

**07/0403/21 OPTIONS FOR STATE ENGAGEMENT AND PROVISION OF POWER
NORTH OF DAINTREE RIVER**

Moved Cr Davis

Seconded Cr Pitt

"That Council agrees to initiate engagement on the provision of power north of the Daintree River by sending the attached correspondence (attachment 2) to:

- 1. The Premier of Queensland;*
- 2. The Member for Cook – Jason O'Brien;*
- 3. The Far North Queensland Statutory Regional Plan; and*
- 4. Energy Solutions – Ergon Energy."*

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Davis

07/0403/21

"That Council agrees to initiate engagement on the provision of improved electricity supply north of the Daintree River by sending the attached correspondence (attachment 2) to:

- 1. The Premier of Queensland;*
- 2. The Member for Cook – Jason O'Brien;*
- 3. The Far North Queensland Statutory Regional Plan; and*
- 4. Energy Solutions – Ergon Energy."*

For: Cr Berwick, Davis, Cox

Against: Cr Egan, Pitt, Sciacca, Bellerio

Lost

A further amendment was moved:

Moved Cr Pitt

Seconded Cr Sciacca

07/0403/21(i)

"That Council agrees to initiate engagement on the provision of power north of the Daintree River by sending the attached correspondence (attachment 2) to:

- 1. The Premier of Queensland;*
- 2. The Member for Cook – Jason O'Brien;*
- 3. The Far North Queensland Statutory Regional Plan; and*
- 4. Energy Solutions – Ergon Energy;*

and that Council does not support any impediments to this process."

For: Cr Pitt, Sciacca, Davis, Bellerio, Egan

Against: Cr Berwick, Cox

Carried

The amendment became the motion and was put:

For: Cr Pitt, Sciacca, Davis, Bellerio, Egan

Against: Cr Berwick, Cox

Carried

Ordinary Council Meeting

Decisions of the Council – Status Report

ITEM NO	ITEM /MEETING	ACTION REQUIRED	CURRENT STATUS/OFFICER	OP PLAN NO	ESTIMATED COMPLETION
		<p>2. Remove the mains power ban from north of the Daintree River and extends mains power to the remainder of Forest Creek as a priority.</p>			
102.	<p><u>Proposed Street Name – Craiglie Business Park Via Owen Street</u> 07/0807/05</p>	<p>Name the cul-de-sac in Stage One (1) of Craiglie Business Park, via Owen Street, Craiglie, 'Pioneer Close'.</p>	<p>General Manager Engineering Developer to arrange placement of the sign.</p>		Q1 2007/08
103.	<p><u>Naming of Recreational Parks</u> 07/0807/04</p>	<p>Council to name the following parks:</p> <ol style="list-style-type: none"> 1. Shepherd Valley – 'Kubirri' – the protector of the mountain on top oversees that park; 2. Coulthard Close, Newell Beach – 'Jimal' – the fire protector that overlooks Newell to Wonga Beach 3. Escape Street, Port Douglas – 'Warri' – to escape or run away; 4. Middlemiss Street – 'ManjalDimbi' – the good 	<p>General Manager Engineering Technical Officer Reg Pike to erect the park name signs.</p>		Q2 2007/08

3.2 Key Issues and Assessment Framework

3.2.1 Factors Influencing Future Development in the Daintree Region

Planning, Land Use and Development Control Aspects

The Strategic Plan and Development Control Plan 3 - Daintree - Bloomfield identify the Council's intentions for the future development and land use planning of the general area north of the Daintree River.

Briefly, for the area under study, these documents provide for very limited development. Any development is intended to be subservient to the natural environment in which the area is situated. The scheme recognises that some development is likely to occur as a result of approvals which have been previously issued by the Council but for which, proponents would now be unlikely to obtain development approvals. The scheme accepts such development but provides that where approvals lapse, there will not be any guarantee that new approvals will be issued except in accordance with the Development Control Plan.

The Plans specify that it is Council's intention to actively oppose the upgrading of the crossing of the Daintree River and severely restrict any expansion of tourist accommodation and tourist facilities. The supporting information to the DCP (and planning scheme) identifies that Council will actively discourage the development of housing in the development control plan area by:

- SCREW THE PEOPLE
- (a) making applications subject to planning conditions;
 - (b) preventing further subdivision;
 - (c) providing for population growth south of the Daintree River;
 - (d) not allowing or facilitating development of new employment activities;
 - (e) allowing only basic retail/commercial services and community facilities to develop;
 - (f) providing rates incentives for owners who retain their allotments in an undeveloped state while financially penalising owners who choose to develop;
 - (g) applying social and moral pressure through promotional campaigns; and
 - (h) discouraging the development of reticulated power.

Note that the above is outlined in the supporting information to the DCP (the Planning Study) but does not have statutory effect. It is noted that as at January 1998 (f) and (g) have not been implemented.

The planning scheme provides that a very limited range of permitted uses will all be subject to conditions which will cover a number of conservation and design initiatives aimed at sustainability and maintenance of the natural values of the area. The planning scheme also details which uses are considered to be appropriate for the area and which uses are inappropriate.

Subdivision provisions severely limit further subdivision in the area by setting allotment density at not greater than 1 allotment per 40 hectares. Given that rezoning of land to facilitate development is generally contrary to the planning intentions set out in the Strategic Plan and Development Control Plan, extensive further subdivision is unlikely to occur.

Tenure Aspects

Within the area under investigation, around 1 024 allotments are currently held in freehold title. Many of these lots comprise rural residential allotments. Population and housing analysis based on the year 1996, has established that within the Daintree to Cape Tribulation area, there are currently some 232 separate dwelling houses with a further 121 other private dwellings. Most of these dwellings would be located within the study area on freehold land.

ORDINARY MEETING**21 OCTOBER 2009****21****DAINTREE GREEN POWER OPTIONS STUDY (DGPOS)**

Bob Baade : np : 13/7/1-01 : #2363165

RECOMMENDATION:

That Council:

- 1) Consider this report as part of the overall planning process committed to as part of the December 2008 Daintree Summit.
- * 2) Apply to the State Government to have the "Electricity Supply in the Daintree Region" Policy rescinded with request that any decision on the delivery of power to this region provide clear delivery timelines and anticipated costs to all participants.
- 3) Further meetings be held with residents north of the Daintree River to convey the background to the above recommendations.

INTRODUCTION:

Ms Kim Forde, Director and Senior Environmental Consultant, Tropical Consulting Services Pty Ltd, was commissioned to undertake the DGPOS on 12 June 2009.

The Report has been completed and is provided separately for Council's consideration.

BACKGROUND:

Council will be aware that the State Government's Electricity Supply in the Daintree Region policy states that residents from the Daintree River to the north of Cape Tribulation are only permitted to be supplied electricity through the use of stand-alone power systems. Stand-alone power is an electricity system that is not connected to the supply network of a distribution entity, namely Ergon Energy, and prohibits individual property owners from providing power to other landowners.

Many residents within the power exclusion zone are seeking the rescission of the Electricity Supply in the Daintree Region policy. The extension of Ergon Energy mains power into the region is NOT considered an option. Alternative suggestions for providing power in different communities is addressed in the Study.

**20. APPLICATION FOR APPROVAL TO EXHIBIT AN OFF-SITE
FREESTANDING REAL ESTATE BILLBOARD ADVERTISEMENT –
DIVISION 9 371
Aemelia Steblina: 8/1/3-31: #2342241**

BONNEAU / COCHRANE

That Council grant approval to exhibit a free standing billboard advertisement at Lot 6 on RP804481, Captain Cook Highway, Kewarra Beach, subject to conditions: including, that the advertisement content must feature 25% Paradise Palms Country Club, with a pictorial background behind the Paradise Palms Country Club name, and that the advertisement must not exceed the maximum size of 18m2.

Rational:



This is an onsite sign and has been in place for several years.

carried with Councillors Leu, Forsyth and Lesina voting against the motion

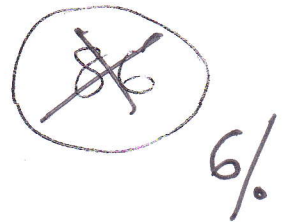
**21. DAINTREE GREEN POWER OPTIONS STUDY (DGPOS)..... 381
Bob Baade : np : 13/7/1-01 : #2363165**

LEU / COCHRANE

That Council:

- 1) Consider this report as part of the overall planning process committed to as part of the December 2008 Daintree Summit.
-  2) Apply to the State Government to have the "Electricity Supply in the Daintree Region" Policy rescinded.
-  3) That the matter be followed up with a deputation to the relevant Minister by Council.
- 4) Further meetings be held with residents north of the Daintree River to convey the background to the above recommendations.

carried



APOLOGY

Council notes the apology of Councillors Schier and Bonneau and Chief Executive Officer Ms Russell and in accordance with Section 252 (1) (b) of the Local Government Act, Council grants leave of absence.

PURPOSE OF MEETING

To consider the matters listed on the agenda.

Cr Cochrane left the meeting 11:34 a.m.

1. WALLABY SUMMIT 1

Russell Wild: 13/1/2-15: #2612862

COCHRANE / LESINA

That Council:

1. Note the summary of the Cairns Regional Council's Wallaby Summit held on 2 April 2010.
2. Endorse the proposed actions developed during the Wallaby Summit.

carried

Cr Cochrane returned 11:35 a.m.

2. PETITION – POWER NORTH OF DAINTREE RIVER 6

Bob Baade, JEP : 1/3/21-10: #2550265

LESINA / FORSYTH

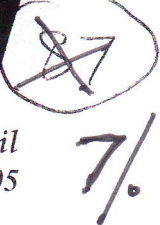
That Council:

1. Advise the principal petitioner Council retains the resolution passed at the Ordinary Meeting on the 28 October 2009 and therefore does not agree with the list of requests included in the petition.
2. Forward State Government correspondence replying to Council's request to amend the Power Supply to the Daintree Policy to the principal petitioner.

lost with Councillors Leu, Cochrane, Cooper, Blake, Pyne and Lanskey voting against the motion.

carried

NON DISCLOSE, TRICKY, DECEPTION
**COUNCIL CHOSE TO KEEP MATTER SECRET & NOT*
INFORM DEPUTATION!



ATTENDANCE

Mr Mike Hartley, Department of Local Government and Planning - Cairns, Ms Liz Taylor, Ms Polly Swan and Ms Rebekah Hindle, Planning Far North and Mr Paul Gleeson, A/Manager Planning Services attended the meeting at 9.38am.

2.2

Reports

2.2.1

ALTERNATIVE PLANNING STRATEGY – DAINTREE LOWLANDS IN THE SETTLEMENT AREA NORTH OF THE DAINTREE RIVER LOCALITY

Ms Liz Taylor, Planning Far North provided Councillors with a Draft Precinct Plan of Settlement Areas North of the Daintree River Locality (Attachment A).

