

SOUTH AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

**First Session of the Fiftieth Parliament
(2002)**

Parliament, which adjourned on 29 November 2001, was prorogued by proclamation dated 15 January 2002. By proclamation dated 21 February, it was summoned on Tuesday 5 March, and the Fifth Session began on that date.

HOUSE OF ASSEMBLY

Tuesday 5 March 2002

The House met at 11 a.m. pursuant to proclamation.
The Acting Clerk (Mr D.A. Bridges) read the proclamation summoning parliament.

GOVERNOR'S COMMISSION

At 11.05 a.m., in compliance with summons, the House proceeded to the Legislative Council, where a commission was read appointing the Hon. John Jeremy Doyle, Chief Justice of the Supreme Court of South Australia, and the Hon. John William Perry, a judge of the Supreme Court, to be commissioners for the opening of parliament.

MEMBERS, SWEARING IN

The House being again in its own chamber, at 11.13 a.m. His Honour Mr Justice Doyle (Chief Justice) attended and produced a commission from Her Excellency the Governor appointing him to be a commissioner to administer to members of the House of Assembly the oath of allegiance or the affirmation in lieu thereof required by the Constitution Act. The commission was read by the Acting Clerk, who then produced writs for the election of 47 members of the House of Assembly.

The oath of allegiance required by law (or the affirmation) was administered and subscribed to by members.

The commissioner retired.

SPEAKER, ELECTION

The Hon. R.G. KERIN (Premier): I remind the House that it is now necessary to proceed to the election of a Speaker. I move:

That Mr McEwen take the chair of the House as Speaker.

The Hon. M.D. RANN (Leader of the Opposition): It is my honour and privilege to move:

That Mr Ivan Peter Lewis take the chair of this House as Speaker.

The ACTING CLERK: As there are two nominations, both members proposed may address the House, as may the movers and seconders and any other member.

The Hon. R.G. KERIN: Since entering parliament in 1997 the member for Mount Gambier has shown himself to be a most capable, astute and strong parliamentary representative. He has a firm grasp of parliamentary procedure and has a strong no-nonsense approach to everything he does. The honourable member is fair-minded, a person of very strong character and of integrity. I have no doubt that he would be a very appropriate and well-deserving choice as Speaker, and I have pleasure in nominating the member for Mount Gambier as Speaker of the House of Assembly.

The Hon. M.D. RANN: The honourable Ivan Peter Lewis has been a member of this parliament since 1979. I believe that no-one in this chamber has a better understanding of either the history or the traditions of this parliament, its standing orders or, indeed, the precedents established over centuries than he. I have always found Peter Lewis to be a person of honour and I believe that he would perform the office of Speaker with great dignity. He will do so independently, not sitting in any party room.

The ACTING CLERK: Do any other members wish to address the House, including those members nominated?

Mr McEWEN (Mount Gambier): In the forlorn hope that there was somebody yet to decide how they intended to vote, I would like to speak briefly to my nomination. First, may I say that it is great to see the old faces around the House, some of them looking older and greyer, and it is great also to see some new faces in the House. All 47 of us do have something in common: we all come here as members who have gained the support of the majority of the people in the electorate we represent.

We all now have a responsibility on two fronts, one being to look after those who have elected us and, indeed, all those people in our electorates; and, equally, we have a collective

responsibility for good stewardship of this state at large. In looking after our electorate and contributing to that stewardship, we all choose many ways: some of us choose to use the corridors, others choose to use their party rooms, others choose to use the cabinet, and some members choose to use this forum. It is in this forum where the debate becomes robust and to some extent a little disorderly, and I think that I would have some of the qualities required to manage in a constructive way the debate in this place involving those who choose this method to strongly advocate their representations, not only for their own people but for the state at large.

Importantly, I need to point to perhaps three differences between myself and the other nominee so that you may in balance choose between us. I certainly acknowledge that I do not have the colourful past, the enormous intellect, the command of the English language or the debating skills of the other nominee, but I do have a lot of experience in terms of managing forums not dissimilar to this one. A long history in local government has meant that on many occasions I have been the presiding member over local government, regional, state and federal forums, so I do have some experience in that regard.

I certainly do not have the broad international or business interests of the other nominee and, again, I think that would mean that I would be more able to focus strictly on the job at hand. I do acknowledge that the other nominee has many challenges.

The third point of difference would be that I could say to the House that I am not committed to the same complex legislative and change agenda that the other nominee has. Again, I think he will need to apply himself strongly to that job over the next few years, and he may find it difficult to undertake that role along with presiding over this House. What I can offer is a firm, fair and without favour commanding of this House, should members so choose my nomination.

Mr LEWIS (Hammond): I thank the mover, the Hon. Mike Rann, for his faith and confidence in me, and I thank the member for Gordon for the remarks which he has made and in which he has chosen to identify what he believes to be the differences between what might occur should he be elected—with your confidence, members—or should I be elected.

I add to what he said: I believe this place has a reputation, as the member for Gordon has pointed out, of being a bearpit in its international and historical context. However, in recent times it has become more of a sandpit. I think that is regrettable, and that needs to change. I offer in sharp contrast to the member for Gordon a determination to ring in those changes as we pass through the doorway into the 21st century.

The ACTING CLERK: As two members have been proposed and seconded, it will be necessary to take a ballot in accordance with standing order 8.

The House then proceeded to a ballot.

The ACTING CLERK: The voting shows that Mr McEwen received 22 votes and Mr Lewis 25 votes. His having received an absolute majority of the ballot votes cast, I declare Mr Lewis to be duly elected as Speaker.

Mr Lewis was escorted to the dais by the mover and seconder of the motion.

The SPEAKER (Hon. I.P. Lewis): In the tradition of the House, I humbly submit myself to the will of the House. I am mindful of the honour conferred on me and trust that I can accept and discharge the responsibility with which previous

incumbents of the high office of Speaker have upheld the traditions of the parliament and discharged their duties. I thank the mover, the Hon. Mike Rann, and the seconder, Mr Kevin Foley, for the nomination, and the members who have supported me in their call of me to this high office.

Confidence in the fairness of the Speaker is an indispensable condition of the successful working of the parliamentary procedures. It is my determination to do my utmost to protect all members' rights collectively and individually and thereby uphold the dignity of parliament and maintain the level of respect which the institution properly demands as the very foundation of our representative democracy.

Unquestionably, in this—as in all decisions of the parliament—the majority gets the decision and the minority retains its rights. Of course, it goes without saying that neither I nor any other Speaker has ever been able to do any of these things without the complete assistance and wholehearted support of members to maintain the prestige and dignity of the chamber. I, too, will require it, and I know that I can rely on all members to provide it.

