



Western Australia

Letters Patent Relating to the Office of Governor of the State of Western Australia 1986

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LETTERS PATENT RELATING TO THE OFFICE OF GOVERNOR
OF THE STATE OF WESTERN AUSTRALIA.

Dated 14th February, 1986.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME,
GREETING!

WHEREAS, by Letters Patent dated the 29th October, 1900 and by the *Constitution Act, 1889* of the State of Western Australia provision was made in relation to the office of Governor of the State of Western Australia and its Dependencies extending from the parallel of thirteen degrees thirty minutes South latitude, to West Cape Howe in the parallel of thirty-five degrees eight minutes South latitude, and from the Hartog's Island on the Western Coast, in longitude one hundred and twelve degrees fifty-two minutes to one hundred and twenty-nine degrees East longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Indian and Southern Oceans within the latitudes aforesaid of thirteen degrees thirty minutes South, and thirty-five degrees eight minutes South, and within the longitudes aforesaid of one hundred and twelve degrees fifty-two minutes, and one hundred and twenty-nine degrees East from the said meridian of Greenwich:

And whereas by the *Australia Act 1986* of the Commonwealth of Australia. provision is made in relation to the office of the Governor of

the State of Western Australia and corresponding provision will also be made in the Act which is expected to result from the Australia Bill at present before Parliament in the United Kingdom (which Acts are hereinafter together referred to as “the Australia Acts”);

And whereas We desire to make new permanent provisions relating to the office, of Governor of the State of Western Australia and for persons appointed to administer the government of the State:

Now Know Ye that We do hereby declare Our Will and Pleasure, and direct and ordain as follows:-

I. Revocation of existing Letters Patent and Instructions

The Letters Patent dated the 29th October 1900, and Our Instructions to the Governor dated the 29th October 1900 are revoked.

II. Constitution of Office of Governor

There shall be a Governor of the State of Western Australia who shall be Our representative in the State.

III. Powers and functions of Governor

The Governor shall have and may exercise all the powers and functions which belong to the office of Governor or are to be performed by the Governor whether conferred by these Our Letters Patent, a law in force in the State or otherwise, including the power to constitute and appoint such Ministers, Judges, Magistrates, justices of the Peace and other necessary officers as may be lawfully constituted or appointed by Us.

IV. Public Seal

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

V. Appointment of Governor

The appointment of a person to the office of Governor shall be during Our Pleasure by Commission under Our Sign Manual.

VI. Executive Council

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

VII. Appointment of Executive Council

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.

VIII. Governor to preside over Executive Council

The Governor shall preside at meetings of the Executive Council but if the Governor is unable to preside the member appointed by the Governor to preside, or in the absence of such member, the senior member in order of appointment actually present, shall preside.

IX. Quorum for Executive Council

A meeting of the Executive Council shall not proceed unless it has been convened by the Governor and at least two members other than the Governor or any member presiding are present. The governor shall convene a meeting of Executive Council if so advised by the Premier or Acting Premier.

X. Constitution of Office of Lieutenant-Governor

There may be a Lieutenant-Governor of the State of Western Australia.

XI. Administration of government during vacancy, etc.

An Administrator shall administer the government of the State if and so long as there is a vacancy in the office of Governor or the Governor is administering the government of the Commonwealth of Australia or, not having appointed a deputy under Clause XVI, is unable to act as Governor or is on leave or is absent from the State.

XII. Interpretation of Clause XI

For the purpose of Clause XI—

- (a) there shall be deemed to be a vacancy in the office of Governor if the Governor vacates the office, and
- (b) the Governor is not absent from the State whilst temporarily off the coast of the State.

XIII. Administrator

The Lieutenant-Governor shall be the Administrator, but if there is no Lieutenant-Governor or if the Lieutenant-Governor is unable to act as Administrator or is absent from the State then the Chief Justice of Western Australia or the next most senior Judge present in the State and able to act shall be the Administrator.

XIV. Powers and functions of Administrator

Whilst administering the government of the State the Administrator shall have and may perform and exercise the powers and functions of the Governor.

XV. Appointment of Lieutenant-Governor and Administrator

The appointment of a Lieutenant-Governor and of an Administrator shall be during Our Pleasure by Commission under Our Sign Manual.

XVI. Appointment of deputy of the Governor

The Governor with the consent of the Executive Council may appoint the Lieutenant-Governor, or if there is no Lieutenant-Governor or if the Lieutenant-Governor is unable to act or is absent from the State then the Chief Justice of Western Australia or the next most senior Judge present in the State and able to act to be the deputy of the Governor and in that capacity to perform and exercise for a period not exceeding 6 weeks some or all of the powers and functions of the Governor. The appointment of a deputy of the Governor shall not affect the capacity of the Governor to exercise the powers and functions of the office of Governor.

XVII. Oaths to be taken by Governor, Lieutenant-Governor and Administrator

Before assuming office a person appointed to be Governor or Lieutenant-Governor, and before assuming the administration of

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the government of the State an Administrator who is not the Lieutenant-Governor, shall take the usual Oath or Affirmation of Allegiance and the usual Oath or Affirmation of Office. Such Oaths and Affirmations shall be taken before the Governor or the Chief Justice of Western Australia or another Judge of the Supreme Court of the State.

XVIII. Oaths to be taken by deputy of the Governor

Before performing or exercising any power or function of the Governor a person, who is not the Lieutenant-Governor, appointed to be the deputy of the Governor shall take the usual Oath or Affirmation of Allegiance and the usual Oath or Affirmation of Office before the Governor or the Chief Justice of Western Australia or another Judge of the Supreme Court of the State.

XIX. Oaths to be taken by members of Executive Council

Before assuming office a person appointed a member of the Executive Council shall take the usual Oath or Affirmation of Allegiance and the usual Oaths or Affirmations of Office before the Governor or the Chief Justice of Western Australia or another Judge of the Supreme Court of the State.

XX. Existing Commissions to continue

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 subject to these Our Letters Patent until revoked.

XXI. Publication of Letters Patent, etc.

These Our Letters Patent, each Commission appointing a Governor, Lieutenant-Governor or Administrator and each appointment of a deputy of the Governor shall be published in the *Government Gazette* of Western Australia.

XXII. Reservation of power to revoke, alter or amend

The Power to revoke, alter or amend these Our Letters Patent is reserved.

XXIII. Commencement of Letters Patent

These Our Letters Patent shall come into operation at the same time as the Australia Acts come into force.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourselves at Westminster the fourteenth day of February in the Thirty-fifth year of Our Reign.

By Warrant under The Queen's Sign Manual

[L.S.]

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Notes Compilation table

Notes

This is a compilation of the *Letters Patent Relating to the Office of Governor of the State of Western Australia 1986*. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Letters Patent Relating to the Office of Governor of the State of Western Australia 1986</i>	28 Feb 1986 p. 683-6	3 Mar 1986 (operative at 5 a.m. GMT, the same time as the Australia Acts 1986 of the UK and the Commonwealth of Australia, see cl. XXIII)
