

## Chapter 3

### GOVERNMENT AND ADMINISTRATION

#### GOVERNMENT IN TASMANIA

##### Historical Summary

In its short history, Tasmania has experienced diverse modes of government; beginning with autocratic rule, it graduated to responsible self-government as a British colony and finally surrendered some sovereign powers to take its place as an original State of the Australian Commonwealth.

The evolution of the system of bi-cameral responsible government within a Federal system falls into five distinct phases:

**1803-1825:** The island was part of the colony of New South Wales and its Lieutenant Governors and Commandants were subordinate to the Governor in Sydney.

**1825-1851:** On 14th July, 1825, Van Diemen's Land was created a separate colony with a Lieutenant Governor directly responsible to the Secretary of State in London. A nominated Legislative Council was established.

**1851-1856:** The passage of the *Australian Constitution Act* 1850 by the Parliament in London was followed by the establishment of a new Legislative Council in which sixteen members were elected and eight were nominees of the Lieutenant Governor; the newly constituted Council first sat on 1st January, 1852.

**1856-1901:** By the *Constitution Act* 1854, two Houses of Parliament, the House of Assembly and the Legislative Council were established, both houses being elected. The first Parliament sat on 2nd December, 1856 (the first year in which the island was officially called Tasmania) and subsequent representatives of the Crown carried the title of Governor.

**1901:** The Tasmanian Constitution has been limited by the establishment of the Commonwealth Constitution. (The *Commonwealth of Australia Constitution Act* 1900 granted legislative and executive powers upon certain specified matters to the Commonwealth Parliament and Government, some of them exclusively, and provision was made that, in the case of inconsistency of valid laws, the Commonwealth law should prevail.) In effect, the Parliament of Tasmania may make laws operative within the State upon all matters not within the exclusive power of the Commonwealth Parliament but, upon some of these matters, the Tasmanian law may be superseded by the passing of a Commonwealth Act. The Commonwealth Government was established in 1901.

##### Introduction

Government in Tasmania is exercised at three levels:

1. The Commonwealth, with authority based on a written constitution, and centred in Canberra.

2. The State, with residual powers and centred in Hobart.
3. The Cities and Municipalities, with authority derived from a State Act, and operating in forty nine sub-divisions of the State.

This chapter deals primarily with the State Government and with Tasmanian representation in the Commonwealth Parliament. The administration of the cities and municipalities is described in Chapter 4, "Local Government."

### **Tasmanian Representation in Commonwealth Parliament**

The Parliament of the Commonwealth of Australia consists of the Queen, a Senate and a House of Representatives. The Queen is represented in Australia by the Governor General.

#### *The Senate*

The founders of the Australian Constitution had in mind that the Senate should give expression to the interests of the States as partners in the federation; in other words, the Senate should be a States' House. Accordingly the proportional representation suggested by the varying populations of the States was disregarded, and it was provided that each State should be represented by six senators; the first Senate in the first Parliament comprised thirty-six members of whom six represented Tasmania. The numbers remained unchanged till the Commonwealth *Representation Act* 1948 when each State became eligible to elect ten senators.

The founders also envisaged the Senate as a House of Review and accordingly provided for continuity of membership by requiring only one-half of the Senate to retire every three years, and for each senator's term to be six years. If the normal pattern of three-yearly rotational retirement is broken by a double dissolution of both Houses, provision exists to elect a complete Senate with members divided into two equal classes: senators of the first class with a three-year term and senators of the second class with a six-year term. (The basis for this classification is the order in which the senators are declared elected.) After a normal rotational election, senators' terms commence from the following first day of July; in the case of an election for the whole Senate, terms commence from the first day of July preceding the election.

#### *The House of Representatives*

In designing the House of Representatives, the founders envisaged a legislative body representing the national interest and provided that the numbers of members chosen in the several States must be in proportion to population, but that no original State should have less than five members. The first House of Representatives in 1901 had 75 members of whom five were elected in Tasmania.

The *Representation Act* 1948 increased the Senate to 60 members and increased the House of Representatives to 122, although only 121 were elected from the States, the Northern Territory having had a representative since 1922. The present House of Representatives stands at 124 members, 122 from the States and two representing the Northern Territory and the Australian Capital Territory respectively. Throughout the whole period since Federation, Tasmanian representation has remained constant at five members.

Representation of the other States now is: N.S.W., 46; Victoria, 33; Queensland, 18; South Australia, 11; Western Australia, nine.

The term of office for a member of the House of Representatives is three years unless the House is dissolved earlier by the Governor General.

*Qualifications of Voters for Commonwealth Elections*

An elector on a Federal roll is entitled and required by law to vote both in elections for the House of Representatives and for the Senate. An elector is any person, male or female, aged at least twenty-one years who is a British subject, who has lived in Australia for six months continuously and whose name appears on the roll. Residence in an electoral sub-division for at least one month is necessary to enable a qualified person to enrol. Enrolment is compulsory.

*Qualifications of Candidates—Either Federal House*

Qualifications necessary for membership of either House of the Commonwealth Parliament are possessed by any British subject, twenty-one years of age or over, who has resided in the Commonwealth for at least three years and who is, or who is qualified to become, an elector of the Commonwealth.

*Disqualification as Elector or Member*

Grounds for disqualification as an elector include being of unsound mind, or being convicted and under sentence for offences punishable by imprisonment for a year or longer. Grounds for disqualification as a member of either House include these prohibitions and also the following: membership of the other House, being an undischarged bankrupt or insolvent, holding office of profit under the Crown (with certain exceptions), or having pecuniary interest in any agreement with the public service of the Commonwealth except as a member of an incorporated company of more than 25 persons.

*Senate (Tasmanian Members)*

The following lists the Senators for Tasmania and shows, in parenthesis, the years of retirement:

Devitt, D. M. (1971); Henty, The Hon. N. H. D. (1968); Lacey, R. H. (1971); Lillico, A. E. D. (1971); McKenna, The Hon. N. E. (1968); Marriott, J. E. (1971); O'Byrne, J. H. (1971); Poke, A. G. (1968); Turnbull, R. J. D. (1968); Wright, R. C. (1968).

*House of Representatives (Tasmanian Members)*

The following lists the Tasmanian members of the House of Representatives, and shows, in parenthesis, the division each represents:

Barnard, L. H. (Bass); Davies, R. (Braddon); Gibson, A. (Denison); Pearsall, T. G. (Franklin); Duthie, G. W. A. (Wilmot).

*Elections for the Senate*

In Senate elections, there are only six electorates, each State being an electorate. Electors are required to cast a vote for every candidate standing within the State in order of their preference, and election of members is carried out in accordance with the principles of proportional representation by the single transferable vote (see "Elections for House of Assembly" for a description of similar electoral principles). If a vacancy occurs in the Senate, the appropriate State Government nominates a replacement who sits until the next Commonwealth general election (either for the House of Representatives or for the Senate), when an election is held to fill the vacancy.

If a senator fills a vacancy through an election held at the same time as an election for the House of Representatives, his term will be the same as if the vacating member's term were to run its full course. If the vacant seat is contested at an ordinary Senate election, then six, instead of five candidates, will be elected in the State affected and the senator last elected will fill the vacancy for a term shorter than the full six years.

### *Elections for the House of Representatives*

The Commonwealth is divided into 124 single-member electorates and electors are required to cast a vote for every candidate standing within the electorate in order of their preference. Election of members is carried out in accordance with the principles of the absolute majority through use of the alternative vote (see "Elections for Legislative Council" for a description of similar electoral principles). If a vacancy occurs in the House of Representatives, it is filled by holding a by-election in the electorate concerned. The five Tasmanian electoral divisions are:—Denison, Franklin, Wilmot, Bass and Braddon.

### **Division of Powers**

Under the *Commonwealth of Australia Act* 1900, the State of Tasmania surrendered part of its sovereignty and it was possible, at that point in time, to classify the totality of powers to be vested in the Commonwealth and the State as follows:

1. Exclusive powers to be exercised by the Commonwealth alone.
2. Concurrent powers to be exercised both by the Commonwealth and the State (subject to the supremacy of Commonwealth law in cases of inconsistency of laws).
3. Residual powers to be exercised by the State.

In the sixty years following the establishment of the Commonwealth of Australia, there have been considerable changes in functions actually performed by the two Governments due to constitutional amendments and to inter-Governmental agreements affecting function. It will suffice, therefore, to list the main fields of activity of the Commonwealth Government today:

External affairs and diplomatic representation; maintenance of the armed forces; customs and excise; posts and telegraphs; control of broadcasting and television; control of civil aviation; repatriation of ex-servicemen; immigration; industrial arbitration for national industries; control of coinage and currency; oversea trade promotion; employment service; age, invalid and widows' pensions; national health benefits; federal territories and oversea dependencies; census and statistics; meteorological service; Commonwealth courts and police; control of banking; collection of sales and income taxes; housing assistance and war service homes; scientific and industrial research; management of State and National debt; lighthouses and navigation. (For a fuller treatment of this subject, the Constitution and the Commonwealth Year Book are recommended.)

The fields of activity of the Tasmanian Government are described in the section headed "State Departments and Authorities".

### **Governor**

#### *Introduction*

Democratic forms of government exhibit great variety but, with regard to the selection and role of the head of State, two clearly conflicting concepts can be discerned. In the American tradition, the head of State is elected and must

necessarily play an active role in party politics. In the British tradition, the head of State is the holder of an hereditary office and is expected to be above and beyond party politics.

Tasmania follows the British tradition and accepts, as head of State, Governors appointed by its Queen whose title is "Elizabeth the Second, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith".

### *Authority*

The Governor's authority is derived from Letters Patent (issued in 1900) under the Great Seal of the United Kingdom, from the Commissions of Appointment and from the Governor's Instructions issued under the Royal Sign Manual and Signet.

### *Powers and Duties*

The Governor summons and prorogues Parliament; in special circumstances he may dissolve it after considering the advice of his Premier. Bills which have passed all stages in Parliament are submitted to the Governor for his assent although there are some subjects which are specifically reserved for the Royal Assent (e.g. a Bill granting land or money to the Governor). He opens each session of Parliament by outlining the legislative programme of the Government which, irrespective of its party affiliation, he refers to as "My Government", but takes no other part in the sittings of either House.

His executive powers include the appointment of Ministers of the Crown, judges and other important State officers but not those whose appointments may be made under the *Public Service Act* or other State legislation. By appointing Ministers of the Crown, the Governor creates the Executive Council of the day and he is required by his instructions to be guided by the advice of this body. Should he feel it necessary to act against the advice of the Executive Council, he may do so but the reasons for such action must be immediately reported to the Queen. The Governor's relations with the Executive Council and with Cabinet are more fully discussed in the section headed "The Cabinet and Executive Government".

The Governor has the power to pardon, reprieve and remit sentences and fines. In capital cases, he is required to seek the advice of the Executive Council and, in other cases, the advice of at least one Minister.

He also has the power to appoint a deputy to act in his stead during his temporary absence from the seat of Government, whether within or outside the State. (In Tasmania, it is usual for the Chief Justice to act as Administrator of the Government in the absence of the Governor.)

Further reference to the Governor's discretionary powers will be found under the section headed "Dissolution of Parliament". The exercise of discretionary powers emphasises the Governor's position as one above and beyond party politics and, in extreme cases, provides a safeguard of the Constitution.

On all official State occasions, he performs the ceremonial functions as the representative of the Crown, and so becomes the focal point and the unifying symbol of the community.

*Present Governor*

All Tasmanian Governors since the first settlement have come from the United Kingdom, although Australians, in some other States and the Commonwealth, have held the vice-regal office.

The present Governor is Lieutenant-General Sir Charles Henry Gairdner, K.C.M.G., K.C.V.O., K.B.E., C.B., a former Governor of Western Australia. A list of previous Governors follows shortly.

*The Administrator*

In the Letters Patent of 1900 (as amended in 1934), provision was made for a Lieutenant Governor to administer the Government in the event of the Governor's death, incapacity, removal or departure from the State. Should there be no Lieutenant Governor then appointed or should he be unable to act, the duties of the Governor were to be discharged by the Administrator. Attached to the Letters Patent was a Dormant Commission authorising the Chief Justice to act as Administrator "in the event of the death, incapacity or absence of the Governor and the Lieutenant Governor if any".

Lieutenant Governors have sometimes acted in the intervals between governorships but since 1933, it has been customary for the Chief Justice to act as Administrator in accordance with the provisions of the Dormant Commission which further nominates the next Senior Judge to act in the absence of the Chief Justice.

The present Chief Justice is Sir Stanley Burbury, K.B.E., who has already acted as Administrator in the intervals between governorships, and on other occasions.

