

CHAPTER TWO

GOVERNMENT

Parliamentary government

Scheme of parliamentary government

Under the Australian Constitution the legislative power of the Commonwealth of Australia is vested in the Parliament of the Commonwealth, which consists of the Queen, the Senate and the House of Representatives. The Queen is represented throughout the Commonwealth by the Governor-General. In each Australian State there is a State Governor, who is the representative of the Queen for the State. The Governor has such powers within the State as are conferred upon him by the Letters Patent constituting his office, and he exercises these powers in accordance with instructions issued to him by the Queen, detailing the manner in which his duties are to be fulfilled.

No Act of the Parliament of the United Kingdom passed after the commencement of the *Australia Act 1986* extends, or is deemed to extend, to the Commonwealth of Australia or to an Australian State or Territory as part of the law of the Commonwealth, of the State or of the Territory. Further, the restrictions that formerly existed on the legislative powers of the Parliaments of the States were removed by the Act.

In the Commonwealth Parliament the Upper House is known as the Senate, and in the bicameral State Parliaments as the Legislative Council. The Legislature in all States was bicameral until 1922 when the Queensland Parliament became unicameral upon the abolition of the Upper House. In the Commonwealth Parliament the Lower House is known as the House of Representatives; in the State Parliaments of New South Wales, Victoria, Queensland and Western Australia as the Legislative Assembly; and in the State Parliaments of South Australia and Tasmania as the House of Assembly. The single House of Parliament in Queensland is known as the Legislative Assembly. The extent of the legislative powers of each of the seven Parliaments is defined by the Australian and State Constitutions respectively. In those States that have a bicameral legislature, the Legislative Assembly or House of Assembly, as the case may be, is the larger House.

The members of the Parliaments of each State are elected by the people, the franchise extending to Australian citizens who are at least 18 years of age and possess certain residential qualifications. For the Commonwealth Parliament the qualifications for the franchise are identical for both Houses, extending to Australian citizens and British subjects who are on the Commonwealth Electoral Roll and who are not less than 18 years of age.

The Sovereign

On 7 February 1952 the then Governor-General of the Commonwealth of Australia, acting with advice of members of the Federal Executive Council, proclaimed Princess Elizabeth as Queen Elizabeth the Second, Queen of this Realm and of all Her other Realms and Territories, Head of the Commonwealth, Defender of the Faith, Supreme Liege Lady in and over the Commonwealth of Australia. The coronation of Her Majesty took place in Westminster Abbey on 2 June 1953. By the *Royal Style and Titles Act 1973*, which Her Majesty assented to in Canberra on 19 October 1973, the Commonwealth Parliament assented to the adoption by Her Majesty, for use in relation to Australia and its Territories, of the Style and Titles set out in the Schedule to that Act. On the same day, also in Canberra, Her Majesty issued a Proclamation, under the Great Seal of Australia, appointing and declaring that Her Majesty's Style and Titles should henceforth be, in relation to Australia and its Territories, 'Elizabeth the Second, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth'.

The Governor-General

Powers and functions

Under the Australian Constitution, the Governor-General exercises the executive power of the Commonwealth of Australia, and certain other powers and functions conferred by the Constitution that include, among others, the powers to appoint times for holding the sessions of the Parliament, to prorogue Parliament, and to dissolve the House of Representatives; to cause writs to be issued for general elections of members of the House of Representatives; to assent in the Queen's name to a proposed law passed by both Houses of the Parliament; to choose and summon Executive Councillors, who hold office during the Governor-General's pleasure; and to appoint Ministers of State for the Commonwealth of Australia. In addition, the command-in-chief of the Defence Force of the Commonwealth of Australia is vested in the Governor-General as the Queen's representative.

Many Acts of the Commonwealth Parliament provide that the Governor-General may make regulations to give effect to the Acts. The Governor-General may also be authorised by statute to issue proclamations—for example, to declare an Act in force. He has been given power by statute to legislate for certain of the Australian Territories. Under the provisions of the Constitution, as well as by the conventions of responsible government in British Commonwealth countries, the Governor-General's executive functions are exercised on the advice of Ministers of State.

The present Governor-General is His Excellency the Right Honourable Sir Ninian Martin Stephen, A.K., G.C.M.G., G.C.V.O., K.B.E., who has held office since 29 July 1982.

Holders of office

The names of the persons who have held the office of Governor-General from the inception of the Commonwealth of Australia are listed in *Year Book* No. 61.

Administrators

In addition to the holders of the office of Governor-General, certain persons have, from time to time, been appointed by the Queen to administer the Government of the Commonwealth of Australia. These persons are appointed in the event of the death, incapacity, removal from office or absence from Australia of the Governor-General.

Governors of the States

Powers and functions

The Queen is represented in each of the Australian States by a Governor, the office having been constituted by Letters Patent issued under the Great Seal of the United Kingdom on various dates. The Governors of the States exercise prerogative powers conferred on them by these Letters Patent, their commissions of appointment and the Governor's Instructions given them under the Royal Sign Manual and Signet or other instrument, as specified in the Letters Patent. In addition, they have been invested with various statutory functions by State Constitutions and the Commonwealth *Australia Act 1986*, as well as under the Acts of the Parliaments of the States.

A Governor of a State assents in the Queen's name to Bills passed by the Parliament of the State. Since the enactment of the *Australia Act*, an Act of Parliament of a State that has been assented to by the Governor of the State is no longer subject to disallowance by the Queen or suspension pending signification of the Queen's pleasure. The Governor administers the prerogative of mercy by the reprieve or pardon of criminal offenders within his jurisdiction, and may remit fines and penalties due to the Crown in right of the State. In the performance of his functions generally, particularly those conferred by statute, the Governor of a State acts on the advice of Ministers of State for the State.

STATE GOVERNORS, HOLDERS OF OFFICE, OCTOBER 1987

New South Wales	His Excellency AIR MARSHAL SIR JAMES ANTHONY ROWLAND, A.C., K.B.E., D.F.C., A.F.C.
Victoria	His Excellency DR DAVIS MCCAUGHEY, A.C.
Queensland	His Excellency the Honourable SIR WALTER BENJAMIN CAMPBELL, Q.C.
Western Australia	His Excellency PROFESSOR GORDON STANLEY REID, A.C.
South Australia	His Excellency LT-GEN. SIR DONALD BEAUMONT DUNSTAN, K.B.E., C.B.
Tasmania	His Excellency SIR PHILLIP HARVEY BENNETT, K.B.E., A.O., D.S.O.

Commonwealth Government Ministries

The following list shows the name of each Commonwealth Government Ministry to hold office since 1 January 1901 and the limits of its term of office.

COMMONWEALTH GOVERNMENT MINISTRIES, 1901 TO 1987

(i)	BARTON MINISTRY	1 January 1901 to 24 September 1903
(ii)	DEAKIN MINISTRY	24 September 1903 to 27 April 1904
(iii)	WATSON MINISTRY	27 April 1904 to 17 August 1904
(iv)	REID-MCLEAN MINISTRY	18 August 1904 to 5 July 1905
(v)	DEAKIN MINISTRY	5 July 1905 to 13 November 1908
(vi)	FISHER MINISTRY	13 November 1908 to 2 June 1909
(vii)	DEAKIN MINISTRY	2 June 1909 to 29 April 1910
(viii)	FISHER MINISTRY	29 April 1910 to 24 June 1913
(ix)	COOK MINISTRY	24 June 1913 to 17 September 1914
(x)	FISHER MINISTRY	17 September 1914 to 27 October 1915
(xi)	HUGHES MINISTRY	27 October 1915 to 14 November 1916
(xii)	HUGHES MINISTRY	14 November 1916 to 17 February 1917
(xiii)	HUGHES MINISTRY	17 February 1917 to 8 January 1918
(xiv)	HUGHES MINISTRY	10 January 1918 to 9 February 1923
(xv)	BRUCE-PAGE MINISTRY	9 February 1923 to 29 April 1929
(xvi)	SCULLIN MINISTRY	22 October 1929 to 6 January 1932
(xvii)	LYONS MINISTRY	6 January 1932 to 7 November 1938
(xviii)	LYONS MINISTRY	7 November 1938 to 7 April 1939
(xix)	PAGE MINISTRY	7 April 1939 to 26 April 1939
(xx)	MENZIES MINISTRY	26 April 1939 to 14 March 1940
(xxi)	MENZIES MINISTRY	14 March 1940 to 28 October 1940
(xxii)	MENZIES MINISTRY	28 October 1940 to 29 August 1941
(xxiii)	FADDEN MINISTRY	29 August 1941 to 7 October 1941
(xxiv)	CURTIN MINISTRY	7 October 1941 to 21 September 1943
(xxv)	CURTIN MINISTRY	21 September 1943 to 6 July 1945
(xxvi)	FORDE MINISTRY	6 July 1945 to 13 July 1945
(xxvii)	CHIFLEY MINISTRY	13 July 1945 to 1 November 1946
(xxviii)	CHIFLEY MINISTRY	1 November 1946 to 19 December 1949
(xxix)	MENZIES MINISTRY	19 December 1949 to 11 May 1951
(xxx)	MENZIES MINISTRY	11 May 1951 to 11 January 1956
(xxxi)	MENZIES MINISTRY	11 January 1956 to 10 December 1958
(xxxii)	MENZIES MINISTRY	10 December 1958 to 18 December 1963
(xxxiii)	MENZIES MINISTRY	18 December 1963 to 26 January 1966
(xxxiv)	HOLT MINISTRY	26 January 1966 to 14 December 1966
(xxxv)	HOLT MINISTRY	14 December 1966 to 19 December 1967
(xxxvi)	MCEWEN MINISTRY	19 December 1967 to 10 January 1968
(xxxvii)	GORTON MINISTRY	10 January 1968 to 28 February 1968
(xxxviii)	GORTON MINISTRY	28 February 1968 to 12 November 1969
(xxxix)	GORTON MINISTRY	12 November 1969 to 10 March 1971
(xl)	MCMAHON MINISTRY	10 March 1971 to 5 December 1972
(xli)	WHITLAM MINISTRY	5 December 1972 to 19 December 1972
(xlii)	WHITLAM MINISTRY	19 December 1972 to 11 November 1975
(xliii)	FRASER MINISTRY	11 November 1975 to 22 December 1975
(xliv)	FRASER MINISTRY	22 December 1975 to 20 December 1977
(xlv)	FRASER MINISTRY	20 December 1977 to 3 November 1980
(xlvi)	FRASER MINISTRY	3 November 1980 to 11 March 1983
(xlvii)	HAWKE MINISTRY	11 March 1983 to 1 December 1984
(xlviii)	HAWKE MINISTRY	1 December 1984 to 24 July 1987
(xlix)	HAWKE MINISTRY	24 July 1987

In *Year Book* No.17, 1924, the names are given of each Ministry up to the Bruce-Page Ministry together with the names of the successive holders of portfolios therein. *Year Book* No. 39 contains a list which covers the period between 9 February 1923, the date on which the Bruce-Page Ministry assumed power, and 31 July 1951, showing the names of all persons who held office in each Ministry during that period. The names of members of subsequent

Ministries are listed in issues of the *Year Book* from No. 39 to No. 61 inclusive, and in successive issues from No. 64.

