

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 described in the following pages, and a local government network of 211 municipalities as described in Chapter 6 on pages 163–4.

Public Service

The Public Service of Victoria 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 19,500 permanent officers who are grouped in three Divisions: the First Division composed of officers exercising the more important administrative or professional functions; the Second Division comprising other officers performing duties of an administrative or professional nature; and the Third Division which embraces a wide range of positions, including clerical assistants, chauffeurs, tradesmen, various inspectors, etc.

Permanent heads are selected by the government of the day, mostly from within the Public Service. First Division officers usually are promoted from the Second Division, while entry to the Second Division requires a professional qualification or the passing of a competitive entrance examination. There is also special provision for the recruitment of graduates for administrative work in this Division. Appointment to the Third Division is based on acceptable educational and other qualifications. A cadetship scheme operates to complement recruitment in a number of areas.

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 recommendation by the Public Service Board. For new offices the Treasury must specify that the necessary funds are available before the offices can be created.

About 9,500 persons are employed on a temporary basis and recruitment for permanent positions often comes from this group. While legislation limits their employment for a maximum period of two years, the Public Service Board may renew these engagements or make exemptions in certain cases. 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 Board Determinations, or at special rates determined by the Board.

Historical background to public service legislation, 1974

Public Service Board

Public Service Act 1958

The functions of the Public Service Board under the *Public Service Act 1958* included :

- (1) The determination (subject to disallowance by Parliament) of salaries and wages, and the terms or conditions of service or employment in the Public Service of Victoria.
- (2) The supervision and improvement of the recruitment of the Public Service.
- (3) The making of all appointments (including promotions) to offices in the Public Service.
- (4) The determination of appeals against non-recommendation for promotion.
- (5) The hearing and determination of disciplinary charges referred to it by the Minister of the Department concerned.
- (6) The classification of offices within the Public Service.
- (7) The devising of means for promoting efficiency in the working of departments by :
 - (i) improved organisation and procedure,
 - (ii) closer supervision,
 - (iii) simplification of work,
 - (iv) co-ordination of the work of the various departments,
 - (v) limitation of staffs of departments to actual requirements,
 - (vi) the improvement of the training of officers, and
 - (vii) the avoidance of unnecessary expenditure.
- (8) The exercise of a critical oversight over the methods of conducting business in departments.

In respect of the last two functions outlined, the Board's powers were advisory only.

Board of Inquiry into the Victorian Public Service

On 2 October 1973, Sir Henry Bland, Kt., C.B.E., was constituted and appointed to be a Board to inquire into and report upon the role, organisational 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 :

- (1) 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 ;
- (2) methods of improving the efficiency of the use of human and allied resources, with particular emphasis on staff training and development ; and
- (3) 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.

The First Report of the Board of Inquiry, which was tabled in Parliament on 17 September 1974, made a number of recommendations for the amendment of the *Public Service Act 1958* and in relation to other matters. The substance of the principal recommendations was as follows :

- (1) That the existing and the continuing fragmentation of the Public Service be eliminated.
- (2) That changes be made in methods of recruitment to the Public Service, including the introduction of greater flexibility in appointments to the Public Service from outside the Service.

- (3) That the Divisional structure of the Public Service be changed.
- (4) That the Public Service Board be relieved of a large part of its function of hearing appeals against non-recommendation for promotion, by the transfer of most appeals to a separate Promotions Appeal Board.
- (5) That changes be made in the procedures for the hearing of disciplinary charges and appeals arising therefrom.
- (6) That the existing responsibility of permanent heads for the management of their departments be emphasised and strengthened and that permanent heads be given wider powers to enable them to discharge this responsibility more effectively.
- (7) That there is a continuing need for a Public Service Board in Victoria and that its functions and powers in relation to the overall management of the Public Service be extended.
- (8) That the composition of the Public Service Board be changed to eliminate the provision for elected members.
- (9) That the maximum term of appointment for members of the Board be seven years, or at least not less than five years, with eligibility for re-appointment.
- (10) That the separation of the Board into two Divisions—one for Mental Hygiene matters and one for the General Service—be abolished.
- (11) That the power to make all Regulations under the Public Service Act be vested in the Public Service Board subject to the approval of the Governor in Council.

Public Service Act 1974

The *Public Service Act 1974*, which came into operation on 1 August 1975, incorporates most of the major recommendations in the First Report of the Board of Inquiry. One notable exception is the retention of the election of a member of the Board by officers in the Third Division in the Mental Hygiene Branch of the Department of Health and of a separate member by all other officers of the Public Service. Another exception was the provision in the Act for the Chairman of the Board to hold office until he reaches the age of 65 years.

Under the *Public Service Act 1974* the functions of the Public Service Board include :

- (1) Ensuring that the Public Service is so organised and staffed as to be capable of performing its functions in the most efficient and economic manner and for that purpose to review and to keep under review the organisation of, and the recruitment for, the Public Service, and the facilities for the training and development of officers and employees ;
- (2) assisting in promoting the effective, efficient, and economic management and operation of departments and, for that purpose, exercising a critical oversight of the methods of conducting business in departments and bringing to the attention of permanent heads any improvements that appear to be necessary, and from time to time advising the permanent heads of departments as to the measures that appear to the Board to be necessary or desirable :
 - (i) to improve the management, organisation, staffing, and procedures in the departments,
 - (ii) to improve the conduct, co-ordination, and supervision of work performed in the departments,
 - (iii) to eliminate unnecessary work and procedures in the departments, and
 - (iv) to improve departmental staff training programmes ;
- (3) advising the Premier of any measures which are beyond the powers of the Board or the permanent heads of departments that it considers necessary or desirable to enable the organisation and staffing of the Public Service and the co-ordination of the work of the departments to be improved ;
- (4) recruitment and initial appointments to the Public Service ;

- (5) the determination of appeals against provisional promotions to offices in the First Division. (The First Division consists of officers required to exercise the more important administrative or professional functions in the Public Service);
- (6) the determination (subject to disallowance by Parliament) of salaries, wages, or other remuneration and the terms and conditions of service or employment for officers and employees in the Public Service;
- (7) determining applications by officers for permission to engage in duties unconnected with their offices;
- (8) the classification of offices within the Service;
- (9) dealing with certain disciplinary charges in relation to senior officers; and
- (10) the making of Regulations (subject to disallowance by Parliament and with the approval of the Governor in Council) for and with respect to any matter which relates to the organisation, management, or discipline of the Public Service or generally for giving effect to the *Public Service Act 1974*.

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, State Forests, Treasury, and Youth, Sport and Recreation, and the Ministries for the Arts, Conservation, and Planning and the Ministries of Consumer Affairs, Fuel and Power, Housing, Transport, and Water Resources and Water Supply. The Land Conservation Council is regarded as a department for the purposes of personnel administration, its staff 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

This Department provides resources and services to ensure optimum agricultural production in Victoria while safeguarding social, economic, and environmental factors. This includes administering Acts relating to agricultural production; technical and diagnostic services; research and investigation; and education, advisory, and extension services. It involves protecting the quality of agricultural products; prevention and control of pests and diseases of crops and livestock; and improvement of crop varieties, management techniques, skills, and knowledge. (For the history of the Department, see *Victorian Year Book 1971*, pages 105-8.)

