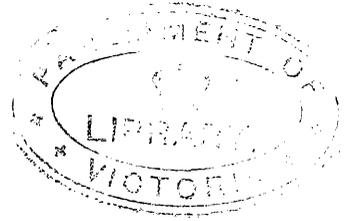


MINUTES OF THE PROCEEDINGS OF THE LEG. COUNCIL 1<sup>ST</sup> & 2<sup>ND</sup> SESS. 1914.



VICTORIA.



MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

---

FIRST SESSION 1914.

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MINUTES OF THE PROCEEDINGS, ETC.

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VICTORIA.

No. 1.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

WEDNESDAY, 24TH JUNE, 1914.

1. The Council met pursuant to the Proclamation of His Excellency the Governor, bearing date the 25th day of May, 1914, which Proclamation was read by the Clerk, and is as follows:—

FURTHER PROROGUING PARLIAMENT AND FIXING THE TIME FOR HOLDING  
THE FOURTH SESSION OF THE TWENTY-THIRD PARLIAMENT OF  
VICTORIA.

PROCLAMATION

By His Excellency the Honorable Sir Arthur Lyulph Stanley, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

WHEREAS The Parliament of Victoria stands prorogued until Tuesday, the second day of June, 1914: Now I, the Governor of the State of Victoria in the Commonwealth of Australia, do by this my Proclamation further prorogue the said Parliament of Victoria until Wednesday, the twenty-fourth day of June, 1914, and I do hereby fix Wednesday, the twenty-fourth day of June, 1914, aforesaid, as the time for the commencement and holding of the next Session of the said Parliament of Victoria, for the despatch of business, at the hour of Two o'clock in the afternoon, in the State Parliament Houses, situate in the Carlton Gardens, in the City of Melbourne: And the Honorable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this twenty fifth day of May, in the year of our Lord One thousand nine hundred and fourteen, and in the fifth year of the reign of His Majesty King George V.

(L.S.)

A. L. STANLEY.

By His Excellency's Command,

W. A. WATT,  
Premier.

GOD SAVE THE KING!

2. APPROACH OF HIS EXCELLENCY THE GOVERNOR.—The approach of His Excellency the Governor was announced by the Usher.

His Excellency came into the Council Chamber, and commanded the Usher to desire the immediate attendance of the Legislative Assembly, who, being come with their Speaker, His Excellency was pleased to speak as follows :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I have summoned you for the consideration of important public business.

It is a matter for general congratulation that prosperity continues throughout the State, and that all the agencies of production and trade show welcome indications of health and vigour.

During the recess a Conference of Premiers and Ministers was held in Melbourne, at which many questions of high public concern were considered.

The problem of the conservation and use of the waters of the River Murray, which has been the subject of negotiation for many years between the States of New South Wales, South Australia, and Victoria, was again discussed, and an agreement reached.

This result was largely attributable to the co-operation of the Government of the Commonwealth, and in due course measures providing for the ratification of the agreement will be laid before the four Parliaments interested.

Resolutions designed to eliminate the wasteful and unnecessary competition in Savings Bank business also secured the concurrence of the Commonwealth and the more populous States.

When the preliminary steps to give effect to these proposals have been taken by the Commonwealth Parliament, a consequential Bill will be submitted for your approval.

The final determination by the Privy Council of the historic dispute concerning the boundary between South Australia and Victoria leaves this State in undisputed possession of an extensive and valuable territory, now being developed by our Lands Department.

A Royal Commission upon Closer Settlement legislation and administration has been appointed, and is pursuing its inquiries with commendable vigour. When the results of its investigations are presented, they will receive the prompt and careful consideration of the Government.

My Advisers have given earnest attention to the question of providing our Railway and Harbor authorities with conveniences for the bulk handling of grain.

An eminent Canadian expert is being engaged to visit Victoria and report upon the project, and My Ministers will have no hesitation in recommending the adoption of the system, if justified by his advice.

My Advisers have arranged with the Government of New South Wales for the appointment of a Joint Royal Commission to report upon certain proposed railway lines which will serve large areas of the Riverina, and connect with the Victorian Railway System. It is hoped that considerable territorial development of mutual advantage to the co-operating States will result from these investigations.

In exercise of the authority granted by Parliament, satisfactory progress has been made in connexion with the electrification of the Metropolitan Railways. Important contracts have been entered into, and arrangements for the erection and establishment of the central power and sub-stations are well advanced.

The decision of the Government to unite with the Commonwealth and the sister States in a display of our Staple Products at the Panama Exhibition will, it is believed, lead to the useful advertisement of the resources of Victoria in the United States of America, where recent Tariff changes open an unlimited market to the Australian producer.

The work of developing the outer ports is steadily proceeding.

An active programme of construction, involving work exceeding in value £250,000, is in hand at the State Shipbuilding Yards at Williamstown.

The Central Cool Stores at Victoria Dock will shortly be sufficiently advanced to deal with perishable and frozen produce.

The Consolidation of the Statutes, which has for some time engaged the attention of the Honorable Mr. Justice Cussen, has been completed, and My Advisers will submit for your approval at an early date the necessary measures to give effect to this desirable improvement of the Statute laws of the State.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The Estimates of Expenditure for the coming financial year will in due time be laid before you.

They will contain provision for the maintenance of the Public Services, and will be framed with a due regard to care and economy.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The following Legislative proposals will be submitted for your consideration :—

- A Bill relating to combinations and monopolies.
- A Railway Lands Acquisition Bill, providing amongst other things for the abolition of local rates on newly constructed railway lines.
- A Bill dealing with the re-election of Ministers.
- A Bill relating to the Metropolitan Gas Company.
- A Bill to amend the Local Government Acts.
- A Bill to facilitate the sewerage of country towns.

Bills dealing with the following subjects will also be laid before you:—Factories and Shops Act Amendment, Hospitals and Charities, Railway Construction, Grading of Cream, Charitable Trusts, and other matters of interest and importance to the people of the State.

I now leave you to your deliberations which will, I trust, under the blessing of Providence promote the material prosperity and happiness of the people.

Which being concluded, a copy of the speech was delivered to Mr. President, and a copy to Mr. Speaker, and His Excellency the Governor left the Chamber.

The Legislative Assembly then withdrew.

3. The President took the Chair and read the Prayer.

4. DECLARATIONS OF MEMBERS.—The Honorables the President, J. G. Aikman, W. C. Angliss, A. A. Austin, W. L. Baillieu, Robert Beckett, F. W. Brawn, J. D. Brown, F. G. Clarke, E. J. Crooke, W. J. Evans, W. H. Fielding, F. W. Hagelthorn, A. Hicks, J. P. Jones, W. Little, Walter S. Manifold, J. Y. McDonald, A. McLellan, D. Melville, J. K. Merritt, T. H. Payne, R. B. Rees, H. F. Richardson, A. Robinson, and A. O. Sachse severally delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth:—

“In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN MARK DAVIES, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and ten pounds above all charges and encumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Malvern, and are known as lots 51, 52, 53, and 54 on plan of subdivision No. 5674 lodged in the office of Titles, and being part of Crown portions 123 and 124 at Malvern, parish of Prahran, at Gardiner, County of Bourke.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Malvern, are rated in the rate-book of such district upon a yearly value of £110.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“JNO. M. DAVIES.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN GEORGE AIKMAN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two thousand one hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Melbourne, and are known as the Melbourne Coffee Palace, 214 to 218 Bourke-street.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of Two thousand one hundred and fifty pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“J. G. AIKMAN.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM CHARLES ANGLISS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Caulfield and are known as East and West Terrace, Glen Eira-road, Elsternwick, being lots 37, 38, 39, 40, and 41 on plan of subdivision No. 2418, being part of Crown portion 252 south-east of St. Kilda, parish of Prahran, county of Bourke,

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Caulfield are rated in the rate-book of such district upon a yearly value of £330.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“W. ANGLISS.”

"In compliance with the provisions of the Constitution Act Amendment Acts, I, ALBERT AUSTIN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Buninyong, and are known as 'Larundel,' Elaine.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Buninyong are rated in the rate-book of such district upon a yearly value of £2,005.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a Member of the Legislative Council.

"AUSTIN ALBERT AUSTIN."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM LAWRENCE BAILLIEU, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred and fifty-five pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Gisborne, and are known as all those pieces of land containing respectively fourteen acres one rood and twelve perches and thirty-six acres and three roods being allotment 'A,' section three, parish of Macedon, county of Bourke, and being the lands more particularly described in certificates of title volume 1950 folio 389868, and volume 3200 folio 639893.

"And I further declare that the said lands or tenements are situate in the municipal district of Gisborne and are rated in the rate-book of such district upon a yearly value of £255.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a Member of the Legislative Council.

"W. L. BAILLIEU."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, ROBERT BECKETT, of Essex-road, Surrey Hills, Solicitor, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Camberwell, and Doncaster, and are known as 'Guildford,' being Essex-road and Durham-road, Surrey Hills; lands in town of Camberwell, where I reside, and houses and land, part of section 26, parish of Warrandyte, situate in the shire of Doncaster.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Camberwell are rated in the rate-book of such district upon a yearly value of £73; and that such of the said lands or tenements as are situate in the municipal district of Doncaster are rated in the rate-book of such district upon a yearly value of £87.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof; for the purpose of enabling me to be returned a Member of the Legislative Council.

"ROBT. BECKETT."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, FREDERICK WILLIAM BRAWN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and sixty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Ballaarat, and are known as three brick cottages in Mill-street, Ballaarat.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Ballaarat are rated in the rate-book of such district upon a yearly value of One hundred and twenty-seven pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"F. BRAWN."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, JAMES DRYSDALE BROWN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and thirty-eight pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Coburg, and are known as part of Crown portion One hundred and forty-three at Coburg, parish of Jika Jika, county of Bourke.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Coburg are rated in the rate-book of such district upon a yearly value of One hundred and thirty-eight pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"J. DRYSDALE BROWN."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, FRANCIS GRENVILLE CLARKE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of £225 above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Rodney Shire, and are known as allots. 87 and 88, part allots. 85, 86, and 89, parish of Murchison North.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Rodney are rated in the rate-book of such district upon a yearly value of £225.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"FRANK G. CLARKE."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, EDWARD JOLLEY CROOKE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Rosedale, and are known as portion of 'The Hole Plain Estate.'

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Rosedale are rated in the rate-book of such district upon a yearly value of Two hundred and twenty-seven pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"E. J. CROOKE."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM JOHN EVANS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Ninety-one pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of South Melbourne and are known as 208 and 210 York-street, South Melbourne.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of South Melbourne are rated in the rate-book of such district upon a yearly value of £54.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"WILLIAM JOHN EVANS."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM HARRIS FIELDING, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Footscray, and are known as shop and dwelling, 10 Canterbury-street; shop and dwelling, 68 Somerville-road; house, 2 Blanch-street; vacant land, Tongue-street; vacant land, Blanch-street; and vacant land, Fehon-street, all of Yarraville, in the said municipal district of Footscray.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Footscray are rated in the rate-book of such district upon a yearly value of £89.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"W. H. FIELDING."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, FREDERICK WILLIAM HAGELTHORN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Three hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Malvern, and are known as 'Coonil,' Wattletree-road.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Malvern are rated in the rate-book of such district upon a yearly value of Three hundred pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"F. HAGELTHORN."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, ALFRED HICKS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Eaglehawk, and are known as shops and dwellings situate in High-street.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Eaglehawk are rated in the rate-book of such district upon a yearly value of One hundred and thirteen pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"A. HICKS."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN PERCY JONES, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Three hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Melbourne, and are known as 16, 18, 20, 22, 24, 26 Patrick-street, Melbourne.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of £300.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"J. P. JONES."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIS LITTLE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Benalla, and are known as allotments 1 to 4, section H, Benalla, one hundred and ninety-three acres, Fifty-seven pounds; allotments 1 and 2, section I, Benalla, three hundred and twenty-seven acres, Eighty-one pounds; allotment 3, section I, Benalla, sixty-five acres, Sixteen pounds; and allotment 24AB, Benalla, three hundred and twenty acres, Fifty pounds.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Benalla are rated in the rate-book of such district upon a yearly value of Two hundred and four pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"WILLIS LITTLE."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WALTER SYNNOT MANIFOLD, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred and six pounds (£206) above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of the shire of Warrnambool, and are known as parts of Crown allotment 24A and Crown allotment 23 A<sup>1</sup>, parish of Mepunga, county of Heytesbury, containing three hundred and thirty-three acres three roods and eighteen perches.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of the shire of Warrnambool are rated in the rate-book of such district upon a yearly value of £206.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"WALTER MANIFOLD."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN YOUNG McDONALD, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred and sixty-one pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Ballarat West, and are known as the 'Edinburgh Buildings.'

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Ballarat West are rated in the rate-book of such district upon a yearly value of Two hundred and sixty-one pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"JOHN YOUNG McDONALD."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, ADAM McLELLAN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Richmond, and are known as land and buildings, corner of Lord and Boyd-streets, Richmond.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Richmond are rated in the rate-book of such district upon a yearly value of £172.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"ADAM McLELLAN."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, DONALD MELVILLE do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and three pounds above, all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Brunswick, Pyalong, and McIvor, and are known as my residence, situated in Albion-street, West Brunswick, with three acres land; two hundred and six acres land within the shire of Pyalong; and one hundred and forty acres land within the shire of McIvor.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Brunswick are rated in the rate-book of such district upon a yearly value of £53, and that such of the said lands or tenements as are situate in the municipal district of Pyalong are rated in the rate-book of such district upon a yearly value of £30, and that such of the said lands or tenements as are situate in the municipal district of McIvor are rated in the rate-book of such district upon a yearly value of £20.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"D. MELVILLE."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, JAMES KERR MERRITT, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and eighty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Kew, and are known as 'Fairholme,' Fellows-street.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Kew are rated in the rate-book of such district upon a yearly value of One hundred and eighty pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"J. K. MERRITT."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, THOMAS HENRY PAYNE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Nine hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of city of Prahran, and are known as 'Leura,' Toorak, being Crown portion 20, parish of Prahran, county of Bourke.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Nine hundred pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"T. H. PAYNE."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, RICHARD BLOOMFIELD REES, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same other than any public or parliamentary tax or municipal or other rate or assessment; and further that such lands or tenements are situated in the municipal district of Swan Hill, and are known as shop and dwelling properties, situate in Campbell-street.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Swan Hill are rated in the rate-book of such district upon a yearly value of above One hundred pounds per annum.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"R. BLOOMFIELD REES."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, HORACE FRANK RICHARDSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred and twenty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of city of Geelong, and are known as 'The Exchange' property, Little Malop-street, Geelong, and occupied by myself and tenants.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of city of Geelong are rated in the rate-book of such district upon a yearly value of £220.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"H. F. RICHARDSON."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, ARTHUR ROBINSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Sixty-two pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Malvern, and are known as house and land, 'Chilcote,' Sorrett Avenue, Malvern.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Malvern are rated in the rate-book of such district upon a yearly value of £150

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"ARTHUR ROBINSON."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, ARTHUR OTTO SACHSE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Four hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, and are known as 'Marilla,' Toorak-road, South Yarra.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Four hundred and fifty pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"A. O. SACHSE."

5. SUPREME COURT RULES BILL.—On the motion of the Honorable J. D. Brown, a Bill relating to the taking of Evidence in Victoria in relation to Civil and Commercial Matters pending before Foreign Tribunals was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

6. COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President laid upon the Table the following Warrant appointing the Committee of Elections and Qualifications:—

VICTORIA.

Pursuant to the provisions of *The Constitution Act Amendment Act 1890*, I do hereby appoint—

The Honorable Robert Beckett,  
The Honorable Edward Jolley Crooke,  
The Honorable William John Evans,  
The Honorable Walter Synnot Manifold,  
The Honorable Duncan Elphinstone McBryde,  
The Honorable Donald Melville, and  
The Honorable Arthur Robinson

to be members of a Committee to be called "The Committee of Elections and Qualifications."

Given under my hand this twenty-fourth day of June, One thousand nine hundred and fourteen.

JNO. M. DAVIES,

President of the Legislative Council.

7. THE LATE CHAIRMAN OF COMMITTEES OF THE LEGISLATIVE ASSEMBLY.—The Honorable W. L. Baillieu moved, That this House desires to place on record its deep regret at the death of the Honorable Thomas Langdon, the member for Korong and Chairman of Committees of the Legislative Assembly, and its appreciation of his faithful service to the Parliament of Victoria for thirty-two years.

Debate ensued.

The President said:—

In putting this motion, I should like to say that I was intimately acquainted with the Honorable Mr. Langdon. He was Whip in the Irvine Government. In the Bent Government he became Honorary Minister, and for a short time held office as a paid Minister. Therefore, I had a very intimate and lengthy experience of him. He was one of those men who, whatever views he held, never hesitated to give full expression to them, and there was no wavering about him at all. You knew what to expect from him, and you could depend upon him in every way—a straightforward, honest, manly kind of man. Later on he was elected to the position of Chairman of Committees in the Legislative Assembly. Mr. Langdon was a member of Parliament much longer than most of us and, as Mr. Baillieu has said, if we can leave a record of such lengthy, continuous, and effective service, we may be well satisfied.

Question—put and resolved in the affirmative.

8. **TRANSFER OF LAND ACTS AMENDMENT BILL.**—On the motion of the Honorable Robert Beckett a Bill to amend the Transfer of Land Acts was, by leave, read a first time, ordered to be printed, and to be read a second time on Wednesday next.

9. **LEAVE OF ABSENCE.**—The Honorable J. G. Aikman moved, by leave, That leave of absence be granted to the Honorable John McWhae for the remainder of the Session on account of urgent private business.

Question—put and resolved in the affirmative.

10. **LEAVE OF ABSENCE.**—The Honorable A. A. Austin moved, by leave, That leave of absence be granted to the Honorable William Pearson for the remainder of the Session on account of urgent private business.

Debate ensued.

Question—put and resolved in the affirmative.

11. **PAPERS.**—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—

Education.—Report (together with Appendices) of the Minister of Public Instruction for the year 1912-13.

Inter-State Conference.—Report of the Resolutions, Proceedings, and Debates of the, held at Melbourne, March-April, 1914; together with Appendices.

Public Service Commissioner.—Report for the year 1913.

Statistical Register of the State of Victoria for the year 1913.—Part I.—Blue Book.

Treasurers' Conference.—Report of the Resolutions, Proceedings, and Debates of the, State Parliament House, Melbourne, May, 1914.

Victorian Coal Miners' Accidents Relief Board.—Annual report of the, to the Honorable J. Drysdale Brown, M.P., Minister of Mines for Victoria, for the year 1913.

Severally ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—

Bank Liabilities and Assets.—Summary of Sworn Returns for the quarter ended 31st March, 1914.

Closer Settlement Acts—

Additions to the Regulations.

Alteration in and Addition to the Regulations.

Country Fire Brigades Board.—Report of the, for the year ended 31st December, 1913; together with Statement of Receipts and Expenditure, and Assets and Liabilities for that period.

Education Act 1890.—Regulations—

Clause rescinded, Clause substituted.

Clause rescinded, Regulation substituted.

Regulation made.

Regulation rescinded, Regulation substituted.

Regulation V.—Maintenance.

Regulation XIX.—School Entertainments.

Regulation XXIII.—Compulsory Attendance (Additional Clause).

Regulation XXV.—Use of Buildings—School Committees.

Regulation XXXIII.—Evening Continuation Classes.

Explosives Act 1890—

Addition to Order in Council No. 1 of the 12th day of October, 1909, relating to the Classification of Explosives.

Addition to Order in Council No. 6 of the 12th day of October, 1909.

Factories and Shops.—Report of the Chief Inspector of, for the year ended 31st December, 1913.

Land Acts—

Addition to Regulations under the. (2 papers).

Additions to Regulations under the. (2 papers).

Marine Act 1890.—Marine Board of Victoria—

Amendment of the Regulations for the Equipment of Ships with Live-Saving Appliances (3 papers).

Statements of Receipts and Disbursements on Pilotage Account for the year ended the 31st December, 1913.

## Parliamentary Standing Committee on Railways—Twenty-fourth General Report.

Public Service Act 1901.—Copies of Papers in connexion with the promotion of—

Aubrey John Clifton Bult, from the Fourth Class to the Third Class, in the Department of Public Works.

Matthew Charles Campbell, from the Fifth Class to the Fourth Class, in the Law Department.

Frederick Charles Percy Hill, from the Fifth Class to the Fourth Class, in the Law Department.

Peter Bernard Reilly, from the Fifth Class to the Fourth Class in the Law Department.

Public Service Acts.—Regulations—

Appointment or Transfer to the Clerical Division.

Classification of General Division—

Department of Chief Secretary. (2 papers.)

Department of Lands and Survey.

Department of Public Works. (3 papers.)

Department of Treasurer.

Insurance of Officers—Amendment of Regulation.

Travelling Allowances:—Part II.—Allowances to certain Officers—

Department of Chief Secretary.

Department of Lands and Survey.

Department of Law.

Department of Public Works.

Travelling Allowances.—Regulation Repealed, New Regulation made.

Supreme Court Act 1912, Section 2.—Rules regulating Letter of Request for Service.

Supreme Court Acts (Admiralty Jurisdiction).—Rules for regulating the procedure and practice of the Supreme Court of Victoria in the exercise of the jurisdiction conferred by the *Colonial Courts of Admiralty Act 1890*.

Victorian Mining Accident Relief Fund.—Balance Sheet, 31st December, 1913.

Victorian Railways—Report of the Victorian Railways Commissioners for the quarter ending 31st March, 1914.

12. THE TITLE OF "HONORABLE."—The President announced that he had received a copy of the following papers in connexion with the retention of the title of "Honorable" by Mr. James Callender Campbell, and Mr. Edward Miller, who had served continuously as Members of the Legislative Council for a period of more than ten years, which were read by the Clerk.

"Government of Victoria.

No. 1925.

Premier's Office,

Melbourne, 19th May, 1914.

Sir,

I have the honour, by direction, to forward herewith, for the information of Members of the Legislative Council, a copy of each of two despatches which have been received from the Secretary of State for the Colonies (through His Excellency the Governor) notifying respectively that His Majesty the King has been pleased to approve of the retention of the title of "Honorable" by Mr. James Callender Campbell and Mr. Edward Miller, each of whom has served continuously as a Member of the Legislative Council of Victoria for a period of more than ten years.

I have the honour to be,

Sir,

Your obedient Servant.

F. SHORT,

Secretary to the Premier.

The Honorable,

The President of the Legislative Council,

State Parliament House, Melbourne.

[COPY.]

I HEREBY CERTIFY that the Honorable James Callender Campbell, of "Myrtle Grove," North-road, Elsternwick, was a Member of the Legislative Council of the State of Victoria from the nineteenth day of June, One thousand eight hundred and ninety-five, to the first day of June, One thousand nine hundred and ten.

THOS. G. WATSON,

Clerk of the Legislative Council.

[COPY.]

Colonial Office,

Downing Street, 11th January, 1911.

Victoria.

Miscellaneous.

Sir,

In reply to your despatch No. 91 of the 30th of November, I have the honor to inform you that His Majesty the King has been pleased to approve of the retention of the title of "Honorable" by Mr. James Callender Campbell, who served continuously as a Member of the Legislative Council of Victoria for a period of more than ten years.

A notification to this effect will be published in the *London Gazette*.

I have, &amp;c.,

L. HARCOURT.

Governor Sir T. D. Gibson Carmichael,  
Bart., K.C.M.G., &c., &c., &c.

[COPY.]

The following is a copy of the record of Mr. Edward Miller's service as a Member of the Legislative Council of Victoria :—

First elected a Member of the Legislative Council for the South Yarra Province ... .. 5th April, 1893  
 Re-elected ... .. 13th Sept., 1894  
 Re-elected ... .. 13th Sept., 1900

The Legislative Council was dissolved on the 10th May, 1904.

Re-elected for the East Yarra Province ... .. 1st June, 1904  
 Re-elected ... .. 4th June, 1907  
 Retired ... .. 3rd June, 1913.

Mr. Miller had twenty years' continuous service as a Member of the Legislative Council.

R. W. V. McCALL,  
 Clerk of the Legislative Council.  
 15th August, 1913.

[COPY.]

Colonial Office,  
 Downing Street, 3rd October, 1913.

Victoria.  
 Miscellaneous.

SIR,

I have the honour to request you to inform your Ministers that His Majesty the King has been pleased to approve of the retention of the title of "Honourable" by Mr. Edward Miller, who served continuously as a Member of the Legislative Council of Victoria for a period of more than ten years.

2. A notification to this effect will be published in the *London Gazette*.

I have, &c.  
 L. HARCOURT.

The Officer Administering  
 the Government of Victoria."

13. STANDING ORDER.—The President announced the receipt of the following communication from the Clerk :—

Parliament House,  
 Melbourne, 4th March, 1914.

MR. PRESIDENT,

I have the honour to inform you that His Excellency the Governor has been pleased to approve of the Standing Order that was adopted by the Legislative Council on the 13th day of February, One thousand nine hundred and fourteen.

I have the honour to be,  
 Mr. President,  
 Your most obedient servant,

R. W. V. McCALL,  
 Clerk of the Legislative Council.

The Honorable  
 The President of the Legislative Council, &c. &c., &c.

14. FACTORIES AND SHOPS BILL.—Pursuant to the Standing Order adopted on the 13th day of February, 1914, the Clerk laid upon the Table a copy of the Bill intituled "An Act to further amend the 'Factories and Shops Act 1912.'"

15. ADDRESS OF WELCOME TO HIS EXCELLENCY THE GOVERNOR.—The Honorable W. L. Baillieu moved, by leave, That the Council agree to the following Address to His Excellency the Governor, viz. :—

To His Excellency THE HONORABLE SIR ARTHUR LYULPH STANLEY, *Knight Commander of the Most Distinguished Order of Saint Michael and Saint George; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY—

We, His Majesty's faithful and loyal subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, desire to convey to your Excellency the expression of our loyalty to His Majesty's Throne and Person, and our regard for the high office His Majesty has been pleased to confer upon Your Excellency.

We extend to Your Excellency on behalf of the people of this State a cordial welcome to Victoria, and we beg that Your Excellency will receive our assurances that we shall at all times readily co-operate with Your Excellency in advancing the welfare of this part of His Majesty's Dominions beyond the Seas, and in preserving the connexion with the Mother Country.

Question—put and resolved in the affirmative.

Ordered—That the said Address be presented to His Excellency the Governor by the President and such Members as may desire to accompany him.

16. SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The President reported the Speech of His Excellency the Governor.

The Honorable J. K. Merritt moved, That a Committee be appointed to prepare an Address to His Excellency the Governor in reply to His Excellency's Opening Speech.

Question—put and resolved in the affirmative.

The Honorable J. K. Merritt moved, That the Committee consist of the Honorables J. K. Merritt, W. C. Angliss, F. W. Brawn, E. J. Croke, W. H. Fielding, D. Melville, and R. B. Rees.

Question—put and resolved in the affirmative.

The Committee retired to prepare the Address.

The Honorable J. K. Merritt presented the Address, which had been agreed to by the Committee, and the same was read by the Clerk, and is as follows:—

*To His Excellency THE HONORABLE SIR ARTHUR LYULPH STANLEY, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY—

We, the Legislative Council of Victoria, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the gracious Speech which you have been pleased to address to Parliament.

The Honorable J. K. Merritt moved, That the Council agree with the Committee in the said Address.

Debate ensued.

The Honorable D. Melville moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

17. ADJOURNMENT.—The Honorable W. L. Baillieu moved, That the Council, at its rising, adjourn until Tuesday next, at half-past four o'clock.

Question—put and resolved in the affirmative.

The Honorable W. L. Baillieu moved, That the House do now adjourn.

Question—put and resolved in the affirmative.

And then the Council, at twenty-seven minutes past eight o'clock, adjourned until Tuesday next.

R. W. V. McCALL,  
Clerk of the Legislative Council.

VICTORIA

No. 2.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 30TH JUNE, 1914.

1. The President took the Chair and read the Prayer.

2. DECLARATIONS OF MEMBERS.—The Honorables T. Beggs, D. E. McBryde, J. Sternberg, and E. J. White severally delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth :—

“In compliance with the provisions of the Constitution Act Amendment Acts, I, THEODORE BEGGS, of Eurambeen, Beaufort, Grazier, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Fifty-one pounds ten shillings above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situated in the municipal district of Ripon, and are known as Crown allotments 70B, 73C, 74, 74A, and 73B, parish of Eurambeen, county of Ripon, containing 206 acres.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Ripon are rated in the rate-book of such district upon a yearly value of Fifty-one pounds ten shillings.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“THEODORE BEGGS.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, DUNCAN ELPHINSTONE MCBRYDE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Three hundred and eighty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situated in the municipal district of Brighton, and are known as ‘Kamesburgh,’ containing ten acres or thereabouts, being part of Dendy’s special survey at Brighton, and situate at the angle of North-road and Cochrane-street, and purchased by me for the sum of Twelve thousand two hundred pounds.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Brighton are rated in the rate-book of such district upon a yearly value of Three hundred and eighty pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“D. E. MCBRYDE.”

"In compliance with the provisions of the Constitution Act Amendment Acts, I, JOSEPH STERNBERG, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of the shires of Waranga and Deakin, and are known as, firstly, Crown allotments 70E, 70F, parish of Moora, county of Rodney, in the municipal district of the shire of Waranga; secondly, Crown allotment 40, in the parish of Burrumbóot East, county of Rodney, in the municipal district of the shire of Waranga; thirdly, Crown allotments 39A, 39B, 40A, 40B, 41B, in the parish of Carag Carag, county of Rodney, in the municipal district of the shire of Deakin.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of the shire of Waranga and are firstly above described are rated in the rate-book of such district upon a yearly value of £52; and that such of the said lands or tenements as are situate in the municipal district of the shire of Waranga and are secondly above described are rated in the rate-book of such district upon a yearly value of £52; and that such of the said lands or tenements as are situated in the municipal district of the shire of Deakin and are thirdly above described are rated in the rate-book of such district upon a yearly value of £42.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"J. STERNBERG."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, EDWARD JAMES WHITE, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and twenty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Dundas and borough of Hamilton, and are known as 'Waratah,' being part of subdivision of the Kenilworth Estate, parish of Gatum Gatum, county of Dundas, containing 1,786½ acres. In the borough of Hamilton is my house and allotment fronting Clarendon-street; an allotment fronting Gray-street; and an allotment at back of Hospital.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Dundas are rated in the rate-book of such district upon a yearly value of One hundred and fifty pounds, and that such of the said lands or tenements as are situate in the municipal district of borough of Hamilton are rated in the rate-book of such district upon a yearly value of Forty-four pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"E. J. WHITE."

3. PAPERS.—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—  
Statistical Register of the State of Victoria for the year 1913.—Part II.—Finance.

Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—

Education Act 1890.—Regulations rescinded, Regulation made.

Infectious Diseases Hospital Act 1914.—Regulations—Infectious Diseases Hospital Election.

4. DAYS OF BUSINESS.—The Honorable W. L. Baillieu moved, That Tuesday, Wednesday, and Thursday in each week be the days on which the Council shall meet for the despatch of business during the present Session, and that half-past Four o'clock be the hour of meeting on each day; that on Tuesday and Thursday in each week the transaction of Government business shall take precedence of all other business; and that on Wednesday in each week Private Members' business shall take precedence of Government business.

Question—put and resolved in the affirmative.

5. STANDING ORDERS COMMITTEE.—The Honorable W. L. Baillieu moved, That the Honorables the President, W. L. Baillieu, J. D. Brown, E. J. Croke, F. W. Hagelthorn, Walter S. Manifold, D. E. McBryde, T. H. Payne, A. O. Sachse, and J. Sternberg be Members of the Select Committee on the Standing Orders of the House; three to be the quorum.

Question—put and resolved in the affirmative.

6. PARLIAMENT BUILDINGS COMMITTEE.—The Honorable W. L. Baillieu moved, That the Honorables the President, J. G. Aikman, W. Little, A. McLellan, and W. Pearson be Members of the Joint Committee to manage and superintend the Parliament Buildings.

Question—put and resolved in the affirmative.

7. LIBRARY COMMITTEE.—The Honorable W. L. Baillieu moved, That the Honorables the President, W. A. Adamson, T. Beggs, F. W. Brawn, and D. Melville be Members of the Joint Committee to manage the Library.

