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AUSTRALIA'S CONSTITUTION

Proposed new version

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	<i>Chapter 1 – PREAMBLE</i>	
<p>Upfront, this alternative Constitution makes it clear that the Australian nation and its Constitution exist because that is its people's wish. Australia's citizens are the sole source of the authority bringing both the nation and the Constitution into being.</p> <p>This opening statement with its acknowledgement of the original Australians is also an act of reconciliation; symbolically significant and an important step in recognising and honouring over 50,000 years of custodianship.</p>	<p>1. We, the people of Australia - descendants of those who inhabited this unique and beautiful land for tens of thousands of years, as well as more recent settlers and their descendants - proclaim the existence of our sovereign nation, Australia.</p>	

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Australia is a multicultural nation with a diverse heritage. That is a strength and defining characteristic. Our composition and history is unique in the world. Our successes as a pluralist society are worth celebrating.	2. We are proud of our heritage and united in our diversity.	
A succinct statement of how we view ourselves and what we value as a society.	3. Our Australian society is open, caring and harmonious, guided by democratic values and an egalitarian spirit.	
A perpetual reminder that our governments' highest purpose is to serve the Australian people and that economic and other goals must always be pursued for the betterment of the people.	4. We affirm that the ultimate purpose of the laws, infrastructure, services and economy created, controlled or regulated by government under our Constitution is to serve the people and to enable all citizens to lead fulfilling lives.	
Truth telling is an important civic commitment. Neither Australia nor any other country is beyond reproach. A national expression of remorse for the treatment of the first Australians is appropriate, important and healing.	5. We acknowledge and are sorry for acts of omission or commission in our nation's past that unjustly have caused suffering. We are especially sorry for the dispossession of and harm done to the first Australians and the unfairly diminished lives and opportunities so many have experienced.	
A statement that we aspire to be a good and fair nation is both symbolically significant and a practical guide to the directions we in future choose as a nation.	6. Under our Constitution we will address and, as far as possible remedy, wrongs done by our nation, as well as do all we can to avert wrongdoing in our nation's future.	
Australia will strive to be an exemplary global citizen, not merely pursuing self-interest.	7. Through our Constitution we commit in our dealings with the peoples of other nations to strive always for the attainment and maintenance of peace, amity, mutual regard and just settlement of disputes.	
We cannot take for granted the continued	8. We are part of the human family that inhabits this earth, our	

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bounty and habitability of our planet. Australians undertake to do what we can to protect it.	only home. Under our Constitution the people of Australia commit to doing all in our power to safeguard our planet and its biodiversity.	
	<i>Chapter 2 – PURPOSE OF OUR CONSTITUTION</i>	
	9. Australia’s Constitution is the supreme law of Australia.	
A simple but compelling two-fold purpose.	10. The object of Australia’s Constitution is to enshrine fundamental and inviolable principles and powers for the good governance of our nation and for promoting the wellbeing and betterment of all its citizens.	
A short encapsulation of the values we hold dear.	11. Through our Constitution we commit to liberty, justice, fairness, security, equality and opportunities to advance for all.	
The rights described in this Chapter are an adaptation and extension of the human rights agreed by the nations of the world and expressed through the UN Declaration on Human Rights.	<i>Chapter 3 – RIGHTS OF THE PEOPLE</i>	
The rights of people have universal application and ought not be viewed as the special privilege and entitlement of Australia’s citizens. It is of utmost importance that a constitutional charter of rights protects Australians, but it is also crucial that our nation’s dealings with the people of other nations are bound by the same ethical standards.	12. We enshrine in and commit to protect through this Constitution the human rights we enjoy, as well as the rights of others affected by the decisions and actions of Australia’s governments.	

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<p>It is a regrettable reality that our present Constitution does not afford protections to non-Australians. The High Court has found that refugees and non-citizens are not entitled to the same protections under our Constitution as Australians.¹</p>		
	<p>13. This Constitution recognises and upholds the inherent dignity and the equal and inalienable rights of all people from the time of birth, without regard to ethnicity, origin, colour, gender, sexual orientation, political or other views, language, religion, or other distinction.</p>	<p>117. A subject of the Queen, resident in any State, shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were a subject of the Queen resident in such other State.</p>
	<p>14. Everyone has the right to life, liberty and security of person.</p>	
	<p>15. Everyone has the right to recognition as a person before the law.</p>	
	<p>16. Everyone is equal before the law and is entitled to equal protection of the law.</p>	
	<p>17. The family is the fundamental group unit of society and is entitled to protection by Australian society and Australian governments.</p>	
	<p>18. Every child has the right to the protection they need as a child.</p>	

¹ Williams, George 2017, 'Australia's discriminatory constitution would allow a Trump-style travel ban, *Sydney Morning Herald*, 13 March, viewed 8 June 2017, <http://www.smh.com.au/comment/australias-discriminatory-constitution-would-allow-a-trumpstyle-muslim-ban-20170309-guv0hw.html?utm_source=TractionNext&utm_medium=Email&utm_campaign=Worm-Subscribe-130317>.

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	19. Everyone of full age has the right to marry. Marriage shall be entered into only with the free and full consent of each partner.	
	20. Everyone has the right to freedom of thought, conscience and belief and, without unfairly harming the lives of others, to express their thoughts, conscience or beliefs, either alone or with others, in public or private. No one may be coerced to adopt or express thoughts or beliefs that are not their own.	116. The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.
	21. Everyone has the right of peaceful assembly and of peaceful protest.	
	22. Everyone has the right to freedom of association. No one may be compelled to belong to an association.	
	23. All Australian citizens have the right to freedom of movement and residence within Australia, the right to leave Australia, and the right to return to Australia.	
	24. Everyone has the right to own property alone as well as in association with others.	
	25. No one shall be subjected to arbitrary interference with their privacy, family, home or communications.	
	26. No one shall be subjected to unjust attacks upon their character or reputation.	

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	27. Everyone has the right to work, to free choice of employment, to protection against unemployment, to just and favourable conditions of work, and to take reasonable actions, individually or collectively, to protect their employment interests.	
	28. Everyone has the right to equal pay for equal work.	
	29. Everyone has the right to rest and leisure, including periodic holidays and reasonable limitation of working hours.	
	30. Everyone has the right to the protection of the moral and material interests resulting from their scientific, literary, artistic or other creation.	
These two sections especially seek to ensure equity and opportunity for all in our society – consistent with growing empirical evidence that countering inequality is not only an ethical concern but vital to ensuring economic and political stability. ²	31. Everyone has the right to share in the benefits of national economic, scientific, medical and other advances.	
	32. Everyone has the right to the economic, social and cultural support indispensable for their dignity and the nurturing of their character and potential.	
	33. Australians of Aboriginal or Torres Strait Islander descent have rights to maintain and protect their unique cultural heritage as well as to preserve their ancient connections with the land, waters and other resources.	

² See, for example: Picketty, Thomas 2014, *Capital in the Twenty-First Century*, translated by Arthur Goldhammer, Cambridge Massachusetts, The Belknap Press of Harvard University Press

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No one should be allowed to fall below definable thresholds of material wellbeing for themselves or their family.	34. Everyone has the right to a standard of living adequate for their and their family’s health and wellbeing, including food, clothing, housing and medical care.	
The good and caring society we wish to be will intervene to ameliorate suffering and adversity beyond the control of affected individuals.	35. Everyone has the right to necessary social services in the event of unemployment, sickness, disability, old age, loss of family support or other adverse circumstances beyond their control.	
Free, public, secular schooling is an entitlement for all Australian children.	36. Everyone has the right to education. A prescribed period and standard of education shall be compulsory and delivered free through public schools or other public institutions. Vocational, professional and higher education shall be made generally available and shall be equally accessible to all on the basis of merit.	
	37. Everyone has the right freely to participate in, and to share the benefits of, the cultural life of the community, including arts, sports and leisure pursuits.	
	38. Everyone has the right to an environment that is not harmful to their health or wellbeing.	
	39. Present and future generations have the right to have the natural environment protected through reasonable legislative and other measures that promote conservation, protect species in all their forms, prevent ecological despoilment and degradation, avoid disturbance of our planet’s great natural systems, and ensure that the	100. The Commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation.

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	development and use of natural resources is ecologically sustainable.	
	40. No one may be arbitrarily deprived of life. No one may be deprived of life for any crime they have committed.	
	41. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.	
	42. No one may be held in slavery or servitude.	
	43. No one may be arbitrarily deprived of their Australian citizenship	
	44. No one may be arbitrarily deprived of their property. Property may be expropriated only for a compelling public purpose in the public interest and subject to fair compensation.	51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to: (xxxix) the acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws;
	45. No one shall be subjected to arbitrary arrest, detention or exile.	
	46. Anyone deprived of liberty must be treated with humanity, dignity and respect. A child deprived of liberty must be treated in a way that is appropriate for a person of the child's age.	
	47. Anyone who is arrested or detained must have the reasons	

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	effectively communicated to them at that time and must have effectively and promptly communicated to them any charges against them.	
	48. Anyone who is arrested or detained must be promptly brought before a judge or magistrate and must be tried within a reasonable time or released.	
	49. Everyone charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.	
	50. Everyone charged with a criminal offence is entitled in person to a fair and public hearing of such charges by an independent and impartial court. Everyone charged with a criminal offence is entitled to all reasonable support for their defence.	80. The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.
This is difficult, fraught terrain. Our society has long since and appropriately determined positions on women’s autonomy over their own bodies and abortions. However, while falling well shy of the contentions of ‘right to lifers’, few in our society would consider that the lives of unborn babies matter not at all.	51. Unborn children are also accorded rights. The nature and scope of these rights necessarily must continue to be tested and defined by courts and legislators, especially as life sciences advance and new ethical questions emerge. In general, the lives of unborn children shall be protected but not to the extent, when it is determined at an early stage in their development, that continuation of pregnancy would pose a non-trivial risk to the health or wellbeing of the mother, or in instances where the life of the child were they to be born would be one clearly not worth living.	
This is a crucial provision that essentially recognises that no charter of rights can ever	52. The rights protected under this Constitution may be subject	

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be absolute and allow for no just exceptions regardless of specific circumstances. Such a provision foresees limitations being applied to the constitutional protection of rights – but only in particular, isolated instances and only in the pursuit of higher, just outcomes.	only to reasonable limits set by laws that can be justified in a free and democratic society and which serve higher public interests.	
	<i>Chapter 4 – GOVERNMENT IN AUSTRALIA</i>	
	53. All power and authority in our nation belongs to the people.	
	54. Government in Australia is based irrevocably on the will of the people and is exercised through our freely chosen and duly elected representatives.	2. A Governor-General appointed by the Queen shall be Her Majesty’s representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen’s pleasure, but subject to this Constitution, such powers and functions of the Queen as Her Majesty may be pleased to assign to him.
This is an expression of the principle of responsible government updated to reflect the role of non-elected actors. In particular, ministerial staff must also explicitly be held responsible and accountable.	55. All members of government are responsible and accountable to the people. All Ministers, as well as agencies and staff under their control, are responsible and accountable to government and, thereby, the people.	
	56. Australia’s Constitution, and all laws made by governments in Australia under the Constitution, shall be binding on the courts and people of Australia.	
	57. The will of the people shall be expressed in periodic and genuine elections for government in Australia.	
The just protection of equal suffrage rules out the existence of a body like the presently	58. Such elections shall be by universal and equal suffrage and	

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constituted Senate for which citizens' votes carry far from equal weight.	shall be held by secret vote or by equivalent free voting procedures.	
	59. All Australian citizens have the right to participate in the government of Australia, directly or through their representatives.	
Automatic electoral enrolment addresses the current problem of many, especially young, eligible voters not enrolling to vote and therefore not voting.	60. Citizens who turn 18 years of age shall, immediately upon reaching that age, have their names added automatically to the electoral roll and become eligible to vote.	<p>25. For the purposes of the last section, if by the law of any State all persons of any race are disqualified from voting at elections for the more numerous House of the Parliament of the State, then, in reckoning the number of the people of the State or of the Commonwealth, persons of that race resident in that State shall not be counted.</p> <p>30. Until the Parliament otherwise provides, the qualification of electors of members of the House of Representatives shall be in each State that which is prescribed by the law of the State as the qualification of electors of the more numerous House of Parliament of the State; but in the choosing of members each elector shall vote only once.</p>
	61. Voting in elections shall be compulsory for all those on the electoral roll.	
Former Prime Minister, John Howard, remarked: 'If you were starting Australia all over again, you would have a national government and 20 regional governments. That was one of the things I agreed with Gough Whitlam on. ... Anything that can reduce or end the duplication between Commonwealth, state and local governments is a good idea.' (<i>The Weekend Australian</i> , 9 November 1991) ³	<p>62. Two levels of government in Australia are established under this Constitution:</p> <ul style="list-style-type: none"> • the national Australian Government; and • Regional Governments. 	

