



Your official Referendum pamphlet.

Introduction

Saturday, 6 November 1999 is Referendum Day. Along with other eligible Australians, you will be required to vote “Yes” or “No” to each of two proposed laws to change the Constitution.

To become law, each proposed change requires the approval of a majority of electors nationally and a majority of electors in a majority of States.

The Constitution is a “blueprint” which defines the Australian system of national government and establishes the legal basis for Federal Parliament to make laws. The Constitution itself guarantees that the only way this “blueprint” can be changed is by a referendum - that is by asking all eligible Australian electors whether or not they approve the proposed laws to change the Constitution. This is what will happen on 6 November.

The Two Proposed Laws

1. Constitution Alteration (Establishment of Republic) 1999
 - to alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.
2. Constitution Alteration (Preamble) 1999
 - to alter the Constitution to insert a preamble.

This Pamphlet

This pamphlet contains two important items of information which I am required by law to send to each elector personally.

Firstly, you will find the arguments for and against the proposed changes which have been authorised by members of the Commonwealth Parliament who either favour or oppose the proposed changes. These are the Yes/No cases. The arguments are those of the parliamentarians and the text is unedited by the AEC.

Secondly, those parts of the Constitution which will be amended if the proposed laws are agreed to, are also shown. Because of the number of amendments which would need to be made, I have included the full text of the Constitution to avoid any confusion as to what parts of the Constitution are proposed to be amended.

This pamphlet is an important source of information and is designed to help you decide “Yes” or “No” when you have your say on 6 November. I urge you to read it so that you may make an informed decision on Referendum Day.



Bill Gray AM
Electoral Commissioner

Enrolment & Voting Enquiries

For enrolment and voting enquiries call the AEC's national enquiry service on 13 23 26 or visit the AEC's web site at referendum.aec.gov.au

Interpreting Services

Arabic	1300 720 132	Macedonian	1300 720 139	Spanish	1300 720 148
Cambodian	1300 720 134	Mandarin	1300 720 142	Turkish	1300 720 149
Cantonese	1300 720 135	Polish	1300 720 143	Vietnamese	1300 720 152
Croatian	1300 720 136	Portuguese	1300 720 145	All other languages	1300 720 153
Greek	1300 720 137	Russian	1300 720 146		
Italian	1300 720 138	Serbian	1300 720 147		

The Yes/No cases have been translated into the languages listed above and are available at the AEC's web site or on request by phoning the national enquiry service.

The Yes/No cases are available in the following alternative formats

- audio cassette • braille • ASCII disk • large print

If you, a friend or relative, require the Yes/No cases in any of these formats call the AEC enquiry service to request your free copy.

Telephone Typewriter (TTY) facilities

NSW	02 9375 6305	WA	08 9470 7232	NT	08 8982 8017
VIC	03 9285 7172	SA	08 8237 6546	ACT	02 6271 4701
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Helping you have your say.

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Sample Ballot Paper - Republic Question



Commonwealth of Australia

BALLOT PAPER

Referendum on proposed Constitution alteration

DIRECTIONS TO VOTER

**Write YES or NO
in the space provided
opposite the question
set out below**

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

DO YOU APPROVE THIS
PROPOSED ALTERATION?

WRITE "YES"
OR "NO"

Australian Electoral Commission **AEC**

Helping you have your say.

Sample Ballot Paper - Preamble Question



Commonwealth of Australia

BALLOT PAPER

Referendum on proposed Constitution alteration

DIRECTIONS TO VOTER

***Write YES or NO
in the space provided
opposite the question
set out below***

A PROPOSED LAW: To alter
the Constitution to insert a
preamble.

DO YOU APPROVE THIS
PROPOSED ALTERATION?

WRITE "YES"
OR "NO"

Australian Electoral Commission **AEC**

Helping you have your say.

The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

An Australian Republic - it's all about our future

Australia has evolved and matured as an independent nation.

All Australians should be proud of our country and committed to its values.

Our Head of State should be chosen on merit and not by the privilege of birth.

Every Australian child should be able to aspire to be our Head of State.

As it stands today, no Australian, no matter how talented they are or how hard they work will ever be Australia's Head of State.

The past has served us well, but as a vibrant growing nation it's time to move on.

Our pride and stature as a truly independent nation are a vital part of our national unity.