I shall make some more complete remarks about the unique circumstances and the great opportunity which this, the 50th Parliament, presents as challenges to all of us as members in this place. Let us remind ourselves as we stand at the threshold of the fiftieth parliament, which is the first parliament elected in the 21st century, that we can rise and meet the challenges and grasp the opportunity on behalf of everybody who lives in our fair state of South Australia to do our part in securing the future of the federation of our great nation—a part which involves commitment to the continuing evolution of the role and function of the parliament and its relationship with the other instruments of government and with the individual citizens who seek to be well governed by the process. I shall have some more to say about that later in the day after we have heard the speech from Her Excellency the Governor with which she will be pleased to open the parliament. Does any honourable member wish to speak?

The Hon. R.G. KERIN (Premier): Thank you, Mr Speaker, and congratulations on your election as Speaker. I inform the House that Her Excellency the Governor will be pleased to have the Speaker presented to her at 12.15 p.m. today.

[Sitting suspended from 11.57 a.m. to 12.08 p.m.]

The SPEAKER: It is now my intention to proceed to Government House to present myself as Speaker to Her Excellency the Governor, and I invite members to accompany me.

At 12.10 p.m., accompanied by the deputation of members, the Speaker proceeded to Government House.

On the House reassembling at 12.26 p.m.:

The SPEAKER: Accompanied by a deputation of members, I proceeded to Government House for the purpose of presenting myself to Her Excellency the Governor, and informed Her Excellency that, in pursuance of the powers conferred on the Assembly by section 34 of the Constitution Act, the House of Assembly had this day proceeded to the election of Speaker and had done me the honour of election to that high office in compliance with the other provisions of the same section. I presented myself to her as the Speaker and, in the name and on behalf of the Assembly, laid claim to our undoubted rights and privileges and prayed that the most favourable construction might be put on all our

proceedings. Her Excellency has been pleased to reply as follows:

To the honourable the Speaker and members of the House of Assembly: I congratulate the members of the House of Assembly on their choice of the Speaker. I readily assure you, Mr Speaker, of my confirmation of all constitutional rights and privileges of the House of Assembly, the proceedings of which will always receive most favourable consideration.

[Sitting suspended from 12.28 to 2.15 p.m.]

SUMMONS TO COUNCIL CHAMBER

A summons was received from Her Excellency the Governor desiring the attendance of the House in the Legislative Council chamber, whither the Speaker and honourable members proceeded.

The House having returned to its own Chamber, the Speaker resumed the chair at 2.33 p.m. and read prayers.

CLERK'S ABSENCE

The SPEAKER: I inform the House that, during the absence of the Clerk on leave prior to retirement, the Deputy Clerk will perform his duties pursuant to standing order 24, and the Clerk Assistant will perform the duties of the Deputy Clerk pursuant to standing order 25.

COMMISSION OF OATHS

The SPEAKER: I have to report that I have received from the Governor a commission under the hand of Her Excellency and the public seal of the state empowering me to administer the oath of allegiance or to receive the affirmation necessary to be taken by members of the House of Assembly.

CHAIRMAN OF COMMITTEES, ELECTION

The Hon. R.G. KERIN (Premier): I move:

That the Hon. R.B. Such be appointed Chairman of Committees of the Whole House during the present parliament.

The Hon. M.D. RANN (Leader of the Opposition): It is with pleasure that I second that nomination.

Motion carried.

GOVERNOR'S SPEECH

The SPEAKER: I have to report that in accordance with a summons from Her Excellency the Governor the House attended this day in the Legislative Council chamber where Her Excellency was pleased to make a speech to both houses of parliament. I have obtained a copy which I now lay on the table.

Ordered to be published.

PAPERS TABLED

The following papers were laid on the table:

By the Speaker—

Reports of Committees which have been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991:

Public Works Committee—

One Hundred and Sixty-Third Report on the Bresagen Limited—New Laboratory and Office Facilities—Final Report;

One Hundred and Sixty-Fourth Report on the Port River Expressway—Stage One—Final Report;

One Hundred and Sixty-Fifth Report on the Victor Harbor Wastewater Treatment Plant and Re-use Scheme—Final Report;

One Hundred and Sixty-Sixth Report on the TransAdelaide Resleeping Program—Final Report

Social Development Committee—

Sixteenth Report on an Inquiry into Attention Deficit Hyperactivity Disorder

Select Committee on Groundwater Resources in the South East—Interim Report which was authorised for publication and distribution in accordance with the resolution of this House of 29 November 2001

Reports of Public Works Committee—Committees pursuant to Standing Order 204 as After Session Papers—

One Hundred and Sixty-Seventh Report on the Adelaide to Darwin Railway Project—Final Report;

One Hundred and Sixty-Eighth Report on the Old Treasury Building Redevelopment—Interim Report;

One Hundred and Sixty-Ninth Report on the Government Radio Network Contract—Status Report;

One Hundred and Seventieth Report on the Streaky Bay Water Supply Augmentation Project—Final Report;

One Hundred and Seventy-First Report on the South East Rail Network—Final Report;

One Hundred and Seventy-Second Report on the North Terrace Redevelopment—Stage One—Interim Report;

One Hundred and Seventy-Third Report on the Central Power Station Anangu Pitjantjatjara Lands—Final Report;

One Hundred and Seventy-Fourth Report on the Southern Food Factory—Proposed French Fry Processing Facility—Supplementary Report;

One Hundred and Seventy-Fifth Report on the Victor Harbor Wastewater Treatment Plant and Reuse Scheme—Status Report;

One Hundred and Seventy-Sixth Report on the TransAdelaide Resleeping Program—Status Report

Legislative Review Committee Report on the Ombudsman (Private or Corporatised Community Service Providers) Amendment Bill

Pursuant to section 131 of the Local Government Act 1999 the following reports of Local Councils for 2000-2001

