

Constitution of New South Scotland

2020

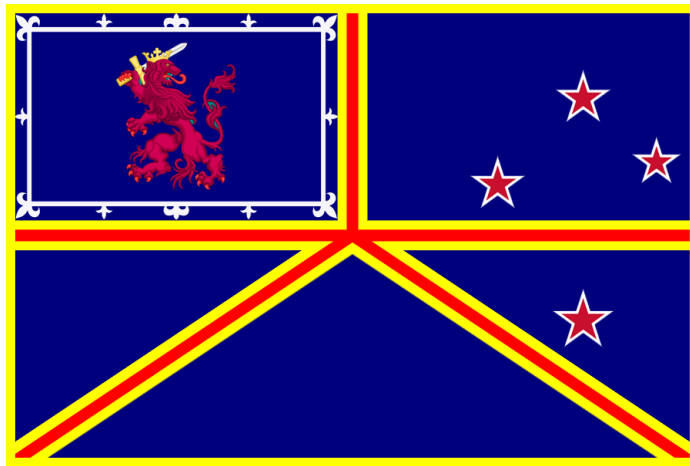


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1. The Constitution of New South Scotland:

- 1.1. This statute shall henceforth be referred to as ‘this Constitution’.
- 1.2. In this Constitution:
 - 1.2.1. ‘New South Scotland’ shall refer to the Crown Dependency of New South Scotland;
 - 1.2.2. ‘Austenasia’ shall refer to the Empire of Austenasia; and
 - 1.2.3. ‘the Crown’ shall refer to His Imperial Majesty the Emperor of Austenasia and his subsequent successors.
- 1.3. This Constitution shall not be amended or repealed without the consent of the Crown and at least fifty-one per cent of the New South Scottish citizenry by way of referendum.

2. New South Scotland:

- 2.1. This Constitution affirms New South Scotland’s status as a self-governing possession of Austenasia, recognising her right to establish for herself a mechanism for self-government in accordance with Austenasian jurisdiction and law.
- 2.2. The Crown shall enjoy supreme jurisdiction over New South Scotland, as in Austenasia at large.
- 2.3. English shall enjoy official language status across New South Scotland, being the sole language of government and law.

3. The Governing Commissioner:

- 3.1. The Governing Commissioner of New South Scotland, henceforth referred to as ‘the Governing Commissioner’, shall be appointed by the Crown to act as a representative in its place.
- 3.2. The Crown shall reserve the right to govern in the Governing Commissioner’s stead, as well as to remove the Governing Commissioner from office in the instance of resignation, death, incapacity, improper conduct or inactivity.
- 3.3. The Governing Commissioner shall reserve the right to delay the proclamation of a Legislative Assembly but shall strive for the establishment and subsequent maintenance of democratic self-rule within New South Scotland through a Legislative Assembly, in perpetuity.
- 3.4. In the absence of a Legislative Assembly, the Governing Commissioner shall reserve the right to:
 - 3.4.1. declare ‘Gubernatorial Decrees’, which shall immediately enter into New South Scottish law upon their proclamation; and
 - 3.4.2. transfer ‘communicable responsibilities’ to members of the New South Scottish citizenry.
- 3.5. Upon the proclamation of the Legislative Assembly, the Governing Commissioner shall reserve the right to transfer communicable responsibilities to members of the Legislative Assembly with the Legislative Assembly’s consent.



