



Submission No 8
Spec 3.4.

4/9/98.

The Research Director,
Legal, Constitutional and Administrative Review Committee
Parliament of Queensland.

Dear Sir,

Re Consolidation of the Queensland Constitution
Interim Report dated 10.5.98

We, the undersigned are responsible members of a world wide fellowship known generally in the community under the name of Exclusive Brethren. This fellowship is composed of committed law abiding persons who seek to follow strictly the tenets and teachings of the Holy Scriptures.

The committee's report is a comprehensive document and we are impressed with the dedication displayed by all concerned in its production. We are assured that the present committee will also display the same dedication in the task ahead.

We have examined the report and wish to point out a grave omission which we consider should be corrected. This omission relates to freedom of religion and freedom of conscience.

We are aware that the EARC recommendation in 1993 regarding a Bill of Rights included clauses relating to religious freedom and conscience, but we now recommend that these clauses be included in the Queensland Constitution for the reasons given below.

We have every reason to believe that the Committee will give sympathetic consideration to our remarks.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "R.E. Cooper".

R.E. Cooper

A handwritten signature in cursive script, appearing to read "R.C. McCorkell".

R.C. McCorkell

SUBMISSION TO
LEGAL CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE
QUEENSLAND PARLIAMENT
BRISBANE
RE CONSOLIDATION OF QUEENSLAND CONSTITUTION

INTERIM REPORT

NO. 10 MAY 1998

Presented by

R.C. McCORKELL

R.E. COOPER

September 1998

CONTENTS

CLAUSE

- 1.0 Introduction
- 2.0 Recommendations
- 3.0 Reasons for making recommendations
- 4.0 Conclusion

1.0 INTRODUCTION

- 1.1 We take the view that religion and conscience are so important in the daily lives of every citizen that they should be addressed in the State Constitution.
- 1.2 Freedom of religious worship to an extent is provided for in the Australian Constitution and this should be reflected and amplified in any State Constitution.

2.0 RECOMMENDATION

- 2.1 We recommend that clauses in line with the EARC recommendation be included in the Queensland Constitution for reasons given below.
- 2.2 Our recommendations in line with these are :-
 - 2.2.1 A person has the right to freely express and practise religious beliefs, whether individually or in community with others.
 - 2.2.2 A person has the right to freedom of thought, conscience and belief and must not be restricted in their practical expression.

3.0 REASONS FOR MAKING THIS RECOMMENDATION

- 3.1. Considerable attention is given in the Report to matters of oaths and affirmations which once made oblige the persons making them to act strictly in accordance with the dictates of their consciences. Why therefore should not the ordinary citizen's consciences be protected?
- 3.2 Any Bill of Rights is closely related to the Constitution as both are concerned with the general activities in the community.
- 3.3 The producing of a Bill of Rights appears to be periodically delayed and we fear that it may lapse. Our recommended clauses should therefore be included in the Constitution.
- 3.4. The clause (116) in the Australian Constitution is only a partial statement and its negative terms open the way to ambiguity.
- 3.5 Conscience is provided for in some Queensland Laws but it should be made more generally applicable.

4.0 REMARKS AS TO CONSCIENCE

4.1 Conscience is inviolate. History abounds with accounts of many thousands who gave up their lives rather than violate their consciences.

4.2 Provisions for conscience have consistly been made in English speaking jurisdictions including provision in some Australian and Queensland laws.

5.0 CONCLUSION

5.1 We are thankful that this matter has arisen as we have had very real concerns in this connection for some time.

5.2 The protection of many citizens is involved in this matter and we ask you, with respect, to give it your urgent consideration.

Yours sincerely,



R.E. Cooper



R.C. McCorkell