Adelaide City Council—Annual Report, 2000-2001

Alexandrina Council—Annual Report, 2000-2001

Barossa Council—Annual Report, 2000-2001

Campbelltown City Council—Annual Report, 2000-2001

District Council of Ceduna—Annual Report, 2000-2001

Clare and Gilbert Valleys Council—Annual Report, 2000-2001

District Council of Cleve—Annual Report, 2000-2001

Coorong District Council—Annual Report, 2000-2001

District Council of the Copper Coast—Annual Report, 2000-2001

District Council of Elliston—Annual Report, 2000-2001

Flinders Ranges Council—Annual Report, 2000-2001

District Council of Franklin Harbor—Annual Report, 2000-2001

Town of Gawler—Annual Report, 2000-2001

Regional Council of Goyder—Annual Report, 2000-2001

District Council of Grant—Annual Report, 2000-2001

City of Holdfast Bay—Annual Report, 2000-2001

- District Council of Kimba—Annual Report, 2000-2001
- Kingston District Council—Annual Report, 2000-2001
- District Council of Le Hunte—Annual Report, 2000-2001
- District Council of Lower Eyre Peninsula—Annual Report, 2000-2001
- District Council of Mallala—Annual Report, 2000-2001
- City of Marion—Annual Report, 2000-2001
- Mid-Murray Council—Annual Report, 2000-2001
- District Council of Mount Barker—Annual Report, 2000-2001
- City of Mount Gambier—Annual Report, 2000-2001
- Rural City of Murray Bridge—Annual Report, 2000-2001
- Naracoorte Lucindale Council—Annual Report, 2000-2001
- Northern Areas Council—Annual Report, 2000-2001
- City of Onkaparinga—Annual Report, 2000-2001
- District Council of Ororoo Carrieton—Annual Report, 2000-2001
- Peterborough District Council—Annual Report, 2000-2001
- City of Port Adelaide Enfield—Annual Report, 2000-2001
- Port Augusta City Council—Annual Report, 2000-2001
- City of Port Lincoln—Annual Report, 2000-2001
- City of Prospect—Annual Report, 2000-2001
- District Council of Renmark Paringa—Annual Report, 2000-2001
- District Council of Robe—Annual Report, 2000-01
- City of Salisbury—Annual Report, 2000-2001
- District Council of Streaky Bay—Annual Report, 2000-2001
- District Council of Tatiara—Annual Report, 2000-001
- City of Tea Tree Gully—Annual Report, 2000-2001
- City of Unley—Annual Report, 2000-2001
- City of Victor Harbor—Annual Report, 2000-2001
- Wakefield Regional Council—Annual Report, 2000-2001
- Wattle Range Council—Annual Report, 2000-2001
- Corporation of the Town of Walkerville—Annual Report, 2000-2001
- City of West Torrens—Annual Report, 2000-2001
- District Council of Yankalilla—Annual Report, 2000-2001
- District Council of Yorke Peninsula—Annual Report, 2000-2001
- By the Deputy Premier (Hon. Dean Brown)—
- Dried Fruits Board of South Australia—Report, 2000-2001
- Regulations under the following Acts—
- Fisheries—
- Giant Crab Quota System
- Individual Giant Crab Quota system
- Rock Lobster Fisheries
- Sand Crab Pots
- Stock Foods—Mammalian Material in Animal Feed
- Livestock—Mammalian Material in Animal Feed
- By the Minister for Human Services (Hon. Dean Brown)—
- Institute of Medical and Veterinary Science—Report, 2000-2001
- Office for the Ageing—Report, 2000-2001
- Medical Board of South Australia—Report, 2000-2001
- Plan Amendment Report—Development Act—Report on the Interim Operation of the Urban Growth Boundary Plan Amendment
- Plan Amendment Report—Development Act—Report on the Interim Operation of the Organic Waste Processing (Composting) Development Plan Amendment
- Plan Amendment Report—Development Act—Regional Council of Port Pirie and the District Council of Mount Remarkable Industry Buffer Plan Amendment Report by the Minister
- Public and Environmental Health Council—Report, 2000-2001
- Public and Environmental Health Act 1987—Report
- South Australian Housing Trust—Triennial Review 1997-98—1999-2000
- Regulations under the following Acts—
- Chiropractors—Qualifications for Registration
- Controlled Substances—
- Uniform Poisons Standard
- Simple Cannabis Offence
- Dental Practice—Elections
- Development—System Improvement Program
- Gene Technology—Genetically Modified Organisms
- Harbors and Navigation—Port
- Housing and Urban Development (Administrative Arrangements)—Functions of HomeStart
- Local Government Finance Authority—Prescribed Bodies
- Protection of Marine Waters (Prevention of Pollution from Ships)—Pollution by Noxious Substances
- Public and Environmental Health—Notifiable Diseases
- South Australian Co-operative and Community Housing—Terms of Associated Land Owner Agreement
- By the Minister for the Ageing (Hon. Dean Brown)—
- Retirement Villages Act—Regulations—Rights of Residents
- By the Minister for Education and Children's Services (Hon. M.R. Buckby)—
- Mining and Quarrying Occupational Health and Safety Committee—Report, 2000-2001
- WorkCover Corporation—Report, 2000-2001
- Regulations under the following Acts—
- National Electricity (South Australia)—Civil Monetary Liabilities
- Public Corporations—West Beach Trust
- Authorised Betting Operations—Licences
- Lottery and Gaming—Instant Ticket Lotteries
- Public Corporations—Bio Innovation SA
- Authorised Betting Operations—Licensee Fees
- Senior Secondary Assessment Board of South Australia—Subjects and Fees
- By the Minister for Environment and Heritage (Hon. I.F. Evans)—
- National Environment Protection Council—Report, 2000-2001
- Environment Protection Act—
- Environment Protection (Motor Vehicle Fuel Quality) Policy 2002
- Report on the Interim Operation of the Environment Protection (Motor Vehicle Fuel Quality) Policy by the Minister for Environment and Heritage
- Botanic Gardens and State Herbarium Act—
- Regulations—Admission Changes
- By the Minister for Water Resources (Hon. M.K. Brindal)—
- Legal Practitioners Education and Admission Council—Report, 2000-2001
- Regulations under the following Acts—
- Graffiti Control—Prescribed Spray Paints
- Summary Offences—Graffiti Implements
- Liquor Licensing—
- Alexandrina Council
- Coober Pedy
- Mount Gambier
- Naracoorte
- Port Adelaide
- Port Augusta

Port Lincoln
 Port Pirie
 Retail and Commercial Leases—Disclosure Statements
 Construction Industry Long Service Leave—Levy
 Rules of Court—
 District Court—District Court Act—
 Statutory Jurisdiction

By the Minister for Local Government (Hon. M.K. Brindal)—

Regulations under the following Acts—
 Local Government (Implementation)—By-Laws
 Private Parking Areas—Penalties
 By-Laws—Council—
 Tumby Bay—
 No. 1—Local Government Land
 No. 2—Boat Ramps/Cradle
 No. 4—Permits and Penalties
 Onkaparinga—
 No. 5—Bird Scarers
 Tea Tree Gully—
 No. 1—Permits and Penalties
 No. 2—Roads
 No. 3—Local Government Land
 No. 4—Dogs
 No. 5—Moveable Signs on Roads and Footpaths
 Playford—
 No. 6—Bird Scarers
 Light Regional—
 No. 3—Streets and Roads
 No. 4—Local Government Land

By the Minister for Minerals and Energy (Hon. W.A. Matthew)—

Warden's Court—Mining Act—Rules of the Court.

The Hon. DEAN BROWN (Deputy Premier): I move:

That the preceding reports be published.

Motion carried.

The Hon. DEAN BROWN: I move:

That the following reports be published:

Institute of Medical and Veterinary Science—Report, 2000-01
 Office for the Ageing—Report, 2000-01
 Medical Board of South Australia—Report, 2000-01.

Motion carried.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I move:

That the following report be published:

WorkCover Corporation—Report, 2000-01.

Motion carried.

TORRENS PARADE GROUND

A petition signed by 17 residents of South Australia, requesting that the House transfer ownership of the Torrens Parade Ground to the Returned Servicemen's League, was presented by Mr Meier.

Petition received.

