

GOVERNMENT ADMINISTRATION

VICTORIAN GOVERNMENT ADMINISTRATION

The administration of the Victorian Government consists of the central government composed of the departments of State and statutory bodies as listed in the following pages, and a local government network of 212 municipalities as described in Chapter 6 on page 151.

Public Service

The Victorian public service consists of those officers and employees who staff the ministerial departments as distinct from those employed in statutory bodies, the teaching service, the police force, or in local government. Their duty is to administer legislation and implement the policies flowing from ministers and permanent heads of departments. There are about 17,000 permanent officers who are grouped in four divisions : the First Division composed of permanent heads ; the Administrative Division comprising officers performing duties of an administrative nature ; the Professional Division which is largely composed of officers of recognised professional status ; and the Technical and General Division which embraces a wide range of positions, including clerical assistants, chauffeurs, tradesmen, various inspectors, etc.

Selection for appointment to the First Division is made by the government of the day, usually from within the public service, except in the case of the Education Department, whose permanent head is normally drawn from the teaching service. All new appointments to the Administrative Division are made to the lowest grade from applicants at an approved standard of education in order of merit, determined by an entrance examination. There is also special provision for the recruitment of graduates to this Division. Appointment to the Professional Division is dependent generally upon academic qualifications appropriate to the nature of the position with relevant experience required at higher levels. Entry to the Technical and General Division is based on acceptable educational and other qualifications. A cadetship scheme operates to complement recruitment in a number of areas. Also, in 1969 amending legislation empowered the Public Service Board to make appointments to the Administrative Division of persons holding qualifications deemed by the Board as being adequate for this purpose without examination.

Because of the career nature of the Service, the classification of officers within the Divisions provides for some progression by salary increments in

most positions, commensurate with increased knowledge and experience but subject to a satisfactory level of performance. Creation of new offices or the abolition of existing offices within the Divisions is by Order of the Governor in Council after reference to the Public Service Board. For new offices the Treasury must specify that the necessary funds are available before appointments are made.

About 8,000 persons are employed on a temporary basis and recruitment for permanent positions often comes from this group. While legislation limits their employment to periods of up to three years, the Public Service Board may renew these engagements. A further group of about 9,000 persons known as "exempt employees" are not subject to the provisions of the Public Service Act and are engaged in intermittent or casual work, or are employed under the provisions of Commonwealth Awards, State Wages Boards Determinations, or at special rates assessed or recommended by the Board.

Historical background to public service legislation, 1974

Board of Inquiry into the Victorian Public Service

On 2 October 1973 the Governor in Council appointed Sir Henry Armand Bland, C.B.E. "to be a Board to inquire into and report upon the role, organizational structure, management and staffing of the Victorian Public Service, and to recommend action considered necessary to improve the effectiveness, efficiency and economy of the Service, having particular regard to :

- (a) improvements that should be made in the machinery of Government relating to the organisation, co-ordination, and control of departments, including the possible redistribution of functions ;
- (b) methods of improving the efficiency of the use of human and allied resources ; with particular emphasis on staff training and development ; and
- (c) possible changes in conditions of recruitment, employment and accommodation of public servants to ensure comparability with general standards elsewhere in the community and equality of opportunity for further personal development and advancement."

Joint Parliamentary Select Committee on Public Servants Ethical Conduct

The *Public Servants Ethical Conduct (Joint Select Committee) Act* 1974 came into operation on 14 May 1974. The Joint Parliamentary Select Committee on Public Servants Ethical Conduct appointed pursuant to that Act commenced its investigations in June 1974. The terms of reference for the Committee are :

- (a) to inquire into and report upon the existing law and practice relating to the legal and ethical obligations of public servants where their private interests conflict or might appear to conflict with their public duty ; and
- (b) to make recommendations for the alteration of that law and practice to ensure proper conduct by public servants in such cases if it is of the opinion that the existing law or practice is inadequate.

Government Departments and Ministries

The Public Service of Victoria consists of the State Departments of Agriculture, Chief Secretary, Crown Lands and Survey, Education, Health, Labour and Industry, Law, Local Government, Mines, Premier, Public Works, Social Welfare, State Development, Treasury, and Youth, Sport and Recreation, and the Ministries of Conservation, Housing, and Transport. The Forests Commission, State Rivers and Water Supply Commission, and Land Conservation Council are regarded as Departments for the purposes of personnel administration, their staffs having been made subject to the provisions of the Public Service Act. These are the instruments of ministerial action, and legislative enactment is generally not required to establish, abolish, or reorganise a department, although this is often the method used. All but two of the departments are organised so that all their activities are related in some way to a general function. The exceptions are the Premier's and Chief Secretary's Departments which both embrace a wide variety of dissimilar activities.

Department of Agriculture

Minister : Minister of Agriculture

Permanent head : Director of Agriculture

The functions of this Department are to regulate the agricultural industry, carry out research and investigation, and provide education, advisory, and extension services. These include maintaining standards of quality in production ; prevention and control of disease ; direct assistance and advice to primary producers; education through agricultural colleges, schools, and lectures ; and research into crops, pastures, soils, livestock diseases, and pests. (For the history of the Department, see *Victorian Year Book* 1971, pages 105-8.)

The various branches and agencies are : Animal Health, Animal Industry, Agriculture, Horticulture, Dairying, Agricultural Education, Milk Board, Victorian Plant Research Institute, Analytical, and Information. The Department also controls and administers the Government Cool Stores at Victoria Dock, Melbourne.

Chief Secretary's Department

Minister : Chief Secretary

Permanent head : Under Secretary

The Chief Secretary's Department performs a multitude of diverse activities connected with the government of the State. It is the direct descendant of the first office of government established in the Colony of Victoria. Originally it performed almost all the functions of government, but over the years other departments have been created to undertake specific functions and the Chief Secretary's Department has been left with the remainder. It has also from time to time acquired other functions in response to governmental needs. (For the history of the Department, see *Victorian Year Book* 1963, pages 100-4.)

The various branches are : Electoral Branch, Government Statist, Registrar of Births, Deaths and Marriages, Police (including Motor Registration), Government Shorthand Writers, Accident and Motor Car Insurance,

Civil Defence, Public Records, Registry of Estate Agents, National Museum, Archaeological and Aboriginal Relics, and Science Museum.

Other departmental functions are film censorship, crimes compensation, regulation of motor car traders, declaration of public holidays, and provision of administrative services for the Liquor Control Commission and the Road Safety and Traffic Authority.

Department of Crown Lands and Survey

Minister : Minister of Lands

Permanent head : Secretary for Lands

This Department is responsible for the disposal, in various forms of tenure, of Crown lands for agricultural and pastoral purposes and survey work in this connection; the destruction of vermin and the eradication of noxious weeds; the co-ordination of all survey work undertaken in the State and the compilation of comprehensive maps of the State; and the provision of reserves of Crown land for recreational and other purposes. It is also responsible for the control and maintenance of the Royal Botanic Gardens and the National Herbarium, Melbourne. (For the history of the Department, see *Victorian Year Book* 1968, pages 100-2.)

