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INQUIRY INTO AN **AUSTRALIAN REPUBLIC**

Submission by
Real Republic Limited

Presented by:

Dr Clem Jones AO

Mr David Muir

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Wednesday 31st March 2004

0733951305

Page 1 of 10

Inquiry Into an Australian Republic

Submission by Real Republic Limited

The Real Republic Limited welcomes the opportunity to make a submission to the Senate Legal and Constitutional Reference Committee Inquiry.

In making this submission, we shall endeavour to address the specific questions detailed in the discussion paper, however the framing of the questions, covers so well and to such depth, the great gamut of the subject, cross-referencing, repetition and the evolvment of consequential views after discussion, must inevitably limit the breadth of such preliminary written submissions. Moreover, a great deal of the subject is covered by the Real Republic submission to the 1998 Constitutional Convention, a copy of which is attached.

To begin with, we believe that the approach which we have to Reference (a) of the Terms of Reference of the Committee, impacts directly on the determination of the matters for consideration under Reference (b). Consequently in preparing this submission, the Real Republic envisages more public participation in the consideration and determination of all facets of the proposed Republic, particularly as stated under Reference (b), than would be possible by any other means and makes its submission accordingly.

We believe the most vital matter for consideration, is the manner in which all facets of the question are put before the Australian people so that they may have the widest possible say in determining the ultimate outcome of the necessary consideration and relevant decision making.

We believe that at this time, no submission here should be made in respect of Dissolution powers, or changes to our Flag.

0733951305

Page 2 of 10

To ensure the upmost community involvement in the exercise, the Real Republic believes that the fullest consideration should be given to that proposal first made by Dr Clem Jones, involving an amendment to the Referendum Act to enable a Multi-Choice Preferential Referendum on all matters involved in the establishment of a Republic at the same time.

It is proposed for example, that after alternative models are constructed that the models be put to the Australian people in a multi-choice referendum. Amendments will be required to the *Referendum (Machinery Provisions) Act 1984* ("the Act") to allow these changes to be made. There is no bar under section 128 of the Australian Constitution to such a move.

The relevant provisions of the Act are as follows:

"24 Manner of Voting

The voting at a referendum shall be by ballot and each elector shall indicate his or her vote:

- (a) if the elector approves the proposed law – by writing the word 'yes' in the space provided on the ballot paper; or*
- (b) if the elector does not approve the proposed law – by writing the word 'no' in the space so provided.*

93 Informal ballot-papers

(1) A ballot-paper is informal if:

- (a) ...*
- (b) ...*
- (c) it has more than one vote marked on it; or*
... "

If the voting is by way of preferential voting an allowance will need to be made by an amendment to section 24 of the Act for the numbering of preferences. In regard to section 93 of the Act, Lawyer David Muir suggests that it would be a simple matter to do this by making it explicit that ballot-papers can be marked more than once and as many times as required to communicate the intention of the voter.

0733951305

Page 3 of 10

Consequently, in dealing with the procedures to effect the changes to a Republic, it is our belief that the Parliament should amend the Referendum Act as aforesaid and should give an undertaking to the people of Australia, to do so before the next Election and in the following term hold the compulsory Multi-Choice Preferential Referendum to enable the appointment or election of a President, at the same time as the next Federal Election thereafter.

This would ensure its non-politification and give the community the chance of a fair and clear opportunity, first to answer the threshold question of whether we seek the separation from the Monarchy and the establishment of a Republic, and then to establish their preferred method of election or appointment, and then any other questions in particular expressing their preference for the varying models which will be put before them.

The whole of the people in Australia will have the opportunity, for example, to express their view of the various proposals in respect of the powers of the Head of State and not just being able to say 'Yes' or 'No' to a model which would, inevitably, have involved great controversy before its final submission, controversy, which we believe would occur, no matter how it was arrived at.

Let us outline hereafter our views on the questions provided in the discussion paper, remembering the constraints mentioned above and that our views, in general, are based on the fact that we believe the people of Australia must be given a choice to deal with all facets and to express their views on each and every one of the bases on which a Republic in Australia should be established.

