

Introduction	23
Parliamentary government	23
Scheme of parliamentary government	23
The Sovereign	24
The Governor-General	24
Powers and functions	24
Holders of office	24
Administrators	24
Governors of the States	24
Powers and functions	24
Holders of office	25
Commonwealth government	25
Commonwealth Parliaments and Ministries	25
How are governments formed?	25
The role of Parliament	25
Parliament and the executive	26
Leader of the Opposition	30
State of the parties in the Commonwealth Parliament	30
Numbers and salaries of Commonwealth Government Ministers	30
Parliaments and elections	30
Commonwealth Parliament	30
Qualifications for membership and for franchise	30
Representation and elections	30
Parliamentary salaries and allowances	33
Referendums	33
The States and Territories	33
Acts of the Parliaments	34
The enactment of Commonwealth Parliament legislation	35
National Anthem and colours of Australia	35
Bibliography	36



## Introduction

When people speak of ‘the Government’ they are usually referring to ‘executive government’, the body of Ministers which administers and enforces the laws made by Parliament.

There are three levels of government in Australia: Federal, State and local.

The six Australian colonies federated in 1901 to form the Commonwealth of Australia. Most of the Commonwealth Parliament’s legislative powers are enumerated in Section 51 of the Constitution. Areas of power not specified remain the responsibility of the States and Territories. A system of local government, established under State legislation, creates a third tier of government. In 1996, Australia had 842 elected members of Parliament, of whom 224 were Commonwealth and 618 State and Territory members.

Both the State and the Commonwealth systems of government derive from the British Westminster system, although many features of the Commonwealth Constitution (including the federal structure) are based on the United States Constitution. Generally, however, the salient features of the Westminster system have been retained. Ministers are members of Parliament, and are required to be accountable and answerable to it. In the twentieth century, Australia has been characterised by a strong party system and adversarial style of politics between the government and opposition.

This chapter outlines the basic features of the constitutional structure of the Commonwealth Parliament and Government and its electoral system, and the role of the Commonwealth Parliament and its relationship to the Executive, and provides details of the Ministry and other political leaders.

The Australian Constitution is reproduced in the Year Book from time to time, the latest being the 1992 edition.

A chapter outlining Australia’s prehistory to Federation was contained in the 1991 and earlier Year Books.

## Parliamentary government

### Scheme of parliamentary government

Under the Australian Constitution the legislative power of the Commonwealth of Australia is vested in the Parliament of the Commonwealth, which consists of the Queen, the Senate and the House of Representatives. The Queen is represented throughout the Commonwealth by the Governor-General. In each Australian State there is a State Governor, who is the representative of the Queen for the State. The Governor has such powers within the State as are conferred upon him/her by the Letters Patent constituting his/her office, and he/she exercises these powers in accordance with instructions issued to him/her by the Queen, detailing the manner in which his/her duties are to be fulfilled.

No Act of the Parliament of the United Kingdom passed after the commencement of the *Australia Act 1986* extends, or is deemed to extend, to the Commonwealth of Australia or to an Australian State or Territory as part of the law of the Commonwealth, of the State or of the Territory. Further, the restrictions that formerly existed on the legislative powers of the Parliaments of the States were removed by the Act.

In the Commonwealth Parliament the Upper House is known as the Senate, and in the bicameral State Parliaments as the Legislative Council. The Legislature in all States was bicameral until 1922 when the Queensland Parliament became unicameral upon the abolition of the Upper House. In the Commonwealth Parliament the Lower House is known as the House of Representatives; in the State Parliaments of New South Wales, Victoria and Western Australia as the Legislative Assembly; and in the State Parliaments of South Australia and Tasmania as the House of Assembly. The single House of Parliament in Queensland, the Northern Territory and the Australian Capital Territory is known as the Legislative Assembly. The extent of the legislative powers of each of the Parliaments is defined by the Australian and State Constitutions, respectively. In those States that

have a bicameral legislature, the Legislative Assembly or House of Assembly, as the case may be, is the larger House.

The members of the Parliaments of each State are elected by the people, the franchise extending to Australian citizens who are at least 18 and possess certain residential qualifications. For the Commonwealth Parliament the qualifications for the franchise are identical for both Houses, extending to Australian citizens and British subjects (on the electoral roll on 25 January 1984) who are 18 or older.

## The Sovereign

On 7 February 1952 the then Governor-General of the Commonwealth of Australia, acting with advice of members of the Federal Executive Council, proclaimed Princess Elizabeth as 'Queen Elizabeth the Second, Queen of this Realm and of all Her other Realms and Territories, Head of the Commonwealth, Defender of the Faith, Supreme Liege Lady in and over the Commonwealth of Australia'. By the *Royal Style and Titles Act 1973*, which Her Majesty assented to in Canberra on 19 October 1973, the Commonwealth Parliament assented to the adoption by Her Majesty, for use in relation to Australia and its Territories, of the Style and Titles set out in the Schedule to that Act. On the same day, also in Canberra, Her Majesty issued a Proclamation, under the Great Seal of Australia, appointing and declaring that Her Majesty's Style and Titles should henceforth be, in relation to Australia and its Territories, Elizabeth the Second, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth'.

## The Governor-General

### Powers and functions

Under the Australian Constitution, the Governor-General exercises the executive power of the Commonwealth of Australia, and certain other powers and functions conferred by the Constitution that include, among others, the powers to appoint times for holding the sessions of the Parliament, to prorogue Parliament, and to dissolve the House of Representatives; to cause writs to be issued for general elections of members of the House of Representatives; to assent in the Queen's name to a proposed law passed by both Houses of the Parliament; to choose and summon Executive Councillors, who hold office during the

Governor-General's pleasure; and to appoint Ministers of State for the Commonwealth of Australia. In addition, the Governor-General, as the Queen's representative, is Commander-in-Chief of the Defence Forces.

Many Acts of the Commonwealth Parliament provide that the Governor-General may make regulations to give effect to the Acts. The Governor-General may also be authorised by statute to issue proclamations, for example, to declare an Act in force. The Governor-General has been given power by statute to legislate for certain of the Australian Territories. Under the provisions of the Constitution, as well as by the conventions of responsible government in British Commonwealth countries, the Governor-General's executive functions are exercised on the advice of Ministers of State.

### Holders of office

The present Governor-General is His Excellency the Honourable Sir William Patrick Deane, AC, KBE. Those persons who have held the office of Governor-General from the inception of the Commonwealth of Australia until 1988 are pictured in *Year Book Australia, 1988*

### Administrators

In addition to the holders of the office of Governor-General, certain persons have, from time to time, been appointed by the Queen to administer the Government of the Commonwealth of Australia. These persons are appointed in the event of the death, incapacity, removal from office or absence from Australia of the Governor-General.

## Governors of the States

### Powers and functions

The Queen is represented in each of the Australian States by a Governor, the office having been constituted by Letters Patent issued under the Great Seal of the United Kingdom on various dates. The Governors of the States exercise prerogative powers conferred on them by these Letters Patent, their commissions of appointment and the Governor's Instructions given to them under the Royal Sign Manual and Signet or other instrument, as specified in the Letters Patent. In addition, they have been invested with various statutory functions by State Constitutions and the Commonwealth *Australia Act 1986*, as well as under the Acts of the Parliaments of the States.

A Governor of a State assents in the Queen's name to Bills passed by the Parliament of the State. Since the enactment of the *Australia Act 1986*, an Act of Parliament of a State that has been assented to by the Governor of the State is no longer subject to disallowance by the Queen or suspension pending signification of the Queen's pleasure. The Governor administers the prerogative of mercy by the reprieve or pardon of criminal offenders within his/her

jurisdiction, and may remit fines and penalties due to the Crown in right of the State. In the performance of his/her functions generally, particularly those conferred by statute, the Governor of a State acts on the advice of Ministers of State for the State.

### Holders of office

The following table shows the Governors of the States at September 1996.

**2.1 STATE GOVERNORS, Holders of Office — September 1996**

State	State Governors
New South Wales	His Excellency the Honourable Mr Justice Gordon Samuels, AC, QC
Victoria	His Excellency the Honourable Richard McGarvie
Queensland	Her Excellency Mrs Leneen Forde, AC
South Australia	Her Excellency the Honourable Dame Roma Mitchell, AC, DBE
Western Australia	His Excellency Major General Michael Jeffery, AO, MC
Tasmania	His Excellency Sir Guy Green
Northern Territory(a)	His Honour the Honourable Austin Asche, QC

(a) Administrator of the Northern Territory.

Source: Department of the Parliamentary Library.

## Commonwealth government

### Commonwealth Parliaments and Ministries

#### How are governments formed?

Under our political system at the Federal level, the Ministry must have the confidence of the House of Representatives. For that reason, the Prime Minister is also the leader of the party or coalition of parties holding a majority of the seats in the House and ministers are members of the same party or coalition. In most cases, new governments are formed after general elections have been held to determine the composition of the House, but a new government could also be formed on any occasion between elections if the majority party changes its leader, or loses its majority (e.g. as a result of a by-election), or is defeated in an important vote in the House through the defection of backbench members of the party. Reshuffles of the Ministry may occur at any time between elections; in that case there is no spill of all positions such as occurs in the formation of a new ministry.

After an election, the Governor-General sends for the leader of the party or coalition which has secured a majority in the House of Representatives and commissions that person to

form a government. The incoming Prime Minister then goes about the process of finding members of his or her parliamentary party or coalition to serve as ministers in the Government.

#### The role of Parliament

Parliament has four important functions: to provide for the formation of a government; to legislate; to provide a forum for popular representation; and to scrutinise the actions of government.

The formation of a government is the most important outcome of a general election. Either the government is returned, by virtue of retaining a majority of seats in the House of Representatives, or the opposition party or coalition of parties wins a majority, resulting in the formation of a new government.

More than half of Parliament's time is taken up with the consideration of proposed legislation. Between 150 and 250 bills are passed each year. Most bills are not contentious, being 'machinery' legislation necessary for the orderly processes of government. A great many bills are amendment bills, proposing alterations to existing legislation. Most of the bills are government bills, the policies originating in

Cabinet or in government departments and composed by parliamentary drafters. Parliamentary deliberation frequently results in amendments to the proposed legislation, often as a result of representations to Senators and Members by those affected by the legislation.

The representation of the people is an important role of those elected to Parliament. Looking after constituents occupies a great deal of their time. The relative importance of this role may be judged by the high proportion of time spent by Members in their electorates and away from Parliament.

The public interest is served by the operations of a range of committees from each House, or joint committees, comprising both Senators and Members, which achieve a non-partisan scrutiny of government operations and conduct frequent inquiries into a range of issues.

Committees of the Parliament are established in order that its legislative, inquiry and scrutiny functions can be carried out more thoroughly and with the benefit of expert advice of which committees are able to take advantage. The composition and procedures of committees, being reasonably flexible and informal, allow them to perform these functions better than would the Houses themselves meeting in their chambers.

### **Parliament and the executive**

The idea that Parliament 'controls' ministers, as well as government policy and the departments and statutory bodies which implement these policies, is a concept which had more relevance in the nineteenth century than it does today. Stable majority party government in the twentieth century is perhaps the main reason for the decline in absolute parliamentary control and for the decline in the influence of Parliament relative to that of the Executive. Government business takes nearly half of the time of the Parliament, and Parliament's agenda

is largely determined by Cabinet decisions and the legislative timetabling requirements of ministers. Today it is more realistic to speak of Parliament influencing or guiding the Executive, or of Parliament scrutinising the actions of executive government and recommending or pressing upon it different courses of action. This influence is exerted in many ways through the procedures of each House and through question time in each House.

Two aspects of parliamentary control over executive government are worthy of special mention. The first relates to the legislative power of the Parliament, the second to influence and control through committees of the Parliament. Government bills are debated in each House. Many questions and queries may be raised in the House of Representatives and amendments are moved there. Because governments enjoy a majority in the House, amendments cannot be forced on government bills: whether or not they are accepted depends on the wishes of the Government.

It is a different story in the Senate, where no government has enjoyed a majority since 1981. If the Government wants legislation passed by the Senate it often has to agree to amendments proposed by the Opposition and minor parties. The Senate is far more active than the House in sending proposed legislation to committees.

Parliamentary influence over executive government takes various forms. At one level the close interest in and scrutiny of proceedings in the House of Representatives means that, although party discipline will ultimately protect the Executive on the floor of the House, members of the House are able to exert powerful but often indirect influence on government.

The following table shows the number and duration of parliaments since Federation.

**2.2 COMMONWEALTH PARLIAMENTS**

Number of Parliament	Date of opening	Date of dissolution
First	9 May 1901	23 November 1903
Second	2 March 1904	5 November 1906
Third	20 February 1907	19 February 1910
Fourth	1 July 1910	23 April 1913
Fifth	9 July 1913	(a)30 July 1914
Sixth	8 October 1914	26 March 1917
Seventh	14 June 1917	3 November 1919
Eighth	26 February 1920	6 November 1922
Ninth	28 February 1923	3 October 1925
Tenth	13 January 1926	9 October 1928
Eleventh	6 February 1929	16 September 1929
Twelfth	20 November 1929	27 November 1931
Thirteenth	17 February 1932	7 August 1934
Fourteenth	23 October 1934	21 September 1937
Fifteenth	30 November 1937	27 August 1940
Sixteenth	20 November 1940	7 July 1943
Seventeenth	23 September 1943	16 August 1946
Eighteenth	6 November 1946	1 October 1949
Nineteenth	22 February 1950	(a)19 March 1951
Twentieth	12 June 1951	21 April 1954
Twenty-first	4 August 1954	4 November 1955
Twenty-second	15 February 1956	14 October 1958
Twenty-third	17 February 1959	2 November 1961
Twenty-fourth	20 February 1962	1 November 1963
Twenty-fifth	25 February 1964	31 October 1966
Twenty-sixth	21 February 1967	29 September 1969
Twenty-seventh	25 November 1969	2 November 1972
Twenty-eighth	27 February 1973	(a)11 April 1974
Twenty-ninth	9 July 1974	(a)11 November 1975
Thirtieth	17 February 1976	8 November 1977
Thirty-first	21 February 1978	19 September 1980
Thirty-second	25 November 1980	(a)4 February 1983
Thirty-third	21 April 1983	26 October 1984
Thirty-fourth	21 February 1985	(a)5 June 1987
Thirty-fifth	14 September 1987	19 February 1990
Thirty-sixth	8 May 1990	8 February 1993
Thirty-seventh	4 May 1993	29 January 1996
Thirty-eighth	30 April 1996	—

(a) A dissolution of both the Senate and the House of Representatives was granted by the Governor-General under section 57 of the Constitution.

Source: *Department of the Parliamentary Library*.

Table 2.3 shows the name of each Commonwealth Government Ministry to hold

office since 1 January 1901 and the dates of its term of office.

### 2.3 COMMONWEALTH GOVERNMENT MINISTRIES SINCE 1901

	Ministry	Period of office
(i)	BARTON MINISTRY	1 January 1901 to 24 September 1903
(ii)	DEAKIN MINISTRY	24 September 1903 to 27 April 1904
(iii)	WATSON MINISTRY	27 April 1904 to 17 August 1904
(iv)	REID-McLEAN MINISTRY	18 August 1904 to 5 July 1905
(v)	DEAKIN MINISTRY	5 July 1905 to 13 November 1908
(vi)	FISHER MINISTRY	13 November 1908 to 2 June 1909
(vii)	DEAKIN MINISTRY	2 June 1909 to 29 April 1910
(viii)	FISHER MINISTRY	29 April 1910 to 24 June 1913
(ix)	COOK MINISTRY	24 June 1913 to 17 September 1914
(x)	FISHER MINISTRY	17 September 1914 to 27 October 1915
(xi)	HUGHES MINISTRY	27 October 1915 to 14 November 1916
(xii)	HUGHES MINISTRY	14 November 1916 to 17 February 1917
(xiii)	HUGHES MINISTRY	17 February 1917 to 8 January 1918
(xiv)	HUGHES MINISTRY	10 January 1918 to 9 February 1923
(xv)	BRUCE-PAGE MINISTRY	9 February 1923 to 22 October 1929
(xvi)	SCULLIN MINISTRY	22 October 1929 to 6 January 1932
(xvii)	LYONS MINISTRY	6 January 1932 to 7 November 1938
(xviii)	LYONS MINISTRY	7 November 1938 to 7 April 1939
(xix)	PAGE MINISTRY	7 April 1939 to 26 April 1939
(xx)	MENZIES MINISTRY	26 April 1939 to 14 March 1940
(xxi)	MENZIES MINISTRY	14 March 1940 to 28 October 1940
(xxii)	MENZIES MINISTRY	28 October 1940 to 29 August 1941
(xxiii)	FADDEN MINISTRY	29 August 1941 to 7 October 1941
(xxiv)	CURTIN MINISTRY	7 October 1941 to 21 September 1943
(xxv)	CURTIN MINISTRY	21 September 1943 to 6 July 1945
(xxvi)	FORDE MINISTRY	6 July 1945 to 13 July 1945
(xxvii)	CHIFLEY MINISTRY	13 July 1945 to 1 November 1946
(xxviii)	CHIFLEY MINISTRY	1 November 1946 to 19 December 1949
(xxix)	MENZIES MINISTRY	19 December 1949 to 11 May 1951
(xxx)	MENZIES MINISTRY	11 May 1951 to 11 January 1956
(xxxi)	MENZIES MINISTRY	11 January 1956 to 10 December 1958
(xxxii)	MENZIES MINISTRY	10 December 1958 to 18 December 1963
(xxxiii)	MENZIES MINISTRY	18 December 1963 to 26 January 1966
(xxxiv)	HOLT MINISTRY	26 January 1966 to 14 December 1966
(xxxv)	HOLT MINISTRY	14 December 1966 to 19 December 1967
(xxxvi)	McEWEN MINISTRY	19 December 1967 to 10 January 1968
(xxxvii)	GORTON MINISTRY	10 January 1968 to 28 February 1968
(xxxviii)	GORTON MINISTRY	28 February 1968 to 12 November 1969
(xxxix)	GORTON MINISTRY	12 November 1969 to 10 March 1971
(xl)	McMAHON MINISTRY	10 March 1971 to 5 December 1972
(xli)	WHITLAM MINISTRY	5 December 1972 to 19 December 1972
(xlii)	WHITLAM MINISTRY	19 December 1972 to 11 November 1975
(xliii)	FRASER MINISTRY	11 November 1975 to 22 December 1975
(xliv)	FRASER MINISTRY	22 December 1975 to 20 December 1977
(xlv)	FRASER MINISTRY	20 December 1977 to 3 November 1980
(xlvi)	FRASER MINISTRY	3 November 1980 to 7 May 1982
(xlvii)	FRASER MINISTRY	7 May 1982 to 11 March 1983
(xlviii)	HAWKE MINISTRY	11 March 1983 to 13 December 1984
(xlix)	HAWKE MINISTRY	13 December 1984 to 24 July 1987
(l)	HAWKE MINISTRY	24 July 1987 to 4 April 1990
(li)	HAWKE MINISTRY	4 April 1990 to 20 December 1991
(lii)	KEATING MINISTRY	20 December 1991 to 24 March 1993
(liii)	KEATING MINISTRY	24 March 1993 to 11 March 1996
(liv)	HOWARD MINISTRY	11 March 1996

Source: Department of the Parliamentary Library.



In *Year Book Australia, 1924* the names are given of each Ministry up to the Bruce–Page Ministry together with the names of the successive holders of portfolios therein. *Year Book Australia, 1953* contains a list which covers the period between 9 February 1923, the date on which the Bruce–Page Ministry assumed power, and 31 July 1951, showing the names of

all persons who held office in each Ministry during that period. The names of members of subsequent Ministries are listed in issues of the *Year Book Australia, 1953 to 1975–76* inclusive, and in successive issues from 1980.

Particulars of the First Howard Ministry are shown below.

#### 2.4 FIRST HOWARD MINISTRY — At November 1996

CABINET MINISTERS		Minister
Prime Minister		Howard, the Hon. John Winston, MP
Minister for Trade and Deputy Prime Minister		Fischer, the Hon. Timothy Andrew, MP
Treasurer		Costello, the Hon. Peter Howard, MP
Minister for Primary Industries and Energy		Anderson, the Hon. John Duncan, MP
Minister for the Environment and Leader of the Government in the Senate		Hill, Senator the Hon. Robert Murray
Minister for Communications and the Arts and Deputy Leader of the Government in the Senate		Alston, Senator the Hon. Richard Kenneth Robert
Minister for Industrial Relations, Leader of the House and Minister Assisting the Prime Minister for the Public Service		Reith, the Hon. Peter Keaston, MP
Minister for Social Security		
Minister Assisting the Prime Minister for the Status of Women		Newman, Senator the Hon. Jocelyn Margaret
Minister for Foreign Affairs		Downer, the Hon. Alexander John Gosse, MP
Minister for Industry, Science and Tourism and Vice-President of the Executive Council		Moore, the Hon. John Colinton, MP
Minister for Defence		McLachlan, the Hon. Ian Murray, AO, MP
Minister for Transport and Regional Development		Sharp, the Hon. John Randall, MP
Minister for Health and Family Services		Wooldridge, the Hon. Dr Michael Richard Lewis, MP
Minister for Finance		Fahey, the Hon. John Joseph, MP
Minister for Employment, Education, Training and Youth Affairs		Vanstone, Senator the Hon. Amanda Eloise
OTHER MINISTERS		
Minister for Immigration and Multicultural Affairs		Ruddock, the Hon. Philip Maxwell, MP
Minister for Science and Technology and Deputy Leader of the House		McGauran, the Hon. Peter John, MP
Minister for Schools, Vocational Education and Training and Minister Assisting the Minister for Finance for Privatisation		Kemp, the Hon. Dr David Alistair, MP
Assistant Treasurer		Kemp, Senator the Hon. Rod
Minister for Resources and Energy		Parer, Senator the Hon. Warwick Raymond
Minister for Small Business and Consumer Affairs		Prosser, the Hon. Geoffrey Daniel, MP
Minister for Family Services		Moylan, the Hon. Judith Eleanor, MP
Minister for Defence Industry, Science and Personnel		Bishop, the Hon. Bronwyn Kathleen, MP
Attorney-General and Minister for Justice		Williams, the Hon. Daryl Robert, AM, QC, MP
Minister for Sport, Territories and Local Government and Minister Assisting the Prime Minister for the Sydney 2000 Games		Smith, the Hon. Warwick Leslie, MP
Minister for Veterans' Affairs		Scott, the Hon. Bruce Craig, MP
Minister for Aboriginal and Torres Strait Islander Affairs		Herron, Senator the Hon. John Joseph
Minister for Administrative Services		Jull, the Hon. David Francis, MP
Parliamentary Secretary (Cabinet) to the Prime Minister		Miles, the Hon. Christopher Gordon, MP
Parliamentary Secretary to the Prime Minister		Minchin, Senator the Hon. Nicholas Hugh
Parliamentary Secretary to the Minister for Trade and Parliamentary Secretary to the Minister for Primary Industries and Energy		Brownhill, Senator the Hon. David Gordon Cadell
Parliamentary Secretary to the Treasurer		Campbell, Senator the Hon. Ian Gordon
Parliamentary Secretary to the Minister for Social Security and Manager of Government Business in the Senate		Tambling, Senator the Hon. Grant
Parliamentary Secretary to the Minister for the Environment and Parliamentary Secretary to the Minister for Sports, Territories and Local Government		Macdonald, Senator the Hon. Ian
Parliamentary Secretary to the Minister for Foreign Affairs		Thomson, the Hon. Andrew Peter, MP
Parliamentary Secretary to the Minister for Transport and Regional Development		Ronaldson, Senator the Hon. Michael, MP
Parliamentary Secretary to the Minister for Health and Family Services		Woods, Senator the Hon. Robert Leslie
Parliamentary Secretary to the Minister for Employment, Education, Training and Youth Affairs		Abbott, the Hon. Anthony John, MP

Source: Department of the Parliamentary Library.

### Leader of the Opposition

The Hon. K.C. Beazley, MP (Labor Party) is the leader of the Opposition.

### State of the parties in the Commonwealth Parliament

#### 2.5 STATE OF THE PARTIES, Commonwealth Parliament — September 1996

	no.
House of Representatives	
Australian Labor Party	49
Liberal Party	76
National Party of Australia	18
Independent	5
Senate	
Australian Labor Party	28
Liberal Party	31
Australian Democrats	7
National Party of Australia	6
The Greens	2
Independent	2

Source: Department of the Parliamentary Library.

### Numbers and salaries of Commonwealth Government Ministers

Under sections 65 and 66, respectively, of the Australian Constitution the number of Ministers of State was not to exceed seven, and the annual sum payable for their salaries was not to exceed \$12,000, each provision to operate until the Parliament otherwise provides.

Subsequently, the number and salaries have increased from time to time. As at September 1996 the number of Ministers was 28 and ministerial salaries ranged from \$120,891 for the Prime Minister, to \$78,440 for the Deputy Prime Minister, \$63,930 for the Treasurer and for the Leader of the Government in the Senate, \$56,734 for the Leader of the House, \$52,862 for a Minister in the Cabinet and \$42,862 for Ministers not in the Cabinet. Where more than one office is held only one salary is payable, that being the higher salary.

All amounts shown in the foregoing paragraphs are in addition to amounts payable as parliamentary salaries and allowances.

### Parliaments and elections

#### Commonwealth Parliament

#### Qualifications for membership and for franchise

Any Australian citizen, 18 or over who is, or is qualified to become, an elector of the Commonwealth Parliament is qualified for membership of either house of the Commonwealth Parliament.

Any Australian citizen (or British subject who was on the Commonwealth Roll as at 25 January 1984) over 18 is qualified to enrol and vote at federal elections. Residence in a subdivision for a period of one month before enrolment is necessary to enable a qualified person to enrol. Enrolment and voting are compulsory for all eligible persons.

The principal reasons for disqualification of persons otherwise eligible for election as members of either Commonwealth House are: membership of the other House; allegiance to a foreign power; being attainted of treason; being convicted and under sentence for any offence punishable by imprisonment for one year or longer; being an undischarged bankrupt or insolvent; holding an office of profit under the Crown (with certain exceptions); or having a pecuniary interest in any agreement with the public service of the Commonwealth except as a member of an incorporated company of more than 25 persons.

Persons convicted of treason and not pardoned, or convicted and under sentence for any offence punishable by imprisonment for five years or longer, or of unsound mind, or persons who are holders of temporary entry permits under the *Migration Act 1958* or who are prohibited non-citizens under that Act, are excluded from enrolment and voting.

#### Representation and elections

From the establishment of the Commonwealth of Australia until 1949 the Senate consisted of 36 members, six being returned by each of the original federating States. The Australian Constitution empowers the Commonwealth Parliament to increase or decrease the size of the Parliament. As the population of Australia had more than doubled since its inception, the Parliament passed the *Representation Act 1948*.

This Act provided that there should be 10 Senators from each State instead of six, thus increasing the total to 60 Senators, enlarging both Houses of Parliament and providing a representation ratio nearer to the proportion which existed at Federation. The *Representation Act 1983* further provided for 12 Senators for each State from the first meeting of the thirty-fourth Parliament.

The *Senate (Representation of Territories) Act 1973* made provision for two Senators to be elected from both the Northern Territory and the Australian Capital Territory. Elections for the Territory Senators are held at the same time as general elections for the House of Representatives.

In accordance with the Constitution, the total number of State Members of the House of Representatives must be as nearly as practicable twice the total number of State Senators. Consequent upon the increase in the size of the Senate in 1949, the number of State Members was increased from 74 to 121. In 1955 there were 122 State Members; in 1969, 123; in 1974, 124; in 1977, 121; in 1980, 122. From the first meeting of the thirty-fourth Parliament, there was a further increase of 23 to 145 State Members flowing from the increase in the number of State Senators to 72.

Since the redistribution of electorates in 1949 giving effect to the increase in the size of the House of Representatives, further redistributions have taken place in 1955, 1968, 1974 (Western Australia only), 1977, 1979 (Western Australia only), 1984, when the size of the Parliament was increased again, 1988–89 (Victoria and Western Australia only), 1991 (New South Wales, Queensland, South Australia, Tasmania and the Australian Capital Territory) and 1994 (Victoria, Queensland and the Australian Capital Territory). Redistributions must be held whenever the representation entitlement of a State changes, when more than one-third of the electorates in a State deviates from the quota by more than 10% for more than two months, or every seven years. The quota (or average number) of electors is the basis for electoral distribution. There may be a deviation from the quota of up to 10% in order to achieve equality of enrolment midway between redistributions. In determining boundaries, Redistribution Committees take account of economic, social and regional interests, means of communication and travel, the trend of

population changes, physical features and area, and the existing boundaries of electoral divisions.

The Electoral Commissioner determines the representation entitlements of the States and Territories during the tenth month after the first meeting of a new House of Representatives. Determinations are based on the latest population statistics as provided by the Australian Statistician. The quota is ascertained by dividing the number of people of the Commonwealth by twice the number of Senators representing the States. The population of the Territories and all Senators representing the Territories are excluded from calculation when determining the quota. The population of each State and Territory is then divided by the quota to determine their representation entitlements. If there is a remaining fraction of over half a quota, the State or Territory is entitled to an additional seat. This accounts for the minor fluctuations in the size of the House of Representatives. The representation entitlements of the States and Territories at the most recent determinations are shown in table 2.6, which also shows the total size of the Parliament. Under section 24 of the Constitution, Tasmania remains entitled to the five seats guaranteed to any original State in 1901.

## 2.6 REPRESENTATION ENTITLEMENTS, States and Territories

State/Territory	1981	1984	1988	1991	1994
New South Wales	43	51	51	50	50
Victoria	33	39	38	38	37
Queensland	19	24	24	25	26
South Australia	11	13	13	12	12
Western Australia	11	13	14	14	14
Tasmania	5	5	5	5	5
Northern Territory	1	1	1	1	1
Australian Capital Territory	2	2	2	2	3
<b>Total Parliament</b>	<b>125</b>	<b>148</b>	<b>148</b>	<b>147</b>	<b>148</b>

Source: Department of the Parliamentary Library.

From 1922 to 1968 the Northern Territory was represented in a limited capacity by one member in the House of Representatives. In May 1968 the *Northern Territory Representation Act 1922* was amended to give full voting rights to the Member for the Northern Territory effective from 15 May 1968, the day on which the Act received Royal assent.

## 2.7 COMMONWEALTH PARLIAMENT ELECTIONS — 2 March 1996

	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Aust.
ELECTORS ENROLLED									
Electors enrolled	3 955 782	2 972 635	2 091 384	1 001 006	1 088 487	329 304	98 800	203 170	11 740 568
HOUSE OF REPRESENTATIVES									
First preference votes									
Australian Labor Party	1 453 542	1 190 404	639 510	320 678	347 583	137 607	36 994	91 447	4 217 765
Liberal Party	1 229 423	1 106 556	757 621	460 246	440 647	138 087	—	78 109	4 210 689
National Party	443 542	128 091	306 986	—	13 333	1 218	—	—	893 170
Country Liberal Party	—	—	—	—	—	—	38 302	—	38 302
Australian Democrats	240 255	203 892	129 244	93 899	55 862	12 696	—	—	735 848
The Greens	95 609	52 810	47 379	27 146	53 101	19 889	5 324	16 596	317 654
Australians Against Further Immigration	52 128	16 914	1 258	1 780	943	—	—	—	73 023
Call to Australia	34 108	8 081	494	—	—	—	—	—	42 683
Others	125 602	66 573	45 678	16 970	89 487	1 274	4 423	4 711	354 718
Formal votes	3 674 209	2 773 321	1 928 170	920 719	1 000 956	310 571	85 043	190 863	10 883 852
Informal votes	138 157	83 615	50 605	39 172	32 616	7 472	2 985	5 543	360 165
<b>Total votes recorded</b>	<b>3 812 366</b>	<b>2 856 936</b>	<b>1 978 775</b>	<b>959 891</b>	<b>1 033 572</b>	<b>318 043</b>	<b>88 028</b>	<b>196 406</b>	<b>11 244 017</b>
SENATE									
First preference votes									
Australian Labor Party	1 370 918	1 101 497	583 850	301 094	341 580	120 678	38 667	81 866	3 940 150
Liberal Party	—	—	680 553	428 053	456 379	130 552	—	74 949	1 770 486
National Party	—	—	288 199	—	20 877	3 693	—	—	312 769
Liberal-National Party	1 522 722	1 146 655	—	—	—	—	—	—	2 669 377
Country Liberal Party	—	—	—	—	—	—	40 050	—	40 050
Australian Democrats	351 491	300 848	254 219	135 730	93 938	22 006	1 535	19 590	1 179 357
The Greens	97 928	81 273	46 285	19 441	57 006	26 830	5 453	11 297	345 513
Australians Against Further Immigration	61 811	40 607	13 117	9 424	12 645	—	—	—	137 604
Call to Australia	72 969	16 497	9 543	6 817	7 028	1 519	—	2 901	117 274
Australian Shooters Party	74 032	19 573	12 146	8 973	—	—	—	—	114 724
Others	130 412	60 535	36 550	24 244	14 846	3 692	—	1 454	271 733
Formal votes	3 682 283	2 767 485	1 924 462	933 776	1 004 299	308 970	85 705	192 057	10 899 037
Informal votes	143 388	101 789	64 979	31 552	36 369	10 083	2 422	4 860	395 442
<b>Total votes recorded</b>	<b>3 825 671</b>	<b>2 869 274</b>	<b>1 989 441</b>	<b>965 328</b>	<b>1 040 668</b>	<b>319 053</b>	<b>88 127</b>	<b>196 917</b>	<b>11 294 479</b>

Source: Department of the Parliamentary Library.

From 1948 to 1967 the Australian Capital Territory was represented in a limited capacity by one member in the House of Representatives. The Member for the Australian Capital Territory was granted full voting rights on 21 February 1967.

Following the passing of the *Australian Capital Territory Representation (House of Representatives) Act 1973* the Australian Capital Territory was divided into two electoral divisions.

Members of the House of Representatives are elected for the duration of the Parliament, which is limited to three years. At elections for Senators the whole State constitutes the electorate. For the purpose of elections for the House of Representatives the State is divided into single electorates corresponding in number to the number of members to which the State is entitled.

In 1948, amendments to the *Commonwealth Electoral Act 1918* changed the system of scrutiny and counting of votes in Senate elections from the alternative vote to that of proportional representation. The method of voting for both the Senate and the House of Representatives is preferential.

Particulars of voting at Senate elections and elections for the House of Representatives up to 1993 appear in earlier issues of *Year Book Australia*. Full details are contained in the Election Statistics issued by the Electoral Commissioner following each election.

The numbers of electors enrolled and first preference votes cast for the major political parties in each State and Territory at the 1996 election for each House of the Commonwealth Parliament were as shown in table 2.7.

## Parliamentary salaries and allowances

The basic salary payable to a Senator or Member of the House of Representatives was \$80,257 at September 1996. In addition, Senators or Members receive an electoral allowance of \$25,540 in the case of a Senator or a Member representing an electorate of less than 2,000 km<sup>2</sup>, \$30,370 in the case of a Member representing an electorate of 2,000 km<sup>2</sup> or more but less than 5,000 km<sup>2</sup>, or \$37,035 in the case of a Member representing an electorate of 5,000 km<sup>2</sup> or more.

## Referendums

In accordance with section 128 of the Constitution, any proposed law for the alteration of the Constitution, in addition to being passed by an absolute majority of each House of Parliament, (except in circumstances specified in section 128 of the Constitution which permits a referendum to proceed if passed by only one chamber), must be submitted to a referendum of the electors in each State and Territory and must be approved by a majority of the electors in a majority of the States and by a majority of all the voters who voted before it can be presented for Royal assent.

Since 1901, 42 proposals have been submitted to referendums. The consent of the electors has been received in eight cases: the first in relation to the election of Senators in 1906, the second (1910) and third (1928) in respect of State Debts, the fourth in respect of Social Services in 1946 and the fifth in respect of Aboriginal people in 1967. The remaining three proposals in relation respectively to Senate casual vacancies, maximum retirement age for justices of the High Court and judges of other Federal Courts, and the right of electors in the Territories to vote in referendums for the alteration of the Constitution, were approved in May 1977. In addition to referendums for alterations of the Constitution, other Commonwealth referendums have been held — two prior to Federation regarding the proposed Constitution and two regarding military service during World War I. A national song poll was held on 21 May 1977. Voting was preferential and, after the distribution of preferences, 'Advance Australia Fair' became the national song of Australia.

For further details of referendums see *Year Book Australia*, 1966, pages 66–68, *Year Book Australia*, 1974, pages 90–91, *Year Book Australia*, 1977–78, pages 72–73 and *Year Book Australia*, 1986, pages 55–56.

## The States and Territories

This section contains summarised information in tables 2.8, 2.9 and 2.10; for greater detail refer to State Year Books.

## 2.8 GOVERNMENT LEADERS, States and Territories — September 1996

State/Territory	Government Leader
New South Wales	The Hon. R. J. Carr, MP (ALP)
Victoria	The Hon. J. G. Kennett, MP (LP)
Queensland	The Hon. R. E. Borbidge, MLA (NP)
South Australia	The Hon. D. C. Brown, MP (LP)
Western Australia	The Hon. R. Court, MLA (LP)
Tasmania	The Hon. T. M. Rundle MLA (LP)
Northern Territory	The Hon. S. L. Stone MLA (CLP)
Australian Capital Territory	The Hon. K. Carnell, MLA (LP)

Source: Department of the Parliamentary Library.

## 2.9 OPPOSITION LEADERS, States and Territories — September 1996

State/Territory	Opposition Leader
New South Wales	The Hon. P. Collins, MP (LP)
Victoria	J. M. Brumby, MP (ALP)
Queensland	P. Beattie MLA (ALP)
South Australia	The Hon. M. Rann, MP (ALP)
Western Australia	J. A. McGinty, MP (ALP)
Tasmania	The Hon. M. W. Field, MHA (ALP)
Northern Territory	M. A. Hickey MLA (ALP)
Australian Capital Territory	A. Whitecross MLA (ALP)

Source: Department of the Parliamentary Library.

## 2.10 STATE OF THE PARTIES, States and Territories — September 1996

	no.
<b>New South Wales</b>	
Legislative Assembly	
Australian Labor Party	51
Liberal Party	29
National Party of Australia	16
Independent	3
Legislative Council	
Australian Labor Party	17
Liberal Party	12
National Party of Australia	6
Independent	4
Australian Democrats	2
The Greens	1
<b>Victoria</b>	
Legislative Assembly	
Australian Labor Party	29
Liberal Party	49
National Party of Australia	9
Independent	1
Legislative Council	
Australian Labor Party	10
Liberal Party	28
National Party of Australia	6
<b>Queensland</b>	
Legislative Assembly	
Australian Labor Party	44
National Party of Australia	29
Liberal Party	15
Independent	1

...continued

## 2.10 STATE OF THE PARTIES, States and Territories — September 1996 — continued

	no.
<b>South Australia</b>	
House of Assembly	
Australian Labor Party	11
Liberal Party	36
Legislative Council	
Australian Labor Party	9
Liberal Party	11
Australian Democrats	2
<b>Western Australia</b>	
Legislative Assembly	
Australian Labor Party	23
Liberal Party	26
National Party of Australia	6
Independent	2
Legislative Council	
Australian Labor Party	14
Liberal Party	15
National Party of Australia	3
Independent	1
The Greens	1
<b>Tasmania</b>	
House of Assembly	
Australian Labor Party	14
Liberal Party	16
Tasmanian Greens	4
Independent	1
Legislative Council	
Australian Labor Party	3
Liberal Party	1
Independent	15
<b>Northern Territory</b>	
Legislative Assembly	
Australian Labor Party	8
Country Liberal Party	16
Independent	1
<b>Australian Capital Territory</b>	
Legislative Assembly	
Australian Labor Party	6
Liberal Party	7
ACT Greens	2
Independent	2

Source: Department of the Parliamentary Library.

## Acts of the Parliaments

In the Commonwealth Parliament all laws are enacted in the name of the Sovereign, the Senate, and the House of Representatives. The subjects with respect to which the Commonwealth Parliament is empowered to make laws are enumerated in the Australian Constitution.

In all States, other than South Australia and Tasmania, laws are enacted in the name of the Sovereign by and with the consent of the Legislative Council (except in Queensland) and

Legislative Assembly. In South Australia and Tasmania laws are enacted in the name of the Governor of the State, with the advice and consent of the Parliament in the case of South Australia, and of the Legislative Council and House of Assembly in the case of Tasmania. Generally, assent to bills passed by the Legislatures is given by the Governor-General or State Governor acting on behalf of, and in the name of, the Sovereign. In certain special cases bills are reserved for Royal assent. The Parliaments of the States are empowered generally, subject to the Australian Constitution, to make laws in and for their respective States in all cases. The power of the States to make laws was enhanced in 1986 by the enactment by the Commonwealth Parliament of the *Australia Act 1986* and the accompanying *Australia (Request and Consent) Act 1986*. Subject to certain limitations they may alter, repeal, or vary their Constitutions. Where a law of a State is inconsistent with a law of the Commonwealth Parliament, the latter law prevails and the former law is, to the extent of the inconsistency, invalid.

### The enactment of Commonwealth Parliament legislation

The legislation passed by the Commonwealth Parliament between 1901 and 1973, and which was then still in operation, was published in a consolidated form entitled *Acts of the Parliament 1901–73*. Since 1974, annual volumes of Acts have also been published. The consolidation contains a chronological table of Acts passed from 1901 to 1973, showing how they are affected by subsequent legislation or lapse of time, together with a table of legislation of the Commonwealth Parliament passed between 1901 and 1973 in relation to the several provisions of the Australian Constitution. Reference should be made to these for complete information.

In 1995 the number of enactments of the Commonwealth Parliament was 176.

## National Anthem and colours of Australia

His Excellency, the Governor-General of the Commonwealth of Australia, issued the following Proclamation on 19 April 1984:

I, SIR NINIAN MARTIN STEPHEN,  
Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby declare:

- (a) that the anthem 'God Save The Queen' shall henceforth be known as the Royal Anthem and be used in the presence of Her Majesty The Queen or a member of the Royal Family;
- (b) that the National Anthem shall consist of the tune known as 'Advance Australia Fair' with the following words:

*Australians all let us rejoice,  
For we are young and free,  
We've golden soil and wealth for toil;  
Our home is girt by sea;  
Our land abounds in nature's gifts  
Of beauty rich and rare,  
In history's page, let every stage  
Advance Australia Fair.*

*In joyful strains then let us sing,  
Advance Australia Fair.  
Beneath our radiant Southern Cross  
We'll toil with hearts and hands;  
To make this Commonwealth of ours  
Renowned of all the lands;  
For those who've come across the seas  
We've boundless plains to share;  
With courage let us all combine  
To Advance Australia Fair.  
In joyful strains then let us sing,  
Advance Australia Fair.*

- (c) that the Vice-Regal Salute to be used in the presence of His Excellency The Governor-General shall consist of the first four bars and the last four bars of the tune known as Advance Australia Fair;
- (d) that the National Anthem shall be used on all official and ceremonial occasions, other than occasions on which either the Royal Anthem or the Vice-Regal Salute is used; and
- (e) that green and gold (Pantone Matching System numbers 116C and 348C as used for printing on paper) shall be the national colours of Australia for use on all occasions on which such colours are customarily used.

## **Bibliography**

Carter, J., *Parliamentary Government in Australia*, 3rd ed. Parliamentary Education Office, Canberra, 1995.

Department of the Parliamentary Library, *Parliamentary Handbook of the Commonwealth of Australia*, AGPS, 1978.