ATTENDANCE

Ms Ellen Weber, Wet Tropics Management Authority attended the meeting at 9.58am.

CITIZENSHIP CEREMONY

John Edmondson, Jenny Edmondson, Susan Heatherwick and Debbie Johnson and their guests attended the meeting at 10.00am for the citizenship ceremony.

The Mayor conducted the Citizenship Ceremony and congratulated all on becoming new citizens. They were invited to join the Councillors for morning tea.

RESUMPTION

The meeting resumed at 10.30am

ALTERNATIVE PLANNING STRATEGY – DAINTREE LOWLANDS IN THE SETTLEMENT AREA NORTH OF THE DAINTREE RIVER LOCALITY contd

The Chief Executive Officer provided advice to Council in relation to compensation which may be payable to affected landowners and the Consultant Planner and Mr Mike Hartley of the Department confirmed that ultimately (when the new scheme is adopted) it will be Council that will be responsible for any claims for compensation which arise from the loss of development opportunities.

* Council HAS ALWAYS KNOWN OF THEIR LIABILITY
TO PAY COMPENSATION!

TO: THE DOUGLAS SHIRE COUNCIL

Recent sins more worthy of apology

Those responsible should offer a mea culpa for 40 long years of separatism, paternalism and welfarism, insists David Moore

TODAY, the federal Government says sorry to the Stolen Generations. But others who share responsibility for the problems in indigenous communities should also apologise. And it should be a sincere sorry, with a real outcome.

The sorry debate has been hijacked by a misunderstanding of the sources of present dysfunction in Aboriginal Australia.

It's been hijacked by those who want to salve their consciences but who can't stomach the hard decisions that have to be taken.

Most remote Aboriginal dysfunction has absolutely nothing to do with the Stolen Generations and Ronald Wilson's Bringing Them Home report. Although some of those people have been wounded, it's not the basis of wider dysfunction.

It's easy to apologise for what someone else did. And to tut-tut about failures of the past. But the problems a 10-year-old raped child in Aurukun is facing today were not created by the policies of removal in the early 20th century: they were fertilised in failures of the present generation and those who lead us.

The confusion starts at the top. Last week Prime Minister Kevin Rudd said we needed an apology before we could tackle the problems. But the people to whom he is apologising are a small proportion of the Aboriginal community. The majority weren't part of the Stolen Generations and they have entrenched problems. The assumption that an apology to the minority will fix the entrenched problems of the majority is misplaced.

Most people, moreover, think the apology is to the wider Aboriginal community for anything and everything they think it should be. It's imprecise and misconceived.

Which brings me back to my opening proposition: there should be a real apology.

The people who should be apologising are those who during the past 40 years presided over deeply flawed indigenous affairs policies that created separatism, nepotism, welfarism and isolationism: dysfunction and despair, the wide-scale abuse and neglect of Aboriginal children and the poorer health outcomes of Aboriginal people in general.

The apology should be from the Government, because it still has people who want to return to the failures of the Aboriginal and Torres Strait Islander Commission and some

who participated in the politics of nepotism. It should be from the Howard government: after all, it persisted with those failed policies for much of its time in office as a political holding strategy because it was afraid, until its last year or so, to really do something.

It should be from the Keating and Hawke governments, which fostered and cultured the policies of separatism and gave real succour to the Aboriginal industry by building ATSIC into the monster it became. And it did so not because it didn't know this caused problems, it did it because it didn't want to face the political challenge that really tackling Aboriginal poverty would create in its own ranks.

Every premier in every state and every indigenous affairs minister for the past 40 years should apologise for failing to provide the safety and the education that Aboriginal children deserved.

Every education minister who turned a blind eye to the appalling absenteeism of Aboriginal children should apologise for not treating those children with the same respect as white children by not enforcing the same rules.

The Whitlam and the Fraser governments, which championed policies that were never going to work (and in some cases still do), should apologise. While they railed, rightly, against an apartheid system in South Africa, they created one in Australia. Instead of moralising and commiserating, they should face up to their share of the responsibility.

Leaders of ATSIC — every living former commissioner — who entrenched these dysfunctions, who cut funding for women's programs and presided over a men's rights agenda, should apologise. All the so-called leaders. They share responsibility. It would make it a genuine act of reconciliation if black leaders stood side by side with white leaders and they all apologised together for failing their people.

A symbolic apology for something we haven't done is meaningless. Only real and sincere regret, a genuine apology and a steely determination to take the hard decisions will ensure we don't lose more generations of Aboriginal Australians in the future.

David Moore was chief of staff to former Liberal Aboriginal affairs minister Mal Brough.

8/10
1. PLEASE SIMPLY
CHANGE THE TERM
'ABORIGINAL COMMUNITIES'

TO: THE COMMUNITY
NORTH OF THE DAINTREE
RIVER IN THE DOUGLAS
SHIRE QLD. AND YOU
WILL CLEARLY SEE
THE OBSCENE
HARM DONE TO
MYSELF AND MANY OTHER
VICTIMS.

MOST ABORIGINAL
COMMUNITIES AT
LEAST HAVE ELECTRICITY
SUPPLY. IF WE DO NOT,
PLEASE TRY LIVING IN OUR
OUR MODERN WORLD
WITHOUT ELECTRICITY.

WOULD YOU LIKE THIS
TO HAPPEN TO YOU?

"THE LONG LONG RUNNING
AND RECENT SINS OF
THE DOUGLAS SHIRE
COUNCIL QLD.
UNDER THE INSANE
MAYOR - MIKE BERWICK

mtaball 13/2/08

THE AUSTRALIAN. 13/2/08





9/

NOTICE OF THE ORDINARY MEETING OF COUNCIL 13 MARCH 2007

Notice is hereby given that the Ordinary Meeting of the Douglas Shire Council will be held in the Council Chambers, 64-66 Front Street, Mossman, on **TUESDAY 13 March 2007** commencing at 1.00pm and concluding at 6.00pm. (Note- if business of meeting cannot be concluded by 6.00pm the meeting will adjourn until Wednesday)

T C Melchert
Chief Executive Officer
9 March 2007

DEPUTATION

1:00pm Mr A Brendecke, President – Bailey's Creek Community League to discuss the Three-Point Plan; Implementation of Reticulated Electricity Supply

ITEM	SUBJECT	PAGE NO
07/0313/01	Condolences	
07/0220/02	Declarations of Interest	
07/0313/03	Confirmation of Minutes of Ordinary Council Meeting held 20 February 2007	3 - 4
07/0313/04	Confirmation of Minutes of Adjourned Ordinary Council Meeting held 21 February 2007	5 - 35
07/0313/05	Confirmation of Minutes of Adjourned Ordinary Council Meeting held 22 February 2007	36 - 43

CORPORATE & COMMUNITY

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DEVELOPMENT & ENVIRONMENT

PLANNING – Manager Planning

07/0313/10	MCUI 003/07 - Lot 237 Stonewood Road, Diwan	86 - 88
07/0313/11	TPC 1137 - Lots 33-38 RP747345, 19-37 St Crispins Ave, Port Douglas	89 - 93
07/0313/12	TPC 1185 - Lot 11 - PTD2091- 25 Murphy Street, Port Douglas	94 - 109
07/0313/13	TPC 1251- Lots 3 - SP150448 Wonga Beach Aquaculture-Shop, Restaurant, ...	110 - 129

BUILDING – Manager Building

Nil

THE DEPUTATION ABOVE WOULD NOT HAVE TAKEN PLACE
IF COUNCIL DID NOT HAVE CONTROL OF OUR POWER
SUPPLY – BY THE USE OF SECRET BRIEF & D.C.P. 3
DOCUMENT.



07/0621/01A TELEPHONE LINK TO CR DAVIS

Moved Cr Berwick

Seconded Cr Egan

"That Council allows Cr Davis to listen to, but not participate in, the meeting proceedings by way of a telephone link."

Carried unanimously

TELEPHONE LINK

A telephone link was set up with Cr Davis so he could listen to discussion held during the meeting.

Moved Cr Egan

"That Council deals with the items of the agenda one at a time."

Lapsed for want of a seconder

07/0621/01 CORRECTION OF MINUTES - 23 MAY 2007 TO BRING THEM SPECIFICALLY INTO LINE WITH THE DRAFT MINUTES WHICH WERE CIRCULATED TO ALL COUNCILLORS ON 23 MAY 2007 AND AS REQUESTED BY A MAJORITY OF COUNCILLORS AT THE ORDINARY MEETING OF 5 JUNE 2007

Cr Egan attempted to move a motion in relation to the alteration of the minutes of 23 May 2007, but the Chair ruled the motion out of order on the grounds that confirmed minutes cannot be altered.

07/0621/02 DETERMINE WHAT ACTION SHOULD BE TAKEN BY COUNCIL IN RELATION TO THE CLEAR ATTEMPT TO ALTER THE INTENT OF THE MINUTES OF 23 MAY 2007 BY EXCLUDING PARTS OF THE DECISIONS ACTUALLY MADE BY COUNCIL ON THE DAY

FORGERY

Moved Cr Egan

Seconded Cr Sciacca

"That Council pursue further advice on any action being taken to item (b) in relation to the motion that was moved at the Ordinary Meeting of Council held on 23 May 2007."

For: Cr Egan, Sciacca, Bellerio, Pitt

Against: Cr Berwick, Cox

Carried



Minutes of the Special Meeting of Council
21 June 2007
commencing at 2:02 pm

PRESENT

Councillors – M P Berwick (Mayor), D P Egan (Deputy Mayor), W J Bellerio, M J Cox, J Sciacca and D G Pitt.

Staff – J F Leu (Acting Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), R J Baade (General Manager Engineering), Ann-Marie Rodgers (Manager Corporate Support) and S K Andrews (Corporate Support Officer).

APOLOGIES

An apology was received from Cr R Davis as to his inability to attend due to a previous commitment.

BUSINESS

The Meeting had been called in accordance with Douglas Shire Council Local Law No 17 (Meetings), Section 7, Part 2a at the request of Crs Egan, Bellerio, Sciacca and Pitt to resolve:

1. the correction of the minutes of 23 May 2007 to bring them specifically into line with the draft minutes which were circulated to all Councillors on 23 May 2007 and as requested by a majority of Councillors at the Ordinary Meeting of 5 June 2007;
2. to determine what action should be taken by Council in relation to the clear attempt to alter the intent of the minutes of 23 May 2007 by excluding parts of the decisions actually made by Council on the day;
3. to arrange the appointment of a replacement Acting Chief Executive Officer to occupy the position until current legal issues are resolved or as determined by Council; and
4. to make arrangement for the availability to all Councillors of a hard copy of the draft minutes of all Council meetings directly at the conclusion of the meeting.

