

CONSTITUTION AND PARLIAMENT

CONSTITUTION

Victorian Constitution

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

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

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

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

The system in Victoria provides for responsible Cabinet government based on a legislature of two Houses, both elected upon adult franchise. The Constitution is affected by the Commonwealth Constitution enacted by the *Commonwealth of Australia Constitution Act 1900*, an Act of the Imperial Parliament, by which legislative and executive powers upon certain specified matters were granted to the Commonwealth Parliament and the Commonwealth Government, some of them exclusively, and provision was made that, in the case of inconsistency of valid laws, the Commonwealth law should prevail. In the result, the Victorian Parliament may now make laws in and for Victoria upon all matters not exclusively granted to the Commonwealth Parliament by the Commonwealth Constitution, but upon some of these matters the Victorian law may be superseded by the passing of a Commonwealth Act. Local government, that is, the control exercised by municipal councils within their respective districts, is a matter of State law and wholly within the legislative control of the Victorian Parliament.

Relation to Commonwealth Constitution

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

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

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

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

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

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

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

Australian Constitution Convention, 1974-1977*

After the Convention in Melbourne† in September 1975 had decided to hold another plenary session in Hobart, the Executive Committee met in Sydney in March 1976 to plan the overall direction of the Convention.

The Executive Committee at this meeting had before it a letter from the Prime Minister. This intimated that the Premiers' Conference held in February 1976 had agreed to the Executive Committee considering a possible agenda for a plenary session. The Prime Minister also indicated that the Premiers' Conference

* *Victorian Year Books* 1974, 1975, 1976, and 1977 contain information about the beginnings of the Australian Constitutional Convention.

† *Proceedings of the Australian Constitutional Convention*, Hotel Windsor, Melbourne, 24-26 September 1975. Victorian Government Printer, 1976.



The third Constitutional Convention held in October 1976 at Hobart, Tasmania. The Convention was chaired by Hon. L. A. Neilson, Premier of Tasmania.

Australian Information Service

Melbourne's civic square photographed in early 1978. The fountains, shrubbery and lawns that had been temporarily installed in 1976 have been removed to make way for the permanent construction.

The Age





H.R.H. Prince Charles visited Warrnambool during his stay in Victoria from 7 to 9 November 1977. He is shown above at a spinning demonstration by secondary students from St Anne's College. The demonstration was part of an arts and crafts display arranged by various school groups at the Tower Hill Natural Conservation Reserve.

considered that the work undertaken by Standing Committee "A" should be suspended in view of the federalism proposals initiated by his Government. In addition, the Conference considered that the agenda for Hobart should be limited to matters of a non-financial nature and to items where a greater degree of unanimity existed.

The Executive Committee agreed that in accordance with the wishes of the Premiers' Conference no resolutions on financial relations be submitted and that the work of Standing Committee "A" be suspended. The Committee also agreed that resolutions passed at the Melbourne Convention could be resubmitted for discussion at the Hobart session and that new items could be added to the agenda.

The Premiers' Conference at its meeting in April considered the draft agenda presented and the Prime Minister in a further letter to the Chairman of the Executive Committee reiterated his wish that the Constitutional Convention avoid agenda items dealing with Commonwealth-State financial relations and financial assistance to local government.

The Executive Committee met in June to consider the requests of the Premiers' Conference, to finalise arrangements for the Convention to be held in Hobart from 27 to 29 October 1976, and to settle the draft agenda for the Hobart session.

The Convention met in the Convention Centre, Wrest Point, Hobart, on 27 October 1976 and was attended by delegations from the Commonwealth Parliament, State Parliaments, Territorial Assemblies, and representatives from local government. The presence of heads of government from the States and the Commonwealth ensured good press coverage and a degree of public interest in the outcome of the Convention's deliberations.

The Convention initially reconsidered the agenda items passed at the Melbourne Convention as well as additional agenda items that were agreed to at the June 1976 meeting of the Executive Committee. Throughout the debates over the three days a consensus was established among almost all levels of government about a range of agenda items, and the resolutions adopted at Hobart have since formed the basis, in essence, of the Commonwealth Government's announcements that four referendums were to be held on 21 May 1977. The resolutions adopted are recorded in the *Proceedings of the Convention*.*

The four referendums to be put to the Australian electorate were on the questions of simultaneous elections of the two Houses of Parliament, casual vacancies, retiring age of High Court judges, and the enfranchisement of territorians in voting at referendums.

One other resolution passed at Hobart concerned the powers of the Senate. This item, after spirited debate, was referred back to Standing Committee "D" for consideration and report. Submissions from parliamentarians and other interested bodies and individuals on this contemporary issue were called for by Standing Committee "D". The Committee was to meet in Melbourne on 1 April 1977 to consider the submissions and other outstanding matters.

The Convention also agreed that another plenary session of the Convention should be held in Perth in 1977 to discuss the remaining agenda items, and to consider any further recommendations from the Standing Committees.

The decision of the Commonwealth Government to put forward referendum questions which, in principle, were adopted at the Hobart Convention has helped to ensure that the agreement reached among different parties and levels of government would bring about the prospect of at least some constitutional change. The role of the major parties in establishing this bi-partisan approach to constitutional questions has been the Convention's aim since its establishment. The results of the referendums were to decide whether the consensus reached

* *Proceedings of the Australian Constitutional Convention*, Wrest Point, Hobart, 27-29 October 1976. Victorian Government Printer, 1977. See also page 126 of this *Year Book*.

within the Convention would be reflected in the support for the referendums by the Australian electorate (see pages 126-7).

Further references, 1974, 1975, 1976, 1977

EXECUTIVE

Governor

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

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

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

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

There are some matters, however, which require the special exercise of the Governor's discretion. Thus he alone must finally decide after taking advice of his Premier, whether to grant a dissolution of Parliament, and whether to call upon a member of Parliament to form a new Ministry. The Governor's powers in respect of the commissioning of a member of Parliament as Premier to form a new Ministry are set out more fully on page 99 in the section describing the Ministry.

The Governor also has power to appoint a Deputy to exercise his functions as the Queen's representative during his temporary absence from the seat of government whether within or without Victoria.

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

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

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

The present Governor is His Excellency the Hon. Sir Henry Winneke, K.C.M.G., K.C.V.O., O.B.E., K.St J., Q.C. who assumed office on 1 June 1974.

A complete list of representatives of the Sovereign since the establishment of

the Port Phillip District in 1839 is set out on pages 1149-50 of the *Victorian Year Book* 1973.

Lieutenant-Governor

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

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

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

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

Executive Council

Section 50 of the *Constitution Act* 1975 provides that officers appointed as responsible Ministers of the Crown shall also be members of the Executive Council, and provision for their appointment appears in the Letters Patent constituting the office of Governor.

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

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

Ministry

Formation and composition

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

The authority under which Victorian Ministers are appointed is contained in Section 50 of the *Constitution Act* 1975, which provides that the Governor may, from time to time, appoint up to eighteen officers who are either members or capable of being elected members of either House of Parliament. No Minister shall hold office for a period longer than three months unless he is, or becomes, a member of the Legislative Council or the Legislative Assembly. This section further provides that not more than six of such officers shall at any one time be members of the Legislative Council and not more than thirteen members of the Legislative Assembly.

In practice, a Ministry remains in office only while it has the support of a majority in the Legislative Assembly, and when a change of Government occurs and a new Ministry is to be appointed the Governor "sends for" that member of the Legislative Assembly whom he thinks would be supported by a majority in that House and asks him whether he is able and willing to form a new

Government with himself as leader. If that member can assure the Governor accordingly, he may then be commissioned by the Governor to form a Ministry.

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

Powers

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

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

Functions and procedures

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

There is in practice no Cabinet secretariat, but the *Parliamentary Salaries and Superannuation Act* 1968 provides for the payment of a salary to any member of the Council or the Assembly who is recognised as the Parliamentary Secretary of the Cabinet.

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

Ministries 1943 to 1977

VICTORIA—MINISTRIES : 1943-1977 (a)

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

(a) A complete list since responsible government in 1855 is set out on pages 1150-1 of the *Victorian Year Book* 1973.

Ministry at 30 June 1977

The last triennial elections for the Legislative Council and the last general election for the Legislative Assembly were held conjointly on 20 March 1976. At 30 June 1977 the 63rd Ministry, led by the Hon. Rupert James Hamer, E.D., consisted of the following members :

VICTORIA—63RD MINISTRY AT 30 JUNE 1977

From the Legislative Assembly

The Hon. R. J. Hamer, E.D.	Premier, Treasurer, and Minister of the Arts
The Hon. L. H. S. Thompson, C.M.G.	Minister of Education
The Hon. J. C. M. Balfour	Minister for Fuel and Power and Minister of Mines
The Hon. W. A. Borthwick	Minister for Conservation and Minister of Lands, and Minister of Soldier Settlement
The Hon. J. A. Rafferty	Minister of Transport
The Hon. I. W. Smith	Minister of Agriculture
The Hon. R. C. Dunstan, D.S.O.	Minister of Public Works
The Hon. A. H. Scanlan	Minister of Special Education
The Hon. B. J. Dixon	Minister for Social Welfare and Minister for Youth, Sport and Recreation
The Hon. R. R. C. Maclellan	Minister of Labour and Industry and Minister of Consumer Affairs
The Hon. W. Jona	Minister of Immigration and Ethnic Affairs, and Assistant Minister of Health
The Hon. G. P. Hayes	Minister of Housing and Minister for Planning

From the Legislative Council

The Hon. V. O. Dickie	Chief Secretary
The Hon. A. J. Hunt	Minister for Local Government and Minister for Federal Affairs
The Hon. W. V. Houghton	Minister of Health
The Hon. F. J. Granter	Minister of Water Supply and Minister of Forests
The Hon. D. G. Crozier	Minister for State Development and Decentralization, and Minister of Tourism
The Hon. Haddon Storey, Q.C.	Attorney-General

LEGISLATURE

Victorian Parliament

General

The Constitution Act, creating a Legislative Council and a Legislative Assembly, was assented to by Her Majesty in Council on 21 July 1855, and came into operation in Victoria on 23 November 1855. Under this Act, Her Majesty was given power "by and with the advice and consent of the said Council and Assembly to make laws in and for Victoria in all cases whatsoever". Certain of these unlimited powers, however, are now exercised by the Commonwealth Parliament. The provisions governing the constitution of the Victorian Parliament are now to be found in the *Constitution Act 1975*.

By virtue of the provisions of Act No. 7270 of 1965, membership of the Assembly was increased from sixty-six to seventy-three after the election of April 1967, while membership of the Council was increased from thirty-four to thirty-six by the addition of one member in July 1967, and one in June 1970. By virtue of the *Electoral Provinces and Districts Act 1974* (No. 8628) the membership of the Assembly was increased to eighty-one members following the 1976 State election and the membership of the Council to forty members following the same election, and forty-four members following the next subsequent election. Council members are elected from two-member provinces for six year terms and Assembly members from single-member districts for three year terms. Both Houses are elected on adult suffrage, and their powers are normally co-ordinate, although Money Bills must originate in the Legislative Assembly.

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

The landmarks of Assembly suffrage were: 1857, manhood suffrage; 1899, plural voting abolished; and 1908, women's franchise. Adult suffrage for the Council was introduced in 1950. In 1973 the qualifying age for membership was reduced to eighteen years and the voting age to eighteen years. Payment of members has also been frequently adjusted. The present complex scale makes extra payments to the Presiding officers and Chairmen of Committees and to the Leader of the third party as well as to the Leader of the Opposition; Government, Opposition, and third party Whips and the Deputy Leader of the Opposition are also specially rewarded. Electorates carry different allowances relative to the size of the electorate.

