
Executive Council Handbook

August 2025

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1. Introduction

1.1 Purpose of the Handbook

The purpose of this Handbook is to assist Ministerial staff and departmental officers to understand Executive Council processes and timeframes and to provide information for those involved in the preparation of documents for the Council.

The Governor acts on the advice of the Ministers in the Executive Council, therefore departments must ensure that all papers prepared for the Executive Council are of a high standard to enable informed decision-making. Documents must be accurate, reflect the Governor's legislative or constitutional powers and clearly set out the recommendations to be made. A checklist, templates and examples are provided to assist with this work.

1.2 What is the Executive Council?

The Executive Council is a formal body established to advise the Governor of Tasmania on the exercise of certain powers under law. It plays a key constitutional role in the governance of the State.

The Executive Council is made up of Ministers of the Crown. Ministers are also sworn in as members of the Executive Council (known as *Executive Councillors*) immediately after being sworn in as Ministers. The Governor presides over meetings of the Executive Council but is not a member of the Council.

The authority for the Executive Council comes from:

- the *Letters Patent Constituting the Office of Governor* issued in 2005, which formally established the Office of the Governor and provided for the creation of the Executive Council; and
- section 43 of the [Acts Interpretation Act 1931](#), which explains that when the term “the Governor” appears in legislation, it means “the Governor acting with the advice of the Executive Council”. This can also be referred to as the Governor-in-Council.

In practice, this means that the Governor, acting on the advice of the Executive Council, gives formal approval to certain government decisions and legal instruments. These may include:

- regulations, rules and by-laws;
- proclamations;
- orders and notices;
- appointments of certain office-holders and members; and

- other statutory instruments.

These decisions and instruments have legal force only once approved by the Governor-in-Council. This process ensures that certain significant government decisions and legal instruments are made with both ministerial advice and constitutional oversight.

Matters go to the Executive Council when they require this formal approval — typically when the law does not allow individual Ministers, public servants or government officials to act on their own authority.

In short, the Executive Council consists of the Premier and Cabinet Ministers and is presided over by the Governor, whose role is to monitor the legality and procedural regularity of government.

1.3 Executive Council Secretariat

The Executive Council Secretariat is part of the Cabinet and Executive Council Office in the Department of Premier and Cabinet and provides executive support to the Council. The Council Clerk (or a Clerk Assistant) manages the work of the Council Secretariat and attends all Council meetings.

The Council Secretariat's responsibilities include:

- providing advice on Executive Council practices and requirements, in particular on the presentation of documents to the Council;
- seeking further advice on Executive Council items in order to brief the Governor appropriately;
- liaising with the Official Secretary to the Governor, Ministerial Offices and departments on Council arrangements;
- providing secretariat support for Council meetings;
- ensuring that the requirements of the Governor and Executive Councillors are met;
- communicating the approval of matters by the Governor-in-Council;
- maintaining the Council's records; and
- acting as custodian of the State Seal.

To assist the Council Secretariat in its functions, Executive Council documents must be prepared according to this Handbook. The Council Secretariat is available to advise and assist with any procedural or presentation questions departments may have.

It is best practice to share draft Executive Council documents with the Council Secretariat for feedback before they are signed by Ministers to ensure the documents are compliant.

Enquiries about Executive Council processes and documents are to be directed to the Council Secretariat:

by telephone: (03) 6185 6088

by email: Executive.Council@dpac.tas.gov.au

by mail: Executive Council Secretariat
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

in person: Executive Building
Level 4
15 Murray Street
Hobart, Tasmania

website: [Department of Premier and Cabinet - Executive Council Secretariat](#)

1.4 Matters considered by Executive Council

1.4.1 Matters that have gone to Cabinet

Usually Executive Council matters require the approval of both Cabinet and the Executive Council and, if that is the case, the matter must first be considered by Cabinet. Following Cabinet endorsement or noting, it is then submitted to the Council.

Please refer to the Cabinet Handbook to see which matters go to Cabinet.¹

1.4.2 Matters that have not gone to Cabinet

Ministers may use their statutory powers to approve matters that haven't been considered by Cabinet previously. Some of these matters, such as subordinate legislation, still need to go to the Executive Council. It's important that all Cabinet members understand the purpose of any item being submitted to the Council.

Before any items are provided to the Council Secretariat for Governor-in-Council approval, they must first be considered by Cabinet. If the matter hasn't been to Cabinet, the responsible Minister must provide an Executive Council Explanatory Note to Cabinet. However, if Cabinet has already endorsed or noted the matter through a Cabinet Submission, an Explanatory Note is not required.

¹ Department of Premier and Cabinet (Cabinet Office)'s [Cabinet Handbook](#)
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Further information about Executive Council Explanatory Notes is provided in section 12.1 of the [Cabinet Handbook](#) as the Explanatory Note is classified as a Cabinet document.

If you have any queries in relation to whether a matter must be considered by Cabinet, please contact the Cabinet and Executive Council Office in the first instance.

1.5 No retrospective approvals

The Executive Council does not have the authority to approve matters retrospectively. Executive Council Minutes seeking to approve matters retrospectively will not be accepted. When the Governor-in-Council gives effect to the recommendations contained in Executive Council documents, they do so on and from the date on which they sign the relevant documents or such future date as may be specified in the documents.

Note that this approval is not the same as an approval to make subordinate legislation that may have a retrospective commencement. In certain circumstances, an Act may provide for subordinate legislation made under the Act to be made retrospectively.

In these circumstances, the Council Secretariat is to be provided advance notice.

1.6 Confidentiality and security of Executive Council items

Executive Council documents are legal documents and must be treated as confidential and handled in the same way as Cabinet documents. Information must not be released to any party other than the Minister or responsible department before the information has been approved at a Council meeting. Some of the documents are regarded as confidential for an indeterminate period. The terms of the announcement of the Governor-in-Council's decision are a matter for the Minister to settle after the Governor has made the decision.

1.7 Announcement prior to Executive Council meeting

The Governor may be prepared to consider information being released prior to the matter being approved by the Governor-in-Council if it is in the interest of the government that it is released.

In these circumstances requests for approval to make announcements are to be made directly with the Council Clerk who will seek the necessary approval of the Governor

through the Official Secretary. The request must be made in advance to allow for appropriate consideration and, where possible, one business days' notice is to be given.