EUTHANASIA

A petition signed by 14 residents of South Australia, requesting that the House retain the present laws against euthanasia while maintaining the right of patients to refuse treatment and support for palliative care procedures, was presented by Mr Meier.

Petition received.

ABORTION

A petition signed by 156 residents of South Australia, requesting that the House ensure the enforcement of the law relating to abortion and provide support to pregnant women and their children, was presented by Mr Meier.

Petition received.

GOVERNMENT, LIBERAL

The SPEAKER: As I said before lunch today, I need to make some remarks. Some of my best friends are Liberals, many of whom are still friends in spite of recent events. Some of my friends are also Labor, Democrats and Callithumpians. However, this is not about making friends or enemies or allowing banal tribalism to take hold. This is about the state of South Australia, the conduct of its parliament and its future. It is about the place of the state of South Australia in the Federation of the Commonwealth of Australia. I came to this parliament 23 years ago as a conservative Christian. I came with a family background of Liberal Party supporters. I came with high ideals and principles—the ideals and principles of Tom Playford, David Tonkin and Bruce Eastick. I have tried to keep those ideals and principles throughout my parliamentary career.

When the election was called I was quite convinced that the Liberal Party would be returned to government. I did not assume that I would win Hammond. I have never taken anything or anyone for granted. The election of the member for Frome as leader of the Liberal Party and thus Premier had changed the political scene in South Australia. The member is a pleasant, avuncular chap who would appeal to the electorate, at least in the short term. Moreover, the people of South Australia had, quite overwhelmingly, just voted to support the return of the Liberal Coalition Howard government to Canberra. It was only through the loyalty of my electorate and the hard work of my re-election team that I was able to retain my seat. I thank all those who voted for me and supported me. I owe them all a debt of gratitude. Ultimately, those who voted for me will not be disappointed in me for what is now in train for them and all of Hammond and South Australia.

Even when it became apparent that I had been returned as the member for Hammond, I had not expected that I alone would hold the balance of power in this House, and had thus not addressed myself to that prospect. When the votes came in and counting had progressed, it started to appear that no party would be able to govern in its own right, although there were those in the Liberal Party, particularly its more outspoken senior members, who were convinced that all four Independent members would meekly trot back into the Liberal fold and support a Liberal government. They said so publicly and often. The arrogance of this is almost overwhelming. Such a born to rule mentality is reminiscent of Charles I's unflinching and absolute belief in the divine right of kings. It cost Charles his head. Fortunately for the Liberal Party, it has only cost them government—embarrassing, yes; inconvenient, yes; expensive, yes, but not fatal. They will recover after a few good, long, cold showers.

On Sunday 10 February, after the election when the counting still did not indicate a clear outcome, although it

looked as if the Labor Party would have more seats on the floor of the Assembly than the Liberal Party, I was contacted by a very great many people. They were from business and from my electorate, they were friends, supporters, acquaintances and some completely unknown to me—all welcome. Their plea to me was almost unanimous: ‘Whatever you do, give us stability and certainty, and do it quickly.’ When shortly after the election I was asked whom I would support I replied that, whichever way I went, I would go in the direction which offered greatest prospect of certainty and most stability. After all, I was being asked by captains of industry to give them that much at least.

I also believed that, for protocol reasons associated with the Queen’s visit, it was important to know just before close of business on Wednesday 13 February which party was expected to form government. I am a staunch constitutional monarchist and did not wish that our dithering would cause Her Majesty any embarrassment. I formed the view that the three other Independents were more likely to support the Liberal Party; they had said so. Accordingly, I set myself the task of deciding by Wednesday afternoon which party I would support. I undertook that task with an open mind. Initially, I considered the matter to be somewhat academic, as the Norwood, Hartley and Stuart seats were still not certain. However, on the basis that in the end it might come down to me, I started to formalise my thoughts.

For some time I had been troubled by the lack of ministerial accountability and parliamentary standards. I had formed strong views as to how the parliament and its processes could be improved. I was also concerned to ensure that any future government dealt effectively with the scourge of the parasitic weed broomrape, which was spreading across the farmlands of the state and my electorate, the parlous condition of the Murray River and various other issues which affected country and regional electorates in general and my own electorate of Hammond in particular.

The policies of both parties in these areas of my concern did nothing to relieve my sense of disquiet. I saw in the situation which presented itself a potential for me to be an instrument to put some of these things to right. Thus I set about with a small group of advisers, including Jacob van Dissel and CLIC President Geoff Clothier, to put together a compact which, if either one of the parties were to seek my assistance in forming government, should I become the person who held the balance of power, they would have to agree to. I realised that whichever party I enabled to hold power would have to make substantial compromises as would be a moderating influence on either side.

Initially, I approached the Liberal Party to determine its attitude. I came away wondering whether or not they were prepared to give me the assurances that I sought. The Labor Party left me feeling more positive, but I was still uncomfortable with supporting a party which I had, up to that time, largely philosophically opposed, notwithstanding the fact that they had always kept their word to me during the preceding four years, which is more than I could say for the Liberals or other Independents.

On about midday Wednesday 13th, I visited a senior Liberal minister in his office. He told me that the member for Fisher had already signed a document stating that he would support the Liberal Party. In the light of recent events and public utterances by that honourable member, I assume now that this information was not quite accurate. He told me also that the members for Chaffey and Gordon would sign, but had not at that time done so.

Later that day I received responses to my compact from both parties. Both parties agreed to all my requirements, in the main, for the constituents of Hammond. The Liberals deleted some of the other terms of the compact. In a way, I had hoped that one party or the other would reject my compact and thus make it easier as a task for me to decide whom I should enable to form government.

In the end, I decided that a crucial factor of difference between the parties was as to which one could provide more certainty and stability. All the indicators were that the Liberals would have 20 seats, Labor 23, plus four Independents of whom I was one. Events have proved that correct. I started to dictate my speech from my press conference still not having finally made up my mind. As I dictated my speech, I decided that a party with 23 seats and requiring only my own support must be more stable than one with 20 and requiring my support and that of three other disparate Independent members.

It was then that I decided to throw my lot in with the Labor Party. I kept my word to the Department of Premier and Cabinet by telephoning and telling them so, and likewise to the member for Finnis, the Deputy Premier. Shortly thereafter, I went to the Plaza Room and informed the media of this.

My decision to enable Labor to form government was not made lightly and is heavily qualified by the compact. My decision was made only after the election was held. I consulted with many people and gave careful consideration to all relevant matters. I searched my soul deeply before finally reaching my decision.

I am confident that by voting against the government upon the confidence motion that will soon be moved in the House I will be acting in the best interests of our state by providing us with the best prospect of stable government. Many have speculated that the government formed by Labor will be short-lived. If that is so, it will not be of my doing. I have given an undertaking not to vote against Supply or for a vote of no confidence. This undertaking is made on certain specified conditions, and I see no reason why those condition will not be met.