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<p>A 2014 survey of community attitudes conducted by Professor A J Brown of the Griffith University Centre for Governance and Public Policy found that 71.6% of the 1,204 respondents favoured reforming our current federal system, although the preferred forms of that reform were little explored.⁴</p>		
<p>Indigenous leaders in the ‘Uluru statement from the heart’ urged the establishment of a ‘First Nations Voice’.⁵</p> <p>The form and function of such a body would need to be designed and constituted by Aboriginal and Torres Strait Islander Australians.</p> <p>The call for a constitutionally enshrined ‘First Nations Voice’ is consistent with article 19 of the United Nations Declaration on the Rights of Indigenous Peoples, which states:</p> <p>‘States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.’⁶</p>	<p>63. Further, a national representative Council elected by Aboriginal and Torres Strait Islander Australians shall operate at the level below government. The Council shall advocate for and act on behalf of those citizens, and present their views to government. The Council shall advise government on matters relevant to Aboriginal and Torres Strait Islander Australians, including policy, legislation, resourcing or interventions needed. The Council may support and/or manage the design and implementation of governmental projects and/or programs.</p>	

³ Cited in: Quiggin, John 2017, ‘If we scrapped the states, increasing Canberra’s clout would be a backward step’, *The Conversation*, 19 January, viewed 21 June 2017, <<https://theconversation.com/if-we-scrapped-the-states-increasing-canberras-clout-would-be-a-backward-step-71462>>.

⁴ Brown, AJ 2014, *Australian Constitutional Values Survey 2014 : Results Release 1*, October, Griffith University, Newspoll Market Research, p14, viewed 21 June 2017, <https://www.griffith.edu.au/_data/assets/pdf_file/0015/653100/Constitutional-Values-Survey-Oct-2014Results-2.pdf>.

⁵ Referendum Council 2017, *Uluru statement from the heart*, op cit

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<p>It must be noted, however, that, while 144 nations voted in favour of the above Declaration, Australia was one of four countries that voted against it.⁷</p>		
<p>The current legislative and finance-raising functions of local government complicate an already complex pattern of governance in Australia. Yet local councils are valued by communities and undoubtedly provide important opportunities for grassroots democratic involvement. The reconstitution of local councils, without legislative and finance-raising functions but with delegation from the regional and national governments of a range of representative and advocacy roles, would preserve and arguably enhance their contribution to participative democracy. It would also obviate the controversies that have attended forced council amalgamations over recent years as councils could be formed on whatever basis local communities deemed appropriate.</p>	<p>64. In addition, local councils or similar bodies operating at the level below government may represent, advocate for and act on behalf of communities defined by their geography or by other affinity. Such bodies shall generally not raise revenues or make laws but may canvas their community's views, identify issues requiring action, advise government on policy, legislation, resourcing or interventions needed and facilitate governmental projects and/or programs.</p>	
<p>Appendix 2 shows, as a demonstration of concept, a possible model of 29 regions.</p>	<p>65. In total throughout Australia there shall be 30 regions, or such other number as determined by the Australian Government.</p>	<p>121. The Parliament may admit to the Commonwealth or establish new States, and may upon such admission or establishment make or impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit.</p> <p>122. The Parliament may make laws for the government of any</p>

⁶ United Nations (Division for Social Policy and Development – Indigenous Peoples) 2016, *United Nations Declaration on the Rights of Indigenous Peoples*, adopted by the General Assembly on 13 September 2007, viewed 8 June 2017, <<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>>.

⁷ United Nations (Division for Social Policy and Development – Indigenous Peoples) 2016, *ibid*

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		<p>territory surrendered by any State to and accepted by the Commonwealth, or of any territory placed by the Queen under the authority of and accepted by the Commonwealth, or otherwise acquired by the Commonwealth, and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit.</p> <p>123. The Parliament of the Commonwealth may, with the consent of the Parliament of a State, and the approval of the majority of the electors of the State voting upon the question, increase, diminish, or otherwise alter the limits of the State, upon such terms and conditions as may be agreed on, and may, with the like consent, make provision respecting the effect and operation of any increase or diminution or alteration of territory in relation to any State affected.</p> <p>124. A new State may be formed by separation of territory from a State, but only with the consent of the Parliament thereof, and a new State may be formed by the union of two or more States or parts of States, but only with the consent of the Parliaments of the States affected.</p>
	66. Each region shall have as residents an approximately equal number of Australian citizens.	
	67. Each region shall be geographically contained, defined to achieve effective governance and administrative efficiency and, as far as practicable, reflect cultural, historical or other affinities among communities.	
These two measures would prevent the buying of influence by individuals and entities. Reasonable and fair levels of public	68. The necessary and reasonable cost of national and regional government elections, as well as elections for the	

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<p>expenditure on elections at both levels of government, as well as for the Aboriginal and Torres Strait Islander Australians’ national representative Council, would be set by the Australian Government and consistently applied across the country.</p>	<p>Aboriginal and Torres Strait Islander Australians’ national representative Council, and of electioneering for all candidates shall be met from the Australian Government’s public revenues. No funding or support in kind for those purposes may be applied from any other source.</p>	
<p>While an additional impost on the public purse would be created, the benefit of good public policy formation without the distortion of bought influence would be considerable.</p>	<p>69. No donations or support in kind from business or other entities for political or any other purpose may be accepted by or on behalf of any member of government.</p>	
	<p>70. Political parties or other organisations may nominate candidates to contest elections for government.</p>	
	<p>71. A member of government must be an Australian citizen aged at least 18 years.</p>	<p>34. Until the Parliament otherwise provides, the qualifications of a member of the House of Representatives shall be as follows: (i) he must be of the full age of twenty-one years, and must be an elector entitled to vote at the election of members of the House of Representatives, or a person qualified to become such elector, and must have been for three years at the least a resident within the limits of the Commonwealth as existing at the time when he is chosen; (ii) he must be a subject of the Queen, either natural-born or for at least five years naturalized under a law of the United Kingdom, or of a Colony which has become or becomes a State, or of the Commonwealth, or of a State.</p>
<p>This provision greatly simplifies the current requirement under section 44 of our Constitution for those chosen to sit in parliament not to have allegiance to, or an entitlement to the rights or privileges of a citizen of, a foreign power. A simple test of</p>	<p>72. No person may be a member of government who:</p> <ul style="list-style-type: none"> • is under any allegiance to another nation • has been convicted and is under sentence, or subject 	<p>43. A member of either House of the Parliament shall be incapable of being chosen or of sitting as a member of the other House.</p> <p>44. Any person who:</p>

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<p>allegiance to another nation would be set under the new Constitution, with that test fleshed out and applied by the Australian Government, subject to High Court scrutiny.</p>	<p>to be sentenced, for any offence punishable by imprisonment for one year or longer, or</p> <ul style="list-style-type: none"> • is an undischarged bankrupt or insolvent. 	<p>(i) is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power; or</p> <p>(ii) is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer; or</p> <p>(iii) is an undischarged bankrupt or insolvent; or</p> <p>(iv) holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth; or</p> <p>(v) has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons;</p> <p>shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.</p> <p>But subsection (iv) does not apply to the office of any of the Queen’s Ministers of State for the Commonwealth, or of any of the Queen’s Ministers for a State, or to the receipt of pay, half pay, or a pension, by any person as an officer or member of the Queen’s navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.</p> <p>45. If a senator or member of the House of Representatives:</p> <p>(i) becomes subject to any of the disabilities mentioned in the last preceding section; or</p> <p>(ii) takes the benefit, whether by assignment, composition, or otherwise, of any law relating to bankrupt or insolvent debtors; or</p>

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		<p>(iii) directly or indirectly takes or agrees to take any fee or honorarium for services rendered to the Commonwealth, or for services rendered in the Parliament to any person or State;</p> <p>his place shall thereupon become vacant.</p> <p>46. Until the Parliament otherwise provides, any person declared by this Constitution to be incapable of sitting as a senator or as a member of the House of Representatives shall, for every day on which he so sits, be liable to pay the sum of one hundred pounds to any person who sues for it in any court of competent jurisdiction.</p> <p>47. Until the Parliament otherwise provides, any question respecting the qualification of a senator or of a member of the House of Representatives, or respecting a vacancy in either House of the Parliament, and any question of a disputed election to either House, shall be determined by the House in which the question arises.</p>
	<p>73. Throughout their term, no member of government shall be able to earn or receive income from other paid employment or any source over which they exercise control or influence.</p>	
	<p>74. All direct or indirect business interests of each member of government must be publicly declared. Throughout their term as a member, all such interests may only be furthered through blind trust arrangements that must also be publicly declared.</p>	
	<p>75. The powers, privileges, and immunities of members of</p>	<p>49. The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members and the</p>

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	government shall be determined by the Australian Government.	committees of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom, and of its members and committees, at the establishment of the Commonwealth. 50. Each House of the Parliament may make rules and orders with respect to: (i) the mode in which its powers, privileges, and immunities may be exercised and upheld; (ii) the order and conduct of its business and proceedings either separately or jointly with the other House.
	76. The presence of at least two-thirds of the members of the respective Government shall be necessary to constitute a meeting of that Government for the exercise of its powers.	39. Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the members of the House of Representatives shall be necessary to constitute a meeting of the House for the exercise of its powers.
	77. Before or during any absence of the Speaker or members of Cabinet, the respective Government may choose another member to perform those duties in their absence.	36. Before or during any absence of the Speaker, the House of Representatives may choose a member to perform his duties in his absence.
	78. The place of a member of government shall become vacant if for two consecutive months they are unable or otherwise fail to fulfil their governmental obligations, without the permission of the respective Government.	38. The place of a member shall become vacant if for two consecutive months of any session of the Parliament he, without the permission of the House, fails to attend the House.
	79. A member of government, by writing addressed to the respective Speaker, may resign their place, which shall then become vacant.	37. A member may by writing addressed to the Speaker, or to the Governor-General if there is no Speaker or if the Speaker is absent from the Commonwealth, resign his place, which thereupon shall become vacant.
	80. Whenever a vacancy in government occurs, the Speaker of that Government shall issue a writ for the election of a new	33. Whenever a vacancy happens in the House of Representatives, the Speaker shall issue his writ for the

