
From: webmaster@parliament.qld.gov.au
Sent: Thursday, 14 May 2009 1:09 AM
To: LCARC
Subject: Online Submission - What should be in the preamble?

ONLINE SUBMISSION - What should be in the preamble?

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Name: CRISP Rodney
Street Address:
Suburb: Paris
Postcode:
Contact Phone Number:
Email Address:

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

We, the people of Queensland, of mixed ancestral origins, and of many ethnic cultures, Indigenous, European, Asian Middle Eastern and others without limitation or exclusion, nor distinction of gender, class, language, religion, political or other opinion, declare that we respect the equality of all persons under the law.

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

Since the Australia Acts 1986 no law made by the Parliament of the United Kingdom shall extend to the Sovereign State of Queensland. In this year, 2009, the one hundred and fiftieth anniversary of the separation of the Sovereign State of Queensland from the colony of New South Wales and also the one hundred and eighth anniversary of the formation of the Commonwealth of Australia, We, the people of the Sovereign State of Queensland wish to continue as free and equal citizens under the Rule of Law, and be governed in accordance with the democratic processes contained in this Constitution, As well as in the Constitution of the Commonwealth of Australia as far as it differs from this Constitution and applies not only to the people of the Sovereign State of Queensland but equally to all the people of the Commonwealth of Australia of which we are a part.

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

See Issue 2 above.

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

See Issue 2 above

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

No reference should be made in the Constitution to any hypothetical god or gods nor to any mythological, mystical, real or imaginary person whether past, present or future.

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

Yes. See Issue 1 above.

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

Yes. See Issues 1 and 2 above.

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

Yes. See Issues 1 and 2 above.

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

Yes. See Issue 2 above. Also, the manner in which the people of the Sovereign State of Queensland are subject to both the State and Commonwealth Constitutions, should be clearly defined, in order to avoid any possible conflict or ambiguity as to which may have predominance over the other (see Issue 2 above)

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

We declare that we honour, respect and preserve to the best of our ability, the land, air, water and biodiversity of the environment we all share.

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

We recognize as forming an integral part of the present Constitution, the International Bill of Human Rights of the United Nations.

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?

No.

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?

Yes. The text of the proposed preamble should be submitted to the people of Queensland by referendum. This should be done as soon as practicable before the end of the year 2009.

What specific wording or matters should the preamble contain?

Since the Australia Acts 1986 no law made by the Parliament of the United Kingdom shall extend to the Sovereign State of Queensland. In this year, 2009, the one hundred and fiftieth anniversary of the separation of the Sovereign State of Queensland from the colony of New South Wales, and which is also the one hundred and eighth anniversary of the formation of the Commonwealth of Australia, We, the people of the Sovereign State of Queensland wish to continue as free and equal citizens under the Rule of Law, and be governed in accordance with the democratic processes contained in this Constitution, As well as in the Constitution of the Commonwealth of Australia in as far as it differs from this Constitution and applies not only to the people of the Sovereign State of Queensland but also and equally to the whole of the people of the Commonwealth of Australia of which we are a part. We also recognize as forming an integral part of the present Constitution, the International Bill of Human Rights of the United Nations Organization. Proudly recognising that we are of mixed ancestral origins, and of many ethnic cultures: Indigenous, European, Asian Middle Eastern and many others, without limitation or exclusion whatsoever, nor distinction of gender, class, language, religion, political or other opinion, declare that we respect the equality of all persons under the law. We declare that we wish to honour, respect and preserve to the best of our ability, the land, air, water and biodiversity of the environment we all share in our Sovereign State and within the Commonwealth of Australia.