Education Department

Minister : Minister of Education

Permanent head : Director-General of Education

The function of the Education Department is to ensure that all children between the ages of 6 and 15 years receive efficient and regular instruction in general educational subjects and to provide higher education for older children. Planning State education is the responsibility of the Director-General of Education. The teaching service provides the teachers for all State schools, the Department being responsible for general administration, including provision and maintenance of school buildings, furniture and equipment, salaries for teachers, transport of children to schools in country areas, and awarding scholarships and teaching bursaries. (For the history of the Department, see *Victorian Year Book* 1969, pages 107-10.)

Details of all aspects of education within the State are covered in Chapter 24 of this *Year Book*.

Department of Health

Minister : Minister of Health

Permanent head : Secretary to the Department of Health

The Department of Health is required to take all such steps as may be desirable to secure the preparation, implementation, and co-ordination of measures conducive to the health of the people, including measures for the prevention and cure of diseases and the avoidance of fraud in connection with alleged remedies; the treatment of physical defects and mental diseases and disorders; the training of persons for health services; the control, care, and treatment of mental defectives and epileptics; the initiation and direction of research; and the collection, preparation, publication, and dissemination of information and statistics relating to any of these matters. (For the history of the Department, see *Victorian Year Book* 1974, pages 109-11.)

These functions are carried out by the General Health, Mental Hygiene, Alcoholic and Drug Dependent Persons Services, Maternal and Child Welfare, and Tuberculosis Branches.

Department of Labour and Industry

Minister : Minister of Labour and Industry

Permanent head : Secretary for Labour and Industry

The main functions of the Department are concerned with wages and conditions of employment generally, including industrial safety, health, and welfare ; the control and regulation of the industrial aspects of various trades ; industrial relations, including the prevention and settlement of industrial disputes ; training within industry ; consumer protection ; and statistical research in the industrial field. (For the history of the Department, see pages 140-4 of this *Year Book*.)

These functions are performed by the Wages Board Branch, Apprenticeship Commission, Industrial Branch, Industrial Relations Co-ordination (Public Employing Authorities), Ministry of Consumer Affairs, and the following Inspectorates : Factories and Shops, Boilers and Pressure Vessels, and Lifts and Cranes.

Law Department

Minister : Attorney-General

Permanent head : Secretary

The substantive function of the Department is concerned with the administration of justice in the various State courts. Other functions include giving legal advice and assistance to the public and the Government, registration of transfers of land, registration of money lenders, drafting of statutes, maintaining a register of companies and businesses, and the administration of estates. (For the history of the Department, see *Victorian Year Book* 1965, pages 100-4.)

The various branches are : Courts, Court Reporting, and the following Offices : Corporate Affairs, Crown Solicitor's, Parliamentary Counsel's, Prothonotary's, Public Solicitor's, Public Trustee's, Registrar of Probates, Sheriff's, and Titles.

Local Government Department

Minister : Minister for Local Government

Permanent head : Secretary for Local Government

Prior to the Department's establishment in 1958, the supervision of local government activities was the responsibility of a branch of the Public Works Department. It is responsible for the supervision of administration by municipalities of the Local Government Act and related Acts, and the oversight of government funds allocated to assist municipalities with certain construction works (e.g., recreational facilities, swimming pools, and public halls in country areas). The Department also administers State weights and measures legislation. (For a history of local government in Victoria, see *Victorian Year Book* 1972, pages 103-5.)

The Ministry for Planning was established in 1973 and will function administratively as a Branch of the Department.

The Valuer-General's Office, whose major function is to co-ordinate valuations made for councils and other rating authorities, is included in this Department.

Mines Department

Minister : Minister of Mines

Permanent head : Secretary for Mines

The Department is responsible for the administration of legislation relating to petroleum exploration and production, mining, quarrying, groundwater resources, gas regulation, explosives, liquefied gases, and inflammable liquids.

It is responsible for the survey and assessment of the State's mineral resources and the mapping of Victoria's geological structure. It provides technical services, information, and financial assistance to the mining industry. (For the history of the Department, see *Victorian Year Book* 1970, pages 105-8.)

Premier's Department

Minister : The Premier

Permanent head : Secretary to the Premier's Department

Within the Department some responsibility is delegated by the Premier to other Ministers.

The Department embraces within its organisation the Office of the Governor and the Executive Council. It acts as a channel of communication with other governments and is also responsible for the administration of, and for governmental contact with, the Office of the Agent-General in London. The functions performed by the Department are administrative, regulatory, planning, developmental, and educational in character. (For the history of the Department, see *Victorian Year Book* 1964, pages 81-4.)

The various branches are : Audit, Agent-General, Office of the Executive Council and Office of the Governor, Public Service Board, Ministry for the Arts, and Ministry of Fuel and Power.

Public Works Department

Minister : Minister of Public Works

Permanent head : Director-General of Public Works

The Department's activities relate mainly to the construction, maintenance, supply, and furnishing of premises for departments, agencies, and government institutions, including schools. Although the various departments provide for the expenditure involved in their estimates and accounts, the actual responsibility for performing these functions lies with this Department, including purchase of the land and the preparation of plans and specifications.

The Department is also responsible for the shore protection works on the Victorian coast and the construction and maintenance of all Victorian ports, except the Ports of Melbourne, Geelong, and Portland. (For the history of the Department, see *Victorian Year Book* 1967, pages 98-100.)

Social Welfare Department

Minister : Minister for Social Welfare

Permanent head : Director-General of Social Welfare

Formerly a branch of the Chief Secretary's Department, Social Welfare became a Department on 5 January 1971. It provides services for needy families and children of school age; deals with the problems of young

persons and promotes youth welfare ; controls all penal establishments and assists in the rehabilitation of persons under detention and when released on probation or parole ; and trains people under its control, youth leaders, and the staffs of government and voluntary agencies.

The various divisions are : Family Welfare, Prisons, Probation and Parole, Research and Statistics, Regional Services, Institute of Social Welfare, and Youth Welfare.

Department of State Development

Minister : Minister for State Development and Decentralization

Permanent head : Secretary for State Development

This Department was formed on 15 March 1971 to bring together certain activities affecting Victoria's development. It contained four Divisions, namely National Parks and Industrial Development, both previously branches of the Premier's Department ; Tourism, which was a separate Ministry ; and Immigration, formerly a branch of the Chief Secretary's Department. The Division of National Parks was subsequently transferred to the Ministry for Conservation on its formation in January 1973.

The functions of the Department are the development of economic resources and industry generally within Victoria ; processing nominations for residency of immigrants from the United Kingdom and assisting with their reception and assimilation ; and encouraging the development of tourist attractions and facilities in the State and providing tourist information.

