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Inside the Parliament of Victoria is a guide for teachers, senior students and members of the public and aims to help them interpret what they see if they visit Parliament House or take the virtual tour on Parliament’s website. It will also help readers to understand what Parliament does, who the people involved in it are, and its role in the Victorian and Australian systems of government.

Victoria’s Parliament House reflects the evolution of Victoria’s colonial (later to become state) government from 1851 and Australia’s federal system, which came into being with the creation of the Commonwealth in 1901. The Commonwealth Parliament sat here until 1927. The Victorian Parliament is a living example of the Westminster traditions and practices that apply in all the Australian Parliaments and a number of other nations that were once part of the British Empire.

Parliament House is a magnificent building with a rich history and a central role in the governing of Victoria. It is the home of the legislature, the law-making body elected by Victorians. The key places within the building are the Legislative Assembly Chamber and the Legislative Council Chamber, where the members of Parliament meet publicly to debate issues of significance, create legislation and represent the interests of all Victorians. Parliament House is also a place where Victorians can express their opinions to their MPs and to the greater community. The front steps are regularly the site of civic protest or celebration.

Parliament House faces the intersection of Spring and Bourke Streets in Melbourne. Constructed in stages between 1855 and 1930, it has not been completed to the original design, which included a soaring 78-metre (256-foot) dome. The architect, Peter Kerr, drew inspiration from the buildings of ancient Greece and Rome and adorned the building with ornate classical decorations. From the outside, the grand front steps, lamps and colonnade (row of columns) reflect the prosperous gold rush period of Victoria’s history and the peak of the Victorian era of the British Empire. Inside, features such as gold leaf, columns, statuary, a tiled vestibule and detailed paintwork combine to create an elegant and lavish interior.

You can find more detailed information about parliament and the history of the building on the Parliament of Victoria’s website:
www.parliament.vic.gov.au
A Representative Democracy

Parliament is central to our representative democracy. In a direct democracy, such as in a workplace, we might be able to vote directly on measures which affect us, but modern populations are so large and societies so complex that we need representatives to act on our behalf. Parliament is the place where our elected representatives, the members of parliament (MPs), speak for the people they represent by proposing, debating and passing laws (legislation) affecting all Victorians. The name parliament is derived from the French parler, to speak.

Parliament’s Main Functions

- to represent the people of Victoria and raise their concerns publicly
- to form a government
- to make laws which enable the state to function efficiently and fairly
- to scrutinise the working of the executive arm of the government (the ministers and Cabinet)
- to authorise and approve a Budget.

The Parliament of Victoria is bicameral, i.e. it has two separately elected Houses, the Legislative Assembly and the Legislative Council.

The legislative process has three stages. The first two stages involve the Legislative Assembly, or the Lower House, and the Legislative Council, or the Upper House. A proposed law is introduced into parliament as a bill. Most bills are initiated in the Legislative Assembly where they are debated, refined, approved and then sent to the Legislative Council for review. Sometimes legislation is changed or rejected by the Legislative Council. A bill amended by the Legislative Council is returned to the Legislative Assembly for consideration of those amendments. On occasion a bill will originate in the Upper House, in which case it is reviewed by the Lower House. For a bill to become an Act of Parliament - a law - both Houses must pass it in identical form.

The third stage in the legislative process involves the Crown, the King or Queen of Australia, represented in each state by the Governor. The Governor is appointed by the government. No legislation can become law until signed by the Governor.

The Legislative Assembly is the House where the government is formed. The party or coalition (combination of parties) that wins the majority of seats becomes the government of the day, and is responsible for revising current, and implementing new, legislation. The government does not require a majority in the Legislative Council.
PARLIAMENT’S ROLE IN THE SYSTEM OF GOVERNMENT

Responsible or Accountable Government

Victoria has a Westminster style of government. Our system of government was modelled on the British Parliament, located at Westminster in London. Reflecting our early history as a British colony, all the parliaments in Australia are influenced by the Westminster system, a characteristic of which is responsible or accountable government.

All government ministers are members of parliament, and can come from either House, with the exception of the Premier, who must come from the Legislative Assembly. The ministers as a group are called the Cabinet. Any MP may question or criticise the government and demand that they explain their actions and decisions. The ministers are therefore responsible (accountable) for their actions to the parliament and, through members of parliament, to the people.

Separation of Powers

The term separation of powers refers to the idea that in a democracy the three main branches of government are separate – they cannot all be controlled by the elected government of the day or by any one party or interest group. These three branches are:

- the legislature, the parliament, consisting of MPs, which makes the laws (legislation)
- the executive, the Cabinet; government ministers (who are also MPs) and public servants in their departments, who carry out (execute) the legislation. Parliament also has a role in scrutinising the actions of the executive
- the judiciary, judges in courts, who interpret legislation and sometimes rule on whether it is constitutional.

It is their separation and independence that allows them to act as checks and balances on each other.

The intricately patterned tile floor of the vestibule of Parliament House carries a Biblical quote (Proverbs 11:14): “Where no counsel is the people fall but in the multitude of counsellors there is safety.”
Prior to British settlement in Australia, Aboriginal nations had established a complex society and culture and evolved procedures for meetings and interaction of people within the nation. Victoria’s Parliament House is thought to stand on or near a corroboree site of the Kulin nation, where periodic gatherings occurred to celebrate, hold ceremonies, arrange marriages, trade, exchange news and settle conflicts. Since the opening of Victoria’s 55th Parliament, this heritage is recognised in ceremonies carried out by representatives of the Wurundjeri people of the Kulin nation. In 2004 a statement recognising Aboriginal people was included in Victoria’s Constitution. This is the first time a Constitution in Australia has explicitly recognised indigenous people in a preamble or preliminary statement.

Late 1700s – 1835

The colonisation of Australia by Britain in 1788 established the Colony of New South Wales and this included the area which was to become Victoria in 1851. After communities at Sydney Cove and in Van Diemen’s Land (present-day Tasmania) were established, there were several unsuccessful attempts to establish a colony in the south-east. Until 1835, the area now known as Melbourne was inhabited by indigenous people.

