

## Commonwealth of Australia Constitution Act (The Constitution)

This compilation was prepared by /u/RunasSudo on 2 June 2019 taking into account alterations up to the *Constitution Alteration (Establishment of Republic) 2019*.

Provision differs to IRL [Constitution Alteration \(Establishment of Republic\) 2019](#)  
Meta considerations (text should not be considered canon following the introduction of the Meta Constitution)

### An Act to constitute the Commonwealth of Australia<sup>1</sup>

WE the people of the Commonwealth of Australia, agree to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

BE it therefore enacted in accordance to the procedures contained within the previous Constitution of Australia, and by the will of the electors:

#### 1 Short title

This Act may be cited as the Commonwealth of Australia Constitution Act.

#### 2 Act to extend to the Queen's successors

The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.

#### 3 Proclamation of Commonwealth

The Governor-General for the Commonwealth, acting for the Queen, shall declare by proclamation that the people of Australia<sup>2</sup> shall be united in a Federal Commonwealth composing of the states and territories as existed immediately before the commencement of the Australian<sup>3</sup> Constitution.

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<sup>1</sup> Original Act reads 'AustraliaSim'. Per the Meta Constitution, this should now be read as 'Australia'.

<sup>2</sup> ditto

<sup>3</sup> ditto

#### **4 Commencement of Act**

The Commonwealth shall be established, and the Constitution of the Commonwealth shall take effect, **on the day that it receives the Royal Assent, and by the will of the electors.**

#### **5 Operation of the Constitution and laws**

This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, **notwithstanding anything in the laws of any State.**

#### **6 Definitions**

**The Commonwealth** shall mean the Commonwealth of Australia as established under this Act.

**The States** shall mean **the states of New South Wales, Queensland, Tasmania, Victoria, Western Australia, and South Australia**, as for the time being are parts of the Commonwealth, and such colonies or territories as may be admitted into or established by the Commonwealth as States; and each of such parts of the Commonwealth shall be called a State.

**Original States** shall mean such States as are parts of the Commonwealth at its establishment.

#### **7 Repeal of Federal Council Act**

The Federal Council of Australasia Act, 1885, is hereby repealed, but so as not to affect any laws passed by the Federal Council of Australasia and in force at the establishment of the Commonwealth.

Any such law may be repealed as to any State by the Parliament of the Commonwealth, or as to any colony not being a State by the Parliament thereof.

#### **8 Application of Colonial Boundaries Act**

After the passing of this Act the Colonial Boundaries Act, 1895, shall not apply to any colony which becomes a State of the Commonwealth; but the Commonwealth shall be taken to be a self-governing colony for the purposes of that Act.

#### **9 Application of other legislation**

**All legislation passed between 1st January 1901 till the commencement of the Constitution shall apply (whether passed in the Commonwealth of Australia or, since the inception of**

AustraliaSim, passed in the Commonwealth of AustraliaSim), unless it directly contradicts a term of the Constitution. If it does, that section will be excluded to the extent of the contradiction.

## 10 Extent of application of Australian Constitution

This Act extends to any subreddit on reddit.com, or any website, online service, or other electronic platform that is directly related to:

- i) the electors of AustraliaSim;
- ii) political parties participating in AustraliaSim
- iii) the Legislature;
- iv) the Judiciary;
- v) the Executive; or
- vi) the media of AustraliaSim

## 11 Constitution

The Constitution of the Commonwealth shall be as follows:

### Chapter I—The Parliament

#### Part I—General

#### 1 Legislative Power

The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the President, a Senate, and a House of Representatives, and which is hereinafter called The Parliament, or The Parliament of the Commonwealth.

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#### 5 Sessions of Parliament. Prorogation and dissolution

The President may appoint such times for holding the sessions of the Parliament as he thinks fit, and may also from time to time, by Proclamation or otherwise, prorogue the Parliament, and may in like manner dissolve the House of Representatives.

## *Summoning Parliament*

After any general election, the Parliament shall be summoned to meet not later than **one week** after the day appointed for the return of the writs.

## *First session*

The Parliament shall be summoned to meet not later than **two weeks** after the establishment of the Commonwealth.

## **6 Yearly session of Parliament**

**The Parliament shall sit for at least 8 months per year.**

## **Part II—The Senate**

### **7 The Senate**

The Senate shall be composed of senators for **Australia**, directly chosen by the people of **Australia**, voting, until the Parliament otherwise provides, as one electorate. **The Australian Capital Territory and Northern Territory must also be represented in the Senate.**

Until the Parliament otherwise provides there shall be **seven senators for Australia**.<sup>4</sup> The Parliament may make laws increasing or diminishing the number of senators for **Australia**,<sup>5</sup> **however it must not be lower than seven senators.**

The senators shall be chosen for a term of **double the length of members**, and the names of the **senators chosen** shall be certified by the **President**.

### **8 Qualification of electors**

The qualification of electors of senators shall be in each State that which is prescribed by this Constitution, or by the Parliament, as the qualification for electors of members of the House of Representatives; but in the choosing of senators each elector shall vote only once.

### **9 Method of election of senators**

The Parliament of the Commonwealth may make laws prescribing the method of choosing senators, but so that the method shall be uniform for all the States.

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<sup>4</sup> Original Act reads 'AustraliaSim'. Per the Meta Constitution, this should now be read as 'Australia'.

<sup>5</sup> ditto

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### 11 Failure to choose senators

The Senate may proceed to the despatch of business, notwithstanding the failure of any State to provide for its representation in the Senate.

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### 13 Rotation of senators

If the Constitution commences during a period where the Parliament is prorogued due to a general election, the usual senate rotation shall apply. Otherwise, the following paragraph shall be followed:

As soon as may be after the Senate first meets, and after each first meeting of the Senate following a dissolution thereof, the Senate shall divide the senators chosen for each State into two classes, as nearly equal in number as practicable; and the places of the senators of the first class shall become vacant at the expiration of **the same amount of time as a member is elected for**, and the places of those of the second class at the expiration of **double the time as a member is elected for**, from the beginning of their term of service; and afterwards the places of senators shall become vacant at the expiration of **double the time as a member is elected for** from the beginning of their term of service.