No doubt through the period of the next four years there will be matters raised by the Labor government with which I shall not agree. If, after discussion we cannot come to a consensus, I will vote against the government on such matters. If all non-Labor members do likewise, then such matters will be defeated. If, on the other hand, one or other members of the opposition or cross-bench members vote with the government then it will pass. My vote will not register. Those are the realities of our political system. This phenomenon, the simple arithmetic of who votes which way, clearly shows how less stable a Liberal government in these circumstances would have been.

It has been suggested that I will control the government. That is a nonsense. There are 23 non-government members in this House. My support of the government is important only on those instances where all of them oppose the government. I would hope that each of these members has enough independence of mind and integrity to vote in the way which each of them considers best for this state, rather than as a block against all government measures.

I believe that the member for Ramsay and other senior members of the ALP caucus will be an inclusive government: they have said so. They will be committed to wealth creation and job creation—a government for all this state of ours and a government that history will judge kindly, and judge me

kindly, for having gone out on a limb to support it. The decision I have taken to enable Labor to form government in 2002 is fundamental to everything I stand for and have ever stood for in this place. This was an extraordinarily painful decision, as I have made plain. It put principle up against the pragmatism that seems to have become the politics of the day.

This decision is in fact a decision to stand by my principles and not give way to those who might wish to diminish me and those principles with the ephemeral delights that pragmatism has to offer. This is a decision to stand by that which I have always believed in. This is a decision that runs to the very core of why I ever stood for public office in the first place. It runs to the core of what I still believe as a conservative Christian man. This is a decision for the people of this State of South Australia. It is a decision to support stability in government and, more particularly, to breathe new life into this democracy and those most important of democratic institutions—this parliament; this place of people's representation; this place that purports to give the people a voice. It is my intention to use my good offices in this place toward ensuring that the people of South Australia do have the democratic voice they deserve.

Recent events have not soured my heart or relationships with the conservative side of this House. This relationship remains as strong and as vibrant as it ever was, albeit now peppered with division and difference. Some of my best friends are in the Labor Party, and some of my best friends are Democrats and amongst the Independents in this place. In fact, I can confidently report that my popularity and renown has only increased through this time of trial and decision in the political wilderness. At the moment I have a difference of view and perspective with those on the conservative side of this place—so be it.

Difference and conflict: these are the heart of the democratic process. Difference and conflict openly aired make this place real and a mirror of life itself. Difference and conflict buried beneath blind loyalty to party discipline on either side of this House act only to destroy the very fabric of this democracy and locate power in the hands of a few, and I do know that there are no small number of you in various corners of this place who have felt keenly the sting of party discipline and the silence that falls behind blind loyalty. Above all else, I stand for reform: the reform of this democracy; the reform of this parliament.

The reforms are needed to bring this parliament back to where the voice and the will of the people are evident in every political gesture and made manifest in every aspect of its process and character. I stand with those men and women of principle and reform who have sat on both sides of this House and managed its transformation—people such as Playford, Dunstan and Eastick. We have this one moment in time now to seize—to change this parliament and the processes that give heart to our democracy. I invite all of you, on both sides of the House, to join with me in addressing those reforms that we all know are required. I invite you all—as men and women of principle and goodwill—to contemplate the 21st century for South Australia and the institution to which you have been elected.

The Hon. DEAN BROWN (Deputy Premier): I move:

That standing orders be so far suspended as to enable a motion to be moved without notice forthwith in lieu of question time.

The SPEAKER: What would the business of that motion be?

The Hon. DEAN BROWN: A motion would be moved by the Premier that, following the election on 9 February 2002 at which the Liberal Party received a clear majority of the two party preferred vote, this House supports the continuation of the Liberal government.

The SPEAKER: There being an absolute majority of the whole number of members of the House present, is the motion seconded?

Honourable members: Yes, sir.

The SPEAKER: Does the honourable member wish to speak to the motion?

The Hon. DEAN BROWN: No.

The SPEAKER: Those in favour of the motion say 'aye', to the contrary 'no'. I believe the Noes have it.

Members interjecting:

The SPEAKER: The ayes have it.

Members interjecting:

The SPEAKER: Order! There being a negative voice, there must be a division. Ring the bells.

While the division bells were ringing:

Mr ATKINSON: Mr Speaker, the call of 'no' was mistaken. We are not seeking a division.

The SPEAKER: No, that is neither here nor there.

The House divided on the motion:

The SPEAKER: Order! The question is that standing orders be suspended. The ayes will pass to the right of the chair and the noes to the left. I appoint the honourable member for Goyder teller for the ayes and the honourable member for Torrens teller for the noes.

Members interjecting:

The SPEAKER: I appoint the honourable member for Croydon teller for the noes. There being only one no and there being an absolute majority of the whole number of members of the House present, the motion passes in the affirmative.

The Hon. DEAN BROWN (Deputy Premier): I further move:

That the time for debate on the motion be 45 minutes, with each side of the House of Assembly having equal time.

Motion carried.

The Hon. R.G. KERIN (Premier): I move:

That, following the election of 9 February 2002 at which the Liberal Party received a clear majority of the two-party preferred vote, this House supports the continuation of a Liberal Government.

It is with a sense of ongoing achievement that I move this motion. This state, South Australia, is a different place from the place it was eight years ago. This government and South Australians have achieved much. I believe that South Australia now is a confident state and my government has the confidence of the people of South Australia. That was demonstrated by the two-party preferred vote at the recent election.

There is every reason for confidence in the Liberal Government. We had crippling debt in 1993 that has been greatly reduced, and we have balanced the budget. The government has significantly reduced unemployment from 12 per cent in the early 1990s to 7.1 per cent, which is very close to the national average. We have encouraged an export culture from stagnant growth. We now see the greatest boost in exports in the state's history with current growth at 32 per cent, over double the national average, and we have seen export income over the last five years double to nearly \$9 billion. This is driving growth across the economy.

Regional South Australia has experienced a remarkable turnaround. The regions had been ignored by previous governments and were seen as a problem rather than as an opportunity. Under our Liberal Government both new and traditional industries in the regions have been encouraged, and the people of rural South Australia have responded in a powerful fashion. They are now enjoying prosperity and growth. The state's economic management and growth has meant that this government has been able to reinvest in core government areas. We have invested \$700 million capital in our health system and increased the recurrent spending by 35 per cent since 1992-93 to the current level of \$2.2 billion.

This government has revamped public education. We have given parents a real say with Partnerships 21, and the introduction of the basic skills test has been a major success. After 100 years of talk, this government has delivered on the Alice Springs to Darwin railway, which is a major achievement. Environmentally, we have been successful in getting the River Murray well and truly onto the national agenda, and we have committed \$100 million towards the National Action Plan to make sure that we deliver real results on the ground. The mood in South Australia has changed. We are no longer trailing the other states as we did in the early 1990s. This state is now open for business and performing well.

