



Speech by

BILL FELDMAN

MEMBER FOR CABOOLTURE

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COMMUNITY-BASED REFERENDUM BILL

Mr FELDMAN (Caboolture—ONP) (10.32 p.m.): Democracy, truth, justice, representation to people and the right of the people to self-government to decide directly the laws they live under have always been opposed by individuals whose aim is to exploit the people. As the member for Nicklin pointed out, there is a real need for direct democracy. Those individuals who resist it will do so at their own peril.

There is a real need for direct democracy. It gives the community a direct voice to raise issues it sees as important and to be taken seriously. Under this Bill, any proposal supported by very high and widespread support, which this Bill requires, is to be taken seriously. With such support being certified by the Electoral Commission, a Bill can then be drafted by Parliamentary Counsel, tabled in this House, examined by the Scrutiny of Legislation Committee and presented in an amended form—and only if necessary—to this House for its approval. Surely no-one in this House who believes in democracy could oppose such a sensible process.

This is really a petition that is properly presented to this House. I realise that there may be some politicians who believe that the right of the people to petition this House in such a helpful way should not be allowed. After assessment by the Scrutiny of Legislation Committee, the proposed law can be either accepted or rejected by this House. In Switzerland—and I note that many members failed to recognise that we had compared this Bill with the Swiss model—the Parliament considers the process so important to keep it in touch with the issues demonstrated by the process to be real community issues that the Parliament adopts well over 60% of the legislative proposals from the people without any need for them even to be put to a referendum.

This Bill gives full recognition to democracy. It says that the people of Queensland have the ultimate sovereignty and are not the subjects of politicians. Any vote against this Bill is a vote by those politicians to say that they do not trust the people of Queensland. This has been highlighted by many members on this side. This Bill will help protect members of this House from being seduced by delusions of power. The day of totalitarianism is over. This is the dawning of the era of democracy that puts people first.

As a former member of this House once said, any Government which passes this legislation will be virtually there forever, because there will be no need for the people to be forced to tip out a well-performing Government which listens to the people. The further benefit is that a Government will not be turfed out merely because it gets one issue wrong. This Bill will make even the current system more accountable and representative—increasing accountability and enhancing representative democracy. This Bill will provide that incentive.

There are some who pretend that the people of Queensland are not competent to judge particular legislative proposals and would support populist measures. To say this is to mock the people of Queensland, and in doing so they mock the very electors who may well put them there. They are constantly, in their wisdom, rejecting Governments for arrogance and for not listening to the views and values of the people. Again, those who say that people are not capable of understanding issues are really saying that politics is some kind of beauty and ugliness pageant. This merely ridicules the people. If the people are not capable of voting on issues, then according to this inane logic the people should

not be trusted with voting to send representatives to this House. People no longer have faith in a party system that acts with such contempt for the people of Queensland.

During the division the numbers will be counted, and I hope all for honour of subsequent generations and none for infamy as people who declare they do not trust the people of this State. My colleagues and I believe in this Bill because we believe in the good sense and good judgment of the people of Queensland. This Bill will bring about the democracy that the people of Queensland could have enjoyed, as has been said before, since 1917, when this very type of proposal was first debated in this House. The reasons for its introduction then were the same as they are now. That was at a time when the majority of members of this House were not only firm believers in democracy, where people who had a real say in the decisions they felt important; it was also a time when the majority of members honoured their election promises to the people on this very issue. The question now is: are other members of this House supporters of democracy or not? Do they wish to exclude the people of Queensland from this exercise of fundamental democracy and of the inalienable rights to properly functioning democracy?

This Bill provides the opportunity for the people of Queensland to truly participate in and contribute to the positive wellbeing of this State. It is time for this House to declare its stand for open, honest and accountable Government. I challenge all honourable members to take their stand on the side of democracy. The alternative is to take their stand against not only the concept of democratic representation in this House but also against the concept of the sovereignty of the people and to declare themselves or rather their party structure to be the supreme form of Government, and that the people of Queensland are their subjects to do their will.

This Bill for recognition of direct democracy is positive in every way. My colleagues have spent considerable time explaining the benefits of the Bill and detailing some of the important factors within it. They have related and revealed clearly how One Nation's Community-Based Referendum Bill improves upon and solves the problems of similar past Bills.

I believe the biggest acclamation of this Bill was by the Scrutiny of Legislation Committee who, after my response to its concerns, gave this Bill the best bill of health I have seen in any Alert Digest for a Bill of this size. I take the time here to thank the Scrutiny of Legislation Committee for the work that it has done, the issues it pointed out and the recommendations it made. Honourable members will notice that we took its report very seriously and we have made several amendments to the CBR Bill in order to address its concerns and in order to perfect the CBR Bill. These amendments in my name have been or are being at this moment distributed in the Chamber.