An Australian President will represent our uniquely Australian identity as we face the world into the future.

Becoming a Republic simply means having an Australian as Head of State instead of the Queen

It's time to have our own Head of State.

Britain and the British monarchy have served us well and will always be part of our history.

However, the British monarchy is no longer relevant to our daily lives as Australians.

Now we need someone who will proudly promote Australia and our interests - someone who is one of us.

We should stand on our own two feet

From our beginnings as an ancient land and a British colony, we have progressed and grown.

We now come from many backgrounds and nationalities - our Head of State should represent all Australians.

Only an Australian can do that.

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Please note: The content of this argument was authorised by a majority of those members of the Parliament who voted for the proposed law and desire to forward such an argument. The text has been printed and presented without amendment by the Electoral Commissioner.

The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Vote ‘NO’ to the politicians’ republic

This referendum is not just about whether Australia should become a republic. It is about the type of republic.

And the republic model being proposed is seriously flawed - it is untried, unworkable, undemocratic and elitist. The politicians will appoint the President, not the people. It removes the checks and balances from the current system.

Different people will be voting ‘NO’ for many different reasons:

Don’t know? - Vote ‘NO’

Those who don’t know - should vote ‘NO’ - because that is the only safe way to go.

No say! - No way! - Vote ‘NO’

Those who want to elect their President - should vote ‘NO’ - because under the proposed model, they will have no say in who their President will be.

A puppet for President! - Vote ‘NO’

Those who want an appointed President - should vote ‘NO’ - because the proposed model is fatally flawed. The President will be a Prime Minister’s puppet, subject to instant dismissal.

Keep the status quo! - Vote ‘NO’

Those who value the certainty and stability of our current Constitution - should vote ‘NO’ - because any alternative has to be as good as or better than the current system. This proposal fails that fundamental test.

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The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

It's 100 years since Federation, and the time is right for us to stand tall.

We should take the next step by confirming to the world our true independence as a nation, no longer constitutionally tied to England.

A small step, important and safe

Replacing the Queen with an Australian Head of State is a small but important symbolic step for all Australians. It is the final step to confirm our independence.

Only minor amendments to our Constitution will be required, and all of our democratic rights will stay the same.

Australia's Commonwealth Attorney-General has announced what will not change if Australia becomes a republic:

- *It would not change the flag or the national anthem.*
- *It would not change the number of public holidays.*
- *It would not mark a break with our tradition of stable, parliamentary democracy.*
- *It would not alter the day-to-day operation of the Commonwealth Parliament.*
- *It would not give the President more or different powers to those of the Queen's representative in Australia, the Governor-General.*
- *It would not create an office of President that is more grand or expensive than that of the current Governor-General.*

Australia will maintain its friendly relationships with Britain; we will continue to be part of the Commonwealth, and we will continue to compete in the Commonwealth Games.

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Ten reasons why you should vote ‘NO’

Reason 1:

A Prime Minister can dismiss the President, instantly, for no reason at all.

It will be easier for a Prime Minister to sack the President than his or her driver. The President would be a Prime Minister’s puppet. The President as the umpire in our Constitution should be free from being sacked at the whim of a Prime Minister. An umpire needs to be independent.

It’s not fair that the President can be sacked for no reason at all. The normal checks and balances of the Senate are missing in the dismissal model.

No other republican model in the world allows for the instant dismissal of a President.

It is not true that a Prime Minister can dismiss the Head of State under the current Constitution. No Prime Minister has ever dismissed a Head of State. There is no provision for instant dismissal in the current Constitution.

Don’t allow our tried and proven Constitution to be replaced by an experiment.

No Prime Ministerial puppet for President - Vote ‘NO’ to this republic

“The proposed model is totally unacceptable because it distrusts the people; denies their basic democratic right to vote on who represents them as President; increases the power of the politicians over the people; provides extraordinary powers for the Prime Minister to dismiss a President who fails to do his bidding; it’s a shoddy, undemocratic proposal that should be rejected.”

Bill Hayden, former Labor Leader and former Governor-General

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The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

An Australian President

The way for Australia to become a Republic and to choose our President emerged from the 1998 Constitutional Convention, after 152 delegates representing all Australians had considered various alternative proposals.

