



Australian Community Futures Planning

The People’s Constitution – Three proposed amendments to the Constitution: Values, Rights and Voices

Starting drafts for community engagement

This extract contains the starting draft wording of the three major amendments proposed for Australia’s Constitution in Chapters 5, 6 & 7 of

The People’s Constitution: the path to empowerment of Australians in a 21st century democracy.

by ACFP’s Founder, Bronwyn Kelly. The extract provides the full wording of the starting drafts of:

1. a new preamble featuring a Statement of Australian Values;
2. a National Agreement on Human Rights and Obligations; and
3. an enshrined constitutional process for expression of the National People’s Voice

These drafts are offered to assist in community engagement.

[Listen to the audio version of *The People’s Constitution* on Apple Podcast](#) or on Substack at bronwynkelly.substack.com

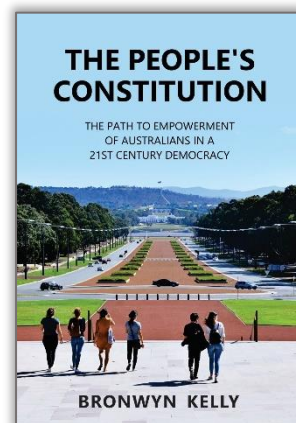
Visit <https://www.austcfp.com.au/publications> for the full publication of [*The People’s Constitution*](#).

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The People's Constitution: the path to empowerment of Australians in a 21st century democracy

Extract from Chapter 5 – Starting Draft Preamble to the Australian Constitution containing a Statement of Australian Values

Australian People's Constitution – Preamble (draft for use in community engagement)

We the People of Australia,

- in enacting this Constitution as Sovereign in our own land, and
- in affirming that self-determination and self-governance are our inalienable rights as citizens of the democratic, independent sovereign nation hereby constituted with a federal system of government and henceforth to be known as the Commonwealth of Australia,

place our trust in the parliaments and governments we elect on the following terms:

That laws may only be enacted and upheld which:

- demonstrably support the public interest as a whole, the interests of future generations and the sustainability of the lands, seas, species and natural resources of Australia as determined from time to time in accordance with processes and requirements of law set out here and elsewhere in this Constitution; and which
- ensure the maintenance of the human rights of current and future generations as established here and elsewhere in this Constitution; and which
- are consistent with our values as a nation, these values for the present being specified in the following Statement of Australian Values:

Statement of Australian Values

We the people of Australia are at one in this our Sovereign Will to chart a course to a future where peace prevails and the common wellbeing is secured for all in a manner consistent with the preeminent value we place on:

- the safety of all members of the nation and the stability, security and cohesion of society as a whole;
- honesty, integrity and ethics in all relationships, in governance and in corporate responsibility;
- creation and maintenance of a fully inclusive, participatory democracy which exhibits openness, transparency and respect for the voices of all Australians in matters of policy and governance;
- universal human rights;

- social harmony and appreciation of diversity;
- Australia's First Nations particularly in relation to:
 - our recognition of their rightful and essential place at the Heart of the nation's past, present and future,
 - truth-telling on the history of colonisation and the violence and injustice of their dispossession,
 - Makarrata, reconciliation with and just treaty between First Nations and non-Indigenous Australians,
 - celebration of the culture and heritage of Aboriginal and Torres Strait Islander peoples,
 - our acknowledgement of their ancestral tie to the land and the sovereignty that arises from that as coexistent with the sovereignty of all Australians, and, consequent on that acknowledgement,
 - the equal right of First Nations alongside all Australians to their own Voice in the Constitution;
- equality and egalitarianism – in ensuring wellbeing and in respect for all regardless of gender, sexual orientation, age, disability, race, national or ethnic origin, cultural heritage, religious persuasion or secularity, or wealth;
- benevolence and compassion for those close to us, for distant communities and for refugees;
- equal opportunity for all;
- social justice – meaning fair outcomes for all, fair sharing of national wealth, fair sharing of the burden and benefit of taxation, fair access to services, and equality before the law;
- life-long health, including physical, mental and societal health and happiness;
- life-long accessibility of education;
- life-long opportunity for expansion of the mind and human creative capacity;
- scientific intelligence and research capacity;
- unobstructed access to public information and protection of privacy and personal information;
- information markets that are properly regulated for the purpose of promotion of truth;
- national resilience, preparedness for crises and capacity to avert preventable crises;
- protection of the natural environment and conservation of natural resources;
- the planet, its ecosystems and species diversity;
- future generations and intergenerational equity;
- freedom of speech, expression, information, peaceful assembly and association, protest, choice in life path and partner, travel, belief, religion, secularity and atheism, political communication, freedom of the press, and freedom from discrimination, unlawful or arbitrary detention, political persecution, fear and want;

- the contributions and dignity of everyone, regardless of employment status, disability and working life stage;
- the formation and ongoing support of a human-centred economy capable of providing continuous full employment and opportunities for meaningful work and life satisfaction;
- the formation and ongoing support of an environmentally sustainable economy capable of ensuring proper conservation of scarce natural resources;
- fairness and ethics in foreign and domestic trade and finance;
- decency, humanity, cooperation and integrity in our international citizenry;
- independence in national sovereignty; and
- self-determination through a voice in our own governance.