COMMENTS ON PROPOSED NEW AUSTRALIAN CONSTITUTION (NOT PART OF PROPOSED CONSTITUTION)	PROPOSED NEW AUSTRALIAN CONSTITUTION	PRESENT AUSTRALIAN CONSTITUTION – COMPARABLE PROVISIONS
	member.	election of a new member, or if there is no Speaker or if he is absent from the Commonwealth the Governor-General in Council may issue the writ.
	81. Questions arising in either the Australian Government or a Regional Government shall be determined by a majority of votes. Each member other than the Speaker shall have one vote.	40. Questions arising in the House of Representatives shall be determined by a majority of votes other than that of the Speaker. The Speaker shall not vote unless the numbers are equal, and then he shall have a casting vote.
As members would be elected by voters in regions they would expressly be required to pursue and reconcile simultaneously the national interest and their region's interests.	82. All members of government shall apply their skills and best efforts both to promote the interests of their regions and the broader national public interest.	
	83. Upon election, members of government may remain members of a political party or other organisation. However, upon election members of government shall cease formally to be representatives of any political party or other organisation lest such representation compromise their freedom and capacity to perform their duties on behalf of their region and the nation.	
These obligations are not dissimilar to the roles defined for company directors who, inter alia under the <i>Corporations Act</i> , must discharge a primary duty to their shareholders, exercise their powers and duties with the care and diligence that a reasonable person would have, as well as in good faith in the best interests of the company and for a proper purpose, and not improperly use their position to gain an advantage for themselves or someone else or to cause detriment to the company. ⁸	84. Exercising their best judgement, all members of government are obliged on every occasion to reach conclusions on matters before them, and to cast their votes, independently, with a fair and open mind, in the light of the best available evidence, taking into account pertinent issues and concerns raised by the public, in order to promote the public interest most effectively and appropriately.	

COMMENTS ON PROPOSED NEW AUSTRALIAN CONSTITUTION (NOT PART OF PROPOSED CONSTITUTION)	PROPOSED NEW AUSTRALIAN CONSTITUTION	PRESENT AUSTRALIAN CONSTITUTION – COMPARABLE PROVISIONS
Should the grip of party discipline prove hard to shake, and these provisions difficult to enforce, it would nonetheless build public expectation that politicians act in a non-partisan way and thus, over time, achieve that end.	85. Hence, no affiliation with or membership of a political party or other organisation, nor affinity with the views or policies of such party or organisation, shall in any way derogate the absolute obligation of members of government to act and vote independently in the performance of their governmental role.	
	86. Government shall not through enactment of laws or otherwise through the application of efforts or resources promote any religion or other system of belief.	
This proposed Constitution does not venture to suggest a preferred national anthem, but notes a growing movement to better represent ourselves through a national anthem. As has previously occurred, it would be appropriate for the Australian people to vote on a preferred anthem. ⁹	87. Australia’s national anthem is and is presented at <u>Attachment A</u> .	
It follows that the removal of references to British institutions from Australia’s Constitution necessitate removal of the Union Jack from Australia’s flag and, therefore, the design and adoption of a new flag. As a primary national symbol, it is appropriate that the Constitution refers to the Australian flag and that future changes to it require the agreement of Australia’s citizens. <u>Attachment B</u> depicts examples of	88. Australia’s national flag is as described and sketched at <u>Attachment B</u> .	

⁸ Australian Securities and Investment Commission 2014, *Directors - What are my duties as a director?*, updated 15 October, viewed 21 June 2017, <<http://asic.gov.au/regulatory-resources/insolvency/insolvency-for-directors/directors-what-are-my-duties-as-a-director/>>.

⁹ See, for example: Carvalho, Karina 2017, ‘NRL adopts ‘alternative’ national anthem for Indigenous round’, ABC News, 11 May, viewed 21 June 2017, <<http://www.abc.net.au/news/2017-05-11/nrl-adopt-judith-durham-australian-national-anthem-indigenous/8514868>>.

COMMENTS ON PROPOSED NEW AUSTRALIAN CONSTITUTION (NOT PART OF PROPOSED CONSTITUTION)	PROPOSED NEW AUSTRALIAN CONSTITUTION	PRESENT AUSTRALIAN CONSTITUTION – COMPARABLE PROVISIONS
Aboriginal and Torres Strait Islander artistic imagery that might be the source of symbolism to unite Australians while being well recognised abroad.		
	89. The official language of Australia is English. Aboriginal and Torres Strait Islander languages are the original Australian languages and a valued part of our national heritage. Indigenous languages and other languages used by communities in Australia shall be respected and their preservation and continued use afforded all reasonable support.	
	<i>Chapter 5 – THE AUSTRALIAN GOVERNMENT</i>	
	90. The power and responsibility to govern and pass laws for all of Australia is vested in the Australian Government.	<p>1. The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is hereinafter called <i>The Parliament</i>, or <i>The Parliament of the Commonwealth</i>.</p> <p>58. The Governor-General may return to the house in which it originated any proposed law so presented to him, and may transmit therewith any amendments which he may recommend, and the Houses may deal with the recommendation.</p> <p>59. The Queen may disallow any law within one year from the Governor-General’s assent, and such disallowance on being made known by the Governor-General by speech or message to each of the Houses of the Parliament, or by Proclamation, shall annul the law from the day when the disallowance is so made known.</p>

COMMENTS ON PROPOSED NEW AUSTRALIAN CONSTITUTION (NOT PART OF PROPOSED CONSTITUTION)	PROPOSED NEW AUSTRALIAN CONSTITUTION	PRESENT AUSTRALIAN CONSTITUTION – COMPARABLE PROVISIONS
		<p>60. A proposed law reserved for the Queen’s pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor-General for the Queen’s assent the Governor-General makes known, by speech or message to each of the Houses of the Parliament, or by Proclamation, that it has received the Queen’s assent.</p> <p>126. The Queen may authorise the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.</p>
<p>The present Australian Constitution deliberately limits the powers of the Australian parliament by specifying its powers. As the supreme government of Australia, the Australian Government should have powers limited only by the provisions set out in the new Constitution and, especially, the ascribed rights of the people that must be protected.</p>	<p>91. Laws made by the Australian Government must be consistent with all parts of Australia’s Constitution but are otherwise unlimited.</p>	<p>51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:</p> <ul style="list-style-type: none"> (i) trade and commerce with other countries, and among the States; (ii) taxation; but so as not to discriminate between States or parts of States; (iii) bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth; (iv) borrowing money on the public credit of the Commonwealth; (v) postal, telegraphic, telephonic, and other like services; (vi) the naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth;

COMMENTS ON PROPOSED NEW AUSTRALIAN CONSTITUTION (NOT PART OF PROPOSED CONSTITUTION)	PROPOSED NEW AUSTRALIAN CONSTITUTION	PRESENT AUSTRALIAN CONSTITUTION – COMPARABLE PROVISIONS
		<p>(vii) lighthouses, lightships, beacons and buoys; (viii) astronomical and meteorological observations; (ix) quarantine; (x) fisheries in Australian waters beyond territorial limits; (xi) census and statistics; (xii) currency, coinage, and legal tender; (xiii) banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money; (xiv) insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned; (xv) weights and measures; (xvi) bills of exchange and promissory notes; (xvii) bankruptcy and insolvency; (xviii) copyrights, patents of inventions and designs, and trade marks; (xix) naturalization and aliens; (xx) foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth; (xxi) marriage; (xxii) divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants; (xxiii) invalid and old-age pensions; (xxiiiA) the provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances; (xxiv) the service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States; (xxv) the recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial</p>

COMMENTS ON PROPOSED NEW AUSTRALIAN CONSTITUTION (NOT PART OF PROPOSED CONSTITUTION)	PROPOSED NEW AUSTRALIAN CONSTITUTION	PRESENT AUSTRALIAN CONSTITUTION – COMPARABLE PROVISIONS
		<p>proceedings of the States;</p> <p>(xxvi) the people of any race for whom it is deemed necessary to make special laws;</p> <p>(xxvii) immigration and emigration;</p> <p>(xxviii) the influx of criminals;</p> <p>(xxix) external affairs;</p> <p>(xxx) the relations of the Commonwealth with the islands of the Pacific;</p> <p>(xxxi) the acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws;</p> <p>(xxxii) the control of railways with respect to transport for the naval and military purposes of the Commonwealth;</p> <p>(xxxiii) the acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State;</p> <p>(xxxiv) railway construction and extension in any State with the consent of that State;</p> <p>(xxxv) conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State;</p> <p>(xxxvi) matters in respect of which this Constitution makes provision until the Parliament otherwise provides;</p> <p>(xxxvii) matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law;</p> <p>(xxxviii) the exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia;</p> <p>(xxxix) matters incidental to the execution of any power vested by this Constitution in the Parliament or in either</p>

COMMENTS ON PROPOSED NEW AUSTRALIAN CONSTITUTION (NOT PART OF PROPOSED CONSTITUTION)	PROPOSED NEW AUSTRALIAN CONSTITUTION	PRESENT AUSTRALIAN CONSTITUTION – COMPARABLE PROVISIONS
		<p>House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.</p> <p>52. The Parliament shall, subject to this Constitution, have exclusive power to make laws for the peace, order, and good government of the Commonwealth with respect to:</p> <ul style="list-style-type: none"> (i) the seat of government of the Commonwealth, and all places acquired by the Commonwealth for public purposes; (ii) matters relating to any department of the public service the control of which is by this Constitution transferred to the Executive Government of the Commonwealth; (iii) other matters declared by this Constitution to be within the exclusive power of the Parliament. <p>86. On the establishment of the Commonwealth, the collection and control of duties of customs and of excise, and the control of the payment of bounties, shall pass to the Executive Government of the Commonwealth.</p> <p>98. The power of the Parliament to make laws with respect to trade and commerce extends to navigation and shipping, and to railways the property of any State.</p>
	<p>92. The Australian Government is the highest government in Australia. The laws it passes shall, to the extent there are inconsistencies, prevail over the laws enacted by the Regional Governments.</p>	
	<p>93. The Australian Government meets in Australia’s capital, Canberra.</p>	<p>125. The seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth, and shall be in the State of New South Wales, and be distant not less than one hundred miles from</p>

