

**RECEIVED**

- 4 MAY 2000  
LEGAL, CONSTITUTIONAL AND  
ADMINISTRATIVE REVIEW  
COMMITTEE 1

Submission No 13

Brian Sheehy

2nd of May 2000.

The Chairman,  
Legal, Constitutional and Administrative Review Committee  
Parliament House  
George St.,  
Brisbane. QLD. 4000.  
Dear Sir,

Queensland is unique among ALL Australian State  
Legislative Assemblies:-

**It is the ONLY State to have a Unicameral System of  
"Government".**

To use the argument that because other State Legislative  
Assemblies, which have a Bicameral System of  
"Government", have longer Terms of Office, as a reason  
for Queensland changing, is somewhat lacking in validity.

Asking the Queensland Public, to increase the term of the  
Legislative Assembly, with any opportunity for success,  
appears to me, to rest with a reasonable and acceptable  
premise:- **"That it is for the benefit of the  
Queenslander".**

Opposed to this premise, is the fact that Queensland has  
a Unicameral System of "Government".

A Governor whose appointment rests with the Premier of  
the Day.

A **PARTY SYSTEM** which ensures that the Premier is  
unopposed in the Legislative Assembly, in any meaningful  
sense.

When it is further realised that the rights of the **Magna  
Carta**, supposedly inherited by the people, have been  
virtually over ridden by Political and Legal  
manipulation, then the people of Queensland are entitled  
to treat with deep suspicion, any proposal for an  
increased term of Office.

To overcome this suspicion, a proposal, at the same  
Referendum, for the reinstatement of the Upper House,  
appears to my mind, to be a viable proposal.

The assumption of "realistic opposition", to the Premier  
of the Day, would provide the Queensland Public with "**a  
sense of protection**" against the possibility of any  
Dictatorial measures, which may be passed in the  
Legislative Assembly, becoming Law.

Without such 'protection' I fail to see how the Legislative Assembly can reasonably expect the People of Queensland, to grant any further time before the ruling PARTY, must face the Electors.

Should such "protection" be offered to the Queensland People, then I can see a distinct possibility of such a Referendum succeeding.

Should the Committee reject my recommendation then I feel that any such Referendum has little chance of success.

The Committee may reject my suggestion that the people of Queensland be given the chance to reinstate a Bicameral System.

In this case I recommend that the Term of Office of the Legislative Assembly should be fixed for three years, and the Premier should have NO right to vary the Election Day.

Just as the USA has a fixed Day of Election for President, so should the Queensland Legislative Assembly have a fixed day for its Election, (for instance the last Saturday in November).

Such a proposal would take away the uncertainty of "when the next Election would be held", and remove the so called "Election Mode", which apparently pervades the PARTIES. halfway through the "current term of Office" of the Queensland Legislative Assembly.

This proposal could go a long way to ensuring "Good Government", as the PARTIES and the Queensland People would have the certainty that the Premier could NOT choose the most propitious moment, to call an Election, to maximise his opportunity for 'Political Survival.

The tradition of the Premier having the right to call an Election, at a time to suit himself, has been inherited from Great Britain.

As MOST other traditions and rights inherited by the people of Australia, from Great Britain, are currently in the process of being dismantled, it seems reasonable that this tradition should disappear as well.

Whether the Term of Office of the Legislative Assembly remains at three years or is expanded to four years, I believe that:-

"The Governor expressly retains the power to dissolve the Lower House in accordance with established Constitutional Conventions"

The further question in my mind, is the **Right of Entrenchment**, as recommended by the, Queensland Constitutional and Review Commission.

**Do they mean Entrenched or Doubly Entrenched?**

Why is there a need for me to speak of "Double Entrenchment" if the word "Entrenched" means, "protected against change, unless a Referendum agrees to such change"?

Members of the Legislative Assembly of Queensland should be used to the necessity of "Correct Legal Language", and the need to clarify, exactly what is meant by the use of the word, "Entrenched", and the words "Doubly Entrenched".

Without clear definition then those of us making submissions to this Review Committee are standing on sand **NOT** rock.

Is the Queensland Constitutional Review Commission recommending, that, in **CERTAIN** circumstances, or **ALL** circumstances, the Legislative Assembly can alter the Queensland Constitution, in relation to a four year term, or **only the People voting in Referendum can make such change?**

The Members of The Legislative Assembly are theoretically, "representing" the Electors of Queensland.

They are Elected, just as any other "Management Committee" is Elected.

It is my belief, that **ALL CONSTITUTIONS**, and **ALL** parts of a **CONSTITUTION**, **MUST** be **totally protected**, that is, "only able to be changed by the resolution of the members, voting in concert", before such a Document can be given the name **CONSTITUTION**.

When a **CONSTITUTION**, or part of a **CONSTITUTION**, can be changed by the "Management Committee", without the consent of the members, then it denies itself to be right to be called a **CONSTITUTION**.

There is **NO** doubt about the meaning of the word **CONSTITUTION**, in the minds of Club Members, or in the collective minds of the "old" Justice Department.

A **CLUB CONSTITUTION** has **NO** need of the word **Entrenchment** in relation to it, it is, as I, and Club Members understand the word, **Entrenched in fact**.

A **CLUB CONSTITUTION** can **ONLY** be changed by the Members voting on such change in, "Special General Meeting" **which is the equivalent of a Referendum**.

There should be **NO** need to use the words ' **Entrenched**' ,  
or '**Double Entrenched**' , in relation to any part of the  
Constitution of Queensland.

ANY change in the QUEENSLAND CONSTITUTION **must** be  
**subject to Referendum**.

A '**CONSTITUTION IS A CONSTITUTION**' or it is simply  
another method of ensuring further confusion of the  
Electors.

Whatever is **NOT** 'Entrenched', but is able to be changed  
by an Act of the Legislative Assembly, has **NO** place in  
**the CONSTITUTION of QUEENSLAND**.

Yours faithfully.

A handwritten signature in cursive script, appearing to read 'Brian Sheehy'.

Brian Sheehy.