



Billy Teat

22/05/02

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

Re: submissions in relation to the "The Queensland
Constitution: Specific Issues" issues paper (April 2002).

To the Committee

With all due respect I would suggest; that; the questions as to, whether or not the Queensland Constitution should have a preamble, and, if so, what the content of that should be; and; the issue of a full and comprehensive bill of rights - at least with respect to those rights that are traditionally associated with free fair and democratic societies - being incorporated into the constitution; are arguably the most important "specific content issues" relating to any serious review of, or inquiry into, constitutional reform.

In the absence of a preamble it will be left to the

Courts and judiciary to define the context of the constitutional enactments when interpreting specific provisions thereof. Such a situation, may unnecessarily politicise the processes of judicial decision making, and threatens the long held doctrine of the separation of powers. I suggest the preamble should make reference to basic democratic & human rights. The proposed method of producing so called "entrenched" and "doubly entrenched" provisions is doubtful to say the least. It has long been accepted that the sovereign power invested in the legislative assembly of democratically elected members can not be fettered, not even by a decree previously made by the same or some other body of elected members. An attempt to employ the entrenchment processes outlined in the issues paper might have the potential to, create undue or unnecessary uncertainty in respect of the process of constitutional change generally, or even, lead to a constitutional crisis. The only form of entrenchment which ought to be employed is that of a free, fair and democratic referendum held to ratify or make any proposed changes to constitutional provisions.

Similarly the concept of having a cabinet seems to pervert the concepts of democracy and the associated sovereign power invested in a legislative assembly of elected members.

The concept of 'cabinet' brings to mind the aberrant practice of having a caucus meeting which supplants or otherwise derogates from the power of the wider body of members to make considered decisions by way of equitable and unfettered processes employing votes of equal proportion and weight.

Some constitutional conventions - such as the principle requirements for free, fair and democratic elections - are a "ready being codified" - eg. in the form of provisions such as those set out in the Electoral Act. It hardly seems worth it to entrench codified provisions about such conventions in the constitution itself when there appears to be blatant and unchecked abuse of conventions which are currently codified in ordinary statutory provisions. That is to say, that, despite written complaints having been made to the electoral commission, pursuant to the provisions of the electoral legislation which prohibits unlawful influence of the electoral process, the electors of the Downsview electoral district have been deprived of natural justice and not given any remedy for same, in that at the most recent election, the incumbent Minister Jerry Mackintosh appears to have breached the "caretaker

made" convention by making substantive decisions to call off long planned public meetings (coincidentally to be held during the period of the election) purportedly on the basis, that, the government was in such a caretaker mode, and, therefore, could not make substantive decisions (about the issues to be considered at such meetings held at the taxpayers expense), however, the cancellation of such meetings negatively impinged (2) upon the electors' freedom to communicate during the election with others (including nominated candidates) about matters pertaining to the issues that elected members are called upon to consider in the course of their work as elected members.

I suggest that a greater level of compliance with such conventions, ^{might be achieved} if constitutional provisions "entrenched" by referendum were enacted to provide the parliament with a separate power to enact legislation that codifies such conventions, by way of special resolutions made by a 3/4 majority of the Parliament upon a question ratified by referendum for the Parliament's consideration.

I apologize in advance for the short and untidy format of this submission. It seems I have little opportunity to make a more comprehensive submission.

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although I request an extension of the greatest magnitude so that I might have some future opportunity to do so - at this time, as there are a number of matters which are currently impinging upon my freedom of communication by draining my resources and otherwise depriving me of opportunities I might otherwise have had to participate - eg. I am currently in an uncertain legal predicament due to the fact that a member of the Qld Police Service purports to have issued me with a notice to appear in relation to some frivolous allegation of an offence under the now repealed Drugs Misuse Act 1986 (Qld) which has led to protracted litigation because of ambiguities that arise out of the literal interpretation of sections 216 and 214 of the Police Powers & Responsibilities Act, and, I have recently been subjected to what appears to be unlawful discrimination on the basis of my political activity in the form of persistent abuses and misuses of Queensland Police powers delivered at the behest of officers and employees of Centralink and for the purposes of frustrating and annoying me and deterring me from utilising office equipment and facilities which I am entitled to use (at Centralink offices, ^{and} offices of Job Network Members and other places) for the purposes of my political activities which - at least for the most part - are also job seeking

activities designed to fund for me paid work.

Please respond to this submission by sending me your written response as soon as is practicable.

Thanks for that

Yours

Billy Tait

William "Billy" Peter Tait

