

Libs/Nats/Greens Senate Voting Changes – Senate, 16 March 2016

HANSARD

[Senator DAY](#) (South Australia) (09:59): For over 30 years, the Liberals and Greens and others have harvested preferences. They did backroom deals and, I admit, they did them very well. Of course, the occasional independent senator slipped through and was elected, but nobody really batted an eyelid. However, when the 2013 election resulted in the most Independents in Senate history, the Liberal Party went ballistic. They launched a propaganda campaign to convince the media that this was an abomination, that it was wrong and that it was undemocratic. So they responded with a backroom deal of their own—some might say the mother of all backroom deals, which included Senator Nick Xenophon, the supposed champion of the little guy—and perpetrated on this Senate the biggest, anticompetitive, closed shop act in Australian history.

Senator Xenophon's stake in this game is because he is still seething 2½ years later that his running mate Stirling Griff did not get elected on his coat-tails. Why, he protests, didn't the Labor Party preference him ahead of Family First? Maybe Labor wanted only one Nick Xenophon, not two. They had after all worked with Senator Xenophon in this place for six years beforehand and had 10 years of experience before that working with Senator Xenophon when he was a state member of the South Australian Legislative Council, the last five of which were when Labor was in government.

By contrast, South Australian Labor has 12 years of experience working with Family First in the state government. Maybe Labor knew that Senator Xenophon's voting record is clear—he is closer to the Greens than anyone else. And I ran on the platform: 'Every family, a job and a house'. What is so offensive to Labor about that? And the way I see it this very day I am standing alongside Labor trying to save the Senate from those who are grabbing power and keeping it to themselves. I am helping the little guys from being shut out of the game. It seems to me that Labor knew exactly what it was doing preferencing Family First ahead of Senator Xenophon.

When all the pathetic reasons are swept away, the naked ambition of all this is laid bare. The Liberals, Nationals, Greens and Senator Xenophon are locking up the Senate to only those parties who either have been around for a century or got in the Senate through the same voting system and then kicked away the ladder, preventing anyone else getting in the same way. How cynical can you get?

From now on, to be elected in a normal half Senate election a party would need a primary vote of at least nine per cent—an impossible task. That is the minimum it is going to take from now on to get into the Senate. Do not forget that Senator Xenophon got in on two point something per cent plus minor party preferences.

Which Independents will have a high enough profile to get into this place? Those who have the backing of billionaires perhaps or who are major celebrities. Do you remember the

republican debate? Do you remember the concern about who might become Australia's first president? Well, congratulations, you have done it here. You have locked up the Senate as a club for three parties and, for a short while, Senator Xenophon. Only the rich and famous will be able to get in after them. In reality there will be no new parties—no new environmental parties, no new no pokies parties, nothing. The Liberals have been campaigning for a year against the CFMEU and now they have teamed up with the CFMEU-financed Greens. Make no mistake, this bill is nothing but a grab for power by hypocrites.

It would be easy for people to think that I am speaking out against these Senate voting changes because I might lose my job. Whilst getting rid of me and my cross-bench colleagues is one of the prime objectives of these radical voting changes, that is not my concern at all. I have got plenty of things that I can do. That is not why I tried for so long to get here.

This is a real betrayal of the minor parties and Independents who helped the Liberals get their key policies through the parliament—abolishing the carbon tax, abolishing the mining tax and stopping the boats. They have now teamed up with those who opposed their legislation to get rid of those who supported it. Talk about no good deed goes unpunished.

Since arriving here two years ago I have voted on principle and have treated every piece of legislation on its merits. I have not engaged in horse trading. On 22 February the government threw principle out the window. The claim that these changes benefit the voter is false. These changes do not advantage voters; they disadvantage them. Up until now, a vote has stayed alive throughout the count. As a result of these changes, a vote for an Independent is now, potentially, a dead vote. One of the features of the Australian voting system is that 'every vote is precious'; a vote never dies. Under this new proposal, three million votes—that is, votes for Independents and minor parties—will die. The government is removing a voter's right to delegate their preferences to their favourite minor party. If this was genuinely about empowering the voter, people would be given a choice to let their party distribute their preferences above the line or vote 1 to 6 or 1 to 12 below the line. That would be democratic. That would give voters genuine choice.

The Liberals, the Greens and Senator Xenophon want to herd voters like sheep into voting in the way that ensures that they get to stay in the Senate. These changes discard or write off 25 per cent of the electorate far too lightly. That is 25 per cent of people who are not voting for the major parties or the Greens—25 per cent, or over three million people whose votes could die. How? This is basically first past the post voting by stealth. The voters are conditioned to just vote 1, and they will do it again. They will not use the 'option' to vote 1; they will just vote 1. If I were a betting man I would wager that the LNP in Queensland, if not around the country, will advertise on television, print and radio and put up banners at polling booths telling voters to just vote 1, exploiting the saving provisions in this bill. It works a treat in Queensland: about 70 per cent of voters, under their optional preferential voting system, just vote 1. Instead of getting rid of Independents, perhaps the Liberals should ask themselves why people are not voting for them.

