



Speech by

**Mr L. SPRINGBORG**

**MEMBER FOR WARWICK**

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Hansard 25 August 1999

### **COMMUNITY-BASED REFERENDUM BILL**

**Mr SPRINGBORG** (Warwick—NPA) (Deputy Leader of the Opposition) (10.36 p.m.): I say at the outset that the Opposition will also be opposing the legislation before the Parliament. I would like to make a few general comments in regard to the legislation. As the Attorney-General indicated in his contribution a moment ago, the Parliament debated legislation to try to bring in some form of participatory democracy or citizens' initiated referendum in this term, and that legislation was defeated by this Parliament. I think it is fair to say that this legislation is probably a refinement and attempts to deal with this matter, considering a number of the problems which have been brought forward or are often considered when we deal with the notion of citizens' initiated referendum.

It is also fair to say that there are many and varied models of citizens' initiated referendum around the world and there are many and varied models which are discussed with, I think, all members of this Parliament when they speak with their constituents. We hear people talk about the right of a simple veto, that is, the right of the people to be able to veto laws that have been passed by the Parliament or are going to be considered by the Parliament. This is an approach which seeks to allow the people to have a direct role in being able to initiate legislation and laws in this Parliament.

In my involvement in the National Party over a good 14 years now, I have come across a lot of people in that organisation who have advocated this particular viewpoint and many people in our party who advocate the contrary viewpoint. I am one who has had some sympathy with the notion of citizens' initiated referendum, or voters' veto, in the past, but I must admit that I still remain to be convinced that it is all rosy. I believe that there are certainly some problems with it which would be difficult to overcome. As I indicated, there has been some interesting debate on the issue, and it is something that continues to come up at meetings of our organisation from time to time and no doubt will continue to come up in the future.

The ultimate participation is the right to determine policy. In the case of the National Party and the coalition, it is quite clear that our branch membership does not support the proposal of citizens' initiated referendum in such numbers as to bring about a majority that would allow us to support the legislation before the Parliament. Having said that, I think it is fair to say that we need to address some of the issues which have been raised by the honourable member for Caboolture in this Bill before the Parliament.

Quite simply, there is little doubt that people in the community, those we represent, believe that members of Parliament do not necessarily represent all of their views. In many cases they believe that members of Parliament do not represent any of their views. I think that is why people have attempted to express themselves in many and varied ways over the last decade or so.

It is also fair to say that a lot of the problems that people are concerned about are not easily addressed in a modern democracy when we consider the many and varied problems that Governments and politicians have to deal with from day to day. While the concept of community-based referendums, citizens' initiated referendums, voter recall or voter veto is something that will continue to have a degree of community support in varying levels depending on where we go around Queensland, it is something that we are not able to support here tonight.

Over the last few years I have had the opportunity to read a bit about citizens' initiated referendums. Also, a couple of years ago on a trip to America I had an opportunity to ask some

questions, in California in particular, about how citizens' initiated referendums functioned in that jurisdiction. I am sure that the Attorney-General would be aware of the various models around the world.

One thing that did concern me—the Attorney-General did mention this in his contribution—was the ability of certain well-heeled groups which would naturally have a degree of community support to hijack the agenda, in some cases in a sinister way or in a way which was otherwise against the views of the majority of people in the community. I do not think it is easy or proper for us to dismiss the decentralised and diverse nature of Queensland when we consider some of the controversial issues that come before us. The majority might hold a view that is not necessarily right and might subjugate other people on a regional basis without necessarily understanding the true nature of the problems in other areas.

One interesting issue related to me in California involved the ethics industry, which is a growing industry around the world. A lot of people are popping up at ethics conferences. There are a lot of calls in this State, nation and right around the world for more ethical politicians. I do not know how that can be achieved when, I believe, the great majority of politicians are people who have high ethical standards. Some people are not ethical and will not be ethical regardless of what we decide to do to ensure ethical behaviour.