**Succession of Governors, Acting Governors, and Their Predecessors from 1803**

Name	Designation	Period
(i) 1803-1825		
Lieut. John Bowen .. ..	Commandant	11.9.03-16.2.04
Colonel David Collins, R.M. .. ..	Lieutenant Governor	16.2.04-24.3.10
Lieut. Edward Lord, R.M. .. ..	Commandant	24.3.10- 8.7.10
Captain J. Murray, 73rd Regt. .. ..	Commandant	8.7.10-20.2.12
Major A. Geils, 73rd Regt. (a) .. ..	Commandant	20.2.12- 4.2.13
Colonel Thomas Davey, R.M. .. ..	Lieutenant Governor	4.2.13- 9.4.17
Colonel William Sorell .. ..	Lieutenant Governor	9.4.17-14.5.24
Colonel George Arthur (b) .. ..	Lieutenant Governor	14.5.24-3.12.25
(ii) 1825-1855		
Colonel George Arthur (b) .. ..	Lieutenant Governor	6.12.25-29.10.36
Lieut. K. Snodgrass .. ..	Administrator	1.11.36- 5.1.37
Sir J. Franklin, KCH, R.N. .. ..	Lieutenant Governor	6.1.37- 21.8.43
Sir J. E. E. Wilmot, Bart. .. ..	Lieutenant Governor	21.8.43-13.10.46
C. J. La Trobe, Esq. .. ..	Administrator	13.10.46- 25.1.47
Sir W. T. Denison, Kt. .. ..	Lieutenant Governor	26.1.47- 8.1.55

Succession of Governors, Acting Governors and Their Predecessors—*continued*

Name	Designation	Period
(iii) 1855-1900		
Sir H. E. Fox Young, Kt. (c) .. ..	Governor	8.1.55-10.12.61
Colonel Thomas Gore Browne, CB .. ..	Governor	11.12.61-30.12.68
Lt.-Col. W. C. Trevor, CB .. ..	Administrator	30.12.68- 15.1.69
Charles Du Cane, Esq. .. ..	Governor	15.1.69-28.11.74
Hon. Sir Francis Smith, CJ .. ..	Administrator	30.11.74- 13.1.75
F. A. Weld, Esq. .. ..	Governor	13.1.75- 5.4.80
Hon. Sir Francis Smith, CJ .. ..	Administrator	6.4.80-21.10.80
Lt.-General Sir J. H. Lefroy, KCMG, CB .. ..	Administrator	21.10.80- 7.12.81
Sir G. C. Strahan, RA, KCMG .. ..	Governor	7.12.81-28.10.86
Hon. W. R. Giblin, Esq. SJ .. ..	Administrator	29.10.86-18.11.86
Hon. Sir W. L. Dobson, Kt., CJ .. ..	Administrator	18.11.86- 11.3.87
Sir R. G. C. Hamilton, KCB .. ..	Governor	11.3.87-30.11.92
Sir W. L. Dobson, Kt. .. ..	Administrator	1.12.92- 8.8.93
Rt. Hon. J. W. Joseph, Viscount Gormanston, KCMG .. ..	Governor	8.8.93- 14.8.00
(iv) 1900-		
Sir John Dodds, KCMG (d) .. ..	Administrator	14.8.00- 8.11.01
Sir A. E. Havelock, GCSI, GCME, GCIE .. ..	Governor	8.11.01- 16.4.04
Sir John Dodds, KCMG .. ..	Lieutenant Governor	16.4.04-28.10.04
Sir G. Strickland, KCMG .. ..	Governor	28.10.04- 20.5.09
Sir John Dodds, KCMG .. ..	Lieutenant Governor	21.5.09- 29.9.09
Sir Harry Barron, KCMG, CVO .. ..	Governor	29.9.09- 8.3.13
Sir John Dodds, KCMG .. ..	Lieutenant Governor	10.3.13- 4.6.13
Sir William Ellison-Macartney, KCMG .. ..	Governor	4.6.13- 31.3.17
Sir Herbert Nicholls, Kt. .. ..	Administrator	1.4.17- 6.7.17
Sir F. A. Newdigate Newdegate, KCMG .. ..	Governor	6.7.17- 9.2.20
Sir Herbert Nicholls, Kt. .. ..	Administrator	9.2.20- 16.4.20
Sir W. L. Allardyce, KCMG .. ..	Governor	16.4.20- 26.1.22
Sir Herbert Nicholls, Kt. .. ..	Administrator	26.1.22-30.11.23
Hon. N. K. Ewing, Esq. .. ..	Administrator	30.11.23- 13.6.24
Sir Herbert Nicholls, Kt. .. ..	Administrator	13.6.24-23.12.24
Sir James O'Grady, KCMG .. ..	Governor	23.12.24-23.12.30
Sir Herbert Nicholls, KCMG .. ..	Lieutenant Governor	23.12.30- 4.8.33
Sir Ernest Clark, GCMG, KCB, CBE .. ..	Governor	4.8.33- 4.8.45
Sir John Morris, Kt. .. ..	Administrator	4.8.45-24.12.45
Admiral Sir Hugh Binney, KCB, KCMG, DSO .. ..	Governor	24.12.45- 8.5.51
Sir John Morris, KCMG .. ..	Administrator	9.5.51- 22.8.51
Rt. Hon. Sir Ronald Cross, Bart. KCMG, KCVO .. ..	Governor	23.8.51- 4.6.58
Hon. Sir Stanley Burbury, KBE .. ..	Administrator	5.6.58-21.10.59
Rt. Hon. the Lord Rowallan, Kt., KBE, MC .. ..	Governor	21.10.59- 25.3.63
Hon. Sir Stanley Burbury, KBE .. ..	Administrator	25.3.63- 24.9.63
Lt.-General Sir Charles Gairdner, KCMG, KCVO, KBE, CB .. ..	Governor	24.9.63-

(a) Until 1st July, 1812, the island was divided at the 42nd parallel and the Launceston settlement had its own officials appointed from N.S.W. The first was Lieut-Colonel W. Paterson (Lieutenant Governor) followed, as Commandants, by Captain J. Brabyn (N.S.W. Corps) and Major G. A. Gordon (73rd Regiment). The next Commandant, Captain J. Ritchie (73rd Regt.) assumed office on 1st July, 1812, and was subordinate to Major A. Gells.

(b) On 3rd December, 1825, Lt.-General Sir Ralph Darling displayed in Hobart two commissions, one as Governor of N.S.W. and one as Governor of Van Diemen's Land. This was the constitutional device for separating Van Diemen's Land from N.S.W. Colonel George Arthur was sworn in again as Lieutenant Governor on 6th December, 1825.

(c) First Governor in the era of self-government.

(d) On 1st January, 1901, the Colony of Tasmania became a State of the Commonwealth of Australia.

**The Cabinet and Executive Government***General*

In Tasmania, as in the other States and the Commonwealth, executive government is based on the system which was evolved in Britain in the 18th century, and which is generally known as "Cabinet" or "responsible" government. Its essence is that the head of the State (in Tasmania, the Governor representing Her Majesty the Queen) should perform governmental acts on the advice of his Ministers; that he should choose his principal Ministers of State from members of Parliament belonging to the party, or coalition of parties, commanding a majority in the popular House; that the Ministry so chosen should be collectively responsible to that House for the government of the country; and that the Ministry should resign if it ceases to command a majority there.

The Cabinet system operates chiefly by means of constitutional conventions, customs or understandings, and through institutions that do not form part of the legal structure of the government at all. In law, still, the executive power of the State is exercised by the Governor who is advised by the Executive Council which he himself has appointed and which meets for formal purposes, to be later explained. The whole policy of a Ministry is, in practice, determined by the Ministers of the Crown, meeting without the Governor under the chairmanship of the Premier, and this body is known as the Cabinet.

*The Cabinet*

This body does not form part of the legal mechanism of government and its meetings are private and deliberative. The actual Ministers of the day alone are present, no records of the meetings are made public, and the decisions taken have, in themselves, no legal effect. As Ministers are the leaders of the party commanding a majority in the House of Assembly, the Cabinet substantially controls not only the general legislative programme of Parliament, but the whole course of Parliamentary proceedings. In effect, though not in form, the Cabinet, by reason of the fact that all Ministers are members of the Executive Council, is also the dominant element in the executive government of the State. Even in summoning, proroguing or dissolving Parliament, the Governor is usually guided by the advice tendered him by the Cabinet, through the Premier, though legally the discretion is vested in the Governor.

In Tasmania, the present Cabinet consists of the nine Ministers of the Crown.

*The Executive Council*

This body is usually presided over by the Governor, the members thereof holding office during his pleasure. All Ministers of the Crown must be members of the Executive Council. Ministers actually remain members of the Executive Council on leaving office, but are not summoned to its meetings, for it is an essential feature of the Cabinet system that attendance should be limited to the Ministers of the day. The Chief Justice and Judges of the Supreme Court are also members of the Executive Council, but they too are not summoned to its meetings for the same reason. The meetings of the Executive Council are formal and official in character, and a record of proceedings is kept by the Clerk (who is the permanent head of the Premier's and Chief Secretary's Department). At Executive Council meetings, the decisions of Cabinet are (where necessary) given legal form, appointments made, resignations accepted, proclamations issued, and regulations and the like approved. The quorum required is three, comprising the Governor and at least two Ministers.



*The Appointment of Ministers*

Legally, Ministers hold office during the pleasure of the Governor. In practice, however, the discretion of the head of State in the choice of Ministers is limited by the conventions on which the Cabinet system rests. When a Ministry resigns, the Governor's custom is to send for the leader of the party which commands a majority in the lower House, and to commission him, as Premier, to "form a Ministry"—that is, to nominate other persons to be appointed as Ministers of the Crown and to serve as his colleagues in the Cabinet.

The *Constitution Act* 1854 defined the Parliament of Tasmania as "the Governor and the Legislative Council and House of Assembly together". Although no legal requirements enforce it, the selection of all Ministers of the Crown from Parliament seems to stem, not only from the British tradition, but also from the logic of a situation in which Parliament's approval is required for the passage of all legislation.

The Governor's power to revoke the appointment of a Minister of the Crown was exercised in 1959, the circumstances being that a Minister had refused to resign from Cabinet; in the absence of the Governor, and on the advice of the Premier, the Administrator terminated the Minister's appointment.

**Comparison of American and Australian Systems of Government**

In both the American and Australian systems of government, a triple division of functions is recognised and specified as (i) legislative; (ii) executive; (iii) judicial. The United States, in its constitution, provides for a separation of these functions and the election of the President (i.e. the executive) is an event clearly separated from the election of the Congress (i.e. the legislative); individual States of the Union follow similar principles, electing Governors to exercise executive functions.

In the Australian system, the Governor General (or, in the case of the States, the Governor) is theoretically vested with all executive power but, in accordance with the British practice of constitutional monarchy, he exercises such power strictly in accordance with the advice of his Ministers; again, in conformity with British tradition, such Ministers must be members of the elected legislature and drawn from the party (or coalition of parties) which commands a majority in the lower house of the legislature. So, in actual practice, there is no rigid division of executive and legislative functions and the Australian elector, in choosing his legislators, is also ultimately choosing his executive.

Given that the Prime Minister (or, in the case of the States, the Premier) is the *de facto* principal executive officer, the Australian elector does not directly vote to choose him. Leaders of parties are chosen by party machinery and the Australian elector knows, in advance, that a majority for a given party will result in its leader becoming Prime Minister (or, in the case of the States, Premier); in the matter of election to Parliament, party leaders have no special privilege and must submit themselves to the electors in precisely the same manner as any "rank and file" candidate for the legislature (i.e. they are required to stand for an electorate). It is not unprecedented for the leader of an Australian party to be rejected by the voters in his own electorate and to lose his seat in the Federal Parliament—this happened in 1929 and in 1964.

It will also be observed that Australian Cabinets, both State and Federal, are appointed from members of the legislature. Thus, the executive—the Cabinet—is part of the legislature and its members are readily available at sittings of the Parliament to accept responsibility for executive actions; the

chain of responsibility can be seen at two levels, namely Cabinet responsible to Parliament and Parliament responsible to the electors. By way of contrast, the President of the U.S.A. selects a cabinet whose members do not form part of the legislature and who may quite possibly never have been members of any legislature, State or Federal.

These differences between the two concepts of government give the Australian system one advantage—it is impossible to have a sustained clash between those exercising executive and legislative functions; if the Cabinet loses the confidence of the Parliament, then the government collapses. In the American situation, such a sustained clash is possible since the ordinary Congressional elections, held half-way through a President's four-year term of office, may create a situation in which the executive is of one party while the legislature is dominated by the opposing party. When such a situation arises, there is no provision for changing the executive to accord with the weight of majority opinion in the legislature.

### Present Ministry

After the elections held on 2nd May, 1964, the Labor Ministry led by the Hon. E. E. Reece, was announced as follows:

#### Ministry (at May, 1964)

Name	House	Responsibility (a)
The Hon. E. E. Reece ..	Assembly	Premier, Treasurer & Mines
The Hon. R. F. Fagan ..	Assembly	Attorney General
The Hon. W. A. Neilson ..	Assembly	Education
The Hon. D. A. Cashion ..	Assembly	Lands and Works
The Hon. A. C. Atkins ..	Assembly	Agriculture
The Hon. B. K. Miller ..	Legislative Council	Chief Secretary
The Hon. S. V. Ward ..	Assembly	Housing
The Hon. H. J. McLoughlin ..	Assembly	Transport
The Hon. M. G. Everett, Q.C.	Assembly	Health

(a) See section "Administration" later in chapter for fuller statement of responsibility.

### Relations of Two Houses

#### *Status of Legislative Council*

A vexed question for many years was the exact status of the Legislative Council in relation to the House of Assembly from which the Ministry of the day was predominantly chosen. The 1854 Constitution Act had defined Parliament as "the Governor and the Legislative Council and House of Assembly together" and obviously the approval of all three was necessary for laws to become valid; on the other hand, there was no adequate provision for resolving situations in which the Legislative Council rejected bills or amended bills in ways unacceptable to the House of Assembly. The lower house was elected on a wider franchise, and could legitimately claim to be the more accurate instrument of public opinion to the extent that it was not a perpetual body like the Legislative Council, as its members were all elected at the one time. The power of the Legislative Council to reject and amend was most resented in relation to money bills, since these vitally affected the administration of public affairs by the Ministry of the day.

