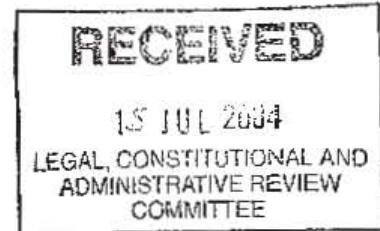


**Tania Jackman**

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**From:** LCARC  
**Sent:** Thursday, 15 July 2004 2:29 PM  
**To:** Tania Jackman  
**Subject:** FW: A Preamble for the Queensland Constitution



-----Original Message-----

**From:** Peter Eardley  
**Sent:** Thursday, 15 July 2004 2:13 PM  
**To:** LCARC  
**Subject:** A Preamble for the Queensland Constitution

**A Preamble for the Queensland Constitution**

**Our Ref:** PCE:imc:

**Contact:** Peter Eardley - 3377-7622

Please find letter **attached**.

Yours faithfully  
Peter Eardley

<<LCARC letter01.doc>>

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15 July 2004

## A Preamble for the Queensland Constitution

Our Ref: PCE:imc:  
Contact: Peter Eardley - 3377-7622

I have read with interest the paper prepared as part of the enquiry conducted by the Parliamentary Committee on this issue. I recognise the goodwill with which the exercise has been conducted. My opinion, however, is that the exercise is an unnecessary distraction to the real business of the Queensland Parliament and is not in the overall interest of its citizens.

My reasons for adopting such a negative stance are:-

1. The notion of a preamble to any Act, being something of any importance, be it a document or statement of anything other than a brief overall description of legislative intent, is a very new concept. In my view, it is trite to suggest that words such as "aspirational" or "inspirational" have any significance. With due respect, and of course commenting as a lawyer, Acts of Parliament are dry, legal language whose language is required to be precise, definitive and explanatory of the rights and obligations of citizens.
2. Clearly, there is a desire to add a thrill factor to constitutional matters. I am a great advocate in suggesting that a compulsory study subject at school, both primary and secondary, should be a subject notionally called "Civics" where all aspects of our society, its functions and its responsibilities are taught in a systematic way. I suppose another title might be "Social History" or "Social Responsibility". Nevertheless, to speak of such a requirement being capable of an expression within a document, in my view, will not succeed.
3. The *Queensland Constitution Act*, having regard to our unicameral system, is just that. It is a mere Act of the Queensland Parliament. It can be amended easily. In my view, it cannot be "sexed up" by a call to arms being appended to it.
4. The only real example of where a Constitution can be said to have a superb preamble, or perhaps more appropriately described as a "precursor document" is, of course, the Declaration of Independence of the United States of America. It must be borne in mind

that that document came about in a time of great civil strife. It was in fact deliberately designed to be inspirational, aspirational or whatever, in relation to the rallying of the citizens of the States to the cause. Our State's development has been one of constitutional evolution based on the traditions of the common law system which we inherited from England and which, in the main, has served us well. This graduated incremental development has, as its core, pragmatism. It relates to changes in circumstances. It seems to me that attempting to design a preamble which would cover all aspects of the multiplicity of interests in our society will become an exercise of division rather than inclusion.

5. The various interest groups who will seize upon this issue will do so in a way which will be, frankly, a diversion for the chattering classes rather than an exercise of goodwill or team building or unification of our society. Words are weapons and an emphasis on trying to develop a document which in fact has no legal effect but which will allow divisions in our society to come forward does not seem to me to be worthwhile pursuing.
6. I do not wish to appear condescending, as I well recognise and accept the need for proper reconciliation or, perhaps more appropriately, an adequate dealing with the mess that we, the white society, created in respect of our treatment of Aborigines. Personally, I find it trite to attend public meetings where there is a rote statement at the commencement of a speech about recognising the traditional owners of the land. I would be far more enthusiastic if that recognition took some proper active form. I can clearly see that, if those aspects of reconciliation and recognition become divisive, then there will inevitably be requirements that we, for example, celebrate the cattlemen who opened up the Queensland interior. The problem is that the number of topics suitable for inclusion in the preamble are so vast that exclusion will inevitably become a political and public debate.
7. My desire would be for the Committee to shake up our education system so that proper civics is taught in our schools.

Yours sincerely

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