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		<p>Sydney.</p> <p>Such territory shall contain an area of not less than one hundred square miles, and such portion thereof as shall consist of Crown lands shall be granted to the Commonwealth without any payment therefor.</p> <p>The Parliament shall sit at Melbourne until it meet at the seat of Government.</p>
<p>This is a radical departure from the present composition of government in Australia which casts those holding the majority in the House of Representatives following an election as the winners (the government) whose time to pursue their agenda has come, and those in the minority as the losers (the opposition) whose time to pursue their agenda must wait until at least the next election. Characterising all members of the national assembly as members of government would give each a continuing stake in the deliberations and performance of the government. That would not be undermined by the reality that most matters would continue to be determined by a fairly constant majority group.</p> <p>Such an arrangement would engender a stronger unity of purpose in our elected assembly with all members involved throughout their term in office as advocates and influencers - consistent with the oft-expressed public sentiment that politicians should work together in the public interest.</p>	<p>94. The Australian Government comprises all of those duly elected by popular vote of eligible citizens.</p>	
<p>Five rather than the current (maximum)</p>	<p>95. Elections for the Australian Government shall be held on the</p>	<p>28. Every House of Representatives shall continue for three</p>

COMMENTS ON PROPOSED NEW AUSTRALIAN CONSTITUTION (NOT PART OF PROPOSED CONSTITUTION)	PROPOSED NEW AUSTRALIAN CONSTITUTION	PRESENT AUSTRALIAN CONSTITUTION – COMPARABLE PROVISIONS
<p>three years is a more appropriate time in office for government to prosecute an agenda without its members' constant concern for their re-election prospects. A five-year term would encourage a longer-term view and more enduring policy formation. A fixed term would prevent manipulation of the electoral cycle by the incumbent government for its own political purposes.</p>	<p>first Saturday in November every fifth year.</p>	<p>years from the first meeting of the House, and no longer, but may be sooner dissolved by the Governor-General.</p> <p>32. The Governor-General in Council may cause writs to be issued for general elections of members of the House of Representatives.</p> <p>After the first general election, the writs shall be issued within ten days from the expiry of a House of Representatives or from the proclamation of a dissolution thereof.</p>
	<p>96. Each region established by the Australian Government will constitute an Australian electorate.</p>	<p>29. Until the Parliament of the Commonwealth otherwise provides, the Parliament of any State may make laws for determining the divisions in each State for which members of the House of Representatives may be chosen, and the number of members to be chosen for each division. A division shall not be formed out of parts of different States.</p> <p>In the absence of other provision, each State shall be one electorate.</p>
<p>The nexus thereby created between regions, regional government and national government would greatly strengthen the coordination of governmental efforts across the two levels and more effectively channel the voice of the people.</p> <p>Election for the Australian Government by proportional representation would result in smaller, but not 'micro', parties or interest groups being represented in the Government. Ten per cent or more of the popular vote is likely to be necessary for a party or interest group to be competitive and to stand a chance of getting a candidate</p>	<p>97. From each Australian region shall be elected to the Australian Government six candidates, or such other number as determined by the Australian Government, in relative proportion to the number of citizens in that region.</p>	

COMMENTS ON PROPOSED NEW AUSTRALIAN CONSTITUTION (NOT PART OF PROPOSED CONSTITUTION)	PROPOSED NEW AUSTRALIAN CONSTITUTION	PRESENT AUSTRALIAN CONSTITUTION – COMPARABLE PROVISIONS
elected in any given electorate with six members. The diversity of representation this would promote would nullify one of the key reasons often cited for having a Senate.		
	98. Each voter in each Australian region shall cast one vote for each of their favoured candidates, up to that number of votes that equates to the number of representatives to be elected for that region. Should the Australian Government so decide, voting, counting of votes and determination of representatives may instead be according to a fair and equitable preferential system.	
	99. Candidates elected to be members of the Australian Government shall be those who receive the highest number of votes in their respective electorates.	
By ensuring that there would be an odd number of votes (i.e. the total number of members less the Speaker) in the chamber of the Australian Government on any issue, it would be possible to resolve all issues.	100. The Australian Government shall therefore comprise 180 duly elected members, or such other even number as determined by the Australian Government.	24. The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of the senators. The number of members chosen in the several States shall be in proportion to the respective numbers of their people, and shall, until the Parliament otherwise provides, be determined, whenever necessary, in the following manner: (i) a quota shall be ascertained by dividing the number of the people of the Commonwealth, as shown by the latest statistics of the Commonwealth, by twice the number of the senators; (ii) the number of members to be chosen in each State shall be determined by dividing the number of the people of the State, as shown by the latest statistics of the

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		<p>Commonwealth, by the quota; and if on such division there is a remainder greater than one-half of the quota, one more member shall be chosen in the State.</p> <p>But notwithstanding anything in this section, five members at least shall be chosen in each Original State.</p> <p>27. Subject to this Constitution, the Parliament may make laws for increasing or diminishing the number of the members of the House of Representatives.</p>
	<p>101. The Australian Government shall meet not later than 30 days after the results of an election are concluded.</p>	<p>5. After any general election the Parliament shall be summoned to meet not later than thirty days after the day appointed for the return of the writs.</p> <p>The Parliament shall be summoned to meet not later than six months after the establishment of the Commonwealth.</p>
<p>Elected by secret ballot of all members, the Prime Minister and Ministers could conceivably be drawn from different political/philosophical backgrounds, and attract votes from members regardless of their political/philosophical affiliations, based on their perceived competence for the roles.</p>	<p>102. At its first meeting, each new Australian Government shall elect, by secret vote of all its members:</p> <ul style="list-style-type: none"> • a Prime Minister to lead the Australian Government and to be its main representative in public and international fora • a group of Ministers from within or without the Australian Government, whose number and discrete portfolio responsibilities shall firstly be agreed by members of the Australian Government • any other office-holders deemed by the Australian Government to be necessary and desirable to conduct specified business of the Australian Government, and • a non-voting Speaker who shall oversee and rule on 	<p>64. The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish.</p> <p>Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the Queen’s Ministers of State for the Commonwealth.</p> <p>After the first general election no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives.</p> <p>67. Until the Parliament otherwise provides, the appointment and removal of all other officers of the Executive Government of the Commonwealth shall be vested in the Governor-General in Council, unless the appointment is</p>

COMMENTS ON PROPOSED NEW AUSTRALIAN CONSTITUTION (NOT PART OF PROPOSED CONSTITUTION)	PROPOSED NEW AUSTRALIAN CONSTITUTION	PRESENT AUSTRALIAN CONSTITUTION – COMPARABLE PROVISIONS
	<p>the procedures of all sessions of the Australian Government.</p>	<p>delegated by the Governor-General in Council or by a law of the Commonwealth to some other authority.</p> <p>65. Until the Parliament otherwise provides, the Ministers of State shall not exceed seven in number, and shall hold such offices as the Parliament prescribes, or, in the absence of provision, as the Governor-General directs.</p> <p>70. In respect of matters which, under this Constitution, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.</p> <p>35. The House of Representatives shall, before proceeding to the despatch of any other business, choose a member to be the Speaker of the House, and as often as the office of Speaker becomes vacant the House shall again choose a member to be the Speaker.</p> <p>The Speaker shall cease to hold his office if he ceases to be a member. He may be removed from office by a vote of the House, or he may resign his office or his seat by writing addressed to the Governor-General.</p>
	<p>103. At any time, the Australian Government may vote to change or replace one or more of those holding the above positions.</p>	
<p>The republican debate and referendum of 1999 led to the conclusion that an Australian</p>	<p>104. The Prime Minister and Ministers shall together form the Cabinet and exercise through the agencies under their</p>	<p>61. The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the</p>

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<p>President was required to assume the role and responsibilities of Governor-General. By having a unicameral parliament (Australian Government) in which issues could always be resolved by majority vote, legislative deadlocks would be avoided and the case for an authority outside the legislature to resolve deadlocks would therefore be negated. While some contend that there would be an advantage in having a President elected by the people, that would create a source of power additional to and outside the legislature. The establishment of a separate presidential role and authority would unnecessarily concentrate power in one individual and complicate the processes of government.</p> <p>The Prime Minister (or his or her delegate) would exercise the role of head of state for ceremonial and international purposes.</p>	<p>control the executive powers and responsibilities of the Australian Government.</p>	<p>Queen’s representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.</p> <p>62. There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure.</p> <p>63. The provisions of this Constitution referring to the Governor-General in Council shall be construed as referring to the Governor-General acting with the advice of the Federal Executive Council.</p>
<p>At present, a government’s program is primarily set out in its annual budget. This provision would place an onus on government to articulate and present a broader agenda for action over the course of its term.</p>	<p>105. The Australian Government and its Cabinet shall formulate a vision and plan for the advancement of Australian society, set objectives, determine priorities, devise budgets, formulate broad policy frameworks, and ensure the coherence of governmental programs.</p>	
<p>This provision would place the powers of the Cabinet under the control of all elected members expressed through a majority, possibly secret, vote.</p>	<p>106. The Australian Government shall determine matters that may be decided solely by Cabinet.</p>	
<p>Recourse to a secret vote would be available, further loosening the hitherto tight reins of imposed party discipline.</p>	<p>107. Matters before the Australian Government may be determined by open or secret vote of its members,</p>	

COMMENTS ON PROPOSED NEW AUSTRALIAN CONSTITUTION (NOT PART OF PROPOSED CONSTITUTION)	PROPOSED NEW AUSTRALIAN CONSTITUTION	PRESENT AUSTRALIAN CONSTITUTION – COMPARABLE PROVISIONS
	according to the preference of the Australian Government.	
	108. The Australian Government shall determine the number, duration and frequency of its sessions.	<p>5. The Governor-General may appoint such times for holding the sessions of the Parliament as he thinks fit, and may also from time to time, by Proclamation or otherwise, prorogue the Parliament, and may in like manner dissolve the House of Representatives.</p> <p>6. There shall be a session of the Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one session and its first sitting in the next session.</p>
	109. All revenues raised or received by the Australian Government shall form one national Public Revenue fund to be appropriated for the purposes of Government.	81. All revenues or moneys raised or received by the Executive Government of the Commonwealth shall form one Consolidated Revenue Fund, to be appropriated for the purposes of the Commonwealth in the manner and subject to the charges and liabilities imposed by this Constitution.
Placing firm financial control with the legislature.	110. No money shall be drawn from Public Revenue except under appropriation made by law by the Australian Government.	<p>56. A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor-General to the House in which the proposal originated.</p> <p>83. No money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law.</p> <p>But until the expiration of one month after the first meeting of the Parliament the Governor-General in Council may draw from the Treasury and expend such moneys as may be necessary for the maintenance of any department transferred to the Commonwealth and for the holding of the first elections for the Parliament.</p>

COMMENTS ON PROPOSED NEW AUSTRALIAN CONSTITUTION (NOT PART OF PROPOSED CONSTITUTION)	PROPOSED NEW AUSTRALIAN CONSTITUTION	PRESENT AUSTRALIAN CONSTITUTION – COMPARABLE PROVISIONS
	<p>111. The Australian Government may grant financial assistance on such terms and conditions as it considers appropriate.</p>	<p>94. After five years from the imposition of uniform duties of customs, the Parliament may provide, on such basis as it deems fair, for the monthly payment to the several States of all surplus revenue of the Commonwealth.</p> <p>96. During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, the Parliament may grant financial assistance to any State on such terms and conditions as the Parliament thinks fit.</p>
	<p>112. Financial assistance granted to one or more Regions by the Australian Government shall not give preference to any Region over another unless justified by considerations of relative need and financial capacity.</p>	<p>99. The Commonwealth shall not, by any law or regulation of trade, commerce, or revenue, give preference to one State or any part thereof over another State or any part thereof.</p>