I have complete confidence in the abilities of the Scrutiny of Legislation Committee, which have been outstandingly demonstrated time and time again in the exercise of its legislative charter which ensures that fundamental legislative principles must not be contravened. The Scrutiny of Legislation Committee, which assiduously examined this Bill, has reported from its scrutiny that there is nothing in this Bill which would contravene fundamental human rights. I cannot see how anyone in this House could argue other than that this Bill is the most comprehensive and viable direct democracy Bill yet seen in Queensland or yet presented in the Queensland Parliament. It is so because it has overcome the objections and the problems of the past. This Bill is not only a good Bill; it will work. The amendments that I will move in Committee will ensure that One Nation's Community-Based Referendum Bill of 1999 is complete and will work effectively and efficiently to provide the people of Queensland with a direct say in the governing of their State.

I will now respond to some of the flimsy arguments against this Bill expressed by the Government and the coalition during the last sittings. It is quite clear from the speeches delivered by the Honourable the Attorney-General and the Deputy Leader of the Opposition that the Government and the coalition have no substantial arguments against this legislation. It appears that they are grasping at straws, trying to find fault with a Bill and a policy that do not have the faults that I am sure they were searching for. The Government's argument against the CBR Bill is simply this: the Government opposes the Community-Based Referendum Bill as it would tend to erode parliamentary democracy.

Once upon a time the Labor Party, the Country Party, the Liberal Party and, if they are to be believed, the National Party believed in the principles of democracy which this Bill gives effect to—a clear indication that they are no longer what they used to be. The phrase "parliamentary democracy based on the rule of law" is found in the scrutiny of legislation Act. The Scrutiny of Legislation Committee has examined the Bill and also the answers provided together with all the proposed amendments. The Scrutiny of Legislation Committee has discharged its legal functions and has found that the amendments to be moved in Committee address the concerns and observations that it made when the Bill was first presented to it for scrutiny. That being the case, I find it hard to understand exactly what the Attorney-General means. Perhaps he has not read this report. It is to be expected that

the Honourable the Attorney-General and Minister for Justice will be more satisfied with the amendments as they also address and resolve the other matters that he raised.

As for the erosion of parliamentary democracy, this Bill does not propose any such erosion. This Bill is democracy expressed in an orderly manner with legislative proposals subject to the principles of the rule of law and providing for all legislative proposals to be properly drafted, tabled in this House and subject to scrutiny by the Scrutiny of Legislation Committee. In fact, the purpose is that it be an adjunct to the democratic process. It will be an immense help to members of the Legislative Assembly in enabling them to be aware of real concerns arising in the community to a far more reliable extent than is presently the case.

Another comment made by the Attorney-General is that the law-making function of this Parliament is central to the democratic process which relies upon majority rule and minority rights. Indeed, the Deputy Leader of the Opposition has confirmed that sitting members of this House can be expected to be rejected by the people of their respective electorates because of their violation of the principles of representation. The democratic process is also subverted when members elected by and in sympathy with the people of their electorate cannot raise in this House the views that they espoused before their election or the views of the majority of their electors.

The Parliament should act as a representative democracy where all elected representatives act as the representatives of the people of their electorate with no party machine, Whips or other enforcers coming between them and their electors. Indeed, when this Parliament was established and the Parliament of the Commonwealth was established, this true representation in Parliament with integrity towards the electors was essential. Today, obedience to party Whips, threats of disendorsement against any member who does not toe the line dictated by non-elected powerbrokers, is the rule of the majority of legislators. Unelected party machines have hijacked and privatised what should be a totally honest, open and representative system. Majority rule rather than the tyranny of the majority of persons in Government is indeed the norm.

History is loaded with instances of a very small minority of members of the House swaying Cabinet—another small minority—which then dictates to the rest of the party members. The members who were associated with that party—and who may not agree if they were able to express themselves in a secret ballot, which is characteristically and undemocratically denied—are then bound to follow the leader with the enthusiasm of lemmings. So rather than the Parliament being illustrative of a genuine democracy, it is often an illustration of a total perversion of the principles which are to be found in a genuine democracy and a hijack of the principles of the Westminster system.

Commentators such as Bob Hawke have already commented that the party system has virtually destroyed the Westminster system as it should be. However, as the member for Warwick has so clearly stated, people have had enough of elected representatives who should be turned out by their electors. As for the genius of the Westminster system that resides in the members being in touch with the feelings of the people of their constituencies—this, too, has been hijacked too many times by the orders of the party machine, which tells members how they must vote, even if it means a betrayal of the very people who elected them to this House—something with which the Deputy Leader of the Opposition is very familiar.

The member for Kurwongbah talked about the alienation of communities from the Government process through people working with Government. The only thing that I think the member has to be fearful of is that the people will more readily understand the Government process. The member for Kurwongbah gave the Westminster system a good rap, but I cannot quite understand whether the member is giving the Westminster system—

Honourable members interjected.

