

Constitution (Preamble) Amendment Bill

Premier Anna Bligh introduces Constitution Amendment Bill 2009, 24th November 2009...

I am pleased to introduce the Constitution (Preamble) Amendment Bill 2009. This preamble will modernise our Constitution, providing a vision for the kind of state that Queenslanders believe in--a society based on democracy, freedom and peace.

A key aspect is the acknowledgement of Aboriginal and Torres Strait Islander peoples as the first Australians and, indeed, the first Queenslanders. In Queensland's 150th anniversary, we reflect on our history and we look to shape our future. This bill inserts a preamble into the Constitution of Queensland 2001 that does just this. It will provide an enduring statement on behalf of the Queensland people that acknowledges where we have come from and our aspirations for tomorrow's Queensland.

Under this bill, our Constitution will now begin as follows--

The people of Queensland, free and equal citizens of Australia;

- intend through this Constitution, to foster the peace, welfare and good government of Queensland;
- adopt the principle of the sovereignty of the people, under the rule of law, and the system of representative and responsible government, prescribed by this Constitution;
- honour the Aboriginal peoples and Torres Strait Islander peoples, the First Australians, whose lands, winds and waters we all now share; and pay tribute to their unique values, and their ancient and enduring cultures, which deepen and enrich the life of our community;
- determine to protect our unique environment;
- acknowledge the achievements of our forebears, coming from many backgrounds, who together faced and overcame adversity and injustice, and whose efforts bequeathed to us, and future generations, a realistic opportunity to strive for social harmony; and
- resolve in this the 150th anniversary year of the establishment of Queensland, to nurture our inheritance, and build a society based on democracy, freedom and peace.

This preamble provides context to Queensland's constitutional arrangements and framework and describes what our Constitution stands for--responsible and representative government with the purpose of fostering peace, welfare and good government.

Queensland's Aboriginal and Torres Strait Islander peoples are part of what defines Queensland. As we celebrate Queensland's 150th anniversary, we also acknowledge that Queensland's Aboriginal and Torres Strait Islander people have been the custodians of Queensland for significantly longer.

This preamble includes an acknowledgement of Indigenous Queenslanders as the first Australians, their unique relationship with the beautiful lands, seas and waterways of Queensland, and their position as representatives of the oldest living culture on earth. Indeed, unique among the states and territories of Australia, Queensland is home to two distinct indigenous peoples, our Aboriginal people and our Torres Strait Islander people, and with this preamble we recognise and honour their ancient cultures. Queenslanders can be proud of this important step in the ongoing reconciliation process that Queensland's Aboriginal and Torres Strait Islander peoples are recognised.

In forming this section of the preamble text, the Law, Justice and Safety Committee of the parliament consulted with the people of Queensland and, in particular, with the Aboriginal and Torres Strait Advisory Council. At the committee's invitation, the Aboriginal and Torres Strait Advisory Council submitted a statement of recognition. I am pleased to inform the House that the advisory committee's statement of recognition of Indigenous Queenslanders is included in full as recommended by the committee and unamended. I thank the council for its part in the drafting of this historic statement of recognition for Queensland's traditional owners.

The committee's consultation process showed there was strong support for the preamble to recognise Queensland's unique environment which we are determined to protect. The preamble also acknowledges our diverse and rich history, and the efforts of our ancestors who have made this state what it is today--a vibrant, multicultural community. As we look towards the future, this preamble reaffirms our commitment to furthering the democracy, freedom and peace of our society--important values Queenslanders hold dear.

Over the last 11 months, the Law, Justice and Safety Committee and its predecessor, the Legal, Constitutional and Administrative Review Committee, have listened to the views of Queenslanders about what should be in their preamble. I thank the hundreds of Queenslanders who took part in this process. This preamble gives effect to recommendations of the Queensland 2020: Ideas to Action forum, and the Law, Justice and Safety Committee's report No. 70 titled A preamble to the Constitution of Queensland 2001.

The bill adopts the committee's proposed text, subject to two minor amendments. The words proposed by the committee 'subject to no law or authority but that sanctioned by this Constitution and the Constitution of Australia' have been removed from the introductory line, and the final point in the preamble 'resolve on this the 150th anniversary of the establishment of Queensland' has been replaced with 'in this the 150th anniversary year of the establishment of Queensland'. These amendments adopt the Solicitor-General's advice and current drafting practices.

I commend the committee for its work in formulating this fitting preamble to our state's Constitution. I thank each and every

member for their diligence in considering this issue, and I particularly thank the chair of the committee, the member for Springwood, Barbara Stone, who I know was personally committed to getting this right.

The committee's report also recommended that the government seek advice on any legal implications arising from the insertion of a preamble. I inform the House that the government, on the basis of that advice, has included a clause which will exempt the use of the preamble as an aid for interpreting the Constitution or any other Queensland law. Further, the Solicitor-General has confirmed that this preamble can be included in the Constitution of Queensland by an act of parliament and therefore does not require a referendum.

The people of Queensland can be proud of this important step forward. In this our 150th anniversary year, we have taken the opportunity as a state to hold community celebrations, to record and commemorate local and state history and historical events, and to invest in new infrastructure as a lasting legacy for all Queenslanders. With this preamble we take the opportunity, as a people, to honour and build upon the foundations of our democracy. Our Constitution is the rock upon which our democratic institutions rest. Our Constitution reflects and enshrines our commitment to the principles of a free and democratic society. Today, with this preamble, we build again on this foundation.

I table the government response to the Law, Justice and Safety Committee's report, and with great pleasure I commend this bill to the House.

Tabled paper: Government response to Law, Justice and Safety Committee Report No. 70: A preamble for the Constitution of Queensland 2001.

Mr Speaker, I ask for your indulgence in acknowledging the presence of Jackie Huggins from Reconciliation Australia and thanking her for their support of this proposal as well.