Personal, Private, and, Confidential

Mr. Bill Tait (Jnr.) Esq.
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Parkside, AYR, QLD, 4807.

Wednesday, the 7th of May, 2023 CE.

The Assessment Manager,
Charters Towers Regional Council.
Charters Towers Regional Council-Administration Centre,
12 Mosman Street,
CHARTERS TOWERS, QLD, 4820.

re the proposed public notification, of a proposed development (with the Application ref: MCU2022/0011), for a *Material Change of Use for Intensive Animal Industry and Environmentally Relevant Activity*, located at 2859 Mount Hope Road, Llanarth, apparently published in the *Cairns Post*-newspaper, on the 22nd of May, 2023, and seemingly related matters.

Dear ma'am,

Well, I probably would have liked to respond, to this very matter, with a much lengthier submission, however, on account of the very edition of the *Townsville Bulletin*-newspaper, of Monday, the last 22nd of May, apparently having been unceremoniously-like removed (or i.e. just *stolen* then) from the local public library-building, here, in Ayr, sometime during the ensuing week then, I didn't get the chance to come across the information, any sooner.

And be, all of that, as it may, then, moreover, presuming that, the online copy of the notice, out of the *Cairns Post*[1], is only drafted, in exactly the same terms, well, notwithstanding that, prima facie-or (if you like) *technically speaking* then, the proposed public notification, of this very matter (i.e. of the-once made-Change Application, with the said Reference-No.

[1] which I sourced online then, and, that is so digitally recorded, as having been published, in the very *Cairns Post*-newspaper, on the very same day-of 22/05/23. …

MCU2022/0011), as presumably, only otherwise then, properly commenced[2], may just be argued, to have achieved sufficient compliance with, the very-i.e. as *literally read* then-sort of minimum requirements[3]-of *at least... 15 business days after the* (public) *notice is given*, in subsection-(4), of the pertinent clause, in Section-No. 53, of the *Planning Act* 2016 (Qld) [the Act], moreover, assuming then, that the period, of[4] merely some sixteen *business days*, was the very ***public notification period***, specified[5] in, your *confirmation notice*, given to the applicant[6], pursuant to, Section-No. 2, of Part 1, of the so-called *Development Assessment Rules* (version 1.3) [the DAR][7], and, notwithstanding then, even how, the applicant may well have lodged a written *notice*-with yourself-*of the intended start date of* (the said proposed) *public notification*[8], and/or, subsequently lodged a purported *notice of compliance with the public notice requirements*, under Rule-No. 18.1, of Section-No. 18, of Part 4, of the DAR[9], and, not to put too fine a point on it, then, despite how this is about a-once was (anyhow)-proposed *change application*[10], and certainly, while it involves a relatively large amount of technical information, including considerations of a referral to a so-called *referral agency*-or the very State Assessment and Referral Agency (SARA) then; well;

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[2] e.g. in accordance with, rule-No. 17.2, of Section-No. 17, and what is more, Rule-No. 16.4, of Section-No. 16, of Part 4, in the very so-called *Development Assessment Rules* (version 1.3) [the DAR], as in force, under Part 4, of Chapter 3, of the *Planning Act* 2016 (Qld) [the Act], well, e *within 20 days after... the day after part 3* of the DAR *ended* (i.e. pursuant to (b) 14.1 14 Part 3, of the DAR, and upon the provision of Agricultural Development Services Australia Pty Ltd [ABN: 30 639 923 434]'s provision of the proposed response to the State Assessment and Referral Agency (SARA)'s information request of the 16th of September, 2022, on behalf of the applicant [i.e. Llanarth Pastoral Company Pty Ltd]) then?...

[3] although cf. the very principles, espoused by the High Court, in the infamous case of *Project Blue Sky Inc v Australian Broadcasting Authority* [1998] HCA 28; 194 CLR 355, which I'll come back to, shortly, below, herein then. ...

[4] i.e. notwithstanding that; in the very terms of the said proposed public notifications then; submissions were actually open to be lodged-with yourself (as the *assessment manager*) at the CTRC then-up until midnight on the last 14th of June; and; with reference then, to the very statutory *rules*, of clause-(a), and the terms of the very introduction to, subsection-(1), of Section-No. 38, of the *Acts Interpretation Act* 1954 (Qld) [the AIA]. ...

[5] i.e. in accordance with, ah, subclause-(ii), of clause-(d), in the definition, of the very terms of, ***Confirmation notice***, as set down in the Schedule 4, to the DAR, anyhow?...

[6] on an only publicly unknown date then. ...

[7] as I say, apparently, as in force, under Part 4, of Chapter 3, of the Act?...

[8] i.e. pursuant to Rule-No. 17.2, of Section-No. 17, of Part 4, of the DAR, which, I'll just sort of hasten-or kind of *haver* (if you like) then-to note, further, t to

[9] which, in context, albeit then, merely relates to, e.g. the very particular matters, specified in; clauses-(c)-(d)-and-(e), of Rule-No. 17.1, of Section-No. 17, of Part 4; and; in this very sort of matter then; the ***Specifications for public notice in a newspaper***, set down, under the very heading, in such terms, then, in Part 2, of the Schedule 3, to the DAR: and that is to say: do not necessarily relate to, e.g. the said requirements to be specified in a *confirmation notice*, pursuant to, the said subclause-(ii), of clause-(d), of the very said definition, of such terms, as set down in, the Schedule 4, to the DAR, or, for that sort of matter, even the said requirements, of *at least... 15 business days*, as literally set down, on the very face of the Act, in subsection-(4), of Section-No. 53, thereof, then; you see?...

[10] although, I would hasten, to sort of counter, then, by pointing out that, it was not for, a mere *minor change*, and indeed, attracted the usual requirements, of *public notification*, under the Act, indicating the significance of the matter, in such regards then. ...

1. in terms of the very true spirit of the purposes of the Act, Ecologically Sustainable Development (ESD)[11], is to be achieved, inter alia, e.g. by-not merely allowing for but practically requiring-meaningful *public participation in the decision-making processes of government*[12]; and;

whilst;

1. the *ordinary meaning*[13], of the terms of, *at least*, as set down in, the clause-(b), of subsection-(4), of Section-No.53, of the *Planning Act 2016* (Qld) [the Act], may[14] be determined, by reference to, an English dictionary, and what is more then, most reputable publications (like the *Oxford*, but, see also, the *Macquarie* then) would define, such terms, to denote, *not less than*, and/or, *at a minimum*, indicating, it seems only reasonable to conclude, not the least of all, in light of the said purposes of the Act, then, how, the very legislator, might be seen, to have expected, that, as a general rule, the very public notification, of e.g. proposed development applications etc.-i.e. requiring impact assessment under the Act[15]-like this one, would invite, members of the general public, to make written submissions, to the *assessment manager* concerned, to be received then, in a *submission period*, of, a minimum of, *15 business days*[16], namely, no less than that, anyhow, moreover, usually then, not insubstantially, more, than such;

moreover;

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[11] re the references to, so-called ***Ecological sustainability***, in Section-No.3, of the Act, which is embedded in, an international, and domestic, legislative framework, revolving around the very concept-or international conventions-of ESD, arguably (i.e. in light of the very *extensive States' practices*-of seeking to implement same in Australia), giving rise to, a customary common law, of the very (once anyhow) internationally agreed *principles and objectives of ESD*, then. ...

[12] and, see then, subclause-(iv), of clause-(f), of Section-No.4, of the Act, read in the very context of, clause-(b), of subsection-(2), of Section-No.5, thereof, which literally provides that, a*dvancing the purpose of*...the *Act includes...providing opportunities for the community to be involved in making decisions* [and, see also then, the very additional sort of context of, clause-(c), of the definition, of so-called *ecological sustainability*, in the subsection-(2), of Section-No.3, of the Act...].

[13] see the definition, of the very terms, of ***ordinary meaning***, set down in, Section-No.14B, of the *Acts Interpretation Act 1954* (Qld) [the AIA] (and see, also then, Section-No.14A, thereof). ...

[14] i.e. in accordance with the usual practice, as espoused in the pertinent case law then. ...

[15] and, see then, the requirements of, clause-(a), of subsection-(1), of section-No.53, of the Act.

[16] i.e. *15 business days after the notice is given* [see, subclause-(iii), of the said clause-(b), of subsection-(4), of Section-No.53, of the Act], which, in this instance anyhow, in terms of subsection-(5), of said Section-No.53, of the Act [and, see also then, the introductory words, to subsection-(1), of Section-No.38, of the AIA], would see, the said-mandatory [see then, the use of ,the very term of, *must*, in both, the introduction to the subsection-(1), and, the introduction of the subsection-(4), of said Section-No.53]-minimum *submission period*, commencing on, the very day following, the day that the notice-in question-is published, in the newspaper concerned, then.

2. even more technically speaking then, that sort of ambiguity, might just be settled, more definitively, and only in favour of the very public interest, not to mention, whilst being seen to be, only more in keeping with, the very said beneficial effects, of the Act, that the legislator obviously intended (with such said-literally spelt out-objectives-or purposes) then, by reference to, the said provisions of, the DAR[17], which, provide that;

> (i) a ***Confirmation notice*** *is a notice that must state:...*
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> *(c) whether part 4 is applicable to the application;*
>
> *(d) if part 4 is applicable, the notice must also state:*
>
> *(i) the public notification requirements; and*
>
> *(ii) the* ***public notification period****;...*[18]; and;

whilst;

> (ii) for a *properly made application*, pursuant to, Rule-No. 2.2, of Part 1, of the DAR, t*he assessment manager must give the applicant a confirmation notice if...the application requires public notification*[19]; and;

that, clearly then, bestow upon, the very assessment manager concerned, a *discretion, to be exercised*, under the very said statutory scheme, of the Act, itself, then, in each and every particular instance, of a proposed development application-that is deemed to be a *properly made application* (under the DAR) anyhow, to direct that, a ***public notification period***, of a certain number of days, not less than, and at a minimum then, of fifteen business days, be allowed for[20]; and;

what is more, to the very point then, and, especially given, the seemingly very notorious history-or common (public then) knowledge-of these sorts of matters[21], I, for one, would

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[17] like I say, as apparently in force, under Sections-No.68-and-No.69, of Part 4, of Chapter 3, of the Act. ...

[18] and, see then, the definition, of the very said terms, of ***Confirmation notice***, set down in the said Schedule 4: Definitions, in the *Development Assessment Rules – version 1.3* (Qld).

[19] and, see then, clause-(a), of said Rule-No. 2.2.

[20] and, indeed, as I say, or, have just alluded to, already then, the assessment manager concerned, would appear to be, practically duty bound then, not the least of all, in light of, said objectives, of the Act, and/or, the very ordinary meaning of, the said terms, of *at least*, as set down in, said subsection-(4), of Section-No.53, of the Act, to consider to only direct, that a *public notification period*, of a number of days, like I say, not insubstantially, more than, fifteen business days, shall be required, for the most-or i.e. in the majority of cases, then.

