

**Submission Of The
Friends of Noosa**

To The

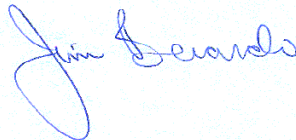
Senate Committee on Finance and Public Administration

Regarding The

**Commonwealth Electoral Amendment (Democratic
Plebiscites) Bill 2007**

23rd August 2007

Prepared by James Berardo. Convenor, Friends of Noosa



Endorsed by the working group of the Friends of Noosa
Additional working group members requested to be present at the enquiry are
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Introduction

1. This submission is made by the Friends Of Noosa (FON). The FON is a group opposed to the forced amalgamation of Noosa with Maroochy and Caloundra. Noosa is not better than those places, just different.
2. Thus a Friend of Noosa is anyone who values the distinctive nature of Noosa and wants it kept that way.

Summary of Recommendations

3. The FON recommends that the Committee support the passage of the Bill, thus enabling Queensland Councils to ask the Australian Electoral Commission (AEC) to undertake plebiscites regarding the forced amalgamation of local governments. The FON would also like to convey their very strong recommendation that further federal government intervention must be applied to ensure that the outcomes of the plebiscites are implemented. The Queensland Government has indicated that the outcomes of the plebiscites will not affect the implementation of the forced amalgamation. Again, this is a blatant disregard for democracy.

The Inquiry's Terms of Reference

4. This submission directly addresses the provisions of the Bill and hence Committee's Terms of Reference. The Bill seeks to allow the AEC to undertake any plebiscite on the amalgamation of any local governing body in any part of Australia.
5. In doing so, the submission necessarily provides the context which has led to the need for the Bill. That context relates essentially to a lack of democracy in respect of the will of the people of Noosa:
 - the Local Government Reform Commission (LGRC), which made recommendations to the Queensland Government, acted undemocratically
 - the Queensland Government acted undemocratically in accepting the LGRC's recommendations. The Queensland Government then compounded the above by legislating to prevent councils being associated with plebiscites allowing communities to express their views on the forced amalgamations.

These aspects are considered in turn below.

The LGRC

6. The main issues are as follows:
 - the first campaign to impose amalgamation on Noosa was in 2004, initiated by the Property Council. The response from the Noosa Community was overwhelming. A petition against amalgamation collected 18,747 signatures, about 80% of the voting age population
 - in 2004 the Queensland Government announced that there would be no forced amalgamations during the life of that government.
 - Forced amalgamations were not part of the Labor Party's platform during the subsequent Queensland State election
 - The Act establishing the LGRC contained the extraordinary provision that even if a Reform Commissioner disclosed an interest relating to a matter, that Commissioner was not prevented from considering that matter
 - In this context, many people were suspicious of the presence on the LGRC of Mr Terry Mackenroth, who is a director of the major property developer Devine Homes and reputed to be closely associated with the Property Council.
 - How the LGRC could be called an independent commission is blatant manipulation and a direct circumvention of democracy.
 - The time frame for the entire review was three months, less than half a working day per Council and only two weeks were allowed for submissions.
 - Of 36,000 submissions received by the Commission, 31,000 were from Noosa, unanimously against amalgamation - noting that one of the Commission's principal terms of reference was grouping of like communities of interest
 - Many of the submissions demonstrated clearly that there was no economic case for amalgamating Noosa, rated among the top 10 Queensland councils for financial strength
 - Despite the Noosa Community's response, the LGRC recommended in July that the Shire be forcibly amalgamated with Maroochy and Caloundra
 - The suspicion noted above was amplified when the community discovered that the Commission voted 4-3 to amalgamate Noosa with Maroochy and Caloundra.

The Queensland Government

7. The main issues are as follows:
 - The Queensland Government diligently passed in April 2007 to stop anyone including the Supreme Court of Australia from questioning not only the local government reform commissions' recommendations, but even the conduct engaged and the processes by which the independent umpire's decisions were made. Essentially creating a sole dictatorship and dispensing with democracy

- In early August, over 10,000 people marched in Brisbane against the amalgamations. The vast majority of those marching were from Noosa, an astonishing effort for a population of less than 50,000
- This expression of the will of the people was ignored by the Queensland Government when it accepted all of the Commission's recommendations, including forced amalgamation of Noosa
- In a tacit admission of this undemocratic and illogical decision, the Premier offered Noosa so-called "Iconic Legislation". The proposed iconic legislations a pure political gimmick that would provide little of anything to protect the core values of Noosa which have taken over thirty years to develop. This is like trying to legislate for love and as such a ridiculous attempt to give us back half of what we already have and what he is proposing to take away
- Community anger across Queensland resulted in the Queensland Government legislating that Councillors could be fined or summarily dismissed for being associated in any way with a poll to establish their communities' views on the forced amalgamations.
- It is this deeply undemocratic act, in the land of free speech and the 'fair go' that spurred the Commonwealth action which is the subject of the present Senate Inquiry.

The Present Bill

8. The main issues are:

- it is essential for Australian Democracy that the Senate pass the Bill. The issue is much bigger than Noosa or Queensland:
- If other Governments across Australia sought to follow the appalling example of the Queensland Government, the ramifications for free speech would be deeply concerning
- Although the Queensland Government is now saying that they will repeal the provisions regarding fining or dismissing councillors, a line still needs to be drawn in the sand by the present Bill becoming law
- most Councils across Queensland will ask the AEC to run plebiscites, allowing their communities freedom of expression
- the results of those plebiscites will almost certainly be overwhelmingly against forced amalgamations
- the Queensland Government must then be forced to honour the will of the people and respond to the outcomes of these plebiscites.