



COMMONWEALTH OF AUSTRALIA

# Proof Committee Hansard

## SENATE

STANDING COMMITTEE ON FINANCE AND PUBLIC  
ADMINISTRATION

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

THURSDAY, 30 AUGUST 2007

NOOSA

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**SENATE STANDING COMMITTEE ON  
FINANCE AND PUBLIC ADMINISTRATION**

**Thursday, 30 August 2007**

**Members:** Senator Fifield (*Chair*), Senator Forshaw (*Deputy Chair*), Senators Carol Brown, Cormann, Fierravanti-Wells, Moore, Murray and Watson

**Substitute members:** Senators Joyce and Ian Macdonald to replace Senators Fierravanti-Wells and Watson, respectively

**Participating members:** Senators Barnett, Bartlett, Bernardi, Birmingham, Boswell, Boyce, Bob Brown, Carr, Chapman, Conroy, Crossin, Eggleston, Evans, Faulkner, Fielding, Fierravanti-Wells, Fisher, Heffernan, Hogg, Joyce, Kemp, Ludwig, Lundy, Marshall, Sandy Macdonald, McGauran, McLucas, Milne, Nettle, O'Brien, Parry, Payne, Ray, Ronaldson, Sherry, Siewert, Stephens, Trood, Watson, Webber and Wong

**Senators in attendance:** Senator Fifield (*Chair*), Senators Forshaw, Joyce, Ludwig, Moore and Murray

**Terms of reference for the inquiry:**

To inquire into and report on:

Commonwealth Electoral Amendment (Democratic Plebiscites) Bill 2007

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**Committee met at 9.02 am**

**CHAIR (Senator Fifield)**—I declare open this meeting of the Senate Standing Committee on Finance and Public Administration. This hearing is for the committee's inquiry into the provisions of the Commonwealth Electoral Amendment (Democratic Plebiscites) Bill 2007, which the Senate referred to the committee on 16 August 2007 for report by 4 September 2007. The bill seeks to allow the Australian Electoral Commission to undertake any plebiscite on the amalgamation of any local governing body in any part of Australia. The committee has received 92 submissions for this inquiry. All submissions have been authorised for publication and will be available on the committee's website.

These are public proceedings; although the committee may agree to a request to have evidence heard in camera or may determine that certain evidence should be heard in camera. At the end of today's formal program, the committee will be holding an open microphone session for 30 minutes where interested members of the public gallery will be invited to give their views on the bill. There will be a strict time limit of two minutes per person. The secretariat has witness sheets available so that members of the gallery can signal their intention to speak before that session commences.

I remind all witnesses that in giving evidence to the committee they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to the committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee. If witness objects to answering a question, the witness should state the ground upon which the objection is taken, and the committee will determine whether it will insist on an answer, having regard to the ground which is claimed. If the committee determines to insist on an answer, a witness may request that the answer be given in camera. Such a request may, of course, also be made at any other time.

The Senate has resolved that an officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution prohibits only questions asking for opinions on matters of policy. It does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted.

[9.04 am]

**ANSETT, Mr Robert Graham, Vice Chairman, Friends of Noosa**

**BERARDO, Mr James, Convenor, Friends of Noosa**

**REDDAWAY, Mr Gregory John, Treasurer, Friends of Noosa**

**TAYLOR, Dr Michael Victor, President, Noosa Shire Residents and Ratepayers Association Inc.**

**CHAIR**—Welcome. Do you wish to make an opening statement?

**Mr Berardo**—Yes. The Friends of Noosa thanks the committee very much for the opportunity to discuss this imperative legislation, which begins to restore democracy in Queensland. Through this legislation, Noosa residents will be given the opportunity to once again make their unstinting position very clear: no amalgamation for Noosa.

While the plebiscites will not carry the same force as referenda, with the oversight of the Australian Electoral Commission the Beattie government will not be able to politicise or spin the results to their benefit, as in the case of previous polls and submissions, where our 31,000 submissions were referred to as ‘10 submissions from a small interest group in Noosa’. The wording of the plebiscite will be crucial to a fair and objective outcome as well as to what happens after the results are obtained.

The legislation will also provide protection from the Beattie government and specifically the minister for local government, Andrew Fraser, who dogmatically threatened to fire or fine councillors who objected. Although the Beattie government backflipped on the issue this past week, a simple ‘I was wrong’ does not cover up their intention to bully this legislation through at any cost. Since they announced the repeal of the section of the local government reform act—and both Mr Fraser and Mr Beattie have said repeatedly that the results of the plebiscite will mean nothing to them, again demonstrating their contempt for the people of Queensland and their continued dogmatic, undemocratic behaviour—it is very clear to any thinking Queenslander that they repealed the law because they were forced to by the federal government. While the legislation is imperative and critical to restoring democracy in Queensland, we are still only halfway there. We have the right to speak, thanks to the proposed legislation, but unfortunately we do not have the right to be heard. The Friends of Noosa and, I am sure, the majority of Queenslanders are looking to you, the federal government, to restore a full democracy in Queensland and not half of one, which we have. Please help to make our vote count when the outcomes of the plebiscites are finalised.

Although the Australian Constitution does not address issues of local government, we are certain that our forefathers never intended for its people to have a half democracy. The will of the people must be heard and a fair go must be returned to Queensland. This is an issue with far-reaching implications for all of Australia, not just Queensland. We look forward to discussing with you the issues we have raised in our submission.

**CHAIR**—Thank you. Dr Taylor, do you have an opening statement?

**Dr Taylor**—Yes, I do. The first thing I would like to say is that I agree with every word that Jim Berardo has just said. I will say a few words about what the ratepayers association does and then move to the main points of our submission.

The ratepayers association has two objectives: firstly, to keep rates as low as possible, consistent with a reasonable level of services; secondly, to protect the Noosa lifestyle. We have played a major role in campaigns against forced amalgamation over the last few years. In 2004, the property council pushed for amalgamation of Noosa, openly admitting that the purpose was to breach Noosa’s population cap—I will be happy to talk to you later about what is meant by the ‘population cap’—and to reduce infrastructure charges. Noosa’s rates are relatively low, and the council’s finances are strong, because developers have been required to pay their fair share. The association led the organisation of a petition against amalgamation in 2004, which was signed by an astonishing 80 per cent of the voting age population. Surely this is very tangible evidence of Noosa’s community spirit.

Turning to our submission, the immediate wish of the Noosa community is to have an opportunity to express its views on forced amalgamation via an official plebiscite. Why is the community so keen to express its views? Because the local government reform process was deeply flawed. It was undertaken with indecent haste and smelled strongly of a done deal, and the reform commission’s report was hopelessly inadequate. In a word, the whole process was undemocratic.

Making a case for amalgamation of Noosa was always going to be difficult. The council's balance sheet is strong, and even the Premier regards Noosa as iconic. Regrettably, the reform commission made no serious attempt to make that case. It dealt with an average of two communities per day—imagine dealing with the entire topic of amalgamating Noosa in half a day—and it produced no evidence whatsoever of economic benefits. Instead, the commission's report consists of unsupported assertions. For example, the reform commission totally failed to address its first term of reference: to consider the grouping of like communities of interest to maintain the social fabric and character of communities. Noosa is not better than Maroochydore or Caloundra, just different. The Premier has offered Noosa so-called 'iconic legislation', but this would be virtually impossible to draft, especially in the 30 days he has given us to make an input. We now have until 14 September. Noosa is a combination of natural beauty, a sympathetic built environment and tremendous community involvement, not the tax act.

In summary, the Noosa Shire Residents and Ratepayers Association asks the Senate to pass the plebiscites bill. But restoring the democratic right of communities to express their views on forced amalgamation is not the end of the story. We hope that the Premier will heed the voices of people at last and proceed only with voluntary amalgamations. It is not too late.

**CHAIR**—Thank you. You mentioned that the Premier has offered Noosa legislation which would protect the iconic status of Noosa. What is intended by that?

**Dr Taylor**—That is a good question. It is easy to say the word 'iconic', and the Premier initially put out something saying that there is going to be no high-rise on Hastings Street, but we all realise that there is far more to Noosa than Hastings Street. There are, of course, the beaches and so on, but we always have to remember the hinterland too. The intention is to provide some form of protection, but our view is basically that legislation is a totally inappropriate way to approach this. Noosa did not really start until about 1930, but over the last 40 years the efforts of a wide range of community organisations and councils—and, I think, that tremendous community spirit—have made Noosa what it is. It is a bit like trying to legislate for Beethoven's ninth symphony or something like that—you can write down those words in a piece of legislation but trying to make what you see around you is extremely difficult.

Just briefly, on behalf of the ratepayers I attended a workshop on Monday run by the council. Their representatives may talk about it further. That basically indicated how difficult it was. We have to put in things like values, which cover pages in themselves, and not only the entire Noosa planning scheme, which is about four inches thick, but also many other plans. And, finally, what mechanism would we have? How would we be guaranteed democracy in that? If the Premier or the minister simply appointed some commissioners to run the iconic Noosa legislation, what faith could we have in that? So that is our position.

**CHAIR**—Mr Berardo, you mentioned in your opening comments the fact that the Premier has since indicated that he will withdraw, or may have already withdrawn, the provisions of his legislation which would fine or sack a council for seeking to access the plebiscite. In light of that, could I put to you a comment from a local newspaper and get your view? The quote, from the *Australian Financial Review* of 28 August, says:

'The inquiry—

being this inquiry—

serves no purpose, given the Queensland government will not take any action against councils holding referenda. It's been exposed for what it is—a taxpayer-funded touring circus for Howard government mouthpieces to peddle false hope,' Queensland Local Government Minister Andrew Fraser said yesterday.

Do you think that this committee is serving a useful purpose and that that this legislation is still necessary?

**Mr Berardo**—As I said in my opening comment, I think it is not only crucial but also absolutely imperative. I know that I speak for the residents of Noosa—all 50,000 of us—in saying that we have not been given a fair go. I come from a background where you dazzle people with brilliance or you baffle them with BS. I think when you cannot dazzle with brilliance you baffle with BS and, unfortunately, I have to refer to that as BS—it is absolutely silly. We must have this legislation to take the next step forward for democracy.

**Senator FORSHAW**—On 17 May, over three months ago, the Leader of the Opposition, Kevin Rudd, stated that he believed there should be local referendums or local plebiscites regarding the proposed amalgamations. Are you aware of that?

**Mr Berardo**—Yes, I am aware of that statement and his position.

**Senator FORSHAW**—So you accept that and support that? Are you here today to support the position that there should be local plebiscites?

**Mr Berardo**—We support the position; we would like him to support that in the Labor Party with Mr Beattie, who is not supporting that.

**Senator FORSHAW**—This is federal legislation. Let me make it very clear at the outset that the Labor Party opposition supports this legislation. Mr Rudd was on the record before Mr Howard in terms of calling for local plebiscites with regard to amalgamations. That is a matter of fact. What do you want this committee to do? We have three days of hearings—today, tomorrow and Monday. We are due to report on Tuesday. That will be an interim report, I imagine, with a final report fairly soon thereafter.

**Mr Berardo**—We are asking this committee to take back the message to their respective parties. We applaud that Mr Rudd believes that and feels that way, but he needs to now act because Mr Beattie is not acting in that manner.

**Senator FORSHAW**—What do you mean by ‘act’? I see the signs outside asking Mr Rudd to act. What are you saying Mr Rudd should do? The statement has been made that the Labor Party supports this legislation and that has been made very clear in the parliament. What else are you asking Mr Rudd to do relevant to this legislation, which is what this inquiry is about?

**Mr Berardo**—As I said in the opening statement, it is one thing to have the freedom of speech—and I think this legislation will give us the freedom of speech; the plebiscite, as I understand it, does not have the same clout or force that a referenda has. Therefore, we want Mr Rudd to give us the ability to be heard, so once we vote—as we have voted in Noosa, essentially, three times—and say we do not want an amalgamation, we expect to be heard not forced.

**Senator FORSHAW**—Can I take it that you would support having the Constitution altered to include specific reference to local government so that there would be greater power under the Constitution for a federal government to regulate to involve itself in local government matters, including potentially to seek to enforce the result of a plebiscite?

**Mr Berardo**—If there was a mechanism to absolutely protect our democracy and if it could be done before we are forced to amalgamate with other shires then by all means.

**Senator FORSHAW**—Are you aware that the coalition parties have consistently opposed alterations to expand the Constitution, and referenda to that effect, to include the specific coverage of local government? They ran a substantial campaign against that when the Labor government were in power.

**Dr Taylor**—That was 20 years ago, as I understand it. There has been a lot of water under the bridge since then, especially in Noosa.

**Senator FORSHAW**—Do you know what the current federal government’s position is on constitutional change to include reference to local government? Are you aware that in the federal parliament in recent times they have voted against resolutions to that effect?

**Mr Berardo**—No.

**Dr Taylor**—I am not.

**Mr Ansett**—I want to add something to a question you asked initially but, before doing that, I will respond. One would hope that the experience that we are going through in Queensland at the present time would muster the support of all parties to ensure that constitutionally the local government is recognised in the Constitution. To your question—

**Senator FORSHAW**—I would share your enthusiasm, but you might direct that at other members of the parliament, not us.

**Mr Ansett**—We will. Your question was: what do we expect out of this inquiry? Primarily, that the bill gets passed. It can be argued that Peter Beattie has said that he is going to drop that draconian provision that was in his legislation that forced mergers that would end up sacking any council that had the audacity to run a public vote and fine counsellors. It is almost unprecedented legislation. The second aspect of it is what needs to be taken into account even though he said he will drop it is that his behaviour throughout this whole process is such that it would not give us confidence that if the Senate did not pass this bill that Beattie would not reintroduce or reinforce it if he has not dropped it from the legislation. So we see it as essential that this bill be passed and we would hope that it can go beyond that. Obviously, there is some great apprehension by the state Labor government that the community of Queensland is going to express itself in such a dynamic fashion in opposition to these forced merged councils that it is going to cause the government to have to look at it again.

While you may say that we can vote till we are blue in the face and it is not going to make any difference to him, it just does not function that way in a democracy.

**Senator FORSHAW**—I appreciate all that, Mr Ansett, but the point I was getting at is that first of all we are supporting this bill. This legislation will pass, so your request—

**Mr Ansett**—That is good news; great news.

**Senator FORSHAW**—to the committee is already—

**Mr Ansett**—Thank you.

**Senator FORSHAW**—taken care of. I was seeking to explore what more you saw in this specific inquiry for this specific legislation, which I might add does not actually mention the words ‘local government amalgamation,’ and could have more far-reaching effects, but I do not need you to respond. I have one other question. You said earlier that in a local plebiscite the questions need to be framed correctly or appropriately—I am paraphrasing. Do you believe a referendum should be held—in other words, should it be run in the same way as a referendum or do you have a different view as to how a plebiscite should be run?

**Mr Berardo**—Yes. We are forming that view daily because one of the things that we want to avoid is what was done recently by the Beattie government. They asked a very leading question in a poll: would you like a stronger government? There is not a person in this room who would answer no. But, unfortunately—

**Senator FORSHAW**—It is a bit like: do you want to be relaxed and comfortable?

**Mr Berardo**—Exactly. Thirty per cent of the people—and I will let you know where they reside—said, ‘No, we wouldn’t like a stronger government.’ We have got to be very careful that we do not get the Hawthorne effect and lead people on to the answer that everybody wants. We want fair, objective and open questions, and I am not sure if one yes-or-no question is going to do it. There are a couple of issues at play, one of which is again the right to speak and the other is the right to be heard.

**Senator FORSHAW**—Thank you.

**Senator JOYCE**—Do you believe it is slightly peculiar that you have one person leading a state Labor government who strongly believes in amalgamations—in fact, who cannot do anything about it—yet you have another person from the same state and from the same party who does not believe in amalgamations but these two people seem to coexist in the same party and in the same state?

**Mr Ansett**—Yes, I find it extraordinary. I would have thought that one of those persons is in a position of influence within that party to exercise that influence on the other leader of the Labor Party in the state government. I would have thought that the rules of the Labor Party are such—and I am not an expert on this by any means—that the federal leader of the Labor Party would be able to exercise some influence on the behaviour and adherence to the rules of the party of a state leader.

**Senator JOYCE**—In other organisations it could be suggested that there is almost duplicity when you have two people saying completely different things for different political purposes.

**Mr Ansett**—I would not want to analyse it to that extent but it certainly raises the eyebrows, I suppose.

**Senator JOYCE**—I think the inclusion of local government in the Constitution is a great idea. I am all for that. Would that be of any use to you whatsoever if we did it not at this election but at the next election in three years time?

**Mr Ansett**—As I said earlier, I think we have reached a point where this experience that we have been through over the last 12 months draws a focus on local government. It draws a focus to the point where I would have thought it goes beyond that. Maybe we are reaching a stage where state governments are going to be increasingly irrelevant and where local government is going to be the secondary government in this country. That is taking it on into the future. Our primary concern, though, is what happens to Noosa. That is what we are about. We want to ensure that every step we take along the journey is focused on the immediacy of this situation.

**Senator JOYCE**—If someone were to suggest that there be a plebiscite for the inclusion of local government in the federal Constitution not at this election but at the next election, that is really and truly offering false hope because by then it is all done and dusted, it is all over.

**Mr Berardo**—Absolutely. It is far too late in three years time. The damage will have been done. Noosa and all of those other shires that the proposed legislation takes the heart and lungs out of will absolutely be destroyed in three years time. There will be no turning back. The damage will be done and we will not be able

to undo what we took 40 years to painstakingly sort out together in our own committees. The so-called things that the Beattie government is asking us to do now, we have done. We have worked carefully amongst the top 10 councils. When Mr Fraser himself came into this town in July 2007 he said, 'We would not have to amalgamate if everyone was like Noosa.'

**Senator JOYCE**—Mr Rudd has offered you a plebiscite in three years time. That is completely and utterly useless.

**Mr Berardo**—Absolutely.

**Senator JOYCE**—Do you believe that it is an infringement of a state's rights to have a plebiscite or that a plebiscite is really fleshing out what the state actually believes? Some have suggested that it is an infringement on a state's rights for the federal government to insist on local governments having a plebiscite. Do you believe that argument is countenanced or do you believe that it is really—

**Dr Taylor**—I think it is regrettable but essential perhaps. We all know from the newspapers that there is a large debate about Commonwealth and state relations, and I think in this case this intervention is completely justified.

**Senator JOYCE**—Are you against a change in the boundary in any form? Are there certain changes that you would accept?

**Dr Taylor**—No. The council's submission and our submission proposed that, as Noosa is already coming up to about 60,000 in the next few years, we incorporate a couple of areas—Eumundi, Doonan, Verrierdale and Peregian Springs—to bring us up to about 75,000 people. If you get into the economic literature on this, there is very little evidence for economies of scale above that number.

In fact, as I have mentioned before the commission provided not one skerrick of quantitative evidence that there would be any savings at all from this amalgamation. There were purely assertions. One of the assertions was in fact that if our representation drops from 10 to two, which it will, that does not reduce the level of democracy. That is the equivalent of saying that the Senate would be equally democratic with 15 senators instead of 76. That is the quality of the report that we are talking about.

**Senator JOYCE**—But you do not have an upper house in Queensland, do you?

**Dr Taylor**—No. That was reduced to zero.

**Senator MURRAY**—Thanks to the Nationals.

**Senator JOYCE**—I notice that Michael, Jim and Robert all have accents. Would that be a fair assertion?

**Dr Taylor**—We all have an accent. If I can respond to that—and perhaps the others want to as well—this is one of the characteristics of Noosa. The word 'unique' is much overused, but many people in Noosa have come here relatively recently and we have all grown to love it. I do not come from the Australian bush, as is obvious, but we have the sort of spirit that you find in the Australian bush, but this has been developed by people, who have come here from all over the world and all over Australia because it is such a unique place.

**Senator JOYCE**—So it is fair to say that not only is it unique in Queensland and in Australia but it is unique in the world.

**Dr Taylor**—I would say so, yes.

**Mr Reddaway**—If I can get a bit of Ockeresque accent in here, the prospect of Noosa being amalgamated into the southern shires is sad beyond belief. This is a process of mediocrity; this is a process of dumbing things down. Noosa runs far and away the best shire in this state, and arguably in the country. For it to be absorbed into its southern neighbours is a travesty. They ought to be looking at Noosa and saying, 'This is a shining beacon; this is the place that we can look to for leadership across the world in how to develop sustainable communities.' They ought not be looking to throw it together with two shires which have totally disparate philosophies. They look to do different things with their towns. We are not criticising them; we are just saying, 'Leave us alone to do our thing.' There are millions of people across the world who come here on a regular basis because Noosa represents to them many things which they cannot find elsewhere in the world. To insist on us being aggregated with other shires with such different reasons for being is ridiculous beyond belief.

**Senator JOYCE**—My final question is this: if Mr Beattie and Mr Fraser do not listen to the views of Noosa, do not listen to the views of a demonstration of 10,000 people—which, I read in your submission, went

to Brisbane—and do not listen to the views expressed in a plebiscite that is held in the Noosa shire, do you know of any other pressure points on the Australian Labor Party that you can use to try to get them to listen?

**Mr Berardo**—We began that process today. If you look at the *Australian*, the Friends of Noosa took out a full-page ad sending a clear and unequivocal message to Mr Rudd that he does not have a chance of going any further in this state. The momentum is huge. Last night, I must have had about 40 emails from like-minded people—people from all over this state who had read the Friends of Noosa site—asking: ‘How can we help? How can we join?’ The momentum is just beginning. It is far from over. It is not, as Mr Fraser and Mr Beattie are saying, going to go away or not affect the election. It is going to affect the election. We will continue this. We are not going to accept amalgamation for Noosa in any shape or form. We will not.

**Senator JOYCE**—Thank you very much.

**Senator MOORE**—It is a very short piece of legislation that we have in front of us. Have you all read it?

**Dr Taylor**—Yes.

**Senator MOORE**—You can see that here is no mention of local government; it is purely about the AEC having the ability to run referenda. In terms of process, are there any other issues that you think may be of importance? This legislation is as close as possible to guaranteed—and it is always dangerous to say that. We have all major parties supporting this legislation. Have you given thought to any other ways in which it could be used in the future? Once it is there, it is there for use, so I am interested to see whether you have thought through that.

**Mr Berardo**—The question was raised earlier about whether we think it is appropriate for federal government to intervene in state issues. Politics and, hopefully, government are about balancing, being fair and objective. Circumstances change. Twenty years ago you had the Liberal Party, as you said, taking a different position. Government is all about checks and balances, regardless of the party. One of the things you have to use is good judgement. So if that vehicle is there and the circumstance is there, by all means it should be used for those things.

**Senator MOORE**—For anything? That is what I am trying to find out. The issue before us as a committee is not the local government issue, which is really important, but it is not what the legislation is about. What I am trying to find out from people who have chosen to give evidence is whether they have thought about other ways that this legislation can be used. If not, that is fine, but I am trying to find out because that is what we are looking at.

**Mr Taylor**—Basically, we are all groups of volunteers. Our focus is on Noosa and Queensland local government more broadly. I do not wish to give the impression that we think this is only Noosa; it is very far from it. I worked in Canberra for 25 years, so as to looking at the precise way in which the bill is drafted, in the very limited time available we had to focus on the local government issues in general and Noosa issues in particular.

**Senator MOORE**—Following up on your first comments about the process with local government—I was thinking I would not go this way because I want to stick to the bill, but it is a bit difficult—the way the Constitution is now written with the process and responsibilities that are given, the local government issues in terms of structure are clearly with state government. That is the way it operates. I know, Mr Taylor, in your submission you talk about hoping that you can get federal intervention later, but how would that work? My understanding—and I am happy for you to tell me I am wrong—is that it cannot work, that with the way it operates now, no federal minister would be able to intervene to enforce changes to boundaries.

**Mr Taylor**—I suppose there are two things we are looking for to rise from the plebiscite: one, which is almost a given, is that there is an enormous groundswell of feeling across Queensland against forced amalgamation and the first best option would be for Mr Beattie to actually listen to us for once and say, ‘I’ve made a mistake; forced amalgamations are a bad idea.’ He has already taken one step back; let’s hope he can do a twostep. His stepping back from that is our first best hope.

The other issue, getting into the sorts of things Senator Forshaw was talking about, is that we are then into the politics in Canberra. It is quite clear that we are trying to put pressure on Mr Rudd. We hear rumours that there is going to be a federal election soon! That is not a legislative mechanism; we are talking about politics here and that is another way that it could happen. Mr Rudd might get on the phone to Mr Beattie and persuade him to take a step back—I am speculating on that. All I can say is that I am a lifelong Labor voter and I will never vote Labor again.

**Mr Ansett**—To add to what the federal government can do in exercising the right to hear the voice of the people and to act on it: one of the areas, speaking specifically from the position of Noosa, is that Noosa shire has been recognised by Macquarie University as being a national model for sustainability. There has been a nomination to UNESCO—you would be aware of that.

**Senator MOORE**—I am aware of that.

**Mr Ansett**—This matter will be decided in the next couple of weeks. There is an indication that it is possible that we may not succeed with that nomination if Noosa is merged into a supercouncil. There are examples of intervention by federal government in the past when icons of this country were put at risk—I am thinking of the Franklin River and the Daintree. What is special about the nomination of Noosa is that the majority of these biosphere reserves are waterways and national parks. To my knowledge, this is the first time a community has been recognised worldwide as a model for sustainability. So perhaps in the case of Noosa there is some justification, and to some degree Peter Beattie has recognised with his proposed iconic legislation that there may be an avenue open for federal government to intervene on that basis. I do not know, but I put that forward.

**Senator MOORE**—It is referred to obliquely in the legislation, in your submission, but not fleshed out like that so I appreciate the greater detail. If you have some more information on that particular point, Mr Ansett, I am interested. It has not been covered very much. I am aware of it because of discussions with other people in Noosa, but my understanding is that at this stage there has not been anything from UNESCO which says particularly that a change in focus would damage the claim that you already have in, but if it is an aspect, we would like to get that information as well.

**Mr Ansett**—Yes.

**Mr Taylor**—I am on the international recognition working group related to the biosphere. I am also a former international civil servant. I worked for the OECD in Paris and I would have to say that my experience of international bureaucracies is that they play the rules pretty hard. I think this will upset their applegart somewhat. My feeling is that it makes achieving the biosphere significantly more difficult because the biosphere talks about cause. It is sponsored by the Noosa council—there are states involved as well. It requires you to define specific areas. If that area ceases to exist, I think that is going to cause the people in UNESCO a problem.

**Senator MOORE**—Thank you.

**Senator MURRAY**—I want to begin by thanking you four and the people of Noosa on initiating one of the major breakthroughs in the last 100 years in Australia—that is, the introduction of a direct democracy mechanism. You will probably feature in the history books far more than you imagine. My question to you starts on the broad principle you have now broken through on. Democracy divides essentially into two bits: democratic expressions initiated by governments such as elections and those initiated by the people. Canada, Italy, New Zealand, Switzerland, 27 states of the United States, Venezuela and Poland are among the countries that have direct democracy. Do you believe that this expression by the people should be encouraged in all instances where there is high drama—for instance, pulp mills, nuclear facilities, council amalgamations? You cannot just view this narrowly. The point has been made to you that this legislation does not specifically talk about amalgamations. I want to know from leaders of a community campaign whether you recognise and accept the broader principle that you have fought for.

**Mr Ansett**—Having grown up in the United States, perhaps I could answer first. Very much am I supportive of it. The issues that you raised are of sufficient significance to justify plebiscites or referendums on those issues. I think the federal government has made a comment, particularly on the nuclear issues, that local communities should have a say if it is suggested that there is going to be a facility located in a certain local community—obviously, the community should have a say about it. There are a lot of things that are life-affecting. To relate it back to the Noosa issues, I chose to live in Noosa because I had an appreciation of the incredible community values, which I have not seen anywhere else in the world where I have lived or visited. At the stroke of a pen, without any consultation, the government has said, ‘No longer can you have this life experience,’ which I and thousands of others in Noosa have chosen to be part of. The principle applies to issues of great community concern and I support it completely.

**Senator MURRAY**—I have heard already during this discussion and in much of the media commentary a mix-up in understanding between plebiscites and referenda. Broadly, it is easiest to define this way: plebiscites are non-binding; referenda are binding. People should not confuse the two. That is the important question that

arises from this bill. This bill is about plebiscites, which are an expression of opinion; it does not have any binding consequence. Would you have preferred the Commonwealth to try to introduce a referendum mechanism so that, in a large enough area, it would have a binding effect? I am not sure whether that would be constitutional, but I am testing the principle with you.

**Dr Taylor**—I think the simple answer is yes, absolutely.

**Mr Berardo**—Without a doubt, yes.

**Senator MURRAY**—I ask everyone in future to never use the word ‘referenda’ interchangeably with ‘plebiscites’. This is about plebiscites. If it is in the expression of opinion that you hope to get political impact, do you have any expectation that Caloundra and Maroochy, if the question is put to their people, will also oppose amalgamation?

**Dr Taylor**—According to the Caloundra submission to the Local Government Reform Commission, Caloundra was against amalgamation. I think it is only Maroochy that is in favour. The big player usually likes to take over, doesn’t it?

**Senator MURRAY**—My question is important because, if you are considering this in a regional sense, if a majority of the region—namely, Caloundra and Noosa combined versus Maroochy—were to oppose this then I would have thought it a reasonable proposition for the Beattie government to say, ‘Fair enough; the amalgamation won’t go on in this region.’

**Dr Taylor**—As far as I am aware, the Beattie government has no mandate to introduce regional government. I do not recall their last election platform talking about forced amalgamation at all. In the previous Beattie government, after our amalgamation, there was a response saying, ‘There will be no forced amalgamations during the life of this government.’ I do not recall them running on a platform—and I voted for them—saying, ‘There will be forced amalgamations,’ so it was an unpleasant surprise to all of us when they brought that in.

**Mr Reddaway**—Further to that, they instituted a thing called the ‘Triple S’: size, shape and sustainability. They instituted all councils talking to their neighbours about coming together, and that process was some two years in when they called an abrupt halt to it and unilaterally brought together this so-called independent committee to look at all of the shires. We were given a short period of time to write to them and give our opinions and so forth, and some 31,000 Noosa people, out of I think 38,000 submissions overall, went to them saying, ‘We did not want to be amalgamated.’ They contemptuously looked at those 31,000 and said that they represented a very small number because they were sent on postcards.

**Senator MURRAY**—The important point I am making to you, which I am sure you understand—I might be a ‘big D’ Democrat but everyone in this room is a ‘small D’ democrat—is that, essentially, when you get the expression of a large number of people then the validity increases. That is why the opinion of the people of Maroochy and Caloundra is as important as the opinion of the people of Noosa. You accept that, don’t you?

**Mr Berardo**—Absolutely.

**Senator MURRAY**—The converse of that is that if Noosa voted against and the other two voted for then your case would be weaker. You accept that, don’t you?

**Mr Ansett**—I accept that for the fact that there may well be a justifiable reason for those two communities—Caloundra and Maroochy—to merge to have a more powerful council. Peter Beattie has said over and over again that the primary issue driving this forced amalgamation is the massive growth of population in south-east Queensland.

**Senator MURRAY**—The question I am going to put to you comes back to Senator Moore’s questions about what questions you were put. I think the questions have to be multifaceted because I think people need a choice. You might find that Caloundra and Maroochy want to amalgamate and not be much concerned about Noosa, so I think people have to be given options.

My last question will be quick. I have to move quickly because I do not have much time in my segment. I am going to put the coalition to the test because I am going to recommend to the committee, and I will want it in the report, that we recommend that local government be recognised in the Constitution and that a referendum, not a plebiscite, be held in due course in that respect. Would you support that?

**Mr Ansett**—Yes.

**Mr Berardo**—Yes.

**Dr Taylor**—Yes.

**Mr Berardo**—As long as that could be done immediately and not—

**Senator MURRAY**—It cannot be done immediately. This is a permanent change to the Constitution which will affect all local government. I merely want to know whether you would support that.

**Mr Ansett**—Yes.

**Senator MURRAY**—Thank you.

**Senator LUDWIG**—Given the time, I will be as brief as I can. Have you inquired of the federal government as to why they cannot assist in this process? Do you accept that the weight of the national federal government is neutered in this process and that they have to sit idly by or do you say that they have a role to play and have you sought for them to play a role?

**Mr Ansett**—We made a submission to the federal government about this biosphere reserve and they are looking at it now. We used the Franklin and the Daintree as examples of ways in which they could intervene once again. It is what the government are considering at the moment.

**Senator LUDWIG**—Have they provided a response to you about that?

**Mr Ansett**—Just that it is being examined.

**Senator MOORE**—Can we have a copy of the information you have sent to the government? That would be useful.

**Mr Ansett**—Yes.

**Senator LUDWIG**—That would be helpful. Have you made representations to the Commonwealth government about the amalgamation?

**Mr Berardo**—The issue for us early on in the continuing discussions with the federal government has been the legality of the whole process. One of the things we have noted, and you would have hopefully read about, is that Friends of Noosa filed an affidavit for an injunction against the act. It was debated very heartily in Brisbane. The debate went from 5 o'clock until 10.30 at night. For the first three hours we were arguing about whether or not we had the right to even make the application. I found it absolutely astonishing that you are not even allowed to go to your Supreme Court and challenge a law that is being made. The judge acted in our favour and said that, yes, we did have the right. We were challenging clauses 78 and 77 on the regional change of government and also the timely notice of that. We had one day's notice of this act. It was distributed on Tuesday and then it went to parliament for discussion on Wednesday and then ultimately it was passed on Friday. That was hardly enough time. The issue is that, because local government is not addressed or considered in the Constitution, the federal government cannot do a lot of work. We have obviously been seeking their assistance and we applauded them when they came back to us and, through this process, came up with the next best thing, which was the plebiscite. We will continue to applaud anything that can be done for Noosa on this issue.

**Senator LUDWIG**—In general terms, do you accept that they have no influence on this other than to provide a platform for a plebiscite?

**Mr Berardo**—No, I do not.

**Mr Ansett**—Other than the biosphere?

**Senator LUDWIG**—Yes.

**Dr Taylor**—I presume that would involve something like the external affairs power of the Constitution. We are getting into legal areas, which—

**Senator LUDWIG**—I was not really trying to get into legal areas. I was looking at influence more broadly. Do you accept that the federal government has no influence in this area?

**Mr Berardo**—Personally, I would never accept that. I think the travesty that we are living with now with this forced amalgamation is a democracy issue. We will never accept that the federal government cannot do anything about it.

**Senator LUDWIG**—What are you doing to try to influence the federal government to do something about it?

**Mr Berardo**—Hopefully, we are influencing you today by being in this room and you will take that back.

**Mr Ansett**—We met with the Deputy Prime Minister who came to Noosa and understands the issues that are affecting us. He has given us an undertaking that (1) they will look at interventions through this proposed legislation to deal with plebiscites and (2) they will look at what other areas are open to them if there is an expression in those plebiscites of total support against the forced amalgamations of councils.