*
FORGERY



12/0



*action taken by the Mayor in despatching material on Council letterhead and without the knowledge or authority of Council constitutes a breach of the Local Government Act.

— FORGERY?



* Council formally censure the Mayor and Councillor Davis in relation to the release of Confidential Information regarding the report of the PMIP

* ANY PAYMENTS TO QCD LAW GROUP. P13%



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Our Say: Public has a right to know

Tuesday, August 31, 2010

© The Cairns Post

WHAT is more important %u2013 protecting the privacy of public servants or building the trust of ratepayers?

\$5million in payouts to council staff

- * Cairns Regional Council's payouts to staff who have been either sacked or forced out should be less about privacy and more about transparency.
- * The council is using confidentiality clauses in its effort to keep details of payments to outgoing staff secret – hardly a move expected by a team of councillors who began their latest term on a platform of transparency, openness and accountability.
- * Since the 2008 local government election, at least 12 senior executives – ranging from departmental general managers to a chief executive officer – have left the council on less-than-willing terms.
- * *The Cairns Post has learned that the council has paid these staffers a total of more than \$5 million in the process of terminating their contracts.*
- * The details of the payments have been kept from the public – it's covered by the Privacy Act, according to the council – and the departure of the executives has either been sugar-coated by a warm, friendly press release thanking them for their service or hushed up completely.
- * Some have taken the council to court and at least two have been awarded an estimated \$100,000 each.
- * Ratepayers have a right to know how their money is being spent and most, no doubt, would be angry to know that so much has been diverted to paying outgoing staff.
- * Problems between some of these staff and several councillors have been well-documented but no former executive has spoken publicly about the troubles within city hall.
- * No doubt many of these severance contracts include confidentiality clauses to protect the council's image.
- * They may be above board in a legal sense, but they are, nevertheless, secret.
- * The fact at least 12 senior executives have left high-paying jobs in a period of less than two-and-a-half years suggests turmoil, disharmony and lack of cohesion within the city's chambers.

The council is quick to crow about its achievements to its constituents so it should be willing to admit its problems.

Ratepayers deserve to know.



89
14/

Cairns councillors want to know details of secret payouts

Gavin King

Wednesday, September 1, 2010

© The Cairns Post

COUNCILLORS want to know how much ratepayers' money is being spent on staff payouts -but they've been told to mind their own business.

Several Cairns Regional councillors yesterday said they did not know how much the multi-million dollar payouts totalled, despite direct requests for the information in meetings with Mayor Val Schier and chief executive Lyn Russell.

The Cairns Post yesterday revealed an estimated \$5 million has been spent on staff payouts since the council election in March 2008, with up to 12 senior staff sacked or pushed from high-ranking positions.

* Despite being chairwoman of the council's finance and administration committee, Cr Linda Cooper said her requests for details of staff payouts were repeatedly rejected.

Former staff members, many of them unable to be named because of confidentiality clauses, were yesterday united in calls for the immediate release of payout details and an investigation into staff culture.

Cr Cooper said her role as finance and administration committee chairwoman did not grant her access to payout details.

* Most of the payouts are hidden in the annual salary budgets of council's departments, lumped in with wages, overtime and annual leave.

* "I completely understand the reaction and comments from ratepayers and I don't blame them for wanting answers," Cr Cooper said.

* "Myself and two other councillors have previously requested this type of information but were told that the staff involved were entitled to privacy.

* "Even though I'm chair of the finance and administration committee, I seem to be hitting a brick wall.

* "Like everyone else I would like to know what's going on."

* Long-serving councillor Paul Gregory said he had also requested information on payouts, but had been refused the information.

* "We were told that former staff are entitled to privacy and that it is an operational matter that doesn't concern councillors," he said.

"It is frustrating and it's a fine line between the right to privacy of employees and the fact this is public money."

Council chief executive Lyn Russell defended the payouts and blamed the payouts on previous management.

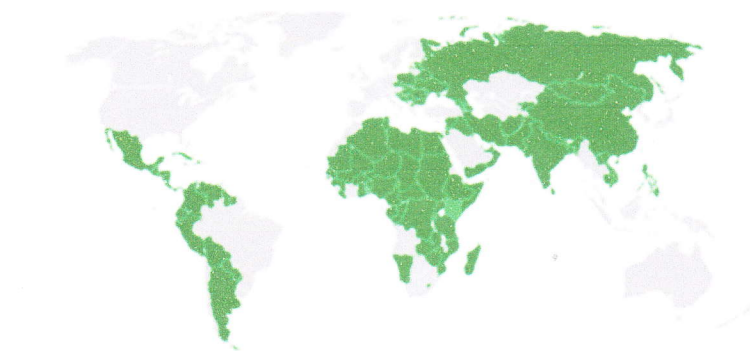
"Most of those staff departures occurred before I began as chief executive in November last year and we are

Crime of apartheid

From Wikipedia, the free encyclopedia

Jump to: [navigation](#), [search](#)

This article is about the crime of apartheid as defined in international law. For the system of racial segregation that formerly existed in South Africa, see [South Africa under apartheid](#). For other uses, see [Apartheid \(disambiguation\)](#).



Signatories to the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid: parties in dark green, signed but not ratified in light green, non-members in grey

The **crime of apartheid** is defined by the 2002 [Rome Statute of the International Criminal Court](#) as inhumane acts of a character similar to other [crimes against humanity](#) "committed in the context of an institutionalized regime of systematic [oppression](#) and [domination](#) by one [racial group](#) over any other racial group or groups and committed with the intention of maintaining that regime."

On 30 November 1973, the [United Nations General Assembly](#) opened for signature and ratification the **International Convention on the Suppression and Punishment of the Crime of Apartheid**.^[1] It defined the crime of apartheid as "inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them."

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History

include similar policies and practices of [racial segregation](#) and discrimination as practiced in [southern Africa](#), shall apply to the following [inhumane](#) acts committed for the purpose of establishing and maintaining domination by one [racial group](#) of persons over any other racial group of persons and systematically oppressing them:

- a. Denial to a member or members of a racial group or groups of the [right to life](#) and [liberty](#) of person
 - i. By murder of members of a racial group or groups;
 - ii. By the infliction upon the members of a racial group or groups of serious [bodily](#) or [mental harm](#), by the infringement of their freedom or dignity, or by subjecting them to [torture](#) or to cruel, inhuman or degrading treatment or punishment;
 - iii. By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;
- * b. Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their [physical destruction](#) in whole or in part;
- * c. Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the [right to work](#), the right to form recognized [trade unions](#), the right to education, the [right to leave](#) and [to return](#) to their country, the [right to a nationality](#), the right to [freedom of movement](#) and residence, the right to [freedom of opinion and expression](#), and the right to [freedom of peaceful assembly](#) and [association](#);
- d. Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and [ghettos](#) for the members of a racial group or groups, the prohibition of [mixed marriages](#) among members of various racial groups, the [expropriation](#) of landed property belonging to a racial group or groups or to members thereof;
- e. Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to [forced labour](#);
- * f. [Persecution](#) of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose [apartheid](#).

PHYSICAL
DESTRUCTION
OF COMMUNITY

Definition of racial discrimination

According to the [United Nations Convention on the Elimination of All Forms of Racial Discrimination](#),

* *the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on [race](#), colour, [descent](#), or national or [ethnic](#) origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of [human rights](#) and fundamental freedoms in the political, economic, social, cultural or any other field of public life.* ^[12]

This definition does not make any difference between discrimination based on [ethnicity](#) and [race](#), in part because the distinction between the two remains debatable among [anthropologists](#). ^[13] Similarly, in British law the phrase *racial group* means "any group of

people who are defined by reference to their race, colour, nationality (including citizenship) or ethnic or national origin".^[14]

ICC definition of the crime of apartheid

Article 7 of the [Rome Statute of the International Criminal Court](#) defines crimes against humanity as:

Article 7

Crimes against humanity

1. For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
 - a. Murder;
 - b. Extermination;
 - c. Enslavement;
 - d. Deportation or forcible transfer of population;
 - e. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
 - f. [Torture](#);
 - g. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
 - h. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
 - i. Enforced disappearance of persons;
 - j. The crime of apartheid;
 - k. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.^[15]

Later in Article 7, the crime of apartheid is defined as:

The 'crime of apartheid' means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.^[15]

Activists for Palestinian rights have accused Israel of committing the crime of apartheid.^[16] For example, in 2006, at the UN-sponsored International Conference of Civil Society in Support of the Palestinian People, Phyllis Bennis, co-chair of the International Coordinating Network on Palestine alleged that "Once again, the crime of apartheid [is] being committed by a United Nations Member State [Israel]."^[17] Zahir Kolliyah has written that "In South Africa and in Palestine the indigenous populations live under apartheid regimes 'settler colonies' as described by the International Convention on the Suppression and Punishment of

the Crime of Apartheid".^[18] Hazeem Jamjoum states in a 2009 article that "In terms of law, describing Israel as an apartheid state does not revolve around levels of difference and similarity with the policies and practices of the South African Apartheid regime" because apartheid is a universal crime under international law.^[19]

Such accusations have recently been picked up in documents of the United Nations. In a 2007 report, United Nations Special Rapporteur for Palestine John Dugard stated that "elements of the Israeli occupation constitute forms of colonialism and of apartheid, which are contrary to international law" and suggested that the "legal consequences of a prolonged occupation with features of colonialism and apartheid" be put to the [International Court of Justice](#).^[20] South Africa's statutory research agency the [Human Sciences Research Council](#) (HSRC) stated in a 2009 report that "the State of Israel exercises control in the [Occupied Palestinian Territories] with the purpose of maintaining a system of domination by Jews over Palestinians and that this system constitutes a breach of the prohibition of apartheid."^[21] Based on these findings, [Richard Falk](#), the successor of John Dugard as UN Special Rapporteur for Palestine has detailed some of the indicators of apartheid in the occupied territories ^[22]:

- preferential citizenship, visitation and residence laws and practices that prevent Palestinians who reside in the West Bank or Gaza from reclaiming their property or from acquiring Israeli citizenship, as contrasted to a Jewish right of return that entitles Jews anywhere in the world with no prior tie to Israel to visit, reside and become Israeli citizens;
- differential laws in the West Bank and East Jerusalem favouring Jewish settlers who are subject to Israeli civilian law and constitutional protection, as opposed to Palestinian residents, who are governed by military administration;
- dual and discriminatory arrangements for movement in the West Bank and to and from Jerusalem; discriminatory policies on land ownership, tenure and use; extensive burdening of Palestinian movement, including checkpoints applying differential limitations on Palestinians and on Israeli settlers, and onerous permit and identification requirements imposed only on Palestinians;
- Punitive house demolitions, expulsions and restrictions on entry and exit from all three parts of the Occupied Palestinian Territories.