We affirm that these values stand as the shared values of the People and are indicative of the purpose of the nation and national character We seek to build. Therefore We also affirm that:

- these values shall stand as guidance to law and policy makers and to authorised justices of the courts as to whether laws and policies are in accordance with our Sovereign Will; and that
- laws and policies which are demonstrably inconsistent with these values are inconsistent with the Australian People’s Sovereign Will and shall not stand.

These values shall be reviewed every ten years from the date of this enactment by establishment of fully open constitutional conventions whose considerations shall not be constrained by the parliaments or laws of the Commonwealth or the states or other entities, which from time to time may comprise the Federation or may be otherwise empowered by this Constitution in accordance with our Sovereign Will.

Extract from Chapter 6 – Starting draft of a National Agreement on Human Rights and Obligations

Part 3: *The National Agreement on Human Rights and Obligations* (draft for use in community engagement)

We the People of Australia, being satisfied that the processes as specified in Parts 1 and 2 of this section for inception and enshrinement of *The National Agreement on Human Rights and Obligations* has been conducted lawfully, in full consideration of the public interest as expressed in the *Statement of Australian Values* in this Constitution, and in complete accordance with our Sovereign Will as expressed here and elsewhere in this Constitution, do hereby affirm and declare that we freely agree to:

- 1) confer all universal human rights in full and equally on all natural persons in accordance with and to the extent specified in the following international human rights instruments:

- i. the International Covenant on Civil and Political Rights (ICCPR),
- ii. the International Covenant on Economic, Social and Cultural Rights (ICESCR),
- iii. the International Convention on the Elimination of All Forms of Racial Discrimination (CERD),
- iv. the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- v. the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),
- vi. the Convention on the Rights of the Child (CRC),
- vii. the Convention on the Rights of Persons with Disabilities (CRPD),
- viii. the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP),
- ix. the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1),
- x. the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2),
- xi. the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OP-CRC-AC),
- xii. the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC),
- xiii. the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (OP-CEDAW),
- xiv. the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD),
- xv. the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT); and

2) impose on each other as responsible persons and communities, and on all parliaments and executive governments of the Commonwealth, as well as all State and Territory governments, lawfully elected from time to time under this Constitution or State Constitutions, full obligations to:

- a) uphold and observe the rights conferred in (1) on all natural persons as their just and equal entitlement, and
- b) build a society and democratic governance system capable of realising these rights for all on an equal basis and in a manner that is demonstrably in the public interest and is consistent with the underlying principles and legal requirements of the instruments listed in (1).

We further affirm and declare that:

- a) No obligation that is specified or implied in the instruments listed in (1) as an obligation which “shall” be observed by a State Party to or supporter of these instruments may be obviated, evaded, escaped or derogated from by a parliament in lawmaking or by an executive government in policy, action,

administrative practice or executive statement, except as provided for by the listed instruments and except as may be demonstrably consistent with the national interest and the values of the nation as expressed in the *Statement of Australian Values* in this Constitution.

- b) The rights conferred and the obligations imposed consistent with the instruments listed in (1) are law in Australia unless and until We the People say otherwise in a referendum held in accordance with the referendum processes permitted in this Constitution for its amendment or alteration.
- c) Parliaments may make laws which confer human rights on natural persons which are additional to the human rights conferred under the above instruments, but no parliament or executive government, either of the Commonwealth or a State or Territory, may take any action in law, policy, administration or executive statement to reduce or restrict these duly conferred human rights, except insofar as the instruments themselves allow.
- d) No parliament or executive government may take action to dismiss, deny or derogate from a State Party obligation set down in the above instruments except to the extent that may be permitted by international law or to the extent permitted by any processes that are or may be established for this purpose elsewhere in the Constitution in accordance with our Sovereign Will.
- e) No parliament or executive government may frustrate, delay or reduce access to the benefits of any right or obligation in the listed instruments by unreasonably applying a reservation to or withholding support for any aspect of the listed instruments.
- f) No parliament or executive government may seek to frustrate, delay or deny the inclusion of human rights and obligations in Australian law by unreasonably refusing to become a State Party to or supporter of human rights declarations or treaties in international law and no barrier shall be imposed by parliaments or executive governments to referendum processes for inclusion of new human rights in Australian law when rights conferred in instruments of international law or declarations are demonstrably consistent with the values of Australians as expressed in the *Statement of Australian Values*.
- g) Parliaments shall ensure the full protection of all natural persons from abuse of their human rights by ensuring that any provisions in this and all other laws and subordinate legislation made by the parliaments of the Commonwealth, the States and the Territories, which are in part or in whole demonstrably inconsistent with the terms of *The National Agreement on Human Rights and Obligations*, are deleted or amended in a manner that ensures this Constitution and all other laws are brought into accord with the public interest as expressed in *The Agreement*.

