

Tania Jackman

From: Webmaster  
 Sent: Thursday, 9 September 2004 9:23 PM  
 To: LCARC  
 Subject: Responses to LCARC Feedback Form

**RECEIVED**  
 10 SEP 2004  
 LEGAL, CONSTITUTIONAL AND  
 ADMINISTRATIVE REVIEW  
 COMMITTEE

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 FULL\_NAME: Nigel Stobbs  
 EMAIL\_ADDRESS:  
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## DESIRABILITY:

Yes. The document is virtually unknown to the Qld community - and an innovative and relevant preamble would at least help to advertise its existence and importance.

## THE\_QCRCS\_DRAFT\_PREAMBLE:

Absolutely not. The statements contained in the QCRC draft are so mechanistic, antiseptic and non-committal as to be devoid of any genuine expression of vision. Describing Indigenous Australians as "occupants" simply perpetuates and reinforces the lack of compassion and empathy which elements of the community have for the original act of dispossession which deprived the Indigenous community in this country of their birthright.

## THE\_NATURE\_OF\_A\_PREAMBLE:

A preamble which does not provide for at least some contextual background how the rest of the Constitution ought to be interpreted is at best just decoration - and at worst cynical.

## Origins\_or\_history\_of\_the\_Constitution:

No. This is a document for the community to whom it applies, let them feel free to govern and define themselves in whatever way they think best.

## Sovereignty\_of\_the\_people:

Again - I think that the notion of sovereignty is insulting to Indigenous Australians - especially if they are to be described as mere occupants in the same preamble. Although the concept of sovereignty is indivisible under the Westminster system, I think that to perpetuate the legitimacy and relevance of this model in the 21st century is counterproductive to real reconciliation.

## God:

The arguments for the inclusion of "God" in the preamble lack any substance whatever. The idea that its inclusion would be "clearly in line with other nations in our region" is mystifying. And we could hardly argue that it would represent a unifying statement for people of all faiths in Australia given the Judaio-Christian heritage of the Australian legal system. Furthermore, belief in the existence of a theistic entity of this sort is a relic of a long gone intellectual paradigm. We can omit references to the claims of theism without insulting those who have faith.

## Recognition\_of\_Indigenous\_peoples:

Absolutely. There needs to be a frank and unequivocal recognition of the fact that the Indigenous population of the Australian continent and of Torres Strait were deliberately and ruthlessly dispossessed from the land which was the basis of their civilisation and that this act of dispossession has been the subject of denial and equivocation ever since. The preamble ought to make express reference to the sorrow that contemporary Queenslanders feel for this dispossession and should make an express appeal to the Indigenous community for forgiveness and invite them to join with us in processes of meaningful reconciliation. This would not only set the Qld community apart as a people who are genuinely concerned with meaningful coexistence, but would not risk any process of divided sovereignty. What would there be to lose?

Cultural\_Diversity:

Perhaps rephrase this as an ideal to which we strive rather than a preservation - the Qld I know does not live up to this description yet.

The\_rule\_of\_law:

This is a fundamental requirement - we ought not to waste any opportunity to remind the parliament that it is subject to the laws it creates.

Equality\_before\_the\_law:

Some sections of our community need to be treated in a more favourable way than others to counter some deeply ingrained prejudices and systemic disadvantage. We do not need an implication that this sort of treatment is somehow "unequal" and therefore unfair.

Gender\_equality:

Yes.

The\_status\_of\_the\_Constitution:

No comment.

System\_of\_Government:

No comment.

The\_environment:

We need to import some elements of duty and responsibility to this section.

Other\_elements:

No comment.

DEVELOPING\_THE\_TEXT\_OF\_A\_PREAMBLE:

ADOPTING\_A\_PREAMBLE:

Insert an interim preamble to give the community time to test drive it and try it out for size. Better to have a preamble that pushes the envelope and is rejected by the electorate than to have one so banal that it serves no real purpose.

ADDRESS:

