

1987-88

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 10 May 1988

(*Attorney-General*)

A BILL

FOR

**An Act to alter the Constitution to extend the right to trial
by jury, to extend freedom of religion, and to ensure fair
terms for persons whose property is acquired by any
Government**

BE IT ENACTED by the Parliament of the Commonwealth of Australia, with the approval of the electors, as required by the Constitution, as follows:

Short title

5 1. This Act may be cited as the *Constitution Alteration (Rights and Freedoms) 1988*.

2. The Constitution is altered by omitting section 80 and substituting the following section:

Trial by jury.

10 “80. (1) The trial of a person for an offence, where the accused is liable to imprisonment for more than two years or any form of corporal punishment, shall be by jury except in the case of a trial for contempt of court or a trial of a member of the Defence Force of the Commonwealth before a court-martial under a law relating to the discipline of the Defence
15 Force of the Commonwealth.

“(2) The trial by jury of an offence against a law of the Commonwealth that:

- (a) was not committed in a State or Territory;
- (b) was committed in two or more of the States and Territories; or
- (c) was committed at a place or places unknown;

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shall be held at such place or places as the Parliament prescribes.

“(3) The trial by jury of any other offence against a law of the Commonwealth shall be held in the State or Territory where the offence was committed.

“(4) At any time during a trial referred to in subsection (2) or (3), the court may, on application by the accused or the prosecution, transfer the trial to a court of competent jurisdiction in another State or Territory.

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“(5) Nothing in subsection (1) prevents the making, or affects the operation, of a law to the extent that the law:

- (a) permits waiver by the accused of trial by jury;
- (b) regulates the size or composition of the jury; or
- (c) provides for majority verdicts.”.

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3. The Constitution is altered by inserting after section 115 the following sections:

Acquisition of property under State law.

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“115A. A law of a State may not provide for the acquisition of property from any person except on just terms.

Acquisition of property in Territories.

“115B. A law made under section one hundred and twenty-two or a law of a Territory may not provide for the acquisition of property from any person except on just terms.”.

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4. The Constitution is altered by omitting section 116 and substituting the following section:

No establishment etc. of religion.

“116. The Commonwealth, a State or a Territory shall not establish any religion, impose any religious observance or prohibit the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth, a State or a Territory.”.

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