



Speech by

Mrs LIZ CUNNINGHAM

MEMBER FOR GLADSTONE

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COMMUNITY-BASED REFERENDUM BILL

Mrs LIZ CUNNINGHAM (Gladstone—IND) (10.09 p.m.): Helen Gregorczuk of Queensland said this in an introduction to an item about citizen-initiated referendums—

"A reawakening of interest in notions of popular sovereignty and the role of ordinary citizens in the management of Australian society has occurred recently. Largely attributable to the current republic debate, it has also sparked curiosity about citizen-initiated referendums. The 1998 Constitutional Convention on whether Australia should become a republic specifically recommended examination of better ways to involve people in the political process. One such way to better involve people in the political process is CIR."

I believe that people's re-interest in citizen-initiated referendums has come about because they feel disfranchised in many instances. There are many forms that CIR will take. There are many recipes that make up a citizen-initiated referendum. Some have strengths and weaknesses. Each one, however, gives a voice to the people.

Helen Gregorczuk then refers to the history of CIR and states—

"Examples of direct government go back at least as far as ancient Athens, the assemblies of the Saxon tribes and the plebiscite in the Roman Republic. Optional referendums or plebiscites were also occasionally held in medieval Europe, whilst various forms of direct government have been used in Swiss cantons since the 12th and 13th centuries. In the United States, direct democracies date back in the 17th century when the freemen in New England villages would gather to make the laws governing their communities. These historical examples illustrate that direct democracy was utilised in earlier times, when societies were much smaller, simpler and less diverse, and there was less need for a representative style of government. However, how does direct democracy sit with modern societies dominated by representative government? Overseas experience in the United States, Switzerland, Canada and New Zealand indicates that direct democracy, and particularly CIR, can be effectively incorporated into a system of representative government."

My experience is that those who have the greatest opposition to CIR support most resoundingly the major party system. I firmly believe that CIR can and should be allowed to work—maybe not in the purest form, maybe not in the form that is being proposed tonight per se, but in the form as it is presented tonight with perhaps some changes. However, there is an opportunity for CIR to work, and to work effectively, in Queensland.

Quite a number of questions have been asked about citizens-initiated referendums. A number of criticisms have also been raised. One is that CIR undermines notions of responsible and representative Government and is unnecessary since current levels of participation are adequate. I say that the recent political history of the States, particularly Queensland, indicates that electors—in this State and elsewhere—in many instances feel that they have been disfranchised.

Another claim is that CIR is expensive and destructive of good planning and that the process can be manipulated by well-financed interest groups. Again, that issue can be addressed by the structure of CIR to ensure that south-east Queensland does not have the strongest voice and that everybody across Queensland gets a fair hearing. That fairness can be ensured through the

mechanism that is used to implement CIR, and that is to include that in all districts there has to be a majority so that the CIR vote cannot be overtaken or pirated by one particular segment of the community.

Another claim is that voters are not competent to judge particular legislative proposals. I think that that claim is an affront not only to the electors of Queensland but also to electors everywhere. We have very mature voters in this State—people who are astute, people who are articulate, people who are informed, people who look for the issues beyond just those that are reported in the Courier-Mail or in the 30-second sound grab in the media.

Another claim is that CIR is a dream for cranks and extremists. I would say that, across-the-board, people who are supporters of CIR are well informed, articulate and well educated. Equally, there are those people who are detractors of CIR.

Another claim is that CIR creates social divisiveness and tyrannical majorities and produces simplistic, short-term solutions. Again, I think that that is a simplistic criticism of CIR. Another claim is that CIR is not suitable for all types of decision making. That is true. However, this Bill does not claim CIR to be the answer to all of the community's difficulties; it provides an avenue, it provides one opportunity for people to have their say.

The Minister for Justice and the Minister for The Arts has said that One Nation's proposal would take away the voice of people living outside the south-east corner, threatening our participatory parliamentary democracy. I think that if there were the numbers in this place to ensure that CIR was given an opportunity to be tested, we could ensure that fairness and balance across this State, recognising its diversity, could be ensured.

This Bill sets out the percentages that are required to trigger the referendums. My personal view is that those triggers are low. I would like to see them higher. They would certainly be issues in relation to which I will be moving amendments if this Bill reaches the Committee stage. The figure of 2% required to trigger a referendum is very small. I think that the percentage needs to be higher. However, that is a detail that can be dealt with during the Committee stage.

One of the strengths of this Community-Based Referendum Bill is that the process has been well thought out. The Electoral Commission is involved. It has been given the responsibility to ensure that proposals have a legal basis, that is, that before any referendum even gets to the stage at which it is put to the people, the objects sought to be achieved by the proposal are capable of being put into effect by legislation of the Parliament. The commission must be satisfied that that can be achieved—that that proposal that has been put up for referendums can actually be achieved through the legislative process.

This Bill contains safeguards for the community and democracy. Although this Bill is not without fault, I believe that many people in our community would like an opportunity to exercise community-based referendum. I would certainly be supporting the notion of CIR, albeit with some modification.
