Billy Tait

No 19

16/7/04

The Research Director
Legal, Constitutional and Administrative Review Committee
Parliament House, George St, Brisbane, Qld, 4000

re: the committee's Issues Paper of June 2004 entitled "A Preamble for the Queensland Constitution" and call for public submissions on the Queensland Constitutional Review Commission's recommendations regarding a preamble for the Queensland Constitution

To the Legal, Constitutional and Administrative Review committee [herein referred to as the LCARC]:

The box, at the bottom of page one of the LCARC's (above mentioned) Issues Paper, which proposes to set out the 'purpose' of the related inquiry, might be read, so as to imply, that the LCARC has somehow directly exercised the Queensland Constitutional Review Commission (QCRC) jurisdiction, to re-open its (ie

the QCRC's) inquiry, and, effect amendments, or other alterations, to the recommendations made by the QCRC's "Report on the Possible Reform of and Changes to the Acts and Laws that relate to the Queensland Constitution (February 2000)". With all due respect; and notwithstanding the LCARC's claim, to have had the said QCRC report referred to it, by way of a Ministerial Statement made in the Parliament on 29 February 2000; I would submit; that; the QCRC report stands alone, and, could not be so revisited. My understanding of the matter, is that, once the ~~(QCRC)~~ QCRC report is tabled in the legislative assembly, it being a final report to the Parliament, the QCRC itself becomes functus officio - with respect to the matter, and, while it is then open to the members of the Parliament to discuss the report - even by way of a reference to a standing committee, ultimately, the report itself remains as tabled, and, stands alone - ie not to be disregarded, but, read with, any later report the LCARC may make to the Parliament about the same matters (as those raised in the QCRC report).

I submit further, and - as before - with all due respect, that, in my opinion, it is necessary to realize and be aware of the distinctions between, the role and the work of the LCARC, and, the role and the work of the QCRC, at the least because, the LCARC issues paper seems to fail to acknowledge broader fundamental issues, which, may complicate the process of constitutional alteration, and that, were acknowledged - if not fully raised or decisively addressed - in the QCRC report.

Perhaps; it was drafted with the view - which I would respectfully disagree with - that recent attempts (to) to enact legislation, such as, the proposed Constitution of Queensland 2001 Act [herein the CQA] and the Parliament of Queensland Act 2001 [herein the PQA], had finally disposed of the matter; but; in any event; the LCARC paper, appears to neglect the question of, what, exactly, the 'constitution' of Queensland consists of - ie. a question addressed by the QCRC, in some detail, and although perhaps not entirely [see below], somewhat comprehensively, in, the second chapter - "The case for Constitutional Reform" - of the report. To begin with; as the QCRC points out, one may take; either; a minimalist approach - ie seeing them only the contents of the Queensland Constitution Act 1867 [herein

the [CA67] as 'the constitution'; or conversely; one may take a broader traditional view - i.e. seeing all enactments generally associated with matters pertaining to the constitution of a nation, or, State, with its own identity, including eg. matters relating to geographical jurisdictions of the government, fundamental democratic principles, etc. To that end, the QCRC report sets out a proposed list of (then) legislative provisions, that relate, in some way or another, to the broader definition of 'constitution'. Although; at first; I was minded, myself, to follow the minimalist approach - and it certainly can not be said that the CA67 (as) does not form at least part of the global set of enactments constituting the State of Queensland; and; I admit that; having had relatively limited exposure to the full set of relevant statutes; I may not necessarily be absolutely committed to the approach; I tend now towards the broader definition of 'constitution'

An important point noted in the QCRC report is the context of the Australian Commonwealth Constitution, and specifically, section 106, which confirms the State power to alter its constitution. On the broader view, a literal reading of section 106 appears to provide that the State

Queensland has all power to alter its own constitution by enacting laws not ~~(traditionally)~~ bearing an express reference to traditional terms such as 'constitutional enactment' or the like.

