



Speech by

Dr PETER PRENZLER

MEMBER FOR LOCKYER

Hansard 15 September 1999

COMMUNITY-BASED REFERENDUM BILL

Dr PRENZLER: With CIR a mistake would have written off the entire legislation and in essence would have nullified the purpose and intention of direct democracy. It can be seen already Mr Speaker, the great number of differences between our legislation and the CIR legislation proposed by the member for Nicklin, but the differences do not stop there. CBR allows legislation to be withdrawn by several means including certification by the Attorney-General if the matter to be addressed by the bill is addressed by alternative legislation ... and if this occurs, a referendum is not necessary. CIR proceeds like a juggernaut, irrespective of whether the Legislature has addressed the matter or not, causing totally unnecessary referendums and totally unnecessary cost.

Parliament is free to legislate to address the issue with CBR whilst CIR would have deprived the Parliament of its constitutional powers to legislate for one year. CBR also leaves the people free to exercise their constitutional powers and recognises the right of a majority of electors voting to repeal specific legislation. CIR attempted to deprive the people of the constitutional powers of participation for 5 years and attempted to frustrate the will of the majority of electors who may wish to repeal specific legislation. CBR recognises the distinction between legislative, executive and judicial functions and acts as an adjunct to the ordinary legislative process. CIR, Mr Speaker, sought to have the judiciary draft legislation or subordinate legislation unrelated to inherently judicial functions and hence was of an antagonistic nature to the Legislature.

The CBR process is extremely cost efficient. Only Bills that are of the quality that will pass through the Legislative Assembly are presented to the electors. Any problems with the drafting and the final form of the Bill can be resolved before submission to electors. CIR was extremely cost inefficient. Less than desirable drafting would have led to declarations in the Supreme Court to attempt to resolve problems from drafting and would have created many more difficulties. Problems in the Bill would have been unamendable ensuring that flawed Bills could be submitted to electors at referendum ... a considerable cost and waste of time and resources.

Importantly also, Mr Speaker, CBR sorts out all the problems before any proposed law is put to the people. The Californian model from which CIR was modelled sees 5 out of every 8 Bills struck down or read down, in part or in whole, by the Supreme Court after the vote ... necessary to avoid injustices, intended or unintended, through poor drafting and because there is no power to correct or amend poorly drafted Bills. Mr Speaker, CBR allows the benefit of the knowledge of the Parliament and its established committees to improve the legislation whilst CIR did not.

Mr Speaker, I have spent considerable time this evening addressing the differences between CIR and CBR in the hope that this issue, certain to arise some time through out this debate, will now be put aside so that the CBR Bill can be debated on its merits. The Scrutiny of Legislation Committee thoroughly scrutinised CBR. I welcome the committee's conscientious constructive criticism of the Bill, and this has enabled a detailed response, including the instruction for amendment to the Bill, and through explanation to address all concerns. The Alert Digest No. 8 of 1999 contains no outstanding concerns in relation to this Bill. The committee is satisfied with our response and our proposed amendments. This is very high commendation indeed for the machinery and checks and balances of the Bill in the light of the Scrutiny of Legislation Committee's response.

There are no credible excuses for the rejection of this Bill Mr Speaker. The only excuse will be an unwillingness of certain members to trust the people of this State, by their considered opinion via direct democracy. The CBR Bill will reveal a willingness or unwillingness of members to embrace direct democracy. It will define for the public which members really believe in democracy and which members trust the people of Queensland— including the people of their electorate. Mr Speaker, CBR enables the people to have a say, and provides a means by which the people and the Parliament can work together for the benefit of all Queenslanders.

I commend this Bill to the House.

Thank you, Mr Speaker.