1835

The Creation of ‘Melbourne’

In 1835 two groups of people from Tasmania sailed to the land surrounding the Yarra River and claimed it as their own. One group, the people on the ship Enterprize led by John Pascoe Fawkner, ignored the existing Aboriginal people and simply took over land for farms and houses. The other group, led by John Batman, had previously visited the area and had prepared a ‘treaty’ that they claimed meant that Aborigines had ‘sold’ them the area. The treaty had no moral or practical validity and was never accepted as legal by the British Government. The two groups occupied the river flats and started to create the settlement that would become Melbourne.

Victoria was then part of New South Wales, and governed by the New South Wales Governor and Legislative Council. The settlement was declared illegal but, despite this, more and more people migrated to the area, and a new arrangement for government was required.
In 1836 the area that is now Victoria was named the Port Phillip District of New South Wales. In 1839 Charles Joseph La Trobe was named Superintendent of the District, the official representative of the New South Wales Government, to which he was responsible and accountable for his actions. In effect his home, La Trobe Cottage, now in the Domain, was Victoria’s first Government House.

In 1842 the NSW Legislative Council was expanded so that six of its 36 Members could represent Port Phillip District. Only the wealthiest landowners were eligible, as only they could afford to travel to Sydney (by horse or by sailing ship), and the interests of Victoria could be outvoted by 30 to six.

As the Port Phillip District grew, there were calls by the colonists for separation from New South Wales. In 1850 an Act of the British Parliament created three new self-governing colonies: South Australia, Tasmania and Victoria (the latter named after Queen Victoria), each to be governed by a 30-member Legislative Council and each to have a representative of the Crown (Lieutenant-Governor). On 1 July 1851 Victoria was legally separated from New South Wales, and became a colony of Great Britain.

The Colony of Victoria was governed by a Lieutenant-Governor and a Legislative Council which met at St Patrick’s Hall in Bourke Street, where the Law Institute now stands. Twenty of the thirty were elected by people who were substantial property owners and the remaining ten were chosen personally by Lieutenant-Governor Charles La Trobe.

Opening of the Legislative Council of Victoria, 1851
1855
New Constitution Proclaimed:
Creates Representative, Responsible Government

The Legislative Council wrote a new Constitution for Victoria that created a system which was very democratic for the era. While only twenty percent of adult males in England had the right to vote, Victoria would have a 36-member Legislative Assembly. This was elected by most adult males in the colony, who were also eligible to run for election. The new Legislative Council would have 30 elected members, but only wealthy property owners could vote or stand. Ministers would now be elected and could be replaced at elections if the voters were not satisfied with their performance. The British Crown would continue to be represented by the Governor, appointed from London.

1856
A World First – the Secret Ballot

The first Parliament of Victoria was also the first to be elected by a secret ballot. Prior to 1856, voting was public and an employer, for example, could watch how an employee voted, and apply pressure to vote for a particular candidate. A running tally was also kept, and if a candidate saw that he was losing, he could round up supporters, sometimes even paying them for their votes. From 1856 votes were cast in secret on an official ballot paper, removing the possibility of intimidation and bribery. The rest of the democratic world eventually adopted this innovation, which was at first known as the Victorian and then Australian ballot.

1856
The First Parliament

The first parliament to be elected under the new Constitution was officially opened on 25 November 1856.
1857-1901
A Colonial Democracy

In 1857 the Constitution was changed so that every male over 21 years of age could vote for the Legislative Assembly (Lower House). The ‘democratic’ Lower House clashed frequently with the ‘landed’, wealthy Upper House. Whether the Upper House has the power to block the measures passed by the Lower House, the seat of government, has regularly been an issue in Victoria and in other parliaments in Australia.

There was not the same strong party system that exists today, so support or opposition to government measures could change dramatically, according to the beliefs and attitudes of individual members. As a result, governments changed frequently in this period. During this time, the executive power of the Governor was reduced, and this trend has continued.

1901
Federation

On 1 January 1901, the Commonwealth of Australia came into being, and Victoria and the other five colonies became states. The new Australian Constitution gave some government powers, or roles, to the Commonwealth, while some remained with the states.

The new Commonwealth Parliament occupied Parliament House in Melbourne until the location of the new capital, Canberra, was chosen. The Parliament of Victoria moved to the Exhibition Building in Melbourne and remained there for the next 26 years, until the federal parliament relocated to Canberra.
1901 to the Present Day
The Growth of Party Government

Parties started to develop their modern forms in the 1890s. By 1944 there were three major party groups in Victoria: the Labor Party, the Liberal Party, and the Country Party, which is now called the National Party or ‘The Nationals’. While the last two are sometimes in coalition (acting together), they maintain their separate existence and are recognisably different groups. The Victorian Parliament now includes minor parties such as The Greens and sometimes independent members, but politics in Victoria has traditionally been dominated by the three major parties.

Originally, most members of parliament were independents who would join with a government or opposition, often supporting different factions on particular issues. This meant that members of parliament were free to represent what the majority of their constituents wanted, but it could also lead to uncertainty and instability within government and to frequent elections. Gradually the characteristics of the modern party developed. They are:

- the sharing of a basic philosophy and agreement of MPs to vote as a whole group
- the election of MPs on a set platform, or set of promises
- the nomination and support for election of candidates as part of the party.

Although parties bring stability to parliament and present a clear set of policies to voters, they allow little flexibility for members to vote independently. Voters frequently vote for the party rather than the individual representative at an election. In some cases parties allow ‘conscience’ or ‘free’ votes on issues, when the MPs can vote in any way they choose, but this is unusual.

Independents and minor parties can be very significant if they hold the balance of power and the government relies on their support to pass legislation.
Electoral Changes

Since federation the number of electorates and the sizes of the two Houses have altered. There have also been important changes to voting, including the introduction of voting rights for women, lowering the voting age to 18, amendments to rules about who is eligible to be elected and the establishment of preferential and compulsory voting.

Constitutional Changes

The Victorian Constitution has also been changed frequently. Unlike the Commonwealth Constitution, which requires a referendum or popular vote to approve an alteration, the Victorian Constitution can be amended by parliament itself. However, since 2003 some sections of the Victorian Constitution, including those concerning representation, can only be amended following approval granted in a referendum. The 2003 amendments also introduced fixed terms of parliament, new voting arrangements for the Legislative Council, and changed some rules about the way the two Houses interact. These changes are regarded as some of the most significant in Victoria’s constitutional history.

