

Part 2

GOVERNMENT AND ADMINISTRATION

Constitution

Introduction

The present Constitution of Victoria derives from an Act passed by the Parliament at Westminster in 1855 and known in Victoria as The Constitution Act. That Act, together with *The Constitution Act Amendment Act* 1958 (which consolidates the many constitutional provisions passed by the Victorian Parliament itself since 1855) provides the legal and constitutional background to a system of responsible Cabinet Government based on a legislature of two Houses, both elected upon adult suffrage. The Victorian Constitution has also been affected by the establishment of the Commonwealth Constitution by the *Commonwealth of Australia Constitution Act* 1900, by which legislative and executive powers upon certain specified matters were granted to the Commonwealth Parliament and Government, some of them exclusively, and provision was made that, in the case of inconsistency of valid laws, the Commonwealth law should prevail. In the result, the Parliament of Victoria may now make laws in and for Victoria upon all matters not exclusively granted to the Commonwealth by the Commonwealth Constitution; but upon some of these matters the Victorian law may be superseded by the passing of a Commonwealth Act. Local government, that is, the control exercised by municipal councils within their respective districts, is a matter of State law and wholly within the legislative control of the Victorian Parliament.

Governor

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

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

As the Queen's representative, the Governor summons and pro-rogues Parliament and at the beginning of each session outlines the Government's legislative programme in his opening speech. In the name of the Queen he gives assent to Bills which have passed all stages in Parliament, with the exception of those especially reserved for the Royal Assent. These include Bills dealing with special subjects such as divorce, or the granting of land and money to himself. His functions in relation to the Legislature are contained in the Constitution Act and the Constitution Act Amendment Act.

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

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

The Governor also has power to appoint a Deputy to exercise his functions as the Queen's representative during his temporary absence from the seat of Government whether within or outside Victoria.

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

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

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

The present Governor of Victoria is General Sir Reginald Alexander Dallas Brooks, K.C.B., K.C.M.G., K.C.V.O., D.S.O., K.St.J.

A list of representatives of the Sovereign since the establishment of the Port Phillip District in 1839 is set out on pages 68 to 70 of the Victorian Year Book 1961.

Lieutenant-Governor

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

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

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

The present Lieutenant-Governor is Lieutenant-General the Hon. Sir Edmund Francis Herring, K.C.M.G., K.B.E., D.S.O., M.C., E.D.

Executive Council

Section 15 of the *Constitution Act Amendment Act 1958* provides that officers appointed as responsible Ministers of the Crown shall also be members of the Executive Council, and provision for their appointment appears in the Letters Patent constituting the office of Governor.

The Executive Council, consisting of Executive Councillors under summons, namely, members of the current Ministry, usually meets weekly or as required. The quorum of three (3) comprises the Governor and at least two (2) Ministers. These meetings are of a formal nature and are presided over by the Governor or in his absence by his Deputy.

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

Cabinet

Formation and Composition of Cabinet

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

The authority under which Victorian Ministers are appointed is contained in section 15 of the *Constitution Act Amendment Act 1958*, which provides that the Governor may, from time to time, appoint up to fourteen (14) officers who are either members or capable of being elected members of either House of Parliament. No Minister shall hold office for a longer period than three months unless he is or becomes a member of the Legislative Council or the Legislative Assembly. This section further provides that not more than four (4) of such officers shall at any one time be members of the Legislative Council and not more than ten (10) members of the Legislative Assembly.

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

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

Powers of Cabinet

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

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

Functions and Methods of Procedure

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

There is in practice no Cabinet secretariat; but the *Constitution Act Amendment Act 1958* provides for the payment of a salary to any member of the Council or of the Assembly who is recognized as the Parliamentary Secretary of the Cabinet.

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

In general, Cabinet decisions are given legal effect either by the appropriate Minister or by the Governor in Council.

Government

Ministries

Ministries, 1945 to 1961

The following is a list of the Premiers of the Governments from 1945 to 1961 :—

Ministry and Name of Premier	Date of Assumption of Office	Date of Retirement from Office	Duration of Office
Albert Arthur Dunstan ..	18th September, 1943	2nd October, 1945	days 746
Ian Macfarlan, K.C. ..	2nd October, 1945	21st November, 1945	51
John Cain ..	21st November, 1945	20th November, 1947	730
Thomas Tuke Hollway ..	20th November, 1947	3rd December, 1948	380
Thomas Tuke Hollway ..	3rd December, 1948	27th June, 1950 ..	572
John Gladstone Black ..	27th June, 1950 ..	28th October, 1952	855
McDonald			
Thomas Tuke Hollway ..	28th October, 1952	31st October, 1952..	4
John Gladstone Black ..	31st October, 1952..	17th December, 1952	48
McDonald			
John Cain ..	17th December, 1952	31st March, 1955 ..	835
John Cain ..	31st March, 1955 ..	7th June, 1955 ..	69
Henry Edward Bolte ..	7th June, 1955 ..	Still in Office	

A list of Government officers administering Victoria from 1851 to 1855 and of Premiers of the Governments from 1855 to 1955 is set out on pages 72 to 74 of the Victorian Year Book 1961.

Present Ministry

The last triennial elections for the Legislative Council and the Legislative Assembly were held on 15th July, 1961.

At 1st August, 1961, the 61st Ministry led by the Hon. H. E. Bolte consisted of the following members :—

From the Legislative Assembly:

The Hon. H. E. Bolte ..	..	Premier and Treasurer
„ „ A. G. Rylah, E.D. ..	..	Chief Secretary and Attorney-General
„ „ W. J. Mibus ..	..	Minister of Water Supply and Minister of Mines
„ „ J. S. Bloomfield ..	..	Minister of Education
„ „ H. R. Petty ..	..	Commissioner of Public Works, Minister of Immigration, and a Vice-President of the Board of Land and Works
„ „ K. H. Turnbull ..	..	Commissioner of Crown Lands and Survey, Minister of Soldier Settlement, Minister for Conservation, and President of the Board of Land and Works.
„ „ G. O. Reid ..	..	Minister of Labour and Industry, and Minister of Electrical Undertakings
„ „ M. V. Porter ..	..	Minister for Local Government
„ „ A. J. Fraser, M.C. ..	..	Minister of State Development
„ „ E. R. Meagher, M.B.E., E.D.	..	Minister without Portfolio

From the Legislative Council:

The Hon. Sir Arthur Warner	..	Minister of Transport and a Vice-President of the Board of Land and Works
„ „ G. L. Chandler, C.M.G.		Minister of Agriculture and a Vice-President of the Board of Land and Works
„ „ L. H. S. Thompson	..	Minister of Housing and Minister of Forests
„ „ R. W. Mack	..	Minister of Health

*Parliament***Introduction**

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

The Legislative Council has 34 members elected from two-member provinces for six year terms and the Legislative Assembly has 66 members elected from single electorates for three year terms. Both Houses are elected on adult suffrage, and their powers are normally co-ordinate, although money Bills must originate in the Legislative Assembly.

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

The landmarks of Assembly suffrage were: 1857, manhood suffrage; 1899, plural voting abolished; and 1908, women's franchise. Adult suffrage for the Council was introduced in 1950. Payment of members has also been frequently adjusted. The present complex scale makes extra payments to the Leader of the third party as well as to the Leader of the Opposition; Opposition and third party Whips and the Deputy Leader of the Opposition are also specially rewarded. Electorates are graded as "metropolitan", "urban", "inner country" and "outer country", and receive different rates.

Parliament is summoned, prorogued, or dissolved by proclamation issued by the Governor. The duration of a Parliament depends upon the life of the Assembly (limited to three years), but may be ended by the Governor dissolving the Assembly before the expiration of that period. The Legislative Council cannot be dissolved except in special circumstances arising from disagreements between the two Houses. Its members are elected for six years, half of them retiring, but being capable of re-election, every three years. A session is that period between the summoning of Parliament and prorogation. When Parliament is prorogued all business on hand lapses and, if it is to be continued in the next session, it must be reintroduced.

There are three political parties at present (August, 1961) represented in the Parliament of Victoria: the Liberal and Country Party, the Labor Party, and the Country Party. Of the 34 members of the Legislative Council, seventeen belong to the Liberal and Country Party, nine to the Labor Party and eight to the Country Party. Of the 66 members of the Legislative Assembly, 40 belong to the Liberal and Country Party, seventeen to the Labor Party and nine to the Country Party. The Liberal and Country Party, having won the majority of seats at the general election of the Assembly in 1955 formed a Government which was returned to office at the last two general elections in 1958 and 1961. The Leader of that Party holds the office of Premier. The Labor Party forms the official Opposition Party, whilst the Country Party sits on the corner benches of the Government side of the Assembly.

