

From: [REDACTED]
To: [Legal Affairs and Community Safety Committee](#)
Subject: A Human Rights Act for Queensland
Date: Monday, 4 April 2016 10:51:23 AM

Dear Legal Affairs and Community Safety Committee

On April 1 an email arrived in my inbox from Working for Queenslanders. I really hope it wasn't a prank. The brief information on the Human Rights Act for Queensland was one that inspired – briefly – hope for people who are denied some of the basic fundamentals of the Human Rights.

My own experiences in regards to our so-called equality could help you see just how farcical the concept is when it collides with reality. Three of these incidents provide a great deal of evidence to support the need for what was written in that email from Working for Queenslanders.

THE ATO

The first example was my struggle to get an employer to pay 18 months of Superannuation. I realise that the claim is made through the ATO (a Federal matter) but work with me here and a pattern of failure will begin to emerge. The claim required me to obtain all manner of information about my former employer, and given his unwillingness to comply, it forced a great deal of additional stress upon me.

My employer was a sub-contractor. The workplace abuse he inflicted on his staff was only eclipsed by his monumental incompetence, efforts to defraud employers (including the QLD State Government), and huge debts he accumulated. He had been taken to court by the ATO on several occasions for failing to pay his taxes, but the State Government never bothered to investigate him for fraud.

At the time I resigned, he owed me three month's pay and all my Superannuation. He never bothered with pay slips, insisted I was lying about my hours and that I wasn't worth what I was paid. He insisted I hand over my work diary and bank statements to prove my 'allegations'. I provided copies but then he claimed I had cost him tens of thousands of dollars by resigning. I guess I was worth something after all.

Wageline recovered my wages. The ATO launched a three-year investigation. My submission was made over the phone. The ATO never provided any paperwork. They never contacted me, and when I contacted them they always said "We cannot comment on an ongoing investigation – don't call us, we'll call you."

This went on for three years. It was a year before anyone gave me a case-file number. It took the guy over thirty minutes to find my file and even then I suspected nothing had been done. After three years of this, I called the ATO complaints line to register a complaint regarding the 'investigation'. It was a Wednesday. I was told someone would call me in three business days.

On the Friday I received a letter from the ATO telling me the investigation had been finalised. The case had been closed two years earlier after my employer's business was deregistered. I would receive none of what was owed me. On Monday I got a call from the ATO complaints section. They assigned someone to look at what had happened. A week later that person was replaced with another. Two weeks later their investigation was finalised.

There had been a 'computer error' that prevented the ATO from contacting me. Nobody was to blame. I would receive none of what was owed me. The matter was closed. There was no means to appeal this and despite the ATO being at fault, I was out of pocket. I was instructed to let the matter go.

I contacted the head of the ATO and was instructed to take the matter up with their complaints department despite this being part of the problem. I contacted politicians and got the same response. A few weeks later a letter arrived for my wife from the ATO. This informed her she had failed to claim \$50 interest on her last Tax Return and warned of the penalties for submitting false information.

You may begin to see the problem here. Internal investigation. It is a conflict of interest that allows the offender to investigate themselves and then cover-up failure, and then intimidate victims and witnesses to ensure they remain silent. We had no means to get any justice on this matter of unpaid, and so-called 'Government Guaranteed' Superannuation.

THE RBH

While my wife and I were trying to deal with my former employer and the ATO to recover what was owed, we had our first child. By then I was working at the RBH. Minimum-wage. My university degree had resulted in a return to the same type of work I'd done before trying to make a better life. I'd worked my way through by stocking shelves at Coles, and my grades had suffered a great deal because of the late hours and the extreme bullying management subjected its staff to there.

But the RBH offered something Coles and my former employer had not. There were placards on the walls indicating that Workplace Harassment would not be tolerated. It was a lie. The laws on that are about as useful as an AVO is to a domestic violence victims: a sick joke at best, and utterly worthless.

After the birth of our daughter, my wife and I decided that I would become a stay-at-home parent and work on the weekends. After child-care costs, my wage would be reduced to a dollar an hour. It wasn't worth it. She had been promoted twice since my work at the RBH started, and this meant she received three times what I got.

I explained our situation to my allocations officer. He was fine with me working on the weekends alone. He desperately needed weekend staff. Most employees wanted weekends off, most to spend time with their children. And since he had elevated me to first call on his call-in list he was more than happy with the arrangement. I'd got there, it turns out, for several reasons.

I was the most requested casual staff member. Nurses liked me because (unlike many others) I did my job. They also liked me, and so did the patients. My attitude was one of pre-empting situations to help avoid problems. I also came in almost all the time, no matter how late the call came. And I was the only staff member that reported an overpayment, and my allocations officer was amused when he asked why I was telling him at all and I explained that the money wasn't mine.

Maybe the way my grandparents raised me is old fashioned, but I liked their moral and ethical approaches to life. Management at the hospital, however, had a very different attitude. I was told on several occasions that I had to work during the week and not just on the weekends.

