

GOVERNMENT AND ADMINISTRATION

INTRODUCTION

This Chapter traces the main developments in the government and administration of Victoria since 1934. It covers constitutional developments, the changing role of the Monarch's Representative, the legislature and Parliamentary practice, the personal contributions made by the Governors and the Premiers (because the personalities of these leaders played an important role in the changing social and political perspective), the executive and government administration, the electoral system, and Victoria's relationship with the Commonwealth.

CONSTITUTION

From 1855 until its repeal in 1975, Victoria had a Constitution which, although principally the work of the first Legislative Council of Victoria, was nevertheless a statute of the Parliament at Westminster. That Constitution Act gave power to the Parliament of Victoria, among other things, to amend the provisions of the same and this was frequently done over the next 120 years. On 22 October 1975, Her Majesty The Queen assented to the new Constitution Act of Victoria which, for the first time, gave the State of Victoria a Constitution entirely enacted by its own Parliament. It re-enacted with minor changes many provisions previously existing and, recognising the Supreme Court of Victoria as part of the State's essential legal framework, contained provisions relative to the Court within the Constitution, and repealed the separate provisions of the Supreme Court Act. At the same time a separate enactment constituted a Parliamentary Offices Committee, comprising the Presiding Officers and senior Members of the Parliament; this was designed to increase the independence and autonomy of Parliament in relation to certain aspects of staffing.

Constitutional developments

In 1934, Victoria was governed under a Constitution providing for a bicameral Parliament and an executive government responsible to that Parliament. Some fifty years later, that basic structure still remains but there have been great developments and changes in the law and practice of the Constitution. More than thirty Acts directly affecting the Constitution have been passed by the Parliament, many dealing with comparatively minor matters of electoral law but many making profound changes.

During the period the Legislative Council has been converted from a House elected on a restricted franchise to one of universal adult suffrage. It remains a powerful Upper House. The *Constitutional (Reform) Act* 1937 provided a system for the resolution of deadlocks between the Houses. In substance, while it provided for a double dissolution in the case of deadlock, such a double dissolution could only occur after the Assembly had been dissolved and faced the people. The end result was that there has never been a double dissolution. It may be that the procedure is so structured that it is unlikely that the Legislative Council would ever be forced to a double dissolution. If the Council's view is

supported by the people when the Assembly is dissolved, that will be the end of the question, and if the Council's view is not supported by the people at the Assembly elections, the Council can withdraw its opposition to the disputed measure.

The strength of the Council's position is illustrated by the manner in which it constrained the Cain Government to advise the dissolution of the Legislative Assembly in 1947 in order that the people might vote on the proposal of the Commonwealth Labor Government to nationalise banking in Australia. This, of course, was a matter over which the State Parliament had no legislative power. The Cain Government did not control the Legislative Council and the Opposition persistently refused to grant Supply until Mr Cain reluctantly advised the Governor to dissolve the Assembly. The Cain Government was defeated at the ensuing election.

Again, in 1952 the Legislative Council constrained the McDonald Government to go to the polls by refusing Supply to enable an election to be held allegedly on the issue of electoral reform. The political circumstances on this occasion involved the Governor refusing a dissolution to McDonald and the resignation of the McDonald Government, the commissioning of a government under the Hon. T. T. Hollway who obtained Supply but was immediately defeated on a "no confidence" motion, the refusal of a dissolution to Hollway, and the recommissioning of a government under McDonald on condition that he would advise an immediate dissolution of the Assembly. The ensuing election resulted in a victory for the Labor Party and led to various constitutional questions being litigated in the Supreme Court in the case of *McDonald v. Cain* [1953] VLR 411.

In 1978, provision was made for the first time for a pension to be paid to Governors who had served for at least five years in that office or who retired because of ill-health. In 1979, the Constitution was amended by making provision requiring that a system of local government be established and maintained throughout Victoria and Phillip Island. It also dealt with the qualifications for electors at municipal elections and for membership of municipal councils, and regulated the power of Parliament to enact laws as to the dismissal of municipal councils, and the suspension of municipal councils. These provisions are probably of greater political and symbolic importance than of legal consequence but for the first time in Australia and, indeed, in any Australian jurisdiction, local government was recognised as an essential part of the constitutional fabric of the State.

Australian Constitutional Convention

The Australian Constitutional Convention met for the first time in Sydney in September 1973. Its establishment was the result of resolutions passed by the Victorian Parliament in 1969 and 1970, although the concept of a review of the Commonwealth Constitution by a body as representative as possible of the Australian political spectrum was not new. It was hoped that recommendations for change emanating from a widely representative body would be more readily accepted by the electorate than had referendum proposals in the past.

The Convention initially comprised twelve delegates from each of the States, sixteen from the Commonwealth, and two from the Northern Territory, drawn from all major parliamentary parties and appointed by resolution of their respective legislatures. It was agreed early in the Sydney session that three representatives of local government from each State and two from each of the mainland territories should be included also, with limited speaking and voting rights. The Australian Capital Territory representatives became full delegates in 1975.

The agenda for the Sydney session did not intend that substantive recommendations should be made but only that the areas of the Constitution in need of change should be identified and referred to Standing Committees for examination and report. Four such were established. The Melbourne session met in September 1975. It was not fully representative, as some delegates from some States did not attend.

The third plenary session met in Hobart in October 1976. A full complement of delegates attended, to consider an agenda of thirty-three items, many of which had been re-submitted following the Melbourne session. Twenty resolutions were passed by this session, including a draft Constitution Alteration Bill to enable an interchange of powers between the Commonwealth and the States. Three resolutions subsequently formed the basis of

successful referendum proposals in 1977: the principle that a casual vacancy in the Senate should be filled by a member of the same political party; the introduction of a retirement age for Federal judges; and the enfranchisement of electors in the mainland territories in referendums. A fourth, proposing simultaneous elections for the Senate and the House of Representatives, was narrowly lost.

The Convention met again in plenary session in Perth in July 1978. It considered an agenda and four additional reports, including those on local government, section 92, the judiciary, and the Senate and Supply.

No referendums followed this session; however, its recommendations resulted in legislation being passed by the Commonwealth Parliament requiring consultation with the States on the appointment of High Court justices. The recognition of local government in State Constitutions, beginning with Victoria in 1979, also originated in the deliberations of the Convention at its Hobart and Perth sessions.

ROYAL EVENTS SINCE 1934

In the fifty years from 1934 to 1984, there were many memorable Royal events whose impact on the community was strengthened by the development of the media, especially of television after 1956.

To celebrate the centenary of Melbourne in 1934, King George V sent one of his sons, Henry, Duke of Gloucester, to represent him. In the following year the King died and was to be succeeded by Edward VIII (who had himself visited Australia as the Prince of Wales in 1920). However, Edward VIII abdicated in 1936 and his brother Albert was crowned King George VI in 1937. His reign witnessed the Second World War and after his death in 1952 he was succeeded by Queen Elizabeth II who, in 1954 was the first reigning Monarch to visit Australia. She paid further visits in 1963, 1970, for her Silver Jubilee in 1977, 1980, and in 1981.

There has been a discernible change in style of Royal Visits to Victoria, especially in the 1970s and 1980s. They have become less formal and increasingly part of the normal pace of community activity. The "Queen's walk" whereby she could meet some of the people lining the streets has been an innovation begun in Melbourne in 1970 and later copied in her visits to some other countries.

THE GOVERNORS OF VICTORIA AND THEIR REPRESENTATION OF THE CROWN SINCE 1934

The Office of Governor

Historical work on the Governors of Victoria is not easily found. This section was written for this volume by Mr H. L. Speagle who has based his account on such official records as were available, interviews with persons who had known or worked with various Governors, and his own personal knowledge of most of the incumbents. He was greatly indebted to the late Sir Edmund and Dame Mary Herring, who took up official residence at Government House for varying periods between 1945 and 1972.

The representation of the Crown in Victoria dates back to the beginning of European settlement in what was at first known as the Port Phillip District. Governor Bourke proclaimed this area as part of the Colony of New South Wales in 1835. He took immediate responsibility for its government until the appointment of Captain William Lonsdale as Magistrate in 1836 which was followed by that of Charles Joseph La Trobe as Superintendent in 1839. When the settlement became the Colony of Victoria in 1851, La Trobe became Lieutenant-Governor and when representative government was granted in 1855, Sir Charles Hotham became the first Governor.

The resident representation of the Crown in the State has thus been continuous since early settlement. During periods between the departure of a retiring Governor and the arrival of the newly appointed Governor, the Lieutenant-Governors have served as the Monarch's Representative, as they have when the Governors were unable to carry out their duties, for example, during periods of illness or absence from the State.

The Constitution Act of 1975 defines the Governor's position in section 6: "The Governor appointed by Her Majesty shall be Her Majesty's representative in Victoria".

In Victoria the ultimate executive power rests in the Crown and the Governor exercises this from authority derived from the Letters Patent, the Commission of Appointment, and the Governor's Instructions issued under the Royal Sign Manual and Signet. As the Monarch's Representative he summons and prorogues Parliament, and at the beginning of each session outlines the Government's legislative programme in his opening speech. In the name of the Monarch he gives the Royal Assent to most bills which have passed all stages of Parliament. As head of the Executive he makes many appointments to important State offices, official proclamations, and exercises the Royal prerogative of mercy. All these functions are carried out on the advice of his Ministers, but he exercises discretion in the formation of a new Ministry and the granting of a dissolution of Parliament.

The formal specifications of the Governor's position, however, do not give anything like a full picture of his position in the community. It is the less tangible aspects of his position which make his representation of the Monarch widely apparent: his speeches and his visits to various places and groups; his encouragement of many forms of voluntary endeavour; his unique position to see the State as a whole and share the benefits of his perception with his Ministers; and the opportunity of embodying in his demeanour the qualities of moral leadership that the community esteems in the Crown. Living as he does in a residence near the centre of Melbourne, he has been seen to be the Monarch's resident representative by a large proportion of the population and in his ceremonial functions symbolises the relationship between the Crown and the community.

From the achievement of representative government in Victoria it has been the practice for the Governor to at least appear to be the direct selection of the Monarch from a list of names of suitable persons recommended by the Sovereign's advisers—in the early years the Secretary of State for the Colonies, and then successively the Secretary of State for the Dominions; for Commonwealth Relations; and the Foreign and Commonwealth Office.

The practice followed by the State for many years was that when the term of the Governor was coming to a close, the Premier would address a memorandum to His Excellency either asking him to submit the Government's recommendations for the extension of his term, or requesting him to ask the Secretary of State to take the necessary action to nominate a successor. Of course it was customary for the Secretary of State to inform the Government of the name of the person it was proposed to submit to give them the opportunity to express a view if for some reason they thought it inappropriate that such a person should be appointed.

In more recent times it has been the practice of the State Premier to nominate the Governor. In earlier years a list of suitable persons was submitted by the United Kingdom authorities; later, in accord with the trend to appoint Australian citizens to Vice-regal office, he put forward his own nominee to the Sovereign through the normal channels.

As times have changed during the last fifty years, so has the community's perception of the Crown's representation in the State. Attitudes towards the office in the 1980s are not the same as in the 1930s. Indeed, the Government's growing obligation over the 50 years in meeting the costs of Vice-regal representation has been one factor in drawing the responsibilities of Government House closer to those of the community.

Many Royal events and celebrations — especially in the earlier years of the period — prompted strong expressions of loyalty, many of which changed during the period. These could take the form of Loyal Addresses to the Monarch which were conveyed through the Governor. It was also customary to display a Royal portrait in government offices, defence establishments, civic reception areas, and other places whose official situation or ceremonial purpose rendered them prominent. Naturalisation ceremonies, for example, were held in the presence of a Royal portrait and most artistic performances in the earlier years began or ended with the rendering of "God save the Queen". This practice gradually fell into disuse later in the period, especially in the 1970s. Many educational and community organisations applied for and obtained the prefix "Royal" for incorporation in their title. All such aspects of community life sought to express a link of loyalty with the Crown. The link was also preserved by the Governor's obligation to forward regular official Dispatches to the Monarch through the Colonial Office and its successors. In these he recorded the significant events which took place in Victoria.

The Governor not only forwarded various expressions of loyalty (this was merely one of his duties), but above all he was the Pro-Consul, the Monarch's resident representative

in Victoria. As such his position in the State was analogous to that of the Monarch's in the United Kingdom. How the incumbents of the gubernatorial office carried out this duty is a revealing interaction of the personal style of each responding to changing circumstances. In varying degrees each helped to develop the representation of the Crown to match social changes and to lock ever more firmly the office into, rather than onto, the community, so that at the end of the period the gracious patrician stance had given place to recognition and encouragement of community effort. Thus over the years the interpretation of the office came closer to the people, as did the Government's share of financial responsibility; whereas Lord Huntingfield himself was expected to, and in fact did, pay a substantial part of the expenses of his office, this type of responsibility began to wane in later years and finally ended altogether.

Lord Huntingfield

(14 May 1934 to 4 April 1939)

Lord Huntingfield took up his office in May 1934 nearly three years after the departure of his predecessor, Lord Somers.

There were several obvious reasons for the non-appointment of an overseas Governor immediately following the retirement of Lord Somers. In the first place the Australian Labor Party was anxious to see an Australian appointed to the office; second, Mr E. J. Hogan, the Premier, found it difficult at that time to find a person who would be acceptable not only to the Labor Party, but also to the British Government.

In the circumstances, the Premier indicated that, in view of the economic Depression which was adversely affecting the whole of the Commonwealth, the Victorian Government considered it expedient to defer the appointment of a Governor until conditions improved. During the interregnum the Lieutenant-Governor, Sir William Hill Irvine, carried out the functions of the Governor.

Mr Hogan and his Government resigned in May 1932 and Sir Stanley Argyle assumed office. By the end of 1933 there were some indications that the economy was improving and the Nationalist Government was anxious that steps should be taken to secure another Governor from overseas. The necessary action was taken and, in May 1934, Lord Huntingfield arrived and assumed office. Possibly, the Secretary of State in London was aware of the growing feeling for an Australian appointment, because it transpired that Lord Huntingfield not only was born in Australia (in Queensland) but had maintained business connections with Australia for some years.

His own parliamentary experience was to prove valuable in his representation of the Crown during a difficult period. From 1923 to 1929 he had been Conservative M.P. for the Size Division of East Suffolk and Parliamentary Private Secretary to the President of the Board of Trade from 1927 to 1929.

Lord Huntingfield was the first Governor to occupy Government House after it was returned to the State when the Commonwealth Government moved to Canberra. When he arrived in Victoria in May 1934, his first major task was to take his part in the State's centenary celebrations and to be host to His Royal Highness The Duke of Gloucester who was to visit the State as the King's representative for the celebrations and was also to dedicate the Shrine of Remembrance. After the celebrations — which were a source of some community rejoicing at a time when Victoria was still suffering the effects of the Depression — Lord Huntingfield set about discharging the Governor's duties in the years when the gradual improvement in economic conditions coincided with the growing threat of war in Europe. The other highlights of his term were the functions which took place on the occasion of the Coronation of King George VI in 1937.

The Governor's style was the outcome of his background. He was the last of the British patricians to occupy the office; holding a hereditary title and having substantial means, he came into a community whose ways were really quite new to him. People who knew and observed him considered that he carried out his duties quietly, thoroughly, and punctiliously; he was a man who showed a great sense of dignity and courtesy in all he did and this was reflected in the respect with which he invariably treated all kinds of people, whatever their station or occupation. This natural quiet style concurred with the

circumstances of the day and accorded with the outlook of his Premier after 1935, Mr A. A. (later Sir Albert) Dunstan, who was not given to encouraging the mounting of splendid social occasions.

