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From: Kevin Spencer

Sent: Friday, 24 August 2007 5:19 PM

To: Committee, FPA (SEN)

Subject: Submission to: The Senate Inquiry into the Commonwealth Electoral Amendment (Democratic Plebiscites) Bill 2007

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The Senate Inquiry into the Commonwealth Electoral Amendment (Democratic Plebiscites) Bill 2007

The Commonwealth Electoral Amendment (Democratic Plebiscites) Bill 2007 is essential to provide an opportunity for the people of Queensland to have their preference known and recorded. I contend that all Queensland voters should be given the same opportunity, regardless of any disclosure of intent or any decision made by the council that represents them, regarding a plebiscite.

Furthermore, the opportunity for an AEC plebiscite should be provided to all voters anywhere in Australia where changes are proposed regarding the structure or functionality of their first level of government.

The entire Queensland local government reform process has been deficient in transparency and lacking any opportunity for public submissions or genuine discussion with the government over the issue. Dissent has been emphatically dismissed by the government as futile.

Significant to public and judicial scrutiny of the process has been an a Queensland Government amendment, dated 26 April 2007, removing previously available avenues of review and appeal which are generally considered as being fundamental to reasonable and responsible decision-making in a democratic society.

Local Government and Other Legislation Amendment Act 2007

(Copy attached, page 19)

‘Division 4 Miscellaneous

‘159X Review of particular decisions and actions

- ‘(1) A designated decision—
- (a) is final and conclusive; and
 - (b) can not be challenged, appealed against, reviewed, quashed, set aside, or called into question in another way, under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and
 - (c) is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.
- ‘(2) Without limiting subsection (1), a person may not bring a proceeding for an injunction or any other order to stop or otherwise restrain the performance of a designated act, or for a declaration about the validity of a designated act.

etc.

Additionally, I refer you to widely-held views among experts and analysts involved with environmental protection and sustainable community studies regarding the future viability of human society. Resoundingly, the most favoured and desirable models are based on small localised communities with a high level of community participation in decision-making, work and play. In line with these assessments are recent developments in England where non-amalgamation models with strategic alliances for certain local government services are now preferred for efficiencies, to decentralise power, and to involve communities more in their own district.

More specifically, in their decision regarding Noosa, the Local Government Reform Commission has clearly and emphatically failed to meet the stated objectives or to follow the terms of reference. On almost every item they have failed in their assessment of a positive way forward for Noosa.

It is clear that Noosa Shire has an exceptionally positive record in its own right, with a very strong community involvement focussing on sustainability in conjunction with prudent development and economic growth. The community participation and the commitment which have resulted in the success of Noosa Shire are both at risk through an unwanted and unwarranted amalgamation with other regions which plainly have a very different focus.

I refer you also to the Biosphere Reserve application by the Noosa Shire Council to have the area placed on the UNESCO list of fully sustainable, functioning communities. This application was supported by the Federal Government, and also initially by the State Government. The success of this application is seriously jeopardised by the proposed amalgamation, as well it should be; it will be impossible for the local community to continue to protect the area without the power to influence a larger bureaucracy peopled at least in part by unsympathetic or unenlightened individuals. Success depends on an ongoing commitment and diligence by all involved in the process. That is exactly what we currently have.

I respectfully ask that an AEC referendum or plebiscite be executed throughout Queensland, and also that this entire local government amalgamation process be opened to much closer scrutiny and detailed reappraisal by a more august body than the Queensland Government.

Kevin Spencer
August 24th 2007