The Special Rapporteur concludes that this "general structure of apartheid that exists in the Occupied Palestinian Territories ... makes the allegation increasingly credible despite the differences between the specific characteristics of South African apartheid and that of the Occupied Palestinian Territories regime".^[23]

[South African](#) Judge [Richard Goldstone](#), writing in [The New York Times](#) in October 2011, said that "in Israel, there is no apartheid. Nothing there comes close to the definition of apartheid under the 1998 Rome Statute." Goldstone noted that [Arab citizens of Israel](#) are allowed to vote, have political parties, and hold seats in the [Knesset](#) and other positions, including one on the [Israeli Supreme Court](#). Goldstone wrote that the situation in the West Bank was more complex, but that there is no attempt to maintain "an institutionalized regime of systematic oppression and domination by one racial group", and claimed that the seemingly oppressive measures taken by Israel were taken to protect its own citizens from attacks by Palestinian militants.^[24]

Israeli journalist Yonatan Silverman wrote in [Ynetnews](#) that while inequality and injustice existed in the West Bank, Israel was not an apartheid state. Silverman wrote that while South

Occupational apartheid

From Wikipedia, the free encyclopedia

Jump to: [navigation](#), [search](#)

Occupational apartheid is the concept in [occupational therapy](#) that different individuals, groups and communities can be deprived of meaningful and purposeful activity through segregation due to social, political, economical factors and for social status reasons.

Occupational [apartheid](#) may occur due to [race](#), disability, age, [gender](#), sexuality, [religious preference](#), [political preference](#), and creed. The health and wellbeing of these individuals, groups and communities is compromised through the deprivation of meaningful and purposeful activities.

In the light of day to day existence, every individual should be of equal status, no matter what their economic, political, health or social status. Occupational apartheid explains the reality that some people may be occupationally [more equal](#) than others. ^{[1][2]}

Groups that may experience occupational apartheid

- [Homeless adults](#)
- [Lesbian, gay, bi-sexual and transgendered people](#)
- [Refugee](#) and asylum seekers
- Religious groups
- Street children
- Survivors of [domestic violence](#)
- Women
- People who have been incarcerated

RIGHTEOUSLY

* AUSTRALIA, TOOK ACTION AGAINST
APARTHEID IN SOUTH AFRICA!

INCLUDING SPORTS PEOPLE, JOURNALIST
SOLICITORS, TRADES PEOPLE AND MOST
LIKELY JUDGES.

20/.

Absolutely everybody: enabling Queenslanders with a disability

Absolutely everybody: enabling Queenslanders with a disability (**Absolutely everybody**) is a 10-year plan to improve access and participation in all aspects of community life. It sets out an ambitious and challenging vision –

In 2021, Queensland is inclusive of its citizens, and Queenslanders with a disability are enabled to lead valued and fulfilling lives.

The vision reflects a clear commitment from the Queensland Government to promoting the human rights of people with a disability, to building community awareness, and to partnering with others to make a real difference.

Absolutely everybody recognises that achieving the vision of inclusive and enabling communities is a shared responsibility. It sets out a call to action to all levels of government, business and community to work together to make this vision a reality.

It is underpinned by the [United Nations Convention on the Rights of Persons with Disabilities](#), which was signed by Australian governments in 2008. It is also the way in which the Queensland Government will deliver on its commitments under the [National Disability Strategy](#).

Absolutely everybody: enabling Queenslanders with a disability, in pdf and rtf formats, is available here –

[Absolutely everybody \(PDF, 3.9 MB\)](#) [Absolutely everybody \(RTF, 479 KB\)](#)

Hard copies can be ordered online at www.bookshop.qld.gov.au. Easy English, Braille and audio CD may be requested by:

Phone: 1800 177 120

TTY: 1800 010 222

Email: disabilityinfo@communities.qld.gov.au

Delivering on Absolutely everybody: whole-of-government action plan 2011–14

The implementation of **Absolutely everybody** will be through three, three-year whole-of-government action plans and a final year of consolidation.

Absolutely everybody: action plan 2011-14 outlines the actions to be delivered by Queensland Government departments during the first three years, including actions involving local governments, business, industry and community organisations.

The specific commitments and actions for each Queensland Government department are also outlined in their [Disability Service Plans for 2011-14](#).

Absolutely everybody: whole-of-government action plan 2011-14, in pdf and rtf formats, is available here –

[Absolutely everybody: action plan 2011-14 \(PDF, 757 KB\)](#) [Absolutely everybody: action plan 2011-14 \(RTF, 1.1 MB\)](#)

Consultation Report

HUGE PSYCHOLOGICAL DAMAGES
PHYSICAL



About AusAID

The Australian Agency for International Development (AusAID) is the Australian Government agency responsible for the overseas aid program. AusAID is an Executive Agency within the Foreign Affairs and Trade portfolio and the Department of Foreign Affairs and Trade.

The fundamental purpose of Australian aid is to help people overcome poverty. This also serves Australia's interests in regional stability and prosperity both in our region and beyond. We focus our effort in areas where Australia can make the most of its resources can most effectively and efficiently be deployed.

AusAID provides advice and support to the Minister for Foreign Affairs on development policy, and plans and coordinates activities in partnership with developing countries. AusAID leads and coordinates Australia's responses to international development issues in Australia in international development forums.

AusAID is strongly committed to evaluating and improving Australia's aid program and to collecting, analysing and disseminating data and other information.

AusAID's head office is in Canberra. AusAID also has representatives in 37 Australian diplomatic missions overseas.

Portfolio partners

In addition to AusAID, the organisations comprising the Foreign Affairs and Trade portfolio are the Department of Foreign Affairs and Trade, the Australian Centre for International Agricultural Research (ACIAR), Austrade and the Export Finance and Insurance Corporation (EFIC).

- [Foreign Affairs and Trade](#)
- [Australian Centre for International Agricultural Research](#)
- [Austrade](#)
- [Export Finance and Insurance Corporation](#)

AusAID corporate information

- [Annual Reports](#)
- [Budget Statements](#)
- [AusAID Workforce Plan](#)
- [Fraud Policy Statement](#)
- [Logo and branding](#)
- [Building on the 2010 Blueprint: A Reform Agenda for 2015](#)
- [Internal Audit](#)
- [AusAID 2010—Director General's Blueprint](#)
- [AusAID Enterprise Agreement 2011-2014](#)
- [Contracts list \(Senate Order-Gvt Agency Contracts\)](#)

Weather warnings and emergency alerts

Bureau of Meteorology weather warnings

- [Tropical cyclone warnings](http://www.bom.gov.au/cyclone/) (<http://www.bom.gov.au/cyclone/>)
- [Fire weather warnings](http://www.bom.gov.au/qld/warnings/index.shtml) (<http://www.bom.gov.au/qld/warnings/index.shtml>)
- [Severe thunderstorm and general severe weather warnings](http://www.bom.gov.au/qld/warnings/index.shtml) (<http://www.bom.gov.au/qld/warnings/index.shtml>)
- [Flood warnings](http://www.bom.gov.au/qld/warnings/index.shtml) (<http://www.bom.gov.au/qld/warnings/index.shtml>)
- [Tsunami warnings](http://www.bom.gov.au/tsunami/) (<http://www.bom.gov.au/tsunami/>)
- [Marine warnings](http://www.bom.gov.au/marine/) (<http://www.bom.gov.au/marine/>)
- [Other warnings and alerts](http://www.bom.gov.au/catalogue/warnings/WarningsInformation_OTHER.shtml) (http://www.bom.gov.au/catalogue/warnings/WarningsInformation_OTHER.shtml)

Emergency Alert. Be Warned. Be Informed

In an emergency, an Emergency Alert may be sent to you directly via:

- a voice message to your landline telephone based on the location of the handset or
- a text message to your mobile phone, based on the billing address.

If you receive an Emergency Alert and want more information, follow the instructions in the message. You do not need to register for this service.

[View more information and frequently asked questions about Emergency Alert.](http://www.emergencyalert.gov.au/) (<http://www.emergencyalert.gov.au/>)

Standard Emergency Warning Signal (SEWS)

Know how to listen out for and recognise the [Standard Emergency Warning Signal](http://disaster.qld.gov.au/Warnings_and_Alerts/About_SEWS.html) (http://disaster.qld.gov.au/Warnings_and_Alerts/About_SEWS.html). **Stop & listen** when you hear the signal on the radio or television and act immediately on the advice that follows.

Local council warnings and alerts

Your local council's Disaster Management Group may release warnings and alerts specific to your area in a disaster or emergency.

[Contact your local council](http://www.qldcouncils.com.au/) (<http://www.qldcouncils.com.au/>) to register for warnings and alerts.

Help preparing for storm season

Do you know how to prepare around your home for storm season? How to clear overhead branches? Or how to sandbag your property in a disaster?

The [Queensland State Emergency Service YouTube](http://www.youtube.com/user/QldSES) (<http://www.youtube.com/user/QldSES>) channel has a number of preparedness videos featuring SES volunteers to show you how to prepare for extreme weather events.

Last updated

13 December, 2011

Political violence

Political violence is a common means used by people and governments around the world to achieve political goals. Many groups and individuals believe that their political systems will never respond to their political demands. As a result they believe that violence is not only justified but also necessary in order to achieve their political objectives. By the same token, many governments around the world believe they need to use violence in order to intimidate their populace into acquiescence. At other times, governments use force in order to defend their country from outside invasion or other threats of force.^[1] Political violence can take a number of forms including but not limited to those listed below. Non-action on the part of the government can also be characterized as a form of political violence. Some would argue that political violence and the modern nation-states are inseparable, as the drastic increase of political violence in the 20th century shows.

Genocide

- Genocides in history

One form of political violence is genocide. **Genocide** is commonly defined as "the deliberate and systematic destruction, in whole or in part, of an ethnic, racial, religious, or national group",^[2] though what constitutes enough of a "part" to qualify as genocide has been subject to much debate by legal scholars.^[3] Genocide is typically carried out with either the overt or covert support of the governments of those countries engaged in genocidal activities. The Holocaust is the most often cited historical example of genocide.

Human Rights Violations

Human rights violations occur when actions by state (or non-state) actors abuse, ignore, or deny basic human rights (including civil, political, cultural, social, and economic rights). Furthermore, violations of human rights can occur when any state or non-state actor breaches any part of the Universal Declaration of Human Rights treaty or other international human rights or humanitarian law. In regard to human rights violations of United Nations laws, Article 39 of the United Nations Charter designates the UN Security Council (or an appointed authority) as the only tribunal that may determine UN human rights violations.

