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Sent: Friday, 6 March 2009 2:51 PM
To: LCARC
Subject: Constitutional Preamble
Attachments: Preamble for the Constitution QLD..doc

The Research Director
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My Submission regarding the Preamble to the Queensland Constitution is attached.

Thank you.

Zelda Bailey

A PREAMBLE FOR THE QUEENSLAND CONSTITUTION

This Submission takes the view that a Preamble to the Constitution of Queensland should convey certain basic principles containing the symbolic, aspirational and inspirational elements that reflect the character and intentions of the preamble.

This Submission proposes that these principles should be:

- 1) the shared, common values that bind people together as a community
- 2) the kind of society we want to be, and
- 3) our relationship with and total dependence upon the natural world (environment).

1) Shared Values

A Constitutional Preamble written for a modern, secular democracy must be worded in a way which reflects the true diversity of the population yet bridges differences by focusing on the values that people have in common. For this reason it takes only a glance at the 2006 Census tables for Queensland to see that any reference to 'God,' or any other supernatural or spiritual force or entity, is out of the question since over 18% of respondents indicated that they had no religion. Any such reference would certainly be presumptuous and inaccurate.

To promote the concept of shared values in a pluralist community, a Preamble should acknowledge the efforts people make to build harmonious, cooperative and peaceful relations in Queensland, especially between people who may have markedly different world views or life stances.

The task before us all should be to contribute in a purposeful way to strengthening the common values that connect and unify people who come from divergent cultural traditions, and an appropriately worded Preamble can make a significant contribution to this process.

2) Kind of Society

Concern is increasing in Queensland regarding fundamental human rights and civil liberties among people from all walks of life and in ways that clearly cross ethnic, gender, age, colour, as well as system of belief (religious and non-religious) barriers. This growing concern for human rights and civil liberties points to the fact that our expressed ideals for society have not yet been fully realised. A reference to looking forward to a future time when equality before the law; social justice and inclusion; fairness and equity; and respect for difference will be the order of the day, should be included in an aspirational and inspirational Preamble. This provides a clear goal for us to strive for together through good governance, sound legislation and responsible social practices.

3) The Natural World

The need to enshrine protection of the environment in law has never been more urgent. The adoption of a Preamble provides us with an excellent opportunity to position the natural world, of which we are only one part, centre stage in our current and future thinking and planning. We should acknowledge its dominant role in the life of every one of us and commit ourselves as Queenslanders to do everything within our power to preserve the diversity and health of natural systems within our State boundaries and beyond, whilst abandoning behaviours that reduce biodiversity, harm ecological systems and/or deplete the quality of air, soil and water.

GENERAL COMMENTS

This Submission has emphasised what the writer considers to be the main purpose of a Preamble to the Queensland Constitution. That is to set out commonly shared values and a future orientated conception of society within its ecological situation, in the hope its words may “permeate the social and cultural fabric, a potential totem for state, community and individual”. (McKenna et al)

Reference: M McKenna, A Simpson and G Williams, ‘First Words: The Preamble to the *Australian Constitution*’, *UNSW Law Journal*, vol24, 382-400 at 382)

SUBMITTED BY:

ZELDA BAILEY