Treasury

Minister : The Treasurer

Permanent head : Director of Finance

The Treasury is the State's central department of financial administration and control, and its prime functions relate to the raising of revenue and control over governmental expenditure within the ambit of Parliamentary authority. The Treasury co-ordinates government policy where it has a financial aspect. (For the history of the Department, see *Victorian Year Book* 1966, pages 97-100.)

The various branches are : State Taxation, Stamps, Government Printer, State Tender Board, and State Superannuation Board.

Department of Youth, Sport and Recreation

Minister : Minister for Youth, Sport and Recreation

Permanent head : Director-General of Youth, Sport and Recreation

This Department was established by the *Youth, Sport and Recreation Act* 1972 which came into operation on 19 December 1972. Its objectives are to assist in the growth of the individuality and character of youth ; to promote fitness and general health ; and to improve the facilities available to the people of Victoria for leisure-time pursuits. This involves regular consultation with public and private youth, sporting, and recreational organisations or bodies, and administering the *Racing Act* 1958 and the *National Fitness Council of Victoria Act* 1960.

Ministry for Conservation

Minister : Minister for Conservation

Permanent head : Director of Conservation

On 23 January 1973 this Ministry was created by legislation to encompass a number of organisations dealing with conservation. It is concerned with the control and development of the fishing industry and preservation of wildlife; the establishment, protection, and development of Victoria's national parks; the exercise of control over any form of pollution to the environment; substantially controlling and co-ordinating activities to protect and improve the beaches and foreshores around Port Phillip Bay; and advising on the prevention of soil erosion and planning restorative measures.

The various branches and the departments from which they were drawn are: Fisheries and Wildlife (Chief Secretary's), National Parks (State Development), Environment Protection Authority (State Development), Port Phillip Authority (Crown Lands and Survey), and Soil Conservation Authority (Premier's).

Ministry of Housing

Minister: Minister of Housing

Permanent head: Secretary of Housing

The *Housing Ministry Act* 1972 created this Ministry when it was proclaimed on 2 April 1973. It is responsible for the administration of the Housing Commission, Registry of Co-operative Housing Societies and Co-operative Societies, Registry of Permanent Building Societies, and the Home Finance Trust, which were transferred to it from the Treasury; and the Teacher Housing Authority which was transferred from the Education Department.

Its objectives are to improve existing housing, provide lodging for people of limited means, and redevelop insanitary areas. Substantial production of prefabricated building components is carried out at the Concrete House Project, Holmesglen. It is also concerned with the provision of home finance, housing for decentralised industry and for the teaching service, and the regulation of co-operative societies.

Ministry of Transport

Minister: Minister of Transport

Permanent head: Director of Transport

Created by the *Transport Act* 1951, this Ministry is concerned with the improvement, development, and better co-ordination of all rail, tram, road, and air transport in Victoria.

Other ministries

The Ministry of Fuel and Power functions administratively as a branch of the Premier's Department. So also does the Ministry for the Arts, which was created by Act of Parliament on 19 December 1972 to bring together all State Government activities in support of the arts, including the National Gallery, country art galleries, music, drama, ballet, and films. The Library Council and State Library were also transferred to it in November 1973.

The Ministry of Consumer Affairs was created by legislation in 1973 and functions administratively as a branch of the Department of Labour and Industry. The Ministry for Planning was also created by legislation in 1973 and functions as a branch of the Local Government Department.

The functions of the Ministry of Aboriginal Affairs were transferred to the Australian Government from 11 January 1975. (See pages 240-1.)

Statutory authorities

The functions of the following public corporations are set out in the relevant sections of this *Victorian Year Book* :

Country Roads Board	Melbourne and Metropolitan Tram-
Forests Commission	ways Board
Gas and Fuel Corporation	Railways Board
Hospitals and Charities Commission	State Electricity Commission
Melbourne and Metropolitan Board of Works	State Rivers and Water Supply Commission

Government instrumentalities

The term "instrumentalities" is limited to statutory bodies, which are not departments even though some are administered within or associated with departments.

The general features of the instrumentalities are constitution by Act of Parliament, a controlling Board or Commission appointed by the Governor in Council, freedom from direct ministerial control over day to day administration (but subject to governmental or ministerial control in matters of major policy, and subject in some cases to the approval of the Governor in Council or the Minister), and control over the appointment of staff and the determination of salaries and other conditions of employment. Financial arrangements differ considerably.

The largest of the instrumentalities are engaged in public utility or developmental fields of activity, for example, Victorian Railways Board, State Electricity Commission, Melbourne and Metropolitan Tramways Board, and Country Roads Board.

The following is a list of instrumentalities showing the associated Departments and Ministries, and the relevant Ministers responsible for administration. Instrumentalities which are not staffed by members of the Public Service are shown separately.

VICTORIA—GOVERNMENT INSTRUMENTALITIES

Minister	Instrumentalities with Public Service staffs and Department or Ministry with which the instrumentality is associated		Other instrumentalities
	Department	Instrumentality	
Minister of Agriculture	Agriculture	Consumers' Committee (a) Dairy Produce Board Filled Milk Advisory Committee (a) Fruit and Vegetables Marketing Advisory Committee (a) Imitation Milk Advisory Committee (a) Milk Board Milk Pasteurization Committee Stock Medicines Board (a) Tobacco Quota Appeals Tribunal Tobacco Quota Committee Wheat Quota Review Committee	Australian Barley Board Grain Elevators Board Marketing boards— Chicory Citrus Fruit (a) Egg and Egg Pulp Onion Tobacco Leaf Veterinary Board of Victoria Victorian Dairy Products Board Victorian Dried Fruits Board Victorian Inland Meat Authority Western Metropolitan Market Trust Wheat Quota Committee