- 3.6. It shall be the communicable responsibility of the Governing Commissioner to represent New South Scotland externally.
- 3.7. It shall be the communicable responsibility of the Governing Commissioner to maintain a defensive force capable of preserving the self-governance of New South Scotland and protecting both New South Scottish and Austenasian interests at large.
- 3.8. It shall be the non-communicable responsibility of the Governing Commissioner to maintain a ‘Commission of Electoral Affairs’, which shall:
 - 3.8.1. determine the number of seats within the Legislative Assembly prior to a legislative session;
 - 3.8.2. manage elections to fill the Legislative Assembly in a politically-neutral and transparent manner; and
 - 3.8.3. strive to ensure that all citizens of at least twelve years age are afforded an opportunity to vote in said elections.
- 3.9. It shall be the communicable responsibility of the Governing Commissioner to maintain a ‘Commission of Demography’, which shall:
 - 3.9.1. study the size and status of the New South Scottish citizenry;
 - 3.9.2. receive applications for New South Scottish citizenship;
 - 3.9.3. manage the suspension of New South Scottish citizenship in accordance with New South Scottish law, or in the event of death or renouncement; and
 - 3.9.4. inform individuals upon their receipt of New South Scottish citizenship.
- 3.10. It shall be the communicable responsibility of the Governing Commissioner to serve as Chairperson of the Legislative Assembly in order to:
 - 3.10.1. maintain order, structure and civility during meetings of the Assembly;
 - 3.10.2. afford all members present at meetings an opportunity to express their views;
 - 3.10.3. preserve a full and transparent record of bills accepted by the Legislative Assembly; and
 - 3.10.4. preserve a full and transparent record of meeting minutes.
- 3.11. The Governing Commissioner shall reserve the right to establish other ‘Commissions’ in order to dispense of his or her responsibilities under this Constitution or other New South Scottish law as applicable.
- 3.12. The Governing Commissioner shall not be precluded from election to the Legislative Assembly, or from appointment to the role of Supreme Jurist, Civil Jurist, Territorial Jurist or jury member.

4. The Legislative Assembly, Legislative Acts and the Premier:

- 4.1. The Legislative Assembly shall:
 - 4.1.1. represent the aspirations, interests and concerns of the New South Scottish citizenry;
 - 4.1.2. be filled exclusively by democratically-elected New South Scottish citizens of at least twelve years age;



- 4.1.3. reserve the exclusive right to present bills to the Governing Commissioner for acceptance as New South Scottish law; and
- 4.1.4. reserve the right to present motions to the Governing Commissioner as a method of expressing the view of the Legislative Assembly without affecting New South Scottish law.
- 4.2. The Legislative Assembly shall count at least three citizens as elected members, requiring three members to remain present during meetings in order to maintain quorum.
- 4.3. At the debut of each legislative session, the Legislative Assembly shall confer upon one of its members the title of Premier, and should it so desire, it shall also confer upon one of its members the title of Deputy Premier.
- 4.4. The Premier shall serve as the representative and leader of the Legislative Assembly, and by extension, the democratic Government of New South Scotland.
- 4.5. The Premier and Deputy Premier shall serve for the duration of the legislative session unless replaced by the Legislative Assembly via a successful motion of no confidence or in the instance of resignation, death, incapacity or suspension from the Legislative Assembly entirely.
- 4.6. If the Legislative Assembly is unable to appoint a new Premier after a period of seven days following the passage of a motion of no confidence, new elections to fill the Legislative Assembly shall be announced.
- 4.7. Members of the Legislative Assembly shall reserve the right to propose and vote on ‘bills’, which if accepted by at least fifty-one per cent of the Legislative Assembly’s membership within twenty-four hours, shall be presented to the Governing Commissioner for review.
- 4.8. The Legislative Assembly shall strive to meet at least once a week.
- 4.9. Individual members of the Legislative Assembly shall reserve the right to appoint a fellow member as their ‘delegate in absence’, conferring upon this member their voting rights for the duration of individual meetings.
- 4.10. Members of the Legislative Assembly who are inexplicably absent from three meetings, or who are absent from five meetings in total, shall be removed from the Legislative Assembly. This count should not include more than one meeting per week, and shall not include weeks in which the member attended at least one meeting. The position of a suspended member shall be filled via an election managed by the Commission of Electoral Affairs.
- 4.11. The Commission of Electoral Affairs shall also manage elections to fill positions vacated by former members of the Legislative Assembly who have resigned, died or become incapacitated/constitutionally ineligible to hold office.
- 4.12. The Governing Commissioner shall reserve the right to provide or withhold assent to bills under his or her review. Bills which receive assent shall enter into New South Scottish law as ‘Legislative Acts’. This may include bills which amend or repeal prior Legislative Acts or Gubernatorial Decrees, as well as bills which trigger referenda. Bills which do not receive assent shall be returned to the Legislative Assembly for review once more, though if rejected again they may not be presented for the remainder of the legislative session.



