

CONSTITUTION AND PARLIAMENT

CONSTITUTION

Victorian Constitution

The Constitution of Victoria is now to be found in the *Constitution Act 1975*, an Act of the Victorian Parliament. The Bill was passed by the Victorian Parliament in May 1975 and reserved for the Royal Assent, which was given on 22 October 1975 and notified in the *Victoria Government Gazette* on 19 November 1975. The Act was proclaimed to come into operation on 1 December 1975. Details of the Act may be found in the *Victorian Year Book 1977* on pages 924-43.

During the first 120 years of responsible government in Victoria, the Constitution was contained in the Schedule to an Act of the United Kingdom Parliament passed in 1855. The Victorian Parliament has had at all times the power to adopt a Constitution for Victoria based upon an Act of the Victorian Parliament, and it is somewhat surprising that the Victorian Parliament waited until 1975 to exercise this power.

In the *Constitution Act 1975* there are to be found the basic laws governing the relationship of the Crown to the State, the constitution and powers of the Parliament, the constitution and powers of the Supreme Court, and the relationship of the Executive to the Parliament.

The Constitution is a flexible constitution and can be altered at any time by an Act of the Victorian Parliament, although in some cases an absolute majority in each House is required for a Bill which would alter some of the fundamental provisions in the Constitution.

The system in Victoria provides for responsible Cabinet government based on a legislature of two Houses, both elected upon adult franchise. The Constitution is affected by the Commonwealth Constitution enacted by the *Commonwealth of Australia Constitution Act 1900*, an Act of the Imperial Parliament, by which legislative and executive powers upon certain specified matters were granted to the Commonwealth Parliament and the Commonwealth 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 Victorian Parliament may now make laws in and for Victoria upon all matters not exclusively granted to the Commonwealth Parliament by the Commonwealth Constitution, but upon some of these matters the Victorian law may be superseded by the passing of a Commonwealth Act.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, but in 1979 the place of local government in Victoria was recognised by the incorporation of a new Part 11A in the *Constitution Act 1975*.

Relation to Commonwealth Constitution

The Victorian Constitution must be understood in relation to the effect of the Commonwealth Constitution on the jurisdiction of the States. There are three main provisions in the Commonwealth Constitution which establish its relationships with State Constitutions in Australia. The first is section 51, which sets out most of the areas within

which the Commonwealth Parliament may make laws. Matters outside the listed areas of power are the province of the States.

The second provision is section 109, which states that where the Commonwealth and a State have made laws which are inconsistent with one another, the State law is, to the extent of the inconsistency, invalid. However, if the Commonwealth has exceeded its powers in making its law, it has not really made the law at all, so there is no inconsistency and the State law stands.

The operation of these two provisions leaves the States, including Victoria, with power to make laws in the following cases:

- (1) Where the Commonwealth has no power to make laws;
- (2) where the Commonwealth has power in a particular field but has not exercised it at all; and
- (3) where the Commonwealth has power which it has exercised, but not so as to cover the whole legislative field.

Where the Commonwealth has power over a particular field and has exercised that power to the full, any law a State passes will be inconsistent with the Commonwealth law and inoperative.

The third provision, section 96, provides that the Commonwealth may grant financial assistance to any State on such terms and conditions as the Commonwealth Parliament thinks fit. Section 96 has been used in conjunction with the taxing power of the Commonwealth to establish the economic supremacy of the Commonwealth over the States. The Commonwealth has done this since 1942 by levying income tax at a uniform rate and then giving a portion of this back to the States on the condition (attached under the power given by section 96) that the States refrained from levying income tax themselves.

This financial pre-eminence of the Commonwealth has led to the distinction between its province and the province of the States becoming blurred in practice. Nevertheless, some generalisations are possible. The Commonwealth exercises exclusive power in fields such as defence and foreign affairs where it is important to consider the nation as a whole. As the Commonwealth holds financial pre-eminence, it automatically assumes the task of economic planning. The Victorian Government, on the other hand, is primarily responsible for such things as health, education, law enforcement, the administration of justice, the control of resources, and the provision of roads, water, sewerage, power, and other services. Under Victorian law a complete system of local government has been established. The State has established a complete system of courts, a police force, a teaching service, and many public statutory bodies to provide services for the people.

Australian Constitutional Convention

While no further plenary sessions of the Australian Constitutional Convention have been held since 1978, the work of Standing Committee D has continued. Standing Committee D met again on 2 October 1981 in Melbourne, to consider a number of papers it had commissioned and to establish the progress on work referred by the full convention. A number of recommendations were made at this meeting which are to be referred to the next plenary session of the full convention.

Included among these recommendations is the revised proposal adopted by the Committee that the High Court of Australia be able to give advisory opinions.

Further, the Committee considered a report identifying conventions associated with the Australian Constitution and recommended 24 of these conventions be endorsed by the Australian Constitutional Convention.

The Committee is continuing to build up a considerable body of material for the next plenary session of the Convention in Adelaide, beginning on 26 April 1983.

Further reference: *Victorian Year Book* 1981, pp. 75-6

Constitutional developments in Victoria since 1981

Operation of Imperial law

The doctrine that the Parliament of Victoria cannot legislate repugnantly to Imperial laws of paramount force, described on page 70 of the *Victorian Year Book* 1982, remains in operation. The Commonwealth Parliament did not legislate further to the *Constitutional Powers (Request) Act* 1980 (Victoria). The Premiers' Conference of June

1982 agreed on a co-operative scheme to remove most residual links with the United Kingdom, including the doctrine of repugnancy. An outline of the scheme is provided on page 78 in the section on intergovernmental arrangements.

State constitutions

The substantive issues in *Western Australia v Wilsmore* were decided by the High Court on appeal from the Supreme Court of Western Australia in 1982: (1982) Vol. 56 Australian Law Journal Reports (ALJR) p. 335. Section 73 of the *Constitution Act 1889* (W.A.) empowered the Parliament to amend the Constitution, subject to compliance with a manner and form requirement if the amendment would effect "any change in the Constitution of the Legislative Council or of the Legislative Assembly". A question arose whether an amendment of another Act of the Western Australian Parliament which affected the qualifications of electors was one which should have been passed in accordance with the manner and form requirement in section 73. The High Court held that the amending Act was valid, on the grounds that the proviso to section 73 referred only to a Bill to amend the Constitution Act itself.

A comparable provision appears in section 18(2) of the *Constitution Act 1975* (Victoria). The decision therefore is relevant in this State, although the precise issue in *Wilsmore* would be precluded from arising by section 18(4).

In *Ward v R* (1980) Vol. 54 ALJR p. 271 the High Court held that the boundary between New South Wales and Victoria was constituted by the top of the southern bank of the Murray River. This result followed from the statement in the New South Wales Constitution Statute 1855 (Imperial) that "the whole Watercourse" of the river lies within New South Wales. In *Hazlett v Presnell* (1982) Victorian Reports p. 137, the question arose whether Beveridge Island which is bounded by two streams of the Murray River is in New South Wales or Victoria. The Supreme Court of Victoria held that the northern stream constituted the main course of the river when the two colonies were separated in 1855 and that the island therefore lay within Victoria.

Commonwealth Constitution

The extent of the constitutional powers of the Commonwealth Parliament has been tested in several recent cases.

In *Storey v Lane* (1981) Vol. 55 ALJR p. 608, the High Court upheld the validity of a section of the *Bankruptcy Act 1966* (Commonwealth), which empowered the Court to discharge from custody a person imprisoned for failure to pay a provable debt after the presentation of a debtor's petition. The Court held that the section was supported by the power to legislate with respect to bankruptcy and insolvency in section 51(xvii) of the Commonwealth Constitution. In *Gazzo v Comptroller of Stamps* (Victoria) (1981) Vol. 56 ALJR p. 143, a section in the *Family Law Act 1975* (Commonwealth), which purported to exempt from State taxation an instrument of transfer of land executed in accordance with an order made under the Act, was held not to be a law with respect to marriage or to divorce and matrimonial causes and therefore beyond the power of the Commonwealth Parliament.

The corporations power, section 51(xx), was further widened in *Actors and Announcers Equity Association of Australia v Fontana Films* (1982) Vol. 56 ALJR p. 366 in which the validity of the secondary boycott provision in the *Trade Practices Act 1974* (Commonwealth) was upheld in its application to trading corporations. Finally, in an important decision on the external affairs power, section 51(xxix), the High Court upheld the validity of certain sections of the *Racial Discrimination Act 1975* (Commonwealth) on the grounds that they implemented the provisions of the International Convention on the Elimination of all Forms of Racial Discrimination to which Australia is a party.

EXECUTIVE

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 the granting of land and money to himself. His functions in relation to the Legislature are contained in the Constitution Act.

As head of the Executive, his functions are based on Letters Patent, his Commission, and the Royal Instructions. These empower him to make all appointments to important State offices other than those for which specific provision is made under a Statute, 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 on page 74 in the section describing the Ministry.

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 without Victoria.

In the execution of the powers and authorities vested in him, the Governor is 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 sees sufficient cause to dissent from the opinion of the Council, he may act in the exercise of his 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 emphasises the Governor's position as one above and beyond party politics and in extreme cases provides a safeguard of the Constitution. The general nature of his position is such that he is the guardian of the Constitution and bound to see that the great powers with which he is entrusted are not used otherwise than in the public interest.

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

The present Governor is His Excellency Rear Admiral Sir Brian Stewart Murray, K.C.M.G., A.O., K.St.J., who assumed office on 1 March 1982.

A complete list of representatives of the Sovereign since the establishment of the Port Phillip District in 1839 can be found on pages 1149-50 of the *Victorian Year Book* 1973.

Lieutenant-Governor

The Lieutenant-Governor is appointed 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 authorised 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 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 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 the Hon. Sir John Young, K.C.M.G., who assumed office on 31 July 1974.

Executive Council

Section 50 of the *Constitution Act 1975* 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 comprises the Governor and at least two 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, etc., the Governor acts formally with the advice of the Executive Council, but actually in accordance with Cabinet or ministerial decisions.

Ministry

Formation and composition

Victoria has followed the system of 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 50 of the *Constitution Act 1975*, which provides that the Governor may, from time to time, appoint up to eighteen officers who are either members or capable of being elected members of either House of Parliament. No Minister shall hold office for a period longer 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 six of such officers shall at any one time be members of the Legislative Council and not more than thirteen 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 whom 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

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 procedures

Cabinet normally meets weekly or as occasion requires, in closed session, to consider an agenda made up of matters submitted by the Premier and other Ministers. The Cabinet Office 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.

The Parliamentary Secretary of the Cabinet is appointed under a provision in the *Parliamentary Salaries and Superannuation Act 1968*. He may be a member of the Assembly or the Council. The Cabinet Office was established in 1982 to assist him in supporting the Cabinet.

The Parliamentary Secretary of the Cabinet and the Cabinet Office provide secretariat support and research for Cabinet and Cabinet Committees, including the receipt, processing, and dissemination of submissions. The recording of decisions is primarily the responsibility of the Parliamentary Secretary of the Cabinet. Cabinet minutes are

circulated weekly by the Cabinet Office to Ministers, and the relevant Minister is normally responsible for the execution of Cabinet decisions.

Ministries, 1943 to 1982

VICTORIA—MINISTRIES: 1943–1982 (a)

Ministry and name of Premier	Date of assumption of office	Date of retirement from office	Duration of office (days)
Albert Arthur Dunstan	18 September 1943	2 October 1945	746
Ian Macfarlan	2 October 1945	21 November 1945	51
John Cain	21 November 1945	20 November 1947	730
Thomas Tuke Hollway	20 November 1947	3 December 1948	380
Thomas Tuke Hollway	3 December 1948	27 June 1950	572
John Gladstone Black McDonald	27 June 1950	28 October 1952	855
Thomas Tuke Hollway	28 October 1952	31 October 1952	4
John Gladstone Black McDonald	31 October 1952	17 December 1952	48
John Cain	17 December 1952	31 March 1955	835
John Cain	31 March 1955	7 June 1955	69
Henry Edward Bolte	7 June 1955	23 August 1972	6,288
Rupert James Hamer	23 August 1972	5 June 1981	3,209
Lindsay Hamilton			
Simpson Thompson	5 June 1981	8 April 1982	299
John Cain (b)	8 April 1982	Still in office	

(a) A complete list since responsible government in 1855 can be found on pages 1150–1 of the *Victorian Year Book* 1973.

(b) Hon. John Cain is the son of Hon. John Cain who held the office of Premier on three occasions between 1945 and 1955.

New Ministry

A triennial election for the Legislative Council and a general election for the Legislative Assembly of the Victorian Parliament were held conjointly on 3 April 1982. The 66th Ministry, led by the Hon. John Cain, was subsequently formed and consisted of the following members:

VICTORIA—66th MINISTRY AT 31 JULY 1982

From the Legislative Assembly

The Hon. J. Cain	Premier, Attorney-General, and Minister for Federal Affairs
The Hon. R. C. Fordham	Deputy-Premier, Minister of Education, and Minister of Educational Services
The Hon. I. R. Cathie	Minister of Housing
The Hon. S. M. Crabb	Minister of Transport
The Hon. P. C. Spyker	Minister of Consumer Affairs and Minister of Immigration and Ethnic Affairs
The Hon. R. A. Jolly	Treasurer and Minister of Labour and Industry
The Hon. C. R. T. Mathews	Minister for Police and Emergency Services and Minister for the Arts
The Hon. T. W. Roper	Minister of Health
The Hon. J. L. Simmonds	Minister for Employment and Training
The Hon. J. H. Simpson	Minister of Public Works and Minister of Property and Services
The Hon. P. T. Toner	Minister for Community Welfare Services
The Hon. N. B. Trezise	Minister for Youth, Sport and Recreation
The Hon. F. N. Wilkes	Minister for Local Government
Dr K. A. Coghill	Parliamentary Secretary of the Cabinet

From the Legislative Council

The Hon. W. A. Landeryou	Minister of Economic Development and Minister for Tourism
The Hon. E. Walker	Minister for Conservation and Minister for Planning
The Hon. D. E. Kent	Minister of Agriculture
The Hon. R. A. Mackenzie	Minister of Forests, Minister of Lands, and Minister of Soldier Settlement
The Hon. D. R. White	Minister for Minerals and Energy, and Minister of Water Supply

Intergovernmental organisations

Introduction

A large number of intergovernmental organisations exist to co-ordinate the activities of the Commonwealth, State, and Territory Governments in Australia. Many of the organisations are ministerial councils or committees. A greater number consist of public service officers from various levels. Most intergovernmental ministerial bodies meet at least once a year; many of them meet more often.