Human rights abuses are monitored by United Nations committees, national institutions and governments and by many independent non-governmental organizations, such as Amnesty International, International Federation of Human Rights, Human Rights Watch, World Organisation Against Torture, Freedom House, International Freedom of Expression Exchange and Anti-Slavery International. These organisations collect evidence and documentation of alleged human rights abuses and apply pressure to enforce human rights laws.

Wars of aggression, war crimes and crimes against humanity, including genocide, are breaches of International humanitarian law and represent the most serious of human rights violations. In efforts to eliminate violations of human rights, building awareness and protesting inhumane treatment has often led to calls for action and sometimes improved conditions. The UN Security Council has interceded with peace keeping forces, and other states and treaties (NATO) have intervened in situations to protect human rights.^[4]

War

War is a state of organized, armed, and often prolonged conflict carried on between states, nations, or other parties^{[5][6]} typified by extreme aggression, social disruption, and usually high mortality.^[5] War should be understood as an actual, intentional and widespread armed conflict between political communities, and therefore is defined as a form of political violence.^[7] Three of the ten most costly wars, in terms of loss of life, have been waged in the last century: the death toll of World War II, estimated at 60 million plus, surpasses all other war-death-tolls by

AUSTRALIA AS A NATION - HELPS THE PEOPLE OF OTHER NATIONS, BUT NOT NORTH OF THE POLITICAL 'IRON CURTAIN' - THE DAINTREE RIVER



Australian Government

Department of the Environment, Water, Heritage and the Arts

241.

C10/13090

Ms Renée Emmanuel
PO Box 628
MALLACOOTA VIC 3892

Dear Mr Emmanuel

Thank you for your letter of 27 May 2010 to the Minister for Environment Protection, Heritage and the Arts, the Hon Peter Garrett AM MP, concerning matters of injustice and human rights.

As this matter falls within the portfolio responsibilities of the Attorney-General, the Hon Robert McClelland MP, I have referred your letter to his office for attention.

Yours sincerely

Carren Ferris
Ministerial and Parliamentary Services

- 3 JUN 2010



INVESTOR IN PEOPLE

GPO Box 787 Canberra ACT 2601 Telephone 02 6274 1111 Facsimile 02 6274 1666

www.environment.gov.au





25/

ENQUIRIES: Linda Kirchner
PHONE: 40443036
YOUR REF:
OUR REF: 1/3/87#2613339

16 July 2010

Ms R Emmanuel
PO Box 628
MALLACOOTA VIC 3892

Dear Ms Emmanuel

**RE: CORRESPONDENCE IN RELATION TO VARIOUS
MATTERS AT COW BAY**

1/
MORE LIES.
2/
*

I note receipt of your recent letter to myself, the Mayor and Cairns Regional Council Councillors. I apologise for the delay in responding but I have asked one of my senior officers to investigate all of the concerns which you have raised. I have now reviewed that officer's findings and am therefore in a position to provide the following formal response.

Actions by Cairns Regional Council re: Electricity

Cairns Regional Council conducted a community summit in the Daintree in November 2008. Based on the feedback from the summit, Council has funded an independent investigation into energy options and continues to lobby Mr Jason O'Brien (Member for Cook). As it is State legislation which prohibits mains power, it is therefore a decision of the State Government as to whether to amend or repeals this legislation. Cairns Regional Council plays a leadership role for our communities and as such will strive to represent our community's needs and expectations, but that ultimately the provision of power north of the Daintree River is not a Council responsibility.

3/
Douglas Shire Planning Scheme

Please be advised that as the new Chief Executive Officer, I am not in a position to comment on your allegations about events / actions that may have occurred under the former Douglas Shire Council regarding the planning scheme and in particular, D.C.P.3, 3.2, 3.2.1 (a-h) documents. I can however, advise that work is due to commence in the second half of 2010 to review and integrate the Douglas and Cairns City Planning Schemes. As part of this process there will be extensive public consultation and I invite you and other concerned citizens to participate fully in this process.

4/
Operation of the Ferry

I note your concerns about the limited hours of operation of the ferry. However, I wish to reassure you that the contract for the provision of a ferry service specifically requires the ferry to operate in any emergency response situation. I have been advised that this has in fact occurred a number of times in recent years. Please be assured that should you need the services of the ferry in a genuine emergency it will operate.

.../2
JASON O'BRIEN MP. TOLD US IN ~~AN~~ AN EMAIL.
THE C.R.C. IS STOPPING THE POWER SUPPLY,
AND THE LIED TO RENÉE EMMANUEL AGAIN!



Australian Government

Department of Infrastructure, Transport,
Regional Development and Local Government

26/

Reference: 04344-2010

Ms Renée Emmanuel
PO Box 628
MALLACOOTA VIC 3892

19 JUL 2010

Dear Ms Emmanuel

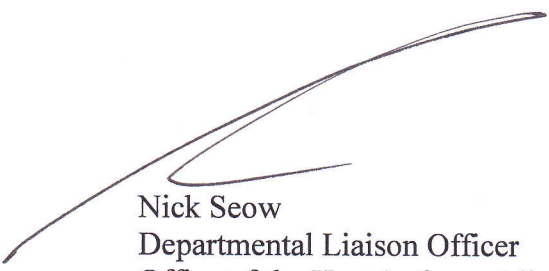
Thank you for your letter dated 27 May 2010 to the then Prime Minister, the Hon Kevin Rudd MP, about Cairns Regional Council. Your letter was forwarded to the Hon Anthony Albanese MP, Minister for Infrastructure, Transport, Regional Development and Local Government, for consideration. The Minister has asked me to reply on his behalf, and I apologise for the delay in replying.

The matters you raise are the responsibilities of state and local government. Under the Australian federal system, the Australian Government has no legislative basis to intervene on local government issues of the type raised in your letter.

As this is a matter for the Queensland Government, I suggest that you write to the responsible state minister, the Hon Desley Boyle MP, Minister for Local Government, at PO Box 15031, City East, Queensland 4002.

In the meantime, I have forwarded your correspondence to the Attorney-General, the Hon Robert McClelland MP, for his consideration.

Yours sincerely



Nick Seow
Departmental Liaison Officer
Office of the Hon Anthony Albanese MP
Minister for Infrastructure, Transport,
Regional Development and Local Government

Jason O'Brien MP

MEMBER FOR COOK

YOUR LABOR MEMBER IN THE QUEENSLAND PARLIAMENT

Cape York / Douglas Shire / Cairns:
Ph: 1800 816 264 - Fax: 07 4031 2437
Post: PO Box 2080, Cairns 4870
Email: cook@parliament.qld.gov.au

Torres Strait / NPA
Ph: 1800 802 391 - Fax: 07 4069 1620
Post: PO Box 437, Thursday Island 4875
Email: cook.thursday.is@parliament.qld.gov.au

10 April 2007

Ms Maureen Marshall
Lot 32 Buchanan Ck Road
COW BAY QLD 4873

Dear Maureen

Thank you very much for the copies of your faxes dated 19/2/07 and 03/04/07.

My apologies for not providing as much assistance as you hoped for following your last representations to my office.

* You may be aware that recently the Douglas Shire Council passed a resolution calling for the State to extend mains electricity north of the Daintree River. No doubt this will be considered in due course.

My personal view is that the blocks of high conservation value should all be State hands before we consider changing the legislation concerning extending mains power.

* I concede that the plethora of generators that plague the region at the moment cause more environmental harm than would a remote area power scheme similar to what operates in many remote communities in Cape York Peninsula. While alternative power is important in these times of climate change I also acknowledge that these systems do not meet the needs of people who desire to live completely urban lives. This is a matter that is likely to receive further consideration over the next year or two.

Can I please, if it is not too inflammatory, advise you that my records indicate that you are currently not on the Cook Electorate roll. I have therefore taken the liberty of enclosing enrolment forms which, upon their completion, will only encourage my more fulsome representation of your views.

Finally Maureen, I note the biblical reference in your final chapter regarding the execution of Ministers. Given that my office was recently invaded by an armed man with a similar intent I find the reference alarming and hope you would, under the circumstances, understand why I might consider notifying the authorities at the slightest hint of a threat. It is not my intention to do this at this stage but I would appreciate your written confirmation that your reference in no way means you are considering specific harm if the Government does not provide the service you feel you require immediately.

Thanks again for bringing your concerns to my attention. I look forward to working with you in the future.

Yours sincerely



Jason O'Brien
Member for Cook

Working hard in Aurukun, Ayton, Badu Island, Bamaga, Blainfield, Boigu Island, Cape Tribulation, Clifton Beach, Coen, Cooktown, Cow Bay, Craigie, Daintree, Dauan Island, Erib Island, Hammond Island, Hope Vale, Horn Island, Imbong, Koah, Kowanyama, Kubin, Kuranda, Lakeland, Laura, Lockhart River, Mabuiag Island, Mapoon, Masig Island, Millie, Morla Maria, Mowbray, Mer Island, Napranum, New Mapoon, Palm Cove, Port of Spain, Rorua Island, Port Douglas, Rossville, Sabal Island, Seia, St Pauls, Thursday Island, Ugar Island, Umagico, Warraber Island, Weipa, Wujal Wujal, Yam Island.

28/0

From: Renee Emmanuel
To: council@cairns.qld.gov.au; r.reilly@cairns.qld.gov.au;
Date: Thu, 12 August, 2010 9:11:07 PM
Cc:
Subject: My Complaint 2

12.08.2010.

RENÉE EMMANUEL. PO BOX 628, MALLACOOTA. VICTORIA. 3892.

**RE: MY RENTED PROPERTY AT LOT 32 BUCHANAN CREEK ROAD, COW BAY.
3892.**

ATTN: CEO AND ALL ELECTED COUNCILLORS AT CAIRNS REGIONAL COUNCIL.

1/. I have previously (as you know) provided you with information describing my situation of renting this property to establish as my home.

2/. As you are well aware I took action to reside at this property when Council resolved to lift the previous Unlawful, Secretive ban on the Mains Electricity Supply and thus complete the Power Supply to Cow Bay, which had previously been under construction back in the 1980's.

3/. Therefore I began to establish my home in Good Faith, due to the promise that the Mains Electricity Supply would be completed without Impediments to the process. Refer: My previous correspondence to the C.R.C.

4/. Council has again reneged on this promise without Lawful Justification and therefore the Mode of Execution is Immaterial.

This has been recently confirmed by our Local Member of Parliament, Mr. Jason O'Brien.

5/. I now have NO choice but to take Legal Action against Council in regards to the costs of transport and loss of my possessions, costs of alternative accommodation, general damages, stress and trauma. Refer: Suicides of other Cow Bay residents etc.

6/. Attached is a list of the losses of my property and possessions.

7/. I have also attached a copy of letter from the Hon Peter Garrett MP dated 04.08.2010.