The various branches and agencies are : Animal Health Services; Agricultural Chemical Services; Animal Services; Animal Industry, Dairying; Plant Services; Agriculture, Horticulture, Victorian Plant Research Institute; Agricultural Economics; Agricultural Education; and Extension Services. The Milk Board and a number of other boards also come under the Minister.

Chief Secretary's Department

Minister : Chief Secretary

Permanent head : Under Secretary

This Department performs many diverse activities. It is the direct descendent of the first office of government established in the Colony of Victoria. Originally it undertook most governmental activity, but over the years specific functions

have been transferred to other departments; it has also 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 : State Insurance Office, Police (including Motor Registration Branch), Public Record Office, Government Shorthand Writers Office, Electoral Office, Registry of Estate Agents, State Emergency Service, and Government Statist's Office (including the Registry of Births, Deaths, and Marriages).

Additional branches incorporating committees and boards appointed outside the Public Service Act are : National Museum, Science Museum, Archaeological and Aboriginal Relics Office, Road Safety and Traffic Authority, Liquor Control Commission, Workers Compensation Board, Crimes Compensation Tribunal, Motor Accidents Board, Motor Accidents Tribunal, Motor Car Traders Committee, and State Advisory Board on Publications.

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; destruction of vermin and eradication of noxious weeds; co-ordination of all survey work in the State and compilation of comprehensive maps; and provision of Crown land for recreational and other reserves. It also controls and maintains 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 and administering State education is the responsibility of the Director-General of Education. The teaching service staffs all State schools, the Department being responsible for general administration; provision, maintenance, and equipment of school buildings; salaries for teachers; school transport for children in country areas; and awarding scholarships and teaching bursaries. (For the history of the Department, see *Victorian Year Book* 1969, pages 107-10.)

All aspects of State education are described in Chapter 25 of this *Year Book*.

Department of Health

Minister : Minister of Health

Permanent head : Secretary to the Department of Health

This Department is responsible for the implementation and co-ordination of measures for public health, including prevention and cure of diseases; avoidance of fraud in connection with alleged remedies; treatment of physical defects and mental afflictions; training for health services; control, care, and treatment of mental defectives and epileptics; initiation and direction of research; and preparation and dissemination of information and statistics. (For the history of the Department, see *Victorian Year Book* 1974, pages 109-11.)

The various branches are : General Health; Mental Hygiene; Alcoholic and Drug Dependent Persons Services; Maternal and Child Welfare; and Tuberculosis.

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 : the fixation of wages and conditions of employment generally ; industrial relations, including the prevention and settlement of industrial disputes ; control and regulation of matters affecting safety, health, and welfare in industry ; training within industry ; and statistical research in the industrial field. (For the history of the Department, see *Victorian Year Book* 1975, pages 140-4.)

These functions are performed by the Wages Board Secretariat, Industrial Training Commission, Industrial Relations Division, Office of Industrial Relations Co-ordination (Public Employing Authorities), and the following Inspectorates : Factories and Shops, Boilers and Pressure Vessels, Lifts and Cranes, and Scaffolding.

Law Department

Minister : Attorney-General

Permanent head : Secretary

The principal function of the Department is to provide administrative services to the Supreme and County Courts and also Magistrates', Children's, and Coroner's Courts in Victoria. Other functions include giving legal advice and assistance to the Government and the public, 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 ; Crown Solicitor's Office ; Public Solicitor's Office ; Parliamentary Counsel's Office ; Public Trust Office ; Corporate Affairs Office ; Office of Titles ; and Registrar-General's Office.

Local Government Department

Minister : Minister for Local Government

Permanent head : Secretary for Local Government

This Department supervises administration by municipalities of the Local Government Act and related Acts, and is responsible for the oversight of government funds allocated to assist municipalities with certain construction works (e.g., recreational facilities and public halls in country areas). It also administers State weights and measures legislation. (For the history of the Department, see *Victorian Year Book* 1972, pages 103-5.)

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

This Department administers 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 mapping 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

The functions of the Department are administrative, regulatory, planning, developmental, and educational in character and include co-ordinating the implementation of government policy. It acts as a channel of communication with other governments and is responsible for administering and governmental contact with the Office of the Agent-General in London. Within its organisation it also includes the Office of the Governor and the Executive Council.

In 1975 the Department established a Community Services Centre incorporating Migrant Advisory and Anti-Discrimination Bureaux, and a Government Information Office. (For the history of the Department, see *Victorian Year Book* 1964, pages 81-4.)

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

Public Works Department

Minister : Minister of Public Works

Permanent head : Director-General of Public Works

As State building construction authority, the Department provides design, construction, engineering, furnishing, maintenance, and consultant services for departments, government agencies, schools, and institutions. Purchase, rental, allocation of accommodation and security of property for governmental purposes, and telephone and janitorial services, are arranged.

It advises government on port and marine matters ; develops, operates, and manages Victorian ports (except Melbourne, Geelong, and Portland); and controls coastal waters, foreshore protection and beach renourishment, dredging of shipping channels, navigation aids, and prevention of oil pollution of navigable waters. (For the history of the Department, see *Victorian Year Book* 1967, pages 98-100.)

Divisions : Administration, Building, and Ports and Harbors.

Social Welfare Department

Minister : Minister for Social Welfare

Permanent head : Director-General of Social Welfare

This Department provides services for families and children ; deals with the problems of young persons and promotes youth welfare ; controls all correctional establishments ; assists in rehabilitating persons on probation, under detention, and when released on parole ; trains people under its control ; and provides training courses in matters pertaining to social welfare.

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

Department of State Development

Minister : Minister for State Development and Decentralization

Permanent head : Secretary for State Development

The functions of the Department are the balanced development of population and industry within Victoria through decentralisation ; processing residency nominations from United Kingdom immigrants and assisting with their reception and assimilation ; and promoting tourist attractions and facilities in Victoria and providing tourist information.

Divisions : Industrial Development, Tourism, and Immigration.

State Forests Department

Minister : Minister of Forests

Permanent head : Chairman, Forests Commission

This Department controls and manages State forests, including the establishment, maintenance, protection, preservation, and renewal of hardwood and softwood varieties. It also regulates harvesting and marketing of forest produce, trains foresters, and supervises forest areas allotted for public recreation and water catchment.

Divisions : Economics and Marketing, Forest Protection, Forest Education, Research, Forest Management, Forest Environment and Recreation, Forest Operations, and seven Field Divisions.

