



## Iconic Qld. Places Legislation - Debate

### SPEECH BY GLEN ELMES MP MEMBER FOR NOOSA

Hansard, 27 February 2007

**Mr ELMES (Noosa--Lib) (2.49 pm):** I rise to add to the debate concerning the Iconic Queensland Places Bill 2008. As one of the two members in this House representing a proposed iconic area under the bill, I trust that the minister and the government will pay particular attention to the amendments put forward by the opposition and which are certainly wholly supported by me. This bill is poorly thought out and is a rushed piece of legislation which, if enacted in its current form, would not see the soon-to-be former ratepayers of the Noosa shire council given the protection that they deserve and that the Premier has guaranteed.

Only today I received a briefing at the eleventh hour from the government advising us of amendments to rectify some simple typos in the bill, although I do welcome some of the changes to ensure that the regulation-making power is directed towards providing guidelines of integrity to the panel to create registers for interests and conflicts. I also welcome a code of conduct being implemented through the regulation-making power.

The first sentence of the explanatory notes to this bill sets out very clearly the circumstances which bring about the bill. It states-- The purpose of the Iconic Queensland Places Bill 2008 (the Bill) is to protect places ... It goes on to describe the iconic places. As stated, this bill is about protection. So my question is: what do these places need protection from? The reason for this bill is the logical follow-on from the government's action to reduce the number of local government politicians across Queensland. The explanatory notes clearly reflect this danger when they state that areas with particular iconic relevance may be in danger of being overlooked by larger regional councils proposed by local government reform.

The Labor government has set on a crusade under the banner of reform to slash and burn the number of elected representatives across Queensland, and it is in those areas subject to that crusade and, more importantly, the people who live in those areas who now need to be protected according to the bill's explanatory notes. Not only have the people of Noosa been the victims of this onslaught, but they could be forgiven for thinking that they have been specifically targeted by the Labor Party during this process.

I hope the minister and the members opposite, even at this late stage, begin to understand that the people of Noosa are ordinary, hardworking Queenslanders who could do with just a little bit of understanding from this Labor administration. Right from the start when long-time minister for local government and Deputy Premier Terry Mackenroth first said in August 2004 that the government was considering the prospect of amalgamating the Noosa Council, the people of Noosa have made their position very clear.

On the day of the 2004 federal election people were asked to sign a petition against amalgamation of the Noosa Council and on that day in just 10 hours 18,747 signatures were collected. I also recall vividly the then minister for local government, Andrew Fraser, coming to Noosa at the request of the local Labor Party branch and stating to what was left of the party faithful even at that stage that if he had 156 councils like Noosa there would be no need for local government reform. The implied statement gave the people of Noosa some

significant comfort from the thought of having their protected council taken away. Sadly, this was not to be the case. Finally, the then Premier tried to gag Noosa from voting pursuant to the Local Government Reform Implementation Bill 2007 and it took intervention from the federal government to prevent the extraordinary sanction that this government threatened against any local government which undertook a plebiscite.

I cannot understand why the government would be so concerned about the people of Noosa voicing their opposition to forced amalgamations through a non-binding plebiscite. I propose that the reason Labor did not want Noosa to vote on forced amalgamations was that Labor knew how badly it would go for it.

As it turned out, 70 per cent of Noosa residents voted and 96 per cent were opposed to forced amalgamation. Yet through all of those occasions when Labor acted so coldly towards the community that just wanted to protect their lifestyle no comfort was offered towards answering the concerns raised by the Noosa community. Labor simply maintained a 'head in the sand' approach, with statements denying that amalgamation would be bad for Noosa. Yet clearly the explanatory notes to this bill show that forced amalgamations do put Noosa and Port Douglas at risk. Despite that, Noosa residents again confirmed their opposition to forced amalgamations when 31,000 submissions were made to the Local Government Reform Commission.

Even though there was overwhelming opposition to the amalgamation of the Noosa Council to that commission, the government's policy did not change and the government did not pay any attention to the wishes of the Noosa community. To add insult to injury, when the Friends of Noosa organisation questioned the process of the commission by not paying due attention to the submission made on Noosa's behalf, it was labelled as conspiracy theorists by Minister Pitt. Following that statement from the then minister and the announcement that the Noosa Council was to be abolished, a rally outside this parliament saw between 7,000 and 10,000 people march to demonstrate their opposition to forced amalgamations. Finally, we have this broken promise from the Premier where she guaranteed that whatever Noosa Council wanted in the iconic places legislation would be put in.

The amendments put forward by the opposition are completely in accord with the Noosa Council and the Noosa community. We will now wait and see if the Premier will make good on her promise. Labor has forgotten that the people who are affected by this legislation are ordinary Queenslanders who feel betrayed by this government. How many times do they have to be misled, deceived and assaulted by this government's policy before Labor realises that it is affecting ordinary people through ridiculous policy decisions?

This bill talks about protecting places, but I contend that it is the people who need the protection. What an indictment it is that the people of Queensland need protection from the government of Queensland. So why were the people of Noosa so concerned about losing their council? It appears that the government has answered that question from the bill. Clearly, the environment and lifestyle of the people of Noosa is now so special that it warrants separate and specific legislation to protect it from what could be an unconcerned regional council, which is exactly what I and the people of Noosa have been saying all along. Noosa has developed in a special way, as has Port Douglas. These communities have embraced the environment, good local government and sustainable lifestyles. They deserve, as do, I am sure, many other areas of our state, special treatment.

