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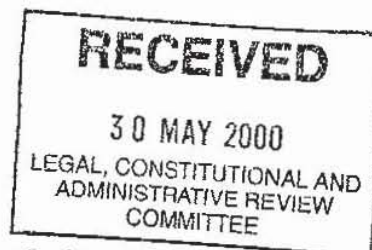
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Tuesday, 30 May 2000

The Research Director  
Legal, Constitutional and  
Administrative Review Committee  
Parliament House  
George Street  
BRISBANE QLD 4000



Submission 13  
Spec 29.1

RE: Committee Position Paper (April 2000): Review of the Queensland Constitutional Review Commission recommendations relating to a consolidation of the Queensland Constitution

Dear Ms Newton

In relation to the committee's position paper the following submission is in response to Queensland Constitutional Review Commission (QCRC) recommendations the committee believes to be of a non-controversial nature. This submission does not deal with other aspects of the QCRC report.

In general terms, whilst we agree that consolidation and modernisation of the documents that make up the current Queensland Constitution is desirable, our prime interest in this process is in ensuring that the rights and liberties of Queenslanders are not infringed. Equally, we seek to ensure that the power of government, public servants, politicians etc are not increased whether by intention, omission, error, stealth or otherwise. Hence, any proposed changes to the current Acts that make up the Queensland Constitution will be looked at individually and our support will follow only where the change is of benefit to Queenslanders.

#### Category A Recommendations

R11.3 - *That superfluous words in s69(4) be deleted.*

We Agree.

R16.3 (amendment 2) - *QG 1999: s10: to read "Following a general election" which the Commission believes would be more in keeping with common usage.*

We agree.

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*R16.7 - That the provision requiring a separate appropriation for the Legislative Assembly be transferred from the Parliament of Queensland Bill to the Queensland Constitution.*

We agree.

### **Category B Recommendations**

*R4.1 - That the short title be The Constitution of Queensland 2000.*

We agree.

*R5.3 - That direct election of Members of the Legislative Assembly be required and the provision be referendum entrenched.*

We agree with the direct election provisions, and also with the referendum entrenchment of this provision.

We further agree with the QCRC that current entrenchment provisions are maintained as entrenched provisions. Also, that any additional entrenched provisions be included only upon the approval of the people of Queensland at referendum and that the remainder of the Acts be, not referendum entrenched, but entrenched to a degree distinguishable from other legislation.

*R5.4 - That the maximum time limit between sittings of the Legislative Assembly be reduced to six months and the minimum number of sittings be increased to two per year.*

We agree.

*R 5.8 - That parliamentary Secretaries be dismissed by the Governor in Council rather than by the Premier.*

We agree.

*R6.1 - That a statement of the executive power be added to the Queensland Constitution.*

We agree.

*R6.7 - That a section be added to the Queensland Constitution stating that (a) Cabinet is collectively responsible to the Legislative Assembly, and (b) is the principal instrument of policy.*

We agree.

*R6.5 - That the language of s44(1) be amended concerning appointment of an acting Minister by changing "and" to "to."*

We agree.

We agree also with the committees conclusions regarding the heading of these provisions and agree that 'Member may act for Minister' is a more logical heading for this section.

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We have no problems with the removal of cl 22 of the committees proposed Constitution Bill provided the information contained in cl 22. is footnoted at cl 23.

R16.5 - *That the speaker be designated to advise the Treasurer when the seat of a Member becomes vacant.*

We Agree.

We also agree with the committee that a provision should be made for the situation where the seat of the Speaker is vacated. The Deputy Speaker, would be the most obvious candidate.

R16.6 - *That the disqualification provisions be extended to include offences in respect of enrolment in both State and Commonwealth electoral law.*

We agree.

Before closing we draw to the committees attention the large number of the general public who have contacted us recently with little or no knowledge of the Constitution Consolidation process. There have been complaints also of the advertisement calling for submissions being small and hidden around p35 of the newspaper. The QCRC too, noted the lack of public interest or input into the consolidation process. We bring this to the committees attention and contend that the reason could be an ineffective advertising regime.

It is important that this consolidation process involve as much community input as possible. The public will be asked to vote at a referendum on the changes that this consolidation process proposes. The people, by right, should be informed so that they can not only have input throughout the process, but also can make educated decisions at the referendum. Otherwise, we fear that the public will be overwhelmed at the last minute by complex changes to legislation. There is the danger that they could be swayed by inflated and misleading media and party opinions on the issue, and hence be unaware of the true facts behind the changes that are indeed proposed.

We recommend that the committee ensure that all future advertising on this issue be placed prominently for maximum community exposure.

Yours sincerely,

I.T.Petersen  
Parliamentary Executive Director