3 Government

OVERVIEW

There are three levels of government conducted within Australia. The Commonwealth, and State and Local governments in each of the six states and two territories co-ordinate and manage different aspects of policy, planning and administration associated with legislature, regulation and service delivery.

Information in this chapter relates to the system of Government administered in Victoria at each of these levels.

Commonwealth Constitution and Government

Under the Australian Constitution the legislative power of the Commonwealth of Australia is vested in the Parliament of the Commonwealth. The Queen, Australia's formal head of state, is represented by the Governor-General of Australia and the Governors of the six States, each of whom exercise the constitutional powers of a head of state in their respective spheres.

The Commonwealth Constitution grants the Commonwealth power in specific areas such as foreign affairs, defence, trade, postal services and telecommunications. Where the Commonwealth has no jurisdiction, or chooses not to exercise its powers, in areas such as the administration of public transport, police, fire and ambulance services, the States maintain responsibility. In practice, the administration and funding in some areas is shared. Education and health are examples.

The States and the Commonwealth each have democratically elected Parliaments derived from the British (Westminster) parliamentary system. Although many features of the Commonwealth Constitution (including the federal structure) are based on the constitution of the United States, the main features of the Westminster system have been retained. Most of the parliaments are bicameral (comprising an upper house and lower house) except for the Australian Capital Territory and the Northern Territory where government rests with a single house, and Queensland, where the upper house was abolished in 1922.

In the Commonwealth Parliament there are 76 members in the Upper House (Senate). Twelve members represent each State with 2 from each of the Territories. Elections for the Senate were last held on 2 March 1996.

Members of the Lower House (House of Representatives) are chosen by the constituents of electorates in each State to provide representation in Parliament for a maximum three year term. Following the March 1996 election there were 148 members of the Lower House comprising: New South Wales 50; Victoria 37; Queensland 26; Western Australia 14; South Australia 12; Tasmania 5, with the Australian Capital Territory and the Northern Territory having 3 and 1 respectively.

Victorian Constitution and Government

Victoria has been self-governed since 1851, with the first parliament formed in 1856. On 1 January 1901 Victoria ceased to be an independent colony and became a state of the newly formed Commonwealth of Australia.

Under the Victorian Constitution the Parliament of Victoria comprises the Crown (Governor of Victoria), the Legislative Council (Upper House) and the Legislative Assembly (Lower House).

The term of a Parliament is currently three years (minimum) with a mandatory general election required to take place during the fourth year.

The Governor is appointed for a five year term. The current Victorian Governor is the Honourable Richard E McGarvie, AC. His term is due to expire in April 1997. The Honourable Sir James Gobbo has been selected as Governor for the following term which will be of four years duration.

The Victorian Government Ministry, comprising the Premier and ministers, is drawn from both houses of Parliament. The support of the majority of members of the Lower House is required in order to form and empower the ministry to govern.

The Premier of Victoria is the leader of the Government in the Parliament. Government ministers assume a range of ministerial and portfolio responsibilities relating to the administration and provision of services to the people of Victoria.

The Victorian Government has responsibilities relating to the management of the State's finances, the provision of a range of services including health, education and public transport, and the administration of areas such as law and order, agricultural development, state-based public utilities and urban and regional development. The primary sources of revenue for the funding of these services is derived from Commonwealth Government Grants and State Government taxes.

The Legislative Council

There are 44 members of the Legislative Council representing 22 Electoral Provinces (two Councillors for each province). Members of the Legislative Council are elected for two terms of the Parliament. Half of the Council members are required to face re-election at any general election, which means that the Upper House never formally dissolves.

The Legislative Council is often referred to as the 'House of Review' and its primary role is to provide a 'second opinion' or review of bills and measures proposed by the Lower House.

The Presiding Officer of the Legislative Council is known as the President of the Council.

The Legislative Assembly

There are currently 88 members of the Legislative Assembly, each representing the constituents of a single Electoral District. Members are elected for the term of the parliament.