On behalf of the community of Noosa, I extend at least a partial thanks to the Premier for at least realising that Noosa is a unique place and deserves protection even if it is at the expense of an independent Noosa shire--which, I can guarantee you, following 15 March the Noosa community will work towards reinstating. This bill concedes that the protection afforded to the people living in particular areas across the state has been jeopardised by reducing the number of elected representatives. In the case of Noosa, a mayor and nine councillors is reduced to just two representatives. Having taken out eight people elected by the community, what does this government do but put in five unpaid, unelected potential

Labor Party hacks who will be appointed at the whim of a minister who himself has greatly increased powers! The government has offered up nothing more than a bandaid solution primed for failure. The panel solution is just a watered down version of the Noosa Council which the amalgamations destroyed in the first place. It is weak, it is ineffectual and it is not surprising from a government so badly out of touch with its constituents that it has taken the stance of ignoring the wishes of communities that are just trying to protect their way of life.

The level of arrogance shown by this bill and the whole amalgamation debacle, which amongst other things has removed through legislation the right to vote, would rival the worst of any Eastern European Communist dictator. The assessment panel outlined in this bill is nothing more than a Clayton's council: it is the council you have when you cannot vote for your own. That is what the panels suggested by this bill really are--a reduced council not elected by the people for the people but appointed by the minister and open to accusations under future ministers from either side of politics of stacking and appointing of political hacks.

Before I continue I would like to table an article from the Sunshine Coast Daily dated 29 December 2007, where it reported the Premier as stating-- I guarantee that those three things (building heights, vegetation protection and signage) plus everything else that Noosa council wants will be included in the legislation. Tabled paper: Copy of article from the Sunshine Coast Daily, dated 29 December 2007, titled 'Noosa's iconic plan to be set in stone'. On the basis of that guarantee given by the Premier to the people of Noosa, I look forward to the Premier supporting the amendments that will be moved by the member for Maroochydore. I would also like to table a page from the Courier-Mail dated 25 February 2008 outlining Noosa council's suggestion as to how this bill can best protect the people of Noosa. As the article shows, the Premier is less concerned about protecting the lifestyle of the Noosa community than pursuing her own political agenda. Therefore, on the base of that promise to protect Noosa, let me outline to the House why the proposed amendments are necessary.

Two main areas of the bill are deficient: firstly, the make-up of the appointment process of the development assessment panel pursuant to part 4 of the bill; and, secondly, the amount and type of development applications that the bill will consider pursuant to division 4 of part 4. In terms of the make-up and appointment process of the development assessment panel, which I will continue to refer to as the 'panel', I have two criticisms of the process.

Before I go on to speak about the appointment process, I again repeat how ridiculous it is that this government abolishes a body of elected representatives only to replace it with paid appointees at the whim of a minister. There is no transparency provided within the bill with respect to the appointment process.

Although clause 31 of the bill requires that certain criteria be met in terms of the panel's membership, it does not give any indication as to how the minister will come to a decision as to who will be the protector of Noosa's future lifestyle and environment. I suggest that the best solution would be to allow the people of Noosa to vote on the make-up of the panel.

However, I would imagine that allowing the people of Noosa to exercise a vote that allows experienced and well-meaning people to oversee the development of their community is no longer in accord with Labor Party policy. If a vote is impossible, then perhaps the minister would take into consideration the recommendations of someone else who has been elected by the people of Noosa, the member for Noosa, or at least some senior community members who, like me, are in touch with local realities. If the government wants to regain some credibility with the people of Noosa, then the adoption of these amendments on localising the panel and incorporating them into clause 34 of the bill will go a long way towards taking the first step. The amendments that will be moved by the member for Maroochydore will ensure that the panel will be made up of local people who understand why it is necessary to protect the iconic values of the area. In the first instance, according to the explanatory notes of the bill, a regional council may inadvertently overlook the importance of an iconic area.

The point of requiring the panel to comprise local people is to ensure that the iconic areas will not be further overlooked by people from Brisbane or elsewhere. Secondly, it is my opinion

that the drafters of this bill have not considered what will be the practical workload on the panel. If this bill is implemented in its current form, the panel would have to decide every development application before the council.

According to the Noosa council--and I was briefed by that council the week before last--it would mean that 1,500 different applications would fall within the responsibility of the panel, with such applications including everything from driveways, carports and swimming pools through to major applications such as resort developments and construction projects. It is the intent of the amendments to be moved by the opposition to have the panel consider only applications that fall outside the existing or amended planning scheme.

That will cut down on the amount of work that is required of the panel and ensure that a bureaucratic overlap does not explode into a fiasco of double counting and reworking. I sincerely hope that these amendments--

**Mr Lucas:** Okay. So local laws such as signage, which they want protected, you don't want protected.

**Mr ELMES:** The Deputy Premier should listen. He might learn something from the process.

**Mr Lucas:** Ha, ha!

**Mr ELMES:** The Deputy Premier has not learned anything from the briefings that he received last Friday. I sincerely hope that these amendments will be adopted by the government because I have liaised with the Noosa Shire Council and the Noosa community and they are looking for a ray of hope. The government will make whatever decision it wants in this place. That is the reality of the numbers on either side of the parliament. But just this once through this whole sorry process I ask the Deputy Premier to please listen and act on what the Noosa community asks of him.

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