

THIRTY POINT PROPOSAL FOR A NEW AUSTRALIAN CONSTITUTION/ORDER OR AMENDED EXISTING CONSTITUTION/ORDER

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This proposal is essentially the thirty point constitutional/legislative/governmental reform package espoused by the writer in his speech at the opening of the Inaugural Annual Convention of the RPA held at Albury, New South Wales on Easter Saturday, 18th April 1987 with some amendments and four deliberate changes.

There are urgent constitutional and governmental reforms and they are economically linked. For a 16 million plus population we are definitely an overgoverned nation. We have too many elections:

I don't disagree with fellow-Australians who claim that we have "too much democracy" in this country because that is, in no small measure, glaringly evident. So, what needs to be done? There follows a 30 points constitutional legislative governmental reform package.

The RPA opts for an entirely new, more reflective, more flexible and easier-to-change constitution. We concur with respected South Australian academic, Dean Jaensch, who wrote in a 1981 Current Affairs Bulletin article headed "REMAKING THE AUSTRALIAN CONSTITUTION" about the need for a new constitution "which will be above government, parliament and people but not out of reach of the people". Dr Jaensch further contended in this article that "a polity undergoes change and evolution and so should the constitution". Very wise and practical, those opinions.

Dean Jaensch, incidentally, has confirmed that he will be the keynote speaker on the topic "THE FAILURE OF 88 YEARS OF AUSTRALIAN FEDERATION" at the third Annual Convention of the RPA which will be held in Sydney over the weekend Saturday and Sunday May 20th and 21st, 1989

The 30 point constitutional legislative governmental reform package is as follows:

- 1 A 2 tier system of government: National Government in co-operation with Regional Government intentionally, the Tasmanian Hare-Clark proportional representation electoral process with an adaptation or modification to accommodate unicameral structures with the attendant multi-member electorates.
- 2 Referenda to be carried into reform of the new constitution if a simple majority of Australians vote in favour to a question or questions put by the Government of the Day
- 3 Fixed terms of Parliament 4 years for both the Houses. Elections for both Houses of Parliament should be held simultaneously i.e. Upper Houses, while they remain, should be dissolved in tandem with the Lower (Peoples) House and be subject to election, along with Regional Houses, on the first Saturday of November, in Leap Years. Thus, 4 year Senate terms
- 4 An Aboriginal Tribes National Convention to finalise, once and for all, a just compensation and restitution for the original native inhabitants who remain dispossessed and disadvantaged. This important plan embraces the honourable "Makarrata" treaty we have always advocated.
- 5 A Republic with 4 *Australian* elected Heads of State to serve as ceremonial "Presidents" primarily. It is envisaged that these 4 "Presidents" will act as Protectors or Guarantors of the constitution and that each will hold office of "Chief Protector" ("Chief Guarantor") for 1 year and therefore

rotate annually. Protectors too will be elected at the combined Leap Year elections and serve for a maximum of 2 terms.

50% of the eligible, registered electors will be able to petition the 4 Protectors regarding legislation which concerns them mooted or passed but worthy of consideration and if 3 Protectors concur then a review can be undertaken and recommendations, if deemed necessary, may be made to the Government of the Day for determination.

6. A new National Flag: ideally in green and gold (our official colours) depicting a forward-leaping gold kangaroo on a green background our international symbol of renown
- 7 A "Junior Parliament" for the 18-26 year olds
 - (a) to occupy the old Canberra Parliament House
 - (b) to be elected one per each single member electorate (while they remain) at the combined Leap Year elections; and
 - (c) for a maximum of 2 four year terms.

This Junior Parliament will be able to debate contemporary issues as they concern younger people in the polity-at-large. As a body with no powers it would be able to make "advisory decisions" and relay/relate them to respectively the National or Regional Governments of the Day for consideration

8. An enlarged High Court from 7 to 13 so that each State and Territory- (while they remain) may have at least 1 "representative" judge. We proffer that before a judge be eligible for appointment he or she must not have been a card-carrying member of any political party for at least 5 consecutive calendar years. The High Court must be depoliticised as far as practicable. At inception of the enlarged High Court the selected judge should be a resident of the State or Territory from which he or she was chosen to "represent" while the States and Territories remain
- 9 "Sunset" clauses with all new legislation. Regular review and appraisal of legislation and, if recommended by a Review Panel, then update or repeal or amendment of legislation as the case may be.
10. Introduction of Cost/Benefit analyses and impact studies with all new legislation - what we term as the "justification code". Who wins and Who loses What are the advantages and What are the disadvantages of the new legislation?
- 11 Calendar year budgets and budgeting for *Surpluses* as far as practicable.
- 12 Discontinuance of Imperial honours, awards, knighthoods etc. Removal of knighthoods from the Australian Awards system also.
- 13 Discontinuance of dual citizenship and attendant "pseudo-patriotism"
14. Discontinuance of un-Australian activity including allegiance to a foreign Head-of-State
15. Discontinuance of use of Australian taxpayers' funds to finance any future Royal Tours.

16. Discontinuance of distribution of political leaflets ("how-to-vote" cards etc.) on polling days. The hindrance of voters exercising their democratic voting rights should no longer be tolerated.
17. Discontinuance of the practice of appointing Ministers in the Senate (while it remains).
18. Discontinuance of political structures which provide for career politicians. A politician should only be allowed to serve for a maximum of 16 years with a first term of 8 years to be broken by a period of 4 years before the second and final term of 8 years. Politicians, as with judges and Protectors, should retire at the end of the term during which their 70th birthday falls. And every device practicable must be used to eradicate cronyism in Australian politics.
19. Rehabilitation of Offenders Legislation. Recidivism must be prevented at all costs. A socially just society should, over graduated time and depending upon the seriousness of the offences committed, expunge the records of convicted criminals. This would give a desirable incentive to persons who make felonious mistakes to be more law-abiding. Also, there needs to be extensions of the legal code to provide for
 - 1 "NO CONTEST" pleas to speed up the process of justice in this country; and
 - 2 "CLASS ACTIONS" for collectives of claimants.
20. Legislation and control of all drugs by the Government of the day and its appointed authorities and agencies.
21. Non-compulsory voting.
22. Establishment of an Australian Republic National Working Commission to be comprised of members or participants from all sides of politics in Australia. The existing Constitutional Commission could be restructured to oversee the "fine-tuning" required to ensure the Model Republic is maintained. This body will possibly be a branch of the Australian Law Reform Commission or work very closely with it to monitor, check and address all the risks associated with the Republican system of Government. It certainly will be a "watchdog" type body with advisory capacity, at least.
23. Freedom *from* persecution from any quarter. The RPA resists and contests the practice of certain theories e.g. creationism being taught to school-age children as either a science or established fact. We view these practices as a crime against future generations of Australians.
24. A Declaratory Set of Rights which have moral force in lieu of a Bill of Rights. We have appraised this matter exhaustively. A set Bill of Rights, per se, does not nor cannot guarantee anyone his or her rights. A Bill of Rights, in many respects, would deny the absolutely fundamental precepts of the RPA namely: freedoms and choices and the pursuit of liberty and humanitarian individualism; strictly limited censorship; voluntary involvements and non-involvements; socially responsible entrepreneurship; personal skills attainment through preferred training or re-training courses. The RPA believes that people should have selective choice as regards voluntary euthanasia, abortion etc., but would encourage counselling and mediation where immediate relatives are concerned.
25. Government money and supply bills must never be delayed or frustrated by party political whim or hostile Upper Houses or groups of politicians or political parties.
26. Uniformity of laws (road and traffic; libel; gun firearm, compensation and consumer laws amongst a host of others.) Uniformity of law reform will be easier to achieve under the proposed two (2) tier system of government and when such uniformity of law has materialised, there will be cost-savings to business, consumers and end-users generally.
27. All retrospective legislation to be rendered unconstitutional. Retrospective legislation is the most morally wrong of all and not conducive to Republican ideals or values.
28. Maximum direct income tax rate to be 39%. Maximum indirect tax rate to be 9%. Value-added taxes (V.A.T.) to be rigorously opposed, and if introduced to be abolished. V.A.T. is cumulative, highly inflationary and particularly financially burdensome for less-affluent people. Double taxation, of all manner and form, to be made unconstitutional.
29. Federal Awards system to streamline the country's industrial relations. Also; provision for voluntary employment contracts; legislation to establish industry-based trade unions with a maximum number of 25; engendering of profit-sharing schemes and worker participation in management.
30. Specific 4 point referendum to be put to the Australian people at the first opportunity regarding the polity-at-large's opinions apropos Australia becoming a Model Constitutional Republic.