8/. My complete claim for other costs and damages will follow when required, depending upon further actions or omissions from the C.R.C.

Renée Emmanuel.

29/0

From: Renee Emmanuel
To: Kareena.NEALON@communities.qld.gov.au;
Date: Fri, 23 April, 2010 4:34:58 PM
Cc:
Subject: Re: Contact with Department of Communities

Dear Kareena,

Thank you for your email.

As I have been waiting for many months to see a Specialist in far north Qld, but could not gain even an appointment,

My Carer then took me down to Vic, where I could gain a Medical Appointment and Community Housing Victoria has provided me with Emergency Housing Accommodation.

I have had to gratefully accept this accommodation as I am unable to live at my Carer's Property at Cow Bay north Qld due to the corruption of the Cairns Regional Council in stopping of ALL services to the Property.

regards Renée Emmanuel.

From: NEALON Kareena L <Kareena.NEALON@communities.qld.gov.au>
To:
Sent: Fri, 23 April, 2010 10:01:18 AM
Subject: Contact with Department of Communities

Hi Renee,

Can you please advise if you have a phone number that I can contact you on to discuss logging an application for housing assistance through Department of Communities Housing and Homelessness Far North Queensland Service Centre?

Thank you,
Kareena Nealon
Senior Housing Officer
Regional Services Delivery Operations
Housing and Homelessness Services
Department of Communities
Far North Queensland Housing Service Centre
Phone: 40398822
Fax: 40398248

***** DISCLAIMER *****

The information contained in the above e-mail message or messages (which includes any attachments) is confidential and may be legally privileged. It is intended only for the use of the person or entity to which it is addressed. If you are not the addressee any form of disclosure, copying, modification, distribution or any action taken or omitted in reliance on the information is unauthorised. Opinions contained in the message(s) do not necessarily reflect the opinions of the Queensland Government and its authorities. If you received this communication in error, please notify the sender immediately and delete it from your computer system network.

23/04/2010

15 July 2010

Mr Michael Mathews,

I have read through the file received today, the 15th of July 2010.

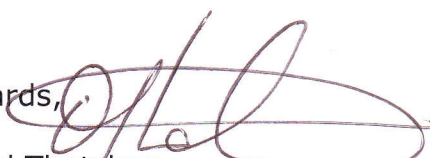
The original advice given to you on the 21st of May still applies.

Theft of mail is a state offence. Fraud or similar to receive mail is also a state offence. Australia Post have the ability and responsibility to investigate and report on any matters involving the delivery of mail. Any thefts, frauds or similar that occur after the mail has been delivered are the responsibility of the state or territory in which the theft occurs.

The Australian Federal Police can and will investigate matters of a commonwealth nature. Unfortunately all the offences that may have occurred with your enquiry are of a state nature and need to be dealt with by the appropriate state department.

The Australian Federal police are unable to investigate this matter further as this time.

Regards,


David Thatcher
Federal Agent
Melbourne OMC

31/0

----- Forwarded Message -----

From: Renee Emmanuel**To:** admin@svdp.org.au**Sent:** Sat, 14 August, 2010 4:50:13 PM**Subject:** To Saint Vincent De Paul

14.08.2010.

From: Renée Emmanuel. PO Box 628, Mallacoota. Vic. 3892.

To: The General Manager.
Saint Vincent De Paul Society.

Dear Sir/Madam,

I am in a quandary, I am a victim of crime.

A caring Christian person came into my life via a totally unplanned situation, this person Michael Mathews then gave me refuge at his property at Lot 32 Buchanan Creek Road, Cow Bay. 4873.

Michael Mathews, my Carer/Nominee has severe spinal and other health problems and was only able to give me refuge at the above property upon which all of my furniture and material possessions etc, are located, in which I went to great trouble and expense to move & purchase more furniture to furnish & make a home at my Carer's property, which I did in accordance with the hope that our Local Council would finally allow the completion of our Power Supply to this area.

This hope was proven false as our Local Council chose to continue to block the completion of the Power Supply, therefore I am in a chronically abnormal situation where all of my furniture and possessions are stuck in an area where it is impossible to live in normal conditions without Electricity/Food/Fuel Supplies, access to Employment. NO access to 24 hour access to and from the property.

Therefore I am in an absolute jam and thanks to the Victorian Government they have provided me with temporary emergency furnished accommodation.

As it stands at this stage I have a house full of furniture and possessions which are stuck in a property which is totally Uninhabitable, so I wish to donate all of the furniture and possessions from this property, as I have nowhere else to put them and I do not have a permanent place to live.

Could St Vincent De Paul please pick up ALL of the furniture/possessions at the property and give the proceeds to the poorest in our communities?

In the meantime my Carer, who is also a disabled pensioner like myself hope to manage with the hope of the Light of Jesus Christ.

Please take this matter seriously, it is real, please don't allow waste to occur.

The Cairns Regional Council do intend to sell the Uninhabitable property on the 24th of this month, even though this is totally against the recommendations of the Queensland Ombudsman and other Authorities.

As Saint Vincent De Paul Society would know many sections of Government and Authority have no heart nor compassion whatsoever and they may completely trash all this furniture/goods, so please pick them up and distribute to the poor or sell via your outlets.

I can provide a key to the property to any representative of Saint Vincent De Paul that you



Hon Karen Struthers MP
Member for Algeester



Queensland
Government

32/

Our reference: C/10/00196
COM 03585-2010

Minister for Community Services and
Housing and
Minister for Women

24 MAR 2010

Ms Renee Emmanuel

Dear Ms Emmanuel

I refer to your email of 14 February 2010 to the Honourable Anna Bligh MP, Premier and Minister for the Arts concerning homelessness issues in the Cow Bay region. As the issue raised falls within the Ministerial responsibilities of the Honourable Karen Struthers MP, Minister for Community Services and Housing and Minister for Women, your letter has been forwarded to her office for reply. The Minister has asked me to respond to you on her behalf.

The Department of Communities supplies secure and affordable rental housing for low to moderate income families and individuals; in particular, those who have difficulties accessing accommodation in the private market. To apply for social housing, an individual or family must first complete the necessary application forms so their eligibility can be determined and their housing needs assessed.

Far North Queensland Area Office staff have advised me that they were unable to locate any records to indicate an application for housing assistance has been received from either yourself or Mr Mathews.

The social housing application form can be downloaded from the department's website at www.housing.qld.gov.au/renting/pdf/ha_assist.pdf. Alternatively, you can collect a form from your nearest courthouse or Queensland Government Agent Program office. Once this form has been received by the Far North Queensland Area Office and your needs assessment completed, you will be notified of the outcome.

The department is continually developing and rolling out new products and services and would be happy to provide you with information about options available that may meet your more immediate needs.

If you require any further information or assistance in relation to this matter, please contact Ms Kareena Nealon, Client Service Manager, Far North Queensland Area Office, Department of Communities on 4039 8881.

Yours sincerely

Claudia Whitton
Principal Advisor

Level 13
111 George Street Brisbane
GPO Box 806 Brisbane
Queensland 4001 Australia
Telephone +61 7 3235 4280
Facsimile +61 7 3210 2186
Email communityservices@ministerial.qld.gov.au
ABN 65 959 415 158



33/
**Queensland
Government**

Our reference: C/10/00196
COM 06224-2010

Office of the
**Minister for Community Services and
Housing and
Minister for Women**

04 MAY 2010

Ms Renee Emmanuel

Dear Ms Emmanuel

I refer to your email of 13 February 2010, to the Honourable Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs concerning homelessness issues in the Cow Bay region. As the issues raised falls within the ministerial responsibilities of the Honourable Karen Struthers MP, Minister for Community Services and Housing and Minister for Women, your letter has been forwarded to her office for reply. The Minister has asked me to respond to you on her behalf.

I understand that on 23 April 2010 you made contact with the Far North Queensland Housing Services Centre to notify them that you have relocated to emergency accommodation in Victoria.

If your circumstances change and you return to Far North Queensland, I encourage you to contact Ms Kim Burt, Client Service Manager, Housing and Homelessness Services, Far North Queensland Region, Department of Communities on 4039 8822.

Yours sincerely

**Claudia Whitton
Principal Advisor**



34/

**The Hon Tanya Plibersek MP
Minister for Housing
Minister for the Status of Women**

MC10-002464

Ms Renee Emmanuel

Dear Ms Emmanuel

Thank you for your email of 13 February 2010 to the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Jenny Macklin MP, about your housing and health issues. Minister Macklin has asked me to respond to you on her behalf as homelessness is in my area of responsibility. I apologise for the delay in replying.

I was very concerned to read about your current difficulties. I appreciate how stressful it must be for you to experience ongoing homelessness on top of your other health issues.

The Australian Government is determined to reduce homelessness and has provided funds to the States and Territories to manage and deliver public housing, crisis accommodation and support services to help people maintain their tenancies. For this reason I have asked the Queensland Minister for Community Services and Housing, the Hon Karen Struthers MP, to urgently consider your circumstances and to contact you.

In the meantime, you may wish to phone the Far North Queensland Area Housing Office in Cairns on freecall 1800 623 208. The Housing Office will be able to assess your individual needs, and provide you with options for the future. I note that you have copied your letter to Queensland Health. You may wish to phone them on 1343 2584 to discuss the concerns you have raised about health services in Far North Queensland.

Some assistance may also be available through Centrelink. I have arranged for Centrelink to provide a specialist Centrelink Community Engagement Officer to contact you to discuss your circumstances and financial support options.

You referred in your letter to previous correspondence to Minister Macklin from yourself and your carer, Michael Mathews, to which you have not received a response. I would like to clarify that your joint letter of 16 February 2009, sent C/- Mallacoota Post Office in Victoria, was referred to me by Minister Macklin. As you may not have received my response of 1 May 2009, I have attached a copy with this letter for your information.

\$999

single person, three or more children
couple with two children
three single people and one child
two single people with two children, or
four single people.



\$1121

couple with three or more children
five single people
one couple with two children and one single person
two couples with one or more children
one couple, one single person and two or more children,
or
other households with five or more people including at
least two adults.

6. Appropriateness of current housing

[Top of page](#)

You must meet at least one of the following criteria to demonstrate that your current housing does not meet your housing needs:

- * You are homeless or at risk of homelessness.
- * You need to live in a particular location in order to access essential services gain employment, meet cultural obligations, gain access to children or for family/informal support.
 - The design and/or size of your current housing does not meet your household's needs or there are health and safety risks.
 - You are paying an unaffordable amount of your income in rent.
- * You have been referred by Disability Services as you have a disability and need to establish alternative housing.

Applying for housing assistance

Contact your nearest Housing Service Centre to make an appointment for an interview to discuss your eligibility and housing needs, for example:

- where you want to live
- how many bedrooms you are entitled to
- specific housing needs you or your household may have.