Question—put and resolved in the affirmative.

8. REFRESHMENT ROOMS COMMITTEE.—The Honorable W. L. Baillieu moved, That the Honorables W. J. Evans, A. Hicks, J. Y. McDonald, J. McWhae, and R. B. Rees be Members of the Joint Committee to manage the Refreshment Rooms.  
Question—put and resolved in the affirmative.
9. PRINTING COMMITTEE.—The Honorable W. L. Baillieu moved, That the Honorables the President, W. C. Angliss, A. A. Austin, Robert Beckett, F. G. Clarke, W. L. R. Clarke, J. P. Jones, H. F. Richardson, A. Robinson, and E. J. White be Members of the Printing Committee; three to be the quorum.  
Question—put and resolved in the affirmative.
10. ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the resumption of the debate on the question, That the Council agree with the Committee in the Address in Reply to the Speech of His Excellency the Governor, having been read—  
Debate resumed.  
The Honorable W. J. Evans moved, That the debate be now adjourned.  
Question—That the debate be now adjourned—put and resolved in the affirmative.  
Ordered—That the debate be adjourned until Tuesday next.
11. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, No. 2, be postponed until Tuesday next.
12. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at seven minutes past nine o'clock, adjourned until Tuesday next.

R. W. V. McCALL  
*Clerk of the Legislative Council.*

## VICTORIA.



No. 3.

## MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL

TUESDAY, 7TH JULY, 1914.

1. The President took the Chair and read the Prayer.
2. PRESENTATION OF ADDRESS OF WELCOME TO HIS EXCELLENCY THE GOVERNOR.—The President reported that he had that day waited upon His Excellency the Governor, and had presented to him the Address of the Legislative Council, agreed to on the 24th June, ultimo, and that His Excellency had been pleased to make the following reply:—

MR. PRESIDENT AND HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL OF THE STATE OF VICTORIA.

I have the honour to thank you for your Address, and I accept with pleasure the assurance of your loyalty to The Throne and Person of His Majesty, and of your regard for the high office that I have the honour to hold.

I appreciate profoundly the cordiality of the welcome which, on behalf of the people of Victoria, you are good enough to extend to me.

It will be my constant endeavour to co-operate to the best of my power with my Advisers and with Parliament for the advancement of the best interests of this State, and for preserving the connexion with the Mother Country.

A. L. STANLEY.

7th July, 1914.

3. POISONS ACTS AMENDMENT BILL.—On the motion of the Honorable W. L. Baillieu, a Bill to amend the Poisons Acts was, by leave, read a first time, ordered to be printed, and to be read a second time to-morrow.
4. JUSTICES ACT 1890 FURTHER AMENDMENT BILL.—On the motion of the Honorable J. D. Brown, a Bill to further amend the *Justices Act* 1890 was, by leave, read a first time, ordered to be printed, and to be read a second time to-morrow.
5. COUNTY COURT ACT 1890 AMENDMENT BILL.—On the motion of the Honorable J. D. Brown, a Bill to amend Section Twenty-two of the *County Court Act* 1890 was, by leave, read a first time, ordered to be printed, and to be read a second time to-morrow.
6. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—

Labour Covenants of Mining Leases and Licences.—List of Suspensions granted of the, during the year 1913.

Land Tax Act 1910.—Regulation.

Public Service Act 1901.—Copies of Papers in connexion with the promotion of—

James Joseph Blake, from the Fourth Class, Income Tax Branch, to the Third Class, Land Tax Branch, Department of Treasurer.

John Collings, from the Fifth Class to the Fourth Class, Income Tax Branch, Department of Treasurer.

James Demetrius Morris, from the Fifth Class, Office of the Government Statist, Department of Chief Secretary, to the Fourth Class, Land Tax Branch, Department of Treasurer.

John Alexander Norris, from the Second Class to the First Class, Department of Treasurer.

Joseph Stephenson, from the Fifth Class, Office of the Government Statist, Department of Chief Secretary, to the Fourth Class, Department of Treasurer.

Water Acts.—Copy of Declaration of the Honorable the Minister of Water Supply defining the area that ought to be constituted the Werribee Waterworks District; together with the plan showing the area of such proposed District.

7. ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the resumption of the debate on the question, That the Council agree with the Committee in the Address in Reply to the Speech of His Excellency the Governor, having been read—  
Debate resumed.  
The Honorable W. J. Evans moved, That the debate be now adjourned.  
Question—That the debate be now adjourned—put and resolved in the affirmative.  
Ordered—That the debate be adjourned until to-morrow.
8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 2, and the Order of the Day, General Business, be postponed until to-morrow.

And then the Council, at thirty-two minutes past six o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 4.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

WEDNESDAY, 8TH JULY, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of One million eight hundred and sixteen thousand six hundred and three pounds to the service of the year One thousand nine hundred and fourteen and One thousand nine hundred and fifteen,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 7th July, 1914.

3. CONSOLIDATED REVENUE BILL (No. 1).—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.
4. LEAVE OF ABSENCE.—The Honorable W. C. Angliss moved, That leave of absence be granted to the Honorable William Lionel Russell Clarke for the remainder of the Session on account of urgent private business.  
Question—put and resolved in the affirmative.
5. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of the Order of the Day, General Business, be postponed until Tuesday next.
6. CONSOLIDATED REVENUE BILL (No. 1).—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day, Government Business, be postponed until Tuesday next.
8. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at thirty-three minutes past six o'clock, adjourned until Tuesday next.

R. W. V. McCALL,  
Clerk of the Legislative Council.

No. 5.

## MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 14TH JULY, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable J. D. Brown, and the same was read by the Honorable the President :—

A. L. STANLEY,  
Governor of Victoria.

Message No. 1.

The Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

*“An Act to apply out of the Consolidated Revenue the sum of One million eight hundred and sixteen thousand six hundred and three pounds to the service of the year One thousand nine hundred and fourteen and One thousand nine hundred and fifteen.”*

The Government Offices,  
Melbourne, 9th July, 1914.

3. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
  - Explosives.—Report of the Chief Inspector of, to the Honorable the Chief Secretary on the Working of the Explosives Act during the year 1913.
  - Marine Act 1890.—Amendment of the Regulations relating to the Licensing of Motor Boats, &c.
  - Mines.—Annual Report of the Secretary for Mines to the Honorable J. Drysdale Brown, M.P., Minister of Mines for Victoria ; including Statistics, Reports on Geological Survey, Sludge Abatement, Inspection of Mines, Inspection of Boilers, Dredging, Progress of Mining, State Coal Mines, Coal Miners' Accidents Relief, Boring Operations, &c., for the year 1913.
  - Public Library, Museums, and National Gallery of Victoria.—Report of the Trustees of the, for 1913, with a Statement of Income and Expenditure for the financial year 1912-13.
4. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day, Government Business, be postponed until after the Order of the Day, General Business.
5. TRANSFER OF LAND ACTS AMENDMENT BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole House in Committee.  
The President resumed the Chair ; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.  
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

6. ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the resumption of the debate on the question, That the Council agree with the Committee in the Address in Reply to the Speech of His Excellency the Governor, having been read—  
Debate resumed.  
Question—put and resolved in the affirmative.  
The Honorable J. D. Brown moved, That the Address be presented to His Excellency the Governor by the President and such Members of the Council as may wish to accompany him.  
Question—put and resolved in the affirmative.
7. HEALTH ACT 1890 FURTHER AMENDMENT BILL.—On the motion of the Honorable J. D. Brown, a Bill to further amend the *Health Act* 1890 was, by leave, read a first time, ordered to be printed, and to be read a second time on Tuesday next.
8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 2 to 5 inclusive be postponed until Tuesday next.
9. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.  
The Honorable J. D. Brown moved, That the House do now adjourn.  
Debate ensued.  
Question—put and resolved in the affirmative.

And then the Council, at sixteen minutes past nine o'clock, adjourned until Tuesday next.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 6.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

TUESDAY, 21ST JULY, 1914.

1. The President took the Chair and read the Prayer.

2. DECLARATION OF MEMBER.—The Honorable W. A. Adamson delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth :—

“In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM ADDISON ADAMSON, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Fifty pounds and upwards above all charges and encumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Brighton, being vacant land in Male-street, Brighton; and in the municipal district of Melbourne, known as the Victoria Horse Bazaar; and in the municipal district of Whittlesea, known as the Sale Yards, in the Plenty-road; and in the municipal district of Lancefield, known as the Sale Yards, in Dunsford and High streets; and in the municipal district of Essendon, known as Adamson, Strettle and Co.’s Stud Stock Sale Yards, Epsom and Ascot Vale roads; and in the municipal district of Werribee, known as the Boundary Farm.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Brighton are rated in the rate-book of such district upon a yearly value of £10, and that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of £840, and that such of the said lands or tenements as are situate in the municipal district of Whittlesea are rated in the rate-book of such district upon a yearly value of £15, and such of the said lands or tenements as are situate in the municipal district of Lancefield are rated in the rate-book of such district upon a yearly value of £9, and that such of the said lands or tenements as are situate in the municipal district of Essendon are rated in the rate-book of such district upon a yearly value of £270, and that such of the said lands or tenements as are situate in the municipal district of Werribee are rated in the rate-book of such district upon a yearly value of £189.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“W. A. ADAMSON.”

3. PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The President reported that, accompanied by Honorable Members, he had that day waited upon His Excellency the Governor, and had presented to him the Address of the Legislative Council, adopted on the 14th instant, in reply to His Excellency’s Opening Speech, and that His Excellency had been pleased to make the following reply :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

In the name and on behalf of His Majesty the King I have to thank you for your expressions of loyalty to Our Most Gracious Sovereign.

I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of the State.

A. L. STANLEY,

Governor of Victoria.

4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend Section Eleven and Section Thirteen of the 'Wire Netting Act 1909'*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 15th July, 1914.

FRANK MADDEN,  
Speaker.

5. WIRE NETTING BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Law relating to Motor Cars*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 16th July, 1914.

FRANK MADDEN,  
Speaker.

7. MOTOR CAR BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
8. CORRECTIONS IN TRANSFER OF LAND ACTS AMENDMENT BILL.—The President announced that he had received the following Report from the Clerk :—

MR. PRESIDENT,

Parliament House,  
Melbourne, 21st July, 1914.

I have the honour to report that I have made the following corrections in the Bill intituled "*An Act to amend the Transfer of Land Acts*," viz. :—

In clause 2, line 10, at the commencement of the clause, the figure "(1)" has been inserted.  
In clause 8, line 34, the word "of" where it occurs the second time has been omitted.

R. W. V. McCALL,  
Clerk of the Legislative Council.

9. PAPERS.—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—Statistical Register of the State of Victoria for the year 1913.—Part III.—Municipal Statistics.  
Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Bank Liabilities and Assets.—Summary of Sworn Returns for the quarter ended 31st December, 1913.

Electric Light and Power Act 1896.—Report respecting Applications and Proceedings under the, for the year 1913.

10. SUPREME COURT RULES BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

11. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 2 and 3 be postponed until later this day.

12. COUNTY COURT ACT 1890 AMENDMENT BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

13. HEALTH ACT 1890 FURTHER AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. D. Brown moved, That this Bill be now read a second time.

Debate ensued.

The Honorable Walter S. Manifold moved, That the debate be now adjourned.

Debate continued.

Question—That the debate be now adjourned—put and negatived.

Question—That this Bill be now read a second time—put and resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.

14. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 2 and 3 be postponed until Tuesday next.

15. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at fourteen minutes past six o'clock, adjourned until Tuesday next.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 7.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

TUESDAY, 28TH JULY, 1914.

1. The President took the Chair and read the Prayer.

2. CLERK OF THE COUNCIL—ABSENCE OF.—The President having announced that the Clerk was unavoidably absent owing to illness, the Honorable W. L. Baillieu moved, by leave, That the Clerk-Assistant do perform the duties of the Clerk of the Council during his absence, and do take his chair at the Table.

Question—put and resolved in the affirmative.

3. ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53.—The Honorable R. B. Rees moved, That the Council do now adjourn, and said he proposed to speak on the subject of the replies given by the Honorable the Commissioner of Public Works to his questions on to-day's Notice Paper, and six members having risen in their places and required the motion to be proposed, the question was put and, after debate, negatived.

4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to revoke the Permanent Reservation of portion of certain Land in the City of Caulfield as a Site for Public Recreation,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 22nd July, 1914.

5. CAULFIELD LAND BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to further amend the 'Factories and Shops Act 1912,'*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 23rd July, 1914.

7. FACTORIES AND SHOPS BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

18. WIRE NETTING BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

19. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day No. 5 be postponed until Tuesday next.

20. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

The Honorable W. L. Baillieu moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty-seven minutes past nine o'clock, adjourned until Tuesday next.

H. H. PEARSON,  
*Acting-Clerk of the Legislative Council.*

## VICTORIA.

No. 8.

## MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 4TH AUGUST, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable W. L. Baillieu, and the same was read by the Honorable the President:—

A. L. STANLEY,  
Governor of Victoria.

*Message No. 2.*

The Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“An Act to amend Section Eleven and Section Thirteen of the ‘Wire Netting Act 1909’.”

The Government Offices,  
Melbourne, 3rd August, 1914.

3. PAPERS.—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—

Equal Pay for Equal Work.—Report by the Public Service Commissioner on the question of, in the Department of Public Instruction.

Ordered to lie on the Table.

The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Acting-Clerk :—

Education Act 1890.—Regulation XXXV.—District High Schools.—Regulation rescinded, Regulation substituted.

4. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day be postponed until Tuesday next.
5. ADJOURNMENT.—Ordered—That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at nine minutes past five o'clock, adjourned until Tuesday next.

H. H. PEARSON,  
*Acting-Clerk of the Legislative Council.*

## VICTORIA.

No. 9.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

TUESDAY, 11TH AUGUST, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have agreed to the following resolution, viz. :—That it is expedient to appoint a Special Board to determine the lowest prices or rates which may be paid to any persons employed laying or fixing tiles, faience, majolica, or mosaic on floors, walls, or ceilings, with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 4th August, 1914.

FRANK MADDEN,  
Speaker.

Ordered—That the foregoing Message be taken into consideration on Tuesday next.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have agreed to the following resolution, viz. :—That it is expedient to appoint a Special Board to determine the lowest prices or rates which may be paid to any persons employed in the process, trade, or business of a maker of perambulators, with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 4th August, 1914.

FRANK MADDEN,  
Speaker.

Ordered—That the foregoing Message be taken into consideration on Tuesday next.

4. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day be postponed until to-morrow.
5. ADJOURNMENT.—The Honorable W. L. Baillieu moved, That the House do now adjourn.  
Debate ensued.  
Question—put and resolved in the affirmative.

And then the Council, at twenty-eight minutes past five o'clock, adjourned until to-morrow.

H. H. PEARSON,  
*Acting-Clerk of the Legislative Council.*

VICTORIA.

No. 10.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 12TH AUGUST, 1914.

- 1. The President took the Chair and read the Prayer.
- 2. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day be postponed until to-morrow.
- 3. ADJOURNMENT.—The Honorable F. W. Hagelthorn moved, That the House do now adjourn.  
 Debate ensued.  
 The Honorable T. H. Payne moved, as an amendment, That all the words after "That" be omitted with a view to insert in place thereof the words "the Council, at its rising, adjourn until Tuesday next."  
 Debate continued.  
 Amendment, by leave, withdrawn.  
 Question—That the House do now adjourn—put and resolved in the affirmative.

And then the Council, at three minutes past eight o'clock, adjourned until to-morrow.

H. H. PEARSON,  
*Acting-Clerk of the Legislative Council.*

## VICTORIA.

No. 11.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

THURSDAY, 13TH AUGUST, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—  
MR. PRESIDENT,  
The Legislative Assembly acquaint the Legislative Council that they have agreed to the Bill intituled "*An Act to amend Section Twenty-two of the 'County Court Act 1890'*," without amendment.  
Legislative Assembly,  
Melbourne, 12th August, 1914.  
FRANK MADDEN,  
Speaker.
3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—  
MR. PRESIDENT,  
The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to make Provision against Undue Restriction of the Supply of Goods or Undue Raising of the Prices of Goods in Time of War*," with which they desire the concurrence of the Legislative Council.  
Legislative Assembly,  
Melbourne, 12th August, 1914.  
FRANK MADDEN,  
Speaker.
4. PRICE OF GOODS BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and, by leave, to be read a second time this day.  
The Honorable F. W. Hagelthorn moved, That the Bill be now read a second time.  
The Honorable Walter S. Manifold moved, That the debate be now adjourned.  
Question—That the debate be now adjourned—put and resolved in the affirmative.  
Ordered—That the debate be adjourned until Tuesday next.
5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the remaining Orders of the Day be postponed until Tuesday next.

And then the Council, at fourteen minutes past five o'clock, adjourned until Tuesday next.

H. H. PEARSON,  
*Acting-Clerk of the Legislative Council.*

## VICTORIA.

No 12.

## MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 18TH AUGUST, 1914.

1. The President took the Chair and read the Prayer.
2. PRICE OF GOODS BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—  
Debate resumed.  
The Honorable A. O. Sachse moved, That the debate be now adjourned.  
Debate ensued.  
Question—That the debate be now adjourned—put and negatived.  
Debate on the main question continued.  
The Honorable D. Melville moved, That the debate be now adjourned.  
Question—That the debate be now adjourned—put and resolved in the affirmative.  
Ordered—That the debate be adjourned until to-morrow.
3. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 2 to 10 inclusive be postponed until to-morrow.

And then the Council, at thirty-nine minutes past nine o'clock, adjourned until to-morrow.

H. H. PEARSON,  
*Acting-Clerk of the Legislative Council.*

VICTORIA.

No. 13.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 19TH AUGUST, 1914.

1. The President took the Chair and read the Prayer.
2. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting-Clerk :—
  - Constitution Statute.—Statement of Expenditure under Schedule D to Act 18 and 19 Vict., Cap. 55, during the year 1913–14.
  - Neglected Children and Reformatory Schools, Department for.—Report of the Secretary and Inspector for the year 1913.
3. PRICE OF GOODS BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.
4. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 2 to 10 inclusive be postponed until Tuesday next.
5. ADJOURNMENT.—Ordered—That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at twelve minutes past ten o'clock, adjourned until Tuesday next.

H. H. PEARSON,  
*Acting-Clerk of the Legislative Council.*

## VICTORIA.

No 14

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

TUESDAY, 25TH AUGUST, 1914.

1. The President took the Chair and read the Prayer.
2. **THE LATE HONORABLE WILLIAM JOHN EVANS.**—The Honorable W. L. Baillieu moved, That this House desires to place on record its deep sense of the loss it has sustained through the death of the Honorable William John Evans, one of the Members for the Melbourne North Province, and an ex-Minister of the Crown.

Debate ensued.

The President (the Honorable J. M. Davies) said—

In putting this motion, I desire to express my full concurrence with it and with the words of appreciation of the deceased gentleman which have been spoken by honorable members. For some time the late Mr. Evans occupied a peculiar position in this House. He was the representative of the public servants and of railway servants at a time when the two branches of the Public Service thought they were suffering an injustice from percentage deductions and the absence of the right to vote for general candidates. Every one who remembers that time will recollect how fearlessly Mr. Evans did his work under those conditions and, although opposed in his views to nearly every other member in this House, he had the moral courage forcibly to express his opinions at all times. He was absolutely fearless in that respect. It must be satisfactory to honorable members to remember that they always received him with respect and treated him with every courtesy. His proposals always received every consideration, however honorable members might be opposed to them. The amendments that he submitted were carefully considered by every honorable member, and sometimes our deceased colleague succeeded in carrying his proposals. Mr. Evans fully appreciated the treatment he received at the hands of other honorable members, and he extended to them the same courtesy. Later in his career the honorable member took as great an interest in general questions as he did in those which more particularly affected his previous constituents. Of late years he interested himself fully in every matter that came before this House, and he set an example to other honorable members by his regular attendance in the discharge of his duties. He was earnest in his convictions, and faithful in the discharge of his duties. As honorable members have pointed out, his death is a loss to this House and, apart from the sympathy we feel at the death of a member, we extend our thoughts particularly to those more closely associated with him, who will more deeply feel his loss than perhaps other members of the House, because he was trusted by them, and was their leader in most matters.

Question—put and resolved in the affirmative.

3. **ADJOURNMENT.**—The Honorable W. L. Baillieu moved, That the Council do now adjourn out of respect to the memory of the late Honorable William John Evans.

Question—put and resolved in the affirmative.

And then the Council, at twenty-five minutes past five o'clock, adjourned until to-morrow.

H. H. PEARSON,  
*Acting-Clerk of the Legislative Council.*

No. 15.

# MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 26TH AUGUST, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable W. L. Baillieu, and the same was read by the Honorable the President :—

A. L. STANLEY,  
Governor of Victoria.

Message No. 3.

The Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“An Act to amend Section Twenty-two of the ‘County Court Act 1890’.”  
“An Act to further amend the ‘Health Act 1890’.”

The Government Offices,  
Melbourne, 24th August, 1914.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “An Act to apply out of the Consolidated Revenue the sum of Three hundred and eighty thousand four hundred and sixty-one pounds to the service of the year One thousand nine hundred and thirteen and One thousand nine hundred and fourteen,” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 19th August, 1914.

4. CONSOLIDATED REVENUE BILL (No. 2).—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have agreed to the Bill intituled “An Act to further amend the ‘Health Act 1890’,” without amendment.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 20th August, 1914.

6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “An Act to amend the Poisons Acts,” and acquaint the Legislative Council that the Legislative Assembly have agreed to the same with amendments, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 25th August, 1914.

Ordered—That the foregoing Message be taken into consideration on Tuesday next.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of One million two hundred and forty-four thousand nine hundred and nineteen pounds to the service of the year One thousand nine hundred and fourteen and One thousand nine hundred and fifteen,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 25th August, 1914.

FRANK MADDEN,  
Speaker.

8. CONSOLIDATED REVENUE BILL (No. 3).—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53.—The Honorable R. B. Rees moved, That the Council do now adjourn, and said he proposed to speak on the subject of certain food preparations and patent drugs manufactured in Germany, and six members having risen in their places and required the motion to be proposed, the question was put and, after debate, negatived.

10. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting-Clerk :—

Closer Settlement Acts.—Additions to the Regulations made on the 29th April, 1914.  
Income Tax Acts.—Regulations.

11. PRICE OF GOODS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

12. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Railway Lands Acquisition Acts,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 26th August, 1914.

FRANK MADDEN,  
Speaker.

13. RAILWAY LANDS ACQUISITION BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

14. CONSOLIDATED REVENUE BILL (No. 2).—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

15. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 2 to 10 inclusive be postponed until Tuesday next.

16. ADJOURNMENT.—Ordered—That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at seventeen minutes past ten o'clock, adjourned until Tuesday next.

H. H. PEARSON,  
Acting-Clerk of the Legislative Council.

## VICTORIA.

No. 16.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

TUESDAY, 1st SEPTEMBER, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable W. L. Bailliéu, and the same was read by the Honorable the President:—

A. L. STANLEY,

*Governor of Victoria.**Message No. 4.*

The Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

*“An Act relating to the taking of Evidence in Victoria in relation to Civil and Commercial Matters pending before Foreign Tribunals.”*

The Government Offices,  
Melbourne, 31st August, 1914.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President laid upon the Table the following Warrant appointing a member of the Committee of Elections and Qualifications:—

VICTORIA.

Pursuant to the provisions of *The Constitution Act Amendment Act 1890*, I do hereby appoint—

The Honorable Adam McLellan

to be a member of the Committee called “The Committee of Elections and Qualifications” in the place of the Honorable William John Evans, deceased.

Given under my hand this first day of September, One thousand nine hundred and fourteen.

JNO. M. DAVIES,  
President of the Legislative Council.

4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to provide for the Vesting of Crown Lands permanently reserved from Sale for certain purposes on the Appointment of New Trustees thereof and for Committees of Management of certain Classes of Crown Lands so reserved,*” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 26th August, 1914.

5. PUBLIC RESERVES BILL.—On the motion of the Honorable W. A. Adamson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the 'Metropolitan Fire Brigades Board Loan Act 1914'*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 26th August, 1914.

FRANK MADDEN,  
Speaker.

7. METROPOLITAN FIRE BRIGADES BOARD LOAN BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

8. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act relating to Charitable Uses and Trusts*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 27th August, 1914.

FRANK MADDEN,  
Speaker.

9. CHARITABLE TRUSTS BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

10. REFRESHMENT ROOMS COMMITTEE.—The Honorable W. L. Baillieu moved, by leave, That the Honorable William Harris Fielding be a member of the Joint Committee to manage the Refreshment Rooms in place of the Honorable William John Evans, deceased.  
Question—put and resolved in the affirmative.

11. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Acting-Clerk :—

Education Act 1890.—Regulation rescinded, Regulation substituted, and Addition to sub-clause.

Friendly Societies.—Report of the Registrar of, for the year 1913.

Land Tax Act 1910.—Statement showing all moneys received and expended under the, during the financial year ended 30th June, 1914.

12. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 1 and 2 be postponed until after No. 3.

13. FACTORIES AND SHOPS BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable W. L. Baillieu moved, That this Bill be now read a second time.

The Honorable Walter S. Manifold moved, That the debate be adjourned until Tuesday next.

Debate ensued.

Question—That the debate be adjourned until Tuesday next—put.

The Council divided.

Ayes, 12.

The Hon. E. J. Crooke,  
A. Hicks,  
Walter S. Manifold,  
D. E. McBryde,  
J. Y. McDonald,  
D. Melville,  
J. K. Merritt,  
T. H. Payne,  
R. B. Rees,  
H. F. Richardson.

Tellers.

The Hon. J. G. Aikman,  
A. A. Austin.

Noes, 10.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
Robert Beckett,  
T. Beggs,  
J. D. Brown,  
F. W. Hagelthorn,  
J. P. Jones,  
A. O. Sachse.

Tellers.

The Hon. W. H. Fielding,  
A. McLellan.

And so it was resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

14. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have agreed to the Bill intituled "*An Act relating to the taking of Evidence in Victoria in relation to Civil and Commercial Matters pending before Foreign Tribunals,*" without amendment.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 27th August, 1914.

15. **JUSTICES ACT 1890 FURTHER AMENDMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had agreed to the Bill with amendments.

Ordered—That the Bill, as amended, be printed and taken into consideration on Tuesday next.

16. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day Nos. 2, and 4 to 10 inclusive, be postponed until after No. 11.

17. **CONSOLIDATED REVENUE BILL (No. 3).**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

18. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to make Provision against Undue Restriction of the Supply of Goods or Undue Raising of the Prices of Goods in Time of War,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made in such Bill by the Legislative Council, and have disagreed with others of the said amendments, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 1st September, 1914.

Ordered—That the foregoing Message be taken into consideration later this day.

19. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day No. 2 be postponed until after No. 4.

20. **CAULFIELD LAND BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

21. **MOTOR CAR BILL.**—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.

22. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act relating to the Distribution Export and Prices of Foodstuffs and other Commodities and to compel the Supplying of Information in relation thereto,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 1st September, 1914.

23. **FOODSTUFFS AND COMMODITIES BILL.**—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

24. PRICE OF GOODS BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Council and disagreed with by the Assembly having been read, the said amendments were read and are as follow :—

2. Clause 4, line 11, after "Council" insert "if satisfied that any goods or kinds of goods under this Act are being or are likely to be sold supplied or offered for sale or supply at a price higher than would (taking all the circumstances of the case into consideration) yield a reasonable profit to the owner thereof or that any person has acquired or is acquiring any goods or kinds of goods under this Act in quantities detrimental or which might become detrimental to the welfare of the public."
3. Clause 5, line 21, omit "from time to time" and insert "whenever so required by the Governor in Council."
4. " line 24, after "any" insert "such."
5. " line 24 omit "under this Act."
6. " line 25, after "any" wherever occurring insert "such."
7. " line 26, omit "under this Act."
8. Clause 7, line 3, after "any" insert "such."
9. " line 14, after "any" insert "such."
10. Clause 8, line 17, after "any" insert "such."
3. " line 21, after "any" where it occurs the second time insert "such."

The Honorable F. W. Hagelthorn moved, That the Council do not insist on amendment 2.

Debate ensued.

Question—put.

The Council divided.

Ayes, 8.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
J. D. Brown,  
W. H. Fielding,  
F. W. Hagelthorn,  
A. McLellan.

*Tellers.*

The Hon. J. K. Merritt,  
H. F. Richardson.

Noes, 10.

The Hon. W. C. Angliss,  
A. A. Austin,  
T. Beggs,  
A. Hicks,  
Walter S. Manifold,  
D. Melville,  
R. B. Rees,  
A. O. Sachse.

*Tellers.*

The Hon. J. G. Aikman,  
Robert Beckett.

And so it passed in the negative.

Amendments 3 to 10 inclusive and 13, after debate, insisted on.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council insist on their amendments disagreed with by the Assembly.

5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 5 to 10 inclusive, and 12, be postponed until Tuesday next.
6. ADJOURNMENT.—Ordered—That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at forty minutes past nine o'clock, adjourned until Tuesday next.

H. H. PEARSON,  
*Acting-Clerk of the Legislative Council.*

## VICTORIA.

No. 17.

## MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 8TH SEPTEMBER, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable W. L. Baillieu, and the same was read by the Honorable the President :—

A. L. STANLEY,

*Governor of Victoria.**Message No. 5.*

The Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“An Act to apply out of the Consolidated Revenue the sum of Three hundred and eighty thousand four hundred and sixty-one pounds to the service of the year One thousand nine hundred and thirteen and One thousand nine hundred and fourteen.”

“An Act to apply out of the Consolidated Revenue the sum of One million two hundred and forty-four thousand nine hundred and nineteen pounds to the service of the year One thousand nine hundred and fourteen and One thousand nine hundred and fifteen.”

“An Act to revoke the Permanent Reservation of portion of certain Land in the City of Caulfield as a Site for Public Recreation.”

The Government Offices,  
Melbourne, 7th September, 1914.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “An Act to further amend the ‘Police Regulation Act 1890’ and for other purposes,” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 2nd September, 1914.

4. POLICE REGULATION BILL.—On the motion of the Honorable Robert Beckett, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to make Provision against Undue Restriction of the Supply of Goods or Undue Raising of the Prices of Goods in Time of War,*" and acquaint the Legislative Council that the Legislative Assembly insist on disagreeing with some of the amendments made and insisted on by the Legislative Council in such Bill, do not insist on disagreeing with the amendment of the Legislative Council in clause 4, but have agreed to the said amendment with an amendment, and have made a consequential amendment in the said clause, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 3rd September, 1914.

The Honorable F. W. Hagelthorn moved, That the Message be now taken into consideration. Debate ensued.

The Honorable J. G. Aikman moved, as an amendment, That the word "now" be omitted, and the words "later this day" added after the word "consideration."

Question—That the word "now" proposed to be omitted stand part of the question—put and negatived.

Question—That the words "later this day" be added after the word "consideration"—put and, after debate, resolved in the affirmative.

Question—That the Message be taken into consideration later this day—put and resolved in the affirmative.

Ordered—That the foregoing Message be taken into consideration later this day.

6. SUSPENSION OF STANDING ORDERS.—The Honorable R. B. Rees moved, by leave, That Standing Orders Nos. 127 and 131 be suspended with reference to the debate on the Price of Goods Bill. Question—put and resolved in the affirmative.

7. PRICE OF GOODS BILL.—The Order of the Day for the consideration of the amendments made and insisted on by the Council, and disagreed with by the Assembly, or agreed to with amendments, having been read, the said amendments were read and are as follow :—

Amendments made by the Legislative Council.

How dealt with.

