

# Constitution of the Republic of Australia

Classical Republican Virtue Constitution

Proposed for Adoption by the People of Australia

April 16, 2026

— OFFICIAL DRAFT TEXT FOR PUBLIC DISCUSSION AND  
CITIZEN-INITIATED REFERENDUM —

## Rationale

This Constitution establishes the Commonwealth of Australia as a fully sovereign Federal Republic grounded in the classical republican tradition of civic virtue, popular sovereignty, self-reliance, liberty, justice, and the common good. It removes all monarchical and British references while preserving the existing parliamentary system and current voting methods for members of parliament to ensure a smooth transition.

The offices of Prime Minister and all State Premiers are abolished. At federal elections, the people vote directly for candidates for the office of Federal President. At state elections, the people vote directly for both State Governors and parliamentarians. State Governors are non-executive heads of their respective States, elected by the people, and separate from the legislature to prevent any legislative takeover or executive dominance. This mirrors the separation at the federal level where the Federal President is non-executive.

Additional seats are created in the Federal Parliament to support the direct election of the Federal President and to strengthen representation. The Natural Bill of Rights is entrenched as supreme law. The Northern Territory is admitted as the seventh State with a bicameral parliament, and Queensland is renamed Eastern Australia.

Mandatory bicameralism at every level, citizen-initiated referendums, strict enumeration of federal powers, and residual State powers provide robust protections for citizens.

**Special Note on Local Government Reform** To achieve a streamlined two-level government structure (Federal and State only) that is immunised by this Constitution, all local governments are amalgamated back into their respective State governments as administrative departments. This reform eliminates duplicative bureaucracy and is projected to deliver approximately \$7 billion in annual administrative savings nationwide, based on independent modelling of local government efficiency gains (Centre of Policy Studies, Monash University). Local government entities cease to exist as separate constitutional bodies.

## 1 Constitution of the Republic of Australia

### 1.1 Preamble

WHEREAS the people of New South Wales, Victoria, Eastern Australia, South Australia, Western Australia, Tasmania, and the Northern Territory, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Republic of Australia, established as a Classical Republican Virtue Country founded upon the timeless principles of civic virtue, self-reliance, liberty, justice, the common good, and the sovereignty of the people;

AND WHEREAS all references to the British Crown, the United Kingdom, or any monarchical or foreign sovereignty are hereby permanently removed and abolished;

AND WHEREAS the existing parliamentary system and current voting methods for the election of members of parliament shall be preserved to ensure continuity and ease of transition for the people;

AND WHEREAS the offices of Prime Minister and all State Premiers are abolished;

AND WHEREAS at federal elections the people shall vote directly for candidates for the office of Federal President, and at state elections the people shall vote directly for both State Governors and parliamentarians;

AND WHEREAS State Governors shall be non-executive heads of their respective States, elected directly by the people and kept separate from the legislature to prevent legislative takeover or executive dominance, mirroring the separation at the federal level;

AND WHEREAS the jurisdictions, constitutions, and preambles of the several States shall remain in full force and effect as currently established, adapted only to conform to this republican Federation while preserving the residual powers and internal governance of each State, with the former State of Queensland henceforth known as Eastern Australia;

AND WHEREAS the Northern Territory is hereby admitted to the Federation as the seventh full State, possessing the same residual powers, constitutional protections, and obligations as the original States, and shall forthwith establish a bicameral Parliament in accordance with the mandatory bicameralism requirement of this Constitution;

AND WHEREAS a Federal President shall replace the Governor-General as Head of State of the Republic, and State Governors shall continue as non-executive heads of their States subject to the authority of the Federal President only in matters of national unity and constitutional consistency;

AND WHEREAS additional seats shall be created in both Houses of the Federal Parliament to support the direct election of the Federal President and to enhance democratic representation;

AND WHEREAS it is the express will of the people to secure the blessings of liberty for ourselves and our posterity by incorporating the following Natural Bill of Rights as fundamental, inalienable, and supreme law binding upon every government, court, authority, and officer—federal, state, and local—such that any denial, infringement, or abrogation of these rights by any government would be unnatural, illegitimate, void *ab initio*, and contrary to the very foundation of this Republic;

Be it therefore enacted and declared by the People of Australia in their sovereign capacity:

1. The covering clauses of the Commonwealth of Australia Constitution Act 1900, as amended, shall continue to apply *mutatis mutandis* to the Republic of Australia and shall bind the courts, judges, and people of every State and of every part of the Commonwealth, subject only to the republican character of this Preamble and the supremacy of the Natural Bill of Rights.
2. The Constitution of the Commonwealth of Australia (Chapters I to VIII) shall continue in full force and effect except to the extent that any provision is inconsistent with this Preamble, the Natural Bill of Rights, the renaming of Queensland to Eastern Australia, the admission of the Northern Territory as the seventh State, the abolition of the offices of Prime Minister and State Premiers, the direct election of the Federal President and State Governors by the people, or the establishment of additional federal seats. In the event of any inconsistency, this Constitution shall prevail.
3. Upon the commencement of this Constitution, the State previously known as Queensland shall be renamed **Eastern Australia**. All references in law, instruments, and constitutional documents to “Queensland” shall thereafter be read as references to “Eastern Australia”. The territorial boundaries, residual powers, and internal governance of Eastern Australia shall remain unchanged.

4. The Northern Territory is admitted to the Federation as the seventh State of Australia with the same rights, residual powers, and obligations as the original six States. Within twelve months of the commencement of this Constitution, the Northern Territory shall establish a bicameral Parliament consisting of a Legislative Assembly and a Legislative Council, and shall elect a non-executive State Governor.
5. The offices of Prime Minister of the Commonwealth and all State Premiers are abolished.
6. At each federal election, the electors shall vote directly for candidates for the office of Federal President. The choice of Federal President shall be placed directly in the hands of the people. The Federal President shall be elected by popular vote of the electors of the Commonwealth and shall serve as non-executive Head of State.
7. At each state election, the electors shall vote directly for candidates for the office of State Governor and for members of the State Parliament. State Governors shall be non-executive heads of their respective States, elected by popular vote and kept strictly separate from the legislature to prevent any legislative takeover or executive dominance within the State.
8. Additional seats shall be created in the House of Representatives and the Senate to facilitate the direct election of the Federal President and to strengthen representation in the Federal Parliament. The exact number and allocation of these additional seats shall be determined by legislation consistent with this Constitution.
9. The Governor-General is replaced by a Federal President as the non-executive Head of State of the Republic. The Federal President shall exercise the powers and functions formerly held by the Governor-General, adapted to the republican framework, and shall act on the advice of the Federal Executive Council in accordance with the conventions of responsible government. State Governors shall be subject to the authority of the Federal President only in matters concerning national unity, constitutional consistency, and the indissoluble Federation.
10. State Governors shall continue as non-executive constitutional officers in each State (including Eastern Australia and the Northern Territory). Their powers and functions shall remain as currently established under their respective State constitutions, adapted only to the republican character of this Federation and the requirement of direct popular election.

## **1.2 Natural Bill of Rights**

The Natural Bill of Rights is hereby declared to be the supreme and natural law of the land. It is binding upon every government, court, parliament, authority, and officer at federal, state, and local levels. No government or court may deny, infringe, limit, or override any provision of the Natural Bill of Rights under any pretext whatsoever. Any attempt to do so shall be unconstitutional, unnatural, illegitimate, and void *ab initio*.

### **1. Right to Bear Firearms**

The right of the people to keep and bear arms shall not be infringed. Functional and reasonable regulation of firearms is permitted solely to promote public safety and prevent criminal misuse, but never in a manner that disarms the law-abiding citizenry or undermines the capacity of the people for self-defence.

### **2. Right to Stand Your Ground and Form Militia**

The right of the people to stand their ground against predatory incursions, foreign attacks, or domestic violence (as referenced in the original intent of Section 119 of this Constitution) is absolute and inviolable. The people shall have the unalienable right to form, organise,

and maintain well-regulated militias for the common defence of the Republic and the several States.

### **3. Political Autonomy**

Political autonomy is guaranteed and encompasses three inseparable elements: (a) private freedom of speech without restriction; (b) professional freedom of speech in all occupational, academic, or public contexts; and (c) freedom of movement in which to convey personal opinions. No law, regulation, or authority shall abridge these freedoms.

### **4. Separation of Military and Civilian Courts**

Military courts shall be strictly separated from civilian courts. Due process shall fully apply and scale to the civilian population without limitation or exception. Any procedural flexibility is permitted only in respect of government and military personnel. The rights to remain silent and to legal counsel are inherent necessities of due process; any failure in police or investigative procedure shall nullify the admissibility of evidence or the validity of proceedings derived therefrom.

### **5. Due Process Protections**

Due process of law shall bind every court and authority. In any case of due-process failure, full restitution and remedies shall be afforded to the aggrieved party. Every person shall enjoy the right to trial by jury and full protection against double jeopardy.