If the referendum is approved, we will have an Australian President replacing the Queen and the Governor-General. The Australian President will have the same job and the same powers as the Governor-General.

The Australian President will be very different to the US President - an Australian President will have an important and respected position, but with limited powers that will not change our stable system of Government.

A President, not a politician

The way Australians choose and change our President will be more democratic and open than the way the Governor-General is appointed. All Australians will have the opportunity to nominate a fellow Australian for the office of President. These nominations will be considered by a special Nominations Committee made up of representatives from all Australian parliaments and all parts of our community. It will prepare a short list and then the Prime Minister and the Leader of the Opposition will agree on one nominee. That person will then need to be approved by a two-thirds majority of a joint sitting of both Houses of the Federal Parliament.

This means that our Australian President will not be a politician.

The Constitution will provide that an Australian President cannot be a member of a political party or a Member of Parliament. Nor will an Australian President be chosen on the basis of money and influence, as has become the case in America. Our Australian President will be chosen on merit and, because he or she will need the support of both sides of politics, will be a person who is above party politics and who will unify all Australians.

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Reason 2:

The people won't choose the President: the political deal-makers will.

Only politicians will be allowed to pick the President. The Australian people will never get the chance to vote for the President.

No say! - No way! - Vote ‘NO’ to this republic

“To suggest that the appointment of a president by a two-thirds majority of the parliament in some way makes them non-political is a nonsense. They would only get the endorsement by virtue of a political deal. A president elected in this way is a president selected by politicians after a deal between the major political parties. It is this sort of arrogance which is making so many people in Australia determined to have their own say on who the president should be.”

Peter Beattie, Labor Premier of Queensland

“The ARM wants to foist on us nothing but a phoney republic. The big end of town wants to ride rough-shod over the people. Unless the people elect the President, what's the point? How can you have a republic when the people don't vote? That's why this republican will be voting no.”

Phil Cleary, former independent member for the federal seat of Wills and Constitutional Convention delegate.

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The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

A stable parliamentary system

In June this year, Sir Zelman Cowen who was our Governor-General from 1977 to 1982 said:

“I think the proposal is good, I support it..... I believe it can be safely recommended to our fellow citizens as giving us an Australian Head of State without radical change to our parliamentary system.”

Many well-respected Australians have endorsed this proposal and encouraged Australians to vote YES at the referendum. They include former Prime Ministers Malcolm Fraser and Gough Whitlam, former Deputy Prime Minister Doug Anthony and former Chief Justices of the High Court Sir Anthony Mason and Sir Gerard Brennan. They believe it is a fair and safe way for an Australian citizen to become our Head of State.

It’s a simple change, but an important one

The Republic Referendum will be held on November 6. You will be able to vote YES for the change to an Australian as Head of State or NO to retain the monarchy. If you agree that, as we enter a new century, the time has come for an Australian to be our Head of State, please join with us and help make history on November 6. Vote YES for an Australian republic.

Please remember to write the word YES on your ballot paper on Saturday, November 6.

END OF THE ARGUMENT FOR THE PROPOSED LAW.

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Reason 3:

“If it ain’t broke, don’t fix it.”

Australia is a stable, prosperous nation.

Our current Constitution was drafted by Australians for Australians and voted for by Australians. It has worked well for 100 years - during war, depression and political crisis - and it continues to serve us well.

Our Constitution has been at the heart of our nation since Federation, holding the system of government together to create a unified, peaceful country.

Our status as a free, independent and sovereign nation is unquestioned.

Our constitutional Head of State, the Governor-General, is an Australian citizen and has been since 1965.

If we are to change this system, any alternative has to be as good as or better than the current system. This proposal fails that fundamental test.

Do we really want a republic that gives no power to the people in the appointment or dismissal of the President? Do we really want a republic that gives power solely to politicians?

Keep the status quo - Vote ‘NO’ to this republic

“To vote ‘NO’ is to say ‘YES’ to continuing constitutional and political stability.”

Emeritus Professor Dame Leonie Kramer, Chancellor of the University of Sydney

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The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Reason 4: Major changes with unknown results.

In one hundred years, there have only ever been 13 separate amendments to our Constitution. The proposed model will require 69 changes in one hit!

Each of these 69 changes are untried and untested.

No one can predict how these many changes will affect our whole system of Government, Parliament, the courts or the country.