[21] i.e. as I seem to recall, anyway, notwithstanding other things (like the-at least marginally-longer *public notification periods*, that-in recent times anyhow-might be seen to have been publicly notified, for the

think it only reasonable, to say, to the very effect of that, the said proposed submission period, in respect of this very matter-of the said proposed Change Application (with the Application ref: MCU2022/0011), ought to, in hindsight anyhow[22], be seen as, only having been insufficient, to achieve the necessary compliance, with the very statutory requirements, of the Act, and, especially then, if one, taking the *contextual approach* to statutory interpretation[23], considers[24] that, at page-No.2, of the kind of supplementary explanatory notes, for the Planning Bill 2015[25], the then Deputy Premier and Minister for Infrastructure, Local Government and Planning, the Hon. Jackie Trad MP, indicated;

(a) "*Clarification* of several clauses is required *to ensure* the *correct interpretation of* the *policy intent* by users (with the italics added, for particular emphasis, herein, and see, at the very first two lines, of said page-No.2, then);

moreover (i.e. in the very third paragraph, of said page-No.2);

(b) "Several *submissions* received by the (then Infrastructure, Planning and Natural Resources) Committee on the Bill[26] *requested that a longer public notification*

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establishment of certain places of worship, which, I hasten to add, one might, only reasonably, appreciate, would be, of a far more, private sort of nature, in any event...), well, it's no secret that, e.g. proposal about the establishment-and/or merely any extended level of-a so-called *Intensive Animal Industry* related action (and especially, with the *environmentally relevant activities* involved, then), attract quite a deal of *controversy*, in the very *popularists' press* anyhow, and hence, practically mandating, to the effect of that, considerably more time ought to be allowed, in the very public notification thereof, for the general public, to research, prepare, and lodge, their very written submissions, upon same !?! ...

[22] moreover, despite even, any supposed *overriding need*, to sort of, *get back on track*, or, that is to say, veritably *fast track*, almost anything, and everything, in the wake of the economic downturns, of the last two years, as a result of the declaration of the pandemic. ...

[23] i.e. which is time-honoured, in the very pertinent case law, and, now enshrined, in e.g. in the very definition of, the terms of, ***ordinary meaning***, set down, at the conclusion to, Section-No.14B, of the AIA. ...

[24] i.e. with reference to, e.g. that part of the definition, of the terms of ***extrinsic material***, set down in, clause-(e), of subsection-(3), of Section-No.14B, of the AIA, and, subsections-(1)-and-(2), thereof, which, inter alia, allow for reference to be had to, the *explanatory notes*, to an Act, e.g. wherein a *provision is ambiguous or obscure*, or even, merely *to confirm the interpretation conveyed by the ordinary meaning of* such. ...

[25] which, as so amended then, was finally enacted, to become the very Act, itself.

[26] and see, e.g. the comments quoted from the (so-called) Queensland EDO's submissions, not to mention, the said Committee's formal comment then, at page-No.32 of, the then Queensland Parliamentary Infrastructure, Planning and Natural Resources Committee's Report No. 23, to the 55th Parliament, of April 2016, all of, the very details, of which, with reference to, e.g. clauses-(c)-(g)-and-(h), of Section-No.14B, of the AIA, read in the very context of, Sections-No.9-and-No.50, of the *Parliament of Queensland Act 2001*, and then, how such, would also be, pertinent *extrinsic material*, similarly, indicate that, the very policy clarification, of the said late hour insertion, of the public notification period, into the provisions of, subclause-(ii), of clause-(b), of subsection-(4), of Section-No.53, of the Act, being expressly, both, *at least*, and, *more than 15 Business days*, is not necessarily to be taken, to be just limited to, only informing, the very interpretation of, those said provisions, but, at the very least, would include-or reflect (as I say, generally anyhow) upon-the interpretation, of what the legislator would have just had in mind, itself, then, as regards, its deployment of, the words of (*at least*) *15 business days after the notice is given*, as (with the very said introductory words, thereto, then) set down in, the said provisions of, subclause-(iii), of clause-(b), of subsection-(4), of the said Section-No.53, of the Act, too, then!...

period apply to particular types of development applications. Under the Bill *the standard public notification period is 15 business days*. The Bill provides for a *regulation to prescribe a notification period for applications for which a different notification period is appropriate, but does not state any minimum period.* An *amendment clarifies that the public notification period prescribed by the regulation must be more than 15 business days*, thereby *ensuring that a shorter period cannot apply* (i.e. with the footnote, and-the italics and-underline-for particular emphasis then, added, herein)"; and so;

I would only submit then, that[27], notwithstanding any lack of a judicial determination, in point, e.g. by way of a judicial review, of your purported *exercise of a discretion*, under the said subsection-(4), of Section-No. 53, of the Act, and, as I was about to say then, well, the very kind of *jurisdictional facts*[28], of an only proper, public submission period, having been, firstly, lawfully concluded, under the said apparent requirements, of the Act, has apparently[29] not eventuated, in this very instance[30], moreover, can not, actually be completed, in the terms

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[27] notwithstanding how, at the third paragraph, in page-No.68, of the very initial *explanatory notes* to the Planning Bill 2015 tabled 12/11/15), it was indicated that;

(i) "The assessment manager may assess and decide a development application even if there have been some noncompliance with the requirements.";

whereas, the said notes, immediately go on to explain then, that;

(ii) "However, the *assessment manager must be satisfied* that the *non-compliance* with notification requirements, has *not adversely affected* the *public's awareness of the development application or restricted their opportunity to make a submission* (italics added)"; moreover;

even though, at the very fourth paragraph, in said page-No.68, the notes say;

(iii) "Giving the *assessment manager discretion to continue* with the assessment of a development application *even where* there has been *some procedural non-compliance* ensures potentially unnecessary and costly litigation is avoided (italics added).";

those words, are immediately preceded, and thereby seemingly only tempered, by, the following sort of stipulations;

(iv) "Public notification requirements are detailed and prescriptive and whilst suitable for many development applications, *there are circumstances when* these *requirements would be unduly onerous or may not give effective public notice* (italics and underlines added)."; and;

so, the said, implied granted discretion, to waive, some-sort of only arguably insignificant-degree of, *procedural non-compliance*, with the requirements, of the Act, for public notifications, only arises, in favour of natural justice, i.e. for the very members of the general public, to have greater opportunities, to receive such notice etc., or otherwise, if there has, demonstrably been, some kind of reasonably evident *oppressive* sort of *duty*, put upon the applicant concerned, in the course of their seeking to achieve, full compliance, with such requirements, you see.

[28] or, if you like, *condition precedent*, then, but, anyhow, whilst I would only submit, that, it is, in Australian law, actually an *objective jurisdictional fact*, e.g. cf. *Inkerman Station Pty Ltd as Trustee for the Inkerman Station Trust v Allan &* Ors (No. 2) [2017] QSC 243. ...

[29] i.e. to be only reasonable, in all of the relevant circumstances, then. ...

[30] and, on my calculations then, i.e. in light of, the very provisions of, clause-(iii), of subsection-(4), and, subsection-(5), of Section-No.53, of the Act, which indicate that, the very public notification period, is to be calculated, from the day after the notification, in question, is published, not to mention then, those of, the various clauses of, Section-No.38, of the AIA, the proposed submission period (of 23/05/23-14/06/23), in the said public notification-of the said proposed Development Application, which was, itself, like I say, apparently

of, the said proposed public notification (of 22/05/23), and, apparently then, that would only have left you[31] with, no option, now, to purport to go ahead, and thereby, perform the very role, or functions, of an assessment manager, under the Act, who might, otherwise then, have proceeded, to determine the matter-of the said proposed Change Application (App Ref: MCU2022/0011), and, subsequently then, just promptly issued a proposed Decision Notice, for same, you see, Assessment Manager-of the Charters Towers Regional Council (CTRC) ?

And so, consequently, it would only seem to logically follow, in my humble view, then, that, the very *jurisdictional facts*, of compliance, with such mandatory requirements-of the Act-for public notification of development applications etc., having not been achieved, in this instance, you[32] would seem to be only left with, no option, in order to performing the very role, or functions, of an *assessment manager*, i.e. that you (or the very administration of the CTRC then) might otherwise have had, then, and that is to say, beyond, with due consideration, for these sorts of (if you like) technical matters[33], which I have now raised, in this very letter of submissions, formally agreeing, to the effect of that, the matter (of the said proposed Change Application) has become, practically, like, aborted, almost from the very get go, or that is, to determine that, the very would-be development assessment process, for the said proposed Change Application (App Ref: MCU2022/0011), has become, only *ultra*

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published, on the very last 22nd of May (i.e. meaning that that day, itself, would be excluded from the calculations, by all of the said provisions, i.e. in both, the Act, and, the AIA), would appear, to only add up, to be, as I say, a mere sixteen *business days* (i.e. because, as per, clause-(a), of subsection-(1), of said Section-No.38, of the AIA, regardless of, whether or no, the legislation, in question, specifies a number of *clear days* [i.e. requiring all days, and not just *working days*, to be factored into the equation; and see; the very third definition, of *clear days*, at the URL of, "https://www.lawinsider.com/dictionary/clear-days", then], the only true equation, requires the calculation of, the *specified number of* [*business*] *days, by excluding the day on which the purpose is to be fulfilled* [i.e. the very next 14th of June, in this very instance then]), and, that is to say, a mere day more than the said literally prescribed minimum, to be observed, in any event, and, like I say, that presumably-and especially for such rather more *publicly sensitive* and technically framed matters (such as the one-once anyhow-so purportedly afoot, herein) then-would have been envisaged (by the very legislator then) to have generally (at any rate) been substantially longer (than just that), you see?...

[31] or, if you like, the very administration of the CTRC, anyhow, i.e. as the *Assessment Manager* concerned, then.

[32] or, as I say, if you like, the very administration of, the CTRC, anyhow, i.e. as the *Assessment Manager* concerned, then.

[33] which, is to say nothing, as to, the very requirements for natural justice (re *the fair hearing rule* etc.), for the benefit of, members of the public-at large, in terms of their having an only truly open and transparent disclosure, of all pertinent information (or, at least, the details of, the very Development Application-or what-have-you-concerned, and, *material in support* thereof, then), throughout the whole of, an only fully complaint, *public notification period*, with which, such might be better informed, in order to just drafting up their respective proposed submissions (re also the constitutional requirements of Free Speech, in the very Australian Constitution; and, see further, e.g. then, the *obiter dictum*, which may be summarized, by refence to, the very paragraphs-[10]-and-[21]-through to-[23], in the joint judgement of, French CJ, and, Gummow, Hayne, Crennan, and Bell JJ, in the report of the high Court case of *Wotton v Queensland* [2012] HCA 2; 246 CLR 1; 86 ALJR 246; 285 ALR 1, which indicates, how, even administrative decision-makers, at a State level, would be bound to defer to, such constitutional principles-e.g. of Free Speech, when purporting to administer matters, under an enactment. ...).

vires, as I say, almost *ab initio* then, and, even in the apparent absence of, any express provisions, in point, in the very regulations, ought to be[34], publicly declared, as formally set aside-or *cancelled* (or the like)[35].

Now, I would just hasten, to point out further then, that, in my opinion anyhow, whilst, ordinarily, should it have come to the event, in this very instance, that, the applicant, did not issue, a fresh public notification, effectively providing for, an only proper submission period, leaving the application to lapse, under Rule-No.31.1, in the DAR[36], then, such would have had, the very opportunity, to revive the application, subsequently, under Rule-No.31.2, thereof, well, even that, would seem to be, to say the least, somewhat problematic, herein, now, given that, as I say, there has apparently been, no compliance, from the very outset, by yourself, or, that is to say, the very CTRC, as the Assessment Manager concerned then, with the said mandatory requirements of the regulations, for the prompt pubic notification of, the very application and supporting material[37], of the said proposed Change Application[38], leaving, I would submit then, the DAR, which are silent, on such sort of point, or very kinds of defects, in the development assessment process, then, practically redundant, altogether,

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[34] i.e. without reference to myself, nor even, the very fact of, my having-or having not then-lodged this said proposed *properly made submission*, upon the matter, then (for, as I say, I only hold to my rights, under the said *privacy principles*, of the IPA, and, see the said **Endnote** below, then).