In the event of approval being granted by the Governor the announcement must follow the advice from the Council Clerk and is to include words to the following effect:

"It is my intention to recommend to the Governor that ..."

A Minister, or department, must not make an announcement prior to the Governor's decision, and must not presume a specific decision.

1.8 Access to Executive Council records (including Right to Information)

Departments may request access to Executive Council records. Such requests are to be in writing and addressed to the Council Clerk.

When the request is from the responsible department, the practice is to authorise a nominated departmental officer to view and copy certain documents from the Executive Council's records retained by the Council Secretariat and/or Archives.

If the request is from another department, the Council Clerk will seek the approval of the responsible department to release the requested document/s to a nominated departmental officer. Alternatively, the requesting departmental may reach out to the responsible department directly.

Executive Council documents are generally exempt from release under section 25 of the [Right to Information Act 2009](#). Any queries regarding Executive Council documents and Right to Information are to be directed to your agency's Right to Information or legal team.

Queries regarding the release of Executive Council documents are, in the first instance, to be referred to the Council Secretariat.

1.9 Advice from the Solicitor-General

If a department requires clarification on whether the Governor-in-Council has the authority to take an action, then the department must seek advice from the Solicitor-General and/or the Council Secretariat. Once the advice is received, the [Explanatory Memorandum](#) that accompanies an [Executive Council Minute](#) is to clarify the source of the Governor's authority to take the action.

2. Executive Council Meetings and Timeframes for Lodging Documents

2.1 Meetings

A quorum for an Executive Council meeting consists of the Governor and two Executive Councillors. However, the majority of scheduled meetings take place with all the Councillors present as the meetings generally occur just prior to Cabinet meetings. The Council Clerk also attends all Council meetings.

The Council Secretariat provides departments with advance notice of scheduled meetings including the deadlines for submitting documents. A copy of such a notice is reproduced below.

There are two types of meetings:

- Scheduled Meetings; and
- Special Meetings.

2.1.1 Scheduled Meetings

The Executive Council usually meets monthly on a Monday or Tuesday in Hobart immediately prior to a Cabinet meeting. The meetings are held in the Cabinet Room, Level 11, Executive Building, 15 Murray Street, Hobart. Under no circumstances will documents be accepted during the course of a Council meeting for submission at that meeting.

Executive Council Secretariat
Executive Building, 15 Murray Street, HOBART TAS 7000 Australia
GPO Box 123, HOBART TAS 7001 Australia
Ph: (03) 6195 0089
Email: executive.council@dpac.tas.gov.au
Web: www.dpac.tas.gov.au



EXECUTIVE COUNCIL MEETING NOTICE

DATE: Tuesday, 14 October 2025
TIME: 11:00 am
VENUE: Cabinet Room, Level 11, Executive Building, 15 Murray Street, Hobart TAS

NOTE: The Governor, Her Excellency the Honourable Barbara Baker AC, will be presiding.

Documents for submission to the above meeting must be received before close of business on **Monday, 6 October 2025**. This deadline must be met in order to process documents before examination by the Governor prior to the meeting. **Late papers will not be accepted.**

Please provide advanced notice to the Clerk of the Executive Council of any upcoming items to be added to the agenda in advance of submitting the documentation.

Please make sufficient advanced arrangements to ensure that Executive Council documents are signed by the relevant Minister and lodged before the specified deadline.

You are also reminded that Explanatory Notes to Cabinet about future Executive Council agenda items need to be considered by Cabinet at least the week before the proposed Executive Council meeting.

Please distribute this notice to all relevant work groups.

Other upcoming Executive Council meeting dates:

Meeting date:	Deadline for submissions:
Monday, 22 September 2025	COB Monday, 15 September 2025



Lillian Dahya
Secretary/Clerk, Executive Council

9 September 2025

2.1.2 Special Executive Council Meetings

From time to time, unanticipated matters may arise requiring action before the next scheduled meeting. An 'Extraordinary' or 'Special' meeting may be convened but only when there is a compelling reason.

Enquiries about such meetings are to be directed, in the first instance, to the Council Clerk. The coordination of Special Meetings is managed through the Council Secretariat. The timing of a Special Meeting is, however, at the Governor's discretion and is generally

held at Government House or virtually through Webex. **Under no circumstances are Ministerial Offices or departments to contact Government House directly in respect of a Special Meeting.**

The Governor does not summon a Special Meeting unless the Governor has received written advice from the Premier approving such a meeting and there is sufficient time for the Governor to be briefed on the matter(s). The responsible Minister is to be available to attend the meeting plus one other Minister.

The same documents are required for a Special Meeting as for a normal scheduled meeting. If an item needs consideration at a Special Meeting, it must be submitted by the responsible Minister in writing to the Council Clerk clearly explaining the reasons for the urgency.

When a Special Meeting is required an unsigned copy of the urgent document is to be provided as soon as it is drafted. The original documents signed by the Minister must be provided to the Secretariat as soon as they become available.

2.1.3 Executive Council Meetings in caretaker period

Executive Council meetings are not usually held during the caretaker period surrounding a State election. This is to ensure impartiality and prevent actions that could bind a future government. Meetings may only be held in exceptional circumstances, such as for urgent matters that cannot be deferred. Further context regarding matters and consideration is provided in the Caretaker Conventions.²

2.2 Briefing the Governor

Prior to either a Scheduled or Special Meeting, the Council Clerk briefs the Governor on the items to be considered at the next meeting.

During the briefing the Governor may raise queries. These queries may need to be addressed by the responsible Minister's Office or department. On some occasions, depending on the advice received, this may require the Minister to formally withdraw the Minute, and resubmit it when the additional advice has been provided.

The process for managing queries from the Governor is the responsibility of the Council Clerk. Minister's Offices and departments must not contact Government House directly.

² Department of Premier and Cabinet (TAS) [Caretaker Conventions](#)
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2.3 Agenda and order of business

An agenda for each meeting is prepared by the Council Secretariat. The Council Secretariat is bound to list on the agenda any items that are signed by a Minister and submitted to the Council Secretariat within the relevant timeframes. It is important that all members of Cabinet are aware of the purpose of items that are to be submitted to the Executive Council (refer to [Section 1.4](#) for further information).

The agenda and supporting documents for a Scheduled Meeting are delivered to Ministers prior to the meeting in hard copy. Generally, this delivery is done on the Friday prior to the Scheduled Meeting the following week.

