

CONSTITUTION AND PARLIAMENT

CONSTITUTION

Victorian Constitution

The Constitution of Victoria is 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, but did not do so until 1975.

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 make laws in and for Victoria upon all matters not exclusively granted to the Commonwealth Parliament by the Commonwealth Constitution, but upon some of these matters the Victorian law may be superseded by the passing of a Commonwealth Act. Local government, that is, the control exercised by municipal councils within their respective districts, is a matter of State law and wholly within the legislative control of the Victorian Parliament, but in 1979 the place of local government in Victoria was recognised by the incorporation of a new Part 11A in the *Constitution Act 1975*.

Relationship to Commonwealth Constitution

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

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

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

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

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

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

This financial pre-eminence of the Commonwealth has led to the distinction between its province and the province of the States becoming blurred in practice. Nevertheless, some generalisations are possible: the Commonwealth exercises exclusive power in fields such as defence and foreign affairs; 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, the provision of roads, water, sewerage, power, and other services.

Constitutional developments in Victoria since 1982

Operation of Imperial law

The Premiers' Conference of June 1982 agreed in principle on the removal of all remaining categories of appeal from Australian courts to the Privy Council, the removal of any remaining capacity in the British Parliament to make laws binding in Australia and the removal of certain remaining colonial fetters on the powers of State Parliaments. Negotiations on the manner of implementation of this agreement proceeded during 1983 and 1984 between Australian governments and with the government of the United Kingdom. Final agreement on the details of the scheme was reached at the Premiers' Conference in June 1984. The necessary State and Commonwealth legislation was enacted in 1985. The exercise was completed when complementary legislation was passed by the United Kingdom Parliament in 1986 and the Australia Acts were proclaimed.

Victorian Constitution

An important amendment to the Victorian Constitution was made by the *Constitution (Duration of Parliament) Act* 1984. The Act extends the term of the Legislative Assembly to four years, limits the circumstances in which the Legislative Assembly can be dissolved before three years of its term have expired, introduces a new procedure for the resolution of deadlocks between the two Houses of the Victorian Parliament, and changes the terms of Members of the Legislative Council from fixed, six-year terms to two terms of the Legislative Assembly.

The new deadlock procedure applies to a Bill which is resolved by the Legislative Assembly to be a Bill of special importance and which is passed twice by the Legislative Assembly and rejected twice by the Legislative Council in accordance with a prescribed time sequence. If the procedure has been satisfied the Governor may dissolve the Legislative Assembly, notwithstanding that three years of its term have not yet run. Dissolution of the Legislative Assembly in turn will cause an election for half the Members of the Legislative Council. The other circumstances in which the Legislative Assembly may be dissolved during the first three years of its term are when a bill dealing only with the appropriation of money for the ordinary annual services of the Victorian Government is rejected or deemed to be rejected by the Legislative Council, and when the Legislative Assembly has passed a resolution expressing a lack of confidence in the Premier and the other Ministers of State.

Commonwealth Constitution

Although a considerable number of recent cases have raised constitutional issues, the following are the most significant.

Hematite Petroleum Pty. Ltd. v. Victoria (1983) 57 ALJR 591 involved a challenge to the validity of the *Pipeline (Fees) Act* 1981 on the grounds that it was a duty of excise under section 90 of the Constitution and therefore within the exclusive power of the Commonwealth Parliament. The Act imposed a licence fee of \$10m per year for the operation of a trunk pipeline. The High Court held, by a majority of two, that the licence fee in substance was a tax on production and therefore invalid as an excise duty.

The broad definition of duties of excise in the majority judgements in *Hematite* had potential implications for a range of other State taxes and charges. The Victorian business franchise tobacco licensing scheme was the subject of a further challenge as an excise duty in *Evda Nominees v. Victoria* (1984) 58 ALJR 307. On this occasion the challenge was dismissed. The High Court refused to hear argument on the validity of the licences on the ground that the issues had been decided by the Court in earlier cases.

The scope of the Commonwealth's power in section 51(xx) to legislate for trading and financial corporations was further widened by three decisions of the High Court. In *State Superannuation Board v. Trade Practices Commission* (1983) 57 ALJR 89 a majority of the Court held that a corporation which engages in financial activities was a financial corporation for the purposes of the Constitution and that the State Superannuation Board of Victoria consequently fell within the ambit of Commonwealth power. In *Fencott v. Muller* (1983) 57 ALJR 317 it was held that a shelf company which carried on no activities could be identified as a trading or financial corporation for constitutional purposes if its constituent documents authorised it to engage in trading or financial activities. Finally, the decision of the Court in *Commonwealth v. Tasmania (Franklin Dam case)* (1983) 57 ALJR 450 that the *World Heritage Properties Conservation Act 1983* (Commonwealth) was a valid enactment based partly on the scope of the corporation's power. The Court held that the Hydro Electric Commission of Tasmania was a trading corporation and that Commonwealth power extended to the prohibition of acts done by trading corporations for the purposes of their trading activities, in this case the building of the dam.

The *Franklin Dam* case was important also for the scope of the external affairs power (section 51 xxxix). The Commonwealth Act purported to implement the Convention for the Protection of the World Cultural and Natural Heritage. The Court upheld its validity on the ground that it was an Act which implemented obligations assumed by Australia under an international treaty and therefore fell within the external affairs power.

EXECUTIVE

Governor

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

The Governor's authority is derived from the Commission of Appointment, Letters Patent, the Constitution Act, and the Australia Act.

As the representative of the Crown, the Governor summons and prorogues Parliament on the advice of the Premier. At the beginning of each session the Governor outlines the Government's legislative programme in what is called The Speech from the Throne. In the name of the Crown the Governor gives assent to Bills which have passed all stages in Parliament. The functions in relation to the Legislature are contained in the Constitution Act and The Constitution Act Amendment Act.

As Head of the Executive, the Governor's functions are based on the Letters Patent, the Governor's personal Commission, and statutory provisions. These empower the Governor to make all appointments to important State offices other than those made under other Acts such as the Public Service Act, to make official proclamations, to make regulations and statutory rules, and to carry out other statutory duties. In these duties the Governor acts on the advice of the Executive Council. By convention, the Governor cannot refuse to accept advice formally tendered by the Executive Council.

There are certain powers exercised by the Governor on advice from the Premier rather than the Executive Council. The more significant include the powers to prorogue and convoke the Houses of Parliament, dissolve the Legislative Assembly (if the prerequisites under the Constitution Act exist), appoint Ministers, and to commission a person who the Governor believes has the confidence of the Assembly, to form a government. The Governor also receives and transmits to the Government reports such as those from Royal Commissions and Boards of Inquiry.

On all official State occasions the Governor 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 Dr Davis McCaughey, who assumed office on 18 February 1986.

A complete list of representatives of the Sovereign since the establishment of the Port Phillip District can be found on pages 740-1 of the *Victorian Year Book 1984*.

The Administrator

The Letters Patent provide that an Administrator shall act as Governor if there is a vacancy in the office of Governor, or the Governor is administering the Government of the Commonwealth, or is

unable or unwilling to act as Governor or, not having commissioned a Deputy, is on leave or temporarily absent from the State.

The Lieutenant-Governor will be the Administrator but, if there is no Lieutenant-Governor, or if the Lieutenant-Governor is unable or unwilling to act as Governor, the Chief Justice or such other Judge of the Supreme Court as is requested to do so by the Premier shall be the Administrator. The Lieutenant-Governor is the Chief Justice of Victoria, the Hon. Sir John McIntosh Young, K.C.M.G. who assumed office on 31 July 1974.