0733951305

Page 4 of 10

QUESTION ONE

It seems clear that there is little support in Australia for a change to, or towards, an Executive type system of Government. On the other hand, there seems to be a feeling that our 'Politicians are a law unto themselves and that 'Parliament Membership is a "job" not a "service" and that 'Members view legislation with an eye to keeping that job'.

To a great extent, we believe this has been a very unfortunate but gradually developing phenomenon in the face of the fact that Australia has shown itself to have one of the best systems of Government in the world, and the fact that we have indeed been served throughout our history, extremely well, by those whom we have elected to govern.

However these feelings are with us and they seem to lead the Community to feel that somehow, there should be introduced into our system, another factor which provides a curb on the process other than that which presently exists and which many regard as somewhat incestuous.

Perhaps unknowingly, people seem to have a desire for the introduction of a National Leadership factor which should have such, and sufficient input into the system, as to reinstate the process of Government, which they believe were inherent in our original Constitution, and which would bring back respect for our Elected Representatives which so undeservedly, has been almost totally lost. They really feel, we believe, even if they cannot identify that feeling, that an Elected President in an Australian Republic would achieve that end.

In the light of this belief, the answer to Question One, which is No, is made with the proviso that the Head of State should have such a relationship with the Government and the Legislature, which will instil in the minds of the people, that the integrity of both has been restored by the placement within the system of a 'watchdog' elected by them.

0733951305

Page 5 of 10

QUESTION TWO

Unfortunately the depth of the lack of trust of Australian Government generally is so great that it seems clear that unless there is included in the process envisaged in the answer to Question One, the people of Australia will continue to view whatever is proposed with suspicion, even if given the opportunity to vote by direct election for Head of State. The power of veto is of course, is a fundamental option, but with our very entrenched belief that the Parliament is supreme, we believe the community would possibly only go along with some form of referral in respect of proposed legislation. A variety of choices should be provided as one of the items included in a Multi-Choice Preferential Referendum.

QUESTION THREE

The most important thing in answering this question is to provide the power to 'extend' the power, not by the creation of new powers but to enable changes to those then existing after adoption by the whole of the people of Australia in the proposed Multi-Choice Referendum, as needed to meet the exigencies of social and technological change in time.

As mentioned above there is a public feeling that there is involved, in all legislation, the question of 'political benefit'. This view is widespread and abhorred by most Australians and therefore we believe the power to require a 'review' of legislation is essential.

The existing process whereby legislation is submitted to the Governor in Council for endorsement should be reformed and powers provided for the President to refer legislation back to Parliament, should it be deemed by the President not to be desired by or acceptable to the majority of Australians.

0733951305

Page 6 of 10

The President should be empowered to set out his/her views on the relevant legislation and remit the proposed legislation for reconsideration by a combined sitting of both Houses of Parliament with or without public hearings. These hearings could be by either or both Houses.

QUESTION FOUR

At this point it is proper that the failure to allow the presentation of the Real Republic model at the Convention was unfortunate to say the least. We believe the denial was politically motivated and its subsequent omission from the record after a clear undertaking by the Chair that it would be included, was even more unfortunate having regard to the fact that it was the only true model brought before the Convention.

That submission is attached and while in the present procedures, it may need to be explained and elaborated on, its contents are relevant in that they provide answers and specific views on most of the questions posed, particularly here in relation to 'selection' and 'method of voting'.

Vide the Real Republic submission to the 1998 Constitutional Convention.

QUESTION FIVE

Again please refer to the Real Republic submission.

QUESTION SIX

The Electoral Commission would be ideal in our view but any other body with political independence would suffice.

QUESTION SEVEN

Preferential applicable, if nominations exceed 2

0733951305

Page 7 of 10

QUESTION EIGHT

The political independence of the President is of vital importance. In other countries, we believe, this is achieved in varying ways. The method of election set out in the Clem Jones Real Republic document, proposes one such method enhanced by the process of election proposed.