I do not, however, necessarily, accept everything on the list proposed by the QCRC report, or accept that there may not have been essential elements omitted from the list. It seems possible though, to go even as far as saying, without being too unreasonable that, a very broad view, of what constitutes a State, may even go as far as, all its organs and major institutions, or even, associated statutory authorities as well. For example, one might propose, the 'constitution', includes, provisions of the Supreme Court of Queensland Act [SCQA], and, the Local Government Act 1993 [LGA] - which is made under power specifically referred to in the CA67.

Perhaps, in my brief reading, I did not fully appreciate the details, but as I recall the QCRC report takes the desirable approach of acknowledging early arguments, with which it did not necessarily agree, such as were presented to the High Court, in cases such as Jones and Hellyar Investments [which, I must say, I am not yet familiar with]; in which - it seems, there were attempts to apply even looser principles, about mere conventions

making up parts of the Australian Constitution, as seems to be the case with the British system. We CCR (report) seem to consider other case law - with which I am not yet familiar (with) - such as McCawley's Case (1996) 176 CLR 9 and others, and, arrive at conclusions that, while those may not be completely erroneous, do not appear to my opinion (for what its worth - expressed with all due respect) - to be justified, or, at least - tenuous. I do though accept the 'electric wire' concept to some extent, and the fact that the British approach would appear contrary to the provisions of section 106 of the Commonwealth Constitution [with some reservation].

Perhaps, some are of the opinion, or expected, that, the process of the enactment of the CQA and the PQA would, to some extent, consolidate the essential elements of a fairly broadly defined set of constitutional enactments, and thereby, provide a smaller target. Whatever the case though, it may be, that, parts of those enactments, were not within power, and, remain ultra vires - ie. I vaguely recall having formed the opinion that even attempts to have Parliament make enactments re-iterating existing ones would be null and void, if, the subject matter was tied up in the (limited) recourse in the C467 to entrenchment of statutes by referendum. Queensland, I assume had the power, as a State of the Commonwealth,

pursuant to section 128 of the Commonwealth Constitution
to alter its own constitution - a power from only that
which was extended by requirement (if any) for referendum
in the CA67 at the time of federation; generally seems
to have all power to make some constitutional
alteration, at the Parliamentary stage alone. Conceivably
then, any statute made by the Parliament which, both
by impact upon the basic or fundamental foundations
of the State as an institution, or even society as a whole,
might be argued to be a constitutional provision.

And; it is worthy of note here, the references in pages
28 and 29 of the QCRC report (re: Chapter three - "Draft
Bill Preamble") to submissions such as that of;

1. McAlister, H (Hansard Public Hearing 5/10/99) ~~(obtain)~~
supporting a preamble that refers to the 'rule of law'; and,

2. Paterson, G (5.3) supporting a preamble with reference
to a statement of beliefs and fundamental principles.

Note also, that, although it may not often occur, it
seems to be generally acknowledged that there may
be a class of documents - known as a 'Bill of Rights' -
associated with a country's constituting documents
or incorporated as a set of statements in a formal
preamble to a constitution.

Cont'd

I put it then; with all due respect to the LCARC, that statutes; such as, the Peaceful Assembly Act 1992 [here - in the PAA], the Anti-Discrimination Act 1991 [ADA], the Freedom of Information Act 1992 [FOIA], and the Judicial Review Act 1991 [JRA]; may be taken as existing constitutional provisions.

I refer the LCARC to my submission to the Select committee on the Consequences of Changing Political Status, made in relation to its (~~Review~~) Review of the Parliament of Queensland (Change of Political Status) Bill 2003, ie. (~~Duty~~) my submission dated 27/11/03. At pages 6-9 of that submission of 27/11/03, I set out my arguments to the effect that Queensland is far from being without a Bill of Rights. It, at the least has one, in the form of the PAA, which establishes a statutory right to the freedom of association, and implies a right to freedom of communication. In my opinion, it could be (re) said, that this framework of statutory rights and democratic processes (re: the PAA, the FOIA, the JRA, the ADA, etc), forms part of the constitution of the State, and, each ought to then have been expressly included in the QCRC report list of enactments (if that is not already the case).

having said that, it is difficult not to go further, and suppose that (in the spirit of the British approach), the broader more comprehensive common law framework of basic Human Rights (Civil and Political), that may be implied from that statutory framework, is (not) also part of the constitution of Queensland.

