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## **CITIZENS INITIATED REFERENDA**

### **General Information:**

Many Australians are aware of the shortcomings in our present political system, but few know that Citizen Initiated Referendums (CIR) can be used to give voters direct access to making laws by majority vote. CIR allows voters to bypass parliament on important issues if they choose to do so and when introduced, binding CIR enabled at federal, state and local government levels, will be an addition to our present representative form of government.

Citizen Initiated Referendums has four main forms:

- The 'Initiative' allows voters to make new laws (by a majority vote).
- The 'Voters Veto' can block poor laws passed by parliament,
- The 'Recall' can remove from office any public official (including MP's)
- CIR can also be used to make constitutional changes.

CIR has a long history in Australia. A clause to enable CIR was included in the first draft of the Australian constitution. It was deleted, along with other clauses, so that consensus could be reached on the constitution. Moves were made to introduce CIR to most Australian states between 1916 to 1918. All these early efforts failed. A CIR enabling bill was debated in the South Australian State parliament in 1916, but was not voted upon.

Draft enabling legislation has recently been tabled in all state parliaments and in the Federal parliament, but only the Canberra State parliament has debated the issue. In local government, the Burnie council (Tasmania) and the North Sydney council (NSW) have both introduced CIR on an informal, non-binding basis.

In 1993 the residents of Gympie (Queensland) opposed council on the issue of council amalgamation. An unofficial, unsanctioned and strongly debated referendum was organised, paid for and conducted by local citizens. Over 26% of eligible voters took part, with 76% opposed to amalgamation. The referendum forced council to hold an official poll later that year. Over 90% of electors voted and the results reversed the council's earlier decision and stopped amalgamation from taking place.

Direct Democracy IS possible in Australia, as the examples above clearly show. We should all canvass our politicians to introduce enabling legislation for binding Citizen Initiated Referenda. We would then have the RIGHT to correct our elected representatives when they stray from what the majority of voters want on important matters. All the major Australian political parties have endorsed CIR at some time or other, but when in power they have not legislated it.

Citizens' Initiated Referenda (CIR) is not a political party, is not involved with any political party and espouses no political cause other than the rights of all of us to have a more direct say in what is happening in Government.

*'It brings Democracy back to the people, where it rightfully belongs.'*

C.I.R. could be used successfully by every democratic government throughout the world at the national, state and municipal levels.

Once C.I.R. is installed as an amendment to the Constitution, the process by which the people can initiate a referendum is simple and binding. The results cannot be changed without another referendum. The process consists of:

- A number of citizens collect signatures.
- A committee is formed to guide the procedure.
- When the stipulated number of signatures, recommended in the Australian form of C.I.R. are collected, they are presented to the Electoral Commissioner.
- The representatives then have to collect a predetermined percentage of eligible voters (minimum 2.5% of voters per electorate, in a majority of electorates, including a minimum of 2.5% of total voters)

Imagine how simple this would be using the Internet and scanners.

- The Electoral Council then qualifies the Bill.
- Parliamentary Counsel's office prepares the Electors Bill as a draft law.
- The Legislative Assembly is notified of the Electors Bill.
- The community votes at a referendum after both sides of the issue have been thoroughly debated.
- If approved, the Electors Bill becomes law. The community gets the law they want and democracy is served.

In many countries where C.I.R. is operating, the government follows through with the Bill having recognised public opinion, without resorting to a referendum.

In a true democracy the majority govern and the minorities are respected. We know it works. History has shown that when the majority of the people make the laws they are usually the correct ones. Under C.I.R. politicians are respected. In Australia, a well-planned C.I.R. system would produce political stability and restore Australia to what it was - the best country in the world!

## **The History of C.I.R.**

C.I.R. was introduced into Switzerland over 100 years ago at the Federal level changing it from a nation of poverty-stricken backwaters racked by ethnic conflict and civil wars to the peaceful internal political environment it has today and leading them to the wealthiest per capita nation in the world.

Following its success in Switzerland, Alfred Deakin argued for its adoption into our Constitution at the time of its conception. It was defeated by one vote.

In 1902 it became part of the Labor Party Platform and remained there until removed at the party's Perth Conference in 1963 when it was dropped on the motion of Don Dunstan.