QUESTION NINE and TEN

In making this submission, we do not accept, under any circumstances, an appointed Head of State.

In the matter of eligibility, the nominations should be available only to Australian citizens and the accepted exclusions of those with criminal records or of unsound mind and very specifically, all persons with active political associations. This matter is dealt with in detail in the Clem Jones Real Republic proposal.

Overall comment on who should be eligible in the case of appointment is, that the individual could not help but be a political appointment.

Again the Clem Jones document covers Questions 9 to 12 with, in particular, the answers to 11 and 12 being Yes.

QUESTION THIRTEEN

If our proposal of a Multi-Choice Preferential Referendum were used, this could be an example of how the community could well be given the opportunity to choose.

Vide Clem Jones Real Republic proposal.

QUESTIONS FOURTEEN to SIXTEEN

Vide Clem Jones Real Republic proposal.

0733951305

Page 8 of 10

QUESTIONS SEVENTEEN AND EIGHTEEN

This matter should be dealt with generally, as set out in Clause 22 of the Clem Jones Real Republic proposal, perhaps with the change to provide the hearing and decision making to be made at a joint sitting of the Parliament with the requirement of a two-thirds vote to remove the Head of State.

QUESTION NINETEEN

It would seem that this question has no validity in the case of an appointed Head of State, otherwise it is dealt with in Clause 23 of the Clem Jones Real Republic proposal.

QUESTION TWENTY

Vide the submission on Question Ten hereof, and the Clem Jones Real Republic proposal.

QUESTION TWENTY-ONE

Vide the submission on Question Ten hereof. We should probably add the provisions of Section 44 of the Constitution.

QUESTION TWENTY-TWO

Importantly, particularly in the eyes of the community, the Head of State should have the power to appoint Judges, but the power to remove Judges should stay with Parliament. We also believe that this power should include appointment of any or all remuneration tribunals.

QUESTION TWENTY-THREE

The Australian People should be allowed to choose specifically, on this question, with a simple question in the Multi-Choice Preferential Referendum.

0733951305

Page 9 of 10

QUESTION TWENTY-FOUR

We believe the answer to this is No, but that he/she should be able to seek advice from the Bar.

QUESTION TWENTY-FIVE

It would appear that no benefit can result from expressing a view on this question. Relevant, but informal, discussions with those concerned evinces a great deal of difference between State legislative authorities. If, as we hope will be the case, the Federal Parliament determines to proceed along the peoples involvement lines as proposed by us, there would seem to be a number of directions, not necessarily all the same, which States could variously proceed.

QUESTION TWENTY-SIX

Absolutely No. This will only cause the same situation when we come to the model as previously, and indeed this will be the situation even if we proceed with a plebiscite/s as has/have been suggested. The only answer which will avoid lengthy controversy and possible failure to resolve the matter is the holding of a Multi-Choice Preferential Referendum.

QUESTIONS TWENTY-SEVEN and TWENTY-EIGHT

See answer to Question Twenty-Six.

QUESTIONS TWENTY-NINE and THIRTY

Any or all of these processes can be used to achieve the several specific questions that need to be put to the people in a Multi-Choice Preferential Referendum to enable the Australian community to make the final decision in all matters concerning the establishment of a Republic in Australia. Perhaps it would be appropriate, having canvassed the various questions which should be put to the people, to have them

0733951305

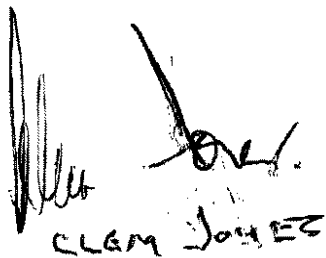
Page 10 of 10

professionally worded to cover all aspects at a widely represented at a Constitutional Convention, with support by appropriate Constitutional legal advice.