**Mr Berardo**—We are asking for help on this issue. We are not saying that Mr Beattie's ideas on the amalgamations are all wrong. For some shires it is absolutely the right thing to do. We have never refuted that. It is the process by which he has gone about it. It has been premeditated. In April of this past year he came through and rewrote legislation when he created the commission and took away the ability for anybody to have a say in the process, including the Supreme Court of this state. If that is not premeditated—'We're coming down the road to do what we want, and we don't care about what you, the people, think'—I do not know what is. We are just asking for a simple thing. This is not right; the process is flawed. We need to find any way we can. Please help us. That is what we are asking you to do today.

**Senator FORSHAW**—In other submissions—I do not think it is mentioned in yours—it is put that Coolum should be included in Noosa Shire Council area, and Eumundi as well. Do you support that?

**Mr Berardo**—Absolutely; wholeheartedly.

**Dr Taylor**—The point is that it is voluntary.

**Mr Berardo**—We understand that our colleagues from Coolum, Peregian, Verrierdale, Eumundi and Doonan will be presenting to you later.

**Senator FORSHAW**—So your position is not, 'Leave things as they are.'

**Mr Berardo**—No, absolutely not. Include them. We have natural boundaries around all of us.

**Dr Taylor**—It is not fortress Noosa; it is about communities of interest. That was the first term of reference of the reform commission.

**CHAIR**—Thank you to the Friends of Noosa and the Noosa Shire Residents and Ratepayers Association for coming this morning.

**Proceedings suspended from 9.57 am to 10.36 am**

**ABBOT, Councillor Robert John, Mayor, Noosa Shire Council**

**PARDON, Councillor Frank James, Deputy Mayor, Noosa Shire Council**

**CHAIR**—As technology has defeated us with the Inglewood Shire Council, we will hear from them by teleconference in a day or two's time. I welcome the Mayor and Deputy Mayor of the Noosa Shire Council. Would you like to make an opening statement?

**Councillor Abbot**—I want to thank the government for this opportunity. I also thank the government for the individuals they have put on the inquiry panel. I recognise the significant individual capability and political awareness, and I am happy to sit in front of the inquiry panel and put forward whatever I can.

**Councillor Pardon**—I would like to echo the Mayor's comments. Basically, we are very thankful for the federal government's intervention. I know that a number of councillors asked the federal government for help in this matter. We emailed anyone we knew or bumped into in our travellers—senators et cetera. I even emailed the Treasurer, and I was a bit cheeky in my email.

**Senator MURRAY**—Did he reply?

**Councillor Pardon**—Yes, we have had replies or phone calls—

**Senator MURRAY**—Did the Treasurer reply?

**Councillor Pardon**—No, not to my knowledge.

**Senator MURRAY**—He does not reply to me, either.

**CHAIR**—That is not true.

**Councillor Pardon**—The staff usually do a lot of those replies—but, no, he did not reply personally. We did have phone calls—for example, Senator Brandis rang our CEO from the Northern Territory and said that he would assist, and there were other people. As you understand, we have a bureaucracy, as you do, so we do not get everything direct. But I thank you and I thank you for today.

**CHAIR**—Something that has perplexed me as I have been reading through the submissions, including your own, is the size, shape and sustainability review. If you will forgive me, I am from Melbourne so I am not as au fait with this review as others here might be. To my understanding, that review was underway. Most of it was only partly undertaken at the time that Premier Beattie announced that he was, in effect, going to suspend local democracy. What stage had your council got to in relation to that review?

**Councillor Abbot**—Basically we were at the end of the first stage in the review, where we were establishing bon fides. We, as Noosa council, had submitted to the panel our wishes, basically, as far as what we thought the size and shape of the future Noosa council should be. Our recommendation was that we would look at the Noosa shire being extended south in its boundaries to take in areas around Doonan, Verrierdale and Eumundi, with the possibility of Coolum also being considered as part of that option long term.

We saw that the real potential for the Sunshine Coast was to make two good councils out of three. Given the natural boundaries between the northern end of the Maroochy shire and the southern end of Noosa, there were a number of boundary opportunities, one of them being already set boundaries under the Electoral Commission, with divisional boundaries within the shires, and indeed the state seat of Noosa, which created current, drawn boundaries—lines on maps. But also there was a significant natural boundary between the two, with the large areas of open space between them. We are aware that the Eumundi-Doonan-Verrierdale area exists and comes through to the coast. We actually submitted that within days before the chop.

**CHAIR**—So you were open to having the boundaries of the council changed on the basis of community interest and a sustainable area?

**Councillor Abbot**—Absolutely. We saw that. We also saw some heading in the direction from the local councils below us, Caloundra and Maroochy—some thought of the amalgamation of those two councils. They were not resisting it by any means, but I do not think they ever got through to putting in a final submission.

**CHAIR**—As part of the review, the Queensland Treasury Corporation undertook an analysis of the financial sustainability of each local government area. What did that find for your council area?

**Councillor Abbot**—In the top 10 in Queensland, most definitely. I think financially we are well and truly in the top 10. We do have a couple of issues with regard to longstanding compensation claims on development

property, but in a community like ours that is always going to be the case, because we are willing to fight to defend what we have.

**CHAIR**—So you were not down on your uppers about the collapse?

**Councillor Abbot**—Absolutely not.

**CHAIR**—Totally viable.

**Councillor Pardon**—In fact, I will add that we have virtually put to bed a recent case of compensation which may negate most of those compensations by legal precedent. So we would say that we have improved our situation, quite possibly.

**CHAIR**—So the Premier's announcement just came as a bolt from the blue? You were going through the process which the Queensland government has laid out to look at voluntary amalgamations, partial amalgamations, sharing services. You were in the middle of that process and then—boom!

**Councillor Abbot**—Absolutely, and I made a public statement at the time that, whatever the Queensland government did to stop the leaks, they should patent it and sell it to every other government in the world, because it was absolutely faultless. Nobody knew. There were a couple of leaks, which I am happy to talk about. We had been dealing with state government bureaucrats on the size, shape and sustainability issue and the water issue. We had some very good contacts in there who were helping us through the program. We found, about two to three weeks before that started, that all those gaps started to close. We could not get people to talk to us who would talk to us before, and we were finding more and more difficulty in getting not necessarily information but even assistance from those people because they for some reason had become resistant.

I was told—and unfortunately I cannot remember where because it is so long ago and it just seemed a bit ridiculous at the time, but I did announce at an LGAQ meeting about four days or five days before the chop came that there was significant local government reform being planned and indeed there would be some eight to 10 local authorities left in south-east Queensland and somewhere about 80 left across the whole state. I had been told that somewhere—and I would have to swear on a Bible that I cannot remember where—but I announced that that morning at an LGAQ meeting in quite a fit of anger, in a debate that we were having. I was told: 'No, that's definitely not the case. We'll check it.' The LGAQ president and the executive checked through all their contacts and they said, 'No, absolutely not; there's nothing like that happening,' including direct comment from the Premier to the president.

On the Monday, there was a cabinet meeting. On Tuesday, down came the hammer. So, from my perspective, there must have been something significantly planned prior to that. There must have been some understanding of what the final state picture would look like, and there must have been significant work already done before the commission started.

**Councillor Pardon**—I would like to verify that. The mayor, in conversations with me—and probably with other councillors—had said exactly that. He said, 'There's something going on, Frank,' because people openly talked to Bob—and Bob is well known, as you would know, across the state of Queensland and certainly through his Queensland Local Government Association circles; he is extremely well known and has a chat to many of the government ministers, backbenchers et cetera. He was quite candid about it. He said, 'There's something up because people have stopped talking to me.' So I would like to verify what he said.

**CHAIR**—Thank you for that. That was very helpful.

**Senator MOORE**—Good morning, Gentlemen. It is very difficult with this particular process. What is in front of us is the legislation that has been put out for consideration. It is very short. Senator Forshaw is on record as saying we should have another day's hearing because that would be a day per page of the legislation.

**Senator FORSHAW**—I am on the record now!

**Senator MOORE**—I wanted to put that on the record. I had to do that.

**Senator FORSHAW**—If that were the case the Northern Territory legislation would have gone on for about a year.

**CHAIR**—Thankfully, Senator Forshaw has given up his career in stand-up.

**Senator LUDWIG**—And he will not give up his questions.

**Senator MOORE**—Councillors, in terms of the process you have seen the legislation; it particularly looks at the ability of the AEC to conduct a plebiscite. It does not mention the issue that is so important to the

community and has driven the whole process. I am interested in your understanding of the legislation. I am also interested in the way it is written. It will go into law because this particular legislation has been fully supported by the Labor Party at the federal level. You know that our leader, Kevin Rudd, was out early in this process questioning the process of the amalgamations and actually talking about the need for community consultation. You know that; we have spoken about that, so that is where it goes. But in terms of the legislation, it talks about a plebiscite. From your perspective in the community, are there any other issues that this particular form of legislation would be effective in being used on?

**Councillor Abbot**—Across the nation in the future?

**Senator MOORE**—Yes.

**Councillor Abbot**—Absolutely. I realise fully that this opens enormous opportunity for future discussion out in the general community on major issues: obviously, nuclear power and global warming.

**Senator MURRAY**—And pulp mills.

**Councillor Abbot**—Pulp mills—topical. To me it is the ultimate form of democracy, and in future those issues are going to have to be covered. I suppose relating it to our own local issue here, the plebiscite—or indeed if you had a referendum, and I do understand the difference between the two—should be focused on the local issue and have a considerable direct focus on what is happening locally. That is where I think the best use of a plebiscite is. A referendum, I understand, being so much different and actually carrying weight in law long term, would more than likely have to take in the interests of the country at large, as against those of the individual area. I think it is a dangerous thing at times for individual areas and local areas to have a referendum that spreads the weight of the whole country and that focuses on one small area, because the locals know what they want locally but the rest of the country probably do not care.

**Senator MOORE**—The legislation that is in front of us is very short. The way it will operate is not clarified in terms of all the detail—and we will be asking questions of the AEC and also of departments about the details given what often happens in these things. The legislation is 3½ pages and the guidelines around it are so big that I am trying to get an idea specifically on what our task is, which is to look at this legislation to see whether you have any ideas from your knowledge about how it could work.

**Councillor Pardon**—We certainly understand your role, Senator, to go through and make sure that that legislation fits the way your party sees the world, so you have a role naturally to play in that and I know that you will do that.

**Senator MOORE**—Councillor, it is wider than that. This particular committee is the finance and public admin committee, so we look across parties at the way the legislation would impact and the way the process would operate. Certainly we bring our party position to it. Our party has been very clear federally—and also the range of local candidates up here have been very clear on their position—on democracy and how people should be involved. You know that the federal Labor caucus has been quite clear on that.

**Councillor Abbot**—What is significant about this is what the Queensland government tried to do in stopping local communities from having their say. It sets an absolutely extreme precedent, I think, in Australian legislation. It was an atrocious attack on the basic democracy of this country. I am quite happy to say that, had they not done it, I do not think they would have the problem that they have now. It seemed to me to be a knee-jerk reaction, something that was not necessary. It is unfortunate that it happened. What it has done is raise the ire of the rest of the state in particular and, obviously, of the federal government to think that under legislation in this country it is possible for a government to not only stop the information in a report from getting out to the public because they pushed it through cabinet but also put a judicial review ban on the legislation itself so that it cannot be challenged and then, because somebody gets upset and runs 10,000 people down George Street, put in a proposal that says, ‘Well, bugger you, you can’t have a public vote either.’ What is happening to democracy in this country when those things can be put in place, in front of the people of a local community, to stop them from simply having a say. The Premier himself has been quite clear: ‘I don’t care what they say; we’re not going to change anyway.’ But you are not going to get a vote in the first place anyway. We have done a backflip and we are back to day 1, but the precedent that has set for legislation in Australia has to be addressed. I am certainly hoping that your group will give some enormous consideration to how you should fix that precedent.

**Senator MOORE**—In terms of the drafting of future legislation?

**Councillor Abbot**—Absolutely.

**Councillor Pardon**—Following on from what the Mayor has said, if the federal government has gone to such lengths, looking through constitutional law et cetera, to come up with this foreign affairs type legislation so as to get around what a state has done in its legislation, I would say that a hard look might need to be taken at our Constitution. It is really frightening for the common man and for democracy itself in this country when you get right down to that. Let's face it: it would have access to the finest lawyers in constitutional law in the land so I would say that, if the federal government and its lawyers have struggled to get around that—it is alright to say today that we might have a benevolent state government, but what about a group?

**Senator JOYCE**—It is alright to say that.

**Councillor Pardon**—I thought some people might laugh at that one.

**Senator FORSHAW**—I think they had a state plebiscite about that, Senator Joyce, as to which government they preferred.

**Councillor Pardon**—If it is that tough, I think they should have a look at the Constitution itself, because there might not always be a benevolent government. If a group of Independents won power and those things were on the statute books, then, my God!

**Senator MOORE**—I know that Mayor Abbot was at the Local Government Association meeting where we talked about the proposal to put local government into the Constitution. I will not go there but, in the terms of process, your point about the federal government looking at the Constitution is very real when we are talking about the issues that underlie the current debate, not in terms of the legislation that is in front of us, which is about having a plebiscite, but in terms of the wider issue of local government. You have been through this very open and very tolerant debate in the last few months so I am interested in your understanding as to what possible role the federal government could have in intervention. I am interested to hear from your perspective, from the local government aspect—

**Councillor Abbot**—Intervention in which way?

**Senator MOORE**—In any way. I know that your staff have been wading through the submissions to see what is in them. I am concerned that there could be some false expectation about what this committee can achieve—which is why I am stressing the legislation that we are looking at—and this attempt, perhaps, to raise hope within the community that the committee and the Senate process will in any way be able to impact on the core issue of local government amalgamation.

**Councillor Abbot**—Reform?

**Senator MOORE**—Yes.

**Councillor Abbot**—Okay.

**Senator MOORE**—I never use the term 'reform'. That is one I do not use. In terms of your understanding from the council level, what do you believe is the possibility or probability of any federal government being able to intrude on the issue of local government amalgamations?

**Councillor Abbot**—I understand that there is no position that the federal government can take with regard to involvement in that, but I think we can expose some of the things that have happened along the way. Maybe something can come out of the wording of the text. Some other inquiry into the process may well happen. There are significant, dastardly deeds being done along the way. It is absolutely amazing to me that the president of the Local Government Association of Queensland said to the premier on Saturday or Sunday 'We have been told in an executive meeting that this is happening' and the premier said to the president, 'No, Paul. There is nothing happening. It is not going on.' Then on Tuesday the axe dropped with a 72-page document already printed. That is the sort of thing that I think needs to be picked up out of this inquiry and possibly used elsewhere to give us a chance of getting some clarity on how this process was brought about. How did I know three or four days beforehand basically what was going to happen? Who developed all that stuff? Why did the director-general of local government distribute a memo to his staff thanking them for six months hard work some week or so after the hammer came down? Why did that happen? If it was not predetermined, what was going on? Why was there a letter from the minister asking the mayors, not the councils—and giving virtually none of the councils time to hold meetings in their normal process—what they thought was happening with the Size, Shape and Sustainability Program and then a decision in that short time to stop the program, which they supported to the tune of a significant amount of money, to bring down the hammer? What happened in that previous six months that caused all those things to happen? Why the secrecy and why was it done in that way?

I think that there is the possibility out of the script that is recorded here today of an opportunity for a future inquiry into the legitimacy of the process.

**Senator MOORE**—And that is your hope and the expectation that you bring?

**Councillor Abbot**—My understanding of today was that it was about the referendum issue on the right to vote. My hope is that those things will be delivered to us through the federal government legislation—

**Senator MOORE**—They will.

**Councillor Abbot**—and that we will get that opportunity. My dream is that the information that our community provides today causes some consternation for those people in government at the federal level and causes some opportunity to have a look at the process of this thing, even if it means another inquiry.

**Councillor Pardon**—A separate issue is Traveston Dam, which is north of us. We were looking at a possible judicial review. Do not hang me on law. I was a local fruiterer here, so let us not get too deep into law! We understand that an act of parliament went through such that we could not go through that process. I understand that there was an act with regard to this. It is that correct, Bob? Was there an act put through to stop the judicial review?

**Councillor Abbot**—On this? Yes, absolutely.

**Councillor Pardon**—That is my understanding.

**Senator JOYCE**—I want to go back a bit. So there was a 72-page document presented on a Tuesday and there was also an email that went out talking about six months of hard work before the document was published. When was the discussion with Paul Bell saying that no such plans were proposed?

**Councillor Abbot**—I understand that it was over the weekend prior.

**Senator JOYCE**—So, Saturday-Sunday?

**Councillor Abbot**—Yes.

**Senator JOYCE**—What is the word for when somebody tells something straight to your face that they know to be a load of rubbish?

**Councillor Abbot**—I would imagine it would be 'lie' in the dictionary.

**Senator JOYCE**—Senator Moore has talked about our leader Kevin Rudd.

**Senator MOORE**—I did not include you in that, Senator.

**Senator JOYCE**—Do you believe that it is peculiar in the extreme to have two people who are from the same party and the same state, who have worked with each other over a long period of time, who have two completely different views on an issue, yet one is the federal leader and apparently they cannot do anything about the other person?

**Councillor Abbot**—I missed the question.

**Senator JOYCE**—The question is: do you think that Mr Rudd can put more pressure on Mr Beattie?

**Councillor Abbot**—Obviously, through the party, I would imagine. That has been the focus of what we have tried to achieved. At the same time, the Premier is the democratically elected leader of the state and he has chosen a certain course of action. I think that is an issue for the Labor Party. It is disappointing for this community, but it is certainly an issue for the Labor Party if they cannot get some consensus across the board with regard to the actions of the party in the country.

**Senator JOYCE**—Has Mr Rudd contacted you and told you of any further actions that he is taking in trying to convince Mr Beattie to change his mind?

**Councillor Abbot**—Not personally, no. I have had no direct contact from Mr Rudd at all.

**Senator JOYCE**—Do you know of any other records that might not have come to your personal attention directly that Mr Rudd might be placing certain extra pressures on Mr Beattie—like disendorse him from the Labor Party?

**Councillor Abbot**—I have only heard rumour on that. Most of the knowledge that I have on that is second-hand. I could not give you any indication that there has been anything else other than regular phone calls between the federal opposition leader and the Queensland Premier over a period of weeks. That is what I was told by one adviser.

**Senator JOYCE**—Regular phone calls are not quite doing the trick. It is not quite cooperative federalism when your own people in your own party will not listen to you, is it?

**Councillor Abbot**—I will let you decide that.

**Senator JOYCE**—You have strong views on the Traveston Dam.

**Councillor Abbot**—Absolutely.

**Senator JOYCE**—Having those strong views could have stirred up a bit of a hornet's nest for you politically, couldn't it?

**Councillor Abbot**—It is not the first time I have stirred things up. The bottom line with the Traveston Dam is that, two nights after it was announced, I stood up in Gympie in front of 3,000 people and said that the only thing that can stop this happening is federal government environmental legislation, because of the three endangered species in particular that are affected by the dam. I said that two or three nights after this issue started, and that is where we are now. I think that is what needs to happen with that. Obviously, I caused a lot of waves along the way but I do not really see that that should have any influence on the decision of the state government to amalgamate the three Sunshine Coast councils.

**Senator JOYCE**—You find it funny that the federal inquiry into the Traveston Dam was immediately proceeding the announcement for the council amalgamations, almost to the day.

**Councillor Abbot**—I have no control over the timing of the calling of those inquiries. We might say 'coincidence'.

**Senator JOYCE**—Do you think 'coincidence' could err towards payback?

**Councillor Abbot**—Payback is a bitch, that is for sure.

**Senator JOYCE**—Do you believe this plebiscite will help raise the awareness of this council issue? Do you think there is value in having a plebiscite?

**Councillor Abbot**—I cannot speak for other local authorities but I have said publicly that local authorities should take the opportunity for a plebiscite to genuinely see what their communities are saying. I have asked publicly for the Maroochy and Caloundra councils to do exactly that, because I think it would be worth their while to have a look at what people are saying.

There is no reason for us to have a plebiscite to prove what this community wants. Two years ago there were 18,500 signatures in one day, 31,000 signatures out of 36 submissions to the commission in favour of us standing alone, and there was the submission that the Noosa community put in. There is no reason for it. It is blatantly, bloody well obvious to anybody who wants to look. A plebiscite for us in this community will prove the point to the world that we are together, we are one, we are definitely heading down the track to such a degree that it would be not be an argument for anyone: what is best for us is not necessarily best for everyone else.

Also, we should place on record our feeling and create the opportunity, if there is a conservative government in the state of Queensland in the not too distant future, to accept the offer that Mr Howard Hobbs, shadow minister for local government, made yesterday that we would be the first ones knocking on the door to deamalgamate, if we do not get it done now.

**Senator JOYCE**—Mr Rudd suggested that, if there is a change of government, he will have referendums to include local government in the federal Constitution at the following election, which would be in 3½ years time. Will that be any use to you in 3½ years time?

**Councillor Abbot**—In the current debate, no, but for the general benefit of Australian local government and the Australian community—

**Senator JOYCE**—The ones who are left.

**Councillor Abbot**—in general, yes. As a director of the Australian Local Government Association, I have worked extremely hard in the last three years to get a number of things happening with regard to local government. To a great degree, the underpinning value in all the work we have been doing is developing new relationships with the federal government, developing partnerships, developing general direction forward so that the federal government can become more involved in what local governments do through funding, through assistance and support and indeed through constitutional recognition for local government. I have always believed that constitutional recognition long term was a nice thing to have. I did not think it was the first thing that needed to be done. I reckoned that all the partnerships and the relationships that we could

develop would benefit local government far more and I was willing to put my energy into that rather than into constitutional recognition. I am now sorry for that, not that it would have happened by now, anyway, but I now understand more clearly that constitutional recognition would have given us a better axe to swing in this debate than the one we have.

**Senator MURRAY**—It would, if John Howard had not opposed it.

**Councillor Abbot**—I think there is significant history about local government constitutional recognition in this country, and I believe there has been abysmal argument against it in the past. Indeed, there was argument put in the past: do not vote yes for the last question, No. 4, because you might confuse the Australian community. At the time I thought it was an insult and I still do.

**Senator JOYCE**—If you cannot succeed by changing Mr Beattie's view with the bleeding obvious, which is what you see in the room here at the moment, and you cannot succeed by changing the Labor Party's view by having a demonstration in Brisbane and you cannot succeed with the proposal of a plebiscite, do you know of any other political pressure points that you can push that may change the Labor government's mind on this issue?

**Councillor Abbot**—As late as yesterday, I had a 20-minute one-way discussion with the Queensland local government minister. I laid down the law fairly clearly—and, obviously, to anybody who was in the room—that what he was doing was totally unfair to this community and that any logic, any understanding and any circumstance at all with respect to their arguments on putting Noosa in with the general run-of-the-mill councils that they have amalgamated is a giant mistake. I pointed out to him that the federal government, through the Department of the Environment and Water Resources and their organisation ARIES, recognises Noosa as Australia's first sustainable community. I made it blatantly obvious to him. He actually offered a letter of support that we were going to UNESCO in two weeks time to make Noosa the first genuine urban community to receive an international UNESCO biosphere nomination—a first in Australia—and the only one in Australia that is based not on a national park or some sort of conservation issue but on urban values. That did not seem to get through. I pushed as hard as I could on all angles.

What I did say to him quite clearly is that, in the wash-up of all of this, with Noosa Shire Council a previous mayor—with his history in local government in Queensland, being the vice-president and president of the LGAQ—worked tirelessly for over 10 years to try to get the local government in Queensland to lift its game, because he could see what was coming. I have spent the last eight years in the same organisation doing the same thing, leading by example, creating opportunities, showing when it is going wrong and trying to encourage local government in general to change their ways—to do things better and to actually be out there leading. When this came down, most of those councils that we were talking about to try to encourage—and some of them have done a lot of work—were still there, and we are not. I just think that is the most atrocious piece of work I have ever seen, and I have asked the question on a daily basis: why? Why is it that we were singled out for that sort of treatment? I can say that we were singled out. If you go back to the morning of the decision to bring down the report, you see that even the *Courier-Mail* said, 'Noosa is still floating.' The final decision on Noosa was made that morning in cabinet. I said to the minister yesterday and I have said publicly time and time again that it was a political decision that amalgamated Noosa with the rest of the Sunshine Coast. It was a political decision to put us in there; it has to be a political decision to take us out. All they need is the intestinal fortitude.

**Senator FORSHAW**—I am not sure whether you were here when Senator Joyce put a question to the previous witnesses; I do not have his exact words but I took note of one part of what he said, which was that the government insists upon plebiscites being held under this legislation. What is your understanding of how a plebiscite would be held?

**Councillor Abbot**—Under this legislation?

**Senator FORSHAW**—Yes.

**Councillor Abbot**—My understanding is that there would be, across the state, requests coming from individual local government areas to run a plebiscite, under the AEC. My understanding was that, if it were a one-issue plebiscite, the AEC would determine the question and all of those plebiscites would be run in the individual areas on the same day with the same question.

**Senator FORSHAW**—Where did you get that advice from?

**Councillor Abbot**—I think most of it is verbal at the moment. I have not actually read the legislation.

**Senator FORSHAW**—There is nothing in the legislation about any of that. I am not trying to make any point about that other than there seem to be various views around about what follows from the passage of this legislation. You said ‘plebiscites held at the request of councils across the state’ and I think you are right. If this legislation goes through and there were to be plebiscites held, it would be on the basis that councils requested them, because as I understand it the government has made it clear that it would not insist—and is not in a position to insist—that they be held or force councils to hold them, but rather that councils would request them and that the government would pick up the cost through the AEC. Is that your understanding?

**Councillor Abbot**—Yes, that is my understanding, and I get that understanding after four days at the local government conference. That is the word down there and that is the way they feel. I think it is important that the individual plebiscites be run for the individual communities. There is some discussion about an overall plebiscite on the whole of the Sunshine Coast and they are asking, ‘Would you abide by the end result of that?’ I would say yes if it came out the right way but no if it did not.

**Senator FORSHAW**—Welcome to democracy.

**Councillor Abbot**—Absolutely.

**Senator FORSHAW**—But you are a mayor, Mr Abbott—

**Councillor Abbot**—But I do not believe it is about the general view here; I believe it is about the specific view. That is why I think plebiscites have to be run in that form.

**Senator FORSHAW**—I wanted to make it very clear on the record. A lot of questions get asked from the table here, which can send out messages that are not correct, including for instance that the federal government is going to insist upon them being held, and a whole range of other things.

**CHAIR**—Senator Forshaw, I do not think anyone has suggested that.

**Senator FORSHAW**—You go back and check the *Hansard* and Senator Joyce’s questions to previous witnesses. We will do that in a few days when the *Hansard* is available, if it has not been corrected by then.

Senator Moore has made it very clear that the Labor Party, federally—and Mr Rudd has been on the record since 17 May—supports the holding of local plebiscites. You have long experience, Mayor Abbot and, I assume, Councillor Pardon, in local government. When did you first become aware that the federal government would move to bring in this legislation?

**Councillor Abbot**—When the Prime Minister announced it, I think.

**Senator FORSHAW**—On the day of the announcement. You had no prior advice or you were not aware of any prior public statements by the Prime Minister or the minister for local government?

**Councillor Abbot**—No. There was a meeting up here with the Friends of Noosa and Mark Vaile, on the Friday. I did not attend that for obvious reasons. The Prime Minister came out with the announcement some time after that, so that was the first I really knew about it.

**Senator FORSHAW**—That was well after 17 May. There is a general proposition that the idea of local plebiscites on contentious issues, particularly where there is a huge community concern, is a good one. I am not in any way opposed to that. Are you aware, again from your experience both in Noosa Shire Council but also broadly across the ALGA, of, for instance, your council or other councils holding plebiscites on controversial issues—on issues that local government has to decide, such as planning or very contentious issues? I could point you to a number of them in Sydney where I might say they have not held local plebiscites either, but I would like to know from you, as an elected councillor and mayor, what is the history of local plebiscites being conducted by councils themselves?

**Councillor Abbot**—I cannot remember one actually happening here. I know there were a number of local authorities in Queensland that jumped at the opportunity to have plebiscites or a referendum, or whatever they wanted to run on the issue of local government reform. A number of them have done so.

**Senator FORSHAW**—Let’s put politics to one side for a moment if we can. It is a bit hard in this environment, I know. As elected officials you have to make decisions that often may be controversial and will upset sections of the community.

**Councillor Abbot**—I will come to that. The idea of a referendum or a plebiscite in any community on all issues is ridiculous. A CIR issue is just a waste of time for me.

**Senator FORSHAW**—The minister has said very clearly in the second reading speech that this is not to lead to a citizen initiated referendum. I am talking about, for example, on a major controversial issue.

**Councillor Abbot**—We would be the most consulted of community councils in Australia. We have deliberately set up—over a period of 15 to 20 years—

**Senator FORSHAW**—I applaud you for that but let me say that I know every other council would tell me exactly the same thing. I applaud you for being consultative.

**Councillor Abbot**—I just want to let you know how we did it. We can prove it.

**Senator FORSHAW**—I know councils in Sydney that regularly survey and poll their members.

**Councillor Abbot**—No. This is not about survey.

**Senator FORSHAW**—Have you had a plebiscite?

**Councillor Pardon**—It is something you should set up federally actually.

**Councillor Abbot**—What we have done over a number of years—

**Senator FORSHAW**—Get the government to support constitutional power for local government and you might find you will get there.

**Councillor Pardon**—All right.

**Councillor Abbot**—Over a number of years we have set up a deliberate process of consultation. We set it up initially with our planning schemes, which we do regularly. We actually do extra consultative processes, more than what the government calls for in all of those reviews of the planning policies and so forth. Over the last five years we have been working on what we called a community governance program, and we have set up five sector boards within the shire. Those sector boards deal with tourism, culture and heritage, social issues, environment and economics. We gather people from the community to sit on those sector boards. They are volunteers. They come in and do significant research right across the shire on all of those issues. They run their own surveys—whatever they need to do to bring all the information forward—and they gather generally across the community the knowledge and the understanding of what the community wants and put that together with their research.

**Senator FORSHAW**—Thank you. So if a federal government or a state government wanted to locate a desalination plant, a nuclear reactor or an airport in your council area, you would—

**Councillor Abbot**—We would run a plebiscite.

**Senator FORSHAW**—You would pursue community consultation?

**Councillor Abbot**—Absolutely.

**Senator FORSHAW**—And you would try and find out what the community thought?

**Councillor Pardon**—No, we would not try; we would.

**Senator FORSHAW**—You would?

**Councillor Abbot**—We would find out what the community thought about it.

**Senator FORSHAW**—Very good. Let me tell you that the council where I live, the Sutherland Shire Council, has done just that. There are a whole lot of consultative councils.

*Member of the audience interjecting—*

**CHAIR**—Please, no interjections from the gallery.

**Senator FORSHAW**—I think we have to be careful about reflecting upon other local governments around the country when we deal with this issue. I do not think that is fair to them.

**CHAIR**—We all know this shire is special, Senator Forshaw.

**Senator FORSHAW**—It is. And if you want to give us nuclear reactors and airports then we will fight them all the way, mate!

**CHAIR**—Senator Forshaw, I am conscious of the time and that other senators have questions.

**Senator FORSHAW**—Just one other question, Chair. Your council is subject to competitive tendering?

**Councillor Abbot**—Yes, very much so.

**Senator FORSHAW**—Did your council agree with that when it was brought in through COAG?

**Councillor Abbot**—Does my council agree with competitive tendering?

**Senator FORSHAW**—It was imposed upon you, wasn't it?

**Councillor Abbot**—No, it was not. We have always done it.

**Senator FORSHAW**—Under the COAG process it was imposed upon you by the federal government.

**Councillor Abbot**—That is neither here nor there in terms of what they impose. I suppose if we refused to do it and it was imposed on us and we did it we might have some objection, but we do not.

**Senator FORSHAW**—I do not know that it is neither here nor there because if you had not accepted competitive tendering you could be fined.

**Councillor Abbot**—But we do it.

**Senator JOYCE**—Chair, I have a point of order.

**CHAIR**—Senator Joyce, on a point of order.

**Senator JOYCE**—I just want to touch base on something Senator Forshaw said. He said that we, being the government, have proposed nuclear reactors. We have not proposed a nuclear reactor for anywhere.

**Senator FORSHAW**—You have built one in my electorate. It is called Lucas Heights. Do you want to come and have a look?

**Senator JOYCE**—It has been there for a while.

**Senator FORSHAW**—No, the new one.

**Senator JOYCE**—Anyway, there is no proposed nuclear reactor.

**Senator FORSHAW**—Point of order overruled and dismissed! I just want to get an answer to my question. The federal government has decided, and we support it, to have a local plebiscite on this issue of council amalgamations—quite rightly. But competitive tendering, which had a huge impact upon local government right across the country, as you know—in some respects good; in many respects not so good—was imposed on the councils, on local government, without any opportunity for local plebiscites. You acknowledge that, don't you?

**Councillor Abbot**—Most definitely. I would just like to put our position, though. We have always competitively tendered. It has given this community significant advantage in the past and will continue to do so. It provided us with the opportunity to bring the first BNR sewage treatment plant into the country. We actually went over to Europe and researched it and we brought it back. Australian Water Services is now one of Australia's greatest water treatment companies. It was developed and put together to build the Noosa treatment plant, and it was done under a design, build and operate concept that we developed ourselves. It will provide competitive tendering to (1) reduce the risk to the Noosa shire community with regard to long-term disease and health problems through the sewerage system because it is state of the art, (2) reduce the risk to this community financially because of the failures of the old plants and the way they were going and (3) provide world's best competitive advantage to the sewerage system and now the water supply system for this particular shire. It is world's first and world's best. We could only do it with competitive tendering, which is part of the daily way we do business for the benefit of our community.

**Senator FORSHAW**—That is good.

**Councillor Pardon**—It almost matches Sutherland, with respect, Senator—almost!

**Senator FORSHAW**—Not a problem; they will get back to you on that.

**CHAIR**—There's nothing like a Sutherland shire boy, Senator Forshaw! Before I call Senator Ludwig, can I say that while we have been fairly relaxed this morning I would remind the public gallery of my opening comments that the public gallery should be quiet. If any member of the public gallery interjects they will be asked to leave. Senator Ludwig.

**Senator LUDWIG**—I want to explore a couple of areas. Most of the senators today have asked the relevant questions about the amalgamations but you mentioned earlier the issue of constitutional recognition of local councils and that if you had turned your mind to it perhaps a bit earlier you might not be in the position you are in today. It is interesting to note the federal Labor Party has been supportive of constitutional recognition of councils for some time and this week we have announced that, and I think Senator Joyce took issue with it particularly. But, as I understand it, Senator Joyce has voted against constitutional recognition of local councils. He did that 12 months ago in the Senate when a motion was put up. He seems to have changed his mind since then—maybe politics has a bearing upon that—unlike the Labor Party, which, significantly, has always been in support of it.

