

# 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granted to the Commonwealth by the Commonwealth Constitution; but upon some of these matters the Victorian law may be superseded by the passing of a Commonwealth Act.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 prorogues 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.

Since 1949 the Governor of Victoria has been 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 1962*

The following is a list of the Premiers of the Governments from 1945 to 1962 :—

Ministry and Name of Premier	Date of Assumption of Office	Date of Retirement from Office	Duration of Office
			days
Albert Arthur Dunstan ..	18th September, 1943	2nd October, 1945	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 McDonald	27th June, 1950 ..	28th October, 1952	855
Thomas Tuke Hollway ..	28th October, 1952	31st October, 1952..	4
John Gladstone Black McDonald	31st October, 1952..	17th December, 1952	48
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, 1962, 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 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 of Immigration

*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, 1962) 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, 39 belong to the Liberal and Country Party, eighteen 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 by the Speaker to the Governor for assent. Unless otherwise provided, all Acts come into force on the day of assent.

### **Private Legislation**

An article dealing with this subject will be found on pages 86-87 of the Victorian Year Book 1962.



**Money Bills***General*

A Money Bill, in its widest sense, is a Bill the main purpose of which is either to impose a charge upon the public funds or to impose a charge upon the people, i.e., a tax. It differs from ordinary Bills mainly in its method of introduction and to some extent in its later consideration.

Before tracing the passage of such Bills through Parliament, it is to be appreciated that the Governor, being the executive power, is charged with all the revenues of the State, and with all payments for the public services. The Governor, therefore, acting with the advice of his responsible Ministers, makes known to the Legislative Assembly the pecuniary necessities of the Government; the Assembly grants such aids or supplies as are required to satisfy these demands; and it provides by taxes, and by the appropriation of other sources of the public income, the ways and means to meet the supplies which it has granted. Thus the Crown demands money, the Assembly grants it, and the Legislative Council agrees to the grant; but the Assembly does not vote money unless it be required by the Crown, nor does it impose or augment taxes, unless such taxation be necessary for public services as declared by the Crown through its constitutional advisers.

The Constitution Act provides that all taxes, imposts, rates, duties, and revenues of the Crown, from whatever source, shall form one consolidated revenue to be appropriated for the public services of Victoria. It further lays down the rules that all Bills for appropriating any part of the revenue of Victoria or for imposing any tax, &c., shall originate in the Assembly and may be rejected but not altered by the Council; and that, before the Assembly may originate or pass a Bill appropriating any part of the revenue, the appropriation must first be recommended by the Governor in a Message to the Assembly.

In addition to the Consolidated Revenue Fund, the Public Account Act establishes the Loan Fund into which are paid all loan moneys received by the State. Appropriations from this Fund for the particular purposes to which the moneys are allocated must also be recommended by a Message from the Governor.

Further to these statutory requirements, the Assembly Standing Orders provide that all Money Bills must originate in a Committee of the Whole House, i.e., the House presided over by the Chairman of Committees instead of the Speaker. There are three different Committees which are concerned with the preliminary consideration of proposals involving charges: the Committee of Supply, the Committee of Ways and Means, and the specially appointed Money Committee. The Committees of Supply and Ways and Means are appointed at the commencement of each Session and remain in

existence for the duration of the Session, while the special Committee is appointed *ad hoc* and goes out of existence as soon as it has reported upon the matter specifically referred to it.

The functions of these Committees will be seen in the following description of proceedings on Money Bills, but it should be noted that the Committee of Supply grants the demands of the Crown for moneys to meet the annual cost of the public services, the Committee of Ways and Means "finds" the moneys required, either by an appropriation of the Consolidated Revenue or the imposition of a tax or charge upon the people, while the special Money Committee considers charges of a novel nature or not included in the annual estimates of expenditure, and appropriations of moneys in the Loan Fund.

Whilst it is not specifically laid down, the right to initiate Money Bills is virtually reserved to Ministers of the Crown, since they alone are in a position to obtain the necessary Governor's Message recommending a charge, or to move the House into a Committee of the Whole for the required preliminary consideration of the charge.

### *Supply Bills*

The recurring costs of Governmental commitments, usually referred to as supply requirements, are transmitted to the Assembly by the Governor in the form of Estimates of Expenditure, together with a Message recommending an appropriation from the Consolidated Revenue accordingly. The Estimates are referred to the Committee of Supply. This Committee then considers the matter and reports to the House that such an appropriation should be made. The resolution from the Committee of Supply having been agreed to by the House, the matter is then referred to the Committee of Ways and Means, which resolves that the sum agreed upon be granted out of the Consolidated Revenue. The House then orders a Bill to be brought in to carry out the resolution. The charging provision in the Bill must agree with the charge contained in the resolution as agreed to by the House, and no amendment may be moved which would have the effect of altering that charge. In other respects the Bill is dealt with in much the same manner as ordinary Bills.

### *Bills Involving Expenditure of a Novel Nature*

Occasionally it is necessary to provide for expenditure not foreseen by the Government and not included in the annual Estimates of Expenditure, such as the cost involved in some sudden contingency requiring legislative enactment. As money for this purpose would be met from Consolidated Revenue, a Message from the Governor recommending an appropriation would be an essential preliminary requirement. A special Committee of the Whole House is set up for the purpose of considering the Message, and having resolved that such an appropriation be made, it reports accordingly to the House. The House, in its turn, considers the resolution, and having agreed to it, a Bill is ordered to be brought in to give effect to the resolution.

### *Loan Bills*

Moneys from the Loan Fund are allocated from time to time for expenditure upon works such as the building of schools, railway construction works, water supply, &c. Whilst this Fund is separate from the Consolidated Revenue Fund, it forms part of the general public account, and appropriations therefrom must also be initiated by a Message from the Governor recommending the appropriation. Here again a special Committee of the Whole House is appointed to give preliminary consideration to the matter.

### *Bills Imposing Taxes*

As has been explained, the fundamental purpose of taxation is to augment the Consolidated Revenue sufficiently to meet the expenditure required by the Government to meet the cost of the public services. The Standing Orders provide that, before the Assembly approves any proposed tax, such proposal must receive preliminary consideration in a Committee of the Whole House. The appropriate Committee in this instance is the Committee of Ways and Means. A motion embodying the proposed tax is moved by a Minister of the Crown and, having been considered and agreed to by the Committee, it is reported in the form of a resolution to the House. The resolution is further considered by the House and, having been agreed to, a Bill is ordered to be brought in to give effect to the resolution. The Bill must repeat the charge contained in the resolution already agreed to, and no amendment may be moved which would have the effect of increasing that charge or altering its incidence; otherwise the Bill is dealt with in the same manner as ordinary Bills.

Whilst the Council cannot amend a Money Bill, but must either agree or disagree with the Bill as a whole, that House is not entirely devoid of influence upon the provisions of such a Bill. The Constitution Act Amendment Act provides that the Council may suggest to the Assembly that certain amendments be made, provided that the suggested amendments would not have the effect of increasing any proposed charge contained in the Bill. The Assembly then considers the suggested amendments and may make them, decide not to make them, or make them with modifications. The Bill is then returned to the Council incorporating such amendments as may have been made by the Assembly and the Council continues its consideration of the Bill as though the amendments formed part of the original Bill.

The importance of Money Bills has always been recognized by Parliament, and in addition to the statutory requirements regarding their initiation, the Standing Orders provide that no two stages of those preliminary proceedings may be taken on the same day. Similarly, should a Money Bill be amended in Committee, the amendments are ordered to be considered by the House on a future day. Thus it is ensured that these Bills receive the careful consideration that is their due, and the rights of the minority representation in Parliament are preserved.