**When in doubt, throw it out.
Vote ‘NO’ to this republic**

“The result would be a disaster for Australia.”

Sir Harry Gibbs, former Chief Justice of the High Court of Australia

Reason 5: Constitutional change should unite, not divide us.

Constitutional change should unite us.

Instead, this republic proposal is dividing us as a nation. Not only is there a dispute between those supporting our Constitution and those pushing for a republic. There are even bitter divisions between republicans themselves.

How can this proposal unite Australia when it failed to get majority support at the 1998 Constitutional Convention and it is dividing republicans?

Vote ‘NO’ to this divisive republic

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Reason 6:

Australia is already an independent nation.

The proposed model adds nothing to Australia’s independence.

Everyone knows Australia is a proud, strong, independent nation. Australians are world renowned for their ingenuity and capacity and efforts in war, sport and humanitarian assistance.

All legal links with Britain were cut in 1986 with the passage of the Australia Act through both Australian and British Parliaments.

In June this year, our status as a sovereign, independent nation was re-affirmed by the High Court.

Australia is a legally and internationally recognised independent nation.

**We are already independent.
Vote ‘NO’ to this republic**

“Many people have come to Australia because of the political stability that our current system of government guarantees. Why take a leap into the dark to change something that is working well?”

Wellington Lee, Deputy Lord Mayor of Melbourne and Foundation President of the Australian Chinese Chamber of Commerce

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The case for voting ‘NO’

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Reason 7:

There will be no benefits under this republic - only problems.

This republic offers no benefits to Australians.

It won't create jobs. It won't improve trade.

It won't improve the economy or our lives.

However it will cost us our stability, our certainty and our security.

No gain, only pain - Vote ‘NO’ to this republic

Reason 8:

A Prime Minister can keep the President in office indefinitely.

The President can remain in office indefinitely if the Parliament cannot agree on a replacement, or if a Prime Minister refuses to nominate a replacement President.

A job for life for a President who does what they are told.

**No Prime Ministerial puppet for President.
Vote ‘NO’ to this republic**

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The case for voting ‘YES’

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Reason 9:

The nominations committee won't give you a say.

Even though a committee will be set up under this model to put nominations for the President to a Prime Minister, a Prime Minister can completely ignore the committee's nominations.

Half the committee will be politicians and the other half will be appointed by politicians.

The committee is an expensive window dressing exercise. It is designed to make the public think they can have input. Nominations will be received in secret. And remember, a Prime Minister has the absolute right to completely ignore the nomination committee's recommendation and nominate his or her own personal choice.

So much for public input!

No secret deals - Vote ‘NO’ to this republic

Reason 10:

Politician One Day - President the Next.

The proposed model allows a politician to resign from Parliament and his or her party one day and become President the very next day. Appointed by politicians, of course.

Vote ‘NO’ to the politicians’ republic

“The real question is: who will wear the crown of sovereignty if it is to be taken from the monarch's head? The ARM says that the crown of sovereignty should descend upon the Prime Minister's head in parliament, thus increasing his absolute powers. We argue that the crown of sovereignty should descend upon the head of every Australian citizen; every Australian citizen a sovereign.”

The late Professor Patrick O'Brien, former professor of political science, University of WA

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The case for voting ‘YES’

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Conclusion

Australia deserves better than an inadequate and undemocratic republic.

The proposed republic gives more power to the politicians, at the expense of the people. We should not hand over any more power to politicians hammering out deals in secret behind closed doors.

To vote ‘NO’ to the republic on offer is to keep a secure and workable system answerable to the people.

If the Australian people were to vote for a republic, it should be one of which we can be truly proud. Australians should reject the republic proposed in November. We must signal to the politicians that unless any proposed republic is an improvement on the current system, we will stick with the current system. We must protect our existing rights, safeguards and constitutional strengths.

If we give the politicians the power to appoint the President, do you think they are ever going to give it up?

Any change should only be for the better - reject this third-rate republic.

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The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

At the referendum on 6 November 1999, you will be asked to vote on whether to approve “a proposed law to alter the Constitution to insert a preamble”. Our Constitution, which provides the framework for our system of law and government, does not currently have a preamble. As we approach our centenary of nationhood and stand at the beginning of a new millennium, it is timely and appropriate to add a preamble that celebrates the values and aspirations which unite us as Australians and which will continue to inspire us into the future.

