

From: [Anna Oldmeadow](#)
To: [s 22\(1\)\(a\)\(ii\)](#)
Subject: Fw: Payman Private Senators' Bill [SEC=OFFICIAL:Sensitive]
Date: Friday, 25 September 2026 3:46:51 PM

OFFICIAL: Sensitive

OFFICIAL: Sensitive

From: Craig Maclachlan <Craig.Maclachlan@dfat.gov.au>
Sent: Tuesday, September 8, 2026 07:39
To: Anna Oldmeadow <Anna.Oldmeadow@dfat.gov.au>
Cc: [s 22\(1\)\(a\)\(ii\)](#) @aph.gov.au <[s 22\(1\)\(a\)\(ii\)](#) @aph.gov.au>; Elizabeth Wilde <Elizabeth.Wilde@dfat.gov.au>
Subject: Re: Payman Private Senators' Bill [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

OFFICIAL: Sensitive

No worries Anna. It falls in my group.
We will get you some points.
(Welcome back too!)
Tks
C

OFFICIAL: Sensitive

From: "Anna Oldmeadow" <[Anna.Oldmeadow@dfat.gov.au](#)>
Date: Tuesday, 8 September 2026 at 07:35:50
To: "Craig Maclachlan" <[Craig.Maclachlan@dfat.gov.au](#)>
Cc: [s 22\(1\)\(a\)\(ii\)](#) @aph.gov.au" [s 22\(1\)\(a\)\(ii\)](#) @aph.gov.au
Subject: FW: Payman Private Senators' Bill [SEC=OFFICIAL:Sensitive]

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Hi Craig,

See below – this isn't something we've had to do before. Senator Payman has introduced this bill on our patch. [s 47E\(d\)](#)

Either way, who is best placed to assist with this – Protocol, People Division or EXD? In addition to arguments around practice / convention I wondered if there was a legal argument around

parliamentary involvement in executive appointments.

To underscore, we're not looking for political points, just assistance with law and convention, and background around the appointments framework and our exemption from it.

I'll lead on this for FMO with ^{s 22(1)(a)(ii)} assistance on parliamentary matters.

Best,

Anna

OFFICIAL: Sensitive

From: s 22(1)(a)(ii) (Sen P. Wong) <s 22(1)(a)(ii) @aph.gov.au>
Sent: Monday, 7 September 2026 5:58 PM
To: Anna Oldmeadow <Anna.Oldmeadow@dfat.gov.au>; Kristina Hickey <Kristina.Hickey@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; Taylah Hill <Taylah.Hill@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>
Subject: Payman Private Senators' Bill

Good afternoon,

Senator Payman introduced the [Diplomatic Appointments \(Selection Process\) Bill 2026](#) in the Senate today. Attached is the EM and First Reading copy of the bill.

s 22(1)(a)(ii)

Senator Payman is not rostered for a PSB spot for the remainder of this year. However, Senators regularly swap their spots, so this could be listed any time from next week onwards.

Let me know if there is anything I can do to help.

Regards,

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Adviser - Parliament

Office of Senator the Hon Penny Wong

Leader of the Government in the Senate

Minister for Foreign Affairs

s 22(1)(a)(ii)

@aph.gov.au | APH Ext 6069

From: [Anna Oldmeadow](#)
To: s 22(1)(a)(ii)
Subject: Fw: Payman Private Senators' Bill [SEC=OFFICIAL:Sensitive]
Date: Friday, 25 September 2026 3:46:40 PM

OFFICIAL: Sensitive

From: Elizabeth Wilde <Elizabeth.Wilde@dfat.gov.au>
Sent: Friday, September 11, 2026 12:13
To: Anna Oldmeadow <Anna.Oldmeadow@dfat.gov.au>
Cc: s 22(1)(a)(ii) @aph.gov.au <s 22(1)(a)(ii) @aph.gov.au>; Jonathan Muir <Jonathan.Muir@dfat.gov.au>
Subject: Re: Payman Private Senators' Bill [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

No problems Anna. Jonathan Muir will lead and will be in touch with questions if needed.

Elizabeth

From: Anna Oldmeadow <Anna.Oldmeadow@dfat.gov.au>
Sent: Friday, September 11, 2026 11:25 AM
To: Elizabeth Wilde <Elizabeth.Wilde@dfat.gov.au>
Cc: s 22(1)(a)(ii) @aph.gov.au <s 22(1)(a)(ii) @aph.gov.au>
Subject: Re: Payman Private Senators' Bill [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

OFFICIAL: Sensitive

By Friday 2 October would be great, thanks Elizabeth.