### *Money Bills*

A period of conflict was followed by the passage of the *Constitutional Amendment Act* 1926 defining the relations of the two houses in the passing of money bills. The following current principles are found in the Act; the Legislative Council retains the right to reject any bill, including a money bill. The Council is specifically prevented from amending bills to raise revenue for the ordinary annual services of the Government and bills imposing land and income tax; it can still suggest to the House of Assembly that amendments be made but the adoption or rejection of such amendments is at the discretion of the Assembly; the operation of such bills is restricted to a period of one year. Apart from the above specific exceptions, the Council retains the right to amend money bills, e.g. those dealing with loan funds or probate. The House of Assembly is given the sole right to initiate bills for the raising of revenue and the imposition of taxes. Finally, the powers of the two houses are declared equal in all matters except for these specific exceptions.

### *Deadlocks and Dissolutions*

It should be observed that there is no provision for a double dissolution as in the Commonwealth Constitution and that the Legislative Council, by rejection of a supply bill, can force the House of Assembly to seek a dissolution without itself needing to face the electorate. This last occurred in 1948.

The Legislative Council has the tradition of being a non-party house and, in actual fact, the majority of its members are elected as independents without the official endorsement of any party. Members who have received party endorsement are in a minority, and the leader of the Government in the Legislative Council cannot rely upon a vote taken on party lines to ensure the passage of any government bill. It is the ability to command a majority in the House of Assembly which gives a party the right to form the government of the day and which ensures the passage of government legislation through the lower house; no such certainty exists in the passage of bills through the upper house and accordingly the Legislative Council is in position to exercise considerable influence on the form in which bills are finally passed through both houses.

### *Consultation Machinery*

When a position is reached in which one house refuses to accept the amendments or legislation of the other, provision exists under the Standing Orders for joint consultation by the calling of a "Free Conference" at which each house is represented by "managers". (It is usual for each house to be represented by four managers.) The free conference endeavours to find a compromise acceptable to both houses.

Another form of consultation between the two houses is the appointment of a joint select committee which is set terms of reference and which is primarily concerned with fact-finding. The passage of a bill may be temporarily delayed while a joint select committee makes a specific investigation; this machinery provides members with the information necessary to cast an informed vote.

(As from July, 1964, the Liberal Party reversed its policy of non-endorsement of candidates for the Legislative Council and decided to endorse candidates in certain circumstances.)

### Premiers

The following is a list of the Premiers of Tasmania from 1856 (the year in which the first elected Parliament sat):

#### Premiers from 1856

Name of Premier	Date of Assumption of Office	Date of Retirement from Office	Duration of Office (Months)
1856-1900			
W. T. N. Champ .. .. .	1.11.56	26.2.57	4
T. G. Gregson .. .. .	26.2.57	25.4.57	2
W. P. Weston .. .. .	25.4.57	12.5.57	1
F. Smith .. .. .	12.5.57	1.11.60	42
W. P. Weston .. .. .	1.11.60	2.8.61	9
T. D. Chapman .. .. .	2.8.61	20.1.63	18
J. Whyte .. .. .	20.1.63	24.11.66	46
Sir Richard Dry .. .. .	24.11.66	4.8.69	32
J. M. Wilson .. .. .	4.8.69	4.11.72	39
F. M. Innes .. .. .	4.11.72	4.8.73	9
A. Kennerley .. .. .	4.8.73	20.7.76	36
T. Reibey .. .. .	20.7.76	9.8.77	13
P. O. Fysh .. .. .	9.8.77	5.3.78	7
W. R. Giblin .. .. .	5.3.78	20.12.78	9
W. L. Crowther .. .. .	20.12.78	30.10.79	10
W. R. Giblin .. .. .	30.10.79	15.8.84	58
Adye Douglas .. .. .	15.8.84	8.3.86	19
J. W. Agnew .. .. .	8.3.86	29.3.87	13
P. O. Fysh .. .. .	29.3.87	17.8.92	65
H. Dobson .. .. .	17.8.92	14.4.94	20
Sir Edward Braddon .. .. .	14.4.94	12.10.99	66

#### 1900-

Sir N. E. Lewis .. .. .	12.10.99	9.4.03	42
W. B. Propsting .. .. .	9.4.03	11.7.04	15
J. W. Evans .. .. .	11.7.04	19.6.09	59
Sir N. E. Lewis .. .. .	19.6.09	20.10.09	4
J. Earle .. .. .	20.10.09	27.10.09	—
Sir N. E. Lewis .. .. .	27.10.09	14.6.12	32
A. E. Solomon .. .. .	14.6.12	6.4.14	22
J. Earle .. .. .	6.4.14	15.4.16	24
Sir Walter Lee .. .. .	15.4.16	12.8.22	76
J. B. Hayes .. .. .	12.8.22	14.8.23	12
Sir Walter Lee .. .. .	14.8.23	25.10.23	2
J. A. Lyons .. .. .	25.10.23	15.6.28	56
J. C. McPhee .. .. .	15.6.28	15.3.34	69
Sir Walter Lee .. .. .	15.3.34	22.6.34	3
A. G. Ogilvie (a) .. .. .	22.6.34	10.6.39	60
E. Dwyer Gray .. .. .	11.6.39	18.12.39	6
R. Cosgrove .. .. .	18.12.39	18.12.47	96
E. Brooker .. .. .	18.12.47	25.2.48	2
R. Cosgrove .. .. .	25.2.48	26.8.58	126
E. E. Reece .. .. .	26.8.58	Still in office	

(a) Tasmania has had an unbroken succession of Labor Premiers, starting with the Ogilvie Ministry (1934); earlier Labor Ministries were led by J. Earle (first in 1909) and by J. A. Lyons.

### Dissolution of Parliament

The Governor may dissolve the House of Assembly whenever he considers it desirable but he has no power to dissolve the Legislative Council. In effect then, the Legislative Council is a perpetual body except that approximately one-sixth of its seats fall vacant annually. (See "Elections for Legislative Council.")

In practice, the Governor considers dissolving the House of Assembly only when requested to do so by his Ministers. Two recent dissolutions are recorded below:

**1950:** The Governor, Admiral Sir Hugh Binney, received a request for dissolution from the Premier, the main grounds being the difficulty of passing legislation in a House where the Government was dependent on the support of an independent member for its majority. Having first interviewed the Leader of the Opposition and ascertained that no alternative Government could be formed, the Governor granted the dissolution.

**1956:** The Governor, Sir Ronald Cross, received a request for dissolution from the Premier, the grounds being that a Minister of the Crown had resigned and joined the opposition, thus depriving the Government of its majority on the floor of the House. In this case, the Governor could have requested the Leader of the Opposition to form a Government since the opposition now had the majority. In granting a dissolution, the Governor thought it "proper in all the circumstances that the electorate should have an opportunity of expressing its will" and maintained that this decision was a legitimate exercise of his discretionary powers. Refusing a dissolution and inviting the formation of an alternative Government would have meant giving power to a party which had received a minority of votes at the previous general election; the alternative was to test the popular will and this was the Governor's choice.

### *Sessions of Parliament*

Parliament is required to sit every year and, having risen, must sit again before twelve months have elapsed. When the House of Assembly is dissolved and a general election held, the Governor is required to call Parliament together within ninety days of the dissolution, subject to a discretionary extension of a further thirty days.

### Elections for the House of Assembly

Elections for the House of Assembly are conducted under a system which can be classified as proportional representation by the single transferable vote and which is popularly but incorrectly called "Hare-Clark".

### *Hare's Proposals*

The principle of proportional representation by the single transferable vote was first suggested by Thomas Wright Hill in 1821 and later elaborated by Thomas Hare in his treatise of 1859—*The Election of Representatives, Parliamentary and Municipal*. Hare was primarily concerned with elections to the House of Commons and the essence of his proposal was that each voter was to be allowed to support any candidates, anywhere in Britain, and that his votes could be transferred to other candidates in the order of his preference. A candidate was to be declared elected on attaining the quota found by dividing the total votes

in the country by the number of seats in the House of Commons; the votes cast for a candidate in his own locality were to be counted for him first and those from more distant places only if required to make up a quota.

### *The Droop Quota*

The concept of the quota was developed in a more sophisticated manner by H. R. Droop as follows:

**The Droop Quota**

Number of Members to be Elected from Constituency	Minimum Votes Necessary to Ensure Election of Any Member (i.e. Quota)
1	$\frac{1}{2}$ of total votes + 1 vote
2	$\frac{1}{3}$ of total votes + 1 vote
3	$\frac{1}{4}$ of total votes + 1 vote
	1
n	$\frac{1}{n+1}$ total votes + 1 vote

### *Contribution of Clark*

In 1896, the Tasmanian Attorney General, A. I. Clark, secured the use of proportional representation for electing the Hobart and Launceston town councils and for choosing Hobart and Launceston representatives for the House of Assembly. (The country seats were still single member constituencies.) To Clark also is attributed the credit for working out the modern method for dealing with surpluses and transfers.

### *Tasmanian System*

The essential features of the system are as follows:

1. For an elector to cast a valid vote, he must express at least three preferences.
2. Names on the voting papers are arranged in distinct groups to facilitate recognition of allegiance to parties.
3. To secure election, candidates must secure a quota in accordance with the Droop formula (i.e. the total first-preference votes in the constituency divided by eight, plus one vote).
4. Should a candidate secure an exact quota on first preferences, his voting papers are set aside as finally dealt with.
5. If the first successful candidate secures a surplus above the quota, then all his voting papers are re-examined to determine which candidates should secure the second preferences.
6. The second preferences are first adjusted by multiplying them by a fraction called the transfer value. The transfer value is calculated by dividing the successful candidate's surplus first-preference votes by his total first preferences. The second-preference votes, adjusted in this way, are now transferred to other candidates.
7. When repetition of the above process results in a position where no further candidates can reach a quota, the candidate who is lowest on the poll is excluded and the preferences shown on his voting papers transferred to the remaining candidates.

The above processes are repeated until seven candidates have been elected. As might be expected, the counting of votes, calculation of transfer values and the transferring of votes are time-consuming and a week may elapse before the declaration of the poll.

*Tasmanian Adoption*

In 1907, an Electoral Act provided that all members of the House of Assembly were to be elected by proportional representation, the State being divided into five constituencies each of which was to be represented by six members. The first election in accordance with this Act was held in 1909.

The fourth schedule to the 1907 Act dealing with quotas, transfer of votes, exclusion of candidates, etc., is still the blue-print for counting votes today; however, as from the 1959 elections, the number of members for each constituency was increased from six to seven for reasons that will be later specified.

*Advantages of System*

The major advantage claimed for the system is that the composition of the House of Assembly tends to faithfully reflect the wishes of the electors viewed on a State basis, and that a party with a minority of first preferences is most unlikely to obtain a majority of seats, as sometimes occurs in systems with single-member constituencies. (The election of 1928 is cited as the only example of an Assembly party with a minority of votes securing a majority of seats.) It is also thought that adequate representation is given to minorities and the frequent election of independent members, a feature of Tasmanian parliaments since the depression years, gives some support to this claim.

Leaving aside the matter of independents and minority parties, and assuming that only candidates from the two major parties are elected, then the present pattern is for each constituency to elect four candidates from one of the major parties and three from the other. It follows, therefore, that the opposition is always adequately represented in the House of Assembly and supporters of the opposition party always have representatives for their constituency.

**Resolution of Assembly Deadlocks***House of 30 Members*

One of the virtues claimed for the Hare-Clark system is the adequate representation given to minorities. In a small House of 30 members, this virtue tended to be too evident and led to situations where the government of the day did not have the necessary majority to carry all its legislation with confidence.

The first remedy employed was the *Constitution Amendment Act 1954* which provided that, in the event of a 15-all draw between the two major parties in an election, an Electoral Commission would be established. This body's function would be to decide, on the basis of primary votes cast for each party, which were the majority and minority parties. On the meeting of Parliament, the minority party would then have the right to nominate one of its members to the office of Speaker. If the minority party refused to exercise this right, then the majority party might proceed to appoint one of its own members and it would receive an additional member in replacement, elected from the Speaker's constituency.

The election of 1955 created an equal distribution of seats and an Electoral Commission was accordingly appointed to decide the question of which was the majority party. The minority party nominated a member for Speaker and the Assembly elected him to the Chair.

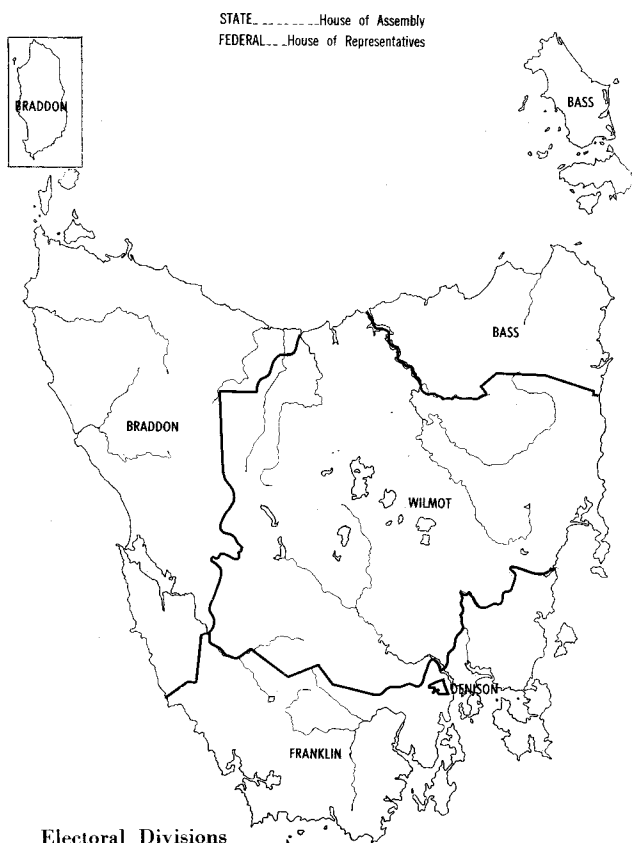
The 1954 Act provided machinery for overcoming deadlocks but still did not have much impact on the major problem—that of providing the government of the day with an effective working majority.