The election to fill vacant places shall be made **within two weeks** before the places are to become vacant.

For the purposes of this section the term of service of a senator shall be taken to begin on the **day the senator is sworn in**.

### 14 Further provision for rotation

Whenever the number of senators for a State is increased or diminished, the Parliament of the Commonwealth may make such provision for the vacating of the places of senators for the State as it deems necessary to maintain regularity in the rotation.

## 15 Casual vacancies<sup>6</sup>

Where a vacancy has at any time occurred in the place of a senator and at the time when they were so chosen, they were publicly recognized by a political party as being an endorsed candidate of that party, a person chosen or appointed under this section in consequence of that vacancy, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

Should the resignation be that of an Independent or should a party be unable to provide a senator, their seat shall be replaced by the next candidate declared to have reached the quota by the Australian<sup>7</sup> Electoral Commission at the last election, or a nationwide vote shall be held shall it be deemed necessary.

## 16 Qualifications of senator

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

## 17 Election of President of the Senate

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

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

## 18 Absence of President of the Senate

Before or during any absence of the President of the Senate, the Senate may choose a senator to perform his duties in his absence.

## 19 Resignation of senator

A senator may, by writing addressed to the President of the Senate, or to the President of the Commonwealth if there is no President of the Senate or if the President of the Senate is absent from the Commonwealth, resign his place, which thereupon shall become vacant.

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<sup>6</sup> *Constitution Alteration (Establishment of Republic) 2019* Sch 2 para 4 md not incorp. (Purports to omit non-existent words.)

<sup>7</sup> ditto

## 20 Vacancy by absence

The place of a senator shall become vacant if for two consecutive months of any session of the Parliament he, without the permission of the Senate, fails to attend the Senate.

However, the Senate may otherwise provide for a shorter period till the place of a senator is made vacant via absence. But, such a provision shall be no less than 5 consecutive days, or no less than 10 votes.

## 21 Vacancy to be notified

Whenever a vacancy happens in the Senate, the President of the Senate, or if there is no President of the Senate or if the President of the Senate is absent from the Commonwealth a senator performing the President's duties,<sup>8</sup> shall notify the Governor-General of the vacancy.

## 22 Quorum

Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

## 23 Voting in the Senate

Questions arising in the Senate shall be determined by a majority of votes, and each senator shall have one vote. The President of the Senate shall in all cases be entitled to a vote; and when the votes are equal the question shall pass in the negative.

## Part III—The House of Representatives

### 24 Constitution of House of Representatives

The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of the senators.

The number of members chosen in the several States shall be in proportion to the respective numbers of their people, and shall, until the Parliament otherwise provides, be determined, whenever necessary, in the following manner:

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<sup>8</sup> *Constitution Alteration (Establishment of Republic) 2019* Sch 2 para 11 md. (Words to be omitted incorrectly given.)

- (i) a quota shall be ascertained by dividing the number of the people of the Commonwealth, as shown by the latest statistics of the Commonwealth, by twice the number of the senators;
- (ii) the number of members to be chosen in each State shall be determined by dividing the number of the people of the State, as shown by the latest statistics of the Commonwealth, by the quota; and if on such division there is a remainder greater than one-half of the quota, one more member shall be chosen in the State.

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### **27 Alteration of number of members**

Subject to this Constitution, the Parliament may make laws for increasing or diminishing the number of the members of the House of Representatives.

### **28 Duration of House of Representatives**

Every House of Representatives shall continue for three **months** from the first meeting of the House, and no longer, but may be sooner dissolved by the **President**.

### **29 Electoral divisions**

The Parliament of **the Commonwealth** may make laws for determining the divisions in each State for which members of the House of Representatives may be chosen, and the number of members to be chosen for each division. A division shall not be formed out of parts of different States.

### **30 Qualifications of electors**

**The Parliament of the Commonwealth may make laws for determining the qualification of electors of members of the House of Representatives; but in the choosing of members each elector shall vote only once.**

### **31 Application of State laws**

Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State for the time being relating to elections for the more numerous House of the Parliament of



the State shall, as nearly as practicable, apply to elections in the State of members of the House of Representatives.

### **32 Writs for general election**

The **President** in Council may cause writs to be issued for general elections of members of the House of Representatives.

After the first general election, the writs shall be issued within **three** days from the expiry of a House of Representatives or from the proclamation of a dissolution thereof.

### **33 Writs for vacancies**

Whenever a vacancy happens in the House of Representatives, the Speaker shall issue his writ for the election of a new member, or if there is no Speaker or if he is absent from the Commonwealth **a member performing the Speaker's duties** may issue the writ.

### **34 Qualifications of members<sup>9</sup>**

Until the Parliament otherwise provides, the qualifications of a member of the House of Representatives shall be as follows:

**They must have an account on reddit, and must be an elector entitled to vote at the election of members of the House of Representatives, or a person qualified to become such elector, and must have been for three days at the least a resident within the limits of the Commonwealth as existing at the time when he is chosen.**

### **35 Election of Speaker**

The House of Representatives shall, before proceeding to the despatch of any other business, choose a member to be the Speaker of the House, and as often as the office of Speaker becomes vacant the House shall again choose a member to be the Speaker.

The Speaker shall cease to hold his office if he ceases to be a member. He may be removed from office by a vote of the House, or he may resign his office or his seat by writing addressed to the **President**.

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<sup>9</sup> *Constitution Alteration (Establishment of Republic) 2019 Sch 2 s 15 md not incorp. (Refers to non-existent paragraph.)*

### **36 Absence of Speaker**

Before or during any absence of the Speaker, the House of Representatives may choose a member to perform his duties in his absence.