It is not practicable to list all intergovernmental organisations. The following, therefore, is confined to the major intergovernmental ministerial bodies, or bodies with ministerial representation, functioning in 1981-82. Further information about many of these bodies can be obtained from the relevant sections of this *Year Book*. In addition, it is intended to consider the work of a different ministerial committee in detail in each successive edition. This article concludes with a study of the Australian Agricultural Council.

The two best known intergovernmental ministerial bodies are the Premiers Conference, in which heads of government discuss a range of important matters, and the Loan Council, in which the Prime Minister and the Premiers, or their nominees, formally make the decisions required to be made pursuant to the Financial Agreement 1927 and the Gentlemen's Agreement. Both meet at least once a year, on successive days towards the end of June.

Other major intergovernmental ministerial bodies include the Australian Aboriginal Affairs Council, Australian Agricultural Council, Australian Education Council, Australian Environment Council, Australian Fisheries Council, Australian Forestry Council, Australian Health Ministers Conference, Australian Housing Research Council, Australian Police Ministers Council, Australian Minerals and Energy Council, Australian Transport Advisory Council, Australian Water Resources Council, Conference of Commonwealth and State Ministers for Immigration and Ethnic Affairs, Industry Ministers Conference, Conference of the Ministers for the Arts, Council of Ministers in Charge of Prisons Probation and Parole, Council of Nature Conservation Ministers, Council of Social Welfare Ministers, Joint Commonwealth/State Ministerial Council on Housing Costs, Local Government Ministers Conference, Marine and Ports Council of Australia, Ministerial Committee on Drug Strategy, Ministerial Council for Companies and Securities, Ministerial Council on the Development of Albury-Wodonga, Meeting of Ministers on Human Rights, Recreation Ministers Council, Meeting of Ministers on the River Murray, Standing Committee of Attorneys-General, Standing Committee of Ministers for Consumer Affairs, and the Tourist Ministers Council.

An intergovernmental body distinguishable from those listed above, although it has some ministerial representation, is the Advisory Council for Intergovernment Relations. The Council was established in 1976 pursuant to the *Commonwealth Advisory Council for Intergovernmental Relations Act 1976*. It comprises representatives from the Commonwealth Parliament, all State Parliaments, local government, and the community. Its object is to improve intergovernmental co-operation. It acts pursuant to direction from the Premiers Conference. Its conclusions take the form of recommendations to participating governments and to the Australian Council of Local Government Associations. The Council is presently engaged in a study of the relationships which should exist between the levels of government in Australia. It has concentrated primarily on the position of local government.

Australian Agricultural Council

The Australian Agricultural Council is the principal intergovernmental ministerial body dealing with agriculture. It comprises the Commonwealth Minister for Primary Industry, the State Ministers for Agriculture or Primary Industry, and the Northern Territory Minister for Primary Production and Tourism. The Council meets twice a year, in January/February and July/August. Meetings usually are held in the capital cities in rotation. The Commonwealth Minister is the permanent chairman, and the Commonwealth Department of Primary Industry provides the secretariat.

The Council was established pursuant to a resolution of an intergovernmental ministerial conference passed in December 1934. Its functions were described as follows:

- (1) Generally to promote the welfare and development of agricultural industries,

- (2) to arrange the mutual exchange of information regarding agricultural production and marketing,
- (3) to co-operate for the purpose of ensuring improvement of the quality of agricultural products and the maintenance of high grade standards,
- (4) to ensure, as far as possible, balance between production and available markets,
- (5) to consider the requirements of agricultural industries in regard to organised marketing,
- (6) to promote the adoption of a uniform policy on external marketing problems, particularly those pertaining to the negotiation of international agreement,
- (7) to consult in relation to proposals for the grant of financial assistance to agricultural industries, and
- (8) to consider matters submitted to the Council by the standing committee on agriculture.

Its terms of reference did not extend to mining, fisheries or forestry, for which separate ministerial councils now exist.

Among the matters considered by the Australian Agricultural Council in recent years are meat inspection services, plant variety rights, drought relief, beef carcass classification, closer economic relations with New Zealand and foreign investment in farming land, as well as various funding and technical issues requiring recurrent decision.

Intergovernmental arrangements

Introduction

Intergovernmental arrangements affect many areas of Victorian government. They range from formal agreements, such as the Financial Agreement of 1927 as amended which is ratified by and scheduled to State legislation, to informal arrangements sometimes based solely on an exchange of letters between heads of government. An example of the latter is the basis on which the funding of natural disaster relief is apportioned between the Commonwealth and the State.

Intergovernmental arrangements are entered into for a variety of purposes. One common purpose is the inter-State regulation of areas or matters of common concern. Examples include the River Murray Agreement, the Snowy Mountains Agreement, and the Albury-Wodonga Agreement, to all of which Victoria is a party. Many other intergovernmental arrangements seek to avoid constitutional constraints of one kind or another. Intergovernmental marketing schemes fall into this category. The best known of these is the Wheat Stabilisation Scheme, but comparable schemes exist to regulate the marketing of products as diverse as tobacco, eggs, barley, and canned fruit.

The majority of intergovernmental arrangements are connected with the transfer of funds from the Commonwealth to the State. Large sums are transferred for general revenue purposes, pursuant at present to the tax sharing arrangements. Further amounts are transferred for recurrent or capital expenditure on specific purposes subject to conditions. In 1982-83, 53 heads of specific purpose grants by the Commonwealth to Victoria appeared in the State and Commonwealth Budget Papers. In some cases the expenditure of the grant is regulated by conditions in the legislation. In other cases it is subject to Commonwealth Ministerial approval. In yet a third class of cases the expenditure is subject to a formal intergovernmental agreement between the Commonwealth and Victoria. Grants for housing, railway mainline upgrading, rural adjustment, and water resources management are regulated by agreements of this kind.

Intergovernmental schemes

Further developments have taken place in relation to two important intergovernmental schemes since 1981. In addition, planning has commenced for intergovernmental action to remove the residual links between Australia and the United Kingdom.

Commonwealth-State Scheme for Co-operative Companies and Securities Regulation

In December 1978, the Commonwealth and all six States signed a Formal Agreement for an intergovernmental scheme for co-operative companies and securities regulation. The purpose of the scheme was to create a means whereby total legislative and administrative uniformity could be achieved in the area of company law while at the same time enabling some decentralisation of administration. The details of the scheme are described in greater detail in the *Victorian Year Book* 1982 pp. 78-9.

The scheme became fully operative on 1 July 1982 when the *Companies Act 1981* (Commonwealth) and the corresponding State application laws were proclaimed. There are other important developments. The National Companies and Securities Commission has announced extensive delegations of power to the several State Commissions under all the scheme legislation as was contemplated by the original Agreement. The Agreement itself was amended, the amending provisions coming into force on 24 February 1981. An Administrative Remedies Agreement was executed by the parties on 21 April 1982 in an attempt to determine the application of the principles of administrative law to the various bodies involved in the scheme administration. A further agreement on freedom of information and archives, which is contemplated by clause 10 of the principal Agreement, is still awaited.

Off-shore jurisdiction

The scheme to invest the States with plenary jurisdiction and property rights in the three mile territorial sea was described in the *Victorian Year Book 1982*, p. 79. A further step was taken towards the implementation of the scheme when the *Coastal Waters (State Powers) Act 1980* (Commonwealth) came into force on 1 January 1982. That Act is the first exercise of the power in section 51 (xxxviii) of the Commonwealth Constitution which refers to: "The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia."

The *Coastal Waters (State Powers) Act 1980* (Commonwealth) purports to invest the States with power to legislate in the territorial sea. The *Coastal Waters (State Title) Act 1980*, which confers proprietary rights on the States, has been proclaimed.

Residual links

Residual constitutional links between Australia and the United Kingdom include appeals to the Privy Council from State Courts; the sovereignty of the United Kingdom Parliament in matters affecting Australia, including the operation of the doctrine of repugnancy; the power of the Crown to disallow Commonwealth and State legislation; and the instructions issued to the Governor-General and State Governors by the Crown.

In June 1982 the Premiers' Conference agreed on a scheme to remove these links by the passage of legislation in Australia pursuant to section 51 (xxxviii) of the Constitution and a simultaneous approach to the United Kingdom to enact legislation to the same effect. The legislation is currently being drafted. Agreement has not yet been reached on the channel of communication to the Crown for the appointment of State Governors.

LEGISLATURE

Victorian Parliament

General

The Constitution Act, creating a Legislative Council and a Legislative Assembly, was assented to by Her Majesty in Council on 21 July 1855, and came into operation in Victoria on 23 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 Commonwealth Parliament. The provisions governing the constitution of the Victorian Parliament are now to be found in the *Constitution Act 1975*.

By virtue of the provisions of Act No. 7270 of 1965, membership of the Assembly was increased from sixty-six to seventy-three after the election of April 1967, while membership of the Council was increased from thirty-four to thirty-six by the addition of one member in July 1967, and one in June 1970. By virtue of the *Electoral Provinces and Districts Act 1974* (No. 8628) the membership of the Assembly was increased to eighty-one members following the 1976 State election and the membership of the Council to forty members following the same election, and forty-four members following the next subsequent election. Council members are elected from two-member provinces for six year terms and Assembly members from single-member districts 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 the members of each House. The most frequently amended sections of the Constitution dealing with the Parliament have been those setting out the relations between the Council and the 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. In 1973, the qualifying age for membership was reduced to eighteen years and the voting age to eighteen years. Payment of members has also been frequently adjusted. The present complex scale makes extra payments to the Presiding Officers and Chairmen of Committees and to the Leader of the third party as well as to the Leader of the Opposition and the Parliamentary Secretary of the Cabinet; Government, Opposition, third party Whips, Party Secretaries, and the Deputy Leader of the Opposition are also specially rewarded. Electorates carry different allowances relative to the size of the electorate.

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 every three years. Members are eligible for re-election. A session is that period between the summoning of Parliament and prorogation. When Parliament is prorogued all business in hand lapses and, if it is to be continued in the next session, it must be reintroduced.

There are three political parties represented in the Victorian Parliament: the Liberal Party, the Australian Labor Party, and the National Party of Australia (Victoria). (See pages 82-3 for lists of members.) Of the forty-four members of the Legislative Council elected in 1979 and 1982, twenty belong to the Liberal Party, twenty to the Australian Labor Party, and four to the National Party of Australia (Victoria). Of the eighty-one members of the Legislative Assembly elected in 1982, forty-nine belong to the Australian Labor Party, twenty-four to the Liberal Party, and seven to the National Party of Australia (Victoria). At the general election in 1982 the Australian Labor Party won a majority of seats in the Assembly and formed a Government. The Leader of that Party holds the office of Premier. The Liberal Party forms the official Opposition Party. The National Party of Australia (Victoria) sits on the corner benches on the Opposition side of the Assembly Chamber.

Functions

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 to such Bills, provided these amendments will not have the effect of increasing any proposed charge or burden on the people and the Assembly may accept the suggested amendments if it so desires. In practice, almost all Bills are introduced by the Government in office as a result of policy decisions taken in Cabinet.

Procedures

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 British 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 limits on 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 or made an affirmation. The Chairman of Committees is then 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 presiding officer. 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 to take place.

Under "Orders of the Day" which then 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 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.

Further references: Private legislation, *Victorian Year Book* 1962, pp. 86-7; Money Bills, 1963, pp. 73-4; Parliamentary Committees, 1964, pp. 52-4; Resolving deadlocks between the two Houses, 1965, pp. 79-82; Parliamentary privilege, 1966, pp. 72-7; Presiding Officers of Parliament, 1967, pp. 73-7; Administrative machinery of Parliament, 1968, pp. 71-7; Hansard, 1969, pp. 77-81; Houses of Parliament, 1970, pp. 77-81; Conduct of debate, 1972, pp. 77-9; Royal Commissions, 1974, pp. 73-5; Australian Labor Party in Victoria, 1975, pp. 97-103; National Party of Australia (Victoria) in Victoria, 1976, pp. 115-18; Liberal Party in Victoria, 1979, pp. 82-5; Public Accounts Committee, 1980, pp. 93-4; Statute Law Revision Committee, 1981, p. 82; Standing Committee of Attorneys-General, 1982, pp. 75-6; Public Bodies Review Committee, 1982, pp. 125-7

Number of Parliaments and their duration

Between 1856 and 1982 there have been forty-nine Parliaments. The forty-ninth Parliament was opened on 27 April 1982. 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 *Victorian Year Book* 1928-29, page 21. Similar information for the twenty-ninth to the thirty-ninth Parliaments (1927 to 1955) was published in the *Victorian Year Book* 1952-53, 1953-54, page 31. As from the commencement of the thirty-eighth Parliament (20 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 (a)	Sittings			
			Legislative Assembly		Legislative Council	
			Number of sittings	Percentage of sittings to duration	Number of sittings	Percentage of sittings to duration
		days				
Thirty-eighth	1950-1952	865	131	15.1	81	9.4
Thirty-ninth	1952-1955	852	92	10.8	61	7.2
Fortieth	1955-1958	1,038	139	13.4	99	9.5

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

Number of Parliament	Period	Duration of Parliament (a)	Sittings			
			Legislative Assembly		Legislative Council	
			Number of sittings	Percentage of sittings to duration	Number of sittings	Percentage of sittings to duration
Forty-first	1958-1961	1,059	150	14.2	103	9.7
Forty-second	1961-1964	1,015	149	14.7	112	11.0
Forty-third	1964-1967	980	146	14.9	119	12.1
Forty-fourth	1967-1970	1,002	152	15.2	124	12.4
Forty-fifth	1970-1973	1,036	154	14.9	126	12.2
Forty-sixth	1973-1976	969	142	14.7	106	10.9
Forty-seventh	1976-1979	1,066	159	14.9	134	12.6
Forty-eighth	1979-1982	1,003	180	18.1	149	14.9

(a) Calculated from the date of opening to the date of dissolution of the Assembly.

Cost of parliamentary government

The following table shows the expenditure arising from the operation of parliamentary government in Victoria. It comprises the Victorian Governor, the Ministry, the Legislative Council, the Legislative Assembly, and electoral activities. It does not attempt to cover the expenditure on Victorian administration generally.

The table shows this expenditure for Victoria for the years ended 30 June 1978 to 1982. In order to avoid incorrect conclusions about the cost of the Governor's establishment, it should be noted that a large part of the expenditure (with the exception of the item "Salary") under the general heading "Governor" represents official services.

VICTORIA—COST OF PARLIAMENTARY GOVERNMENT (\$'000)

Period	Governor		Parliament			Electoral	Royal Commissions, Select Committees, etc.	Total
	Salary	Other expenses (a)	Ministry	Salaries of members	Other expenses (b)			
1976-77	20	683	998	3,262	6,310	453	709	12,435
1977-78	20	939	1,145	3,445	6,928	417	518	13,412
1978-79	20	851	1,161	3,656	8,213	2,585	26	16,512
1979-80	20	994	1,303	4,249	9,654	761	479	17,460
1980-81	20	1,102	1,480	4,851	10,714	340	783	19,290
1981-82	20	1,365	1,711	5,697	13,424	3,860	1,533	27,610

(a) Includes salaries of staff and maintenance of house and gardens.

