breach of standing order 193(3).

The DEPUTY PRESIDENT: Had you finished your contribution?

**Senator BRANDIS:** I had and that, as I say, was the point of order in relation to what just fell from Senator Cameron.

The DEPUTY PRESIDENT: Again, I remind senators of the standing order, and I think what has been put on the record will suffice. Senator Collins.