

A Bill for

An Act to provide for a Regency in the event that the Sovereign is not ordinarily resident within the Commonwealth of Australia, to establish the Office of President-Regent, to provide for the occupation of the Office of Governor-General during a Regency, to amend certain Acts, and for related purposes.

WHEREAS it is the will of the Parliament and the people of Australia that the Sovereign of Australia maintain a meaningful and physical presence within the Commonwealth to exercise the Royal functions;

AND WHEREAS it is necessary to provide for the administration of the Government of the Commonwealth should the Sovereign be non-resident;

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 *Royal Residency and Regency Act 2026*.

2. Commencement

(1) This Act commences on the day it receives the Royal Assent after its approval by the electors in accordance with section 128 of the Constitution.

(2) Notwithstanding subsection (1), no declaration of a Regency under Part 2 may be made until after the first General Election for the House of Representatives held after this Act receives the Royal Assent.

3. Definitions

In this Act:

Acting President-Regent: means a state governor acting under section 21(4).

Australian citizen: means a person who has the status of an Australian citizen, however acquired, under the laws of the Commonwealth for the time being in force.

Commonwealth: means the Commonwealth of Australia.

King: means the sovereign for the time being of the Commonwealth of Australia as determined by the *Royal Style and Titles Act 1973*.

Resident or Residency: means being physically present within the Commonwealth of Australia for at least 120 days within a calendar year, regardless of the person's domicile or usual place of abode elsewhere.

States: means the original States, and such territories as may be admitted into or established by the Commonwealth as States.

Note: The *Acts Interpretation Act 1901* contains provisions that apply to the interpretation of this Act.

4. Constitutional Standing

For the avoidance of doubt, and by virtue of its enactment strictly in accordance with the full requirements of section 128 of the Constitution, this Act shall have standing and force of law as a fundamental constitutional document of the Commonwealth, equal to and part of the supreme law of Australia.

Part 2 — The residency requirement and declaration of regency

5. Residency Requirement

The King must be a Resident of the Commonwealth of Australia for at least 120 days in every calendar year.

6. Declaration of Regency

- (1) If the requirement in section 5 is breached, the House of Representatives and the Senate, sitting separately, may pass a simple motion declaring that the Crown of Australia is in a state of Regency.
- (2) A declaration under this section must be reserved for the King's pleasure and becomes official only upon the Assent of the King.
- (3) There is no limit in time between a breach of residency and the Parliament choosing to declare a Regency, provided the King who committed the breach remains the reigning Sovereign.

7. Termination of Regency

- (1) A Regency may be terminated after the current King has remained a Resident within the Commonwealth of Australia for a continuous period of 365 days.
- (2) Upon fulfillment of the requirement in subsection (1), the House of Representatives and the Senate, sitting separately, may pass a simple motion declaring that the Crown is no longer in a state of Regency.
- (3) The termination becomes official upon the Governor-General granting Assent to the declaration.

8. Succession during Regency

If a Regency is in place at the death of the King, it shall continue under the successor King unless, subsequent to becoming King, the new King fulfills the requirement to be a Resident for termination set out in section 7; however, time spent as a Resident of Australia prior to becoming King shall not be counted.

Part 3 — The office of President-Regent

9. Establishment of Office

- (1) There is established an office of President-Regent of the Commonwealth of Australia.
- (2) The President-Regent shall act as Regent for the Crown of Australia during any Regency.
- (3) The office shall remain vacant and dormant outside of any period of Regency.

10. Qualifications for President-Regent

A person is qualified to be appointed as President-Regent if the person:

- (i) Has been an Australian citizen continuously for the previous 21 years; and
- (ii) Is qualified to be, and capable of being chosen as, a member of the House of Representatives; and
- (iii) Has never held elected office in the Parliament of the Commonwealth or in the legislature of a State or Territory.

11. Initial Occupancy of Office

Upon the declaration of a Regency under section 6, the person holding the office of Governor-General shall immediately be deemed to have been appointed as President-Regent, notwithstanding the qualifications in section 10.

12. Restriction on the Office of Governor-General during Regency

- (1) During a Regency, no person may be appointed to or hold the office of Governor-General unless that person is also the President-Regent.
- (2) If a person ceases to hold the office of President-Regent, that person shall immediately and by virtue of this section cease to hold the office of Governor-General.
- (3) Nothing in this Act shall be construed as merging the office of President-Regent and the office of Governor-General; they remain separate offices held by the same person.

13. Limitations on the President-Regent's Powers

- (1) The President-Regent shall not have the power to assent to any Bill for changing the order or course of succession to the Crown of Australia as established by law.
- (2) The President-Regent shall not have the power to advise or otherwise procure the abdication or renunciation of the Throne by the Sovereign for the time being of the Commonwealth of Australia.

14. Validity of Acts

The actions of a person otherwise duly chosen as President-Regent are not invalidated only because the person was not qualified to be chosen as President-Regent.

15. Appointment or Election of President-Regent

- (1) Until the Parliament otherwise provides, the President-Regent shall be appointed in accordance with the procedure set forth in this section.
- (2) No less than thirty days prior to the completion of the term of office of the current President-Regent, the Prime Minister shall nominate a single candidate who is qualified under section 10 to be appointed as President-Regent.
- (3) If both the House of Representatives and the Senate, by a simple majority of each House, approve the nomination, the candidate is chosen as President-Regent.
- (4) The appointment of a person chosen under this section becomes official upon the person receiving Assent from:
 - (a) The outgoing President-Regent; or
 - (b) If the office of President-Regent is vacant or the holder of the office is incapacitated, the Acting President-Regent.