## Members of the State Parliament

## Legislative Council

The following list shows members of the Legislative Council at August, 1962 :—

Member	Province	Number of Electors on Rolls	Number of Electors Who Voted	Total Percentage of Electors Who Voted
Bradbury, The Hon. Archibald Keith	North-Eastern ..	50,548	48,045	95·05
Cameron, The Hon. Sir Ewen	East Yarra ..	131,509	122,836	93·41
Chandler, The Hon. Gilbert Lawrence, C.M.G.	Southern ..	213,166	201,617	94·58
Dickie, The Hon. Vance Oakley	Ballaarat ..	57,149	54,726	95·76
Elliot, The Hon. Douglas George	Melbourne ..	44,990	40,672	90·40
Feltham, The Hon. Percy Victor, M.B.E.	Northern ..	53,405	51,476	96·39
Galbally, The Hon. John William	Melbourne North	147,606	140,166	94·96
Gawith, The Hon. Charles Sherwin	Monash ..	93,699	85,760	91·53
Grigg, The Hon. Thomas Henry	Bendigo ..	60,082	57,788	96·18
Hunt, The Hon. Alan John	South-Eastern ..	123,546	116,941	94·65
McArthur, The Hon. Sir Gordon	South-Western ..	78,816	74,692	94·77
Machin, The Hon. Buckley	Melbourne West	97,267	91,719	94·30
Mack, The Hon. Ronald William	Western ..	56,731	54,665	96·36
Mansell, The Hon. Arthur Robert	North-Western ..	46,689	44,793	95·94
May, The Hon. Robert William	Gippsland ..	75,273	71,019	94·35
Thompson, The Hon. Lindsay Hamilton Simpson	Higinbotham ..	121,354	114,175	94·08
Tripovich, The Hon. John Matthew	Doutta Galla ..	103,026	96,392	93·56

Members of the Legislative Council who did not come up for election at the last triennial election on 15th July, 1961, are shown in the following table :—

Member	Province
Byrne, The Hon. Murray .. .. .	Ballaarat
Byrnes, The Hon. Percy Thomas .. .. .	North-Western
Fulton, The Hon. William Oliver .. .. .	Gippsland
Garrett, The Hon. William Raymond, A.F.C., A.E.A. .. .. .	Southern
Gross, The Hon. Kenneth Samuel .. .. .	Western
Hamer, The Hon. Rupert James .. .. .	East Yarra
Mair, The Hon. William Phillip .. .. .	South-Eastern
Merrifield, The Hon. Samuel .. .. .	Doutta Galla
Nicol, The Hon. Graham John .. .. .	Monash
O'Connell, The Hon. Geoffrey John .. .. .	Melbourne
Smith, The Hon. Arthur .. .. .	Bendigo
Swinburne, The Hon. Ivan Archie .. .. .	North-Eastern
Thom, The Hon. Geoffrey Walter .. .. .	South-Western
Todd, The Hon. Archibald .. .. .	Melbourne West
Walters, The Hon. Dudley Joseph .. .. .	Northern
Walton, The Hon. John Malcolm .. .. .	Melbourne North
Warner, Sir Arthur George, K.B.E. .. .. .	Higinbotham

President: The Hon. Sir Gordon McArthur.

Chairman of Committees: The Hon. Sir Ewen Cameron.

Clerk of the Parliaments and Clerk of the Legislative Council :  
R. S. Sarah, Esquire.

## Legislative Assembly

The following list shows members of the Legislative Assembly at August, 1962. It also includes details of electoral districts and voting at the last general election, which was held on 15th July, 1961 :—

Member	District	Number of Electors on Rolls	Number of Electors Who Voted	Total Percentage of Electors Who Voted
Balfour, James Charles Murray, Esquire	Morwell ..	22,946	21,816	95·08
Barclay, Nathaniel, Esquire, D.C.M.	Mildura ..	20,648	19,687	95·35
Birrell, Hayden Wilson, Esquire	Geelong ..	21,758	20,401	93·76
Bloomfield, The Hon. John Stoughton	Malvern ..	19,098	17,404	91·13
Bolte, The Hon. Henry Edward	Hampden ..	20,975	20,211	96·36
Borthwick, William Archibald, Esquire	Scoresby ..	30,627	29,032	94·79
Brose, The Hon. Richard Keats	Rodney ..	22,401	21,419	95·62
Christie, Vernon, Esquire ..	Ivanhoe ..	23,626	22,273	94·27
Clarey, Reynold Arthur, Esquire	Melbourne ..	15,758	14,096	89·45
Cochrane, Leslie James, Esquire	Gippsland West	22,382	21,279	95·07
Crick, George Roy, Esquire	Grant ..	38,649	36,321	93·98
Darcy, Thomas Anthony, Esquire	Polwarth ..	24,794	23,732	95·72
Divers, William Thomas, Esquire	Footscray ..	20,222	19,341	95·64
Dunstan, Roberts Christian, Esquire, D.S.O.	Mornington ..	28,189	26,273	93·20
Evans, Alexander Thomas, Esquire	Ballaarat North	22,585	21,613	95·70
Evans, Bruce James, Esquire	Gippsland East..	21,537	20,151	93·56
Fennessy, Leo Michael, Esquire	Brunswick East	16,987	15,683	92·32
Floyd, William Laurence, Esquire	Williamstown ..	19,193	18,001	93·79
Fraser, The Hon. Alexander John, M.C.	Caulfield ..	21,439	19,697	91·87
Gainey, Richard John, Esquire, M.B.E.	Elsternwick ..	20,589	19,486	94·64
Galvin, The Hon. Leslie William	Bendigo ..	21,894	21,151	96·61
Garrison, Peter Wolseley, Esquire	Hawthorn ..	18,722	17,187	91·80
Gibbs, George Sampson, Esquire	Portland ..	22,756	21,925	96·35
Gillett, Robert Max, Esquire	Geelong West ..	25,869	24,457	94·54
Holden, Jack Bruce, Esquire	Moonee Ponds ..	20,225	19,141	94·64
*Holding, Allan Clyde, Esquire	Richmond ..	17,549	14,744	84·02
Holland, Kevin Myles Stephen, Esquire	Flemington ..	18,471	17,274	93·52
Hyland, The Hon. Sir Herbert John Thornhill	Gippsland South	23,424	22,100	94·35
Jenkins, Dr. Henry Alfred	Reservoir ..	27,588	26,504	96·07

\* Elected at a by-election on 12th May, 1962, vice, W. J. Towers, deceased, 18th March, 1962.

MEMBERS OF THE LEGISLATIVE ASSEMBLY—*continued*

Member	District	Number of Electors on Rolls	Number of Electors Who Voted	Total Percentage of Electors Who Voted
Lovegrove, Denis, Esquire	Fitzroy ..	17,203	15,633	90·87
Loxton, Samuel John Everett, Esquire	Prahran ..	18,295	16,892	92·33
MacDonald, James David, Esquire	Burwood ..	21,578	20,444	94·74
McDonald, The Hon. Sir William John Farquhar	Dundas ..	21,766	20,987	96·42
Manson, James Williamson, Esquire	Ringwood ..	35,337	33,910	95·96
Meagher, The Hon. Edward Raymond, M.B.E., E.D.	Mentone ..	26,167	24,694	94·37
Mibus, The Hon. Wilfred John	Lowan ..	20,793	19,968	96·03
Mitchell, The Hon. Thomas Walter	Benambra ..	23,039	21,806	94·65
Moss, The Hon. George Colin	Murray Valley ..	23,051	22,081	95·79
Mutton, Charles, Esquire ..	Coburg ..	21,501	20,460	95·16
Petty, The Hon. Horace Rostill	Toorak ..	18,757	16,838	89·77
Porter, The Hon. Murray Victor	Sandringham ..	26,818	25,659	95·68
Rafferty, Joseph Anstice, Esquire	Ormond ..	24,799	23,638	95·32
Reid, The Hon. George Oswald	Box Hill ..	30,533	28,661	93·87
Reid, Leonard Stanley, Esquire, D.F.C.	Dandenong ..	37,575	35,539	94·58
Ring, Eugene Cornelius, Esquire	Preston ..	26,512	25,126	94·77
Rossiter, John Frederick, Esquire	Brighton ..	20,878	19,552	93·65
Rylah, The Hon. Arthur Gordon, E.D.	Kew .. ..	21,462	19,727	91·92
Scanlan, Alan Henry, Esquire	Oakleigh ..	23,142	22,011	95·11
Schintler, George Roy, Esquire	Yarraville ..	21,859	20,765	95·00
Scott, Gordon Lincoln, Esquire	Ballaarat South	21,531	20,595	95·65
Snider, Baron David, Esquire	St. Kilda ..	18,580	16,771	90·26
Stirling, Harold Victor, Esquire	Swan Hill ..	19,703	18,992	96·39
Stokes, Russell Newton, Esquire	Evelyn ..	30,817	28,946	93·93
Stoneham, The Hon. Clive Phillip	Midlands ..	23,306	22,441	96·29
Suggett, Robert Harris, Esquire	Moorabbin ..	30,799	29,512	95·82
Sutton, Patrick Keith, Esquire	Albert Park ..	17,415	16,131	92·63
Tanner, Edgar Stephen, Esquire, C.B.E., E.D.	Ripponlea ..	19,498	17,710	90·83
Taylor, Alexander William, Esquire, E.D.	Balwyn ..	27,107	25,483	94·01
Trewin, Thomas Campion, Esquire	Benalla ..	20,915	19,944	95·36
Turnbull, Campbell, Esquire	Brunswick West	19,472	18,262	93·79
Turnbull, The Hon. Keith Hector	Kara Kara ..	19,521	18,809	96·35

