

# Proposed Constitutional Reforms for Australia

## A Positive Framework for Restoring Sovereignty, Rule of Law and Citizenship

Classical Republican Party (crparty.com.au)

Classical Republican Party of Australia  
Free, Fair & Just

April 16, 2026

### Abstract

The Classical Republican Party (CRP) presents this report as a positive framework for constitutional reform in Australia. Our vision is rooted in the original public meaning of the 1901 Constitution, limited government, national sovereignty, due process, and citizen empowerment. These 16 proposed referendums address critical areas of federal overreach, judicial activism, erosion of parliamentary integrity, and threats to the rule of law. By returning power to its proper constitutional boundaries and embedding safeguards against authoritarian creep, predatory international mechanisms, and majoritarian excess, these reforms will strengthen Australia’s federal compact and protect individual liberty for generations to come.

## 1 Introduction

Australia’s Constitution was designed as a federal compact that divides powers between the Commonwealth and the States to prevent centralised tyranny and preserve local self-government. Over time, expansive judicial interpretations, unchecked treaty-making, compulsory voting distortions, and legislative overreach have undermined this original design. The Classical Republican Party advocates constitutional originalism — interpreting the Constitution according to its meaning at Federation — not “living document” flexibility that enables judicial activism.

The following proposals require referendums under section 128. They incorporate checks and balances, sunset clauses, citizen vetoes, and educational mandates to restore civic virtue, sovereignty, and the rule of law. While more reforms may be necessary in the future, these lay out a positive framework for change.

## 2 Proposed Referendum Reforms

### 1. Reform of the External Affairs Power — Section 51(xxix)

A referendum to place explicit prohibitions on the Commonwealth entering or implementing “predatory or obnoxious” treaties or mechanisms, such as Investor-State Dispute Settlement (ISDS) clauses in Bilateral Investment Treaties (BITs) or UNCITRAL-style arbitration. This reform protects Australian sovereignty from international tribunals that can override domestic law and favour foreign corporations over citizens and States. It restores parliamentary oversight and prevents the external affairs power from being used as a backdoor to expand federal authority beyond the original federal compact.

**2. Insertion of a Preamble to Section 51 Incorporating Constitutional Originalism**

Add a preamble to Section 51 requiring that all Commonwealth legislative powers be interpreted according to their original public meaning at Federation, rejecting “flexibility” or evolutionary interpretations.

This enshrines the rule of constitutional originalism, preventing judicial activism and ensuring the Constitution remains a stable limit on government power rather than an instrument of change by unelected judges.

**3. Sunset Clauses Added to All Section 51 Powers**

Introduce automatic sunset clauses (e.g., 10–20 years unless renewed by explicit parliamentary vote and/or referendum) on all heads of power in Section 51.

Permanent powers encourage bureaucratic entrenchment. Sunset clauses force periodic review, ensuring laws remain relevant and aligned with the original federal balance, while curbing the growth of the administrative state.

**4. Voluntary Voting and Citizen Veto over Preferential Voting Systems**

Constitutional recognition of voluntary voting, together with a citizen-initiated veto (single or original-intent integrity mechanism) over preferential voting systems that distort the original intent of the ballot.

Compulsory voting undermines personal liberty and civic virtue. Voluntary voting, combined with safeguards against manipulative preferential systems, restores genuine democratic consent and protects the integrity of citizen choice.

**5. Constitutional Literacy, Economic Literacy, and Indigenous Land Management in the School Curriculum**

Mandate the inclusion of constitutional literacy, basic economic literacy, and practical land management techniques (including Indigenous cool-burning and fire-control practices) in the national school curriculum.

An informed citizenry is the bedrock of a republic. These subjects foster critical thinking about power, money, and responsible stewardship of the land, drawing on both classical republican principles and proven Indigenous knowledge for better environmental outcomes.

**6. Parliamentary Legislative Integrity and Minimum Due Process Rule — New Section**

Insert a new constitutional section requiring minimum standards of legislative integrity, due process, and constitutional clarity in all Commonwealth and State laws.

This strikes at the heart of opaque, poorly drafted legislation and ensures Parliament cannot bypass fundamental principles of fairness, preventing the erosion of the rule of law through rushed or ambiguous statutes.

**7. Defence Power — Constitutional Clarity, Sunset Clause, Plenary Scope and Prohibition on State Plenary Powers**

Clarify the defence power via referendum, add a sunset clause, confirm its plenary nature at the federal level, and prohibit States from exercising plenary defence powers.

