

CHAPTER 3

GENERAL GOVERNMENT

Parliamentary government

Scheme of parliamentary government

Under section 1 of the Commonwealth of Australia Constitution the legislative power of the Commonwealth is vested in the Parliament of the Commonwealth, which consists of the Sovereign, the Senate, and the House of Representatives. The Sovereign is represented throughout the Commonwealth by the Governor-General who, subject to the Constitution of the Commonwealth, has such powers and functions as the Sovereign is pleased to assign to him. In each State there is a State Governor who is the representative of the Sovereign for the State. The Governor has such powers within the State as are conferred upon him by the Letters Patent constituting his office and he exercises these powers in accordance with instructions issued to him by the Sovereign, detailing the manner in which his duties are to be fulfilled.

The Legislature in each State was bicameral until 1922, when the Queensland Parliament became unicameral with the abolition of the Upper House. In Queensland the sole legislative chamber is known as the Legislative Assembly. The Upper House is known in the Commonwealth Parliament as the Senate, and in the bicameral State Parliaments as the Legislative Council. The Lower House is known in the Commonwealth Parliament as the House of Representatives, in the State Parliaments of New South Wales, Victoria and Western Australia as the Legislative Assembly, and in the State Parliaments of South Australia and Tasmania as the House of Assembly. The extent of the legislative powers of the Parliaments is defined by the Commonwealth and State Constitutions respectively. In those States that have a bicameral legislature the Legislative Assembly or House of Assembly is the larger House.

The members of the Legislative Assembly or House of Assembly, as the case may be, of each State are elected by the people, the franchise extending to British subjects who are at least 18 years of age with certain residential qualifications. With the exception of the New South Wales Legislative Council, the members of State Legislative Councils are, in common with members of the Lower Houses, elected by the people of the respective States. In New South Wales a quarter of the members of the Legislative Council retire each three years, and the continuing members of the Council and the members of the Legislative Assembly, voting as an electoral body, elect members to fill the vacant positions. In all other States possessing a Legislative Council, members of the Council are elected by adult suffrage. In the Commonwealth Parliament the qualifications for the franchise are identical for both Houses, extending to British subjects who have lived in Australia for six months continuously and who are not less than 18 years of age.

The Sovereign

On 7 February 1952 the Governor-General and members of the Federal Executive Council proclaimed Princess Elizabeth Queen Elizabeth the Second, Queen of this Realm and of all Her other Realms and Territories, Head of the Commonwealth, Defender of the Faith, Supreme Liege Lady in and over the Commonwealth of Australia. The coronation of Her Majesty in Westminster Abbey took place on 2 June 1953. By the *Royal Style and Titles Act* 1973, which Her Majesty assented to in Canberra on 19 October 1973, the Parliament of the Commonwealth assented to the adoption by Her Majesty, for use in relation to Australia and its Territories, of the Style and Titles set forth in the Schedule to the Act. On the same day, also in Canberra, Her Majesty issued a Proclamation, under the Great Seal of Australia, appointing and declaring that Her Majesty's Style and Titles should henceforth be, in relation to Australia and its Territories, 'Elizabeth the Second, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth'.

The Governor-General

Powers and functions. As the Queen's representative in Australia, the Governor-General exercises certain prerogative powers and functions assigned to him by the Queen. Other powers and functions are conferred on him by the Constitution. Powers which have been so assigned or conferred include, among others, the power to grant pardons and to remit fines for offences against the laws of the

Commonwealth; to appoint certain officers in the Diplomatic or Consular Service; to appoint times for holding the sessions of the Parliament, prorogue Parliament, and dissolve the House of Representatives; to cause writs to be issued for general elections of members of the House of Representatives; to assent in the Queen's name to a proposed law passed by both Houses of the Parliament or withhold assent, or to reserve the law for the Queen's pleasure, or to return the proposed law to the House in which it originated and transmit therewith any amendments which he may recommend; to exercise executive power; to choose and summon Executive Councillors, who hold office during his pleasure; and to appoint Ministers of State for the Commonwealth. In addition, the command-in-chief of the defence forces of the Commonwealth is vested in the Governor-General as the Queen's representative.

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

The present Governor-General is His Excellency Sir Zelman Cowen, A.K., G.C.M.G., K.St.J., Q.C. who has held office since 8 December 1977.

Holders of office. Year Book No. 61 and earlier Year Books list the Governors-General since the inception of the Commonwealth of Australia.

Administrators. In addition to the holders of the office of Governor-General listed above, certain persons have, from time to time, been appointed as Administrator. Administrators are appointed in the event of the death, illness, or absence from Australia of the Governor-General, or for the period between the departure of a Governor-General and the arrival of his successor. Persons who have been Administrators are listed in Year Book No. 61 and earlier Year Books.

Governors of the States

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

A Governor of a State assents in the Queen's name to Bills passed by the Parliament of the State, except those reserved for the Royal assent. The latter include certain classes of Bills which are regulated by the Constitution Acts and by the Governor's Instructions. He administers the prerogative of mercy by the reprieve or pardon of criminal offenders within his jurisdiction, and may remit fines and penalties due to the Crown. In the performance of his functions generally, particularly those conferred by Statute, the Governor of a State acts on the advice of Ministers of State for the State.