[35] and, see then, e.g. clause-(c), of Section-No. 275, of the Act, which, obviously anticipates then, that an assessment manager, would have such a power-or authority, under the Act, even in the absence of express provisions, regulating same, in the very regulations, then, and that is to say, more broadly than, just in relation to, *applications to register premises*, under Part 4, of Chapter 7, of the Act. … (and, again, see also, in point, the very general regulations-making power, prescribed by, subsection-(1), of said Section-No.284, of the Act)

[36] which, in and of itself, might just seem problematic, for, even if, the applicant, now published, public notices (with-as I say-comparable distribution) proposing to change or withdraw the said proposed one (of 3/03/22), for that sort of purpose, that kind of thing, despite the express provisions of, Section-No.52, of the Act (which must be read *in context*-e.g. of the requirements for public notification-in Section-No.53 thereof, at all events), and, notwithstanding then, things like, the said provisions of, subsection-(8), of Section-No.53, and see, especially then, the sort of, saving provisions, of subsection-(7), thereof, would possibly seem to leave, in some question then, any submissions made *in the interim*, or that is, at all, in response to the initial-or very first notice (in point), which, I would argue, even right up to, the very end of, what would have been (again, similarly, in my own words then) the very *prescribed period*-of the *public notification period*, ought to only be formally accepted, by the assessment manager concerned, and acknowledged, as *properly made submissions* then, even if, no later attempt, to *revive*, or otherwise renotify-and/or what-have-you (or whatever), in respect of the very matter, eventuates, then. …

[37] etc., to boot, perhaps then, that is to say ? …

[38] A matter which, I don't think, could reasonably be seen, to be ousted by, even the express provisions of, the proposed Rule-No.25.1, in the DAR, for, e.g. the provisions of Section-No.52, of the Act, must be read, in the context of, those of, Section-No.264, of the Act, and any regulations, made thereunder, or, at any rate, the very said DAR, must conform to, the policy of, both, the Act, and the regulations, and, I, for one, would put it to you, that, even if, a change is made, to a Development Application, pursuant to said Section-No.52, then, the assessment manager concerned, would remain legally obliged, to continue to so publicly make available, the very material, initially made available, at the very least, up until, the new material, with the changes (in point), is similarly made publicly available, and likely even, until the application, itself, is decided, and the appeals periods have exhausted etc.-as per the usual requirements of the Act then. …

herein, now, meaning, that is to say then, that you don't really seem to have, any option, but to, formally declare-or advise the applicant and the public (in general terms anyhow[39])-to the effect of that, the said proposed Change Application, is no longer a live matter, i.e. has effectively become, only *null and void* (if it wasn't, as I say, practically so, *ab initio*, then).

And so, while, even if, one could be only reasonably seen, to have kind of surmounted-or just be in any position to overcome, that sort of hurdle, herein, then, and, presuming that, your purportedly issued[40] *confirmation notice*, did, in fact, only so erroneously then[41], purport to literally direct, to the effect of that, only sixteen *business days* might be allowed, or maybe even, alternatively-like-then, that such would be sufficient (sort of thing), for the very *public notification period*, of the said proposed Change Application (of 19/08/22), as I say, in such an instance, as this, such proposed directions, would not appear to be, just in keeping with, the specified purposes of the Act, even if, one might propose to argue, to the effect of that, like I say, read only so in isolation then, the literally read, kind of *dead-letter-of-the-law* (as they say), of the very provisions of, said subclause-(iii), of clause-(b), of subsection-(4), of Section-No.53, of the Act, might seem, prima facie anyhow, to justify same, and therefore, your said *confirmation notice*, would only appear to have been, null and void (or, at the very least then, voidable), however, given what I've said, above, herein, already, as regards, how, you-or the very CTRC anyhow-would seem to be, kind of *locked in*, to doing something, firstly, anyhow[42], with-or about then-the very matter of, the said proposed public notification (of 22/05/23)[43], I don't think that, you, or through the very CTRC, the said would-be applicant, then, could look to, things like[44], e.g. the kind of string of cases of, *Drake v*

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[39] i.e. without mentioning my name-or *identifying particulars* (more broadly speaking) then, or even, the mere fact of, your having received, this very letter of submissions, and, again, similarly, see the said **Endnote,** below, herein, then.

[40] i.e. pursuant to, clause-(a), of Rule-No.2.2, of Section-No.2, of Part 1, of the DAR.

[41] and, that is to say, failing then, to exercise the discretion granted under the Act (or very said provisions of the DAR anyhow), to determine, whether or no, to direct that, only a *public notification period*, greater than, the said prescribed absolute minimum-of *15 business days*, should be notified, and/or, merely purporting to direct, for only such a bare minimum (to be allowed)-or (alternatively-like) that such may just have been sufficient (in any event), on the basis of, some sort of predetermined *in house* policy (i.e. an *irrelevant consideration* then), and/or, for some other sort of *improper purpose*-or the like. ...

[42] although, it only seems to stand to reason then, that you would, best, be just waiting, first, for the said purportedly notified submission period (and then some, perhaps) to kind of run its full course then, in order to seeing, just what you might receive, from the very public-at large, then ? ...

[43] i.e. being, as I say, insufficient, to be seen to be complying with, the very purposes, and, in that very context etc., *ordinary meaning* of, the said statutory requirements, of the Act, but, nonetheless, having to, at least *run its course*, if not just a little bit more (to be only sure-i.e. to have kind of exhausted the only true prescribed minimum *public notification period*), then.

[44] i.e. wherein, notwithstanding the observations in paragraph-[30] thereof (see also, the very reference, pertinent herein then, to *practical injustice*, in the paragraph-[32], of said case), at paragraph-[29], in the report

Minister for Immigration & Ethnic Affairs (1979) 2 ALD 60; 24 ALR 577, *Craig v South Australia* (1995) 184 CLR 163, and, *MZAPC v Minister for Immigration and Border Protection* [2021] HCA 17[45], in order to[46], just simply amending, or rescindig, and subsequently re-issuing then, your said purportedly issued (under the very DAR then) *confirmation notice*, in respect of the very matter of, the said proposed public notification (of 22/05/23).

So, finally, like, for now, anyhow, then, it would be my submission, to the very effect of that, on any only reasonable view, this has, all, sort of shaped up to be, not merely a matter of, just one or two, merely technical-or purely just sort of procedural non-compliance related-incidents, but, to the contrary, veritably, so many, substantial technical defects, resulting, as I say, in substantive denials, of natural justice[47]*, not to mention, similarly substantive breaches, of the very statutorily prescribed, and customary common law, requirements, for the said principles and objectives of ESD, as to evidence, on the very face of the record-or*

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of the latter mentioned case, of *MZAPC v Minister for Immigration and Border Protection*, Kiefel CJ, and, Gageler, Keane and Gleeson JJ, said;

> "The constitutionally entrenched jurisdiction of a court to engage in judicial review of the decision, where that jurisdiction is regularly invoked, is no more and no less than to ensure that the decision-maker stays within the limits of the decision-making authority conferred by the statute through declaration and enforcement of the law that sets those limits. To say that the decision is affected by jurisdictional error is to say no more and no less than that the decision-maker exceeded the limits of the decision-making authority conferred by the statute in making the decision. The decision for that reason lacks statutory force. Because the decision lacks statutory force, the decision is invalid without need for any court to have determined that the decision is invalid (footnotes omitted then)"; and;

see, also then, how, in *Plaintiff S157/2002 v The Commonwealth* (2003) 211 CLR 476 [at 506], Gaudron, McHugh, Gummow, Kirby and Hayne JJ, referring to the *Migration Act 1958* (Cwlth), said that, a decision affected by jurisdictional error, cannot be regarded as, *a decision ... made under* the *Act"*, and, went on to say (at 506) then, that, the very High *Court has clearly held that an administrative decision which involves jurisdictional error is 'regarded, in law, as no decision at all'.*

[45] *or even,* the case of *Minister for Immigration and Multicultural Affairs v Bhardwaj* [2002] HCA 11; (2002) 187 ALR 117, wherein, the High Court found that, in a case of a mere administrative decision-maker, purporting-erroneously then-to have made decisions, which are, really, only invalid, such might simply be *ignored*, as nullities, then; i.e. even in light of, e.g. what the paper, entitled *Don't think twice? Can administrative decision makers change their mind?*, by Robert Orr and Robyn Briese, published for the AIAL Forum-No. 35 (a copy, of which, may be located at, the URL of: "http://www5.austlii.edu.au/au/journals/AIAdminLawF/2002/14.pdf"), proposes to observe, as regards, the *availability of judicial review*; moreover; the extent of the powers-or authorities then, under the Act, expressly granted to Assessment Managers, pursuant to, e.g. subsection-(1), of Section-No.23, and/or, clause-(a), of Section-No.24AA, of the AIA, as I'll just go on to explain, in the very footnote-No.48, below, herein, then.

[46] e.g. proposing to look to, the said provisions of, subsection-(1), of Section-No.23, and/or, clause-(a), of Section-No.24AA, of the AIA, which, I'll just hasten to note then, by way of Section-No.4, thereof, may well be seen, to only have its very *application*-in any event-*displaced, wholly or partly, by a contrary intention appearing in any Act*, and, as I say then, considering the said matters, herein, overall, the very policy of the Act, in point, in the circumstances, would seem to only do that, insofar as, that, the other-former mentioned then-said provisions, of the AIA, may be argued, in isolation sort of thing, to have, maybe, *strictly speaking*-like, been applicable, herein then. ...

[47] to potential participants (in the very proposed decision-making process then), or, i.e. members of the general public-at large-then.

currently publicly available material (and very related absence, thereof, to boot)-then even, that, even so-called substantial compliance, with the very said only literally read requirements of the Act, itself, could not reasonably be argued to have been just achieved, herein, and while, I would hasten to remind you, of what, His Honour, Justice Brian J Preston, the Chief Judge of the Land and Environment Court of New South Wales, once said[48], and that is;

> *An administrative decision-maker cannot give itself jurisdiction by a wrong finding of jurisdictional fact. Either the fact exists objectively or it does not; either the decision-maker has jurisdiction or it does not*;

well, I would say, further then, that, these matters, seem to unequivocally be, those of, veritably *hard edged question*s, and that is to say, leaving, no room for argument, on the part of the CTRC-or yourself then, to the effect of that, the prescribed *public notification period*, alone, may be seen to have been concluded, within the proposed terms of the said proposed public notification (of 22/05/23), or, for that matter, even that, there might have been-compliance (with the Act) otherwise (then) and-a fair opportunity (in keeping, to boot, with the said principles and objectives, for only ESD, to be achieved, then), for members of the public (or potential participants thereof then) to enjoy (so to speak) their rights (under the Act) to participate-in the very decision-making process (of the said proposed development assessment process) under the Act, in this very instance then, or, that is to say, to argue, to the effect of that, there might be, any way, at all, now, of your (or the very CTRC), validly proposing, to proceed further, with the matter of the said proposed Change Application (App Ref; MCU2022/0011), under the Act, save and except, after, the matter, is only, like I say[49], set aside, or cancelled, or otherwise, withdrawn sooner[50], and, if it should so choose to do so, then, the applicant-or some other applicant then-subsequently lodges, a fresh development

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[48] i.e. in the very terms of, The Honourable Justice Brian J Preston (Chief Judge, Land and Environment Court of New South Wales)'s paper, presented to, *The Joint Seminar on Legality of Administrative Behaviours and Types of Adjudication* (organised by the National Judges College and the Administrative Trial Division of the Supreme People's Court at Xian, People's Republic of China, 11-13 April 2006), entitled *Judicial review of illegality and irrationality of administrative decisions in Australia, a hard-edged question.*

[49] and that is to say, only immediately upon, the conclusion of, what would be only seen as, the very *prescribed notification period*, in relation to such proposed public notifications, which, I hasten to add, ought to only be seen as, up to and inclusive of, some not inconsiderable time after, say, e.g. the next 22nd of August, if not, as I say, not inconsiderably later, than just that, then. …

[50] but, well, even then, I dare say that, you would, best, only rightly then, continue to accept any (otherwise) *properly made submission*s, that might just be received, in the said only *prescribed notification period* (and see, the very footnote-No. 49, above, then).

application, anew, under the Act, and begins the whole development assessment, over again[51].