I suspect that the entire length and breadth of parliamentary proceedings, which arose out of the infamous Fitzgerald inquiry into police corruption, and other matters relating to government, may be seen to have some impact on the general constitution of the State of Queensland.

I might even go so far as to suggest, upon the basis of the doctrines of implied powers to act as a delegate of a government decision maker, that enactments such as the Coastal Protection and Management Act 1995 (Qld) which would, in view of such doctrines of implied powers, appear to extend the substantive and jurisdictional limits of local governments - even beyond their own respective local government area; are constitutional provisions (or such that may become so upon affirmation at a referendum held in accordance with the (467).

Of course, it necessarily follows from the established rules of statutory interpretation, that, being, in part, out of the Commonwealth Constitution, the Queensland constitution ought to be impacted upon by the content of the Commonwealth Constitution, and perhaps it is the case

that, impliedly, the preamble for the Commonwealth constitution, applies through the latter.

Of course, these broader considerations may to a great extent be encompassed by a more general reference to the 'rule of law', but that of itself may be ~~problem~~ problematic, eg. the rule of law in Queensland, undoubtedly (in my humble opinion - for what it's worth), may be interpreted so as to include, both, the statute law, and the common law generally (ie. including the law of equity, requirement for natural justice appropriate for each case respectively, etc.) And therein lies the notice for caution, for, a preamble such as that which is proposed in, both, the CCARC paper, and the ACRC report, would appear to be open to be interpreted as, ambiguous at least, and perhaps to re-affirm only the rule of statutory defined law, read literally on the face of each instrument.

The preamble recommended by the ACRC report merely refers to the 'Rule of law' in the context of 'Queensland citizens (being) governed in accordance with the democratic processes contained in (the) Constitution ... (of Queensland)' [page 29 of the report]. As the CCARC paper acknowledges [page 5], the defeated referendum question put to the Australian People on 6 November 1999, proposed a preamble which referred to 'the rule of law' - in the context 'embodies freedom, tolerance ... (and) ... individual

legality', but, was apparently not decided on that point (and may well have been decided inevitably in view of the form of the two issues joindered in the present and other circumstances influencing the result potentially).

In discussing the potential impact of the 'rule of law' and other more specific references in a preamble, the LCARC paper [at page 8] referred to 'concern(s)', apparently raised in the Commonwealth Constitutional Convention [vol 3 at [21-22]], to the effect that such references might open some floodgate for the High Court (and Courts generally - ie it [follows] seems to follow) to make 'unexpected' interpretations 'advancing (eg.) rights (and equal) rights' - which I shall take to be a reference to what some conservative persons deem to be 'judicial activism'. But, this suggestion, that, in making a preamble for the Commonwealth Constitution, it would be undesirable to inadvertently create or enhance existing rights, clearly emphasises the need for caution alluded to above; for, where is the distinction between effecting a change, while not creating new rights, and, effecting a change, which takes away - inadvertently - existing rights? It is interesting to note though, that, according to the LCARC ~~[report]~~ paper (at page 8), the Convention recommended, to dispel this purported concern [for not creating rights], a (with all due respect) most absurd and unreasonable proposition (which has been roundly [illegible] + rightly) to include a specific provision to the

And arguably, general references in a constitutional preamble, to rights already established under statute, made by the body with the existing power to alter substantially the content of the constitution already, would hardly be seen (then) more than a re-statement of what is already there - i.e. the floodgates already stand wide open, but with all due respect, it is the apparently conservative (perhaps poorly resourced ?) Queensland judiciary itself, which is holding back from greater in depth deliberations as to the individual's basic human rights at law in Queensland.

