

No 38



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24 AUG 2004  
LEGAL, CONSTITUTIONAL AND  
ADMINISTRATIVE REVIEW  
COMMITTEE

## LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

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# A PREAMBLE FOR THE QUEENSLAND CONSTITUTION?

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## 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.

**Mail to:** The Research Director  
Legal, Constitutional and Administrative Review Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

**Fax:** (07) 3406 7070

**Email:** [lcarc@parliament.qld.gov.au](mailto:lcarc@parliament.qld.gov.au)

Name: *Mr Sydney W. Wiswell*

Address: .

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ISSUE 1 (refer page 6)

Should the Queensland Constitution contain a preamble?

Yes

ISSUE 2 (refer page 7)

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

No. This would not necessarily be a confirmation of common law and British heritage rights

ISSUE 3 (refer page 9)

What purpose should a preamble to the Queensland Constitution serve?

To allow Australian citizens express their aspirations as to what governments (in this case the Old State Government) should be doing for them no to them.

ISSUE 4 (refer page 9)

What type of language should the preamble use?

Simple straight-forward English, not legalistic convoluted jargon.

ISSUE 5 (refer page 9)

How extensive should the preamble be?

As extensive as necessary to reinforce the intent of the Constitution regarding the rights of the individual and the protection of the individual against authoritarian "we know what's best for you" type government, inherent in all political parties.

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 should set the parameters of the Constitution and government power.

ISSUE 7 (refer page 10)

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

Yes. It should give an objective overview of our style of government (Westminster style, we hope), the Crown, official language heritage, legacy of common law, Magna Carta, Bill of Rights, religious toleration acts etc etc.

ISSUE 8 (refer page 10)

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

Yes. Affirm that Qld is a sovereign state within the Commonwealth and has powers not ceded to the Commonwealth of Australia by the Australian Constitution.

ISSUE 9 (refer page 11)

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

Yes. Although atheists rejoice in an apparent post-Christian Australia, our culture and system of government and laws are based on a belief in God and our own personal accountability! Been to a funeral service lately?

ISSUE 10 (refer page 12)

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

No, not really. I haven't heard of any that aren't full Australian citizens these days. We are all Australians on Planet Earth trying to figure out what the federal and state governments are doing to us.

ISSUE 11 (refer page 12)

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

If at all, only briefly. All of our ancestors (Aboriginal & Torres St Islanders included) came from somewhere else. That was some time ago. We are all Australians.

ISSUE 12 (refer page 13)

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

Yes. Expound on its virtues. If that sounds odd, visit southern Sudan, North Korea, Afghanistan, Iraq, Somalia, the Congo etc etc.

ISSUE 13 (refer page 14)

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

Yes. We are in theory all equal before the law, even politicians and bureaucrats.

ISSUE 14 (refer page 14)

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

Not really. There is enough anti-discrimination legislation with teeth and an over-abundance of affirmative action in practice in Queensland now.

ISSUE 15 (refer page 14)

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

Whoah! Hold on! The Queensland "Constitution" as constituted by politicians and "elites" needs detailed scrutiny by the media and the populace and our most eminent jurors before becoming a sneaky, unexamined, "set in cement" document!

ISSUE 16 (refer page 15)

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

As above, hold on! Basically a constitution defines the limits of government. What kind of government will the Beattie Government "constitution" give us. Let's have it all out in the open for expert scrutiny. Have some bits been <sup>Page 5</sup> obscured or omitted?

ISSUE 17 (refer page 15)

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

Perhaps. If it stresses the richness, diversity and uniqueness of the Old environment and the need to protect same without being too specific as to how. "Greenie" legislation is far from being universally good.

ISSUE 18 (refer page 15)

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

The duty of politicians to act without fear nor favour and to fear God and honour the Queen. After all this is Queensland established by Letters Patent and signed by Queen Victoria in 1859. After all nobody tears up their birth certificate driver's licence, passport and so on when they turn 18.

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

Consult with charitable and service organisations (Salvation Army, Apex, Rotary, R.S.L's) These organisations are on the ground in a position to see what is wrong with society and what needs to be done for society.

ISSUE 20 (refer page 17)

How should the community be consulted in this process?

Publish intended preamble in the Courier-Mail bit by bit over a few weeks and invite comment in the media (radio talk back, letters to editor etc) and to a panel such as this Review Committee.

ISSUE 21 (refer page 17)

Who should be consulted?

All Queenslanders, including those who live here full time and part time. The part timers and those living temporarily overseas would probably have valuable insights about how Qld is different from overseas countries and what they don't want to see in Qld.

ISSUE 22 (refer page 18)

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

Yes. We have had too much secrecy in government lately in Queensland. Let the taxpayers and ratepayers and electricity users have a say for once.

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 way. Such an "interim" preamble would have a good chance of being "set in epoxy" rather than "set in cement" but with similar results.

ISSUE 24 (refer page 18)

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

At the next state election. Any other time would probably be too expensive.