

A Bill for

An Act to provide for the election of a President-Regent during a period of Regency, to establish a Witenagemot as a nominations committee, and for related purposes.

BE IT ENACTED by the King, and the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *President-Regent Election Act 2026*.

2. Commencement

(1) Sections 1 and 2, and anything in this Act not elsewhere covered by this section, commence on the day this Act receives the Royal Assent.

(2) Sections 3 to 19 and Schedules 1 and 2 commence on the day the *Royal Residency and Regency Act 2026* commences.

3. Definitions

In this Act:

ABS: means the Australian Bureau of Statistics.

Candidate: means a person selected by the Witenagemot to be placed on the ballot for election.

Electoral Commissioner: has the same meaning as in the *Commonwealth Electoral Act 1918*.

Honoured Witan: means a person who has previously held the office of Governor-General of the Commonwealth or Governor of a State and accepts an invitation to serve in the Witenagemot.

Nominee: means a person who has nominated themselves for the Office of President-Regent.

Ordinary Witan: means a person selected from the Commonwealth Electoral Roll to serve in the Witenagemot.

President-Regent: means the person appointed or elected to exercise Royal powers pursuant to the *Royal Residency and Regency Act 2026*.

Witenagemot: means the ephemeral body established under Part 3 of this Act.

Part 2 — The election process

4. Direct Election by the People

This Act provides the "otherwise provided" election procedure allowed for by section 15(1) of the *Royal Residency and Regency Act 2026* and directs that during a period of Regency declared under that Act, the President-Regent shall be elected by the Australian people.

5. Nominations

- (1) No more than six months, nor less than five months before the completion of the term of the sitting President-Regent, the Electoral Commissioner shall open nominations for the office.
- (2) Nominees must nominate themselves.
- (3) Nominees must satisfy the eligibility criteria set out in the *Royal Residency and Regency Act 2026*.
- (4) Nominations shall close 30 days after the opening of nominations.

6. Nomination Fee

The cost of nomination shall be set by the Electoral Commissioner but shall not exceed the median weekly income of a citizen of the Commonwealth as determined by the ABS in its most recent Characteristics of Employment release.

7. Political Neutrality

- (1) A candidate for the Office of President-Regent must not:
 - (a) seek, accept, or claim endorsement by a political party registered under Part XI of the *Commonwealth Electoral Act 1918*; or
 - (b) be a member of such a political party at any time between their nomination and the return of the writ.
- (2) A political party registered under the *Commonwealth Electoral Act 1918* must not formally endorse, or provide financial support to, a candidate for the office of President-Regent.
- (3) A breach of subsection (1) by a candidate shall render that candidate ineligible for election.

Part 3 — The Witenagemot

8. Establishment and Purpose

A Witenagemot is hereby established as an ephemeral nominations committee for each election held under this Act.

9. Composition

(1) The Witenagemot shall consist of:

- (a) Honoured Witan who have accepted an invitation to serve; and
- (b) Ordinary Witan.

(2) No nominee for the Office of President-Regent may serve as a Witan.

10. Selection of Honoured Witan

(1) Between six and five months before the end of the President-Regent's term, the President-Regent shall invite all former Governors-General and State Governors to serve.

(2) Invitations must be accepted in writing within 30 days.

11. Selection of Ordinary Witan

(1) The number of Ordinary Witan shall equal the number of Honoured Witan who accept, provided that the number of Ordinary Witan is not less than 12.

(2) Ordinary Witan shall be selected by the Electoral Commissioner via random draw from the Commonwealth Electoral Roll.

(3) Selection must ensure at least one Ordinary Witan from each State, and no more than one from any single House of Representatives electoral district.

(4) Ordinary Witan must be eligible to be elected to the House of Representatives under section 163 of the *Commonwealth Electoral Act 1918*.

12. Remuneration

A Witan shall receive remuneration equivalent to 1/6th of the annual remuneration of a member of the House of Representatives for serving in the Witenagemot.

