

Ralph McFadyen

8th May 2000.

The Chairman,
Legal Constitutional and Administrative Review Committee,
Parliament House
George St.,
Brisbane QLD. 4000.

Dear Sir,

Thank you for the opportunity to contribute to the debate upon the expansion of the term of Queensland's Legislative Assembly, to 4 years.

I shall enumerate my conclusion's first, and give my reasons for those conclusions in the body of this document.

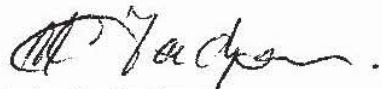
- 1) The argument that the first Budget is to fulfil, "the Promises made to the Electors", is somewhat spurious.
- 2) The argument that "long term planning" would be possible with a longer Term in Office is somewhat indicative of the **adversarial technique** employed by the present Members of the Legislative Assembly.
- 3) Comparisons are somewhat odious. What other Legislative Assemblies in Australia have as their Term in Office is **NO** argument to support an extended term for the Queensland Legislative Assembly.
- 4) The people have already rejected a 4 year term for the Queensland Legislative Assembly and also for the Federal House of Representatives.
- 5) While the Queensland Legislative Assembly remains Unicameral and has **NOT** incorporated C.I.R., in its Legislation, the People would have too long to wait to express their disapproval of the **POLICIES OF THE PARTY IN POWER.**
- 6) Since the **AUSTRALIA ACT** of 1986 the Dictatorial Power of the Queensland Legislative Assembly is too dangerous to be allowed any extended term.
- 7) The People have only a **LIMITED RIGHT** to a "trial by jury" since that Act came into force, both at State and Federal level.

8) There could be a valid reason to restrict the right to call an Election to the last 6 months of the present 3 year term.

My conclusion is that the Legislative Assembly should **NOT** receive a longer Term of Office until such time as the present **Dictatorial Power of that Chamber is restricted.**

I feel that any Referendum on the subject, under the present conditions, is bound for failure.

Yours Faithfully,

A handwritten signature in cursive script, appearing to read "Ralph McFadyen", followed by a period.

Ralph McFadyen.

POINT 1)

The argument that the first Budget is used to fulfil the Promises made to the Electors, is somewhat lacking in validity.

Ever since a Supreme Court Judge ruled 'That the Electors know that promises made at Election time are **NOT** made to be kept', and that 'the Electors do **NOT** expect them to be kept', any argument about the 'first Budget' being used to fulfil those Promises, has a very hollow ring,

Further, as long as Politicians are willing to bring into being, Policies that are **NOT** mentioned prior to Election, why should the Parliament have a longer term, before facing the Electors again?

POINT 2)

The '**long term planning**' mentioned as one of the reasons for a longer term, is surely indicative of an **immature attitude** on the part of whatever **PARTY is in POWER**.

Should the Legislative Assembly function as it was intended to function, then **ALL** Members of the Legislative Assembly should be able to contribute to the ideas of the **PARTY IN POWER**.

Once a consensus is reached, then a change in 'Government' would **NOT** cause '**long term planning**' to cease being carried out.

While the present system of '**scoring points**' over the 'Government' is used to convince the Electors to change the **PARTY in POWER** then '**long term planning**' is doomed to failure.

Unless a Plan is to be implemented over a 10 year period, or more, then to call such a Plan, '**long term**', is a misnomer.

A Plan to be implemented over a 3 or 4 year term is surely a **short term Plan**.

POINT 3)

The term of other Legislative Assemblies in Australia is **NOTHING** to do with Queensland. **ALL** other State Legislative Assemblies and the Federal House of Representatives, function under a **Bicameral System**.

The people of these States may feel they are willing to extend their Legislative Assembly's Terms, because they feel secure that there is some 'check and balance', able to be exercised by the Upper House.

POINT 4)

While the Population of Queensland has shown a great change in the last 9 years, nevertheless, the frequent holding of Referendums, at Public expense, is hardly conducive to "Good Housekeeping".

It is only 9 years since the last Referendum on this subject was held.

The people have already rejected a 4 year term, both for the Federal House of Representatives and the State Legislative Assembly

Will the next one in Queensland on the same subject, be held in 3 years, as the **PARTY in POWER**, desperately endeavours to extend its term and the possibility of having its "hand in the Cookie Jar" for a longer period?

There are many areas, where the amount of money expended on a Referendum, which has little chance of succeeding, could do a great deal of good.

It would be "better housekeeping" if the Legislative Assembly found these areas and funded them.

There is a little furphy running round that it is almost impossible to get a Referendum passed in Australia.