Treasury

Minister : The Treasurer

Permanent head : Director of Finance

The Treasury exercises overall control of financial administration. Its prime functions are the raising of revenue and control over governmental expenditure within the ambit of Parliamentary authority. It 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

The objectives of this Department are to assist in the growth of the individuality and character of youth ; to promote fitness and general health ; and to improve facilities in 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 the Arts

Minister : Minister of the Arts

Permanent head : Director of the Arts

While the enabling Act was passed in 1972, this Ministry was not established as a separate Department until 1 August 1975. Its aims are to develop and improve the knowledge, understanding, appreciation, and practice of the arts in Victoria through increased availability and accessibility ; assistance in providing facilities for performance and display ; and by continual assessment and encouragement.

The various branches are : National Museum, National Gallery of Victoria, State Film Centre, and State Library.

Ministry for Conservation

Minister : Minister for Conservation

Permanent head : Director of Conservation

This Ministry embraces a number of organisations dealing with conservation. It is concerned with the control and development of fishing and preservation of wildlife ; the establishment, protection, and development of national parks ; controlling any form of pollution to the environment ; substantially controlling protection and improvement of foreshores around Port Phillip Bay ; the optimum use of Crown lands ; and preventing soil erosion and restoring damaged areas.

The 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 and Land Conservation Council (Crown Lands and Survey), and Soil Conservation Authority (Premier's).

Ministry of Consumer Affairs

Minister: Minister of Consumer Affairs

Permanent head: Secretary for Labour and Industry

This Ministry was created by legislation in 1973 and is administered in association with the Department of Labour and Industry. Its functions are to give advice on consumer affairs legislation and other matters affecting consumers; initiate action to remedy infringements; receive complaints about fraudulent, illegal, or unfair trade or commercial practices regarding goods and services; and to conduct research into matters affecting consumers.

Ministry of Fuel and Power

Minister: Minister for Fuel and Power

Permanent head: Secretary for Fuel and Power

The Minister for Fuel and Power is responsible for the operations of the State Electricity Commission of Victoria and the Gas and Fuel Corporation of Victoria.

The Ministry's activities relate mainly to administering the *Fuel and Power Act* 1965 and parts of the *Pipelines Act* 1967. It is responsible for the development and co-ordination of energy policies for Victoria and granting permits to own and use pipelines conveying crude oil, natural gas, refined petroleum products, liquified petroleum gas, and ethane gas. (See also *Victorian Year Book* 1975, pages 332-4, for a more detailed description of the functions and operations of the Ministry.)

Ministry of Housing

Minister: Minister of Housing

Permanent head: Secretary of Housing

The functions of the Ministry are to improve existing housing, accommodate people of limited means, and redevelop insanitary areas. Its activities include prefabricating building components, housing for decentralised industry and the teaching service, home finance, and regulating co-operative societies.

The various branches and agencies are: Housing Commission; Registry of Co-operative Housing Societies and Co-operative Societies; Registry of Permanent Building Societies; Home Finance Trust; Teacher Housing Authority; and Decentralized Industry Housing Authority.

Ministry for Planning

Minister: Minister for Planning

Permanent head: Secretary for Planning

This Ministry was created in 1973 to acquire responsibility from the Local Government Department for administering the Town and Country Planning and the Development Areas Acts. It ensures that government planning policies are implemented by co-ordinating and assisting with the functions of the Town and Country Planning Board, regional planning authorities, and all other responsible authorities in Victoria.

Ministry of Transport

Minister : Minister of Transport

Permanent head : Director of Transport

This Ministry is responsible for the authorities governing the operation, maintenance, and improvement of the State's land transport system. It promotes the development and better co-ordination of passenger and freight transportation, conducts detailed investigations, and advises on policy.

Ministry of Water Resources and Water Supply

Minister : Minister of Water Supply

Permanent head : Chairman, State Rivers and Water Supply Commission

This Ministry is the administrative organisation for the State Rivers and Water Supply Commission which is the State's authority for the conservation and distribution of rural water resources and the control of water from all rivers, streams, and other natural sources in Victoria. This excludes those resources under the jurisdiction of the Melbourne and Metropolitan Board of Works, which is the water supply authority for the metropolitan area of Melbourne.

Branches : Major Works, Mechanical, Rural Water Supplies, and Town Water Supplies and Local Authorities.

Ministry for Federal Affairs

The Ministry for Federal Affairs, established in February 1975, functions administratively as a branch of the Premier's Department.

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-
Gas and Fuel Corporation	ways Board
Hospitals and Charities Commission	State Electricity Commission
Melbourne and Metropolitan Board of Works	Victorian Railways Board

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.

A list of instrumentalities showing associated Departments and Ministries, and the relevant Ministers responsible for their administration is set out on pages 133-9 of the *Victorian Year Book* 1975.

Further references, 1969, 1971, 1974, 1975

ADMINISTRATIVE DEVELOPMENT

History of Government Departments

A series of short, comprehensive histories of the Victorian 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), the Department of Health (1974), and the Department of Labour and Industry (1975).

Public Service Board

On 5 September 1856, Governor Hotham appointed a Board "to inquire into the arrangements which may appear desirable for the better organisation of the permanent Civil Service of the Colony". The Chairman was Professor W. E. Hearn, and the members were G. W. Rusden, T. Dryburgh, and Captain J. H. Kay, R.N., private secretary to the Governor. The report was to be considered confidential, but was presented to Hotham on 4 November 1856 by the secretary to the Board, W. R. Stephen, with a statement that the Board had no objection to its publication. The report was subsequently presented to both Houses of the new Parliament in December 1856 and published as a Parliamentary paper. Prepared in two months, it was based mainly on parliamentary papers relating to the British Civil Service, although evidence was taken from both within and outside the Civil Service of the Colony. It recommended the formation of a central Examining Board for competitive recruitment as recommended by the Northcote-Trevelyan Report on the British Civil Service, with promotion by merit by a permanent independent judicial Board of Control such as the Examining Board, but retention by the Governor in Council of the appointment of heads of department and permanent chief officers of those bodies over which a Ministerial Chief presided. Problems such as lack of security of employment, merit obtaining its due reward, leave, and pensions were stressed. Further inquiries followed in 1859 and 1870.

The 1859 inquiry had the status of a Royal Commission with six commissioners, three of whom had served on the previous Board of Inquiry. It found that there had been no great improvement on earlier problems and criticised fragmentation and the "total absence of any general rules" as to appointments, promotions, dismissals, leave of absence, and superannuation. It stated that "the best security for the effective discharge of the public business consists in giving the heads of departments ample powers for the control of their departments and enforcing upon them a rigid responsibility for the faithful exercise of those powers", and that "conscientious and efficient heads of departments who are actually engaged in the administration of the public services" were the most suited to solve many Service problems. The report led to the first legislation for the Public Service, namely, the *Civil Service Act 1862*.

The 1859 Commission was more thorough than its predecessor having deliberated for seven months. It retained the three divisions of the Civil Service and comparing the greatly expanded government business to that of "the conduct of the business of a great land owner", as well as recommending the strengthening of the powers of the departmental heads, it held that the Governor in Council should be free to make new appointments from outside the Service, trusting to such a "guarded use of this discretionary power as is consistent with the spirit of the entire system".

