



Western Australia

Western Australia

**Dormant Commission Appointing the Chief
Justice of Western Australia or the Most Senior
Available Judge to be the Administrator 2018**

Dormant Commission Appointing the Chief Justice of Western Australia or the Most Senior Available Judge to be the Administrator 2018

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Dormant Commission Appointing the Chief Justice of Western Australia or the Most Senior Available Judge to be the Administrator 2018

Issued by the Governor under clause XV of the *Letters Patent Relating to the Office of Governor of the State of Western Australia*, dated 14 February 1986, the *Australia Act 1986* (Commonwealth) section 7(2) and the *Australia Act 1986* (UK) section 7(2).

1. Citation

This commission is the *Dormant Commission Appointing the Chief Justice of Western Australia or the Most Senior Available Judge to be the Administrator 2018*.

2. Commencement

This commission comes into operation on the day after the day on which it is published in the *Gazette*.

3. Terms used

In this commission —

Chief Justice means the Chief Justice of Western Australia for the time being;

Judge does not include the Chief Justice;

Letters Patent means the *Letters Patent Relating to the Office of Governor of the State of Western Australia*, dated 14 February 1986;

Lieutenant-Governor means the Lieutenant-Governor of the State;

cl. 4

most senior available Judge means the most senior Judge present in the State and able to act;

State means the State of Western Australia.

4. Purpose of commission

This commission is issued because under the Letters Patent —

- (a) clause XI provides that an Administrator is to administer the government of the State in certain circumstances; and
- (b) clause XIII provides that the Lieutenant-Governor is to be the Administrator except in certain circumstances in which the Chief Justice or a Judge is to be the Administrator.

5. Appointment of Chief Justice as Administrator

I appoint, authorise and require the Chief Justice to be the Administrator, and to administer the government of the State, if and so long as —

- (a) 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 the Letters Patent Clause XVI, is unable to act as Governor or is on leave or is absent from the State; and
- (b) there is no Lieutenant-Governor for the time being or the Lieutenant-Governor is unable to act as Administrator or is absent from the State.

6. Appointment of most senior available Judge as Administrator

I appoint, authorise and require the most senior available Judge to be the Administrator, and to administer the government of the State, if and so long as —

- (a) 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 the Letters Patent Clause XVI, is unable to act as Governor or is on leave or is absent from the State; and
- (b) there is no Lieutenant-Governor for the time being or the Lieutenant-Governor is unable to act as Administrator or is absent from the State; and
- (c) there is no Chief Justice or the Chief Justice is unable to act as Administrator or is absent from the State.

7. Powers and functions when administering government of the State

I authorise and require the Chief Justice or the most senior available Judge, when administering the government of the State, to exercise and perform all or any of the powers, functions and directions contained in the Letters Patent or in future Letters Patent relating to the office of Governor of the State according to the laws from time to time in force in the State.

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Notes Compilation table

Notes

This is a compilation of the *Dormant Commission Appointing the Chief Justice of Western Australia or the Most Senior Available Judge to be the Administrator 2018*. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Dormant Commission Appointing the Chief Justice of Western Australia or the Most Senior Available Judge to be the Administrator 2018</i>	3 Aug 2018 p. 2786-8	4 Aug 2018 (see cl. 2)

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
Chief Justice.....	3
Judge.....	3
Letters Patent.....	3
Lieutenant-Governor.....	3
most senior available Judge.....	3
State.....	3