**CHAIR**—Can you refer to that piece of legislation and have you got—

**Senator FORSHAW**—We can actually; I am glad you asked.

**Senator LUDWIG**—If you did need to correct the record, Senator Joyce, at any time, I am only too happy for you to do so.

**Senator JOYCE**—I am quite happy.

**Senator LUDWIG**—But it was a question I was asking—

**Senator FORSHAW**—It was 7 December 2006.

**Senator JOYCE**—I am sure it was a real bell ringer that day.

**Councillor Abbot**—Regardless of the problems on the table, I am happy to answer the question.

**Senator LUDWIG**—Thank you. In those terms, Mayor, you think there is still value in continuing with constitutional recognition of local councils. Is that something you will continue to advocate?

**Councillor Abbot**—Absolutely. I might just qualify my statement somewhat: I made the statement in the full knowledge that we had tried twice before and had not been able to achieve it. When constitutional recognition came up amongst the raft of things that we were looking at, including the partnership issues through the ALGA board, I thought: ‘We’ve already tried that one twice, so let’s get the real things in place that we need, the actual things that deliver stuff directly on the ground in local government first and then local government constitutional recognition can come after that. We might have a chance then because we might actually have a bipartisan approach to that issue and we might well win it.’

**Senator MURRAY**—There are four parties here, not two.

**Councillor Abbot**—All right. Cross-party then—I am just trying to keep up. That is the qualification on it, obviously. I only butt my head against the wall twice and then I try a different direction. The reality is: it has not happened before; it will happen in the future but what we need is the stuff on the ground first, so I put my energy into that.

**Senator LUDWIG**—The question was really another one that was raised in terms of how you deal with trying to convince Premier Beattie to change his mind through an unusual process, I would have thought. You understand the difference between state and federal government. You understand the difference between local council and constitutional separation. We have a written Constitution which separates federal government and state government, and you understand executive parliamentary processes where you would not expect undue influence to come from outside of those elected. Like councils, you would not expect someone from outside council to be able to influence a decision taken in council deliberations, would you?

**Councillor Pardon**—They do.

**Councillor Abbot**—Everybody is always trying to influence councils, but my goal from day one has been to expose as much as possible the issues that have brought us to where we are. Whoever picked up those issues would be heroes in our eyes whether it be you, Barnaby, Kevin Rudd or even Andrew Fraser, if that is possible. That has been our issue from day one. From a council’s perspective, Friends of Noosa have their own agenda and they are driving it hard but the real issue is to expose what has happened to this community to the rest of the world. As I said earlier, even people on the Gold Coast were stopping me on the street in the last four days and saying, ‘This shouldn’t happen to you guys. Keep going.’ Those are Gold Coast people; nothing to do with local government. They are people in the street. The guy driving the monorail got out and patted me on the back as I got off and said, ‘Keep it going, mate. You’ve got to save Noosa.’ I had never seen the man before; I would not know him from a bar of Barilla soap. That is what I got on an hourly basis on the Gold Coast. So this is not just about trying to put pressure on any individual in the federal government; it is about exposing a rort and hoping that goodness and faith in the general democratic process will lead us to a result that we think we deserve.

**Senator LUDWIG**—I congratulate you on your ability to be able to keep putting that foot forward. Thanks very much.

**Senator JOYCE**—I acknowledge that. I fully put on the record now that I support that we should have a referendum into—

**Senator LUDWIG**—Is that a backflip?

**Senator JOYCE**—It is dealing with the issue of the time. If there is something weak about changing your views, we would not want Mr Beattie to change his views, would we? We would not want a backflip there. But if in light of more circumstance that I should change my views, I will. I support fully that we should have a referendum to include the local government in the constitution and I support that it should happen pronto. No doubt, I will be getting your leader's support on that.

**Senator LUDWIG**—You will.

**Senator JOYCE**—Oh, good. We are getting somewhere.

**Senator LUDWIG**—If the Howard government does not change its mind in that respect and continues to oppose the constitutional cooperation, will you disendorse yourself?

**CHAIR**—Senator Murray has the call.

**Senator LUDWIG**—If the Howard government does not change its mind in respect of this—

**Senator MURRAY**—I cannot hear myself—

**CHAIR**—Order! Senator Murray has the call.

**Senator MURRAY**—Can I request that you throw both of them out, Chair! A good bit of argy-bargy. Mayor Abbot, I opened my remarks to the last set of witnesses by thanking the people of Noosa for initiating a major shift in our political firmament in the last 106 years and that is the introduction of direct democracy. I now want to compliment you for the second major initiative which is of vital importance to Australia—that is, the introduction into federal electoral law at last of elements of the International Covenant on Civil and Political Rights. Earlier you remarked on the terrible precedent expressed by the Beattie government trying to prohibit the free expression of the free will of the sovereign people of Queensland. I phrase it like that because of how seriously I view it. The problem with that is to correct that would have necessitated going all the way to the High Court, which is expensive, takes a lot of time and is very aggravating.

What is needed, of course, is that those civil rights agreed to and ratified by Australia in 1948, I think it was, be enshrined in federal law because then Mr Beattie could not have done what he did do. So I want to thank you for that. I want you to recognise the importance of that, but of course it is still a partial change in this legislation. You have seen the reference, but you might not have noticed the importance of it. If I say to you that I am going to put to this committee that they enshrine the full thrust of articles 19 and 25 of the International Covenant on Civil and Political Rights in electoral law so that those rights that protect our inalienable rights as a people are enshrined in law, I hope you will give it your support—you, obviously, cannot give it in substance but you can in principle.

**Councillor Abbot**—Absolutely. The first thing I said on *Stateline* after the infamous 24-hour sitting of parliament that brought us to this was that I refuse to do anything that would put me in a position where the Premier could remove this council for looking after its community for at least the next 12 months or whatever. I also attacked immediately the precedent that this legislation that was then in place brought into Australian legislation. I just thought it was the most atrocious thing that I had ever seen. And other than getting trapped by a smart-arsed journalist—excuse the expression—I delivered that message quite clearly. I think the message has been picked up right across the country by many commentators and people like yourself, Senator: if we are to allow this to happen, if we are to allow this sort of precedent to be set for one, and left in place in legislation in Queensland, then we are in big trouble in this country.

I make a comment on the argument between Senator Joyce and Senator Forshaw. The fact that somebody changed his mind in the parliament I think is what basic democracy is all about. If we lose that principle in government, I am out of here—I am going to Papua New Guinea.

**Senator MURRAY**—By the way, I am a great fan of Senator Joyce's courage. He stood up against his own party and his own government on matters of principle to him. I think that is to be applauded in any politician from any party.

**Councillor Abbot**—I agree.

**Senator MURRAY**—Article 19.2 of the covenant I mentioned earlier refers to freedom of expression and article 25(a) refers to the right of people to take part in the conduct of public affairs directly or through freely chosen representatives. So you understand, the importance of what I am saying is that that should be enshrined in federal law forever to protect freedom of expression, and the question we should ask of the government is whether they will go that far, because nobody ever has from any party.

**Councillor Abbot**—I think freedom of individual expression is a basic premise of our democracy and our Constitution. Obviously, public expression often can do individual damage. I would not like to see the ability of the average Australian to walk into a ballot box and have a vote in private get mixed up with the rights and privileges of individual journalists in this country to free speech.

**Senator MURRAY**—My next set of questions comes to mechanics. We have a magnificent electoral act from the mechanical side of things—how things are set up, structured and the way in which things can be asked and done. My question comes back what Senator Moore asked of the previous set of witnesses—that is, the sorts of questions that should be asked in your plebiscite. My own view is that you need a range of questions to cover the various options and those questions should be the same for the councils under threat of amalgamation—in your case, Caloundra, Maroochydore and Noosa. Before you answer that, I want to put my second proposition to you. When we conduct constitutional referenda from the federal perspective, a ‘yes’ and a ‘no’ case are put forward which are fair, balanced and even. There is no provision here for that, and I doubt you would have the money to have that done. My own feeling is that this legislation is weak unless it also provides for the facility to provide councils with assistance in presenting fairly and objectively the ‘yes’ and the ‘no’ case. There is a ‘yes’ case for amalgamation and there is a ‘no’ case of amalgamation.

**CHAIR**—I am sure that the Queensland government might be prepared to provide the answers.

**Senator MURRAY**—Yes. However, have you thought through the mechanics of how you would fairly put both propositions in a fully contextualised set of questions?

**Councillor Abbot**—Personally, given the speed that this legislation and this inquiry have come forward and the fact that I have just spent five days up to my armpits in floodwaters and four days trying to wrestle my way through the local government conference, no, I have not given a great deal of thought to that.

**Senator MURRAY**—You know we get a Comcar provision to get here. I had to hire a ‘Comcanoe’!

**Councillor Abbot**—That would be right. I firmly believe that, on this issue, there is only a need for one question: ‘Do you or do you not agree with this?’ It is yes or no. We can put forward the benefits we have been told we will receive and why we think we should not have it. I think that question should be clear and concise and I do not think we need to confuse it with significant other questions that may mislead things. We have such a situation in the past with national referenda. The fact that four questions were asked stopped the ultimate question for us being answered in the positive. I think one question is enough.

**Senator MURRAY**—Bear in mind that we are West Australians. I do not know the details at all of any of the amalgamations and I am not going to try and find them out.

**Councillor Abbot**—Your turn is probably coming.

**Senator MURRAY**—I voted for amalgamation of my particular council and it has not happened, so my vote did not sway things. As I understand it, the council does think that its boundaries could be enlarged, that it could be a larger geographic area. How does the state government know that that is what the people want unless that question is asked?

**Councillor Abbot**—I think you have hit on the basic problem we have got. The name of the act is the Local Government Reform Act—sorry Claire—and what it says is: ‘Amalgamate.’ What happened in the middle? Where was the reform? It was just pulled out of our hands. They say they want to reform. Their answer—all over the country—is: amalgamate. There is only Western Australia to go, then it has all been done, so to speak. It has always been the same. At least in Victoria, the Premier there did not spin the local authorities along until he had them in the situation where he could kick them in the guts; he just gave them a ‘Don’t come Monday’. At least he had the decency to do that and not spin them a long, blown-out yarn and say, ‘Just hang around for a while boys until we can find something to string up with’

The bottom line is that it seems to be that they want reform, but the answer to the reform is amalgamation. It is the same question and the same answer now over six states. Where is the bit in the middle where it actually says ‘Reform can mean other things’? They talk about it. They have all the rhetoric, but the final result every time is the axe—straight down: ‘What is good for you is being bigger.’

**Senator MURRAY**—But if you do not ask the question in your plebiscite when you have the opportunity to do so—namely, ‘Are you happy to have a boundary change which includes Eumundi and these other places’, how you able to put that point to the government to say, ‘Look, we’re not against change’—what was the expression used?—‘we’re not fortress Noosa; we’re willing to reform, but we don’t want your reform’ A yes, no question does not give that message.

**Councillor Abbot**—A simple reading through—if you can get it out of cabinet solidarity and secrecy now—of 31,000 submissions will give you that. That is a fact. But we cannot get it because it is locked up in the cabinet. I know what ‘cabinet’ means now: it is a box where you shove things and lock the door!

**Senator MURRAY**—And do you know, when they leave, they shred it all?

**Councillor Abbot**—Yes.

**Senator MURRAY**—So we never find out about it.

**CHAIR**—There was a process underway—the review—which would have led to just that outcome.

**Councillor Abbot**—Absolutely, but he found a minister who was willing to stop that process and go back to the Kennett method. I think we need to understand that the general question here is: should we amalgamate or should we not? The answer is no.

**Senator MURRAY**—Give me the answer to my next question. Sorry to push you along, Mayor, but I am conscious of time. What about the yes, no case? Who should fund that? I do not think it is fair to ask for councils to dip in for that sort of thing

**Councillor Abbot**—There are two questions really: who should fund it and who should write the responses?

**Senator MURRAY**—Yes.

**Councillor Abbot**—If the federal government wants to come up with the money to do the plebiscite then they can pay for local governments or whoever—some legal eagle—to write those responses. But you cannot have a generic yes, no argument for individual cases.

**Senator MURRAY**—Yes, it has got to vary.

**Councillor Abbot**—The councils would have to write that. Whether they paid for it or not and whether they can—we will, definitely. We would not have a problem.

**Senator MURRAY**—Let me put it to you this way so that you understand where I am going to, because I have a direction I am after. My own view is that if the AEC is going to pick up the cost of the plebiscite then presenting the yes, no case is part of the plebiscite and, therefore, it should be part of the cost. But unless the federal government is advised that by this committee and accepts that recommendation, that will be left in the air and unresolved. Obviously the writing of the case has to be by people who know what they are doing and the district for yes and for no. That is really what I am after. Do you want this committee to be recommending to the federal government that the yes, no case also be part of the AEC funding? That is what I am asking.

**Councillor Abbot**—For this community—excuse my expression—I don’t really give a shit; we will write it anyway. I think we will confuse considerably what we are trying to do if we start running down that road. If the federal government wants to pay for it, thank you, we will take the money.

**Senator MURRAY**—How many voters do you have?

**Councillor Pardon**—31,000.

**Senator MURRAY**—You have 31,000. Each piece of mail might cost \$1.50 because it would be bulky. The cost of the pamphlet and so on might be a dollar or two. So let’s just round it up and call it \$4 times 31,000, and that is \$120,000. Do you want that bill?

**Councillor Abbot**—We have spent probably \$5 million in the last 10 years fighting court cases to protect this community. If you think that another \$30,000 or \$40,000 is going to stop us from doing that, it is definitely not.

**Senator MURRAY**—So your answer is that you will definitely pay the \$120,000.

**Councillor Abbot**—We are happy to pay whatever we need to pay to make this happen. We would run the bloody plebiscite ourselves if we could. We just need the trigger to make it happen so it is all fair, and we will get on with the business of doing it.

**Councillor Pardon**—What price democracy?

**Councillor Abbot**—Absolutely.

**Senator MURRAY**—I am just asking who pays for it, and you are saying you want to pay for it. I am happy for you to do that.

**Councillor Abbot**—Call a vote behind me and see if they are happy to pay.

**Senator MOORE**—Mayor, in your LGAQ hat your position about Noosa is absolutely clear. But you were also involved with all the work that was going on with the triple-s program and also the quite public awareness that there need to be some amalgamations in some parts of this state.

**Councillor Abbot**—There needs to be some reform.

**Senator MOORE**—But in terms of process, do you think there is ever a case for anyone to step in and say to councils, ‘You people need to get together’?

**Councillor Abbot**—Yes, most definitely.

**Senator MOORE**—How would you do that with a council that said, ‘We don’t want to’?

**Councillor Abbot**—Size, shape and sustainability was running down a path that gave us some understanding of what was happening in the communities. It gave councils a chance to resolve the issues that people were saying were the problems in local government in Queensland. If those problems can be resolved without amalgamation and the reform is appropriate, then you do not need to amalgamate. You do not have to ask the question. But at times those things are not going to happen. So someone else makes the decision and that is what local, state and federal governments are for: making the hard decisions. So yes, there is an opportunity—but not the lot, in one hit, on one generic argument.

**CHAIR**—Thank you very much, Mayor and Deputy Mayor, and thank you for having us in your shire.

[11.48 am]

**WALPOLE, Mr Robert Arthur, President, Coolum Residents Association**

**RAISON, Mr Brian Keith, President, Development Watch Inc.**

**MITCHELL, Mrs Raynette, Secretary, Eumundi, Doonan, Verrierdale Action Group Inc.**

**SCANLON, Mr Brendan Leon, Committee Member, Eumundi, Doonan, Verrierdale Action Group Inc.**

**CHAIR**—Welcome. Mr Raison, would you like to make an opening statement on behalf of Development Watch?

**Mr Raison**—Yes, and thank you for the opportunity. Development Watch represents a wide cross-section of residents from Coolum and surrounding districts. Coolum is about 20 kilometres south of here, in Maroochy Shire. Our primary goal is to prevent inappropriate development in the Coolum area. Unlike other community groups, we focus only on the impact of development on our community. We leave concerns about other aspects of community life in Coolum to the many other community groups in the area. The issues we examine range from development applications to major structural reform proposals, such as the South East Queensland Regional Plan, and now to council amalgamation. We have also participated in planning and environment court appeals. Our major project at the moment is a request for the minister for local government to call in a development application that proposes the construction of 660 residential dwellings within Hyatt Regency Coolum. This project would increase the population of Coolum by more than 12 per cent, which would have, amongst other things, an impact on electoral boundaries.

Although many maps have a dot on the Sunshine Coast with the word ‘Coolum’ beside it, there is no postcode for Coolum. Locals and visitors know Coolum as a collection of villages: Coolum Beach, Yaroomba, Point Arkwright and Mount Coolum. This definition is consolidated by the area being an electoral division, division 5 in Maroochy Shire.

Coolum had a brush with high-rise developments in the late 1980s. Two tall buildings were constructed in Coolum Beach, and the resultant community backlash caused the planning scheme to be amended to limit buildings in Coolum to three storeys. Coolum residents continue to strive to ensure that the area remains different to the more urbanised areas to the south. There is much evidence that forcing local governments to amalgamate does not provide effective distribution of services to community. Research done by the University of New England Centre for Local Government is most relevant to this issue.

Apart from the forced nature of the amalgamation process and the short timescale for its implementation, one of Development Watch’s major concerns revolves around the lack of community consultation. We all believe that government should be of the people, by the people, for the people—and I do not have a copyright on that quote, so you can use it. Certainly in Queensland it is not currently being governed by the people for the people. Nor is it happening in Maroochy Shire. Our council made a submission to the Local Government Reform Commission supporting amalgamation of the three Sunshine Coast councils without first determining the views of the shire residents.

Our other major concern relates to determination of electoral boundaries within our new regional council. We fear that Coolum will not be grouped with the like communities of interest to the north but with much more urbanised areas to the south or, worse, that Coolum may be split by divisional boundaries in an effort to balance the numbers between divisions. The integrity of community should not be compromised. We ask that a mechanism be put in place whereby Coolum residents can participate in a plebiscite even if our Maroochy council does not want one.

**Mr Scanlon**—I am a committee member of the Eumundi, Doonan, Verrierdale Action Group Inc., and I am authorised to represent our committee on behalf of our president, who is interstate. I am here today with Raynette Mitchell, who is the secretary of the group. Adrienne and Paul Prentice, fellow committee members, are welcome in the gallery. The EDV is a group of more than 3,000 concerned residents of the areas of Eumundi, Doonan and Verrierdale as well as Weyba Downs, all of whom live in the northern tip of Maroochy Shire. Since we formed in 2004 we have been fighting for a boundary change to enable us to become part of Noosa Shire. We have close links with Noosa Shire and we feel that Noosa is our community of interest, much more so than Maroochy Shire. We have conducted a comprehensive survey of our constituents and have reduced irrefutable hard data supporting the fact that more than 80 per cent of residents surveyed want a boundary change.

Our voice and our work, although strongly supported by Noosa Council and key community groups, has to date been consistently ignored by Maroochy Council. It has been disenfranchised by the premature abandonment of the size, shape and sustainability review, and it has been disregarded by the Local Government Reform Commission, whose review—a non-elected body—was conducted in camera with limited disclosure. We believe we have no effective mechanism to express the will of our people. As a result of this, we are very much in favour of the first provision of the Commonwealth Electoral Amendment (Democratic Plebiscites) Bill 2007, which enables the commission to use personal information included in the electoral roll to conduct the plebiscite. It is our wish for the AEC to conduct a plebiscite in order to obtain a formal, indisputable record of the will of eligible voters of Noosa Shire. It is also our wish to have the areas of Eumundi, Doonan, Verrierdale and West Peregian, which is Weyba Downs, which we represent, included in this poll.

We want the poll results to assist us to maintain political pressure at federal and state levels for the current amalgamation legislation to be altered. We want the poll results to assist us in possible legal disputation over the provisions of the revised Local Government Act, the conduct of the Local Government Reform Commission and possible breaches of the state constitution. As a legitimate, community based organisation we also want the ability to request the AEC to conduct a poll on our behalf.

We would like to make it clear that we support reform of local government but that we support the fundamental principles of what local government is about. Local people making local decisions for their local community, where their local council provides services and support that people depend on for day-to-day living and that suit the local circumstances, must remain unaltered.

We also wish to make a brief comment on the third provision of the bill—namely, the power to prohibit penalising or discriminating against any person or body proposing, assisting, conducting or arranging a plebiscite. Recent events in Queensland have reinforced a view that our democratic rights have been eroded to the point where they are almost non-existent. The checks and balances fundamental to the Australian Westminster democratic system are weaker here than in other states. There is no longer an upper house in Queensland. Freedom of information laws are becoming more and more ineffectual. Power within the state government is highly concentrated, and changes to the parliamentary process in Queensland are disempowering the opposition. This bill helps to redress this imbalance and restore the confidence of ordinary people that their rights will be protected.

Finally, we would like to thank you for the opportunity to speak before this committee. It is really good to know that we have the chance to speak and to be heard.

**CHAIR**—Thank you, Mr Scanlon. Mr Walpole, do you wish to make a statement on behalf of the Coolum Residents Association?

**Mr Walpole**—Good morning, ladies and gentlemen. My name is Bob Walpole and I am Coolum Residents Association President. We represent some 12,000 local residents in the Coolum area, adjacent to Noosa Shire, and we are charged with maintaining and protecting the quality of life preferred by the majority of Coolum residents. Unfortunately, we are part of Maroochy Shire. That does give us a great deal of concern, considering the amalgamation decision.

A lot has been said this morning by brighter minds than me. I am not going to spend a lot of time talking about all of the things that everybody else has said; I am going to cut to the chase. The fact is that the Coolum Residents Association support the amendment. For us, it is going to come in pretty handy in relation to the amalgamation issues—we hope. We also think that this will enable us to have a plebiscite on amalgamation at a later date. When this bill is passed, the Coolum community want to be included in any Noosa plebiscite. We have backed Noosa all the way because Coolum is a like community of interest. We think the same way and we believe Coolum should be a part of a stand-alone Noosa. I know and understand that the amendment does not relate to the comments I have just raised; however, we are hopeful that the Beattie government will take notice of what has occurred here today in front of you people and repeal its amalgamation legislation. That is where we are at and that is where we want to head. It has all been said this morning, and we are really backing it. Thank you.

**CHAIR**—Thank you. My question is directed to the three groups here. I imagine that you would have been strong supporters of the size, shape and sustainability review because that process would have provided the opportunity for Coolum, Eumundi, Doonan and Verrierdale to become part of the Noosa Shire. I assume you were supportive of that process and were part of that process, or input into that process?

**Mr Walpole**—Yes.

**Mr Raison**—Yes.

**Mrs Mitchell**—Yes.

**Mr Scanlon**—Yes.

**CHAIR**—Looking at the terms of reference for the Queensland reform commission, it looks to me as though the outcome you were seeking was specifically excluded. So the commission must give preference, to the extent practicable, to including all of the existing local government areas in the new area. I feel for you because your particular desire was just trampled on by the new review process taking over from SSS. I recall Premier Beattie, after announcing the forced amalgamations, saying that he was exasperated—words to the effect that he had thrown his hands up because there had been this process going on for years, which lead to no outcome, that he was forced to bring about these amalgamations. Do you know what he was going on about when he said he tried, this process had been running and he was exasperated? The process was not complete, to my understanding.

**Mr Raison**—We were as surprised as Mayor Abbot about the government's announcement. Concerning the terms of reference of the reform commission—you mentioned trying to contain existing boundaries within new boundaries—there was also one on endeavouring, where possible, to consolidate like communities of interest and that was what we were pushing.

**CHAIR**—It does not sound as though that has registered in any one location.

**Mr Raison**—No, and we have assumed, as have a lot of other people, that the decision was made before the event anyway.

**CHAIR**—I can understand the argument that communities of interest might change over time, that what is required to have a sustainable local government area might change over time. What is in that term of reference in the Queensland reform commission is basically showing no recognition of the fact that there is a community of interest because you are just lumping together historic local government areas in toto. It is really the antithesis of seeking to find communities of interested and sustainable—

**Mr Walpole**—You are quite right. There is no doubt that in the process with the Local Government Reform Commission, which was fairly short, they did not look at the detail in the various submissions from people like us. We had a very detailed submission which showed maps of boundaries, exactly how they could do this, how it would work and why people from Coolum, Eumundi, Doonon and Verrierdale were of the same ilk as people from Noosa. The truth of it is that they took no notice. The real concern is 31,000 people wrote in to this commission; 2,000 of them came from that little town of Coolum and they took no notice. That is a real concern and is the reason we have this furore here today. It has been going on for some weeks. We want to redress, we want to find a way to solve it. What will this amendment to the act do? At least, will it give us a plebiscite? That would be something, but as you have heard from Mayor Abbot and others, we really want to change what has happened.

**Mr Scanlon**—The process that the Premier was describing did not seem to be the process we were participating in. We were 18 months into a five-year program at the end of which there would have been plebiscites to determine the outcome. Part of the reason the process was perhaps not proceeding as quickly as it might was that there was a requirement for the Queensland Treasury Corporation to have investigated the financial status of the councils. They completed their study with 105 of the 157 councils but the remaining councils could not participate in the process because the Queensland Treasury Corporation had not done its work. For the Premier to say that we were dragging our feet—and, by the way, Noosa was not—without referring to the fact that the Queensland Treasury Corporation was tardy at best in its process, really begs the question: what was he trying to achieve in the first place?

**CHAIR**—Just finally, as someone who is from out of state—

**Mr Walpole**—We will not hold that against you!

**CHAIR**—Thank you. Do you think that, in the absence of a Commonwealth announcement of an intention to introduce this legislation, Premier Beattie would have backed down and changed his mind and removed the punitive sections?

**Mr Scanlon**—No.

**Mrs Mitchell**—Absolutely not.

**Mr Raison**—I do not think so, and I still do not think he will.

**Mr Scanlon**—We must continue and have this legislation passed so that he cannot.

**Senator FORSHAW**—Thank you for the welcome. As I was saying to Mr Walpole earlier, I was up in Coolum only a few weeks ago when APEC was on and enjoyed it immensely. My wife was with me and she actually drove to Noosa.

**Mrs Mitchell**—She is a good woman.

**Senator FORSHAW**—That is right. Firstly, as I am sure you know but which I will state again for the record, the Labor Party fully supports this legislation. Kevin Rudd is on the record as saying that he supports it and he has expressed his firm views to the premier about that. It would not be the first time that there has been a difference of opinion between a prime minister and a premier from the same party or a leader of the opposition and his or her equivalent at the state level. That is clear. I want to explore something with Development Watch, but others should feel free to comment. Your major interest, as you said, is in trying to ensure that the nature of this area does not change and become overdeveloped and in trying to retain the beautiful characteristics of the area. Do you see a potential for consideration of development issues being subject to local plebiscites? For instance, if there was a particular development proposal that a council or a state government wanted to support or that a developer wanted to build and you wanted to ascertain community opinion, would this be a vehicle that you would see as appropriate to use?

**Mr Raison**—I do not think so. The present structure of development assessment in Queensland, and certainly in Maroochy council, allows public input for all major developments. There is an impact assessment period where the public have a month or so to write submissions to council.

**Senator FORSHAW**—Is that when a development application is formally lodged?

**Mr Raison**—Yes, after a development has been formally lodged. Maybe our group should really be called ‘council watch’ because councils and particularly developers try to stretch the boundaries of planning schemes. One of our jobs is to remind councils that the planning scheme is a document that, in theory at least, has community support and that they should not exceed its bounds. I think the public consultation process for developments is adequate. The way councils treat the information they get is far from adequate.

**Senator FORSHAW**—I am not familiar with development proposals that may have been put forward in this region. I am from Sydney. But, if it is like other local government areas to a greater or lesser degree, development applications are often extremely controversial—particularly high-rise, large-scale ones. What sort of mechanism would you as an organisation use to ascertain community opinion and to be certain that you are reflecting the views of the overwhelming majority of the community if you did not take advantage of this mechanism in the future? I should say that I am not talking about every single one. I am not talking about where there is a major development proposal.

**Mr Raison**—If I can use the proposal to put 660 residential dwellings inside Hyatt Coolum, that came up for public consultation and there were more than 3,600 objections to it. There were 81 submissions in favour of it. The councillors, of which there are 12 plus the mayor, voted six-all and then voted for the development.

**Senator FORSHAW**—Which council is this?

**Mr Raison**—Maroochy Shire Council. The process is still ongoing. The developer did not like some of the conditions, so they were negotiated. The submitters, 3,800 or thereabouts, over the last couple of weeks have been bombarded with a copy of the negotiated decision and with information on how to appeal the decision. We are now in that period where, if we desire and have the wherewithal, we could go to the Planning and Environment Court.

**Senator FORSHAW**—That is what I wanted to question you about. This is relevant to the topic in the broader sense—and what you have just said certainly indicates that you have got a very efficient grassroots capacity to ascertain this, if you get that many objections. I would assume that the process is similar to that in other states, where the council can make a decision but, if it rejected a development application or if it approved it, the issue could then be taken further through the legal system. What was the name of the court?

**Mr Raison**—In Queensland it is called the Planning and Environment Court.

**Senator FORSHAW**—What role does the state government have or the minister have—the minister for local government or the minister for planning; I am not sure of the particular title—in overriding decisions of councils at the moment?

**Mr Raison**—The state government can only step in if there is a state interest. The state interest is well defined in the Integrated Planning Act, and there are just two arms to it. One is an economic or environmental interest that affects the state and the other one relates to good governance and the proper implementation of the development assessment system by the local council.

**Senator FORSHAW**—The standard powers that state governments have.

**Mr Raison**—That is right. And because community groups like us do not have the financial wherewithal to fight multinational corporations in the Planning and Environment Court, we have gone to the minister for local government with a submission asking him to call in that particular development and explaining to him why we think there are very good state reasons for calling the development in.

**Senator FORSHAW**—The minister could take away the planning powers or restrict the planning powers of the council under current legislation?

**Mr Raison**—I really do not know to what extent the state government direct and implement the Integrated Planning Act. I think it is as long as councils stay within the bounds of the act.

**Senator FORSHAW**—I am just raising these issues because a substantial part of your submission is that you do not want to see overdevelopment—

**Mr Raison**—Yes, certainly.

**Senator FORSHAW**—But currently as I would understand under the system, at the end of the day—and this is the case right across the country—the whip hand is often with the state minister or the court. That is their history in a lot of places.

**Mr Walpole**—The interesting thing is that, if Coolum were part of a stand-alone Noosa council, we would not even have those sorts of concerns, because they are very strong environmentally. They think the same way as we do. So we would not have those development problems.

**Senator FORSHAW**—It gives you more political clout.

**Mr Walpole**—Absolutely. Yes.

**Senator FORSHAW**—I was going to ask you about the Maroochy Shire Council's submission, but you have indicated that they—

**Mr Raison**—Yes.

**Senator FORSHAW**—Senator Moore or someone might want to question you on that.

**Mr Raison**—Yes, there was absolutely no consultation—

**Mr Scanlon**—Senator, you were asking a question about the make-up of the local council. At the present time, a local—

**Senator FORSHAW**—I do not think I was, but anyway.

**Mr Scanlon**—I have interpreted it in that way, if I may.

**Senator FORSHAW**—So you mean Maroochy Shire Council?

**Mr Scanlon**—No, I mean any council. Any council in Queensland under the old regime could effectively have been called a local council. There were local representatives, and it was possible for the communities to identify what their particular representative stood for. There was a situation in the Gold Coast that you might be aware of where there was a funding arrangement to try and elect a developer sponsored council. At the present time, that is very unlikely to happen here in Noosa. It has been quite a split council, and people have identified with that.

We believe strongly that a regional council will take away the knowledge of people and their effective voice in the election of representatives. When the regional council meets for the first time and votes in March, if we have the misfortune to get that far, it will take 15,000 electors to elect a councillor. And the only way, if there are no boundaries, that a councillor could possibly get elected is if he is sponsored by a developer or a development group or he is sponsored by a political party. So it takes away a fundamental basis, in my personal view, for what we now understand as local government.

**Senator FORSHAW**—I will just say that my point in pursuing the line of questioning was that there are some constitutional ramifications—

**Mr Scanlon**—No, I understand that.

**Senator FORSHAW**—and that is why we made the point that recognition under the federal Constitution gives at least the opportunity for some greater say and greater certainty, if you like, at the federal level and at local government level. Thank you.

**Senator JOYCE**—Obviously this must be terribly frustrating for you because what you really have in front of you is a political problem, and the only way you can deal with that is with a political solution. What mechanisms do you have at your disposal in fulfilling a political solution?

**Mr Scanlon**—We have been very active in contacting a range of state ministers, state politicians and federal politicians of both persuasions to try and influence them, but particularly Labor Party federal politicians, to lean on the state government to change its mind. We propose to continue that lobbying after this process is over. We are trying to worry candidates at the next election.

**Senator JOYCE**—Which election is that?

**Mr Scanlon**—The rumoured federal election. Because, despite the polls that appear regularly in the newspapers, the fact of the matter is that six seats at least have to be won in Queensland for there to be a change of government. We firmly believe that winning the last two or three of those will be very difficult, and it has been made incredibly more difficult by the stupidity of the state government in trying to stop the democratic will of the people in Queensland.

**Senator JOYCE**—I noticed that Senator Ludwig said that in changing my mind I should disendorse myself. Do you think it is a sign of weakness to change your mind?

**Mr Scanlon**—Absolutely not. It is unfortunate that the media tends to portray these things as a backflip. We often find—and it probably will be the case here today; the media went as soon as the first session was over—that junior journalists are sent along to try and comment on things about which they have no experience.

**Mr Walpole**—We reckon it is a sign of a strong politician.

**Senator JOYCE**—It would be helpful Mr Beattie and Mr Fraser changed their minds, wouldn't it?

**Mr Walpole**—Absolutely, Senator Joyce.

**Senator FORSHAW**—At least they could remember how to; you couldn't remember whether to vote for it or against—

**Senator JOYCE**—Notice of motion. Later on, you can tell us all about the strength of a notice of motion. You talked about catchment—

*Senator Forshaw interjecting—*

**Senator JOYCE**—You can see I was inspired not only from my own side but also from the opposition—an incredible dissent! Mr Raison, you have brought up an interesting area about catchments and the alignment of new boundaries. The catchment that you would run along would be which one? You talked about the alignment of local government boundaries with catchment area boundaries.

**Mr Raison**—I do not think I was talking about catchments. I was talking about the communities of interest—it was in relation to the term of reference that mentions communities of interest. The one about catchment areas is in relation to another term of reference. For Coolum it is a little difficult because Coolum is in three water catchment areas. A fair bit flows towards the Maroochy River, which is primarily controlled by Maroochy Shire Council, some flows directly into the sea through a local river system and some northwards towards Noosa. So we are pretty even-handed about catchment areas.

