

REPUBLICAN PARTY of AUSTRALIA

(The Australian Republicans)

Proposed Model for a Directly-Elected Presidency (The Presidium)

This is decidedly a Discussion Paper *and* a Work-in-Progress. Its dual purposes are proactivity and inclusivism. Simultaneously, it is being advanced to lock in a modern, *maximalist* model for The Australian Republic. As such, it will be freely fine-tuned and tailored over the protracted period of time until the beginning of the processes which will set Australia on its course for an eventual second Republican Referendum. It is indubitably the sort of model which, **The Republican Party of Australia** believes, would in *every* respect, accommodate the hopes and aspirations of our fellow-Australians who unquestionably want to own the Republican Debate and maintain Republican Sovereignty. It is, tactically and strategically, proffered to counter the Elitist Republicans who **will** devise, by one means or another, the same or a very similar *minimalist* bipartisan (Parliament-appointed President) model as the one which went down in flames at the first Republican Referendum in November, 1999.

The Presidium

There shall be a directly elected Presidium of three adult Australian persons – all elected by the optional preferential voting method, compulsorily.

The Presidential election will always be held on a day (a Saturday) that is more than one calendar month removed from any General election, By-election or Re-election for The Federal Parliament of the Day.

The person who receives the most preferred votes would be the elected President.

The remaining two persons would, in order of their preference tallies respectively, be the elected First Deputy President and the elected Second Deputy President.

The fixed term of The Presidium would be of five years duration with no provision for any of the three elected persons to *ever* stand again for re-election.

There would be no impediment to any retired Presidium person being retained on a consultancy basis to succeeding Presidium persons as advisors, researchers, envoys or such.

The powers, duties and responsibilities of The Presidium (the collective Presidency) shall be codified. All the necessary interim powers, duties and responsibilities of The Presidium will be determined by a Standing Constitutional Convention which shall be known as the First Standing Republican Constitutional Convention. The First Standing Republican Constitutional Convention shall comprise twenty-five adult Australian persons who, also having been elected by the optional preferential voting method, and compulsorily, shall meet at Old Parliament House, Canberra for a fortnight (or as long as it takes) within a calendar month after being declared elected and make the said determinations. These determinations shall not automatically become constitutional law. They shall become the interim guidelines until a national referendum is held to endorse them as constitutional law. The interim guidelines shall continue until there is an affirmative vote for constitutional amendment on the codification of powers by the Australian electorate. This means that the First Standing Republican Constitutional Convention shall meet, confer and devise an acceptable powers codification protocol until, at a national referendum, the Australian electorate endorses one of their sets of recommendations. The election for the First Standing Republican Constitutional Convention shall be separate from any other election and shall be removed from any other Federal election, By-election or Re-election by more than a calendar month.

Subsequent Standing Republican Constitutional Convention elections shall be held on the same day as Federal Parliamentary elections.

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The First Standing Republican Constitutional Convention elected shall also determine what the governing criteria shall be for final eligibility for candidature for direct election of The Presidency. Furthermore, the First Standing Republican Constitutional Convention elected shall determine who the very first batch of eligible candidates (a maximum of twenty-five) for The Presidium shall be. It is a given that subsequently elected Standing Republican Constitutional Convention persons shall consider any recommendations from sources such as The Australian Constitutional Lawyers Forum (see below) for variations to the powers, duties and responsibilities of The Presidium. Any of these that are forthcoming shall be put to the Australian electorate for endorsement by way of a national referendum.

Subsequently elected Standing Republican Constitutional Conventions shall determine who the twenty-five eligible candidates for the second Presidential elections and subsequent Presidential elections shall be.

Powers, Duties and Responsibilities of The Presidium

The Presidium would be the Chief Protectors of the Australian *Republican* Constitution.

The Presidium would also be the Chief Defenders of the Australian Charter of Rights, Freedoms and Responsibilities which would be, in the first instance (and for possibly a generation to follow), Statute Law.

The Presidium may seek the counsel of the nine Australian Solicitors-General, The Law Reform Commission of Australia and a new body: The Australian Constitutional Lawyers Forum. This new Forum would be headed by an eminent academic constitutional lawyer such as **Professors George Williams, Greg Craven, Michael Coper, John McMillan or John Nethercote**. The Forum would number nine constitutional lawyers in ALL and would be appointed by The Government of the Day for a five year term with the option of an extension of the term for a maximum of another five years at the discretion of the Government of the Day.