The Royal Commission constituted in 1870 consisted of nine commissioners, including three members of the previous Commission and four Members of

Parliament, and although it sat for two years and eight months, the final report presented in 1873 was a slim one. It recommended a uniform Public Service and that a Board be nominated by the Governor in Council "to inquire into all such matters relating to the Public Service as the Governor in Council might choose to refer to it", and that on matters of patronage current supernumeraries of three years standing be permanently appointed to the Service and that in future supernumeraries or temporary assistance be limited to six consecutive months employment and no more than eight months in one year.

Patronage problems, however, were subsequently highlighted on "Black Wednesday", 9 January 1878, when the Premier, Sir Graham Berry, summarily dismissed 137 public servants including the secretaries of the departments of Public Works, Lands, and Education and such senior officers as the Accountant in both the Treasury and Education Departments, County Court Judges, Police Magistrates, the Coroner and the Crown Prosecutor in the Law Department, the Assistant Surveyor-General in the Lands Department, architects, surveyors, and inspectors. The total of dismissals finally rose to 278, comprising 252 permanent civil servants and 26 supernumeraries.

The appointment of supernumeraries, or additional officers, had come about because of a large increase in administrative work to do with land selection. According to the 1862 Civil Service Act (No. 160), it was compulsory for people entering the service as permanent officers to pass an examination, but this rule had been practically shelved. Supernumeraries were appointed direct by the Cabinet on the recommendation of Ministers, Members of Parliament, and departmental heads.

Understandably, this was resented by permanent officers, for admission to the Civil Service was considered a privilege and many sons of prominent citizens were found in all branches of the Service. Resentment was increased by the fact that supernumeraries could be granted salary increases at the will of Ministers and heads of departments.

The payment of Members of Parliament had been the initial cause of the crisis, and there was a deadlock in Parliament over the Appropriations Bill. The Governor was assured that the staff reductions were temporary and necessary in view of the lack of funds, but differences of opinion have arisen as to the origin of the scheme to dismiss public servants so suddenly. Dismissal of such civil servants as had been appointed by political opponents had been mooted for some time, and although Governor Bowen doubted "the legality and equity" of discharging public servants because of expediency, nevertheless the dismissal of public servants, some of whom had opposed the government's policies, was authorised. Subsequently, Berry admitted to the Assembly that in fact staff reduction had been a manoeuvre to coerce the Legislative Council into passing the Appropriations Bill. The Payment of Members' Bill and an amended Appropriations Bill were passed in March 1878, and subsequently in 1883 a Public Service Act was passed, some ten years after the third Royal Commission and some five years after "Black Wednesday".

The preamble to the Act specifically stated "it is expedient and highly desirable to abolish all patronage with respect to appointments and promotions in the Public Service and to establish a just and equitable system in lieu thereof which will enable all persons who have qualified themselves in that behalf to enter the Public Service without favour or recommendations other than that of their own merits and fitness for the position". Whereas the qualifying examination was conducted by the University of Melbourne on behalf of the Board, in practice appointments had remained the gift of Ministers, and the appointment of "persons of known ability" as permitted under Section 23 of the 1862 Act meant that by 1882 only 1,703 persons had been appointed to the Service by examination compared with 15,843 who had secured appointment by other means; 11,010 of these were in the Education Department and the Railways Department, both of which departments were outside the Civil Service

Act. From 1862 to 1882 the Supernumerary Service had grown by 65 per cent while the Civil Service proper decreased by 25 per cent. The proposed Act abolished the patronage system.

The principle of one Public Service for all departments was to be confirmed and a Board of three commissioners to administer the "merit system" was to be created. Salaries were to be determined by the Governor in Council on the recommendation of the Board.

Several months prior to the passing of the Bill, the then secretary to the Premier prepared a document which resulted in an Order in Council on 29 May 1883 creating the Premier's Department. The Governor in Council approved the following: "In view of the fact that the Premier is very frequently not Chief Secretary, it is submitted that that part of the business of the Chief Secretary's Office which especially appertains to the Head of the Administration, be separated from the Chief Secretary's Office, and attached to a distinct department, to be called the Premier's Department. In addition to the main functions outlined above, the Department was to deal with any matters that may relate to the Public Service as a whole, not merely to a particular division or department".

Eight years later, in 1891, a wordy battle was fought between the Secretary to the Premier's Department and the Under-Secretary for the right to administer the Public Service Act, and the Premier's Department and Treasury also differed over the right to administer it. A Cabinet Committee appointed to inquire into the disagreement decided that the Public Service Board would be transferred to the Premier's Department to accord with the principle expressed in the Order in Council of 1883.

In 1894, when the Chief Secretary also assumed the portfolio of Premier, the Premier's Department was abolished and it became the Premier's Office, a branch of the Chief Secretary's Department. The staff of both the Premier's Office and the Public Service Board were transferred to the Chief Secretary's Department and the administration of the Public Service Act was also transferred by Order in Council.

The 1883 Act and an amending Act in 1889 were consolidated as the Public Service Act of 1890 and sixteen further amending Acts were passed before a further Royal Commission was appointed on 17 February 1916 "to report on the working of the Public Departments of the State of Victoria excepting the Railways Department". Apart from detailed recommendations on procedures in departments, it pointed to the persistence of "temporaries" in the Public Service, the lack of an efficient inspectorial system, and the comprehensive character of the duties of the sole Public Service commissioner (the Board of three had been replaced by a single commissioner in 1901). It did not, however, recommend any increase in the number of commissioners. The report also recommended that the Premier's Office with its staff of eight "should be attached to the Treasury instead of the Chief Secretary's Department", "as the portfolios of Premier and Treasurer are so frequently held by the one Minister and are so closely related". The transfer was ultimately effected in 1928 on the basis of a recommendation by the Under-Treasurer.

In 1926, Mr J. Wallace Ross, a public accountant, was appointed a Board of Inquiry to inquire into the methods in the Public Service and to report on whether or not there was "extravagance, overlapping or overstaffing". He advocated the extension of the powers of the Public Service commissioner and also those of permanent heads on promotions and transfers, and that the Professional and Clerical Divisions should be amalgamated.

On 23 December 1936 when the Premier became Treasurer (without salary) the Appropriation Act for that year created the Premier's Department for the second time. This upheld the view stated in 1891 that an Act of Parliament was not necessary to establish a new Ministerial position: "if the Governor by his constitutional power appoints to a Ministerial Office the Office is thereby created

ipso facto. It was so with the Office of Minister of Mines in 1860 and with that of the Minister of Justice in 1861 ”.

An Order in Council dated 2 February 1937 transferred the staff of the Premier's Office and the Office of the Public Service Board from the Treasury to the Premier's Department, and the Governor's Office from the Chief Secretary's Department to the Premier's Office as from 23 December 1936.