MEMBERS OF THE LEGISLATIVE ASSEMBLY—*continued*

Member	District	Number of Electors on Rolls	Number of Electors Who Voted	Total Percentage of Electors Who Voted
Wheeler, Kenneth Henry, Esquire	Essendon ..	24,434	23,320	95·44
Wilcox, Vernon Francis, Esquire	Camberwell ..	20,642	19,205	93·04
Wilkes, Frank Noel, Esquire	Northcote ..	20,171	19,134	94·86
† Wilton, John Thomas, Esquire	Broadmeadows ..	46,665	42,525	91·13
Wiltshire, Raymond John, Esquire	Mulgrave ..	46,023	43,664	94·87

† Elected at a by-election on 4th August, 1962, *vice*, H. E. Kane, deceased, 30th May, 1962.

Speaker : The Hon. Sir William John Farquhar McDonald.

Chairman of Committees : Joseph Anstice Rafferty, Esquire.

Clerk of the Legislative Assembly : John Archibald Robertson, Esquire.

## Number of Parliaments and Their Duration

During the period 1856 to 1962 there have been 42 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 1962. 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
1962 ..	7,460	75,773	35,254	281,239	294,586	147,961	27,894	870,167

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

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

‡ Includes cost of oversea conferences in Ministry costs.



## State Acts Passed During 1961

The following Acts were passed by State Parliament during the year ended 31st December, 1961 :—

No.		No.	
6736	Public Works Committee (Special Exemption) Act exempts members of the Public Works Committee from exclusion from voting while enquiring into the water resources of Victoria	6753	Transport Regulation (Compensation) Act provides for compensation to licence holders in certain circumstances
6737	Railways (Permanent Service) Act amends Section 149 of Railways Act 1958	6754	Bread Industry (Legal Proceedings) Act provides for the control of bread quality
6738	Superannuation (Railway Service) Act provides for a reduction of superannuation units of certain Railway staff	6755	Milk Pasteurization (Licences) Act amends the Milk Pasteurization Act 1958
6739	Stamps (Amendment) Act amends the Stamps Act 1959 with respect to the duty payable on the exchange of real property	6756	Health (Proprietary Medicines) Act provides for the review of registration of proprietary medicines
6740	Employers and Employees (Attachment of Wages) Act amends the making of attachment orders	6757	Police Offences (False Reports to Police) Act amends Police Offences Act 1958
6741	St. Kilda (Goldsmith and Shelley streets) Land Act authorizes the closing of two public streets	6758	Evidence (Children) Act concerns court evidence by children under fourteen years of age
6742	Municipal Association (Amendment) Act amends the Municipal Association Act 1907	6759	Statute Law Revision Act repeals the Electoral Provinces Act 1958 and corrects errors in other Acts
6743	Wormbete Land Act authorizes the sale of Crown Lands in the Parish of Wormbete	6760	Transport Regulation (Term of Office) Act provides for members of the Transport Regulation Board to be re-appointed for a second term
6744	Grain Elevators (Borrowing) Act increases the amount of money that may be borrowed by the Grain Elevators Board	6761	Prostitution Act increases the penalties for procuring and soliciting
6745	Housing (Amendment) Act refers to the sale of houses, and the granting of gifts to the Housing Commission by public bodies	6762	Motor Car (Amendment) Act amends the Motor Car Act 1958
6746	Land (North-West Mallee Settlement Areas) Act provides for the conversion of perpetual leases into purchase leases	6763	Game (Amendment) Act controls the sale, exchange or possession of native game
6747	Ripon Peace Memorial Hospital Trust Act varies the objects of a Hospital Trust Fund	6764	The Constitution Act Amendment (Electoral) Act provided for the holding in 1961 of Council and Assembly elections
6748	Road Traffic (Parking on Railway and Municipal Property) Act	6765	Building Societies (Amendment) Act refers to the establishment and incorporation of building societies
6749	Co-operation (Amendment) Act refers to co-operative society membership, and raises the amount guaranteed by the Government	6766	Juries (Amendment) Act relates to the payment of workers' compensation to jurors
6750	Heidelberg and Toolamba Lands Exchange Act provides for the exchange of Crown Land for other lands	6767	Gas and Fuel Corporation (Borrowing) Act increases the borrowing limit of the Corporation
6751	Town and Country Planning (Amendment) Act refers to the continuance of planning schemes following municipal boundary changes	6768	Clean Air (Sub-Committees) Act allows the Committee to appoint sub-committees
6752	Janet Clarke Hall Act incorporates Janet Hall as a separate college	6769	Housing (Home Builders' Account) Act extends the repayment time of certain advances made to the Home Builders' Account from the Public Account

STATE ACTS PASSED DURING 1961—*continued*

No.		No.	
6770	Police Offences (Pinball Machines) Act extends the gaming provisions of the Police Offences Act 1958 to pinball machines	6789	Portland Harbor Trust (Quarrying) Act authorizes the Commissioners to sell surplus quarrying produce
6771	Fisheries (Commercial Council) Act provides for a Commercial Council to advise the Minister on matters relating to the fishing industry	6790	Racing (Bookmakers' Course Agents) Act provides for the registration of certain bookmakers' clerks
6772	Consolidated Revenue Act	6791	Stamps (Further Amendment) Act widely amends the Stamps Act 1958
6773	Consolidated Revenue Act	6792	North Geelong to Fyansford Railway Deviation Act authorizes the construction of a deviation line
6774	Consolidated Revenue Act	6793	Apprenticeship (Amendment) Act amends the Apprenticeship Act 1958
6775	Game (Black Swans) Act permits the issue of licences to take or kill black swans	6794	Land (Unused Roads and Water Frontages) Act amends the Local Government Act 1958
6776	Distribution of Population (Joint Committee) Act provides for a Parliamentary Committee to examine population distribution	6795	Motor Car (Insurance Surcharge) Act makes permanent the surcharge of one pound on third party insurance contracts
6777	Public Works Interim Loan Application Act authorizes the issue of money from the Loan Fund for public works	6796	Forests (Wood Pulp Agreement) Act concerns the supply of pulpwood from State forests to private industry
6778	Legal Profession Practice (Amendment) Act amends the Legal Profession Practice Act 1958	6797	Dandenong Lands Act provides for the surrender of certain lands to the Crown
6779	Home Finance (Amendment) Act increases the maximum value for Home Finance Loans	6798	Local Authorities Superannuation (Amendment) Act amends the Local Authorities Superannuation Act 1958
6780	Cancer (Amendment) Act issues funds to the Cancer Institute	6799	R.S.L. Welfare Trust Fund Act authorizes the variation of the Trust upon which certain funds are held
6781	Tourist (Amendment) Act constitutes the Tourist Development Authority as a body corporate	6800	The Zinc Corporation Limited Act incorporates the Company in Victoria
6782	Water (Ballarat Water Commissioners) Act authorizes the Commissioners to operate timber mills	6801	Mines (Explosives) Act deals with quarry safety regulations
6783	Commercial Goods Vehicles (Tow Trucks) Act controls the construction and equipment of tow trucks, the testing of drivers and issue of licences	6802	University (Officers) Act relates to the membership of the University Council
6784	Consolidated Revenue Act	6803	State Accident Insurance Office Act permits the Office to purchase lands or buildings
6785	Local Government (Municipal Assistance Fund) Act increases the amount that may be paid out of the Municipalities Assistance Fund	6804	Melbourne and Metropolitan Board of Works (Yarra River) Act vests in the Board certain portions of the bed soils and banks of the Yarra River
6786	Agricultural Colleges (Leases) Act provides for the granting or leasing to certain lessees of land divested from agricultural colleges	6805	Legal Aid Act provides for the assistance of poor persons in legal matters
6787	United Lutheran Church Incorporation Act incorporates the Lutheran Church	6806	Crimes (Breath Test Evidence) Act approves the use of breath analysing instruments as sources of evidence in intoxication cases
6788	West Melbourne Market Land (Amendment) Act redefines the boundaries of the West Melbourne Market		

