



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; it would serve as a useful statement to introduce readers of the constitution to salient characteristics of this society.

ISSUE 2 (refer page 7)

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

It should form the basis for a longer preamble. At present it seems over utilitarian.

ISSUE 3 (refer page 9)

What purpose should a preamble to the Queensland Constitution serve?

Dual purposes would be to introduce the constitution, to point to its characteristics and to provide an overview of the key elements of our society.

ISSUE 4 (refer page 9)

What type of language should the preamble use?

Plain English avoiding legalese, vague statements or bland "motherhood" comments. The language should be direct, unambiguous and clearly understandable.

ISSUE 5 (refer page 9)

How extensive should the preamble be?

Brevity is preferable to discursiveness. 6-8 key features should be included with a positive affirmation concerning each.

ISSUE 6 (refer page 9)

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

Yes. The preamble is aspirational - a statement of what we believe about ourselves. To make it justiciable risks over codifying these beliefs and/or imposing a legalistic interpretation on them.

ISSUE 7 (refer page 10)

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

Desirable but not strictly necessary.

ISSUE 8 (refer page 10)

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

Yes, as the source of political legitimacy.

ISSUE 9 (refer page 11)

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

Since the vast majority of the population claim some belief system in God, it seems reasonable to make such a reference, although it may give offense to some. The traditional formula "Almighty God" would seem appropriate.

ISSUE 10 (refer page 12)

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

Yes, as original inhabitants, as original owners and recognising a continuing affinity with the land and waters of Queensland.

ISSUE 11 (refer page 12)

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

Multiculturalism should be celebrated with reference to a diversity of ethnic backgrounds, cultures, languages and belief systems.

ISSUE 12 (refer page 13)

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

Yes. That we continue under the rule of law which is impartially administered for society's ordering and protection.

ISSUE 13 (refer page 14)

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

Yes. Article 26 of ICCPR (p.13) would be sufficient with some reworking eg "sex" should be changed to "sexual orientation" and not used as a synonym for "gender."

ISSUE 14 (refer page 14)

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

Yes but there seems no reason to isolate gender from points covered in Issue 13. "Gender" included in an equality list should suffice.

ISSUE 15 (refer page 14)

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

Yes, as this would fulfill the preamble's purpose of introducing the Constitution in a statement that it (Constitution) is the paramount law.

ISSUE 16 (refer page 15)

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

Agree with McKenna (p.15). This is better done in the Constitution, but recognition of the post could be achieved by inclusion of the phrase "responsible government" as this has precise Westminster connotations.

ISSUE 17 (refer page 15)

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

No.

ISSUE 18 (refer page 15)

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

None of the items listed in 6.1.13 are objectionable or unworthy but it is a question of length and balance and the desire to avoid being too specific or overly detailed

ISSUE 19 (refer page 17)

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

Parliament to invite anyone interested to submit a preamble. ^{parliamentary} committee to sift these and prepare three draft preambles for parliamentary debate and community consultation.

ISSUE 20 (refer page 17)

How should the community be consulted in this process?

Through the media, via educational institutions, key community organisations eg business groups, unions, rural producer groups, sports clubs, churches, etc.

* Assisted, aided, advised by non-ARs.

ISSUE 21 (refer page 17)

Who should be consulted?

Everyone

ISSUE 22 (refer page 18)

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

Yes, from the 3 consolidated preambles (of Issue 19), this was the way the National Anthem decision was made and is a good precedent.

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?

Not necessary

ISSUE 24 (refer page 18)

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

A lead time of at least a year would be desirable. There are advantages and disadvantages of holding a referendum with an election. This would need to be carefully weighed by the parliamentary committee.