



Referendums

Includes information and commentary by Honorary Research Fellow Dr Paul Reynolds.

Queensland Referendums

Referendums can be regarded as expressions of direct democracy as voters have the opportunity to approve or reject a matter of public policy. However, where there is an entrenched two-party system with the parties alternating in office (as occurs in most Westminster systems) referendums are rarely resorted to because Governments and Oppositions have well developed and articulated policies on virtually the whole array of public policy and administration. The act of voting then becomes one of conscious choice in like manner to casting a vote in a referendum.

The Queensland Constitution 2001 provides that referendums must be held if the State Government wishes to abolish the local government tier or to amend a small number of entrenched clauses in the constitution. This differs from the Commonwealth where all amendments proposed to the constitution must be put to referendum.

Referendums have historically been resorted to in areas of public policy that are contentious and on which the parties decline to have a policy. In addition, governments must be prepared to be bound by the result of the referendum or the exercise is pointless. These three conditions are rarely achieved in Queensland or elsewhere in Australia, which is perhaps the main reason why referendums have so rarely been held.

A specific type of referendum, which has gained some support across the political spectrum, is the Citizens' Initiated Referendum (CIR). This device is used widely in some states in the USA and is a regular feature of Swiss democracy. Essentially, it becomes operational if a certain number or percentage of voters sign a petition requesting a vote on a specific issue. If and when this occurs, the Government must conduct a ballot on the issue. In the USA, this will invariably occur in conjunction with the next election. No Australian jurisdiction has adopted CIR, although an attempt was made by the Independent Member for Nicklin, Peter Wellington, following the 1998 Queensland State election. However, it was defeated at the Second Reading as both Government and Opposition combined to vote against it.

Queensland State Referendums 1899-1992

Referendum	Question	Yes Votes	No Votes	Outcome
Federation Referendum 2 September 1899	Are you in favour of the proposed Federal Constitution Bill?	38,488 (55.4%)	30,996 (44.6%)	Approved
Religious Instruction in State Schools 13 April 1910	Are you in favour of introducing the following system into State Schools namely - The State schoolmaster, in school hours, teaches selected Bible lessons from a reading book provided for the purpose, but is not allowed to give sectarian teaching; Any minister of religion is entitled, in school hours, to give the children of his own denomination an hour's religious instruction on such days as the School Committee can arrange for; Any parent is entitled to withdraw his child from all religious teaching if he chooses to do so? If you desire Religious instruction in State Schools, vote thus - YES. If you object to Religious Instruction in State Schools, vote thus NO.	74,228 (56.7%)	56,681 (43.3%)	Approved
Abolition of Legislative Council 5 May 1917	I vote for /against the Bill entitled A Bill to Amend the Constitution of Queensland by Abolishing the Legislative Council.	116,909 (39.3%)	179,105 (60.7%)	Failed



Referendum	Question	Yes Votes	No Votes	Outcome
Prohibition (Brewing manufacture) 30 October 1920	Are you in favour of- A. State management of manufacture, importation, and sake if fermented and spirituous liquors? B. Prohibition of manufacture, importation, and retail of fermented and spirituous liquors, to take effect in July, 1923? C. Continuance of the present system of manufacture, importation, and retail of fermented and spirituous liquors?		<i>Note:</i> <i>Not a Yes/No vote</i> A 28, 294 B 145,516 C 175, 620	A and B failed C was the continuation of the current system
Prohibition 6 October 1923	Are you in favour of- A. State management of manufacture, importation, and sake if fermented and spirituous liquors? B. Prohibition of manufacture, importation, and retail of fermented and spirituous liquors, to take effect in July, 1925? C. Continuance of the present system of manufacture, importation, and retail of fermented and spirituous liquors?		<i>Note:</i> <i>Not a Yes/No vote</i> A 16,622 B 136,075 C 222,806	A and B failed C was the continuation of the current system
Four-Year Parliamentary Terms 23 March 1991	Do you approve of a Bill to extend the maximum term of future Parliaments from three to four years?	772,647 (48.9%)	811,078 (51.1%)	Failed
Daylight Saving 22 February 1992	Are you in favour of daylight saving?	744,686 (45.5%)	892,119 (54.5%)	Failed

The two referendums of the 1990s well illustrate the circumstances that give rise to conducting referendums. In both cases there was no settled party policy as there were supporters and opponents in all parties. It is a widely held opinion that, unless there is bi-partisan support, a referendum will almost inevitably fail.

Legislation

In Queensland, the *Referendums Act 1997* provides for the publication of the details of the cases for and against the question to be put to electors to decide.