



Government Gazette

OF

WESTERN AUSTRALIA

(Published by Authority at 3.45 p.m.)

No. 25]

PERTH: FRIDAY, 28 FEBRUARY

[1986

SPECIAL NOTIFICATION

Her Majesty the Queen has been pleased to grant fresh Letters Patent which are set out below relating to the Office of Governor of the State of Western Australia. The Letters Patent will take effect at the same time as the Australia Acts 1986 of the United Kingdom and the Commonwealth of Australia come into force.

Brian Burke,
PREMIER.

N.B. The Australia Acts 1986 are to come into force at 5 a.m. Greenwich Mean Time, 3rd March 1986.

**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 of 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:—

Revocation of existing Letters Patent and Instructions.

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

Constitution of Office of Governor.

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

Powers and functions of Governor.

III. 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.

Public Seal.

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

Appointment of Governor.

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

Executive Council.

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

Appointment of Executive Council.

VII. 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.

Governor to preside over Executive Council.

VIII. 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. 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.

Quorum for Executive Council.

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

Constitution of Office of Lieutenant-Governor.

XI. 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.

Administration of government during vacancy, etc.

XII. For the purpose of Clause XI—

Interpretation 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. 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.

Administrator.

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

Powers and functions of Administrator.

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

Appointment of Lieutenant-Governor and Administrator.

XVI. 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.

Appointment of deputy of the Governor.

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

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

XVIII. 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.

Oaths to be taken by deputy of the Governor.

XIX. 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.

Oaths to be taken by members of Executive Council.

XX. 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.

Existing Commissions to continue.

Publication of
Letters Patent,
etc.

XXI. 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.

Reservation of
power to revoke,
alter or amend.

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

Commencement
of Letters
Patent.

XXIII. 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.]

OULTON