We, the South Australian parliament, find ourselves here today in a rather unique situation. On 9 February, we held an election to allow the people of South Australia their democratic right to elect a government to govern South Australia for the next four years. The people of South Australia voted in the majority for a Liberal Government. Yes, it was close, but nearly 2 per cent more preferred a Liberal Government. The principle of electoral fairness inserted into the South Australian Constitution Act after the referendum of 1991 provides:

... if candidates of a particular group attract more than 50 per cent of the popular vote, they will be elected in sufficient numbers to enable a government to be formed.

It should be noted that the principle is not limited to ensuring that the political party with over 50 per cent of the vote should govern. It ensures that the group of candidates with over 50 per cent shall govern. The Constitution Act provides that a 'group' of candidates 'includes not only candidates endorsed by the same political party but also candidates whose political stance is such that there is reason to believe that they would, if elected in sufficient numbers, be prepared to act in concert to form or support a government.

There is no doubt that the electors in Hammond had reason to believe the member would support the formation of a Liberal Government. In fact, his advertising backed up that intention. If candidates change their political stance between the time of the election and the formation of a government, they frustrate this crucial basis of our Constitution, namely, the principle of electoral fairness.

The intentions of the member for Hammond, as stated since the election, threaten to undermine that principle. This would set a very dangerous precedent. To ask that I accept this precedent and resign, rather than call the parliament together to resolve this issue, was not an acceptable option. I was not going to rubber stamp a deal which basically removed the democratic right of the people of Hammond to take part in choosing a government, a right they get only once every four years.

Electors in the seat of Hammond face the possibility of having their democratic right denied by the member. He assured them on a number of occasions during the campaign

that he would never support a Labor government. He ran second on primary votes—31.8 per cent—and narrowly won the seat on preferences. The Labor Party received only 17.5 per cent of the primary vote, whereas the two candidates who said they would support a Liberal Government received 72.9 per cent of the vote. There is no doubt which party the electors of Hammond wanted in government.

I am not prepared to accept that an election result in our democracy should be subject to a process of deals in the next week. To do so would be to accept that the agenda of an individual should override the clear will of his or her electorate, a clear breach of our democratic rights in the formation of government.

Where could this precedent lead us? Do all future election results decided by South Australians become subject to deals and manoeuvring among politicians in the following days? I find that totally unacceptable. I look forward to the support of all members of the House in making sure that that is not the future of South Australia: a democracy which is subject to deals.

The Labor Party has been very vocal in criticising our principled stand. I have constantly raised the 1968 position of Don Dunstan and asked for any member of the ALP to tell me why that was okay yet our stance is not. South Australia's Labor Party icon Don Dunstan brought an election result back to Parliament because he wanted to make a statement about electoral fairness. I am making a similar stand today, except that in this case the threatened electoral unfairness is far greater. Again, I ask any member from the other side to look me in the eye and tell me that Don Dunstan would not have done exactly what I am doing today. He would have. I question also if Don Dunstan would have supported the deal of the current Labor leadership.

This parliament has a responsibility to the people of South Australia ensure that our Constitution is working. This election looked as if it would deliver well on the Constitution as it is put: a 1.8 per cent margin on the two party preferred vote, delivering a one seat margin. However, that could now be changed by a deal which threatens to overturn the will of the people.

South Australia has led the way in voting rights for women, in the use of the secret ballot and in groundbreaking electoral fairness provisions. Now we face another challenge for our democracy. We must lead the way again and look for more reforms to safeguard the choice of the people in the formation of government. It is now appropriate that the parliament decides who will form government. It has been for many of us a very exciting eight years. This state has been rebuilt, and we want to be part of continuing to make sure that South Australia is the best place in the world to live, to work and to bring up a family.

A majority of South Australians back my government as their choice of who could best achieve that. I am aware that the will of this House may well override that majority decision. If that is the case, then I will personally assure a speedy, dignified transition. I and my government members look forward to continuing to contribute to making South Australia a great state. I commend the motion to the House.

Mr CONLON (Elder): It is my intention to be brief and perhaps not even to use the full time allowed. Of course, the substance of the matter that falls to be decided today—that is, who the government of South Australia should be—is a matter that is long overdue for decision. The greatest service this chamber can do today for the people of South Australia

is to determine this motion speedily and in the negative. Since the writs were issued for the election in January this year, South Australia, put simply, has been without a government with a full, ordinary range of powers. It is imperative, in the interests of the people of South Australia, that a government with a full range of powers be established as soon as possible—and, as should have been obvious, the only option for stable government for South Australia over the next four years is a Rann Labor government. It is vital now—

Members interjecting:

Mr CONLON: I note the decorum with which we allowed the caretaker Premier to speak: I would like it to be extended to this side of the House. It is vital that this House today allows the speedy formation of a Rann Labor government by denying the confidence the caretaker Premier has sought.

There has been much bitter debate in recent weeks about the outcome of the 9 February election. As you would know, Mr Speaker, there has been strident criticism of individuals by the Liberal Party and there has, in turn, been criticism of the caretaker Kerin government for clinging to office. It is time today for that bitter debate to finish. Whether or not we on this side believe it was wise, the Kerin government, we have to acknowledge, exercised a right it has under our system of government to test its support in the chamber today before conceding. It is time now to make that test and for its outcome to be accepted without further rancour or recrimination. The people of South Australia deserve as much. After all, they got nothing wrong: it is up to us to form a government.

There has been much talk, I should say, by the Premier about the two-party preferred vote. I will not go into that debate. Firstly, let me—

Members interjecting:

Mr CONLON: Well, I will go into it to say this much. There is, of course, the logical argument that to count the two-party preferred votes requires, when you are counting them, the two major parties to finish first and second. Of course, added to the two-party preferred vote of the Liberals were apparently votes that they did not receive. There is an enormous logical flaw in that. But let me say this. Were it the position that government were decided by the two-party preferred vote, the Labor Party would have formed many more governments than we have since Second World War. The problem with the caretaker Premier's argument—

An honourable member interjecting:

Mr CONLON: It is not the point. The point is that government is formed by the test of confidence in this chamber. It has been that way always, and it will continue to be so. It is time for all the bitterness and recrimination to end. It is time simply to make that test in this place and decide who will be the government.

The Hon. DEAN BROWN (Deputy Premier): We should begin today understanding that around the world there are many people who envy our electoral system, its universal suffrage and corruption-free elections. Indeed, millions of people around the world would plead and crave just to be able to vote. Hard won in just about every country where it has been achieved, universal suffrage and the right to vote is not something that should be taken for granted at all.

We should never relax our vigilance in protecting the integrity of our electoral system so that every vote of every person in South Australia counts in an appropriate manner. The basis of our electoral system is fairness—the fundamen-

tal human trait of fairness. On the electoral basis of fairness, a Liberal government should be in government today and for the next four years. The Liberal Party received 50.9 per cent of the two party preferred vote. When the Constitution Act of 1934 was amended in 1991, enshrined in that act was the principle of fairness. I quote in part from section 83 of the Constitution Act headed, 'Electoral fairness and other criteria':

... the commission must ensure... that if candidates of a particular group attract more than 50 per cent of the popular vote (determined by aggregating votes cast throughout the state and allocating preferences to the necessary extent), they will be elected in sufficient numbers to enable a government to be formed.