Holders of office. The names of the present (August 1977) State Governors are as follows:

STATE GOVERNORS, AUGUST 1977

New South Wales—SIR ARTHUR RODEN CUTLER, V.C., K.C.M.G., K.C.V.O., C.B.E., K.St.J.

Victoria—SIR HENRY ARTHUR WINNEKE, K.C.M.G., K.C.V.O., O.B.E., K.St.J., Q.C.

Queensland—COMMODORE SIR JAMES MAXWELL RAMSAY, C.B.E., D.S.C.

South Australia—SIR DOUGLAS NICHOLLS, K.C.V.O., O.B.E., K.St.J.*

Western Australia—AIR CHIEF MARSHAL SIR WALLACE HART KYLE, G.C.B., K.C.V.O., C.B.E., D.S.O., D.F.C., K.St.J.

Tasmania—SIR STANLEY CHARLES BURBURY, K.C.V.O., K.B.E., K.St.J.

The Cabinet and executive government

Both in the Commonwealth and the States, 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 (Her Majesty the Queen, and her representative the Governor-General or Governor) should perform governmental acts on the advice of her

* Mr Keith Seaman became Governor of South Australia on 1 September 1977.

Ministers; that her Ministers of State should be appointed from members of Parliament belonging to the party, or coalition of parties, commanding a majority in the lower House; that the Ministry should be collectively responsible to that House for the Government of the country; and that the Ministry should resign if it ceases to command a majority there.

The Cabinet system operates chiefly by means of constitutional conventions, customs, or understandings, and through institutions that do not form part of the legal structure of the government at all. The Commonwealth and State Constitutions make fuller legal provision for the Cabinet system than the British Constitution does—for example, by requiring that Ministers shall either be, or within a prescribed period become, members of the Legislature. In general, however, the legal structure of the executive government remains the same as it was before the establishment of the Cabinet system.

The executive power of the Commonwealth is exercisable by the Governor-General, and that of the States by the Governor. In each case he is advised by an Executive Council, which, however, meets only for certain formal purposes, as explained below. The whole policy of a Ministry is, in practice, determined by some or all of the Ministers of State, meeting without the Governor-General or Governor, under the chairmanship of the Prime Minister or Premier. This group of Ministers is known as the Cabinet.

The Cabinet. The Cabinet of the Liberal/National Country Party Coalition Government comprises the twelve senior Ministers. Other Ministers attend meetings of Cabinet only when required. Meetings of the full Ministry are held when deemed necessary. There are six Standing Committees of the Cabinet with varying numbers of Cabinet and non-Cabinet Ministers. In Labor Governments all Ministers have been members of Cabinet. Cabinet meetings are private and deliberative and records of meetings are not made public. The Cabinet does not form part of the legal mechanisms of Government; the decisions it takes have, in themselves, no legal effect. As Ministers are the leaders of the party or parties commanding a majority in the lower House, the Cabinet substantially controls, in ordinary circumstances, not only the general legislative program of Parliament, but the whole course of Parliamentary proceedings. In effect, though not in form, the Cabinet, by reason of the fact that all Ministers are members of the Executive Council, is also the dominant element in the executive government of the country.

The Executive Council. This body is usually presided over by the Governor-General or Governor, the members thereof holding office during his pleasure. All Ministers of State must be members of the Executive Council. In the case of the Commonwealth Government and also in the case of the States of Victoria and Tasmania, Ministers remain members of the Executive Council on leaving office, but are not summoned to attend its meetings, for it is an essential feature of the Cabinet system that attendance should be limited to the Ministers of the day. The Meetings of the Executive Council are formal and official in character, and a record of proceedings is kept by the Secretary or Clerk. At Executive Council meetings the decisions of the Cabinet are, where necessary, given legal form, appointments made, resignations accepted, proclamations issued, and regulations and the like approved.

The appointment of Ministers. Legally, Ministers hold office during the pleasure of the Governor-General or Governor. In practice, however, the discretion of the Queen's representative in the choice of Ministers is limited by the conventions on which the Cabinet system rests. When a Ministry resigns, the Crown's custom is to send for the leader of the party which commands, or is likely to be able to command, a majority in the Lower House, and to commission him, as Prime Minister or Premier, to 'form a Ministry'—that is, to nominate other persons to be appointed as Ministers of State and to serve as his colleagues in the Cabinet.

Ministers in Upper and Lower Houses. The following table shows the distribution of Ministers in the Houses of each Parliament in August 1977.

AUSTRALIAN PARLIAMENTS: MINISTERS IN UPPER OR LOWER HOUSES AUGUST 1977

Ministers with seats in—	Common- wealth	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	Total
The Upper House	6	1	6	(a)	3	3	1	20
The Lower House	20	17	12	18	9	10	9	95
Total	26	18	18	18	12	13	10	115

(a) Abolished in 1922.

Commonwealth Government Ministries

Names and tenure of office, 1901 to 1977. The following list shows the name of each Commonwealth Government Ministry to hold office since 1 January 1901 and the limits of its term of office.

COMMONWEALTH GOVERNMENT MINISTRIES, 1901 TO AUGUST 1977

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

Names of Members of each Ministry to 8 July 1976. In Year Book No. 17, 1924, the names are given of each Ministry up to the Bruce-Page Ministry (9 February 1923 to 22 October 1929), together with the names of the successive holders of portfolios therein. Issue No. 39 contains a list which covers the period between 9 February 1923, the date on which the Bruce-Page Ministry assumed power, and 31 July 1951, showing the names of all persons who held office in each Ministry during that period. The names of members of subsequent Ministries are listed in successive issues of the Year Book from No. 39 to No. 61 inclusive.