This statement explains the new preamble and why Australians should vote for it.

In summary, a ‘YES’ vote on the preamble for our Constitution would:

- enable the Australian people to highlight the values and aspirations which unite us in support of our Constitution;
- contribute importantly to the process of national reconciliation between indigenous and non-indigenous Australians; and
- recognise at the end of our first century of federation the enduring priorities and influences that uniquely shape Australia’s sense of nationhood.

What is a preamble?

The Constitutions of many other countries commence with an introductory statement or preamble. A preamble to our Constitution would aim to reflect the unique spirit, traditions and sentiments which underpin our commitment to our Constitution. A preamble to our Constitution would seek to highlight in a broad and descriptive way the values and hopes that unite us as a people in support of our Constitution.

Would the preamble have any legal force?

No.

The preamble would not state legal rules such as those found in the body of our Constitution. Its purpose and effect would be quite different. If the preamble to our Constitution is supported at the referendum, a new provision will be included in the Constitution to ensure that the preamble has no legal effect. The new provision, section 125A, would state that the preamble “has no legal force and shall not be considered in interpreting this Constitution or the law in force in the Commonwealth or any part of the Commonwealth”.

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

If you don't know - VOTE NO!

If, by the time the referendum comes around, you aren't aware of the many arguments against the Preamble, a NO Vote is the only safe option for you to take.

But, if you take a few minutes to read this official NO case you will be aware of the important reasons for rejecting the proposed Preamble and be able to make an informed vote on November 6.

What's wrong with the proposed Preamble?

- **It's Premature** - it is absurd to introduce a new Preamble until we know whether Australia will become a Republic;
- **It's a Rush Job** - we should not be tacking these words onto our Constitution without more work and much more public consultation;
- **It's a Politicians' Preamble** - the people haven't had a say on what should be included in their Preamble;
- **It's Part of a Political Game** - while the Labor Party voted against the Preamble in Parliament, they will not campaign against it;
- **It's a Deliberate Diversion** - the Preamble is an unnecessary diversion from the most important issue at stake - the Republic model;
- **It's Got Legal Problems** - the Preamble referendum question is misleading and there is much debate about what the legal effect of the Preamble will be;
- **Its Content is Defective** - the proposed Preamble is far more likely to divide rather than unite Australians.

This is not a people's Preamble!

When you vote remember:

No say - NO WAY!

continued overleaf

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The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

Is the preamble linked to the question on whether Australia becomes a republic?

No.

Australians will be asked to consider two separate and independent questions at the referendum. One is whether Australia should become a republic with the Queen and the Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament. The other question is whether to insert a new preamble into the Constitution.

The two questions are not linked.

The preamble can be inserted into the Constitution regardless of the outcome of the separate referendum question on whether Australia should become a republic. The proposed preamble does not refer to Australia’s constitutional status in terms of whether Australia is a republic or constitutional monarchy.

Change to a republic does not require or necessarily involve the inclusion of a preamble in the Constitution. The strong arguments in favour of a preamble apply irrespective of one’s views on a change to a republic or a continuation of our current constitutional arrangements.

A new preamble is not part of any broader constitutional change. It is a stand-alone issue. It needs to be considered in its own right.

What have been the processes of consultation and public debate on the preamble?

There has been extensive public debate and many avenues for community input on the issue of a preamble to our Constitution.

continued overleaf

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

It’s Premature

It’s absurd that we must vote on a Preamble before knowing whether Australia will become a Republic.

By including the Preamble question in this referendum the Prime Minister has put the cart before the horse.

Surely, the appropriate time to add a new Preamble to our Constitution is after we know whether Australia will become a Republic or not!

The proposed Preamble makes no mention of the Republic or the President. This means that if both the Republic and Preamble questions are passed, we will have the ridiculous situation of being a Republic without any mention of that fact in our Constitution.

But, if the Preamble is approved and the Republic question fails, why do we need a new Preamble at all?

It’s a Rush Job

The proposed Preamble has been included in the referendum with deliberate haste.

The Preamble Bill was not subjected to the scrutiny of a public inquiry as the Republic Bill was. This lack of public input also means you have not been given a chance to have your say on the preferred wording.