<p>2. Clause 4, line 11, after "Council" insert "if satisfied that any goods or kinds of goods under this Act are being or are likely to be sold supplied or offered for sale or supply at a price higher than would (taking all the circumstances of the case into consideration) yield a reasonable profit to the owner thereof or that any person has acquired or is acquiring any goods or kinds of goods under this Act in quantities detrimental or which might become detrimental to the welfare of the public."</p>	<p>Disagreed with by Assembly. Insisted on by Council.</p>	<p>Disagreement not insisted on by Assembly, and amendment agreed to with the following amendment, viz. :—Omit all the words after the words "if satisfied that" down to and inclusive of the words "detrimental to" and insert in place thereof the words "it would be for," and the following consequential amendment made, viz. :—After paragraph (a) of sub-section (1) of clause 4 of the Bill add the words "and may."</p>
<p>3. Clause 5, line 21, omit "from time to time" and insert "whenever so required by the Governor in Council."</p> <p>4. " line 24, after "any" insert "such."</p> <p>5. " " omit "under this Act."</p> <p>6. " line 25, after "any" wherever occurring insert "such."</p> <p>7. " line 26, omit "under this Act."</p> <p>8. Clause 7, line 3, after "any" insert "such."</p> <p>9. " line 14, after "any" insert "such."</p> <p>10. Clause 8, line 17, after "any" insert "such."</p> <p>13. " line 21, after "any" where it occurs the second time insert "such."</p>	<p>Disagreed with by Assembly. Insisted on by Council.</p>	<p>Disagreement insisted on by Assembly.</p>

The Honorable F. W. Hagelthorn moved, That the Council agree to the amendment of the Assembly on the amendment of the Council in clause 4, and to the consequential amendment made by the Assembly in the said clause.

Debate ensued.

Question—put and resolved in the affirmative.

Amendments 3 to 10 inclusive and 13 not insisted on.

Ordered.—That the Bill be returned to the Assembly with a Message acquainting them the Council do not now insist on their amendments with which the Assembly insist on disagreeing, and have agreed to the amendment made by the Assembly on the amendment of the Council in clause 4, and to the consequential amendment made by the Assembly in the said clause.

8. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Law relating to Officials in Parliament,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 8th September, 1914.

9. OFFICIALS IN PARLIAMENT BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.
10. PAPERS.—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—

Statistical Register of the State of Victoria for the year 1913.—Part IV.—Law, Crime, &c.

Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Audit Act 1890.—General Regulations respecting Public Accounts.

Education Act 1890.—Regulations rescinded, Regulations substituted.

Land Act 1901 (Section 399).—Certificate of the Honorable the Commissioner of Public Works approved by the Governor in Council, together with Plan relating to the resumption of land in the Parish of Wangoom, County of Villiers, for the purpose of a quarry site from whence stone may be obtained for use in connexion with the Warrnambool Harbor Improvement Works.

Marine Act 1890.—Marine Board of Victoria.—Amendment of the Regulations for the Examination of Masters and Mates.

Melbourne and Metropolitan Board of Works.—Statements of Accounts and Balance-sheet, together with Schedule of Contracts for year ended 30th June, 1914.

Public Service Act 1901.—Copy of Papers in connexion with the promotion of Henry James Dougherty from the Fifth Class to the Fourth Class in the Law Department.

11. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day No. 1 be postponed until after No. 2.
12. FOODSTUFFS AND COMMODITIES BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

13. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Friendly Societies Acts,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 8th September, 1914.

14. FRIENDLY SOCIETIES BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.
15. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 1, and 3 to 14 inclusive, be postponed until to-morrow.

And then the Council, at fifty-five minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
Clerk of the Legislative Council.

## VICTORIA

No. 18.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

WEDNESDAY, 9TH SEPTEMBER, 1914.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable W. L. Baillieu, and the same was read by the Honorable the President :—

A. L. STANLEY,  
Governor of Victoria.

Message No. 6.

The Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

*“An Act to make Provision against Undue Restriction of the Supply of Goods or Undue Raising of the Prices of Goods in Time of War.”*

State Government House,  
Melbourne, 9th September, 1914.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled *“An Act to authorize the City of South Melbourne to construct and provide certain Permanent Works and Undertakings in lieu of certain other Permanent Works and Undertakings,”* with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 8th September, 1914.

4. SOUTH MELBOURNE LOAN BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled *“An Act to indemnify the Members of the Benalla to Tatong Railway Construction Trust for not repaying Moneys obtained by Overdraft of Current Account in a certain Bank within two years of the constitution of such Trust and for other purposes,”* with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 8th September, 1914.

6. BENALLA TO TATONG RAILWAY CONSTRUCTION TRUST (INDEMNITY) BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled *“An Act to provide for the Sale of certain Land permanently reserved as a Site for a Temperance Hall at Cobden and for other purposes,”* with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 8th September, 1914.

8. **COBDEN TEMPERANCE HALL BILL.**—On the motion of the Honorable W. A. Adamson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

9. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have appointed a Committee consisting of five Members, to join with a Committee of the Legislative Council, to consider and report upon the question of the Consolidation of the Laws, and request that the Legislative Council will be pleased to appoint an equal number of Members to be joined with the Members of this House ; five to be the quorum.

Legislative Assembly,  
Melbourne, 9th September, 1914.

FRANK MADDEN,  
Speaker.

Ordered—That the foregoing Message be taken into consideration later this day.

10. **NEGLECTED CHILDREN'S ACT 1890 AMENDMENT BILL.**—On the motion of the Honorable A. Robinson, a Bill to amend the *Neglected Children's Act* 1890, was read a first time, ordered to be printed, and to be read a second time on Wednesday, the 30th instant.

11. **CONSOLIDATION OF THE LAWS.**—The Order of the Day for the consideration of the Message from the Assembly, having been read—

The Honorable J. D. Brown moved, That in compliance with the request of the Legislative Assembly a Committee be appointed, consisting of five members, to join with the Committee of the Legislative Assembly to consider and report upon the question of the Consolidation of the Laws, such Committee to consist of the Honorables Robert Beckett, E. J. Croke, Walter S. Manifold, A. Robinson, and the Mover, with power to send for persons, papers, and records, to meet on days on which the Council does not sit, five to be the quorum ; and further, that the Committee meet in the first instance in the Legislative Council Committee Room on Tuesday next at four o'clock.

Question—put and resolved in the affirmative.

Ordered—That a Message be sent to the Assembly acquainting them with the above resolution.

12. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of the Order of the Day, General Business, be postponed until to-morrow.

13. **FACTORIES AND SHOPS BILL.**—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.

14. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have directed the Select Committee appointed by the Legislative Assembly to join with a Committee of the Legislative Council to consider and report upon the question of the Consolidation of the Laws to meet the Committee appointed by the Legislative Council in the Legislative Council Committee Room on Tuesday, 15th September, at four o'clock.

Legislative Assembly,  
Melbourne, 9th September, 1914.

FRANK MADDEN,  
Speaker.

15. **JUSTICES ACT 1890 FURTHER AMENDMENT BILL.**—The Order of the Day for the consideration of the Report from the Committee of the whole having been read, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

16. **MOTOR CAR BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair ; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

17. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 to 15 inclusive be postponed until to-morrow.

And then the Council, at forty-one minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
Clerk of the Legislative Council.

## VICTORIA.

No. 19.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

THURSDAY, 10TH SEPTEMBER, 1914.

1. The President took the Chair and read the Prayer.
2. **NURSES AND MIDWIVES REGISTRATION BILL.**—On the motion of the Honorable J. D. Brown, a Bill to regulate the Qualifications Registration and Practice of Nurses and Midwives was, by leave, read a first time, ordered to be printed, and to be read a second time on Tuesday next.
3. **PAPERS.**—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
  - Agricultural Education.—Accounts of the Trustees of Agricultural Colleges and the Council of Agricultural Education, from 1st July, 1913, to 31st December, 1913.
  - Education Act 1910.—Report of the Council of Public Education for the period 1st July, 1913, to 30th June, 1914.
4. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of the Orders of the Day, Government Business, be postponed until after the Order of the Day, General Business.
5. **POLICE REGULATION BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
6. **CARRIAGE OF PASSENGERS BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
7. **ST. KILDA LAND BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
8. **TRANSFER OF LAND BILL.**—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.

9. **FACTORIES AND SHOPS ACTS—APPOINTMENT OF SPECIAL WAGES BOARD.**—The Order of the Day for the consideration of the Message from the Assembly desiring concurrence in the following resolution, viz. :—That it is expedient to appoint a Special Board to determine the lowest prices or rates which may be paid to any persons employed laying or fixing tiles, faience, majolica, or mosaic on floors, walls, or ceilings, having been read—  
The Honorable J. D. Brown moved, That the Council concur with the Assembly in agreeing to the foregoing resolution.  
Debate ensued.  
Question—put and resolved in the affirmative.  
Ordered—That a Message be transmitted to the Assembly acquainting them that the Council have concurred with the Assembly in agreeing to the foregoing resolution.
10. **FACTORIES AND SHOPS ACTS—APPOINTMENT OF SPECIAL WAGES BOARD.**—The Order of the Day for the consideration of the Message from the Assembly desiring concurrence in the following resolution, viz. :—That it is expedient to appoint a Special Board to determine the lowest prices or rates which may be paid to any persons employed in the process, trade, or business of a maker of perambulators, having been read—  
The Honorable J. D. Brown moved, That the Council concur with the Assembly in agreeing to the foregoing resolution.  
Question—put and resolved in the affirmative.  
Ordered—That a Message be transmitted to the Assembly acquainting them that the Council have concurred with the Assembly in agreeing to the foregoing resolution.
11. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day No. 6 be postponed until after Nos. 7 to 15 inclusive.
12. **PUBLIC RESERVES BILL.**—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
13. **METROPOLITAN FIRE BRIGADES BOARD LOAN BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
14. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day No. 9 be postponed until after Nos. 10 to 15 inclusive.
15. **FRIENDLY SOCIETIES BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.
16. **SOUTH MELBOURNE LOAN BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
17. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day Nos. 12, 13, and 14 be postponed until after No. 15.
18. **BENALIA TO TATONG RAILWAY CONSTRUCTION TRUST (INDEMNITY) BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
19. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day Nos. 6, 9, and 12 to 14 inclusive be postponed until Tuesday next.

And then the Council, at thirteen minutes past nine o'clock, adjourned until Tuesday next.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 20.

## MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 15TH SEPTEMBER, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable W. L. Baillieu, and the same was read by the Honorable the President :—

A. L. STANLEY,  
Governor of Victoria.

*Message No. 7.*

The Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

*“ An Act relating to the Distribution Export and Prices of Foodstuffs and other Commodities and to compel the Supplying of Information in relation thereto.”*

State Government House,  
Melbourne, 10th September, 1914.

3. PAPERS.—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—  
Statistical Register of the State of Victoria for the year 1913—

Part V.—Vital Statistics, &c.  
Part VI.—Social Condition.

Severally ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Bank Liabilities and Assets.—Summary of Sworn Returns for the quarter ended 30th June, 1914.

Country Roads Board.—First Annual Report.

Marine Act 1890.—Marine Board of Victoria.—Amendment of Regulations relating to the Examination of Engineers.

Supreme Court.—Rules of the Supreme Court of Victoria, dated the 20th day of August, 1914.

4. FACTORIES AND SHOPS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the raising of Money for Railways,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 15th September, 1914.

6. RAILWAY LOAN BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.
7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—
- MR. PRESIDENT,
- The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the raising of Money for Railways Public Works and other purposes,*" with which they desire the concurrence of the Legislative Council.
- FRANK MADDEN,  
Speaker.
- Legislative Assembly,  
Melbourne, 15th September, 1914.
8. VICTORIAN LOAN BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.
9. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 2 to 7 inclusive be postponed until to-morrow.
10. POISONS ACTS AMENDMENT BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Assembly having been read, the said amendments were read and are as follow :—
1. Clause 5, sub-section (1), line 19, after "thereto" insert "or removing therefrom."
  2. Clause 6, sub-section (2), paragraph (a), line 35, after "of" insert "any quantity not exceeding two quarts of."
  3. *Insert the following new clause to follow clause 11 :—*
    - A. In section thirteen of the Principal Act after the word "poisons" the words "or as to the shape size and material of the jar bottle box can tin tube or package in which any poisons may be sold" are hereby inserted and the said section shall be read accordingly.
- On the motion of the Honorable W. L. Baillieu, the Council agreed to the amendments made in this Bill by the Assembly, and ordered the Bill to be returned to the Assembly with a Message acquainting them therewith.
11. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of the Order of the Day No. 9 be postponed until to-morrow.

And then the Council, at thirty minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
Clerk of the Legislative Council.

## VICTORIA.

No. 21.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

WEDNESDAY, 16TH SEPTEMBER, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—  
MR. PRESIDENT,  
The Legislative Assembly acquaint the Legislative Council that they have agreed to the amendments made by the Legislative Council in the Bill intituled "*An Act to amend the Law relating to Motor Cars.*"  
Legislative Assembly,  
Melbourne, 16th September, 1914.  
FRANK MADDEN,  
Speaker.
3. RAILWAY LANDS ACQUISITION BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair ; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, later this day, again resolve itself into the said Committee.
4. OFFICIALS IN PARLIAMENT BILL.—This Bill was, according to Order, read a second time, with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council, and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair ; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time, with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council, and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
5. FACTORIES AND SHOPS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.  
House in Committee.  
The President resumed the Chair ; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
6. RAILWAY LANDS ACQUISITION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.  
House in Committee.  
The President resumed the Chair ; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

7. COBDEN TEMPERANCE HALL BILL.—The Honorable W. L. Baillieu moved, by leave, That all the Standing Orders relating to Private Bills be suspended in relation to the Bill to provide for the Sale of certain Land permanently reserved as a Site for a Temperance Hall at Cobden and for other purposes, and that the Bill be treated as a Public Bill.

Question—put and resolved in the affirmative.

The Honorable W. L. Baillieu moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 5 to 10 inclusive be postponed until to-morrow.

9. ADJOURNMENT.—The Honorable W. L. Baillieu moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty-five minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

VICTORIA.

No. 22.

MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL.

THURSDAY, 17TH SEPTEMBER, 1914.

- 1. The President took the Chair and read the Prayer.
2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "An Act to amend the Law relating to Real Property and for other purposes," with which they desire the concurrence of the Legislative Council.

FRANK MADDEN, Speaker.

Legislative Assembly, Melbourne, 16th September, 1914.

- 3. REAL PROPERTY BILL.—On the motion of the Honorable Walter S. Manifold, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

- 4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "An Act to amend the Transfer of Land Acts," and acquaint the Legislative Council that the Legislative Assembly have agreed to the same with amendments, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN, Speaker.

Legislative Assembly, Melbourne, 16th September, 1914.

And the said amendments were read and are as follow :—

- Clause 3, line 15, omit "(if any)."
" line 17, omit "(if any)."
Clause 6, omit this clause.
Clause 7, line 31, omit "conditions" and "insert "condition."
" lines 32 to 34, omit—
" 10. The land is sold subject to all the conditions reservations and exceptions contained in the Crown Grant relating thereto."
" line 35, omit—
" 11. Time shall in all respects be the essence of this contract."
" line 36, omit "12" and insert "10."

On the motion of the Honorable Robert Beckett, the Council agreed to the amendments made in this Bill by the Assembly, and ordered the Bill to be returned to the Assembly with a Message acquainting them therewith.

5. **FACTORIES AND SHOPS BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.
6. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day Nos. 2 to 7 inclusive be postponed until Tuesday next.
7. **ADJOURNMENT.**—The Honorable W. L. Baillieu moved, That the House do now adjourn.  
Debate ensued.  
Question—put and resolved in the affirmative.

And then the Council, at three minutes past ten o'clock, adjourned until Tuesday next.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 23.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

TUESDAY, 22ND SEPTEMBER, 1914.

1. The President took the Chair and read the Prayer.
2. RETURN TO WRIT.—The President announced that there had been returned to him the writ issued for the election of a Member to serve for the Melbourne North Province, in the place of the Honorable William John Evans, deceased, and by the indorsement on such Writ it appeared that William James Beckett had been elected in pursuance thereof.
3. SWEARING-IN OF NEW MEMBER.—The Honorable W. J. Beckett, having approached the Table, took and subscribed the oath required by law, and delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth :—

“In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM JAMES BECKETT, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of over Fifty pounds sterling above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Fitzroy, and are known as Nos. 150 to 156 Gertrude-street, Nos. 70, 72, 74 Napier-street, No. 53 Little Napier-street, and in the municipal district of Queenscliff, and known as “Mount Edgecombe,” Queen-street.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Fitzroy are rated in the rate-book of such district upon a yearly value of £157, and that such of the said lands or tenements as are situate in the municipal district of Queenscliff are rated in the rate-book of such district upon a yearly value of £32.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“WILLIAM JAMES BECKETT.”

4. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable W. L. Baillieu, and the same was read by the Honorable the President :—

A. L. STANLEY,  
Governor of Victoria.

Message No. 8.

The Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“An Act to provide for the Vesting of Crown Lands permanently reserved from Sale for certain purposes on the Appointment of New Trustees thereof and for Committees of Management of certain Classes of Crown Lands so reserved.”

“An Act to further amend the ‘Police Regulation Act 1890’ and for other purposes.”

“An Act relating to the Carriage of Passengers by Water.”

“An Act to alter a Building Condition contained in Crown Grants of certain Allotments of Land situate in the City of Saint Kilda.”

“An Act to amend the ‘Metropolitan Fire Brigades Board Loan Act 1914’.”

“An Act to authorize the City of South Melbourne to construct and provide certain Permanent Works and Undertakings in lieu of certain other Permanent Works and Undertakings.”

*“ An Act to indemnify the Members of the Benalla to Tatong Railway Construction Trust for not repaying Moneys obtained by Overdraft of Current Account in a certain Bank within two years of the constitution of such Trust and for other purposes.”*

*“ An Act to amend the Poisons Acts.”*

*“ An Act to amend the Law relating to Motor Cars.”*

*“ An Act to amend the Railway Lands Acquisition Acts.”*

*“ An Act to provide for the Sale of certain Land permanently reserved as a site for a Temperance Hall at Cobden and for other purposes.”*

The Government Offices,  
Melbourne, 21st September, 1914.

5. **ADJOURNMENT**—Motion under Standing Order No. 53.—The Honorable R. B. Rees moved, That the Council do now adjourn, and said he proposed to speak on the question, That certain farmers in the northern areas whose crops have been a failure require immediate assistance in this time of stress, and six members having risen in their places and required the motion to be proposed, the question was put and, after debate, negatived.
6. **PAPERS**.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
- Hospital for the Insane.—Report of the Inspector-General of the Insane for the year ended 31st December, 1913.
- Public Service Acts.—Regulations—
- Classification of General Division—Department of—
- Chief Secretary.
- Forests.
- Public Works (3 papers).
- Treasurer (4 papers).
- Clerical Division, Amendment of Chapter III.
- Travelling Allowances—Department of—
- Lands and Survey.
- Law.
- Public Instruction (2 papers).
- Public Works.
7. **FACTORIES AND SHOPS BILL**.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
- House in Committee.
- The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.
- Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
8. **POSTPONEMENT OF ORDERS OF THE DAY**.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 and 3 be postponed until to-morrow.
9. **RAILWAY LOAN BILL**.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
- House in Committee.
- The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
- Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
10. **VICTORIAN LOAN BILL**.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
- House in Committee.
- The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
- Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
11. **POSTPONEMENT OF ORDERS OF THE DAY**.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 6 and 7, and the Order of the Day, General Business, be postponed until to-morrow.
12. **ADJOURNMENT**.—The Honorable W. L. Baillieu moved, That the House do now adjourn.
- Debate ensued.
- Question—put and resolved in the affirmative.

And then the Council, at nine minutes past ten o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
Clerk of the Legislative Council.

## VICTORIA.

No. 24.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

WEDNESDAY, 23RD SEPTEMBER, 1914.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable W. L. Baillieu, and the same was read by the Honorable the President :—

A. L. STANLEY,

*Governor of Victoria.**Message No. 9.*

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, reserved the undermentioned Bill, presented to him by the Clerk of the Parliaments, for the signification of His Majesty's pleasure thereon, viz. :—

*“ An Act to amend the Law relating to Officials in Parliament.”*

Government Offices,

Melbourne, 21st September, 1914.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to provide for the transfer of a sum of not more than Ninety thousand pounds from ‘ The Developmental Railways Account ’ to the Consolidated Revenue,*” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,

Melbourne, 23rd September, 1914.

4. DEVELOPMENTAL RAILWAYS ACCOUNT BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

5. PAPER.—The following Paper, pursuant to the directions of several Acts of Parliament, was laid upon the Table by the Clerk :—

State Savings Bank of Victoria.—Statements and Returns for the year ended 30th June, 1914.

6. REAL PROPERTY BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

7. **ADDITIONAL DAY OF BUSINESS.**—The Honorable W. L. Baillieu moved, That during the remainder of the Session the Council shall meet for the despatch of business on Fridays, and that half-past four o'clock be the hour of meeting.

Debate ensued.

Question—put and resolved in the affirmative.

8. **FACTORIES AND SHOPS BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.

9. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the Construction by the State of a Line of Railway from Koo-wee-rup to McDonald's Track,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 23rd September, 1914.

FRANK MADDEN,  
Speaker.

10. **KOO-WEE-RUP TO McDONALD'S TRACK RAILWAY CONSTRUCTION BILL.**—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

11. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for the Payment of Apprentices during the War,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 23rd September, 1914.

FRANK MADDEN,  
Speaker.

12. **APPRENTICES BILL.**—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

13. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to sanction the issue and application of certain Sums of Money available under Loan Acts for Irrigation Works Water Supply Works Drainage and Flood Protection Works in Country Districts and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 23rd September, 1914.

FRANK MADDEN,  
Speaker.

14. **WATER SUPPLY LOANS APPLICATION BILL.**—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.

15. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 5 inclusive be postponed until Tuesday next.

16. **ADJOURNMENT.**—Ordered—That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at fifty-eight minutes past nine o'clock, adjourned until Tuesday next.

R. W. V. McCALL,  
Clerk of the Legislative Council.

## VICTORIA.

No. 25.

## MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 29<sup>TH</sup> SEPTEMBER, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable W. L. Baillieu, and the same was read by the Honorable the President :—

A. L. STANLEY,  
Governor of Victoria.

Message No. 10.

The Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

- “ *An Act to amend the Transfer of Land Acts.*”
- “ *An Act to authorize the raising of Money for Railways.*”
- “ *An Act to authorize the raising of Money for Railways Public Works and other purposes.*”
- “ *An Act to amend the Law relating to Real Property and for other purposes.*”

The Government Offices,  
Melbourne, 28th September, 1914.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to authorize the Construction by the State of a Line of Railway from Alberton to Won Wron,*” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 24th September, 1914.

4. ALBERTON TO WON WRON RAILWAY CONSTRUCTION BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.
5. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Closer Settlement Acts.—Alterations of Addition to the Regulations made on 3rd August, 1914.  
Foodstuffs and Commodities Act 1914.—Regulation (No. 1) under the, regarding the Information required by the Price of Goods Board.  
Victorian Railways.—Report of the Victorian Railways Commissioners for the year ending 30th June, 1914.

6. **FACTORIES AND SHOPS BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
7. **FRIENDLY SOCIETIES BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
8. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day Nos. 3 to 9 inclusive be postponed until to-morrow.

And then the Council, at thirty-three minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

No. 26.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

WEDNESDAY, 30<sup>TH</sup> SEPTEMBER, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to sanction the issue and application of certain Sums of Money available under Loan Acts for Railways and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 29th September, 1914.

3. RAILWAY LOAN APPLICATION BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
4. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of the Order of the Day, General Business, be postponed until Wednesday, the 21st October next.
5. FACTORIES AND SHOPS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had agreed to the Bill with amendments.  
On the motion of the Honorable W. L. Baillieu, the Bill was recommitted to a Committee of the whole in respect of clause 45.  
On the further motion of the Honorable Walter S. Manifold, the Bill was recommitted to a Committee of the whole in respect of clauses 4, 8, 10, 25, 47, 48, N, U, BB, and FF.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had agreed to the Bill with further amendments.  
On the motion of the Honorable A. Robinson, the Bill was recommitted to a Committee of the whole in respect of the New Part (clauses A to H).  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with further amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the 'Brunswick and Coburg Tramways Act 1914'*," with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 30th September, 1914.

7. BRUNSWICK AND COBURG TRAMWAYS BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 9 inclusive be postponed until Tuesday next.
9. ADJOURNMENT.—Ordered—That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at one minute past ten o'clock, adjourned until Tuesday next.

R. W. V. McCALL,  
Clerk of the Legislative Council.

## VICTORIA.

No. 27.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

TUESDAY, 6TH OCTOBER, 1914.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable W. L. Baillieu, and the same was read by the Honorable the President :—

A. L. STANLEY,  
Governor of Victoria.

*Message No. 11.*

The Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

*“An Act to amend the Friendly Societies Acts.”*

The Government Offices,  
Melbourne, 5th October, 1914.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled *“An Act to make provision for Cool Stores for Fruit and for other purposes,”* with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 1st October, 1914.

4. COOL STORES BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled *“An Act to amend the Lunacy Acts,”* with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 1st October, 1914.

6. LUNACY BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

7. **ADJOURNMENT**—Motion under Standing Order No. 53.—The Honorable Robert Beckett moved, That the Council do now adjourn, and said he proposed to speak on the subject of the unsatisfactory nature of the reply given by the Honorable the Commissioner of Public Works to his question on to-day's Notice Paper, and six members having risen in their places and required the motion to be proposed, the question was put and, after debate, negatived.
8. **WATER SUPPLY LOANS APPLICATION BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
9. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of the Order of the Day No. 2 be postponed until to-morrow.
10. **TRANSFER OF LAND BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had agreed to the Bill with amendments.  
On the motion of the Honorable J. D. Brown the Bill was recommitted to a Committee of the whole in respect of clauses 1 and 6.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with further amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.
11. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day 4, 5, 6, 8, 9, and 10 be postponed until to-morrow.
12. **KOO-WEE-RUP TO McDONALD'S TRACK RAILWAY CONSTRUCTION BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

And then the Council, at thirteen minutes past ten o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

VICTORIA.

No. 28.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 7TH OCTOBER, 1914.

- 1. The President took the Chair and read the Prayer.
- 2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to sanction the issue and application of certain Sums of Money available under Loan Acts for Public Works and other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 6th October, 1914.

- 3. PUBLIC WORKS LOAN APPLICATION BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
- 4. RAILWAY LOAN APPLICATION BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

- 5. DECLARATION OF MEMBER.—The Honorable J. McWhae delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth :—

"In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN McWHAE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of over Fifty pounds above all charges and encumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Morwell, and are known as McWhae's farm in Wonyip, being allotments 40A, 40B, parish of Wonyip, containing 315 acres 3 roods 19 perches.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Morwell are rated in the rate-book of such district upon a yearly value of Eighty-five pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"JOHN McWHAE."

6. DEVELOPMENTAL RAILWAYS ACCOUNT BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
7. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of the Order of the Day No. 3 be postponed until Tuesday next.
8. APPRENTICES BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had agreed to the Bill without amendment.  
The Honorable J. D. Brown moved, That the Report be taken into consideration on Tuesday next.  
Debate ensued.  
Question—put and resolved in the affirmative.  
Ordered—That the Report be taken into consideration on Tuesday next.
9. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 5 to 9 inclusive be postponed until Tuesday next.
10. ADJOURNMENT.—Ordered—That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at ten o'clock, adjourned until Tuesday next.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 29.

## MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 13TH OCTOBER, 1914.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable W. L. Baillieu, and the same was read by the Honorable the President :—

A. L. STANLEY,  
Governor of Victoria.

Message No. 12.

The Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“An Act to sanction the issue and application of certain Sums of Money available under Loan Acts for Irrigation Works Water Supply Works Drainage and Flood Protection Works in Country Districts and for other purposes.”

“An Act to authorize the Construction by the State of a Line of Railway from Koo-wee-rup to McDonald's Track.”

“An Act to sanction the issue and application of certain Sums of Money available under Loan Acts for Railways and for other purposes.”

“An Act to provide for the Transfer of a Sum of not more than Ninety thousand pounds from 'The Developmental Railways Account' to the Consolidated Revenue.”

The Government Offices,  
Melbourne, 12th October, 1914.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “An Act to further amend the ‘Factories and Shops Act 1912,’” and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made in such Bill by the Legislative Council, have disagreed with others of the said amendments, have agreed to one amendment with an amendment, and have disagreed with the amendment to omit clause 10, but have made amendments in the said clause, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.Legislative Assembly,  
Melbourne, 8th October, 1914.

Ordered—That the foregoing Message be taken into consideration later this day.

4. PUBLIC WORKS LOAN APPLICATION BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

5. **LUNACY BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
6. **CHARITABLE TRUSTS BILL.**—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
7. **SUSPENSION OF STANDING ORDER.**—The Honorable W. L. Baillieu moved, by leave, That Standing Order No. 186 be suspended to enable a Select Committee to be appointed forthwith.  
Question—put and resolved in the affirmative.
8. **ELECTRIFICATION OF THE SUBURBAN RAILWAYS—ALLEGED PROFITS ON CONTRACTS.**—The Honorable W. L. Baillieu moved, by leave, That a Select Committee be appointed by ballot to inquire into the statements made in the Committee of the whole on the Railway Loan Application Bill on the 7th instant by the Honorable R. B. Rees, as appearing in *Hansard* on page 1969, imputing to the Honorable W. L. Baillieu corrupt conduct, such Committee to consist of seven members, with power to send for persons, papers, and records, to move from place to place, and to meet on days on which the Council does not sit, three to be the quorum.  
Debate ensued.  
Question—put and resolved in the affirmative.  
The Council then proceeded to the ballot.  
The President appointed the Honorables E. J. Crooke and J. McWhae to be scrutineers.  
The following Members, being reported by the Clerk to have the greatest number of votes, were declared by the President to be the Members of the Committee, viz.:—The Honorables Robert Beckett, F. G. Clarke, J. K. Merritt, A. Robinson, A. McLellan, A. A. Austin, and T. H. Payne.
9. **FACTORIES AND SHOPS BILL.**—The Order of the Day for the consideration of the amendments made in this Bill by the Council and disagreed with by the Assembly, or disagreed with or agreed to but with amendments, having been read, the said amendments were read, and are as follow:—

Amendments made by the Legislative Council.

How dealt with by the Legislative Assembly.

7. Clause 10, omit this clause and the headline.

Disagreed with, but the following amendments made in clause 10, viz:—  
Omit sub-sections (1) to (5) inclusive, and (7) to (9) inclusive, and omit the figure “(6)” at the beginning of sub-section (6).

12. Clause 25, omit lines 24 to 29 both inclusive and insert:—

“25. (1) In section one hundred and thirty-six of the Principal Act there shall be inserted after sub-section (2) the following sub-sections”:—

14. Clause 27, page 17, line 29, after “time” insert “(if any).”

15. “ ” page 17, line 31, after “work” add “including payment of the travelling expenses by the shortest route actually incurred by the employé in connexion with his employment.”

18. Clause 45, omit this clause.

19. Clause 47, omit this clause.

20. Clause 48, omit this clause.

22. Insert the following new Part:—

The Principal Act is hereby amended by the addition of the following new Part:—

**PART XIV.—STRIKES AND LOCK-OUTS.**

A. In this Part unless inconsistent with the context—

“Employé” includes any employé in any industry and any person whose usual occupation is that of an employé in any industry.

“Employer” includes any person firm company or corporation employing one or more employés in any industry whether on behalf of himself or any other person.

Commonwealth Arbitration Act 1904 s. 2.  
Industrial Arbitration Act 1912 (South Australia) s. 3, and N.Z., Q., and N.S.W., Acts (Definition Sections).

Disagreed with.

Amendments made by the Legislative Council.

How dealt with by the  
Legislative Assembly.

“Industry” includes any process trade business or occupation.

“Lock-out” includes the act of an employer in closing his place of business or suspending or discontinuing his business or any branch thereof with intent—

- (a) to compel or induce any employés to agree to terms of employment or comply with any demands made upon them by the said or any other employer; or
- (b) to cause loss or inconvenience to the employés employed by him or to any of them; or
- (c) to incite aid abet instigate or procure any other lock-out; or
- (d) to assist any other employer to compel or induce any employés to agree to terms of employment or comply with any demands made by him.

“Strike” includes the act of any number of employés who are or have been in the employment whether of the same employer or of different employers in discontinuing that employment whether wholly or partially; or in breaking their contracts of service; or in refusing or failing after such discontinuance to resume or return to their employment; or in refusing to enter into fresh contracts of service whether with the same or any other employer, the said discontinuance breach refusal or failure being due to any combination agreement or common understanding whether express or implied made or entered into by the said employés with intent—

- (a) to compel or induce any such employer or employers to agree to terms of employment or comply with any demands made by the said or any other employés; or
- (b) to cause loss or inconvenience to any such employer or employers in the conduct of his or their business; or
- (c) to incite aid abet instigate or procure any other strike; or
- (d) to assist employés in the employment of any other employer to compel or induce that employer to agree to terms of employment or comply with any demands made by any employés.

