



**LETTERS PATENT CONSTITUTING THE
OFFICE OF GOVERNOR-GENERAL OF NEW ZEALAND**

ELIZABETH R.

ELIZABETH THE SECOND, by the Grace of God Queen of New Zealand and Her Other Realms and Territories, Head of the Commonwealth, Defender of the Faith:

To all to whom these presents shall come, Greeting:

Recites WHEREAS by certain Letters Patent under the Great Seal of the United Kingdom Letters Patent bearing date at Westminster the 11th day of May 1917, His late Majesty King George of 11 May the Fifth constituted, ordered, and declared that there should be a Governor-General 1917. and Commander-in-Chief in and over the Dominion of New Zealand:

Recites AND WHEREAS by certain Letters Patent under the Great Seal of the United Letters Patent Kingdom bearing date at Westminster the 18th day of December 1918, His late of 18 Majesty King George the Fifth made other provision for the publication and the December coming into operation of the said Letters Patent bearing date the 11th day of May 1918. 1917, in lieu of the provision made in the Fifteenth Clause thereof:

Recites Royal AND WHEREAS at the Court at St James's on the 11th day of May 1917, His late Instructions Majesty King George the Fifth caused certain Instructions under the Royal Sign of 11 May Manual and Signet to be given to the Governor-General and Commander-in-Chief: 1917.

Recites AND WHEREAS at the Court at St. James's on the 23rd day of July 1917, His late Dormant Majesty King George the Fifth caused a Dormant Commission to be passed under the Commission of 23 July Royal Sign Manual and Signet, appointing the Chief Justice or the Senior Judge for 1917. the time being of the Supreme Court of New Zealand to administer the Government of New Zealand, in the event of the death, incapacity, or absence of the Governor-General and Commander-in-Chief and of the Lieutenant Governor (if any):

Recites AND WHEREAS, by Order in Council bearing date at Wellington the 26th day of Approval by September 1983, Our Governor-General and Commander-in-Chief of New Zealand, Executive acting by and with the advice and consent of the Executive Council of New Zealand, Council of has requested the issue of new Letters Patent revoking and determining the said draft of new Letters Patent bearing date the 11th day of May 1917, the said Letters Patent bearing Letters date the 18th day of December 1918, the said Instructions, and the said Dormant Patent. Commission, and substituting in place of the revoked documents other provision in the form of the draft of new Letters Patent set out in the First Schedule to that Order in Council:

Recites AND WHEREAS the said Letters Patent bearing date the 11th day of May 1917, Application of Letters the said Letters Patent bearing date the 18th day of December 1918, the said Patent, Royal Instructions, and the said Dormant Commission extend to the self-governing state of Instructions, the **Cook Islands** and to the self-governing state of **Niue** as part of the law of the and Dormant **Cook Islands** and of **Niue**, respectively:

Commission
to **Cook**
Islands and
Niue.

Recites AND WHEREAS approval of the said draft of new Letters Patent has been
Approval by signified on behalf of the Government of the **Cook Islands** and the Government of
Government of **Niue**:
of **Cook**
Islands and
Gouvernement
of **Niue** of
draft of new
Letters
Patent.

Effects NOW, THEREFORE, We do by these presents revoke and determine the said
Revocations. Letters Patent bearing date the 11th day of May 1917, the said Letters Patent bearing
date the 18th day of December 1918, the said Instructions, and the said Dormant
Commission, but without prejudice to anything lawfully done thereunder; and We do
hereby declare that the persons who are members of the body known as the Executive
Council of New Zealand immediately before the coming into force of these Our
Letters Patent shall be members of Our Executive Council hereby constituted as
though they had been appointed thereto under these Our Letters Patent.

