

## PREAMBLE TO THE AUSTRALIAN CONSTITUTION

Address by the Hon Gareth Evans QC MP to the House of Representatives, Canberra, 24 March 1999 (*Hansard* pp 3582-4).

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Mr GARETH EVANS (Holt)(4.01 p.m.)—There were not too many crumbs of comfort for the Prime Minister in the press and community reaction to the preamble that he brought down yesterday. I think his demeanour and that of his backbench today in this parliament, together with the limp, lifeless and lacklustre performance of the member for Warringah just then, amply demonstrates that. The Prime Minister's language has been variously described in print and on the airwaves over the last 24 hours as 'a shambles', 'too bad to be true' and 'wandering around like a tipsy journalist'—as the Leader of the Opposition reminded us—but it has also been described, among other things, as 'corny', as 'awkward', as 'flat and lifeless', as 'turgid', as 'unintelligible', as 'bizarre' and as 'archaic'.

Apart from a small handful of comments and the Sydney Morning Herald editorial, the reaction from media commentators, community spokespersons and across the airwaves on Australian talkback radio has been of a kind that would make any normally sensitive person reach for the rat poison or step off a tall building. The truth of the matter is that the Prime Minister is not a normally sensitive person. Probably no Prime Minister, frankly, ever is, but this one is in a class of his own.

The problem is that he just did not listen. He did not listen to what a great many people, including on his own side of politics, were telling him or would have told him if they had had the courage to so. He listened, yes, to Geoffrey Blainey; he listened part of the time, yes, to Les Murray. But that was about it. At the end of the day, as he has made amply clear in all his public statements, it was his draft, his preamble, and he did not really listen to anyone else at all. And because he did not listen, he overreached himself and he has produced an absolute clunker of a document which has satisfied practically no-one in this country.

If he had listened for a start to Aboriginal and Torres Strait Islander Australians, they would have told him that his flora and fauna type reference to their being here before we were and his theme park reference to their cultures were just not good enough. If he was really serious about reconciliation, they would have told him if he would listen that what was necessary was a warm-hearted and generous acknowledgment of their ownership or at the very least their custodianship—maybe even their stewardship; we could debate that—of this ancient land.

`Custodianship' is a splendid word and was the consensus choice of the Constitutional Convention—a convention full of delegates either from the Prime Minister's side of politics or appointed by him. They adopted that word without any dissenting voice or vote. Without opening up any kind of divisive controversy, that word `custodianship' does capture at least some of that intensely spiritual and protective way in which indigenous Australians have always related to their land. The Prime Minister simply must revisit and rethink this whole issue.

If he had listened to Australian women, he would not have put into his draft a word like `mateship'. `Mateship' is a good and honourable word. It is a great Australian word; it is a quintessentially Australian word—yes, it is all of those things. But the trouble is it just does strike, on all the available evidence, the overwhelming majority of Australian women as too blokey and, accordingly, just not the right kind of word for this sort of document. The trouble is that our whole history has been too blokey, and women today and tomorrow just do not need language in the Constitution reinforcing that kind of imagery.

If he had listened again not just to Australian women but to almost any one of the 18 million men and women in this country with a real sense of pride in our country, he would have not have come up with this absurd formulation that `Australians are free to be proud of their country'. As the Leader of the Opposition, Kim Beazley, said yesterday, it is not a matter of being free to be proud, we are proud of our country, and why shouldn't this constitutional preamble say so?

If he had listened again to the delegates to his own Constitutional Convention, most of them either members of his own side of politics or appointed by him, he would have used as a starting point and as a reference point for his draft not the kind of political and philosophical luggage that he has been carrying around in his head for the last 30 years but that very succinct list of 10 core ideas which the convention—and I say again without a single dissenting vote—argued should be included.

He would have had a reference to custodianship. He would have had `We the people of Australia' language in there. He would have had an affirmation of respect for our unique land and environment. He would have had some historical continuity in his draft: a reference to the origins of the Commonwealth and our evolution since to become a genuinely independent and sovereign nation. But he did not listen to the convention delegates, so we have none of those things in this draft.

If he had listened to young Australians and those who teach them, he would have come up with a preamble that looked and sounded very different—a preamble that was short, tightly framed, teachable, learnable and memorisable—not the thinking, clunking, unmemorable, unsayable, lumpy porridge-like prose that he has offered us.

If he had listened to someone, if he had listened to anyone who could actually write intelligible, grammatical English prose, he might have avoided some of the absolute horrors that litter this document. He might have avoided language such as 'the Commonwealth of Australia is constituted by the equal sovereignty of all its citizens'. What the hell does that mean? He would have avoided, 'The Australian nation is woven together of people from many . . . arrivals.' What the hell does that mean? He would have avoided 'an equal dignity which may never be . . . invoked against achievement'. This is language, as I have been saying in the last 24 hours, which is known to no man or woman. It is not the English language.

If he had listened to those, including a great many Christians in our community, who are concerned not to impose their views too heavily on everybody else, he may well have found a more sensitive and more generally acceptable way of making reference to God in the preamble, perhaps bearing in mind for a start that the constitution of the United States, which is a much more overtly and self-consciously religious country than our own, in fact contains no reference to God at all. I am not suggesting that we go that far. The Constitutional Convention delegates took a different view, but there is a way of doing it—we have suggested one—that makes the reference without ramming it down people's throats for the great many people in our community for whom this is a problem.

If he had listened to those urging him to produce a genuinely timeless document, he would not have put into it what he himself acknowledged yesterday to be his 'gentle rebuke to political correctness.' What he has put in there is a concession to current conservative political fashion, a concession which is going to read, to put it gently, very oddly indeed in not very many years. It is language that the Leader of the Opposition said is going to come back to haunt us. This generation will be mocked if we put that sort of stuff in there.

Finally, let me say this very seriously to the other side of politics: if he had listened to those of us on this side of politics or elsewhere in this parliament, he would have found us absolutely prepared, in a spirit of real cooperation and goodwill, to work with him to produce a genuine consensus document. The Prime Minister's attitude to the opposition, before today, was one of barely concealed derision on this issue. Today he did not bother to conceal it. It was open derision, and that was shared again in the contribution from the member for Warringah.

The opposition, he was saying in question time today, 'cannot come to terms with the fact that they are not writing it.' Can he not rise just a little bit above himself and acknowledge that we are wanting to leave our mark on this document as a political generation in a way that we can be proud of it in the future, and that we are prepared to work day and night to produce the kind of consensus which is necessary to produce that? We did prepare and offer a draft of our own in that spirit. That draft was prepared weeks and weeks before we made it public. It was made available quietly to the government without an ALP badge on it and without being put into the public domain because we did not want to make it

difficult for the Prime Minister to have open regard to it. If he had gone down some of those particular paths, we would have been absolutely delighted to see the product there without any claim to authorship of it.

We are not in the squalid, tedious, superficial business of claiming political kudos for this; we are just trying to get it right. Unfortunately, that is not the attitude of the Prime Minister. What he did today was make it clear that he has no interest at all in establishing the joint select committee, which was foreshadowed by the Attorney-General, to look at all these issues. He made it clear today that he has no interest at all in establishing some advisory group of the Constitutional Convention delegates or someone else in the community to assist this process. He is only going to go through a derisory process of 'write me a letter by 30 April'.

If that is the approach he adopts, if he adopts that attitude to process, if he says, 'Here it is. Take it or leave it', that is a very unhappy message he is sending out to the Australian community. It does neither him nor the Australian political process any credit at all. It does nothing more than reinforce that cynicism which is so abundant in our community. And that is not a legacy of which any Prime Minister should be proud. (Time expired)