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LETTERS PATENT DATED 14TH FEBRUARY 1986

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

Whereas by Letters Patent dated the 29th October, 1900 provision was made in relation to the office of the Governor of the State of South Australia:

And whereas by the Australia Act 1986 of the Commonwealth of Australia provision is made in relation to the office of the Governor of the State of South Australia and corresponding provision will also be made in the Act which is expected to result from the Australia Bill at present before parliament in the United Kingdom (which Acts are hereinafter together referred to as “the Australia Acts”):

And whereas We desire to make new provisions relating to the office of Governor of the State of South Australia and for persons appointed to administer the government of the State:

Now Know Ye that We do hereby declare Our Will and Pleasure, and direct and ordain as follows:—

I. *Revocation of existing Letters Patent and Instructions*—The Letters Patent dated the 29th October 1900 (as amended by Letters Patent dated the 2nd November 1934, Letters Patent dated the 10th January 1938 and Letters Patent dated the 2nd July 1970) relating to the office of Governor of the State of South Australia and Our Instructions to the Governor dated the 29th October 1900 are revoked.

II. *Constitution of Office of Governor*—There shall be a Governor of the State of South Australia.

III. *Appointment of Governor*—The appointment of a person to the office of Governor shall be during Our Pleasure by Commission under Our Sign Manual.

IV. *Executive Council*—There shall be an Executive Council to advise the Governor in the government of the State.

V. *Appointment of Executive Council*—The membership of the Executive Council shall be determined in accordance with the laws of the State.

VI. *Governor to preside over Executive Council*—The Governor shall preside at meetings of the Executive Council but if the Governor is unable to preside the member appointed by the Governor to preside, or in the absence of that member, the senior member in order of appointment actually present, shall preside.

VII. *Quorum for Executive Council*—A meeting of the Executive Council shall not proceed unless it has been convened by the Governor and at least two members other than the Governor or any member presiding are present.

VIII. *Governor to convene meetings of Executive Council*—The Governor shall convene a meeting of the Executive Council if so advised by the Premier or Acting Premier.

IX. *Constitution of Office of Lieutenant-Governor*—There may be a Lieutenant-Governor of the State of South Australia.

X. *Administration of government during vacancy, etc.*—In the event of—

(a) a vacancy in the office of Governor;

(b) the assumption by the Governor of the administration of the government of the Commonwealth of Australia;

or

(c) the Governor being on leave, absent from the State or incapacitated (not having appointed a deputy under Clause XVII),

the Lieutenant-Governor shall assume the administration of the State as Administrator but if there is no Lieutenant-Governor or if the Lieutenant-Governor is unable to act as Administrator or is incapacitated then the Chief Justice of South Australia or the next most senior Judge present in the State and able to do so shall act as Administrator.

XI. *Interpretation of Clause X*—For the purposes of Clause X, there shall be a vacancy in the office of Governor if the Governor vacates the office.

XII. *Administrator to act upon request*—No person shall act as Administrator except at the request in writing of—

(a) the Premier of the State;

or

(b) if the Premier is not available to make such a request—the Minister of the Crown of the State next in order of seniority who is available to make such a request.

XIII. *Oaths to be taken by Administrator*—A person may not act as Administrator without having taken the Oath of Allegiance and the Official Oath in the presence of the Chief Justice of South Australia or another Judge of the Supreme Court of the State.

XIV. *Powers and functions of Administrator*—While administering the government of the State an Administrator shall have and may exercise and perform the powers and functions of the Governor.

XV. *Administrator ceasing to hold office*—A person shall cease to hold the office of Administrator when (as the case requires)—

(a) a person is appointed to fill the vacancy in the office of Governor and has taken the required oaths;

(b) the Governor ceases to administer the government of the Commonwealth of Australia;

or

(c) the Governor ceases to be on leave, absent from the State or incapacitated,

and the person holding office as Administrator is notified accordingly.

XVI. *Appointment of Lieutenant-Governor and Administrator*—The appointment of a Lieutenant-Governor and of an Administrator shall be during Our Pleasure by Commission under Our Sign Manual.

XVII. *Appointment of deputy of the Governor*—In the event that—

(a) the Governor is absent from the State or absent from the seat of government but not the State or is suffering from illness;

and

(b) the Governor has reason to believe that the duration of the absence or illness will not exceed 4 weeks,

the Governor may, by instrument in writing, appoint the Lieutenant-Governor or another suitable person to be the Governor's deputy during the absence or illness and in that capacity to exercise and perform on behalf of the Governor such of the powers and functions of the Governor as are specified in the instrument during the period specified in the instrument.

XVIII. *Governor's deputy to act with concurrence*—The Governor shall not appoint a deputy except with the concurrence of—

(a) the Premier of the State;

or

(b) if the Premier is not available to give such a concurrence—the Minister of the Crown of the State next in order of seniority who is available to give such a concurrence.

XIX. *Revocation of appointment of deputy*—The appointment of a person as deputy may be revoked by the Governor at any time.

XX. *Powers of Governor not to be affected by appointment of deputy*—The powers and functions of the Governor shall not be abridged, altered or in any way affected by the appointment of a person as deputy.

XXI. *Existing Commissions to continue*—All existing Commissions in relation to the office of Governor, Lieutenant-Governor and Administrator and all existing appointments to the Executive Council shall continue in force subject to these Our Letters Patent until revoked.

XXII. *Publication of Letters Patent, etc.*—These Our Letters Patent and every Commission or appointment given or made pursuant to these Our Letters Patent shall be published in the *Government Gazette* of South Australia.

XXIII. *Reservation of power to revoke, alter or amend*—The power to revoke, alter or amend these Our Letters Patent is reserved.

XXIV. *Commencement of Letters Patent*—These Our Letters Patent shall come into operation at the same time as the Australia Acts come into force.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourselves at Westminster the fourteenth day of February in the Thirty-fifth year of Our Reign.

By Warrant under The Queen's Sign Manual

(L.S.) OULTON