AND WE do declare Our will and pleasure as follows:

Office of I. We do hereby constitute, order, and declare that there shall be, in and over Our
Governor- Realm of New Zealand, which comprises -
General and (a) New Zealand; and
Commander- (b) The self-governing state of the **Cook Islands**; and
in-Chief (c) The self-governing state of **Niue**; and
constituted. (d) **Tokelau**; and
(e) The Ross Dependency, -

a Governor-General and Commander-in-Chief who shall be Our
representative in Our Realm of New Zealand, and shall have and may
exercise the powers and authorities conferred on him by these Our
Letters Patent, **but without prejudice to the office, powers, or
authorities of any other person who has been or may be appointed
to represent Us in any part of Our Realm of New Zealand and to
exercise powers and authorities on Our behalf.**

Appointment II. And We do hereby order and declare that Our Governor-General and
of Governor- Commander-in-Chief (hereinafter called Our Governor-General) shall be appointed
General and by Us, by Commission under the Seal of New Zealand, and shall hold office during
Commander- Our pleasure.
in-Chief.

Governor- III. And We do hereby authorise and empower Our Governor-General, except as
General's may be otherwise provided by law,-
powers and
authorities.

(a) To exercise on Our behalf the executive authority of Our
Realm of New Zealand, either directly or through officers
subordinate to Our Governor-General; and

(b) For greater certainty, but not so as to restrict the generality
of the foregoing provisions of this clause. to do and execute in

like manner all things that belong to the office of Governor-General including the powers and authorities hereinafter conferred by these Our Letters Patent.

Manner in which Governor-General's powers and authorities are to be executed.

IV. Our Governor-General shall do and execute all the powers and authorities of the Governor-General according to -

(a) The tenor of these Our Letters Patent and of such Commission as may be issued to Our Governor-General under the Seal of New Zealand; and

(b) Such laws as are now or shall hereafter be in force in Our Realm of New Zealand or in any part thereof.

Publication of Governor-General's Commission.

V. Every person appointed to fill the office of Governor-General shall, before entering on any of the duties of the office, cause the Commission appointing him to be Governor-General to be publicly read, in the presence of the Chief Justice, or some other Judge of the High Court of New Zealand, and of Members of the Executive Council thereof.

Oaths to be taken by Governor-General.

VI. Our Governor-General shall, immediately after the public reading of the Commission appointing him, take -

(a) The Oath of Allegiance in the form for the time being prescribed by the law of New Zealand; and

(b) The Oath for the due execution of the office of Governor-General in the form following:

I,....., swear that I will duly and impartially serve Her [or His] Majesty [*Specify the name of the reigning Sovereign, as thus: Queen Elizabeth the Second*], Her [or His] heirs and successors, in the Office of Governor-General and Commander-in-Chief in and over Her [or His] Realm of New Zealand, comprising New Zealand, the self-governing state of the **Cook Islands**, the self-governing state of **Niue, Tokelau**, and the Ross Dependency, in accordance with their respective laws and customs. So help me God.

which Oaths the Chief Justice or other Judge in whose presence the Commission is read is hereby required to administer.

Constitution of Executive Council.

VII. And We do by these presents constitute an Executive Council to advise Us and Our Governor-General in the Government of Our Realm of New Zealand.

Membership of Executive Council.

VIII. The Executive Council shall consist of those persons who, having been appointed to the Executive Council from among members of Parliament in New Zealand, are, for the time being, Our responsible advisers.

[Note: this clause has been amended by clause 1 of the Letters Patent Amending Letters Patent Constituting the Office of the Governor-General of New Zealand dated 31 December 1986]

Quorum of Executive Council.

IX. The Executive Council shall not proceed to the despatch of business unless two Members at the least (exclusive of any Member presiding in the absence of Our Governor-General) be present throughout the whole of the meeting at which any such business is despatched.

Appointment of Members of Executive Council. X. And We do hereby authorise and empower Our Governor-General, from time to time in Our name and on Our behalf, to constitute and appoint under the Seal of New Zealand, to hold office during pleasure, all such Members of the Executive Council, Ministers of the Crown, Commissioners, Diplomatic or Consular Representatives of New Zealand, Principal Representatives of New Zealand in any other country or accredited to any international organisation, and other necessary Officers as may be lawfully constituted or appointed by Us.