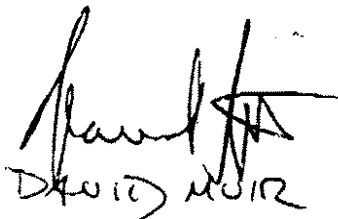
It will be noted that the full text of the Clem Jones Codification of the Proposed Powers covers a much broader field than has been traversed in this submission. For example, Clause 14(a) deals with a situation where the Senate has rejected legislation or passes it with amendments unacceptable to the House of the Representatives. As a consequence, we formally seek the inclusion of the Clem Jones Constitution Republic Team: Codification of the Proposed Powers, as presented to the 1998 Constitutional Convention as part of the submissions sought by the Inquiry Into An Australian Republic by the Australian Senate Legal and Constitutional References Committee.

Meanwhile we plan to prepare a prototype Multi-Choice Preferential Referendum, setting out samples of the type of question which could be proposed therein.

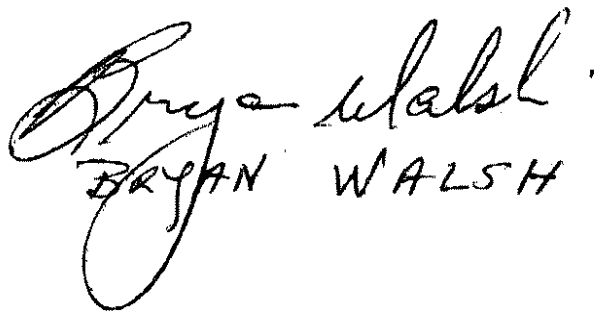
We look forward to the opportunity to give evidence before the relevant public hearing.



CLEM JONES



DAVID MUIR



BRYAN WALSH

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Position Paper on

**CODIFICATION of Proposed Powers and
Functions of the President of the
Commonwealth of Australia**

presented
by**Clem Jones**

**Clem Jones Queensland Constitutional
Republic Team**

to the

1998 Constitutional Convention

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0733951305

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 herein-after called "The Parliament," or "The Parliament of the Commonwealth."

Codification
of the
Powers and Functions
of the
President
of the
Commonwealth of Australia

1. The Commonwealth of Australia shall have as its head of state a President, who shall:
 - (i) be an Australian citizen;
 - (ii) not be accountable to any foreign power, parliament or person;
 - (iii) take precedence over all other persons in the Commonwealth of Australia, and
 - (iv) exercise and perform the powers and functions conferred on the President by this Constitution and the law.

2. (a) The President shall be elected by a direct vote of the people.

(b) Every Australian citizen who has the right to vote for members of the Parliament of the Commonwealth of Australia shall have the right to vote at an election for the President.

(c) The voting shall be by compulsory secret ballot on a system of preferential representation by means of the single transferable vote.

3. (a) The President shall hold office for a minimum period of five years, unless before the expiration of that period he dies, or resigns, or is removed from office, or becomes permanently incapacitated, such incapacity being established to the satisfaction of the High Court of Australia consisting of not less than five judges.

(b) Every Australian citizen who has the right to vote at an election for members of the Parliament of the Commonwealth of Australia is eligible for election to the office of President.

(c) A person who holds office or who has held office shall be eligible for re-election to that office, but only once.

0733951305

(d) An election for the office of President shall be held on the same day as the election for the House of Representatives immediately following the completion of the five year term; but in the event of the removal from office of the President or of his death or resignation or incapacity established aforesaid (provided such occurrence does not occur within twelve months of the due time of an election of the House of Representatives) an election to fill such vacancy shall be held within ninety days of such vacancy occurring.

4. (a) Each candidate for the office of President must be nominated by no less than thirty persons who are members of the Presidential Nominating Council.

