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25 AUG 2004
LEGAL, CONSTITUTIONAL AND
ADMINISTRATIVE REVIEW
COMMITTEE

Monday 23 August, 2004
Telephone

Research Director

LCAR Review
Committee

No 57

Re A Preamble to the Queensland
Constitution

Kerry Newton

Feedback form filled out as far
as possible

I was initially distracted in thinking this
was to do with Harbinger to a
Citizens Bill of Rights, but I realize
that role would need to be an
attitude shift by your present attorney
general for this to happen

as much as I would be interested in
what to General A-S. Policy had Matt Foley thinks
of a Constitution, it should be mentioned
by me what Civil Liberties in TJ O'Sullivan
says of a Police Bill of Rights. He said
Senator Mac A Police Bill of Rights sounds
"I really enjoyed your and what a
Memorandum on the subject"

incidentally I have a full page
Preamble on a Police Bill of Rights to
you. Any you might wish to copy to
Chief Legal Counsel W2 Police Service and Post Box
or RAC



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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SIGNATURE: *Re Cook*

ISSUE 1 (refer page 6)

Should the Queensland Constitution contain a preamble?

Yes as an explanatory or endorsing instrument to, endorsing the requirements be such a preamble

ISSUE 2 (refer page 7)

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

Most definitely and the sooner the better
Rejecting the views of NSW Attorney-General and Queensland's Attorney-General who both have negative views on the prospect of a Bill of Rights as being a consequence

ISSUE 3 (refer page 9)

What purpose should a preamble to the Queensland Constitution serve?

Suffice to endorse the views of the Western Australian Commission on Government and the Constitutional Centenary Foundation set out on page 9 of the Issues Paper

ISSUE 4 (refer page 9)

What type of language should the preamble use?

Acceptable English and provision for indigenous language desire of legal-speak - and designed so as to where possible avoid disputation over meaning of phrases etc

ISSUE 5 (refer page 9)

How extensive should the preamble be?

Negotiable But adopting what Hon Peter Blew
writes on pages 6, 29, 56-57, 82 and 172 in his
text ADVANCE AUSTRALIA FAIR - Cape B/Rov Press

ISSUE 6 (refer page 9)

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

Initially yes until I learn of arguments
that should not otherwise

ISSUE 7 (refer page 10)

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

Yes for the same reasons advanced by John
Plyke on page 10 of the issues paper

ISSUE 8 (refer page 10)

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

As above

ISSUE 9 (refer page 11)

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

I have at this juncture
No firm or inflexible views on
this

ISSUE 10 (refer page 12)

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

—	ABORIGINALS AND TORRES STRAIT	← Rejoice
—	ISLANDERS OCCUPY A UNIQUE	was a contribution
—	PLACE IN AUSTRALIAN SOCIETY.	from an
—	THE PROTECTION AND MAINTENANCE	ENVIRONMENTAL
—	OF THIS UNIQUENESS IS INTEGRAL	Group
—	TO GOVERNMENT POLICIES AND	
—	PROGRAMS.	

ISSUE 11 (refer page 12)

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

As above

ISSUE 12 (refer page 13)

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

Yes - with emphasis of Equality before
the Law - in that there shall be
safeguards built in that there henceforth be
never the emergence of class divisions
Built up in Power, Wealth, Authority etc.



POLICE
Nga Pirihimana O Aotearoa

31 October 1997

Mr Ray Cook

Note Ray

Letter to Post office

Queensland
AUSTRALIA

Dear Ray

I write in reply to your letter of 21 October in which you asked about the Bill of Rights and the Police Complaints Authority.

The New Zealand Bill of Rights Act was enacted because of New Zealand's International Obligations following the signing and ratification of the International Covenant of Civil and Political Rights being one of the major international human rights treaties adopted by the United Nations. New Zealand became a signatory to that treaty in 1968 and ratified it in 1978.

I was not involved in the preparation of submissions on that Act and the files have long since been archived so I am unable to assist you as to what arguments persuaded the Government of the day. Contrary to your comments the Bill of Rights does not cause many problems today - sure there were some initial teething problems but the staff now seem to have got it right.

The Police Complaints Authority will accept anonymous complaints and so will the Police providing sufficient information is provided to commence an inquiry.

Best wishes

D B Kerr
Chief Legal Adviser

Safer Communities Together

NEW ZEALAND POLICE NATIONAL HEADQUARTERS
180 Moleworth Street, Wellington, New Zealand, P O Box 3017.
Phone 64-4-474 9499, Fax 64-4-474 9446, SX3149, Telex: POLICEI O NZ 3550

ISSUE 13 (refer page 14)

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

Yes - with emphasis on gender Equality,

ISSUE 14 (refer page 14)

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

As above

ISSUE 15 (refer page 14)

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

on first impression I agree what McKenna
argues against explicit mention of
Representative democracy or Responsible Government
a matter for public debate

ISSUE 16 (refer page 15)

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

Yes as before back to my original
comments on Issue 10

ISSUE 17 (refer page 15)

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

Refer to issue 16 and 10 notes
and I agree that those elements
identified in issue 17 be included as far
AS possible - ~~ALB~~ extended or
deleted

ISSUE 18 (refer page 15)

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

Initial Reading on page 16 of the issues paper
June 2007 exposes anything of substance
that FCA disagree with

ISSUE 19 (refer page 17)

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

This I leave to the legal draughtspersons in the
follow-up time, develop

ISSUE 20 (refer page 17)

How should the community be consulted in this process?

Most of definitely and a Queen's Speech Bill
Rights should be promulgated with the Cabinet
Minister for Justice, the Matt Foley be invited to table
the documents or speech notes then complaining in his
Unedecorated his failure to persuade his colleagues
into introducing a Bill Rights
also a Power Bill Rights should be
INTroduced as a ^{page 6} ~~substantive~~ ^{extensive} Bill

ISSUE 21 (refer page 17)

Who should be consulted?

The whole of Queensland population - Not just groups
such as those with vested interests against a Bill of Rights
eg. the Legal industry. In the case of a Police officers Bill of Rights
organisations such as the Queensland Police Union & Employees
Plus Queensland Police officers. Civil Liberties Group opinion
Should be treated with utmost caution

ISSUE 22 (refer page 18)

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

Not if it is to cost at least \$9.6 million as quoted
my referendum can be held over to a forthcoming
State Election.

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?

PREFERABLY Yes

ISSUE 24 (refer page 18)

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

In conjunction with a State Election
Necessary