(b) Includes cost of members' railway passes, parliamentary staff, and maintenance.

Members of the Victorian Parliament

Political parties

In the following pages political party affiliations of members of the Victorian Parliament are indicated thus:

- (ALP) Australian Labor Party
- (LP) Liberal Party
- (NP) National Party of Australia (Victoria)

Legislative Council

President: The Hon. Frederick Sheppard Grimwade.

Deputy President and Chairman of Committees: The Hon. William Montgomery Campbell.

Clerk of the Parliaments and Clerk of the Legislative Council: Alfred Reginald Bruce McDonnell, Esquire.

Members of the Legislative Council who were elected at the 1982 triennial election are shown in the following list:

VICTORIA—LEGISLATIVE COUNCIL: MEMBERS ELECTED 3 APRIL 1982
(Term of office commenced 27 June 1982)

Member	Province	Number of electors on rolls	Number of electors who voted	Total percentage of electors who voted
Arnold, Hon. Michael John (ALP)	Templestowe	129,930	119,101	93.83
Chamberlain, Hon. Bruce Anthony (LP)	Western	84,930	80,824	95.17
Connard, Hon. Geoffrey Phillip (LP)	Higinbotham	110,024	101,462	94.45
Dixon, Hon. Judith Lorraine (ALP)	Boronia	138,347	127,979	94.58
Dunn, Hon. Bernard Phillip (NP)	North Western	83,355	76,842	94.60
Evans, Hon. David Mylor (NP)	North Eastern	96,240	88,278	94.11
Granter, Hon. Frederick James (LP)	Central Highlands	107,313	97,573	93.19
Guest, Hon. James Vincent Chester (LP)	Monash	106,024	97,683	92.13
Henshaw, Hon. David Ernest, M.B.E. (ALP)	Geelong	94,727	89,498	94.48
Hogg, Hon. Caroline Jennifer (ALP)	Melbourne North	114,771	105,907	92.28
Kennan, Hon. James Harley (ALP)	Thomastown	133,053	125,951	94.66
Kirner, Hon. Joan Elizabeth (ALP)	Melbourne West	121,381	113,938	93.87
Knowles, Hon. Robert Ian (LP)	Ballarat	94,948	88,324	94.96
Landeryou, Hon. William Albert (ALP)	Doutta Galla	145,030	137,584	94.87
McArthur, Hon. Lawrence Alexander (ALP)	Nunawading	125,028	116,170	94.92
Mier, Hon. Brian William (ALP)(a)	Waverley	130,615	114,777	87.87
Murphy, Hon. Barry Alan (ALP)	Gippsland	90,260	82,089	93.82
Pullen, Hon. Barry Thomas (ALP)	Melbourne	106,459	94,703	88.96
Reid, Hon. Nicholas Bruce (LP)	Bendigo	92,109	85,893	95.22
Sandon, Hon. Malcolm John (ALP)	Chelsea	137,494	128,926	93.77
Storey, Hon. Haddon, Q.C. (LP)	East Yarra	108,131	100,263	92.72
Ward, Hon. Hector Roy, J.P. (LP)	South Eastern	106,741	97,507	93.49

(a) Elected on 4 December 1982 at a by-election following the death of the Hon. Antonius Peter Van Vliet.

Members of the Legislative Council who did not come up for election at the 1982 triennial election are shown in the following list:

VICTORIA—LEGISLATIVE COUNCIL: MEMBERS ELECTED 5 MAY 1979
(Term of office commenced 15 July 1979)

Member	Province	Number of electors on rolls	Number of electors who voted	Total percentage of electors who voted
Baxter, Hon. William Robert (NP)	North Eastern	90,724	85,745	94.51
Baylor, Hon. Hilda Gracia (LP)	Boronia	124,540	117,326	94.21
Block, Hon. Peter David (LP)	Nunawading	122,452	115,042	93.95
Bubb, Hon. Clive (LP)	Ballarat	90,442	85,853	94.93
Butler, Hon. Glyde Algernon Surtees (ALP)	Thomastown	123,890	116,245	93.83
Campbell, Hon. William Montgomery (ALP)	East Yarra	112,088	102,539	91.48
Coxsedge, Hon. Joan (ALP)	Melbourne West	115,951	108,849	93.87
Crozier, Hon. Digby Glen (LP)	Western	83,013	78,997	95.16
Grimwade, Hon. Frederick Sheppard (LP)	Central Highlands	96,898	89,666	92.54
Hayward, Hon. Donald Keith (LP)	Monash	109,530	99,271	90.63
Houghton, Hon. William Vasey (LP)	Templestowe	121,831	113,874	93.47
Hunt, Hon. Alan John (LP)	South Eastern	96,423	89,518	92.84
Kennedy, Hon. Cyril James (ALP)	Waverley	122,086	114,178	93.52
Kent, Hon. Daniel Eric (ALP)	Chelsea	127,390	119,434	93.75
Lawson, Hon. Robert (LP)	Higinbotham	112,157	104,695	93.35
Long, Hon. Richard John (LP)	Gippsland	84,931	79,406	93.49
Mackenzie, Hon. Roderick Alexander (ALP)	Geelong	90,659	85,409	94.21
Radford, Hon. John William Storrier (LP)	Bendigo	87,468	82,883	94.76
Sgro, Hon. Giovanni Antonio (ALP)	Melbourne North	115,148	105,060	91.24
Walker, Hon. Evan (ALP)	Melbourne	109,211	95,428	87.38
White, Hon. David Ronald (ALP)	Doutta Galla	132,345	124,780	94.28
Wright, Hon. Kenneth Irving Mackenzie (NP)	North Western	81,230	77,290	95.15

Legislative Assembly

Speaker: The Hon. Cyril Thomas Edmunds.

Chairman of Committees: John Thomas Wilton, Esquire.

Clerk of the Legislative Assembly: John Harold Campbell, Esquire.

The following list shows members of the Legislative Assembly elected at the general election held on 3 April 1982. It also includes details of electoral districts and voting at this last general election.

VICTORIA—LEGISLATIVE ASSEMBLY: MEMBERS ELECTED 3 APRIL 1982

Member	District	Number of electors on rolls	Number of electors who voted	Total percentage of electors who voted
Austin, Hon. Thomas Leslie (LP)	Ripon	27,322	26,012	95.21
Brown, Alan John (LP)	Westernport	34,426	32,141	93.36
Burgin, Cecil William (LP)	Polwarth	25,595	24,508	95.75
Cain, Hon. John (ALP)	Bundoora	33,557	31,757	94.64
Callister, Miss Valerie Joy (ALP)	Morwell	28,658	27,079	94.49
Cathie, Hon. Ian Robert (ALP)	Carrum	31,367	29,221	93.16
Coghill, Dr Kenneth Alastair (ALP)	Werribee	42,004	39,596	94.27
Crabb, Hon. Steven Marshall (ALP)	Knox	33,774	32,201	95.34
Culpin, John Albert, J.P. (ALP)	Glenroy	28,040	26,501	94.51
Delzoppo, John Edward (LP)	Narracan	29,055	27,471	94.55
Dickinson, Harley Rivers (LP)	South Barwon	31,805	30,001	94.33
Ebery, William Thomas (LP)	Midlands	28,423	26,961	94.86
Edmunds, Hon. Cyril Thomas (ALP)	Ascot Vale	27,759	25,999	93.66
Ernst, Graham Keith (ALP)	Geelong East	27,859	26,178	93.97
Evans, Alexander Thomas (LP)	Ballarat North	28,216	26,594	94.25
Evans, Bruce James (NP)	Gippsland East	28,280	26,282	92.93
Fogarty, William Francis (ALP)	Sunshine	30,363	28,786	94.81
Fordham, Hon. Robert Clive (ALP)	Footscray	28,169	26,305	93.38
Gavin, Peter Murray (ALP)	Coburg	29,323	27,663	94.34
Gray, David James Frederick (ALP)	Syndal	29,734	28,138	94.63
Hann, Edward James (NP)	Rodney	27,353	26,120	95.49
Harrowfield, John Dyson (ALP)	Mitcham	29,071	27,716	95.34
Hassett, David Lindsay (ALP)	Dromana	35,516	32,857	92.51
Hill, Mrs Jane Margaret (ALP)	Frankston	35,899	33,590	93.57
Hill, Louis Joseph (ALP)	Warrandyte	35,894	33,904	94.46
Hockley, Gordon Stanley, J.P. (ALP)	Bentleigh	27,347	26,188	95.76
Ihle, Graham Richard (ALP)	Sandringham	27,472	25,966	94.52
Jasper, Kenneth Stephen (NP)	Murray Valley	27,182	25,822	95.00
Jolly, Hon. Robert Allen (ALP)	Dandenong	39,611	37,296	94.16
Jona, Hon. Walter (LP)	Hawthorn	25,864	23,497	90.85
Kennedy, Andrew David (ALP)	Bendigo	28,094	26,878	95.67
Kennett, Hon. Jeffrey Gibb (LP)	Burwood	26,293	24,744	94.11
Kirkwood, Carl (ALP)	Preston	26,739	24,897	93.11
Leigh, Geoffrey Graham (LP) (a)	Malvern	27,235	21,791	80.01
Lieberman, Hon. Louis Stuart (LP)	Benambra	30,162	27,806	92.19
McCutcheon, Andrew (ALP)	St. Kilda	26,612	23,968	90.06
McDonald, Maxwell John (ALP)	Evelyn	37,613	35,098	93.31
McGrath, William Desmond (NP)	Lowan	25,570	24,317	95.10
McKellar, Donald Kelso (LP)	Portland	26,521	25,347	95.57
McNamara, Patrick John (NP)	Benalla	26,711	24,978	93.51
Maclellan, Hon. Robert Roy Cameron (LP)	Berwick	39,779	37,318	93.81
Mathews, Hon. Charles Race Thorson (ALP)	Oakleigh	28,152	26,602	94.49
Micallef, Edward Joseph (ALP) (c)	Springvale	32,277	30,460	94.37
Miller, Robert Henry (ALP)	Prahran	25,550	22,766	89.10
Newton, Douglas Richard (ALP)	Bennettswood	28,666	27,343	95.38
Norris, Terence Richard (ALP)	Noble Park	36,298	34,456	94.93
Patrick, Mrs Jeannette Tweeddale (LP)	Brighton	25,960	24,292	93.57
Pope, Neil Albert (ALP)	Monbulk	32,748	30,582	93.39
Ramsay, Hon. James Halford (LP)	Balwyn	28,135	26,284	93.42
Ray, Mrs Margaret Elizabeth (ALP)	Box Hill	28,398	26,814	94.42
Remington, Keith Henry (ALP)	Melbourne	23,657	21,287	89.98
Reynolds, Thomas Carter (LP)	Gisborne	36,125	34,131	94.48
Richardson, John Ingles (LP)	Forest Hill	33,778	32,159	95.21
Roper, Hon. Thomas William (ALP)	Brunswick	29,039	26,344	90.72
Ross-Edwards, Peter (NP)	Shepparton	29,093	27,629	94.97
Rowe, Barry John (ALP)	Essendon	27,164	25,841	95.13
Saltmarsh, Donald Neville (LP)	Wantirna	43,618	41,302	94.69
Seitz, George (ALP) (b)	Keilor	26,797	21,911	82.08
Setches, Mrs Kay Patricia (ALP)	Ringwood	31,926	30,162	94.47
Sheehan, Anthony John (ALP)	Ivanhoe	30,849	29,156	94.51
Sheehan, Francis Patrick (ALP)	Ballarat South	28,615	26,802	93.63
Shell, Hayden Kevin (ALP)	Geelong West	25,794	24,307	94.24
Sibree, Mrs Prudence Anne (LP)	Kew	27,839	25,806	92.70
Sidiropoulos, Theo (ALP)	Richmond	28,586	25,102	87.81
Simmonds, Hon. James Lionel (ALP)	Reservoir	29,990	28,473	94.94
Simpson, Hon. John Hamilton (ALP)	Niddrie	30,651	29,388	95.88
Smith, Hon. Ian Winton (LP)	Warrnambool	26,503	25,228	95.19
Spyker, Hon. Peter Cornelis (ALP)	Heatherton	32,746	31,191	95.25
Stirling, Gordon Francis (ALP)	Williamstown	29,627	27,934	94.29
Tanner, Edgar Miles Ponsonby (LP)	Caulfield	26,979	24,787	91.88
Templeton, Thomas William, J.P. (LP)	Mentone	28,581	26,892	94.09
Toner, Hon. Pauline Therese (ALP)	Greensborough	39,109	37,256	95.26
Trezie, Hon. Neil Benjamin (ALP)	Geelong North	30,338	28,756	94.79
Vaughan, Dr Gerard Marshall (ALP)	Glenhuntly	26,807	24,986	93.21
Wallace, Thomas William (NP)	Gippsland South	27,920	26,181	93.77
Walsh, Ronald William (ALP)	Albert Park	27,702	24,912	89.92
Whiting, Milton Stanley (NP)	Mildura	26,785	24,904	92.98
Wilkes, Hon. Frank Noel (ALP)	Northcote	29,412	27,228	92.57
Williams, Morris Thomas (LP)	Doncaster	33,023	31,505	95.40
Wilton, John Thomas (ALP)	Broadmeadows	39,105	37,092	94.85
Wood, Hon. Alan Raymond (LP)	Swan Hill	26,561	25,124	94.59

(a) Elected on 4 December 1982 at a by-election following the resignation of the Hon. Lindsay Hamilton Simpson Thompson, C.M.G.

(b) Elected on 17 July 1982 at a by-election following the resignation of the Hon. John Joseph Ginifer.

(c) Elected on 19 March 1983 at a by-election following the death of the Hon. Kevin Francis King.

Parliamentary Counsel

The Parliamentary Counsel's Office is a small office attached to the Law Department. Its origin in Victoria dates back to 1879 when Edward Carlile was appointed Parliamentary Draftsman. Carlile remained as Draftsman, apart from a short period as Clerk Assistant of the Legislative Assembly, until the beginning of the twentieth century. He was knighted for his services.

The Office was established because of dissatisfaction at the cost involved in having legislation prepared by members of the Bar and the uneven and sometimes unsatisfactory nature of the work done by individual counsel. A similar Office had been established a few years previously in the United Kingdom following upon a report by a Parliamentary Committee.

The Office now consists of the Chief Parliamentary Counsel and ten Parliamentary Counsel, together with supporting clerical and stenographic assistance.

