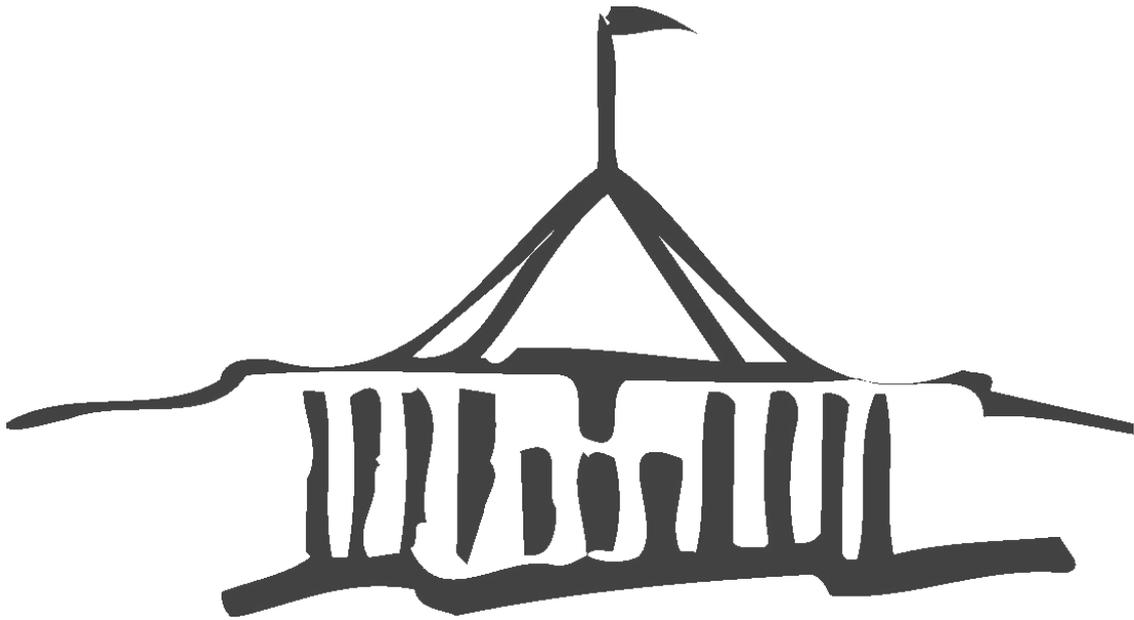




Australian Government  
Department of Education, Employment  
and Workplace Relations

A new Constitutional preamble for Australia?



Communiqué

**FOURTEENTH NATIONAL SCHOOLS'  
CONSTITUTIONAL CONVENTION**

**Old Parliament House  
Canberra**

**17-19 March 2009**

# **Fourteenth National Schools' Constitutional Convention**

## **Background**

The fourteenth National Schools' Constitutional Convention (NSCC) was held at Old Parliament House in Canberra from 17-19 March 2009.

One hundred and twenty five students from government, independent and Catholic schools from across Australia, covering metropolitan and country areas attended. Approximately 55% of students were from government schools, 25% were from independent schools and 20% were from Catholic schools.

The National Schools' Constitutional Convention seeks to promote understanding and informed discussion amongst young Australians about the Australian Constitution and system of government. Its three main aims are:

1. To provide an opportunity for senior students to explore Constitutional issues.
2. To encourage those students who are informed and actively interested in the Australian system of government to pursue this interest.
3. To increase student awareness of key Constitutional matters.

Students participate in regional and state/territory Schools' Constitutional Conventions, where they are either selected or elected to attend the National Schools' Constitutional Convention.

## **Visits and Receptions**

The Hon Maxine McKew MP, Parliamentary Secretary for Early Childhood Education and Childcare, welcomed students to Parliament House on behalf of the Prime Minister. After the welcome address, students met with their Member of Parliament and Senators for their State or Territory, where they were available. Student delegates participated in a role play hosted by the Parliamentary Education Office and attended Question Time.

The Convention was officially opened by the Hon Julia Gillard MP, Minister for Education, and Mrs Matilda House, Ngunnawal Elder, welcomed Convention participants to Ngunnawal country. Delegates visited the National Archives of Australia and were provided with a briefing of the history of the Constitution.