Functions of Parliament

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

Parliamentary Procedure

Parliament controls the Government in office by the Assembly's power, in the last resort, to pass a resolution of no-confidence in the Government or to reject a proposal which the Government considers so vital that it is made a matter of confidence. This would force the Government to resign. Procedure of each House is governed by Standing Orders, Rules and practice, based mainly on the procedure of the House of Commons, and administered by the respective presiding officers : the President of the Legislative Council, the Speaker of the

Legislative Assembly, and the respective Chairmen of Committees. The principal innovations in Assembly procedure are time limit of speeches and the elaborate ballot procedure at the opening of a new Parliament for the election of the Speaker.

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

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

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

Private Legislation

Private legislation is legislation of a special kind for conferring particular powers or benefits on any person or body of persons including individuals, local authorities, statutory companies, or private corporations—sometimes in excess of, or in conflict with the general law. As such it is to be distinguished from public general legislation, which is applicable to the general community and is treated in Parliament on an entirely different basis.

The essential difference in procedure between a Public Bill and a Private Bill is that, whereas a Public Bill is either presented direct to the House or introduced on motion by a Member of Parliament, a Private Bill is solicited by the parties who are interested in promoting it and is founded upon a petition. Furthermore, the payment of fees by the promoters is an indispensable condition of its progress.

In passing Public Bills, Parliament acts strictly in its legislative capacity; it originates the measures which appear for the general public good, it conducts inquiries, where necessary, for its own information, and makes laws according to its own wisdom and judgment. The forms in which its deliberations are conducted are established for public convenience and all its proceedings are independent of individual parties, who may petition, and are sometimes heard by counsel, but have no direct participation in the conduct of the business.

In passing Private Bills, Parliament still exercises its legislative functions, but its proceedings partake also of a judicial character. The persons who are applying for powers or benefits appear as suitors for the Bill, while those who apprehend injury are admitted as adverse parties in the suit. Many of the formalities of a court of justice are maintained; various conditions are required to be observed and their observance to be strictly proved; and if the parties do not sustain the Bill in its progress, by following every regulation and form prescribed, it is not forwarded by the House in which it is pending. If they abandon it and no other parties undertake its support, the Bill is lost, however sensible the House may be of its value.

In the Victorian Parliament, Private Bills are initiated in the Legislative Assembly, though they must, as with Public Bills pass through both Houses before they become law. The persons by whom the promotion of Private Bills, and the conduct of proceedings upon petitions against such Bill, are carried out, are Parliamentary Agents. They are appointed by the Speaker and fees are payable to them by the parties concerned, and to attorneys, solicitors, and others engaged in the promotion and passage of the Bill. These fees are determined by the President and the Speaker, respectively under the provisions of *The Constitution Act Amendment Act 1958*. Fees are also payable by the promoters of the Bill for the actual proceedings in each House in accordance with Private Bills Standing Orders and are paid direct to the Treasury, but may be waived by each House if the Bill relates to charitable, religious, educational or such other purposes from which no private profit or advantage is derived.

For many years it has been the practice for interests desiring private legislation to seek Government sponsoring of a Bill to achieve their purposes. In such an instance the Bill is introduced in the same manner as a Public Bill, but the Standing Orders provide that whenever Mr. Speaker decides that a Bill introduced as a Public Bill ought to have been introduced as a Private Bill, such Bill shall be dealt with as a Private Bill, unless the House, while not dissenting from Mr. Speaker's decision, shall order that the Bill be dealt with as a Public Bill. The fees applicable to a Private Bill would still be chargeable at the discretion of the House.

Private Bills introduced and proceeded with in this manner, however, have been of a purely formal nature, and have had no opposing interests. It has proved an economical and expeditious method of achieving the necessary Parliamentary enactment of personal or private requirements. It is doubtful, however, whether Parliament would waive the forms and procedure laid down for Private legislation of a more involved and contentious nature.

Members of the State Parliament**Legislative Council**

The following list shows members of the Legislative Council elected on 21st June, 1958:—

Member	District	Number of Electors on Rolls	Number of Electors Who Voted	Total Percentage of Electors Who Voted
Byrne, The Hon. Murray	Ballaarat ..	56,483	54,151	95·87
Byrnes, The Hon. Percy Thomas	North-Western ..	46,639	43,815	93·94
Fulton, The Hon. William Oliver	Gippsland ..	71,322	66,597	93·38
Garrett, The Hon. William Raymond, A.F.C., A.E.A.	Southern ..	159,543	147,391	92·38
Gross, The Hon. Kenneth Samuel	Western ..	55,901	53,409	95·54
Hamer, The Hon. Rupert James, E.D.	East Yarra ..	128,761	119,138	92·53
Mair, The Hon. William Phillip	South-Eastern ..	110,669	102,505	92·62
Merrifield, The Hon. Samuel Nicol, The Hon. Graham John	Doutta Galla ..	105,778	97,281	91·97
O'Connell, The Hon. Geoffrey John	Monash ..	100,009	89,336	89·33
Smith, The Hon. Arthur ..	Melbourne ..	51,745	45,685	88·29
Swinburne, The Hon. Ivan Archie	Bendigo ..	59,780	56,336	94·24
Thom, The Hon. Geoffrey Walter	North-Eastern ..	49,001	Uncontested	
Todd, The Hon. Archibald Walters, The Hon. Dudley Joseph	South-Western ..	74,100	69,331	93·56
Walton, The Hon. John Malcolm	Melbourne West ..	99,879	92,234	92·35
Warner, The Hon. Sir Arthur	Northern ..	52,195	Uncontested	
	Melbourne North	145,290	134,918	92·86
	Higinbotham ..	121,198	111,538	92·03

Members of the Legislative Council who were elected on 15th July, 1961, are shown in the following table :—

Member	Province
Bradbury, The Hon. Archibald Keith	North-Eastern
Cameron, The Hon. Sir Ewen	East Yarra
Chandler, The Hon. Gilbert Lawrence, C.M.G. ..	Southern
Dickie, The Hon. Vance Oakley	Ballaarat
Elliot, The Hon. Douglas George	Melbourne
Feltham, The Hon. Percy Victor, M.B.E. ..	Northern
Galbally, The Hon. John William	Melbourne North
Gawith, The Hon. Charles Sherwin	Monash
Grigg, The Hon. Thomas Henry	Bendigo
Hunt, The Hon. Alan John	South-Eastern
Machin, The Hon. Buckley	Melbourne West
Mack, The Hon. Ronald William	Western
Mansell, The Hon. Arthur Robert	North-Western
May, The Hon. Robert William	Gippsland
McArthur, The Hon. Sir Gordon	South-Western
Thompson, The Hon. Lindsay Hamilton Simpson ..	Higinbotham
Tripovich, The Hon. John Matthew	Doutta Galla

President: The Hon. Sir Gordon McArthur.

Chairman of Committees: The Hon. Sir Ewen Cameron

Clerk of the Legislative Council: R. S. Sarah.

Legislative Assembly

The following list shows members of the Legislative Assembly elected at the last general election, held on 15th July, 1961. Details of electoral districts for the previous elections on 31st May, 1958, will be found on pages 79–80 of the Victorian Year Book 1961.