VICTORIA—GOVERNMENT INSTRUMENTALITIES—*continued*

Minister	Instrumentalities with Public Service staffs and Department or Ministry with which the instrumentality is associated		Other instrumentalities
	Department	Instrumentality	
Minister of the Arts	Premier's	Council of Trustees of the National Gallery Library Council of Victoria	Victorian Arts Centre Building Committee Victorian Documentary Film Council
Attorney-General	Law	Appeal Costs Board Companies Auditors Board	Council of Law Reporting Council of Legal Education Discharged Servicemen's Employment Board Legal Aid Committee Leo Cussen Institute for Continuing Legal Edu- cation Patriotic Funds Council Raffles Board
Chief Secretary	Chief Secretary's	Council of the Science Museum of Victoria Liquor Control Commission National Museum of Victoria Council Police Discipline Board Police Medical Board Police Service Board Police Superannuation Board Premiums Committee Road Safety and Traffic Authority Seamans Welfare Advisory Council Seamans Welfare Trust Com- mittee Workers Compensation Boards	Archaeological and Aborigi- nal Relics Advisory Com- mittee (a) Country Fire Authority Exhibition Trustees Metropolitan Fire Brigades Board Motor Car Accidents Board (a) Motor Car Traders Com- mittee (a) Public Records Advisory Committee (a) State Advisory Board on Publications (a)
Minister for Conser- vation	Ministry for Conser- vation	Clean Air Committee Commercial Fisheries Council Environment Protection Appeal Board (a) Environment Protection Authority Port Phillip Authority Soil Conservation Authority	Land Conservation Council Victoria Conservation Trust (a) Zoological Board
Minister of Consumer Affairs	Labour and Industry	Consumer Affairs Council Small Claims Tribunal (a)	
Minister of Education	Education	Council of Public Education Primary Teachers Registration Board (a) Secondary Teachers Registra- tion Board (a) Teacher Registration Council (a) Teachers' Tribunal Technical Teachers Registration Board (a)	Council of Adult Education State College of Victoria Victoria Institute of Colleges
	State Forests	Forests Commission (b)	Board of Forestry Education (a) Timber Promotion Committee
Minister for Fuel and Power			Gas and Fuel Corporation State Electricity Commission
Minister of Health	Health	Advisory Committee to Mental Health Authority Cinematograph Operators Board Commission of Public Health Consultative Council for Maternal Mortality Consultative Council for Poliomyelitis Consultative Council for Quarantinable Diseases Consultative Council on Pre- School Child Development Consultative Council on Road Accident Mortality Food Standards Committee Mental Health Authority (medical officers not subject to Public Service Act)	Anti-Cancer Council Cancer Institute Board Fairfield Hospital Board Hospitals and Charities Commission Hospitals Superannuation Board Trustees of various cemeteries Various professional and occupational registration bodies— Advanced Dental Techni- cians Qualifications Board (a) Chiropodists Registration Board Dental Board Dental Technicians Licens- ing Committee (a)

VICTORIA—GOVERNMENT INSTRUMENTALITIES—*continued*

Minister	Instrumentalities with Public Service staffs and Department or Ministry with which the instrumentality is associated		Other instrumentalities
	Department	Instrumentality	
Minister of Health <i>—continued</i>	Health— <i>continued</i>	Plumbers and Gasfitters Board Poisons Advisory Committee Proprietary Medicines Advisory Committee Psychological Council Superintendents Committee Tuberculosis Advisory Committee	Dietitians Registration Board Hairdressers Registration Board Masseurs Registration Board Medical Board Nurses Council Opticians Registration Board Pharmacy Board
Minister of Housing	Ministry of Housing	Decentralized Industry Housing Authority (a) Home Finance Trust Housing Commission Registry of Co-operative Hous- ing Societies and Co-opera- tive Societies (a) Teacher Housing Authority	
Minister of Labour and Industry	Labour and Industry	Apprenticeship Commission Board of Examiners for Steam Engine Drivers and Boiler Attendants Board of Examiners for Welders of Boilers and Pressure Vessels Industrial Appeals Court Industrial Safety Advisory Council Wages Boards	
Minister of Lands	Crown Lands and Survey	Place Names Committee Surveyors' Board Vermin and Noxious Weeds Destruction Board	
Minister for Local Government	Local Government	Building Regulations Committee Land Valuation Boards of Review Local Government Advisory Board Municipal Auditors Board Municipal Building Surveyors Board Municipal Clerks Board Municipal Electrical Engineers Board Municipal Engineers Board Municipal Scaffolding Inspec- tors Board Scaffolding Regulations Committee Valuers' Qualification Board	Local Authorities Superannuation Board Melbourne and Metropolitan Board of Works
Minister of Mines	Mines	Board of Examiners for Engine Drivers Board of Examiners for Mining Managers (Coal Mines Act) Board of Examiners for Mining Managers (Mines Act) Board of Examiners for Quarry Managers Coal Mine Workers Pensions Tribunal Drillers' Licensing Board Extractive Industries Advisory Committee Groundwater Advisory Com- mittee Sludge Abatement Board Victorian Coal Miners' Accidents Relief Board	
Minister for Planning	Local Government	Town Planning Appeals Tribunal	Town and Country Planning Board
Premier	Premier's	Public Service Board	State Relief Committee

VICTORIA—GOVERNMENT INSTRUMENTALITIES—*continued*

Minister	Instrumentalities with Public Service staffs and Department or Ministry with which the instrumentality is associated		Other instrumentalities
	Department	Instrumentality	
Minister of Public Works	Public Works	Government Buildings Advisory Council Marine Board	Architects Registration Board Geelong Harbor Trust Commissioners Melbourne Harbor Trust Commissioners Portland Harbor Trust Commissioners
Minister for Social Welfare	Social Welfare	Adult Parole Board Family Welfare Advisory Council Social Welfare Training Council Youth Parole Board	
Minister of Soldier Settlement			Rural Finance and Settlement Commission
Minister for State Development and Decentralization			Central Planning Authority Victoria Promotion Committee (a) Victorian Development Corporation (a)
Minister of Transport			Country Roads Board Melbourne and Metropolitan Tramways Board Melbourne Underground Rail Loop Authority Metropolitan Transportation Committee Railway Construction Board Transport Regulation Board Victorian Railways Board
Treasurer	Treasury	Superannuation Board Tender Board	State Savings Bank
Minister of Water Supply	Water Supply	State Rivers and Water Supply Commission (b)	Ballarat Water Commissioners Dandenong Valley Authority First Mildura Irrigation and Urban Water Trusts Geelong Waterworks and Sewerage Trust Latrobe Valley Water and Sewerage Board West Moorabool Water Board Various local water (205) and sewerage (111) authorities Various river improvement and drainage trusts (30)
Minister for Youth, Sport and Recreation	Youth, Sport and Recreation	Greyhound Racing Grounds Development Board (a) Racecourses Licences Board Sports and Recreation Council (a) State Youth Council	Greyhound Racing Control Board National Fitness Council Totalizator Agency Board Trotting Control Board

(a) These instrumentalities have been added since the list was last published in 1974.

(b) This statutory corporation also appeared in the *Victorian Year Book* 1963 as a government department, which it is only for the purposes of personnel administration under the Public Service Act.

In the following list, each instrumentality is classified under the heading which is nearest to its main function :