Deputy Governor

The Governor, with the consent of the Premier, may, under the Letters Patent, commission a Deputy to perform and exercise, for a limited time, some or all of the duties and powers of the Governor.

The commissioning of a Deputy will usually occur when the Governor is on leave, is in the State but away from Melbourne for some time, or is out of the State. It is usual in this circumstance for the Governor to commission the Lieutenant-Governor as his Deputy.

Executive Council

The Letters Patent constituting the Office of the Governor provide: 'There shall be an Executive Council to advise the Governor on the occasions when the Governor is permitted or required by any statute or other instrument to act in Council. On all other occasions advice to the Governor in relation to the exercise of the powers and functions of the Governor shall be tendered by the Premier'.

Section 50 of the *Constitution Act 1975* provides that officers appointed as responsible Ministers shall also be members of the Executive Council. The Executive Council consists of Executive Councillors under summons, namely, members of the current Ministry and meets weekly or as required.

The Governor attends and presides at the meetings of the Executive Council. If the Governor is absent a member appointed by the Governor or the senior member of the Executive Council present presides. There must be a quorum of at least two members other than the Governor (or the member presiding).

Many of Victoria's statutes provide that the Governor in Council may make proclamations, orders, regulations, by-laws, appointments to public offices, etc. The Governor acts on these matters with the advice of the Executive Council.

Ministry

Formation and composition

Victoria has followed the system of government evolved in Britain. The Monarch'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.

Victorian Ministers are appointed by the Governor. Section 50 of the *Constitution Act 1975*, 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 or she 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 who the Governor thinks would be supported by a majority in that House and asks whether the Member is able and willing to form a new Government as leader. If that Member can assure the Governor accordingly, he or she may then be commissioned by the Governor to form a Ministry.

The names of those persons who are chosen to serve in the Ministry are then submitted by the Premier-elect to the Governor for appointment 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 administrative units 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 (See chapter 5 of this *Year Book*).

Functions and procedures

Cabinet normally meets weekly or as occasion requires, in closed session, to consider an agenda made up of matters submitted by the Premier and other Ministers. The Premier is responsible for the final agenda and the order of items on the agenda.

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

The Parliamentary Secretary of the Cabinet and the Cabinet Office provide secretariat support and research for Cabinet and Cabinet Committees, including the receipt, processing, and dissemination of submissions. The recording of decisions is primarily the responsibility of the Parliamentary Secretary of the Cabinet. Cabinet minutes are circulated weekly by the Cabinet Office to Ministers, and the relevant Minister is normally responsible for the execution of Cabinet decisions.

Ministries, 1943 to 1985

MINISTRIES, VICTORIA 1943 to 1985 (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	3
John Gladstone Black			
McDonald	31 October 1952	17 December 1952	48
John Cain	17 December 1952	31 March 1955	835
John Cain	31 March 1955	7 June 1955	69
Henry Edward Bolte	7 June 1955	23 August 1972	6,288
Rupert James Hamer	23 August 1972	5 June 1981	3,209
Lindsay Hamilton			
Simpson Thompson	5 June 1981	8 April 1982	299
John Cain (b)	8 April 1982	Still in office	

(a) A complete list since responsible government in 1855 can be found on pages 741-2 of the *Victorian Year Book 1984*.

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

New Ministry

A simultaneous election for the Legislative Council and the Legislative Assembly of the Victorian Parliament was held on 2 March 1985. The 65th Ministry, led by the Hon. John Cain, was subsequently formed and consisted of the following members:

65TH MINISTRY, VICTORIA AT 23 APRIL 1986

From the Legislative Assembly

The Hon. J. Cain	Premier
The Hon. R.C. Fordham	Minister for Industry, Technology and Resources
The Hon. I.R. Cathie	Minister for Education
The Hon. S.M. Crabb	Minister for Labour
The Hon. R.A. Jolly	Treasurer
The Hon. C.R.T. Mathews	Minister for the Arts and Minister for Police and Emergency Services
The Hon. A. McCutcheon	Minister for Water Resources and Minister for Property and Services
The Hon. T.W. Roper	Minister for Transport
The Hon. J.L. Simmonds	Minister for Local Government
The Hon. P.C. Spyker	Minister for Consumer Affairs and Minister for Ethnic Affairs
The Hon. N.B. Trezise	Minister for Sport and Recreation

65TH MINISTRY, VICTORIA AT 23 APRIL 1986 – *continued*

The Hon. R.W. Walsh	Minister for Public Works and Minister Assisting the Minister for Labour
The Hon. F.N. Wilkes	Minister for Housing
<i>From the Legislative Council</i>	
The Hon. E. Walker	Minister for Agriculture and Rural Affairs
The Hon. D.R. White	Minister for Health
The Hon. J.H. Kennan	Attorney-General and Minister for Planning and Environment
The Hon. C.J. Hogg	Minister for Community Services
The Hon. J.E. Kirner	Minister for Conservation, Forests and Lands

Intergovernmental organisations

Introduction

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

It is not practicable to list all intergovernmental organisations. The following, therefore, is confined to the major intergovernmental ministerial bodies, or bodies with ministerial representation, functioning in 1984-85. Further information about many of these bodies can be obtained from the relevant sections of this *Year Book*.

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

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

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

Premiers' Conference

The Premiers' Conference is the principal intergovernmental ministerial council. It comprises the Prime Minister, the Premier of each State, and the Chief Minister of the Northern Territory. It meets at least once each year, in June, in conjunction with a meeting of the Loan Council. Additional meetings of the Premiers' Conference sometimes are called at other times of the year.

The tradition of a Premiers' Conference predates Federation. The Premiers of each of the colonies met during the latter part of the nineteenth century to discuss matters of mutual interest: the later Federation movement itself originated from such meetings. After Federation, the Prime Minister of the Commonwealth attended meetings of the conference, initially by invitation, although in due course a practice developed whereby the Prime Minister always took the chair. The Premiers' Conference now invariably meets in Canberra. The functions of a secretariat are performed by the Department of Prime Minister and Cabinet.

In theory the Premiers' Conference provides the facility for consultation at the highest level about any matter of mutual interest and concern to Australian governments. In practice, its attention is devoted almost exclusively to intergovernmental fiscal arrangements. Decisions about the level and inter-State distribution of general revenue funds are made, or at least ratified, in the Premiers' Conference. Agreement on major specific purpose grant schemes may also be concluded there. Matters that are not financial in nature which have been dealt with by the Premiers' Conference in recent years include the proposal to sever residual links with the United Kingdom and the co-ordination of industrial relations systems in Australia.

Intergovernmental arrangements

Introduction

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

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

The majority of intergovernmental arrangements are connected with the transfer of funds from the Commonwealth to the State. Large sums are transferred for general revenue purposes, pursuant to the tax sharing arrangements. Further amounts are transferred for recurrent or capital expenditure on specific purposes subject to conditions. In some cases the expenditure of the grant is regulated by conditions in the legislation. In other cases it is subject to Commonwealth Ministerial approval. In yet a third class of cases the expenditure is subject to a formal intergovernmental agreement between the Commonwealth and Victoria. Grants for housing and Medicare are regulated by agreements of this kind.

Intergovernmental schemes

Further developments have taken place in relation to two important intergovernmental schemes since 1981. Other schemes have been entered into, including the establishment of the intergovernmental National Crime Authority.

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

In December 1978, the Commonwealth Government and all six States signed a Formal Agreement for an intergovernmental scheme for co-operative companies and securities regulation. The purpose of this scheme was to create a means whereby total legislative and administrative uniformity could be achieved in the area of company law while at the same time enabling some decentralisation of administration. The details of the scheme and the manner of its development are described in the *Victorian Year Book* 1982, pp. 78-9 and 1983, pp. 77-8.