One anecdote I was told related to a proposition put before the people of California to try to wind back the amount that could be publicly donated to political parties or members of State Congress. A lot of funny groups, like "Pensioners for Ethical Politicians", started popping up and advocating these sorts of propositions. A whole industry grew out of ethics, which was raised on a cynical basis. There were groups that believed in what was being proposed, but they were actually used to put forward a question that would provide an opportunity for a certain section of the community—the ethics lawyers and the like—that stood to gain. That is the sort of problem we can have. I concede that the system in California is probably more developed than what is proposed here, but I have set out the sorts of problems I foresee.

The issue of participatory democracy is mentioned. That term means a lot of different things to a lot of different people. I believe that the honourable member for Caboolture genuinely thinks that it is where the people have the opportunity to continue to instigate proposals which may be taken before the Parliament for consideration, to be made into laws for the Governor to assent to. My idea of participatory democracy is a little different. I think the very fact that we are here tonight debating this legislation, which is obviously something the honourable member feels very strongly about, is the greatest example of participatory democracy.

Our political system has been a two or three-party system. It is now a four-party system and there are also a number of Independents in this Parliament. People are choosing to send a whole range of representatives to this Parliament to express the majority of their views. It is fair to say that not every member in this Parliament represents every view of every constituent, but we are elected based on the majority view in a particular electorate. If we are unable to reflect and express the views of those who elect us, then we do not deserve to be in this place. That is an argument that has been put up in the National and Liberal Parties over a considerable period of time. Whilst there are many people who might sympathise with the fundamentals of what is being proposed, there are certain issues that lead us, and certainly the majority in the National and Liberal Parties, to not be able to support the legislation in its entirety.

The National and Liberal Parties have a democratic process. No doubt it is the same in the Labor Party. Our 50,000 or 60,000 members are able to put forward their particular viewpoints at a branch level, to chase it through to a division or electorate level and then a State conference level. Then, if they are successful, it is made into party policy. If the people of Queensland are satisfied that the policies we have will be for the ultimate betterment of the State, then we will be elected to Government. If we do not implement those policies and if in the time we are in Government we are not flexible enough to see the community concern which is being expressed, then we do not deserve the majority support of the people in our electorates and we do not deserve the majority support of the people of the State. That is why Governments come and go.

In some cases when we debate citizens' initiated referendums we are probably giving an impression that we can deliver something which we might not be able to. The process of representative democracy is a difficult one. We can see the changes that are happening in our own State, in our own nation and worldwide and we see some of the difficulties that Governments face. I think things will become a lot more unstable before they balance out. I think we have to concede that. I do not believe that community-based referendum will assist us in overcoming that particular problem.

I think the honourable member for Caboolture has tried to address some of the concerns which are commonly expressed when people talk about citizens' initiated referendums. People are concerned about confining a Government when it comes to the issue of Supply. The honourable member

indicated in his second-reading speech that the Bill does not seek to do that. I know that the issue of Supply continues to be a concern.

The member for Caboolture has tried to address the concern that members of the community have about referendums that might not necessarily be in line with proper processes such as the rule of law, the rule of natural justice and so on. The honourable member has realised that those issues are of concern when we debate the proposal for community-based referendum. Even so, there are ongoing problems which the Parliament must recognise.

Once again, I wish to indicate that the best way for people to be involved in a participatory democracy is not through citizen-initiated referendums but through taking the time to be involved in a political party or to stand as an Independent, to be elected to this Parliament and to advocate for and represent those people who elect them to this place. That is the only real way to have participatory democracy, good policy and good government. And if their constituents do not like them, they have the opportunity to get rid of them in three years' time, or sooner if the election occurs before the due date.

While I understand the sentiments and concerns that the honourable member has expressed in introducing this Bill to the Parliament, the Opposition continues to have concerns about the Community-Based Referendum Bill because of the way the proposal has been put forward, and the concept itself. Therefore, we are unable to support this Bill.

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