

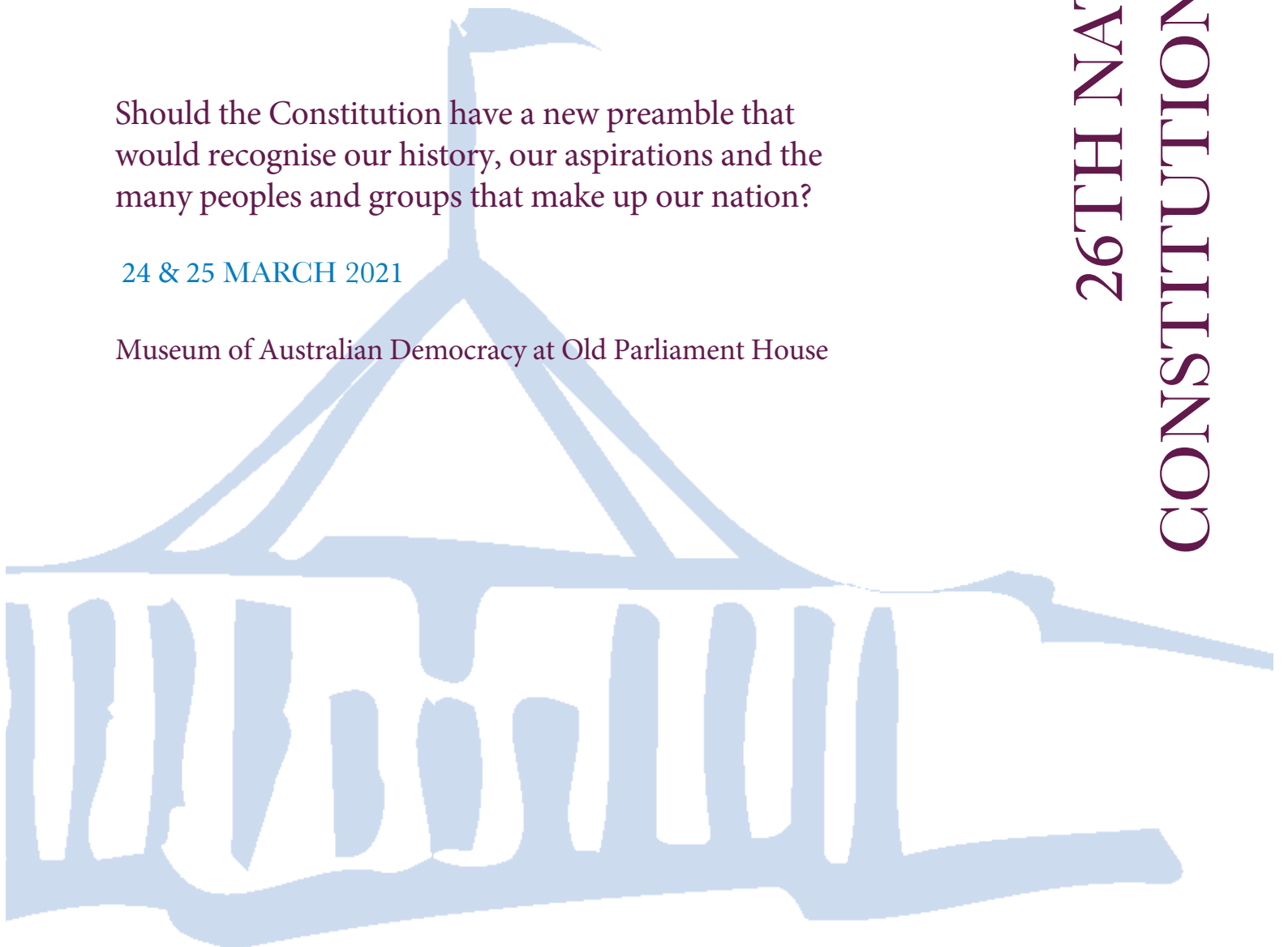
COMMUNIQUÉ

Should the Constitution have a new preamble that would recognise our history, our aspirations and the many peoples and groups that make up our nation?

24 & 25 MARCH 2021

Museum of Australian Democracy at Old Parliament House

26TH NATIONAL SCHOOLS
CONSTITUTIONAL CONVENTION



1. Introduction

The twenty-sixth National Schools Constitutional Convention (NSCC) was held from 24–25 March 2021. One hundred and seven students from Government, Independent and Catholic schools from across Australia, covering metropolitan, regional, rural and remote locations, attended the two-day activity.

