

**MORNING TEA AND TOUR FOR YEAR 10 STUDENTS  
FROM SHANGHAI JIN YUAN HIGH SCHOOL, CHINA  
REMARKS BY  
HER EXCELLENCY THE HONOURABLE BARBARA BAKER AC,  
GOVERNOR OF TASMANIA  
GOVERNMENT HOUSE, WEDNESDAY 31 JULY 2024**

I warmly welcome you all to Government House in Tasmania.

I begin by acknowledging the Muwinina people on whose country we gather. I acknowledge today's Aboriginal community as ongoing custodians of country. I recognise their enduring culture and deep connection to land, sea and waters.

May I give you a brief overview of the role of the Governor before you have morning tea and a tour of this House.

In Australia we have a federal system of Government with two levels of government, Commonwealth and State. We have a Commonwealth Constitution, and each State has its own constitution and its own governor.

I understand that in China you have around 22 Governors of your provinces and that your Governors are focused on day-to-day governance and administration of a province, including economic development, social welfare, infrastructure projects and public services. They are concerned with practical aspects of governance rather than party affairs. I understand that you also have a provincial party chief, who is the leader of the Communist Party of China in the province.

In Australia, a State Governor is an unelected position and is appointed by the King on the advice of the State Premier. So, the Governor is the King's representative in Tasmania and exercises the constitutional powers of the Head of State in Tasmania (the *Australia Act 1986* s7). The appointment is made by a document called a Commission.

My authority as Governor 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 Monarch, and our Tasmanian *Constitution Act 1934*. A 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;
- Secondly, as part of the Parliament; and
- Third, as Chair of the Executive Council.

So, as Governor, my role is firstly 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. I must ensure that after a general election there is an orderly transition from one government to the next and must facilitate the work of Parliament and the government of the State.

The Governor has reserve powers, which are powers recognised by convention, in contrast to an Act of Parliament. They exist to recognise 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.

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. The Governor can appoint a Premier who can gain the confidence of the House. If this is not possible, the House of Assembly should be dissolved, and an election called.

**Now may I turn to the second aspect of the role of Governor 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. 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.

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 was unlawful, I could refuse to give Assent. Let me give a hypothetical example, if a Bill made illegal all political parties, other than the party governing, I would refuse Assent.

(The President of the Legislative Council and the Clerk come to Government House with the Bills. They bring 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. These are later tabled in the House of Assembly and in the Legislative Council).

### **Presiding over meetings of the Executive Council:**

This is the third aspect of my role.

The Premier and the Ministers form the Executive Council. The Executive 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 regulations, proclamations and appointments 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 Executive Council meeting agendas several days prior to the meeting by the Clerk of the Executive Council. At this meeting, I may ask questions and seek further information before formally approving regulations and

appointments. I may also seek legal advice from the Solicitor-General, if needed. The Governor is entitled to expect that the advice given is within constitutional and legal limits. 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 and presides 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, which, in practice, takes up most of my time.

The Governor is Patron of many organisations, over 130 of them, such as Red Cross, Cancer Council, Girl Guides. I support these organisations by attending events on their behalf or holding events here.

We hold receptions here to recognize significant contributions made by individuals or organisations, I speak at community events, attend University Graduations, welcome Ambassadors, visiting dignitaries and official visitors to Tasmania. This morning tea for you all is an example of my community engagement.

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

Thank you.