Member	District
Balfour, James Charles Murray, Esquire	Morwell
Barclay, Nathaniel, Esquire, D.C.M.	Mildura
Birrell, Hayden Wilson, Esquire	Geelong
Bloomfield, The Hon. John Stoughton	Malvern
Bolte, The Hon. Henry Edward	Hampden
Borthwick, William Archibald, Esquire	Scoresby
Brose, The Hon. Richard Keats	Rodney
Christie, Vernon, Esquire	Ivanhoe
Clarey, Reynold Arthur, Esquire	Melbourne
Cochrane, Leslie James, Esquire	Gippsland West
Crick, George Roy, Esquire	Grant
Darcy, Thomas Anthony, Esquire	Polwarth
Divers, William Thomas, Esquire	Footscray
Dunstan, Roberts Christian, Esquire, D.S.O.	Mornington
Evans, Alexander Thomas, Esquire	Ballaarat North
Evans, Bruce James, Esquire	Gippsland East
Fennessy, Leo Michael, Esquire	Brunswick East
Floyd, William Laurence, Esquire	Williamstown
Fraser, The Hon. Alexander John, M.C.	Caulfield
Gainey, Richard John, Esquire, M.B.E.	Elsternwick
Galvin, The Hon. Leslie William	Bendigo
Garrison, Peter Wolseley, Esquire	Hawthorn
Gibbs, George Sampson, Esquire	Portland
Gillett, Robert Max, Esquire	Geelong West
Holden, Jack Bruce, Esquire	Moonee Ponds
Holland, Kevin Myles Stephen, Esquire	Flemington
Hyland, The Hon. Sir Herbert John Thornhill	Gippsland South
Jenkins, Dr. Henry Alfred	Reservoir
Kane, Harold Edward, Esquire	Broadmeadows
Lovegrove, Denis, Esquire	Fitzroy
Loxton, Samuel John Everett, Esquire	Prahran
MacDonald, James David, Esquire	Burwood
McDonald, The Hon. Sir William John Farquhar	Dundas
Manson, James Williamson, Esquire	Ringwood
Meagher, The Hon. Edward Raymond, M.B.E., E.D.	Mentone
Mibus, The Hon. Wilfred John	Lowan
Mitchell, The Hon. Thomas Walter	Benambra
Moss, The Hon. George Colin	Murray Valley
Mutton, Charles, Esquire	Coburg
Petty, The Hon. Horace Rostill	Toorak
Porter, The Hon. Murray Victor	Sandringham
Rafferty, Joseph Anstice, Esquire	Ormond
Reid, The Hon. George Oswald	Box Hill
Reid, Leonard Stanley, Esquire, D.F.C.	Dandenong
Ring, Eugene Cornelius, Esquire	Preston
Rossiter, John Frederick, Esquire	Brighton
Rylah, The Hon. Arthur Gordon, E.D.	Kew
Scanlan, Alan Henry, Esquire	Oakleigh
Schintler, George Roy, Esquire	Yarraville
Scott, Gordon Lincoln, Esquire	Ballaarat South
Snider, Baron David, Esquire	St. Kilda
Stirling, Harold Victor, Esquire	Swan Hill
Stokes, Russell Newton, Esquire	Evelyn
Stoneham, The Hon. Clive Phillip	Midlands
Suggett, Robert Harris, Esquire	Moorabbin

MEMBERS OF THE LEGISLATIVE ASSEMBLY—*continued*

Member	District
Sutton, Patrick Keith, Esquire	Albert Park
Tanner, Edgar Stephen, Esquire, C.B.E., E.D.	Ripponlea
Taylor, Alexander William, Esquire, E.D.	Balwyn
Towers, William John, Esquire, M.M.	Richmond
Trewin, Thomas Campion, Esquire	Benalla
Turnbull, Campbell, Esquire	Brunswick West
Turnbull, The Hon. Keith Hector	Kara Kara
Wheeler, Kenneth Henry, Esquire	Essendon
Wilcox, Vernon Francis, Esquire	Camberwell
Wilkes, Frank Noel, Esquire	Northcote
Wiltshire, Raymond John, Esquire	Mulgrave

Speaker : The Honorable Sir William John Farquhar McDonald.

Chairman of Committees : Joseph Anstice Rafferty, Esquire.

Clerk of the Parliaments and Clerk of the Legislative Assembly :
Hugh Kennedy McLachlan, Esquire, J.P.

Number of Parliaments and Their Duration

During the period 1856 to 1961 there have been 41 Parliaments. The Forty-second Parliament was opened on 1st August, 1961. A table showing the duration in days of each Parliament (1856 to 1927), the number of days in session, and the percentage of the latter to the former was published in the Year Book for 1928–29, page 21. Similar information for the Twenty-ninth to the Thirty-ninth Parliaments (1927 to 1955) was published in the Year Book for 1952–53 and 1953–54, page 31. As from the commencement of the Thirty-eighth Parliament (20th June, 1950), information about the duration of each Parliament, the number of sittings of each House, and the percentage of the latter to the former is shown in the following table :—

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

Number of Parliament	Period	Duration of Parliament *	Sittings			
			Legislative Assembly		Legislative Council	
			Number of Sittings	Percentage of Sittings to Duration	Number of Sittings	Percentage of Sittings to Duration
		days				
Thirty-eighth ..	1950–52	865	131	15·1	81	9·4
Thirty-ninth ..	1952–55	852	92	10·8	61	7·2
Fortieth ..	1955–58	1,038	139	13·4	99	9·5
Forty-first ..	1958–61	1,059	150	14·2	103	9·7

* Calculated from the date of opening to the date of dissolution of the Parliament.

Cost of Parliamentary Government

The following table reviews the expenditure arising from the operation of Parliamentary Government in Victoria. It comprises the State Governor, the Ministry, the Legislative Council, the Legislative Assembly, and Electoral activities. It does not attempt to cover the expenditure on State administration generally.

The table shows this expenditure for the State for the years ended 30th June, 1954 to 1960. In order to avoid incorrect conclusions about the cost of the Governor's establishment, it is pointed out that a large part of the expenditure (with the exception of the item "Salary") under the general heading "Governor" represents official services.

Parliamentary salaries and allowances were amended as from 6th October, 1954. Prior to that date, the President of the Legislative Council and the Chairman of Committees, the Speaker of the Legislative Assembly and the Chairman of Committees, and Ministers of the Crown received salaries and allowances only in connection with their offices. Under the new legislation, however, these persons receive salaries and allowances as members of Parliament in addition to those connected with their offices. These former amounts are included under "Parliament".

VICTORIA—COST OF PARLIAMENTARY GOVERNMENT (£)

Year Ended 30th June—	Governor		Ministry	Parliament		Electoral	Royal Commissions, Select Committees, etc.	Total
	Salary	Other Expenses *		Salaries of Members †	Other Expenses ‡			
1954 ..	6,000	55,608	35,144	133,120	154,227	31,763	3,399	419,261
1955 ..	6,000	41,320	27,258	193,814	163,436	101,531	2,180	535,539
1956 ..	6,000	49,143	22,213	225,202	182,257	88,810	13,315	586,940
1957 ..	6,000	54,749	22,584	225,202	241,524	36,547	12,749	599,355
1958 ..	7,500	58,152	22,934	222,400	238,497	103,561	7,761	660,805
1959 ..	7,500	58,984	£38,037	237,846	267,224	101,422	14,248	725,261
1960 ..	7,500	62,400	£39,544	284,291	251,010	30,046	20,608	695,399
1961 ..	7,500	60,768	£41,583	279,794	274,464	59,565	24,817	748,491

* Includes salaries of staff and maintenance of house and gardens.

† Excludes members who are in the Ministry.

‡ Includes cost of members' railway passes, parliamentary staff and maintenance.

§ Includes cost of oversea conferences in Ministry costs.

State Acts Passed during 1960

The following Acts were passed by State Parliament during the year ended 31st December, 1960:—

No.		No.	
6607	Anzac Day Act provides for holding sporting events and opening theatres and hotels on Anzac Day afternoon	6624	Public Officers Salaries and Allowances Act increases salaries and allowances payable to certain officers
6608	Agricultural Lime (Amendment) Act refers to the composition of agricultural lime	6625	Legal Profession Practice (Amendment) Act widens the powers of the Council of the Law Institute
6609	Motor Car (Commencement) Act allows provision of the 1959 Act to become operative from varying times	6626	Church of England in Australia Constitution Act
6610	Fisheries (Change of Title) Act alters the title of the Director to include Wildlife in lieu of Game	6627	Companies (Fees) Act substitutes a new schedule of fees payable to the Registrar of Companies
6611	Stamps (Amendment) Act amends licenses for sale of stamps	6628	Motor Car (Amendment) Act amends the 1958 Act and sets out specific penalties for various breaches
6612	Land (Public Authorities) Act allows transfer and exchange of lands between public authorities	6629	Geelong Waterworks and Sewerage (Amendment) Act proclaims additional areas to be served by the Trust
6613	Coal Canal Bridge Act authorizes construction of a service road along portion of the Melbourne to Footscray road	6630	Latrobe Valley (Financial) Act provides for the Board's loans
6614	Metropolitan Fire Brigades (Borrowing Powers) Act increases borrowing powers of the Brigade	6631	Labour and Industry (Amendment) Act refers to determination of, and appeals against determinations of the Industrial Appeals Court
6615	Wodonga Lands Exchange Act	6632	Acts Interpretation Act amends the 1958 Act
6616	Licensing (Fees) Act amends fees payable in respect of temporary victuallers' and packet licences	6633	Childrens Court (Enforcement of Awards) Act removes the upper limit of moneys ordered payable
6617	Home Finance (Loans to Minors) Act provides for loans to minors	6634	Supreme Court (Proceedings before Master) Act repeals sections of the 1958 Act
6618	Co-operative Housing Societies (Amendment) Act amends powers of societies referring to insurance schemes and contracts	6635	Melbourne and Metropolitan Board of Works (Borrowing Powers) Act increases borrowing power of the Board
6619	Racing (Totalizators Extension) Act provides for off-course betting	6636	Electoral Provinces Act increases the number of provinces
6620	Companies Act amends the 1958 Act referring to offer of certain interests to the public and to share hawking	6637	Town and Country Planning (Amendment) Act amends the 1958 Act
6621	Judges Salaries and Allowances Act increases remuneration of Supreme and County Court Judges in Victoria	6638	Racing (Dog Races) Act amends Part III of the 1958 Act
6622	Coal Mines (Pensions Contributions) Act alters the scheme of contribution payable to the Fund	6639	Industrial Safety Advisory Council Act constitutes the Industrial Safety Advisory Council
6623	Landlord and Tenant (Further Amendment) Act amends the constitution and area jurisdiction of Fair Rents Boards	6640	Administration and Probate (Offices) Act separates the offices of Registrar of Probate and Master of Probate
		6641	Justices (Bail) Act extends powers of certain police officers
		6642	National Parks (Amendment) Act extends the power of the the Authority

