

Submission of the Republican Movement to the Government Administration Select Committee on the Governor-General Bill.

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About the Submitter

1. This is the Republican Movement of Aotearoa New Zealand's submission on the **Governor-General Bill**.
2. The Republican Movement of Aotearoa New Zealand is a network of New Zealanders who want a New Zealand republic with our head of state elected by New Zealanders. We are a non-partisan group, with members drawn from all walks of life, and all sides of the political spectrum.
3. Lewis Holden, chair of the Republican Movement, would like to present this submission in person to the select committee.

Introduction

4. The Republican Movement supports the passage of the Governor-General Bill, subject to the inclusion of provisions for the appointment, dismissal and tenure of the Governor-General.
5. The Republican Movement submitted to the Law Commission's review of the Civil List Act 1979 in support of ending the Governor-General's tax-exempt status and other changes.
6. The Republican Movement believes New Zealand should become a republic. Becoming a republic will involve reforming the office of Governor-General into New Zealand's head of state, and as such, we take particular interest in any changes to the office.
7. The expense of a future New Zealand head of state is one common concern of the New Zealand public in the republic debate. Greater clarity on the expenses of the office of Governor-General is crucial in both understanding the office and how it might be reformed.
8. The office costs the New Zealand taxpayer \$7.6 million on ongoing expenses and \$11.6 million for upgrades on Government House, a total of \$19.2 million.¹ The President of the Republic of Ireland costs Irish taxpayers around \$6 million (\$NZ) over the next year.²
9. The Governor-General is regarded as a de facto head of state, that is, he or she fulfils the role of head of state of New Zealand. Any changes to the office are of great interest not just for the republic debate but also constitutionally.
10. The Republican Movement believes that in creating a separate statute for the office, parliament should take broad look at potential changes to the office.

Salary, allowance and annuities

11. As noted above, the Republican Movement supports the changes made to the Governor-General's salary, allowance and annuities. We particularly welcome the changes with respect to tax exemption of the salary and marital status of a Governor-General's spouse.

Appointment and dismissal

12. The appointment and dismissal process for Governor-General is currently undefined. We submit that it should be defined, and this statute is the best way to do it.

¹ Treasury: 2010-11 Budget, Vote Office of the Prime Minister and Cabinet

² Budget of the Republic of Ireland, 2010.

13. While it is convention that the Prime Minister consults the Leader of the Opposition, there is no legal requirement for this to occur. In fact there are numerous examples where the Prime Minister did not consult with anyone on the appointment, or only briefly at Cabinet.
14. As a result, there have been a number of appointments to the office in the past where no consultation occurred. In fact a lack of consultation has been the norm since the first New Zealand Governor-General was appointed in 1967.
15. The Republican Movement proposes Parliament appoints the Governor-General by a resolution of three-quarters of MPs, and a majority of leaders of political parties in parliament.
16. This would ensure that the appointee is both neutral and also acceptable to the greatest number of MPs and the general public.
17. This neutrality is critical to maintain the impartiality and 'mana' of the office. We believe this proposed method protects that neutrality from potential abuse.
18. The current Governor-General gained the support of all parties in Parliament when he was appointed in 2006, after an extensive consultation process by the Prime Minister. The proposed clauses are a codification of this process.
19. A dismissal process should also be defined, to avoid the existing potential for a clash between the Prime Minister and Governor-General. Currently, the Prime Minister may dismiss the Governor-General at any time. This can and has occurred in other Commonwealth countries.³
20. A number of Commonwealth countries appoint their Governor-General's or heads of state in this way,⁴ and most of the countries with Westminster-style parliamentary systems.
21. The Ombudsman, members of the Electoral Commission (following the Electoral (Administration) Act 2010) and Auditor-General are appointed by resolutions of Parliament.
22. We urge the Select Committee to recommend adding two new sections into the Bill:
 - xx. Appointment of the Governor-General*
 - (1) The Governor-General is appointed by the Sovereign on the recommendation of the House of Representatives.*
 - (2) No recommendation may be made by the House of Representative under subsection (1) unless:*
 - (a) the recommendation is agreed by at least half of the parliamentary leaders of all political parties represented in Parliament; and*
 - (b) the members of Parliament of the political parties whose parliamentary leaders agree with the recommendation comprise at least 75% of all members of Parliament.*
 - xx. Dismissal of the Governor-General*

³ Aside from coup d'états against Governors-General, three other precedents for Governors-General being dismissed by Prime Ministers: Canada in 1925, the Irish Free State in 1932, and Papua New Guinea in 1990. The dismissal of Australian Prime Minister Gough Whitlam in 1975 was partly due to his reminding the Governor-General that as Prime Minister he could dismiss him.

⁴ For example, Papua New Guinea and the Solomon Islands elect their Governors-General, while India, Manu Samoa, South Africa, Malta, Trinidad and Tobago, Vanuatu, Nauru, Mauritius, Dominica and Botswana are republics where Parliament elects the head of state.

- (1) *The Governor-General is dismissed by the Sovereign on the recommendation of the House of Representatives.*
- (2) *No recommendation may be made by the House of Representative under subsection (1) unless:*
 - (a) *the recommendation is agreed by at least half of the parliamentary leaders of all political parties represented in Parliament; and*
 - (b) *the members of Parliament of the political parties whose parliamentary leaders agree with the recommendation comprise at least 75% of all members of Parliament.*

Term in office

23. We note the archaic terminology used in section 3(3) of the Civil List Act 1979 dates from a time when Governors and Governors-General were from the United Kingdom, and required payment for the six months from when they left the United Kingdom for New Zealand before taking up office.
24. The Governor-General's term is and only stated in the Governor-General's terms of appointment, and is otherwise undefined in law. The Governor-General does not have security of tenure.
25. Clause 5 (3) of the Bill states that the Governor-General is paid his or her salary from "the date on which the appointee takes up the duties of the office" and "ending on the date on which that person no longer holds office as Governor-General."
26. The Republican Movement submits the Governor-General's term in office ought to be defined, just as the terms of Parliament (by the Constitution Act), the Ombudsmen and Auditor-General are defined (by the Public Audit Act).
27. We urge the Select Committee to recommend adding a new section into the Bill:
 - xx. Term of appointment of Governor-General*
 - (1) *The Governor-General is to be appointed for a term not exceeding 5 years.*
 - (2) *Despite subclause (1), where the term of office of a Governor-General expires, that Governor-General, unless sooner vacating office or being removed from office, continues to hold office until a successor to the Governor-General is appointed.*
 - (3) *The Governor-General may resign at any time by notice in writing to the Speaker of the House of Representatives, or to the Sovereign if there is no Speaker or the Speaker is absent from New Zealand.*
 - (4) *A person who has been appointed as Governor-General must not be reappointed as Governor-General.*

Conclusion

28. We believe the proposed clauses are an important evolution of the office of Governor-General, and strong urge the Select Committee consider including them in the Bill.
29. As New Zealand moves further towards articulating a national identity of its own, and hence towards a republic, the debate will continue to focus on the office of the Governor-General.