STATE ACTS PASSED DURING 1961—*continued*

No.		No.	
6807	Consolidated Revenue Act	6824	Co-operation (Amendment) Act amends the Co-operation Act 1958
6808	Civil Aviation (Carriers' Liability) Act relates to the liability of airline licence holders for damage done to their passengers	6825	Valuation of Land (Amendment) Act amends the Valuation of Land Act 1960, Local Government Act 1958, Housing Act 1959, and Water Act 1958
6809	Sheep Owners Protection Act re-enacts, with amendments, The Sheep Owners Protection Act 1958	6826	Public Works Loan Application Act authorizes the issue of loan money for public works
6810	Entertainments Tax (Amendment) Act relates to booking fees and tax reductions	6827	Land Tax (Exemptions and Rates) Act relates to exemptions from Land Tax and declares the rates for 1962
6811	Exhibition (Borrowing Powers) Act increases the borrowing power of the Trustees	6828	Landlord and Tenant Act relates to notices to quit
6812	Children's Welfare (Appeals) Act makes provision for appeals against orders for the maintenance of children	6829	Mines (Aluminium Agreement) Act grants certain mineral rights to the aluminium industry
6813	Pawnbrokers (Amendment) Act increases the maximum amount loaned on any article	6830	Railway Loan Application Act sanctions the use of loan moneys for Railway purposes
6814	Property Law (Loans to Minors) Act refers to housing loans to infants not under eighteen years of age	6831	Railways (Funds) Act reorganizes some aspects of Railway accounting
6815	Disposal of Uncollected Goods Act authorizes the disposal of goods accepted in the course of business but not re-delivered	6832	Motor Boating Act controls boating and requires the registration of motor boats
6816	Milk and Dairy Supervision (Amendment) Act relates to the licensing of dairies, dairy farms and factories, and the payment of expenses to Board members	6833	Police Regulations (Amendment) Act provides that members of the Police Force may be required to live in certain districts, and the prescription of fees for special Police services
6817	State Forests Loan Application Act sanctions the issue of loan money for State Forests works	6834	Housing (Commonwealth and State Agreement) Act ratifies the Agreement with the Commonwealth
6818	Health (Dangerous Substances) Act extends control over the use, sale, transportation, and storage of dangerous substances	6835	Education (Amendment) Act authorizes school committees to enter into contracts to carry out certain works
6819	Money Lenders (Amendment) Act amends the Money Lenders Act 1958	6836	Racing (Off-course Doubles Totalizators) Act provides for doubles bets
6820	Water Supply Loan Application Act provides loan money for irrigation, water supply, drainage, flood control, &c.	6837	Medical (Amendment) Act exempts medical employees of the Commonwealth from payment of registration fees. It also transfers certain powers and duties to the Government Statist
6821	Co-operative Housing Societies (Amendment) Act approves the use of funds for dwelling maintenance	6838	Water and Sewerage Authorities (Proceedings and Finances) Act simplifies the making of advances to water and sewerage authorities and their internal administrative and financial procedures
6822	Legal Profession Practice (Further Amendment) Act amends the Legal Profession Practice Act 1958	6839	Companies Act re-enacts the Companies Act 1958
6823	Labour and Industry (Women's Hairdressing) Act permits women's hairdressing shops to remain open until ten o'clock on Thursday evenings		

STATE ACTS PASSED DURING 1961—*continued*

No. 6840	The Constitution Act Amendment Act relates to the Parliamentary candidature of newly naturalized Australians	No. 6845	Limitation of Actions (Recovery of Imposts) Act relates to the recovery of moneys from the Crown
6841	Local Government (Streets and Abattoirs) Act empowers municipalities to operate offal treatment works	6846	Rural Finance and Settlement Commission Act relates to the reorganization of soldier settlement and rural finance
6842	Crown Leases Act amends the Land Act 1958 and the Forests Act 1958	6847	Marine (Amendment) Act amends the Marine Act 1958
6843	Church of England (Greenborough Land) Act changes the objects of a Trust	6848	Dog Act amends the Dog Act 1958
6844	Juries (Fees) Act provides for higher payment to jurors	6849	Town and Country Planning Act re-enacts the Town and Country Planning Act 1958
		6850	Appropriation of Revenue 1961-62 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. (See Fig. 5.)

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.)

# VICTORIA LEGISLATIVE COUNCIL

## STATE ELECTORAL PROVINCES

- |                    |                  |
|--------------------|------------------|
| A. Melbourne       | J. South-Western |
| B. Melbourne West  | K. Ballarat      |
| C. Dousta 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        |                  |

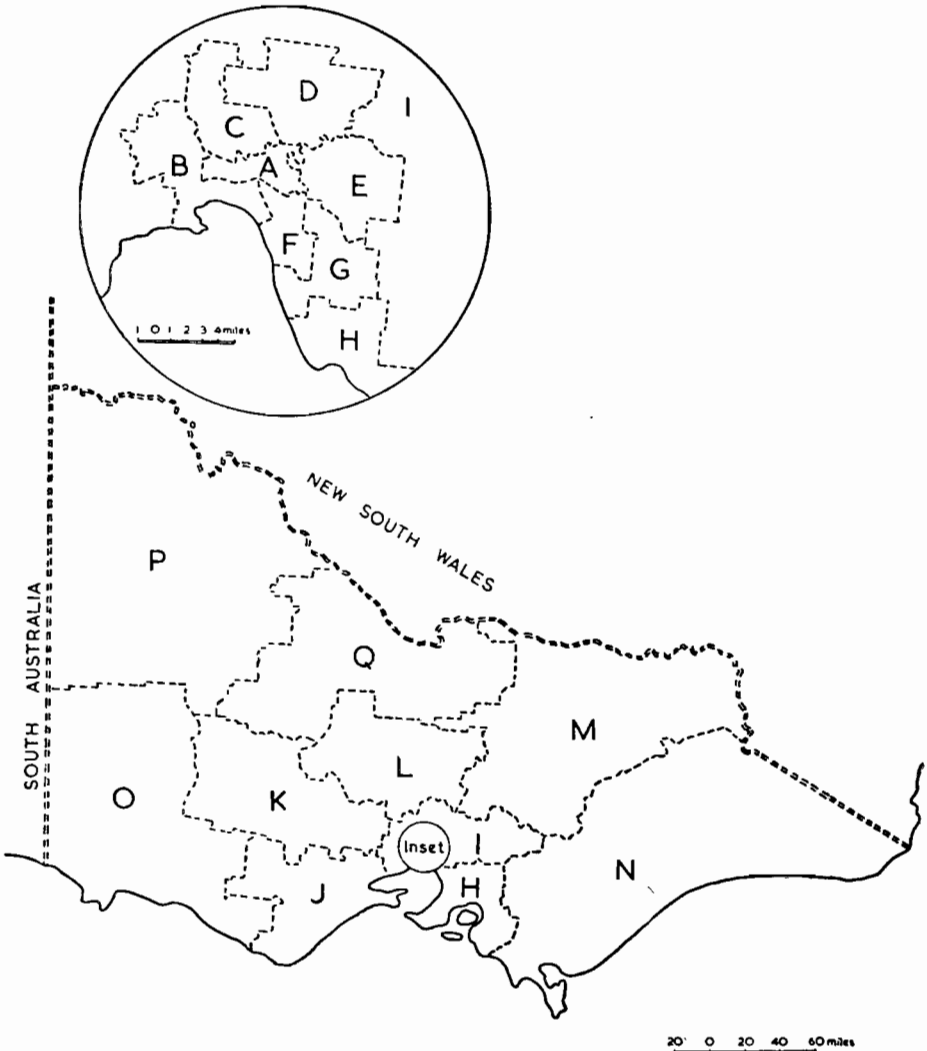


FIGURE 5.—Map of Victoria and inset of Melbourne Metropolitan Area showing State electoral provinces.