Queensland State Independent, Liz Cunningham, was presented with a petition containing 26,000 signatures calling for the introduction of C.I.R. On Tuesday, March 26, 1997, Ms Cunningham called for the introduction of Citizens' Initiated Referendums and threatened to introduce a private member's Bill if the Government failed to heed her call.

Until C.I.R. is introduced, legislation's are not binding on the government and can be ignored or thrown out by whatever party is in power. CIR is not divisive. Supporters of all parties can benefit while adhering to their own political beliefs.

Why do we bother with CIR? The answer is that we wouldn't HAVE to if our politicians could act for us in our best interest. But unfortunately, this is where the 'Law of Politics' comes in, which goes something like:

*"Don't act for the common good if you will alienate one group, only to get the praise of a smaller, less powerful group."*

## **Precis of Initiative and Referendum Proposal**

### **Citizens Initiated Referenda**

We present the precis of our concept of a reasonable and practical application of Citizens Initiated Referenda.

We do so as a non-aligned and non-party political lobby group with a genuine desire for constructive and non-emotional discussion. We take pride in the fact that since our inception in 1988, we have retained our philosophical and political autonomy, and through that, our credibility.

Our concept of Citizens Initiated Referenda has met with the approval and support from both sides of the political fence in most instances. Academics have found it refreshing, and people of common sense have supported it.

Generally, we have found that those with a genuine interest in improving our system of Government at all three levels of Government, and those who wish to see an enhancement of our democratic process, have welcomed our proposal as practical, feasible and desirable.

Naturally, the concept of this proposal applies to the three levels of government. The system is the same in each case, but the terminology would change accordingly.

We present this paper to you, hoping that you will view our proposal with an open mind, and in an atmosphere which will encourage sincere and genuine discussion.

Yours Sincerely,

**Bruce Chapman**

Liaison Officer  
Citizens Initiated Referenda Lobby Group  
P.O. Box 268, Gympie Queensland 4570

## The Proposal

### Citizen's Initiated Referenda

The Proposal concerning the introduction of Citizen's Initiated Referenda into all three levels of Government:

- Does NOT seek to radically change our present system of government.
- Does NOT seek to remove the right of Parliaments to govern.
- Does NOT seek to remove the incentive of elected members to show initiative.
- Does NOT seek to slow the legislative processes.
- Does NOT seek to incite division between Parliamentarians and electors.
- Does NOT seek to damage our Westminster system of government.
- Does NOT seek to be capable of removing individuals from office.

### BUT

- Does seek to enhance the accurate representation of Governments.
- Does seek to remove the undue influence, by non-elected individuals or groups, over parliament.
- Does have a genuine desire to see our Parliament govern.
- Does seek to encourage Parliamentarians to use their initiative.
- Does seek to remove the "bureaucratic" delays in the adoption of legislation.
- Does seek to achieve an enhanced working relationship between electors and Parliamentarians.
- Does seek to improve the awareness of political matters within the community.
- Does seek to increase the involvement of the community in the decision-making processes.
- Does seek to structure decision making of Parliament both easier and more representative
- Does allow for greater input of ideas from the community.
- Does help to make the community responsible for its decision.
- Does encourage debate, thereby airing points of view that otherwise may not be aired.
- Does remove the "heat" from genuine debate.
- Does remove the energy sapping "pressure" of non-genuine groups, and non-genuine issues from the genuine parliamentary processes.

In short, we encourage the community to vote for an individual or party of its choice.

We want the elected Government to make the decisions it deems necessary for the betterment of the entire community.

But the community should have control of an 'instrument' to guide the Government back on track if it should deviate too far from the purpose for which it was elected, particularly if that deviation was caused by minority pressure groups or non-elected power-brokers, who were able to bring unreasonable or self-serving pressure to bear on Parliamentarians.

The community should have the ability to have a greater input into decisions that affect them.

### **HOW IT WORKS:**

Should an individual or organisation believe that a change should be made to an existing law, a proposed law, or to introduce a new law or to repeal provisions of an existing law, then he, she or they, must be able to address that belief.

#### ***STEP. 1.***

With free legal assistance (if necessary), draft a petition and collect 400 bona fide signatures of registered voters on the electoral roll.  
Present the petition to the Australian Electoral Commission for registration.