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

There are three political parties represented in the Victorian Parliament: the Liberal Party, the Australian Labor Party, and the National Party of Australia (Victoria). (See pages 105-7 for lists of members.) Of the forty members of the Legislative Council, twenty-six belong to the Liberal Party, nine to the Australian Labor Party, and five to the National Party of Australia (Victoria). Of the eighty-one members of the Legislative Assembly, fifty-two belong to the Liberal Party, twenty-one to the Australian Labor Party, and seven to the National Party of Australia (Victoria), and there is one Independent Labor member. The Liberal Party, having won the majority of seats at the general election of the Assembly in 1955, formed a Government which was returned to office at the general elections in 1958, 1961, 1964, 1967, 1970, 1973, and 1976. The Leader of that Party holds the office of Premier. The Australian Labor Party forms the official Opposition Party. The National Party of Australia (Victoria) sits on the corner benches on the Opposition side of the Assembly Chamber.

Functions

The functions of Parliament consist of passing legislation and taking action to make available finances or funds as required for State expenditure. Legislation can be initiated by any member of Parliament in either House with the exception that all Money Bills, such as Bills for imposing a duty, rate, tax, or impost, or Bills for appropriating any part of the revenue of the State, must originate in the Assembly on the motion of a Minister. They may be rejected,

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

Procedures

Parliament controls the Government in office by the Assembly's power, in the last resort, to pass a resolution of no-confidence in the Government or to reject a proposal which the Government considers so vital that it is made a matter of confidence. This would force the Government to resign. Procedure of each House is governed by Standing Orders, Rules, and practice, based mainly on the procedure of the House of Commons, and administered by the respective presiding officers: the President of the Legislative Council, the Speaker of the Legislative Assembly, and the respective Chairmen of Committees. The principal innovations in Assembly procedure are time limits on speeches and the elaborate ballot procedure at the opening of a new Parliament for the election of the Speaker.

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

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

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

Private legislation, 1962; Money Bills, 1963; Parliamentary Committees, 1964; Resolving deadlocks between the two Houses, 1965; Parliamentary privilege, 1966; Presiding Officers of Parliament, 1967; Administrative machinery of Parliament, 1968; Hansard, 1969; Houses of Parliament, 1970; Parliamentary Papers, 1971; Conduct of debate, 1972; Royal Commissions, 1974; Australian Labor Party in Victoria, 1975; National Party of Australia (Victoria) in Victoria, 1976

Number of Parliaments and their duration

Between 1856 and 1977 there have been forty-seven Parliaments. The forty-seventh Parliament was opened on 14 April 1976. A table showing the duration in days of each Parliament (1856 to 1927), the number of days in session, and the percentage of the latter to the former was published in the *Victorian Year Book* 1928-29, page 21. Similar information for the twenty-ninth to the thirty-ninth Parliaments (1927 to 1955) was published in the *Victorian Year Book* 1952-53,

1953-54 (released in 1959), page 31. As from the commencement of the thirty-eighth Parliament (20 June 1950), information about the duration of each Parliament, the number of sittings of each House, and the percentage of the latter to the former is shown in the following table :

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

Number of Parliament	Period	Duration of Parliament (a)	Sittings			
			Legislative Assembly		Legislative Council	
			Number of sittings	Percentage of sittings to duration	Number of sittings	Percentage of sittings to duration
		days				
Thirty-eighth	1950-1952	865	131	15.1	81	9.4
Thirty-ninth	1952-1955	852	92	10.8	61	7.2
Fortieth	1955-1958	1,038	139	13.4	99	9.5
Forty-first	1958-1961	1,059	150	14.2	103	9.7
Forty-second	1961-1964	1,015	149	14.7	112	11.0
Forty-third	1964-1967	980	146	14.9	119	12.1
Forty-fourth	1967-1970	1,002	152	15.2	124	12.4
Forty-fifth	1970-1973	1,036	154	14.9	126	12.2
Forty-sixth	1973-1976	969	142	14.7	106	10.9

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

Cost of parliamentary government

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

The table shows this expenditure for Victoria for the years ended 30 June 1972 to 1976. In order to avoid incorrect conclusions about the cost of the Governor's establishment, it should be noted that a large part of the expenditure (with the exception of the item "Salary") under the general heading "Governor" represents official services.

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

Period	Governor		Ministry	Parliament		Electoral	Royal Commissions, Select Committees, etc.	Total
	Salary	Other expenses (a)		Salaries of members	Other expenses (b)			
1972-73	20	294	383	1,173	1,769	657	185	4,481
1973-74	20	397	548	1,623	2,231	378	41	5,238
1974-75	20	591	709	2,420	3,062	269	143	7,214
1975-76	20	626	886	3,330	5,359	1,573	747	12,541
1976-77	20	683	998	3,262	6,310	453	709	12,434

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

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

Members of the Victorian Parliament

Political parties

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

(ALP) Australian Labor Party
(IND. LAB.) Independent Labor

(LP) Liberal Party

(NP) National Party of Australia (Victoria)

Legislative Council

President: The Hon. William Gordon Fry.

Chairman of Committees: The Hon. William Montgomery Campbell.

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

Members of the Legislative Council who were elected at the 1976 triennial election are shown in the following list:

VICTORIA—LEGISLATIVE COUNCIL: MEMBERS ELECTED 20 MARCH 1976
(Term of office commenced 27 June 1976)

Member	Province	Number of electors on rolls	Number of electors who voted	Total percentage of electors who voted
Chamberlain, Hon. Bruce Anthony (LP)	Western	81,532	77,634	95.22
Dunn, Hon. Bernard Phillip (NP)	North Western	78,565	74,107	94.33
Eddy, Hon. Randolph John (ALP)	Thomastown	114,574	106,863	93.27
Evans, Hon. David Mylor (NP)	North Eastern	85,260	80,464	94.37
Foley, Hon. Dr. Kevin James (LP)	Boronia	113,888	105,954	93.03
Granter, Hon. Frederick James (LP)	Central Highlands	85,641	78,876	92.10
Guest, Hon. James Vincent Chester (LP)	Monash	115,968	104,257	89.90
Hamilton, Hon. Harold Murray, E.D. (LP)	Higinbotham	115,497	107,293	92.90
Hauser, Hon. Vernon Thomas (LP)	Nunawading	118,275	110,667	93.57
Howard, Hon. Dr. Ralph William (LP)	Templestowe	115,316	107,260	93.01
Jenkins, Hon. Owen Glyndwr (LP)	Geelong	85,047	81,358	95.66
Knowles, Hon. Robert Ian (LP)	Ballarat	83,528	79,384	95.04
Landeryou, Hon. William Albert (ALP)	Doutta Galla	120,955	113,431	93.78
Reid, Hon. Nicholas Bruce (LP)	Bendigo	83,059	79,146	95.29
Saltmarsh, Hon. Donald Neville (LP)	Waverley	114,654	106,958	93.34
Stacey, Hon. Neil Frank (LP)	Chelsea	117,786	109,003	92.54
Storey, Hon. Haddon, Q.C. (LP)	East Yarra	115,158	105,732	91.81
Taylor, Hon. James Allister (LP)	Gippsland	80,733	75,285	93.25
Thomas, Hon. Herbert Arthur (ALP)	Melbourne West	114,890	105,890	92.17
Trayling, Hon. Ivan Barry (ALP)	Melbourne	123,270	105,715	85.76
Walton, Hon. John Malcolm (ALP)	Melbourne North	118,514	108,498	91.55
Ward, Hon. Hector Roy (LP)	South Eastern	85,172	78,899	92.63

Members of the Legislative Council who did not come up for election at the 1976 triennial election are shown in the following list:

VICTORIA—LEGISLATIVE COUNCIL: MEMBERS ELECTED 19 MAY 1973
(Term of office commenced 15 July 1973)

Member	Province	Number of electors on rolls	Number of electors who voted	Total percentage of electors who voted
Block, Hon. Peter David (LP)	Boronia	195,299	182,911	93.66
Bradbury, Hon. Archibald Keith (NP)	North Eastern	60,396	56,883	94.18
Campbell, Hon. William Montgomery (LP)	East Yarra	130,865	120,136	91.80
Crozier, Hon. Digby Glen (LP)	Western	65,190	62,484	95.85
Dickie, Hon. Vance Oakley (LP)	Ballarat	66,556	53,256	95.04
Elliott, Hon. Douglas George (ALP)	Melbourne	117,092	103,920	88.75
Fry, Hon. William Gordon (LP)	Higinbotham	134,910	126,220	93.56
Galbally, Hon. John William, Q.C. (ALP)	Melbourne North	120,381	113,239	94.07
Gleeson, Hon. Stanley Edmond (LP)	South Western	111,040	104,673	94.27
Grimwade, Hon. Frederick Sheppard (LP)	Bendigo	70,416	67,075	95.26
Hider, Hon. Charles Allen Moir (LP)	Monash	133,950	123,202	91.98
Houghton, Hon. William Vasey (LP)	Templestowe	182,576	170,866	93.59
Hunt, Hon. Alan John (LP)	South Eastern	188,690	176,793	93.69
Knight, Hon. Alexander Wilson (ALP)	Melbourne West	155,477	145,962	93.88
Long, Hon. Richard John (LP)	Gippsland	93,725	88,342	94.26
McDonald, Hon. Stuart Richard (NP)	Northern	65,624	62,346	95.00
Triпович, Hon. John Matthew (ALP) (a)	Doutta Galla	146,825	137,633	93.74
Wright, Hon. Kenneth Irving (NP)	North Western	49,972	47,521	95.10

(a) The Hon. John Matthew Triпович died on 6 August 1976. The Hon. David Ronald White (ALP) was declared elected in his stead on 16 August 1976.

Legislative Assembly

Speaker : The Hon. Sir Kenneth Wheeler.

Chairman of Committees : Ian Francis McLaren, O.B.E.

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

The following list shows members of the Legislative Assembly elected at the general election held on 20 March 1976. It also includes details of electoral districts and voting at this last general election.