A selection of campaign leaflets from the 2018 state election
There are three tiers, or levels, of government in Australia – Commonwealth (Federal), state or territory, and local.

**Commonwealth Level**

The Australian (Commonwealth or Federal) Parliament is responsible for matters that affect the nation as a whole. It has been given a number of specific areas of responsibility (powers) in which it can make laws. A few of those powers are exclusive – that is, only the Commonwealth can make laws in that area. Section 51 of the Australian Constitution gives the Commonwealth exclusive powers in defence, foreign policy, currency, airports and communications. Many of the Commonwealth’s powers (such as taxation and industrial relations) are concurrent, i.e. the power to make laws in certain matters is shared with the states and territories. Where a power is concurrent and Commonwealth and state/territory laws are inconsistent, the Commonwealth law prevails.

In theory, all other areas of law-making belong to the state or territory alone. However, in practice, the Commonwealth can make financial grants to a state or territory and specify how the money is to be spent, for example, in education, health and transport. In these instances the state has to implement programs according to Commonwealth standards. A state or territory can choose to hand over (refer) a power to the Commonwealth.

The federal parliament operates on a system quite similar to Victoria’s parliament. Further details can be found on the Australian Parliament website: www.aph.gov.au.

**State Level**

The state parliament makes laws that affect most areas of our lives, such as health, agriculture, conservation, road safety, car registration, transport, fire brigade, ambulance, water, gas, electricity and law and order.

**Local Level**

At the third level, Victorian local government (city and shire councils) is usually responsible for garbage collection, parks and gardens, libraries, swimming pools, art galleries and sporting facilities. Local government’s power to do this, however, has been granted by an Act of the Victorian Parliament. If the parliament chooses, it can expand or restrict the powers of local government and take over its administration for a time. Local government has no constitutional independence.
## THREE LEVELS OF GOVERNMENT IN AUSTRALIA

<table>
<thead>
<tr>
<th>Level</th>
<th>Commonwealth or federal</th>
<th>State</th>
<th>Local: shire, city, rural city</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crown Representative</td>
<td>Governor-General</td>
<td>Governor</td>
<td>-</td>
</tr>
<tr>
<td>Law</td>
<td>Commonwealth/ Federal</td>
<td>State</td>
<td>Local laws</td>
</tr>
<tr>
<td>Leader</td>
<td>Prime Minister</td>
<td>Premier</td>
<td>Mayor</td>
</tr>
<tr>
<td>Revenue</td>
<td>Taxes</td>
<td>Taxes, federal grants</td>
<td>Rates, state and federal grants</td>
</tr>
<tr>
<td>Health</td>
<td>Funding, Medicare, drug control</td>
<td>Public hospitals, nursing services</td>
<td>Meals-on-Wheels, garbage collection</td>
</tr>
<tr>
<td>Education</td>
<td>Funding - post-secondary</td>
<td>Funding - primary and secondary</td>
<td>Childcare</td>
</tr>
<tr>
<td>Transport</td>
<td>Highways, railways, airports, air safety</td>
<td>Some railways and buses, roads</td>
<td>Footpaths, street signs</td>
</tr>
<tr>
<td>Other</td>
<td>Foreign affairs, immigration, pensions, post, arts</td>
<td>Police, fire brigade, environment</td>
<td>Libraries, pets</td>
</tr>
</tbody>
</table>

The Northern Territory (NT) and Australian Capital Territory (ACT) have their own governments which have a similar relationship to the federal government as the states. They do not have the same constitutional independence as the states.
Constitution

A constitution is the statute (law or Act) which sets out the powers of the government and parliament.

Whether a power is state or federal is essentially determined in Section 51 of the Australian Constitution. Since 1901 it has defined certain powers that are exclusive to the federal parliament. Some powers are termed concurrent, i.e. the Commonwealth and state can both make laws in relation to the same issue. Commonwealth law prevails if there is any clash or inconsistency. Disputes about the extent of a parliament’s constitutional power are frequently resolved in the High Court of Australia, which interprets the Federal Constitution. The High Court often rules on disputes about state versus Commonwealth powers and has the final word in these matters.

The Victorian Constitution defines the power and privileges of the Parliament of Victoria. Victoria’s original Constitution was approved by the British Parliament in 1855. It is the main document defining the powers of the parliament, and sets out the features of its three key components: the Crown, represented by the Governor; the Legislative Assembly; and the Legislative Council.

Governor

The Constitution requires that all legislation receives Royal Assent, i.e. is signed by the Governor, before it takes effect as law. The Governor is assisted by an Executive Council, which comprises ministers of the government. The Governor also formally calls, opens, prorogues (ends a session) and dissolves parliament. The Governor reads a statement of the government’s proposed legislative program at the formal opening of parliament.

Theoretically, the Governor represents the Crown, but actually follows the advice of the government of the day, unless the Governor believes that the government is acting unconstitutionally. The Governor is formally appointed by the Crown, but again is actually appointed by the government of the day, which ‘recommends’ a nominee to the monarch. It is now extremely rare for the Governor to intervene in matters affecting parliament and government. This would only happen in specific and unusual circumstances.
THE CONSTITUTION OF VICTORIA

Legislative Assembly

The Victorian Constitution sets out the number of electorates, termed electoral districts, for the Legislative Assembly. Boundaries are altered periodically as population distribution changes. Currently there are 88 electoral districts and one member of parliament is returned from each. Government is formed by the party or parties which have a majority of these 88 elected members. The Opposition comprises the largest party or group that does not support the government. The Assembly is the seat of government in our Westminster-style parliament, and it is not necessary for the government to have a majority in the Upper House, the Legislative Council. Only the Assembly can initiate finance bills, those dealing with the raising or spending of money by the government. Since 2006 the parliament has had fixed four-year terms.

Legislative Council

The Victorian Constitution also sets out the number of electorates, termed electoral regions, of the Legislative Council and these boundaries might also be altered as population distribution changes. There are eight regions, each covering the geographic area of 11 Legislative Assembly districts. Each region elects five Legislative Councillors, making 40 members in all. The Legislative Council also has fixed four-year terms, matching those of the Legislative Assembly. Most bills originate in the Legislative Assembly while the Legislative Council acts as a House of review, providing the opportunity for parliament to consider them again. The Council may initiate any legislation other than finance bills. The Council may reject but cannot amend such bills. It can, however, suggest amendments to the Assembly. The Council no longer has the power to reject appropriation bills, i.e. those authorising the spending of money by the government to provide its regular services and cover ongoing operating expenses.