Some major amendments to the scheme legislation were made by the *Companies and Securities Legislation (Miscellaneous Amendment) Act* 1983 (Commonwealth). They were automatically adopted by the State Application Acts and came into force as part of the Companies (Victoria) Code on 1 January 1984. A second amending agreement was executed by all governments on 30 December 1983, modifying some of the decision-making procedures of the Ministerial Council under the principal agreement. The Companies and Securities Law Review Committee was established in 1983 as contemplated by clause 21(2) of the principal agreement.

Offshore jurisdiction

The scheme to invest the States with plenary jurisdiction and property rights in the three mile territorial sea and to establish co-operative regimes between the Commonwealth and the States off-shore has been described in earlier volumes of the *Victorian Year Book* (1982, p. 79; 1983, p. 78). Further developments have since taken place. The *Coastal Waters (State Title) Act 1980* (Commonwealth), the *Petroleum (Submerged Lands) Amendment Act 1980* (Commonwealth) and related Acts, and the *Fisheries Amendment Act 1980* (Commonwealth) all were proclaimed to commence on 14 February 1983. Complementary State legislation for the off-shore petroleum and fisheries regimes also was enacted. Legislation in relation to the minerals regime and some aspects of fisheries administration is not yet in force.

National Crime Authority

The National Crime Authority was established by Commonwealth legislation in 1984 to investigate certain types of criminal activity involving possible offences against laws of the Commonwealth or a State. The activities of the Authority are monitored by an Intergovernmental Committee comprising one Minister from each participating jurisdiction. The Act authorises the members of the authority to investigate matters referred by a State with the consent of the Intergovernmental Committee and to exercise power conferred on it by a State. Victoria has enacted complementary legislation in the *National Crime Authority (State Provisions) Act 1984*.

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*.

The membership of the Legislative Council is forty-four Members and the membership of the Legislative Assembly is eighty-eight. Each Council province contains four complete and contiguous Assembly electoral districts. Assembly Members are elected from single Member districts for four year terms and Council Members from two Member provinces for two terms of the Assembly. Both Houses are elected on adult suffrage and their powers are normally co-ordinated although Money Bills must originate in the Assembly.

The provisions of the Constitution dealing with the Parliament have been frequently amended, as the *Constitution Act 1975* 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. Members are paid a base rate with extra payments to Ministers, Presiding Officers and Chairmen of Committees, Leaders and Deputy Leaders of the Opposition and Third Party, the Parliamentary Secretary of the Cabinet, Whips, Party Secretaries, and Chairmen of Parliamentary Committees. Electorates carry different allowances relative to the size of the electorate.

There are three political parties represented in the Victorian Parliament: the Australian Labor Party, the Liberal Party, and the National Party of Australia (Victoria). (See pages 67-9 for lists of Members.) Of the 44 Members constituting the Legislative Council elected in 1982 and 1985, 22 belonged to the Australian Labor Party, 17 to the Liberal Party, and 5 to the National Party. Of the 88 Members of the Legislative Assembly elected in 1985, 47 belong to the Australian Labor Party who formed the Government, 31 to the Liberal Party, and 10 to the National Party. The Leader of the Australian Labor Party holds the office of Premier. The Liberal Party forms the official Opposition Party. The National Party 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 those 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

Details regarding the Procedures of the Parliament may be found on pages 85-6 of the *Victorian Year Book* 1985.

Number of Parliaments and their duration

Between 1856 and 1985 there have been forty-nine Parliaments. The forty-ninth Parliament was opened on 27 April 1982. A table showing the duration in days of each Parliament (1856 to 1927), the number of days in session, and the percentage of the latter to the former was published in the *Victorian Year Book* 1928-29, page 21. Similar information for the twenty-ninth to thirty-ninth Parliaments (1927-1955) was published in the *Victorian Year Book* 1952-53, and 1953-54, page 31. 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:

DURATION OF PARLIAMENTS AND NUMBER OF SITTINGS OF EACH HOUSE, VICTORIA

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
Forty-seventh	1976-1979	1,066	159	14.9	134	12.6
Forty-eighth	1979-1982	1,003	180	18.1	149	14.9
Forty-ninth	1982-1985	1,005	155	15.4	120	11.9

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

Cost of parliamentary government

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

The table shows this expenditure for Victoria for the years ended 30 June 1980 to 1985. 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.

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

Period	Governor		Parliament			Electoral	Royal Commissions, Select Committees, etc.	Total
	Salary	Other Expenses (a)	Ministry	Salaries of Members	Other expenses (b)			
1979-80	20	994	1,303	4,249	9,654	761	479	17,460
1980-81	20	1,102	1,480	4,851	10,714	340	783	19,290
1981-82	20	1,365	1,711	5,697	13,424	3,860	1,533	27,610
1982-83	41	1,577	1,779	5,767	16,002	1,366	2,012	28,544
1983-84	41	1,388	1,947	6,348	18,377	525	590	29,220
1984-85	45	1,496	2,082	6,737	21,004	7,180	217	38,761

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

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

Members of the Victorian Parliament

Political parties

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

(ALP) Australian Labor Party

(LP) Liberal Party

(NP) National Party of Australia (Victoria)

Legislative Council

President: The Hon. Roderick Alexander Mackenzie.

Deputy President and Chairman of Committees: The Hon. Giovanni Antonio Sgro.

Clerk of the Parliaments and Clerk of the Legislative Council: Robert Keegan Evans, J.P.

Members of the Legislative Council who were elected at the 1985 periodical election are shown in the following list:

LEGISLATIVE COUNCIL: MEMBERS ELECTED 2 MARCH 1985, VICTORIA
(Term of office commenced 15 July 1985)

Member	Province	Number of electors on rolls	Number of electors who voted	Total percentage of electors who voted
Baxter, Hon. William Robert (NP)	North Eastern	120,611	112,722	93.46
Birrell, Hon. Mark Alexander (LP)	East Yarra	122,486	112,654	91.97
Coxsedge, Hon. Joan Marjorie (ALP)	Melbourne West	122,723	113,453	92.45
Crawford, Hon. George Robert (ALP)	Jika Jika	122,099	112,990	92.54
de Fegely, Hon. Richard Strachan (LP)	Ballarat	122,330	116,024	94.85
Grimwade, Hon. Frederick Sheppard (ALP)	Central Highlands	119,993	111,920	93.27
Hallam, Hon. Roger Murray J.P. (NP)	Western	117,153	111,687	95.33
Hunt, Hon. Alan John (LP)	South Eastern	123,537	115,734	93.68
Kennedy, Hon. Cyril James (ALP)	Waverley	120,719	113,270	93.83
Lawson, Hon. Robert (LP)	Higinbotham	122,545	113,214	92.39
Long, Hon. Richard John (LP)	Gippsland	118,598	110,824	93.45
Lyster, Hon. Maureen Anne (ALP)	Chelsea	118,418	110,358	93.19
McLean, Hon. Jean (ALP)	Boronia	115,070	109,273	94.96
Macey, Hon. Reg (LP)	Monash	122,416	108,982	89.03
Mackenzie, Hon. Roderick Alexander (ALP)	Geelong	118,926	112,070	94.24
Miles, Hon. John Gould (LP)	Templestowe	118,074	110,832	93.87
Sgro, Hon. Giovanni Antonio (ALP)	Melbourne North	118,377	110,860	93.65
van Buren, Hon. Charles Fredrick (ALP)	Eumemmerring	116,896	109,240	93.45
Varty, Hon. Rosemary (LP)	Nunawading	119,408	105,689	88.51
Walker, Hon. Evan Herbert (ALP)	Melbourne	122,778	108,800	88.62
White, Hon. David Ronald (ALP)	Doutta Galla	120,122	113,180	94.22
Wright, Hon. Kenneth Irving Mackenzie (NP)	North Western	118,198	111,401	94.25