The Prime Minister did not consult widely with stakeholders such as the Opposition, other political parties, republicans, veterans, monarchists, indigenous leaders, immigrant and environment groups.

The Bill putting the Preamble question to referendum was rushed through Federal Parliament in just over 24 hours, after the Prime Minister secured a deal from the Democrats in the Senate.

More time should have been provided for a proper community debate and discussion on the final wording of the Preamble. A properly elected Convention is the only democratic way to develop such an important Constitutional reform.

The Opposition wanted to defer the vote on the Bill for one week but the Government rejected this offer, preferring to rush the Bill through without any scrutiny.

continued overleaf

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The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

- The issue of a preamble came to prominence in the debates of the February 1998 Constitutional Convention. The Convention resolved that the Constitution should include a preamble and suggested a range of issues which any such preamble should cover.
- In late 1998, the Constitutional Centenary Foundation organised a Preamble Quest which invited the public to put their views on the Convention’s preamble resolution. The Foundation received hundreds of responses on what should be included in any preamble. On 24 February 1999, the Right Honourable Ian Sinclair and other Foundation representatives presented their Report on the Preamble Quest to the Prime Minister.
- On 23 March 1999, the Prime Minister released an Exposure Draft of the preamble for public consultation. Around 700 submissions were received from a diverse range of groups and individuals. The Exposure Draft prompted a significant Parliamentary and community debate on the preamble and what it should contain.
- On 11 August 1999, the Prime Minister released a proposed preamble which was passed by both Houses of the Federal Parliament and which forms the basis of the referendum question.

Why is a new preamble being proposed now?

There is currently no preamble in our Constitution itself. There is a short preamble to the Constitution Act passed by the Parliament of the United Kingdom in 1900 to establish our Constitution, but it is no more than a formal legal introduction to that legislation. It is not a statement by the Australian people about the values that unite us in our commitment to our Constitution. The time is now right for such a statement.

In 1901, the people of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania agreed to come together as a federation and form a new nation - Australia. In 2001, we will celebrate the centenary of the Australian Federation.

This milestone is a timely opportunity to insert our own preamble into our own Constitution. Our own preamble would highlight the distinctive characteristics which have shaped the Australian experience and underpin our commitment to our Constitution.

continued overleaf

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The case for voting 'NO'

A PROPOSED LAW: To alter the Constitution to insert a preamble.

If you don't know - VOTE NO!

It's a Politicians' Preamble

The proposed Preamble is a politicians' Preamble when it should be a people's document.

It is John Howard's Preamble (drafted with two Democrats) not the Preamble of the Australian people.

We should not be asked to vote on a Preamble written behind closed doors by politicians and thrust upon the people in a 'take it or leave it' manner.

First, the Prime Minister wrote a Preamble with a poet - a convention of two! He wanted to include 'mateship' and other personal preferences, but many people objected. So he rewrote it with the help of two Democrat Senators - a convention of three!

Preambles are people's documents. No single politician should have ownership of the drafting process for our new Preamble.

It's Part of a Political Game

The proposed Preamble is being used in a political game.

The Labor Party doesn't support the proposed Preamble either.

The Labor Party voted against the proposed Preamble in Parliament. They don't want it to succeed. But because they think the Republic has a better chance of getting over the line if they campaign for a YES, YES vote, they've decided to run dead on the issue of the Preamble. They've already said they'll rewrite it, but they won't speak out for a NO vote now!

Party 'solidarity' dictates their members stay silent. Labor is prepared to trade off a flawed Preamble in order to achieve a YES for the unpopular but big party Republic model.

This NO case was prepared after wide consultation by the only MP prepared to stand by his vote on the Bill in Parliament.

So don't be conned. Just because the Labor Party isn't talking about the Preamble doesn't mean they support it.

No say - NO WAY!

continued overleaf

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The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

If Australians agree, the following words would be inserted into the Constitution as our own preamble:

“With hope in God, the Commonwealth of Australia is constituted as a democracy with a federal system of government to serve the common good.

We the Australian people commit ourselves to this Constitution:

proud that our national unity has been forged by Australians from many ancestries;
never forgetting the sacrifices of all who defended our country and our liberty in time of war;

upholding freedom, tolerance, individual dignity and the rule of law;

honouring Aborigines and Torres Strait Islanders, the nation’s first people, for their deep kinship with their lands and for their ancient and continuing cultures which enrich the life of our country;

recognising the nation-building contribution of generations of immigrants;

mindful of our responsibility to protect our unique natural environment;

supportive of achievement as well as equality of opportunity for all;

and valuing independence as dearly as the national spirit which binds us together in both adversity and success.”

