

**AFTERNOON TEA FOR DELEGATES PARTICIPATING IN THE
TASMANIAN YOUTH PARLIAMENT 2025
REMARKS BY
HER EXCELLENCY THE HONOURABLE BARBARA BAKER AC
GOVERNOR OF TASMANIA
GOVERNMENT HOUSE, MONDAY 14 JULY 2025**

Good afternoon, everyone, and welcome to Government House for this afternoon tea to mark the Tasmanian Youth Parliament 2025.

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.

Your program aims to develop an understanding of our democratic processes and includes participation in workshops, speaker panels, and the development of advocacy skills. You will debate a range of interesting and complex topics. You will also draft Bills and debate these Bills.

As you learn about our parliamentary system, I am pleased that you have come to Government House to learn about the role of the Governor.

Appointment of the Governor

The Governor is appointed by The King on the advice of the Premier. The Governor is The King's representative in Tasmania and exercises His powers and functions, except for the power to appoint and terminate the appointment of the Governor, or when His Majesty is personally present in the State.¹ These powers and functions are done in accordance with advice from the Premier and other ministers. The King, therefore, does not play a day-to-day role in the government of Tasmania.

¹ The Australia Act 1986, s 7.

The Governor also acts in accordance with the advice of the Premier and other ministers, except in exceptional circumstances, or when exercising a reserve power, which I shall talk about shortly.

The Governor's term of appointment is generally five years. The Governor is independent and non-political.

Constitutional Role

The Governor's primary role is constitutional:

Firstly, as the protector of parliamentary democracy and responsible government;

second, as part of the Parliament²; and

third, as Chair of the Executive Council.

The Governor also has a ceremonial role and a community engagement role. I shall concentrate on the constitutional role.

As a protector of parliamentary democracy and responsible government, the Governor has reserve powers. These are discretionary powers that may be used to uphold and maintain the fundamental constitutional principles of our system of government.³ Professor Anne Twomey, in her constitutional law book, *The Veiled Sceptre*, states, "the head of state is not only the symbolic guardian of the ...Constitution, but the one person with powers of last resort reserved for its protection."⁴

Reserve powers include:

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

² *Constitution Act 1934* s10.

³ Anne Twomey, *The Veiled Sceptre* (Cambridge University Press, 2018)1.

⁴ *Ibid.*

The exercise of reserve powers is often not noticed, as well-established conventions govern reserve powers. It is only when a constitutional crisis arises that their existence becomes notable.⁵

After a general election, it is usually a straightforward matter for the Governor to ask the leader of the party with a majority of members to form a government. However, it becomes more difficult if the election result is a hung parliament, where no political party wins a majority of seats. The convention is for the Governor to appoint as Premier the person who holds, or is most likely to hold, the confidence of the lower House.⁶

A recent example of my exercise of a reserve power was in respect of the calling of the current Tasmanian election, when a no-confidence motion was made against the Premier, Mr Rockliff, by Mr Winter, the leader of the Opposition. That motion was carried.

This meant that the Premier requested me, as Governor, to prorogue Parliament and dissolve the House of Assembly so that an election could be held. I had to consider whether to grant or refuse the request.

As part of this consideration, I took into account:

- that an election had been held last year in March 2024 (the House of Assembly has a four-year term).
- Importantly, I had to consider whether an alternative government could be formed by the Opposition party (10 members) with the support of other members, which would avoid an election. If an alternative government were not possible, the House would not be able to function, and I would have no choice but to dissolve the House. I interviewed both Mr Rockliff and Mr Winter as part of this consideration.

⁵ Ibid.

⁶ Twomey, above 117, citing SA de Smith and Rodney Brazier, *Constitutional and Administrative Law* (Penguin Books, 8th ed, 1998) 168. This does not necessarily mean majority support in the lower House, as a minority government may still govern. It means that Opposition parliamentarians have sufficient confidence in the government to let it continue to govern—Twomey above, citing Bogdanor, *The Coalition and the Constitution* (Hart Publishing, 2011) 13.

I concluded that there was no possibility of an alternative government and so granted Mr Rockliff's request for an election.

After the election results, again I shall exercise a reserve power to appoint a Premier.

The Governor has to make sure that a Government is formed that it will have the confidence of the House.

(The fact that decisions have to go through the Governor is a protection against illegal or unconstitutional acts.)

The second constitutional aspect of the Governor's role as part of the Parliament:

As you are all aware, it is our Parliament that enacts laws known as Acts of Parliament. Before a Bill becomes an Act of Parliament, it must be passed by both Houses and given the Royal Assent by the Governor.⁷

I am given the Bills and the Second Reading speech several days before I give Royal Assent. This gives me time to consider them. As Governor, I can ask questions or seek clarification from the relevant Minister about a Bill before I give assent to it.

As part of the Parliament, the Governor also summons the Parliament to sit and dissolves the House of Assembly for elections.

The third constitutional 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,

⁷ 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:

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 can ask questions and seek further information from Ministers before formally approving regulations and appointments. An item on the agenda can be postponed while further information or documentation is obtained, or the item can be withdrawn.

Ceremonial Role

The Governor has a significant ceremonial role and 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. The Governor speaks at important events such as Anzac Day and Remembrance Day.

Community Engagement

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

Conclusion

Congratulations to the organisers of your program, and to convenors, Jemma and Jake. You have given much of your time to make this year's Youth Parliament such a success. It is encouraging that you had 55 participants sign up, and 49 were able to attend in person.

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

Thank you.