

Legal, Constitutional and Administrative Review Committee

Parliament House, George Street

Brisbane, QLD 4000

REF: A Preamble for the Queensland Constitution 2009 Submission

From:

Proposed Preamble:

Since the Australia Acts 1986 no law made by the Parliament of the United Kingdom shall extend to the State of Queensland.

Previously the Parliament of the United Kingdom was the ultimate authority for the Acts, Laws and Documents relating to the Constitution of the State of Queensland.

We, the people of Queensland wish to continue as free and equal citizens under the Rule of Law, and to be governed in accordance with the democratic processes contained in this Constitution.

And being within the federal Commonwealth of Australia, we recognise we are subject also to its Constitution.

In a spirit of reconciliation, we recognise the contribution of both Aboriginal and Torres Strait Islander peoples as the original occupants and custodians of this land.

We declare that we respect the equality of all persons under the law, regardless of class, faith, gender, origin or race, and recognise the contribution they make to the State of Queensland.

We declare that we respect the land and the environment we all share.

(My opinions are expressed in italics)

Issue 1

What form should the statement in the preamble to give due recognition to Queensland's Aboriginal and Torres Strait Islander people?

From a perspective of being a Queenslander myself, born and raised in this state, I believe that all people are due respect, recognition and care, not just any one group. That is a personal opinion and in no way reflects the issues that the Aboriginal and Torres Strait Islander people have faced.

Issue 2

What should be included in the aspirational statement which will be in the preamble?

2.1 Should there be a reference to the origins or history of the Constitution in the preamble?

Whether such a reference is made apart of a preamble, all Queensland children should be taught the true history of our Constitution and also the true history and heritage of their State (and country).

2.2 Should the preamble refer to the sovereignty of the people and, if so, how?

Why should Queenslanders (and Australians) be ashamed of our heritage and our monarch? If a preamble is to be inserted, then yes, we should show honour and respect to our Sovereign and that we have a system of Government that allows people to express their opinion.

2.3 Should the preamble refer to God and , if so, how?

Yes. Many men and women of the Christian faith have prayed for and worked hard, believing in this nation and State. The god I refer to is God – of the Christian faith. Proverbs 11:3 says “If the foundations be destroyed, what can the righteous do?” If we take away our heritage, then our State will slide further away for what is right and truth.

Instead of taking this away, why not consider how this might inspire the current and future generations to come? If our Christian heritage was taught, then our young people could have hope (even if they didn’t agree) and belief that like our forefathers, we too can may a real positive difference in the State (and country) in which we live. If you take away God (Creator of Heaven and Earth and the One to whom we must all ultimately answer to) and replace God with another “god” , person or thing then what hope do the current and future generations have? If hatred, racism, abortion, murder, criminal activities abound now, how much more will they if there is no moral conscience within our community. I am not saying that the Churches have it altogether (afterall the churches have humans in them, fallible like we all are), I am talking about God – Jesus Christ.

2.4 Should the preamble recognise cultural diversity and, if so, how?

We declare that we respect the equality of all persons under the law, regardless of class, faith, gender, origin or race, and recognise the contribution they make to the State of Queensland. We declare that we respect the land and the environment we all share.

If this statement is to be true, then please don’t bring in laws, that allow people to be taken to court for expressing their faith, as long as their expression is not directly against the Constitution. Many people of different faiths are allowed to express their opinions with regard to their religion, but this needs to be for everyone.

Does this statement mean that all people may have the freedom to express their opinion, respectfully, even if another may/may not agree? If a person of one faith/opinion expresses their opinion, and someone else do not necessarily agree, surely both may express their view without fear of being charged/assaulted or put on trial.

2.5 Should the preamble recognise the rule of law and, if so, how?

Please make sure that it is our law, and not another countries law. If a preamble is to recognise the rule of law, then it should be the law that we follow now. We are a country based on, for example Islamic rule (I mean no disrespect, I am only using this as an example) or another countries system of law and governing. We should continue to use the system we currently have.

2.6 Should the preamble refer to ‘equality’ and, if so, how?

Are we not all equal? Your proposed preamble states “We, the people of Queensland wish to continue as free and equal citizens...”

2.7 Should the preamble recognise the system of government the Constitution establishes and, if so, how and to what extent?

If a preamble is to be included then there should be a statement that our system of government is a Constitutional Monarchy and not another system.

2.8 Should the preamble refer to the environment and, if so, how?

We are to be good stewards of the land and environment we live in.

Refer:

Genesis 1:27 So God created human beings, making them to be like himself. He created them male and female,

Genesis 1:28 blessed them, and said, "Have many children, so that your descendants will live all over the earth and bring it under their control. I am putting you in charge of the fish, the birds, and all the wild animals.

Genesis 2:19 So he took some soil from the ground and formed all the animals and all the birds.

Then he brought them to the man to see what he would name them; and that is how they all got their names.

2.9 Should the preamble contain any other elements and, if so, what should they be?

To be careful of the use of the word 'tolerance'.

Citizenship, mateship and English language could be included. It should be noted that we are an English speaking nation, although we are fortunate to have people from all over the world call Australia, and Queensland home.

Issue 3

Can a preamble be included in the Constitution of Queensland 2001 and not be able to be used as an aid in statutory interpretation?

If so, what is needed to ensure that the preamble does not include information which can be used as an aid in any statutory interpretation of the Constitution of Queensland 2001?

I would be concerned that a preamble inserted into our State Constitution might be used in this way. It should not be used as an aid in statutory interpretation. However, as I have no experience in how one ensures the preamble cannot be used in this way, I cannot give an answer to the second part of this question.

Issue 4

Is it desirable that there be a preamble in the Constitution of Queensland 2001? Perhaps this should have been the first question raised. Do we really need this preamble? We already have a Constitution and as a Queenslander we hear many statements made by our Government on the issues raised in this submission.

If so, should the Queensland community be further consulted on the issue of a preamble?

What for should any further consultation take?

Should any preamble be inserted by Act of Parliament alone, or should a referendum first be held?

Why should the people of Queensland not be asked by referendum? The people of Queensland live and work in this State regardless of who is in Government. Yes they should be asked.

When is the appropriate time for the adoption of a preamble?

If the People of Queensland want the preamble, then ask them at the referendum.

Summing Up:

I understand that the following text from the Bible is to be found in the Queensland State Parliament Building:

Except the LORD build the house, they labour in vain that build it: except the LORD keep the city, the watchman waketh but in vain. Psalm 127:1

I have endeavoured to put answers to as many of the issues as I understand. Thank you for allowing the people of Queensland to put forward our views on this matter.

We have a great state, and it's great to be a Queenslander.

A handwritten signature in cursive script, appearing to read 'Sally-anne', is written above a horizontal line.

Sally-anne Irvine