



Referendum on the Republic 1999

Second Reading Speech Presidential Nominations Committee Bill 1999

10 June, 1999

Introduction

Earlier today I placed before the House a Bill to provide the basis for a referendum on whether Australia should become a republic: the Constitution Alteration (Establishment of Republic) 1999, which I shall refer to as the Republic Bill.

The Republic Bill sets out the changes to the Constitution necessary to establish a republic based on the Constitutional Convention's preferred model.

Those changes include a new section 60 establishing a mechanism for choosing a President.

Under this mechanism, a committee would be established to invite and consider public nominations for President. The Prime Minister would consider a report from the committee before putting forward a single nomination to a joint sitting of both Houses of the Commonwealth Parliament. The nomination would take effect if seconded by the leader of the Opposition and approved by a two-thirds majority of all the members of the Commonwealth Parliament.

However, the Prime Minister could present that nomination only after considering the report of a committee established for the purpose of inviting and considering public nominations.

The Bill I now place before the House – the Presidential Nominations Committee Bill 1999 – would provide for the establishment and operation of such a committee.

The Convention resolved that the process for community consultation and evaluation of nominations is likely to evolve with experience and is best dealt with by ordinary legislation or parliamentary resolution.

Accordingly, the Bill is not a Bill for a constitutional amendment, but a Bill for an ordinary Commonwealth Act.

It provides in more detail for the establishment and role of the nomination committee.

In doing so, it fleshes out the very broad outline provided by the Constitutional Convention.

As this Bill would not alter the Constitution it would not have to be approved at a referendum.

Indeed, the Government does not propose that this Bill be passed before the outcome of the referendum is known.

In the event that the people approve the establishment of a republic, the Republic Bill would authorise the passage of the Presidential Nominations Committee Bill in the year 2000, in time for the commencement of the republic on 1 January 2001.

Passage of the Bill in the year 2000 would enable the first President to be chosen in that year, so that he or she may take office on 1 January 2001.

The Bill is likely to be of great interest because it provides the means by which the Australian people can be involved in selecting a President.

The Convention Model

The Convention made recommendations about how the Committee should be composed and operate.

It said that the committee should be of a workable size and should have a balance between parliamentary and community members.

It said that all parties with party status in the Commonwealth Parliament should be represented on the committee and the composition of the committee should take into account so far as practicable considerations of federalism, gender, age and cultural diversity.

The Convention said the committee should be mindful of community diversity in the compilation of a shortlist of candidates for consideration by the Prime Minister.

Finally, it recommended that no nomination be disclosed without the consent of the nominee.

The Bill is consistent with these recommendations.

It provides a framework for the establishment and operation of the committee without going unnecessarily into matters of detail.

It would, of course, be open for Parliament to make additional provision if that were seen to be appropriate in the light of experience.

The Nomination Procedure

The Convention described the objective of the nomination procedure as being 'to ensure that the Australian people are consulted as thoroughly as possible'.

It said that the process of consultation should involve the whole community, including State and Territory Parliaments, local government, community organisations and individual members of the public, all of whom should be invited to provide nominations.

The Bill would allow these objectives to be met, both through the composition of the committee and through the nomination procedure.

Any Australian citizen or group of citizens would be able to nominate a person as President.

Nominations would have to be accompanied by the nominee's written consent.

Establishment of the Committee

The Bill provides for a Presidential Nominations Committee to be established whenever it is necessary to choose a person as President.

A Committee could be established some months before the end of the incumbent President's term so that a new President could be chosen and be ready to take office at the end of that term.

However, if a President resigned or died in office or was removed, it can be expected that a Committee would be established as soon as possible after the office became vacant.

Composition of the Committee

Under the Bill, a Presidential Nominations Committee comprises 32 members. Members would be formally appointed by the Prime Minister, but the appointments would have to be made in accordance with rules set out in the Bill.

There would be 8 Commonwealth members, drawn from the Commonwealth Parliament.

To start with, each political party with 5 members or more in the Commonwealth Parliament would be entitled to one place on the Committee.

If there were more than 8 parties with at least 5 members, the 8 places on the Committee would go to the 8 parties with the highest number of members.

If places remained after this formula was applied, the parties with at least 15 members would be offered second and any subsequent places in turn, starting with the largest party.

In addition, there would be 8 State or Territory members, comprising one member of each State legislature and one member of each of the Northern Territory and Australian Capital Territory Legislative Assemblies.

These members would be nominated by the legislatures.

There would also be 16 community members, appointed by the Prime Minister, who would not be members of any legislature.

The Prime Minister's broad discretionary power to appoint community members, together with the large number of community members, permits the Prime Minister to appoint a diverse membership.

The Prime Minister would, of course, take account of the diversity of the Australian community in appointing community members.

Functions of the Committee

The functions of the Committee are to invite and consider nominations for appointment as President of the Commonwealth of Australia and to give a report on the nominations – including a short list – to the Prime Minister.

Confidentiality

The Bill contains provisions designed to ensure the confidentiality of nominations and material received in connection with nominations.

Those provisions are intended to prevent the disclosure of nominations except with the consent of nominees, as recommended by the Constitutional Convention.

Conclusion

The Bill fills in the broad outline for a Presidential Nominations Committee provided by the Constitutional Convention.

If the Republic Bill is approved by the people at the referendum, the Government will seek passage of the Presidential Nominations Committee Bill 1999 shortly afterwards.