STATE ACTS PASSED DURING 1960—*continued*

No.		No.	
6643	Medical (Amendment) Act refers to registration of pharmaceutical chemists	6666	Revocation of Crown Reservations Act empowers the Governor in Council to revoke orders referring to certain lands
6644	Melbourne Harbor Trust Lands Act provides for exchange of lands between the Victorian Railways Commissioners and the Trust Commissioners	6667	The Constitution Act Amendment (Expenses) Act increases the expenses payable to Executive and Legislative Councils and their staffs
6645	Weights and Measures (Penalties) Act amends sections of the 1958 Act	6668	Supreme Court (Orders) Act gives the Acting Master certain powers
6646	Transfer of Land (Stratum Estates) Act amends the 1958 Act referring to "own your own" flats	6669	Gippsland Railway Deviation Act
6647	Local Government (Preston Streets Agreement) Act declares certain streets to be public highways	6670	Hamilton Stockyards Railway Construction Act
6648	John Storey Memorial Fund Act provides for establishment of the Fund	6671	Nurses (Amendment) Act empowers the Nursing Council to register and supervise nurses' employment agencies
6649	Police Offences (Amendment) Act amends the 1958 Act	6672	Ministry of Transport (Railway Officers) Act refers to appointment of Co-ordinator of Transport
6650	Motor Car (Third-Party Insurance) Act extends powers of Chief Commissioner concerning driving licences	6673	Fruit and Vegetables (Road Barriers) Act refers to setting up inspection barriers
6651	Social Welfare Act constitutes the Social Welfare Branch	6674	Transport Regulations (Qualifications of Chairman) Act
6652	City of Melbourne Underground Railway Construction Act	6675	Motor Car (Insurance Surcharge Continuance) Act
6653	Valuation of Land Act appoints a Valuer-General and a Valuers' Qualification Board	6676	Geelong Harbor Trust (Freezing Works Agreement) Act validates agreement between the Trust and Sou-West Frozen Food Packers Proprietary Limited
6654	Milk Board (Amendment) Act amends the 1958 Act in respect to compensation and distribution of milk	6677	Western Metropolitan Market (Amendment) Act empowers the Trust to sell or lease surplus land
6655	Victoria Racing Club (Amendment) Act gives the Club wider powers over its land	6678	Racing (Trotting Races) Act permits trotting races at certain agricultural shows
6656	Consolidated Revenue Act	6679	Wattle Park Land Act permits sale of land to City of Box Hill
6657	Consolidated Revenue Act	6680	Surplus Revenue Act
6658	Motor Car (Driving) Act refers to driving of cars by incapable persons	6681	Milk and Dairy Supervision (Research Contributions) Act provides for payment of research costs
6659	Licensing (Amendment) Act refers to restaurant and club licences and Australian wine licences	6682	Tourist (Amendment) Act refers to amount paid into Tourist Fund by the Country Roads Board
6660	Consolidated Revenue Act	6683	Fisheries (Crayfish) Act refers to the taking, possessing and selling of crayfish
6661	Consolidated Revenue Act	6684	Audit (Amendment) Act amends the Audit and Superannuation Acts of 1958 and repeals a section of the Public Accounts Act, 1958
6662	Friendly Societies (Dental Clinics) Act extends the objects of Friendly Societies to include dental treatment	6685	Sale of Allotments of Land (Amendment) Act creates new offences for false representation
6663	Cancer (Amendment) Act widens the scope of the Anti-Cancer Council of Victoria		
6664	Dried Fruits (Amendment) Act alters representation of growers on the Dried Fruits Board		
6665	Barwon Heads Lands Exchange Act alters the site of land reserved for public purposes		

STATE ACTS PASSED DURING 1960—*continued*

No.		No.	
6686	Cattle Compensation (Amendment) Act increases compensation payable to owners of destroyed cattle	6707	Health (Tuberculosis Arrangement) Act authorizes a Commonwealth and State agreement on detection and treatment
6687	Co-operative Housing Societies (Guarantees) Act increases the limits of aggregate liability	6708	Water Supply Loan Application Act
6688	State Library, National Gallery National Museum and Institute of Applied Science Act	6709	Railways Loan Application Act
6689	Medical (Blood Transfusion) Act permits blood transfusions to be given to a child in certain cases when parental permission is refused	6710	Land Tax (Relief) Act refers to remission or postponement of land tax payments by persons in necessitous circumstances
6690	The Constitution Act Amendment (Treating) Act permits election candidates to serve refreshments after meetings	6711	Land Tax (Rates) Act declares rates for 1961
6691	State Forests Loan Application Act	6712	Monash University (Amendment) Act amends the 1958 Act
6692	Local Authorities Superannuation (Amendment) Act	6713	National Fitness Council of Victoria Act
6693	Local Government (Disqualification) Act relates to conflicting interest of private and council business	6714	Local Government (Keilor Waverley and Springvale) Act declares these Shires to be Cities
6694	Superannuation (Additions to Pensions) Act	6715	Explosive Act re-enacts the law dealing with explosives
6695	Police Regulations (Pensions) Act increases pensions payable to certain pensioners and widows	6716	Statute Law Revision Act
6696	Trustee Companies (Amalgamation) Act	6717	Motor Car (Abolition of Owners' Certificates) Act
6697	Geelong and Colac Railway (Deviation) Act	6718	Road Traffic (Amendment) Act
6698	University Colleges Lands Act gives trustees of the colleges titles to the lands	6719	Milk Board (Powers) Act relates to land sales and leases
6699	Local Government (Private Street) Act amends the 1958 Act	6720	Marketing of Primary Products (Members) Act
6700	Northcote School Act extends powers of the Australian trustees of the Children's Emigration Fund	6721	Melbourne and Geelong Mortgages Act relates to borrowing of money
6701	Public Works Loan Application Act	6722	Building Societies (Amendment) Act provides for registration and control of building societies
6702	Tower Hill and Malmsbury Lands Act revokes permanent reservation of lands	6723	Local Government (Scaffolding Inspection) Act
6703	Coal Mines (Pensions) Act increases pension rates payable	6724	State Electricity Commission (Borrowings) Act
6704	Vermin and Noxious Weeds (Financial) Act authorizes use of money for purposes of the Act	6725	Labour and Industry (Butchers' Shops) Act amends trading hours
6705	Navigable Waters (Oil Pollution) Act	6726	Country Fire Authorities (Sawmill Burners) Act permits the use of certain burners at sawmills on days of acute fire danger
6706	Business Names (Public Borrowings) Act prohibits any person borrowing money from the public under a business name	6727	Sewerage Districts (Amendment) Act amends powers of Sewerage Authorities
		6728	Water (Amendment) Act relates to municipal waterworks and their trusts
		6729	Housing (Powers) Act amends certain powers of the Housing Commission
		6730	Entertainments Tax (Amendment) Act alters rates of taxes

STATE ACTS PASSED DURING 1960—*continued*

No.		No.	
6731	Crimes (Kidnapping) Act clarifies the law regarding, and increases the penalties for this crime	6734	Estate Agents (Amendment) Act amends the principal Act referring to licences, trust accounts and liability of principals for employees' acts
6732	Health (Amendment) Act amends the 1958 Health Act		
6733	Game (Licences) Act	6735	Consolidated Revenue Act

*Electoral System***Introduction***Electoral Basis of the Two Houses*

When first constituted, the Legislative Council or Upper House was composed of 30 members, aged 30 years and over, and possessed of freehold of the annual value of £500. Property qualifications were abolished by the *Legislative Council Reform Act* 1950, and, today, the essential qualification of members and electors of the Legislative Council is the attainment of the age of 21 years. A similar provision applies to the Legislative Assembly.