National defence is a core federal responsibility. Clear limits and periodic review prevent mission creep while ensuring the Commonwealth maintains exclusive, accountable authority over defence without duplicative or conflicting State regimes.

**8. Rights Notifications in Chapter III Courts — Judicial Integrity and Limits on Delegation of Power**

Incorporate mandatory rights notifications into Chapter III court processes, strengthen judicial integrity, and impose strict limits on the delegation of judicial power.

Chapter III courts are the final bastion of liberty. These reforms ensure accused persons

receive clear notice of their rights, prevent executive encroachment on the judiciary, and uphold the separation of powers.

**9. New Section to Section 71 — Coexistence Paradox Rule**

Insert a new provision in Section 71 establishing a “coexistence paradox rule” that prohibits linguistic sabotage or contradictory legal constructions designed to undermine the rule of law.

This rule prevents clever drafting or judicial reinterpretation that creates paradoxes between constitutional text and practical effect, thereby enhancing legal certainty and the supremacy of the written Constitution.

**10. Procedural Fairness and Neutrality Test Rule — Section 71**

Add a procedural fairness and neutrality test applicable to all legislation, forcing both State and federal parliaments to demonstrate higher competence and eliminating authoritarian creep.

Laws must be neutral and procedurally fair. This test provides a constitutional backstop against biased or coercive legislation, compelling lawmakers to maintain rigorous standards.

**11. Codification of Sir Edward Coke’s Delegation of Power Principle into Section 61**

Codify the ancient principle *delegata potestas non potest delegari* (a delegated power cannot be further delegated) into the executive power under Section 61, preventing the transfer of authority to external or unaccountable bodies.

This restores the original intent that executive power remains accountable to the Crown and Parliament, blocking the outsourcing of sovereignty to international organisations or quangos.

**12. Dilution Rule in the Senate**

Insert a “dilution rule” allowing any single Senator to invoke a procedural safeguard against majoritarian actions that would destroy the rule of law, including unconstitutional taxes or laws lacking a clear constitutional head of power.

The Senate was designed as a States’ house and a check on the House of Representatives. This rule empowers individual Senators to protect the constitutional order from hasty or abusive majorities.

**13. Internal Competence Rules for Treaty Implementation — Checks and Balances via Sections 106–108 and Citizen-Initiated Referendum Safeguard**

Establish internal competence rules for the domestic implementation of treaties, utilising or amending Sections 106, 107 or 108 for repeal and review mechanisms, and insert an additional safeguard under Section 109 incorporating citizen-initiated referendum reserve power. Treaties must not automatically override State laws without rigorous domestic scrutiny. These mechanisms ensure federal treaty implementation respects the federal compact and gives citizens a direct voice.

**14. Federal Citizen-Initiated Referendum Mechanism — Reform of Section 128**

Amend Section 128 to enable federal citizen-initiated referendums on constitutional matters, subject to reasonable signature thresholds and procedural safeguards.

True republican government includes direct citizen participation. This reform empowers Australians to initiate change, bypassing parliamentary gatekeeping when majorities support reform.

**15. Section 80 Open Justice Rule and Free High Court Access**

Add an explicit “open justice” rule to Section 80 guaranteeing free and accessible High Court proceedings for constitutional matters, removing financial or procedural barriers to public interest litigation.

Justice must be seen to be done. This ensures the High Court remains open to citizens challenging unconstitutional laws without prohibitive costs.

#### **16. Constitutionalisation of Police and Emergency Service Worker Integrity Standards**

Constitutionalise minimum integrity, accountability, and professional standards for all police forces and emergency service workers across Australia.

Public trust in law enforcement is essential to the rule of law. Elevating these standards to constitutional status ensures consistent, apolitical service and protects both officers and citizens from institutional failures.

### **3 Conclusion**

These 16 proposed referendums lay out a coherent, positive framework for constitutional renewal. They restore the original federal balance, embed originalism, protect sovereignty from external threats, strengthen parliamentary integrity, empower citizens, and entrench the rule of law against authoritarian creep and linguistic manipulation. The Classical Republican Party believes there will be more necessary referendums in the future as Australia confronts new challenges, but these reforms provide the essential foundation for a freer, fairer, and more just nation.

The CRP calls on all Australians who value liberty, sovereignty, and constitutional fidelity to support these reforms and join the movement for genuine change.

**Classical Republican Party ([crparty.com.au](http://crparty.com.au))**

Free, Fair & Just