### **37 Resignation of member**

A member may by writing addressed to the Speaker, or to the **President** if there is no Speaker or if the Speaker is absent from the Commonwealth, resign his place, which thereupon shall become vacant.

### **38 Vacancy by absence**

The place of a member shall become vacant if for two consecutive **weeks** of any session of the Parliament he, without the permission of the House, fails to attend the House **of Representatives**.

**However, the House of Representatives may otherwise provide for a shorter period till the place of a member is made vacant via absence. But, such a provision shall be no less than 5 consecutive days, or no less than 10 votes.**

### **39 Quorum**

Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the members of the House of Representatives shall be necessary to constitute a meeting of the House for the exercise of its powers.

### **40 Voting in House of Representatives**

Questions arising in the House of Representatives shall be determined by a majority of votes other than that of the Speaker. The Speaker shall not vote unless the numbers are equal, and then he shall have a casting vote. **However, if there are 21 members or less, the Speaker is entitled to a vote, and if the vote is tied, it shall be negated.**

## **Part IV—Both Houses of the Parliament**

### **41 Right of electors of States**

**A person who has the right to vote in a State or Territory shall have the right to vote for members or senators in the Australian Parliament.**

## 42 Oath or affirmation of allegiance

Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the **President**, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in **Schedule 1** to this Constitution.

## 43 Member of one House ineligible for other

A member of either House of the Parliament shall be incapable of being chosen or of sitting as a member of the other House.

## 44 Disqualification

Any person who:

- (i) ~~is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power; or~~<sup>10</sup>
- (ii) is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer; or
- (iii) is an undischarged bankrupt or insolvent; or
- (iv) **holds any office of profit under the Executive Government of the Commonwealth, a State or a Territory, or any pension payable, during the pleasure of the Executive Government of the Commonwealth, out of any of the revenues of the Commonwealth; or**
- (v) has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons;

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

But subsection (iv) does not apply to the office of any of the **Ministers of State** for the Commonwealth, or of any of the **Ministers for a State**, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

And subsection (i) does not apply to electors who are also electors of any other nation and/or are citizens of any other nation, but are otherwise not under any acknowledgment of allegiance, obedience, or adherence to a foreign power.

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<sup>10</sup> Strikethrough appears in the original Act

#### **45 Vacancy on happening of disqualification**

If a senator or member of the House of Representatives:

- (i) becomes subject to any of the disabilities mentioned in the last preceding section; or
- (ii) takes the benefit, whether by assignment, composition, or otherwise, of any law relating to bankrupt or insolvent debtors; or
- (iii) directly or indirectly takes or agrees to take any fee or honorarium for services rendered to the Commonwealth, or for services rendered in the Parliament to any person or State;

his place shall thereupon become vacant.

#### **46 Penalty for sitting when disqualified**

Until the Parliament otherwise provides, any person declared by this Constitution to be incapable of sitting as a senator or as a member of the House of Representatives shall, for every day on which he so sits, be unable to participate in AustraliaSim for three days.

#### **47 Disputed elections**

Until the Parliament otherwise provides, any question respecting the qualification of a senator or of a member of the House of Representatives, or respecting a vacancy in either House of the Parliament, and any question of a disputed election to either House, shall be determined by the House in which the question arises.

#### **48 Allowance to members**

Until the Parliament otherwise provides, each senator and each member of the House of Representatives shall receive an allowance as set out in the *Remuneration Tribunal Act 1973* and associated laws.

#### **49 Privileges etc. of Houses**

The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members and the committees of each House, shall be such as are declared by the Parliament, and until declared shall be those declared by the Parliament before the constitution of the Commonwealth of Australia.<sup>11</sup>

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<sup>11</sup> Original Act reads 'AustraliaSim'. Per the Meta Constitution, this should now be read as 'Australia'.

## **50 Rules and orders**

Each House of the Parliament may make rules and orders with respect to:

- (i) the mode in which its powers, privileges, and immunities may be exercised and upheld;
- (ii) the order and conduct of its business and proceedings either separately or jointly with the other House.

## **Part V—Powers of the Parliament**

### **51 Legislative powers of the Parliament [see Notes 10 and 11]**

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

- (i) trade and commerce with other countries, and among the States;
- (ii) taxation; but so as not to discriminate between States or parts of States;
- (iii) bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth;
- (iv) borrowing money on the public credit of the Commonwealth;
- (v) postal, telegraphic, telephonic, and other like services;
- (vi) the naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth;
- (vii) lighthouses, lightships, beacons and buoys;
- (viii) astronomical and meteorological observations;
- (ix) quarantine;
- (x) fisheries in Australian waters beyond territorial limits;
- (xi) census and statistics;
- (xii) currency, coinage, and legal tender;
- (xiii) banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money;
- (xiv) insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned;
- (xv) weights and measures;
- (xvi) bills of exchange and promissory notes;
- (xvii) bankruptcy and insolvency;
- (xviii) copyrights, patents of inventions and designs, and trade marks;
- (xix) naturalization and aliens;
- (xx) foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth;
- (xxi) marriage;

- (xxii) divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants;
- (xxiii) invalid and old-age pensions;
- (xxiv) the provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances;
- (xxv) the service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States;
- (xxvi) the recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States;
- (xxvii) the people of any race, for whom it is deemed necessary to make special laws;
- (xxviii) immigration and emigration;
- (xxix) the influx of criminals;
- (xxx) external affairs;
- (xxxi) the relations of the Commonwealth with the islands of the Pacific;
- (xxxii) the acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws;
- (xxxiii) the control of railways with respect to transport for the naval and military purposes of the Commonwealth;
- (xxxiv) the acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State;
- (xxxv) railway construction and extension in any State with the consent of that State;
- (xxxvi) conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State;
- (xxxvii) matters in respect of which this Constitution makes provision until the Parliament otherwise provides;
- (xxxviii) matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law;
- (xxxix) the exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia;
- (xxxi) matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.