(b) The Presidential Nominating Council will consist of one hundred members appointed by law as follows:

- One member each from the Senate and the House of Representatives of the Commonwealth of Australia
- One member from each of the Parliaments of the states and internal territories of the Commonwealth of Australia.
- One member from each state and the Northern Territory, representing the elected local government authorities thereof.
- One member to represent the elected governments of the external territories of Australia.
- One member from the High Court of Australia.
- One member from the Federal Court of Australia.
- One member from each of the Supreme Courts of the states and internal territories of the Commonwealth of Australia.
- One member from each of the states and internal territories representing the following organisations (^):
 - Business Council of Australia,
 - Australian Council of Trade Unions,
 - National Farmers Federation,
 - Australian Council of Social Service,
 - Australian Pensioners League,
 - Aboriginal and Torres Strait Islander Commission,
 - Vice Chancellors of the Universities of Australia,
 - Student's Union of Australia, and
 - Sports Council of Australia.

(c) No person on this Nominating Council shall be entitled to subscribe to the nomination of more than one candidate in respect of the same election.

0733951305

(d) Where only one candidate is nominated for the office of President it shall not be necessary to proceed to a ballot for his/her election.

5. (a) Candidates for President must not at the time of the issuing of writs for such an election be a member of either House of Parliament of the Commonwealth of Australia, nor a member of any House of Parliament of any of its States or Territories.

(b) Candidates for President must not at the time of the issuing of writs for such an election be a member of a political party.

(c) The President during his/her term of office shall not be a member of a political party.

(d) It will be unlawful (+) and cause the nomination of a candidate for the office of President to be declared invalid, if during an election for such office s/he actively seeks support for or from a party or candidates contesting the concurrent election for the Parliament of the Commonwealth of Australia.

(e) It will be unlawful (+) and cause the nomination of a candidate for the Senate or the House of Representatives to be declared invalid if during an election for such office s/he actively seeks support for or from a candidate contesting the concurrent election for the office of President of the Commonwealth of Australia.

6. The first President shall enter upon his/her office as soon as may be after his/her election, and every subsequent President shall enter upon his/her office the day following the expiration of the term of office of his/her predecessor or as soon as may be thereafter or, in the event of his/her predecessors removal from office, death resignation, or permanent incapacity established as provided above, as soon as may be after the election.

7. The President shall enter upon his/her office by taking and subscribing publicly, before the Chief Justice of the High Court of Australia, in the presence of both Houses of the Parliament of Australia, of judges of the High Court of Australia and other public personages, the following oath or affirmation:

I do solemnly and sincerely promise and declare that I will maintain the Constitution of Australia and uphold its laws, and that I will fulfil, with tolerance, my Constitutional duties faithfully and conscientiously and dedicate myself without prejudice, to the service and welfare of the people of Australia.

8. The President shall not leave Australia during the term of his/her office save with the consent of the Government.

0733951305

9. (a) The President shall have an official residence in Canberra.
- (b) The President shall receive such emoluments and allowances as may be determined by law.
- (c) The emolument and allowances of the President shall not be diminished during his/her term of office.
- (d) During his/her term of office the President shall not hold any other office or position of emolument.
10. (a) The supreme command of the Defence Forces is hereby vested in the President.
- (b) The exercise of the supreme command of the Defence Forces shall be regulated by law as enacted according to the provisions of this Constitution.
- (c) All commissioned officers of the Defence Forces shall hold their commissions from the President.
11. The Justices of the High Court and of other courts created by the Parliament:
- (i) Shall be appointed by the President in Council:
- (ii) Shall not be removed except by the President in Council, or an address from both Houses of Parliament in the same session praying for such removal on the grounds of proved misbehaviour or incapacity:
12. The right of pardon and the power to commute or remit punishments, imposed by courts under the jurisdiction of the Commonwealth and exercising criminal jurisdiction, are hereby vested in the President, but such powers of commutation or remission may, also be conferred by law on other authorities.
13. (a) The President shall, following every election, appoint a member of the House of Representatives, whom he believes to have the confidence of both the House of Representatives and the people to be Prime Minister, who shall be head of the Government. The Prime Minister shall hold office subject to this Constitution, until s/he dies or resigns, or his/her appointment is terminated by the President.
- (b) The President shall on the nomination of the Prime Minister appoint the other members of the Government,
- (c) The President on the advice of the Prime Minister shall accept the resignation or termination of any member of the Government.