At the meeting the Governor will call each item listed on the agenda and invite comments on the related documents. Usually there are no comments, and the item is agreed.

The Governor signs the Executive Council documents after the meeting.

2.4 Expiring items

If the item is urgent or involves an approaching expiry, for example re-appointments or expiring regulations, this must be raised with the Council Secretariat at the time of submitting the documents. The expiry date is to be included in the [Explanatory Memorandum](#).

2.5 Withdrawal of Minutes from Executive Council consideration

Occasionally situations arise where a Minister may wish to review documents that the Minister has signed and provided to the Council Secretariat. If the matter has not been listed and circulated the Council Secretariat will return the documents to the Minister's Office upon request.

If, however, the signed documents have been listed on the agenda and circulated it will be necessary for the Minister to request that the matter be withdrawn either in writing before the meeting or at the meeting. The Council Secretariat will return the documents to the Minister's Office confirming that they have been withdrawn.

2.6 After Executive Council Meetings

After a meeting the Council Clerk will arrange for the original Minute and accompanying signed documents to be returned to the responsible Minister. The Minister's Office is required to sign a receipt upon delivery of the signed documents.

However, there is one exception, namely statutory rules. Statutory rules are forwarded to the Chief Parliamentary Counsel to arrange publication in the *Gazette* (see [Section 4.1](#) for further information). An email from the Council Secretariat is sent to the responsible Minister's Office advising that the statutory rules were approved and that the original documents have been forwarded to OPC for gazettal and further action. It is the responsibility of the Minister's Office to forward this advice on to the relevant department.

2.7 Lodging submissions and the associated timeframes

To enable a matter to be considered at a regular Scheduled Meeting certain timeframes must be adhered to.

2.7.1 Executive Council Explanatory Note to Cabinet

Since Executive Council meetings take place immediately before regular Cabinet meetings, any required Explanatory Note must be considered by Cabinet at the meeting held at least a week prior to the scheduled Council meeting.

The Explanatory Note must be submitted to the Cabinet Office by 5pm on the Thursday a week prior to a scheduled Executive Council meeting.

For example, if a Council meeting is scheduled for Monday 9 July then the Explanatory Note to Cabinet must be considered at the Cabinet Meeting of Monday 2 July at the latest and would therefore need to be submitted to the Cabinet Office by Thursday 28 June.

2.7.2 Executive Council items

Executive Council documents must be submitted to the Council Secretariat by Monday 5pm the week before each Council meeting (or as stated in the notice of scheduled meeting) which, using the example above, would be 5pm on 2 July for a 9 July meeting. Documents received by the Council Secretariat after close of business on the Monday are, in general, deferred to the next meeting.

As noted in [Section 2.1.2](#), urgent items may be listed for a Special Meeting of the Executive Council if approved by the Premier and if there is sufficient time for the Council Clerk to brief the Governor (at least 24 hours prior to the Special Meeting).

It is important that departments and Ministerial Offices make sufficient advance arrangements to ensure that Executive Council documents for submission to a particular Council meeting are signed by the responsible Minister and provided to the Council Secretariat before the deadline for that meeting.

Departments are not to hold on to documents in anticipation of a meeting being held on a regular day and time. The documents are to be forwarded to the Council Secretariat as soon as they have been signed by the Minister concerned. Wherever possible, final documents must be hand delivered to the Council Secretariat.

2.7.3 Example timeline

MON	TUES	WED	THURS	FRI
25	26	27	28 Explanatory Note due by 5pm.	29
02 Explanatory Note or Appointment Briefing considered by Cabinet. Executive Council package due by 5pm.	03 <i>Package review and addressing errors or missing documents, if required.</i>	04 Council Clerk to brief the Governor.	05 <i>Addressing queries and requests for additional information, if required.</i>	06 Meeting papers provided to Hobart Ministerial Offices.
09 Meeting day. Council Clerk processes and returns approved paperwork to Minister's Offices or OPC.	10	11	12	13

3. Preparing Executive Council Documents

Before submitting a matter to the Executive Council, it is important to confirm that a submission is required under relevant legislation. On occasion items are sent to the Council Secretariat under the assumption that the Governor-in-Council must be involved, when in fact the Minister has the authority to handle the matter.

Departmental officers must carefully review the relevant sections of the legislation to determine who has the appropriate authority. Only matters that require action by the Governor are to be submitted to the Executive Council. If there is any uncertainty, officers are to seek advice from the Executive Council Secretariat or the Solicitor-General.

In the event that a matter is required to be submitted to the Executive Council, the documents follow a standard pattern:

- an Executive Council Explanatory Note for Cabinet (if required); and
- an Executive Council Minute submitting the proposed course of action for the Governor-in-Council with the following documents in the package:
 - an Explanatory Memorandum describing the legal authority for the action to be taken and providing a description of that action and the reason for taking it; and
 - in many cases, a formal document (for example regulations, proclamations and instruments of appointment) to be executed by the Governor-in-Council.

The package of documents prepared for the Executive Council's consideration is generally referred to as an 'Executive Council Minute', although technically the Minute is only part of the documentation. Each package constitutes a recommendation for approval by the Governor-in-Council.

While the format of Minutes, Explanatory Memoranda and supporting documents follow a standard pattern, these documents vary according to the specific matter being submitted for consideration. There is a range of material that goes to the Executive Council, including regulations, proclamations, orders and notices. These types of documents are described in more detail in [Section 4](#).

Each package may have a departmental number allocated to it by the relevant department. Further information about the numbering is provided in [Section 6](#).

The Council Secretariat is available for consultation and review of the draft documents prior to a department obtaining its Minister's approval and signature on the documents. This is best achieved by the department contacting the Council Secretariat and forwarding the draft documents by email (executive.council@dpac.tas.gov.au) as well as the name and telephone number of the contact officer. In most cases, suggested amendments to the draft documents can be settled quickly in discussion with the contact officer and/or by return email.

Review of the drafts by the Council Secretariat does not absolve departments from responsibility for the accuracy and completeness of the final documents, both in terms of content and presentation. When finalising the documents departments must undertake a thorough and final check of the draft documents to avoid common mistakes such as spelling errors, formatting errors, incorrect cross referencing and inconsistencies.

Final documents must be presented to a high standard — they must be clean, single-sided, loose pages with no extra marks, holes or tears, and must not be stapled or bound (exceptions include subordinate legislation such as the documents produced by OPC).