Disagreed with.

The fact that three or more employés have simultaneously or at times nearly simultaneous discontinued their employment broken their contracts of service refused or failed after such discontinuance to resume or return to their employment or refused to enter into fresh contracts of service shall unless the contrary is proved by such employés be conclusive evidence that such discontinuance breach refusal or failure was due to a combination agreement and common understanding made and entered into by such employés.

B. (a) When a lock-out takes place in any industry in which a Special Board has been appointed or in which the Determination of a Special Board or an award of the Court of Industrial Appeals is in force and in such industry or in any industry connected therewith or incidental thereto no strike is taking place such lock-out shall be deemed an illegal lock-out.

N.Z. Act No. 3, s. 133 (2) and similar provisions in N.S.W., S.A., and Q. Acts.

(b) Every employer who is or becomes a party to an illegal lock-out shall be guilty of an offence and liable to a penalty not exceeding One thousand pounds.

C. (a) Where a strike takes place in any industry in which a Special Board has been appointed or in which the Determination of a Special Board or an award of the Court of Industrial Appeals is in force and in such industry or in any industry connected therewith or incidental thereto no lock-out is taking place such strike shall be deemed an illegal strike.

N.Z. Act No. 3, s. 133 (1).

(b) Any employé who is or becomes a party to an illegal strike shall be guilty of an offence and liable to a penalty not exceeding Fifty pounds.

D. Any person (including any association union society or body of persons whether incorporated or not) who incites aids abets counsels commands procures or assists any such illegal lock-out or illegal strike or the continuance of any such illegal lock-out or illegal strike or incites abets counsels commands procures or assists any person to become a party to any such illegal lock-out or illegal strike shall be guilty of an offence and liable if such an association union society or body to a penalty not exceeding One thousand pounds and if any other person to a penalty not exceeding Fifty pounds.

Aiding, abetting,  
&c., strikes or  
lock-out  
prohibited.  
N.Z. Act No. 3.

E. Any person who either by himself or with others at or near any workshop factory place of business or other place where any strike or lock-out is taking place or is threatened or impending or has taken place or at or near the residence or place of business of any person or in any railway train or public conveyance or in or at any place whatsoever induces or attempts to induce any other person to take part in such strike or lock-out or to do or abstain from doing any act matter or thing whereby any party to such strike or lock-out or any other person either directly or indirectly interested therein or connected therewith may or might be injured in his trade business or calling shall be guilty of an offence and liable to a penalty not exceeding Twenty pounds or to imprisonment with or without hard labor for a term not exceeding three months.

Including strikes  
or lock-outs  
prohibited.  
S.A. s. 43.

F. (1) Any person who either by himself or with others—

Intimidation  
prohibited.

- (a) intimidates or attempts to intimidate any other person ; or
- (b) countenances the intimidation or attempted intimidation of any other person,

shall be guilty of an offence.

(2) Such offence may be proved—

- (i) by the words acts or conduct of the accused person ;
- (ii) by the voluntary presence of the accused person in or among a company of persons which or a substantial part of which is using any menacing threatening violent or abusive words acts or conduct or any words acts or conduct calculated to intimidate any person or to deter any person from accepting discharging or following any lawful vocation or employment or from lawfully doing or abstaining from doing any act or thing ;

(iii) by any other lawful evidence.

(3) On conviction such person shall be liable to a penalty not exceeding Twenty pounds or to imprisonment with or without hard labor for a term not exceeding three months.

G. (1) When a pecuniary penalty is imposed on any employé under this Part the court imposing such penalty shall order that the amount of such penalty shall be a charge on any moneys which are then or which thereafter may be due and owing to the employé from his then or any past or future employer (including the Crown) for wages or in respect of work done : Provided that in respect of any and every week in which the employé has worked or shall work for any such employer such charge shall not have effect so as to deprive the employé of more than twenty-five per centum of any moneys due and owing or thereafter to become due and owing to him from any one such employer in that week for wages or in respect of work done.

Garnisheeing  
wages.  
Q. 36, VII. (1),  
S.A. 45.

(2) On the making of any such order a copy thereof shall be served on any employer sought to be made liable and it shall thereupon become the duty of such employer to from time to time pay twenty-five per centum as aforesaid of such moneys to a clerk of petty sessions as they become payable in satisfaction of the charge imposed by such order, and such payment shall to the extent thereof be a discharge of any obligation whether statutory or otherwise on the part of the employer to pay such moneys to any person.

(3) No charge upon or assignment of his wages or of moneys in respect of work done or to be done whether then due and owing or thereafter to become due and owing and whenever or however made by such person shall have any force whatever to defeat or affect such order, and any such order may be made and shall have effect as if no charge or assignment existed.

Disagreed with

(4) Upon complaint of disobedience of any such order a copy whereof has been served as aforesaid any person may summon before a court of petty sessions the employer so sought to be made liable to show cause why he should not obey such order. On the return of the summons the court shall consider the matter of the summons and shall hear and determine any issue that may be raised and shall order the employer to pay into court any sums found to be payable under the first-mentioned order and may order that in default of payment the sums so ordered to be paid be raised and levied by distress. The costs of and incidental to the summons shall be in the discretion of the court.

H. (a) Where any person is charged with an offence under this Part such charge shall be heard and all penalties imposed by this Part shall be recovered before a court of petty sessions consisting of a police magistrate sitting alone or with one or more justices.

(b) Notwithstanding anything contained in section two hundred and twenty of the Principal Act any proceedings against any person charged with an offence under this Part may be taken by any member of the police force or by any inspector or by any employer or body of employers (whether incorporated or not) or by any employé or body of employés (whether incorporated or not) in the industry affected by the strike or lock-out in connexion with which the offence has been or is alleged to have been committed and such proceedings may be taken without report to or direction from the Minister.

Add the following New Clauses :—

23. I. In section nine of the Principal Act for the words "persons engaged in" there shall be substituted the words "employers or employés (including persons carting whether under contract of service or employment or otherwise) in."

Amendment of No. 2336 s. 9. Carters in certain industries outside Metropolitan District to be exempted from provisions of Act.

24. K. Notwithstanding anything in section one hundred and sixty-four or section one hundred and sixty-five of the Principal Act a Determination or amended Determination of a Special Board shall not come into operation in any area or locality for thirty-one days after the publication of such Determination or amended Determination in the *Government Gazette*.

Determination not to apply until thirty-one days after publication in *Government Gazette*. See No. 2386 ss. 164, 165.

25. L. Where the operation of the Determination of a Special Board or of the Court of Industrial Appeals has been or is hereafter extended so as to apply to any part or parts of Victoria—

Power to appeal where Determination extended.

any employer or group of employers in such part or parts of Victoria who employ not less than twenty-five per centum of the total number of the workers in any trade subject to the operation of such Determination in such part or parts of Victoria, or

twenty-five per centum or more of the total number of the workers in any such trade in such part or parts of Victoria,

may at any time in the prescribed manner appeal as provided in section one hundred and seventy-six of the Principal Act against such Determination to the Court of Industrial Appeals. For the purposes of this section of this Act the Court shall accept the records given by the Chief Inspector in his latest annual report.

26. N. For section one hundred and sixty-eight of the Principal Act there shall be substituted the following section :—

"168. When any person is employed during any part of a day for an employer at work for which any Special Board has fixed a wages rate such person shall be paid in respect of the time occupied in such work at the rate fixed by such Board, but in respect of any time occupied during such day at work for which no Special Board has fixed a rate or price he shall be paid in accordance with his contract of service or employment."

28. Q. The Chief Inspector shall issue and from time to time renew a permit authorizing the person therein named to work for the period therein fixed at a rate lower than the minimum rate fixed by the Wages Board Determination in any case where such person is a widow or a female with dependents in need of maintenance and support.

Disagreed with.

32. U. Notwithstanding anything in the Factories and Shops Acts any Determination made before the commencement of this Act by the Court of Industrial Appeals as heretofore constituted and whether such Determination is in force or suspended shall for all purposes—
- (i) be deemed and taken to be, and  
(ii) have the like force and effect and validity as if it were a Determination (in force or suspended as the case may be) of a Court of Industrial Appeals as constituted under this Act.
- Existing Determinations of Court of Industrial Appeals.
- Agreed to with the following amendment, viz. :—  
Omit all words after the words "force or suspended" in the eighth line of new clause U, to end of clause, and insert—  
“(a) shall for all purposes—  
(i) be deemed and taken to be, and  
(ii) have the like force and effect and validity as if it were a Determination (in force or suspended as the case may be) of the Special Board concerned and not a Determination of the said Court; and  
(b) may be dealt with in all respects by the said Special Board or otherwise as if it were such a Determination of the said Special Board.”
34. W. Notwithstanding anything in the Factories and Shops Acts the Minister with respect to any industry which is in his opinion a new or desirable industry and one which in the interests of the State it is expedient to foster for a time may exempt such industry from any of the provisions of the Factories and Shops Acts for such period of time and under such conditions as he may think fit.
35. X. (1) Any person who issues or publishes or causes to be issued or published either orally or in writing any lists or class or name or names of any employers or employes or of any employer or employé—
- (a) with a view of annoying hindering obstructing restraining or interfering with any employer or employé in the conduct management control carrying on or undertaking of his business occupation or employment or with a view of restraining or preventing any person from entering into or carrying out any contract in relation to the conduct management control carrying on or undertaking of the business trade occupation or employment of any employer or employé; or
- (b) by reason whereof any employer or employé is annoyed hindered obstructed restrained or interfered with in the conduct management control carrying on or undertaking of his business occupation or employment; or any person is restrained or prevented from entering into or carrying out any contract in relation to the conduct management control carrying on or undertaking of the business trade occupation or employment of any employer or employé
- shall be guilty of an offence.
- (2) On conviction such person shall be liable to a penalty not exceeding Twenty pounds or to imprisonment with or without hard labour for a term not exceeding three months.
36. AA. (1) No person shall be refused employment or in any way discriminated against on account of membership or non-membership of any association union society or body of persons whether incorporated or unincorporated.
- (2) No person who is an employer or employé shall be discriminated against or injured or interfered with in any way whatsoever on account of membership or non-membership of any association union society or body of persons whether incorporated or unincorporated.
- (3) Any person who acts or incites any other person to act in contravention of this section shall be liable to a penalty not exceeding Fifty pounds and any association union society or body of persons whether incorporated or unincorporated which acts or incites any person to act or is in any way a party to any person acting in contravention of this section shall be liable to a penalty not exceeding Five hundred pounds.
38. CC. "Casual work" and "casual labour" shall mean work or labour during any week for not more than one-half the maximum number of hours fixed by the Special Board in respect of any particular process trade business or occupation and the Determination of any Special Board with respect to casual work shall always be subject to this provision.

Disagreed with.

Amendment 7.—The Honorable W. L. Baillieu moved, That the Council do not insist on their amendment to omit clause 10, and agree to the amendments of the Assembly in the said clause.  
Debate ensued.

Question—put and resolved in the affirmative.

Amendment 12, after debate, insisted on.  
 Amendments 14 and 15, after debate, not insisted on.  
 Amendments 18, 19, and 20 postponed.  
 Amendment 22, after debate, insisted on.

Ordered—That the further consideration of the amendments be postponed until to-morrow.

10. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 4 to 8 inclusive be postponed until to-morrow.

And then the Council, at fifty-six minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

## VICTORIA.



No. 30.

# MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 14<sup>TH</sup> OCTOBER, 1914.

1. The President took the Chair and read the Prayer.
2. **FACTORIES AND SHOPS BILL.**—The Order of the Day for the further consideration of the amendments made in this Bill by the Council and disagreed with by the Assembly, or disagreed with or agreed to but with amendments, having been read, the said amendments\* were read.

Amendment 23, after debate, insisted on.

Amendments 24 and 25, after debate, not insisted on.

Amendment 26, after debate, insisted on.

Amendment 28 postponed.

Amendment 32.—The Honorable W. L. Baillieu moved, That the Council agree to the amendment of the Assembly in new clause U.

The Honorable Walter S. Manifold moved, as an amendment, That all the words after "Council" be omitted with a view to insert in place thereof the words "disagree with the amendment of the Assembly in new clause U, but amend the said clause by the addition of the following proviso :—' Provided that the Minister if satisfied upon affidavit that a *prima facie* case exists for the review of any such Determination may advise the Governor in Council to constitute a Court of Industrial Appeals as hereinbefore provided and may refer the application for review for the consideration of the said Court which application the said Court is (in addition to all of the powers vested in the said Court by the Factories and Shops Acts) hereby authorized to consider and to hear and determine.' "

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put and negatived.

Question—That the words proposed to be inserted be so inserted—put and resolved in the affirmative.

Question—That the Council disagree with the amendment of the Assembly in new clause U, but amend the said clause by the addition of the following proviso :—" Provided that the Minister if satisfied upon affidavit that a *prima facie* case exists for the review of any such Determination may advise the Governor in Council to constitute a Court of Industrial Appeals as hereinbefore provided and may refer the application for review for the consideration of the said Court which application the said Court is (in addition to all of the powers vested in the said Court by the Factories and Shops Acts) hereby authorized to consider and to hear and determine,"—put and resolved in the affirmative.

Amendment 34, after debate, not insisted on.

Amendment 35.—The Honorable W. L. Baillieu moved, That the Council do not insist on their amendment to insert new clause X.

Debate ensued.

Question put.

The Council divided.

Ayes, 8.

The Hon. W. L. Baillieu,  
W. J. Beckett,  
J. D. Brown,  
W. H. Fielding,  
F. W. Hagelthorn,  
J. P. Jones.

Tellers.

The Hon. W. A. Adamson,  
A. McLellan.

Noes, 16.

The Hon. W. C. Angliss,  
Robert Beckett,  
T. Beggs,  
F. G. Clarke,  
E. J. Crooke,  
Walter S. Manifold,  
D. E. McBryde,  
J. Y. McDonald,  
J. McWhae,  
D. Melville,  
J. K. Merritt,  
T. H. Payne,  
H. F. Richardson,  
A. O. Sachse.

Tellers.

The Hon. A. A. Austin,  
A. Robinson.

And so it passed in the negative.—Amendment 35 insisted on.

\* For these amendments see *Minutes of the Proceedings*, pp. 78-82.

Amendments 36 and 38, after debate, insisted on.

Amendment 18 postponed.

Amendments 19 and 20, after debate, insisted on.

Amendment 28 postponed.

Amendment 18.—The Honorable W. L. Baillieu moved, That the Council do not insist on their amendment to omit clause 45:

The Honorable H. F. Richardson moved, as an amendment, That the following words be added to the motion:—"but amend the said clause by the addition of the following proviso:—"Provided that between the first day of November in each year and the thirtieth day of April next following inclusive in seaside resorts situate more than ten miles from Melbourne a half-holiday only need be given in lieu of the full holiday as aforesaid."

The Honorable D. E. McBryde moved, as a further amendment, That the word "seaside" in the proposed proviso be omitted with a view to insert in place thereof the word "week-end."

Debate ensued.

Question—That the word "seaside" proposed to be omitted stand part of the proposed proviso—put and negatived.

The Honorable D. E. McBryde, by leave, withdrew the word "week-end" proposed to be inserted in place of the word omitted and moved, That the word "tourists" be inserted in place thereof.

Question—That the word "tourists" proposed to be inserted be so inserted—put and resolved in the affirmative.

Question—That the following words be added to the motion:—"but amend the said clause by the addition of the following proviso:—"Provided that between the first day of November in each year and the thirtieth day of April next following inclusive in tourists' resorts situate more than ten miles from Melbourne a half-holiday only need be given in lieu of the full holiday as aforesaid,"—put and resolved in the affirmative.

Question—That the Council do not insist on their amendment to omit clause 45, but amend the said clause by the addition of the following proviso:—"Provided that between the first day of November in each year and the thirtieth day of April next following inclusive in tourists' resorts situate more than ten miles from Melbourne a half-holiday only need be given in lieu of the full holiday as aforesaid,"—put and resolved in the affirmative.

Amendment 28, after debate, not insisted on.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council do not insist on some of their amendments disagreed with by the Assembly, do insist on others of the said amendments, do not insist on their amendment to omit clause 10 and the headline and agree to the amendments of the Assembly in the said clause, do not insist on their amendment to omit clause 45 but have amended the said clause, and disagree with the amendment of the Assembly in new clause U but have amended the said clause, and desiring their concurrence therein.

3. APPRENTICES BILL.—The Order of the Day for the consideration of the Report from the Committee of the whole having been read—the Honorable J. D. Brown moved, That the Report be now adopted.

The Honorable Robert Beckett moved, as an amendment, That all the words after "That" be omitted with a view to insert in place thereof the words "the Bill be re-committed to a Committee of the whole in respect of clause 6."

Question—That the words proposed to be omitted stand part of the question—put and negatived.

Question—That the words proposed to be inserted be so inserted—put and resolved in the affirmative. House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

4. CHARITABLE TRUSTS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 4 to 7 inclusive be postponed until Tuesday next.

6. ADJOURNMENT.—Ordered—That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at five minutes past ten o'clock, adjourned until Tuesday next.

R. W. V. McCALL.  
Clerk of the Legislative Council.

## VICTORIA.

No. 31.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

TUESDAY, 20TH OCTOBER, 1914.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable W. L. Baillieu, and the same was read by the Honorable the President :—

A. L. STANLEY,  
Governor of Victoria.

Message No. 13.

The Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

*“ An Act to sanction the issue and application of certain Sums of Money available under Loan Acts for Public Works and other purposes.”**“ An Act to amend the Lunacy Acts.”**“ An Act to provide for the Payment of Apprentices during the War.”*The Government Offices,  
Melbourne, 20th October, 1914.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to further amend the ‘ Local Government Act 1903 ’ and for other purposes,*” with which they desire the concurrence of the Legislative Council.FRANK MADDEN,  
Speaker.Legislative Assembly,  
Melbourne, 15th October, 1914.

4. LOCAL GOVERNMENT BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to further amend the Mines Acts as to the Yearly Rent payable in respect of Mineral Leases,*” with which they desire the concurrence of the Legislative Council.FRANK MADDEN,  
Speaker.Legislative Assembly,  
Melbourne, 16th October, 1914.

6. MINES BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to further amend the 'Thistle Act 1890,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 16th October, 1914.

FRANK MADDEN,  
Speaker.

8. THISTLE BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

9. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act relating to Wages and Labour Conditions and Goods supplied on Works undertaken by or on behalf of Local Authorities,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 16th October, 1914.

FRANK MADDEN,  
Speaker.

10. PUBLIC CONTRACTS BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

11. ELECTRIFICATION OF THE SUBURBAN RAILWAYS—ALLEGED PROFITS ON CONTRACTS.—The Honorable T. H. Payne brought up a Report from the Select Committee on the Electrification of the Suburban Railways—Alleged Profits on Contracts.

Ordered to lie on the Table and to be printed.

12. PAPERS.—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—

Statistical Register of the State of Victoria for the year 1913.—Part VII.—Interchange.

Supreme Court Act 1890.—Report of the Council of Judges under Section 33 of the.

Severally ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Fisheries Acts.—Notices of Intention to issue Proclamations—

To allow Netting in Lake Albacutya, near Rainbow.

To prohibit Netting, &c., at Metung, in the Gippsland Lakes.

To alter the Restrictions on Netting, &c., in the Gippsland Lakes.

To alter the Close Season for Netting in Sydenham, Tamboon, Wangan, and Mallacoota Inlets, and to restrict the use of Nets in such Inlets.

To prohibit Fishing in or the Taking of Fish from Sugarloaf and Black Charlie's Creeks until 31st August, 1915.

To prohibit Fishing in portion of the Richardson River, near Donald, until 31st August, 1915.

Infectious Diseases Hospital Act 1914.—Regulation—Infectious or contagious diseases which may be treated in the Queen's Memorial Infectious Diseases Hospital at Fairfield.

Price of Goods Act 1914.—Adding to Schedule.—(a) Pollard; (b) Bran.

State Coal Mines.—Annual Report of the General Manager of State Coal Mines to the Honorable Donald Mackinnon, M.P., Minister for Railways for Victoria, including the State Coal Mines Balance-sheet, and Statement of Accounts duly audited, &c., for the year 1913-14.

13. COOL STORES BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, later this day, again resolve itself into the said Committee.

14. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of the Order of the Day No. 2 be postponed until later this day.

15. BRUNSWICK AND COBURG TRAMWAYS BILL.—The Honorable F. W. Hagelthorn moved, by leave, That all the Standing Orders relating to Private Bills be suspended in relation to the Bill to amend the *Brunswick and Coburg Tramways Act 1914*, and that the Bill be treated as a Public Bill. Question—put and resolved in the affirmative.

The Honorable F. W. Hagelthorn moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

16. ALBERTON TO WON WRON RAILWAY CONSTRUCTION BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
17. COOL STORES BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.
18. LOCAL GOVERNMENT BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
19. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—  
MR. PRESIDENT,  
The Legislative Assembly acquaint the Legislative Council that they have agreed to the amendment made by the Legislative Council in the Bill intituled "*An Act to make provision for Cool Stores for Fruit and for other purposes.*"  
FRANK MADDEN,  
Speaker.  
Legislative Assembly,  
Melbourne, 20th October, 1914.
20. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day No. 4 and *Public Contracts Bill*—*Second reading*—be postponed until to-morrow.

And then the Council, at forty-five minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 32.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

WEDNESDAY, 21ST OCTOBER, 1914.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the Construction by the State of a Line of Railway from Lorquon to Yanac-a-Yanac,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.Legislative Assembly,  
Melbourne, 20th October, 1914.

3. LORQUON TO YANAC-A-YANAC RAILWAY CONSTRUCTION BILL.—On the motion of the Honorable W. A. Adamson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize and validate certain Expenditure by Municipalities and other Bodies in connexion with the present War and also certain Overdrafts by Municipalities,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.Legislative Assembly,  
Melbourne, 20th October, 1914.

5. WAR EXPENDITURE AND OVERDRAFTS BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to further amend the 'Land Act 1901' and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.Legislative Assembly,  
Melbourne, 20th October, 1914.

7. LAND BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

8. DISCHARGE OF ORDER OF THE DAY.—On the motion of the Honorable A. Robinson, the following Order of the Day was read and discharged :—

*Neglected Children's Act 1890 Amendment Bill—Second reading.*

Ordered—That the said Bill be withdrawn.

9. LOCAL GOVERNMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair ; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

10. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the 'Melbourne Tramways Trust Act 1914,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 21st October, 1914.

FRANK MADDEN,  
Speaker.

11. MELBOURNE TRAMWAYS TRUST BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

12. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the Temporary Application out of 'The Public Account' of certain Moneys for the purpose of substituting Heavy Rails for Light Rails on certain Lines of Railway,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 21st October, 1914.

FRANK MADDEN,  
Speaker.

13. RAILWAYS ADVANCES BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

14. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 2 to 5 inclusive be postponed until to-morrow.

And then the Council, at fifty-one minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
Clerk of the Legislative Council.

## VICTORIA.

No. 33.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

THURSDAY, 22ND OCTOBER, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of One million three hundred and three thousand seven hundred and four pounds to the service of the year One thousand nine hundred and fourteen and One thousand nine hundred and fifteen,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 21st October, 1914.

3. CONSOLIDATED REVENUE BILL (No. 4).—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have agreed to the amendments made by the Legislative Council in the Bill intituled "*An Act relating to Charitable Uses and Trusts.*"

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 21st October, 1914.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to further amend the 'Transfer of Land Act 1890' and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made in such Bill by the Legislative Council, and have disagreed with one of the said amendments, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 21st October, 1914.

Ordered—That the foregoing Message be taken into consideration later this day.

6. **LOCAL GOVERNMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had agreed to the Bill with amendments.  
On the motion of the Honorable F. W. Hagelthorn, the Bill was recommitted to a Committee of the whole in respect of clauses 3, 61 and new clause J.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had agreed to the Bill with further amendments.  
On the motion of the Honorable F. W. Hagelthorn, the Bill was recommitted to a Committee of the whole in respect of clause 3.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with a further amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

7. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to further amend the 'Factories and Shops Act 1912,'*" and acquaint the Legislative Council that the Legislative Assembly do not insist on disagreeing with some of the amendments made and insisted on by the Legislative Council in such Bill, insist on disagreeing with others of the said amendments, do not insist on disagreeing with the amendment made and insisted on by the Legislative Council in Clause 25 but have agreed to the said amendment with amendments, have agreed to the amendment made by the Legislative Council in Clause 45 with an amendment, and do not insist on the amendment made by the Legislative Assembly in new Clause U but have agreed to the said Clause as amended by the Legislative Council, with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 22nd October, 1914.

FRANK MADDEN,  
Speaker.

Ordered—That the foregoing Message be taken into consideration to-morrow.

8. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the Construction by the State of an Electric Street Railway from Sandringham to Black Rock,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 22nd October, 1914.

FRANK MADDEN,  
Speaker.

9. **SANDRINGHAM TO BLACK ROCK ELECTRIC STREET RAILWAY CONSTRUCTION BILL.**—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

10. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to further amend the 'Prahran Mechanics' Institute Act 1899,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 22nd October, 1914.

FRANK MADDEN,  
Speaker.

11. **PRAHRAN MECHANICS' INSTITUTE BILL.**—On the motion of the Honorable W. A. Adamson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

12. **PAPER.**—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—

Brick Manufacturing Industry of Victoria.—Report from the Royal Commission on the.  
Ordered to lie on the Table.

13. CONSOLIDATED REVENUE BILL (No. 4).—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

14. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act relating to Investments by the Commissioners of the State Savings Bank of Victoria and to certain kinds of Debentures held by them and for other purposes*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 22nd October, 1914.

FRANK MADDEN,  
Speaker.

15. SAVINGS BANKS BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

16. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 2 to 10 inclusive and *Transfer of Land Bill—Amendment of the Council disagreed with by the Assembly—To be taken into consideration*—be postponed until to-morrow.

And then the Council, at fifty-two minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

No. 34.

# MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

FRIDAY, 23RD OCTOBER, 1914.

1. The President took the Chair and read the Prayer.
2. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk :—  
Exhibition Trustees.—Report of Proceedings and Statement of Income and Expenditure for the year ended 30th June, 1914.
3. PUBLIC CONTRACTS BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.
4. THISTLE BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.
5. MINES BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
6. LORQUON TO YANAC-A-YANAC RAILWAY CONSTRUCTION BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
7. WAR EXPENDITURE AND OVERDRAFTS BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

8. **LAND BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
9. **RAILWAYS ADVANCES BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
10. **MELBOURNE TRAMWAYS TRUST BILL.**—The Honorable F. W. Hagelthorn moved, by leave, That all the Standing Orders relating to Private Bills be suspended in relation to the Bill to amend the *Melbourne Tramways Trust Act 1914*, and that the Bill be treated as a Public Bill.  
Question—put and resolved in the affirmative.  
The Honorable F. W. Hagelthorn moved, That this Bill be now read a second time.  
Question—put and resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
11. **TRANSFER OF LAND BILL.**—The Order of the Day for the consideration of the amendment made in this Bill by the Council, and disagreed with by the Assembly, having been read, the said amendment was read, and is as follows:—  
Clause 13, sub-clause (3), line 38, omit “thirty” and insert “twenty.”  
On the motion of the Honorable J. D. Brown, and after debate, the Council did not insist on their amendment, and ordered the Bill to be returned to the Assembly with a Message acquainting them therewith.
12. **SAVINGS BANKS BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
13. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of the Order of the Day No. 11 be postponed until Tuesday next.
14. **PRAHRAN MECHANICS' INSTITUTE BILL.**—The Honorable F. W. Hagelthorn moved, by leave, That all the Standing Orders relating to Private Bills be suspended in relation to the Bill to further amend the *Prahran Mechanics' Institute Act 1899*, and that the Bill be treated as a Public Bill.  
Question—put and resolved in the affirmative.  
The Honorable F. W. Hagelthorn moved, That this Bill be now read a second time.  
Question put and resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
15. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day Nos. 13 and 14 be postponed until Tuesday next.

And then the Council, at fifty-two minutes past eight o'clock, adjourned until Tuesday next.

R. W. V. McCALL,  
Clerk of the Legislative Council.

## VICTORIA.

No. 35.

## MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 27<sup>TH</sup> OCTOBER, 1914.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable W. L. Baillieu, and the same was read by the Honorable the President :—

A. L. STANLEY,  
*Governor of Victoria.*

*Message No. 14.*

The Governor informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“ *An Act to amend the ‘ Brunswick and Coburg Tramways Act 1914.’*”

“ *An Act to authorize the Construction by the State of a Line of Railway from Alberton to Won Wron.*”

“ *An Act to make provision for Cool Stores for Fruit and for other purposes.*”

“ *An Act relating to Charitable Uses and Trusts.*”

The Government Offices,  
Melbourne, 26th October, 1914.

3. ELECTRIFICATION OF THE SUBURBAN RAILWAYS—ALLEGED PROFITS ON CONTRACTS.—The Honorable T. H. Payne presented the Minutes of Evidence from the Select Committee on the Electrification of the Suburban Railways—Alleged Profits on Contracts.

Ordered to lie on the Table and to be printed.

4. WARRNAMBOOL HARBOR IMPROVEMENT WORKS.—The President read a communication from the Clerk certifying that the following Paper had lain on the Table of the House for a period of thirty days pursuant to the provisions of section 399 of the *Land Act 1901*, viz. :—

Land Act 1901 (Section 399).—Certificate of the Honorable the Commissioner of Public Works approved by the Governor in Council, together with Plan relating to the resumption of land in the Parish of Wangoom, County of Villiers, for the purpose of a quarry site from whence stone may be obtained for use in connexion with the Warrnambool Harbor Improvement Works.

The Honorable W. L. Baillieu moved, That this Paper be returned to the Department of Public Works. Question—put and resolved in the affirmative.

5. PAPERS.—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—

Land Acts.—Report for the financial year ended 30th June, 1914, with Appendices.

Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Education Act 1890.—

Certain Regulations not to apply in regard to a certain School.  
Regulation X.—Junior Teachers and Sewing Mistresses.

Lands Purchase and Management Board.—Report of the, for the year ended 30th June, 1914.

6. **FACTORIES AND SHOPS BILL.**—The Order of the Day for the consideration of the amendments made and insisted on by the Council in this Bill or not insisted on but amended, and disagreed with and disagreement insisted on by the Assembly, or disagreement not insisted on but amendment of the Council agreed to with amendments, or amendment of the Council agreed to by the Assembly but with an amendment having been read, the said amendments were read and are as follow :—

Amendments made by the Legislative Council.

How dealt with.

12. Clause 25, omit lines 24 to 29 both inclusive and insert :—

“25. (1) In section one hundred and thirty-six of the Principal Act there shall be inserted after sub-section (2) the following sub-sections” :—

Disagreed with by Assembly. — Insisted on by Council.

Disagreement not insisted on by Assembly but amendment agreed to with the following amendments, viz. :— After the word “inserted” insert the words “at the end of sub-section (2) the following proviso :—‘Provided that one of the representatives of the employers and one of the representatives of the employés need not have the qualifications aforesaid if he has been at any time a *bonâ fide* and actual employer or employé respectively in the trade concerned’; and.” Omit the word and figure “sub-section (2)” and insert the words and figure “the said sub-section (2).”

18. Clause 45, omit this clause.

Disagreed with by Assembly. — Not insisted on by Council, but the following amendment has been made in the clause :—Add the following proviso :—“Provided that between the first day of November in each year and the thirtieth day of April next following inclusive in tourists’ resorts situate more than ten miles from Melbourne a half-holiday only need be given in lieu of the full holiday as aforesaid.”

Agreed to by Assembly with the following amendment, viz. :—Omit all words after the word “proviso” and insert “at the end of paragraph (a) of sub-section (3)—‘Provided that between the first day of December in each year and the last day of February next following in all parts of Victoria situate more than ten miles from the Metropolitan District a half-holiday only as provided in this section need be given.’”

22. Insert the following new Part :—

The Principal Act is hereby amended by the addition of the following new Part :—

**PART XIV.—STRIKES AND LOCK-OUTS.**

A. In this Part unless inconsistent with the context—

“Employé” includes any employé in any industry and any person whose usual occupation is that of an employé in any industry.

