

**MORNING TEA AND TOUR TO MARK THE
TASMANIAN YOUTH PARLIAMENT 2024
REMARKS BY
HER EXCELLENCY THE HONOURABLE BARBARA BAKER AC
GOVERNOR OF TASMANIA
GOVERNMENT HOUSE, MONDAY 15 JULY 2024**

Good morning, everyone, and welcome to Government House for this morning tea to mark the Tasmanian Youth Parliament 2024.

I begin by acknowledging the Muwinina people upon whose Country we gather. I acknowledge today's Tasmanian Aboriginal Community as ongoing custodians of Country. I recognise their enduring culture and continued connection to land, sea, and waters.

I understand that you have just begun the program of events and am pleased that I am able to welcome you prior to your deliberations. According to your timetable, you are debating a wide range of interesting and complex topics. Gaining a knowledge of these is much to your credit. And you will be drafting Bills and presenting them to the Legislative Council. As you are learning about the parliamentary system, I am pleased that you have come to Government House to learn something about the role of the Governor, who is part of the Parliament pursuant to our *Constitution Act 1934*.

Turning to the role of the Governor and first to the appointment, the Governor is appointed by The King on the advice of the Premier.

The Governor is The King's representative in Tasmania and exercises all His powers and functions.

The Australia Act 1986 prevents The King from exercising His powers and functions, unless He is personally in Tasmania, except for the power to appoint and dismiss a Governor.

(The advice to His Majesty is given by the Premier (s.7(4)).)

The Governor's authority derives from s7(1) of the *Australia Act 1986*, my commission of appointment giving me the powers and right of office under Letters Patent made

by The Queen, and our *Constitution Act 1934*. The Governor acts on the advice of the Tasmanian Ministers.

The Governor's primary role is constitutional – firstly as the protector of parliamentary democracy and responsible government; second, as part of the Parliament; and third, as Chair of the Executive Council.

So, firstly, the Governor's role is to ensure that a democratically elected government continues to govern with the support of the elected House of Assembly and continues to be answerable for its actions. The Governor must ensure that there is an orderly transition from one government to the next, and to facilitate the work of Parliament and the government of the State.

The Governor has reserve powers, which are powers by convention, in contrast to by Act of Parliament. They exist as it is the Governor's duty to keep Parliament working effectively.

Reserve powers may be used without any Ministerial advice. They include:

- the power to appoint and dismiss premiers; and
- the power to dissolve or to refuse to dissolve the House of Assembly.

After a general election, it is usually a straightforward matter for the Governor to ask the Leader of the Party with the majority of members to form a government, but it is more difficult if the election result is a hung parliament.

The Governor must be sure that a government is formed that will have the support of a majority of members in the House of Assembly to get money Bills passed in order to keep the State running.

The Governor has power to dismiss a Premier who has lost the confidence of the House and who refuses to resign and then to appoint a Premier who can gain the confidence of the House. If this is not possible, the House of Assembly would be dissolved, and an election called.

Now may I turn to the second aspect of the role as part of the Parliament:

s10 of our *Constitution Act 1934* provides that,

The Governor and the Legislative Council and the House of Assembly shall together constitute the Parliament of Tasmania.

As you all know, it is our Parliament that makes laws called Acts of Parliament, and before a Bill becomes an Act of Parliament, it must be passed by both Houses of Parliament and given the Royal Assent. As Governor, I give this Royal Assent. The enacting words at the beginning of every Act of Parliament are:

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

I am given the Bills and the Second Reading speech several days prior to Royal Assent, to give me time consider them. As Governor, I can ask questions or seek clarifications about a Bill before I give assent to it. If a Bill is unlawful, I could refuse to give Assent. Eg: hypothetically, a Bill making all political parties other than the party governing illegal.

The President of the Legislative Council and the Clerk come to Government House with the Bills and a message from the Attorney-General advising me that they have been through all legislative stages and are in order for Royal Assent. After I have given assent, I sign two messages to signify that I have given Royal Assent. They are later tabled in the House of Assembly and the Legislative Council.

Turning to the third aspect of the role of **Presiding over meetings of the Executive Council:**

The Premier and the Ministers form the Executive Council. The *Council* is the supreme executive authority in Tasmania and gives legal effect to regulations, proclamations, and appointments of judges, magistrates, and senior government officials. These are approved by the Governor on and with the advice of the Executive Council.

It is the Governor's role to ensure that the processes of the Executive Council are conducted lawfully and regularly.

I am briefed about the meeting agenda several days prior to the meeting by the Clerk of the Executive Council. Accordingly, I may ask questions and seek further information before formally approving regulations and appointments. I can seek legal advice from the Solicitor-General, if needed. The Governor is entitled to expect that the advice given will be within constitutional and legal limits and if it is not, it is the Governor's duty to refuse approval.

As well as these constitutional duties, the Governor also has significant ceremonial duties. The Governor officiates at many important ceremonies, including the Opening of Parliament following a general election and Investitures for the Order of Australia and other service and bravery awards.

Finally, the Governor has a community engagement role that takes up most of my time. This morning tea for you all is an example of this.

In conclusion, congratulations to the organisers, and to Jemima and Tom. You have given much of your time to make this year's Youth Parliament such a success. This year, you have had the highest participant involvement so far.

So now, enjoy the morning tea before your tour of our State Rooms.

Thank you.