A checklist has also been prepared to assist departments in compiling the necessary documents. This checklist is provided in [Section 5](#).

3.1 Executive Council Minute

An Executive Council Minute is a formal document used to set out recommendations and record decisions made by the Executive Council.

The Minute, once signed by the responsible Minister, constitutes a recommendation from the Executive Council to the Governor.

3.1.1 Format

The standard Executive Council Minute is to be used. An image of the Minute is provided at [Appendix 7.3](#). An electronic word version can be downloaded from the Secretariat's website at [Department of Premier and Cabinet - Executive Council Secretariat](#).

When drafting a Minute consideration must be given to the following:

- The Minute must be a concise and accurate summary of the matter for consideration and be consistent with the accompanying Explanatory Memorandum.
- Minutes must specify the legislative authority under which the approval is being sought by citing the enabling Act and, if a specific power is relied upon, the section of that enabling Act that contains the power.
- The wording must closely follow, or directly use, the language of the relevant Act. Exceptions are for subordinate legislation where the precise wording for the Minute is provided by OPC (refer to [Section 4.1](#)).
- Minutes must 'stand on their own' wherever possible, not simply refer to supporting attachments - that is the recommendation must be fully outlined in the body of the Minute. Minutes may refer to an accompanying instrument of appointment, if relevant.

- Minutes must include all relevant details (for example dates, names, terms of appointment).

3.1.2 Contents of Minutes

If OPC has prepared associated documents (for example regulations, proclamations and orders) the words provided by OPC for the Executive Council Minute must be used exactly as written.

Ensure that the content is no more than nine typed lines. The Minute must not include acronyms and other abbreviations.

3.1.3 Copies and signatures

The original Minute is an A4 document printed on A3 paper, which is folded in half to an A4 size to enable other documents to be enclosed (like a manilla folder). The original Minute must be signed by the responsible Minister directly above their signature block.

An unsigned A4 copy of the Minute is to also be included.

3.2 Explanatory Memorandum

Each Minute must be accompanied by an Explanatory Memorandum which must be able to stand alone.

The Memorandum ensures Council members are fully briefed and are able to give due consideration to the proposal. It explains the reason for and purpose of the action requested, the legal authority for that action and clearly states what is required of the Governor and what the Governor is being asked to do.

The Memorandum does not usually refer to the policy reasons for the action as the Governor relies on the advice of the Minister.

3.2.1 Format

The standard Explanatory Memorandum format is to be used. An image of the Memorandum is provided at [Appendix 7.4](#). An electronic word version can be downloaded from the Secretariat's website at [Department of Premier and Cabinet - Executive Council Secretariat](#).

The Memorandum is to explain the need for, and effect of, the action being recommended to the Governor. The Memorandum is to include the following matters:

- a clear statement of precisely what it is the Governor is being asked to approve;
- a reference to and citation of the source of the power in the legislation that enables the Governor to take the action;
- particulars of any conditions in the legislation that need to be satisfied before that power can be exercised; and
- explicit assertions by the Minister stating how those conditions have been satisfied (this may require accompanying documentation, for example a recommendation of another Minister or a Board).

If the prerogative powers of the Crown are being relied upon as the appropriate authority for a matter, then that must be stated in the Memorandum, e.g. Letters Patent. If there is any doubt as to the authority being relied upon for a matter, then the department is to first seek advice from the Council Secretariat and/or the Solicitor-General.

It is important that the Governor is aware if legal advice has been obtained. If written advice has been sought then a copy of the relevant correspondence seeking the advice, including the Solicitor-General's reply, must be included in the Governor's information. This correspondence and response is to also be referred to in the Explanatory Memorandum.

Accuracy and currency in references, such as to legislation or to the names of departments is also important to ensure that the validity of Executive Council documents is not called into question. The Memorandum must use clear and simple language, as the Governor and most Executive Councillors may not have the same background or detailed knowledge as the responsible Minister. A decision to approve the recommendations in a Minute must be able to be made solely on the documentary evidence provided.

An Explanatory Memorandum is to be two or less pages in length. If a more detailed explanation is necessary (for example for complex regulations) that information is to be included as a separate attachment. If the text exceeds more than one page, the second page and subsequent pages are to be on the same headed paper as the first page – including the subject reference – and all pages are to be sequentially numbered.

3.2.2 Contents of Explanatory Memoranda

There is no standard wording that suits all cases. Each Memorandum must be tailored to reflect the specific powers and requirements set out in the relevant legislation.

The words used in the Executive Minute are to be replicated in the first part of the Explanatory Memorandum with the addition of "I recommend," at the beginning of the text in the Memorandum.

The following paragraph(s) generally deal with citing the authority for the action requested of the Governor, for example "Section 132 provides that the Governor may make

regulations for the purposes of the Act". In some instances where the statutory text for the authority is long or involved, it is possible to extract only the relevant part of the statutory text or, less preferably, paraphrase the nature of the authority.

If there is an urgency or an expiry date is approaching, for example re-appointments or expiring regulations, this is to be included in the Explanatory Memorandum.

3.2.3 Copies and signatures

The original Memorandum is an A4 size document. The front page and any subsequent page of the Memorandum must be initialled or signed by the responsible Minister in the designated space. No additional copies are required.

3.3 Supporting documents

Many matters submitted to the Executive Council require a formal enclosure of other documents such as regulations, rules, proclamations, orders and instruments of appointment. These enclosures are part of the package of documents prepared for Executive Council.

Further information about such supporting documents is provided in [Section 4](#).

3.4 Electronic signatures

Electronic signatures on Executive Council documents are acceptable provided the signature is applied by the responsible Minister themselves.

3.5 Signing when the responsible Minister is not available

If the responsible Minister is unavailable Section 25 of the [Acts Interpretation Act 1931](#) provides the power for a Minister to act for and on behalf of another Minister and, therefore, there is no formal appointment documentation.

This section does not apply to the Ministerial portfolio of Attorney-General (as distinct from the Minister for Justice) because of the special provision in section 8C of the [Constitution Act 1934](#) for the appointment by the Governor of another Minister as Acting Attorney-General.

In relation to the ministerial portfolio of the Premier it is the longstanding practice for another Minister (usually the Deputy Premier) to be appointed as Acting Premier (a requirement under Clause VII of the *Letters Patent Constituting the Office of Governor*) to enable Executive Council meetings to be convened and to clarify who is the 'acting Chief Minister' (which may be necessary for a range of constitutional purposes) to act in the ministerial portfolio of Premier in the absence of the incumbent.

