



Speech by

**Barbara Stone**

**MEMBER FOR SPRINGWOOD**

Hansard Tuesday, 23 February 2010

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## **CONSTITUTION (PREAMBLE) AMENDMENT BILL**

**Ms STONE** (Springwood—ALP) (2.48 pm): It is an honour to stand here in the parliament to speak in support of this bill. Let me start by acknowledging the traditional owners of the land upon which we stand. As I said before, it is an honour to stand in this place and speak on this bill but it was an even greater honour to be the chair of the committee asked to draft a preamble for the Queensland Constitution. The committee was entrusted by the parliament to develop a draft preamble for the Constitution of Queensland 2001 and include in the draft an aspirational statement on the commemoration of the 150th anniversary of the establishment of Queensland and a statement of due recognition of the state's Aboriginal and Torres Strait Islander peoples.

In developing the draft preamble, regard should be had to ensuring that the text of the preamble does not purport to include information to be used as an aid in statutory interpretation, and stakeholders should be consulted during the development of the draft preamble including the Aboriginal and Torres Strait Islander Advisory Council. I am pleased to say that the committee successfully completed that task and its recommendation was accepted by the government with only minor amendments.

Today we will hear from those opposite that the bill before the House should be opposed because the proposed preamble has not gone, or will not go, to a referendum. They claim hundreds of people are against this proposal, yet most of those against were on form letters that we believe One Nation had quite a lot to do with. Most people—again usually those who were against—could not put forward any suggestions or any true indications as to why they were against it. Clearly outlined in the committee's report are those who contacted us against the referral, and I would refer people to that report so they can make up their own minds.

Firstly, let us look briefly at the Queensland Constitution and how it has changed and how it can be changed. The first Queensland Constitution Act was written in the late 1850s at the time of separation from New South Wales. It was replaced by a new Constitution Act passed by the Queensland parliament in 1867. It sets out some of the basic rules for the structure of government at a state level. The Constitution deals with parliament, the Governor, local government, state judges and other topics. It has been amended many times since it was first passed, and many of the rules are now found in other acts of parliament. Some amendments have to be passed by parliament and then approved by the voters in a state referendum. The Queensland parliament can change the rest of the Constitution by an ordinary act of parliament. 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. I do not intend to talk on all the technicalities of the bill in relation to inserting a preamble into our Constitution or the process. I will leave that to the lawyers on the committee and in this place. They will all have differing views and I am sure that all will be passionate in sharing their views.

The Law, Justice and Safety Committee consulted with many stakeholder groups and interested Queenslanders. In order to do this, the committee decided to look at the work of the previous committee which started an inquiry into a preamble for the Queensland Constitution. The previous committee undertook the following work: widely advertised for submissions in conjunction with the release of an issues paper in February 2009; wrote to approximately 950 stakeholders providing a copy of the issues

paper and inviting submissions; met with members of the former Queensland constitutional reform commission; met with members of the Queensland Aboriginal and Torres Strait Islander Advisory Council; and held a public forum in Townsville. I would like to thank the chair of that committee, Mrs Di Reilly, the former member for Mudgeeraba, and her committee for doing this work. The committee decided to use this work in its deliberations.

The Law, Justice and Safety Committee undertook the following work: advertised for submissions in conjunction with the release of the issues paper which was tabled on 7 May 2009; in early May 2009 wrote to approximately 800 stakeholders providing a copy of the issues paper and inviting submissions; met with members of the Queensland Aboriginal and Torres Strait Islander Advisory Council on two occasions; and held a public hearing in Brisbane. I thank all those who participated in the inquiry process.

I think it is fair to say that the majority of Queenslanders are just getting on with their lives and recognising the changes in our state and in our way of life. I believe it would be fair to say that not many Queenslanders would be extremely concerned about the change in this bill today or the technical side of this bill, but what would concern them is if we used words that did not reflect the true Queensland journey. As the chair of the committee, I always kept in mind what this would mean to the person out there on the street, to a person on a property in western Queensland, to a young person studying at uni and working part time, and to the mums and dads of Queensland—in other words, what would this mean to everyday Queenslanders no matter where they live or where they have come from?