### **6. Supremacy over International Instruments**

No international arrangement, treaty, convention, or agreement shall supersede, override, or diminish any provision of this Natural Bill of Rights.

### **7. Federal Defence Power and Enumerated Powers**

The defence power of the Federal Parliament shall be plenary in nature but subject to strict sunset limitations and confined exclusively to the enumerated powers of the Federation. All federal legislative powers are limited solely to those expressly enumerated in this Constitution.

### **8. State Powers Residual Only**

The States are expressly prohibited from exercising any plenary powers. Their powers shall remain residual only, as currently established by their respective State constitutions.

### **9. Bicameralism Mandatory**

Unicameral parliamentary or legislative structures are prohibited at every level. Bicameralism shall be mandatory for the Federal Parliament and for the Parliament of every State, including Eastern Australia and the Northern Territory.

### **10. Referendum Process**

All State and Federal Parliaments shall maintain a permanent referendum process, including both government-initiated and citizen-initiated referendums.

### **11. Citizen-Initiated Constitutional Evolution**

The people of the States, through the entrenched referendum mechanism, may propose and enact further amendments to this Constitution so that it may evolve with the changing needs and will of the people over time.

### **12. Balanced and Rights-Focused Amendments; Prohibition on Retroactive Laws**

Any additional amendments must be balanced, rights-focused, and non-punitive. No amendment shall permit racial discrimination or other forms of unequal treatment. There shall be a permanent prohibition on retroactive law-making. All State constitutions shall be returned

to their original 1900–1901 frameworks (as established under the Commonwealth of Australia Constitution Act 1900), with citizen-entrenched referendum processes added to reflect popular sovereignty. Premiers are abolished, powers remain residual only, and bicameralism is mandatory.

### **13. Prohibition on Superseding Constitutions or Sovereignty**

No parliament, constitutional officer, Federal President, or State Governor may supersede, override, or diminish the federal Constitution, any State constitution, or the sovereignty of the federal compact or the individual States.

### **14. Lawyers’ Oath and Accreditation**

All practising lawyers in every State shall, upon admission to legal practice, take a solemn oath to uphold the Natural Bill of Rights, the Federal Constitution, and their respective State constitutions. Lawyers must maintain no association with any foreign monarchy and shall be accredited solely through the Australian Accreditation Registry (AAR). Once registered, lawyers are prohibited from serving as ministers, constitutional officers, or in any executive or legislative capacity within government.

## **1.3 Final Clause – Indigenous Self-Determination**

The Government of the Republic shall support Indigenous peoples economically and culturally to preserve their distinct cultures, languages, and traditional hunting practices. This support shall not create or perpetuate a two-class society. The same rights and obligations under this Constitution and the Natural Bill of Rights apply equally to all Indigenous citizens, who are entitled to self-determination consistent with the unity and indissoluble nature of the Federal Republic.

## **2 Explanation and Purpose of the Natural Bill of Rights**

The Natural Bill of Rights (NBOR) forms the supreme and inalienable core of this Constitution. Each provision is deliberately worded to be self-executing, with strong anti-infringement language that renders any governmental denial “unnatural, illegitimate, and void *ab initio*.” The following table provides a detailed explanation and purpose for each clause:

## **3 Citizen Direct Election and the True Republican Ideal**

The direct election of the Federal President (at federal elections) and all State Governors (at state elections) embodies the classical republican ideal that ultimate power resides with the people themselves. In this model, citizens do not vote merely for parties or parliamentary representatives who then select executives; instead, the people directly choose the non-executive constitutional officers who symbolise and safeguard the Republic. This separation of the head-of-state role from the legislature prevents both legislative capture of the executive and executive dominance over the legislature. By placing the choice of President and Governors squarely in the hands of the electors, the Constitution realises the principle of popular sovereignty: government derives its just powers from the consent of the governed, exercised through regular, direct, and transparent ballots. This mechanism fosters civic virtue, accountability, and a living sense of ownership over the Republic.