“Employer” includes any person firm company or corporation employing one or more employés in any industry whether on behalf of himself or any other person

Commonwealth Arbitration Act 1904 s. 2.

Industrial Arbitration Act 1912 (South Australia) s. 3, and N.Z., Q., and N.S.W., Acts (Definition Sections).

Disagreed with by Assembly. — Insisted on by Council.

Disagreement insisted on by Assembly.

“Industry” includes any process trade business or occupation.  
 “Lock-out” includes the act of an employer in closing his place of business or suspending or discontinuing his business or any branch thereof with intent—

- (a) to compel or induce any employés to agree to terms of employment or comply with any demands made upon them by the said or any other employer; or
- (b) to cause loss or inconvenience to the employés employed by him or to any of them; or
- (c) to incite aid abet instigate or procure any other lockout; or
- (d) to assist any other employer to compel or induce any employés to agree to terms of employment or comply with any demands made by him.

“Strike” includes the act of any number of employés who are or have been in the employment whether of the same employer or of different employers in discontinuing that employment whether wholly or partially; or in breaking their contracts of service; or in refusing or failing after such discontinuance to resume or return to their employment; or in refusing to enter into fresh contracts of service whether with the same or any other employer, the said discontinuance breach refusal or failure being due to any combination agreement or common understanding whether express or implied made or entered into by the said employés with intent—

- (a) to compel or induce any such employer or employers to agree to terms of employment or comply with any demands made by the said or any other employés; or
- (b) to cause loss or inconvenience to any such employer or employers in the conduct of his or their business; or
- (c) to incite aid abet instigate or procure any other strike; or
- (d) to assist employés in the employment of any other employer to compel or induce that employer to agree to terms of employment or comply with any demands made by any employés.

Disagreed with by Assembly.—Insisted on by Council.

Disagreement insisted on by Assembly.

The fact that three or more employés have simultaneously or at times nearly simultaneous discontinued their employment broken their contracts or service refused or failed after such discontinuance to resume or return to their employment or refused to enter into fresh contracts of service shall unless the contrary is proved by such employés be conclusive evidence that such discontinuance breach refusal or failure was due to a combination agreement and common understanding made and entered into by such employés.

B. (a) When a lock-out takes place in any industry in which a Special Board has been appointed or in which the Determination of a Special Board or an award of the Court of Industrial Appeals is in force and in such industry or in any industry connected therewith or incidental thereto no strike is taking place such lock-out shall be deemed an illegal lock-out.

N.Z. Act No. 3, s. 133 (2) and similar provisions in N.S.W., S.A., and Q. Acts.

(b) Every employer who is or becomes a party to an illegal lock-out shall be guilty of an offence and liable to a penalty not exceeding One thousand pounds.

C. (a) Where a strike takes place in any industry in which a Special Board has been appointed or in which the Determination of a Special Board or an award of the Court of Industrial Appeals is in force and in such industry or in any industry connected therewith or incidental thereto no lock-out is taking place such strike shall be deemed an illegal strike.

N.Z. Act No. 3, s. 133 (1).

(b) Any employé who is or becomes a party to an illegal strike shall be guilty of an offence and liable to a penalty not exceeding Fifty pounds.

D. Any person (including any association union society or body of persons whether incorporated or not, who incites aids abets counsels commands procures or assists any such illegal lock-out or illegal strike or the continuance of any such illegal lock-out or illegal strike or incites abets counsels commands procures or assists any person to become a party to any such illegal lock-out or illegal strike shall be guilty of an offence and liable if such an association union society or body to a penalty not exceeding One thousand pounds and if any other person to a penalty not exceeding Fifty pounds.

Aiding, abetting &c., strikes or lock-out prohibited.  
N.Z. Act No. 3.

E. Any person who either by himself or with others at or near any workshop factory place of business or other place where any strike or lock-out is taking place or is threatened or impending or has taken place or at or near the residence or place of business of any person or in any railway train or public conveyance or in or at any place whatsoever induces or attempts to induce any other person to take part in such strike or lock-out or to do or abstain from doing any act matter or thing whereby any party to such strike or lock-out or any other person either directly or indirectly interested therein or connected therewith may or might be injured in his trade business or calling shall be guilty of an offence and liable to a penalty not exceeding Twenty pounds or to imprisonment with or without hard labour for a term not exceeding three months.

Inducing strikes or lock-outs prohibited.  
S.A. s. 43.

F. (1) Any person who either by himself or with others—

Intimidation prohibited.

(a) intimidates or attempts to intimidate any other person ; or

(b) countenances the intimidation or attempted intimidation of any other person,

shall be guilty of an offence.

(2) Such offence may be proved—

(i) by the words acts or conduct of the accused person ;

(ii) by the voluntary presence of the accused person in or among a company of persons which or a substantial part of which is using any menacing threatening violent or abusive words acts or conduct or any words acts or conduct calculated to intimidate any person or to deter any person from accepting discharging or following any lawful vocation or employment or from lawfully doing or abstaining from doing any act or thing ;

(iii) by any other lawful evidence.

(3) On conviction such person shall be liable to a penalty not exceeding Twenty pounds or to imprisonment with or without hard labor for a term not exceeding three months.

G. (1) When a pecuniary penalty is imposed on any employé under this Part the court imposing such penalty shall order that the amount of such penalty shall be a charge on any moneys which are then or which thereafter may be due and owing to the employé from his then or any past or future employer (including the Crown) for wages or in respect of work done : Provided that in respect of any and every week in which the employé has worked or shall work for any such employer such charge shall not have effect so as to deprive the employé of more than twenty-five per centum of any moneys due and owing or thereafter to become due and owing to him from any one such employer in that week for wages or in respect of work done.

Garnisheeing wages.  
Q. 36, VII. (1),  
S.A. s. 45.

(2) On the making of any such order a copy thereof shall be served on any employer sought to be made liable and it shall thereupon become the duty of such employer to from time to time pay twenty-five per centum as aforesaid of such moneys to a clerk of petty sessions as they become payable in satisfaction of the charge imposed by such order, and such payment shall to the extent thereof be a discharge of any obligation whether statutory or otherwise on the part of the employer to pay such moneys to any person.

(3) No charge upon or assignment of his wages or of moneys in respect of work done or to be done whether then due and owing or thereafter to become due and owing and whenever or however made by such person shall have any force whatever to defeat or affect such order, and any such order may be made and shall have effect as if no charge or assignment existed.

Disagreed with by Assembly. — Insisted on by Council.

Disagreement insisted on by Assembly.

Amendments made by the Legislative Council.

How dealt with.

(4) Upon complaint of disobedience of any such order a copy whereof has been served as aforesaid any person may summon before a court of petty sessions the employer so sought to be made liable to show cause why he should not obey such order. On the return of the summons the court shall consider the matter of the summons and shall hear and determine any issue that may be raised and shall order the employer to pay into court any sums found to be payable under the first mentioned order and may order that in default of payment the sums so ordered to be paid be raised and levied by distress. The costs of and incidental to the summons shall be in the discretion of the court.

H. (a) Where any person is charged with an offence under this Part such charge shall be heard and all penalties imposed by this Part shall be recovered before a court of petty sessions consisting of a police magistrate sitting alone or with one or more justices.

(b) Notwithstanding anything contained in section two hundred and twenty of the Principal Act any proceedings against any person charged with an offence under this Part may be taken by any member of the police force or by any inspector or by any employer or body of employers (whether incorporated or not) or by any employé or body of employés (whether incorporated or not) in the industry affected by the strike or lock-out in connexion with which the offence has been or is alleged to have been committed and such proceedings may be taken without report to or direction from the Minister.

Add the following New Clauses :—

23. I. In section nine of the Principal Act for the words "persons engaged in" there shall be substituted the words "employers or employés (including persons carting whether under contract of service or employment or otherwise) in."

Amendment of No. 2356 s. 9 Carters in certain industries outside Metropolitan District to be exempted from provisions of Act.

26. N. For section one hundred and sixty-eight of the Principal Act there shall be substituted the following section :—

"168. When any person is employed during any part of a day for an employer at work for which any Special Board has fixed a wages rate such person shall be paid in respect of the time occupied in such work at the rate fixed by such Board, but in respect of any time occupied during such day at work for which no Special Board has fixed a rate or price he shall be paid in accordance with his contract of service or employment."

35. X. (1) Any person who issues or publishes or causes to be issued or published either orally or in writing any lists or class or name or names of any employers or employés or of any employer or employé—

Disagreed with by Assembly.— Insisted on by Council.

(a) with a view of annoying hindering obstructing restraining or interfering with any employer or employé in the conduct management control carrying on or undertaking of his business occupation or employment or with a view of restraining or preventing any person from entering into or carrying out any contract in relation to the conduct management control carrying on or undertaking of the business trade occupation or employment of any employer or employé ; or

(b) by reason whereof any employer or employé is annoyed hindered obstructed restrained or interfered with in the conduct management control carrying on or undertaking of his business occupation or employment ; or any person is restrained or prevented from entering into or carrying out any contract in relation to the conduct management control carrying on or undertaking of the business trade occupation or employment of any employer or employé

shall be guilty of an offence.

(2) On conviction such person shall be liable to a penalty not exceeding Twenty pounds or to imprisonment with or without hard labour for a term not exceeding three months.

36. AA. (1) No person shall be refused employment or in any way discriminated against on account of membership or non-membership of any association union society or body of persons whether incorporated or unincorporated.

(2) No person who is an employer or employé shall be discriminated against or injured or interfered with in any way whatsoever on account of membership or non-membership of any association union society or body of persons whether incorporated or unincorporated.

(3) Any person who acts or incites any other person to act in contravention of this section shall be liable to a penalty not exceeding Fifty pounds and any association union society or body of persons whether incorporated or unincorporated which acts or incites any person to act or is in any way a party to any person acting in contravention of this section shall be liable to a penalty not exceeding Five hundred pounds.

Disagreement insisted on by Assembly.

Amendment 12.—The Honorable W. L. Baillieu moved, That the Council agree to the amendments of the Assembly on the amendment of the Council in clause 25.

Debate ensued.

Question put.

The Council divided.

Ayes, 10.

The Hon. W. A. Adamson  
W. L. Baillieu,  
W. J. Beckett,  
J. D. Brown,  
W. H. Fielding,  
F. W. Hagelthorn,  
J. P. Jones,  
J. Sternberg.

*Tellers.*

The Hon. A. Hicks,  
A. McLellan.

Noes, 17.

The Hon. J. G. Aikman,  
W. C. Angliss,  
A. A. Austin,  
Robert Beckett,  
F. W. Brawn,  
F. G. Clarke,  
E. J. Crooke,  
Walter S. Manifold,  
D. E. McBryde,  
J. Y. McDonald,  
J. McWhae,  
D. Melville,  
H. F. Richardson,  
A. Robinson,  
A. O. Sachse.

*Tellers.*

The Hon. J. K. Merritt,  
T. H. Payne.

And so it passed in the negative.—Amendment 12 still insisted on.

Amendment 18.—Amendment of the Assembly on the amendment of the Council, after debate, agreed to.

Amendment 22.—The Honorable W. L. Baillieu moved, That the Council do not now insist on amendment 22.

Debate ensued.

Question put.

The Council divided.

Ayes, 10.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
W. J. Beckett,  
J. D. Brown,  
W. H. Fielding,  
F. W. Hagelthorn,  
A. Hicks,  
A. McLellan.

*Tellers.*

The Hon. J. P. Jones,  
J. Sternberg.

Noes, 17.

The Hon. J. G. Aikman,  
W. C. Angliss,  
Robert Beckett,  
F. W. Brawn,  
F. G. Clarke,  
E. J. Crooke,  
Walter S. Manifold,  
D. E. McBryde,  
J. Y. McDonald,  
J. McWhae,  
D. Melville,  
J. K. Merritt,  
T. H. Payne,  
H. F. Richardson,  
A. O. Sachse.

*Tellers.*

The Hon. A. A. Austin,  
A. Robinson.

And so it passed in the negative.—Amendment 22 still insisted on.

Amendments 23 and 26, after debate, not now insisted on.

Amendments 35 and 36, after debate, still insisted on.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council do not now insist on some of the amendments with which the Assembly insist on disagreeing, agree to the amendment of the Assembly on the amendment of the Council in clause 45, disagree with the amendments of the Assembly on the amendment of the Council in clause 25 and still insist on their amendment in the said clause, and still insist on others of the said amendments with which the Assembly insist on disagreeing.

7. PUBLIC CONTRACTS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had agreed to the Bill with amendments.

The Honorable J. D. Brown moved, That the Report be now adopted.

The Honorable T. H. Payne moved, as an amendment, That all the words after "That" be omitted with a view to insert in place thereof the words "the Bill be recommitted to a Committee of the whole in respect of clause 10."

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put and negatived.

Question—That the words proposed to be inserted be so inserted—put and resolved in the affirmative.  
 Question—That the Bill be recommitted to a Committee of the whole in respect of clause 10—put and resolved in the affirmative.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with further amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

8. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have agreed to the amendment made by the Legislative Council in the Bill intituled "*An Act to further amend the 'Thistle Act 1890.'*"

Legislative Assembly,  
 Melbourne, 27th October, 1914.

FRANK MADDEN,  
 Speaker.

9. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to revoke the Permanent Reservation of the remaining portion of certain land at St. Arnaud permanently reserved from sale as a Site for a Market,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
 Melbourne, 27th October, 1914.

FRANK MADDEN,  
 Speaker.

10. ST. ARNAUD MARKET LAND BILL.—On the motion of the Honorable W. A. Adamson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.

11. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for the closing of Portion of a certain Street in the Town of Warrnambool and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
 Melbourne, 27th October, 1914.

FRANK MADDEN,  
 Speaker.

12. WARRNAMBOOL LAND BILL.—On the motion of the Honorable W. A. Adamson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.

13. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to further amend the 'Local Government Act 1903' and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made in such Bill by the Legislative Council, have disagreed with others, and have agreed to one of the said amendments with a consequential amendment, with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
 Melbourne, 27th October, 1914.

FRANK MADDEN,  
 Speaker.

Ordered—That the foregoing Message be taken into consideration later this day.

14. SANDRINGHAM TO BLACK ROCK ELECTRIC STREET RAILWAY CONSTRUCTION BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
 House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

15. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to further amend the 'Factories and Shops Act 1912,'*" and acquaint the Legislative Council that the Legislative Assembly do not insist on their amendments on the amendment made and still insisted on by the Legislative Council in clause 25, and have now agreed to the said amendment, and still insist on disagreeing with the other amendments made and still insisted on by the Legislative Council, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 27th October, 1914.

Ordered—That the foregoing Message be taken into consideration later this day.

16. LOCAL GOVERNMENT BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Council and disagreed with by the Assembly, or agreed to with a consequential amendment, having been read, the said amendments were read and are as follow :—

Amendments made by the Legislative Council.	How dealt with by the Legislative Assembly.
1. Clause 9, omit this clause.	} Disagreed with.
3. Clause 23, line 42, before "place of abode" insert "usual."	
4. Clause 23, line 42, before "place of business" omit "usual."	
14. Clause 78, line 11, omit "section" and insert "sections four hundred and eighty-one seven hundred and twenty-three and."	} Agreed to by Assembly with the following consequential amendment, viz. :—Omit headline to clause and insert the following new headline, "Application of certain provisions to Melbourne and Geelong."

Add the following New Clauses :

16. B. (1) In sub-section (4) of section three hundred and fifty-eight of the Principal Act the words "and who desires to forbid the council from proceeding further with such loan" shall be omitted.
2. In sub-section (3) of section three hundred and sixty of the Principal Act for the words "or not according as such number of votes forms or does not" there shall be substituted the words "if a majority of the votes polled are recorded against the loan provided that the total number of votes polled for and against the loan together."
19. E. In the Eighteenth Schedule to the Principal Act for the words—  
"This is to forbid the Council of the Shire of \_\_\_\_\_ from proceeding further with a loan, notice of which has been published in the *Government Gazette* of the \_\_\_\_\_ day of \_\_\_\_\_, in the year 19 \_\_\_\_\_,"  
there shall be substituted the words—  
"Are you in favour of the Council proceeding with a loan, notice of which has been published in the *Government Gazette* of the \_\_\_\_\_ day of \_\_\_\_\_, in the year 19 \_\_\_\_\_ ?  
YES.  
NO." } Disagreed with.
22. J. At the end of section seventy-four of the Principal Act there shall be added the following proviso :—  
"Provided that the persons liable to be rated under the provisions of this and the next preceding section shall not together be entitled to enrolment in respect of a larger number of votes than an individual liable to be rated under seventy-one of this Act."
23. K. At the end of section three hundred and forty-one of the Principal Act there shall be added the following words :—  
"A municipal clerk who neglects without reasonable excuse to give the certificate in writing hereinbefore mentioned within seven days after due application for the same shall be guilty of an offence against this Act."

Amendment 1, after debate, postponed until to-morrow.

Amendments 3 and 4 not insisted on.

Amendment 14.—Consequential amendment of the Assembly agreed to.

Amendment 16, after debate, not insisted on.

Amendment 19 not insisted on.

Amendment 22.—The Honorable F. W. Hagelthorn moved, That the Council do not insist on amendment 22.

Debate ensued.

Question put.

The Council divided.

Ayes, 20.

- The Hon. W. A. Adamson,
- J. G. Aikman,
- W. C. Angliss,
- A. A. Austin,
- W. L. Baillieu,
- F. G. Clarke,
- E. J. Crooke,
- F. W. Hagelthorn,
- A. Hicks,
- Walter S. Manifold,
- D. E. McBryde,
- J. Y. McDonald,
- J. McWhae,
- D. Melville,
- T. H. Payne,
- H. F. Richardson,
- A. Robinson,
- A. O. Sachse.

Tellers.

- The Hon. Robert Beckett,
- J. K. Merritt.

Noes, 4.

- The Hon. W. J. Beckett,
- A. McLellan.

Tellers.

- The Hon. W. H. Fielding,
- J. P. Jones.

And it was resolved in the affirmative.—Amendment 22 not insisted on.

Amendment 23 not insisted on.

The Honorable F. W. Hagelthorn moved, by leave, That the Order of the House postponing the consideration of amendment 1 until to-morrow be rescinded, and that the amendment be now taken into consideration.

Question—put and resolved in the affirmative.

Amendment 1 not insisted on.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them the Council do not insist on their amendments disagreed with by the Assembly, and agree to the consequential amendment made by the Assembly in clause 78.

17. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for the Cleaning Out and Reclamation of the Bendigo Creek and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 27th October, 1914.

18. BENDIGO CREEK BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

19. FACTORIES AND SHOPS BILL.—The Order of the Day for the consideration of the amendments made and still insisted on by the Council in this Bill, and disagreed with and disagreement still insisted on by the Assembly having been read, the said amendments were read and are as follow :—

Amendments made by the Legislative Council.

How dealt with.

22. Insert the following new Part :—

The Principal Act is hereby amended by the addition of the following new Part :—

PART XIV.—STRIKES AND LOCK-OUTS.

A. In this Part unless inconsistent with the context—

“Employé” includes any employé in any industry and any person whose usual occupation is that of an employé in any industry.

“Employer” includes any person firm company or corporation employing one or more employés in any industry whether on behalf of himself or any other person.

“Industry” includes any process trade business or occupation.

Commonwealth Arbitration Act 1904 s. 2.

Industrial Arbitration Act 1912 (South Australia) s. 3, and N.Z., Q., and N.S.W. Acts (Definition Sections.)

Disagreed with by Assembly. — Insisted on by Council.

Disagreement insisted on by Assembly.  
Still insisted on by Council.—Disagreement still insisted on by Assembly.

Amendments made by the Legislative Council.

How dealt with.

“Lock-out” includes the act of an employer in closing his place of business or suspending or discontinuing his business or any branch thereof with intent—

- (a) to compel or induce any employés to agree to terms of employment or comply with any demands made upon them by the said or any other employer ; or
- (b) to cause loss or inconvenience to the employés employed by him or to any of them ; or
- (c) to incite aid abet instigate or procure any other lock-out ; or
- (d) to assist any other employer to compel or induce any employés to agree to terms of employment or comply with any demands made by him.

“Strike” includes the act of any number of employés who are or have been in the employment whether of the same employer or of different employers in discontinuing that employment whether wholly or partially ; or in breaking their contracts of service ; or in refusing or failing after such discontinuance to resume or return to their employment ; or in refusing to enter into fresh contracts of service whether with the same or any other employer, the said discontinuance breach refusal or failure being due to any combination agreement or common understanding whether express or implied made or entered into by the said employés with intent—

- (a) to compel or induce any such employer or employers to agree to terms of employment or comply with any demands made by the said or any other employés ; or
- (b) to cause loss or inconvenience to any such employer or employers in the conduct of his or their business ; or
- (c) to incite aid abet instigate or procure any other strike ; or
- (d) to assist employés in the employment of any other employer to compel or induce that employer to agree to terms of employment or comply with any demands made by any employés.

The fact that three or more employés have simultaneously or at times nearly simultaneous discontinued their employment broken their contracts of service refused or failed after such discontinuance to resume or return to their employment or refused to enter into fresh contracts of service shall unless the contrary is proved by such employés be conclusive evidence that such discontinuance breach refusal or failure was due to a combination agreement and common understanding made and entered into by such employés.

B. (a) When a lock-out takes place in any industry in which a Special Board has been appointed or in which the Determination of a Special Board or an award of the Court of Industrial Appeals is in force and in such industry or in any industry connected therewith or incidental thereto no strike is taking place such lock-out shall be deemed an illegal lock-out.

N.Z. Act No. 3,  
s. 133 (2) and  
similar  
provisions in  
N.S.W., S.A.,  
and Q. Acts.

(b) Every employer who is or becomes a party to an illegal lock-out shall be guilty of an offence and liable to a penalty not exceeding One thousand pounds.

C. (a) Where a strike takes place in any industry in which a Special Board has been appointed or in which the Determination of a Special Board or

N.Z. Act No. 3,  
s. 133 (1).

Disagreed with by  
Assembly. — In-  
sisted on by Coun-  
cil.

Disagreement insisted on by Assembly.

Still insisted on by Council.—Disagreement still insisted on by Assembly.

## Amendments made by the Legislative Council.

How dealt with.

an award of the Court of Industrial Appeals is in force and in such industry or in any industry connected therewith or incidental thereto no lock-out is taking place such strike shall be deemed an illegal strike.

(b) Any employé who is or becomes a party to an illegal strike shall be guilty of an offence and liable to a penalty not exceeding Fifty pounds.

D. Any person (including any association union society or body of persons whether incorporated or not) who incites aids abets counsels commands procures or assists any such illegal lock-out or illegal strike or the continuance of any such illegal lock-out or illegal strike or incites abets counsels commands procures or assists any person to become a party to any such illegal lock-out or illegal strike shall be guilty of an offence and liable if such an association union society or body to a penalty not exceeding One thousand pounds and if any other person to a penalty not exceeding Fifty pounds.

E. Any person who either by himself or with others at or near any workshop factory place of business or other place where any strike or lock-out is taking place or is threatened or impending or has taken place or at or near the residence or place of business of any person or in any railway train or public conveyance or in or at any place whatsoever induces or attempts to induce any other person to take part in such strike or lock-out or to do or abstain from doing any act matter or thing whereby any party to such strike or lock-out or any other person either directly or indirectly interested therein or connected therewith may or might be injured in his trade business or calling shall be guilty of an offence and liable to a penalty not exceeding Twenty pounds or to imprisonment with or without hard labour for a term not exceeding three months.

F. (1) Any person who either by himself or with others—

(a) intimidates or attempts to intimidate any other person ; or

(b) countenances the intimidation or attempted intimidation of any other person,

shall be guilty of an offence.

(2) Such offence may be proved—

(i) by the words acts or conduct of the accused person ;

(ii) by the voluntary presence of the accused person in or among a company of persons which or a substantial part of which is using any menacing threatening violent or abusive words acts or conduct or any words acts or conduct calculated to intimidate any person or to deter any person from accepting discharging or following any lawful vocation or employment or from lawfully doing or abstaining from doing any act or thing ;

(iii) by any other lawful evidence.

(3) On conviction such person shall be liable to a penalty not exceeding Twenty pounds or to imprisonment with or without hard labour for a term not exceeding three months.

G. (1) When a pecuniary penalty is imposed on any employé under this Part the court imposing such penalty shall order that the amount of such penalty shall be a charge on any moneys which are then or which thereafter may be due and owing to the employé from his then or any past or future employer (including the Crown) for wages or in respect of work done : Provided that in respect of any and every week in which the employé has worked or shall work for any such employer such charge shall not have effect so as to deprive the employé of more than twenty-five per centum of any moneys due and owing or thereafter to become due and owing to him from any one such employer in that week for wages or in respect of work done.

(2) On the making of any such order a copy thereof shall be served on any employer sought to be made liable and it shall thereupon become the duty of such employer to from time to time pay twenty-five per centum as aforesaid of such moneys to a clerk of petty sessions as they become payable in satisfaction of the charge imposed by such order, and such payment shall to the extent thereof be a discharge of any obligation whether statutory or otherwise on the part of the employer to pay such moneys to any person.

Aiding, abetting, &c., strikes or lock-out prohibited.  
N.Z. Act No. 3.

Inducing strikes or lock-outs prohibited.  
S.A. s. 43.

Intimidation prohibited.

Garnisheeing wages.  
Q. 36, VII. (1),  
S.A. s. 45.

Disagreed with by Assembly. — Insisted on by Council.

Disagreement insisted on by Assembly.

Still insisted on by Council.—Disagreement still insisted on by Assembly.

(3) No charge upon or assignment of his wages or of moneys in respect of work done or to be done whether then due and owing or thereafter to become due and owing and whenever or however made by such person shall have any force whatever to defeat or affect such order, and any such order may be made and shall have effect as if no charge or assignment existed.

(4) Upon complaint of disobedience of any such order a copy whereof has been served as aforesaid any person may summon before a court of petty sessions the employer so sought to be made liable to show cause why he should not obey such order. On the return of the summons the court shall consider the matter of the summons and shall hear and determine any issue that may be raised and shall order the employer to pay into court any sums found to be payable under the first-mentioned order and may order that in default of payment the sums so ordered to be paid be raised and levied by distress. The costs of and incidental to the summons shall be in the discretion of the court.

H. (a) Where any person is charged with an offence under this Part such charge shall be heard and all penalties imposed by this Part shall be recovered before a court of petty sessions consisting of a police magistrate sitting alone or with one or more justices.

(b) Notwithstanding anything contained in section two hundred and twenty of the Principal Act any proceedings against any person charged with an offence under this Part may be taken by any member of the police force or by any inspector or by any employer or body of employers (whether incorporated or not) or by any employé or body of employés (whether incorporated or not) in the industry affected by the strike or lock-out in connexion with which the offence has been or is alleged to have been committed and such proceedings may be taken without report to or direction from the Minister.

Add the following New Clauses :—

35. X. (1) Any person who issues or publishes or causes to be issued or published either orally or in writing any lists or class or name or names of any employers or employés or of any employer or employé—

(a) with a view of annoying hindering obstructing restraining or interfering with any employer or employé in the conduct management control carrying on or undertaking of his business occupation or employment or with a view of restraining or preventing any person from entering into or carrying out any contract in relation to the conduct management control carrying on or undertaking of the business trade occupation or employment of any employer or employé ; or

(b) by reason whereof any employer or employé is annoyed hindered obstructed restrained or interfered with in the conduct management control carrying on or undertaking of his business occupation or employment ; or any person is restrained or prevented from entering into or carrying out any contract in relation to the conduct management control carrying on or undertaking of the business trade occupation or employment of any employer or employé

shall be guilty of an offence.

(2) On conviction such person shall be liable to a penalty not exceeding Twenty pounds or to imprisonment with or without hard labour for a term not exceeding three months.

36. AA. (1) No person shall be refused employment or in any way discriminated against on account of membership or non-membership of any association union society or body of persons whether incorporated or unincorporated.

(2) No person who is an employer or employé shall be discriminated against or injured or interfered with in any way whatsoever on account of membership or non-membership of any association union society or body of persons whether incorporated or unincorporated.

Disagreed with by  
Assembly. — In-  
sisted on by Council.

Disagreement insisted on by Assembly.

Still insisted on by Council.—Disagreement still insisted on by Assembly.

Amendments made by the Legislative Council.

How dealt with.

(3) Any person who acts or incites any other person to act in contravention of this section shall be liable to a penalty not exceeding Fifty pounds and any association union society or body of persons whether incorporated or unincorporated which acts or incites any person to act or is in any way a party to any person acting in contravention of this section shall be liable to a penalty not exceeding Five hundred pounds.

Disagreed with by Assembly.— Insisted on by Council. } Disagreement insisted on by Assembly. } Still insisted on by Council.— Disagreement still insisted on by Assembly.

Amendment 22, after debate, not now insisted on.

Amendments 35 and 36, not now insisted on.

Ordered.—That the Bill be returned to the Assembly with a Message acquainting them that the Council do not now insist on their amendments with which the Assembly insisted on disagreeing.

20. ELECTRIC LIGHT AND POWER ACT 1896 AMENDMENT BILL.—On the motion of the Honorable F. W. Hagelthorn, a Bill to amend the *Electric Light and Power Act 1896* and for other purposes, was read a first time, ordered to be printed, and to be read a second time to-morrow.

21. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day No. 4—and *St. Arnaud Market Land Bill—Second reading—* *Warrnambool Land Bill—Second reading—* be postponed until to-morrow.

22. ADJOURNMENT.—The Honorable W. L. Baillieu moved, That the House do now adjourn. Debate ensued. Question—put and resolved in the affirmative.

And then the Council, at thirteen minutes past ten o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
Clerk of the Legislative Council.

No. 36.

# MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 28<sup>TH</sup> OCTOBER, 1914.

1. The President took the Chair and read the Prayer.
2. CONSOLIDATION OF THE LAWS.—The Honorable Walter S. Manifold brought up a Report from the Joint Select Committee of the Legislative Council and the Legislative Assembly on the Consolidation of the Laws, together with the Minutes of Evidence.  
Ordered to lie on the Table and to be printed.
3. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
  - Fisheries Acts.—Notices of Intention to issue Proclamations—
    - To prohibit Fishing in or the Taking of Fish from portion of the Merri Merri Creek until 30th September, 1916.
    - To prohibit Fishing in or the Taking of Fish from Chinaman's Creek and portion of the Broken River until 30th September, 1916.
  - Public Service Acts.—Regulations—
    - Classification of General Division.—Department of—
      - Chief Secretary.
      - State Forests.
    - Stores and Transport.—Chapter XV.
    - Temporary Employment.—Chapter VIII.
  - State Rivers and Water Supply Commission.—Ninth Annual Report, 1913-14.
4. ST. ARNAUD MARKET LAND BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
5. WARRNAMBOOL LAND BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
6. BENDIGO CREEK BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.

7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act relating to Wages and Labour Conditions and Goods supplied on Works undertaken by or on behalf of Local Authorities*," and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made in such Bill by the Legislative Council, have disagreed with others, and have agreed to others of the said amendments with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 28th October, 1914.

FRANK MADDEN,  
Speaker.

Ordered—That the foregoing Message be taken into consideration later this day.

8. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for Appeals in Criminal Cases and for other purposes*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 28th October, 1914.

FRANK MADDEN,  
Speaker.

9. COURT OF CRIMINAL APPEAL BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.
10. ELECTRIC LIGHT AND POWER ACT 1896 AMENDMENT BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole House in Committee. The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again. Resolved—That the Council will, later this day, again resolve itself into the said Committee.
11. PUBLIC CONTRACTS BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Council and disagreed by the Assembly, or agreed to with amendments, having been read, the said amendments were read, and are as follow :—

Amendments made by the Legislative Council.

How dealt with by  
the Legislative  
Assembly.