COMMONWEALTH AND STATE LEADERS OF THE GOVERNMENT, AUGUST 1977†

Commonwealth—The Hon. J. M. Fraser, M.P. (Vic.) (L.P.)
New South Wales—The Hon. N. K. Wran, Q.C., M.L.A. (A.L.P.)
Victoria—The Hon. R. J. Hamer, E.D., M.L.A. (L.P.)
Queensland—The Hon. J. Bjelke-Petersen, M.L.A. (N.P.)
South Australia—The Hon. D. A. Dunstan, Q.C., M.H.A. (A.L.P.)
Western Australia—The Hon. Sir Charles Court, O.B.E., M.L.A. (L.P.)
Tasmania—The Hon. W. A. Neilson, M.H.A. (A.L.P.)

COMMONWEALTH AND STATE LEADERS OF THE OPPOSITION, AUGUST 1977†

The Leader of the Opposition plays an important part in the Party system of government which operates in the Australian Parliaments. The following list gives the names of the holders of this position in each of the Parliaments in August 1977.

Commonwealth—The Hon. E. G. Whitlam, Q.C., M.P. (A.L.P.)
New South Wales—Sir Eric Willis, K.B.E., C.M.G., M.L.A. (L.P.)
Victoria—F. N. Wilkes, M.L.A. (A.L.P.)
Queensland—T. J. Burns, M.L.A. (A.L.P.)
South Australia—D. O. Tonkin, M.H.A. (L.P.)
Western Australia—The Hon. C. J. Jamieson, M.L.A. (A.L.P.)
Tasmania—The Hon. E. M. Bingham, Q.C., M.H.A. (L.P.)

Numbers and salaries of Commonwealth Government Ministers

Under Sections 65 and 66, respectively, of the Constitution of the Commonwealth of Australia the number of Ministers of State was not to exceed seven, and the annual sum payable for their salaries was not to exceed £12,000 (\$24,000), each provision to operate, however, 'until the Parliament otherwise provides'.

Subsequently the number and salaries have been increased from time to time, and at August 1977 the number of Ministers is twenty-six and ministerial salaries range from \$10,500 for a Minister not in Cabinet to \$28,250 for the Prime Minister. An additional ministerial allowance of \$13,200 a year is payable to the Prime Minister, \$6,600 a year to the Deputy Prime Minister, the Treasurer, the Leader of the Government in the House of Representatives and the Leader of the Government in the Senate, and \$5,500 a year to other Ministers.

All amounts payable in the foregoing paragraphs are in addition to amounts payable as Parliamentary allowances (*see* page 74).

Parliaments and elections

The Commonwealth Parliaments

The first Parliament of the Commonwealth of Australia was convened by proclamation dated 29 April 1901 by His Excellency the Marquis of Linlithgow, then Earl of Hopetoun, Governor-General. It was opened on 9 May 1901 by H.R.H. the Duke of Cornwall and York. The Rt Hon. Sir Edmund Barton, G.C.M.G., K.C., was Prime Minister.

The following table shows the number and duration of Parliaments since federation.

† Party affiliation is indicated by the use of the following abbreviations: A.L.P.—Australian Labor Party; N.P.—National Party; L.P.—Liberal Party of Australia; N.C.P.—National Country Party of Australia.

COMMONWEALTH PARLIAMENTS

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

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

There have been twenty-nine complete Parliaments since Federation. Until 1927 the Parliament met in Melbourne; it now meets in Canberra, the first meeting at Parliament House, Canberra, being opened by the Duke of York on 9 May 1927.

The twenty-ninth Parliament opened on 9 July 1974 and ended on 11 November 1975 when a dissolution of both the Senate and the House of Representatives was granted by the Governor-General under Section 57 of the Constitution. The date of elections for both Houses was fixed for 13 December 1975. Writs were issued by the Governor-General on 17 November 1975 for the House of Representatives elections in all States and Territories (except South Australia and Western Australia, for which States the writs were issued on 21 November 1975). State Governors issued writs for the Senate elections on the same dates as those issued for the House of Representatives elections in the respective States. On 17 November 1975 the Governor-General issued the writs for the Senate elections in the Australian Capital Territory and Northern Territory. For voting figures see page 71. For particulars of electors enrolled and of electors who voted in the several States and Territories at previous Commonwealth elections for Parliament see Year Book No. 60 and earlier issues.

A special article describing the Commonwealth Parliament, its functions and procedure, prepared by the Clerk of the Senate and the Clerk of the House of Representatives, appears in Year Book No. 49, pages 65-71.

Qualifications for membership and for franchise—Commonwealth Parliament

Qualifications necessary for membership of either House of the Commonwealth Parliament are possessed by any British subject, eighteen years of age or over and not disentitled on other grounds, who has resided in Australia for at least three years and who is, or is qualified to become, an elector of the Commonwealth Parliament. Qualifications for Commonwealth Parliament franchise are possessed by any British subject, not under eighteen years of age and not disentitled on other grounds, who has lived in Australia for six months continuously. Residence in a Subdivision for a period of one month prior to enrolment is necessary to enable a qualified person to enrol. Enrolment and voting are compulsory except that the compulsory enrolment provisions do not relate to an Aboriginal

native of Australia. A member of the Defence Force on service outside Australia who is not less than eighteen years of age, is a British subject and has lived in Australia for six months continuously is entitled to vote at Commonwealth Parliament elections even though he may not be enrolled.

