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3 April 2023

Senate Finance and Public Administration Committees  
PO Box 6100  
Parliament House  
Canberra ACT 2600

**RE: *Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2023***

The Australian Monarchist League thanks the Committee for the opportunity to provide a short submission on the matter of the *Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2023*.

The role and constitutional duties of the Governor-General are of the utmost significance to the fabric of our national life. As the representative on home soil of the King of Australia, the Governor-General presides over the Federal Executive Council, facilitates the work of the Parliament, dissolves Parliament and issues writs for a Federal election, commissions the Prime Minister, appoints and swears-in Ministers and Assistant Ministers, commissions Judges, and holds the Reserve Powers. He or she is the Commander-in-Chief of the Australian Defence Force. They bring greater prominence to the work of quiet, hardworking volunteers across Australia and host and attend hundreds of events, meeting thousands of Australians every year. Such is the significance of the role, typically held for five years, that the public aspects and pressures of the role beyond retirement are enduring.

At the outset the League wishes to affirm that where a former Governor-General or his or her spouse stands accused of a crime or is alleged to have engaged in serious misconduct, that the rule of law be observed and upheld.

The police force in each State and Territory and the Australian Federal Police are duly empowered to investigate and charge individuals with criminal behaviour. The judiciary is empowered to weigh evidentiary factors and make determinations as to the guilt or otherwise of a party of civil wrongdoing or criminal action. No figurehead be they a former Governor-General, Judge or senior military representative is above the law.

When allegations concern child sexual abuse, they are rightly treated with the utmost of community disapprobation. Institutions, both secular and religious, require the strictest of safeguards and cultures of reporting and child safety and the nexus between communities and police must be strong and effective. Compensation for victims, and the prosecution and conviction of sex offenders and those who conceal their crimes must be strong and effective.

**NATIONAL COUNCIL EXECUTIVE & STATE CHAIRS**

Mr Philip Benwell MBE (National Chair), Mr Stewart Hespe (Senior Deputy National Chair),  
Mr Brant Rippon (Junior Deputy National Chair & National Treasurer), Mr David d'Lima (National Secretary), Mr Garth Leggatt (Public Officer)  
Mr Eric Cummins (Chair-SA), Mr F Hugh Eveleigh (Convener UK & Europe), Mr Wesley Fairhall (Chair-NSW), Mr Luke Hastings (Convener-WA),  
Mr Jeremy Mann (Chair - Vic), Mr Brant Rippon (Chair-QLD) Mr Matthew Sait (Chair-ACT), Mr Chris Whittaker (Chair - London)

The League nevertheless holds concerns about this Bill as set out below:

The term 'serious misconduct' is not defined in the text of the Bill, despite the fact that the Explanatory Memorandum states that '*for the purposes of this Bill, serious misconduct involves inappropriate, improper, wrong or unlawful conduct*' and provides the following examples (noting that the words 'could include' suggest it is not an exhaustive list): '*corruption, sexual misconduct, sexual harassment, theft, fraud and other criminal behaviour.*' The term appears to encapsulate both criminal and non-criminal acts. Thresholds and definitions ought to be contained in the text of the Bill itself, rather than a non-exhaustive list and broad set of examples provided in the Explanatory Memorandum.

The conduct could have taken place at any time, as per proposed 4AGB(6)(b), and in any place, as per 4AGB(6)(c); the result of this is that far more remote cases of wrongdoing, such as the spouse of a former Governor-General carrying out a single non-criminal act overseas in their teens or twenties, for which they may have exhibited sincere remorse, constituting a cessation event if a single Minister or House of Parliament so decrees.

The constitutional implications of a Parliament or a single Minister sitting in judgement over the conduct and omissions over the course of the entire lifespan of a former vice-regal representative, who has almost certainly already been subject to civil, criminal or employment-related sanctions, must be weighed carefully. The relationship between parliamentary representatives, the Federal Executive Council and the former Head of such Council – being the retired Governor-General – once the appointment of the Governor-General has been advised to the Crown, should be as independent as possible.

The vice-regal office is a significant one as functional or executive Head of State, and the duties and public expectations on any Australian who has held that role endure beyond the term of Office. So long as the past Vice-Regent has duly cooperated with all criminal or civil proceedings in respect of him or herself, interfering with the entitlement or administrative features of vice-regal retirement is not a role that the Parliament or a Minister of the Crown ought to play. Instead, if the payment of pecuniary penalties or serving out terms of imprisonment or community service is necessary, the rule of law would dictate that this be carried out through the proper mechanisms of the judicial system.

If the concept behind the Bill is to be supported, the League would support an amended form of the Bill whereby only conduct constituting a criminal offence of which the Governor-General or their spouse has been found guilty in an Australian Court of Law be grounds for removing the post-retirement entitlement. It should not be incumbent on a Minister of the Crown nor a House of Parliament to make determinations about conduct that does not constitute an offence.

Thank you for considering the League's reflections on the Bill as it stands.

Yours sincerely

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National Chairman  
Australian Monarchist League