LETTERS PATENT

WHEREAS Her Most Gracious Majesty Queen Elizabeth the Second by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth, made Letters Patent dated 14 February 1986 which made provision in relation to the Office of the Governor of the State of Tasmania and other matters

AND WHEREAS by Clause XX of those Letters Patent She reserved the power to revoke, alter or amend the said Letters

AND WHEREAS by the Australia Act 1986 of the Commonwealth of Australia provision is made in Section 7(2) that, otherwise than in relation to the power to appoint or to terminate the appointment of the Governor of a State, except when Her Majesty is personally present in a State all Her powers and functions in respect of the State are exercisable only by the Governor of the State

AND WHEREAS it is desirable to make new provision relating to the Office of Governor and for persons appointed to administer the government of the State

NOW pursuant to the powers conferred upon me by Section 7(2) of the Australia Act 1986 of the Commonwealth of Australia and by Clause XX of the Letters Patent dated 14 February 1986, I, The Honourable William John Ellis Cox, Companion of the Order of Australia, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, with the advice of the Premier of the said State do hereby declare, direct and ordain that the following Letters Patent be made:

Revocation of existing Letters Patent and Instructions

I. I revoke all earlier Letters Patent and amendments relating to the Office of the Governor of the State of Tasmania, save and except for Clause II of the Letters Patent dated 14 February 1986, which provides:

"Constitution of the Office of Governor

II. There shall be a Governor in and over Our State of Tasmania and its Dependencies in the Commonwealth of Australia comprising Our Island of Tasmania, and all islands and territories lying to the southward of Wilson's Promontory, in the State of Victoria, in thirty-nine degrees twelve minutes of south latitude, and to the northward of the forty-fifth degree of south latitude, and between the one hundred and fortieth and one hundred and fiftieth degrees of longitude east from Greenwich, and also Macquarie Island lying to the south-east of the said Island of Tasmania (which said State of Tasmania and its Dependencies are hereinafter called the State) and the appointment of the Governor shall be during Our Pleasure by Commission under Our Sign Manual."

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Oaths to be taken by Governor

II. Before assuming office a person appointed to be the Governor shall take the usual Oath or Affirmation of Allegiance and the usual Oath or Affirmation of Office before the Chief Justice of the Supreme Court of Tasmania or some other Judge of that Court.

Public Seal

III. The Governor shall keep the Public Seal of the State for sealing all instruments required to bear the Seal.

Executive Council

IV. There shall be an Executive Council to advise the Governor in the government of the State.

Appointment of Members of Executive Council

V. The Members of the Executive Council shall be appointed by the Governor under the Public Seal of the State and shall hold office during the Governor’s pleasure.

Oaths to be taken by Members of Executive Council

VI. Before assuming office a person who has been appointed a Member of the Executive Council shall take the usual Oath or Affirmation of Allegiance and the usual Oath or Affirmation of Office before the Governor or the person then acting as Administrator or before the Chief Justice of the Supreme Court of Tasmania or some other Judge of that Court.

Quorum

VII. A meeting of the Executive Council shall be convened by the Governor upon the request of the Premier or the Acting Premier and the Council shall not proceed to the dispatch of business unless at least two Members other than the Governor or the Member presiding shall be present and assisting throughout the meeting.

Governor to preside over Executive Council

VIII. The Governor shall preside at meetings of the Executive Council but if the Governor is unable to do so the Member appointed by the Governor to preside or in the absence of such Member the most senior Member present shall preside.

Constitution of Office of Lieutenant-Governor

IX. There may be a Lieutenant-Governor of the State of Tasmania.

Appointment of Lieutenant-Governor

X. The appointment of a Lieutenant-Governor shall be during the Governor’s pleasure by Commission under the Public Seal of the State.

Appointment of Deputy Governor

XI. The Governor with the consent of the Premier or the Acting Premier may appoint a Deputy Governor, who may be the Lieutenant-Governor, to perform some or all of the powers and functions of the Governor for a period not exceeding four weeks.

Administration of Government during vacancy etc

XII. In the event of

(a) a vacancy in the Office of Governor;
(b) the assumption by the Governor of the administration of the government of the Commonwealth of Australia;
(c) the Governor being for any reason unable to act as Governor (not having appointed a deputy under Clause XI of these Letters Patent)
the Lieutenant-Governor shall assume and undertake the administration of the government of the State as Lieutenant-Governor but if there is no Lieutenant-Governor or if the Lieutenant-Governor is unable or unwilling to act then the Chief Justice of the Supreme Court of Tasmania shall be Administrator or if he is unable or unwilling to act the next most senior Judge of that Court present in the State and able and willing to do so shall act as Administrator.

**Interpretation of Clause XII**

XIII. For the purposes of Clause XII there shall be a vacancy in the Office of Governor if the Governor dies, or vacates the Office, or if the Governor’s Commission is revoked.

*Oaths to be taken by Lieutenant-Governor and Administrator*

XIV. Before assuming Office as Lieutenant-Governor or Administrator the person so appointed shall have taken the usual Oath or Affirmation of Allegiance and the usual Oath or Affirmation of Office before the Chief Justice of the Supreme Court of Tasmania or some other Judge of that Court.

*Powers and functions of Lieutenant-Governor or Administrator*

XV. While administering the government of the State the Lieutenant-Governor or an Administrator shall have and may exercise and perform all and singular the powers and functions of the Governor.

**Existing Commissions to continue in force**

XVI. All existing Commissions in relation to the Office of Governor, Lieutenant-Governor and Administrator and all existing appointments to the Executive Council shall continue in force until revoked.

*Publication of Letters Patent etc*

XVII. These Letters Patent and every Commission appointing a Governor, Lieutenant-Governor and every appointment given or made pursuant to these Letters Patent hereafter, shall be published in the Tasmanian Government Gazette.

*Reservation of power to revoke, alter or amend*

XVIII. The power to revoke, alter or amend these Letters Patent is reserved.

*Commencement of Letters Patent*

XIX. These Letters Patent shall come into operation on the date upon which they are made.

In witness whereof I have caused these Letters to be made Patent.

Given under my hand and the Public Seal of the State at Hobart in Tasmania on the twenty-first day of November 2005.

W. J. E. Cox, Governor.

By His Excellency’s Command,

P. A. Lennon, Premier.

[Public Seal of the State]