The principal reasons for disqualification of persons otherwise eligible for election as members of either Commonwealth House are: membership of the other House, allegiance to a foreign power, being attainted of treason, being convicted and under sentence for any offence punishable by imprisonment for one year or longer, being an undischarged bankrupt or insolvent, holding an office of profit under the Crown (with certain exceptions), or having pecuniary interest in any agreement with the public service of the Commonwealth Government except as a member of an incorporated company of more than twenty-five persons. Persons of unsound mind, attainted of treason, convicted and under sentence for any offence punishable by imprisonment for one year or longer, or persons who are holders of temporary entry permits under the *Migration Act* 1958 or are prohibited immigrants under that Act are excluded from the franchise. In the main, these or similar grounds for disqualification apply also to State Parliament membership and franchise. Aborigines are entitled to enrol and to vote at both Commonwealth and State elections in all States.

Commonwealth Parliaments and elections

From the establishment of the Commonwealth of Australia until 1949 the Senate consisted of thirty-six members, six being returned by each of the original federating States. The Constitution empowers Parliament to increase or decrease the size of the Parliament, and, as the population of Australia had more than doubled since its inception, the Parliament passed the *Representation Act* 1948 which provided that there should be ten Senators from each State instead of six, thus increasing the total to sixty Senators, enlarging both Houses of Parliament and providing a representation ratio nearer to the proportion which existed at Federation.

The *Senate (Representation of Territories) Act* 1973 (No. 39 of 1974), assented to on 7 August 1974, made provision for two Senators to be elected from both the Northern Territory and the Australian Capital Territory at the same time as the next election of Senators for a State or a general election for the House of Representatives, whichever first occurred. Consequently, at the election on 13 December 1975, 2 Senators were elected from each Territory, and the number of Senators increased to 64.

In accordance with the Constitution the total number of members of the House of Representatives must be as nearly as practicable double that of the Senate. Consequently, in terms of the Constitution and the Representation Act, from the date of the 1949 elections the number of members in the House of Representatives was increased from 74 to 121 (excluding the members for the internal Territories). As the States are represented in the House of Representatives on a population basis, the numbers were increased as follows: New South Wales—from 28 to 47; Victoria—from 20 to 33, Queensland—from 10 to 18; South Australia—from 6 to 10; and Western Australia—from 5 to 8. Tasmania's representation remained at 5 (the Constitution provides for a minimum of 5 members for each Original State). The increase in the number of members of Parliament necessitated a redistribution of seats and a redetermination of electoral boundaries. Redistributions are carried out by Distribution Commissioners appointed for each State. The redistributions are effected on a quota basis, but taking into account community interests, means of communication, physical features, existing boundaries, and other factors. An additional provision was introduced in February 1977 whereby no division having an area greater than 5,000 square kilometres is to have a greater number of electors than any division having an area of less than 5,000 square kilometres.

The population as disclosed by the Census taken on 30 June 1954 necessitated a further alteration in representation in the House of Representatives in respect of New South Wales, South Australia, and Western Australia. Representation as from the general election for the House of Representatives on 10 December 1955 was: New South Wales 46, Victoria 33, Queensland 18, South Australia 11, Western Australia 9, Tasmania 5, the total number of members (excluding the members for the internal Territories) being increased from 121 to 122.

The population as disclosed by the Census taken on 30 June 1961 revealed that, under the provisions of the Representation Act, New South Wales, Queensland, and Western Australia would each lose one member in the House of Representatives, while Victoria would gain a member. The Distribution Commissioners' reports were duly laid before both Houses of Parliament, but the Government decided not to proceed with the proposals and announced that it would amend the Representation Act. In November 1964 the formula provided by Section 10 of the Representation Act for determining the number of members of the House of Representatives was amended so as to give a State an additional member for 'any portion of a quota'. Previously, an additional member could only be added to a State's representation if the remainder were 'greater than one-half of a quota'. The effect of that amendment would have been that at the next redistribution Victoria and South

Australia would each gain one member while all other States would retain their existing representation. However, no fresh redistribution was effected prior to the 1966 Census. Consequent upon the population changes disclosed by the Census taken on 30 June 1966, a redistribution of the State electoral division boundaries was carried out in 1968 and the following representation in the House of Representatives became effective as from the general election held on 25 October 1969; New South Wales 45, Victoria 34, Queensland 18, South Australia 12, Western Australia 9 and Tasmania 5, the total number of members (excluding the members for the internal Territories) being increased from 122 to 123.

The population as disclosed by the Census taken on 30 June 1971 revealed that, under the provisions of the Representation Act, Western Australia would gain an additional member of the House of Representatives as from the next general elections following a redistribution of the electoral boundaries in that State. Subsequently, Distribution Commissioners for that State were appointed, and published their final recommendations on 13 February 1974. These recommendations, redistributing Western Australia into ten electoral Divisions for the House of Representatives, were approved by Parliament in April 1974. The new electoral boundaries were proclaimed by the Governor-General on 19 April 1974.