The Legislative Assembly or Lower House is also known as the seat of Government. The political party (or group of parliamentarians) who control the majority of support in the Legislative Assembly can form Government.

The Premier of the State is the leader of the majority of the Lower House. The official opposition is the largest grouping or political party which opposes the government.

The Presiding Officer of the Legislative Assembly is known as the Speaker and is a Lower House member selected by the Government. The Speaker is responsible for the conduct of the Lower House and along with the Presiding Officer of the Upper House, represents the Parliament on official and ceremonial occasions.

**Victorian
Government Ministry**

A simultaneous election for the Legislative Council and the Legislative Assembly of the Victorian Parliament was held on 23 March 1996. The Liberal Party/National Party Coalition, under the leadership of the Hon. Jeffrey Kennett, was re-elected. (Refer to page 40 of the 1996 Victorian Year Book for a list of Victorian Premiers, 1943 to 1996.)

Following the 1996 election the state of the parties was as follows: Legislative Council (Upper House) – Liberal Party 28 seats, Australian Labour Party 10 seats, National Party 6 seats. Legislative Assembly (Lower House) – Liberal Party 49 seats, Australian Labour Party 29 seats, National Party 9 seats, Independent 1 seat.

The Government Ministry consisted of the following members as at June 1996:

LEGISLATIVE ASSEMBLY

The Hon. Jeffrey Kennett	Premier, Minister for Multicultural Affairs, Minister for the Arts
The Hon. Alan Brown	Minister for Transport
The Hon. Phillip Gude	Minister for Education
The Hon. Ann Henderson	Minister for Housing, Minister responsible for Aboriginal Affairs
The Hon. Phil Honeywood	Minister for Tertiary Education and Training, Minister assisting the Premier on Multicultural Affairs
The Hon. Bill McGrath	Minister for Police and Emergency Services, Minister for Corrections
The Hon. Patrick McNamara	Leader of the National Party, Minister for Agriculture and Resources
The Hon. Robert Maclellan	Minister for Planning and Local Government
The Hon. Dr. Denis Napthine	Minister for Youth and Community Services
The Hon. Tom Reynolds	Minister for Sport, Minister for Rural Development
The Hon. Alan Stockdale	Treasurer, Minister for Multimedia
The Hon. Marie Tehan	Minister for Conservation and Land Management
The Hon. Jan Wade	Attorney-General, Minister for Fair Trading, Minister for Women's Affairs

LEGISLATIVE COUNCIL

The Hon. Louise Asher	Minister for Small Business, Minister for Tourism
The Hon. Mark Birrell	Minister for Industry, Science and Technology
The Hon. Geoff Craige	Minister for Roads and Ports
The Hon. Roger Hallam	Minister for Finance, Minister for Gaming
The Hon. Rob Knowles	Minister for Health, Minister for Aged Care

Source: Information Victoria, Department of State Development

Parliamentary Committees

An important component of the Parliamentary process is the work conducted by Parliamentary Committees. Parliament may form these investigatory committees to examine particular issues of interest to the Parliament. Such committees may be either 'standing' committees, which exist for the life of the Parliament, or 'select' committees, which exist for the duration of a particular investigation.

Currently there are nine standing committees. These are known in the Parliament of Victoria as Joint Investigatory Committees and comprise both Government and Opposition members from both houses. While investigating particular issues the Parliamentary Committees examine information from many sources, including public submissions. This process of investigation, consultation and debate, provides substantial input to the formation of new legislation. The current standing committees are as follows:

Drugs and Crime Prevention Committee;
Economic Development Committee;
Environment and Natural Resources Committee;
Family and Community Development Committee;
Federal–State Relations Committee;
Law Reform Committee;
Public Accounts and Estimates Committee;
Road Safety Committee; and
Scrutiny of Acts and Regulations Committee.