A minimum of twelve petitioners is then appointed as custodians and promoters of the petition.

#### ***STEP. 2.***

The promoters then collect a predetermined amount of signatures from bona fide voters on the electoral roll - **MINIMUM** of 2.5% per electorate, in a majority of electorates, and must comprise 2.5% of total voters in all electorates.

This provision guarantees that the issue is of genuine concern to a broad cross-section of the community, and removes the danger of "city versus country" arguments.

There would be a maximum permitted period of 18 months to collect these signatures. During this time, monthly returns are made to the Electoral Commission showing the success or otherwise of the collection.

This provision allows the public and Parliamentarian alike to assess the popularity of the petition issue. This assessment may well enable the Parliament addressing the issue before the referendum is actually held which in reality, would avoid the referendum, and enhance the democratic and parliamentary process.

#### ***STEP. 3.***

Having obtained the necessary signatures, the petition is then re-presented. The Australian Electoral Commission certifies its qualification, and presents it to the Speaker of the House. The petition is then deemed to call for a referendum on that issue.

#### ***STEP. 4.***

The Parliament is informed of the referendum call, and may act on its contents in such a manner as to satisfy the petitioners' demands. Failure by Parliament to make the necessary changes to legislation before the next federal election shall see the referendum proceed.

**STEP. 5.**

The referendum to determine the issue shall be held in CONJUNCTION WITH THE NEXT FEDERAL ELECTION.

NB This action makes the cost of holding such a referendum extremely inexpensive. Additionally, as the population is at the polls anyway, history has shown that given the chance, people will have a say on issues that affect them.

The Government is NOT responsible for the publication of the "for and against" arguments, but may put its case, if it does so desires. Equally, any organisation or individual may do likewise.

The time between the petition's presentation and the referendum at the next election, would be used for open debate and discussion. This will allow the community to become aware of facts from all sides of the argument.

**STEP. 6.**

The results of the referendum shall be determined by a majority of voters in a majority of electorates, PLUS, a majority of all voters.

This is called a "representative majority" which ensures a cross-section of support, ensures that it was indeed a genuine issue, avoids the "country versus city" arguments, and is consistent with the Constitution's referendum requirements. It also shows Parliament that support for the issue has been demonstrated - an instrument that is convenient to Parliament and voters alike.

**STEP. 7.**

Assuming the referendum is successful, the Bill is then presented to the Governor General for approval.

**NOTE:** Provision is also made for the holding of "emergency" referendums between elections. The same requirements apply for this action as above, except that a higher percentage would be required to call it - say 5% instead of 2.5% required for the election timed referenda.

We also encourage the Government of the day to exercise its rights to conduct referenda on issues of its choice.

## ***GENERAL***

- We believe that with this process of Citizens Initiated Referenda, the minorities will have to secure genuine support for their arguments, the wishes of the majority will be heard, and the Parliamentarians will know exactly where they stand with the public. An avenue for utilising community common sense would be opened, and a re-emergence of the principle of Government of, for, and by the people will be widely welcomed.
- We believe that undue influence exerted by non-elected power brokers should be able to be challenged in a non-political arena.
- We believe that this system will be a useful instrument for Parliamentarians to gauge the feelings of the community, and will allow them to act accordingly.
- We believe that the Government who installs this system will cause an upsurge in the acceptance of politicians within the community.
- We believe that ours is a fair and genuine proposal because it allows only the genuine issues to be addressed and resolved by a representative majority.
- We believe that governments at all levels will benefit by our Citizens Initiated Referenda proposal because it creates an atmosphere of teamwork between the communities and governments, instead of one of distrust and cynicism.
- We believe that Citizens Initiated Referenda will allow the community equal rights with governments, ie. the equal right of initiating a referendum.

## ***CONCLUSION***

It is extremely difficult to put the case for Citizens' Initiated Referenda in its entirety, on paper. There are many, and diverse advantages and benefits which would flow from the adoption of this proposal.

We trust that your visions of what this would accomplish for democracy is a positive one. Visions that will see genuine people seeking election to office and the self-interested individuals and power brokers becoming unable to dictate, what we the community, will have.

I commend this concept to you, and trust that it will open the door for further discussion and negotiation.

Bruce Chapman

Liaison Officer  
Citizens Initiated Referenda Lobby Group.