VICTORIA—LEGISLATIVE ASSEMBLY : MEMBERS ELECTED 20 MARCH 1976

Member	District	Number of electors on rolls	Number of electors who voted	Total percentage of electors who voted
Amos, Derek Godfrey Ian (ALP)	Morwell	25,874	24,258	93.75
Austin, Thomas Leslie (LP)	Ripon	25,704	24,513	95.37
Balfour, Hon. James Charles Murray (LP)	Narracan	25,543	24,028	94.07
Billing, Norman Alexander William, K.St J. (LP)	Springvale	28,035	26,161	93.32
Birrell, Hayden Wilson (LP)	Geelong West	25,584	24,320	95.06
Borthwick, Hon. William Archibald (LP)	Monbulk	27,602	25,243	91.45
Burgin, Cecil William John (LP)	Polwarth	25,017	23,964	95.79
Cain, John (ALP)	Bundoora	28,691	26,947	93.92
Cathie, Ian Robert (ALP)	Carrum	28,728	26,440	92.04
Coleman, Charles Geoffrey (LP)	Syndal	29,192	27,284	93.46
Collins, Peter Charles (LP)	Noble Park	30,392	28,404	93.46
Cox, George Henry (LP)	Mitcham	28,231	26,431	93.62
Crabb, Steven Marshall (ALP)	Knox	29,360	27,164	92.52
Crellin, Maxwell Leslie (LP)	Sandringham	29,145	26,927	92.39
Culpin, John Albert (ALP)	Glenroy	27,798	26,093	93.87
Dixon, Hon. Brian James (LP)	St Kilda	30,653	26,419	86.19
Doube, Hon. Valentine Joseph (ALP)	Albert Park	31,647	27,132	85.73
Dunstan, Hon. Roberts Christian, D.S.O. (LP)	Dromana	28,034	25,422	90.68
Ebery, William Thomas (LP)	Midlands	24,768	23,469	94.76
Edmunds, Cyril Thomas (ALP)	Ascot Vale	29,243	27,023	92.41
Evans, Alexander Thomas (LP)	Ballarat North	25,751	24,544	95.31
Evans, Bruce James (NP)	Gippsland East	25,254	23,345	92.44
Fogarty, William Francis (ALP)	Sunshine	29,727	27,331	91.94
Fordham, Robert Clive (ALP)	Footscray	29,323	27,112	92.46
Francis, Charles Hugh, Q.C. (LP)	Caulfield	30,192	26,902	89.10
Ginifer, John Joseph (ALP)	Keilor	28,973	26,903	92.86
Gude, Phillip Archibald (LP)	Geelong East	24,837	23,299	93.81
Guy, Athol George (LP)	Gisborne	27,076	25,489	94.14
Hamer, Hon. Rupert James, E.D. (LP)	Kew	29,690	27,181	91.55
Hann, Edward James (NP)	Rodney	25,308	24,057	95.06
Hayes, Hon. Geoffrey Phillip (LP)	Wantirna	29,838	27,736	92.96
Holding, Allan Clyde (ALP) (a)	Richmond	30,771	26,926	87.50
Hudson, Neville Read, D.F.C. (LP)	Werribee	28,482	26,114	91.69
Jasper, Kenneth Stephen (NP)	Murray Valley	25,134	23,839	94.85
Jennings, Douglas Bernard (LP)	Westernport	26,603	24,806	93.25
Jona, Hon. Walter (LP)	Hawthorn	28,122	25,490	90.64
Jones, Barry Owen (ALP) (a)	Melbourne	29,247	25,238	86.29
Kennett, Jeffrey Gibb (LP)	Burwood	28,227	26,216	92.88
Kirkwood, Carl William Dunn (ALP)	Preston	29,026	26,659	91.85
Lacy, Norman Henry (LP)	Warrandyte	29,363	27,371	93.22
Lieberman, Louis Stuart (LP)	Benambra	25,923	23,999	92.58
Lind, Alan Alfred Campbell (ALP)	Dandenong	31,367	29,125	92.85
Loxton, Samuel John Everett (LP)	Prabran	29,495	24,871	84.32
McArthur, Peter Stewart (LP)	Ringwood	28,530	26,598	93.23
McCabe, James Edmund (LP)	Lowan	24,722	23,552	95.27
McClure, Daryl Hedley Robert (LP)	Bendigo	25,704	24,625	95.80
McInnes, Neil Malcolm (NP)	Gippsland South	25,408	23,781	93.60
McKellar, Donald Kelso (LP)	Portland	25,440	24,299	95.51
Mackinnon, Donald James (LP)	Box Hill	28,862	26,720	92.58
McLaren, Ian Francis, O.B.E. (LP)	Bennettswood	28,788	27,110	94.17
Maclellan, Hon. Robert Roy Cameron (LP)	Berwick	27,495	25,312	92.06
Mutton, John Patrick (IND. LAB.)	Coburg	28,927	27,087	93.64
Patrick, Jeanette Tweeddale (LP)	Brighton	28,455	26,256	92.27
Plowman, Sidney James (LP)	Evelyn	28,032	25,662	91.55
Rafferty, Hon. Joseph Anstice (LP)	Glenhuntly	28,395	26,079	91.84
Ramsay, James Halford (LP)	Balwyn	29,119	26,842	92.18
Reese, William Frederick Llewellyn (LP)	Heatherton	29,008	27,083	93.36
Richardson, John Ingles (LP)	Forest Hill	29,761	27,916	93.80
Roper, Thomas William (ALP)	Brunswick	29,483	26,678	90.49
Ross-Edwards, Peter (NP)	Shepparton	25,251	24,073	95.33
Scanlan, Hon. Alan Henry (LP)	Oakleigh	29,343	27,395	93.36
Simmmonds, James Lionel Allan (ALP)	Reservoir	29,532	27,464	93.00
Simpson, John Hamilton (ALP)	Niddrie	27,755	26,592	95.81
Skeggs, Bruce Albert Edward (LP)	Ivanhoe	30,856	28,584	92.64
Smith, Aurel Vernon (LP)	South Barwon	25,907	24,472	94.46
Smith, Hon. Ian Winton (LP)	Warrnambool	25,119	23,908	95.18
Stephen, William Francis (LP)	Ballarat South	25,980	24,621	94.77
Stirling, Gordon Francis (ALP)	Williamstown	29,439	27,344	92.88

VICTORIA—LEGISLATIVE ASSEMBLY : MEMBERS ELECTED 20 MARCH 1976—continued

Member	District	Number of electors on rolls	Number of electors who voted	Total percentage of electors who voted
Suggett, Robert Harris (LP)	Bentleigh	29,055	27,381	94.24
Templeton, Thomas William, J.P. (LP)	Mentone	29,150	26,938	92.41
Thompson, Hon. Lindsay Hamilton Simpson, C.M.G. (LP)	Malvern	29,564	26,754	90.50
Trewin, Thomas Camplon (NP)	Benalla	24,971	23,426	93.81
Trezise, Neil Benjamin (ALP)	Geelong North	25,121	23,417	93.22
Vale, Roy Mountford (LP) (b)	Greensborough	30,397	28,299	93.10
Weideman, George Graeme, J.P. (LP)	Frankston	30,198	27,852	92.23
Wheeler, Hon. Sir Kenneth Henry (LP)	Essendon	28,867	27,118	93.94
Whiting, Milton Stanley (NP)	Mildura	24,449	22,715	92.91
Wilkes, Frank Noel (ALP)	Northcote	29,986	27,199	90.71
Williams, Morris Thomas (LP)	Doncaster	28,436	26,740	94.04
Wilton, John Thomas (ALP)	Broadmeadows	29,720	27,574	92.78
Wood, Alan Raymond (LP)	Swan Hill	25,087	23,753	94.68

(a) Allan Clyde Holding and Barry Owen Jones resigned from the Assembly to contest the Commonwealth elections held on 10 December 1977. At by-elections held on 17 December 1977, Theodore Sidiropoulos (ALP) was elected in Richmond and Keith Henry Remington (ALP) in Melbourne.

(b) Roy Mountford Vale died on 10 September 1977. Pauline Therese Toner (ALP) was declared elected in his stead on 5 November 1977.

Parliamentary Counsel

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

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

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

The primary work of the Office is to prepare legislation for the Government. The volume of legislation in Victoria, in common with that in other jurisdictions, has consistently increased over the last century. In its first 30 years, the Victorian Parliament passed 915 Acts; in the next 30 years, 1,423 Acts; in the next 30 years, 2,868 Acts; and in the next 29 years no less than 3,598 Acts were passed.

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

The policy of legislation is initially determined by the Cabinet acting on the advice of the responsible Minister, assisted by his appropriate departmental advisers, but it is generally accepted that policy and form cannot be completely separated and Parliamentary Counsel, in advising as to the most appropriate way in which a particular objective can be achieved, accordingly exercise a considerable influence on the legislation that is ultimately passed by the Parliament.

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

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

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

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

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

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

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

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

Victorian Acts passed during 1976

VICTORIA—ACTS PASSED BY PARLIAMENT, 1976

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| <p>8826 Public Servants Ethical Conduct (Joint Select Committee) Act constitutes a Joint Select Committee to inquire into and report on the law and practice governing the conduct of public servants in cases where their official duties and private interests conflict, and for other purposes</p> <p>8827 Committees (Membership) Act amends the <i>Parliamentary Committees Act</i> 1968 the <i>Public Works Committee Act</i> 1958 and the <i>State Development Committee Act</i> 1958. This Act increases the number of members on each committee to accord with changes in the membership of other committees</p> <p>8828 Joint Select Committee (Meat Industry) Act constitutes a Joint Select Committee of the Legislative Council and the Legislative Assembly to inquire into and report upon certain questions relating to the meat industry in Victoria, and for other purposes</p> <p>8829 Joint Select Committee (Road Safety) Act constitutes a Joint Select Committee of the Legislative Council and the Legislative Assembly to inquire into and report upon certain questions relating to road safety, and for other purposes</p> | <p>8830 Latrobe Valley (Manager's Qualifications) Act amends the <i>Latrobe Valley Act</i> 1958 regarding the qualifications required of the manager of the undertaking of the Latrobe Valley Water and Sewerage Board, and for other purposes</p> <p>8831 Ministry for the Arts (Transfer of Administration) Act amends the <i>Ministry for the Arts Act</i> 1972, the <i>Science Museum of Victoria Act</i> 1970, the <i>National Museum of Victoria Council Act</i> 1970, and the <i>State Library National Gallery and National Museum and Institute of Applied Science Act</i> 1960 to provide for the transfer of the administration relating to these Acts to the Minister for the Arts</p> <p>8832 Bendigo College of Advanced Education Act dissolves the Bendigo Institute of Technology and the State College of Victoria at Bendigo, transfers to the Bendigo College of Advanced Education the assets and liabilities of the Bendigo Institute of Technology and the State College of Victoria at Bendigo, and protects the interests of the staff of the Bendigo Institute of Technology and the State College of Victoria at Bendigo</p> |
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VICTORIA—ACTS PASSED BY PARLIAMENT, 1976—continued

- 8833 Ballarat College of Advanced Education Act dissolves the State College of Victoria at Ballarat, transfers to the Ballarat College of Advanced Education the assets of the School of Mines and Industries, Ballarat, and of the State College of Victoria at Ballarat and protects the interests of the staff of the School of Mines and Industries, Ballarat, and of the State College of Victoria at Ballarat.
- 8834 Constitution (Responsible Ministers) Act amends the *Constitution Act* 1975 to increase the maximum number of responsible Ministers of the Crown, and for other purposes
- 8835 Bees (Amendment) Act amends the *Bees Act* 1971, and for other purposes
- 8836 Australian Tractor Testing Station Act facilitates the transfer of officers of the Australian Tractor Testing Station at Werribee employed by the University of Melbourne to employment in the Public Service
- 8837 Liquefied Gases (Amendment) Act amends the *Liquefied Gases Act* 1968 by amending the interpretation of "liquefied gas" in the Principal Act, adds certain procedures relating to the hearing of offences, suspension and cancellation of licences and searches, and provides for reasonable precautions to be taken in storing liquefied gas
- 8838 Business Franchise (Tobacco) Act amends the *Business Franchise (Tobacco) Act* 1974 regarding the wholesale tobacco merchants' licences, and for other purposes
- 8839 Land (Surrender of Lands) Act amends Schedules 2A and 2B to the *Land Act* 1958 to provide for the surrender of certain lands to the Crown, and for other purposes
- 8840 Dandenong (Shepley Oval Land) Act confirms the temporary reservation of certain Crown land in the township of Dandenong as a site for public recreation, confirms the appointment of the corporation of the City of Dandenong as Committee of Management of the Land, and authorises the corporation to grant leases of certain land, and for other purposes
- 8841 Railways (Participation in Pipeline Operations Payments) Act amends Section 100c of the *Railways Act* 1958 with respect to payments made in connection with pipeline operations
- 8842 Tattersall Consultations (Soccer Football Pools) Act amends the *Tattersall Consultations Act* 1958, makes provision for the disposal of duty regarding soccer football pools to certain States and Territories of the Commonwealth, and for other purposes
- 8843 Commonwealth and States Financial Agreement Act approves an agreement between the Commonwealth of Australia and the States of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania to amend the previous agreement between the Commonwealth and the abovementioned States of the 12 December 1927, and for other purposes.
- 8844 Trustee Companies (Union-Fidelity) (Amendment) Act varies the restrictions imposed in relation to the capital and shares of the Union-Fidelity Trustee Company of Australia Limited and amends the Second Schedule of the *Trustee Companies Act* 1958, and for other purposes
- 8845 Supply (1976-77, No. 1) Act makes interim provision for the appropriation of moneys out of the Consolidated Fund for the service of the financial year 1976-77
- 8846 National Gallery of Victoria (Development Collection) Act amends the *National Gallery of Victoria Act* 1966, to make provision with respect to a development collection and other matters
- 8847 Revocation and Excision of Crown Reservations Act revokes the permanent reservations of certain lands, and for other purposes
- 8848 Pesticides (Amendment) Act amends the *Pesticides Act* 1958 and provides that constituents of certain pesticides are to be stated on labels and increases fines for certain offences, and for other purposes
- 8849 Architects (Amendment) Act amends the *Architects Act* 1958 by changing the qualifications necessary for registration as an architect, increasing the penalties for certain offences and authorising the regulation of professional conduct
- 8850 Gippsland Folk Museum Act makes provision for the establishment of a Gippsland Folk Museum Authority for developing and fostering the Gippsland Folk Museum at Moe, and for purposes connected therewith
- 8851 Joint Select Committee (Conservation of Energy Resources) Act constitutes a Joint Select Commit-