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

For Legislative Assembly purposes, the State is divided into 66 Electoral Districts, each returning one member. Members are elected for three years, unless Parliament is dissolved before this period.

Redistributions of Electoral Districts for the Legislative Assembly

Under the *Electoral Districts Act* 1953, provision was made for a redivision of the State to be carried out on the basis of each of the 33 Commonwealth Electoral Divisions in Victoria being divided into two Electoral Districts for the Assembly. The first general election conducted on the basis of electorates so created took place on the 28th May, 1955. The *Electoral Districts Act* 1953 (now incorporated into *The Constitution Act Amendment Act* 1958) also provided for recurrent redivisions on the same basis to be made whenever there is any alteration in the number of Commonwealth Electoral Divisions in Victoria, or in any of its boundaries, subject to the proviso that no such redivision shall be made if the whole number of members of the Legislative Assembly would be reduced as a result.

Apart from the redivision mentioned above, the only other redivision made following the *Electoral Districts Act* 1953, took place in 1956 and the general election of 15th July, 1961, was held on the basis of the 66 Electoral Districts created as a result (see Fig. 6).

Enrolment of Electors

Enrolment on the electoral roll is compulsory for every person, of the age of 21 years or over, who is a natural-born or naturalized subject of the Queen and who has resided in Australia for six months

VICTORIA

LEGISLATIVE COUNCIL

STATE ELECTORAL PROVINCES

- | | |
|--------------------|------------------|
| A. Melbourne | J. South-Western |
| B. Melbourne West | K. Ballarat |
| C. Doutta Galla | L. Bendigo |
| D. Melbourne North | M. North-Eastern |
| E. East Yarra | N. Gippsland |
| F. Monash | O. Western |
| G. Higinbotham | P. North-Western |
| H. South-Eastern | Q. Northern |
| I. Southern | |

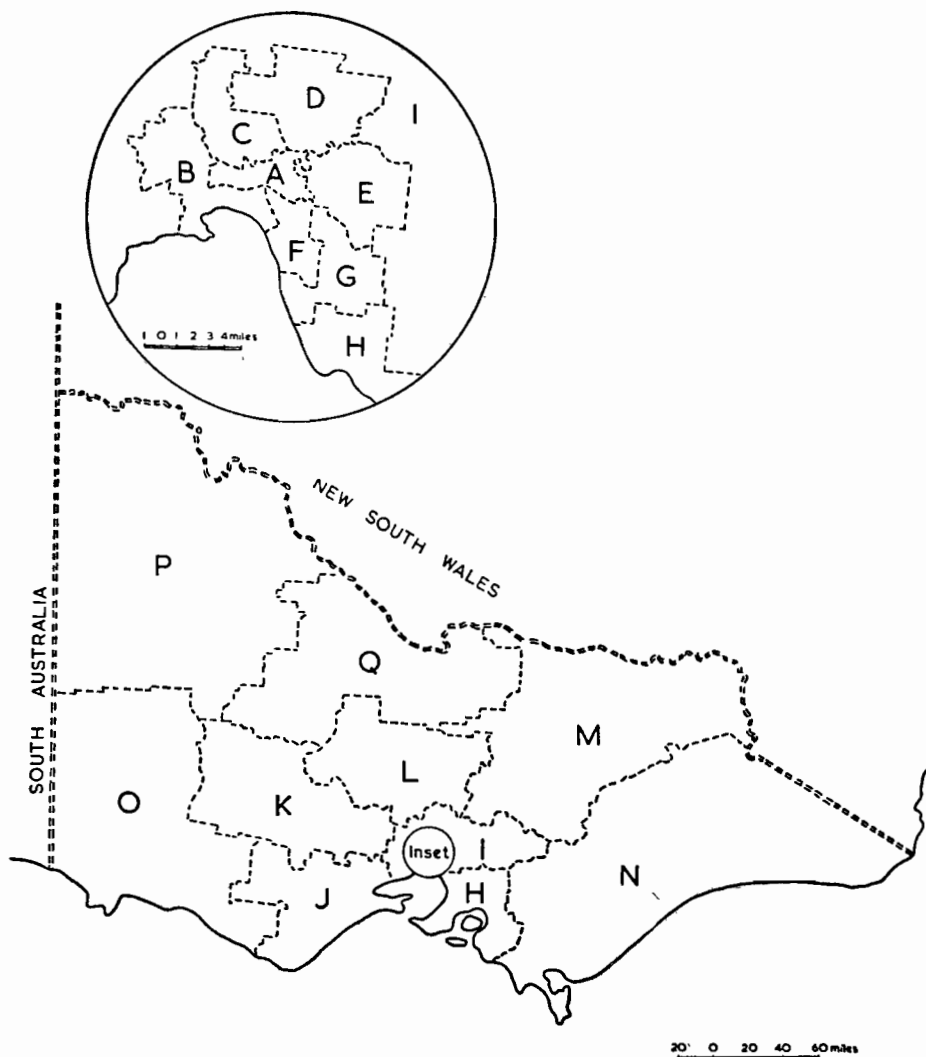


FIGURE 5.—Map of Victoria and inset of Melbourne Metropolitan Area showing State electoral provinces.

VICTORIA

LEGISLATIVE ASSEMBLY

STATE ELECTORAL DISTRICTS

- | | | |
|-------------------|------------------|---------------------|
| 1. Brunswick East | 23. Balwyn | 45. Geelong |
| 2. Fitzroy | 24. Kew | 46. Geelong West |
| 3. Melbourne | 25. Camberwell | 47. Ballarat South |
| 4. Flemington | 26. Burwood | 48. Ballarat North |
| 5. Brunswick West | 27. Malvern | 49. Midlands |
| 6. Coburg | 28. Caulfield | 50. Bendigo |
| 7. Northcote | 29. Oakleigh | 51. Benalla |
| 8. Ivanhoe | 30. Ormond | 52. Benambra |
| 9. Richmond | 31. Elsternwick | 53. Gippsland East |
| 10. Hawthorn | 32. Brighton | 54. Gippsland South |
| 11. Toorak | 33. Moorabbin | 55. Morwell |
| 12. Prahran | 34. Sandringham | 56. Gippsland West |
| 13. St. Kilda | 35. Grant | 57. Polwarth |
| 14. Ripponlea | 36. Broadmeadows | 58. Hampden |
| 15. Albert Park | 37. Evelyn | 59. Portland |
| 16. Williamstown | 38. Box Hill | 60. Dundas |
| 17. Yarraville | 39. Ringwood | 61. Lowan |
| 18. Footscray | 40. Scoresby | 62. Kara Kara |
| 19. Moonee Ponds | 41. Mulgrave | 63. Mildura |
| 20. Essendon | 42. Dandenong | 64. Swan Hill |
| 21. Reservoir | 43. Mentone | 65. Rodney |
| 22. Preston | 44. Mornington | 66. Murray Valley |

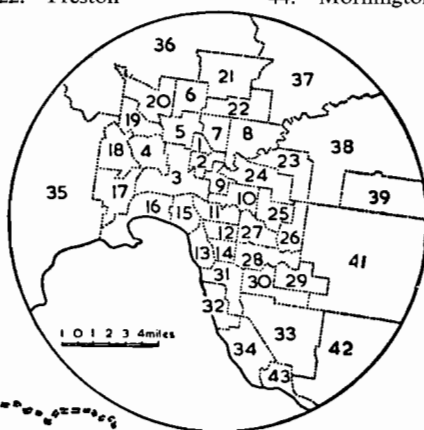
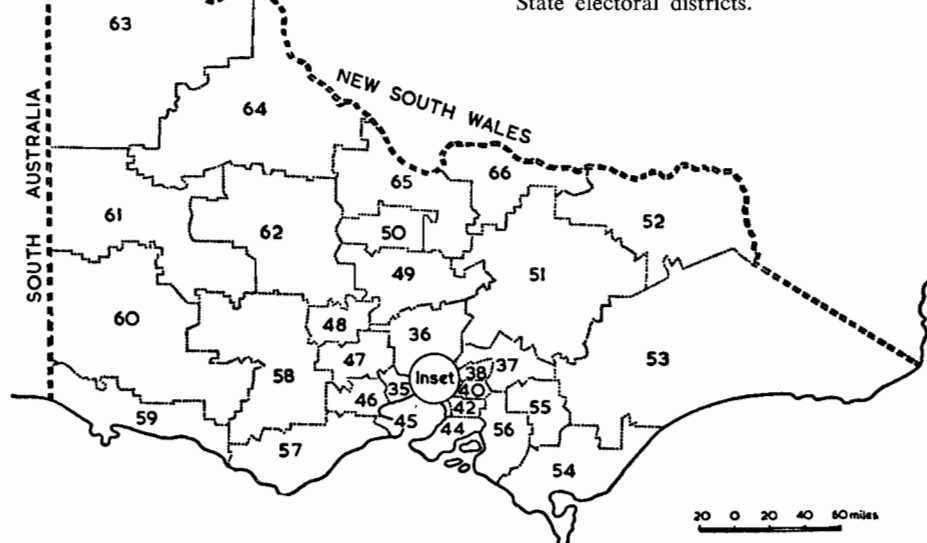


FIGURE 6.—Map of Victoria and inset of the Melbourne Metropolitan Area showing State electoral districts.



continuously, and in Victoria for at least three months. The electoral rolls for the State are compiled by the Commonwealth Electoral authorities under a joint Commonwealth-State agreement, each Government paying half the cost of compilation. All Federal and State parliamentary elections in Victoria are conducted on the basis of these joint rolls.