This issue shows particulars of the Third Hawke Ministry (at September 1987).

LEADERS OF THE GOVERNMENT, SEPTEMBER 1987

Commonwealth	THE HON. R. J. L. HAWKE, A.C., M.P. (VIC.) (A.L.P.)
New South Wales	THE HON. B. UNSWORTH, M.L.A. (A.L.P.)
Victoria	THE HON. J. CAIN, M.L.A. (A.L.P.)
Queensland	THE HON. SIR J. BJELKE-PETERSEN, K.C.M.G., M.L.A. (N.P.)
Western Australia	THE HON. B. T. BURKE, M.L.A. (A.L.P.)
South Australia	THE HON. J. C. BANNON, M.P. (A.L.P.)
Tasmania	THE HON. R. T. GRAY, M.H.A. (L.P.)
Northern Territory	THE HON. S. P. HATTON, M.L.A. (C.L.P.)

COMMONWEALTH GOVERNMENT

Third Hawke Ministry—at September 1987

* Prime Minister	THE HON. R. J. L. HAWKE, A.C., M.P.
* Special Minister of State Minister Assisting the Prime Minister for the Status of Women and for the Bicentenary Minister Assisting the Minister for Community Services and Health	SENATOR THE HON. S. RYAN
* Deputy Prime Minister Attorney-General Minister Assisting the Prime Minister for Commonwealth—State Relations Minister for Justice Minister for Consumer Affairs and Minister assisting the Treasurer for Prices	THE HON. L. BOWEN, M.P. SENATOR THE HON. M. TATE THE HON. P. STAPLES, M.P.
* Leader of the Government in the Senate Minister for Industry, Technology and Commerce Minister for Science and Small Business	SENATOR THE HON. J. BUTTON THE HON. B. O. JONES, M.P.
* Deputy Leader of the Government in the Senate Manager of Government Business in the Senate Minister for Transport and Communications Minister for Land Transport and Infrastructure Support	SENATOR THE HON. G. EVANS, Q.C. THE HON. P. DUNCAN, M.P.
* Treasurer	THE HON. P. J. KEATING, M.P.
* Minister for Immigration, Local Government and Ethnic Affairs Vice-President of the Executive Council Leader of the House Minister Assisting the Prime Minister for Multicultural Affairs Minister for Local Government	THE HON. M. J. YOUNG, M.P. SENATOR THE HON. M. REYNOLDS
* Minister for Finance	SENATOR THE HON. P. WALSH
* Minister for Foreign Affairs and Trade Minister for Trade Negotiations Minister Assisting the Minister for Industry, Technology and Commerce Minister Assisting the Minister for Primary Industries and Energy	THE HON. B. HAYDEN, M.P. THE HON. M. DUFFY, M.P.
* Minister for Industrial Relations Minister Assisting the Prime Minister for Public Service Matters	THE HON. R. WILLIS, M.P.

Third Hawke Ministry—at September 1987—continued

* Minister for Employment, Education and Training Minister for Employment Services and Youth Affairs Minister Assisting the Treasurer	THE HON. J. S. DAWKINS, M.P. THE HON. A. C. HOLDING, M.P.
* Minister for Defence Minister for Defence Science and Personnel	THE HON. K. C. BEAZLEY, M.P. THE HON. R. KELLY, M.P.
* Minister for Primary Industries and Energy Minister for Resources	THE HON. J. KERIN, M.P. THE HON. P. MORRIS, M.P.
* Minister for Social Security	THE HON. B. HOWE, M.P.
* Minister for Administrative Services Minister for Home Affairs Deputy Manager of Government Business in the Senate	THE HON. S. WEST, M.P. SENATOR THE HON. R. RAY
* Minister for the Arts, Sport, the Environment, Tourism and Territories Minister for the Environment and the Arts	THE HON. J. BROWN, M.P. SENATOR THE HON. G. RICHARDSON
* Minister for Community Services and Health Minister for Veterans' Affairs Minister for Aboriginal Affairs	THE HON. N. BLEWETT, M.P. THE HON. B. HUMPHREYS, M.P. THE HON. G. L. HAND, M.P.

NOTE: * Minister in the Cabinet

The Leader of the Opposition plays an important part in the Party system of government which operates in the Australian Parliaments. The following list gives the names of the holders of this position in each of the Parliaments in August 1987.

LEADERS OF THE OPPOSITION, AUGUST 1987

Commonwealth	THE HON. J. W. HOWARD, M.P. (L.P.)
New South Wales	The HON. N. F. GREINER, M.L.A. (L.P.)
Victoria	THE HON. J. G. KENNETT, M.L.A. (L.P.)
Queensland	N. G. WARBURTON, M.L.A. (A.L.P.)
Western Australia	B. J. MACKINNON, M.L.A. (L.P.)
South Australia	J. W. OLSEN, M.P. (L.P.)
Tasmania	The Hon. N. L. C. BATT, M.H.A. (A.L.P.)
Northern Territory	T. E. SMITH, M.L.A. (A.L.P.)

Numbers and salaries of Commonwealth Government Ministers

Under sections 65 and 66, respectively, of the Australian Constitution the number of Ministers of State was not to exceed seven, and the annual sum payable for their salaries was not to exceed £12,000, each provision to operate, however, 'until the Parliament otherwise provides'.

Subsequently, the number and salaries have increased from time to time, and as at 1 September 1987 the number of Ministers was 30 and ministerial salaries ranged from \$22,683 for a Minister other than the Prime Minister, Deputy Prime Minister, Treasurer or Leader of the Government in the Senate to \$50,156 for the Prime Minister. An additional ministerial allowance of \$24,134 a year is payable to the Prime Minister, \$14,233 a year to the Deputy Prime Minister, \$12,068 a year to the Treasurer, the Leader of the House and the Leader of the Government in the Senate, and \$9,901 a year to other Ministers.

All amounts shown in the foregoing paragraphs are in addition to amounts payable as Parliamentary allowances.

Parliaments and elections

The Commonwealth Parliaments

The first Parliament of the Commonwealth of Australia was convened by proclamation dated 29 April 1901 by His Excellency the Marquis of Linlithgow, then Earl of Hopetoun, Governor-General. It was opened on 9 May 1901 by H.R.H. the Duke of Cornwall and York. The Rt Hon. Sir Edmund Barton, G.C.M.G., K.C., was Prime Minister.

The following table shows the number and duration of Parliaments since Federation.

COMMONWEALTH PARLIAMENTS

<i>Number of Parliament</i>	<i>Date of opening</i>	<i>Date of dissolution</i>
First	9 May 1901	23 November 1903
Second	2 March 1904	5 November 1906
Third	20 February 1907	19 February 1910
Fourth	1 July 1910	23 April 1913
Fifth	9 July 1913	30 July 1914 (a)
Sixth	8 October 1914	26 March 1917
Seventh	14 June 1917	3 November 1919
Eighth	26 February 1920	6 November 1922
Ninth	28 February 1923	3 October 1925
Tenth	13 January 1926	9 October 1928
Eleventh	6 February 1929	16 September 1929
Twelfth	20 November 1929	27 November 1931
Thirteenth	17 February 1932	7 August 1934
Fourteenth	23 October 1934	21 September 1937
Fifteenth	30 November 1937	27 August 1940
Sixteenth	20 November 1940	7 July 1943
Seventeenth	23 September 1943	16 August 1946
Eighteenth	6 November 1946	31 October 1949
Nineteenth	22 February 1950	19 March 1951 (a)
Twentieth	12 June 1951	21 April 1954
Twenty-first	4 August 1954	4 November 1955
Twenty-second	15 February 1956	14 October 1958
Twenty-third	17 February 1959	2 November 1961
Twenty-fourth	20 February 1962	1 November 1963
Twenty-fifth	25 February 1964	31 October 1966
Twenty-sixth	21 February 1967	29 September 1969
Twenty-seventh	25 November 1969	2 November 1972
Twenty-eighth	27 February 1973	11 April 1974 (a)
Twenty-ninth	9 July 1974	11 November 1975 (a)
Thirtieth	17 February 1976	8 November 1977
Thirty-first	21 February 1978	19 September 1980
Thirty-second	25 November 1980	4 February 1983 (a)
Thirty-third	21 April 1983	26 October 1984
Thirty-fourth	21 February 1985	5 June 1987 (a)
Thirty-fifth	14 September 1987	—

(a) A dissolution of both the Senate and the House of Representatives was granted by the Governor-General under section 57 of the Constitution.

The thirty-fourth Parliament ended on 5 June 1987 when both houses were dissolved. Writs were issued by the Governor-General on 5 June 1987 for elections in all States and Territories. The election was announced for 11 July 1987. The thirty-fifth Parliament opened on 14 September 1987.