Departmental staff will advise which documents you will need to bring to the interview.

It is an offence under the Housing Act 2003 to knowingly provide to the Department of Communities false or misleading information that may influence decisions about your eligibility for housing services.

Reviewing eligibility for housing assistance

The department will regularly review your eligibility while you are listed on the housing register. Before an offer of housing is made, your eligibility will again be reviewed against all eligibility criteria. If you are no longer eligible, you will not be offered housing assistance and your application will be removed from the housing register.

If you are not eligible but your circumstances have changed (for example, your household income reduces) please contact your nearest Housing Service Centre to discuss your situation.

For further information

Please contact your nearest Housing Service Centre.

[Top of page](#)

Older women forced into homelessness

By finance reporter [Sue Lannin](#)

Updated 2 hours 10 minutes ago

Rising rents, family breakdown and the economic downturn have pushed more older women into the ranks of the homeless.

Women over the age of 45 are now outnumbering older men at government-funded homeless shelters according to official data, even though there are more homeless older men than women.

An ABC analysis has found that in 2008-2009, 9 per cent of all clients or 11,300 people were women over the age of 45, according to the latest figures on government-funded specialist homelessness services from the Australian Institute of Health and Welfare (AIHW).

Older men made up 8.3 per cent of clients or 10,400 people.

There was also more older women than men in homeless shelters in the 2007-2008 for the first time on record.

Sydney academic Ludo McFerran from the Older Women's Network says the lack of affordable housing in Australia, higher rates of divorce and separation and the tendency of women to be in lower paid jobs have created a housing crisis for women in their fifties and sixties.

She is studying the issue and plans to release a report next month.

Ms McFerran says women, who in the past were able to stand on their own two feet, are now finding themselves homeless.

"We're seeing a wave of ageing single women entering the homeless population with very few policies and plans to meet the need," she said.

And homelessness can happen to anyone.

'Elizabeth', 62, is an IT professional who says she found it hard to work because of age discrimination. When the global financial crisis struck Elizabeth could not afford to pay her mortgage so she was forced out of her home.



Women, who in the past were able to stand on their own two feet, are now finding themselves homeless (Reuters: Tim Wimborne, file photo)

- [Video: Figures show increase in homeless older women \(The Midday Report\)](#)
- [Audio: Increase in older women in crisis shelters \(PM\)](#)
- [Related Story: No room at the shelter for young homeless](#)
- [Related Story: Report finds urgent homeless problems](#)



Australian Government
Department of Health and Ageing

Ms Maureen Marshall
Lot 32, Buchanan Creek Road
Cow Bay Qld 4873

Dear Ms Marshall

Thank you for your letter of 9 December 2006 to the Minister for Health and Ageing, the Hon Tony Abbott MP, outlining your health and safety concerns. The Minister has asked me to reply on his behalf.

You reported that you are facing a number of issues which you believe are having an impact on your health including the need to use a generator to operate your nebuliser.

The Commonwealth does not have jurisdiction over access to electricity in your local area or to the other services that you raised in your letter. The health and safety issues that you raise are either the responsibility of your local government or of the Queensland Government.

I encourage you to continue to talk to staff in the Douglas Shire Council, particularly those in the health and home and community care services, about your concerns regarding the possible impacts on your health that may result from the need to use a generator for power, particularly to operate your nebuliser. You can contact the Douglas Shire Council on (07) 4099 9444 and your local home and community care services on (07) 4099 9484.

You might also wish to talk to the environmental health staff within the Queensland Government about your concerns in relation to the noise and other pollution associated with the use of a generator as well as the management of mosquitoes in your home and in the surrounding areas. You can contact the Environmental Health Unit on (07) 3234 0938.

I hope that this assists you to find a satisfactory solution to your health concerns.

Yours sincerely

A handwritten signature in dark ink that reads "Simon Cotterell".

Simon Cotterell
Assistant Secretary
Health Protection Policy Branch

20 February 2007

Council about-face on Daintree power

■ BY STACEY KIBBLE

ELECTRICITY supply to residents north of the Daintree River and Forest Creek Rd came a step closer to reality on Tuesday when Douglas Shire Council voted to request the measure.

In the surprise move, council agreed to send a letter to Premier Beattie, State Member for Cook Jason O'Brien, the Far North Queensland Statutory Regional Plan and Ergon Energy to "initiate engagement on the provision of power north of the Daintree River".

Cr George Pitt added an amendment that "council does not support any impediments to this process," which was also accepted.

Cr Bill Bellerio agreed the

phrase concreted council's commitment to the three-point plan.

The apparent about-face by council, which had been bitterly divided over the issue, came about due to a three-point plan

"I would support a low-voltage green grid so the residents could get rid of their generators but would keep their batteries and solar power."

- Mayor Mike Berwick

agreed to by council eight years ago.

The first two points involved controlling development and buying back land, which is considered to have been achieved in the new planning scheme.

The third point was the provision of electricity once the first two points were addressed.

Mayor Mike Berwick, who voted against the move for mains electricity, said he was concerned council would consider the provision for electricity in isolation from conservation issues.

"I would support a low-voltage green grid so the residents could get rid of their generators but would keep their batteries and solar power," Cr Berwick said.

"We need to focus on innovative power and it needs to be tied up with local planning, infrastructure and conservation," he said. Overhead power lines had been ruled out, he said, and any power lines would go underground.

However Cr Berwick did support the extension of existing overhead powerlines to the end of Forest Creek Rd.

38%

Decisions of the Council – Status Report

ITEM NO	ITEM /MEETING	ACTION REQUIRED	CURRENT STATUS/OFFICER	OP PLAN NO	ESTIMATED COMPLETION
		2. Remove the mains power ban from north of the Daintree River and extends mains power to the remainder of Forest Creek as a priority.			
102.	<u>Proposed Street Name – Craiglie Business Park Via Owen Street</u> 07/0807/05	Name the cul-de-sac in Stage One (1) of Craiglie Business Park, via Owen Street, Craiglie, 'Pioneer Close'.	General Manager Engineering Developer to arrange placement of the sign.		Q1 2007/08
103.	<u>Naming of Recreational Parks</u> 07/0807/04	Council to name the following parks: 1. Shepherd Valley – 'Kubirri' – the protector of the mountain on top oversees that park; 2. Coulthard Close, Newell Beach – 'Jimal' – the fire protector that overlooks Newell to Wonga Beach 3. Escape Street, Port Douglas – 'Warri' – to escape or run away; 4. Middlemiss Street – 'ManjalDimbi' – the good	General Manager Engineering Technical Officer Reg Pike to erect the park name signs.		Q2 2007/08

ORDINARY MEETING OF COUNCIL

Decisions of the Council – Status Report

ITEM NO	ITEM /MEETING	ACTION REQUIRED	CURRENT STATUS/OFFICER	OP PLAN	ESTIMATED COMPLETION
	<u>Development</u> 07/0626/17	classifications.	Funding provided in 2007/08 budget to complete. Briefing Session arranged for meeting February 2008.	NO	appear on next report
74.	<u>Electricity North of the Daintree</u> 07/0717/27	Council to commit approximately \$50 000 in the 2007/08 budget for professional advice on options for reticulating underground electricity to the communities north of the Daintree once conservation targets are met. This advice would explore options, estimate costs and propose delivery options in a report to Council. Options would include mains extension, stand-alone systems and green grids. Delivery options would include Ergon, the private sector and Council. Staff would be requested to draft terms of reference and if possible provide a more accurate estimate for budget purposes.	General Manager Engineering		Q4 2007/08
75.		Remove the mains power ban from north of the <u>Daintree River</u> and extends mains power to the remainder of Forest Creek as a priority.	Consultant from RVR not available until after 15 March 2008.		Q4 2007/08
76.		Provides sufficient funds in the 2007/08 budget to undertake 'reconciliation' planning north of the			



Office of the United Nations High Commissioner for Human Rights



Countries Issues International Law Human Rights Bodies About
OHCHR

Quick navigation:

A. Victims of crime

Access to justice and fair treatment

Restitution

Compensation

Assistance

B. Victims of abuse of power

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Text in PDF Format

Adopted by General Assembly resolution 40/34 of
29 November 1985

A. Victims of crime

1. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

2. A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

3. The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.

Access to justice and fair treatment

4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.

6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:

(a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases,

THIS ALSO
IN EX. B.

AUST - IS SIGNED
MEMBER.

HIGHLIGHT ABUSE
OF POWER.

41

especially where serious crimes are involved and where they have requested such information;

(b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;

(c) Providing proper assistance to victims throughout the legal process;

(d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.

7. Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims.

Restitution

8. Offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.

9. Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.

10. In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community.

11. Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.

Compensation

12. When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:

(a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious

crimes;

(b) The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization.

13. The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

Assistance

14. Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.

15. Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.

16. Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.

17. In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as those mentioned in paragraph 3 above.

B. Victims of abuse of power

18. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.

19. States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation, and necessary material, medical, psychological and social assistance and support.

20. States should consider negotiating multilateral international treaties relating to victims, as defined in paragraph 18.

21. States should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances, should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of political or economic power, as well as promoting policies and mechanisms for the prevention of such acts, and should develop and make readily available appropriate rights and remedies for victims of such acts.

of the Prime Minister were to declare that Queensland forms the hole in the heart of Australia. But the insult in itself is not so damaging as the tenor of its delivery, which underpins the bulk of the regulations and policies that are directed at the Daintree Rainforest people only.

Perhaps these matters that describe a chronic discrimination against a legitimate Queensland community, are too complex to fit into the legislative framework of the Anti-discrimination Act, but they are occurring nonetheless and have become so overbearing for many landholders within the community that they have left. Others have committed suicide. The general tenor of the community is frustrated and cheated-off. Good, law-abiding citizens, treated like pariahs for long enough, will be driven into deviance and civil unrest.

It is my sincere hope that the Anti-discrimination Commission considers this complaint and assists the community to recover its dignity as an equitable member of the full collection of Queensland communities, even if the complaints framework is challenged by the scope of such a complicated matter.


Yours sincerely




Neil Hewett
President Tourism Daintree Coast (Inc.)

Date: 4th April 2011

45/

 Cairns Regional COUNCIL

Valid To
30th June 2009


000000

Daintree
River
Ferry
Concessional
Travel
Card



Renee Emmanuel
Lot 32 Buchanan Ck Rd
Cow Bay QLD 4873

 DOUGLAS SHIRE COUNCIL

Valid To
30th June 2008


000000

Daintree
River
Ferry
Concessional
Travel
Card



Maureen Marshall
Lot 32 Buchanan Ck Rd
Cow Bay QLD 4873

ASSESSMENT AGAINST TERMS OF REFERENCE

CHAPTER 8 - EFFECTIVENESS OF THE RAINFOREST PROTECTION SUB-PROGRAM

Terms of reference (i) - 'Assess the effectiveness of the Rainforest Protection Sub-program in addressing the most critically important threats to the World Heritage Values.'

