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LEGAL, CONSTITUTIONAL AND
ADMINISTRATIVE REVIEW
COMMITTEE

From: webmaster@parliament.qld.gov.au
Sent: Sunday, 15 March 2009 9:05 PM
To: LCARC
Subject: Online Submission - What should be in the preamble?

ONLINE SUBMISSION - What should be in the preamble?

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Name: Laretta Johnston
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Issue 1: What form should the statement in the preamble to give due recognition to Queensland's Aboriginal and Torres Strait Islander people take?

I believe that if the Queensland constitution is going to have a preamble it should recognise Aboriginal and Torres Strait Island people. I also believe that there should be a section included in our constitution that includes the wording from para (3) of the Victorian section: (3) the parliament does not intend by this section - (a) to create in any person any legal right or give rise to any civil cause of action; or (b) to affect in any way the interpretation of this Act or of any other law or force in Queensland. Both sections a and b should be included.

Issue 2: What should be included in the aspirational statement which will be in the preamble?

I believe that something should be included that recognises when Queensland became a separate state and other important milestones. I do not think that a vision for the state's future is appropriate.

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

Yes, there should be reference to origins or history of the Constitution in the preamble.

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

I believe that it is important to recognise the sovereignty of the people. If and when Australia becomes a republic, let's deal with that then.

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

Yes, it should. The people who founded this nation were Christians and so are a vast majority of the people who live in this country. A broader reference to a general god would appease people of different religions and spiritual beliefs but it may also offend non-believers. Where does one draw the line. FYI - I personally do not believe in God per se, but believe that the Queensland Constitution preamble should make a reference to God in the Christian sense.

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

I agree that the preamble should recognise cultural diversity and believe that the QCRC statement is succinct. No more needs to be said.

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

Yes, I believe that the preamble should recognise the rule of the law.

Issue 2.6: Should the preamble refer to 'equality' and, if so, how?

Yes, the preamble should recognise equality. The QCRC statement is preferable.

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

YES, the preamble should recognise the system of government by referring to the Qld Govt as a part of the Australian Federal Govt which has a constitutional monarchy.

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

YES, the preamble should refer to the environment. I agree with the QCRC statement.

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

YES, tolerance, the English language, freedom and liberty and mateship.

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

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can be used as an aid in any statutory interpretation of the Constitution of Queensland 2001?

I can make no authoritative comment in this area. I do agree, however, that the preamble should not include information which can be used as an aid in statutory interpretation.

Issue 4: Is it desirable that there be a preamble in the *Constitution of Queensland 2001*? If so, should the Queensland community be further consulted on the issue of a preamble? What form should any such further consultation take? Should any preamble be inserted by Act of the Parliament alone, or should a referendum first be held? When is the appropriate time for the adoption of a preamble?

There is no need for the Queensland Constitution to have a preamble. YES there should be a referendum in any preamble is to be inserted.

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Further to my previous submission and comments: I believe that holding a referendum at the same time as govt elections is an excellent idea. For most people, if they are concerned about the preamble and what is included in it, they will research it on the internet.