Changing the Constitution

Parliamentary numbers, voter eligibility, payment of members, voting methods, size of the ministry, electorate numbers and the powers and responsibilities of both chambers have all been changed over time in the Victorian Constitution. An important change was made in 1975, when the Constitution became an Act of the Victorian Parliament, rather than of the British Parliament. Until recently, the Victorian Constitution could be amended by parliament itself, unlike the Commonwealth Constitution, which requires a referendum, a popular vote in which all Australians on the electoral roll vote for or against a particular proposal, to approve any change.

In 2003, the Constitution was amended so that changes to some of its provisions, such as the representation of Victorian voters in parliament, now have to be determined by a referendum. The 2003 amendments also provide for fixed four-year terms for both Houses, election of the Legislative Council by proportional representation, removal of the Council’s power to block an appropriation bill and a dispute resolution process for bills which don’t pass both Houses. These are regarded as some of the most significant changes to the Victorian Constitution in its 150-year history.
Many of the symbols and procedures used in the Victorian Parliament relate to traditions of the British Parliament at Westminster dating back to the 13th century, while others reflect the ideals of the early Victorian parliamentarians.

**Mace**

Originally a weapon, carried by the **Serjeant-at-Arms** who escorts the **Speaker** into the Legislative Assembly Chamber for the opening of each day’s proceedings, the mace signifies the Speaker’s authority. Both positions originated in 14th century England’s House of Commons, where the Serjeant acted as a bodyguard and used a mace to protect the Speaker.

**Black Rod**

Symbol of the office of the **Usher of the Black Rod**, executive officer to the **President** of the Legislative Council, who also has an important ceremonial role in the opening of a new parliament. The title comes from the British House of Lords.

**Green and Red Chambers**

It is thought that the association of red with power might go back as far as ancient Athens and Rome, where red dyes were very expensive and red was worn only by the wealthy and powerful. It is a traditional colour for royalty. The link between red and the Upper House comes to us from the British House of Lords; in the early days of British democracy, the monarch would have met his nobles in a room decorated in red.

Green was an inexpensive colour and available to the common people. Its link to the Lower House comes to us from the British House of Commons. There might also be an association with the signing of the Magna Carta under an oak tree and local meetings on “the common”, a green field which used to be a public meeting place in most English villages.
PARLIAMENT’S SYMBOLS

Vestibule Wording

“Where no counsel is the people fall but in the multitude of counsellors there is safety.”

This is a quote from the Bible, Proverbs 11:14, and these words are set in the tiles of the vestibule (main entrance) of Parliament House. It indicates the importance of having a number of good ‘counsellors’ or advisers to represent and speak for the people in making decisions and creating legislation. The vestibule tiles are also decorated with the German phrase “Ich Dien”, which means “I serve”, and the French “Dieu et mon droit”, which means “God and my right”.

State Coat of Arms

A shield depicting a kangaroo holding a crown above the Southern Cross. To the left of the shield is a female figure wearing a laurel leaf crown and holding an olive branch. To the right is a female figure holding a cornucopia, or horn of plenty. The crown represents Britain while the kangaroo and Southern Cross are Australian symbols. The female figures represent peace and prosperity.

Statue of Queen Victoria

The State of Victoria is named after Queen Victoria, Britain’s longest-serving monarch, who reigned from the establishment of Victoria as a colony until federation. Her marble statue stands in Queen’s Hall. The hall is also adorned with portraits of Queen Victoria and her consort, Prince Albert. Elsewhere in Parliament House there are several other symbols of Victoria’s connection with the monarch – for example, the Legislative Council chamber is overlooked by two intricately-carved eagles, emblems of Prince Albert’s family.

Parliament of Victoria Crest

This is a crown resting on a four-quartered shield depicting lions and an Irish harp, which are symbolic of Australia’s British heritage and current status as a member of the Commonwealth. The crown represents the monarch. The three lions in the first and fourth quarters signify England, the lion in the second quarter represents Scotland, and the harp in the third quarter represents Ireland. The shield is encircled by a garter inscribed with the French words ‘Honi Soit Qui Mal Y Pense’. The phrase means “Evil to those who evil think”. It is the motto of the Most Noble Order of the Garter, a 650-year-old British order headed by the monarch, whose members are dedicated to service and chivalry.

First Reading

When a bill is to be debated there is a ‘First Reading’, which consists of the reading out of the long title only of the bill. The long title summarises the scope of the bill. Centuries ago, few parliamentarians could read, and the bill was literally read aloud by the Clerk at this introductory stage so that all members knew its content. Today this is the formal introduction of the bill to parliament. The real debate starts with the second reading stage.
There are many people associated with parliament and they have a variety of roles.

**Members of Parliament (MPs)**

MPs represent their constituents, the people in their electorates. When parliament is sitting, an MP’s role in the chamber includes asking questions, speaking in debates and voting on proposed legislation.

**Government members:** These are the members of parliament who belong to the party or coalition (combination of parties) that can guarantee a majority in the Legislative Assembly and can therefore form the government. Members of parliament who belong to that party or group of parties, whether they are in the Upper House (the Legislative Council) or the Lower House (the Legislative Assembly), are government members. Some may be ministers, most will be backbenchers.

**Ministers:** These are MPs responsible for particular areas of governmental administration such as Minister for Education, Minister for Health, etc. A minister is responsible for a particular department and oversees the implementation of existing legislation and the introduction of any new legislation. The ministers are known collectively as **Cabinet** and the chief minister is the **Premier**, who is usually the leader of the major party in government. Once Cabinet has made a decision or set a particular policy, all ministers are bound to either publicly support that position or resign. Junior ministers, referred to in Victoria as **parliamentary secretaries**, assist ministers in the administration of their areas of departmental responsibility (portfolios).