16. Oath or Affirmation of Office

Before a person assumes the office of President-Regent, the person shall make and subscribe before a Justice of the High Court of Australia an oath or affirmation of office in the form set forth in Schedule 1.

17. Term and Tenure

- (1) The President-Regent holds office for five years.
- (2) The House of Representatives may extend the term by up to an additional two years, provided such extension is approved by the House no less than six months and no earlier than one year prior to the ordinary completion of the term.
- (3) A person may serve only a single term as President-Regent.
- (4) If a successor does not take office at the end of a term, the outgoing President-Regent continues as President-Regent until the term of office of the next President-Regent begins.

18. Commencement of Term

The term of office of a President-Regent begins at the end of the term of office of the previous President-Regent. But if the office of President-Regent falls vacant, or the term of office of the outgoing President-Regent ends, before the day on which the incoming President-Regent makes the oath or affirmation of office, the incoming President-Regent's term of office begins on the day after that day.

19. Style and Title

The person holding the office of President-Regent shall be entitled to the Style and Title set forth in Schedule 2. This Style shall take precedence over the title of Governor-General.

20. Remuneration

(1) The President-Regent shall receive no remuneration from the Commonwealth for holding the office of President-Regent.

(2) The person holding the office of President-Regent shall receive the remuneration fixed by the Parliament for the office of Governor-General by virtue of holding that second office. Such remuneration shall not be altered during the term of office of the President-Regent.

21. Resignation, Removal, and Acting Office

(1) The President-Regent may resign by signed notice delivered to the Prime Minister.

(2) The President-Regent may be removed with immediate effect by signed instrument of the longest-serving State Governor available acting on the written advice of the Prime Minister. The Prime Minister must seek the approval of the House of Representatives within thirty days after the removal, unless the House has expired or been dissolved.

(3) The failure of the House of Representatives to approve the removal of the President-Regent does not operate to reinstate the President-Regent who was removed.

(4) The longest-serving State Governor available may act as President-Regent and Governor-General in the case of vacancy or incapacity in the office of President-Regent until a new President-Regent is appointed or elected. A State Governor is not available if the Governor has been removed from acting as President-Regent on the advice of the current Prime Minister.

22. Casual Vacancies

(1) A casual vacancy occurs in the office of President-Regent if the President-Regent:

- (a) dies; or
- (b) resigns under section 21(1); or
- (c) is removed under section 21(2).

(2) Any appointment to fill a casual vacancy shall be made exclusively using the procedure set forth in section 15 of this Act, notwithstanding any alternative procedure that the Parliament may pass for the general appointment or election of a President-Regent.

(3) A casual vacancy shall not be filled within 21 days of either an Election for the office of President-Regent or the completion of the term of the President-Regent most recently appointed or elected to that office.

(4) A person appointed to fill a casual vacancy shall only serve the remainder of the term of the President-Regent most recently appointed or elected to that office.

Part 4 — Final provisions

23. Amendment and Repeal

Notwithstanding section 128 of the Constitution, this Act may be repealed in the following manner:

The proposed law for the repeal ~~or amendment~~ must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses, the proposed law shall be submitted to the electors qualified to vote for the election of members of the House of Representatives.

When the proposed law is submitted to the electors, the vote shall be taken in such manner as the Parliament prescribes. If a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the King's assent.

24. 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 the people of Australia in the office of President-Regent and that I will be faithful and bear true allegiance to the Constitution of the Commonwealth of Australia. So help me God!

Affirmation

I, (Name), do solemnly and sincerely promise and declare that I will well and truly serve the people of Australia in the office of President-Regent and that I will be faithful and bear true allegiance to the Constitution of the Commonwealth of Australia.

Schedule 2 — Style and title

Formal Style and Title:

"His/Her Excellency (Full Name), President-Regent and Governor-General of the Commonwealth of Australia."

Short Form Style and Title:

"The President-Regent of Australia."

Schedule 3 — Consequential amendments

Australia Act 1986 (Cth)

1. Section 7

At the end of section 7, add:

"(6) The exercise of powers under this section is subject to the *Royal Residency and Regency Act 2026* during any period of Regency declared under that Act."

Statute of Westminster Adoption Act 1942

1. After Section 3

Insert:

"4. Operation during Regency

The operation of the laws of the Commonwealth regarding the Royal Style and Titles and the administration of the Executive power is subject to the *Royal Residency and Regency Act 2026*."

Royal Style and Titles Act 1973

1. After Section 2

Insert:

"2A. Exercise of Style and Title during Regency

During any period of Regency declared under the *Royal Residency and Regency Act 2026*, references to the 'King' in legal instruments shall be read as a reference to the 'President-Regent' acting in the name of the Crown of Australia."

Governor-General Act 1974

1. After Section 2

Insert:

"2A. Occupancy during Regency

During any period of Regency declared under the *Royal Residency and Regency Act 2026*, the person holding the office of Governor-General shall be the person appointed as President-Regent under that Act."



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