## 52 Exclusive powers of the Parliament

The Parliament shall, subject to this Constitution, have exclusive power to make laws for the peace, order, and good government of the Commonwealth with respect to:

- (i) the seat of government of the Commonwealth, and all places acquired by the Commonwealth for public purposes;
- (ii) matters relating to any department of the public service the control of which is by this Constitution transferred to the Executive Government of the Commonwealth;
- (iii) other matters declared by this Constitution to be within the exclusive power of the Parliament.

### **53 Powers of the Houses in respect of legislation**

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

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

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

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

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

### **54 Appropriation Bills**

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

### **55 Tax Bill**

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

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

## **56 Recommendation of money votes**

A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the **President** to the House in which the proposal originated.

## **57 Disagreement between the Houses**

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

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

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



## 58 Royal assent to Bills

When a proposed law passed by both Houses of the Parliament is presented to the President for assent, the President shall, according to the President's discretion, but subject to this Constitution, assent to the law or withhold assent.

### *Recommendations by President*

The President may return to the House in which it originated any proposed law so presented, and may transmit therewith any amendments which the President may recommend, and the Houses may deal with the recommendation.

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## Chapter II—The Executive Government

### 59 Executive Power

The executive power of the Commonwealth is vested in the President, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth. The President shall be the head of state of the Commonwealth.

There shall be a Federal Executive Council to advise the President in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the President and sworn as Executive Councillors, and shall hold office during the pleasure of the President.

The President shall act on the advice of the Federal Executive Council, the Prime Minister or another Minister of State; but the President may exercise a power that was a reserve power of the Governor-General in accordance with the constitutional conventions relating to the exercise of that power.

### 60 The President

After considering the report of a committee established and operating as the Parliament provides to invite and consider nominations for appointment as President, the Prime Minister

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<sup>12</sup> *Constitution Alteration (Establishment of Republic) 2019* Sch 1 para 1 md. (Purports to repeal repealed paragraph)

<sup>13</sup> *ibid.* Sch 1 para 2 md. (Purports to repeal repealed paragraph)

may, in a joint sitting of the members of the Senate and the House of Representatives, move that a named Australian citizen be chosen as the President.

If the Prime Minister's motion is seconded by the leader of the Opposition in the House of Representatives, and affirmed by a two-thirds majority of the total number of the members of the Senate and the House of Representatives, the named Australian citizen is chosen as the President.

The qualifications of a person who may be chosen as President shall be as follows:

- (i) the person must be qualified to be, and capable of being chosen as, a member of the House of Representatives;
- (ii) the person must not be a member of the Commonwealth Parliament or a State Parliament or Territory legislature, or a member of a political party.

The actions of a person otherwise duly chosen as President under this section are not invalidated only because the person was not qualified to be chosen as President.

Each person chosen as President shall, before the term of office begins, make and subscribe before a Justice of the High Court an oath or affirmation of office in the form set forth in Schedule 1 to this Constitution.

## **61 Term of office and remuneration of President**

The term of office of a President begins at the end of the term of office of the previous President. But if the office of President falls vacant, or the term of office of the outgoing President ends, before the day on which the incoming President makes the oath or affirmation of office, the incoming President's term of office begins on the day after that day.

The President holds office for three months but if, at the end of the term, a new President does not take office, the office of President does not thereby fall vacant and the outgoing President continues as President until the term of office of the next President begins.

A person may serve more than one term as President.

The President may resign by signed notice delivered to the Prime Minister.

The President shall receive such remuneration as the Parliament fixes. The remuneration of a President payable during a term of office shall not be altered during that term of office.

### **63 Removal of President**

The Prime Minister may, by instrument signed by the Prime Minister, remove the President with effect immediately.

A Prime Minister who removes a President must seek the approval of the House of Representatives and the Senate in a joint sitting for the removal of the President within three days after the removal, unless:

- (i) within that period, the House and/or Senate expires or is dissolved; or
- (ii) before the removal, the House and/or Senate had expired or been dissolved, but a general election of members of the House had not taken place.

### **63 Acting President and deputies**

Until the Parliament otherwise provides, the longest-serving State Governor available shall act as President if the office of President falls vacant. A State Governor is not available if the Governor has been removed (as acting President) by the current Prime Minister under section 62.

Until the Parliament otherwise provides, the Prime Minister may appoint the longest-serving State Governor available to act as President for any period, or part of a period, during which the President is incapacitated.

Until the Parliament otherwise provides, the President may appoint any person, or any persons jointly or severally, to be the President's deputy or deputies, and in that capacity to exercise during the pleasure of the President (including while the President is absent from Australia) such powers and functions of the President as the President thinks fit to assign to such deputy or deputies.

The appointment of such deputy or deputies shall not affect the exercise by the President personally (including while the President is absent from Australia) of any power or function.

A person shall not exercise powers or functions as the acting President unless, in respect of that occasion of acting as President, the person has made and subscribed, before a Justice of the High Court, the President's oath or affirmation of office in the form set forth in Schedule 1 to this Constitution.

A person shall not exercise powers or functions as the President's deputy unless, since being appointed as the President's deputy, the person has made and subscribed, before a Justice of

the High Court, the President's oath or affirmation of office in the form set forth in Schedule 1 to this Constitution.

An acting President, or a person exercising powers or functions as the President's deputy, shall receive such allowances as the Parliament fixes.

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#### 64 Ministers of State

The President may appoint officers to administer such departments of State of the Commonwealth as the President in Council may establish. Such officers shall hold office during the pleasure of the President. They shall be members of the Federal Executive Council, and shall be the Ministers of State for the Commonwealth.

*Ministers to sit in Parliament*

No Minister of State shall hold office unless the person is or becomes a senator or a member of the House of Representatives.

