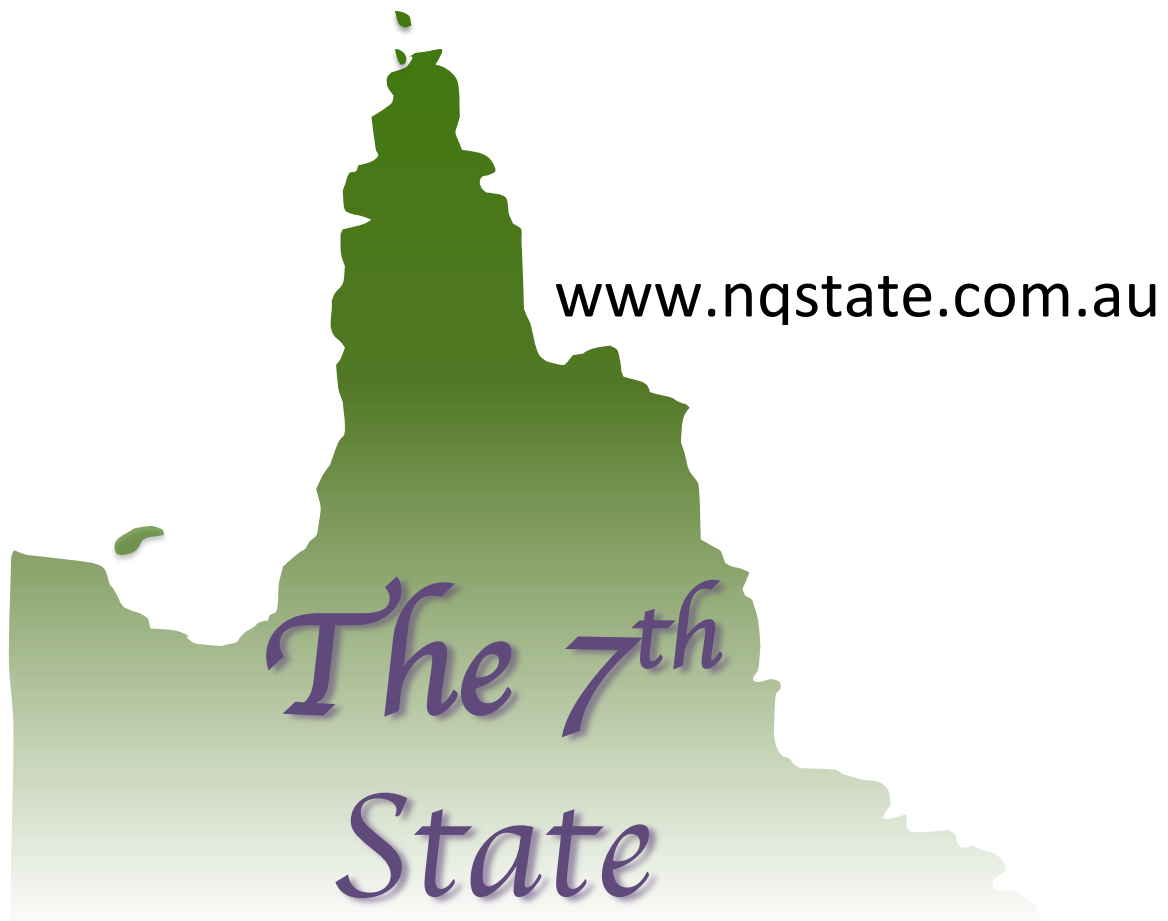


A New Northern State: Conversation Handbook (2nd Ed)



So **we** make the decisions that affect **us**!

The North Queensland State Alliance Inc

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Why a Conversation Handbook?

The debate about whether North and Central Queensland should be separate states began in the 1890s in the leadup to the constitutional conventions. In the ensuing 120 years, the debates on the issue have occurred in the federal and state parliaments and in the press. Ultimately, whether there should be a 7th State is a decision for the people. To help the debate, we have put this Handbook together with some of the compelling issues highlighted so that around the kitchen table or the BBQ the issues can be raised and discussed. And then, if we in the northern parts of the State are given the chance to vote on the issue, we can make an informed decision.