**Opposition members:** These are members of parliament who belong to the largest party or coalition in a minority in the Legislative Assembly. Their role is to question the government’s performance and present alternative policies. Headed by the **Leader of the Opposition**, they may be MPs in the Upper House (the Legislative Council) or the Lower House (the Legislative Assembly). Some may be shadow ministers, most will be backbenchers.

**Shadow ministers:** These are members of the Opposition who are allocated portfolios which reflect those of the government ministers. They comment on government policies and propose alternatives.

**Presiding Officers - President and Speaker:** The President is the Presiding Officer of the Legislative Council, and the Speaker is the Presiding Officer of the Legislative Assembly. Each is an elected parliamentarian, usually chosen from the party in government. They are responsible for maintaining order in their Houses and for ensuring that debates, votes and proceedings are conducted according to established parliamentary rules as set out in the Constitution, standing orders and sessional orders.
They also represent their respective Houses in official dealings with other parliaments and organisations, have important ceremonial roles (for example in the opening of parliament) and assume ministerial responsibility for the administration of the parliament and Parliament House.

Although they are usually members of a political party and members of the government, they are required to serve impartially. Their first allegiance is to the parliament, not to the government. They continue, however, to contest elections as representatives of their party. They might attend party meetings, and might even participate in debates under certain circumstances. The President votes in all divisions of the Legislative Council, i.e. a deliberative vote. The Speaker can only vote in Legislative Assembly divisions where the vote is tied, i.e. a casting vote. Each has a deputy.

**Whips:** Each party has a whip, an MP who manages the daily business on sitting days and ensures that the members are present when they are required to participate in debates and vote in divisions.

**Parliamentary Officials**

Parliament House has employees who remain in their positions even though different governments and Presiding Officers are elected.

**Clerks:** These are the black-gowned figures in the Council and the Assembly who sit at a table in front of the Presiding Officer. In each Chamber, the most senior one is named the Clerk. Originally the Clerk read out bills at a time when most members could not read. The Clerk’s main role in a House today is to advise the Speaker (Legislative Assembly) or President (Legislative Council) and other members of parliament on procedural matters. The Clerks record the official decisions of the Houses, ensure that all proceedings are conducted in the required legal manner and provide guidance and expertise to the elected members.

**Usher of the Black Rod:** The Usher of the Black Rod carries the black rod into and out of the Legislative Council. While the President is in the chair, the black rod stays on display as a symbol of the Usher’s authority to enforce the President’s control over proceedings. The Usher is the executive officer to the President.

**Serjeant-at-Arms:** The Serjeant-at-Arms is the executive officer to the Speaker and carries the mace into and out of the Legislative Assembly. The mace was a mediaeval weapon, and now symbolises the power of the Serjeant-at-Arms to enforce the Speaker’s rulings. While the Speaker is presiding, the mace stays on display as a symbol of his or her authority in parliament.

**Hansard reporters:** All proceedings in parliament are reported in *Hansard*, which is a full and accurate record of debates and questions.
Librarians: Library staff maintain the newspaper, print and electronic resources of the parliament, which are available to members or their researchers. They will often research and provide summaries of topical issues. The research unit compiles papers for MPs on current and future issues for legislation.

Parliamentary attendants and tour guides: Legislative Council parliamentary attendants and Legislative Assembly tour guides work in each Chamber on sitting days, assisting members and minding the Chambers’ doors. Along with Clerks, Hansard reporters, the Serjeant-at-Arms and the Usher of the Black Rod, attendants are the only non-members allowed on the floor of the Houses when they are sitting. When parliament is not sitting the attendants perform various tasks, including conducting public and educational tours of Parliament House.

Also at Parliament House

Advisers: Privately employed to give advice to members on policy, write speeches, research information and respond to the media, they are retained by the member for the life of the parliament only. They are often members of the party, and many use this position to gain experience before seeking election to parliament.

Electorate staff: MPs employ staff in their electorate offices to answer telephones, help with correspondence, respond to the public, help manage the diary and keep the member informed about events in the electorate.

Parliamentary counsel: These are the lawyers who are responsible for drafting bills in appropriate language and form.

Journalists: Journalists are employed by print or electronic media to prepare information and analysis of significant events in parliament. Journalists have their own gallery in each Chamber from where they report on proceedings, and some are specifically accredited to work in Parliament House. In a representative democracy it is essential that the proceedings of parliament are open to the public and the media plays an important role in this.

A selection of headlines from Victorian newspapers
People of the Legislative Assembly

- Tour Guide
- Deputy Clerk
- Speaker
- Assistant Clerk
- Hansard Reporter
- Clerk
- Premier
- Government MPs: Ministers seated at front
- Leader of the Opposition
- Non-government MPs: Shadow Ministers seated at front

People of the Legislative Council

- Deputy Clerk
- President
- Assistant Clerk
- Hansard Reporters
- Clerk
- Government MPs: Ministers seated at front
- Non-government MPs: Shadow Ministers seated at front
Voting is both a right and a responsibility. Generally, every Australian citizen over the age of 18 years and permanently resident in the state of Victoria is entitled to vote in elections and is, in fact, required to by law.

Every voter lives in two state electorates; electoral districts for the Legislative Assembly and electoral regions for the Legislative Council. At each election, Victorians vote to return one member to the Legislative Assembly and five members to the Legislative Council. Parliaments are elected for fixed four-year terms, with elections held on the last Saturday in November of the election year. This system came into effect at the election held on 25 November 2006.

Each voter in Victoria is therefore currently represented by six members of parliament at any one time, as well as by a member of the Commonwealth House of Representatives and twelve federal senators who represent the whole state. Most voters also have a local council representative.

If a Legislative Assembly member resigns or dies between elections, there may be a by-election held in that member’s electoral district to elect a replacement until the next general election.

If a member of the Legislative Council resigns or dies more than three months before the election is due, a replacement member is chosen by a joint sitting of both Houses of parliament. If the member being replaced was an endorsed member of a political party, then the replacement member must also be of the same party. If the member being replaced was an Independent then the replacement member must have resided in the electorate for a year and must not have been a member of a party for five years. If a seat becomes vacant less than three months before an election, it remains vacant until the election is held.

Members of parliament have an obligation to represent the whole of their electorates – those who voted against them and those who did not vote at all, as well as those who voted them into parliament. Members usually carry out their work in their electorate offices but sometimes speak in parliament on their constituents’ behalf, usually in statements by members, grievance debates or adjournment debates.