#### 65 Number of Ministers

Until the Parliament otherwise provides, the Ministers of State shall not exceed ten in number, and shall hold such offices as the Parliament prescribes, or, in the absence of provision, as the President directs.

#### 66 Salaries of Ministers

There shall be payable out of the Consolidated Revenue Fund of the Commonwealth, for the salaries of the Ministers of State, such annual sum as is fixed by the Parliament.

#### 67 Appointment of civil servants

Until the Parliament otherwise provides, the appointment and removal of all other officers of the Executive Government of the Commonwealth shall be vested in the President in Council, unless the appointment is delegated by the President in Council or by a law of the Commonwealth to some other authority.

## 68 Command of naval and military forces

The command in chief of the naval and military forces of the Commonwealth is vested in the President.

69 ★★★<sup>14</sup>

## 70 Vesting of certain powers

In respect of matters which, under this Constitution, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.

All powers and functions that were vested under this section in the Governor-General, or in the Governor-General in Council, immediately before the office of Governor-General ceased to exist shall vest in the President, or in the President in Council, as the case requires.

## 70A Continuation of prerogative

Until the Parliament otherwise provides, but subject to this Constitution, any prerogative enjoyed by the Crown in right of the Commonwealth immediately before the office of Governor-General ceased to exist shall be enjoyed in like manner by the Commonwealth and, in particular, any such prerogative enjoyed by the Governor-General shall be enjoyed by the President.

## Chapter III—The Judiciary

### 71 Judicial power and Courts

The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, not less than two, as the Parliament prescribes.

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<sup>14</sup> *Constitution Alteration (Establishment of Republic) 2019* Sch 2 para 69 md not incorp. (Purporting to omit words from a repealed section.)

## 72 Judges' appointment, tenure, and remuneration

The Justices of the High Court and of the other courts created by the Parliament:

- (i) shall be appointed by the President in Council;
- (ii) shall be approved by a joint sitting of the Parliament;
- (iii) shall not be removed except by the President in Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity;
- (iv) shall receive such remuneration as the Parliament may fix; but the remuneration shall not be diminished during their continuance in office.

The appointment of a Justice of the High Court shall be for a term expiring upon his attaining the age of seventy-five years, and a person shall not be appointed as a Justice of the High Court if he has attained that age.

The appointment of a Justice of a court created by the Parliament shall be for a term expiring upon his attaining the age that is, at the time of his appointment, the maximum age for Justices of that court and a person shall not be appointed as a Justice of such a court if he has attained the age that is for the time being the maximum age for Justices of that court.

Subject to this section, the maximum age for Justices of any court created by the Parliament is seventy-five years.

The Parliament may make a law fixing an age that is less than seventy years as the maximum age for Justices of a court created by the Parliament and may at any time repeal or amend such a law, but any such repeal or amendment does not affect the term of office of a Justice under an appointment made before the repeal or amendment.

A Justice of the High Court or of a court created by the Parliament may resign his office by writing under his hand delivered to the President.

Nothing in the provisions added to this section by the Constitution Alteration (Retirement of Judges) 1977 affects the continuance of a person in office as a Justice of a court under an appointment made before the commencement of those provisions.

A reference in this section to the appointment of a Justice of the High Court or of a court created by the Parliament shall be read as including a reference to the appointment of a person who holds office as a Justice of the High Court or of a court created by the Parliament to another office of Justice of the same court having a different status or designation.

### 73 Appellate jurisdiction of High Court

The High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences:

- (i) of any Justice or Justices exercising the original jurisdiction of the High Court;
- (ii) of any other federal court, or court exercising federal jurisdiction; or of the Supreme Court of any State, or of any other court of any State from which at the establishment of the Commonwealth an appeal lies to the Queen in Council;
- (iii) of the Inter-State Commission, but as to questions of law only;

and the judgment of the High Court in all such cases shall be final and conclusive.

But no exception or regulation prescribed by the Parliament shall prevent the High Court from hearing and determining any appeal from the Supreme Court of a State in any matter in which at the establishment of the Commonwealth an appeal lies from such Supreme Court to the Queen in Council.

The conditions of and restrictions on appeals from the Supreme Courts of the several States to the High Court are as provided by the Parliament from time to time.

### 74 ★★★<sup>15</sup>

### 75 Original jurisdiction of High Court

In all matters:

- (i) arising under any treaty;
- (ii) affecting consuls or other representatives of other countries;
- (iii) in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party;
- (iv) between States, or between residents of different States, or between a State and a resident of another State;
- (v) in which a writ of Mandamus or prohibition or an injunction is sought against an officer of the Commonwealth;
- (vi) relating to an election of members or senators to the Parliament, whereby the election results have been challenged;

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<sup>15</sup> *Constitution Alteration (Establishment of Republic) 2019* Sch 2 para 34 md. (Purports to repeal repealed section.)

the High Court shall have original jurisdiction.

## **76 Additional original jurisdiction**

The Parliament may make laws conferring original jurisdiction on the High Court in any matter:

- (i) arising under this Constitution, or involving its interpretation;
- (ii) arising under any laws made by the Parliament;
- (iii) of Admiralty and maritime jurisdiction;
- (iv) relating to the same subject-matter claimed under the laws of different States.

## **77 Power to define jurisdiction**

With respect to any of the matters mentioned in the last two sections the Parliament may make laws:

- (i) defining the jurisdiction of any federal court other than the High Court;
- (ii) defining the extent to which the jurisdiction of any federal court shall be exclusive of that which belongs to or is invested in the courts of the States;
- (iii) investing any court of a State with federal jurisdiction.

## **78 Proceedings against Commonwealth or State**

The Parliament may make laws conferring rights to proceed against the Commonwealth or a State in respect of matters within the limits of the judicial power.

## **79 Number of judges**

The federal jurisdiction of any court may be exercised by such number of judges as the Parliament prescribes.

## **80 Trial by jury**

The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.