How to Use the Handbook

The Handbook’s purpose is to promote discussion. It is not intended to have all the answers. The Handbook has three Parts – Part 1 - Why a new State; Part 2 - How to become the 7th State; and Part 3 – Other key questions and issues. We anticipate that after reading it there will be lots of questions and that these can be discussed over a cuppa, or a beer/glass of wine. Then if there are questions or issues unanswered, you can contact us so that we can answer them (or research them) and provide answers for everyone. We also anticipate that some people will want to know where we got some of the information referred to in the text. We have included references in the text and the Endnotes, and on our web-site there are also a number of other references if further information is required. We also have an enquiry page on our [website](#), and we welcome any questions you may have.

Our contact details are on the back cover.

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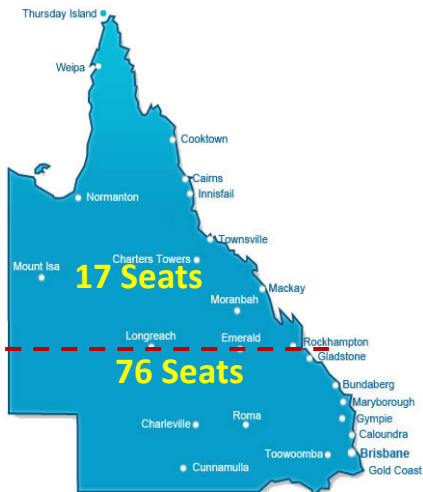
PART 1 – Why a New State?

1.1 Equal Representation – We are not fairly represented!

Challenge No. 1 - The Queensland structure: Queensland is the only State in Australia with no Upper House in its Parliament to act as a check and balance on Government action. Queensland had two Houses until 1922. On the 5th May 1917, a referendum was held on whether to abolish the upper house (the Legislative Council). The vote was **lost** by a 60:40 majority – i.e. 179,105 Queenslanders voted against the abolition of the Council and 116,196 voted for its removal. Despite this, in 1922 when the Theodore Labor Government gained control of both Houses, it voted to abolish it.¹

“With a single house of parliament, no bill of rights, and history of political malpractice, the state is extremely vulnerable to the misuse of power”.

Tony Fitzgerald SC, 29 Jan 2015



Today, there are 93 seats in the Single House Queensland Parliament. The proportion of seats above and below the Tropic of Capricorn is shown here. With no Upper House, there is no check and balance!

Challenge No. 2 – The Federal Structure: The first vote for Australia’s colonies to become one nation occurred in 1898. Queenslanders did not vote in this referendum! Why? Because North and Central Queensland wanted to become separate States². The vote in 1898 was nevertheless defeated in NSW. To rescue the federation model, the six colonial Premiers met in 1899 to make changes to the draft Constitution. At the initiative of the Queensland Premier, Sir James Dickson, an amendment was made to s.7 of the Constitution to allow Senators in Queensland to be elected on a regional basis³. Today section 7 paragraph 2 of the Constitution provides:

“ .. until the Parliament of the Commonwealth otherwise provides, the Parliament of the State of Queensland, if that State be an Original State, may make laws dividing the State into divisions and determining the number of senators to be chosen for each division, and in the absence of such provision the State shall be one electorate. ... ”. (underlining emphasis added)

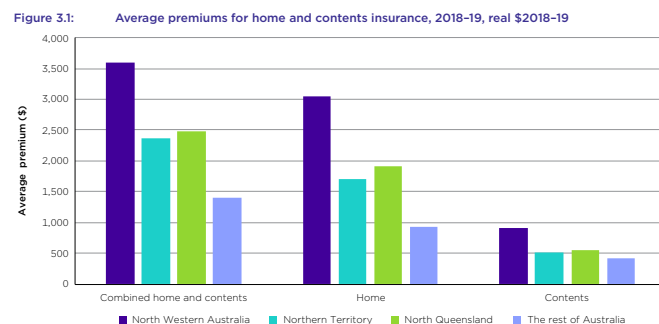
In 1983, the Hawke Labor Government passed legislation (relying on the underlined part above) blocking the opportunity for s.7 of the Constitution to take effect⁴. Today, compared to Tasmania the numbers for northern Queensland are like those in the table below⁵. If we become a new State this will change!