- |   |   |   |
|---|---|---|
| <p>3. Clause 3, line 24, after "sessions" add "Every offence against the provisions of this Act shall be reported to the Minister of Labour who may if he think fit direct proceedings to be taken by any person against the offender."</p> | } | Agreed to with the following amendments, viz. :—Omit the word "Act" and insert the word "Section" and omit the words "of labour." |
| <p>8. Clause 10, lines 29–30, omit "the local authority or contractor before contracting for the purchase of."</p>  | } | Disagreed with.   |
| <p>9. " lines 30–33, omit "shall satisfy the responsible Minister of the Crown administering this Act that goods machinery or material manufactured or produced in the Commonwealth cannot be purchased or."</p>                            |   |   |

Add the following New Clauses :—

12. (New Clause A to follow Clause 5)—

A. (1) In the employment of every description of skilled or unskilled labour by any contractor for the purpose of any public contract entered into after the passing of this Act no person shall be refused employment or in any way discriminated against on account of membership or non-membership of any association union society or body of persons whether incorporated or unincorporated.

(2) No employé shall be discriminated against or injured or interfered with in any way whatsoever by any contractor in any public contract on account of membership or non-membership of any association union society or body of persons whether incorporated or unincorporated.

(3) Any person who acts or incites any other person to act in contravention of this section shall be liable to a penalty not exceeding Fifty pounds and any association union society or body of persons whether incorporated or unincorporated which acts or incites any person to act or is in any way a party to any person acting in contravention of this section shall be liable to a penalty not exceeding One hundred pounds.

(4) The provisions of sub-sections (1) and (2) of this section shall apply *mutatis mutandis* to any local authority employing workmen. Any local authority offending against such provisions shall be liable to pay a penalty not exceeding Fifty pounds to be recovered with or without costs by any person authorized in writing by the Minister in a Court of Petty Sessions.

Agreed to with the following amendments, viz. :—Omit sub-section (3) and at the beginning of sub-section four omit the figure "(4)" and insert the figure "(3)."

Amendments made by the Legislative Council.

How dealt with by  
the Legislative  
Assembly.

14. C. The provisions of this Act in regard to overtime shall not apply to a workman engaged on maintenance work by any local authority if the local authority allows to any such workman such extra holidays as will fairly compensate the workman for any overtime work. } Disagreed with.

Amendment 3.—Amendments of the Assembly on the amendment of the Council agreed to. Amendments 8 and 9, after debate, insisted on.

Amendment 12.—The Honorable J. D. Brown moved, That the Council agree to the amendments of the Assembly in new clause A.

The Honorable A. Robinson moved, as an amendment, That all the words after "That" be omitted with a view to insert in place thereof the words "the Council disagree with the amendments of the Assembly in new clause A, but amend the said clause as follows:—Omit all the words after 'Fifty pounds' in sub-clause (3) to the end of the sub-clause."

Question—That the words proposed to be omitted stand part of the question—put and negatived.

Question—That the words proposed to be inserted be so inserted—put and resolved in the affirmative.

Question—That the Council disagree with the amendments of the Assembly in new clause A, but amend the said clause as follows:—Omit all the words after "Fifty pounds" in sub-clause (3) to the end of the sub-clause—put and resolved in the affirmative.

Amendment 14 not insisted on.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the amendments of the Assembly on the amendment of the Council in clause 3, do not insist on their amendment to insert new clause C, insist on others of their amendments, and disagree with the amendments of the Assembly in new clause A, but have amended the said clause and desiring their concurrence therein.

12. ELECTRIC LIGHT AND POWER ACT 1896 AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

13. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have agreed to the amendment made by the Legislative Council in the Bill intituled "*An Act to provide for the Cleaning Out and Reclamation of the Bendigo Creek and for other purposes.*"

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 28th October, 1914.

14. ADJOURNMENT.—The Honorable W. L. Baillieu moved, That the Council, at its rising, adjourn until Tuesday, the 10th November next.

Question—put and resolved in the affirmative.

The Honorable W. L. Baillieu moved, That the House do now adjourn.

Question—put and resolved in the affirmative.

And then the Council, at twenty-seven minutes past ten o'clock, adjourned until Tuesday, the 10th November next.

R. W. V. McCALL,  
Clerk of the Legislative Council.

SUBJECT-MATTER OF QUESTIONS OF WHICH NOTICE WAS GIVEN BY HONORABLE  
MEMBERS DURING THE SESSION AND REPLIES THERETO.

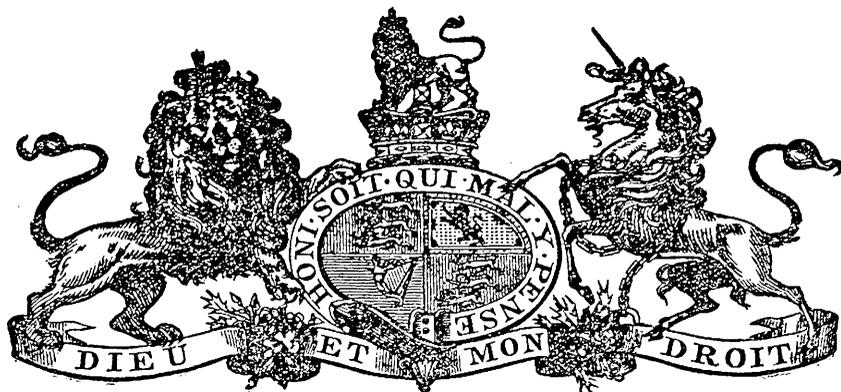
Subject-Matter, and Name of Member.	No. of Notice-Paper.	Page in Hansard.
BAWLING Newspaper Boys ( <i>Hon. Robert Beckett</i> ) ... ..	11	807
Bricks for State Works—Glen Iris Brick and Tile Company ( <i>Hon. R. B. Rees</i> )	6	469, 589
CENSORSHIP of Films—See “Places of Amusement.”		
Consolidation of the Statutes ( <i>Hon. Robert Beckett</i> ) ... ..	4	330
Control of Tramway System ( <i>Hon. Robert Beckett</i> ) ... ..	26	1889, 2094-5
Cost of Printing Bills ( <i>Hon. J. P. Jones</i> ) ... ..	33	2555
County Court Bill ( <i>Hon. Robert Beckett</i> ) ... ..	32	2462
County Court, Melbourne—Congestion of Business ( <i>Hon. Robert Beckett</i> ) ...	2	177
DREDGING for Gold—Injuries to Lands and Rivers ( <i>Hon. H. F. Richardson</i> )		
Duties on Fodder from New Zealand ( <i>Hon. F. G. Clarke</i> ) ... ..	34	2591
EDUCATION Department—Hours of Attendance in Primary Schools ( <i>Hon. J. P. Jones</i> ) ... ..		
Expeditionary Forces and the Elections ( <i>Hon. W. J. Beckett</i> ) ... ..	29	2158
Extirpation of Rabbits ( <i>Hon. A. A. Austin</i> ) ... ..	19	1385
IMMIGRATION—Advertising and Assisted Passages ( <i>Hon. W. J. Evans</i> )		
Income Tax Deductions ( <i>Hon. J. K. Merritt</i> ) ... ..	5	470
Insurance of Parliament Buildings ( <i>Hon. D. E. McBryde</i> ) ... ..	5	469
Insurance of Parliament Buildings ( <i>Hon. D. E. McBryde</i> ) ... ..	25	1792
LAND Tax Valuations { ( <i>Hon. J. K. Merritt</i> ) ... ..	12	869
{ ( <i>Hon. H. F. Richardson</i> ) ... ..	32	2461
Legislative Council Electoral Rolls ( <i>Hon. W. J. Evans</i> ) ... ..	5	469-70
MEDICAL Inspection in State Schools ( <i>Hon. J. P. Jones</i> ) ... ..	20	1441
PAPER BOYS. See “Bawling,” &c.		
Places of Amusement—Seating Accommodation and Booking—Censorship of Cinematograph Films ( <i>Hon. H. F. Richardson</i> ) ... ..	6	588
Police Arrangements ( <i>Hon. A. Robinson</i> ) ... ..	32	2461
Prevalence of Typhoid Fever ( <i>Hon. J. P. Jones</i> ) ... ..	33	2556
Price of Goods Board ( <i>Hon. A. A. Austin</i> ) ... ..	19	1385
RAILWAY Department—		
Alleged Dissatisfaction of Employés ( <i>Hon. J. G. Aikman</i> ) ... ..	4	329
Coburg—Somerton Railways ( <i>Hon. W. J. Evans</i> ) ... ..	4	329
Employment of Immigrants ( <i>Hon. W. J. Beckett</i> )... ..	29	2159
Proposed Railway to Red Hill ( <i>Hon. D. E. McBryde</i> ) ... ..	3	232
Railway Workshops at Bendigo ( <i>Hon. J. Sternberg</i> ) ... ..	19	1385
Railway Workshops at Bendigo ( <i>Hon. J. Sternberg</i> ) ... ..	28	2094
Railway Workshops at Bendigo ( <i>Hon. J. Sternberg</i> ) ... ..	*	2569
Regrading Works ( <i>Hon. Robert Beckett</i> ) ... ..	14	1002
STANHOPE Closer Settlement Estate—Railway Communication ( <i>Hon. F. G. Clarke</i> ) ... ..	4	329
WORK for the Unemployed ( <i>Hon. A. A. Austin</i> ) ... ..	*	232-3
Workers' Compensation Act ( <i>Hon. Robert Beckett</i> ) ... ..	20	1440
Workers' Compensation Act—“Approved” Insurance Companies ( <i>Hon. Robert Beckett</i> ) ... ..	6	588-9

\* Without notice.

ACTS ASSENTED TO AFTER THE FINAL ADJOURNMENT OF BOTH HOUSES OF PARLIAMENT AND BEFORE THE PROCLAMATION DISCHARGING MEMBERS OF THE LEGISLATIVE COUNCIL FROM ATTENDANCE AND DISSOLVING THE LEGISLATIVE ASSEMBLY.

The following Acts were assented to by His Excellency the Governor on the 2nd November, 1914 :—

- “ An Act to apply out of the Consolidated Revenue the sum of One million three hundred and three thousand seven hundred and four pounds to the service of the year One thousand nine hundred and fourteen and One thousand nine hundred and fifteen.”
- “ An Act to further amend the Mines Acts as to the Yearly Rent payable in respect of Mineral Leases.”
- “ An Act to authorize the Construction by the State of a Line of Railway from Lorquon to Yanac-a-Yanac.”
- “ An Act to authorize and validate certain Expenditure by Municipalities and other Bodies in connexion with the present War and also certain Overdrafts by Municipalities.”
- “ An Act to further amend the *Land Act* 1901 and for other purposes.”
- “ An Act to authorize the Temporary Application out of ‘The Public Account’ of certain Moneys for the purpose of substituting Heavy Rails for Light Rails on certain Lines of Railway.”
- “ An Act to amend the *Melbourne Tramways Trust Act* 1914.”
- “ An Act to further amend the *Transfer of Land Act* 1890 and for other purposes.”
- “ An Act relating to Investments by the Commissioners of the State Savings Bank of Victoria and to certain Kinds of Debentures held by them and for other purposes.”
- “ An Act to further amend the *Prahran Mechanics’ Institute Act* 1899.”
- “ An Act to further amend the *Thistle Act* 1890.”
- “ An Act to authorize the Construction by the State of an Electric Street Railway from Saudringham to Black Rock.”
- “ An Act to further amend the *Local Government Act* 1903 and for other purposes.”
- “ An Act to further amend the *Factories and Shops Act* 1912.”
- “ An Act to revoke the Permanent Reservation of the remaining Portion of certain Land at St. Arnaud permanently reserved from Sale as a Site for a Market.”
- “ An Act to provide for the Closing of Portion of a certain Street in the Town of Warrnambool and for other purposes.”
- “ An Act to provide for the Cleaning Out and Reclamation of the Bendigo Creek and for other purposes.”



VICTORIA  
GOVERNMENT GAZETTE.

Published by Authority.

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No. 164.]

WEDNESDAY, NOVEMBER 4.

[1914.]

DISCHARGING MEMBERS OF THE LEGISLATIVE COUNCIL FROM ATTENDANCE AND DISSOLVING THE  
LEGISLATIVE ASSEMBLY.

PROCLAMATION

By His Excellency the Honorable Sir Arthur Lyulph Stanley, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

WHEREAS the Legislative Council and the Legislative Assembly, called "The Parliament of Victoria," stand adjourned until Tuesday, the 10th day of November, 1914: And whereas it is expedient to dissolve the Legislative Assembly: Now I, the Governor of the State of Victoria in the Commonwealth of Australia, in exercise of the power in me vested in this behalf, do by this my Proclamation discharge the Honorable the Members of the Legislative Council from their meeting and attendance on Tuesday, the 10th day of November, 1914, aforesaid; and I do dissolve the Legislative Assembly, such dissolution to take effect on the 4th day of November, 1914: And I do hereby declare that I have this day given Order that Writs be issued in due form, and according to law, for the election of Members to be duly returned to serve in the Legislative Assembly.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this fourth day of November, in the year of our Lord One thousand nine hundred and fourteen, and in the fifth year of the reign of His Majesty King George V.

(L.S.)

A. L. STANLEY.

By His Excellency's Command,

A. J. PEACOCK.

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SELECT COMMITTEES.

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PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS  
(JOINT).

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(SEE ACT No. 1899.)

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The Hon. A. Hicks  
(Appointed 2nd July, 1918.)

The Hon. D. Melville.  
(Appointed 5th December, 1911.)

## APPOINTED DURING THE FIRST SESSION, 1914.

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### No. 1.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 24th June, 1914.

The Hon. Robert Beckett E. J. Crooke W. J. Evans Walter S. Manifold		The Hon. D. E. McBryde A. McLellan* D. Melville A. Robinson.
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### No. 2.—ADDRESS IN REPLY TO HIS EXCELLENCY THE GOVERNOR'S SPEECH.

Appointed 24th June, 1914.

The Hon. J. K. Merritt W. C. Angliss F. W. Brawn E. J. Crooke		The Hon. W. H. Fielding D. Melville R. B. Rees.
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### No. 3.—STANDING ORDERS.

Appointed 30th June, 1914.

The Hon. the President W. L. Baillieu J. D. Brown E. J. Crooke F. W. Hagelthorn		The Hon. Walter S. Manifold D. E. McBryde T. H. Payne A. O. Sachse J. Sternberg.
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### No. 4.—PARLIAMENT BUILDINGS (JOINT).

Appointed 30th June, 1914.

The Hon. the President J. G. Aikman W. Little		The Hon. A. McLellan W. Pearson.
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### No. 5.—LIBRARY (JOINT).

Appointed 30th June, 1914.

The Hon. the President W. A. Adamson T. Beggs		The Hon. F. W. Brawn D. Melville.
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### No. 6.—REFRESHMENT ROOMS (JOINT).

Appointed 30th June, 1914.

The Hon. W. H. Fielding* A. Hicks J. Y. McDonald		The Hon. J. McWhae R. B. Rees.
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### No. 7.—PRINTING.

Appointed 30th June, 1914.

The Hon. the President W. C. Angliss A. A. Austin Robert Beckett F. G. Clarke		The Hon. W. L. R. Clarke J. P. Jones H. F. Richardson A. Robinson E. J. White.
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\* Appointed 1st September, 1914 in place of Hon. W. J. Evans, deceased.

No. 8.—CONSOLIDATION OF THE LAWS (JOINT).

Appointed 9th September, 1914.

The Hon. Robert Beckett  
J. D. Brown  
E. J. Crooke

The Hon. Walter S. Manifold  
A. Robinson.

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No. 9.—ELECTRIFICATION OF THE SUBURBAN RAILWAYS—ALLEGED PROFITS  
ON CONTRACTS.

Appointed by ballot 13th October, 1914.

The Hon. A. A. Austin  
Robert Beckett  
F. G. Clarke  
A. McLellan

The Hon. J. K. Merritt  
T. H. Payne  
A. Robinson.

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VICTORIA.

## LEGISLATIVE COUNCIL.

FIRST SESSION 1914.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

TUESDAY, 21st JULY, 1914.

No. 1.—HEALTH ACT 1890 FURTHER AMENDMENT BILL.—*Clause 1—(Hon. J. D. Brown).*

Motion made and question put—That the Chairman do report progress and ask leave to sit again.

*(Hon. Walter S. Manifold).*

Committee divided.

Ayes, 9.

The Hon. J. G. Aikman,  
A. A. Austin,  
Robert Beckett,  
Walter S. Manifold,  
D. Melville,  
J. K. Merritt,  
A. Robinson.

*Tellers.*

D. E. McBryde,  
R. B. Rees.

Noes, 8.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
J. D. Brown,  
W. H. Fielding,  
F. W. Hagelthorn,  
A. McLellan.

*Tellers.*

W. C. Angliss,  
W. J. Evans.

And so it was resolved in the affirmative.

VICTORIA.

## LEGISLATIVE COUNCIL.

FIRST SESSION 1914.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

WEDNESDAY, 19TH AUGUST, 1914.

No. 1.—PRICE OF GOODS BILL.—Clause 3—(*Hon. F. W. Hagelthorn*).

3. (1) The Governor in Council may by proclamation published in the *Government Gazette* add to the Schedule to this Act any kind or kinds of goods.

(2) Every such proclamation may be rescinded revoked amended or varied by a further proclamation made by the Governor in Council and published as aforesaid.

(3) Every proclamation under this section shall so long as it remains in force have the same operation and effect as if it were enacted in this Act; and a copy thereof shall be laid before both Houses of Parliament as soon as may be after it is made.

Question—That Clause 3 stand part of the Bill—put.

Committee divided.

Ayes, 11.

The Hon. W. A. Adamson,  
W. C. Angliss,  
W. L. Baillieu,  
J. D. Brown,  
W. H. Fielding,  
F. W. Hagelthorn,  
A. Hicks,  
A. McLellan,  
J. Sternberg.

*Tellers.*

The Hon. J. K. Merritt,  
H. F. Richardson.

Noes, 8.

The Hon. A. A. Austin,  
E. J. Croke,  
Walter S. Manifold,  
D. Melville,  
T. H. Payne,  
R. B. Rees.

*Tellers.*

The Hon. Robert Beckett,  
T. Beggs.

And so it was resolved in the affirmative.

No. 2.—PRICE OF GOODS BILL.—Clause 4—(*Hon. F. W. Hagelthorn*).

[Clause 4 had been amended by inserting at the beginning of the clause the following words, viz. :—“ At any time during the existence of a state of war ”].

4. (1) At any time during the existence of a state of war the Governor in Council may—
- (a) for the purposes of this Act appoint a Board of three or more persons to be called the “ Prices Board ” (hereinafter referred to as “ the Board ”) ;
  - (b) remove any person so appointed ;
  - (c) fill up any vacancy in the Board however occurring ; and
  - (d) determine what number of members shall form a quorum of the Board.

(2) The Board shall continue in office so long only as a state of war exists.

Amendment proposed—That the words “ if satisfied that any goods or kinds of goods under this Act are being or are likely to be sold supplied or offered for sale or supply at a price higher than would (taking all the circumstances of the case into consideration) yield a reasonable profit to the owner thereof, or that any person has acquired or is acquiring any goods or kinds of goods under this Act in quantities detrimental or which might become detrimental to the welfare of the public ” be inserted after the word “ Council ” in line 1.—(*Hon. Walter S. Manifold*).

Question—That the words proposed to be inserted be so inserted—put.

Committee divided.

Ayes, 10.

The Hon. A. A. Austin,  
Robert Beckett,  
T. Beggs,  
E. J. Crooke,  
A. Hicks,  
Walter S. Manifold,  
D. Melville,  
R. B. Rees.

*Tellers.*

W. C. Angliss,  
J. Sternberg.

Noes, 9.

The Hon. W. L. Baillieu,  
J. D. Brown,  
F. W. Hagelthorn,  
A. McLellan,  
J. K. Merritt,  
T. H. Payne,  
H. F. Richardson.

*Tellers.*

W. A. Adamson,  
W. H. Fielding.

And so it was resolved in the affirmative.

VICTORIA.

## LEGISLATIVE COUNCIL.

FIRST SESSION 1914.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

WEDNESDAY, 26<sup>TH</sup> AUGUST, 1914.

## No. 1.—PRICE OF GOODS BILL.—Clause 5—

[Clause 5 had been amended—(a) by omitting “from time to time” in line 1 and inserting in lieu thereof the following words, viz.:—“whenever so required by the Governor in Council”; (b) by omitting “under this Act” wherever occurring; and (c) by inserting “such” after the word “any” wherever occurring in lines 3 and 4 of the clause].

## 5. The Board whenever so required by the Governor in Council—

- (a) shall inquire into and report to the Governor in Council as to what prices should be the highest selling prices for any such goods or kinds of goods;
- (b) may in any such inquiry or report deal with the prices of any such goods or kinds of goods whether included in a previous report or not; and
- (c) may in any report specify different selling prices for the same goods or kinds of goods having regard to—
  - (i.) the different qualities thereof; or
  - (ii.) the sale or supply thereof wholesale or retail; or
  - (iii.) the sale or supply thereof under differing terms and conditions; or
  - (iv.) any other matter which the Board thinks fit to consider.

—(Hon. F. W. Hagelthorn.)

Amendment proposed—That the following words be added to the clause, viz.:—“In making such report the Board shall take into consideration not only the prices ruling in Australian markets but also the prices ruling in overseas markets for the same kinds of goods exported to such markets and furnish information with regard thereto. The Board shall also take into consideration any local circumstances operating within the State or States of Australia which may reasonably affect the price of such goods within the State of Victoria and shall report thereon.”—(Hon. Walter S. Manifold.)

Question—That the words proposed to be added be so added—put.

Committee divided.

Ayes, 7.

The Hon. A. A. Austin,  
T. Beggs,  
Walter S. Manifold,  
D. Melville,  
R. B. Rees.

*Tellers.*

J. G. Aikman,  
F. W. Brawn.

Noes, 12.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
Robert Beckett,  
J. D. Brown,  
F. W. Hagelthorn,  
A. Hicks,  
J. P. Jones,  
A. McLellan,  
J. K. Merritt,  
J. Sternberg.

*Tellers.*

W. H. Fielding,  
H. F. Richardson.

And so it passed in the negative.

No. 2.—PRICE OF GOODS BILL.—Clause 8—

[Clause 8 had been amended—(a) by inserting “such” after the word “any” in line 2 and before “goods” in line 5; (b) by inserting “absolutely refuses to sell or” before the word “refuses” in line 4; and (c) omitting “or at all” after the word “sale” in line 5 of the clause].

8. Every person who while a state of war exists—

(a) sells or supplies or offers for sale or supply any such goods at a price higher than the “declared price” thereof for any such sale or supply; or

(b) absolutely refuses to sell or refuses to sell (except at a price higher than the “declared price” thereof for any such sale) any such goods—

(i) which he is entitled to sell, and

(ii) which are in excess of what are required for the use of himself and his dependants for a period of three months from the date of the refusal,

shall be guilty of an offence against this Act.—(*Hon. F. W. Hagelthorn.*)

Amendment proposed—That the following proviso be added to the clause, viz.:—“Provided that if any person is bound by contract entered into before the commencement of this Act to supply goods to others he shall be entitled to retain sufficient goods to enable him to fulfil any such contract.”—(*Hon. Walter S. Manifold.*)

Question—That the proviso proposed to be added be so added—put.

Committee divided.

Ayes, 9.

The Hon. J. G. Aikman,  
A. A. Austin,  
F. W. Brawn,  
Walter S. Manifold,  
D. Melville,  
R. B. Rees,  
H. F. Richardson.

*Tellers.*

Robert Beckett,  
T. Beggs.

Noes, 10.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
J. D. Brown,  
W. H. Fielding,  
F. W. Hagelthorn,  
A. McLellan,  
J. K. Merritt,  
J. Sternberg.

*Tellers.*

A. Hicks,  
J. P. Jones.

And so it passed in the negative.

VICTORIA.

## LEGISLATIVE COUNCIL.

FIRST SESSION 1914.

WEEKLY REPORT OF DIVISIONS  
IN  
COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

WEDNESDAY, 9<sup>TH</sup> SEPTEMBER, 1914.

No. 1.—MOTOR CAR BILL.—Proposed New Clause A—

A. At the end of paragraph (†) of section fifteen of the Principal Act there shall be added the following words :—

“Provided that no regulation now or hereafter to be made shall contain a provision allowing a motor car or other vehicle going in the same direction as a tram-car which travels on rails fixed along a road to pass such tram-car on the right or off side.”—(*Hon. A. McLellan.*)

Motion made and question put—That New Clause A be added to the Bill.

Committee divided.

Ayes, 7.

The Hon. J. G. Aikman,  
W. C. Angliss,  
A. A. Austin,  
J. P. Jones,  
A. McLellan.

*Tellers.*

Robert Beckett,  
W. H. Fielding.

Noes, 13.

The Hon. W. L. Baillieu,  
J. D. Brown,  
E. J. Crooke,  
F. W. Hagelthorn,  
A. Hicks,  
Walter S. Manifold,  
D. Melville,  
J. K. Merritt,  
H. F. Richardson,  
A. Robinson,  
J. Sternberg.

*Tellers.*

J. Y. McDonald,  
E. J. White.

And so it passed in the negative.

VICTORIA.

## LEGISLATIVE COUNCIL.

FIRST SESSION 1914.

WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

TUESDAY, 15TH SEPTEMBER, 1914.

No. 1.—FACTORIES AND SHOPS BILL.—Clause 3.

3. (1) All shops in Victoria (except shops for the sale of fresh uncooked meat, hairdressers' shops, and shops of the classes or kinds mentioned in the Fourth Schedule to the Principal Act, as amended by this Act) shall in every week be closed from the hour of Ten o'clock on Friday evenings, and from the hour of One o'clock on Saturday afternoons.

\* \* \* \* \*

—(*Hon. W. L. Baillieu.*)

Amendment proposed—That the word "Ten" in line 3 be omitted, with a view to insert in place thereof the word "Nine."—(*Hon. J. G. Aikman.*)

Question—That the word proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 14.

The Hon. W. A. Adamson,  
A. A. Austin,  
W. L. Baillieu,  
Robert Beckett,  
T. Beggs,  
F. W. Brawn,  
J. D. Brown,  
F. W. Hagelthorn,  
Walter S. Manifold,  
D. E. McBryde,  
T. H. Payne,  
A. Robinson.

*Tellers.*

E. J. Crooke,  
J. Sternberg.

Noes, 9.

The Hon. F. G. Clarke,  
W. H. Fielding,  
A. Hicks,  
J. P. Jones,  
A. McLellan,  
D. Melville,  
H. F. Richardson.

*Tellers.*

J. G. Aikman,  
J. K. Merritt.

And so it was resolved in the affirmative.

THURSDAY, 17TH SEPTEMBER.

## 2.—FACTORIES AND SHOPS BILL.—Clause 4—paragraph (e).

4. The Principal Act is hereby amended as follows :—

\* \* \* \* \*

(e) For section eighty-three there shall be substituted the following section :—

83. (1) Bicycle shops and flower shops situated within the Metropolitan District shall be closed in every week as follows, namely :—

On Monday Tuesday Wednesday and Thursday from the hour of Eight o'clock,

but may be kept open till Ten o'clock in the evening on the day immediately preceding a public holiday when such shops are closed for the whole of such public holiday.

(2) Hairdressers' shops situated within the Metropolitan District shall be closed in every week as follows, namely :—

On Monday Tuesday Wednesday and Thursday from the hour of Eight o'clock,

On Friday from the hour of Ten o'clock and on Saturday from the hour of Two o'clock,

but may be kept open till Ten o'clock in the evening on the day immediately preceding a public holiday when such shops are closed for the whole of such public holiday.

\* \* \* \* \*

(o) At the end of the Fourth Schedule to the Principal Act there shall be inserted the words "Cooked meat (other than tinned meat) shops."—(Hon. W. L. Baillieu.)

Amendment proposed—That paragraph (e) be omitted.—(Hon. A. Robinson.)

Question—That paragraph (e) proposed to be omitted stand part of the clause—put.  
Committee divided.

Ayes, 8.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
J. D. Brown,  
F. W. Hagelthorn,  
J. P. Jones,  
A. McLellan.

*Tellers.*

T. Beggs,  
W. H. Fielding.

Noes, 13.

The Hon. J. G. Aikman,  
W. C. Angliss,  
A. A. Austin,  
F. W. Brawn,  
F. G. Clarke,  
D. E. McBryde,  
J. Y. McDonald,  
D. Melville,  
J. K. Merritt,  
T. H. Payne,  
A. Robinson.

*Tellers.*

Robert Beckett,  
A. Hicks.

And so it passed in the negative.

## 3.—FACTORIES AND SHOPS BILL.—Clause 25.

25. (1) For sub-section (2) of section one hundred and thirty-six of the Principal Act there shall be substituted the following sub-sections :—

(2) The members of the Board shall be or shall have been *bonâ fide* and actual employers or employes respectively in the trade concerned.

(3) All the representatives of employers and employes respectively nominated for any Special Board shall reside in the area or locality to which the determination of the Special Board is to be applied; and if any such representative ceases to reside as aforesaid he shall thereupon cease to be qualified as and shall cease to be a member of the Board.

\* \* \* \* \*

(2) For the number (3) prefixed to sub-section (3) of section one hundred and thirty-six of the Principal Act there shall be substituted the number (6).—(Hon. W. L. Baillieu.)

Amendment proposed—That all the words from the beginning of the clause down to and including the words "trade concerned" in line 4 be omitted with a view to insert in place thereof the following words :—

"In section one hundred and thirty-six of the Principal Act there shall be inserted the following sub-sections :—" (Hon. Walter S. Manifold.)

Question—That the words proposed to be omitted stand part of the clause—put.  
Committee divided,

Ayes, 9.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
J. D. Brown,  
W. H. Fielding,  
F. W. Hagelthorn,  
A. McLellan,  
J. Sternberg.

*Tellers.*

The Hon. A. Hicks,  
J. P. Jones,

Noes, 14.

The Hon. W. C. Angliss,  
Robert Beckett,  
T. Beggs,  
F. W. Brawn,  
F. G. Clarke,  
Walter S. Manifold,  
D. E. McBryde,  
D. Melville,  
J. K. Merritt,  
T. H. Payne.  
H. F. Richardson.  
A. Robinson,

*Tellers.*

The Hon. J. G. Aikman,  
A. A. Austin,

And so it passed in the negative.

VICTORIA.

## LEGISLATIVE COUNCIL.

FIRST SESSION 1914.

WEEKLY REPORT OF DIVISIONS

III

## COMMITTEE OF THE WHOLE COUNCIL.

No. 6.

Extracted from the Minutes.

TUESDAY, 22ND SEPTEMBER, 1914.

No. 1.—FACTORIES AND SHOPS BILL.—Proposed New Clause 50.

[Clause 50 had been omitted and the following new clause proposed to be substituted in lieu thereof].

50. For sub-sections (2) and (3) of section one hundred and seventy-four of the Principal Act there shall be substituted the following sub-sections:—

(2) Such Court shall consist of a President and two other persons.

\* \* \* \* \*

(5) (a) When a Determination of a Special Board is appealed against in accordance with the provisions of this Act or is referred by the Minister for the consideration of the Court of Industrial Appeals then within twenty-one days from the date of the appeal or the reference (as the case may be)—

the representatives of the employers on such Special Board shall nominate one person to represent the employers, and the representatives of the employés shall nominate one person to represent the employés.

(b) Nominations shall be made in writing and shall be forwarded to the Minister.

(c) Only persons who are or have been engaged in the trade concerned shall be eligible for nomination.

\* \* \* \* \*

(11) In the construction of the Factories and Shops Acts any reference to the Court of Industrial Appeals shall (unless inconsistent with the context or subject-matter) be deemed to include a Court of Industrial Appeals constituted from time to time as aforesaid.

—(Hon. W. L. Baillieu.)

Amendment proposed.—That the words “or have been” in paragraph (c) of proposed new sub-section (5) be omitted with a view to insert in place thereof the words “*bonâ fide* and actually.”—(*Hon. Walter S. Manifold*).

Question—That the words proposed to be omitted stand part of the proposed new clause—put.

Committee divided.

Ayes, 10.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
W. J. Beckett,  
W. H. Fielding,  
F. W. Hagelthorn,  
A. Hicks,  
J. P. Jones,  
J. K. Merritt.

*Tellers.*

The Hon. A. McLellan,  
J. Sternberg.

Noes, 18.

