

EXECUTIVE POWER AND THE HEAD OF STATE

Issues arising from proposals to establish a republic

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by

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Introduction

1. In New Zealand executive power is concentrated in the hands of the Prime Minister and Cabinet, all being members of an elected Parliament upon whose continuing support they depend. This substantive power relationship is embedded in a constitutional structure in which an appointed Governor-General acts as head of state, as representative of the Monarch, who is of course also the monarch of the United Kingdom. By convention and law the head of state acts on the advice of the prime minister and ministers in all but exceptional circumstances.
- 2., Reliance on a geographically remote monarch seems anomalous to many and it is likely that at some point New Zealand will sever its ties with the English crown and establish a republic with either an appointed or elected head of state. But there is uncertainty about the extent to which proponents of change in constitutional form also envisage change in the substantive power relationships existing between prime minister, cabinet and parliament. The head of state occupies a pivotal position in relation to the executive, legislative and judicial branches of government so that any change in the form, function or powers of the head of state is likely to ramify widely.
3. Such changes are best made after an ongoing debate in which major issues have been identified, options canvassed and implications considered. It would be wrong to assume that a change from a monarchy to a republic is essentially a matter of form, easily accomplished at a convenient moment, such as following the death of the current monarch. The 1999 Australian referendum, on a republic with an appointed head of state, provided an object lesson on the pitfalls of putting one particular republican form to a vote in an environment where public discussion had not generated sufficient clarity around the main alternatives that might have been considered.
4. This note seeks to identify the major issues likely to arise in designing a republican constitution, particularly those relating to the role and powers of the head of state. It outlines a programme by which these issues might be explored. The objective is to clarify the implications of various possible changes rather than to advocate any particular course of action. Indeed it is possible that we should be making no change at all. But that is a decision for the electorate as a whole, ideally informed by an understanding of the likely implications of possible changes as compared with existing arrangements.
5. The powers of a head of state and the mode of selection are interrelated. Election establishes a democratic mandate and with that a common expectation that the person elected carries more authority than he or she would have if simply appointed. This interdependence suggests ordering our discussion around alternative views on the range of powers that might be accorded to the head of state.
6. I first review the current constitutional position and consider what would be involved in maintaining an appointed governor-general with the current set of powers, whilst severing the link to the crown. Two options are considered; first elevating the

governor-general to the position of head of state and secondly, vesting the symbolic status of the monarch in some other New Zealand entity or site whilst maintaining the governor-general in his or her current role. Under either option various methods of appointment are possible. I then look at models where there is an elected president, starting with the Irish example, where the president exercises a restricted set of additional powers. Next I consider what have been characterised as ‘semi-presidential’ systems, where an elected president shares some element of executive power with a prime minister responsible to an elected legislature, and conclude with reference to full presidential systems as in the United States, where the president heads the executive arm of government.

The current position in New Zealand – an appointed Governor-General

7. The Governor-General, appointed on the advice of the Prime Minister and government, represents the Queen, as Sovereign of New Zealand. In recent decades all governors-general have been New Zealand born, with significant records of participation in public affairs. The governor-general performs important constitutional and ceremonial roles such as opening (and dissolving) parliament, swearing in ministers, receiving the credentials of foreign diplomatic representatives, and investitures. In addition, governors-general maintain a busy programme interacting with New Zealand communities and, on occasion, make state visits overseas. The Governor-General regularly chairs meetings of the Executive Council, formally approves legislation on behalf of the monarch and, centrally, holds important powers in relation to the appointment of the prime minister and the dissolution of parliament.

8. In common with other parliamentary democracies of the Westminster type the Governor-General ordinarily follows the advice of the prime minister, and ministers, in exercising his or her legal powers, to the extent that some have seen the post as little more than a rubber stamp. But governors-general possess reserve powers that may be exercised in exceptional circumstances. There have been no recent incidents of significance in New Zealand, but the 20th century history of Commonwealth countries and of the constitutional monarchies of Western Europe, record significant interventions by heads of state, in relation to the position of the prime minister or the dissolution of parliament. Three examples will suffice. In 1931 King George V encouraged the Labour Prime Minister Ramsey MacDonald, faced with a serious division in the Cabinet, to form a “National” Government in alliance with members of the Conservative opposition, thereby splitting his own parliamentary Labour party. In Australia, in 1975, Governor Kerr dismissed the Prime Minister, Gough Whitlam, and, more recently, Fijian Governors-General have played a role in the aftermath of military coups.

