

Legislative Council

Tuesday, 29 July 2008, Page 3806

CONSTITUTION (CASUAL VACANCIES) AMENDMENT BILL

The Hon. A. BRESSINGTON (00:33): It will come as no surprise that I am highly supportive of the need for independence in the political arena. Issues raised by those who do not have a party line to toe serve to better inform the people whom we serve regarding legislation that is debated and any amendments proposed.

One recent example of this was the WorkCover debate which, I believe, would have slipped through this place and the other place in record time without the public even being made aware of the fact, if not for members in this place and the other who, obviously, are not beholden to the business community in this state.

I point out that section 47 of the Sexual Offences Act would also not have been scrutinised if, as an independent, I did not raise the issues that existed in that flawed piece of legislation. The points raised in that debate, despite the misinformation put out by the South Australian media—where I have since been described as an idiot for suggesting sex contracts—have been backed up and confirmed by Janet Albrechtsen, a lawyer in New South Wales, and also a writer for *The Australian* newspaper.

Despite every attempt by the media in this state to make my comments about sex contracts appear to be ludicrous (when, in fact, it was said as a joke), it backfired when, in 24 hours, the story went international and there was ample opportunity to explain my comments to hundreds of thousands of people about the spirit in which they were intended. It was also a lesson for many that you take the media reporting in this state seriously at your own peril, which probably indicates a need for more independence in the media as well. It was also interesting that after that debate was raised a poll was run on Adelaidenow and, as I said, I think about 60 per cent to 65 per cent of people agreed with the comments that I made.

I believe the South Australian parliament, particularly the Legislative Council (the house of review), needs Independents and the autonomy they bring to ensure that both major parties are held somewhat to account without the restrictions imposed by party structures. This is especially true when speaking out on controversial matters. Therefore, I encourage anyone who is considering to run as an Independent, particularly in the Legislative Council, to do so.

However, the bill before us does not empower Independents with the rights and privileges afforded to major parties but eventually to reduce the number of Independents in the chamber. It is proposed that, if an Independent vacates their seat, their position is not to be filled by another Independent of the former member's choosing but by a nominee of the party whose candidate received the 12th highest vote at the previous election. This demonstrates contempt for the intent of the voting public and seeks to further disenfranchise Independents and those who voted for them.

In the scenario which we saw unfold in this place late last year with the Hon. Nick Xenophon's resignation of his position to run for the Senate, this bill would not have

his position filled by another Independent who ran on his ticket but rather by a party which may not have achieved a quota at the previous election. Even though the right of choosing a replacement would have been afforded to the honourable member's own party, the mover of the bill, and any other had she created a casual vacancy, the Hon. Sandra Kanck makes the point that when the constitution was drafted it was not envisaged that Independents would win a seat in the Legislative Council.

However, instead of rectifying this oversight, this bill seeks to reverse the very principle which saw the Hon. Kate Reynolds enter this place when the Hon. Mike Elliott resigned. At that time the Hon. Kate Reynolds had not stood on the ballot at the previous election. This is a right of parties to nominate members and have them enter this place, and, as equal members in the chamber, it should be the right of Independents as well.

However, the honourable member seeks to treat those who voted for an Independent ticket with contempt by disregarding their express wish which is indicated by the voters of this state. The honourable member would have us dishonour the voting public's preference to be properly represented by an Independent as reflected by the final election result. It is no secret that the voting public are disappointed and disillusioned with party politics and the fact that many times over their best interests do not seem to be the priority but rather they are often forced to endure legislation based on party loyalties. Again, WorkCover is a perfect example of this.

I will be moving amendments which, unlike this bill, empowers Independents and, in turn, those who voted for them with the same rights as those currently afforded to parties by ensuring that, if a casual vacancy is left by a departing Independent, the vacancy must be filled by the nominee of the former member. If the former member is unwilling or unable to nominate a candidate of their preference, then if the former member was part of a ballot paper grouping, the appointee must be the subsequent person on the ballot ticket. However, if there is no such candidate or the candidate is unwilling, then my amendment, like the honourable member's bill, would revert to the party whose candidate received the 12th highest number of votes. I find this preferable to a joint sitting of parliament, which would presumably be government controlled, appointing a replacement member.

We also have a similar situation that has come about by the resignation of the Hon. Andrew Evans from Family First. That party has nominated a replacement in the Hon. Robert Brokenshire, a former Liberal Party member of the House of Assembly. How could such privilege be made available to parties and not to an Independent? What this shows to me is that the presence of Independents is seen as a threat and that this bill will serve to enshrine in legislation discrimination based on the party's reluctance to accept that the voting public are not in sync with the policies proposed by that party and that gradual dismantling of the party has occurred for this reason and no other.

As an Independent, I am able to move from what is perceived to be left to right, not based on minority groups and the votes that may be attracted from those groups, but rather based on research and evidence, and the costs and benefits that legislation will have for all South Australians.

In my mind, the decisions I make are based on removing discrimination, intolerance and restoring the human rights of all people and ensuring that the parliament and

people of this state are also aware of their responsibilities as members of a diverse and often troubled society. The performance of all MPs should be based not on party politics but on what is in the best interests of the people they serve. This is essential in this place, the house of review, where I truly believe party politics should not even exist.

I implore all members to consider that there is benefit in working with Independents and that there is also great value in receiving an alternative view of the world outside the party room, away from the instructions of the powerbrokers of those parties. The majority of average citizens are now wanting their share of representation and their needs met. An American literary figure, H.L. Mencken, stated:

A professional politician is a professionally dishonest person. To reach a place of high office, that person has had to endure many humiliations and compromises so that over time the person becomes indistinguishable from a streetwalker.

These words are harsh and, when I read this quote, I was quite shocked that somebody would actually put that in writing, but let us look at the trust level that people have in politicians based on a recent survey where Bindi Irwin and the Wiggles beat politicians hands down in the trust test. What an indictment of our standing in the community! It is naive to think that there will not be ramifications of this lack of trust in the long term. I believe that the 2006 election was the electorate's way of saying, 'Sharpen up.'