Area	Population 2020	House of Representatives	Senators	Voters	Ratio – representative to voter
Tasmania	541,000	5	12	399,600	1 per 23,500
Nthn Q – 5 Fed Seats *	980,000 (Approx.)	5	3	534,000 (2019 election)	1 per 66,750

* The 5 seats: Leichhardt; Kennedy; Herbert; Dawson; and Capricornia.

In May 2017 the Federal Treasurer directed the Australian Competition and Consumer Commission (ACCC) to conduct an inquiry into home, contents and strata insurance in northern Australia. In November 2020, the ACCC delivered its final report, stating: *‘Between 2007–08 and 2018–19, average home insurance premiums rose in real terms by 178% in northern Australia (compared to a 52% increase in the rest of Australia)... In 2018-19, the average premium for combined home and contents insurance across northern Australia was approximately \$2,500, almost double that for the rest of Australia (\$1,400).’*⁸

The graph below illustrates the point:



The disparity in price shows just how differentially we have been treated. But it gets worse, there is a hidden impost as well. On those prices we have paid, and will pay, GST **and** State Stamp Duty (In 2018-19 northern Queenslanders paid \$64.6 million in Qld government stamp duty⁸)!

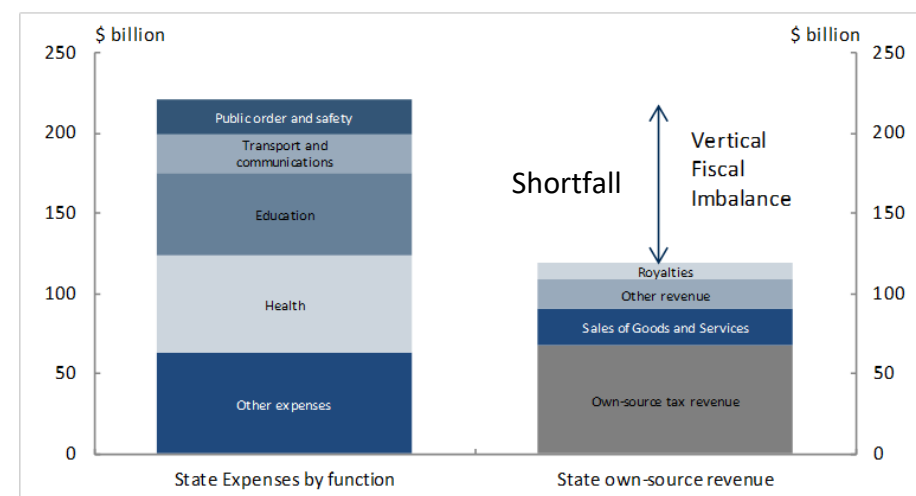
On 3rd May 2021, the Federal Government announced reform and committed to underwriting a re-insurance pool which is touted to reduce insurance costs to north Australians. What is not included is reform to GST and Stamp Duty.

Why did the reinsurance reforms take 14 plus years? How do we get back what we have already lost in premiums and ‘double taxes’? And will the double tax be changed?

Government Spending

At the time of federation in 1901, revenue raising (taxation) power was roughly balanced between the Commonwealth and the States, and what each recovered in their own taxes they then spent. Today that is very different. Over the 120 years since federation, the Commonwealth has taken more and more taxation (most notably during the war years) until today the States only recover about half of what is spent on what are State matters. This gap is known as vertical fiscal imbalance (VFI).

State Expenditure v. State Tax Income



So how is the shortfall from vertical fiscal imbalance for State matters rectified? It’s done in two ways: (a) The GST (which is collected by the Commonwealth but given back to the States (but not in the same proportion as it is collected in the respective States)); and (b) Grants to the States by the Commonwealth under s.96 of the Constitution.

“What is earned in the North does not stay in the North!”

Both the GST and the s.96 grants are problems for central-north Queensland, and is discussed on the next two pages.