9. Such events are inevitably controversial. But the essential point is that reserve powers, wisely used or not, are a necessary underpinning in constitutional systems where the prime minister depends upon his or her being able to maintain the support of a majority in Parliament. That support will occasionally fail and whilst, in the normal course of events, the parliamentary players will resolve the problem themselves, there may come a point where the head of state sees a need to act. Attempts to codify the circumstances under which such reserve powers should be

exercised are unlikely to cover every contingency and may unreasonably limit the head of state's power to act appropriately in extreme circumstances.

10. The Governor-General, as a member of the Executive Council, and as the assenting signatory to Bills passed by Parliament, is privy to important political matters. In Britain the Queen is seen as having the right, and some argue duty, to express her views on such matters to ministers, conditional on keeping those views private, and subject to the ongoing obligation to act on the advice of those ministers. Dame Sylvia Cartwright, speaking towards the end of her term as Governor-General of New Zealand, reported "Executive Council meetings, which are generally held every Monday, give me the opportunity – and I take it on a regular basis – to ask Ministers questions about the conduct of government business." Governors-general are politically aware citizens. The need to maintain, and to be seen as maintaining, political neutrality in the performance of their role, necessarily circumscribes their ability to take a public position on major issues of the day. Nevertheless, governors-general are expected to speak on an extraordinary range of occasions and will, inevitably, sometimes touch upon politically sensitive issues.

Minimalist change – an appointed president

11. What would be involved in a minimalist change from the present structure?

12. The key change would be severance of the tie to the Queen of England. Under our first option this entails elevating the office of the Governor-General from its current position as Queen's representative to head of state in its own right. Current arrangements for the selection of a new governor-general, or president, would remain in place but the detailed mechanics of appointment would have to change.

13. Under present arrangements the government recommends the chosen person to the monarch for approval and appointment. By convention the monarch accepts the recommendation, but inherent in the process is the possibility that she, or he, might query or object to the suggestion. So there is a question as to whether it would be sensible in appointing a governor-general or president to expose the prime minister's recommendation to scrutiny by an external body. Obvious possibilities include; Parliament, a committee of MPs (in effect extending the current practice of prior consultation with the leader of the opposition); a panel of eminent persons (possibly selected by position); or a panel of citizens. The proposal embodied in the 1999 Australian republican referendum envisaged that the president would be appointed on the two-thirds majority vote of the House of Representatives.

14. As head of state in right of New Zealand the Queen, normally through the governor-general, but occasionally in person, plays key symbolic roles in relation to the judicial system and to the armed forces. The 'Crown' is a powerful and ubiquitous symbol, and particularly in some areas, such as Maori-Pakeha relations and the Treaty of Waitangi, is seen as having more than symbolic status. Treaty related issues are discussed separately later, but the symbolic status of the Crown suggests a need for a review of the likely consequences, across the field, of removing the link to the 'Crown' and an exploration of mechanisms that might possibly augment or complement the role of an appointed president. The hereditary monarchy, combining as it does long history, echoes of once awesome powers, and a more recent

but still long tradition of studiously apolitical behaviour, provides a convenient, politically neutral, personification of the state. The past few decades have probably weakened that status but it remains strong. Nation states require symbolic central reference points so that removal of the status and symbolism of the monarchy suggests a need to consider institutional innovations to replace them.

15. Under our second minimalist alternative an attempt would be made to vest the symbolic power of the monarch in a New Zealand entity or site, possibly a Council of State, whilst maintaining the current position and powers of the governor-general, (possibly renamed as president). Possible members of such an entity include past Governors-General or Presidents, the Chief Justice, the Speaker of the House of Representatives, and eminent persons. In practice the governor-general already acts as head of state, and the Queen's role is essentially symbolic. That said, it is always the case that the last person in a chain of authority may, under some circumstances, find it useful to be able to seek advice and guidance. Vesting the symbolic powers of the monarch in a New Zealand entity could create such a legally constituted reference point.

16. More generally, either of our two minimalist adjustments would require amendment of a substantial swathe of legislation including a rewriting of the Constitution Act and possibly codification of the constitution. Additionally there is the question of the reserve powers that the governor-general currently exercises on behalf of the Queen. Although ill-defined these are potentially significant. Under our first option removal of the monarch effectively removes a layer of oversight and may occasion a need to review the legal and constitutional constraints within which a New Zealand head of state would operate. Under our second alternative the New Zealand entity in which the monarch's symbolic powers were vested would provide an additional layer of recourse and responsibility within the system.

