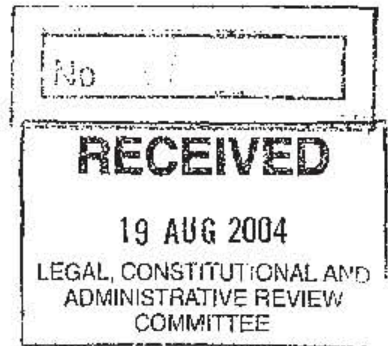


Legal, Constitutional and Administrative Review Committee,  
Parliament House,  
George Street Brisbane. Q.4000

From :-  
John Wakely.(an Antar Member)



15<sup>th</sup>. August. 2004.

Dear Research Director,

Submission re. Issues paper June 2004 :-  
YES –there is a need to have –

**“ A PREAMBLE FOR THE QUEENSLAND CONSTITUTION.”**

I enclose a 3 page extract from my submission re. the “ March 1993 Consolidation and Review of the Queensland Constitution ” -with relevant comments on chapters 3 and 5 .

I submit that there should be a Preamble which includes a “ RECOGNITION and RECONCILIATION STATEMENT ” as a separate part of the Preamble incorporating the importance of Queensland's Unique Indigenous Aboriginal and Torres Strait Peoples ; because of their real need to be “ Up-Lifted & Catch-Up.”

For it is very important to provide a real History to support the REASONS and UNDERSTANDING of Queensland's Unique INDIGENOUS significant minority group of People so that Justice will prevail. Such a Preamble inclusion in Queensland's Constitution would become a Uniting Force for every Citizen.

(Indicate an intention to add PROTECTIVE RIGHTS ( e.g. such as a Bill of Rights ) within say 5 years.)  
The Preamble could also indicate that following a National Referendum in which Queensland voters also form a State majority which approves Australia becoming a REPUBLIC ; that Queensland agrees thereafter to automatically follow and conform to the National Majority by RECOGNISING ONLY the Australian PRESIDENT.

And without any further QUEENSLAND REFERENDUM –the Government will CEASE to RECOGNISE “THE CROWN and the British Monarchy ” as having any further Role in the Governance of Queensland.

Regards ,

*John Wakely*



# ELECTORAL AND ADMINISTRATIVE REVIEW COMMISSION

# CONSOLIDATION AND REVIEW OF THE QUEENSLAND CONSTITUTION

## PUBLIC SUBMISSIONS

MARCH 1993

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Serial No. 93/S21

"CONSOLIDATION and REVIEW of the QUEENSLAND CONSTITUTION."

5.30- STATUS of INDIGENOUS PEOPLE.

QUEENSLAND'S CONSTITUTION needs to include :-

" AN ABORIGINAL and TORRES STRAITS ISLANDERS' -"RECOGNITION and RECONCILIATION"- STATEMENT."

( Preferably, the STATEMENT should be included in the CONSTITUTION as a SPECIAL PROVISION. (see the WAKELY page 2 this Submission..PUT IN AS A PART 3.))

The STATEMENT could be in the following FORM of RELEVANT WORDS:-

"WE- the People of Queensland-as a matter of very special importance- HEREBY DECLARE and UNDERTAKE that: We RECOGNISE and Acknowledge that Queensland's Native Indigenous People, the "ABORIGINAL and TORRES STRAIT ISLANDERS" were for many THOUSANDS of YEARS the actual POSSESSORS and OCCUPIERS of QUEENSLAND-this part of AUSTRALIA. ;

And, since 1788, when WHITE (British) SETTLEMENT, under Captain Arthur PHILLIP- took place in Australia; subsequently, largely through GROSS IGNORANCE, and CALLOU VIOLENCE-such as: MASS EXTERMINATION, MURDERS, POISONINGS, RAPES occurred; FAMILY, CLAN, TRIBES were DEVASTATEDLY TORN APART; LAND and RIGHTS; FAMILY and SELF-ESTEEM denied; ALL of which have CONTINUED to DISADVANTAGE Australia's NATIVE INDIGENOUS PEOPLE-the "ABORIGINAL and TORRES STRAIT ISLANDERS."

THEREFORE, as a GENUINE MEASURE and ACT of RECONCILIATION :-

The STATE of QUEENSLAND, under the POWERS of this CONSTITUTION- hereby officially RECOGNISES that "ABORIGINAL and TORRES STRAIT ISLANDERS (including their Successors)" as the ORIGINAL POSSESSORS of the STATE of QUEENSLAND are "UNIQUELY SPECIAL PEOPLE."

Therefore, and henceforth, THEY ARE ENTITLED to every appropriately FAIR and JUSTIFIED FLEXIBLE- "CATCH-UP PROVISION" which will ultimately lead all Queensland People to UNITE WITH MUTUAL PRIDE.

Accordingly, therefore, WE- the PEOPLE OF QUEENSLAND further UNDERTAKE :- that SO LONG as- "ABORIGINAL and ISLANDERS -our Native Indigenous People" CONTINUE AS A MINORITY of numbers; and SUFFER DISADVANTAGES- the State of Queensland WILL CONTINUE TO TAKE ALL FAIR MEASURES, and PROVIDE THEM with THE NECESSITIES and/or BENEFITS- which would be FAIRLY and ADEQUATELY due to "ABORIGINALS and ISLANDERS".

This RECOGNITION and RECONCILIATION is also THEIR PARAMOUNT RIGHT in QSLD.