The GST

On one form of logic it might be thought that GST earned in a particular State should go back to that State. This is not strictly so in reality. Once the GST is recovered by the Commonwealth it goes into a pool and it is then distributed to the States according to the 'Horizontal Fiscal Equalisation' (HFE) principle:

"State governments should receive funding from the Commonwealth such that, if each made the same effort to raise revenue from its own sources and operated at the same level of efficiency, each would have the capacity to provide services at the same standards."

The effect of HFE is that each State receives either more or less than it otherwise would if the GST revenue was distributed equally per person. Roughly speaking, this is to make up for some States not earning as much as others. Each of the States and Territories are thus given a 'relativity' weighting on how much they get. Here is the estimated weighting for 2020-21⁹:

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
2020-21	0.91	0.95	1.05	0.45	1.36	1.90	1.11	4.77

In 2020-21 Queensland will have received around \$13.4Bn under this arrangement. For central-north Queensland, however, a couple of very important points arise. First, the HFE is applied to level the playing field, so to speak, between States. It does not apply within a State. How GST is distributed within Qld is up to the State Government (and remember we have no upper house!).

The second point is that if central-north Queensland became the 7th State we would get our own allocation of GST, and we would then make the decisions on how it is spent.

Section 96 of the Constitution and Tied Grants

The second and very important way that the vertical fiscal imbalance problem between the Commonwealth and the States is dealt with (by the Commonwealth at least) is how it makes grants to the States under section 96 of the Constitution:

*"s. 96 Financial assistance to States.
... the Parliament may grant financial assistance to any State on such terms and conditions as the Parliament thinks fit."*

S.96 has a unique history. It was inserted into the Constitution after the vote for federation failed in 1898. It was not debated at any of the Constitutional conventions of the 1890's, and was put forward by the Queensland Premier Sir James Dickson in 1899 for the purpose of allowing the Commonwealth to assist the States if they got into trouble with debt¹⁰. Today, it has become a political tool of the dominant parties at the Commonwealth level as they make grants to 'marginal seats' (E.g. the 2019 McKenzie sports-rorts scandal). The problem is well described in the 2014 White Paper, 'Reform of the Federation'¹¹:

"Over the last century, the role of the Commonwealth has gradually expanded into more areas of government activity that many regard as the traditional sphere of the States and Territories, particularly through the use of tied grants under section 96 of the Constitution. ... [T]his version of cooperative federalism can undermine the ability of the electorate to hold either level of government accountable for failure to deliver on their commitments."

Living in central-north Queensland, with limited Senate representation, the problem is diabolical. An example will illustrate the point. In 2015-16, Townsville water was at 14% in the Ross River dam - **no water (a State issue)!** It was also a federal election year, and what was the Commonwealth government politicians' electoral promise in the seat of Herbert – a s.96 grant to build a football stadium! Was Herbert a targeted seat? Indeed it was, and in 2016 it became the most marginal seat in the country!

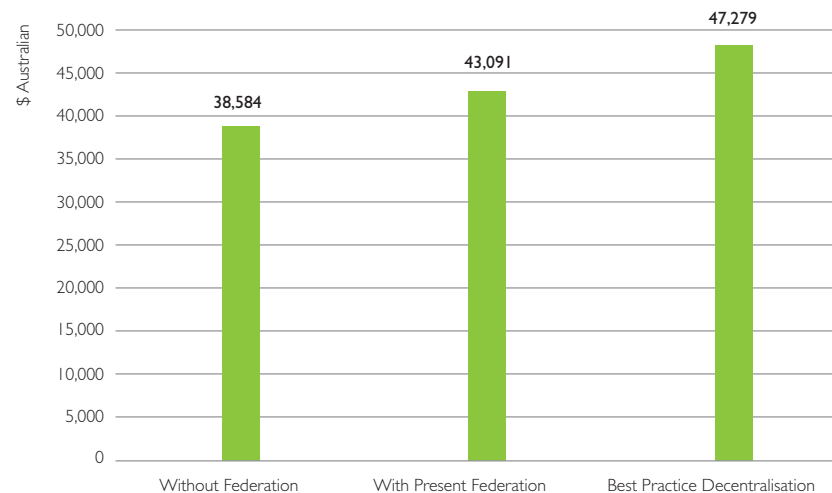
1.3 Growth and Opportunity

Northern Queensland becoming a separate State is not just about CN Queensland getting its 'fair share'. Federalism is part of our history and there are good reasons for it.