	Chapter 6 – REGIONAL GOVERNMENTS	
	113. Regional Governments are established under this Constitution as a second, subsidiary tier of government in Australia.	
	114. Each region established by the Australian Government shall have its own Regional Government.	
	115. Specific powers and responsibilities to govern and pass laws for each region of Australia shall be vested in Regional Governments.	
<p>Contrasting with the separate sovereignties and constitutions characterising our current federal system, the single new Constitution would both empower and constrain the powers of the two levels of government.</p>	116. Laws made by Regional Governments must be consistent with all parts of Australia’s Constitution.	
<p>The Regional Governments could be delegated wide and significant powers, but those powers would be derived from and could never override those exercised by the Australian Government.</p>	117. The powers and responsibilities exercised by Regional Governments shall be those delegated to them by the Australian Government and may include specified taxation or other revenue raising powers.	<p>106. The Constitution of each State of the Commonwealth shall, subject to this Constitution, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be, until altered in accordance with the Constitution of the State.</p> <p>107. Every power of the Parliament of a Colony which has become or becomes a State, shall, unless it is by this Constitution exclusively vested in the Parliament of the Commonwealth or withdrawn from the Parliament of the State, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be.</p> <p>108. Every law in force in a Colony which has become or becomes a State, and relating to any matter within the powers of the Parliament of the Commonwealth, shall, subject to this Constitution, continue in force in the State;</p>

		<p>and, until provision is made in that behalf by the Parliament of the Commonwealth, the Parliament of the State shall have such powers of alteration and of repeal in respect of any such law as the Parliament of the Colony had until the Colony became a State.</p> <p>111. The Parliament of a State may surrender any part of the State to the Commonwealth; and upon such surrender, and the acceptance thereof by the Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.</p> <p>112. After uniform duties of customs have been imposed, a State may levy on imports or exports, or on goods passing into or out of the State, such charges as may be necessary for executing the inspection laws of the State; but the net produce of all charges so levied shall be for the use of the Commonwealth; and any such inspection laws may be annulled by the Parliament of the Commonwealth.</p> <p>113. All fermented, distilled, or other intoxicating liquids passing into any State or remaining therein for use, consumption, sale, or storage, shall be subject to the laws of the State as if such liquids had been produced in the State.</p> <p>114. A State shall not, without the consent of the Parliament of the Commonwealth, raise or maintain any naval or military force, or impose any tax on property of any kind belonging to the Commonwealth, nor shall the Commonwealth impose any tax on property of any kind belonging to a State.</p> <p>115. A State shall not coin money, nor make anything but gold and silver coin a legal tender in payment of debts.</p>
	<p>118. Such powers and responsibilities shall be those deemed by the Australian Government to be most appropriately and effectively exercised at the regional level, including municipal and other powers and responsibilities for which responsiveness to community needs are most crucial.</p>	

	119. The laws passed by each Regional Government shall be subordinate to the laws enacted by the Australian Government.	109. When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.
	120. Each Regional Government shall comprise all of those duly elected by popular vote of eligible citizens of that region.	
Elections for all Regional Governments are proposed to be held three months after quinquennial elections for the Australian Government, locking governments at the two levels into virtually concurrent, coordinated terms and programs.	121. Elections for each Regional Government shall be held on the first Saturday in February of the year following elections for the Australian Government.	
	122. From each Australian region shall be elected to its Regional Government 25 candidates, or such other number as determined by the Australian Government.	
	123. There shall be five electorates, or such other number as determined by the Australian Government, in each region. Each electorate shall have as residents an approximately equal number of Australian citizens.	
	124. Each voter in each electorate shall cast one vote for each of their favoured candidates, up to that number of votes that equates to the number of representatives to be elected for that electorate. Should the Australian Government so decide, voting, counting of votes and determination of representatives may instead be according to a fair and equitable preferential system.	
	125. Candidates elected to be members of each Regional Government shall be those who receive the highest number of votes in their respective electorates.	

	126. Each Regional Government shall meet not later than 30 days after the results of an election are concluded.	
The familiar term 'Premier' has been retained to signify the elected head of each Regional Government.	<p>127. At its first meeting, each new Regional Government shall elect, by secret vote of all its members:</p> <ul style="list-style-type: none"> • a Premier to lead the Regional Government and to be its main representative in public and national fora • a group of Ministers from within or without the Regional Government, whose number and discrete portfolio responsibilities shall firstly be agreed by members of the Regional Government • any other office-holders deemed by the Regional Government to be necessary and desirable to conduct specified business of the Regional Government, and • a Speaker who shall oversee and rule on the procedures of all sessions of the Regional Government. 	
	128. At any time, a Regional Government may vote to change or replace one or more of those holding the above positions.	
	129. The Premier and Ministers shall together form a Cabinet and jointly exercise through the agencies under their control the executive powers and responsibilities of the Regional Government.	
	130. Each Regional Government and its Cabinet shall formulate a vision and plan for the advancement of its community, set objectives, determine priorities, devise budgets, formulate broad policy frameworks, and ensure the coherence of governmental programs.	

	131. Each Regional Government shall determine matters that may be decided solely by Cabinet.	
	132. Matters before each Regional Government may be determined by open or secret vote of its members, according to the preference of each Regional Government.	
	133. Each Regional Government shall determine the number, duration and frequency of its sessions.	
	134. The Speaker of each Regional Government shall have a casting vote if the numbers are equal.	
	135. All revenues raised or received by a Regional Government shall form one Public Revenue fund for that region to be appropriated for the purposes of Government.	<p>87. During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, of the net revenue of the Commonwealth from duties of customs and of excise not more than one-fourth shall be applied annually by the Commonwealth towards its expenditure.</p> <p>The balance shall, in accordance with this Constitution, be paid to the several States, or applied towards the payment of interest on debts of the several States taken over by the Commonwealth.</p> <p>88. Uniform duties of customs shall be imposed within two years after the establishment of the Commonwealth.</p> <p>89. Until the imposition of uniform duties of customs:</p> <ul style="list-style-type: none"> (i) the Commonwealth shall credit to each State the revenues collected therein by the Commonwealth; (ii) the Commonwealth shall debit to each State: <ul style="list-style-type: none"> (a) the expenditure therein of the Commonwealth incurred solely for the maintenance or continuance, as at the time of transfer, of any department transferred from the State to the Commonwealth; (b) the proportion of the State, according to the number of its people, in the other expenditure of the Commonwealth;

		(iii) the Commonwealth shall pay to each State month by month the balance (if any) in favour of the State.
	136. No money shall be drawn from a Regional Government's Public Revenue except under appropriation made by law by the relevant Regional Government or by the Australian Government.	
	<i>Chapter 7 – PUBLIC SERVICE</i>	
	137. The respective executive powers and responsibilities of the Australian Government and each Regional Government shall be exercised by separate public services that administer the laws and carry out the business of government on behalf of their respective Government.	
	138. All agencies of each public service shall be under the ultimate control and be the responsibility of a designated Minister.	
	139. Public service agencies shall be established and run with subject matter expertise and administrative proficiency.	
A workforce whose composition is representative of the society it serves engenders trust, facilitates communication and engagement with the community, and develops and delivers services closely attuned to community needs.	140. As far as practicable, the management and personnel of public service agencies shall be representative of the composition of Australian society or, in the case of regional public service agencies, the local community.	
	141. Consistent with the vision, plan, objectives, priorities, budgetary and policy parameters determined by government, public service agencies will shape and manage as effectively and efficiently as possible operations and	

	programs designed best to serve the public interest.	
	142. Public service agencies will advise their respective Minister and Government on policies, priorities, resource needs and issues arising.	
<p>This provision addresses the political distortions that presently occur within government where Ministers pander to interest groups or popular sentiment at the cost of effective policy design and program delivery.</p> <p>Arms length functioning of public service agencies would result in considerable operational savings, greatly reducing the present imperative to expend enormous energy and devote substantial resources to servicing what are in truth the political imperatives of their Ministers; imperatives only tangentially related to advancing the public interest. For example, choreographed ministerial launches of ‘announceables’ (from a new building at a school to funding for a study into the health risks of wind turbines) and stage-managed ministerial events (from a walk through an Aboriginal community to an appearance in the cockpit of the latest jet fighter), the annual preparation of thousands of ministerial press releases, speeches and answers to ‘possible parliamentary questions’ (few of which are ever posed), the detailed monitoring of the media and briefings for Senate estimates hearings to identify and respond to issues that could embarrass or challenge a Minister, the management of stakeholders in efforts to anticipate and prevent criticisms of ministerial action or inaction, and many other related activities unproductively deplete public sector energy and resources.</p>	<p>143. As far as practicable and subject to section 141, all public service agencies shall function at arms length from Government in order to promote impartiality, objectivity, expert decision making, continuity and a holistic approach in portfolio areas that may include but are not limited to:</p> <ul style="list-style-type: none"> • economy and productivity • monetary policy • taxation • audit and probity • census and statistics • employment • transport • infrastructure • agriculture, forestry and fisheries • energy • environment • natural resources • education and training • communications and public media • science • scientific, medical and other research • Indigenous affairs • health • sport 	

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| | <ul style="list-style-type: none">• safety• the arts• immigration• social welfare• public utilities, amenities and services• public places, museums and other institutions. | |
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<p>Defence and national security constitute a special and separate class of public sector activity that warrants distinct treatment under a new Constitution.</p>	<p><i>Chapter 8 – DEFENCE AND NATIONAL SECURITY</i></p>	
	<p>144. Defence and national security operations shall be conducted on behalf of the Australian people under the authority of the Australian Government.</p>	<p>119. The Commonwealth shall protect every State against invasion and, on the application of the Executive Government of the State, against domestic violence.</p>
	<p>145. In general, the function of defence and national security operations shall be to safeguard the Australian people against military and other violent or disruptive threats principally but not exclusively from outside Australia. Defence agencies and staff may also be deployed to provide humanitarian relief in disaster-affected areas.</p>	
	<p>146. The role, budget and operational parameters of defence and national security agencies shall be determined by the Australian Government.</p>	
	<p>147. Defence and national security operations shall be under the control and be the responsibility of a designated Australian Government Minister.</p>	<p>68. The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen’s representative.</p>
<p>As for 140, above. The talents and qualities needed for defence and national security can be assumed to be spread evenly throughout Australian society.</p>	<p>148. As far as practicable, the leadership and personnel of defence and national security agencies shall be representative of the composition of Australian society.</p>	
	<p>149. Defence and national security operations shall always be conducted in the best interests of the Australian people.</p>	
	<p>150. Defence and national security agencies will advise the responsible Minister and the Australian Government on priorities, strategies, resource needs and issues arising.</p>	

