

CONSTITUTION AND PARLIAMENT

CONSTITUTION

Victorian Constitution

The Constitution of Victoria is now to be found in the *Constitution Act 1975*, an Act of the Victorian Parliament. The Bill was passed by the Victorian Parliament in May 1975 and reserved for the Royal Assent, which was given on 22 October 1975 and notified in the *Victoria Government Gazette* on 19 November 1975. The Act was proclaimed to come into operation on 1 December 1975. Details of the Act may be found in the *Victorian Year Book 1977* on pages 924-43.

During the first 120 years of responsible government in Victoria, the Constitution was contained in the Schedule to an Act of the United Kingdom Parliament passed in 1855. The Victorian Parliament has had at all times the power to adopt a Constitution for Victoria based upon an Act of the Victorian Parliament, and it is somewhat surprising that the Victorian Parliament waited until 1975 to exercise this power.

In the *Constitution Act 1975* there are to be found the basic laws governing the relationship of the Crown to the State, the constitution and powers of the Parliament, the constitution and powers of the Supreme Court, and the relationship of the Executive to the Parliament.

The Constitution is a flexible constitution and can be altered at any time by an Act of the Victorian Parliament, although in some cases an absolute majority in each House is required for a Bill which would alter some of the fundamental provisions in the Constitution.

The system in Victoria provides for responsible Cabinet government based on a legislature of two Houses, both elected upon adult franchise. The Constitution is affected by the Commonwealth Constitution enacted by the *Commonwealth of Australia Constitution Act 1900*, an Act of the Imperial Parliament, by which legislative and executive powers upon certain specified matters were granted to the Commonwealth Parliament and the Commonwealth Government, some of them exclusively, and provision was made that, in the case of inconsistency of valid laws, the Commonwealth law should prevail. In the result, the Victorian Parliament may now make laws in and for Victoria upon all matters not exclusively granted to the Commonwealth Parliament by the Commonwealth Constitution, but upon some of these matters the Victorian law may be superseded by the passing of a Commonwealth Act. Local government, that is, the control exercised by municipal councils within their respective districts, is a matter of State law and wholly within the legislative control of the Victorian Parliament.

Relation to Commonwealth Constitution

The Victorian Constitution must be understood in relation to the effect of the Commonwealth Constitution on the jurisdiction of the States. There are three main provisions in the Commonwealth Constitution which establish its relationships with State Constitutions in Australia. The first is section 51, which sets out most of the areas within which the Commonwealth Parliament may make laws. Matters outside the listed areas of power are the province of the States.

The second provision is section 109, which states that where the Commonwealth and a State have made laws which are inconsistent with one another, the State law is, to the extent of the inconsistency, invalid. However, if the Commonwealth has exceeded its powers in making its law, it has not really made the law at all, so there is no inconsistency and the State law stands.

The operation of these two provisions leaves the States, including Victoria, with power to make laws in the following cases:

- (1) Where the Commonwealth has no power to make laws;
- (2) where the Commonwealth has power in a particular field but has not exercised it at all; and
- (3) where the Commonwealth has power which it has exercised, but not so as to cover the whole legislative field.

Where the Commonwealth has power over a particular field and has exercised that power to the full, any law a State passes will be inconsistent with the Commonwealth law and inoperative.

The third provision, section 96, provides that the Commonwealth may grant financial assistance to any State on such terms and conditions as the Commonwealth Parliament thinks fit. Section 96 has been used in conjunction with the taxing power of the Commonwealth to establish the economic supremacy of the Commonwealth over the States. The Commonwealth has done this since 1942 by levying income tax at a uniform rate and then giving a portion of this back to the States on the condition (attached under the power given by section 96) that the States refrained from levying income tax themselves.

This financial pre-eminence of the Commonwealth has led to the distinction between its province and the province of the State becoming blurred in practice. Nevertheless, some generalisations are possible. The Commonwealth exercises exclusive power in fields such as defence and foreign affairs where it is important to consider the nation as a whole. As the Commonwealth holds financial pre-eminence, it automatically assumes the task of economic planning. The Victorian Government, on the other hand, is primarily responsible for such things as health, education, law enforcement, the administration of justice, the control of resources, and the provision of roads, water, sewerage, power, and other services. Under Victorian law a complete system of local government has been established. The State has established a complete system of courts, a police force, a teaching service, and many public statutory bodies to provide services for the people.

Australian Constitutional Convention

*Outline of events, 1973-1979**

The first plenary session of the Australian Constitutional Convention was opened in the Sydney Town Hall on Monday, 3 September 1973 by the then Governor-General, Sir Paul Hasluck.

Its overall objective was to achieve a consensus in constitutional matters among Federal and State politicians and representatives of local government which would eventually lead to significant constitutional reform. In practice it was thought that if consensus could be reached at all levels of government, then the prospects of referenda put to the electorate by the Federal Government would be more likely to be successful.

The Convention was considered a success by most observers and as a result four Standing Committees were established to discuss the agenda items referred from the Convention. These Committees met continually throughout 1974 and although hindered by the Double Dissolution in May, the reports of Standing Committees "B", "C", and "D" were essentially finalised. These reports were to be tabled at the next Convention planned in Adelaide from 4 to 8 November 1974.

However, the Commonwealth Parliament was unable to appoint a delegation because of the failure to resolve the composition of its membership. In addition, the Queensland Parliament was dissolved on 2 November and writs issued for a General Election on 7 December. As a consequence, no Queensland delegation would be represented and the

**Victorian Year Books 1974-1979* contain more detailed information about the Convention.

Adelaide session was abandoned as it was considered that full representation of delegations would be necessary to ensure the Convention's ultimate success.

However, the Executive Committee was resolute in its intention that another full session should reconvene to receive the reports of the four Standing Committees and discuss the agenda. Although Standing Committee "A" had not made any significant progress, the other Standing Committees had substantially completed their reports. Preparation for the next Convention in Melbourne in September 1975 continued amidst the growing constitutional crisis and with several States suggesting that the Convention be abandoned or deferred. The Queensland Government eventually withdrew its attendance and the other non-Labor States and the Commonwealth Liberal/National Country Parties suggested postponement in view of lack of representation of a full delegation.

The Convention went ahead without full representation and when the Victorian Government decided to withdraw facilities at Parliament House, it was decided to hold the Convention at the Hotel Windsor.

The Convention met from 24 to 26 September and discussed a variety of agenda items. Although the absence of a full representation of all delegates did detract from the goal of achieving a worthwhile consensus, observers considered that it was useful and more productive than anticipated. The Convention agreed that another session of the Convention should take place in Hobart in 1976 to discuss the remaining agenda items.

Standing Committees were reconstituted and delegations re-formed. Although the Federal Election in December 1975 and the request by the Federal Government that the further work undertaken by Standing Committee "A" be suspended, did hinder further progress, the Convention proceeded towards the full plenary session in Hobart.

The Convention met in the Convention Centre, Wrest Point, on 27 October 1976 and included a full representation from the Commonwealth and State Parliaments, Territorial assemblies, and local government. The agenda items passed at Melbourne were reconsidered as well as additional agenda items agreed to by the Executive Committee.

There was established amongst almost all levels of government a consensus over a range of items. Several of the resolutions adopted at Hobart formed the basis in essence of the Federal Government's four referenda proposals put to the Australian electorate on 21 May 1977.

The fact that three out of the four referenda were passed indicated the importance of establishing a bipartisan approach to constitutional questions using the Convention mechanism. Although the proposals put to the Australian electorate were not considered issues of far-reaching importance, the creation of a constitutional climate responsive to constitutional change was considered by observers to be a fundamental role of the Constitutional Convention.

The Hobart Convention finally decided to hold another plenary session in Perth in 1977, although at a later meeting of the Executive Committee it was decided to defer the Convention until July 1978. Any remaining agenda items would be discussed together with any new items emerging from outstanding work then being undertaken by Standing Committees "A" and "D".

It was thought that the progress and results of the referenda in 1977 would form the basis for parties at all levels of government to further a consensus on some of the more major controversial questions. If this were to eventuate, then a greater measure of success might be anticipated from any further proposals put to the Australian electorate.

The Convention met again in Perth in July 1978 with all delegations present. It considered an agenda of eighteen items. A number of these items were recommendations on the federal judiciary made by Standing Committee "D" which were passed by substantial majorities. Another was the report of Standing Committee "D" on the "Senate and Supply" which caused lengthy and unproductive debate. No referenda on proposals passed in Perth or outstanding from the Hobart session have been put to the electorate as yet. However a number of additional references were made in Perth to the Standing Committees, which are continuing their work.

The Convention resolved to hold a further plenary session in Adelaide, at a time to be determined by the Executive Committee after the views of the Premiers' Conference had been obtained.

EXECUTIVE

Governor

Under the Victorian Constitution, the ultimate executive power is vested in the Crown and is exercised by the Governor as the Queen's representative.

The Governor's authority is derived from Letters Patent (issued in 1900 and amended in 1913) under the Great Seal of the United Kingdom, from the Commissions of Appointment, and from the Governor's Instructions issued under the Royal Sign Manual and Signet.

As the Queen's representative, the Governor 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 Queen he gives assent to Bills which have passed all stages in Parliament, with the exception of those especially reserved for the Royal Assent. These include Bills dealing with special subjects such as the granting of land and money to himself. His functions in relation to the Legislature are contained in the Constitution Act.

As head of the Executive, his functions are based on Letters Patent, his Commission, and the Royal Instructions. These empower him to make all appointments to important State offices other than those for which specific provision is made under a Statute, to make official proclamations, and to exercise the prerogative of mercy by reprieving or pardoning criminal offenders within his jurisdiction. These functions are carried out on the advice of his Ministers.

There are some matters, however, which require the special exercise of the Governor's discretion. Thus he alone must finally decide after taking advice of his Premier, whether to grant a dissolution of Parliament, and whether to call upon a member of Parliament to form a new Ministry. The Governor's powers in respect of the commissioning of a member of Parliament as Premier to form a new Ministry are set out more fully on page 89 in the section describing the Ministry.

The Governor also has power to appoint a Deputy to exercise his functions as the Queen's representative during his temporary absence from the seat of government whether within or without Victoria.

In the execution of the powers and authorities vested in him, the Governor is guided by the advice of the Executive Council, which is a body created under the Governor's Instructions and which in practice gives effect to Cabinet and ministerial decisions. If in any case he sees sufficient cause to dissent from the opinion of the Council, he may act in the exercise of his powers and authorities in opposition to the opinion of the Council, reporting the matter to the Queen without delay, with the reasons for his so acting.

This exercise of discretionary powers emphasises the Governor's position as one above and beyond party politics and in extreme cases provides a safeguard of the Constitution. The general nature of his position is such that he is the guardian of the Constitution and bound to see that the great powers with which he is entrusted are not used otherwise than in the public interest.

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

The present Governor is His Excellency the Hon. Sir Henry Winneke, K.C.M.G., K.C.V.O., O.B.E., K.St J., Q.C. who assumed office on 1 June 1974.

A complete list of representatives of the Sovereign since the establishment of the Port Phillip District in 1839 can be found on pages 1149-50 of the *Victorian Year Book* 1973.

Lieutenant-Governor

The Lieutenant-Governor is appointed by a Commission from the Sovereign under the Sign Manual and Signet. In the Commission, reference is made to the Letters Patent constituting the office of Governor, and the Lieutenant-Governor is expressly authorised and required by his Commission to administer the Government of the State of Victoria in the events dealt with in such Letters Patent, namely, the death, incapacity, or removal of the Governor, or his departure from the State, or his assuming the administration of the Government of Australia.

The Lieutenant-Governor assumes control in any of these events by issuing a proclamation. He then becomes His Excellency the Lieutenant-Governor of Victoria.

However, should the Governor be only temporarily absent for a short period from the seat of government or from the State (except when he administers the Government of Australia) he may, by an Instrument under the Public Seal of the State, appoint the Lieutenant-Governor as his Deputy.

The present Lieutenant-Governor is the Hon. Sir John Young, K.C.M.G., who assumed office on 31 July 1974.

Executive Council

Section 50 of the *Constitution Act 1975* provides that officers appointed as responsible Ministers of the Crown shall also be members of the Executive Council, and provision for their appointment appears in the Letters Patent constituting the office of Governor.

The Executive Council, consisting of Executive Councillors under summons, namely, members of the current Ministry, usually meets weekly or as required. The quorum of three comprises the Governor and at least two Ministers. These meetings are of a formal nature and are presided over by the Governor or in his absence by his Deputy.

Where it is provided in the statutes that the Governor in Council may make proclamations, orders, regulations, appointments to public offices, etc., the Governor acts formally with the advice of the Executive Council, but actually in accordance with Cabinet or ministerial decisions.

Ministry

Formation and composition

Victoria has followed the system of government evolved in Britain. The Queen's representative in Victoria, the Governor, acts by convention upon the advice of a Cabinet of Ministers, the leader of whom is called the Premier, although there is no mention of Cabinet as such in the Victorian Constitution.

The authority under which Victorian Ministers are appointed is contained in section 50 of the *Constitution Act 1975*, which provides that the Governor may, from time to time, appoint up to eighteen officers who are either members or capable of being elected members of either House of Parliament. No Minister shall hold office for a period longer than three months unless he is, or becomes, a member of the Legislative Council or the Legislative Assembly. This section further provides that not more than six of such officers shall at any one time be members of the Legislative Council and not more than thirteen members of the Legislative Assembly.

In practice, a Ministry remains in office only while it has the support of a majority in the Legislative Assembly, and when a change of Government occurs and a new Ministry is to be appointed, the Governor "sends for" that member of the Legislative Assembly whom he thinks would be supported by a majority in that House and asks him whether he is able and willing to form a new Government with himself as leader. If that member can assure the Governor accordingly, he may then be commissioned by the Governor to form a Ministry.

The names of those persons who are chosen to serve in his Ministry are then submitted by the Premier-elect to the Governor for appointment by him as responsible Ministers of the Crown.

Powers

The Cabinet is responsible politically for the administrative Acts of the Government, but the constitutional powers as set out in the Constitution Act and other Acts are vested in the individual Ministers and the Governor in Council, namely, the Governor with the advice of the Executive Council. Cabinet as such has no legal powers.

Government administration includes departments under direct ministerial control as well as certain public statutory corporations which are subject to varying degrees of ministerial direction. Ministers are sworn in with appropriate portfolios which indicate their particular responsibilities.

Functions and procedures

Cabinet normally meets weekly or as occasion requires, in secret and apart from the Governor, to consider an agenda made up of matters submitted by the Premier and other Ministers. The Department of the Premier prepares a draft agenda for each meeting, but the Premier himself is responsible for the final agenda and the order of items on the agenda.

There is in practice no Cabinet secretariat, but the *Parliamentary Salaries and Superannuation Act 1968* provides for the payment of a salary to any member of the Council or the Assembly who is recognised as the Parliamentary Secretary of the Cabinet.

The recording of decisions is primarily the responsibility of the Parliamentary Secretary of the Cabinet. There is no special machinery for circulating Cabinet minutes. Where necessary, the Secretary to the Department of the Premier issues the instructions, but, where a particular Minister is concerned, the Minister is normally responsible for the execution of Cabinet decisions.

Ministries 1943 to 1979

VICTORIA—MINISTRIES: 1943–1979 (a)

| Ministry and name of Premier | Date of assumption of office | Date of retirement from office | Duration of office (days) |
|---|------------------------------|--------------------------------|---------------------------|
| Albert Arthur Dunstan | 18 September 1943 | 2 October 1945 | 746 |
| Ian Macfarlan | 2 October 1945 | 21 November 1945 | 51 |
| John Cain | 21 November 1945 | 20 November 1947 | 730 |
| Thomas Tuke Hollway | 20 November 1947 | 3 December 1948 | 380 |
| Thomas Tuke Hollway | 3 December 1948 | 27 June 1950 | 572 |
| John Gladstone Black McDonald | 27 June 1950 | 28 October 1952 | 855 |
| Thomas Tuke Hollway John Gladstone Black McDonald | 28 October 1952 | 31 October 1952 | 4 |
| John Cain | 31 October 1952 | 17 December 1952 | 48 |
| John Cain | 17 December 1952 | 31 March 1955 | 835 |
| John Cain | 31 March 1955 | 7 June 1955 | 69 |
| Henry Edward Bolte | 7 June 1955 | 23 August 1972 | 6,288 |
| Rupert James Hamer | 23 August 1972 | Still in office | |

(a) A complete list since responsible government in 1855 can be found on pages 1150–1 of the *Victorian Year Book 1973*.

Ministry at 30 June 1979

A triennial election for the Legislative Council and a general election for the Legislative Assembly of the Victorian Parliament were held conjointly on 5 May 1979. The 64th Ministry, led by the Hon. Rupert James Hamer, E.D., was subsequently formed and consisted of the following members:

VICTORIA—64th MINISTRY AT 30 JUNE 1979

From the Legislative Assembly

| | |
|----------------------------------|--|
| The Hon. R.J. Hamer, E.D. | Premier and Minister for State Development, Decentralization and Tourism |
| The Hon. L.H.S. Thompson, C.M.G. | Treasurer and Chief Secretary |
| The Hon. J.C.M. Balfour | Minister for Minerals and Energy |
| The Hon. W.A. Borthwick | Minister of Health |
| The Hon. I.W. Smith | Minister of Agriculture |
| The Hon. B.J. Dixon | Minister of Housing and Minister for Youth, Sport and Recreation |
| The Hon. R.R.C. Maclellan | Minister of Transport |
| The Hon. W. Jona | Minister for Community Welfare Services |
| The Hon. J.H. Ramsay | Minister of Labour and Industry and Minister of Consumer Affairs |
| The Hon. T.L. Austin | Minister of Public Works and Minister for Property and Services |
| The Hon. L.S. Lieberman | Minister for Planning and Assistant Minister of Health |
| The Hon. A.R. Wood | Minister of Immigration and Ethnic Affairs |
| The Hon. N. Lacy | Minister of the Arts and Assistant Minister of Education |

VICTORIA—64th MINISTRY AT 30 JUNE 1979—*continued**From the Legislative Council*

| | |
|------------------------------|--|
| The Hon. A.J. Hunt | Minister of Education |
| The Hon. Haddon Storey, Q.C. | Attorney-General and Minister for Federal Affairs |
| The Hon. D.G. Crozier | Minister for Local Government |
| The Hon. W.V. Houghton | Minister for Conservation, Minister of Lands, and Minister of Soldier Settlement |
| The Hon. F.J. Granter | Minister of Water Supply and Minister of Forests |

LEGISLATURE

Victorian Parliament*General*

The Constitution Act, creating a Legislative Council and a Legislative Assembly, was assented to by Her Majesty in Council on 21 July 1855, and came into operation in Victoria on 23 November 1855. Under this Act, Her Majesty was given power "by and with the advice and consent of the said Council and Assembly to make laws in and for Victoria in all cases whatsoever". Certain of these unlimited powers, however, are now exercised by the Commonwealth Parliament. The provisions governing the constitution of the Victorian Parliament are now to be found in the *Constitution Act 1975*

By virtue of the provisions of Act No. 7270 of 1965, membership of the Assembly was increased from sixty-six to seventy-three after the election of April 1967, while membership of the Council was increased from thirty-four to thirty-six by the addition of one member in July 1967, and one in June 1970. By virtue of the *Electoral Provinces and Districts Act 1974* (No. 8628) the membership of the Assembly was increased to eighty-one members following the 1976 State election and the membership of the Council to forty members following the same election, and forty-four members following the next subsequent election. Council members are elected from two-member provinces for six year terms and Assembly members from single-member districts for three year terms. Both Houses are elected on adult suffrage, and their powers are normally co-ordinate, although Money Bills must originate in the Legislative Assembly.

The provisions of the Constitution dealing with the Parliament have been frequently amended, as the Constitution Act gives the Victorian Parliament power to "repeal, alter, or vary" the Act itself, provided that the second and third readings of certain amending Bills are passed by an absolute majority of the members of each House. The most frequently amended sections of the Constitution dealing with the Parliament have been those setting out the relations between the Council and the Assembly, and the qualifications of candidates and voters. The right, extended in the original Constitution Act, to assume the privileges, immunities, and powers of the House of Commons (as they stood at that time) was taken up in 1857 by the first Act passed by the Victorian Parliament. These include very wide powers to punish contempt. The publication of parliamentary reports and proceedings was made absolutely privileged in 1890.

The landmarks of Assembly suffrage were: 1857, manhood suffrage; 1899, plural voting abolished; and 1908, women's franchise. Adult suffrage for the Council was introduced in 1950. In 1973, the qualifying age for membership was reduced to eighteen years and the voting age to eighteen years. Payment of members has also been frequently adjusted. The present complex scale makes extra payments to the Presiding Officers and Chairman of Committees and to the Leader of the third party as well as to the Leader of the Opposition; Government, Opposition, and third party Whips and the Deputy Leader of the Opposition are also specially rewarded. Electorates carry different allowances relative to the size of the electorate.

Parliament is summoned, prorogued, or dissolved by proclamation issued by the Governor. The duration of a Parliament depends upon the life of the Assembly (limited to three years), but may be ended by the Governor dissolving the Assembly before the

expiration of that period. The Legislative Council cannot be dissolved except in special circumstances arising from disagreements between the two Houses. Its members are elected for six years, half of them retiring every three years. Members are eligible for re-election. A session is that period between the summoning of Parliament and prorogation. When Parliament is prorogued all business in hand lapses and, if it is to be continued in the next session, it must be reintroduced.

There are three political parties represented in the Victorian Parliament: the Liberal Party, the Australian Labor Party, and the National Party of Australia (Victoria). (See pages 96-8 for lists of members.) Of the forty-four members of the Legislative Council, twenty-seven belong to the Liberal Party, thirteen to the Australian Labor Party, and four to the National Party of Australia (Victoria). Of the eighty-one members of the Legislative Assembly, forty-one belong to the Liberal Party, thirty-two to the Australian Labor Party, and eight to the National Party of Australia (Victoria). The Liberal Party, having won the majority of seats at the general election of the Assembly in 1955, formed a Government which was returned to office at the general elections in 1958, 1961, 1964, 1967, 1970, 1973, 1976, and 1979. The Leader of that Party holds the office of Premier. The Australian Labor Party forms the official Opposition Party. The National Party of Australia (Victoria) sits on the corner benches on the Opposition side of the Assembly Chamber.

Functions

The functions of Parliament consist of passing legislation and taking action to make available finances or funds as required for State expenditure. Legislation can be initiated by any member of Parliament in either House with the exception that all Money Bills, such as Bills for imposing a duty, rate, tax, or impost, or Bills for appropriating any part of the revenue of the State, must originate in the Assembly on the motion of a Minister. They may be rejected, but not altered, by the Council. The Council, however, may suggest amendments to such Bills, provided these amendments will not have the effect of increasing any proposed charge or burden on the people and the Assembly may accept the suggested amendments if it so desires. In practice, almost all Bills are introduced by the Government in office as a result of policy decisions taken in Cabinet.

Procedures

Parliament controls the Government in office by the Assembly's power, in the last resort, to pass a resolution of no-confidence in the Government or to reject a proposal which the Government considers so vital that it is made a matter of confidence. This would force the Government to resign. Procedure of each House is governed by Standing Orders, Rules, and practice, based mainly on the procedure of the House of Commons, and administered by the respective presiding officers: the President of the Legislative Council, the Speaker of the Legislative Assembly, and the respective Chairmen of Committees. The principal innovations in Assembly procedure are time limits on speeches and the elaborate ballot procedure at the opening of a new Parliament for the election of the Speaker.

The President of the Council holds office for the balance of the period for which he is elected as a member and may again be appointed if he retains his seat in the House. The election of a Speaker is the first business of a new Assembly after the members have taken the oath of allegiance or made an affirmation. The Chairman of Committees is then elected. The same order in debate is observed in Committee as in the House itself, the Chairman having final authority over all points of order arising when he is in the Chair.

The sittings of each House commence with the reading of the Lord's Prayer by the presiding officer. Before the business of the day, as set down on the Notice Paper, is called on, Ministers may be questioned on matters under their administrative control; notices of motion, such as motions for the introduction of Bills, or motions of a substantive or abstract nature, are given; petitions are presented; papers are laid on the Table; and messages from the Governor and from the other House are read. At this stage, members have the opportunity of moving a motion "that the House do now adjourn" which under the Standing Orders enables discussion on matters of urgent public importance to take place.

Under "Orders of the Day" which then follows, Bills are dealt with in their various stages. All Bills, with the exception of the annual Appropriation Bill, when passed by both Houses are presented by the Clerk of the Parliaments to the Governor, who gives the Royal Assent. This advice is set out at the commencement of each Bill and is as follows: "Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria . . .". The Appropriation Bill is presented by the Speaker to the Governor for assent. Unless otherwise provided, all Acts come into force on the day of assent.

Public Accounts Committee

The Victorian Parliamentary Public Accounts Committee is the longest established Select Committee of the Victorian Parliament and the longest established Public Accounts Committee in Australia.

The appointment of a Public Accounts Committee was first considered in May 1870, but it was not until January 1895, that the Legislative Assembly provided for the appointment by adopting Standing Order No. 169A. In accordance with this Standing Order, a Committee was appointed by the House in each Session of Parliament from 1895 until 1931, when the Committee was not re-appointed, reputedly on the grounds of economy. The Committee was not revived until December 1955, after an interval of approximately 25 years, but Public Accounts Committees have been appointed in each Session of Parliament since that time.

The Committee comprises eight Members of the Legislative Assembly and is now constituted in accordance with Standing Order No. 220 of the Legislative Assembly. This Standing Order is basically identical to the former Standing Order No. 169A. The Committee's duties are prescribed by the Standing Order as follows:

- (1) To examine the accounts of the receipts and expenditure of the State and to bring under the notice of the House any items in those accounts, or any circumstances connected with them which it may consider appropriate;
- (2) to report to the House any alteration which may appear desirable to be introduced in the form of or method of keeping the Public Accounts, or in the mode of receipt, control, issue, or payment of the public money;
- (3) to inquire into and report upon any questions which may have arisen in connexion with the Public Accounts;
- (4) to inquire into and report to the House upon the investment of and dealings with the funds of Commissioners of the State Bank of Victoria; and
- (5) to deal with any special references that may be made to them by the House.

The Committee's powers are mainly derived from the Standing Orders of the Legislative Assembly and the *Parliamentary Committees Act* 1968. These powers include the powers usually given to Select Committees of the Victorian Parliament to send for persons, papers, and records.

Generally, the Committee selects its own subjects of inquiry but does not adopt specific terms of reference as, in most cases, the lines of inquiry develop from the evidence and written information received by the Committee during the course of an inquiry. This flexible approach has proven to be most satisfactory.

In recent years, the Committee has adopted a policy of conducting annual inquiries into the Auditor-General's Reports to Parliament, Expenditure from the Advance to the Treasurer, and the carry-over of unpaid accounts at the end of each financial year. The annual inquiry into the Auditor-General's Reports is frequently the starting point for major inquiries into specific areas of government administration, while the inquiries into the Treasurer's Advance and unpaid accounts mainly tend to highlight faults which may exist in departments in relation to budgetary and commitment control.

The Committee's inquiries since 1955 have been of a diverse nature, ranging from inquiries into the performance of functions within a specific area of administration, for example, the State Electricity Commission (1962 and 1963) and the Public Works Department (1968), to inquiries into the performance of a particular function by a number of departments and authorities, for example, the Victorian Government Light Motor Transport System (1969). One of the most significant reports presented to the House by

the Committee related to estimating and budgetary control (1959). This report led to important changes and improvements in estimating and control of expenditure, and in the form and presentation of the Estimates. Other major reports presented to the House by the Committee since 1955 include the following: Forests Commission — Newport Seasoning Works (1956); State Insurance Offices (1957 and 1974); Melbourne and Metropolitan Tramways Board (1958); Horsham Kyosan Engineering Company Ltd (1960); Board of Land and Works contract with W.C. Bourne and Sons (1961); Portland Harbor Trust (1964); Derailments on the Victorian Railways System (1964); University of Melbourne (1965); Police Department (1967); Stores Management and Control (1969); Public Trustee (1970); Government Expenditure on Tourism (1971); Victorian Railways (1972); State Superannuation Fund (1975); and Teacher Housing Authority (1975).

In considering any question the Committee hears evidence and/or obtains information from the departments or authorities concerned and, if necessary, obtains additional evidence or information from external sources. The Committee does not conduct public hearings or publish evidence and rarely exercises its power to require evidence on oath.

As is evident from the prescribed duties, the Committee is mainly confined to retrospective examination. However, many useful recommendations flow from its reports and a significant number have been implemented over the years. The Committee has also found on a number of occasions that the very fact that it has directed specific inquiries to a department has been sufficient to bring about changes or improvements without the necessity of reporting to Parliament.

When each report is tabled in the Legislative Assembly action is taken by the Committee to obtain a Treasury Minute in relation to the report. Departments and other bodies affected by the report are requested to furnish comments to the Committee in respect of the relevant sections of the report and copies of these comments are then forwarded by the Committee to Treasury, which prepares a Treasury Minute incorporating Treasury and departmental comments on the report. These comments usually outline the reaction to the report of the bodies affected and indicate what action, if any, has been taken to implement the Committee's recommendations. The Minute prepared by Treasury is examined by the Committee and, if necessary, additional information or evidence is obtained. The Treasury Minute, together with any additional Committee comment (if considered necessary by the Committee), is then presented to the House in report form.

From 1895 to 1931, the Committee presented 72 reports to the Legislative Assembly and in the period from 1955 to 1979 the Committee presented 62 reports, excluding Treasury Minutes, to the House. The Committee's reports are printed as Parliamentary Papers and appear in the list of reports presented to Parliament, published in each edition of the *Victorian Year Book* (see pages 105–7).

The *Parliamentary Committees (Public Accounts and Expenditure Review Committee) Act 1979* (No. 9357) provided for a joint committee of the Legislative Assembly (eight members) and the Legislative Council (four members) to replace the existing Public Accounts Committee. The terms of reference for the new committee are set out in section 5 of the Act as follows:

- (1) To examine the accounts of the receipts and expenditure of the State and to bring to the notice of the Victorian Parliament any items in those accounts, or any circumstances connected with them which it may consider appropriate;
- (2) to inquire into and report to the Victorian Parliament on any question in connection with public expenditure which is referred to it by the Council or the Assembly;
- (3) to consider and report to the Victorian Parliament how, if at all, the administration of government programmes and policies may be carried out more efficiently, effectively, and economically; and
- (4) to report to the Victorian Parliament any alteration which may appear desirable to be introduced in the form or method of keeping and presenting the Public Accounts, or in the mode of receipt, control, issue, or payment of the public money.

Further references: Private legislation, *Victorian Year Book* 1962, pp. 86–7; Money Bills, 1963, pp. 73–4; Parliamentary Committees, 1964, pp. 52–4; Resolving deadlocks between the two Houses, 1965 pp. 79–82; Parliamentary privilege, 1966, pp. 72–7; Presiding Officers of Parliament, 1967, pp. 73–7; Administrative machinery of Parliament, 1968, pp. 71–7; Hansard, 1969, pp. 77–81; Houses of Parliament, 1970, pp. 77–81; Conduct of debate, 1972, pp. 77–9; Royal Commissions, 1974, pp. 73–5; Australian Labor Party in Victoria, 1975, pp. 97–103; National Party of Australia (Victoria) in Victoria, 1976, pp. 115–8; Liberal Party in Victoria, 1979, pp. 82–5

Number of Parliaments and their duration

Between 1856 and 1979 there have been forty-eight Parliaments. The forty-eighth Parliament was opened on 29 May 1979. A table showing the duration in days of each Parliament (1856 to 1927), the number of days in session, and the percentage of the latter to the former was published in the *Victorian Year Book* 1928-29, page 21. Similar information for the twenty-ninth to the thirty-ninth Parliaments (1927 to 1955) was published in the *Victorian Year Book* 1952-53, 1953-54 (released in 1959), page 31. As from the commencement of the thirty-eighth Parliament (20 June 1950), information about the duration of each Parliament, the number of sittings of each House, and the percentage of the latter to the former is shown in the following table:

VICTORIA—DURATION OF PARLIAMENTS AND NUMBER OF SITTINGS OF EACH HOUSE

| Number of Parliament | Period | Duration of Parliament (a) | Sittings | | | | |
|----------------------|-----------|----------------------------|----------------------|------------------------------------|---------------------|------------------------------------|--|
| | | | Legislative Assembly | | Legislative Council | | |
| | | | Number of sittings | Percentage of sittings to duration | Number of sittings | Percentage of sittings to duration | |
| | | days | | | | | |
| Thirty-eighth | 1950-1952 | 865 | 131 | 15.1 | 81 | 9.4 | |
| Thirty-ninth | 1952-1955 | 852 | 92 | 10.8 | 61 | 7.2 | |
| Fortieth | 1955-1958 | 1,038 | 139 | 13.4 | 99 | 9.5 | |
| Forty-first | 1958-1961 | 1,059 | 150 | 14.2 | 103 | 9.7 | |
| Forty-second | 1961-1964 | 1,015 | 149 | 14.7 | 112 | 11.0 | |
| Forty-third | 1964-1967 | 980 | 146 | 14.9 | 119 | 12.1 | |
| Forty-fourth | 1967-1970 | 1,002 | 152 | 15.2 | 124 | 12.4 | |
| Forty-fifth | 1970-1973 | 1,036 | 154 | 14.9 | 126 | 12.2 | |
| Forty-sixth | 1973-1976 | 969 | 142 | 14.7 | 106 | 10.9 | |
| Forty-seventh | 1976-1979 | 1,066 | 159 | 14.9 | 134 | 12.6 | |

(a) Calculated from the date of opening to the date of dissolution of the Parliament.

Cost of parliamentary government

The following table shows the expenditure arising from the operation of parliamentary government in Victoria. It comprises the Victorian Governor, the Ministry, the Legislative Council, the Legislative Assembly, and electoral activities. It does not attempt to cover the expenditure on Victorian administration generally.

The table shows this expenditure for Victoria for the years ended 30 June 1975 to 1979. In order to avoid incorrect conclusions about the cost of the Governor's establishment, it should be noted that a large part of the expenditure (with the exception of the item "Salary") under the general heading "Governor" represents official services.

VICTORIA—COST OF PARLIAMENTARY GOVERNMENT (\$'000)

| Period | Governor | | Parliament | | | Electoral | Royal Commissions | Total |
|---------|----------|--------------------|------------|---------------------|--------------------|-----------|-------------------------|--------|
| | Salary | Other expenses (a) | Ministry | Salaries of members | Other expenses (b) | | Select Committees, etc. | |
| 1974-75 | 20 | 591 | 709 | 2,420 | 3,062 | 269 | 143 | 7,214 |
| 1975-76 | 20 | 626 | 886 | 3,330 | 5,359 | 1,573 | 747 | 12,541 |
| 1976-77 | 20 | 683 | 998 | 3,262 | 6,310 | 453 | 709 | 12,435 |
| 1977-78 | 20 | 939 | 1,145 | 3,445 | 6,928 | 417 | 518 | 13,412 |
| 1978-79 | 20 | 851 | 1,161 | 3,656 | 8,213 | 2,585 | 26 | 16,512 |

(a) Includes salaries of staff and maintenance of house and gardens.

(b) Includes cost of members' railway passes, parliamentary staff, and maintenance.

Members of the Victorian Parliament

Political parties

In the following pages political party affiliations of members of the Victorian Parliament are indicated thus:

- (ALP) Australian Labor Party
 (LP) Liberal Party
 (NP) National Party of Australia (Victoria)

Legislative Council

President: The Hon. Frederick Sheppard Grimwade.

Chairman of Committees: The Hon. William Montgomery Campbell.

Clerk of the Parliaments and Clerk of the Legislative Council: Alfred Reginald Bruce McDonnell, Esquire.

Members of the Legislative Council who were elected at the 1979 triennial election are shown in the following list:

VICTORIA—LEGISLATIVE COUNCIL: MEMBERS ELECTED 5 MAY 1979 (Term of office commended 15 July 1979)

| Member | Province | Number of electors on rolls | Number of electors who voted | Total percentage of electors who voted |
|---|-------------------|-----------------------------|------------------------------|--|
| Baxter, Hon. William Robert (NP) | North Eastern | 90,724 | 85,745 | 94.51 |
| Baylor, Hon. Hilda Gracia (LP) | Boronia | 124,540 | 117,326 | 94.21 |
| Block, Hon. Peter David (LP) | Nunawading | 122,452 | 115,042 | 93.95 |
| Bubb, Hon. Clive (LP) | Ballarat | 90,442 | 85,853 | 94.93 |
| Butler, Hon. Glyde Algernon Surtees (ALP) | Thomastown | 123,890 | 116,245 | 93.83 |
| Campbell, Hon. William Montgomery (ALP) | East Yarra | 112,088 | 102,539 | 91.48 |
| Coxsedge, Hon. Joan (ALP) | Melbourne West | 115,951 | 108,849 | 93.87 |
| Crozier, Hon. Digby Glen (LP) | Western | 83,013 | 78,997 | 95.16 |
| Grimwade, Hon. Frederick Sheppard (LP) | Central Highlands | 96,898 | 89,666 | 92.54 |
| Hayward, Hon. Donald Keith (LP) | Monash | 109,530 | 99,271 | 90.63 |
| Houghton, Hon. William Vasey (LP) | Templestowe | 121,831 | 113,874 | 93.47 |
| Hunt, Hon. Alan John (LP) | South Eastern | 96,423 | 89,518 | 92.84 |
| Kennedy, Hon. Cyril James (ALP) | Waverley | 122,086 | 114,178 | 93.52 |
| Kent, Hon. Daniel Eric (ALP) | Chelsea | 127,390 | 119,434 | 93.75 |
| Lawson, Hon. Robert (LP) | Higinbotham | 112,157 | 104,695 | 93.35 |
| Long, Hon. Richard John (LP) | Gippsland | 84,931 | 79,406 | 93.49 |
| Mackenzie, Hon. Roderick Alexander (ALP) | Geelong | 90,659 | 85,409 | 94.21 |
| Radford, Hon. John William Storrier (LP) | Bendigo | 87,468 | 82,883 | 94.76 |
| Sgro, Hon. Giovanni Antonio (ALP) | Melbourne North | 115,148 | 105,060 | 91.24 |
| Walker, Hon. Evan Herbert (ALP) | Melbourne | 109,211 | 95,428 | 87.38 |
| White, Hon. David Ronald (ALP) | Doutta Galla | 132,345 | 124,780 | 94.28 |
| Wright, Hon. Kenneth Irving (NP) | North Western | 81,230 | 77,290 | 95.15 |

Members of the Legislative Council who did not come up for election at the 1979 triennial election are shown in the following list:

VICTORIA—LEGISLATIVE COUNCIL: MEMBERS ELECTED 20 MARCH 1976 (Term of office commenced 27 June 1976)

| Member | Province | Number of electors on rolls | Number of electors who voted | Total percentage of electors who voted |
|---|-------------------|-----------------------------|------------------------------|--|
| Chamberlain, Hon. Bruce Anthony (LP) | Western | 81,532 | 77,634 | 95.22 |
| Dunn, Hon. Bernard Phillip (NP) | North Western | 78,565 | 74,107 | 94.33 |
| Eddy, Hon. Randolph John (ALP) | Thomastown | 114,574 | 106,863 | 93.27 |
| Evans, Hon. David Mylor (NP) | North Eastern | 85,260 | 80,464 | 94.37 |
| Foley, Hon. Dr Kevin James (LP) | Boronia | 113,888 | 105,954 | 93.03 |
| Granter, Hon. Frederick James (LP) | Central Highlands | 85,641 | 78,876 | 92.10 |
| Guest, Hon. James Vincent Chester (LP) | Monash | 115,968 | 104,257 | 89.90 |
| Hamilton, Hon. Harold Murray, E.D. (LP) | Higinbotham | 115,497 | 107,293 | 92.90 |
| Hauser, Hon. Vernon Thomas (LP) | Nunawading | 118,275 | 110,667 | 93.57 |
| Howard, Hon. Dr Ralph William (LP) | Templestowe | 115,316 | 107,260 | 93.01 |
| Jenkins, Hon. Glyn (LP) | Geelong | 85,047 | 81,358 | 95.66 |
| Knowles, Hon. Robert Ian (LP) | Ballarat | 83,528 | 79,384 | 95.04 |
| Landeryou, Hon. William Albert (ALP) | Doutta Galla | 120,955 | 113,431 | 93.78 |
| Reid, Hon. Nicholas Bruce (LP) | Bendigo | 83,059 | 79,146 | 95.29 |
| Saltmarsh, Hon. Donald Neville (LP) | Waverley | 114,654 | 106,958 | 93.29 |
| Stacey, Hon. Neil Frank (LP) | Chelsea | 117,786 | 109,003 | 92.54 |
| Storey, Hon. Haddon, Q.C. (LP) | East Yarra | 115,158 | 105,732 | 91.81 |
| Taylor, Hon. James Allister (LP) | Gippsland | 80,733 | 75,285 | 93.25 |
| Thomas, Hon. Herbert Arthur (ALP) | Melbourne West | 114,890 | 105,890 | 92.17 |
| Trayling, Hon. Ivan Barry (ALP) | Melbourne | 123,270 | 105,715 | 85.76 |
| Walton, Hon. John Malcolm (ALP) | Melbourne North | 118,514 | 108,498 | 91.55 |
| Ward, Hon. Hector Roy (LP) | South Eastern | 85,172 | 78,899 | 92.63 |

Legislative Assembly

Speaker: The Hon. Sidney James Plowman.

Chairman of Committees: Alexander Thomas Evans.

Clerk of the Legislative Assembly: John Harold Campbell, Esquire.

The following list shows members of the Legislative Assembly elected at the general election held on 5 May 1979. It also includes details of electoral districts and voting at this last general election.

VICTORIA—LEGISLATIVE ASSEMBLY: MEMBERS ELECTED 5 MAY 1979

| Member | District | Number of electors on rolls | Number of electors who voted | Total percentage of electors who voted |
|--|-----------------|-----------------------------|------------------------------|--|
| Amos, Derek Godfry Ian (ALP) | Morwell | 26,878 | 25,308 | 94.16 |
| Austin, Hon. Thomas Leslie (LP) | Ripon | 26,703 | 25,485 | 95.44 |
| Balfour, Hon. James Charles Murray (LP) | Narracan | 27,236 | 25,715 | 94.42 |
| Birrell, Hayden Wilson (LP) | Geelong West | 25,968 | 24,362 | 93.82 |
| Borthwick, Hon. William Archibald (LP) | Monbuk | 30,262 | 27,951 | 92.36 |
| Brown, Alan John (LP) | Westernport | 31,323 | 29,341 | 93.67 |
| Burgin, Cecil William (LP) | Polwarth | 25,168 | 24,149 | 95.95 |
| Cain, John (ALP) | Bundoora | 31,052 | 29,308 | 94.38 |
| Cathie, Ian Robert (ALP) | Carrum | 30,171 | 28,132 | 93.24 |
| Chambers, Mrs Joan Heywood (LP) | Ballarat South | 27,545 | 26,125 | 94.84 |
| Coghill, Dr Kenneth Alastair (ALP) | Werribee | 34,550 | 32,223 | 93.26 |
| Coleman, Charles Geoffrey (LP) | Syndal | 29,789 | 28,004 | 94.01 |
| Collins, Peter Charles (LP) | Noble Park | 32,386 | 30,558 | 94.36 |
| Cox, George Henry (LP) | Mittham | 28,827 | 27,241 | 94.50 |
| Crabb, Steven Marshall (ALP) | Knox | 31,114 | 29,550 | 94.97 |
| Crellin, Maxwell Leslie (LP) | Sandringham | 28,051 | 26,170 | 93.29 |
| Culpin, John Albert (ALP) | Glenroy | 27,615 | 26,060 | 94.37 |
| Dixon, Hon. Brian James (LP) | St Kilda | 27,012 | 23,629 | 87.48 |
| Dunstan, Hon. Roberts Christian, D.S.O. (LP) | Dromana | 31,823 | 29,375 | 92.31 |
| Ebery, William Thomas (LP) | Midlands | 26,532 | 24,965 | 94.09 |
| Edmunds, Cyril Thomas (ALP) | Ascot Vale | 28,098 | 26,001 | 92.54 |
| Ernst, Graham Keith (ALP) | Geelong East | 26,575 | 25,105 | 94.47 |
| Evans, Alexander Thomas (LP) | Ballarat North | 27,461 | 26,048 | 94.85 |
| Evans, Bruce James (NP) | Gippsland East | 26,563 | 24,621 | 92.69 |
| Fogarty, William Francis (ALP) | Sunshine | 29,798 | 28,238 | 94.76 |
| Fordham, Robert Clive (ALP) | Footscray | 28,052 | 25,945 | 92.49 |
| Gavin, Peter Murray (ALP) | Coburg | 28,773 | 27,263 | 94.75 |
| Ginifer, John Joseph (ALP) | Keilor | 35,783 | 33,690 | 94.15 |
| Hamer, Hon. Rupert James, E.D. (LP) | Kew | 29,065 | 26,516 | 91.23 |
| Hann, Edward James (NP) | Rodney | 26,107 | 24,889 | 95.33 |
| Hayes, Hon. Geoffrey Phillip (LP) | Wantirna | 36,973 | 34,769 | 94.04 |
| Hockley, Gordon Stanley, J.P. (ALP) | Bentleigh | 27,913 | 26,538 | 95.07 |
| Jasper, Kenneth Stephen (NP) | Murray Valley | 26,288 | 24,869 | 94.60 |
| Jolly, Robert Allen (ALP) | Dandenong | 35,979 | 33,891 | 94.20 |
| Jona, Hon. Walter (LP) | Hawthorn | 27,060 | 24,154 | 89.26 |
| Kennett, Jeffrey Gibb (LP) | Burwood | 27,458 | 25,513 | 92.92 |
| King, Kevin Francis (ALP) | Springvale | 30,402 | 28,658 | 94.26 |
| Kirkwood, Carl (ALP) | Preston | 27,627 | 25,348 | 91.75 |
| Lacy, Hon. Norman (LP) | Warrandyte | 32,056 | 30,095 | 93.88 |
| Lieberman, Hon. Louis Stuart (LP) | Benambra | 28,168 | 26,164 | 92.89 |
| Mathews, Charles Race Thorson (ALP) | Oakleigh | 28,849 | 26,905 | 93.26 |
| McArthur, Peter Stewart (LP) | Ringwood | 30,448 | 28,655 | 94.11 |
| McCance, Keith Robert (LP) | Bennettswood | 28,444 | 26,915 | 94.62 |
| McClure, Daryl Hedley Robert (LP) | Bendigo | 27,203 | 25,899 | 95.21 |
| McGrath, William Desmond (NP) | Lowan | 25,261 | 24,051 | 95.21 |
| McInnes, Neil Malcolm (NP) | Gippsland South | 26,619 | 24,718 | 92.86 |
| McKellar, Donald Kelso (LP) | Portland | 25,746 | 24,569 | 95.43 |
| Mackinnon, Donald James (LP) | Box Hill | 28,836 | 26,768 | 92.83 |
| Maclellan, Hon. Robert Roy Cameron (LP) | Berwick | 33,097 | 30,817 | 93.11 |
| Miller, Robert Henry (ALP) | Prahran | 26,766 | 23,607 | 88.20 |
| Patrick, Mrs Jeanette Tweeddale (LP) | Brighton | 27,271 | 24,920 | 91.38 |
| Plowman, Hon. Sidney James (LP) | Evelyn | 32,891 | 30,505 | 92.75 |
| Ramsay, Hon. James Halford (LP) | Balwyn | 28,505 | 26,435 | 92.74 |
| Remington, Keith Henry (ALP) | Melbourne | 25,415 | 21,871 | 86.06 |
| Reynolds, Thomas Carter (LP) | Gisborne | 32,026 | 30,156 | 94.16 |
| Richardson, John Ingles (LP) | Forest Hill | 31,724 | 29,933 | 94.35 |
| Roper, Thomas William (ALP) | Brunswick | 28,666 | 25,738 | 89.79 |
| Ross-Edwards, Peter (NP) | Shepparton | 26,880 | 25,709 | 95.64 |
| Rowe, Barry John (ALP) | Essendon | 27,594 | 26,046 | 94.39 |
| Sidiropoulos, Theo (ALP) | Richmond | 28,908 | 25,263 | 87.39 |
| Simmonds, James Lionel (ALP) | Reservoir | 30,020 | 28,142 | 93.74 |
| Simpson, John Hamilton (ALP) | Niddrie | 29,152 | 27,900 | 95.71 |
| Skeggs, Bruce Albert Edward (LP) | Ivanhoe | 30,459 | 28,597 | 93.89 |
| Smith, Aurel V. (LP) | South Barwon | 29,031 | 27,604 | 95.08 |
| Smith, Hon. Ian Winton (LP) | Warrnambool | 25,749 | 24,528 | 95.26 |
| Spyker, Peter Cornelis (ALP) | Heatherton | 30,909 | 28,964 | 93.71 |
| Stirling, Gordon Francis (ALP) | Williamstown | 29,523 | 27,773 | 94.07 |
| Tanner, Edgar Miles Ponsonby (LP) | Caulfield | 27,954 | 25,088 | 89.75 |
| Templeton, Thomas William, J.P. (LP) | Mentone | 28,873 | 26,860 | 93.03 |
| Thompson, Hon. Lindsay Hamilton Simpson, C.M.G. (LP) | Malvern | 28,751 | 25,943 | 90.23 |
| Toner, Mrs Pauline Therese (ALP) | Greensborough | 34,703 | 32,254 | 92.94 |
| Trewin, Thomas Campion (NP) | Benalla | 25,869 | 24,164 | 93.41 |
| Treize, Neil Benjamin (ALP) | Geelong North | 28,355 | 26,612 | 93.85 |
| Vaughan, Dr Gerard Marshall (ALP) | Glenhuntly | 26,622 | 24,776 | 93.07 |

VICTORIA—LEGISLATIVE ASSEMBLY: MEMBERS ELECTED 5 MAY 1979—*continued*

| Member | District | Number of electors on rolls | Number of electors who voted | Total percentage of electors who voted |
|------------------------------|--------------|-----------------------------|------------------------------|--|
| Walsh, Ronald William (ALP) | Albert Park | 27,902 | 24,671 | 88.42 |
| Weideman, Graeme, J.P. (LP) | Frankston | 32,904 | 30,775 | 93.53 |
| Whiting, Milton Stanley (NP) | Mildura | 25,566 | 24,057 | 94.10 |
| Wilkes, Frank Noel (ALP) | Northcote | 29,338 | 26,614 | 90.72 |
| Williams, Morris Thomas (LP) | Doncaster | 30,473 | 28,842 | 94.65 |
| Wilton, John Thomas (ALP) | Broadmeadows | 34,979 | 32,664 | 93.38 |
| Wood, Alan Raymond (LP) | Swan Hill | 25,922 | 24,763 | 95.53 |

Parliamentary Counsel

The Parliamentary Counsel's Office is a small office attached to the Law Department. Its origin in Victoria dates back to 1879 when Edward Carlile was appointed Parliamentary Draftsman. Carlile remained as Draftsman, apart from a short period as Clerk Assistant of the Legislative Assembly, until the beginning of the twentieth century. He was knighted for his services.

The Office was established because of dissatisfaction at the cost involved in having legislation prepared by members of the Bar and the uneven and sometimes unsatisfactory nature of the work done by individual counsel. A similar Office had been established a few years previously in the United Kingdom following upon a report by a Parliamentary Committee.

The Office now consists of the Chief Parliamentary Counsel and nine Parliamentary Counsel, together with supporting clerical and stenographic assistance.

The primary work of the Office is to prepare legislation for the Government. The volume of legislation in Victoria, in common with that in other jurisdictions, has consistently increased over the last century. In its first 30 years, the Victorian Parliament passed 915 Acts; in the next 30 years, 1,423 Acts; in the next 30 years, 2,868 Acts; and in the next 30 years no less than 3,713 Acts were passed.

The range of subjects upon which legislation is sought has also consistently increased, partly because of developing technology and partly because parliament continually aims at new and more sophisticated social objectives.

The policy of legislation is initially determined by the Cabinet acting on the advice of the responsible Minister, assisted by his appropriate departmental advisers, but it is generally accepted that policy and form cannot be completely separated and Parliamentary Counsel, accordingly exercise a considerable influence on the legislation that is ultimately passed by the Parliament.

Apart from work done for the Government, it is the tradition in Victoria that Parliamentary Counsel should be available to assist private members of any party who wish to promote legislation.

The Counsel are also available to advise Ministers and government instrumentalities on the validity of subordinate legislation that it is proposed to promulgate. One of the Counsel is assigned to examine and report to the Subordinate Legislation Committee on the validity and form of all statutory rules.

The Office is responsible for the preparation of the annual volumes of Statutes and Statutory Rules and for the preparation of the various tables and indices of the Acts and Statutory Rules that are published by the Government Printer.

Since the last consolidation of the Victorian Statutes in 1958, a system of reprinting of Principal Public Acts incorporating all amendments made up to the date of the Reprint has been instituted. This system of frequent reprints has now been adopted in most other jurisdictions in Australia.

Because of the knowledge and experience gained by Parliamentary Counsel in the course of their ordinary duties, they are often called upon to advise in relation to matters of law reform apart from being responsible for the drafting of any legislation necessary to give effect to proposed reforms. They assist, whenever requested, the Statute Law Revision Committee of the Victorian Parliament and commonly assist other Parliamentary committees which are investigating matters involving constitutional or other legal questions.

It is common for a Parliamentary Counsel to be co-opted to sub-committees of the Chief Justice's Law Reform Committee when they are considering reform of the Statute law.

The Deputy Chief Parliamentary Counsel acts as secretary and draftsman to the Supreme Court Judges' Rules Committee, and one other Counsel assists the County Court Judges' Rules Committee.

Counsel are commonly asked to act in an advisory capacity in relation to proposals for uniform legislation and in relation to agreements between governments and government instrumentalities in Australia. They also sometimes act as members of negotiating teams, as well as draftsmen, in relation to agreements which require Parliamentary approval before they become fully effective.

Victorian Acts passed during 1978

VICTORIA—ACTS PASSED BY PARLIAMENT, 1978

- | | | |
|------|--|---|
| 9084 | Aerial Spraying Control (Amendment) Act amends section 8 of the <i>Aerial Spraying Control Act 1966</i> . | of certain special areas of Crown land, and for other purposes. |
| 9085 | Dairy Products (Repeal) Act repeals the <i>Dairy Products Act 1958</i> , and for other purposes. | 9094 Molesworth (Land Exchange) Act provides for the exchange of certain lands in the Parish of Whanregarwen, and for other purposes. |
| 9086 | Gas and Fuel Corporation (Borrowing Powers Amendment) Act deems section 2 of the <i>Gas and Fuel Corporation (Borrowing Powers) Act 1976</i> to have come into operation on 7 December 1976, and for other purposes. | 9095 Melbourne Wholesale Fruit and Vegetable Market Trust (Licences) Act amends section 31 of the <i>Melbourne Wholesale Fruit and Vegetable Market Trust Act 1977</i> with respect to the granting and termination of licences to sell produce by wholesale, and for other purposes. |
| 9087 | Constitution Act amends section 94 of the <i>Constitution Act 1975</i> to increase the amount payable out of the Consolidated Fund for the Clerk and expenses of the Executive Council. | 9096 Public Service (Amendment) Act amends certain sections of the <i>Public Service Act 1974</i> . |
| 9088 | Marine (Amendment) Act amends the <i>Marine Act 1958</i> with respect to licences to act as Pilots for Port Phillip, charges payable by the masters of ships, and other matters. | 9097 St Andrew's Hospital Act establishes a body corporate under the name of St Andrew's Hospital, and for other purposes. |
| 9089 | Architects (Professional Conduct) Act amends section 11 of the <i>Architects Act 1958</i> with respect to the penalties which may be imposed on persons who are guilty of offences relating to the professional conduct of architects. | 9098 Environment Protection (Amendment) Act amends the <i>Environment Protection Act 1970</i> , and for other purposes. |
| 9090 | Victorian Film Corporation (Amendment) Act amends the <i>Victorian Film Corporation Act 1976</i> to make provision for and with respect to committees. | 9099 State Savings Bank (Amendment) Act amends the <i>State Savings Bank Act 1958</i> , and for other purposes. |
| 9091 | Melbourne and Metropolitan Board of Works (Borrowing Powers Amendment) Act deems section 2 of the <i>Melbourne and Metropolitan Board of Works (Borrowing Powers) Act 1977</i> to have come into operation on 18 October 1977, and for other purposes. | 9100 St Andrew's Hospital (Guarantee) Act authorises the Treasurer of Victoria to guarantee repayment of certain moneys proposed to be borrowed by St Andrew's Hospital. |
| 9092 | Co-operative Farmers and Graziers Direct Meat Supply Limited Act authorises the Co-operative Farmers and Graziers Direct Meat Supply Limited to obtain certain financial accommodation and authorises the giving of a guarantee in respect of financial accommodation obtained by the said Co-operative, and for other purposes. | 9101 Education (Amendment) Act amends the <i>Education Act 1958</i> , and for other purposes. |
| 9093 | Reference Areas Act makes further provision with respect to the management | 9102 Land (Amendment) Act amends the <i>Land Act 1958</i> , to make provision with respect to the proceedings of Committees of Management appointed under sections 220 (1) and 221 (1) of that Act, provides for the surrender of certain lands to the Crown, and for other purposes. |
| | | 9103 Probate Duty (Application) Act amends the <i>Probate Duty Act 1962</i> and the <i>Probate Duty Act 1977</i> , and for other purposes. |
| | | 9104 Supply (1978-79, No.1) Act makes interim provision for the appropriation of moneys out of the Consolidated Fund for the service of the financial year 1978-79. |

VICTORIA—ACTS PASSED BY PARLIAMENT, 1978—*continued*

- 9105 Teaching Service (Appointments) Act amends section 48 of the *Teaching Service Act 1958*.
- 9106 Fisheries (Amendment) Act amends the *Fisheries Act 1968*, to increase the fees payable for certain licences, makes further provision with respect to the Fisheries Research Fund, makes provision for special amateur fishing licences, and for other purposes.
- 9107 Road Traffic (Amendment) Act amends the *Road Traffic Act 1958*, and for other purposes.
- 9108 Co-operative Housing Societies (Amendment) Act amends the *Co-operative Housing Societies Act 1958*, and for other purposes.
- 9109 Granya (Land Exchange) Act provides for the exchange of certain Crown land in the Parish of Granya and certain land in the Parish of Bungil East, and for other purposes.
- 9110 Sandringham Land Act authorises the granting of leases of certain Crown land at Sandringham in the Parish of Moorabbin along Port Phillip Bay.
- 9111 Vegetation and Vine Diseases (Parasites) Act amends the *Vegetation and Vine Diseases Act 1958*, enables further action to be taken in relation to the fruit fly, and provides for the control of Argentine ants.
- 9112 Melbourne Underground Rail Loop (Borrowing Powers) Act increases the borrowing powers of the Melbourne Underground Rail Loop Authority.
- 9113 Railway (Legal Actions) Act amends division II of part III of the *Railways Act 1958*.
- 9114 National Parks (Amendment) Act amends the *National Parks Act 1975* and the *Forests Act 1958*, and for other purposes.
- 9115 Co-operation (Amendment) Act amends the *Co-operation Act 1958*, increases the aggregate liability that the Treasurer of Victoria may incur under guarantees.
- 9116 Local Government (Promotion of Decentralization) Act amends part XLA of the *Local Government Act 1958*.
- 9117 Parliamentary Salaries and Superannuation Act makes further provision with respect to superannuation benefits payable under the *Parliamentary Salaries and Superannuation Act 1968*, amends that Act, and for other purposes.
- 9118 Country Fire Authority (Borrowing Powers) Act amends section 82 of the *Country Fire Authority Act 1958*.
- 9119 Teaching Service (Migrant Instructors) Act amends section 55A of the *Teaching Service Act 1958*.
- 9120 Stamps (Amendment) Act amends the *Stamps Act 1958*, and the *Motor Boating Act 1961*.
- 9121 State Electricity Commission (Amendment) Act amends the *State Electricity Commission Act 1958*, and the *Electric Light and Power Act 1958*, and for other purposes.
- 9122 Building Industry Long Service Leave (Amendment) Act amends the *Building Industry Long Service Leave Act 1975*, and for other purposes.
- 9123 Melbourne University (Amendment) Act amends the *Melbourne University Act 1958*, and for other purposes.
- 9124 Motor Car (Fees and Penalties) Act amends the *Motor Car Act 1958*, and for other purposes.
- 9125 Superannuation (Amendment) Act amends the *Superannuation Act 1958* in relation to the classification of contributors, and for other purposes.
- 9126 State Development, Decentralization and Tourism Act establishes a Department of State Development, Decentralization and Tourism, repeals the *State Development Act 1970*, and for other purposes.
- 9127 Melbourne Harbor Trust (Borrowing Powers) Act amends the *Melbourne Harbor Trust Act 1958*, increases the borrowing powers of the Melbourne Harbor Trust Commissioners, and makes further provision with respect to financial accommodation.
- 9128 Cluster Titles (Amendment) Act amends the *Cluster Titles Act 1974*, the *Transfer of Land Act 1958*, and the *Sale of Land Act 1962*, and for other purposes.
- 9129 Victoria Conservation Trust Act amends the *Victoria Conservation Trust Act 1972*, amends the *Local Government Act 1958*, and for other purposes.
- 9130 Melbourne and Metropolitan Board of Works (Rate Exemption) Act amends section 280 of the *Melbourne and Metropolitan Board of Works Act 1958*, and for other purposes.
- 9131 Geelong Waterworks and Sewerage (Administration and Rates) Act adds certain lands to the area which may be declared as the drainage area administered by the Geelong Waterworks and Sewerage Trust, makes further provision with respect to the levying of the Barwon River Improvement Rate, amends the *Geelong Waterworks and Sewerage Act 1958*, and for other purposes.
- 9132 Mildura Irrigation and Water Trust (Merbein) Act amends the *Mildura Irrigation and Water Trusts Act 1958*, reconstitutes the Mildura Urban Water Trust, and for other purposes.
- 9133 Egg Industry Stabilization (Amendment) Act amends the *Egg Industry Stabilization Act 1973*, and for other purposes.
- 9134 Workers Compensation (Special Provisions) Act makes provision with respect to circumstances in which employers will not be liable to pay compensation under the *Workers Compensation Act 1958* to persons who

VICTORIA—ACTS PASSED BY PARLIAMENT, 1978—*continued*

- are contestants in sporting or athletic activities, and for other purposes.
- 9135 Environment Effects Act requires the environmental effects of certain works to be assessed, and for other purposes.
- 9136 Workers Compensation (Amendment) Act amends the *Workers Compensation Act 1958*, and for other purposes.
- 9137 Motor Car (Amendment) Act amends the *Motor Car Act 1958*, and the *Motor Car (Breath Testing Stations) Act 1976*, and for other purposes.
- 9138 Town and Country Planning (Amendment) Act amends the *Town and Country Planning Act 1961*, makes provision for the re-subdivision of the Milleara estate at Keilor by the Melbourne and Metropolitan Board of Works, and for other purposes.
- 9139 Sewerage Districts (Amendment) Act amends the *Sewerage Districts Act 1958*.
- 9140 Petroleum Products Subsidy (Amendment) Act amends section 3 of the *Petroleum Products Subsidy Act 1965*.
- 9141 Water (Amendment) Act amends the *Water Act 1958*.
- 9142 Railways (Amendment) Act validates the construction of certain railways, authorises the dismantling of certain railways and the divesting of former Crown land no longer required for railway purposes, reduces the minimum period for entitlement to payment in lieu of long service leave to redundant employees, provides additional powers for the Railways Construction Board, amends section 135 of the *Railways Act 1958*, and for other purposes.
- 9143 Local Government (Regional Refuse Disposal) Act provides for the constitution of Regional Refuse Disposal groups, amends the *Local Government Act 1958*, the *Health Act 1958*, and the *local Authorities Superannuation Act 1958*, and for other purposes.
- 9144 Dandenong Valley Authority (Amendment) Act amends the *Dandenong Valley Authority Act 1963*, and for other purposes.
- 9145 Post-Secondary Education Act provides for the better promotion, development, and co-ordination of post-secondary education in Victoria, establishes a Victorian Post-Secondary Education Commission, and for other purposes.
- 9146 Racing (Amendment) Act amends the *Racing Act 1958*.
- 9147 Physiotherapists Act re-enacts and amends the law relating to the registration of physiotherapists, and for other purposes.
- 9148 Local Government (Municipal Districts) Act amends section 23 and section 24 of the *Local Government Act 1958*.
- 9149 Ministry of Transport (Passenger Services) Act amends the *Ministry of Transport Act 1958* in relation to the co-ordination of fixed route passenger services in the Melbourne metropolitan area and the provision of fixed route omnibus services, and for other purposes.
- 9150 Geelong Regional Interim Development Order (Validation) Act validates an interim development order made by the Geelong Regional Planning Authority for the municipal districts of the Cities of Geelong, Geelong West, Newtown, and South Barwon, and the Shires of Bellarine, Barrabool, Bannockburn, and Corio, and the Borough of Queenscliffe.
- 9151 Credit Reporting Act makes provision concerning the records of credit reporting agents, and for other purposes.
- 9152 Magistrates' Courts (Amendment) Act amends the *Magistrates' Courts Act 1971* and the *Water Act 1958* with respect to the civil jurisdiction of Magistrates' Courts, and for other purposes.
- 9153 Wrongs (Actions for Damages) Act amends the *Wrongs Act 1958* with respect to certain actions for damages.
- 9154 Magistrates (Interstate Enforcement) Act makes the directors of a body corporate personally liable to pay certain moneys payable under certain convictions and orders against the body corporate, amends section 26A of the *Commercial Goods Vehicles Act 1958*, and for other purposes.
- 9155 Crimes (Hijackings and Other Offences) Act amends the *Crimes Act 1958*, and for other purposes.
- 9156 Evidence (Amendment) Act amends the *Evidence Act 1958*.
- 9157 Motor Car Traders (Amendment) Act amends the *Motor Car Traders Act 1973*.
- 9158 Bail (Amendment) Act amends the *Bail Act 1977* and the *Crown Proceedings Act 1958*.
- 9159 Water Drainage Act amends the *Water Act 1958*, the *Local Government Act 1958*, and the *Drainage of Land Act 1975*, and for other purposes.
- 9160 Legal Profession Practice (Solicitors' Disciplinary Tribunal) Act constitutes a Solicitors' Disciplinary Tribunal, amends the *Legal Profession Practice Act 1958*, and for other purposes.
- 9161 Chiropractors and Osteopaths Act makes provision with respect to the registration of chiropractors and osteopaths, and for other purposes.
- 9162 Local Government (Miscellaneous Provisions) Act amends the *Local Government Act 1958* and repeals section 74 of the *Health Act 1958*.
- 9163 Hospitals Remuneration Tribunal Act makes provision for the determination of the terms and conditions of employment or appointment of and the salaries or rates of remuneration of certain medical practitioners and certain other persons, establishes a Hospitals Remuneration

- Tribunal, amends the *Labour and Industry Act 1958* and the *Health Commission Act 1977*, and for other purposes.
- 9164 Legal Profession Practice (Amendment) Act amends the *Legal Profession Practice Act 1958*, and for other purposes.
- 9165 Melbourne and Metropolitan Board of Works (Reconstitution) Act provides for the reconstitution of the Melbourne and Metropolitan Board of Works, amends the *Melbourne and Metropolitan Board of Works Act 1958* in relation to that and other matters, and for other purposes.
- 9166 Victoria Conservation Trust (Amendment) Act amends the *Victorian Conservation Trust Act 1972*, and for other purposes.
- 9167 Shrine of Remembrance Act makes provision for the care, management, maintenance, and preservation of the Shrine of Remembrance and other memorials, and for other purposes.
- 9168 Pounds (Amendment) Act amends the *Pounds Act 1958*, and for other purposes.
- 9169 Queenscliff Land Act authorises the granting of leases of certain Crown land in the Township of Queenscliff.
- 9170 Securities Industry (Amendment) Act amends the *Securities Industry Act 1975*, and for other purposes.
- 9171 Labour and Industry Act amends the *Labour and Industry Act 1958*, and for other purposes.
- 9172 Dandenong Valley Authority (Recreational and Environmental Areas) Act makes provision with respect to the removal and disposal of certain vehicles abandoned in recreational areas and environmental areas, amends the *Dandenong Valley Authority Act 1963*, and for other purposes.
- 9173 Petroleum (Amendment) Act amends the *Petroleum Act 1958*, and for other purposes.
- 9174 Victoria Law Foundation Act amends the Constitution of the Victoria Law Foundation, amends the *Legal Profession Practice Act 1958*, and for other purposes.
- 9175 Mildura Irrigation and Water Trusts (Amendment) Act amends the *Mildura Irrigation and Water Trusts Act 1958*, and for other purposes.
- 9176 Judges Salaries Act amends the *Constitution Act 1975* and the *County Court Act 1958* with respect to salaries of judges.
- 9177 Country Roads (Amendment) Act amends the *Country Roads Act 1958*, and for other purposes.
- 9178 Port of Melbourne Authority Act constitutes The Melbourne Harbor Trust Commissioners into the Port of Melbourne Authority, amends the *Melbourne Harbor Trust Act 1958*, the *Local Government Act 1958*, the *Marine Act 1958*, the *Melbourne and Metropolitan Board of Works Act 1958*, the *Road Traffic Act 1958*, the *Navigable Waters (Oil Pollution) Act 1960*, the *Lower Yarra Crossing Authority Act 1965*, and the *Railways (Amendment) Act 1978* in relation thereto, and for other purposes.
- 9179 Melbourne (Snowden Gardens) Land Act amends the *Melbourne (Snowden Gardens) Land Act 1975*.
- 9180 Surveyors Act consolidates and amends the law relating to surveyors, makes certain consequential amendments to various acts, and for other purposes.
- 9181 State Forests Works and Services Act authorises expenditure on works and services and other purposes relating to state forests.
- 9182 Gas and Fuel Corporation (Municipal Rates) Act amends the *Gas and Fuel Corporation Act 1958* and the *Local Government Act 1958*.
- 9183 Land (Amendment) Act amends the *Land Act 1958*, and for other purposes.
- 9184 Road Traffic Act amends the *Road Traffic Act 1958*, and for other purposes.
- 9185 Tocumwal Railway Extension (Supplementary Agreement Ratification) Act ratifies an agreement between the State of New South Wales and the State of Victoria to fix permanently the lifting span in the bridge at Tocumwal in the State of New South Wales.
- 9186 Appropriation (1978-79, No.1) Act appropriates certain sums out of the Consolidated Fund for the service of the financial year 1978-79 and appropriates the supplies granted in this Session of Parliament, and for other purposes.
- 9187 Lifts and Cranes (Amusement Structures) Act amends the *Lifts and Cranes Act 1967* with respect to amusement structures and repeals division 1A of part XI of the *Health Act 1958*.
- 9188 Health Commission (Amendment) Act amends division 1 of part VI of the *Health Commission Act 1977*, and for other purposes.
- 9189 Railways Act amends the *Railways Act 1958*.
- 9190 Land Tax Act amends the *Land Tax Act 1958*, and for other purposes.
- 9191 Country Roads (Borrowing Powers) Act amends the *Country Roads Act 1958*, enables the Country Roads Board to borrow moneys on overdraft and on issue of debentures and inscribed stock, and for other purposes.
- 9192 Pay-roll Tax Act alters the general exemption from liability to pay-roll tax, amends the *Pay-roll Tax Act 1971* and the *Pay-roll Tax Act 1977*, and for other purposes.
- 9193 Melbourne and Metropolitan Tramways (Bundoora Tramway) Act authorizes the

VICTORIA—ACTS PASSED BY PARLIAMENT, 1978—*continued*

- construction by the Melbourne and Metropolitan Tramways Board of an electric tramway in the City of Preston, the Shire of Diamond Valley, and the Shire of Whittlesea, and for purposes connected therewith.
- 9194 Melbourne Wholesale Fruit and Vegetable Market Trust (Amendment) Act deems certain provisions of the *Melbourne Wholesale Fruit and Vegetable Market Trust Act 1977* to have come into operation on the first day of April 1978, makes provision with respect to the validity of certain documents and amends the *Melbourne Wholesale Fruit and Vegetable Market Trust Act 1977* with respect to the acquisition of land by the Melbourne Wholesale Fruit and Vegetable Market Trust, and other matters.
- 9195 Education (Work Experience for Handicapped Children) Act amends part IVA of the *Education Act 1958* with respect to handicapped children engaged in work experience.
- 9196 Market Court Act makes provision for the Constitution and establishment of a market court, to confer jurisdiction thereon, and for other purposes.
- 9197 Consumer Affairs (Amendment) Act amends the *Consumer Affairs Act 1972* and *Ministry of Consumer Affairs Act 1973*.
- 9198 State Co-ordination Council (Amendment) Act amends the *State Co-ordination Council Act 1975*.
- 9199 Broiler Chicken Industry Act establishes a Victorian Broiler Industry Negotiation Committee, improves stability in the broiler chicken industry, and for other purposes.
- 9200 Liquor Control Act makes provision for and with respect to a convention facility licence, enables sub-branches of the Returned Services League of Australia to be granted club licences, amends the *Liquor Control Act 1968*, and for other purposes.
- 9201 Racing (Amendment) Act amends the *Racing Act 1958*.
- 9202 Legal Profession Practice (Discipline) Act makes provision with respect to the discipline of barristers, amends the *Legal Profession Practice Act 1958*, and for other purposes.
- 9203 Ballarat (Children's Home) Land Act revokes certain grants and reservations relating to certain land in the Township of Ballarat East, authorises the granting of the said land to the Ballarat Children's Home, authorises the said Ballarat Children's Home to sell and otherwise deal with the said land, and for other purposes.
- 9204 Trustee (Authorized Investments) Act amends Part 1, of the *Trustee Act 1958*, and for other purposes.
- 9205 Public Works and Services Act authorises expenditure on public works and services, and for other purposes.
- 9206 Co-operative Housing Societies (Indemnities) Act increases the aggregate amount of liability that the Treasurer may undertake in relation to indemnities of co-operative housing societies loans.
- 9207 Environment Protection (Noise Control) Act amends the *Environment Protection Act 1970* in relation to the control of noise, exemptions from licence fees, and for other purposes.
- 9208 Stamps Act amends the *Stamps Act 1958*, and for other purposes.
- 9209 Water Supply Works and Services Act authorises expenditure on works and services and other purposes relating to irrigation, water supply, drainage, sewerage, flood protection, and river improvement, and other purposes.
- 9210 Transport Works and Services Act authorises expenditure on works and services and other purposes relating to railways and road transport.
- 9211 The Constitution Act Amendment (Conduct of Elections) Act amends the *Constitution Act Amendment Act 1958*.
- 9212 Crown Land (Reserves) Act provides for the reservation of Crown lands for certain purposes and for the management of such reserved lands, and for other purposes.
- 9213 Wine Grape Processing Industry Act improves stability in the wine grape processing industry.
- 9214 Summary Offences (Amendment) Act amends the *Summary Offences Act 1966*, and for other purposes.
- 9215 Workers Compensation (Share Farmers) Act amends the *Workers Compensation Act 1958* with respect to share farmers, and for other purposes.
- 9216 The Constitution Act Amendment (Conjoint Elections) Act amends the *Constitution Act Amendment Act 1958* with respect to the holding and conduct of conjoint elections.
- 9217 Education (Further Amendment) Act amends the *Education Act 1958*, and for other purposes.
- 9218 Country Fire Authority (Borrowing Powers) Act amends the *Country Fire Authority Act 1958* to increase borrowing powers of the Authority.
- 9219 Public Records (Transfer of Administration) Act amends section 3 of the *Public Records Act 1973*.
- 9220 Educational Grants (Continuation) Act amends the *Educational Grants Act 1973*.
- 9221 Port of Melbourne (World Trade Centre) Act makes provision with respect to a World Trade Centre in the Port of Melbourne.
- 9222 Town and Country Planning (Miscellaneous Provisions) Act amends

VICTORIA—ACTS PASSED BY PARLIAMENT, 1978—*continued*

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| | the <i>Town and Country Planning Act</i> 1961, and for other purposes. | 9237 | Wheat Industry Stabilization (Amendment) Act amends the <i>Wheat Industry Stabilization Act</i> 1974. |
| 9223 | Members of Parliament (Register of Interests) Act enacts a code of conduct for Members of the Parliament of Victoria, establishes a Register of certain interests of Members of that Parliament, and for other purposes. | 9238 | Victorian Dairy Industry Authority (Amendment) Act amends the <i>Victorian Dairy Industry Authority Act</i> 1977, the <i>Milk Board Act</i> 1958, and the <i>Milk and Dairy Supervision Act</i> 1958. |
| 9224 | Local Government (Rates and Fees) Act amends the <i>Local Government Act</i> 1958 with respect to rates and certain fees, amends the <i>Melbourne Underground Rail Loop Act</i> 1970, and for other purposes. | 9239 | Melbourne and Metropolitan Board of Works (Trade Waste) Act amends the <i>Melbourne and Metropolitan Board of Works Act</i> 1958 with respect to trade waste. |
| 9225 | Valuation of Land Act amends the <i>Valuation of Land Act</i> 1960, the <i>Local Government Act</i> 1958, the <i>Liquor Control Act</i> 1968, and for other purposes. | 9240 | Trustee Companies (Amendment) Act makes provision consequential upon sections 25A and 25B of the <i>Trustee Companies Act</i> 1958, and for other purposes. |
| 9226 | Magistrates' Courts (Stipendiary Magistrates) Act amends the <i>Magistrates' Courts Act</i> 1971 in relation to Stipendiary Magistrates, and for other purposes. | 9241 | Sewerage Districts (Transfer of Works) Act amends the <i>Sewerage Districts Act</i> 1958 to permit transfer of works between public bodies and authorities, and for other purposes. |
| 9227 | Charities Act amends the law relating to charities, and for other purposes. | 9242 | Crimes (Amendment) Act amends the <i>Crimes Act</i> 1958. |
| 9228 | Crimes (Criminal Damage) Act consolidates and amends the law relating to malicious injuries to property, amends the <i>Crimes Act</i> 1958 and the <i>Magistrates' Courts Act</i> 1971, repeals certain enactments, and for other purposes. | 9243 | Motor Car Act amends the <i>Motor Car Act</i> 1958. |
| 9229 | Crimes (Offences at Sea) Act relates to offences committed at sea and matters connected therewith, amends the <i>Acts Interpretation Act</i> 1958, and for other purposes. | 9244 | Health (Amendment) Act amends the <i>Health Act</i> 1958, and for other purposes. |
| 9230 | Crimes (Competence and Compellability of Spouse Witnesses) Act amends the law relating to the competence and compellability of married persons and to the privilege attaching to marital communications, amends the <i>Crimes Act</i> 1958 and the <i>Evidence Act</i> 1958, and for other purposes. | 9245 | Legal Aid Commission Act establishes a Legal Aid Commission, and for other purposes. |
| 9231 | Domicile Act abolishes the dependent domicile of married women and otherwise reforms the law relating to domicile. | 9246 | Housing (Amendment) Act reconstitutes the Ministry of Housing and the Housing Commission of Victoria, establishes a Housing Advisory Council, repeals the <i>Housing Ministry Act</i> 1972, and amends the <i>Housing Act</i> 1958, and for other purposes. |
| 9232 | Dog (Amendment) Act amends the <i>Dog Act</i> 1970, increases fees and penalties, and for other purposes. | 9247 | National Parks Act creates new national parks, amends the <i>National Parks Act</i> 1975 and the <i>Forest Act</i> 1958, and for other purposes. |
| 9233 | Dental Technicians (Amendment) Act amends the <i>Dental Technicians Act</i> 1972. | 9248 | Community Welfare Services Act amends the <i>Social Welfare Act</i> 1970, the <i>Education Act</i> 1958, the <i>Children's Court Act</i> 1973, and the <i>Public Service Act</i> 1974, alters the title of the first mentioned Act, establishes a Department of Community Welfare Services, and for other purposes. |
| 9234 | Administrative Law Act makes provision with respect to the review of certain decisions made by certain administrative tribunals, and for other purposes. | 9249 | Victorian Brown Coal Council Act constitutes a Victorian Brown Coal Council, makes provision for and with respect to the evaluation of the brown coal resources of Victoria, undertakes and promotes research into and the development of the potential uses of brown coal, and for other purposes. |
| 9235 | Melbourne and Metropolitan Board of Works (Miscellaneous Amendments) Act amends the <i>Melbourne and Metropolitan Board of Works Act</i> 1958, and for other purposes. | 9250 | Police Offences (Offensive Publications) Act amends division 1A of part V of the <i>Police Offences Act</i> 1958, and for other purposes. |
| 9236 | Mines (Miscellaneous Provisions) Act amends the <i>Mines Act</i> 1958 and the <i>Lifts and Cranes Act</i> 1967, and for other purposes. | | |
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Parliamentary Papers presented during Session 1978-1979

The following Papers were presented to the Legislative Assembly during Session 1978-1979 and ordered by the House to be printed. Copies may be purchased on application to the Sales Section, Government Printing Office, Macarthur Street, Melbourne, 3002.

**VICTORIA—PARLIAMENTARY PAPERS PRESENTED TO
LEGISLATIVE ASSEMBLY, SESSION 1978-1979**

Finance:

- A.1. Finance 1977-78 — Treasurer's Statement of the Receipts and Payments of the Consolidated Fund and the Trust Fund for the year ended 30 June 1978, with Reports &c. of the Auditor-General.
- A.2. Supplementary Report of the Auditor-General for the year ended 30 June 1978.

Message from His Excellency the Governor:

- B.1. Estimates of the Receipts and Payments of the Consolidated Fund for the year ending 30 June, 1979.

Returns to Orders of the House:

- C.1. Report of the Committee of Inquiry into Post-Secondary Education.
- C.2. Supplementary Report on Fair Consumer Credit Laws to the Attorney-General for Victoria by a Committee of the Law Council of Australia.
- C.3. "Personal Explanation" to the Parliament of Victoria by D.B. Jennings, M.L.A Member for Westernport, September, 1978.
- C.4. Beach Petroleum N.L. — Report of Commissioner for Corporate Affairs upon Investigation of Share Trading between 1 April 1978 and 10 May 1978.

Reports from Select Committees:

- D.1. Conservation of Energy Resources Committee — Second Progress Report — Use of Insulation in Buildings and Conservation of Energy Generally together with an Extract from the Proceedings of the Committee and Appendices.
- D.2. Privileges Committee — Report on Complaint relating to Alleged Inducements offered to the Member for Caulfield together with Extracts from the Proceedings of the Committee and Appendices.
- D.3. Statute Law Revision Committee — Report upon the Imperial Acts Application Act 1922 together with Extracts from the Proceedings of the Committee and an Appendix.
- D.4. Statute Law Revision Committee — Report upon Section 44 of the Magistrates (Summary Proceedings) Act 1975.
- D.5. Public Accounts Committee — Further Report upon Expenditure on Parliamentary Printing together with an Appendix.
- D.6. Standing Orders Committee — Report upon the Procedure to be Adopted for Raising Matters of Privilege.
- D.7. Standing Orders Committee — Report upon Extensions to Time Limits on Speeches on Adjournment Motions.
- D.8. Public Accounts Committee — Treasury Minutes on the Interim and Further Reports upon Expenditure on Parliamentary Printing together with Extracts from those Reports.
- D.9. Road Safety Committee — Nineteenth Progress Report — Impounding of Registration Plates, Penalties for Unlicensed Driving and Some Aspects of Alcohol and Road Safety together with Appendices.
- D.10. Statute Law Revision Committee — Report upon Access to Information concerning Adoptions together with Extracts from the Proceedings of the Committee and an Appendix.
- D.11. Standing Orders Committee — Report upon Official Recording of Dissent of an Individual Member.
- D.12. Public Accounts Committee — Report upon Expenditure from the Advance to the Treasurer 1976-77 and Unpaid Accounts 1976-77 together with an Appendix.
- D.13. Standing Orders Committee — Report upon the Quorum Requirement of the Legislative Assembly.
- D.14. Statute Law Revision Committee — Report upon the Law relating to Animals on Highways together with an Appendix.
- D.15. Statute Law Revision Committee — Report upon the proposals contained in the Constitution (Local Government) Bill 1978 together with an Appendix.
- D.16. Standing Orders Committee — Report upon Committal of Bills.
- D.17. Statute Law Revision Committee — Report upon the Publication of Lists of Writs and Summonses.
- D.18. Statute Law Revision Committee — Report upon Certain Matters relating to Trustee Companies together with Extracts from the Proceedings of the Committee.
- D.19. Statute Law Revision Committee — Report upon the use of the Steel-Jawed Leghold Trap together with Extracts from the Proceedings of the Committee and an Appendix.

VICTORIA—PARLIAMENTARY PAPERS PRESENTED TO
LEGISLATIVE ASSEMBLY, SESSION 1978-1979—*continued*

Papers presented to Parliament.

- No.47. Consultative Council — Report on Congenital Abnormalities in the Yarram District.
 No.68. Consumer Affairs Council — Report for the year 1977-78.
 No.11. Consumer Affairs — Report of the Director of Consumer Affairs for the year 1976-77.
 No.13. Co-operative Housing Societies — Report of the Registrar for year 1975-76.
 No.14. Co-operative Societies — Report of the Registrar for year 1975-76.
 No.56. Country Roads Board — Report for the year 1977-78.
 No.26. Education — Report of the Council of Public Education for the year 1975-76.
 No.4. Education — Report of the Minister of Education and the Minister of Special Education for the year 1976-77.
 No.74. Education — Report of the Minister of Education and the Minister of Special Education for the year 1977-78.
 No.63. Egg Marketing Board — Report for the pool year ended 1 July 1978.
 No.42. Environment Protection Authority — Report for the year 1977-78.
 No.72. Equal Opportunity Board — Report for the year 1977-78.
 No.71. Equal Opportunity Board — Report of the Commissioner for the year 1977-78.
 No.45. Forests Commission — Report for the year 1977-78.
 No.16. Friendly Societies and Benefit Associations — Report of the Government Statist for the year 1975-76.
 No.20. Gas and Fuel Corporation — Report for the year 1976-77.
 No.65. Gas and Fuel Corporation — Report for the year 1977-78.
 No.5. Hospitals and Charities Commission — Report for the year 1976-77.
 No.51. Hospitals and Charities Commission — Report for the year 1977-78.
 No.40. Hospitals Superannuation Board — Report for the year 1976-77.
 No.53. Housing Commission — Report for the year 1977-78.
 No.6. Housing Commission — Report of Board of Inquiry into Certain Land Purchases by the Housing Commission and Questions arising therefrom.
 No.49. Industrial Training Commission — Report for the year 1977-78.
 No.27. Labour and Industry Department — Report for the year 1977.
 No.37. Land Conservation Council — Report for the year 1977-78.
 No.64. Law Reform Commissioner — Report for the year 1977-78.
 No.22. Liquor Control Act 1968 — Report of Board of Inquiry into Operation — Vol. 1.
 No.23. Liquor Control Act 1968 — Report of Board of Inquiry into Operation — Vol. 2.
 No.9. Liquor Control Commission — Report for the year 1976-77.
 No.7. Melbourne and Metropolitan Board of Works — Report of Board of Inquiry into the Melbourne and Metropolitan Board of Works.
 No.60. Melbourne Underground Rail Loop Authority — Report for the year 1977-78.
 No.10. Motor Accidents Board — Report for the year 1975-76.
 No.44. Motor Accidents Board — Report for the year 1976-77.
 No.24. Motor Vehicle Accident Compensation — Report of Board of Inquiry.
 No.79. National Parks Service — Report for the year 1977-78.
 No.1. Ombudsman — Quarterly Report for the period 1 July, 1977 to 30 September, 1977.
 No.2. Ombudsman — Quarterly Report for the period 1 October, 1977 to 31 December, 1977.
 No.12. Ombudsman — Quarterly Report for the period 1 January, 1978 to 31 March, 1978.
 No.39. Ombudsman — Report for the year 1977-78 together with Quarterly Report for the period 1 April, 1978 to 30 June, 1978.
 No.58. Ombudsman — Quarterly Report for the period 1 July, 1978 to 30 September, 1978.
 No.25. Ombudsman — Report on Investigation into Cause of Unrest in 'H' Division, Pentridge During the Weekend Commencing 15 April, 1978.
 No.36. Parole Board (Youth) — Report for the year 1976-77.
 No.46. Police Department — Report for the year 1977.
 No.32. Police Force — Report of Board of Inquiry into Allegations against Members of the Victoria Police Force Vol. 1.
 No.33. Police Force — Report of Board of Inquiry into Allegations against Members of the Victoria Police Force Vol. 2.
 No.34. Police Force — Report of Board of Inquiry into Allegations against Members of the Victoria Police Force Vol. 3.
 No.35. Police Force — Report of the Committee appointed to Examine and Advise in Relation to the Recommendations made in Chapter 8 of Volume 1 of the Report of the Board of Inquiry appointed for the Purpose of Inquiring into and Reporting upon Certain Allegations against Members of the Victoria Police Force — (Part I — Police Procedures Relating to the Investigation of Crime).
 No.8. Police Force — Report of Board of Inquiry into Allegations against Members of the Victoria Police Force — Memorandum of Advice by Mr. J. Le. P. Darvall re Complaint to the Board of Inquiry — Charles Francis Q.C. and the Frankston C.I.B.
 No.57. Publications State Advisory Board — Report for the year 1977-78.
 No.54. Railways — Report of the Victorian Railways Board for the year 1977-78.
 No.18. Rural Finance and Settlement Commission — Report for the year 1976-77.
 No.78. Rural Finance Commission — Report for the year 1977-78.

VICTORIA—PARLIAMENTARY PAPERS PRESENTED TO
LEGISLATIVE ASSEMBLY, SESSION 1978-1979—*continued*

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- No.41. Social Welfare Department — Report for the year 1976-77.
 No.50. Social Welfare Department Statistical Tables — Report for the year 1976-77.
 No.75. Social Welfare — Report on the Future of Social Welfare in Victoria.
 No.29. Soil Conservation Authority — Report for the year 1976-77.
 No.17. State Development Committee — Progress Report on Port Utilisation and Development in Victoria with particular Reference to the Provision of General Cargo Handling Facilities at Western Port.
 No.21. State Electricity Commission — Report for the year 1976-77 together with Appendices.
 No.77. State Electricity Commission — Report for the year 1977-78 together with Appendices.
 No.15. State Rivers and Water Supply Commission — Report for the year 1976-77 (Vol.1).
 No.28. State Rivers and Water Supply Commission — Report for the year 1976-77 (Vol.2).
 No.73. State Rivers and Water Supply Commission — Report for the year 1977-78 (Vol.1).
 No.75. State Rivers and Water Supply Commission — Report for the year 1977-78 (Vol.2).
 No.55. State Savings Bank — Reports, Statements, Returns etc., for the year 1977-78.
 No.19. Teacher Housing Authority — Report for the year 1976-77.
 No.30. Teachers Tribunal — Report for the year 1975-76.
 No.31. Teachers Tribunal — Report for the year 1976-77.
 No.69. Town and Country Planning Board — Report for the year 1977-78.
 No.48. Transport Regulation Board — Report for the year 1977-78.
 No.80. Victoria Grants Commission — Report for the year 1978.
 No.59. Victoria Institute of Colleges — Report for the year 1977.
 No.66. Victorian Development Corporation — Report for the year 1977-78.
 No.3. Youth, Sport and Recreation Department — Report for the year 1976-77.
 No.62. Youth, Sport and Recreation Department — Report for the year 1977-78.
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VICTORIAN ELECTORAL SYSTEM

General

Electoral basis of the two Houses of Parliament

When first constituted the Legislative Council or Upper House was composed of thirty members, aged 30 years and over and possessed of freehold of the annual value of \$1,000. Property qualifications were abolished by the *Legislative Council Reform Act 1950*, and today the main qualification of members and electors of the Legislative Council is the attainment of the age of 18 years. A similar provision applies to the Legislative Assembly.

For Legislative Council purposes, Victoria is divided into twenty-two Electoral Provinces, each represented by two members elected for six years — one in each Province retiring every three years by rotation — except at a general election following the dissolution of the Council when one half of the members are to be elected for only three years.

For Legislative Assembly purposes, Victoria is divided at present into eighty-one Electoral Districts, each returning one member. Members are elected for three years, unless Parliament is dissolved before this period.

Electoral redivision, 1975

Arising out of the *Electoral Provinces and Districts Act 1974*, a redivision of Victoria for electoral purposes was carried out early in 1975 on the following basis:

Legislative Assembly

1. The so-called "Port Phillip District", consisting of 40 complete existing Electoral Districts and parts of 4 other existing Electoral Districts, was redivided into 49 Electoral Districts for the Legislative Assembly, each containing approximately 28,000 electors; and
2. The remainder of the State, consisting of 29 complete existing Electoral Districts and parts of 4 other existing Electoral Districts, was redivided into 32 Electoral Districts for the Legislative Assembly, each containing approximately 24,500 electors.

Legislative Council

1. The so-called "Southern District", consisting of 8 complete existing Electoral Provinces and parts of 2 other existing Electoral Provinces, was redivided into 13 Electoral Provinces for the Legislative Council, each containing approximately 112,000 electors; and
2. The remainder of the State, consisting of 8 complete existing Electoral Provinces and parts of 2 other existing Electoral Provinces, was redivided into 9 Electoral Provinces for the Legislative Council, each containing approximately 80,000 electors.

The new Electoral Provinces and Districts formulated by the Commissioners empowered to undertake the 1975 redivision were deemed to be adopted by Parliament, and the names and boundaries of the new Provinces and Districts were declared on 30 July 1975.

Enrolment of electors

Enrolment on the electoral roll is compulsory for every person of the age of 18 years or over who is a natural-born or naturalised subject of the Queen and who has resided in Australia for six months continuously, and in Victoria for at least three months and in one subdivision for at least one month. (Victorian legislation reducing the voting age to 18 years became effective from 21 March 1973.) The electoral rolls for the State are compiled by the Commonwealth electoral authorities under a joint Commonwealth-State Government arrangement, each Government paying half the cost of compilation. All Commonwealth and State parliamentary elections in Victoria are conducted on the basis of these joint rolls.

The compilation of the rolls is aided by the fact that the respective Legislative Council Provinces and Electoral Districts, as well as the Commonwealth Electoral Divisions, are subdivided into 355 common subdivisions, which form the basic units for enrolment on the joint Commonwealth-State of Victoria rolls.

Number of enrolments on the joint rolls

Since 1924, when the Joint Rolls Arrangement was made between the Commonwealth and Victoria, the electoral rolls prepared and maintained by the Australian Electoral Officer for Victoria have been used at all Commonwealth Parliament elections and elections for the Legislative Assembly of Victoria.

The *Legislative Council Reform Act* 1950, which came into effect on 1 November 1951, provided in substance for all electors for the Legislative Assembly to be automatically enrolled also for Legislative Council elections.

The Joint Rolls Arrangement was, therefore, appropriately amended and since 1952 the joint rolls have been used in Victoria for all Commonwealth and State parliamentary elections.

VICTORIA—ELECTORS ENROLLED ON JOINT ROLLS AT 30 JUNE

| Year | Number of electors enrolled | Year | Number of electors enrolled |
|------|-----------------------------|------|-----------------------------|
| 1970 | 1,852,023 | 1975 | 2,176,732 |
| 1971 | 1,857,354 | 1976 | 2,264,222 |
| 1972 | 1,890,666 | 1977 | 2,301,695 |
| 1973 | 2,124,151 | 1978 | 2,307,786 |
| 1974 | 2,183,625 | 1979 | 2,371,637 |

Types of elections in Victoria

There are five types of State parliamentary elections in Victoria:

(1) *Periodical election for the Legislative Council.* This means an election at which one half of the members of the Council (22) have to be elected. There is a periodical election every three years, the next being due in 1982. Members of the Legislative Council are elected for six years, one half of the members retiring alternately every three years. There are two members for each Province.

(2) *General election for the Legislative Assembly.* This means an election at which all members of the Legislative Assembly (81) have to be elected. Each Assembly lasts for three years from the first meeting thereof, but may be dissolved earlier by the Governor (for example, if the government of the day is defeated on some vital issue, etc.).

(3) *Conjoint election.* This means a periodical election for the Legislative Council and a general election for the Legislative Assembly which are both held on the same day. The Assembly general elections and the Council periodical (or triennial) elections have been held conjointly since 1961.

(4) *By-election.* A by-election is an "extraordinary" election held in an Electoral Province (Legislative Council) or an Electoral District (Legislative Assembly) because of the death, resignation, etc., of the current member. The candidate elected at a by-election holds office for the remainder of the term for which the member who was replaced was elected.

(5) *General election for the Legislative Council.* This means an election for the Legislative Council where ALL (i.e., 44) members have to be elected. Two members have thus to be returned for each Province, the candidate first elected holding office for six years, the second candidate elected holding office for three years. A general election for the Council can only take place in the event of a deadlock between the two Houses and after a complex code of procedure has first been observed.

Conduct of elections

The election process is initiated by the issue of a Writ — the formal document issued on behalf of the Queen commanding the Returning Officer to whom it is addressed to proceed to the holding of an election to fill the vacancy for a member for the electorate concerned.

Writs for every periodical election of the Council are issued by the President of the Legislative Council, except that, if in the opinion of the President it is desirable for the periodical election to be held conjointly with an Assembly general election, he may consent to the writs being issued by the Governor. Council by-election Writs are issued by the President; and all Writs for a general election for the Council must be issued by the Governor.

Writs for every general election of members of the Assembly are issued by the Governor. Writs for an Assembly by-election are issued by the Speaker of the Legislative Assembly.

The Writ specifies the date by which nominations for the vacancy are to be lodged, and requires the Returning Officer, if the election is contested, to conduct a poll on the date specified therein. The Writ must be returned to whoever issued it by a stipulated date with the name of the new member endorsed thereon.

Voting features of State elections

There is no plural voting at elections for either the Legislative Council or the Legislative Assembly. Provision for voting by post by electors who are ill or temporarily absent from their electorates, whether they are within Australia or not, is made at elections for both Houses, and there is also a system of "absent" voting whereby any elector who is not able to record a vote within his own subdivision is enabled to record a vote at any polling booth open in Victoria on the day of the poll. In addition, a method of so-called "unenrolled voting" has been instituted, under which an elector whose name has been omitted from the official electoral rolls in error is enabled to record a vote upon making a prescribed declaration.

Voting at elections for both Houses is compulsory and is conducted under an adaptation of Ware's system of preferential voting.

This system of preferential voting at Victorian parliamentary elections was provided for by statute in 1911 for Legislative Assembly elections, in 1921 for Legislative Council triennial elections, and in 1936 for Legislative Council general elections following directly upon a dissolution of the Council in consequence of disagreements or deadlock between the two Houses. Under this system a voter is required to number the candidates in order of preference on the ballot-paper, the figure "1" being written opposite the name of the candidate whom the elector wishes to be returned, and sequential figures (2, 3, 4, etc.) indicating his relative degree of preferences being written opposite the names of the other candidates. Where an elector has so indicated his order of preference for all candidates except one, he is deemed to have given his last contingent vote or preference to such candidate.

Where only two candidates are involved the candidate who receives an absolute majority (i.e., more than half the number of formal votes cast) is declared elected. Similarly, where there are more than two candidates, if one of them receives an absolute majority on the count of first preferences, then he is declared elected.

Where no absolute majority is attained by a candidate at the count of first preference votes, the candidate who has received the fewest first preference votes is declared defeated, and his ballot-papers examined and his second preferences allotted to the candidates to whom they relate. The process of excluding the candidate with the lowest number of votes and distributing his ballot-papers according to the preferences shown on them to the

unexcluded or continuing candidates is followed until one candidate attains an absolute majority.

At a general election for the Legislative Council when two members are required to be elected for each Province, the election of the first member is carried out as above. In the case of the election of the second member, however, a slight variation of procedure is necessary. The first step is to take the ballot-papers of the first elected candidate and allot the second preferences on them to the candidates to whom they relate. The remaining candidates begin the counting process with their own first preferences plus the second preferences allotted in the distribution of the elected candidate's ballot-papers. If one of the remaining candidates has an absolute majority, he is declared elected to the second vacancy. If, however, no such candidate has an absolute majority, the candidate with the fewest votes is declared defeated and the ballot-papers counted to him are then distributed according to the preferences shown thereon among the various continuing or unexcluded candidates.

The process of excluding the lowest candidate and distributing his ballot-papers according to the preferences on them to unexcluded or continuing candidates is followed until one candidate attains an absolute majority.

At a general election for the Legislative Council, the candidate first elected is entitled to hold the seat for six years, and the candidate next elected holds his seat for three years.

Areas of Provinces and Districts

The following tables show the areas of the Provinces of the Legislative Council and the Districts of the Legislative Assembly created by the redivision of 1975:

VICTORIA—LEGISLATIVE COUNCIL: AREAS OF PROVINCES (square kilometres)

| State Electoral Province (a) | Area | State Electoral Province (a) | Area |
|------------------------------|-----------|------------------------------|------------|
| Ballarat | 12,354.00 | Melbourne West | 767.00 |
| Bendigo | 16,540.00 | Monash | 46.70 |
| Boronia | 446.00 | North Eastern | 25,513.00 |
| Central Highlands | 17,585.00 | North Western | 67,879.00 |
| Chelsea | 211.00 | Nunawading | 77.50 |
| Doutta Galla | 916.00 | South Eastern | 7,738.00 |
| East Yarra | 61.84 | Templestowe | 632.00 |
| Geelong | 462.00 | Thomastown | 1,127.00 |
| Gippsland | 38,115.00 | Waverley | 122.70 |
| Higinbotham | 61.74 | Western | 37,519.00 |
| Melbourne | 73.30 | | |
| Melbourne North | 59.66 | Total (b) | 228,307.00 |

(a) See page 96 for number of electors and sitting members.

(b) The officially recognised "land area" of the State is 227,600 square kilometres. The difference of 707 square kilometres between "land" and "electoral" area is due to the inclusion of coastal waters such as Western Port and Corner Inlet in the electoral descriptions.

VICTORIA—LEGISLATIVE ASSEMBLY: AREAS OF DISTRICTS (square kilometres)

| State Electoral District (a) | Area | State Electoral District (a) | Area |
|------------------------------|-----------|------------------------------|-----------|
| Albert Park | 23.73 | Burwood | 14.22 |
| Ascot Vale | 19.90 | Carrum | 32.75 |
| Ballarat North | 1,780.00 | Caulfield | 10.70 |
| Ballarat South | 2,970.00 | Coburg | 17.86 |
| Balwyn | 16.17 | Dandenong | 39.91 |
| Benalla | 12,610.00 | Doncaster | 33.09 |
| Benambra | 14,690.00 | Dromana | 344.00 |
| Bendigo | 79.00 | Essendon | 17.00 |
| Bennettswood | 18.55 | Evelyn | 4,087.00 |
| Bentleigh | 12.84 | Footscray | 19.68 |
| Berwick | 1,576.00 | Forest Hill | 20.23 |
| Box Hill | 13.39 | Frankston | 45.69 |
| Brighton | 14.26 | Geelong East | 243.00 |
| Broadmeadows | 64.67 | Geelong North | 1,810.00 |
| Brunswick | 13.02 | Geelong West | 21.00 |
| Bundoora | 40.04 | Gippsland East | 29,630.00 |

VICTORIA—LEGISLATIVE ASSEMBLY: AREAS OF DISTRICTS
(square kilometres)—*continued*

| | | | |
|-----------------|-----------|--------------|------------|
| Gippsland South | 7,243.00 | Oakleigh | 18.30 |
| Gisborne | 6,799.00 | Polwarth | 7,515.00 |
| Glenhuntly | 11.75 | Portland | 13,900.00 |
| Glenroy | 16.87 | Prahran | 7.68 |
| Greensborough | 92.84 | Preston | 15.77 |
| Hawthorn | 12.30 | Reservoir | 18.90 |
| Heatherton | 40.01 | Richmond | 14.30 |
| Ivanhoe | 23.88 | Ringwood | 31.64 |
| Keilor | 221.00 | Ripon | 12,490.00 |
| Kew | 19.63 | Rodney | 7,430.00 |
| Knox | 77.54 | St Kilda | 8.70 |
| Lowan | 20,200.00 | Sandringham | 18.03 |
| Malvern | 13.30 | Shepparton | 2,795.00 |
| Melbourne | 28.68 | South Barwon | 2,546.00 |
| Mentone | 17.91 | Springvale | 32.06 |
| Midlands | 8,310.00 | Sunshine | 34.82 |
| Mildura | 29,590.00 | Swan Hill | 18,420.00 |
| Mitcham | 19.58 | Syndal | 24.43 |
| Monbulk | 204.00 | Wantirna | 24.78 |
| Morwell | 1,190.00 | Warrandyte | 123.00 |
| Murray Valley | 4,270.00 | Warrnambool | 5,752.00 |
| Narracan | 3,910.00 | Werribee | 974.00 |
| Niddrie | 32.20 | Westernport | 3,296.00 |
| Noble Park | 99.92 | Williamstown | 29.22 |
| Northcote | 16.70 | | |
| | | Total (b) | 228,307.00 |

(a) See pages 97–8 for number of electors and sitting members.

(b) The officially recognised "land area" of the State is 227,600 square kilometres. The difference of 707 square kilometres between "land" and "electoral" area is due to the inclusion of coastal waters such as Western Port and Corner Inlet in the electoral descriptions.

Parliamentary elections*Legislative Assembly*

At the Legislative Assembly election held on 5 May 1979, there were contests in all the eighty-one Electoral Districts. In sixty-nine of these contests, more than two candidates were engaged.

In thirty-six of these sixty-nine contests the successful candidate had an absolute majority of the total first preferences recorded and consequently no distribution of further preferences was necessary. After the necessary distribution of second or subsequent preferences had been completed in the other thirty-three contests, the leading candidate on the first count was elected in thirty-one instances but was defeated in the remaining two instances.

The following table shows the voting in general elections held for the Legislative Assembly since 1955:

VICTORIA—VOTING AT GENERAL ELECTIONS FOR THE
LEGISLATIVE ASSEMBLY

| Year of election | Whole State | | Contested Districts | | | |
|------------------|-------------------|-------------------|---------------------|----------------------|----------------|------------------------------------|
| | Electors enrolled | Electors enrolled | Votes recorded | | Informal votes | |
| | | | Number | Percentage of voters | Number | Percentage of total votes recorded |
| 1955 | 1,422,588 | 1,402,806 | 1,318,937 | 94.02 | 28,934 | 2.19 |
| 1958 | 1,478,065 | 1,478,065 | 1,392,813 | 94.23 | 24,760 | 1.78 |
| 1961 | 1,554,856 | 1,554,856 | 1,467,862 | 94.41 | 35,937 | 2.45 |
| 1964 | 1,635,311 | 1,635,311 | 1,543,778 | 94.40 | 35,631 | 2.31 |
| 1967 | 1,723,981 | 1,723,981 | 1,625,239 | 94.27 | 51,384 | 3.16 |
| 1970 | 1,827,595 | 1,827,595 | 1,728,362 | 94.57 | 55,141 | 3.19 |
| 1973 | 2,088,984 | 2,088,984 | 1,954,005 | 93.54 | 56,691 | 2.90 |
| 1976 | 2,267,282 | 2,267,282 | 2,101,414 | 92.68 | 53,417 | 2.54 |
| 1979 | 2,350,407 | 2,350,407 | 2,193,037 | 93.30 | 66,016 | r 3.01 |

NOTE: Detailed statistics are available in publications issued by the Chief Electoral Officer for Victoria.

The following table shows certain particulars of the representation in the Legislative Assembly in which general elections have been held since 1955:

**VICTORIA—PARLIAMENTARY REPRESENTATION IN THE
LEGISLATIVE ASSEMBLY**

| Year of election | Number of members of Legislative Assembly | Mean population | Average population per member | Number of electors enrolled on date of election | Average number of electors per member | Proportion of persons enrolled to total population |
|------------------|---|-----------------|-------------------------------|---|---------------------------------------|--|
| | | | | | | per cent |
| 1955 | 66 | 2,520,481 | 38,189 | 1,422,588 | 21,554 | 56.4 |
| 1958 | 66 | 2,717,371 | 41,172 | 1,478,065 | 22,395 | 54.4 |
| 1961 | 66 | 2,926,075 | 44,334 | 1,554,856 | 23,558 | 53.1 |
| 1964 | 66 | 3,105,685 | 47,056 | 1,635,311 | 24,777 | 52.7 |
| 1967 | 73 | 3,277,183 | 44,893 | 1,723,981 | 23,616 | 52.6 |
| 1970 | 73 | 3,450,523 | 47,267 | 1,827,595 | 25,036 | 53.0 |
| 1973 | 73 | 3,596,778 | 49,271 | 2,088,984 | 28,616 | 58.1 |
| 1976 | 81 | (a) 3,746,000 | 45,024 | 2,267,282 | 27,991 | 62.2 |
| 1979 | 81 | 3,847,400 | 47,499 | 2,350,407 | 29,017 | 61.1 |

(a) Census count 30 June 1976, adjusted for under-enumeration.

Proportion of voters at elections

The first general election for the Legislative Assembly was held in 1856. The proportion of voters to electors of contested districts at each of the general elections held until 1955 for the Legislative Assembly can be found on page 86 of the *Victorian Year Book* 1961.

Legislative Council

The Legislative Council consists of forty-four members, representing twenty-two Provinces. Voting in elections held for the Legislative Council since 1955 is shown in the following table. At the triennial election held on 5 May 1979, there were contests in all Provinces and in thirteen of them more than two candidates were engaged.

In four of these thirteen contests the successful candidate had an absolute majority of the total first preferences recorded and consequently no distribution of further preferences was necessary. After the necessary distribution of second or subsequent preferences had been completed in the other nine contests, the leading candidate, on the first count, was elected in seven instances but was defeated in the remaining two instances.

The following table shows the voting in periodical elections held for the Legislative Council since 1955:

VICTORIA—VOTING AT ELECTIONS FOR THE LEGISLATIVE COUNCIL

| Year of election | Whole State | | Contested Districts | | | |
|------------------|-------------------|-------------------|---------------------|----------------------|----------------|------------------------------------|
| | Electors enrolled | Electors enrolled | Votes recorded | | Informal votes | |
| | | | Number | Percentage of voters | Number | Percentage of total votes recorded |
| 1955 | 1,430,130 | 1,216,010 | 1,112,951 | 91.52 | 23,189 | 2.08 |
| 1958 | 1,488,293 | 1,387,097 | 1,283,665 | 92.54 | 22,085 | 1.72 |
| 1961 | 1,554,856 | 1,554,856 | 1,467,482 | 94.38 | 46,697 | 3.18 |
| 1964 | 1,635,311 | 1,635,311 | 1,543,584 | 94.39 | 45,627 | 2.96 |
| 1967 | 1,723,981 | 1,723,981 | 1,625,371 | 94.28 | 59,895 | 3.69 |
| 1970 | 1,827,595 | 1,827,595 | 1,726,725 | 94.48 | 67,710 | 3.92 |
| 1973 | 2,088,984 | 2,088,984 | 1,953,462 | 93.51 | 74,354 | 3.81 |
| 1976 | 2,267,282 | 2,267,282 | 2,102,674 | 92.74 | 65,997 | 3.14 |
| 1979 | 2,350,407 | 2,350,407 | 2,191,128 | 93.22 | 77,361 | 3.53 |

NOTE: Detailed statistics are available in publications issued by the Chief Electoral Officer for Victoria.

VICTORIAN REPRESENTATION IN THE COMMONWEALTH PARLIAMENT

Constitutional provisions*General*

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

Senate

The founders of the Commonwealth Constitution had in mind that the Senate should give expression to the interests of the States as partners in the Federation; in other words, the Senate should be a States' house. Accordingly, the proportional representation suggested by the varying populations of the States was disregarded, and it was provided that each State should be represented by six Senators; the first Senate in the first Parliament comprised 36 members of whom six represented Victoria. The numbers remained unchanged until the Commonwealth *Representation Act* 1948 when each State became eligible to elect ten Senators. In 1973, the number of Senators was further increased by the Senate (Representation of Territories) Act which provided for the Australian Capital Territory and the Northern Territory to be each represented by 2 Senators. The term of office of these 4 Senators expires upon the dissolution of the House of Representatives.

The Senate was also envisaged as a house of review and accordingly continuity of membership was provided by requiring only one half of the Senate to retire every three years, and for each Senator's term to be six years. If the normal pattern of three-yearly rotational retirement is broken by a double dissolution of both Houses, section 13 of the Constitution provides that the Senate shall divide the Senators chosen for each State into two classes, as nearly equal in number as practicable, and the places of the Senators of the first class shall become vacant at the expiration of three years and the places of those of the second class at the expiration of six years. In dividing the Senators into classes the Senate has adopted the practice of placing the first five Senators elected in each State in the second class and the other five Senators elected in the first class. After a normal rotational election, Senators' terms commence from the first day of the following July; in the case of an election for the whole Senate, terms commence from the first day of July preceding the election.

House of Representatives

In designing the House of Representatives, the founders envisaged a legislative body representing the national interest and provided that the number of members chosen in the several States must be in proportion to population, but that no original State should have less than five members. The first House of Representatives in 1901 had 75 members of whom 23 were elected in Victoria. The term of office was set as three years.

In 1948, the number of Senators was increased to 10 for each State and as a consequence the number of members in the House of Representatives was increased to 123 — although only 121 were elected from the States: the Northern Territory and the Australian Capital Territory each had one member with restricted voting powers. At 30 June 1978, the House of Representatives consisted of 124 members, 121 from the States, two from the Australian Capital Territory and one from the Northern Territory.

Electoral redistributions were undertaken in all States after the 1947, 1954, 1961, 1966 and 1971 population censuses. As a result of amendment to the *Representation Act* 1905 by the *Representation Amendment Act* 1977, a further electoral redistribution was undertaken in all States in 1977. The Distribution Commissioners' recommendations were approved by the Commonwealth Parliament in respect of all States and the net effect was to decrease the membership of the House of Representatives to 124. The 1977 House of Representatives elections were conducted on the new boundaries and subsequent to those elections, State representation in the House of Representatives became: New South Wales, 43; Victoria, 33; Queensland, 19; South Australia, 11; Western Australia, 10; Tasmania, 5. Australian Capital Territory representation was increased to 2 in 1974. The members representing that Territory and the Member representing the Northern Territory now have full voting rights.

The following table shows the state of the House of Representatives at various election years:

AUSTRALIA—HOUSE OF REPRESENTATIVES: MEMBERSHIP

| Year | N.S.W. | Vic. | Qld. | S.A. | W.A. | Tas. | N.T. (a) | A.C.T. (b) | Total |
|----------|--------|------|------|------|------|------|-------------|---------------|-------|
| 1948 | 28 | 20 | 10 | 6 | 5 | 5 | 1 | .. | 75 |
| 1949 (c) | 47 | 33 | 18 | 10 | 8 | 5 | 1 | 1 | 123 |
| 1955 (c) | 46 | 33 | 18 | 11 | 9 | 5 | 1 | 1 | 124 |
| 1969 (c) | 45 | 34 | 18 | 12 | 9 | 5 | 1 | 1 | 125 |
| 1974 | 45 | 34 | 18 | 12 | 10 | 5 | 1 | 2 | 127 |
| 1975 | 45 | 34 | 18 | 12 | 10 | 5 | 1 | 2 | r 127 |
| 1977 (c) | 43 | 33 | 19 | 11 | 10 | 5 | 1 | 2 | 124 |

(a) Representative in House since 1922; full voting rights granted in 1969.

(b) Representative in House since 1949; full voting rights granted in 1966.

(c) Election following an electoral redistribution.

Elections

Qualifications of voters for Commonwealth Government elections

An elector on a Federal roll is required by law to vote both in elections for the House of Representatives and for the Senate. An elector is any person, male or female, not under 18 years of age who is a British subject, has lived in Australia for six months continuously, and whose name appears on the roll. (Commonwealth legislation reducing the voting age to 18 years became effective from 21 March 1973.) Residence in an electoral subdivision for at least one month is necessary to enable a qualified person to enrol. Enrolment is compulsory.

Qualifications of candidates—either House of the Commonwealth Parliament

Qualifications necessary for candidature for either House of the Commonwealth Parliament are possessed by any British subject, 18 years of age or over, who has resided in Australia for at least three years and who is, or who is qualified to become, an Australian elector.

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

Disqualification as elector or member

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

Elections for the Senate

In Senate elections each State is an electorate. Electors are required to cast a vote by indicating the order of their preference for every candidate standing within the State, and the election of members is carried out in accordance with the principles of proportional representation by the single transferable vote.

The provisions for the filling of vacancies in the Senate are now as follows:

“If the place of a Senator becomes vacant before the expiration of his term of service, the Houses of Parliament of the State for which he was chosen, sitting and voting together, or, if there is only one House of that Parliament, that House, shall choose a person to hold the place until the expiration of the term. But if the Parliament of the State is not in session when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of fourteen days from the beginning of the next session of the Parliament of the State or the expiration of the term, whichever first happens.

“Where a vacancy has at any time occurred in the place of a Senator chosen by the people of a State and, at the time when he was so chosen, he was publicly recognized by a particular political party as being an endorsed candidate of that party and publicly represented himself to be such a candidate, a person chosen or appointed under this section in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

“Where (a) in accordance with the last preceding paragraph, a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and (b) before taking his seat he ceases to be a member of that party (otherwise than by reason of the party having ceased to exist), he shall be deemed not to have been so chosen or appointed and the vacancy shall be again notified in accordance with section twenty-one of this [Commonwealth] Constitution.

“The name of any senator chosen or appointed under this section shall be certified by the Governor of the State to the Governor-General.”

The following table lists the Senators for Victoria at 1 July 1978 together with the party affiliation and year of retirement of each Senator. Political party affiliations are indicated thus:

- (AD) Australian Democrats
- (ALP) Australian Labor Party
- (LP) Liberal Party of Australia
- (NCP) National Country Party of Australia

AUSTRALIA—SENATE: VICTORIAN MEMBERS
AT 1 JULY 1978

| Senator | Retires |
|--|---------|
| Button, John Norman (ALP) | 1984 |
| Chipp, Hon. Donald Leslie (AD) (a) | 1984 |
| Evans, Gareth John (ALP) (a) | 1984 |
| Guilfoyle, Hon. Margaret Georgina Constance (LP) | 1981 |
| Hamer, David John D.S.C. (LP) (a) | 1984 |
| Lewis, Austin William Russell (LP) | 1981 |
| Melzer, Jean Isabel (ALP) | 1981 |
| Missen, Alan Joseph (LP) | 1984 |
| Primmer, Cyril Graham (ALP) | 1981 |
| Webster, Hon. James Joseph (NCP) | 1981 |

(a) Elected on 10 December 1977. Term of service commenced on 1 July 1978.

Elections for the House of Representatives

Australia is divided into 124 single-member electorates and electors are required to cast a vote by indicating the order of their preference for every candidate standing within the electorate. Election of members is carried out in accordance with the principles of the absolute majority through use of the alternative vote. If a vacancy occurs in the House of Representatives, it is filled by holding a by-election in the electorate concerned. The last general election was held on 10 December 1977.

The following table lists the Victorian members of the House of Representatives elected on 10 December 1977 together with the party affiliation and electorate of each member:

AUSTRALIA—HOUSE OF REPRESENTATIVES: VICTORIAN
MEMBERS ELECTED ON 10 DECEMBER 1977

| Member | Division |
|---------------------------------------|----------------|
| Aldred, Kenneth James (LP) | Henty |
| Baillieu, Marshall (LP) | La Trobe |
| Bourchier, John William (LP) | Bendigo |
| Brown, Neil Anthony (LP) | Diamond Valley |
| Bryant, Hon. Gordon Munro, E.D. (ALP) | Wills |
| Burns, William George (LP) | Isaacs |
| Cameron, Ewen Colin (LP) | Indi |

AUSTRALIA—HOUSE OF REPRESENTATIVES: VICTORIAN
MEMBERS ELECTED ON 10 DECEMBER 1977—*continued*

| Member | Division |
|--|-----------------|
| Cass, Hon. Dr Moses Henry (ALP) | Maribyrnong |
| Falconer, Peter David (LP) | Casey |
| Fisher, Peter Stanley (NCP) | Mallee |
| Fraser, Rt Hon. John Malcolm, C.H. (LP) | Wannon |
| Holding, Allan Clyde (ALP) | Melbourne Ports |
| Howe, Brian Leslie (ALP) | Batman |
| Innes, Urquhart Edward (ALP) | Melbourne |
| Jarman, Alan William (LP) | Deakin |
| Jenkins, Dr Henry Alfred (ALP) | Scullin |
| Johnson, Leonard Keith (ALP) | Burke |
| Johnston, James Roger (LP) | Hotham |
| Jones, Barry Owen (ALP) | Lalor |
| Lloyd, Bruce (NCP) | Murray |
| Lynch, Rt Hon. Phillip Reginald (LP) | Flinders |
| Macphee, Hon. Ian Malcolm (LP) | Balaclava |
| Nixon, Hon. Peter James (NCP) | Gippsland |
| Peacock, Hon. Andrew Sharp (LP) | Kooyong |
| Scholes, Gordon Glen Denton (ALP) | Corio |
| Shipton, Roger Francis (LP) | Higgins |
| Short, James Robert (LP) | Ballarat |
| Simon, Barry Douglas (LP) | McMillan |
| Snedden, Rt Hon. Sir Billy Mackie, K.C.M.G., Q.C. (LP) | Bruce |
| Staley, Hon. Anthony Allan (LP) | Chisholm |
| Street, Hon. Anthony Austin (LP) | Corangamite |
| Willis, Ralph (ALP) | Gellibrand |
| Yates, William (LP) | Holt |

Further reference: Referendums, *Victorian Year Book* 1978, pp. 126-7; 1977 redistribution of electoral boundaries, 1979; pp. 103-5

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