

About Parliament 04

Governor and Executive Council

The Governor

According to constitutional documents, the Western Australian Parliament consists of His Excellency the Governor (representing Her Majesty the Queen), the Legislative Council, and the Legislative Assembly. All three components work together to carry out the functions of Parliament.



Flag of the Governor of Western Australia

In the Western Australian *Constitution Act 1889* (section 50) the Office of Governor was formalised; however, there are only brief references to the way in which the constitutional powers and duties of the Governor should be exercised.

Some of the formal powers of the Governor are also set out in the Letters Patent under which the Governor is appointed. Other duties have evolved with the office.

Some of the Governor's roles include:

- opening, proroguing (suspending) and dissolving (ending) Parliament's sittings;
- signing and giving assent to bills passed by Parliament so they become Acts of Parliament;
- presiding over the Executive Council;
- appointing Judges, Magistrates and Justices of the Peace;
- administering or authorising an official to take the oath or affirmation of allegiance from members of the Houses of Parliament;
- issuing writs for general elections;
- receiving visiting Heads of State and dignitaries from other countries including Ambassadors, High Commissioners and diplomatic and military representatives;

- travelling throughout Western Australia to meet people in regional areas and to keep abreast of developments within the State; and
- supporting community and charitable causes.



Government House

The Executive Council

In most cases, reference to the Governor in any legislation means the Governor in Executive Council.

The Executive Council is the supreme executive authority in Western Australia and is chaired by the Governor; it includes at least two members of the Ministry and has as its secretary the Director General of the Department of the Premier and Cabinet. It meets fortnightly and for special occasions requested by the Premier.



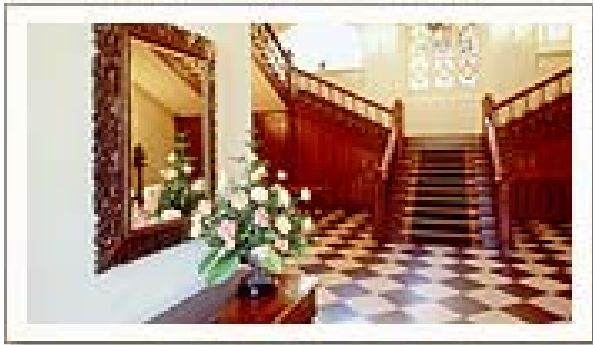
Executive Council Room

Some of the matters considered by the Executive Council include:

- the allocation of responsibilities to ministers such as legislation, departments and instrumentalities;
- the proclamation of Acts passed by Parliament;
- the appointment of members of the judiciary and senior public officials;
- appointments to government boards and committees; and
- the formal approval and making of certain delegated legislation.

Our system of Responsible Government requires that the Governor generally exercises the constitutional duties of office in conformity with the wishes of the elected government of the day.

By convention the Governor retains the right to be consulted, 'to encourage and to warn'¹ the Premier and ministers of the day.



Entry Room in Government House

In exceptional circumstances, however, the Governor may act independently or without advice from the Premier, ministers, or Executive Council.

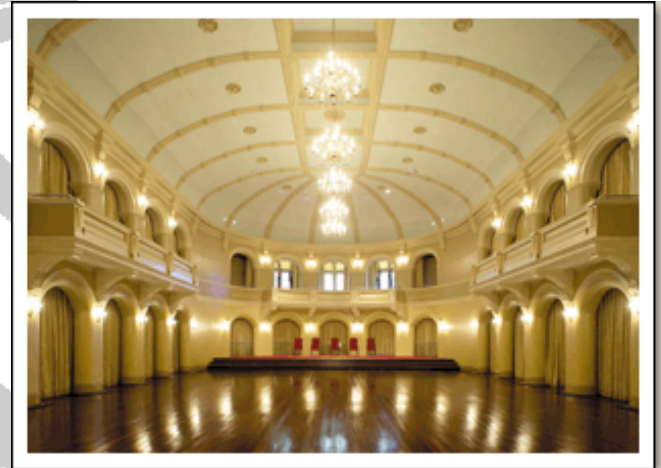
In these circumstances the Governor is said to be exercising Reserve Powers. Circumstances when the reserve powers could be exercised include:

- where the Government refuses to resign or advise a dissolution of the Legislative Assembly when it no longer has the 'confidence or support of a majority in the Legislative Assembly', as for example, indicated by a successful no confidence motion in the Legislative Assembly;
- where the Government refuses to resign or to advise a dissolution even though it is unable to secure necessary supply (budget);
- a situation where a Premier is advising a dissolution but where an alternative government may be formed; and
- a situation where the Premier is doing something which is manifestly illegal in the function of his or her office.

Government House

Since 1838 the Governor has resided at the site of the historic Government House on St George's Terrace, Perth. Successive Governors have occupied the present Government House since its completion in 1863.

This is also known as the Governor's Establishment.



Ballroom of Government House

Many functions are held at Government House for the presentation of awards and medals, and community and charitable organisations often use the ballroom and grounds. The House, ballroom and grounds are sometimes opened to the public.

The Governor is in regular contact with a wide range of people throughout the State and from all walks of life, including school children, charity organisations, church groups and sporting clubs. In keeping with tradition the Governor and his wife are Patrons of some 150 organisations.

In the past the Governor, who is appointed by the Sovereign² on the advice of the Premier, was often a person of military rank from the United Kingdom. Recently, however, the Governor has been an Australian by birth with experience in the fields of university education, the judiciary, the Australian military, and the State public service³.

² The Queen or King of England.

³ Further information about the Governor and Government House is available on the Government House website www.govhouse.wa.gov.au/.

¹ Bagehot, W. 1993, *The English Constitution* [1867]