Qualifications for membership and for franchise—Commonwealth Parliament

Any Australian citizen, 18 years of age or over and who is, or is qualified to become, an elector of the Commonwealth Parliament is qualified for membership of either house of the

Commonwealth Parliament. Any Australian citizen (or British subject who was on the Commonwealth Roll as at 25 January 1984) over 18 years of age is qualified to enrol and vote at federal elections. Residence in a subdivision for a period of one month before enrolment is necessary to enable a qualified person to enrol. Enrolment and voting are compulsory for all eligible persons.

The principal reasons for disqualification of persons otherwise eligible for election as members of either Commonwealth House are: membership of the other House; allegiance to a foreign power; being attainted of treason; being convicted and under sentence for any offence punishable by imprisonment for one year or longer; being an undischarged bankrupt or insolvent; holding an office of profit under the Crown (with certain exceptions); or having a pecuniary interest in any agreement with the public service of the Commonwealth except as a member of an incorporated company of more than 25 persons. Persons convicted of treason and not pardoned, or convicted and under sentence for any offence punishable by imprisonment for five years or longer, or of unsound mind, or persons who are holders of temporary entry permits under the *Migration Act 1958* or are prohibited non-citizens under that Act, are excluded from enrolment and voting.

Commonwealth Parliaments and elections

From the establishment of the Commonwealth of Australia until 1949 the Senate consisted of 36 members, 6 being returned by each of the original federating States. The Australian Constitution empowers the Commonwealth Parliament to increase or decrease the size of the Parliament, and, as the population of Australia had more than doubled since its inception, the Parliament passed the *Representation Act 1948* which provided that there should be 10 Senators from each State instead of 6, thus increasing the total to 60 Senators, enlarging both Houses of Parliament and providing a representation ratio nearer to the proportion which existed at Federation. The *Representation Act 1983* further provided for 12 Senators for each State from the first meeting of the thirty-fourth Parliament.

The *Senate (Representation of Territories) Act 1973* made provision for two Senators to be elected from both the Northern Territory and the Australian Capital Territory. Elections for the Territory Senators are held at the same time as general elections for the House of Representatives.

In accordance with the Constitution, the total number of State Members of the House of Representatives must be as nearly as practicable twice the total number of State Senators. Consequent upon the increase in the size of the Senate in 1949, the number of State Members was increased from 74 to 121. In 1955 there were 122 State Members; in 1969, 123; in 1974, 124; in 1977, 121; in 1980, 122. From the first meeting of the thirty-fourth Parliament, there was a further increase of 23 to 145 State Members flowing from the increase in the number of State Senators to 72.

Redistribution of the States into electoral divisions has taken place in 1949, 1955, 1968, 1974 (Western Australia only), 1977, 1979 (Western Australia only) and 1984. The quota (or average number) of electors is the basis for electoral distribution. The Redistribution Committee may vary the enrolment of electorates by up to 10 per cent in order to achieve equality in enrolment midway between redistributions and to take account of economic, social and regional interests, means of communication and travel, the trend of population changes, physical features and area, and existing boundaries of electoral divisions.

The Electoral Commissioner determines the representation entitlements of the States during the twelfth month of the life of each Parliament. Determinations are based on the latest population statistics as provided by the Australian Statistician. Should the representation entitlement of a State change, a redistribution is mandatory. The representation entitlements of the States at the three most recent determinations are shown in the following table.

REPRESENTATION ENTITLEMENTS OF THE STATES

State	1979	1981	1984
New South Wales	43	43	51
Victoria	33	33	39
Queensland	19	19	24
South Australia	11	11	13
Western Australia	11	11	13
Tasmania	5	5	5
Total	122	122	145

From 1922 to 1968 the Northern Territory was represented in a limited capacity by one member in the House of Representatives. In May 1968 the *Northern Territory Representation Act 1922* was amended to give full voting rights to the Member for the Northern Territory effective from 15 May 1968, the day on which the Act received Royal Assent.

From 1948 to 1967 the Australian Capital Territory was represented in a limited capacity by one member in the House of Representatives. The Member for the Australian Capital Territory was granted full voting rights on 21 February 1967.

Following the passing of the *Australian Capital Territory Representation (House of Representatives) Act 1973* the Australian Capital Territory was divided into two electoral divisions.

Members of the House of Representatives are elected for the duration of the Parliament, which is limited to three years. At elections for Senators the whole State constitutes the electorate. For the purpose of elections for the House of Representatives the State is divided into single electorates corresponding in number to the number of members to which the State is entitled.

In 1948, amendments to the *Commonwealth Electoral Act 1918* changed the system of scrutiny and counting of votes in Senate elections from the alternative vote to that of proportional representation. The method of voting for both the Senate and the House of Representatives is preferential.

Particulars of voting at Senate elections and elections for the House of Representatives up to 1984 appear in earlier issues of the *Year Book*. Additional information is available in the *Election Statistics* issued by the Electoral Commissioner following each election and printed as Parliamentary Papers.

The numbers of electors and of primary votes cast for the major political parties in each State and Territory at the latest election for each House of the Commonwealth Parliament were as follows:

COMMONWEALTH PARLIAMENT ELECTIONS 11 JULY 1987

	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	N.T.	A.C.T.	Australia
HOUSE OF REPRESENTATIVES									
Electors enrolled	3,555,060	2,698,034	1,707,161	942,880	906,677	300,763	79,921	162,717	10,353,213
Number of votes recorded for—									
Australian Labor Party	1,439,098	1,139,361	683,639	366,985	377,575	118,077	26,794	79,791	4,231,320
Liberal Party	1,059,597	922,474	319,607	350,224	332,305	140,217	..	44,806	3,169,230
National Party	374,466	154,073	438,625	30,933	54,873	..	9,826	..	1,062,796
Country Liberal Party . . . . .	..	..	..	..	..	..	20,551	..	20,551
Australian Democrats	201,924	163,088	74,215	64,163	27,302	16,371	..	10,124	557,187
Unite Australia Party	1,837	5,427	..	7,327	..	..	..	..	14,591
Others	108,077	42,268	4,402	4,197	3,113	..	..	13,267	175,324
Formal votes	3,184,999	2,426,691	1,520,488	823,829	795,168	274,665	57,171	147,988	9,230,999
Informal votes	152,724	133,774	53,613	60,378	55,778	14,297	3,488	5,328	479,380
Total votes recorded	3,337,723	2,560,465	1,574,101	884,207	850,946	288,962	60,659	153,316	9,710,379
SENATE									
Electors enrolled	3,555,060	2,698,034	1,707,161	942,880	906,677	300,763	79,921	162,717	10,353,213
Number of votes recorded for—									
Australian Labor Party	1,355,792	1,086,513	643,094	354,747	354,328	113,638	30,872	74,876	4,013,860
Liberal Party . . . . .	..	878,899	275,085	328,039	324,028	108,039	..	51,090	1,965,180
National Party . . . . .	..	140,143	439,618	29,954	45,787	..	8,892	..	664,394
Liberal-National Party	1,289,888	..	..	..	..	..	..	..	1,289,888
Country Liberal Party . . . . .	..	..	..	..	..	..	19,970	..	19,970
Australian Democrats	290,049	211,043	115,456	95,831	47,534	18,841	..	15,353	794,107
Unite Australia Party	5,458	11,213	1,638	4,775	1,620	..	..	..	24,704
Nuclear Disarmament Party	48,998	28,352	17,411	..	..	..	..	..	94,761
Vallentine Peace Group . . . . .	..	..	..	..	40,048	..	..	..	40,048
Brian Harradine Group . . . . .	..	..	..	..	..	37,037	..	..	37,037
Others	206,289	113,443	38,058	43,696	14,338	1,305	1,783	8,819	427,731
Formal votes	3,196,474	2,469,606	1,530,360	857,042	827,683	278,860	61,517	150,138	9,371,680
Informal votes	164,542	102,382	49,609	33,514	28,284	11,119	2,374	3,608	395,432
Total votes recorded	3,361,016	2,571,988	1,579,969	890,556	855,967	289,979	63,891	153,746	9,767,112

The state of the parties in each House at the commencement of the thirty-fifth Parliament was: *Senate*—Australian Labor Party 32; Liberal Party of Australia 27; National Party of Australia 6; Australian Democrats 7; Country Liberal Party 1; Brian Harradine Group 1; Vallentine Peace Group 1; Nuclear Disarmament Party 1; *House of Representatives*—Australian Labor Party 86; Liberal Party of Australia 43; National Party of Australia 19.

Referendums

In accordance with section 128 of the Constitution, any proposed law for the alteration of the Constitution, in addition to being passed by an absolute majority of each House of Parliament, must be submitted to a referendum of the electors in each State and Territory and must be approved by a majority of the electors in a majority of the States and by a majority of all the voters who voted before it can be presented for Royal Assent.

Since 1901, 38 proposals have been submitted to referendums and the consent of the electors has been received in 8 cases: the first in relation to the election of Senators in 1906, the second and third in respect of State Debts—one in 1910 and the other in 1928, the fourth in respect of Social Services in 1946 and the fifth in respect of Aborigines in 1967. The remaining three proposals in relation respectively to Senate casual vacancies, maximum retirement age for justices of the High Court and judges of other Federal Courts, and the right of electors in the Territories to vote in referendums for the alteration of the Constitution, were approved in May 1977. In addition to referendums for alterations of the Constitution, other Commonwealth referendums have been held—2 prior to Federation regarding the proposed Constitution and 2 regarding military service during the 1914–1918 War. A National song poll was held on 21 May 1977. Voting was preferential and after the distribution of preferences *Advance Australia Fair* became the National song of Australia.

For further details of referendums see *Year Book No. 52*, pages 66–68, *Year Book No. 60*, pages 90–91, *Year Book No. 62*, pages 72–73 and *Year Book No. 70*, pages 55–56.

The Parliaments of the States

This section contains summarised information; for greater detail refer to *State Year Books*.