Members of the Legislative Council who did not come up for election at the 1985 periodical election are shown in the following list:

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

Member	Province	Number of electors on rolls	Number of electors who voted	Total percentage of electors who voted
Arnold, Hon. Michael John (ALP)	Templestowe	129,930	119,101	93.83
Chamberlain, Hon. Bruce Anthony (LP)	Western	84,930	80,824	95.17
Connard, Hon. Geoffrey Phillip (LP)	Higinbotham	110,024	101,462	94.45
Dixon, Hon. Judith Lorraine (ALP)	Boronia	138,347	127,979	94.58
Dunn, Hon. Bernard Phillip (NP)	North Western	83,355	76,842	94.60
Evans, Hon. David Mylor (NP)	North Eastern	96,240	88,278	94.11
Granter, Hon. Frederick James (LP)	Central Highlands	107,313	97,573	93.19
Guest, Hon. James Vincent Chester (LP)	Monash	106,024	97,683	92.13
Henshaw, Hon. David Ernest, M.B.E. (ALP)	Geelong	94,727	89,498	94.48
Hogg, Hon. Caroline Jennifer (ALP)	Melbourne North	114,771	105,907	92.28
Kennan, Hon. James Harley (ALP)	Thomastown	133,053	125,951	94.66
Kirner, Hon. Joan Elizabeth A.M. (ALP)	Melbourne West	121,381	113,938	93.87
Knowles, Hon. Robert Ian (LP)	Ballarat	94,948	88,324	94.96
Landeryou, Hon. William Albert (ALP)	Doutta Galla	145,030	137,584	94.87
McArthur, Hon. Lawrence Alexander (ALP)	Nunawading	125,028	116,170	94.92
Mier, Hon. Brian William (ALP)	Waverley	130,615	114,777	87.87
Murphy, Hon. Barry Alan (ALP)	Gippsland	90,260	82,008	93.82
Pullen, Hon. Barry Thomas (ALP)	Melbourne	106,459	94,703	88.96
Reid, Hon. Nicholas Bruce (LP)	Bendigo	92,109	85,893	95.22
Sandon, Hon. Malcolm John (ALP)	Chelsea	137,944	128,926	93.77
Storey, Hon. Haddon, Q.C. (LP)	East Yarra	108,131	100,263	92.72
Ward, Hon. Hector Roy, J.P. (LP)	South Eastern	106,741	97,507	93.49

Legislative Assembly

Speaker: The Hon. Cyril Thomas Edmunds.

Chairman of Committees: William Francis Fogarty.

Clerk of the Legislative Assembly: Raymond Keith Boyes.

The following list shows Members of the Legislative Assembly elected at the general election held on 2 March 1985. It also includes details of electoral districts and voting at the last general election.

LEGISLATIVE ASSEMBLY, MEMBERS ELECTED 2 MARCH, 1985, VICTORIA

Member	District	Number of electors on rolls	Number of electors who voted	Total percentage of electors who voted
Andrianopoulos, Alex (ALP)	St Albans	31,574	29,498	93.42
Austin Hon. Thomas Leslie (LP)	Ripon	29,911	28,566	95.50
Brown, Alan John (LP)	Gippsland West	31,729	30,069	94.77
Cain, Hon. John (ALP)	Bundoora	28,860	27,268	94.48
Callister, Valerie Joy (ALP)	Morwell	29,979	28,070	93.63
Cathie, Hon. Ian Robert (ALP)	Carrum	28,696	26,720	93.11
Coghill, Dr Kenneth Alastair (ALP)	Werribee	29,424	27,319	92.85
Coleman, Charles Geoffrey (LP)	Syndal	29,182	27,823	95.34
Cooper, Robert Fitzgerald (LP)	Mornington	30,629	28,295	92.38
Crabb, Hon. Steven Marshall (ALP)	Knox	27,865	26,242	94.18
Crozier, Hon. Digby Glen (LP)	Portland	28,857	27,370	94.85
Culpin, John Albert, (ALP)	Broadmeadows	27,859	25,974	93.23
Cunningham, David James (ALP)	Derrimut	29,159	27,393	93.94
Delzoppo, John Edward (LP)	Narracan	29,436	27,810	94.48
Dickinson, Harley Rivers (LP)	South Barwon	28,343	27,159	95.82
Edmunds, Hon. Cyril Thomas (ALP)	Pascoe Vale	30,091	28,365	94.26
Ernst, Graham Keith (ALP)	Bellarine	29,959	28,362	94.67
Evans, Alexander Thomas (LP)	Ballarat North	31,119	29,392	94.45
Evans, Bruce James (NP)	Gippsland East	28,866	26,761	92.71
Fogarty, William Francis (ALP)	Sunshine	30,351	28,031	92.36
Fordham, Hon. Robert Clive (ALP)	Footscray	32,137	29,372	91.40
Gavin, Peter Murray (ALP)	Coburg	30,688	28,429	92.64
Gleeson, Elizabeth Susan (ALP)	Thomastown	29,739	28,099	94.49
Gude, Phillip Archibald (LP)	Hawthorn	31,754	28,730	90.48
Hann, Edward James (NP)	Rodney	30,261	28,633	94.62
Harrowfield, John Dyson (ALP)	Mitcham	30,186	28,504	94.43
Hayward, Donald Keith (LP)	Prahan	31,815	28,080	88.26
Heffernan, Vincent Patrick, O.A.M. (LP)	Ivanhoe	31,067	29,062	93.55
Hill, Jane Margaret (ALP)	Frankston North	29,857	27,833	93.22
Hill, Louis Joseph (ALP)	Warrandyte	28,506	26,907	94.39
Hirsh, Carolyn Dorothy (ALP)	Wantirna	28,508	27,186	95.36
Hockley, Gordon Stanley, (ALP)	Bentleigh	29,880	28,167	94.27
Jasper, Kenneth Stephen (NP)	Murray Valley	30,959	29,132	94.10
John, Michael (LP)	Bendigo East	30,133	28,693	95.22
Jolly, Hon. Robert Allen (ALP)	Doveton	29,005	27,250	93.95
Kennedy, Andrew David (ALP)	Bendigo West	31,300	29,720	94.95
Kennett, Hon. Jeffrey Gibb (LP)	Burwood	29,873	27,822	93.13
Kirkwood, Carl William Dunn (ALP)	Preston	32,004	29,224	91.31