- 4.13. Austenasian law applicable to New South Scotland shall be considered New South Scottish law.
- 4.14. The Legislative Assembly shall not have the right to amend or repeal Austenasian law applicable to New South Scotland, although its members may propose and accept a ‘motion of Imperial review’, which shall oblige the Governing Commissioner to inform the Crown of the Legislative Assembly’s displeasure with the Austenasian law in question.
- 4.15. With the consent of the Legislative Assembly, the Premier shall reserve the right to establish ‘Departments’, which shall:
 - 4.15.1. be managed by members of the Legislative Assembly;
 - 4.15.2. be responsible for enacting New South Scottish law; and
 - 4.15.3. remain under the supervision of the Premier.

5. The Judiciary:

- 5.1. The judiciary shall ensure that this Constitution and New South Scottish law is universally upheld across New South Scotland.
- 5.2. The judiciary shall enforce its mandate by:
 - 5.2.1. imposing fines, temporary exile, suspension of office or suspension of citizenship upon citizens found guilty of contravening this Constitution or New South Scottish law, as prescribed in New South Scottish law;
 - 5.2.2. imposing fines, temporary or permanent bans on future citizenship, or suspension of travel rights upon non-citizens found guilty of contravening this Constitution or New South Scottish law, as prescribed in New South Scottish law; and
 - 5.2.3. clarifying, amending or repealing New South Scottish law found to be in disaccord with this Constitution or prior law.
- 5.3. The judiciary shall be presided over by a Supreme Jurist, who shall be appointed by the Crown on the joint advice of the Governing Commissioner and Premier. In the event that the Legislative Assembly has not:
 - 5.3.1. been proclaimed, the Crown may appoint a Supreme Jurist with the sole advice of the Governing Commissioner; or
 - 5.3.2. conferred the role of Premier upon one of its members, the Crown may not appoint a Supreme Jurist until a Premier has first been appointed.
- 5.4. The Supreme Jurist shall:
 - 5.4.1. ensure the maintenance of a Civil Court for the trial of individuals suspected to be in contravention of New South Scottish law or civil contracts, and a Supreme Court for the trial of individuals or the review of law suspected to be in contravention of New South Scottish law or this Constitution;
 - 5.4.2. reserve the right to serve as a Civil Jurist; and



- 5.4.3. be charged with ensuring that all individuals stood before the Civil Court or Supreme Court are afforded legal counsel should they so desire.
- 5.5. The Civil Court shall:
 - 5.5.1. be presided over by a Civil Jurist, as appointed by the Supreme Jurist;
 - 5.5.2. come to unanimous rulings through an impartial jury of two to five citizens, fairly selected by the Civil Jurist; and
 - 5.5.3. make its rulings based solely on the fair and impartial interpretation of this Constitution, New South Scottish law or relevant civil contracts.
- 5.6. Individuals found guilty by the Civil Court may appeal the Court's rulings to the Supreme Court, which shall conduct the same trial again.
- 5.7. The Supreme Court shall:
 - 5.7.1. be presided over by the Supreme Jurist;
 - 5.7.2. come to unanimous rulings through an impartial 'Supreme Council', including the Supreme Jurist and two 'Territorial Jurists', who shall be appointed by the Crown on the joint advice of the Governing Commissioner and the Supreme Jurist;
 - 5.7.3. make its rulings based solely on the fair and impartial interpretation of this Constitution, New South Scottish law or relevant civil contracts;
 - 5.7.4. serve as the final court of appeal; and
 - 5.7.5. reserve the right to access government documents as deemed necessary during a trial.
- 5.8. All citizens of New South Scotland shall enjoy the right to freely attend and observe trials in both the Civil Court and the Supreme Court.

