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1901.

PARLIAMENT OF TASMANIA.

- (1.) GOVERNOR'S LETTERS PATENT AND INSTRUCTIONS.
 - (2.) DORMANT COMMISSION APPOINTING THE SENIOR JUDGE TO ADMINISTER THE GOVERNMENT OF TASMANIA IN THE ABSENCE OF THE GOVERNOR.
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LETTERS PATENT RELATING TO THE CONSTITUTION OF THE OFFICE OF GOVERNOR OF THE STATE OF TASMANIA.

TASMANIA.

LETTERS PATENT passed under the Great Seal of the United Kingdom, Dated 29th October, 1900, constituting the Office of Governor of the State of Tasmania and its Dependencies, in the Commonwealth of Australia.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: Preamble.
To all to whom these Presents shall come; Greeting.

WHEREAS by certain Letters Patent, under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the Seventeenth day of June, 1880, We did constitute the office of Governor and Commander-in-Chief in and over Our Colony of Tasmania and its Dependencies as therein described: And whereas in virtue of the provisions of the Commonwealth of Australia Constitution Act, 1900, and of Our Proclamation issued thereunder, by and with the advice of Our Privy Council, on the Seventeenth day of September, One thousand nine hundred, We have by certain Letters Patent under the said Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, made provision for the Office of Governor-General and Commander-in-Chief in and over Our Commonwealth of Australia: And whereas it has become necessary to make permanent provision for the Office of Governor in and over Our State of Tasmania and its Dependencies, in the Commonwealth of Australia, without making new Letters Patent on each demise of the said Office. Now know ye that We do by these presents revoke and determine the said recited Letters Patent of the Seventeenth day of June, 1880, and everything therein contained, from and after the proclamation of these Our Letters Patent as hereinafter provided: And further know ye that We do by these presents constitute, order, and declare that 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 Province 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 that appointments to the said Office shall be made by Commission under Our Sign Manual and Signet.

Recites Letters Patent of 17th June, 1880.

Recites Imperial Act, 63 & 64 Vict. c. 12, Proclamation of 17th September, 1900, and Letters Patent of 29th October, 1900.

Revocation of Letters Patent 17th June, 1880.

Office of Governor constituted.

Boundaries.

II. We do hereby authorise, empower, and command Our said Governor to do and execute all things that belong to his said Office, according to the tenor of these Our Letters Patent and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may 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 are now or shall hereafter be in force in the State,

Governor's powers and authorities.

III. We do also by these Our Letters Patent declare Our will and pleasure as follows :—

Publication of
Governor's Commis-
sion.

IV. Every person appointed to fill the Office of Governor shall, with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor to be read and published at the seat of Government, in the presence of the Chief Justice, or some other Judge of the Supreme Court of the State, and of the Members of the Executive Council thereof, which being done he shall then and there take before them the Oath of Allegiance, in the form provided by an Act passed in the Session holden in the Thirty-first and Thirty-second years of Our Reign, intituled an Act to amend the Law relating to Promissory Oaths ; and likewise the usual Oath for the due execution of the Office of Governor, and for the due and impartial administration of justice ; which Oaths the said Chief Justice or Judge is hereby required to administer.

Oaths to be taken
by Governor.

Imperial Act 31 & 32
Vict. c. 72.

Public Seal.

V. The Governor shall keep and use the Public Seal of the State for sealing all things whatsoever that shall pass the said Public Seal, and until a Public Seal shall be provided for the State the Public Seal formerly used in Our Colony of Tasmania shall be used as the Public Seal of the State.

Executive Council :
Constitution of.

VI. There shall be an Executive Council for the State, and the said Council shall consist of such persons as were, immediately before the coming into force of these Our Letters Patent, Members of the Executive Council of Tasmania, or as may at any time be Members of the Executive Council of Our said State in accordance with any Law enacted by the Legislature of the State, and of such other persons as the Governor shall from time to time, in Our name and on Our behalf, but subject to any Law as aforesaid, appoint under the Public Seal of the State to be Members of Our said Executive Council for the State.

Grant of lands.

VII. The Governor, in Our name and on Our behalf, may make and execute under the said Public Seal, grants and dispositions of any lands which may be lawfully granted and disposed of by Us within the State.

Appointment of
Judges, Justices,
&c.

VIII. The Governor may constitute and appoint, in Our name and on Our behalf, all such Judges, Commissioners, Justices of the Peace, and other necessary Officers and Ministers of the State as may be lawfully constituted or appointed by Us.

Grant of pardons.