The signature blocks used in the case of an acting Minister are detailed in [Appendix 7.1](#).

3.6 Signing when the Governor is unable to preside

In the event that the Governor is absent from Office and is therefore unable to preside at an Executive Council meeting then arrangements are made for the Lieutenant-Governor or Deputy Governor to assume administration of the government of the State so that they can preside. In the rare case that the Lieutenant-Governor or Deputy Governor is also unavailable an Administrator will assume administration of the government of the State.

Details of the appropriate wording to use on official documents in such cases are provided in [Appendix 7.1](#).

3.7 Alterations to documents

If any alteration to an Executive Council document is required and it is not possible to have the documents retyped or reprinted, the alteration may be made by striking out the words to be deleted and inserting the required words in their place. Any alteration is to be initialled by the Minister who has signed the Council documents.

4. Supporting Documents

There is a range of documents that go to the Executive Council for Governor-in-Council approval, including:

- proclamations for the commencement of Acts or provisions of Acts;
- regulations, rules, by-laws, orders and notices that are required for the enabling Act to operate as desired;
- instruments of appointment; and
- miscellaneous matters where an enabling Act requires the specific approval of the Governor.

Broadly this material can be categorised as:

- (i) statutory rules and subordinate legislation;
- (ii) statutory appointments and resignations; and
- (iii) other statutory items such as messages to the Public Works Committee.

Further information on preparing documents in respect to categories (i) and (ii) is outlined below. For information about category (iii) documents please contact the Council Secretariat.

4.1 Statutory Rules and Subordinate Legislation

Statutory rules are legislative instruments made under the authority of Acts to activate, expand on, support or give more detailed effect to the powers provided by the enabling Act. Statutory rules can play a useful part in a legislative scheme by:

- prescribing detail that would clutter the primary legislation;
- giving the scheme a measure of flexibility and responsiveness (particularly for matters such as fees, forms and minor administrative procedures); and
- relieving the legislature of the need to be directly involved with each and every minor adjustment in the legislative scheme.

The essential feature of statutory rules is that nearly all of them are made under, and derive their entire authority from, delegated Parliamentary power authorised by an Act. This is why statutory rules are often generally referred to as subordinate legislation. However, care is to be taken with these terms because not every item of subordinate legislation is a statutory rule and, in some contexts, both terms have a very precise technical meaning. Further information is provided in OPC's Manual for the Preparation of Statutory Rules³.

³ Department of Premier and Cabinet - [Office of Parliamentary Counsel](http://www.dpac.tas.gov.au/divisions/opc) (www.dpac.tas.gov.au/divisions/opc)
Executive Council Handbook | August 2025

Under the [Rules Publication Act 1953](#) statutory rules include regulations, rules, by-laws, orders, notices and proclamations. Whether a statutory instrument is classified as subordinate legislation depends on the provisions of the enabling Act. For example, an enabling Act may provide for a statutory instrument to be made by an entity (for example, a board) but require the instrument to be approved (or consented to) by the Governor-in-Council. Under the [Subordinate Legislation Act 1992](#) the instrument is subordinate legislation.

OPC drafts all proposed subordinate legislation that are statutory rules, within the meaning of the [Rules Publication Act 1953](#), and all subordinate legislation that requires certification under the [Subordinate Legislation Act 1992](#), on instructions from the responsible department. OPC may also advise on some of the procedures involved in submitting the statutory rules to the Executive Council and the words to be used in the Executive Council Minute for the subordinate legislation.

If the Minute is proposing that subordinate legislation be made, the draft words and format are provided by OPC. That draft **must** be reproduced **exactly** on to the Minute Paper - including prose, format, punctuation, italics, numerals, etc.

If there are concerns with the draft provided by OPC, for instance if it is thought that an error is in the draft, then clarification is to be sought from the relevant drafter in OPC and, if necessary, the drafter will provide a fresh draft.

Furthermore, the Department of Treasury and Finance's Economic Policy and Reform Unit has guidance online⁴ to be used by departments that involved in the preparation of subordinate legislation that falls under the [Subordinate Legislation Act 1992](#). The requirements set out in the Handbook must be strictly adhered to. The certificates provided by the Unit must be part of the Executive Council documents and reference must be made to the certificates and OPC's advice in the Explanatory Memorandum.

When preparing an Explanatory Memorandum for a statutory rule reference must be made to any statutory conditions for the exercise of the power having been satisfied, for example in relation to statutory rules/documents under the [Subordinate Legislation Act 1992](#).

There is a range of statutory rules/subordinate legislation required to be considered by the Governor-in-Council, including regulations, proclamations, orders, notices and management plans. Further information about such documents is outlined below.

⁴ Department of Treasury and Finance – [Economic Policy and Reform](#)
(<https://www.treasury.tas.gov.au/economy/economic-policy-and-reform/subordinate-legislation-act-1992>)

4.1.1 Regulations, rules and by-laws

Regulations are the most common form of subordinate legislation. They are legally binding rules made by the Governor-in-Council with the authority of Parliament under an enabling Act. Regulations contain a structured set of provisions that detail how an enabling Act is to be implemented or enforced.

In addition to regulations, an enabling Act may empower the Governor to make rules and by-laws. Unless otherwise specified in an enabling Act, this Section would also apply to rules and by-laws made by the Governor under an enabling Act.

Regulations must:

- be within the limits of power specified in the enabling Act to make regulations;
- comply with any preconditions set out in the enabling Act, such as consultation with specified office-holders or bodies;
- be consistent with the purpose and intent of the enabling Act; and
- not confer discretionary power, unless the enabling Act allows this sort of delegation.

The Governor is empowered to make regulations under a wide range of legislation. Usually the regulation-making power in legislation is a general provision that specifies all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed, for the purposes of the Act.

In some cases, a specific provision of an enabling Act may also specify the particular matters that may be dealt with in the regulations. If an Act uses the word “prescribed” in respect of a matter, it means that the matter may be specified in regulations made under that Act.

Regulations are legislative instruments and are prepared by OPC on instruction from the department that is responsible in relation to the administration of the enabling Act. Regulations dealing with matters not within the regulation-making power of the principal legislation are invalid. OPC will refuse to draft subordinate legislation if the proposed legislation is not within power.