Well, as I say, aside from, the very further details, of my, sort of caveat, as regards, my rights, under the said *privacy principles*, of the IPA, set down in, the said **Endnote**, below, herein, then, that would just about conclude, my comments, herein, for now anyhow, and while, you would certainly be free, to contact me, at the above given residential address, should you have any queries, about these matters, and, please, do get back to me-in writing, in the fullness of time, to advise me of, your determination-under the Act-to accept this material, as a *properly made submission*, in relation to the matter of the said (once anyhow) proposed Change Application, well, I also ask, then, that you have your staff, promptly get back to me-(likewise then) in writing, in the meantime, so as to just confirm, the CTRC's very receipt of, this very letter-of proposed submissions-then.

Thank you then, for your consideration of these matters.

Yours faithfully

Mr. William "Bill (Billy)" Peter Tait

Endnote:

So, whilst, like I say, even in, formally lodging, this proposed *properly made submission*, with yourself (or, if you like, the very CTRC, as the Assessment Manager concerned then), I do not waiver from, my said rights, under the said *Information Privacy Principles*, of the *Information Privacy Act 2009* (Qld) [the IPA][52], which means, inter alia, that, there shall be

[51] and, provided, that is, that, this (and any other *properly made submission*, received accordingly, in the meantime, kind of thing, and see footnotes-No. 49-and-No. 50, above, then) is (or are then) only formally sort of carried over, into that sort of process-*de novo* (otherwise), then.

[52] nor, shall this, said sort of caveat, be taken, in any way, as if to, maybe constitute, some sort of attempt, to withdraw-at all-from my said *properly made submission*, herein.

no consent (i.e. whether, such sort of thing, might have, otherwise, been argued, to be, expressly, or, impliedly, given) arising, out of the mere fact of, my having so lodged this letter of submissions, nor, for that matter, the CTRC, subsequently then, having formally determined that, it constitutes, a *properly made submission*, then, so, the CTRC, has no right, in any event, to disclose, any of my *personal information*[53], contained in this said proposed *properly made submission*, and what is more, as to any argument, simpliciter, like, along the lines of, that, maybe, you, or the CTRC, as the Assessment Manager concerned then, might seem to be bound, to do that sort of thing; or; you know, even if, just for argument's sake, say[54], ought to have-only best then-be seen to be, sort of doing me the courtesy, of following the very rules[55], and asking first, then, but, kind of inevitably, at the end of the day, sort of thing, then, might only be seen, as if entitled, as of right, to publicly post up, all, or any, of my said *personal information*, on the CTRC's website, say, e.g. (i.e. purportedly then) in accordance with, clause-(a), of subitem-(1), of Item-No.7, in Part 2 of, the Schedule 22, purportedly in force, under Regulation-No.70 of the *Planning Regulation 2017* (Qld) [the regulations][56], not to mention, Section-No.264 of the Act then; well[57];

(i) to put it bluntly, whilst the regulations, are certainly, a *statutory instrument*, within the meaning of, the very terms of, Section-No.7, of the *Statutory Instruments Act 1992* (Qld) [the SIA][58]; and;

what is more, to the very point, then;

(ii) in accordance with, the clause-(a), of subsection-(1), of Section-No.21, thereof (i.e. the SIA)[59], a *statutory instrument is to be interpreted as operating to the full extent of, but not to exceed, the power conferred by the law under which it is made*[60]; well;

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[53] and, see then, the very definition, thereof, in (the pertinent case law and) Section-No.12, of the IPA, moreover, the reports, in the cases of, *Privacy Commissioner v Telstra Corporation Limited* [2017] FCAFC 4 (19 January 2017), and, *EIG v North Sydney Council* [2021] NSWCATAD 313, for example.

[54] i.e. I say, as always, of course, without waiver, nor with, any prejudice, to myself, whatsoever then.

[55] i.e. in light of, e.g. then, the requirements of, said clause-(a), of subsection-(1), of **IPP 10**, effectively for, inter alia, an *agency*, i.e. holding a person's *personal information*, to first obtain the said person's (only freely given then) consent, for any proposed disclosure of such.

[56] and see, in particular then, clause-(d), of subitem-(1), of the Item-No.5, of the said Part 2, of said Schedule 22, which, refers expressly to *any properly made submission about an application* (or Development Application-under the Act-then), and, is one of the very subjects of, said subitem-(1), of said Item-No.7, then.

[57] whilst I would hasten to add, to the very effect of, that, likewise, the said clause-(d), of subitem-(1), of the said Item-No. 5, in the said Part 2, of the said Schedule 22, does not expressly purport to set aside, any other legislation, and may only be read then, contingent upon, the very necessity to comply with, the requirements-and primary objectives (of protecting the privacy of individuals' *personal information*) then-of the said *privacy principles*-under the IPA. ... (i.e. especially given that, such express words, would be required, at common law anyway, even if, that is to say, e.g. subordinate legislation, was proposed to be being relied upon, for such sort of proposed amendment, then, which, as I seem to be informed, as a general rule, anyhow, it can't, or i.e. apart from, repeals of an Act, or mere commencements of provisions, the usual practice, is that, more involved sort of amendments, must only be made, on the very face of an amending Act, itself)

[58] and see, then, the very first dot-point, in the list, set down in, subsection-(3), of said Section-No.7 of the SIA.

[59] see, similarly then (i.e. whilst-technically speaking anyhow-such may not apply directly-but merely be seen as contextually relevant), subsection-(5) [and, not the least of all then, the very sort of limiting effects of, clause-(d), thereof], of Section-No.4 of the *Legislative Standards Act 1992* (Qld).

[60] i.e. referred to as, the very ***authorising law*** then; moreover; see also then, the context of, subsection-(4) of, the said Section-No.21, of the SIA.

(iii) despite the express-but merely general then-provisions of, subsection-(1) of, Section-No.284, of the *Planning Act 2016* (Qld) [the Act], allowing-(as I say) merely generally then-for regulations to be made, under the Act, or even, the more express terms[61] of, e.g. clause-(a), of subsection-(1), of said Section-No.264, of the Act[62], which, I'll just hasten to note, further, are only expressed in ambiguous sorts of terms[63], i.e. that-only reasonably read-do not intimate, to the effect of that, by way of such provisions, the very legislator, might have meant to just override, the said beneficial provisions (or-likewise-general effect thereof then) of e.g. clause-(b), of subsection-(1), of **IPP 11**, and/or, clause-(a), of subsection-(1), of **IPP 10**, of the IPA[64]; as I say;

(iv) the very definition, of what is to be taken as, a *properly made submission*, remains explicitly prescribed, on the face of, the very primary enactment, of the Act, itself, in the Schedule 2-Dictionary, thereto, which literally states;

"**properly made submission** means a submission that—

(a) is signed by each person (the submission-makers) who made the submission; and

(b) is received—

(i) for a submission about an instrument under section 18, a State planning instrument, or a designation—on or before the last day for making the submission; or

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[61] i.e. read, in the very context then, of clause-(c), of subsection-(5), of Section-No.264, of the Act, however, see also, especially then, the very ouster, i.e. explicitly left to the very discretion of *the person* concerned (i.e. an assessment manager, in this sort of instance, but, of course, only one acting reasonably, then), of clause-(a), of subsection-(6), of the said Section-No.264. ... {although, admittedly, such would-only reasonably-be of limited protection, herein, i.e. until e.g. clause-(h), of subsection-(2), of Section-No.63, of the Act, actually-if ever then-takes effect [i.e. when a valid Decision Notice is-if ever-issued], but, even that, seems limited to only certain entities being notified [and see, e.g. then, the discussion in the footnote-No.69, below, herein], whilst, the public notification, of such *identifying particulars* [i.e. in my words then], on the internet, does not seem to be included then, and what is more, to the very point then, at all events, as subsection-(7), of the said Section-No.264, of the Act, separately and specifically provides then, *the person need not disclose a submitter's name, contact details or signature.* [!!!]}

[62] and while, I might note further, that, the only other, kind of more specific references, in the Act, itself, to anything, that might be seen to come, anywhere near, this matter, would be, those of, the sub-clause-(ii), of clause-(b), of subsection-(4), of Section-No.53, of the Act, pertaining to the prescription of the timing of certain notices, moreover, clause-(f), of subsection-(1), of Section-No.63, thereof (but see, also, the comments, in the brackets, in the very footnote-No.69, below, herein, then), well, I suppose then, that it might just seem, only trite, of me, to allude, to such, not to mention, the said provisions of the said Section-No.264 then, and, the maxim of statutory interpretation, to the very effect of that, "the express mention of one thing impliedly excludes the other (or *expressio unius est exclusio alterius* then)".

[63] i.e. to the very effect of that, the subject, being envisaged, by the very legislator, then, included, matters, of the public disclosure of information, that an entity-exercising powers or functions under the Act, both, *must or may keep publicly available* (i.e. underlines added, for particular emphasis, herein), then, you see, sir ?

[64] and, by the same sort of token then, nor would it be-necessarily anyhow-implied, to the sort of effect, that, by way of such provisions-i.e. in (Section-No.284 and) Section-No.264 of the Act, e.g. regulations, might be simply made, under the Act, so as to, in a sense then (I suppose), kind of take advantage of, things like, the said provisions of, clause-(d), of subsection-(1), of **IPP 11**, or, for that matter, clause-(c), of subsection-(1), of **IPP 10**, in the third schedule to the IPA and/or, so as to, just kind of override, subsection-(2), of **IPP 9**, in the said third schedule to the IPA.

