



Speech by

Mrs E. CUNNINGHAM

MEMBER FOR GLADSTONE

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CITIZENS' INITIATED REFERENDUM (CONSTITUTION AMENDMENT) BILL

Mrs LIZ CUNNINGHAM (Gladstone—IND) (10.38 p.m.): The issue of citizens' initiated referenda has been one that has been debated for many years. Historically, both sides of the House have supported it as a concept, albeit some time ago. When discussing the matter with members of the community, almost without exception people accept that it would be a wonderful enhancement of their democratic right to be able to have a say on the laws that have been enacted by this Parliament or to enact a fresh law according to their own preference or beliefs. In the historical sense, although it has been a charter of each of the major party's party doctrine—if I can use that term—as far as I am aware, it has never proceeded past discussion and appearing on paperwork.

The concerns that have been expressed in the community are usually those regarding the weakening of the power of Parliament, the question about constitutional validity and the fact that the Parliament loses its empirical rights and powers. However, that is precisely what many people in the community like about CIR. They feel disempowered, particularly in the middle of a Government's term, and they would like an avenue through which they can express their will on given issues.

In other countries, the experience has been that after the first flush when people feel quite freshly empowered by CIR—and there may be a number of regular uses of the CIR process—things settle down and it is used quite responsibly and it works very effectively. Consequently, there may be some argument that the use of CIR will add additional cost to the role of the Government. That may be only an initial experience; after that it would settle down.

I would be misleading the House to say that I support all of the issues and all of the processes that have been outlined in the second-reading speech of the member for Nicklin. The approach that he has taken is different from the approach that I would take. In common with most members in this House, I have a draft CIR Bill tucked away in my bottom drawer. There appear to be a plethora of them. I think that that indicates the community support for the notion of CIR.

However, I would point out a number of safeguards that the member for Nicklin included in his second-reading speech. They are that CIR cannot be used to change the law in order to benefit a particular area or person or group of people to the exclusion of the rest of Queensland or other Queenslanders; CIR cannot be used to impose a fine, penalty or liability on a person retrospectively; CIR cannot be used to appoint or remove a particular person from public office; and CIR cannot be used to interfere in or control the budgetary process of the Government of the day. That is important, because one of the red herrings that was always thrown up was that a CIR referendum could be held to annihilate or reduce taxes. That certainly would be a concern in relation to the efficient running of the Government. Further safeguards were that CIR cannot be used to change the composition of the judiciary, it cannot be used to make a law in relation to a matter beyond the Parliament's constitutional power and it cannot be used to remove the Queen or the Governor. So there are a number of safeguards implicit in the member for Nicklin's Bill.

As I said, I would not agree with all of the elements but I certainly support 100% the notion of citizens' initiated referenda, although in a slightly altered form, and I certainly will not be opposing the Bill.