VICTORIA—GOVERNMENT INSTRUMENTALITIES
CLASSIFIED ACCORDING TO FUNCTION

1. *Legal, protective, registry services—*
 - Adult Parole Board
 - Appeal Costs Board
 - Council of Law Reporting
 - Country Fire Authority
 - Legal Aid Committee
 - Metropolitan Fire Brigades Board
 - Raffles Board
 - Youth Parole Board
2. *Regulation of primary production—*
 - Australian Barley Board
 - Chicory Marketing Board
 - Citrus Fruit Board
 - Commercial Fisheries Council
 - Consumers' Committee
 - Dairy Produce Board
 - Egg and Egg Pulp Marketing Board
 - Fruit and Vegetables Marketing Advisory Committee
 - Milk Board
 - Onion Marketing Board
 - Tobacco Leaf Board
 - Tobacco Quota Appeals Tribunal
 - Tobacco Quota Committee
 - Victorian Dairy Products Board
 - Victorian Dried Fruits Board
 - Wheat Quota Committee
 - Wheat Quota Review Committee
3. *Regulation of industry and commerce—*
 - Consumer Affairs Council
 - Extractive Industries Advisory Committee
 - Premiums Committee
 - Small Claims Tribunal
 - Transport Regulation Board
4. *Regulation of labour conditions—*
 - Apprenticeship Commission
 - Coal Mine Workers Pensions Tribunal
 - Hospitals Superannuation Board
 - Industrial Appeals Court
 - Local Authorities Superannuation Board
 - Victorian Coal Miners' Accidents Relief Board
 - Wages Boards
 - Workers Compensation Boards
5. *Regulation of general standards—*
 - Building Regulations Committee
 - Food Standards Committee
 - Land Valuation Boards of Review
 - Liquor Control Commission
 - Marine Board
 - Motor Car Accidents Board
 - Place Names Committee
 - Scaffolding Regulations Committee
 - State Advisory Board on Publications
 - Stock Medicines Board
6. *Regulation of professional and occupational standards—*
 - Advanced Dental Technicians Qualifications Board
 - Architects Registration Board
 - Board of Examiners for Engine Drivers
 - Board of Examiners for Mining Managers (Coal Mines Act)
 - Board of Examiners for Mining Managers (Mines Act)
 - Board of Examiners for Quarry Managers
 - Board of Examiners for Steam Engine Drivers and Boiler Attendants
 - Board of Examiners for Welders of Boilers and Pressure Vessels
 - Board of Forestry Education
 - Chiropodists Registration Board
 - Cinematograph Operators Board
 - Companies Auditors Board
 - Council of Legal Education
 - Dental Board
 - Dental Technicians Licensing Committee
 - Dietitians Registration Board
 - Drillers' Licensing Board
 - Hairdressers Registration Board
 - Masseurs Registration Board
 - Medical Board
 - Motor Car Traders Committee
 - Municipal Auditors Board
 - Municipal Building Surveyors Board
 - Municipal Clerks Board
 - Municipal Electrical Engineers Board
 - Municipal Engineers Board
 - Municipal Scaffolding Inspectors Board
 - Nurses Council
 - Opticians Registration Board
 - Pharmacy Board
 - Plumbers and Gasfitters Board
 - Primary Teachers Registration Board
 - Psychological Council
 - Secondary Teachers Registration Board
 - Surveyors' Board
 - Teacher Registration Council
 - Technical Teachers Registration Board
 - Valuers' Qualification Board
 - Veterinary Board of Victoria
7. *Public utility, conservation, and development—*
 - Ballarat Water Commissioners
 - Central Planning Authority
 - Country Roads Board
 - Dandenong Valley Authority
 - Decentralized Industry Housing Authority

VICTORIA—GOVERNMENT INSTRUMENTALITIES
CLASSIFIED ACCORDING TO FUNCTION—*continued*

- Environment Protection Appeal Board
 Environment Protection Authority
 Exhibition Trustees
 First Mildura Irrigation and Urban Water Trusts
 Forests Commission
 Gas and Fuel Corporation
 Geelong Harbor Trust Commissioners
 Geelong Waterworks and Sewerage Trust
 Government Buildings Advisory Council
 Grain Elevators Board
 Groundwater Advisory Committee
 Home Finance Trust
 Housing Commission
 Land Conservation Council
 Latrobe Valley Water and Sewerage Board
 Local Government Advisory Board
 Melbourne and Metropolitan Board of Works
 Melbourne and Metropolitan Tramways Board
 Melbourne Harbor Trust Commissioners
 Melbourne Underground Rail Loop Authority
 Metropolitan Transportation Committee
 Portland Harbor Trust Commissioners
 Port Phillip Authority
 Public Records Advisory Committee
 Railway Construction Board
 Registry of Co-operative Housing Societies and Co-operative Societies
 Road Safety and Traffic Authority
 Rural Finance and Settlement Commission
 Sludge Abatement Board
 Soil Conservation Authority
 State Electricity Commission
 State Rivers and Water Supply Commission
 State Savings Bank
 Timber Promotion Committee
 Town and Country Planning Board
 Town Planning Appeals Tribunal
 Trustees of various cemeteries
 Various local water and sewerage authorities
 Various river improvement and drainage trusts
 Vermin and Noxious Weeds Destruction Board
 Victoria Conservation Trust
 Victoria Promotion Committee
 Victorian Development Corporation
 Victorian Inland Meat Authority
 Victorian Railways Board
 West Moorabool Water Board
 Western Metropolitan Market Trust
8. *Social welfare*—
 Discharged Servicemen's Employment Board
 Family Welfare Advisory Council
 Patriotic Funds Council
 Seamans Welfare Advisory Council
 Seamans Welfare Trust Committee
 Social Welfare Training Council
 State Relief Committee
9. *Education and recreation*—
 Archaeological and Aboriginal Relics Advisory Committee
 Council of Adult Education
 Council of Public Education
 Council of the Science Museum of Victoria
 Council of Trustees of the National Gallery
 Greyhound Racing Control Board
 Greyhound Racing Grounds Development Board
 Leo Cussen Institute for Continuing Legal Education
 Library Council of Victoria
 National Museum of Victoria Council
 Racecourses Licences Board
 Sports and Recreation Council
 State College of Victoria
 State Youth Council
 Totalizator Agency Board
 Trotting Control Board
 Victoria Institute of Colleges
 Victorian Arts Centre Building Committee
 Victorian Documentary Film Council
 Zoological Board
10. *Public health*—
 Advisory Committee to Mental Health Authority
 Anti-Cancer Council
 Cancer Institute Board
 Clean Air Committee
 Commission of Public Health
 Consultative Council for Maternal Mortality
 Consultative Council for Poliomyelitis
 Consultative Council for Quarantinable Diseases
 Consultative Council on Pre-School Child Development

VICTORIA—GOVERNMENT INSTRUMENTALITIES
CLASSIFIED ACCORDING TO FUNCTION—*continued*

Consultative Council on Road Accident Mortality	Tuberculosis Advisory Committee
Fairfield Hospital Board	11. <i>Industrial health</i> —
Filled Milk Advisory Committee	Industrial Safety Advisory Council
Hospitals and Charities Commission	12. <i>Internal administrative services</i> —
Imitation Milk Advisory Committee	Police Discipline Board
Mental Health Authority	Police Medical Board
Milk Pasteurization Committee	Police Service Board
National Fitness Council	Police Superannuation Board
Poisons Advisory Committee	Public Service Board
Proprietary Medicines Advisory Committee	Superannuation Board
Superintendents Committee	Teacher Housing Authority
	Teachers' Tribunal
	Tender Board

Further references, 1969, 1971, 1974

ADMINISTRATIVE DEVELOPMENT

General

From the inception of Victoria's existence as a separate colony, departmental administration has kept pace with its development. When the first Cabinet met in 1856 its administrative scope was restricted and centred mainly around the Chief Secretary. The remaining portfolios were the Treasurer, Attorney-General, Solicitor-General, Commissioner of Public Works, Commissioner of Trade and Customs, and Surveyor-General. Many additions and rearrangements have taken place over the years, culminating in the present pattern of more than twenty ministries and departments.