Whenever possible I would speak with the community groups in my area about the discussion paper and the inquiry in order to gain their thoughts. While I did not get anyone wanting to discuss this in detail, when the final report was released I did receive a lot of positive feedback on the wording. Many people are probably asking: what is a preamble to the Queensland Constitution? A preamble could include the purpose of the Constitution, it could contain historical information such as where we come from and how we got here today, or it could be aspirational in nature. The referral to the committee stated that the draft should include an aspirational statement on the commemoration of the 150th anniversary of the establishment of Queensland. When looking at the work of previous committees and other Australian jurisdictions which have a constitutional preamble, we found that Tasmania, Victoria, and Western Australia have formal preambles which recite procedural information and do not contain aspirational statements in the sense required by the committee's referral.

The committee considered preambles to constitutions in other countries including France, India, Ireland, Japan, the Russian Federation, South Africa, Sri Lanka, and the USA. The committee notes that these preambles contain aspirational statements. So what should be included in our preamble? After looking at the submissions, other jurisdictions and literature on this subject, a number of common topics became apparent. Firstly, the 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. I will come back to our recognition of the Aboriginal and Torres Strait Islander peoples in the preamble and also to our referral, as I believe this is a very significant part of the preamble.

Secondly, the committee received submissions which addressed the environment. There was strong support in these submissions for the statement to have wording in regard to our unique environment and protecting that unique environment. Submissions referred to the fact that we are the stewards of the land or the environment in which we live now. The committee has included the following wording in the preamble, and I am glad to say it is a part of the bill—

The people of Queensland ... determine to protect our unique environment.

Thirdly, the past to the present—the Queensland journey—needed to be told. In particular, it was important to acknowledge the multicultural Queensland state of today. Multicultural Affairs Queensland's submission stated that Queensland is home to more than 200 cultures, with over 220 languages spoken. This diversity is a strength which should be recognised in the preamble. It was also obvious in the submissions received that the preamble should show equality for all. In writing this preamble it became clear that we needed to speak of the challenges which many in our communities have faced over the last 150 years, just as it was very important to acknowledge their achievements despite the challenges.

I believe the words in the preamble can mean a lot to many people although in very many different ways. To me it was important that the preamble did reflect and mean something to all. The words that the committee came up with and are reflected in the bill are—

... 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 ...

If anyone says that is not equality for all, then I do not think they are really reading it. Fourthly, the referral to the committee was to include in the draft preamble an aspirational statement on the commemoration of the 150th anniversary of the establishment of Queensland. Many of us in this place have been attending celebrations around the state that recognise and celebrate our 150th anniversary year. Many of those celebrations commemorated local and state history, and honoured local people on

which the foundations of local communities were built. I am pleased that the preamble in this bill today also speaks of our foundations of democracy, the foundations to which we have arrived today and the foundations for the future.

The committee also considers that the 150th anniversary of the establishment of Queensland is an important milestone in Queensland's history. It is a point at which Queenslanders, united in diversity, can look back at the lessons offered from our past and continue to build upon the advances and endeavours of all Queenslanders—advances which make Queensland the place it is today. On the Solicitor-General's advice, and in view of the current drafting practices, the final point of the preamble will read—

... in this the 150th anniversary year of the establishment of Queensland ...

I turn now to one of the most significant parts of the preamble. The committee received the referral to include in the draft preamble a statement of due recognition of the state's Aboriginal and Torres Strait Islander peoples. The committee considered that the recognition of Queensland's Aboriginal and Torres Strait Islander peoples is an important step in the reconciliation process. As I stated before, the committee and the previous committee consulted with the Queensland Aboriginal and Torres Strait Islander Advisory Council on a number of occasions. The advisory council provided an initial submission to the committee. The submission stated that culturally significant terms preferred by the advisory council are 'unique values'; 'land, water and air'; 'traditional owner', not custodian; and 'ancient and enduring cultures'. It was very apparent to the committee that we needed to have a statement of recognition that was in their own words. The committee came under some criticism for questioning and going back to the advisory council for its words. We did this because we wanted to give the council every opportunity to get the best wording it could for such a significant event. Just like the committee members questioned themselves and developed numerous drafts before settling on the recommendation given in our report, we too wanted to get the best we could for the people of Queensland.

