

Constitutional preamble

Level

Year 7

Version 9 Australian Curriculum links

AC9HC7K01	The key features of Australia's system of government, including democracy, the Australian Constitution, responsible government and federalism
AC9HC7K02	The characteristics of Australia's democracy, including freedom of speech, association, assembly, religion and movement
AC9HC7S02	Locate, select and organise information, data and ideas from different sources
AC9HC7S05	Create descriptions, explanations and arguments using civics and citizenship knowledge, concepts and terms that reference evidence

Description

Students participate in classroom activities to explore the concept of a preamble to a constitution. They apply this information to the Australian context and write a new preamble for the Constitution.

Duration

Three to four lessons

Introduction

What is a preamble?

A preamble to a constitution is a short piece of text designed to introduce the constitution. Preambles are also used in other documents, most notably in Acts of Parliament.

Why is a preamble necessary?

A constitution forms the most basic law of an organisation, nation or state. By their very nature, constitutions are often long and extremely detailed. They are often subject to intense legal and moral scrutiny and must stand the test of time. While a preamble has limited legal authority, it is the first part of the document usually read. As such, it serves to explain the nature of the system and the vision of the people.

Do all constitutions have preambles?

Many do. Australia, however, does not have a preamble to the Constitution itself. The text commonly referred to as the preamble is actually the preamble to the Commonwealth of Australia Constitution Act 1900, which was passed by the British Parliament to give the new Constitution legal force.

Does a new Australian constitution need a new preamble?

A new constitution for Australia would need to be enacted as an Act of the Australian Commonwealth Parliament as a result of a referendum of the people. The existing preamble is a part of an Act of the British Parliament and would no longer apply. Many people believe that it would be desirable to draft a new preamble to reflect contemporary Australia.

What consideration has been given to a new preamble?

In 1999, Australians voted in a referendum about whether or not Australia should become a republic. In that referendum, Australians also decided whether to add a new preamble to the Constitution. Neither of these changes were passed.

Many people today would still like to see a new preamble, particularly one which acknowledges the original inhabitants – Aboriginal and Torres Strait Islander peoples – and reflects Australia's multicultural society. Debate about a new preamble, however, continues to evolve and is often considered within the context of discussion on broader constitutional change. In 2017, for example, Aboriginal leaders released the *Uluru Statement from the Heart* requesting that constitutional changes go beyond the preamble to incorporate a 'First Nations Voice'.

Procedure

1. Introducing constitutional preambles

Divide the class into groups of four to six and ask them to brainstorm their current knowledge of constitutions. Have each group list everything they know about constitutions in two columns:

- What is a constitution?
- The Australian Constitution

When they have finished, have the groups share their information with the class.

If your students are unfamiliar with the Australian Constitution, provide time for them to examine it online at [Parliament of Australia](https://www.parliament.gov.au).

Discuss the textual elements of constitutions including:

- the formal language
- the detailed description of the system of government
- the sectional layout (chapters, numbered sections and sub-sections).

Point out the preamble or introductory section of the Constitution and display a copy of the text (see below). Explain that preambles are used to introduce a constitution, and that the constitutions of most nations have preambles.

2. What do preambles say?

While there is no one model or form for preambles, many have common features. Discuss these features with the class.

- The source of authority for the Constitution. Who has decided that this most basic law has the power over all other laws in a nation or state?
- The history of the Constitution. Who wrote it, when and why.
- A summary or description of the main ideas of the legal system the Constitution is describing.
- The aims or values of the people and the system.
- Statements about beliefs of the people to encourage unity in the country.
- The preambles are written in the present verb tense.

As a research task ask students to search online to find the constitutional preambles of other nations. Students should examine the preambles to identify any of the features listed above and note any other key elements.

Display the Australian preamble (see below) and identify its features. Point out that the Australian preamble:

- draws its authority from the people of the colonies. Note that there is no mention of the people of Western Australia who hadn't yet voted to join the Federation when the Act was presented. The two mainland territories were not established until after Federation
- includes a blessing from God which was a result of a petition presented at the Australian Constitutional Convention in 1898
- recognises the legislative power of the British Parliament which includes the monarch, the House of Lords and the House of Commons
- mentions the power of the Constitution to create an indissoluble federal parliament as a part of the British Commonwealth.

Compare the features of this preamble to any others examined. Have students suggest ideas or features that might be added or considered in drafting a new preamble. List student suggestions on the board for later reference. Ideas might include statements about Australia's diverse population, Aboriginal and Torres Strait Islander peoples, democracy and our history.

3. Writing a preamble

While there is no one model or form for preambles, many have common features. Discuss these features with the class.

Ask students to decide whether they would like to write a preamble individually or with a group. Have them use the following outline to organise their ideas before drafting their preamble. The preamble should be brief (no more than 500 words).

- Who does this Constitution represent? (source of authority)
- How did it come into being? (the history)
- What is it setting up? (the system)
- What does the Constitution hope to achieve? (aims)
- What does it say about democracy?
- What does it say about the people of the nation?

Have students share their drafts with classmates for comments.

4. Reflecting on change

Ask students to reflect on their work and consider their personal position regarding a change to the Preamble of the Australian Constitution. They may like to discuss the following questions in pairs before writing a brief personal response.

- In what ways, if any, might a new preamble make a difference to Australia and Australians?

Why might Australians' views differ regarding a new preamble?

- Can we come up with a preamble that reflects and is accepted by all Australians?
- Does change to the preamble risk our traditions and history?

The Preamble to the Australian Constitution

Whereas the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian colonies and possessions of the Queen:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: