THE FIRST DRAFT

OF A

CONSTITUTION

FOR THE SOVEREIGN NATION

OF

AUSTRALIA

(Annotated)

A GRASS ROOTS APPROACH

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This document has been prepared by The Foundation for National Renewal. It is very much a 'work in progress'. After wide public discussion and amendment as required, it should be adopted by the People of Australia at a plebiscite to provide a blueprint for gradual Constitutional change.

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A Draft Constitution for the Sovereign Nation of Australia

A Synopsis

This Constitution establishes the sovereignty of the Australian People. It establishes the People's ownership of the Commonwealth of Australia and provides each and every Citizen with an equal annual dividend from that ownership.

There is established with this Constitution a unique Australian federation in which there is intimate, accountable representation; both levels of government have clearly articulated powers and responsibilities; and public services are delivered by organisations close to the People. The system of government ensures freedom of the individual, and efficient and effective administration of Australian society with less regulation, fewer elected representatives and fewer bureaucrats.

The federation consists of a National Parliament and 96 regions each with its own Regional Assembly. In general terms the National Parliament is responsible for policy; and Regional Assemblies are responsible for implementing that policy and delivering public services. The Regions are based on water catchment areas giving Regional Assemblies unprecedented control of their environment.

The National Executive Government consists of a popularly elected President and the Heads of Government Departments. Regional Executive Governments consist of popularly elected Chief Executive Officers (or Mayors) and the Executive Officers of Regional Government Departments. The Executives at both levels are accountable to the elected body. This arrangement produces a clear separation of powers between the Parliament, the Executive and the Judicature.

The President's powers are codified in the Constitution. He is positioned to be the Head of State, head of the National Executive, a protector of the Constitution and is accountable to the Parliament.

The Regions have populations of between 30,000 and 250,000 people depending on population density. Members of Regional Assemblies are elected from single-member electorates of only 5000 voters. This ensures intimate representation and optimum accountability. All elections use a unique, optional preferential voting system and electronic voting. This ensures quick and easy voting and fair representation of the People rather than representation of political parties.

One Member of each Regional Assembly is elected by the Assembly to represent the Region in the National Parliament. These Representatives return to their Regional Assembly for one week in every month to brief, and to be briefed by, their Regional Assembly. This ensures intimate representation and optimum accountability.

Constituents at both levels have the power to recall their representative and hold a new election. This is one of many measures that empower the People and ensure accountability.

Legislation before the National Parliament is debated in Regional Assemblies. This is the review process; there is no Senate. When required, legislation is reviewed also by the Constitutional Court before being signed into law by the President.

A new Central Bank of the Australian Commonwealth distributes national revenue with 25% going to the National Treasury and 75% going to the Regions on the basis of population. This, together with clear allocation of responsibilities to each level of government, eliminates "pork-barreling" and "buck-passing"; and facilitates cooperation between the National Parliament and the Regions.

Human rights are enshrined in the Constitution. Furthermore, the People have the right to initiate referenda to change the Constitution and to create, amend and annul legislation. There is also a clear definition of the responsibilities of citizens including an obligation to serve the nation in the armed forces or emergency services.

At both levels of government, representatives sit in round-table configuration and each Member has an equal right to speak; thus creating effective government by and for the People by eliminating party politics and block voting. A 75% majority is required to pass legislation.

The Constitution establishes a set of basic laws. Most crimes against society will be expressed as crimes contrary to the Constitution - greatly reducing the need for reams of criminal code and ensuring that the Constitution remains a living document with continuing relevance to everyday living. In the justice system, judges are trained as judges from an early age and follow a career path separate from that of lawyers and barristers. Cases

before the courts are conducted by judges who have the power to direct investigations, call witnesses and conduct cross-examinations. The primary concern of judges is to ascertain the truth and to administer justice. The letter of the law is a secondary consideration.

Also established in the Constitution is monetary policy that reestablishes a fixed valuation of the Australian Dollar, restricts imports to the value of exports, prohibits overseas borrowing, restricts the creation of credit to the central bank and fixes interest rates. That is, interest rates will be fixed at 5% reducing per annum for the duration of all loans. This rate can be changed; but only by the People voting at referendum. The central bank also controls the economy by controlling the creation of new money.

The Constitution introduces the debit tax system at 0.1% to eliminate the Goods and Services Tax with provision for this rate to rise and gradually replace all other forms of taxation. This will eliminate tax evasion, tax concessions, tax returns and Business Activity Statements resulting in more efficient taxation, less bureaucracy and massive savings to business.

Last but not least, the Constitution provides that the Nation will only go to war following a "Yes" vote by the People at referendum. Also included is a War Act. This Act will commit the whole nation to the war effort, will eliminate profiteering and will ensure Service men and women are treated appropriately before, during and after war service.

Foreword

Over a span of more than ten years the Foundation for National Renewal has been working on this draft Constitution. During that period, more and more people have been expressing concerns about the dysfunctions of Australian society and in particular, the way in which we are governed. However, few have been very forthcoming with comprehensive ideas for solving these problems.

An exception to this trend has been Professor George Williams who, consistently and over a long period, has been advocating root and branch reform. The following newspaper article exemplifies his approach.

Professor George Williams is the Anthony Mason professor and director of the Gilbert + Tobin Centre of Public Law at the University of NSW.

SO MUCH GOVERNMENT, SO LITTLE DONE

George Williams

Sydney Morning Herald

March 13, 2007

AUSTRALIANS pay a wasted $9 billion in tax each year, equal to $1100 per family. This money is being used without gain to prop up our dysfunctional federal system of government.

These billions of dollars are a conservative estimate of the Business Council of Australia. It is how much the community pays for the duplication of services, buck-passing and inefficiency that bedevils the relationship between our federal and state governments.

Even this understates the true cost. It is the amount of extra tax we pay and does not include the money lost to businesses

in having to comply with red tape or the price we all pay for having substandard health and education services.

Taking some of these other costs into account, it has been estimated that the duplication and extra co-ordination costs in the Australian federation are an astonishing $20 billion a year. This amounts to 9 per cent of all general government expenses or 3 per cent of gross domestic product.

This money is not just a loss to taxpayers; it is also a lost opportunity. Every dollar might have been used to better fund schools or hospitals or to assist with pressing concerns such as the lack of affordable housing and our ageing population.

We face a choice. The first option is to continue to pay extra tax and accept second-rate government services. We have been led in this direction by generations of politicians who have found it easier to leave the system as is rather than take up the challenge of reform.

A reason for this is that the present system benefits those in power. Without clear lines of responsibility, federal and state leaders can seek credit for successes but accuse someone else for inaction or failure. Blame-shifting can be seen daily in the media. When it is over matters such as hospitals and water scarcity, we know we have a major problem.

The alternative is to do the hard work over the longer term to fix our system of government. This might seem impossible given our poor record of achieving change. In fact, the international experience shows otherwise.

Other nations have been successful in tackling the same issues, including Germany, which last year brought about major changes to its federal scheme. They show how the Australian problem is not an inability to come up with new models and

ideas, but a failure of vision and leadership in bringing them about.

What Australia needs is a system that better allocates tax revenue between Canberra and the states. We also need a more appropriate division of power between governments that sets out who is responsible for which areas.

The Murray-Darling Basin is a good example. Federal intervention is necessary but has taken far too long to emerge. The Prime Minister's $10 billion plan has also met state resistance. This illustrates how difficult and costly the present system can be in reallocating power and responsibility.

Our federal system has passed its use-by date. It was created in 1901, the age of the horse and buggy, and has not been modernised to meet contemporary needs.

The Australian constitution was drafted in 1901 to protect the position and power of the states rather than to foster national co-ordination. This made sense when communication across the nation was poor and no one could foresee the need for national leadership in areas ranging from climate change to stem-cell research.

A consequence is that it is often not possible for Australians today to know which level of government is responsible for what. This is hard even for those versed in constitutional law. Our constitution has major gaps and is a poor match for how governments now operate.

Over decades Australia's federal system has unraveled. This does not mean we should remove it entirely. Instead, we need a better system. We also need to ask hard questions, such as whether Australia can sustain three, rather than two, tiers of government.

Reform has been left for too long. Until this is recognised and people begin to act, Australians will pay through the hip pocket and our future prosperity will be undermined. This is the price of having a bloated and inefficient system of government based upon a broken federal model.

Acknowledgements

This draft Constitution has evolved only by the sustained efforts of the one hundred or so Members of the Foundation for National Renewal. Their commitment and perseverance over a ten-year period has been the mainstay of this endeavour to produce a Draft Constitution that truly reflects what The People would like. Sadly, many of those who contributed have not lived to see the culmination of their efforts.

Of course, there was little unanimity but the consensus on important issues was surprising and the Membership at least is pleased with this First Draft to be published to the wider community for their review, debate and amendment as required.

The views of Members were sought by distributing a paper on each and every aspect of society. And the second acknowledgement must go to Ross Garrad M.Sc. M.App.Law, the Secretary of the Foundation who carefully consolidated Members' responses into a comprehensive report. These reports exposed the trend lines and enabled the drafting of a Constitution broadly reflecting the views of this 'Citizens' Jury'. The original papers and Reports on Members' responses are published in *Drafting a New Constitution for Australia*, Charles Mollison/Ross Garrad, Cobbs Crossing Publications, 2009.

Drafts of this Constitution have been reviewed by many others. No friends, relatives or acquaintances have escaped being dragooned into commenting; and these comments have been most valuable in refining the detail and identifying those areas requiring explanation.

During this whole process, vigorous debate with members and member organisations of Beyond Federation has facilitated the essential refining of the ideas incorporated into this Draft Constitution. First among these individuals is Dr Mark Drummond. His PhD Thesis, "Costing Constitutional Change" is the definitive document on the dysfunction of the current Australian system of government; identifying as it does a waste of billions of dollars every year. Beyond Federation is an umbrella organisation that brings together many of the hundreds of individuals and organisations striving for a better Australian society.

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Note:

In this draft Constitution the paragraphs in italics are not part of the Draft Constitution; they are inserted as annotations to explain meaning or convey explanation of what effect the new provision will have on society.

Preface

The Foundation for National Renewal has published this Draft Constitution to encourage and provide a focus for widespread public debate of Constitutional issues.

The Constitution under which Australia currently operates was adopted in 1901. It was only agreed to after 50 years of debate and, although much cognisance was taken of the Constitution of the United States of America, the Australian Constitution was never intended as a Constitution for the independent nation Australia has become.

In fact, the primary purpose of the Constitution was to amalgamate six semi-autonomous British Colonies into a Federation. The pressing issues at the time were the perception that a continental approach would be necessary to repel an expected invasion by Russia and the impediments to trade between the Colonies created by customs posts at the borders.

The fact that the visionaries at the time were able to persuade six governments to give up some of their power to a yet-to-be-formed Federal Government was, in itself, a minor miracle. However, although some of the drafters of the Constitution had in mind a number of changes to the way government had operated in the past, they were not able to include these in the Constitution and the new Federation slipped into adopting the Westminster system of government used by "the Mother Country".

Although there is general agreement that the 1901 Constitution has served Australia well for more than one hundred years, there is now widespread concern that the document has outlived its usefulness and is now more

divisive than unifying. There is also widespread concern that the 1901 Constitution is no longer valid. The 1901 Constitution is an Act of the British Parliament and the Australia Act 1986 (passed by both UK and Australian Governments) rescinded any residual power of the British Parliament over the governance of Australia.

There is also general agreement that the Australian system of government is in dire need of root and branch reform to better equip our nation to cope with the complexities of the world in the 21st Century.

In short, Australia needs a new Constitution.

Unfortunately, although the drafters of our Constitution very cleverly included provision that it could only be altered by the People voting at referendum, they left the power to initiate such a referendum in the hands of the politicians. Consequently there have been only 44 attempts to update the Constitution and only eight of these have passed at referendum. So the Constitution has not been kept up to date and is now so far removed from what is needed that the only sensible thing to do is to start from scratch.

This Draft Constitution is an attempt to create a whole new prescription for the sort of society we wish to live in and the sort of government to which we are prepared to consent.

In preparing this Draft Constitution, the Foundation for National Renewal has not been constrained by any perceived need to take too much notice of how things have been done in the past. Instead, we have reverted to first principles with a view to prescribing the best possible society and the best possible system of government.

As can be seen in *Drafting a New Constitution for Australia*, Charles Mollison/Ross Garrad, Cobbs Crossing Publications, 2009, the Constitutions of many other nations have been considered and good ideas from those have been adapted to suit Australian culture.

A primary focus of this Draft Constitution is that it establishes the sovereignty of the People. We did not set out to write a republican constitution but this is what evolved when desirable attributes were incorporated and undesirable concepts were rejected.

Similarly, the rights and responsibilities of the People are enshrined in this Draft Constitution to provide inspiration and to ensure these rights cannot be usurped by politicians.

It is clearly established that all power emanates from the People and reverts to the People. All organs of the State are accountable to the People and the People are provided with the means to ensure the will of the People prevails over all else.

Basic laws are enshrined as a benchmark of the sort of society we aspire to and to obviate the necessity for reams of statue law that ordinary Citizens have no hope of ever understanding. Common law is abandoned in favour of easily understood constitutional and statute law.

This Draft prescribes a clear separation of powers between the Legislature, the Executive and the Judiciary to ensure enhancement of democracy and to avoid autocracy, dictatorship and dominance of the bureaucracy. Thus the much-discredited Westminster System is abandoned.

The system of government prescribed in this Draft Constitution has been carefully designed to ensure

transparency and accountability through simplicity. Checks and balances are incorporated to avoid nepotism, cronyism and corruption but to allow dynamism and creativity at every level.

The electoral system is prescribed to provide intimate, responsive and accountable representation of the People. Tampering by vested interests is prevented by enshrining the electoral and voting systems in the Constitution.

A President elected by the People is the Head of State and he also presides over the Executive which is in turn accountable to the Parliament.

The Judiciary has been restructured to provide a system in which truth and justice prevail over the letter of the law, precedent and technicalities and the right to trial by jury for serious offences is reinstated.

A totally revamped monetary and fiscal system has been incorporated to ensure the efficient operation of the Australian economy and to minimise the deleterious effect of the vagaries of international financial dealings and globalisation.

And finally, the Draft Constitution provides that Australia shall not be committed to war without a referendum and that, in the event of war, the whole Nation is committed to the war effort.

****

You are encouraged to make notes as you read through this Constitution and to communicate your likes and dislikes to the Foundation for National Renewal.

After wide public debate and amendment as required, this Draft Constitution will be put to the People in the form of a plebiscite to gain general approval. It will then become a blueprint for gradual Constitutional reform – much of it initiated by you, the People, using Citizen Initiated Referenda.

A new Constitution will be adopted by the People at referendum when the People are satisfied the ground rules are in place to ensure the sort of society they aspire to and to provide the sort of government to which we are prepared to consent.

THE DRAFT CONSTITUTION

The Preamble

We the People of Australia voting at referendum adopt this Constitution as the cornerstone and basic law of Australian society and declare that this Constitution shall be changed only by the People in accordance with the provisions herein.

This Constitution shall establish, promote and preserve a free, secular, egalitarian and just society in which all Australian Citizens are equal before the law and have equal opportunity to enjoy life, liberty and the pursuit of happiness. Throughout this Constitution unless the contrary intention is obvious, references to the male gender shall include the female gender and vice versa.

We the People of Australia declare with this Constitution that the People and only the People are Sovereign[1].

We the People of Australia acknowledge our history and with this Constitution declare Sovereignty over Australia[2] in perpetuity as described herein.

1 'The People and only the People are Sovereign' means that all authority stems from the People and reverts to the People and cannot be usurped.

2 'Sovereignty over Australia' means that Australian Citizens rule Australia and that the land area of Australia is part of the common wealth that belongs to all Australian Citizens.

All the assets of the land, air and sea of Australia form part of the common wealth of Australia and belong to all Australian Citizens.

We the People declare sustainable development a fundamental principle of our Nation. We declare that any activity that unduly adversely impacts on the natural environment shall be unlawful and that we shall restore as far as possible the damage already inflicted on the land, air and sea.

Recognising that some aspects of society are better achieved with common standards, centralised decision making and collective endeavour, We the People establish with this Constitution a system of representative, democratic government. This system provides for government of the People by the People for the People and shall remain in force until changed by the People voting at referendum.

The validity of all laws passed by the Parliament shall be judged against this Constitution including this preamble. No laws shall impinge on the rights and responsibilities of the People as stipulated in this Constitution unless agreed by the People voting at referendum. Any law, ordinance, regulation or Court judgment contrary to the provisions of this Constitution shall be invalid.

With this Constitution We the People of Australia declare friendship to all other nations and that we have no aspirations for the territory of any other nation. This declaration shall be changed only by the People voting at referendum.

Unlike the 1901 Constitution, this Preamble forms part of the Constitution and shall be used as required to interpret intent and meaning.

PART ONE

Chapter 1: Basic Concepts

1.1 This Constitution is predicated on the following basic concepts.

Definitions

Australia

1.2. The territory of Australia is defined as including:

a. The island continent and the continental islands between Latitudes 9°12′ South & 40°30′ South and Longitudes 113° East & 154° East.

b. The island of Tasmania

c. Norfolk Island at Lat 29° 02′ S and Long 167° 57′ E

d. Lord Howe Island at Lat 31° 33′ 8.89″S and Long 159° 04′ 52.38″ E

e. Christmas Island at Lat 10° 30′ S and Long 105° 40′ E

f. Cocos (Keeling) Islands at Lat 12° 10′ S Long 96° 50′ E

g. Macquarie Island at Lat 54° 61′ S and Long 158° 85′ E

h. Heard Island at Lat 53° 05′ S and Long 73° 30′ E

i. That area of the Antarctic delineated as the Australian Antarctic Territory.

j. The continental shelf of the territory of Australia

k. The 200 nautical mile Economic Zone surrounding the above except where the midpoint between neighbour nations has been agreed and accepted by treaty and ratified by the People of Australia at referendum.

l. The special economic zone of ocean and ocean floor granted to Australia by the United Nations in 2008.

m. The air space above the territory of Australia

n. That part of space (i.e. beyond the earth's atmosphere) above the territory of Australia

Australian Citizens

1.3. All persons born in Australia to Australian Citizens are entitled to Australian Citizenship.

1.4. Persons born in a country other than Australia to Australian Citizens shall be granted Australian citizenship if they are then domiciled in Australia and renounce citizenship of all other nations.

1.5. Persons born in Australia of non-Australian Citizens may be granted permanent residency on application to the Department of Immigration. At 18

years of age such persons may be granted Australian Citizenship should they seek Australian citizenship, are resident in Australia and renounce citizenship of all other nations.

1.6. Persons born of one Australian parent and one parent of another nationality may be granted Australian Citizenship at age 18 years or more if they are then domiciled in Australia and renounce citizenship of all other nations. Until they are 18 years of age these children may be granted permanent Australian residency on request to the Department of Immigration.

1.7. A small proportion of the total population (2.5 % in 2007) have Aboriginal and Torres Strait Islander heritage. Except as provided in Chapter 3 of this Constitution, Aboriginal and Torres Strait Islander Citizens shall be treated no differently from other Australian Citizens.

1.8. Legal immigrants may be granted Australian Citizenship should they seek Australian citizenship provided they:

- **a. Renounce citizenship of all other nations,**
- **b. Renounce and sign a statutory declaration that they will not do anything to help bring about;**
  - **(i) replacement of Citizen sovereignty with sectarian sovereignty,**
  - **(ii) replacement of this Constitution with any sectarian doctrine, and**
  - **(iii) replacement of Australian law with any sectarian law.**

1.9. Other persons may be granted Australian Citizenship if invited by the People of Australia, if they have no record of reoffending, if they swear allegiance to the People of Australia and this Constitution and if they renounce all other allegiances by Statutory Declaration. This declaration shall be transmitted to the appropriate nation.

The People of Australia expect of its Citizens total commitment to and loyalty to Australia and this Constitution. This cannot be achieved if Citizens harbour incompatible beliefs or retain allegiances to other nations.

Australian Sovereignty

1.10. With this Constitution the People of Australia declare sovereignty in perpetuity over all the land, air, sea and space as described above and all the underground and undersea resources that can be harvested from the territory of Australia.

1.11. The territory of Australia shall not be increased or decreased except by the People voting at referendum.

Power and Authority

1.12. Sovereignty shall rest with the People. All power and authority in Australia shall stem from and revert to the People of Australia.

1.13. With this Constitution the People delegate certain powers to individuals and institutions of governance. All such individuals and institutions of governance shall remain accountable to the People who may revoke such powers at any time by voting at referendum.

1.14. All powers not delegated shall remain with the People.

Citizen Initiated Referenda

1.15. Citizens of Australia may initiate referenda to:

- **a. Amend this Constitution**
- **b. Change National Policy**
- **c. Create Statute Law**
- **d. Amend Statute Law**
- **e. Annul Statute Law**
- **f. Ratify or rescind international laws or treaties as applicable in Australia**
- **g. Recall elected representatives**

1.16. The procedures for Citizen Initiated Referenda and Plebiscites are contained in Schedule 3.

"Direct legislation (i.e., using referenda) is increasingly seen as a valuable means of taking controversial issues out of the hands of extremists, pressure groups and power elites. Observers have also been impressed by the commonsense and moderation of Western electorates when acting as a whole." Professor Geoffrey de Q Walker, "The People's Law: Initiative and Referendum".

The Basic Laws of Australian Society

1.17. This Constitution is the corner stone and basic law of Australian society.

1.18. The other Basic Laws of Australian Society shall be:

a. Citizens and residents of Australia shall not kill except as provided for by law.

b. Citizens and residents of Australia shall not commit violence of any sort against another person except in self-defence, defence of family, defence of home and property and defence of Nation and society.

c. Citizens and residents of Australia shall not steal or misappropriate the money or property of another person.

d. Citizens and residents of Australia shall not betray [3] the Nation.

e. Citizens and residents of Australia shall not profiteer.[4]

f. Citizens and residents of Australia shall not exploit other persons.[5]

3 "Betray' means to conduct, plan or be a party to treason or espionage including industrial espionage and any other activity contrary to this Constitution or the interests of Australian Citizens or Australian society.

4 'Profiteer' means to make, or seek to make, excessive profits from the needs of others.

5 'Exploit' means to take advantage of people for one's own ends.

1.19. The National Parliament shall set minimum and maximum punishments for offences against these laws and for offences against Statutes [6].

By including these basic laws in the Constitution it is intended that most crimes will be described as "contrary to the Australian Constitution in that he, at.....did.....". This will eliminate the need for reams of Statute Law.

All Citizens can be expected to learn these basic laws; whereas knowing what is contained in reams of statute law is not feasible.

1.20. In addition to these basic laws the Parliament shall, subject to this Constitution have the power to enact such statute law as is deemed necessary for the peace, order and good governance of Australian society.

1.21. Common law shall have no place in Australian society.

This provision means that only this Constitution and specific statute law created by the People voting at referendum or by our elected Parliament are applicable. That is, there shall be no reliance on "judge made law" or precedence.

1.22. No laws contrary to the provisions of this Constitution shall be enacted at any time. Any laws found to be contrary to this Constitution shall be immediately null and void. Such nullity shall not be retrospective except that current cases before the courts and any sentences in process of being served as a result of conviction under such a law shall also be terminated.

6 This provision specifying minimum and maximum punishment aims to improve on current practice of setting only maximum penalties by providing a means for the society to react to prevalent offences.

National Symbols

1.23. National symbols such as the Australian Flag, the Coat of Arms and the National Anthem described in Schedule 1 to this Constitution shall not be changed except by the People voting at a referendum.

Language

1.24 The official language is English. This shall not be changed except by the People voting at referendum.

PART TWO: THE PEOPLE

Chapter 2. General

2.1. Australian Citizens are defined in Chapter 1.

2.2. In Australia the People and only the People shall be Sovereign.

2.3. Adult immigrants shall attain the following minimum standards before being granted Australian Citizenship:

- **a. proficiency in speaking and reading the English language,**
- **b. demonstrate a knowledge of and acceptance of Australian culture, and**
- **c. demonstrate a knowledge of and acceptance of the tenets of this Constitution,**
- **d. demonstrate an ability to get and retain regular, paid employment, or be supported by such a person.**

2.4. Special Tribunals in each Region shall bestow Naturalisation Certificates in accordance with this Constitution.

2.5. In accepting Australian Citizenship, new Citizens shall take the oath in Schedule 2 and sign a statutory declaration to abide by and uphold this Constitution.

It is considered essential that naturalisation ceremonies are conducted at community level to give new arrivals a sense of belonging; and communities a sense of obligation to assimilate new Citizens.

Chapter 3. Rights and Responsibilities

General

3.1. The exercise of rights established herein shall only be valid so long as the actions do not contravene this Constitution.

3.2. All Citizens have a right to natural justice. The provisions in this Constitution shall be an expansion of that right and shall not be interpreted as a restriction on fundamental human rights [7].

3.2. With every right bestowed by this Constitution there shall be a complementary responsibility.

3.3. The exercise of individual rights shall be constrained by the necessity not to infringe the rights of others.

3.4. Fundamental human rights shall be protected throughout the entire society and in particular throughout the justice system.

7 Definition: Human rights are defined in different ways.

Simple definitions that are often given include:

- the recognition and respect of peoples dignity
- a set of moral and legal guidelines that promote and protect a recognition of our values, our identity and ability to ensure an adequate standard of living
- the basic standards by which we can identify and measure inequality and fairness
- those rights associated with the Universal Declaration of Human Rights.

3.5. Whoever exercises a function of the state shall respect fundamental human rights and contribute to their realisation.

3.6. Any limitation of fundamental human rights shall require a legal basis. The primary source of that legal basis shall be this Constitution and the People voting at referendum.

3.7. Any limitation of a fundamental right shall be justified by public interest, or serve for the protection of the fundamental rights of other persons.

3.8. Limitations of fundamental rights shall be proportionate to the goals pursued.

3.9. The essence of fundamental rights shall be inviolable.

3.10 Human dignity shall be respected and protected.

Rights

General

3.11. In every case the exercise of any right shall be subject to the overriding requirement not to interfere with the rights of others.

3.12. In every case the exercise of any right shall be subject to the tenets of this Constitution.

Equality before the Law

3.13. All Australians shall be equal before the law.

This means that offences committed by a judge, a politician or a vagrant shall be treated in the same manner as offences committed by any ordinary Citizen.

Protection Against Discrimination

3.14. Except as provided in this Constitution no Australian Citizen shall suffer detrimental discrimination on grounds of origin, race, gender, sexuality, age, language, social position, lifestyle, religious beliefs, philosophical or political convictions, or because of a physical or mental disability. [8]

3.15. Specification of certain traits for the purposes of identification shall not be regarded as discrimination.

3.16. Men and women shall have equal rights. All legislation shall ensure gender equality in law and in fact. Men and women shall have the right to equal pay for work of equal value.

3.17. Legislation shall provide for measures to minimise disadvantage affecting disabled people.

Protection against Arbitrariness

3.18. Every person shall have the right to be treated by organs of the State as an individual without arbitrariness and in good faith.

8 Religious practices that are contrary to the tenets of this Constitution are illegal.

Right to Personal Freedom

3.19. Every person shall have the right to personal liberty, particularly to physical and mental integrity, and to freedom of movement.

3.20. Persons found by a court to have broken Australian law or to have behaved in a manner contrary to this Constitution shall be liable to lose their freedom and certain other rights and shall be subjected to punishment.

3.21. Although torture and any other cruel, inhuman or degrading treatment or punishment of persons shall be prohibited: for the purposes of this provision; incarceration, deprivation of liberty, confinement to a cell, no access to entertainment, hard work, etc. ordered by a Court as punishment for crimes committed against society shall not be deemed inhuman or cruel.

Children

3.22. Children shall have the right to special protection of their integrity and to encouragement of their development. Children shall exercise their rights themselves to the extent of their capacity to discern but parents shall remain responsible for the actions of their children until the children reach the age of 18 years.

Elderly Citizens

3.23. Elderly Citizens and the infirm shall have a right to special protection and respect.

Right to Privacy

3.23. All persons shall have the right to receive respect for their private and family life, home, and the secrecy of the mail and telecommunications.

3.24. Law enforcement agencies shall have the right to seek Supreme Court approval to intercept private communications in specific cases.

3.25. All persons shall have the right to be protected against the unlawful use of personal data.

Freedom of Religion and Philosophy

3.26. The freedom of religion and philosophy shall be guaranteed except that practices contrary to the tenets of this Constitution shall be illegal.

3.27. All persons shall have the right to choose or to change their religion or philosophical convictions freely, and to express them alone or in community with others except that practices contrary to the tenets of this Constitution shall be illegal.

This means that it is illegal to preach the forced conversion of persons from one religion to another.

3.28. No person shall be forced to join or belong to a religious community, to participate in a religious act, to observe religious practices, to listen to religious noise, or to follow religious teachings. Freedom from organised religion shall be guaranteed.

3.29. Religious teachings that are contrary to this Constitution shall be illegal.

This means it is illegal to preach the overthrow of our democratic way of life, the rule of law, and common Australian traditions and practices.

Freedom of Opinion and Information

3.30. Australian Citizens shall have a right to be informed. They shall have a right to know. This places an obligation on politicians and bureaucrats to operate in an open and transparent manner. This also places an obligation on media outlets to be informative and to present balanced coverage of issues. Agencies of the State shall operate in secrecy only when approved by the Courts as prescribed in this Constitution.

3.31. All persons shall have the right to form, express, and disseminate their opinions freely except that inciting violence shall be illegal.

3.32. All persons shall have the right to receive information freely, to gather it from generally accessible sources, and to disseminate it except that it shall be illegal to disseminate information likely to incite violence or other illegal activity.

Freedom of the Media

3.33. The freedom of the press, radio and television and of other forms of public broadcasting of productions and information shall be guaranteed. There shall be an obligation on the media to inform and to present issues in a balanced, honest and truthful manner. Special interest media presenting a limited or one-sided view shall provide that the special interest is prominently displayed at the beginning and at the end of each and

every article of content. Ethical standards shall be set by society voting at referenda and plebiscites.

Right to Education

3.34. The People shall determine acceptable norms of education as necessary.

3.35. Access to sufficient primary and secondary secular education at public expense shall be guaranteed except as provided for in this Constitution.

3.36. For all persons, sufficient primary and secondary education shall be compulsory except that those with mental disability may be exempt.

3.37. Curricula for primary and secondary schooling shall not include religious instruction but shall include instruction on this Constitution, the rule of law, honesty, fairness, respect, understanding, compassion, responsibility and creative endeavour.

3.38. Comparative studies of religions shall only be conducted in tertiary institutions when representatives of at least three mainstream religions simultaneously participate in the instruction.

Freedom of Science

3.39. The freedom of scientific research and teaching shall be guaranteed unless it contravenes ethical standards of Australian society. Standards shall be set by society voting at referenda and plebiscites.

Freedom of Artistic Expression

3.40. The freedom of artistic expression shall be guaranteed unless it contravenes moral standards. Moral standards shall be set by society at referenda and plebiscites.

Freedom of Assembly

3.41. Subject to the Basic Laws, the freedom of non-violent assembly shall be guaranteed.

3.42. Subject to the Basic Laws, Citizens shall have the right to organize non-violent assemblies, to participate in them or to stay away from them.

3.43. It shall be illegal to preach or advocate violence at any assembly.

Freedom of Association

3.44. Except for activities contrary to the tenets of this Constitution every citizen shall have the right to form associations, to join or to belong to them, and to participate in their activities.

3.45. Directly, indirectly or by any other means, no citizen shall be forced to join or to belong to a union or association.

Freedom of Domicile

3.46. Australian Citizens shall have the right to leave and to return to Australia.

Protection Against Expulsion

3.47. Australian citizens shall not be expelled from Australia except that, if they are convicted of serious crimes against this Constitution such as treason or if they advocate;

- **a. replacement of Australian sovereignty with sectarian sovereignty,**
- **b. replacement of this Constitution with sectarian doctrine, or**
- **c. replacement of Australian law with sectarian law;**

they shall be required to migrate to a country more sympathetic to their views.

3.48. Australian Citizens and residents shall be liable for extradition to a foreign authority following due process.

Land

3.49. The relationship between persons and land shall be subject to the provisions of this Constitution.

3.50. From the date this Constitution is accepted by the People voting at referendum, all "Crown Land" shall become commonwealth land belonging to all Australian Citizens and that land shall only be leased.

3.51. Unless there are specific reasons for leases of a lesser period, land shall be leased in perpetuity.

3.52. No new, freehold title to land shall be issued. Similarly, from the date of this Constitution, no transfer of freehold title to land shall be effected. The State shall acquire all freehold title to land as properties are offered for sale and shall offer back the land on lease to the new prospective owner of the house, business, farm, etc.

As our Aborigines tell us, people cannot own the land - we can only be custodians of the land for a very short time.

3.53. New releases of Commonwealth land shall be subject to National and Regional regulations governing equitable and sustainable land use and shall be leased on application.

3.54. New releases and leases relinquished shall be advertised. Advertisements shall include the full address of the land, the purpose for which the land is released, the current lease rate and the date, time and place by which applications shall be made.

3.55. Applications shall be balloted to determine successful applicants.

3.56. Expropriation, degradation and restrictions on ownership and leasehold by the State shall be fairly compensated.

Welfare

3.57. Every Citizen shall be entitled to an equal annual dividend from the revenue generated by the harvesting of the natural resources of Australia. That dividend shall be paid into individual accounts created by the Central Bank of the Australian Commonwealth at birth. These individual accounts shall create a secured social security

entitlement and shall be a source of welfare for each individual. Payments into these accounts shall cease on the death of each individual and any residue shall revert to the Commonwealth.

3.58. Individual dividend accounts shall be used to provide welfare including unemployment benefits and age pensions.

Right to property

3.59. Except for land, water, minerals and other natural resources that remain part of the commonwealth, every citizen shall have a right to own property.

Economic Freedom

3.60. Economic freedom shall be guaranteed. In particular, the freedoms to choose one's vocation and to enjoy free access to and free exercise of private economic activity.

Industrial Relations

3.61. Workers and employers shall have the right to unionize voluntarily for the defence of their interests, to form unions and to join them or to keep out of them.

3.62. Conflict in the workplace shall be resolved through negotiation and mediation.

3.63. Strike and lockout shall be permitted only when they relate to labor relations and when they are not contrary to obligations imposed by Legislation or the Industrial Relations Court to keep labour peace.

3.64. Legislation shall prohibit certain categories of persons from striking.

General Procedural Guarantees

3.65. Every person shall have the right in legal or administrative proceedings to have their case treated equally and fairly, and judged within a reasonable time.

This means that, if a person is dissatisfied he may appeal to the relevant Court or Ombudsman. A judgment in his favour would include directions to the relevant authorities.

3.66. Every person shall be guaranteed access to his or her personal file held by any agency of the State.

3.67. The parties in any dispute shall have the right to be heard.

3.68. Every citizen shall have the right to seek subsidised legal assistance on a sliding scale according to financial means. The Commonwealth shall provide subsidised legal representation to the extent that this is necessary to protect a person's fundamental human rights.

Guarantee of Legal Proceedings

3.69. Every person shall have the right to have legal disputes aired in a court of law established by this Constitution.

3.70. Every person charged with a serious crime shall have the right to choose to be tried by a jury of 12 citizens chosen by the judge in open court. A 75% majority decision of a jury shall prevail.

3.71. Serious crimes are defined as those crimes involving:

- **a. death,**
- **b. grievous bodily harm,**
- **c. values exceeding 104 times average weekly earnings, and**
- **d. crimes the penalty for which can be one year or more in prison.**

Judicial Proceedings

3.72. Every person whose case must be judged in judicial proceedings shall have the right to have this occur within three months in a court that is established by this Constitution, has jurisdiction, and is independent and impartial.

3.73. Where it is possible, a Citizen against whom a civil action is brought shall have the right to have the case heard before a court in the vicinity of the Citizen's domicile. Legislation or the Appeal Court may provide for another jurisdiction in special cases. Court hearings shall be public, and the judgment shall be publicly proclaimed. The Appeal Court may approve exceptions.

Habeas Corpus

3.74. No citizen shall be deprived of liberty other than by those constitutionally or legally authorised to do so.

3.75. All persons deprived of their liberty shall be informed immediately, and in a language that they

understand, of the reasons for their detention, and of their rights. They shall have the opportunity to assert their rights. In particular, they shall have their close relatives and partner informed.

3.76. All persons who are deprived of their liberty without a trial shall be heard in a court within a fair and just time. The court shall decide within 24 hours whether the detention is legal and the date/time by which the case shall be heard.

3.77. Australian Citizens arrested in other countries for contravening the laws of that country shall remain subject to those laws but may be granted representation by the Australian National Parliament.

Criminal Procedure

3.78. Every person shall be presumed innocent until the person is subject to a condemnation having the force of this Constitution or statute law.

3.79. Every accused person shall be informed as soon as possible and in full detail of the accusations. Accused persons shall have the opportunity to exercise a means of defence.

Right of Petition

3.80. Every citizen shall have the right to address petitions to authorities without suffering prejudice.

3.81. Authorities in receipt of petitions shall acknowledge receipt within 14 days and shall take cognizance of petitions.

3.82. Petitions seeking referenda shall be prepared and processed in accord with Schedule 3.

Political Rights

3.83. All Citizens over the age of 18 years shall have political rights and responsibilities.

3.84. The political rights and responsibilities of Citizens are contained in this Constitution and shall be guaranteed.

3.85. The National Parliament shall regulate the exercise of political rights in federal matters; the Regions shall regulate the exercise of these rights in regional and municipal matters in accordance with national policies established by this Constitution and the National Parliament.

3.86. No person shall exercise political rights in more than one Region.

This means a Citizen cannot vote or stand for election in two Regions in the same election.

3.87. The Regions may provide that new residents be restricted in the exercise of political rights in regional and municipal matters until after a waiting period of no more than three months.

Regional Electoral Commissioners may decide that a person resident for only one month is not in a position to vote on an issue that requires local knowledge.

Australian Citizens Domiciled Abroad

3.88. While domiciled abroad for a period in excess of 12 months, Australian Citizens forego voting rights.

It is considered that persons out of Australia for a period of 12 months or more are out of touch with events in Australia and unfamiliar with the attributes of candidates.

3.89. Except for those engaged in the affairs of State or those covered by bilateral agreements; Citizens domiciled abroad for a period in excess of six months, shall forego their right to free medical care and their right to welfare whilst they are overseas.

Australian taxpayers must be confident that expenditure of public funds is legitimate. It is considered that this is not possible if the expenditure occurs overseas. (This provision does not affect travelers, only those domiciled abroad.)

3.90. Obligation for military or alternative service shall not be absolved by overseas residence.

All Citizens must bear equal responsibility for the protection of Australian society. It should not be possible to avoid that responsibility simply by moving overseas.

Social Goals

3.91. Except as provided for in this Constitution, the National Parliament and the Regions shall ensure that, in addition to personal responsibility and private initiative:

a. every adult Citizen shall have access to welfare;

b. every Citizen shall have access to necessary health care;

c. disadvantaged Citizens shall be cared for at public expense;

d. the family as a community of adults and children shall be protected and encouraged;

e. every Citizen capable of working shall sustain himself through working under fair, safe and adequate conditions determined by the National Parliament;

f. every person looking for housing shall be able to find, for himself or herself and his or her family, appropriate housing at reasonable conditions as determined by the Parliament;

g. children and young people shall have access to initial and continuing education according to their abilities; and

h. every Citizen shall strive for a better society.

Aborigines and Torres Strait Islanders

3.92. Aboriginal and Torres Strait Islander Citizens shall be treated the same as all other Australian Citizens except that some may choose to lead a traditional lifestyle in designated areas of the outback away from mainstream communities.

3.93. The Parliament shall decide what areas shall be available taking into consideration the national interest and the wishes of the persons involved.

3.94. Such persons shall be allowed to live such life styles free from any assistance or interference by mainstream agencies such as the Police, Welfare, Education, Taxation

and Medical Services. Such persons shall have no access to money, alcohol or drugs and shall be protected from mainstream society.

According to the 2006 Census there are approximately 517,000 indigenous Australians; that is 2.5% of the total population. Of these, only 26% or approximately 134,000 live in remote or very remote areas; that is .6% of the population of Australia. It is these people most likely to choose a traditional lifestyle. The remainder of the indigenous population should be treated the same as all other Australians.

Over the last 100 years many programs have been designed and implemented to assist Aborigines and Torres Strait Islanders overcome perceived disadvantage. All have failed. In fact, as a result of past policies Aborigines and Torres Strait Islanders are now worse off than they have ever been.

Past policies have failed because they tried to achieve assimilation and segregation at the same time. Policies have tried to give Aborigines and Torres Strait Islanders the advantages of Western society such as health and welfare services and at the same time preserve traditional cultures by allowing these people to live in remote communities. There is no hope of creating viable, meaningful, Western culture jobs in remote communities; so the people are condemned to welfare dependency with no pride and no hope. Consequently, not only is there a breakdown in law and order in the Western society sense, traditional culture also breaks down.

On the other hand, many Aborigines and Torres Strait Islanders brought up and thoroughly integrated into western society acquiring happy and integrated family relationships away from disordered family connections have proved to be happy, competent and contented members of main stream Australian society.

The above policy gives Aborigines and Torres Strait Islanders a clear choice. They can choose to live a traditional lifestyle in isolated country areas not otherwise required by mainstream society or they can choose to live in mainstream society with all the rights and responsibilities inherent in that. For this policy to succeed, Aborigines and Torres Strait Islanders and main stream society will require help to overcome prevailing cultural barriers.

Aborigines and Torres Strait Islanders should be encouraged to preserve their languages and customs in the same way immigrants have preserved theirs.

Responsibilities

General

3.100. In every case the exercise of any right shall carry a responsibility not to interfere with the rights of others.

Obligations of Australian Citizenship

3.101. Australian Citizenship shall:

a) involve acceptance of and adherence to the provisions of this Constitution;

b) involve acceptance of the basic principles that order the functioning of the Australian society;

c) require the development of a strong sense of unity with and loyalty to the sovereign People of Australia;

d) require a willingness to abide by the decisions of the People and the democratically elected representatives of the People;

e) involve an expectation that Citizens shall by their own endeavour achieve a high level of independence and self support commensurate with their capability;

f) require all citizens to bear responsibility for the outcome of their decisions and actions and those of their offspring under the age of 18 years;

g) require Citizens in receipt of public services, support and welfare to fulfill any obligations imposed as a condition of that support;

h) require Citizens in business to conduct that business in a fair, just and reasonable manner with respect to their employees, their suppliers and their customers; to not profiteer; to not engage in collusive price fixing; to not take unfair advantage of others; and to not engage in any other unethical behaviour as defined by the Parliament;

i) involve taking an interest in and participating in the democratic processes of voting at elections and referenda;

j) require every Citizen to contribute to the needs of society in a fair and appropriate manner including jury duty when called upon;

k) require practitioners in the arts to be cognisant of community standards;

l) require parents to teach their children acceptable behaviour, to enforce acceptable behaviour and that children behave in accord with community standards.

Military Service

3.102. Except as provided in this Constitution, between the ages of 18 and 38 years, it shall be mandatory that every able Citizen be trained to serve the Nation.

3.103. Those undergoing military training shall be a member of the Military Reserve Forces from age 18 to 38 years. Military training shall be for a continuous period of 14 weeks during each and every five years from age 18 years to age 38 years. Such Citizens shall be obliged to render military service as and when required to defend the Nation.

It is considered that blocks of 14 weeks is the minimum required to achieve a useful level of expertise without unduly disrupting civil occupations. It allows for three intakes in any 12 month period with appropriate periods between intakes for recovery and preparation in training establishments.

This training schedule equates to three weeks per year over 20 years – about one year in total. The option to undertake training at any time during a five year period allows Citizens maximum flexibility.

3.104. Deployment on active service shall count as double against this military training obligation.

For example, if a Citizen is called up for 14 weeks operational duty, he would expunge 28 weeks of obligation.

3.105. Citizens shall have the right to volunteer to serve part-time and full time in the Reserve Forces, to undertake specialist training, and to undertake training as Officers and Non-Commissioned Officers.

Alternative Service

3.106. The statutes shall provide for training in alternative services such as police, fire, ambulance, paramedic, coast watch, search and rescue services. Those undergoing alternative training shall be a member of Emergency Services Reserve from age 18 to 38 years. Alternative training shall be for a period of 15 weeks each and every five years between the ages of 18 and 38 years. Such Citizens shall be required to render such service as and when required in times of emergency.

3.107. Deployment on actual operations counts as double against this training requirement.

For example, a Citizen called out to assist with fighting bush fires or with flood mitigation for a period of two weeks would have their training obligation reduced by four weeks.

3.108. Although training and service to the Nation between the ages of 18 and 38 years is mandatory for every able female Citizen, military service is voluntary and nurturing mothers and pregnant women shall be exempt. Nurturing mothers are defined as those with children under the age of 18 years domiciled with the mother.

3.109. Those rendering compulsory service shall be paid appropriately for the job they perform in that service. If necessary, family income shall be augmented by the Commonwealth to a reasonable level bearing in mind the family income pertaining at the start of the Citizen's service.

3.110. Employers of persons undergoing training or deployed on operational service in the Military Reserve Forces and the Emergency Services Reserve shall be required to ensure such employees are reinstated without detriment at the conclusion of their service.

3.111. Those who render military or alternative service and thereby suffer health impairment or lose their life shall receive for themselves or their dependent relatives adequate support from the Commonwealth to ensure their income remains equal to or exceeds Average Weekly Earnings [9] adjusted annually.

3.112. The families of Citizens rendering operational military service shall be granted preferential treatment by all government agencies. For the purpose of this provision, "family" is defined as mother, father, spouse, son, and daughter.

3.113. Aborigines and Torres Strait Islanders choosing to live their lives in remote communities without mainstream assistance shall be exempt from compulsory service.

9 Average Weekly Earnings (AWE) as used throughout this Constitution shall mean Average Weekly Earnings as determined by the Bureau of Statistics.

PART THREE: GOVERNANCE

Chapter 4. General

4.1. With this Constitution the People establish Australia as a Constitutional democracy in which this Constitution is the basic law of society.

4.2. Power and authority bestowed on individuals and institutions in accordance with this Constitution is drawn from the People and those individuals and institutions remain accountable to the People.

4.3. All residual power remains with the People.

4.4. Important and controversial issues with long-term ramifications shall be determined by the People voting at plebiscites and referenda.

4.5. With this Constitution the People establish how they consent to be governed by elected representatives. These arrangements shall not be changed except by the People voting at referendum.

4.6. In general terms, a National Parliament shall be responsible for policy; and Regional Assemblies shall be responsible for the delivery of public services.

4.7. The people shall elect a fellow Citizen from an electorate of 5000 to a Regional Assembly. Regional

Assemblies shall elect one of their Members to be the representative of the region in the National Parliament.

Current governance arrangements, and not only in Australia, are beset with problems. "Experts" are advocating various solutions to try and fix these problems. Most of these "experts" are advocating convoluted electoral systems or advocating the creation of special organisations to deal with the problems. It is argued here that adding more layers of bureaucracy is not the answer. The answer lies in establishing a simple structure of government that embodies clear lines of responsibility and accountability; and a simple and transparent electoral system.

Chapter 5. The Structure of Government

General

5.1. There is established with this Constitution a National Government and 96 Regions.

(See Figure 1 on page 76.)

You will notice there are no State Governments. State Governments were OK in 1901 when the Constitution was introduced - when there was a small colony grouped around the centre with perhaps a few outlying elements. In the 21st Century they are most inappropriate. Not only are they far removed from a substantial proportion of the population spread over vast areas, they are seen as remote and unresponsive. The creation of 96 Regions will give a real boost to decentralisation, it will restore a sense of identity and it will bring government and the bureaucracy closer to the people.

There are also advantages of this system when compared to a unitary system of government in that, not only does it provide one set of laws and regulations across the whole nation where this is appropriate, it allows many aspects of governance at the local level to be tailored to variations in need instead of the "one size fits all" syndrome. Secondly, the system allows for the delivery of public services by organisations "close to the People". And thirdly, the system allows a clear and appropriate allocation of responsibilities between levels of government. This produces economies of scale, reduces inefficiencies due to overlap and duplication, and prevents "buck-passing" and obfuscation.

National

5.2. At the National level the structure of government shall include:

a. a unicameral Parliament,

b. a President and Vice President,

c. an Executive headed by a popularly elected President and consisting of the Chief Executive Officers of Public Service Departments (including Chiefs of Navy, Army and Air Force), and

d. the Judicature.

Unicameral means one chamber; that is, no Senate. The review process is accomplished by Regional Assemblies.

5.3. There shall be a clear separation of powers between the Parliament, the Executive and the Judicature.

This is a basic principle of good governance that has been corrupted in the Westminster system where most of the Executive (the Prime Minister and his Ministers) are embedded in the Parliament. This creates an adversarial situation between "Government" and "Opposition" and one in which certain members of the parliament (the Ministers) dominate debate by virtue of perceived superior knowledge. A better system stems from granting all representatives an equal say.

The Regions

5.4. At the Regional level the structure shall include:

a. a unicameral Assembly,

b. an Executive consisting of a popularly elected Chief Executive Officer and the Executive Officers of Regional Public Service Departments, and

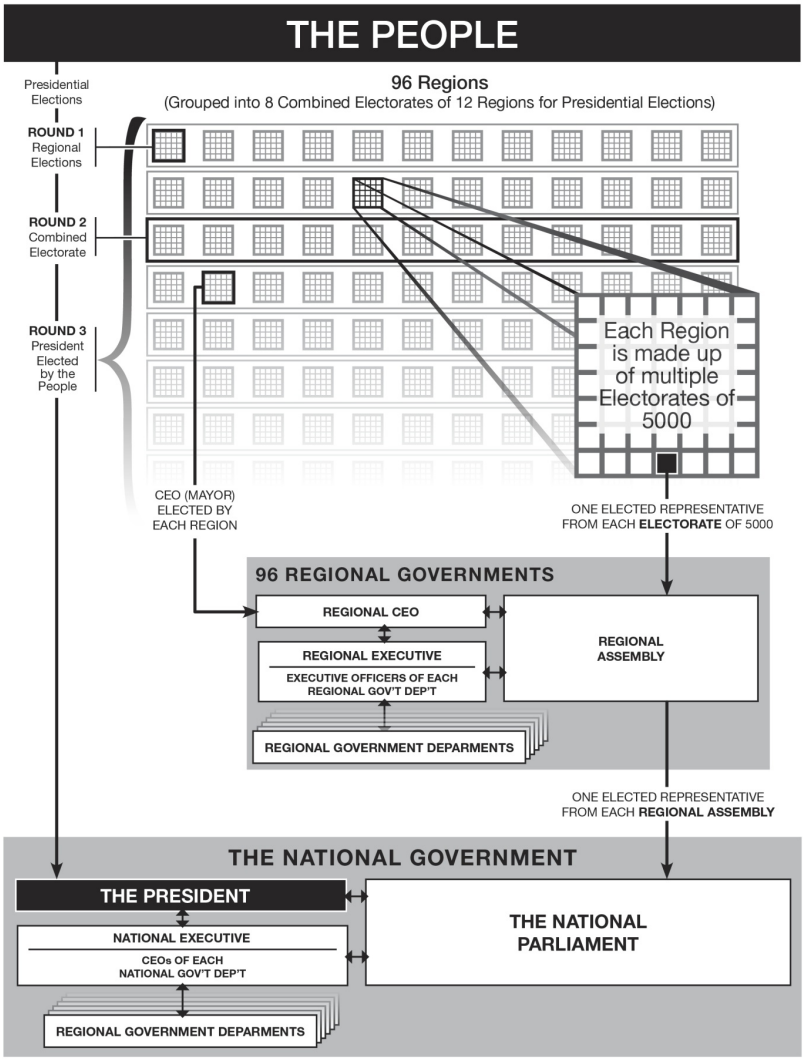
c. elements of the National Judicature.

5.6. There shall be a clear separation of powers between the Assembly, the Executive and the Judicature.

5.7. The delivery of public services shall be seamless across the nation. Any Citizen of one Region shall have access to public services in any other Region without detriment.

5.8. Regions delivering public services to a Citizen of another Region shall be entitled to recoup expenditure so incurred from the Region of that Citizen.

THE STRUCTURE OF GOVERNMENT



The Foundation for National Renewal

Figure 1. 'Structure of Government'

Chapter 6: Reserved

This chapter is reserved to include provisions for the establishment of Community Councils in remote towns and villages as required by the inhabitants; and for the creation of over-arching "boards" by the Regional Assemblies of large metropolitan areas.

Chapter 7. Referenda and Plebiscites

General

7.1. Important and controversial governance and social issues shall be decided by referenda and plebiscites.

7.2. Referenda and plebiscites may be initiated by the People in the form of a petition; by the President; by the National Parliament; or by five Regional Assemblies.

7.3. The procedure the People shall use to initiate referenda and plebiscites is prescribed in Schedule 3.

7.4. Referenda initiated by five Regional Assemblies shall be debated in the National Parliament and shall be returned with recommendations for amendment if required. Regional Assembly initiatives presented to the National Parliament for the second time without amendment shall be forwarded to the President.

7.5. Referenda shall be conducted within three months of the petition being forwarded to the President.

7.6. Referenda passed by the People shall be implemented within three months of being passed.

This means that if the President is not satisfied that the Parliament is doing the right thing; he can resolve the issue by putting it to the People as a referendum.

Similarly, if the Parliament is satisfied that the President or the Executive is not implementing policies passed by the Parliament

in an appropriate manner, the Parliament can have the People resolve the issue by voting at referendum.

Also, if five Regions have been unsuccessful in persuading the Parliament to pass what they consider to be desirable legislation, they can initiate a referendum to have the People decide the issue.

And last but not least, the People do not have to just hope that the Parliament or their Assembly will do what is required, or wait for the next election; they too can initiate a referendum to "right the wrongs".

All this is a very effective "check and balance" on government at both levels. Furthermore, the mere fact that these avenues are open will mean that, most often, government agencies will "do the right thing" and referenda will rarely be needed.

Chapter 8. Ombudsmen

General

8.1. The President at the national level and Regional Chief Executive Officers at the regional level shall establish at least one ombudsman to investigate and rectify miscarriages of justice and alleged abuses of power and authority by agents of the State.

8.2. At both national and regional levels Ombudsmen shall operate independently.

8.3. Ombudsmen recommendations shall be forwarded to the Parliament or Regional Assembly and shall be debated in that forum.

This means that authorities are bound to consider recommendations from Ombudsmen. In many instances, this will result in amendment to legislation and/or regulations. Alternatively, Ombudsman recommendations can be submitted to referendum or plebiscite. This constitutes another check and balance on the activities of those in authority.

8.4. The President is the ultimate ombudsman.

This means that if all else fails Citizens have recourse to the President.

Chapter 9. Elections

The Australian Electoral Commission

9.1. There shall be an Australian Electoral Commission with a national office and offices in each Region. The Commission shall have a Chief Electoral Commissioner.

9.2. The Chief Electoral Commissioner shall be accountable to the Parliament and shall conduct elections at the National and Regional levels as prescribed in this Constitution.

9.3. The President shall appoint the Chief Electoral Commissioner taking advice from the Public Service Board.

9.4. The Chief Executive Officer of each Region shall appoint an Electoral Commissioner taking advice from the Public Service Board and the Chief Electoral Commissioner.

9.5. Chief Electoral Commissioners and Electoral Commissioners shall normally be senior Public Servants with experience in the field. Where a suitable Public Servant is not available, the President and Chief Executive Officers may appoint persons from outside the Public Service subject to veto by the Parliament and Regional Assembly respectively.

This veto provision is to provide "a check and balance". It will serve to prevent nepotism or cronyism corrupting the electoral process.

Presidential Elections

9.6. The People of Australia shall elect a President as prescribed in this Constitution.

The People have made it abundantly clear in numerous polls that our Head of State should be an Australian Citizen and that he should be elected by the People not appointed by politicians or anybody else.

Parliamentary and Regional Assembly Elections

9.7. The People of each of the Regions established by this Constitution shall elect a Chief Executive Officer (Mayor) of the Region.

9.8. The People of each of the Regions established by this Constitution shall elect a fellow Citizen from each electorate of 5000 to represent them in the Regional Assembly.

9.9. Regional Assemblies shall elect a Member (or recent Member) of the Regional Assembly to represent the Region in the National Parliament.

Staggered Elections

9.10. Elections of representatives at both the national and the regional levels shall be staggered to provide continuity and to ensure a continuous flow of new representatives.

This arrangement of "staggered" elections has many advantages;

a. It avoids the "big bang" election day and ensures continuity.

b. It allows elections to be conducted quietly and calmly in one or two electorates at a time; without the voters being bombarded by national advertising campaigns.

c. It allows the voters to concentrate their attention on selecting a candidate in their electorate without being distracted by extraneous material about candidates in other electorates.

d. It eliminates interruption to the normal business of government that occurs with "big-bang" elections.

e. It avoids the tendency with "big bang" elections for extravagant promises to be made, and

f. It ensures changes to policy are gradual, predictable and marginal.

Voting

9.11. All Citizens 18 years of age and over shall register to vote with the Australian Electoral Commission.

9.12. Registration for voting shall be compulsory.

9.13. Voting at elections, referenda and plebiscites at both National and Regional levels shall be compulsory unless precluded by physical or mental disability, incarceration in prison, or absence overseas.

Compulsory voting is most appropriate for Australian society for the following reasons:

a. Decisions taken must be seen as being the decision of everybody not just a select few.

b. A predominant Australian characteristic is to be "laid back", to adopt an attitude of "she'll be right

mate". Such an attitude leaves the society open to be dominated by fanatical groups.

c. *A primary reason for "the great Australian apathy" is that, under the current system of government, People realise they can have very little influence on the way things are done so there is little point in taking an interest. However, this Constitution puts power back in the hands of the People and they will therefore be much more willing participants in the challenges that face society after this Constitution is introduced.*

9.14. Proof of Citizenship at time of registration and voting shall be compulsory.

9.15. The system of voting in all elections shall be by 'limited secret ballot' using the optional preferential system described herein.

Currently a secret ballot is used. This is considered unsatisfactory because it is virtually impossible adequately to investigate for corruption. A "limited secret ballot" is one in which it is possible for the Electoral Commission to verify the legitimacy of votes.

9.16. The Electoral Commission shall conduct spot checks to ensure the integrity of the system. Candidates and their scrutineers shall be invited to witness these spot checks.

9.17. Behaviour contrary to the intention of electoral laws shall be regarded as a serious offence against this Constitution.

A serious offence is one involving a fine of greater than 104 x AWE and/or imprisonment for one or more years.

9.18. It shall be illegal to coerce the vote of any voter in any manner. Voters shall not be persuaded by any ranking of preferences on "how to vote cards" or any other method.

9.19. Only names and photographs of candidates shall appear on ballot papers (or their equivalent in electronic voting).

This measure is to ensure that voters are aware they are voting for a person to represent them – not an unaccountable organisation.

9.20. One A3 page displaying each candidate's manifesto shall be permitted in each polling booth and on the website of the Electoral Commission. This display shall include a photograph of the candidate.

System of Voting

9.21. The voting system used shall be the Optional Preferential Voting (OPV) system prescribed as follows:

- **a. Voters may choose to indicate one, two, three or four preferences.**
- **b. The first choice and up to three other preferences are counted in the first count. A first preference vote counts as one point, a second preference as 1/2 point, a third preference as 1/3 of a point, and a fourth preference as 1/4 point.**

9.22. The candidate recording the highest number of points shall become the Representative.

OPV effectively extends electors' opportunities to exercise their franchise by adding two additional options to a compulsory preferential voting system in that a valid vote may be cast by either:

- *plumping for one candidate (i.e. expressing a single primary preference for one candidate only); or*
- *expressing a partial distribution of preferences (i.e. expressing preferences for some but not four candidates on a ballot paper); or*
- *expressing a full set of preferences (i.e. ranking four candidates on the ballot in order of preference).*

Recall

9.23. Constituents at each level may recall their representative as prescribed in this Constitution at any time and hold a fresh election.

This power of recall in the hands of voters is a very powerful tool in the quest for accountability. When coupled with the recording and publishing of the vote of each representative in the Parliament and the Assemblies each day, it puts voters in control of their representatives. Knowing they can be recalled at any time, representatives will consult and acquaint themselves with the views of their constituents before voting on any issue.

9.24. The President shall be recalled following a 75 % vote in favour of such recall by the People voting at a referendum. Such referendum shall be initiated by the People in accordance with Schedule 3, by ten Regional Assemblies consisting of five metropolitan and five non-metropolitan Regional Assemblies, or by a 75% vote of the Parliament.

9.25. The President shall be recalled following a 75% vote of the Parliament in favour of such recall following indictment of the President by the Parliament on charges of misconduct, malpractice, incompetence or malfeasance.

9.26. A Regional Chief Executive Officer may be recalled following a 75% majority vote in the Regional Assembly or by a 75% majority vote of the People of the Region voting at referendum. The People of a Region may initiate such a referendum with a petition signed by 20% or more of voters in the Region verified by the Regional Electoral Commissioner.

9.27. At the Electorate level, recall of a Representative shall occur upon receipt by the Regional Chief Executive Officer of a petition signed by 1000 or 20% or more of the voters whichever is the lesser. Following verification by the Electoral Commissioner, the Chief Executive Officer shall direct the Regional Electoral Commissioner to conduct a new election. The recalled representative may be a candidate in the new election.

A petition of 1000 voters or 20% or more is considered necessary to indicate a substantial degree of dissatisfaction in the electorate.

A recalled representative is allowed to stand as a candidate in the subsequent election because;

a. he may still be judged the best representative among those standing, and

b. he may have received more than 20% of votes at his original election and it would be incongruous to have him unseated by a lesser vote.

9.28. A Regional Representative to the National Parliament shall be recalled following a 75% majority vote in favour of recall by a Regional Assembly.

Casual Vacancies

9.29. If the office of President becomes vacant for any reason the Vice President shall become the President.

9.30. If the office of Vice President becomes vacant for any reason the office of Vice President shall be offered to the Presidential candidates receiving the next highest number of votes.

9.31. If the office of Regional Chief Executive Officer becomes vacant the Deputy Chief Executive Officer shall become the Chief Executive Officer for the remainder of that term of office.

9.32. If a vacancy occurs in the Parliament for any reason, the appropriate Assembly shall elect a new Representative.

9.33. If a vacancy occurs in a Regional Assembly for any reason, a new Representative of that electorate shall be elected.

Disputed Elections

9.34. Disputed elections shall be resolved by the Constitutional Court.

Chapter 10. The President

Role

10.1. The President is the Head of State. His role is to be the National Leader of Australia and Head of the National Executive.

Functions of the President

10.2. Subject to this Constitution the President is accountable to the Parliament for the efficient and effective implementation of policy decided by the Parliament and shall fulfil the following functions:

a. Guardian of this Constitution.

b. Ceremonial Head of the Nation.

c. Spokesperson for the whole of Government.

d. Chief Executive of the Government.

e. Commander in Chief of the Armed Services.

f. Receive visiting Heads of State of other Nations.

g. Appoint Australian Ambassadors and Consuls (taking advice from the Department of Foreign Affairs).

h. Appoint Chief of the Defence Force, Chiefs of Navy, Army and Air Force, and officers of the Defence Force (taking advice from the Services).

i. Appoint Chief Executive Officers of Government Departments (taking advice from the Public Service Board).

j. Appoint the Chief Justice and Justices of the Constitutional Court (taking advice from the Law Commission).

k. Appoint Justices of the Appeal Court (taking advice from the Law Commission).

l. Appoint Justices of the Supreme Court (taking advice from the Law Commission).

m. Appoint Commissioners, Ombudsmen, etc (subject to veto by the Parliament).

n. Appoint Chairpersons of the National Parliament (on advice from the Public Service Board).

o. Sign Legislation into Law.

p. Address the Parliament at least quarterly and as required by the Parliament.

Powers of the President

10.3. Subject to this Constitution the powers of the President are as follows:

a. To speak on behalf of the Nation both domestically and in the international forum. (In consultation with the Parliament.)

b. To negotiate with other nations. (In consultation with the Parliament.)

c. To deploy the Armed Services within Australia in time of emergency. (Subject to veto by a 75% vote of the Parliament.)

d. To declare war and the cessation of hostilities. (following a 'yes' vote at a referendum)

e. To ensure legislation is in accord with this Constitution before signing it into law. (The President shall seek advice on legislation from the Constitutional Court.) The President may return Bills to the National Parliament with or without recommendations. On being presented with a Bill passed by the National Parliament a second time without amendment the President shall sign the Bill into Law or submit the issue to a referendum.

f. To initiate referenda.

g. To authorise the conduct of Referenda initiated by Citizens.

h. To respond to petition by the People and by one or more Regional Assemblies. The President is the ultimate ombudsman.

i. To initiate parliamentary agenda items.

j. To establish such Government Departments, Commissioners, Ombudsmen and Offices as considered necessary for the good governance of Australia. (In consultation with the Parliament.)

k. To hold CEOs of Departments, Ombudsmen, Commissioners, and Public Officers accountable for their performance.

l. To hold the Chairpersons of Parliament accountable.

m. To dismiss a Member of Parliament for misconduct, malfeasance or dereliction of duty (in consultation with the Parliament.)

n. To ensure all appointments by the President are published in a daily update of the President's website or as determined by the Parliament.

The effect of the above is to amalgamate into the position of President much of what is currently undertaken by both the Governor General and the Prime Minister.

Currently, much of the power exercised by the Governor General is referred to as 'reserve powers'. These powers are not codified and are therefore vague and imprecise. There are very few 'checks and balances'. Furthermore, the current Constitution makes no provision for a Prime Minister at all, let alone spell out his powers or any limitation on his powers; nor does it provide any checks or balances.

The idea with the above is to spell out exactly what the President is empowered to do and the limitations on that power. There shall be no 'reserve powers.'

The role, function and powers of the President outlined above will provide a system of government consistent with the theory of parliamentary democracy. The 'checks and balances' incorporated here will ensure that the will of the People prevails and that neither the President, the Parliament nor the

Executive can operate contrary to the views of the other two elements.

Under this Constitution there would be no Ministers and no Prime Minister. The whole of the Parliament would decide what is to be done; and the Executive would have the task of implementing those decisions.

Election of the President

General

10.4. The election process for a new President shall commence four months before the expiration of the incumbent's term of office at which time the Chief Electoral Commissioner shall call for nominations.

10.5. The People shall elect the President in the following manner.

10.6. Any Australian Citizen eligible to vote at a Regional election and having no criminal record or record of bankruptcy shall be eligible to nominate or be nominated as a Presidential Candidate. Nominations shall require a seconder and shall be endorsed by 10 other Citizens. Nomination forms shall be available from Electoral Offices.

10.7. Candidacy shall be conditional on fifteen-year residency in Australia and five-year residency in the Region. (Residency criteria may be waived if the Electoral Commissioner is satisfied recent relocation was not connected to the presidential election.)

Citizens required by their employment to move to and from countries overseas or from one region to another should not be disadvantaged.

10.8. Citizens elected as President shall be required to relinquish direct responsibility for businesses, etc but shall not be required to divest businesses, farms, shares or other interests.

10.9. Presidential election nominees shall submit to the Electoral Commissioner the results of a medical and psychological examination and shall be required to make Statutory Declarations that they know of no matters that, if found proved, would damage the Office of President should they be elected to that position.

These provisions are considered necessary to ensure that presidential candidates are fit in every sense of that word, to hold the office of President of Australia.

Currently all persons aspiring to join the Armed Services are required to undergo medical and psychological examinations so this requirement of Presidential candidates is seen as reasonable to ensure the confidence of the People.

10.10. Presidential election nominees shall pay a non-refundable nomination fee of six times Average Weekly Earnings (AWE).

In 2007, six times AWE was approx $6,000. This provision is designed to discourage frivolous nominations from cluttering up the electoral process.

10.11. Three months before the election, the Chief Electoral Commissioner shall declare successful nominees as Presidential Candidates and start the election process.

10.12. Voting in Presidential elections shall be compulsory.

10.13. Political parties, professional institutes, trade unions, and other groups with memberships across Regional boundaries are precluded by this Constitution from any participation in presidential elections.

It is the intention of this Constitution that the office of President be filled by an apolitical Citizen; a Citizen who is elected by the People on his merits and not because he has been endorsed or promoted by one particular section of society.

10.14. The President shall be elected for five years.

10.15. A President's term of office may be extended to a maximum of one more term of five years by a 75% majority of the People voting at referendum. Such a referendum may be initiated by the Parliament, by five Regional Assemblies or by petition signed by 1% of the voting population.

10.16. The President shall be elected using the optional preferential voting system described in Chapter 9 in a three-round election process over a maximum period of three months as follows.

<u>Round One</u>

10.17. Round one shall be an election held to select a maximum of one Presidential Candidate in each of the 96 Regions.

Currently, many worthy potential candidates for election to national office are deterred by an abhorrence of being subject to nation-wide, intrusive media bombardment. Suitable candidates are less likely to be deterred by an election conducted only in their own region as they might otherwise be in a wider election.

10.18. There shall be no limit to the number of candidates in Round One.

10.19. There shall be no limit to the funds an individual may spend in support of his regional candidacy and any local organisation may support the candidacy of any individual provided such an organisation does not have members who reside outside the Region.

Any citizen with presidential aspirations would be able to conduct a successful campaign in a Region of less than 250,000 people regardless of financial resources.

Furthermore, because national radio and television would be relatively unimportant media in single region elections, the effect of disparity in financial resources of each candidate would be minimised.

However, it is considered essential that the voters in a region be allowed to select the person from their region that they would most like to be their President without pressure from powerful national or international organisations.

The conduct of Round One in a local area would give The People intimate involvement in the election of the President and a chance to vote for "one of us".

10.20. Successful candidates in these elections (a maximum of one from each Region) shall progress to Round Two.

<u>Round Two</u>

10.21. For the purposes of Round Two, 12 contiguous Regions shall be grouped to form eight Combined Electorates. Consequently, a maximum of 12 candidates shall contest Round Two in each of these eight Combined Electorates.

10.22. Campaigning in Round Two shall be funded solely from the public purse and shall be strictly controlled by the Chief Electoral Commissioner to ensure that each candidate has an equal opportunity to present himself to the Combined Electorate.

Public funding will allow elections to be conducted equitably and with the dignity thought desirable in the process of electing our President. Furthermore, public funding will eliminate any perception of advantage accruing through private or corporate donations to campaigns. Any advantage a wealthy candidate might have over a less affluent candidate will be reduced to a minimum and good candidates will not be deterred by the hurly-burly nature of current election campaigns.

10.23. A maximum of eight successful candidates from Round Two (one from each group of 12 regions) shall progress to Round Three.

<u>Round Three</u>

10.24. The President shall be elected in Round Three in an election conducted across the whole of Australia.

10.25. The candidates shall be the eight successful candidates from Round Two.

10.26. Round Three would also be funded solely from the public purse and would be strictly controlled by the Chief Electoral Commissioner to ensure all eight candidates had equal opportunity to present themselves to the People.

It is most unlikely there will be more than 12 presidential candidates in a 5000 person electorate. Consequently, throughout Presidential elections voters will be required to choose between a maximum of 12 candidates and in the final

round between a maximum of eight candidates. And yet, every Australian Citizen has the opportunity and the right to stand for election to the highest office in the Nation.

This model will be facilitated and enhanced by the employment of electronic voting thus reducing the necessity for voters to attend polling booths.

Alternative models involving the use of some sort of nomination committee to select a short list might appear simpler on the surface but in fact would be quite complicated. There would be the problem of nominations for such a committee. Then there is the problem of electing, selecting or appointing the committee. There are the problems of nominations for the position of President, confidentiality of the nominees, the problem of refining and forwarding a short list and finally, the problem of electing, selecting or appointing the President. Certainly some such model could be cheaper than what is suggested here but, even if the procedures are scrupulously fair, there will always be the perception that the People will be told who their President is to be rather than electing him themselves which is clearly what numerous polls have indicated the People want.

Inauguration of the President

10.27. Upon confirmation of election results by the Electoral Commission, the candidate securing the most votes shall be sworn in to the office of President by the Chief Justice of the Constitutional Court and shall take the oath in Schedule 2 to this Constitution.

Dismissal of the President

10.28. The People can dismiss the President with a 75% majority vote at referendum.

10.29. Such a referendum may be initiated by 1% of the voting population in accord with Schedule 3 to this Constitution, by the Parliament, or by ten Regional Assemblies consisting of five metropolitan and five non-metropolitan Regional Assemblies.

10.30. The President can be dismissed for misconduct, malfeasance, incompetence or incapacity by a 75% vote of the National Parliament.

10.31. A President dismissed for misconduct shall forego Presidential retirement benefits.

The President's Consort

10.32. The President shall appoint an official consort who may be his spouse or another person.

Chapter 11. The Vice President

11.1. The presidential candidate receiving the second highest vote shall be invited to accept the title of Vice President. Should he not accept, the candidate receiving the next highest vote shall be invited until one accepts.

11.2. The Vice President has no day-to-day role but may be called upon to perform duties as required by the President.

11.3. The Vice President shall undertake the duties of President in the event of a prolonged absence by the President on duty or due to illness.

11.4. Should the President be dismissed, die in office, or be permanently incapacitated; the Vice President shall become the President and shall fulfill the role for the duration of that Presidential term. At the end of that term, the Vice President is eligible to have his term extended for another five years by referendum as applies to a first term President.

11.5. A Vice President shall have the right to stand for election at subsequent Presidential elections.

Chapter 12. The National Parliament

General

12.1. The National Parliament shall be responsible for policy on all aspects of governance with application across the Nation, and for all Statute Laws.

12.2. The National Parliament shall be responsible for overseeing the implementation of National policy. To facilitate over sighting National policy on issues such as water, energy, air traffic control, national railways and national roads, the Parliament shall establish statutory authorities.

Elections to the National Parliament

12.3. Each Regional Assembly shall elect one Member or recent ex-Member of their Regional Assembly with at least three years experience in that Assembly to the National Parliament.

This means that MPs are experienced people with an intimate knowledge of what has been happening in the Parliament and are already conversant with policies under consideration by virtue of their role in the Regional Assembly.

12.4. Members shall be elected to the National Parliament for a term of four years.

12.5. Citizens elected to the National Parliament shall be required to relinquish direct responsibility for businesses, etc but shall not be required to divest themselves of businesses, farms, shares or other interests.

12.6. Sitting Members of the National Parliament may stand for election to further terms in the National Parliament.

This provision means that Regional Representatives who are very good at representing their Region in the National Parliament can be retained in that position.

12.7. Elections for the National Parliament shall be conducted in a maximum of two Regional Assemblies every month so that no more than two new Members enter Parliament each month.

Progressive or staggered elections are held to avoid the problems of a "big bang" election day. These problems include:

a. The "stop/start" nature of Parliamentary business. In other words, to provide continuity.

b. The sudden change of policy direction.

c. The sudden exodus of experienced MPs and the influx of inexperienced MPs.

d. The uncertainty in business quarters when a "big-bang" election is imminent.

e. The hype created and the excessive promises made by aspiring politicians.

f. The excessive cost of electoral staff caused by the need for temporary staff during "an election year".

12.8. The Electoral Commission shall review election dates every ten years and shall make such adjustments as are necessary to preserve this principle.

Dismissal of Members of Parliament

12.9. A 75% vote by any Regional Assembly at any time shall allow recall of their Representative to the National Parliament and the conduct of a new election.

12.10. The President shall dismiss Members of Parliament found guilty of malfeasance, misconduct, malpractice or incompetence by a 75% vote of the National Parliament.

12.11. Failure to disclose potential conflict of interest shall result in dismissal from the Parliament on a 75% vote of the Parliament following a conclusive police investigation.

Parliamentary Procedures

12.12. The National Parliament shall sit for the last four business days of every week except the third week in every month.

This means that there shall be no "parliamentary recess" except for the third week of each month when the Members sit in their Regional Assembly. By sitting for four days in each week, the business of the Parliament is continuous. Members of the Parliament will take their holidays as and when they like except that leave will be controlled to ensure there is always a quorum; but the Parliament will not close for business.

12.13. Members of the National Parliament shall sit in their Regional Assembly for the last four business days of the third week in every month.

This arrangement constitutes the review process. Members of the National Parliament would be required to brief their Regional Assembly on matters before the National Parliament and take note of the views of their Regional Assembly. Furthermore,

during this one week in four, Regional Assemblies have the opportunity to brief their Member of the National Parliament on matters of concern to the Region that should be considered by the National Parliament.

12.14. The President shall appoint a Chairman and Deputy Chairman to the Parliament after taking advice from the Public Service Board. The Chairman and his Deputy shall conduct the business of the Parliament and shall be accountable to the President.

12.15. The Chairman and Deputy Chairman shall not be Members of the Parliament.

12.16. The first item of business debated on each sitting day shall be the Agenda.

The Agenda for each day of sitting shall be prepared several days in advance. Members shall be required to advise their desire to speak for or against any matter so the Chairman can arrange speakers and allocate times.

12.17. There shall be no religious ceremonies or practice in the Parliament.

It is considered important that there should be clear separation between matters of church and matters of State.

12.18. All sittings of the National Parliament shall be open to the public unless approval to conduct a closed session for reasons of national security is granted by the Constitutional Court.

12.19. A quorum of the National Parliament shall require 75% of Members.

12.20. The Parliament shall sit in round table format. There shall be no division into 'government' and 'opposition'.

12.21. All Members of the National Parliament shall have a right to be heard on every issue. The Chairman shall arrange the agenda to accommodate those who wish to be heard.

12.22. Legislation shall be debated by the Parliament and shall not be subject to a vote until Representatives have had sufficient time to refer the issue to their Regional Assemblies. This shall be the review process.

Uniform National laws are essential in areas such as criminal law and commercial law, to ensure that all Australians have the same basic legal rights. In many other areas, regional variation should be allowed, in order to take account of local circumstances, subject to overall national constitutional principles protecting the basic rights of Australian citizens.

Representatives shall discuss issues before the National Parliament with their Regional Assembly during the four days each month they sit in their Regional Assembly. Discussion of Bills in the Regions is the review process. Dissatisfaction in more than 25% of the Regions will lead to a Bill being defeated in the Parliament. Unless a Bill attracts 75% support from Regional Representatives it obviously needs more work to ensure it has the support of a substantial majority of the People.

12.23. Chairmen shall exert strict control of debate in the Parliament, shall disallow raucous behaviour and shall preclude inappropriate practices such as filibustering

12.24. Parliamentary Committees shall be formed to study issues in depth and to propose Bills.

12.25. There shall be no instructed block voting and it shall be unconstitutional to illegally influence the vote or to attempt to illegally influence the vote of any Member of Parliament.

12.26. Members of Parliament shall declare any potential conflict of interest on every issue that comes before the Parliament.

12.27. A 75% majority of those Members voting but not less than 50% plus one of the total membership shall decide issues. The Chairman shall have no vote.

Some may consider this percentage to be excessively high. However, the prevailing view is that Australians prefer to live in a free society where the default position is the freedom of the individual with as few laws as possible. Unless an issue can gain the support of 75% of representatives of the People after full and free debate of that issue, then there needs to be more work done to ensure that laws and policies are adopted only where there is a clear indication of what the people want.

Furthermore, because there will be no arbitrary division into "Government" and "Opposition" as at present, a 75% vote is much more likely.

12.28. All votes of every Member in the National Parliament shall be recorded in Hansard, published daily, and shall be included in a daily update of the Parliamentary website.

National Legislation

12.29. Legislation (Bills) to create, amend and annul laws shall be initiated by:

a. any Member of the National Parliament,

b. the President,

c. Chief Executive Officers of Government Departments to further the policies of the Parliament, to create new policies and to ratify International Treaties, or

d. the People using the procedures in Schedule 3.

12.30. Legislation shall have no retrospective validity.

12.31. All Legislation shall include a "sunset clause".

This is to ensure that laws are reviewed regularly and that redundant legislation does not accumulate.

Citizen Initiated Referenda

12.32. Citizens shall have the right to initiate Legislation to create, amend or annul National Laws and policy in accord with Schedule 3.

One of the few surviving arguments against Citizen Initiated Referenda is that, "there is no review process – there is no "check and balance". This argument fails to recognise the scrutiny and debate by the whole of Australian society as the petition is prepared, as signatures are collected, as the 'Yes' and 'No' arguments are prepared and ultimately as the referendum is voted on. Any objections and unforeseen outcomes are very likely to be identified during these processes and the People will have no hesitation in rejecting the issue at referendum if there are any outstanding objections.

Furthermore, 'checks and balances' are a necessary adjunct when power is given to individuals or institutions but it is inappropriate to suggest 'checks and balances' should be applied to the prerogative of the People to decide the sort of

society they wish to live in and to decide how they consent to be governed.

Signing Legislation into Law

12.33. Bills passed by the National Parliament shall be presented to the President to be signed into law.

12.34. The President shall consult with the Constitutional Court to ensure legislation conforms to the provisions of the Constitution.

12.35. Bills rejected by the President shall be returned to the Parliament with advice on the reasons for the rejection.

12.36. Bills submitted to the President a second time without amendment shall be signed into law by the President or shall be submitted to referendum.

Chapter 13. The National Executive

General

13.1. The National Executive shall consist of the President and the Chief Executive Officers of Government Departments.

This arrangement takes the Executive out of the Parliament and achieves the separation of powers so necessary for good government but lost with the Westminster system of government. It allows all Representatives to participate fully in Parliament. That is, there are no "backbenchers" with little or no input to debate. All Representatives have equal opportunity to have a say in debates - there are no Ministers dominating the Parliament.

13.2. The Executive shall be accountable to the Parliament.

13.3. The President shall create such National Government Departments as are necessary for good governance. Some departments shall be large enough to implement those aspects of governance for which the National Executive has implementation responsibility. The remainder of departments shall be small organisations designed to generate and monitor National policy.

Although the National Parliament has responsibility for determining policy on most issues, implementation of much of that policy falls on Regional Assemblies. The National Parliament only retains implementation responsibilities for those aspects of governance where centralised command and control is essential. See paragraph 13.6.

13.4. To each of these Departments, the President shall appoint a suitably qualified person as Chief Executive Officer.

Currently, the heads of government departments have control of the resources necessary for the implementation of government policy and this gives them enormous power. However, under the "Westminster" system they have no responsibility because the Minister is deemed responsible. The system outlined above puts responsibility for outcomes where it belongs – with the person who has control of the resources.

The Role of the Executive

13.5. The role of the Executive is to implement, administer and monitor the will of the Australian People as expressed by their elected representatives in the Parliament.

This means that the Parliament decides policy and the Executive is charged with the responsibility of implementing that policy.

Specific National Implementation Responsibilities

13.6. In addition to overall responsibilities for policy, the National Executive shall be responsible for implementation of the following aspects of governance:

a. Law and Order

b. Defence

c. National Security

d. Foreign Affairs

e. Customs

f. **Immigration**

g. **Quarantine**

h. **Overseas Trade (Imports & Exports)**

i. **The National Economy**

j. **Citizenship**

k. **Energy**

l. **Taxation**

m. **Fiscal Policy**

n. **Monetary Policy**

o. **Land**

p. **Mining**

q. **Fisheries (Other than inland fisheries)**

r. **Post**

s. **Telecommunications (including the Internet)**

t. **Banking & Commerce**

u. **Intellectual Property**

v. **Patents**

w. **National Statistics**

x. **Transportation**

y. **Maritime Operations and Sea-lanes**

z. **National Infrastructure, including:**

(i) **Roads (the primary links between Regions)**

(ii) **Railways (other than intra-Regional)**

(iii) **Air Traffic Control & Air Safety**

(iv) **Airports**

(v) **Water**

(vi) **Ports**

Implementation of policy in the Regions including the implementation of national policy in public services such as health, education, etc. shall be the responsibility of Regional Assemblies. It is anticipated that the People of each community will elect voluntary Boards to run hospitals and schools.

Chief Executive Officers

13.7. Chief Executive Officers of Departments (including the Chief of the Defence Force Staff and Chiefs of Navy, Army and Air Force) shall be responsible and accountable to the Parliament for the activities of their Departments and for the efficient and effective implementation of policy. They shall report to Parliament on a regular basis as determined by the Parliament and may be summoned to the Parliament for questioning at any time. They shall provide advice to the Parliament and Parliamentary Committees on an 'as-required' basis.

13.8. Chief Executive Officers shall be responsible for forward planning in their area of responsibility.

13.9. The President shall appoint the Chief of Defence Force Staff, and Chiefs of the Navy, Army and Air Force after taking advice from the Services.

13.10. The President shall appoint Chief Executive Officers of Departments after taking advice from the Public Service Board. Chief Executive Officers of Departments shall usually be senior public servants with experience in the field to which they are appointed. In the event the President is satisfied a suitably qualified and experienced public servant is not available, the President shall appoint Chief Executive Officers from outside the public service.

13.11. Appointments of Armed Services Chiefs and Chief Executive Officers shall be subject to veto by the Parliament.

This provision is a check on the power of the President and is designed to prevent nepotism or cronyism.

13.12. Appointment and tenure of Chief Executive Officers shall be at the pleasure of the President subject to veto by the Parliament.

Accountability

13.13. In the first instance Chief Executive Officers shall be accountable to the President and may be dismissed by the President. Chief Executive Officers are also accountable to Parliament and can be dismissed by a 75% vote of the Parliament for incompetence, misconduct, malfeasance or malpractice.

This means in practice that the President is responsible for getting the job done and has the power to hire and fire to achieve that. However, if the Parliament is dissatisfied with the

implementation of policy in certain areas, the Parliament has the option to dismiss specific Chief Executive Officers rather than dismissing the President.

The Public Service Board

13.14. The Public Service Board shall have a Chairman and 12 members appointed by the President. A quorum shall consist of eight members.

13.15. The Public Service Board shall comprise some Departmental CEOs, Chief of the Defence Force, and representatives from organisations such as the Federation of Australian Business, the Business Council of Australia and the Public Service Union as decided by the President.

13.16. Appointments to the Public Service Board shall be subject to veto by the National Parliament.

13.17. The Public Service Board shall be responsible to the President for the Personnel Management of the Public Service.

13.18. The Public Service Board shall sit at least bi-monthly.

The Public Service Board will have a bureaucracy that handles the day to day personnel management of the Public Service.

Implementation of National Legislation by the Executive

13.19. After signing legislation into law the President shall forward the new law to the appropriate Department(s) with instructions for implementation.

13.20. Regulations prepared by Departments shall be reviewed by the Parliament before being published or implemented.

International Treaties

13.21. Australia shall support and promote International Treaties to resolve problems of the world on the basis of "simultaneous policy". That is, agreement to implement policies, only when an appropriate majority of other nations agree to implement such policy at the same time. The Parliament shall determine the appropriate majority of nations for each treaty.

13.22. Australia shall adopt international treaties only if there is a sunset clause requiring further ratification after a time lapse appropriate to allow assessment of the full impact.

13.23. International treaties shall become law in Australia only when signed into law by the President following a nation-wide debate and acceptance by the People voting at a referendum.

International treaties diminish national sovereignty and must be enacted only by the sovereign People of Australia.

Chapter 14. The Regions

General

14.1. There is established by this Constitution 96 Regions comprising all the land area of Australia (except the Australian Antarctic Territory) and all the Citizens residing therein.

14.2. The boundaries of these Regions shall be based on water catchment areas where ever possible and shall be changed only by a 75% majority of the People affected approving the change at referendum.

14.3. The initial delineation of regions shall create regions of between 250,000 and 30,000 persons depending on the density of population.

That means for example that Tasmania will have three Regions.

14.4. In general terms, major cities shall be divided into regions of 250,000 persons or less.

That is, Sydney will be divided into approximately 16 Regions instead of the current 42 Local Government Councils. Brisbane will be divided into four Regions. This means that public services will continue to be delivered by organisations close to the people. Affected Regions are expected to create, fund and task over-arching bodies such as a Metropolitan Public Transport Board to coordinate public transport for the whole of the metropolitan area. These Boards would be created from "the bottom up" by the Regions as required by them, would be funded by those Regions and accountable to them. This is a

far more efficient and effective mechanism than any structure imposed "from the top down".

14.5. Delineation of the Regions is illustrated in Maps 1-10. (To follow. But see temporary Schedule 9 and the accompanying map.)

Where ever possible Regions will be based on water catchment areas to give Regions the greatest control over water supply, water quality, drainage, the environment, conservation, and over flood mitigation. In some areas the location of aquifers will be a primary consideration.

This delineation will largely eliminate disputes between sub national governments regarding responsibility for pollution, placement and costs of bridges over streams, and such issues as irrigation and water supply.

This delineation of regions may result in a region incorporating several present day council areas. Where this happens, current centres will be retained as service centres for the region.

14.6. Each Region shall have a unicameral Assembly elected by the People from electorates of approximately 5000 using the optional preferential voting system prescribed herein.

This means the People will elect someone from their immediate neighbourhood to represent them in the Regional Assembly. When combined with the provision that all votes in the Assembly shall be published daily and the People having the power of recall, this arrangement will provide an unprecedented level of intimate representation and accountability.

Furthermore, these provisions will eliminate the problems currently experienced with political donations and campaign funding because national advertising will be redundant and each candidate will be able to knock on every door and every

voter in his electorate will be able to attend candidates' public meetings.

14.7. Each Region shall have an Executive consisting of a popularly elected Regional Chief Executive Officer (or Mayor) and the Executive Officers of Regional Government Departments. The Executive shall be accountable to the Assembly.

14.8. There shall be a clear separation of powers between the Assembly, the Executive and the Judicature.

Regional Responsibilities

14.9. Regional Executives are responsible for the delivery of all public services except those specifically allocated to the National Executive by this Constitution.

14.10. Delivery of public services shall be in accord with National policy and procedures except as specifically approved by the National parliament in special circumstances.

14.11. The delivery of government services shall be seamless across the Nation.

This means that a person from Region A may attend a hospital in Region B without detriment. Similarly, a person from Region A can attend a school in Region B without detriment. Furthermore, police can pursue a criminal and gain assistance from neighbouring police stations regardless of Regional boundaries except for common courtesy notification to the Regions concerned.

14.12. Regions shall cooperate on matters of mutual interest.

Cooperation and coordination is the key. A population of 250,000 is an optimum population to support a general hospital with most if not all modern facilities and equipment. Smaller Regions will cooperate and coordinate so that neighbouring Regions complement each other with the provision of facilities and services.

14.13. Constrained only by National policy and procedures, Regional implementation responsibilities shall include the following:

a. Health

b. Hospitals

c. Aged care

d. Child protection

e. Mental health

f. Education

g. The environment

h. Water, drainage and sewerage

i. Rubbish and recycling

j. Law and order (Each Region shall have elements of the National judicature and the National Police Force)

k. Penal institutions

l. Recreation, parks and gardens

m. Wildlife protection

n. Domestic animal welfare and control

o. Regional roads, railways and waterways

p. Regional airports and heliports

q. Vehicle Registration and safety checks

r. Town planning

s. Building regulations

t. Welfare

u. Employment

v. Work place health and safety

w. Primary production

x. Regional Fisheries

y. Manufacturing

z. Mining

aa. Heritage

bb. Registration of births, deaths and marriages

cc. Energy

dd. Emergency services

ee. Community Services

ff. Collecting Property Title Levies

gg. Training and appointing Mediators of the Peace

Chapter 15. Regional Assemblies

General

15.1. Regional Assemblies are responsible to the People of their Region for the delivery of public services and for all aspects of governance constrained only by national policy and procedures and national laws passed by the National Parliament.

15.2. Regional Assemblies may pass Ordinances applicable to local issues and enforceable in that Region only. Such ordinances shall be in accord with national policy unless specific legislation by the National Parliament allows otherwise.

15.3. Each Regional Assembly shall elect one of their experienced Members or recent former Members to represent the Region in the National Parliament.

This means that only experienced and capable persons who have proved themselves to their fellow Assembly Members will be elected to the National parliament.

15.4. When a sitting Member of a Regional Assembly is elected to the National Parliament, a new election shall be held to elect a new representative for that electorate.

15.5. The Member elected to represent a Region in the National Parliament shall be required to sit in the Regional Assembly for the last four days of the third full week in every month to brief the Regional Assembly and to be briefed on issues of concern to the Region. Thus

Regional Assemblies become the "house of review" for issues before the National Parliament.

Election to Regional Assemblies

15.6. Each Region shall be divided into electorates of approximately 5000. Each electorate is entitled to elect one resident Citizen to represent that electorate in the Regional Assembly. In sparsely populated areas, electorates may be smaller to ensure the Regional Assembly has a minimum of nine Representatives.

This means that in a region of 250,000 there will be an Assembly comprising 50 Representatives.

Currently there are 150 MPs in the House of Representatives, 76 Senators, 594 State MPs in upper and lower Houses and approximately 6300 elected representatives in Local Government – a total of 7,120 elected persons.

Under the provisions of this Draft Constitution there will be approximately 4400 elected persons across the Nation. More importantly, most of these elected persons will be local representatives; not remote politicians representing political parties.

15.7. Citizens elected to Regional Assemblies shall be required to relinquish direct responsibility for businesses, etc. but shall not be required to divest themselves of businesses, farms, shares or other interests.

It would be unfair in the extreme to expect people to sell off their business, etc to represent their community in the Regional Assembly for a single term of four years.

15.8. Members shall be elected to Regional Assemblies for a period of four years.

15.9. The optional preferential voting system prescribed in Chapter 9 of this Constitution shall be used to elect one representative from each electorate of approximately 5000. Elections shall be conducted in a maximum of one electorate every 28 days over four years so that no more than one new Member enters the Assembly every 28 days.

Rolling or staggered elections are used to overcome the disadvantages of "big bang" election days. Those disadvantages include:

a. The "stop/start" nature of the business of government. In other words, the lack of continuity.

b. The sudden change of policy direction.

c. The sudden exodus of experienced and the influx of inexperienced Members.

d. The uncertainty in business quarters when a "big-bang" election is imminent.

e. The hype created and the excessive promises made by aspiring politicians.

f. The excessive cost of electoral staff caused by the need for temporary staff during "an election year".

15.10. Voting may be conducted in person, by post or electronically at the discretion of the Regional Electoral Commissioner.

15.11. Voting in Regional Assembly elections is compulsory.

15.12. Electorates may recall their representative with a 75% majority vote at referendum initiated by 500 voters

or 10% or more of voters whichever is the lesser verified by the Electoral Commission; and hold a new election.

Qualification and Eligibility of Candidates

15.13. Members are not eligible to stand for election to consecutive terms as Members of the Regional Assembly.

The idea here is that the Assembly shall be made up of representatives of ordinary people in the community. This avoids a situation in which the Assembly is full of professional politicians who become less and less in touch with the People.

15.14. Other than retiring Members every Citizen eligible to vote and resident in the Region for a period of five years shall be eligible to stand as a candidate for election to the Regional Assembly. The Electoral Commissioner shall waive the residency requirement in cases where he is satisfied the recent relocation was not tied to the election.

This is to avoid discrimination against Citizens required to move around as part of their vocation such as Servicemen, diplomats, teachers, etc.

15.15. A recalled representative may be a candidate in the new election.

This is because the recalled representative may still be judged the best of those standing. Furthermore, he may have received more than 10% of the votes when originally elected. It would be incongruous for him to be excluded by fewer voters.

Assembly Procedures

15.16. The Assembly shall be configured as a round table and every Member shall have an equal right to speak for or against every issue before the Assembly.

15.17. A Chairman and Deputy Chairman of the Assembly shall be appointed by the Chief Executive Officer after taking advice from the Public Service Board.

This means that the chairman of debate in the Assembly will not be a politician but will be a professional chairman.

15.18. The Chairman and Deputy Chairman shall conduct the business of the Assembly and shall be accountable to the Chief Executive Officer.

15.19. Chairmen shall maintain strict control of debate in the Assembly, shall disallow raucous behaviour and shall prevent undesirable practices such as filibustering.

15.20. Regional Assemblies shall sit for the last four business days of every week.

This means that there shall be no "parliamentary recess". By sitting for four days in each week, the business of the Assembly is continuous. Members of the Assembly will take their holidays as and when they like consistent with there being a quorum remaining in the Assembly but the Assembly will not close for business.

15.21. In sparsely populated areas Assembly business may be conducted by conference call, over the internet or by any other means at the discretion of the Chairman or 25% of Members.

15.22. The first item debated every day of sitting shall be the Agenda.

15.23. Members of Regional Assemblies shall declare any potential conflict of interest prior to any vote of the Assembly.

15.24. A vote in the Assembly shall not be taken until after Members have had an opportunity to refer the Bill to their constituents.

It is envisaged that Members of Regional Assemblies will hold regular, monthly public meetings in their electorates of only 5000 and/or conduct polls of their constituents.

Regional Legislation

15.25. When passed by Regional Assemblies and signed into effect by Chief Executive Offices, Bills shall become Ordinances.

15.26. Bills to create, amend or annul Ordinances shall be initiated by any Member of the Assembly, by the Chief Executive Officer, by the Executive Officer of any Department, or by the People of a Region using the procedure prescribed in Schedule 3.

15.27. Ordinances shall have no retrospective validity.

15.28. All Ordinances shall include a sunset clause.

This is to ensure that redundant ordinances do not accumulate and Ordinances remain relevant to contemporary society.

Voting in the Assembly

15.29. A quorum shall consist of 75% of Assembly Members.

15.30. Issues shall be decided by a 75% majority of those voting but not less than 50% plus one of the total membership. The Chairman shall have no vote.

15.31. The votes of every Member of the Regional Assembly shall be recorded and published daily in Hansard and made available to the media.

This is to ensure that constituents are kept fully informed of how their representative is representing their views.

Implementation of Ordinances

15.32. Bills passed by the Assembly shall be passed to the Chief Executive Officer to be signed into effect.

15.33. Chief Executive Officers shall consult with the Constitutional Court to ensure Bills do not contravene the Constitution.

15.34. Chief Executive Officers dissatisfied with any Bill shall return the Bill to the Assembly with reasons. Bills twice presented to the Chief Executive Officer without amendment shall be signed into effect or submitted to referendum.

This provision is yet another check and balance in the system. It ensures that both the Assembly and the Chief Executive Officer remain accountable to the People of the region.

15.35. Chief Executive Officers shall pass Ordinances signed into effect to the appropriate Department(s) for implementation.

15.36. Regulations prepared by Departments shall be reviewed by the Assembly before being published or implemented.

This is to ensure that implementation does not distort the intention of policy or create unwarranted compliance measures.

15.37. It shall be the responsibility of Regional Executives to advertise appropriately the existence of Ordinances and any variations to National Law.

This is to ensure that travellers are made aware of ordinances applicable to them while they are in a particular region.

Chapter 16. Regional Executives

General

16.1. Regional Executives shall be accountable to Regional Assemblies for the implementation of both Regional and National policy.

16.2. The Regional Executive shall comprise a popularly elected Chief Executive Officer (or Mayor) and the Executive Officers of Regional Government Departments.

16.3. A Chief Executive Officer after taking advice from the Assembly shall create such Departments as are necessary to implement all aspects of governance in the Region.

16.4. To each of these Departments, the Chief Executive Officer shall appoint an Executive Officer as head of that Department.

16.5. Executive Officers shall normally be career public servants. If the Chief Executive Officer is satisfied no suitably qualified public service officer is available he shall appoint another person. Executive Officer appointments shall be subject to veto by the Assembly.

The Role of the Regional Executive

16.6. The role of the Regional Executive is to implement and administer the will of the People as expressed by elected representatives in the National Parliament and the Regional Assembly.

Regional Chief Executive Officers

16.7. Regional Chief Executive Officers shall be popularly elected by voters in each Region.

16.8. The role of the Chief Executive Officer is to be the Regional Leader and Head of the Regional Executive.

This means that in each Region the Chief Executive Officer shall be the equivalent of a Mayor or Province Chief.

16.9. The Chief Executive Officer is accountable to the Regional Assembly for the efficient and effective delivery of public services in the Region.

16.10. Subject to this Constitution the Chief Executive Officer is required to fulfil the following functions:

- **a. Ceremonial Head of the Region.**
- **b. Spokesperson for the Region both locally and nationally.**
- **c. Spokesperson for the Regional Assembly.**
- **d. Chief Executive Officer of the Regional Executive**
- **e. Appoint Executive Officers of Regional Departments.**
- **f. Appoint Commissioners, Ombudsmen, etc.**
- **g. Sign Regional Ordinances into effect.**
- **h. Address the Regional Assembly at least quarterly.**
- **i. Forward Planning.**

16.11. Subject to this Constitution the powers of the Regional Chief Executive Officer are as follows:

a. To speak on behalf of the Region both locally and nationally. (In consultation with the Regional Assembly.)

b. To negotiate with other Regions. (In consultation with the Assembly.)

c. To ensure Ordinances are in accord with this Constitution. The Chief Executive Officer may seek advice from the Constitutional Court.

d. To initiate Regional referenda.

e. To authorise the conduct of Regional referenda initiated by Citizens.

f. To respond to petition by the People.

g. To initiate Assembly agenda items.

h. To establish such Government Departments, Ombudsmen, Commissioners and other Offices as considered necessary for the good governance of the Region. (In consultation with the Assembly.)

i. To hold Executive Officers of Departments, Ombudsmen, Commissioners, and other appointed Regional Officers accountable for their performance.

j. To hold the Chairpersons of the Regional Assembly accountable.

k. To dismiss a Member of the Regional Assembly for misconduct or dereliction of duty (in consultation with the Assembly.)

l. To appoint a Deputy Chief Executive Officer.

m. To appoint Executive Officers of Regional Government Departments. (Subject to veto by the Assembly.)

n. To ensure appointments by the Chief Executive Officer are published in a daily update of the Chief Executive Officer's website.

The effect of the above is to amalgamate into one position much of the duties currently carried out by Mayors and Council Executive Officers.

There will be no Premiers and no Ministers as currently exist in State and Territory Governments. The elected Members of the Regional Assembly will decide what is to be done and the Executive will have the task of implementing those decisions.

Election of Regional Chief Executive Officers

16.12. The People of each Region shall elect the Regional Chief Executive Officer in a three round election process using the optional preferential voting system prescribed herein. Voting shall be compulsory.

<u>Round One</u>

16.13. In Round One, the People of each electorate of 5000 shall be given the opportunity to elect one candidate to contest Round Two.

16.14. Round One election campaigns shall be privately funded and any organisation that does not

have membership outside the electorate may assist candidates.

Round Two

16.15. In Round Two, contiguous electorates will be grouped into no more than six and no less than three groups in each Region so that there will be no more than six candidates in Round Three.

16.16. The voters in each group of electorates shall be given the opportunity to elect one candidate to contest Round Three.

16.17. Round Two elections shall be publicly funded.

Round Three.

16.18. In Round Three, the voters of the Region shall be given the opportunity to elect their Regional Chief Executive Officer from the successful candidates from Round Two.

16.19. Round Three elections shall be publicly funded.

The effect of this is that the People of each Region will elect one of their own Citizens to be the "Province Chief".

16.20. The Electoral Commissioner is responsible to ensure that, in publicly funded elections each Regional Chief Executive Officer candidate is equally promoted to the electorate.

16.21. Regional Chief Executive Officers shall be elected for five years.

16.22. The term of office of Regional Chief Executive Officers may be extended for a further period of up to

five years by a 75% majority vote of the People voting at a Regional referendum initiated by the Assembly or by 3% of voters.

16.23. Persons elected as Regional Chief Executive Officers shall be required to relinquish direct responsibility for businesses, etc but shall not be required to divest themselves of businesses, farms, shares or other interests.

16.24. The People of a Region may recall their Chief Executive Officer at any time by a 75% majority vote at referendum initiated by a petition signed by 3% of voters and verified by the Electoral Commissioner. In the event of a recall, a new round of elections shall be conducted within four months.

16.25. The recalled Officer shall not stand as a candidate.

Executive Officers

16.26. The Chief Executive Officer shall appoint Executive Officers of Regional Government Departments and shall be guided in this by the Public Service Board. Executive Officers will usually be senior public servants with experience in the field to which they are appointed. In the event a suitably qualified and experienced public servant is not available, the Chief Executive Officer may appoint Executive Officers from outside the public service.

16.27. Appointments of Executive Officers shall be subject to veto by the Assembly.

16.28. Executive Officers of Regional Departments shall be responsible and accountable to the Assembly for the activities of their Departments and for the efficient and effective implementation of policy. They shall report to the Assembly on a regular basis as determined by the Assembly and may be summoned to the Assembly for questioning at any time. They shall provide advice to the Assembly on an 'as-required' basis.

16.29. Executive Officers shall be responsible for forward planning in their area of responsibility.

PART FOUR:
THE JUDICATURE

Chapter 17. The Justice System

General

17.1. The aim of the justice system is to ascertain the facts of a matter and to administer justice. The law shall be a secondary consideration in the administration of justice. Precedent shall play no part in matters before the courts except that judges shall be expected to maintain consistency in sentencing and shall be assisted in this with a "Sentencing Code of Practice".

This means that our courts will operate in an entirely different way. Instead of common law and precedent dominating in our courts; ascertaining the facts of any matter before the court will be the primary focus. This Constitution and Statute Law will form the basis of decisions. In deciding cases before them, judges will ascertain the facts, and make decisions based on delivering justice.

17.2. This Constitution establishes the Basic Laws of Australia in Chapter 1.

17.3. Most crimes against society shall be prosecuted as crimes against this Constitution. Criminal behaviour not foreseen in the Basic Laws of this Constitution shall be included by amending this Constitution.

The idea here is to eliminate reams of statute law that the People have no hope of knowing. The basic laws in this Constitution can be learned and understood by all.

17.4. Statute law shall be used to define criminal behaviour only as an interim measure and when a Constitutional amendment is considered impractical.

Examples of impracticality include laws requiring voluminous caveats or explanations and laws applicable for a limited time.

17.5. Persons violating the laws of Australian society shall be tried in Australian Courts established by this Constitution.

17.6. Penalties shall be imposed according to the dictates of justice and shall range from Admonition to Life in Prison.

17.7. Judges shall take a criminal record into consideration when passing sentence.

17.8. Persons reoffending shall be sentenced to double the normal punishment.

17.9. With this Constitution the People establish a series of Courts, a Judicial Ombudsman, a Judicial Commission and Mediators of the Peace.

The Courts

17.10. The following courts shall be established:

- **a. Australian Constitutional Court**
- **b. The Appeal Court**

c. Supreme Court

d. Corporations Law Court

e. Industrial Relations Court

f. Family Law Court

g. Court of Petty Sessions

h. Small Claims Court

17.11. All courts except the Constitutional Court and the Appeal Court shall operate on a common set of Standing Orders and there shall be no jurisdictional boundaries. An imbalance of workload shall be corrected by transferring cases to other courts.

17.12. Courts shall deal with all aspects of cases before them regardless of whether National or Regional jurisdiction is involved.

These arrangements are to ensure the expeditious execution of court proceedings.

17.13. Court judgments in criminal cases shall include compensation and restitution for victims as appropriate. The assets of convicted persons shall be used for restitution and compensation whenever possible.

17.14. Legislation shall provide the courts with guidelines for damages, costs and compensation for litigation cases; and with minimum and maximum sentences for criminal cases.

Legislating guidelines for damages, costs and compensation allows the community to exert an influence. For example, fines and prison time could be equated to assets/money stolen or

defrauded such that if fifty times Average Weekly Earnings is stolen then fifty weeks prison plus punishment time could be the sentence.

Legislating for minimum and maximum sentences is an improvement on current practice in which only maximum sentences are set. This allows the community to react to prevalent criminal behaviour and send a strong message to potential offenders.

17.15. Judges shall conduct cases before the courts.

This means cases shall not be conducted by barristers as is currently the case.

17.16. There shall be provision for the appointment of up to three judges to hear specific cases.

This is designed to assist with the resolution of complex cases and those involving highly technical information.

17.17. Judges shall direct police investigations, call witnesses, and cross-examine defendants, witnesses, litigants and respondents and seek out the truth in whatever manner deemed appropriate commensurate with the rights of the individual.

17.18. Legal Counsel for the Prosecution, the Defence, litigants, respondents and for victims shall have the right to suggest questions and make submissions to the judge and present witnesses but shall not conduct cross-examination.

The following story is a light-hearted illustration of what is wrong with barristers conducting cross-examinations.

A farmer named Seamus was in court suing a lorry driver over injuries he received in a vehicle accident.

In court, the lorry company's hotshot barrister was questioning Seamus.

'Didn't you say to the Police at the scene of the accident, "I'm fine"?' asked the barrister.

Seamus responded: 'Well, I'll tell you what happened. I had just loaded my favourite cow, Bessie, into the...'

'I didn't ask for any details', the barrister interrupted. 'Just answer the question. Did you not say, at the scene of the accident,

'I'm fine!'?'

Seamus said, 'Well, I had just got Bessie into the trailer and I was driving down the road....'

The barrister interrupted again and said, 'Your Honour, I am trying to establish the fact that, at the scene of the accident, this man told the policeman on the scene that he was fine. Now several weeks after the accident, he is trying to sue my client. I believe he is a fraud. Please tell him to simply answer the question.'

Under our current system, the Judge would usually tell Seamus to just answer the question. Seamus would admit he told the policeman he was fine and the case would be thrown out. Fortunately in this case the Judge allowed Seamus to finish his story.

Seamus thanked the Judge and proceeded. 'Well as I was saying, I had just loaded Bessie, my favourite cow, into the trailer and was driving her down the road when this huge lorry and trailer came through a stop sign and hit my trailer right in the side. I was thrown into one ditch and Bessie was thrown into the other. I was hurt, very bad like, and didn't want to move.

However, I could hear old Bessie moaning and groaning. I knew she was in terrible shape just by her groans. Shortly after the accident, a policeman on a motorbike turned up. He could

hear Bessie moaning and groaning so he went over to her. After he looked at her, and saw her condition, he took out his gun and shot her between the eyes.

Then the policeman came across the road, gun still in hand, looked at me, and said, 'How are you feeling?'

'Now what the hell would you say??'

17.19. Prosecutors, Legal Counsel, defendants and litigants shall sign an affidavit when they are ready to proceed on any case. Judges shall grant adjournment only in exceptional circumstances.

This means that litigants cannot impoverish respondents by continually postponing hearings etc.

17.20. An accused person shall be regarded as innocent unless and until judged guilty.

This means that, unless the prosecution can persuade the judge that release of the accused would pose a threat to public safety or the accused is likely to abscond, bail will be granted.

17.21. Citizens shall have the right to represent themselves in any court.

The Judicial Ombudsman

17.22. The President shall appoint a Judicial Ombudsman.

17.23. The role of the Judicial Ombudsman shall be to investigate and resolve issues raised by Citizens about the administration of justice.

The Judicial Commission

17.24. A Judicial Commission shall be established. It shall be chaired by the Judicial Ombudsman and consist of eight other persons appointed by the President. Four of these shall be persons recommended by the Society of Judges and four shall be lay members of society recommended by Non-Government Organisations.

17.25. The Judicial Commission shall make recommendations to the President on Judicial appointments and Dismissal of Judges.

Appointment of Judges

17.26. The President shall appoint judges in consultation with the Judicial Commission. Such appointments shall be subject to veto by a 75% vote of the Parliament or Regional Assemblies in the case of Regional Courts. Any Member of Parliament or Regional Assembly may initiate such a veto.

17.27. Judges for Small Claims Courts shall be appointed from the ranks of law graduates who have specialised in judicial studies. In deciding such appointments the President shall be guided by Law Academies.

This means that, instead of barristers being appointed as judges as at present, judges are trained as judges from a very early stage in their law studies. That is, junior undergraduates showing exceptional aptitude will be given the opportunity to specialise and study as judges and to be appointed as judges on graduation. The training of judges shall include training in the conduct of forensic investigations.

17.28. The President shall appoint Judges to higher courts from the best of the judges in lower courts.

17.29. Justices of the Constitutional Court, Justices of the Appeal Court and Chief Justices, shall be appointed from the best of the senior judges. The President may also make appointments to the Constitutional Court from the ranks of appropriately qualified and experienced academics.

Termination and Dismissal of Judges

17.30. Judges shall have the right to resign or retire at any time.

17.31. The President shall have the power to dismiss a judge for incompetence, incapability or impropriety on receipt of a petition; or on advice from:

a. the Parliament,

b. an Assembly in the case of Regional courts,

c. the Judicial Commission,

d. the Judicial Ombudsman, or

e. the Society of Judges.

Trial by Jury

Democratic government (of the people, by the people, for the people) generally attempts to enact legislation that is approved of by, or is acceptable to, the majority of the population. However, in the real world majority assent of itself does not invest legislation with legitimacy or virtue, regardless of its support.

This is why Trial by Jury is included in our Constitution. Trial by Jury is included in our Constitution not only for the purposes of ascertaining guilt or innocence of the accused. Of more importance, Trial by Jury is included as a barrier to protect the citizenry from crimes of arbitrary government (i.e. unjust laws, corruption, tyranny); and from the prejudices and incompetence of fallible judges. Trial by Jury enables the people in juries to judge what liberties and laws should apply in any particular case, so that the people retain the liberties they wish to enjoy.

Whatever a judge's motives, a judge shall be ***wrong*** *not to inform jurors of their Right and Duty to judge both the law as well as the facts. Removal from jurors of their right to assess justice and equity issues transforms trials into unlawful, one-sided, unfair 'mistrials-by-government-judges'. This is the most prevalent method by which corrupt tyrannies thrive. This system enables and in fact obliges judges to enforce any and every persecution, stealth-tax, oppression, money-motivated subterfuge and injustice a government introduces, and which judges then claim is "the law."*

17.32. Juries shall consist of 12 Citizens above the age of 25 years selected at random in open court. Two reserve jurors shall be chosen; they shall sit in the jury box; they shall replace jurors declared incapable for reasons such as ill health or conflict of interest.

17.33. Jury decisions shall be decided by a 75% majority of the jury.

A figure of 75% has been used on numerous occasions in this Constitution as a basis for decision-making. It is considered this is a far better basis than 50% plus one because 75% indicates a reasonable level of agreement. Using 75% agreement in a jury is considered likely to reduce the time spent in jury decisions

and avoid the number of "hung" juries when one member of a jury is in disagreement with the majority.

17.34. In deciding their verdict, juries shall concentrate on the overriding requirement for justice and are empowered to take into consideration the adequacy or otherwise of the law in the case before them.

This means that juries are not bound to hand down a guilty verdict simply because a law has been contravened. Instead they are required to deliver a verdict that takes account of the need to administer justice.

17.35. Criminal cases involving values in excess of 52 times AWE and cases with possible penalties of one year or more in prison shall be decided by a jury.

17.36. Litigation cases between a Citizen and a Government agency or large corporation shall be decided by a jury.

17.37. Litigation cases between a small business and a Government agency or large corporation shall be decided by a jury.

17.38. Accused persons may elect to be tried before a judge alone.

17.39. Judges may approve applications by accused persons for trial by jury in serious cases carrying penalties of less than one year in prison; or involving values less than 52 times AWE in cases where the fairness of the law is challenged.

17.40. All citizens over the age of 25 years shall be eligible for jury duty. Judges shall decide applications for exemption from persons selected for jury duty.

17.41. Jurors shall be compensated at the rate of one and one half times AWE for the time spent on jury duty.

The Constitutional Court

Role

17.42. The role of the Constitutional Court is to:

- **a. ensure the Constitution remains consistent with the aspirations of the majority of Australian Citizens,**
- **b. initiate referenda to change the Constitution,**
- **c. advise the President on the Constitutionality of legislation,**
- **d. advise Regional Chief Executive Officers on the Constitutionality of ordinances, and**
- **e. make judgments on Constitutional matters brought before it by the People, by the Parliament, by Regional Assemblies, by the Courts or by the Parliamentary Counsel.**

Procedures

17.43. The Constitutional Court shall hand down judgments within three months of instigation.

The Appeal Court

Role

17.44. The Appeal Court shall be the highest Court of Appeal.

17.45. Decisions of the Appeal Court shall be based on justice.

Appeals shall be decided not on points of law or procedure but purely on the question of justice.

17.46. Decisions of the Appeal Court shall be handed down within three months of referral.

The Supreme Court

17.47. A Supreme Court shall be established in every Region.

Role

17.48. The Supreme Court shall provide a forum for litigation and for the investigation and resolution of serious crimes against society. Serious crimes are those carrying a penalty in excess of two years in prison and matters involving values greater than 104 times AWE.

17.49. The Supreme Court shall be the first Court of Appeal for cases referred from Corporations Law Court, Industrial Relations Court, Family Law Court, Court of Petty Sessions and the Small Claims Court.

Procedures

17.50. Legal Counsel is not mandatory. Defendants and litigants shall have the right to conduct their own cases before the Courts.

17.51. All cases shall be heard within 3 months of instigation or shall lapse after that time unless special leave is granted by the Appeal Court.

17.52. Judges shall conduct proceedings, call witnesses, conduct all cross-examinations, and brief juries.

17.53. Legal Counsel shall have the right to present witnesses, suggest questions and lines of inquiry, and make representations to the Judge but may not cross-examine witnesses.

17.54. Accused persons shall be granted bail unless the Prosecution can persuade the Judge that such release would not be in the Public Interest.

Corporations Law Court

17.55. A Corporations Law Court shall be established where and when required.

Role

17.56. The Corporations Law Court shall provide a forum for the investigation of serious crimes against society by corporations. Serious corporate crimes are those carrying a penalty in excess of two years in prison and matters involving values greater than 520 times AWE.

In 2007, 520 times AWE was approximately $520,000.

Procedures

17.57. All trials in Corporations Law Courts shall be heard before juries of 12 Citizens chosen in open court. A 75% majority decision by the jury shall decide the case.

17.58. At appropriate times during the investigation, the judge shall indict those members of the corporation board and those members of the corporation executive he decides should face charges.

17.59. Legal Counsel is not mandatory. Defendants and litigants shall have the right to conduct their own case.

17.60. All cases shall be heard within 6 months of instigation or shall lapse unless special leave is granted by the Appeal Court.

17.61. Judges shall conduct proceedings, call witnesses, conduct all cross-examinations, and brief juries.

17.62. Legal Counsel shall have the right to present witnesses, make representations to the Judge but shall not cross-examine witnesses.

17.63. Accused persons shall be granted bail unless the Prosecution can persuade the Judge that such release would not be in the Public Interest.

Industrial Relations Court

17.64. Industrial Relations Courts shall be established as required.

Role

17.65. The Industrial Relations Court shall provide a forum for the investigation and mediation of serious disputes between employers and employees.

17.66. Judges shall impose penalties and order restitution in cases revealing serious violation of the provisions of this Constitution or Statute Law.

Procedures

17.67. Hearings in the Industrial Relations Court shall be heard before a panel of three judges.

17.68. The Judges shall conduct proceedings, call witnesses and conduct all cross-examinations.

17.69. Parties to the dispute shall have the right to present witnesses and make representation to the judges but shall not use Legal Counsel in the Industrial Relations Court.

17.70. All cases shall be heard within two months of instigation or shall lapse unless special leave is granted by the Appeal Court.

Family Law Court

17.71. Family Law Courts shall be established as required.

Role

17.72. The Family Law Court shall provide a forum for the investigation and mediation of serious disputes within or between families.

17.73. Judges shall impose penalties and order restitution in cases revealing serious violation of the provisions of this Constitution.

17.74. In mediating family breakdown, custody of children shall be decided primarily for the benefit of the children and from a start point assuming equal rights for both parents.

Procedures

17.75. Hearings in the Family Law Court shall be heard before a panel of two judges one of whom shall be female and one of whom shall be male.

17.76. The Judges shall conduct proceedings, call witnesses and conduct all cross-examinations.

17.77. Parties to the dispute shall have the right to present witnesses and make representation to the judges but shall not use Legal Counsel in the Family Law Court.

17.78. All cases shall be heard within one month of instigation or shall lapse unless special leave is granted by the Appeal Court.

Children's Court

17.79. Children's Courts shall be established as required.

17.80. The Children's Court shall establish the truth and administer justice in cases involving persons under the age of 18 years.

17.81. Judges in the Children's Court shall conduct proceedings, call witnesses and conduct all cross-examinations.

17.82. The Prosecution and the Defence Legal Counsel shall have the right to present witnesses and make representation to the Judge but shall not conduct cross-examination.

17.83. All cases shall be heard within one month of instigation or shall lapse unless special leave is granted by a Supreme Court.

Court of Petty Sessions

17.84. Courts of Petty Sessions shall be established in all Regions.

Role

17.85. The Court of Petty Sessions shall provide a forum for the investigation and prosecution of crimes against society.

17.86. Crimes carrying penalties of less than six months in prison and those involving values of less than 52 times AWE shall be heard in the Court of Petty Sessions before a Judge. The Judge shall approve the empanelling of a jury of 12 honourable Citizens in serious cases where the fairness or appropriateness of the Law is challenged.

17.87. Judges shall impose penalties and order restitution in cases revealing violation of the provisions of this Constitution or Statute Law.

Procedures

17.88. Judges in Courts of Petty Sessions shall conduct proceedings, call witnesses and conduct all cross-examinations.

17.89. The Prosecution and the Defence Legal Counsel shall have the right to present witnesses and make representation to the Judge but shall not conduct cross-examination.

17.90. All cases shall be heard within two months of instigation or shall lapse unless special leave is granted by a Supreme Court.

Small Claims Court

17.91. Small Claims Courts shall be established in all Regions.

Role

17.92. The Small Claims Court shall provide a forum for the investigation and resolution of less serious disputes between members of society and disputes involving values of less than 25 times AWE.

In 2007, 25 times AWE was approximately $25,000.

17.93. Judges shall impose penalties and order restitution in cases revealing violation of the provisions of this Constitution or Statute Law.

Procedures

17.94. Judges in the Small Claims Court shall conduct proceedings, call witnesses and conduct all cross-examinations.

17.95. Parties to the dispute shall have the right to present witnesses and make representation to the judges but shall not use Legal Counsel in the Small Claims Court.

17.96. All cases shall be heard within one month of instigation or shall lapse unless special leave is granted by a Supreme Court.

Mediators of the Peace

17.97. The President and Chief Executive Officers of Regions shall have the right to appoint persons as Mediators of the Peace (MoP). The role of MoP is to mediate disputes between Citizens.

17.98. The qualifications, terms of engagement, remuneration, appointment and dismissal of Mediators is detailed in Schedule 4.

17.99. Any Citizen may refer any matter to a MoP. Provided all parties to the dispute agree in writing to accept the findings, the MoP shall have jurisdiction. The findings of MoP are binding on the parties unless a Court of Appeal overturns the decision.

17.100. Matters referred to MoP shall be decided within one month.

Chapter 18. The Penal System

18.1. The National Parliament is responsible for policy regarding the penal system.

18.2. The primary aim of the penal system is to ensure that after release, offenders live a useful life and do not re-offend.

18.3. Deterrence of potential offenders and punishment of offenders is an important but secondary aim of the penal system.

18.4. Regional Assemblies are responsible for operating penal institutions. Convicted persons shall be committed to a penal institution in the Region of their domicile where possible.

18.5. Each region shall establish a tribunal to investigate and punish crimes committed in prisons and to act as a Parole Board. Arbitrary judgment and punishment by prison officers shall be illegal.

18.6. Sentences shall be served with a combination of work, education, and training as a means of equipping offenders to better integrate into society on their release. All custodial sentences of Australian Citizens shall include a period in halfway houses to ensure smooth re-integration into society.

18.7. In general terms a day in the life of a prisoner shall consist of eight hours in the cells, eight hours in education and or training, and eight hours work. There shall be no public funded entertainment but reading of

vetted material and viewing of vetted TV, video, DVD etc. shall be encouraged.

18.8. Sentences to life imprisonment and sentences resulting in release after retiring age shall be spent in productive work.

18.9. In the first three weeks of incarceration prisoners shall undergo mental and physical health testing to determine necessary rehabilitation programs and aptitude assessment to decide the education and training program for each prisoner. In making these decisions, cognisance shall be taken of the job market in the area in which the prisoner is expected to reside when released.

18.10. The penal system shall include a range of institutions from high security institutions for dangerous criminals to 'open door' farm or work place institutions for low-risk prisoners. Prison hospitals shall be established to house those needing drug and alcohol rehabilitation programs and other needs.

18.11. Persons arrested and those charged but not released on bail shall be housed separate from convicted persons. Prisoners under 18 years of age shall be housed separate from older prisoners. Persons with psychiatric problems shall be housed separate from other prisoners.

18.12. Prisoners shall not be released from 'half-way houses' until employment or an education place is arranged.

18.13. Repeat offenders who are not Australian Citizens shall not go to halfway houses but shall be

deported to their country of citizenship immediately upon completion of their prison sentence. In such cases Judges shall also decide the fate of the convicted person's family.

PART FIVE: THE ECONOMY AND THE ENVIRONMENT

Chapter 19. The Economy

"For the study of political economy you need no special knowledge, no extensive library, no costly laboratory. You do not even need text-books nor teachers, if you will but think for yourselves."

– Henry George (1839-97)

General

19.1. Economic policy shall be the responsibility of the National Parliament.

19.2. The Australian economy shall be managed to serve the best interests of Australian society and not as an end in itself.

Economic Management

19.3. There shall be a central bank owned by the People of Australia in perpetuity as a Statutory Authority. The central bank shall be known as the Central Bank of the Australian Commonwealth (CBAC).

19.4. All funds accrued by government and agents of the government shall be remitted to the Central Bank of the Australian Commonwealth.

19.5. Expenditure of funds from the Central Bank of the Australian Commonwealth shall occur only according to this Constitution.

19.6. The Central Bank of the Australian Commonwealth shall monitor the Australian economy including revenue from taxation, natural resource royalties and property title levies and advise the Parliament of any need for adjustment. The primary economic management tool shall be the creation of more or less new money depending on availability of labour and other resources.

The one thing in economics on which there is general agreement is that too much money in circulation in an economy creates inflation and that inflation is bad news. Similarly, too little money available in the economy leads to recession. The current practice of trying to control money supply by raising or lowering interest rates is a bit like trying to push something with a piece of string; or like chemo-therapy – it may eventually cure the disease but the side effects of the cure are often worse than the disease.

19.7. As and when approved by the Parliament, the Central Bank of the Australian Commonwealth shall control the money supply through grants to national revenue, through loans to private financial institutions and through loans to private enterprise.

19.8. Grants to national revenue shall be interest free and shall not require repayment. (See Figure 2 on page 178.)

Note 1. *Dr H. C. Coombs, the former Governor of Australia's Reserve Bank in an address at Queensland University in 1954, made the following statement; "...Any piece of expenditure can be financed from one of four sources (or a combination of these sources):*

a. new savings,

b. accumulated reserves,

c. money borrowed from other than a bank, and

d. money borrowed from a bank.

The last source differs from the first three because when money is borrowed from a bank it passes into the hands of the person who borrows it without anybody having less. Whenever a bank lends money there is, therefore, an increase in the total amount of money available..."

Note 2. *In 1937 when the Commonwealth Bank was "the People's Bank" there was a royal commission into the Monetary and Banking system. In Section 504 of the Commission's Report the following statement appeared. "...the Commonwealth Bank....can even make money available to the Governments free of any charge..." This statement created such controversy that the Chairman of the Commission, Mr Justice Napier was asked to explain. He replied through the Secretary of the Commission as follows: "The statement means that the Commonwealth Bank can make money available to Governments or to others on such terms as it chooses, even by way of a loan without interest, or even without requiring either interest or repayment of principal."*

Note 3. *Dr Jim Cairns, former Deputy Prime Minister and Treasurer of Australia in his book, "Oil on Troubled Waters" (Widescope, 1976, p 56) made the following statement: "The*

power to create money and to decide who should get it is a vast and significant social and economic power, and for this reason, the Labor movement has always believed it should not be a privately owned power but be exercised solely by a public or peoples' bank…"

Note 4. *Abraham Lincoln summed up this topic as follows: "The privilege of creating and issuing money is not only the supreme prerogative of Government, but it is the Government's greatest creative opportunity". And of course we know Abraham Lincoln put these words into practice when he rejected the demand from the banks for rates of 24% to 36% interest on the money needed to fight the American Civil War. Instead, he printed the now famous "greenbacks" and this enabled him to prosecute the war successfully with very little debt.*

Note 5. *Discussion of banking and monetary policy was widespread in the USA from its early beginnings and Australia benefited from this when the immigrant King O'Malley was able to persuade his colleagues in the Fisher Labor Government to establish the Commonwealth Bank in 1912. It was the Commonwealth bank that financed Australia's participation in the First World War and this saved Australia from the ravages of debt that plagued other nations.*

Unfortunately, the power of the Commonwealth Bank to serve the interests of the People of Australia was emasculated in 1924 by Sir Otto Niemeyer; sent out from the Bank of England (and one can only assume for that express purpose). Consequently, the banks were able to plunge Australia into the worst depression this country has ever experienced. The work force was there, the expertise was there, the raw materials were there; the one thing missing was money –withheld by the banks. In 2007 we had the opposite situation with the banks "force-feeding" money in the form of credit into our community

creating an inflationary trend that once again threatened to derail our economy.

In 2008 the international financial system is in turmoil and Australia is affected because we do not have policies in place to insulate us from international problems. Money should be nothing more nor less than a means of exchange. It should not be treated as a commodity; nor should it be a plaything of the rich and powerful; to make them even more rich or for any other reason. A strong national economy with a well-managed monetary policy has no need to leave itself open to the vagaries of international finance as is happening in 2008.

Currently, international trade is facilitated by having one dominant currency – the US Dollar. This system has been increasingly abused by the USA and is now totally discredited by a complete financial collapse. What is needed now to facilitate international trade is a ***non-profit*** *bank for international settlements or clearing house with the power to impose sanctions on nations that allow wide fluctuations (in either deficit or surplus) to their balance of payments. The value of each nation's currency should be fixed in relation to other national currencies.*

Monetary policy

"It is well that the people of the nation do not understand our banking and monetary system, for if they did, I believe there would be a revolution before tomorrow morning." **– Henry Ford**

General

19.9. The Monetary policy enshrined in this Constitution shall not be changed except by the People voting at referendum.

One aspect of the sorry story of Australian monetary policy stands out over all others in any study. Private financial interests in the past have been able to hoodwink successive Australian Governments of both political persuasions. The only way the People of Australia can be assured of regaining control over Australia's natural resources and the productive capacity and intellectual ability of our Citizens; and thereby the welfare and wellbeing of Australian society; is by regaining and retaining power over monetary policy and the issuing of new money.

Central Bank of the Australian Commonwealth

19.10. The Central Bank of the Australian Commonwealth shall not be sold or privatised in any way at any time.

19.11. The Central Bank of the Australian Commonwealth shall be the sole source of new money in the Australian economy. Such money shall be created as notes and coins and as credit. Except in the case of an emergency declared by the Parliament, the Central Bank of the Australian Commonwealth shall only issue credit against the tangible wealth-creating capacity of the Nation.

19.12. Australian currency shall have a fixed value in comparison with other world currencies as determined by the Parliament on the advice of the Central Bank of the Australian Commonwealth.

This means that the Australian dollar will not "float" as is currently the case. This is to prevent fluctuations that can destroy savings, hamper business planning, distort the value of exports and imports, and destroy confidence. It will also discourage currency speculation – an activity that makes e few people rich but that adds nothing to the well-being of Australian society.

19.13. The Central Bank of the Australian Commonwealth shall not indulge in any form of international currency or commodity dealing.

19.14. The Central Bank of the Australian Commonwealth shall not borrow money or any other financial instrument or accept credit from any foreign nation or foreign corporation.

19.15. In time of emergency such as war or recession, the Central Bank of the Australian Commonwealth shall create such currency or grant such credit to the National and Regional Treasuries as is required:

- **a. in the prospect of war, to prosecute the war.**
- **b. in the prospect of recession, to maintain full employment.**

Central Bank of the Australian Commonwealth Board

19.16. There shall be a Board of the Central Bank of the Australian Commonwealth.

19.17. The Board shall comprise:

- **a. the Chairman appointed by the President,**
- **b. two Members nominated by the Department of Treasury,**
- **c. two Members nominated by the private banking sector,**
- **d. two Members nominated by rural industry,**

e. two Members nominated by manufacturing industry, and

f. two Members nominated by the services sector.

All such appointments shall be subject to veto by the Parliament.

19.18. The Board shall be accountable to the Parliament and shall report to the Parliament on a regular basis as determined by the Parliament. The Chairman shall be called before the Parliament to answer questions as required by the Parliament.

19.19. The Board shall convene every two weeks and as required.

19.20. The Board shall pursue a policy of zero percent (0.0%) inflation and full employment by:

a. controlling the money supply,

b. controlling the amount of credit available in the community,

c. monitoring the cost of production (labour and resources) and making recommendations to Parliament on the adjustments required,

d. monitoring supply (of such things as power, fuel, transport, land) and making recommendations to Parliament on the adjustments required,

e. monitoring prices and wages to ensure no price/wage spiral and making recommendations to Parliament on the adjustments required,

f. monitoring and where necessary prosecuting persons or corporations exploiting customers,

g. monitoring population increase or decrease and advising the National Parliament of necessary policy changes,

h. Monitoring the activities of Government Departments, and making recommendations to Parliament on any adjustments required and

i. Monitoring the Australian economy and releasing funds to government only as is consistent with sound economic policy.

19.21. The approval of the Central Bank of the Australian Commonwealth shall be sought before amounts in excess of 50 times Male Average Weekly Earnings are brought into or taken out of Australia. Import and export licences shall include approval for payment.

19.22. The Central Bank of the Australian Commonwealth shall charge a 10% surcharge on all monies brought into and carried or sent out of Australia to overseas countries.

19.23. In Australia it shall be illegal to import, export, buy, sell or deal in any way with foreign financial currency or financial instruments of any kind.

19.24. Monies derived overseas from the sale of Australian produce and services or any other means shall be remitted to the Central Bank of the Australian Commonwealth in the first instance and shall be passed on to the authorised recipient in Australian currency by the Central Bank of the Australian Commonwealth.

19.25. Monies to be remitted overseas in payment for imports, etc shall be remitted through the Central Bank of the Australian Commonwealth.

19.26. Only Australian currency shall be used in Australia. The importation, possession, purchase, use or sale of foreign currency shall be illegal.

Fiscal Arrangements

19.27. All national revenue shall accrue to and be distributed by the Central Bank of the Australian Commonwealth.

19.28. Fiscal arrangements between the Central Bank of the Australian Commonwealth, the National Treasury and Regional Treasuries enshrined in this Constitution shall not be changed except by the People voting at referendum.

19.29. The National Parliament shall be responsible for raising all revenue needed for governance. All revenue shall be remitted in the first instance to the Central Bank of the Australian Commonwealth.

19.30. The Central Bank of the Australian Commonwealth shall calculate the funds to be released into the economy based on the Board's economic assessment. The Parliament

shall review the assessment by the Central Bank and shall retain the right to make recommendations for change.

19.31. The Central Bank of the Australian Commonwealth shall release money into the economy by:

- **a. Grants to National and Regional Governments,**
- **b. Loans to Private individuals and corporations (at 5% interest), and**
- **c. Loans to Private Banks and other financial institutions (at 3% interest).**

19.32. Until varied by the People voting at referendum, the Central Bank of the Australian Commonwealth shall distribute the funds to be released to Government as follows:

- **a. 25% shall be allocated to the control of the National Parliament through the National Treasury, and**
- **b. the remaining 75% shall be divided and allocated to each of the 96 Regions on a per-capita basis up to a maximum of 250,000 persons.**

This cap of 250,000 means that urban regions will see disadvantage in allowing ever-increasing population growth and thus decentralisation is encouraged.

19.33. All funds allocated to the National Government shall be handled through the National Treasury.

19.34. Funds allocated to the National Treasury shall only be disbursed according to this Constitution and legislation passed by the Parliament.

19.35. All funds allocated to Regional Governments shall be handled through Regional Treasuries.

19.36. Funds allocated to a Regional Treasury shall only be disbursed according to this Constitution, legislation passed by the Parliament and Ordinances passed by the Regional Assembly.

19.37. Regions shall not be restricted on how funds are expended within the Region except as constrained by National policy.

This allocation of national revenue has been calculated using 2007 budgetary allocations for the services prescribed for each level of government in this Constitution. If the People decide this allocation should be varied, the People can change it by voting at referendum.

This provision means that the National Parliament has access to 25% of national revenue for Defence, Foreign Affairs, Customs, Immigration, etc. and each Region receives a share of 75% of national revenue (on the basis of population) for education, welfare, health services, law and order, and so on.

By enshrining these fiscal arrangements in the Constitution, many of the problems currently experienced are eliminated. By way of illustration, Neil Warren recently completed a report for the New South Wales Government titled Benchmarking Australia's Intergovernmental Fiscal Arrangements, (2006)' and stated that:

"The conclusion of this study is that Australia performs comparatively poorly in intergovernmental fiscal arrangements.

... Australia's system of intergovernmental fiscal arrangements is characterised by very high vertical fiscal imbalance (VFI) due to inadequate State tax powers, and complex and high level equalisation."

Current problems will not be fixed by following the old maxim that, "he who spends should tax" (so that accountability is achieved by each level of government being seen to be collecting the taxes needed to meet their expenditure.) Rather, the answer lies in having one taxing authority (for efficiency) and open, transparent and obviously equal distribution of revenue to sub-national governments; and that these arrangements should be enshrined in the Constitution so they can't be manipulated by politicians for political purposes.

Taxation

19.38. Only the National Parliament shall legislate to collect taxes.

19.39. Taxation legislation shall not be varied to provide incentives or rewards to individuals or corporations.

19.40. Taxation legislation and regulations shall be used only for the purpose of taxation.

Currently all sorts of variations to the tax system are used as incentives or rewards to individuals, businesses, etc. These variations create enormous complications and greatly increase the complexity of tax administration. It is more appropriate that, distinct from tax legislation, specific legislation be enacted to create incentives, etc.

Automatic Electronic Debit Tax

19.41. Except for interbank transactions, an Automatic Electronic Debit Tax (AEDT) shall be levied on all withdrawals from banks and other financial institutions.

19.42. As part of every withdrawal transaction, banks and financial institutions shall electronically debit a percentage of the amount withdrawn and automatically transmit those funds to the Central Bank of the Australian Commonwealth as they occur.

This system of tax collection has been proven in Australia in the past and can be introduced and administered with minimal costs. Before being abolished as part of the GST agreements, a Debit Tax was administered by banks on behalf of most State Governments. Furthermore, until recently it was the tax system used in Norfolk Island instead of income tax.

19.43. Until the People voting at referendum decide otherwise, an Automatic Electronic Debit Tax of 0.1% shall be levied on all withdrawals from banks and other financial institutions with the exception of inter-bank transfers.

An AEDT of only 0.1% tax, (one dollar in a thousand dollars) could generate enough revenue under current financial transaction history to ***obviate*** *the need for the* ***Goods and Services Tax (GST)****. That means all items except most food would be immediately 10% cheaper; businesses would be relieved of the huge administrative burden of collecting GST and submitting Business Activity Statements; and the Tax Office would be relieved of the burden of administering GST. Over time, this tax could be increased gradually to replace all taxes without increasing administrative costs.*

The Automatic Electronic Debit Tax (AEDT) system has been much maligned by economists trained in contemporary neo-classical economics courses because Debit Tax was not a subject included in those courses.

*The arguments **against** the AEDT include the following:*

a. *It is a "flat tax" and therefore "regressive" rather than the more desirable "progressive" tax. This argument fails to recognise that, under AEDT, 'the more you spend, the more tax you pay'.*

b. *The "cascade effect". This is the effect on the cost of, say, manufactured goods when multiple transactions subject to AEDT occur during the manufacturing process. A National Parliamentary Library researcher has calculated that a full 1% AEDT (ie, a tax that would eliminate ALL taxes including income tax) would add as little as 25% to the end price of manufactured goods. This is minimal when compared to the cascade effect of income tax on say, a manufacturing process involving multiple components and multiple workers subject to income tax.*

c. *The AEDT is a "turnover tax" that contemporary economists consider "bad". However, after WW2 the German "economic miracle" that occurred was largely due to the primary source of revenue being a turnover tax that, in 1957 was 4%!*

d. *Some businesses will avoid the AEDT by using such ruses as barter. It is indisputable that, under any tax regime, some people will try and avoid paying their fair share. However, this will be minimal in a system extracting just $1 in $1000*

and legislation would outlaw any corporate schemes that do emerge.

*The fact is, the AEDT is the **most efficient** and **cost effective** taxation system ever devised and it could be adjusted in incremental stages to eliminate all other taxes. The abolition of all other taxes would remove a huge administrative burden from business and the Tax Office and mean the humble taxpayer would not be required to keep records and would not be required to submit annual tax returns. Furthermore it would free up enormous resources in the accounting profession currently tied up in unproductive record keeping, tax compliance and monitoring activities. These resources could then be redirected to the purposes for which they were designed – assisting business and government to better manage their core activities.*

19.44. The AEDT system shall not be varied to achieve economic aims other than taxation.

Legislation separate from the tax system shall be used to achieve economic outcomes in certain sectors of the economy such as providing incentives, restraining economic activity or to penalise undesirable activities.

Property Title Levy

19.45. The National Parliament shall be responsible for policy on property title levies in accord with Schedule 5 to this Constitution. The Regions shall be responsible for implementing this policy and collecting levies. These funds shall be remitted to the Central Bank of the Australian Commonwealth.

Private Banks and Other Private Financial Institutions

19.46. Private Banks and financial institutions shall not issue credit.

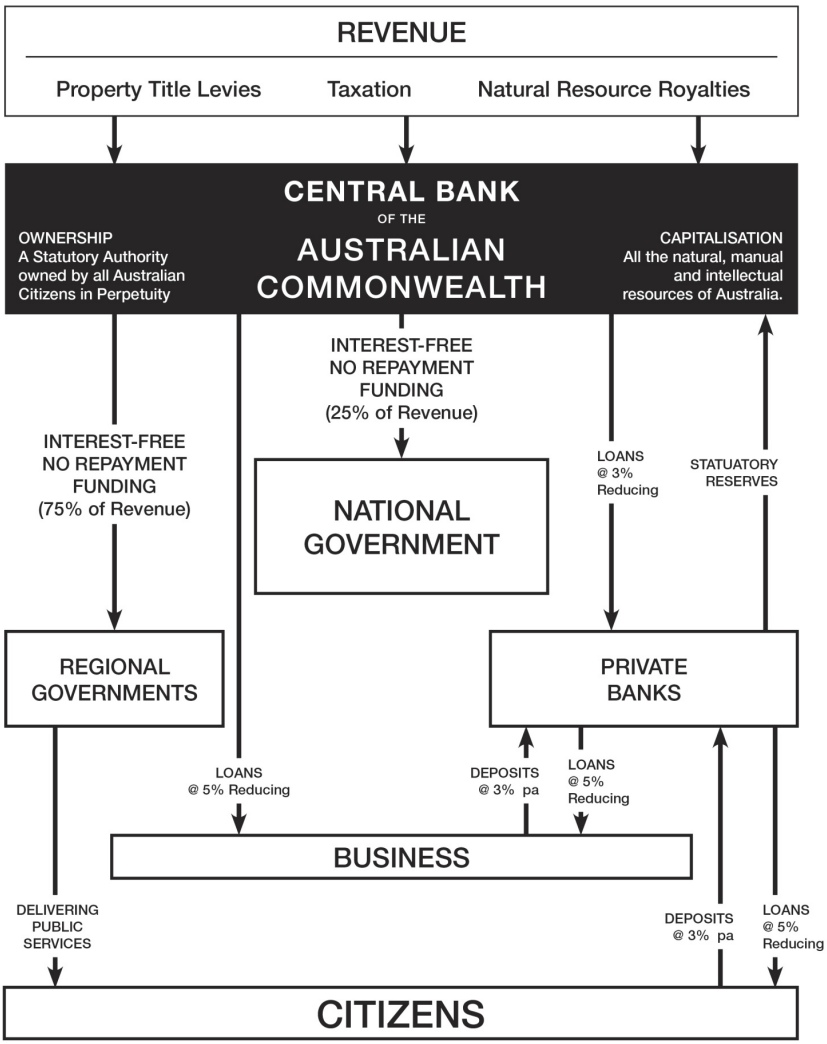
19.47. Private Banks and financial institutions may accept deposits from individuals and corporations. Such deposits shall attract interest of no more than 3% and may be loaned out by financial institutions at interest rates of no more than 5% reducing. A statutory authority, the Banking, Share Trading and Insurance Regulatory Authority shall regulate the lending of depositors funds.

19.48. Private Banks and financial institutions may borrow money from the Central Bank of the Australian Commonwealth. Such borrowings shall be at a fixed interest rate of 3% per annum reducing. Private financial institutions may lend that money to individuals or corporations. Interest payable on such loans shall be fixed and the rate shall be a maximum of 5% per annum reducing.

19.49. Citizens or corporations other than Banks and Financial Institutions may borrow money from the Central Bank of the Australian Commonwealth at the fixed interest rate of 5% per annum reducing.

19.50. The Banking, Share Trading and Insurance Regulatory Authority shall impose a code of lending practice on private banks and financial institutions. The Regulatory Authority shall monitor and enforce compliance to ensure that, except in the case of venture capital and for research and development, loans are adequately secured and the repayment of principal and interest is assured.

NATIONAL ECONOMICS - BANKING



The Foundation for National Renewal

Figure 2. 'National Economics - Banking'

19.51. Private Banks and financial institutions may charge a fee for service. The Regulatory Authority shall regulate and monitor bank and financial institution "fees for service".

19.52. Private Banks and other financial institutions shall not be authorised to borrow money overseas.

19.53. All loans by banks and financial institutions to individuals and corporations shall be at a maximum interest rate of 5% per annum reducing.

19.54. Interest rates prescribed in this Constitution shall not be changed except by the People voting at referendum.

19.55. Repayment and security for all loans shall be negotiated in each case.

These interest rates mean that there is a moderate cost for loan funds that is within the means of all Australians whether the loans are for business or private use.

The fact that the rates are fixed means that borrowers can be confident repayments will not escalate during the term of the loan as is now the case.

'Reducing' means that interest is calculated only on the amount of the loan outstanding at any one time.

Debit Cards

19.56. Private financial institutions may issue debit cards for use in Australia and overseas. Payments overseas shall incur the 10% surcharge applicable to money going out of Australia.

The issue of Debit Cards will give Australians all the advantages of "plastic money", "hole in the wall" convenience and the security of not having to carry around large amounts of cash: without the temptation to go into debt with "impulse buying".

Credit Cards

19.57. Credit cards shall be illegal.

This provision will shock many people at first blush. Younger generations in particular have grown up with credit cards and access to "immediate gratification" whether or not they can afford their latest "must have". However, credit cards are yet another means of introducing new money into the economy as debt. Furthermore, when banks can access money overseas at low interest, they are inclined to "force" credit on to unsuspecting and/or naive customers at inflated rates of interest. None of this is good for the Nation or for the economy. Nor is it good for Australian Citizens.

If people need to purchase something for which they do not have the money, they can obtain loan funds in a calm, rational manner at 5% interest instead of leaving themselves open to the possibility of having to pay exorbitant rates on credit card debt as is now the case.

Ownership and Harvesting of Natural Resources

19.58. With this Constitution the People declare that Australia and all the natural resources therein form part of the commonwealth and belong to all Australian Citizens.

19.59. Harvesting for export of Australian natural resources shall be conducted to provide the foreign currency necessary to import those commodities needed

in Australia but which Australia cannot produce; and for foreign aid.

19.60. When natural assets are harvested, every Australian Citizen is entitled to an equal annual dividend from these assets. The Central Bank of the Australian Commonwealth shall calculate this dividend for approval by the Parliament.

19.61. This dividend shall be paid into individual accounts created by the Central Bank of the Australian Commonwealth on the birth of every child and the naturalisation of every immigrant. These individual accounts shall create a secured social security entitlement and shall be the source of welfare for each individual including unemployment benefits and age pensions.

19.62. Access to natural resources including land shall be granted in the form of leases.

19.63. Payments shall vary but, in general terms, leases to harvest natural resources shall incur a fee equivalent to 25% of the price received by the lessee for the resource harvested.

19.64. When leases expire or are no longer required by the lessee, the land and/or natural resources revert to the Commonwealth. Leases shall not be transferable.

19.65. Leases not activated for the purpose prescribed within the timeframe stipulated shall revert to the Commonwealth without compensation.

19.66. The Regions shall be responsible for collecting lease monies.

19.67. Lease monies shall be remitted to the Central Bank of the Australian Commonwealth.

Some might be tempted to suggest that this revenue should remain with the Regions. It is considered this would immediately create an imbalance in revenue with perhaps sparsely populated regions receiving more revenue than city regions and one region consisting mainly of grazing properties receiving much less revenue than the region next door in which mining is the main activity.

Imports and Exports

19.68. With this Constitution the People declare that Australian society shall continually strive for self-sufficiency.

19.69. Only those items Australia cannot produce shall be imported.

The inability to produce might be temporary or permanent and may be due to lack of material, lack of expertise, drought, flood or simply a surge in demand. Inability due to lack of capital shall be overcome by the central bank. Decisions on whether production of any item in Australia, when compared to importing, is "economic" shall be decided taking cognisance of the hidden costs of imports and the advantages of keeping money circulating in the Australian economy.

19.70. Imports and exports shall be controlled by the issue of import and export licenses.

19.71. Maximum value to Australian society shall be gained from exports by "value adding" wherever possible.

19.72. Imports shall not exceed the value of exports.

In other words Australia will not go into debt. If a need arises for imports to exceed export value, this Constitution imposes a necessity to reduce imports or increase exports to meet that need.

19.73. All contracts for overseas trade shall be negotiated and written in Australian dollars.

Land

19.74. The total land area of Australia makes up part of the commonwealth and as such belongs to all Australian Citizens in perpetuity. There shall be no private ownership of land.

This conforms to the very rational view of Aboriginal Australians - people cannot own the land; they can only be custodians of it for a very short time. The provision also ensures Australia remains the property of successive generations of Australians – it cannot be bought by or sold off to foreign nationals.

19.75. The People declare that access to all the land of Australia not preserved as national parks and reserves shall be subject to lease arrangements.

This means that home ownership will be more accessible to a greater percentage of the population because land will be gifted to each individual on an 'as required' basis. That is, no capital outlay for the land will be required. This means that, when people wish to buy a home, they only need the money for the house (not the land). Furthermore, if a mortgage is needed only the house need be mortgaged so, less money is needed for a deposit, less money is needed for the mortgage and repayments are less. Such a system has the potential to solve the current situation in which housing is becoming

increasingly unaffordable for an increasing proportion of the population.

Furthermore, a perpetual lease on a domestic block of land is, to all intents and purposes "ownership".

This system worked very well in the Australian Capital Territory and property title levies will be no more onerous than current day council rates.

An important advantage of this system is the reduction in the effect of housing on inflation.

Another big advantage is that all Australians including Aborigines and Torres Strait Islanders will be on equal footing.

19.76. From the adoption of this Constitution there shall be no further transfer of land title. As properties come on the market the Central Bank of the Australian Commonwealth shall purchase current freehold titles and shall issue leases to buyers. Unless special circumstances apply, leases shall be in perpetuity. Property title levies shall be determined by the formula detailed in Schedule 5.

19.77. Leases shall not be transferable. Upon the sale of any property involving land a new lease shall be negotiated with the purchaser.

A big advantage of this system is that Australia cannot be sold off to foreign nationals. Furthermore, any profit from increases in land value due to the provision of services by the community shall accrue to the community rather than land speculators.

Water

19.78. Water forms part of the common wealth.

19.79. The National Parliament shall be responsible for policy regarding water.

19.80. National water infrastructure shall be the responsibility of the National Parliament. The storage, reticulation and allocation of water shall be the responsibility of each region operating within National policy guidelines established by the National Parliament. Cooperation between regions shall be encouraged.

19.81. Use of water from aquifers, rivers, streams and public storage facilities shall require a lease and such leases shall not be transferable. Water use lease shall form part of the lease of domestic housing blocks.

19.82. Water leases shall be bought and sold only to and from the Central Bank of the Australian Commonwealth and shall revert to the common wealth when no longer required.

Energy

19.83. Energy policy is the responsibility of the National Parliament.

Members of the National Parliament will be required to participate in the deliberations of various committees such as an "Energy Committee". The role of these committees is to study particular topics in depth and make recommendations on policy and legislation to the National Parliament.

19.84. Regions shall be responsible for implementing national energy policy and for ensuring public activities consume the minimum amount of energy consistent with maintaining efficient public services.

Implementation of energy policy will differ greatly in each region.

19.85. Regions shall be responsible for encouraging every business and individual Citizen to be energy conservative.

Agriculture

19.86. Australia shall be self-sufficient in essential food production. Import of foodstuff that can be produced in Australia shall be disallowed.

19.87. Agriculture shall be conducted with the minimum use of synthetic fertilisers, insecticides and herbicides. Corporate proprietary owned Genetic Modification shall be disallowed.

19.88. Protection of the environment shall be a paramount consideration in all primary production for local consumption and shall take precedence over any desire for exports.

19.89. Whenever practical, foodstuff produced locally shall be consumed locally. Transport of foodstuff around the country shall be kept to a minimum.

Mining

19.90. Mining and export of Australian natural resources shall be conducted to provide the foreign currency necessary to import those commodities needed in Australia but which Australia cannot produce.

19.91. Mining leases shall not be transferable. Leases shall be relinquished to the common wealth upon expiry and when harvesting ceases for any reason.

19.92. Mining shall be conducted so as to ensure minimum negative impact on the environment.

19.93. Mining leases shall include fees equivalent to 25% of the value received by the lessee for the minerals harvested.

19.94. Mining lease conditions shall require progressive restoration of the surface of the site to the equivalent of pre-mining condition.

Fishing

19.95. National policy shall control the operation of fisheries and fish farms.

19.96. Fishing licenses shall be issued so as to ensure the sustainability of fish stocks of all varieties including those of no commercial value.

19.97. Commercial fishing shall incur fees equivalent to 25% of the value received by the lessee for the fish stocks harvested.

19.98. Fishing licenses shall revert to the common wealth upon expiry and when no longer required by the original licensee. Fishing licenses shall not be transferrable.

Timber

19.99. National policy shall control the harvesting of common wealth forests.

19.100. Licenses to harvest trees from common wealth forests shall be issued only where the viability of forests can be maintained.

19.101. The timber industry shall be encouraged to grow trees for harvesting.

19.102. The harvesting of trees from forests of the common wealth shall incur fees equivalent to 25% of the value received by the lessee for the timber harvested.

19.103. Licenses to harvest trees shall not be transferable.

Manufacturing

19.104. Only those items Australia cannot manufacture or cannot manufacture in required quantities shall be imported.

19.105. Reparability and recycling shall be an important characteristic of the manufacturing process.

19.106. The Central Bank of the Australian Commonwealth shall be a source of seed finance for business, for research and development and for new products and services.

Chapter 20. The Environment

"Not everything that can be counted, counts; and not everything that counts can be counted."

– Albert Einstein

General

20.1. Environment policy shall be the responsibility of the National Parliament.

20.2. Every endeavour and activity shall be examined to ensure minimum adverse impact on the environment and maximum benefit to the maximum members of society.

20.3. Research and development of ways and means to preserve the natural environment shall be encouraged.

Population

20.4. With this Constitution the People of Australia commit to a population of human beings of approximately 22,000,000. Total population of 22,000,000 shall not be increased by immigration. No incentives to increase the population above this figure by natural means shall be adopted.

According to the Australian Bureau of Statistics, net overseas immigration in 2007 was 177,600. That is 56% of the population growth in that year – 12% more than the natural increase.

Those persons calling for vast increases in the population of Australia are aiming for growth. That is, they are mainly those in business hoping for a bigger market. Continual growth is

unsustainable. The number of human beings on this planet is already in plague proportions. At some stage growth has to stop. This Constitution aims to stop it now while there is still a chance other species will be able to survive and while the Australian human population has a reasonable chance of enjoying an acceptable standard of living.

Following World War 2, the popular cry was, "Populate or Perish". This sentiment originated in the rude shock the Australian population experienced when they realized Australia was about to be invaded by the Japanese and we had insufficient population to repel such an invasion.

However, in the 21st century a threat of invasion is only one of many threats to Australian society. Most of these other threats have their origin in the human population and the severity of the threats is more often than not in direct proportion to the size of the population. These threats to our society include;

a. a shortage of water,
b. air pollution,
c. degradation of the environment,
d. ever decreasing biodiversity,
e. global warming,
f. dwindling fish stocks,
g. overcrowded cities, and
h. ever-increasing depletion of finite resources such as oil and gas.

Furthermore, thinking Australians realise that, without false incentives such as "baby bonuses" Australia's birth rate approximately maintains population equilibrium. Furthermore, it is now apparent that although an influx of refugees and immigrants from less affluent countries does have some advantages, these are often outweighed by the

disadvantages. And it does nothing to alleviate disadvantage in those countries.

20.5. Demographics shall be monitored by the National Parliament and steps taken to keep the population and the economy in balance.

20.6. Opportunities to restrict the growth of cities and to spread the population more evenly over Australia within natural resource constraints shall be embraced by both National and Regional Government.

Protection of the Environment

20.7. Emission reduction to reduce pollution of the atmosphere shall be undertaken in real time within the boundaries of Australia. Policy on emission reduction shall be the responsibility of the National Parliament. International offsets shall be illegal.

20.8. In every action negative impact on the environment shall be minimised.

20.9. In every action negative impact on the environment shall be assessed against the benefits to society. In any case where clear benefit to society cannot be seen to outweigh deleterious effect on the environment, that action shall cease.

20.10. The Regions shall be responsible for implementing and monitoring implementation of environment policy and for ensuring that all activity within the Region is environmentally sustainable.

Wherever practical, regional boundaries shall be decided on the basis of water-catchment areas. Basing regions on water catchment areas gives Regional Assemblies unprecedented

control over the environment and facilitates water supply, flood management, drainage, traffic management and town planning.

20.11. Each Regional Assembly shall be responsible for ensuring the environment is protected and that rehabilitation is undertaken.

20.12. Regions shall assess every action by individuals, corporations, government and all other institutions for impact on the environment before any execution commences.

PART SIX: THE MEDIA

Chapter 21. The Constitutional Role of the Media

General

The Media is sometimes referred to as "The Fourth Estate" and this Constitution endorses that view.

21.1. With this Constitution the People recognise the important role the Mass Media plays in shaping the values of our society and informing the public.

21.2. Commercial Mass Media outlets are also recognised as an important "check and balance" in our democratic society given their ability to expose government and bureaucratic excesses and to give wide publicity to views other than those proposed by governments.

In view of the influence commercial Mass Media has on our society, it is appropriate that our Constitution ensures that media influence is not abused by individuals or corporations and that "the public interest" is predominant in the decision-making process on what to publish and in the balance that is displayed in all coverage.

Public Owned Mass Media

21.3. The Parliament shall establish statutory authorities accountable to the Parliament to operate public, impartial and non-profit, radio, television, internet and print media outlets. These media shall be funded from the public purse and shall conduct no commercial activities except that the cost of production and distribution of print media shall be recouped by sales.

21.4. The role of public media is to inform, to educate, to promote Australian culture and the arts, and to balance commercial media influence.

Mass Media Obligations

21.5. While enshrining "freedom of the press" and refraining from any tendency towards censorship, this Constitution places the following obligations on the mass media:

a. In deciding what to make prominent, media outlets, editors and journalists shall put first the need to eliminate misinformation and shall always act in the best interests of the society.

b. Mass Media outlets shall be fair and equitable and present more than one side of any topic.

c. Mass Media outlets shall devote a significant proportion of output to publicise what our Parliament and Regional Assemblies are planning to achieve so as to promote informed debate.

d. **Mass Media outlets shall declare their interest in cases where it is the intention of that particular outlet to promote a particular point of view.**

e. **Mass Media outlets shall provide for a right of reply in cases where individuals or institutions are maligned.**

f. **Mass Media outlets have a particular role in informing the Public of Citizen Initiated Referenda.**

The Australian Media Commission

21.6. To promote and oversee these obligations on the media there is established by this Constitution the Australian Media Commission.

21.7. The Australian Media Commission is to:

a. **Evaluate and license media outlets**

b. **Promote balanced media coverage**

c. **Promote media coverage that "is in the public's best interest"**

d. **Investigate complaints**

e. **Impose sanctions on any media outlet that contravenes this Constitution.**

21.8. The Australian Media Commission is a public body established by this Constitution and is to consist of a Chairman and 11 eminent Australians. Namely:

a. A chairman appointed by the President (subject to veto by the Parliament)

b. A person appointed by an association of commercial print media

c. A Person appointed by an association of commercial radio and television stations

d. A person appointed by an association of non-commercial radio and television stations

e. A person appointed by a non-commercial print media association

f. A person appointed by the Information Technology and Internet Industries

g. Six persons from society not connected with the media industry appointed by 'non-party-political' Non Government Organisations (NGO) identified by the Chairman.

21.9. Appointments shall be staggered and shall be for a period of not more than three years.

Media Commission Procedures:

21.10. The Commission is to sit in plenary session at least once per month.

21.11. A quorum shall be not less than eight persons.

21.12. Issues shall be decided by a majority vote. The Chairman shall have an extra vote in the event of a tied vote.

21.13. Complaints are to be investigated promptly but shall not be the only basis for investigation and action by the Commission.

21.14. Because ownership and management of media are largely in commercial hands, the commission shall have the power to impose sanctions. Fines, cancellation of licenses and bans on the import of printing equipment, broadcast equipment, etc and the laying of charges of "unconstitutional behaviour" against the owners, editors and journalists are all within the powers of the Australian Media Commission.

Community Media Watchdogs

21.15. Community based watchdog bodies in the regions shall be encouraged and shall be eligible for modest public funding as decided by each Assembly with a view to achieving high standards of media activity.

PART SEVEN: DEFENCE AND NATIONAL SECURITY

Chapter 22. Defence

General

22.1. Australian Defence Forces shall be maintained to ensure the safety of Australian society.

22.2. Until changed by the People voting at referendum a minimum of 3% of Gross Domestic Product (GDP) shall be allocated to defence of the Nation.

22.3. Persons invading Australia shall be repelled at our borders. This provision shall apply whether or not the invaders wear uniforms.

The Commander in Chief

22.4. The President shall be the Commander in Chief of the Australian Armed Forces.

22.5. The President shall appoint the Chief of the Defence Force and the Chief of Navy, Chief of Army and the Chief of Air Force. Such appointments shall be subject to veto by the Parliament.

22.6. The President shall commission suitably qualified persons as Officers of the Defence Forces.

Chief of the Defence Force

22.7. The Chief of the Defence Force is the Commander of the Australian Defence Force and shall be responsible to the President for the training, equipping and preparedness of the Defence Forces.

22.8. The Chief of the Defence Force, assisted as required by the Chiefs of Navy, Army and Air Force shall be responsible for advice to the Parliament on all matters pertaining to the defence of Australia including border protection.

Chief of Navy

22.9. The Chief of Navy is the Commander of Australian Naval Forces and shall be responsible to the Chief of Defence Forces for the training, equipping, preparedness and operation of Australian Naval Forces.

Chief of Army

22.10. The Chief of Army is the Commander of Australian Land Warfare Forces and shall be responsible to the Chief of Defence Forces for the training, equipping, preparedness and operation of Australian Land Warfare Forces.

Chief of Air Force

22.11. The Chief of Air Force is the Commander of Australian Air Force and shall be responsible to the Chief of Defence Forces for the training, equipping, preparedness and operation of Australian Air Forces.

Chief of Intelligence

22.12. The Chief of Intelligence is responsible to the President for the collection, synthesis, analysis and promulgation of intelligence to the Chief of the Defence Force, the Chiefs of the Services and the Chief of Australia Police.

22.13. The Chief of Intelligence is responsible for advice to the Parliament on matters affecting or likely to affect national security or Citizen sovereignty.

Joint Force Headquarters

22.14. As required from time to time, the Chief of the Defence Force may appoint a Joint Force Commander. The Joint Force Commander shall be responsible for the training, equipping, preparedness and operation of the Joint Force.

Defence Preparedness

22.15. Defence Policy and the allocation of resources to Defence preparedness shall be the responsibility of the National Parliament.

22.16. Every eligible adult Citizen shall be prepared to serve Australia as prescribed in Chapter 3.

Emergency and War Powers

22.17. Other than actions to protect Australia from direct attack, only the People voting at referendum shall commit Australia to war.

22.18. The President shall initiate such a referendum as early as possible in the likelihood of hostilities.

The President is empowered to deploy the Armed Services within Australia in the event of a surprise invasion or blockade.

22.19. The passage of such a referendum and a declaration of war by the President shall immediately commit the whole Nation to war and shall invoke the War Act. The War Act is included in this Constitution as Schedule 6. The Schedule includes provision for such things as the replacement of currency, suspension of trading on the Stock Exchange, nationalisation of manufacturing and primary production, universal labour control and authority to mobilise reserve forces.

22.20. The President is authorised to deploy the Armed Forces within Australia pending the result of the referendum. The Parliament shall be informed immediately and may veto such deployment with a 75% majority vote.

22.21. The President may activate a partial mobilisation in the event of a natural disaster or a grave situation calling for a response short of all-out war.

22.22. The People voting at referendum may authorise deployment of Defence Force personnel to support action by the United Nations.

Chapter 23: Australia Police

23.1. There shall be one Police Force throughout Australia. The Force shall be commanded by the Chief Commissioner of Police and shall operate on National policy emanating from the National Parliament.

23.2. Australia Police shall be responsible for internal security and for policing national laws and Regional ordinances.

23.3. The National Parliament shall establish National Police Academies as required to train Police personnel.

23.4. Policing shall be seamless across regional borders.

This means that police can pursue criminals across regional borders without restraint except for common courtesy notification. It also means criminals can be transported across regional borders as required to face charges or to be incarcerated without any requirement for extradition proceedings.

23.5. The President shall appoint a Police Board.

23.6. The President shall appoint a Police Ombudsman.

The Police Board

23.7. The Police Board shall be chaired by the Police Ombudsman and shall comprise:

a. the Chief Commissioner of Police,

b. three Regional Police Ombudsmen,

c. three Regional Commissioners of Police, and

d. three community representatives appointed by the President.

23.8. The Police Board shall advise the President as required to maintain a Police Force relevant to the needs of the community.

23.9. The Police Board shall convene at least twice annually.

The Police Ombudsman

23.10. The Police Ombudsman shall be responsible to the President for the investigation and resolution of complaints against Police by members of the public.

Chief Commissioner of Police

23.11. The President shall appoint a Chief Commissioner of Police. The Police Ombudsman and the Police Board shall guide the President in this appointment. This appointment shall be subject to veto by the Parliament.

23.12. The Chief Commissioner of Police shall be responsible to the President for the maintenance of law and order, and for Internal Security.

23.13. The Chief Commissioner of Police shall be responsible for the recruiting, training, equipment, discipline and morale of the Police Force and shall be responsible for personnel administration including staffing of police stations throughout the nation.

23.14. The Chief Commissioner shall regularly report to the Parliament and shall be responsible for advice to the

Parliament and may be called before the Parliament at any time.

23.15. The Chief Commissioner shall be responsible for forward planning.

Regional Policing

23.16. Elements of the Australia Police Force shall be deployed to each Region.

Regional Commissioners of Police

23.17. Police posted to regions shall be under the command of Regional Police Commissioners appointed by Regional Chief Executive Officers on the advice of the Chief Commissioner of Police.

23.18. The appointment of Police Commissioners shall be subject to veto by the Regional Assembly.

23.19. Each Regional Commissioner of Police shall be accountable to the Regional Assembly and shall respond as determined by the Assembly.

23.20. Commissioners shall be responsible for advice to their Regional Assembly, for the efficient policing of the Region, and for forward planning.

Internal Security

23.21. The Chief Commissioner of Australia Police shall be responsible to the President for Internal Security.

23.22. Each Regional Commissioner of Police shall be responsible to the Regional Assembly for Internal Security.

Chapter 24: Emergency Services

24.1. There shall be one National Emergency Service throughout Australia and shall include fire, rescue, ambulance and coast watch services.

24.2. In addition to permanent members and conscripted members as detailed in Chapter 3, each of these Services shall encourage volunteer members to train and respond to civil emergencies as appropriate.

24.3. The Service shall operate on National policy emanating from the National Parliament. The provision of Emergency Services shall be seamless across the Nation.

24.4. Emergency Services shall assist with internal security under the command of the Chief Commissioner of Police when required.

24.5. The President shall appoint a Chief Commissioner of Emergency Services and shall be guided in this appointment by the Public Service Board and the five most senior Regional Emergency Service Commanders. This appointment shall be subject to veto by the Parliament.

24.6. The National Parliament shall establish Emergency Service Academies as required to train key personnel.

Chief Commissioner of Emergency Services

24.7. The Chief Commissioner of Emergency Services shall be responsible to the President for the effective operation of emergency services throughout the nation. He shall regularly report to the Parliament and shall be

responsible for advice to the Parliament and may be called before the Parliament at any time.

24.8. The Chief Commissioner shall be responsible for forward planning, recruiting, training, equipment, discipline and morale of Emergency Services and shall be responsible for personnel administration.

Regional Emergency Services

24.9. Each Region shall have a Commissioner for Emergency Services responsible to the Regional Assembly.

24.10. Regional Commissioners shall be responsible for advice to the Regional Assembly, for the efficient operation of Emergency Services in the Region and for forward planning.

24.11. Each Region shall support Volunteer Emergency Services personnel.

PART EIGHT: AMENDMENT OF THE CONSTITUTION

Chapter 25. Mode of Changing the Constitution

General

25.1. Only the People voting at referendum shall change this Constitution.

25.2. All Citizens in society shall have the right to initiate changes to improve the Constitution.

25.3. Within three months of receiving a Bill or Petition calling for change to the constitution the President shall submit that issue to the People in the form of a referendum.

Initiation of Referenda

25.4. Referenda to change this Constitution shall be initiated primarily by the People in accord with Schedule 3.

25.5. Referenda to change the Constitution may also be initiated by the President, the National Parliament, the Constitutional Court, or by at least ten Regional

Assemblies at least five of whom shall be metropolitan and at least five shall be non-metropolitan Regions.

Referendum Procedure

25.6. To initiate a referendum to change the Constitution the People shall present to the President a petition signed by a minimum of 1% of voters and verified by the Electoral Commissioner. A minimum of 50% of the total petitioners shall be from ten different Regions at least five of whom shall be metropolitan and at least five of whom shall be non-metropolitan Regions.

One percent of voters equates to approximately 140,000 voters.

25.7. Prior to circulation for signature, such petition shall be vetted by Parliamentary Counsel.

The Parliamentary Counsel is involved at an early stage to ensure that no changes are necessary before the issue is put to referendum and to ensure that, once passed, no changes are necessary before the amendment is incorporated into the Constitution.

25.8. A deposit of 6 times AWE shall accompany submission of petitions to Parliamentary Counsel. This deposit shall be refunded if the referendum is passed.

A deposit of six times AWE equates to approximately $6,000 (2007) and is designed to deter frivolous proposals.

25.9. A Constitutional Amendment Bill; passed by ten Regional Assemblies at least five of whom are metropolitan and at least five are non-metropolitan Regions; shall be debated by the National Parliament before being presented to the President to initiate

a referendum. If such a Bill is twice rejected by the Parliament, it shall be presented to the President who shall put it to referendum.

25.10. The National Parliament may pass a Bill to initiate a referendum to change the Constitution.

25.11. The Constitutional Court may initiate a referendum to change the Constitution by submitting a proposed referendum to the Parliament.

25.12. Under the direction of the President, relevant Government Departments shall be responsible for implementing Constitutional amendment within three months of being passed at referendum.

Constitutional Conventions

25.13. The President may authorise the election of citizens to a Constitutional Convention to debate and publish findings on controversial issues. Such Conventions shall sit in a minimum of two sessions. The Constitutional Convention shall run for a minimum total of four weeks with a three-month gap between the first and second sessions to allow for public debate and for delegates to consult with their constituents.

Plebiscites

25.14. A plebiscite to gauge public sentiment of a general idea for change or to gauge public support for one of several options may be used prior to specific referenda to change the Constitution.

Throughout this Constitution the term "plebiscite" is used to denote a referendum to solicit a non-binding indication of public sentiment.

25.15. The same procedures shall be used to initiate and vote on plebiscites as is used for referenda.

Voting at Referenda and Plebiscites

25.16. The Chief Electoral Commissioner is responsible to the President for verifying petition signatures, for conducting voting and for counting votes. The Chief Commissioner is also responsible for devising and implementing economical voting systems using contemporary technology.

25.17. Where it is technically possible, voting at referenda and plebiscites shall be conducted electronically. Until new technology can provide a better system, voters shall dial up the Electoral Office, punch in their social security number and then follow the prompts to record their vote.

25.18. Voting at referenda and plebiscites shall be compulsory.

25.19. The Electoral Commission shall make provision for voting by handicapped Citizens.

25.20. A majority of 75% shall be necessary to pass a referendum.

PART NINE: THE SCHEDULES

Chapter 26: Schedules

26.1. The following schedules form part of this Constitution.

Schedule 1. National Symbols

General

S1.1. National symbols embody the history and traditions of Australian society. They are described in this schedule for posterity and shall not be changed except by the People voting at referendum.

The Australian National Flag

S1.2. The Australian Flag came into being after the federation of British colonies into the States of the Commonwealth of Australia on 1 January 1901. The Commonwealth Blue Ensign was selected as a result of a public competition (over 30,000 designs were submitted). Although selected in 1901 and gazetted in 1903, it was not given Royal assent and adopted as the definitive Australian flag until 1954 in the Flags Act 1953 (Act No. 1 of 1954). It is based on the Blue Ensign of the United Kingdom, is twice as long as it is wide, and consists of a dark blue field that can be notionally divided into four

quadrants. The Australian flag can be considered to consist of three main elements:

a. The Union Jack in the upper hoist quadrant or first quarter (also known as the Canton), denoting Australia's historical links with Great Britain. The Union Jack itself is composed of red and white intersecting and overlaid vertical and diagonal crosses on a blue background.

b. The Southern Cross in the second quarter (also known as the top or head) and fourth quarter. The constellation of the Southern Cross is a significant navigational feature of the Southern Hemisphere and has been associated with the continent since its earliest days. The flag pattern consists of five stars in a more or less kite-like pattern – Alpha Crucis (7-point), Beta Crucis (7-point), Gamma Crucis (7-point), Delta Crucis (7-point) and the smaller Epsilon Crucis (5-point). The outer diameter of each of the four major stars is 1/7 the width of the fly and the inner diameter is 4/9 outer diameter; the diameter of Epsilon Crucis is 1/12 the width of the fly and the inner diameter is 4/9 the outer diameter.

c. The Commonwealth Star or Star of Federation, central in the third quarter or lower hoist, has seven points to denote the six states and the combined territories of the Commonwealth. The seventh point was added in 1909. The outer diameter is 3/5 the width of the Union Jack (3/10 the width of the fly) and the inner diameter is 4/9 the outer diameter.

The Australian Coat of Arms

S1.3. King George V granted the Coat of Arms in 1912. It consists of a shield containing the badges of the six

Australian States, enclosed by an ermine border. The shield is a symbol for the federation of the States, which took place in 1901. The Badges of the six States of the Commonwealth are arranged on the shield in two rows of three columns:

New South Wales – Golden Lion passant (right to left) on a red St George's Cross on a silver background (usually depicted white), with an 8-pointed star on each extremity of the cross.

Victoria – White Southern Cross (one star of 8 points, 2 of 7 points one of 6 points and one of 5 points), beneath an Imperial Crown, on a blue background.

Queensland – light blue Maltese Cross with an Imperial Crown at its Centre, on a white background.

South Australia – the White-Backed Magpie (or Piping Shrike), erect, wings outstretched, on a yellow background.

Western Australia – Black Swan swimming, left to right, on a yellow background.

Tasmania – Red Lion passant (right to left) on a white background.

The Australian Coat of Arms is commonly but incorrectly referred to as the 'Commonwealth Crest'. Strictly speaking, the Crest is the device above the shield and helmet on a coat of arms and in this instance is a seven-pointed gold star on a blue and gold wreath. Six of the points represented each of the States of the Commonwealth; the seventh point represented the Commonwealth Territories.

The Supporters are native Australian animals: the red kangaroo (Macropus rufus) and the emu (Dromaius novaehollandiae). Usually the Coat of Arms is depicted on a background of sprays of golden wattle (Acacia pycnantha) with a scroll beneath it containing the word 'Australia'. The wattle and scroll, however, are not part of the armorial design and are not mentioned in the Royal Warrant.

S1.4. **The Australian National Anthem**

Australians all let us rejoice,
For we are young and free;
We've golden soil and wealth for toil;
Our home is girt by sea;
Our land abounds in nature's gifts
Of beauty rich and rare;
In history's page, let every stage
Advance Australia Fair.
In joyful strains then let us sing,
Advance Australia Fair.

Beneath our radiant Southern Cross
We'll toil with hearts and hands;
To make this Commonwealth of ours
Renowned of all the lands;
For those who've come across the seas
We've boundless plains to share;
With courage let us all combine
To Advance Australia Fair.
In joyful strains then let us sing,
Advance Australia Fair.

S1.5. **Australian National Colours and Emblems**

In 1984 Australia officially adopted green and gold as its national colours. Australia has never adopted any official motto or faunal or bird emblem. By popular tradition, however, the kangaroo and emu are widely accepted as national faunal and bird emblems. The Golden wattle, *Acacia Pycnantha Benth*, was proclaimed the official national floral emblem in August 1988.

Schedule 2. Oaths and Affirmations

General

S2.1. Procedures for taking the Oaths and Affirmations in this Schedule shall include the respondent holding a copy of this Constitution in the right hand.

The President

S2.2. On this Constitution for the sovereign nation of Australia, I swear:

From this time forward,

I pledge my loyalty to Australia and its people,

As President I pledge to uphold this Constitution

To preserve democracy and the sole Sovereignty of Australian Citizens,

To be a leader in every sense of the word and to

Ensure open and accountable governance

In the best interest of the People of Australia.

Citizens

S2.3. This oath shall be taken by all Citizens during their 18th year, by all persons accepted by the People of Australia as legal immigrants, and the children of legal immigrants during their 18th year. A Statutory Declaration shall be signed attesting to the taking of this oath.

S2.4. On this Constitution for the sovereign nation of Australia, I swear:

From this time forward,

I pledge my loyalty to Australia and its people,

Whose democratic beliefs I share,

Whose rights and liberties I respect,

And whose laws I will uphold and obey.

S2.5. I pledge to accept responsibility for my actions,

To fulfill my obligations to Australian society,

To strive for excellence in all my endeavours,

To preserve sole sovereignty of Australian Citizens

And to strive for self- sufficiency.

Members of Parliament and Regional Assemblies

S2.6. On this Constitution for the sovereign nation of Australia, I swear:

From this time forward

I pledge to uphold this Constitution

To exercise my responsibilities in an open and forthright manner

To preserve democracy and the sole Sovereignty of Australian Citizens

To act always in the best interest of my constituents and the People of Australia

And to use my best endeavours to enhance Australian society.

Military Officers

S2.7. On this Constitution for the sovereign nation of Australia, I swear:

From this time forward,

I pledge to uphold this Constitution,

To serve Australia and its People,

To preserve sole sovereignty of Australian Citizens,

To defend Australian society against all who would inflict harm, and to

Uphold the highest traditions of the Australian Defence Force.

Police Officers

S2.8. On this Constitution for the sovereign nation of Australia, I swear:

From this time forward,

I pledge to protect the Citizens of Australia,

To preserve sole sovereignty of Australian Citizens,

To seek out and apprehend all who are or would be a threat to Australian society,

To be a friend in need to all Australian Citizens,

To apply the law and regulations in a common sense, compassionate and considerate manner,

And to uphold the highest traditions of the Australian Police Force.

Public Officers

S2.9. On this Constitution for the sovereign nation of Australia, I swear:

From this time forward,

I pledge to serve the People of Australia,

To preserve sole sovereignty of Australian Citizens,

To always act in the best interests of Australian society,

To take responsibility for my actions,

To treat all Citizens encountered in my official capacity as individuals,

And to apply the law and regulations in a common sense, compassionate and considerate manner.

Schedule 3. Petitions, Plebiscites and Referenda

General

S3.1. Petitions, Plebiscites and Referenda may be initiated by:

a. The People,

b. Regional Assemblies,

c. Regional Chief Executive Officers,

d. Parliament, or

e. The President.

Petitions

S3.2. Citizens shall have the right to petition authorities at any time in accord with this Constitution.

Petitions are usually used to demand action on some issue. Petitions are also used as a means of seeking redress of some perceived wrong.

S3.3. Petitions shall be initiated on forms available from Regional Offices.

S3.4. A national public announcement shall be made when Petitions are circulated for signatures.

S3.5. Initiators of petitions shall sign a Statutory Declaration verifying the veracity of the petition before submitting it to the intended recipient.

S3.6. After signatures are added, Petitions shall be forwarded to the appropriate body for action.

S3.7. Agencies of the State in receipt of petitions shall acknowledge receipt within 14 days.

S3.8. Agencies of the State in receipt of petitions shall respond within three months and inform petitioners of action taken.

Plebiscites and Referenda

S3.9. Plebiscites and referenda shall be conducted on important public issues and shall involve a vote by the whole general electorate.

S3.10. The same procedures shall be followed with both plebiscites and referenda.

Plebiscites

S3.11. Plebiscites shall be used to gauge public sentiment on a question without necessarily specifically stating in definitive terms the binding action to be taken.

An example might be public concern that insufficient resources are being committed to defence of the nation.

Referenda

S3.12. A Referendum shall be used to resolve a public issue in definitive terms of what action is required. Following acceptance by a 75% vote by the whole general electorate in favour of a specific proposition, the President shall direct the relevant Government Department(s) to implement the proposal.

S3.13. Referenda may contain multiple questions on the same topic and may contain several topics.

Citizen Initiated Referenda

S3.14. Citizens may initiate referenda:

a. to change this Constitution,

b. to create, amend or annul National Policy,

c. to create, amend or annul National Laws, and

d. to create, amend or annul Regional Ordinances.

Procedure for Citizen Initiated Referenda

S3.15. Any Citizen qualified to vote may initiate a proposal to conduct a referendum.

S3.15. In the first instance the proposal shall be forwarded to the Office of Parliamentary Counsel and shall be accompanied by a sum equal to six times Average Weekly Earnings. This sum shall be refunded if the proposal is approved in the subsequent referendum.

The sum of six times AWE is approximately $6,000 (2007) and is designed to deter frivolous proposals.

S3.16. The Office of Parliamentary Counsel shall prepare a petition in conjunction with the initiator.

The involvement of the Office of Parliamentary Counsel is to ensure that the intention of the initiator can translate into appropriate action on the Constitution, the law, ordinances, or into legislation without alteration.

S3.17. Within three months of receipt of such a petition for a national referendum signed by 1% of voters spread over at least five metropolitan regions and at least five non-metropolitan regions and verified by the Chief Electoral Commissioner, The President shall submit the proposal to referendum.

In 2008, 1% of voters qualified to vote nationally was approximately 140,000 voters.

S3.18. Within three months of receipt of such a petition for a regional referendum signed by 3% of Regional voters verified by the Regional Electoral Commissioner, the Chief Executive Officer shall submit the proposal to referendum.

Referenda and Plebiscite Voting

S3.19. All Australian Citizens resident in Australia and qualified to vote shall vote at referenda and plebiscites.

S3.20. Electoral Commissioners shall be responsible for verifying petition signatures, for conducting voting and for counting votes. Commissioners shall also be responsible for devising and implementing economical voting systems using contemporary technology.

S3.21. Where it is technically possible, voting at referenda shall be conducted electronically. Until new technology can provide a better system, voters shall dial up the Electoral Office, punch in their social security number and then follow the prompts to record their vote.

S3.22. The Electoral Commission shall count the vote and forward the result to the President or the Regional

Chief Executive Officer. If 75% of voters approve the proposal the President or the Chief Executive Officer shall implement the proposal.

S3.23. The optional preferential voting system prescribed herein shall be used in multiple question referenda and up to four preferences with descending value shall always be counted in the first count.

Schedule 4. Mediators of the Peace

General

S4.1. This schedule details the provisions covering the training, appointment, dismissal, remuneration and tenure of persons appointed as Mediators of the Peace.

S4.2. In appointing Mediators of the Peace, Citizens who have a proven record of service to the community or have distinguished themselves in the Armed Services or the Emergency Services shall be considered first.

Role

S4.3. The role of Mediators of the Peace is to resolve issues between Citizens thus avoiding resort to the courts; and to provide readily available persons before whom Statutory Declarations and other official documents can be signed.

Jurisdiction

S4.4. All parties to a dispute must agree in writing to mediation before the Mediator of the Peace has jurisdiction.

S4.5. Mediators of the Peace shall have jurisdiction on any issue and findings shall be binding on participants unless overturned by the Appeals Court.

Training

S4.6. Regions shall train Citizens aspiring to be Mediators of the Peace as and when required.

Appointment, Remuneration and Termination

S4.7. Regions shall appoint Mediators of the Peace as required. Appointment shall be indefinite and may be terminated by the appointee or by the Region at any time.

S4.8. Operating as a Mediator of the Peace is a community service and attracts no remuneration. Regional Offices shall consider moderate expense claims.

S4.9. Regions shall terminate the appointment of any Mediator of the Peace found guilty of any offence.

Schedule 5. Property Title Levy

General

S5.1. In Chapter 1 it is established that the whole of the natural resources of Australia including land, forms part of the common wealth and belongs to the People of Australia as a whole in perpetuity.

From this it is apparent that individuals cannot 'own' land and 'freehold' or allodial title to land is no longer appropriate.

S5.2. Land shall be leased to prospective users.

This provision makes home ownership available to a greater proportion of Australian Citizens because only the house need be bought. There is no need to find the money to buy land. This means less deposit and lower repayments over a shorter period. Furthermore, a perpetual lease is, to all intents and purposes, "ownership".

S5.3. This Schedule details the method used to make land available and the formula used to calculate property title levies.

S5.4. The National Parliament shall be responsible for policy in accord with this Schedule.

S5.5. Regional Assemblies shall be responsible to implement that policy, to calculate and to collect property title levies.

S5.6. Property title levies shall be remitted to the Central Bank of the Australian Commonwealth.

Releases

S5.7. When necessary previously unused land and land that has reverted to the common wealth shall be released to the community using an application and balloting procedure.

S5.8. Land lease advertisements shall show the current property title levy, the purpose for which the land is released, time restrictions within which the land must be put to use, and any other conditions needed. Failure to meet the conditions of the lease shall result in forfeiture of the lease without compensation except in exceptional circumstances.

Property Title Levy Calculations

S5.9. The premise on which property title levies is calculated is that every square metre has a basic price. Basic prices vary according to the purpose for which land is released.

S5.10. Basic property title levies vary as and when the community alters the zoning or increases the value by providing community services or decreases the value by withdrawing services.

That is, the formula is objective; not subjective as is the case with "land valuations".

Basic Property Title Levies

This Schedule will need refining after wide sampling of its application. The aim is that property title levies be less than present day rates. However, the revenue from leases, when coupled with the Automatic Electronic Debit Tax should be sufficient to allow the abolition of income tax and in fact all other taxes.

S5.11. Categories of lease and basic property title levies shall be as follows:

Use	Levy cents per square metre per annum
Exploration	1
Rural timber plantation	2
Rural Residential	2
Rural grazing	3
Rural crops	4
Residential	6
Industrial	7
Commercial	8
Mining	9

Value Added Property Title Levies

S5.12. Basic property title levies shall be increased by the following amounts as the community provides the following services:

Amenity	Levy Increase cents per square metre per annum
Dirt road	1
Gravel road	2
Garbage disposal	3
Sealed road	4
Curb & Guttering & Drainage	5
Town water supply	6
Electricity	7

Amenity	Levy Increase cents per square metre per annum
Public transport (within 2 kms)	8
Street lighting	9
Sewerage	10
Hospital (minor) (within 100 kms)	9
Hospital (major) (within 100 kms)	12
School (primary) (within 20 kms)	10
School (secondary) (within 20 kms)	10
School (tertiary) (within 100 kms)	10
Public Library (within 10 kms)	5
Parks & Gardens (within 10 kms)	5
Public recreation hall (within 20 kms)	5
Shopping precinct (within 10 kms)	5
Airstrip (Flying Doctor Service)(100 kms)	5
Heliport (within 20 kms)	5
Airport (within 100 Kms)	5

Note: *To achieve equity, multi-storey buildings shall incur a multiplier calculated to ensure a fair and equitable property title levy for each lessee of the premises.*

Property Title Levy Detriment Reductions

S5.13. Property title levies shall be reduced by the following amounts where conditions warrant such a reduction:

Condition	Levy Reduction cents per square metre per annum
Air pollution	3
Noise pollution	2
Radiation	2
Dense population	2
Narrow streets	2
No on-street parking	1

Schedule 6. The War Act

General

S6.1. This is an Act to put the nation on a war footing.

The aim of this Act is to ensure that, in time of war the whole nation is committed to the war effort. That is, all activity in the society shall be directed towards the successful prosecution and conclusion of the war.

S6.2. This Schedule shall come into effect immediately the President declares war following a referendum indicating the People have chosen to go to war.

Note: In the event of an invasion or blockade, the President would exercise his powers immediately to deploy all the Defence Force resources necessary to defend the nation. This action is subject to veto by the Parliament.

S6.3. The President shall initiate a referendum immediately there is an indication war is a possibility.

S6.4. The People shall be fully informed of the circumstances, the options and the end result that would be sought if war is declared. If the President, the Parliament, the Intelligence Services and /or the Armed Forces intend to withhold any intelligence or information from the People, those matters shall be submitted to the Constitutional Court to make that judgment.

S6.5. If war is averted and the President does not declare war, execution of this Act shall remain in abeyance for 12 months at which time another referendum shall be conducted to allow the People to revoke the decision to go to war.

Currency

S6.6. Normal currency notes shall be suspended and reissued using notes printed in a different colour. These notes shall be known as Australian War Dollars (AWD) and shall be used for all commercial transactions for the duration of the war.

This will entail the recording and conversion of all monetary assets from Australian dollars to Australian War Dollars. This will include cash as well as bank accounts, etc. Thereafter for the duration of the war, all commercial activity will be conducted in AWD. At the conclusion of the war, AWD will be exchanged for Australian Dollars taking into consideration the assets that were recorded at the start of the war. Obviously, racketeers will be most upset when they find they cannot convert their ill-gotten gains into hard cash and their surplus AWD are worthless.

Commercial Activity

S6.7. Upon a declaration of war by the President all assets and debts shall be frozen.

S6.8. All primary, secondary and tertiary production shall continue and that production shall be distributed as normal but shall be subject to re-direction according to national priorities as required.

S6.9. Primary, secondary and tertiary production facilities shall be nationalised as required and shall revert to original ownership at the cessation of hostilities.

Rationing

S6.10. Commodities shall be rationed as required to ensure essential services are maintained and the war effort is fully supported.

Pay and Allowances

S6.11. Every Citizen shall be paid the same. This rate shall be based on that paid to soldiers in the front line – 1x AWE per week. An additional 4/10th AWE shall be issued for each dependent child under 18 years.

S6.12. Adjustments shall be made so that every Citizen receives the same remuneration.

This means that everyone, from the highest paid CEO to the average person will receive the same weekly remuneration and that shall be based on whatever the soldier in the front line is being paid.

S6.13. Minimum hours of work shall be regulated by the Parliament.

Workforce

S6.14. The President shall be empowered to mobilize Reserve Forces as appropriate.

S6.15. The remainder of the workforce shall continue to work as normal but shall be subject to compulsory reallocation as required.

Compulsory Acquisition

S6.16. Foreign owned assets in Australia shall be nationalised and used as appropriate to support the war

effort. At the conclusion of the war, consideration shall be given to the return of the assets or the payment of fair compensation.

S6.17. Where necessary, the Commonwealth shall acquire assets and property needed for the successful prosecution of the war. In such cases, values shall be recorded and appropriate restoration or compensation paid at the cessation of hostilities.

S6.18. Similarly, damage caused to assets and property by the Commonwealth in pursuit of the war effort shall be recorded and appropriate restoration made or compensation paid at the cessation of hostilities. Damage caused by enemy activity shall be similarly compensated.

Schedule 7. The Peace Act

S7. 1 This is an Act to guide the return to normalcy with an enhanced society after war.

S7.2. This Schedule shall come into force when the President declares peace following successful prosecution of a war.

(It may also be useful to return society to a more normal footing even after a defeat if allowed by the victor.)

S7.3. With the declaration of peace all laws enacted during hostilities shall be rescinded unless approved at referendum.

S7.4. In restoring normal services all public agencies shall give preferential treatment to the families of those citizens who paid the supreme sacrifice, to those wounded and incapacitated and their families and to those who served in the armed forces.

S7.5. Defence Force men and women and others returning from active service shall be entitled to the following:

- **a. medical and hospital treatment for all physical and mental illness at public expense, for life;**
- **b. pharmaceutical and prostheses requirements at public expense, for life;**
- **c. re-education and training as necessary to re-enter the workforce,**
- **d. interest-free loans from the Bank of the Australian Commonwealth as necessary to re establish themselves in civil society.**

S7.6. Persons incapacitated while serving the Nation and their families and the families of those killed serving the nation shall be entitled to compensation. In addition to a lump sum, their income shall not be less than AWE. There shall be no means test.

S7.7. The return and restoration of property requisitioned and or damaged during hostilities shall be given a high priority. Businesses commandeered during the war shall be returned to the control of their former owners or their heirs and a return to normal business activity shall be facilitated. Similarly, steps shall be taken to ensure that individuals do not unduly benefit from businesses enhanced by the war.

S7.8. Businesses created by the Commonwealth during the war and those parts of businesses enhanced by the war shall be offered at public auction.

The reason for this is that, under normal circumstances Government should not be involved in business because it is not a core function of Government and it is usually best carried on in Australian society by private enterprise.

S7.9. In returning to normalcy all provisions of this Constitution changed during hostilities shall be reinstated unless changed by the People voting at referendum.

S7.10. The Bank of the Australian Commonwealth shall convert Australian War Dollars held by individuals and businesses to normal currency taking into consideration the monetary assets converted at the start of the war.

S7.11. The Bank of the Australian Commonwealth shall inject funds into the economy as required to promote prosperity and full employment.

Schedule 8. Members of Commissions, etc

General

S8.1. This schedule details provisions covering the appointment, dismissal and tenure of persons appointed to Commissions, etc. in accordance with this Constitution.

Appointments

S8.2. Persons or institutions authorised to appoint Citizens to Commissions shall consider first Citizens who have a proven record of service to the community such as those selected as Australian of the Year, business man of the year and those who have received an award in one of the four categories of the Order of Australia or the Centenary Medal for community service and those who have distinguished themselves in the Armed Services and the Emergency Services.

S8.3. Citizens selected to be Members of Commissions shall be contacted to ascertain availability before any announcement is made.

Tenure

S8.4. Unless otherwise specified tenure of Citizens appointed to Commissions shall be a maximum of five years.

Dismissal

S8.6. Citizens appointed to Commissions shall only be dismissed before the expiration of their tenure for misconduct or incapacity due to illness.

Schedule 9: Remuneration of Senior Public Figures

General

S9.1. Except as specifically provided herein, remuneration and pensions for Public Figures and Public Servants shall not exceed the rates pertaining in the wider community.

S9.2. Except as specifically provided herein allowances for Public Figures and Public Servants shall be restricted to the reimbursement of actual expenses incurred in providing that public service.

The President

S9.1. The President shall be paid 20 times AWE rising to 25 times AWE over five years and to 30 times AWE over ten years adjusted annually on 1 July.

In 2007 this would be 20 x $1000 = $20,000 per week or $1,000,000 per year rising to $1,500,000. To some this figure might appear excessive. However, it should be borne in mind that currently (2007) the CEO of Macquarie Bank receives 600 times AWE; that is $30,000,000 per annum. In 2008 the Prime Minister received a salary of $330,000 plus a host of allowances and the Governor General was paid a salary of $365,000. The 2007-8 budget for the Office of the Governor General was $15.7 million.

Obviously we would like our most talented and suitable Australian Citizen to be our President. This is only going to happen if we are prepared to pay him what he deserves. It should be appreciated that we are asking our most talented Australian to absent himself from his business and his career

for five years with a possibility of this being extended to ten years.

S9.2. Upon retirement the President shall receive a pension equivalent to double AWE. Travel and accommodation expenses incurred fulfilling duties arising from being President and a private secretary shall be provided at public expense for a period of twelve months immediately following retirement as President.

The President's Consort

S9.3. The Consort of an incumbent President shall be paid four times average weekly earnings and shall be entitled to official travel and accommodation at public expense.

The Vice President

S9.4. The Vice President shall be paid a retainer of double AWE.

S9.5. When called upon to perform duties the Vice President shall be remunerated for these duties as if he was the President.

S9.6. When the Vice President is called upon to undertake the duties of President in the event of a prolonged absence by the President, the Vice President shall be remunerated as if he was the President.

Members of Parliament

S9.7. Members of the National Parliament shall be paid four times average weekly earnings on election,

increasing to a maximum of six times AWE over four years with an annual adjustment effective on 1 July.

In 2007 terms this is approx $200,000 per annum rising to $300,000 per annum. Current salary for a backbencher is $130,000 plus all sorts of allowances.

Parliamentary Chairmen

S9.8. The Chairman and Deputy Chairman shall be paid four times AWE rising to six times AWE over six years adjusted annually on 1 July.

In 2007 terms this is approx $200,000 to $300,000 per annum.

Chief Executive Officers

S9.9. Chief Executive Officers of Departments shall be paid five times AWE on appointment; rising to a maximum of eight times AWE over a period of 16 years With an annual adjustment effective on 1 July.

In 2007 terms this is approx $250,000 rising to $400,000.

Members of Regional Assemblies

S9.10. Assembly Members shall be paid double average weekly earnings during their first year rising to four times average weekly earnings in their fourth year with an annual adjustment effective 1 July.

In 2007 terms, this is approximately $100,000 rising to $200,000 per annum. This salary may or may not be adequate. The point to note here is that the People determine what they are prepared to pay their representatives (not the representatives themselves as is currently the case in Local Government.)

Regional Assembly Chairmen

S9.11. The Chairman and Deputy Chairman shall be paid double average weekly earnings during their first year rising to five times average weekly earnings over ten years adjusted annually on 1 July.

Regional Chief Executive Officers

S9.12. Regional Chief Executive Officers shall be paid four times AWE on appointment rising to six times AWE over five years with an annual adjustment effective 1 July.

In 2007 terms this remuneration equates to $200,000 to $300,000 per annum. A State Premier is currently paid about $270,000 p.a. plus a lot of allowances. In 2008, the WA Premier was paid more than $299,000.

Regional Executive Offices

S9.13. Executive Officers of Regional Departments shall be paid three times AWE on appointment; rising to a maximum of five times AWE over a period of 16 years adjusted annually on 1 July.

Judges

S9.14. Justices of the Constitutional Court shall be paid 8 times AWE on appointment rising to a maximum of 10 times AWE over 16 years.

S9.15. Justices of the Appeal Court shall be paid 7 times AWE on appointment rising to a maximum of 9 times AWE over 16 years.

S9.16. Justices of the Supreme Court shall be paid 6 times AWE on appointment rising to a maximum of 8 times AWE over 16 years.

S9.17. Justices of the Corporations Law Court shall be paid 6 times AWE on appointment rising to a maximum of 8 times AWE over 16 years.

S9.18. Justices of the Industrial Relations Court shall be paid 5 times AWE on appointment rising to a maximum of 7 times AWE over 16 years.

S9.19. Justices of the Family Law Court shall be paid 5 times AWE on appointment rising to a maximum of 7 times AWE over 16 years

S9.20. Justices of the Children's Court shall be paid 4 times AWE on appointment rising to a maximum of 6 times AWE over 16 years.

S9.21. Justices of the Court of Petty Sessions shall be paid 3 times AWE on appointment rising to a maximum of 4 times AWE over 16 years.

S9.22. Justices of the Small Claims Court shall be paid 2 times AWE on appointment rising to a maximum of 4 times AWE over 16 years.

Ombudsmen

S9.23. The Chief Ombudsman appointed by the President shall be paid 7 times AWE.

S9.24. Other Ombudsmen shall be paid 6 times AWE.

Chief Commissioner of Police

S9.25. The Chief Commissioner of Police shall be paid 7 times AWE on appointment rising to 9 times AWE over 16 years adjusted annually.

Regional Commissioners of Police

S9.26. Regional Commissioners of Police shall be paid 4 times AWE on appointment rising to 7 times AWE over 16 years adjusted annually.

Chief Commissioner of Emergency Services

S9.27. The Chief Commissioner of Emergency Services shall be paid 7 times AWE on appointment rising to 9 times AWE over 16 years adjusted annually on 1 July.

Regional Commissioners of Emergency Services

S9.28. Regional Commissioners of Emergency Services shall be paid 4 times AWE on appointment rising to 7 times AWE over 16 years adjusted annually.

Members of Commissions

S9.29. Unless otherwise specified the remuneration of Citizens appointed to Commissions shall be three times AWE.

Three Times AWE equates to approximately $150,000 (2007).

Annual Leave

S9.30. All senior public figures are entitled to four weeks annual leave.

Schedule 10: The Regions

General

S10.1. In general terms, regions will be delineated using water catchment areas to allow maximum control over their environment and shall contain populations of between 30,000 in sparsely populated areas and 250,000 in densely populated areas.

S10.2. Maps showing the delineation of Regions will be distributed with the final Draft Constitution – probably in the form of a CD or DVD. In that form readers will be able to see the whole picture and also able to zoom in to their own area of interest to see in detail the boundaries of their Region.

Indicative Facts and Figures

S10.3. As an interim measure, the following data gives an indication of the regional structure.

Area	Indicative Towns	Population	Pro-gressive Total
Kimberley-Pilbara	Broome, Port Hedland	77,826	1
Watjarri	Carnarvon, Geraldton	61,067	1
Stirling	Wheatbelt/Great Southern	110,441	3
Perth	North Northeast East (5 Regions) Southeast South	1,285,269	8
Jarrah	Bunbury, Bridgetown	122,295	9

Area	Indicative Towns	Population	Pro-gressive Total
Goldfields/ Esperance	Kalgoolie-Boulder, Esperance	69,197	10
Top End	Darwin	148,159	11
Outback	Alice Springs	61,632	12
Eyre	Ceduna, Port Lincoln, Whyalla	55,849	13
Flinders	Port Augusta, Port Pirie	44,317	14
Narrangga	Kadina, Nuriootpa	76,730	15
Adelaide	North South (4 Regions) East West	1,065,542	19
Sunraysia-Riverland	Mildura, Renmark	85,296	20
Murraylands-Fleurieu	Murray Bridge, Victor Harbour	78,656	21
York	Cairns, Mareeba	235,250	22
Gulf-Diamentina	Mount Isa, Longreach	53,324	23
Magnetic	Townsville	179,765	24
Whitsunday	Mackay	139,772	25
Capricorn	Rockhampton	182,927	26
Wide Bay	Hervey Bay	194,718	27
Darling Downs	Toowoomba	207,953	28
Yuggera	Ipswich	220,677	29
Sunshine Coast	Maroochydore} Caloundra } (2 Regions)	254,306	31

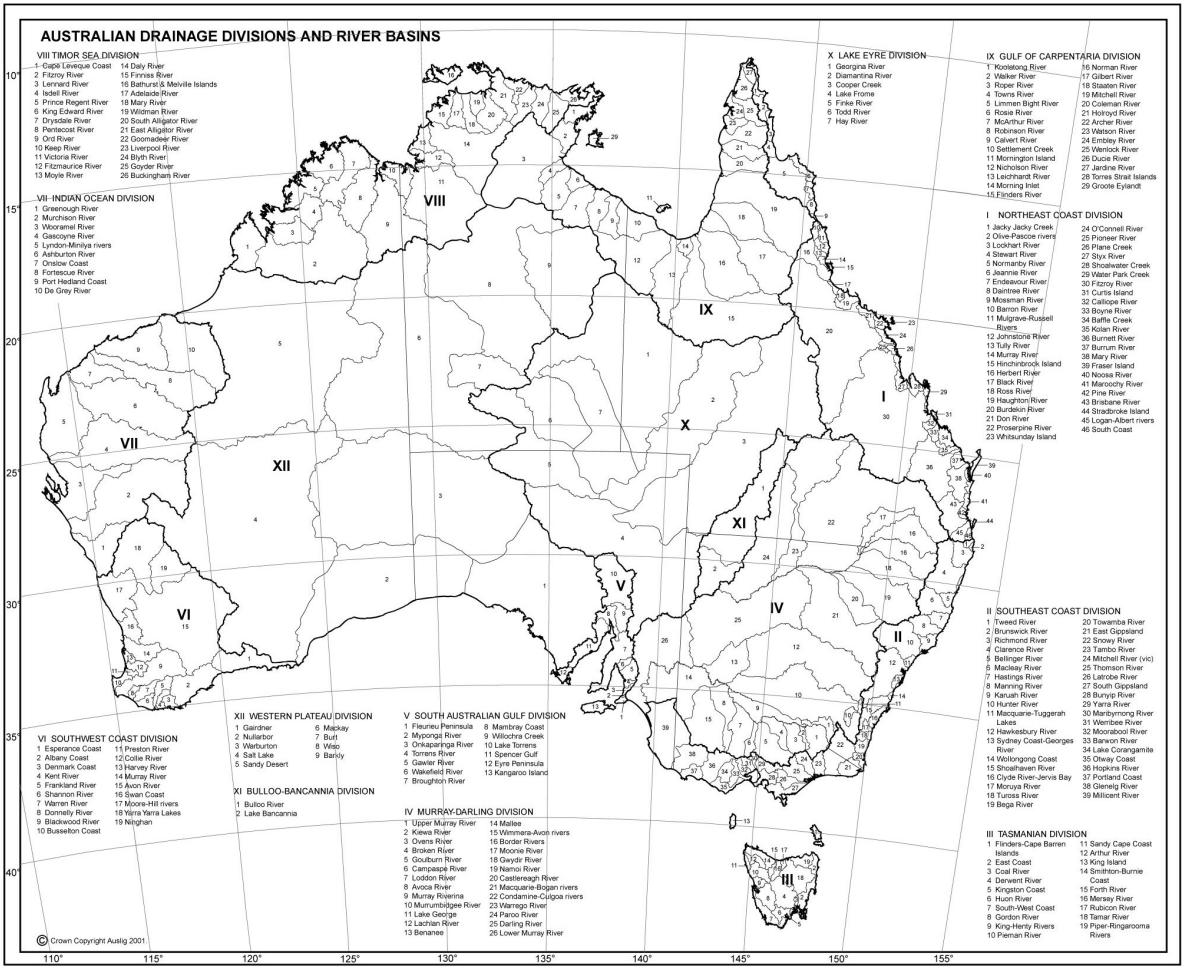
Area	Indicative Towns	Population	Pro-gressive Total
Brisbane	North South East (5 Regions) West Northwest	1,215,283	36
Gold Coast/ Tweed	North Central (3 Regions) South	527,139	39
Barundji	Broken Hill	55,147	40
Orana	Dubbo, Narrabri	115,493	41
New England	Armidale	161,120	42
Northern Rivers	Lismore, Grafton	183,336	43
Mid North Coast	Kempsey	215,050	44
Hunter (Newcastle)	North South (3 Regions) West	540,858	47
Calare	Bathhurst, Parkes, Young	174,105	48
Central Coast	Gosford (2 Regions) Wyong	260,839	50
North Sydney	Hornsby, Manly Baulkham Hills Warringah (4 Regions) Ku-ring-gai	835,079	54
Sydney	Ashfield Bankstown Canterbury (6 Regions) Hurstville Randwick Sutherland	1,391,873	60

Area	Indicative Towns	Population	Pro-gressive Total
West Sydney	Blacktown Campbelltown Fairfield (6 Regions) Liverpool Parramatta Penrith	1,256,132	66
Riverina	Wagga Wagga, Griffith	159,217	67
Illawarra	Wollongong Shoalhaven (2 Regions) Shellharbour	360,298	69
Canberra Monaro	Canberra, Eurobodalla Bega Valley, Goulburn Queanbeyan, Yass (3 Regions)	466,102	72
Green Triangle	Mount Gambier, Warnambool	178,451	73
Baraba (Mid Murray)	Bendigo, Swan Hill	236,187	74
Golden Highlands	Ballarat, Ararat	157,481	75
Corio	Geelong, Colac, Surf Coast	221,846	76
Melbourne	Sunshine, Keilor, Preston, Broadmeadows, Essendon, (6 Regions) Whittlesea, Werribee	1,350,560	82
Yarra	Caufield, Knox, Manningham, (4 Regions) Yarra Ranges, Waverley	1,056,148	86
Hume	Albury, Wodonga, Sheparton (2 Regions)	291,245	88

Area	Indicative Towns	Population	Pro-gressive Total
Gippsland	Bairnsdale, Morwell, Traralgon, Maffra, Sale, South Gippsland (2 Regions)	263,953	90
Western Port	Frankston, Dandenong, Brighton, Berwick, Hallam, (3 Regions) Kingston, Mornington	730,527	93
Tommeginne	Burnie, Queenstown, Davenport	106,659	94
Tamar	Launceston, Dorset, West Tamar	129,764	95
Huon	Hobart, Clarence, Glenorchy, Kingborough	223,237	96

The map on the following page illustrates approximately how the regions will look. This map shows 245 water catchment areas so more than one will be incorporated into some regions. This map can also be accessed on the website, http://www.bom.gov.au/hydro/wr/basins/basin-hi_grid.jpg

There is a possibility for limited zooming using this access.


AUSTRALIAN DRAINAGE DIVISIONS AND RIVER BASINS
VIII TIMOR SEA DIVISION
1 Cape Leveque Coast
2 Fitzroy River
3 Lennard River
4 Isdell River
5 Prince Regent River
6 King Edward River
7 Drysdale River
8 Pentecost River
9 Ord River
10 Keep River
11 Victoria River
12 Fitzmaurice River
13 Moyle River
14 Daly River
15 Finniss River
16 Bathurst & Melville Islands
17 Adelaide River
18 Mary River
19 Wildman River
20 South Alligator River
21 East Alligator River
22 Goomadeer River
23 Liverpool River
24 Blyth River
25 Goyder River
26 Buckingham River
VII INDIAN OCEAN DIVISION
1 Greenough River
2 Murchison River
3 Wooramel River
4 Gascoyne River
5 Lyndon-Minilya rivers
6 Ashburton River
7 Onslow Coast
8 Fortescue River
9 Port Hedland Coast
10 De Grey River
X LAKE EYRE DIVISION
1 Georgina River
2 Diamantina River
3 Cooper Creek
4 Lake Frome
5 Finke River
6 Todd River
7 Hay River
IX GULF OF CARPENTARIA DIVISION
1 Koolatong River
2 Walker River
3 Roper River
4 Towns River
5 Limmen Bight River
6 Rosie River
7 McArthur River
8 Robinson River
9 Calvert River
10 Settlement Creek
11 Mornington Island
12 Nicholson River
13 Leichhardt River
14 Morning Inlet
15 Flinders River
16 Norman River
17 Gilbert River
18 Staaten River
19 Mitchell River
20 Coleman River
21 Holroyd River
22 Archer River
23 Watson River
24 Embley River
25 Wenlock River
26 Ducie River
27 Jardine River
28 Torres Strait Islands
29 Groote Eylandt
I NORTHEAST COAST DIVISION
1 Jacky Jacky Creek
2 Olive-Pascoe rivers
3 Lockhart River
4 Stewart River
5 Normanby River
6 Jeannie River
7 Endeavour River
8 Daintree River
9 Mossman River
10 Barron River
11 Mulgrave-Russell Rivers
12 Johnstone River
13 Tully River
14 Murray River
15 Hinchinbrook Island
16 Herbert River
17 Black River
18 Ross River
19 Haughton River
20 Burdekin River
21 Don River
22 Proserpine River
23 Whitsunday Island
24 O'Connell River
25 Pioneer River
26 Plane Creek
27 Styx River
28 Shoalwater Creek
29 Water Park Creek
30 Fitzroy River
31 Curtis Island
32 Calliope River
33 Boyne River
34 Baffle Creek
35 Kolan River
36 Burnett River
37 Burrum River
38 Mary River
39 Fraser Island
40 Noosa River
41 Maroochy River
42 Pine River
43 Brisbane River
44 Stradbroke Island
45 Logan-Albert rivers
46 South Coast
II SOUTHEAST COAST DIVISION
1 Tweed River
2 Brunswick River
3 Richmond River
4 Clarence River
5 Bellinger River
6 Macleay River
7 Hastings River
8 Manning River
9 Karuah River
10 Hunter River
11 Macquarie-Tuggerah Lakes
12 Hawkesbury River
13 Sydney Coast-Georges River
14 Wollongong Coast
15 Shoalhaven River
16 Clyde River-Jervis Bay
17 Moruya River
18 Tuross River
19 Bega River
20 Towamba River
21 East Gippsland
22 Snowy River
23 Tambo River
24 Mitchell River (vic)
25 Thomson River
26 Latrobe River
27 South Gippsland
28 Bunyip River
29 Yarra River
30 Maribyrnong River
31 Werribee River
32 Moorabool River
33 Barwon River
34 Lake Corangamite
35 Otway Coast
36 Hopkins River
37 Portland Coast
38 Glenelg River
39 Millicent River
III TASMANIAN DIVISION
1 Flinders-Cape Barren Islands
2 East Coast
3 Coal River
4 Derwent River
5 Kingston Coast
6 Huon River
7 South-West Coast
8 Gordon River
9 King-Henty Rivers
10 Pieman River
11 Sandy Cape Coast
12 Arthur River
13 King Island
14 Smithton-Burnie Coast
15 Forth River
16 Mersey River
17 Rubicon River
18 Tamar River
19 Piper-Ringarooma Rivers
VI SOUTHWEST COAST DIVISION
1 Esperance Coast
2 Albany Coast
3 Denmark Coast
4 Kent River
5 Frankland River
6 Shannon River
7 Warren River
8 Donnelly River
9 Blackwood River
10 Busselton Coast
11 Preston River
12 Collie River
13 Harvey River
14 Murray River
15 Avon River
16 Swan Coast
17 Moore-Hill rivers
18 Yarra Yarra Lakes
19 Ninghan
XII WESTERN PLATEAU DIVISION
1 Gairdner
2 Nullarbor
3 Warburton
4 Salt Lake
5 Sandy Desert
6 Mackay
7 Burt
8 Wisp
9 Barkly
XI BULLOO-BANCANNIA DIVISION
1 Bulloo River
2 Lake Bancannia
V SOUTH AUSTRALIAN GULF DIVISION
1 Fleurieu Peninsula
2 Myponga River
3 Onkaparinga River
4 Torrens River
5 Gawler River
6 Wakefield River
7 Broughton River
8 Mambray Coast
9 Willochra Creek
10 Lake Torrens
11 Spencer Gulf
12 Eyre Peninsula
13 Kangaroo Island
IV MURRAY-DARLING DIVISION
1 Upper Murray River
2 Kiewa River
3 Ovens River
4 Broken River
5 Goulburn River
6 Campaspe River
7 Loddon River
8 Avoca River
9 Murray Riverina
10 Murrumbidgee River
11 Lake George
12 Lachlan River
13 Benanee
14 Mallee
15 Wimmera-Avon rivers
16 Border Rivers
17 Moonie River
18 Gwydir River
19 Namoi River
20 Castlereagh River
21 Macquarie-Bogan rivers
22 Condamine-Culgoa rivers
23 Warrego River
24 Paroo River
25 Darling River
26 Lower Murray River
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