




EXECUTIVE COUNCIL CHAMBERS

23 August 2023



Ref: OIA-2023/24-0131

Tēnā koe 

Official Information Act request:  The Governor General and Her Excellency the Administrator

Thank you for your Official Information Act request received on 16 August 2023. You requested:

Pursuant section 100 of the Senior Courts Act 2016 it states that the Governor General appoints judges.

A Gazette notice <http://gazetter.govt.nz/notice/id/2023-153> states that Paul James Radich was appointed by "Her Excellency the Administrator of the Government in the name and on behalf of His Majesty The King.

Her Excellency the Administrator of the Government in name and on behalf of His Majesty The King can only appoint if the Governor General position is vacant.

- 1. Please confirm whether the position of Governor General is vacant?*
- 2. If not vacant, why is the Her Excellency the Administrator, appointing judges on behalf of the Governor General?*
- 3.. What is the name of the person with the title of Her Excellency the Administrator of the Government of New Zealand?*
- 4. Who appointed the person with the title of Her Excellency the Administrator of the Government of New Zealand?"*

The Administrator of the Government is the “acting Governor-General” in situations where the Office of the Governor-General is vacant or the Governor-General is for any reason unable to perform all or any functions of the Office. Information about this role is available at: [Administrator of the Government | The Governor-General of New Zealand \(gg.govt.nz\)](http://gg.govt.nz).

The [Letters Patent Constituting the Office of Governor-General of New Zealand](#) are the legal instrument providing for the role of the Administrator.

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DEPARTMENT OF THE PRIME MINISTER AND CABINET

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In response to each of your specific queries:

1. The position of Governor-General is not vacant. The current Governor-General is Her Excellency The Rt Hon Dame Cindy Kiro.
2. When the Gazette notice you refer to was issued, the Governor-General was overseas, and the Administrator of the Government was acting on her behalf.
3. The Administrator of the Government referred to in this Gazette Notice is Rt Hon Dame Helen Winkelmann, the Chief Justice.
4. The Letters Patent provide that the Chief Justice is the Administrator of the Government. There is no appointment as such, the Administrator is empowered to act by the Letters Patent. The Letters Patent provide that the Administrator must take oaths of office on the first occasion on which they are required to act as Administrator of the Government. Chief Justice Winkelmann took those oaths on 23 May 2019.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Naku noa, na



Rachel Hayward
Clerk of the Executive Council