

ELIZABETH R



Amendment of Letters Patent

Passed under the Royal Sign Manual and the Great Seal of Australia

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth

To Our Governor-General of the Commonwealth of Australia, the Right Reverend Dr Peter John Hollingworth, Officer of the Order of Australia, Officer of the Most Excellent Order of the British Empire

Greeting:

WHEREAS, by Our Commission dated 12 June 2001, We did appoint you to be, during Our pleasure, Our Governor-General of the Commonwealth of Australia under Letters Patent dated 21 August 1984;

AND WHEREAS by clause VIII of those Letters Patent We reserved full power from time to time to revoke, alter or amend those Letters Patent as we think fit:

NOW THEREFORE, by these Letters Patent under Our Sign Manual and the Great Seal of Australia –

WE amend the Letters Patent dated 21 August 1984 by omitting Clause III of those Letters Patent and substituting the following Clause:

III. We declare that-

- (a) the appointment of a person to administer the Government of the Commonwealth under section 4 of the Constitution of the Commonwealth shall be during Our pleasure by Commission under Our Sign Manual and the Great Seal of Australia;

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- (b) the powers, functions and authorities of the Governor-General shall, subject to this Clause, vest in any person so appointed from time to time by Us to administer the Government of the Commonwealth only in the event of the absence out of Australia, or the death, incapacity or removal of the Governor-General for the time being, or in the event of the Governor-General having absented himself temporarily from office for any reason;
- (c) a person so appointed shall not assume the administration of the Government of the Commonwealth-
- (i) in the event of the absence of the Governor-General out of Australia - except at the request of the Governor-General or the Prime Minister of the Commonwealth;
 - (ii) in the event of the absence of the Governor-General out of Australia and of the death, incapacity or absence out of Australia of the Prime Minister of the Commonwealth - except at the request of the Governor-General, the Deputy Prime Minister or the next most senior Minister of State for the Commonwealth who is in Australia and available to make such a request;
 - (iii) in the event of the death, incapacity or removal of the Governor-General, or in the event of the Governor-General having absented himself temporarily from office for any reason - except at the request of the Prime Minister of the Commonwealth; or
 - (iv) in the event of the death, incapacity or removal of the Governor-General, or in the event of the Governor-General having absented himself temporarily from office for any reason, and of the death, incapacity or absence out of Australia of the Prime Minister of the Commonwealth - except at the request of the Deputy Prime Minister or the next most Senior Minister of State for the Commonwealth who is in Australia and available to make such a request;
- (d) a person so appointed shall not assume the administration of the Government of the Commonwealth unless he has taken on that occasion or has previously taken the Oath or Affirmation of Allegiance and the Oath or Affirmation of Office in the presence of the Chief Justice or another Justice of the High Court of Australia;
- (e) a person so appointed shall cease to exercise and perform the powers, functions and authorities of the Governor-General vested in him when a successor to the Governor-General has taken the prescribed oaths or affirmations and has entered upon the duties of his office, or the incapacity or absence out of Australia of the Governor-General for the time being has ceased, or the Governor-General has ceased to absent himself from office, as the case may be; and

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- (f) for the purposes of this clause, a reference to absence out of Australia is a reference to absence out of Australia in a geographical sense but does not include absence out of Australia for the purpose of visiting a Territory that is under the administration of the Commonwealth of Australia.

Given at Our Court

at Windsor

on 11 May 2003

By Her Majesty's Command,

JOHN HOWARD

Prime Minister