This bill abolishes current Independents and prevents the election of any new Independents. I did not think I would ever see the day an Australian government would

silence voices of Independents who do not toe a particular party line. They are shutting Independents out of the political process. This is real Third World stuff; it is what they do in Third World countries.

Now let's step back for a second and consider the timing of this change: just before an election, clearing the decks for a double dissolution. We are not getting tax reform rushed through this place. We are not getting spending reductions rushed through. We are getting voting changes rushed through—changes that supposedly are solely about the voter as the No. 1 priority. Now, there can be only two reasons for that. One is that the government thinks their polling position performance is so bad that they need a bad guy to attack, so they stuff the crossbench full of straw, call them straw men and stab them in the back. That is theory one. They think this is a winner in the polls when they are having a bad time. Reason two is that it has nothing to do with empowering voters at all; it is about stitching up the voting system for a preconceived outcome. You be the judge. The clear implication of this—and, I argue, a miscalculation by the Nationals in the coalition—is that these changes will permanently give the Greens the balance of power in the Senate.

Mark my words: no good will come of this deal—not for the Liberal Party; not for the Nationals, especially their leader, Barnaby Joyce; not for the Greens; and not for the nation. Australian people have a very strong sense of fairness. This will not go down well. This is a very bad thing the Liberals and Nationals are doing, and they will pay a heavy price.

It has, time and again, been the role of this Senate to save governments from themselves. I am going to try to do that here. This is a house of review, not a rubber stamp—or even a green stamp. How desperate and crazy the Liberals and Greens are, rushing into a deal, gambling that one will hold the balance of power while the other will get a Senate majority—which neither wants the other to get. Talk about problem gambling! This mother of all backroom deals is the mother of all gambles by the two key players, and it will end in tears. This is the biggest change to our voting system in over 30 years, and the government has allowed just one week to review it. People make mistakes, especially in this place, and there will be unintended consequences, especially when you have a sham of an inquiry, a rushed draft report and a preconceived outcome.

Let me speak for a minute about the Joint Standing Committee on Electoral Matters inquiry. I have been deputy chair of select committees, and we have allowed everyone to have their say. But I have never seen—and colleagues who have been here a lot longer than I say they have never seen either—the badgering of witnesses and other participating members, the shutting down of questions, the censorship and arrogance that we saw in the inquiry in this place a short while ago. You would be forgiven for thinking Liberal members were told to 'just get the job done, and to hell with the consequences'.

Yes, the government has changed tack and will bring in below-the-line voting, as the Joint Standing Committee on Electoral Matters had previously recommended. Who knows how that backroom deal was done? But it had little choice, because, of those who made submissions to the inquiry—and I commend them for doing so at such short notice—the vast majority said you should have optional preferential voting below the line. The constitutional implication of this has clearly not been properly thought through: the

potential disenfranchising of three million votes. The sheer magnitude of the lost votes will get the High Court's attention, because it will affect the outcome. Has the government learned nothing from the Western Australian re-run election? This will end up in the High Court.

I have great faith in the Australian people. Voters will find another way of having their voices heard. You need independent people here who do not toe a particular party line. Independents play a vital role in this place. Yes, a vet, a builder, a blacksmith, a soldier, a footballer, a sawmill manager and an engineer might provide diversity, but collectively we bring a perspective to this place that career politicians cannot.

I have to reflect for a moment on the question I asked on Wednesday last about the timing of this bill. The government had supposedly not made up its mind on 15 February. It was still making up its mind. It had not made a decision. 'There are still some on our side who want us to do something,' I was told. 'There are still some on our side who want us to do something'—how vague could that be? The government was still toying with what to do. That was on 15 February, yet on 11 February the government had given the bill to the Australian Electoral Commission.

The parties to this deal will be, as the old saying goes, 'hoist by their own petard'. Now, like many people, I used to think that a petard was some kind of pikestaff or stake and that a person was hung on it. But that is not what it means at all. 'Petard' is French for 'bomb', and to be hoist by your own petard is to be thrown in the air or, to use a more common expression, to have a bomb blow up in your face. Their new slogan is 'No new parties'. The government will wear this awful deal like a crown of thorns.

If this legislation is passed—as, no doubt, it will be—you will no longer have any real choice in where you shop politically. A voter will be forced into this political cartel, and there will be no other brands and no alternate views allowed. That is not democracy.