6. Charter of Rights:

- 6.1. Each citizen of New South Scotland shall enjoy the inalienable right to:
 - 6.1.1. life, liberty and security of person;
 - 6.1.2. freedom from slavery;
 - 6.1.3. freedom from subjection to torture or to cruel, inhuman or degrading treatment or punishment;
 - 6.1.4. recognition as a person before the law;
 - 6.1.5. equality before the law;
 - 6.1.6. an effective remedy by the judiciary for acts violating the fundamental rights granted by this Constitution or by other New South Scottish law;
 - 6.1.7. not be subjected to arbitrary arrest, detention or exile;
 - 6.1.8. a fair and public hearing by an independent and impartial judiciary, in the determination of their rights and obligations and of any criminal charge against them;
 - 6.1.9. the presumption of innocence until proven guilty according to the law in a public trial at which they have had all the guarantees necessary for their defence;



- 6.1.10. not be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under New South Scottish, Austenasian or international law, at the time when it was committed;
- 6.1.11. not have a heavier penalty imposed upon them for committing a penal offence than the one that was applicable at the time the offence was committed;
- 6.1.12. not be subjected to arbitrary interference with their privacy, family, home or correspondence, nor to attacks upon his honour and reputation;
- 6.1.13. freedom of movement and residence within the borders of New South Scotland;
- 6.1.14. leave the borders of New South Scotland as they please;
- 6.1.15. marry and found a family, without limitation on the grounds of race, culture or religion, assuming they are of full age and do so with free and full consent;
- 6.1.16. own property alone, as well as in association with other citizens;
- 6.1.17. not be arbitrarily deprived of their property;
- 6.1.18. freedom of thought, conscience and religion, including the right to change their religion or beliefs;
- 6.1.19. either alone or in community with others, and in private or public, manifest their religion or belief in teaching, practice, worship and observance;
- 6.1.20. freedom of opinion and expression; including the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media;
- 6.1.21. freedom of peaceful assembly and association;
- 6.1.22. freedom from forced association;
- 6.1.23. establish and join political parties;
- 6.1.24. nominate themselves for public office;
- 6.1.25. take part in the governance of New South Scotland through the election of freely chosen representatives;
- 6.1.26. equal access to public services;
- 6.1.27. periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot;
- 6.1.28. social security and the realisation, through territorial effort and international cooperation, and in accordance with the organisation and resources of New South Scotland, of the economic, social and cultural rights indispensable for their dignity and the free development of their personality;
- 6.1.29. work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment;
- 6.1.30. equal pay for equal work;
- 6.1.31. just and favourable remuneration ensuring for themselves and their family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection;



- 6.1.32. form and to join trade unions for the protection of their interests;
 - 6.1.33. rest and leisure, including reasonable limitation of working hours and periodic holidays with pay;
 - 6.1.34. a standard of living adequate for the health and well-being of themselves and their family;
 - 6.1.35. special care and assistance in motherhood and childhood, including the provision of the same social protection to all children, whether conceived in or out of wedlock;
 - 6.1.36. free education, at least in the elementary stages, directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms;
 - 6.1.37. freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits; and
 - 6.1.38. the protection of the moral and material interests resulting from any scientific, literary or artistic production of which they are the author.
- 6.2. These rights shall not be used to
- 6.2.1. unfairly infringe upon the rights afforded to other New South Scottish citizens;
 - 6.2.2. drastically infringe upon public order or morality; or
 - 6.2.3. detract from the general welfare of democratic society.