## Chapter IV—Finance and Trade

### 81 Consolidated Revenue Fund

All revenues or moneys raised or received by the Executive Government of the Commonwealth shall form one Consolidated Revenue Fund, to be appropriated for the purposes of the Commonwealth in the manner and subject to the charges and liabilities imposed by this Constitution.

### 82 Expenditure charged thereon

The costs, charges, and expenses incident to the collection, management, and receipt of the Consolidated Revenue Fund shall form the first charge thereon; and the revenue of the Commonwealth shall in the first instance be applied to the payment of the expenditure of the Commonwealth.

### 83 Money to be appropriated by law<sup>16</sup>

No money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law.

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### 90 Exclusive power over customs, excise, and bounties

The power of the Parliament to impose duties of customs and of excise, and to grant bounties on the production or export of goods, is exclusive.

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<sup>16</sup> *Constitution Alteration (Establishment of Republic) 2019* Sch 2 para 35 md. (Purports to repeal repealed sentence.)

### **91 Exceptions as to bounties**

Nothing in this Constitution prohibits a State from granting any aid to or bounty on mining for gold, silver, or other metals, nor from granting, with the consent of both Houses of the Parliament of the Commonwealth expressed by resolution, any aid to or bounty on the production or export of goods.

**92 ★★★**

### **93 Trade within the Commonwealth to be free**

On the imposition of uniform duties of customs, trade, commerce, and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

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**96 ★★★**

**97 ★★★**

### **98 Trade and commerce includes navigation and State railways**

The power of the Parliament to make laws with respect to trade and commerce extends to navigation and shipping, and to railways the property of any State.

### **99 Commonwealth not to give preference**

The Commonwealth shall not, by any law or regulation of trade, commerce, or revenue, give preference to one State or any part thereof over another State or any part thereof.

### **100 Nor abridge right to use water**

The Commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation.

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### 105 Taking over public debts of States

The Parliament may take over from the States their public debts **as existing at the establishment of the Commonwealth**,<sup>17</sup> or a proportion thereof according to the respective numbers of their people as shown by the latest statistics of the Commonwealth, and may convert, renew, or consolidate such debts, or any part thereof; and the States shall indemnify the Commonwealth in respect of the debts taken over, and thereafter the interest payable in respect of the debts shall be deducted and retained from the portions of the surplus revenue of the Commonwealth payable to the several States, or if such surplus is insufficient, or if there is no surplus, then the deficiency or the whole amount shall be paid by the several States.

#### 105A Agreements with respect to State debts

- (1) The Commonwealth may make agreements with the States with respect to the public debts of the States, including:
  - (a) the taking over of such debts by the Commonwealth;
  - (b) the management of such debts;
  - (c) the payment of interest and the provision and management of sinking funds in respect of such debts;
  - (d) the consolidation, renewal, conversion, and redemption of such debts;
  - (e) the indemnification of the Commonwealth by the States in respect of debts taken over by the Commonwealth; and
  - (f) the borrowing of money by the States or by the Commonwealth, or by the Commonwealth for the States.
- (2) The Parliament may make laws for validating any such agreement made before the commencement of this section.
- (3) The Parliament may make laws for the carrying out by the parties thereto of any such agreement.

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<sup>17</sup> These words were repealed in the IRL Constitution but appear to have been (mistakenly?) retained in AustraliaSim.

- (4) Any such agreement may be varied or rescinded by the parties thereto.
- (5) Every such agreement and any such variation thereof shall be binding upon the Commonwealth and the States parties thereto notwithstanding anything contained in this Constitution or the Constitution of the several States or in any law of the Parliament of the Commonwealth or of any State.
- (6) The powers conferred by this section shall not be construed as being limited in any way by the provisions of section one hundred and five of this Constitution.

## Chapter V—The States

### 106A Legal fiction as to status of the states

All states are taken to exist as part of the AustraliaSim constitution. However, the states will be constituted as fictional states, till the establishment via proclamation or otherwise, of the ability of the state to be governed as part of the Commonwealth of AustraliaSim. Such states shall have their laws frozen in place based on when AustraliaSim was created.

Until such a proclamation or otherwise is made reviving the state, the Australian Parliament shall have power to make laws for the peace, order, and good government of the state, subject to any limiting section of the AustraliaSim Constitution. Such states shall be treated as Territories per section one-hundred and twenty-two with respect to the ability of the Parliament of Australia to make laws concerning the states.

The **President** shall act, until a state is established via proclamation or otherwise, as the Governor of the applicable state.

This section applies to the states of Queensland, New South Wales, Victoria, South Australia, Western Australia and Tasmania.

A proclamation or otherwise that establishes the states of Queensland, New South Wales, Victoria, South Australia, Western Australia and Tasmania, as exactly bounded before the creation of AustraliaSim, shall not require the application of section one hundred and twenty-one of the Constitution.

If a state is proclaimed, the state laws that are to apply to the new state are to be based on the state that takes up the biggest proportion of land of the new state.

Unless such a state is established by proclamation or otherwise, the entirety of this Chapter, excluding section 106A, 109 and 116, shall have no bearing. If a state is established by proclamation or otherwise, the entirety of Chapter V shall apply to the Commonwealth's relations with that particular state only.

### **106 Saving of Constitutions**

The Constitution of each State of the Commonwealth shall, subject to this Constitution, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be, until altered in accordance with the Constitution of the State.

### **107 Saving of Power of State Parliaments**

Every power of the Parliament of a Colony which has become or becomes a State, shall, unless it is by this Constitution exclusively vested in the Parliament of the Commonwealth or withdrawn from the Parliament of the State, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be.

### **108 Saving of State laws**

Every law in force in a Colony which has become or becomes a State, and relating to any matter within the powers of the Parliament of the Commonwealth, shall, subject to this Constitution, continue in force in the State; and, until provision is made in that behalf by the Parliament of the Commonwealth, the Parliament of the State shall have such powers of alteration and of repeal in respect of any such law as the Parliament of the Colony had until the Colony became a State.