STATE OF THE PARTIES IN COMMONWEALTH AND STATE PARLIAMENTS OCTOBER 1987

Commonwealth

House of Representatives—

A.L.P.	86
L.P.	43
N.P.A.	19

Senate—

A.L.P.	32
L.P.	27
A.D.	7
N.P.A.	6
IND.	2
N.D.P.	1

New South Wales

Legislative Assembly—

A.L.P.	55
L.P.	23
N.P.A.	16
IND.	5

Legislative Council—

A.L.P.	24
L.P.	11
N.P.A.	6
IND.	3
A.D.	1

Victoria

Legislative Assembly—

A.L.P.	47
L.P.	31
N.P.A.	10

Legislative Council—

A.L.P.	22
L.P.	17
N.P.A.	5

Queensland

Legislative Assembly—

N.P.A.	49
A.L.P.	30
L.P.	10

STATE OF THE PARTIES IN COMMONWEALTH AND STATE PARLIAMENTS
OCTOBER 1987—continued

South Australia			
<i>House of Assembly—</i>			<i>Legislative Council—</i>
A.L.P.	27	A.L.P.	10
IND. Labour	2	L.P.	10
L.P.	16	A.D.	2
N.C.P.	1		
IND. Lib	1		
Western Australia			
<i>Legislative Assembly—</i>			<i>Legislative Council—</i>
A.L.P.	32	A.L.P.	16
L.P.	18	L.P.	14
N.P.A.	7	N.P.A.	4
Tasmania			
<i>House of Assembly—</i>			<i>Legislative Council—</i>
L.P.	19	A.L.P.	1
A.L.P.	14	IND.	17
IND.	2		
Northern Territory			
<i>Legislative Assembly—</i>			
C.L.P.	16		
A.L.P.	9		
IND.	2		
N.T.N.P.	1		

NOTE: Explanation of abbreviations:

A.D.—Australian Democrats; A.L.P.—Australian Labor Party; C.L.P.—Country-Liberal Party; IND—Independent; L.P.—Liberal Party; N.D.P.—Nuclear Disarmament Party; N.P.A.—National Party of Australia; N.T.N.P.—Northern Territory National Party.

Outlay on parliamentary government

The accompanying table shows, in broad groups, the expenditure incurred in the operation of the parliamentary system in Australia, comprising the Governor-General and Governors, the Ministries, the Upper and Lower Houses of Parliament, and electoral activities; *it does not attempt to cover the expenditure on Commonwealth and State administration generally.* Only broad groups are shown, but even these are not entirely comparable because of differences in accounting procedures and in the presentation of accounts. Expenditure under the head of Governor-General or Governor includes salaries of Government House staffs and maintenance of residences, official establishments, grounds, etc., and expenditure on capital works and services.

OUTLAY ON PARLIAMENTARY GOVERNMENT, 1985–86 (\$'000)

<i>Expenditure group</i>	<i>Cwth</i>	<i>N.S.W.</i>	<i>Vic.</i>	<i>Qld</i>	<i>S.A.</i>	<i>W.A.</i>	<i>Tas.</i>	<i>N.T.</i>	<i>Total</i>
Governor-General (a)	4,005	1,153	1,928	991	1,008	1,010	923	888	11,906
Ministry (b)	9,430	2,241	2,143	4,049	1,107	1,229	1,060	2,081	23,340
Parliament—									
Upper House (c)	8,825	2,826	3,372	..	1,789	3,300	963	..	21,075
Lower House (c)	9,879	5,405	6,745	3,401	3,635	4,933	1,452	2,034	37,484
Both Houses (d)	76,307	24,278	15,734	11,541	5,936	6,736	5,873	2,109	148,514
Miscellaneous (e)	34,707	1,876	3,084	1,383	3,223	1,191	435	93	45,992
<i>Total, Parliament</i>	<i>143,153</i>	<i>37,779</i>	<i>33,006</i>	<i>21,365</i>	<i>16,698</i>	<i>18,399</i>	<i>10,706</i>	<i>7,205</i>	<i>288,311</i>
Electoral (f)	31,532	1,484	1,636	1,826	2,921	3,889	1,155	3,075	47,518
Royal Commissions	2,381	1,485	80	33	128	50	30	..	4,187
Total	177,066	40,748	34,722	23,224	19,747	22,338	11,891	10,280	340,016

(a) Salaries and other expenses, including maintenance of house and grounds. (b) Salaries, travelling and other expenses as ministers. (c) Allowances to members (including ministers' salaries as members), travelling and other expenses. (d) Government contribution to members' superannuation funds, printing, reporting staff, library, etc. (e) Services, furniture, stores, etc. (f) Salaries, cost of elections, etc.

OUTLAY ON PARLIAMENTARY GOVERNMENT
(S'000)

Year	Cwth(a)	N.S.W.	Vic.	Qld	S.A.	W.A.	Tas.	N.T.(b)	Total
1980-81	97,293	19,582	19,290	19,487	9,227	11,180	7,319	4,345	187,723
1981-82	103,276	27,508	27,610	23,738	10,829	12,916	8,046	2,948	216,872
1982-83	132,307	29,431	28,544	20,654	13,254	15,301	6,445	4,074	250,011
1983-84	137,308	38,041	28,381	21,272	13,721	16,722	6,648	5,926	268,019
1984-85	190,019	38,060	38,761	22,202	14,894	19,033	7,410	9,574	339,953
1985-86	177,066	40,748	34,722	23,224	19,747	22,338	11,891	10,280	340,016

(a) Includes appropriations for the construction of the new Commonwealth Parliament House (b) From 1981-82 more detailed information has been obtained which has allowed a more accurate calculation of the cost of parliamentary government in the Northern Territory. Figures for earlier years on the revised basis are not available.

Acts of the Commonwealth Parliaments

In the Commonwealth Parliament all laws are enacted in the name of the Sovereign, the Senate, and the House of Representatives. The subjects with respect to which the Commonwealth Parliament is empowered to make laws are enumerated in the Australian Constitution. In all States, other than South Australia and Tasmania, laws are enacted in the name of the Sovereign by and with the consent of the Legislative Council (except in Queensland) and Legislative Assembly. In South Australia and Tasmania laws are enacted in the name of the Governor of the State, with the advice and consent of the Parliament in the case of South Australia, and of the Legislative Council and House of Assembly in the case of Tasmania. Generally, assent to Bills passed by the Legislatures is given by the Governor-General or State Governor acting on behalf of, and in the name of, the Sovereign. In certain special cases Bills are reserved for the Royal Assent. The Parliaments of the States are empowered generally, subject to the Australian Constitution, to make laws in and for their respective States in all cases whatsoever. The power of the States to make laws was enhanced in 1986 by the enactment by the Commonwealth Parliament of the *Australia Act 1986* and the accompanying *Australia (Request and Consent) Act 1986*. Subject to certain limitations they may alter, repeal, or vary their Constitutions. Where a law of a State is inconsistent with a law of the Commonwealth Parliament, the latter law prevails and the former law is, to the extent of the inconsistency, invalid.

The enactment of Commonwealth Parliament legislation

The legislation passed by the Commonwealth Parliament between 1901 and 1973, and which was then still in operation, is published in a consolidated form entitled *Acts of the Parliament 1901-1973*. Since 1974, annual volumes of Acts have also been published. The consolidation contains a chronological table of Acts passed from 1901 to 1973, showing how they are affected by subsequent legislation or lapse of time, together with a table of legislation of the Commonwealth Parliament passed between 1901 and 1973 in relation to the several provisions of the Australian Constitution. Reference should be made to these for complete information.

In 1986 the number of enactments of the Commonwealth Parliament was 168.

National Anthem and Colours of Australia

Details of the official proclamation issued on 19 April 1984 are as follows:

His Excellency, the Governor-General of the Commonwealth of Australia, issued the following Proclamation on 19 April 1984:

I, SIR NINIAN MARTIN STEPHEN, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby declare:

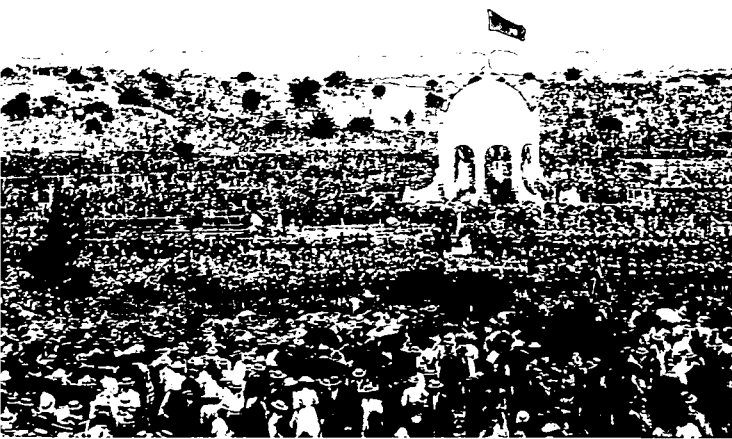
- (a) that the anthem "God Save The Queen" shall henceforth be known as the Royal Anthem and be used in the presence of Her Majesty The Queen or a member of the Royal Family;

- (b) that the National Anthem shall consist of the tune known as "Advance Australia Fair" with the following words:

*Australians all let us rejoice,
For we are young and free;
We've golden soil and wealth for toil;
Our home is girt by sea;
Our land abounds in nature's gifts
Of beauty rich and rare;
In history's page, let every stage
Advance Australia Fair.
In joyful strains then let us sing,
Advance Australia Fair.*

