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LEGAL, CONSTITUTIONAL AND
ADMINISTRATIVE REVIEW
COMMITTEE

Research Director,
Legal, Constitutional and
Administrative Review Committee,
Parliament House Brisbane, QLD 4000

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Telex Fax; 07-34067691.
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Re Proposed Queensland Bill of Rights. (Issues Paper no 3, Sept 1997.)

As a private Citizen I have read and reviewed the work by EARC on a Queensland Bill of Rights, and that of the Parliamentary Review Committee, and must say that I am somewhat perplexed, because The Honourable Attorney General Denver Beanland confirmed to Mr A Fraser, MP for Coffs Harbour on the 16th of Aug 1996, that the Bill of Rights of 1688 continues in force in Queensland.

If however it is the intention of the QLD Government to add to and adopt the EARC recommendations of a more modern 'Bill of Rights' then please accept my following comment as a Private Citizens submission.

As EARC have not numbered their Proposed Articles under the various headings on pages 10, 11 & 12 of the abovementioned Paper I shall refer to a heading or sub-heading and an article number under the particular heading I am commenting on.

*** Civil and Political Rights:**

- 12. "to take reasonable steps to defend the Persons life etc". This ought to include the Right to self defence using reasonable means. As it presently reads it implies that only someone in Authority or in the employ of someone has the right to defend.
- 13. "not to be arbitrarily taken into or held in custody etc" this ought to include, not to be arrested or charged purely on the unsubstantiated word of a Law enforcement Officer. Is Not to be "verbailed".

Victims of Crimes:

To include the right to adequate financial compensation, commensurate with loss, material or emotional or psychological and physical injury.

Freedom of thought:

To include not to be subjected to "mind control techniques, either by electronic means remotely or directly or by direct chemical means or by introduction of chemical or biological or bacteriological substances introduced into food or water supplies of the individual or the community collectively."

Deprivation of Property by the State:

- 12. Ought to include " fair compensation by independent Valuers, and all costs to be borne by the State:

Economic and Social Rights: These need to be enforceable to do otherwise makes a mockery of the intent and the spirit of having an amended or additional QLD Bill of Rights.

- 16. "To establish a Family regardless of marital status" ought to include, "excluding marriages of same gender".

Community and Cultural Rights. (likewise to above these need to be enforceable.)

- 4. Rights particular to Authors, ought to include Inventors and proprietors of Intellectual property.

Proposed Queensland Bill of Rights.

Community and Cultural Rights. Cont.

Art:2. Persons of Aboriginal and Torres Strait descent. To have the same Rights as all other Australians regardless of culture or original Race. Not one Law for one and another for another. To do otherwise is as presently seen and felt not only highly divisive to the Australian community generally but extraordinarily costly to all others not of Aboriginal or Torres Strait descent. It may also be very wise and appropriate at this time to now define what constitutes a person of such descent within the proposed new Bill of Rights.

Item 9: Issues for Consideration.

1. Yes in addition to.
2. Observe all Common Law rights and the Bill of Rights of 1688.
3. A Queensland Bill of Rights ought to be enshrined into the Queensland Constitution in such manner that it cannot be overturned in part or otherwise by Federal or State Legislation and to be amended only by Referendum by the People who permanently reside in the State of Queensland. 3 a) Yes.
4. Yes. 4 a) Yes. 4 b) Yes. 4 c) Yes.
5. See article 3 above. 5 a) Yes. 5 b) No. 5 c) No.
6. A Queensland Bill of Rights ought to have significant penalties for those Persons in Govt, or employed by Govt, or Law enforcement Officers, employed by State or Federal Govt operating in Queensland, and any other Person Corporate or Natural who is found in Breach of the Queensland Bill of Rights. In addition the Proposed Bill of rights also ought to have the right of an individual to seek to and be granted the right to have a Politician of any persuasion and any Government official be made accountable for their actions.

In conclusion I trust the foregoing is helpful, and while I submit these remarks and suggestions as a private individual, I can tell you that I am aware of several 100 other persons of good repute and sound judgment who think likewise.

I would appreciate the Committees's acknowledgement of this submission. Thankyou.

Yours Sincerely,

Paul Carew.

