

28 August 2007

Committee Secretary  
Senate Finance and Public Administration Committee  
Department of the Senate  
P.O. Box 6100  
Parliament House  
CANBERRA ACT 2600  
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Dear Mr Palethorpe

**Submission to the Inquiry into the Commonwealth Electoral Amendment  
(Democratic Plebiscites) Bill 2007**

Thank you for the opportunity to make the following submission to the Committee. I would welcome the opportunity to supplement this submission and am available at your convenience to appear before the Senate Committee in Noosa.

**1. Validity of Sections of the Bill**

I note that several qualified individuals have raised substantive matters questioning the Constitutional validity of several sections of the Bill which seek to override State law and also whether the Bill undermines the independence of the Australian Electoral Commission (AEC).

While not qualified to offer an opinion on such legal matters I do strongly support:

- (i) the proposition that Constitutional law must be upheld; and
- (ii) the principle that the independence of Statutory Office holders must not be infringed nor perceived to be infringed: this is particularly the case in relation to the office of the Australian Electoral Commissioner.

These fundamental tenets are constants in Australia's democratic framework and must remain above and separate from any contemporary partisan political positioning by all political parties.

*I submit that as a threshold issue, the above matters be formally considered and determined by the High Court prior to any further consideration of this Bill.*

*If the Bill does not satisfy these fundamental tenets I further submit that the Bill in its present form be not proceeded with and formally withdrawn.*

## **2. Holding of Amalgamation Plebiscite(s)**

Noosa is recognised Australia wide as a "best practice" model of local community governance. This dynamic model has resulted in a very high level of community consultation, ownership and support of Council decisions. Through this process Noosa has forged a community of sustainable living within a low impact built and natural environment.

I strongly support the existence and extension of such governance arrangements and the ability of communities to have meaningful input into the processes which determine the future of their community.

Over a period of many years and especially during the 2007 activities of the Local Government Reform Commission, the Noosa community has demonstrated its strong and consistent opposition to amalgamation with Maroochy and Caloundra Shires because they do not have similar governance arrangements.

The recent hasty legislative enactment by the Queensland Government of the Recommendations of the Local Government Reform Commission has severely diminished Noosa's community governance arrangements.

That regressive step is exacerbated by the Queensland Government legislation which disallows referendums on the question of Shire amalgamations.

Consistent with the principles above I support the position of the Leader of the Federal Opposition Kevin Rudd that plebiscites be conducted on this question.

In the event that the matters raised in Section 1 are independently satisfied by the High Court I *submit* that the holding of plebiscites on the question of Shire amalgamation should proceed.

*However, if plebiscites are to proceed I further submit that existing provisions of the Commonwealth Electoral Act 1918 (eg, ss 7-7B) are available for the purpose and their use is preferable.*

## **3. Scope and Timing of Plebiscite(s)**

If plebiscites are to be held, impartial consideration needs to be given to all legal and governance issues and their impact in all States and Territories as well as on future Federal / State structural relationships and also the nature and level of expectations raised with voters and the impact on future development of public policy.

Such consideration also needs to occur in a manner, environment and timeframe which does not challenge the impartiality or perceived impartiality of the AEC or the Australian Electoral Commissioner.

To have the AEC conduct plebiscites on the same day as voting in the imminent Federal Election (as has been postulated) would clearly be hasty and open to charges of, or the clear perception of partisan political conduct or advantage.

From a broader perspective, an argument could logically be made that the concept of obtaining voter opinion through plebiscites could and should be initiated by any level of Government in relation to any matter of sufficient public concern or further, to citizen initiated referenda. Such an argument would gather further support if a plebiscite on Shire amalgamation was already commissioned.

*I submit that the conduct of plebiscites on the question of Shire amalgamations be deferred to allow impartial consideration of all relevant and related issues.*

Such consideration could be concurrent with deliberation by the High Court on the matters raised in Section 1.

#### **4. Plebiscite Question(s)**

If plebiscites are to be held, impartial consideration needs to be given to the precise question(s) which will be proposed.

The core issues which arise in the current context of Shire amalgamations seem to relate to whether or not ratepayers should have the right to a plebiscite on the question of amalgamation and secondly, whether they are in favor of the precise amalgamation decision involving their Shire.

The plebiscite question(s) need to be clear, concise and impartially address the core concepts. "Yes / no" responses could be sought to two questions for example:

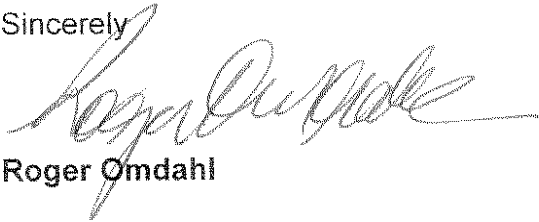
1. Do you believe ratepayers should have the right to a plebiscite vote on the matter of Shire amalgamations? and / or
2. Do you support the amalgamation of Noosa Shire with Maroochy and Caloundra Shires? (Substitute the names of relevant Shires in other localities.)

So that voters may consider all aspects of any plebiscite question(s) consideration also needs to be given to supplying a "for" and "against" case prepared by proponents of each side of the issue.

*I submit that plebiscite question(s) need to be clear, concise, impartially address the core concepts and be accompanied by a "for" and "against" case prepared by proponents of each side of the issue.*

Thank you for your time taken to consider this submission. I look forward to the report of your Committee deliberations.

Sincerely

A handwritten signature in cursive script, appearing to read "Roger Omdahl", written in black ink.

Roger Omdahl