Our new preamble would not replace the existing preamble to the Constitution Act, which would be retained as a statement of historical fact. The new preamble would be inserted into our Constitution.

Why this preamble?

The insertion of our own preamble into our own Constitution would give Australians the opportunity to highlight the unifying values, achievements and aspirations we share as we enter the second century of our nationhood.

continued overleaf

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

If you don't know - VOTE NO!

It's a Deliberate Diversion

Previous referendums show that multiple questions are more likely to lead to the proposed changes being voted down. You should not let the Preamble question influence the way you vote on the Republic issue.

The proposed Preamble is designed to divert attention from the most important issue at stake - whether or not Australia should become a Republic under the terms of the proposed model.

The Prime Minister does not want Australia to become any type of Republic. He has made it very clear he thinks our current Constitution has served us well. Why then would he want to change the Preamble?

At the urging of Monarchists, the Prime Minister has used his position to frustrate the Republican cause despite claiming he has given the people a choice.

For example, what happened to the Prime Minister's promise that a public vote would be held if no clear consensus on a preferred Republic model resulted from the 1998 Constitutional Convention?

After all, that half-appointed Convention delivered only 48% delegate support for the Republic model you will be voting on at the November 6 referendum.

Rather than have a vote on any particular Republic model forced upon you as it has been, you should first have been asked:

1. 'Do you want Australia to become a Republic?' If so,
2. 'Which of the following range of Republic models would you prefer?'

The Preamble is simply another step in this process of frustration. The question has been hurriedly added to this referendum (without public consultation) in the hope it will influence the vote on the Republic question.

Whether you agree with the proposed Republic or not you should not let the Preamble question influence your thinking on that important issue.

No say - NO WAY!

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The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

Our system of government

The preamble would speak appropriately of hope in God. It would refer to the fact that we are constituted as a democracy with a federal system of government to serve the common good. Although celebrating only our first century of nationhood, Australia is one of the world’s oldest democracies. We have led the world in establishing many democratic institutions and rights.

The reference in the proposed preamble to our federal system of government highlights the important role of the States and Territories in Australia’s system of government. It is also very appropriate that the preamble acknowledge those great principles of liberal democracy - freedom, tolerance, individual dignity and the rule of law - which have made Australia one of the fairest, most harmonious and most open societies in the world.

Gratitude to those who have defended our liberty

The preamble would recognise the sacrifices of all who defended our country and our liberty in time of war.

Over 100 000 Australians have given their lives in the service of their country - across the continents and oceans of the world. Many thousands more have been wounded. Countless others have been deeply scarred in different ways.

The proposed preamble honours all those Australians who contributed in so many different ways - on the home front or on active service - to the defence of our country and our liberty. In doing so, we express the deep respect and appreciation of a grateful nation.

Honouring indigenous Australians

The preamble would give us an historic opportunity to acknowledge in an appropriately positive and uniting way the important place of indigenous Australians in our national life and community. The proposed preamble honours “Aborigines and Torres Strait Islanders, the nation’s first people, for their deep kinship with their lands and for their ancient and continuing cultures which enrich the life of our country”.

The process of national reconciliation between indigenous and non-indigenous Australians is one of the most important issues we face as a nation as we enter the new century.

continued overleaf

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The case for voting ‘NO’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

If you don't know - VOTE NO!

It's got Legal Problems

There are serious questions about the proposed Preamble's legal status.

There is much debate among Constitutional experts about what the legal impact of the Preamble will be.

The question is misleading. What you won't be told is that by voting YES you will automatically be agreeing to another Constitutional amendment which says the Preamble has no legal force and can't be used to interpret the Constitution or any law. This has no precedent.

The proposed Preamble will be 'tacked on' to the current Constitution in addition to the old Preamble.

Legal experts including the former Chief Justice of the High Court, Sir Harry Gibbs argue that regardless of the addition of a clause barring its use, the Preamble may have considerable legal force.

The fact that the Prime Minister has refused to include a reference to Aboriginal custodianship suggests the Government shares this view.