In 1940, when a three member Public Service Board was constituted, provision was made for an “employee” member to be elected by permanent officers of the Public Service of Victoria “and a member to represent the Government of Victoria and a Chairman appointed by the Governor in Council”. In 1946, by “an Act to consolidate and amend the Law relating to the Public Service of Victoria”, the “employee” member and the “government” member were given representative status. Also, the power of appointment, promotion, and transfer, with some exceptions, was transferred from the Governor in Council to the Public Service Board, and it was given wage and salary fixing responsibilities. These previously had been the prerogative of the Parliament and the Executive.

On 2 October 1973, Sir Henry Bland, Kt., C.B.E., was constituted a Board to inquire into and report upon the role, organisational structure, management, and staffing of the Victorian Public Service and to make recommendations. The first report dealt largely with the reform of the *Public Service Act* 1958 as amended and was presented to the Governor of Victoria in 1974. It resulted in the *Public Service Act* 1974 which has been amended in the *Public Service (Transitional Provisions) Act* 1975, and came into operation on 1 August 1975. (See also page 137.)

OMBUDSMAN

There has been 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 a 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. 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 the terms and conditions of that 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 Board, Tribunal, Commission or other body presided over by a Judge, Magistrate, Barrister, or Solicitor presiding as such by virtue of a statutory requirement and appointment; (c) a person acting as legal adviser to the Crown or as counsel for the Crown in any proceedings; (d) a person in his capacity as trustee under the *Trustee Act 1958*; or (e) 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) appears to have been taken contrary to law; (b) was unreasonable, unjust, oppressive, or improperly discriminatory; (c) was in accordance with a rule of law or a provision of an enactment or practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory; (d) was taken in the exercise of a power or discretion, and was so taken for an improper purpose or on irrelevant grounds, or on the taking into account of irrelevant considerations; (e) was a decision that was made in the exercise of a power or discretion and the reasons for the decision were not, but should have been, given; (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 values these provisions so highly that he intends to report to each House quarterly.

PUBLIC RECORD OFFICE

The *Public Records Act 1973* marked a new era in Victoria by creating a new archival establishment in line with modern archival developments in England,

the United States of America, Europe, and elsewhere. It established the Public Record Office in April 1973 "for the better preservation, management and utilisation of the public records of the State".

Although public records had been deposited somewhat sporadically in the then Public Library of Victoria from 1893 onwards, the first Archivist was appointed in 1948 and the Archives Section of the State Library was established in 1955. Thereafter the quantities of public records deposited increased considerably. At the same time the introduction of systematic procedures for records management and, in particular, records selection and disposal brought widespread recognition among Victorian Government public offices of the importance of public records control in current administration. The outcome was the Public Records Act and the creation of the Public Record Office.

The Act also established a Public Records Advisory Council which "in consultation with the Keeper of Public Records shall promote co-operation between the Public Record Office and public offices" and "may report and make recommendations to the Minister (the Chief Secretary) on any matter relating to the administration of this Act". It consists of seven members, four of whom hold the position of permanent head of a department, and the remainder representing tertiary educational institutions, municipal government, and the State Library.

Public records are those records made or received by any officer in carrying out the official business of any public office or the judicial business of any court. Public offices are defined in the Act as:

- (1) Any department, branch, or office of the Government of Victoria;
- (2) any public statutory body corporate or incorporate;
- (3) any municipality or other body constituted by or under the *Local Government Act* 1958; and
- (4) any other local governing body corporate or incorporate.

The Public Records Act vests "the management and control of the Public Record Office and of the public records therein" in a Keeper of Public Records subject to the Act and to the general direction and control of the Minister (the Chief Secretary). The Keeper is responsible for the security and orderly classification of the records held and for the provision of reasonable facilities to the public for inspecting and obtaining copies of them. The Public Record Office will also be developing a programme for publishing selected documents and finding aids.

The Act also requires officers in charge of public offices to ensure that full and accurate records are made and kept and that standards are established for the selection of public records worthy of preservation. Public officers and officers of the Public Record Office are working together to control the number of records created, to ensure that records of purely temporary significance are separated and discarded as early as possible and essential records safeguarded, and that arrangements are made for the regular transfer of non-current permanent files to the Public Record Office.

For some years the Public Record Office shared accommodation within the State Library of Victoria. However, in June 1975 a new building to serve as a base repository was purchased at Laverton for the purposes of the Public Record Office.

LOCAL GOVERNMENT

Local government is a tier in the tripartite structure of government in Australia (namely Commonwealth, State, and local). As it is closely connected with the life of communities, it can become sensitive to, and aware of, their needs. Local government in Victoria is administered by 211 municipalities, operating under the provisions of the *Local Government Act* 1958 and under the oversight of the Minister for Local Government, his permanent head, the Secretary for Local Government, and a staff of some 380 officers as well as some forty members of boards, most of whom serve part-time.

The Minister and his Department also administer a number of other Acts of Parliament, as set out in detail in Chapter 6, but the greater part of the powers and duties given to municipal councils is set out in the Local Government Act. There are several amendments to this Act each year, as a result of changing community circumstances which affect most citizens. The Act sets out the framework within which each council is free to exercise control over matters of local concern, and the role of the Department is essentially to assist councils in executing the wishes of their electors within this framework of statutory powers.

The Department functions with an administrative core and a number of specialised sections handling a variety of matters including the examination of legislative proposals, the preparation of legislation, statutory procedures, the making or revision of building and other regulations, the allocation of subsidies and payments to municipalities for various purposes, and the responsibility of advising councillors, municipal officers, and the public generally. Inspectors of municipal administration and engineers maintain field contact with municipalities and report to the Minister.

The Valuer-General is concerned with the standard of valuations carried out by the municipalities, and with co-ordinating all valuations within the State. The Valuers Qualification Board controls the level of academic attainment and experience required from prospective valuers, while Land Valuation Boards of Review determine appeals against land valuations and arbitrate on compensation for compulsory acquisition of land, etc., by public authorities, without the need for recourse to the courts of law, except at the appellant's option in some cases.

The Superintendent of Weights and Measures is responsible for the administration of the Weights and Measures Act, and is concerned principally with the activities of individual councils, or of groups of councils known as Weights and Measures Unions.

Among other boards operating within the Department are the Local Government Advisory Board, which advises the Minister on matters concerning the constitution or alteration of municipal areas, and the Municipal Officers Qualifications Boards. The latter include municipal clerks, auditors, engineers, electrical engineers, and building surveyors, and are all concerned with the qualifications of these respective officers and thus with the maintenance of standards. The power to inquire into conduct and competence is also vested in these boards.

The administration of the Town Planning Act and Town Planning Appeals Act, previously functions of the Local Government Department, is now handled by the new Ministry for Planning, and is described separately below, as is the supervision of scaffolding, now handled by the Department of Labour and Industry (see page 141). Other important areas for councils, such as health and various welfare functions (e.g., home help, elderly citizens, meals-on-wheels, social workers, etc.), come within the administration of the Health Department.