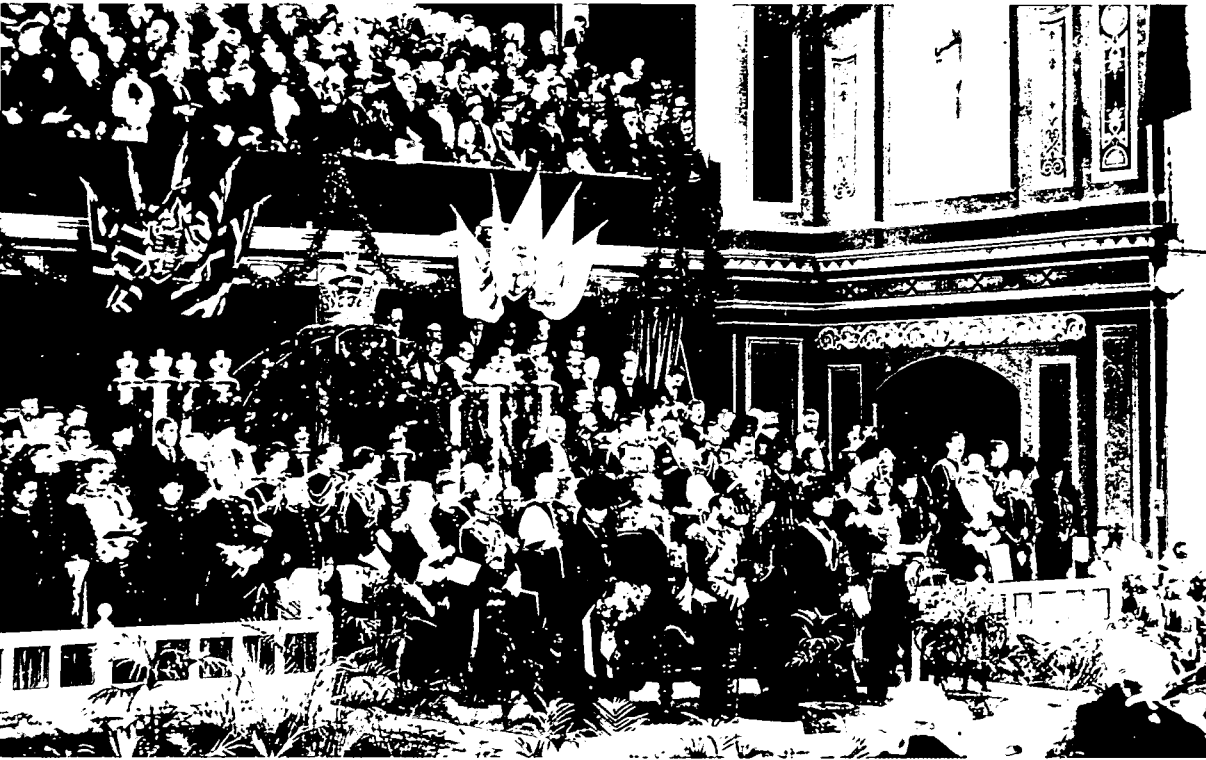
*Beneath our radiant Southern Cross
We'll toil with hearts and hands;
To make this Commonwealth of ours
Renowned of all the lands;
For those who've come across the seas
We've boundless plains to share;
With courage let us all combine
To Advance Australia Fair.
In joyful strains then let us sing,
Advance Australia Fair.*

- (c) that the Vice-Regal Salute to be used in the presence of His Excellency The Governor-General shall consist of the first four bars and the last four bars of the tune known as "Advance Australia Fair";
- (d) that the National Anthem shall be used on all official and ceremonial occasions, other than occasions on which either the Royal Anthem or the Vice-Regal Salute is used; and
- (e) that green and gold (Pantone Matching System numbers 116C and 348C as used for printing on paper) shall be the national colours of Australia for use on all occasions on which such colours are customarily used.

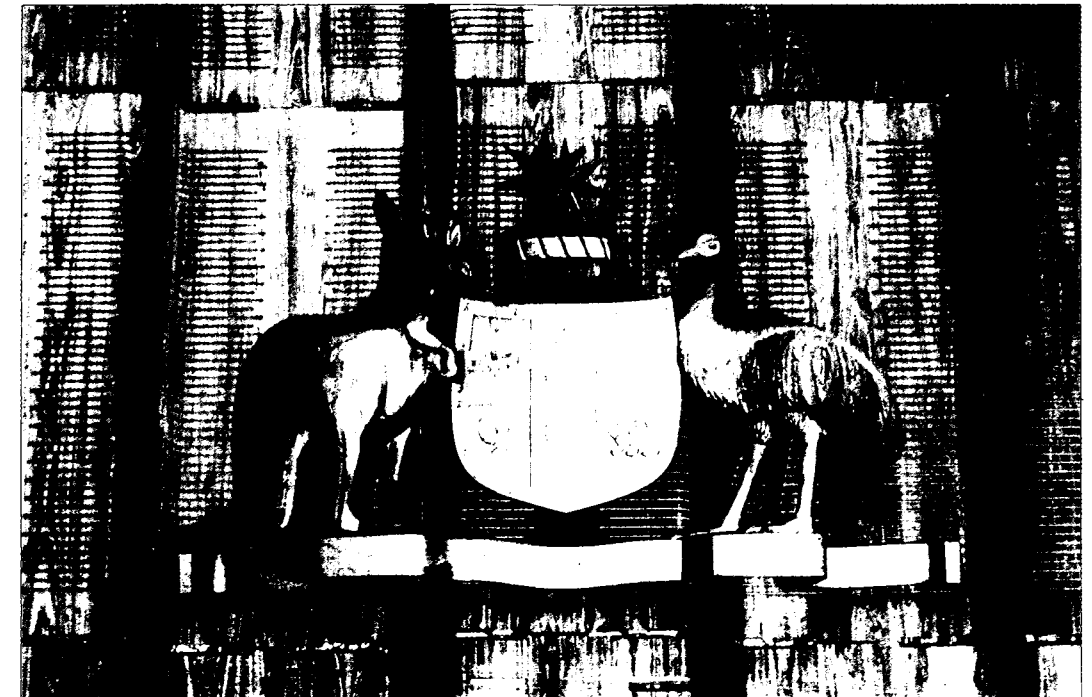


The scene in Centennial Park, Sydney, on 1 January 1901, when Australia became a Federation.

Scene at the Exhibition Building, Melbourne, on 9 May 1901, when the Parliament of the Commonwealth of Australia was opened by the Duke of Cornwall and York (later King George V).



The Australian Coat of Arms in Court Room 2 of the Australian High Court, Canberra, Australian Capital Territory.



Photographs— Promotion Australia



The Barton Ministry showing members of the first Federal Cabinet, From left to right, standing, Senator the Hon. J. G. Drake, Senator the Hon. R. E. O'Connor, Vice-president of the Executive Council, the Hon. Sir P. O. Fysh, Honorary Minister, the Hon. C. C. Kingston, Trade and Customs, the Hon. Sir John Forrest, Postmaster-General. Seated, the Hon. Sir W. J. Lyne, Home Affairs, the Rt. Hon. Edmund Barton, Prime Minister and Minister for External Affairs, Lord Tennyson, Governor-General, the Hon. A. Deakin, Attorney-General, the Hon. Sir George Turner, Treasurer. Sir J. R. Dickson, Minister for Defence and the Hon. Neil Lewis, Honorary Minister are not shown.



Rt Hon. JOHN ADRIAN LOUIS,
EARL OF HOPETOON,
P.C., K.T., G.C.M.G., G.C.V.O.
1901-1903



Rt Hon. HALLAM,
BARON TENNYSON,
P.C., G.C.M.G.
1903-1904



Rt Hon. HENRY STAFFORD,
BARON NORTHCOTE,
P.C., G.C.M.G., G.C.I.E., C.B.
1904-1908



Rt Hon. WILLIAM HUMBLE,
EARL OF DUDLEY,
P.C., G.C.B., G.C.M.G., G.C.V.O.
1908-1911



Rt Hon. THOMAS,
BARON DENMAN,
P.C., G.C.M.G., K.C.V.O.
1911-1914



Rt Hon. SIR RONALD
CRAUFURD MUNRO-FERGUSON,
G.C.M.G.
1914-1920



Rt Hon. HENRY WILLIAM,
BARON FORSTER OF LEFE,
P.C., G.C.M.G.
1920-1925



Rt Hon. JOHN LAWRENCE,
BARON STONEHAVEN,
P.C., G.C.M.G., D.S.O.
1925-1931



Rt Hon. SIR ISAAC ALFRED ISAACS,
G.C.B., G.C.M.G., K.C.
1931-1936



Brigadier-General the Rt Hon.
ALEXANDER GORE ARKWRIGHT,
BARON GOWRIE,
V.C., P.C., G.C.M.G., C.B., D.S.O., K.G.St.J.
1936-1945

THE GOVERNORS-GENERAL OF AUSTRALIA



His Royal Highness PRINCE HENRY
WILLIAM FREDERICK ALBERT,
DUKE OF GLOUCESTER,
K.G., P.C., K.T., K.P., G.C.B., G.C.M.G., G.C.V.O.
1945-1947



Rt Hon. SIR WILLIAM JOHN MCKELL,
G.C.M.G., Q.C.
1947-1953



Field Marshal SIR WILLIAM JOSEPH SLIM,
K.G., G.C.B., G.C.M.G.,
G.C.V.O.; G.B.E., D.S.O., M.C., K.St.J.
1953-1960



Rt Hon. WILLIAM SHEPHERD,
VISCOUNT DUNROSSIL,
P.C., G.C.M.G., M.C., K.St.J., Q.C.
1960-1961



Rt Hon. WILLIAM PHILIP,
VISCOUNT DE LISLE,
V.C., P.C., G.C.M.G., G.C.V.O., K.St.J.
1961-1965



Rt Hon. RICHARD GARDINER,
BARON CASEY,
K.G., P.C., G.C.M.G., C.H., D.S.O., M.C., K.St.J.
1965-1969



Rt Hon. SIR PAUL HASLUCK,
G.C.M.G., G.C.V.O., K.St.J.
1969-1974



Rt Hon. SIR JOHN ROBERT KERR,
A.K., G.C.M.G., K.St.J., Q.C.
1974-1977



Rt Hon. SIR ZELMAN COWAN,
A.K., G.C.M.G., G.C.V.O., K.St.J., Q.C.
1977-1982



Rt Hon. SIR NINIAN STEPHEN,
A.K., G.C.M.G., G.C.V.O., K.B.E.
1982-

THE AUSTRALIAN FLAG

(This special article has been contributed by the former Department of the Special Minister of State)

Until Federation, the Australian colonies used the flags of Great Britain for official purposes—the Union Flag (popularly called the Union Jack) and the three Ensigns of the United Kingdom; i.e. the Red Ensign, the Blue Ensign and the White Ensign.