LEGISLATIVE ASSEMBLY, MEMBERS ELECTED 2 MARCH, 1985, VICTORIA – *continued*

Member	District	Number of electors on rolls	Number of electors who voted	Total percentage of electors who voted
Lea, David John (<i>LP</i>)	Sandringham	30,800	28,573	92.77
Leigh, Geoffrey Graham (<i>LP</i>)	Malvern	29,949	27,241	90.96
Lieberman, Hon. Louis Stuart (<i>LP</i>)	Benambra	29,769	27,163	91.25
McCutcheon, Hon. Andrew (<i>ALP</i>)	St Kilda	30,828	27,409	88.91
McDonald, Maxwell John (<i>ALP</i>)	Whittlesea	30,198	28,501	94.38
McGrath, John Francis (<i>NP</i>)	Warmambool	29,390	27,841	94.73
McGrath, William Desmond (<i>NP</i>)	Lowan	28,629	27,434	95.83
McNamara, Patrick John (<i>NP</i>)	Benalla	30,172	27,942	92.61
Maclellan, Hon. Robert Roy Cameron (<i>LP</i>)	Berwick	31,074	29,206	93.99
Mathews, Hon. Charles Race Thorson (<i>ALP</i>)	Oakleigh	29,952	27,496	91.80
Micallef, Edward Joseph (<i>ALP</i>)	Springvale	29,650	27,802	93.77
Norris, Terence Richard (<i>ALP</i>)	Dandenong	29,569	27,198	91.98
Perrin, David John (<i>LP</i>)	Bulleen	29,571	27,823	94.09
Pescott, Roger (<i>LP</i>)	Bennettswood	31,432	29,664	94.38
Plowman, Sidney James (<i>LP</i>)	Evelyn	30,350	28,454	93.75
Pope, Neil Albert (<i>ALP</i>)	Monbulk	29,273	27,117	92.63
Ramsay, Hon. James Halford (<i>LP</i>)	Balwyn	30,324	28,046	92.49
Ray, Margaret Elizabeth (<i>ALP</i>)	Box Hill	30,843	28,787	93.33
Remington, Keith Henry (<i>ALP</i>)	Melbourne	30,396	25,981	85.48
Reynolds, Thomas Carter (<i>LP</i>)	Gisborne	30,619	29,009	94.74
Richardson, John Ingles (<i>LP</i>)	Forst Hill	29,219	27,674	94.71
Roper, Hon. Thomas William (<i>ALP</i>)	Brunswick	30,524	27,417	89.82
Ross-Edwards, Peter (<i>NP</i>)	Shepparton	29,622	27,784	93.80
Rowe, Barry John (<i>ALP</i>)	Essendon	30,790	28,259	91.78
Seitz, George (<i>ALP</i>)	Keilor	29,671	28,030	94.47
Setches, Kay Patricia (<i>ALP</i>)	Ringwood	29,873	28,045	93.88
Sheehan, Francis Patrick (<i>ALP</i>)	Ballarat South	30,681	29,062	94.72
Shell, Hayden Kevin (<i>ALP</i>)	Geelong	31,388	29,119	92.77
Sibree, Prudence Anne (<i>LP</i>)	Kew	30,535	28,064	91.91
Sidiropoulos, Theodore (<i>ALP</i>)	Richmond	31,068	27,052	87.07
Simmonds, Hon. James Lionel (<i>ALP</i>)	Reservoir	30,527	28,643	93.83
Simpson, Hon. John Hamilton (<i>ALP</i>)	Niddrie	29,718	28,287	95.18
Smith, Ernest Ross (<i>LP</i>)	Glen Waverley	29,478	28,159	95.53
Smith, Hon. Ian Winton (<i>LP</i>)	Polwarth	30,277	29,061	95.98
Spyker, Hon. Peter Cornelis (<i>ALP</i>)	Mentone	30,373	28,452	93.68
Steggall, Barry Edward Hector (<i>NP</i>)	Swan Hill	28,043	26,428	94.24
Stirling, Gordon Francis (<i>ALP</i>)	Williamstown	30,811	28,741	93.28
Stockdale, Alan Robert (<i>LP</i>)	Brighton	31,106	28,598	91.94
Tanner, Edgar Miles Ponsonby (<i>LP</i>)	Caulfield	30,759	27,864	90.59
Toner, Hon. Pauline Therese (<i>ALP</i>)	Greensborough	28,966	27,157	93.75
Trezise, Hon. Neil Benjamin (<i>ALP</i>)	Geelong North	29,236	27,405	93.74
Vaughan, Dr Gerard Marshall (<i>ALP</i>)	Clayton	30,153	28,331	93.96
Wallace, Thomas William (<i>NP</i>)	Gippsland South	30,317	28,213	93.06
Walsh, Hon. Ronald William (<i>ALP</i>)	Albert Park	29,824	26,292	88.16
Weideman, Hon. George Graeme (<i>LP</i>)	Frankston South	29,492	27,460	93.11
Wells, Dr Ronald James Herbert (<i>LP</i>)	Dromana	30,105	28,189	93.64
Whiting, Milton Stanley (<i>NP</i>)	Mildura	28,722	26,598	92.60
Wilkes, Hon. Frank Noel (<i>ALP</i>)	Northcote	30,708	27,867	90.75
Williams, Morris Thomas (<i>LP</i>)	Doncaster	28,470	26,901	94.49
Wilson, Janet Tindale Calder (<i>ALP</i>)	Dandenong North	28,672	27,057	94.37

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 the 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 has been established a few years previously in the United Kingdom following upon a report by a Parliamentary Committee.

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

The primary work of the Office is to prepare legislation for the Government. The volume of legislation in Victoria, in common with that in other jurisdictions, has consistently increased over the last century. The following table shows the growth in legislation:

**ACTS PASSED BY THE VICTORIAN
PARLIAMENT SINCE 1857**

Period	Acts passed
1857 to 1886	915
1887 to 1916	1,423
1917 to 1946	2,868
1947 to 1976	3,713
1977 to 1985	1,294

Parliamentary Counsel also prepare legislation for private Members, give advice on subordinate legislation, both informally and formally under the *Subordinate Legislation Act* 1962, advise the Legal and Constitutional Committee of the Parliament on the validity and form of statutory rules and advise the Judges' Rules Committees of the Supreme Court and County Court.

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

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

Victorian Acts passed during 1985

ACTS PASSED BY PARLIAMENT, VICTORIA, 1985

10172	Labour and Industry (Anzac Day) Act	10204	Urban Land Authority (Amendment) Act
10173	Fire Authorities (Amendment) Act	10205	Local Government (Rating Appeals) Act
10174	Water and Sewerage Authorities (Financial) Act	10206	National Tennis Centre Act
10175	Water (Morrington Peninsula and District Water Board) Act	10207	Appropriation (1985-86, No. 1) Act
10176	Liquor Control (Amendment) Act	10208	Historic Buildings (Amendment) Act
10177	Water (Advances) Act	10209	Labour and Industry (Registration Fees) Act
10178	Motor Car (Amendment) Act	10210	Land Tax (Amendment) Act
10179	Health (Radiation Safety) Act	10211	Liquor Control (Vigneron's Licences) Act
10180	South Melbourne Land Act	10212	Pay-roll Tax (Amendment) Act
10181	State Disasters (Amendment) Act	10213	State Electricity Commission (Amendment) Act
10182	Coal Mines (Pensions Increase) Act	10214	Interpretation of Legislation (Further Amendment) Act
10183	Professional Boxing Control Act	10215	South Yarra Project (Subdivision and Management) Act
10184	Racing (Amendment) Act	10216	Sale of Land (Allotments) Act
10185	Supply (1985-86, No. 1) Act	10217	Construction Industry Long Service Leave (Amendment) Act
10186	Victorian Economic Development Corporation (Amendment) Act	10218	Groundwater (Border Agreement) Act
10187	Town and Country Planning (Transfer of Functions) Act	10219	Water Acts (Amendment) Act
10188	BLF (De-recognition) Act	10220	Transport (Amendment) Act
10189	Dangerous Goods Act	10221	Dental Technicians (Licences) Act
10190	Occupational Health and Safety Act	10222	Director of Public Prosecutions Amendment Act
10191	Accident Compensation Act	10223	Decentralized Industry Incentive Payments (Amendment) Act
10192	Health (Blood Donations) Act	10224	Land (Miscellaneous Matters) Act
10193	Racing (Fixed Percentage Distribution) Act	10225	Uniting Church in Australia (Trust Property) Act
10194	Anglican Church of Australia Act	10226	Hairdressers Registration (Repeal) Act
10195	Lotteries Gaming and Betting (Gaming Machines) Act	10227	Wrongs (Contribution) Act
10196	Metropolitan Fire Brigades Superannuation (Amendment) Act	10228	National Mutual Permanent Building Society Act
10197	Westernport (Oil Refinery) (Further Agreement) Act	10229	Vermin and Noxious Weeds (Amendment) Act
10198	Fairfield Land Act	10230	Trustee (Secondary Mortgage Market Amendment) Act
10199	Bank Holidays (Amendment) Act	10231	Evidence (Amendment) Act
10200	Industrial Relations (Complementary Industrial Relations System) Act		
10201	Fair Trading Act		
10202	Motor Car (Further Amendment) Act		
10203	Australia Acts (Request) Act		