(ii) otherwise—during the period fixed under this Act for making the submission; and

(c) states the name and residential or business address of all submission-makers; and

(d) states its grounds, and the facts and circumstances relied on to support the grounds; and

(e) states 1 postal or electronic address for service relating to the submission for all submission-makers; and

(f) is made to—

(i) for a submission made under chapter 2—the person to whom the submission is required to be made under that chapter; or

(ii) for a submission about a development application—the assessment manager; or

(iii) for a submission about a change application—the responsible entity.";

which, as I'm sure that, you would only reasonably, be drawn to agree, makes no explicit, nor any necessarily implied, amendments to, the policy of, the IPA-and/or the very said *privacy principles* in force thereunder then, and that is to say, quite to the contrary, whilst such amendments only fall silent, on such matters, it may, in my humble view[65], only reasonably be taken, then, to be the very case that;

(v) apart from, how assessment managers are required to deal with the material, of *properly made submissions*, in the course of their deliberations, respectively, under

[65] and whilst, still, as I say, I do not purport to be, like, some sort of, bush lawyer, i.e. as if just maybe proffering *legal advice* (as such), herein, but merely, state my very own personal opinions, convictions, or beliefs, in a bona fide exercise of Free Speech, not to mention, the very public interest-or (like I say) I dare say, in the very course of, defending my own rights, at law, as I seem to see such, anyway, then.

the Act (and, e.g. then, taking note of, the very substance of, issues raised upon, the proposed-or perceived then-substantive matters, apparently pertaining to, a Development Application, and giving due consideration to same, or even, in accordance with natural justice etc., putting the-kind of only generally outlined [or at least *deidentified* then]-details, thereof, to a proponent, and/or a referral agency, in the formal course of, such deliberations, as per the usual requirements of the Act, otherwise then)[66];

(vi) it is the policy of, the said *privacy principles* thereunder etc., of the IPA, that operates, to regulate, how, the very *personal information*, of submitters[67], thereof (such *properly made submission*s then), is handled, and otherwise dealt with, then, by the agencies concerned[68]; and;

what I mean, in other words, by that very argument then, is that, even if, as the Assessment Manager concerned then, you (or the CTRC) might propose to suggest, e.g. something, along the very lines of, that, the literally read contents, of the said provisions, of the mere statutory instrument[69], absent any express provisions-or even any necessary implication[70], for that sort of thing, in the provisions of the very primary enactment, of the Act[71], might be argued, as if

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[66] oh, and, of course, the communicating of the very particulars, specifically stated in, clause-(h), of subsection-(2), of Section-No.63, of the Act, which are required then, to be communicated, to the persons specified etc., in the various clauses of, subsection-(1), thereof [although, I hasten to add that, in my view, whilst the AIA etc., does not seem to include, the general public, in the definition of, the very term of, *person* {being merely, natural persons, and, formally incorporated entities, then}, the very said, clause-(f), of subsection-(1), of Section-No.63, of the Act, never, in and of itself, anyhow, authorized, the making of regulations, for the kind of carte blanch posting up, of individuals' *personal information*, on the very internet].

[67] or, *submission-makers*, i.e. as alluded to in, clause-(a), of the said definition, of the said terms, of *properly made submission*, in the said Schedule 2-Dictionary to the Act. ...

[68] And, well, I'll just note then, how, while the initial Planning Bill 2015 (which, as amended *in committee*-to become the very Planning Bill 2016-eventually became enacted, as the kind of base, of the Act, then) included a clause-No.265, which literally read;

> **"265 Application of Information Privacy Act 2009**
>
> The *Information Privacy Act 2009*, section 5 applies to this part as if the reference to an individual were a reference to a corporation.";

well, that was deleted-or *omitted* (*in committee*) then, shortly before, the (said) amended version, of the Bill, was enacted, as the said *supplementary notes* advised (in the very third paragraph, at page-No.19, thereof, then), being only seen-in hindsight (sort of thing) then-as *redundant*, so, while, that said Section-No.5, of the IPA, literally stated that, the IPA, *does not affect the operation of another Act, and chapter 3* (thereof) *does not affect the operation of an administrative scheme, whether or not under an Act*, the inference, seems to be open to be drawn, not to mention, somewhat compelling then, to the very effect of that, with that very sort of turn of events, and, regardless then, of the sort of more technical, ins and outs, of the proposed reasonings, for such a turn about (i.e. relating to, the very definition of, *personal information*, etc., and, how such, does not readily transfer, to apply to, a corporation, as opposed to, simply *individuals*, then), the legislator, itself, may well be seen, to have sort of reverted to, an intention that, the said Section-No.5, of the IPA, would not apply, at all, and that is to say, that the very provisions of, the IPA, would, indeed, override, those of the Act, insofar as, the *personal information* of individual citizens (if you like)-or natural persons then, held by assessment managers, administering matters, under the Act, would be concerned, then, you see.

[69] i.e. of the said; clause-(d), of subsection-(1), of Item-No.5; and; clause-(a), of subsection-(1), of Item-No.7; in Part 2, of Schedule 22; purportedly in force, under Regulation-No.70, of the regulations; then.

[70] i.e. (as I say) even in, the said provisions of, Section-No.264, of the Act, which the said Regultion-No.70, was purportedly made under.

[71] but, as I say, see also, the very provisions of, the said subsection-(7), of Section-No.264, of the Act, which, I'll just hasten to add, could not, read only, in the context of, the said statutory provisions, in point, and, all of the only relevant *extrinsic material*, then, be reasonably argued, to have, maybe, like, *covered the whole field* (as

to have perhaps, either, somehow effected, amendments, setting aside the said beneficial provisions of the *privacy principles*[72], and/or (as I say) as if enlivening the said ousters therein[73]-*out of the blue* (as they say)-or (at any rate) carte blanche (as it were) then, or, be seen then, similarly, to have imported amendments, into the very said primary enactment, so that, in effect, the very said definition, of what is to be taken as, a *properly made submission*, in the said Schedule 2-Dictionary, in the Act[74], might only be read e.g. so as to include, certain additional requirements-like an additional *clause-(g)*-or other sort of legislative *note* then, to the effect of that, well;

> "**properly made submission** means a submission that—
>
> (a)...
>
> (f) is made to—
>
> (i)...
>
> (iii) for a submission about a change application—the responsible entity; and
>
> (g) shall not be taken to contain *personal information* for the purposes of the *Information Privacy Act 2009*. (i.e. with the dotted underlines, added herein, to highlight, the said seemingly only mythical, would-be additions-to the very legislative policy of the Act, then)"; or alternatively;

maybe even then, as I say, with just a *note* added, underneath the existing last *clause (f)*-of the said definition, like;

> "*Note-*
>
> For the purposes of ss(1)cl(c) of **IPP 10** and ss(1)(d) of **IPP 11** in Schedule 3 of the *Information Privacy Act 2009*, any *personal information*, contained in a *properly made submission* under this Act, shall be taken to be authorized for disclosure, to any other person or entity, or the public in general, in any way,

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they say), and, in and of itself, just sort of, ousted, altogether, the very beneficial effects, that the legislator obviously intended, the provisions of the IPA, to have, even in respect of, matters to be administered, under the Act., then.

[72] i.e. as separately in force, under the provisions of, the said other, primary enactment, of the IPA.

[73] which, as the common law (in point) would only provide, ought to only be applied, sparingly, at all events, and, without then, undue technicality-or the like-being proposed, as if to just thwart, said more beneficial effects-of the scheme of the IPA. ...

[74] and, see then, the provisions of, subsection-(5), of Section-No.14, of the AIA, which provide that, a schedule to *an Act, is part of the Act.*

including by electronic publication on the internet for the purposes of ss(1)cl(a) and ss(5)cl(c) of this Act..."; but;

well, obviously then, that sort of thing, would see, yourself (and the CTRC then), as the Assessment Manager concerned, and that is to say, merely then, an officer of the executive arm of government, at best, as if, kind of, *stepping into the very shoes of the legislator* (as they say), in order to, making up, the very would-be then, legislative policy, of the Act-and/or the IPA, yourself, which, on any, only informed, objective, not to mention, all reasonable, view, i.e. to be held, only in accordance with, the applicable rules of statutory interpretation, under the very rule of law, not to mention, likewise then, the doctrine of the *separation of powers*, and/or, limits, on the powers of the legislator (i.e. the Queensland Legislative Assembly then), to delegate, it's very own legislative powers, well, as I was about to say then, said would-be ad hoc amendments, to the very said legislative policies, do not appear, to have actually been put into, the very statute book, like I say, by the Queensland Legislative Assembly, itself, at this time, anyhow.

So, whilst, obviously, that sort of thing, just couldn't be lawfully[75] done, any proposal, to disclose, any of the contents of this letter[76], would-only reasonably-be seen to be, only, both, *ultra vires* (or beyond the very authority-or *powers and jurisdiction* [if you like]-granted to Assessment Managers, under the Act, and/or the IPA , then), and, in breach of, the very said provisions of, the IPA, then, moreover, as to, any proposed argument, to the effect of that, by doing to the contrary (i.e. disclosing any of my *identifying particulars*[77] to the applicant, and/or publicly, or otherwise, i.e. without, my knowledge, and, prior-expressly given-consent, for that sort of thing, then), you might later, only claim, as if, to have, maybe only been, like, acting, in *all innocence* (as they say)[78], still then[79], it would, only all reasonably, in all of the circumstances, too, I dare say, e.g. especially considering that-arguably at least-you would be

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[75] and, I'm sure that, neither, you, nor the CTRC, itself, would propose, then, to just exercise, the very said legislative powers, of the (purportedly anyhow) democratically elected Members, of the said Queensland Legislative assembly ? ...

[76] i.e. beyond merely paraphrasing generally, in your own words, the very gist of matters-or issues, set down in a *properly made submission* (like this one is proposed to be then), to be, so put to, only the (*interested*) parties concerned (like, referral agencies, and/or a proponent, then), in order to, just achieving natural justice, in the very development assessment process concerned then (i.e. even though, like I say, it doesn't seem that, the very CTRC, would have any authority, to proceed, further, herein, i.e. other than, to just clarify the said state of affairs-or very said apparent defects-in the proposed process-already, i.e. without disclosing my *identifying particulars*, nor even, the mere fact of, my having lodged these submissions, to any other, then).

[77] or even just, photocopies of, extracts of my submissions then, which, despite the proposed decision, in the case of *Tomkins and Rockhampton Regional Council* [2016] QICmr 2 (22 January 2016) [see the reference to *handwritten numbers*-in the box-in the Queensland Office of the Information Commissioner's discussion of that case, in its advisory webpage, entitled, *What is personal information?*, at the URL of, "https://www.oic.qld.gov.au/guidelines/for-government/access-and-amendment/introduction-to-the-acts/what-is-personal-information"], ought not to be so (verbatim) disclosed, in this sort of instance then. ...

[78] and, e.g. then; to have just been, sort of so nonchalantly, merely following the very would be *Black-letter-of-the-law* (as they say), as purportedly set down, in such sort of isolation then, in the said provisions, of Part 2, of the Schedule 22, purportedly in force, under Regulation-No.70, and Sections-No.284-and-No.264, of the Act; or, perhaps even; would like to propose, to boot, kind of thing, that he might just have, also been, kind of mindful of , the very *Maximum penalty* (of *50 penalty units*), prescribed by, subsection-(1), of said Section-No.264, of the Act, for failing to comply with same, and then compelled, in fear of, maybe being criminally prosecuted, otherwise. ..

[79] and, especially then, in light of how, as I say, I've been at pains, right from the very get-go-or outset (herein) then, to promptly object, not to mention, consistently follow up, on doing so, in writing, and, likewise then, point out the very seemingly only fatal defects in, any opinion, to the contrary, as regards, any proposed would-be *practice* etc., of disclosure, of the *personal information* of submission-makers, against their own respective personal wishes, then. ...

seen to have had, some degree of, a *fiduciary duty* (at law then), in point, and be that as it may, as I was about to say then, in my view, in the terms of, the said provisions of, the said *privacy principles*, you-or the very CTRC then, could not even consider, to do that sort of thing, without (as I say) contacting myself personally, beforehand, and, firstly obtaining then[80], my very own, freely, and expressly, given then, consent[81].

