

Exclusion by community

Richard Allsop

Can communities be granted rights not given to individuals? People who value the concept of individual liberty are generally inclined to assume that it is best protected by allowing decisions to be made at the most local level possible. Individual rights do come under constant threat from big centralised governments, but it is important to recognise that individual rights are also constantly being attacked at the local level.

In fact, in many cases in Australia, individual rights are actually better protected by Federal or State governments than by their local counterparts.

Sometimes the localised assault on individual rights takes the form of local government authorities of their own volition attempting to increase their power through ever-growing bureaucracies and regulations covering the minutiae of daily life. However, just as often it comes in response to local residents' groups claiming that they should have the power to decide whether changes to the their town or suburb should be allowed.

The threats to individual rights are generally some form of incumbent protectionism that attempts to assert a bogus right of existing members of a community to decide which new people, businesses, developments or buildings should be allowed to join them.

Two very different issues, in two very different communities, highlight a gross distortion about what rights neighbours, local communities and local governments should be able to exercise.

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Tamworth

In December last year, the Tamworth Regional Council created a national controversy when it voted not to accept five Sudanese families that the Commonwealth Immigration Department had decided were most appropriately located there.

The media coverage of the issue was largely devoted to trying to prove that residents of Tamworth (and, by extension, most Australians) were racist, while failing to address the basic question of why the local council was voting on the issue in the first place and how they actually had the power to veto the decision to locate the refugees in the town.

Even the most ardent federalist would accept that immigration policy would rank with defence and trade as areas of obvious Commonwealth responsibility. The Commonwealth Government, despite having a contrary reputation, actually runs one of the world's most liberal immigration regimes, a status which includes having made Australia the world's second largest acceptor of people in need of resettlement, with the combined refugee and humanitarian programmes taking in 13,000 people per year.

Refugees are people who are outside their country of nationality and are unable to return because they fear persecution. Those on the humanitarian programme were forced to leave their home country after being subjected to substantial discrimination, or were granted visas under a dedicated programme for women and their dependents who were particularly vulnerable following the loss of male family members.

More than anyone, people who have suffered in this way should be able to choose where in the world they wish to live. Obviously, in an ideal libertar-

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ian world they, along with everyone else, would make individual decisions, but in the world of nation-states it is probably only reasonable that an accepting generous state such as Australia plays some role in deciding where best new arrivals can be located within the country.

New arrivals in Australia are settled in every capital city, as well as in 14 regional centres around the country in communities as diverse as Coffs Harbour, Shepparton and Mandurah. The rationale for including regional centres in the programme is that it may help to address regional population decline and labour shortages, and the hope that refugees settling in regional Australia could benefit from a higher degree of community support and better access to employment opportunities.

Local opponents of allowing the five Sudanese families slated to join other Sudanese who had already settled in Tamworth came up with the extraordinary proposition that there was not enough government support being provided to allow the new arrivals to settle adequately into the community.

Upon arrival, refugees are provided

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with intensive support through the Australian Government's Integrated Humanitarian Settlement Strategy (IHSS). Moreover, the NSW State Government was keen to emphasise that, in the case of Tamworth, it was boosting refugee health services with additional funding in the Hunter-New England region and was employing a Refugee Health Nurse dedicated to working with refugees.

Given this degree of government support, one could more legitimately argue that the Federal and State governments were being too paternalistic and denying incoming refugees the opportunity to develop the necessary self-reliance that will be required to build prosperous lives in Australia. Indeed, when one looks at the Immigration Department Website, one almost longs for the nineteenth century when immigrants were able to pursue their own destiny.

But whatever our views on levels of government support for immigrants, this is not an issue for local government. Provided that the immigrants are to live in legally purchased or rented property, it is not for the local government to withhold approval. No individual has the right to use the political process to deny another individual the right to live in a neighbouring property.

If every Australian community adopted the original position taken by the Tamworth Regional Council, it would be impossible to settle any refugees in this country. If this is a widely supported approach, then the proper avenue to effect it would be by attempting to change Federal Government policy—rather than sneaking this policy in via the back door by claiming some bogus right to maintain the current nature of 'community'.

Save their suburbs

The country music capital of Australia and the leafy eastern suburbs of Melbourne may not have a lot in common, but they do both have people trying to use the local political process to prevent change and deny individual freedom.

Melbourne's suburban conservation movements have, since the 1990s, been headed by Save Our Suburbs, an organisation which claims that it 'cares about the impact of development and urban planning in Victoria, especially the suburbs and environs of Melbourne which provide the city with some of the most desirable living conditions in the world and a lifestyle which is quintessentially Australian'.

Almost any development—residential or commercial—is likely to be opposed by some local residents' action group. Residents who in the one breath complain that strip shopping centres have lost out to the large mall-style centres, in the next complain about large retail developments in the strips. People who complain about urban sprawl also complain about urban consolidation when it comes to their area.

Sometimes the opposition to new development takes on blatantly protectionist overtones, such as when a local residents' group opposed the establishment of a large new bottle shop in the area on the grounds that there were already a number of other bottle shops there.

Alcohol has always been an area where some people try to infringe other peoples' liberty. In the 1920s, the municipalities of Camberwell and Box Hill voted to abolish liquor licences. While Box Hill removed this restriction in recent times, it remains in the area covered by the former Camberwell. The good news is that, recently, individual restaurants seem to be winning

local polls enabling them to undertake the radical action of selling a bottle of wine to customers having a meal.

However, while freedom is on the march in restaurants, it seems to be on the back foot where developers are involved. Developments large and small often end up stymied in the bureaucracy of council planning departments. Council will often come under pressure from residents near, or in some cases not so near, a development, sprouting a mantra of 'effective implementation of local community aspirations' or 'protecting neighbourhood character', phrases which usually mean a method by which a noisy minority group imposes its wishes on property owners.

In Victoria, at least, planning decisions taken by local councils can be appealed to the Victorian Civil and Administrative Tribunal (VCAT) and often the rights of property owners are better respected there. While there are many problems with State Government planning policy (and in recent times the IPA has documented many), at least in a forum such as the VCAT decisions have to accord with a transparent policy rather than be subject to capricious local attitudes.

If we value freedom, we must allow, as much as possible, individuals to make their own decisions both about where they wish to live and how they wish to use property that they own. If Federal or State Governments are protecting those individual rights against threats from local governments or local residents' groups, then they should be supported.

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