Exercise of Prerogative of Mercy. XI. And We do further authorise and empower Our Governor-General, in Our name and on Our behalf, to exercise the prerogative of mercy in Our Realm of New Zealand, except in any part thereof where, under any law now or hereafter in force, the prerogative of mercy may be exercised in Our name and on Our behalf by any other person or persons, to the exclusion of Our Governor-General; and for greater certainty but not so as to restrict the authority hereby conferred, Our Governor-General may:

(a) Grant, to any person concerned in the commission of any offence for which he may be tried in any court in New Zealand or in any other part of Our said Realm to which this clause applies or to any person convicted of any offence in any such court, a pardon, either free or subject to lawful conditions; or

(b) Grant, to any person, a respite, either indefinite or for a specific period, of the execution of any sentence passed on that person in any court in New Zealand or in any other part of Our said Realm to which this clause applies; or

(c) Remit, subject to such lawful conditions as he may think fit to impose, the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Us on account of any offence in respect of which a person has been convicted by any court in New Zealand or in any other part of Our said Realm to which this clause applies.

Administrator of the Government. XII. Whenever the office of Governor-General is vacant, or the holder of the office is for any reason unable to perform all or any of the functions of the office, We do hereby authorise, empower, and command the Chief Justice of New Zealand to perform the functions of the office of Governor-General. If, however, there is for the time being no Chief Justice able so to act, then the President of the Court of Appeal shall be so authorised, empowered, and commanded, and, if there should be no President of the Court of Appeal able so to act, then the Senior Judge for the time being of the Court of Appeal, shall be so authorised, empowered, and commanded; such Chief Justice or President of the Court of Appeal or Senior Judge for the time being of the Court of Appeal, while he is performing all or any of the functions of the office of Governor-General, to be known as the Administrator of the Government; and in these Our Letters Patent every reference to Our Governor-General shall, unless inconsistent with the context, include a reference to Our Administrator of the Government.

Oaths to be taken by Administrator of the Government. XIII. The said Chief Justice or President of the Court of Appeal or the Senior Judge for the time being of the Court of Appeal shall, on the first occasion on which he is required to act as Administrator of the Government and before entering on any of the duties of the office of Governor-General, take the Oaths hereinbefore directed to be taken by Our Governor-General, which Oaths, with such modifications as are necessary, shall be administered by some other Judge of the High Court of New Zealand, in the presence of not less than two Members of the Executive Council.

Powers and XIV. While Our Administrator of the Government is performing all or any of the

- authorities of Governor-General not abridged.
- functions of the office of Governor-General, the powers and authorities of Our Governor-General shall not be abridged, altered, or in any way affected, otherwise than as We may at any time thereafter think proper to direct.
- Governor-General's absence.
- XV. Our Governor-General shall not depart from Our Realm of New Zealand -
- (a) On leave of absence for any period longer than one calendar month; or
- (b) For the purpose of visiting any other state in his capacity as Our representative in Our said Realm of New Zealand, -
- without first having obtained leave from Us for so doing, through the Prime Minister of New Zealand.
- Ministers to keep Governor-General informed.
- XVI. Our Ministers of the Crown in New Zealand shall keep Our Governor-General fully informed concerning the general conduct of the Government of Our said Realm, so far as they are responsible therefor, and shall furnish Our Governor-General with such information as he may request with respect to any particular matter relating to the Government of Our said Realm.
- Ministers and others to obey, aid, and assist Governor-General.
- XVII. Our Ministers of the Crown and other Officers, civil and military, and all other inhabitants of Our Realm of New Zealand, shall obey, aid, and assist Our Governor-General in the performance of the functions of the office of Governor-General.
- Power reserved to Her Majesty to revoke, alter, or amend the present Letters Patent.
- XVIII. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent as to Us or them shall seem meet.
- Present Letters Patent to have effect as law.
- XIX. And We do further declare that these Our Letters Patent shall take effect as part of the law of Our Realm of New Zealand, comprising New Zealand, the self-governing state of the **Cook Islands**, the self-governing state of **Niue**, **Tokelau**, and the Ross Dependency on the 1st day of November 1983.

IN WITNESS WHEREOF We have caused these Our Letters to be made Patent, and for the greater testimony and validity thereof We have caused the Seal of New Zealand to be affixed to these presents, which We have signed with Our Regal Hand.

GIVEN the 28th day of October in the Year of Our Lord One Thousand Nine Hundred and Eighty-three and in the 32nd Year of Our Reign.

By Her Majesty's Command.

[L.S.]

R. D. MULDOON,
Prime Minister of New Zealand.

Issued under the authority of the Regulations Act 1936.
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