Victorian Government departments and statutory authorities

Victorian government departments and statutory authorities administer legislation, implement government policy, provide policy advice to government, and supply goods and services within Victoria.

In 1996, following the election, the 11 existing Victorian Government agencies were restructured to form the following eight departments:

Department of Premier and Cabinet including:
the Office of Multicultural Affairs; and Arts Victoria.

Department of Treasury and Finance including:
State Owned Enterprises; Workcover; the Victorian Casino and Gaming Authority; and Public Sector Industrial Relations.

Department of State Development including:
Industry and Employment; Science and Technology; Small Business Victoria; Tourism Victoria; Office of Rural Development; and Multi-Media.

Department of Education including:
Directorate of School Education; and Office of Technical and Further Education.

Department of Human Services including:
Health; The Aged; Housing; Aboriginal Affairs; Youth Affairs; and Community Services.

Department of Justice including:
Attorney-General; Women's Affairs; Office of Fair Trading; Victoria Police; Emergency Services; and Office of Corrections.

Department of Infrastructure including:
Planning and Local Government; Transport; and Roads and Ports.

Department of Natural Resources and the Environment including:
Agriculture Victoria; Agriculture and Catchment Management; Minerals and Petroleum; Fisheries Victoria; Forest Services; National Parks Victoria; and Land Management and Resource Unit.

Further information can be found in the Victorian Government Directory, which is compiled by Information Victoria, Department of State Development or on the Internet (http://www.vicnet.net.au).

Local Government administration

As at 30 June 1996, Victoria comprised, for local government purposes, 78 local government (municipal) districts. These municipalities included 31 Cities (including 4 Greater Cities), 6 Rural Cities, 40 Shires and 1 Borough.

There are several unincorporated areas of Victoria (i.e. not part of a municipality). These include: French Island (154 square kilometres) situated in Western Port Bay; Lady Julia Percy Island (1.3 square kilometres) located off Port Fairy, the Bass Strait Islands (3.8 square kilometres) and the Gippsland Lakes (part) (309 square kilometres).

In 1993, restructuring of local government in Victoria commenced, resulting in a reduction in the number of local government authorities from 210 to 78. Prior to this restructure, the number of municipal districts in Victoria had not changed since 1985 (when the Borough of Koroit merged with the Shire of Warrnambool) and before that, in 1968, when the number of municipalities had increased from 206 to 211.

The reduction in the number of municipal districts from 210 to 78 in 1992 followed a review by the Victorian Government and recommendations for the extensive restructure of local government in Victoria.

Environmental management, infrastructure, airports, urban growth and the metropolitan economy emerged as key issues for Melbourne municipalities during the review.

Changes in the administration of councils accompanied the local government restructure and commissioners were appointed to oversee each restructured municipality during the transitional period leading up to elections.

By June 1995, municipal councillors had been reinstated through local government elections in Greater Geelong, Surf Coast and Queenscliffe (Queenscliffe was not restructured and retained an elected council). By March 1996, an additional 19 municipalities had been returned to the administration of elected local government councillors.

Further change to the management of councils was undertaken through the introduction of Compulsory Competitive Tendering (CCT). Under this process each Council was responsible for the public tendering of at least 20% of its total operating expenditure in 1994–95. Tendering levels increased to 30% in 1995–96, with a further increase to 50% due in 1996–97.

Municipal councils have the power to enact by-laws in a number of specified areas. These powers relate to administration of roads and bridges, (for which there is a construction and maintenance responsibility); drainage; building control; community welfare, including infant and pre-school centres, home help, elderly citizens, and meals-on-wheels; garbage; and parking and traffic engineering.

REFERENCES

Non-ABS sources

Information Victoria, Department of State Development

Local Government Board – Victoria

Parliament of Victoria: Information Kit

Internet – http://www.vicnet.net.au

Photographs

Legislative Council chamber: Courtesy of the Library Committee of the Parliament of Victoria

Election results: Courtesy of the Victorian Electoral Commission