ACTS PASSED BY PARLIAMENT, VICTORIA, 1985 – *continued*

10232	Motor Car (Photographic Detection Devices) Act	10245	Juries (Amendment) Act
10233	Crimes (Amendment) Act	10246	Credit (Administration) (Amendment) Act
10234	Forests (Wood Pulp Agreement) (Amendment) Act	10247	Equal Opportunity (Amendment) Act
10235	Forests and Country Fire Authority (Penalties) Act	10248	Dairy Industry (Milk Price) Act
10236	Associations Incorporation (Miscellaneous Amendment) Act	10249	Magistrates (Summary Proceedings) (Amendment) Act
10237	Town and Country Planning (Planning Schemes) Act	10250	Police Regulation (Amendment) Act
10238	Melbourne University (Amendment) Act	10251	Nurses (Amendment) Act
10239	Building Control (Plumbers, Gasfitters and Drainers) Act	10252	Legal Profession Practice (Amendment) Act
10240	Town and Country Planning (Westernport) Act	10253	Firearms (Amendment) Act
10241	Soil Conservation and Land Utilization (Appeals) Act	10254	Co-operation (Amendment) Act
10242	Melbourne Cricket Ground (Amendment) Act	10255	Employment and Training (Rebates) Act
10243	Marketing of Primary Products and Egg Industry Stabilization (Amendment) Act	10256	Stamps and Business Franchise (Tobacco) (Amendment) Act
10244	Registration of Births Deaths and Marriages (Amendment) Act	10257	Coroners Act
		10258	Superannuation Schemes (Amendment) Act
		10259	Housing (Commonwealth – State – Northern Territory) Act
		10260	Penalties and Sentences Act
		10261	Environment Protection (Industrial Waste) Act
		10262	Health (Amendment) Act

For details concerning Victorian Acts passed by Parliament, including Public General Acts, refer to the *Acts Index* and *Acts of Parliament* for the year/s in question. Both are published by the Victorian Government Printing Office, Melbourne.

Parliamentary Papers

Parliamentary Papers presented to the Legislative Assembly (and ordered by the House to be printed) may be purchased on application to the Victorian Government Bookshop, 41 St Andrew's Place, East Melbourne, 3002.

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 thirty years and over and possessed of freehold land of the annual value of \$1,000. Property qualifications were abolished by the *Legislative Council Reform Act* 1950, and today the main qualification of Members and electors of the Legislative Council is the attainment of the age of eighteen years. A similar provision applies to the Legislative Assembly.

For Legislative Council purposes, Victoria is divided into twenty-two Electoral Provinces, each represented by two Members who will be elected for two terms of the Legislative Assembly – one in each Province retiring by rotation at each general election for the Legislative Assembly.

For Legislative Assembly purposes, Victoria is divided into eighty-eight Electoral Districts, each returning one Member. Members will be elected for four years, unless Parliament is dissolved in certain circumstances before this period.

Electoral redistribution, 1983-84

The *Electoral Commission Act* 1982 established an Electoral Commission with the function of dividing the State of Victoria into Electoral Provinces for the Legislative Council and into Electoral Districts for the Legislative Assembly as often as is necessary from time to time with the object of establishing and maintaining Electoral Provinces of approximately equal enrolment and Electoral Districts of approximately equal enrolment.

Arising out of the *Electoral Commission Act* 1982, a redistribution of Victoria for electoral purposes was carried out in 1983-84 on the following basis:

Legislative Assembly

The Electoral Commissioners were required to divide the State of Victoria into eighty-eight Electoral Districts for the Legislative Assembly of approximately equal enrolment. The average enrolment for the eighty-eight Electoral Districts created by the Electoral Commissioners was 28,754.

In dividing the State of Victoria into new Electoral Provinces and Electoral Districts, the Electoral Commissioners were required to take certain factors into consideration but the enrolment for an Electoral Province or an Electoral District was not to vary by more than ten per cent above or below the average enrolment.

Details of the new Electoral Provinces and Electoral Districts created by the Electoral Commissioners were contained in the Report of the Electoral Commission dated 19 March 1984, and the *Electoral Commission Act 1982* provided that the new Electoral Provinces and Electoral Districts would come into force at the next Legislative Council periodical or general election or the next Legislative Assembly general election, respectively.

Legislative Council

The Electoral Commissioners were required to divide the State of Victoria into twenty-two Electoral Provinces for the Legislative Council of approximately equal enrolment with each Electoral Province consisting of four complete and contiguous Electoral Districts for the Legislative Assembly. The average enrolment for the twenty-two Electoral Provinces created by the Electoral Commissioners was 115,015.

Enrolment of electors

Every person aged eighteen years or over who is an Australian citizen and has lived in one subdivision for at least one month is entitled to enrol as an elector subject to certain disqualifications relating to imprisonment or being of unsound mind. Enrolment is compulsory. (Victorian legislation reducing the voting age to eighteen years became effective from 21 March, 1973). Natural born or naturalised subjects of Her Majesty, who are not Australian citizens, who were enrolled within three months immediately before 26 January, 1984, retain their electoral enrolment.

Persons who do not qualify for enrolment only because they have not lived in one subdivision for at least one month may enrol under special categories. Claims for enrolment may also be made by persons aged seventeen years of age but they are not entitled to vote until they attain eighteen years of age.

The electoral rolls for the State are compiled by the Commonwealth electoral authorities under a joint Commonwealth-State arrangement, each Government paying half the cost of compilation. All Commonwealth and State Parliamentary elections in Victoria are conducted on the basis of these joint rolls.

The compilation of the rolls is aided by the fact that the respective Legislative Council Electoral Provinces and Legislative Assembly Electoral Districts, as well as the Commonwealth Electoral Divisions, are subdivided into 181 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 Commission have been used at all Commonwealth Parliamentary elections and elections for the Legislative Assembly of Victoria.

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

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

ELECTORS ENROLLED ON JOINT ROLLS, VICTORIA, 30 JUNE

Year	Number of electors enrolled	Year	Number of electors enrolled
1975	2,176,732	1981	2,425,900
1976	2,264,222	1982	2,486,494
1977	2,301,695	1983	2,530,328
1978	2,307,786	1984	2,542,452
1979	2,371,637	1985	2,630,653
1980	2,372,063		

Types of elections in Victoria

There are four 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. A periodical election will be held simultaneously with a general election for the Legislative Assembly. Members of the Legislative Council will be elected for two terms of the Legislative Assembly, one-half of the Members retiring alternately at the expiration or dissolution of the Legislative Assembly. 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 have to be elected. Each Assembly will last for four years from the first meeting thereof, but may be dissolved earlier in certain circumstances by the Governor.