VICTORIA—ACTS PASSED BY PARLIAMENT, 1976—continued

- tee to inquire into and report upon the conservation of energy resources in Victoria, and for other purposes
- 8852 Tomato Processing Industry Act improves stability in the tomato processing industry by restricting the sale and purchase of tomatoes for processing, providing for registration of growers and registration of tomato processing factories, stating the qualifications and duties of graders of tomatoes for processing, constituting the Tomato Processing Industry Negotiating Committee and gives it certain functions and powers
- 8853 Judges Salaries Act amends the *Constitution Act 1975* and the *County Court Act 1958* with respect to salaries of judges
- 8854 Small Business Development Corporation Act constitutes a Small Business Development Corporation to encourage and promote the development of small business by establishing the Small Business Advisory Agency, which is to investigate the effect upon small business of the policies of Governments, to arrange training, and educational and financial assistance to small businesses
- 8855 Home Finance (Loans and Guarantees) Act amends the *Home Finance Act 1962* for making further provision with respect to loans on second mortgage made by the Home Finance Trust and guarantees given by the Treasurer for the repayment of certain loans, and for other purposes
- 8856 Teaching Service (Professional Appointments) Act amends the *Teaching Service Act 1958* with respect to the appointment of professional officers, professional appointees and assistant professional appointees, and for other purposes
- 8857 Friendly Societies (Amendment) Act amends the *Friendly Societies Act 1958*, by increasing the maximum amount payable by societies on the death of a member from \$6,000 to \$25,000 and provides that payment on behalf of a mentally ill member may be paid or applied for the benefit of such member or his wife or family at the trustees' discretion
- 8858 Public Works and Services (Further Expenditure) Act authorises further expenditure on public works and services, and for other purposes
- 8859 Sewerage Districts (Amendment) Act amends the *Sewerage Districts Act 1958* to authorise sewerage authorities to administer more than one sewerage district, to make further provision concerning the rating powers of sewerage authorities, and for other purposes
- 8860 Mildura College Lands (Schools Fund) Act amends the *Mildura College Lands Act 1916* with respect to the transfer of certain moneys from the Mildura Schools Fund to the councils of the Mildura High School, the Mildura Technical School and the Irymple Technical School, and other matters
- 8861 Dandenong Valley Authority (Amendment) Act amends the *Dandenong Valley Authority Act 1963* by providing that the Dandenong Valley Authority may refuse to give its consent to a plan of subdivision unless the plan includes appropriation of easements for the use of the Authority
- 8862 Second-hand Dealers (Charity Collectors) Act amends the *Second-hand Dealers Act 1958* to control and license Collectors of articles for or on behalf of charitable organizations, amends the *Hospitals and Charities Act 1958*, the *Local Government Act 1958*, repeals the *Second-hand Dealers (Charity Collectors) Act 1970*, and the *Second-hand Dealers (Charitable Collectors) Act 1972*, and for other purposes
- 8863 Mental Health (Amendment) Act amends the *Mental Health Act 1959* by providing for a temporary chairman to fill a vacancy in the office of Chairman of the Mental Health Authority; changing the titles of secretary of any State institution; and providing for cancellation of registration of a day-training centre
- 8864 Victorian Film Corporation Act constitutes a Victorian Film Corporation to encourage and promote the production, exhibition and distribution of films, television programmes and other entertainments and works
- 8865 Motor Car (Breath Testing Stations) Act amends the *Motor Car Act 1958* in relation to the detection of persons whose ability to drive a motor car is impaired by the consumption of alcoholic liquor, and for other purposes
- 8866 Education (Minister of Special Education) Act amends the *Education Act 1958* by providing that the Minister of Special Education is responsible for the administration of that part of the Act concerned with handicapped children

VICTORIA—ACTS PASSED BY PARLIAMENT, 1976—continued

- 8867 **Deakin University (Amendment) Act** amends the *Deakin University Act* 1974 with respect to the re-employment of certain academic staff of the Gordon Institute of Technology and the State College at Geelong
- 8868 **Public Service (Long Service Leave) Act** amends the *Public Service Act* 1974 in relation to long service leave, and for other purposes
- 8869 **Victorian Development Corporation Act** amends the *Victorian Development Corporation Act* 1973 by extending the powers of the Corporation to include the making of loans or grants to assist in the establishment or development of any country industry, and to execute guarantees for repayment of moneys advanced to assist in the establishment or development of tourist accommodation and facilities
- 8870 **Crimes Act** amends the *Crimes Act* 1958, makes further provision with respect to the criminal law, and for other purposes
- 8871 **Weights and Measures (Amendment) Act** amends the *Weights and Measures Act* 1958 by enlarging the procedure to be followed for packaging bread, calculating the weight of prepacked articles, and increasing fines for offences against the Act
- 8872 **Wild Flowers and Native Plants Protection (Amendment) Act** amends the *Wild Flowers and Native Plants Protection Act* 1958 by adding the offences of picking or selling protected wildflowers or plants without a licence; and provides that the Minister may delegate his power to issue licences, that an offender may be ordered to pay compensation, and increased penalties for offences
- 8873 **Ministry of Transport (Amendment) Act** amends the *Ministry of Transport Act* 1958 by adding to the specific purposes of the Ministry and adding certain financial provisions
- 8874 **Abattoir and Meat Inspection (Amendment) Act** amends the *Abattoir and Meat Inspection Act* 1973, by extending it to cover occupiers of meat establishments and by providing for certain licences and additional offences
- 8875 **Local Government (Rates) Amendment Act** amends the *Local Government Act* 1958 with respect to valuations of property and the use of unimproved values for rating purposes
- 8876 **Cluster Titles (Amendment) Act** repeals Section 5 of the *Cluster Titles Act* 1974, and removes the partial prohibition upon sealing of a plan of strata subdivision under section 4 of the *Strata Titles Act* 1967 by a Council
- 8877 **Parliamentary Allowances Act** authorises the payment of an expense allowance to certain members of the Legislative Council or the Legislative Assembly
- 8878 **Liquor Control (Exhibition Buildings) Act** makes provision for the granting of licences authorising the sale or disposal of liquor at the Exhibition Buildings in Melbourne and for other purposes
- 8879 **Waterworks Trusts Association of Victoria (Financial Year) Act** amends the *Waterworks Trusts Association of Victoria Act* 1966 with respect to the financial year of the Association
- 8880 **Provincial Sewerage Authorities Association of Victoria (Financial Year) Act** amends the *Provincial Sewerage Authorities Association of Victoria Act* 1966 with respect to the financial year of the Association
- 8881 **Crown Reservations (Revocations and Excisions) Act** revokes the permanent reservations of certain lands and for other purposes
- 8882 **Co-operative Housing Societies (Amendment) Act** amends the *Co-operative Housing Societies Act* 1958 to increase the amount of an advance in respect of which the Treasurer may indemnify societies against loss, and to increase the limit of the aggregate liability under indemnity
- 8883 **County Court (Amendment) Act** amends the *County Court Act* 1958 in relation to pensions for County Court judges and their widows, and provides for payment into court, or to trustees, of damages awarded to persons incapable of managing their own affairs
- 8884 **Ombudsman (Municipalities) Act** enables the Ombudsman to investigate complaints relating to local government, and for other purposes
- 8885 **Racing (Amendment) Act** amends the *Racing Act* 1958 to permit the Minister to issue licences to the Trotting Control Board for the holding of a certain number of trotting meetings at the particular ground stated in the licence
- 8886 **Home Finance (Amendment) Act** amends the *Home Finance Act* 1962 to increase the maximum

VICTORIA—ACTS PASSED BY PARLIAMENT, 1976—*continued*

- value of a house in respect of which a loan may be made, and for other purposes
- 8887 Victoria Grants Commission Act establishes a Victoria Grants Commission to determine the allocation of financial assistance to municipalities in Victoria, and for other purposes
- 8888 Local Government (City of Sunshine) Act authorises the appointment of a commissioner to administer the City of Sunshine, to remove the Council of that City from Office, and for other purposes
- 8889 Gordon Technical College Act provides for the establishment of an Institute to be known as the Gordon Technical College to assume certain of the functions performed by the Gordon Institute of Technology at Geelong, and for other purposes
- 8890 Water (Amendment) Act amends the *Water Act* 1958, to make provision with respect to the imposition of a domestic and stock charge and of certain fees for qualification as a water supply engineer and other matters
- 8891 Nar Nar Goon Land Exchange Act makes provision with respect to the surrender to Her Majesty of certain land in the Parish of Nar Nar Goon and the grant to the Corporation of the Shire of Pakenham of certain other land in that parish
- 8892 Forests (Advances) Act amends section 94A of the *Forests Act* 1958 to extend the Forest Commission's power to make advances to planters of trees for commercial purposes, and to increase the maximum amount of advance payable
- 8893 Pensioners' Rates Remission Act increases assistance to pensioners with respect to the payment of certain rates and charges, to make further provision in relation to the granting of that assistance, and for other purposes
- 8894 State Electricity Commission (Loy Yang Power Station) Act makes provision with respect to a scheme for the extension of the State Electricity generating system by the establishment of a power station at Loy Yang, and for other purposes
- 8895 Appropriation (1976-77, No. 1) Act appropriates certain sums out of the Consolidated Fund for the service of the financial year 1976-77 and to appropriate the supplies granted in this session of Parliament, and for other purposes
- 8896 Vital State Projects Act makes provision with respect to the planning, construction, maintenance and operation of certain Vital State Projects, and for other purposes
- 8897 Barley Marketing (Amendment) Act amends the *Barley Marketing Act* 1958 to provide that the Treasurer of Victoria may execute a guarantee in favour of any bank with which the Australian Barley Board has arranged to borrow money for the purpose of making the first advance payments in each season to barley growers, and to make an amendment to the *Magistrates (Summary Proceedings) Act* 1975
- 8898 Labour and Industry (Amendment) Act amends the *Labour and Industry Act* 1958 and repeals subsection (2) of section 9 of the *Labour and Industry (Wages Board Determinations) Act* 1975, alters the method of re-appointment of members of Wages Boards and provides for payment of travelling and other expenses to members of the Industrial Appeals Court
- 8899 Lands Compensation (Amendment) Act increases the amount payable by way of compulsory loans to dispossessed home owners under section 11C of the *Lands Compensation Act* 1958, and for other purposes
- 8900 Dentists (Amendment) Act amends the *Dentists Act* 1972, to provide for the registration of specialist practitioners, to permit dentists to practise in partnership, and for other purposes
- 8901 Educational Institutions (Guarantees) Act authorises the Treasurer of Victoria to guarantee the repayment of loans made to certain educational institutions, and for other purposes
- 8902 Appeal Costs Fund (Amendment) Act amends the *Appeal Costs Fund Act* 1964, and the *Legal Aid Act* 1969, to provide that payment to the Appeals Costs Fund is to be made from the Consolidated Fund directly, to repeal certain financial provisions of the principal Act relating to additional fees payable on documents, to repeal certain provisions of the *Legal Aid Act* 1969 relating to payments from the Appeals Cost Fund to the Legal Aid Fund
- 8903 Co-operation (Amendment) Act amends the *Co-operation Act* 1958 to provide for the establishment of a Credit Societies' General Reserve Fund, to increase the aggregate liability that the