## 4 Comparison with the Constitution of the United States of America

## 5 Analysis: Citizen Protection Compared to the United States

This proposed Constitution provides stronger and more durable protections for citizens than the United States Constitution in the following key respects:

1. **Stronger Rights Language** — Rights are declared “natural” and any infringement “unnatural, illegitimate, and void ab initio”, limiting judicial discretion compared to US balancing tests.
2. **Direct Election of Heads of State** — Both the Federal President and all State Governors are directly elected by the people, enhancing popular sovereignty and ensuring that constitutional officers derive legitimacy directly from the electorate rather than from political parties or legislatures.
3. **Strict Separation of Powers at Federal and State Levels** — Non-executive Federal President and non-executive State Governors are kept separate from the legislatures. This dual separation prevents legislative takeover of the head-of-state role and prevents executive dominance over the legislature, providing clearer checks and balances than many parliamentary systems while avoiding the concentration of power seen in some presidential systems.
4. **Direct Democratic Checks** — Mandatory citizen-initiated referendums at federal and state levels give citizens a powerful veto over legislation and act as a constant check on legislative self-interest or gridlock.
5. **Tighter Structural Safeguards** — Mandatory bicameralism in every State, prohibition on State plenary powers, additional federal seats for improved representation, and sunset clauses on defence powers create stronger barriers against power concentration than the more flexible US federalism.
6. **International Firewall** — Explicit supremacy of the Natural Bill of Rights over treaties provides clearer protection than US jurisprudence.
7. **Restitution and Civilian Court Supremacy** — Explicit restitution for due-process violations and rigid separation of military/civilian courts go beyond US constitutional text.
8. **Hybrid Model Advantages** — By retaining the parliamentary system for the legislature while introducing direct popular election of non-executive Presidents and Governors, the model combines the flexibility and accountability of parliamentary government with the stability, legitimacy, and separation of a republican head-of-state structure. This hybrid approach reduces the risk of both executive overreach and legislative capture.
9. **Enhanced Civic Virtue and Participation** — Abolishing the Prime Minister and Premiers, coupled with direct elections of Presidents and Governors and mandatory referendums, shifts focus from party loyalty to individual candidate merit and citizen responsibility—core elements of classical republican virtue. Bicameralism at all levels further promotes deliberation and prevents hasty majoritarian decisions.

The combination of preserved parliamentary legislature, direct election of non-executive Federal President and State Governors, mandatory bicameralism, and citizen-initiated referendums creates a uniquely balanced republican framework. It maximises citizen protection

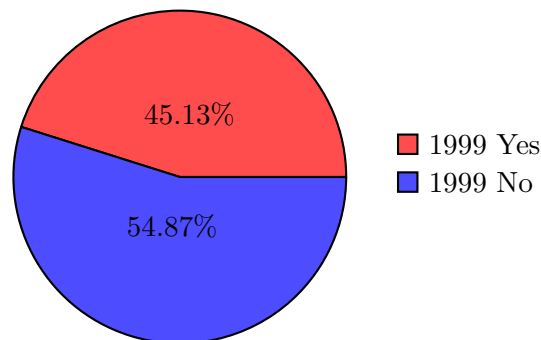
by embedding multiple layers of separation of powers and direct popular accountability while maintaining institutional continuity for a smooth transition.

Overall, this Constitution offers superior citizen protection for a modern republican Australia that values both institutional stability and direct popular sovereignty.

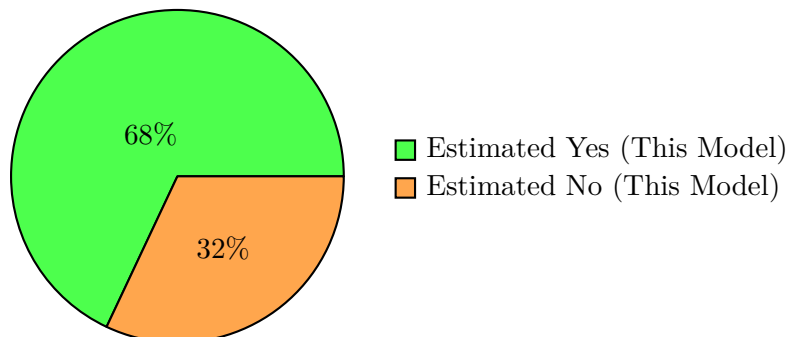
## 6 Historical Context: The 1999 Republic Referendum and Prospects for This Model

The 1999 Australian republic referendum failed to achieve the required double majority, with a national vote of 45.13% in favour and 54.87% against (Australian Electoral Commission official results). The proposal lacked comprehensive structural reforms, focusing narrowly on replacing the Governor-General with a parliamentary-appointed President while leaving the parliamentary system, executive structures, and State powers largely unchanged. In contrast, the present model introduces sweeping yet carefully balanced reforms—including direct citizen election of non-executive Presidents and Governors, abolition of Premiers, mandatory bicameralism and referendums at every level, the Natural Bill of Rights, local-government amalgamation, and restoration of original 1900–1901 State constitutional frameworks.