In many cases MPs are asked to help their constituents solve problems related to local matters or government departments and are often contacted out of hours. They serve on local bodies, open fêtes, speak at functions and promote their parties' policies. They make themselves available to meet the local press and address school students, pensioner groups and interest groups. They represent their electorate’s concerns to government departments and private companies, to ministers and to the parliament. They introduce delegations from their electorates to party leaders, ministers and senior public servants.

Refer to the next page for a map of Victoria’s electoral boundaries.
There are five elected Members in each of the eight Legislative Council regions.

There is one elected Member in each of the 88 Legislative Assembly districts.
Victoria is the home of the secret ballot. Voters' ballot papers are completed in secrecy, so there is no way of identifying which way they have voted. The secret ballot was introduced in March 1856 and used in the first Victorian elections in that year. It has become an essential element of every democratic voting system in the world. Initially the secret ballot was known overseas as the Australian or Victorian ballot.

Since 1926 all Victorian and federal elections have taken place on Saturdays. If voters are unable to attend a polling place in their region or district because of illness, absence or disability they may make a postal vote. If they are absent from their electorate but in Victoria, they can cast an absent vote in any electorate and their votes will be recorded in their electorate.

Victoria uses a preferential system of voting. The voter ranks the candidates in order of their preference on the ballot paper. Outside the voting booth, candidates provide How to Vote cards to show voters how they would like them to rank the candidates. Voters can follow the How to Vote card or decide their own order of preferences. If a ballot paper is not filled in correctly, and the voter’s preferences are not clear, it may be declared informal and not counted. Votes are counted after the voting booths have closed.

For Legislative Assembly elections, a candidate who wins an absolute majority (50% plus one) of all the formal, first preference votes cast in that electorate is declared the winner. If no candidate has an absolute majority, the candidate with the fewest first preference votes is eliminated from the contest, and their second preferences distributed among the remaining candidates. If, after distribution of those second preferences, no candidate has an absolute majority, then the preferences of the candidate with the next lowest number of first votes are distributed. This process continues until one candidate has an absolute majority and becomes the MP for the electorate or seat. Legislative Assembly electorates are single member electorates.

Legislative Council electorates are multi-member electorates. Voters choose five candidates to represent their region, using a system of proportional representation. To be elected, a candidate must gain a quota or proportion of votes. While the electoral system used for the Legislative Assembly tends to favour candidates of the major parties, the method used for the Legislative Council produces representation according to the number of votes a candidate receives, even if the candidate is an Independent or a member of a minor party. There are several options available for voting for the Legislative Council including part preferential and above the line.

For a graphic explanation of the way votes are counted in preferential and proportional representation electoral systems, visit the websites of the Victorian and Australian Electoral Commissions:

www.vec.vic.gov.au   > Vote > Voting > How does voting work?
www.aec.gov.au       > Voting > Counting the votes
Laws are needed so that society as a whole will function harmoniously, while at the same time protecting individuals’ rights.

There are two kinds of law:

**Common Law**

Common law is law made in courts. When a judge makes a decision in a particular case, that decision becomes a precedent and in effect applies to every other example of that situation. Common law can be superseded by parliament passing an Act to cover that situation.

**Statute Law**

Statute law is law made by parliament as expressed in an Act. Some Acts may outline broad principles or guidelines and leave the details to be finalised by another authorised body. This is what happens, for example, in local governments. The Victorian Parliament sets out in the Local Government Act what councils’ broad powers are and delegates them to make particular rules (such as parking restrictions) to suit their own needs. This is described as delegated or subordinate legislation. Other Acts are very specific, to cover every situation. The Crimes Act is an example of this, where the parliament sets out exactly what constitutes particular crimes. Where the Act is unclear, ambiguous or does not cover a particular situation that has arisen, the court makes a decision that applies as common law until a higher court or the parliament changes it.

There are five key steps in making statute law.

1 **Policy Development**

   The process by which ideals, ideas and practical needs are developed into party or independent member policies.

2 **Draft Bill**

   The conversion of policies into a series of statements that will eventually be placed before parliament as a bill. The ideas and statements are put into appropriate form by lawyers called parliamentary counsel. Often the appropriate government department will provide advice and recommend aspects that need to be included. When the draft bill is in a form that is acceptable to the parliamentary party it can be introduced into parliament.

3 **Parliamentary Processes**

   The process of passing a bill through parliament. There are many formalities, but essentially this process gives members of parliament the chance to debate the broad ideas and the specific elements of the bill and suggest changes (amendments). All bills are debated in both Houses, and some bills can be introduced into either House. Financial bills (those which require the raising or spending of money by the government) must be introduced in the Lower House.
There are several formal processes in this third stage:

**First Reading**: Where the parliament gives permission for the bill to be introduced. There is no debate at this stage.

**Second Reading**: Where the general principles, but not the details, of the bill are debated. It also goes to the Scrutiny of Acts and Regulations Committee for review against the committee's terms of reference.

**Consideration in Detail or Committee of the Whole**: Where the specific details of the bill are debated and amendments may be agreed to. If there are no amendments, this committee or consideration stage may be skipped altogether.

**Third Reading**: Usually involves no further debate, just a formal vote on the bill. If passed, the Clerk certifies a copy of the bill and it then goes through the same process in the other House. If amendments are made by the reviewing House, the originating House has to consider these. If it accepts them, the other House is informed of this by formal message and the bill has passed both Houses. If it does not, the bill may pass back and forth between the Houses a number of times. If no agreement is reached, the bill cannot become law. Amendments to the Constitution Act in 2003 provide for a Dispute Resolution Committee, comprised of MPs of both Houses, to deal with such a situation.

**4 Royal Assent**

At this stage the Queen, represented by the Governor, agrees to the legislation, and the bill formally becomes an Act once signed by the Governor.

**5 Commencement**

This is the time from which the Act comes into operation. This occurs on a day specified in the Act, or a day announced by the Governor in the Victorian Government Gazette.

