



Billy Tait

16/03

Re Research Director

Legal, Constitutional and Administrative Review Committee
Parliament House, George St, Brisbane, Qld, 4000.

re: public notice No. LCA ISBN00023 published at page 17
of the Townsville "Bulletin" newspaper on 11/6/03 for public
meeting held 16 June 2003, and, "A Parliamentary Committee
Inquiry Into Aboriginal and Torres Strait Islander
Peoples' Participation In Queensland's Democratic
Process".

2 the Committee

I will; I do not make any specific claim to make submissions on behalf of any particular organisation, group or culture; I make this submission; on behalf of members of the wider community, as I who is demonstrably, a representative of, I advocate for, the interests of the public in

eneral; as an enroled voter in the State of Queens-
land; and; as one who has consistently nominated
for election to the Legislative Assembly of
Queensland in recent state elections.

Although I would rather make a, more, detailed
and extensively researched, submission, in my
current circumstances (ie. as one who, is of very
limited financial resources, currently survive on
a welfare payment [apparently a student allowance]
aid by the ~~Commonwealth~~ Commonwealth - but
which the Commonwealth [through, unincorporated,
and, or, or, unconstitutional, entities - such as the
thing' which goes by the protected name 'Centrelink'-
that purport to exercise statutory powers of the
Commonwealth's Secretary of the Department of
Social Security] constantly threatens (unlawfully)
to (and at times does so unlawfully) deprive me
of, and, has - for some years now - been subjected
to a number of other serious breaches of my

basic human rights [such as my rights to occupy particular residential premises, and, not be subjected to unlawful discrimination made on the basis of my political activities, convictions, opinions, or beliefs], not to mention various ~~failures~~^{unmeritorious decisions in} of the judicial processes I have ~~sought to rely upon for the~~^{called} protection of my rights and in seeking relief from the associated unlawful, cruel and inhumane treatment associated with the said breaches of ~~my~~ my rights) that is not practical, and, if I attempted to do so, that might take away from the more already extensive details of the oral submissions others and I made to the committee at the meeting held on 16/6/03 at the Athenvale Hostel in Cranbrook at 12:00 noon.

It is not my intention, then, to have this submission replace or in any way take the place of any of my oral submissions. I hold to those oral submissions and request that the committee prepare draft transcripts of the oral submissions,

thers and I have made so that those may lie
ut on notice to the participants - for their
omment and clarification, and, subsequent to
my amendments (the committee agrees to make to
such written transcript), placed on the parliamentary
record.

In this written submission, I seek to add to
my oral submissions by; re-iterating, and
adding to, some of the general comments made
in my oral submissions; and; raising ~~some~~
some related matters of particular detail, not
so I recall, raised at the meeting.

As, I submitted in my oral comments, and was
so I recall, reflected upon by Project Officer
Ingela Ruska-as a common theme being raised
in other meetings, issues affecting participation in
the democratic process, are not confined to any
particular group or culture, but, appear to be
endemic to all of society. Hence my suggestions,
made - with all due respect of course - to the
committee, that, regardless of what other findings

In recommendations the committee may make, it would appear desirable, if not essential, that, at least, two particular recommendations be made for the Parliament to consider, that are;

1. A recommendation, that the committee's report not be the final investigation of the matter, but more of an exploration of the relevant issues, and, without attempting to bind future Parliaments, some reference ought to be made in the future, preferably on an ongoing basis (and perhaps with an extended scope - see below), to have the Parliament consider the initiation of other - independently constituted - inquiries, to monitor the progression of strategies implemented, and guide further developments; and;

2. A strong recommendation; that, education and public awareness strategies generally - not just for, younger future participants voters or any particular group, but, indeed, the entire wider community - including those who have little

in no contact with the formal education system; are necessary for the maintenance of a truly participatory democracy, where individuals are, not only, given an opportunity to participate, but, are empowered by the knowledge to actually do so in practice, and encouraged by a culture which fosters public participation.

As to barriers to participation in particular, I make the following written submissions.