## 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. Ballaarat South |
| 4. Flemington     | 26. Burwood      | 48. Ballaarat 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   |

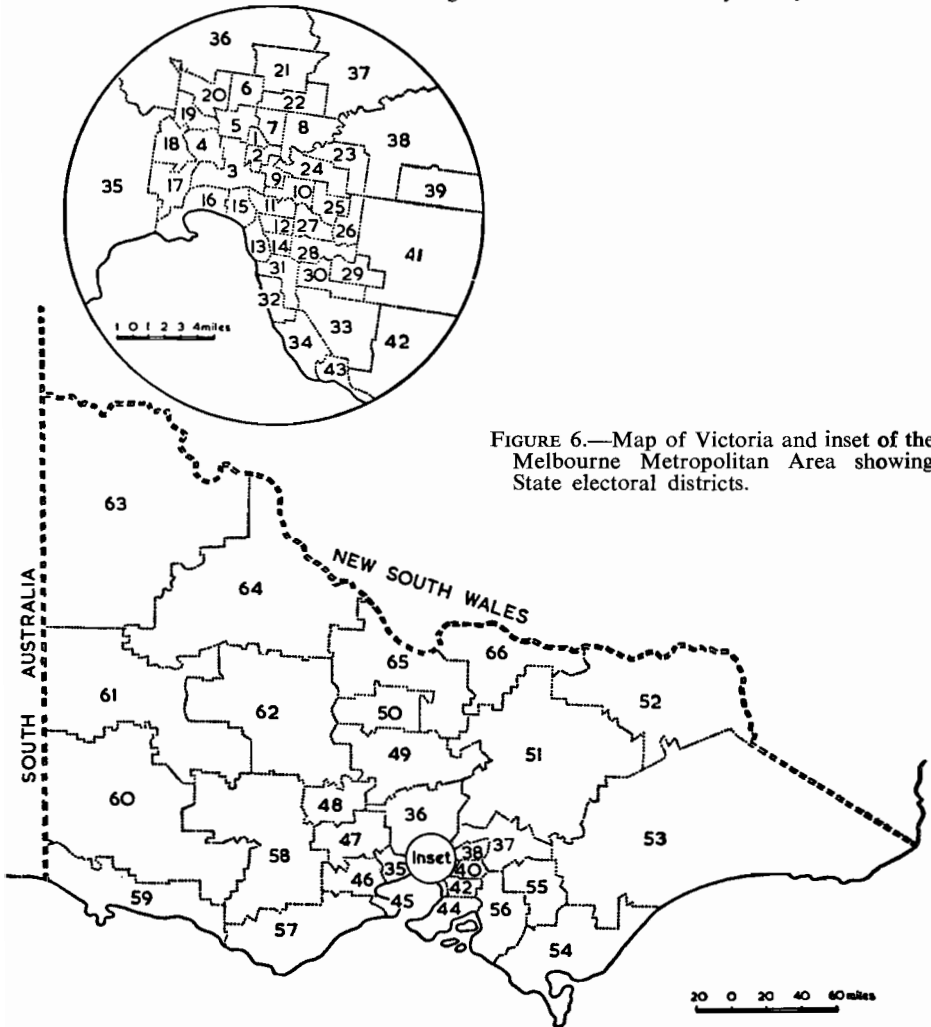


FIGURE 6.—Map of Victoria and inset of the Melbourne Metropolitan Area showing State electoral districts.

*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 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
1958	..	..	..	..	..	1,503,434
1959	..	..	..	..	..	1,506,476
1960	..	..	..	..	..	1,522,481
1961	..	..	..	..	..	1,554,856
1962	..	..	..	..	..	1,588,633

*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	94·41	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 seven-teen 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	1,467,482	94·38	46,697	3·18

\* 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.

### Parliamentary By-elections

The following are details of by-elections held between the General Elections in 1961 and 4th August, 1962 :—

#### Legislative Assembly—

12th May, 1962 : Mr. A. C. Holding was elected for Richmond Electoral District.

4th August, 1962 : Mr. J. T. Wilton was elected for Broadmeadows Electoral District.

### 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).

### Victorian Members of the Federal Parliament

The following are the Senators elected for Victoria sitting in the Senate as at August, 1962 :—

Breen, Marie Freda  
 Cohen, Samuel Herbert  
 Cormack, Magnus Cameron  
 Gorton, The Hon. John Grey  
 Hannan, George Conrad  
 Hendrickson, Albion  
 Kennelly, The Hon. Patrick John  
 Sandford, Charles Walter  
 Wade, Harrie Walter  
 Wedgwood, Ivy Evelyn

The Victorian Members in the House of Representatives and the electorates they represent as at August, 1962, are shown below :—

Member	Constituency*
Beaton, Noel Lawrence .. .. .	Bendigo
Bryant, Gordon Munro .. .. .	Wills
Buchanan, Alexander Andrew .. .. .	McMillan
Cairns, James Ford .. .. .	Yarra
Calwell, The Hon. Arthur Augustus .. .. .	Melbourne
Chipp, Donald Leslie .. .. .	Higinbotham
Courtney, Frank .. .. .	Darebin
Crean, Frank .. .. .	Melbourne Ports
Davis, Francis John .. .. .	Deakin
Erwin, George Dudley .. .. .	Ballaarat
Fox, Edmund Maxwell Cameron .. .. .	Henty
Fraser, John Malcolm .. .. .	Wannon
Haworth, The Hon. William Crawford .. .. .	Isaacs
Holt, The Rt. Hon. Harold Edward .. .. .	Higgins
Holten, Rendle McNeilage .. .. .	Indi

VICTORIAN MEMBERS IN THE HOUSE OF REPRESENTATIVES—*continued*

Member	Constituency*
Howson, Peter .. .. .	Fawkner
Jess, John David .. .. .	La Trobe
Kent Hughes, The Hon. Sir Wilfred Selwyn, K.B.E., M.V.O., M.C., E.D.	Chisholm
King, Robert Shannon .. .. .	Wimmera
Lindsay, Robert William Ludovic .. .. .	Flinders
Mackinnon, Ewen Daniel .. .. .	Corangamite
McEwen, The Rt. Hon. John .. .. .	Murray
McIvor, Hector James .. .. .	Gellibrand
Menzies, The Rt. Hon. Robert Gordon, C.H., Q.C. .. .. .	Kooyong
Nixon, Peter James .. .. .	Gippsland
Opperman, The Hon. Hubert Ferdinand, O.B.E. .. .. .	Corio
Peters, Edward William .. .. .	Scullin
Pollard, The Hon. Reginald Thomas .. .. .	Lalor
Snedden, Billy Mackie .. .. .	Bruce
Stokes, Philip William Clifford, E.D. .. .. .	Maribyrnong
Turnbull, Winton George .. .. .	Mallee
Whittorn, Raymond Harold .. .. .	Balaclava
†Vacant .. .. .	Batman

\* The population as disclosed by the Census taken on 30th June, 1961 necessitated further representational changes, Victorian representation becoming 34. The necessary redistribution of boundaries to bring these into effect has not yet been made.

† Bird, Alan Charles, deceased 21st July, 1962. Benson, Samuel James, elected on 1st September, 1962.

*Agent-General for Victoria*

The State of Victoria maintains an Agent-General's Office in London. As official representative of the State, it is the function of the Agent-General to work in close co-operation with the High Commissioner for Australia, to keep the Government informed of political and economic developments overseas, to promote trade with Britain and other countries, and to act as agent for the State in Britain.

*Victorian Government Departments*

Government administration in Victoria is carried on through a variety of administrative agencies. The Government departments proper and the large statutory corporations administer most of the governmental activities, and there are also small regulatory or advisory bodies or committees set up under statute for specific limited purposes.

**Departments**

The central administration of the State is carried on by fifteen departments. These are the instruments of ministerial action and legislative enactment is generally not required to establish, abolish or re-organize a department, although this is sometimes the method used.