I quote further from section 83 of that act, as follows:

For the purpose of this section a reference to a group of candidates includes not only candidates endorsed by [a particular] political party but also candidates whose political stance is such that there is reason to believe that they would, if elected in sufficient numbers, be prepared to act in concert to form or support a government.

It is very clear indeed. This is not just a principle of fairness put down for redistribution of boundaries. It is about our whole electoral system. It is enshrined in the Constitution Act of South Australia; it was supported by both sides of parliament in 1990; and it went to a referendum in 1991 and was supported by an overwhelming majority of South Australians.

So, that principle of electoral fairness is unique to South Australia. No other Constitution Act has it, to my knowledge, but it exists in South Australia and should be the basis of forming government under the Westminster system here in South Australia.

You, Mr Speaker, made a statement earlier this afternoon. I will not deal with the detail of your statement; I will do so at another time. However, I wish to take up what you said just two days before the election. I quote from the *Advertiser* printed on 8 February, and I add that I have spoken to Kim Wheatley, the journalist who reported the statement and who assures me that the quote that I give is a word for word quote. That report says:

But yesterday Mr Lewis denied his statement meant that he would help Labor form government.

Then the journalist quotes, and I read that quote, as follows:

'You can quote me' [said Mr Lewis]. 'That's bulls---,' he said. 'Clear, unequivocal, hot, green, sloppy, fresh bulls---. I'm not into forming government with Labor.'

I repeat that last statement, which is a direct quote: 'I'm not into forming government with Labor.' Mr Speaker, it was two days before the election that you, as the member for Hammond, gave that assurance to your electorate and to the people of South Australia.

In history there have been many symbols of honour, and perhaps the two most outstanding of those have been the handshake and a person's word. Mr Speaker, you gave your word two days before the election. It is there in print. I ask: where is your honour today?

On the issue of the Electoral Act and fairness, I quote from what you, sir, said back on 10 April 1990 as a member of this House. You said, in part:

... it is necessary to do so to provide a situation where the party that wins the majority of the vote [that is, the two party preferred vote] has the best prospects of forming government.

So, on 10 April 1990 in this House, you yourself upheld this very principle that we are arguing here today; that the party with the majority of the two-party preferred vote should be

the party that forms government. On another occasion (14 November 1990), you went on to say:

The Liberal Party should be in government, having received more than 52 per cent of the vote.

Mr Speaker, they are just some quotes that have been made. As you said earlier this afternoon, it is not about friendship or enemies—and, I might add, it is not about broomrape: it is about fairness, electoral fairness, and the Constitution of South Australia. That is the principle with which we are dealing and the principle on which this vote should be taken today. It is about whether or not, having supported a referendum and amendments to the Constitution Act in 1990, members opposite are prepared to stand by that same principle, which now encompasses the whole of the Constitution Act of South Australia. That is the principle of electoral fairness: the party that gets—or, as the act quite clearly states, is expected to get—the majority of the two-party preferred vote has the right to govern. I come back to the quote from the act itself:

For the purposes of this section a reference to a group of candidates includes not only candidates endorsed by the same political party but also candidates whose political stance is such that there is reason to believe that they would, if elected in sufficient numbers, be prepared to act in concert to form or support a government.

I believe that the statement made by the member for Hammond just two days before the election made that absolutely clear to the people of Hammond. So, the issue at stake today is the integrity and validity of the votes of the people of Hammond in forming government under that electoral fairness criterion of the Constitution Act. That is the fundamental issue.

This is not an argument about just the electorate of Hammond: it is about the vote of every person in South Australia and the integrity of that vote. It is about certainty at election time; it is about the integrity of the whole process and about everyone who participates in that democratic process in casting a vote here in South Australia. Two simple objectives must be assessed: first, the principle that every person entering the ballot room has a right to know how their vote will be used; and, secondly, that they understand and accept the preference system and know that when they vote and lodge their preferences the person they vote for may not get the majority vote and therefore be elected. The results from this convention of the Constitution Act must be for the greater good of the entire community, not for personal or partisan political gain.

The events immediately preceding 9 February 2002 and immediately following the election on that date mean that the system can no longer be said to be fair. It can no longer protect the true intent and the integrity of every vote cast by the people in Hammond and the people within the state of South Australia. The object of today's motion is to safeguard that fairness of our Constitution and the integrity of every vote cast here in South Australia.

Mr FOLEY (Deputy Leader of the Opposition): I can understand the grieving process of the Liberal Party over the events of the recent state election. However, if you listen to the Deputy Premier, and indeed the Premier, you would be left believing that the most important issue at stake today is the future of a Liberal government. It is not. The critical issue at stake in this chamber today is the economic, political and social stability of South Australia.

The impact and the potential damage that has been done in the few weeks that we have been in this political limbo could not have been starker for me than when I addressed a business breakfast only a few days ago at the World IT Congress. Along with the caretaker Premier, I spoke to some of the world leaders of IT—and the government is to be commended and complimented for bringing to South Australia over 1500 national and international leaders of commerce in the IT sector.

At that breakfast, I had to stand and deliver a message that was very difficult. It is a message which employers, investment and world leaders—in terms of looking at South Australia—require from our economy and society, that is, stability. But in the one week that we were showcasing our state to the world, the one week where taxpayers were spending millions of dollars correctly to bring these people to South Australia, we delivered a message of political, economic and social instability.

At that breakfast I was able, as best I could, to deliver a message, and that is that the Westminster system of government, even though the current government has chosen to put us into a political limbo, is a robust system and it will sort government out. It will take time, but certainty and stability will be delivered.

We all know of the pressing and urgent issues confronting our state. We know about the crises in our hospitals. We know of the problems in our schools. We know that the future of 3000 direct jobs at Mitsubishi hang in the balance as we stand and debate in this place today. The interests of South Australia must be put first. The political interests of either party is not what is at issue here. It is the need to ensure that we are doing the right thing by the 1.5 million South Australians who rely on this chamber, on this state and on this system.

We can sit here today and we can give examples of where there is hypocrisy in the government's presentation to this chamber. However, this is not about point scoring. This is not about pointing out that the government themselves enticed the former Independent member for MacKillop to go against what he had told his electorate at the 1997 state election and rejoin the Liberal Party. The Premier, Rob Kerin, was himself personally involved in those negotiations so that the member for MacKillop would break his vow, as he saw it, to the electorate of MacKillop and join the Liberal Party; and this is the same political party that encouraged and implored Terry Cameron and Trevor Crothers to resign from the Labor Party to support the Liberals in the sale of ETSA.