7. Elections and political parties:

- 7.1. Each session of the Legislative Assembly shall last no more than three months.
- 7.2. Elections shall be held no later than a week before the commencement of the next session of the Legislative Assembly and shall not occur without at least a week's public notice.
- 7.3. The regular voting period during an election shall last twenty-four hours.
- 7.4. Citizens unable to vote during the regular voting period shall have the opportunity to inform the Commission of Electoral Affairs of their inability to vote during said period.
- 7.5. Citizens subsequently determined by the Commission of Electoral Affairs to be unable to vote during the regular voting period shall be afforded the right to vote up to a week prior to said period.
- 7.6. Elections to fill part or all of the Legislative Assembly shall follow a system of proportional representation, wherein:
 - 7.6.1. political parties participating in the election shall publicly release a hierarchical list of candidates no later than eight days before the regular voting period;
 - 7.6.2. independent candidates standing for election outside of a political party shall either release a hierarchical list alongside other independent candidates or stand as a sole candidate on their own list, releasing their list no later than eight days before the regular voting period; and
 - 7.6.3. those voting in the election shall number all lists on the ballot in order of personal preference, ensuring to number each list so as not to spoil their vote.



- 7.7. Upon receipt of all citizen ballots at the end of the voting period, the Commission of Electoral Affairs shall:
 - 7.7.1. divide the number of valid votes by the total number of open positions within the Legislative Assembly, thereby determining the votes necessary for a candidate's election to the Legislative Assembly, henceforth referred to as the 'cut-off rate'; then
 - 7.7.2. progressively award positions in the Legislative Assembly to candidates in order of each list's first preference votes, subtracting the cut-off rate from each list's total vote count when a position is awarded.
- 7.8. If at any point in the post-election count no list enjoys sufficient voter support to meet the cut-off rate, the list with the least amount of voter support shall be eliminated, with ballots cast in favour of that list redistributed to other lists according to their next preferences. This shall continue until a list is able to meet the cut-off rate.
- 7.9. If, following preference redistribution, only one list remains and a Legislative Assembly position is unfilled, that list shall fill the remaining position.
- 7.10. Should an election be necessary to fill a single Legislative Assembly position, the cut-off rate shall be set to fifty-one per cent of the total number of valid votes.
- 7.11. Citizens not satisfied with the fairness, transparency or impartiality of an election shall have the right to make an appeal to the Supreme Court, which shall reserve the right to demand a full or partial recount with the consent of the Governing Commissioner if the quality of the election is deemed to have been unsatisfactory.
- 7.12. Each political party shall be:
 - 7.12.1. obliged to keep an open list of all party members;
 - 7.12.2. required to hold free and fair internal elections to appoint party leadership at least once a year, with all party members being afforded at least one vote; and
 - 7.12.3. required to create electoral lists in a manner that is satisfactory to the majority of party members.
- 7.13. Political party leadership shall be responsible for determining and submitting candidate lists during elections in accordance with internal party regulations.
- 7.14. Citizens shall be limited to membership in one political party at a time.

8. Referenda:

- 8.1. Referenda shall be initiated by a Legislative Act or Gubernatorial Decree and shall be organised by the Commission of Electoral Affairs.
- 8.2. Referenda shall serve to:
 - 8.2.1. inform the Legislative Assembly or Governing Commissioner of the opinion of the citizenry of New South Scotland on a matter of territorial importance, without directly affecting New South Scottish law; or



- 8.2.2. affect an amendment to this Constitution.
- 8.3. Referenda shall be organised under the same principles as elections to fill the Legislative Assembly, with multiple possible voting options replacing candidate lists and fifty-one per cent support necessary for the adoption of a referendum's terms. Should a referendum present binary voting options, the principles used in elections to fill a single position within the Legislative Assembly shall be used.
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HIM Emperor Jonathan I:

22/04/2020

Governing Commissioner Hugh McFarlane, KCA:

20/04/2020