The Hon. J. G. Aikman,  
A. A. Austin,  
Robert Beckett,  
T. Beggs,  
F. W. Brawn,  
F. G. Clarke,  
E. J. Crooke,  
W. Little,  
Walter S. Manifold,  
D. E. McBryde,  
J. Y. McDonald,  
D. Melville,  
T. H. Payne,  
R. B. Rees,  
H. F. Richardson,  
A. Robinson.

*Tellers.*

The Hon. W. C. Angliss,  
E. J. White.

And so it passed in the negative.

No. 2.—**FACTORIES AND SHOPS BILL.**—Proposed New Clause 50—

50. For sub-section (2) and (3) of section one hundred and seventy-four of the Principal Act there shall be substituted the following sub-sections:—

(2) Such Court shall consist of a President and two other persons.

\* \* \* \* \*

(7) The President and the two other persons constituting a Court of Industrial Appeals shall hear and determine every appeal and reference to such Court; and subject to this Act a majority shall decide.

\* \* \* \* \*

(11) In the construction of the Factories and Shops Acts any reference to the Court of Industrial Appeals shall (unless inconsistent with the context or subject matter) be deemed to include a Court of Industrial Appeals constituted from time to time as aforesaid.

—(*Hon. W. L. Baillieu*.)

Amendment proposed—That the words “of whom the President shall be one” be inserted after the word “majority” in proposed new sub-section (7).—(*Hon. Robert Beckett*.)

Question—That the words proposed to be inserted be so inserted—put.

Committee divided.

Ayes, 13.

The Hon. J. G. Aikman,  
W. C. Angliss,  
Robert Beckett,  
T. Beggs,  
F. G. Clarke,  
Walter S. Manifold,  
D. E. McBryde,  
J. Y. McDonald,  
D. Melville,  
T. H. Payne,  
A. Robinson.

*Tellers.*

The Hon. A. A. Austin,  
R. B. Rees.

Noes, 16.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
W. J. Beckett,  
F. W. Brawn,  
J. D. Brown,  
E. J. Crooke,  
F. W. Hagelthorn,  
A. Hicks,  
J. P. Jones,  
W. Little,  
A. McLellan,  
J. K. Merritt,  
J. Sternberg,  
E. J. White.

*Tellers.*

The Hon. W. H. Fielding,  
H. F. Richardson.

And so it passed in the negative.

No. 3.—**FACTORIES AND SHOPS BILL.**—Proposed New Part (Strikes and Lock-outs).

The Hon. A. Robinson moved, That a \*New Part comprising Clauses A to H be added to the Bill.

Question—That the New Part proposed to be added be so added—put.  
Committee divided.

Ayes, 19.

The Hon. J. G. Aikman,  
W. C. Angliss,  
A. A. Austin,  
Robert Beckett,  
T. Beggs,  
F. W. Brawn,  
A. Hicks,  
W. Little,  
Walter S. Manifold,  
D. E. McBryde,  
J. Y. McDonald,  
D. Melville,  
J. K. Merritt,  
T. H. Payne,  
H. F. Richardson,  
A. Robinson,  
E. J. White.

*Tellers.*

E. J. Crooke,  
R. B. Rees.

Noes, 8.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
W. J. Beckett,  
J. D. Brown,  
W. H. Fielding,  
A. McLellan.

*Tellers.*

J. P. Jones,  
J. Sternberg.

And so it was resolved in the affirmative.

No. 4.—**FACTORIES AND SHOPS BILL.**—Proposed New Clause K.

K. Notwithstanding anything in section one hundred and sixty-four or section one hundred and sixty-five of the Principal Act a Determination or amended Determination of a Special Board shall not come into operation in any area or locality for thirty-one days after the publication of such Determination or amended Determination in the *Government Gazette*.

—(Hon. Walter S. Manifold.)

Question—That New Clause K proposed to be added be so added—put.  
Committee divided.

Ayes, 15.

The Hon. J. G. Aikman,  
W. C. Angliss,  
A. A. Austin,  
Robert Beckett,  
T. Beggs,  
E. J. Crooke,  
Walter S. Manifold,  
D. Melville,  
J. K. Merritt,  
T. H. Payne,  
R. B. Rees,  
H. F. Richardson,  
E. J. White.

*Tellers.*

F. W. Brawn,  
J. Y. McDonald,

Noes, 9.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
W. J. Beckett,  
J. D. Brown,  
J. P. Jones,  
A. McLellan,  
J. Sternberg.

*Tellers.*

W. H. Fielding,  
A. Hicks.

And so it was resolved in the affirmative.

\* For New Part see Reported Copy of Bill.

VICTORIA.

LEGISLATIVE COUNCIL.

FIRST SESSION 1914.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 7.

Extracted from the Minutes.

WEDNESDAY, 30TH SEPTEMBER, 1914.

No. 1.—FACTORIES AND SHOPS BILL.—Proposed New Clause FF.

FF. From and after the commencement of this Act the Determinations of a Special Board shall operate for a term of two years and shall not be modified or altered except—

(1) by the consent of an absolute majority of the members of the Board other than the Chairman, or

(2) by appeal to the Court of Industrial Appeals.

On the application for such modifications or alterations the Court of Industrial Appeals, if satisfied that sufficient grounds exist for the appeal, may order that the Special Board's Determinations shall be reconsidered and the Special Board may thereupon proceed to reconsider modify or alter their Determination as it shall think fit.—(Hon. A. Robinson.)

Motion made and question put—That New Clause FF be added to the Bill.

Committee divided.

Ayes, 15.

- The Hon. J. G. Aikman,
- W. C. Angliss,
- A. A. Austin,
- Robert Beckett,
- E. J. Crooke,
- A. Hicks,
- Walter S. Manifold,
- D. Melville,
- J. K. Merritt,
- T. H. Payne,
- R. B. Rees,
- H. F. Richardson.
- A. Robinson.

Tellers.

- The Hon. F. W. Brawn,
- D. E. McBryde.

Noes, 8.

- The Hon. W. L. Baillieu,
- J. D. Brown.
- F. G. Clarke,
- W. H. Fielding,
- J. P. Jones,
- A. McLellan.

Tellers.

- The Hon. W. J. Beckett,
- F. W. Hagelthorn.

And so it was resolved in the affirmative.

## No. 2. FACTORIES AND SHOPS BILL.—Clause 8.

[Clause 8 had been amended by omitting the word “four” before “weeks” in line 9 and inserting “six” in place thereof.]

8. (1) For section thirty-seven of the Principal Act there shall be substituted the following section:—

“37. (1) No person shall employ in a factory any male under sixteen years of age or female of any age—

- (i.) for more than forty-eight hours in any week, or
- (ii.) for more than ten hours on any day, or
- (iii.) later than Nine o'clock in the evening.

Provided that in order to meet an unforeseen press of work such employment may be extended to fifty-seven hours in any week but in not more than six weeks in any one year subject to the following conditions:—

\* \* \* \* \*

(2) For the Third Schedule to the Principal Act there shall be substituted the First Schedule to this Act which Schedule may be cited as the Third Schedule to the Principal Act.—  
(*Hon. W. L. Baillieu.*)

Amendment proposed—That the word “six” in line 9 be omitted with a view to insert in place thereof the word “eight.”—(*Hon. H. F. Richardson.*)

Question—That the word proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 7.

The Hon. W. L. Baillieu,  
W. J. Beckett,  
J. D. Brown,  
F. W. Hagelthorn,  
A. McLellan.

*Tellers.*

The Hon. W. H. Fielding,  
J. P. Jones.

Noes, 15.

The Hon. J. G. Aikman,  
W. C. Angliss,  
Robert Beckett,  
F. W. Brawn,  
F. G. Clarke,  
A. Hicks,  
Walter S. Manifold,  
D. E. McBryde,  
D. Melville,  
J. K. Merritt,  
T. H. Payne,  
R. B. Rees,  
H. F. Richardson.

*Tellers.*

The Hon. A. A. Austin,  
E. J. Crooke.

And so it passed in the negative.

## No. 3.—FACTORIES AND SHOPS BILL.—Clause 25.

[Clause 25 had been amended by omitting all words from the beginning of the clause down to and including the proposed new sub-section (2) and inserting in place thereof the introductory words set out hereunder in the first and second lines of the clause.]

25. (1) In section one hundred and thirty-six of the Principal Act there shall be inserted after sub-section (2) the following sub-sections:—

“(3) All the representatives of employers and employés respectively nominated for any Special Board shall reside in the area or locality to which the determination of the Special Board is to be applied; and if any such representative ceases to reside as aforesaid he shall thereupon cease to be qualified as and shall cease to be a member of the Board.

\* \* \* \* \*

(5) In any case where after the lapse of three months from the date of the Order in Council for the appointment of any Special Board the Minister is satisfied that a sufficient number of qualified employers or employés cannot be found to act as members of the Board the Governor in Council on the advice of the Minister may appoint any persons whomsoever to be representatives of the employers or the employés on such Board.”

(2) For the number (3) prefixed to sub-section (3) of section one hundred and thirty-six of the Principal Act there shall be substituted the number (6).—(*Hon. W. L. Baillieu.*)

Amendment proposed—That the words “who are actively engaged in the trade concerned” be inserted after the word “whomsoever” in proposed new sub-section (5).—(*Hon. R. B. Rees.*)

Question—That the words proposed to be inserted be so inserted—put.  
Committee divided.

Ayes, 8.

The Hon. J. G. Aikman,  
W. C. Angliss,  
A. A. Austin,  
D. Melville,  
R. B. Rees,  
A. Robinson,

*Tellers.*

The Hon. Robert Beckett,  
H. F. Richardson,

Noes, 14.

The Hon. W. L. Baillieu,  
W. J. Beckett,  
J. D. Brown,  
F. G. Clarke,  
E. J. Crooke,  
W. H. Fielding,  
F. W. Hagelthorn,  
J. P. Jones,  
Walter S. Manifold,  
D. E. McBryde,  
A. McLellan,  
T. H. Payne.

*Tellers.*

The Hon. A. Hicks,  
J. K. Merritt.

And so it passed in the negative.

No. 4.—FACTORIES AND SHOPS BILL.—Clause 45.

[Clause 45 had been amended by adding a proviso to the proposed new sub-section (3) (a)].

45. (1) For section one hundred and eighteen of the Principal Act there shall be substituted the following section :—

“118. (1) Except as hereinafter provided no female shall be employed for more than fifty-six hours and no male for more than fifty-eight hours excluding meal times in any one week—

(a) in any—

chemist's shop,  
coffee-house,  
coffee palace,  
confectioner's shop,  
eating-house,  
fish or oyster shop,  
fruit and vegetable shop,  
restaurant,  
tobacconist's shop,  
bookseller's and newsagent's shop,  
cooked meat (other than tinned meat) shop,  
hotel,

premises for which an Australian wine licence or a billiard table licence is in force,  
premises which are occupied as a club,

(All of which are for the purposes of this section hereinafter referred to as 'shops'); or

(b) in the trade or business of a caterer.

(2) Any person employed in any such shop or trade or business may with the written consent of the Chief Inspector be employed overtime for any time not exceeding ten hours in any one week :

Provided that—

(a) the number of weeks in any year in which any person is so employed overtime shall not exceed six ;

(b) an overtime rate of time and a half shall be paid ;

(c) Sixpence shall be paid for tea-money on each day overtime is worked.

(3) (a) In cases where any of such shops (except chemists' shops) are usually kept open or such trade or business is usually carried on, on all the seven days of the week, the person having the management thereof shall cause and permit each person employed therein to have and take in each week a whole holiday of twenty-four hours commencing at the usual hour of beginning work on such day in each week as the manager in the case of each such person thinks fit.

Provided that this section shall be inoperative between the first day of November in each year and the thirtieth day of April inclusive next following so far as it relates to seaside resorts situate more than ten miles outside the Metropolitan District as defined in the Principal Act.

(b) In chemists' shops and in all other cases the manager shall cause and permit each such person to take a half-holiday from the hour of Two o'clock in the afternoon of Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday in each week.”  
—(Hon. W. L. Baillieu.)

Motion made and question put—That clause 45, as amended, stand part of the Bill.  
Committee divided.

Ayes, 8.

The Hon. W. L. Baillieu,  
W. J. Beckett,  
J. D. Brown,  
F. W. Hagelthorn,  
J. P. Jones,  
A. McLellan.

*Tellers.*

The Hon. W. H. Fielding  
J. K. Merritt.

Noes, 14.

The Hon. J. G. Aikman,  
Robert Beckett,  
F. G. Clarke,  
E. J. Crooke,  
A. Hicks,  
Walter S. Manifold,  
D. E. McBryde,  
D. Melville,  
T. H. Payne,  
R. B. Rees,  
H. F. Richardson.  
A. Robinson.

*Tellers.*

The Hon. W. C. Angliss,  
A. A. Austin.

And so it passed in the negative.

VICTORIA.

## LEGISLATIVE COUNCIL.

FIRST SESSION 1914.

WEEKLY REPORT OF DIVISIONS  
IN  
COMMITTEE OF THE WHOLE COUNCIL.

No. 8.

Extracted from the Minutes.

TUESDAY, 20TH OCTOBER, 1914.

No. 1.—LOCAL GOVERNMENT BILL.—Clause 9—

9. (1) In sub-section (1) of section seventy-three of the Principal Act for the words "any number of persons not exceeding three in all" there shall be substituted the words "any person."

(2) In sub-section (2) of the said section seventy-three—

(a) for the words "Each of such persons" there shall be substituted the words "Any such person"; and

(b) the words "divided by the number of persons so deemed liable" are hereby repealed.—(*Hon. F. W. Hagelthorn.*)

Motion made and question put—That Clause 9 stand part of the Bill.

Committee divided.

Ayes, 7.

The Hon. W. J. Beckett,  
J. D. Brown,  
F. W. Hagelthorn,  
J. P. Jones,  
A. McLellan.*Tellers.*The Hon. W. A. Adamson,  
W. H. Fielding.

Noes, 16.

The Hon. J. G. Aikman,  
W. C. Angliss,  
Robert Beckett,  
T. Beggs,  
F. W. Brawn,  
E. J. Crooke,  
Walter S. Manifold,  
J. Y. McDonald,  
D. Melville,  
J. K. Merritt,  
T. H. Payne,  
R. B. Rees,  
H. F. Richardson,  
A. Robinson.*Tellers.*The Hon. A. A. Austin,  
J. Sternberg.

And so it passed in the negative.

## WEDNESDAY, 21ST OCTOBER.

## No. 2.—LOCAL GOVERNMENT BILL.—Clause 36—

36. After paragraph (14) of section three hundred and forty-seven of the Principal Act there shall be inserted the following paragraph :—

“(14A) The purchase or erection of plant and buildings and the purchase of goodwill necessary for the supplying of milk. But nothing in this section shall be taken to authorize the purchase or taking of farm lands for the purposes of this paragraph.”—  
(*Hon. F. W. Hagelthorn.*)

Motion made and question put—That clause 36 stand part of the Bill.

Committee divided.

Ayes, 11.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
J. D. Brown,  
E. J. Crooke,  
W. H. Fielding,  
F. W. Hagelthorn,  
J. P. Jones,  
A. McLellan,  
R. B. Rees.

*Tellers.*

The Hon. W. J. Beckett,  
F. W. Brawn.

Noes, 15.

The Hon. W. C. Angliss,  
A. A. Austin,  
Robert Beckett,  
T. Beggs,  
F. G. Clarke,  
Walter S. Manifold,  
D. E. McBryde,  
J. Y. McDonald,  
J. McWhae,  
D. Melville,  
J. K. Merritt,  
T. H. Payne,  
A. Robinson.

*Tellers.*

The Hon. J. G. Aikman,  
H. F. Richardson.

And so it passed in the negative.

## THURSDAY, 22ND OCTOBER.

## No. 3.—LOCAL GOVERNMENT BILL.—Clause 72—

72. (1) No person shall in any municipal district use on a public highway any vehicle the weight of which and the load carried thereon together exceed ten tons without having first obtained permission in writing to do so from the council of the municipality.

(2) Nothing in this section shall apply to—

- (a) any traction engine within the meaning of section five hundred and eighty of the Principal Act or anything carried drawn or impelled thereby ; or
- (b) engines or vehicles used on tram or rail lines or anything carried drawn or impelled thereby ; or
- (c) the conveyance of any piece of heavy machinery which cannot be taken apart without great loss or expense.—(*Hon. F. W. Hagelthorn.*)

Amendment proposed—That paragraph (a) be omitted.—(*Hon. H. F. Richardson.*)

Question—That paragraph (a) proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 16.

The Hon. J. G. Aikman,  
W. C. Angliss,  
W. L. Baillieu,  
W. J. Beckett,  
T. Beggs,  
J. D. Brown,  
F. W. Hagelthorn,  
J. P. Jones,  
D. E. McBryde,  
A. McLellan,  
J. McWhae,  
D. Melville,  
T. H. Payne,  
A. Robinson.

*Tellers.*

The Hon. W. H. Fielding,  
R. B. Rees.

Noes, 8.

The Hon. A. A. Austin,  
Robert Beckett,  
F. G. Clarke,  
Walter S. Manifold,  
J. K. Merritt,  
H. F. Richardson.

*Tellers.*

The Hon. E. J. Crooke,  
A. Hicks.

And so it was resolved in the affirmative.

## No. 4. LOCAL GOVERNMENT BILL.—New Clause J—

J. At the end of section seventy-four of the Principal Act there shall be added the following proviso :—

“Provided that the persons liable to be rated under the provisions of this and the next preceding section shall not together be entitled to enrolment in respect of a larger number of votes than an individual liable to be rated under section seventy-one of this Act.”—(*Hon. A. McLellan.*)

Motion made and question put—That New Clause J be added to the Bill.

Committee divided.

Ayes, 12.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
Robert Beckett,  
W. J. Beckett,  
J. D. Brown,  
E. J. Crooke,  
W. H. Fielding,  
F. W. Hagelthorn,  
A. McLellan,  
A. Robiison.

*Tellers.*

The Hon. J. P. Jones,  
J. K. Merritt.

Noes, 10.

The Hon. J. G. Aikman,  
A. A. Austin,  
F. G. Clarke,  
Walter S. Manifold,  
D. E. McBryde,  
J. McWhae,  
D. Melville,  
H. F. Richardson.

*Tellers.*

The Hon. T. Beggs,  
T. H. Payne.

And so it was resolved in the affirmative.

## No. 5. LOCAL GOVERNMENT BILL.—Clause 3—

[Clause 3 had been amended by omitting the word “five” before “hundred pounds” in the third line of paragraph (b) ].

3. (1) When it appears on the report of an inspector of municipal accounts—

(a) that any borough does not contain rateable property capable of yielding upon a rate not exceeding One shilling in the pound on the annual value thereof estimated under the provisions of the Local Government Acts a sum of Three hundred pounds; or

(b) that the general and extra rates made and levied by any shire during the twelve months ending on the thirtieth day of September next preceding the report of such inspector did not yield a sum of One thousand and hundred pounds,

\* \* \* \* \*

(3) The powers conferred by this section may be exercised notwithstanding that as a result of such union or annexation the municipal district of any municipality to which any such borough or shire or portion thereof is united or annexed will (if a borough) exceed the area or limits prescribed by the Local Government Acts for a borough.—(*Hon. F. W. Hagelthorn.*)

Amendment proposed—That the word “two” be inserted in place of the word omitted.—(*Hon. Walter S. Manifold.*)

Question—That the word proposed to be inserted be so inserted—put.

Committee divided.

Ayes, 5.

The Hon. Walter S. Manifold,  
D. Melville,  
H. F. Richardson.

*Tellers.*

The Hon. D. E. McBryde,  
J. McWhae.

Noes, 17.

The Hon. W. A. Adamson,  
A. A. Austin,  
W. L. Baillieu,  
Robert Beckett,  
W. J. Beckett,  
T. Beggs,  
J. D. Brown,  
F. G. Clarke,  
E. J. Crooke,  
W. H. Fielding,  
F. W. Hagelthorn,  
J. P. Jones,  
A. McLellan,  
J. K. Merritt,  
A. Robiison.

*Tellers.*

The Hon. J. G. Aikman,  
T. H. Payne.

And so it passed in the negative.

VICTORIA.

## LEGISLATIVE COUNCIL.

FIRST SESSION 1914.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 9.

Extracted from the Minutes.

TUESDAY, 27TH OCTOBER, 1914.

No. 1.—PUBLIC CONTRACTS BILL.—New Clause A—

A. (1) In the employment of every description of skilled or unskilled labour by any contractor for the purpose of any public contract entered into after the passing of this Act no person shall be refused employment or in any way discriminated against on account of membership or non-membership of any association union society or body of persons whether incorporated or unincorporated.

(2) No employé shall be discriminated against or injured or interfered with in any way whatsoever by any contractor in any public contract on account of membership or non-membership of any association union society or body of persons whether incorporated or unincorporated.

(3) Any person who acts or incites any other person to act in contravention of this section shall be liable to a penalty not exceeding Fifty pounds and any association union society or body of persons whether incorporated or unincorporated which acts or incites any person to act or is in any way a party to any person acting in contravention of this section shall be liable to a penalty not exceeding One hundred pounds.

(4) The provisions of sub-sections (1) and (2) of this section shall apply *mutatis mutandis* to any local authority employing workmen. Any local authority offending against such provisions shall be liable to pay a penalty not exceeding Fifty pounds to be recovered with or without costs by any person authorized in writing by the Minister in a Court of Petty Sessions.—(*Hon. A. Robinson.*)

Motion made and question put—That New Clause A be added to the Bill.

Committee divided.

Ayes, 18.

The Hon. J. G. Aikman,  
W. C. Angliss,  
A. A. Austin,  
Robert Beckett,  
F. W. Brawn,  
F. G. Clarke,  
E. J. Crooke,  
A. Hicks,  
Walter S. Manifold,  
D. E. McBryde,  
D. Melville,  
J. K. Merritt,  
T. H. Payne,  
H. F. Richardson,  
A. Robinson,  
J. Sternberg.

Tellers.

The Hon. J. Y. McDonald,  
J. McWhae.

Noes, 8.

The Hon. W. L. Baillieu,  
J. D. Brown,  
W. H. Fielding,  
F. W. Hagelthorn,  
J. P. Jones,  
A. McLellan.

Tellers.

The Hon. W. A. Adamson,  
W. J. Beckett.

And so it was resolved in the affirmative.

1914.  
—  
VICTORIA.

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# R E P O R T

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

•

ON THE

ELECTRIFICATION OF THE SUBURBAN RAILWAYS  
—ALLEGED PROFITS ON CONTRACTS.

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*Ordered by the Legislative Council to be printed, 20th October, 1914.*

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By Authority:  
ALBERT J. MULLETT, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE  
COUNCIL.

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*Tuesday, 13th October, 1914.*

8. ELECTRIFICATION OF THE SUBURBAN RAILWAYS—ALLEGED PROFITS ON CONTRACTS. — The Honorable W. L. Baillieu moved, by leave, That a Select Committee be appointed by ballot to inquire into the statements made in the Committee of the whole on the Railway Loan Application Bill on the 7th instant by the Honorable R. B. Rees, as appearing in *Hansard* on page 1969, imputing to the Honorable W. L. Baillieu corrupt conduct, such Committee to consist of seven members, with power to send for persons, papers, and records, to move from place to place, and to meet on days on which the Council does not sit, three to be the quorum.

Debate ensued.

Question—put and resolved in the affirmative.

The Council then proceeded to the ballot.

The President appointed the Honorables E. J. Crooke and J. McWhae to be scrutineers.

The following members, being reported by the Clerk to have the greatest number of votes, were declared by the President to be the Members of the Committee, viz.:—The Honorables Robert Beckett, F. G. Clarke, J. K. Merritt, A. Robinson, A. McLellan, A. A. Austin, and T. H. Payne.

# REPORT.

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The SELECT COMMITTEE appointed by your honorable House on the 13th October, 1914, to inquire into the statements made in the Committee of the whole on the Railway Loan Application Bill on the 7th instant by the Honorable R. B. Rees, as appearing in *Hansard* on page 1969, imputing to the Honorable W. L. Baillieu corrupt conduct, have the honour to report to your honorable House as follows:—

1. Your Committee have examined the Honorable R. B. Rees, M.L.C., Mr. Edmund Posman, of the Railways Department, Mr. M. Minogue, the Under-Treasurer of Victoria, and the Honorable W. L. Baillieu, M.L.C.

2. Mr. Rees, in support of his assertion that "profits" (*i.e.*, profits arising out of the electrification of the railways) are passing through certain companies, of which, quite honorably, the honorable gentleman is a large controller," stated (*a*) that Mr. Baillieu, he was informed, was a shareholder in Siemens Bros. Dynamo Works Limited, the Australian Metal Company Limited, and the Dunlop Rubber Company of Australasia Limited; and (*b*) that he (Mr. Baillieu) was personally interested in a financial group which arranged and negotiated portion of the loans floated by the Government to provide funds for electrification.

3. Mr. Rees produced no evidence whatever in support of his statements that Mr. Baillieu was interested in Siemens Bros. Dynamo Works Limited, or the Australian Metal Company Limited, and admitted to your Committee that he had no proof of the existence of any such interest. Mr. Baillieu satisfied your Committee that he was in no way, directly or indirectly, interested in either of these companies.

4. Mr. Baillieu is a director of the Dunlop Rubber Company of Australasia Limited. The evidence before your Committee showed that no contract in connexion with the electrification of the Railways had been let to the Dunlop Rubber Company, and that no trace could be found of the supply of any goods by that company to the Railways for electrification purposes.

5. Regarding the flotation of loans for electrification purposes, Mr. Rees produced no evidence in support of his statement, and the evidence of Mr. Minogue and Mr. Baillieu satisfied your Committee that any rumors relied on by Mr. Rees were without foundation.

6. Your Committee are of opinion that the statements by Mr. Rees on page 1969 of *Hansard* are untrue, and that Mr. Rees had no justification for making the imputations contained in such statements.

Committee Room,  
20th October, 1914.



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MINUTES OF EVIDENCE.

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## LIST OF WITNESSES.

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# MINUTES OF EVIDENCE.

MONDAY, 19TH OCTOBER, 1914.

*Present:*

- The Hon. T. H. PAYNE, in the chair;
- The Hon. R. Beckett,
- The Hon. F. G. Clarke,
- The Hon. J. K. Merritt,
- The Hon. A. McLellan,
- The Hon. A. Robinson.

The Honorable R. B. Rees, examined.

1. *By the Chairman.*—You are a member of the Legislative Council?—Yes.

2. You were in the House on the 7th October last?—Yes.

3. You were present when Mr. Baillieu asked the House to listen to him while he asked you for an explanation, as is shown on page No. 1969 of *Hansard*?—Yes.

4. As far as you are concerned, is the report, as shown in *Hansard*, correct?—Yes; I take it as correct.

5. Can you tell us what reason you had for making the statement you did, which caused Mr. Baillieu to get up and ask the House to listen to him?—Well, sir, before entering into that, I want to say that the interpretation placed upon the whole statement by Mr. Baillieu, in my opinion, is wrong. He said on the 13th October, as reported in *Hansard*, on page 2106, that I charged him with corruption. I desire now to make a statement in my own way, so as to show my position in the matter exactly. Before this instance that I am going to read, he used the word "corruption," once, but I think this is more specific—"It is not enough that his being rattled should cause an honorable member to level a charge of 'corruption' against anybody." I take that and the word "corruption" used previously to mean that I levelled a charge of corruption against him. Now, sir, in dealing with this matter of electrification, I had been speaking about the contracts for the supply of goods towards the process of electrification of the suburban railways, and was stating that I was trying to find out where the goods were obtained from, where the profits went, and who were the companies who were running this concern. I said that there was a considerable difficulty in finding out how the whole thing was carried on. I also said that one had to adopt certain means in order to find things out, and the Hon. Mr. Baillieu made an interjection, which, I admit, nettled me.

6. Are you referring to page No. 1958 in regard to the interjection he made?—Yes. That interjection naturally nettled me, and on the spur of the moment I made an interjection partly in kind. Then, after that, some hours later, when the whole thing had passed out of my mind, Mr. Baillieu rose in the House and said what appears in *Hansard*, that I had accused him of certain things by innuendo. My statement that followed is dealing partly with Mr. Baillieu, and partly with the whole question of electrification—that is, the supplies for electrification. I daresay the

Committee has already read the statement I made in reply to the Hon. Mr. Baillieu. Now, sir, in reading this matter through, I have been unable to find that there is a charge of corruption laid against Mr. Baillieu in the slightest degree. In fact, I expressly stated that the honorable member has done nothing dishonorable—I expressly stated so. One knows very well—or on inquiry one finds—that there are two phases of the question of supply under electrification. One method is the direct contracts for goods, in regard to which I have more than once tried to obtain particulars from the Railway Department, but those particulars are always refused. Another process of supply is by obtaining goods from firms under schedule rates—they are not direct contracts, but the goods are supplied at schedule rates. Now, what was in my mind in connexion with this question was, that a large quantity of the goods supplied for electrification was coming through German firms under contract. For instance, Siemens Bros. are a German firm operating in England, with a certain amount of control in Victoria. Another firm, as I understand, although I have not as yet been able to obtain particulars in regard thereto, is Babcock and Wilcox Limited, who have certain German names on the directorate, which engenders in my mind a considerable amount of suspicion. The point to be considered is as to the local supplies to the contractors and to the Railway Department for electrification and other works under schedule rates. There are a large number of companies supplying the Department with goods, and, assuming an honorable member is a member of those companies—holding shares in those companies, surely that is not a charge of corruption, if those companies supply goods to the Railway Department for this electrification, or if they supply goods to the Government. Hence my emphatic statement right through that the honorable gentleman was not doing anything dishonorable, assuming that he belonged to any of the companies supplying goods in connexion with the electrification scheme.

7. *By the Hon. F. G. Clarke.*—What is the explanation of your first remark to the effect that he had better be careful, as there was a lot of money to be made out of electrification?—Oh, that is one of those interjections that one gives, perhaps, in an unguarded moment. The statement I am dealing with now is the statement here.

8. But that first interjection, it might be argued, is the basis of the charge?—Yes. Now, sir, I will give my meaning as to the area covered in this matter, because I am contending that there is no charge of corruption in what I have stated, or of wrong-doing even, because I specifically mention otherwise. Supposing a man is a shareholder in a company selling goods to the Railway Department for electrification or otherwise—

9. *By the Hon. W. L. Baillieu.*—I do not wish to interrupt Mr. Rees, but I do not think he is entitled to be reiterating as he is, that I am a shareholder in a company which is supplying goods to the Railway Department in connexion

with electrification?—I am not reiterating. I am trying to explain my meaning in this statement. I know I am a little defective in doing so.

10. You are trying to make it appear that I am interested in companies supplying goods to the railways?—I am not doing that at all.

11. *By the Hon. J. K. Merritt.*—I think that as only two companies have been mentioned by Mr. Rees so far, that is saying practically that Mr. Baillieu has shares in those firms—would it not be wise to give Mr. Rees an opportunity of connecting Mr. Baillieu with those companies?—I am not connecting Mr. Baillieu in the slightest with those companies. I want to make that clear right here and now. I am only using a supposititious case; but assuming the Dunlop Rubber Company, for instance, supply goods to the Railway Department, there is nothing in that that is dishonorable, as I said before, for a member of Parliament to be a member of that company—that is quite within the rules. Now, sir, the point I desire to make is this—that a statement was made which does not, in my opinion, imply any corruption or any wrong-doing by the honorable gentleman. Now, in the same way, statements are made on the floor of the House, and the member against whom they are made replies to them. He denies the statement, as in this case the Hon. Mr. Baillieu denied the statement clearly and unequivocally, and then I, in the most frank and open manner, rose from my place in the House, and apologized to the House and Mr. Baillieu, and then Mr. Baillieu accepted that apology.

12. *By the Chairman.*—I do not think we need go into that question. We all understand that position as far as it went?—That is the crux of the matter as far as I am concerned. The apology was given, and there the matter ended. I think that when a statement is made on the floor of the House and it is denied, and that denial is accepted, according to the rules of the House, and according to all precedent, there the matter ends. In this case the House has seen fit, apparently, to re-open the matter, and, of course, that is a matter entirely for this Committee. As far as my charge is concerned—if I made a charge at all against the honorable member in this statement, that charge was withdrawn, and there the matter ends as far as I am concerned.