The compilation of the rolls is aided by the fact that the respective Legislative Council Provinces and Electoral Districts, as well as the Commonwealth Electoral Divisions, are subdivided into 297 common Subdivisions, which form the basic units for enrolment on the joint Commonwealth-State of Victoria rolls.

Number of Enrolments on the Joint Rolls

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

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

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

VICTORIA—ELECTORS ENROLLED ON JOINT ROLL

Year Ended 30th June—							Number of Electors Enrolled
1955	..	..	..	..	..	..	1,442,020
1956	..	..	..	..	..	..	1,446,913
1957	..	..	..	..	..	..	1,450,035
1958	..	..	..	..	..	..	1,503,434
1959	..	..	..	..	..	..	1,506,476
1960	..	..	..	..	..	..	1,522,481
1961	..	..	..	..	..	..	1,554,856

Voting Features at State Elections

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

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

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

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

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

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

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

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

Parliamentary Elections

Legislative Assembly

At the Legislative Assembly election of 15th July, 1961, there were contests in all of the 66 Electoral Districts and in 65 of them there were more than two candidates engaged.

In 32 of these contests the successful candidate had an absolute majority of the total first preferences recorded and consequently no distribution of further preferences was necessary. After the necessary distribution of second or subsequent preferences had been completed in the other 34 contests, the leading candidate, on the first count, was elected in 21 instances but was defeated in the remaining thirteen instances.

The following table shows the voting in general elections held for the Legislative Assembly since 1927 :—

VICTORIA—VOTING AT GENERAL ELECTIONS FOR THE LEGISLATIVE ASSEMBLY

Year of Election		Whole State	Contested Electorates					
			Electors Enrolled	Electors Enrolled	Votes Recorded		Informal Votes	
					Number	Percentage of Voters	Number	Percentage of Total Votes Recorded
1927	..	993,211	850,494	780,399	91·76	15,125	1·94	
1929	..	1,029,170	682,190	639,368	93·72	6,934	1·08	
1932	..	1,055,301	729,332	687,042	94·20	9,663	1·41	
1935	..	1,099,251	904,191	853,470	94·39	14,150	1·66	
1937	..	1,136,596	848,680	797,430	93·96	10,938	1·37	
1940	..	1,162,967	841,864	786,359	93·41	12,287	1·56	
1943	..	1,261,630	1,015,750	883,679	87·00	22,876	2·59	
1945	..	1,276,949	1,019,063	896,561	87·98	18,689	2·08	
1947	..	1,345,530	1,291,515	1,206,815	93·44	16,102	1·33	
1950	..	1,362,851	1,294,159	1,221,734	94·40	13,901	1·14	
1952	..	1,402,705	1,119,486	1,047,671	93·59	18,991	1·81	
1955	..	1,422,588	1,402,806	1,318,937	94·02	28,934	2·19	
1958	..	1,478,065	1,478,065	1,392,813	94·23	24,760	1·78	
1961	..	1,554,856	1,554,856	1,467,862	92·09	35,937	2·45	

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

The following table shows certain particulars of the representation in the Legislative Assembly in which general elections have been held since 1927:—

VICTORIA—PARLIAMENTARY REPRESENTATION

Year of Election	Number of Members of Legislative Assembly	Population per Member	Proportion of Persons Enrolled to Total Population	Number of Electors Enrolled on Date of Election	Average Number of Electors per Member
			per cent.		
1927	.. 65	26,500	57·7	993,211	15,280
1929	.. 65	27,300	58·0	1,029,170	15,833
1932	.. 65	27,800	58·4	1,055,301	16,235
1935	.. 65	28,250	59·8	1,099,251	16,912
1937	.. 65	28,550	61·2	1,136,596	17,486
1940	.. 65	28,950	61·8	1,162,967	17,892
1943	.. 65	30,300	64·0	1,261,630	19,410
1945	.. 65	30,900	63·5	1,276,949	19,645
1947	.. 65	31,700	65·3	1,345,530	20,700
1950	.. 65	33,800	62·1	1,362,851	20,967
1952	.. 65	36,300	59·4	1,402,705	21,580
1955	.. 66	38,100	56·6	1,422,588	21,554
1958	.. 66	41,300	54·2	1,478,065	22,395
1961	.. 66	44,398	53·1	1,554,856	23,558

Proportion of Voters at Elections

The first general election for the Legislative Assembly was held in 1856. The proportion of voters to electors of contested districts at each of the general elections held since that year for the Legislative Assembly is found on page 86 of the Victorian Year Book 1961.

Legislative Council

The Legislative Council consists of 34 members representing seventeen Provinces. Voting in elections held for the Legislative Council since 1928 is shown in the next table. At the triennial election of 15th July, 1961, there were contests in all of the seventeen provinces and in all of them there were more than two candidates engaged.

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

The following table shows particulars of elections for the Legislative Council :—

VICTORIA—VOTING AT ELECTIONS FOR THE LEGISLATIVE COUNCIL

Year of Election	Whole State		Contested Provinces			
	Electors Enrolled	Electors Enrolled	Votes Recorded		Informal Votes	
			Number	Percentage of Voters	Number	Percentage of Total Votes Recorded
1928 ..	444,278	268,164	85,372	31·84	1,388	1·63
1931 ..	470,349	239,975	93,244	38·86	595	0·64
1934 ..	469,395	160,980	47,375	29·43	799	1·69
1937 ..	447,694	265,194	208,925	78·78*	3,055	1·46
1940 ..	471,843	235,784	178,666	75·78	2,823	1·58
1943 ..	465,637	117,584	83,568	71·07	2,135	2·55
1946 ..	517,719	393,907	291,295	73·95	5,912	2·03
1949 ..	550,472	384,188	299,111	77·86	4,272	1·43
1952 ..	1,395,650†	1,078,959	994,190	92·14†	22,595	2·27
1955 ..	1,430,130	1,216,010	1,112,951	91·52	23,189	2·08
1958 ..	1,488,293	1,387,097	1,283,665	92·54	22,085	1·72
1961 ..	1,554,856	1,554,856	§	§	§	§

* The increase in the percentage of voters is accounted for by voting having been made compulsory for all resident electors by Act No. 4350, passed on 10th December, 1935.

† The increases in enrolments and percentages of voters are due to the operation of Act No. 5465, which was passed on 11th November, 1950, and abolished the former Legislative Council ratepayers and general rolls. Instead, every person enrolled for Legislative Assembly purposes became automatically entitled and required to vote at Legislative Council elections.

§ Not yet available.

Parliamentary By-elections

The following are details of by-elections held between the General Elections in 1958 and 31st May, 1961 :—

Legislative Assembly—

8th October, 1958: Mr. W. T. Divers was elected unopposed for Footscray Electoral District.

17th September, 1960: Mr. W. A. Borthwick was elected for the Scoresby Electoral District.

12th November, 1960: Mr. A. T. Evans was elected for the Ballarat North Electoral District.

Legislative Council—

6th August, 1960: Mr. J. M. Tripovich was elected for the Doutta Galla Province.

6th August, 1960: Mr. D. G. Elliot was elected for the Melbourne Province.

Further References

Chief Electoral Officer for Victoria—*Various Publications Giving Detailed Statistics of State Elections.*

Department of Political Science, University of Melbourne—*The Government of Victoria* (1958).

Agent-General for Victoria

An article on the “Agent-General for Victoria” was published on pages 21 and 22 of the Victorian Year Book 1937–38.

The *Agent-General's Act* 1945 simplifies and consolidates the statutory provisions relating to the administration of the office of the Agent-General for Victoria. Colonel the Hon. Sir William Leggatt, D.S.O., M.C., E.D., was appointed Agent-General for Victoria in Great Britain from 3rd February, 1956.

