

The Honourable Mike Baird MP, Premier of NSW
The Honourable Paul Toole MP, Minister for Local Government
Kate Washington MP, State Member for Port Stephens

Ron Smith and I recently separately sought Public Access to air our concerns about a DA before Council for the recommencement of an **ugly, noisy, dusty, rat infested saw milling operation** that had been illegally operating for about 12 months and had been shut down by Council staff.

Mayor Bruce Mackenzie denied our requests on Monday 27 July 2015 and no reasons were given at that time. However, he was quoted in The Port Stephens Examiner on Page 4 of the 30 July 2015 edition saying that in this case: **‘I believe that any Public Access could be a form of harassment’**. Firstly, I believe that the Mayor has a non-pecuniary relationship with one of the applicants, and secondly, his statement clearly implies that he believes that he can act capriciously and deny residents from presenting their views on any DA without cogent argument to support his decisions. Moreover, his statement is not logical as he is implying that a democratic right to free speech to express views on any DA amounts to harassment. If such a premise is accepted, then any member of the public could be denied the right to express their views on any DA that comes before Council. The only conclusion that can be reached from the Mayor’s actions is that he is attempting to suppress dissent.

I therefore request that you amend the Local Government Act to incorporate the following:

‘The granting of Mayoral consent for Public Access to a Council meeting shall not be unreasonably or capriciously withheld. Where consent is not granted, reasons shall be provided in writing to the applicant within seven days from the date of application.’

I have also attached a copy of a letter I sent to the Editors of several newspapers on this matter.

Yours sincerely

John Donahoo

13 Mahogany Place
MEDOWIE NSW 2318

Mob: 0417 273595

FREEDOM OF SPEECH AND PUBLIC ACCOUNTABILITY

AT PORT STEPHENS COUNCIL

At the Council meeting on Tuesday, 28 July 2015, with Mayor Bruce MacKenzie presiding, most present fully expected that the Mayor would use his voting block to ram through approval for the Medowie Saw Mill DA, the Boomerang Park land sale, and, for the Tinkler/Buildev/Williams Tomago Sand Mine lease assignment to some 'faceless' Newcastle businessmen. However, not content with having near absolute power to make decisions on any Council matter that he wishes, the Mayor appeared to suppress dissent by trying to gag debate. Firstly, he prevented Ron Smith and myself from presenting our views at Public Access, and then by referring contemptuously on several occasions to the packed public gallery of about 150 persons as being just present 'for a cause'. At the same time, he threatened a gallery member that he would be ejected if he continued to interject. In other words, he implied that he could gag debate, show contempt to the gallery, suppress dissent, and that the gallery would just have to put up with that. As I viewed his actions to be an unreasonable attempt to stifle free speech, I made my views clearly known to the Mayor. Not surprisingly, the Council General Manager then politely advised me that the Mayor no longer required me to grace him with my presence. I have never before been to a public meeting where there was so much 'anger in the air'.

Americans often proudly state that the First Amendment to their Constitution specifically guarantees the right to free speech. If Australia had such a constitutional freedom, then there is no doubt that it would have been raised many times at that Tuesday night Council meeting. Most Australians would be surprised to learn that our right to free speech is only based on a 1997 High Court Ruling that interprets our Constitution as allowing for limited freedom of political communication. As the right to free speech is such a fundamental and necessary right in a democratic country such as Australia, it should be enshrined in our Constitution. Accordingly, it should therefore be considered at the same time as the proposal to acknowledge our first inhabitants. A suitable colloquial title would be: 'the MacKenzie Amendment'.

Mayor MacKenzie and his compliant Councillors just don't get it when it comes to matters of public accountability such as the Tomago Sand Mine lease assignment. Not only do such matters need to comply with all probity requirements, **but they also need to be seen to comply, as perception is reality.**

All in all, the foregoing is not a good report card for our Mayor. I believe it is time for him to hand in his Mayoral Chains so that we may have a more consulting and less polarising leader in Port Stephens.

John Donahoo
Medowie