There are many reasons why such simple references to i.e. 'rule of law' may have impacts which are not beneficial. Certainly, the potential to reduce judicial jurisdictional limits, as outlined above, would be in my opinion against the constitutionally (implied) established doctrine of the separation of judicial and legislative powers of government, not to mention, generally concepts of equality and distributive regulation of government powers, and ESD as well.

At the least, I would promote a broad Parliament based review of the codified law, to identify and consolidate into general principles, to be stated in a preamble, the various rights and main elements of existing statute law (including for example a statement of principles and objectives of ESD as

applicable under environmental laws). I would also consider a separate enquiry into what general statements might be made in a preamble as to the recognition of the common law.[3]

Similarly, I would raise an issue with respect to the ~~prop~~ proposed references to the Australia Acts, which the QLRC report claims put an end to the application in Queensland of laws made by the Parliament of the United Kingdom. Any residual laws of ~~(eng)~~ England might be then seen to be extinguished, by such a reference; and, as I vaguely recall, there is at least one law - ie. an article of the Magna Carta [applicable in Queensland, currently, under a saving provision - referring to an English statute] which provides for the protection of members of Parliament for statements made under qualified privilege in the Parliament in the course of Parliamentary debates - which might be adversely impacted upon [by a literal reading of the proposed Australia Acts reference] or argued to be impliedly repealed - by such proposed constitutional change. I am not to be taken, by this comment, to be against a reference, in a preamble, to the Australia Acts, however such should not inadvertently make further changes to the law beyond what the Australia Acts (which, as I recall, were more about altering the court hierarchy, and no longer having appeals to the Privy Council than anything else) simpliciter may have effected

But now I am getting down into the details of specific content, before having fully addressed the broader fundamental issues, which I shall attempt to get back to from here.

With all due respect, I refer to my comments on point made previously (re: my written submission of 22/5/02 to the LCARC in relation to the issues paper entitled "The Queensland constitution: Specific Content. Issues") and submit again that it seems a non-sensical, or at least potentially confusing, approach, to bring on discussion about a range of particular, proposed constitutional matters, and then finish with discussion about a preamble. The later enactment of a preamble would probably render the earlier discussions irrelevant. It is my submission that the two inquiries ought to have been conducted - with sufficient time and resources - as one, that, while it discussed all potential content issues, was only conducted with a view to one initial change in mind - ie. should there be a preamble and if so what should it say. In that way, a broader defining vision of the kind of society that the ~~(Constitution provides)~~ constitution might provide for, is developed, and, more specific content issues compatible with that broader statement can be addressed later with minimum delay and less room for error or confusion. Doing things in reverse runs the risk of having a preamble introduced

it a late hour against a backdrop of more specific provisions that on a broad plane may well give rise to implication of an underlying broader value incompatible with the proposed (late) preamble. That could well lead to protracted litigation and a constitutional crisis in the balance of the entire constitutional scheme – especially if some, who found the earlier specific content issues not to their favour, (and) sought later to get a preamble to override such!

In my view; a better process would be to; settle the preamble issues (ie. 1. do we have one?; and; 2. if so, what does it say) all the way, one and, in some way [see below] save that as an 'entrenched' decision – eg. such that may only be changed by way of a referendum put to the question people on the recommendation of a 3/4 majority vote of the Parliament; before anything else; and then; later; deal with more specific content matters; some of which might be, 'entrenched (in some way – again, see below)' to some extent or another, or not, depending upon the issue, its importance, and public opinion.

Another fundamental issue is the process of change itself. re: my submissions about 'entrenchment' made in my submission of 22/5/02 and my written submission of 1/10/02 made in relation to the CARC issues paper entitled 'the old constitution: Entrenchment (August 2002)'. As I read,

and therein, more straight to the question of what should be in a preamble (alternatively though, Parliament may decide as to ... or a later Parliament might simply repeal any preamble made!).