Anna

OFFICIAL: Sensitive

From: "Elizabeth Wilde" <Elizabeth.Wilde@dfat.gov.au>
Date: Wednesday, 9 September 2026 at 3:47:44 pm
To: "Anna Oldmeadow" <Anna.Oldmeadow@dfat.gov.au>

Subject: Re: Payman Private Senators' Bill [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Anna, hope you had a good break.

Craig has asked EXD to get you some points. Do you have a time frame?

Elizabeth

Elizabeth Wilde

First Assistant Secretary and Chief Risk Officer
Executive Division
Department of Foreign Affairs and Trade
s 22(1)(a)(ii)

From: Elizabeth Wilde <Elizabeth.Wilde@dfat.gov.au>
Sent: 08 September 2026 9:57 AM
To: Craig Maclachlan <Craig.Maclachlan@dfat.gov.au>
Cc: Jonathan Muir <Jonathan.Muir@dfat.gov.au>; Belinda Casson <Belinda.Casson@dfat.gov.au>; Sridhar Ayyalaraju <Sridhar.Ayyalaraju@dfat.gov.au>; Catherine Reid <Catherine.Reid@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au
Subject: Re: Payman Private Senators' Bill [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

No problem

From: Craig Maclachlan <Craig.Maclachlan@dfat.gov.au>
Sent: Tuesday, September 08, 2026 7:40 AM
To: Elizabeth Wilde <Elizabeth.Wilde@dfat.gov.au>
Cc: Jonathan Muir <Jonathan.Muir@dfat.gov.au>; Belinda Casson <Belinda.Casson@dfat.gov.au>; Sridhar Ayyalaraju <Sridhar.Ayyalaraju@dfat.gov.au>; Catherine Reid <Catherine.Reid@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au
Subject: Fwd: Payman Private Senators' Bill [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

OFFICIAL: Sensitive

Elizabeth

Could you please coord a response? Attachments included in this email.

Tks

C

OFFICIAL: Sensitive

From: "Anna Oldmeadow" <Anna.Oldmeadow@dfat.gov.au>

Date: Tuesday, 8 September 2026 at 07:35:50

To: "Craig Maclachlan" <Craig.Maclachlan@dfat.gov.au>

Cc: s 22(1)(a)(ii) @aph.gov.au" <s 22(1)(a)(ii) @aph.gov.au>

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OFFICIAL: Sensitive

From: s 22(1)(a)(ii) @aph.gov.au>

Sent: Monday, 7 September 2026 5:58 PM

To: Anna Oldmeadow <Anna.Oldmeadow@dfat.gov.au>; Kristina Hickey

<Kristina.Hickey@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; Taylah Hill

<Taylah.Hill@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii)

@dfat.gov.au>

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Regards,

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Adviser - Parliament

Office of Senator the Hon Penny Wong

Leader of the Government in the Senate

Minister for Foreign Affairs

s 22(1)(a)(ii)

@aph.gov.au | APH Ext 6069

OFFICIAL: Sensitive

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OFFICIAL: Sensitive

From: Anna Oldmeadow
To: s 22(1)(a)(ii) @aph.gov.au; Kristina Hickey; s 22(1)(a)(ii); Taylah Hill; s 22(1)(a)(ii) ;
Subject: RE: Payman Private Senators' Bill [SEC=OFFICIAL]
Date: Monday, 7 September 2026 7:14:51 PM

OFFICIAL

Thanks ^{s 22(1)(a)(ii)}, happy to take the lead on this but can we discuss tomorrow morning?

OFFICIAL

From: s 22(1)(a)(ii) (Sen P. Wong) <s 22(1)(a)(ii)@aph.gov.au>
Sent: Monday, 7 September 2026 5:58 PM
To: Anna Oldmeadow <Anna.Oldmeadow@dfat.gov.au>; Kristina Hickey <Kristina.Hickey@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; Taylah Hill <Taylah.Hill@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au
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s 22(1)(a)(ii)

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2025-2026

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

DIPLOMATIC APPOINTMENTS (SELECTION PROCESS) BILL 2026

EXPLANATORY MEMORANDUM

(Circulated by authority of Senator Payman)

DIPLOMATIC APPOINTMENTS (SELECTION PROCESS) BILL 2026

OUTLINE

The Diplomatic Appointments (Selection Process) Bill 2026 (the bill) changes the rules governing the appointment of diplomats. The Australian Election Study has found that the percentage of Australians who believe people in government can be trusted has declined from 48% in 1996 to 32% in 2025. This distrust has manifested itself in a number of ways which have harmed social cohesion. The power to make laws and govern is exercised on behalf of, and with the consent of, the Australian people. When this social contract is continually violated for personal gain, trust in our institutions suffers. One example of this is the pattern of appointees to diplomatic roles being former politicians, or people involved in politics, who may not necessarily be the best person for the job. This issue has become more pronounced in recent years, but it is not a new practice. Presently, the selection of diplomats is made entirely by the executive government.