An elected president – a minimalist model

17. Election confers a democratic mandate to a president. That mandate inevitably brings some degree of extra moral authority, and thereby potential power. It is also likely that election will bring change to the range of persons from which presidents are selected. Political parties are likely to nominate candidates so that elected presidents can be expected to have rather more strongly defined political characteristics than appointees. Some non-party persons who would accept an appointed position may well blanch at submitting themselves to a competitive national election.

18. Election establishes a president in that position as of right and so encourages more confident expression of personal opinion. Any such tendency will, however, stand in conflict with the convention that the head of state in a parliamentary system does not express him or herself in public on major policy issues. The term of Mary Robinson as elected president of the Irish Republic illustrates the tensions that may be generated when previously active politicians succeed to the presidency.

19. In her inaugural address Robinson identified issues which she would like to address during her presidency, several of which led to tensions between her and the elected government. In 1992 Robinson expressed sympathy for the sense of

frustration felt by Irish women and girls in the face of a government decision to restrain a young woman travelling to Britain to secure an abortion. In 1993 Robinson shook hands with Gerry Adams of Sinn Fein at a meeting in West Belfast, at a time when Sinn Fein was banned from Irish and British broadcasting and Adams denied a visa to the United States. Robinson's strong interest in human rights in the Third World led to an invitation to co-chair a panel on the future of the United Nations, an invitation that she declined only after strong political pressure.

20. The Irish constitution provides mechanisms by which the president may refer legislation to the Supreme Court to test its constitutionality, or, in response to a petition from the Senate, withhold his or her signature pending a referendum or dissolution of the lower house. These provide more explicit, but also more circumscribed, mechanisms than the shadowy and rarely used power of a governor-general in most Westminster democracies, to seek to modify a Bill by refusing assent. In New Zealand explicit powers to withhold assent and indeed to amend Bills, which had been a feature of New Zealand law from colonial times, were omitted from the replacement Constitution Act of 1986. It was asserted that the change did not affect the underlying power, subject, as it remains, however, to the strong convention that the governor-general follows the advice of responsible ministers in all but exceptional circumstances.

21. There are of course many other examples of elected presidents with normally minimal, but potentially important, powers. Because an elected president with limited powers is the most likely alternative to an appointed presidency it would be useful to review experience in an array of countries, such as Ireland, Germany, Italy and India, with particular reference to the powers accorded to the president, to the constitutional constraints under which the president operates, and to the mode of election.

Shared powers – a semi-presidential system

22. The term 'semi-presidentialism' is variously defined, but is widely used to describe systems in which there is an elected president, constitutionally endowed with personal prerogatives, alongside a prime minister and ministers, entrusted with executive and governmental powers, that they can exercise only so long as parliament leaves them in office. The constitutional boundary between presidential and prime ministerial powers differs from case to case, with particular significance attaching to the role of the president in relation to the appointment of the prime minister, to whether cabinet ministers are members of the legislature, to presidential approval of legislation and recourse to emergency powers. Experience shows that much also depends on the party affiliation and position of the president, the personalities of the prime minister and president, circumstances prevailing at particular moments, evolving precedents, and of course, the letter of the law and of the constitution.

23. Historically important examples of semi-presidential states include Weimar Germany, where the division of powers, along with the extreme form of proportional representation in the Reichstag, were held to have contributed to the failure of that system in face of Nazism, and France, under the de Gaulle Constitution of 1958. More recently, many of the successor states to communist regimes in the former Soviet Union and Eastern Europe have adopted semi-presidential systems. The multiplication of practical examples has led to increased academic attention.

24. Division of power between a president and a prime minister, taken together with the fact that each can claim a democratic mandate, creates a “dual-mandate” and thus the possibility that differences between the two, on important issues of policy, or in times of emergency will lead to conflict over who has final decision authority. Grey areas in law may encourage intransigence and create situations in which the president is tempted to exert undue influence on the basis of his or her constitutional ability to exercise emergency powers, buttressed as those usually are by a constitutional role as commander-in chief of the armed forces.

25. The boundary between presidential and prime-ministerial powers is clearly critical. That it also lies on a continuum is illustrated by the fact that the Irish constitution, which subjects the executive government to the oversight of parliament, is often categorised as semi-presidential. If the constitutional debate in New Zealand is to include semi-presidentialism as one of the forms to be considered, it is highly desirable that that debate should be informed by analyses of the range of prerogative powers that might be accorded to a president, how these might impact on the powers of the prime minister and their implications for the body of New Zealand law.