0733951305

(d) If the House of Representatives, by an absolute majority of its members, passes a resolution of confidence in a named person as Prime Minister (other than the person already holding office as Prime Minister), and the Prime Minister does not forthwith resign from office, the President shall remove him/her from office.

14. (a) The President, on the advice of the Prime Minister, shall by Proclamation or otherwise, summons and prorogue the Parliament, and in like manner dissolve the House of Representatives.

(b) The President in his/her absolute discretion may refuse to dissolve Parliament on the advice of a Prime Minister who has ceased to retain the support of a majority of the House of Representatives.

(c) The President in his/her absolute discretion may dissolve Parliament when the Parliament has refused to provide revenue or moneys for the ordinary annual services of the Government.

(d) When a proposed law is passed by both Houses of Parliament and presented to the President for his/her assent, s/he shall declare, according to the Constitution, that s/he assents, or that s/he withholds his/her assent. The President may return to the House in which it originated any proposed law so presented to him/her, and may transmit therewith any amendments, which s/he may recommend, and the House may deal with the recommendations.

(e) Where the President withholds his/her assent to a proposed law passed by the Houses of Parliament and continues to do so, the Prime Minister may, after a period of three months, advise the President to convene a joint sitting of the members of the Senate and of the House of Representatives.

(f) The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the Senate and the House of Representatives, and if the proposed law, is affirmed by a majority of sixty percent the total number of members of the Senate and House of Representatives, it shall be taken to be duly passed by both Houses of the Parliament, and on presentation to the President, s/he shall give it his/her assent.

15. (a) 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 three months 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, on the advice of the Prime Minister, shall dissolve the Senate and the House of Representative simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

0733951305

(b) 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 shall, on advice of the Prime Minister, convene a joint sitting of the members of the Senate and the House of Representatives.

(c) 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 by one House and not agreed 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 the 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 members of the Senate and House of Representatives, it shall be taken to be duly passed by both Houses of the Parliament, and on presentation to the President, s/he shall give it his/her assent.

16. (a) The executive power of the Commonwealth is vested in the President, and extends to the execution and maintenance of this Constitution, and the laws of the Commonwealth.

(b) There shall be a Federal Executive Council to advise the President in the government of the Commonwealth, and the members of the Council, who all shall be members of the Government, shall be summoned by the President and sworn as Executive Councillors, on the advice of the Prime Minister, who also shall be member thereof.

(c) The provisions of this Constitution referring to the President in Council shall be construed as referring to the President acting with the advice of the Federal Executive Council.

17. The powers and functions conferred on the President by this Constitution shall be exercised and performed by him/her alone on the advice of the Government, save where it is provided by the Constitution that s/he shall:

- act in his/her absolute discretion, or
- consult with, or in relation to, the Executive Council, or
- on the advice or nomination of, or on receipt of any other communication from, any other person or body.

18. The Executive Council may authorise the President to appoint any person, or any persons jointly or severally, approved by the Executive Council, to be his/her deputy or deputies (#), within any part of the Commonwealth and in that capacity to exercise during the period of appointment such powers and functions as the President thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Executive Council; but the appointment of such deputy or deputies shall not affect the exercise by the President himself/herself of any power or function.

0733951305

19. (a) The President may after consultation with the Executive Council communicate with the Houses of Parliament by message or address on any matter of national or public importance.

(b) The President may after consultation with the Executive Council address a message to the Nation at any time on any subject.

(c) Every such message or address must however conform to his oath of office.

20. Subject to this Constitution additional powers and functions may be conferred on the President by law.

21. (a) The President shall not be answerable to either Houses of Parliament or to any Court for the exercise and performance of the powers and functions of his/her office or for any act done or purported to be done by him/her in the exercise and performance of these powers and functions.