<p>This provision would explicitly place such decision-making in the hands of the legislature rather than the executive.</p>	<p>151. Only the Australian Government may decide to engage in a military conflict and commit troops or other personnel to that purpose.</p>	
<p>By setting objective criteria for involvement in military conflict, this provision removes the disposition of Government to enter wars for self-serving or nationalistic motives or to placate powerful allies.</p>	<p>152. Australia may only engage in military conflict when:</p> <ul style="list-style-type: none"> • Australia’s security is directly and purposively threatened, or • The involvement of its troops or other personnel in a military capacity is sanctioned by the United Nations or by other substantial international consensus on the basis that unconscionable breaches of human rights are being committed in the place to which troops or other personnel are proposed to be deployed. 	
	<p>153. In recognition of the unique responsibilities of military conflict and preparation for it, defence agencies shall be accorded autonomy for operational matters within the limits of what is necessary and functional.</p>	
	<p><i>Chapter 9 – POLICE</i></p>	
<p>With the dissolution of the States, there would remain no compelling reason for the operation of multiple police services across Australia. Greatly enhanced coordination of effort could be achieved through a unified, national police service. Of course, regional operational nodes would be maintained.</p>	<p>154. A single police service shall operate throughout Australia.</p>	
	<p>155. The role, budget and operational parameters of the police service shall be determined by the Australian Government.</p>	
	<p>156. The police service shall be under the control and be the</p>	

	responsibility of a designated Australian Government Minister.	
	<p>157. The functions of the police service shall include:</p> <ul style="list-style-type: none"> • enforcing the law • keeping the peace • protecting life • preventing and investigating crime, and • handling emergencies. 	
As for 140.	158. As far as practicable, the police service shall be representative of the composition of Australian society.	
	159. Police operations shall always be conducted in the best interests of the Australian people and always with their safety in mind.	
	160. Any use of force or coercion by the police service shall be strictly limited to that which is necessary to achieve reasonable, legally permissible operational objectives.	
These provisions solidify the independence of the police service and prevent improper political interference in its operation.	161. The police service shall operate independently of Government.	
	162. A Government or a Government member may refer matters to the police service for investigation; however, operational decisions relating to whether and in what manner matters are to be pursued shall be taken by the police service alone.	
	163. A Government or a Government member may not direct the police service to pursue or not to pursue particular matters.	

	164. The police service shall bring suspected offenders before the courts for the courts to determine guilt or innocence and, in the case of conviction, for the courts to set appropriate punishment.	
	<i>Chapter 10 – JUDICIARY</i>	
	165. A Court system in Australia shall be established and function to test, interpret and enforce laws and to settle legal disputes in a fair and reasonable manner.	
	<p>166. Courts shall:</p> <ul style="list-style-type: none"> • protect individuals’ rights under this Constitution • apply equal protection and due process under the law • provide a forum for parties in legal disputes, whether individuals or other entities, to be heard • carefully weigh evidence and determine facts • provide a forum in which neutral judges and/or juries determine cases impartially • impose just sanctions, penalties or punishments when breaches of the law have been established. 	120. Every State shall make provision for the detention in its prisons of persons accused or convicted of offences against the laws of the Commonwealth, and for the punishment of persons convicted of such offences, and the Parliament of the Commonwealth may make laws to give effect to this provision.
	167. Courts shall make judgements entirely independently of Government.	
The adversarial model employed in most court cases is not necessarily the one that best serves the interests of justice. This provision would enable courts to determine the most appropriate modus operandi for each case.	168. Each court shall determine whether an adversarial or other approach is best suited and adopted for the just conduct and settlement of a case.	

	<p>169. The supraordinate judicial power of Australia is vested in the High Court of Australia.</p>	<p>71. The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction.</p>
	<p>170. The High Court comprises a Chief Justice and other Justices as the Australian Government determines.</p>	<p>71. The High Court shall consist of a Chief Justice, and so many other Justices, not less than two, as the Parliament prescribes.</p>
<p>This provision would safeguard considerations of judicial fitness for duty from political interference, thus strengthening the constitutional separation of the judiciary from the legislature and executive. It also would allow an appropriately broader consideration of the notion of 'fitness'.</p>	<p>171. The tenure of the Chief Justice or other Justices may be terminated by the Australian Government if they are deemed by an expert, independent body in light of substantive evidence to be unfit for duty.</p>	<p>72. The Justices of the High Court and of the other courts created by the Parliament:</p> <ul style="list-style-type: none"> (i) shall be appointed by the Governor-General in Council; (ii) shall not be removed except by the Governor-General in Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity; (iii) shall receive such remuneration as the Parliament may fix; but the remuneration shall not be diminished during their continuance in office. <p>The appointment of a Justice of the High Court shall be for a term expiring upon his attaining the age of seventy years, and a person shall not be appointed as a Justice of the High Court if he has attained that age.</p> <p>The appointment of a Justice of a court created by the Parliament shall be for a term expiring upon his attaining the age that is, at the time of his appointment, the maximum age for Justices of that court and a person shall not be appointed as a Justice of such a court if he has attained the age that is for the time being the maximum age for Justices of that court.</p> <p>Subject to this section, the maximum age for Justices of any court created by the Parliament is seventy years.</p> <p>The Parliament may make a law fixing an age that is less than seventy years as the maximum age for Justices of a</p>

		<p>court created by the Parliament and may at any time repeal or amend such a law, but any such repeal or amendment does not affect the term of office of a Justice under an appointment made before the repeal or amendment.</p> <p>A Justice of the High Court or of a court created by the Parliament may resign his office by writing under his hand delivered to the Governor-General.</p> <p>Nothing in the provisions added to this section by the <i>Constitution Alteration (Retirement of Judges) 1977</i> affects the continuance of a person in office as a Justice of a court under an appointment made before the commencement of those provisions.</p> <p>A reference in this section to the appointment of a Justice of the High Court or of a court created by the Parliament shall be read as including a reference to the appointment of a person who holds office as a Justice of the High Court or of a court created by the Parliament to another office of Justice of the same court having a different status or designation.</p>
	<p>172. The High Court shall have jurisdiction on all matters:</p> <ul style="list-style-type: none"> • arising under any treaty • affecting representatives of other countries • in which the Australian Government or its agencies, or a person suing or being sued by the Australian Government or its agencies, is a party • between Regional Governments • in which a writ of mandamus or prohibition or an injunction is sought against an officer of the Australian Government • on any other matter referred to it by the Australian Government. 	<p>75. In all matters:</p> <ul style="list-style-type: none"> (i) arising under any treaty; (ii) affecting consuls or other representatives of other countries; (iii) in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party; (iv) between States, or between residents of different States, or between a State and a resident of another State; (v) in which a writ of Mandamus or prohibition or an injunction is sought against an officer of the Commonwealth; <p>the High Court shall have original jurisdiction.</p> <p>76. The Parliament may make laws conferring original jurisdiction on the High Court in any matter:</p>

		<ul style="list-style-type: none"> (i) arising under this Constitution, or involving its interpretation; (ii) arising under any laws made by the Parliament; (iii) of Admiralty and maritime jurisdiction; (iv) relating to the same subject-matter claimed under the laws of different States.
	<p>173. The establishment, jurisdiction and number of judges of subordinate courts shall be determined by the Australian Government.</p>	<p>77. With respect to any of the matters mentioned in the last two sections the Parliament may make laws:</p> <ul style="list-style-type: none"> (i) defining the jurisdiction of any federal court other than the High Court; (ii) defining the extent to which the jurisdiction of any federal court shall be exclusive of that which belongs to or is invested in the courts of the States; (iii) investing any court of a State with federal jurisdiction. <p>78. The Parliament may make laws conferring rights to proceed against the Commonwealth or a State in respect of matters within the limits of the judicial power.</p> <p>79. The federal jurisdiction of any court may be exercised by such number of judges as the Parliament prescribes.</p> <p>118. Full faith and credit shall be given, throughout the Commonwealth to the laws, the public Acts and records, and the judicial proceedings of every State.</p>
	<p>174. The parameters for the use of juries shall be determined by the Australian Government.</p>	
	<p>175. The High Court shall have jurisdiction to hear and determine appeals from all judgments, decrees, orders, and sentences of any subordinate court.</p>	<p>73. The High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences:</p> <ul style="list-style-type: none"> (i) of any Justice or Justices exercising the original jurisdiction of the High Court; (ii) of any other federal court, or court exercising federal jurisdiction; or of the Supreme Court of any State, or of any other court of any State from which at the establishment of

		<p>the Commonwealth an appeal lies to the Queen in Council; (iii) of the Inter-State Commission, but as to questions of law only;</p> <p>and the judgment of the High Court in all such cases shall be final and conclusive.</p> <p>But no exception or regulation prescribed by the Parliament shall prevent the High Court from hearing and determining any appeal from the Supreme Court of a State in any matter in which at the establishment of the Commonwealth an appeal lies from such Supreme Court to the Queen in Council.</p> <p>Until the Parliament otherwise provides, the conditions of and restrictions on appeals to the Queen in Council from the Supreme Courts of the several States shall be applicable to appeals from them to the High Court.</p> <p>74. No appeal shall be permitted to the Queen in Council from a decision of the High Court upon any question, howsoever arising, as to the limits inter se of the Constitutional powers of the Commonwealth and those of any State or States, or as to the limits inter se of the Constitutional powers of any two or more States, unless the High Court shall certify that the question is one which ought to be determined by Her Majesty in Council.</p> <p>The High Court may so certify if satisfied that for any special reason the certificate should be granted, and thereupon an appeal shall lie to Her Majesty in Council on the question without further leave.</p> <p>Except as provided in this section, this Constitution shall not impair any right which the Queen may be pleased to exercise by virtue of Her Royal prerogative to grant special leave of appeal from the High Court to Her Majesty in Council. The Parliament may make laws limiting the matters in which such leave may be asked, but proposed laws containing any such limitation shall be reserved by the</p>
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		Governor-General for Her Majesty's pleasure.
	176. In all cases referred to it the High Court's judgment shall be final and conclusive.	