A presidential system

26. A full presidential system along American lines is the final option to be considered. The 2004 Australian Senate Inquiry, *The road to a republic*, concluded, on the basis of survey data, that this option was not widely favoured in Australia. Nevertheless, such a model will be in some people’s minds when they talk of movement to a republic and it seems sensible to canvass this option within any programme aimed at testing public opinion on republican options in New Zealand.

27. The essential feature of the American system is that executive power is concentrated in the president and that there is no prime minister. The legislature exists as a separate arm of government and, impeachment for misconduct aside, does not have the power to bring down the president. It does have the power to veto appointment to some key government positions and it may also frustrate the executive by refusing to pass legislation promoted by the executive or by passing legislation contrary to its wishes. The president and the legislature are popularly elected, but there is nothing in the system to guarantee that the executive arm as a whole has the confidence of the legislature. Different political parties may hold the presidency and effective power in the congress.

28. Any move to a system approximating that in the United States would be a truly radical change and would require parallel consideration of issues such as the adoption of a written constitution and the constitutional separation of powers between executive, legislative and judicial branches of government.

Powers of the prime minister

29. Our focus has been on the powers that might be accorded to a president under various constitutional options. The range of issues that have arisen suggests that it will be sensible to review the complementary issue of the powers to be accorded to the prime minister under that same set of options. Movement from a monarchy

focuses attention on the transfer of powers to the new head of state and whether these powers should be reduced or augmented. Coming at the issue from the perspective of the contemporary functioning of New Zealand's parliamentary democracy, the role of the prime minister is properly seen as central. Indeed, some argue that the powers of a prime minister, responsible to a single house of parliament, are greater than those enjoyed by a president constrained by constitutionally separate legislative and judicial arms. In consequence, they suggest, there is a need to consider institutional changes that would constrain prime ministerial power.

30. The primary focus for many of those seeking a republic is the move from the monarchy and it is not clear whether advocates of change are content with the basic framework of a prime minister dependent on the continuing support of a majority in parliament, or whether they are also seeking change in this central feature of New Zealand's constitutional system. But this question is arguably more fundamental. There is therefore a strong case for an examination of the role and powers of the prime minister within a Westminster system, as a prelude to deciding whether or not to move to a republican form and, if so, what form that republican constitution should take. These questions are interdependent. A vote on whether or not to move to a republic is likely to be conditional on the form of republic proposed.

Wider issues

31. Despite its largely symbolic status the crown is central to the constitutional framework. Its removal would affect power relationships along several dimensions. This note has focused on the relative powers of the head of state and the prime minister, but other relationships will also be affected. What is the role of parliament in relation to the head of state? Does it play a part in selecting and appointing that person? Does it have a constitutional role enabling it to remove the head of state from office in some circumstances? What is the role of the head of state with reference to legislation passed by parliament?

32. Any constitution embodies a system of checks and balances. The powerful position of a prime minister supported by parliament is ultimately subject to the will of the electorate. In the shorter term it is subject to the law, as interpreted by the courts and to the potential exercise of such powers as the head of state may possess. If the chosen constitution holds those powers to a minimal level then it may be appropriate to consider again the case for a second parliamentary chamber.

33. Any wider rewriting of New Zealand's constitutional arrangements should desirably also consider their relationship with the evolving pattern of international law and precedent. In recent decades national legal structures have been affected by the developing pattern of international law on human rights and the developing integration of commercial law between groups of countries. New Zealand's legal framework, like its constitutional structure, was nurtured within the template of British law. A stock take at this point will show many linkages to international covenants some of which may be sufficiently fundamental as to warrant explicit constitutional linkage.

34. The Crown has a continuing role as signatory to the Treaty of Waitangi. Most Maori and Pakeha commentators see a sharp contrast between the undertakings made

when Hobson signed the treaty on behalf of the Crown and the actions of successor governments; actions which created the grievances that give rise to the continuing series of Treaty claims and settlements. Contemporary settlements are, of course, agreements between the Crown and affected Maori. Removal of the Crown from the constitution will raise major issues for Maori. Identification and resolution of these issues will require ongoing cross-cultural dialogue and may well be difficult and time consuming. Consideration of a move to a republic will in any event need to be carried forward deliberately in a wide-ranging process of community engagement. It is important to recognize from the beginning that a necessary part of that process is ongoing engagement with Maori.