However, in 1900 the Colonial Office in London invited the attention of the Governor-General Designate to the necessity of a Commonwealth flag to enable the new Australian nation to comply with the provisions of legislation governing colonial naval forces and mercantile marine.

Competition for the National Flag

In 1900 the Melbourne journal the *Evening Herald* held a competition with a prize of £25 for the best design for a Federal Australian Flag, and eventually a prize design was selected. This design bears no resemblance to our present National Flag, and actually was of stars and stripes on the pattern of the United States Flag.

Not to be outdone, another Melbourne journal the *Review of Reviews* in their issue of 20 November 1900 gave details of a competition for a design for a Federal Flag, offering £50 for the winning design. This journal stated that the previous competition was purely local, but that its competition would be open to the whole of Australia and overseas countries. However, in April 1901 the Commonwealth Government in a *Gazette* dated 29 April 1901 announced details of an official competition.

The prize money for the Commonwealth Government competition was fixed at £200 for the winning design. This amount included £75 from the *Review of Reviews* journal, £50 from a tobacco company, and the balance of £75 from the Government of Australia. It was agreed that all designs previously entered in the *Evening Herald* competition would be included in the new 'national' competition which was also made world-wide and advertised in many forms in overseas countries.

The Commonwealth Government appointed seven judges, specially selected, representing the Army, Navy, Merchant Marine and Pilot Services and an expert in design, art and heraldry. A total of 32,823 designs was submitted to the judges, and the Prime Minister, the Honourable Edmund Barton, announced that the prize money for the winning designs was to be equally divided between five persons whose designs were more or less similar.

The first National Flag, made to the order of the Commonwealth Government and embodying features of the winning designs, flew above the Exhibition Building in Melbourne on 3 September 1901 when the competition result were announced.

Use of Australian flags

For many years there was considerable misunderstanding in Australia and in other countries in regard to the use of the Australian flags, particularly the Australian Blue Ensign. This was due in the main to the lack of any statutory law governing the flying of national flags in Australia, although endeavours had been made from time to time to lay down some definite procedure for the use of Australian ensigns.

For some time the Australian Blue Ensign was regarded as an official flag for flying at Commonwealth establishments only. The Merchant Flag was often flown privately on land. However, on 15 March 1941 the Prime Minister, Mr Menzies, issued the following press statement:

The Official view is that there should be no unnecessary restriction placed on the flying of the Blue Ensign on shore. Its use on public buildings, by schools, and by the public generally would not only be permitted but appreciated, provided it is flown in a manner appropriate to the use of a national emblem. Australian merchant vessels will, of course, continue to fly the Commonwealth Red Ensign.

Further support for the more general use of the Australian Blue Ensign was given by the Prime Minister, Mr Chifley, on 24 February 1947 when he issued a statement encouraging the flying of the flag.

Adoption of the Australian National Flag

In 1950, after an interdepartmental committee recommendation, Cabinet approved that the Australian Blue Ensign be adopted as the Australian National Flag. His Majesty King George VI gave formal approval in 1951.

In 1953 the Flags Act was passed in the Commonwealth Parliament, formally establishing the Australian National Flag and the Australian Red Ensign. Thus the nomenclature of Australian flags and ensigns was changed and the Australian Blue Ensign became the Australian National Flag and the Australian Merchant Flag became the Australian Red Ensign.

Her Majesty the Queen's personal flag for Australia

On 20 September 1962 Her Majesty gave her approval for the design of a personal flag for her use in Australia. It consists of a banner of the Commonwealth Arms in the proportion thirty-one by twenty-two, with a large gold seven-pointed star over all in the centre, charged with Her Majesty's initial 'E' in gold, ensigned with the Royal Crown within a chaplet of gold roses on a blue roundel. Her Majesty's personal flag for Australia is used in the same manner as the Royal Standard in the United Kingdom and denotes Her Majesty's presence.

Governor-General's flag

In Commonwealth of Australia *Gazette* No. 56 of 16 July 1936 it was notified that the Governor-General had adopted a personal flag for use in Australia. The flag, which is in the proportion of two to one has a royal blue background on which is the Royal Crest in gold (on a St Edward's Crown a lion statant guardant also crowned) with the words 'Commonwealth of Australia' in dark blue letters on a gold scroll below the Crest. The Governor-General's flag is flown continuously whenever His Excellency is in residence. It is also flown on vehicles in which the Governor-General is travelling.

Flags of the armed services

It was not until 1967 that the Royal Australian Navy was given a specifically Australian ensign. Since 1910 Royal Australian Navy ships had flown the White Ensign of the Royal Navy. On 16 February 1967 the Governor-General Lord Casey signed a Proclamation proclaiming the Australian White Ensign as the ensign for the Royal Australian Navy. This was published in Commonwealth of Australia *Gazette* No. 18 of 1 March 1967.

The Australian Army uses the National Flag and has no individual flag or ensign of its own.

In 1948 the Royal Australian Air Force applied to His Majesty King George VI for an ensign, based on the Royal Air Force ensign but differenced by the addition of the Southern Cross and the Commonwealth Star in the same positions as on the Australian Blue Ensign. His Majesty's Royal Warrant for the adoption of this ensign by the RAAF was given in 1949. In 1981 Her Majesty Queen Elizabeth II approved an amendment to the Royal Air Force Ensign which added the stylised red kangaroo to the centre of the Air Force roundel as depicted on aircraft of the RAAF.

Use and flying of the National Flag

The Australian National Flag should be displayed only in a manner befitting the national emblem; it should not be subjected to indignity or displayed in a position inferior to any other flag or ensign. The Flag normally takes precedence over all other national flags when flown in Australia. It should always be flown aloft and free. When the Australian National Flag is raised or lowered, or when it is carried past in a parade or review, all present should face the flag, men should remove their hats and all should remain silent. Those in uniform should salute.

It is improper to use the Australian National Flag in any of the following ways:

- as a covering of a statue, monument or plaque for an unveiling ceremony (a plain cover should be used);
- as a table or seat cover;
- by allowing it to fall onto or lie upon the ground;
- as a masking for boxes, barriers or intervening space between floor and ground level on a dais or platform.

The National Flag and representations of it should always be shown, represented or used in a dignified manner. It should not be defaced by way of printing or illustrations or masked by other objects, and all symbolic parts of the Flag should be identifiable.

On days of national commemoration the Australian National Flag may be flown on any flagstaffs on public buildings. Special days of national significance are notified as they arise.

Flags are flown at the half-mast position as a sign of mourning. The Flag is brought to the half-mast position by first raising it to the top of the mast and then immediately lowering it slowly to the half-mast position. The Flag should be raised again to the peak before being lowered for the day. The position of the Flag when flying at half-mast will depend on the size of the Flag and the length of the flagstaff. It is essential that it be lowered at least to a position recognisably 'half mast' so as to avoid the appearance of a flag which has accidentally fallen away from the top of the mast owing to a loose flag rope. A satisfactory position for half-masting would normally be when the top of the Flag is one-third of the distance down from the top of the mast.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

(This special article has been contributed by the Department of the House of Representatives and the Department of the Senate)

On 1 January 1901, Australia came into being as a nation. Before then, the continent of Australia was divided into six colonies: New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania, each with its own separate government. The movement to federate into the Commonwealth of Australia developed over a long period, culminating in the last decade of the 19th century, when discussions were held between political representatives of the six colonies.

Given the vastness of the Australian continent, its people decided not to follow the pattern of a unitary government, such as that which exists in the United Kingdom; rather, the separate colonies, which were established under the Constitution as States in a federal system, kept for themselves a vast array of powers, and handed over to the Commonwealth Government specific powers which were written into the Constitution. These powers included defence, postal services, immigration and foreign affairs.

The Constitution provides for a Parliament, consisting of the Queen and a fully-elected Senate and House of Representatives; a separate judiciary, with the High Court at its apex; and an Executive. In keeping with the Westminster tradition, the Constitution establishes that Ministers should come from the ranks of members of either House of the Parliament. The Constitution provides that the Queen shall be represented in Australia by the Governor-General.

The first Parliament was convened in Melbourne in 1901. Following the establishment of the Australian Capital Territory in 1911, construction of a provisional Parliament House commenced in Canberra. The provisional Parliament House was opened in 1927.

In 1978 a Parliament House Construction Authority was established with responsibility for planning and building a new and permanent Parliament House, situated on Capital Hill, Canberra.

An article on the new Parliament House can be found in *Year Book* No. 68.

The powers and life of Parliament

Pursuant to section 1 of the Constitution, the legislative power of the Commonwealth is vested in the Federal Parliament. Parliament cannot legislate without the concurrence of all its parts—the Queen and the two Houses. An exception is a law to amend the Constitution itself in which case special provisions apply: no changes to the law which is the foundation of the Commonwealth of Australia may be made unless, in a majority of States, a majority of the electors voting approve the proposed law, and a majority of all the electors voting also approve the proposed law. The important point to note about law-making is that the people's representatives actually frame the law. The Governor-General gives assent on behalf of the Queen only after the elected representatives have considered, voted upon and, if necessary, amended the proposed law.

Key legislative powers of the Commonwealth Parliament include:

- trade and commerce with other countries and among the States;
- foreign affairs;
- defence;
- postal, telephonic and similar services;
- currency, coinage, etc.;
- banking;
- insurance;
- marriage and divorce;
- invalid and old-age pensions and certain other benefits;
- immigration and emigration.