**Senator JOYCE**—There obviously is a community of interest that you see between Coolum and Noosa that you do not see between Coolum and Maroochydhore.

**Mr Raison**—Yes, certainly—and even to closer than Maroochydhore. The next town south from Coolum is Marcoola. It has a large number of six-storey buildings and it will have more because the rules there allow it. It also has an airport, which Noosa council certainly does not want to have control over. It is the same further south, at Mudjimba, Twin Waters—more urbanised areas. People come for holidays to Coolum from Maroochydhore because it is so different and it is not very far away. We would like to keep that difference.

**Senator JOYCE**—Obviously there would be inherent problems if they were all under the same local government. Over time, you would imagine, there would be a generic look over the whole area.

**Mr Raison**—Yes.

**Mr Walpole**—That is quite right. The issue comes down to developers. They are actually rubbing their hands with glee right now at the thought of an amalgamation. Gold Coast developers and the people who are down at Maroochydore and Mooloolaba are saying: ‘You beauty! Now we can get into Coolum and a bit into Noosa.’ It will literally change the face and style of those two areas. Coolum and Noosa will no longer look the same if this thing happens.

**Senator JOYCE**—Would it be in the interests of those developers to lobby the state government to try and get Noosa’s boundaries changed?

**Mr Walpole**—I would not think so. I think all they want is a regional council—that way, it makes life so much easier for them.

**Senator JOYCE**—To get rid of the pesky Noosa Shire Council so they can put up a—

**Mr Walpole**—Absolutely correct.

**Senator JOYCE**—The state government always uses the argument that these boundaries have not changed since Don Bradman was playing and therefore that is a reason to change. How long ago did they invent the state boundaries?

**Mr Walpole**—I do not know. You would have to tell me. I think it has to be somewhere around—

**Senator JOYCE**—One hundred and fifty years ago.

**Mr Walpole**—That is right.

**Senator JOYCE**—Do you think, therefore, they have put forward a very good argument about why we should change state boundaries as well?

**Mr Walpole**—I think there is a really good argument to remove states. However, that has got nothing to do with this piece.

**Senator FORSHAW**—Next question, Senator Joyce!

**Senator JOYCE**—Well, no, because we have in our constitution in Queensland the ability for senators to be allocated to certain areas of the state rather than allocated across the state.

**Mr Walpole**—I guess I meant state parliaments, actually.

**Senator JOYCE**—What would be the likelihood of the current position being maintained if there was a strong belief or, in fact, if it was proven that it was going to affect a federal election? Do you reckon that that could be the impetus for Mr Beattie to change his mind?

**Mr Walpole**—As a catalyst? It would be interesting. My feeling is that Premier Beattie, I am sure, has listened to his federal counterpart and has decided to continue on this road.

**Senator JOYCE**—Do you think he does not respect Mr Rudd?

**Mr Walpole**—No, I did not say that. What I said was that he has decided to do his own thing his own way, and I think that is a shame because, if he listened to his federal counterpart, he might change his mind. I wish he would, because it would be good for him and it probably would be good for the federal Labor Party.

**Senator JOYCE**—From your knowledge of Mr Beattie, has he had the ability in the past to change his mind on things?

**Mr Walpole**—He has changed his mind on things before.

**Senator JOYCE**—Have you ever heard him say sorry before?

**Mr Walpole**—No, I have never heard him say sorry.

**Senator JOYCE**—I have—all the time. It would be helpful if he said sorry on this one as well.

**Senator MOORE**—I just have one question. It is about the expression from both groups about using the legislation that we are looking at. I have had a look at it. It is really short and it does not say anywhere that you could not be included in a plebiscite that was called. In terms of the process, it would seem that that would have to happen after this has passed, with the full agreement of all the parties, I believe—there is no question about that. The core element of what you have come to ask us about is that, in whatever process follows on from this legislation, you would want your voices heard in that process. Is that accurate? I took that from your opening statements.

**Mr Raison**—I have the impression, and I certainly could be wrong, that these plebiscites that will be allowed to occur in Queensland will be on a voluntary basis. I am not quite sure who will decide whether a

particular council should have one. If it is Maroochy Shire Council, we will not have one in our shire and we will not have a vote.

**Senator MOORE**—All we have in front of us is the legislation and the explanatory memorandum. The guidelines for how they will operate we have not seen, so it would seem to me that, in terms of an action coming out of this process, it would be working with whomever to ensure that your voice is heard. It seems to me from hearing the evidence from the Noosa shire council this morning that they did not think there was a need in their area because their concern about the issue was self-evident, but they thought that, if there were going to be one, they would be involved. They would be working within that process to get your two areas involved—I am saying ‘two’ because your areas cover a considerable number of suburbs, so it would have to be linked in that way. They would also put pressure on the Maroochy shire to see whether they will be part of it. That degree of detail is just not in front of us.

**Mr Scanlon**—The difficulty is that what we have assumed is that the council will be the body that will—

**Senator MOORE**—Stimulate the request.

**Mr Scanlon**—stimulate the request to the AEC to conduct a plebiscite. Under that arrangement, there is no mechanism for interest groups such as ours to be considered. It is a personal view, but I do not think my colleagues would disagree, that the prospect of Maroochy council calling a plebiscite is remote—but, if one were called, our views would be swamped. So what we are asking for is the ability for the AEC to conduct a plebiscite of our interest groups if they are not included in the Noosa one.

**Senator MOORE**—That would be a specific request.

**Mr Scanlon**—A specific request.

**Senator MOORE**—We will note that as a request.

**Mr Scanlon**—It is not just that the council would have the only mechanism for calling one. Other interest groups—legitimate interest groups; I am not talking about mickey mouse ones—that can prove the case should be able to call for them.

**Mrs Mitchell**—Similarly, if Noosa Council calls for a plebiscite, we presume it would just be conducted within Noosa shire. So we are in no-man’s-land. We are outside of that, but we are inside of Maroochy shire and we presume that they do not want a plebiscite. We will be in this no-win situation if plebiscites are conducted within shires.

**Senator MOORE**—That is certainly a very reasonable recommendation that you make within the ambit of this legislation. It is very difficult to keep the discussion on the legislation that is in front of us. We will take that up in the consideration of what we will do, because I imagine it would not be unreasonable in some areas that people would have this process. I know in both regional areas there has been a longstanding debate about your preference for being in Noosa rather than Maroochy, so it did not occur overnight.

**Mr Walpole**—Last year the Coolum Residents Association conducted a quantitative market research study in the Coolum area. Before amalgamation was even considered out there in the media, 67 per cent of people who lived in the Coolum area said: ‘We would prefer to be part of a Noosa shire council than part of a Maroochy shire or a Maroochy-Caloundra combined council.’ That is interesting information from well before anything had occurred.

**Mrs Mitchell**—We feel in this current scenario that little communities like the EDV and people from Coolum are in this live-or-die situation. There are no doors left open for us. With amalgamation we lose. If a plebiscite is held within Noosa shire we lose. What do we have to do to get somewhere? We have been fighting this battle since 2004.

**Senator FORSHAW**—Can I just make a comment here which might assist. Senator Moore is correct. We do not have anything within the legislation, the explanatory memorandum or the second reading speech to clarify how these plebiscites might be held and how extensive they might be. But the Prime Minister is on record on at least one occasion—and I understand there are more—in answer to a question in the parliament on 16 August as saying:

It will amend the Commonwealth Electoral Act to give effect to our commitment to assist local councils in holding plebiscites on amalgamations if choose to do so.

The understanding that we have got—in a rather short space of time—is that it is local councils that would formally request them. The government would assist through the AEC and would be prepared to fund them,

but it is local government areas that are the structure upon which this would all develop, which leaves you in a dilemma.

**Mr Raison**—The second reading speech also comments that the legislation is not designed to allow community groups to initiate plebiscites. It would be very nice if we could get some kind of petition in our community and, if 80 per cent of the community wanted a plebiscite in the area, then so be it. But the second reading speech certainly indicates that community groups should just sit back and relax.

**CHAIR**—Just to further assist: the legislation is designed to reinforce what is the existing position, which is that it is open to any council—even before this legislation—to seek to have the AEC on a fee-for-service basis undertake a plebiscite. This legislation is designed to counter any punitive actions by a state government against anyone seeking to access that. The funding of the plebiscites is separate to the legislation. The funding is a decision of the executive government. The legislation is really just designed to preserve an option which is already there for local councils.

**Senator MURRAY**—On that of point of clarification: in fact, legislation would not prevent it; it would encourage it. There is nothing to prevent any residents association or group of citizens from petitioning their council to conduct a plebiscite. It would be a very strange council indeed that would resist or reject a significant petition from its citizens. I do not think you are left out of the loop at all.

**Mrs Mitchell**—But then it is not really our local council that we want to have the plebiscite. We are just kind of nothing to them. We are sitting on the tip of their shire.

**CHAIR**—So you want to have a plebiscite in a portion of the council area which petitions the existing council?

**Mrs Mitchell**—Not within the whole shire.

**Senator MURRAY**—But, with respect, if you say to the Maroochy council that you think that all the residents of Maroochy are entitled to express an opinion and, if the Maroochy council decides not to have a plebiscite, they are deciding on behalf of people—

**Senator FORSHAW**—That is irrespective of this legislation. That right exists now.

**Senator MURRAY**—But they are not without power to put a petition to their council. That is simply the point I wanted to make.

**Mr Scanlon**—We would like the opportunity to have a set of rules which stay standard and that we can actually operate under. We have had a whole series of changes. We are always playing to somebody else's rules and it would be nice if the committee could recommend that local groups have the option under this legislation to call a plebiscite—an option which we do not have at the moment.

**Senator FORSHAW**—We will take that on board, but our job is to try to think of the consequences of the legislation in the broad. There may be a whole range of other communities around the state that for one reason or another are in a similar position. That is why we were pursuing it, but at the moment this legislation is not designed to give you any more right than you already have.

**Mr Scanlon**—I understand that.

**Senator MURRAY**—I thought that your submission was a very sensible one. I just have one question, arising indirectly from something Senator Joyce put to you. I think it was Mr Keating, the former Prime Minister, who, amongst others, recommended the prohibition of donations, indirectly or directly, by developers to politicians, whether they be in local, state or federal government. Do you agree with those views?

**Mr Walpole**—We do agree.

**Mr Raison**—Certainly.

**Mrs Mitchell**—Absolutely.

**Mr Scanlon**—Yes.

**CHAIR**—As there are no further questions, I thank you indeed for coming today and for your participation.

[2.37 pm]

**TREVOR, Mr William Robert, Mayor, Isis Shire Council**

**CHAIR**—Welcome. Do you have an opening statement you would like to make?

**Mr Trevor**—Thank you very much, senators, ladies and gentlemen. I would just like to take you through a small history lesson as a preface to what I would like to say. In 1919 the French government gave the Australian government six short-barrelled Krupp German cannons that had been captured in France. It gave them to the Australian government in recognition of the Australian service men and women who had laid down their lives defending France in World War I.

The Australian government then had to decide which communities it gave those cannons to. My community was given one of those captured cannons, and it has stood outside our shire chambers since 1919 in recognition of the number—one of the highest in Australia at that time—of young men and women we lost from our community.

It stood there proudly as a symbol of democracy and the democratic principles that those young men and women laid down their lives for so that we and our children may be able to live by those principles in freedom. Very much a part of that freedom in a democracy is the right to have a say, the right to be heard and the right to put your point of view forward, whether that view is contrary to the government's or not.

The process that has been initiated here in Queensland with the local government reform act has threatened the right of communities to have that say. It is only since the pressure has been applied to the Beattie government that they have indicated that they are withdrawing that amendment from the local government reform bill.

No-one in Queensland would deny that there has not been some need for reform of local government across Queensland, and the Local Government Association and the Queensland government agreed on a process under which that would be undertaken. That was a five-year process, of which we had entered into approximately 18 months before the government decided to pull the rug from underneath the process. That process was about allowing communities to look at how they may deliver more efficient services into the future.

Local government reform was not just about amalgamations, although one would wonder, when listening to the Premier bring down the Reform Commission's findings, when he said that we have been in this process for 18 months and only two councils have agreed to amalgamate. Local government reform was never just about amalgamation; it was about talking and seeing how we could deliver services across boundaries, how communities could work together better and, in some cases, where communities would want to amalgamate to be able to do that—where there were like groups very close together. We always believed that communities and local government would have a fair say in how that process was undertaken. That reform process and the Queensland government's decision have taken away the right of those communities to have their say. In my community, as in Noosa, it has caused great angst. We are different from the people who we are proposed to be amalgamated with. We are a very small but very strong rural community. That community has been bonded together over a long period of time, through the hardship of droughts, through the rural industries around a sugar mill, which most of the town was for many years, and lately, with people coming to our community because of the like views that they share with the community they want to make their home in.

We are a very consultative community. We stand shoulder to shoulder in times of adversity in our community, most recently in the tragic backpackers fire of 2000, where my community worked tirelessly, side by side, in the international spotlight of the media, to ensure we did what we could for the survivors and the parents, and putting in place a fitting and suitable memorial for those young people who were so horribly murdered within our community.

That sense of being together has been the catalyst which has allowed our community to develop and move forward as one unit in making it a better place to live. We are very much concerned that in a bigger regional city of Bundaberg we will become the forgotten end of Bourbon Street. If you look around Australia, you see that, when those communities, whether they be big or small, are doing well, it often comes down to local leadership within those communities. The groups that you have seen here around the table earlier this morning, working in conjunction with local authorities and other groups within the community, are the very fabric which drives some of those communities. It is not about being 'big is best'. Under the process that we have been through and that the government has now pulled the rug on here in Queensland, there has been no

economic modelling showing any benefits of 'big is best'. Indeed, at the local government conference in the last couple of days we have heard from international speakers on overseas trends to break down local governments so that the word 'local' becomes what it was meant to be—local people working together to solve local problems.

We are very supportive of the right—and the bill that sits before the federal parliament to give us that right—to hold polls or plebiscites within our community. My community is extremely angry about our right to democracy within our community being taken away from us through the local government reform bill. However, they are even angrier at someone threatening their local elected representatives with penalties if they organise a plebiscite or poll.

Ladies and gentlemen, that crosses all political boundaries. It is not just about Labor Party people or National Party people or Liberal Party people; before these people in those small communities are political people, they are more community people. I do my own polling in the streets every Saturday morning week after week, not just on amalgamations but on how my community works. I spend two to three hours every Saturday morning reading the newspaper and conversing with people, and I have never seen so many people so angry about the fact that their elected local representatives, the people they know and trust, are being threatened by the Queensland government with the draconian legislation amendments that were brought in following the local government reform process.

My community demands the right to have a say. Some of the militants in the community have advocated breaking the law to ensure we have that right to a democratic process. One would think that the Queensland government, led by Mr Beattie, would understand that, as many of them marched in the streets in the Jo days demanding their right to have a say in the middle of the street rather than on the footpath as the government of that day demanded. Surely they, above all, should understand the demand by my community, the Noosa community and many other communities across Queensland to also have their say at this time.

I have listened with interest this morning when people have been asking and responding to questions about whether we should have polls or plebiscites for many other issues within our communities. There are degrees on how you consult with your community. This is not about consulting on a planning issue or on a high-rise building; this is about consulting on whether these communities have their local democratic rights at all, whether their local councils will be there to support them.

In my community, many of the organisations that exist would not be there without council support. The local kindergarten has been in place since 1956, supported by council to the tune of \$14,000 a year for three years until its numbers grew in order for it to once again be able to provide quality education for the young people in our community. As part of a Bundaberg regional council, that support would not have been there and that kindergarten would have been lost from our community. Council has put over \$700,000 into both our schooling system over the last five or six years to ensure a better quality of education for our students and young people, to support literacy programs, to build halls and to upgrade ovals. All of those things have been brought about by the local community talking with their local council representatives to achieve a better way of life.

We support what the federal government's bill is trying to do—that is, to give our communities the opportunity to put on the public record their distaste for what has happened and for the threats made to their local representatives. Sometimes we ask, 'What will that achieve because the legislation is already in place?' My community is saying: 'We want to ensure that the public record shows that we were not in favour of this. We were not supportive of it and we spoke out against it.' There may be some opportunities in the future to roll back the legislation. But politicians respect only one thing, and that is people power. If people are prepared to lay down and not have their say then the executive government that we have in Queensland, without the benefit of a second house to look over legislation, becomes all powerful and all dictatorial. As communities, we need to express our distaste for laws that affect our very way of life and the fabric of the communities in which we live. It is no good later on saying, 'Well, it was a law and I had to obey it.' If it is a bad law, we should speak out. That is what we are doing at the moment and that is what we intend to keep doing in supporting the people of Noosa and others who have the same problems that we have. We have a very vibrant rural community that is growing at a rate of knots. It is a community that works together. We rely upon one another to deliver the services that are the envy of many others in the big towns.

**CHAIR**—Thank you, Mayor. I think you identify an interesting trend, and that is that, as we become more global, people are actually feeling a greater sense of localism than there has been in the past. I guess the backpacker tragedy, which you highlighted, is evidence of the capacity to have a global interest in a tragedy

yet a strong local response to it. I think that is very much at the heart of what we have been hearing in evidence today. Could you take us through what the Queensland government are actually proposing for the Isis shire. Which local government entities are they proposing that you be merged with?

**Mr Trevor**—We are being proposed to be merged with Bundaberg City, Burnett Shire, Kolan Shire and Isis Shire into the greater Bundaberg Regional Council, a council of perhaps some 80,000 people.

**CHAIR**—That is 80,000 people in the proposed entity?

**Mr Trevor**—That is correct.

**CHAIR**—What is the population of Isis Shire?

**Mr Trevor**—We are about 6,800 and growing quite rapidly.

**CHAIR**—We have heard from you as well about the size, shape and sustainability review which was only partly underway. What stage is that review at in relation to your local government area?

**Mr Trevor**—We are at the end of stage 1. We were the only council in Queensland that entered the process, withdrew from it and then re-entered it. The process said that when you are in that process you were not to be critical of it. We had some criticisms of the process and suggestions about how it could be done better.

**CHAIR**—You can take part but you cannot comment.

**Mr Trevor**—No. We withdrew from that process—

**CHAIR**—It is an echo of something that is well-known.

**Mr Trevor**—and we sought a direct audience with the minister to put our concerns. That is the other thing that has really concerned us. The minister looked us in the eye, urged us to re-enter the process that had the full support of the Queensland government, shook our hands and at the same time had printing being done in the back office to pull the rug from underneath us. That really riled us. If he had said, ‘I am not happy with the process and I want to make some changes to it,’ that is fine; that is his right. But to tell us one thing while he was actively doing another we see as treacherous at the best.

The Premier’s comments put it in context when he said that only two councils had agreed to amalgamate. If you look at the reform process, there was no headline saying, ‘You must amalgamate.’ There were shared services, boundary changes—the whole range of things that could have provided better and more efficient local government into the future—but it seems that we have been caught on the big a-word and that was the plan right from the start.

**CHAIR**—Is your council intending to access the plebiscite option?

**Mr Trevor**—We have already moved that motion. We moved it before Mr Beattie withdrew his threats, so it was subject to the federal legislation being put in place, but as soon as that is in place we will be notifying the Electoral Council that we wish to continue. Our newspaper did a voluntary poll about having a plebiscite, and 83 per cent of people supported it. It will be higher, much higher, when it comes to the question of: ‘Do you wish to amalgamate with Bundaberg?’ I predict, if I am a good reader of my community, that it will be in the 90s.

**CHAIR**—This is a question that I have asked other witnesses. Do you think that the Premier would have withdrawn the punitive sanctions against councils who seek to access plebiscites if it were not for the announced intention of this legislation?

**Mr Trevor**—No, I do not. You have only to look at history. The Queensland Premier has threatened local government representatives previously under the ambulance levy. When we refused to collect it on our rate notices we were threatened with being sacked, and he was going to send us all to jail at one stage. He backed down on that after community pressure. He has only backed down on this after legislative pressure from the federal government. It seems to me that only people-pressure makes the government sit up and take notice.

**CHAIR**—The psychologists will often tell you that one of the best predictors of future behaviour is past behaviour. You would still see this legislation as necessary even though the Premier has announced his intention to remove those punitive sanctions?

**Mr Trevor**—I am only a representative of my community. I am the frontman for my community. Sometimes you lead from the front. Sometimes you take on board the comments of your community and then you lead them through the process that they initiate. My community has said, ‘Until we are actually part of Bundaberg we will resist this with everything open to us, because we don’t want to go.’ The community and

communities right across Queensland are only just starting to realise what they have to lose in many of these mergers. Here is a simple little example for old people within our community: we provide \$225 discount on rates for our pensioners. Bundaberg provides \$60. You do not have to be Einstein to work out where it will go. Bundaberg people will not come up to \$225; Childers people will go down towards \$60, and for pensioners that is a lot of money.

**CHAIR**—Indeed. Thank you, Mayor.

**Senator MOORE**—Mayor, have you been at the local government conference at the Gold Coast?

**Mr Trevor**—Yes.

**Senator MOORE**—I am sorry; I did not see you there as there were a lot of people. In terms of the process in your area, is it clear that people now understand that the state government has amended the legislation?

**Mr Trevor**—Yes.

**Senator MOORE**—In terms of the process of where it goes from here, my understanding is that any process will be stimulated by local council, which you have said you have already done—is that right?

**Mr Trevor**—Yes.

**Senator MOORE**—Are you aware of when and how? Have those details been explained to you?

**Mr Trevor**—My understanding from the local government conference is that the Local Government Association has suggested that around 20 October is a date on which those councils across Queensland wanting a poll could conduct one. My understanding is that it is probably up to the Electoral Council of Australia to decide that date. There are some machineries and mechanisms that need some time to be put in place. My understanding is that we would trigger it, they would make the decision and then we would go through the due process.

**Senator MOORE**—Is it publicly known—and do you personally know—that at the federal level the Labor Party has been fully supportive of this legislation?

**Mr Trevor**—I have not heard of any party in the federal scene that has actively opposed it, and I am aware that Kevin Rudd has supported it. I would like to hope that Mr Rudd could do a lot more, because I think he is a key player in this role—the same party. He probably has more to gain from Premier Beattie taking some sense than any other single person in Australia at the moment.

**Senator MOORE**—I know that there has been great discussion locally but I am very interested constitutionally, because there was a bit of a debate at the LGAQ about a proposal that the Labor Party has put up about constitutional acknowledgement of local government. There was a discussion around that. We have the plebiscite process now in place, and that will go through. In terms of your understanding from your level, do you think there is anything more that any federal government could do at the moment, without any constitutional change, with local government changes?

**Mr Trevor**—I am not aware of any mechanism from either a legal or a legislative point of view. A Queen's Counsellor or someone might say that there is a chink somewhere; I am not aware of that personally. I think a lot of it comes down to pressure. Does Peter Beattie want to go down as perhaps the man who stopped Kevin Rudd having a chop at being Prime Minister?

**CHAIR**—I think he does.

**Mr Trevor**—Yes, I am aware of their animosity from the Goss government years, but I will take up the comments of one of the gentlemen earlier: six seats in Queensland seems to be reasonable poll; if you look across those seats from Redcliffe to Leichhardt, I am very doubtful as to whether the local government issue has been helpful to the Labor Party.

**Senator MOORE**—But I am looking purely at the way it would operate constitutionally. In terms of process, would any federal government of any flavour be able to make changes under the current constitution to this process?

**Mr Trevor**—Only if we could have a referendum to ensure that we are in the Constitution.

**Senator MOORE**—Certainly we can talk about time frames to help.

**Mr Trevor**—I do not think we have the time frame for that at the moment.

**Senator MOORE**—It is really important in terms of the process of how it goes, because—

**Mr Trevor**—I am not aware of any legal process.

**Senator MOORE**—So it is now just in terms of continuing your position of people power, which is ongoing and working locally in that process.

**Mr Trevor**—If anything, I think the mood of communities surrounding us and up and down the Queensland coast has been galvanised even further—not just by the process of saying, ‘You will amalgamate,’ but by the process of trying to hammer us into submission and quickly sweep us under the carpet by saying, ‘We’ll prosecute you,’ or ‘We’ll sack you from office.’ People take great offence to that. They see that as being arrogant; they see that as a government determined to stop them having their democratic say in the process. The one great loser from this whole process is that the communities have had the right taken away from them to have their say at the end of the SSS process.

**Senator MOORE**—In terms of the process, the plebiscite element will be returned because this legislation has been accepted by all major parties. So, in terms of process, we are going through the committee stage but, in terms of that, the plebiscite will happen.

**Mr Trevor**—Yes.

**Senator MOORE**—You mentioned in your opening comment—and I take it on board—the difference between a decision on these boundaries, which is critical to people’s understanding, and any other issue. But I am interested in your part of the world, in particular—in Isis—and whether you think there would be any other issue that would be of such import that such a mechanism could be used. I know you have read the legislation; it is very general. I am interested in that, based on the current legislation. From your point of view, is there anything else that would be this important?

**Mr Trevor**—I think that, in this whole process, we need to be very careful that it is a black-and-white process. On listening to some of the comments around the table from both sides this morning, I think we have to be very careful that we do not make it a complicated process. To use the analogy of a body: you can live without a couple of fingers, but if someone cuts your throat you have a really big problem. The communities see it from the fact that they are fighting for their very existence as communities, and they want a say on whether we will exist or not. Small boundary changes can already be done under the existing act, prior to local government reform.

**Senator MOORE**—With agreement.

**Mr Trevor**—With agreement from both local authorities. I feel very much empathy and sympathy from some of the comments at this table earlier this morning. But I think that, at this stage of the process, we need to keep it black and white and not muddy the water too much; otherwise the whole thing could be lost out the window.

**Senator MURRAY**—I have no questions. I must say that I very much enjoyed your dissertation.

**Senator LUDWIG**—I take it that you are in favour of constitutional recognition of local councils?

**Mr Trevor**—I am, on the basis that it delivers something for us. Taking up Mayor Abbot’s comments earlier: it has been tried before, and I think that local government have gone off in the direction of looking for delivery of some of those things like Roads to Recovery money and one per cent of the taxation system—those sorts of things, which delivered some real things—because we saw the constitutional issue as highly desirable but unachievable in the short term.

**Senator LUDWIG**—On the broader issue of plebiscites: do you support plebiscites on a range of issues, or is it just narrowly defined—the councils amalgamation issue?

**Mr Trevor**—In the history of local governments across Queensland, and as heard in some of the comments made here today by Noosa and by us, we consult our communities in many different ways, depending upon those issues. I would grade the issues into a whole range of issues. I do not think it is necessary to have an AEC poll on every minor issue that springs up on one side of the road or the other, but, when you come to the very principles of whether you will exist as a community in the way that you have over the last 100-and-something years or whether you will be chucked into a bag, holus-bolus, with a whole range of other people and told it will be good for you, with no proof, I would highlight that as being far different to some of the minor issues about whether you have a high-rise building or not. It is the very principle of the fact that you do not get a say in your future at all that makes the difference for it being a plebiscite issue.

**Senator LUDWIG**—So are issues of a nuclear power station in your backyard, a jail, a detention centre by Immigration, a waste dump or a nuclear waste dump—those types of issues—of that order?

**Mr Trevor**—I think they are issues that we as a community would need to discuss and about which we would need to make those decisions as a community. It is not for me to say that that is an issue for my community or it is not an issue for my community. There would be a need for us to discuss that internally as a community and make those decisions as a community. Bill Trevor does not run Isis Shire by saying, 'This is what we will do.' I run Isis Shire by talking to my community, by taking on board their concerns and then endeavouring to make a decision which reflects the majority view of my community. Leadership is all about a range of different things. Sometimes you lead from the front because you know more than your community, and you endeavour to take them down that path by educating them. Sometimes you listen to what they have to say, and then you react to that in a leadership role. So I would say, in answer to your question: they are issues that I would need to discuss further with my community.

**Senator LUDWIG**—Thank you very much.

**Senator JOYCE**—You are aware that probably the shadow of this is the New South Wales local government amalgamations. Have you been to New South Wales to see what happened with their local government amalgamations?

**Mr Trevor**—I am aware that in both New South Wales and Victoria there have been winners and losers in the process. Some communities have nearly died; others have prospered. That is why I make the point, and I make it quite strongly, that the reform process was not just about throwing four or five shires into a bag and saying, 'You will work together.' It is about cutting the cloth for the glove differently for many communities. What might suit one community might not suit another down the road. It is about getting it right and leaving that individualism available.

**Senator JOYCE**—Generally, what happens is—as in New South Wales; I have been through there in the last week—the big towns win and the little towns die.

**Mr Trevor**—My community is frightened that our street cleaning will go from seven days a week to three days a week, that our toilet cleaning will go from twice a day to once a day, that our rates and charges will go up, that our pensioners will lose out and that everything will be sucked to the middle like a vacuum for 10 to 12 years, then if you are still alive in 10 years time you may receive a little back.

**Senator JOYCE**—The argument is put that there are greater efficiencies from having a larger council. You may agree that that is the case or you may want to propose a counterargument for why that is not the case.

**Mr Trevor**—That is not a proven fact anywhere. I am not aware of any economic modelling that is currently available which shows just because you shove four councils together they will be economically more viable. Indeed, take the report of the reform commission that said with respect to North Burnett, where they are putting six councils together there, 'We put them together, financially we will need support.' Where are the efficiencies? The other point I make is that this is about people, not just about money. Even if it were shown that a community would be more efficient if it were lumped together with the neighbours down the road, but that community said, 'We don't want to do that and we're prepared to pay five per cent extra each year on our rates to ensure we retain the community of interest which we have,' what is wrong with that?

**Senator JOYCE**—In Victoria, 11,000 jobs were lost through council amalgamations. What support have you had from the union movement to protect workers jobs in Queensland?

**Mr Trevor**—The union movement has been particularly silent on the issue right through this process. I have marched with Senator Ludwig's father on state parliament on the one per cent guarantee issue where unions and local government stood shoulder to shoulder and took on the Goss government about that issue. In this process, the unions have said nothing. In small rural communities, many of the works depots will be closed. I point out the Telstra issue: we had 19 people working in a depot in our community. It is now more efficient to have that work done in Bundaberg and to send out a Telstra vehicle from Bundaberg every day to fix a fault somewhere. The people in our backyard—our truck drivers, our staff and those sorts of people have a great deal to be worried about. Politically, the Queensland government has said, 'No-one can be sacked for three years. Therefore, jobs will be all right; don't worry about them.' Look at what is happening right now with the uncertainty that is being created within the process. Councils are losing good staff left, right and centre. Private enterprise is not just sitting back and saying, 'We'll see what we can pick up.' They are actively going to our staff and saying, 'We've got a job for you, Joe; we'll pay you \$10,000 more per year but the window is only open for six weeks. Make your mind up.' We are being crippled by the loss of staff who are worried about their mortgage and all those sorts of things. They are jumping ship now because of the uncertainty. The attrition from local government over the next 12 months will be dramatic.

**Senator JOYCE**—What research are you aware of which the state government did to convince them to proceed with these forced amalgamations?

**Mr Trevor**—My personal feeling is that this is nothing but a cynical, political ploy. This is about regionalising councils, making them party political and taking away the right of small communities. Imagine 150 pesky mayors out there talking to you and your departments. You can cut that down to 70, you can politicise the system and make it a party political thing. I have been involved in local government for 23 years and the day it becomes party political in my end of the world, I am out. I believe this crosses political lines in local government. It is about local people serving local communities and working together. I am sceptical about this process, particularly when the premier comes out and says that only two councils have agreed to amalgamate. The reform process was never just about amalgamations.

**Senator JOYCE**—We talked about people power as being the process to stop it. From where you are sitting right now, what do you see as the most effective mechanism of people power to bring about effect to stop council amalgamations?

**Mr Trevor**—I think the only thing that politicians take notice of as far as that process is concerned is the six o'clock news and the TV cameras. Unless we can continue to motivate people to stream down the middle of the road, demanding their rights, then it will be the highlight on the six o'clock news for a month and swept under the carpet after that. The thing that currently complicates it is that there is a federal election looming. Pressure is coming mainly because of the swing back in the seats because of the kerfuffle over the local government reform process. Unless we can keep it before the TV cameras, unless we can continue to make those people who are angry with the process come out and be counted then it will be yesterday's news in a month's time.

**Senator JOYCE**—It would be fair to say that the vast number of people in local government areas do not want amalgamations and we hear that, federally, none of the major parties want amalgamations. If someone was to put themselves up as a federal leader of a party talking about cooperative federalism and they could not convince a premier from their own party to change a policy that nobody believes in, do you think that would be a good litmus test of their capacity for dealing with cooperative federalism or would you think they were playing both sides of the fence?

**Mr Trevor**—I think that in the history Australia there have often been disagreements between parties of all sorts, both at a federal and a state level. That will probably continue under the process that we have for some time into the future. I suppose many people have adopted the rule of thumb in Australia that, if they have a federal government of one colour, they like to have a state government of another colour to put some checks and balances into the system rather than having all one colour governing right across the Australian landscape as a whole. I think that, whether you are in opposition federally or in the prime minister's suites, you do have enormous power and the opportunity to influence state premiers on a whole range of issues. Whether it is the Prime Minister or Kevin Rudd, I would be urging either of them to point out to Mr Beattie the concern within the communities. When you think about it, people are fighting for their children's rights. People are fighting for the ability to have themselves governed at a local level rather than being told by someone in a distant town what they will do. Our representation will go down to 0.8 of one elector in the greater Bundaberg regional council. When the budget cake from 10 councils and a mayor is being carved up around the table, how do you think our representative is going to go in getting some multimillion-dollar project up in Childers? It will not happen.

**Senator JOYCE**—I agree with you; it will not happen and you will be in a world of trouble.

**Senator FORSHAW**—I am tempted to ask whether you are aware that Mr Howard, when he was opposition leader, sought to convince Premier Kennett not to go ahead with his forced amalgamations in Victoria?

**Mr Trevor**—I do not know whether Premier Kennett told him he was going to do it.

**Senator FORSHAW**—That tells you how much influence federal politicians or leaders sometimes have in the Liberal Party. You made some comments about plebiscites on other issues and you also answered some questions from Senator Ludwig about that. I appreciate the point you make. On a substantial issue such as council amalgamations, which goes to the very structure of local government, that would be of significance. As you know, we certainly support the plebiscites. But, on that issue, we do have an obligation as senators to examine the impact of the legislation. It is not confined to plebiscites. If this bill had in its title and in its

clauses that it was applicable to local government amalgamation proposals, it would be much clearer. That is why we need to at least explore those issues.