“Weekend work is reserved as a reward for those who want it, and a punishment for those who do not,” they told me. You may begin to understand why morale at the hospital is so low, and staff-turnover so high. It was not just an attitude limited to Patient Support. It was everywhere, and it created such a hostile work environment that staff a level above someone else would bully those below them in turn.

I had explained the situation but management – all middle-aged women, I might add – responded by telling me that “It’s a woman’s role to stay home with the children” and “you should have thought of that before you had kids”. The tasks I was assigned became gradually dirtier and more dangerous.

If you are sent to clean-up blood and body waste, or work in the Psych Ward, you are supposed to get an additional allowance in your pay. Staff were not told this. When they found out, often months later, they were told by management, “it’s not our job to tell you these things or look after you, it’s your job to find out what you’re entitle to.”

The Psych Ward Allowance claim-form, by the way, was located in a locked utilities room, on a cabinet, under a bag of mops. The light didn’t work, and there was no pen. Psych Ward Patient Support staff were also left to conduct cleaning duties on their own, with nobody to watch their back.

My time at the RBH came to an end without warning. I’d been given many difficult or vile jobs in the preceding months. One time I was tasked with cleaning all the floors in the hall between wards with a hand-held vacuum rather than the ride-on one. It took over an hour and left me with back-pain. Another time I had to scrub tobacco stains and graffiti off the walls of the mental health unit attached to DEM, on my own, with several dangerous patients in there with me.

The last day I worked there, I had to clean a conference room. It had been used for a party the day before. I had asked for a recycle bin for all the empty alcohol bottles and cigarette trays to be left in the cupboard because tables and the carpet had burns on them. The allocations officer resigned that week. I never got a call-in again. I was never even notified that my position had been terminated.

My letters to Palaszczuk and Springborg on the matter were met with instructions to report the matters to management for “internal investigation” that would be conducted “at level”. I explained that management was part of the problem, in both the initial letter and then my response. Palaszczuk never responded again but Springborg repeated his instruction, with more hostility.

I guess they were busy with the whole Payrole and other RBH and Health System failures. With the work environment the way it was there, it was ripe for incompetence and corruption to fester as it did. But since I had revealed more evidence, you would think they would have taken better action to avoid the same problems repeating. Instead, they silenced me.

Again, my wife and I had no means to challenge any of this. Our combined wages put us above the line to access Legal Aid, but were not enough to leave us with any disposable income (after rent, utilities, food, house and car costs and insurance) to access private Legal services. Now the picture becomes a little clearer – people like us, average workers, have no rights.

CHILD ABUSE

As a child, I was subjected to extreme abuse every day at the hands of my parents and a step-parent. So were my many half-siblings. And the crimes didn't stop there. There were hundreds of other offences. My grandparents were also victims, and now it looks like several of my cousins suffered the same.

At the age of twelve, thirty years ago, I first reported what was happening. It had been going on my entire life. But thirty years later, despite years of effort to report the abuse, nothing was ever done. Over those thirty years, those abusers continued, escalated, and still inflict themselves on others to this day.

In my case it escalated to stalking, harassment and defamation to discredit me. I was forced to break contact with everyone I knew, relocated (multiple times) and even change my name just to escape. It left me alone, isolated and impoverished. Depression and suicidal thoughts left me struggling to keep going. I never saw my grandparents or any other relatives again. I received a life sentence.

But in my absence, I have learned that those who abused me benefited financially from what they do, hiding in plain sight, and many of their victims now repeat and inflict on other what was done to them. None of them have ever been investigated or punished for any of what they have done.

I won't go into details here. If you want, I can send you a copy of the 58 page Time-line of Abuse I was finally able to submit last year. It was "assessed" over four months by two officers who had previously dismissed my "allegations" years and months earlier. They worked at the same station where one of the offenders, and a Chief Prosecutor who had been friends with two of the offenders, had worked.

Was there a connection between this fact and the dismissal of my "allegations"? Well, read the Timeline of Abuse and you will discover decades of systemic failure across multiple agencies, not just the police. The fact that the findings on my Timeline included the comments that "nobody here doubts what you have said is true" suggests something suspicious.

When I offered to provide supporting evidence from other victims almost a year later, I was told by one of the most senior member of that police agency that the matter was closed and that I should drop it. Again, my wife and I have no means to challenge these decisions or pursue the crimes or failures of the public services that are supposed to help as a civil matter.

I am not allowed to speak about what was done to me. My abusers warned me, thirty years ago, that if I dared to try to tell anybody else what they were doing, they would sue me for defamation and throw me into prison. Multiple public servants from multiple agencies have warned me of the same.

Last year, just before Christmas, Commissioner Megan Michell released the National Children's Commissioner Report and was quoted as saying "too often children who live in violent households are the silent, forgotten and invisible victims." It doesn't change if the victims reach adulthood.

Former Victorian Police Chief Commissioner Lay said after the tragic (in every sense of

the word) murder of Luke Batty, “here’s an opportunity... we need to investigate this, we need to get better at this.” And yet nothing has changed.