Initially, the conditions under which the public service operated were very haphazard and no uniformity existed in the appointment, promotion, or dismissal of staff. Attempts to introduce important reforms recommended in England in the 1850s failed due to weaknesses in the legislation, and it was not until the Public Service Act of 1883 was enacted that faults such as patronage were eliminated and the basis laid for a sound administration.

Because nearly ninety per cent of public servants at this time had been appointed politically, imbalances occurred and it was found that there were insufficient competent professional and administrative staff to undertake the developments impending and occurring in public transport, power supply, water supply, sewerage, port development, etc., within the State. This and other considerations led to a new approach—the creation of statutory bodies to perform this work. Each had a different scope and a varying degree of autonomy conferred upon it by the enabling legislation, with some providing for various interests to be represented within their structures. An example of this is the Melbourne Harbor Trust Commissioners, whose membership provides for representation of the interests of shipping, primary production, imports, exports, and port labour.

Besides abolishing patronage and substituting appointment by merit after examination, the Public Service Act of 1883 provided for the appointment of a Board of three members to control recruitment and promotion. The Board operated until 1893 when, as a measure of economy, the Commissioners of Audit were vested with the powers of the Board by the Public Service Act of that year. In 1901, after Federation, the public service was reduced to almost half its former size by the transfer of State officers to the Commonwealth,

and the *Public Service Act* 1901 set up one Public Service Commissioner in place of the Public Service Board. In 1940 legislation resulted in the appointment of a Public Service Board of three members. The Board, as had been the case with previous agencies of central personnel administration, had advisory and regulatory functions but exercised little power of its own.

This was changed when the *Public Service Act* 1946 established the present Board, which consists of an independent chairman, a member representing the Government of Victoria, and a member representing the public service, with final authority in most personnel matters affecting the service. The 1946 Act also removed control of teachers from the Board, and their salaries and conditions of their employment are now determined by the Teachers' Tribunal.

History of Government Departments

A series of short, comprehensive histories of the State Government Departments has appeared in this place in previous editions of the *Victorian Year Book* since 1963. They have included the Chief Secretary's Department (1963), the Premier's Department (1964), the Law Department (1965), the Treasury (1966), the Public Works Department (1967), the Department of Crown Lands and Survey (1968), the Education Department (1969), the Mines Department (1970), the Department of Agriculture (1971), local government, including the establishment of the Local Government Department (1972), and the Department of Health (1974). The following article outlines the history of the Department of Labour and Industry.

History of the Department of Labour and Industry

Factories Office

This department's early origins are linked with the Chief Secretary's Department. The *Supervision of Workrooms and Factories Act* 1873 sought to prohibit the employment of females for more than eight hours a day in factories employing not less than ten persons. It also allowed for regulations to be made to safeguard the health and safety of employees and for the inspection of factories; but whereas the administration of the Act was entrusted to local Boards of Health, the Chief Secretary was empowered to suspend its provisions in the case of those factories which he might specify "in order to meet the exigencies of trade". In 1861 there were 531 manufacturing establishments in Victoria employing 4,395 persons, but by 1873 the numbers had risen to 1,191 establishments with a work force of 18,704, of whom 3,358 were females.

The 1873 Act endeavoured to mitigate the worst evils of the factory system, but its inadequacies led to public agitation and strikes, which resulted in a Royal Commission in 1882. The result of the Commissioner's Report of March 1884 was the Factories and Shops Act of 1885 which became operative on 18 March 1886, and the establishment of a Factories Office within the Chief Secretary's Department. This office would consist of a Chief Inspector and a small number of inspectors and clerks to ensure the operation of the Act. The legislation provided for the registration of factories employing six or more persons, for the improvement of working conditions in regard to both health and safety, such as sanitation, fire-escapes, the guarding of machinery, and for the closing of shops at fixed

hours. Further legislative enactments at frequent intervals added to the functions of the Factories Office, resulting in a gradual increase in its staff.

The *Factories and Shops Act* 1896 introduced the Wages Board system by providing for "Special Boards" to fix the minimum wage to be paid to workers in some of the worst "sweated" trades. By 1902 the number of these "Special Boards" had increased from six to thirty-six and the Royal Commission of that year recommended replacing the Board system by one of conciliation and arbitration. However, the *Factories and Shops Act* 1903 established a Court of Industrial Appeal which changed the nature of the boards and extended their activities beyond the metropolitan area.

In 1910 legislation enabled boards to be appointed for any occupation and to cover persons employed anywhere in Victoria, whether in a factory or not. By 1913, as many as 130 boards had been created and the Factories Office of the Chief Secretary's Department had grown from a Chief Inspector, six Inspectors and a Clerk in 1885, to a Chief Inspector, an Assistant Chief Inspector, a Senior Inspector, thirty Inspectors, one Senior Female Inspector and five Female Inspectors, and a large administrative staff.

Department of Labour

In 1915 a separate Department of Labour was created, and the existing staff of the Factories Office was transferred from the Chief Secretary's Department. The Chief Inspector thus became the head of the new Department. Simultaneously, the Lifts Regulation Act and the Servants' Registry Act were also placed within the administration of the new Department.

The early years of the Department of Labour were a period of growing activity. Details of development are indicated below in chronological order :
1910-1920 : An extension of the Wages Board system, resulting in an increase in the number of boards from 91 to 161.

1915 : The introduction of the registration of shops.

1927 : The Apprenticeship Act was passed.

1928 : The Apprenticeship Commission was established. A new Branch of departmental activity was formed, the general purpose being to promote apprenticeship in approved trades and to exercise general supervision over the training of apprentices. The Factories and Shops Acts were consolidated. In following years there were repeated amendments of the 1928 Consolidated Act, mainly with regard to Wages Boards.

1932 : The formation of the Sustenance Branch, an unemployment relief administration which existed until the Australian Government assumed control over unemployment during the Second World War.

1937 : The Factories and Shops Act was passed, making provision for the Metropolitan Industrial Court.

1942 : The Wages Board Branch was established with full staff.

1946 : A re-organisation of the Factories and Shops Inspectorate took place. Inspection districts, each under the control of a Supervising Inspector, were set up.

1947 : The offices of the Secretary for Labour, and Chief Inspector of Factories and Shops were separated.

1949 : A Board of Inquiry was appointed to "invite and examine suggestions for amendment of the Factories and Shops". Among its recom-

mendations on the organisation of the Department was a recommendation that in order to be more indicative of the functions it should carry out, the name of the Department should be changed to "Department of Labour and Industry". In 1953 the Factories and Shops Acts were revised (having regard to the Report of the Board of Inquiry) and consolidated into the *Labour and Industry Act* 1953, in which the Department of Labour and Industry was placed on a statutory basis.