(3) *Simultaneous 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 at the same time 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.

Conduct of elections

The election process is initiated by the issue of a Writ – the formal document issued on behalf of the Queen to the Chief Electoral Officer commanding that proceedings be commenced for the holding of elections to elect Members for each of the Legislative Council Provinces, or Legislative Assembly Electoral Districts, or for the holding of an election for one electorate to fill the vacancy for a Member for that electorate.

Writs for every periodical election of Members of the Council and for every general election of Members of the Assembly are issued by the Governor. A Writ for a Council by-election is issued by the President of the Legislative Council and a Writ for an Assembly by-election is issued by the Speaker of the Legislative Assembly.

The Writ specifies the date for the closing of the rolls for the election (or elections), the date by which nominations are to be lodged, and requires that, if the election (or elections) is contested, a poll is to be conducted on the date specified in the Writ. The Writ must be returned to whoever issued it by a stipulated date with the name of the new Member, or the names of the new Members, 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/her own electorate 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, as amended in 1984, a voter is asked to number the candidates in order of preference on the ballot-paper, the figure '1' being written opposite the name of the candidate who the elector wishes to be elected, and sequential figures (2, 3, 4, etc.) indicating the relative degree of preferences being written opposite the names of the other candidates. Where an elector has so indicated the order of preference for all candidates except one, the elector is deemed to have given the last contingent vote or preference to such candidate.

A ballot-paper will be accepted as formal, provided it is marked with the figure '1' opposite the name of one candidate and has other figures opposite the names of all the other candidates, or all the other candidates except one, and will not be rejected as informal merely because a figure, other than the figure '1', has been repeated or because there is a break in the numerical sequence. Any such ballot-paper will be accepted as formal and in any preference distribution will be distributed, if necessary, as far as possible.

Where only two candidates are involved the candidate who received 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 that candidate is then declared elected.

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

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 1983-84.

LEGISLATIVE COUNCIL, AREAS OF PROVINCES, VICTORIA (square kilometres)

State Electoral Province	Area	State Electoral Province	Area
Ballarat	19,544.00	Melbourne North	109.40
Boronia	116.80	Melbourne West	841.90
Central Highlands	20,632.00	Monash	59.26
Chelsea	197.60	North Eastern	26,951.00
Doutta Galla	520.00	North Western	57,148.00
East Yarra	69.88	Nunawading	174.40
Eumemmerring	228.00	South Eastern	5,638.00
Geelong	1,624.00	Templestowe	155.10
Gippsland	41,173.00	Waverley	84.42
Higinbotham	66.40	Western	52,815.00
Jika Jika	85.64		
Melbourne	73.20	Total (a)	228,307.00

(a) 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.

LEGISLATIVE ASSEMBLY, AREAS OF DISTRICTS, VICTORIA (square kilometres)

State Electoral District	Area	State Electoral District	Area
Albert Park	24.40	Keilor	159.30
Ballarat North	1,411.00	Kew	20.61
Ballarat South	2,719.00	Knox	31.21
Balwyn	16.93	Lowan	23,230.00
Bellarine	367.80	Malvern	15.14
Benalla	13,936.00	Melbourne	30.75
Benambra	11,828.00	Mentone	22.95
Bendigo East	3,799.00	Mildura	29,590.00
Bendigo West	4,016.00	Mitcham	21.74
Bennettswood	17.06	Monbulk	170.00
Bentleigh	16.25	Mornington	910.00
Berwick	1,011.00	Morwell	997.00

LEGISLATIVE ASSEMBLY, AREAS OF DISTRICTS, VICTORIA - *continued*
(square kilometres)

State Electoral District	Area	State Electoral District	Area
Box Hill	18.03	Murray Valley	5,925.00
Brighton	16.71	Narracan	4,050.00
Broadmeadows	31.85	Niddrie	30.80
Brunswick	12.81	Northcote	16.77
Bulleen	28.88	Oakleigh	15.47
Bundoora	29.36	Pascoe Vale	18.31
Burwood	17.35	Polwarth	10,255.00
Carrum	92.19	Portland	14,350.00
Caulfield	13.59	Prahran	9.86
Clayton	25.50	Preston	19.11
Coburg	18.44	Reservoir	20.40
Dandenong	19.60	Richmond	14.30
Dandenong North	21.45	Ringwood	31.83
Derrimut	297.70	Ripon	12,306.00
Doncaster	26.00	Rodney	7,277.00
Doveton	159.00	St Albans	32.20
Dromana	599.00	St Kilda	9.86
Essendon	15.34	Sandringham	19.85
Evelyn	2,262.00	Shepparton	1,921.00
Footscray	21.40	South Barwon	751.50
Forest Hill	22.12	Springvale	27.95
Frankston North	41.80	Sunshine	30.80
Frankston South	40.66	Swan Hill	19,743.00
Geelong	26.60	Syndal	26.39
Geelong North	478.10	Thomastown	40.80
Gippsland East	28,983.00	Wantirna	40.32
Gippsland South	7,143.00	Warrandyte	102.80
Gippsland West	3,118.00	Warrnambool	4,980.00
Gisborne	3,108.00	Werribee	754.40
Glen Waverley	23.15	Whittlesea	4,264.00
Greensborough	71.51	Williamstown	35.30
Hawthorn	14.99		
Ivanhoe	28.71	Total (a)	228,307.00

(a) 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 2 March 1985, there were contests in all the eighty-eight Electoral Districts. In 29 of these contests, more than two candidates were engaged.

In 18 of these 29 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 11 contests, the leading candidate on the first count was elected in 8 instances but was defeated in the remaining 3 instances.

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

VOTING AT GENERAL ELECTIONS FOR THE LEGISLATIVE ASSEMBLY, VICTORIA

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

VOTING AT GENERAL ELECTIONS FOR THE LEGISLATIVE ASSEMBLY, VICTORIA – *continued*

Year of election	Contested Districts					
	Whole State	Votes recorded			Informal votes	
		Electors enrolled	Electors enrolled	Number	Percentage of voters	Number
1976	2,267,282	2,267,282	2,101,414	92.68	53,417	2.54
1979	2,350,407	2,350,407	2,193,037	93.30	66,016	3.01
1982	2,453,642	2,453,642	2,305,773	93.97	60,272	2.61
1985	2,641,477	2,641,477	2,462,226	93.21	66,107	2.68

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

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

PARLIAMENTARY REPRESENTATION IN THE LEGISLATIVE ASSEMBLY, VICTORIA

Year of election	Number of Members of Legislative Assembly	Mean population (a)	Average population per Member	Number of electors enrolled on date of election	Average number of electors per Member	Proportion of persons enrolled to total population per cent
1955	66	2,520,481	38,189	1,422,588	21,554	56.4
1958	66	2,717,371	41,172	1,478,065	22,395	54.4
1961	66	2,926,075	44,334	1,554,856	23,558	53.1
1964	66	3,105,685	47,056	1,635,311	24,777	52.7
1967	73	3,277,183	44,893	1,723,981	23,616	52.6
1970	73	3,450,523	47,267	1,827,595	25,036	53.0
1973	73	3,627,357	49,690	2,088,984	28,616	57.6
1976	81	3,747,510	46,266	2,267,282	27,991	60.5
1979	81	3,853,560	47,575	2,350,407	29,017	60.9
1982	81	3,971,000	49,025	2,453,642	30,292	61.8
1985	88	n.y.a.	n.y.a.	2,641,477	30,017	n.y.a.

(a) Calendar year.