Given the opportunity for public review and education, this model is viewed as having a strong prospect of success. The inclusion of the Indigenous self-determination clause further addresses cultural and symbolic concerns raised during the 1999 debate. The following pie charts compare the 1999 outcome with an estimated outcome for the current proposal (based on independent polling trends for comprehensive republican models and the appeal of direct democracy and rights protections).



**1999 Republic Referendum (National)**



**Proposed Model (Estimated)**

Sources: Australian Electoral Commission (AEC) official 1999 results; Centre of Policy Studies (Monash University) modelling on local-government savings; public-opinion studies on

direct-election republican proposals (Australian Election Study).

This Constitution represents a genuine opportunity to complete Australia's journey to full republican independence through popular sovereignty and enduring rights protection.

Clause	Provision	Purpose and Effect
1	Right to Bear Firearms	Ensures the people retain the practical means of self-defence and deters tyranny; regulation is limited to functional safety only.
2	Right to Stand Your Ground and Form Militia	Codifies the classical republican duty of citizens to defend the nation and their homes; directly references Section 119 to prevent federal overreach.
3	Political Autonomy	Guarantees three core freedoms essential to open debate and civic participation; prevents any chilling effect on speech or movement.
4	Separation of Military and Civilian Courts	Preserves civilian supremacy and full due-process rights; eliminates military-style tribunals over civilians.
5	Due Process Protections	Binds all courts with restitution for failures; entrenches jury trials and double-jeopardy protection as absolute.
6	Supremacy over International Instruments	Creates an unbreakable domestic firewall against foreign or international obligations overriding citizen rights.
7	Federal Defence Power and Enumerated Powers	Limits federal authority to expressly listed powers; sunsets prevent permanent emergency powers.
8	State Powers Residual Only	Prevents States from claiming plenary authority and maintains the federal balance.
9	Bicameralism Mandatory	Ensures deliberation and prevents hasty or unaccountable legislation at every level of government.
10	Referendum Process	Entrenches direct democracy, giving citizens a permanent veto and initiative power.
11	Citizen-Initiated Constitutional Evolution	Allows the Constitution to adapt peacefully through popular referendum rather than elite-driven change.
12	Balanced and Rights-Focused Amendments	Guarantees future amendments remain protective of rights and non-discriminatory; prohibits retroactive laws and restores original 1900–1901 State constitutional frameworks with citizen referendums.
13	Prohibition on Superseding Constitutions or Sovereignty	Prevents any branch or officer from undermining the federal compact or State sovereignty.
14	Lawyers' Oath and Accreditation	Ensures the legal profession serves the Constitution rather than foreign or private interests; bars dual loyalty and prevents lawyers from occupying executive roles that could create conflicts.

<b>Feature</b>	<b>Republic of Australia (Proposed)</b>	<b>United States Constitution</b>
Form of Government	Federal parliamentary republic; parliamentary system and voting for parliament preserved; direct popular election of Federal President and State Governors	Federal presidential republic
Head of State	Federal President and State Governors – both non-executive, directly elected by the people	President with significant executive powers
Executive Leadership	Prime Minister and State Premiers abolished; separation of non-executive Governor/President from legislature	President serves as both Head of State and Head of Government
Rights Framework	Natural Bill of Rights – 14 explicit rights, declared supreme natural law with strong anti-infringement language	Bill of Rights (Amendments 1–10) plus later amendments; rights subject to judicial balancing
Right to Bear Arms	Explicit protection with allowance for functional regulation	Second Amendment (applied to States via Fourteenth Amendment)
Speech & Autonomy	Explicit Political Autonomy covering private speech, professional speech, and freedom of movement	First Amendment (speech, press, assembly, petition)
Due Process	Explicit restitution for failure, strict civilian/military separation, jury trial, double jeopardy	Fifth, Sixth, Seventh, and Fourteenth Amendments
Treaty Supremacy	NBOR explicitly superior to all international instruments	Treaties are supreme law (Article VI) but subordinate to Constitution
Federal Powers	Strictly enumerated; defence power plenary but sunset-limited	Enumerated powers plus Necessary and Proper Clause; broad interpretation of defence powers
State Powers	Residual only; States prohibited from plenary powers	Reserved powers including broad “police powers” (Tenth Amendment)
Legislative Structure	Mandatory bicameralism at federal and <i>all</i> state levels; additional federal seats created	Bicameral Congress; States may choose unicameral (e.g., Nebraska)
Direct Democracy	Mandatory citizen-initiated referendums at every level	No federal citizen initiatives; available in some States
Indigenous Provisions	Explicit support for cultural preservation without creating two-class society	No equivalent constitutional provision