Attorney General George Brandis once said “we are suspicious of a cover-up... How can we know what all the evidence is unless we have an investigation?” Admittedly, his comments were politically motivated and he himself uses every opportunity to conceal his own misdeeds, but his point remains.

The last thirty years of being forced to remain silent are the result of comments like “there’s not enough evidence to warrant an investigation”. How do victims get more evidence without an investigation? How many abusers allow their victims to document the abuse, and then admit that it was them that inflicted it?

Bear in mind, that those offenders have no “history of abuse” because victims are not allowed to report the crimes. Those offenders are protected by people within the public services. Those offenders are still committing offences and have access to new victims every day.

But how can victims hope to get justice when the authorities refuse to help? Perhaps it is time the police and other authorities stopped trying to find ways of ignoring victims and looked for ways to help them. Perhaps it is time to end the “take no action” approach and replace it with “take no chances”.

How many victims would be alive today if everyone one the public services did their damn job, and the human bollards that specialise in the law worked with them to get the best outcome for all those involved instead of only affording the presumption of innocence to the accused and, in so doing, lead to a culture of corruption that assumes the victim is lying.

Women being brutalised and killed every day is sickening, but the fact that so many little kids suffer the same (too often at the hands of predators in the community by too lenient sentencing or because nobody was able to put them away or could be bothered doing their jobs) is reprehensible. The harm and death we see in the media is just the tip of the brimstone.

This is what happens when victims are denied equality, and equal access to the law. This is what happens when the laws, policies and procedures are used to circumvent justice and legal outcomes are reduced to commodities that the most disadvantaged cannot access let alone afford.

This is what happens when there is a rampant, systemic, endemic, entrenched culture of corruption in the public services that uses laws, policies and procedures to isolate and silence victims while concealing and enabling predators, crime, failure and injustice.

Too many victims are seeking help only to encounter too many public servants who subjected them to indifference, apathy, incompetence, negligence, idleness, insensitivity, mockery, insults, unfounded and defamatory accusations, and intimidation.

If you are serious about pursuing a need to protect the Human Rights of Queenslanders, or Australians in general, then you need to be aware of this festering culture of corruption and the damage it has already done. If you do not address this, and the Human Rights action is not retrospective, then what’s the point?

If you plan on just doing more of the same opportunistic, insincere political rhetoric followed by countless millions of dollars thrown at the problem to create the illusion of action, or even metaphorically castrate another public face of this failure like you did to Rosie Batty, then this is pointless.

The public is sick and tired of seeing the same “isolated incidents” of Domestic Violence, Child Abuse, Workplace Harassment and other crimes where the same problem appears over and over again.

We are sick and tired of seeing inquests and Royal Commissions that reveal the same problems and make the same recommendations decade after decade, but where nothing changes from one to the next.

We are sick and tired of politically motivated Inquests and Royal Commissions railroaded by dominant political factions in government (that’s right, all the elected members are supposed to form government) to smear and discredit rivals for the sins of a few corrupt individuals through predetermined findings.

What the public wants is real action. We want that money to be spent exposing the corruption and incompetence, and purging it from our public services and communities. We want those at fault to be punished, for their assets to be seized and used to compensate their victims, and whatever is left to pay for the costs of prosecuting them. We want meritocracy as well as equality and justice.

Almost a year ago I started a petition asking for the Federal and State governments to establish an Independent Oversight Committee to represent victims of public service failures. This agency could help victims deal with the cyclical, self-perpetuating, un navigable bureaucracy, investigate failure, make recommendations, and then use the media to reveal problems the government refuses to address.

<https://www.change.org/p/australian-federal-state-governments-establish-an-ongoing-independent-oversight-committee-to-investigate-expose-and-discourage-the-culture-of-corruption-in-the-public-service-5ce45995-7e52-4764-a593-935677782079>

I’ve spent a year trying to promote it. I’ve only got 187 supporters. Most people don’t care until that culture of corruption impacts on them. The culture itself is also prevalent in the community. I’ve suffered numerous encounters with trolls (many claiming to be public servants) who deny there is such a problem and abuse me for my efforts.

The Royal Commission into Institutional Responses to Child Abuse recommended the Catholic Church cease using ‘internal investigation’ because it allowed the administration to cover-up evil. But the Terms of Reference prevent that RC from investigating the public service, and it has used the same practice of ‘internal investigation’ to cover-up evil for decades.

If the Churches, Salvation Army, Public Service and Government has taught us anything over the decades, it is that while those who remain silent may be said to condone, those who force others to remain silent are complicit.

If you are going to do this, then don’t implement more pointless words on pages and

placards.

Don't pass more very fine and very expensive words that do nothing more than serve political agendas to deceive the public into believing real action has been taken.

Don't ignore all the victims of past crimes concealed by that culture of corruption until they are another dying Stolen Generation, Lost Generation, or unwed teenage mothers and the children stolen from them by flawed government policy that inflicted so much injustice, misery and evil.

Do this right.

James Lee