IX. When any crime or offence has been committed within the State against the Laws of the State, or for which the offender may be tried therein, the Governor may as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such crime or offence who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders if more than one ; and further, may grant to any offender convicted in any Court of the State, or before any Judge, or other Magistrate of the State, within the State, a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence for such period as the Governor thinks fit ; and further, may remit any fines, penalties, or forfeitures due or accrued to Us. Provided always that the Governor shall in no case, except where the offence has been of a political nature unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall absent himself or be removed from the State.

Remission of fines.
Political offenders.
Proviso. Banish-
ment from State
prohibited.

Suspension or
removal from office.

X. The Governor may, so far as We Ourselves lawfully may, upon sufficient cause to him appearing, remove from his office, or suspend from the exercise of the same, any person exercising any office or place under the State, under or by virtue of any Commission or Warrant granted, or which may be granted, by Us, in Our name, or under Our authority.

Summoning, pro-
roguing, or
dissolving any
Legislative Body.

XI. The Governor may exercise all powers lawfully belonging to Us in respect of the summoning, proroguing, or dissolving any Legislative Body, which now is or hereafter may be established within Our said State.

Succession to the
Government.
Lieutenant-
Governor.
Administrator.
Proviso. Lieuten-
ant-Governor, &c.
to take Oaths of
Office before
administering the
Government.

XII. In the event of the death, incapacity, or Removal of the Governor, or of his departure from the State, Our Lieutenant-Governor, or, if there be no such Officer in the State, then such person or persons as We may appoint, under Our Sign Manual and Signet, shall, during Our pleasure, administer the Government of the State, first taking the Oaths hereinbefore directed to be taken by the Governor, and in the manner herein prescribed ; which being done, We do hereby authorise, empower, and command Our Lieutenant-Governor, and every other such Administrator as aforesaid, to do and execute during Our pleasure all things that belong to the Office of Governor according to the tenor of these Our Letters Patent, and according to Our Instructions as aforesaid, and the Laws of the State.

XIII. In the event of the Governor having occasion to be temporarily absent for a short period from the State, he may in every such case, by an Instrument under the Public Seal of the State, constitute and appoint Our Lieutenant-Governor, or if there be no such Officer, or if such Officer be absent or unable to act, then any other person to be his Deputy during such temporary absence, and in that capacity to exercise, perform, and execute for and on behalf of the Governor during such absence, but no longer, all such powers and authorities vested in the Governor, by these Our Letters Patent, as shall in and by such Instrument be specified and limited, but no others. Provided, nevertheless, that, by the appointment of a Deputy as aforesaid, the power and authority of the Governor shall not be abridged, altered, or in any way affected, otherwise than We may at any time hereafter think proper to direct.

Duties and authorities under Letters Patent.

Governor may appoint a Deputy during his temporary absence.

XIV. And We do hereby require and command all Our Officers and Ministers, and all other the inhabitants of the State, to be obedient, aiding, and assisting unto the Governor, or to such person or persons as may from time to time, under the provisions of these Our Letters Patent, administer the Government of the State.

Officers and others to obey and assist the Governor.

XV. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent as to Us or Them shall seem meet.

Power reserved to Her Majesty to revoke, alter, or amend the present Letters Patent.

XVI. And We do direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places within Our said State as the Governor shall think fit.

Publication of Letters Patent.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the Twenty-ninth day of October, in the Sixty-fourth year of Our Reign.

By Warrant under the Queen's Sign Manual.

MUIR MACKENZIE.

TASMANIA.

INSTRUCTIONS passed under the Royal Sign Manual and Signet, to the Governor of the State of Tasmania and its Dependencies, in the Commonwealth of Australia.

VICTORIA R.I.

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

Dated 29th October, 1900.

Given at Our Court at St. James's, this Twenty-ninth day of October, 1900, in the Sixty-fourth year of Our Reign.

WHEREAS by certain Letters Patent, bearing even date herewith, We have constituted, ordered, and declared that there shall be a Governor in and over Our State of Tasmania and its Dependencies, in the Commonwealth of Australia (which said State and its Dependencies are therein and hereinafter called the State) : And whereas We have thereby authorised and commanded 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 may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may 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 are now or shall hereafter be in force in the State : And whereas We did issue certain Instructions under Our Sign Manual and Signet to Our Governor and Commander-in-Chief in and over Our Colony of Tasmania and its Dependencies, bearing date the Ninth day of July, 1892. Now know you that We do hereby revoke the aforesaid Instructions, and We do by these Our Instructions under Our

Preamble.

Recites Letters Patent constituting the Office of Governor.

Recites Instructions of 9th July, 1892.

Revokes aforesaid Instructions.

Sign Manual and Signet direct and enjoin and declare Our Will and pleasure, as follows :—

Interpretation.

I. 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 State.

Oaths to be administered.

II. 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 State. The Governor is to administer such Oaths, or cause them to be administered by some Public Officer of the State.