VICTORIA—ACTS PASSED BY PARLIAMENT, 1976—continued

- 8904 Treasurer of Victoria may incur under guarantees, and for other purposes
Victorian Institute of Secondary Education Act establishes the Victorian Institute of Secondary Education to assist persons in transition from secondary school to further studies or employment, or from employment to further secondary studies, constitutes the Governing Council of the Victorian Institute of Secondary Education and gives it certain functions and powers
- 8905 Water Supply Works and Services Act authorises expenditure on works and services and other purposes relating to irrigation, water supply, drainage, sewerage, flood protection, and river improvement, and for other purposes
- 8906 Health (Fees) Act amends the *Health Act 1958*, increases certain miscellaneous fees payable under the Act and regulations made pursuant to it, and increases the maximum fees payable for the granting or annual renewal of registration of premises
- 8907 Cemeteries (Amendment) Act amends the *Cemeteries Act 1958* to increase the penalty for unauthorised exhumation, increases the fee for licence to exhume, provides for prescribing fees by regulation, and for other purposes
- 8908 State Forests Works and Services Act authorises expenditure on works and services and other purposes relating to State Forests
- 8909 Gold Buyers (Repeal) Act repeals the *Gold Buyers Act 1958*
- 8910 Melbourne and Metropolitan Tramways (East Burwood Tramway) Act authorises the construction by the Melbourne and Metropolitan Tramways Board of an electric tramway in the Cities of Camberwell, Box Hill, and Nunawading
- 8911 Box Hill Land Act relates to certain lands in the City of Box Hill
- 8912 Liquor Control (Orderly Marketing) Act makes provision with respect to the orderly marketing of certain packaged beer, amends the *Liquor Control Act 1968*, and for other purposes
- 8913 Melbourne Underground Rail Loop (Financial Contributions) Act amends the *Melbourne Underground Rail Loop Act 1970* with respect to the financial contributions of the City of Melbourne and the Melbourne and Metropolitan Board of Works, and for other purposes
- 8914 Companies (Fees) Act makes provision relating to fees payable under the *Companies Act 1961*, amends that Act, and for other purposes
- 8915 Employers and Employés (Repeal) Act repeals the *Employers and Employés Act 1958*, amends the *Supreme Court Act 1958* and the *County Court Act 1958* to provide that a court or judge may make orders for the attachment of earnings, including earnings from the Crown, abolishes the doctrine of common employment, and amends the *Wrongs Act 1958*
- 8916 Gas and Fuel Corporation (Borrowing Powers) Act amends the *Gas and Fuel Corporation Act 1958* to increase the limit of total borrowing by the Gas and Fuel Corporation to the sum of \$400,000,000
- 8917 Teacher Housing (Amendment) Act amends sections 5, 9, 13, and 21 of the *Teacher Housing Act 1970*, reconstitutes the Teacher Housing Authority, and amends the *Teaching Service Act 1958*, and for other purposes
- 8918 Education (Special Developmental Schools) Act makes provision with respect to members of the teaching service at special developmental schools
- 8919 Coal Mines (Pensions) Act amends Part III of the *Coal Mines Act 1958* to alter the constitution of the Pensions Tribunal, and to provide that the Treasurer of Victoria is to make contribution to the Pension Fund in any year or part of a year when no coal mines are operating in Victoria
- 8920 Mines Act amends the *Mines Act 1958*, to extend the regulation making power to include public safety and health in relation to mines, the precautions to be taken to prevent damage to property in the vicinity of mines, and controlling and licensing the storage of explosives in mines; repeals the special provisions for licences to search for uranium and thorium; and amends section 36 of the *Explosives Act 1960*
- 8921 Northcote Children's Home Act makes provision with respect to the Northcote Children's Home at Bacchus Marsh and the continuation in employment of certain members of the staff thereof
- 8922 Victoria Racing Club (Borrowings) Act amends section 26 of the *Victoria Racing Club Act 1871*, with respect to the borrowing of moneys

VICTORIA—ACTS PASSED BY PARLIAMENT, 1976—continued

- by the Chairman of the Victoria Racing Club
- 8923 Taxation Appeals (Amendment) Act amends the *Taxation Appeals Act* 1972 to reconstitute the Victorian Taxation Board of Review, and to provide that anyone of the members shall constitute the Board and that each member shall be a barrister and solicitor
- 8924 Marine (Amendment) Act amends the *Marine Act* 1958 to empower the Marine Board of Victoria to issue grades of certificates of competency or service to various classes of marine personnel on various classes of vessels
- 8925 Hospitals Superannuation (Amendment) Act amends the *Hospitals Superannuation Act* 1965 to reconstitute the Hospitals Superannuation Board, provides that the Hospitals Superannuation Board shall establish a Pension Contributors Fund, and specifies the benefits payable in the case of early retirement, retirement due to disability or deferred retirement, to the contributor, and in the case of death of the contributor, to the family of the contributor.
- 8926 Ports and Harbours Act amends the *Geelong Harbour Trust Act* 1958, the *Harbor Boards Act* 1958, the *Marine Act* 1958, and the *Melbourne Harbor Trust Act* 1958, with respect to the use of port facilities and the removal from ports of sunken, abandoned and other vessels and hulls
- 8927 Building Industry Long Service Leave (Amendment) Act amends the *Building Industry Long Service Leave Act* 1975, to make provision concerning moneys used and to be used for the purpose of bringing the said Act into operation, and for other purposes
- 8928 Public Works and Services Act authorises expenditure on public works and services, and for other purposes
- 8929 Public Service (Amendment) Act amends the *Public Service Act* 1974 to provide for the appointment of officers from the Third Division to offices in the Second Division, and provides for a person with special knowledge or experience to be appointed to offices of the First and Second Divisions, and allows an officer of the Second or Third Division who is charged with an offence under the Act and who admits the truth of the charge to appeal against the penalty
- 8930 Educational Grants (Continuation) Act amends the *Education Act* 1958 and the *Education Grants Act* 1973 to increase the capita-tion grants for 1977
- 8931 Transport Works and Services Act authorises expenditure on works and services and other purposes relating to railways and road transport
- 8932 Housing (Amendment) Act amends the *Housing Act* 1958 to expand the objects of the Housing Commission to include the sale of land for housing, permits the Commission with the consent of the Minister to acquire land, and permits the Commission to sell vacant land to a person to erect a house within 10 years for his own occupation
- 8933 Country Fire Authority (Amendment) Act amends the *Country Fire Authority Act* 1958 to provide that two members of the Country Fire Authority be appointed by the Insurance Council of Australia, extends the powers of the Chief Officer in relation to closure of roads, and provides for payment of members of fire brigades associations by regulation
- 8934 Psychological Practices (Psychologists' Qualifications) Act amends section 16 of the *Psychological Practices Act* 1965 with respect to the qualifications which entitle a person to be registered as a psychologist
- 8935 Dietitians Registration (Fees) Act amends the *Dietitians Registration Act* 1958 with respect to the fees payable thereunder, and for other purposes
- 8936 Probate Duty Act amends the *Probate Duty Act* 1962 to remove the imposition of probate duty upon real and personal property passing from a deceased person to his or her spouse
- 8937 Wodonga Area Land Acquisition (Amendment) Act amends the *Wodonga Area Land Acquisition Act* 1973 to permit the Minister to purchase or serve a notice to treat in respect of any land during the year 1977
- 8938 Building Contracts (Deposits) (Amendment) Act amends the *Building Contracts (Deposits) Act* 1962, and for other purposes
- 8939 Railways (Penalties) Act amends the *Railways Act* 1958 to increase the penalties for certain offences, and for other purposes
- 8940 River Improvement (United Districts) Act amends section 18 of

VICTORIA—ACTS PASSED BY PARLIAMENT, 1976—continued

- the *River Improvement Act* 1958 to enable the Governor in Council by order to provide for the union of two or more river improvement districts into one district and for the jurisdiction and control of the new district until members of the new trust take office
- 8941 *Mildura Irrigation and Water Trusts (Amendment) Act* amends the *Mildura Irrigation and Water Trusts Act* 1958, to make further provision concerning the rating powers of the First Mildura Irrigation Trust, provides for the issue of rate certificates, and for other purposes
- 8942 *Magistrates' Courts (Amendment) Act* amends the *Magistrates' Courts Act* 1971, relating to offences punishable summarily by making the offence of burglary where the offence involves an intent to steal any property where the property is a motor car or the value of the property is \$2,000 or less
- 8943 *Melbourne and Metropolitan Board of Works (Municipalities Contributions) Act* amends section 227 of the *Melbourne and Metropolitan Board of Works Act* 1958 with respect to the period for which contributions are to be made by the Melbourne and Metropolitan Board of Works to certain municipalities
- 8944 *Acts Interpretation (Amendment) Act* makes provision with respect to the application of the laws of Victoria in certain off-shore areas adjacent to Victoria, makes further provision for the exercise of statutory powers between the passing and commencement of acts, amends the *Acts Interpretation Act* 1958, and for other purposes
- 8945 *Forests (Fire Prevention and Protection) (Amendment) Act* amends the *Forests Act* 1958 to create the offence of failing to carry out clearing or preventative burning within the period required by the regulations, extends the regulation-making powers to include the extinguishing of fires in fire protected areas and measures to be taken and facilities necessary including dugouts in fire protection areas, and increases penalties for offences under the Act
- 8946 *Land Tax Act* amends the *Land Tax Act* 1958, to declare the rates of land tax for the year ending on 31 December 1977, and for other purposes
- 8947 *Shearers Accommodation Act* re-enacts with amendments the law relating to shearers accommodation
- 8948 *Liquor Control (Fees) Act* amends the *Liquor Control Act* 1968 to make provision for payment of licence fees by quarterly instalments, and for other purposes
- 8949 *Pay-roll Tax Act* alters the general exemption from liability to *Pay-roll Tax Act* 1971, and for other purposes
- 8950 *Rape Offences (Proceedings) Act* makes further provision with respect to the trial of persons for rape, attempted rape and assault with intent to rape, amends the *Magistrates (Summary Proceedings) Act* 1975, the *Evidence Act* 1958, the *Crimes Act* 1958, and for other purposes
- 8951 *Supreme Court Act* consolidates and amends the law relating to officers of the Supreme Court, and for other purposes
- 8952 *Metropolitan Fire Brigades Superannuation Act* constitutes a Metropolitan Fire Brigades Superannuation Board, makes provision for the administration by the said Board of a Metropolitan Fire Brigades Superannuation Fund, provides for the transfer to the said Board of certain assets and the responsibility for the administration thereof, and for other purposes
- 8953 *Minerals and Energy Act* makes provision for and with respect to the creation of a Department of Minerals and Energy, amends the *Coal Mines Act* 1958, the *Gas and Fuel Corporation Act* 1958, the *Health Act* 1958, the *Mines Act* 1958, the *Mining Development Act* 1958, the *Petroleum Act* 1958, the *Extractive Industries Act* 1966, the *Pipelines Act* 1967, the *Petroleum (Submerged Lands) Act* 1967, the *Groundwater Act* 1969, and the *Public Service Act* 1974, and for other purposes
- 8954 *Legal Profession Practice (Guarantee Fund) Act* amends Parts IV and V of the *Legal Profession Practice Act* 1958, regarding investment by the Law Institute of Victoria of moneys deposited by Solicitors' Guarantee Fund to be divided into an Income Suspense Account, a Fidelity Account, a Victorian Law Foundation Account and a Solicitors' Guarantee Fund Capital Investment Account