### **109 Inconsistency of laws**

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

**This includes legislation passed under section one hundred and six A of the Constitution.**

### **110 Provisions referring to Governor**

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

### **111 States may surrender territory**

The Parliament of a State may surrender any part of the State to the Commonwealth; and upon such surrender, and the acceptance thereof by the Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.

### **112 States may levy charges for inspection laws**

After uniform duties of customs have been imposed, a State may levy on imports or exports, or on goods passing into or out of the State, such charges as may be necessary for executing the inspection laws of the State; but the net produce of all charges so levied shall be for the use of the Commonwealth; and any such inspection laws may be annulled by the Parliament of the Commonwealth.

### **113 Intoxicating liquids**

All fermented, distilled, or other intoxicating liquids passing into any State or remaining therein for use, consumption, sale, or storage, shall be subject to the laws of the State as if such liquids had been produced in the State.

### **114 States may not raise forces. Taxation of property of Commonwealth or State**

A State shall not, without the consent of the Parliament of the Commonwealth, raise or maintain any naval or military force, or impose any tax on property of any kind belonging to the Commonwealth, nor shall the Commonwealth impose any tax on property of any kind belonging to a State.

### **115 States not to coin money**

A State shall not coin money, nor make anything but gold and silver coin a legal tender in payment of debts.

### **116 Commonwealth not to legislate in respect of religion**

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

### **117 Rights of residents in States**

An Australian citizen, resident in any State, shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were an Australian citizen resident in such other State.

### **118 Recognition of laws etc. of States**

Full faith and credit shall be given, throughout the Commonwealth to the laws, the public Acts and records, and the judicial proceedings of every State.

### **119 Protection of States from invasion and violence**

The Commonwealth shall protect every State against invasion and, on the application of the Executive Government of the State, against domestic violence.

### **120 Custody of offenders against laws of the Commonwealth**

Every State shall make provision for the detention in its prisons of persons accused or convicted of offences against the laws of the Commonwealth, and for the punishment of persons convicted of such offences, and the Parliament of the Commonwealth may make laws to give effect to this provision.

## **Chapter VI—New States**

### **121 New States may be admitted or established**

The Parliament may admit to the Commonwealth or establish new States, and may upon such admission or establishment make or impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit.

### **122 Government of territories**

The Parliament may make laws for the government of any territory surrendered by any State to and accepted by the Commonwealth, or of any territory placed under the authority of and accepted by the Commonwealth, or otherwise acquired by the Commonwealth, and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit.

### **123 Alteration of limits of States**

The Parliament of the Commonwealth may, with the consent of the Parliament of a State, and the approval of the majority of the electors of the State voting upon the question, increase, diminish, or otherwise alter the limits of the State, upon such terms and conditions as may be agreed on, and may, with the like consent, make provision respecting the effect and operation of any increase or diminution or alteration of territory in relation to any State affected.

## 124 Formation of new States

A new State may be formed by separation of territory from a State, but only with the consent of the Parliament thereof, and a new State may be formed by the union of two or more States or parts of States, but only with the consent of the Parliaments of the States affected.

## Chapter VII—Miscellaneous

### 125 Seat of Government

The seat of Government of the Commonwealth shall be, unless determined otherwise by the Parliament, to be the city of Canberra located in the Australian Capital Territory.

### 126 Operation of Constitution and laws

This Constitution, and all laws made under it by the Parliament, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State.

### 126A Definitions

In this Constitution:

**Australian citizen** means a person who is an Australian citizen according to the laws made by the Parliament.

**The Commonwealth** means the Commonwealth of Australia under this Constitution.

**The original States** means New South Wales, Queensland, Tasmania, Victoria, Western Australia and South Australia.

**The President in Council** means the President acting with the advice of the Federal Executive Council.

**The States** means the original States, and such territories as may be admitted into or established by the Commonwealth as States.



## 127 Running of Elections, etc.

Elections (including by-elections) for seats in the chambers are held as needed by the Australian<sup>18</sup> Electoral Commission (the AEC) which is responsible for ensuring that citizens can vote in the appropriate division and that the population is proportionally represented. The AEC shall also carry out referendums and plebiscites.

The AEC consists of an Electoral Commissioner, which shall be a non-politically affiliated member of the Executive or Judiciary, and consists of non-politically affiliated assistants, appointed as seen fit by the Commissioner. The Commissioner is nominated by the President and must be approved by at least two-thirds of the Judiciary.

Assistants etc. may be appointed. If the Commissioner is not present the Assistant is to run the functions of the AEC as required.

The Parliament may otherwise make laws that regulate the running of elections etc.

## 128 Parties

Until Parliament otherwise provides, the following is to be in place with respect to parties:

Parties must obtain four members to be recognised by the Electoral Commissioner, and may also be dissolved at their discretion. The member requirement is waived if at least one member is a parliamentarian. Parties shall appoint a Leader and their Deputy, and may appoint an Officer to act as their party's official point of contact. Should one of these roles resign, a replacement must be elected within 48 hours.

Parties may form official coalitions with other parties and run together on the Senate ballot.

## 129 Discord

Until Parliament otherwise provides, the following is to be in place with respect to Discord:

The Discord server shall be a recognised place for communication regarding AustraliaSim. Parties are entitled to a channel on the server, with access to each channel available to the President as well members of the Judiciary with no political involvement. Other members of the Judiciary may not access private channels but will have moderator powers. Parties may also get access to a voice channel.

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<sup>18</sup> Original Act reads 'AustraliaSim'. Per the Meta Constitution, this should now be read as 'Australia'.

Two or more parties may request for a shared channel at the discretion of a Parliamentary Moderator. MPs and Senators may convene on the channels of their appropriate chambers provided that the Speaker/President is present.

