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27 SEP 1998

LEGH COMMITTEE

COMMITTEE

COVINGE Received 28 9

Geoff Pickering

25 SEP 1998

The Research Director

Legal, Constitutional and Administrative Review Committee

Parliament House

Also FAXed to 07 3406 7070

George Street

BRISBANE QLD 4000

Dear Sir.

# COMMENTS AND SUBMISSIONS ON THE DRAFT CONSOLIDATION OF THE QUEENSLAND CONSTITUTION

Please accept my submission attached herewith, for the benefit of all Queenslanders in general, and the information and action of your Committee and parliament in particular, on matters affecting the rights and freedoms of our citizens.

Many citizens object most strongly to the apparently unconscionable interference with the Queensland Constitution, without our approval.

I request that all attempts to reduce the protective powers of Her Majesty Queen Elizabeth II and His Excellency the Governor of Queensland be stopped at once, and all improper changes to our Constitution be revoked, with public apology to the people of Queensland by those responsible for any negligent or seditious acts.

Please confirm receipt of this submission and forward a copy of the Committee's deliberations and Report to me when it is prepared.

Yours sincerely,

J.F.G. PICKERING

Copy for information:

Enclosure: Objections to Amending Queensland's Constitution and a Background to the Constitutional Review

## A BACKGROUND TO THE QUEENSLAND CONSTITUTIONAL REVIEW

Our Constitutions are rules that control governments and lay down how they must operate. Constitutions are established to protect the people NOT governments.

To understand what is happening to the QLD Constitution, it is vital to be aware of matters affecting the Australian Constitution.

The Australian Federal Constitution is obviously under an attack disguised as modernisation or streamlining. All major parties have initiated, or condoned, deliberate crosions of our constitution's protective powers. Examples can be provided.

The Queensland Constitution is one of the key elements in proving the impropriety of the Australia Act. Considerable efforts will therefore be concentrated against it. Just as certainly, those owing loyalty to Australia must defend it. Some essential points must be understood.

#### Anti-Christian Motives

Both constitutions and the associated Royal Letters Patcht make frequent reference to Almighty God. As the Australian National Flag which bears THREE CHRISTIAN CROSSES is ridiculed by some, so mention of our Constitutional Christian heritage is also vilified by them.

#### Freedoms Surrendered

Sections 106-118 of the Australian Constitution protect the Laws and Constitutions of the States. State laws, like the Imperial Acts Application Acts that they still empower, maintain the validity of Common Law protections from Magna Carta, Habeas Corpus. Bill of Rights (1688/89) etc.

Erosions Against Legislation

Some changes to our Constitutions are quite Improper. The Queensland Constitution Act of 1867-1988 contains an important safety net. Under "Requirement For Referendum", Section 53(1) states. "A Bill that expressly or impliedly provides for the abolition of or alteration in the office of Governor or that expressly or impliedly in any way affects any of the following sections of this Act namely-

sections 1, 2, 2A, 11A, 11B, 14 and (They are about the Queen & Governor)

this section 53

shall not be presented for assent by or in the name of the Queen unless it has first been approved by the electors in accordance with this section and a Bill so assented to consequent upon its presentation in contravention of this subsection shall be of no affect as an Act. That seems to refer to the Australia Act!

The Australian Constitution. Chapter 1. Part 1. Section 1 shows that the Queen is part of the parliament. Section 59 states that she can disallow any law within one year of the Governor-General's assent.

Section 42 states that before taking their seats in Parliament. politicians MUST make an oath of true allegiance to Her Majesty.

The Australia Act purports to be, "An Act to bring constitutional arrangements affecting the Commonwealth and the States into conformity with the status of the Commonwealth of Australia as a sovereign, independent and federal nation." This was heralded as cutting us off from the Queens apron strings:

The Queensland Constitution. Section 53 surely invalidates it in OLD

### OBJECTIONS TO AMENDING QUEENSLAND'S CONSTITUTION

I object to ANY changes to the QLD Constitution without FULL public discussion and consideration by the electors because:

The Role of the Parliamentary Review Committee is ONLY to:

inquire into the CONSOLIDATION of the QLD Constitution;

report to Parliament on HOW the Constitution MAY be CONSOLIDATED; and

NOT recommend ANY MAJOR changes to the current Constitution.

The Constitution exists to PROTECT THE PEOPLE. NOT politicians.

For decades many politicians have shown that they are unable to be trusted to represent anything except their party and their wallets.

The Parliamentary Consolidation of the QLD Constitution has almost been conducted in secrecy. Public awareness was almost non-existant.

Modifications to Section 53 far exceed the Terms of Reference.

I object to ALL changes proposed by the Committee to Section 53 without a referendum. Section 53 states that parts of the Constitution relating to the Governor and Her Majesty, including Section 53 Itself. MUST NOT BE CHANGED without public approval in a referendum, and IF such Bill is passed, it SHALL BE OF NO EFFECT AS AN ACT. Section 53 MUST NOT therefore be changed in ANY way.

The Office of the Governor, as it was intended to be, is vital for the protection of our rights including freedom of worship, the Court, and the Parliament. The QLD Constitution, VOL II, Clause 2.7, VI states that the Governor should take advice from the Executive Council, "BUT IF IN ANY CASE HE SHALL SEE FIT TO DISSENT FROM THE OPINION OF THE SAID COUNCIL HE MAY ACT IN THE EXERCISE OF HIS SAID POWERS AND AUTHORITIES IN OPPOSITION TO THE OPINION OF THE COUNCIL reporting the matter to us (the Queen) without delay, with the reasons for his so acting." Obviously the Governor must be far more than a ceremonial rubber stamp, especially in today's circumstances.

The Bill of Rights 1688/89 which is LAW in QLD states that, "the pretended power of suspending of laws or the execution of laws by regal authority without the consent of parliament is illegal". It must therefore also be iltegal, for parliament to AMEND laws without the assent of the Crown:

and

"it is the right of the subjects to polition the king. and all commitments and prosecutions for such petitioning are illegal." Therefore any ACT, including the Australia Act, that stops us from petitioning the Queen is illegal! and

"that no declarations, judgements, doings or procedings to the prejudice of the people in any (way) ought in any way to be drawn hereafter into consequence..." The Bill goes on to enthrone William and Mary (and their heirs) as they promised to preserve the people from the future violation of our rights. Such vital legal documents MUST NOT be interfered with by ANY parliamentary committee WITHOUT THE APPROVAL OF THE ELECTORS AT A REFERENCEM