VICTORIA—ACTS PASSED BY PARLIAMENT, 1976—*continued*

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| <p>8955 Magistrates (Summary Proceedings) (Amendment) Act amends the <i>Magistrates (Summary Proceedings) Act 1975</i> in relation to recovery of fines and execution of warrants of commitment for fines</p> <p>8956 Money Lenders (Credit Societies) Act amends sub-section (1) of section 3 of the <i>Money Lenders Act 1958</i> to provide that the interpretation of "Money Lender" does not include a registered credit union</p> <p>8957 Patriotic Funds (Amendment) Act amends the <i>Patriotic Funds Act 1958</i> to give the trustees power to transfer a patriotic fund to any municipality exercising any power for the relief of any class of persons in special need of help</p> <p>8958 Local Government (House Builders' Liability) Act amends division 1A of part XLIX of the <i>Local Government Act 1958</i> in relation to house builders' liability and extends the liability of the builder to successors in title of the purchaser</p> <p>8959 Police Regulation (Long Service Leave) Act amends the provisions of the <i>Police Regulation Act 1958</i> with respect to long service leave</p> <p>8960 Private Agents (Amendment) Act amends the <i>Private Agents Act 1966</i> to increase the surety to be lodged by a commercial agent while he holds a licence and which is to be held for at least two years after the licence ceases, and provides that these trustee securities are to be distributed in the event of default by the commercial agent</p> <p>8961 Poisons (Drugs of Addiction) Act makes further provision with respect to drugs of addiction and specified drugs, to amend the <i>Poisons Act 1962</i> to increase penalties for trafficking in Indian Hemp and certain other drugs of addiction or specified drugs</p> <p>8962 Constitution (Validation of Elections) Act makes provision with</p> | <p>respect to the validation of certain persons to be members of the Legislative Council and of the Legislative Assembly, and to indemnify them from any penal consequences which they may have incurred by sitting and voting as members thereof</p> <p>8963 Ministry of Immigration and Ethnic Affairs Act establishes a Ministry of Immigration and Ethnic Affairs, to assist migrants and members of ethnic groups to settle in Victoria, and for other purposes</p> <p>8964 Motor Car (Fees) Act increases the amount of certain fees payable under the <i>Motor Car Act 1958</i></p> <p>8965 Marketing of Primary Products (Marketing Boards) Act amends the <i>Marketing of Primary Products Act 1958</i> with respect to the constitution and powers of marketing boards, and for other purposes</p> <p>8966 Building Societies Act consolidates and amends the law relating to building societies with regard to the registration and operation of building societies and provides for the management and monetary policies of the societies</p> <p>8967 Water and Sewerage Authorities (Accident Insurance and Employés Long Service Leave) Act makes further provision with respect to accident insurance for commissioners and members of certain Water and Sewerage Authorities, and further provision with respect to long service leave for employees of those authorities, and for other purposes</p> <p>8968 Upper Yarra Valley and Dandenong Ranges Authority Act makes provision with respect to the protection and conservation of the Upper Yarra Valley and the Dandenong Ranges to constitute an authority and gives it certain functions and powers including the preparation of a regional study plan</p> |
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Parliamentary Papers presented during Session 1976-1977

The following Papers were presented to the Legislative Assembly during Session 1976-1977 and ordered by the House to be printed. Copies may be purchased on application to the Sales Section, Government Printing Office, Macarthur Street, Melbourne, 3002.

VICTORIA—PARLIAMENTARY PAPERS PRESENTED TO LEGISLATIVE ASSEMBLY, SESSION 1976-1977**Finance :**

A.1. Finance 1975-76—Treasurer's Statement of the Receipts and Payments of the Consolidated Fund and the Trust Fund for the year ended 30 June 1976, with Reports etc. of the Auditor-General.

VICTORIA—PARLIAMENTARY PAPERS PRESENTED TO LEGISLATIVE ASSEMBLY,
SESSION 1976-77—continued

A.2. Supplementary Report of the Auditor-General for the year ended 30th June, 1976.

Message from His Excellency the Governor :

B.1. Estimates of the Receipts and Payments of the Consolidated Fund for the year ending 30 June, 1977.

Returns to Orders of the House :

C.1. Report of the State Electricity Commission on proposed extension to State Generating System—Loy Yang Project.

C.2. Summary of Interim Report and the Final Report of an Investigation under Part VIa of the *Companies Act* 1961 into the affairs of Barewa Oil and Mining N.L.

C.3. Report of the Committee of Enquiry into Child Care Services in Victoria.

C.4. Report of the Ministry of Fuel and Power on Energy (March, 1977).

Reports from Select Committees :

D.1. Public Accounts Committee—Treasury Minutes on Reports upon the Auditor-General's Reports for 1973-74 and State Electricity Commission Financial Assistance to Ballarat and Bendigo Bus Operations together with extracts from those reports.

D.2. Public Accounts Committee—Report upon Expenditure from the Advance to the Treasurer 1974-75 and Unpaid Accounts 1974-75 together with an Appendix.

D.3. Subordinate Legislation Committee—Report upon the Liquor Control (Orderly Marketing) Regulations 1975 (Statutory Rule No. 425/75).

D.4. Road Safety Committee—Sixteenth Progress Report—Identification of Motor Vehicle Drivers with Blood Alcohol Levels in Excess of .05 per cent together with Extracts from the Proceedings of the Committee and Appendices.

D.5. Public Servants Ethical Conduct Committee—Report on Conflicts of Interest together with an Extract from the Proceedings of the Committee and Appendices.

D.6. Public Accounts Committee—Treasury Minute on Report upon the Presentation of Trust Fund Information together with Summary of that Report.

D.7. Standing Orders Committee—Report upon Debate (Time Limits, Right of Reply and Incorporation of Material in "Hansard").

D.8. Public Accounts Committee—Report upon the Auditor-General's Reports for 1974-75.

D.9. Statute Law Revision Committee—Report upon the proposals contained in the Vagrancy (Amendment) Bill 1974 together with Extracts from the Proceedings of the Committee and an Appendix.

D.10. Public Accounts Committee—Report upon the Teacher Housing Authority.

D.11. Road Safety Committee—Seventeenth Progress Report—Involvement of Motorcyclists in Road Accidents together with Appendices.

D.12. Public Accounts Committee—Treasury Minute on Report upon the Auditor-General's Reports for 1974-75.

D.13. Statute Law Revision Committee—Report upon certain proposals by His Honor Judge Rapke relating to Section 26 of the *Motor Car Act* 1958 and to the Forfeiture of Motor Vehicles.

D.14. Statute Law Revision Committee—Report upon the proposals contained in the Statute Law Revision Bill 1976 together with an Appendix.

D.15. Public Accounts Committee—Report upon Aspects of Financial Assistance to Bus Operators.

D.16. Statute Law Revision Committee—Report upon the Age of Majority.

D.17. Statute Law Revision Committee—Report upon the proposals contained in the Constitution Bill 1976 together with Extracts from the Proceedings of the Committee and an Appendix.

D.18. Meat Industry Committee—Interim Report upon Future Operations of Livestock Selling Centres.

D.19. Public Accounts Committee—Report upon Expenditure on Parliamentary Printing.

D.20. Statute Law Revision Committee—Report upon the Methods of Destruction of Unwanted Animals and the proposals contained in the Protection of Animals (Amendment) Bill 1976 together with Extracts from the Proceedings of the Committee and Appendices.

D.21. Conservation of Energy Resources Committee—Report upon the use of Insulation in Buildings and Conservation Generally together with an Appendix.

D.22. Public Accounts Committee—Report upon Expenditure from the Advance to the Treasurer 1974-75 and Unpaid Accounts 1974-75 together with Summary of that Report.

Papers presented to Parliament :

No. 38. Consumer Affairs—Report of the Director of Consumer Affairs for the year 1975-76.

**VICTORIA—PARLIAMENTARY PAPERS PRESENTED TO LEGISLATIVE ASSEMBLY,
SESSION 1976-77—continued**

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- No. 39. Consumer Affairs Council—Report for the year 1975-76.
 - No. 14. Co-operative Housing Societies—Report of the Registrar for 1973-74.
 - No. 70. Co-operative Housing Societies—Report of the Registrar for 1974-75.
 - No. 13. Co-operative Societies—Report of the Registrar for 1973-74.
 - No. 69. Co-operative Societies—Report of the Registrar for 1974-75.
 - No. 54. Country Roads Board—Report for the year 1975-76.
 - No. 12. Dairy Industry in Victoria—Supplementary Report to the First and Second Reports of the Board of Inquiry.
 - No. 21. Dairy Industry in Victoria—Third Report of the Board of Inquiry.
 - No. 74. Dairy Industry in Victoria—Fourth Report of the Board of Inquiry.
 - No. 75. Dairy Industry in Victoria—Fifth Report of the Board of Inquiry.
 - No. 23. Education—Report of the Council of Public Education for the year 1974-75.
 - No. 3. Education—Report of the Minister of Education for the year 1974-75.
 - No. 78. Education—Report of the Minister of Education and the Minister of Special Education for the year 1975-76.
 - No. 41. Egg and Egg Pulp Marketing Board—Report for the pool year ended 3rd July, 1976.
 - No. 4. Environment Protection Authority—Report for the year 1974-75.
 - No. 46. Environment Protection Authority—Report for the year 1975-76.
 - No. 36. Forests Commission—Report for the year 1975-76.
 - No. 7. Friendly Societies and Benefit Associations—Report of the Government Statist for the year 1972-73.
 - No. 27. Friendly Societies and Benefit Associations—Report of the Government Statist for the year 1973-74.
 - No. 82. Friendly Societies and Benefit Associations—Report of the Government Statist for the year 1974-75.
 - No. 37. Gas and Fuel Corporation—Report for the year 1975-76.
 - No. 67. Health—Commission of Public Health—Report for the year 1975-76.
 - No. 53. Hospitals and Charities Commission—Report for the year 1975-76.
 - No. 17. Hospitals Superannuation Board—Report for the year 1974-75.
 - No. 71. Hospitals Superannuation Board—Report for the year 1975-76.
 - No. 11. Housing Commission—Report for the year 1974-75.
 - No. 76. Housing Commission—Report for the year 1975-76.
 - No. 29. Industrial Training Commission—Report for the year 1975-76.
 - No. 6. Labour and Industry Department—Report for the year 1975.
 - No. 81. Labour and Industry Department—Report for the year 1976.
 - No. 20. Land Conservation Council—Report for the year 1975-76.
 - No. 25. Law Reform Commissioner—Report for the year 1975-76.
 - No. 47. Liquor Control Commission—Report for the year 1975-76.
 - No. 45. Melbourne Underground Rail Loop Authority—Report for the year 1975-76.
 - No. 15. Mental Health Authority—Report for the year 1974.
 - No. 68. Mental Health Authority—Report for the year 1975.
 - No. 61. Motor Accidents Board—Report for the year 1974-75.
 - No. 56. National Parks Service—Report for the year 1972-73.
 - No. 57. National Parks Service—Report for the year 1973-74.
 - No. 58. National Parks Service—Report for the year 1974-75.
 - No. 84. National Parks Service—Report for the year 1975-76.
 - No. 2. Ombudsman—Quarterly Report for the period 1st July, 1975 to 30th September, 1975.
 - No. 5. Ombudsman—Quarterly Report for the period 1st October, 1975 to 31st December, 1975.
 - No. 16. Ombudsman—Quarterly Report for the period 1st January, 1976 to 31st March, 1976.
 - No. 30. Ombudsman—Report for the year 1975-76 together with Quarterly Report for the period 1st April, 1976 to 30th June, 1976.
 - No. 34. Ombudsman—Quarterly Report for the period 1st July, 1976 to 30th September, 1976.
 - No. 65. Ombudsman—Quarterly Report for the period 1st October, 1976 to 31st December, 1976.
 - No. 80. Ombudsman—Quarterly Report for the period 1st January, 1977 to 31st March, 1977.
 - No. 28. Packaged Beer—Report of Board of Inquiry into Sale of.
 - No. 66. Parole Boards (Youth)—Reports for the year 1973-74.
 - No. 73. Parole Board (Youth)—Report for the year 1974-75.
 - No. 33. Police Department—Report for the year 1975.