The Constitution limits the duration of every House of Representatives to a period of three years from its first meeting but provides for an earlier dissolution by the Governor-General. In such matters the Governor-General acts on the advice of the Prime Minister. Unlike the House, the Senate is a continuing body, with Senators being elected by rotation. The Senate cannot be dissolved except that, under section 57, the Governor-General may, in certain circumstances, dissolve both Houses simultaneously.

The sittings of the two Houses of Parliament are, in each year, spread over two periods; one known as the Autumn sittings, the other as the Spring or Budget sittings. The Autumn sittings usually extend from February to June, and the Budget sittings from August to December.

The periods when Parliament is not sitting are popularly known as 'recesses', although the correct term is 'adjournments'. An adjournment does not affect uncompleted business, which may be proceeded with when the sittings resume.

The composition of Parliament

The Queen

Although the Queen is nominally a constituent part of the Parliament, the Constitution provides that she appoint a Governor-General to be her representative in the Commonwealth. The office of Governor-General is of great significance in the operation of the Commonwealth.

The Senate

The Senate, sometimes called the Upper House or Second Chamber, performs two important functions. First, it represents the people of the individual States. Accordingly, the number of Senators elected to represent each State is the same, irrespective of each State's population. Second, and in common with other second chambers throughout the world, it performs the function of reviewing legislation, the great majority of which originates in the House of Representatives, and of ensuring that the executive arm of Government remains accountable to the Parliament. The two major Territories (the Australian Capital Territory and the Northern Territory) are also represented in the Senate.

Each of the six original States has 12 Senators while the two Territories have two each—a total of 76 Senators. Senators for the States are chosen for a term of six years, with half from each State retiring on 30 June of each third year. This rotation principle ensures continuity in the constitution of the Senate, and the six year terms are designed to give Senators greater independence. Senators for the Territories, who were elected for the first time in 1975, are elected for one term of the House of Representatives.

All Senators are elected by the voting system known as proportional representation which, as its name implies, means representation proportionate to the vote received at an election.

The Senate has the same powers of law-making as the House of Representatives, with three exceptions: (1) it cannot initiate Bills appropriating revenue or imposing taxation; (2) it cannot amend Bills imposing taxation and Bills appropriating revenue or moneys for the ordinary annual services of government; and (3) it cannot amend any Bill so as to increase a charge or burden on the people. Where the Senate may not amend a Bill, it may request the House of Representatives to make the amendments the Senate desires. The Senate can reject any Bill, including a Bill it may not amend. It is in the circumstances of a legislative deadlock that the Governor-General may, on the advice of the Government, simultaneously dissolve both Houses—and thus break the continuity of the existence of the Senate.

The House of Representatives

The House of Representatives is the national Chamber of the Federal Parliament, in which the people are represented in proportion to their numbers. The Constitution provides that the number of Members of the House of Representatives shall be, as nearly as practicable, twice the number of Senators. Members of the House are elected directly by people voting in single-member electorates.

The House of Representatives currently has 148 Members. Members are chosen by the preferential voting system: where there are more than two candidates submitting themselves for election, and no candidate has an absolute majority of the votes when first preference votes have been counted, the candidate who receives the smallest number of first preference votes drops out and the second preferences on the ballot papers marked in his favour are distributed among the other candidates. This process is continued until one candidate secures an absolute majority of votes over all other candidates remaining in the count.

A distinctive role of the House of Representatives is that it serves as the foundation for the formation of the nation's Executive Government, for it is the House which determines who shall form the Executive Government of Australia. The leader of the party, or coalition of parties, commanding a majority in the House of Representatives after an election is commissioned by the Governor-General to form a government. The leader of this majority group becomes the Prime Minister, and other leading members are appointed to administer the Departments of State—they become Ministers. The government cannot survive unless the House of Representatives continues, by its vote on major issues, to show confidence in it.

The Ministry

The Ministry consists of the Prime Minister and, in recent times, some 26 other Ministers, who hold portfolios covering areas such as trade; industry, technology and commerce; social security; employment and industrial relations; treasury; immigration and ethnic affairs; foreign affairs; education; Attorney-General; defence; transport; primary industry; health; science; communications; Aboriginal affairs, and veterans' affairs.

It has always been the practice to include some Senators in the Ministry. In addition to representing their own ministerial portfolios, Senate Ministers also present government policies generally and facilitate the passage of government legislation through the Senate. Each Senate Minister represents in the Senate one or more Ministers located in the House. Likewise, each Senate Minister is represented by a Minister in the House of Representatives. Usually about a quarter of the Ministry comes from the Senate. The major spokesman for the government in the Senate, and the Prime Minister's representative there, is known as the Leader of the Government in the Senate.

The Opposition

The next largest party or coalition of parties in the House of Representatives becomes the official Opposition, and its leader is known as the Leader of the Opposition. The Opposition is sometimes referred to as the 'alternative government' because if the government is defeated at an election or loses the confidence of the House it would become the next government.

Whatever party is the government party in the House is also the government party in the Senate—regardless of whether it has a majority in its own right in the Senate. Similarly, whatever party forms the official Opposition in the House is also the official Opposition in the Senate. Smaller parties and Independents in the Senate may oppose the government on a number of issues, but they are not part of the official Opposition.

Office-holders

The Prime Minister and Ministers are officers of the Crown, but effectively hold their positions because of their standing in their party. Similarly, the positions of Leader of the Opposition and Leader of the Opposition in the Senate are party positions, as are those of the Whips in both Houses.

Offices which are distinctively parliamentary are the President of the Senate, the Speaker of the House, and their deputies. If the positions are contested, the occupants are elected in a secret ballot of all the members of their respective Houses. These persons are known collectively as parliamentary office-holders.

In addition there are permanent officers of each House, who are career officials: the Clerk of the Senate and the Clerk of the House of Representatives, who head the departments providing administrative and procedural support for the House and their committees; their deputies and senior officers; and the Usher of the Black Rod and the Serjeant-at-Arms, who have ceremonial and security functions as well as administrative responsibilities.

Parliamentary procedure

The term 'parliamentary procedure' includes forms and methods of proceeding, rules of debate, and recognised parliamentary conventions. Both Houses have their own standing and sessional orders, rulings by presiding officers, and unwritten rules of practice which have developed in the course of transaction of business in each House.

Standing orders

The standing orders are a body of rules, numbering over 400 for each House, drawn up for the proper conduct of the proceedings of that House. Among other things, the standing

orders provide for the rules of debate; time limits for speeches; rules for preserving order; the order or routine of business; and rules in connection with presentation of petitions, asking of questions, giving notices of motion, taking of divisions, appointment and procedure of various committees, moving of motions and amendments, the passage of Bills, etc.

System of debate

The process of debate is similar in each House: the subject of most debates originates in the form of a motion (a proposal made by a Senator or Member in order to elicit a decision from the relevant House through a vote). When a motion has been moved, the President or Speaker proposes the question (in the same terms as the motion) which is then subject to debate. At the end of each debate the question is decided either by a vote or a decision 'on the voices'—only a simple majority being required to affirm or negative a question in most cases.

The President, or Speaker as the case may be, presides over the proceedings of the Senate or House and thus is often referred to as a presiding officer. In debate all speeches are addressed to the Chair, who calls upon Senators or Members to speak. In cases of wilful disobedience by a Senator or a Member to the instructions of the Chair, the President or Speaker may 'name' the offender, which usually results in a motion for his or her suspension—for the remainder of the sitting day on the first occasion. In cases of grave and continuous disorder, a presiding officer has power to adjourn the Senate or House or suspend the sitting.

Voting

Voting in each House is carried out under the direction of the presiding officer. In the Senate, each Senator has one vote and questions are determined by a majority of votes. The President is in all cases entitled to a deliberative vote but not to a casting vote, thus ensuring that the States maintain their equal voting strength. If a Senate vote results in equal numbers for and against, the question is resolved in the negative (thus preserving the status quo). All questions arising in the House of Representatives are determined by a majority of votes other than that of the Speaker. The Speaker does not vote unless the numbers are equal, and then has a casting vote.

Legislative proceedings

Under Australia's federal system of government, there is a division of powers between the Federal and State Governments. Sections 51 and 52 of the Constitution list most of the matters with respect to which the Federal Parliament has power to make laws. Those powers may be varied by an alteration of the Constitution through referendum under section 128.

Law-making is the most important function of Parliament. A proposal for a law, once introduced into Parliament, becomes known as a Bill. After finally passing both Houses and receiving the Royal Assent, a Bill becomes an Act of Parliament. The Parliament considers about two hundred Bills a year.

Bills originate in different ways. Much legislation, often of a routine or machinery nature, stems from recommendations made by government departments, while other Bills flow from the undertakings made by a government, perhaps in an election campaign or subsequently. Government legislative proposals can also result from suggestions made by government Senators and Members at party meetings and in the Parliament, or they may come from interested groups in the community. In whatever way a proposal originates, it is considered by Cabinet and, if agreed to, the responsible Minister has his or her department prepare a Bill. Not all Bills originate with the government: private Senators and Members can also introduce Bills. Bills may be originated in either House, with the provision that 'money' Bills (that is, appropriation and taxing Bills) may originate only in the House of Representatives.

Except for certain special procedures on financial measures, the fundamental stages in the passage of a Bill are: presentation and first reading; second reading; committee proceedings; and third reading. The Bill is then transmitted to the other House where it proceeds through the same stages again. If any amendments are made by the second House, these have to be considered by the first House, and be approved (or the disagreement otherwise settled so that each House agrees to the Bill in exactly the same form), before the Bill can proceed to Royal Assent.

The stages, in a little more detail, are:

(i) *Presentation and first reading.* A Senator or a Member, usually a Minister, presents a Bill by handing three signed copies to the Clerk. The first reading follows immediately, and

consists in the House of Representatives of the Clerk reading the long (full) title of the Bill. In the Senate a motion—That this Bill be now read a first time—is moved and voted on before the long title is read by the Clerk. Presentation and first reading permits a Bill to be circulated and its contents to become known. The first reading of a 'money' Bill can be debated in the Senate, but not in the House.