Victorian Public Service

An article on the Victorian Public Service, showing the functions of the fifteen departments, was published on pages 89 to 92 of the Victorian Year Book 1961.

Victorian Government Instrumentalities

Administration in Victoria

The administration of the State of Victoria is carried on through a variety of administrative agencies ranging from the Public Service departments and the large statutory corporations to small regulatory or advisory boards or committees set up under statute for specific limited purposes. There is no rigid pattern, diversity of form and organization being a feature of the agencies which make up the whole administrative structure. Diversity is a natural concomitant of the

adaptation of existing agencies to new requirements and of the devising of new agencies, where such are being established, to meet particular circumstances. The use of the term "administrative structure" is not intended to suggest a precise and orderly system of administrative arrangements designed on mechanical lines. The collection of administrative agencies resembles rather a complex organism made up of many differing components, all contributing to the ultimate objective, but some with greater independence of action than others.

Nature of an Instrumentality

The fifteen Public Service departments and their functions have already been described on pages 89 to 92 of the Victorian Year Book 1961. The purpose of this chapter is to describe the Victorian Government instrumentalities as distinct from the Public Service departments proper. In its normal use, the term "instrumentalities" is wide enough to include the departments, but for present purposes its application will be limited to statutory bodies which are not departments, even though some may be administered within, or associated with, departments.

There is, of course, no clear dividing line between instrumentalities in this sense and the departments proper. They merge. While the departments and the larger statutory corporations are clearly recognizable and distinguishable from each other, difficulty arises in defining and classifying other statutory non-departmental bodies which form part of the administrative structure and are sometimes placed inside and sometimes outside of the departmental organization.

The fifteen departments constituting the Public Service proper may be regarded as the inner core of the State's administration, and the other administrative agencies, which are removed—to a greater or lesser degree—by their respective statutes from direct ministerial control over day to day administration, as the more loosely attached agencies at varying distances from the administrative centre. Subject to the qualification in the following paragraph, the latter agencies will be covered by the term "instrumentalities".

The overlapping and merging between departments and instrumentalities already referred to prevents even this tentative distinction from being entirely satisfactory. There are some instrumentalities which direct the work of departments (for the purpose of the *Public Service Act* 1958 in relation to administration, the Chairman of the Forests Commission and the Chairman of the State Rivers and Water Supply Commission are deemed to be, respectively, the permanent heads of the State Forests Department and the Water Supply Department), or of branches of departments (for example, Housing Commission—Treasury; Mental Hygiene Authority—Department of Health). Others are associated with departments and staffed by members of the Public Service (for example, Soil Conservation Authority—Premier's Department; Workers Compensation Boards—Chief Secretary's Department; Milk Board—Department of Agriculture). Others again determine, or advise on, defined aspects of policy

within departments, the administration of such policy, subject in most cases to the Minister, being in the hands of the department (for example, Commission of Public Health—Department of Health; Milk Pasteurization Committee—Department of Agriculture).

The account of the Public Service in the Victorian Year Book 1961 covered the activities of the Public Service departments and included reference to instrumentalities staffed by members of the Public Service. The inclusion here of these instrumentalities does, to this extent, overlap the description of the work of the Public Service. However, as it is unreal to attempt a sharp division and desirable to provide a complete account of the instrumentalities, even where they are virtually departments or branches of departments, the overlapping is considered to be justified.

The term "instrumentality" as used here does not cover single officials vested with statutory powers within the departmental structure such as the Chief Commissioner of Police, Government Statist, Insurance Commissioner, and Public Trustee. Courts, also, have been excluded.

Some Features of Instrumentalities

The form of the directing authority, the nature and scope of its powers, the control of financial arrangements, the method of staffing, and the method of determination of staff salaries and conditions of employment vary quite considerably from instrumentality to instrumentality, but for at least the larger instrumentalities not staffed by members of the Public Service, the overall pattern follows the same broad lines. These are a constituent statute; a controlling board or commission appointed by the Governor in Council; usually freedom, in practice, from direct ministerial control over day to day administration, but subjection 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, control over the appointment of staff and the determination of salaries and other conditions of employment. Financial arrangements differ more considerably.

There is no uniformity amongst the instrumentalities in title (for example, the terms "Board," "Commission," "Authority," "Trust" and "Corporation" all appear); in the number of members on the controlling body; in the qualifications of the members (for example, some have members representing particular interests); or in the basis of membership (for example, some are full time and others part time).

The largest of the instrumentalities are engaged in public utility or developmental activity and include the Railways Commissioners, State Electricity Commission, Melbourne and Metropolitan Tramways Board, Melbourne and Metropolitan Board of Works, Country Roads Board, Gas and Fuel Corporation, Melbourne Harbor Trust, State Rivers and Water Supply Commission and the Forests Commission.

Classification of Instrumentalities in Administrative Structure

The following statement lists the instrumentalities according to the Minister under whom each instrumentality is administered, and shows which instrumentalities are staffed by members of the Public Service within the meaning of the Public Service Act and, in these cases, the department with which the instrumentality is associated:—

Minister	Instrumentalities with Public Service Staffs and Department with which the Instrumentality is Associated		Other Instrumentalities
	Department	Instrumentality	
Premier ..	Premier's ..	National Parks Authority Public Service Board Tourist Development Authority	Gas and Fuel Corporation Latrobe Valley Development Advisory Committee
Minister of Conservation	Premier's ..	Soil Conservation Authority	
Treasurer ..	Treasury ..	Home Finance Trust Superannuation Board Tender Board	Rural Finance Corporation State Savings Bank
Chief Secretary	Chief Secretary's	Aborigines Board .. Free Library Service Board Parole Boards Police Classification Board Police Discipline Board Premiums Committee Traffic Commission Trustees, Institute of Applied Science Trustees, National Gallery Trustees, National Museum Trustees, State Library Workers Compensation Boards Youth Advisory Council	Country Fire Authority Dog Racing Control Board Exhibition Trustees Metropolitan Fire Brigades Board Trotting Control Board Zoological Board
Attorney-General	Law ..	Companies Board Discharged Service-men's Employment Board Patriotic Funds Council	Council of Legal Education
Minister of Transport	.. ..	.. ..	Melbourne and Metropolitan Tramways Board Railways Commissioners Transport Regulation Board

CLASSIFICATION OF INSTRUMENTALITIES IN ADMINISTRATIVE
STRUCTURE—*continued*

Minister	Instrumentalities with Public Service Staffs and Department with which the Instrumentality is Associated		Other Instrumentalities
	Department	Instrumentality	
Minister of Agriculture	Agriculture . .	Dairy Produce Board Milk Board Milk Pasteurization Committee Stock Medicines Board	Grain Elevators Board Inland Meat Authority Marketing Boards :— Chicory Dried Fruits Egg and Egg Pulp Maize Onion Seed Beans
Commissioner of Public Works	Public Works	Marine Board . .	Architects Registration Board Country Roads Board Geelong Harbor Trust Commissioners Melbourne Harbor Trust Commissioners Portland Harbor Trust Commissioners
Minister of Health	Health . .	Advisory Committee to Mental Hygiene Authority Cinematograph Opera- tors Board Clean Air Committee Commission of Public Health Consultative Council for Influenza Consultative Council for Maternal Mor- tality Consultative Council for Poliomyelitis Consultative Council for Quarantinable Diseases Consultative Council for Revision of British Pharmacopoeia Food Standards Com- mittee Mental Hygiene Autho- rity (Medical officers not subject to Public Service Act) Plumbers and Gasfit- ters Board Proprietary Medicines Advisory Committee Superintendents Com- mittee Tuberculosis Advisory Committee	Anti-Cancer Council Cancer Institute Board Fairfield Hospital Board Hospitals and Charities Commission Trustees, Various Ceme- teries Various Professional and Occupational Registration Boards :— Dental Dietitians Registra- tion Hairdressers Regis- tration Masseurs Registration Medical Nurses' Council Opticians Registra- tion Pharmacy