Never once did we seek, or ask for, information from the council other than for our own knowledge and understanding to make sure the final statement was best for all. I thank the member for Murrumba, the Hon. Dean Wells, and the member for Hinchinbrook, Andrew Cripps, who worked together and liaised with the council in order to achieve this outcome. The advisory council proposed the following wording for the statement of recognition—

The people of Queensland 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.

I am very proud to say that the committee adopted the wording provided by the advisory council in its second submission to the committee in full and without amendment. I thank the council for working with us. It is with pride today that we will see a preamble to the Queensland Constitution that will recognise the contributions and values of our first Australians. It is an honour to chair the Law, Justice and Safety Committee. I believe our report answers many of the questions that have been raised by opposition members. I encourage members and fellow Queenslanders to read that report and get a balanced view on this topic.

I was extremely pleased that the Law, Justice and Safety Committee received the referral from the parliament. From the first day of receiving this referral I always believed we could draft a preamble that reflected the Queensland of the past, today and the future. If we look at the members of the committee and those in this chamber we see that we have a wide variety of life experiences and many different ages. On the committee we have a number of members who are passionate about our Constitution. We had wide-ranging views amongst members about the monarchy and becoming a republic.

I knew that with this depth of passion from the membership of our committee and with submissions from and discussions with interested Queenslanders we would achieve a preamble that was representative of Queensland. While I must admit I was a bit worried at the beginning of the process, as I had visions of the member for Beaudesert jumping up to wax lyrical with some rock song version, I have to admit that he contributed in a very meaningful way to the draft preamble. In fact, all members of the committee contributed to the draft preamble and contributed in a very meaningful way.

That is what I wanted to achieve—all members being able to put forward their knowledge, beliefs, experiences and then put those with the submissions of interested Queenslanders and come up with a preamble that clearly demonstrates our pursuit for equality for all. The other concern that the committee was always mindful of was—

The referral to the Committee requires that any wording used in the preamble does not purport to include information which could be used as an aid in statutory interpretation of the Constitution.

The government obtained legal advice before presenting the preamble that is in this bill today. That issue has certainly been cleared up. The preamble as it stands now, in full and with amendments, will read—

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

(a) intend through this Constitution to foster the peace, welfare and good government of Queensland; and

- (b) 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; and
- (c) 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; and
- (d) determine to protect our unique environment; and
- (e) 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
- (f) 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.

I said before that each and every member contributed to this draft. I thank them for their hard work. However, I think the committee members would expect me to say that it was two members who really put their passion into practice and took charge of the draft. All members of the committee thank the member for Murrumba, the Hon. Dean Wells, and the member for Hinchinbrook, Andrew Cripps, for their hard work, dedication and commitment to achieving a preamble. I believe that, if we were standing here today talking about an amendment that changed the way we vote in Queensland or were inserting a statement that only talked about a specific time or incident in our state's history, then Queenslanders would be very upset and would expect to vote on this. Instead, we have a great preamble. I will quote from the Premier's second reading speech—

In drafting the preamble the committee has incorporated a broad aspirational element which captures the essence of the constitutional framework and system of government in Queensland, acknowledges our past, recognises and honours Queensland's Aboriginal and Torres Strait Islander peoples, and looks to the future of Queensland based on democracy, freedom and peace.

I would also add that it speaks of our foundations that were contributed to by many and it speaks of us all as equals. The opposition says that it does not suggest equality. I think nothing could be further from the truth. People only have to read it to see that it has respect for equality.

I thank all the staff who assisted in our inquiry and report. We often stand in this chamber and speak to bills that affect and change people's lives, and we feel good. Today, we can rise and support an historic statement that recognises all that has brought us to where we are today and be part of history today—this, our 150th anniversary year. It is an honour and privilege to be the chair of the committee that has delivered the report on which this bill has been based. It is an honour and a privilege to stand and be a part of this history. I commend the bill to the House.