Northern Queensland becoming the 7th State is about growing the Federation, and growing our nation.

In 2007-08, Professors Anne Twomey and Glen Withers discussed the benefits of federalism in Australia in their paper 'Australia's Federal Future: Delivering Growth and Prosperity'¹². One of their key findings was that “*..Australia benefits by a little over 10 per cent by being a federation. This is the economic pay-off from political decentralisation. However, the fiscal position within our federation could be improved further and this and the associated practices and behaviours could provide a future 6.75–9.72 per cent further benefit over the present*”:

FIGURE 14 > AUSTRALIAN GDP PER CAPITA UNDER ALTERNATIVE SYSTEMS



1.4 Decentralisation

One key benefit from growing the federation will be decentralization. Population in regional Australia had been contracting for a number of years pre-Covid, and urbanization to the major cities had been increasing. Ironically, this has meant that there have been increasing numbers of seats in metropolitan areas - leading to more political spending in the latter areas (or more accurately, in marginal seats)! Decentralisation will mean more and better jobs in central-north Queensland, especially for young people. It will reduce costly wastage in congested cities, and open up our nation. We will have the opportunity to grow our agricultural sector and become a major food resource for a growing world population. At present there are just 5% of Australia's major dams above the Tropic of Capricorn despite there being 40% of Australia's land mass, and 60% of rainfall¹³.

Would decentralization be better for business and families? It is worth noting that two of the strongest economies in the world, the United States and Germany, are multi-state federations.

The primary purpose of a creating new State in the north is that decisions will be made locally – as close to the people they affect as possible!

As a new State, we will make conditions attractive to people, industries and investment. Key decisions on issues like power, hydrogen and renewable energy, water, transport, roads and sustainability will be made as an equal partner in the Federation. In 2016-17, we in the central and northern regions of the State paid a heavy price (Rockhampton and Townsville had some of the highest bankruptcy rates in the nation) for the Commonwealth Games on the Gold Coast. Are we are heading for it again with the proposed 2032 Olympics in the south east corner?

PART 2: How to become the 7th State

2.1 The Constitution and new States:

The Australian Constitution, Chapter VI – New States, allows for the creation of a new State from an existing State. Section 124 of the Constitution provides:

“S. 124 Formation of new States.

A new State may be formed by separation of territory from a State, but only with the consent of the Parliament thereof...”¹⁴

The key issue in s.124 is that the Parliament of the existing State (*i.e.* Queensland) must consent. This means an Act of the Queensland Parliament must be passed for a new northern State to be formed.

2.2 The People and ‘Their Choice’

Before federation in 1901, there were a number of calls for north Queensland to be a separate colony, and since 1901 there have been no less than four calls in the Queensland Parliament for a process to be initiated to separate the north from the south. In addition to the parliamentary initiatives, there have been community calls for a referendum.

On 8 July 2013, an e-petition was lodged with the Queensland Parliament requesting a referendum. The then LNP acting Premier, Jeff Seeney, responded to the petition saying the government did not support a referendum.

In 2017 another e-petition was lodged in the Queensland Parliament seeking a referendum for the North to separate. The petition was tabled in the Queensland Parliament on 15 February 2018. On 15 March 2018, the ALP Premier, Annastacia Palaszczuk, wrote to the Clerk of the Parliament, saying:

“As all Queensland communities benefit from a strong, unified state, the Queensland Government is focused on uniting our

State, not dividing it. Therefore, the Queensland Government does not support any proposal to split Queensland into separate states.”

