

Legislative Council

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LEGISLATIVE COUNCIL REFORM

The Hon. A. BRESSINGTON (15:25): I have a question deriving from the minister's original answer and in relation to deadlock conferencing. Will the minister tell us how many times a deadlock conference has actually occurred through the blocking of legislation? As to the Magarey Farlam conference, who blocked that deadlock conference and stopped it from proceeding?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:25): The point is that this state does not have deadlock provisions such as those in the Senate. We do not have their provisions for a double dissolution. If there is a situation where an upper house blocks and insists on blocking legislation, there is no mechanism—

The Hon. R.I. LUCAS: There is a mechanism.

The Hon. P. HOLLOWAY: There is no effective mechanism within the South Australian constitution for a double dissolution. The current provisions for a dissolution have never been used because they never could be used as they are not workable. You would have to have a disagreement across an election.

Having conferences between houses is one way of negotiating to see whether you can achieve an outcome but, if there is ultimately disagreement, there is no means by which you can go back to the people of South Australia and let them decide on the issue; there is within the Commonwealth Constitution. In the 108 years since Federation, the double dissolution provisions have been used on several occasions in the federal parliament because they provide a safety valve.

If the Senate blocks legislation and makes a decision of the government of the day ineffective, it has the option of going to a double dissolution to resolve the conflict. This parliament does not have any such effective provision. I would have thought that the people of South Australia, if not members opposite, would welcome the fact that we have the same sort of system the founding fathers of this nation deemed sensible to put in the Commonwealth Constitution for the ultimate resolution of disputes between houses by reference back to the people. How can you have a system where a house can block legislation but not go back to the people to resolve it?