The bill:

- bans individuals who, within the last 10 years, have been members of federal Parliament, or a state or territory Parliament, from being appointed to, or holding, certain desirable diplomatic postings.
- requires the nomination of candidates for these certain desirable diplomatic postings who do not meet the previous criteria but still have a significant political affiliation to either be recommended by an independent Selection Committee or, in the case of repeated deadlocks, both Houses of Parliament.
- provides a framework for establishing Selection Committees, which are panels of experts formed specially to determine the most suitable candidate for certain desirable diplomatic postings.

This bill expands on other bills which seek to address cronyism in government by introducing independent appointment authorities. This bill is designed specifically to protect the integrity of diplomatic appointments, while also ensuring that the system of diplomatic appointments is not unduly burdened by bureaucratic processes.

NOTES ON CLAUSES

Part 1: Preliminary

Division 1: Preliminary

Clause 1: Short Title

1. Clause 1 is a formal provision specifying the short title of the Bill.

Clause 2: Commencement

2. The whole of the bill is to commence the day after the Royal Assent is given to it.
3. It should be noted, however, that clause 15 provides that “This Act applies in relation an appointment made on or after the commencement of this section if the term of the appointment starts at least 12 months after that commencement”.

Clause 3 – Simplified outline of this Act

4. Clause 3 provides an outline of the bill’s effects.

Clause 4 - Application of this Act

5. Clause 4 enumerates the jurisdictions where the bill would have effect.

Clause 5 – Crown to be bound

6. Clause 5 binds the Crown in right of the Commonwealth, as the bill places limitations on the ability of the executive government to appoint diplomats to certain postings.

Division 2 – Definitions and key concepts

Clause 6 - Definitions

7. Clause 6 defines various terms used in the bill.

Clause 7 - What is a *designated diplomatic office*?

8. The appointment process for the overwhelming majority of diplomatic offices would not be affected by this bill. Instead, the positions which the bill places limitations on are offices which former politicians and their staff have been appointed to over the last 20 years. The list of positions was informed by research conducted by the Parliamentary Library. The alternative, requiring these new processes to apply to every diplomatic role, would needlessly bureaucratised the appointments process. Additional positions may be added to this list by the Minister, but in practice, this would likely occur through amendment of the primary legislation than through delegated legislation.

9. In relation to paragraph 7(1)(o), the listing of the Permanent Representative to the UN is intended to cover both the New York and Geneva positions.

Clause 8 - Political affiliations relevant to diplomatic appointments

10. Subclause 8(1) defines what a disqualifying political affiliation is. A person who, within the last 10 years, has been a Member of Parliament in the federal Parliament, or in a state or territory Parliament, has such an affiliation. As a consequence of paragraph 9(1)(a), such a person cannot be appointed to a designated diplomatic office. As a consequence of paragraph 10(2)(a), the Minister cannot include such a person on a list of candidates submitted for the consideration of a Selection Committee. As a consequence of subclause 11(2), such a person cannot hold a designated diplomatic office in an acting capacity.

11. As a consequence of subclause 14(3) and paragraph 9(1)(a), when the Minister becomes aware that a person who holds a designated diplomatic office has a disqualifying

political affiliation, they must terminate the person's appointment as soon as practicable. This also applies, as a consequence of subclauses 11(2) and 14(6), to a person with a disqualifying political affiliation who is acting in a designated diplomatic office. Such a situation is unlikely to occur as a consequence of scrutiny conducted during the initial appointment. Such a person may still be considered for, and appointed to, a diplomatic office that is not a designated diplomatic office.

12. Subclause 8(2) defines what a significant political affiliation is. A person has a significant political affiliation if:

- 10 years ago or longer, the person was a Member of Parliament in the federal Parliament, or in a state or territory Parliament, or
- The person has worked (or works) for a federal, state or territory minister or shadow minister, or
- The person has been employed by or holds an office within (or is employed by or holds an office within) a registered political party.

13. Such a person may be submitted for consideration for a designated diplomatic office by a Selection Committee, subject to the limitations set out in subclause 10(2). Subclause 10(2) sets out the number of candidates with a significant political affiliation that may be listed for consideration by a Selection Committee, relative to the number of candidates who do not have a significant political affiliation. The listing of each candidate with a significant political affiliation must be accompanied by a statement of reasons setting out why the candidate would be appropriate for appointment to the office despite the candidate's significant political affiliation.

