



Speech by

PETER WELLINGTON

MEMBER FOR NICKLIN

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CITIZENS' INITIATED REFERENDUM (CONSTITUTION AMENDMENT) BILL

Mr WELLINGTON (Nicklin—IND) (10.42 p.m.), in reply: Before I accept the umpire's decision and walk, let me say that, even if this Bill is doomed I am pleased that it at least got a hearing. Just over two months ago, I stood here and appealed to this Parliament to allow the people of Queensland to make up their own minds about citizens' initiated referenda at a referendum. Tonight, that decision will be made, but it is quite clear to me that it will be in the negative.

In hindsight, from day one it was doomed. The decision to reject my Bill is based on politics and nothing else. After reading the report of the Scrutiny of Legislation Committee, I can say that there are no valid grounds upon which the Bill should be rejected. Indeed, in paragraph 3.13 of the report of the Scrutiny of Legislation Committee, Sir Rupert Hamer and Professor Zines were quoted as saying that they "do not believe that the electors' initiative contradicts the principles of representative democracy".

Let us face it. The Leader of the Opposition slammed the Bill in the media before he had even read it. At our first meeting, the Premier warned me that CIR was not Labor Party policy. Yet I persevered with the Bill, hoping that the weight of my arguments would have some effect. However, I realise now that the minds of the majority of my colleagues in this Chamber were already set against it.

I could talk until the cows come home at night on the merits of this legislation, but I really think that my words would fall on deaf ears. However, I am moved to address what has been put to me by many people as the main stumbling block to the legislation, and that is the concern that CIR may be used by a majority of people to make laws that are oppressive or offensive to the minority. I reject that totally because it misrepresents the principle upon which citizens' initiated referenda is based, and that is that the people are in charge and members are merely their representatives, not their rulers.

Why should we assume that the majority of the people cannot be trusted to respect the fundamental rights of minorities or at least that they will respect them less than politicians respect them? People who fear citizens' initiated referenda are the intellectual descendants of those who used to say that if the poor were given the vote, they would immediately confiscate all private property and bring economic activity to a halt. Previously, the fearmongers said that the minority who would be oppressed by the majority would be the rich. Now it is Aboriginals, single mothers and Asian refugees. Let us face it: history shows that we, the elected representatives, have not always been overly concerned about the rights of minorities or of those opposed to Government policies.

I sincerely believe that the average Australian understands that democracy means respect for minorities as well as majority rule. I also believe that average Australians are capable of more sympathy and have more of a sense of fairness than the fearmongers give them credit for. Indeed, had things been different and the CIR Bill been passed, one of the first uses of the CIR process would have been to propose a Queensland bill of rights. But it was not to be, and I realise that the only way in which a CIR will ever operate in this State is if it is part of the pre-election policy of future politicians. Only when this Parliament has as its members people who are committed to CIR will it find a place in the State's legislation.

There is a very special person whom I would like to thank publicly, and that is John Pyke, lecturer in constitutional law at the Queensland University of Technology. John gave me the most valuable assistance both in the preparation of my citizens' initiated referenda Bill and in preparing my response to the Scrutiny of Legislation Committee. Mr Pyke, as well as being a caring and

compassionate person, is one of this State's, if not this nation's, finest constitutional lawyers, and to him I give my heartfelt thanks. My thanks go also to the many other people who helped me with advice and expertise in relation to this piece of legislation. To my colleagues, I say that I am disappointed that they have not seen fit to support the Bill, which I believe would have provided a valuable arm to the parliamentary process. At the same time, I thank the Parliament for allowing this Bill to at least be debated. I thank members for their patience.