Papers submitted to the Executive Council regarding regulations are to consist of:

- Executive Council Minute (signed by the Minister);
- Executive Council Explanatory Memorandum (initialled by the Minister);
- Regulations (3 copies as provided by OPC – one signed (but not dated) by the Minister directly above the Minister’s signature block and two unsigned copies);
- Certificate of Compliance (signed by the Minister and is commonly referred to as the Minister’s Certificate), except when the Department of Treasury and Finance issues a section 6(a) certificate under the [Subordinate Legislation Act 1992](#) (see below);

- Original certificate issued by the Secretary, Department of Treasury and Finance in relation to section 5(1A) or 6(a) of the [Subordinate Legislation Act 1992](#); and
- Original advice given by the Chief Parliamentary Counsel under section 7(2) of the [Subordinate Legislation Act 1992](#).

OPC provides wording for a draft of the Executive Council Minute for regulations drafted by OPC. This wording is to be replicated in the Explanatory Memorandum with the addition of "I recommend, " at the beginning of the text in the Memorandum.

The Memorandum is to also explain the need for, and the effect of, the action being recommended to the Governor (i.e. the making of regulations). In many instances a simple and concise description of the intended effect of the proposed regulations and the problems they are designed to overcome is sufficient if the provisions themselves are self-explanatory.

The Memorandum is to also state whether or not the enabling Act specifies any conditions that need to be met before the Governor makes the proposed regulations. If there are conditions to be met before the regulations may be made (such as a recommendation or request by a particular entity), those conditions must be detailed and the responsible Minister must also provide a signed certificate (Certificate of Compliance/Minister's Certificate) to the effect that those conditions have been met.

4.1.2 Orders

Some orders must be made by the Governor-in-Council. These orders are also usually drafted by OPC.

Papers submitted to the Executive Council regarding orders are to consist of:

- Executive Council Minute (signed by the Minister);
- Executive Council Explanatory Memorandum (initialled by the Minister);
- a copy of the advice from OPC (if the order is drafted by OPC); and
- three copies of the order – one of which has been signed by the relevant Minister directly above the Minister's signature block.

OPC provides wording for a draft of the Executive Council Minute for orders drafted by OPC. This wording is to be replicated in the Explanatory Memorandum with the addition of "I recommend," at the beginning of the text in the Memorandum. The documents submitted must include:

- reference to the precise provisions of the Act or power pursuant to which the order is made;
- a brief summary of the purpose of the order; and
- a statement that any statutory preconditions that need to be met have been met.

4.1.3 Notices

Some official notices must be issued by the Governor-in-Council.

Papers submitted to the Executive Council regarding notices are to consist of:

- Executive Council Minute (signed by the Minister);
- Executive Council Explanatory Memorandum (initialled by the Minister);
- a copy of the advice from OPC (if the notice is drafted by OPC);
- three copies of the notice – one of which has been signed by the relevant Minister directly above the Minister’s signature block; and
- any other supporting material.

OPC provides wording for a draft of the Executive Council Minute for notices drafted by OPC. This wording is to be replicated in the Explanatory Memorandum with the addition of “I recommend, ” at the beginning of the text in the Memorandum. The documents submitted must include:

- a reference to the precise provisions of the Act or power pursuant to which the notice is issued;
- a brief summary of the purpose of the notice; and
- a statement that any statutory preconditions that need to be met have been met.

4.1.4 Proclamations

A proclamation is an official public notice of something by a person in authority. An Executive Council Minute may recommend to the Governor that the Governor issue a proclamation under an enabling Act, for example to fix the date of commencement of provisions of an Act or to declare an area of reserved land.

Papers submitted to the Executive Council regarding proclamations are to consist of:

- Executive Council Minute (signed by the Minister);
- Executive Council Explanatory Memorandum (initialled by the Minister);
- a copy of the advice from OPC (if the proclamation is drafted by OPC); and
- three copies of the Proclamation as provided by OPC – one of which has been signed by the relevant Minister directly above the Minister’s signature block.

OPC provides wording for a draft of the Executive Council Minute for proclamations drafted by OPC. This wording is to be replicated in the Explanatory Memorandum with the addition of “I recommend, ” at the beginning of the text in the Memorandum.

The Explanatory Memorandum for a proposed proclamation must explain the purpose and effect of the proclamation. There are different types of proclamations such as:

- a proclamation to commence the whole, or a specified part, of an Act; or
- a proclamation creating a new area of reserved land or altering the boundaries of such an area of land;
- a proclamation varying controls on the use of land; and
- declarations relating to public infrastructure, such as roads.

4.1.5 Management Plans authorised under legislation

Due to the infrequency and the often unique nature of statutory management plans that go to the Executive Council, please contact the Council Secretariat during the finalisation of the documents.

OPC, as a general rule, does not draft these management plans.

4.2 Appointments

4.2.1 Appointments and acting appointments

Statutory appointments or appointments to statutory authorities, such as Chair or Member of a board, are made by the Governor on the advice of the Executive Council, as required by legislation.

If Cabinet endorsement is needed, it must occur before the appointment is recommended to the Governor and prior to the expiration of the current term.

In general, an appointment takes effect on the date specified in the instrument of appointment. This may be on the date of approval (that is the date of the Executive Council meeting) or a future date.

4.2.2 Contents of an Appointment package

Packages submitted to the Executive Council regarding appointments are to consist of:

- Executive Council Minute (signed by the Minister);
- Executive Council Explanatory Memorandum (initialled by the Minister): and
- the instrument of appointment (if applicable).

If an instrument of appointment is submitted as part of a recommendation for appointment, it must also be signed by the responsible Minister but not dated.

If multiple appointments are being made to the same body then one Executive Council Minute may be used for all the appointments.

The Explanatory Memorandum for a proposed appointment is to:

- identify the name of the person to be appointed, and the position title and commencement date for the proposed appointment;
- indicate whether provision is made for a specific number of appointees to the relevant body and how many other appointments, if any, are required to reach the full complement;
- state whether or not the statutory provision under which the proposed appointment is to be made sets out specific criteria to be met by the appointee and, if it does, provide information confirming that the proposed appointee meets those criteria, e.g. years of experience, place of employment and/or level of expertise;
- indicate whether there are any statutory limitations, such as time limits, that apply in respect of the proposed appointment; and
- indicate, if the proposed appointment is a re-appointment, when the person's current term of office expires, and if there are any limitations to the re-appointment.