I also make the point—and I am coming to a question—that, as you would know, once a law comes in, it can run anywhere. Precedents can be established. We have seen that with the Corporations Law. The way the Corporations Law is now interpreted as a result of High Court decisions effectively gives the federal government the power to pretty much regulate anything they like, including issues to do with local government. I am sure you are aware of that. There are two things I want to ask you about. Firstly, you have said that the plebiscites should all be held on the one day. I think there have been indications that that might be where they are heading. I am interested in why that would be a good idea. Why would that be appropriate rather than staggering them across the state, given that one of the objections to the state government's actions is their trying to do this whole thing in one hit, as it were—forced amalgamations right across the state effective from the same point in time? I am just wondering.

**Mr Trevor**—My answer to your question, if I understand it correctly, would be this: on 15 March next year we cease to exist and on 16 March a new Bundaberg regional council will come into place. If you stagger those referendums over a long period of time, you are going to shorten the time and ability for us to use the results of those to influence the Beattie government into making a change based on the democratic feelings of the communities across Queensland.

I think that is why, in one respect, you need to have it sooner rather than later. For the mechanics of doing it, it will probably be easier for the Electoral Commission if the federal and state elections are on one day. If you staggered it out, you would lose the importance of those results. By having them all together and being able to say, 'Fifty communities or 50 councils across Queensland are unhappy about this, and here's the result,' it would give us more opportunity to influence the Beattie government.

**Senator FORSHAW**—I am reminded that it was Gough Whitlam, I think, who very much started the idea of local government being incorporated under the federal Constitution. But one of his other ideas was that elections should all be held on the one day. I am not so sure I agree with that.

**Mr Trevor**—Ours are. They are normally the last week in March every four years.

**Senator FORSHAW**—But he meant local, state and federal. You mentioned New South Wales in response to some questions from Senator Joyce. I actually have some pretty good knowledge of the amalgamation process in New South Wales, as I am from that state. Would you be prepared to identify which communities you believe have suffered as a result of the amalgamation process? I concede that not everybody was happy. They never are. It has been stagnant in New South Wales. There have been proposals put up that have then been put down.

**Mr Trevor**—Perhaps I could attack it another way. As I understand it, the process in New South Wales was quite consultative for quite a while, giving people the opportunity in those communities to point out where the one glove should not be cut from the same cloth and applied holus-bolus across the state. I think Gilgandra would stand out as a community who were able to point out the specifics of why they wanted to remain as they were and how they could be successful on their own. I would use them as an example of how, in this process in Queensland, we have missed the opportunity to do that. They have been able to influence the process down there to say that they should stand alone, and my understanding is that they have been allowed to do so quite successfully.

**Senator FORSHAW**—I understand, also, that it was not just all amalgamations of councils, but it did include shifting of boundaries between councils.

**Mr Trevor**—Yes. And I would support that in the process here. We thought we were going to in some cases amalgamate, in some cases have boundary changes and in some cases have shared services.

**Senator FORSHAW**—The final question I wanted to ask you relates to some of your earlier comments. I think this should be kept in mind, particularly for this issue of constitutional recognition. Are you aware that the basis of this legislation is actually the external affairs power?

**Mr Trevor**—No.

**Senator FORSHAW**—It is. The government is relying upon its—

**Mr Trevor**—Do you mean the example of how the federal government is utilising some of the decisions under which act it comes?

**Senator FORSHAW**—No. It is very simple. Start from the premise that federal government does not have any direct constitutional power over local government—

**Mr Trevor**—I understand where you are coming from.

**Senator FORSHAW**—although it has various powers, including corporations and things like that. It is relying very much—it says this in the explanatory memorandum—on the International Covenant on Civil and Political Rights to then pass this legislation to allow a federal authority, the Australian Electoral Commission, to conduct plebiscites. I just ask that question because I think people need to understand, when they are talking about community, local government and the importance of the wishes of the people who live there, that the federal government is having to rely on our signing up to international covenants—which some of our friends from the National Party continually criticise us about—to enact this, which is why the issue of giving power to a federal constitutional head of power over local government would remove that requirement.

**Mr Trevor**—One of the issues we face as local government is that, while we have been supportive of being mentioned in the Constitution, we want to be recognised as having some real results, rather than just being a name issue only. That is why, as Bob Abbott has mentioned, we went off in other directions when that did not happen, because there were some real issues out there about funding and those types of issues, and the model of how money is returned to local governments has been very important to us.

**Senator FORSHAW**—The general feeling in the coalition parties has historically been to oppose the use of the international conventions to drill down this far into issues, unless they have political reasons to do so.

**Mr Trevor**—When we are fighting for our very existence, I would not care if it were an act on the moon—if it helped our cause, we would support it.

**Senator FORSHAW**—That is true, and we are supporting it. I am just saying that you did not draft this legislation; the government did.

**Mr Trevor**—I understand that.

**Senator MOORE**—I forgot to ask you this question earlier, and I do apologise. It is about the LGAQ position. Are you in favour of forced amalgamations under any circumstances? When the SSS process was going through, there were indications in that that some councils would benefit immensely, for a whole range of reasons, from being put together. There were very few at that stage, early as it was, who put their hand up—Rosalie was one, I know—and said, ‘We are prepared to jump in and do it.’ Do you think the extension of the process at any stage would mean that there would be the role for someone outside to say, ‘For all these reasons, blah and blah should be together’?

**Mr Trevor**—I think that, if you have gone through the due process and the due process has involved identifying what may need to happen in certain areas, if the yes case and the no case have been explained to the community and the community has been given an opportunity to have a say on the issue, and if there are four communities and three out of four agree and one does not, there may be a need at some time for governments to make the final decision. As we are a creature of the 1993 Local Government Act then obviously the state government has that power. What we are trying to do is point out that this process has been flawed, that the rug has been pulled from under the democratic process and that the community have not been given the right to have a say. It is all right to say, ‘Yes, they can make a submission to the commission,’ but most people are too busy taking the kids to touch football, trying to find some money to buy school clothes and doing all those things to sit down and try to type up a 20- or 30-page submission. In local communities they rely on their local representatives to do that representation for them.

**Senator MOORE**—I just wanted to get it on record, because I know that people have said this.

**CHAIR**—As there are no further questions, I thank you very much for joining us today. We really do appreciate it.

**Proceedings suspended from 1.22 pm to 2.00 pm**

**BUCKLEY, Mr Ian, Acting Branch Secretary, Queensland Services Branch, Australian Services Union**  
**McLEAN, Mr Greg, Assistant National Secretary and Head of Public Services Division, Australian Services Union**

**CHAIR**—Welcome. Is there anything you would like to add about the capacity in which you appear today?

**Mr McLean**—As well as being the Assistant National Secretary, I am also head of what is affectionately known as our Public Services Division because of our coverage of members in water, electricity, local government, railways, public transport and state and federal government services. With me today, I have the acting secretary of the Queensland branch, Ian Buckley. We are hoping to have a talk to you this afternoon about, in general terms, our union in local government, the issues we see as important, not just in Queensland but also in other states, at the time of the council mergers. Ian will add some value to that in terms of the issues in Queensland.

Firstly I will say just a little about my union. We were born out of the merger of three major unions in 1993, and we have a history of representing employees in local government going back well over 100 years. In all states across Australia with the exception of Queensland and South Australia, we represent what are known as blue-collar or outdoor workers, indoor paraprofessionals, community workers, workers in libraries, beach inspectors and cattle sales yard managers. If local government performs the function, we tend to cover the membership. So we have a fairly long history in representing those members.

During the times of our representing membership in local government, councils have been at the behest of local government to provide additional services. We have seen local government constrained in its ability to raise revenue beyond what some states dictate for it. I note that in New South Wales, for instance, they have rate-pegging and in some other states they have other arrangements that reduce councils' abilities to raise their own finances. Those councils increasingly these days are required to make good services and extend their services to the communities they serve.

We have placed submissions before a number of recent inquiries, including the current or just recently concluded inquiry by the Treasurer into local government funding and, prior to that, to the House of Representatives inquiry into local government financial resources.

I think one of the reasons you find you move into issues of amalgamations is that local governments are required to provide additional services to communities and sometimes they are not given extensive or long-term funding for the provision of those services. Quite often those services will be provided by way of a grant or a start-up arrangement and then some years later the funding for those services may cease. A council may have to make a decision between providing a quality service in, say, community or social welfare areas and putting another piece of tar on a particular road to service access to communities.

Having said that, I note local government also provides some spectacular services to its communities. I live in the Sutherland shire in Sydney and last Saturday morning I was driving past the Sutherland shire leisure centre and I noticed that at 7.30 in the morning the car park was chock-a-block, and it is quite a large car park. So services in local government are used by the communities.

Our members work in those communities, live in those towns and have invested in those towns. They have houses in those towns and cities across Australia. Council amalgamations to them are an issue and a concern. If councils are amalgamated and changes occur in the wrong way, often the value of property in those towns will deteriorate greatly. Services from those towns can often be removed. Hospitals, schools and other services that depend upon a certain number of citizens may find that those services move to another town. If you close a depot, you close an admin centre or an office or you deprive people in the community of a service.

My union therefore has a history of representing its members' views in respect of council amalgamations and mergers, and we have at times campaigned quite aggressively against council amalgamations. Certainly in Victoria, when a range of amalgamations were conducted by Jeff Kennett, we were out there campaigning very strongly against that. In New South Wales, when Neville Wran undertook his first round of council mergers in the early 1980s, we were also active in representing our community members' interests in towns and in making sure that jobs were kept in those towns, that depots and admin centres were not closed and that job migration did not occur. And, of course, we argued very solidly against contracting out.

The recent round of amalgamations that took place in New South Wales saw us as a community union out there actively involved with the community, holding rallies across New South Wales and arguing aggressively

against those amalgamations and seeking guarantees on behalf of not only the councillors but the members we represent and the towns they are in. So we have a history of that. It is not uncommon to find us working with a range of political parties, including—just from memory—the rallies in Sydney, where we were quite active in holding rallies out the front of Parliament House against the New South Wales Labor government, as it was at the time. At that stage we had Country Party members standing up with our members or our union officials giving speeches to the crowds. We had membership travelling to a range of areas across New South Wales to a rally that we convened. There were many thousands of people in Macquarie Street. Different states handle those differently depending upon their regional structures. My colleague from Queensland may speak a little bit about their activities in the recent rounds of mergers. As I said, the members we represent get concerned about job migration, closure of council services and the other issues that often occur when councils are forced to amalgamate.

We have taken the opportunity at this stage to put a submission in before you and we thank you very much for the opportunity to be able to speak to you today on that submission. The submission is, I think, fairly straightforward. It is pretty clear from the concerns we have that we like to see communities consulted, we like to see them being involved, and we like to see them having the opportunity to express a view on how the shape of their town or community should be managed. But we do not want to see communities given false hope or treated as political fodder. I am not suggesting that may be the case in any discussions that are taking place at the moment. I simply say that from the general position of our union being very much concerned about jobs in regional Australia.

One thing that is also of concern to us when council mergers or other council restructuring takes place is council willingness sometimes to embrace contracting out. We have concerns about that particularly in regional towns. We will often see a reduction in council fleets. I think here about heavy fleets of bulldozers and trucks and such that often not only provide services to councils in road construction but are also there to serve the towns in emergencies—flood mitigation, bushfire control and others. We have concern when jobs are moved out of towns that might see those towns isolated economically and also those services that are presented to them on a daily basis or in an emergency situation reduced. Perhaps that might do for my opening remarks.

**CHAIR**—Thank you. Mr Buckley, do you have any brief opening remarks?

**Mr Buckley**—Yes, I do. I think it would be fair to say, given the comments which have been made in the Queensland press, that the unions were taken by surprise in regard to how this process commenced. I think all the unions, and certainly the ASU, were involved in what we understood to be the size, shape and sustainability exercise of councils, which had been proceeding for approximately two years prior to the announcement being made by the Queensland local government minister that amalgamations would now proceed by way of legislative provision. I would like to also make it clear that the ASU was not involved in any private discussion with government or any other agency which gave us a heads-up on that before it happened. We were taken by the same surprise as absolutely everybody else.

Our immediate reaction was that we needed to start to look at the concerns of members. Most members look to their job security and, if we got an open-ended question that there were going to be a number of amalgamations in Queensland and we did not know where they might occur, we have a major problem in being able to reassure people in every single council. We have members in every single council throughout Queensland. We have 13,000 members in our branch, approximately 8,000 of whom are engaged and employed in local governments throughout the state.

So we had a major exercise in terms of the majority of our members being potentially affected by the changes. We have attempted throughout the consultative process and the negotiation process with the various government departments to look at how local governments will control and regulate themselves in the future, and have been involved in every single meeting along with the LGAQ, the local government managers association and other unions and interested parties. We have been involved in that particular process up until this particular point. We have tried to focus on the issues which may occur as a result of the amalgamations even before we knew who was going to be necessarily involved. As a result of that we have produced a number of bulletins to members, which have gone out to the councils. We have made press releases about the view of the union regarding what we were doing and we have tried to keep everybody informed of our involvement up until this particular time.

There is a section within the submission which relates to a code of conduct or protections which will be extended to employees. The handout, which I provided to the secretariat prior to your opening, relates to the

very latest material which we have produced. It is dated 29 August so it is fairly contemporaneous. I would point out that this is update 17, so there have been 17 similar types of updates which have preceded this going into some detail.

The second document in that particular section is the ASU guide to the code. That is a condensed version of what the Queensland government produced with regard to that code. That is our digest of what is in the code. You will note that the digest goes to the protections which we have hopefully been able to achieve for our members and the rest of the employees in local government. That is just in regard to that. We will refrain from saying anything else at the moment and you can ask me any questions that you need to ask.

**CHAIR**—Just reading in your submission I am not entirely clear of the intent of 40 and you might help me. Your submission says:

The ASU supports the conduct of local government amalgamation plebiscites where supported by local councils and communities as well as state governments.

It is not clear to me whether the ASU would be supportive of local councils accessing plebiscites in a situation where the state government did not approve of those councils accessing plebiscites. Could you clarify?

**Mr McLean**—Local government speaks out very strongly for itself across this country through organisations like the Australian Local Government Association, community groups and others that support it. We would not have an issue with local councils conducting a plebiscite, whether that state government said no or not. There have been quite literally histories where we have gone out and done similar things ourselves by a show of hands in a community, a rally or a paper plebiscite. So we would not have a difficulty with that.

**CHAIR**—So in your saying, ‘We’re supported by local councils and communities as well as state governments,’ you are saying that state government support is necessary for your support for councils accessing a plebiscite?

**Mr McLean**—I would say not. I would say that councils should be able to conduct a plebiscite of their own constituencies to get the views of their communities without the views of their state governments. If that has given you the wrong impression on that, my apologies. We put this together rather quickly last week.

**CHAIR**—That is okay. I just wanted to clarify and I did not want to misread. That is fine. So you were opposed, and are opposed, to the Queensland government’s punitive measures to fine and sack councils which accessed plebiscites?

**Mr McLean**—Mr Buckley can have the opportunity of answering that question.

**Mr Buckley**—No.

**CHAIR**—You were opposed to the punitive measures or you were not opposed to the punitive measures?

**Mr Buckley**—We were surprised by the punitive measures. We did not think that they were necessary, but we have to work under the legislative provisions of both state and Commonwealth governments in terms of local government here in Queensland. We did not think that the Beattie government’s statement that they were going to apply that provision and put it into legislation was very wise. Subsequently, somebody has had a rethink about that and it is no longer there. So as far as we are concerned—

**CHAIR**—A rethink which would not have come about if not for the legislation which we are here today having a hearing into. Can you say—and I think the answer is no—that you were not opposed to the Beattie government’s punitive fines and sacking elements of their legislation?

**Mr Buckley**—It did not apply to us. We were not going to be—

**CHAIR**—It does not apply to me; I am a Victorian senator. I am against it, so I just wonder what the ASU—

**Mr Buckley**—We were not going to be the victim of that. It has been withdrawn.

**Senator MURRAY**—So can I assume it does not matter to you?

**Mr Buckley**—No, I am not saying—

**Senator MURRAY**—I cannot believe that.

**Mr Buckley**—I believe in trade unionism. I believe in protecting my members.

**Mr McLean**—Could I perhaps help out.

**CHAIR**—Please do, but I guess the point I am getting to is that there would be members of the ASU who could be affected in a way in which they might not want to be affected—

**Mr McLean**—Perhaps I could help there. As I mentioned earlier, we believe councils and communities must be able to express a voice—whether that is done through a ballot or a community group or such—and I think that anybody who believes in democracy would believe that they should be able to do that free and unencumbered, and they should be able to observe that themselves. I think that might be the shortest way for me to put it. It is there. If they are given an opportunity to stand in a local community and put their hand up like they might do in southern France for a ballot in municipal matters or decisions in a town or they want to do it through a ballot box somewhere else, they are entitled to express that view without any punitive action.

**Senator MURRAY**—Well done. That is as it should be.

**CHAIR**—So is the ASU saying that they fully support this legislation?

**Mr McLean**—We support this legislation, but we do not want to see it used for political purposes or to give councils wrong hopes, if you know what I mean.

**CHAIR**—So the ASU supports this legislation, but it did not oppose the punitive measures legislated, which necessitated this legislation?

**Mr McLean**—The ASU would oppose and think it was wrong for any community, which was given an opportunity to put forward, express and stand up for its views, to have some punitive action taken against it.

**CHAIR**—I have two answers from across the table there, so I guess we can take—

**Mr McLean**—Perhaps I could give you a view of my union at a national level. This is a national piece of legislation and I just think that any community that wants to have a ballot on this sort of thing should be able to do so and those people should be able to know that they are doing it in a democratic way and that the view that they are going to express will be listened to by both their state and federal governments.

**CHAIR**—Could it be—and you will tell me whether this is the case or not I am sure—that part of the reason for the ASU's reluctance to oppose the Beattie government's legislation was the fact that the Queensland government's legislation gives the local transition committees up to three union representatives who would have a strong say on what came after?

**Mr McLean**—I was only made aware of the issue about the transitional committee yesterday when I read this document, which I think was released yesterday and put on the internet today. So I do not think the two fit within the same time lines. One of the things that I think is important to remember about local government is that across this country local governments deliver services that are sometimes different from one another; they differ from state to state and region to region. They are almost an extended arm of state government services, if I could use that term. One state government provides this service but in other states it is done by local government. When you go to the metropolitan area of large cities, local government takes on a different strength of government from that in the city areas. It is far stronger; it is far more recognised by the community. I must admit that I am more familiar with the New South Wales regional government than I am with that of Queensland. These are important factors to think about when you come through that process. We have to negotiate with a whole range of players to get the best results for our membership.

**CHAIR**—Thank you for that. My first question took a little longer than I intended it to.

**Mr McLean**—That is fine. It was a good opportunity.

**Senator FORSHAW**—I think you have clarified the issue raised about 40; however, the wording could be read either way. Presumably, you are saying that state governments might facilitate the holding of plebiscites, but it does not appear that that will necessarily be the case in Queensland; however, it is potentially the case.

In your submission and in your comments, you say that the legislation might be misused. You are concerned that it might go beyond the holding of local plebiscites on amalgamations. Can you give us a couple of quick instances of what you might see it being used for which would be deleterious to the employees of councils, whether they are your members or whether they are members or not? The legislation does not actually mention local government plebiscites; it just talks about 'an activity' and plebiscites in the broad.

**Mr McLean**—I am not certain that I have got it clear, but I will try.

**Senator FORSHAW**—You said in your submission:

... care is needed to ensure that the provisions of this Bill are not mis-used.

I am trying to work out what that means.

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**Mr McLean**—Local government is a creature of state government legislation. Any outcomes that occur by way of a ballot are going to have to be walked through with that state government if there are going to be any changes, because the state government has the legislative power over state government mergers, their functions and such. We do not want to see one arm of government using a local community to play with another arm of government. To be very frank and open, we do not want to see the best intentions of a local community that has put a view to stay together as a council then being used by way of a state government saying, ‘You can’t afford it; it’s not viable for you to do it,’ and someone else saying, ‘Here’s an opportunity to have a ballot,’ so as to make a political argument against that state government where it may not be in the long-term best interests of the community. I hope I have made that clear.

**Senator FORSHAW**—I am with you now.

**Mr McLean**—Having said that, one of the things that we think is really important—which is missed a little; it may have been brought in Queensland and if it has, my apologies to my colleague—is that councils need to go out and talk to communities about the financial constraints around their council. Have they got the right financial size/ Are they the right mix for this? Can they provide better services to their community if they merge with another council? What would be in the best interests of the communities that they serve? We think that is an important part. I think you will find that our recommendations talks about the circumstances. We think about the circumstances of financial position of a council and think it is an important issue for councils to look at—not just the current services that they provide but how they can provide better services by talking to other councils about mergers. Does that answer your question?

**Senator FORSHAW**—Yes, it does. I understand, for instance, that you would be concerned if a federal government of whatever persuasion thought to assist and encourage a local council to hold a local plebiscite on an issue that, at the end of the day, the plebiscite might have no real impact at all on persuading the state government if it has total power. One issue that you and I would be familiar with is whether or not a particular area should have a desalination plant.

**Mr McLean**—Yes.

**Senator FORSHAW**—In other words, you have a state government and a federal government having different political views about it.

**Mr McLean**—With a desalination plant, there is perhaps better value when you are talk about a broader community, because you are talking about the whole community of Sydney using a service such as that. For the record, I am not a supporter of that desal plant but that can service a broader community, a wider community. When we deal with local government mergers, the councils and the people of those communities think about their local services and the services that the councils provide.

**Senator JOYCE**—Mr McLean, you are the Assistant National Secretary.

**Mr McLean**—I am the Assistant National Secretary, but I am also the person for public services such as local government.

**Senator JOYCE**—Mr Buckley, you are the Secretary of Queensland.

**Mr Buckley**—Acting secretary of Queensland.

**Senator JOYCE**—Mr McLean, how would you handle it if Mr Buckley were to come up with a completely different to decision to yours and said that amalgamations were a great idea?

**Mr McLean**—As I have often found in life, sharing your problem often makes it a bit easier. So I would probably share that problem with my colleagues from New South Wales, Queensland, Victoria and a few other states. We would have a bit of a talk about and we would figure out whether we had a national view or he was on his own.

**Senator JOYCE**—If you all had a national view that it was a bad idea, how would you handle it then?

**Mr McLean**—The first thing we would probably do is listen to what our members had to say.

**Senator JOYCE**—And they all told you they hated it.

**Mr McLean**—If they all told us that they hated it, then that is the job. That would be our instruction; that is what we do.

**Senator JOYCE**—Would you tell Mr Buckley to change his view?

**Mr McLean**—Mr Buckley's members would tell him what to do about that. Mr Buckley has been encouraging that discussion with his members by sending out correspondence to them, talking to them and having meetings with them to get their views. As I said, I am here to represent not just Queensland but the other states that are dealing with a piece of national legislation that can fined itself in Tasmania or wherever.

**Senator JOYCE**—One good thing about this is that it has managed to bring together people from the left and the right and from the east and the west all under the one banner which says that they do not like it. I have been speaking at rallies of 1,500 people, which a lot of your members would have been at.

I note point 25 of your submission, which states:

The ASU also does not support any amalgamations that reduce the cost of service delivery by reductions in staff numbers. Couldn't that mean that the ASU does not support any amalgamations; they reduce staff numbers—full stop?

**Mr McLean**—In some of the states we have said that. We have had quotas in New South Wales where we achieved with the state government a number of jobs and those jobs could be moved from, say, indoor or outdoor but there would be still be the same number of employment opportunities within those communities.

**Senator JOYCE**—Okay, that is your position. If these amalgamations go through, I will put my house on it that you will lose staff members. Your members will lose their jobs.

**Mr McLean**—Members will lose here, as well as communities and services.

**Senator JOYCE**—This is my final question: what are you going to do about it.

**Mr McLean**—Our primary purpose is to secure the entitlements and such of the members that we currently represent and deal with their job security, their take-home pay, their families, their house what they depend on upon for. That is the first issue. The second issue is that we would then argue aggressively with a state government, a local government or any anyone else we had to argue with for additional services or resources to be provided if those communities lose those services and those positions. Having said that, sometimes there are a small number of jobs at the top of an organisation that has merged, and they are often the ones that move on. We tend to find that a lot of interest is taken in council mergers by people who sit at levels 2 or 3 in the organisation. You find that the further down the council chain of command you go, people take a more basic interest in it. For instance, at the council depot level, people ask: is the depot going to be here next? Are we all still going to be working in the same crew together? Are we all still going to be getting the same rates of pay? Can I still look after my family? If the council's name is no longer 'Jimmy Bloggs' and it is 'Freddy Nerks' and the community is being served, maybe I am happy. Those views can move a little bit.

**Senator JOYCE**—Do you have a campaign for demergers in any of the other states? Are you going to campaign for demergers in Queensland?

**Mr McLean**—No. We supported the demerger in Sydney, which was Wahroonga Pittwater Council. We supported Canada Bay.

**Senator JOYCE**—Would you campaign for demergers if your members asked you to?

**Mr McLean**—We have, yes. Usually those sorts of issues come from a broad community discussion, and then the group of councillors or the group that talk about it will come and talk to us. De-amalgamation processes do not necessarily occur at a state government's behest. Normally it is driven by the community and then we join the community in that.

**Senator JOYCE**—You would campaign for de-amalgamation at an election if you thought that was the way to support your members?

**Mr McLean**—If that was the view of our members, we would have a discussion with them and that may well be something we would do.

**Senator JOYCE**—It may well be or it would be?

**Mr McLean**—If that was the view of our members in a particular area, we would have that debate and that discussion, just like we would campaign against legislation that is not in their best interests. For instance, Work Choices is one that comes to mind. There are a range of pieces—

**Senator JOYCE**—Work Choices is very important if you have got a job.

**Mr McLean**—We could have a lengthier discussion on that at another time, Senator, but I see the point you are getting at and, yes, we support the views of our members. If our members come up and say that they want

to have a demerge, or they want to argue amalgamation for a council, or they want a particular view put to a group of politicians, we will do it.

**Senator JOYCE**—How do you feel about all the jobs that are lost when your members leave a town, because the critical mass of the town goes down—

**Mr McLean**—You are very right on that point; that is a disaster for any of these towns. When you start taking a couple of jobs out of a local community, it is not just the council jobs that go; it is those additional spin-offs—the money that they have to spend at the local supermarket, the local video store and the local car yard. Those are spin-offs. For every local government job taken out of a community, there is an additional community job lost.

**Senator MOORE**—There was a comment made to a previous witness that the unions had been very quiet in Queensland. I would really like to get your response to that from your perspective as a union. I know a union that has been involved in looking at the protection of workers whatever happens. How do you respond to someone saying that the unions have been very quiet?

**Mr McLean**—I would say two things. One, in a general sense across this country—and this is a national piece of legislation—we have a track record of being outspoken, of being vocal, of holding rallies, of doing a whole range of things and campaigning aggressively against council mergers. From what I understand, our branch in Queensland has been active in working with its members in the local communities, communicating with them, flying delegates in from across the state to numerous meetings to get their views on amalgamation, consulting with them, putting positions forward, and going around and making those positions firmly known to the state government. I do know how concerned Mr Buckley's secretary is. He is unfortunately on holidays and away at the moment; otherwise he would be with you. David Smith has been quite concerned about this. He has been pushing every button he can with contacts with government, lobbying and the usual sorts of things one expects to do under these circumstances. I know that they have taken out media. I know that in the press clippings that come across my desk each day—I have someone who searches them for me—I regularly see spokespersons from this branch of ours in Queensland in local and national newspapers aggressively campaigning and arguing against council amalgamations and expressing views on behalf of the community.

If you have someone do a little bit of media tracking for you, you will find that there are a number of articles that were available in the public press. I am not certain on the television up here; I cannot comment on that.

**Mr Buckley**—There have been one or two electronic media comments by the branch secretary, David Smith.

**Mr McLean**—I think I remember hearing those on a number of ABC morning programs.

**Senator MOORE**—I was at the Local Government Association meeting yesterday when the minister spoke, and one of the things he talked about was this code of practice that he was introducing. My understanding was that the union's major focus was looking after conditions of service for members in terms of what was going to happen.

**Mr Buckley**—That was in direct response to members. Members have not been asking us to gather in George Street. What they have been asking us to do is to provide them with some job security. We did not get what we lobbied for, which was three-year salary arrangements. We lost out on three major things, as far as we were concerned, which is shown in the press release. But for everything else we at least got some form of landing there for them, should they find themselves in a situation where their job no longer exists within the new local government.

**Senator MOORE**—And transition arrangements?

**Mr Buckley**—And transition arrangements. If you do not want to read the lot, there is a flow chart in the digest which shows you what would translate to a person in terms of the particular situation in which they find themselves.

**Mr McLean**—If I could add something, Senator, just to help you, I was informed on the way up here by Mr Buckley that one of his colleagues in the branch is actually at the Queensland Local Government Association office today, speaking on the document that came out yesterday. That was this morning. This morning, the branch has flown in the key delegates from across the state to a meeting of delegates this afternoon to go through the proposition that has been put forward by the state government.

**Senator MOORE**—So that is the focus there. In terms of the union itself, one of the things that were mentioned was looking at constitutional acknowledgement for the role of local government and again trying to get a national referendum process looking at getting local government acknowledged in the Australian constitution. Does the union have a position on that?

**Mr McLean**—Yes. We support the constitutional recognition of local government. There are enough documents floating around where we have put our signature to that over a number of years. We have made that clear to a range of organisations. The Australian Local Government Association would be aware of that. I have appeared at committees in the past, including the one I mentioned earlier—the House of Representatives inquiry into local government funding. I was invited to the final round table with the Australian Local Government Association. I do not think the current president of the Australian Local Government Association and I differ too much. I know him quite well. I think you will probably meet him tomorrow, if you have not already. We support the constitutional recognition of local government. But I think there are also a few things that need to be sorted out around that, because the question then arises: what does constitutional recognition of local government mean? Is it constitutional recognition of every single council as they stand at the moment or is it constitutional recognition of the function that is provided? So there are a few issues to go through. Yes, we support constitutional recognition, but we also know that it is controlled by state government legislation and it is as part of a chain of services provided by state government.

**Senator MOORE**—This question is for both you. It is the last question, I promise you, Chair. In terms of process, certainly a major concern about what is going to happen, should amalgamation happen, will be job loss. That is absolutely critical. Senator Joyce has quite rightly identified that that is something to be looked at. In terms of the history of local government over the last few years, have there been other issues that have led to major job loss for your union in local government? How have you handled those? What is the process?

**Mr McLean**—I think the big thing is of course technological change. The sort of equipment that used to be used for road construction by local government 80 years ago has changed remarkably. Sydney city council no longer employs block boys to sweep the horses' droppings into the corner at the end of a block in the city, which is—

**Senator MOORE**—Was that last year?

**Mr McLean**—No, they used to do that in the early 1900s. But I am just trying to say that, as time has gone on, it has all changed. There is a greater trend these days, as our society's standard of living increases: we want more services in our community. Those leisure centres I spoke about at Sutherland create those additional jobs. So local government is growing in its employment numbers, but there has been a gradual shift from a lot of what we might think of as blue-collar road construction to parks, to gardens, to leisure, to art galleries, to museums—all of those great things. There has been a great expansion of that as our society has grown and our standards of living have increased.

**Senator MOORE**—What about outsourcing?

**Mr McLean**—We could have a very lengthy discussion on outsourcing this afternoon. We oppose it very, very strongly. We believe that it does a number of things. It reduces the employment opportunities of those local towns. It creates job migration. These days, with job migration we do not just find jobs moving down the road or across it; jobs move overseas to other countries or to other cities.

**Senator MOORE**—So that is an area where the union has to look at the impact of jobs loss.

**Mr McLean**—Yes, of course.

**Senator MOORE**—It is not just structural change.

**Mr McLean**—No, job migration is an incredibly important thing, because communities miss out on those employment opportunities. We are having a similar argument with the state government in New South Wales at the moment about possible retail privatisation of electricity. We are concerned about hundreds of jobs moving out of regional New South Wales, in Queanbeyan, Port Macquarie, Bathurst—a range of country areas—and of course Newcastle. Newcastle has a 300- or 400-seat call centre. In all of those sorts of areas, regional employment is with local government.

**Senator MOORE**—Just to finish, in terms of the loss of jobs and impact of jobs with something like Work Choices, is that something the union has been involved in as well?

**Mr McLean**—At the moment—and if we are talking about local government—we believe and did expect that local government would be covered by state legislation not federal. There is currently a substantial

argument going on about that and there are other cases floating around that I think most of us are familiar with. There are a number of councils that are electing on their own to make a decision to go with maintaining the state industrial relations system. In particular, in New South Wales 92 of 150 councils have signed up so far. We are seeing a lot of issues around that. Local government workers want to continue with what they are doing. As I mentioned to you earlier, there is a long history of provision of service to our community. Part of it is done by state government at one end and part of it is done by local government at the other end, and it merges in the middle. If you are providing those services, let us keep them under the one piece of state legislation.

**Senator LUDWIG**—Work Choices is dividing your workforce—some councils are opting to go one way and the majority of councils are remaining in the state sphere. Does that cause problems?

**Mr McLean**—Where they have eligibility to do so—and, clearly, in Victoria they do not—we are finding when managing the issues that our members are much happier under the previous industry relations system. We do not have a real history of aggressive industrial action in local government. It is a community service area. As I said earlier, we work with the community and lobby with them on issues that affect their community. Our members live in those towns. Our members serve the community. They are providing true community services. Whether they happen to be digging up a road, emptying a garbage truck or whatever it might be, they are community services. They are very proud to do that work. They enjoy it. They like being part of the community. We think it is a very important task. We think the industrial relations system has worked effectively for them and it has provided us with the current standards that we have for our membership and for what is provided to the community, and the services are what we want maintained. We seek to be maintained under the state industrial relations system.

**CHAIR**—Thank you, Mr Buckley and Mr McLean, for your time. We appreciate it.

[2.42 pm]

**BUTT, Mr Peter Charles, Vice President, The Hastings Street Association of Noosa**

**COOPER, Mr Stephen John, Chief Executive Officer, Tourism Noosa**

**WILLIAMS, Mr Boyd, Chairman, Tourism Noosa**

**CHAIR**—Welcome. Do you have a short opening statement on behalf of Tourism Noosa? Do you have any comments to make on the capacity in which you appear?

**Mr Williams**—I am a director of Tourism Sunshine Coast. Thank you very much for having us here today and hearing what we have to say. We have a prepared statement because we did not want to miss out anything. Tourism Noosa is a proprietary limited company with a volunteer board made up of industry, community representatives and a council appointee. They are elected positions, basically. Tourism Noosa evolved out of the Noosa Community Tourism Board, NCTB, and we represent approximately 500 members in Noosa. The NCTB was the product of Noosa Council's community governance initiatives and the formation of community sector boards. We were originally a sector board. Noosa Council's community governance model is held up as a benchmark local government model for building sustainable communities—I know you heard that this morning. The NCTB formulated a sustainable tourism strategy embodying the aspirations of the community in relation to tourism. Tourism of course is the mainstay of Noosa's economy.