8.0 BACKGROUND

8.0.1 The Rainforest Protection Sub-program, with an initial budget of \$17.3 million, was divided into the following components:

- Land acquisition;
- Cooperative Management Agreements;
- Development control and education services; and
- Extension services.

8.0.2 By far the largest component of this Sub-program was land acquisition or 'buy back'.

8.1 LAND ACQUISITION

8.1.1 Expenditure to the end of January 1998 was \$14,578,795

Program logic

8.1.2 The land acquisition program was based upon negotiated voluntary acquisition.

8.1.3 In the case of blocks with very high World Heritage values, where the owner was not willing to sell the block, or a negotiated sale price could not be reached; voluntary land acquisition was not effective as an environment protection strategy.

8.1.4 The limitations of non-compulsory mechanisms were recognised in the 1994 Implementation Strategy which acknowledged that acquisition must be complemented by non acquisition mechanisms.

8.1.5 It is understood that compulsory acquisition of selected allotments would have been a very effective protection strategy, but to compulsorily acquire freehold blocks from landowners was not seen as an option as these allotments had been purchased in 'good faith' as part of a Government approved land development by the individuals concerned.

8.1.6 Given the limited effectiveness of land acquisition as a comprehensive protection strategy the pursuit of other protection measures was very important.

- The local community can make a meaningful contribution to the conservation of biodiversity through stewardship, and should be given the maximum assistance possible to achieve this through the recommendations of this study.

The provision of appropriate services for residents.

- Electricity reticulated into the Daintree Coast community should be supplied in an environmentally and scenically appropriate manner.
- The Commonwealth and Queensland Governments should contribute financially towards the supply of services as offset for environmental and scenic considerations that are additional to the cost of basic services.
- Electricity supply should be supplemented to the maximum possible extent by the local community's use of integrated renewable generation.
- Encourage composting toilet technology and collection of rainwater in tanks, in preference to environmentally compromising sewerage and reticulated water supply.

Management

- Provide appropriate management regimes and infrastructure to support a high quality tourism industry which maximises returns to the local community.
- Develop an institutional arrangement that allows the local community to determine its own management priorities, through funds accumulated from tourism cost-recovery.
- Utilise the ferry as the gateway to the Daintree, a special area requiring awareness of particular protocols, in a manner that minimises costs and maximises returns to the local community.

Tourism

- Encourage the development of visitor facilities and rainforest presentation opportunities on freehold land, to take pressure off national parks and increase community returns from tourism.
- Manage tourism to prevent visitors from accessing areas set aside for community/residential purposes only.
- Encourage a style of visitation that maximises its financial yield and spread to the local community through rainforest presentation, tours, accommodation, food and beverage, crafts and cottage industries.

1.4 Principles for the Study

The following *principles* have been identified as underpinning the Report recommendations.

- ESD provides the fundamental principle for creating a future for the Daintree.
- The stewardship of conservation and biodiversity protection of rainforests is a key priority for the Daintree Community, with the responsibility shared by residents, business interests and public land management agencies.

Equally importantly, there is a growing residential community in the area whose needs and rights are closely connected with the future of the area; and it has a key role in its development. Choices made about land use and infrastructure have a major impact on the residential quality of life and economic well-being of members of this community. Equity is important, but the choices go much further than equity—to allow residents to prosper in the area, to be stewards of the landscape on their freehold properties and to be involved in decisions about the wider area and the tourism industry.

1.2 The need for action

This project is set against the backdrop of current planning programs and policies including:

- the Douglas Shire Strategic Plan and Development Control Plan 3 for managing private land
- the Douglas Shire tourism strategy
- the Wet Tropics Plan and associated National Park Plans for the protected areas on public land
- the Wet Tropics Nature-based Tourism Strategy
- the Daintree Rescue Package
- the Douglas Shire Three-point Plan
- the Daintree Remote Area Power Scheme and the proposal to remove the area from the electricity supply area under the *Electricity Act*
- the Draft Wet Tropical Coast Regional Coastal Management Plan and,
- a native title claim by the Kuku Yalanji people that will resolve their claims for Crown land and for joint management of protected areas.

In the presence of all these activities, one may ask: Why do this project? What needs to be changed? What is the likely outcome in the area in the 'do-nothing' case?

For freehold land areas, the 'do-nothing' scenario means development within present planning constraints. Over time it could result in full development of freehold land to Douglas Shire's current planning scheme, with limited conservation controls. The outcome will be a conventional rural residential development and significant reduction of natural habitat on freehold land.

For the do-nothing scenario the potential number of dwellings is approximately 950. The rate of population growth through the settlement of blocks has varied widely in recent years but if it continues at a typical rate, the population will grow from 500 to over 2400 over the next 30 years. Development of every single allotment could be limited as the attractiveness of the area declines, and it is quite possible that not all allotments would be settled in the foreseeable future.

- Potential for research sites in Palm and Mangrove Roads to be impacted by clearing for overhead powerlines.
- Noticeable increase in background noise level during construction.
- No direct impact on any identified Aboriginal cultural heritage or historic sites.
- No major long-term impact to the amenity and character of the area caused by the physical infrastructure.
- Potential for sub-surface archaeological material to be uncovered during earthworks.
- Reduction in noise levels and diesel fumes, etc, from generators.
- Improvement in quality of lifestyle for some residents: reduced quality of lifestyle for other residents.
- Potential to improve home/personal safety.

Summary of Impacts of Option F (RAPS): Existing Systems

Impact of increased noise levels and fumes from generators if noise and emission controls are not in place.

- Apart from potential for noise/emission pollution the physical infrastructure will not alter the existing amenity or character of the area.
- Potential for pollution from diesel oil spills.
- Potential for personal injury from activities associated with system maintenance.
- It is anticipated that this Alternative would have little impact on Kuku Yalanji cultural heritage values if system numbers were kept at a reasonable level.
- Apart from the effect of a possible increase in generator noise level and diesel emissions, the physical infrastructure associated with this Alternative is not expected to alter the amenity and character of the local area.

The noise and air quality impacts, the risk of hydrocarbon pollution from spills and waste disposal aspects would increase as the population grows. System numbers are expected to triple if Scenario 3 is reached from current population densities.

Greenhouse Gas Emissions

Minimising Greenhouse Gas Emissions (GHGE) is a major global and national policy issue and one underpinning the promotion of alternative energy systems. It is therefore relevant to compare the GHGE performance of different electricity supply options to the Daintree.

The GHGE for different sources of electricity has been calculated on the basis of data supplied in the Australian Greenhouse Challenge Office, 1997: Workbook. 'The Greenhouse Challenge A Six-Step Guide to Developing your Cooperative Agreement'. Two alternatives will be compared: the supply of electricity from the state grid and supply of electricity from a combination or renewable sources (primarily solar panels) and diesel generator powered RAPS.

Table 2.1.4: Types of use applying to properties now, in 5 years time and in ten years time

Property Use	Now Current use	In 5 years		In 10 years	
		With mains	Without mains	With mains	Without mains
Residential, full time	171	222	158	222	156
Residential, part time	53	89	57	63	52
Agricultural	29	27	25	25	22
Commercial	15	25	16	23	15
Tourism	21	37	29	27	28
Vacant	287	47	95	22	56
Planned resale	55	60	68	51	70
Other	20	16	18	18	19
Not stated	38	158	205	205	242

Source: GHD(1998) (Multiple responses were permitted to future intended land use - each column total will vary from maximum property numbers).

Clearly, there is a link between power availability and settlement intent of property owners. According to the Daintree Powerline EIA Commercialisation Survey, there would be a community intent to settle up to 50 % of residential allotments within 5 years if mains power were provided. See Table 2.1.4.

If owners seek access to Remote Area Power System subsidies, and in the future possibly grid electricity, they will need building approvals. Douglas Shire Council will need to review and update its building approval requirements and to enforce them.

2.1.2.1.3 Population and access to essential services

Mossman has broad infrastructure provision over a range of categories and has the capacity to provide a range of social infrastructure services for the Shire in accordance with a framework developed for the FNQ 2010 Regional Plan. For the Daintree, the future need is to ensure that a range of outreach service can be appropriately provided to more remote parts of the Shire, particularly to service those with personal mobility limited by disability or low income which restricts travel opportunities.

A significant proportion of the present population is seeking a life-style removed from the 'mainstream'. The Community Nurse estimates that a substantial number of residents have not registered with Queensland Health, are not on the electoral roll and specifically seek solitude rather than community interaction. This 'hidden population' presents some difficulties for local government and community and infrastructure service planning.

2.1.2.1.4 Community capacity

Growing communities take time to develop community identity and the capacity to respond to community issues. This has been particularly difficult in the Daintree area due to the low density of settlement, the high number of recent settlers and their variety of lifestyle choices and backgrounds. This makes planning for the area difficult, with a highly variable degree of community development.

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..... Mossman

..... Mossman

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Halls & Parks Bookings

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To assist us in providing you with the best advice and level of customer service you are welcome to make an appointment with our officers by telephoning the numbers provided in this brochure.

OUR COMMUNITY VISION

A healthy lifestyle and a prosperous community in harmony with the environment.

Our vision is for:

♦ a **livable** Douglas Shire that is healthy, safe and attractive place to live, a place where people feel they belong. Where lifestyle, recreation and creativity enrich the lives of the community. A place where our rural and urban landscapes are protected and improved for their own value and for the community's ongoing enjoyment and well-being.

♦ an **equitable** Douglas in which the diversity of our community is embraced and enjoyed and where the needs of the different sections of the community are understood.

♦ a **caring** Douglas Shire where all residents have access to the range of service, facilities and activities they need at all stages of life. A place where people participate freely and contribute to their community, where neighbours know and care for each other.

♦ a **sustainable** Douglas Shire where the distinct character of different areas and our precious natural environment are recognised, valued and protected. A place where the safety, quality, capability and effectiveness of community infrastructure and transport systems continually improve. A place where there is little waste and where people and organisations are committed to the sustainable and effective use of resources and assets.

♦ an **innovative** Douglas Shire in which the exchange of ideas, knowledge and technology empowers the community, generating better ways to do things and enriching the economic development of the Shire.

♦ a **connected** Douglas Shire community that celebrates our heritage, diversity and character.

Developing Sustainable Communities

INFORMATION
FOR

RATEPAYERS & RESIDENTS

2006 - 2007

Our Vision

*A healthy lifestyle and a prosperous
Community in harmony with the
Environment*

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