

SUBMISSION Disability Discrimination Act.

Inappropriate protection of Parliaments and Politicians from the operation of Anti-Discrimination laws enacted by them.

In January of 1998 I was invited to appear before a committee of the Tasmanian Legislative Council (Upper House of the Tasmanian Parliament) and on agreeing to participate I was issued with documents which, among other things, assured me that I would have access to the protection of Parliamentary Privilege in regard to my evidence unless I repeated that evidence outside the committee hearings in the public arena.

On the 23 April 1998 I was summoned (required) to give evidence to another committee of the Tasmanian Parliament and on having done so was immediately dismissed from my employment for having appeared in response to the written requirement of the Parliament.

I then requested that the Parliament convene their privileges committee for the purpose of redressing the position in which I found myself They declined and I have remained unemployed since that time.

I made a complaint of discrimination to the Anti-discrimination Commissioner and she accepted my complaint for investigation. When she contacted the nominal heads of the houses of Parliament they declined to participate or co-operate in the investigation on the basis that they were not subject to the provisions of the Anti-Discrimination Act.

The matter was then reported to the Tasmanian Anti-discrimination Tribunal where it was argued in closed court by a Queen's Counsel representing the Parliament and the Anti-discrimination Commissioner representing herself

Following a delay of some thirty one months I was advised by letter that the Tribunal had dismissed my complaint on the basis of a legal determination which I was unable to understand or accept. Shortly thereafter I was advised by the Anti-discrimination Commissioner that she was required to also dismiss my complaint on the basis of the ruling of the Tribunal.

At that time I was still unemployed, disabled by having had a below knee amputation, and unable to sustain myself or my family.

Then being almost five years on from the original discrimination, having had my complaint dismissed without investigation, and the proceedings determined without the opportunity for me to give any evidence, I declined an invitation by the Anti-Discrimination Tribunal to make application for a review. I took that course because the review was to be heard before the same tribunal which made the original decision and, in my view, was unlikely to rule against it's own finding.

I have been severely depressed and frustrated at the fact that this contrived situation could have proceeded to it's present stage with the perpetrators enjoying the impunity they have adopted for themselves while I have been denied any semblance of natural justice.

From my reading of your Issues Paper, with respect, I would suggest that having regard to the section, "ENSURING EQUALITY BEFORE THE LAW" at pages 18 and 19, and on page 36, "But a breach of the Commonwealth Disability strategy is not unlawful", I would have been unlikely to have fared any better in the Federal arena than I did in Tasmania.

D. J. LeFevre.