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(The Queensland CONSTITUTION- must in all CONSCIENCE- DO MORE than JUST INCLUDE a HISTORICAL REFERENCE; which I have included in the STATEMENT above..which I suggest is the LEAST the PEOPLE and GOVERNMENT must provide,

The CONSTITUTION must GIVE WEIGHT to real RECOGNITION and RECONCILIATION so ,in due course of time :- ELEVATE our Native Indigenous People- the ABORIGINAL and ISLANDER PEOPLE,

BACK TO A LEVEL which is MEANINGFUL TO THEM, and to Non-Indigenous People.

This must be done in such a way, that this "UNIQUELY SPECIAL -MINORITY" will enjoy their SELF-ESTEEM; and so Non-Indigenous People will be able to appreciate that "WE ARE ALL BROTHERS and SISTERS" in a fair Society. This is not a case of APARTHEID-or EXCESS PRIVILEGE for any people. Rather it is an intention to seek genuine fairness, linked with Reality.

ABORIGINAL and ISLANDERS are not demanding EVERYTHING, or WANTING everything that Non-Indigenous People enjoy; but THEY do want BASIC CONTROL OVER THEMSELVES as most other People enjoy as a RIGHT. So with more REAL UNDERSTANDING- MUTUAL RESPECT WILL GROW; especially from RECOGNITION and RECONCILIATION.



These RESPONSES are to E.A.R.C. Issues Paper No. 21;  
I will respond using the same E.A.R.C. numbering, relating to:-  
CONSOLIDATION and REVIEW of the QUEENSLAND CONSTITUTION."

General Issues chapter 3.

3.C. issue 3.I : The most important PRINCIPLE to include in the QUEENSLAND CONSTITUTION is :

"THE PARAMOUNT ENTRENCHED provisions must be for the 'PEOPLES' PROTECTIVE RIGHTS"; together with- LIMITED POWERS for the Parliament, Executive, Officers, Judiciary; and all stated, and defined intelligibly for all people in PLAIN, modern Australian Macquarie Dictionary "English" language.

3.I2- Have a CONTROLLED CONSTITUTION; to limit Powers, and discourage Abuses, such as affected Queensland during the Bjelke Petersen Conservative Governments. There is no need to re-instate an UPPER HOUSE (L.C.); because the best protection is an effective OPEN, PUBLICLY ACCOUNTABLE Government; with a properly RESPONSIBLE Public Communication MEDIA reporting Honestly and Accurately the Facts, whilst acting as a PUBLIC INTEREST PROTECTOR; and there is FREEDOM of SPEECH.

3.I4- In the Constitution must be included an "ENTRENCHED"- "PEOPLES' PROTECTIVE BILL of RIGHTS as being PARAMOUNT. And no Government Legislation, Act, Regulation or Power shall supercede or Conflict with That.

3.I7- The CONSTITUTION could/should be in 3 PARTS:-

P.1. :- ENTRENCHED, and only amendable with a PUBLIC MAJORITY REFERENDUM

(especially for Peoples' Protective Rights e.g. BILL of RIGHTS, etc and the most important LIMITED POWERS of Parliament, Executive and Judiciary)

P.2. : AMENDABLE by Parliament without a Referendum providing there is NO CONFLICT with any other PART of the Constitution. Especially to ADD protective Rights.

P.3. : RECOGNITION STATEMENT;

(A) Queensland will Co-operate and Accept as PARAMOUNT the NATIONAL LAWS; especially Australian BILL of RIGHTS.

(B) further

RECOGNITION and RECONCILIATION statement; should be included in the Qsld. CONSTITUTION -such as :- "We, the PEOPLE of the STATE of QUEENSLAND hereby declare our RECOGNITION: that AUSTRALIA'S NATIVE INDIGENOUS PEOPLE, namely the ABORIGINAL and TORRES STRAIT people were for thousands of years the sole Occupiers of Australia; but after 1788, when WHITE SETTLEMENT was established under Captain PHILLIP, there followed through IGNORANCE, and a great deal of unforgiveable VIOLENCE (Murder, Tribal Extermination, Rape, forced DENIALS of NATIVES to their LAND, FAMILY, CULTURE, DREAMING, etc). Subsequently the INDIGENOUS PEOPLE, including their successor CLAN Members, have been drastically DISPOSSED of their LAND and RIGHTS; and continue to be INTOLERABLY DISADVANTAGED. Therefore, as a genuine RECONCILIATION gesture; the STATE of QUEENSLAND, hereby RECOGNISES that "ABORIGINAL and TORRES STRAIT ISLANDER PEOPLE are UNIQUELY

SPECIAL in Queensland; henceforth are ENTITLED to every JUSTIFIED flexible "CATCH-UP" provision which will ultimately LEAD ALL THE PEOPLE OF QUEENSLAND TO UNITE WITH MUTUAL PRIDE.

And, the STATE of QUEENSLAND, undertakes : "That -

SO LONG AS ABORIGINALS and TORRES STRAIT ISLANDERS (our Indigenous People)

CONTINUE AS A MINORITY population group in Queensland; the STATE of QUEENSLAND

WILL TAKE ALL FAIR MEASURES TO PROVIDE THEM WITH ALL NECESSITIES and/or

BENEFITS WHICH WOULD FAIRLY BE DUE TO RESTORE THEIR PRIDE."

(Applicable also to 7.I.)

3.I8.-

A COMMISSION such as E.A.R.C. should continue permanently, so that NEW, and SPECIFIC PROPOSALS can be PUBLICLY REVIEWED, with a Report and Recommendation to Parliament to be included in Legislation, and /or Constitution if approved.

3.I9-

GOVERNMENTS are not always a DEMOCRATIC MAJORITY of the People (e.g. GERRYMANDER such as UNEQUAL NUMBERS in Electorates, Wujul Wujul, etc) that is a DENIAL of DEMOCRACY.