Madam DEPUTY SPEAKER (Ms Nelson-Carr): Order! There is too much audible conversation in the Chamber.

Mr FELDMAN: If the Westminster system is so good, why does the member for Kurwongbah support a move to a republic?

As for the great democratic representation of the National Party—the National Party has whatever policy the Liberal Party has and, consequently, those who vote for the National Party are clearly deceived. The National Party votes would be different if it had a secret ballot, but members can be so intimidated for expressing their views or the views of their branches that talk of democracy within the National Party is rather hard to accept with the childlike faith that the Deputy Leader of the Opposition claims to have in the party processes. People should not have to belong to a party to be heard. At present, there is a real imbalance in which the voice of every lobby group can be heard but there is no means by which the people of Queensland can themselves be heard unless they come bearing donations of money.

There have been some comments in this House during this debate that the Community-Based Referendum Bill will introduce a piece of legislation that will be of benefit to one part of the State and of detriment to another part of the State. This is absolute nonsense. Any proposed law must first have the support of not only the majority of the electors voting throughout the State but also a majority of those electors in the majority of electorates. This provides a far greater security and check and balance than any legislation passed in this House.

The assertion that people in some areas of the State cannot understand the concerns of people in the other areas of the State casts a slur on people everywhere in Queensland. I say again: One Nation's Community-Based Referendum Bill provides for approval of a proposed law, if not sooner enacted by the Parliament, by a majority of electors voting in a majority of electorates. The people of Queensland are to be relied upon for their commonsense judgment and fairness more than are persons acting out of political expedience.

The Attorney-General's similarly ridiculous claim that the people will simply vote for a reduction in fees and charges is again a desperate grab for a fault in this Bill. At election after election the people reject political promises of reductions in rates and charges, not because they do not believe but because they are realists. They know that there must be rates and charges for services and that Government cannot act without rates and charges. They also know that no party really believes in them but rather in the organisation that can make or break parties by rewarding them or punishing them for doing as organisations wish.

Those who oppose direct democracy, which enables the people to address the issues that they consider to be important, are not merely violators of human rights but moral encouragers of the people killing the East Timorese because of their vote by secret ballot on an issue that they considered to be of very great importance. The Bill recognises internationally recognised fundamental civil and political rights and freedoms. Those politicians who oppose this Bill are violators of the inalienable civil and political rights of the people of Queensland.

The issue is very clear. People who oppose this Bill say: the people of Queensland have no right to be able to present a request to the Parliament for the Parliament to consider a proposed law to address a concern of the community in any meaningful way; the people of Queensland have no right to vote to determine issues they consider important if the Parliament does not address them; and the people of Queensland should be happy to live under the dictatorship of politicians who are morally no different from those who are killing the people of East Timor because they did not like the way they voted at the referendum. Is this what the Government or the coalition believes? It would appear so.

As the major parties fail to support this Bill, they fail to give the people of Queensland a say in their own laws. It is because they believe that they are better or smarter than any other Queenslanders. It is because they do not want to let go of the control they have. It is because they do not want the people of Queensland butting into their nicely arranged stage show of democracy. Perhaps it is a combination of all these. I think the people of Queensland deserve to know. It is clear that the legislation is not at fault. It is clear that they have no substantial or justifiable arguments against the Community-Based Referendum Bill.

It is known that direct democracy initiatives work in many countries all over the world without subverting Parliament. It is known that Labor and the coalition have supported direct democracy in the past. Once this House was a leading force for democracy under previous Labor Premier T. J. Ryan. Now members of this party would metaphorically spit against the true democracy that he sought to bring within reach of the people of Queensland and to suppress his honourable memory. They have no justifiable excuses because there are none.

As was highlighted by the member for Barambah, money is no reason to deny the people their say in direct democracy. After all, just yesterday this Government told the people of Queensland how it is going to spend their money. With the Community-Based Referendum Bill people have some say in how their money will be spent for their own benefit. We have had 49 elections in Queensland—one almost every two years. I think a better way to spend the money would have been on direct democracy. The Government should trust the people of Queensland.

The member for Greenslopes spoke about useless ideas when he called voters useless. He said that people should think about their policies—

Mr FENLON: Mr Speaker, I rise to a point of order. The reference the member for Caboolture just made in relation to my speech was quite misleading and incorrect and I ask that it be withdrawn.

Mr FELDMAN: I withdraw on a sensitive issue. They have no justifiable excuses because there are none. One Nation's Community-Based Referendum Bill is a Bill for the people. It will work and there is no reason why the people of Queensland should be denied the opportunity to play a direct role in governing their State.

It is sometimes hard to stand in this House with people who show such disrespect for the people they are elected to represent and who display such an inexcusable contempt for democracy. As President Woodrow Wilson said, liberty has never come from Governments; it has always come from the people. I commend this Bill to the House and I urge all honourable members to let the people decide.