The Presidium (at least 2 of the 3 Presidium persons) would sign ALL new law and ALL repealed law into effect.

The Presidium (at least 2 of the 3 Presidium persons) would sign into law ANY or ALL Executive (Emergency) Orders submitted to it by the Government of the Day but revoke such Orders, as warranted, or when The Presidium deemed it fitting to do so.

The President would be the Australian Head-of-State. He or she shall open all sessions of The House of Representatives and welcome all visiting Heads-of-State or Heads-of-Government from other countries. He or she would swear into Office ALL elected or appointed Ministers of State, High Court and Federal Court judges. He or she would represent Australia on grand international occasions and open Australian trade shows, tourism promotions and technology expositions. He or she would represent Australia at funerals and weddings of international dignitaries and at significant war memorial ceremonies amongst other things.

The First Deputy President would Chair the proceedings of The Australian Senate for as long as that august body survives. He or she would also Chair ALL formal Meetings of the Council of Australian Governments [COAG]. Further, he or she would deputise for The President in the event that The President could not practicably, for whatever reason, undertake his or her duties and responsibilities.

The First Deputy President would fill The President's position for the remainder of The President's five year term in the event of the death, resignation or dismissal of The President as the result of a proven serious misdemeanour or indictable crime, a blatant conflict of interest, incapacity (mental or physical), corruption or attempted corruption *whilst The President was actually in office*. The dismissal, per se, would be determined by a clear two-thirds majority of a Joint Sitting of the Federal Parliament.

The Second Deputy President would Chair the proceedings of a Standing Inter-State Commission (see Section 101 of the existing monarchical Australian Constitution). This Commission, a twenty-five person entity which also would be elected for a five year term (with a possible five year extension of term) by the optional preferential, but compulsory, voting method would deal with inquiries, submissions and reports into the formal *regionalising* of the governmental and bureaucratic structures of the nation. In time, it is envisaged that the Second Deputy President would Chair the proceedings of a Standing Inter-Regional Commission. Another role for the Second Deputy President would be to Chair a Permanent Reconciliation Commission.

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The Second Deputy President would, obviously enough, secondarily deputise for The First Deputy President in the event of The First Deputy President not being able to, for whatever reason, undertake either his or her own duties or their primary First Deputy Presidential duties and/or responsibilities.

Replacements, if necessary, for the First and Second Deputy Presidents would be determined by the High Court sitting as The Court of Disputed Returns and utilising the established 'countback' method.

The Presidium would, without fear or favour, be empowered to warn, advise and counsel the Executive Government of the Day as to the wisdom, efficacy or marginality of its policy deliberations or law-making intentions as the Presidium might perceive them.

The Presidium would have Prerogative of Mercy powers and confer on Submissions for Pardons and make majority decisions in that regard, and, if deemed appropriate and elucidating, give reasons for the affirmative or negative determinations that it makes, in the public interest.

The Presidium would have Special Proclamations powers to make simple corrections and retroactive adjustments to unenvisaged or extenuating circumstances of laws which are in existence and prior to the formal amendment of those particular laws by The Government of the Day.

The Presidium shall receive, consider and refer to The Parliament of the Day ALL properly prepared, constitutionally valid petitions from a minimum of 10,000 adult Australian citizens – those verifiable, living, non-duplicated, registered citizens whose correct names and addresses clearly appear on the Commonwealth Electoral Roll. Fifty (50) ineligible Petitioners would be sufficient to render such a Petition void and/or invalid. The Australian Electoral Commission would determine the validity, or otherwise, of a petition.

Presidium persons shall be immune from prosecution on offences alleged to have been committed prior to the commencement of their terms on The Presidium. Such immunity shall not be available once the term of a Presidium person has ended/expired.

Presidium persons shall have the very same privilege rights as Federal Parliamentarians provided ALL statements which might be covered by privilege are made within the confines of the Presidential Suite of Offices in any of the 8 capital cities.

Eligibility for Candidature to The Presidium

Candidates for election to The Presidium must be adult Australian males or females who have **either** reached the age of thirty-five (35) or who would turn thirty-five (35) no later than in the first year of their five year term on The Presidium **or** who would not turn seventy (70) any earlier than in the fifth year of their five year term.