This may be true when "Governments" ask for more Power, which is quite often, but is hardly true when the people are offered more Power, which is seldom.

It is interesting that the Federal Parliament has been refused a longer term.

The People felt, quite correctly in my opinion, that even with the Senate acting as 'Watchdog' the Federal Politicians should face the Electors every 3 years.

An interesting case is the G.S.T. This is hardly a popular Tax.

The Federal "Government", is undoubtedly hoping that people will have "short memories", and that some other controversial issue will divert attention away from this **TAX** before the next Election.

A longer term would undoubtedly give them a more comfortable feeling.

Could it be that 'unpopular Legislation' in Queensland would be forgotten by the Electors after a longer term by the **PARTY in POWER**?

At least that may be the devout hope of the PARTY IN POWER, at that time.

POINT 5)

The Queensland Legislative Assembly seems to be following the dictum of Albert Venn Dicey 1895 to 1948, that **Parliament is Supreme.**

Dicey was a Constitutional Authority of some note, but his conclusions were about a **British Parliament**, which consisted of the House of Commons, the House of Lords and the Monarch, who was controlled by the Freedoms of the People, and the **Oath of Coronation**, to uphold those Freedoms.

I would doubt that the same gentleman would offer **Supremacy of Parliament to the Unicameral System** of the Legislative Assembly of this State, which has now been released from the requirement to conform to the Great Charters of the United Kingdom.

Since the Passing of the **1985/1986 STATE AUSTRALIA ACTS (Request) BILL**, by the Queensland Parliament, and the subsequent passing of the **AUSTRALIA ACT 1986** by the Federal Parliament, the STATE Legislative Assembly, has moved from **LIMITED to UNLIMITED 'Government'**.

Unless Legislation is passed, before a Referendum is held, to install, **Citizens Initiated Referendum, Voters' Veto and the Right of Recall**, commonly known as **C.I.R.**, granting a longer term in **POWER, TO ANY PARTY**, would mean a longer period before the Electors could express their disapproval of any Legislation passed by the incumbent Legislative Assembly.

While the Legislative Assembly remains under a **Unicameral System** and fails to incorporate **C.I.R.** in its Legislation, the People are unable to express, in any meaningful way, their objection to any Legislation passed by the Legislative Assembly, except at Election time.

We know that Petitions may be presented to the Legislative Assembly, but those Petitions appear to simply be a means of the People to **'let off steam'**, rather than having any impact upon Legislation.

Any further extension of the Term of the Legislative Assembly, would simply prolong the period before the Politicians are forced, **'to face the Electors'**.

POINT 6

The passing of the Australia Act Request Bill 1985/1986, by ALL State Legislative Assemblies, and the subsequent passing of the Australia Act 1986 by the House of Representatives, the Senate, and its confirmation by the Governor-General, has opened the way for Dictatorship in Australia.

Until some "check" is again placed upon the **UNLIMITED POWER** of the Legislative Assembly, then the Freedom of People of Queensland, is in jeopardy.

History has a way of repeating itself.

Hitler had **NO** "check" upon his **POWER**.

Stalin had **NO** "check" upon his **POWER**.

Chairman Mao had **NO** "check" upon his **POWER**.

Idi Amin had **NO** "check" upon his **POWER**.

Who is to say that while the "motives" of the present Legislative Assembly may be clean and pure, at some future time, the "motives" of the **PARTY in POWER** may be totally different?

At this time of "Review of the Queensland Constitution", the Legislative Assembly, has the opportunity to place the Freedom of the People under a guarantee, that Freedom will be retained **NOW AND FOREVER**.

Asking for an extended Term of Office for the Legislative Assembly of Queensland, **before ensuring the protection of those Freedoms**, is hardly realistic.

POINT 7)

I believe it was Benjamin Franklin who said 'The jury system is the greatest check on Dictatorial Governments'.

Since the limiting of the **RIGHT to 'Trial by Jury'** at State level, any increase in length of term the Queensland Legislative Assembly, could only hasten the full implementation of Dictatorship in this State.

I realise that the Legislative Assembly legislated for "Local Government" to have a 4 year term, but I do **NOT** feel that this would have been agreed to by the People at Referendum, **NOR** will they grant a 4 year term, under the present conditions, to the State Legislative Assembly.

POINT 8)

The Term of Office of the Legislative Assembly, while remaining three years, could have a limit placed upon it, insofar as the Premier could be limited to calling an Election only in the last six months of the current term.

This would mean that the "Election Mode" which appears to haunt the, "Corridors of Power", half way through the present term, would be laid to rest.

ALL PARTIES would be sure that the present Term of Office would run to its full extent or **NEARLY** to its full extent.