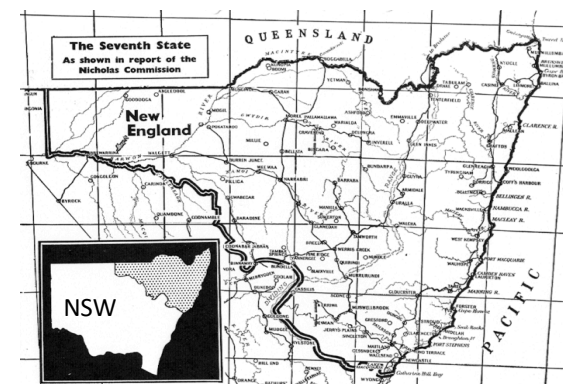
What’s missing in the logic here? The petition requested a ‘referendum’ for the people to ‘vote’ on the creation of a new State. The Premier’s response, however, made no reference to people having a **choice**. Instead, her response was a refusal to support a ‘proposal to split Queensland into separate states’. There is a very clear difference between what was requested and the Premier’s response – namely, the petition was not to split the state; it was a petition about **choice**.

It’s our choice – Not theirs!

How will the people of the central-north get their choice? To answer this enquiry, another question might be asked:

Has a referendum ever been held for the creation of a new State from an existing State, and if so what happened and what process was followed?

In 1967 there was a referendum in an area in northern NSW for the new state of New England. This is discussed on page 17.



Population figures are for 2020:
<https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/latest-release#states-and-territories>

State/Territory	Senators	House of Reps	Population
NORTHERN TERRITORY	2	2	247k
WESTERN AUSTRALIA	12	16	2.67 mil
SOUTH AUSTRALIA	12	10 seats	1.77 mil
Qld - North of Tropic of Capricorn	3	5	980k
Qld - Sth of Tropic of Capricorn	9	25 seats	4.21 mil
NEW SOUTH WALES	12	47	8.17 mil
VICTORIA	12	38 seats	6.68 mil
TASMANIA	12	5	541k
ACT	2	3 seats	431K

2.3 New State Referendum Precedent – NSW & New England 1967

In 1932, following the dismissal of the Lang Government, and the formation of a Provincial Government of NSW, a Royal Commission was formed to inquire into the formation of new States in NSW¹⁵. The core of the terms of reference, for what became known as the Nicholas Commission, were to:

'[I]nquire and report as to the areas in Our State of New South Wales suitable for self-government as States in the Commonwealth of Australia ..'.

To decide the areas suitable for a new State, Commissioner Nicholas used 7 criteria: (a) Nature of boundaries; (b) Size of area; (c) Population; (d) Nature of production and resources; (e) Community of interest; (f) Means of communication; and (g) Miscellaneous

In 1935, the Nicholas Commission found two areas (the Riverina area, and the New England area), suitable for self-government, and recommended that referenda be held to determine the voice of the people. Before the referenda could be held, however, the second world war intervened. The New England people never lost their vision and pressed their case in the early 1960s (arguing amongst other things that for them in the north of the State, NSW meant Newcastle, Sydney and Wollongong) and the referendum was held for the area recommended by the Commission in 1967. Unfortunately for the people of New England, the referendum was lost, with 168,103 in favour and 198,812 against!

Two very important points from the New England precedent are noteworthy. First, only the people in the proposed new state voted. Secondly, the drawing of the boundary to include Newcastle (where the vote was lost) was related to water supply.

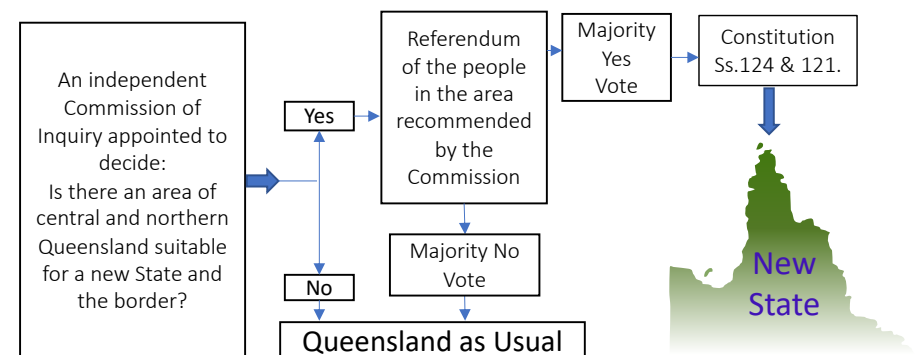
2.4 The Process for northern Qld from here

