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LEGAL, CONSTITUTIONAL AND
ADMINISTRATIVE REVIEW
COMMITTEE



LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE
REVIEW COMMITTEE

**A PREAMBLE FOR THE QUEENSLAND
CONSTITUTION?**

Feedback form

This feedback form can be used to make a submission. Submissions may also be made in another form such as a letter. If additional space is required for responding to issues, please insert supplementary pages with reference to the issue being addressed.

The release of the issues paper, with the committee's call for submissions, is the first stage in the committee's review of the recommendations of the Queensland Constitutional Review Commission regarding a preamble for the Queensland Constitution.

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ISSUE 1 (refer page 6)

Should the Queensland Constitution contain a preamble?

YES - THIS IS NECESSARY CLARIFY SECTIONS WHICH
ARE AMBIGUOUS, TO DEFINE RIGHT AS IN FREEDOMS,
AND TO GIVE THE CONSTITUTION DIRECTION
& PURPOSE.

ISSUE 2 (refer page 7)

Should the Queensland Constitutional Review Commission draft preamble be adopted in Queensland?

THERE HAS BEEN VERY LITTLE PUBLICITY ABOUT THIS
SERIOUS ISSUE AND THIS MAKES ME SUSPICIOUS
OF THE COMMISSION & ITS MOTIVES. AN INDEPENDENTLY
DRAWN UP PREAMBLE IS PREFERABLE.

ISSUE 3 (refer page 9)

What purpose should a preamble to the Queensland Constitution serve?

SEE ISSUE 1

ISSUE 4 (refer page 9)

What type of language should the preamble use?

COMMON & UNAMBIGUOUS - WHAT IT SAYS
SHOULD BE WHAT IT MEANS - MUST BE ABLE
TO BE CLEARLY UNDERSTOOD BY ALL -
DEFINITELY NO LEGAL JARGON

ISSUE 5 (refer page 9)

How extensive should the preamble be?

SHOULD COVER OUR FAITHS, LIFESTYLES & AMBITIONS,
(BOTH STATE & PERSONAL) MUST MAKE PROVISION FOR A
BILL OF RIGHTS, AT PRESENT WE HAVE NONE. BRITISH
LAWS HAVE BEEN RULED INVALID BY HIGH COURT.

ISSUE 6 (refer page 9)

Should the Queensland Constitution specifically state that the preamble cannot be used to interpret other provisions of the Constitution?

NO - THE PREAMBLE MUST BE AS LEGALLY
BINDING AS THE CONSTITUTION, OR WE ARE
WASTING TIME & MONEY DRAFTING ONE.

ISSUE 7 (refer page 10)

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

DEBATABLE - DESIRABLE BUT NOT
NECESSARY - THIS DOCUMENT IS THE BASIS FOR
RUNNING THE STATE & OUR LIVES IT IS NOT A
HISTORY LESSON.

ISSUE 8 (refer page 10)

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

YES - BUT ONLY IN THE SAME CONTEXT
AS IN THE FEDERAL CONSTITUTION - THE
STATE MUST REFLECT THE FEDERAL
CONSTITUTION.

ISSUE 9 (refer page 11)

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

YES - AS GOD ALMIGHTY A LIVING GOD -
WITHOUT FAITH THE PREAMBLE & CONSTITUTION
WILL BE WORTHLESS - PEOPLE NEED SOMEONE
OR SOMETHING TO BELIEVE IN

ISSUE 10 (refer page 12)

Should the preamble recognise Aboriginal and Torres Strait Islander people and, if so, how?

YES - AS TRADITIONAL LANDOWNERS AND THE
FIRST CULTURE KNOWN TO EXIST HERE

ISSUE 11 (refer page 12)

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

DEFINITELY NOT WE SHOULD BE RECOGNISING
ASSIMILATION NOT SOMETHING THAT CAUSES
SPLITS THE COMMUNITY

ISSUE 12 (refer page 13)

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

YES - IT SHOULD POINT OUT CITIZENS
RIGHTS (BILL OF RIGHTS) AND RESPONSIBILITIES
UNDER LAW. THIS MUST LIMIT GOVERNMENT
POWER AND BRING CITIZENS BACK MANY FREEDOMS
STOLEN FROM US. - IT MUST STRESS THAT
LAWS CAN ONLY BE LEGISLATE BY ELECTED MEMBERS
ONLY NOT BY THE UNELECTED SUCH AS JUDGES.

ISSUE 13 (refer page 14)

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

ONLY IN THE CONTEXTS " GOD CREATED ALL EQUAL "

ISSUE 14 (refer page 14)

Should the preamble refer to gender equality and, if so, how?

