



Australian Spirit

Consumer Advocate & Public Watchdog



No 10.

73 Patena St.,
STAFFORD 4053.
10th October '02

The Research Director,
Legal, Constitutional & Administrative Review Committee,
Parliament House, George St., BRISBANE QLD 4000.

I submit the following -

How did our CONSOLIDATED CONSTITUTION QLD become allegedly STATUTE LAW able to be changed "at the drop of a hat" - instead of the COMMON LAW as of old (and still in the FEDERAL CONSTITUTION. Our COMMON LAW dates back to 1215 & 1679 Acts that have ensured complete protections in many areas.

Yes, I agree that our Qld Constitution MUST HAVE ENTRENCHMENTS. Mention is made in 3. of current entrenchments by Referendum - namely S.53 of the Constitution Act 1867 (Qld) which covers S1, S2, S2A & SS11A&B.; then the Constitution Amendment Act (Qld) entrenches by Referendum, the unicameral nature of the Parliament....S3, and the three year term of the Legislative Assembly S4. But I believe that a Referendum should NOW be enacted as to the re-introduction of the UPPER HOUSE of our Qld Parliament missing since 1922. This is necessary because a unicameral parliament is not in the interests of "good government" for the peace and welfare of Queenslanders. If this were successful, then the sitting Governor would be assured and KNOW that all Bills had been thoroughly DEBATED before being presented to Him/Her for signature into LAW, and He/She would have the right of His/Her POSITION to 'question'/'advise' if it was considered necessary - instead of being just 'a rubber stamp' position (which should not be so!).

Why is no mention made of the DOUBLY ENTRENCHED ACTS of 1977 that made our Sovereign, Her Gracious Majesty Queen Elizabeth II, the "QUEEN OF QUEENSLAND"? This is a very important FACT that should have been communicated to Queenslanders (both children and adults) via the Oath of Allegiance wording in this Constitution as "...Queen of Australia and Queen of Queensland" thus presenting the knowledge in the 'Education Resource Kit' supposedly going into schools. This FACT was thought so important that at the time of the 1999 Referendum, it was mooted that IF the Republic won, then QUEENSLAND would have to have a further Referendum because we had a 'QUEEN OF QUEENSLAND'. But the whole of Australia negated a change to a Republic.

Section 78 of our Constitution 2001 with just a Bill for an ACT approving a referendum to end the system of LOCAL GOVERNMENT, is an Act that should be doubly entrenched to ensure that it cannot be repealed by ordinary Act of Parliament repealing this requirement of a Referendum.

I agree with 7 (p.29) "Adoption of the Constitution at a Referendum". But FIRST there should be extensive education for the Queensland People (after all the 'bugs' have been sorted

out and settled) because most do not even know of Premier Peter Beattie's move to 're-present/consolidate' (or whatever) our Q'land Constitution on 6th June 2002 - with, I am led to believe, just SIX LINES in the Courier-mail June 6th with no headlines, no announcement, no fanfare - I think the Queensland People deserve much more consideration? Just a Constitutional Convention would not be sufficient without extensive reporting in LOCAL NEWSPAPERS state wide!

Regarding the Constitutional Review Option (p.26), I think more benefits would accrue when "people can raise issues & retain ownership of the Constitution" from e.g. Citizen's Initiated Referenda following petitions signed by a certain percentage of voters, looking at amendments as considered necessary. I feel that Constitutional Conventions tend to be controlled/directed by the Powers-that-be, rather than by the people attending. Therefore dis-interest develops with consequent lowering of numbers attending. (I speak from the experience of attending several widely dispersed Constitutional Conventions held in Q'land before the 1999 Referendum. Invariably our people-suggestions were just passed over - even when put in writing before the next one.)

With regard to your "not entrenched" report on most parts of the Q'land Constitution, I again agree there there must be entrenchments in all areas whether they be "Parliamentary entrenched" or 'Referendum entrenched requirements". Why should we the people merely accept change from the numbers existing in the Legislative Assembly WITHOUT as now the possibility of wider ongoing debate & exacerbated by the lack of an Upper House since its abolishment in 1922. (At least this decision is still open to a Referendum isn;t it? So why can't we have this Reerendum? - at present the Parliament is definitely lad by the PARTY discipline without recourse to conscience-voting, and often the Public Servants (who carry on regardless of election results), have far too much say in formulating legislation that may not be in the wider interests of the voters.

Committee proposal 9 - Yes the Q'land Constitution should make it clear that the Q'land Constitution is the PARAMOUNT LAW of Queensland, subject ti the Commonwealth Constitution, the Australia Act(U'K')1986 and Australia Act(Cth) 1986. This is exactly why the People should have much input to consider and allow changes to such an important document, and 'set' with Referendum entrenchments to hold until further change is required via the next Referendum. By comparison, we all know how hard even minor groups such as Clubs, Associations etc. have to work through Members' General Meetings for any change to their Constitutions - followed by Special Application to the AUTHORITIES for PERMISSION to make the official change, but we also know that we do the correct thing and it is worth the struggle to get the change we require.

I make special mention of S6,S7,S8,S10,S12,S13,S16S29. S30,S57,SS60 to66,S70 all in Appendix A because they are all essential & especially important for Referendum Entrenchments.



"THE VOICE OF THE SILENT MAJORITY"

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Similarly in APPENDIX B - CONSTITUTIONAL PROVISIONS RECOMMENDED IN LCARC REPORT NO 36 THE QUEENSLAND CONSTITUTION: SPECIFIC CONTENT ISSUES.

NO 2 - This recommendation about the Executive Power of Q'land being VESTED IN THE SOVEREIGN, and is EXERCISABLE BY THE GOVERNOR AS THE SOVEREIGN'S REPRESENTATIVE, and extends to the EXECUTION & MAINTAINANCE OF THE CONSTITUTION & LAWS OF Q'LAND.

and PLUS the WHOLE OF THIS SECTION - maybe DOUBLY ENTRENCHED???

But somehow the automatic 'RUBBER STAMP APPROVAL' of Government Bills into Laws by the Governor can be addressed???

I agree that the other 'Referendum Entrenchments' as recommended in pages 44 to 49 inclusive, are also necessary - as are the 'Parliamentary Entrenchments' identified.

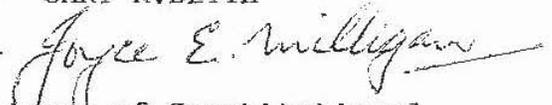
Without 'Entrenchments' this 're-presented' Q'land Constitution would seem to me to be a monopoly by the Premier and His 66 seat majority Government (at this time), AT THE EXPENSE OF THE QUEENSLAND PEOPLE'S KNOWLEDGE AND RIGHT OF INPUT.

I thank the Legal, Constitutional and Administrative Review Committee for the opportunity to voice my opinions.

Yours faithfully,

NATIONAL EXECUTIVE DIRECTOR - GARY K. BLYTH

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