For, well, I'm sure that, you wouldn't want me, to have to come back, to the CTRC, itself, saying-or making a complaint[82] then-to the effect of that, there might appear to have been, then, abuses of the processes-of the purportedly performed assessments (i.e. purportedly carried out under the Act then), for an improper purpose-or improper purposes, and/or then, some sort of, improper, undisclosed ulterior motive-or motives[83], or, at any rate, that, in respect of, e.g. both, *the fair hearing rule*, and, the requirements for there to be a *lack of* (even the mere *perception of*) *bias*, breaches of *the requirements for natural justice*, would veritably appear to have arisen, in the purportedly performed development assessment

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[80] i.e. should such be forthcoming, at all, then ? ...

[81] which, is subject only to (i.e. at the very time, that a valid decision notice-in point-might be issued, but, like I say, there does not appear to be, any option, to proceed, to that very sort of point, herein, now, anyhow) the *identifying particulars* (and associated given *addresses for service*) that are required to be put out, pursuant to, subsection-(1), of Section-No.63, of the Act, and only communicated to certain entities, or, as I say, or just observe then, particular natural persons, and/or corporations, or the like, i.e. not the very public-in general, then. ... (so, like I say, you don't seem to be at liberty, to disclose, anything other than, the general details of, the very substantive issues, that were raised, by myself, in this proposed *properly made submissions*, to, as I say, pertinent referral agencies, and/or, the respective proponents, in the ordinary course of, the only proper sorts of deliberations, of a properly acting Assessment Manager, in bringing, this very process, to its only proper conclusion, now, then)

[82] i.e. under clause-(a), of subsection-(3), of Section-No.166, of the IPA.

[83] designed, it might seem, to merely, harass, embarrass, and/or, frustrate, and/or annoy, or, perhaps then, intimidate, to boot, this bona fide submission-maker; which, I'll just hasten to add, is to say nothing, as to, how; whilst, on the one hand, there might even appear then, to have been, a case-developing (at any rate)-for complaint (to the very Queensland Police Service), along the very lines that, maybe there could even be seen to have been, some kind of, unlawful *conspiracy*-or conspiracies even then, and that is to say, contrary to, Section-No.92A, of the Schedule 1, to the *Criminal Code Act 1899* (Qld) [the *Code*], at any rate (but, see also, e.g. Section-No.415, thereof); well, on the other hand; and while, I'll just hasten to qualify this statement (even while, I don't have any-like-*inside knowledge*, myself, as to, just exactly, what's been going on, there [?]), insomuch as, that, within the meaning of the terms of the *Anti-Discrimination Act 1991* (Qld) [the ADA], such breaches, of my rights under the IPA, would appear, then, to be, unlawful discrimination, upon the basis, foundation, or very starting point, of my political activity (and/or, political, convictions, opinions, or, beliefs, then), insofar as that, it may be argued, then, to constitute, *less favourable treatment*, than that which the CTRC would have been entitled to *lawfully* deliver to any other; moreover; as I was going to say; especially given then, what I read, in the very said *explanatory notes* (i.e. at pages-No.170-171 thereof), about how, the said initial Planning Bill, would *maintain...the effect of the* (repealed) *Sustainable Planning Act by providing for exceptions to the requirements in relation to the publication of private information or sensitive security information, and also enable... submitter's names and personal details to be withheld from publication*, not to mention, the fact that, as I say, contrary to, the very requirements of the Act, the said application details, and, any material in support-that may just have come into the CTRC's control then, have not been promptly posted up on the internet, and what is more, I'll just hasten to add, that, this sort of matter, might seem to be, an argument, that would be bolstered, additionally-like, by reference to, how, e.g. while the details were omitted from the said proposed public notifications, and notwithstanding, the details in, the sort of schedule to, the DAR, entitled as, Part 1 - Public notice requirements for development applications, well, as I was about to say then, as I seem to recall it, the said repealed legislation, always required, the very applicant's name, to be published, in such sorts of notices, as well (cf. things like, the requirements in the *Water Act 2000* [Qld], for water licence applications etc.), but anyhow, as I was going to say, publishing, my personal information, whilst you can't even ensure that, the details of, the said proposed Development Application, are readily available, when they should have been, would surely, only reasonably be seen as, in breach of the requirements of the said ADA, or, that is, *less favourable treatment* of myself, upon, the very basis, foundation, or starting point, then, of my *political activity* ? ...

process then, potentially rendering then, any proposed approvals, as only *ultra* vires, or null and void-or (at the very least then) voidable-anyhow ?

Personal, Private, and, Confidential

Mr. Bill Tait (Jnr.) Esq.

No.151A Chippendale Street,

Parkside, AYR, QLD, 4807.

Monday, the 19th of June, 2023 CE.

The Assessment Manager,
Mr. Paul Want, Manager Planning and Development,
Charters Towers Regional Council.

C/-Ms. Jorja Feldt,

Planner, Planning and Development,

Charters Towers Regional Council.

Charters Towers Regional Council-Administration Centre,
12 Mosman Street,
CHARTERS TOWERS, QLD, 4820.

re your said Manager's proposed notice-entitled *Receipt of Submission*[1]-of the 12th of June, 2023, in relation to my *properly made submission*, of the last 7th of May[2], in relation to the proposed public notification of a-once proposed-development application (with the Application-Reference-No. *MCU2022/0011*), for a *Material Change of Use for Intensive Animal Industry and Environmentally Relevant Activity*, located at 2859 Mount Hope Road, Llanarth, apparently published in, both, the *Cairns Post*-newspaper, and, the *Townsville Bulletin*-newspaper, on the 22nd of May, 2023, and seemingly related matters.

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[1] with the Charters Towers Regional Council's "Ref: 4795954", and, referencing further, "MCU2022/0011", and yourself, as a *Planner*, in the direct employ of the Charters Towers Regional Council (CTRC)'s Planning and Development-division.

[2] i.e. which was sent (prepaid) by post, at the so-called *Ayr Post Shop* (i.e. at No. 155 Queen Street, in Ayr, and with, the Australia Post-postal unit-No. 431759, then), to the *Assessment Manager*, of the Charters Towers Regional Council (CTRC), at the CTRC's Administration Centre, at 2:59 p.m., on the last 7th of June, by way of one of Australia Post's so-called *Domestic letter with tracking*-envelopes, with the very tracking number of "TMP19 69000 40300 66828 46096", moreover, with a so-called *Priority label* (i.e. as issued by Australia Post, itself) attached to the outside of that said envelope (and the very receipt-No. 02/25493, and-a separate slip with-the so-called *Article Lodgement*-No. 02/25494, having been issued, to myself, there, at the said postal unit, by the Teller-No. NN4/4, in relation to the very matter of the said posting of the said postal article), then; and that; the Australia Post-online tracking service, indicated (i.e. at the very URL of; "https://auspost.com.au/mypost/track/#/details/TMP1969000403006682846096") was *delivered*, to the CTRC, at 8:08 a.m., on Thursday, the last 8th of June.

Dear ma'am,

I hasten to advise you, that, of course, in making this following up contact, I shall not be taken, as if to have, maybe then, invited any prejudice, whatsoever, upon myself, and, that is to say, inter alia, perhaps, that, I shall not be taken, as if to have, maybe, waivered upon my rights to the confidentiality of my *personal information*[3], under the very *Information Privacy Principles*, in the third schedule, to the *Information Privacy Act 2009* (Qld) [the IPA][4], in any way (i.e. neither, expressly, nor, impliedly, or, as I say, at all, whatsoever, then), moreover, I shall not, in merely making this very following up contact, be taken as if to, maybe, have sought to withdraw from, my *properly made submission*[5], herein, and that is to say, in the form of my said previous letter of submissions of the last 7th of May.

That said, to begin with then, please allow me to just say further, to the effect of that, given, that is, that I did request such, in my said initial letter of submissions (of 7/05/23), I'm certainly grateful, that your said Manager, Mr. Paul Want, in effect anyhow, at least promptly advised me, of the CTRC's very receipt, of same, however, I simply must hasten, to (through yourself then[6]) sort of take Mr Want to task-or expressly object-then, in relation to certain pro forma *notes*, of would-be (like) *legal advice*, proposed in-or just endorsed upon then-the would-be kind of concluding paragraph, to Mr. Want's said letter-or (proposed mere) *notice* of *receipt of* my (said *properly made*) *submission*-of the last 12th of June[7], moreover, other information, therein, insomuch as, that;

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[3] i.e. contained herein, or, for that matter, in my said *properly made submission*-of the last 7th of May, then.

[4] and; as regards; certain technicalities, that might seem to arise then, in relation to; the sorts of ambiguities; between; the explicit stipulations in the said definition of the terms of *properly made submission*, set down on the very face of the primary enactment, of the *Planning Act* 2016 (Qld) [the Act], as I say, in the very Schedule 2-Dictionary thereof; and; certain proposed requirements, for public disclosures, of particular material, in e.g. clause-(a), of subitem-(1), of Item-No.7, in Part 2 of, the Schedule 22, purportedly in force, under Regulation-No.70, of the *Planning Regulation 2017* (Qld) [the regulations]; well, please, be sure then, to just refer to, the details-or very legal argument (if you like) then, set down in, the said **Endnote** to my said initial letter of submissions (of 7/05/23). …

[5] and, see then, the definition of the terms, of *properly made submission*, in the Schedule 2-Dictionary, to the Act; although, of course, I do not purport to be, like, some sort of bush lawyer, just as if, proffering *legal advice* (as such), but merely express, my own (*unqualified*-if you like) personal opinions, herein. ….

[6] sorry, but, through no fault of my own then, I have no phone, whatsoever (i.e. no mobile-or the like, and no landline, either), nor do I have any ready access to the internet-let alone any current email-address then. …

[7] i.e. which was only received, at my very mailbox, here, sometime on last Friday, the 16th of June, then.

1. whilst, on the one hand, and even though, it may well be taken[8], as a notification of (i.e. in this very instance then) the merely automatic operation of, the clause-(a), thereof; well;

   (a) I do not believe, that such (would-be mere) *notice* (of 12/06/23), is actually an instrument-as it purports to be (on the very face of it)-issued pursuant to Rule-No.19.1 of the *Development Assessment Rules* - version 1.3 (the DAR)[9]; although;

   (b) naturally, and especially wherein (as, as I say, is the very case, herein), a submitter (i.e. myself then) has so expressly requested such, an administration, would always be at liberty, in such circumstances then, to provide some sort of-albeit more informal then-but nonetheless written-confirmation, of its very receipt of material etc., only in all good faith, of course, and what is more, merely as some kind of courtesy-*along the way* (as they say) then; and be that as it may;

even though, admittedly, such sorts of considerations might seem only-not really just somewhat trite (I hasten to just add further) but-a bit beside the very point, herein, now; for; as I was going to say; on the other hand;

2. in this instance, anyhow, the matter of Mr. Want's said proposed *notice* (of 12/06/23), does not appear to be, simply, so innocent, or, I might just say-or tentatively surmise (if you like), issued, only in all good faith, then, for, as I've been at pains to point out, from the very outset[10], and although, I hasten to add-or (if you like) just qualify with,

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[8] i.e. in light of the very (i.e. in all the relevant circumstances, of the instance concerned then) applicable provisions of the definition of the said terms, of ***properly made submission***, as set down in, the Schedule 2, to the Act, then. …

[9] for, well, the said rule, merely, literally states;

> "19.1 The assessment manager—
>
> (a) must accept a submission if the submission is a properly made submission; and
>
> (b) may accept a submission even if the submission is not a properly made submission. (i.e. with the footnote, therein, omitted, herein, then)";

whereas, there is apparently, nothing, in the Act [i.e. inclusive of the very *Planning Regulation 2017* (Qld) {the regulations}], that could be only reasonably read (i.e. whether, expressly, or, impliedly), as if to require an assessment manager (or even, merely provided, some sort of statutory power, for such) to issue, any such sort of notices, as, like, a formal instrument, made under the very Act, then? …