The public process

35. Recent parliamentary enquiries in Australia and New Zealand have extensively discussed the processes of public consultation and decision-making appropriate in considering proposals for constitutional change.

36. The Australian Senate Legal and Constitutional References Committee 2004 report, *The road to a republic*, recommended a three-stage consultative process leading to a binding fourth stage constitutional referendum. The first step would be a plebiscite asking whether Australia should become a republic with an Australian head of state, separating from the British monarchy. If change was favoured, a second plebiscite would ascertain preferences as between the following five methods of selecting a head of state

- Prime Ministerial appointment
- Appointment by a two-thirds majority of a joint sitting of parliament
- Appointment by an electoral college, elected on the same basis as the Senate
- Direct election of Parliament's candidates: Powers of head of state to be codified
- Direct election by the people: Powers of head of state to be codified.

Arguably, the suggested process is flawed, inasmuch as the decision on whether to establish a republic may be conditional on the preferred method of selecting the head of state.

37. The Committee recommended that the third step of the process should be a Drafting Convention to fine-tune the details of the preferred type of republic and to prepare drafting instructions for a constitutional amendment, to be voted on in a referendum. Membership of the Drafting Convention would be determined by Parliament and should comprise constitutional experts and others with recognized relevant skills and abilities.

38. The republic was discussed at the recent Australia 2020 Summit. The preparatory *Initial Summit Report* included, as the first of its "top ideas" on Australian governance the suggestion

"Introduce an Australian republic, via a two stage process, with Stage 1 ending ties with the UK while retaining the Governor-General's titles and powers for five years. Stage 2: Identifying new models after extensive and broad consultation."

The summit report endorsed the idea of “An Australian Republic” along with some other, possibly demanding, constitutional issues, in particular “reinvigoration” of the Federation by promoting state level harmonization and regulatory reform, and recognition in the preamble to the Constitution of “first peoples’ custodianship”.

39. The New Zealand *Inquiry to review existing constitutional arrangements* (2005), chaired by Peter Dunne, drew heavily on a report prepared by Matthew Palmer and others for the Committee, on *Processes for Constitutional Change in New Zealand*. Key parts of the process were seen as accurate information, non-partisan mechanisms for facilitating discussion, engagement with Maori, and public decision making processes, including referenda. The authors emphasised the need “to give the community sufficient time to absorb and debate the information, issues and options”.

40. The need for public engagement and ongoing exploration of options over time is widely acknowledged and many see this as requiring facilitation and oversight by some temporary or permanent public body. The Australian Senate committee recommended a Parliamentary Joint Standing Committee. The New Zealand committee recommended, by majority, that Government consider whether an independent institute could foster better public understanding of, and informed debate on, New Zealand’s constitutional arrangements. Many of the papers in the Institute of Policy Studies volume *Building the constitution* (2000) also discuss the processes of engagement necessary to successful pursuit of constitutional change. More recently Mike Moore, Simon Upton and Peter Dunne have detailed possible approaches in articles in *The Dominion Post*.

Priorities for research

41. This review has identified a number of research priorities that could usefully be addressed at an early date to help inform public consideration of possible directions of constitutional change. These priorities are summarized below.

42. Minimal change – an appointed governor-general or president.

- (a) Review the implications of removing the ‘crown’ from New Zealand legislation.
- (b) Explore institutional and constitutional mechanisms that might augment, complement or regulate the role of an appointed governor-general or president in the absence of a monarch.

43. An elected president – a minimalist model.

Review experience in countries such as Ireland, Germany, Italy and India, with particular reference to the constitutional powers accorded to the president, to the constitutional constraints under which the president operates, and to the mode of election.

44. Semi-presidential systems.

Analyse the range of prerogative powers that might be accorded to a president and associated changes in the executive powers of ministers. Examine how these changes would impact on the powers of the prime minister and on parliamentary oversight of ministers and their implications for the body of New Zealand law and the design of the constitution.

45. A presidential system.

I think it unlikely that New Zealand electors would favour concentrating executive power in the hands of a president not dependent on the continued confidence of parliament. But the possibility exists, so there is need for a preliminary sketch of the constitutional form and legislative implications of a substantial shift of executive power from the prime minister to a president.

46. The position and powers of the prime minister.

Although discussion of a republic focuses attention on the position of the president, there is a parallel need for analysis of the role of the prime minister within the range of constitutional frameworks being considered. What is needed is a positive description of the role and powers of the prime minister and cabinet within each of these possible constitutional frameworks and consideration of desirable institutional checks and balances on their role and powers.