There are also divided opinions on whether the Preamble can, and will, be used by International Courts to rule on Australia's international obligations.

But George Williams, another Constitutional expert, has pointed out that judges only resort to preambles extremely sparingly and could not derive rights or other meanings from the Preamble.

If the lawyers can't agree, how can we vote for this rushed and flawed Preamble?

No say - NO WAY!

continued overleaf

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The case for voting ‘YES’

A PROPOSED LAW: To alter the Constitution to insert a preamble.

The recognition in the proposed preamble of the special place of the nation’s first people in our national life and community would be a small but significant contribution to national reconciliation.

Recognising the contribution of immigrants

The preamble would express pride that our national unity has been forged by Australians of many ancestries and would recognise the nation-building contribution of generations of immigrants.

Throughout our history, immigrants have played a critical defining role in the development of Australia as a modern, tolerant and harmonious country. We are one of the most diverse societies on earth. That is one of our great national strengths. It underpins the dynamism, enterprise and optimism of our society.

Australia has been a source of new hope and opportunity for generations of migrants. Australian society has been enriched by that process in the past and will continue to be in the future.

It is right, therefore, that a preamble to our own Constitution recognises this great formative influence of our past and our future.

Protecting our unique natural environment

The preamble would refer to our responsibility to protect our unique natural environment. Whether it be the cities and towns, our farmlands or our wilderness areas, our rivers or our coastline, our diverse landscape is part of our identity as a nation. It contributes to the unique Australian sense of place. Australia is one of the world’s most biologically diverse countries with over one million species, many of them unique.

The preamble would highlight Australians’ responsibility to protect their environment, not only for the short term but for the generations to come.

The national spirit that binds us together

The preamble would recognise the special value which Australians place on both achievement and equality of opportunity for all, and the special defining national spirit which binds us together as Australians in both adversity and success.

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Its Content is Defective

Besides all the other problems the Preamble is flawed in content, meaning and style.

The Preamble might read O.K, but it is not acceptable as an introduction to our Constitution.

Just as the Constitution should be relevant for many generations, its Preamble should also be timeless. This Preamble tries to be ‘all things to all people’ and has been criticised for containing historical inaccuracies.

According to many Aboriginal leaders, the word ‘kinship’ does not truly reflect indigenous peoples’ connection with the land.

Many veterans believe the reference to ‘all who defended our country’ should say ‘in times of war and conflict’, to pay respect to those who made sacrifices in conflicts as well as officially declared wars.

By only supporting ‘achievement’ do we only include ‘winners’ but not ‘losers’ in our Constitution?

Migrant groups want a reference to our multicultural nation, one that respects the diversity of cultural traditions.

The proposed Preamble will divide and alienate, not unite Australians.

Conclusion

- All the fine words so often associated with the American Constitution are actually in the declaration of Independence, not the Constitution’s Preamble. The US Preamble is just 52 words long and speaks in narrow terms about ‘domestic tranquility, common defence and general welfare’.
- The new Preamble proposed for our Constitution is 152 words long and will be tacked onto a Constitution that already has a Preamble. The proposed Preamble has been hastily cobbled together by the Prime Minister and two Democrats without PUBLIC INPUT.
- It is defective, its legal status is unclear, and it shouldn’t be RUSHED through, particularly BEFORE the Republic vote is resolved. But MOST IMPORTANTLY, this is a POLITICIANS’ PREAMBLE not a PEOPLE’S STATEMENT.

For all these reasons ‘NO’ is the only way to GO.

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The case for voting ‘YES’

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Australians have always stood for ‘a fair go’ - not only in terms of creating opportunities for advancement but also for ensuring appropriate support of those in need.

Australians have also embodied a special spirit of resilience and shared commitment - whether it be in the face of national disaster, or war, or community need, or in sharing our successes.

It is very appropriate for a preamble to our Constitution to recognise these uniquely Australian values and their continuing influence.

Why a ‘YES’ vote for the preamble is important

A vote in favour of a preamble to our Constitution would enable the Australian people to make a significant statement on the values, beliefs and aspirations which unite us in our commitment to our Constitution. Now is a very appropriate time for such a statement and the opportunity which is presented should not be missed.

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THIS ARGUMENT CONCLUDED ON PAGE 37

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