13. Proceedings of the Witenagemot

- (1) The Witenagemot shall commence no less than 120 days prior to the expiration of the President-Regent's term.
- (2) Before commencing duties, every Witan shall take the oath or affirmation set out in Schedule 1 before a Justice of the High Court of Australia.
- (3) The Witenagemot shall meet in private; all deliberations and examinations of nominees shall be closed to the public.
- (4) The Witenagemot may summon and examine any nominee.
- (5) Except for returning a list of candidates, the Witenagemot shall not issue any statement or declaration endorsing, evaluating, comparing or otherwise commenting on a nominee or candidate for the office of President-Regent.
- (6) The Witenagemot may validly act notwithstanding the absence of any Witan provided at least two-thirds of the Witan are present.

14. Return of Candidates

- (1) Within 60 days of its first meeting, the Witenagemot must return a list of no fewer than 3 and no more than 5 candidates to the Electoral Commissioner.
- (2) The list must include at least one-third male candidates and at least one-third female candidates.
- (3) Upon returning the list, or after 60 days have elapsed, the Witenagemot is dissolved.

15. Failure to Return a List

If the Witenagemot fails to return a compliant list within 60 days, the selection of the President-Regent shall revert to the default procedure established in the *Royal Residency and Regency Act 2026*.

Part 4 — Conduct of the election

16. Issuance of Writ and Election Date

- (1) The Governor-General in Council shall issue the writ for the election of the President-Regent.
- (2) The date of the election specified in the writ shall be:
 - (a) no earlier than 21 days after the Witenagemot has returned its list of candidates; and
 - (b) no later than 14 days before the completion of the term of the sitting President-Regent.
- (3) For the purposes of this Act, the Electoral Commissioner shall be responsible for the conduct of the poll following the issuance of the writ, consistent with the powers granted for general elections.

17. Application of Commonwealth Electoral Act

- (1) Subject to this Act and to section 18, the election shall be conducted in the same manner as an election for the House of Representatives under the *Commonwealth Electoral Act 1918*.
- (2) The requirements for the issue and return of the writ shall mirror those found in Part XIII of the *Commonwealth Electoral Act 1918*.
- (3) For the purposes of the election, the Commonwealth shall vote as a single electorate.
- (4) The system of voting shall be preferential.

18. Disputed elections

- (1) The validity of any election under this Act, or of any return or list of candidates provided by a Witenagemot, may be disputed by petition addressed to the Court of Disputed Returns and not otherwise.
- (2) The High Court shall be the Court of Disputed Returns and shall have jurisdiction to hear and determine the petition under Part XXII of the *Commonwealth Electoral Act 1918*.
- (3) The provisions of Part XXII of the *Commonwealth Electoral Act 1918*, including the jurisdictional powers granted by section 383 of that Act, apply in relation to an election for the office of President-Regent as if the election were an election for the House of Representatives.
- (4) In addition to powers under section 360 of the *Commonwealth Electoral Act 1918*, the Court may:
 - (a) declare that a person returned by the Witenagemot as a candidate was not eligible; or
 - (b) declare that a candidate has breached the political neutrality requirements in section 7.

Part 5 — Miscellaneous

19. Schedules

Each Act 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 — Oath and affirmation

Oath

I, [name], do swear that I will well and truly serve as a Witan of the Witenagemot, and that I will faithfully and impartially perform the duties of my office in selecting candidates for the office of President-Regent. So help me God!

Affirmation

I, [name], do solemnly and sincerely promise and declare that I will well and truly serve as a Witan of the Witenagemot, and that I will faithfully and impartially perform the duties of my office in selecting candidates for the office of President-Regent.

Schedule 2 — Consequential amendments

Commonwealth Electoral Act 1918

1. After Section 163

Insert:

"163A Qualifications for President-Regent

A person is not qualified to be elected as President-Regent if the person does not meet the neutrality requirements set out in section 7 of the *President-Regent Election Act 2026*."

2. After Section 327

Insert:

"328. Prohibition on Endorsement of President-Regent Candidates

(1) A registered political party must not formally endorse or support a candidate for the office of President-Regent.

(2) A breach of this section shall be an offence punishable by 2,000 penalty units.

Note: See section 4AA of the *Crimes Act 1914* for the value of a penalty unit."

3. Section 353 (at the end of the section)

Add:

"(5) The Court of Disputed Returns has jurisdiction to hear and determine any petition disputing the validity of an election for the office of President-Regent held under the *President-Regent Election Act 2026*."

Remuneration Tribunal Act 1973

1. Subsection 3(1)

Insert:

"**Witan**: means a member of a Witenagemot established under the *President-Regent Election Act 2026*."



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