The process leading to the referendum in NSW in 1967 is there for us to learn from. As we have noted at pp. 13-14, both the LNP and the ALP have opposed the creation of a new northern State in the past. At the 2019 Federal election, however, the voice of the central-north was heard very clearly:

*Don't come from the south and tell us
'how to live our lives'!*

The pathway is very clear for both the ALP and the LNP in the lead into the next State election in October 2024. As it was in NSW for New England, both parties need to commit to democratic principles and establish an independent Commission to inquire and report on the area in the central-north of the State suitable for self-government. Once the Commission is established, the criteria for making that assessment can be identified and all sides of the debate can have their say.

The Pathway to the 7th State:



(We would welcome feedback on: What criteria should be used to determine whether a northern area is suitable for becoming the 7th State?)

PART 3 - Other Key Questions and Issues

Supposing the independent commission recommends that there is an area suitable to become a new State, and the people are to be given their choice, other questions will arise. In this Part some of those issues and possible answers are highlighted.

3.1 What kind of Parliament will the new State have?

It was noted in Part 1 that the upper house in the Queensland Parliament was abolished in 1922 and that since then it has been the only single house parliament in Australia. The Fitzgerald Inquiry showed glaring problems of government accountability with the present structure. And living in the central and northern parts is evidence enough to show that the current systems do not serve all of the people.

Why would we replicate what has been such a spectacular failure!

So should the new State have a two house (bi-cameral) parliament? It is possible to put in place a two-house system, and it has some merit – especially for keeping the government of the day accountable to the people.

An alternative to reintroducing a bi-cameral legislature is to have a single house parliament but with a different structure. Single house parliaments do work and exist in such places as Scotland, Denmark, Norway, and New Zealand. A marked difference between how these parliamentary systems work compared to Queensland is that they all have proportional representative voting systems – which is what we have in the Australian Senate. With proportional representation, if a party gets 10% of the vote it generally gets 10% of the seats in the House. Under this system, unlike the current Queensland preferential system, it is seldom the case that one political

party has a majority in the House, meaning that there is more rigorous debate and a much higher level of accountability. Another notable difference in the New Zealand model, is that it has guaranteed representation rights for Maoris in the parliament, with (at present) 7 Maori seats. Only voters who have registered on the Maori roll are eligible to vote in the Maori seats. And to be on the Maori roll, a voter must be of Maori descent¹⁸.

The creation of a new northern State is a possible opportunity for our First Nation people to be recognised in the new State constitution and to have their ‘voice in parliament’ – not just a voice **to** parliament which is currently being proposed.

So what kind of parliament should the new State have? If a referendum is held and is successful, there will be a need to design a new State constitution and as part of that process the people will decide the kind of parliament they want.

3.2 Where will the border be?

Historically, there have been a number of suggestions for where a new State border might be, including in the 1950’s the 22nd degree parallel (just south of Sarina). What the New England experience shows us, however, is that the border debate is complex. For example, in respect to the Nature of Boundaries, two key issues that Commissioner Nicholas considered pivotal to his recommendations were: ‘(a) water supply schemes, and (b) the control of rivers and conservation of water.’ Other issues identified by Commissioner Nicholas are just as important. For example, what is a sustainable State population? At present Tasmania has about 541,000 people. In the five federal seats above the Tropic of Capricorn at present there are about 980,000 people.

3.5 Where will the Capital be?

As noted earlier, the idea of a northern part of Queensland becoming the 7th State is not new. Historically, places like Bowen (which is named after the first Governor of Queensland) and Sellheim (near Charters Towers) were touted as places suitable as the Capital.

The issue of the location of a Capital has an interesting history – for example, Canberra as the Capital of the nation. Would Canberra be the Capital of the nation if it was decided today? (See s.125 of the Constitution on this). The world today is different to what it was in 1900. For example, communications and transport, so vital in a modern economy, are very different today and must be important considerations in any debate. For the central-north, it may not be optimal to have a capital on the coast where increasing cyclone risk and the effects of sea level change are significant. Another consideration might be to have a decentralized system of government with departments in areas where they do most of their work. Ultimately, the capital will be where the people choose it to be. What is important is that the debate occur and the people be informed in making their choice.