The values underpinning the sector board outcomes were and still are environmental sustainability, economic sustainability and social sustainability—people, place and purpose channelled in one direction seeking, finding and fulfilling a sustainable lifestyle outcome. That is what drives us. It is that high-quality lifestyle component of Noosa that is the cornerstone of Noosa's marketing focus and it is the driver of Noosa's success and recognition as an iconic tourism destination.

The Noosa lifestyle only exists because of the community governance practices of the Noosa Council and that involvement of the community on an impressively wide scale, such that the will of the people is the true driver of local government decision making. The will of the people is known. Noosa's success is a direct result and reflection of the will of the people. To remove Noosa Council from the equation will destroy the unique community governance model and, with it, the tourism icon status. It will destroy Noosa's economy and the quality of life that this community enjoys.

Tourism Noosa made it quite clear in its submission to the Local Government Reform Commission that the tourism practised in Noosa is an expression of the will of the community. If the members of the LGRC were ignorant of these facts before they met, they certainly would have been fully aware of them by the time they had read the submission. Of course, with the task of reading the submissions and making such important life-affecting decisions at a rate of two to 2.2 local government areas per day, it is difficult to see how due diligence could have been exercised. In fact, one wonders if, when the timetable was set, there was ever any intention to give due diligence to the whole process or to take any regard of the will of the people. We seek the opportunity for the will of the people to be once again expressed and loudly heard. We can only hope that the will of the people will then be honoured. That is what brings us here today.

**Mr Butt**—Thank you, senators and committee members, for allowing us to be here today. The Hastings Street Association is a group of small business people and property owners, unit owners, in the Hastings Street and Main Beach precinct of Noosa Heads. Most of our members rely on tourism for their existence. The viability of our tourism industry is measured to be \$900 million in income, which goes, in a trickle-down effect, to probably every corner of our shire. There are a number of workers that provide services and goods to that industry.

We are stunned by the lack of consultation surrounding the decision and the lack of democratic process that has taken place. We value our tourism industry and we believe that it is at risk. We believe that the mixture of Noosa with the greater Sunshine Coast is a bit like trying to mix water and oil. I do not say that from a silvertail point of view. I came to Noosa from Sydney in 1978. A lot of passion has been used to carve out our tourism industry. A lot of people have put many, many years of blood, sweat and tears into it. That has created the brand that Noosa is. It is a recognised brand throughout the world. That is one of the main things that I think is at risk in this amalgamation.

The guidelines that were given to the amalgamation review committee led us to believe that we might have been outside those guidelines. We were quite surprised about that. If sustainability was a requirement, our

recognised model of local government—that Boyd Williams has alluded to—with our sector boards, sort of led us to believe that we would have been exempted from the amalgamations and left alone. There were 31,000 submissions to the review committee, and a street march of approximately 10,000 community members, many of whom had never been involved in a street march before. They have all been ignored. I guess they have also probably attracted threats from the government against members of the council being involved in any kind of referendum or plebiscite. That has really surprised everybody.

We view this as really unbalanced attack on democracy in the state of Queensland. It is a very unhealthy element in our state government that we would probably be more likely to see in Zimbabwe. We see the legislation being put forward and passed as a bit like a black cloud over the Sunshine State. We are at a bit of a loss, and we would like to see it gone regardless of whether it is used.

**CHAIR**—Thank you, Mr Butt. We will proceed to questions.

**Senator JOYCE**—I am going to ask a deliberately provocative question.

**Senator MURRAY**—That is a surprise to us!

**Senator JOYCE**—Why shouldn't we just let the market work in a bigger council? Why shouldn't we just let you deal with the market forces of having 20-storey buildings on Hastings Street? Why should Noosa be left as an enclave? Why can't it just deal with the Maroochydore type of psyche? Why should we have Byron Bay, Noosa and Port Douglas all thinking they are something special?

**Mr Butt**—I think there are a number of answers to that. Why is UNESCO looking at making Noosa a biosphere? I think Noosa is more recognised anywhere else in the world than the Sunshine Coast. I have just been to a property expo in London. Most of the people there came up to me and said, 'Noosa!' yet they didn't even know where Brisbane was.

**Senator MURRAY**—An insult to Brisbane!

**Mr Butt**—That is a simplistic answer to your question, Senator Joyce. We do survive. I guess this industry has been carved out of many years of benchmarking our product. It is like this: why do people pay X amount of dollars for wagyu beef? Are we going to throw away the feedlots? It is a matter of benchmarking our product and marketing our product over many years. People love to come here simply because there are no skyscrapers. They can enjoy our environment. Sure, people may still come here but I think it will be diminished and as the income of Noosa takes a hit then everyone from the shores to the hinterland is going to feel the impact of that in wages, costs and jobs.

**Senator JOYCE**—Obviously, I do believe that there is something special about Hastings Street and there is something special about Noosa. That is probably why we are here. How long do you think it would take for the destruction of the whole ambience that has created that niche in the marketplace before Noosa became just another spot on the coast?

**Mr Butt**—It is more that it is going to be a slow erosion; that is what it is going to be. I think you, Boyd, should answer the next bit, the bit about Tourism Noosa and how our marketing is going to be down.

**Mr Williams**—Sure. It takes as long as it takes to get one application through for a 20-storey building on Hastings Street, because once that has gone through then the process begins. As to how long the actual process takes, who is to say? How rapidly, how much development runs rampant and how quickly—they are all issues that we cannot answer. But we would say that if we homogenise the product of the greater Sunshine Coast, for example, then we are weakening ourselves and we are increasing the risk for all of our tourism businesses up and down this coast because we need to be diversified. Noosa represents a very diverse product and a great market segment, one that, even from a greater Sunshine Coast point of view, you would not want to take away.

**Senator JOYCE**—A little Los Angeles that starts north of Byron Bay and ends at Noosa has got something going for it!

**Mr Williams**—It could be good for gun sales!

**Senator JOYCE**—That is what you will have in about 50 years time.

**Senator FORSHAW**—Can I make it clear—as I am sure you should be aware or are aware—that this legislation will be passed—there is no doubt about that—because the Labor Party have indicated that we will support the legislation. In fact, Kevin Rudd has been on the record from 17 May publicly supporting the concept of holding local plebiscites. That was well before this bill was introduced.

I am interested in this argument you have put about tourism for Noosa. I have to confess that I am not that familiar with the area—I have been here once or twice, but more for flying visits. So I do not argue with anything you say—I am not able to do that. But it seems that there is a flavour in your submission and in other submissions that there really is a sort of—I do not want to use the word ‘hostility’, but a real divide between Noosa and other parts of the Sunshine Coast. I find that interesting. It may be because you are opposing this amalgamation and so that is going to be highlighted. But in other parts of the country—the state where I come from, New South Wales, to follow on from Senator Joyce—tourism can be marketed and is marketed on a much broader and regional basis as well as on the unique features of places within that. I can talk to you about the mid-North Coast, where you have got places like Port Macquarie and Coffs Harbour, but then you have got lovely little places in between. The Illawarra is another classic example: Wollongong, Kiama and then further down. So I am a bit bemused that we are having put to us that there is this real divide, whereas I would have thought that your tourism approach would be to promote the whole of the Sunshine Coast—as Queensland likes to promote the state—but at the same time you can promote Noosa in that.

**Mr Williams**—I would like to answer that, if that is okay.

**Senator FORSHAW**—That is not to say that if you promote the whole of the Sunshine Coast—and let us be frank, where I come from, that is what people talk about: they talk about Noosa, Caloundra and Coolum. They also talk about the Sunshine Coast. That is not to say that they should be amalgamated into one council, but it is interesting to hear this as an argument against an amalgamation.

**Mr Williams**—I sit on the board of Tourism Sunshine Coast. Noosa has been represented on the Sunshine Coast board since its new inception, because it is now a new organisation over the last, I think, three or four years. We work very closely with Tourism Sunshine Coast, and we will work with them under any umbrella—

**Senator FORSHAW**—That is what I am hoping to hear, because the impression being created—for those of us who are novices—is that it might be a bit different.

**Mr Williams**—Where we are coming from is that we want to protect our brand. Noosa is a Mercedes. It is okay to market us along with the Volkswagen, but we still need to maintain our individuality, because we are the premium end of the product range. It makes a nice diverse product along the Sunshine Coast region to have Noosa as a distinctly upper-level brand. Hey, that is our fight, but what we do believe is that, if the councils are amalgamated, we lose our community governance model and we get the development all wrong along this coast, we will not have that Mercedes any more.

**Senator FORSHAW**—So the view is that if you amalgamate into a larger council you will be run over by prodevelopment forces on another councils. Is that the thrust of the argument?

**Mr Williams**—That is part of it. The physical aspects of Noosa, which is the lifestyle, if you like, that people aspire to and that we sell to the marketplace—this is an aspirational destination—is gone if we do not have that the community governance model under control. It is as simple as that. We have a balance between the physical, natural and the built-in environment which supports our product—supports our niche.

**Senator FORSHAW**—Okay. Thank you.

**Senator MOORE**—I had a rule that I was only going to ask questions about the legislation in front of us, but I will break it straightaway, because I want to follow up on the point Senator Forshaw raised. I do know the area well. It is part of the beauty that people come for. What would be the attraction of anyone trying to destroy that? In terms of Noosa and the value to what would be a greater Sunshine Coast council, whatever is in there—what would be the incentive in changing that?

**Mr Williams**—Greed.

**Senator MOORE**—But you lose the overall value. I do not want to get into the Mercedes, Volkswagen thingy. You think that the immediacy of greed would overcome the long-term impact on the area. Is that fair?

**Mr Williams**—Yes. I believe that greed would take over.

**Senator MOORE**—Going back to the legislation: it is very short; it is only a couple of pages. Looking particularly at an initiated plebiscite, it does not mention local government. The legislation is about the process. I am interested to hear from people whether there are any other issues that you would think this kind of legislation could be used for, because our role is to look at this 3½-page piece of legislation that has come before the Senate. It is there to look at the AEC being involved in a proposal of a plebiscite. From your perspective as community leaders, once the legislation is there, is there any other process that you think such legislation could be used to consider?

**Mr Williams**—I can understand that, when this legislation goes through, there will be a need to somehow define and contain when it is used. I do not propose to know what the answer to that is.

**Senator MOORE**—You have not turned your mind to that?

**Mr Williams**—No. We have focused on our particular problem, but I can see that that is an issue.

**Mr Butt**—Merely the fact that it is there is a bit of a dark cloud. We do not know what it can be used for.

**Senator MOORE**—Are you talking about the Queensland legislation?

**Mr Butt**—Yes.

**Senator MOORE**—I am talking about the piece of legislation that we are looking at, which is the AEC plebiscite legislation.

**Mr Butt**—Yes.

**Senator MOORE**—The Queensland based legislation which you have talked about is a very big piece of legislation. There are a whole bunch of things in that—there was the action of amalgamation—but I take it that the dark cloud element is the part that looks at the punitive nature of—

**Mr Butt**—Yes, the punitive nature of sacking people and fining them.

**Senator MOORE**—Do you know that has been repealed?

**Mr Butt**—Has it? No, sorry.

**CHAIR**—In response to this legislation.

**Senator MOORE**—It is just important that the community knows that the punitive element, which I took to be the element in your opening statement about the dark cloud—which was about punishing people, and councillors in particular, who wanted to have a citizen plebiscite on those issues—has been repealed.

**Mr Butt**—I understood that it was still there but not going to be used.

**Senator MOORE**—The Premier has made it clear that that part of it has been repealed. We have that here in writing. It is important that, when we are talking, we are all talking on the same process. I have a general question that I am asking most people. It is about the acknowledgement of local government in the Constitution. This process has focused people's attention again on that issue. As community leaders in this area, have you turned your minds to the status of local government in our Constitution?

**Mr Williams**—I can say that I have been stimulated to think about it. I did not realise until this legislation and these punitive measures were written into the local legislation that our freedom and rights were at such risk in Australia. I took the opportunity to go on the internet and read something to do with bills of rights and the need for those. I think, like most Australians, I was blissfully unaware that these rights could be trampled on by a state government—from either political scene, though it did take the Beattie Labor government to actually stimulate that part of the process. I think that there needs to be some protection somewhere.

**Senator FORSHAW**—Think of Joh's street marches. The laws probably had a little bit to do with it, but—

**Senator MOORE**—But your immediate concern is with this, Mr Williams.

**Mr Williams**—My immediate concern was that. I think that it should be recognised somewhere federally and given some protection.

**Senator MOORE**—What has come out of this could well be that people will be thinking more about a whole range of things about rights, but in particular local government rights.

**Mr Cooper**—I certainly support what Mr Williams just said. I guess it goes to the point of demonstrating the fragility of the environment that we are in, where rights can seemingly be trampled upon and—as to your point—repealed within a 24-hour period. It all seems a little bit knee-jerk to me. But to Boyd's point: it has certainly stimulated our thoughts and made us very much aware of that.

**Senator FORSHAW**—I think the Premier said that, in hindsight—or words to that effect—he had overreacted and was backing off.

**CHAIR**—Just following up on that particular point and Senator Moore's point that the Premier has repealed those punitive sections of his legislation: I guess it is worth bearing in mind that the legislation we are talking about here today is insurance against Premier Beattie getting another rush of blood to the head. I just make that observation.

**Senator MOORE**—Chair, I think it is important for everyone to know that the process is dynamic so that we can look at different changes for any level of government.

**CHAIR**—Thank you, Senator Moore. I remember as a kid growing up that it was always ‘Noosa Heads’. Since we are talking of branding, when did ‘Noosa Heads’ become ‘Noosa’?

**Mr Butt**—I think when Gympie Terrace and Noosaville became part of the greater tourism body.

**Senator MURRAY**—Mr Beattie has provoked you, Mr Williams, to worry about rights. There are lots more that are being trampled on federally and in the states, and people should be aware of that. People like the Democrats do not yell just to have themselves heard; they yell because there is a problem. Leaving that aside for the moment, one of the things which concern me about all the local witnesses, if I can put it that way, as opposed to outsiders who have spoken to us, is really that what they have illustrated is a failure of process. The issue of whether you amalgamate councils or shires should be evidence based—in other words, the evidence should be produced which shows that it will result in the better good: more efficiencies, more money, lower costs or something. Yet every witness has said that that has never been illustrated with respect to this particular amalgamation. Therefore, if it is not evidence based, you are entitled to say it should not go ahead. The purpose of that introduction is to ask you the question—and answer it as honestly as you are able—is there any evidence put up by the state government that amalgamating Noosa with Caloundra and Maroochy will in fact be to the betterment of all three and in what respects?

**Mr Williams**—We have not seen any.

**Mr Butt**—We have not seen any evidence at all.

**Mr Cooper**—In compiling our very exhaustive submission through this process we consulted with the industry broadly, even to the extent of the minister for tourism in Queensland, Margaret Keech. That was one of the questions we explored: what benefits are there for Noosa in this amalgamation? And I dare say that she could not identify a benefit.

**Senator MURRAY**—The reverse side of the question obviously is: if there is no evidence of betterment, is there evidence of failure? Typically we politicians will talk about market failure, structural failure and so on. My reading is, and bear in mind I am a Western Australian, that Noosa is financially viable, operating efficiently, effectively and productively. Is that accurate?

**Mr Butt**—Yes, that is accurate.

**Senator MURRAY**—So there is no failure. So we then have to examine whether there is ideology at play. Once again we come across these phases in politics where ideology counts—outsourcing, selling off your assets or whatever becomes the rage. One of the witnesses said and another may have said that they thought this amalgamation was driven by a political desire for a more manageable structure—I am paraphrasing my understanding of them—namely, if you reduce the number, you reduce the number of pesky mayors and you can politicise the process a bit more; it becomes easier to deal with from head office down in Brisbane. Is that your sense of things? What is driving this? That is what I cannot understand.

**Mr Butt**—We are totally puzzled. The community is totally puzzled to see any benefit whatsoever out of amalgamating the Sunshine Coast.

**Senator MURRAY**—Is it obvious to you what is driving it?

**Mr Butt**—No.

**Mr Williams**—It is not obvious to me what is driving it. In fact, if I were heading up that process and I were Mr Beattie—heaven forbid—there are probably three or four councils I would not have amalgamated. I would have picked the ones that were going to make the most noise, not amalgamated them, and it would have all slipped quietly by. I do not understand the process at all.

**Senator MURRAY**—I am a person who is always interested in long-term policy resolutions. Whenever a process goes wrong, you want a process of review or some way in which it can be picked apart. Typically, under our federal law you would go to the Administrative Appeals Tribunal or you would have a judicial review of some sort. Has there been no mechanism of that sort in Queensland whereby, once the amalgamation was announced, you could take it to review?

**Mr Butt**—No.

**Senator MURRAY**—So you lack that process as well?

**Mr Butt**—Yes.

**Senator MURRAY**—By the way, the other thing you should have here is an upper house; it might help with it. Again, from over in the west, like many Australians, I have a kind of referred pride about lots of Australia. When people come and visit, they ask where they should go and what they should see. You pick out the places—the Northern Territory, South Australia and Queensland—and of course Noosa is something I am proud of, oddly, being a Western Australian. Yet I have heard in a lot of the language of politics engaged about this issue an attack on Noosa for being classy, silvertailed, special and wealthy; a kind of sneering, envying, class based attack. Am I right in sensing that?

**Mr Butt**—Yes, there has been a little bit of that over the years. Noosa has always been referred to as a silvertail destination; therefore the people of Noosa must be silvertails. But we are just ordinary small business people that face the same problems as people across Australia.

**Senator MURRAY**—And they should have 20-storey buildings like everybody else!

**Mr Williams**—Perhaps we are like a community with a disability. We are a little bit different, so people do not know how to handle us and they start labelling us. But, at the end of the day, we have a process that involves the community very deeply in everything that affects that community, and we want to express that every now and again—as you would. People do not quite understand that. People in some localities pay their rates and complain about what is being built alongside them. In Noosa we pay our rates, we talk to our council and they talk to us, and we know what is being built beside us. It is a different way of doing things, and it is not right or wrong. As far as we are concerned, we are just doing it a little bit differently. My son is in year 12, and I was explaining this to him the other day. I said, ‘Noosa would be a bit like you, son, if you did six units this year and you got very high achievement in all of them, and then at the end of the year they said you couldn’t go to university because your grades weren’t high enough.’ That is basically what Mr Beattie has said to us. We have passed the test and we have knocked off all the good reasons why we are a great community and do not need amalgamation. Yet, somehow or other, our exam papers came out and, in his view, we failed and we are going to be amalgamated because we have not done a good job.

**CHAIR**—We might end on that note. Thank you very much to both organisations.

[3.13 pm]

**COOPER, Mr Trevor John, Private capacity**

**PENNISI, Councillor Victor Frank, Private capacity**

**CHAIR**—Welcome. Councillor Pennisi, I will start by asking if you have a brief statement that you would like to make.

**Councillor Pennisi**—Yes, very brief. I think Trevor has one more detailed, but I will begin with mine. Thank you, gentlemen, for hearing us today. Both Trevor and I come from Stanthorpe, and we are very concerned with this process. The core of all of this is that we, the councillors of Stanthorpe, could not represent the will of the people for fear of being prosecuted and getting a criminal record as a result, when 88 per cent of our community opposed amalgamation without consultation and 90 per cent of our community wanted a referendum on the matter. How can this happen in Australia? If it costs \$1 million to run Stanthorpe today and \$2 million to run Warwick today, how can it cost less tomorrow unless there is a reduction in staff or a reduction in services?

When we entered the SSS review, we entered that review in good faith. We just wonder: what is the hidden agenda? We want to stop this process and return to the SSS review. Why is this process being fast-tracked? Why is Premier Beattie so afraid of consulting with the people of the state? Imagine, ladies and gentlemen, if the Queen said that all of you would end up in the lockup if you conducted your inquiry today. Over the last 100 years, councils have moved with the times.

I will say one last thing before I hand over to Trevor. There are mountains of reports on this issue and, as justification for what the Queensland government are suggesting, they have given us four pages of rationale. It is one of the biggest decisions in the history of Queensland. I would like to answer one of the questions asked of the previous speakers—that is: why is Noosa different? It is different for the same reason that Stanthorpe is different to Warwick. It is our points of difference. We have points of difference that the people in Warwick do not. Noosa has points of difference that the rest of this coastline does not have. It has been said a number of times that comparing Stanthorpe and Warwick is like comparing oil and water.

**CHAIR**—Just before we hear from Mr Cooper, Councillor Pennisi, are you happy to table that four-page document?

**Councillor Pennisi**—Yes, I am.

**Senator FORSHAW**—Could you please explain how the document came to you as a council? Has it been sent to you by the department or the government?

**Councillor Pennisi**—It is an extract of the findings of the commission. It is in book form, but a photocopy of the section that refers to our amalgamation is being tabled.

**Mr Cooper**—Stanthorpe is just as beautiful as Noosa, by the way. It is just in a different place. My submission to this inquiry is based on the contention that the whole of this local government reform process was flawed and quite deliberately designed to effect predetermined amalgamations without affording the people their democratic right. When the Stanthorpe Shire Council voluntarily entered the size, shape and sustainability review process in April 2006 I certainly believed, as did my colleagues, that there was a legislative requirement for a referendum to be held before any local government boundaries could be changed and that there would be no amalgamations without some consultation with the people. I also believed that the review had a range of six possible outcomes including no change, resource sharing, joint enterprises, boundary changes, amalgamation and other—which was a catch-all condition—depending on the specific circumstances of the Stanthorpe Shire.

In September 2006 the state elections were held, and I do not remember any mention of local government reform being made. It was a non-issue. The Beattie government was returned, and then immediately after that there was a cabinet reshuffle and the minister, Desley Boyle, was moved from local government to child safety and Andrew Fraser joined the cabinet with the local government portfolio. The Stanthorpe council completed the initial phase of the review expeditiously. It met all its deadlines and did nothing to hold it up. It was completed in November 2006 and it showed Stanthorpe to be well run, well planned, well governed and financially viable.

The next thing we were to undertake was a comprehensive review, in which all of those six options for change that I mentioned earlier were to be analysed and researched and community involvement was to be

sought. Up to that time, no community involvement had been sought or included. In fact, we kept the whole thing confidential because there was not really anything to tell the public. The minister for local government approved funding of \$163,000 for the comprehensive review stage at the end of March 2007. Then, a couple of weeks after that approval, on 17 April 2007, the Premier scrapped the whole SSS process, claiming—falsely, in my opinion—that councils had done nothing for two years and that many councils were on the point of financial collapse.

In place of the SSS process came the appointment of seven independent commissioners who were given, in my mind, the impossible task of comprehensively assessing every Queensland local government area and coming up with recommendations, including new names, by the end of July. And their terms of reference made wholesale amalgamations the only likely outcome, in spite of clear evidence that amalgamations have had quite limited success in other states and overseas, while alternative arrangements, such as the resource sharing, have achieved significant efficiencies.

There was a matter of weeks allowed for submissions, and then midway through August the whole matter was finished, legislated, and 156 councils were reduced to 72. There was no real parliamentary debate and no opportunity for appeal. For Stanthorpe shire, despite an excellent submission clearly pointing out why we should be left alone, the recommendation was made that we would be lumped in with Warwick, totally ignoring the logic of the council's submission and using the simplistic argument that 'bigger is better'. How 11,000 is dramatically worse than 33,000 I do not really know, but 'bigger is better'.

About halfway through July, just before the work of the commission was completed and before the Beattie government legislated to make it a criminal, sackable offence for any council to hold any kind of a survey on the issue of amalgamation, the Stanthorpe Shire Council commissioned a telephone poll that showed that 88 per cent of our people in Stanthorpe did not want amalgamation and that 90 per cent wanted to have their say in a referendum. This was reinforced through petitions and a whole campaign of resistance by the people, leading to the formation of a 'save our shires' action group with the mission to reverse the decision of the forced amalgamation of the Stanthorpe and Warwick shires.

From my point of view that poll placed a responsibility on the council to respect the views of that 90 per cent of the community and make sure that a proper referendum was held. Until that piece of infamous legislation was withdrawn, to give the people their say would have exposed the council to the risk of summary dismissal, and the councillors themselves to a criminal charge and hefty fines. I still cannot quite believe that that could happen in Australia. Even Premier Beattie himself admitted he had stuffed up and gone too far in that case.

A little more than a week ago a heated and emotional public meeting in Stanthorpe demanded, through a motion from the floor, that the council hold a referendum. They were sick of waiting. They wanted us to hold a referendum. On the promise of protection from this legislation and the reluctant assurances from Beattie and Fraser that they would not enforce their legislation, Stanthorpe council called a special meeting and voted unanimously to take up the federal government's offer and hold a referendum through the AEC.

**Senator MURRAY**—Plebiscite. There is a difference.

**Mr Cooper**—Plebiscite, yes. I will ask you to define the difference between them but, yes, plebiscite—there is a difference. No 'yes and no' case, I think, is the main difference.

**Senator MURRAY**—It is not binding. That is the difference.

**Mr Cooper**—Well, was the referendum? Personally I have supported the people's struggle for democracy by every means I can as a councillor and I will continue to fight the amalgamation process if, as I suspect will happen, the plebiscite shows that a significant majority of the Stanthorpe community is still opposed to that amalgamation. And now there seem to be cracks appearing throughout the whole forced amalgamations facade, revealing a very different and a much broader and more sinister agenda underneath it. From the very beginning of the reform process it has been a travesty, placing administrative convenience before the wellbeing of the people. And the tragedy of it all is that, if we allow this to pass unchallenged, the people will accept that this is the way the government does its business, will become apathetic and cynical about the whole political process and will regard democracy itself as a farce. That is something that we must not allow to happen.

**CHAIR**—Thank you, Mr Cooper. Councillor Pennisi, you were talking about the SSS review process which was in place before. I think it has become something of a mystery to us all through the course of the day as to why a process which was up to five years in duration was abandoned after 18 months. Can you shed any

light at all as to what might have precipitated the abandonment of that process which held out the prospect of voluntary amalgamations in some cases and sharing services in others?

**Councillor Pennisi**—I guess if I really knew the answer to that I would not be here. We have absolutely no idea. Obviously it was an agenda by Premier Beattie and his government. From our point of view the SSS review was well placed to go into the consultation phase of the process. All we were waiting for was the nod from the government to continue down that line.

**CHAIR**—Was your council a full and willing participant in that process?

**Councillor Pennisi**—Absolutely without a doubt. All councils in that region were at the table and very willing participants. I would like to add that from a personal point of view I have no doubt that amalgamation in some cases is very, very necessary. The perfect example in our region is Goondiwindi-Waggamba, where two councils share the same building. They are called doughnut shires. They duplicate everything. Amalgamation in that particular instance is a very sensible way to go.

**CHAIR**—But that is where you had a town council and a country council around it?

**Councillor Pennisi**—That is correct.

**CHAIR**—Obviously you were taken aback when the compulsory amalgamations were announced. It would be fair to say, though, that when the Premier announced that he was going to legislate the punitive measures—the fines and the sackings for councillors who access those—you felt as though you had a gun to your head?

**Councillor Pennisi**—From my point of view, it was not so much the sacking; it was the criminal record. I thought that that criminal record part of it was an absolute disgrace. We were put in a position where we could no longer represent the people of our community. It was a choice between whether you were prepared to accept a criminal record or not, and that was just disgraceful.

**CHAIR**—And you were wanting to give effect to the will of your ratepayers, of your voters, but felt totally constrained?

**Councillor Pennisi**—Well, it was either being lynched by the ratepayers or the better of two evils, I guess.

**CHAIR**—Not a pleasant place to be. We have heard from some of my colleagues here that Kevin Rudd supports this legislation. I guess the best way you could describe Labor's position—state Labor having one position and federal Labor having another position—is that the Labor Party is a bit bipolar when it comes to council amalgamations. What is your view as to whether you think that Premier Beattie would have withdrawn those punitive measures had it not been for the announcement of the government's intention to introduce this legislation?

**Councillor Pennisi**—From a personal point of view, no, I do not believe he would have.

**CHAIR**—Thank you for that.

**Senator FORSHAW**—I am not sure whether 'bipolar' is the appropriate word. Senator Moore and I served on the inquiry into mental health. I think you could find a better word than 'bipolar'.

**CHAIR**—I am aware of the arguments, but it is a word in common parlance amongst Australians.

**Senator FORSHAW**—I do not think it is appropriate. I think you could describe it in other ways. I do not agree with it anyway. Many people might argue that the very fact that a federal leader of the Labor Party and a state Premier of the Labor Party have a difference of opinion is actually a healthy example of democracy working rather than the line that the government tries to run that everybody on our side just follows the one tune. Certainly something that members of the Liberal Party and the National Party often boast about is that they have internal disagreements.

**CHAIR**—So there is a place for Peter Beattie's views on this matter?

**Senator FORSHAW**—I am not answering your questions; I am just responding to your observation that somehow everybody in a national political party must have exactly the same view on every single issue. You know that is nonsense as much as I do. For instance, you may recall the debate about locating a nuclear waste dump in South Australia, where the federal government wanted to put it there and the state Liberal Party did not want it to go there. So in the end they decided not to put it there. They are going to locate it in the Northern Territory, and they did not give the people of the Northern Territory any chance to have a local plebiscite about having to accept that. I go back to the question that I wanted to ask: does your council support the Australian Constitution being amended to recognise local government?

**Councillor Pennisi**—My initial thought, right this minute, is yes, I believe we would support that. This is my first term in local government. You spend the first three years learning how it works and the next term wondering how you are going to change how it works, if it is possible. My initial thoughts are that I think it would be important for local government to be recognised in the Constitution.

**Senator FORSHAW**—Thank you. That has been the longstanding position of the Labor Party and I think the Australian Local Government Association has consistently supported that. Are you aware that the basis for this legislation—the head of power, if I could use that term—that the federal government is relying upon is actually the external affairs power?

**Councillor Pennisi**—Yes, I am aware of that.

**Senator FORSHAW**—Strictly speaking, there is no direct power for the federal government over local government. There are ways in which they can do that such as the corporations power or other powers but there is no specific power. They are relying upon our signatory to the International Covenant on Civil and Political Rights to give them the authority or the power to enact this legislation.

**Mr Cooper**—I think the people in local government are quite happy to accept any way that this can be effected. I do not think we are particularly worried at this point whether or not they are external powers,

**Senator FORSHAW**—The end justifies the means in that respect, doesn't it.

**Mr Cooper**—We are grasping at straws here. We are seizing any weapon we can find because we know what a disaster it will be if it is allowed to go through.

**Senator FORSHAW**—I need to mention it because we as senators have to deal with the legislation that is going through the parliament and it is important for you as elected council representatives to know the basis upon which the federal government can do this. Indeed, this is what started the whole kaffuffle, if you like, between the Prime Minister and Mr Beattie. No matter what one's view is about Mr Beattie's response—and you have made it very clear what your view is and you might find a lot of sympathy on this side of the table for that—he passed further legislation in response to the decision by the federal government to intervene in local government, which they have never done. If you went through the history of this country, you would never find a situation where they have directly intervened in local government administration.

**Mr Cooper**—I am really pleased that they did, though.

**Senator FORSHAW**—That leads me to the question of the consequences of this legislation going through. This legislation does not mention local government amalgamation at all, and it sets up a situation in the future where a federal government could exercise pressure to promote a plebiscite on all sorts of issues. Equally, a local council could seek assistance of the federal government and the Australian Electoral Commission to have plebiscites on a wide variety of issues. Let us say that the federal government decided that it wanted to put up a nuclear power plant on the Sunshine Coast or at Stanthorpe. Do you think there should be a local plebiscite to test the community's reaction in those circumstances?

**Councillor Pennisi**—My personal feeling is that we live in a democracy and that people have the right to have a say whether it be on a nuclear waste dump or on council amalgamations. At the end of the day, if, because of this process, there was a science behind the reasoning for the decision, we as councillors would accept it. I do not think it really matters whether it is a nuclear waste dump or a red-light district. We are in a democratic country and where is the will of the people? I believe the Constitution talks about the will of the people. How much importance is place on that in a democratic country, or should we just give it all away?

**Senator FORSHAW**—None of us would support that, I am sure. You mentioned two councils where you thought amalgamation would be appropriate.

**Councillor Pennisi**—Goondiwindi and Waggamba.

**Senator FORSHAW**—Do both those councils and those communities support an amalgamation?

**Councillor Pennisi**—I believe so.

**Senator FORSHAW**—The councils do?

**Councillor Pennisi**—And the people.

**Senator FORSHAW**—We are not able to question them, but we have not had too many examples of where there is support.

**Councillor Pennisi**—As a councillor, you get to do quite a number of things. I sit on the Border Rivers Catchment Management Association, which is the grassroots linkage between Border Landcare officers and the QMDC. We are a group of people who set the agenda for Border Landcare. In that role I get to visit those areas to some extent. I cannot say that there are signs out there to prove this, but the people of Goondiwindi and Waggamba are quite accepting of the fact that it would make common sense to amalgamate.

**Senator FORSHAW**—Thank you. You mentioned it, so I thought I would pursue it. I do not have any reason to challenge what you say. We have not had any reference to that before today.

**Mr Cooper**—Just to add to that: the government did decide to throw Inglewood—another shire—in for good measure as well. So that spoiled the agreement somewhat.

**Councillor Pennisi**—During the triple S review, they showed that, but obviously the consultation phase would have extracted the very question that you are asking.

**Senator MURRAY**—Councillor Pennisi, on the last page of the Stanthorpe submission, under ‘Financial’, the second dot point says:

Because no change seems to be not an option, any amalgamation will only have a detrimental affect [sic] to our strong financial position (based on Warwick having a weak QTC rating and Inglewood Vulnerable).

Do the people of Warwick and Inglewood want to amalgamate with Stanthorpe?

**Councillor Pennisi**—No, they do not.

**Senator MURRAY**—So, even though they are weak, they do not want to?

**Councillor Pennisi**—No. About seven or nine years ago, Warwick went through an amalgamation process. Four shires were amalgamated into Warwick.

**Senator MURRAY**—So they are already an amalgamated council.

**Councillor Pennisi**—They were already an amalgamated council. There is quite an amount of unhappiness there. Allora, for example, had 22 staff and they now have zero in that council. There is a lot of unhappiness at the grassroots. The councillors themselves are saying that they are just beginning to get a handle on things after nine years.

**Senator MURRAY**—Has Inglewood previously been amalgamated?

**Councillor Pennisi**—No.

**Senator MOORE**—Thank you for your submissions. I know your part of the world quite well, so I do understand the geography and the different socioeconomic issues in the areas, which you brought out in your submissions. Mr Cooper, you actually looked at Inglewood as an option. Did the final recommendation that they are working on have you amalgamating with Warwick and Stanthorpe, or did they throw Inglewood into the mix as well?

**Mr Cooper**—No.

**Senator MOORE**—So Inglewood went with Goondiwindi?

**Mr Cooper**—Yes.

**Senator MOORE**—It is just that, in your submission, you explored issues with Inglewood. In many ways, whilst you have actually defined the difference between Warwick and Stanthorpe, there is a kind of middle ground with Inglewood. Is that the kind of thing you put to the commission when they were talking?