The Minister and his Department have to ensure that councils act within their field of authority and so preserve rights of citizens. The Department also makes recommendations about desirable legislative changes in order to improve the lives of citizens. The basic aim is not to reduce the autonomy of councils, but to help them match local government to local needs, while co-ordinating their activities for the benefit of all.

PLANNING

Ministry for Planning

The Ministry for Planning was established under the *Ministry for Planning Act 1973* which was proclaimed on 2 December 1974. Prior to the establishment of the Ministry the administration of the *Town and Country Planning Act 1961*

was the responsibility of the Minister for Local Government. The Ministry is responsible for the administration of the *Town and Country Planning Act 1961* and the *Development Areas Act* as well as co-ordinating the administrative planning functions of the Town and Country Planning Board, regional planning authorities, and all other responsible authorities throughout the State. The objectives of the Ministry are to provide assistance to the various authorities who are actively engaged in the preparation of planning schemes in order that the planning process may be fully co-ordinated. The Ministry is responsible for the administration of the Urban Land Council and the Secretary for Planning is chairman of the Council.

An important role of the Ministry is to provide advice to the Minister on the various reports prepared by responsible authorities relating to planning matters and draft new legislation or amendments to existing legislation.

The Ministry is represented on a number of committees including the Victorian Residential Land Development Committee, which is inquiring into the supply of residential land, and provides secretarial and administrative services to that Committee.

One of the first major tasks the Ministry has been engaged in is the setting up of the Upper Yarra Valley/Dandenong Ranges Regional Planning Authority. This proposed Authority will differ in membership from other regional planning authorities set up under the *Town and Country Planning Act* in that its membership will include representatives of government departments and private organisations which are closely concerned with the environment of the area. The Authority's jurisdiction will comprise the Shires of Lillydale and Sherbrooke and parts of the Shires of Upper Yarra and Healesville.

The Ministry is also responsible for the provision of administrative services to the Historic Buildings Preservation Council (see page 157).

Town Planning Appeals Tribunal

The Ministry incorporates the Town Planning Appeals Tribunal. This body was initially provided for by the *Town and Country Planning (Amendment) Act 1968*. It currently consists of nine persons and sits in three divisions, each comprising a chairman, who is required to be a barrister and solicitor, and two other members, one being an experienced town planner, and the other having knowledge of public administration, commerce, or industry.

The Tribunal hears and determines appeals by applicants for a permit under interim development orders and planning schemes against the refusal or failure of the responsible authority to grant a permit or against any unacceptable condition in a permit; also appeals by objectors against the determination of the responsible authority to grant a permit. The members of the Tribunal are not officers of the Ministry. Appeals must be lodged with the Registrar of Town Planning Appeals; he and his staff are officers of the Ministry.

Town and Country Planning Board

Introduction

The Town and Country Planning Board was constituted under the *Town and Country Planning Act 1944* and commenced operations in February 1946. The Act enabled the State-wide preparation of statutory schemes by responsible authorities and charged the Board with advising the Minister for Planning on any planning matter and with preparing, at the Minister's request, a planning scheme for any specified area. This was the first stage in the life of statutory planning in Victoria.

The organisation assumed the structure and responsibilities it was to retain in the main until 1968. During this time its prime functions were reporting to the Minister on planning schemes prepared by local authorities and generally

assisting and advising councils on planning matters. One very large task was the examination of the Melbourne Metropolitan Planning Scheme (1954) and objections to that scheme.

In 1967, in response to a Ministerial request, both the Town and Country Planning Board and the Board of Works submitted comprehensive reports with recommendations for the planning and administration of metropolitan Melbourne to the year 2000, when a population of 5 million was envisaged. As a result the Town and Country Planning Act was amended in 1968 to provide for a three tier system of administration. The Town and Country Planning Board, assisted by a State Planning Council, was to promote and co-ordinate planning throughout Victoria, advise the Government on State planning policy, and generally administer the Act. Within this framework regional planning authorities were to be set up with the Board of Works as the metropolitan regional authority over an area three times its previous size. Municipalities within the Board of Works area have been delegated responsibility for local planning matters within the regional framework.

The Board's responsibilities became :

- (1) Promoting and co-ordinating urban and regional planning throughout the State ;
- (2) preparing statements of planning policy ;
- (3) convening and supplying services to the State Planning Council ;
- (4) preparing planning schemes for special areas ;
- (5) reviewing and reporting on planning schemes ; and
- (6) advising the Minister on any planning matter.

In 1973 the Board also became responsible for reporting to the Minister on investigation areas under the provisions of the *Development Areas Act 1973*.

Statements of planning policy

Statements of planning policy provide physical planning authorities with a pre-determined, co-ordinated outline of government policy as the basis for detailed planning proposals. They are prepared by the Board in consultation with the State Planning Council and become effective after approval by the Governor in Council. Every responsible authority, including regional planning authorities, in preparing or amending a planning scheme, must have due regard to any approved statement of planning policy which affects its planning area.

Statements of planning policy can be prepared for any portion of Victoria and "shall be directed primarily towards broad general planning to facilitate the co-ordination of planning throughout the State by all responsible authorities". They shall have regard to "matters necessary to be provided for in the interests of the development of the State". These include demographic, social, and economic factors and influences; conservation of natural resources for social, economic, environmental, ecological, and scientific purposes; characteristics of land; characteristics and disposition of land-use; amenity and environment; communications; and development requirements of public authorities.

Statements have already been approved for Western Port, the Mornington Peninsula, the Dandenong Ranges, the Yarra River, Geelong, and highway areas and land-use around aerodromes. Others are in course of preparation.

State Planning Council

Strategic planning is best done as a joint undertaking in which a number of authorities participate. The State Planning Council, inaugurated on 17 October 1968, and subsequently increased to fourteen members, comprises the Chairman, Town and Country Planning Board (Chairman); the Chairman, State Rivers and Water Supply Commission; the Chairman, Country Roads Board; the Chairman, State Electricity Commission; the Chairman, Victorian

Railways Board; the Secretary to the Premier's Department; the Director-General of Public Works; the Chairman, Housing Commission of Victoria; the Chairman, Melbourne and Metropolitan Board of Works; the Director of Conservation; the Under-Secretary; the Director-General of Education; the Secretary for State Development; and the Secretary for Lands.

Its functions are:

- (1) To co-ordinate planning by State instrumentalities and semi-government authorities of future works and developments for which they are responsible; and
- (2) to act as consultant and adviser to the Board with respect to the preparation and adoption of statements of planning policy.

In effect the authorities represented on the Council, while continuing to be responsible for planning and execution in their own specialised fields, become direct participants in broad policy planning at government level.

Planning schemes for special areas

The Board is responsible for the preparation of planning schemes for special areas or projects of State significance where the local authority does not have the necessary resources to undertake the task or where a unified approach is necessary and a regional planning authority is not appropriate. This applies particularly to coastal areas, inland areas such as those with man-made lakes as a result of water conservation schemes or valuable national resources, and to areas of special significance such as the historic town of Maldon.

