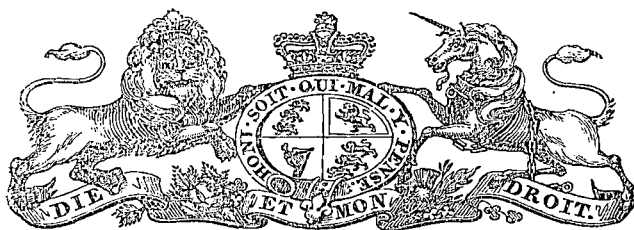


(No. 93.)



1892.

PARLIAMENT OF TASMANIA

INSTRUCTIONS TO THE GOVERNOR,

DATED 9TH JULY, 1892.

Presented to both Houses of Parliament by His Excellency's Command.



TASMANIA.

INSTRUCTIONS passed under the Royal Sign Manual and Signet, to the Governor and Commander-in-Chief of the Colony of Tasmania and its Dependencies.

VICTORIA R.I.

Dated 9th July, 1892.

INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Colony of Tasmania and its Dependencies, or to Our Lieutenant-Governor or other Officer for the time being administering the Government of Our said Colony and its Dependencies.

Given at Our Court at Windsor, this Ninth day of July, 1892, in the Fifty-sixth year of Our Reign.

Preamble.—Recites Letters Patent 17th June, 1880, constituting the Office of Governor.—Recites Instructions of 17th June, 1880.—Revoles aforesaid Instructions.]—Whereas by certain Letters Patent bearing date the 17th day of June, 1880, We did constitute, order, and declare that there should be a Governor and Commander-in-Chief (therein and hereinafter called the Governor) in and over Our Colony of Tasmania and its Dependencies (which said Colony and its Dependencies are therein and hereinafter called the Colony):

And whereas We did thereby authorise and command the Governor to do and execute all things that belong to his said office, according to the tenor of Our said Letters Patent, and of such Commission as might be issued to him under Our Sign Manual and Signet, and according to such Instructions as might from time to time be given to him under Our Sign Manual and Signet or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such Laws as were then or should thereafter be in force in the Colony:

And whereas We did issue certain Instructions under Our Sign Manual and Signet, bearing date the Seventeenth day of June, 1880:

And whereas We are minded to give these further Instructions to Our said Governor:

Now know you that we do hereby revoke the aforesaid Instructions, and We do by these Our Instructions under Our Sign Manual and Signet direct and enjoin and declare Our Will and pleasure as follows:—

I. *Interpretation.]—In these Our Instructions, unless inconsistent with the context, the term “the Governor” shall include every person for the time being administering the Government of the Colony.*

II. *Oaths to be administered by Governor.]—The Governor may, whenever he thinks fit, require any person in the public service to take the Oath of Allegiance, together with such other Oath or Oaths as may from time to time be prescribed by any Law in force in the Colony. The Governor is to administer such Oaths or cause them to be administered by some Public Officer of the Colony.*

III. *Governor to communicate Instructions to Executive Council.]—The Governor shall forthwith communicate these Our Instructions to the Executive Council, and likewise all such others, from time to time, as he shall find convenient for Our service to impart to them.*

IV. *Governor to preside.—Governor to appoint a President.—Senior Member to preside in the absence of the Governor and President.—Seniority of Members.]—The Governor shall attend and preside at the meetings of the Executive Council, unless prevented by some necessary or reasonable cause, and in his absence such member as may be appointed by him in that behalf, or in the absence of such member the senior member of the Executive Council actually present shall preside; the seniority of the members of the said Council being regulated according to the order of their respective appointments as members thereof.*

V. *Quorum.*—The Executive Council shall not proceed to the despatch of business unless duly summoned by authority of the Governor, nor unless two members at the least (exclusive of the Governor or of the member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be despatched.

VI. *Governor to take advice of Executive Council.*—In the execution of the powers and authorities vested in him, the Governor shall be guided by the advice of the Executive Council, but if in any case he shall see sufficient cause to dissent from the opinion of the said Council, he may act in the exercise of his said powers and authorities in opposition to the opinion of the Council, reporting the matter to Us without delay, with the reasons for his so acting.

In any such case it shall be competent to any member of the said Council to require that there be recorded upon the Minutes of the Council the grounds of any advice or opinion that he may give upon the question.

VII. *Description of Bills not to be assented to.—Powers in urgent cases.*—The Governor shall not, except in the cases hereunder mentioned, assent in Our name to any Bill of any of the following classes:—

1. Any Bill for the divorce of persons joined together in holy matrimony.
2. Any Bill whereby any grant of land or money, or other donation or gratuity, may be made to himself.
3. Any Bill affecting the currency of the Colony.
4. Any Bill imposing differential duties (other than as allowed by the Australian Colonies' Duties Act, 1873).
5. Any Bill, the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.
6. Any Bill interfering with the discipline or control of Our Forces in the Colony by land or sea.
7. Any Bill of an extraordinary nature and importance, whereby Our prerogative or the rights and property of Our subjects not residing in the Colony, or the trade and shipping of the United Kingdom and its Dependencies, may be prejudiced.
8. Any Bill containing provisions to which Our assent has been once refused, or which have been disallowed by Us:

Unless he shall have previously obtained Our instructions upon such Bill through one of Our Principal Secretaries of State, or unless such Bill shall contain a clause suspending the operation of such Bill until the signification in the Colony of Our pleasure thereupon, or unless the Governor shall have satisfied himself that an urgent necessity exists requiring that such Bill be brought into immediate operation, in which case he is authorized to assent in Our name to such Bill, unless the same shall be repugnant to the law of England, or inconsistent with any obligations imposed upon Us by Treaty. But he is to transmit to Us by the earliest opportunity the Bill so assented to, together with his reasons for assenting thereto.

VIII. *Regulation of power of pardon.*—The Governor shall not pardon or reprieve any offender without first receiving in capital cases the advice of the Executive Council, and in other cases the advice of one, at least, of his Ministers; and in any case in which such pardon or reprieve might directly affect the interests of Our Empire, or of any country or place beyond the jurisdiction of the Government of the Colony, the Governor shall, before deciding as to either pardon or reprieve, take those interests specially into his own personal consideration in conjunction with such advice as aforesaid.

IX. *Judges, &c. to be appointed during pleasure.*—All Commissions granted by the Governor to any persons to be Judges, Justices of the Peace, or other officers, shall, unless otherwise provided by law, be granted during pleasure only.

X. *Governor's absence.—Temporary leave of absence.*—The Governor shall not quit the Colony without having first obtained leave from Us for so doing under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, except for the purpose of visiting the Governor of any neighbouring Colony for periods not exceeding one month at any one time, nor exceeding in the aggregate one month for every year's service in the Colony.

XI. *Governor's absence and departure from the Colony.—Interpretation Clause.*—The temporary absence of the Governor for any period not exceeding one month shall not, if he have previously informed the Executive Council, in writing, of his intended absence, and if he have duly appointed a Deputy in accordance with Our said Letters Patent, be deemed a departure from the Colony within the meaning of the said Letters Patent.

V. R. I.