Again, it seems, that, the issue of how to make constitutional language - and more (particularly) particularly the potential for 'entrenchment' and implications of section 106 of the Commonwealth Constitution, can (not) not be divorced from debate about any potential for enactment of a preamble and, probably should have been more comprehensively and extensively explored - in far more detail - at the earliest stage so as to have a greater public understanding of available options and thereby, realistic public expectations to be raised in discussion of preferable courses of action. I respectfully submit that to date - the general public awareness of the process is insufficient (perhaps largely non-existent) and that may give rise to the potential for misunderstanding with significant numbers being disappointed with the result after the impetus for change abates for the average time between attempts to remove or alter constitutional provisions.

There may also be an argument that - being subject of similar use in the process of statutory interpretation. The long title may be seen as a preamble of a sort,

existing preamble, but that question ought not be left to lawyers or the judiciary but be formally answered in any change (ie. repealed - if it could be [in an appropriate case], or confirmed as to continue in force along with any additions [if any] made).

Perhaps the State of Queensland would have to make a calculated offer to foot the Commonwealth's costs for a referendum to reconcile the apparent anomaly between the Australia Acts provisions and the existing (~~Crown~~) CA67? might that be a trigger or catalyst for further or simultaneous questions regarding sovereignty, eg should Australia become a republic or the Commonwealth be dissolved and independent States or regions re-constituted?

Contrary to the opinion expressed at part 3 in page 6 of the CCARC paper, I submit, with all due respect, that there is no time for delay. This is a perfect situation for Queensland to take the initiative, and, since the election (onward. There could be little - if any - real opposition if Queensland stood alone, and despite the claims in the CCARC paper that this is a constitutional monarchy, in practical implication would appear to the contrary, eg. with a mere Queens representative in the form of one appointed by recommendation of the legislature and recent events where what appears to be unconstitutional arrangements made with a private unincorporated 'thing' which goes by the protected name 'Centrelink', to purportedly provide for a common-

contributed to key laws for judicial review.

Looking to the content, I would suggest especially in the context of judicial interpretations of the Commonwealth constitution and the provision of laws made by the Queensland Parliament in the form of electoral laws, that a preamble ought to refer to the freedom of communication about matters political and "free, fair and democratic elections" (re: the Fitzgerald report). Perhaps this ought to be accompanied by a statement acknowledging the context of the Commonwealth constitution [re: the QCRC report page 37] with reference to the States' function to govern for the peace, order, welfare, and good government of the respective States and directly elected members of Parliament

Arguably, the preamble to the ACA of Queensland provides relevant content for a constitutional preamble however, I suspect that to date - the ACA has not been itself applied equitably in practice in accordance with the contextual relevance of the importance of basic democratic rights in a free, fair and democratic society.

) - returning to more specific content issues proposed in the CARC paper - certainly am of the opinion that the separation between religion and the State ought to be maintained,

There also seems to be a tendency to confuse anti-discrimination measures with native title issues which are not necessarily - i.e. in the context of international cases referred to in cases like Mabo and others (even under the statutory schemes) - about one or two particular cultural groups (probably this comes out of the arguments by some that native title statutes are within power because of constitutional provisions (cwlth) for enacting special laws to benefit minority groups). My submission would be that native title ought to be left to the federal sphere, and if any reference were to appear in the Queensland preamble in the near future it ought to be (to) a general one, to respect for "all aboriginal persons".