The primary work of the Office is to prepare legislation for the Government. The volume of legislation in Victoria, in common with that in other jurisdictions, has consistently increased over the last century. In its first 30 years, the Victorian Parliament passed 915 Acts; in the next 30 years, 1,423 Acts; in the next 30 years, 2,868 Acts; and in the next 30 years no less than 3,713 Acts were passed.

The range of subjects upon which legislation is sought has also consistently increased, partly because of developing technology and partly because Parliament continually aims at new and more sophisticated social objectives.

The policy of legislation is initially determined by the Cabinet acting on the advice of the responsible Minister, assisted by his appropriate departmental advisers, but it is generally accepted that policy and form cannot be completely separated and Parliamentary Counsel, accordingly exercise a considerable influence on the legislation that is ultimately passed by the Parliament.

Apart from work done for the Government, it is the tradition in Victoria that Parliamentary Counsel should be available to assist private members of any party who wish to promote legislation.

The Counsel are also available to advise Ministers and government instrumentalities on the validity of subordinate legislation that it is proposed to promulgate. One of the Counsel is assigned to examine and report to the Subordinate Legislation Committee on the validity and form of all statutory rules.

The Office is responsible for the preparation of the annual volumes of Statutes and Statutory Rules and for the preparation of the various tables and indices of the Acts and Statutory Rules that are published by the Government Printer.

Since the last consolidation of the Victorian Statutes in 1958, a system of reprinting of Principal Public Acts incorporating all amendments made up to the date of the Reprint has been instituted. This system of frequent reprints has now been adopted in most other jurisdictions in Australia.

Because of the knowledge and experience gained by Parliamentary Counsel in the course of their ordinary duties, they are often called upon to advise in relation to matters of law reform apart from being responsible for the drafting of any legislation necessary to give effect to proposed reforms. They assist, whenever requested, the Statute Law Revision Committee of the Victorian Parliament and commonly assist other Parliamentary committees which are investigating matters involving constitutional or other legal questions.

It is common for a Parliamentary Counsel to be co-opted to sub-committees of the Chief Justice's Law Reform Committee when they are considering reform of the Statute Law.

The Deputy Chief Parliamentary Counsel acts as secretary and draftsman to the Supreme Court Judges' Rules Committee, and one other Counsel assists the County Court Judges' Rules Committee.

Counsel are commonly asked to act in an advisory capacity in relation to proposals for uniform legislation and in relation to agreements between governments and government instrumentalities in Australia. They also sometimes act as members of negotiating teams, as well as draftsmen, in relation to agreements which require Parliamentary approval before they become fully effective.

Victorian Acts passed during 1981

VICTORIA—ACTS PASSED BY PARLIAMENT, 1981

9515	Sewerage Districts (Amendment) Act amends the <i>Sewerage Districts Act</i> 1958, and for other purposes.	9529	Liquified Petroleum Gas Subsidy (Amendment) Act amends the <i>Liquified Petroleum Gas Subsidy Act</i> 1980.
9516	Dandenong Valley Authority (Amendment) Act amends section 13 of the <i>Dandenong Valley Authority Act</i> 1963, and for other purposes.	9530	Revocation and excision of Crown Reservations Act revokes the permanent reservations of certain lands and for purposes connected therewith.
9517	Latrobe Valley (Amendment) Act amends the <i>Latrobe Valley Act</i> 1958.	9531	State Electricity Commission (Amendment) Act amends the <i>State Electricity Commission Act</i> 1958, and for other purposes.
9518	Fisheries (Commonwealth-State Arrangements) Act amends the <i>Fisheries Act</i> 1968 to enable arrangements with respect to the management of certain fisheries to be entered into between, and given effect to, by the Commonwealth and the State.	9532	Chiropractors and Osteopaths (Registration) Act amends section 8 of the <i>Chiropractors and Osteopaths Act</i> 1978 with respect to the registration of persons practising chiropractic and osteopathy before 1 January 1979.
9519	Summary Offences (Corporation Meetings) Act makes provision with respect to the preservation of order at meetings of corporations and amends section 17 of the <i>Summary Offences Act</i> 1966.	9533	Port of Melbourne Authority (Lands) Act amends Part IV of the second schedule to the <i>Port of Melbourne Authority Act</i> 1958.
9520	Magistrates (Summary Proceedings) Act amends the <i>Magistrates (Summary Proceedings) Act</i> 1975.	9534	Rural Finance and Settlement Commission (Amendment) Act amends section 25 of the <i>Rural Finance and Settlement Commission Act</i> 1961, and for other purposes.
9521	Police Offences (Restricted Publications) Act amends the <i>Police Offences Act</i> 1958 with respect to restricted publications, and for other purposes.	9535	Supply (1981-82, No. 1) Act makes interim provision for the appropriation of money out of the Consolidated Fund for the service of the financial year 1981-82.
9522	Business Names (Amendment) Act amends the <i>Business Names Act</i> 1962, and for other purposes.	9536	Transport Regulation (Assignment of Licences) Act amends the <i>Transport Regulation Act</i> 1958 with respect to the assignment of rights under licences issued under that Act, and for other purposes.
9523	Melbourne Underground Rail Loop (Amendment) Act enables the Melbourne Underground Rail Loop Authority to purchase or, with the consent of the Minister, acquire certain lands in the City of Melbourne, amends the <i>Melbourne Underground Rail Loop Act</i> 1970, and for other purposes.	9537	Local Government (Land Liable to Flooding) Act amends the <i>Local Government Act</i> 1958, and for other purposes.
9524	Industrial Relations Act amends the <i>Industrial Relations Act</i> 1979 and the second schedule to the <i>Superannuation Act</i> 1958.	9538	Geelong Lands Act revokes the reservations of certain lands at Geelong and for purposes connected therewith.
9525	Local Government (City of Melbourne) Act authorises the appointment of Commissioners to administer the City of Melbourne for a limited period, removes the Council of that City from office, and for other purposes.	9539	Local Government (Shires of Melton and Bulla) Act amends Part XLA of the <i>Local Government Act</i> 1958.
9526	Flemington Land Act relates to certain Crown land in the Parish of Doutta Galla.	9540	Land Conservation (Amendment) Act amends section 3 of the <i>Land Conservation Act</i> 1970 to make provision with respect to an additional member of the Land Conservation Council.
9527	Police Regulation (Appointments) Act amends Part I of the <i>Police Regulation Act</i> 1958.	9541	Stamps (Miscellaneous Amendment) Act amends the <i>Stamps Act</i> 1958, and for other purposes.
9528	Land (Amendment) Act amends the <i>Land Act</i> 1958, makes provision for the payment of allowances and travelling expenses to certain members of Local Land Advisory Committees, makes provision for certain certificates of the Secretary for Lands to be admissible in evidence, provides for the surrender of certain lands, and for other purposes.	9542	Adoption of Children (Information) (Amendment) Act amends the <i>Adoption of Children (Information) Act</i> 1980, and for other purposes.
		9543	Railways (Long Service Leave) Act amends section 187 of the <i>Railways Act</i> 1958.
		9544	Local Government (House Builders' Liability Amendment) Act amends Division 1A of Part XLIX of the <i>Local Government Act</i> 1958.

VICTORIA—ACTS PASSED BY PARLIAMENT, 1981—*continued*

- | | |
|---|--|
| <p>9545 Building Societies (Amendment) Act amends the <i>Building Societies Act</i> 1976.</p> <p>9546 Rural Finance (Amendment) Act amends the <i>Rural Finance Act</i> 1958, and for other purposes.</p> <p>9547 Hospitals and Charities (Amendment) Act amends the <i>Hospitals and Charities Act</i> 1958, makes further provision with respect to the relief of aged, disabled, or handicapped persons, enables scheduled hospitals to enter into agreements with benevolent societies and institutions with respect to the transfer of assets, the use of property, the provision of services, and for other purposes.</p> <p>9548 Motor Car (Mass and Dimension Limits) Act amends the <i>Motor Car Act</i> 1958 with respect to the mass and dimension limits of motor cars, amends the <i>Stamps Act</i> 1958, and for purposes connected therewith.</p> <p>9549 Statute Law Revision Act revises the Statute Law.</p> <p>9550 Government Employee Housing Authority Act establishes a Government Employee Housing Authority, makes provision with respect to housing accommodation for government employees, repeals the <i>Teacher Housing Act</i> 1970, amends certain other enactments, and for other purposes.</p> <p>9551 Crown Land (Reserves) (Amendment) Act amends the <i>Crown Land (Reserves) Act</i> 1978.</p> <p>9552 Urban Renewal (Amendment) Act amends the <i>Urban Renewal Act</i> 1970, the <i>Housing Act</i> 1958, and the <i>Local Government Act</i> 1958.</p> <p>9553 Housing (Amendment) Act amends the <i>Housing Act</i> 1958, and for other purposes.</p> <p>9554 Penalties and Sentences Act consolidates and amends the law relating to penalties and sentences, amends the <i>Crimes Act</i> 1958, the <i>Magistrates (Summary Proceedings) Act</i> 1957, the <i>Community Welfare Services Act</i> 1970, and for other purposes.</p> <p>9555 Port Bellarine Tourist Resort Act ratifies, validates, approves, and otherwise gives effect to an agreement between the Premier for and on behalf of the State of Victoria and Grawin Proprietary Limited with respect to the development of land near Portarlington in the State of Victoria for the purpose of the establishment of a tourist resort, provides for the rezoning of the land in the tourist resort area, establishes a committee of management of Crown lands in the tourist resort area, and for other purposes.</p> <p>9556 Firearms (Shooters' Licences) Act amends Part III and Part IV of the <i>Firearms Act</i> 1958.</p> <p>9557 Motor Boating (Amendment) Act amends the <i>Motor Boating Act</i> 1961.</p> | <p>9558 Melbourne and Metropolitan Board of Works (Amendment) Act amends the <i>Melbourne and Metropolitan Board of Works Act</i> 1958, and for other purposes.</p> <p>9559 Melbourne Underground Rail Loop (Borrowing Powers) Act increases the borrowing powers of the Melbourne Underground Rail Loop Authority.</p> <p>9560 Motor Car (Pensioner Concessions) Act amends the <i>Motor Car Act</i> 1958.</p> <p>9561 Labour and Industry (Amendment) Act amends the <i>Labour and Industry Act</i> 1958.</p> <p>9562 Securities Industry (Application of Laws) Act relates to the securities industry in Victoria.</p> <p>9563 Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act relates to the interpretation of certain provisions relating to corporations and the securities industry, and for certain other matters.</p> <p>9564 Companies (Acquisition of Shares) (Application of Laws) Act relates to the application of laws to regulate the acquisition of shares in companies incorporated in Victoria and matters connected therewith, amends the <i>Companies Act</i> 1961, and for other purposes.</p> <p>9565 Industrial Training (Amendment) Act amends the <i>Industrial Training Act</i> 1975, and for other purposes.</p> <p>9566 Victorian College of the Arts Act provides for the reconstitution of the Victorian College of the Arts, and for other purposes.</p> <p>9567 Economic Development Act concerns the economic development of Victoria, amends the <i>Decentralized Industry Incentive Payments Act</i> 1972, and for other purposes.</p> <p>9568 Health (Exemptions) Act amends the <i>Health Act</i> 1958, and for other purposes.</p> <p>9569 Wills Act 1981 makes further provision with respect to the construction of wills, amends the <i>Wills Act</i> 1958, and for other purposes.</p> <p>9570 National Parks (Amendment) Act creates new national parks, amends the <i>National Parks Act</i> 1975 and the <i>Mt Hotham Alpine Resort Act</i> 1972, and for other purposes.</p> <p>9571 Environment Protection (Clean Air) Act amends the <i>Environment Protection Act</i> 1970, repeals the <i>Clean Air Act</i> 1958, and for other purposes.</p> <p>9572 National Companies and Securities Commission (State Provisions) Act makes provision for the operation of the National Companies and Securities Commission in the State.</p> <p>9573 Water Drainage Act amends the <i>Water Act</i> 1958, the <i>Local Government Act</i> 1958, the <i>Drainage of Land Act</i> 1975,</p> |
|---|--|

VICTORIA—ACTS PASSED BY PARLIAMENT, 1981—*continued*

- the *Dandenong Valley Authority Act 1963*, the *Melbourne and Metropolitan Board of Works Act 1958*, and for other purposes.
- 9574 Victorian Economic Development Corporation Act constitutes a Victorian Economic Development Corporation, repeals the *Victorian Development Corporation Act 1973*, and the *State Development Decentralization and Tourism Act 1978*, and for other purposes.
- 9575 Local Government (Further Amendment) Act amends the *Local Government Act 1958*, and for other purposes.
- 9576 Crimes (Classification of Offences) Act abolishes the division of crimes into felonies and misdemeanours, amends and simplifies the law in respect of matters arising from that abolition, amends the *Crimes Act 1958* and certain other enactments, and for other purposes.
- 9577 Royal Visit Race-meeting Act authorises the holding of a race-meeting, in honour of the visit to Melbourne of Her Majesty The Queen, at the Caulfield Race-course on 29 September 1981, and for other purposes.
- 9578 Wildlife (Licences) Act amends the *Wildlife Act 1975* in relation to licence fees for keeping endangered or notable wildlife, and for other purposes.
- 9579 Port Fairy Land Act authorises the granting of leases of certain Crown Land in the township of Port Fairy.
- 9580 Government Buildings Advisory Council (Amendment) Act amends the *Government Buildings Advisory Council Act 1972*, and for other purposes.
- 9581 The Constitution Act Amendment (Conjoint Elections) Act amends the *Constitution Act Amendment Act 1958* with respect to the holding and conduct of conjoint elections.
- 9582 Education (Amendment) Act amends the *Education Act 1958*, and for other purposes.
- 9583 Labour and Industry (Further Amendment) Act amends the *Labour and Industry Act 1958*, the *Hospitals Remuneration Tribunal Act 1978*, the *Health Commission Act 1977*, and for other purposes.
- 9584 Industrial Relations (Secret Ballots) Act amends the *Industrial Relations Act 1979* to make provision for the conduct of secret ballots with respect to industrial disputes.
- 9585 Films (Amendment) Act amends the *Films Act 1971*.
- 9586 Country Fire Authority (Borrowing Powers) Act amends the *Country Fire Authority Act 1958* to increase the borrowing powers of the Country Fire Authority.
- 9587 French Island (Land Exchange) Act provides for the exchange of certain Crown land in the Parish of French Island and certain other land in that Parish, and for other purposes.
- 9588 Business Franchise (Petroleum Products) (Fees) Act amends the *Business Franchise (Petroleum Products) Act 1979* to make provision with respect to fees, and for other purposes.
- 9589 Footscray (Western Oval Reserve) Lands Act relates to the granting of leases of certain lands in the City of Footscray and authorises the committee of management of those lands to extend the leasing thereof, amends the *Footscray (Recreation Ground) Lands Act 1968*, and for other purposes.
- 9590 Transport (Fees) Act amends the *Transport Regulation Act 1958*, the *Country Roads Act 1958*, the *Motor Car Act 1958* and the *Local Government Act 1958*, to make provision with respect to the collection of fees by the Transport Regulation Board, and for other purposes.
- 9591 Geelong Regional Commission (Amendment) Act amends the *Geelong Regional Commission Act 1977*.
- 9592 Port of Melbourne Authority (Inscribed Stock) Act amends the *Port of Melbourne Authority Act 1958* with respect to inscribed stock, and for other purposes.
- 9593 Pipelines (Fees) Act makes provision with respect to pipeline operation fees, amends the *Pipelines Act 1967*, and for other purposes.
- 9594 Public Authorities (Contributions) Act amends the *Public Authorities (Contributions) Act 1966* with respect to the contributions to be made by the Gas and Fuel Corporation of Victoria.
- 9595 Council of Adult Education Act establishes a body corporate under the name of the Council of Adult Education, repeals Part V of the *Education Act 1958*, and for other purposes.
- 9596 Appropriation (1981-82, No. 1) Act appropriates certain sums out of the Consolidated Fund for the service of the financial year 1981-82 and appropriates the supplies granted in the last preceding session of Parliament, and for other purposes.
- 9597 Exhibition (Amendment) Act recognises the bestowal of the title "Royal" on the Exhibition, amends the *Exhibition Act 1957*, and for other purposes.
- 9598 Melbourne and Metropolitan Tramways (Borrowing Powers) Act increases the limit of the borrowing powers of the Melbourne and Metropolitan Tramways Board.
- 9599 Metropolitan Fire Brigades (Amendment) Act amends the *Metropolitan Fire Brigades Act 1958* with respect to the payment of wages and salaries, and for other purposes.