As I recall, I raised some directly relevant issues at the meeting such as, for example, the differential rates of funding provided by government to individuals and registered political parties in the form of electoral returns. Basically, it appears, that, in any one particular election, where there are two candidates, one nominated as an independent and one nominated by a registered political party, ~~who both spend~~ each of which, acquire the same percentage of the votes taken in the poll, and, achieves the same level of electoral expenditure in the course of

their campaign, the government applies a different rate of reimbursement, so that, effectively, the candidate from the registered organisation receives a greater refund from returns, than the independent. It appears to me, that, such situation is against the provisions of international statutes, such as the Rio Declaration (relating principles and objectives of Ecologically Sustainable Development [ESD] such as public participation in the decision making processes of government), to which, the Commonwealth, with the consent of the States and Territories, is a party, and that, make specific provisions requiring 'equitable opportunities for both organisations and individuals to participate in the decision making processes of governments'. Arguably, it is also an example of unlawful discrimination - within the terms of the Anti-Discrimination Act 1991 - made against independents on the basis of their political activity in the government laws and programs.

nd other 'areas'; which I personally have been subjected to - of course I have made a formal written complaint to the Anti-Discrimination Commissioner about the matter. In the worst circumstances, it seems that this is a matter of particular concern for groups who are in a relative-minority, in that generally, such groups tend to have potential representatives nominated as independents - at least at the 'grass roots' area level.

At the meeting, I also raised indirectly related issues which, although it may be difficult to provide evidence that would make it obvious that such matters can be clearly identified as barriers, are, I submit, nonetheless, relevant matters of substantial interest. One such issue is the relatively recent impacts of changes in law revolving around the ESD principles and objectives, designed to provide additional alternative processes - apart from electoral processes - for public participation in government decision making, eg. the broadening of rules of standing to allow individuals to take legal actions in the public's interests. Such access to judicial review is not merely

desirable for accountability in government administration, but essential, in order to foster community involvement in government processes, and developing the broader culture of a truly participatory democracy. It seems to be the case though, that, although the opportunity has been provided for wider participation by the wider limit of standing requirements, the social equity aspect of ESD has been so neglected that, in effect there is no practical opportunity for most people to become involved - i.e. lack of quality legal advice and legal aid generally, and relatively low levels of government funding to the judicial system, generally (which seems to be the reason that courts have shown a reluctance to accompany the developments - broadening the rules of standing with more liberal applications of the "no costs" orders traditionally associated with matters relating to public interest.. indeed to the contrary it seems the courts have, in modern times, been less inclined to make such awards [re: the Airport case involving Kevin Rudd and referred to in my oral submissions] perhaps so as to avoid a perceived

potential for their limited resources to be stretched
in crisis, should a more liberal approach result
so it should - in most cases being brought for
their determination).

Commonwealth (or) 'welfare' strategies, which have
seen vast amounts of federal welfare funds
taken away from statute based authorities, such
as the Commonwealth Employment Service and
the Department of Social Security, and,
provided to, apparently, unconstitutional
entities, such as, the 'thing' which goes by the name
'Centrelink', and associated private entities- loosely
referred to as the Job Network Members, also,
appear to be providing barriers to participation
participation, in that, the primary unwritten objective
of the 'new system' seems to be aimed at ^{unlawful} cruel
and inhumane, ^{involuntary coercive} treatment of welfare recipients,
designed to keep them ill informed and revolving
through a range of poor quality programs, which
enable private entities to generate 'outcomes' on
paperwork to justify their acting as middle agents,
and siphoning off government welfare funds (that
more 10)

would otherwise go directly to providing education and training in accredited programs) for their own ulterior purposes, or simply to line the pockets of their executives and employees. These welfare recipients are, as a result, deprived of opportunities they would have had to participate in democratic processes, and indeed ordinary community life, not for any meritorious reason, but, to create a pretense that allows private entities to usurp government funds - which have reportedly been allocated directly to the welfare of the individuals who are being so adversely affected.

Going back to the broader approach, it seems that the issues which provide barriers to any one particular minority, may well be similar, across the broader spectrum, in that, e.g. in a system where a few established organisations assume positions of power, all minority groups will always be disadvantaged. Perhaps, then, there is a need for broader ~~system~~ structured change, e.g. to a system similar

to that recently introduced in New Zealand,
where all minority groups are provided
with real opportunities to have candidates
elected. I understand there have been some
problems, but, I do not think those would
^{to the extent that they have in New Zealand}
be as likely to arise in Qld^v. I would not
advocate a system exactly like the New
Zealand one though, as, I understand
that, while it does empower smaller
groups, it may not do so for independent
and, may well make it more difficult for
independents to impact on decision
making, or even get elected.

Please consider these submissions in the course
of the committee's deliberation.

Please also send me a written acknowledgement
of your receipt of this submission at the above given
address (ie, not by private courier, and, not by registered
post) as soon as is practicable.

Thanks for that.

Yours
Billy Tait

William "Billy" Peter Tait