*House of 35 Members*

In 1958, a further constitutional amendment was made in which the number of members to be elected for each constituency was increased from six to seven, thus enlarging the House of Assembly from 30 to 35 members. At the first elections held under the provisions of this amendment (May, 1959), the major parties secured 17 and 16 seats respectively, the remaining seats being won by independents. At the May elections of 1964, the major parties secured 19 and 16 seats respectively, with independents and minority parties winning no representation.

**Life of House of Assembly**

After the *Constitution Act 1936*, the House was elected for five-year terms. The 1954 Act provided that the term should be reduced to three years if the special deadlock provisions were invoked to appoint a Speaker, but passage of the 1958 Act restored the status-quo, i.e. five-year terms irrespective of the outcome of the election.

**Constituencies of House of Assembly**

The five constituencies for the House of Assembly are identical with the five electoral divisions electing members to the Federal House of Representatives. The alteration of electoral boundaries to accord with changes in population is carried out under a joint Commonwealth-State agreement in accordance with a simple formula.



The 'normal' number of electors for a division is determined by dividing the State's total electors by five. If the number of electors in any electoral division departs from 'normal' by twenty per cent, then a boundary adjustment is automatically made, again by Commonwealth-State consultation.

The existence of common electoral divisions, both for the House of Assembly and the House of Representatives, allows a joint electoral roll to be maintained and to be used both in State and Federal elections.

### **Proportional Representation by the Single Transferable Vote**

Many regard the system of election for the House of Assembly as being a phenomenon peculiar to Tasmania. This is by no means so, since the following countries either use or have used a similar system of election: Republic of Ireland (both Houses), South Africa (Senate), Malta (both Houses), Gibraltar (Legislative Council), Canada (for some provincial electorates in Alberta and Manitoba) and Australia itself, in the election of the Federal Senate. If the State has any claim to being unique in the field of electoral reform, it must be based on the fact that Tasmania was the first country in the world to introduce proportional representation by the single transferable vote.

### **Elections for the Legislative Council**

#### *Annual Fractional Elections*

For the purpose of electing members of the Legislative Council, the State is divided into nineteen single-member constituencies. Each member, when elected, holds office for six years and Council elections are held every year to elect three members; however, in every sixth year counting from 1953, it is necessary to elect four members.

Should the seat of a member become vacant otherwise than by effluxion of time, the person elected to fill the vacancy holds office only till the expiration of the period for which the vacating member was elected.

#### *Preferential Voting*

Candidates appear on the voting paper in alphabetical order and are not grouped to show party allegiance as in voting papers for the House of Assembly. If there are two candidates, the voter need only vote for one. If there are three or more candidates, the voter must indicate at least three preferences to record a valid vote.

If any candidate secures first-preference votes exceeding half the total first preferences, he is declared elected. If no candidate satisfies this condition, then the candidate with the fewest votes is excluded and the second preferences shown on his voting papers are transferred to other candidates, the transfer value of each such second preference being equal to one.

If no candidate now has the required majority, the process of exclusion is repeated until such time as one candidate secures the majority.

The method of counting is identical with that used in elections for the Federal House of Representatives and is termed preferential. The full description is election by absolute majority through use of the alternative vote.

### Qualifications of Electors and Members

#### *Qualifications of an Elector for the House of Assembly*

An elector for the House of Assembly is any person, aged at least twenty-one years, male or female, who has lived in the State six months continuously, who is a natural-born or naturalised subject of the Queen and whose name is on the electoral roll for any Assembly division. Voting has been compulsory since the *Electoral Act* 1928.

#### *Qualifications of Members of House of Assembly*

To be eligible for election as a member of the House of Assembly, a candidate must comply with the following conditions:

He must either be an elector or be qualified to be an elector for the House of Assembly, and resident in Tasmania for five years at any one time or resident for two years immediately preceding the election.

#### *Qualification of Electors for the Legislative Council*

An elector for the Legislative Council is any person, aged at least twenty one years, male or female, who is a natural-born or naturalised subject of Her Majesty, who has been resident in the State for a period of six months and whose name is on the electoral roll for any Council division.

To obtain enrolment, the elector, in addition to meeting the basic requirements set out above, must establish that he belongs to one of the following categories of persons:

1. The owner of a freehold estate in possession, whether legal or equitable.
2. The occupier of any property, e.g. the tenant of a dwelling-house.
3. The spouse of an owner or occupier as defined in (1) and (2).
4. A graduate of any University in the British Dominions.
5. A legal practitioner on the roll of the Supreme Court.
6. A legally qualified medical practitioner.
7. An officiating minister of religion.
8. An officer or retired officer of Her Majesty's forces.
9. An honourably discharged member of Her Majesty's forces who fulfills certain conditions of service (e.g. in the case of troops raised in Tasmania for World War II, full-time service outside Tasmania is stipulated). Where a discharged member of the forces is a minor but still complies with the requirements of paragraph (9), such member is eligible to be enrolled and to vote.

Voting has been compulsory since the *Electoral Act* 1928.

#### *Qualifications of Members of Legislative Council*

A candidate for the Legislative Council must be an elector or have the qualifications of an elector for the Council; in addition to meeting the residential and nationality restrictions imposed on candidates for the House of Assembly, he must be at least twenty-five years of age.

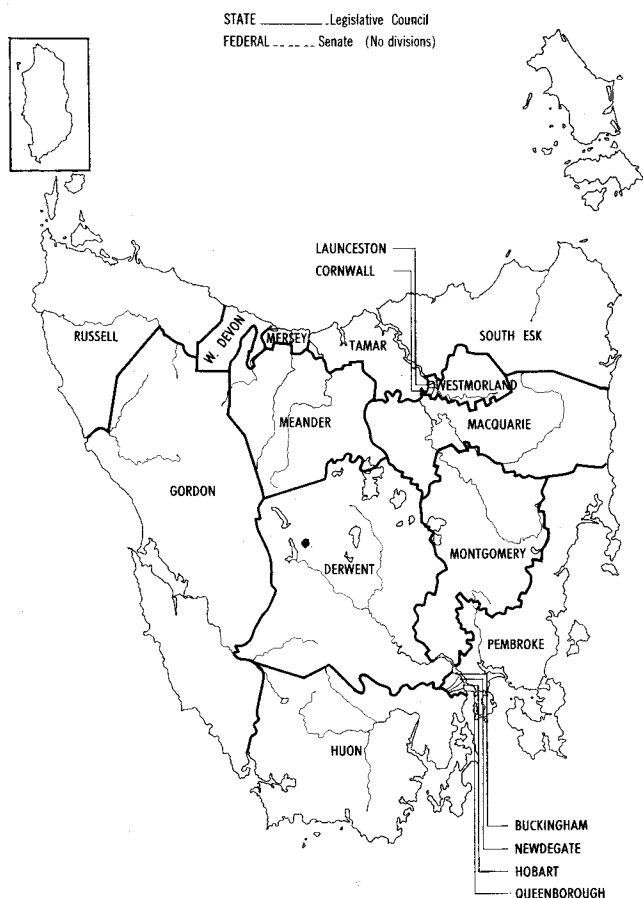
Persons of unsound mind or in prison under any conviction are barred from voting at elections for either House or from being elected to either House. No person shall be capable of being a Member of both Houses at the one time.

## By-Elections

*House of Assembly*

In the case of a vacancy occurring in the House of Assembly, there is provision for the Chief Electoral Officer to publicly invite nominations from candidates who were unsuccessful at the last general election in the constituency which elected the vacating member. If one nomination only is received, then the Chief Electoral Officer declares the consenting candidate elected and notifies the Governor to this effect.

If more than one such nomination is received, the Chief Electoral Officer is required to examine the voting papers counted for the vacating member at the last general election. In the simple case—where the vacating member



Electoral Divisions

obtained a surplus above the quota—this can be confined to voting papers expressing first choices. In the more difficult case—where the vacating member did not obtain a quota on first choices—it is necessary to take into account not only original first-choice papers but also all voting papers representing votes transferred to the vacating member.

The vacating member's voting papers, as defined above, are examined and all his votes are transferred to the consenting candidates according to the preferences expressed thereon. Second preferences derived from first choice votes of the vacating member have a transfer value of one, but from votes he obtained by transfer, only the value at which he obtained them. For the purpose of the count, first-choice votes received by the consenting candidates at the general election are not relevant—the selection is based on preferences as revealed by the voting papers of the vacating member.

When the number of votes in favour of each consenting candidate has been ascertained, the final selection is by the method of the absolute majority through the alternative vote (see "Elections for Legislative Council" for a description of this method).

If no nominations are received from candidates unsuccessful at the last general election, then a writ is issued directing that an election be held to fill the vacancy.

### *Legislative Council*

In the case of a vacancy occurring in the Legislative Council, a writ is issued directing that an election be held to fill the vacancy. There is no provision for a re-count of voting papers of the vacating member as in by-elections for the House of Assembly.

### Members of Legislative Council

The following shows members of the Legislative Council and the year in which each will retire:

Electoral District	Name	Year for Retirement
Buckingham ..	Connolly, The Hon. James Bell (a)	1968
Cornwall .. ..	Foot, The Hon. Geoffrey James	1972
Derwent .. ..	Marriott, The Hon. Donald Keith (a)	1967
Gordon .. ..	Dalton, The Hon. Thomas George deLargie (a)	1970
Hobart .. ..	Benjamin, The Hon. Phyllis Jean, M.B.E. (a)	1970
Huon .. ..	Hodgman, The Hon. William Michael	1972
Launceston ..	Orchard, The Hon. John Raymond	1970
Macquarie ..	Check, The Hon. Thomas Lefroy	1968
Meander .. ..	Best, The Hon. Charles Robinson	1971
Mersey .. ..	McFie, The Hon. Hector	1972
Monmouth ..	Bisdee, The Hon. Louis Fenn	1969
Newdegate ..	Miller, The Hon. Brian Kirkwall (a)	1969
Pembroke ..	McKay, The Hon. Eric Charles	1971
Queenborough ..	Baker, The Hon. Sir Henry Seymour K.C.M.G., D.S.O.	1971
Russell .. ..	Fenton, The Hon. Charles Balfour Marcus	1969
South Esk ..	Carins, The Hon. Lloyd Horton	1968
Tamar .. ..	Hitchcock, The Hon. Daniel	1967
West Devon ..	Davis, The Hon. Walter John Torley	1971
Westmorland ..	Gregory, The Hon. Oliver Harold	1967

(a) Endorsed by Australian Labor Party; balance of members independents.

### Members of House of Assembly

The following shows members of the House of Assembly elected on 2nd May, 1964 (with their party allegiance shown in brackets):

Name	Electoral Division
Abbott, Nigel Drury, Esquire (Lib.) .. .. .	Denison
Anderson, William, Esquire (A.L.P.) .. .. .	Wilmot
Atkins, The Hon. Alexander Charles (A.L.P.) .. .. .	Bass
Austin, Kenneth Ernest, Esquire (A.L.P.) .. .. .	Denison
Barker, Wilfred George, Esquire (Lib.) .. .. .	Braddon
Barnard, Eric Walter, Esquire (A.L.P.) .. .. .	Franklin
Beattie, Eric William, Esquire (Lib.) .. .. .	Bass
Bessell, Leonard Hubert, Esquire (Lib.) .. .. .	Wilmot
Bethune, The Hon. Walter Angus (Lib.) (a) .. .. .	Wilmot
Brehency, John Gerald, Esquire (Lib.) .. .. .	Braddon
Bushby, Maxwell Holmes, Esquire (Lib.) .. .. .	Bass
Cashion, The Hon. Douglas Alfred (A.L.P.) .. .. .	Wilmot
Chisholm, Geoffrey Donald, Esquire (A.L.P.) .. .. .	Braddon
Clark, Douglas Frank, Esquire (Lib.) .. .. .	Franklin
Costello, Edwin Albert, Esquire (A.L.P.) .. .. .	Braddon
Everett, The Hon. Mervyn George, Q.C. (A.L.P.) .. .. .	Denison
Fagan, The Hon. Roy Frederick (A.L.P.) .. .. .	Wilmot
Fraser, Wallace Harcourt, Esquire (A.L.P.) .. .. .	Bass
Frost, Stewart Charles Hilton, Esquire (A.L.P.) .. .. .	Franklin
Ingamells, Christopher Robert, Esquire (Lib.) .. .. .	Wilmot
Le Fevre, Vernon MacKenzie, Esquire (A.L.P.) .. .. .	Bass
Lyons, Kevin Orchard, Esquire (b) .. .. .	Braddon
McDonald, Thomas Raymond, Esquire (A.L.P.) .. .. .	Wilmot
McLoughlin, The Hon. Henry Joseph (A.L.P.) .. .. .	Denison
Madden, The Hon. John Lewis (A.L.P.) .. .. .	Bass
Martin, Terence Norman, Esquire (A.L.P.) .. .. .	Franklin
Mather, Robert, Esquire (Lib.) .. .. .	Denison
Neilson, The Hon. William Arthur (A.L.P.) .. .. .	Franklin
Pearsall, Thomas Gordon, Esquire (Lib.) (c) .. .. .	Franklin
Reece, The Hon. Eric Elliott (A.L.P.) .. .. .	Braddon
Steer, John Leslie, Esquire (Lib.) .. .. .	Bass
Strutt, Horace William, Esquire, D.S.O., E.D. (Lib.) .. .. .	Denison
Townley, Reginald Colin, Esquire (Lib.) (d) .. .. .	Denison
Ward, The Hon. Sidney Victor (A.L.P.) .. .. .	Braddon
Young, Aretas William Overton, Esquire (Lib.) .. .. .	Franklin

(a) Leader of the Opposition.

(b) Resigned from Liberal Party and formed Australian Centre Party, October, 1966.

(c) Resigned and replaced by Iles, Eric Clifton, Esq. (Lib.), on 27th October, 1966.

(d) Resigned 30th June, 1965 and replaced by Brown, George Deas, Esquire (Lib.), on 12th July, 1965.

### Parliamentary Elections

#### Legislative Council

There are no general elections for the Legislative Council, three members retiring each year except in the years 1953, 1959, 1965, etc., when four members retire. At 31st December, 1964, there were 153,911 electors enrolled; of these, 66,748 were qualified as owners of property, 30,285 as occupiers of property and 56,878 qualified on other grounds. In the last six years, votes cast at the annual elections have varied from 71.5 to 91.0 per cent of enrolled electors in individual electorates. At 31st Dec., 1965, there were 155,015 electors enrolled. The electorate with the greatest enrolment was Pembroke (15,912) and with the smallest, Launceston (2,946).

*House of Assembly*

The last general election for the House of Assembly was held on 2nd May, 1964. The following table shows the voting in general elections held for the House of Assembly since 1931:

Assembly Elections Since 1931

Year of Election	Electors on Roll	Votes Recorded		Informal Votes	
		Number	As Percentage of Enrolled Electors	Number	Percentage of Total Votes
1931 .. ..	118,730	112,779	95.0	3,885	3.45
1934 .. ..	127,681	120,622	94.5	3,855	3.19
1937 .. ..	132,001	124,460	94.3	2,997	2.41
1941 .. ..	139,234	127,034	91.2	6,344	4.99
1946 .. ..	157,756	143,674	91.1	14,484	10.08
1948 .. ..	161,088	148,588	92.2	5,866	3.95
1950 .. ..	161,650	152,785	94.5	6,841	4.48
1955 .. ..	173,165	162,637	93.9	6,158	3.79
1956 .. ..	174,632	166,293	95.2	6,968	4.19
1959 .. ..	180,344	170,559	94.6	9,816	5.76
1964 .. ..	193,364	184,571	95.5	7,980	4.32

The percentage of informal votes in the above table is not particularly high, even though the voting papers for six or seven-member electorates are necessarily more complicated than those for single-member electorates. In Senate elections held in Tasmania, informal votes are seldom less than 10 per cent of votes cast and, in the 1934 election, exceeded 16 per cent. The Senate voting papers are comparable in complexity with those used for House of Assembly elections and the distinguishing factor seems to be the number of preferences needed for a valid vote. In Assembly elections, only three preferences are compulsory whereas in Senate elections, the voter must indicate as many preferences as there are candidates.

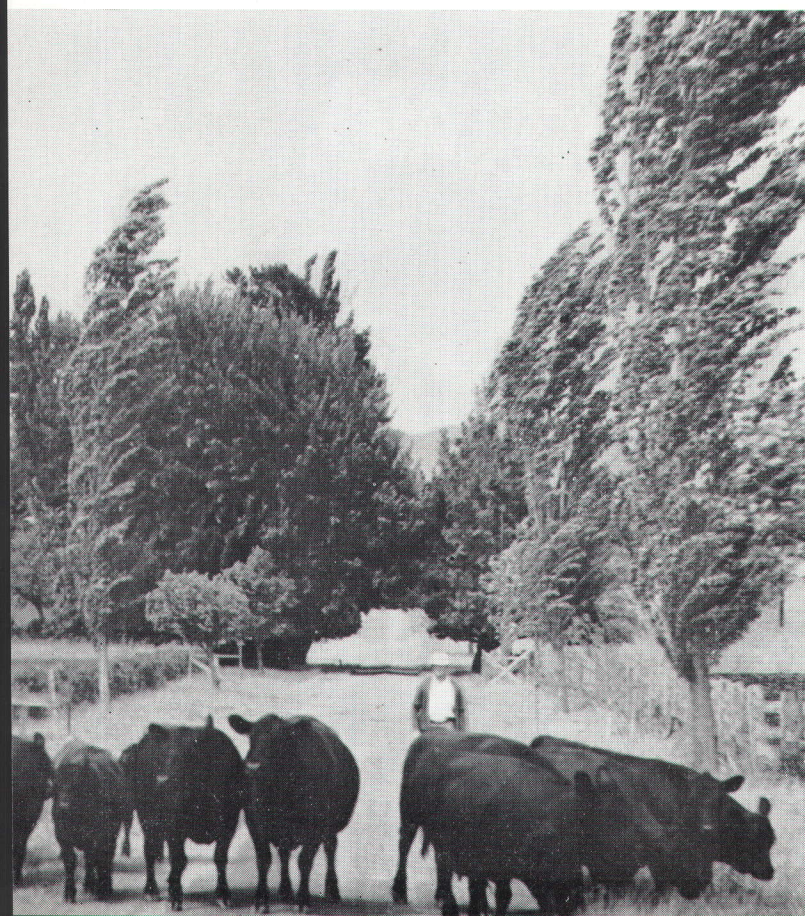
**Effectiveness of Hare-Clark System**

Since voting for the House of Assembly requires a voter to make at least three choices in order of preference, any complete investigation of the effectiveness of the system requires a study of all preference votes. However, an approximate measure of effectiveness can be obtained by treating the State as a single electorate and finding the total first-preference votes obtained by each party; from these totals it is possible to calculate, by simple proportion, the theoretical share of seats to which each party is entitled. In the table that follows, this measure of effectiveness has been calculated for all House of Assembly elections in the period 1931-1964 inclusive. It will be seen that the relationship between seats actually won and the calculated proportionate share is fairly close in most years for the major parties. In 1955 and 1956, however, the allocation of preferences from non-elected candidates outside the two main parties must be taken into account. Similarly, in 1959 and 1964, the increase in the size of the House brought about by seven-member electorates appears to give the two major parties a slight surplus of seats over and above the calculated proportionate share, the major influence again being the allocation of preferences from candidates outside the two major parties. (At the 1964 elections, the contending parties were Country Party, Democratic Labor Party, Labor Party and Liberal Party, whilst a number of candidates stood as independents.)





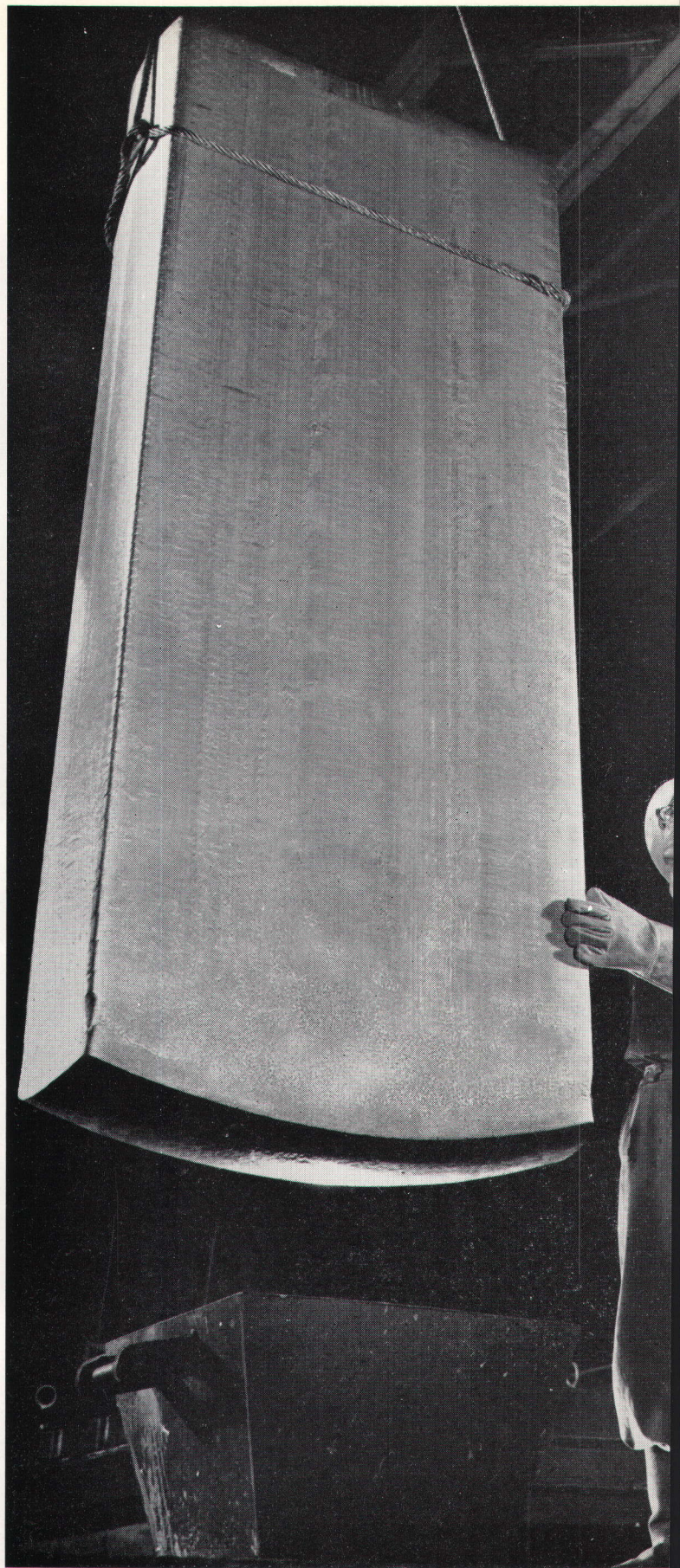
*Panorama of Hobart from Mt. Wellington before removal upstream of floating bridge.  
(Dept. of Film Production)*



*Aberdeen  
Angus beef  
cattle. (Dept.  
of Agriculture)*



*A 3,500 lb. ingot  
produced at the Bell  
Bay plant of Comalco  
Aluminium Ltd.  
(The Mercury)*





**Representation of Parties for the Whole State, 1931-1964**  
**House of Assembly**

Election Year	Labor		Liberal or Nationalist (b)		Other (c)	
	Proportionate Share (a)	Seats Won	Proportionate Share (a)	Seats Won	Proportionate Share (a)	Seats Won
1931 .. ..	10.47	10	16.92	19	2.61	1
1934 .. ..	13.74	14	14.01	13	2.25	3
1937 .. ..	17.61	18	11.64	12	0.75	..
1941 .. ..	18.78	20	10.98	10	0.24	..
1946 .. ..	15.29	16	10.27	12	4.44	2
1948 .. ..	14.82	15	11.35	12	3.83	3
1950 .. ..	14.59	15	14.27	14	1.14	1
1955 .. ..	15.79	15	13.60	15	0.61	..
1956 .. ..	15.08	15	13.08	15	1.84	..
1959 (d) ..	15.58	17	14.37	16	5.05	2
1964 (d) ..	17.97	19	13.47	16	3.56	..

(a) State treated as single electorate and proportionate share of seats calculated on basis of first preference votes cast for parties.

(b) Liberal as from 1948 election.

(c) Independents and minority parties.

(d) 35 members elected.

### Allocation of Preferences—Hare-Clark and Senate Systems Compared

The Senate elections of 1964 called attention to a major difference in the method of distributing preference votes, the Senate and Hare-Clark methods diverging at this point, although both making initial use of the Droop quota.

In the comparison that follows, it is assumed that only one candidate, on the first count, has secured a surplus above the quota (a comparison can be made without using this assumption but it necessarily becomes more complicated).

#### Second Preferences

Under Hare-Clark, the successful candidate's voting papers are examined to determine which continuing candidates have secured the second preferences. These second preferences are then adjusted by multiplying them by a fraction called the transfer value, i.e.  $\frac{(\text{Surplus above Quota})}{(\text{Total First Preferences})}$ ; the second preferences, adjusted for value in this way, are now credited to the preferred candidates.

Under the Senate system, the successful candidate's voting papers are also examined to determine which candidates have secured the second preferences; the number of second preferences to be credited to preferred candidates will be the same as the number of first preference votes in the successful candidate's surplus. At this point, the successful candidate's total papers are *physically* reduced to accord with this number.

#### Example

For the purpose of illustration and simplicity, assume that Candidate A with 50,000 first preference votes is the only candidate to exceed the quota of 30,000 on the first count.

Then, under Hare-Clark, these 50,000 papers are divided among the continuing candidates according to the second preferences shown; however, the 50,000 second preferences are attributed to candidates at fractional value  $\left(\frac{20,000}{50,000} \text{ or } \frac{2}{5}\right)$ .

In effect, the continuing candidates receive, in total, a further 20,000 votes. At this stage, all 50,000 papers are still available for examination of third or subsequent preferences.

Under the Senate system, the 50,000 papers are also divided among the continuing candidates according to second preferences shown; however, only 20,000 of the second preferences are actually to be taken into account, so each candidate's bundle of preferences is *physically* reduced by the ratio 2:5, the papers to be retained being chosen by random selection and the discarded papers being set aside as finally dealt with. At this stage, then, only 20,000 of the papers are available for examination of third or subsequent preferences.

### *Third Preferences*

Physical reduction of the successful Senate candidate's total papers means that a proportion has to be discarded and the question naturally arises, which papers to retain and which papers to discard. The Senate method of physical reduction involves random selection of the papers to be retained. Even at this point, the Hare-Clark and Senate systems have not really diverged since the effect of the distribution of second preferences is the same (Hare-Clark second preferences are subject to a *mathematical* value reduction, the Senate second preferences to a *physical* reduction). Past this point, the divergence between the two systems becomes apparent for, in regard to the Senate method, the following questions arise: Are the third and subsequent preferences on the retained papers an accurate sample of those in the total papers (i.e. retained and discarded combined)? Alternatively, if a second random selection were made, would the third and subsequent preferences in the second selection accord closely with those in the original?

Court actions initiated by Tasmanian and Victorian candidates following the 1964 Senate elections revolved round these questions. A complete re-count in Victoria, involving new random selections, did not alter the result announced after the original count. The Commonwealth Government, in 1965, made available a research grant to the University of Tasmania for an investigation of the Senate voting system.

## **Salaries of Members of Parliament**

### *Committees of Enquiry*

In determining the level of parliamentary salaries in State and Commonwealth legislatures, it has been fairly general practice in the last decade to establish committees of enquiry, the members of which are drawn from outside parliament. The committees of enquiry are required to make recommendations but their findings are treated by the parliaments as being merely a guide, and the legislation fixing new salaries and allowances has not necessarily followed the committees' recommendations in detail.

### *New Principle*

In 1962, the Tasmanian Parliament established a new principle by passing an Act for the setting up of a Parliamentary Salaries Tribunal; this was to be a committee with members drawn from outside the Parliament but its findings,

instead of being recommendations, were to be determinations binding on the Crown. Under Section 7 of the 1962 Act, "a determination is binding upon the Crown" and "where no date is specified in a determination as the date on which the determination is to come into force, the determination comes into force on the date on which it is made". In effect, the Tasmanian Parliament has adopted the principle of wage and salary fixation by independent tribunal and placed its members in the same position as the great majority of workers whose remuneration is fixed by determinations of industrial courts.

The Parliamentary Salaries Tribunal heard evidence after the elections of 2nd May, 1964, and made a determination to come into effect as from 1st October, 1964. The main provisions of the determination are set out below, together with the increases over the previous rates:

#### Determination of the Parliamentary Salaries Tribunal, 1964

Particulars	Rate Per Annum from 19.4.62 \$	Rate Per Annum from 1.10.64 \$	Increase (a) \$
BASIC SALARY OF MEMBERS			
Member, Legislative Council ..	3700	4600	+ 900
Member, House of Assembly ..	3700	4600	+ 900
SPECIAL RATES (GROSS) (b)			
Cabinet—			
Premier .. .. .	(c) 8100	(c) 10000	+1900
Deputy-Premier .. .. .	6500	8200	+1700
"Senior" Ministers .. .. .	6100	7600	+1500
"Junior" Ministers .. .. .	5300	7600	+2300
Legislative Council—			
President .. .. .	5000	6200	+1200
Chairman of Committees .. .. .	4400	5400	+1000
Government Leader .. .. .	5900	7000	+1100
Deputy Leader .. .. .	4350	5250	+ 900
House of Assembly—			
Speaker .. .. .	5000	6200	+1200
Leader of Opposition .. .. .	(d) 5900	(e) 7400	+1500
Deputy Leader .. .. .	4400	5400	+1000
Chairman of Committees .. .. .	4400	5400	+1000

(a) All amounts below include the increase of \$900 in the basic salary of members.

(b) Both old and new rates include the basic salary received by the office-holder as a member.

(c) Excludes entertainment allowance of \$700.

(d) Excludes travelling allowance of \$400.

(e) Excludes travelling allowance of \$500.

One effect of the determination is to remove the salary distinction between "senior" Ministers and "junior" Ministers; the tribunal found that the distinction rested solely on historical grounds, and, in a practical sense, was no longer valid.

The Tribunal also reviewed electorate allowances and arranged Legislative Council electorates into five groups, members from each group receiving the same allowance. The Tribunal's determination was as follows:

**Determination of Electorate Allowances: Parliamentary Salaries Tribunal, 1964**

Electorate	Old Rate Per Annum from 19.4.62	Rate Per Annum from 1.10.64	Increase
	\$	\$	\$
Legislative Council—			
(i) Buckingham .. .. .	570	600	+30
Hobart .. .. .	550		+50
Newdegate .. .. .	550		+50
Queenborough .. .. .	500		+100
(ii) Cornwall .. .. .	770	750	-20
Launceston .. .. .	770		-20
Westmorland .. .. .	770		-20
(iii) Derwent .. .. .	920	900	-20
Huon .. .. .	880		+20
Mersey .. .. .	880		+20
Tamar .. .. .	1000		-100
West Devon .. .. .	770		+130
(iv) Gordon .. .. .	1000	1000	..
Macquarie .. .. .	1000		..
Monmouth .. .. .	1050		-50
Pembroke .. .. .	920		+80
(v) Meander .. .. .	1150	1100	-50
Russell .. .. .	1100		..
South Esk .. .. .	1100		..
House of Assembly—			
Denison .. .. .	1100	1100	..
Franklin .. .. .	1450	1450	..
Bass .. .. .	1500	1500	..
Braddon .. .. .	1700	1700	..
Wilmot .. .. .	1750	1850	+100

It should be noted that the previous salaries and allowances (dated from 19.4.62) were as suggested by a Board of Enquiry which made its recommendations in 1960. These recommendations were appropriate to conditions existing in 1960 and not necessarily to those in 1962.

A further determination of the Tribunal in 1964 specified \$7.50 (£3-15-0) per day "when Parliament sits payable to a Member (other than a Minister) who incurs expense in securing overnight accommodation away from his ordinary place of residence".

## ACTS OF STATE PARLIAMENT

### Summary of Recent Acts

In the list that follows, the notation used is:

(A 1952)—An Act to amend an Act of the same title passed in 1952.

(R 1952)—An Act to repeal an Act of the same title passed in 1952.

(P 1952)—An Act to be incorporated and to be read as one with the Principal Act passed in 1952.

(RS 1952)—An Act to repeal an Act of the same title passed in 1952 and to substitute new legislation.

The Acts are listed in chronological order; the full short title can be deduced from the summary, e.g. "1963, 4 Supreme Court Civil Procedure (A 1932)" becomes "*Supreme Court Civil Procedure Act, No. 4 of 1963*" and indicates that the *Supreme Court Civil Procedure Act 1932* is the Principal Act. Where possible, a short indication is given of the main subject matter but the phrase "miscellaneous provisions" is used where condensation is not practicable.

State Acts, 1963

Number	Short Title and Summary
1	Crown Lands (A 1935)—exchange of land for roads.
2	Lands Resumption (A 1957)—land for highways.
3	Real Property (A 1886)—surrender or compulsory acquisition of land.
4	Supreme Court Civil Procedure (A 1932)—miscellaneous provisions.
5	Foreign Judgments (Reciprocal Agreement)—miscellaneous provisions.
6	Civil Aviation (Carriers' Liability)—intra-State air services.
7	Damage by Aircraft—fixation of liability.
8	Inflammable Liquids (A 1929)—prohibitions, evidence, regulations.
9	Education (A 1932)—report of Bursaries Board.
10	Tasmanian University (A 1951)—vesting and control of land.
11	State Advances (A 1935)—advances to farmers.
12	Long Service Leave (A 1956)—definition of continuous employment.
13	Fisheries (A 1959)—miscellaneous provisions.
14	Strahan Marine Board Loan (P Marine Act 1921)—borrowing powers.
15	Electoral (A 1907)—miscellaneous provisions.
16	Registration of Births and Deaths (A 1895)—legitimations.
17	Vaucluse Hospital—vesting in the Crown the hospital site.
18	Town and Country Planning (A 1944 and Local Government Act 1962)—deputy commissioner.
19	Hydro-Electric Commission (Mersey-Forth Power Development) (P Hydro-Electric Commission Act 1944)—authority for new power scheme.
20	King Island Scheelite Agreement—agreement for subsidy.
21	Public Service Tribunal (A 1958)—miscellaneous provisions.
22	Meercroft Home (Application of Moneys)—application of trust fund.
23	Police Regulation (A 1898)—Disciplinary Board.
24	Conveyancing and Law of Property (A 1962)—corrections.
25	Supply 1963-1964—Consolidated Revenue.
26	Constitution (A 1934)—electoral qualifications, disqualification of members.
27	Licensing (A 1932)—miscellaneous provisions.
28	Dangerous Drugs (A 1959 and Police Offences Act 1935)—powers of inspectors.
29	Cremation (A 1934)—fees.
30	Printers and Newspapers (A 1911)—definition of newspaper.
31	Probation of Offenders (A 1934)—conditional release, probation orders, failure to observe conditions.
32	Police Offences (A 1935 and 1962)—miscellaneous provisions.
33	Justices (A 1959)—powers and procedure.
34	Launceston Flood Protection (A 1960)—transfer of completed works.
35	Miners' Pensions (A 1956)—Treasury contribution.
36	Traffic (A 1925)—unauthorised use of motor vehicles.
37	Judges' Salaries (A 1920)—increased salaries.
38	Criminal Code (A 1924)—miscellaneous provisions.
39	Rural Fires (A 1950)—notification of occurrence of fires.
40	Tuberculosis—examination of persons suffering or suspected to be suffering.
41	Explosives (A 1916)—storage, regulations.
42	Agent-General (A 1911)—increased salary and allowances.
43	North Esk Regional Water (A 1960)—increase in financial authority.
44	West Tamar Water (A 1960)—increase of capital, water mains in building estates.
45	Lending of Money (A 1915)—contracts.
46	Appropriation 1963-64—Consolidated Revenue.
47	Land Tax (P 1910)—rates 1963-64.
48	Supplementary Appropriation 1962-63—Consolidated Revenue.
49	Marketing of Primary Products (A 1945)—establishment and control of boards.

**State Acts, 1963—continued**

Number	Short Title and Summary
50	Long Service Leave (No. 2) (A 1956)—definition, entitlement, how taken.
51	Entertainments Tax (A 1953)—suspension of operation of Act.
52	Loan Fund Appropriation 1963-64—authorisation.
53	Dairy Products Marketing (A 1957)—application of quota.
54	Waterworks Clauses (A 1952)—miscellaneous provisions.
55	State Savings Bank Transfer Agreement—agreement with Commonwealth Savings Bank.
56	Child Welfare (A 1960)—child offences, neglected children, wards of State.
57	Public Officers Protection (A 1934)—penalty for resistance and obstruction.
58	Pharmacy (A 1908)—exemption for sale of certain drugs, etc.
59	Tasmanian Auxiliary Nursing Service (A 1949)—qualifications for registration.
60	Nurses' Registration (A 1952)—qualifications for registration.
61	Audit (A 1918)—salary of Auditor-General.
62	Public Service (A 1923)—salary of Commissioner.
63	Mental Health (RS Mental Hospitals Act 1858 and Mental Deficiency Act 1920)—consolidating legislation.
64	Ambulance (A 1959)—miscellaneous provisions.
65	Public Service Superannuation Fund (A 1905)—annuities.
66	State Teachers Superannuation Fund (A 1904)—annuities.
67	Stock (A 1932)—powers of inspectors, diseases in stock.
68	King Island Scheelite Agreement (No. 2)—subsidy agreement.
69	Conveyancing and Law of Property (No. 2) (A 1962)—subdivision of land.
70	Milk (A 1947)—powers and duties of Board.
71	Lawrence Vale Landslip (A 1961)—entitlement in respect of acquisition of land.
72	Crown Lands (Miscellaneous Provisions) (P Crown Lands Act 1935)—sales and grants to specified bodies and persons.
73	Traffic (No. 2) (A 1925)—vehicle registrations.
74	Launceston War Memorial Community Centre Association (Mothercraft Home Funds)—use of trustee funds.
75	Wages Boards (A 1920)—remuneration of Boards, expenses of witnesses.
76	State Meat Board Loan Guarantee—Treasury guarantee.
77	Miners' Pensions (No. 2) (A 1956)—variation of rates and conditions.
78	Self's Point Land (A 1951)—disposal of land.
79	Crown Lands No. 2 (A 1935)—building leases and miscellaneous provisions.
80	Local Government (A 1962)—miscellaneous provisions.
81	Hobart Corporation (RS 1947, 1952, 1958, 1959, 1960, 1961)—consolidation and amendment of previous legislation.
82	Launceston Corporation (RS 1941, 1959, 1960)—consolidation and amendment of previous legislation.
83	Co-operative Housing Societies—formation, registration, management, Treasury guarantees.
84	Education (No. 2) (A 1932)—miscellaneous provisions and technical education.
85	Real Property (No. 2) (A 1862, 1863, 1893, 1962)—miscellaneous and certificates of title.
86	Defacement of Property (A 1898)—change in exemptions.
87	Superannuation (A 1938)—miscellaneous provisions.
88	Police Regulation (No. 2) (A 1898)—police pensions.
89	Royal Tasmanian Society for Blind and Deaf (RS 1933 and 1949)—constitution.
90	Wheat Industry Stabilisation (RS 1958)—miscellaneous provisions.
91	Medical (A 1959)—foreign degrees.
92	Dentists (A 1919)—scope of dental mechanics' operations.
93	Traffic (No. 3) (A 1925)—drivers' licences, closure of streets, driving under influence.
94	Workers' Compensation (A 1927)—miscellaneous provisions.
95	Launceston Corporation (Scotch and Roman Catholics Cemeteries Improvement) (A 1947)—use of cemeteries laid out as parks.
96	Constitution (No. 2) (A 1934)—Council divisions.
97	Marine (A 1921)—navigation, marine survey, manning of vessels, fishing vessels, launches, certificates of competency.

**State Acts, 1964**

Number	Short Title and Summary
1	Supply 1964-65—Consolidated Revenue.
2	Reprint of Statutes (A 1954)—Attorney General's certificate.
3	Noxious Weeds (RS 1938)—new machinery for eradication and control.
4	Queen Victoria Maternity Hospital (A 1952)—procedure and powers of Board.
5	Tasmanian Trotting Association (A 1961)—chairman and executive.
6	Trustee (A 1898)—exemption from rules.
7	Factories, Shops, and Offices (A 1958)—extension of expiry date.
8	Government House Land—reservation for Governor's residence.
9	Deceased Persons' Estates Duties (A 1931)—gifts for charitable objects.
10	Poisons (A 1916)—exempted preparations, and preparations prohibited for animals.
11	Marine (A 1921)—election of Launceston Marine Board.
12	Land Valuation (A 1950)—valuers' qualifications, valuations, notice of subdivision.
13	State Employees (Long-Service Leave) (A 1950)—eligibility.
14	Southern Regional Water (A 1960 and Metropolitan Water Act 1961)—financial provisions and water supply affecting Sorell Municipality.
15	Launceston Corporation (A 1963)—elections, special accounts, "private streets".
16	Artificial Breeding (A Stock Act 1932)—establishment of Artificial Breeding Board.
17	Hydro-Electric Commission (Mersey-Forth Power Development) (A 1963)—financial provision and amendment to include Rowallan Power Scheme.
18	Agent-General (A 1911)—salary and allowances.
19	Audit (A 1918)—salary of Auditor-General.
20	Public Service (A 1923)—Commissioner's salary.
21	Weights and Measures (A 1934)—sale of bread.
22	Hydro-Electric Commission (A 1944)—cessation of State subsidies for rural extensions.
23	Mining (A 1929)—licences, royalties, leases.
24	Stamp Duties (A 1931)—duty on policies of insurance.
25	Loan Fund Appropriation 1964-65.
26	Appropriation 1964-65—Consolidated Revenue.
27	Land Tax (P 1910)—rates for 1964-65.
28	Governor's Salary (A 1951)—variation.
29	Supplementary Appropriation 1963-64—Consolidated Revenue.
30	Fire Brigades (A 1945)—Commission, Boards, miscellaneous provisions.
31	Survey Co-ordination (A 1944)—powers of Nomenclature Board.
32	Wills (Formal Validity) (P Wills Act 1840)—rules affecting wills.
33	Transport (A 1938)—financial reports to Minister.
34	Hospitals (A 1918)—vacation of Board membership.
35	Traffic (A 1925)—stamp duties and insurance charges.
36	Wages Boards (A 1920)—penalties, compulsory conferences.
37	Radioactive Substances (A 1954)—miscellaneous provisions.
38	Stone and Berry Fruits Board (A 1939)—growers' contributions.
39	Scenery Preservation (A 1915)—powers of officers, notable buildings, regulations.
40	Land Surveyors (A 1909)—scales of fees.
41	Oil Pollution (A 1961)—prosecutions.
42	Parliamentary Retiring Allowances (A 1955)—members' contributions.
43	Parliamentary Privilege (A 1898)—permanent officers of the Parliament.
44	Railway Management (A 1935)—promotions appeals, actions by passengers.
45	Launceston Marine Board Loan (A 1951)—variation of borrowing power.
46	Australian Titan Products (A 1945)—discharge of effluent into Bass Strait.
47	Apprentices (A 1942)—attendance at classes.
48	Motor Vehicles Tax (A 1917)—exemption of tractors and farmers' machinery.
49	Education (A 1932)—miscellaneous provisions.
50	Plumbers' Registration (A 1951)—miscellaneous provisions.
51	Tourist Accommodation Loans (A 1945)—financial provisions.
52	Racing and Gaming (A 1952)—variation in bookmakers' commission.
53	Weights and Measures (No. 2) (A 1934)—miscellaneous provisions.
54	Traffic (No. 2) (A 1925)—regulations affecting registration, closure of city streets.

**State Acts, 1964—continued**

Number	Short Title and Summary
55	Sale of Blood—prohibition of unauthorised trading.
56	State Teachers Superannuation Fund (A 1904)—variation in annuities.
57	Superannuation (A 1938)—variation in scale of units.
58	Public Service Superannuation Fund (A 1905)—variation in annuities.
59	Anatomy (RS 1869)—provisions for anatomical examination and teaching.
60	Public Account (A 1962)—repeal of expiry section.
61	Long Service Leave (A 1956)—exemptions, entitlement.
62	Local Government (A 1962)—miscellaneous provisions.
63	Marine (A 1921 and 1963)—unseaworthy vessels, certificates, inspections.
64	Associations Incorporation Act—miscellaneous provisions.
65	Workers Compensation (A 1927)—employers' liability.
66	Public Works Committee (A 1914)—functions, remuneration, travelling expenses.
67	Conveyancing and Law of Property (A 1884)—easements.
68	Water (A 1957)—Commissional water rights, irrigation, dams.
69	Migrant Teachers (Financial Assistance)—payments to stimulate recruitment overseas.
70	Renison Limited (Zeehan Lands)—vesting of certain lands in Renison Limited.
71	Shops (A 1925)—extension of expiry date, petrol filling stations.
72	Real Property (A 1886)—miscellaneous provisions.
73	Hydro-Electric Commission (Miena Dam) (A 1944)—heightening Miena Dam.
74	Crown Lands (Miscellaneous Provisions) (P Crown Lands Act 1935)—dealings of Crown with named individuals and bodies.
75	Public Account (No. 2) (P 1957)—Treasurer's reserve, trust fund.

**State Acts, 1965**

Number	Short Title and Summary
1	Supply 1965-66—Consolidated Revenue.
2	State Employees (Long Service Leave) (A 1950)—miscellaneous provisions.
3	Long Service Leave (A 1956)—payment in lieu and how and when taken.
4	Inflammable Liquids (A 1929)—interpretation and licensing of premises.
5	Tasmanian Auxiliary Nursing Service (A 1949)—qualifications for registration.
6	Registration of Deeds (A 1935)—fees.
7	Trustee (A 1898)—authorised investments.
8	Metropolitan Water (A 1961)—miscellaneous provisions.
9	Evidence (A 1910)—power to send for witnesses and documents; admissibility; judicial proceedings.
10	Hospitals (A 1918)—hospital boards.
11	Racing and Gaming (A 1952)—totalisator licences.
12	Community Centre Loans (A 1959)—borrowing powers of municipalities and application of borrowed moneys.
13	Abandoned Lands—reversion and reversion of these lands.
14	Factories, Shops and Offices (R 1958)—consolidation.
15	Stamp Duties (A 1931)—duty on H.P. agreements and offences.
16	Workers' (Occupational Diseases) Relief Fund (A 1954)—miscellaneous provisions.
17	Emu Bay Railway (Private)—relief of obligation to keep railway open.
18	Petroleum Products Subsidy—subsidisation of distribution in country areas.
19	Justices (A 1959)—clerks of petty sessions; summary trial; fees; rules of committal and procedure.
20	Local Government (A 1962)—miscellaneous provisions.
21	Launceston Corporation (A 1963)—miscellaneous provisions.
22	Milk (A 1947)—Milk Board elections.
23	Sunday Observance (A 1908)—exemption of some shops, works of mercy or charity.
24	Racing and Gaming (No. 2) (A 1952)—stamp duty on betting tickets.
25	Housing Agreement (A 1961)—powers of Treasurer in carrying out agreement.
26	Judges' Salaries (A 1920)—increased salaries.



## State Acts, 1965—continued

Number	Short Title and Summary
27	Traffic (A 1925)—miscellaneous provisions.
28	Appropriation 1965-66—Consolidated Revenue.
29	Loan Fund Appropriation 1965-66—authorisation.
30	Land Tax (P 1910)—rates 1965-66.
31	Supplementary Appropriation 1964-65—Consolidated Revenue.
32	School Dental Nursing Service—establishment.
33	Criminal Code (A 1924)—aircraft crimes.
34	Legal Practitioners (A 1959)—articles and admission qualifications.
35	Local Courts (A 1896)—miscellaneous provisions.
36	Supreme Court Civil Procedure (A 1932)—costs and transfer of actions.
37	Conveyancing and Law of Property (A 1884)—miscellaneous provisions.
38	Highways (A 1951)—power to dispose of surplus land.
39	Sewers and Drains (A 1954)—interpretation, offences and regulations.
40	Superannuation (A 1938)—contributions and pensions.
41	Fisheries (A 1959)—regulations and prohibitions.
42	Licensing (Fees) (A 1932)—fees paid for licences and incidental provisions.
43	Public Service (A 1923)—miscellaneous provisions.
44	Supreme Court (A 1959)—functions of registrar.
45	Fire Brigades (A 1945)—regulations.
46	Crown Lands (Miscellaneous Provisions) (A 1935)—vesting and disposal of lands.
47	Archives (RS 1943)—consolidation.
48	Dairy Produce (A 1932)—miscellaneous provisions.
49	Emmerton Bequest—accommodation of aged persons at Smithton.
50	Stamp Duties (No. 2) (A 1931)—duty on life policies, or transfer of securities, and other.
51	Limitation of Actions (A 1836 and 1875)—limitation of time for claims in personal injuries.
52	Fatal Accidents (A 1934)—action to be commenced within a year.
53	Police Offences (A 1935)—resistance and obstruction of public officers.
54	Public Officers Protection (Repeal) (R 1934, 1963).
55	Decimal Currency—transition provisions.
56	Iron Ore (Savage River) Agreement—establishment of industry.
57	Crown Lands (A 1935)—surrenders to the Crown.
58	Stamp Duties (No. 3) (A 1931)—special provisions.
59	Plumbers' Registration (A 1951)—registration provisions.
60	State Advances (A 1935)—miscellaneous provisions.
61	Married Women's Property (A 1935)—equity of husband and wife.
62	Police Offences (No. 2) (A 1935)—miscellaneous provisions.
63	West Coast Pioneers' Memorial Museum (P Tasmanian Museum Act 1950)—establishing of museum.
64	Local Government (No. 2) (A 1962)—miscellaneous provisions.
65	Railway Management (A 1935)—responsibility outside railway limits.
66	Pharmacy (A 1908)—miscellaneous provisions.
67	Industrial Development (A 1954)—departmental provisions.
68	Deceased Persons' Estates Duties (A 1931)—relation to gift duty.
69	Land Valuation (A 1950)—new valuations and basis of taxes.

## ADMINISTRATION

## State Departments and Authorities

The system of responsible government requires that the executive power of the State shall be exercised by the Cabinet; in exercising this power, the Ministers of the Cabinet are held responsible for the actions and administration of government departments and other governmental bodies which have been created for three basic purposes: (i) to put into practice the laws made by Parliament; (ii) to give effect to decisions of the Ministry; and, (iii) to advise the Ministry on matters of policy.

A distinction is sometimes drawn between government departments and semi-governmental authorities, the chief criteria being: (i) whether the staff is recruited under the *Public Service Act*; (ii) the degree of Ministerial control;

(iii) whether the authority functions as a business enterprise; (iv) whether the authority has been established as a statutory corporation; (v) the degree to which the authority is dependent on the Treasury for funds. Applying these criteria to the Tasmanian situation, it is easy to immediately identify examples of "pure" departments and "pure" semi-governmental authorities but there are a number of doubtful cases where the authority does not completely fit into either category. In this chapter, therefore, no attempt will be made to classify the principal government authorities as departments or otherwise but, in descriptions that follow, mention will be made of these criteria where relevant. Departments and authorities are arranged to show the Minister accepting responsibility following the elections held on 2nd May, 1964; the allocation of responsibility, however, is subject to change and the Cabinet has the power to vary it at any time.

It should also be noted that a Cabinet Minister may be called upon to serve in more than one capacity, the present arrangement of portfolios being:

(i) Premier, Treasurer, and Minister for Mines, (ii) Deputy Premier and Attorney General, (iii) Education, (iv) Lands and Works, (v) Agriculture, Tourists and Immigration, (vi) Chief Secretary, (vii) Housing and Forests, (viii) Transport and Police, (ix) Health.

### Premier, Treasurer and Minister for Mines

#### *Premier's and Chief Secretary's Department*

The functions of this department are combined under the control of one permanent head—the Under Secretary. The activities of the department are difficult to classify, covering as they do a very wide range, but the principal matters of concern are: constitutional matters; cabinet secretariat; inter-departmental co-ordination of Government activities; Executive Council; tables of precedence; honours; Premiers' conferences; civil defence; royal commissions; Government ceremony and hospitality; overseas publicity; maintenance of Government house and staffing; security of public buildings; messenger service; ministerial transport; matters related to interstate shipping; film censorship; cinema registration; fire brigades; public cemeteries; bank holidays; museum and botanical gardens; miners' pensions; coal-mining long-service leave.

In addition, the department serves as ministerial office for other departments administered by the Premier and the Chief Secretary and as a channel of communication with the Commonwealth Relations Office (through the Governor), with the Prime Minister of the Commonwealth, with Premiers of other Australian States and with the Tasmanian Agent-General in London.

#### *Industrial Development Branch*

This authority is primarily concerned with the attraction of industries to the State and with assistance in the establishment of industries, in some cases by loans or by making suitable sites available.

#### *The Hydro-Electric Commission*

The Commission is responsible for the generation and distribution of electric power throughout the island; it is also continuously engaged in construction work aimed at increasing the capacity of the system. The work of the Commission is extensively described in Chapter 8, "Secondary Industry—Manufacturing".

*Treasury Department*

The Treasury, as the central financial authority of the State, is responsible for maintaining the control of Parliament over the public expenditure and for promoting financial order throughout the Public Service.

In the accounting sphere, it acts as the accounting centre for Government departments and authorities, paying accounts due by the Government, or providing funds for departments for this purpose, and receiving either direct from the public or from departments, all monies due to the Government. It finally records all financial transactions although detailed accounts are kept by each department. It also advises on the accounting procedures to be adopted by departments and controls the Government's bank accounts.

It is responsible for advising the Government on financial matters generally and, in particular, on matters relating to Commonwealth/State financial relations, including the operations of the Commonwealth Grants Commission, and the Australian Loan Council. Through the State Finance Committee, which consists of Treasury Officers, it also prepares the case for presentation to the Commonwealth Grants Commission for a special grant in accordance with Section 96 of the Commonwealth Constitution.

Other important functions of the Treasury are to prepare or examine legislation affecting the finances or financial procedures of the Government; to advise the Government on the sources of funds required to enable its financial policy to be carried out; to prepare financial estimates, budgets and statements for the information of the Government and Parliament and to carry out economic and financial investigations; to control the borrowings of all local and semi-governmental authorities throughout the State.

Through its various branches, the Treasury collects all State taxes; controls the State Superannuation Fund; values all properties throughout the State for taxation and local authority rating purposes and values specific properties for other Government purposes.

*Supply and Tender Department*

This department is a purchasing organisation obtaining supplies, equipment and medical requirements for Government departments and organisations associated in some way or other with Government expenditure.

*Government Printing Office*

The main function of the department is to ensure adequate supplies of stationery, books, etc. to the various Government departments and authorities; to print and publish Parliamentary Papers, Bills, Acts, &c. and to supply technical publications, stationery and forms to branches of Commonwealth departments throughout Australia. In some respects, the department is analogous in function to a printing and publishing business in the private sector of the economy since its revenue is largely derived from charges for the work it does.

*Department of Mines*

The functions of the department are summarised under its four constituent sections: (i) Geological Survey—main activities include regional mapping, examination of mines, investigation of underground water supplies, testing of foundations and the preparation of geological maps and technical publications. (ii) Mines and Explosives—main activities are inspectorial with regard to the *Mines and Works Act* (safety and health of mining, quarrying and metallurgical workers), the *Explosives Act* (importation, storage and transport of explosives)

and the *Inflammable Liquids Act*. The section's mining engineers also operate diamond drilling and boring plants. (iii) Chemical and Metallurgical—main activities are analyses of mineral samples, water and other inorganic materials, research into maximising recovery from metallic and non-metallic minerals and investigation of possibilities of commercial exploitation through new treatment processes. (iv) Administration—main activities are administration of legislation dealing with the holding of land for mining and the granting of financial assistance to the mining industry.

### Attorney General

#### *Attorney General's Department*

In other political systems, the Attorney General is sometimes known as the Minister for Justice. The department has a variety of functions which include: the administration of the courts; the appointment of Justices of the Peace and Coroners; rehabilitation of ex-prisoners and operation of a probation system; forming and reviewing proposals for legislation; action as required under various legislation, e.g. the *Local Courts Act*, the *Rules Publication Act*, the *Maintenance Act* and the *Jury Act*. In so far as the Attorney General is responsible for a number of other departments, this department exercises oversight in a general sense, particularly where policy is concerned.

#### *Solicitor General's Department*

The Solicitor General advises the Governor, Ministers and Government departments and authorities on all legal matters affecting them. He initiates criminal prosecutions in the Supreme Court and various other summary prosecutions in Courts of Petty Sessions; in civil litigation, the department's counsel represent the Crown. Other work of the department is concerned with giving legal advice, preparing legal documents and transferring land.

#### *Supreme Court and Sheriff's Department*

The department is under the control of the Master and Registrar of the Supreme Court and acts as the registry for all processes in the Supreme Court, whether civil, criminal or matrimonial and for appeals to the Full Court or the Court of Criminal Appeal. The Registrar is also District Registrar of the High Court of Australia. The function of the Sheriff is to enforce judgments.

The Registrar is also the authority for the registration of companies, bills of sale, firms and co-operative societies, applications for probate or letters of administration, friendly societies, trade unions and savings banks.

#### *Court of Requests and Magistracy Department*

This department is responsible for the administration of three separate courts of jurisdiction, namely: (i) Courts of Petty Sessions dealing with criminal offences, simple offences, breaches of duty and applications for certain types of licence; (ii) Courts of Requests dealing with civil proceedings when the amount involved does not exceed \$500; (iii) the Licensing Court which issues licences for the retail and wholesale distribution of liquor.

#### *Lands Titles and Registry of Deeds Department*

Under the *Real Property Acts* and the *Registration of Deeds Act*, this department is responsible for registering and recording all kinds of dealings in land, including all privately-owned land in the State.

*Parliamentary Draftsman's Department*

The department concerns itself with the drafting of bills for submission to Parliament and the drafting of regulations under the authority of existing statutes.

*Public Trust Office*

Under the *Public Trust Office Act*, the Public Trustee is empowered to administer the estates of deceased persons, whether testate or intestate and to replace on request executors named in wills. The Public Trustee may also act under power of attorney and as custodian trustee or be appointed by Court order to manage the affairs of specific persons. All payments under the *Workers Compensation Act* are made through the Public Trust Office. In some respects, the Public Trust Office is analogous in function to a private solicitor's office.

*Registrar General's Department*

The main function of the department is the central registration of births and deaths originally registered in 52 districts approximating to the 49 local government areas. (Council clerks usually serve as local Registrars.) The department authorises and registers all celebrants of marriages and also acts as a central registry for marriages; a further function is the administration of the *Legitimation Act* and the recording of all adoptions.

*Prisons Department*

This department is charged with the administration of penal institutions, the principal being the Risdon Gaol and the gaol farm at Hayes.

**Minister for Education***Education Department*

This department is responsible for the administration and staffing of the State system of primary, secondary and technical education. This and other functions of the department are dealt with extensively in the chapter on "Social Conditions".

**Minister for Lands and Works***Department of Public Works*

The department is responsible for carrying out a large works programme which includes the construction and maintenance of an extensive highway system, the planning, design and construction of schools, hospitals and public buildings generally and other public works required by the Government.

*Department of Lands and Surveys*

This department is responsible for all Crown Lands which may be reduced by alienation; augmented by acquisition; leased or let under licence. The department's mapping section is responsible for production of State maps, the main source of data now being aerial photos. A sub-section maintains all mineral charts and prepares survey instructions for mineral surveys.

*Rivers and Water Supply Commission*

This authority is responsible for bulk water schemes (North Esk, Southern Regional, West Tamar) which make supplies available to the distributing municipalities. It also acts as a channel for Government assistance for municipal water and sewerage schemes. The authority licenses the taking of water from rivers and lakes, is responsible for anti-pollution regulations and carries out river improvement work to reduce flooding and erosion.

*Department of Film Production*

This department produces films and material used for tourist promotion, teaching, public relations and newsreels.

**Minister for Agriculture, Tourists and Immigration***Department of Agriculture*

The functions of this department are: (i) to provide advisory services to farmers and dairymen; (ii) to conduct research into plant diseases, pest control and stock diseases; (iii) to carry out inspections and testing in a number of fields related to primary production. A section, the Sea Fisheries Division, is concerned with regulating the State's sea fisheries by licensing and inspection.

*Agricultural Bank of Tasmania*

The Agricultural Bank is not a bank if the criterion is acceptance of deposits from the public (as with savings and trading banks); its main functions are: (i) to make loans to home builders wanting to erect their own homes; (ii) to acquire, develop and improve land for farms suitable for war service land settlement and closer settlement. The main sources of its finance are State loan funds and funds for special purposes made available by the Commonwealth Government. Basically, the authority resembles a mortgage bank.

As a housing authority, the Bank lends to home-builders, administers Commonwealth funds advanced to building societies and arranges Government guarantees to building societies; as a development authority, the Bank administers war service and closer settlement schemes, and lends money for such things as fisheries expansion, establishment of sawmills, milk processing plants, and abattoirs; finally the Bank administers any relief legislation enacted by Parliament to assist, with loans or grants, farmers who have suffered serious losses through abnormal circumstances or seasonal conditions, (e.g. floods).

*Tourist Office*

The function of this office is to publicise the tourist attractions of the State and to arrange bookings for tourists. Offices are maintained in other Australian States. Loans are also made to increase tourist facilities.

**Chief Secretary***Audit Department*

The functions of the Audit Department are to ensure that expenditure is limited to the objects for which Parliament has appropriated funds, that statutory law affecting public finance has been observed, that public revenues have been collected and that departmental and other public accounting is accurate. The Auditor General is directly responsible to Parliament for audits of accounts of Government departments and authorities, city and municipal councils, marine boards, the Tasmanian University and a host of smaller accounts. He reports annually to both Houses of Parliament on the position of the accounts.

*Public Service Commissioner's Department*

Under the *Public Service Act*, the Commissioner is required to recruit and appoint staff, to arrange training and to be responsible for disciplinary supervision of all officers of the Public Service. The department is concerned with the efficiency of the Public Service as a whole and with the principles of management and staff economy in individual departments.

*Electoral Department*

This department is responsible for the enrolment of qualified electors for the Legislative Council and maintaining the rolls for the 19 Council divisions; it collaborates with the Commonwealth Electoral Department in the preparation of the rolls used for House of Assembly, Senate and House of Representatives elections. In addition to administering elections for the House of Assembly and the Legislative Council, the department conducts other elections, e.g. for members of wages boards and hospital boards and representatives of employees on the Public Service Tribunal.

*Department of Labour and Industry*

This department is responsible for the implementation and supervision of industrial legislation and for helping employers and employees solve problems of industrial relations, i.e. by arbitration and conciliation where workers under State awards are involved. The activities of the department are more extensively described in the chapter "Labour, Prices and Wages".

*Public Service Tribunal Department*

The tribunal has the power to make principal awards determining the scales of salaries and working conditions of all employees in the Public Service, Hydro-Electric Commission, teaching service, police force, public hospitals, statutory authorities, and other State instrumentalities defined by the *Public Service Tribunal Act*.

*Social Welfare Department*

This department has two main concerns: (i) child welfare—the department investigates complaints that children are neglected or inadequately controlled; administers a scheme whereby children declared wards of the State are placed in the care of private persons or institutions; operates a juvenile probation system in relation to children's courts; maintains a number of institutions for children committed to its care; operates a housekeeper service for homes where the mother is temporarily absent; (ii) aid to persons in indigent circumstances—the main social services burden falls on the Commonwealth in the payment of pensions but the State, through this department, makes grants or supplementary allowances to mothers left with dependent children and without adequate income. Eligible aged and invalid pensioners are supplied with fuel allowance, and are assisted with ambulance and other transport expenses.

*Tasmanian Grain Elevators Board*

This authority operates bulk storages at Hobart, Launceston and Devonport to maintain adequate supplies of wheat for local needs.

*The State Library*

This authority is concerned with making books, films and gramophone records available to people throughout the State. The State Library is situated in Hobart but it assists municipalities operate their own libraries by providing them with books and technical assistance; a mobile library service is maintained in the municipalities around Hobart. An important function is the keeping of the State Archives.

**Minister for Housing and Forests***Housing Department*

The functions of this department include the purchase of land, its development for housing purposes and the erection of houses, flats and estate shopping

centres. The assets so created are then either sold to the public (principally by purchase contract involving repayment of equated instalments) or let at rental.

### *Forestry Department*

The Forestry Department, administered by the Forestry Commission, has exclusive control and management of all State forests and timber reserves, and, with the concurrence of the Secretary for Lands, of all forest products on other Crown land. Its functions include the granting of forest permits and licences for the sale of timber, the granting of leases for the occupation of State forests, the collection of revenue, and the development and protection of native forests and of plantations of exotic softwoods.

Major activities at present being undertaken are the preparation of inventories of the State's timber resources and of estimates of future yields of sawlogs and pulpwood; the construction of major access roads for logging and of minor roads for protection; research into practical methods of regenerating eucalypt forests; the establishment, pruning and thinning of softwood plantations, and the preparation of forest-type maps based on aerial photo-interpretation.

## **Minister for Transport and Police**

### *The Transport Department*

This authority operates as a business organisation administering State railway, road and ferry services; it is also the licensing and registration authority for motor drivers and motor vehicles. In addition, it is concerned with road safety and the promulgation of traffic rules. The functions of the authority are more extensively described in the chapter on "Trade, Transport and Communications".

### *Metropolitan Transport Trust*

The function of this authority is the running of bus and trolley-bus services in Hobart, Launceston and Burnie.

### *Police Department*

This department is responsible for the administration of the State police force which is more extensively described in the chapter "Social Conditions".

## **Minister for Health**

### *Department of Health Services*

The maintenance of the health of the community and the prevention of disease is the responsibility of this department. The main sections are: (i) Public Health—responsible for work associated with sanitation and hygiene, through State health inspectors and by supervision of the work of municipal health inspectors. Other phases of activity are the Child Health Service, School Medical and Dental Services, and the Sabin vaccine and triple-antigen campaigns. (ii) Mental Health—responsible for the control of mental hospitals, mental deficiency institutions, and clinical work in regional centres. (iii) Tuberculosis—concerned with prevention, detection, notification and treatment of tuberculosis; administration of chest hospitals, clinics and the mass miniature X-ray campaign. (iv) General—concerned with the administration of all State hospitals, the District Medical Service and health education; liaison with other States and the Commonwealth in health matters.