VICTORIA—ACTS PASSED BY PARLIAMENT, 1981—*continued*

- | | | | |
|------|--|------|---|
| 9600 | National Gallery of Victoria and the Victorian Arts Centre (Terms of Appointment of Members) Act amends the <i>National Gallery of Victoria Act 1966</i> and the <i>Victorian Arts Centre Act 1979</i> to make provision with respect to the terms of appointment of members of the Council of Trustees of the National Gallery of Victoria and of members of the Victorian Arts Centre Trust, and for other purposes. | 9611 | Victorian College of the Arts Amendment Act amends section 5 of the <i>Victorian College of the Arts Act 1981</i> . |
| 9601 | Co-operative Housing Societies Indemnities Act amends the <i>Co-operative Housing Societies Act 1958</i> in respect of indemnities. | 9612 | Stamps (Transfer Duty Refund) Act amends the <i>Stamps Act 1958</i> to make provision with respect to refunds of stamp duty on transfers or conveyances, and for other purposes. |
| 9602 | Planning Appeals Board (Chief Chairman's Pension) Act amends section 76 of the <i>Planning Appeals Board Act 1980</i> with respect to the retirement benefits payable to, and in relation to, the Chief Chairman of the Planning Appeals Board, and for other purposes. | 9613 | Workers Compensation (Amendment) Act amends the <i>Workers Compensation Act 1958</i> , amends the <i>Workers Compensation (Amendment) Act 1978</i> , and for other purposes. |
| 9603 | Housing (Further Amendment) Act amends the <i>Housing Act 1958</i> to make provision for the payment of benefits to former employees of Holmesglen Constructions, and for other purposes. | 9614 | Local Authorities Superannuation (Amendment) Act amends the <i>Local Authorities Superannuation Act 1958</i> . |
| 9604 | Home Finance (Amendment) Act amends the <i>Home Finance Act 1962</i> to make further provision with respect to loans on first mortgage of dwelling-houses made by the Home Finance Trust, and for other purposes. | 9615 | Forests (Amendment) Act amends the <i>Forests Act 1958</i> . |
| 9605 | Urban Land Authority (Amendment) Act amends section 19 of the <i>Urban Land Authority Act 1979</i> . | 9616 | Marine (Amendment) Act amends the <i>Marine Act 1958</i> , and for other purposes. |
| 9606 | Transport Regulation (Licence Fees Abolition) Act amends the <i>Transport Regulation Act 1958</i> to provide for the abolition of licence fees for the issue or renewal of commercial passenger vehicle, private omnibus, and commercial goods vehicle licences, amends the <i>Motor Car Act 1958</i> and the <i>Transport (Deregulation) Act 1980</i> , and for other purposes. | 9617 | Port of Melbourne Authority (Borrowing Powers) Act increases the borrowing powers of the Port of Melbourne Authority and amends the <i>Port of Melbourne Authority Act 1958</i> . |
| 9607 | Swan Hill Pioneer Settlement (Amendment) Act amends the <i>Swan Hill Pioneer Settlement Act 1974</i> . | 9618 | Probate Duty Act amends the <i>Probate Duty Act 1962</i> , and for other purposes. |
| 9608 | Town and Country Planning (Western Port) Act abolishes the Western Port Regional Planning Authority, transfers the staff of that Authority into the Public Service, amends the <i>Town and Country Planning Act 1961</i> , and for other purposes. | 9619 | Melbourne University (Amendment) Act amends the <i>Melbourne University Act 1958</i> , and for other purposes. |
| 9609 | Tourist Railways Act makes provision with respect to the establishment, management, and operation of tourist railways, and for other purposes. | 9620 | Juries (Amendment) Act amends the <i>Juries Act 1967</i> , and for other purposes. |
| 9610 | Workers Compensation (Insurers Guarantee and Compensation Supplementation Fund) Act makes provision with respect to the application of any surplus in the Insurers Guarantee and Compensation Supplementation Fund, amends the <i>Workers Compensation Act 1958</i> , and for other purposes. | 9621 | Foreign Judgments (Amendment) Act makes provision for the enforcement of certain income tax judgments of Papua New Guinea, amends the <i>Foreign Judgments Act 1962</i> , and for other purposes. |
| | | 9622 | Motor Car (Amendment) Act amends the <i>Motor Car Act 1958</i> . |
| | | 9623 | Environment Protection (Licence Fees) Act amends the <i>Environment Protection Act 1970</i> to increase licence fees, and for other purposes. |
| | | 9624 | Public Account (Investment Powers) Act amends section 22B of the <i>Public Account Act 1958</i> . |
| | | 9625 | Public Trustee (Amendment) Act amends the <i>Public Trustee Act 1958</i> and the <i>Public Service Act 1974</i> , and for other purposes. |
| | | 9626 | Gift Duty (Amendment) Act amends the <i>Gift Duty Act 1971</i> , and for other purposes. |
| | | 9627 | Liquor Control Act amends the <i>Liquor Control Act 1968</i> , and for other purposes. |
| | | 9628 | Motor Car (Mass and Dimension Limits) (Amendment) Act amends the <i>Motor Car (Mass and Dimension Limits) Act 1981</i> . |
| | | 9629 | Country Fire Authority (Amendment) Act amends the <i>Country Fire Authority Act 1958</i> to establish an Appeal Tribunal, and for other purposes. |

VICTORIA—ACTS PASSED BY PARLIAMENT, 1981—continued

- | | |
|--|---|
| <p>9630 Property Law (Delivery by Agent) Act amends the <i>Property Law Act 1958</i> in relation to delivery of Deeds by an Agent, and for other purposes.</p> <p>9631 Geelong Waterworks and Sewerage (Amendment) Act amends the <i>Geelong Waterworks and Sewerage Act 1958</i>.</p> <p>9632 Supreme Court (Funds in Court) Act amends section 189 of the <i>Supreme Court Act 1958</i>.</p> <p>9633 Penalty Interest Rates Act amends the <i>Supreme Court Act 1958</i>, the <i>County Court Act 1958</i>, the <i>Property Law Act 1958</i>, the <i>Transfer of Land Act 1958</i>, and the <i>Magistrates' Courts Act 1971</i> with respect to the payment of interest on certain unpaid money.</p> <p>9634 Law Reform Act makes further provision with respect to the powers of the Law Reform Commissioner, amends the <i>Law Reform Act 1973</i>, and for other purposes.</p> <p>9635 Port of Portland Authority Act constitutes the Portland Harbor Trust Commissioners into the Port of Portland Authority, amends the <i>Portland Harbor Trust Act 1958</i>, the <i>Grain Elevators Act 1958</i>, the <i>Harbor Boards Act 1958</i>, the <i>Marine Act 1958</i>, the <i>Public Contracts Act 1958</i>, the <i>Road Traffic Act 1958</i>, the <i>Navigable Waters (Oil Pollution) Act 1960</i>, the <i>Grain Handling Improvement Authorities Act 1979</i>, the <i>Alcoa (Portland Aluminium Smelter) Act 1980</i>, and for other purposes.</p> <p>9636 Serpell Joint Schools Act ratifies, validates, approves, and otherwise gives effect to an agreement between the Minister of Education for and on behalf of the State of Victoria, the Roman Catholic Trusts Corporation for the Diocese of Melbourne, the Mayor, Councillors, and citizens of the City of Doncaster and Templestowe and Serpell Community Project Proprietary Limited with respect to the establishment, ownership, and operation of a building for the use of State School No. 5168 (Serpell Primary School) and of a Catholic Primary School at Templestowe, Victoria, and for other purposes.</p> <p>9637 Sale Station Relocation and Development Act authorises the relocation of the Sale railway station, the development of the said railway station land, and for other purposes.</p> <p>9638 Coroners (Amendment) Act amends the <i>Coroners Act 1958</i> with respect to the making of post-mortem examinations, amends the <i>Registrations of Births, Deaths, and Marriages Act 1959</i>, and for other purposes.</p> <p>9639 Listing of Debtors Act amends the <i>County Court Act 1958</i>, the <i>Supreme Court Act 1958</i>, and the <i>Magistrates' Courts Act 1971</i> to restrict the publication of information with respect to debtors.</p> | <p>9640 Magistrates (Summary Proceedings) (Traffic Courts) Act amends the <i>Magistrates (Summary Proceedings) Act 1975</i>.</p> <p>9641 Crown Reservations (Revocation and Excision) Act revokes the permanent reservations and Crown grants of certain lands and for purposes connected therewith.</p> <p>9642 Summary Offences (False Reports to Police) Act amends section 53 of the <i>Summary Offences Act 1966</i>.</p> <p>9643 Wildlife (Fees) Act amends the <i>Wildlife Act 1975</i>.</p> <p>9644 Soil Conservation and Land Utilization (Amendment) Act amends the <i>Soil Conservation and Land Utilization Act 1958</i>.</p> <p>9645 Chelsea Lands Act makes provision with respect to certain Crown grants of lands in the Parish of Lyndhurst, and for other purposes.</p> <p>9646 Police Regulation (Amendment) Act amends the <i>Police Regulation Act 1958</i>, and for other purposes.</p> <p>9647 Pay-roll Tax (Amendment) Act amends the <i>Pay-roll Tax Act 1971</i>.</p> <p>9648 Land Tax (Amendment) Act amends the <i>Land Tax Act 1958</i>.</p> <p>9649 Works and Services Appropriation Act makes provision with respect to the appropriation of money out of the Works and Services Account for certain works and purposes.</p> <p>9650 Chattel Securities Act makes provision relating to Chattel Securities and for that purpose amends the <i>Instruments Act 1958</i>, the <i>Transport Regulation Act 1958</i>, and the <i>Motor Car Act 1958</i>, and for other purposes.</p> <p>9651 Goods (Sales and Leases) Act relates to conditions and warranties in certain sales and leases, amends the <i>Goods Act 1958</i>, and for other purposes.</p> <p>9652 Friendly Societies (Amendment) Act amends the <i>Friendly Societies Act 1958</i> to increase the maximum payment which may be made pursuant to section 5(3), and for other purposes.</p> <p>9653 Trustee (Authorized Investments) Act amends section 4 of the <i>Trustee Act 1958</i> to authorise trustees to deposit money with certain building societies, and for other purposes.</p> <p>9654 Hospitals and Charities (Borrowing Powers) Act amends the <i>Hospitals and Charities Act 1958</i> with respect to the borrowing powers of certain institutions.</p> <p>9655 Motor Car (Further Amendment) Act further amends the <i>Motor Car Act 1958</i>, and for other purposes.</p> <p>9656 Alcoholics and Drug-dependent Persons (Amendment) Act amends the <i>Alcoholics and Drug-dependent Persons Act 1968</i>, and for other persons.</p> <p>9657 State Employees Retirement Benefits (Amendment) Act amends the <i>State Employees Retirement Benefits Act 1979</i>, and for other purposes.</p> |
|--|---|