## Chapter VIII—★★★<sup>19,20</sup>

### Chapter IX—Alteration of the Constitution

#### 145 Mode of altering the Constitution<sup>21</sup>

This Constitution shall not be altered except in the following manner:

This document may only be modified through a bill passed through Parliament and approved by the majority of electors in a nationwide referendum to be held no less than two weeks after the passage of the bill.

If there are two or more States founded, then in addition to the nation approving the referendum question, one half or more of the states must approve of the referendum question.

Emergency modifications may be made through a vote passed by two-thirds of the Parliamentary Moderators. In the same vote, two-thirds of the judiciary must also agree. Such amendments should then go to the Parliament to be approved via a joint sitting of the chambers no less than one week after the first sitting of Parliament. If the amendment is voted against, the amendment is to be struck down but any actions taken as a consequence of the emergency amendment shall remain valid.

### Chapter X—Transitional Provisions

#### 146 Transitional Provisions

On the day in which this Bill is assented, and following approval from the electors via a referendum, whoever is sitting in the House of Representatives will sit until 26th January 2018, and whoever is sitting in the Senate that was elected before the election on the 1st November 2017 will sit until 26th January 2018, and whoever was elected at or after the election on the 1st November 2017 will sit for a period that will last two general election cycles, the length of which shall be based on the provisions of this Constitution.

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<sup>19</sup> Nullified by the Meta Constitution

<sup>20</sup> *Constitution Alteration (Establishment of Republic) 2019* Sch 2 para 43–48 md not incorp. (Purporting to omit words from repealed section.)

<sup>21</sup> *Constitution Alteration (Establishment of Republic) 2019* Sch 2 para 41–42 (second occurring) md not incorp. (Purporting to omit non-existent words.)

Nothing in this section prevents the early dissolution of parliament.

## **Schedule 1—Oaths and affirmations**

### **Part 1—Oath or affirmation of allegiance: Members of Parliament**

Under God I swear that I will be loyal to the Commonwealth of Australia and the Australian people, whose laws I will uphold.

I solemnly and sincerely affirm that I will be loyal to the Commonwealth of Australia and the Australian people, whose laws I will uphold.

### **Part 2—Oath or affirmation of office: President**

Under God I swear that I will be loyal to the Commonwealth of Australia and the Australian people, whose rights and liberties I respect and whose laws I will uphold, and that I will serve the Australian people according to law without fear or favour.

I solemnly and sincerely affirm that I will be loyal to the Commonwealth of Australia and the Australian people, whose rights and liberties I respect and whose laws I will uphold, and that I will serve the Australian people according to law without fear or favour.

## **Schedule 2—Transitional provisions for the establishment of the republic**

### **1 The Governor-General**

The office of Governor-General ceases to exist at the commencement of Schedules 1 and 2 to the *Constitution Alteration (Establishment of Republic) 2019*.

### **2 The first President**

The first President may be chosen before the office of Governor-General ceases to exist, as if the provisions of this Constitution relating to the choice of the President had commenced when the *Constitution Alteration (Establishment of Republic) 2019* was enacted.

The first President's term of office begins on 1 July 2019. The person chosen shall make and subscribe the President's oath or affirmation of office under section 60 on or before that day.

But if no person is chosen as the first President before that day, the first President's term of office begins on the day after the person chosen makes the oath or affirmation. Until that term begins, a person shall act as President in accordance with section 63.

### **3 Parliament may make laws during transitional period**

Before the office of Governor-General ceases to exist, the Parliament may make laws that the Parliament could have made after that time because of the enactment of the *Constitution Alteration (Establishment of Republic) 2019*, and such laws may take effect before that time.

### **4 Savings**

The alterations of this Constitution made by the *Constitution Alteration (Establishment of Republic) 2019* do not affect:

- (i) the validity or continued effect, after the office of Governor-General ceases to exist, of anything done before that time under this Constitution or under the law in force in the Commonwealth; or
- (ii) the continuity of the Parliament and its proceedings after the office of Governor-General ceases to exist; or
- (iii) the qualifications of a senator or a member of the House of Representatives for the remainder of the term of a person who is a senator or member when the office of Governor-General ceases to exist; or
- (iv) the continuity of the Executive Government of the Commonwealth, including in particular the membership and proceedings of the Federal Executive Council, after the office of Governor-General ceases to exist; or
- (v) the continuity of courts and their jurisdiction and proceedings after the office of Governor-General ceases to exist.

After the office of Governor-General ceases to exist, anything done before that time for the purposes of a provision of this Constitution by the Governor-General, or by the Governor-General in Council, has effect as if it had been done by the President, or by the President in Council, as the case requires.

### **5 The States**

A State of the Commonwealth of Australia shall, by this Constitution, at the moment the office of Governor-General ceases to exist, shall cease to retain its links with the Crown

## **6 Unified federal system**

The alterations of this Constitution made by the *Constitution Alteration (Establishment of Republic) 2019* do not affect the continuity of the federal system, including the unified system of law, under this Constitution.

## **7 Amendment of Australia Acts**

The Commonwealth Parliament may, at the request of a State Parliament, amend section 7 of the Australia Act 1986, and section 7 of the Australia Act 1986 of the United Kingdom to the extent that it forms part of the law of the Commonwealth or that State, to provide that those sections do not apply to the State.

Nothing in this clause prevents the amendment of section 7 of the *Australia Act 1986*, or section 7 of the Australia Act 1986 of the United Kingdom to the extent that it forms part of the law of the Commonwealth or a State, in accordance with subsection 15(1) of the Australia Act 1986.

## **8 Constitutional conventions**

The enactment of the *Constitution Alteration (Establishment of Republic) 2018* does not prevent the evolution of the constitutional conventions relating to the exercise of the reserve powers referred to in section 59 of this Constitution.

## **9 Interpretation**

The reference to the Crown in clause 5 of this Schedule shall extend to the Queen's heirs and successors in the sovereignty of the United Kingdom.