Due to uncertainties surrounding COVID19, the students and supervisors gathered in their own states and territories in 11 hubs across Australia – the hubs were in Canberra ACT, Sydney NSW, Melbourne VIC, Brisbane QLD, Bundaberg QLD, Townsville QLD, Cairns QLD, Adelaide SA, Perth WA, Hobart TAS and Darwin NT. Key speakers and facilitators, together with the ACT delegates, gathered in the House of Representatives Chamber at the Museum of Australian Democracy at Old Parliament House in Canberra. Each hub's participation was facilitated through Zoom.

The Convention topic that delegates were tasked to investigate, and come to a conclusion about, was, "*Should the Constitution have a new preamble that would recognise our history, our aspirations and the many peoples and groups that make up our nation?*"

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, Australian National University.

Convention opening remarks were given by:

- Emeritus Professor John Warhurst AO, Australian National University, provided opening remarks and welcomed the delegates.
- Hon Alan Tudge MP, Minister for Education and Youth, provided the official opening (via video).
- Daryl Karp AM, Director of Museum of Australian Democracy (MoAD), welcomed the delegates on behalf of MoAD and gave an 'Acknowledgement of Country' from Ngunnawal country in Indigenous language.

Convention keynote speakers were:

- Dr Andrew Banfield, School of Politics & International Relations, Australian National University, '*What is a preamble? Context and background*'. The address provided a history of the existing preamble and developed thinking around the purpose of a new preamble. The address was followed by a question and answer session. Questions asked by delegates focused on:
 - The role of this Convention to decide and deliberate on a possible new preamble
 - The values and features to be included and reaffirmed
 - Moving to a republic or seeking of a Declaration of Independence
 - Inclusion of First Nations People
 - Inclusion of cultural diversity
 - The influence of the preambles from other nations
 - A preamble that is justiciable
 - A preamble that is current yet fit for the future
 - Division of powers and Federalism
 - Broader constitutional and/or societal change required prior to changing the preamble
 - The option of having no preamble
 - Reference to faith and religion and/or 'Almighty God'

- Dr Benjamin Jones, Lecturer-History, Central Queensland University, *'Approaches to writing a preamble to the Australian Constitution'*. Dr Jones's address provided delegates with an overview of useful approaches to writing a preamble for the Australian Constitution, including his own example titled, *'A preamble for Modern Australia'*. This address helped stimulate delegates' thinking and their deliberations around a possible new preamble.

Each hub had the opportunity to take part in a question and answer session. Questions asked by delegates focused on:

- Value of preserving/striving for meritocracy
 - Inclusion of monarchy
 - Reconciling aspirational ideals that are future proof with what is reflective of Australia today
 - Identifying and giving priority to the structure and multitude of inclusions considered important
 - Balancing the need to include First Nations, new Australians and the many groups of current citizens of the nation
 - Inclusion of freedom of religion
 - Necessity to have a preamble and its priority over other national/constitutional issues
- Eddie Synot, Wamba Wamba First Nations lawyer and researcher, University of New South Wales and Kirk Zwangobani, Chair and Community Member, Australian Capital Territory Multicultural Advisory Council, presented a panel discussion.
- The panel provided suggestions from Indigenous and multicultural perspectives for how a new preamble could recognise our history, our aspirations and the many peoples and groups that make up our nation. Participants took part in an extensive question and answer session. Questions asked by delegates focused on:
- Indigenous recognition in the preamble vs Acknowledgement in the Constitution
 - Shift to a broader Australian identity from that of the early 1900s
 - Reconciling past with future needs in the preamble
 - A preamble's potential to assist Indigenous and multicultural communities and their future interactions with each other
 - Depth of public consultation needed prior to changing the preamble
- His Excellency General the Honourable David John Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia. The Governor-General gave his address via Zoom link from Gippsland VIC, and encouraged the delegates in their deliberations. He congratulated the delegates for being active and for taking their citizenship rights seriously. He then offered to answer questions from the delegates.
 - Ms Rae Joyce, Electoral Educator, Australian Electoral Commission, provided an overview of the referendum process, the requirement of a double majority and how the vote will be conducted to insert a preamble by the delegates. Participants took part in a question and answer session.

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.

Workshops:

Two Working Group sessions were designed to generate features and ideas that might be suitable for inclusion in a new proposed Australian preamble and to design a possible preamble to become the subject of a referendum on the final day of the Convention.