A High Court judgement of 1 December 1975 indicated that the Representation Act failed to ensure that the determination of the number of Members of the House of Representatives to be chosen by the States in proportion to their populations would be effectively made in each triennial period. The decision of the Court was to the effect that—

Part III of the Commonwealth Electoral Act relating to the distribution of States into Electoral Divisions was not invalid; and

Sections 3, 4 and 12A of the Representation Act were invalid.

A further High Court judgement of 1 February 1977 decided that, although Section 10 of the Representation Act 1905 is valid, the amendment attempted to be made to that section by the Representation Act 1964 (see page 69) never became part of the section.

Legislation to give effect to these decisions was enacted on 28 February 1977 to ensure that, henceforth, the Chief Australian Electoral Officer will determine the representation entitlement of the several States during each Parliamentary triennium, based on the latest available statistics prepared by the Australian Statistician (rather than on census figures). Should the representation entitlement of any State change consequent upon such a determination, a redistribution will be required.

The Chief Australian Electoral Officer made his determination of the number of members of the House of Representatives as required by the new legislation on 21 March 1977.

This determination showed that the representation entitlements of the States changed as follows: New South Wales—from 45 to 43; Victoria—from 34 to 33; Queensland—from 18 to 19; South Australia—from 12 to 11. Western Australia remained at 10; Tasmania remained at 5.

Distribution Commissioners were appointed on 20 April 1977 to carry out a redistribution of all States (a redistribution being mandatory in New South Wales, Victoria, Queensland and South Australia).

Since the general election of 1922 the Northern Territory has been represented by one member in the House of Representatives, and the Australian Capital Territory has had similar representation since the elections of 1949. The member for the Australian Capital Territory has had full voting rights since the first sitting of the twenty-sixth Parliament. In May 1968 the Northern Territory Representation Act was amended to give full voting rights to the Member for the Northern Territory effective from 15 May 1968, the day on which the Act received Royal Assent.

Following Parliament's approval of the Australian Capital Territory Representation (House of Representatives) Bill in October 1973, a Distribution Committee was appointed for the purpose of distributing the Australian Capital Territory into two electoral Divisions. On 19 March 1974 the Committee published an initial redistribution proposal.

By early April 1974 there was an indication that the House of Representatives would be dissolved before the Distribution Committee could complete its task, in which event the Australian Capital Territory would be deprived of any representation in the next Parliament. Accordingly the *Australian Capital Territory Representation (House of Representatives) Act 1974* was enacted to provide that the Territory be divided into two electoral divisions, adopting the boundaries recommended by the Distribution Committee on 19 March 1974. The 1974 House of Representative elections were held on those boundaries.

Members of the House of Representatives are elected for the duration of the Parliament, which is limited to three years. At elections for Senators the whole State constitutes the electorate. For the purpose of elections for the House of Representatives the State is divided into single electorates corresponding in number to the number of members to which the State is entitled. Further information regarding the Senate and the House of Representatives is given in earlier issues of the Year Book.

The *Commonwealth Electoral Act* 1948, enacted with the *Representation Act* 1948 which enlarged the Commonwealth Parliament (*see* page 69), changed the system of scrutiny and counting of votes in Senate elections from the alternative vote to that of proportional representation. For a description of the system *see* Year Book No. 38, pages 82-3. The method of voting for both the Senate and the House of Representatives is preferential.

Particulars of voting at Senate elections and elections for the House of Representatives up to 1974 appear in earlier issues of the Year Book. Additional information is available in the *Statistical Returns* issued by the Chief Electoral Officer following each election and printed as Parliamentary Papers.

The numbers of electors and primary votes cast for the major political parties in each State and Territory at the latest election for each House of the Commonwealth Parliament were as follows:

COMMONWEALTH PARLIAMENT ELECTIONS, 13 DECEMBER 1975

	N.S.W.	Vic.	Qld.	S.A.	W.A.	Tas.	N.T.	A.C.T.	Australia
HOUSE OF REPRESENTATIVES ELECTION									
Electors enrolled	2,961,698	2,234,778	1,206,231	789,004	658,419	255,402	40,885	115,916	8,262,333
Number of votes recorded for—									
Australian Labor Party	1,260,335	882,842	439,405	316,006	244,404	105,324	12,944	51,744	3,313,004
Liberal Party	1,100,672	887,685	370,041	365,353	326,679	131,003	..	50,727	3,232,160
National Country Party(a)	326,124	186,667	303,107	4,070	30,727	3,248	15,976	..	869,919
Liberal Movement . . . . .	..	..	..	45,968	..	..	..	3,516	49,484
Democratic Labor Party . . . . .	..	101,750	..	..	..	..	..	..	101,750
Australia Party	10,931	21,473	..	525	..	..	701	..	33,630
Workers Party	30,986	..	17,341	2,604	5,576	2,550	..	377	59,434
Others	43,072	17,280	3,700	6,642	1,664	..	..	840	73,198
Informal votes	52,760	42,008	14,604	18,201	14,334	4,569	996	1,822	149,294
Total votes recorded	2,824,880	2,139,705	1,148,198	759,369	623,384	246,694	30,617	109,026	7,881,873
SENATE ELECTION									
Electors enrolled	2,961,698	2,234,778	1,206,231	789,004	658,419	255,402	40,885	115,916	8,262,333
Number of votes recorded for—									
Australian Labor Party	1,123,462	811,773	387,740	277,800	203,151	78,310	10,207	38,867	2,931,310
Liberal Party; National Country Party(a)(b)	1,258,859	993,634	603,228	351,818	287,358	108,853	..	45,743	3,649,493
National Country Party(a)(b) . . . . .	..	..	..	..	38,366	3,611	15,519	..	57,496
Liberal Movement	6,218	16,279	4,709	44,136	5,084	..	..	..	76,426
Democratic Labor Party	44,543	115,866	26,833	942	2,865	..	..	..	191,049
Australia Party	10,616	19,319	2,516	..	1,616	..	565	..	34,632
Workers Party	28,513	..	20,857	4,085	6,726	1,007	615	582	62,385
Others	77,537	9,206	7,326	5,048	10,946	30,538	1,521	19,800	161,922
Informal votes	275,132	173,628	94,989	75,540	67,272	24,375	2,190	4,034	717,160
Total votes recorded	2,824,880	2,139,705	1,148,198	759,369	623,384	246,694	30,617	109,026	7,881,873