As submitted above, there should be, not a general reference to 'the environment' - which may be argued to be a new concept of less certain scope, but in keeping with state, national and international developments in environmental law (from (Rome) Rome to Rio and beyond), the preamble itself ought to (to) be altered so as to make a specific reference to ESD. On that point, with all due respect, it may, in view of comments made in the QCRC report (at the page 32, under the heading "Lack of Public Input"), appear that the (CR) LCARC is a process which itself might be seen as not be ideally keeping with ESD principles and objectives viz: the equitable opportunities for organisations and individuals required; and, the QCRC reference to the role of

political parties") - although I hardly think that Queensland political parties are competent to alone "encapsulate community views" and - even if it is the case in practice - as I have previously submitted (re: my submission of 27/10/03 to the Select Committee on the Consequences of Changing Political Status - at pages 32, 33, 35-36, etc) political parties in theory (largely) have no role to play in the determinations of the Parliament (ie the personal discretion of natural persons individually decide the Parliaments' business).

In the present case, the distinction between changes to the Commonwealth Constitution - which require a referendum, and, changes to the Queensland constitution - which exclude such processes at this time, ought to be held in mind, when attempting to compare the two processes. So, for example, comments, such as, those re-iterated at page 17 (in part 8) of the CCAR paper and the discussion under the heading "Developing the test of Franklin (at page 16, in part 7)", would be misleading or at the least less applicable in the Queensland context - ie. as noted above, a change (not itself without controversy as to its validity & permanency) would not need to be made to allow direct public input in Queensland, and, anything drafted by the people at this stage is (at best) merely a recommendation for the Parliament to consider.

as to strategies; such as those proposed in the bottom of page 16 in the LCARC paper; apart from (their) being likely to disappoint and have the potential to result in much frivolous ~~as~~ biased dialogue for individuals to be faced dauntingly with; I personally find the concept of having loosely structured 'competitions' proposed as a tool for substantial gauging of public opinion abhorrent - I suggest, the level of considered deliberation necessary for the coherent and effective drafting of a constitution is not all achieved by a resort to winning the popular choice of a select few in some cheap rally; lawyers give legal advice and ought not to be seen to dictate to anyone, least of all the Parliament; the prose of a constitution is (hardly) largely irrelevant to its content and impacts thereof; and finally, I would submit that a number of regionally based, independent statutory commissions of Inquiry ought to be established and funded by the State, to be constituted by independent individuals who demonstrably participate in representing the broader public interests, and, for the purposes of seeking broad public input directly in the drafting process for a number of proposed preamble provisions to be put to the Parliament for consideration.

On this point, I should note that, as you would be well aware from the handwritten nature of my various submissions (which I do not choose to go to the pains of

writing out by hand, (and as brought to, by all manner of unlawful actions - i.e. discrimination made against me on the basis of my political activity & drafting such submissions), the availability of information technology - despite funds purportedly ploughed in that direction - is very limited for the general public (the resources - to date - being distributed only to, elite, more financial targets, and made inaccessible for the democratic processes most government funded programs purport to be directed at).

I should note also, that, while I would be of the opinion that some purported conventions, have obvious merit, and perhaps, desirably ought to be referred to in a preamble - eg. a general reference ~~(albeit)~~ [in conjunction with ones to 'free, fair and democratic elections' and the like] to the 'caretaker mode' convention; given the recent actions of some, it seems such conventions may have been broken with - for all time - without correction (see attachment B to my written submission of 27/11/03 made to the Select Committee).

I also note, that, despite any argument on purely historical grounds (which do not represent the 'non-political party' focus of the true broader spirit of the purposes of the relevant Queensland statutes), and for the reasons that the attachment A to my submission of 27/11/03

(to the Select Committee) objects to the statements made by the Electoral Commission Queensland [ECQ], there could not be any acceptable reasonable attempt to incorporate ~~contents~~ the discriminatory views of the ECQ into a constitutional ~~separate~~ preamble.

~~can~~ from enabling an ongoing process, an 'interim' preamble would nonetheless be a final determination that may well bring an end to the current impetus for change, before full exploration of all the issues, and even if a process was continued, there would be a compelling tendency - it seems - for any such early 'interim' preamble to effectively set the agenda and influence any later recommendation from the wider public. In any event, without changes, a later referendum, would not be a valid change to the 'interim' preamble, which would remain without alteration.