Consumer protection duties

A major development since 1958 has been the Department's involvement in the field of consumer protection. The Department was responsible for the administration of Part V of the Goods Act, dealing with trade descriptions, including the labelling of goods; the Footwear Regulation Act; and the furniture stamping provisions of the Labour and Industry Act. In 1964 the Victorian Consumers Protection Act provided for the appointment of a Consumers Protection Council to make recommendations to the Minister on matters affecting the interests of consumers.

The office of the Consumers Protection Council, however, became a focal point for consumer complaints and the *Consumer Protection Act* 1970 provided for two separate functions—the Consumer Affairs Council to make recommendations to the Minister on broad issues and to undertake educational work, and the Consumer Protection Bureau to process complaints, advise the public, and undertake research. This arrangement was continued in the *Consumer Protection Act* 1972 which introduced statutory control in some areas of sales and marketing not previously controlled, amended several existing statutory provisions such as that related to "door to door" sales and trade description of footwear, and consolidated in the one Act various Acts and enactments dealing with consumer protection. Another recent development has been the setting up of an Office of Industrial Relations Co-ordination for public employing bodies within the Department. All States in Australia have now enacted consumer protection legislation and have established administrative machinery, generally but not entirely on similar lines. (See also pages 291–2.)

Departmental organisation

The Department at present has a staff of over 300, and is divided into five main Divisions—Administration, Industrial Relations, Apprenticeship, Inspection Services, and Technical Services. The general function of the Division of Administration is to provide common services for the Department. The functions of the Division of Industrial Relations are to provide the administrative arrangements for the functioning of Wages Boards and the Industrial Appeals Court; to note the non-physical conditions of employment; to supply information to the public and investigate complaints; to investigate applications for employment permits; to initiate action for offences; and, in general, to deal with matters arising within the industrial relations field. Under the Chief Industrial Officer and the Assistant Chief Industrial Officer, the Division comprises the Wages Boards Secretariat, Industrial Inquiries and Complaints Branch, and Prosecutions Branch.

The functions of the Division of Apprenticeship are to promote apprenticeship; to provide administrative services for the Apprenticeship Commission; to ensure that the provisions of the Apprenticeship Act are

observed; to supply information to the public; and to investigate complaints. Under the Secretary to the Commission and the Assistant Secretary, the Division comprises four sections—Industrial, Schooling, Administration, and Supervisors. In addition there is a promotion officer who prepares and arranges publication of vocational information and delivers talks and arranges exhibits in connection with apprenticeship; an officer of the Education Department who is seconded so as to assist in matters relating to apprentices' schooling, particularly in directing them to attend classes at technical schools; and training advisers, at present numbering fifteen, who are experienced technical school teachers from the Curriculum and Research Branch of the Education Department, attached to the Apprenticeship Commission. Their principal tasks are to provide an advisory service to industry; to improve on-the-job practice in training apprentices; and to facilitate the co-ordination of this training with technical school training.

The Division of Inspection Services provides inspection and field investigation services for the Department in relation to the several Acts which it administers (other than the Apprenticeship Act, the Lifts and Cranes Act, the Boilers and Pressure Vessels Act, and the Scaffolding Act) and to secure compliance with those Acts. Apart from this general function, the Division deals with matters arising in connection with the maintenance of prescribed standards of physical conditions in places of employment, including building standards, amenities, machinery standards, and standards of safety and health generally; the provision of industrial safety services; the hours of work or trade; and consumer protection. The Division of Inspection Services is controlled by a Chief Inspector of Factories and Shops and includes the Divisional Office, the Factories and Shops Inspectorate, and the office of the Consumer Protection Bureau.

The functions of the Division of Technical Services are to provide engineering services for the Department as a whole and to ensure the observance of the provisions of the Lifts and Cranes Act, the Boilers and Pressure Vessels Act, and the Scaffolding Act. The Chief Engineer, as the Divisional Head, has the general assistance of a small engineering staff and is responsible for the technical direction of engineering aspects of the work of the Factories and Shops Inspectorate; and the administrative and technical direction of the Lifts and Cranes Inspectorate, the Boilers and Pressure Vessels Inspectorate, and the Scaffolding Inspectorate. Through the Factories and Shops Inspectorate, the Chief Engineer is required to advise on applications for approval of plant and equipment, develop standards of guarding of dangerous machinery, advise on questions concerning lighting, heating, and ventilation in factories, and attend to other similar matters.

Industrial Relations Co-ordination Office

Under the control of a Director, the Office of Industrial Relations Co-ordination deals with public employing authorities and administers the system of industrial relations co-ordination, with respect to matters affecting Victorian public employing authorities. It does not, however, include matters arising under the Public Service Act, the Police Service Act, or the Teaching Service Act. This office also provides an industrial advocacy service for those employing authorities which are its concern.

The following Acts are now administered in the Department of Labour and Industry : the *Apprenticeship Act* 1958, the *Boilers and Pressure Vessels Act* 1970, the *Bread Industry Act* 1959, the *Consumer Protection Act* 1972, the *Disposal of Uncollected Goods Act* 1961, the *Employers and Employees Act* 1958, the *Industrial Safety Advisory Council Act* 1960, the *Labour and Industry Act* 1958, the *Lifts and Cranes Act* 1967, and the *Scaffolding Act* 1971.

OMBUDSMAN

The first Ombudsman was appointed in Sweden in 1809 and the second in Finland in 1919, and it is only in recent years that there has been a rapid expansion in the establishment of this office in many countries of the world. The office of Ombudsman was established in Denmark (1955), New Zealand and Norway (1962), and in recent years in Tanzania, Great Britain, Northern Ireland, Israel, India, Guyana, Mauritius, Fiji, Canada (in the Provinces of Alberta, New Brunswick, Quebec, and Manitoba), and in the United States in the States of Hawaii, Nebraska, and Iowa. In Australia, the office was established in Western Australia (1972), South Australia (1972), Victoria (1973), and Queensland (1974).

The constitution of the office of Ombudsman and its functions has in all cases been adapted from the original office of Ombudsman established in Sweden in 1809. Since that date, the law constituting the office in Sweden has been amended from time to time but it currently reads : " Riksdag shall appoint a citizen of known legal ability and outstanding integrity to supervise in the capacity of a representative of the Riksdag and according to instructions issued by Riksdag the observance of laws and statutes by those responsible." Also, " It shall be the duty of the Ombudsman to present to the Riksdag annual reports on the administration of the office, giving account of the administration of justice throughout the realm in the area subject to his supervision and calling attention to defects in the laws and statutes and make suggestions for their improvement."