47. The position of Maori.

Given the Crown's role as a signatory to the Treaty of Waitangi any changes involving diminution or removal of the crown from the constitution will impact on Maori and on Maori-Pakeha relations. In exploring constitutional alternatives there is a need for an ongoing and parallel engagement with Maori.

48. The public process.

Finally, there is a need to review the processes by which possible change in the role and location of the head of state might be progressed. Recent parliamentary enquiries in Australia and New Zealand provide a logical opening point, but the debate on process needs to proceed, hopefully to the point where, as envisaged by the Australian Senate enquiry, an agreed consultative timetable could be enshrined in legislation.

Conclusion

49. This list of research priorities reflects the complexity inherent in proposals to sever the link to the Crown. The fundamental issues arising around the powers of the head of state are to some extent masked because those powers are currently reserve powers, lightly defined and rarely used, and because powers, whether written in law or not, may, in practice, prove ineffective or have unanticipated effects. Any decision to change the prerogative powers of the head of state is likely to require an associated re-balancing of other constitutional elements and, quite possibly, formal enshrinement of those powers in a written constitution.

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Sources

Ackerman, Bruce (2000) The New Separation of Powers, *Harvard Law Review* Vol 113, No. 3, 633-729.

Bogdanor, Vernon (1991) The United Kingdom, also European Constitutional Monarchies, in David Butler (ed) *Sovereigns and Surrogates*, St Martin's Press.

Brookfield, F. M. (1978) No Nodding Automaton: A Study of the governor-general's Powers and Functions. *The New Zealand Law Journal*, 19 December, 491-505.

----- (1985) The reconstituted office of the Governor-General, *New Zealand Law Journal*, November, 256-260.

Bull, Martin and James Newell (2005) *Italian Politics Adjustment Under Duress*, Polity Press.

Cartwright, Dame Silvia (2006) *Our Constitutional Journey*, Speech at the legal Research Foundation, Auckland. Web-site of the Governor-General, New Zealand.

Duverger, Maurice (1980) A New Political System Model: Semi-Presidential Government, *European Journal of Political Science* 8, 165-187.

Galligan, Brian (1991) Australia, in David Butler (ed) *Sovereigns and Surrogates*, St Martin's Press.

Huskey, Eugene (1999) *Presidential Power in Russia*, M. E. Sharpe.

James, Colin (ed) (2000) *Building the Constitution*, Institute of Policy Studies, Victoria University of Wellington.

Knapp, Andrew and Vincent Wright (2006) *The Government and Politics of France*, Routledge.

Linz, Juan J. (1994) Presidential or Parliamentary Democracy: Does It Make a Difference? In Juan J. Linz and Arturo Valenzuela *The Failure of Presidential Democracy* The John Hopkins University Press.

Low, D. A. (1988) The Dismissal of a Prime Minister: Australia, 11 November 1975, in D. A. Low (ed) *Constitutional Heads and Political Crises*, Macmillan.

Low, Anthony (1991) Episodes, in David Butler (ed) *Sovereigns and Surrogates*, St Martin's Press.

McLean, Gavin (2006) *The Governors*, Otago University Press.

Palmer, Geoffrey and Matthew Palmer (2004) *Bridled Power: New Zealand's Constitution and Government*, (Fourth Edition) Oxford University Press.

Power, John (2008) *Managing the Dual Mandate Problem*, conference paper courtesy john.power@unimelb.edu.au

Quentin-Baxter, R. Q. (1980) The Governor-General's constitutional discretions: an essay towards a re-definition, *Victoria University of Wellington Law Review*, 289-315.

Senate Legal and Constitutional References Committee (2004) *The Road to a Republic*, Parliament of the Commonwealth of Australia.

Skach, Cindy (2006) *Borrowing Constitutional designs*, Princeton University Press.
----- (2007) The "newest" separation of powers: Semipresidentialism, *I.CON: International Journal of Constitutional Law*, Vol. 5, No. 1, Jan., 93-121.

Siaroff, Alan (2003) Comparative presidencies: The inadequacy of the presidential, semi-presidential and parliamentary distinction, *European Journal of Political Research* 42, 287-312.

Siggins, Lorna (1997) *Mary Robinson*, Mainstream Publishing Company, Edinburgh.

Wood, Anthony (1991) New Zealand, in David Butler (ed) *Sovereigns and Surrogates*, St Martin's Press.