

Foreword

The House of Representatives Standing Committee on Legal and Constitutional Affairs is pleased to present this collection of sources on constitutional change. The document provides an overview of efforts to change the Australian Constitution and a select bibliography on constitutional change.

The Committee has produced an annotated Constitution containing references to the recommendations of several major constitutional reviews previously undertaken. There have been four comprehensive reviews of the Australian Constitution since 1901. They were undertaken by various bodies – a royal commission, a joint parliamentary committee, a constitutional convention comprising delegates from the three levels of government and a constitutional commission. These reviews recommended major changes to the Constitution.

The annotated Constitution has been prepared by reference to the three most recent of these reviews. This paper was initially intended for the private use of the Committee in order to avoid duplication of previous scrutiny of the Constitution and to build on the work completed by these major reviews. Having completed the annotated Constitution, however, the Committee considered that it would be a useful reference document for anyone interested in Australia's constitutional history or wishing to know more about possible constitutional development. The Committee therefore decided to table the annotated Constitution in the hope of assisting community debate on constitutional development in Australia. Part 1 of this collection of sources contains the annotated Constitution. While preparing the annotated Constitution, the Committee concluded that the value of the material would be enhanced by the inclusion of an additional part that contained information about referendums, held under section 128 of the Constitution, proposing constitutional amendments. Part 2 contains a summary of the proposed amendments that have been put to referendum since federation. Finally, the Committee considered that there would be considerable merit in including a select bibliography on constitutional change. The bibliography is set out in Part 3.

While acknowledging that the provisions of the Constitution are not always entirely clear (see for example the Committee's report of November 1995 on section 53 of the Constitution) the Committee is not seeking to promote particular constitutional reforms. Rather, the purpose of this document is to provide a resource for those who wish to draw upon the vast amount of work that has already been undertaken in previous reviews. It will provide a valuable resource for legal studies and political science students. Issues relating to the Constitution are a constant source of political and public debate. This collection of sources should assist in promoting discussion and debate on the Constitution.

The Committee believes that the release of this document is timely, especially in view of the announcement by the Prime Minister, the Hon John Howard, that a convention will be held late in 1997 to consider the issue of a republic for Australia. When announcing the convention, Mr Howard indicated that other constitutional matters will be on the agenda. The document will assist interested persons to be informed about, or to take part in, the processes leading up to the proposed convention. Furthermore, in the period leading to the centenary of federation, it is inevitable that much debate will focus on the Constitution as the document that is pivotal to that anniversary.

I would like to record my thanks to the members of the secretariat for their work in the preparation of this volume – particularly to Judy Middlebrook, Claressa Surtees and Natalie James. The Committee would also like to take this opportunity to thank the staff of the Politics and Public Administration Group in the Parliamentary Library who were largely responsible for the preparation of the select bibliography in Part 3.

Kevin Andrews
Chairman

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