All but three of the departments are organized on a functional basis, that is, all their activities are related in some way to a general function; but the Premier's Department, Chief Secretary's Department, and the Treasury are heterogeneous units comprising a wide variety of dissimilar activities.

The following is a list of departments :—

**PREMIER'S DEPARTMENT**

*Minister* : The Premier.

*Permanent Head* : Secretary to the Premier's Department.

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

The Department embraces within its organization the Office of the Governor and the Executive Council. It is also responsible for the administration of, and for governmental contact with, the Office of the Agent-General in London. The functions performed by the Department extend over the whole area of the State and are administrative, regulatory, planning, developmental, and educational in character.

*Premier's Office*—Acts as a channel of communication with the British Government, the Commonwealth Government, and all other State Governments.

*Audit Office*—Audits the Treasurer's accounts ; reports to Parliament on the Treasurer's Accounts and Annual Statement ; audits accounts and stores of certain statutory bodies.

*Agent-General's Office, London.*

*Office of the Executive Council and Office of the Governor.*

*State Development Division*—Provides the administrative organizations for the Central Planning Authority, the Decentralization Division, and the Latrobe Valley Development Advisory Committee.

*State Film Centre*—Prepares documentary, educational, and historical films.

*Public Service Board Office*—Responsible for personnel administration of the Public Service and the promotion of efficiency in the working of departments.

**TREASURY**

*Minister* : The Treasurer.

*Permanent Head* : Director of Finance.

The Treasury is the State's central department of financial administration and control, and its prime functions relate to the raising of revenue and the control over governmental expenditure within the ambit of Parliamentary authority. The Treasury co-ordinates government policy in so far as that policy has a financial aspect.

The Department administers a number of branches :—

*State Taxation Office*—Collection of revenue as Land Tax, Probate Duties, and Entertainments Tax.

*Stamps Office*—Sale of duty Stamps ; assessment and collection of duty on taxable documents ; collection of betting tax.

*Registry of Co-operative Housing Societies*—Registration and supervision of societies.

*Registry of Co-operative Societies.*

*Registry of Estate Agents and Money Lenders.*

*Government Printing Office*—Printing and publication of Hansard, Bills, Acts, Regulations, and general printing for departments.

*State Tender Board*—Co-ordination of purchase of stores and materials.

*State Superannuation Board*—Administration of superannuation and pensions schemes for the public service, teaching service, railways, and certain authorities.

*Housing Commission*—Administration of funds provided by the Commonwealth under Commonwealth—State Housing Agreements. Responsibility for housing schemes, slum reclamation, &c.

#### CHIEF SECRETARY'S DEPARTMENT

*Minister* : Chief Secretary.

*Permanent Head* : Under Secretary.

The Chief Secretary's Department performs a multitude of diverse activities connected with the government of the State. It is the direct descendant of the first office of government established in the Colony of Victoria (see pages 100 to 104). Originally it performed almost all the functions of government, but over the years other departments have been created to undertake specific functions and the Chief Secretary's Department has been left with the residue. It has also from time to time acquired other functions in response to governmental needs.

The various branches are :—

Electoral Branch ; Explosives ; Fisheries and Wildlife ; Government Statist ; Police (including Motor Registration) ; Government Shorthand Writer ; Social Welfare (comprising Family Welfare, Youth Welfare, Training, Prisons, Probation and Parole, and Research and Statistics divisions) ; State Immigration ; State Insurance ; State Library, National Gallery, National Museum, and Institute of Applied Science ; Weights and Measures.

Other departmental functions are film censorship, racecourse licensing, totalizator inspection, declaration of public holidays, &c. The Department also provides administrative services for the Traffic Commission, Victorian Licensing Court, and Aborigines' Board.

#### LAW DEPARTMENT

*Minister* : Attorney-General.

*Permanent Head* : Secretary to Law Department.

The substantial function of the Department is concerned with the administration of Justice in the various State Courts. But there are branches in the Department whose functions and activities are not directly associated with the Courts (e.g., Titles Office and Public Trustee).

The following brief descriptions of the various branches indicate the scope and activities of the Department as a whole :—

*Solicitor-General*—The office of the Solicitor-General was established to act as legal adviser of the Attorney-General and of the Government.

*Titles Office and Registrar General's Office*—Is concerned with the registration of transfers of land, conveyances, and related documents.

*Companies Registration Office*—Maintains a register of companies and businesses in Victoria.

*Public Solicitor's Office*—Provides legal aid to poor persons committed for trial for indictable offences and may provide legal assistance in civil proceedings in the Supreme Court, County Court, and Workers Compensation Board.

*Crown Solicitor's Office*—Advises on all legal matters in which the Crown is involved and engages in litigation when necessary.

*Parliamentary Draftsman*—Drafts Parliamentary legislation and Regulations, and prepares consolidation of statutes.

*Courts Branch*—Comprises the administration of the Supreme Court, County Courts and General Sessions; Stipendiary Magistrates (Courts of Petty Sessions and Coroner's Courts); Special Magistrates of Children's Courts; and other officers appointed in the various jurisdictions.

*Court Reporting*—Takes a shorthand record of criminal proceedings in the Supreme Court and Court of General Sessions and of some Supreme Court civil proceedings.

*Public Trustee*—Administers estates of deceased persons committed to the Public Trustee and also estates of mental patients and infirm persons.

#### MINISTRY OF TRANSPORT

*Minister* : Minister of Transport.

*Permanent Head* : Co-ordinator of Transport.

This Department was established to secure the improvement, development and better co-ordination of railway, tramway, and road transport in Victoria.

The Department is also responsible for licensing of certain boats operating in Western Port Bay. As a matter of administrative arrangement, the Department has been allocated certain responsibilities associated with government motor vehicles, motorized plant, and stores.

#### DEPARTMENT OF AGRICULTURE

*Minister* : Minister of Agriculture.

*Permanent Head* : Director of Agriculture.

The functions of this Department can be grouped under three headings :—

*Regulatory*—Registration and inspection of dairy farms, dairies, factories producing butter, cheese and margarine; apiaries, fertilizers, insecticides, sheep dips, fungicides, agricultural lime, stock foods,

stock medicines and agricultural seeds ; inspection and quarantine of animals, plants and plant products imported from overseas ; inspection of dairy products, fruit and vegetables to maintain proper standards of quality ; inspection of orchards and the control of plant diseases and insect pests ; inspection of fruit submitted for export ; prevention and control of animal diseases.

*Research and Investigation*—Comprises research into field crops, pastures and soils, horticultural crops, livestock, plant diseases, and pests.

*Education, Advisory, and Extension Services*—Control of Dookie and Longerenong Agricultural Colleges and the School of Horticulture and Primary Agriculture, Burnley ; visits by departmental officers ; agricultural competitions ; farmers' field days ; farmers' classes ; lectures, demonstrations and films ; mobile dairy science unit ; publications and radio talks. The Department also administers the Government Cool Stores at Victoria Dock, Melbourne.

#### WATER SUPPLY DEPARTMENT

*Minister* : Minister of Water Supply.

*Permanent Head* : Chairman of the State Rivers and Water Supply Commission.

The functions of the Department are performed through a corporation called the State Rivers and Water Supply Commission.

The Department is required to carry out certain functions :—

*Miscellaneous*—Carries out surveys regarding the nature and extent of the water resources of the State ; prepares proposals for the construction of works of water supply ; arranges systematic gauging of stream flows, &c. ; instructs irrigators in irrigated culture and utilization of water.

*Construction*—Carries out works of water supply, drainage, flood protection, and river improvement.

*Supervision of Local River Improvement, Water, Sewerage, &c. Authorities*—Supervises rates, finance, and construction projects of water trusts and sewerage authorities.

*Control of Natural Waters.*

*Advisory Functions*—Advises the Minister and Governor in Council on matters relating to irrigation districts, waterworks, drainage, and flood districts ; grants licences to divert water or leasing of pump sites.

*Regulatory Functions*—Makes and levies rates ; fixes scales of charges and fees ; and makes by-laws for urban districts.

#### MINES DEPARTMENT

*Minister* : Minister of Mines.

*Permanent Head* : Secretary for Mines.

