

**REASONS FOR THE APPOINTMENT OF THE PREMIER
TO FORM A GOVERNMENT
HER EXCELLENCY THE HONOURABLE BARBARA BAKER AC,
GOVERNOR OF TASMANIA
WEDNESDAY 6 AUGUST 2025**

The return of the writs for the general election held on 19 July 2025 occurred on Tuesday, 5 August 2025. The result of the 2025 election is that 14 Liberal Party members, 10 Labor Party members, 5 Tasmanian Greens, 5 Independents and 1 Shooters, Fishers and Farmers Tasmania member, have been elected as Members of the House of Assembly.

This is a “hung Parliament,” where no party leader has a majority of seats in the House of Assembly.

The appointment by the Governor of an elected member as Premier is a reserve power, although restricted by constitutional convention. A strong convention is that the Governor appoints as Premier the person who holds, or is most likely to hold, the confidence of the House of Assembly.¹ This does not necessarily mean majority support in the House of Assembly, as a minority government may still govern. It means “that Opposition parliamentarians have sufficient confidence in the government to let it continue to govern.”²

If there is a hung Parliament, and no one clearly holds a majority in the House of Assembly, the convention is that the incumbent Premier, as the last person to hold the confidence of the House, is entitled to remain in office and to face Parliament as Premier.³ The benefit of incumbency is the right to remain in office until Parliament decides upon who holds its confidence.⁴ This is the case even if the main Opposition party has reached an agreement with other parties or independents that would allow it to govern with majority

¹ Anne Twomey, *The Veiled Scepter* (Cambridge University Press, 2018) 116, 117, citing SA de Smith and Rodney Brazier, *Constitutional and Administrative Law* (Penguin Books, 8th ed, 1998) 168.

² Twomey, above 117, citing Vernon Bognador, *The Coalition and the Constitution* (Hart Publishing, 2011) 13.

³ Twomey, above, 151.

⁴ Twomey, above, 152.

support in the House of Assembly.⁵ This is because the support of independents and other members should be “determined inside and not outside the Parliament”.⁶

Tasmania is in an unusual position relative to other jurisdictions.⁷ Section 8B(4) of the *Constitution Act 1934* provides that a Minister’s term of office expires seven days following the day after the return of the writs, unless reappointed. This means that the Governor is unable to await Parliament’s decision on confidence before making an appointment.⁸ I consider myself bound to make an appointment within that period, because the State must not be without a government.

On 6 August 2025, Premier Rockliff formally advised me that he should be reappointed as Premier, and that he expected to be able to gain the confidence of the House of Assembly.

I consider that the convention of incumbency, which allows the Parliament to have the final say in who should be Premier should apply in the present circumstances. This will be done promptly as the Premier will face the Parliament to decide who holds its confidence when it is recalled on Tuesday 19 August 2025.

I have reappointed the Premier and leave it to the House of Assembly to determine confidence.

⁵ “*Constitutional Conventions In Australia*” (Australian Scholarly Publishing Pty Ltd, 2012).

⁶ Anne Twomey, *The Governor-General’s role in the formation of government in a hung Parliament* (2011) 22 Public Law Review 52, p 54.

⁷ Ibid, citing Harris MC and Crawford, J, “The Powers and Authorities Vested in Him’ – The Discretionary Authority of State Governors and the Power of Dissolution” (1969) 3(3) *Adelaide Law Review* 299 at 319.

⁸ Ian Killey, “*Constitutional Conventions In Australia*” (Australian Scholarly Publishing Pty Ltd, 2012).

⁹ Anne Twomey, *The Governor-General’s role in the formation of government in a hung Parliament* (2011) 22 Public Law Review 52, p 61.