(b) The behaviour of the President may however, be brought under review in either of the Houses of Parliament for the purposes of section 22 of this Constitution, or by any Court, tribunal or body appointed or designated by either Houses of Parliament for the investigation of a charge under section 22 of this constitution.

22. (a) The President may be impeached for stated misbehaviour.

(b) The charges shall be preferred by either of the Houses of Parliament of Australia, subject to and in accordance with the provisions of this section.

(c) A proposal to either House of Parliament to prefer a charge against the President under this section shall not be entertained unless upon notice of motion in writing signed by members, equal in number to one-third of the total membership of that House.

(d) No such proposal shall be adopted by either of the Houses of Parliament save upon a resolution of that House supported by members equal to two-thirds in number of the whole membership thereof.

(e) When either House of Parliament has preferred a charge, the other House shall investigate the charge or cause the charge to be investigated.

(f) The President shall have the right to appear and/or to be represented at all stages of the investigation of any charge against him/her.

(g) If as a result of the investigation a resolution is carried and affirmed by members equal to two-thirds in number of the total membership of the House of Parliament by which the charge was investigated, or caused to be investigated, declaring that the charge preferred against the President has been sustained and that the misbehaviour, the subject of the charge, was such as to render him/her unfit to continue office, such resolution such resolution shall

0733951305

operate to remove the President from his/her office.

23. In the event of the absence of the President, or his temporary incapacity, or permanent incapacity as provided by section 3 of this Constitution, or in the event of his /her death, resignation, or removal from office, or failure to exercise and perform the powers and functions of his/her office, or any of them, or at any time at which the office of President may be vacant, the powers and functions conferred on the president by law or under this Constitution shall be exercised and performed by a Commission(*) constituted in section 24 of this Constitution.

24. (a) The Commission shall consist of the following persons, namely, the Chief Justice of the High Court of Australia, The Speaker of the House of Representatives and the President of the Senate.

(b) The Deputy Chief Justice shall act as a member of the Commission in the place of the Chief Justice of the High Court of Australia on any occasion on which the office of Chief Justice is vacant or on which the Chief Justice is unable to Act.

(c) The Deputy Speaker of the House of Representatives shall act as a member of the Commission in the place of the Speaker of the House of Representatives on any occasion on which the office of Speaker of the House of Representatives is vacant or on which the Speaker of the House of Representatives is unable to Act.

(d) The Deputy President of the Senate shall act as a member of the Commission in the place of the President of the Senate on any occasion on which the office of President of the Senate is vacant or on which the President of the Senate is unable to Act.

(e) The Commission may act by any two of its number and may do so notwithstanding a vacancy in its membership.

(*) *Suggested list of bodies.*

(+) *See addendum.*

(*) *If States also adopt the practice of electing a person to carry out the duties that are currently the junction of present State Governors, then the senior among their ranks (assessed by years of service) may be appointed to act as Administrator (acting President) of the Commonwealth of Australia under section 23 of this Constitution.*

(#) *The President may appoint a deputy to act as Commander in Chief of defence forces.*

0733951305

ADDENDUM

To be contained in a Presidential Election Act:

Government to fund campaign of candidates to the extent necessary for the qualifications and the individual electoral submissions of the candidates to be properly placed before the electors. Limitations shall be imposed on advertising to ensure equality of exposure for all candidates. Campaign advertising shall be limited by law so that all candidates shall have equal exposure in all media, with the limitation of advertising size in the print media and equal time on television and radio. The publication of material or advertising by a political party on behalf of or in support of a Presidential candidate shall be unlawful.

It shall also be unlawful for a Presidential candidate at a Presidential election, either before or during the holding of such election, to join or be joined in either election advertising or material with any other person who is a candidate in any other parliamentary or local government election held contemporaneously.

Any breach of these conditions by a candidate shall be subject to the provisions of the law and shall cause the disqualification of the candidate.

Notwithstanding these conditions, nothing in this Act will place restrictions on the media as to editorial content or interviews with candidates seeking election to the office of President, Senate or House of Representatives.