

The Australian
Monarchist League Inc

"Save the Constitution,
save the flag"

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INC: 9888605 – ABN: 50476001156

Australian Monarchist League
Queensland Branch

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11 MAY 2009

LEGAL, CONSTITUTIONAL AND
ADMINISTRATIVE REVIEW
COMMITTEE

The Research Director

LCARC

Parliament House, George St

BRISBANE QLD 4000

Mr Brant Rippon

Acting State Chair & Treasurer

Australian Monarchist League- QLD Branch

PO Box 10

CLONTARF BEACH QLD 4019

5th May 2009.

Submission to the 53rd Parliament of Queensland –

Second Submission Re: Preamble for the Queensland Constitution

To the Research Director and LCARC:

On behalf of the Australian Monarchist League (AML) – Queensland Branch, we would like to offer our support for the creation of a preamble for the Queensland constitution. We support the decision that "In developing the draft preamble, regard should be had to ensuring that the text to the preamble does not purport to include information to be used as an aid in statutory interpretation" (LCARC Issues Paper, Feb 2009:1). We would also support the adding of a new section to the Queensland constitution whereby the preamble would have no "legal effect and could not be used to interpret the constitution or any other law" (LCARC Issues Paper, Feb 2009:3), similar to that of a recommendation made for the proposed Federal preamble in 1999.

1) The Issue of commemorating the 150th anniversary of Queensland:

AML supports this move. We believe it is imperative that the preamble acknowledges our history and commemorates the 150th anniversary of the establishment of Queensland. In the preamble we call for the following:

- i) The acknowledgement of the signing of the Letters Patent and the Order in Council by Queen Victoria which authorised the separation from New South Wales;
- ii) How Queensland obtained its name;
- iii) The movement of Queensland from a self-governing Colony to a State within the Commonwealth of Australia, and;
- iv) Aspects of the system of government established by the constitution outlined, and recognition of the fact that Queensland is, along with the nation she is part of, a constitutional monarchy.

In relation to the above, we believe that the relevant statement made in the preamble should be worded as follows;

On 6 June 1859, Queen Victoria signed the Letters Patent and the Order in Council which authorised the separation of Queensland from New South Wales, thereby enabling it to become a colony in its own right and to have its own Parliament. The original name for Queensland was to be Cooksland, however subject to the signing of the Letters Patent, Her Majesty Queen Victoria implored that the naming of the new colony should be after herself – Queens-Land. The union of the Commonwealth of Australia was created on 1st January 1901. The majority of Queenslanders voted 'yes' to a referendum asking whether Queensland should join the Federation. Once this referendum was passed, Queensland lost its colonial status and became a State. Queensland is a Constitutional Monarchy with Queen Elizabeth II as Queen of Queensland and Australia. She is Sovereign and the Governor of Queensland is her representative. We have an elected-representative style of democracy based on the Westminster system. The Governor as the Sovereigns personal representative acts on advice from Government Ministers to give legal effect to the decision of the ministry.

In our proposal, we reject issue 2.1 of the Issues Paper which states that- "Whilst the republic proposal in the 1999 referendum was defeated, there remains considerable community support for a republican system of government in Australia. The republic question could be put to the Australian people again. Any change in our system of government will involve significant constitutional amendment both at the federal and state level" (LCARC Issues Paper, Feb 2009:10). We reject the notion that there remains 'considerable' community support for a republic in Australia. 72 per cent of Australian electorates voted against the proposal for an Australian republic in the 1999 referendum. Queensland recorded the lowest 'Yes' vote out of any other state, with only 37.44 per cent of eligible people voting in the affirmative. The Roy Morgan Poll, referred to by the Issues Paper says it all – "Now Only 45% of Australians Want a Republic with an Elected President (Down 6% Since 2001)". The results of this poll have been misquoted or misrepresented by LCARC via the Issues Paper. What actually was stated by Roy Morgan Research is as follows;

In early May 45% (down 6% since Feb. 2005) believe Australia should become a Republic with an elected President, while 42% (up 2%) support Australia remaining a Monarchy and 13% (up 4%) are undecided — according to a special Morgan Poll of Australians taken last weekend (May 3/4, 2008).

The article goes on to say that;

Support for a Republic with an elected President is the lowest since (then) Prime Minister Paul Keating raised the issue nearly 15 years ago in December 1993.

Gary Morgan from Roy Morgan Research says later in the relevant article that, "What would please the Monarchists is 64% of those aged 14-17 say Australia should remain a Monarchy, with 23% supporting a Republic and 13% undecided." This report proves that support for Australia remaining a constitutional monarchy is still strong and growing within certain demographics – and will remain strong into the future. Therefore, debate about whether or not to include a statement in the preamble relating to Queensland being a constitutional monarchy is unfounded. Support for the system is robust, and even if one day a republic were to succeed, there is no denying our heritage. Thus, it is AML's belief that our above outlined statement should be included in the preamble of Queensland's constitution.

Article: <http://www.roymorgan.com/news/polls/2008/4290/>

2) The issue of due recognition of Queensland's Aboriginal and Torres Strait Islander Peoples:

AML also supports this move. We support both or either of two previous draft preamble statements made in relation to Indigenous Australians – the QCRC draft preamble reference to Indigenous Australians (1999-2000), and the proposed federal preamble reference to Indigenous Australians (1999). Both of which are as follows;

QCRC draft: *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.*

And/or

Proposed Commonwealth Constitution Preamble: *...honouring Aboriginal and Torres Strait Islanders, the nation's first people, for their deep kinship with their lands and for their ancient and continuing cultures which enrich the life of our (State and) country...*

Once again, AML – QLD Branch would like to reiterate that it believes strongly that any preamble added to the Queensland constitution should have no legal effect on the interpretation of the constitution or any laws within the State of Queensland, and we urge appropriate action to be taken to prevent this from happening. It is important we recognise our heritage and culture, no matter what ones political views are, and not be ashamed of where we have come from. That is why AML – QLD Branch believes that the above outlined should be included in the preamble.

Regards,



Brant Rippon

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