I note before making my final submission on the substantive issues, that, there is an issue which the QCRC, erroneously in my respectful opinion, isolated early and in the end did not consider, the details of which ought to be explored in more detail before any significant constitutional alteration, i.e. what alterations would be necessary to the laws of Queensland to enable the State of Queensland to (formally) sever its

links with the Crown [re: pages 4 and 5 of the QCRC report introduction]".

And finally, I can not stress enough, the significance, and utmost importance, of making reference, in a heavily entrenched manner - if possible, in the preamble to the Queensland constitution, to, the basic human rights of individuals, and-more specifically, basic democratic rights and freedoms-which fundamentally form the very fabric of a free, fair and democratic society such as ours!!!

For the record, with all due respect, I also make the following submissions:

I do not necessarily accept the proposition that 'once the committee receives a submission, it becomes committee property and should not be published without the committee's authorisation. As I recall, copyright would attach to such submission, and, while I recognise the Parliaments broad powers to regulate its own proceedings, I submit that there may be federal law on point here which generally guarantees the author's right to intellectual property - save in certain exceptions allowing greater distribution (not less) of works. I refer also to the constitutionally implied rights to freedom of communication about matters political which would seem to conflict with the statements at page 20 of the

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'CNRC paper.

I suppose, it is for the CNRC itself to consider the criteria of exclusion in the course of its deliberations but, even if it purports to reject such a submission, such would seem to me to be a part of the parliamentary process the moment it is routed to the committee. With all due respect, my legal opinion would be that, prelim. accurately made (in the usage extent), of such a submission, even without formal committee authorization; and even if the committee or to Parliament later rejects the content of such a submission as (off) irrelevant, or simply wrong in fact & even repugnant, would at least be protected by moral rules (eg. freedom of communication; defences to defamation cases on the grounds of political discourse, etc.) if not parliamentary privilege itself; and could not, simpliciter, be reasonably seen as a contempt of the Parliament.

I would also submit, with all due respect, that we still need a very lengthy extension of time to make submissions, coupled with far more resources (and) and more of the true spirit of free, fair democratic discourse; than we have had to date.

I advise; that; I am not one who has-at this time-been formally admitted to practice at the Bar, and, therefore, I can not, and do not purport to, give you legal advice; and; it follows then; that; if anyone acts on anything that I have stated herein, then, they do so at their own risk, and, I shall not be responsible for anything said or done on the basis of my opinions-expressed herein. You should seek your own independent legal advice, however, I shall not be held liable for any of your costs of doing so.

This is not a request for legal representation. I shall personally act on my own behalf and represent myself at all times and in all circumstances. I also intend to, represent, and act on behalf of, the interests of members of, the wider community, and the public in general; i.e. where-at my own discretion-I see fit so to do.

This submission; is made, in all good faith, in the public's interest as well as my own personal interests, and, without prejudice to my interests; and; shall not give rise to any waiver of any right or privilege I, have, had, or might otherwise have had.

except to hold to the contents of this submission

I shall not incur any liability, nor-for that matter-shall I incur any other responsibility, in the making of this submission.

I also respectfully require that you; send to me, at the above given address, by post-not being registered post; i.e. provide to me; as soon as is practicable; written responses, which, acknowledge your receipt of this document-and any accompanying material, and, outline whatever other responses you propose to make with respect to such material.

Thanks for that.

Yours

Billy Tait

William "Billy" Peter Tait

PS. see also endnotes attached.

PPS. see also accompanying pro-forma advice regarding postal communications.

BT

Endnotes:

1. re: "... providing some further information relevant to the (QCRC) recommendation. The (UCARC) has not yet reached any conclusions or come to any recommendations."

2. note: the maiden speech on the HANSARD with respect to the Bill which became the SRA makes express reference to the separation of legislative, executive and judicial powers, i.e. fundamental arms of government.

3. Such inquiries ideally being conducted with; a high level of objective public education about the content of existing law, and the process for possible change; and; the required degree of true public participation in the final decision making process for recommendations to be made to the Parliament.