Both Lord and Lady Huntingfield encouraged many social and charitable organisations, the latter being particularly interested in those connected with women and children. In fact all the wives of Governors played an important role in encouraging community organisations and generally carrying out many functions of Vice-regal representation.

At Government House the Huntingfields entertained official visitors to Victoria and gave dinner and garden parties; and they visited country properties whose owners were in turn invited to Government House in the company of select guests including members of the diplomatic community. In comparison to present custom their life at Government House generally tended to be remote not only from the community at large but even from the Government and Parliament of the day. This relationship, as noted above, was to be reversed at the end of the period covered by this volume.

Sir Winston (later Lord) Dugan

(17 July 1939 to 20 February 1949)

In July 1939, Lord Huntingfield was succeeded by Major-General Sir Winston (later Lord) Dugan, who had been Governor of South Australia since 1934. He had risen through the ranks in the British Army and had already become acquainted with Australian troops in the First World War. Personally selected by King George VI after the accepted line of practice, Sir Winston Dugan's tenure of office was largely conditioned by the Second World War. When he arrived in Victoria he was conscious of the economic problems which were still facing Australia and soon after his arrival had to represent the Crown to a community at war. The normal social life of Government House virtually ceased; it now became the centre for providing entertainment for the services and hospitality to visiting military dignitaries. The encouragement Sir Winston and his wife gave to many patriotic, charitable, and social organisations was notable; the stables at Government House became the setting for some women's voluntary work during the war and the ballroom was given over to the Red Cross for its war work. Both Sir Winston and Lady Dugan set a high example of public duty and encouraged good causes, especially projects for the welfare of soldiers and their dependants.

Sir Winston Dugan's aim was to represent the King in such a way as to continue and inspire Imperial loyalty during the war, and his speeches were directed to this end. His style was impartial and unassuming; his kindly and dry sense of humour was appreciated by all, not least by those he visited in distress. He had a great gift of getting to the gist of a problem and always consulted the experts on technical and constitutional matters, especially in the political crises of his latter years which were to tell on him. His use of the Vice-regal train enabled him to travel as far as was possible under wartime and post-war conditions. He won the respect of the community and was reappointed a number of times so that he almost saw out a decade of office. After the war he introduced the observance of Empire (later Commonwealth) Youth Sunday to impress on Victoria's young people the meaning of the British Empire (later Commonwealth), especially the responsibilities and privileges of membership and the moral values inherent in this. The Dugans contributed generously to the decoration of the rooms in Government House. After their departure extensive renovations were undertaken and the Governor's salary and allowances reviewed.

During Sir Winston Dugan's term, the Victorian Government had sought the release from the Army of Lieutenant-General Sir Edmund Herring in order that he might take up the posts of Chief Justice of the Supreme Court and of Lieutenant-Governor. When Sir Winston Dugan departed in February 1949, Sir Edmund Herring assumed the Vice-regal duties and carried on until the arrival of the new Governor on 17 October 1949. This was the first of many extended periods during which Sir Edmund acted as Governor until his retirement in 1972.

The selection of Sir Winston Dugan's successor followed a new pattern and is a significant landmark in the history of Vice-regal representation in the State. The Premier at the time was Mr T.T. Hollway and he felt that the Victorian Government should be

permitted to take a more positive part in the selection of a Governor. Nevertheless, he still considered a suitable person from Britain would be more appropriate at the time than a local man.

When he was in London in 1948 for a conference of the Commonwealth Parliamentary Association, the Premier took the opportunity of discussing a suitable successor to Sir Winston Dugan with the Commonwealth Relations Office and certain distinguished Australians then living in London. In due course he and his advisers met Sir Dallas Brooks and on his return home the Premier took the appropriate steps for the submission of the recommendation for Royal Approval.

Sir Dallas Brooks

(18 October 1949 to 7 May 1963)

By the time Sir Dallas Brooks arrived in October 1949 many basic social patterns were already in the process of changing. Victoria was not the same place as it had been when his predecessor arrived 10 years previously; there was a more egalitarian outlook, less tolerant of pre-war social restrictions and more aware that changes were due in the community. Many ex-servicemen who pursued extra studies after 1945 were now ready "to do things". This trait was especially noticeable among the new Members of Parliament first elected in 1955 who were not inhibited by precedent. The policy of large-scale immigration and beginnings of industrial expansion were to exert far reaching influences on the social life of the community; the first modification to traditional ideas about loyalty became apparent in the late 1940s when the British Empire yielded to the British Commonwealth. In Victoria, as in other States, the growing influence of the Commonwealth Government in economic management was being felt since the advent of uniform taxation in 1942 and this trend was to become increasingly important.

Thus for many reasons the arrival of Sir Dallas Brooks marked a watershed in the representation of the Crown in the State. He had been Commandant General of the Royal Marines and had had extensive experience in intelligence work and public relations. As a very young man he had fought alongside Australian troops at Gallipoli where he had won military distinction. King George VI, who personally appointed him, knew that the Crown had become a little remote from ordinary people and asked him to bring the Crown closer to the people. The King had been kept well informed about the social changes taking place in Australia and this perception and the instructions emanating from it set the stage for Sir Dallas Brooks' incumbency. His style of filling the office was quite different from that of his predecessors; he set out to refurbish the image of the Crown in a more democratic manner and so visibly re-ignite loyalty to it amid times of social change by making Government House part of the community. He sought information about the main areas of activity in the State and travelled, visiting districts by the Vice-regal train, or later, as the roads improved, by car. His work was aided by two well publicised events — the Royal Tour of 1954 and the Olympic Games in 1956; the latter did more than any other event in this century to place Melbourne on the world map.

The widening of the social contacts of Government House which he set out to encourage was helped by inviting to balls, receptions, luncheons, dinner parties, young persons' and garden parties, a wide range of persons who represented all parts of the State and many different kinds of activity. As time went on more generous financial treatment was accorded to the Governor and for the first time he did not have to bridge the gap between allowance paid and expenditure made from his private resources.

Both he and his wife became patrons of many charitable organisations. These contacts together with the many persons he met in his sporting and other contacts made him well-known. His appearances at many functions and celebrations, and his speeches which reflected the abiding place of the Crown as well as the growth and changes in the community (they were always well publicised by the media, including television after 1956), enabled him to project his attractive personality onto the community and to make the Crown the visible unifying influence in the State. At the end of his several terms of office in 1963 the Governor's position in the community was strong and clear, and Sir Dallas Brooks had indeed won affection as well as carrying out his Monarch's mandate.

One of the difficult tasks he had on arrival was to acknowledge the instability of

Victorian politics and the frequent changes in Ministries. Although he always tried to bring sympathy and understanding to the personal relationships inherent in various political situations, there was a severe test on the Governor in the constitutional crises leading, in 1952, to the Premier's reluctant resignation. After 1952, more stability came to Victorian politics and from 1955 until he retired in 1963 Victoria had only one Premier.

Sir Dallas Brooks was also the first Governor to observe the growing influence of post-war Commonwealth policies unfold during his incumbency and he sought to understand the implications of this on his representation of the Monarch in Victoria. In this he was helped by his own experiences when acting as Administrator of the Commonwealth of Australia. Unlike the Governor-General of Australia, who since the passing of the Statute of Westminster has been appointed by the Monarch on the advice of the Australian Ministers of the day, the Governor of Victoria (and of the other States) has continued to be appointed by the Monarch on the advice of the Secretary of State for Commonwealth Relations, or his successors in conjunction with the Premier of the day. These two methods of communication with the Monarch — the one direct, the other through the Commonwealth Relations Office — did not always make for perfect alignment in a period when the respective responsibilities of the Commonwealth and the States were less clear than before the war.

When it became apparent that Sir Dallas Brooks would retire in 1963, the Premier, Mr H. E. (later Sir Henry) Bolte, and his advisers decided to raise the question of a new appointment at the Commonwealth Relations Office during a world tour they had planned to promote Victoria's industrial and financial interests. The Under Secretary of State for Commonwealth Relations and others made possible informal meetings with distinguished persons and in due course Sir Rohan Delacombe came to be recommended for Royal appointment.

Sir Rohan Delacombe

(8 May 1963 to 31 May 1974)

The concept of visibly widening the representation of the Crown in the community which owed so much to Sir Dallas Brooks' efforts was consolidated and extended in a systematic and efficient manner by his successor, Sir Rohan Delacombe. A soldier who ended his career in the British Army as General Officer Commanding the British Sector in Berlin (a position which demanded considerable diplomatic skill), he came to Victoria in 1963 knowing that he was following a man whose personality had left its mark on the community. In a quiet way he set out to learn about all facets of life in Victoria and began to map out his official visits which took him to every municipality in the State at least twice. As his predecessor in his later years had concentrated more on the metropolitan rather than the rural parts of the State, Sir Rohan Delacombe decided to redress the balance. The success of these visits depended not only on him but also on his wife who lent him great support, and on the extensive work done by the staff at Government House.

In his varied round of visits, he had to make many speeches. With these he took great trouble, carrying out sufficient research to ensure he knew the background to the particular institution and then giving praise and encouragement where warranted, and even sometimes tactfully suggesting where certain improvements might be made. He saw the two sides of his office in a rapidly changing community, displaying due formality and ceremonial where these were clearly indicated and at other times putting people at their ease and making things as natural as possible. Like his predecessor he understood the importance of the media in reporting his visits and speeches. He always helped the reporters and photographers who came to cover his functions, realising that they too had a job to do and this co-operation was readily appreciated.

His visits to centenary celebrations, schools, colleges, universities, factories, hospitals, roads, rivers, dams, farms, municipalities, and sporting events were to give him an enviable knowledge of Victoria which he was able to share with his Ministers. Executive Council meetings were no formality; here documents were scrutinised for inconsistencies and problems discussed, and advice, where necessary, given. To keep himself informed about the ongoing work of government, he instituted a system of regular calls at Government House which gave him the opportunity to talk to his Ministers and their Permanent Heads.

Like his predecessor he entertained generously and brought an even wider circle of guests to Government House. The older "society" functions now gave way to functions where guests were invited because of their personal merits and the contribution they made to the well-being of the community. More clearly than ever before, one of the Governor's main functions had become to recognise ability and achievement. This broadened the Governor's role in the community: the patronage of good causes and the recognition of service became paramount. Sir Rohan and Lady Delacombe were patrons of over 150 societies and through their wide contacts continued to make the Crown a practical reality to persons in every walk of life and age group.

At the end of an 11 year incumbency (it had been extended several times) the representation of the Crown was securely grounded in the community and the general expectation of the next occupant being an Australian hardly raised any discussion. In an undramatic way Sir Rohan Delacombe, as the last British Pro-Consul, left the Governor's position firmly established as a result of the distinction with which he carried out his duties and the deep knowledge of Victoria which he brought to bear on his tenure of office.

Sir Henry Winneke

(1 June 1974 to 1 March 1982)

During the 1960s there had developed again, though much stronger than on previous occasions, the feeling that the time had arrived when a local man should be appointed Governor. Sir Henry Winneke's qualifications for the position were unique: he was a Victorian by birth and upbringing, and had been constitutional adviser to the Government as Solicitor-General since 1949, then Chief Justice of Victoria from 1964, and Lieutenant-Governor from 1972.

His deep knowledge of the legal and constitutional aspects of the Governor's office enabled him to make his own contributions to the work of Executive Council meetings, of which he only missed two during his tenure of office. He had legislation and other items of business sent back for review if necessary; the agenda was invariably voluminous, an aspect of State Government not always fully recognised. On two occasions he reserved bills for the Queen's Assent: the *Constitution Act 1975* and the *Constitution (Governor's Pension) Act 1978*. As Visitor he also approved the Statutes of the four universities and the Victoria Institute of Colleges (before its amalgamation with the State College of Victoria), and in 1979 conducted an Official Visitation to the University of Melbourne.

Sir Henry continued to develop the social side of the Governor's office. He and his wife were, respectively, patron and patroness of many organisations and by their visits encouraged a diversity of community endeavour in sport, welfare organisations, loyal societies, clubs, and professional organisations. With his staff he continued to plan meticulously the visits to every municipality in the State, usually arranged within recognised regions. He returned hospitality at Government House where visitors to various functions were, as often as not, representatives of municipalities and community groupings. There was also the continuing large number of callers, official visitors, and guests as well as attendance at official dinners with their inevitable calls on the Governor's speech making virtuosity.

During Sir Henry's term of almost eight years, Her Majesty The Queen visited Victoria three times. Victoria's ongoing constitutional framework remained stable; the Governor's office continued as the guardian of the State's "essentialities". Sir Henry's low-key style had unobtrusively matched the Governor's office to the evolving demands of the day.

Sir Brian Murray

(1 March 1982—still in office)

The appointment of Rear Admiral Sir Brian Murray was one of the last acts of the Thompson Liberal Government. He was sworn in on 1 March 1982 and the Cain Labor Government was elected on 3 April 1982. Sir Brian, a Victorian, served in the Royal Australian Navy from 1939 to 1978, seeing service in the Second World War, Korea, and Vietnam. He commanded five of Her Majesty's Australian Ships and was Deputy Chief of the Naval Staff on his retirement.

Upon his appointment as Governor, Sir Brian modified several social conventions at Government House which no longer seemed appropriate to changing times. He continued the trend, seen since the Second World War, of bringing the representation of the Crown ever closer to the changing concerns of the community. A still broader spectrum of invitees included members of the Aboriginal community, youth groups, and a wide range of leaders in industrial, union, professional, and political life. They were able to meet informally to share their varying perceptions of community concern.

Outside Government House, Sir Brian and Lady Murray continued to attend many functions and pay official calls. They travel extensively throughout Victoria and visit many commercial, industrial, and rural enterprises and research establishments, taking a special interest in the wine industry. The Governor's close links with the Services, especially the Navy, have been maintained; he also holds honorary rank in the Australian Army and the Royal Australian Air Force.

Like many of his predecessors, the Governor has taken a keen interest in many sports, especially the racing and breeding of horses, and the Governor's golf, cricket, and tennis teams. As a former Scout he has encouraged scouting and other youth activities, such as Lord Somers' Camp, the Boys' Brigade, and St John's Ambulance.

Besides supporting His Excellency in his diverse roles, Lady Murray has herself undertaken extensive visits to hospitals, social service establishments, the Red Cross, and the Girl Guides (of both of which she is President). As a former professional teacher, she has shared the Governor's interest in schools, colleges, and the universities. Also, her personal concern for the arts has given encouragement by her visits to training groups and many performances. Altogether Sir Brian is Patron to some 160 organisations, Lady Murray is Patron to 60, and they share Joint Patron to a further 30. As supporters of the National Trust, the Governor and Lady Murray have been strongly concerned to promote the continuing renovation of Government House and its grounds as one of the great trusts belonging to the people and the State of Victoria.

Lieutenant-Governors

Lieutenant-Governors since 1934 were Sir William Hill Irvine (1918 to 1935), Sir Frederick Mann (1936 to 1944), Sir Edmund Herring (1945 to 1972), and Sir John Young (since 1972). They carried out the Governors' duties, when necessary, and, as Chief Justice, were able to advise the Governors on legal and constitutional aspects of their office.

PARLIAMENT OF VICTORIA

Elections and financial legislation

The right of persons to claim a vote at elections for the Legislative Assembly because of dual property qualification was not finally abolished until 1939. The removal of property ownership qualifications for Council membership and the establishment of adult franchise (for those aged over 21 years) for Council elections were enacted in 1950 by the Labor-supported Country Party Government. Other details of electoral qualifications are set out in the section on the Victorian Electoral System.

In April 1953, Leaders of the Country Party obtained Writs out of the Supreme Court seeking declarations by that Court that the Electoral Districts Bill, not having passed both Houses with the concurrence of absolute majorities as is required for certain constitutional amendments, could not be lawfully presented to the Governor for Royal Assent. In May, the Full Court of the Supreme Court dismissed the actions and the Bill was assented to on 3 June.

Before 1961, elections for the two Houses were held at different times; a fixed period of six years applies to membership of the Legislative Council with elections for half the membership held every three years, while the Legislative Assembly has a three-year term which can be subject to curtailment by an earlier dissolution. In 1961, the term of the Legislative Assembly was to expire close to the day when the Council elections were due to be held. The Government secured the passage through Parliament of a Bill for both elections to be held on the same day to reduce expenses to the Consolidated Fund and annoyance to the electors. Since that date, conjoint elections have been held on each occasion, there having been no early dissolutions of the Legislative Assembly.

Acting constitutionally, the Legislative Council rejected several Appropriation Bills in earlier years, but a new weapon was added to the armoury of that House when, in 1947, it rejected three successive Supply Bills of the Labor Government. Tactics similar to those of 1947 were used again in 1952 when the Labor Party joined with the Liberal and Country Party in the Legislative Council to oust the Country Party Government following Country Party refusal to increase the number of metropolitan Assembly seats.

The old established practice of dealing with financial matters in the Legislative Assembly in Committees of Supply and Ways and Means was discontinued in 1973. Bills for raising taxes and for expenditure from the Consolidated Fund are now introduced in the same way as non-financial Bills. The financial initiative remains with the Crown as Standing Orders restrict to Ministers the introduction of taxing proposals and retain the constitutional requirement for a Governor's Message in respect of expenditure. The Treasurer's Budget Speech is now delivered in the House on the Question "That the (Appropriation) Bill be now read a second time" instead of in Committee of Supply.

Parliamentary privilege

In dealing with the manner of raising and disposing of privilege complaints, the Legislative Assembly follows the procedure of the United Kingdom House of Commons. This procedure requires that written notice be given to the Speaker, who then decides whether or not the requirements are satisfied for the matter to be accorded precedence in the House; a refusal does not prevent the complaining Member giving notice of a substantive motion. The Legislative Assembly has since 1974 regularly appointed a Privileges Committee to investigate complaints referred to it by the House; since 1974 it has received two referrals. The only privilege case ever to be dealt with by the Legislative Council occurred in 1969. No Committee was appointed; the House ordered a reporter and the editor of a daily newspaper to be brought before the Bar of the House regarding an article critical of a witness before a Council Select Committee and subsequently censured them.

Parliamentary Committees

Although the Public Accounts Committee was first appointed by the Legislative Assembly in January 1895, the Victorian Parliament made limited use of Committees generally until the 1950s, when it appointed several Standing Committees to oversee specific areas of Government activity as well as Select Committees to investigate individual matters. The appointment of a Public Bodies Review Committee in 1980 broke new ground within Australia, in that it was empowered to commission consultants and employ researchers, and its recommendations were to take effect unless Parliament resolved specifically to overturn them. Other Committees such as Statute Law Revision, Subordinate Legislation, and Public Accounts and Expenditure Review continued to function until April 1982. In July 1982, the Victorian Parliament legislated to replace the existing Committees with Joint Investigatory Committees called Economic and Budget Review, Legal and Constitutional, Natural Resources and Environment, Social Development, and a restructured Public Bodies Review Committee. From time to time the Victorian Parliament continues to appoint *ad hoc* Joint Select Committees. Two such Committees were investigating the salinity of water and land, and the mortuary and related industries, in 1983.

Joint Sittings

In the 1960s and 1970s, Joint Sittings of the two Houses became common as legislation setting up tertiary educational institutions provided for the appointment of Members of Parliament to the respective governing bodies, such Members to be chosen at Joint Sittings of the Council and the Assembly. Joint Sittings had been held since Federation to fill casual vacancies occurring in the representation of Victoria in the Senate. In 1942, a Joint Sitting was held to discuss taxation and Commonwealth Constitution amendments; subsequently, the Premier and Leader of the Opposition attended a Constitutional Convention in Canberra.

GOVERNORS OF VICTORIA SINCE 1934



Captain the Rt Hon. William Charles Arcedeckne Baron Huntingfield, K.C.M.G. — assumed office 14 May 1934.

Spencer Shier, Melbourne



Major-General Sir Winston Joseph Dugan, G.C.M.G., C.B., D.S.O. — assumed office 17 July 1939.

National Library of Australia



General Sir Reginald Alexander Dallas Brooks, K.C.B., K.C.M.G., K.C.V.O., D.S.O., K.St.J. — assumed office 18 October 1949.

Athol Smith



Major-General Sir Rohan Delacombe, K.C.M.G., K.C.V.O., K.B.E., C.B., D.S.O., K.St.J. — assumed office 8 May 1963.

Australian Information Service



Sir Henry Winneke, A.C., K.C.M.G., K.C.V.O., O.B.E., K.St.J., Q.C. — assumed office 1 June 1974.

Australia's Information Service



Rear Admiral Sir Brian Stewart Murray, K.C.M.G., A.O., K.St.J. — assumed office 1 March 1982.

The Herald and Weekly Times Ltd

PREMIERS OF
VICTORIA
SINCE 1934



Sir Stanley Seymour Argyle, K.B.E.,
— held office 19 May 1932 to 2 April
1935.



Albert Arthur Dunstan — held office
2 April 1935 to 14 September 1943,
18 September 1943 to 2 October 1945.



Ian Macfarlan, K.C. — held office
2 October 1945 to 21 November 1945.



Thomas Tuke Hollway — held office
20 November 1947 to 3 December
1948, 3 December 1948 to 27 June
1950, 28 October 1952 to 31 October
1952.



John Gladstone Black McDonald —
held office 27 June 1950 to 28 October
1952, 31 October 1952 to 17 December
1952.



John Cain — held office 14 September 1943 to 18 September 1943, 21 November 1945 to 20 November 1947, 17 December 1952 to 31 March 1955, 31 March 1955 to 7 June 1955.



Sir Henry Edward Bolte, G.C.M.G. — held office 7 June 1955 to 23 August 1972.



Rupert James Hamer, E.D. — held office 23 August 1972 to 5 June 1981.

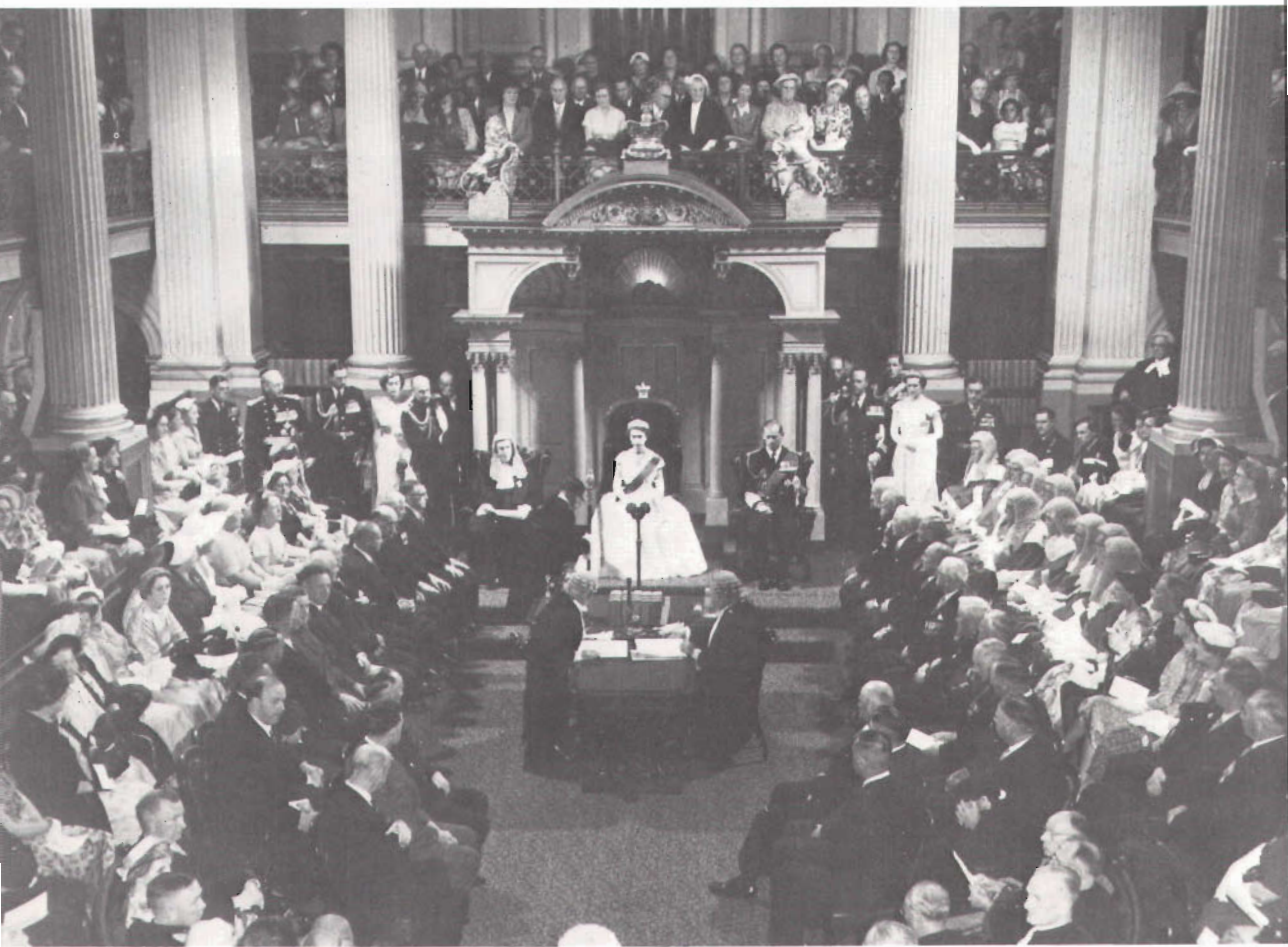


Lindsay Hamilton Simpson Thompson, C.M.G. — held office 5 June 1981 to 8 April 1982.



John Cain (son of the former Premier, John Cain) — assumed office 8 April 1982.

Photographs courtesy of the Department of the Premier and Cabinet



H.M. The Queen opening the Victorian Parliament in 1954—the first time ever by a reigning monarch.

The Herald and Weekly Times Ltd

Rt Hon. Richard Gardiner Baron Casey, being sworn in as Governor-General of Australia in 1965.

The Herald and Weekly Times Ltd



Members' interests

A Joint Select Committee on Members' Qualifications, in 1974, recommended a code of ethics for Ministers and Members and, in December 1978, the Victorian Parliament enacted legislation requiring all Members to provide to the Clerk of the Parliaments a return of their own and their immediate family interests. A summary of these returns is tabled in both Houses, as such a procedure allows public access to information. Members are required to make a return not only of pecuniary interests but also of their membership of political parties, and political, trade, and professional bodies. The register is private but the summary of the returns made by the Members is tabled in each House of Parliament as soon as possible.

Question Time

The long established practice of placing Questions to Ministers on notice in both Houses of Parliament was extended when the Legislative Assembly, in 1969, and the Legislative Council, in 1976, adopted Questions without notice at the beginning of each day's sitting. An objective was that, not only would the proceedings be more informative and topical and require Ministers to be fully aware of matters within their Ministerial departments, but that Questions on notice would decrease in number. In the event, Question Time became better attended, but there were still many Questions on notice.

Sessional Orders

Both Houses usually adopt, at the beginning of each Session, Orders declaratory of hours of sitting and/or precedence of business. Different Orders apply to each House. During 1942, the Houses adopted daylight sittings by resolution of the Assembly and by Sessional Orders of the Council. From 1944 to 1973, the Legislative Assembly conducted its business without Sessional Orders.

VICTORIAN PREMIERS SINCE 1934

Background

Between 1934 and 1983, Victoria has been governed by 17 different ministries. The era has been marked by contrasting periods of stability and instability. During the period 14 September 1943 to 17 December 1952 there were ten different ministries. By contrast, Sir Albert Dunstan was Premier for a period in excess of 10 years (except for a short break of five days). Sir Henry Bolte's term exceeded 17 years while the term of Sir Rupert Hamer exceeded 8 years. During the period under review ten men occupied, for various terms, the office of Premier. This appraisal of the work of the Premiers was written by Sir John Dillon, who served Victoria successively as the Elected Member of the Public Service Board, City Stipendiary Magistrate, Under Secretary, and the first Ombudsman, and Mr H.L. Speagle.

Stanley (later Sir Stanley) Seymour Argyle

(19 May 1932 to 2 April 1935)

In 1934, Sir Stanley Argyle was in his third and final year as Premier; he had come into office in 1932 as a result of an election fought on the issue that the previous Hogan Labor Government had failed to guarantee the continuation of the Premiers' Plan. There was little the Argyle Government could achieve because of the stringent financial policy it had undertaken to pursue in the depths of the economic Depression. One exception, however, was the construction of a large portion of the Yarra Boulevard as part of the unemployment relief programmes. Sir Stanley, who had earlier been active in municipal government, was a sound conservative politician.

Albert (later Sir Albert) Arthur Dunstan

(2 April 1935 to 14 September 1943, and 18 September 1943 to 2 October 1945)

Between 1924 and 1952, no party had a majority in the Legislative Assembly and inevitably the period was one of compromise government. The Argyle Ministry was a composite Ministry in which Mr A. A. Dunstan, Deputy Leader of the Country Party, was Minister for Lands. On 27 March 1935, although the electorate had returned the Ministry to office at the 2 March election, Mr Dunstan (now Leader of the Country Party) and his colleagues resigned from the Ministry. He caused a sensation when he moved a motion of "no confidence" in the government of which he had been a former Minister. The motion was carried with the support of the Labor Party. Dunstan came into office on 2 April 1935 as Premier in the first wholly Country Party government Victoria had ever had, the Labor Party having given an assurance that, although it would not share in the Ministry, it would support it. The arrangement was greeted with derision by many who forecast that the Dunstan Ministry would not survive more than a few months. But they failed to recognise the political shrewdness of the new Premier, who was to confound his critics and prove an astute politician. In difficult circumstances he frequently expressed his view of politics: "he hoped that wiser counsels would prevail".

Dunstan was then aged 56. Short, stout, balding, he devoted himself to the task of ensuring that he maintained his occupation of the Treasury benches. Victoria was the lowest income taxed State in the Commonwealth and he saw this as a means of attracting outside capital and investments, thus affording a measure of economic relief to the State. To this end he pursued a policy of minimal taxation which, however, meant a very low scale of social services and a poorly paid and depressed Public Service and teaching service, the members of which had no access to wage fixing tribunals. Their salaries were in fact prescribed by statute. Dunstan's Ministry was marked by years of controversy between himself and the Public Service. A demand for restoration of salaries which had been reduced as a result of the Premiers' Plan, was rejected on the ground that "having regard to the price of butter fat" the State could not afford it.

Dunstan legislated to alleviate many of the problems of farmers arising from the Depression and he survived the demands made upon him by the Labor Party by temporarily meeting many of their requests in part (for example, staff representation on the Public Service Board) and promising more in the future. He survived three elections in 1937, 1940, and 1943 with the continued support of the Labor Party. As a result of the 1943 election his party still held the greatest number of seats, 26 Members; Labor held 24; the United Australia Party (UAP) 13; and the Independents 2. However, the patience of Labor was now exhausted. Dunstan had done little to correct the inequality of electoral boundaries by which a country vote was worth two and even three times a metropolitan vote. This was to be the dominating issue in Victorian politics for the next few years, during which time he was able to pass legislation for the settling of disputes between the two Houses of Parliament.

John Cain, the Leader of the Labor Party, feeling that the time was ripe, moved a motion of "no confidence" in the Dunstan Ministry on 11 September 1943. The UAP amendment to the Labor "no confidence" motion was carried and Dunstan tendered his Ministry's resignation to Sir Winston Dugan, the Governor. The Governor then commissioned John Cain to form a Ministry.

But Dunstan was not beaten yet. He quickly came to terms with Tom Hollway, Leader of the UAP, for the formation of a composite Ministry and after only five days in office Cain was supplanted by Dunstan.

The composite Ministry was never a particularly happy one. In 1945, a split in the UAP on the issue of redistribution resulted in Parliament refusing to grant Supply to the Dunstan composite government. The Governor determined to dissolve Parliament. His message to Parliament was that he "proposed to dissolve Parliament from the date some three or four days ahead in order to give Parliament sufficient time to provide Supply". However, the Opposition, supported by dissident Liberals, refused to grant Supply to the Government and indicated that it was prepared to give Supply only to Mr Ian Macfarlan so that he could lead a caretaker government until after the election. Dunstan was constrained to resign and thus his long term as Premier came to an end.

His tenure of office was not lacking in achievements. He had legislated for the Soil Conservation Board, State Relief Committee, Housing Commission, a grant of land at Fishermens Bend for GMH, and various marketing boards. Some suitably experienced Country Party Members were appointed to statutory boards to express the needs of country areas. Amid all this he had experienced the effects of the latter period of the Depression, the Second World War, and a catastrophic coal strike. He legislated for pay-as-you-earn taxation, yet saw the introduction of Uniform Tax which was to reduce so drastically the status and independence of Victoria. In retrospect, he can be seen as the bridge between the Victoria of the Depression and the post-war era.

Ian Macfarlan

(2 October 1945 to 21 November 1945)

The new Premier, Ian Macfarlan, entered Parliament in 1928 representing the electorate of Brighton. He immediately gained office in the McPherson Ministry holding the posts of Attorney-General and then Solicitor-General. He subsequently held the portfolios of Chief Secretary, Attorney-General, and Minister in Charge of Electrical Undertakings in the Argyle Government from 1932 to 1935. In 1943, he accepted office in the Dunstan composite Ministry occupying the posts of Attorney-General, Solicitor-General, and Minister of Health from 18 September 1943 to 2 October 1945. Late in 1945, together with a number of "Liberal and Country Party" Members (the words "and Country Party" had been added to the name "Liberal") he joined with the Labor Party to refuse Supply to the Dunstan composite Ministry. He accepted a commission to form a stop-gap Ministry, being the only Member who could obtain Supply from Parliament. Macfarlan found it difficult to enlist sufficient Members to form a Ministry, which, when finally sworn in, comprised eight Members of the Legislative Assembly and two Members of the Legislative Council. However, there was little general support. The overall result at the ensuing election was a resounding win for the Labor Party, as well as the loss of his own seat in Brighton. Ian Macfarlan was an experienced and capable Minister who had discharged his several Ministerial posts efficiently. During his administration the Victorian Public Service was granted a five day week.

John Cain

(14 September 1943 to 18 September 1943, 21 November 1945 to 20 November 1947, 17 December 1952 to 31 March 1955, and 31 March 1955 to 7 June 1955)

John Cain was a Member of the Victorian Parliament for forty years and represented Northcote (formerly Jika Jika) for the whole period. He was Leader of the Parliamentary Labor Party for 20 years, during which period he was Premier four times. Quietly spoken, courteous, and a persistent pipe smoker, he was popular with Members of all parties. He was rarely photographed without his pipe which gave him a "father" image. At no time was his leadership under challenge. When in September 1943, he considered the time had come to sever Labor support from the Dunstan Ministry, he moved a motion of "no confidence" in it which was carried. Commissioned as Premier, he held office for only five days. He was commissioned again on 21 November 1945 and remained in office until 20 November 1947. His final term as Premier began on 17 December 1952 and was completed in June 1955. It included the first visit of a reigning Monarch to Victoria in 1954. In both the two longer periods his Ministry was marked by sound administration and it is ironical that the defeat of his Ministries in 1947 and again in 1955 was in no way concerned with the administration of his government but rather with events quite outside it. In October 1947, the Opposition parties combined in the Legislative Council to refuse Supply to the Cain Ministry. The basis for this action was solely to test the issue of bank nationalisation (a Commonwealth issue) which had been proposed by the Chifley Labor Government.

John Cain was confronted with the alternative of seeking a dissolution or fighting the Council. He recognised that by seeking a dissolution it would be the Members of the Assembly which faced the electors and not the Members of the Council and that the issue

before the electors would be one quite irrelevant to his own administration. However, he felt constrained to seek a dissolution from the Governor, Sir Winston Dugan, which was granted on 9 October 1947. The election was held on the principal issue of bank nationalisation and the Cain Government was soundly defeated.

At the general election held in December 1952 the Labor Party was returned with a majority in its own right in the Assembly, for the first time.

Following the split in the Labor Party in 1955 and the expulsion of 18 members of the Parliamentary Labor Party who subsequently formed the Democratic Labor Party, the Cain Ministry was defeated at the May 1955 elections. Again, the defeat of the Cain Ministry was brought about by the loss of some hundreds of thousands of traditional Labor votes due to a dispute which had its origin in the Federal Labor Party in 1954-55. This "split", as it came to be known, arose from ideological differences within the party and affected both the Federal and State branches. Eventually it gave rise to the Democratic Labor Party (DLP) which became a significant element in Federal and State politics; the direction of its preferences had an important effect on the outcome of elections from 1955 to 1972.

John Cain died in August 1957, aged 70, having established himself as a highly respected, skilled parliamentarian and able administrator, and having earned the reputation as one of the noteworthy Premiers in the history of the State. Among the many significant Acts passed during his Ministry were the *Workers Compensation Act 1946*, *Public Service Act 1946* (which established independent representative tribunals for the Public Service, teachers, and police), the *Soldier Settlement Act 1945*, the *Factories and Shops (Annual Holidays) Act 1946*, the *Building Operations and Building Materials Control Act 1946*, the *Electoral Districts Act 1953* (which was assented to on 3 June 1953 following an unsuccessful challenge in the Supreme Court designed to prevent Royal Assent being given), and the *Childrens Welfare Act 1954*. The Commonwealth-States Housing Agreement was signed in 1946.

Thomas (later Sir Thomas) Tuke Hollway

(20 November 1947 to 27 June 1950, and 28 October 1952 to 31 October 1952)

At 25 years of age Mr T. T. Hollway was the youngest Member ever to enter the Victorian Parliament. At the age of 41 he was the youngest Premier to occupy that office in Victoria. His first Ministry was a composite Ministry formed with the Country Party of which Mr J. G. B. (later Sir John) McDonald was the leader. On 3 December 1948, Hollway dropped the Country Party Members from his Cabinet and continued in office with the support of four rebel Country Party Members. He obtained a dissolution in 1950 and following the May 1950 election, McDonald, with the support of the Labor Party, ousted Hollway from office. The events which led to Hollway's return as Premier for the record short term from 28 October to 31 October 1952 were without precedent in Victorian political history. Hollway wanted two-party government which meant the elimination of the Country Party. He was mainly responsible for his party's name change from "Liberal" to "Liberal and Country" Party. This aroused intense opposition not only from the Members of the Country Party, but also from country Members of his own party. On 21 December 1951, Hollway was defeated as leader by Mr L. Norman. On 24 September 1952, he was expelled from his party, following the failure of a "no confidence" motion moved by him against the McDonald Government on the issue of proposed electoral reform.

On 21 October 1952, a reasoned amendment (reciting "in view of the electoral System, etc.") to the second reading of the Supply Bill moved by the Leader of the Labor Party in the Legislative Council was carried, effectively blocking Supply. McDonald unsuccessfully sought a dissolution on 28 October 1952 and on the same day the Hollway Ministry, consisting of eight Ministers, was formed. The Supply Bill passed the Council on that day. On 29 October 1952, a "no confidence" motion in the Hollway Government was carried, 33 to 31.

Hollway unsuccessfully sought a dissolution and on 31 October 1952 the Governor recommissioned McDonald to form a government and dissolved the Assembly. At the general election held on 6 December 1952, Hollway defeated Norman (the new Liberal

leader) for the electorate of Glen Iris, but at the next general election on 28 May 1955 he was defeated in a contest for the seat of Ripponlea. The defeat ended his political career.

During his term as Premier, Hollway had to grapple with two major issues: industrial disruption (especially through a tram strike and interruption to coal supplies), and electoral redistribution. In an endeavour to cope with the first, his Government passed the *Essential Services Act* 1948 which successive governments have from time to time either proclaimed or threatened to proclaim in times of industrial unrest, but it was his campaigning for electoral redistribution on the basis of two State seats for one Federal seat ("two for one") which was the ultimate cause of his expulsion from politics.

John (later Sir John) Gladstone Black McDonald

(27 June 1950 to 20 October 1952, and 31 October 1952 to 17 December 1952)

John Gladstone Black McDonald was born in Scotland and came to Australia at the age of 13. He succeeded Sir Albert Dunstan as Leader of the Country Party and although the leader of the smallest of the three major parties, he was commissioned as Premier in June 1950 having been assured of Labor Party support.

Sir John was a man with very high principles, strong, determined, and a popular leader. His special interest was irrigation. Almost his final act before handing over the reins of government to John Cain in 1952 was to sign the contract for the building of the Eildon Dam. Mental health care was also of great concern to him, and he established the Mental Hygiene Authority. During his tenure of office, the adult franchise was granted to the Legislative Council and the development of the State's brown coal deposits was furthered.

He held office in those turbulent years when Victoria was notorious for its political instability and he demonstrated time and again his political acumen without which he could not possibly have survived. The events which led to his resignation as Premier on 28 October 1952 and his re-commission as Premier on 31 October 1952 have been noted above.

Henry (later Sir Henry) Edward Bolte

(7 June 1955 to 22 August 1972)

Elected Deputy Leader in 1952, after the decimation of his party through internal dissension, Henry Bolte was elected leader following the loss of his leader Trevor Oldham in an air crash. He was the fourth leader in the space of 18 months and led a party of 11.

Prior to the 1955 elections the Victorian Parliament was seething with intrigue and dissension. There were five parties: Cain Labor, Barry Labor, Liberal and Country Party, Liberal, and Country Party. People had grown tired of politicians fighting each other. Mr Bolte had an easy, natural style and the facility of interpreting the mood of the people and saying publicly the things that they were saying privately. He also had natural political flair, a determination to succeed, political astuteness, and a willingness to listen to his advisers. His relations with the media were good.

Television (which began in 1956) was an ideal medium for him. Through it he could be seen and heard and he captivated his audience with his directness, lucidity, and naturalness. A lover of sport, particularly cricket and racing, the Victorian public warmed to him, as he reflected many of the characteristics of the electorate at the time. Further, he had a Deputy Premier in Arthur (later Sir Arthur) Rylah who as Chief Secretary and Attorney-General not only served him with unstinting loyalty but was also industrious, competent, and respected by Members of all parties.

Implementing the recommendations of two Royal Commissions into racing and liquor, he established the Totalizator Agency Board, relaxed the liquor laws, and introduced 10 o'clock closing. (Legislation previously had compelled Victorian hotels to close at 6 p.m., a requirement which dated back to 1916.) His was the first government in the world to pass legislation compelling motorists to wear seat belts. Despite his "common touch", he supported and financed the State's Regional Art Galleries and the Victorian Arts Centre in St Kilda Road is regarded as one of his finest memorials.

Mr Bolte was determined to develop Victoria as an industrial State and he led many successful overseas missions. Western Port and Portland were developed. During his term of office natural gas and oil were discovered in Bass Strait off the Victorian coastline between 1964 and 1967.

As a strong advocate for capital punishment, he was involved in violent controversy when Ronald Ryan was hanged in February 1967. He was the last person to hang in Victoria for murder.

In 1972, the economy was buoyant and the State was passing through a period of development and prosperity unequalled in its history. It was at this point that he decided it was time for him to retire, especially as he recognised the basic changes in outlook in the electorate since 1955. His leadership was under no threat but he believed that it was time for him to go. He had assumed leadership at a time when his party was wracked with dissension. From a situation where Victorian politics had never been so unstable, he had given Victoria 17 years of stable government. He had served a record term of 6,288 days as Premier — more than twice the previous record of Sir Albert Dunstan (3,088 days). He won all elections between 1955 and 1970, with significant second preference support from the Democratic Labor Party, on the basis of never more than 40 per cent of the primary votes.

Some of the notable events occurring in terms of the Bolte Ministries were the staging of the Olympic Games in Melbourne (1956), establishment of the National Parks Authority (1956), the Snowy Mountains Hydro-electric Scheme Agreement (1958), the opening of the all-weather deep-sea harbour at Portland (1960), the opening of Monash University (1961), the standard gauge railway track from Melbourne to Albury (1962), the establishment of the Victoria Institute of Colleges, and the La Trobe Library (1965), the eligibility of women for jury service (1966), the opening of La Trobe University (1967), the establishment of the Aboriginal Welfare Board (1967), the first stage opening of the new Arts Centre (1968), the signing of the Dartmouth Dam Agreement (1970), and the establishment of the Road Safety and Traffic Authority (1971). Between 1955 and 1972 his Government passed 2,440 Acts.

Rupert (later Sir Rupert) James Hamer

(23 August 1972 to 5 June 1981)

There was little surprise when Mr R. J. Hamer succeeded Sir Henry Bolte. As Minister for Immigration from 1962 to 1964 he had encouraged immigration, fostered family support and the teaching of English to migrants, and moulded policies aimed at integrating migrants into the community. These early initiatives later found fruition in the establishment of the Community Services Centre in 1975 and the Ministry of Immigration and Ethnic Affairs. From 1964 to 1971 he was Minister for Local Government, a portfolio which gave him a wide knowledge of the State and enabled him to plan the future of the children of the post-war baby boom. This promoted his encouragement of decentralisation and deepened his knowledge of urban problems, some of which he studied abroad in 1968. One later result of this experience was the careful expansion of freeways with the least possible disturbance to existing facilities. As Chief Secretary and Deputy Premier from 1971-72 he administered a wide range of social and cultural activities and the cumulative effect of this decade of Ministerial experience etched the outline of policies he was to espouse as Premier.

Mr Hamer had had a background in law and Army administration, which gave him a great interest in public administration generally. He instituted the Bland Inquiry into the Victorian Public Service which was eventually responsible for the new Public Service Act of 1974. He also encouraged women to hold an equal place in the Public Service and initiated the legislation which gave equal opportunity to all in employment. The establishment in 1975 of the State Co-ordination Council was designed to streamline the policy-making process of the State by articulating the effects of departmental initiatives on other aspects of State administration in the early stages.

Just as Sir Henry Bolte's tenure of office broadly coincided with the unique period of economic development in the 1950s and 1960s (though largely unplanned), so Mr Hamer's first years of office coincided with a general community demand for "quality of life"

administration and a new approach to systematic, overall planning. These included "the Garden State" concept, an understanding of the basic data which would contribute to the conservation of the physical environment, preservation of historical buildings and commemoration of historic events, the encouragement of the arts and leisure activities, the decentralisation of population, and the sensitive planning of economic development, including overseas opportunities.

On a personal level the Premier — through a Private Member's Bill — successfully sponsored the legislation abolishing capital punishment in 1975. He was also responsible for the establishment of the Office of Ombudsman in 1973. In the later 1970s he initiated a trade and cultural link with the Province of Jiangsu in the Chinese People's Republic as well as with the Aichi Prefecture in Japan, encouraged tourism, approved several coal-to-oil feasibility studies for the La Trobe Valley, and encouraged the planning of future high technology industries which would bring employment.

Between 1972 and 1975 increased funds were available from the Commonwealth Government. These were used for urban and regional planning (especially Albury/Wodonga), tertiary education, a significant increase in national parks, migrant facilities, and various cultural activities, as well as one initiative which was to embarrass the Government seriously in 1978 — the method of the purchase by the Victorian Government of large tracts of private land for the Housing Commission, which was the subject of adverse comment by a Board of Inquiry.

This was the first major political setback in his Premiership and was followed by two others in the following three years: the public disaffection by two party Members and the strong feelings promoted by proposals to build a casino. Some of the Premier's former supporters criticised him for his handling of these matters. Further, the general policy of "quality of life" gradually met with disenchantment in the late 1970s; funds from the Commonwealth Government to the States after 1975 declined in real terms; and inflation, unemployment, and a weakening manufacturing sector (especially significant in Victoria) began to affect the State.

The end of Mr Hamer's Premiership had an element of tragedy unique in Victoria's history. First, the economic prosperity which had been able to underwrite "quality of life" policies waned. Second, the planning machinery for preserving the environment came to be blamed for obstructing the very economic development of the State set out in his own "New Directions Policy" of December 1980. He was blamed on both counts; those who supported him on conservation issues no longer did so; and he was criticised for going abroad on a business mission at a time when there was high tension about financial relationships with the Commonwealth. After frenetic media publicity in his absence in May 1981 he made an early return and announced that although he made an unpublished decision to retire in August 1981, it would now become effective from 5 June 1981.

Mr Hamer combined an unusual range of qualities in the roll of Victorian Premiers. Many of his initiatives (such as in the arts, planning, and conservation) became fully evident after his period of office.

Lindsay Hamilton Simpson Thompson

(5 June 1981 to 8 April 1982)

The Victorian Liberal Government was now seen to have fallen on difficult days but hoped that the election of Mr Lindsay Thompson, the Deputy Premier since 1972, would retrieve some stability for it. In the event this did not happen and the ten months of his office were marked by attempts to infuse credibility into a government that seemed to have lost the enchantment of the electorate as a result of the Housing Commission land deals, the unhappy transition from Mr Hamer, and the feeling that in a democracy, other political initiatives should be given a chance after 26 years. Lindsay Thompson had been elected to the Legislative Council in 1954 and transferred to the Assembly in 1970. He held the Education portfolio from 1967 to 1979, a very long term which covered the areas of both educational expansion and contraction, as well as prolonged and acute periods of industrial unrest. He became Treasurer and Minister for Police and Emergency Services in 1979.

The significant events of his short tenure of the Premiership were his successful handling

of a strike which threatened Melbourne's milk supplies and foodstuffs by invoking the Essential Services Act; the encouragement of public transport travel; and legislation on matters including drug trafficking, road safety, and industrial safety. The reversal of a decision to introduce a trial period of extended shopping hours earned his Government a reputation for indecision. It was defeated at the general election on 3 April 1982; steep interest rates (which were affecting home buyers) and the stability of political leadership were two issues which featured in the campaign.

On a personal level, Lindsay Thompson was a high principled, courageous, courteous, and hard working politician whose ill fortune it was to become Premier when the Liberal Government had been continuously in office for almost 27 years.

John Cain

(8 April 1982 — still in office)

Almost 27 years of Liberal Party Government ended on 2 April 1982 with the election of a Labor Government led by John Cain, the namesake son of the father who had been Premier four times between 1943 and 1955.

The change occurred as economic conditions were seriously declining. In its first year of office, the hallmarks of the new government were more clearly noted for its way of doing things rather than for suddenly implementing a large number of new initiatives. Two major aspects of its first year in office were the establishment of the Department of Management and Budget (to plan and monitor State Government activities on the basis of economic rather than accounting concepts) and the progressive implementation of changes to the Victorian Public Service arising from an independent inquiry established by the previous government. It also continued the work of the Public Bodies Review Committee begun in 1979. This was an historic re-appraisal of the role of the statutory authorities, which have for so long been a characteristic of Victorian public administration.

The Premier's personal style of leadership was "low profile", modest, and in search of "consensus", but not lacking in strength of purpose. Both his Cabinet and Parliamentary majority were comparatively youthful and this in March 1983 reflected what appeared to be a watershed in Victoria's social and economic history.

OMBUDSMAN

In 1973, the Premier of Victoria announced his Government's intention to establish the office of Ombudsman and the *Ombudsman Act 1973* was passed in the same year. In countries with the Westminster system of government the basic functions of an Ombudsman are to receive complaints from citizens who feel aggrieved by the administrative actions of government departments, statutory bodies, or municipal councils; to investigate such complaints; to find the facts behind the complaints as a result of these investigations; and, on those facts, to express opinions whether the actions complained of were contrary to law, unjust, unfair, etc. The Ombudsman does not have jurisdiction to investigate the actions of the judiciary and in Victoria he may investigate complaints concerning actions taken by officers and employees of councils but not actions taken by councils. He is also empowered to make recommendations and to report the result of his investigations, opinions, and recommendations to Parliament. However, he has no power to direct the rectification of a wrong.

The Premier's action in 1973 was the culmination of an increasing demand especially in the 1960s for the establishment of the office of Ombudsman in Victoria. This was brought about by the increasing range of government administration, the growing development of social welfare services, and the claims that many citizens were suffering injustices as a result of administrative actions taken by government departments. Opposition to this demand had been expressed by the previous Premier who held the view that the office was unnecessary, because members of the public could use the services of their local Member who, by letters to the responsible Minister, or by questions in the House or adjournment motions, could do something to improve or rectify the complainant's grievance against a government department or public statutory body. However, those who sought to establish the office of Ombudsman pointed out that the local Member had no power to send for departmental files nor to interrogate witnesses; he could therefore not obtain the facts.

The announcement that Mr J. V. (later Sir John) Dillon, C.M.G., who had recently retired as Permanent Head of the Chief Secretary's Department had been appointed as Victoria's first Ombudsman was criticised at first because some felt that a retired public servant who served the government for many years as a permanent head could hardly be expected to investigate the actions of his colleagues and indeed even actions of his own former department.

The new Ombudsman was also confronted with a series of Supreme Court Writs from a certain department whose actions, following the receipt of complaints, he proposed to investigate. The department concerned objected to his jurisdiction to do so. The Ombudsman was then subjected to further criticism on the ground that he was litigious. To this criticism he replied that where he believed he had jurisdiction to investigate a complaint he would do so, unless the Supreme Court ruled otherwise. After an initial two years in office no further writ objecting to his jurisdiction was issued. The impartiality of the Ombudsman was recognised. The office gradually became established and consolidated; indeed its effectiveness was found to lie in the action of the Ombudsman reporting to the Victorian Parliament quarterly as well as annually (being the only Australian Ombudsman to do this) and in the subsequent publication of extracts of his reports in the mass media. It thus became rare for an Ombudsman's recommendation not to be implemented.

Between 30 October 1973 and 30 June 1980, the Ombudsman's office received approximately 13,000 written complaints and 23,000 personal and telephone complaints and requests for advice and assistance.

STATUTES AND REGULATIONS

By 1934, the Victorian Parliament had enacted 4,209 Acts. Between 1934 and 1982, the Parliament had enacted more than 5,500 Acts. The last Act passed in 1982 is numbered 9,771. This evidence of the legislative output is comparable to the experience in other Australian jurisdictions but the Victorian profusion came first and has continued unabated since at least 1955.

In 1958, the Victorian Parliament continued its record of consolidating all the public general Acts in force in the State into 233 Acts and thus carried on the work begun by Sir George Higinbotham and Sir Leo Cussen. The 1958 Consolidation was undertaken by the late R. C. Normand, the former Parliamentary Draftsman.

On the completion of the Consolidation, Normand reported to the Government that it was his view that it might never be possible again to consolidate and re-enact all the public general laws of Victoria at the one time. He based his view partly on the increased expenses involved in the printing and publishing of such a work, and partly on the increased pace of the legislative machine which was becoming so great that a consolidator could hardly prepare a consolidation that would not be seriously out of date before publication. As a result, the State has adopted a system of frequently reprinting Acts incorporating all amendments made up to the date of the reprint. To enable the reprinting system to work, the style of drafting was changed to that of direct amendment to the existing laws in place of the British system of periodical consolidation that had been used before 1958. It supplements this practice with an on-going programme for the review of important statutes which are re-enacted in a consolidated and revised form from time to time. Since the general consolidation of 1958, Parliament has revised and re-enacted in a consolidated form more than 36 of the public and general Acts of the State.

Perhaps the most important achievement of the Parliament was to enact in a consolidated form a Constitution for Victoria. This completely replaced the original Constitution for Victoria which was in the form of a Bill scheduled to an English Act by an Act of the Victorian Parliament.

There has been a great change in the appearance of the Statute Book partly because of the adoption of decimal currency and metric measures as well as changes of drafting styles involving the use of figures rather than words; concise direct references in figures to other provisions; and a greater use of mathematical-type formulae.

These developments should improve the speed at which reprints are published and reduce the ever growing costs of publications. It should also provide at virtually no cost a complete machine-readable text for use in connection with the legal information retrieval system of

the Statutes and Regulations of Victoria. Before the end of the 1980s, the whole of the living written law of Victoria is planned to be available in such a machine-readable form.

The Parliament has also considerably altered the law and practice relating to the making and promulgation of Regulations. In 1962, the Subordinate Legislation Act established a new system for the publication of Regulations. They are no longer published in the *Government Gazette* but are published separately in a series known as *Victoria Statutory Rules* which incorporate tables and indices.

In 1956, a Joint Committee of the Legislative Council and the Legislative Assembly known as the Subordinate Legislation Committee was established by Act of Parliament. That Committee has reviewed all Statutory Rules. The Committee can report to Parliament if it is of the view that any rules are not within the Regulation-making power conferred by the Act or are not in accord with the general object of the Act pursuant to which they purport to be made, or that the form or purport of the Regulations calls for elucidation. When the Committee makes an adverse report the Parliament can disallow the Statutory Rule. This power has been exercised on numerous occasions. The Committee has also used its influence to persuade Ministers to undertake a revision and re-promulgation of Regulations made before 1962, with a view to making all current Regulations available in the published volumes of *Victoria Statutory Rules*. The existence of the Committee has done much to improve the form of Regulations and has certainly made the executive government very conscious of the need to regulate within the powers conferred by Parliament.

The functions of the Committee have been transferred to a legal and constitutional committee by the *Parliamentary Committees (Joint Investigatory Committees) Act 1982*.

VICTORIAN ELECTORAL SYSTEM

The passing of the Constitution Act in 1855 granted Victoria responsible government and established a Parliament of two Houses — the Legislative Council (Upper House) and the Legislative Assembly (Lower House). The qualifications of Members and the qualifications of electors for both Houses were restrictive and required property qualifications in all instances. The restrictive qualifications were a matter of some controversy and within a year of the meeting of the first Victorian Parliament after responsible government, the property qualification for membership of the Legislative Assembly had been abolished and universal suffrage for electors of the Legislative Assembly had become law.

Qualifications of Members

The qualifications required for Members and electors of the Legislative Council were amended from time to time, but restricted qualifications still applied in both cases in 1934 and, although legislation in 1937 reduced the value of the property qualification of Members from \$100 to \$50, and reduced their minimum age to 21 years, it was not until the passing of the Legislative Council Reform Act in 1950 that a milestone in the history of the electoral system was achieved, and those seeking reform saw the culmination of their efforts in the final removal of the property qualification provisions. Qualifications for membership became the same for both Houses and adult franchise (persons aged over 21 years) applied to Victorian Parliamentary elections.

Some of the provisions disqualifying persons from being capable of being elected were also repealed in this period, the main items being:

1935 — Members of the Public Service and Railway Service were permitted to nominate and contest elections without first resigning from the Service. Later this provision was extended to include members of the Police Force and Teaching Service.

1961 — Naturalised citizens were enabled to be elected Members without additional residential qualifications.

1970 — Ministers of religion became capable of being elected.

1972 — Removal of disqualification of Members if guilty of committing a felony under the age of 18 years.

1973 — Minimum qualifying age for Members and electors for both Houses reduced to 18 years. This brought electoral legislation into line with community views to regard persons in the 18 to 21 year age group as adults.

1979 — Repeal of the provision disqualifying imprisoned persons from being electors. This enabled persons in prison to vote at future elections.

The removal of some of the restrictive qualifying provisions for electors and the widening of the franchise, particularly for Legislative Council elections, resulted in an increase in the number of persons entitled to vote. This, together with the natural growth in population and the increase caused by migration after the Second World War, is shown in the following enrolment figures for selected years:

NUMBER OF ELECTORS ENROLLED BY STATE ELECTIONS: VICTORIA,
1934 TO 1982

Legislative Council		Legislative Assembly	
Date of election	Number of electors enrolled	Date of election	Number of electors enrolled
9.6.1934	469,395	2. 3.1935	1,099,251
21.6.1952	1,395,650	6.12.1952	1,402,705
30.5.1970	1,827,595	30. 5.1970	1,827,595
3.4.1982	2,453,642	3. 4.1982	2,453,642

The above enrolment figures indicate not only the increase in the total enrolments over the period from 1934 to 1982, but also the marked difference between the total enrolment for Legislative Council elections and Legislative Assembly elections in 1934 and 1935 because of the restricted Legislative Council franchise at that time.

Redistribution

Increases in enrolments, particularly in outer suburban areas because of housing developments, necessitated the undertaking of redistributions to correct imbalances between electorates. Redistributions of Legislative Council Electoral Provinces were carried out in 1936, 1965 (country area only), and in 1975; redistributions of Legislative Assembly Electoral Districts were undertaken in 1945, 1953, 1955, 1965, and 1975.

The number of Members in the Legislative Council was increased by the 1965 and 1975 redistributions and the membership of the Legislative Assembly was increased as a result of the redistributions in 1953, 1965, and 1975. The membership of each House after the election which followed each of these redistributions was:

VICTORIAN PARLIAMENT: NUMBER OF MEMBERS

Legislative Council (a)		Legislative Assembly (b)	
Year of election	Number of Members	Year of election	Number of Members
1967	35 (c)	1955	66
1976	40 (d)	1967	73
		1976	81

(a) 34 Members in 1934.

(b) 65 Members in 1934.

(c) Increasing to 36 Members after the 1970 election.

(d) Increasing to 44 Members after the 1979 election.

The relevant legislation providing for each of the redistributions, except the 1953 and 1955 Assembly redistributions, divided Victoria into zones and required the Redistribution Commissioners to divide each zone into a specified number of electorates having approximately equal enrolments within each zone. Legislation for the Legislative Assembly redistributions of 1953 and 1955 was based on a policy referred to as "two for one" which required each Commonwealth Electoral Division to be divided into two Legislative Assembly Electoral Districts of approximately equal enrolment. After the 1953 redistribution was completed the Commonwealth Electoral Divisions were altered as a result of a Commonwealth redistribution in 1955, and a further State redistribution was necessary.

Conduct of elections

The conduct of elections for the Legislative Council and the Legislative Assembly was made more uniform by amendments in the 1930s relating to Legislative Council elections which applied compulsory voting, provided for results at general elections to be determined by preferential voting, and abolished plural voting. The Legislative Council franchise had permitted a person possessing the required property qualifications in respect of properties either within the one Electoral Province, or in a number of different Electoral Provinces, to be enrolled and vote in respect of each such property. Under the amendment referred to, a person enrolled more than once was permitted to record only one vote.

Since 1934, there has been a continuing review of electoral law and procedures aimed at ensuring that facilities are provided to enable all enrolled electors to record their vote, to maintain secrecy of their vote, and to ensure a true result of the election. Many features introduced to increase the facilities for voting reflected changes in community attitudes and in the lifestyle of electors, as a greater proportion of electors availed themselves of the increasing opportunities to travel within Australia and overseas. The desire to preserve secrecy of each elector's vote is reflected in amendments which repealed the requirement that the elector's enrolment number be written on the back of the ballot-paper before being issued to the voter, and eliminated the counterfoil attached to a postal ballot-paper bearing details relating to the voter, which was replaced by a declaration envelope.

Blind or illiterate voters were permitted to nominate some person to mark their ballot-papers for them, which widened the previous provision under which only a polling official could perform this task for such a voter. The law was also amended to allow persons unable to sign their name in their handwriting but who could sign by means of a mark, to vote by post and to accept their mark as their signature.

Postal voting facilities were extended from time to time as follows:

- (1) Special provisions for members of the Armed Forces on active duty during the Second World War;
- (2) appointment of Postal Voting Officers at various locations interstate and overseas to enable Victorian electors to record their votes; and
- (3) additional grounds entitling electors outside the State, travelling, with conscientious scruples against voting on a Saturday, in prison, detained at work, or caring for a sick or elderly person, to vote by post.

The 1960s saw rapid advances in the use of computers, and an electronic data processing system was developed to replace the manual processes for preparing and maintaining electoral rolls with a system taking full advantage of computer facilities to produce the rolls of voters for use at an election.

In 1961, when the ensuing Legislative Assembly General Election and the Legislative Council Periodical Election were due to be held at about the same time, a decision was made to hold them together on the same polling day as a "Conjoint Election". As a result of the successful conduct of the 1961 Conjoint Election, all Legislative Assembly General Elections and Legislative Council Periodical Elections thereafter were conducted as "Conjoint Elections".

For many years representations had been received for a reduction in polling hours and, in 1979, legislation was passed giving effect to these representations. Polling places were now open from 8 a.m. to 6 p.m.

The increased scope of publicity campaigns from all candidates brought about additional provisions seeking to control and authenticate election campaign material, including the power to issue a Supreme Court injunction restraining the publication of any material offending against the requirements of the law.

Re-counting of ballot-papers

Amendments passed relating to the final result of an election provided that all ballot-papers could be recounted in certain circumstances before the declaration of the result of the election. The establishment of a Court of Disputed Returns gave the right to any candidate or elector to have the conduct of an election reviewed if he considers the result was affected by matters which must be stated by him in a petition to the Court. The Court

of Disputed Returns was called upon to consider petitions relating to three elections in 1956, 1970, and 1973, respectively.

VICTORIAN LEGISLATIVE COUNCIL PERIODICAL ELECTIONS: 1934 TO 1982

Date of election	Number of Members to be elected	Number of candidates	Total enrolment	Percentage of voters (contested Provinces)	Percentage of informal votes
9.6.1934	17	24	469,395	(a) 29.43	1.69
12.6.1937	17	31	447,694	78.78	1.46
15.6.1940	17	26	471,843	75.78	1.58
12.6.1943	17	21	465,637	71.07	2.55
15.6.1946	17	31	517,719	73.95	2.03
18.6.1949	17	32	550,472	77.86	1.43
21.6.1952	17	36	1,395,650	92.14	2.27
18.6.1955	17	42	1,430,130	91.52	2.08
21.6.1958	17	45	1,488,293	92.54	1.72
15.7.1961	17	57	1,554,856	94.38	3.18
27.6.1964	17	53	1,635,311	94.39	2.96
29.4.1967	18	62	1,723,981	94.28	3.69
30.5.1970	18	61	1,827,595	94.48	3.92
19.5.1973	18	63	2,088,984	93.51	3.81
20.3.1976	22	54	2,267,282	92.74	3.14
5.5.1979	22	64	2,350,407	93.22	3.53
3.4.1982	22	70	2,453,642	93.86	3.13

(a) Prior to the introduction of compulsory voting.

VICTORIAN LEGISLATIVE ASSEMBLY GENERAL ELECTIONS: 1935 TO 1982

Date of election	Number of Members to be elected	Number of candidates	Total enrolment	Percentage of voters (contested Districts)	Percentage of informal votes
2. 3.1935	65	142	1,099,251	94.39	1.66
2.10.1937	65	124	1,136,596	93.96	1.37
16. 3.1940	65	126	1,162,967	93.41	1.56
12. 6.1943	65	155	1,261,630	87.00	2.59
10.11.1945	65	164	1,276,949	87.98	2.08
8.11.1947	65	148	1,345,530	93.44	1.33
13. 5.1950	65	156	1,362,851	94.40	1.14
6.12.1952	65	150	1,402,705	93.59	1.81
28. 5.1955	66	206	1,422,588	94.02	2.19
31. 5.1958	66	206	1,478,065	94.23	1.78
15. 7.1961	66	224	1,554,856	94.41	2.45
27. 6.1964	66	217	1,635,311	94.40	2.31
29. 4.1967	73	273	1,723,981	94.27	3.16
30. 5.1970	73	261	1,827,595	94.57	3.19
19. 5.1973	73	269	2,088,984	93.54	2.90
20. 3.1976	81	259	2,267,282	92.68	2.54
5. 5.1979	81	268	2,350,407	93.30	3.01
3. 4.1982	81	271	2,453,642	93.97	2.61

EXECUTIVE GOVERNMENT

In Victoria over the last 50 years, in line with developments throughout the world, there has been a great increase in the role of government and this has been paralleled by the growth in the size of the executive arm of the government in the range of Ministries, the size of the Public Service, the number of quasi-autonomous statutory bodies (always important in Victoria since the nineteenth century), and in the range and scope of the powers conferred by the Parliament upon the executive through the power to make regulations and to exercise discretions. The position of the statutory bodies was examined by the Public Bodies Review Committee established by Parliament in 1980.

In 1934 the Constitution authorised only nine Ministers, of whom seven had to be Members of the Legislative Assembly. The following table shows changes since 1934:

VICTORIAN GOVERNMENT: NUMBER OF MINISTERS

Year	Number of Ministers
1934	9
1947	10 (8 to be Members of the Assembly)
1950	12 (4 at least to be Members of the Council)
1954	14
1964	15 (5 at least to be Members of the Council)
1970	16 (12 to be Members of the Assembly)
1973	17 (13 to be Members of the Assembly)
1976	18

This situation, where the number of Ministers is doubled, may be contrasted with the situation of membership of the Legislative Assembly and Legislative Council.

The number and description of Departments and Ministries has varied greatly during the period, but several completely new Ministries have been established. These have included the Ministries of Housing, Conservation, Local Government, State Development, Community Welfare Services, Arts, Consumer Affairs, Youth, Sport and Recreation, and Planning. However, this increase in the number of Ministries is very small compared with the growth in the number of quasi-autonomous bodies that have been established for various governmental purposes. There has been a reaction to this growth and in 1979 Parliament established a Public Accounts and Expenditure Review Committee of the Parliament, and the following year the Public Bodies Review Committee which has taken as its first task the review of the operation and the continued need for such statutory bodies. Most, if not all, of these statutory bodies are not staffed by Public Servants employed under the Public Service Act.

VICTORIAN GOVERNMENT EMPLOYMENT:
1943 TO 1982 (a)
('000)

Year	Males	Females
1942-43 (b)	56.7	16.8
1946-47	74.9	15.6
1949-50	89.2	17.7
1954-55	95.4	22.3
1959-60	102.5	29.7
1964-65	114.2	31.1
1969-70	119.3	38.0
1974-75	144.0	87.8
1979-80	154.2	108.1
1980-81	154.4	110.9
1981-82	154.6	114.6

(a) Figures include employees of Victorian Government marketing boards and public hospitals from June 1971.

(b) Year ended August.

NOTE. The figures in this table may not be completely comparable as periodic adjustments were made to the coverage of the State Government sector and revisions made to the figures when new benchmarks were established after each Population Census.

In 1974, the legislation relating to the Victorian Public Service was completely revised and re-enacted to give effect to the recommendations of Sir Henry Bland made in a series of reports to the Victorian Government in 1973-74. The broad effect of Sir Henry's recommendations was to improve the educational standards of the Service by a greatly increased recruitment of graduates and for renewed emphasis on ability and potential in relation to promotion. At the same time there has been a very large increase in the number of women employed in the administrative and professional branches of the Victorian Public Service. The result is that the composition and style of the Victorian Public Service is now completely different to that which obtained in 1934.

Government administration and departmental developments

From 1934 to 1946

In 1934, the Victorian Public Service was recovering from the effects of the Depression. There had been two salary cuts; one in 1930 and another in 1931, which were not fully restored until 1936. Recruitment to the Clerical Division (later renamed the Administrative Division) from secondary schools through the annual competitive entrance examination, which had ceased after 1929, was resumed in 1934. On 30 June 1934, the Victorian Public Service (that is persons employed under the Public Service Act) comprised 3,893 permanent and 1,602 temporary staff employed in ten departments. Matters related to salaries and wages and conditions of employment, recruitment, appointments, promotions, and discipline were administered by a Public Service Commissioner but his determinations or recommendations in these matters required the approval of the Governor in Council before becoming effective. Salaries and wages were as fixed in Schedules to the Public Service Act. Promotion was slow and based on seniority and fitness, seniority being the dominant factor. Preference to discharged servicemen applied on first appointment to the Victorian Public Service.

Much of the State's administration, particularly in developmental or utility functions, has been in the hands of statutory authorities which were outside the Public Service Act, such as the State Electricity Commission, the Victorian Railways, the Melbourne and Metropolitan Board of Works, the Country Roads Board, and the Melbourne Harbor Trust (renamed the Port of Melbourne Authority in 1978). In 1939, two of the statutory authorities, the State Rivers and Water Supply Commission and the Forests Commission, were, by legislation, brought under the Public Service Act as the Water Supply Department and the State Forests Department, respectively, continuing to be administered by their respective Commissions. By 1939, there were 13 departments, including these two and the Premier's Department, which had been re-established in 1936, and the Victorian Public Service numbered 7,506 (including 240 ex-railway officers who had been on loan to the Victorian Public Service during the Depression years and had been transferred to the permanent staff of the Victorian Public Service in 1938).

The *Public Service Act* 1940, which came into operation on 19 May 1941, abolished the office of Public Service Commissioner and constituted a Public Service Board of three members, the then Public Service Commissioner becoming its first Chairman. The Chairman and the government member of the Board were appointed by the Governor in Council and the third member was elected. The elected member changed according to the matters being dealt with by the Board. When the Board was dealing with matters that concerned General Division officers of the Mental Hygiene Branch of the Health Department, the elected member was an officer elected by the General Division officers of that Branch. When the Board was dealing with matters that concerned the Victorian Public Service generally, the elected member was an officer elected by the permanent officers of the rest of the Victorian Public Service. When the Board was dealing with matters that concerned the Teaching Service, the elected member was elected by the teachers on the permanent staff of the Education Department. The Board was not independent in the exercise of its powers. Its decisions and recommendations still required Governor in Council approval before becoming effective.

From 1940 to 1946, largely the period of the Second World War, there was little development of the Victorian Public Service. Many officers were away on active service and others were seconded to Commonwealth departments. Considerable effort was devoted to assisting the Commonwealth, directly or indirectly, in functions associated with war administration; State department resources were depleted; and activities dominated by the necessity to support the war effort. In 1942, over 600 officers and employees of the State Taxation Office were temporarily transferred or lent to the Commonwealth in connection with the introduction of uniform income tax. When uniform income tax became permanent after the war, most of these members of the Victorian Public Service remained with the Commonwealth.

In August 1941, the Victorian Public Service received its first general salaries revision, apart from the reductions and restorations during the Depression, since 1926. The Government provided a sum of money and allocated it in accordance with recommendations made by the Public Service Board.

The *Discharged Servicemen's Preference Act* 1943 which came into operation on 21 March 1944 accorded preference in appointments to, and promotions in, the Victorian Public Service to suitable and competent applicants who were discharged servicemen. The provisions of this Act were applied until the High Court in the *Wenn Case* in 1948 declared the Act, in the light of Commonwealth legislation, to be no longer operative. From this time, by Board policy, discharged servicemen received preference where other factors were equal. In practice this related to first appointment.

From 1946 to 1970

The year 1946 marked a fundamental change in the system of management of the Victorian Public Service. The *Public Service Act* 1946 removed teachers from the jurisdiction of the Board and placed them under a separate Teachers Tribunal. The Public Service Board was reconstituted with the same membership as previously but with two elected members, changing, as before, according to whether the Board was dealing with Mental Hygiene Branch matters or the General Service. The Chairman was appointed by the Governor in Council, but held office until he reached the age of 65 years and no longer. The significant change in the 1946 Act was that the Board was given independent power to make final decisions on salaries and wages and conditions of employment for the Victorian Public Service (subject in some matters to principles laid down in the Act and subject only to disallowance of its regulations by Parliament), and in recruitment, appointments, classifications, promotions, and discipline. The Board thus became the independent salary and wage fixing tribunal for the Victorian Public Service and, subject only to the provision for disallowance of its regulations by Parliament, political considerations and pressures no longer directly influenced or determined remuneration, classification, and conditions of employment. Other features of the 1946 Act were the giving to the Board of advisory functions in relation to the promotion of efficiency in departments and to the oversight of methods of conducting business in departments; the provision of long service leave; and the establishment of relative efficiency as the principal determining factor in promotion. Parliament's power under the 1946 Act to disallow Board regulations was never exercised.

In the years following the Second World War, recruitment was a major problem. Renewed activity and expansion in industry and commerce generally and in government functions led to intense competition among employers, both public and private, to secure a share of the persons offering for employment. Despite some temporary improvements from time to time, largely as a result of economic circumstances, this situation continued for some years and it was a long time before the Board was able to raise the pre-requisite educational standard for the Administrative Division and also to obtain the full benefit of other measures initiated to overcome the problem in this and the professional area.

Indicative of moves to improve efficiency, the Board, in 1958, established sections for "O and M" (Organisation and Methods was the phrase used to describe the critical examination and re-design of the organisation of administrative units, systems, procedures, and methods of conducting business in departments) and for Training; in 1969, it introduced electronic data processing.

From 1970 to 1983

For various reasons, the Victorian Public Service during the 1970s experienced a period of rapid and, in many instances, fundamental change in policies, structure, functions, attitudes, composition, and operation. As government policies developed existing functions or took new directions to include new roles which were being recognised as essential and appropriate for government action, existing departmental functions expanded and new functions had to be administered. Other changes in the Victorian Public Service resulted from government policy, from the response to changes in community attitudes or to changing requirements in the Victorian Public Service, from initiatives of the Public Service Board or of departments, or from claims by the Public Service Association. Changes in economic conditions also had an impact, particularly on salaries and wages and conditions of employment and the recruitment and retention of staff.

Changes in the Victorian Public Service itself in this period are exemplified in the following summary: in May 1973, restrictions on the permanent employment of married women were removed; early in 1974 the direct recruitment of graduates to the Administrative Division was commenced; in January 1976, the standard of educational qualification for admission to the entrance examination for the Administrative Division was raised to the Higher School Certificate level; in September 1972, women were admitted for the first time to the entrance examination for the Administrative Division; in June 1975, women received the full application of the principle of equal pay for work of equal value and became entitled to equal opportunity with men for appointment and promotion; in August 1975, personnel exchange schemes with other Public Services were initiated; an extended cadetship scheme for tertiary study was established; a performance improvement programme was instituted; in August 1974, paid maternity and paternity leave were introduced; in December 1975, a Staff Development Centre, and in 1978, a Public Service Medical Centre were established; and a Consultative Committee of representatives of the Board, the departments, and the Victorian Public Service Association was set up to maintain a continuous review of the *Public Service Act 1974*.

An event of fundamental importance was the establishment of the office of Ombudsman in 1973.

During the 1970s, too, the Victorian Public Service was the subject of the first general public inquiry since the Wallace Ross Royal Commission of 1926. In 1973, Sir Henry Bland was appointed a Board of Inquiry for this purpose. The Board of Inquiry submitted four Reports. The first was devoted substantially to the reform of the *Public Service Act 1958*, the second primarily to organisational and administrative arrangements relating to conservation, environmental and land-use planning matters, the third primarily to the Education Department, and the fourth dealt with the higher machinery of government and picked up a number of matters dealt with in the previous reports.

The first report led to the *Public Service Act 1974* which came into operation on 1 August 1975. The principal features of this Act included the vesting of broader management functions in the Public Service Board; the setting up of a new Divisional structure in the Victorian Public Service; the relieving of the Public Service Board of the duty of dealing with all promotions appeals; the introduction of more flexible provisions for appointments to the higher positions in the Victorian Public Service from outside the service; and the revision of disciplinary procedures. The Public Service Board's determinations as to salaries, wages, and conditions of employment were still subject only to disallowance by Parliament but its regulations with respect to any matter which related to the organisation, management, or discipline of the Victorian Public Service were now subject to Governor in Council approval. No Board determinations under the 1974 Act have been disallowed by Parliament.

After reviewing the first year of operation of the 1974 Act, the Public Service Board, in 1977, re-organised its Office into eight divisions, namely, Administration, Claims and Industrial, Conditions of Employment, Electronic Data Processing, Management Services, Recruitment and Staff Development, Staffing and Classification, and Research and Special Projects. The latter Division's role was to undertake a management review programme, co-ordinate manpower planning activities, provide an extended research resource to the Board, and advise the Board on machinery of government matters. This re-organisation was the means by which the extended functions laid down by the *Public Service Act 1974* could be effectively administered.

The emphasis placed by the Victorian Government on co-ordinating the large and complex body of the machinery of government (including the statutory authorities) was indicated by the establishment of the State Co-ordination Council in the Premier's Department, under the *State Co-ordination Council Act 1975*. The Council consisted of the heads of all the State departments and of some of their branches and the major statutory authorities.

The continuing and increasing pressure on the existing staff resources of the Victorian Public Service together with financial constraints on staffing (maximum staff ceilings were imposed in 1970 and again in 1978, although there were always controls over the creation of new offices) intensified attention to efficiency and the most economical planned use of available manpower.

In 1977, a significant change was evident in the intake for base grade administrative

positions. Candidates for the entrance examination had almost three years more employment experience or education or both than candidates for previous examinations and about 30 per cent of those who passed the examination were graduates. There were three reasons for this: the general increase in the level of education in the community; the effect of economic conditions on employment opportunities; and the raising by the Board of the minimum pre-requisite educational standard for the examination.

At the same time, competition was increasing under the scheme for the direct appointment of graduates to base grade administrative positions and, by 1979, the proportion of graduate applicants with honours or higher degrees was significantly larger than in any previous year. The Victorian Public Service entered the 1980s with intensified constraints on expenditure and growth, increasing public scrutiny of resources directed to the public sector, and increased demand from the public for services. This combination emphasised the necessity for the Victorian Public Service to increase efficiency in public administration. The office of the Public Service Board was re-organised to increase the provision of assistance to Departments.

Two features of recruitment during the 1970s were the substantial increase in the age and educational level of recruits and alterations to selection methods. By 1980, approximately one-half of base grade officers appointed to the Victorian Public Service were women and, on average, all recruits were older than their counterparts in prior years, better educated, and many had superior work experience. Staff ceilings and a freeze on recruitment in the first half of 1980 affected the number of recruits in all areas. However, in one particular area, that of cadetships, there was a steady decline in recruitment due to the ready availability of qualified, experienced individuals.

During 1979-80, two changes affected the machinery of government in Victoria. The Public Bodies Review Committee was established in March 1980. As a Parliamentary Committee it was given wide powers to review the efficiency, effectiveness, structure, and role of Victoria's Public Bodies. In December 1979, the Parliamentary Public Accounts and Public Expenditure Review Committee was established. Its purpose was to examine budget allocations to departments and ensure the strictest economy in the use of the State's financial resources.

At 30 June 1982, the Victorian Public Service comprised 30,830 officers and employees. In addition, there were 8,447 persons employed in the various departments under exemption from the Public Service Act.

Conclusion

In 1934, there were virtually no outside consultants to the Victorian Public Service. By 1983 changing social, economic, and technological conditions had gradually caused the Victorian Public Service to expand in line with growing governmental responsibilities and had shown the requirements for specialised expertise from outside as well as inside the Victorian Public Service. This has brought about more flexible methods of appointment, the use of advisers, and a less distinct demarcation between Ministerial initiatives and their professional implementation. The public has come to expect a much wider range of services from governments and greater control over the many statutory authorities in the State. The Victorian Government has also been expected to impose much greater co-ordination of policy in public administration. Historically, the appointment by Parliament of the Public Bodies Review Committee was a major development in public administration under the Westminster system.

COMMONWEALTH — STATE RELATIONSHIPS

Effects of Commonwealth legislation

Despite the many changes in Victorian constitutional law leading towards a more democratic situation in both Houses of Parliament, there has been probably more significance for government in Victoria in developments in the Commonwealth Constitution. These developments spring partly from constitutional amendments effected at referendums, partly from decisions of the High Court giving a new or expanded meaning to the provisions of the Constitution, and partly from the success of successive Commonwealth Governments

in exploiting the financial dominance of the Commonwealth and in utilising more fully the legislative powers conferred upon the Commonwealth Parliament by the Constitution.

In 1934, the States had far more influence than they have today. Federal political news was of comparatively minor importance, while news about State politicians, police rounds, crime, and accidents usually ranked ahead of Federal affairs. Fifty years later, the position was completely reversed. The steps that led to this reversal in the location of influence in Australia during the last half century are indicated below.

The first important decision by the High Court occurred in 1921. In its judgement in the *Engineers Case*, the High Court ended the narrow restrictive interpretations of the Constitution which had prevailed until then. Again, in 1926, the case of *Victoria v. The Commonwealth* (1926) enabled Victoria to test the validity of the Federal Aid Roads Act. The High Court unanimously ruled that "if a Commonwealth law is one providing for a grant to a State, the terms ... [of] that grant are matters entirely within the jurisdiction of the Commonwealth Parliament". By virtue of this decision, the Commonwealth could encroach, under certain conditions, on the powers originally reserved to the States by the founding fathers.

The first important Commonwealth legislation concerned the establishment of the Loan Council. Its effects were to consolidate and ultimately to legalise the Commonwealth's dominant financial role. The 1927 Financial Agreement set up the Loan Council to determine the borrowing programme — and thereby the capital works programmes — of all governments in Australia. It also paved the way for the establishment of the Commonwealth Grants Commission in 1933. However, the onset of the Depression meant that capital expenditure was reduced, so that the effects of the Loan Council agreement and the decisions of the High Court were masked until after 1933, when Australia began to emerge from the Depression.

Another factor to be considered was the role played by Public Servants. The first generation of Commonwealth Public Servants was seconded from the various State Public Services. Nurtured in the atmosphere leading to the Constitution they, as much as their political masters, believed in a limited role for the Commonwealth Public Service. A change began in the late 1930s with the introduction of graduate recruitment into the Commonwealth Public Service. During the 1940s, the growth of the Commonwealth Public Service was accelerated by a considerable intake of graduates and academics, many of them with positions directly related to the war effort, which needed to be controlled by the Commonwealth Government. Many believed in the need for a strong central government and developed policies to fit those requirements.

The significance of the Commonwealth Parliament to the average elector was also greatly increased when that Parliament obtained through a referendum a very wide power with respect to the provision of social service benefits in 1946. The central feature of Commonwealth-State relations since 1934, however, is the change in the financial position of the States following the High Court's decision in 1942 in the first *Uniform Tax Case* brought by South Australia. In that case the Court held valid a series of steps which in effect removed from the States the power to levy income tax and reposed it exclusively in the Commonwealth. Uniform taxation was again challenged by Victoria in 1957. In that case Owen Dixon, C.J., summarised the effect of the High Court decision as follows:

"It is apparent that the power to grant financial assistance to any State upon such terms and conditions as the Parliament thinks fit is susceptible of a very wide construction in which few if any restrictions can be implied ..." (1957) 99 CLR, 575 at 605.

Thus, although uniform taxation was initially a wartime measure, the Commonwealth has been held to have the power to continue it. In 1977, proposals were made by the Commonwealth to enable the States to impose an income tax by way of surcharge upon Commonwealth income tax. However, these proposals did not find favour with the States and by 1983 had not been implemented.

After 1942, the States could only raise funds from sources such as stamp and probate and gift duties, land and entertainment tax, and licence fees upon the sale of liquor, tobacco, or petrol. Apart from revenue of this sort, the States had to rely upon what was given them by the Commonwealth, mainly by way of financial assistance grants (initially called tax reimbursement grants). These grants have been accompanied by special grants,

made under section 96 of the Constitution, to which detailed conditions have been attached requiring them to be spent in a particular manner. The tone of Premiers' Conferences changed to one which provided an occasion for the Prime Minister to indicate the funds available for allocation among the States for the forthcoming year both of general and specific purpose grants.

By this means the Commonwealth has effectively been able to influence policy within the States in many areas which are otherwise within the States' exclusive legislative competence. Thus the Commonwealth has been able to take some initiatives in matters such as education, roads, transport, health, and housing.

These extensions of Commonwealth authority had followed the realisation that the Commonwealth could wield power over domestic matters as a result of the many measures taken during the Second World War under the defence power. Further, while the *Uniform Tax Cases* marked a shift in *de facto* power from the States to the Commonwealth, over the last fifty years the legislative powers given by the Constitution to the Commonwealth have been expansively interpreted by the High Court and the powers so expanded have been acted upon extensively by the Commonwealth.

Generally speaking the effect has been that influence has gradually moved from the States to the Commonwealth Government. Each Federal political party has tended to promise greater benefits to the electors, mostly by entering new fields of activity which the Constitution had originally reserved for the States. An example of this was the School Science Laboratories promise in 1963 by Senator John (later Sir John) Gorton, who became Prime Minister of Australia in 1967. This election promise resulted in the creation of the Commonwealth Ministry of Education for the purpose, mainly, of administering the restrictions and conditions associated with these Grants. This heralded the more frequent use of section 96 grants by the Commonwealth which has already been noted.

The power given to the Commonwealth to make laws with respect to foreign corporations and trading or financial corporations formed within the limits of the Commonwealth has been held to extend to the regulation of a large number of corporate activities and has been used by the Commonwealth to regulate trade practices over a wide area. Jurisdiction over trade practices in the early 1980s formed a large part of the jurisdiction of the Federal Court of Australia, which is one of the courts set up by the Commonwealth as part of a Federal judicial system, independent of the State courts.

Similarly, the power to make laws with respect to marriage has been given a wide interpretation and that power supports Federal legislation conferring jurisdiction upon the Family Court of Australia in respect of a wide range of matters involving divorce, maintenance, and custody. The Family Court is another court in the Federal judicial system and it exercises its jurisdiction to the exclusion of a similar jurisdiction previously exercised by the State Supreme Courts.

The establishment of a Federal Court of Australia in 1976 as well as of a Family Court of Australia in 1975 has reduced the jurisdiction of State Courts and in the case of the Federal Court, has been perceived to create difficult problems in relation to conflict of jurisdiction. On the other hand, the apparent willingness of the Commonwealth to cooperate with the States in removing continuing restrictions on their legislative power under paramount Imperial legislation was seen to be of great value to the States.

A significant field of influence over the State is the Commonwealth's ability to make laws with respect to external affairs. The extent of this ability is still uncertain but with the attainment of nationhood by Australia and the proliferation of international treaties and other international arrangements, the Commonwealth has claimed the right to make a considerable intrusion into areas hitherto thought to be of internal concern only and hence matters for the States. The case of *Koowarta v. Bjelke-Petersen and others* in May 1982 has been significant in this matter. Conflict has been averted by allowing the States the opportunity to implement international obligations within their traditional areas of concern.

In 1975, the High Court held in the *Seas and Submerged Lands Case* that the Australian territorial sea, which had been thought to form part of the territory of the individual States, was within the sovereign power of the Commonwealth. State boundaries were held to stop at low water mark. It was this decision more than any other which prompted the Commonwealth and the States to engage in an exercise in federalism based upon the co-

operative use of powers rather than their full exploitation. Thus the Commonwealth has by legislation reversed the effect of the decision in the *Seas and Submerged Lands Case* and given back to the States legislative power over the territorial sea to a distance of three miles and to vest title in the sea bed within the same area.

There have been some recent important national schemes involving both State and Commonwealth participation in the 1970s and 1980s. Perhaps the most significant is the national companies and securities scheme which involves the establishment of the National Companies and Securities Commission for the regulation of companies and the securities industry in Australia by means of interlocking State and Federal legislation. Other inter-governmental bodies exist, however, many of which pre-date the new policy and are evolving or have evolved administrative schemes upon a co-operative basis. Another important change followed the June 1982 meeting of the Loan Council, where it was agreed that major electricity authorities would no longer need to obtain Loan Council approval to borrow, as had previously been the case. This gave increased independence to the States in financing major developments.

There is one other aspect of Federal-State relations in which Commonwealth activities have been curtailed rather than expanded, although in this instance without a corresponding increase in the ambit of exclusive State powers. In *James v. The Commonwealth* the High Court held that the Commonwealth, as well as the States, was bound by section 92 of the Constitution, the section which guarantees absolute freedom of trade among the States. The full significance of this decision was seen in the *Bank Nationalization Case* in which Commonwealth legislation to nationalise private banks in Australia was held to be largely invalid as the result of the application of section 92. Moreover, with the Commonwealth bound by section 92, the States cannot look to the Commonwealth to achieve what they cannot do themselves in areas such as the marketing of commodities.

In June 1982, negotiations extending over three years came to finality with agreement by all States to sever the remaining constitutional links, other than recognition of the Crown, between Australia and the United Kingdom. Implementation of the decision will require simultaneous legislation to be passed by the Commonwealth and United Kingdom Parliament, with the concurrence of the States in both cases.

Conclusion

Commonwealth-State relationships have changed in pattern during the last fifty years. Before the Second World War all relations tended to be conducted only at Premier-Prime Minister level, and each State government was very jealous of its prerogatives.

During the war decisions necessarily had to be made by the Commonwealth and in the 1950s and 1960s a greater measure of trust grew between the Commonwealth and the States. This was the beginning of the notion of co-operative federalism and allowed for the relationship to be conducted at Ministerial as well as Prime Ministerial level. Its results were seen in such fields as company legislation and soldier settlement. The Advisory Council for Inter-governmental Relations publishes a *Register of Commonwealth-State Co-operative Arrangements* which is updated regularly.

VICTORIAN REPRESENTATION IN THE COMMONWEALTH PARLIAMENT SINCE 1934

Representation — Constitutional and legal provisions

The Commonwealth Parliament consists of Her Majesty The Queen (represented by the Governor-General), a Senate, and a House of Representatives. The maximum term of the House of Representatives is three years and a general election follows its dissolution or expiry. Senators are elected for six years with half of the Senate retiring every three years. A half-Senate election and a general election for the House of Representatives do not have to be held jointly. In the event of a double dissolution (that is, a simultaneous dissolution of both Houses under section 57 of the Constitution) a general election for the House of Representatives and a full Senate election are held concurrently.

Under the Commonwealth Constitution, each of the six original States were equally represented by six Senators, regardless of their population, and so Victoria was represented

by 6 of the 36 Senators from 1901 to 1949. The *Representation Act 1948* increased the equal number of Senators elected by each State to 10, and at the 1949 half-Senate election, 7 Senators were elected from each State to comprise a Senate of 60.

The Constitution provides that the number of Members of the House of Representatives shall be as nearly as practicable twice the number of Senators and that the number of Members of the House in each State should be in proportion to the population of each State. Consequently Victorian representation in the House of Representatives has varied according to changes in the Victorian proportion of the total population of the six Australian States and has reflected the 1948 increase in the size of the Senate.

Under the Constitution and the *Representation Act 1905*, the number of Members to be chosen from each State is determined by ascertaining a "quota", calculated by dividing the total population of the six States of the Commonwealth by twice the number of Senators. The total population of the State is then divided by the quota to determine its number of Members. Until 1964, if there was a remainder greater than one-half of the quota, one more Member was to be chosen for that State. The Representation Act was amended in 1964 to delete the words "greater than one-half of the quota", thus allowing one more member to be chosen in the State if there was a remainder less than one-half the quota.

Following a High Court decision which invalidated the 1964 amendments to the Representation Act, the *Representation Amendment Act 1977* restored the provision that one more Member shall be chosen in the State only if there is a remainder greater than one-half of the quota.

Section 122 of the Constitution entitles Parliament to allow the representation of Territories in either House of the Parliament. The *Senate (Representation of Territories) Act 1973* granted two Senators each for the Australian Capital Territory and the Northern Territory (first elected at the 1975 elections) resulting in a total of 64 Senators for the Commonwealth. However, the Territories' populations and Senators are not taken into account when calculating the House representation entitlements of the six States.

House of Representatives — redistribution and representation

Of the 20 Victorian Members of the House of Representatives in 1934, 10 Members represented metropolitan electoral Divisions and 10 Members represented non-metropolitan (rural and provincial) electoral Divisions.

The 10 metropolitan Divisions were Balaclava (Caulfield-St Kilda), Batman (Fitzroy-Northcote), Bourke (Carlton-Coburg), Fawcner (Prahran-Toorak), Henty (Brighton-Oakleigh-Sandringham), Kooyong (Camberwell-Kew), Maribyrnong (Essendon-Footscray), Melbourne (inner city), Melbourne Ports (South Melbourne-Williamstown) and Yarra (Collingwood-Richmond). The 10 non-metropolitan Divisions were Ballaarat, Bendigo, Corangamite (west-central), Corio (Geelong), Echuca (north-central), Flinders (south-east), Gippsland, Indi (north-eastern), Wannon (south-western), and Wimmera (north-western).

On 5 July 1934, the House of Representatives rejected the report of the Distribution Commissioners which proposed 11 metropolitan and 9 non-metropolitan Divisions. The Federal election of 15 September 1934 was conducted on the boundaries set under the previous 1922 redistribution in Victoria.

The Distribution Commissioners made a Second Report on 20 December 1934, proposing 10 metropolitan and 10 non-metropolitan Divisions. This Report was accepted by the House of Representatives on 14 May 1936. The average enrolment for metropolitan Divisions was 57,405 electors and for non-metropolitan Divisions 49,337 electors. The rural Division of Echuca was abolished but the rural seat of Deakin was created to the east of the metropolitan area. The elections of 23 October 1937, 21 September 1940, 21 August 1943, and 28 September 1946 were all held on these boundaries.

The next redistribution was held in 1948, following the expansion of the House of Representatives from 74 to 121 Members with full voting rights and of the Senate from 36 to 60 under the provisions of the *Representation Act 1948*. Under the 1948 redistribution, proclaimed on 11 May 1949, the number of Victorian electoral Divisions was increased from 20 to 33. These 33 Divisions were comprised of 18 metropolitan and 15 non-metropolitan Divisions. The average number of electors in each Division fell from 67,592

to 40,965. The average enrolment for metropolitan Divisions was 43,125 electors and for non-metropolitan Divisions 38,373 electors.

The new electoral Divisions created in the metropolitan area were Isaacs (St Kilda), Higinbotham (Sandringham-Bentleigh), Darebin (Preston), Gellibrand (Footscray-Williamstown), Hoddle (Carlton-Collingwood), Higgins (Caulfield-Malvern), Chisholm (Camberwell), and Wills (Coburg). The new rural electoral Divisions created were Murray (Goulburn Valley), La Trobe (Dandenong-Ferntree Gully), McMillan (West Gippsland), Mallee (North-western), and Lalor (north of Melbourne). The elections of 10 December 1949, 28 April 1951, and 29 May 1954 were held on these boundaries.

Victorian representation remained at 33 for the 1955 redistribution, which abolished the inner suburban Divisions of Bourke and Hoddle and created the Division of Scullin in the same area, as well as the outer suburban Division of Bruce (Ringwood-Ferntree Gully). The elections of 10 December 1955, 22 November 1958, 9 December 1961, 30 November 1963, and 26 November 1966 were held on the 1955 boundaries.

Victorian representation in the House of Representatives was increased to 34 (of a total of 125) in 1968. The 1968 redistribution abolished outright the two inner suburban Divisions of Fawcner (Prahran-Toorak) and Yarra (Hawthorn-Richmond), while the name of the abolished Division of Scullin (formerly based on Fitzroy-Carlton) was given to the Division of Darebin and the name of the abolished Division of Isaacs (formerly based on St Kilda) was given to a new outer suburban Division based on Mentone and Sandringham. Other new outer suburban Divisions created were Burke (Broadmeadows), Casey (Ringwood-Mitcham), Diamond Valley (north-east suburbs), and Holt (Dandenong-Springvale). The Division of Higinbotham was renamed Hotham. The elections of 25 October 1969, 2 December 1972, 18 May 1974, and 13 December 1975 were held on the 1968 boundaries.

Distribution Commissioners were appointed on 24 September 1974, and their Report, which proposed the abolition of Wimmera and the creation of a new outer suburban metropolitan Division based on Doncaster-Templestowe, was tabled in the House of Representatives on 13 May 1975. The House approved the redistribution on 22 May, but the Senate rejected it on 27 May 1975. The Electoral Redistribution (Victoria) Bill 1975 gave legislative form to the Distribution proposals contained in the Distribution Commissioners' final Reports and was twice passed by the House, but twice rejected by the Senate.

Victorian representation was reduced to 33 in 1977. The 1977 redistribution abolished the rural Division of Wimmera. After the 1977 redistribution the average number of electors in each Division was 69,748. The elections of 10 December 1977, 18 October 1980 and 5 March 1983 were held on the 1977 boundaries.

COMMONWEALTH ELECTORAL LAW SINCE 1934

Method of voting and scrutiny

The *Commonwealth Electoral Act* 1918 introduced preferential voting for the House of Representatives requiring voters to mark the numbers 1, 2, 3, 4, and so on in the order of their preference for all candidates on the ballot-paper. The *Commonwealth Electoral Act* 1919 introduced optional preferential voting for the Senate requiring voters to mark the order of their preferences up to twice the number of candidates to be elected plus one. The *Commonwealth Electoral Act* 1934 brought Senate procedures into line with those for the House of Representatives requiring full preferential voting.

A House of Representatives candidate must obtain an absolute majority of formal votes to be elected. If no candidate obtains a majority of first preference votes, the preferences of the candidate with the fewest votes are distributed to continuing candidates. This process is repeated until a candidate has received an absolute majority of first and transferred preferences.

A preferential system was used for the Senate scrutiny from 1919 to 1948 which usually resulted in the election of all the Senators for a State from the one party grouping on the ballot-paper.

In 1948, a system of proportional representation was introduced for the Senate election scrutiny, when Senate membership was expanded from 36 to 60 by the Representation Act. With the introduction of proportional representation, party representation in the

Senate has much more closely reflected the respective percentages of the vote cast for the parties standing candidate at Senate elections. Under this system candidates must gain a quota of votes to be elected. This is obtained by dividing the total number of formal votes by one more than the number of Senators to be elected, then adding one. Consequently when 5 Senators are to be elected, the quota is one-sixth of the formal vote, plus one. Both major party groupings normally obtain at least 2 quotas and therefore elect at least 2 Senators at each half-Senate election. Consequently Senate major party representation has been relatively evenly balanced since 1949.

Senate casual vacancies

A casual vacancy occurs when the place of a Senator becomes vacant before his term of service has expired. A replacement Senator for a State is chosen by the State Parliament. Until 1977, any such Senator appointed to fill a casual vacancy served only until the next Federal election, even if this election occurred before the end of the term of the previous Senator. The Constitution was amended in 1977, inserting the requirement that Senate casual vacancies be filled by a nominee of the same political party as that of the Senator whose place had become vacant. This amendment also provided that the replacement Senator serve out the full term of the previous Senator.

Voting age

The Commonwealth Electoral Act 1918 was amended in 1973 to lower the voting age from 21 (as it had been since 1902) to 18.

ELECTION AND REFERENDUM STATISTICS

The following tables show details of Federal elections and referendums held since 1934:

Elections

FEDERAL ELECTIONS HELD SINCE 1934, PRIME MINISTERS AND THE LEADERS OF THE OPPOSITION AT THOSE ELECTIONS

Polling day	Prime Minister	Leader of the Opposition
15 September 1934(a)	Lyons, Rt Hon. J. A.	Scullin, Rt Hon. J. H.
23 October 1937(a)	Lyons, Rt Hon. J. A.	Curtin, Rt Hon. J.
21 September 1940(a)	Menzies, Rt Hon. R. G.	Curtin, Rt Hon. J.
21 August 1943(a)	Curtin, Rt Hon. J.	Menzies, Rt Hon. R. G.
28 September 1946(a)	Chifley, Rt Hon. J. B.	Menzies, Rt Hon. R. G.
10 December 1949(a)	Chifley, Rt Hon. J. B.	Menzies, Rt Hon. R. G.
28 April 1951(b)	Menzies, Rt Hon. R. G.	Chifley, Rt Hon. J. B.
9 May 1953(c)	Menzies, Rt Hon. R. G.	Evatt, Rt Hon. H. V.
29 May 1954(d)	Menzies, Rt Hon. R. G.	Evatt, Rt Hon. H. V.
10 December 1955(a)	Menzies, Rt Hon. R. G.	Evatt, Rt Hon. H. V.
22 November 1958(a)	Menzies, Rt Hon. R. G.	Evatt, Rt Hon. H. V.
9 December 1961(a)	Menzies, Rt Hon. R. G.	Calwell, Hon. A. A.
30 November 1963(d)	Menzies, Rt Hon. R. G.	Calwell, Hon. A. A.
5 December 1964(c)	Menzies, Rt Hon. R. G.	Calwell, Hon. A. A.
26 November 1966(d)	Holt, Rt Hon. H. E.	Calwell, Hon. A. A.
25 November 1967(c)	Holt, Rt Hon. H. E.	Whitlam, Hon. E. G.
25 October 1969(d)	Gorton, Rt Hon. J. G.	Whitlam, Hon. E. G.
21 November 1970(c)	Gorton, Rt Hon. J. G.	Whitlam, Hon. E. G.
2 December 1972(d)	McMahon, Rt Hon. W.	Whitlam, Hon. E. G.
18 May 1974(b)	Whitlam, Hon. E. G.	Snedden, Rt Hon. B. M.
13 December 1975(b)	Fraser, Rt Hon. J. M.	Whitlam, Hon. E. G.
10 December 1977(a)	Fraser, Rt Hon. J. M.	Whitlam, Hon. E. G.
18 October 1980(a)	Fraser, Rt Hon. J. M.	Hayden, Hon. W. G.
5 March 1983(a)	Hawke, Rt Hon. R. J. L.	Peacock, Hon. A. S.

(a) A general election for the House of Representatives and a half-Senate election.

(b) A general election for the House of Representatives and a full Senate election (following a simultaneous dissolution of both Houses).

(c) A half-Senate election.

(d) A general election for the House of Representatives.

Referendums

There have been 20 referendum proposals put to the electorate since 1934, of which only 5 have been successful, although a majority of Victorian electors have voted for 9 of the proposals.

REFERENDUMS: AUSTRALIA, 1934 TO 1977

Subject	Date of referendum	Percentage of Victorian voters in favour	Percentage of Commonwealth voters in favour
Aviation	6 May 1937	65.10	53.56
Marketing	6 May 1937	46.58	36.26
Post-war reconstruction and democratic rights	19 Aug. 1944	49.31	45.99
Social services	28 Sept. 1946	55.98	(a) 54.39
Organised marketing of primary products	28 Sept. 1946	52.37	50.57
Industrial employment	28 Sept. 1946	52.08	50.30
Rents and prices	29 May 1948	44.63	40.66
Powers to deal with communists and communism	22 Sept. 1951	48.71	49.44
Parliament	27 May 1967	30.87	40.25
Aboriginals	27 May 1967	94.68	(a) 90.77
Prices	8 Dec. 1973	45.18	43.81
Incomes	8 Dec. 1973	33.44	34.42
Simultaneous elections	18 May 1974	49.19	48.30
Mode of altering the Constitution	18 May 1974	49.22	47.99
Democratic elections	18 May 1974	47.71	47.20
Local government bodies	18 May 1974	47.38	46.85
Simultaneous elections	21 May 1977	65.00	62.22
Senate casual vacancies	21 May 1977	76.13	(a) 73.32
Referendums (Territories)	21 May 1977	80.78	(a) 77.72
Retirement of judges	21 May 1977	81.43	(a) 80.10

(a) Referendum carried—majority of electors and a majority of States in favour.