

COMMUNIQUÉ

A new preamble for the Australian Constitution?

Museum of Australian Democracy
at Old Parliament House, Canberra
19 to 21 MARCH 2019

24TH NATIONAL SCHOOLS
CONSTITUTIONAL CONVENTION



1. Introduction

The Twenty-fourth National Schools Constitutional Convention (NSCC) was held at the Museum of Australian Democracy at Old Parliament House in Canberra from 19–21 March 2019.

One hundred and twenty students from Government, Independent and Catholic schools from across Australia, covering metropolitan, regional, rural and remote locations, attended.

The Convention topic that delegates were tasked to investigate and come to a conclusion about was, "*A new preamble for the Australian Constitution?*"

2. Convention processes

Through a program of pre-reading, working groups and keynote speakers, delegates considered a wide range of issues around the topic before deciding their preferred option for a preamble.

The Convention was facilitated by Emeritus Professor John Warhurst AO.

Convention opening remarks were given by:

- Mr David Pattie, Group Manager, Improving Student Outcomes Group, Department of Education and Training who delivered the 'Acknowledgment to Country', opening address and welcomed the delegates.
- Certificates were awarded to two students on behalf of all students, as part of opening the convention - Madeline Lew-Kee of Our Lady of Mercy College, Victoria and Luke Bond of Smithfield State High School, Queensland.

Convention speakers were:

- Professor Kim Rubenstein, ANU Public Policy Fellow, ANU College of Law who delivered the keynote address on 'What is a preamble? Context and background'. This was followed by an extensive question and answer session. Questions asked by delegates focused on:
 - Significant values and revisiting and re-affirming values
 - Moving to a Republic or staying with the Monarchy
 - The inclusion of female representation
 - The inclusion of Indigenous representation in the preamble
 - The inclusion of diversity, the nature of representation and a more diverse parliament
 - The impact of Section 44
 - References to 'Almighty God' or freedom of religion
 - A preamble which is justiciable
 - Territory representation in the Constitution
 - *Racial Discrimination Act* - Section 18 - the balance of healthy public discussion vs. hate speech
 - Elements of a successful preamble including a Bill of Rights, the rule of law
 - Stability of a preamble over time
- Dr Frank Bongiorno, Professor, School of History, ANU, Dr Andrew Banfield, Head of School, School of Politics and International Relations, ANU and Dr Mark Evans, Director of Democracy 2025, Museum of Australian Democracy participated in a panel on the pros and cons of a preamble. Each participant provided opening remarks and took part in an extensive question and answer session; their discussion was robust. Questions asked by delegates focused on:
 - The inclusion of expressed rights in the Constitution protected via a Bill of Rights
 - Determining or identifying a multitude of ideals and values for a preamble
 - The issue of equal opportunity or equality
 - The divisiveness of a preamble
 - The legitimacy of individual groups in a preamble
 - Focus on a preamble or on other national issues
 - How do we build trust in politicians and our political process?
 - Whether enunciating rights in the preamble should be justiciable.

- Dr Benjamin Jones, Lecturer-History, Central Queensland University provided delegates with an overview of useful approaches to writing a preamble for the Australian Constitution, including an example titled '*A preamble for Modern Australia*', which he had written. A question and answer session followed. Questions asked by delegates focused on:
 - The starting point for writing a preamble
 - The focus of 'we the Australian people' vs. the Australian people
 - Future-proofing a preamble
 - Priorities of the structure of the preamble
 - Identifying the values to include in a preamble
 - The inclusion of the monarchy or the term 'God' in a preamble.
- Mr Pedro Zwahlen, Ambassador, Embassy of Switzerland, Mr Luke Daunivalu, High Commissioner, Fiji High Commission and Mr P S Karthigeyan, Deputy High Commissioner, High Commission of India provided delegates with a detailed overview of comparative preambles in their respective countries. Participants took part in an extensive question and answer session. Questions asked by delegates focused on:
 - Whether a preamble assists with reconciliation
 - Incorporating multi-lingual and multi-cultural elements of a constitution
 - The symbolic nature of a preamble.
- Ms Megan McCrone, Senior Education Officer, Australian Electoral Commission, provided an overview of the referendum process, the requirement of a double majority and how the vote will be conducted. Participants took part in a question and answer session. Questions asked by delegates focused on:
 - Consequences of not voting
 - Exclusions for not voting
 - Compulsory voting or not
 - Internet, on-line voting or electronic voting
 - The process of counting the votes.

3. Delegate deliberations

Overall, delegates agreed that it was necessary to alter the Constitution to insert a preamble. It was also established that a preamble should reflect the aspirational values and ideals of a modern Australia.

Workshop 1: Consideration of Preambles

Two activities for Working Group 1 were designed to generate ideas that might be suitable for inclusion in a new Australian preamble. The lists were collated as a guide that informed discussions about the content of a proposed preamble and that became the subject of a referendum on the final day of the Convention. The following is the list of values identified by all 10 groups:

- Aboriginal and Torres Strait Islander reconciliation, acknowledgement, custodianship, First Nations
- Acceptance
- Commitment to values
- Commitment to the Constitution and rule of law
- Democracy, Stability of Government, the role of the States, nature of parliament
- Diversity of values and respect, celebration, diverse experience
- Equal opportunity, equality before the law
- Equality, Equity, Equality for all
- Freedom of Religion, Beliefs
- Global responsibility, Global Leadership
- Liberty, Freedom, Justice
- Mateship, togetherness, fellowship, ANZAC, remembering sacrifice
- Multiculturalism, Pride
- Neutral pronouns
- Ownership and sovereignty

- Peace
- Protect and preserve the land, environment
- Recognition of citizenship
- Recognition of History, connection to England, Heritage, Monarchy
- Secularism
- Spirit
- The people, we the people
- Unity of the nation
- Upholding our diverse and unique environment

In order to arrive at the above list, delegates were asked to consider the language and the sentiments that lie at the heart of the preamble of the Australian Constitution. What if anything does this say about Australia in 1900, and in 2019? Delegates were then asked to consider a number of other preambles of Constitutions examining common themes, significant differences in language, sentiment, history or character and if these preambles challenged or changed the opinion of the Australian Constitutional preamble.

Workshop 2: Group Preamble suggestions

Further input to stimulate delegates' thinking in relation to a new preamble was provided by Dr Benjamin Jones.

Delegates then considered the arguments for and against the adoption of a new preamble and on the possible role and purpose of a preamble through a discussion of the dominant Australian values that should be included in any proposed Australian Constitutional preamble.

Each group presented a preamble which was discussed as a group. Each preamble was placed up on a screen and each speaker sold the merits of their group's work.

Delegates then assessed the merits of all 10 proposals through a voting process. The following issues were common themes throughout each preamble:

- We the Australian people, We the people of Australia
- Indissoluble Federation
- Aboriginal and Torres Strait Islander acknowledgement, custodianship, First Nations
- Liberty, Freedom, Justice
- Multiculturalism
- Sacrifice of others
- Democracy

Development of a possible preamble for the Australian Constitution

A voting process was used to identify the preamble to be used for the final vote. Delegates could only vote once, and not for their own preamble. Each preamble, 10 in all, was placed on the screen and a show of hands was used. The vote was tied between Group 3 and Group 10, and a division was called to identify the final preamble. The final vote identified Group 10 as having the most popular preamble (64 Votes out of 120 Delegates). A number of amendments were discussed, debated and voted upon.

4. The Referendum

The final preamble decided upon was:

We the Australian people, united as an indissoluble Commonwealth, commit ourselves to the principles of equality, democracy and freedom for all and pledge to uphold the following values that define our nation.

We stand alongside the traditional custodians of the land and recognise the significance of Aboriginal and Torres Strait Islander cultures in shaping the Australian identity, their sovereignty was never ceded.

As a nation and indeed community, we are united under the common goal to create a society catered to all, regardless of heritage or identity.

We pledge to champion individual freedom and honour those who have served and continue to serve our nation.

As Australians, we stand for the pursuit of a democratic state that upholds the fundamental principles of human values as set out by this Constitution

Delegates voted either 'YES' or 'NO' on the following referendum question:

A proposed law: To alter the Constitution to insert a preamble?

Voting results were:

National Tally Board	Formal YES	Formal NO	Is the majority in favour?
New South Wales	15	13	Yes
Victoria	22	3	Yes
Queensland	16	7	Yes
Western Australia	9	6	Yes
South Australia	8	4	Yes
Tasmania	4	1	Yes
Australian Capital Territory	4	0	Yes
Northern Territory	5	0	Yes
NATIONAL TOTAL	83 (70.9%)	34 (29.1%)	Yes
National Vote	117	Absolute Majority of states - 6 / 6	
Informal	2	Majority of Voters - 70.9%	

The referendum to alter the Constitution to change the preamble was passed.

5. Convention Outcome

This Communiqué will be forwarded to Senator Sue Lines, Deputy President of the Senate who will present the Convention Communiqué to the Parliament for incorporation into Hansard.