These five stages are explained in detail in the DVD *Making the Law*, available from parliament's Community Engagement and Education Unit. There is also an interactive flow chart on parliament's website that explains the process via a series of video clips. Go to www.parliament.vic.gov.au/about/how-a-law-is-made/how-a-law-is-made-interactive

There is also an animated video of the legislative process at www.parliament.vic.gov.au/about/how-a-law-is-made/how-a-law-is-made-animated

An Act of the Victorian Parliament, signed by the Governor and officially sealed.
Parliamentary Committees

As well as their work in the Chambers, members of parliament can be appointed to various committees. Committees investigate and report on matters on behalf of the parliament, and in doing so help to raise awareness of issues and encourage public debate. Committee findings and recommendations might prompt parliament to create or amend legislation.

Parliamentary committees fall into three categories. Joint investigatory committees comprise members from both Houses and are set up after each election. The Assembly or Council can also set up an ongoing committee for its own members only. These are called standing committees. Select committees are temporary committees formed separately by each House and set up for a particular purpose and duration, and domestic committees are select committees which are concerned with the rules, privileges and administration of parliament.

Parliamentary investigatory committees have administrative staff and one or more research officers to assist the members of parliament with their investigations. One of the members is appointed Chair of the committee. Matters for investigation are referred to a joint investigatory committee by parliament or the Governor-in-Council. The terms of reference set out what the committee is to investigate and deadlines for reporting its findings to the parliament. The committee advertises its terms of reference and invites interested individuals or organisations to make submissions. They will also invite people or groups with specialist knowledge in the area to provide their views. Research staff will research the topic for investigation and a discussion paper may be produced to stimulate debate or consideration of the key issues of the investigation.

Members undertake their investigations through written submissions from interested parties, public hearings, visits and site inspections, providing community input into the process. Public hearings allow the committee to hear directly from invited witnesses, some of whom might have made a written submission. Members of the public and the media are welcome to attend these hearings, and they are often held in regional areas. Hansard produces a transcript of the proceedings which is published on the committee’s website. The committee members and staff may travel throughout Victoria, interstate or overseas to gather evidence.

The committee produces a report for the parliament outlining the information gathered and the committee’s conclusions and recommendations for action as a result of its findings. The report is tabled in parliament and the government must respond within six months, detailing, with reasons, the recommendations it has accepted and those it has not accepted.
Joint Investigatory Committees

Dispute Resolution
Electoral Matters
Integrity and Oversight
Public Accounts and Estimates
Scrutiny of Acts and Regulations

Legislative Assembly Committees

Economy and Infrastructure Standing Committee
Environment and Planning Standing Committee
Legal and Social Issues Standing Committee
Privileges
Standing Orders

Legislative Council Committees

Economy and Infrastructure Standing Committee
Environment and Planning Standing Committee
Legal and Social Issues Standing Committee
Privileges
Procedure

Go to www.parliament.vic.gov.au/committees for more details about the members of parliament on each committee, how to make a submission, terms of reference and opportunities for public involvement. Recent reports and discussion papers may also be downloaded. The Inquiry Status pages outline the stage each inquiry has reached.
Parliamentary Sittings

The period when parliament meets is called a parliamentary session. Sessions are divided into sitting and non-sitting weeks. In a sitting week, parliament usually meets each day from Tuesday to Thursday.

Parliament at Work

Proceedings in parliament are determined by the day of the week and the time of the day. There is a general daily pattern, although this sometimes varies. The daily business of the chambers is divided into a number of stages.

Opening: Bells ring throughout Parliament House to call members from their offices to their Houses. To distinguish between bells for the Assembly and those for the Council, lights are displayed: green for the Assembly and red for the Council. When a quorum (a set minimum number) is present, the Presiding Officer enters. In the Assembly the Speaker is preceded by the Serjeant-at-Arms, who announces, “Honourable Members, the Speaker,” then escorts the Speaker to the chair and places the mace on the table of the House. On taking the chair, the Speaker bows to each side of the House and is bowed to in return by the members and Clerks. The Speaker then reads the Lord’s Prayer while members stand and, at the conclusion of the prayer, proceeds to the business of the House. A similar procedure is followed in the Legislative Council, where the President is escorted into the Chamber by the Usher of the Black Rod.

Question Time: Questions Without Notice (question time) occurs daily in each House. Question Time in the Legislative Assembly is held on Tuesdays at 12 noon and Wednesdays and Thursdays at 11.00am. In the Legislative Council it is held on Tuesdays at 12.05pm and Wednesdays and Thursdays at 12.00pm. It is the most public and dramatic feature of the parliament. The Speaker or President asks for questions, and members stand if they have questions they wish to ask of a minister. The asking of questions usually alternates between the government and non-government sides.

Formal business: Members indicate if they have any notices of motion they wish to place before their House (usually for the next day), petitions from the public are presented, reports and papers are tabled and messages from the Governor or the other House are reported.

Statements by members: On each sitting day there is a time for members to make a statement on any topic. Each statement should not last longer than ninety seconds. Both Houses have statements by members but they have slightly different ways of allocating the time.

General matters: Time is set aside during the sitting week for members to raise issues or debate matters of concern to them or their constituents. In the Legislative Council, there is a stage called general business that involves debate on motions or bills initiated by members of the House who are not government members. In the Legislative Assembly, the matters of public importance and grievance stages allow members to speak on particular matters of concern. Each House sets its own rules governing the length of these stages and the time limits on speeches.
Government business: In the Council, government business consists of legislation and motions introduced by ministers and government members. This includes the introduction of new bills, notices of motion, and debates on bills already introduced, orders of the day. In the Assembly, government business is only business introduced by members. Time allocated to each bill may vary, as may the number of speakers debating it. At the end of debate on a bill, or part of a bill, a vote is taken. This may be without a count (on the voices) or by means of a division. If a division is called, the bells are rung to summon members to the House to have their votes counted.

Adjournment debate: The motion is made for the House to adjourn and at this time backbenchers have three minutes each to raise matters concerning their electorates with ministers. Ministers can choose to respond themselves or refer the matter on to the appropriate minister for response.

Adjournment: At the end of the adjournment debate the Presiding Officer vacates the chair and the bells are rung to signal the adjournment of the House.

More detailed information about how parliament works can be found in the Legislative Assembly Fact Sheets and Legislative Council Information Sheets:

Opening of the 59th Victorian Parliament. The opening ceremony takes place in the Legislative Council chamber, which hosts the Members of the Legislative Assembly and the Governor of Victoria.
Hansard is the name given to the official printed reports of parliamentary debates.