There are different types of appointments that can be made by the Governor. Generally, the same words in the Executive Council Memorandum are used as those that appear in the Executive Council Minute with the words "I recommend," added at the beginning of the Memorandum.

Care is to be taken to follow the provisions of the enabling legislation, for example:

- if the legislation provides that an appointment is to be made for a term determined by the Governor, the term must be specified in the Minute, the Explanatory Memorandum and the instrument of appointment;
- if the legislation specifies a qualification or condition precedent to the appointment, the Explanatory Memorandum must include an assurance that the requirement has been satisfied;
- if the legislation provides for the Governor to determine the terms and conditions of the appointment they must be mentioned in the Minute, set out in the instrument of appointment (or in a separate Schedule to the instrument of appointment) and explained in the Explanatory Memorandum;
- the legislation may specifically refer to the need for an appointment to be made 'by an instrument in writing'; and
- if the legislation provides that acting appointments may be made by the Governor during any period(s) when the office is vacant or the office-holder is absent or not available, the Minister may recommend to the Executive Council that standing acting arrangements be made by the Governor in relation to the office to come into effect on the occurrence of the specified circumstances (for example the appointment of person B to act when person A (the office-holder) is absent).

If supporting documentation is required, such as in the case of a Government Business Enterprise (GBE) appointment, which requires a joint recommendation for an appointment to be signed by both portfolio Ministers, that documentation must be provided.

4.3 Resignations and terminations

Before submitting an item to the Council Secretariat in respect of a resignation or termination, departments are to ensure that resignations and terminations are given effect in accordance with any special terms and conditions of employment applicable, bearing in mind that such terms and conditions may often be found in documents such as employment contracts rather than in the enabling legislation for the appointment.

4.3.1 Resignations

If legislation is silent on how a resignation may be tendered it is desirable for an office-holder appointed by the Governor to tender the office-holder's resignation in writing through the Executive Council for Governor-in-Council acceptance. Section 21(2) of the [Acts Interpretation Act 1931](#) provides that an office-holder may resign from an office in writing addressed to the person who appointed the office-holder.

Resignations must be submitted by the responsible Minister as an Executive Council item for consideration by the Governor at an Executive Council meeting.

Packages submitted to the Executive Council regarding resignations are to consist of:

- the Minute;
- the Explanatory Memorandum; and
- a resignation letter from the office-holder addressed to the Governor.

In general, a resignation takes effect:

- if no date is specified in the letter, on the date of receipt by the Governor; or
- if a prospective date of resignation is specified, on that date.

It is important that letters of resignation are not drafted in such terms as to make the resignation conditional on some other event occurring, for example an appointment to another office.

4.3.2 Terminations

Departments must check each particular case to ensure that termination is not sought in cases where resignation is more appropriate. Care is to be taken in all cases of termination to ensure that natural justice and procedural fairness have been properly exercised and evidence of such a proper exercise of power is demonstrated in the advice from the Minister within the Explanatory Memorandum to the Governor.

If there is any doubt as to whether the Governor-in-Council has the authority to terminate on the advice on the responsible Minister, then the department must seek advice from the Solicitor-General and/or the Council Secretariat. For more information on Solicitor-General advice on Executive Council items, please refer to [Section 1.9](#).

Further information can be obtained by contacting the Council Secretariat.

5. Checklist for Executive Council Documents

[Downloadable version of the Checklist](#)

All documents must be provided single sided and unstapled.

Executive Council Explanatory Note to Cabinet

- one A4 – signed by the Minister (not required for appointments if an appointment briefing has already been provided, resignations or proclamations)

NOTE: this is a Cabinet document (Cabinet-in-Confidence) and is to be provided the Cabinet Office.

Executive Council Minute

- one A3 original – signed by the Minister (used as the ‘folder/wrap around’ for all the other documents to be included)
- one A4 copy – not signed
- signature block must only include the relevant Ministerial portfolio
- relevant department listed
- correct dates quoted in the body of the text
- document not to be dated
- not hole punched or stapled

Executive Council Explanatory Memorandum

- one A4 original – each page initialled by the responsible Minister
- the section of legislation quoted has been checked against relevant Act
- relevant department listed
- the ‘subject’ heading clearly identifies the matter to be addressed
- for statutory rules/ subordinate legislation (for example regulations, proclamations, orders and notices) attachments are listed
- correct dates quoted in the body of the text
- if the document is more than a page long then the second and subsequent pages are to be on the same headed paper as the first page including the subject reference
- all the pages are to be sequentially numbered
- single sided
- document not to be dated
- not hole punched or stapled

Supporting documents

Regulations

- one copy of the regulations signed (but not dated) by the Minister directly above the Minister's signature block
- two unsigned copies of the regulations
- original advice given by the Office of Parliamentary Counsel under section 7(2) of the [Subordinate Legislation Act 1992](#)
- original certificate issued by the Secretary of the Department of Treasury and Finance in relation to section 5(1A) or 6(a) of the [Subordinate Legislation Act 1992](#)
- one signed Certificate of Compliance by the Minister if Treasury has issued a certificate under section 5(1A) of the [Subordinate Legislation Act 1992](#)

Proclamations

- one copy of the proclamation signed by the Minister directly above the Minister's signature block
- two unsigned copies of the proclamation
- original advice given by the Office of Parliamentary Counsel (if drafted by OPC)

Orders

- one copy of the order signed by the Minister directly above the Minister's signature block
- two unsigned copies of the order
- original advice given by the Office of Parliamentary Counsel (if drafted by OPC)

Appointments

If appropriate:

- instrument of appointment signed by the Minister
- certificate signed by both portfolio Ministers in the case of a Government Business Enterprise
- other relevant supporting documentation for the appointment – often a schedule

Management Plans

- three copies of the plan (one for the Governor, one for the agency and one for the Executive Council's records)

Resignations

- original or copy of letter of resignation

6. Registers Kept by Departments

Departments submitting Executive Council Minutes may keep a Register that contains the Department Minute Number, the subject of the Minute and the date submitted.

Departments are to commence a new series of Minute numbers for each calendar year and they are to be numbered consecutively from the beginning of the year.

The Department Minute Number is to be typed by the Department on the top right hand corner of each Minute paper (folded sheet). The same Minute number must also be inserted in the accompanying Explanatory Memorandum.

