

PILLAR 1

Source of the Constitution

POSITION NOW

An Act of the UK Parliament, 1900. Whether Australians can amend the covering clauses is genuinely disputed

UNDER R.O.A.N

A consolidated Australian instrument, ratified by referendum, drawing authority from that vote alone

WHY

Several High Court justices have grounded our Constitution's authority in the Australian people. This finishes it.



PILLAR 1

The Crown in existing law

POSITION NOW

Load-bearing across thousands of Acts: Crown immunity, how governments hold property, the root of Crown land

UNDER R.O.A.N

A savings clause reading every Crown reference as the Commonwealth or the relevant State, all rights continuing

WHY

Repatriation changes where authority is sourced. It is not a break in the legal order.



PILLAR 1

Duties of public officials

POSITION NOW

Statutory, under the Public Governance, Performance and Accountability Act 2013 and the Public Service Act 1999. No general fiduciary duty to the public at large

UNDER R.O.A.N

Unchanged in content. Pillars 7 and 8 change enforcement, not duty

WHY

The duties do not derive from the word "Crown" and are not disturbed by removing it



PILLAR 1

Treaty ratification

POSITION NOW

Pure executive power under section 61. Parliament has no formal role; the Joint Standing Committee on Treaties reviews but cannot bind

UNDER R.O.A.N

Parliamentary approval required before ratification

WHY

Entering a treaty enlarges Commonwealth legislative power under section 51(xxix). The people's representatives never vote on the entry



PILLAR 2

Radical title

POSITION NOW

Held by the Crown. Implied trust, contested foundation

UNDER R.O.A.N

Held by the Commonwealth and the States in express trust for the people

WHY

Repatriation forces the question. An express trust removes the executive Crown from the root of tenure



PILLAR 2

Native title

POSITION NOW

Property under section 51(xxxi) since Yunupingu, and shielded from State discrimination by the Racial Discrimination Act 1975

UNDER R.O.A.N

Entrenched beyond ordinary statute. Future act regime, ILUAs and negotiation periods unchanged

WHY

Still alterable by ordinary legislation, as the 1998 amendments showed. Certainty should run both ways



PILLAR 2

Torrens registers

POSITION NOW

State statutory machinery

UNDER R.O.A.N

Unchanged. Every freehold, leasehold and registered interest expressly confirmed

WHY

Torrens is indifferent to who holds root title. No title is diminished by a word of this



PILLAR 3

Who starts a referendum

POSITION NOW

Parliament alone

UNDER R.O.A.N

Parliament, or a popular initiative on a signature threshold. Double majority retained

WHY

Electors have never been asked whether they should be able to start a referendum themselves. The people hold a veto but not a pen



PILLAR 4

Recalling legislation

POSITION NOW

No mechanism

UNDER R.O.A.N

Facultative referendum — an Act may be suspended and put to a vote on petition

WHY

The Swiss "shadow effect": most of the work happens without a vote ever being held



PILLAR 4

Emergency powers

POSITION NOW

Instruments made by a minister under powers granted years earlier, renewable three months at a time, beyond Parliament's power to disallow

UNDER R.O.A.N

Short protected window, then reachable by petition. Automatic lapse unless Parliament confirms by recorded vote

WHY

Almost nothing that affects people in an emergency is an Act. It is an instrument made under one



PILLAR 5

Rights protection

POSITION NOW

Four narrow express rights. Everything else exists at parliamentary tolerance

UNDER R.O.A.N

Entrenched charter; small non-derogable core; strict limitation clause; any override sunset and subject to recall

WHY

Australia is the only Western democracy with no national bill of rights



PILLAR 6

Lower house

POSITION NOW

150 single-member electorates. In five adjacent regional Queensland divisions in 2025, 40.43% of the vote returned 100% of the seats

UNDER R.O.A.N

Multi-member regions counted by Hare-Clark. One vote in six elects a member in a five-member region

WHY

Single-member electorates, not preferential voting, are what turn a plurality into a monopoly



PILLAR 6

By-elections

POSITION NOW

Cost millions; electorate unrepresented for months

UNDER R.O.A.N

Countback from the original ballot papers

WHY

The replacement holds a mandate from the actual votes cast



PILLAR 6

Executive

POSITION NOW

Prime Minister and cabinet drawn from the majority; six PMs between 2007 and 2018

UNDER R.O.A.N

Seven-member Federal Council elected by joint sitting, presidency rotating annually as a chairing role

WHY

No single point of capture, no leadership spills, and confidence votes stop functioning as party discipline



PILLAR 6

Head of state

POSITION NOW

Governor-General exercising reserve powers that are nowhere defined in the Constitution

UNDER R.O.A.N

The Council. Assent becomes a duty of promulgation, not a discretion

WHY

Resolves the prerogative ambiguities by removing the office they attach to



PILLAR 7

Judicial oversight

POSITION NOW

Complaints go to the head of the judge's own jurisdiction. Disqualification is decided by the judge complained of

UNDER R.O.A.N

An independent Federal Judicial Commission, as the ALRC recommended, with graduated remedies short of removal

WHY

The ALRC found existing mechanisms insufficient. Government agreed in principle in September 2022 and has not delivered



PILLAR 8

Members' finances

POSITION NOW

Self-declared registers, effectively unaudited, defeated by trust structures

UNDER R.O.A.N

Audited disclosure including beneficial ownership, on nomination and annually, under statutory declaration penalties

WHY

Disclosure of beneficial ownership is the teeth. Everything else is a filing exercise



PILLAR 8

Corruption investigation

POSITION NOW

NACC hearings private unless exceptional; referrals declined without published reasons

UNDER R.O.A.N

Public hearings the default for parliamentarians; mandatory public report on every referral

WHY

Trust in an integrity body is built by visibility, not assertion



PILLAR 8

Foreign interference

POSITION NOW

FITS register barely enforced. Donation rules substantially reformed by the Electoral Reform Act 2025, from 1 January 2027

UNDER R.O.A.N

Enforced registration with published statistics, cross-referenced annually against members' own disclosures

WHY

Makes the claims of foreign capture testable. Either the register surfaces documented ties, or the claims die unverified



PILLAR 9

Resource revenue

POSITION NOW

State royalties on production, and a resource rent tax on petroleum project profits. Spent in the budget cycle

UNDER R.O.A.N

A profit-based rent charge above a royalty floor, quarantined by statute into a dedicated fund

WHY

A royalty over-taxes marginal projects and under-taxes windfalls. It captures none of the upside in a boom



PILLAR 9

National savings

POSITION NOW

The Future Fund, capitalised between 2006 and 2008 with $60.5 billion and no contributions since

UNDER R.O.A.N

A sovereign resource fund with a legislated contribution rule and a spending rule limited to the real return

WHY

Norway's fund now earns more than it receives. That transition takes about thirty years and Australia has not started



TRANSITION

Removing the current parliament

POSITION NOW

No mechanism. Any new system would have to be installed over the top of the parliament it was meant to replace

UNDER R.O.A.N

Ratification dissolves both houses. Fresh elections under the new rules. Every sitting member free to stand

WHY

A fresh start with clean hands. The people do the filtering, not a tribunal