- h) No human rights may be accorded to corporations or to any entity that is not a natural person.
- i) Parliaments and executive governments shall take any and all other necessary action to ensure that all Australian peoples, including First Nations, have the right of self-determination and that by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

We also declare and affirm that the human rights and obligations encompassed in the instruments listed in (1) in this *Agreement* stand as the rights and obligations that are indicative of the public interest and are necessary for its protection, and that it will be contrary to the public interest to make laws which withhold these rights, either in whole or in part, from any or all natural persons. Therefore we also affirm that unless and until We the People agree otherwise in a duly constituted referendum conducted pursuant to and in accordance with Part 2 of this section:

- *The Agreement* here made shall stand as guidance to law and policy makers and to authorised justices of the courts as to whether laws and policies are in accordance with our Sovereign Will; and that
- laws and policies which are demonstrably inconsistent with *The Agreement* are inconsistent with the Australian People's Sovereign Will and shall not stand.

Extract from Chapter 7 – Starting draft of an enshrined constitutional process for expression of the National People's Voice

Australian People's Constitution – The National People's Voice (draft for use in community engagement)

As the source of sovereignty, the People of Australia shall be enabled to exercise their right to express their Sovereign Will for the future of their society, environment, economy and democracy. Expression of this Sovereign Will for the future shall take the form of a collaboratively assembled and regularly monitored and reviewed, integrated plan for the wellbeing and security of all Australians over the longer term (up to 30 years). The process for expression of the Sovereign Will for the future and any emergent statements and plans from that process shall be known as The National People's Voice.

For purposes of assisting the People in the orderly composition of their National Voice, there shall be an Independent Commission for National Engagement and Integrated Planning. The Commission shall have a charter of independence from the Parliament and Executive Government, shall be accountable by annual reports to the People of Australia, and shall be charged as a minimum with responsibility to the People of Australia for development and maintenance of fully open forums and accessible processes by which all Australians may be enabled to:

- accurately assess the state of their health, wellbeing and security as a nation;

- participate at will in planning processes to articulate a vision for their preferred future and their preferred safe paths to that future; and
- receive independent reports on the progress of the nation towards or away from that future.

The Commission shall be established and maintained with sufficient funding and resources to support Australians in the orderly composition, review and revision of their National Voice, including as a minimum:

- all research resources necessary to ensure that The National People’s Voice can be formulated and monitored on the basis of credible and comprehensive data and information on all aspects of the performance of the Australian society, environment, economy and democracy; and
- all communications and facilitation resources necessary to enable best practice in inclusive community engagement and active citizen participation in building a cohesive nation.

The Commission shall also be entitled to access and rely on the financial and economic planning capacities of the Treasury and the Parliamentary Budget Office for any information necessary to conduct dialogues with Australians on options for sustainably financing their preferred future.

Statements and plans arising from the operation of the National People’s Voice shall be understood to be non-binding on the Executive Government and shall not constrain the Parliament in its power to make laws in accordance with this Constitution but shall constitute guidance to the Parliament as to the People’s Sovereign Will for the future and shall therefore be accorded the status of a primary consideration in all parliamentary deliberations. In making laws (including laws pertaining to budgets and appropriations) and in reviewing the appropriateness of administrative decisions on and adherence to policy, Executive Governments shall accordingly be obligated to prepare and Parliaments shall be required to consider comprehensive Statements of Compatibility with the National People’s Voice and to provide reasons for any incompatibility with its expression of the People’s Sovereign Will.

Further questions may be forwarded to ACFP at info@austcfp.com.au

**If you would like to become involved in building a plan for a better Australia, visit the Australian Community Futures Planning website at www.austcfp.com.au
Everyone is welcome to participate.**