**Mr Cooper**—Certainly. There was a far less definite rejection of the concept of an amalgamation with Inglewood than there was with Warwick, simply because we have some ties and common interests with Inglewood that we do not have with Warwick.

**Senator MOORE**—Warwick and Stanthorpe are neighbouring communities but that one does seem interesting.

**Mr Cooper**—There are very distinct differences.

**Senator MOORE**—It is clear that you do understand that the elements in the legislation around the punishment of councillors has been repealed.

**Mr Cooper**—Yes.

**Senator MOORE**—So that element—which I think was very much in both your submission the first element of distaste—has gone. It is now about how you work through the next phase. Do you know whether Warwick has also looked at having a plebiscite?

**Mr Cooper**—It is funny you should say that; at our last general council meeting we forwarded a recommendation to Warwick that they consider holding a referendum. Anecdotal evidence certainly suggests that it is about a 60-40 split, not nearly as strongly against amalgamation in Warwick. It would be really good to have a plebiscite there and get some firm evidence.

**Councillor Pennisi**—The Warwick submission to the commissioner clearly indicated that they did not want to amalgamate with us.

**Senator MOORE**—Because there have been different economic processes going on to those in your area, because you have actually bloomed in the last few years.

**Councillor Pennisi**—We are really like chalk and cheese. We have small acreage agriculture; we use minute amounts of water. They have broadacre stuff. We are on a different river catchment.

**Senator MOORE**—Totally different economic bases, plus Victoria's market is different.

**Councillor Pennisi**—You can drive a Mack truck through that.

**Senator MOORE**—In terms of process, all we have got in front of this committee are the 3½ pages of legislation looking at the plebiscite process, and the explanatory memorandum which came out with that. We do not have the detail of how any local government initiated plebiscite will operate. That is still being discussed. I was at the Local Government Association meeting at the Gold Coast and they did not have details either. People were talking about it. One of the things I have been thinking about is, in a situation as in yours where you have two pre-existing councils, if you had plebiscites in both of them and one said yes and one said no, I have no idea what that would do in terms of process. Have you got that far down the track in your mind-set?

**Councillor Pennisi**—The question I would like to ask is: if we both say no, what happens then?

**Senator MOORE**—We don't know. Certainly that is another thing. I know, Mr Cooper, in your submission you were very clear with your knowledge of the system and the fact that you are on the ministerial advisory council, which is really important. But in terms of process, it is absolutely clear that constitutionally it is the state, under the current processes that operate, that has the final ownership of what happens.

**Mr Cooper**—I would like to think it was the people who had the final ownership, actually.

**Senator MOORE**—Under the constitution, Mr Cooper, the people are involved and they must be—and that is part of this whole process. In terms of ownership, we do not know what will happen and we are very concerned that people would have any expectation that the legislation that we are looking at will have a determining factor in it. I just put on record that I hope that you are very clear and that the Stanthorpe council is very clear about the steps involved.

**Mr Cooper**—We are clear that any plebiscite result will not reverse the situation. I can say that my concern though is that the people themselves are particularly angry in that district and they are going to continue to fight. How you impose something like this upon a group of unwilling people remains to be seen. It might be an animal of state, it might be an animal of the federal Constitution, but in the end it is an animal of the people. The people will determine their own future.

**Senator MOORE**—Have you had a chance to feed back to the minister locally as yet? I know there was a trip around. They have not got to your part of the world yet?

**Mr Cooper**—No, not yet.

**Senator MOORE**—Has that been scheduled?

**Mr Cooper**—No, not that I am aware. I think he has stopped going around any more. He don't come round here no more!

**Senator MOORE**—In terms of the ministerial advisory committee, Mr Cooper, are you aware of when the next meeting would be?

**Mr Cooper**—September in Highfields; I'll see you there.

**Senator MOORE**—You just might! In terms of process I think that would be the major agenda item for that particular process.

**Mr Cooper**—No, it is not actually. These issues are set long in advance and they are community issues, and that was actually the subject of the of the Goondiwindi forum before the results came out.

**Senator MOORE**—Right. Was there a public record of that forum?

**Mr Cooper**—There would be one, yes. It was quite an exciting one. Minister Fraser was there.

**Senator MOORE**—Highfields is one of the ones caught up in the Toowoomba amalgamation issue, so that should be interesting.

**Mr Cooper**—It should be an interesting one.

**Senator MOORE**—Thank you very much.

**CHAIR**—Thank you very much, Mr Cooper, and Councillor Pennisi; we thank you for your time today.

[3.44 pm]

**COTTER, Mr John, Vice President, AgForce**

**DILLON, Ms Sue, Policy Advisor, AgForce**

**CHAIR**—Welcome. Do you have an opening statement, Mr Cotter?

**Mr Cotter**—Thank you, Senators, for the opportunity to be here today. It is interesting for an organisation like ours, AgForce, to be in Noosa promoting rural and regional Queensland. However, it is an opportunity that we would not miss, to make the point about what this process means to rural and regional Queensland.

AgForce has about 8,000 members, primary producers, around the state. We probably work and lobby for about 100,000 other producers of agricultural production around this state. Consequently, probably 65 per cent of the landmass is managed by these people. As a flow-on from that, the largest percentage of rates collected by local government comes from our members and those people. So it is a very obvious observation to make that we have enormous vested interest in where our money goes and what councils do with it. That is why we find it so vexing that any government, any democratically elected group of people, would be so draconian as to impose such legislation as they have just done on our people in these rural areas.

AgForce lobbies on behalf of our members and our communities as well. After about three days of this legislation coming forward our members and the communities built around our members came down on us in enormous force and said, ‘What are you going to do?’ As a consequence of that, within a few days we ran a poll of our 8,000 members. As you would be aware, activating rural people to reply promptly is not always possible, but within 24 hours we had over 1,400 replies from people who were absolutely distraught as to the action that this state government had taken on their local community and local governments. Why? The reason I give you that background is that I would like to make you aware that, while we are here in Noosa—and you have heard a lot today about issues about individual areas—just as you have heard about Stanthorpe, we are here talking about the wider implications of a state of enormous size and enormous geographic difference and varied communities.

The other issue is that our people and the mining industry in this state are all in wider geographic areas and have the largest chunk of this state’s production. Unfortunately, we are in a situation in Queensland where this state can be governed from Brisbane City and south-east Queensland, and that is to the huge detriment of the representation of our people in rural areas. While that is the case, I do not believe they have a democratic right to impose on these rural and regional areas a position that does not have any scientific, logical, financial or social background and to give these communities a kick in the guts, to put it bluntly—to do this to them.

I think that today is an opportunity for us to outline to you the reason you are here. The reason these people need to have a say is driven by the fear of what government will do to them—and what this government has already done to them. We want to make it clear to you that the fear that is driving these people, the fear that brought 1,000 or 1,500 people to Barcaldine twice in about six weeks—and I think you heard that the Noosa people had 10,000 people in Brisbane—comes from their lack of trust in the government as to what they will do next. That is why it is absolutely imperative that the legislation you are here to talk about today gives these people a say. From there, I think it is absolutely imperative that we start to work toward how we can change the government’s mind. All senators here from Queensland, as representatives of all Queenslanders, need to know that this is their responsibility.

*Senator Moore interjecting—*

**Mr Cotter**—He has gone. It is their responsibility to represent all Queenslanders.

Another issue that has really got rural and regional people focused on the distrust is the fact that about six years ago the Premier of this state stood hand in glove with Paul Bell, the president of the Local Government Association, and Peter Kenny, the president of AgForce, at Charleville and signed what is known as the Blueprint for the Bush, where there was an undertaking, an agreement, by all those parties that they would maintain a range of services into rural communities that would allow those communities to prosper and grow.

To me, that document and that process have just been thrown out, or thrown back in our faces. The Local Government Association have walked away from that agreement. AgForce have not, for the simple reason that we are so determined to hold this government accountable to deliver those services. If we cannot stop this process and we cannot enhance all the people that are coming and talking to you, then after we have

elections—which will give a 98 per cent vote against this process, I can assure you—we need to be able to use every opportunity we can to hold this government accountable on the issues that it raised in that blueprint.

I can give you a couple of reasons for why the fear is out there. Sue, my staff policy officer here today, talked to someone in Tambo. For those who do not know it, it is north of Charleville. A house in Tambo a few months ago was worth \$130,000, which is probably fairly minimal. That house today is unsaleable because the Tambo council is being amalgamated with Blackall. The staff will no doubt live in Blackall, so who will want a house in Tambo? If you happen to be a senior worker there who has worked on that council for many years, that is your life. If you do not have a job in Tambo and you want to move, what is \$130,000 going to buy you, let alone if you cannot sell it? So, if you wonder why there is fear in the communities out there, I can assure you that those are the sorts of things that are highest in people's minds. They cannot understand why a government would do this to them.

There are other issues that AgForce have been involved with. We took a delegation to the Premier and fortunately—and I ask other people to take heart from this—we believe we got him to give an undertaking to the far western shires to leave them alone. Bouli shire, for example, has 600 ratepayers and residents and an area the size of Tasmania—and they wanted to amalgamate it with another area the size of Tasmania. Let us be realistic about this.

The other people that we worked closely with were the Rural Doctors Association, who represent a whole range of social issues out there for people, including depression with the drought, I can assure you; the CWA, who are everywhere in this country doing good for people; and the Isolated Children's Parents Association. They are the heart and soul of the social issues of these rural communities. I can assure you that they have never had anything like this imposed on them. The nearest thing that I can remember associated with something like this was back in the early nineties when a former state government, led by Wayne Goss, decided that we did not need courthouses, schools, railway lines or a whole range of other facilities out in these rural communities because they were not viable.

I am sorry, but communities in this country—the third or fourth most wealthy country in the world—have a right to be provided with reasonable services. I do not care what level of government it is; there is a responsibility of government to provide people with these services. Until such time as government realise that, they have no right to stand up after every election and say, 'We will govern for everyone.'

**CHAIR**—I think you have highlighted a couple of things which have come out in the presentations of a number of witnesses. The first is the issue of localism—that communities are feeling more of a sense of local identity than before, and that people want local services and want to do things locally, probably more than they ever have before. So localism is a growing trend and not a receding trend. The other issue is trust, and I think you are probably the first person today to use that word. What we are talking about today and what it really boils down to is a breach of trust by a government. I was interested to hear you talk about the Blueprint for the Bush, which is something that, as a Victorian senator, I have not heard of before. Would you mind taking us through the elements of that blueprint?

**Mr Cotter**—Over the last maybe 10 years there has been an enormous amount of legislation, particularly environmental legislation and things like that, which has impacted enormously on the capacity of the rural sector to produce and be productive. A range of excuses have been used for this and some have been meeting the Kyoto emission trials by stopping land clearing and things like that. Those pieces of legislation were purely imposed, without consultation, without any relevance as to the impact on those communities. Through our organisation and through our previous president, in negotiations with government, we became so frustrated that we said, 'At least give us some idea of what you want for rural Queensland. How do you perceive it to be for this generation and the next generation?' That was the birth of it, as a result of Larry Atkin, the president in those days.

From there, it progressed between a range of government departments, including the department of communities, which is a state government department; the department of primary industries; the department of natural resources; the premier's department; and the state development department to: what is it that you want out here? The state government, in conjunction with those two organisations, developed a set of principles which said that there would not be a diminishing of the rural communities as far as health services and schools—and, again, I guess it was also a flow-on from the closure of government services like courthouses et cetera previously. So that was the birth of it. We thought we had a reasonable understanding that anything like this in the future would be a negotiable process. It was about ensuring that, if you lived in Aramac, you had a doctor, you had a bank and you had sufficient facilities there to carry on a reasonable lifestyle. In these

communities we do not expect to have a Noosa lifestyle or a Brisbane city lifestyle, but we think we are entitled to a range of reasonable services that are standard across Australia—and I think we have. That was the basis of the blueprint.

**CHAIR**—So the size, shape and sustainability review of local government, which was underway, would have very much been in the spirit of the blueprint then?

**Mr Cotter**—Absolutely. And I happen to live near a council that is listed as distressed. That council provides good services in a community. They may or may not have needed to improve their economic management. However, to me, throwing them in with three other weak councils does not fix the stress problem. They would have been part of the SSS process within the blueprint and, along with a whole range of organisations like ours, the rural doctors et cetera, we would have negotiated our way through how we could have strengthened those councils.

**CHAIR**—I guess the abandonment of the SSS process, the announcement of the forced amalgamations and the announcement of penalties for councils which seek to access the plebiscites further erodes that trust. We are aware that the Queensland government have announced that they will withdraw those penalties if they have not already done so, which is a step, I guess we would all agree, in the right direction. But just coming back to the issue of trust, what would the Queensland government need to do to restore that trust on this issue?

**Mr Cotter**—I am not sure they can restore the trust in rural Queensland. Just how many times can you trample on people of all walks of political life and, I might add, very much across the political divide. At the Barcardine rally, there would have been far more support of people by this government than there would have been by conservative government people, as most of the council workers are. To restore that trust you will need a change of leadership, without doubt. I do not believe this Premier will ever win the trust of rural Queensland again.

In the immediate future, if a number of these plebiscites are held, there needs to be a significant reaction from the government to take into account the people's word. That just may be a first step. We have abolished 84 councils. If we had 50 plebiscites across the state—which will come back with a 98 per cent vote against the process and the result—if the government were then prepared to say, 'We'll put this place on hold; we'll foreshadow the election being in 2009 for the new councils and we will rework this system,' that may just be a first step in achieving something. But from the minister's attendance yesterday at the local government conference I can assure you that they are just not interested.

**Senator MOORE**—Which council do you live close to?

**Mr Cotter**—Murgon. I am not in Murgon but I am next door to it.

**Senator MOORE**—So it is into that Burnett area?

**Mr Cotter**—Yes.

**Senator MOORE**—The blueprint for the bush, which I do know, was about services rather than about structures, wasn't it?

**Mr Cotter**—It was a combination of community standards, I think.

**Senator MOORE**—But, in terms of process, my understanding is that the actual numbers and locations of local government were not mentioned at all?

**Mr Cotter**—No, not at all.

**Senator MOORE**—I do know that it is a really good document. It talks about people having services in the area. But I just want to make sure that I had not missed something there.

**Mr Cotter**—Perhaps I can comment on that issue—and that is why we worked with rural doctors and people. At this stage we have the Aramac council building a doctors surgery. No way will anyone ever convince the Aramac people that a council that is run out of Barcardine is going to build a doctors surgery in Aramac, or any range of those things across Capella or any of those places. What happens in these communities with the executive members of the council staff is that they are the drivers of the intellectual property in those things. If we have a submission to put in to government, to whatever level of government, for the sporting group or for the local community, they are the intellectual strength of that community in an office academic way in driving those submissions. Someone mentioned before the previous round of amalgamations that has been on. One was up here at Gympie, next door, another one was at Warwick and another one was at Cairns.

**Senator MOORE**—Ipswich as well.

**Mr Cotter**—And Ipswich—and we can tell some good stories about Ipswich.

**Senator MURRAY**—We are all ears.

**Mr Cotter**—The outlying small community support just diminishes because, as we all know, it is like doing business in your local community versus doing business in George Street here, where you can get in the car and drive, versus doing business in Canberra. To do business with Treasury in Canberra versus Treasury in Queensland, versus your local council, for the average community organisation is just out of the ballpark.

**Senator MOORE**—So in terms of the statements that you make about the relationship between government—and certainly that is there—the process is about service delivery. Is that what you are talking about?

**Mr Cotter**—The process is about service delivery but also service initiation.

**Senator MOORE**—Yes, services, so that people across Queensland, no matter where you live, can expect certain levels of service.

**Mr Cotter**—A certain standard of service and a level of service.

**Senator MOORE**—In terms of the legislation we have in front of us, which I know you have had a chance to read—3½ pages—we do not have any detail about how it will operate, and that is being talked about. But I am interested in the process, given that the far west ones have been relatively untouched, from what I can see that has come through, but the central west seems to have picked up a few amalgamations. Do you have any idea from working with your people about what would happen if two communities are scheduled to be amalgamated and one says yes and the other says no?

**Mr Cotter**—I would really struggle to find anyone that will say yes.

**Senator MOORE**—It is always easier to mount a no case, but just in terms of the process—

**Mr Cotter**—That has been proven many times.

**Senator MOORE**—Many, many times.

**Mr Cotter**—Someone mentioned the doughnut councils before. I know for a fact that with Dalby and Wambo, which are the two councils there, neither one wanted the other. Roma and Booringa were the same. I think Cairns would be one that wants Douglas, which I am sure you will hear about when you meet Mayor Byrne from Cairns. But there would be very few that would have wanted amalgamation in this process. I think on integration and working together, those doughnut ones, if they had been given an electorate cycle in which to get their act together, I am sure they would have arranged it, but certainly not down this track of being driven from a bureaucratic and an upper government area.

**Senator MOORE**—In the discussion yesterday at the Local Government Association meeting we talked about the proposal from the Labor Party to put local government into the Constitution. Does AgForce have a position on that?

**Mr Cotter**—We have not discussed it as a major policy, obviously because this has arrived in the last—

**Senator MOORE**—Before you were AgForce, the last time this came up was in the 1980s and the time before that was the 1970s. Do you know whether your predecessors had a position? I do not know.

**Mr Cotter**—I would certainly suggest that the position would be very positive, simply because local government now is part and parcel of our day-to-day delivery of services in this country, not as it was in the Constitution 100 years ago when it was left out of the Constitution. I do not see anything but a positive in having that enshrined in local government, which is a process that is never going to go away. There is a reasonable reason now for state governments to go away.

**Senator MOORE**—It would be a state-wide plebiscite then, Mr Cotter, in terms of the process?

**Mr Cotter**—I would suggest that our organisation would be very positive, that we would support such an arrangement.

**Senator MOORE**—I know that AgForce has been involved across many community issues for the period but one of the things I have been asking the mayors who have been coming to our committee is whether they can see an argument at any stage for amalgamations, so that rather than a concept where you have 150-odd shires at the moment, 150-odd councils under Queensland state government, the proposal will bring it back to 70-odd. All those people are not happy and that is real, but there was some discussion that there would have to

be some amalgamations to somewhere between the number that is there and the original number. Can AgForce see an argument at any stage for amalgamations which could be forced?

**Mr Cotter**—The key argument to this whole process is the way it was done, given it was driven by those communities it may be forced in the final issue. If it had gone down the SSS process and there was agreement of a reasonable status on social, economic, environmental or other reasons by which that could have been driven, then that would be fine because it is community driven, driven within that group, but certainly not anything that is driven solely and purely for a political reason out of George Street.

**Senator MOORE**—Concerning the Blackall-Tambo example—I know those areas pretty well from a previous life—if you are going to have a larger council in that area, what is the understanding of why, if the council was centred in Blackall, you would not need people working in Tambo? I want to get some idea of that argument—which is very indulgent of me, Chair, but I could not let it go past. In a council of that size, if work had to be done in Tambo and the Tamborine area, why would everything have to come out of Blackall?

**Mr Cotter**—Everything may not go to Blackall but you will never maintain the level of staff that is in those communities at present.

**Senator MOORE**—So there could be some reduction. When I heard you speak, I got the impression that in the Blackall-Tambo example—there is a big distance between them, although people do drive it. Just as people go from here to Maroochydore they drive Tambo-Blackall. I could not understand why you would necessarily centralise everything, but you are saying that there would be some centralisation and some change of habit. I can accept that.

**Mr Cotter**—To use another example, in the shire I live in, we have just been amalgamated with Gympie-Cooloola and I live in Kilkivan.

**Senator MOORE**—So services will go to Gympie rather than Kilkivan.

**Mr Cotter**—We have two depots in two small communities with 500 people in each. There are probably 50 workers in each of those towns.

**Senator MOORE**—At the moment?

**Mr Cotter**—At the moment. There is no way a Gympie regional council will maintain a depot of 50 workers in both of those communities. Therein lies your flow-on to a lack of a bank. The bank has already said it will close in Tambo the moment the council shifts its account out.

**Senator MOORE**—Which bank is that, Mr Cotter?

**Mr Cotter**—I am not sure. It is the only one in Tambo.

**Ms Dillon**—There was an NAB, which closed. I think it might be Bendigo that came into the town purely because Tambo Shire Council said it would leave their account there.

**Senator MOORE**—And we need to know that.

**Mr Cotter**—They are the sorts of facilities that flow on and that really undermine the whole process of how this has been done, without being thought out. Going back to your question about whether there is an opportunity for amalgamations, all those things need to be in the mix when those decisions are made.

**Senator MOORE**—And public.

**Mr Cotter**—And transparent.

**Senator MURRAY**—One of the things which interest me about all this is that there are no obvious cost gains to the state, because councils and shires are paid for by the communities that live in them. That leads me to the view that if communities in a particular area want to have a shire or a council remain, even though in theory amalgamating with another one may lower their costs, then they should be entitled. There is no evidence, is there, that the state is going to gain out of all these amalgamations?

**Mr Cotter**—A range of issues have been put forward. One has been—this is what is really building the anger and the mistrust out there—the fact that we will do away with 300 councillors. These councillors get paid an absolute pittance. It is the toughest game in town, I can assure you, to be involved in local government, because you are so accountable to the people. Every time you move outside your door they are there telling you what is right and what is wrong with your council. One of the most ludicrous statements is that there will be a saving by not paying councillors. That is one of the minimal costs within the running of a council—that is, what you are paid as a mayor or a councillor—in these rural communities particularly.

**Ms Dillon**—A councillor is paid \$1,000 in Tambo Shire.

**Mr Cotter**—The other argument has been the fact that we will not have as many CEOs.

**Senator MURRAY**—Just for the record, Ms Dillon, you said \$1,000 a month?

**Ms Dillon**—No, \$1,000 per year per councillor in the Tambo Shire. Plus they get a daily allowance. But that is their general allowance, and they will get a daily allowance for meetings, of \$200 or \$300.

**Mr Cotter**—The other savings issue was the fact that there would be one CEO instead of two, three or whatever there were, and there would be one engineer.

**Senator MURRAY**—Are the councillors paid by the state?

**Ms Dillon**—No.

**Mr Cotter**—No, they are paid by the ratepayers.

**Senator MURRAY**—So are the CEOs, aren't they?

**Mr Cotter**—Yes.

**Senator MURRAY**—But that is my point. My point is that it is the local people who are paying for that, and therefore the local people are entitled, if they are paying for it, to have it.

**Mr Cotter**—Exactly, and that is why I made the point of the fact that—particularly our people—they contribute about 65 per cent of the revenue to these local governments, our own rural producers. It is their money that pays the people you are talking about, yes.

**Senator MURRAY**—Exactly.

**Ms Dillon**—But this process has reduced the numbers of councillors significantly, and there is nothing they can do about that.

**Senator MURRAY**—I understand the consequences. What I have not heard at all, from any witness, is what is in it for the state.

**Mr Cotter**—There is no financial gain to the state, in our opinion.

**Senator MURRAY**—That is right. There appear to be no obvious efficiencies that emerge as a result of these council amalgamations, unless you look at particular circumstances where there is an efficiency, because some amalgamations are required. But in general, if you take the whole lot, there does not seem to be any evidence of an automatic efficiency. They are just claims. The claim is that it will run better, it will be cheaper, you will have fewer politicians et cetera.

**Mr Cotter**—Certainly if we refer back to the amalgamations that went on eight or nine years ago, if you talk to any ratepayer in those shires now, they will tell you there have not been any gains to the ratepayers, much less to the state.

**Senator MURRAY**—Have there been losses?

**Mr Cotter**—There has certainly been a change in how the ability to do business with those local governments is focused. It is much harder to do business with these larger local governments.

**Senator MURRAY**—I do not have a prejudice against very large shires. I have just been in the East Kimberley; the Shire of Wyndham East Kimberley is massive. From the port of Wyndham to Kununurra it is an hour and a half's drive and it is still in the same shire. I do not have an automatic prejudice, but I have the feeling that if people want to pay for it they are entitled to keep it.

**Mr Cotter**—I think they are entitled to be involved in the process by which it is arrived. At the very least they should an opportunity to have input into what happens to their shire. That is what has been denied here.

**Senator MURRAY**—I repeat a question I put to somebody else: there is no process of judicial review of this, is there?

**Mr Cotter**—No, definitely not—the only form of boundary change where there is not, I understand.

**Senator FORSHAW**—I have no questions but I wholeheartedly endorse your comment about local councils getting paid a pittance, certainly in comparison to the amount of work they are required to do. I know because my wife is a councillor. Do state governments set the allowance levels for councillors?

**Mr Cotter**—They have not up until this point, but our fearful minister I believe has made a statement in the last week or so saying that there will be a Remuneration Tribunal which will set the allowances for the new

councillors, which is even more concerning in that a number of our councillors are particularly good businesspeople and they say, 'I will allocate a certain amount of my time to community service,' in this case as a councillor. The remuneration is not important; it is about time. However, there is a suggestion that the remuneration will be set with an amount of time that you have to spend. As we all know, busy people are the first people you ask to do something. In this case, if these have to be full-time jobs, many good people will be eliminated from wanting to do that job. It is a real worry that people with the ability to deliver to their communities will be eliminated.

**Senator FORSHAW**—In New South Wales the government sets the levels. The councils are graded and there is a scale which is payable. Ms Dillon, you said earlier that the annual allowance is \$1,000 and then there are other fees. Are you able to indicate—so I can get a perspective—the average total payable to a councillor over a year?

**Ms Dillon**—They have the \$1,000, plus the \$200 or \$300 sitting fee. They might have monthly council meetings, special meetings, and they might get 12 or 13 times \$300, plus \$1,000. So you are still looking at under \$5,000 per councillor. Some of them are representing up to 8,000 square kilometres.

**Senator FORSHAW**—Some of that would be taxable too, at least initially, wouldn't it?

**Ms Dillon**—Most of it, yes.

**Senator FORSHAW**—I thought New South Wales was pretty badly off, but that is very low.

**Ms Dillon**—What they are paid is negligible, compared to what they do for that money.

**Mr Cotter**—The Blackall council—the shire—will go from 14,000 square kilometres to 30,000, so it will double in geographical area. It will go from having 15 councillors to four. So you have four councillors representing 30,000 square kilometres. They are expected to—

**Senator FORSHAW**—What is the total revenue of the council? What is their total annual budget?

**Ms Dillon**—Total operating revenue was about \$8 million for Blackall and \$5 million for Tambo.

**Senator MURRAY**—And the total population?

**Ms Dillon**—For the combined shires there are about 400 electors. I apologise—

**Mr Cotter**—Sixteen hundred would be the figure for combined electors over 30,000 square kilometres.

**Ms Dillon**—Sixteen hundred, and a population of 2,000.

**Senator FORSHAW**—That revenue includes grants?

**Ms Dillon**—Definitely.

**Senator FORSHAW**—Mainly grants?

**Ms Dillon**—The rate base is obviously limited.

**CHAIR**—As there are no further questions, I thank Ms Dillon and Mr Cotter for their time.

[4.01 pm]

**ELMES, Mr Glen, Member of Parliament, Legislative Assembly of Queensland**

**CHAIR**—Welcome, Mr Elmes, would you like to make a short opening statement?

**Mr Elmes**—Thank you very much. I know it is the late in the day, but I would like to welcome the committee to Noosa. I hope that during your deliberations today, and having seen some of our local media and talked to some of the people that have come to make presentations, you realise the depth of feeling in our community against forced council amalgamations and, in particular, the amalgamation of the Noosa Shire with Maroochy and Caloundra shires. In my submission, I dealt, in the first part, with a history of what has led up to today, but I also looked at the legal aspects of the legislation, which is now—we have an indication from the government, although they have not yet done it—going to change. I have also brought along with me—and I would like to incorporate it into my evidence—a list of the speeches, questions and statements that I have made in the lead-up to today to concentrate the opinion that I have had and the stand that I have taken during the process.

One of the things that I want to talk about is that this has been a long process for this community. It started well before the last federal election—in fact, when the then Deputy Premier of Queensland, Terry Mackenroth, made a statement at a Property Council meeting in Mooloolaba that he believed it would be a good idea for the three local authorities on the Sunshine Coast to amalgamate. And that, in itself, was enough to spur this community into action.

On the occasion of the last federal election, each polling booth in Noosa that fell within the federal seat was manned by a different community group, and some 18,747 signatures were collected on that day, by this community, opposing the amalgamation of Noosa with any other local authority. That petition was then submitted to the state house. Since then we have gone through the Local Government Reform Commission—you would have heard the figure of 31,000 submissions that were submitted to that. Between 7,000 and 10,000 people marched in Brisbane a few weeks ago, most of whom were from Noosa. And, of course, there have been letters appearing regularly in local newspapers. A new campaign has started today—I am not sure if you have seen today's *Australian Financial Review*, but a full-page ad has been placed in it by the Friends of Noosa—and that is a campaign that will gather steam as we go on.

What I am asking, and what this community is asking, is that, as senators and representatives of Queensland and of other states, you take back to the federal government the real hurt that we feel in Noosa, the real desire that we have in Noosa to remain a stand-alone local government authority. We are not coming at this because we are beggars. Our council is financially secure, it was rated in the top 10 councils in Queensland. From the depth of feeling that we have in this state, in this community, we believe and know that the people of Noosa, through their own council, are the best guardians of our future, the best guardians of our environment, the best guardians of our social responsibility. I hope, from the evidence that you have heard today, and from what you will continue to hear in the course of today, that you will take that message back to both the government and the opposition, and hopefully we can have a worthwhile result.

**CHAIR**—Thank you. We have heard from a number of witnesses today that the SSS review process was underway and ticking along; that it was 18 months along in that process. Premier Beattie, when he announced the forced amalgamations, said words to the effect: 'I've tried, we've tried, to bring about voluntary amalgamations, but there comes a point where you've got to say enough is enough,' and threw up his hands in exasperation. How does that comment from Premier Beattie fit with your understanding of how the process was working?

**Mr Elmes**—It was the first of the comments and statements that he has made that has resulted in what now is a complete lack of confidence in him. The very first move that the state government made when they threw out the SSS system was to change the legislation to take away the right of people to have a vote. The right of people to have a vote was enshrined in Queensland law: if there was a suggestion of amalgamations then people living in those local authorities were given the opportunity to vote yes or no and that vote was binding. That is the fundamental point in all of this. If the state was to give back to the Queensland people the right to vote then I would not have a problem if the Noosa community decided that they wanted to amalgamate with Maroochy and Caloundra, or if similar decisions were made by any of the other shires across Queensland, because they would have expressed their will at the ballot box. That should be the way it is. But Peter Beattie

took away that right and he has continued to take away rights. This whole process has been one of policy on the run, and it has not been policy that is well thought through.

**CHAIR**—We have heard quite a bit today from different councils asking for constitutional recognition of local government in the federal Constitution. Given that it is not the federal government which has threatened local government, it is the state government which has threatened local government, is there an argument and perhaps more reason to seek to have local government recognised in the Queensland state constitution?

**Mr Elmes**—Absolutely. I do not have a problem with the constitutional arrangements. Let us face it, there has not been anything really wrong with the arrangement as it stood up until this particular point. Whether we recognise local government in the federal Constitution or the state constitution, I am prepared to go along with it. The problem is the process. We did not have a problem before April this year. All of a sudden, the system that has guided Queensland and guided local authorities for the last one hundred or so years has been turned on its head. One of the things that they said during the advertising campaign the state undertook was: ‘We have had the same old horse-and-buggy rules for the last hundred years. Isn’t it time we changed them?’ Well, we were changing it under the SSS proposal. I think it is fair enough to say that that schedule—the size, shape and sustainability schedule—was lagging a little bit slowly. That is a fair enough comment to make. But to change it all in three months when it has been in effect for 100 years is undue haste. I think if we had gone about the process within the existing rules we would not be sitting here talking about whether or not we need to enshrine local government in the state constitution or the federal Constitution because we had a process that worked.

**CHAIR**—The legislation which is before this committee today has been referred to us for inquiry, to hold public hearings and to get community input, which is a fairly common thing for legislation that is going through the federal parliament. Was the Queensland local government amalgamations legislation referred to the relevant Queensland parliamentary committee for review?

**Mr Elmes**—No, not as I understand it.

**CHAIR**—Is it standard that significant legislation gets referred to parliamentary committees?

**Mr Elmes**—It has all happened very quickly. I am not able to tell you whether it was or it wasn’t. What I am able to tell you is that the haste by which this has taken place has not allowed for the proper processes to take place. I think the fact that this committee is here today and tomorrow in Emerald—which will give you another opportunity to talk to people in other regions of our state who will express similar views to me—is a good thing. But, as I said, if we had allowed time-honoured processes to go their way then there would have been no need for this committee. The fact that the federal government saw fit to create this inquiry has given local authorities and people within those local authorities across the state some hope to continue to highlight what they believe is a great injustice.

**CHAIR**—Finally, the Queensland government have flagged the intention to introduce iconic protection for Noosa and Port Douglas. What do you think they mean by that? What do you think they intend to legislate?

**Mr Elmes**—With great respect to the Premier, he does not know. They decide that they will introduce iconic legislation for Noosa and Port Douglas. As someone who has lived in many parts of Queensland I can assure you that there is not a community in Queensland which does not consider that something in their community is also iconic. So why should that not be included in the legislation? When the Premier decided that this legislation should be introduced, he then handed it back to the Noosa shire and the Port Douglas shire and asked them: one, what did the word ‘iconic’—which they could put into the legislation—‘mean?’ and, two, could we have a bit of a hand here, guys, on how to draft the legislation in the first place. It is floating out there; it is not something that will work. If they did have the time to do it, it would take years to do, not a matter of weeks, as the Premier wishes.

**CHAIR**—It sounds bizarre, indeed.

**Senator FORSHAW**—Thank you for your appearance. You were asked by Senator Fifield about whether or not the legislation in the state parliament had been referred to a relevant committee, and you were not sure about that. If the legislation is being supported by the two major parties in Queensland—the government and the opposition—and it is fairly straightforward legislation, does it normally get referred to a committee in the broad?

**Mr Elmes**—No, in many cases legislation is introduced fairly quickly and in many cases legislation has bipartisan support.

**Senator FORSHAW**—Like this legislation?

**Mr Elmes**—This legislation does not have bipartisan support.

**Senator FORSHAW**—It does.

**Mr Elmes**—Sorry.

**Senator FORSHAW**—Sorry, the bill that we are looking at, which is the purpose of this inquiry—

**Senator MURRAY**—I suspect that it has unanimous support.

**Senator FORSHAW**—I am sure it does.

**Senator MURRAY**—I cannot speak for the Greens, but I am sure it does.

**Mr Elmes**—I was going back to the—

**Senator FORSHAW**—You were thinking of the Queensland one. I was interested in your comments about the state government introducing legislation in haste. I am not complaining, but I am just making the point for the record so that people understand: this legislation was introduced in great haste into the federal parliament. We had a private meeting of the committee, I think before or just shortly thereafter the bill had even hit the deck in the parliament, and we put this program together in great haste. We are dealing with legislation which is supported by all sides of the parliament.