(a) The National Country Party is known in the various States as follows: New South Wales—Australian Country Party; Victoria, Queensland and Tasmania—National Party; South Australia and Western Australia—National Country Party. In the Northern Territory it is known as the Country Liberal Party. (b) In New South Wales, Victoria and Queensland the Liberal Party and the National Country Party candidates stood as one group; in South Australia and the Australian Capital Territory only the Liberal Party stood as a group; in Western Australia and Tasmania the National Country Party and the National Party respectively, and the Liberal Party each stood as separate groups; in Northern Territory there was a Country Liberal Party group only.

The Senate and House of Representatives Election, 13 December 1975

Party representation of Members elected was as follows: *Senate*—Australian Labor Party, 27; Liberal Party of Australia, 27; National Country Party of Australia, 8; Independent, 1; Liberal Movement, 1; *House of Representatives*—Australian Labor Party, 36; Liberal Party of Australia, 68; National Country Party of Australia, 23.

Referendums

In accordance with section 128 of the Constitution any proposed law for the alteration of the Constitution, in addition to being passed by an absolute majority of each House of Parliament, must be submitted to a referendum of the electors in each State and must be approved by a majority

of the electors in a majority of the States and by a majority of all the electors who voted before it can be presented for Royal Assent. Until the four referendums of May 1977, thirty-two such proposals had been submitted to referendums and the consent of the electors had been received in five cases: the first in relation to the election of Senators in 1906, the second and third in respect of State Debts—one in 1910 and the other in 1928, the fourth in respect of Social Services in 1946, and the fifth in respect of Aborigines in 1967. In addition to referendums for alterations of the Constitution, other Commonwealth referendums have been held—two prior to Federation regarding the proposed Constitution and two regarding military service during the 1914–1918 War. For details of earlier referendums *see* Year Book No. 52, pages 66–8, and Year Book No. 60, pages 90–1.

On 16 February 1977, four Bills were introduced in the House of Representatives to alter the Constitution: the Constitution Alteration (Simultaneous Elections) Bill was designed to ensure that future Senate elections would be held simultaneously with House of Representatives elections; the Constitution Alteration (Senate Casual Vacancies) Bill was designed to write into the Constitution the principle that a casual Senate vacancy should be filled by a member of the same political party as the former senator belonged to; the Constitution Alteration (Referendums) Bill was designed to give electors in the Australian Capital Territory and the Northern Territory the right to vote in referendums for the alteration of the Constitution; and the Constitution Alteration (Retirement of Judges) Bill was designed to provide for a maximum retirement age of seventy years for justices of the High Court and of other Federal Courts.

The proposed laws, after being passed by both Houses of Parliament, were submitted to the electors of the States at referendums held on 21 May 1977. At these referendums, three proposals were passed in all States and the proposal relating to Simultaneous Elections was passed by a substantial national majority. However, the proviso in Section 128 of the Constitution which requires a majority of the electors in a majority of the States as well as a majority of electors meant that the Simultaneous Elections Referendum was defeated.

Particulars of the voting at these referendums are shown in the following table:

CONSTITUTION ALTERATION REFERENDUMS, 21 MAY 1977

State	Electors enrolled	Number of votes		Informal	Total
		In favour of the proposed law	Not in favour of the proposed law		
CONSTITUTION ALTERATION (SIMULTANEOUS ELECTIONS) REFERENDUM					
New South Wales	3,007,511	1,931,775	800,331	42,282	2,774,388
Victoria	2,252,831	1,325,708	713,929	43,499	2,083,136
Queensland	1,241,426	534,968	590,942	12,932	1,138,842
South Australia	799,243	480,827	247,762	17,401	745,990
Western Australia . . .	682,291	292,344	310,765	14,354	617,463
Tasmania	259,081	82,785	158,818	4,460	246,063
Total	8,242,383	4,648,407	2,822,547	134,928	7,605,882
CONSTITUTION ALTERATION (SENATE CASUAL VACANCIES) REFERENDUM					
New South Wales	3,007,511	2,230,218	502,171	41,999	2,774,388
Victoria	2,252,831	1,552,558	486,798	43,780	2,083,136
Queensland	1,241,426	662,732	463,165	12,945	1,138,842
South Australia	799,243	557,950	170,536	17,504	745,990
Western Australia . . .	682,291	344,389	258,655	14,419	617,463
Tasmania	259,081	129,924	111,638	4,501	246,063
Total	8,242,383	5,477,771	1,992,963	135,148	7,605,882
CONSTITUTION ALTERATION (REFERENDUMS) REFERENDUM					
New South Wales	3,007,511	2,292,822	439,247	42,319	2,774,388
Victoria	2,252,831	1,647,187	391,855	44,094	2,083,136
Queensland	1,241,426	670,820	455,051	12,971	1,138,842
South Australia	799,243	606,743	121,770	17,477	745,990
Western Australia . . .	682,291	437,751	165,049	14,663	617,463
Tasmania	259,081	150,346	91,184	4,533	246,063
Total	8,242,383	5,805,669	1,664,156	136,057	7,605,882
CONSTITUTION ALTERATION (RETIREMENT OF JUDGES) REFERENDUM					
New South Wales	3,007,511	2,316,999	414,070	43,319	2,774,388
Victoria	2,252,831	1,659,273	378,505	45,358	2,083,136
Queensland	1,241,426	734,183	391,227	13,432	1,138,842
South Australia	799,243	622,760	104,987	18,243	745,990
Western Australia . . .	682,291	472,228	130,307	14,928	617,463
Tasmania	259,081	174,951	66,478	4,634	246,063
Total	8,242,383	5,980,394	1,485,574	139,914	7,605,882

The Parliaments of the States

This section contains summarised information; for greater detail refer to State Year Books.

Membership of State Parliaments. The following table shows the party distribution in each of the various State Parliaments at June 1976.

STATE PARLIAMENTS: MEMBERSHIP, BY PARTY AFFILIATION, AUGUST 1977

Party	N.S.W.	Vic.	Qld.	S.A.	W.A.	Tas.
UPPER HOUSE						
Australian Country Party (C.P.)	12	..	..	..	..	..
Australian Labor Party (A.L.P.)	24	9	..	10	10	2
Independent (Ind.)	..	..	..	..	..	17
Liberal Party of Australia (L.P.)	22	26	..	11	18	..
National Country Party (N.C.P.)(a)	..	..	..	..	4	..
National Party of Australia (Victoria) (N.P.A.)	..	5	..	..	..	..
Vacancy	2	..	..	..	..	..
Total	60	40	(b)	21	32	19
LOWER HOUSE						
Australian Country Party (C.P.)	18	..	..	..	..	..
Australian Labor Party (A.L.P.)	50	21	11	24	22	18
Independent (Ind.)	1	..	1	..	..	..
Independent Labor (Ind. Lab.)	..	1	..	..	..	..
Liberal Party of Australia (L.P.)	30	52	30	21	27	17
National Country Party (N.C.P.)(a)	..	..	..	1	6	..
National Party (N.P.)	..	..	39	..	..	..
National Party of Australia (Victoria) (N.P.A.)	..	7	..	..	..	..
New Liberal Movement (N.L.M.)	..	..	..	1	..	..
North Queensland Party (N.Q.P.)	..	..	1	..	..	..
Vacancy	..	..	..	..	..	..
Total	99	81	82	47	55	35

(a) Formerly the National Alliance Party. (b) Upper House abolished in 1922.

For corresponding particulars for the Commonwealth Parliament, see page 71.

Number and salaries and allowances of members of the legislatures, Commonwealth parliaments, August 1977

COMMONWEALTH PARLIAMENTS: MEMBERS AND ANNUAL SALARIES AND ALLOWANCES, AUGUST 1977

Members in—	Cwlth.	N.S.W.	Vic.	Qld.	S.A.	W.A.	Tas.	Total
NUMBER OF MEMBERS								
Upper House	64	60	40	(a)	21	32	19	236
Lower House	127	99	81	82	47	55	35	526
Total	191	159	121	82	68	87	54	762
ANNUAL SALARY (\$)								
Upper House	24,369	9,540	23,869	(a)	19,770	20,106	20,625	..
Lower House	24,369	20,660	23,869	24,190	19,770	20,106	20,625	..
ELECTORAL ALLOWANCES (\$)								
Upper House	(b)6,000	(c)3,540	(d)5,225–7,036	(a)	4,730	(d)5,500–10,500	(d)2,269–5,363	..
Lower House	(b)6,000–7,500(e)	(d)6,300–9,900	(d)5,225–7,036	(d)4,010–9,780	(d)2,960–6,800	(d)4,800–9,800	(d)3,094–7,219	..

(a) Abolished in 1922. (b) Certain additional allowances are also provided for holders of parliamentary offices etc. (c) Referred to as an expense allowance. An additional \$42 per sitting day is payable to members who live outside the metropolitan area. (d) Allowance payable depends on location of electorate and, for Victoria and Tasmania, size of electorate. A special expense allowance for members in N.S.W., ranging from \$2,275 to \$2,840, is paid to members representing country electorates. (e) A member of the House of Representatives representing an electorate of less than 5,000 square kilometres or a population of less than 120,000 persons receives an electorate allowance at the rate of \$6000 p.a.; a member representing an electorate of 5000 square kilometres or more or a population of 120,000 persons or more receives an electorate allowance at the rate of \$7,500 p.a.

