



Hon Liddy Clark MP
Member for Clayfield



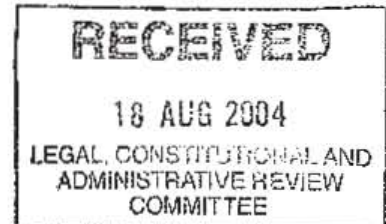
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Government

Our ref: MC04/0887

Minister for
Aboriginal and
Torres Strait Islander Policy

16 AUG 2004

Dr Lesley Clark MP
Chair
Legal, Constitutional and
Administrative Review Committee
Parliament House
George Street
BRISBANE QLD 4000



Dear Lesley *Lesley*

Thank you for your letter of 17 June 2004 requesting feedback on the Issues Paper *A Preamble for the Queensland Constitution*. I note that you also wrote to Dr Warren Hoey, Director-General, Department of Aboriginal and Torres Strait Islander Policy (DATSIP).

With respect to your request for feedback, I support the inclusion of a preamble to the Queensland Constitution and more specifically, one that appropriately recognises Aboriginal peoples and Torres Strait Islanders.

However, I believe that the preamble content and specific wording of the preamble should be developed only after broad consultation has been undertaken. This consultation must include significant input from Indigenous peoples.

In this regard, I suggest the following process to ensure such input:

- establish a working group (including Aboriginal and Torres Strait Islander representation) to assist with development of a draft preamble
- with assistance from members of the working group, consult Elders, traditional owner groups, other Indigenous representative bodies and other interested parties
- have the working group recommend suggested wording to the committee.

I am happy to assist with your inquiry by issuing a media release encouraging Aboriginal peoples and Torres Strait Islanders to participate in the process, and including an article in the DATSIP newsletter, should you agree.

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If you require any further information or assistance in relation to feedback on the Issues Paper *A Preamble for the Queensland Constitution*, please contact Michael Limerick, Acting Director, Policy Directorate, Department of Aboriginal and Torres Strait Islander Policy on 3224 8914.

Yours sincerely

A handwritten signature in black ink, appearing to read "Liddy Clark". The signature is written in a cursive style with a long horizontal stroke at the end.

Liddy Clark MP
Minister for Aboriginal & Torres Strait Islander Policy

Legal, Constitutional and Administrative Review Committee

A preamble for the Queensland Constitution

Questionnaire

1. Should the Queensland Constitution contain a preamble?

Yes:

No:

Comments: _____

If so:

2. What elements should the preamble contain?

A preamble to a constitution generally acts as an introduction and is symbolic, inspirational or aspirational in nature. Matters which might be included in a constitutional preamble include the source, authority and history of the constitution, the system of government it establishes, and the principles or values it espouses. A preamble might also seek to be unifying and promote a shared commitment to the constitution.

It is recommended that a preamble to the Queensland constitution recognise:

- that Aboriginal peoples and Torres Strait Islanders are the First Peoples of Queensland (Australia)
- that Aboriginal peoples and Torres Strait Islanders each have rich, diverse and unique cultural heritage including mutually recognised systems of governance and laws by which they live and define their relationships between each other, with the land and with their natural and spiritual environment.

3. How might the actual wording around these elements be developed?

It is recommended that actual wording around these elements be developed with broader consultation as proposed below.

4. How should the committee consult with communities, particularly Indigenous communities, regarding this issue?

The following process is suggested for consultation in regard to this issue:

- establish a Working Group (including Aboriginal and Torres Strait Islander representation) to assist with development of a draft preamble
- with assistance from members of the Working Group, consult with Elders, Traditional Owner Groups and other Indigenous representative bodies as well other interested parties in relation to the draft preamble
- Working Group to recommend suggested wording to the Committee

5. Do you have any other comments?

Final recommendations of the Council for Aboriginal Reconciliation include:

1. "All parliaments and local governments pass formal motions of support for the Australian Declaration Towards Reconciliation and the Roadmap for Reconciliation, *enshrine their basic principles in appropriate legislation, and determine how their key recommendations can best be implemented in their jurisdictions.*"

Send responses to:

Research Director
Legal, Constitutional and Administrative Review Committee
Parliament House
George Street Brisbane QLD 4000

Response due by Friday, 21 May 2004