<p>This Chapter is intended to establish a continuing commitment to ensuring the new Constitution remains a living document amenable to change in light of evolving needs.</p>	<p><i>Chapter 11 – CHANGING OUR CONSTITUTION</i></p>	
	<p>177. This Constitution shall be thoroughly reviewed at least every 20 years to determine whether its provisions optimally continue to meet the needs of contemporary Australian society.</p>	
	<p>178. Each such review shall be undertaken by an independent group of citizens appointed by the Australian Government. That group shall be representative of the composition of Australian society.</p>	
	<p>179. Each review shall be conducted at arms length from government.</p>	
	<p>180. Each review shall be informed as appropriate by expert opinion, as well as the views of those affected or potentially affected by particular provisions, across all relevant areas.</p>	
	<p>181. Consistent with the high principles enshrined in this Constitution, each review shall be conducted with a disposition to proposing changes to Australia’s Constitution that will render it better able to ensure and guide good government for the people in the context of contemporary and anticipated future circumstances.</p>	
	<p>182. Each appointed constitutional review group shall publish and present a report of their findings and recommendations for constitutional change.</p>	
<p>This provision would take control of the</p>	<p>183. Any recommendations to amend this Constitution shall</p>	

<p>substance and timing of referenda away from politicians.</p>	<p>receive extended public consideration and discussion and subsequently be voted on in a referendum.</p>	
<p>Debate about the appropriate threshold level of support to legitimise change is appropriate.</p>	<p>184. Changes to Australia’s Constitution proposed in a referendum shall be adopted if voted for by at least 55 per cent in total of eligible Australian voters who cast a valid vote.</p>	<p>128. This Constitution shall not be altered except in the following manner:</p> <p>The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be submitted in each State and Territory to the electors qualified to vote for the election of members of the House of Representatives.</p> <p>But if either House passes any such proposed law by an absolute majority, and the other House rejects or fails to pass it, or passes it with any amendment to which the first-mentioned House will not agree, and if after an interval of three months the first-mentioned House in the same or the next session again passes the proposed law by an absolute majority with or without any amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, the Governor-General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments subsequently agreed to by both Houses, to the electors in each State and Territory qualified to vote for the election of the House of Representatives.</p> <p>When a proposed law is submitted to the electors the vote shall be taken in such manner as the Parliament prescribes. But until the qualification of electors of members of the House of Representatives becomes uniform throughout the Commonwealth, only one-half the electors voting for and against the proposed law shall be counted in any State in which adult suffrage prevails.</p> <p>And if in a majority of the States a majority of the electors</p>

		<p>voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's assent.</p> <p>No alteration diminishing the proportionate representation of any State in either House of the Parliament, or the minimum number of representatives of a State in the House of Representatives, or increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, shall become law unless the majority of the electors voting in that State approve the proposed law.</p> <p>In this section, Territory means any territory referred to in section one hundred and twenty-two of this Constitution in respect of which there is in force a law allowing its representation in the House of Representatives.</p>
	<i>Chapter 12 – TRANSITION ARRANGEMENTS</i>	
	185. This Constitution shall come into effect immediately upon being adopted through a referendum by the Australian people.	
	186. An election for the Australian Government and, subsequently, for each Regional Government shall be conducted within three months of this Constitution being adopted.	
	187. The Australian Government and Parliament in office immediately prior to this Constitution being adopted shall continue in caretaker mode until the new Australian Government is elected, whereupon it shall be dissolved.	
	188. From the time of adoption of this Constitution, State and	

	<p>Territory governments and local governments or councils that were in office immediately prior to this Constitution being adopted shall continue and function in a transitional role for a period of 12 months, whereupon they shall be dissolved and their governmental roles cease.</p>	
	<p>189. Upon commencement of this Constitution, all revenue and assets of State and Territory governments and local governments or councils that were in office immediately prior to this Constitution being adopted shall become the property of the Australian Government.</p>	<p>84. When any department of the public service of a State becomes transferred to the Commonwealth, all officers of the department shall become subject to the control of the Executive Government of the Commonwealth.</p> <p>Any such officer who is not retained in the service of the Commonwealth shall, unless he is appointed to some other office of equal emolument in the public service of the State, be entitled to receive from the State any pension, gratuity, or other compensation, payable under the law of the State on the abolition of his office.</p> <p>Any such officer who is retained in the service of the Commonwealth shall preserve all his existing and accruing rights, and shall be entitled to retire from office at the time, and on the pension or retiring allowance, which would be permitted by the law of the State if his service with the Commonwealth were a continuation of his service with the State. Such pension or retiring allowance shall be paid to him by the Commonwealth; but the State shall pay to the Commonwealth a part thereof, to be calculated on the proportion which his term of service with the State bears to his whole term of service, and for the purpose of the calculation his salary shall be taken to be that paid to him by the State at the time of the transfer.</p> <p>Any officer who is, at the establishment of the Commonwealth, in the public service of a State, and who is, by consent of the Governor of the State with the advice of the Executive Council thereof, transferred to the public service of the Commonwealth, shall have the same rights as if he had been an officer of a department transferred to the Commonwealth and were retained in the service of the</p>

		<p>Commonwealth.</p> <p>85. When any department of the public service of a State is transferred to the Commonwealth:</p> <p>(i) all property of the State of any kind, used exclusively in connexion with the department, shall become vested in the Commonwealth; but, in the case of the departments controlling customs and excise and bounties, for such time only as the Governor-General in Council may declare to be necessary;</p> <p>(ii) the Commonwealth may acquire any property of the State, of any kind used, but not exclusively used in connexion with the department; the value thereof shall, if no agreement can be made, be ascertained in, as nearly as may be, the manner in which the value of land, or of an interest in land, taken by the State for public purposes is ascertained under the law of the State in force at the establishment of the Commonwealth;</p> <p>(iii) the Commonwealth shall compensate the State for the value of any property passing to the Commonwealth under this section; if no agreement can be made as to the mode of compensation, it shall be determined under laws to be made by the Parliament;</p> <p>(iv) the Commonwealth shall, at the date of the transfer, assume the current obligations of the State in respect of the department transferred.</p>
	<p>190. For the transition period, the necessary operational costs of the State and Territory governments and local governments or councils shall be met by the Australian Government.</p>	
<p>To include statute and common law.</p>	<p>191. Every law in force in Australia prior to the adoption of this Constitution shall, to the extent of its conformity with this Constitution, continue in force until changed by the Australian Government, or by Regional Governments using powers delegated to them by the Australian Government.</p>	
	<p>192. Until any new arrangements are determined by the</p>	

	Australian Government, laws in force in Australia prior to the adoption of this Constitution shall continue to be administered by agencies that administered them prior to the adoption of this Constitution.	
	193. Issues relating to the new jurisdictional application of laws that were in force in Australia prior to the adoption of this Constitution shall be settled as soon as practicable by the Australian Government with reference as appropriate to the High Court.	
	194. Upon commencement of this Constitution, police services throughout Australia shall become the responsibility of an Australian Government Minister and shall be merged into a single national police service within 12 months of the election of the new Australian Government.	
	195. Over the transition period, State and Territory governments and local governments or councils shall apply their utmost efforts to facilitate a smooth and effective handover of their governmental roles, legislated powers, agencies, staff and resources to the respective Australian or Regional Governments.	
Australians will continue to feel affinity and loyalty to a home State. Inter alia, residence in a State has determined allegiance for major sporting contests. Nothing under the proposed new Constitution would interfere with the recognition of previous boundaries for traditional, valued extra-governmental purposes.	196. Notwithstanding their cessation as government entities, States, Territories and other geographical areas that once had their own governments may indefinitely continue to be recognised and to define boundaries for traditional cultural purposes including sporting competitions.	
	197. Until any new arrangements are determined by the Australian Government or the High Court, courts operating	

	in Australia prior to the adoption of this Constitution shall continue to function. Their operational costs shall be met by the Australian Government.	
	198. Chapter 12 and its provisions shall be removed from Australia's Constitution once the Australian Government has determined that the above transitional arrangements have been concluded.	

Remaining sections of the present Constitution considered not to require comparable provisions in a new Constitution

The Parliament

General

3. There shall be payable to the Queen out of the Consolidated Revenue fund of the Commonwealth, for the salary of the Governor-General, an annual sum which, until the Parliament otherwise provides, shall be ten thousand pounds.

The salary of a Governor-General shall not be altered during his continuance in office.

4. The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the Queen may appoint to administer the Government of the Commonwealth; but no such person shall be entitled to receive any salary from the Commonwealth in respect of any other office during his administration of the Government of the Commonwealth.

The Senate

7. The Senate shall be composed of senators for each State, directly chosen by the people of the State, voting, until the Parliament otherwise provides, as one electorate.

But until the Parliament of the Commonwealth otherwise provides, the Parliament of the State of Queensland, if that State be an Original State, may make laws dividing the State into divisions and determining the number of senators to be chosen for each division, and in the absence of such provision the State shall be one electorate.

Remaining sections of the present Constitution considered not to require comparable provisions in a new Constitution

Until the Parliament otherwise provides there shall be six senators for each Original State. The Parliament may make laws increasing or diminishing the number of senators for each State, but so that equal representation of the several Original States shall be maintained and that no Original State shall have less than six senators.

The senators shall be chosen for a term of six years, and the names of the senators chosen for each State shall be certified by the Governor to the Governor-General.

8. The qualification of electors of senators shall be in each State that which is prescribed by this Constitution, or by the Parliament, as the qualification for electors of members of the House of Representatives; but in the choosing of senators each elector shall vote only once.
9. The Parliament of the Commonwealth may make laws prescribing the method of choosing senators, but so that the method shall be uniform for all the States. Subject to any such law, the Parliament of each State may make laws prescribing the method of choosing the senators for that State.

The Parliament of a State may make laws for determining the times and places of elections of senators for the State.

10. Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State, for the time being, relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections of senators for the State.
11. The Senate may proceed to the despatch of business, notwithstanding the failure of any State to provide for its representation in the Senate.
12. The Governor of any State may cause writs to be issued for elections of senators for the State. In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.
13. As soon as may be after the Senate first meets, and after each first meeting of the Senate following a dissolution thereof, the Senate shall divide the senators chosen for each State into two classes, as nearly equal in number as practicable; and the places of the senators of the first class shall become vacant at the expiration of three years, and the places of those of the second class at the expiration of six years, from the beginning of their term of service; and afterwards the places of senators shall become vacant at the expiration of six years from the beginning of their term of service.

The election to fill vacant places shall be made within one year before the places are to become vacant.

For the purposes of this section the term of service of a senator shall be taken to begin on the first day of July following

Remaining sections of the present Constitution considered not to require comparable provisions in a new Constitution

the day of his election, except in the cases of the first election and of the election next after any dissolution of the Senate, when it shall be taken to begin on the first day of July preceding the day of his election.

14. Whenever the number of senators for a State is increased or diminished, the Parliament of the Commonwealth may make such provision for the vacating of the places of senators for the State as it deems necessary to maintain regularity in the rotation.
15. If the place of a senator becomes vacant before the expiration of his term of service, the Houses of Parliament of the State for which he was chosen, sitting and voting together, or, if there is only one House of that Parliament, that House, shall choose a person to hold the place until the expiration of the term. But if the Parliament of the State is not in session when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of fourteen days from the beginning of the next session of the Parliament of the State or the expiration of the term, whichever first happens.

Where a vacancy has at any time occurred in the place of a senator chosen by the people of a State and, at the time when he was so chosen, he was publicly recognized by a particular political party as being an endorsed candidate of that party and publicly represented himself to be such a candidate, a person chosen or appointed under this section in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

Where:

- (a) in accordance with the last preceding paragraph, a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and
- (b) before taking his seat he ceases to be a member of that party (otherwise than by reason of the party having ceased to exist);

he shall be deemed not to have been so chosen or appointed and the vacancy shall be again notified in accordance with section twenty-one of this Constitution.

The name of any senator chosen or appointed under this section shall be certified by the Governor of the State to the Governor-General.

If the place of a senator chosen by the people of a State at the election of senators last held before the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977* became vacant before that commencement and, at that commencement, no person chosen by the House or Houses of Parliament of the State, or appointed by the Governor of the State, in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, held office, this section applies as if the place of the senator chosen by the people of the State had become vacant after

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that commencement.

A senator holding office at the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977*, being a senator appointed by the Governor of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State, shall be deemed to have been appointed to hold the place until the expiration of fourteen days after the beginning of the next session of the Parliament of the State that commenced or commences after he was appointed and further action under this section shall be taken as if the vacancy in the place of the senator chosen by the people of the State had occurred after that commencement.

Subject to the next succeeding paragraph, a senator holding office at the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977* who was chosen by the House or Houses of Parliament of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State shall be deemed to have been chosen to hold office until the expiration of the term of service of the senator elected by the people of the State.

