

10 MAR 2009

LEGAL, CONSTITUTIONAL AND  
ADMINISTRATIVE REVIEW  
COMMITTEE

AUSTRALIAN REPUBLICAN MOVEMENT (QLD)

PO Box 1120  
MILTON BC QLD 4064

6 March 2009

The Research Director  
Legal, Constitutional and Administrative Review Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Sir / Madam

**RE: Submission – A Preamble for the Queensland Constitution**

***The Australian Republican Movement submits that the current Legal, Constitutional and Administrative Review Committee (LCARC) include a statement on the sovereignty of the people of Queensland in the preamble to the Queensland Constitution and not take the same position as the previous LCARC Committee. This earlier position conflicts with the action taken by the Queensland Government in 2005 with the introduction of the 'Constitutional and Other Legislation Amendment Bill 2005 Bill'.***

There appears to be a conflict in thinking between different LCARC reports on issues that refer to the sovereignty of the people of Queensland.

By letter dated 17 May 2001, the then Premier asked the LCARC of the 50<sup>th</sup> Parliament to consider Recommendation 7 of the Members' Ethics and Parliamentary Privileges Committee (MEPPC) report No.44, namely:

*That the Oath of Allegiance taken by members of the Legislative Assembly be reviewed, within current constitutional arrangements, as part of the consolidation of the Queensland Constitution and that such review take into account the aspirational statements contained in the previous Members' Ethics and Parliamentary Privileges Committee's Statement of Commitment.*

The members' Oath of Allegiance was then contained in Section 4 of the *Constitution Act 1867 (Qld)*. In its report on the issue, the committee recommended that the Constitution should be amended so that members of the Queensland Legislative Assembly should be provided with the option as to whether to swear or affirm allegiance to the Crown, or only to the people of Queensland. During the previous term of the Queensland Parliament, the then Premier announced that the Government would change the legislation requiring Parliamentarians to take an Oath or Affirmation of Allegiance to Her Majesty the Queen, and instead allow Members to elect to swear or affirm their allegiance to the Parliament and People of Queensland. In August 2005 the *Constitutional and Other Legislation Amendment Bill 2005* was introduced into Parliament by the then Premier which contained amendments in this regard. Similar reforms have been enacted in New South Wales, Western Australian and the ACT.