If, for any reason, a Minute is not approved by the Executive Council the department will record the Meeting and Minute Numbers and the reasons for non-approval. The reason for non-approval will be provided by the Executive Council's Secretariat/Council Clerk.

If a Minute that is not approved by the Executive Council is subsequently re-submitted it is to be treated as a new one and given a new Minute number.

7. Appendices

7.1 Signature blocks and forms of address

7.1.1 A Minister acting for and on behalf of another Minister

A Minister acting for and on behalf of another Minister is commonly known as an 'Acting Minister'.

Ministerial signature blocks in acting situations are to include:

- The title of the Acting Minister. This identifies that the person signing the official document is a Minister. If the Acting Minister has more than one portfolio, then only use the relevant title.
- Immediately after (or below) the acting Minister's title, all of the following words in lower case:

“acting for and on behalf of the”

- After (or below) the above phrase, of the relevant portfolio title of the responsible Minister to whom the official document relates. Where long ministerial titles are involved they must be fully and correctly shown.
- Ministers must not sign using the term 'Acting Minister'

Sample signature blocks

The use of upper or lower case and bold type for ministerial titles can be varied according to the style of the official document and the preference of the Minister.

For a Minister acting for and on behalf of another Minister:

Joe Smith

PREMIER acting for and on behalf of the
MINISTER FOR ECONOMIC DEVELOPMENT

Or

Joe Smith

PREMIER

acting for and on behalf of the

MINISTER FOR ECONOMIC DEVELOPMENT

David Brown

MINISTER FOR ENVIRONMENT, PARKS AND HERITAGE

acting for and on behalf of the

MINISTER FOR ECONOMIC DEVELOPMENT

7.1.2 Premier and Attorney-General

[Section 3.5](#) outlines the special provisions relating to the appointments of an acting Premier and acting Attorney-General.

Sample signature blocks

The use of upper or lower case and bold type for ministerial titles can be varied according to the style of the official document and the preference of the Ministers.

For the acting Premier:

John Citizen

ACTING PREMIER

For the acting Attorney-General:

Greg Jones

ACTING ATTORNEY-GENERAL

7.1.3 Forms of address

(i) Reference to the Governor

The correct form of address is:

"Her/His Excellency The Honourable [FULL NAME], Companion of the Order of Australia, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia".

However, if the Governor's title is used in the first person in documents the words "Her/His Excellency" are omitted and it would commence as follows:

"Now therefore I, The Honourable [FULL NAME]..."

Short title:

Her/His Excellency The Honourable [FULL NAME], AC, Governor of Tasmania.

The signature block is:

GOVERNOR

(and justified to the right margin as shown)

(ii) Reference to the Lieutenant-Governor

The Executive Council Minute Paper is to express the phrase:

"...Lieutenant-Governor-in-Council..." in lieu of the "Governor-in-Council" in the heading and the first paragraph of text.

The Executive Council Explanatory Memorandum is to express the phrase:

"...Lieutenant-Governor-in-Council..." in lieu of "Governor-in-Council" in the first paragraph of the text.

The full style and title of the Lieutenant-Governor to be used in instruments of appointment is:

Her/His Excellency the Honourable [FULL NAME], Lieutenant-Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia.

If the Lieutenant-Governor's title is used in the first person in documents the words "Her/His Excellency" are omitted and it would commence as follows:

"Now therefore I, The Honourable [FULL NAME], Lieutenant-Governor...."

Short title:

Her/His Excellency The Honourable [FULL NAME], Lieutenant-Governor..."

The signature block is:

LIEUTENANT-GOVERNOR

(and justified to the right margin as shown)

(iii) Reference to the Administrator

The Executive Council Minute Paper is to express the phrase:

"...Administrator-in-Council ..." in lieu of "Governor-in-Council" in the heading and the first paragraph of text.

The full style and title of the Administrator to be used in instruments of appointment is:

Her/His Excellency the Honourable [FULL NAME], Administrator in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia.

If the Administrator's title is used in the first person in documents the words "His/Her Excellency" are omitted and it would commence as follows:

"Now therefore I the Honourable [FULL NAME], Administrator...."

Short title:

Her/His Excellency The Honourable [FULL NAME], Administrator..."

The signature block is:

ADMINISTRATOR

(and justified to the right margin as shown)

7.2 Executive Council Explanatory Note for Cabinet

[Template for Executive Council Explanatory Note](#)

Cabinet-in-Confidence

Executive Council Explanatory Note

Title

[This must be the title of the relevant Executive Council Minute]

Purpose

[A short statement of the purpose which may be an extract from the Executive Council Memorandum or Minute]

Background

- [Statements (if any) about the reasons for the Minute or an explanation of policy being implemented by the Minute]
- [Must not include or reference attachments]

[Signature]

[Name of Premier/Minister]

[Portfolio]

Date: Click or tap to enter a date.

7.3 Executive Council Minute

[Template for Executive Council Minute A3 wrap](#)

[Template for Executive Council Minute A4](#)

EXECUTIVE COUNCIL
Meeting No. of
Minute No.

MINUTE PAPER

FOR

HER EXCELLENCY THE GOVERNOR-IN-COUNCIL

Department of [INSERT DEPARTMENT NAME]

SUBMITTED

Under the provisions of section (*quote relevant section*) of the (*quote name of relevant Act*) that Her Excellency the Governor-in-Council be pleased to etc...

[Font must be Arial, size 12]

MINISTER FOR [PORTFOLIO]

**GOVERNOR-IN-COUNCIL
APPROVES**

Clerk of the Executive Council

Date:

Departmental reference no:

7.4 Executive Council Explanatory Memorandum

Template for Executive Council Explanatory Memorandum

Meeting No. of

Minute No.

EXECUTIVE COUNCIL
EXPLANATORY MEMORANDUM
DEPARTMENT OF (INSERT DEPARTMENT NAME)

Subject: **(INSERT TITLE)**

I recommend that under the provisions of section (*quote relevant section*) of the (*quote name of relevant Act*) that Her Excellency the Governor-in-Council be pleased to etc...

Section (*quote relevant section or sections of the Act identifying Governor's authority to approve action recommended*).

[Font must be Arial, size 12]

Initial/Signature:
Minister to initial every page of the original

Page 1 of 1
Departmental reference no.: