

Chapter 3

GOVERNMENT AND ADMINISTRATION

		<i>Page No.</i>
3.1	Commonwealth Government	41
3.1.1	The Governor-General	41
3.1.2	Commonwealth Parliament	42
3.2	Tasmanian Government	44
3.2.1	Historical Summary	44
3.2.2	The Governor	44
3.2.3	The Cabinet and Executive Government	45
3.2.4	The House of Assembly	46
3.2.5	The Legislative Council	47
3.2.6	Departments	48
3.3	Acts of State Parliament	49
3.4	Local Government	54
3.5	References	54

Chapter 3

GOVERNMENT AND ADMINISTRATION

Since 1 January 1901, Australia has been a federation of six States. In 1911 two territories, the Australian Capital Territory and the Northern Territory, were transferred to the Commonwealth from New South Wales and South Australia.

Government is exercised in three jurisdictions:

- Commonwealth Government, with powers derived from a written constitution and centred in Canberra, the national capital;
- State Government with residual powers (powers not reserved for the Commonwealth) which in Tasmania is centred in Hobart;
- Local Government with authority derived from State acts.

The main responsibilities of the Commonwealth Government are:

Foreign affairs and diplomatic representation; maintenance of the armed forces; customs and excise; posts and telegraphs; control of broadcasting and television; control of civil aviation; repatriation of ex-servicemen; immigration; industrial arbitration for national industries; control of coinage and currency; overseas trade promotions; employment service; pensions; national health benefits; federal territories and overseas dependencies; census and statistics; meteorological service; federal courts and police; control of banking; collection of sales and income taxes; housing assistance and defence service homes; scientific and industrial research; management of state and national debt; lighthouses and navigation.

The Tasmanian Government provides the greater number of community services including, transport, education, health, community welfare, housing, consumer affairs, forestry, fisheries, fire, police, emergency, agricultural and farming services. The Tasmanian Government is also responsible for prisons, courts, libraries, probation, racing and gaming, and labour and industry.



New Parliament House, Canberra. Stephen Hall

Local Government is mainly responsible for the maintenance of, parks, recreational and sporting facilities, roads and cemeteries, and provides town planning, sewerage, water, waste disposal and public health services.

During the two years to December 1987 the main political event within Tasmania was a national double dissolution election in July 1987. This gave the Labor Party its first win in a Tasmanian Division since it lost all five seats to the Liberals in 1975.

3.1 COMMONWEALTH GOVERNMENT

Legislative power of the Commonwealth is vested in the Commonwealth Parliament which consists of the Sovereign, Queen Elizabeth II (represented by the Governor-General), the Senate and the House of Representatives.

3.1.1 The Governor-General

Under the Commonwealth Constitution, ultimate executive power is vested in the Crown and is exercised by the Governor-General as the direct representative of the Sovereign. The present Governor-General is His Excellency Sir Ninian Martin Stephen, PC, AK, GCMG, KBE, K St J, who was sworn in on 29 July 1982.

3.1.2 Commonwealth Parliament

The Senate

Since 1984 each State has been represented by twelve Senators and, in addition, the Australian Capital Territory and the Northern Territory have been represented by two Senators each since the election of 13 December 1975. Each Senator's term is normally six years, as half the Senate seats come up for election every three years. However, in the case of a double dissolution of both Houses, half the Senators are elected for a six-year term (the first six elected in each State) and half for a three-year term.

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

If a vacancy occurs in the Senate, the appropriate State Government nominates a replacement, of the same political affiliation, who sits for the remainder of the term. If the vacant seat is contested at an ordinary Senate election, then seven, instead of the normal six candidates, will be elected in the State affected and the Senator last elected will fill the vacancy for a term shorter than the full six years.

In March 1986, Mrs Jocelyn Newman was nominated by the Liberal Party to fill a casual Senate vacancy following Senator Peter Rae's resignation to switch to State politics.

In April 1987 the Labor Party nominated Mr John Devereux to fill the vacancy left when Dr Don Grimes retired from the Senate to become Australian Ambassador to the Netherlands. However his nomination was rejected by the vote of a joint sitting of both houses of the Tasmanian Parliament.

The House of Representatives

The founders of the parliamentary system, when designing the House of Representatives, envisaged a legislative body representing the national interest. The party holding a majority of seats in the House of Representatives, therefore controlling the House, provides the Government. The federal election of July 1987 returned the Labor Government under the leadership of Prime Minister Robert Hawke for a third term.

Following an increase in the size of the Parliament in 1984, Australia is divided into 148 single-member electorates. All five Tasmanian seats were held by the Liberal Party from November 1975 until July 1987 when Duncan Kerr (ALP) replaced Michael Hodgman in Denison.

3.2 HOUSE OF REPRESENTATIVES MEMBERSHIP

New South Wales	51
Victoria	39
Queensland	24
South Australia	13
Western Australia	13
Tasmania	5
Northern Territory	1
Australian Capital Territory	2
Total	148

Election of members is carried out in accordance with the principles of the absolute majority through use of preference voting. If a vacancy occurs, it is filled by holding a by-election. Elections must be held at least every three years.

Representation in the House of Representatives is based upon the general principle of having, as nearly as practicable, electorates with equal numbers of electors. This is provided by regular electoral redistributions.

3.1 TASMANIAN SENATORS, NOVEMBER 1987

<i>Senator</i>	<i>Office address</i>	<i>Party affiliation</i>	<i>Year of retirement</i>
Archer, B. R.	111 Wilmot Street, Burnie, 7320	Liberal	1993
Aulich, T.	52 Tamar Street, Launceston, 7250	ALP	1993
Calvert, P.H.	3 Brooke Street, Hobart, 7000	Liberal	1990
Coates, J.	16 Victoria Street, Hobart, 7000	ALP	1993
Devereux, J.R.	14 Rosny Hill Road, Rosny, 7018	ALP	1990
Devlin, R.	49 Cattley Street, Burnie, 7320	ALP	1990
Harradine, R. W. B.	Marine Board Building, 1 Franklin Wharf, Hobart, 7000	Independent	1993
Newman, J.	11 Elphin Road, Launceston, 7250	Liberal	1990
Sanders, N. K.	18 Gregory Street, Sandy Bay, 7005	Australian Democrats	1990
Tate, M. C.	Marine Board Building, 1 Franklin Wharf, Hobart, 7000	ALP	1993
Walters, M. S.	Marine Board Building, 1 Franklin Wharf, Hobart, 7000	Liberal	1993
Watson, J. O. W.	42 St John Street, Launceston, 7250	Liberal	1990

3.3 TASMANIAN MEMBERS OF THE HOUSE OF REPRESENTATIVES

<i>Member</i>	<i>Office address</i>	<i>Party affiliation</i>	<i>Electorate</i>
Burr, M.	Cnr Brisbane and George Streets, Launceston, 7250	Liberal	Lyons
Goodluck, B.	Marine Board Building, 1 Franklin Wharf, Hobart 7000	Liberal	Franklin
Kerr, D.	115 Collins Street, Hobart, 7000	ALP	Denison
Miles, C.	TGIO Building, 75 Wilson Street, Burnie 7320	Liberal	Braddon
Smith, W.	CML Building, 65 Brisbane Street, Launceston 7250	Liberal	Bass

1987 Double Dissolution Election

On 27 May 1987 the Prime Minister announced an election for the House of Representatives and the Senate for 11 July. The double dissolution election was based on the Australia Card Bill which had been first rejected by the Senate in December 1986.

When nominations closed on 19 June, candidates from the Australian Democrats, Australian Labor Party and the Liberal Party of Australia were contesting the five House of Representatives seats. Contesting the 12 Senate vacancies were 17 candidates from the three political parties, including John Devereux who had been rejected by the Tasmanian Parliament as the Labor party's nomination to replace Dr Grimes, and four independents including Senator Brian Harradine.

The election gave the Australian Labor Party its first House of Representatives win in Tasmania when Mr Duncan Kerr defeated Mr Michael Hodgman in Denison, since it lost all five seats in 1975.

In the Senate the ALP and the Liberal Party each won five seats, the Democrats won one seat and the other seat went to Senator Brian Harradine.

3.4 1987 HOUSE OF REPRESENTATIVES ELECTION RESULTS, TASMANIA

<i>Candidate</i>	<i>Party</i>	<i>Primary votes</i>
Bass —		
Smith, Warwick	Liberal	28 149
Taylor, Richard	Labor	23 311
Preece, Michael L.	Democrats	2 910
Informal		3 281
Braddon —		
Miles, Chris	Liberal	32 108
Currie, David	Labor	23 307
Informal		2 173
Denison —		
Bell, Robert	Democrats	4 054
Kerr, Duncan	Labor	26 732
Hodgman, Michael	Liberal	24 590
Informal		2 540
Franklin —		
Harmsen, Patsy	Democrats	5 171
Goodluck, Bruce	Liberal	27 725
Sherry, Nick	Labor	22 292
Informal		2 619
Lyons —		
Holloway, Liz	Democrats	4 236
Burr, Max	Liberal	27 645
Adams, Dick	Labor	22 435
Informal		3 684

3.5 1987 SENATE ELECTION RESULTS, TASMANIA

<i>Party/Candidate</i>	<i>Primary vote</i>	<i>Group quotas (a)</i>
Harradine, Brian	36 784	
Sacco, Colin	253	
Total	37 037	1.71
Liberal		
Archer, Brian	90 541	
Walters, Shirley	3 890	
Watson, John	2 552	
Newman, Jocelyn	5 192	
Calvert, Paul	3 638	
Smith, Vince	1 341	
Aldridge, Peter	885	
Total	108 039	5.03
Labor		
Tate, Michael	100 706	
Coates, John	4 454	
Aulich, Terry	2 485	
Devlin, Ray	952	
Devereux, John	3 739	
Cooper, Janet	890	
Green, John	412	
Total	113 638	5.29
Democrats		
Sanders, Norm	18 175	
Goldie, Nick	372	
MacGregor, Isla	294	
Total	18 841	0.87
Ungrouped		
Mansell, Michael	1 102	
Heathorn, Laurie	203	
Total	1 305	
Total valid votes	278 860	12.99

(a) Quota = 21 451 votes.

3.2 TASMANIAN GOVERNMENT

3.2.1 Historical Summary

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

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

1803–1825: The island was part of the colony of New South Wales and its lieutenant-governors and commandants were subordinate to the Governor in Sydney.

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

1851–1856: The passage of the *Australian Constitution Act* 1850 by the Parliament in London was followed by the establishment of a new Legislative Council in which 16 members were elected and eight were nominees of the Lieutenant-Governor. The newly constituted Council first sat on 1 January 1852.

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

1901: The Tasmanian Constitution was limited by the establishment of the Commonwealth Constitution. In effect, the Parliament of Tasmania may make laws operative within the State upon all matters not within the exclusive power of the Australian Parliament but, on those matters for which the Australian Government may also legislate, the Tasmanian law may be superseded by the passing of an act by the Commonwealth Parliament.

Tasmania's legislature consists of the Queen, represented by the Governor, and two houses of parliament, the Legislative Council (upper house) and the House of Assembly (lower house).

3.2.2 The Governor

The Governor of Tasmania is the representative of the Sovereign in the State and exercises the powers of the Crown in State matters. The Queen appoints the Governor on the advice of the Premier, generally for a five-year term. Powers and duties of the Governor are similar to those of the Governor-General.

On all official State occasions, he performs the ceremonial functions as the representative of the Queen. The Governor summons and prorogues parliament; in special circumstances he may dissolve it after considering the advice of his Premier. Bills which have passed all stages in parliament are submitted to the Governor for his assent although there are some subjects which are specifically reserved for the Royal Assent (e.g. a Bill granting land or money to the Governor). He opens each session of parliament by outlining the legislative program of the government, but takes no other part in the sittings of either house.

His executive powers include the appointment of ministers of the Crown, judges and other important State officers but not those whose appointments may be made by certain statutory corporations. By appointing ministers of the Crown, the Governor creates the Executive Council of the day and he is required by his instructions to be guided by the advice of this body. Should he feel it necessary to act against the advice of the Executive Council, he may do so, but the reasons for such action must be immediately reported to the Queen.

If the Governor is to be absent for a period in excess of one month, the Chief Justice acts as Administrator. Tasmania's present Governor is H.E. General Sir Phillip Bennett, AC KBE DSO who was sworn in as Tasmania's 30th Governor



General Sir Phillip Harvey Bennett

3.6 SUCCESSION OF GOVERNORS, ACTING GOVERNORS, ADMINISTRATORS, ETC. FROM 1924

Name	Designation	Term of office	
		From	To
Sir James O'Grady, KCMG	Governor	23.12.24	23.12.30
Sir Herbert Nicholls, KCMG	Lieutenant-Governor	23.12.30	4. 8.33
Sir Ernest Clark, KCMG, KCB, CBE	Governor	4. 8.33	4. 8.45
Sir John Morris, KT	Administrator	4. 8.45	24.12.45
Admiral Sir Hugh Binney, KCB, KCMG, DSO	Governor	24.12.45	8. 5.51
Sir John Morris, KCMG	Administrator	8. 5.51	22. 8.51
Rt. Hon. Sir Ronald Cross, Bart, KCMG, KCVO	Governor	22. 8.51	4. 6.58
Hon. Sir Stanley Burbury, KBE	Administrator	4. 6.58	21.10.59
Rt. Hon. Lord Rowallan, KT, KBE, MC	Governor	21.10.59	25. 3.63
Hon. Sir Stanley Burbury, KBE	Administrator	25. 3.63	24. 9.63
Lt-General Sir Charles Gairdner, KCMG, KCVO, KBE, CB	Governor	24. 9.63	11. 7.68
Hon. Sir Stanley Burbury, KBE	Administrator	11. 7.68	2.12.68
Lt-General Sir Edrick Bastyan, KCMG, KCVO, KBE, CB	Governor	2.12.68	30.11.73
Hon. Mr Justice Green	Administrator	30.11.73	5.12.73
Hon. Sir Stanley Burbury, KCVO, KBE	Governor	5.12.73	30. 9.82
Hon. Sir Guy Green, KBE	Lieutenant-Governor	1. 4.82	30. 9.82
Sir James Plimsoll, AC, CBE	Governor	1.10.82	8.5.87
Hon. Sir Guy Green, KBE	Lieutenant-Governor	9.5.87	18.10.87
General Sir Phillip Bennett, AC KBE DSO	Governor	19.10.87	

on 19 October 1987. He was born in Perth, Western Australia, on 27 December 1928 and started his military career at the Royal Military College Duntroon. On 13 April 1984 he was promoted to General and appointed Chief of the Defence Force. He was awarded the Distinguished Service Order for service in Vietnam in 1968-69 and is a companion of the Order of Australia and Knight Commander of the Order of the British Empire.

General Bennett replaced the former diplomat, Sir James Plimsoll, who died suddenly on 8 May 1987.

3.2.3 The Cabinet and Executive Government

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

The Cabinet system operates chiefly by means of constitutional conventions, customs or understandings, and through institutions that do not form part of the legal structure of government. In law, the executive power of the State is exercised by the Governor who is advised by the Executive Council which he himself has appointed.

Premiers

The present Premier of Tasmania is The Honourable Robin Trevor Gray who, as leader of the Liberal Party, assumed office following the Liberal Party gaining a majority in the 1982 election.

3.7 PREMIERS FROM 1939

Name of Premier	Term of office	
	From	To
A.G. Ogilvie (a)	22. 6.34	10. 6.39
E. Dwyer-Gray	11. 6.39	18.12.39
R. Cosgrove	18.12.39	18.12.47
E. Brooker	18.12.47	25. 2.48
R. Cosgrove	25. 2.48	26. 8.58
E.E. Reece	26. 8.58	26. 5.69
W.A. Bethune	26. 5.69	3. 5.72
E.E. Reece	3. 5.72	31. 3.75
W.A. Neilson	31. 3.75	1.12.77
D.A. Lowe	1.12.77	11.11.81
H.N. Holgate	11.11.81	26. 5.82
R.T. Gray	26. 5.82	

(a) Tasmania had an unbroken succession of Labor premiers, starting with the Ogilvie Ministry (1934) until the electoral defeat of the Reece government on 26 May 1969.

3.2.4 The House of Assembly

The Tasmanian Lower House comprises 35 members elected for a term of four years from five seven-member electorates.

3.8 MEMBERS OF THE HOUSE OF ASSEMBLY AS AT OCTOBER 1987

<i>Electoral division</i>	<i>Member's name</i>	<i>Party affiliation</i>
Bass	Beswick, The Hon. R.J.	Liberal
	Holgate, The Hon. H.N.	ALP
	James, G.H.	ALP
	Madill, F.L.	Liberal
	Patmore, P.J.	ALP
	Rae, The Hon. P.E.	Liberal
Braddon	Robson, N.M.	Liberal
	Bonde, W.B.	Liberal
	Cornish, The Hon. R.	Liberal
	Field, M.W.	ALP
	Groom, The Hon. F.R.	Liberal
	Peart, G.J.	ALP
Denison	Rundle, A.M.	Liberal
	Weldon, M.W.	ALP
	Barker, J.S.	Liberal
	Batt, The Hon. N.L.C.	ALP
	Bennett, The Hon. J.M.	Liberal
	Brown, R.J.	Ind.
Franklin	Groom, The Hon. R.J.	Liberal
	Jackson, J.L.	ALP
	White, J.C.	ALP
	Bates, G.M.	Ind.
	Beattie, J.M.	Liberal
	Bladel, F.M.	ALP
Lyons	Evers, The Hon. N.C.K.	Liberal
	Hodgman, The Hon. P.C.L.	Liberal
	Pearsall, The Hon. G.A.	Liberal
	Wriedt, The Hon. K.S.	ALP
	Batt, C.L.	ALP
	Braid, The Hon. I.M.	Liberal
Lyons	Gray, The Hon. R.T.	Liberal
	Llewellyn, D.E.	ALP
	Mainwaring, R.G.	Liberal
	Page, G.R.	Liberal
	Polley, M.R.	ALP

Officers of the House of Assembly

Speaker — The Hon. R. Cornish
 Chairman of Committees — Mr J. Beattie
 Clerk — Mr P. McKay
 Clerk Assistant and
 Sergeant-at-Arms — Mr P. Alcock

Electoral System

Tasmania uses proportional representation known as the Hare-Clark system in elections for the Assembly.

- Party groups are identified on ballot papers.
- Candidates' positions within groups are rotated so that in 'preferred' positions all candidates appear on the same number of ballot papers.

- A valid vote must show at least seven preferences.
- To secure election, candidates must secure a quota — the total first preference votes divided by eight, plus one vote.
- On polling day, no media advertising and no soliciting of votes near the polling booth is permitted.
- The constituencies are the same five divisions used for House of Representatives elections.

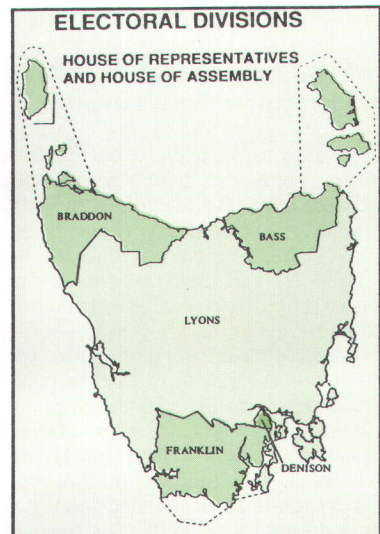
1986 Election

Months of speculation about an early election ended when the Premier nominated February 8 as polling day, four months ahead of the due date; a total of 86 candidates nominated.

The result was a widely-predicted win for the Liberal Party, gaining 53.9 per cent of the state-wide vote, an increase of five per cent over their 1982 vote. For the Labor Party there were few signs of encouragement; electoral support slipped to just 35.4 per cent.

3.9 PARTY DISTRIBUTION OF VOTES IN ELECTORATES (%)

<i>Electorate</i>	<i>Australian Labor Party</i>	<i>Australian Democrats</i>	<i>Liberal Party</i>	<i>Other</i>
Bass	38.0	6.2	55.8	—
Braddon	34.2	3.4	60.4	1.9
Denison	31.3	—	43.4	25.4
Franklin	36.5	—	51.5	12.0
Lyons	37.2	—	59.2	3.4
Statewide	35.4	1.9	53.9	8.7



Resignation and Recount

Former Minister, Mr Geoff Davis resigned from parliament in September 1987, two months after resigning from the Liberal Party over the Government's decision to base the chief executive of the proposed Tasmania Bank in Launceston. Mr Davis was elected to parliament in 1982 when the Liberal Party won government and became a Minister when Mr Max Bingham left parliament to join the National Crime Commission in 1984.

The vacancy was filled by Mr John Barker following a recount of Mr Davis' original votes. Mr Barker was formerly a government liaison officer.

3.2.5 The Legislative Council

The Legislative Council has the tradition of being a non-party house; in 1985 the composition of the house was 18 Independents and one Labor Party representative. The leader for the Government in the Legislative Council therefore cannot rely upon a vote taken on party lines to ensure the passage of any government bill. Contrary to the House of Assembly where parties usually dominate to ensure the passage of Government legislation, no such certainty exists with legislation through the Council. As a result it is not unusual for legislation to be amended or even rejected. Where conflict occurs between the two Houses, 'managers' are appointed from each House to meet and attempt to resolve the dispute. Occasionally, even such 'Managers Conferences' fail to resolve the differences.

Following conflict between the two Houses of Parliament over a money bill during 1924 and 1925, the *Constitutional Amendment Act 1926* was passed. This Act defined the relations between the two Houses especially with regard to the passing of money bills.

- The Legislative Council retains the right to reject any bill, including a money bill.
- The Council is specifically prevented from amending bills to raise revenue for the ordinary annual services of the Government and bills imposing land and income tax.
- It can suggest to the House of Assembly that amendments be made but the adoption or rejection of such amendments is at the discretion of the Assembly.

Apart from the above specific exception, the Council retains the right to amend money bills, e.g. those dealing with loan funds or probate. The House of Assembly is given the sole right to initiate bills for the raising of revenue and the imposition of taxes. Finally, the powers of the two houses are declared equal in all matters except for these specific exceptions.

Legislative Council Elections

Each member, when elected, holds office for six years and Council elections are held every year to elect three members; every sixth year four members are elected.

As for the Assembly, candidates' names are rotated on the ballot papers. To secure election, a candidate must obtain 50 per cent of the valid votes plus one, including preferences. A valid vote must show at least three preferences.

3.10 MEMBERS OF THE LEGISLATIVE COUNCIL, DECEMBER 1987

Electoral division	Member's name	Year of retirement
Buckingham	Lowe, The Hon. D.A.	1992
Cornwall	McKendrick, The Hon. R.L.	1990
Derwent	Batt, The Hon. C.L. (a)	1991
Gordon	Broadby, The Hon. A.J.	1988
Hobart	Petrusma, The Hon. H.	1988
Huon	Meyer, The Hon. A.Y.	1990
Launceston	Wing, The Hon. D.G.	1988
Macquarie	Shaw, The Hon. G.A.	1992
Meander	Hope, The Hon. R.T.	1991
Mersey	Braid, The Hon. H.W.	1990
Monmouth	Wilson, The Hon. S.J.	1993
Newdegate	Ginn, The Hon. R.W.	1993
Pembroke	McKay, The Hon. P.C. (b)	1989
Queenborough	Stopp, The Hon. E.J.	1989
Russell	Fletcher, The Hon. A.W. (c)	1993
South Esk	Archer, The Hon. R.C.	1992
Tamar	Coates, The Hon. J.A.	1989
West Devon	Hiscutt, The Hon. H.J.	1989
Westmorland	Chellis, The Hon. D.O.	1991

(a) Endorsed by the Australian Labor Party; all other members are Independents.

(b) Deputy Leader for the Government.

(c) Leader for the Government.

Officers of the Legislative Council

President — The Hon. A.J. Broadby

Chairman of Committees —

The Hon. R.T. Hope

Deputy Chairman of Committees —

The Hon. G.A. Shaw

Second Deputy Chairman of Committees —

The Hon. S.J. Wilson

Clerk — Mr. A. Shaw

Clerk Assistant and Usher of the Black Rod —

Mr. R.J.S. McKenzie.

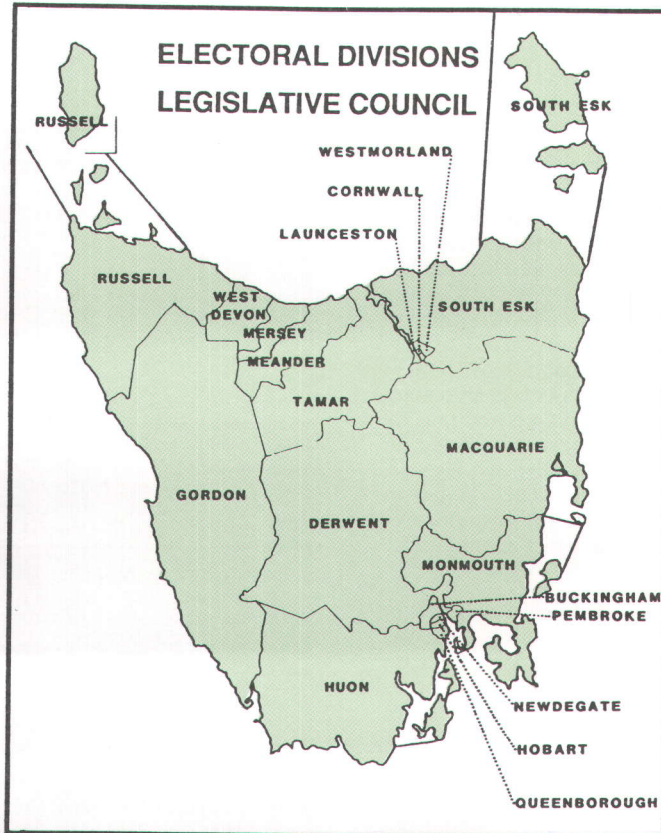
In 1986 by-elections were held for Huon and Newdegate. Huon became vacant following the retirement of Mr Peter Hodgman to contest the 1986 House of Assembly elections. From 15 candidates, Mr Athol Meyer won the seat after the distribution of preferences.

In Newdegate, The Hon. B.K. Miller retired after a long political career including a number of years as a Minister in Labor governments. Nine candidates contested the election which was won on preferences by Mr Ross Ginn.

Rotational elections were held for Buckingham, Macquarie and South Esk in 1986 and Monmouth, Newdegate and Russell in 1987. In Russell The Hon. A.W. Fletcher was returned unopposed and sitting members Shaw, Archer and Wilson were returned in Macquarie, South Esk and Monmouth. In Buckingham, however, Mr Ken Lowrie, Government Leader in the Council, was defeated by Mr Doug Lowe, a former Labor Premier and Independent in the House of Assembly.

3.2.6 Departments

The system of responsible government in Tasmania requires that the executive power of the State shall be exercised by the Cabinet; in exercising this power, the ministers of the Cabinet are held responsible for the actions and administration of government departments and other governmental authorities which have been created to put into practice the laws made by parliament, to give effect to the decisions of the ministry, and to advise the ministry on matters of policy.



Ministers, Portfolios and Responsibilities as at 31 December 1987

Premier, Treasurer, Minister for State Development and Small Business and Minister for Energy

**The Hon.
R.T. Gray**

Department of the Premier and Cabinet
Audit Department
The Ombudsman

Treasury Department
Hydro-Electric Commission
Tasmanian Development Authority

*Deputy Premier, Minister for Tourism, Minister for Licensing, Minister for Police and Emergency Services,
Minister for Road Safety and Minister for Gaming*

**The Hon.
G.A. Pearsall**

Department of Tourism
Licensing Board
Police Department
State Emergency Service

Tasmanian Fire Service
Electoral Department
Gaming Commission
Road Safety

Ministers, Portfolios and Responsibilities as at 31 December 1987 — continued*Attorney-General, Minister for Lands, Parks and Wildlife and Minister for Sport and Recreation*

The Hon. J.M. Bennett	Law Department Public Trust Office Supreme Court and Sheriff's Department	Department of Lands, parks and Wildlife Department of Sport and Recreation Motor Accidents Insurance Board
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*Minister for Employment and Training, Minister for Housing, Minister for Labour and Industry and
Minister for Consumer Affairs*

The Hon. R.J. Beswick	Training Authority of Tasmania T.E.P. Tasmanian Training and Employment Programme C.E.P.	Housing Department Department of Labour and Industry Consumer Affairs Council Bicentenary
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Minister for Main Roads, Minister for Local Government, Minister for Water Resources and Minister for Racing

The Hon. I.M. Braid	Department of Main Roads Local Government Office Town and Country Planning Commission	Rivers and Water Supply Commission Hobart Regional Water Board North-West Regional Water Authority Racing
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Minister for Public Administration, Minister for Primary Industry and Minister for Transport

The Hon. N.C.K. Evers	Department of Public Administration Office of the Commissioner for Public Employment Office of the Commissioner for Review Department of Agriculture Transport Department	Metropolitan Transport Trust Dairy Industry Authority Egg Marketing Board Tasmanian Grain Elevators Board Tasmanian Herd Improvement Organisation
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Minister for Health, Minister for Community Welfare and the Elderly

The Hon. F.R. Groom	Department of Health Services Mental Health Services Commission Department for Community Welfare	Disabled Persons Services Tasmanian Ambulance Service
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*Minister for Forests, Minister for Mines, Minister for Sea Fisheries, Minister for Multicultural Affairs
and Minister Assisting the Premier*

The Hon. R.J. Groom	Forestry Commission Mines Department	Department of Sea Fisheries
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*Minister for Construction, Minister for Administrative Services, Minister for the Environment
and Minister for Inland Fisheries*

The Hon. P.C.L. Hodgman	Department of Construction Government Printing Office Supply and Tender Department Royal Botanical Gardens	Department of the Environment Inland Fisheries Commission Tasmanian Government Insurance Office
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*Minister for Education and the Arts, Minister for Industrial Relations, Minister for Deregulation
and Minister for Technology*

The Hon. P.E. Rae	Education Department Tasmanian State Institute of Technology University of Tasmania State Library Tasmanian Arts Advisory Board Tasmanian Museum and Art Gallery	Queen Victoria Museum and Art Gallery Tasmanian Industrial Commission Office of Industrial Relations Deregulation Advisory Board
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3.3 ACTS OF STATE PARLIAMENT

Summary of State Acts, 1986

<i>Act no.</i>	<i>Short title (a)</i>	<i>Summary</i>
1	Parliamentary Superannuation	Commutation of existing pensioners' entitlements.
2	Valuers Registration	Offences in practice of valuation and false implication of a person being a valuer.
3	War Terms	Amended definition of 'prohibited word'.
4	Motor Accents (Liabilities and Compensation)	Premiums for compulsory cover.
5	Tasmanian Pensioners Union (Articles of Association)	Quorum for a general meeting and related matters.
6	Alcohol and Drug Dependency	Made amendments in relation to powers of courts, failure to comply with conditions and treatment orders and leave of absence. Inserted new section 31A.
7	Podiatrists Registration	Relates to registration, withdrawal from and restoration to register, notification of removal, subsidiary disciplinary powers and use of anaesthetics.
8	Medical	Unregistered persons prohibited from using a medical title.
9	Poisons	Limits application of certain provisions and deals with sale and supply of narcotic substances, prohibited plants and substances.
10	Traffic (Common Expiry Dates)	Amended regulations and consequential amendments.
11	Co-operative Housing Societies	Amended regulations and constructed conditions to be imposed.
12	Petroleum Products Subsidy	Relates to the preservation, stocktaking and inspection of accounts and the time for bringing proceedings for offences.
13	Racing and Gaming	Amount of tax payable by a holder of soccer football pools licence and refunds by the Treasurer.
14	Miners' Pensions	Interpretation and application of the Act, qualification for lump sum benefits and alternative retiring age for managers and colliery engineers.
15	Tasmanian Government Insurance	Amended sections 9 and 10 of the Principal Act relating to the General Manager, Deputy General Manager and section 28 involving the investment of surplus money.
16	Daylight Saving	Allowed for the amendment of dates for the operation of the annual daylight saving period.
17	Theatre Royal Management	Established a board to manage the Theatre Royal and to present and promote the performing arts.
18	National Parks and Wildlife	Provided for the prohibition on introduction of certain animals.
19	Door to Door Trading	Revised law relating to door to door trading and repealed <i>Door to Door Sales Act 1967</i> .
20	Workers (Occupational Diseases) Relief Fund	Remuneration of members contributions to the fund and initial medical examinations.
21	Education	Supply of equipment to new government schools.
22	Loan Fund Appropriation (No. 2)	Authorised the issue and application of further money from the Loan Fund for the service of the year ending on 30 June 1986.
23	Mining	Conditions of licences, new sections dealing with geothermal substances licences and interpretation, and matters relating to exploration licences.
24	Soft Fruit Industry (Repeal)	Repealed <i>Soft Fruit Industry Act 1972</i> and provided for matters consequential upon the dissolution of the Soft Fruit Industry Board.
25	Primary Producers' Relief	Terms and conditions of loans applicable under the Act.
26	Loan Fund Supply 1986-1987	Applied out of the Loan Fund a sum for the service of the year.
27	Consolidated Revenue Fund Supply 1986-1987	Applied out of Consolidated Revenue a sum for the service of the year.

Summary of State Acts, 1986 *continued*

<i>Act no.</i>	<i>Short title (a)</i>	<i>Summary</i>
28	Local Government (Municipality of Lyell)	Constitution of the municipal district of Lyell by the amalgamation of the municipal districts of the municipalities of Queenstown and Gormanston and part of Zeehan.
29	Child Protection	Relates to the Board, community education, assessment centres, places of safety, information as to the maltreatment of children, child protection order, duties of authorities and medical practitioners. Inserts provisions relating to secrecy, presumptions, obstruction and children's courts.
30	Local Government	Power to dispose of corporate land, investment, application and payments of municipal funds, buildings on narrow streets, cessation of term of annual office reports on nuisance and pollution. Interpretation and power to withhold certain information.
31	Racing and Gaming (No. 2)	Interpretations, conditions of registration, appointment of stipendiary stewards, duties of bookmakers and provisions for disposal of unclaimed winnings. Repealed sections involving the fund for the relief of jockeys and their dependents.
32	Racing	Membership of the Directorate, its employees, the Tasmanian Thoroughbred Racing Council, the constitution and membership of the Directorate, the Council, the Tasmanian Greyhound Racing Board and the Racing Appeal Board and the dissolution of the Racing Board.
33	Biological Control	Biological control of pests in Tasmania and for related purposes.
34	Evidence	Evidence in criminal proceedings.
35	Traffic	Allowed for the amendment of section 3 relating to ride-on lawn mowers.
36	Vermin Destruction	Amendments to interpretation, powers of inspectors, duties of occupiers, appeals, keeping of vermin, carrying of vermin and the prohibition of introduction of rabbits into islands of Bass Strait. Inserted new sections 21A-N, covering matters relating to permits. Repealed section 7 and increased penalties for offences.
37	Parliamentary Salaries and Allowances	Salaries that are payable to Members as determined by the Auditor-General.
38	Hydro-Electric Commission (Power Development Amendment)	Provided for the location and expense involved with the construction of the Anthony River Power Scheme.
39	Tasmanian Development	Annual reports and powers of the Governor.
40	Supreme Court Civil Procedure	Amended section 13 of the Principal Act.
41	Tasmanian State Service	Amended the Principal Act in relation to the procedures of appeal and the Commissioner for Review.
42	Crown Advocate	Reconstituted Crown Advocate as the Director of Public Prosecutions and consequential amendments.
43	Solicitor-General	In relation to employees and the provision of, as necessary for the purpose of assisting the Solicitor-General in the performance of his functions.
44	Jury	Criminal issues, trial by jury, mode of impanelling jury and challenges in criminal cases.
45	Justices	Mode of taking evidence, reciprocal enforcement of fines against bodies corporate and the recording of depositions and proceedings.
46	Libraries	Contributions payable by corporations of municipalities.
47	Marine	Amended the methods of election, general duties of boards, general powers and application of revenues. Also dealt with alteration of name of board, master warden and Chairman, Marine Board of Burnie and disclosure of interests.
48	Burnie Marine Board Loan	Allowed Board to borrow \$30 000 000.
49	Devonport Marine Board Loan	Related to borrowing powers of the Board.
50	Northern Casino	Inserted section relating to authorised machines.

Summary of State Acts, 1986 *continued*

<i>Act no.</i>	<i>Short title (a)</i>	<i>Summary</i>
51	Wrest Point Casino Licence and Development	Allowed for the amendment of the casino licence, new games, finance, powers of police officers, and the principal agreement.
52	Transport	Made amendments in relation to power of the Commission, bank accounts; funds of the Commission overdrafts, Transport Commission Depreciation Fund and accounts.
53	Cancer Services	Treatment of cancer in Tasmania.
54	Consolidated Fund (Miscellaneous Amendments)	Amended <i>Audit Act 1918</i> , <i>Acts Interpretation Act 1931</i> and the <i>Constitution Act 1934</i> consequential upon the enactment of the <i>Public Account Act 1986</i> . Repealed <i>Consolidated Revenue Fund Act 1873</i> .
55	Emergency Services	Provided for the declaration of a state of disaster or state of alert.
56	Public Account	Repealed <i>Public Account Act 1957</i> , Made provisos for the Public Account, its investment, the establishment and administration of a Consolidated Fund, the establishment of a Special Deposits Trust Fund and powers of the Treasurer.
57	Development Control	Provided State Government with power to control and regulate certain developments and in particular; matters relating to environmental impact statements and silicon development.
58	Local Government (Rates and Charges Remission)	Amended the amount of financial assistance to municipalities in respect of remissions. Validated certain payments made by the Treasurer to municipalities.
59	Workers' Compensation	Amended the <i>Workers' Compensation Act 1927</i> in respect of alternative remedies and inserted new section 10 allowing for application to bring on actions.
60	Fire Service	Functions and powers of the Commission, auxiliary fire brigade, fire hazards, fixing of rate of levy, Hobart special fire area, personnel required to pay fire levy, exemptions, pensioner rebates, charges for services at fires, evidence and liability of the Commission.
61	Petroleum Products Business Franchise Licences	Licence fees.
62	Transport (No. 2)	The Transport Research Facilities Trust Fund.
63	Land Tax	Set scales for the payment of land tax from 1 July 1986.
64	Licensing	Fees for licences, club licences, off licences and special wine producers' licences.
65	Roads and Jetties	Amendments relating to State Highways Trust Fund.
66	Electricity Consumption Levy	Imposed levy on the consumption of electricity by certain high-volume consumers.
67	Stamp Duties	Allowed or further provided for payment of duty by return, late stamping of instruments, monthly returns, payment credit and transactions through licensed credit card providers, special provisions relating to all exempt accounts, scales of rates and duties, exempted instruments, and rules for calculation.
68	Financial Institutions Duty	Imposed duty on financial receipts, provided for assessment and collection of the duty.
69	Forestry	Qualification to become Chief Commissioner for Forests and Assistant Commissioners.
70	Mental Health Services	Payments to members of boards.
71	Motor Vehicles Securities	Second hand dealers and security interests.
72	Employment Incentive Assistance	Empowered Minister to make grants, provisions of grants, agreements regarding grants.
73	Local Government Amendment (Development and Building)	Transitional provision and revival of certain appeals.
74	Temporary Reduction of Salaries	Provided for the temporary reduction of remuneration to Members of Parliament, Judges and Government employees.

Summary of State Acts, 1986 *continued*

<i>Act no.</i>	<i>Short title (a)</i>	<i>Summary</i>
75	Anzac Memorial Hostel	Introduced new section 4 into the Principal Act in relation to the power of trustees to sell the Anzac Memorial Hostel.
76	Fisheries	Penalties and validated certain regulations.
77	Criminal Code (Bail)	Procedure on application for bail.
78	Marine (No. 2)	Retirement of wardens.
79	Blood Transfusion (Limitation of liability)	Limits liability for transmission of AIDS through transfusion of blood and blood products.
80	Long Service Leave	Periods for which mining employees and other employees are entitled to long service leave.
81	Long Service Leave (Casual Wharf Employees)	Long service leave entitlements.
82	Long Service Leave (Construction Industry)	Payments and contributions.
83	Hydro-Electric Commission (Piemans River Power Development)	Expenses associated with the construction of the works.
84	Police Regulation	Protection from liability for police officers.
85	Consolidated Fund Appropriation 1986-1987	Provided for the issue and application out of the Consolidated Fund a sum for the service of the financial year ending on 30th June 1987.
86	Criminal Code	Hearing by a Judge of any complaint of a simple offence.
87	Mines Inspection	Employees' safety representatives.
88	Australian Citizenship (Miscellaneous Amendment)	Amends acts replacing the status of British subject with Australian citizen.
89	Appeal Costs Fund	Relates to additional fees, payments from the fund, indemnity certificates, abortive proceedings, new trials, taxation of costs, maximum amount payable from the fund.
90	Unauthorised Documents	Prohibited the printing, publication, sale, or distribution of unauthorised documents which convey the misleading impression of being authorised by a tribunal.
91	Commercial Arbitration	Repeal <i>Arbitration Act</i> 1892 and made provisions for arbitration in respect of certain disputes in this State.
92	Acts Interpretation	Powers to appoint and remove.
93	Criminal Proceedings (Civil Remedies)	Remedies available in connection with criminal proceedings to persons suffering loss, damage, or injury as a result of the Commission of certain crimes and other offences.
94	Prisoners (Interstate Transfer)	General amendments.
95	Crown Land (Miscellaneous Provisions)	Allowed for the part closure of the Bass Highway.
96	Pharmacy	Unprofessional conduct of pharmaceutical chemists and persons other than a registered pharmaceutical chemist being unable to hold an interest in pharmacies.
97	Hospitals	Agreements with medical services companies, staff representation on boards, and expenditure of money by boards.
98	Land Titles	Brought certain Crown Land under the control of the Principal Act, dealt with estate and interests of the said land and notification being given in the Registry of Deeds.
99	Associations Incorporation	Makes provisions for applications for incorporation.
100	Libraries (No. 2)	Amended the Principal Act in connection with annual reports, constitution and functions of the Advisory Board.
101	Crown Lands (Miscellaneous Provisions)	Altered the dedication of land at or near Davies Avenue, Queen's Domain, Hobart.
102	Stock	Amended sections relating to the mustering of stock, protected area orders, inspection and movement of stock, powers of inspectors, destruction orders, control of infected areas, compensation and licences.

Summary of State Acts, 1986 *continued*

Act no.	Short title (a)	Summary
103	Marine (Port of Devonport Authority)	Election of wardens and related matters.
104	Meat Hygiene	Amended sections in connection with the appointment, powers and obstruction of inspectors, the granting of certain applications, non-application to certain animals, and offences relating to the sale of certain pet foods.
105	Wynyard Airport (Special Provisions)	Made provision for the variation of agreement, municipal contributions, the advisory committee and miscellaneous amendments.
106	Marine (No. 3)	Rating powers, offences, voting districts and transitional provisions.
107	Chiropractors Registration	Repeals sections of Act, <i>Medical Amendment Act 1982</i> and <i>Physiotherapists' Registration Amendment Act 1982</i> .
108	Traffic (No. 2)	Altered the determination of the gross vehicle mass or gross combination mass.
109	Supplementary Appropriation 1985-1986	Made provision for or with respect to the appropriation of money out of the Loan Fund and from the Consolidated Revenue Fund for the financial year ended on 30 June 1986.
110	Shop Trading Hours	Certain shops prohibited from opening on certain occasions.
111	Stamp Duties	Duty paid on insurance policies transactions.
112	Fisheries	Relates to injury or damage to marine farms.
113	Industrial Relations	Comprehensive amendments to 1984 Principal Act.
114	Common Law (Miscellaneous Actions)	Abolished claims for the loss of consortium and for gratuitous services.
115	Justices (No. 2)	Provided for the care and custody of court records and the power to remand in certain cases.

3.4 LOCAL GOVERNMENT

As at 31 December 1987, local government in Tasmania is administered by the councils of 42 municipalities and the cities of Hobart, Launceston, Glenorchy and Devonport. Each council is responsible for the provision of many of the services necessary for the organisation and welfare of the community which it represents.

In Tasmania there are only two categories of local government, a municipality or a city. Before a municipality can petition to become a city, it must have had, for five years before the petition, an average population of not less than 20 000.

For any of a number of reasons, the Minister administering the *Local Government Act* may consider it necessary to recommend suspension of the elected councillors and the appointment of a commission, or in certain cases, an administrator to carry on municipal government in a particular municipality.

A councillor must be an elector of, and either reside or carry on business in, the municipality.

Councils may comprise six, nine, 12 or 15 councillors. The warden, deputy warden and treasurer are elected by the council members on an annual basis. The electors of Hobart elect the Lord Mayor and in Glenorchy and Devonport the electors elect the Mayor. However, the Mayor of Launceston is elected by Council members. The office of warden is comparable with that of the mayor of a city or the president of a shire in other States.

3.5 REFERENCES

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- Solomon, D., *Australia's Government and Parliament* 4th edition (Nelson, Melbourne, 1978).
- Townsley, W.A., *The Government of Tasmania* (University of Queensland Press, St Lucia, 1976).