VICTORIA—PARLIAMENTARY PAPERS PRESENTED TO LEGISLATIVE ASSEMBLY,
SESSION 1976-77—*continued*

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- No. 55. Property at 110 Exhibition Street, Melbourne—Report of Board of Inquiry into Sale of.
 No. 1. Public Service Board—Report for the year 1974-75.
 No. 49. Public Service Board—Report for the year 1975-76.
 No. 9. Railways—Report of the Victorian Railways Board for the year 1974-75.
 No. 52. Railways—Report of the Victorian Railways Board for the year 1975-76.
 No. 10. Rural Finance and Settlement Commission—Report for the year 1974-75.
 No. 77. Rural Finance and Settlement Commission—Report for the year 1975-76.
 No. 48. Social Welfare Department—Report for the year 1975-76.
 No. 51. Soil Conservation Authority—Report for the year 1975-76.
 No. 24. State Advisory Board on Publications—Report for the year 1975-76.
 No. 32. State Development Committee—Report on the More Efficient Use of Municipal Plant and Equipment.
 No. 44. State Electricity Commission—Report for the year 1975-76 together with Appendices.
 No. 8. State Rivers and Water Supply Commission—Report for the year 1974-75.
 No. 59. State Rivers and Water Supply Commission—Report for the year 1975-76 (Volume One).
 No. 63. State Rivers and Water Supply Commission—Report for the year 1975-76 (Volume Two).
 No. 31. State Savings Bank—Reports, Statements, Returns etc., for the year 1975-76.
 No. 62. State Superannuation Board—Report for the period 1st July, 1974 to 30th June, 1976.
 No. 26. Sunshine—Report of the Board of Inquiry into the Finances of the City of Sunshine.
 No. 72. Superannuation Fund—Eleventh Investigation (as at 30th June, 1974) made by Mr V. H. Arnold, F.I.A. (Actuary to the Superannuation Board).
 No. 18. Teacher Housing Authority—Report for the year 1974-75.
 No. 79. Teacher Housing Authority—Report for the year 1975-76.
 No. 42. Teachers Tribunal—Report for the year 1973-74.
 No. 43. Teachers Tribunal—Report for the year 1974-75.
 No. 83. Town and Country Planning Board—Report for the year 1975-76.
 No. 50. Transport Regulation Board—Report for the year 1975-76.
 No. 35. Victoria Institute of Colleges—Report for the year 1975.
 No. 40. Victoria Police Force—Addenda to the Report of the Board of Inquiry into Allegations against Members of the Victoria Police Force.
 No. 19. Victorian Development Corporation—Report for the year 1974-75.
 No. 60. Victorian Development Corporation—Report for the year 1975-76.
 No. 22. Victorian Public Service—Final Report of the Board of Inquiry.
 No. 64. Youth, Sport and Recreation Department—Report for the year 1975-76.
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VICTORIAN ELECTORAL SYSTEM

General

Electoral basis of the two Houses of Parliament

When first constituted the Legislative Council or Upper House was composed of thirty members, aged 30 years and over and possessed of freehold of the annual value of £500. Property qualifications were abolished by the *Legislative Council Reform Act* 1950, and today the main qualification of members and electors of the Legislative Council is the attainment of the age of 18 years. A similar provision applies to the Legislative Assembly.

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

The eighteen members elected in 1973 to represent the eighteen Provinces then in existence, will continue to represent those Provinces until the expiration of their six year period of membership in 1979. The triennial elections in 1979 will be conducted on the basis of the twenty-two Provinces which came into force at the elections held on 20 March 1976.

At the triennial elections held on 20 March 1976, twenty-two members were elected to represent these twenty-two Provinces which came into force at that election.

Thus until the triennial elections in 1979 the Legislative Council will consist of forty members and after the 1979 elections, it will consist of forty-four members, i.e., two members representing each of the twenty-two Provinces.

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

Electoral redivision, 1975

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

Legislative Assembly

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

Legislative Council

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

The new Electoral Provinces and Districts formulated by the Commissioners empowered to undertake the 1975 redivision were deemed to be accepted by Parliament, and the names and boundaries of the new Provinces and Districts were declared on 30 July 1975. The triennial election for the Legislative Council was due to be held on 3 July 1976, the Saturday immediately following the expiration of the term of office of the Legislative Council members elected in 1970, but pursuant to *The Constitution Act Amendment (Conjoint Elections) Act 1975*, power was given for this election to be held conjointly with a Legislative Assembly general election up to within four months before 27 June 1976, being the day following the expiration of the term of office of the said members. The term of office of the twenty-two Legislative Council members elected at this election on 20 March 1976 commenced on 27 June 1976. The eighty-one new Electoral Districts came into effect from 12 February 1976, the day of dissolution of the Legislative Assembly preceding the election held on 20 March 1976.

Enrolment of electors

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

Legislation reducing the voting age to 18 years became effective from 18 March 1973.) The electoral rolls for the State are compiled by the Commonwealth electoral authorities under a joint Commonwealth-State Government arrangement, each Government paying half the cost of compilation. All Commonwealth and State parliamentary elections in Victoria are conducted on the basis of these joint rolls.

The compilation of the rolls is aided by the fact that the respective Legislative Council Provinces and Electoral Districts, as well as the Commonwealth Electoral Divisions, are subdivided into 341 common subdivisions, which form the basic units for enrolment on the joint Commonwealth-State of Victoria rolls.

Number of enrolments on the joint rolls

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

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

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

VICTORIA—ELECTORS ENROLLED ON JOINT ROLLS AT 30 JUNE

Year	Number of electors enrolled	Year	Number of electors enrolled
1968	1,759,803	1973	2,124,151
1969	1,789,153	1974	2,183,625
1970	1,852,023	1975	2,176,732
1971	1,857,354	1976	2,264,222
1972	1,890,666	1977	2,301,695

Types of elections in Victoria

There are five types of State parliamentary elections in Victoria :

- (1) *Periodical election for the Legislative Council.* This means an election at which one half of the members of the Council (22) have to be elected. There is a periodical election every three years, the next being due in 1979. Members of the Legislative Council are elected for six years, one half of the members retiring alternately every three years. There are two members for each Province.
- (2) *General election for the Legislative Assembly.* This means an election at which all Members of the Legislative Assembly (81) have to be elected. Each Assembly lasts for three years from the first meeting thereof, but may be dissolved earlier by the Governor (for example, if the government of the day is defeated on some vital issue, etc.).
- (3) *Conjoint election.* This means a periodical election for the Legislative Council and a general election for the Legislative Assembly which are both held on the same day. The Assembly general elections and the Council periodical (or triennial) elections have been held conjointly since 1961.
- (4) *By-election.* A by-election is an "extraordinary" election held in an Electoral Province (Legislative Council) or an Electoral District (Legislative Assembly) because of the death, resignation, etc., of the current member. The candidate elected at a by-election holds office for the remainder of the term for which the member who was replaced was elected.

(5) *General election for the Legislative Council.* This means an election for the Legislative Council where ALL (i.e., 44) members have to be elected. Two members have thus to be returned for each Province, the candidate first elected holding office for six years, the second candidate elected holding office for three years. A general election for the Council can only take place in the event of a deadlock between the two Houses and after a complex code of procedure has first been observed.

Conduct of elections

The election process is initiated by the issue of a Writ—the formal document issued on behalf of the Queen commanding the Returning Officer to whom it is addressed to proceed to the holding of an election to fill the vacancy for a member for the electorate concerned.

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

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

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

Voting features of State elections

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

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

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

Where only two candidates are involved the candidate who receives an absolute majority (i.e., more than half the number of formal votes cast)

is declared elected. Similarly, where there are more than two candidates, if one of them receives an absolute majority on the count of first preferences, then he is declared elected.

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

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

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

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

Areas of Provinces and Districts

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

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

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

(a) See page 105 for number of electors and sitting members.

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

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

State Electoral District (a)	Area	State Electoral District (a)	Area
Albert Park	23.73	Kew	19.63
Ascot Vale	19.90	Knox	77.54
Ballarat North	1,780.00	Lowan	20,200.00
Ballarat South	2,970.00	Malvern	13.30
Balwyn	16.17	Melbourne	28.68
Benalla	12,610.00	Mentone	17.91
Benambra	14,690.00	Midlands	8,310.00
Bendigo	79.00	Mildura	29,590.00
Bennettswood	18.55	Mitcham	19.58
Bentleigh	12.84	Monbulk	204.00
Berwick	1,576.00	Morwell	1,190.00
Box Hill	13.39	Murray Valley	4,270.00
Brighton	14.26	Narracan	3,910.00
Broadmeadows	64.67	Niddrie	32.20
Brunswick	13.02	Noble Park	99.92
Bundoora	40.04	Northcote	16.70
Burwood	14.22	Oakleigh	18.30
Carrum	32.75	Polwarth	7,515.00
Caulfield	10.70	Portland	13,900.00
Coburg	17.86	Prahran	7.68
Dandenong	39.91	Preston	15.77
Doncaster	33.09	Reservoir	18.90
Dromana	344.00	Richmond	14.30
Essendon	17.00	Ringwood	31.64
Evelyn	4,087.00	Ripon	12,490.00
Footscray	19.68	Rodney	7,430.00
Forest Hill	20.23	St Kilda	8.70
Frankston	45.69	Sandringham	18.03
Geelong East	243.00	Shepparton	2,795.00
Geelong North	1,810.00	South Barwon	2,546.00
Geelong West	21.00	Springvale	32.06
Gippsland East	29,630.00	Sunshine	34.82
Gippsland South	7,243.00	Swan Hill	18,420.00
Gisborne	6,799.00	Syndal	24.43
Glenhuntly	11.75	Wantirna	24.78
Glenroy	16.87	Warrandyte	123.00
Greensborough	92.84	Warrnambool	5,752.00
Hawthorn	12.30	Werribee	974.00
Heatherton	40.01	Westernport	3,296.00
Ivanhoe	23.88	Williamstown	29.22
Keilor	221.00		
		Total (b)	228,307.00

(a) See pages 106-7 for number of electors and sitting members.

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

Parliamentary elections

Legislative Assembly

At the Legislative Assembly election held on 20 March 1976 there were contests in all the eighty-one Electoral Districts. In fifty-four of these contests, more than two candidates were engaged.

In thirty-seven of these fifty-four contests the successful candidate had an absolute majority of the total first preferences recorded and consequently no distribution of further preferences was necessary. After the necessary distribution of second or subsequent preferences had been completed in the other seventeen contests, the leading candidate on the first count was elected in twelve instances but was defeated in the remaining five instances.

The following table shows the voting in general elections held for the Legislative Assembly since 1952 :

VICTORIA—VOTING AT GENERAL ELECTIONS FOR THE
LEGISLATIVE ASSEMBLY

Year of election	Whole State		Contested Districts			
	Electors enrolled	Electors enrolled	Votes recorded		Informal votes	
			Number	Percentage of voters	Number	Percentage of total votes recorded
1952	1,402,705	1,119,486	1,047,671	93.59	18,991	1.81
1955	1,422,588	1,402,806	1,318,937	94.02	28,934	2.19
1958	1,478,065	1,478,065	1,392,813	94.23	24,760	1.78
1961	1,554,856	1,554,856	1,467,862	94.41	35,937	2.45
1964	1,635,311	1,635,311	1,543,778	94.40	35,631	2.31
1967	1,723,981	1,723,981	1,625,239	94.27	51,384	3.16
1970	1,827,595	1,827,595	1,728,362	94.57	55,141	3.19
1973	2,088,984	2,088,984	1,954,005	93.54	56,691	2.90
1976	2,267,282	2,267,282	2,101,414	92.68	53,417	2.54

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

The following table shows certain particulars of the representation in the Legislative Assembly in which general elections have been held since 1952 :

VICTORIA—PARLIAMENTARY REPRESENTATION IN THE
LEGISLATIVE ASSEMBLY

Year of election	Number of members of Legislative Assembly	Mean population	Average population per member	Number of electors enrolled on date of election	Average number of electors per member	Proportion of persons enrolled to total population
						per cent
1952	65	2,343,610	36,056	1,402,705	21,580	59.9
1955	66	2,520,481	38,189	1,422,588	21,554	56.4
1958	66	2,717,371	41,172	1,478,065	22,395	54.4
1961	66	2,926,075	44,334	1,554,856	23,558	53.1
1964	66	3,105,685	47,056	1,635,311	24,777	52.7
1967	73	3,277,183	44,893	1,723,981	23,616	52.6
1970	73	3,450,523	47,267	1,827,595	25,036	53.0
1973	73	3,596,778	49,271	2,088,984	28,616	58.1
1976	81	(a)3,746,000	45,024	2,267,282	27,991	62.2

(a) Census count 30 June 1976, adjusted for under-enumeration.