[10] and, see then, the opening sentence, in the second last paragraph, in the very body of the text, at page-No. 12, not to mention, the more detailed argument, set down in the **Endnote** to, my said initial letter-or *properly made submission*-of the last 7th of May then, and what is more, to which, without waiver, and like I say, without prejudice, whatsoever, to myself, herein, I would hasten-or kind of *haver* (if you like), to take this very sort of *opportunity*, now, then, to add, only generally speaking then, to the effect of that, once a *decision notice* has been only-all validly and-properly issued, to the parties concerned [i.e. as per, the requirements, of the clauses-(a)-through to-(f), of subsection-(1), of Section-No.63, of the Act, as may be required, in the very circumstances of the case concerned (i.e. as not necessarily the very case herein) then], the *assessment manager* concerned,

given the very pertinent definition, of what is a *properly made submission*, in the Schedule 2-Dictionary, to the Act[11], there can be no prejudice, to myself, in doing so, but, as I was about to say then, at the very beginning, I've explicitly articulated-in writing, that, like I say, in making the said submissions, I do not waiver from my rights, under the said *Information Privacy Principles*, in the third schedule, to the IPA, but, of course, your said Manager, Mr. Want, or (like I say) the administration generally, of the CTRC, as the very *Assessment Manager*, under the Act, in respect of these sorts of matters, would only need to consider, the very said details of my said *properly made submission*, itself, in order to appreciating, the only so logical conclusions, of such matters, in accordance with (i.e. I say, with all humility, and only, with respect, then) my very own said opinions, upon the, only usual, right, and proper operation of, both, the pertinent terms of the Act, and those of the said third schedule to the IPA, i.e. in these very sorts of circumstances, or I dare say then, and what is more, then, no amount of (like) purportedly formulated, ad hoc, would-be policies, even of the CTRC, itself, would take anything away from, any, of all of that, oh, and, ah, while its, likely only too late, for me to propose, any further, formal kind of amendments, to my said *properly made submission*, as it stands, now, already[12], well, I might even have added, then, as just one more thing, or pertinent point, to the very effect of, that, whilst, I would note, e.g. how, the very literally read provisions of, sub-regulation-(2), of Regulation-No.70, in the *Planning Regulation 2017* (Qld) [the regulations], provide that;

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would appear to have, a *discretion* then, to publicly post up, most of the details, of the said *decision notice*, on its website, even if, some of that, may refer to, e.g. a submitter's *personal information* (i.e. that was contained in their *properly made submission* then), however, not necessarily, so as to, e.g. just include photocopies of their handwriting, and/or, quote directly, or extensively then, large portions of text, from such submissions, and what is more, in accordance with, the sort of ouster of, the *stand-alone* type of provisions, of subsection-(7), of Section-No. 264, of the Act, as literally read then, at all events, the *assessment manager* concerned, *need not disclose a submitter's name, contact details or signature* (i.e. with the red underline added, by myself, herein, then), moreover, in my view, if such a submitter, has specified, to the effect of that, they don't want, those sorts of *identifying particulars*, publicly disclosed, and probably, even if, they simply haven't addressed, such sort of matter (and/or the *assessment manager* hasn't bothered to sound them out, upon such matters, uh, which, I hasten to add, is not necessarily, what the very said-[to say the very least] seemingly only so arbitrarily framed-would-be *legal advice* in Mr. Want's said proposed [mere] *notice* seeks to do…[and, see further, in the very postscript, below, herein, then], and be that as it may, as I was about to say), then, the provisions of, the said *privacy principles*, under the IPA, would seem to preclude, the *assessment manager* (or very *agency*-or what-have-you, that such works for, then), at least, from so disclosing, such *identifying particulars*, you see, ma'am?...

[11] i.e. which doers not require-or even impliedly intimate towards-any (waiver or) overriding of, the said provisions, of the *Information Privacy Principles,* in the third schedule, to the IPA, you see, ma'am?...

[12] moreover, it's not necessary for me to do so, anyway, for, what I'm about to refer to, is only the true state of the very *law of the land* (so to speak), as it currently stands then, you see?...

"For section 264(6) of the Act, schedule 22 also prescribes the documents that section 264 of the Act does not apply to (to) the extent the person required to make the document publicly available reasonably considers the document contains the information mentioned in section 264(6) of the Act. (i.e. with the interpolation, of the additional term of "to" then, added, by myself, herein, for greater clarity-or better grammatical sense then, as per e.g. the very *Golden rule*-of statutory interpretation then…)";

moreover, the said subsection-(6), of Section-No.264, of the Act, literally reads;

"For a document of a type prescribed by regulation, this section does not apply to the person to the extent the person reasonably considers the document contains—

(a) information of a purely private nature about an individual (the individual's residential or email address or phone number, for example); or

(b) sensitive security information (the location of a safe, for example)."; and;

what is more, at pages-No.170-No.171, the very said *Explanatory notes*, to the said inaugural "Planning Bill 2015 (the Bill)", it is stated, that;

"The Bill maintains the effect of the Sustainable Planning Act by providing for exceptions to the requirements in relation to the publication of private information or sensitive security information, and also enables submitter's names and personal details to be withheld from publication.";

well, while the latter clause, therein, is obviously a reference, made directly to the said *stand-alone* provisions of, subsection-(7), of said Section-No.264, which, itself, is (literally then) expressed, in terms that do not (even impliedly then) make it's application dependent upon, whether or no, documents, to which it applies (and that is to say, all documents, in the possession of an assessment manager, generally then) are prescribed-in the regulations (or at all) then, moreover, it would seem, only reasonable then, that the very *Assessment Manager*, of the CTRC, concerned, would consider, to the effect of, that, at least certain types, of my *personal information*,

relating to these matters, and, that is to say, e.g. my *identifying particulars*[13], not to mention, even then, my choice of medium (or very font styles-and sizes, etc.), and, very sorts of, choices of words, and turns of phrase, and, grammatical constructions, and such like, and so forth, contained in, the very hardcopies, herein[14], would be caught, at least by, the *ordinary meaning* of, the said clause-(a), of said subsection-(6), of Section-No.264, of the Act[15], not to put too fine a point on it, in my view then, at the very least, that sort of *personal information*, would unequivocally be of the kind, that, given, my insisting upon, my rights, under the said *privacy principles*, of the third schedule, to the IPA, said *Assessment Manager* (and that is to say, the very administration of the CTRC generally then) would be bound, to only hold, strictly confidential[16], i.e. that the CTRC would not be at liberty to disclose, to any other[17], let alone, just post up publicly, on the internet, at all, or in any event, come what may, then.

And, needless to say then, that wherein, Mr. Want's said proposed *notice* (of 12/06/23), proposes to *advise*, as if merely somewhat by-the-bye, and literally then, in the very terms of;

> "Please note that under the *Planning Act 2016* Council is required to make submissions available for public inspection and purchase. The *Planning Act 2016* also requires Council to include your name, residential address, and email in the Council's Decision Notice to the applicant. As a courtesy you are advised of this information, as

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[13] i.e. such as, my name, my address, etc.. ...

[14] cf. the *Copyright Act 1968* (Cwlth), at least, insomuch as that, my very own *intellectual property*, ought to remain protected, from use by others, against the very provisions thereof, i.e. even if, that sort of thing, would only have been brought about-or in any way facilitated-by, some sort of negligence-or reckless disregard-or the like, on the part of the CTRC, you see ? ...

[15] and, that is to say, if not, at least some of it, like, my residential address, for example, also then, being reasonably seen, to maybe be caught, additionally-or simultaneously-then, by the very said clause-(b), thereof. ...

[16] subject, as I say, and only generally speaking then, only to, the exception [which, like I say, does not seem to be (validly anyhow) about to arise, herein], that, when a reasonably framed, and otherwise truly valid *decision notice*, is proposed to have been made, in any pertinent matter, and is to be notified, only to the particular persons-and/or entities-designated (in the circumstances of the case concerned then) by the said provisions of, clauses-(a)-(b)-(e)-and-(f), of subsection-(1), of Section-No.63, of the Act, although, even then, I suspect that, at the very least, subsection-(7), of Section-No. 264, of the Act, would still be applicable, at least until such time as, some person or entity, served under such provisions-of said Section-No. 63,, expressly (and only reasonably) elects to file an appeal, or, you know, has actually, at the very least, produced a draft notice of appeal, to be so reasonably filed, and, otherwise then, even an applicant, that later seeks to file an appeal, say, in a not really so controversial case, might still be only given, a notice of decision, under Section-No. 63, with submitters *identifying particulars* deleted, therein, you see, ma'am?....

[17] i.e. inclusive of the very applicant-in respect of the-once anyhow-proposed Development Application, herein.

you may have been unaware that your submission will be available through public scrutiny processes."; and;

while, I presume, that what he's really proposing to refer to, therein, then, would be the very sorts of technically proposed requirements, for public disclosures, of particular material, that might be kind of argued to arise, in the course of proposed interpretations of, e.g. clause-(a), of subitem-(1), of Item-No.7, in Part 2 of, the Schedule 22[18], purportedly in force, under the said Regulation-No.70, of the regulations, as merely literally read, only in the context of, clause-(d), of subitem-(1), of Item-No. 5, therein[19], then, well, as I've alluded to, above, herein, already, there's far more to it, than just, that, kind of dryly proposed reading, for, in accordance with the very preferred *purposive approach*-to statutory interpretation[20], what would be only, most pertinent, then, is how, such subordinate law, must give way to[21], the purposes of the overarching provisions, of the Act, itself, under which, such were purportedly made, and that is to say, the very said Section-No. 264, in Part 3, of Chapter 7, of the Act, which bears the heading of ***Public access to documents***, and whereas, merely subsection-(1), thereof, provides the regulation making power, itself, moreover, like I say, subsection-(7), thereof, is a *stand-alone* provision, in and of itself, which provides, to the effect of that, an assessment manger, literally read then, *need not disclose a submitter's name, contact details or signature*, well, even as regards, the very *ordinary meaning* of, the said subsection-(6), thereof, in context[22], it obviously provides, to the effect of that[23], as literally read then, in any event, *for a document of a type prescribed by regulation,* (the said) *section* (i.e. No. 264, of the Act then) *does not apply to* (i.e. in the very factual context of this instance then *the assessment manager*) *to the extent...* (that the *assessment manager*) *reasonably considers the*

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[18] or, if you like, *subsection*-(1), of *Section*-No.7, in Part 2 of, the said Schedule 22. …

[19] or, if you like, *clause*-(d), of *subsection*-(1), of *Section*-No.5, in Part 2 of, the said Schedule 22. …

[20] and, cf. Sections-14A-and-14B, of the *Acts Interpretation Act* 1954 (Qld) [the AIA], e.g. then. …

[21] and see; e.g. clause-(a), of subsection-(1), of Section-no. 21, of the *Statutory Instruments Act* 1992 (Qld), which literally provides, that, a *statutory instrument is to be interpreted as operating... to the full extent of, but not to exceed, the power conferred by the law under which it is made (the authorising law)*; not to mention; clause-(a), of subsection-(5), of Section-No. 4, of the *Legislative Standards Act* 1992 (Qld) [i.e. ***An Act relating to the standards of legislation, the drafting of legislation***…; hereinafter the LSA], which literally provides, that, w*hether subordinate legislation has sufficient regard to the institution of Parliament depends on whether... the subordinate legislation... is within the power that, under an Act or subordinate legislation (the authorising law), allows the subordinate legislation to be made*, while, clause-(k), of subsection-(3), of Section-No. 4, of the LSA, literally provides, that, w*hether legislation has sufficient regard to rights and liberties of individuals depends on whether... the legislation... is unambiguous and drafted in a sufficiently clear and precise way.*

[22] and see, e.g. how, Section-No. 14B, of the AIA, literally defines, the terms of, ***ordinary meaning***, *to mean... the ordinary meaning conveyed by a provision having regard to its context in the Act and to the purpose of the Act* (i.e. with the underlines add, by myself, herein, for particular emphasis then).