VICTORIA—ACTS PASSED BY PARLIAMENT, 1981—*continued*

- | | |
|--|---|
| <p>9658 Port of Geelong Authority Act constitutes the Geelong Harbor Trust Commissioners into the Port of Geelong Authority, amends the <i>Geelong Harbor Trust Act 1958</i>, the <i>Geelong Waterworks and Sewerage Act 1958</i>, the <i>Grain Elevators Act 1958</i>, the <i>Grain Handling Improvement Authorities Act 1979</i>, the <i>Local Government Act 1958</i>, the <i>Marine Act 1958</i>, the <i>Navigable Waters (Oil Pollution) Act 1960</i>, the <i>Port Phillip Authority Act 1966</i>, the <i>Road Traffic Act 1958</i>, and for other purposes.</p> <p>9659 Health (Consultative Council on Maternal and Perinatal Mortality and Morbidity) Act amends the <i>Health Act 1958</i> to establish a consultative Council on Maternal and Perinatal Mortality and Morbidity, and for other purposes.</p> <p>9660 Cemeteries (Guarantees) Act amends the <i>Cemeteries Act 1958</i>, and for other purposes.</p> <p>9661 Educational Grants (Continuation) Act amends the <i>Educational Grants Act 1973</i>.</p> <p>9662 Stamps (Further Amendment) Act amends the <i>Stamps Act 1958</i>, and for other purposes.</p> <p>9663 Building Industry Long Service Leave (Amendment) Act amends the <i>Building Industry Long Service Leave Act 1975</i>, and for other purposes.</p> <p>9664 Hospitals Superannuation (General Amendment) Act amends the <i>Hospitals Superannuation Act 1965</i>, the <i>Hospitals Superannuation (Amendment) Act 1980</i>, and for other purposes.</p> <p>9665 Railways (Borrowing Powers) Act amends the <i>Railways Act 1958</i> to enable the Victorian Railways Board to borrow money, makes a consequential amendment to the <i>Public Account Act 1958</i>, and for other purposes.</p> <p>9666 Meat Control Act amends the <i>Abattoir and Meat Inspection Act 1973</i>, the <i>Health Act 1958</i>, and for other purposes.</p> <p>9667 Historic Buildings Act consolidates and amends the law with respect to the preservation of buildings, works and objects of historic or architectural importance, amends the <i>Town and Country Planning Act 1961</i> and the <i>Local Government Act 1958</i>, and for other purposes.</p> <p>9668 Credit Act relates to the provision of credit and the regulation of contracts providing credit and of matters connected with the provision of credit, makes provision for the licensing of certain persons and for other matters, repeals the <i>Money Lenders Act 1958</i>, amends the <i>Hire-Purchase Act 1959</i>, amends certain other Acts, and for other purposes.</p> <p>9669 Wrongs (Public Contracts) Act enables the recovery of loss or damage arising out of the breach of certain contracts, and for other purposes.</p> | <p>9670 Medical Practitioners (Amendment) Act amends the <i>Medical Practitioners Act 1970</i>, and for other purposes.</p> <p>9671 Racing (Amendment) Act amends the <i>Racing Act 1958</i> and the <i>Lotteries Gaming and Betting Act 1966</i> in relation to greyhound racing, and for other purposes.</p> <p>9672 Superannuation (Lump Sum Benefits) Act repeals the <i>Married Women's Superannuation Fund Act 1968</i>, amends the <i>Superannuation Act 1958</i>, the <i>Police Regulation Act 1958</i>, the <i>Superannuation Benefits Act 1977</i>, the <i>Superannuation Act 1975</i>, and the <i>Pensions Supplementation Act 1966</i>, makes provision for the payment of superannuation benefits to married women and to part-time officers and employees of the Public Service, and for other purposes.</p> <p>9673 Victoria State Emergency Service Act provides for the Constitution of a Victoria State Emergency Service, prescribes the functions thereof, provides for the payment of compensation to members thereof injured in the performance of activities as such and to certain other persons, and for other purposes.</p> <p>9674 Business Franchise (Amendment) Act amends the <i>Business Franchise (Tobacco) Act 1974</i> and the <i>Business Franchise (Petroleum Products) Act 1979</i>, and for other purposes.</p> <p>9675 Motor Accidents (Amendment) Act amends the <i>Motor Accidents Act 1973</i>, and for other purposes.</p> <p>9676 Dietitians Act re-enacts and amends the law relating to dietitians and the practice of dietetics, and for other purposes.</p> <p>9677 Industrial Training (Further Amendment) Act further amends the <i>Industrial Training Act 1975</i>, and for other purposes.</p> <p>9678 Employment and Training Act establishes a Ministry of Employment and Training, makes provision with respect to the functions of the Ministry, and for other purposes.</p> <p>9679 Employment and Training (Pay-roll Tax Rebate) Act amends the <i>Employment and Training Act 1981</i> to provide for a rebate on pay-roll tax paid in respect of first year apprentices, and for other purposes.</p> <p>9680 Motor Car (Drivers' Licences) Act amends Part III of the <i>Motor Car Act 1958</i> with respect to the licensing of drivers, and for other purposes.</p> <p>9681 Dried Fruits (Amendment) Act amends the <i>Dried Fruits Act 1958</i> with respect to the constitution and functions of the Victorian Dried Fruits Board, and for other purposes.</p> <p>9682 Tattersall Consultations (Amendment) Act amends the <i>Tattersall Consultations Act 1958</i> with respect to the sale of tickets to minors, and for other purposes.</p> |
|--|---|

VICTORIA—ACTS PASSED BY PARLIAMENT, 1981—*continued*

- 9683 Workers Compensation Actions Act amends the *Workers Compensation Act 1958* in relation to proceedings under the Act and at common law, and for other purposes.
- 9684 Pensioners Rates Remission Act makes further provision with respect to the payment of certain rates and charges, amends the *Geelong Waterworks and Sewerage Act 1958*, the *Local Government Act 1958*, the *Melbourne and Metropolitan Board of Works Act 1958*, the *Mildura Irrigation and Water Trusts Act 1958*, the *Sewerage Districts Act 1958*, and the *Water Act 1958*, and for other purposes.
- 9685 Superannuation Benefits Act makes provision with respect to retirement benefits for certain contributors who are retrenched, amends the *Superannuation Benefits Act 1977*, and for other purposes.
- 9686 Water and Sewerage Authorities (Financial) Act amends the *Water Act 1958*, the *Sewerage Districts Act 1958*, the *Latrobe Valley Act 1958*, the *Geelong Waterworks and Sewerage Act 1958*, the *Mildura Irrigation and Water Trusts Act 1958*, and the *Dandenong Valley Authority Act 1963*.
- 9687 Victorian Economic Development Corporation (Amendment) Act amends the *Victorian Economic Development Corporation Act 1981*, and for other purposes.
- 9688 Sale of Land (Deposits) Act amends the *Sale of Land Act 1962* to make provision with respect to the payment of estate agents' commission, and for other purposes.
- 9689 Magistrates' Courts (Amendment) Act amends the *Magistrates' Courts Act 1971*.
- 9690 Bail (Amendment) Act amends the *Bail Act 1977*.
- 9691 Instruments (Enduring Powers of Attorney) Act amends the *Instruments Act 1958* to make provision with respect to enduring powers of attorney, and for other purposes.
- 9692 Penalties and Sentences (Amendment) Act amends the *Penalties and Sentences Act 1981*.
- 9693 Fisheries (Amendment) Act amends the *Fisheries Act 1968*.
- 9694 Wildlife (Protection of Whales) Act amends the *Wildlife Act 1975* and Part VIII of the *Magistrates' Courts Act 1971* to make better provision for the protection of whales.
- 9695 Constitution (Parliamentary Oaths) Act amends the *Constitution Act 1975* with respect to the administration of oaths by the Legislative Council, the Legislative Assembly, and committees and joint committees thereof, and for other purposes.
- 9696 Small Claims Tribunals (Jurisdiction) Act amends the *Small Claims Tribunals Act 1973* with respect to the jurisdiction of the small claims tribunals, and for other purposes.
- 9697 Legal Profession Practice (Amendment) Act amends the *Legal Profession Practice Act 1958* and the *Legal Aid Commission Act 1978*, and for other purposes.
- 9698 Companies (Administration) Act establishes the Corporate Affairs Commissioner as a body corporate, establishes the Companies Auditors and Liquidators Disciplinary Board, amends the *Companies Act 1961*, the *Securities Industry Act 1975* and certain other Acts, and for other purposes.
- 9699 Companies (Consequential Amendments) Act makes amendments to certain Acts consequential upon the enactment of the *Companies (Application of Laws) Act 1981*, makes certain other amendments to Acts, and for other purposes.
- 9700 Melbourne and Metropolitan Board of Works (Yarra Development) Act amends the *Melbourne and Metropolitan Board of Works Act 1958*, provides for the development of the Yarra River and the Maribyrnong River, and for other purposes.
- 9701 Victorian Water and Sewerage Authorities Association Act makes provision with respect to the amalgamation of the Provincial Sewerage Authorities Association of Victoria and the Waterworks Trusts Association of Victoria.
- 9702 Fuel Prices Regulation Act makes provision with respect to the regulation of prices for certain fuel, and for other purposes.
- 9703 Railways (Amendment) Act amends the *Railways Act 1958*, and for other purposes.
- 9704 Petroleum Retail Selling Sites Act makes provision with respect to the rights and liabilities of persons occupying land for the purpose of selling motor fuel by retail, and for other purposes.
- 9705 Land (Further Amendment) Act further amends the *Land Act 1958*.
- 9706 Water and Sewerage Authorities (Interest Payments) Act amends the *Sewerage Districts Act 1958* and the *Water Act 1958* with respect to the payment of interest.
- 9707 Disposal of Dartmouth Township Act amends section 15 of the *River Murray Waters Act 1915* and section 34 of the *Water Act 1958*.
- 9708 Wrongs (Defamation) Act amends the *Wrongs Act 1958* in relation to the reporting of certain public inquiries.
- 9709 Education (Councils) Act amends section 29A of the *Education Act 1958*.
- 9710 Charities (Amendment) Act amends the *Charities Act 1978* to enable investigations of the affairs of charities to be carried out, and for other purposes.

VICTORIA—ACTS PASSED BY PARLIAMENT, 1981—*continued*

9711	Post-Secondary Education (Amendment) Act amends the <i>Post-Secondary Education Act</i> 1978 and the <i>Melbourne University Act</i> 1958, and for other purposes.		
9712	Companies (Application of Laws) Act makes provision for the formation of companies in Victoria, the regulation of companies formed in Victoria, the registration in Victoria of certain other bodies, and certain other matters, and for other purposes.	9718	Co-operation Act re-enacts with amendments the law relating to the formation, registration, and management of co-operative societies, and purposes connected therewith.
9713	Associations Incorporation Act makes provision for the incorporation of certain associations, for the regulation of certain affairs of incorporated associations, amends the <i>Evidence Act</i> 1958, and for other purposes.	9719	Drugs, Poisons and Controlled Substances Act re-enacts with amendments the law relating to drugs, poisons, and controlled substances, amends the <i>Health Act</i> 1958 and the <i>Crimes Act</i> 1958, and for other purposes.
9714	Education Service Act establishes the Education Service, repeals the <i>Teaching Service Act</i> 1958, and for other purposes.	9720	Building Control Act consolidates, amends, and makes further provision for the law relating to building, provides for the better regulation of building, establishes a Division of Building Control, a Building Control Technical Advisory Council, a Building Control Accreditation Authority, a Plumbers, Gasfitters and Drainers Registration Board, a Building Qualifications Board and Building Referees Boards, amends the <i>Health Act</i> 1958, the <i>Housing Act</i> 1958, the <i>Labour and Industry Act</i> 1958, the <i>Local Government Act</i> 1958 and other Acts, and for other purposes.
9715	Lotteries Gaming and Betting (Amendment) Act amends the <i>Lotteries Gaming and Betting Act</i> 1966, and for other purposes.	9721	Constitution Act amends the <i>Constitution Act</i> 1975 with respect to pensions payable in respect of the former Governors of the State and the exercise of Ministerial powers.
9716	Film Victoria Act establishes a body corporate by the name of Film Victoria, abolishes the Victorian Film Corporation, repeals the <i>Victorian Film Corporation Act</i> 1976, and certain other enactments, and for other purposes.	9722	Historic Shipwrecks Act makes provision for the protection of certain shipwrecks and relics of historic significance.
9717	Industrial Safety, Health and Welfare Act provides for the safety, health, and welfare of persons employed or engaged in industry, for the safety of persons affected by industry, repeals certain		

Parliamentary Papers presented during Session 1981-1982

The following Papers were presented to the Legislative Assembly during Session 1981-1982 and ordered by the House to be printed. Copies may be purchased on application to the Sale of Publications Section, Government Printing Office, Macarthur Street, Melbourne, 3002.

VICTORIA—PARLIAMENTARY PAPERS PRESENTED TO
LEGISLATIVE ASSEMBLY, SESSION 1981-1982*Finance:*

- A.1. Finance 1980-81—Treasurer's statement and the Report of the Auditor-General for the year ended 30 June 1981.
- A.2. Supplementary Report of the Auditor-General for the year ended 30 June 1981.

Message from His Excellency the Governor:

- B.1. Estimates of the Receipts and Payments of the Consolidated Fund for the year ending 30 June 1982.

Reports from Select Committees:

- D.1. Public Accounts and Expenditure Review Committee—Treasury Minute relating to Auditor-General's Reports for 1976-77.
- D.2. Standing Orders Committee (Legislative Council)—Report upon a proposed resolution to suspend Standing Order No. 325.
- D.3. Public Bodies Review Committee—Report on Future Structures for Water Management: Recommendations on Regional and Local Structures for Urban Services.
- D.4. Public Bodies Review Committee—Report on the Economic Impact of Public Bodies in Victoria.
- D.5. Standing Orders Committee (Legislative Council)—Report upon unrelated minor amendments.

VICTORIA—PARLIAMENTARY PAPERS PRESENTED TO
LEGISLATIVE ASSEMBLY, SESSION 1981-1982—*continued*

- D.6. Standing Orders Committee (Legislative Assembly)—Report upon the Procedure for raising matters of Privilege.
- D.7. Standing Orders Committee (Legislative Assembly)—Report relating to Motions, Standing Orders Committee Reports and Petitions.
- D.8. Public Accounts and Expenditure Review Committee—Report on the current and future use of EDP facilities and techniques in the Victorian Public Sector.
- D.9. Public Accounts and Expenditure Review Committee—Final report on the Auditor-General's Reports for 1978-79.
- D.10. Public Accounts and Expenditure Review Committee—Report on the Expenditure from the Advance to the Treasurer 1979-80.
- D.11. Standing Orders Committee (Legislative Council)—Report upon Private Bill Procedure.
- D.12. Public Bodies Review Committee—Report on Future Structures for Water Management: Volume 1. Final Recommendations on Regional and Local Structures for Urban Services.
- D.13. Public Accounts and Expenditure Review Committee—Report on the 1981 Activities of the Committee.

