



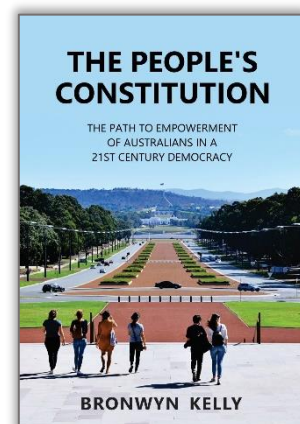
# Australian Community Futures Planning

## Making a new Australian Constitution – by collaboration.

A seven-step program of nation-wide community engagement and collaboration to build a Constitution fit for a 21st century democracy of political equals.

This document contains a summary of the feasible and efficient collaborative path to constitutional reform as suggested in [\*The People's Constitution: the path to empowerment of Australians in a 21st century democracy\*](#) by Bronwyn Kelly.

Chapter 9 of [\*The People's Constitution\*](#) outlines a program of community engagement and collaboration with Australians to establish a Constitution fit for 21st century Australia. This is a Constitution which gives all citizens a rightful but not overweening share of power in their own democracy without diminishing the rightful powers of the parliament, the executive government and the judicature.



**The program envisages an orderly and well-informed collaboration that will allow Australians to freely express their sovereign will for the Commonwealth they wish to form and to build a Constitution containing all the things they need to realise their preferred future as a nation.**

This new type of Constitution may be viewed not as a replacement or radical overthrow of the powers of the parliament, the executive government or the judicature, but rather as an augmentation of the sphere of power, achieving order by inclusion rather than exclusion, and transforming the current representative democracy to a participatory democracy in which all Australians have agency as political equals. This new type of Constitution also legitimises – for the first time – the current powers of the parliament, the executive government, and the courts, because it clarifies how those powers may be exercised consistent with the sovereign will of the people.

The following table outlines an efficient, seven-step inclusive program of collaborative constitutional reform for a 21st century democracy where everyone has political equality.

**Seven steps to build a Constitution fit for a  
democracy with equal rights for all its members –  
A proposed National Collaborative Process for Development of a New Australian Constitution –  
The Australian People’s Constitution**

<b>Step 1:</b>	<ul style="list-style-type: none"> <li>● Establish a Joint Parliamentary or a Senate Committee (with representation from the government, the opposition, independents and all other parties on the cross-bench) to commission development of a <b>National Collaborative Process for Development of a New Australian Constitution – The Australian People’s Constitution</b>.</li> <li>● Issue instructions to ensure the Process is designed to achieve the maximum inclusion of (and therefore the confidence of) the Australian people – recognising that: <ul style="list-style-type: none"> <li>○ the Constitution is for their nation and is therefore theirs to design collaboratively; and that</li> <li>○ Australians value fairness and equality and must be given sufficient agency to collaborate on the writing of a Constitution that will ensure fairness for all, based on their own explicit <b>Statement of Australian Values</b>.</li> </ul> </li> <li>● Issue a charter to a group of suitably independent facilitators of the National Collaborative Process and appoint an independent person responsible for chairing the Process and providing reports on the progress of deliberations to parliament.</li> <li>● Ensure that the charter protects the complete independence of the facilitators to prevent the politicisation and corporate or interest group capture of the Collaborative Process.</li> <li>● Ensure fully adequate funding, based on an expectation that this Process of nation-wide engagement and collaborative design may take up to five years.</li> </ul>
<b>Step 2:</b>	<ul style="list-style-type: none"> <li>● Charge the appointed independent facilitators of the Process with development of a White Paper informing Australians about: <ul style="list-style-type: none"> <li>○ issues for consideration in a holistic review of the Constitution;</li> <li>○ the need for open-ended objectives of a program of reform to ensure the Constitution is fit for a 21<sup>st</sup> century democracy and will be something all Australians wish to own; and</li> <li>○ initial details of a proposed program of nation-wide community engagement for collaborative development of the new Constitution.</li> </ul> </li> <li>● Ensure this paper plus suitable summaries (in both written and video format) are distributed to every household in Australia.</li> </ul>
<b>Step 3:</b>	<ul style="list-style-type: none"> <li>● Allow for feedback on the White Paper, taking care to ensure that overarching objectives can be designed for a new Constitution that will as a minimum: <ul style="list-style-type: none"> <li>○ not cause exclusion of or discrimination against any particular group from a place in the Commonwealth of Australia; and</li> <li>○ will ensure capacity for formation of a strong democracy whose members are political equals.</li> </ul> </li> </ul>
<b>Step 4:</b>	<ul style="list-style-type: none"> <li>● Depending on feedback from Step 3, charge the independent facilitation group with development of the essential components (chapter headings and sub-headings) of a new constitution that would accord with the essential objectives.</li> <li>● If necessary, modify the originally proposed nation-wide community engagement program to schedule successive rounds of collaboration on the components – one at a time in a logical order.</li> </ul>
<b>Step 5:</b>	<ul style="list-style-type: none"> <li>● Commence the sequence of the nation-wide community engagement and collaboration program.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Report to the joint parliamentary (or senate) committee at the end of each phase of collaboration on the results for that component.</li> </ul>
<b>Step 6:</b>	<ul style="list-style-type: none"> <li>• As the optimal content of any proposed component of the new Constitution becomes more obvious, ensure that the option remains open for the conduct of non-binding plebiscites and/or opinion polling to canvass the support of the Australian people for the component. For example:               <ul style="list-style-type: none"> <li>○ if Australians have signalled that they want human rights in the Constitution, conduct a non-binding plebiscite to assess the level of support; or</li> <li>○ if they have collaborated in a sub-group to design a new preamble to the Constitution which includes, say, a statement of Australian values, conduct any necessary community engagement, surveys or polling to assess the probable level of support; or</li> <li>○ if the collaboration has resulted in the design of a Constitution which would imply that Australia should become a republic of some sort, scope out any necessary surveys and polling (perhaps with options) to assess preferences; or</li> <li>○ if there is evident support for a Constitution capable of establishing a peaceful coexistence of sovereignties or treaty with First Nations, consider the most appropriate method of canvassing the views of Australians on feasible forms of fair and stable treaty capable of benefitting all parties.</li> </ul> </li> </ul>
<b>Step 7:</b>	<ul style="list-style-type: none"> <li>• Based on the results of the collaborative process and any plebiscites, surveys or polling, charge the joint parliamentary (or senate) committee with design of an agenda for referendums for amendment of the Constitution.</li> </ul>

**Note:** The above program assumes that it will not be necessary to revoke the entirety of the current Constitution and that many parts of it will be unaffected. This assumption may prove incorrect, although that is unlikely. Nevertheless, a program for bringing a new constitution into law by means of:

- a collaborative design process,
- a series of surveys of public opinion and plebiscites, and
- a logical sequence of referendums for individual amendments that will make sense to Australians (because they can see how they are part of a holistic reform that fits their objectives)

is more likely than any other engagement process to lead to development of a Constitution fit for 21<sup>st</sup> century Australian democracy. For more about the principles of a Constitution which makes a place for the people in their own governance and clarifies the rights and powers of all parties in that system, read [The People’s Constitution: the path to empowerment of Australians in a 21<sup>st</sup> century democracy](#) by Bronwyn Kelly at [www.austcfp.com.au/publications](http://www.austcfp.com.au/publications)

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

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

