

Standing Committee on legislation- Inquiry into the mining legislation Amendment Bill 2015

Lack of Procedural Fairness and Misleading of Parliament

Submission by

Ray Kean & Paul Fitzgerald

Raymond Kean (Ray Kean) currently today is a hobby interest exploration prospector with more than 50 years' experience in exploration and mining operations with substantially positive, sustainable Environmental Management practices, which in those 50 years has been quite acceptable to Mines department expectations, standards and importantly balanced in harmony with the sustainability of Environmental Management.

General Background to this submission

Concerning issues directly related to, (But not limited to), the seriously immoral and defective Administration on part of the Minister and the Mines department, (DMP), relevant to the expected procedural fairness and administrative integrity part, in lodgement of this bill in Parliament.

- This Bill does not have sufficient regard to the rights and liberties of individuals.
- This Bill does not have sufficient regard to the institution of parliament.
- This Bill is inconsistent with the principles of Natural Justice.
- The initial Conception, Initiation, and policy of this bill along with the deceitful promotion and delivery into the legislative Council of Parliament is immorally concocted, conceived, and otherwise promoted, then knowingly delivered into the parliamentary system for passing under a veil of deception, deceit and abuse of the parliamentary system, undermining the integrity of the administrative processes of the Legislative council.

Supporting Evidence

- Parliament Procedures Guidelines were not met.
- Drafting a Bill section 1 states - Before these drafting instructions are finalised by an agency, consultations should be undertaken with individuals and bodies likely to be affected by the proposal.
- As this Bill has direct effect upon small to medium sized miners the lack of consultation with those directly affected amounts to neglect of parliamentary requirements and as such this Bill should be rejected until correct parliamentary procedures are followed.
- It is the right of individuals to be consulted regarding this bill yet this never took place despite the later stage event pleas of some individuals for their right to be heard
- the DMP has the addresses of all individuals concerned yet made no attempt to notify them of the impending Amendment bill before presenting this bill to parliament.

- Procedural fairness, (natural justice) was never considered by the Minister or the DMP when submitting this Bill.
- This Bill was submitted by the Minister without any investigation in to the possible detriment and harm to the industry, individuals, their lives and livelihoods, the environment, communities and businesses. It is this important aspect which is contentious to impress upon the Committee, that without this process occurring it would be a seriously concerning issue for the legislative Council to pass legislation, without considering the outcomes of potential serious harm the legislation would impose.
- Having not undertaken the investigation of such concerning issues, the bill fails to report on that aspect. Thus I would contend that it is not an unreasonable expectation for the committee to assess its position, whereby, just relative to this issue alone, the Committee would have to consider rejecting this bill because of these serious flaws and potential harming outcomes that negating that investigative process may realistically impose .

The case supporting this submission

It is this immoral conduct of the Minister and the environmental section of his department which through their seriously defective conduct delivers outcomes with a domino effect of an escalating harming nature which not only brings the integrity of its office of administration into disrepute but undermines respect and the integrity of the Parliamentary process and this then transgresses into unwarranted and undue detriment and harm.

The seriously flawed DMP Administration aspect in submission of this bill is an administrative process that demonstrates this department has lost its integrity and credibility, not only to the public, but also the parliament.

The immoral procedure involved with the process, submission and deceitful promotional aspect of this Bill with the lack of investigation into the harms of this Bill should possibly present a case for an inquiry into the DMP and its Minister, for deliberately misleading parliament and bringing the department's integrity and credibility into disrepute.

I would tend in my submission that this is a case of concern to consider whereby the minister and the environmental division of his department should be investigated for immorally administering its office to achieve a devious means to an end thus to bring them in to line with the expected integrity of responsibly administering their office of a government Administration. .

Brief Summary and Conclusion

It is quite distressing to realise that such subterfuge and high handedness by a minister of state can proceed through parliament without checks and balances to ensure this doesn't occur.

My faith in procedural fairness has been diminished by the submission of this bill in such a way as to preclude general debate, input by stakeholders and total deliberate dismissal of correct parliamentary procedures.

The Minister has made it quite clear that the decisions of this committee will be disregarded unless he thinks they are good, in other words he is going to steam roll this through parliament under any circumstances, no matter what this committee reports. I still have hope that correct parliamentary procedures will be followed upon the reports of this committee.

We hereby request to be heard jointly, in person by the Legislation Committee to enable the tabling of further evidence in support of this submission as well as the opportunity to present other matters.

In closing I would like to say that it is already the case where departmental victimisation is occurring upon individuals who dare speak up to condone this Bill and yet it is important for the Standing Committee to understand it is difficult for the victimised parties to come forward with those concerns, simply because of the fear of extended retribution.

Signed: *R Kean* Raymond John Kean, also for Paul Fitzgerald.

Date: 20/3/2016