Papers Presented to Parliament:

- No.1. Friendly Societies and Benefit Associations—Report of the Government Statist for the year 1978-79.
- No.2. Hospitals Superannuation Board—Report for the year 1979-80.
- No.3. Register of Members' Interests—Summary of Returns June 1981.
- No.4. Friendly Societies and Benefit Associations—Report of the Government Statist for the year 1979-80.
- No.5. Police Department—Report for the year 1980.
- No.6. Labour and Industry Department—Report for the year 1980.
- No.7. Youth Parole Board—Report for the year 1979-80.
- No.8. Land Conservation Council—Report for the year 1980-81.
- No.9. Public Service Board of Victoria—Report for the year 1979-80.
- No.10. Ombudsman—Quarterly Report for the period 1 January 1981 to 31 March 1981.
- No.11. Transport Regulation Board—Report for the year 1980-81.
- No.12. Teacher Education in Victoria—Final Report of the Committee of the Victorian Enquiry into Teacher Education.
- No.13. Teacher Housing Authority—Report for the year 1980-81.
- No.14. Community Welfare Services Department—Statistical Tables for the year 1979-80.
- No.15. Environment Protection Authority—Report for the year 1980-81.
- No.16. State Development Committee—Report on the Omeo-Mitta Mitta Road Link.
- No.17. Victoria Grants Commission—Report for the year ended 31 August 1981.
- No.18. Superannuation Fund—Thirteenth Investigation of, as at 30 June 1980.
- No.19. Community Welfare Services Department—Report for the year 1979-80.
- No.20. State Rivers and Water Supply Commission—Report for the year 1980-81 (Volume 1).
- No.21. State Rivers and Water Supply Commission—Report for the year 1980-81 (Volume 2).
- No.22. Register of Members' Interests—Summary of Returns September 1981.
- No.23. National Parks Service—Report for the year 1980-81.
- No.24. Law Reform Commissioner—Report for the year 1980-81.
- No.25. Education Department—Report of the Rationale and Definition of the Proposed Organization Structure.
- No.26. Commissioner for Equal Opportunity—Report for the year 1980-81.
- No.27. Forests Commission Victoria—Report for the year 1980-81.
- No.28. Victorian Railways Board—Report for the year 1980-81.
- No.29. State Savings Bank of Victoria—Report for the year 1980-81.
- No.30. Building Societies—Report of the Registrar for the year 1979-80.
- No.31. Ombudsman—Report for the year 1980-81.
- No.32. State Development Committee—Progress Report on Port Utilisation and Development in Victoria.
- No.33. Certain Housing Commission Land Purchases and Other Matters—Report of the Royal Commission. (Volume A).
- No.34. Certain Housing Commission Land Purchases and Other Matters—Report of the Royal Commission. (Volume B).
- No.35. Certain Housing Commission Land Purchases and Other Matters—Report of the Royal Commission. (Volume C).
- No.36. Certain Housing Commission Land Purchases and Other Matters—Report of the Royal Commission. (Volume D).
- No.37. Council Elections of the City of Richmond—Interim Report of the Board of Inquiry.
- No.38. Health Commission—Report for the year 1980-81.
- No.39. Education Department—Report for the year 1979-80.
- No.40. Consumer Affairs—Report of the Director for the year 1980-81.
- No.41. Hospitals Superannuation Board—Report for the year 1980-81.
- No.42. State Electricity Commission—Report for the year 1980-81.
- No.43. Rural Finance Commission—Report for the year 1980-81.
- No.44. Country Roads Board—Report for the year 1980-81.
- No.45. Melbourne Underground Rail Loop Authority—Report for the year 1980-81.

VICTORIA—PARLIAMENTARY PAPERS PRESENTED TO
LEGISLATIVE ASSEMBLY, SESSION 1981-1982—*continued*

- No.46. Housing—Report of the Ministry of for the year 1980-81.
No.47. Gas and Fuel Corporation of Victoria—Report for the year 1980-81.
No.48. Consumer Affairs Council—Report for the year 1980-81.
No.49. State Superannuation Board—Report for the year 1980-81.
No.50. Co-operative Housing Societies—Report for the year 1978-79.
No.51. Drainage of Land Act—Report of the Review of by the Ministry of Water Resources (Part 1).
No.52. Victorian Egg Marketing Board—Report for the year 1980-81.
No.53. Victorian Development Corporation—Report for the year 1980-81.
No.54. Railway Construction and Property Board—Report for the year 1980-81.
No.55. Co-operative Societies—Report for the year 1978-79.

NOTE. Nos. D.2, D.5, D.11, 25, and 51 are reports which were ordered to be printed by the Legislative Council only.

VICTORIAN ELECTORAL SYSTEM

General

Electoral basis of the two Houses of Parliament

When first constituted the Legislative Council or Upper House was composed of thirty members, aged 30 years and over and possessed of freehold of the annual value of \$1,000. Property qualifications were abolished by the *Legislative Council Reform Act 1950*, and today the main qualification of members and electors of the Legislative Council is the attainment of the age of 18 years. A similar provision applies to the Legislative Assembly.

For Legislative Council purposes, Victoria is divided into twenty-two Electoral 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 the dissolution of the Council when one half of the members are to be elected for only three years.

For Legislative Assembly purposes, Victoria is divided at present into eighty-one Electoral Districts, each returning one member. Members are elected for three years, unless Parliament is dissolved before this period.

Electoral redivision, 1975

Arising out of the *Electoral Provinces and Districts Act 1974*, a redivision of Victoria for electoral purposes was carried out early in 1975 on the following basis:

Legislative Assembly

1. The so-called "Port Phillip District", consisting of 40 complete existing Electoral Districts and parts of 4 other existing Electoral Districts, was redivided into 49 Electoral Districts for the Legislative Assembly, each containing approximately 28,000 electors; and
2. The remainder of the State, consisting of 29 complete existing Electoral Districts and parts of 4 other existing Electoral Districts, was redivided into 32 Electoral Districts for the Legislative Assembly, each containing approximately 24,500 electors.

Legislative Council

1. The so-called "Southern District", consisting of 8 complete existing Electoral Provinces and parts of 2 other existing Electoral Provinces, was redivided into 13 Electoral Provinces for the Legislative Council, each containing approximately 112,000 electors; and
2. The remainder of the State, consisting of 8 complete existing Electoral Provinces and parts of 2 other existing Electoral Provinces, was redivided into 9 Electoral Provinces for the Legislative Council, each containing approximately 80,000 electors.

The new Electoral Provinces and Districts formulated by the Commissioners empowered to undertake the 1975 redivision were deemed to be adopted by Parliament, and the names and boundaries of the new Provinces and Districts were declared on 30 July 1975.

Enrolment of electors

Enrolment on the electoral roll is compulsory for every person of the age of 18 years or over who is a natural-born or naturalised subject of the Queen and who has resided in Australia for six months continuously, and in Victoria for at least three months and in one subdivision for at least one month. (Victorian legislation reducing the voting age to 18

years became effective from 21 March 1973.) The electoral rolls for the State are compiled by the Commonwealth electoral authorities under a joint Commonwealth-State arrangement, each Government paying half the cost of compilation. All Commonwealth 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 355 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 and Victoria, the electoral rolls prepared and maintained by the Australian Electoral Officer for Victoria have been used at all Commonwealth Parliamentary elections and elections for the Legislative Assembly of Victoria.

The *Legislative Council Reform Act* 1950, which came into effect on 1 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 and State parliamentary elections.

VICTORIA—ELECTORS ENROLLED ON JOINT ROLLS AT 30 JUNE

Year	Number of electors enrolled	Year	Number of electors enrolled
1973	2,124,151	1978	2,307,786
1974	2,183,625	1979	2,371,637
1975	2,176,732	1980	2,372,063
1976	2,264,222	1981	2,425,900
1977	2,301,695	1982	2,486,494

Types of elections in Victoria

There are five types of State parliamentary elections in Victoria:

- (1) *Periodical election for the Legislative Council.* This means an election at which one half of the members of the Council (22) have to be elected. There is a periodical election every three years, the next being due in 1985. Members of the Legislative Council are elected for six years, one-half of the members retiring alternately every three years. There are two members for each Province.
- (2) *General election for the Legislative Assembly.* This means an election at which all members of the Legislative Assembly (81) have to be elected. Each Assembly lasts for three years from the first meeting thereof, but may be dissolved earlier by the Governor (for example, if the government of the day is defeated on some vital issue, etc.).
- (3) *Conjoint election.* This means a periodical election for the Legislative Council and a general election for the Legislative Assembly which are both held on the same day. The Assembly general elections and the Council periodical (or triennial) elections have been held conjointly since 1961.
- (4) *By-election.* A by-election is an "extraordinary" election held in an Electoral Province (Legislative Council) or an Electoral District (Legislative Assembly) because of the death, resignation, etc., of the current member. The candidate elected at a by-election holds office for the remainder of the term for which the member who was replaced was elected.
- (5) *General election for the Legislative Council.* This means an election for the Legislative Council where *all* (i.e., 44) members have to be elected. Two members have thus to be returned for each Province, the candidate first elected holding office for six years, the second candidate elected holding office for three years. A general election for the Council can only take place in the event of a deadlock between the two Houses and after a complex code of procedure has first been observed.

Conduct of elections

The election process is initiated by the issue of a Writ—the formal document issued on behalf of the Queen commanding the Returning Officer to whom it is addressed to

proceed to the holding of an election to fill the vacancy for a member for the electorate concerned.

Writs for every periodical election of the Council are issued by the President of the Legislative Council, except that, if in the opinion of the President it is desirable for the periodical election to be held conjointly with an Assembly general election, he may consent to the writs being issued by the Governor. Council by-election Writs are issued by the President; and all Writs for a general election for the Council must be issued by the Governor.

Writs for every general election of members of the Assembly are issued by the Governor. Writs for an Assembly by-election are issued by the Speaker of the Legislative Assembly.

The Writ specifies the date by which nominations for the vacancy are to be lodged, and requires the Returning Officer, if the election is contested, to conduct a poll on the date specified therein. The Writ must be returned to whoever issued it by a stipulated date with the name of the new member endorsed thereon.

Voting features of 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, whether they are within Australia or not, 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 elected, and sequential figures (2, 3, 4, etc.) indicating his relative degree of preferences being written opposite the names of the other candidates. Where an elector has so indicated his order of preference for all candidates except one, he is deemed 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., more than half the number of formal votes cast) 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, he is then 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, however, no such candidate has an absolute majority, the candidate with the fewest votes is declared defeated and the ballot-papers counted to him are then distributed

according to the preferences shown thereon among the various continuing or unexcluded candidates.

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, and the candidate next elected holds his seat for three years.

Areas of Provinces and Districts

The following tables show the areas of the Provinces of the Legislative Council and the Districts of the Legislative Assembly created by the redivision of 1975:

VICTORIA—LEGISLATIVE COUNCIL: AREAS OF PROVINCES (square kilometres)

State Electoral Province (a)	Area	State Electoral Province (a)	Area
Ballarat	12,354.00	Melbourne West	767.00
Bendigo	16,540.00	Monash	46.70
Boronia	446.00	North Eastern	25,513.00
Central Highlands	17,585.00	North Western	67,879.00
Chelsea	211.00	Nunawading	77.50
Doutta Galla	916.00	South Eastern	7,738.00
East Yarra	61.84	Templestowe	632.00
Geelong	462.00	Thomastown	1,127.00
Gippsland	38,115.00	Waverley	122.70
Higinbotham	61.74	Western	37,519.00
Melbourne	73.30		
Melbourne North	59.66	Total (b)	228,307.00

(a) See page 98 for number of electors and sitting members.

(b) The officially recognised "land area" of the State is 227,600 square kilometres. The difference of 707 square kilometres between "land" and "electoral" area is due to the inclusion of coastal waters such as Western Port and Corner Inlet in the electoral descriptions.

VICTORIA—LEGISLATIVE ASSEMBLY: AREAS OF DISTRICTS (square kilometres)

State Electoral District (a)	Area	State Electoral District (a)	Area
Albert Park	23.73	Gippsland South	7,243.00
Ascot Vale	19.90	Gisborne	6,799.00
Ballarat North	1,780.00	Glenhuntly	11.75
Ballarat South	2,970.00	Glenroy	16.87
Balwyn	16.17	Greensborough	92.84
Benalla	12,610.00	Hawthorn	12.30
Benambra	14,690.00	Heatherton	40.01
Bendigo	79.00	Ivanhoe	23.88
Bennettswood	18.55	Keilor	221.00
Bentleigh	12.84	Kew	19.63
Berwick	1,576.00	Knox	77.54
Box Hill	13.39	Lowan	20,200.00
Brighton	14.26	Malvern	13.30
Broadmeadows	64.67	Melbourne	28.68
Brunswick	13.02	Mentone	17.91
Bundoora	40.04	Midlands	8,310.00
Burwood	14.22	Mildura	29,590.00
Carrum	32.75	Mitcham	19.58
Caulfield	10.70	Monbulk	204.00
Coburg	17.86	Morwell	1,190.00
Dandenong	39.91	Murray Valley	4,270.00
Doncaster	33.09	Narracan	3,910.00
Dromana	344.00	Niddrie	32.20
Essendon	17.00	Noble Park	99.92
Evelyn	4,087.00	Northcote	16.70
Footscray	19.68	Oakleigh	18.30
Forest Hill	20.23	Polwarth	7,515.00
Frankston	45.69	Portland	13,900.00
Geelong East	243.00	Prahran	7.68
Geelong North	1,810.00	Preston	15.77
Geelong West	21.00	Reservoir	18.90
Gippsland East	29,630.00	Richmond	14.30

VICTORIA—LEGISLATIVE ASSEMBLY: AREAS OF DISTRICTS—*continued*
(square kilometres)

State Electoral District (a)	Area	State Electoral District (a)	Area
Ringwood	31.64	Swan Hill	18,420.00
Ripon	12,490.00	Syndal	24.43
Rodney	7,430.00	Wantirna	24.78
St Kilda	8.70	Warrandyte	123.00
Sandringham	18.03	Warrnambool	5,752.00
Shepparton	2,795.00	Werribee	974.00
South Barwon	2,546.00	Westernport	3,296.00
Springvale	32.06	Williamstown	29.22
Sunshine	34.82		
		Total (b)	228,307.00

(a) See table below for number of electors and sitting members.

(b) The officially recognised "land area" of the State is 227,600 square kilometres. The difference of 707 square kilometres between "land" and "electoral" area is due to the inclusion of coastal waters such as Western Port and Corner Inlet in the electoral descriptions.

Parliamentary elections

Legislative Assembly

At the Legislative Assembly election held on 3 April 1982, there were contests in all the eighty-one Electoral Districts. In sixty-nine of these contests, more than two candidates were engaged.

In forty-three of these sixty-nine 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 twenty-six contests, the leading candidate on the first count was elected in twenty instances but was defeated in the remaining six instances.

The following table shows the voting in general elections held for the Legislative Assembly since 1955:

VICTORIA—VOTING AT GENERAL ELECTIONS FOR THE LEGISLATIVE ASSEMBLY

Year of election	Whole State		Contested Districts			
	Electors enrolled	Electors enrolled	Votes recorded		Informal votes	
			Number	Percentage of voters	Number	Percentage of total votes recorded
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
1964	1,635,311	1,635,311	1,543,778	94.40	35,631	2.31
1967	1,723,981	1,723,981	1,625,239	94.27	51,384	3.16
1970	1,827,595	1,827,595	1,728,362	94.57	55,141	3.19
1973	2,088,984	2,088,984	1,954,005	93.54	56,691	2.90
1976	2,267,282	2,267,282	2,101,414	92.68	53,417	2.54
1979	2,350,407	2,350,407	2,193,037	93.30	66,016	3.01
1982	2,453,642	2,453,642	2,305,773	93.97	60,272	2.61

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

The following table shows certain particulars of the representation in the Legislative Assembly in which general elections have been held since 1955:

VICTORIA—PARLIAMENTARY REPRESENTATION IN THE LEGISLATIVE ASSEMBLY

Year of election	Number of members of Legislative Assembly	Mean population (a)	Average population per member	Number of electors enrolled on date of election	Average number of electors per member	Proportion of persons enrolled to total population
						per cent
1955	66	2,520,481	38,189	1,422,588	21,554	56.4
1958	66	2,717,371	41,172	1,478,065	22,395	54.4

VICTORIA—PARLIAMENTARY REPRESENTATION IN THE
LEGISLATIVE ASSEMBLY—*continued*

Year of election	Number of members of Legislative Assembly	Mean population (a)	Average population per member	Number of electors enrolled on date of election	Average number of electors per member	Proportion of persons enrolled to total population
						per cent
1961	66	2,926,075	44,334	1,554,856	23,558	53.1
1964	66	3,105,685	47,056	1,635,311	24,777	52.7
1967	73	3,277,183	44,893	1,723,981	23,616	52.6
1970	73	3,450,523	47,267	1,827,595	25,036	53.0
1973	73	3,627,357	49,690	2,088,984	28,616	57.6
1976	81	3,747,510	46,266	2,267,282	27,991	60.5
1979	81	3,853,560	47,575	2,350,407	29,017	60.9
1982	81	3,971,000	49,025	2,453,642	30,292	61.8

(a) Calendar year.