Reviewing and reporting on planning schemes

This is the Board's original function and the one for which it is best-known. It covers many aspects of statutory planning including examination of planning schemes and interim development orders, amendments, revocations, by-laws, and other general matters relating to the Town and Country Planning Act and the Local Government Act.

Responsibilities under the Development Areas Act

The Development Areas Act empowers the Governor in Council to declare as a "designated area" any area considered suitable for accelerated development or which requires controlled development. Areas requiring further study can be declared "investigation areas". The Board is required to report to the Minister on all investigation areas, assessing their suitability for accelerated development.

Australian Government involvement in planning

In recent years the Australian Government has shown an increasing awareness of the importance of urban and regional planning and the associated problems. One of the first steps taken in response to this situation was the establishment in 1972 of the Australian Department of Urban and Regional Development, a structure designed to enable the Australian and Victorian Governments to work together towards urban and regional development. The main areas of Australian Government involvement will be in the development of new metropolitan and regional growth centres, in providing assistance for projects in other urban and regional areas, and in providing funds for land acquisition, metropolitan area improvement programmes, and sewerage works.

The first major joint project in Victoria was the development of a new city in the Albury-Wodonga area. At a meeting in Albury on 25 January 1973, the Prime Minister and the Premiers of New South Wales and Victoria agreed on the joint policy and general guidelines. The three governments then joined together to develop the new growth complex and to promote the incentives, amenities, and services to foster and serve it. A development corporation set up

as a statutory authority by the three governments will plan and develop the areas designated for new urban growth.

In addition to the Albury-Wodonga project, the Board is involved in several joint studies principally with the Department of Urban and Regional Development. The work generated has also involved the co-operation of the regional planning authorities within the Port Phillip district—the Melbourne and Metropolitan Board of Works, the Western Port Regional Planning Authority, and the Geelong Regional Planning Authority.

A major part of the Board's resources is committed to these projects. This includes representation on formal committees and working groups, active participation in studies and specific tasks, and a co-ordinating role as the responsible State body.

Regional planning

A form of regional planning was first introduced in Victoria in 1944 after the Australian and State Governments agreed to plan post-war development and decentralisation on a regional basis. In the same year, the Victorian Government appointed a State Regional Boundaries Committee to inquire into physical, economic, and human resources, and to make a broad survey of the whole State. The regions recommended were : Barwon, Central Highlands, Corangamite, East Gippsland, West Gippsland, Glenelg, Goulburn, Loddon, Mallee, Port Phillip, Upper Goulburn, Upper Murray, and the Wimmera.

The Central Planning Authority was then set up in 1946 to arrange conventions of municipal councils within each region for the purpose of constituting regional committees ; to advise and assist these committees in making surveys and investigations into regional resources ; to co-ordinate their work ; to disseminate information about planning ; and to consider and report to the Government on recommendations made by these committees. The secretariat for the Authority was originally established in the Premier's Department, but was later incorporated in the Department of State Development and Decentralization.

Regional committees were set up for all regions except Port Phillip. Their functions were to advise on potential development of resources ; to provide a common ground for discussion between local administrators and interested parties on problems and the methods of co-ordinating public services ; and to advise on outstanding problems such as soil deficiencies, transport difficulties, housing shortages, etc., which required government action. The Government has acted on many of the committees' recommendations but as the committees were only advisory bodies, they could not be seen as regional planning authorities in the modern context.

In 1968 the Town and Country Planning Act was amended to provide a three tier system of planning administration—State-wide, regional, and local. Within this framework, regional planning authorities were to be established to prepare planning schemes for any specified area extending beyond the boundaries of any one municipality and to enforce and carry out those schemes. Under this amending Act, a regional planning authority must consist of representatives of every municipality within the region and may also include other approved specially qualified people. It is to be financed by the participating municipalities on an agreed basis and be a body corporate with powers to acquire and dispose of land. It has the power to appoint its own staff and technical advisory committees and it can become the sole responsible authority for any interim development order or planning scheme in operation in the region. It can also delegate to the council of a municipality within the region such powers as it thinks fit and are capable of being delegated.

In addition to the Melbourne and Metropolitan Board of Works, which is the planning authority for the enlarged metropolitan planning area of 5,000 square

kilometres, regional planning authorities have now been constituted at Western Port and Geelong, thus covering the whole of the Port Phillip district. The only authority established outside this district to date is in the Loddon-Campaspe area.

A further step was taken in 1973 when the State Planning Council reviewed the decentralisation of activities of government departments in Victoria, rationalised the boundaries used, and adopted a revised system of regions for general use by government departments and agencies in the decentralising of their future operations. This system was adopted subsequently by the Victorian Government and has replaced the 1944 Central Planning Authority regions. (See page 159.) The Central Planning Authority has ceased to operate and the regional committees are being disbanded and gradually replaced by provisional committees operating within the new regional system. The responsibility for the establishment and administration of these committees was given to the Town and Country Planning Board. Where local initiative creates the need for greater powers, provisional committees may become full regional planning authorities.

Geelong Regional Planning Authority, 1974 ; Western Port Regional Planning Authority, 1974

Historic Buildings Preservation Council

The *Historic Buildings Act 1974* was proclaimed in May 1974 and is administered by the Historic Buildings Preservation Council. The Council is a part-time body which consists of ten persons, comprising a person nominated by the Minister for the Arts ; a town planner nominated by the Town and Country Planning Board ; the Valuer-General or a person nominated by him ; and seven members appointed by the Governor in Council, each of whom represents an appropriate area of professional experience.

The Council meets regularly and carries out on-site inspections of buildings of historic value. The Ministry for Planning provides secretarial, administrative, and research services for the Council.

The functions of the Council are :

- (1) To recommend to the Minister :
 - (i) the buildings of architectural or historic importance which it considers should be added to the register ;
 - (ii) the designated buildings which it considers should be removed from the register ; and
 - (iii) any alteration which it considers should be made to any item in the register.
- (2) of its own motion or at the request of the Minister for Planning to report to the Minister on any matter relating to designated buildings or to the administration of this Act.

The Council is also required to consider and evaluate all applications for permits to carry out alterations to a designated building.

The Council may serve an Interim Preservation Order on the owner of any building which it is investigating where, in the opinion of the Council, it is necessary or desirable to do so for the purposes of achieving the objects of the Historic Buildings Act.

The Council may consider requests for financial assistance and make recommendations to the Minister that special assistance be granted to the owner of a designated building which is not economically feasible and its preservation is thereby endangered.

Statistical divisions in Victoria

Statistical divisions have traditionally been used as a geographic base for the presentation of the principal series of official economic, social, and demographic statistics of the State. The groupings of local government areas making up

statistical divisions in Victoria have been altered from 1974 to reflect associations of the areas in terms of socio-economic links rather than the purely topographic and land-use associations which applied previously.

Origins of statistical division concept

Geographic sub-divisions of Victoria for presentation of official statistics were first used in 1896. In that year the Statistical Register of Victoria included a table of agricultural statistics which grouped counties into eight "statistical districts". Counties were groupings of parishes; these units were the original land survey units in the State.