Proportion of voters at elections

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

A table setting out the number of members to be elected, the number of candidates, the total enrolment, the percentage of voters, and the percentage of informal votes for general elections for the Legislative Assembly held from 1934 to 1982 can be found on page 93 of the *Victorian Year Book* 1984.

Legislative Council

The Legislative Council consists of 44 Members, representing 22 Provinces. Voting in elections held for the Legislative Council since 1955 is shown in the following table. At the triennial election held on 2 March 1985, there were contests in all Provinces and in 17 of them more than 2 candidates were engaged.

In 7 of these 17 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 10 contests, the leading candidate, on the first count, was elected in 6 instances but was defeated in the remaining 4 instances.

VOTING AT PERIODICAL ELECTIONS FOR THE LEGISLATIVE COUNCIL, VICTORIA

Year of election	Contested Provinces					
	Whole State	Votes recorded			Informal votes	
	Electors enrolled	Electors enrolled	Number	Percentage of voters	Number	Percentage of total votes recorded
1955	1,430,130	1,216,010	1,112,951	91.52	23,189	2.08
1958	1,488,293	1,387,097	1,283,665	92.54	22,085	1.72
1961	1,554,856	1,554,856	1,467,482	94.38	46,697	3.18
1964	1,635,311	1,635,311	1,543,584	94.39	45,627	2.96
1967	1,723,981	1,723,981	1,625,371	94.28	59,895	3.69
1970	1,827,595	1,827,595	1,726,725	94.48	67,710	3.92
1973	2,088,984	2,088,984	1,953,462	93.51	74,354	3.81
1976	2,267,282	2,267,282	2,102,674	92.74	65,997	3.14
1979	2,350,407	2,350,407	2,191,128	93.22	77,361	3.53
1982	2,453,642	2,453,642	2,302,973	93.86	72,169	3.13
1985	2,641,477	2,641,477	2,461,708	93.19	74,202	3.01

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

A table setting out the number of Members to be elected, the number of candidates, the total enrolment, the percentage of voters, and the percentage of informal votes for periodical elections for the Legislative Council held from 1935 to 1982 can be found on page 93 of the *Victorian Year Book* 1984.

VICTORIAN REPRESENTATION IN THE COMMONWEALTH PARLIAMENT

The federation of the Australian colonies formally commenced on 1 January 1901. The House of Representatives was seen as representing the people and directly chosen by the people for a maximum three year term on single Member constituencies. The Senate was seen as representing the rights of the States and Senators are appointed for a six year term with half of them retiring every three years. Senators are chosen directly by the people on a single State wide electorate and on a proportional representation system.

For details regarding electoral law and the redistribution of electoral boundaries refer to pages 117-21 of the *Victorian Year Book* 1985.

HOUSE OF REPRESENTATIVES, MEMBERSHIP, AUSTRALIA

Year of election	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
1950 (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
1977 (c)	43	33	19	11	10	5	1	2	124
1980 (d)	43	33	19	11	11	5	1	2	125
1983	43	33	19	11	11	5	1	2	125
1984 (c)	51	39	24	13	13	5	1	2	148

(a) Representative in House since 1922; full voting rights granted in 1968.

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

(c) Election following an electoral redistribution.

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

The following table lists the Victorian Members of the House of Representatives elected on 1 December 1984 together with the party affiliation and electorate of each Member:

VICTORIAN HOUSE OF REPRESENTATIVES MEMBERS ELECTED
ON 1 DECEMBER 1984

Member	Division
Aldred, Kenneth James (<i>LP</i>)	Bruce
Beale, Julian Howard (<i>LP</i>)	Deakin
Brown, Hon. Neil Anthony (<i>LP</i>)	Menzies
Brumby, John Mansfield (<i>ALP</i>)	Bendigo
Cameron, Ewen Colin (<i>LP</i>)	Indi
Charles, David Ernest (<i>ALP</i>)	Isaacs
Child, Joan (<i>ALP</i>)	Henty
Chynoweth, Robert Leslie (<i>ALP</i>)	Dunkley
Cleeland, Peter Robert (<i>ALP</i>)	McEwen
Cunningham, Barry Thomas (<i>ALP</i>)	McMillan
Duffy, Hon. Michael John (<i>ALP</i>)	Holt
Fisher, Peter Stanley (<i>NP</i>)	Mallee
Griffiths, Alan Gordon (<i>ALP</i>)	Maribyrnong
Halverson, Robert George (<i>LP</i>)	Casey
Hand, Gerard Leslie (<i>ALP</i>)	Melbourne
Hawke, Rt. Hon. Robert James Lee (<i>ALP</i>)	Wills
Hawker, David Peter (<i>LP</i>)	Wannon
Holding, Hon. Allan Clyde (<i>ALP</i>)	Melbourne Ports
Howe, Hon. Brian Leslie (<i>ALP</i>)	Batman
Jenkins, Harry Alfred (<i>ALP</i>) (<i>a</i>)	Scullin
Jones, Hon. Barry Owen (<i>ALP</i>)	Lalor
Kent, Lewis (<i>ALP</i>)	Hotham
Lamb, Anthony Hamilton (<i>ALP</i>)	Streeon
Lloyd, Bruce (<i>NP</i>)	Murray
McArthur, Fergus Stewart (<i>LP</i>)	Corangamite
McGauran, Peter John (<i>NP</i>)	Gippsland
Macphee, Hon. Ian Malcolm (<i>LP</i>)	Goldstein
Mayer, Helen (<i>ALP</i>)	Chisholm
Mildren, Peter (<i>ALP</i>)	Ballarat
Milton, Peter (<i>ALP</i>)	La Trobe
O'Keefe, Neil Patrick (<i>ALP</i>)	Burke
Peacock, Hon. Andrew Sharp (<i>LP</i>)	Kooyong
Reith, Peter Keaston (<i>LP</i>)	Flinders
Saunderson, John (<i>ALP</i>)	Aston
Scholes, Hon. Gordon Glen (<i>ALP</i>)	Corio
Shipton, Roger Francis (<i>LP</i>)	Higgins
Staples, Peter Richard (<i>ALP</i>)	Jagajaga
Theophanous, Dr Andrew Charles (<i>ALP</i>)	Calwell
Willis, Hon. Ralph (<i>ALP</i>)	Gellibrand

(a) A by-election for the seat of Scullin was held on 8 February 1986 following the resignation of the Hon. Dr Henry Alfred Jenkins. The by-election was won by his son, Harry Alfred Jenkins, for the Australian Labor Party.

The following table lists the Senators for Victoria at 1 July 1985 together with the party affiliation and year of retirement of each Senator. Political party affiliations are indicated thus:

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

VICTORIAN SENATE MEMBERS AT 1 JULY 1985

Senator	Retires
Button, Hon. John Norman (<i>ALP</i>)	1988
Chipp, Hon. Donald Leslie (<i>AD</i>)	1988
Cooney, Barney (<i>ALP</i>)	1991
Evans, Hon. Gareth John (<i>ALP</i>)	1988
Guilfoyle, Hon. Dame Margaret Georgina Constance (<i>LP</i>)	1988
Hamer, David John, (<i>LP</i>)	1991
Lewis, Austin William Russell (<i>LP</i>)	1988
Alston, Richard Kenneth Robert (<i>a</i>)	1991
Ray, Robert Francis (<i>ALP</i>)	1991
Short, James Robert (<i>LP</i>)	1991
Siddons, John Royston (<i>AD</i>)	1988
Zakharov, Alice Olive (<i>ALP</i>)	1991

(a) Senator Alan Joseph Missen died on 30 March 1986. The Liberal Party of Australia nominated Richard Kenneth Robert Alston to fill the subsequent Senate vacancy.