CLASSIFICATION OF INSTRUMENTALITIES IN ADMINISTRATIVE
STRUCTURE—*continued*

Minister	Instrumentalities with Public Service Staffs and Department with which the Instrumentality is Associated		Other Instrumentalities
	Department	Instrumentality	
Minister of Water Supply	Water Supply	State Rivers and Water Supply Commission	Geelong Water Works and Sewerage Trust Latrobe Valley Water and Sewerage Board Various Local Water and Sewerage Autho- rities Various River Improve- ment and Drainage Trusts
Minister of Mines	Mines ..	Board of Examiners for Mine Managers Board of Examiners of Engine Drivers Coal Mine Workers' Pension Tribunal Coal Miners' Accident Relief Board Sludge Abatement Board	
Minister of Edu- cation	Education ..	Council of Public Edu- cation Teachers Tribunal	Council of Adult Educa- tion
Minister of Housing	Treasury ..	Housing Commission	
Commissioner of Crown Lands and Survey	Crown Lands and Survey	Surveyors Board Vermin and Noxious Weeds Destruction Board	
Minister of Soldier Settle- ment	.. ..	.. ..	Soldier Settlement Com- mission
Minister of Labour and Industry	Labour and Industry	Apprenticeship Com- mission Industrial Safety Ad- visory Council State Relief Committee Wages Boards	
Minister of Electrical Un- dertakings	.. ..	.. ..	State Electricity Com- mission
Minister for Local Government	Local Government	Building Regulations Committee Municipal Auditors Board Municipal Building Surveyors Board Municipal Clerks Board Municipal Electrical Engineers Board Municipal Engineers Board Local Government Advisory Board	Local Government Superannuation Board Melbourne and Metro- politan Board of Works Town and Country Planning Board
Minister of Forests	State Forests	Forests Commission	

Classification of Instrumentalities According to Function

In the following list, the instrumentalities are classified according to function. The classification structure is based, with some modifications, on that used in "The Government of Victoria" (Melbourne University Press)—a study prepared by the Department of Political Science of the University of Melbourne. On a strict classification on this basis, many of the instrumentalities would fall under more than one heading. To avoid too much complexity, however, each instrumentality has been listed once only under the heading most nearly according with its main function. For example, the State Electricity Commission regulates standards of safety of electrical appliances and electrical work, the Melbourne and Metropolitan Board of Works regulates standards of plumbing and sanitary fittings, the Public Service Board determines salaries and wages of the Public Service, the Teachers Tribunal determines salaries of the teaching Service and the Police Classification Board determines salaries of the Police Force. The first two have been classified under their main function of public utility services and the other three as internal administrative services rather than under regulation of labour conditions.

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| (1) <i>Legal, Protective, Registry Services :</i> | Cinematograph Operators Board |
| Country Fire Authority | Companies Auditors Board |
| Metropolitan Fire Brigades Board | Council of Legal Education |
| Parole Boards | Dental Board |
| (2) <i>Regulations of Primary Production :</i> | Dietitians Registration Board |
| Chicory Marketing Board | Hairdressers Registration Board |
| Dairy Produce Board | Masseurs Registration Board |
| Dried Fruits Board | Medical Board |
| Egg and Egg Pulp Marketing Board | Municipal Auditors Board |
| Maize Marketing Board | Municipal Building Surveyors Board |
| Milk Board | Municipal Clerks Board |
| Onion Marketing Board | Municipal Electrical Engineers Board |
| Seed Beans Marketing Board | Municipal Engineers Board |
| Sludge Abatement Board | Nurses' Council |
| (3) <i>Regulation of Industry and Commerce :</i> | Opticians Registration Board |
| Premiums Committee | Pharmacy Board |
| Transport Regulation Board | Plumbers and Gasfitters Board |
| (4) <i>Regulation of Labour Conditions :</i> | Surveyors Board |
| Apprenticeship Commission | (7) <i>Public Utility, Conservation and Development :</i> |
| Coal Mine Workers' Pension Tribunal | Country Roads Board |
| Coal Miners' Accident Relief Board | Exhibition Trustees |
| Local Government Superannuation Board | Forests Commission |
| Wages Boards | Gas and Fuel Corporation |
| Workers Compensation Boards | Geelong Harbor Trust Commissioners |
| (5) <i>Regulation of General Standards :</i> | Geelong Waterworks and Sewerage Trust |
| Building Regulations Committee | Grain Elevators Board |
| Food Standards Committee | Home Finance Trust |
| Marine Board | Housing Commission |
| Stock Medicines Board | Inland Meat Authority |
| (6) <i>Regulation of Professional and Occupational Standards :</i> | Latrobe Valley Development Advisory Committee |
| Architects Registration Board | Latrobe Valley Water and Sewerage Board |
| Board of Examiners for Mine Managers | Local Government Advisory Board |
| Board of Examiners of Engine Drivers | Melbourne and Metropolitan Board of Works |

CLASSIFICATION OF INSTRUMENTALITIES ACCORDING TO FUNCTION—*continued*

Melbourne and Metropolitan Tramways Board	Trustees, National Gallery
Melbourne Harbor Trust Com- missioners	Trustees, National Museum
Portland Harbor Trust Commis- sioners	Trustees, State Library
Railways Commissioners	Zoological Board
Rural Finance Corporation	(10) <i>Public Health :</i>
Soil Conservation Authority	Advisory Committee to Mental Hygiene Authority
Soldier Settlement Commission	Anti-Cancer Council
State Electricity Commission	Cancer Institute Board
State Rivers and Water Supply Commission	Clean Air Committee
State Savings Bank	Commission of Public Health
Town and Country Planning Board	Consultative Council for Influenza
Traffic Commission	Consultative Council for Maternal Mortality
Trustees, Various Cemeteries	Consultative Council for Polio- myelitis
Various Local Water and Sewerage Authorities	Consultative Council for Quar- antinable Diseases
Various River Improvement and Drainage Trusts	Consultative Council for Revision of British Pharmacopoeia
Vermin and Noxious Weeds Destruction Board	Fairfield Hospital Board
(8) <i>Social Welfare :</i>	Hospitals and Charities Commis- sion
Aborigines Board	Mental Hygiene Authority
Discharged Servicemen's Employ- ment Board	Milk Pasteurization Committee
Patriotic Funds Council	Proprietary Medicines Advisory Committee
State Relief Committee	Superintendents Committee
Youth Advisory Committee	Tuberculosis Advisory Committee
(9) <i>Education and Recreation :</i>	(11) <i>Industrial Health :</i>
Council of Adult Education	Industrial Safety Advisory Council
Council of Public Education	(12) <i>Internal Administrative Services :</i>
Dog Racing Control Board	Police Classification Board
Free Library Service Board	Police Discipline Board
National Parks Authority	Public Service Board
Tourist Development Authority	Superannuation Board
Trotting Control Board	Teachers Tribunal
Trustees, Institute of Applied Science	Tender Board

Co-ordination in the Administrative Structure

There are strong co-ordinating influences, both formal and informal, running through the whole of the administrative structure and affecting both departments and instrumentalities. Means of co-ordination, either of overall policy or particular sectors of administrative activity, include:—

(1) The Governor in Council

In relation to a number of matters affecting instrumentalities, the Governor in Council is the legal authority for executive action. Before the submission of documents for formal action or approval by the Governor in Council, they are subjected to scrutiny with due regard to the requirements of co-ordination.

(2) Parliament

Co-ordination is achieved through legislation and Parliamentary Committees.

(3) The Premier, Cabinet, and Individual Ministers

Subject to the legislative pattern laid down by Parliament, and to such separate powers as are conferred on the respective instrumentalities by statute, a continuous co-ordinating process is carried on through the political executive.

(4) The Departments

This applies in those cases where oversight is exercised over instrumentalities administered within departments. Such oversight may have reference to such matters as staffing, procedures, and the exercise of powers conferred by legislation.

(5) The Treasury

The Treasury is concerned with the administration of the State's financial policy and through its financial controls, co-ordinates expenditure from loan, revenue, and fund sources in accordance with the programme laid down by Parliamentary or Government decision.

(6) The Public Service Board

The Public Service Board, in addition to carrying out the functions allotted to it by Parliament in respect of the Public Service, acts, through its Chairman, as the Government's co-ordinating authority in industrial matters affecting both departments and instrumentalities. This ensures a common approach by government bodies to conditions of employment by such departments and instrumentalities of persons outside the Public Service who are covered by industrial awards or determinations. Further, the Board's salary determinations for the Public Service have a persuasive influence on the instrumentalities whose staffs are not under the Public Service Act and the advice of the Chairman of the Board is frequently sought on the salary rates for the staff of a number of these instrumentalities.

(7) The Auditor-General

The Auditor-General's responsibilities for the audit of government accounts and report to Parliament extend beyond the departments to the instrumentalities, and his activities provide another co-ordinating force with particular application to the accounts of the instrumentalities.

(8) Interlocking Control

This is provided for in a number of instances by having representation of departments or other instrumentalities on the controlling bodies of some instrumentalities.

(9) Joint Committees

Joint committees may be set up either as standing committees or for particular purposes, with membership comprising representatives of departments or instrumentalities as required.

(10) Day to day contact between officers of departments and instrumentalities.