14. If the Minister is satisfied that a person has such an affiliation, they may only exercise the power to appoint an individual without the endorsement of a Selection Committee under subclause 9(3) to appoint such a person if both Houses of Parliament pass resolutions endorsing the appointment. As a consequence of subclauses 9(4) and (5), if the Minister is satisfied that a person does not have such an affiliation, they must table a statement of reasons setting out why the Minister is so satisfied in each House within 5 sitting days of the respective House.

15. As a consequence of subclause 14(6) and subclause 11(2), when the Minister becomes aware that a person acting in a designated diplomatic office has a significant political affiliation, the Minister must terminate the acting arrangement as soon as practicable.

Part 2—Selection process for diplomatic appointments—main provisions

Clause 9 - Appointments to designated diplomatic offices

16. Clause 9 governs appointments to designated diplomatic offices. Subclause 14(1) provides that “an appointment to a designated diplomatic office must not be made otherwise than in accordance with this Act.” The aim of Clause 9 is to, as often as possible, cause appointments to arise based a recommendation from a Selection Committee. Only in circumstances where the Selection Committee system has at least twice failed to produce a recommendation may the Minister make an appointment without a Selection Committee recommendation.

17. Subclause 9(1) provides that a person may only be appointed to a designated diplomatic office where they do not have a disqualifying political affiliation and subclause 9(2) or (3) applies.

18. Subclause 9(2) provides that an appointment may be made where a Selection Committee has recommended that the person be appointed. The Minister must accept this recommendation and appoint the candidate that the Selection Committee recommends.

19. Subclause 9(3) provides a 'failsafe' method of appointing candidates. Where no Selection Committee has made a recommendation for the appointment and at least two Selection Committees have referred the appointment back to the Minister, the Minister may appoint a candidate without the recommendation of a Selection Committee. The Minister may do so without the support of Parliament if they are satisfied that the candidate does not have a significant political affiliation, but a statement of reasons setting out why the Minister is so satisfied must be tabled in each House within 5 sitting days of each House. Where the Minister is satisfied that the candidate does have a significant political affiliation, the Minister cannot make the appointment until both Houses of Parliament have passed a resolution approving the appointment.

Clause 10 – Recommendations by Selection Committee

20. Clause 10 outlines the process by which Selection Committees make recommendations.

21. Subclause 10(1) requires that, within 7 days of forming a Selection Committee, the Minister must provide a list of 2 to 10 (inclusive) proposed candidates for the appointment. Where the requirements of subclause 10(6) are met (that is, at least one Selection Committee has referred the appointment back to the Minister and another has been formed), the Minister may only provide a list of 2 or 3 candidates. Any number of Selection Committees which recommend candidates may be formed and given lists with a number of candidates within the range set by subclause 10(1), but as soon as one Selection Committee refers an appointment back to the Minister, all subsequent Selection Committees must be provided lists with a number of candidates within the range set by subclause 10(6).

22. Subclause 10(2) sets further limitations on the list of candidates that is presented to a Selection Committee. A list cannot propose a candidate with a disqualifying political affiliation. A list with between 2 and 4 (inclusive) candidates may contain, at most, one candidate with a significant political affiliation. A list with between 5 and 10 (inclusive) candidates may contain, at most, two candidates with a significant political affiliation. A list which contains candidates with a significant political affiliation must be accompanied by, for each such candidate, a document which sets out reasons why the candidate would be appropriate for appointment to the office despite the candidate's significant political affiliation.

23. Subclause 10(3) identifies what is required from a Selection Committee. Within 2 months of receiving the list, the Selection Committee must either identify a candidate from that list which it recommends for appointment, or inform the Minister that it was unable to come to an agreement on the appointment. The latter outcome limits the number of candidates that can be listed for consideration by a future Selection Committee, as a consequence of subclause 10(6), and contributes to enlivening the deadlock resolution provisions of subclause 9(3). As a consequence of subclause 13(3), at least two committee

members must concur that a particular candidate should be recommended in order for the recommendation to be made.

24. Subclause 10(4) gives the Committee the ability to seek assistance, input or information from such persons as the Selection Committee determines in the course of making a decision to either recommend a candidate from the list or refer the matter back to the Minister. As a consequence of clause 16 and paragraph 12(6)(a), the Minister may make rules which govern the procedures to be followed by Selection Committees.

25. Subclause 10(5) provides that a Selection Committee is dissolved as soon as it gives the written notice of its decision to the Minister.

26. Subclause 10(6) reduces the number of candidates that can be included in the list provided to all Selection Committees formed for a particular appointment after at least one Selection Committee formed for that appointment fails to make a recommendation and refers the matter back to the Minister. The aim of this subclause is to increase the likelihood of subsequent Committees coming to an agreement on a candidate.