3.6 Will there be a benefit to southern Queensland?

In Part 1, under the heading ‘Economic balance’, there is a quoted comment from Dr Paul Williams from Griffith University: “I did my own calculations and I found per capita, regional Queenslanders do far better than people in the south east.” In one sense then, if a new northern is created the south east won’t have to sponsor the central-north any longer! On another score, the south east has long complained about not having daylight saving because of the opinions of people in the north. Sounds like a win-win really! But suppose what is in fact the case is the opposite of what Dr Williams has argued.

That is, what if the South East is ‘the dependent’ rather than the north - will the south-east perish? When Queensland was separated from NSW in 1859 a “great cry went up that ‘our richest province is being torn from us’ and calamity howlers forecast disaster”²⁰. In fact, both NSW and Queensland grew – economically, and socially.

3.7 What will it mean for our kids – and their kids?

Kids in the central-north do not have the same opportunities as kids in the South East. Our kids deserve their equal chances.

It’s about **Opportunity** in all sections of our society!

Our sporting teams are disadvantaged because of where they live. Yet the Cowboys and our basketball teams are proof that, given their opportunity, our sports people are as competitive as any in the nation. Just imagine: a second NRL franchise (Rocky?); a Sheffield Shield team (Mky?); A national soccer franchise (Cns?); A national netball franchise; A rugby union franchise; and so on.

We live for, and share today. But we decide for tomorrow!

3.8 What will happen to State of Origin?

In our travels talking about the opportunity of a new State, one question that has been raised many times is ‘What will happen to Rugby League State of Origin’? Once a new State is formed, the rules for playing for NSW or Queensland would be unlikely to change (see: <https://www.nrl.com/SysSiteAssets/documents/state-of-origin-eligibility-rules.pdf>). This means for the first 20 or so years after the new State comes into existence, nothing would change and the current State of Origin format would remain. At the end of that 20 years, however, it is possible that the new State would form its own team – and then beat NSW and Queensland! 😊

3.9 How can I help to make it happen?

The NQ State Alliance's primary objective is improvement in the quality of life of northern Queenslanders. To achieve the primary objective, the Alliance's guiding principles are that—

- the strength of Australia as a nation lies in its federal structure and its democratic institutions; and
- the quality of life of northern Queenslanders, and all Australians, will be enhanced by the separation of territory from Queensland, in accordance with s.124 of the Commonwealth of Australia Constitution, to form a new State in the Australian federation ...

If you support our goal:

- ☞ Share this booklet with others. A free pdf copy is available online at – <http://www.nqstate.com.au/>
- ☞ Join us! You can easily join us online – <http://www.nqstate.com.au/>
- ☞ Follow us on social media (see opposite for our details)
- ☞ Join one of the increasing number of local groups lobbying for our referendum choice. If there isn't one in your local area, why not start one?
- ☞ Share leaflets with people in your community, arrange street stalls and organise public meetings. For further information contact us.
- ☞ Speak to your elected representatives, and if you are a member of a political party, lobby them.

- ☞ Most importantly, discuss the issues raised in this Handbook and any others you can think of with your friends, family members and work colleagues. Together, we can bring about change so that 'we make the decisions that affect us'.

Get in touch with us:



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www.facebook.com/nqstatealliance

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The North Queensland State Alliance Inc - Who we are:

The initiative to form a State of North Queensland goes back to the 1890s and the motions moved in the Queensland parliament by representatives from central and north Queensland wanting to walk their region's own road. In more recent times, centralist Brisbane decision-making has fuelled the furnace of discontent by northerners who feel disenfranchised from the management of their own affairs.

In short, we are a movement of people who believe that -

- Northern Queenslanders have their own identity, and should make the decisions that affect them;
- The government structures in QLD are totally inadequate to the task of governing a state that covers 1.82 million sq. kms, (twice the size of Western Europe) in which significant population centres are more than 1000 kms from the state capital; and
- The great strength of our nation lies in its federalism. The creation of a new State in northern Queensland will make our nation stronger- more competitive and more democratic- by spreading power across decision-makers who are closer to the people they represent.

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