

Constitution (Preamble) Amendment Bill 2009

Explanatory Notes

General Outline

Policy Objectives

The objective of the *Constitution (Preamble) Amendment Bill 2009* (the Bill) is to amend the *Constitution of Queensland 2001* (the Constitution) to provide a preamble containing an aspirational statement in commemoration of the 150th anniversary year of the establishment of Queensland, and to provide due recognition to Queensland's Aboriginal and Torres Strait Islander peoples.

Reasons for the Bill

The Bill forms part of Queensland's year-long 150th anniversary celebrations as well as implementing the Government's response to the *Queensland 2020: Ideas to Action* forum's recommendation for a preamble to the Constitution.

On 3 September 2009, in response to a referral from Parliament, the Law, Justice and Safety Committee tabled its *Report 70: A preamble to the Constitution of Queensland 2001*, which recommended a draft text for insertion in the Queensland Constitution. The Bill adopts the Committee's draft preamble text with minor amendments.

The preamble, which has resulted from a wide-spread consultation process, provides an aspirational statement relating to key aspects of today's Queensland which will continue to be relevant for future generations.

The insertion of this preamble in the 150th anniversary year provides an enduring acknowledgement of Queensland's past and expresses the future aspirations of the people of this State.

Additionally, the preamble honours and recognises Queensland's Aboriginal and Torres Strait Islander peoples and their ancient and enduring cultures which provide a rich contribution to Queensland's community.

Achievement of the Objectives

The Bill achieves the above objectives through the insertion of a preamble into the Constitution.

Alternatives to the Bill

There are no alternative methods of achieving the policy for an aspirational preamble to the Constitution.

Estimated Cost for Government Implementation

There are no anticipated administrative costs to the Government resulting from the insertion of a preamble into the Constitution.

Consistency with Fundamental Legislative Principles

The Bill is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

Consultation

The Law, Justice and Safety Committee conducted consultation with a wide range of stakeholders throughout Queensland in developing a draft preamble text.

Notes on Provisions

Clause 1 – Short title

Clause 1 sets out the short title of the Bill.

Clause 2 – Commencement

Clause 2 provides for the commencement of the Bill by proclamation.

Clause 3 – Act amended

Clause 3 states that the Bill amends the Constitution.

Clause 4 – Insertion of preamble

Clause 4 inserts a preamble after the long title of the Constitution.

Clause 5 – Insertion of new s 3A

Clause 5 inserts a new section 3A of the Constitution.

The new section explicitly clarifies that the preamble is an aspirational statement and it is not Parliament's intention for it to either:

- grant any legal right or create any liability; or
- be used as an aid to statutory interpretation of either the Constitution or any other law in Queensland.

The new section 3A is substantially the same as subsection 1A (3) of the Victorian *Constitution Act 1975*, inserted by the *Constitution (Recognition of Aboriginal People) Act 2004*, which provides a statement of recognition of Aboriginal peoples.