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LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

Date: 14-9-98 Address:

Submission No 14
Spec 3.4

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Submission; Ref. Report No.10 May 1998 on the Consolidation of the Queensland Constitution.

Dear Sirs,

I strongly object to the proposed Bill, which will alter the original Queensland Constitutional Act 1867-1978, reprinted as at 1 April 1981, contained in your interim report on the consolidation of the Queensland Constitution. The word 'consolidation' is a misnomer, as the proposed consolidation is bigger than the original! It seems to gloss over the fact that you are removing many sections of the old Constitution, without resorting to the required referendum stipulated under Section 53 of the current Act of 1867-1978. I purposely quote from this as I am aware that the process to remove valuable sections which are protected by Section 53, on the pretext that the Australia Act 1986 removes the necessity for Section 53, has been in progress for some time. The Australia Acts (Request) Act 1985 did not go to referendum, nor did the Constitution (Office of Governor) Act 1987 No 73. In Section 53 (1) of the Constitution Act 1867-1988 it refers to Acts such as the two mentioned above - "a Bill so assented to consequently upon its presentation in contravention of this subsection shall be of no effect as an Act". As that process has not been complied with, the Australia Request Act must be null and void. Consequently this removes any legality for the Imperial Parliament, or the Australian Commonwealth Parliament to legislate in these entrenched principles of our Constitution.

The UK Imperial Parliament passed the Westminster Act of 1931, ratified in Australia 1942, removing its own power to legislate for Australia at any future date. (Section 5 of this Act secured the continued existence of the Commonwealth Constitutional Act). So on that basis alone, the Australia Act is null and void.

One is aware that the Queen's Coronation Oath and the Constitutional Treaties, such as Magna Carta, and the Bill of Rights 1689 imposed on her, were, via the instructions to the Governor, not to give assent to Bills (proposed legislation) which contravene these documents, which are the main staff of the Australians' individual Constitutional protection.

I do not wish to have my individual freedoms, such as my rights to life, religious freedom,to petition the Crown, to own or inherit property, to defend oneself,freedom of speech,and the right to move freely within the State, at the mercy of a group of politicians.

One takes exceptional objections to your proposed changes in the following matters:

1. Replacing the current words in the Act 1867-1988 "Queen/King - Her/His Majesty" with the word "Sovereign".

Reason: Sovereign could be any person, which is not the specific intention! It alters meaning of the Office of Governor, Queen etc. breaching Section 53 of current Act which necessitates a Referendum.

2. Omits the preamble to the current Constitution Act .

Reason: Alters the Office of Governor, by removing the necessity for him/her to follow the Queen's instructions not to assent to legislation which breaches a treaty imposed on her.

3. Omits Section 11b(1), (11b is specifically entrenched in Section 53) and Section 13 of the current Act.

Reason: Again, alters the Office of Governor (as in 2. above).

4. Proposing and presenting the above 3 vast changes as "minimal stylistic changes" (see Pt.11, page 3) when they require the referendum process specified in Section 53 of the current Act, is misinforming the public, AND the parliamentarians called upon to vote on erroneous advice.
5. Omitting all articles of the 1689 Bill of Rights **EXCEPT** articles 4 & 9 ensures only the rights of parliamentary priviledge, and removes the rights of citizens as listed previously.
6. Placing the Constitution Amendment Act of 1934, (24 geo.5 no 35) in Schedule Two of the proposed consolidated Constitutional Bill (which is un-entrenched and un-protected by it's new Section 71). Section 71 replaces Section 53 in the current Constitution which makes referenda mandatory for constitutional changes. This situation leaves it open to repeal at any future date. Even the maximum term of any parliament is left open to extension without reference to the people.
7. In the proposed Parliament of Queensland Bill 1998 Section 82 (a) there is recognition of Aboriginal tradition and Island custom, without recognition of custom and tradition of all the other people living here. ALL LAW IS NOT LAW ATALL IF IT IS NOT EQUAL IN ALL CASES AND TO ALL PEOPLE IN THE STATE. Is it therefore proposed that all Queenslanders accept Aboriginal tribal law, or does it only apply to Queenslanders with a darker skin pigmentation than others?

Could you please acknowledge receipt of this submission. If it is intended to print copies of all submissions, please send me a copy.

If there is anything within my submission that you do not concur with, please refer me to it so I can reply and supply further information. Could you please inform me of your conclusions.

Yours faithfully,

Signature Ian Currie

Print name IAN A. CURRIE