Proportion of voters at elections

The first general election for the Legislative Assembly was held in 1856. The proportion of voters to electors of contested districts at each of the general elections held until 1955 for the Legislative Assembly can be found on page 86 of the *Victorian Year Book* 1961.

Legislative Council

Until the triennial elections in 1979, the Legislative Council will consist of forty members, eighteen representing the eighteen Provinces for which they were elected in 1973 and twenty-two representing the twenty-two Provinces which came into force at the elections on 20 March 1976. After the 1979 elections, the Legislative Council will consist of forty-four members representing twenty-two Provinces. Voting in elections held for the Legislative Council since 1952 is shown in the following table. At the triennial election held on 20 March 1976, there were contests in all Provinces and in seven of them more than two candidates were engaged.

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

The following table shows the voting in periodical elections held for the Legislative Council since 1952:

VICTORIA—VOTING AT ELECTIONS FOR THE LEGISLATIVE COUNCIL

Year of election	Whole State		Contested Provinces			
	Electors enrolled	Electors enrolled	Votes recorded		Informal votes	
			Number	Percentage of voters	Number	Percentage of total votes recorded
1952	1,395,650	1,078,959	994,190	92.14	22,595	2.27
1955	1,430,130	1,216,010	1,112,951	91.52	23,189	2.08
1958	1,488,293	1,387,097	1,283,665	92.54	22,085	1.72
1961	1,554,856	1,554,856	1,467,482	94.38	46,697	3.18
1964	1,635,311	1,635,311	1,543,584	94.39	45,627	2.96
1967	1,723,981	1,723,981	1,625,371	94.28	59,895	3.69
1970	1,827,595	1,827,595	1,726,725	94.48	67,710	3.92
1973	2,088,984	2,088,984	1,953,462	93.51	74,354	3.81
1976	2,267,282	2,267,282	2,102,674	92.74	65,997	3.14

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

Referendums, 1977

A poll was held on 21 May 1977 in respect of each of four proposed laws, namely,

- (1) "An Act to alter the Constitution so as to ensure that Senate Elections are held at the same time as House of Representatives Elections".
- (2) "An Act to alter the Constitution so as to ensure so far as practicable that a Casual Vacancy in the Senate is filled by a Person of the same Political Party as the Senator chosen by the People and for the balance of his Term".
- (3) "An Act to alter the Constitution so as to allow Electors in Territories as well as Electors in the States, to vote at Referendums on Proposed Laws to alter the Constitution".
- (4) "An Act to alter the Constitution so as to provide for Retiring Ages for Judges of Federal Courts".

The result of the voting as regards each State and as regards the Commonwealth was as follows:

PROPOSED LAW ENTITLED "CONSTITUTION ALTERATION
(SIMULTANEOUS ELECTIONS) 1977"

State	Number of votes given in favour of the proposed law	Number of votes given not in favour of the proposed law	Number of ballot-papers rejected as informal
New South Wales	1,931,775	800,331	42,282
Victoria	1,325,708	713,929	43,399
Queensland	534,968	590,942	12,932
South Australia	480,827	247,762	17,401
Western Australia	292,344	310,765	14,354
Tasmania	82,785	158,818	4,460
Total for the Commonwealth	4,648,407	2,822,547	134,928

**PROPOSED LAW ENTITLED "CONSTITUTION ALTERATION (SENATE
CASUAL VACANCIES) 1977 "**

State	Number of votes given in favour of the proposed law	Number of votes given not in favour of the proposed law	Number of ballot-papers rejected as informal
New South Wales	2,230,218	502,171	41,999
Victoria	1,552,558	486,798	43,780
Queensland	662,732	463,165	12,945
South Australia	557,950	170,536	17,504
Western Australia	344,389	258,655	14,419
Tasmania	129,924	111,638	4,501
Total for the Commonwealth	5,477,771	1,992,963	135,148

**PROPOSED LAW ENTITLED "CONSTITUTION ALTERATION
(REFERENDUMS) 1977 "**

State	Number of votes given in favour of the proposed law	Number of votes given not in favour of the proposed law	Number of ballot-papers rejected as informal
New South Wales	2,292,822	439,247	42,319
Victoria	1,647,187	391,855	44,094
Queensland	670,820	455,051	12,971
South Australia	606,743	121,770	17,477
Western Australia	437,751	165,049	14,663
Tasmania	150,346	91,184	4,533
Total for the Commonwealth	5,805,669	1,664,156	136,057

**PROPOSED LAW ENTITLED "CONSTITUTION ALTERATION (RETIREMENT
OF JUDGES) 1977 "**

State	Number of votes given in favour of the proposed law	Number of votes given not in favour of the proposed law	Number of ballot-papers rejected as informal
New South Wales	2,316,999	414,070	43,319
Victoria	1,659,273	378,505	45,358
Queensland	734,183	391,227	13,432
South Australia	622,760	104,987	18,243
Western Australia	472,228	130,307	14,928
Tasmania	174,951	66,478	4,634
Total for the Commonwealth	5,980,394	1,485,574	139,914

In respect of the proposed law entitled "Constitution Alteration (Simultaneous Elections) 1977" the proposed law failed as in three States, New South Wales, Victoria, and South Australia, the majority of electors in each of those States voted "in favour" of the proposed law, while in the other three States, Queensland, Western Australia, and Tasmania, the majority of electors in each of those States voted "not in favour" of the proposed law.

With reference to the three other proposed laws entitled "Constitution Alteration (Senate Casual Vacancies) 1977", "Constitution Alteration (Referendums) 1977" and "Constitution Alteration (Retirement of Judges) 1977" the majority of electors in each of the six States voted "in favour" of each of the proposed laws.

Victorian representation in the Commonwealth Parliament*

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

Senate

The founders of the Commonwealth Constitution had in mind that the Senate should give expression to the interests of the States as partners in the Federation ; in other words, the Senate should be a States' house. Accordingly, the proportional representation suggested by the varying populations of the States was disregarded, and it was provided that each State should be represented by six Senators ; the first Senate in the first Parliament comprised 36 members of whom six represented Victoria. The numbers remained unchanged until the Commonwealth *Representation Act* 1948 when each State became eligible to elect ten senators.

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

House of Representatives

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

The *Representation Act* 1948 increased the size of the House of Representatives to 123 members, although only 121 were elected from the States ; the Northern Territory and the Australian Capital Territory each had one member with restricted voting powers. At 30 June 1976, the House of Representatives consisted of 127 members, 124 from the States, two from the Australian Capital Territory, and one from the Northern Territory.

Electoral redistributions were undertaken in all States after the 1947, 1954, 1961, 1966, and 1971 population censuses. The 1968 recommendations were the last approved by the Commonwealth Parliament in respect of all States and the net effect was to increase membership of the House of Representatives by one to 125 members. The 1969 House of Representatives election was the first Commonwealth election to be conducted on the new boundaries and subsequent to the election State representation in the House of Representatives became : New South Wales, 45 ; Victoria, 34 ; Queensland, 18 ; South Australia, 12 ; Western Australia, 9 ; Tasmania, 5. The Australian Capital Territory and the Northern Territory each returned one member with full voting rights. In May 1974, redistributions in Western Australia and the Australian Capital Territory increased representation in both cases by one. Redistributions in each of the other States were disapproved by the Senate in May 1975.

* Representation after the 1977 election is shown in the supplement at the end of this *Year Book*.

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

AUSTRALIA—HOUSE OF REPRESENTATIVES : MEMBERSHIP

Year	N.S.W.	Vic.	Qld.	S.A.	W.A.	Tas.	N.T. (a)	A.C.T. (b)	Total
1948	28	20	10	6	5	5	1	..	75
1949(c)	47	33	18	10	8	5	1	1	123
1955(c)	46	33	18	11	9	5	1	1	124
1969(c)	45	34	18	12	9	5	1	1	125
1974	45	34	18	12	10	5	1	2	127
1975	45	34	18	12	10	5	1	2	127

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

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

(c) Election following an electoral redistribution.

Elections

Qualifications of voters for Commonwealth Government elections

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

Qualifications of candidates—either House of the Commonwealth Parliament

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

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

Disqualification as elector or member

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

Elections for the Senate

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

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

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

person to hold the place until the expiration of fourteen days from the beginning of the next session of the Parliament of the State or the expiration of the term, whichever first happens.

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

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

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

The following table lists the Senators for Victoria elected on 13 December 1975 together with the party affiliation and year of retirement of each Senator. Political party affiliations are indicated thus:

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

AUSTRALIA—SENATE: VICTORIAN MEMBERS ELECTED ON 13 DECEMBER 1975

Senator	Retires
Brown, William Walter Charles (ALP)	1978
Button, John Norman (ALP)	1978
Cormack, Hon. Sir Magnus Cameron, K.B.E. (LP)	1978
Greenwood, Hon. Ivor John, Q.C. (LP) (a)	1981
Guilfoyle, Hon. Margaret Georgina Constance (LP)	1981
Melzer, Jean Isabel (ALP)	1981
Missen, Alan Joseph (LP)	1978
Primmer, Cyril Graham (ALP)	1981
Tehan, Thomas Joseph (NP)	1978
Webster, Hon. James Joseph (NP)	1981

(a) Hon. Ivor John Greenwood died on 13 October 1976. Senator Austin William Russell Lewis was appointed in his stead on 7 December 1976.

Elections for the House of Representatives

Australia is divided into 127 single-member electorates and electors are required to cast a vote by indicating the order of their preference for every candidate standing within the electorate. Election of members is carried out in accordance with the principles of the absolute majority through use of the alternative vote. If a vacancy occurs in the House of Representatives, it is filled by holding a by-election in the electorate concerned. The last general election was held on 13 December 1975.

The following table lists the Victorian members of the House of Representatives elected on 13 December 1975 together with the party affiliation and electorate of each member:

AUSTRALIA—HOUSE OF REPRESENTATIVES : VICTORIAN
MEMBERS ELECTED ON 13 DECEMBER 1975

Member	Division
Aldred, Kenneth James (LP)	Henty
Baillieu, Marshall (LP)	La Trobe
Bourchier, John William (LP)	Bendigo
Brown, Neil Anthony (LP)	Diamond Valley
Bryant, Hon. Gordon Munro, E.D. (ALP)	Wills
Cairns, Hon. Dr James Ford (ALP)	Lalor
Cass, Hon. Dr Moses Henry (ALP)	Maribyrnong
Chipp, Hon. Donald Leslie (LP) (a)	Hotham
Crean, Hon. Frank (ALP)	Melbourne Ports
Falconer, Peter David (LP)	Casey
Fisher, Peter Stanley (NP)	Mallee
Fraser, Rt Hon. John Malcolm (LP)	Wannon
Garrick, Horace James (ALP)	Batman
Hamer, David John, D.S.C. (LP)	Isaacs
Holten, Hon. Rendle McNeillage (NP)	Indi
Innes, Urquhart Edward (ALP)	Melbourne
Jarman, Alan William (LP)	Deakin
Jenkins, Dr Henry Alfred (ALP)	Scullin
Johnson, Leonard Keith (ALP)	Burke
King, Hon. Robert Shannon (NP)	Wimmera
Lloyd, Bruce (NP)	Murray
Lynch, Rt Hon. Phillip Reginald (LP)	Flinders
Macphée, Hon. Ian Malcolm (LP)	Balaclava
Nixon, Hon. Peter James (NP)	Gippsland
Peacock, Hon. Andrew Sharp (LP)	Kooyong
Scholes, Gordon Glen Denton (ALP)	Corio
Shipton, Roger Francis (LP)	Higgins
Short, James Robert (LP)	Ballaarat
Simon, Barry Douglas (LP)	McMillan
Snedden, Rt Hon. Billy Mackie, Q.C. (LP)	Bruce
Staley, Hon. Anthony Allan (LP)	Chisholm
Street, Hon. Anthony Austin (LP)	Corangamite
Willis, Ralph (ALP)	Gellibrand
Yates, William (LP)	Holt

(a) Mr. Chipp resigned from the Liberal Party on 24 March 1977. He is now leader of the Australian Democrats.

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