Workshop activities:

- Delegates considered the current preamble to the Australian Constitution with a view to seeing what it says about Australia in 1900 and what if anything it says about Australia in 2021.
- Delegates considered the preambles of the Constitutions of the United States, Ireland and India and determined the common themes and significant differences in language, sentiment, history and/or character among them. In workshop groups they considered the preambles from various countries and whether these preambles challenged or changed their opinion of the Australian Constitution.
- After considering the arguments for and against the adoption of a new preamble for Australia and its possible role and purpose, delegates then formed their own list of the features that encompassed the values, ideas, and sentiments that they would wish to see in a proposed preamble.
 - Values, ideas and sentiments identified by the delegates for developing a new preamble included:
 - Acknowledgement/recognition of First Nations voice and custodianship/sovereignty
 - Acknowledgement of history, connection to Crown and Britain
 - Ancestral ties to land and environment
 - ANZAC and Eureka references
 - Allowance for a future Australia as a republic
 - Australia as a member of a global community
 - Aspirations of the nation
 - Commonwealth recognition
 - Commitment to the rule of the law
 - Conservation of climate and environment
 - Democracy
 - Equality and inclusivity
 - Freedom of religion and faith
 - Freedom of speech, thought and expression
 - Gender
 - Liberty, freedom and justice
 - Mateship
 - Minimalism of features to allow for longevity
 - Peace
 - Sacrifices of predecessors
 - State and territory voice
 - Unique identity of Australians
 - Unity
 - Use of Indigenous voice in its recognition
 - We the people, we the Australian people
- Delegates contributed to deeper discussions in their groups and determined what elements and style a preamble should have. They used the information from keynotes and the above activities to write within their groups, a new preamble to the Australian Constitution.
- Following the workshops, each State and Territory hub had the opportunity to explain each group's preamble to the Convention and how they arrived at its features, values, ideas and sentiments, and their rationale for prioritising them for inclusion.
 - The following issues were common themes:
 - Recognition of First Nations and custodianship
 - Social importance of a preamble in celebrating Australia's unique identity
 - Acknowledgement of history, connection to Crown and Britain
 - Commitment to democracy and equality
 - Diversity and multiculturalism
 - Liberty, freedom and justice
 - Commitment to stand by fellow Australians

Development of a possible preamble for the Australian Constitution

From many possible preambles submitted by the working groups, facilitators, John Warhurst and Benjamin Jones, shortlisted six preambles for deeper consideration. The facilitators congratulated all groups for their

presented preambles and discussed each of the six final preambles, focusing on their features, language, style and characteristics.

The discussion was widened to include all hubs - each of the six hubs whose preamble was shortlisted, spoke in support of their preamble followed by the other hubs who gave comments on those shortlisted.

A final preamble was selected via vote based on points given for first, second and third preferences. Each delegate submitted their vote in their hub and the preamble with the most points across all hubs became the focus for the Convention to consider.

Further comments and requests were offered from each of the hubs with a view to modifying the preferred preamble for final preparation. Some concerns at this time were:

- Inclusion of Crown vs Commonwealth
- First Nations sovereignty never ceded
- Inclusion of ANZACS vs sacrifices and service more generally
- Inclusion of religion
- Level of detail with respect to equality
- Incorporating a stronger Indigenous voice
- Acknowledgement of Country in the preamble
- Language improvements to avoid ambiguity

4. The Referendum

The final preamble put forward for the referendum was:

As the people of Australia we are united across States and Territories to serve the common good. Interconnected through culture and heritage, we recognise the First Nations peoples, whose sovereignty was never ceded, and on whose land we reside and swear to protect. Through these aspects we strengthen our Australian identity. We shall live our lives under the rule of law, in respect to our democratic values set out by the Commonwealth.

We acknowledge the ever-changing nature of Australian identity, recognising that time will bring new peoples, cultures and ideals.

We pay our respects to those who have served and continue to serve our nation in times of peace and conflict.

We pledge to be people who strive for equality, regardless of gender, race, faith, or culture while swearing to protect the honourable Constitution of Australia.

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

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

Voting results from one hundred and seven delegates were:

National Tally Board	Formal YES	Formal NO	Is the majority in favour?
New South Wales	23	4	yes
Victoria	19	5	yes
Queensland	23	0	yes
Western Australia	3	6	no
South Australia	8	3	yes
Tasmania	4	1	yes
Australian Capital Territory	5	0	
Northern Territory	3	0	
NATIONAL TOTAL	88 (82%)	19 (18%)	
1. Is a majority of voters in favour of the amendment in a majority states? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	2. Is a majority of voters in favour of the amendment nationally? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	A double majority <input checked="" type="checkbox"/> IS <input type="checkbox"/> ISN'T Achieved so the constitution: is changed	

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

5. Convention Outcome

This Communiqué was presented to President of the Senate, Senator the Hon Scott Ryan, Victoria. He will in turn present the Convention Communiqué to the Parliament for incorporation into Hansard. Senator Ryan addressed the delegates and answered questions.