The Australian Bureau of Statistics publication *Population and Vital Statistics* and later its publication *Demography* used "divisions" of Victoria in the same groupings of counties as for agricultural statistics in publications of births and deaths early this century. The same names of "divisions" appeared again, with the addition of a "metropolitan division".

The arrangement of local government areas into "statistical districts" is noted in the Population Census, Victoria, 1901. This Census volume included a table showing figures for 1891 and 1901, using district names identical with those in the tabulations of agricultural statistics of 1896. A metropolitan area was also shown within the Central District.

In 1929, in accordance with a resolution at a Conference of the Federal Health Council and the Statisticians of the Commonwealth and States, held in Melbourne on 19 and 20 March 1928, these "divisions" were reconstituted for the purpose of presenting vital statistics, from groupings of counties to groupings of local government areas. This divisional grouping was subsequently applied to other statistical series and continued unchanged until 1966 although with adjustment in the intervening years of the statistical division boundaries for changes in local government area boundaries and for the metropolitan development of Melbourne.

The Twenty-seventh Conference of Statisticians in 1965 adopted the substance of the report prepared by Dr G. J. R. Linge entitled *The Delimitation of Urban Areas for Statistical Purposes*. In accordance with resolutions of this Conference, an urban definition of 500 persons to one square mile (2.5 square kilometres) was adopted and the Melbourne Statistical Division was delimited to set an outer boundary around Melbourne so as to contain the anticipated urban growth for a period of between 20 and 25 years. The Melbourne Statistical Division was first applied to the 1966 Census of Population and Housing. The introduction of this division affected the boundaries of surrounding divisions but did not alter the criteria for accepting those or other divisions in the State.

It is apparent that while no precise criteria for grouping counties or local government areas into "districts" or "divisions", respectively, can be discovered, the groupings were made on the basis of geographic, topographic, and land-use features, with the exception of the Melbourne area where urban characteristics and the potential for them were considered, especially in later years.

This concept of statistical divisions did not positively allow for groupings of areas associated by a marked degree of demographic significance arising from social or economic intercourse. Consequently they have become increasingly unsuited for the presentation of a wide range of sophisticated statistics now available or planned for in the near future.

As a consequence the policy of the Australian Bureau of Statistics on statistical divisions was reviewed at a conference of State Deputy Commonwealth Statisticians in June 1973. Among other things this Conference resolved that:

(1) Statistical divisions should ideally be delimited in all States on the basis of socio-economic criteria and should where possible embrace contiguous local government areas; and

(2) the boundaries of the statistical divisions so delimited should be changed only at intervals, for example, at periods of 15 to 20 years.

Development of new statistical divisions

State Planning Regions

At the time of this 1973 Conference, Victorian Government bodies, through the State Planning Council, were examining the re-grouping of local government areas into State Planning Regions as a basis for encouraging regional development and decentralising government departments.

This examination was prompted by a growing interest in regional development which was recognised in an amendment to the Town and Country Planning Act in 1968. Among other things this amendment provided legislative machinery for the formation of regional planning authorities to be composed primarily of representatives of local government authorities in each region. These authorities are by this amendment to have specific powers to direct planning programmes and hence, are potentially more effective than the earlier Regional Planning Committees established under the Central Planning Authority, which could only recommend development programmes for those regions delineated in 1944 by that Authority.

Three constraints in delineating new State Planning Regions were established: first, for administrative convenience whole local government areas were to be used in all but exceptional circumstances; second, because different sized units were required for various purposes, there should be a three tier system of dividing the State into regions and sub-regions based on local government areas; and third, the sub-regions, once identified, would not be severed in delineating regions.

The criteria used in defining State Planning Regions were as follows:

- (1) The economic, social, administrative, and physical attributes of a region should be as uniform as possible.
- (2) A region should embrace the full extent of known planning problems or resources of planning significance.
- (3) A region should be large enough in population and resources to support a regional planning programme and yet small enough for the community to be able to identify with it and for all members of a regional authority to acquire a sound knowledge of, and interest in, the whole region.

Factors taken into account in delineating regional and sub-regional boundaries were:

- (1) Comparisons with other ways of dividing the State, including the then current Central Planning Authority regions, and various areas used for presenting statistics.
- (2) Physical factors including river basins and table lands, climate, geology, and soils. These influence economic activity, particularly primary production.
- (3) Communication, that is, the concept of a region as a hierarchy of towns joined by a coherent system of lines of communication.
- (4) Areas of influence of towns described by studies and researches within the Town and Country Planning Board and the University of Melbourne on the socio-economic areas of influence of Victorian towns and cities. The Board's studies used a system of weighting elements of association according to their apparent significance. Elements considered included the patterns of a community's frequent (at least once a month) travel to a retail shopping centre, newspaper circulation, distribution or marketing areas for major consumer items, regional zoning of sporting, social, and community and welfare organisations, the composition of municipal associations (made by local selection), and library and hospital service regions.

It should be noted that the socio-economic areas of influence of towns and cities of various sizes intersect and overlap in ways which prevent a quantifiable

decision on the association of one area with another. In drawing boundaries to areas of influence, subjective judgement has of necessity been used in these cases. In other cases, for example, a well defined river basin, the region based on physical factors will be very similar to the socio-economic region, but where physical features do not provide strong barriers to communication, socio-economic boundaries may not align with whatever physical features do exist. Where there is a lack of congruence, the system adopted followed socio-economic rather than physical boundaries. Further, the use of whole local government areas often results in only an approximation to the real socio-economic unit.

State Planning Regions delimited on the criteria outlined above were, after consultation with Federal and local government authorities and other interested bodies, adopted by the Victorian Government in May 1974.

Adoption of new statistical divisions

The Victorian Office of the Australian Bureau of Statistics had regard to the criteria used in delimiting the regions and to the involvement of bodies interested in the delimitation. As these factors were in accord with the content and the spirit of the resolution of the 1973 Conference, State Planning Regions were adopted as statistical divisions for Victoria. In addition, by this adoption, the Victorian Office had introduced a device for conveniently summarising official statistics into geographic areas which have a real and growing significance for most users of those statistics.

Consequently the boundaries of Victorian statistical divisions, with the exception of the Melbourne Statistical Division, have been re-drawn to accord with State Planning Regions. The combination of the Melbourne Statistical Division and the East Central Statistical Division is equivalent to the Port Phillip Planning Region adopted by the Victorian Government. In all other cases both the boundaries and names applied to the new statistical divisions are the same as for State Planning Regions.

New statistical division boundaries will be applied to all relevant annual statistics, other than those from the Agricultural and Pastoral Census, for their respective years ending in 1974. Agricultural and Pastoral Census statistics will be converted to the new boundaries from the year ending March 1975. Monthly and quarterly statistical series are published for the new boundaries from June 1974.

The boundaries of the new statistical divisions will be retained for so long as they are considered relevant by interested bodies. However, they will be altered to account for minor changes in local government area boundaries.

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