The Department is responsible for investigation of the State's geological structure, mineral wealth, and underground water resources ; the provision of technical services and information to the mining industry ; supervision of the safe working of mines and quarries ; the licensing of mining activity ; and the administration of financial assistance to the mining industry.



*Geological Branch*—Carries out the exploratory work designed to locate deposits of the valuable minerals required in modern technology. The Branch also carries out coal investigations, oil research, and mining geology and does specialized work on fossils and similar scientific tasks. Assistance and advice are provided for public works.

*Mining Inspection Branch*—Is responsible for the safe working of mines and quarries throughout the State and for the examination of the electrical installations at all mines.

*Drilling Branch*—Carries out comprehensive exploratory programmes in connexion with the development of mineral resources and the finding of underground water. This work complements the surface surveys by the Geological Branch.

*Boiler Inspection Branch*—Ensures the correct and safe design and the proper care and maintenance of boilers and other pressure vessels in the State.

*Laboratory Branch*—Assays metalliferous and auriferous ores, analyses coals, fire-tests clays, classifies rocks and minerals, and analyses mine air.

#### EDUCATION DEPARTMENT

*Minister* : Minister of Education.

*Permanent Head* : Director of Education.

The function of the Education Department is to ensure that all children between the ages of six and fourteen years receive efficient and regular instruction in general educational subjects and to provide higher education for children over fourteen years of age. The planning of State education is the responsibility of the Director of Education. The Teaching Service provides the teachers for all State Schools, the Education Department being responsible for the general administration, including the provision and maintenance of school buildings, furniture and equipment, the payment of teachers' salaries, housing of teachers, transport of children to schools in country areas, awarding scholarships and teaching bursaries, and other general administrative functions.

Details of all aspects of education within the State are treated on pages 191 to 202 of this Year Book.

#### PUBLIC WORKS DEPARTMENT

*Minister* : Commissioner of Public Works.

*Permanent Head* : Secretary for Public Works.

The Department's activities relate mainly to the construction, maintenance, and supply of premises for the departments, agencies, and governmental institutions, and also of schools. Although the expenditure involved in the purchase of land and the construction, maintenance, and furnishing of premises is included in the estimates and accounts of the various departments, the actual responsibility for the purchase of land, plans and specifications, construction, maintenance and furnishing of buildings, lies with the Department.

The Department is also responsible for shore protection works on the Victorian coast and the construction and maintenance of all Victorian ports, except the Ports of Melbourne, Geelong, and Portland.

#### DEPARTMENT OF CROWN LANDS AND SURVEY

*Minister* : Commissioner of Crown Lands and Survey.

*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 connexion therewith ; the destruction of vermin and the eradication of noxious weeds ; the co-ordination of all survey work undertaken in the State and the compilation of comprehensive maps of the State ; and the provision of reserves of Crown land for recreational and other purposes. It is also responsible for the control and maintenance of the Royal Botanic Gardens and the National Herbarium, Melbourne.

#### DEPARTMENT OF LABOUR AND INDUSTRY

*Minister* : Minister of Labour and Industry.

*Permanent Head* : Secretary for Labour and Industry.

The main functions of the Department are concerned with conditions of employment generally, including wages, hours of work, rest periods, and holidays ; the employment of women, children and young persons, including vocational guidance and training and apprenticeship ; industrial safety, health, and welfare, including the control of dangerous methods and materials, the guarding of machinery, the prevention of accidents, the control and regulation of the industrial aspects of various trades, industrial lighting, ventilation, and the provision of amenities ; industrial relations including the prevention and settlement of industrial disputes ; training within industry ; and statistical research in the industrial field.

These functions are performed by the Wages Board Branch, Apprenticeship Commission Branch, Factories and Shops Inspectorate, and the Industrial Branch.

#### LOCAL GOVERNMENT DEPARTMENT

*Minister* : Minister for Local Government.

*Permanent Head* : Secretary for Local Government.

Prior to the Department's establishment in 1958, the supervision of local government activities was the responsibility of a branch of the Public Works Department. The Department is responsible for supervision of the administration by municipalities of the Local Government Act and related Acts, and the oversight of Government funds allocated to assist municipalities with certain construction works (e.g., recreational facilities, swimming pools, and public halls in country areas).

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

#### STATE FORESTS DEPARTMENT

*Minister* : Minister of Forests.

*Permanent Head* : Chairman of the Forests Commission.

The *Forests Act* 1958 provides for the formation of a Forests Commission of three Commissioners.

The Department is responsible for the protection, conservation, and development of the indigenous forests and the establishment and maintenance of an adequate area of softwoods. It provides forest road systems; develops silvicultural techniques to ensure natural regeneration of indigenous forests and improvement of production potential; organizes fire protection; secures permanent timber reserves; establishes and maintains coniferous plantations; and encourages establishment of new industries, particularly in the pulping and hardboard manufacturing field.

#### DEPARTMENT OF HEALTH

*Minister* : Minister of Health.

*Permanent Head* : Secretary to the Department of Health.

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

These functions are carried out by the General Health, Mental Hygiene, Maternal and Child Welfare, and Tuberculosis Branches.

#### **Victorian Government Instrumentalities**

An article dealing with Victorian Governmental Instrumentalities will be found on pages 102 to 110 of the Victorian Year Book 1962.

#### **History of State Government Departments**

It is intended to present, in this and succeeding issues of the Victorian Year Book, short but comprehensive histories of the State Government Departments. The following article, being the first of this series, deals with the historical development of the Chief Secretary's Department.

**Chief Secretary's Department***Introduction*

The Department of the Chief Secretary is the oldest and most historic of the departments of the Victorian Public Service. It traces its ancestry to the instructions given to Captain William Lonsdale by Governor Bourke in September, 1836, when a proclamation was issued authorizing a settlement at Port Phillip under Crown Lands regulations then in force in other parts of the Colony of New South Wales and appointing Lonsdale as Police Magistrate of the new district.

Today, the Department of the Chief Secretary is an omnibus department comprising the Chief Secretary's Office and fourteen branches with the Chief Secretary as Minister and the Under Secretary as Permanent Head. The main reason for this diversity of interests is no doubt due to the fact that the Department is the direct descendant of the first office of government established in the Colony of Victoria from which it inherited practically all the functions of government in use at that time. Over the years, various other departments have been created to undertake specific functions, leaving the Chief Secretary's Department with the residue.

*Early History*

When the Port Phillip District was first settled in 1835, it was part of the Colony of New South Wales. At that time New South Wales was governed under the provisions of the Act of 1828 by virtue of which the Governor was assisted by a wholly nominated council. Between the years 1828 and 1842, there was no change in this form of administration though agitation for alterations arose not only in Sydney but also in the Port Phillip District. A major grievance was over the appropriation of that portion of the Land Sales revenue which was derived from the Port Phillip District, but used mainly to meet labour needs in connexion with Sydney. This was aggravated by the fact that the colonists of Port Phillip were also suffering from a scarcity of labour. A strong desire was created among the colonists of Port Phillip to sever connexion with New South Wales and secure a Government of their own in order to remedy grievances and administer affairs locally.

On the 28th April, 1842, a Port Phillip petition "for a Local Government independent of the Government of New South Wales and for a Representative Legislature" reached the House of Commons, but the 1842 Act for the Government of New South Wales and Van Diemen's Land did not give what the petition had asked for—neither separation, nor "responsible government", nor "a free and extended representation".

In 1848, La Trobe declared to Governor Fitzroy that any form of Constitution which would take the government out of the hands of the Governor, Executive and Nominee Council, and substitute, for the last named, a representative body would be ill-suited for its real state and position and would render the administration of its government an exceedingly difficult and responsible task. Fitzroy agreed that it was inexpedient to erect Port Phillip into a separate

colony and grant it a representative legislature, but the British Parliament acting on the advice of the Committee for Trade and Foreign Plantations passed an "Act for the Better Government of Her Majesty's Australian Colonies" in 1850. This not only erected Port Phillip into what was now called the Colony of Victoria, in honour of Queen Victoria, but also conferred on the new colony a Constitution similar to that which had existed for New South Wales since 1842. A most noteworthy section of the 1850 Act was section 32 which made it lawful for the Colonies to alter their constitution subject to the consent of Her Majesty in Council.