(ii) *Second reading.* The common practice is for a Minister, immediately after the first reading, to move the second reading, and then make a second reading speech explaining the general principles of the Bill. At the end of this speech debate is usually adjourned.

Debate on the second reading, except in urgent circumstances, is resumed only after there has been an opportunity to study the Bill. This debate, known as the second reading debate, enables Senators and Members to discuss the merits of the Bill, the policies reflected in it, its consequences, etc. An amendment can be moved to the motion for the second reading and Opposition 'shadow ministers' use this opportunity regularly to place on record any particular views the Opposition may have on the measure. After the motion for the second reading has been agreed to, the Clerk reads the long title of the Bill a second time.

(iii) *Committee.* After the second reading, the President or the Speaker leaves the Chair, the Chairman of Committees takes the Chairman's seat at the Table between the Clerks, and the Senate or House forms itself into a committee of the whole for consideration of the Bill in detail. A Bill may be considered clause by clause or, by leave of the committee, in groups of clauses or as a whole. An amendment may be moved to any part of a Bill provided it is relevant to the subject-matter.

In the House of Representatives, if no member objects, the committee stage may be bypassed and the House proceed to the third reading immediately after the second reading. In the Senate, however, the standing orders do not permit this, although on occasions the committee stage may be only a formality.

After a Bill has been agreed to in committee, the President or Speaker resumes the Chair, and the Chairman formally reports to him or her that the committee has considered the Bill and agreed to it with (or without) amendment. The Minister in charge of the Bill then moves that the report be adopted. After the adoption of the report, the next stage is the third reading.

(iv) *Third reading.* The Standing Orders of both Houses provide that the third reading of the Bill shall be made an order of the day for the next sitting, but it is now usual practice to move the third reading forthwith.

The motion for third reading may be, but is not often, debated. When the question for the third reading is agreed to, the Clerk again reads the long title of the Bill, which completes its passage.

(v) *Transmission to other House and amendments there.* When a Bill has passed the House in which it was introduced, it is sent to the other House with a message requesting the concurrence in the Bill of the other House. The procedures in the second House are similar to those of the originating House, the Bill again going through first reading, second reading, committee, and third reading stages. With the exceptions imposed by the Constitution on the powers of the Senate to amend certain Bills, the other House may make amendments to the Bill, in which case it is returned by message to the originating House asking concurrence in such amendments. Only when both Houses have agreed to all the provisions in the Bill and any amendments to it can the Bill be said to have finally passed both Houses.

(vi) *Assent.* When a Bill has been finally agreed to by both Houses in identical terms, it is presented to the Governor-General for Royal Assent. Upon assent being given, the Bill becomes an Act of Parliament, that is, it becomes a law of the Commonwealth of Australia.

Parliamentary scrutiny and control of the Executive

It is fundamental to the concept of responsible government that the Executive Government be accountable to the Parliament. Control of the government is exercised finally by the ability of the House of Representatives to force the government to resign by passing a resolution of no confidence, or by the ability of either House to refuse to pass the Bills which provide the money required for public services.

In addition to the system of close scrutiny of the work of government departments by the committees, referred to below, both Houses offer a number of opportunities for examination of government policy by the Opposition, by other non-government parties and by the government's own backbenchers.

The most prominent of these procedures is Question Time, a period of about 45 minutes in the House and one hour in the Senate each sitting day, during which time Members and Senators respectively are given an opportunity to question Ministers on topical or urgent issues or problems arising in connection with their administration of the portfolios for which they are responsible.

Question Time is invariably a highlight of the sitting day in each House—all Senators and Members are likely to attend, and it is a popular time with visitors. In each House Question Time is a daily demonstration of the accountability of the Executive to the Parliament. Question Time serves as both a forum for accountability and a means for Senators and Members to obtain information.

Two important means for debate on issues of concern or criticism of the government are the daily opportunities to raise 'matters of public importance' (both Houses) or to move urgency motions (Senate only). In addition, Senators and Members are provided with opportunities to raise matters of their own choosing in debates such as the adjournment debate and in special periods when matters of public interest may be raised.

Scrutiny of expenditure

The Parliament appropriates moneys from the consolidated revenue fund on an annual basis in order to fund government expenditure over a given financial year. A number of Acts are passed in each financial year to provide funds without which the government and public services of the country could not continue. These Acts are known as Appropriation Acts and Supply Acts. The debate in the House of Representatives on the second reading of the Appropriation Bill (No. 1) is known as the 'Budget debate' and normally continues over a period of several weeks. While this debate proceeds in the House, the six Senate Estimate Committees examine the detail of the expenditure proposals contained in the Bills, and prepare reports which are then ready for the Senate to consider in conjunction with the Bills once they are received from the House.

Parliamentary privilege

Privilege may be described as the sum of the special rights enjoyed by each House collectively and by Senators and Members individually without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals.

Section 49 of the Constitution provides that the Parliament may declare the powers, privileges and immunities of the Houses, their Members and committees, but that, until it so declares, the Houses, their Members and committees possess the powers, privileges and immunities of the United Kingdom House of Commons as at the establishment of the Commonwealth (1901). It was not until 1987 that the Commonwealth Parliament enacted comprehensive legislation in this area. The *Parliamentary Privileges Act 1987* provides for the usual and essential rights and immunities of the Houses, their Members and committees.

The best known privilege is freedom of speech, which is enjoyed so that Senators and Members, and others participating in properly constituted proceedings of each of the Houses or their committees, such as witnesses giving evidence to committees, cannot be sued or prosecuted for statements made in the course of proceedings of a House or committee.

The Houses possess the power to take action to protect themselves, their Members and committees, against actions or threats of action which constitute improper interference with the free exercise by a House or a committee of its authority or functions, or with the free performance by a Member of his or her duties as a Member.

Parliamentary committees

Parliamentary committees are appointed by the Senate (Senate committees), the House of Representatives (House committees) or by both Houses acting together (Joint committees) to undertake tasks which the Houses as such are not well fitted to perform. Committees are appointed by resolution, under sessional or standing orders, or by an Act of Parliament.

Each committee is composed of a small number of Senators or Members drawn from the political parties represented in the Parliament, and the party in government usually has at least half the representation on a particular committee. The following table summarises information on parliamentary committees.

Committees can be divided into two basic categories: internal and scrutiny. Internal committees are concerned with the administration and procedures of the Parliament and these are sometimes referred to as 'domestic' committees. The privileges committees of both Houses and the Standing Orders Committee of the Senate are examples of such committees. Scrutiny committees oversight the work of the Executive and its administration and carry out much of the detailed investigative and information-gathering work not possible in either chamber.

CLASSIFICATION OF PARLIAMENTARY COMMITTEES

By function, method and House of appointment

	<i>Internal committees: appointed by—</i>				<i>Scrutiny committees: appointed by—</i>				<i>Total com- mittees</i>
	<i>Standing Orders</i>	<i>Statute</i>	<i>Reso- lution</i>	<i>Total</i>	<i>Standing Orders</i>	<i>Statute</i>	<i>Reso- lution</i>	<i>Total</i>	
Senate	6	—	1	7	15	—	1+(3)	16+(3)	26
House of Representatives	5	—	1	6	—	—	4	4	10
Both Houses (Joint)	—	1	—	1	—	3	3+(3)	6+(3)	10
Total	11	1	2	14	15	3	8+(6)	26+(6)	46

NOTE: The bracketed figures represent select committees. Only select committees that were operational in June 1986 have been counted in the table.

Sources: Derived from *Senate Notice Paper* (13.6.86) and *House of Representatives Notice Paper* (3.6.86).

From Federation to 1969 there was a relatively slow growth of scrutiny committees. The watershed in scrutiny committee growth was 1970 when the Senate introduced what was to become a comprehensive system of committees by appointing seven (subsequently eight) standing committees, which became known as Legislative and General Purpose Standing Committees, and five (later six) Estimates Committees. From that year onwards there has been a steady growth in the number of scrutiny committees. Of the 32 scrutiny committees included in the table, close to 75 per cent have been in existence for more than ten years.

The work of scrutiny committees can be sub-divided into three broad categories. The first is the scrutiny of legislation. The passage of legislation is the basic constitutional function of the Parliament. Committees that examine legislation assist the chamber by carrying out detailed inquiries and reviews and then reporting back with recommendations.

The second category is scrutiny of non-legislative policy. A large number of scrutiny committees are engaged either exclusively or partly in this work. Their coverage is fairly extensive and the areas of work are self-evident from committee titles, for example, the House committees on Aboriginal Affairs and Environment and Conservation, the Senate committees on Industry and Trade and Social Welfare and the Senate joint committees on Foreign Affairs and Defence.

The third category is concerned mainly with oversight of the government's financial administration: compliance with rules governing the spending of public monies and public sector efficiency. The committees that do this work are the Joint Committee of Public Works, Senate Estimates Committees, the Senate Standing Committee on Finance and Government Operations and the House of Representatives Standing Committee on Expenditure. The Public Accounts Committee (PAC), in particular, has a wide coverage of work associated with the oversight of public administration.

Although the majority of committees undertake work which falls within a single category a number are multifunctional, for example, the Senate Legislative and General Purpose Standing Committees, the Expenditure Committee and the PAC.

Senate Estimates Committees undertake the detailed consideration of annual government expenditure formerly undertaken mainly in committee of the whole. The committees seek explanations on the estimates of expenditure from Senate Ministers and senior public servants. They also ensure that the government, in framing the appropriation Bills, does not infringe Senate rights or agreed convention by, for example, placing expenditures in a Bill which the Senate cannot amend when they should have been placed in a Bill which the Senate can amend.

In May 1978 the Government announced a decision to provide responses to reports from parliamentary committees within six months of the presentation of such reports. The response period was reduced to three months in August 1983. Responses are made by Ministerial statements or papers presented to either House.