At the end of the day, we were not the political party that told the untruth that this government did, namely, that it would never sell ETSA yet changed its mind but weeks later. They are the facts. But at the end of the day, the state's interests are not served by our point scoring here today. The important point is this: that you have had an extra four or five weeks in office. You have been able to deliver your right to bring this matter to the floor of the House.

But my appeal in conclusion to the caretaker Premier, to the caretaker cabinet and to the caretaker government is that we must at long last put the interest of the Mitsubishi workers, the interests of South Australians and the interests of our society before your own self-interest. Put the people before your own party's interest.

Mr ATKINSON (Spence): I think that Karl Marx wrote that history repeats itself: the original is tragedy, the repeat is farce. In 1968 the Dunstan government won 19 of 39 seats

in the House of Assembly, with 52 per cent of the primary vote—the first preference vote. At that time the Assembly districts were both malapportioned and gerrymandered. That is to say, the Assembly district with the biggest enrolment—Enfield—had as many voters as seven country districts combined. The boundaries were not drawn by an independent body such as our Electoral Districts Boundaries Commission. South Australians under the age of 40 do not realise the depth to which the Liberal and Country League was prepared to stoop to govern our state—32 years of continuous one-party rule was not enough for it, and some of those elections were won with barely 40 per cent of the two-party preferred vote.

The LCL also won 19 seats in 1968. The Independent member for Ridley (Tom Stott) had the balance of power and he indicated his preference for the LCL. Tens of thousands of South Australians were angry that the party they had so decisively re-elected could not remain in office. Don Dunstan decided that the time had come to campaign all-out for electoral reform. During the six weeks before parliament met he barnstormed the state, campaigning from the back of a truck with the support of many prominent South Australians, including Max Harris. Dunstan moved public opinion and shamed some of the Liberals, and famously he shamed Steele Hall, the then Liberal leader.

The reverberations of Steele Hall's subsequent decision to reform the electoral system are still felt today in the fratricidal conflict within the parliamentary Liberal Party. March 1968 was Don Dunstan's finest moment, and I remember how thrilling it seemed to me as a 10 year old. The Dunstan reform of the electoral system has not merely been embraced by the Liberal Party but it insisted on its being refined after the 1989 general election to include the concept of electoral fairness as between the two major parties and a redistribution after every general election. The election of 9 February was fought on rules devised by the Liberal Party itself, and it still lost.

The voting figures issued by the parliamentary library show that in the 43 seats won by the Liberal Party or the Labor Party, the Labor Party actually polled 500 more votes in two-party preferred terms than the Liberal Party, and I will give members the figures: Labor, 433 893; Liberal, 433 363. And the Premier only reaches his argument of polling a majority of the two-party preferred vote by doing an entirely fictional rethrow of the result in the four seats won by Independents. It is an entirely fictional rethrow because those people voted Independent and intended to vote Independent and they gave no thought to where their second preference would go—it was not even counted.

It is not we on this side who expelled the member for Hammond. We defeated our rebels at the polls; the government did not. Indeed, anyone who was here for the last two years would know that on nearly every division in this House the member for Hammond voted against the Liberal government. Constitutional precedents allowed Don Dunstan as Premier the right to ask the Governor to let him stay on to meet the parliament. The same precedence allowed Mr Dunstan to write the Governor's speech so that it included a reference to public disquiet about the electoral system and the need for a bill to reform it. This side has no quibble with the strict legal right of the Premier to stay on and meet the parliament, although it has been obvious that not just one but two of the Independents he needs to hold government will not be supporting him on this vote.

Our quarrel is this: for what purpose does the Premier ask Her Excellency's permission to meet the parliament? This is

a Premier who won 40 per cent of the primary vote. Mr Dunstan won 52 per cent. This is a Premier whose purpose in meeting the parliament is to put a bill to the parliament that is unknown in any of the major English-speaking democracies, a bill that would attenuate parliamentary privilege by forcing an Independent to vote for the government instead of acting independently in response to events and in furtherance of the program on which he stood before his electorate.

If the people of Hammond wanted a Liberal government, they would have voted for the Liberal government's candidate—Barry Featherstone. After all, Barry Featherstone worked in the Premier's own office. What this government will not accept is that the people of Hammond did not vote for Featherstone. They voted for Peter Lewis—800 more of them. The Premier has vilified the member for Hammond for putting Labor into office, but it is not the member for Hammond's vote that will put the Premier out of office on this motion. The Premier is going to lose this vote on the floor of the House. The member for Hammond will not even vote.

This is a Premier who, when Terry Cameron and Trevor Crothers (appointed and elected respectively from the Labor list) broke their election pledges to support the Australian Labor Party and to oppose privatisation, did not send them away with a flea in their ear about loyalty to party and to platform. No. Robert Gerard Kerin said, 'Come hither, friends, and join with the Liberal Party and stay with us forever.' When the member for Mackillop sought readmission to the bosom of the Liberal Party after being elected as an Independent in 1997 in the revulsion against Dale Baker, Robert Gerard Kerin had nothing to say about pledges to the electorate.

This is a Premier who, from 13 February, did not ascend the back of a truck to campaign for a reform understood by voters, a reform as old as the opposition to Governor Gerry of Massachusetts. This is a Premier who first sent his deputy to do all the talking. We did not hear from this Premier for days and, when that did not work, he bumbled his way half-heartedly through a fortnight of arguing for a legislative change of which no-one had previously heard and which no-one in their right mind wants; a Premier who never had his heart in it and has now admitted that he is not carrying the electorate with him—quite the reverse.

Dunstan's 1968 was a tragedy that won the minds and hearts of a generation and was redeemed by successful reforms in the 1970s, reforms that are now accepted by both sides of parliament. The 2002 episode has been a low farce, with no public support, remembered only for momentary embarrassment. As for the Premier, his days are as grass, for the wind passeth over it, and it is gone, and the place thereof shall know it no more.

The House divided on the motion:

AYES (22)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C. (teller)	Buckby, M. R.
Chapman, V.A.	Evans, I. F.
Goldsworthy, R.M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Redmond, I.M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

NOES (23)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O. (teller)	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J.D.	O'Brien, M.F.
Rankine, J. M.	Rann, M. D.
Rau, J.R.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Weatherill, J.W.	White, P. L.
Wright, M. J.	

Majority of 1 for the noes.

Motion thus negatived.

There being a disturbance in the public gallery:

The SPEAKER: Order!

ADDRESS IN REPLY

The Hon. DEAN BROWN (Deputy Premier): I nominate the member for Colton to move an Address in Reply to Her Excellency's opening speech.

ADJOURNMENT

The Hon. DEAN BROWN (Deputy Premier): I move:
That the House do now adjourn.

The SPEAKER: Does the member wish to speak to the proposition?

The Hon. DEAN BROWN: In moving that the House do now adjourn, I inform the House that it is the intention of the Premier to go to see Her Excellency the Governor of South Australia.

Motion carried.

At 3.56 p.m. the House adjourned until Wednesday 6 March at 2 p.m.