If, at or before the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977*, a law to alter the Constitution entitled “Constitution Alteration (Simultaneous Elections) 1977” came into operation, a senator holding office at the commencement of that law who was chosen by the House or Houses of Parliament of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State shall be deemed to have been chosen to hold office:

- (a) if the senator elected by the people of the State had a term of service expiring on the thirtieth day of June, One thousand nine hundred and seventy-eight—until the expiration or dissolution of the first House of Representatives to expire or be dissolved after that law came into operation; or
- (b) if the senator elected by the people of the State had a term of service expiring on the thirtieth day of June, One thousand nine hundred and eighty-one—until the expiration or dissolution of the second House of Representatives to expire or be dissolved after that law came into operation or, if there is an earlier dissolution of the Senate, until that dissolution.

16. The qualifications of a senator shall be the same as those of a member of the House of Representatives.

17. The Senate shall, before proceeding to the despatch of any other business, choose a senator to be the President of the Senate; and as often as the office of President becomes vacant the Senate shall again choose a senator to be the President.

The President shall cease to hold his office if he ceases to be a senator. He may be removed from office by a vote of the Senate, or he may resign his office or his seat by writing addressed to the Governor-General.

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- 18. Before or during any absence of the President, the Senate may choose a senator to perform his duties in his absence.
- 19. A senator may, by writing addressed to the President, or to the Governor-General if there is no President or if the President is absent from the Commonwealth, resign his place, which thereupon shall become vacant.
- 20. The place of a senator shall become vacant if for two consecutive months of any session of the Parliament he, without the permission of the Senate, fails to attend the Senate.
- 21. Whenever a vacancy happens in the Senate, the President, or if there is no President or if the President is absent from the Commonwealth the Governor-General, shall notify the same to the Governor of the State in the representation of which the vacancy has happened.
- 22. Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.
- 23. Questions arising in the Senate shall be determined by a majority of votes, and each senator shall have one vote. The President shall in all cases be entitled to a vote; and when the votes are equal the question shall pass in the negative.

The House of Representatives

- 26. Notwithstanding anything in section twenty-four, the number of members [of the House of Representatives] to be chosen in each State at the first election shall be as follows:

New South Wales	twenty-three;
Victoria	twenty;
Queensland	eight;
South Australia	six;
Tasmania	five;

Provided that if Western Australia is an Original State, the numbers shall be as follows:

New South Wales	twenty-six;
Victoria	twenty-three;
Queensland	nine;
South Australia	seven;

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Western Australia	five;
Tasmania	five.

31. Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State for the time being relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections in the State of members of the House of Representatives.

Both Houses of the Parliament

41. No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.
42. Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor-General, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.
48. Until the Parliament otherwise provides, each senator and each member of the House of Representatives shall receive an allowance of four hundred pounds a year, to be reckoned from the day on which he takes his seat.

Powers of the Parliament

53. Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Remaining sections of the present Constitution considered not to require comparable provisions in a new Constitution

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

54. The proposed law which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.

55. Laws imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

Laws imposing taxation, except laws imposing duties of customs or of excise, shall deal with one subject of taxation only; but laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only.

57. If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

If after such dissolution the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the members of the Senate and of the House of Representatives.

The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives, it shall be taken to have been duly passed by both Houses of the Parliament, and shall be presented to the Governor-General for the Queen's assent.

58. When a proposed law passed by both Houses of the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to this Constitution, that he assents in the Queen's name, or that he withholds assent, or that he reserves the law for the Queen's pleasure.

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The Executive Government

66. There shall be payable to the Queen, out of the Consolidated Revenue Fund of the Commonwealth, for the salaries of the Ministers of State, an annual sum which, until the Parliament otherwise provides, shall not exceed twelve thousand pounds a year.
69. On a date or dates to be proclaimed by the Governor-General after the establishment of the Commonwealth the following departments of the public service in each State shall become transferred to the Commonwealth:
- posts, telegraphs, and telephones;
 - naval and military defence;
 - lighthouses, lightships, beacons, and buoys;
 - quarantine.

But the departments of customs and of excise in each State shall become transferred to the Commonwealth on its establishment.

Finance and Trade

82. The costs, charges, and expenses incident to the collection, management, and receipt of the Consolidated Revenue Fund shall form the first charge thereon; and the revenue of the Commonwealth shall in the first instance be applied to the payment of the expenditure of the Commonwealth.
90. On the imposition of uniform duties of customs the power of the Parliament to impose duties of customs and of excise, and to grant bounties on the production or export of goods, shall become exclusive.
- On the imposition of uniform duties of customs all laws of the several States imposing duties of customs or of excise, or offering bounties on the production or export of goods, shall cease to have effect, but any grant of or agreement for any such bounty lawfully made by or under the authority of the Government of any State shall be taken to be good if made before the thirtieth day of June, one thousand eight hundred and ninety-eight, and not otherwise.
91. Nothing in this Constitution prohibits a State from granting any aid to or bounty on mining for gold, silver, or other metals, nor from granting, with the consent of both Houses of the Parliament of the Commonwealth expressed by resolution, any aid to or bounty on the production or export of goods.
92. On the imposition of uniform duties of customs, trade, commerce, and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

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But notwithstanding anything in this Constitution, goods imported before the imposition of uniform duties of customs into any State, or into any Colony which, whilst the goods remain therein, becomes a State, shall, on thence passing into another State within two years after the imposition of such duties, be liable to any duty chargeable on the importation of such goods into the Commonwealth, less any duty paid in respect of the goods on their importation.

93. During the first five years after the imposition of uniform duties of customs, and thereafter until the Parliament otherwise provides:

- (i) the duties of customs chargeable on goods imported into a State and afterwards passing into another State for consumption, and the duties of excise paid on goods produced or manufactured in a State and afterwards passing into another State for consumption, shall be taken to have been collected not in the former but in the latter State;
- (ii) subject to the last subsection, the Commonwealth shall credit revenue, debit expenditure, and pay balances to the several States as prescribed for the period preceding the imposition of uniform duties of customs.

95. Notwithstanding anything in this Constitution, the Parliament of the State of Western Australia, if that State be an Original State, may, during the first five years after the imposition of uniform duties of customs, impose duties of customs on goods passing into that State and not originally imported from beyond the limits of the Commonwealth; and such duties shall be collected by the Commonwealth.

But any duty so imposed on any goods shall not exceed during the first of such years the duty chargeable on the goods under the law of Western Australia in force at the imposition of uniform duties, and shall not exceed during the second, third, fourth, and fifth of such years respectively, four-fifths, three-fifths, two-fifths, and one-fifth of such latter duty, and all duties imposed under this section shall cease at the expiration of the fifth year after the imposition of uniform duties.

If at any time during the five years the duty on any goods under this section is higher than the duty imposed by the Commonwealth on the importation of the like goods, then such higher duty shall be collected on the goods when imported into Western Australia from beyond the limits of the Commonwealth.

97. Until the Parliament otherwise provides, the laws in force in any Colony which has become or becomes a State with respect to the receipt of revenue and the expenditure of money on account of the Government of the Colony, and the review and audit of such receipt and expenditure, shall apply to the receipt of revenue and the expenditure of money on account of the Commonwealth in the State in the same manner as if the Commonwealth, or the Government or an officer of the Commonwealth, were mentioned whenever the Colony, or the Government or an officer of the Colony, is mentioned.

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101. There shall be an Inter-State Commission, with such powers of adjudication and administration as the Parliament deems necessary for the execution and maintenance, within the Commonwealth, of the provisions of this Constitution relating to trade and commerce, and of all laws made thereunder.
102. The Parliament may by any law with respect to trade or commerce forbid, as to railways, any preference or discrimination by any State, or by any authority constituted under a State, if such preference or discrimination is undue and unreasonable, or unjust to any State; due regard being had to the financial responsibilities incurred by any State in connexion with the construction and maintenance of its railways. But no preference or discrimination shall, within the meaning of this section, be taken to be undue and unreasonable, or unjust to any State, unless so adjudged by the Inter-State Commission.
103. The members of the Inter-State Commission:
- (i) shall be appointed by the Governor-General in Council;
 - (ii) shall hold office for seven years, but may be removed within that time by the Governor-General in Council, on an address from both Houses of the Parliament in the same session praying for such removal on the ground of proved misbehaviour or incapacity;
 - (iii) shall receive such remuneration as the Parliament may fix; but such remuneration shall not be diminished during their continuance in office.
104. Nothing in this Constitution shall render unlawful any rate for the carriage of goods upon a railway, the property of a State, if the rate is deemed by the Inter-State Commission to be necessary for the development of the territory of the State, and if the rate applies equally to goods within the State and to goods passing into the State from other States.
105. The Parliament may take over from the States their public, or a proportion thereof according to the respective numbers of their people as shown by the latest statistics of the Commonwealth, and may convert, renew, or consolidate such debts, or any part thereof; and the States shall indemnify the Commonwealth in respect of the debts taken over, and thereafter the interest payable in respect of the debts shall be deducted and retained from the portions of the surplus revenue of the Commonwealth payable to the several States, or if such surplus is insufficient, or if there is no surplus, then the deficiency or the whole amount shall be paid by the several States.
- 105A (1) The Commonwealth may make agreements with the States with respect to the public debts of the States, including:
- (a) the taking over of such debts by the Commonwealth;
 - (b) the management of such debts;
 - (c) the payment of interest and the provision and management of sinking funds in respect of such debts;
 - (d) the consolidation, renewal, conversion, and redemption of such debts;
 - (e) the indemnification of the Commonwealth by the States in respect of debts taken over by the Commonwealth; and

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- (f) the borrowing of money by the States or by the Commonwealth, or by the Commonwealth for the States.
- (2) The Parliament may make laws for validating any such agreement made before the commencement of this section.
- (3) The Parliament may make laws for the carrying out by the parties thereto of any such agreement.
- (4) Any such agreement may be varied or rescinded by the parties thereto.
- (5) Every such agreement and any such variation thereof shall be binding upon the Commonwealth and the States parties thereto notwithstanding anything contained in this Constitution or the Constitution of the several States or in any law of the Parliament of the Commonwealth or of any State.
- (6) The powers conferred by this section shall not be construed as being limited in any way by the provisions of section one hundred and five of this Constitution.

The States

110. The provisions of this Constitution relating to the Governor of a State extend and apply to the Governor for the time being of the State, or other chief executive officer or administrator of the government of the State.

Attachment A – Australia’s National Anthem

A national competition might be run, in conjunction with the adoption of a new Constitution, to compose a fresh national anthem with a rousing tune and lyrics that reflect the spirit and optimism of Australians and their new Constitution.

Attachment B – Australia’s Flag

The ancient culture of Australia can be a source of pride and serve to unite all Australians under a new Constitution. Acknowledging and celebrating that culture, and with the agreement of the custodians of that culture, a new Australian flag that draws on distinctive and world-recognised Aboriginal and Torres Strait Islander imagery could be designed and adopted.

Below are but two examples of the rich imagery (in these instances, featuring a kangaroo motif) that could inspire the design of a new national flag.



Ancient Aboriginal rock art (Kangaroo) at Nourlangie, Kakadu National Park, Northern Territory.



The much loved Australian one dollar note, no longer in circulation.