[23] i.e. notwithstanding the very sorts of matters, that may (purportedly anyhow) be prescribed, by the various clauses of, subsection-(1), or even subsection-(5), of the said Section-No. 264, in the Act. …

document contains... information of a purely private nature about an individual (the individual's residential or email address or phone number, for example)... or... sensitive security information... (i.e. with the red underline added[24], herein, then); whereas, as I say, the terms of Mr. Want's said proposed *advice*, seem to unequivocally indicate, that he's not proposed to exercise any *discretion*, at all, but merely purporting to have the administration of the CTRC arbitrarily acting, under the dictation of some sort of (only irrelevant then) predetermined (and virtually extra-statutorial) policy, you see, ma'am. ...

Uh, and, in light of, the very contents of, my said *properly made submission*, of course, neither do I agree;

(i) with how, Mr. Want seems to have only so astutely, proposed to note, in his said correspondence-or proposed *notice* (of 12/06/23), to the effect of that;

> "Under Council resolution, Impact Assessable applications, which receive a submission(s), are to be decided at a future Council General Meeting whereby the matters raised will be considered"[25]; moreover;

(ii) that I might *then be provided*... (with) *a copy of*... (a) *decision notice once* (such be) *issued by the assessment manager* (presumably, Mr. Want, himself, then), and not the least of all, because;

1. whilst, of course, the very bases of my submissions[26], are that the CTRC, has no power-or statutory (or other) authority then, as the *Assessment Manager*, to proceed, further with, the said-once anyhow-proposed Development Application, moreover, at all events, i.e. generally speaking then, and that is, notwithstanding the very express provisions, of the Act, which designate, the very CTRC as, the entity responsible for,

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[24] i.e. for particular emphasis then; and that is to say; so as to indicate; to the effect of that; just like, wherein, the very said subsection-(7), of Section-No. 264, of the Act, refers to how, assessment managers, *need not disclose a submitter's name, contact details or signature*; the very language, of the Act, effectively denotes then, that the assessment manager involved, has *a discretion*, to be exercised, at all events, under such provisions then, you see, ma'am (cf. also, the discussions in footnote-No. 28, below, herein)?...

[25] and what is more, for which, I note that, he's only astutely not cited, therein, any particularly proposed *resolution*, of the *Council* of the CTRC, nor even, merely identified, any actual power-or statutory authority then, under which such might purportedly have been made, let alone, the very context, that such a purportedly made resolution might just sort of sit in, overall then?...

[26] and see, e.g. then, pages-No. 3-over to (the top of)-No. 8, in my said *properly made submission* (of 7/05/23), herein. ...

performing the role, of *Assessment Manager*, in these sorts of instances, then[27], I do not agree, to the effect of that;

(a) as a matter of law, it would validly be seen to be, the role of a body of (purportedly) elected Councillors, or, that is to say, the very policy making organ, of a local government, to be proposing to decide (i.e. in accordance with, e.g. the said local government's very own planning policies, inter alia, then, albeit…) individual development applications, or even, purporting to, like, re-decide such (i.e. after-or upon mere recommendations of-its Planning Manager-or actual *Assessment Manager*, then), other than, maybe, just referring such, back to, its own *Assessment Manager*, if, say, serious defects, might have been, later detected, when such were merely being noted, by Council, in due course, that is; for;

(b) the deciding of mere *development applications*, under the Act, and what is more, in accordance with the pertinent planning policies (including those that have been duly predetermined, by the very said policy making body-of Councillors-of a local government, for application in its own *local government area* , and be that as it may, in any event, as I was going to say, the deciding of development applications, in accordance with those various planning policies) in place under the Act, is rightly only reserved, under Queensland law, and as I seem to be currently informed, anyway, to the very *executive arm*[28], of the local government concerned; and;

what is more then;

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[27] and, well, moreover, at the end of the day, e.g. the decisions, to be made, under the Act, must involve, the *exercise of a discretion*, by a natural person, or, I dare say, further, then? …

[28] or, that is to say, staff of, the very administration of, the CTRC, itself, in this very sort of instance, for, like I say, despite the more recent incarnation, of the very *Local Government Act 2009* (Qld), which expressly only removed, (if you'll just pardon, my use of, a bit of the old French, then) a helluva lot of, the very once *descriptive detail*, thereof then, I believe that, the very said *separation of powers*, within local governments, once explicitly provided for, in the inaugural *Local Government Act 1991* (Qld), still prevails, and what is more, well, whether we're talking about, the application of said *privacy policies*, in the third schedule, to the IPA, simpliciter, like, or, my said disputing of any authority, under that Act, with which, anyone, might now propose to go ahead and finally determine, the said-once made-development application, herein, we're still, in my view, only discussing, matters involving, the purported administration of, the CTRC's business, or, in my opinion then, defects therein, i.e. of an administrative nature, and that is to say, as opposed to then, the very making, or amendment, of the policies (like, planning schemes, and/or local by-laws, etc.), of the CTRC, at the very Council-level, itself, so, without something more then, there does not appear to be, any reason to propose-or purport-to kind of *escalate* these matters, into, that very, sort of arena, at this very stage, anyhow, or, I dare say, of course, only with all due respect then, ma'am. …

2. whilst;

   (a) Mr. Want, seems to be intimating, already[29], towards some kind of-at the very least then-unfairly prejudicial, pre-determined sort of, proposed decision-and/or in house *policy* then, to the effect of that, the way he's only proposing to see it, himself, then, and contrary to the main point of contention-as expressly raised in my said *properly made submission* then, the very would-be *public notification* period, pertaining to the said proposed public notification (of 22/05/23), might just be seen, as if to have, maybe, already only validly concluded, e.g. on the very last 14th of June, as-*purportedly then*-notified[30]; well;

   (b) as I say; as a matter of the said relevant law, and only pertinent facts, as outlined in my said *properly made submission* then, there's simply no authority, for anyone, to propose to go ahead, and purport to finally determine, the said-once made-Development Application (with the Application Reference-No. MCU2022/0011); you see, ma'am.

I hasten to add then, just for good measure (if you like), that I, trust that, this following up contact, would serve to only unequivocally assure, yourself, and the CTRC generally then, of my positions, as regards these matters, and, not the least of all then, how I do not waiver, from my said rights, to the privacy of my *personal information*, nor anything else, that I've addressed, in the said *properly made submission*, although, like I say, in any event, this very following up contact, is only made, without prejudice, to myself, whatsoever, at all, then.

So, whilst, even in respect of, my *personal information*, now contained in, this very following up contact, I refer, the CTRC, back to, the said **Endnote** to, my said *properly made submission* (of 7/05/23), otherwise then, I would only refer, yourself, and through you then, Mr. Want, as the very *Assessment Manager*, of the CTRC, back to, the very details of my said *properly made submission* (of 7/05/23), i.e. along with-or in light of (then)-this very

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[29] and whilst, I hasten to add, only with all due respect, naturally, this very sort of matter (inter alia, perhaps… and yes, that's a refence to how, I don't seem to have any response, to hand, as yet, to my following up letter, to Mr. Want, himself, of the last 23rd of December, in respect of another-i.e. simiallry seemingly only unresolved-matter, which was-once anyhow-proposed, at Reid River, with the very CTRC file Ref: MC18/63 then, and anyhow, as I was about to say, with or without consideration, for that sort of neglect, this said matter), might just seem to be giving rise to, an *appearance of bias*, at least on Mr. Want's part, then; well; please, see again, the discussions in, the very footnote-No. 24, above, herein. …

[30] and, as I say, seemingly only so contrary to, the very prescribed minimum mandatory requirements, of subsection-(4), of Section-No. 53, of the Act. …

following up letter, of course, and thereby, reiterate, mutatis mutandis, as regards this very following up, how I said, at the very conclusion thereto, to the effect of that, while, the said *Assessment Manager*, would certainly, still, be free, to contact me, at the above given residential address, should such have any queries, about these matters, and, would be requested, further, to, please, get back to me-in writing, in order to just promptly advising me of, any formally proposed final determination, of the CTRC, in relation to the matter of the said (once anyhow) proposed Development Application, well, I also ask, again then, that you, yourself, ma'am, also, promptly get back to me-(likewise then) in writing, in the meantime, so as to just confirm, the CTRC's very receipt of, this said following up letter, itself, then.

Thank you then, for your consideration of these matters.

Yours sincerely

Bill Tait

Mr. William "Bill (Billy)" Peter Tait

ps. whilst; as I say;

(a) Mr. Want's said proposed *advice*, is only so misguided; and then;

(b) apart from, really, being merely, the very confirmation of the CTRC's receipt, of my said *properly made submission* (of 7/05/23), that I so requested, therein; Mr. Want's said would-be *notice* (of 12/06/23); otherwise; at best-or (i.e. to be seen as only lawfully framed then) at the very most, might only be taken to have been, more of a sort of (albeit, and that is to say, contrary to all notions of *natural justice* then, only so improperly *veiled*) *request* for, my *consent* to disclosures (i.e. as if, to be so willy-nilly [or carte blanche] made, thereafter, then), of my very own *personal information* (as contained in my said *properly made submission* then), to another-or others (i.e. all as, so unidentified, to myself then);

well; and merely, so as to dispel any possibility of doubt to the contrary, then; I advise you further, ma'am, that, the CTRC, may only take it, to be the very case, that;

1. I've never given such sort of *consent*; moreover;

2. I shall not be taken to have ever given such; and what is more-to the very point-then;

3. into the foreseeable future; and that is to say, save and except, in the very sort of event that, i.e. if that sort of thing ever eventuates, at all, then, I might later see fit, to expressly (i.e. whether orally or in writing) indicate to the contrary, myself, in person then; I shall not be giving, any such sort of *consent* [nor any other, under the terms of, e.g. clause-(a), of subitem-(1), of Item-No. 10 {i.e. the very ***Information Privacy Principle 10*** **about** ***Limits on use of personal information***}, or the said third schedule, to the IPA, at all, then]; and so;

4. if, in any unfortunate-or (really then) unlawful-event, to the effect of that, in the meantime, i.e. between, the time of the CTRC's receipt of my said *properly made submission* (of 7/05/23), and, the CTRC's very receipt of, this particular following up letter, itself, the CTRC might have-(like I say) only so contrary to law then-taken it upon itself, to (as; like I say, seemingly only so erroneously intimated, in Mr. Want's said proposed *advice*; or otherwise then) communicate, any of my *identifying particulars*, to any other (i.e. inclusive of any so-called *referral agency* then), well, I would insist, then, that I be given written notice, forthwith, of any such events, inclusive of, the details of, who was contacted, and exactly what *personal information*, of mine, that it was, that they were given, then[31].

[31] while, of course, I would only consider, myself, to the very effect of that, any, of that sort of thing, would only have been, an unlawful breach of my rights, under the said *Information Privacy Principles*, in the third schedule, to the *Information Privacy Act 2009* (Qld) [the IPA]. …