

No 82

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Tania Jackman

From: Samantha Faulkner
Sent: Thursday, 26 August 2004 7:36 PM
To: LCARC
Subject: submission to the preamble for the QLD Constitution

27 AUG 2004
LEGAL, CONSTITUTIONAL AND
ADMINISTRATIVE REVIEW
COMMITTEE



submission - ATT968461.txt (64
preamble QLD Cons... B)

Attention - Research Director,

Attached is a submission to the preamble for the QLD constitution. My
contact details are:

Samantha Faulkner

regards,

Samantha

Submission – Preamble for the Queensland Constitution

Issue 1

Yes, the Queensland Constitution should contain a preamble.

Issue 2

Yes, the Queensland Constitutional Review Commission's draft preamble should be adopted in Queensland, although after community consultation this may be amended.

Issue 3

The purpose of a preamble to the Queensland Constitution should be symbolic and inspirational and have relevance and meaning today and in years to come. It should unite all Queenslanders.

Issue 4

The language of the preamble should be plain English, simple, brief, to the point and easy to understand.

Issue 5

The preamble should be simple yet all Queenslanders should be able to identify with and own.

Issue 6

No, the Queensland Constitution should not specifically state that the preamble cannot be used to interpret other provisions of the Constitution. However, the point should be made somewhere that the preamble does not have legal value, it only contributes to the social and cultural value of the Queensland Constitution. The preamble is a stand alone document yet leads into the Queensland Constitution.

Issue 7

No, there should not be a reference to the origins or history of the Constitution in the preamble. This would be too wordy. The information is useful and should be placed elsewhere.

Issue 8

No, the preamble should not refer to the sovereignty of the people. The preamble would cover too many ideas. It should be simple, to the point and not have too many messages.

Issue 9

No, the preamble should not refer to God. It may not have relevance in today's society. The reference will not unite all Queenslanders and does not acknowledge our differences and diversity as peoples' of many different lands who choose to settle in Queensland and call it home. It may not be necessary to include.

Issue 10

Yes, the preamble should recognise Aboriginal and Torres Strait Islander peoples' by adopting the wording developed by the QCRC and/or the Council for Aboriginal Reconciliation's Draft Document for Reconciliation.

Issue 11

Yes, the preamble should recognise cultural diversity along the lines of “ we value our diversity, as peoples’ from many lands ……” The Northern Territory Constitution adequately covers all the points.

Issue 12

No the preamble should not recognise the rule of law. This is not the most appropriate place to refer to the rule of law.

Issue 13

Yes, the preamble should refer to ‘equality’ by including as a separate point similar to cultural diversity.

Issue 14

Yes, the preamble should refer to gender equality by including as a separate point similar to cultural diversity and equality.

Issue 15

No, the preamble should not recognise the status of the Constitution. This short statement belongs in the actual Constitution.

Issue 16

No, the preamble should not recognise the system of government the Constitution establishes. This belongs in the actual Constitution.

Issue 17

The preamble should only refer to the environment in relation to recognition of Aboriginal and Torres Strait Islander peoples’ and their affinity with the land and waters.

Issue 18

No, the preamble should not contain other elements. Some of these could be captured when addressing equality (fair-go, tolerance, mateship) and diversity (references to the world community, freedom and liberty). The preamble should not be too wordy. It should aim to cover a few points as to address a number of points may be confusing and unnecessary.

Issue 19

Text may be developed around the identified elements of a preamble through community consultations and a specific focus group formed to finalise the wording and report to government.

Issue 20

The community should be consulted through extensive community consultations around the state.

Issue 21

As many Aboriginal and Torres Strait Islander peoples’ should be consulted as possible.

Issue 22

No, a referendum should not be held to insert a preamble into the Queensland Constitution. The Queensland Parliament can pass an act of Parliament for the preamble to be adopted. Community support can be gauged through community consultations to endorse the adoption of a preamble.

Issue 23

No, an 'interim' preamble to the Queensland Constitution should not be inserted by way of an Act of Parliament prior to a final version being confirmed by way of a referendum.

Issue 24

No, there is no need for a referendum to determine the issue of a preamble for the Queensland Constitution. The cost (\$9.6 million) and the timing (likely in several years) of a referendum are two reasons why an act of Parliament should be used to adopt the preamble. The preamble is symbolic and inspirational and would not need a referendum for endorsement.

The Western Australia and Victoria Governments are also planning to recognise Aboriginal and Torres Strait Islander peoples' in preambles to their State Constitutions as a step towards Reconciliation. They plan on introducing changes to the preamble with an amendment Bill to Parliament.