Non-Postal Institution

Billy Tait

c/- James Cook University Post Office
James Cook Dr
Townsville Qld 4811

(61)07

The CEO

re: sending of correspondence to Billy Tait

To the CEO

TAKE NOTICE: It now appears conclusively to be a fact, that, Australia Post - albeit in breach of its statutorily prescribed primary function and associated Community Service Obligations, has adopted a most abhorrent practice - which is against basic human rights and fundamentals of democratic freedoms - of refusing to deliver postal articles to me (ie. one Villian "Billy" Peter Tait).

Such action, is not only one which apparently

seeks to usurp the power of the legislature - and thereby (at least in a technical sense) infringe upon the doctrine of the separation of legislative and administrative powers - so as to, in effect, abrogate Australia Post's Community Service Obligations prescribed by section 27 of the Australian Postal Corporation Act 1989 (APCA) - to mandatorily and exclusively provide a letter service; but also seems to be in breach of Australia Post's contractual obligations to purchasers who provide it with consideration for the service of conveying and delivering postal articles to me.

I have every legal right to have posts restante postal articles, which have been properly addressed to me and sent by prepaid post to the above given address, delivered to me when I call at the above mentioned Post Office and request such

seems that, a person who pays Australia Post to perform a postal service, is only entitled to take action to enforce such a contract or recover damages, if they have obtained a receipt from Australia Post, and accordingly, you should be sure to insist on being Australia Post issue a receipt to you, whenever you attempt to send postal articles through the post to me.

As one who has not at this time been formally admitted to practice at the Bar, I am not amidst not purport to give you legal advice. You should seek your own independent legal advice, however, I shall not meet your costs of doing so.

This is not a request for representation. I shall personally act on my own behalf and represent myself at all times and in all circumstances. I also intend to represent and act on behalf of the interests of members of the wider community and the public in general, where I so consider it to be

I send this letter to you in all good faith, in the public's interests as well as my own, and without prejudice to my interests; and by doing so shall not

give rise to any waiver of any right or privilege I, have had, or might otherwise have had.

I respectfully require that you send to me, at the above given address, by prepaid post - not being registered post; ie. provide to me; written responses, which, acknowledge your receipt of this letter, and, outline whatever other responses you propose to make with respect to its contents, as soon as is practicable.

Thanks for that.

Yours

William "Billy" Peter Tait

delivery.

I shall not accept any prejudice to my interests as a result of Australia Post's unlawful action of refusing to deliver postal articles to me.

I shall not accept any argument from you, which would seek to justify any failure on your behalf, to provide me with notice or information generally, on the basis, that Australia Post has - in fact - refused to deliver, some postal article or another, to me (ie in accordance with postal contact details I have provided to you for the purpose of sending postal articles to me).

Accordingly; it may be just through any fault of mine, but, because of Australia Post's unlawful action; necessary for you to only communicate written information to me by; finding me in person (note: you must be sure of my identity at you do so, and ensure that you do not mistakenly give information that relates to me personally to some person other than me); and; delivering such information to it with all due respect of course and without undue distraction to me or

any business or activity I might at the time be seen in (and only after introducing yourself, stating the nature of your business, and informing me as to what exactly it is that you want to deliver to me) - provided (note: I reserve my right to refuse to accept any material I so choose not to accept - as the case may be); however; I maintain the above given address as my current postal address (note: I have no fixed place of abode and no place of business) and you must always be sure, to ensure that accordingly (by sending such written information to me at that address by prepaid post - not being registered post [see accompanying pro-forma advice] - in the first instance), and not to unnecessarily annoy me with personal delivery [unless that other method of postal delivery - is unsuccessful] I assure you that I shall make all reasonable attempts to collect postal articles sent through the post to me at the above mentioned post office.

Although I do not by saying so - give you legal advice, I should note, that, upon my reading of the APCA, it