By a despatch dated 14th September, 1850, Superintendent La Trobe, who had been at the head of the Port Phillip administration since 1839, was appointed the first Lieutenant-Governor of the new Colony of Victoria. With separation, the Office of Superintendent went out of existence and the Colonial Secretary became its administrative successor. Appointed by the Crown, he was the senior executive official under the Lieutenant-Governor to whom he was responsible and he was also a nominee member of the Legislative Council. William Lonsdale was appointed as the first Colonial Secretary for Victoria. The same proclamation that appointed La Trobe as Lieutenant-Governor appointed holders of particular offices members of the new Executive Council (the Crown Prosecutor or the Principal Law Officer of the Crown, the Sub-Treasurer or Treasurer . . . the Collector of Customs or the official officer of customs). Provisional appointments were made by the Lieutenant-Governor to new Government positions and appointments in the old positions confirmed and an Electoral Act passed to enable the permanent execution of the 1850 Act.

### *Colonial Secretary's Office*

The Office of Colonial Secretary, the Chief Executive position, was the focal point of the new administration. The power to govern in Victoria, being delegated by the throne to the Lieutenant-Governor lay in him as the source of authority enabling all executive business of Government. The direct instrument in the process was the Colonial Secretary through whom the Lieutenant-Governor's instructions were received and acted upon by the other executive officers.

Conversely, from the part elective nature of the Government, the Colonial Secretary, as senior member of the Council formed the medium of communication between the advisory Executive Council and the Lieutenant-Governor. Similarly, on the practical level, heads of departments, if asked, could advise the Lieutenant-Governor through the Colonial Secretary on matters where their experience was greater, although final authorization on all questions rested with him.

From separation until the introduction of Parliamentary Government, the entire business of Victoria was conducted directly or indirectly through the Colonial Secretary's Office. All Government business received direction from the Colonial Secretary's Office. It was impossible for a head of a department to act independently, or have direct communication with another except through the Colonial

Secretary. Down the scale, no subordinate officer might communicate with the Colonial Secretary except through the head of his department. Again, subject to advice, if accepted, the decision of the Lieutenant-Governor was the final one. In addition to the administrative business of each department, the Colonial Secretary, on the Lieutenant-Governor's behalf, controlled the housekeeping business of government such as finance and the appointment of civil service officers. In the case of finance, communications could be made directly to the Auditor-General (concerning accounts on Government) and the Colonial Storekeeper (for requisitions). Here again authorization was necessary and duplicates were required to be forwarded to the Colonial Secretary for authorization by the Lieutenant-Governor.

### *Chief Secretary's Office*

During the period 1851-55, a rapid approximation to a Parliamentary system was taking place so that the formal introduction of responsible government in 1855 was more the removal of hindrances to control than a new condition attained without antecedent; for example, under the 1850 Act, the Home Government retained control over Crown Lands and the colonial revenues, but in 1852, due to forceful protests in New South Wales and Victoria, the Imperial Government agreed to cede control of the two matters to the Colonial legislatures. Formal change was made only after a preparatory stage of practice and experience which made the change to responsible government itself part of the development. However, in this period a representative of the Crown might rely on his Executive Council and take it into his confidence as did Lieutenant-Governor La Trobe, or he might, in a marked degree, withhold his confidence from it and act independently, as did Governor Hotham. La Trobe not only sought and acted upon the advice of the Executive Council, but also amicable relations existed between himself and that body. Governor Hotham, however, desired to become conversant with the financial and economic conditions of Victoria and to that end endeavoured to master those details of public business which usually devolved upon the heads of departments. He not only frequently rejected the advice of his Executive Councillors, but also at times sought counsel elsewhere and brought his policy to the Executive in a final form looking upon the members of that body as mere instruments to carry it out, if possible.

With the advent of responsible government, the title of Colonial Secretary, at the wish of the framers of the Constitution, was altered to that of Chief Secretary, who, together with other Heads of Departments, became Responsible Ministers in the new Government. In the main, the Chief Secretary, however, was the head of the Government until the introduction of the Office of Premier, and even then the positions of Chief Secretary and Premier, although two separate offices, were often held by the same person.

Prior to the 29th May, 1883, the Premier's Office was a branch of the Chief Secretary's Department as there was at that time no paid post of Premier. The Chief Secretary was regarded as the Prime, i.e., first Minister, but received only the salary for his portfolio

of Chief Secretary. No inconvenience was felt with this arrangement while the Chief Secretary held the dual role of Chief Secretary and Premier, but administrative difficulties were experienced when the latter position was held by another Minister such as the Treasurer or Attorney-General.

The foundation of the Premier's Department was based on a document prepared on 22nd March, 1883, by the then Secretary to the Premier, Mr. G. J. Thomas, who argued that the Chief Secretary's Department had heretofore comprised two distinct sets of functions—firstly, the administration of the departments constituting the Chief Secretary's Division of the Service as shown in the Estimates and secondly, the functions which fall to it as being the Department of the Prime Minister. These, it was further argued, though hitherto blended are really distinct in their nature, and, when the Minister of the Department is not Premier, their combination is inconvenient, inasmuch as the Premier finds that his special functions as Premier are located in the office of another Minister.

Classifying the functions as above, it was evident that what the Chief Secretary's Department really was, when the Chief Secretary was not Premier, was what in England was called the Home Department. Thus it embraced the internal economy of Government, excepting those departments which, being either technical or otherwise special, formed the domain of separate Ministers. The Chief Secretary, in this view, was really the Secretary for the Home Department, administering the Departments of Police, Gaols and Penal Establishments, Public Health, Hospitals for the Insane, Industrial and Reformatory Schools, the Scientific Department, Audit Office, &c., in fact the most varied and extensive division of the Public Service, including non-technical or specialized aspects. It was further argued that the functions of the Premier as such are quite distinct from these and consist of those in which he acts as Head of the Administration, and, perhaps, may be classed as follows: communicating with the Governor on behalf of the Ministry as a whole; as Head of the Government, representing it externally, e.g., to other colonies, other Governments, to the Agent-General, &c.; and dealing with matters submitted for counsel or ruling by other Ministers.

#### *Separation of Premier's Department*

As a result of these arguments, an Ordinance Order was passed on 29th May, 1883, which created a Premier's Department. This document stated that, because the Premier is very frequently not Chief Secretary, it is submitted to His Excellency the Governor in Council 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.

The Premier's Department dealt with correspondence with the other colonies, Governments and with the Governor, with any matters relating to the Public Service as a whole and any matters which

Ministers of other departments submitted to the Premier or Cabinet for ruling or counsel. It also issued Cabinet circulars and generally attended upon the Cabinet.

This re-organization of the Chief Secretary's and Premier's Department did not, however, quite settle the issues and the Premier's Department was abolished in 1894, becoming a branch of Chief Secretary's Department and subsequently in 1928, was transferred to the Treasury. In 1936, the Premier's Department was created for the second time.

### *Chief Secretary's Department Today*

Today, the Chief Secretary's Office is the ministerial and administrative office of the Chief Secretary's Department. Heads of Branches are accountable through the Permanent Head of the Department to the responsible Minister of the Crown for the time being occupying the office of the Chief Secretary. The channel of communication for statutory bodies and corporations in matters in which they are accountable to the Minister, is the same.

It is the function of the Chief Secretary's Office to exercise general supervision of the activities of the several branches and to co-ordinate the policy of the Government of the day with the work of the whole Department. Co-ordination and supervision of functions require the giving of advice and directions and the approval of expenditure and proposed courses of action consistent with Governmental policy.

The Chief Secretary's Office administers the following Acts:— *Anzac Day Act* 1928; *Banks and Currency Act* 1928 (bank holidays); *Imperial Acts Application Act* (public entertainment on Sundays); *Libraries Act* 1960; *Motor Car Act* 1951, Part V. (legal and statistical aspects of third-party insurance); *Police Offences Act* 1957 (control of horse racing, trotting, and dog racing clubs); *Road Traffic Act* 1956; *Theatres Act* 1928, 1932 (licensing of theatres and censorship of films); *Totalizators Act* 1930–54; *Dog Races Act* 1954–5; and *Racing Act* 1957.

### **Further References**

A full list of the branches and statutory bodies administered by the Department is set out on page 94 of this volume, and pages 102 to 110 of the Victorian Year Book 1962.