As the only complete, accurate and permanent record of the debates of parliament in both Houses, Hansard is an essential part of the parliamentary system.

The reporting of parliamentary debates began in England in 1803, in the form of a newspaper supplement. In 1812, T C Hansard began keeping the record of debates, and in 1829 gave these reports the title Hansard’s Parliamentary Debates.

In 1866 the Victorian Parliament assumed responsibility for reporting its own proceedings. The formal title of the printed record is Parliamentary Debates, but this is still referred to as ‘Hansard’. The Hansard unit produces a daily proof version of Hansard, which members may look at to make sure it is accurate, and a weekly printed version. A final bound version is produced for each session of parliament.

Reporters work in teams and take turns in the chamber of between five and ten minutes. They have access to a digital audio recording of the proceedings and use a variety of methods, including voice-activated transcription, computerised shorthand and keyboarding, to report the words.

Hansard is not a verbatim record of what is said in parliament – it is an accurate representation of speeches and statements without redundancies, errors of grammar, slips of the tongue and factual errors.

The proceedings of both Houses of parliament and some committees are streamed live and can be accessed on parliament’s website.

Hansard is available to all Victorians at www.parliament.vic.gov.au/hansard
An essential feature of a representative democracy is the right to choose, via a free and fair electoral process, our representatives in parliament. The representatives, i.e. the members of parliament, are obligated to speak on behalf of the people in their electorates. There are also other means available for constituents (residents in an MP’s electorate) to be heard between elections.

Members of Parliament

Each Victorian is represented by six local members of the state parliament who have a role helping local constituents deal with government departments, working with local councils and acting as an advocate on local issues. Individuals can raise matters of concern with their members by contacting them at their electorate offices. A member might raise the matter in parliament at an appropriate time. Issues raised by constituents might influence members in shaping future party policy and legislation.

Lobbying

Lobbying is a process of meeting with MPs and ministers to persuade them to accept and promote particular ideas or interests. Parliamentarians are frequently lobbied by individuals, groups and organisations, who often present opposing points of view on an issue. A lobby group is likely to be more effective if it can influence a number of voters to support or oppose the government.

Committees

An individual constituent might have the opportunity to influence the government when making representations to parliamentary committees, which conduct inquiries into matters of public concern. Committees hold public hearings and call for submissions, in which individuals can express their views and possibly influence the committee findings. Committees advertise when a public hearing will take place. They produce reports with recommendations that might influence the government to change the law – see page 26.

Petitions

Victorian residents can organise a petition in the form prescribed by parliament with a number of signatures, and their member will present it to parliament on their behalf. Where a matter is topical or controversial, there could be several petitions presented representing different points of view.

Petitions are a way of alerting members of parliament to issues of concern in the community and to the strength of public feeling about an issue. Details about formulating and submitting a petition can be found on the websites of the Legislative Assembly and the Legislative Council.
Protests

Frequently there are organised protests outside Parliament House. They are a way for ideas and concerns to be noticed and range from one person holding up a placard to thousands of people blocking off the area in front of Parliament House.

The right to protest and the freedom to assemble are fundamental features of our democratic system and the front steps of Parliament House have seen the people of Victoria raising their voices in protest on many issues over the years. This forum has also been used to demonstrate public feelings of pride, grief and celebration.

Party Membership

Most of the legislation passed in parliament is initiated by the government, and much of the policy driving legislation comes from the government party. Thousands of people who are not MPs are party members. Parties exist at various levels – small local branches, regional organisations, state and national executives. Party members help to shape party policy and select the party’s candidates to stand for election.
There is an imbalance in the number of women compared to men in both Houses of the Victorian Parliament. Women comprise over 50% of the Victorian population and currently constitute 41.4% of the members in both Houses – they constitute 38.6% of the Legislative Assembly and 47.5% of the Legislative Council.

For many years women were subject to discrimination in all aspects of parliament. Arguments raised against them having the vote were based on the supposed harmful effects it might have on motherhood, the destruction of family life, immorality and the dangers of introducing ‘female weaknesses’ into public life and standards. Conversely, there were arguments for their inclusion on the grounds of fairness, equality and ability.

Women were not allowed to vote in Victorian parliamentary elections until 1908, although the first election where this vote could be exercised did not occur until 1910. Non-Aboriginal women could vote in Commonwealth elections after 1902. (In 1863 a loophole in the Franchise Act gave women ratepayers the vote at the 1864 election, but this was quickly removed!)

Women were not able to be elected to Parliament in Victoria until 1924, though they could be elected to the Commonwealth Parliament from 1902. The first woman to be elected to the Legislative Assembly was Lady Millie Peacock in 1933, who replaced her deceased ex-Premier husband in a tightly-contested by-election. Lady Peacock served two years as an MP but made only one speech in parliament.

The first woman to win a seat at a general election was Ivy Weber. She won the seat of Nunawading as an Independent in 1937, 1940 and 1943.

From 1947 to 1967 there were no women in the Victorian Parliament. Since then there have been steadily increasing numbers elected, though still in far smaller proportions than men.
The first women elected to the Legislative Council were H. Gracia Baylor and Joan Coxsedge in 1979.

In 1982 Pauline Toner became the first woman to be appointed a minister in Victoria, and in 1990 Joan Kirner became the first female Victorian Premier.

In 2003 the 55th Parliament of Victoria elected female Presiding Officers for the first time. Judy Maddigan became Victoria’s first female Speaker. Monica Gould was elected Victoria’s first female President of the Legislative Council. The Victorian Parliament was the first in Australia to have both a female Speaker and a female President at the same time. In 2006 Jenny Lindell was elected Speaker of the Legislative Assembly in the 56th Parliament. In 2010, Christine Fyffe was elected Deputy Speaker of the Legislative Assembly in the 57th Parliament, and was elected Speaker in February 2014.

Various schemes of ‘affirmative discrimination’, i.e. deliberately discriminating in favour of women to increase their representation in Parliament, are still being proposed today. There have also been suggestions for the creation of more ‘family friendly’ hours of operation and environment to help redress the gender imbalance.
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