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 until 1955 for the Legislative Assembly can be found on page 86 of the *Victorian Year Book* 1961.

Legislative Council

The Legislative Council consists of forty-four members, representing twenty-two Provinces. Voting in elections held for the Legislative Council since 1955 is shown in the following table. At the triennial election held on 3 April 1982, there were contests in all Provinces and in seventeen of them more than two candidates were engaged.

In five of these seventeen 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 twelve contests, the leading candidate, on the first count, was elected in nine instances but was defeated in the remaining three instances.

The following table shows the voting in periodical elections held for the Legislative Council since 1955:

VICTORIA—VOTING AT PERIODICAL 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
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
1964	1,635,311	1,635,311	1,543,584	94.39	45,627	2.96
1967	1,723,981	1,723,981	1,625,371	94.28	59,895	3.69
1970	1,827,595	1,827,595	1,726,725	94.48	67,710	3.92
1973	2,088,984	2,088,984	1,953,462	93.51	74,354	3.81
1976	2,267,282	2,267,282	2,102,674	92.74	65,997	3.14
1979	2,350,407	2,350,407	2,191,128	93.22	77,361	3.53
1982	2,453,642	2,453,642	2,302,973	93.86	72,169	3.13

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

VICTORIAN REPRESENTATION IN THE COMMONWEALTH PARLIAMENT

Constitutional provisions*General*

The Commonwealth Parliament consists of the Queen, a Senate, and a House of Representatives. The Queen is represented in Australia by the Governor-General.

Senate

The founders of the Commonwealth Constitution had in mind that the Senate should give expression to the interests of the States as partners in the Federation; in other words,

the Senate should be a States' house. Accordingly, the proportional representation suggested by the varying populations of the States was disregarded, and it was provided that each State should be represented by six Senators; the first Senate in the first Parliament comprised 36 members of whom six represented Victoria. The numbers remained unchanged until the *Commonwealth Representation Act 1948* when each State became eligible to elect ten Senators. In 1973, the number of Senators was further increased by the Senate (Representation of Territories) Act which provided for the Australian Capital Territory and the Northern Territory to be each represented by two Senators. The term of office of these four Senators expires upon the dissolution of the House of Representatives.

The Senate was also envisaged as a house of review and accordingly continuity of membership was provided by requiring only one-half of the Senate to retire every three years, and for each Senator's term to be six years. If the normal pattern of three-yearly rotational retirement is broken by a double dissolution of both Houses, section 13 of the Constitution provides that the Senate shall divide the Senators chosen for each State into two classes, as nearly equal in number as practicable, and the places of the Senators of the first class shall become vacant at the expiration of three years and the places of those of the second class at the expiration of six years. In dividing the Senators into classes the Senate has adopted the practice of placing the first five Senators elected in each State in the second class and the other five Senators elected in the first class. After a normal rotational election, Senators' terms commence from the first day of the following July; in the case of an election for the whole Senate, terms commence from the first day of July preceding the election.

House of Representatives

In designing the House of Representatives, the founders envisaged a legislative body representing the national interest and provided that the number of members chosen in the several States must be in proportion to population, but that no original State should have less than five members. The first House of Representatives in 1901 had 75 members of whom 23 were elected in Victoria. The term of office was set as three years.

In 1948, the number of Senators was increased to 10 for each State and as a consequence the number of members in the House of Representatives was increased to 123—although only 121 were elected from the States; the Northern Territory and the Australian Capital Territory each had one member with restricted voting powers. The Australian Capital Territory representation was increased to two in 1974 and the members representing that Territory and the member representing the Northern Territory now have full voting rights.

Electoral redistributions were undertaken in all States after the 1947, 1954, 1961, 1966, and 1971 population censuses. As a result of amendment to the *Representation Act 1905* by the *Representation Amendment Act 1977*, an electoral redistribution was undertaken in all States in 1977 making the membership of the House of Representatives 124. The 1977 House of Representatives elections were conducted on the new boundaries and subsequent to those elections, State representation in the House of Representatives became: New South Wales, 43; Victoria, 33; Queensland, 19; South Australia, 11; Western Australia, 10; Tasmania, 5; the Australian Capital Territory, 2; and the Northern Territory, 1.

In 1979, pursuant to section 25(2)(b)(i) of the *Commonwealth Electoral Act*, an electoral redistribution was undertaken in Western Australia and as a result representation for that State was increased to 11 at the House of Representatives election held on 18 October 1980.

The following table shows the state of the House of Representatives at various election years:

AUSTRALIA—HOUSE OF REPRESENTATIVES: MEMBERSHIP

Year	N.S.W	Vic.	Qld	S.A.	W.A.	Tas.	N.T. (a)	A.C.T. (b)	Total
1948	28	20	10	6	5	5	1	..	75
1949 (c)	47	33	18	10	8	5	1	1	123
1955 (c)	46	33	18	11	9	5	1	1	124
1969 (c)	45	34	18	12	9	5	1	1	125
1974	45	34	18	12	10	5	1	2	127

AUSTRALIA—HOUSE OF REPRESENTATIVES: MEMBERSHIP—*continued*

Year	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	N.T. (a)	A.C.T. (b)	Total
1975	45	34	18	12	10	5	1	2	127
1977 (c)	43	33	19	11	10	5	1	2	124
1980 (d)	43	33	19	11	11	5	1	2	125
1983	43	33	19	11	11	5	1	2	125

(a) Representative in House since 1922; full voting rights granted in 1969.

(b) Representative in House since 1949; full voting rights granted in 1966.

(c) Election following an electoral redistribution.

(d) Election following an electoral redistribution in W.A. only.

Elections*Qualifications of voters for Commonwealth Government elections*

An elector on a Federal roll is required by law to vote both in elections for the House of Representatives and for the Senate. An elector is any person, male or female, not under 18 years of age who is a British subject, has lived in Australia for six months continuously, and whose name appears on the roll. (Commonwealth legislation reducing the voting age to 18 years became effective from 21 March 1973.) Residence in an electoral subdivision for at least one month is necessary to enable a qualified person to enrol. Enrolment is compulsory.

Qualifications of candidates—either House of the Commonwealth Parliament

Qualifications necessary for candidature for either House of the Commonwealth Parliament are possessed by any British subject, 18 years of age or over, who has resided in Australia for at least three years and who is, or who is qualified to become, an Australian elector.

The term of office for a Member of the House of Representatives is three years unless the House is dissolved earlier by the Governor-General.

Disqualification as elector or member

Grounds for disqualification as an elector include being of unsound mind, or being convicted and under sentence for offences punishable by imprisonment for a year or longer. Grounds for disqualification as a member of either House include these prohibitions and also the following: membership of the other House, being an undischarged bankrupt or insolvent, holding office for profit under the Crown (with certain exceptions), or having a pecuniary interest in any agreement with the Commonwealth Public Service except as a member of an incorporated company of more than 25 persons.

Elections for the Senate

In Senate elections each State is an electorate. Electors are required to cast a vote by indicating the order of their preference for every candidate standing within the State, and the election of members is carried out in accordance with the principles of proportional representation by the single transferable vote.

The provisions for the filling of vacancies in the Senate are now as follows:

“If the place of a Senator becomes vacant before the expiration of his term of service, the Houses of Parliament of the State for which he was chosen, sitting and voting together, or, if there is only one House of that Parliament, that House, shall choose a person to hold the place until the expiration of the term. But if the Parliament of the State is not in session when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of fourteen days from the beginning of the next session of the Parliament of the State or the expiration of the term, whichever first happens.

“Where a vacancy has at any time occurred in the place of a Senator chosen by the people of a State and, at the time when he was so chosen, he was publicly recognised by a particular political party as being an endorsed candidate of that party and publicly represented himself to be such a candidate, a person chosen or appointed under this section in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

"Where (a) in accordance with the last preceding paragraph, a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and (b) before taking his seat he ceases to be a member of that party (otherwise than by reason of the party having ceased to exist), he shall be deemed not to have been so chosen or appointed and the vacancy shall be again notified in accordance with section twenty-one of this Commonwealth Constitution.

"The name of any senator chosen or appointed under this section shall be certified by the Governor of the State to the Governor-General."

The following table lists the Senators for Victoria at 5 March 1983 together with the party affiliation and year of retirement of each Senator. Political party affiliations are indicated thus:

- (AD) Australian Democrats
- (ALP) Australian Labor Party
- (LP) Liberal Party of Australia
- (NP) National Party of Australia

AUSTRALIA—SENATE: VICTORIAN MEMBERS AT 5 MARCH 1983

Senator	Retires
Button, Hon. John Norman (ALP) (a)	1988
Chipp, Hon. Donald Leslie (AD)	1988
Evans, Hon. Gareth John (ALP) (a)	1988
Guilfoyle, Hon. Dame Margaret Georgina Constance D.B.E. (LP)	1988
Hamer, David John, D.S.C. (LP)	1985
Lewis, Austin William Russell (LP)	1988
Missen, Alan Joseph (LP)	1985
Primmer, Cyril Graham (ALP)	1985
Ray, Robert Francis (ALP)	1985
Zakharov, Alice Olive (ALP)	1985

(a) Sworn in as a Cabinet Minister on 11 March 1983.

Elections for the House of Representatives

Australia is divided into 125 single-member electorates and electors are required to cast a vote by indicating the order of their preference for every candidate standing within the electorate. Election of members is carried out in accordance with the principles of the absolute majority through use of the alternative vote. If a vacancy occurs in the House of Representatives, it is filled by holding a by-election in the electorate concerned. The last general election was held on 5 March 1983.

The following table lists the Victorian members of the House of Representatives elected on 5 March 1983 together with the party affiliation and electorate of each member:

AUSTRALIA—HOUSE OF REPRESENTATIVES: VICTORIAN MEMBERS ELECTED ON 5 MARCH 1983

Member	Division
Brumby, John Mansfield (ALP)	Bendigo
Cameron, Ewen Colin (LP)	Indi
Charles, David Ernest (ALP)	Isaacs
Child, Joan (ALP)	Henty
Chynoweth, Robert Leslie (ALP)	Flinders
Cunningham, Barry Thomas (ALP)	McMillan
Duffy, Michael John (ALP)	Holt
Fisher, Peter Stanley (NP)	Mallee
Fraser, Rt Hon. John Malcolm C.H. (LP)	Wannon
Griffiths, Alan Gordon (ALP)	Maribyrnong
Hand, Gerard Leslie (ALP)	Melbourne
Hawke, Hon. Robert James Lee A.C. (ALP)	Wills
Holding, Hon. Allan Clyde (ALP) (a)	Melbourne Ports
Howe, Brian Leslie (ALP)	Batman
Jenkins, Dr Henry Alfred (ALP)	Scullin
Jones, Hon. Barry Owen (ALP) (a)	Lalor

AUSTRALIA—HOUSE OF REPRESENTATIVES: VICTORIAN
MEMBERS ELECTED ON 5 MARCH 1983—*continued*

Member	Division
Kent, Lewis (ALP)	Hotham
Lloyd, Bruce (NP)	Murray
Macphee, Hon. Ian Malcolm (LP)	Balaclava
McGauran, Peter John (NP)	Gippsland
Mayer, Helen (ALP)	Chisholm
Mildren, John Barry (ALP)	Ballarat
Milton, Peter (ALP)	La Trobe
Peacock, Hon. Andrew Sharp (LP)	Kooyong
Saunderson, John (ALP)	Deakin
Scholes, Hon. Gordon Glen Denton (ALP) (a)	Corio
Shipton, Roger Francis (LP)	Higgins
Snedden, Rt Hon. Sir Billy Mackie K.C.M.G., Q.C. (LP)	Bruce
Staples, Peter Richard (ALP)	Diamond Valley
Street, Hon. Anthony Austin (LP)	Corangamite
Theophanous, Dr Andrew Charles (ALP)	Burke
Willis, Hon. Ralph (ALP) (a)	Gellibrand

(a) Sworn in as a Cabinet Minister on 11 March 1983.

Further references: *Referendums, Victorian Year Book* 1978, pp. 126–7; 1977 redistribution of electoral boundaries, 1979, pp. 103–5

BIBLIOGRAPHY

- AITKEN, D. A. and JINKS, B. *Australian political institutions*. Carlton. Pitman, 1980 (looseleaf).
- EVATT, H. V. *The King and his dominion governors: a study of the reserve powers of the Crown in Great Britain and the dominions*. Second edition. Melbourne, Cheshire, 1967.
- FORELL, C. R. *How we are governed*. Eighth edition. Melbourne, Longman Cheshire, 1978.
- HAY, P. R., WARD, I., and WARHURST, J. *Anatomy of an election*. Melbourne, Hill of Content, 1979.
- HOLMES, J. *The Government of Victoria*. Brisbane, University of Queensland Press, 1976.
- HUGHES, C. A. and GRAHAM, B. D. *A handbook of Australian government and politics, 1890–1964*. Canberra, Australian National University Press, 1968.
- HUGHES, C. A. and GRAHAM, B. D. *A handbook of Australian government and politics, 1965–1974*. Canberra, Australian National University Press, 1977. Annual supplements.
- JENKS, E. *The Government of Victoria (Australia)*. London, Macmillan and Co., 1891.
- LUMB, R. D. *Constitutions of the Australian states*. Fourth edition. Brisbane, University of Queensland Press, 1977.
- MAY, ERSKINE. *The law, privileges, proceedings, and usage of Parliament*. Nineteenth edition, London, Butterworths, 1976.
- One hundred years of responsible government in Victoria, 1856–1956*. Melbourne, Government Printer, 1957.
- RORKE, J., editor. *Politics at state level—Australia*. Sydney, University of Sydney, Department of Adult Education, 1970.
- THOMSON, K. and SERLE, G. *A biographical register of the Victorian Legislature, 1851–1900*. Canberra, Australian National University Press, 1972.
- Victorian Parliamentary handbook: the 49th Parliament*. Melbourne, Victorian Government Printer, 1982.