27. Subclause 10(7) clarifies that a recommendation of a Selection Committee for a particular vacancy in a designated diplomatic office cannot be relied upon for a subsequent vacancy.

Clause 11 - Acting arrangements for designated diplomatic offices

28. Clause 11 handles the making of acting appointments to designated diplomatic offices. Subclause 11(2) prohibits a person (referred to as the *chargé d'affaires*) from having a disqualifying political affiliation or a significant political affiliation while acting in a designated diplomatic office. This diverges from the regular appointment process, where people with a significant political affiliation can hold designated diplomatic offices. The basis for this is that, as acting appointments often need to be made with little notice, it is not feasible to leave a post vacant for an indefinite period while a Selection Committee deliberates. An acting appointment can be made without a Selection Committee or reference to the Parliament by the Minister, but this is balanced by the exclusion of individuals with a significant political affiliation. Such individuals would still be able to be appointed as the permanent replacement for the *chargé d'affaires* through the normal scrutiny processes.

Part 3—Selection process for diplomatic appointments—procedural provisions

Clause 12 – Minister may establish Selection Committees

29. Clause 12 governs the establishment of Selection Committees. Subclause 12(1) empowers the Minister to create, by written instrument, a Selection Committee and subclause 12(4) empowers the Minister to appoint members to such a Selection Committee. Subclause 12(7) exempts these two powers from the conditions imposed on legislative instruments by the *Legislation Act 2003*. Subclause 12(6) enables the rules, which the Minister is empowered to make by clause 16, to deal with various matters to do with the operation of Selection Committees. The list in Subclause 12(6) is inexhaustive and not a limit on what the rules can provide for.

30. Subclause 12(2) defines ‘the Selection Committee’ for the purposes of the remainder of the clause. Subclause 12(3) sets the number of members that a Selection Committee must have at 3.

31. Subclause 12(5) requires that the Minister appoint a Selection Committee with an appropriate balance of expertise, qualifications, skills or experience in areas relevant to diplomacy. This is to enable flexibility in the appointment of Selection Committee members to and tailor the expertise of the Selection Committee to make the best recommendation it can for a particular posting.

32. Subclause 12(8) prohibits more than one Selection Committee being created for a particular appointment at one time. Were this not the case, a number of Selection Committees could be set up concurrently to increase the chance of the ‘preferred candidate’ of the government of the day being selected by at least one Selection Committee.

Clause 13 – Meetings of Selection Committees

33. The purpose of clause 13 is to ensure that decisions of a Selection Committee are not made in an unexpected fashion. A decision to make or not make a recommendation must be made at a meeting of the Selection Committee. A meeting of a Selection Committee will be inquorate without all 3 members present. All questions must be decided by a majority of the votes of the members. As the bill is drafted, questions can only be resolved with two or more votes in favour of a particular course.

Part 4—Miscellaneous

Clause 14 - Overarching prohibition and consequences of non-compliance

34. Clause 14 gives force to the limitations on the ability of people with a disqualifying political affiliation or a significant political affiliation. As outlined earlier, a person with a disqualifying political affiliation cannot be appointed to, hold or act in a designated diplomatic office, nor can their name be submitted to a Selection Committee by the Minister. A person with a significant political affiliation cannot act in a designated diplomatic office, nor can they be appointed to that office without being approved by motions passed in both Houses of Parliament. When the Minister becomes aware that an appointment to a designated diplomatic office or an arrangement for a person to act in a designated diplomatic office was made contrary to, or is contrary to, the bill, the Minister must terminate such an appointment or agreement as soon as practicable. This does not limit a power of the Commonwealth to terminate an appointment or arrangement for another reason.

Clause 15 - Appointments to which this Act applies

35. Clause 15 places a further delay on the practical effect of the bill. The framework created by this bill only affects appointments with a term which starts 12 months after the commencement of the clause. This is to allow time for the preparations necessary for the implementation of the framework to be made.

Clause 16 - Rules

36. Clause 16 empowers the Minister to make rules to the extent that they are obliged or entitled to by previous clauses. The extent to which rules can be made is clarified by subclause 16(2).

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Diplomatic Appointments (Selection Process) Bill 2026

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Bill

The bill:

- bans individuals who, within the last 10 years, have been members of federal Parliament, or a state or territory Parliament, from being appointed to, or holding, certain desirable diplomatic postings.
- requires the nomination of candidates for these certain desirable diplomatic postings who do not meet the previous criteria but still have a significant political affiliation to either be recommended by an independent Selection Committee or, in the case of repeated deadlocks, both Houses of Parliament.
- provides a framework for establishing Selection Committees, which are panels of experts formed specially to determine the most suitable candidate for certain desirable diplomatic postings.