In those countries whose laws are patterned on the British parliamentary system, the Ombudsman does not have jurisdiction to investigate the actions of the judiciary and his functions are restricted to investigating administrative actions of departments, etc. Thus, while their jurisdiction and particular functions vary from country to country, the basic functions of all Ombudsmen are to receive complaints from people who are aggrieved by the administrative actions taken in government departments or by statutory bodies and to investigate the complaints and, as a result of those investigations, to find the facts of the complaints and, on those facts, to express opinions whether the actions complained of were contrary to law, unjust, unfair, etc. The Ombudsman is empowered to make recommendations and to report the results of his investigations, opinions, and recommendations to Parliament. Generally, he has no power to direct the rectification of a wrong nor can he order a particular decision or administrative action to be modified or varied.

There was in recent years an increasing demand for the establishment of the office of Ombudsman in Victoria because of the increase in range of government administration, the development of the welfare state, and the growing risk that citizens may suffer injustice as a result of administrative actions taken by government departments. Opposition to this demand was

based on the contention that members of the public could make use of the services of their local Member who, by letters to the responsible minister or questions in the House or adjournment motions, could effect some amelioration or rectification of the complainant's grievance against the government department or public statutory body. Also it was said that the citizen always had access to the courts which could grant him rectification. In reply, the supporters of the office of Ombudsman said that the local Member had no power to send for the departmental files or to interrogate witnesses and, therefore, he could not get the facts and that recourse to law was not available to most people because of the prohibitive cost.

In 1973 the Premier of Victoria announced the Government's intention to legislate for the establishment of the office of Ombudsman. The legislation was approved by Parliament and the *Ombudsman Act 1973* came into operation on 30 October 1973.

The word "Ombudsman" is a Swedish word and literally means "representative" or "agent", but it would be wrong to regard the Ombudsman as a "representative" of a complainant, as the very essence of his office demands that he be non-partisan, independent, and judicial in his treatment and investigation of complaints. However, unlike a Judge or Magistrate, the Ombudsman must gather his own facts. To enable him to do this, he must have full access to all relevant files and documents and be empowered to interview and interrogate all relevant witnesses. The *Ombudsman Act 1973* provides that the Ombudsman shall be appointed by the Governor in Council and shall hold office until he attains the age of 72 years unless he is removed from office on the presentation of an address by both Houses of Parliament praying for his removal from office. He is thus independent of any government or any minister. He is authorised to conduct an investigation either on his own motion or as a consequence of the complaint made to him in writing concerning an administrative action taken in a State government department or public statutory body. A complaint may be lodged with the Ombudsman by a Member of Parliament acting on behalf of the aggrieved person. The words "administrative action", "government department", and "public statutory body" are defined in the Act.

The Ombudsman has all the powers of a Commissioner issued with a commission by the Governor in Council under the Evidence Act and may demand the production of files and interrogate witnesses. On receipt of a complaint, the Ombudsman is required to inform the responsible Minister and the principal officer of the relevant authority of his intention to conduct an investigation. If it appears to the Ombudsman that the complainant has or had a right of appeal to a tribunal or has or had a remedy by way of proceedings in a court of law, he has no jurisdiction to investigate the complaint unless he considers that it would not be reasonable to expect the aggrieved person to resort to his right or remedy or that the matter merits investigation in order to avoid injustice. Similarly, if the complainant is or was in the service of an authority the Ombudsman has no jurisdiction if the complaint relates to terms and conditions of employment unless he considers that the matter merits investigation in order to avoid injustice.

The Ombudsman may not investigate any administrative action taken by : (a) a court of law or by a Judge or a Magistrate; (b) a person acting as legal adviser to the Crown or as counsel for the Crown in any proceedings ; (c) a person in his capacity as trustee under the *Trustee Act 1958* ; or (d) the

Auditor-General. Officers of the establishment of the Governor are specified in the Schedule to the Act as being exempt from it.

When the Ombudsman has settled the facts he is required to form an opinion as to whether the administrative action to which his investigation relates (a) was taken contrary to law; (b) was unreasonable, unjust, oppressive, or improperly discriminatory; (c) was in accordance with a rule of law, etc., that may be unreasonable, unjust, etc.; (d) was taken in the exercise of a power or discretion but taken for an improper purpose or on irrelevant grounds, etc.; (e) was a decision for which reasons should have been given and were not; (f) was based wholly or partly on a mistake of law or fact; or (g) was wrong. The Ombudsman may report his opinion and reasons to the principal officer and the appropriate authority and make such recommendations as he sees fit. If action is not taken in a reasonable time to implement his recommendations, the Ombudsman may report such failure to the Governor in Council and to both Houses of Parliament.

The effectiveness of the office has been found from experience to lie in the action of the Ombudsman reporting to Parliament and the subsequent publication of extracts of his reports in the mass media. The Ombudsman under the Victorian Act is required to cause a report to be laid before each House of Parliament on the exercise of his functions during the twelve months ending 30 June and he may, at any time, if he thinks fit, lay before each House of Parliament a report on any matter arising in connection with the exercise of his functions. The Victorian Ombudsman has said that so highly does he value these provisions that it is his intention to report to each House quarterly.

PUBLIC RECORD OFFICE

The *Public Records Act* 1973 established in the Chief Secretary's Department a Public Record Office "for the better preservation, management and utilization of the public records of the State." This marked a new era in Victoria by creating a new archival establishment in line with modern archival developments in England, the United States, Europe, and elsewhere.

The Public Library of Victoria (now the State Library) served as a repository for public records from 1893 but there was no systematic transfer of records and indiscriminate destruction of records occurred. This resulted in a Premier's instruction in 1928 which was repeated at intervals to avoid unscheduled destruction of public records.

The first archivist was appointed in 1948 and in 1955 an Archives Section was established, its staff consisting of three archivists and one senior archivist. In 1963 a Board of Inquiry into Library Services in Victoria recognised the distinctive professional skills of archivists and recommended the development of a separate Public Records Authority. It also recommended that policy on the preservation of and access to public records should be laid down in legislation.

In 1967 a Public Records Advisory Committee was appointed by the Chief Secretary at the request of the Library Council of Victoria to advise on the archival needs of the State. Its recommendations were accepted by both the Library Council of Victoria and the Government and served as the basis of the *Public Records Act* 1973. Subject to the Act and to the

general direction and control of the Chief Secretary, the management and control of the Public Record Office is vested in the Keeper of Public Records. The principal duties of the Keeper include the preservation and security of public records in his custody, their orderly classification, the preparation of indexes and guides to facilitate the use of the records, the establishment of standards for the efficient management of public records in public offices (particularly in relation to their maintenance, selection, disposal, and transfer to the Public Record Office), and assisting public officers to implement these standards.

A Public Records Advisory Council has also been created by the Public Records Act and its functions are, in consultation with the Keeper of Public Records, to promote co-operation between the Public Record Office and public offices and to report and make recommendations to the Minister on any matter relating to the administration of the Act.

At the end of 1973 professional staff of the Public Record Office, apart from the Keeper of Public Records and Deputy Keeper, consisted of eleven professional archivists. The Public Record Office then held approximately 22,860 linear metres of public records and apart from its statutory duties and reference services rendered to public offices, dealt with over 9,000 research and other enquiries from the public in that year.