

2020

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Constitution Amendment (ACT and NT Statehood) Bill 2020

No. , 2020

Youmaton MP, Member for Canberra

**A Bill for an Act to amend the Constitution to grant
statehood status to the ACT and NT, and for
related purposes**

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A Bill for an Act to amend the Constitution to grant statehood status to the ACT and NT, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the Constitution Amendment (ACT and NT Statehood) Bill 2020.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Schedule 1	The day this Act receives the Presidential Assent, having been approved by the Australian people through a referendum as per the Constitution	
2. Schedule 2	The day this Act receives the Presidential Assent, having been approved by the Australian people through a referendum as per the Constitution	
3. Schedule 3	If both Schedule 1 and 2 have commenced	
4. Schedule 4	The day a State Constitution has been approved by the electors of the Northern Territory through a state referendum	
5. Schedule 5	The day a State Constitution has been approved by the electors of the Australian Capital Territory through a state referendum	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments of the Constitution relating to the Northern Territory

1 Definitions

Repeal the section, substitute:

“The Commonwealth shall mean the Commonwealth of AustraliaSim as established under this Act.

The States shall mean the states of New South Wales, Queensland, Tasmania, Victoria, Western Australia, South Australia, and Northern 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.”

2 Section 7

In paragraph 1, omit the words:

“and Northern Territory”.

At the end of the section, add:

“The allocation of Senate seats to each State, and territory, must be distributed equally. If an uneven number of seats emerge that can not be distributed equally amongst the States, and territory, the left-over seats may go to any of the States, or territory, as long as no State, or territory, has more than one (1) seat over any other State, or territory.

3 Section 106A

Repeal the section, substitute:

“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, Tasmania and Northern Australia.

A proclamation or otherwise that establishes the states of Queensland, New South Wales, Victoria, South Australia, Western Australia, Tasmania, and Northern Australia 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."

Schedule 2—Amendments of the Constitution relating to the Australian Capital Territory

1 Definitions

Repeal the section, substitute:

"The Commonwealth shall mean the Commonwealth of AustraliaSim as established under this Act.

The States shall mean the states of New South Wales, Queensland, Tasmania, Victoria, Western Australia, South Australia, and Canberra 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."

2 Section 7

In paragraph 1, omit the words:

"and Australian Capital Territory".

At the end of the section, add:

“The allocation of Senate seats to each State, and territory, must be distributed equally. If an uneven number of seats emerge that can not be distributed equally amongst the States, and territory, the left-over seats may go to any of the States, or territory, as long as no State, or territory, has more than one (1) seat over any other State, or territory.

3 Section 106A

Repeal the section, substitute:

“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, Tasmania and Canberra.

A proclamation or otherwise that establishes the states of Queensland, New South Wales, Victoria, South Australia, Western Australia, Tasmania, and Canberra 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."

4 Section 125

Repeal the section, substitute:

"The seat of Government of the Commonwealth shall be the city of Canberra, located within the state of Canberra."

Schedule 3— Ancillary amendments to the Constitution

1 Definition

For the purposes of this Schedule:

'New State' means A new state is defined as either the state of Canberra or Northern Australia.

2 Legal Clarification

If both Schedule 1 and 2 have commenced, as approved by the Australian people through a referendum as per the Constitution, Schedule 3 shall come into effect.

3 Definitions Clarification

After “South Australia”, the new State of Northern Australia shall be written before the new State of Canberra.

4 Section 106A Clarification

After “Tasmania”, the new State of Northern Australia shall be written before the new State of Canberra.

Schedule 4—Subsequent Act repeals relating to Schedule 1

Northern Territory (Self-Government) Act 1978

1 The whole act

Repeal the act.

Schedule 5—Subsequent Act repeals relating to Schedule 1

Australian Capital Territory (Self-Government) Act 1988

1 The whole act

Repeal the act.