A maximum of twenty-five (25) candidates will be allowed to formally nominate. The 'worthiness' criteria shall be finally determined by the elected Standing Republican Constitutional Convention (see above). However, one of the criteria for eligible candidature will be that candidates for The Presidium must **either** have the official, written, authorised and published endorsement of at least one federally-registered Political Party **or** the nomination signatures of two thousand, five hundred (2,500) eligible, correctly enrolled voters – with two hundred and fifty (250) at least from each of the six (6) States and one hundred (100) at least from each of the two (2) Territories.

Presidium candidates must not spend more than a cumulative fixed sum of \$250,000 on their Australia-wide election campaign(s). The Commonwealth Electoral Act shall be amended to specify that Presidium candidates who have been proven guilty of spending more than the cumulative fixed sum or of attempting to, either directly or indirectly, spend more than the maximum cumulative limit will be disqualified from candidature and heavily fined (up to \$250,000 – CPI adjustable upwards after the first two presidential elections), and/or, if the Court of Disputed Returns so determines it, imprisoned for up to five years. There would also be *permanent* disqualification for proven excessive spenders.

Presidium candidates shall be eligible for electoral funding at the same going rate per primary vote as is provided for Australian Parliamentary candidates and will have their \$5,000 deposits refunded if they achieve 4% of the overall Australia-wide primary vote.

Presidium candidates, essentially, must satisfy the same constitutional eligibility criteria as that which applies to candidates for election to either House of The Federal Parliament (refer to the existing monarchical Australian Constitution).

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Advantages of a Three Person Presidency: The Presidium

The time has come to begin to list the advantages of a Presidium model for *Australia's* Republican System...

1. Currently, the Australian Governor-General, **David Hurley**, gets thousands of invitations of a ceremonial nature from community groups etc each year. Most invitations have to be politely declined as there are only 365 days in a calendar year and that will always be the case. A three-person Presidium could share the load and many more ceremonial invitations could be accepted.
2. Currently also, literally hundreds of community and charity groups seek the patronage of the Governor-General and a great many must be rejected simply because the Governor-General cannot be expected to keep across the activities of ALL the organisations of which he/she is Patron. A three-person Presidium could share the patronage arrangements around in *that* quarter, as well.
3. It goes without saying, that a three-person Presidium would foster more Australian *inclusiveness*. More public service-orientated and community-spirited members of the Australian electorate could *aspire* to be or indeed actually become, one day, a Head-of-State of their country.
4. A three-person Presidium would prevent any one-person Presidency from developing/deteriorating into a one-person Dictatorship.
5. A three-person Presidium could be expected to work harmoniously and cohesively with the Parliamentary Federal Government Cabinet/Executive Council of the Day in a round table setting in the National Interest.
6. A three-person Presidium would reflect the growing trend in modern corporate Australia, the bureaucracy and even some top ranking sports teams for “shared captaincy”. This aspect of things is coincidentally being reflected in the establishment of two of the newer Republics in the world e.g. Mauritius and Malta.
7. A three-person Presidium would bring three times the life experience to The Presidency and therewith three times the common sense and three times the worldly wisdom than would be the case with simply a single, one-person Head-of-State.
8. (a) A three-person Presidium would palpably give uniqueness to the *Australian* Republican System – a glaring counterpoint to the much-feared/much-maligned *American* way which is one of *elected Kingship* in ALL but name. [***Historical Fact:** the first six inaugurations of American Presidents from **George Washington** to **John Quincy Adams** were facetiously referred to, by contemporaries, as “*coronations*”. Even in everyday, vernacular American language, United States commentators particularly allude to their President (who has ALWAYS and ONLY been of the male gender) as their “*elected King*”].
(b) It should never be overlooked or forgotten that *the American President is a 4-in-1 entity* insofar as the man is ALL four of the following: Head of State + Head of Government + Commander-in-Chief of the Armed Forces + Chief Magistrate of the American Republic. Indeed, American Presidents are *elected Kings!*

IMPORTANT CAVEAT

The reform proposals as outlined in the previous three and a half pages are ONLY pertinent to the Matter of Australia and *Australian* Head(s) of State. The *existing* Federal Parliamentary arrangements *are in no way affected* by the Writer and/or any other fellow-Australian Republican mooted or discussing changes to our Federal Monarchical links &/or to those Federal Monarchical Representation (re)arrangements involving the Monarch (Queen Elizabeth 2nd) or her Australian Representative (the Governor-General), respectively.

For those interested in the Writer's Party history:

The Republican Party of Australia has no links AT ALL with the American Republican Party; neither has The Republican Party of Australia ever had ANY links AT ALL with the American Republican Party.

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