Governor to communicate Instructions to Executive Council.

III. 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.

Governor to preside. Governor to appoint a President. Senior Member to preside in the absence of the Governor and President

IV. 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.

Seniority of Members. Quorum.

V. 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.

Governor to take advice of Executive Council.

VI. 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.

Description of Bills not to be assented to.

VII. 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 State.
4. Any Bill the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.
5. Any Bill of an extraordinary nature and importance whereby Our prerogative, or the rights and property of Our subjects not residing in the State, or the trade and shipping of the United Kingdom and its Dependencies may be prejudiced.
6. 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 State 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 authorised 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.

Powers in urgent cases.

Regulation of power of pardon.

VIII. 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 State, 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.

Judges, &c., to be appointed during pleasure.

IX. 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.

Governor's absence.

X. The Governor shall not quit the State without having first obtained leave from Us for so doing under Our Sign Manual or Signet, and through one of Our

Principal Secretaries of State, except for the purpose of visiting the Governor of any neighbouring State or the Governor-General, for periods not exceeding One Month at any one time, nor exceeding in the aggregate One Month for every Year's service in the State.

Temporary leave of absence.

XI. 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 State within the meaning of the said Letters Patent.

Governor's absence and departure from the State. Interpretation Clause.

V.R.I.

TASMANIA.

DORMANT COMMISSION, passed under the Royal Sign Manual and Signet, appointing the Chief Justice or the Senior Judge for the time being of Tasmania to administer the Government of the State of Tasmania and its Dependencies, in the Commonwealth of Australia, in the event of the Death, Incapacity, or Absence of the Governor and Lieutenant-Governor (if any).

VICTORIA R.

VICTORIA, by the Grace of GOD of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith, Empress of India: To Our Chief Justice, or to the Senior Judge for the time being, of Tasmania, Greeting.

Dated 29th October, 1900.

WHEREAS by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the 29th day of October, 1900, We have constituted, ordered, and declared that there shall be a Governor in and over our State of Tasmania and its Dependencies, in the Commonwealth of Australia, and have authorised, empowered, and commanded Our said Governor to do and execute all things belonging to his said office as therein is more particularly set forth: And whereas by Our said Letters Patent We have declared that, in the event of the death, incapacity, or removal of Our said Governor or of his departure from the State, Our Lieutenant-Governor, or if there shall be no such Officer in Our said State, then such person or persons as We may appoint under Our Sign Manual and Signet, shall during Our pleasure administer the Government of the same.

Recites Letters Patent, constituting the Office of Governor. Succession of the Government.

I. Now know you that we do, by this Our Commission, under Our Sign Manual and Signet, appoint you, Our said Chief Justice for the time being to administer the Government of Our said State of Tasmania and its Dependencies, in the case of the death, incapacity, or removal, or of the departure from the State of Our said Governor, as well as of our Lieutenant-Governor (if any), with all and singular the powers and authorities granted by our said Letters Patent, or by any other Our Letters Patent adding to, amending, or substituted for the same; and in case of the death, incapacity, or departure from Our said State of Our said Chief Justice for the time being, then We do appoint you, the Senior Judge for the time being of Our said State then residing therein and not being under incapacity, to administer the Government thereof, with all the powers and authorities aforesaid. And We do hereby authorise and require you, Our said Chief Justice, or the said Senior Judge for the time being, as the case may be, to exercise and perform the said powers and authorities according to such Orders and Instructions as Our said Governor or Our said Lieutenant Governor (if any) may receive from Us, and to such further Orders and Instructions as you may receive from Us under Our Sign Manual and Signet, or through One of Our Principal Secretaries of State.

The Chief Justice to act as Administrator of the Government in the absence of the Governor and Lieutenant-Governor (if any).

The Senior Judge to act as Administrator of the Government in the absence of the Chief Justice.

Powers and Authorities.

Provided always, that you the said Senior Judge, shall act in the Administration of the Government only when and so often as you Our said Chief Justice shall not be present within the State and capable of administering the Government.

Senior Judge to act only in the absence of the Chief Justice.

II. And further, We do hereby appoint that this Our Commission shall supersede Our Commission under Our Sign Manual and Signet bearing date the Twenty-ninth day of June 1880, appointing Our Chief Justice or the Senior Judge for the time being of Tasmania to administer the Government of the Colony of Tasmania in the events therein mentioned.

Commission of 29th June, 1880, superseded.

III. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said State, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly.

Officers and Others to obey the Administrator.

Given at Our Court at Saint James's, this Twenty-ninth day of October 1900, in the Sixty-fourth year of Our Reign.

By Her Majesty's Command,

GEORGE HAMILTON.