



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**PROOF**

**BILLS**

**Parliamentary Counsel and Other  
Legislation Amendment Bill 2012**

**Second Reading**

**SPEECH**

**Friday, 22 June 2012**

BY AUTHORITY OF THE SENATE

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## SPEECH

**Date** Friday, 22 June 2012  
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**Questioner**  
**Speaker** McKenzie, Sen Bridget

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**Question No.**

**Senator McKENZIE** (Victoria) (11:46): I rise today also to contribute to what I am sure is going to continue to be a scintillating debate on the bill before us this morning, the Parliamentary Counsel and Other Legislation Amendment Bill 2012. Whilst I am conscious of the guillotine hanging over all of us today, I will attempt to get out what I want to get out about this bill so that the many coalition senators who are on the list can have their chance.

The Office of Parliamentary Counsel is an independent agency and, obviously, this bill brings together the functions of two offices within the parliament that are responsible for the drafting, publishing, and printing of legislation, all the things that make our democracy function—the boring bits, if you like—the big books which some of us might use as doorstops but which I have, as I am sure most of the senators here listening today also have, close at hand so that we can refer to them right throughout our work as senators. It is to do with the compilation and publication of all our laws within our democracy. This bill seeks to actually bring those things together into one place, which would seem a sensible thing to do.

I would love to quote from the Attorney-General's speech on this matter: 'The reason for doing this ... as the need for greater federal regulation grew.' And hasn't that been the case—federal regulation grew. We would not be having to debate this bill if we curtailed federal regulation rather than increased it. I will make a suggestion—I will not move it as an amendment—that we decrease federal regulation across our Commonwealth rather than increase it. It might also be another way of addressing the issue that this amending legislation seeks to address.

As previous speakers have outlined, some of the work that will be undertaken as a result of this bill will be the drafting of subordinate legislation. I think Senator Macdonald made a wonderful contribution earlier, describing what that subordinate legislation is and how it interacts in a very important and intrinsic way with the functioning of our democracy. Additionally, he highlighted the lack of scrutiny that pieces of legislation sometimes receive and that not all of the devil in the detail is allowed to come before the people's representatives within the parliament.

Another function will be the preparation of compilations, reprints and information about Commonwealth laws. As you know, Madam Acting Deputy President, I am a new senator. I am not quite as new as Senator Whish-Wilson from Tasmania, but I have not quite reached my first anniversary in this place. The whole concept of having up-to-date laws has been quite important to me as I have attempted to fulfil my functions as a senator, looking at various acts and pieces of legislation. I am thinking particularly of the Environment Protection and Biodiversity Act, the EPBC Act, which I have on my shelf right near my desk. It has not been updated for over four years. Whilst I am sure an updated version is available online, we have been amending acts over time and having up-to-date reprints in hard copy is really important. So I am hoping that this bill will make that work easier and make sure that we have printed, published, public and up-to-date versions of our Commonwealth laws.

Another really important aspect of the work done by the Office of Parliamentary Counsel is the provision of assistance to foreign countries in drafting, printing and publishing their laws. When I think about foreign aid—and there has been quite a lot of debate recently about our contribution as a nation to those countries particularly in our own region that are not as well off as we are and whose systems and structures of government may not be as strong as ours—I think part of our contribution to the ongoing efforts to create stability in the region is offering assistance in strengthening and building central government institutions in these nations. Part of that is providing assistance in drafting laws and getting them published, printed and accessible to the citizenry within those nations so that people are all aware of their rights and responsibilities under a liberal democracy and hopefully so that they can build the strong traditions that we enjoy here in Australia in the Westminster system of governance. So that is very positive and practical work being undertaken by this office.

Another aspect, which goes to the heart of the remainder of my remarks, is that this particular office will be responsible for the maintenance of the Federal Register of Legislative Instruments. Legislative instruments are parts of our legislative framework which are a little hard to put your finger on, but I do know that my colleague in the lower house Darren Chester, the federal member for Gippsland,

moved a motion this year to disallow legislative instrument No. 191 relating to the Environment Protection and Biodiversity Conservation Amendment Regulations 2011. This legislative instrument related to alpine cattle grazing. As you may know, Madam Acting Deputy President, I am the granddaughter of a high country cattleman and we see it very much as part of our heritage and our culture. We want to be able to continue what has been a tradition in the Alpine National Park since way before it was the Alpine National Park, for over 150 years. I would like to preface some of my ongoing commentary with a little bit of a historical perspective on the decision that Minister Burke made around restricting cattle grazing, and on the motion moved in the other place by my colleague on this legislative instrument. It goes back to 2005, when the former state Labor government, on ideological grounds, banned the cattlemen from the national park, it having been declared a national park in the mid-eighties under both a state and a federal Labor government. The fact that there had been over 100 years of cattle grazing there at the point of its declaration did not seem to be an issue. But it became an issue for the Labor government in 2005. I might suggest that their sudden interest in this and their change of heart may have had something to do with the rise of the Greens party in my home state of Victoria rather than with any actual derogatory impact from the cumulative effect of over 100 years of cattle grazing. But I am not here to make those sorts of comments; I want to address my remarks directly to the legislation in front of us.

Since time immemorial, the Labor Party had held the seats covering Gippsland and the Latrobe Valley, being the heart of the big unions, with the power stations there. In the 2006 state election, in response to the state Labor government's decision to ban cattle grazing, the locals elected a National Party member. Let us be clear: my colleague from the other place was addressing the issue of letting just 400 cattle into a 26,000-hectare national park. I think we have to keep that in perspective.

This is about keeping a federal register of legislative instruments, and I understand that there are currently tens of thousands of legislative instruments. It is important that there is some control over this so that we can see how they interact and have some knowledge of what is going on.

I would briefly like to mention legislative instruments in conjunction with the Murray-Darling Basin Plan. The second draft is before us. In my home state of Victoria, we are not happy with what is currently happening, but the disallowance of legislative instruments may be a strategy that we will have to

pursue given the details of this plan and its resulting decimation of our regional communities.

There are other senators in the chamber who want to speak on this bill, so I am very conscious that I will have to cede my time before the guillotine is upon us in a little over 20 minutes. I can see them lined up here, Madam Acting Deputy President, to speak to this very important piece of legislation. Thank you.