The Convention Dinner was held at the National Press Club. Mr Xian-Zhi Soon, ACT Young Australian of the Year for 2008, presented an address to the students.

## **Convention Focus**

The purposes of this year's Convention were:

- to introduce and inform delegates about the current Constitutional preamble as well as consider its place and function in the Australian Constitution;
- to have delegates consider whether the current preamble is adequate for these purposes;
- to have delegates consider the role of the preamble;
- to have delegates consider the options for change in relation to a Constitutional preamble; and
- to have delegates consider whether the content of the preamble matters.

Professor John Williams from the Law School at the University of Adelaide and Dr Clement Macintyre, Reader in Politics, University of Adelaide, developed the two day program and facilitated the Convention proceedings at Old Parliament House.

Student delegates were provided with pre-reading in the form of a Workbook which:

- discussed the definition and purpose of a preamble;
- provided examples of Constitutional preambles in other jurisdictions (e.g. Britain, the United states of America, Ireland, and India); and
- outlined two activities for working groups.

### **Convention Processes**

Delegates attended Old Parliament House and over two days engaged in discussions about issues surrounding a preamble to the Constitution. Professor John Williams commenced the topic enquiry by presenting delegates with an explanation of the Constitutional preamble's context and background.

Delegates heard two addresses that provided arguments for and against a new Constitutional preamble. The case for a new Constitutional preamble was presented by Mr Mark Dreyfus MP, Member for Isaacs and the case against by Senator Cory Bernardi, Senator for South Australia. Following each presentation students were given an opportunity to ask questions, to clarify points and to seek further information as well as challenge the views put forward by the speakers. These sessions provided a context for delegates' first Working Group activities. Activity 1 required delegates to consider selected preambles from other countries, consider what these reflected about each nation, and discuss ideas that might be suitable for inclusion in a new Australian preamble and report back their views.

Specifically, Working Group 1 Activity 1 required delegates to:

- consider the current preamble to the Constitution and respond to the following questions: What if anything does this say about Australia in 1900? What if anything does it say about Australia in 2009?
- consider the preambles of the USA, Irish and Indian Constitutions and to respond to the following questions: Are there any common themes that are expressed in these? Are there significant differences in language or in sentiment between them? Do the preambles tell you anything about the history or character of the individual nations? Has your impressions of one or more of these nations been challenged or changed by the sentiments expressed in their Constitutional preamble?
- read four Constitutional preambles from unidentified countries and identify the country to which they belong.

Working Group 1 Activity 2 required delegates to consider and discuss the dominant Australian values that should be included in any proposed Australian Constitutional preamble. The activity was structured around the following tasks:

- Task 1: (Group activity) – List the 'dominant values' and 'defining characteristics' you would wish to see expressed as a statement of the Australian identity.

- Task 2: (Individual activity) – List about ten of those things that you consider to be the values, ideas, sentiments that you would wish to see in any proposed preamble.

The two activities for Working Group 1 were designed to generate ideas that might be suitable for inclusion in a new Australian preamble. A report back session enabled delegates to report on proposals for possible inclusion in a new Constitutional preamble. The lists were collated into a ‘collective long list’ 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 ‘long list’ generated from the workshop session was summarized in the following form:

1. Mateship, camaraderie, fair go, outgoing and sociable.
2. Reconciliation.
3. Tolerance, acceptance and respect.
4. Democracy, rule of law.
5. Political responsibility and accountability.
6. Patriotism.
7. Multiculturalism, diversity.
8. Innovation.
9. Freedom, liberty, justice, equality, human rights.
10. Acknowledging our history.
11. Economic independence.
12. Fostering and valuing education.
13. Unity, harmony, empathy.
14. Larrikinism.
15. Federalism.
16. Effort, industriousness.
17. Freedom of religion and beliefs.
18. Respect for the environment.
19. Charity.
20. Prosperity.

Further input to stimulate delegates’ thinking in relation to a new Constitutional preamble was provided by Dr Clement Macintyre and Professor John Williams who facilitated a Group Discussion that helped delegates assess the merits of their proposals.