Human rights implications

This Bill does not engage any of the applicable rights or freedoms.

Conclusion

This Bill is compatible with human rights as it does not raise any human rights issues.

Senator Payman

2025-2026

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Diplomatic Appointments (Selection
Process) Bill 2026
No. , 2026**

(Senator Payman)

**A Bill for an Act to establish a selection process for
certain diplomatic appointments, and for related
purposes**

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1 **A Bill for an Act to establish a selection process for**
2 **certain diplomatic appointments, and for related**
3 **purposes**

4 The Parliament of Australia enacts:

5 **Part 1—Preliminary**

6 **Division 1—Preliminary**

7 **1 Short title**

8 This Act is the *Diplomatic Appointments (Selection Process) Act*
9 2026.

Part 1 Preliminary**Division 1** Preliminary**Section 2****2 Commencement**

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Simplified outline of this Act

This Act establishes a framework for the selection and appointment of individuals to certain diplomatic offices, called designated diplomatic offices.

Broadly, an appointment to a designated diplomatic office can only be made where the person to be appointed does not have a disqualifying political affiliation. This requirement applies in all cases.

In addition, a Selection Committee established by the Minister must have recommended the appointment and any person so recommended by the Selection Committee must be appointed.

If two or more Selection Committees established for making a recommendation in relation to the same appointment fail to agree

Section 4

1 | on a candidate, the Commonwealth may proceed to make an |
 2 | appointment without a recommendation. In such cases, the person
 3 | appointed must not have a significant political affiliation, or if the
 4 | person does have a significant political affiliation, the appointment
 5 | must be approved by the Parliament.

6 | Section 8 outlines what constitutes a disqualifying political
 7 | affiliation and a significant political affiliation and sections 9 and
 8 | 10 describe the selection and appointment process.

9 | If an appointment to a designated diplomatic office is made in
 10 | contravention of this Act, the appointment must be terminated as
 11 | soon as practicable after the Minister becomes aware of the
 12 | contravention.

4 Application of this Act

14 This Act applies both within and outside Australia and extends to
 15 every external Territory.

5 Crown to be bound

17 This Act binds the Crown in right of the Commonwealth.
 18 However, it does not bind the Crown in right of a State, of the
 19 Australian Capital Territory or of the Northern Territory.

Part 1 Preliminary**Division 2** Definitions and key conceptsSection 6

Division 2—Definitions and key concepts**6 Definitions**

In this Act:

designated diplomatic office: see section 7.

disqualifying political affiliation: see subsection 8(1).

Minister means the Minister administering the *Diplomatic and Consular Missions Act 1978*.

Secretary means the Secretary of the Department administered by the Minister.

Selection Committee: see subsection 12(2).

significant political affiliation: see subsection 8(2).

rules means rules made under section 16.

7 What is a designated diplomatic office?

(1) A *designated diplomatic office* is any of the following offices of the Commonwealth:

- (a) the office of Ambassador to the United States of America;
- (b) any office of Consul-General in the United States of America;
- (c) the office of High Commissioner to the United Kingdom;
- (d) the office of High Commissioner to New Zealand;
- (e) the office of Ambassador to Ireland;
- (f) the office of Ambassador to the Netherlands;
- (g) the office of High Commissioner to India;
- (h) the office of Ambassador to the Holy See;
- (i) the office of High Commissioner to Singapore;
- (j) the office of Ambassador to Japan;

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- 1 (k) the office of Ambassador and Permanent Representative to
2 the Organisation for Economic Cooperation and
3 Development;
4 (l) the office of Ambassador to Italy;
5 (m) the office of High Commissioner to Canada;
6 (n) the office of Ambassador to Belgium;
7 (o) any office of Ambassador and Permanent Representative to
8 the United Nations.
- 9 (2) An office of the Commonwealth in a country or place outside
10 Australia is also a *designated diplomatic office* if the office is
11 prescribed by the rules.

12 **8 Political affiliations relevant to diplomatic appointments**

13 *When does a person have a **disqualifying political affiliation**?*

- 14 (1) A person has a **disqualifying political affiliation** if the person is, or
15 has been at any time within the last 10 years, a member of the
16 Parliament of the Commonwealth, the Parliament of a State or the
17 legislature of a Territory.