Outlay on parliamentary government

The table below shows, in broad groups, the expenditure incurred in the operation of the parliamentary system in Australia, comprising the Governor-General and Governors, the Ministries, the Upper and Lower Houses of Parliament, and electoral activities; *it does not attempt to cover the expenditure on Commonwealth and State administration generally.* Only broad groups are shown, but even these are not entirely comparable because of differences in accounting procedures and in the presentation of accounts. Expenditure under the head of Governor-General or Governor includes salaries of Government House staffs and maintenance of residences, official establishments, grounds, etc., and expenditure on capital works and services.

OUTLAY ON PARLIAMENTARY GOVERNMENT, 1975-76

(\$'000)

Expenditure group	Cwlth.	N.S.W.	Vic.	Qld.	S.A.	W.A.	Tas.	Total
Governor-General or Governor(a)	1,516	657	646	465	323	509	384	4,501
Ministry(b)	1,294	868	886	635	407	482	571	5,143
Parliament—								
Upper House(c)	1,881	796	980	..	443	651	394	5,144
Lower House(c)	3,814	2,383	2,350	2,088	946	1,049	611	13,240
Both Houses(d)	19,182	5,269	4,762	3,597	2,104	2,445	769	38,127
Miscellaneous(e)	8,564	908	597	531	268	359	93	11,321
Total, Parliament	33,440	9,355	8,690	6,215	3,761	4,504	1,867	67,833
Electoral(f)	15,025	1,627	1,573	524	627	351	176	19,904
Royal Commissions, Select Committees, etc.	2,404	55	747	..	89	487	33	3,815
Grand Total	53,680	12,562	12,541	7,839	5,207	6,333	3,031	101,194

(a) Salaries and other expenses, including maintenance of house and grounds. (b) Salaries, travelling and other expenses as ministers. (c) Allowances to members (including ministers' salaries as members), travelling and other expenses. (d) Government contribution to members' superannuation funds, printing, reporting staff, library, etc. (e) Services, furniture, stores, etc. (f) Salaries, cost of elections, etc.

OUTLAY ON PARLIAMENTARY GOVERNMENT

Year	Cwlth.	N.S.W.	Vic.	Qld.	S.A.	W.A.	Tas.	Total
TOTAL (\$'000)								
1971-72	18,432	4,520	3,475	2,717	2,436	2,486	1,327	35,393
1972-73	23,515	5,310	4,490	3,182	2,677	2,516	1,316	43,006
1973-74	38,926	7,378	5,218	4,340	3,190	4,213	1,935	65,200
1974-75	44,113	8,047	7,194	6,332	3,895	4,865	2,461	76,907
1975-76	53,680	12,562	12,541	7,839	5,207	6,333	3,031	101,194

PER HEAD OF POPULATION

(\$)

Year	Cwlth.	N.S.W.	Vic.	Qld.	S.A.	W.A.	Tas.	Total
1971-72	1.41	0.96	0.97	1.29	2.04	2.35	3.38	2.71
1972-73	1.77	1.11	1.24	1.64	2.21	2.33	3.33	3.24
1973-74	2.89	1.53	1.43	2.16	2.60	3.82	4.86	4.83
1974-75	3.22	1.65	1.94	3.07	3.12	4.29	6.11	5.62
1975-76	3.88	2.57	3.36	3.74	4.14	5.47	7.47	7.31

Commonwealth Government Departments

For current detailed information on the Acts administered, the functions and the organisation of the Departments and Agencies of the Commonwealth Government see the *Commonwealth Government Directory* (latest issue 1977).

Enactments of the Parliaments

In the Commonwealth Parliament all laws are enacted in the name of the Sovereign, the Senate, and the House of Representatives. The subjects with respect to which the Commonwealth Parliament is empowered to make laws are enumerated in the Constitution. In the States other than South Australia and Tasmania, laws are enacted in the name of the Sovereign by and with the consent of the Legislative Council (except in Queensland) and Legislative Assembly. In South Australia and Tasmania laws are enacted in the name of the Governor of the State, with the advice and consent of the Parliament in the case of South Australia, and of the Legislative Council and House of Assembly in the case of Tasmania. Generally, assent to Bills passed by the legislatures is given by the Governor-General or State Governor acting on behalf of, and in the name of, the Sovereign. In certain special cases Bills are reserved for the Royal assent. The Parliaments of the States are empowered generally, subject to the Commonwealth Constitution, to make laws in and for their respective States in all cases whatsoever. Subject to certain limitations they may alter, repeal, or vary their Constitutions. Where a law of a State is inconsistent with a law of the Commonwealth Parliament the latter prevails and the former is, to the extent of the inconsistency, invalid.

The course of Commonwealth Parliament legislation

The actual legislation by the Commonwealth Parliament during 1975 is indicated in alphabetical order in *The Acts of the Parliament of the Commonwealth of Australia passed during the year 1975 in the Second Session of the Twenty-ninth Parliament of the Commonwealth, with Appendix, Tables and Index*. A chronological table of Acts passed from 1901 to 1973 showing how they are affected by subsequent legislation or lapse of time is also available; this volume also contains a table of legislation of the Commonwealth Parliament passed from 1901 to 1973 in relation to the several provisions of the Constitution. Reference should be made to these for complete information.

The following figures indicate the variation over the years in the number of enactments of the Commonwealth Parliament since 1901: 17 Acts were passed in 1901, 36 in 1914, 38 in 1927, 87 in 1939, 109 in 1952, 156 in 1965, 157 in 1968, 223 in 1973, 166 in 1974, and 121 in 1975.