A second Working Group session was conducted that assisted delegates to make an assessment of the issues listed for possible inclusion in a new Constitutional preamble. During this group activity delegates were requested to:

- establish ‘a clear idea’ of the issues/ideas (as generated in all of the first Working Groups) they would like to see included in any proposed preamble; and
- be prepared to make a persuasive case for or against these issues/ideas.

A Soap Box session followed the second Working Group. This session enabled students to advance arguments in favour and against possible proposals for inclusion in a new Constitutional preamble. Following the Soap Box session delegates were required to

rank each of the twenty matters/values and their ranking forms were collected and analysed to determine those matters that were considered most important to be included in any preamble statement.

The analysis of the preferences of delegates in relation to the matters to be included in a preamble revealed that the following matters were the most supported:

1. Democracy, rule of law (16.4%).
2. Freedom, liberty, justice, equality, human rights (14.2%).
3. Multiculturalism, diversity (13.4%).
4. Mateship, camaraderie, fair go, outgoing and sociable (12.8%).
5. Acknowledging our history (8.2%).
6. Reconciliation (5.5%).
7. Tolerance, acceptance and respect (5.5%).

It also revealed that a small majority believed that the preamble should not be justiciable.

A draft preamble was prepared based upon the matters most strongly endorsed by delegates. The preamble that was presented to delegates for discussion was as follows:

*We the people of Australia drawn from many places and backgrounds, form a democratic, just and free nation.*

*We acknowledge the first peoples of the land. The Aboriginal people and Torres Strait Islanders suffered under colonisation. The reconciliation of past injustices is the commitment of all Australians.*

*Our shared history is shaped by mateship and the camaraderie of a confident people committed to a fair go for all.*

*Committed to the rule of law as a cornerstone of our liberty and freedom we possess the rights of our shared humanity. Australia is a multicultural nation. We are united in our diversity and respect our differences.*

*We hereby affirm and adopt the Constitution of the Commonwealth of Australia.*

*This preamble has no legal force and cannot be used to interpret either the Constitution or any statute.*

A Soap Box session provided delegates with the opportunity to express their feelings about the preamble and whether it should be supported.

A mock referendum was conducted to ascertain whether delegates would be willing to approve a proposal to alter the Constitution to insert the preamble as drafted above.

The ballot paper contained the following proposal:

- A Proposed Law: To alter the Constitution to insert a preamble.

Delegates were asked to write ‘YES’ or ‘NO’ in response to the question ‘Do you approve of the proposed alteration?’.

**Delegate’s perspectives on the proposition to alter the Constitution to insert a preamble**

Results were tallied for the mock referendum on the proposition to alter the Constitution to insert a preamble.

The detailed results of this mock referendum are outlined on the following tally board designed by the Electoral Education Centre of the Australian Electoral Commission. One hundred and twenty-four formal votes were cast.

<b>National Tally Board</b>	<b>Formal YES</b>	<b>Formal NO</b>	<b>Is the majority in favour?</b>	
New South Wales (1 informal)	14	15	No	No
Victoria	13	14	No	
Queensland	14	12	Yes	
Western Australia	2	13	No	
South Australia	7	5	Yes	
Tasmania	0	5	No	
Australian Capital Territory	2	3		
Northern Territory	1	4		
<b>NATIONAL TOTAL</b>	<b>53</b>	<b>71</b>	<b>Is there a majority of voters in a majority of states in favour of the alteration?</b>	<b>No</b>
			<b>HAS A DOUBLE MAJORITY BEEN ACHIEVED?</b>	<b>No</b>
			<b>HAS THE AUSTRALIAN CONSTITUTION BEEN ALTERED?</b>	<b>No</b>

The referendum to alter the Constitution to insert a preamble was unsuccessful.

**Convention Outcomes**

This Communiqué outlining the Convention program, processes and outcomes was developed and endorsed by delegates. Senator John Hogg, Senator for Queensland, President of the Senate joined the delegates in the House of Representatives chamber of Old Parliament House and accepted the Convention Communiqué for presentation to the Parliament and incorporation into Hansard.

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