18 *When does a person have a **significant political affiliation**?*

- 19 (2) A person has a **significant political affiliation** if:
20 (a) the person has been, at any time other than within the last 10
21 years, a member of the Parliament of the Commonwealth, the
22 Parliament of a State or the legislature of a Territory; or
23 (b) the person is or has been employed under the *Members of*
24 *Parliament (Staff) Act 1984* as a member of the staff of a
25 person occupying any of the following positions:
26 (i) a Minister (including the Prime Minister);
27 (ii) the Leader of the Opposition in the Senate;
28 (iii) the Leader of the Opposition in the House of
29 Representatives;
30 (iv) the Deputy Leader of the Opposition in the Senate;
31 (v) the Deputy Leader of the Opposition in the House of
32 Representatives;
-

Part 1 Preliminary

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Section 8

- 1 (vi) a shadow Minister; or
2 (c) the person is or has been employed under a law of a State or
3 Territory as a member of the staff of a person occupying a
4 position in the State or Territory that is equivalent or
5 corresponds to a position mentioned in any of
6 paragraphs (b)(i) to (vi); or
7 (d) the person is or has been an officer or employee of a
8 registered political party (within the meaning of the
9 *Commonwealth Electoral Act 1918*).

Part 2—Selection process for diplomatic appointments—main provisions

9 Appointments to designated diplomatic offices

Appointments

- (1) A person may be appointed to a designated diplomatic office only if:
- (a) the person does not have a disqualifying political affiliation; and
 - (b) subsection (2) or (3) applies.

Appointments when Selection Committee makes recommendation

- (2) This subsection applies if a Selection Committee recommends the person's appointment to the office.

Appointments when no recommendation from Selection Committee

- (3) This subsection applies if:
- (a) no recommendation for an appointment to the office has been made by a Selection Committee established for the purpose of making such a recommendation; and
 - (b) at least two such Selection Committees have instead referred the matter back to the Minister; and
 - (c) either:
 - (i) the Minister is satisfied the person does not have a significant political affiliation; or
 - (ii) both Houses of Parliament pass a resolution approving the person's appointment to the office.

Tabling requirement

- (4) If a person is appointed to a designated diplomatic office because the Minister is satisfied in accordance with subparagraph (3)(c)(i),

Part 2 Selection process for diplomatic appointments—main provisions**Section 10**

1 the Minister must table in each House of the Parliament a
 2 statement of reasons setting out why the Minister is so satisfied.

3 (5) The statement must be tabled within 5 sitting days of that House
 4 after the appointment is made.

10 Recommendations by Selection Committees*Candidate list*

7 (1) The Minister must, within 7 days of establishing a Selection
 8 Committee for an appointment to a designated diplomatic office,
 9 give the Selection Committee a list of between 2 and 10 (inclusive)
 10 proposed candidates for the appointment.

11 (2) The list:

- 12 (a) must not propose any candidate who has a disqualifying
 13 political affiliation; and
 14 (b) if the list proposes between 2 and 4 candidates (inclusive)—
 15 may only propose 1 candidate who has a significant political
 16 affiliation; and
 17 (c) if the list proposes between 5 and 10 candidates (inclusive)—
 18 may only propose up to 2 candidates who have a significant
 19 political affiliation; and
 20 (d) for each candidate who has a significant political affiliation
 21 (if any)—must set out reasons why the candidate would be
 22 appropriate for appointment to the office despite the
 23 candidate's significant political affiliation.

Selection Committee decision

25 (3) The Selection Committee must, within 2 months after receiving the
 26 list, give the Minister a written notice:

- 27 (a) if the Selection Committee agrees on a candidate for the
 28 appointment—recommending the candidate's appointment to
 29 the office; or
 30 (b) otherwise—referring the matter back to the Minister.

Selection process for diplomatic appointments—main provisions **Part 2**Section 11

Selection Committee may inform itself

- (4) The Selection Committee may, in making a decision for the purposes of subsection (3), seek assistance, input or information from such persons as the Selection Committee determines.

Dissolution of Selection Committee

- (5) The Selection Committee is dissolved after giving the Minister written notice as required by subsection (3).

Modification for second or subsequent Committees

- (6) If:
- (a) a Selection Committee established for an appointment to a designated diplomatic office refers the matter back to the Minister; and
 - (b) the Minister subsequently establishes another Selection Committee (the *second or subsequent Committee*) for that particular appointment;
- subsection (1) has effect in relation to the second or subsequent Committee as if the reference to a list of between 2 and 10 (inclusive) proposed candidates were instead a reference to a list of 2 or 3 proposed candidates.

Recommendations apply only in relation to particular vacancies

- (7) To avoid doubt, a Selection Committee's recommendation for an appointment to a designated diplomatic office is of no effect after an appointment to the office is made.

Note: This subsection confirms historical recommendations cannot be relied on for subsequent appointments.

