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31 AUG 1998

LEGAL OFFICER
ADMINISTRATIVE REVIEW
COMMITTEE

Spec 34

Dear Sir,

Thankyou for sending me a copy of the Consolidation of the Queensland Constitution Intern Report. I read it with interest and although at first glance it might appear to be heading in the right direction it is difficult to make an accurate judgement on its contents unless one had before them copies of the various Acts and Bills that are to be repealed and superseded by the new Constitution proposed for Queensland.

However, I would like to make a few comments concerning a few observations I made by reading the document you sent to me. I may make more comments at a later date.

I notice that the terms referring to Queen Elizabeth II is to be substituted by the word Sovereign. I think that this is a great mistake. At first glance someone might think that this would only refer to the Monarch who sits on the British throne but I think that this may not be the case. The term Sovereign, could, at some future time be interpreted to mean President of some future Australian republic and therefore I think that to use Sovereign is misleading and should not be used. The usual term to refer to the British Monarch should be retained and no substitutes should be made.

The proposals you have set forth concerning the governor and the way in which he signs bills into law, is, I believe flawed. I notice that there is no necessity for the governor to follow any instructions when signing bills into law and this is an obvious weakness in what you are proposing for the new Constitution.

I was a bit perplexed when I read that it was proposed to recognize Aboriginal law and Islander customs in the Constitution. How this would work out in reality is anyone's guess and could lead to all kinds of mischief in the future. I find this concept to be divisive and should be deleted from the proposed Constitution. I don't know why you would insist on recognizing Aboriginal law and Islander customs when there is no reference to the legal heritage of the European community who is the dominant population within the Australian nation. I find it repugnant that there is no recognition of the 1688 Bill of Rights nor any reference to Magna Carta 1215, on which so many of OUR rights and freedoms hang. I did notice that you have paid homage to the 1688 Bill of Rights in reference to Parliamentary privilege but make no other reference to the Bill of Rights with regard to any of its other provisions. I find that this is a great oversight and injustice. If it is suitable to mention the 1688 Bill of Rights to allow members of Parliament to say whatever they like without fear of prosecution then the other provisions of the Bill of Rights (1688) should also be incorporated into the new Constitution.

I notice that the new Constitution allows Cabinet minutes to become law without the necessity of having Parliament decide on the issue. I believe this is a step towards dictatorial government and should not be allowed in the new Constitution. It seems that the trend is away from Parliamentary democracy wherein ALL laws and regulations have to be passed by the

Parliament. If this trend continues then Parliament need not have to sit at all or at best it will become a rubber stamp for the executive. I can see grave dangers in this drift towards dictatorship. If this is not checked at once then future generations or even sooner will have to resort to STRONG means to reassert their liberties and freedoms. I have great concerns for the future of this state if this is not properly addressed in the new Constitution.

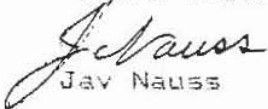
I also notice that in the proposed Constitution there is no provision for three year terms of Parliament. In effect, this could mean that some future government could suspend with the inconvenience of state elections and try to rule without feeling the need to be sanctioned by the populace. This too could lead to conflict and even violence at some later time. This is a situation that I would not like to see happen in this state nor in the wider Australian community.

It is also noticeable that there is no provision to approve the Constitution by popular referendum. It would appear that the Parliament is the body who will pass into law this new Constitution and I find that this is not the correct way to proceed. If we are to have a new Constitution in this state then the people at large should have a direct say, if this basic of all laws, which is designed to form the bedrock of Queensland is not given to the people to decide at referendum whether they accept or reject this law.

It has been suggested in recent times that governments have alienated themselves from the people and I see that what you are proposing in this new Constitution and the manner in which you want to bring this new device into being will do little to alleviate the fears of government that seem to be prevalent in the wider community.

I hope you will consider carefully the comments I have made concerning the proposed new Constitution for Queensland and I will reserve the right to make further comments before the close of submissions.

Yours faithfully,


Jav Nauss