IS THIS REALLY NECESSARY? ONE SEX WAS CREATED TO COMPLEMENT THE OTHER AND I CAN SEE NO COMPETITION, OR NEED TO CREATE ONE

ISSUE 15 (refer page 14)

Should the preamble recognise the status of the Constitution and, if so, how?

YES - ITS LAWMAKING ABILITY, ITS RESPONSIBILITY TO THE PEOPLE AND REFLECTION OF THE COMMONWEALTH CONSTITUTION

ISSUE 16 (refer page 15)

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

ONLY IN PASSING, OR THE PREAMBLE BE MADE LARGER THAN THE CONSTITUTION

ISSUE 17 (refer page 15)

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

NOT NECESSARY - SEE ISSUE 16.

ISSUE 18 (refer page 15)

Should the preamble contain other elements and, if so, what should they be?

ANY OTHER ELEMENTS SHOULD BE DEALT WITH BY THE CONSTITUTION.

ISSUE 19 (refer page 17)

How might text be developed around the identified elements of a preamble?

IT MUST BE DONE IN PLAIN & SIMPLE LANGUAGE AND MUST NOT USE ELABORATE LEGAL JARGON WHICH SERVES ONLY TO CONFUSE.

ISSUE 20 (refer page 17)

How should the community be consulted in this process?

BY PUBLIC MEETINGS IN REGIONAL CENTRES - WITH PUBLIC INPUT AND NOT PRESENTED AS A FATT ACCOMPLISH.

ISSUE 21 (refer page 17)

Who should be consulted?

ALL QUEENSLANDERS

ISSUE 22 (refer page 18)

Should a referendum be held to insert a preamble into the Queensland Constitution?

YES AND THE CONSTITUTION ALTERED TO ENSURE
ALL CHANGES (NOT ONLY THOSE CONCERNING THE GOVERNOR)
ARE MADE BY REFERENDUM.

ISSUE 23 (refer page 18)

Should an 'interim' preamble to the Queensland Constitution be inserted by way of an Act of Parliament prior to a final version being confirmed by way of a referendum?

NO - POLITICIANS (ESPECIALLY IN POWER) ARE HUMAN AND
WOULD BE TEMPTED TO INSERT CLAUSES TO ENTRENCH
THEIR POWER & PERKS - THIS WOULD DEFEAT THE
PURPOSE.

ISSUE 24 (refer page 18)

When is an appropriate time to consider a referendum on the issue of a preamble for the Queensland Constitution?

NOW - THE SOONER THE BETTER AS THIS IS
ABOUT OUR RIGHTS & FREEDOMS NOT POLITICAL
ISSUES

CONSTITUTIONAL PREAMBLE

A preamble to our state constitution is very necessary to ensure that the constitution is made clear to all, and that it is interpreted in the spirit it was intended. A constitution is drawn up as a base for society to live in an orderly fashion, under the rule of law. Unfortunately, many of our politicians are abusing both our state and federal constitutions, and are continually trying to circumvent them for their own and their party's political expediencies. As well, government is interfering far too much in peoples private and business lives, even to the extent of legally stealing private property in the name of public interest.

This is the first time, to my knowledge, that we the people Queensland have had a real opportunity to have input to our constitution, and to limit the power of government, and return to us the freedoms we have had taken from us, by those who have abused power given them in good faith. People must have the right to live their lives as they choose, as long as they do not infringe on the rights of others. To ensure this, it is necessary to add an amendment to our constitution, in the form of a bill of rights, which must be put to the people via referendum, to ensure that NOONE be it government or court can alter it without the consent of the people.

The High Court has ruled that the British Bill of Rights has no significance in Australia, therefore we have no protection of the few rights we have, except under the Federal Constitution. In that constitution, we are guaranteed protection of the three rights enshrined there, they are : sec 80 the right to trial by jury, for indictable offences; sec 92 the right to free trade between the states; and sec 116 freedom of religion. Although some of those in power may dispute this, all other "rights" can be taken from us by legislation or by the courts. It must be brought to the attention of all citizens that the only way we can gain rights and the protection of them is by giving them to ourselves, via referenda. Though some may believe that we can obtain rights from the government, the courts, or even the United Nations, we must understand those who can give a right, can also take away that right.

We must make it clear in either the preamble, or a constitutional amendment, a definition of right that is clear and unambiguous. To that end I would suggest the following: RIGHT " The inalienable freedom to act morally without seeking or receiving consent from any source." Being inalienable, once obtained a right cannot be taken away, reduced or modified in any way. It is vital that all people of Queensland are advised that the Constitution of Queensland is to be altered, and that they all be given the opportunity to contribute, so that it is a genuine effort by all the community