**CHAIR**—The haste was also supported by the opposition.

**Senator FORSHAW**—Exactly. But with respect to whether legislation, which has bipartisan support, should go to a committee for inquiry, I could take you through a number of bills where the federal government has declined to have them investigated by a Senate inquiry or where they have had a one-day hearing, such as the recent Northern Territory legislation on the Telstra bill.

**CHAIR**—Again, the Northern Territory legislation and the speed with which it was dealt were supported by Labor.

**Senator FORSHAW**—A one-day hearing in Canberra, where a lot of community groups complained that they had no chance at all to come along and address the legislation. There was a lot of community concern about the legislation.

**CHAIR**—Which Labor supported.

**Senator FORSHAW**—We were supportive, but we also moved amendments, Chair, and you rejected them. Mr Elmes, we are dealing with this legislation before the federal parliament. It has bipartisan support and it will go through quickly, one would assume. Do you have any idea of what the federal government may do beyond that to change the mind of the state government?

**Mr Elmes**—No, I do not. I think that in many respects the great hope of my community and others rests on your shoulders and Senator Moore's shoulders, because the opportunity exists for you to take a message back to your colleagues in caucus and to your leader to exert pressure on the Premier of this state—they are from the same political party—to give people back that right to the vote, which is where I came from. There is a small window of opportunity here, and a great hope for all of us is that both of you will take that message back and judge the depth of feeling. The Leader of the Opposition has talked the talk, but we really do need him to do a bit of leaning on the Premier. With the right to vote, all of this goes away.

**Senator FORSHAW**—It does not all go away. The legislation provides an opportunity for the constituents, if the council requests to have a plebiscite, to have a vote, and they may vote a certain way. But that is not necessarily the end of the matter.

**Mr Elmes**—The overall state-wide campaign against forced council amalgamations goes away with the reinstatement of a right to vote.

**Senator FORSHAW**—So what you are asking those of us on the committee from the Labor Party—and Senator Joyce went to this sort of situation when he was asking questions this morning—is that the Labor Party federally direct the state Premier, because he is a Labor premier, to agree with us and have a consistent view?

**Mr Elmes**—I think that would be a terrific outcome.

**Senator FORSHAW**—That is good. But that is something the Prime Minister does not necessarily think is a good idea, does he? He is always telling us that the great danger for Australia is having a Labor leader in

Canberra and Labor leaders in the states all agreeing with each other. That is actually undemocratic in many ways, according to Mr Howard, because it is all just 'follow the leader'.

**Mr Elmes**—The only thing that I have any expertise in is something that happens in Queensland. We have a federal Labor leader who is a Queenslander. He has the ability—and he certainly knows the phone number of the Premier—to pick up the phone and have a good talk to him.

**Senator FORSHAW**—You are aware that he has spoken to the Premier privately and that he has made statements publicly? Indeed, he was on the public record back on 17 May calling for the local plebiscites, and that was well before the Prime Minister even entered the debate.

**Mr Elmes**—I think what the people of Queensland, certainly the people of Noosa, are looking for is an outcome to that rather than just a press release being issued.

**Senator MURRAY**—Mr Elmes, I got confused when you kept returning to the right to vote. The plebiscite, as you know, gives people the right to express an opinion through a federally administered Electoral Commission process, but it is merely expressing an opinion. When you were talking about the right to vote, were you referring to it in that sense or in the sense of a state vote on these matters?

**Mr Elmes**—I was talking about the legislation that was removed when—

**Senator MURRAY**—The state legislation?

**Mr Elmes**—The state legislation that was removed which allowed for a binding vote when council amalgamations were to be considered.

**Senator MURRAY**—That makes a great deal of sense. Thank you very much. For the record, you are not against the amalgamation project or concept per se? You think that in specific circumstances it should go ahead and in others it should be rejected; is that right?

**Mr Elmes**—Absolutely. There are many shires in Queensland where they either welcome amalgamation or, in the case of our southern neighbours Maroochy and Caloundra, there is little or no discussion about it. But there are pockets within Queensland, Noosa being probably the best example of it, where people and the ratepayers really do believe that they have forged a good, sustainable way of seeing their community progress and that they are best able to see that through. To use a bit of an old cliché, to take the 'local' out of 'local government' and to form a super council comprising Caloundra, Maroochy and Noosa and, in doing so, to create a council in land area about 2.3 times the size of the Gold Coast is not going to deliver good local services.

**Senator MURRAY**—That is where I wanted to go to with my next question. I was a bit concerned with some answers earlier that Noosa will go ahead with a plebiscite almost certainly but that it was unclear as to whether Maroochy and Caloundra would. I would assume that, if Maroochy and Caloundra also had a plebiscite and were also against amalgamation, the case would be overwhelming, but it would be a bit difficult politically because of the battle still to come if people were claiming that Maroochy and Caloundra were for amalgamation and only Noosa was against it. I just think that, if you are going to have a plebiscite, you need to have it across all those affected areas and also with variants because, as I understand it, there is certainly an acceptance of boundary enlargements and shifts in boundaries and so on. What do you think about that particular problem?

**Mr Elmes**—I was speaking to a couple of my colleagues today, one of whom is the member for Caloundra. His office has had three calls on amalgamations since this whole process started. Part of my electorate falls into the Maroochy Shire as well. I have yet to see anything from Caloundra City Council and the Maroochy Shire suggesting that they are going to call for a plebiscite. The boundary between the two communities is the Mooloolah River but I doubt if there is anyone who actually lives in Maroochy or Caloundra who has much of an idea that that is where the boundary is. Where one finishes, the other starts. Their building approvals schemes, their housing densities and their ways of doing business are very much the same. To them, it is merely an extension of what has already been the case. That is not the case for Noosa.

**Senator MURRAY**—Are you suggesting that, even if they do not have a plebiscite, one of the options for the state government is simply to unite those two and leave Noosa out of it?

**Mr Elmes**—If they were violently opposed to amalgamation, we would be seeing the same agitation going on in those two communities that we are seeing in Noosa. That just has not been the case at all. I think everyone accepts the amalgamation process in Maroochy and Caloundra.

**Senator MURRAY**—That sounds a very sensible outcome to me. The state still gets much of what it wants, which is an amalgamation, and Noosa will get what it wants.

**Mr Elmes**—I think we have to go back to one of the meetings that the local government minister attended here during the process. He made the comment that, if there were 156 councils like Noosa in Queensland, there would be no need for local government reform. The minister said that a couple of weeks before the decision was handed down.

**Senator MURRAY**—The old minister or the new minister?

**Mr Elmes**—The new minister, Andrew Fraser. As I said right at the beginning, we are not here as some financial basket case or some council that just wants to be left alone for no particular reason. We are financially secure; we have the infrastructure in place in our community, particularly for our people, to see us through very well into the future.

**Senator MOORE**—The only thing in front of our committee is the 3½-page piece of legislation that looks at plebiscites. That is the only document we have. I am really concerned that there is an expectation that we have an ability beyond that. It is particularly important that that is reinforced all the time. I just want to get that on record.

Your submission talked a lot about amalgamations but not a lot about plebiscites. In terms of process, should this legislation be passed? It will be; you have already heard everybody is supporting it. It is now on the record that there will be a process for the AEC to be involved in driven plebiscites over issues. Have you turned your mind to any other issues that may well be of import to a local area—it does not even say ‘a local government’ in the legislation—or to any other issue that could be covered by such legislation?

**Mr Elmes**—No, not as such. The area of interest to us is our community. All of us in Noosa welcome the opportunity for a plebiscite. We welcome yet another opportunity for the Noosa people to express their wish at the ballot box. Even though it is not a binding vote it continues to send out the message from this community.

**Senator MOORE**—Whatever happens in the future process, can you see any path down the track for not including Noosa? I think Noosa has made the case very strongly that there is no rationale for it, but is there any case for forced amalgamations anywhere in Queensland?

**Mr Elmes**—Not that I am aware of. There are obvious cases for amalgamation. The previous person who was giving evidence referred to what is now the Cooloola Shire. I had a great deal to do with it through business. You have what was then a doughnut council—a very small nuclear city surrounded by a very large shire—and you put them together. It made all sorts of sense and it is something that has worked. There are other examples of that in Queensland. You have to present the people that live in those communities with the reasons for it being a good idea. It comes down to the politicians of the day—in this case the local government leaders—to explain why it should or should not go ahead. People then express their view at the ballot box, and the will of the people should be respected.

**Senator MOORE**—Have all amalgamations in Queensland history been subject to a vote?

**Mr Elmes**—No.

**Senator MOORE**—I got the impression from your previous evidence that this is the very first time that it has not had—

**Mr Elmes**—No. The provision was put into legislation by the last coalition government in Queensland and it has now been removed.

**Senator MOORE**—It is not historical?

**Mr Elmes**—No.

**Senator MOORE**—From your point of view, is there any confusion in the community as to where the responsibility for these decisions lies?

**Mr Elmes**—In what?

**Senator MOORE**—In any community, in terms of the fact that currently, under the Constitution and under law, state government is responsible for local government.

**Mr Elmes**—Yes, everyone is very much aware that local government is a creature of the state, so there is no confusion in anyone’s mind there.

**Senator MOORE**—I was concerned about your evidence. You said that constitutional acknowledgement of local government was something that you agreed with, but it would not make much difference—that kind of thing. I am not sure whether that is actually true or whether, if local government had responsibilities and acknowledgement in the Constitution, it would have an impact on the decisions about its future. I am just putting that in for research. I note in your submission you have researched elements of that, and it must be an interest. We have had some submissions to this inquiry about the constitutionality and, from a constitutional point of view, it could be something that could be worthwhile having a look at. The fact that local government is not in the Constitution has made it more vulnerable.

**Mr Elmes**—The point I was making was not so much about whether or not local government should be in the state or federal constitutions. There was nothing wrong with the process that we already had. The problem with this new process is the undue haste of redrawing the boundaries of 156 local authorities in three months. It cannot be done successfully. If it was done successfully—

**Senator MURRAY**—Or fairly.

**Mr Elmes**—Yes. If it was done successfully and fairly, you would not have the problems and the degree of anger that we currently have in the state.

**Senator FORSHAW**—In your conclusion on page 10 of your submission, you state:

It boggles the mind that an Australian Government would pass legislation that actively restricts peoples' right to vote.

I might just draw your attention to a decision of the High Court today which dealt with that specific issue. It ruled as unconstitutional and invalid certain provisions of the changes that were made to the Electoral Act last year by the federal government which restricted the right of certain people to have a vote.

**CHAIR**—Prisoners.

**Senator FORSHAW**—Yes.

**CHAIR**—You are not drawing a parallel between the ratepayers of Noosa and prisoners?

**Senator FORSHAW**—No. Last year, the federal government took away the rights of prisoners to vote. Prior to the changes, a prisoner serving less than three years still had the right to vote. The federal government removed the right entirely and the High Court has said today that that is invalid and unconstitutional.

**Mr Elmes**—I am not across that.

**Senator FORSHAW**—I am not asking you to comment on that. We have only just found out.

**Mr Elmes**—Suffice to say, I have been across my local news today not the national news.

**CHAIR**—Noosa ratepayers versus prisoners!

**Senator MOORE**—I think it is really important. It shows the dynamic nature of the system that we can actually make change.

**Senator FORSHAW**—It shows that governments get it wrong.

**Senator MOORE**—And your submission particularly was so well researched in terms of the history that we wanted to make sure that that was brought to your attention.

**Senator FORSHAW**—I did not draw it to your attention as a criticism.

**Mr Elmes**—I appreciate that.

**CHAIR**—Mr Elmes, thank you very much for your time. We appreciate it.

[4.52 pm]

**OMDAHL, Mr Roger, Private capacity**

**CHAIR**—Before we start, I remind those in the gallery that at the conclusion of Mr Omdahl's evidence there will be an open forum where you will be invited to give two-minute presentations. If anyone is interested in taking that up, please register with the committee secretariat. Mr Omdahl, would you like to make a brief opening statement?

**Mr Omdahl**—Yes. I have worked for over 30 years at senior level in a number of Commonwealth and state agencies, and I thank you for the opportunity to appear before you this afternoon. First of all, congratulations on your tenacity and stamina for hanging in there.

**Senator FORSHAW**—This day 1.

**Mr Omdahl**—Get some of that good Noosa air and that will carry you through. My submission addresses the content of the bill. I have tried to develop in the short time available three core themes. The first theme is that this bill should be passed, in my view, subject to one proviso: some sections are unconstitutional, and there have been submissions on that point. With that caveat, a plebiscite should be conducted on the question of amalgamation, although my themes do address issues regarding the timing of such a plebiscite and the questions to be asked. The second theme relates to ensuring the continued impartiality of the Australian Electoral Commission and the office of the commissioner. My third theme goes beyond the scope of the bill but raises the issue of what I consider to be the desirability of a holistic, structured and timely review into the whole question of how we deliver an improved framework for public policy determination in this country to take us forward for the next hundred years. It is a theme that I have heard in part talked about today. In summary, they are the three themes that I have tried to develop.

Turning briefly to the first theme about the bill, I simply note that I am not qualified to speak on the subject. But I do note that three persons who appear to have eminent qualifications have raised issues. Firstly, there is the unconstitutionality of the bill or the potential unconstitutionality of the bill. Secondly, there is the issue of the perceived infringement or the actual infringement of the role of the AEC. They are matters of concern to me, given my role in government at federal and state levels. My simple proposition is that the matters under contention be tested by the High Court. That can be done fairly quickly. I am not seeking to defer the holding of this issue through that process, but I would abhor any proposition that something should go forward that is unconstitutional.

I have submitted that there should be a plebiscite on the issue. My reason for that really is that the enactment by the Queensland government of its recent legislation has taken from this community our world's best practice governance arrangements which are what have made Noosa what it is today in terms of its low built environment and the protection of its natural environment. That is a serious issue for us in Noosa. I would think it would be a serious issue nationally. I would think it would be going to be an increasingly serious issue around the world. We want to see those sorts of frameworks protected, not stripped back.

The second element of the Queensland government legislation disallowing plebiscites runs contrary to my view of how government decisions as to public policy should be determined and as to what this community expects in terms of its governance arrangements with its own council. It would want them extended to state and federal levels if possible.

On the matter of the timing of the plebiscite, for reasons to do with perceived and actual impartiality of the AEC, I would think that the timing would be better if it were held in November-December this year. Secondly, I think that timeframe of November-December would allow other matters to be considered, such as the ones that I will raise soon about who votes. I note that that has been raised. It is about who does vote on this matter—Noosa, the three shires here or Queensland as a whole? How do we divide the pool of voters and how do we resolve any conflict that comes out of any such voting processes? So there is a number of issues that need to be considered before going forward with a plebiscite that I would want to be held properly.

On the matter of the question itself, my submission is that the question should be simple, clear, concise and impartially drafted and that it should address core concepts. I am suggesting simple yes/no responses to core issues. There would be a divergence of opinion on that, but my main point in raising that is not to see my favoured question as the one that is asked but to see that due consideration—impartial consideration—be given to the drafting of and to the issue of the question. Also, I would favour the issue of for and against cases being prepared by proponents of either side of the argument.

In closing, briefly, on the third theme that I have developed: I would hope there would be a need to take what I think would be after all a catalyst here. I would hope that this acorn would grow into a large enduring oak to improve the framework for determining public policy in this country. To me that is a core issue. It is a critical issue.

There is a wide range of matters that I think need to be considered in such a framework. I would strongly favour constitutional recognition of local government. Also, initiation of plebiscites on matters of significant importance and perhaps even citizen initiated referenda—I note the comments on that in relation to the introduction of the bill but nevertheless, in a wide ranging review, that perhaps should be looked at. All of those matters are going to take time—there are constitutional issues and there are definitional issues galore—but I would prefer to see such a wide ranging review undertaken.

**Senator MOORE**—I am interested in all of your submission, but there are two points I want to raise. One is your issue about the independence of the AEC. I would like to draw you out on that. In your submission you said that the seeming independence of the process is of concern. Can you expand on how you would ensure that that would be done. There is no doubt about our respect for the professionalism of the AEC; it has already been effectively used in the union process for elections as opposed to standard elections. I know it has also been used in the process of amalgamation ballots and in referendums. So it has not only dealt with political elections. From your perspective, why is that of import to you in your submission?

**Mr Omdahl**—I endorse your comments about the professionalism of the AEC. My concerns arise from issues such as the haste within which the AEC may be asked to conduct such plebiscites. I have already alluded to the fact that there are definitional questions galore. One of the most obvious ones that I heard recently is: who is voting and in what context? There is the question itself—the process to have the question determined. Is that going to be left to the AEC? Who is going to determine that question? Another matter, from a broader perspective, would be the timing of this. It is clearly a partisan issue. To have that thrust in haste upon an organisation such as the AEC and/or the office of the commissioner to me is not the way to run public institutions in this country. I would have no objection whatsoever and would strongly support the AEC conducting this plebiscite, as I said, perhaps subsequent to the election, but in plenty of time for consideration and implementation of any outcomes well prior to the March 2008 elections within the local government framework. But I think the raising of this bill and the thrusting of it upon the AEC to do who knows what—because that is undefined—is, if not a breach, then certainly something that could be perceived as such. I do not want to see the AEC drawn into disrepute.

**Senator MOORE**—We will be questioning the AEC on Monday. Certainly the mechanics of the process is something that we are all interested in. We have only got the bill and the explanatory memorandum so the details of how, when and what process are as yet unknown. My understanding is that there was discussion at the local government association meeting as recently as yesterday, with a date of 20 October being bandied around. I have not seen that written down anywhere but that would be a very short time frame. It also concerns me that everybody knows that the AEC is in the countdown for preparation for a federal election—they have their predetermined processes about what they have to do so many months out from an election. It is an issue we will be raising with them. I think that the mechanics will be critical to making it operate. The other question I would like to get you on record about is the last point—and I know Senator Murray is particularly interested in this as well—about the role of this legislation in possible future public policy discussions. The legislation we have in front of us is only 3½ pages and it talks about the AEC in the practice of a plebiscite. It does not mention anything else; it does not mention local government or whatever. It is there within legislation as an opportunity for this process to be put in place. With your experience in public policy, do you have anything you want to share with us about how you think it could be used and what issues it may be useful for?

**Mr Omdahl**—My fundamental belief is that any review of the framework for determining public policy in this nation needs to be far broader than the scope of this bill.

**Senator MOORE**—Sure.

**Mr Omdahl**—Just confining my answer to the possible impact of this bill, clearly any matter that is perceived to be of significant importance could be raised. One wonders what the impact of that additional process on existing public policy determination frameworks is. There would be any number of issues that any number of interest groups would prefer to have run through such a plebiscite process. One presumes that that is not the basis for the genesis of the questions, though, but it may well be a legitimate expectation of community groups that they can submit questions for consideration through that process. Certainly local

governments—in the current environment or in any other hypothetical environment—may well wish to submit matters as well. It is not clear to me that that has even been considered.

I do not think the matters for consideration under this bill need to be confined to matters that are under consideration by the federal parliament. There are a number that obviously are under consideration there. I think I heard this morning that nuclear power plants would be one. The prior question to that is: should we even be going down the nuclear path? That might be a different and precursor question. Work Choices, a review of past government decisions—anything could be rolled in. One just wonders where it is all going to end. To me, there is no real thought being given to developing a framework within which such plebiscites might be held. It is anathema to me and the way that I think public policy should be developed. It will be developed in a piecemeal fashion the way this has and in the hothouse of an election.

**CHAIR**—Just in relation to your comments about the timing of this legislation and the timing of any plebiscites, I think it is worth observing that the timing of this legislation is directly a function of the Queensland government's own legislation. If the intention of this legislation had not been announced and if it had not been drafted, then the Queensland government would not have withdrawn its punitive measures. I just make the point that the timing and the haste is a direct response to the Queensland government's own efforts. In relation to the actual timing of a plebiscite, I note your recommendation that the plebiscites be held after the federal election in order to preserve the independence of the AEC. I would contend that probably the best way to ensure the independence of the AEC is to leave any decision about timing entirely to the AEC. I just offer those comments.

**Senator MURRAY**—I am with Gough Whitlam on a particular topic. He argues that the Americans have simultaneous elections on the same day: from dog catcher, through to senators and congressmen and all the way up to the President. Australian legislation prohibits that sort of thing. I am of the mind that it should not prohibit it; it should be allowed if possible. So, having put my views on the record, what would be wrong with having any of these plebiscites on the day of a federal election? Why is it the wrong thing?

**Mr Omdahl**—If that event were to occur at some stage, a year or more in the future, after careful consideration of the processes, I would have no objection whatsoever.

**Senator MURRAY**—Let me be more specific. The Noosa people want to have a plebiscite so that they can express their view on the amalgamation. They will probably make an application as soon as the bill passes; they might even do it before. The AEC then has to agree to get that underway. The AEC might choose a date. Let us say it chose 1 December, which is a Saturday. Sometime later, the Prime Minister says, 'On 1 December, I'm going to a federal election.' What is wrong with having that plebiscite on the same day as a federal election? I cannot see a problem, but people seem to be concerned about that.

**Mr Omdahl**—If events unfolded in that manner, I do not know that I would have an objection.

**Senator MURRAY**—Okay.

**Mr Omdahl**—What concerns me in the current context is the whole birth of this legislation and the implementation of it through the processes that are a complete mystery not only to me but, from discussions I hear, even among you this morning.

**CHAIR**—Just to clarify, when talking about the birth of the legislation being a mystery, are you referring to the Queensland government's legislation?

**Mr Omdahl**—No, the bill here. How it is to be implemented just has not been thought through. If matters were thought through in a neutral environment and frameworks put in place, it would seem to me to be logical—there would be some logic—to have them held simultaneously, but there are political and process issues here that to me are significant. But, in saying all that, I live in Noosa, I am a Noosa ratepayer, and I want a damn plebiscite on this issue! I just do not want it in the framework that I see. I want it soon.

**Senator MURRAY**—I think we have to respect the environment out of which the legislation came. I agree with Mr Rudd and Mr Howard that, when Mr Beattie threatened to fine people or give them a criminal conviction because they wanted to have local government vote-taking, you needed to react urgently. I have no criticism of an urgent reaction, but I recognise the reality of what you are saying—that is, the mechanics obviously could not have been developed and still need to be developed. You have a legitimate concern.

I just want to clarify and be sure. If the AEC sets a date for a plebiscite based on an application to it from, for instance, Noosa council, and then later on the Prime Minister declares the election for that date, you see no in-principle reason why that should not happen simultaneously on the same day?

**Mr Omdahl**—Personally, no, if that is the way it unfolds. If people want to read politics into that on the part of the Prime Minister, it is up to them whether they do or not, and they will weight that, accompanying all the other things they weigh up when they pick up their pencil in the little box. That is okay. I do not have a problem with that, if that is the way things unfold—provided that the other issues of mechanics and process are independently determined prior to then.

**Senator MURRAY**—Yes, and that is reasonable.

**Senator FORSHAW**—I just have a comment first and then a question. Picking up what Senator Murray stated about holding all elections, including plebiscites, on the one day, as happens in America: that is true, but it is also not completely correct because there are a couple of differences. One is that there are fixed terms in the States. Secondly, there are staggered elections. As you know, they have four-year terms for presidents and then they have rolling congressional elections. So people should not think that every election is held on the one day, which is what the Whitlam proposal has always been.

**Senator MURRAY**—This year it is the dog catcher; next year it is the cat catcher!

**Senator FORSHAW**—That is true. I am interested in exploring this a little bit further. You made the point that there are some other submissions—and I think that you are referring to the submissions of Brian Costa and Graham Orr—on the constitutionality issues.

**Mr Omdahl**—Yes. There are three.

**Senator FORSHAW**—I am not sure whether they are appearing.

**Senator MURRAY**—There is a third one by Professor Carney.

**Senator FORSHAW**—Yes. Hopefully, they will have an opportunity to appear, but I am not so sure at this stage whether they are on the program. If there is a constitutionality issue, there is a bit of a problem as to how it would get to the High Court and how quickly it could be dealt with without the legislation being passed. In any event, this legislation is going to be passed, I assume, as soon as we get back to parliament, which is fairly soon, because there is not much time to go. I took from your submission that maybe that issue has to be resolved by the High Court first if there is a legitimate question there. But then you go on to say at the end of section 2:

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.

Unfortunately, I do not have that act in front of me. Can you elaborate on that? My very limited recollection of the application of the Commonwealth Electoral Act is that there would be nothing to prevent a local council holding a plebiscite—and that has already been acknowledged—in the absence of this legislation and in the absence of any prohibitive provisions by the state government. The question that then arises is: would they be able to access the services of the AEC or would they have to fund it and run it themselves? Could you elaborate on your comment about section 7 to 7B of the Commonwealth Electoral Act?

**Mr Omdahl**—I had a general knowledge that this provision has been in the Commonwealth Electoral Act for quite some time. To me, a group accessing that process has obviously got the right to do it and under those terms I think that they would pay for it.

**CHAIR**—Senator Forshaw makes an important point. This legislation is merely designed to protect that very right, which is already there in the legislation. This legislation was only necessitated by the Queensland government's decision to pass legislation which threatened to fine and sack councils who accessed that very provision.

**Senator FORSHAW**—Senator Fifield has made that point a lot of times, but there is another aspect and that is that this legislation is founded upon the use of the external affairs power. That is clearly stated. That raises the issue that they cannot rely on another head of power. They cannot rely, for instance, on the normal heads of power in the Constitution that enable the AEC to run elections across the board, such as for trade unions. The reason that they do that for trade unions—and that is provided to them and I do not think that they have to pay for it—or employer organisations, which have the same rights, is because of the provisions relating to coverage of industrial relations matters and corporations matters. There are a whole lot of areas in which the AEC can run elections, plebiscites or whatever beyond normal federal elections. This is being done especially for local government, even though it does not say that. Back to section 7B.

**Mr Omdahl**—My understanding was that the state government has or is halfway through the process of removing those penal clauses to which you referred, so this process would be available. My simple proposition

is that using an existing process which has existed for quite some time and which will do the same job, to me, is preferable to using a sledgehammer to crack a nut by creating special legislation which duplicates an existing power. Secondly, I object to that being taken in an election context, and I would be saying the same thing if the parties were reversed. The specifics there I have taken from Dr Orr, I think it was—one of the submissions, by a dean of law or a professor of law.

**Senator FORSHAW**—This is my final question. Again, this is something that I am hopeful we will be able to pursue with the academic witnesses and experts. The bill refers throughout to ‘the purposes of conducting an activity (such as a plebiscite)’. It is all very esoteric, I am sorry, but have you turned your mind to the extent and meaning of those words ‘conduct an activity’?

**Mr Omdahl**—Only for about 0.3 of a second, because the first thought that occurred to me in that length of time was that that could apply to any darned thing that I may conjure up in my own mind after half a bottle of red wine. I am a bit horrified by that prospect—not the drinking of red wine but the fact that a matter could be forced into a plebiscite situation by goodness knows who. Where are the boundaries, and what is the question in relation to any matter?

**Senator FORSHAW**—The concern—and this is one that I am aware has been expressed—is that, whilst people can quite conceivably accept and support plebiscites on these local council amalgamations, the concept of creeping centralism by the use of that language in this legislation does raise those issues. We can pursue it further. I understand that Dr Orr and Professor Costar will be appearing by teleconference on Monday.

**CHAIR**—Are you really in favour of plebiscites? It sounds to me as though you are in favour of plebiscites but you are opposed to the very legislation that will ensure that they are able to be held.

**Mr Omdahl**—What I am opposed to is the political connotations which I see attached to the bill and, secondly, the fact that the implementation issues scare the heck out of me. I cannot see where they have been considered. From listening to the discussion among yourselves, with respect, there are a number of different opinions. Everybody has their own view on what it might be or should be. That work has not been done. That, to me, is not the way to run public administration. They are the objections that I take, and I have said in the submission and verbally here that I favour a plebiscite. I want a plebiscite, I want everybody in Noosa to have a plebiscite and I want them to have it fairly soon—but I want them to have it in a structured environment with the federal election politics removed from it. They can put as much politics as they like into the holding of the plebiscite itself, on that issue—that is fine.

**CHAIR**—There is cross party support for this bill, so I would hope to that extent that there is no politics involved.

**Mr Omdahl**—I was referring to the politics around the question in the plebiscite—sorry. There can be as much politicking around that—

**Senator MURRAY**—That is up to the local government.

**CHAIR**—That is up to the local government, and that is the case at the moment. All this bill is doing is protecting a pre-existing right which is legislated. This is not creating a new right.

**Mr Omdahl**—Is it superfluous, in that case?

**Senator FORSHAW**—Not quite. It is also now up to the AEC.

**CHAIR**—It always has been, but this is making it—

**Senator FORSHAW**—Not if a council runs its own plebiscite.

**CHAIR**—This is reinforcing the AEC’s capacity to do these things.

**Senator FORSHAW**—We will debate it later.

**CHAIR**—Anyway, thank you, Mr Omdahl. I appreciate your time here this afternoon.

**Mr Omdahl**—I appreciate your time and the opportunity. Good luck. I look forward to reading your conclusions.

**CHAIR**—We now move to the open forum where members of the gallery will be invited to make a two-minute presentation. In doing so, I hope that this hearing does not start to resemble the *Jerry Springer* show. With that warning, I call upon our first presenter, Mr Hopkins.

[5.25 pm]

**BROWN, Mr Hamish Danks, Private capacity**

**HOPKINS, Mr James Edwin, Private capacity**

**KOVASSY, Mr Lazlo, Private capacity**

**SPENCER, Mr Kevin Ronald, Private capacity**

**CHAIR**—These will be straight statements. There will not be questions or exchange across the table.

**Mr Hopkins**—So you want me to make a straight statement?

**CHAIR**—Yes, a two-minute statement.

**Mr Hopkins**—Listening to what people have said just in the last few minutes, the statement I would like to make is that the Beattie government should be prorogued simply because the Constitution Act 1867 states that any bill introduced into parliament that purports to abolish local council in Queensland—so that there is no longer any system of local government in Queensland—must first be put to the people and be approved by a majority before it can be presented to the Governor for assent. It goes on. There is no way in the world that those who wrote that up would envisage a situation coming into being as we have today, simply because, when that was written, the Westminster system made the bill sit on the table for one year and one day. That has been whittled down to 13 days. And it did not even sit on the table for 13 days; it sat for two. That being said, and Beattie doing what he is doing—he is a dictator—the mechanics of the democratic rights of our country have been watered down so that Beattie can now enact anything just like that and say, ‘We are not putting that on the table; it is going to go through.’ The Governor says, ‘Yes,’ stamps it, and then says, ‘Thank you very much; have a nice day.’ He is a rogue Premier and he needs to be prorogued by the powers of the Governor. She has the powers to do that, and if she does not do it, it is down to the monarchy to do it. I have written to the monarchy, and that is what everybody else should be doing, because this is the thin end of the wedge and it needs stamping out. I am sorry for getting so—

**CHAIR**—That is perfectly all right.

**Mr Hopkins**—I hope I have made my point. Thank you all for your time and effort, and consideration.

**CHAIR**—You are welcome.

**Mr Kovassy**—I apologise; I am going to read from my notes. I wrote my statement down so that I could trim it down to within the two minutes. I have been a local for 20 years and I am very worried. I am not against amalgamation in general. When Mr Beattie announced that some financially unviable, small councils had to amalgamate I thought, ‘Fair enough.’ We do not come under this criteria. If you care to look closely at our finances and those of Maroochy, you will see that, while ours are in excellent shape, Maroochy’s are in hopeless debt. That is why their rates are much higher. Now we will have to share this debt burden. I am very worried. When I have to ring my council for some services—for example, maintaining a stormwater canal—I get immediate attention. I hear from friends who live in the Maroochy Shire that that is not the case. It is mostly lost in a bureaucratic maze. I am very worried. In Noosa we have one set of traffic lights. Maroochydore is an ugly forest of traffic lights. Yesterday I went shopping in Wisers Road and, in a stretch of 400 metres, where last year there was one set of traffic lights, now there are three sets. Are we going to look like that? I am very worried. Mr Beattie has promised that he will introduce iconic legislation to protect Noosa and a few other councils. When he appointed this committee he promised very faithfully, several times, that when the report came in, the cabinet and parliament would carefully consider it. No sooner was it announced than he immediately said that he was going to carry it through lock, stock and barrel. That was his promise. Unfortunately I cannot trust him any longer to keep his word. I am very worried.

**CHAIR**—Thank you, Mr Kovassy. I call Mr Brown to the table.

**Mr Brown**—The English political philosopher John Locke talked about the contract between the government and the people and what happens in the case of a violation of that contract if the government enacts something without the consent of the governed. I think that is what has happened in Queensland in these recent months: the Beattie government has broken and violated its contract with the people it governs.

Quite beyond the scope of the Commonwealth government to enact legislation, although it is limited by the Constitution from intervening in local government, this process of forced amalgamation will continue. I do not believe that Premier Beattie will stop just because local communities hold plebiscites saying that they disagree with his policy of forced amalgamation. So I want to air before this Senate committee the fact that the community groundswell will continue. What has happened in recent weeks has brought in the federal government; I agree with Senator Murray that it is of political historical significance about the nature of democracy and the relationship of people with their governments, at whatever level. If Mr Beattie persists in forcing through amalgamations across the state you will see, because we have no outlet for judicial review or appeal—because that has all been taken away and was the very first amendment that went through in April—a historical level of civil disobedience in this state.

Whilst I applaud the recognition of local government in the national Constitution I for one will never recognise the Sunshine Coast super council in the way it has been imposed upon me and this community. When the next government elections are held for the new super council I will be voting informally and saying, 'Vote 1, Noosa Council.' I encourage every Queenslander across the state who wishes to retain their council, in which they also have a caveatable interest because of the rates and levies they pay, to do the same. I will be encouraging them to refuse recognition of a local government that was undemocratically brought about.

**CHAIR**—Thank you, Mr Brown. I call Mr Spencer to the table.

**Mr Spencer**—Thank you for the opportunity to make a submission. I am totally in favour of this bill. It restores, or at least supports, what we all accept as a fundamental right to vote but, as has been reiterated particularly in the last few days, in spite of all reason the state government can still and will still proceed regardless of the outcome of any plebiscite.

I ask that this bill be extended to include some sort of resolution to hold a referendum at the next election to include constitutional recognition of local government or to force deferral of local government changes until a time that such a referendum can be finalised and implemented according to the vote within each local government area or community of interest. I believe that the circumstances that have allowed this situation to arise have to be addressed and amended.

**CHAIR**—Thank you, Mr Spencer. That concludes this public hearing of the Senate Finance and Public Administration Committee. The committee stands adjourned until it reconvenes in Emerald tomorrow.

**Committee adjourned at 5.34 pm**