11 Acting arrangements for designated diplomatic offices

- (1) This section applies in relation to a person (the *chargé d'affaires*) acting in a designated diplomatic office:
- (a) during a vacancy in the office; or

Part 2 Selection process for diplomatic appointments—main provisions**Section 11**

- 1 (b) during any period, or during all periods, when a person
2 appointed to the office:
3 (i) is absent from duty; or
4 (ii) is, for any reason, unable to perform the duties of the
5 office.
- 6 (2) The chargé d'affaires must not have a disqualifying political
7 affiliation or a significant political affiliation.
- 8 (3) To avoid doubt, this section applies to the chargé d'affaires instead
9 of section 9.

Part 3—Selection process for diplomatic appointments—procedural provisions

12 Minister may establish Selection Committees

Minister may establish Selection Committees

- (1) The Minister may, by written instrument, establish a committee for the purpose of recommending an appointment to a designated diplomatic office.
- (2) Each such committee is to be known as the ***Selection Committee*** for the appointment to the designated diplomatic office.

Members of Selection Committees

- (3) A Selection Committee is to consist of 3 members.
- (4) The members of a Selection Committee are to be appointed by the Minister by written instrument.
- (5) In appointing a person as a member of a Selection Committee, the Minister must ensure that the Selection Committee's members collectively have an appropriate balance of expertise, qualifications, skills or experience in the following:
 - (a) diplomacy;
 - (b) foreign policy;
 - (c) international affairs;
 - (d) international relations;
 - (e) international trade;
 - (f) public administration.

Other matters

- (6) The rules may make provision for or in relation to Selection Committees, including (without limitation) for or in relation to the following:
 - (a) procedures to be followed by Selection Committees;

Part 3 Selection process for diplomatic appointments—procedural provisions**Section 13**

- 1 (b) meetings of Selection Committees (subject to section 13);
 2 (c) dissolution of Selection Committees (subject to
 3 subsection 10(5));
 4 (d) terms and conditions of appointment of members;
 5 (e) remuneration of members;
 6 (f) disclosure of interests by members;
 7 (g) resignation of members;
 8 (h) termination of appointment of members.
- 9 (7) An instrument made under subsection (1) or (4) is not a legislative
 10 instrument.
- 11 *No more than one Selection Committee at a time*
- 12 (8) No more than one Selection Committee for an appointment to a
 13 designated diplomatic office may be established at any one time
 14 (despite subsection (1)).

13 Meetings of Selection Committees

- 16 *Decision to be made at a meeting*
- 17 (1) A decision of a Selection Committee under subsection 10(3) must
 18 be made at a meeting of the Selection Committee.
- 19 *Quorum*
- 20 (2) At a meeting of a Selection Committee, a quorum is constituted by
 21 all 3 members.
- 22 *Voting*
- 23 (3) A question arising at a meeting of the Selection Committee is to be
 24 determined by a majority of the votes of the members.

Part 4—Miscellaneous**14 Overarching prohibition and consequences of non-compliance***Appointments*

- (1) An appointment to a designated diplomatic office must not be made otherwise than in accordance with this Act.
- (2) A failure to comply with subsection (1) does not affect the validity of the appointment.
- (3) However, an appointment must be terminated as soon as practicable after the Minister becomes aware of any failure to comply with subsection (1) in relation to the appointment.

Chargé d'affaires

- (4) An arrangement for a person to act in a designated diplomatic office must not be made otherwise than in accordance with this Act.
- (5) A failure to comply with subsection (4) does not affect the validity of the arrangement.
- (6) However, an arrangement must be terminated as soon as practicable after the Minister becomes aware of any failure to comply with subsection (4) in relation to the arrangement.

Commonwealth powers

- (7) Nothing in subsections (3) and (6) limit a power of the Commonwealth to terminate an appointment or arrangement otherwise than under those subsections.

Part 4 Miscellaneous**Section 15**

15 Appointments to which this Act applies

2 This Act applies in relation an appointment made on or after the
 3 commencement of this section if the term of the appointment starts
 4 at least 12 months after that commencement.

16 Rules

- 6 (1) The Minister may, by legislative instrument, make rules
 7 prescribing matters:
 8 (a) required or permitted by this Act to be prescribed by the
 9 rules; or
 10 (b) necessary or convenient to be prescribed for carrying out or
 11 giving effect to this Act.
- 12 (2) To avoid doubt, the rules may not do the following:
 13 (a) create an offence or civil penalty;
 14 (b) provide powers of:
 15 (i) arrest or detention; or
 16 (ii) entry, search or seizure;
 17 (c) impose a tax;
 18 (d) directly amend the text of this Act.