13. I would like to ask you a few questions. You say in your reply to Mr. Baillieu, on page 1969 of *Hansard*, “I meant that profits are passing through certain companies, of which, quite honorably, the honorable gentleman is a large controller.” Can you tell us what companies you were referring to when you made that statement?—Well, sir, before I go into that matter, which opens up the subject again, I may point out, as I said before, that the whole statement has been denied, and that denial has been accepted by me. I can only repeat that there the matter ends so far as that statement is concerned.

14. *By the Hon. A. McLellan.*—You must have had some companies in your mind at the time you made that statement?—I must repeat my statement that when the matter is closed on the floor of the House, I think the matter finishes absolutely.

15. *By the Hon. R. Beckett.*—We cannot accept that position. We cannot have any further arguments on that. That is outside the function of the Committee altogether. It is really a waste of time to put that view of it. We have a distinct mission to carry out, and that is to investigate this

statement on page 1969 of *Hansard*. There is a fairly definite statement there that profits are passing through certain companies of which, quite honorably, the honorable gentleman is a large controller. Can you now assist this Committee by giving us the names of those companies, and we will then pursue our inquiries further?—Well, it is very difficult to do so without having the returns, and in that matter I must ask the Committee to obtain returns of the share lists of companies.

16. What companies?—Well, Siemens Bros. is a company of which I am informed the Hon. Mr. Baillieu is a shareholder.

17. *By the Hon. A. Robinson.*—You say that Mr. Baillieu is a shareholder in Siemens Bros.?—Yes, the English company.

18. *By the Chairman.*—You know him to be a shareholder in that company?—No, I am informed so.

19. *By the Hon. A. Robinson.*—Were you informed so before this date on which you made the statement or after?—I was informed before that date. I may say, if the matter is to be opened up in that way, that I was in London in 1912, and—

20. *By the Chairman.*—I think we had better deal with this other matter first—you say you were informed that Mr. Baillieu was a shareholder, can you give me the name of your informant?—No.

21. Why?—Because, as a member of Parliament, one receives a lot of information which I do not think it would be fair to divulge, and it would be a great breach of faith on the part of a member to disclose the names of his informants. I certainly could not give the names of my informants.

22. *By the Hon. A. Robinson.*—What other companies are there?—I am told that Mr. Baillieu is a shareholder in the Australian Metal Company.

23. *By the Hon. F. G. Clarke.*—Have you reason to believe that the Australian Metal Company has supplied goods for the electrification of the railways?—Yes, and I am also informed that the Hon. Mr. Baillieu is a shareholder in the Dunlop Rubber Company; that company supplies goods under schedule rates to the Department.

24. *By the Hon. A. Robinson.*—For electrification?—Yes.

25. *By the Hon. R. Beckett.*—Are those the only companies?—Then I am informed that in connexion with the financial arrangements for electrification Mr. Baillieu and his partners—generally known as the “Baillieu group”—had—

26. *By the Hon. F. G. Clarke.*—That is very indefinite—“the Baillieu group”?—Well, the difficulty is, of course, to be definite as to Mr. Baillieu’s connexion with that group of large financiers.

27. Do you mean to include in that group his friends and acquaintances?—I have been unable to go further into the matter, but it is generally understood, or I was led to understand it, that Mr. Baillieu is one of the leading financial members of a large group of financiers, known as the “Baillieu group,” who were interested in the financial arrangements.

28. *By the Chairman.*—Are there any other companies you wish to mention?—No.

29. *By the Hon. A. Robinson.*—You state there are Siemens Bros., the Australian Metal Company, and the Dunlop Rubber Company?—Yes.

30. *By the Hon. F. G. Clarke.*—I understand that Mr. Rees is now speaking of any company or companies forming that group?—That is a matter, of course, affecting the financial arrangement in England in regard to this electrification.

31. What do you mean by this "financial arrangement"?—Well, sir, it is this way: In 1912 I was in London, and in conversation with certain people in the Agent-General's office—I do not mean officers in the Agent-General's office—I was—

32. *By the Chairman.*—Do you mean visitors?—Visitors and others. We were discussing—

33. *By the Hon. J. K. Merritt.*—You say "Visitors and others"—by "others" you do not mean the Agent-General or any of the officers at all?—No; I do not say that. In discussing the then projected visit of Mr. Merz here, it was stated to me that the whole financial arrangement was then being fixed up with regard to the scheme of electrification in Victoria by Mr. Baillieu.

34. *By the Hon. F. G. Clarke.*—That is, in his private capacity?—Yes; I should assume so.

35. *By the Hon. J. K. Merritt.*—What did you understand by that—that the financial arrangements were being fixed up by Mr. Baillieu; what do you intend to convey by that?—I took it that he was then acting in conjunction with the Agent-General.

36. *By the Chairman.*—Do you mean in his private capacity?—In his private capacity. I did not understand that he was officially representing the Victorian Government then. He was later on.

37. *By the Hon. A. Robinson.*—You mean he was negotiating loans in connexion with this electrification?—Yes.

38. *By the Hon. R. Beckett.*—Loans to the State of Victoria?—Yes; in connexion with this electrification.

39. Not financing outside companies, but the State of Victoria?—Yes.

40. *By the Hon. J. K. Merritt.*—In a private capacity with the Agent-General?—In a private capacity, in collaboration with the Agent-General for the State of Victoria.

41. *By the Hon. F. G. Clarke.*—In fact, the Agent-General was using Mr. Baillieu as his money agent to secure the loan?—Yes.

42. *By the Hon. J. K. Merritt.*—And you mean that Mr. Baillieu was working for a profit in negotiating?—No; I do not say that for a moment.

43. *By the Chairman.*—Do you mean to say the Agent-General was making use of Mr. Baillieu, knowing him to be a financier, for the benefit of the State?—Probably that.

44. *By the Hon. J. K. Merritt.*—You say "probably." Cannot we have it definitely—what do you infer?—Well, the difficulty is this—Mr. Baillieu was then arranging to have loans floated for this process of electrification.

45. In a public capacity?—I should say in a private capacity, as advisor of the Agent-General.

46. But Mr. Baillieu was then in England in an official capacity, was he not?—I think he was there in a private capacity.

47. You say on page 1969 of *Hansard*—"I meant that profits are passing through certain companies of which, quite honorably, the honorable gentleman is a large controller." Do you say that, in connexion with this financial arrangement, Mr. Baillieu was influenced in this work by profit or consideration?—I do not mean for one moment to say that Mr. Baillieu was doing it merely as a patriot.

48. *By the Hon. A. Robinson.*—You say he was interested financially then?—Yes.

49. And that he was making a profit out of the financial arrangements?—Yes.

50. *By the Hon. J. K. Merritt.*—You say that he was in London, and that he negotiated with the Agent-General in connexion with the financial arrangement for electrifying the railways, and in those negotiations he was acting in his private capacity for making profits?—Yes.

51. You definitely state that?—Yes; that was the information I received in London.

52. *By the Chairman.*—You know that Mr. Baillieu was a member of the Government during that time?—He was a member of the Government, yes.

53. *By the Hon. R. Beckett.*—I have got the names of three companies here which have supplied materials—they are Siemens Brothers, the Australian Metal Company, and the Dunlop Rubber Company. Now, can you tabulate the names of companies dealing with financial matters?—No.

54. *By the Hon. F. G. Clarke.*—You spoke of the "Baillieu group"; had you the idea in your mind at the time that Mr. Baillieu would have probably raised the money for the Agent-General through the "Baillieu group"?—The idea that I had was that Mr. Baillieu, through the group in which he was interested, was negotiating loans in London—financing loans in London for the Government.

55. *By the Hon. R. Beckett.*—That is generally done through large financial corporations—can you give us the names of any of them?—No.

56. *By the Hon. F. G. Clarke.*—We have got the "Baillieu group" mentioned?—Yes; that was a general term used to me during conversations in London. I may say that I came out here then on board the *Orsova*, travelling with Mr. Merz and several others, and I had more than one general conversation then, touching on the electrification scheme.

57. *By the Hon. R. Beckett.*—I want to come back to this point, in regard to the financial companies. We have one company mentioned for dealing with finance, which is called the "Baillieu group"—can you mention any others in which Mr. Baillieu had control, or was a shareholder?—No; except what is generally known as the "Baillieu group."

58. *By the Hon. J. K. Merritt.*—Can you tell us what that company consists of?—No; I would require to move that certain returns be obtained in order to do so.

59. *By the Chairman.*—Was Mr. Baillieu successful in floating a loan through the "Baillieu group"?—I understand that it was generally reported in the press later on that £4,000,000 or £5,000,000 was obtained, largely under the influence of Mr. Baillieu.

60. Through the "Baillieu group"?—I could not say.

61. *By the Hon. F. G. Clarke.*—I understood that all loans for Victoria were floated through the London and Westminster Bank—do you suggest that this £4,000,000 or £5,000,000 was obtained in a different method from the ordinary one?—No. I understand that the work of Mr. Baillieu in London, through that group of financiers, of which he is the head, contributed largely towards that loan being obtained.

62. That was direct, and not through the London and Westminster Bank?—No. My recollection of it is that the loan was obtained variously—not only through the London and Westminster Bank—but I would like, of course, to have certain

returns produced in order to be sure on that matter. I am giving my impression as to what was in my mind.

63. *By the Chairman.*—You had that in your mind when you made that statement?—Yes.

64. *By the Hon. R. Beckett.*—In regard to these companies, do you draw any distinction between being a shareholder and controlling them, or are there any other companies where you consider Mr. Baillieu has control?—Those cases I mentioned are only cases of his being a shareholder. What is in my mind in regard to control is that Mr. Baillieu is, I assume, a controller of that “Baillieu group” that is commonly spoken of. That is the only case I have mentioned of controlling.

65. There is no case of any company, other than the “Baillieu group,” of which he is a controller?—That is financially.

66. Either for materials or finance?—No; there is no other case.

67. *By the Chairman.*—At the time you heard this statement in the office at Home, did you know who the people were who made those statements, or what their standing was, or were they just casual people whom you did not know anything about?—No, they were of such a standing, in my opinion, as to justify me in believing the information they gave me, in conjunction with what appeared frequently in the press afterwards.

68. In the English press?—No, the Colonial press, as to the work done by Mr. Baillieu, and the services he rendered in connexion with the flotation of loans.

69. You did know who those people were?—Yes; they were of such standing, in my opinion, as to justify me in giving credence to the statement.

70. *By the Hon. R. Beckett.*—We are only considering this case where you say Mr. Baillieu was interested for profit. You had that in mind when you spoke of the financial operations in London?—Yes, I assumed that a man of his high financial position would not work for nothing.

71. *By the Chairman.*—Not even as a member of the Government?—In that matter.

72. *By the Hon. R. Beckett.*—Is that all you have to go upon—that assumption? Yes, and besides, if he is a member of this large financial group, he would take his share of profits out of that group.

73. That is another assumption?—Yes.

74. *By the Hon. A. Robinson.*—What would you call profit; if a man takes interest on a Government loan, would you call that profit?—Yes; that is part of the profit besides the discount.

75. *By the Chairman.*—You think it would be taking a profit if Mr. Baillieu and his group bought debentures on the market here?—That would be exactly the same as taking profits from a company.

76. *By the Hon. R. Beckett.*—Is that what you meant?—Yes.

77. *By the Hon. A. Robinson.*—You mean that Mr. Baillieu subscribed for part of this loan as one of the public?—Yes, I assume so.

78. *By the Hon. W. L. Baillieu.*—Do you say so?—I do not say so; I assume so.

79. *By the Hon. F. G. Clarke.*—You spoke just now of a discount, but only privileged people are entitled to get a discount, and it puts a man in a very different position if he is one of those privileged people, and he gets a discount in subscribing for a loan?—Supposing this group which I mentioned took action as brokers in the flotation of

loans, or in financing some of these companies, that would be taking profits—they would get a commission for their work.

80. Do you suggest that the “Baillieu group” were underwriters in connexion with the loan from people who primarily got the underwriting commission; do you suggest that the “Baillieu group” were underwriting, or that they got any share of profits which came from underwriting. What do you suggest?—Probably that it was done through the process of underwriting.

81. *By the Hon. J. K. Merritt.*—You said “probably”—do you suggest that?—Well, the whole process of financing is very difficult for a man who is not versed in finance to understand; but I am merely stating now the impression in my mind, or my general conviction in the matter. The process of floating loans and underwriting in London, and of the whole financial transactions in connexion with private companies, or with the Government, is very difficult for me to understand, not dealing with finance, but I am asked a question—what do I mean—

82. *By the Hon. R. Beckett.*—What did you mean?—Yes, I simply meant that I believed Mr. Baillieu was concerned, not wrongly, as I emphasized repeatedly, but he was concerned in these large financial transactions at Home; that is exactly what I meant.

83. Referring to that conversation in the Agent-General’s office, did you make any inquiries about that information in London?—No.

84. None whatever?—No, only from general conversations I had, which were to the effect that Mr. Baillieu was in England, and was arranging this matter between Mr. Merz and the Government. I have already stated repeatedly that I did not charge Mr. Baillieu with anything wrong.

85. That does not concern us. Were you refused information when you attempted to get it in London?—I did not attempt to get it, except in general conversation.

86. Did you have a conversation with Mr. Merz in London or on the way out?—I did on the way out.

87. *By the Chairman.*—Did you discuss the monetary part of the business with Mr. Merz coming out?—No, I did not.

88. *By the Hon. R. Beckett.*—When you speak of the “Baillieu group,” do we understand it is a group of financial corporations in London or in Melbourne, or working in both places?—Working in both places.

89. *By the Chairman.*—Do you know whom that group consists of?—No.

90. You do not know the names?—I do not.

91. You say that Mr. Baillieu is one of the group?—Well, as a matter of fact, I do not know that from documentary evidence.

92. How do you know it?—From general talk—from what one hears daily in the street, and what I heard in London; it was all of the same tenor.

93. *By the Hon. J. K. Merritt.*—Do you charge Mr. Baillieu with providing money in London for the Victorian Government to carry out this work by which he made a profit in the way of commission. Do you say that he influenced financial people to tender money to the Government for its requirements, and that by his action in that way he made a profit or a commission, as an ordinary financier would. If you were in London in a private capacity and did such a thing, do not you think it would be quite legiti-

mate?—I have already stated that what Mr. Baillieu did was quite legitimate. I have not charged him with anything illegitimate.

94. Do you say he did that, because then we can put our own construction on the matter. Did he do that or did he not—do you say definitely that Mr. Baillieu influenced financial people to tender money to the Government for its purposes, and then out of that he got a commission in the way of profits for so doing?—I assume that the “Baillieu group” in doing this did not do it for nothing.

95. *By the Chairman.*—That is pure assumption?—Yes; I cannot prove it—it is pure assumption.

96. You went on what you heard people saying outside?—Yes; in London.

97. *By the Hon. A. Robinson.*—You thought that was a sufficient justification for this statement in *Hansard*?—Yes; but I have already stated that on Mr. Baillieu denying that statement, I apologized.

98. *By the Chairman.*—Have you still that suspicion in your mind that you had at the time you spoke in the House?—Oh, what is in my mind is another matter. I have already stated on the floor of the House that I accepted Mr. Baillieu’s statement.

99. *By the Hon. R. Beckett.*—You said that the honorable gentleman was mixed up quite honorably with huge financial concerns in the State of Victoria. Can you give us anything more definite in that connexion than the “Baillieu group”?—The financial group where Mr. Baillieu is mixed up is the “Baillieu group.”

100. Can you give us the name of any company he is mixed up with which is a huge financial concern in the State of Victoria?—No.

101. Then you go on to say on page 1969 of *Hansard*—“and the work of electrification, the contracts for electrification so far as I have been able to find out . . . . are passed through certain agents in the State of Victoria. I will mention names directly.” Can you give us the names of those agents?—No; I want to get certain returns first.

102. At the time you made that statement did you have in your mind the names of any agents in Victoria?—I had in my mind, of course, those that I have mentioned—those three companies.

103. Can you name any other agents in the State of Victoria through whom those contracts passed?—Not now.

104. Lower down on the same page you say—“But in investigating this matter, what one is up against every time is the control, the mixed-up local control of the contracts, and the control in London.” What did you mean by “the mixed-up local control of the contracts”?—Well, the difficulty I found was to get definite information from the Railway Department and from other people as to how this thing is worked.

105. *By the Hon. J. K. Merritt.*—Which thing?—That is the electrification of the suburban railways.

106. *By the Chairman.*—Have you been to the Railway Department and asked for documents?—Yes.

107. You saw some documents there?—No; I was refused.

108. Which documents did you wish to see?—I wanted to see the contracts in connexion with electrification.

109. *By the Hon. R. Beckett.*—What did you mean by that reference to the “mixed-up local control of the contracts”?—That does not refer to Mr. Baillieu at all.

110. But it follows on there?—That is dealing with the general question of electrification. It does not refer to Mr. Baillieu at all.

111. You dissociate that from Mr. Baillieu?—Yes; quite so.

112. It had no reference to him?—No; absolutely none. The statement here on page 1969 is rather an involved statement as you can see, because I was interrupted in part of it, and it is partly referring to Mr. Baillieu and partly referring to the contracts, entirely apart from Mr. Baillieu.

113. Then the “mixed-up local control of the contracts” had no application to Mr. Baillieu at all?—No; none at all.

114. *By the Hon. A. Robinson.*—What do you mean by the words at the top of page 1969, viz.: “I am trying to find out where the profits of this huge scheme of electrification are going. The honorable gentleman is mixed up honorably, quite honorably, with huge financial concerns in the State of Victoria, and the work of electrification, the contracts for electrification, so far as I have been able to find out—I did not want to deal with the matter to-night, because I have not all the information—are passed through certain agents in the State of Victoria.” How do you connect Mr. Baillieu with that?—I may say that I have not had time since this matter was again revived to go into it all. I only had notice to attend here last Friday morning.

115. *By the Hon. J. K. Merritt.*—You say, following on that previous quotation, “I will mention names directly”?—Yes; that is a statement I did not intend to make. I intended dealing with the question of electrification as soon as I was able to obtain the documents from the Railway Department, but I had no names then in my mind.

116. *By the Hon. A. Robinson.*—We are concerned with the profits that Mr. Baillieu was stated to be making out of electrification—that is the basis of your statements—that he is naturally in favour of electrification because he is getting some profits out of it. Now we want to know the other companies, concerns, or agencies that Mr. Baillieu is interested in and is making a profit out of. Does the local control of any London company come into it?—Well, the fact of the matter is that, up to the present, no profits have been made out of the actual contracts in connexion with electrification because the matter has hardly commenced.

117. *By the Hon. F. G. Clarke.*—You said you were trying to find out where the profits go?—Yes; but the work is so little advanced that there are practically no profits yet, but I wanted to know where the profits would go later on.

118. *By the Chairman.*—You say, “I am trying to find out where the profits of this huge scheme of electrification are going”?—

119. *The Hon. F. G. Clarke.*—Mr. Rees explains that he meant to say “will be going.”

120. *By the Hon. A. Robinson.*—You do not think any profits are passing through certain companies now?—Except what profits were made in London in connexion with the flotation of the loans.

121. And Mr. Baillieu made a profit out of the flotation of loans?—Yes.

122. *By the Hon. R. Beckett.*—Through this group?—Yes; as I have already stated.

123. Could you not give us something more definite in that connexion?—I cannot now until I get the returns.

124. Did you ever look at the share list of those three companies you mentioned?—I have been trying to find the share lists here, but could not.

125. Did you go to the Registrar-General's office?—Yes.

126. Did you find Mr. Baillieu's name there?—No, they are registered in England.

127. But I mean the three of them?—No, not the three of them, but two are.

128. Did you try to have a look through Siemens Brothers' share list before you made the statement in Parliament?—Yes.

129. And you endeavoured to see the share list of the Australian Metal Company?—Yes.

130. Did you find the share list of the Dunlop Rubber Company?—Yes, I did.

131. Was Mr. Baillieu's name on the register?—Yes.

132. For how many shares?—I could not be sure now, but he is one of the directors.

133. Did you make any inquiries as to whether that company had entered into contracts with the Railway Department?—I have been unable to obtain the papers from the Department.

134. Can you give us any reason for assuming that the Dunlop Rubber Company was connected with electrification?—I am informed that they are supplying goods to the Railway Department which are used for that purpose, and other things.

135. For electrification?—Well I have just stated that the matter is mixed up, because goods are supplied which are used partly for electrification and partly for other purposes, and a large amount of the work of electrification is done by the Department itself. In some cases there is no contract, except that the goods are supplied under schedule rates.

136. And those are the cases where the Dunlop Company's goods come in?—Yes.

137. *The Hon. W. L. Baillieu.*—I would like to have that point cleared up.

138. *The Hon. A. Robinson.*—This is a list of contracts which have been let for the supply of goods in connexion with the work of electrification. There is one contract with a rubber company in this list, but that is with the Perdriau Rubber Company.

139. *By the Hon. R. Beckett.*—Is the Dunlop Rubber Company mentioned at all in the list?

140. *The Hon. A. Robinson.*—No.

141. *By the Hon. R. Beckett.*—How do you associate the Dunlop Rubber Company with the electrification scheme in any shape or form—is that by assumption also?—No; well largely by what I hear, because I have not been able to obtain the papers to verify the information. I shall ask for returns.

142. *By the Hon. A. Robinson.*—What particular rubber goods are required in connexion with electrification?—I could not say.

143. Have you any idea at all?—No.

144. *The Chairman.*—I have here a list setting out the different things for which tenders have been accepted in connexion with electrification, and I do not see the Dunlop Rubber Company here at all amongst the companies whose tenders have been accepted. They are not on the list at all.

145. *By the Hon. J. K. Merritt.*—You said on page 1969 of *Hansard*—"I meant that profits are passing through certain companies, of which, quite honorably, the honorable gentleman is a large controller." Did you consider the Dunlop Rubber Company was one of those companies, and that large contracts were passing through the Dunlop Rubber Company?—I was referring there to the direct contract with Siemens Brothers.

146. You did not have the Dunlop Rubber Company in your mind then?—Well, when a man makes a statement he cannot have all the details

in his mind—it is only a general impression. When a person speaks on the floor of the House or anywhere else, he speaks from the general impressions in his mind, and not from calling up every detail as to a company or a name at the moment he is speaking. This was a statement made right on the spur of the moment, and it was made from general impressions in one's mind. It is impossible for a person to call up on the spur of the moment every name and every incident, and every detail.

147. But you have some details and incidents in your mind when you are speaking?—I doubt whether a man has when he is speaking rapidly. I doubt if he has anything in his mind except a general impression. I do not think it is possible to carry all those details in your mind while you are speaking rapidly.

148. Do you mean to say that you had no definite case in your mind when you made that statement?—I had the definite case of Siemens Brothers in my mind, and, besides, I had the general impression of what I had heard both in England and here as to the operations of the "Baillieu group" in the financial world in connexion with electrification and other things.

149. *By the Hon. A. Robinson.*—Then the basis of your statement was that Mr. Baillieu was a shareholder in Siemens Brothers, and was making a profit also on the Government loans in connexion with electrification; does it boil down to that. When you made the statement, you had Siemens Brothers definitely in your mind?—Yes.

150. And you also had in mind that Mr. Baillieu was a member of the "Baillieu group," and would be making a profit out of the loans for the Government?—Yes.

151. They were the two things which justified you in making that statement?—Yes.

152. *By the Hon. R. Beckett.*—You have referred at different times to the huge profits being made out of electrification, and the large expansion in the estimate of the cost, do you suggest that Mr. Baillieu was interested in that in any shape or form?—No; I do not suggest that Mr. Baillieu was interested in the large expansion in the cost, unless he is a shareholder he could not benefit because of that. It is quite a trivial matter, and the whole thing is covered by my statement that I did not believe Mr. Baillieu had done anything wrong in what he has done.

153. That has to be judged elsewhere.

154. *By the Hon. A. Robinson.*—You still mean that he was making a profit out of it?—Yes; I shall ask later on for certain returns.

*The witness withdrew.*

Edmund Rosman examined.

155. *By the Chairman.*—You are an officer of the Railway Department?—Yes.

156. Holding what position?—I am clerk in charge of correspondence and records.

157. You produce this statement showing the tenders accepted for the supply of electrical equipment and other material in connexion with the electrification of the Melbourne Suburban Railways?—Yes.

158. Is that statement correct?—Yes.

159. Does it cover all the firms with which contracts have been made?—Yes; but you will see on page 6 a paragraph which states:—"In addition to the above, apart from rolling-stock requirements, considerable quantities of materials, such as bricks, sand, cement, timber, &c., are being obtained for electrification purposes under the current periodical stores contracts."

160. Have you a copy of Siemens Brothers contract with you?—Yes, this is it.—[*Handing same for inspection.*]

161. *By the Hon. R. Beckett.*—Are there many contracts with Siemens Brothers, or only one?—There are several contracts.

162. What is the total amount of Siemens Brothers' contracts?—There is one contract for the manufacture and erection of switch-gear and accessories for power station and sub-stations to the extent of £140,070. Then there is a contract for the supply and erection of sub-station equipment for £207,319. Those are the two main contracts.

163. Are those contracts still running, or have they been completed?—No, the electrification scheme is being now carried out.

164. *By the Hon. A. McLellan.*—These are the contracts now in force—pending contracts?—Yes.

165. But very little material has yet been supplied?—I could not say.

166. *By the Hon. R. Beckett.*—Where were the tenders called, in Australia or London?—A large number of them were called in London.

167. Where did Siemens Brothers get their contract?—I think that particular tender would be called for in both Europe and Australia.

168. *By the Chairman.*—I notice this is not signed—the space is left blank?—Yes, that is only a copy of the contract.

169. *By the Hon. R. Beckett.*—Were there many tenders sent in, or just two or three?—I could not say.

170. *By the Hon. J. K. Merritt.*—Siemens Brothers' contract appears to be shown as £140,071 for one item, and the other item is shown on one return as £201,000, and on this copy it is £207,000; which is correct?—The item of £207,319 is correct—the other is just a rough copy.

171. *By the Chairman.*—I suppose you have not got a list of the shareholders in Siemens Brothers?—No.

172. *By the Hon. J. K. Merritt.*—With regard to Siemens Brothers' contract, you say that was made in London?—The tenders would be called by advertisement in all the leading papers in England.

173. Can you tell us whether the contracts were made here or in London?—Some were made here. I had some signed and completed in Melbourne.

174. Can you tell us who the parties were in Melbourne with whom you dealt?—Yes, I visited Adams and Company, in Collins-street.

175. Did they act as agents for Siemens Brothers?—No. I cannot recollect whom I visited in connection with Siemens Brothers.

176. *By the Hon. A. Robinson.*—The Melbourne agent for Siemens Brothers is shown on this list as "Siemens Brothers, Dynamo Works Limited, William-street"?—Yes.

177. *By the Hon. J. K. Merritt.*—*Hansard* states on page 1969—"The contracts for electrification . . . are passed through certain agents in the State of Victoria." We want to get on to this £347,000 worth of contracts in connexion with Siemens Brothers—who were the people here who dealt with it?—Siemens Brothers.

178. At their own office?—Yes.

179. All the tenders from Home came out here?—No, there is a clause in this memorandum dealing with that. I will read it to you—"The specifications for the important contracts were prepared by Mr. Merz, and, after a draft had been submitted to the Department, tenders were invited by advertisements inserted in the leading news-

papers. Upon receipt, the tenders were analyzed by Mr. Merz, and his recommendation thereupon cabled to the Commissioners."

180. *By the Hon. A. McLellan.*—I think Mr. Merz brought out some tenders with him?—Yes, he did bring forms of tender.

181. *By the Hon. J. K. Merritt.*—Was there any influence of any kind used here in connexion with Siemens Brothers' contract, or was the Department influenced in any way by agents or companies in regard to this contract?—I do not know anything about it.

182. *By the Hon. R. Beckett.*—I would like to see a list of the tenders sent in if I could?—The tenders were called, and Mr. Merz cabled us his recommendation. You will find in his original report that there were certain conditions laid down that he had to analyse all the tenders, and he cabled his recommendation on the tenders received.

183. But he had no right to keep the tenders in his pocket?—

184. *By the Hon. A. Robinson.*—He was engaged to do that?—Yes.

185. *By the Hon. J. K. Merritt.*—Without consulting the railway authorities or the Minister here, was he allowed to close the contracts on his own initiative without any reference to the Department?—As I stated previously, he cabled his final recommendation to the Railway Department, and the tender was accordingly accepted.

186. *The Hon. F. G. Clarke.*—I cannot see how the number of tenders submitted affects the question as to whether Mr. Baillieu is interested in the successful tender.

187. *By the Chairman.*—I presume it rested entirely with Mr. Merz as to whether a tender should be accepted or not?—Yes.

188. He had sole control of them?—Yes.

189. *By the Hon. F. G. Clarke.*—You say that Mr. Merz selected the successful tender?—I would say so.

190. He selected his own then, because he is a member of the firm of Siemens Brothers, is he not?—I could not say.

191. *By the Hon. J. K. Merritt.*—No persons here had any influence on those contracts at all?—I know of none.

192. *The Hon. F. G. Clarke.*—It would be important to find out whether Mr. Merz is connected with the firm of Siemens Brothers.

193. *The Chairman.*—That is rather a difficult thing to do.

194. *By the Hon. R. Beckett.*—Was Mr. Baillieu in London at the time this contract was signed?

195. *The Hon. W. L. Baillieu.*—I think I was, but I am not sure.

196. *By the Chairman.*—Was Mr. Merz out here when the tender was accepted from Siemens Brothers?—No, I do not think he would be here, speaking from memory.

197. I do not see the Australian Metal Company shown in this list of tenderers?—I think you will see it shown as the Allgemeine Elektrizitäts Gesellschaft, which had a tender accepted for £5,931.

198. *By the Hon. A. Robinson.*—I suppose that contract was knocked on the head over the war?—Yes. I am not aware whether the Australian Metal Company would supply any items under the general stores contracts.

199. *By the Hon. R. Beckett.*—Was this contract with the Allgemeine Elektrizitäts Gesellschaft made here or in London?—That would be made in London.

200. *By the Hon. J. K. Merritt.*—There is nothing you know of in connexion with the Dunlop Rubber Company and these electrification tenders?—No; except that there might be some small item supplied under the general stores contracts. I will find that out for you as early as possible as to whether there is any material supplied by the Australian Metal Company or the Dunlop Rubber Company under the general contracts. There might be some small item.

201. *By the Hon. R. Beckett.*—Would those things go into the electrification scheme?—Yes, and they would be charged to the electrification scheme. Having these general contracts it is easier to purchase through them than by calling for fresh tenders.

202. *By the Chairman.*—Are there any further tenders?—The Allgemeine Elektrizitäts Gesellschaft is the other contract you did not get before lunch. With regard to the Dunlop Rubber Company, I have made inquiries since lunch, but I cannot find that the Dunlop Rubber Company has supplied anything for electrification under the general stores contracts.

203. *By the Hon. J. K. Merritt.*—They had no other general contract?—They had no general contract with regard to electrification. From all the inquiries I made, they were tendering for a small item—rubber gloves; the Perdriau Rubber Company also tendered, and their tender was successful. I know of nothing without it may be in connexion with the rolling-stock.

204. *By the Chairman.*—It would not come under electrification?—If it was under the question of the construction of rolling-stock it would have nothing to do with electrification. I can find no trace of the Dunlop Rubber Company as regards electrification. Every order sent to the Dunlop Rubber Company would have to be analyzed since electrification has been going on, which would take a long time.

205. *By the Hon. J. K. Merritt.*—It could only be a small matter?—Yes; very small.

*The witness withdrew.*

Michael Minogue, examined.

206. *By the Chairman.*—You are the State Under-Treasurer?—Yes.

207. Have you the particulars of the various loans floated in 1912-13 in London?—Yes—not in 1912; there were no loans floated in 1912 in London, speaking from memory. There was one in 1913 and one in 1914, especially for works purposes—redemptions are outside this inquiry, I presume.

208. Do you know what loans were floated in connexion with the electrification scheme?—As a matter of fact, a Loan Act under the authority of which a flotation is made, is in general terms. It does not specially set out the works that the money is raised for. It authorizes a lump sum for the purpose of railways or waterworks, as the case may be. Loan Application Acts, which may have been passed either before or after the Loan Act, allocate loan moneys to specific works.

209. Will you tell the Committee the usual way in which a loan is floated in London?—Through the Agent-General and our financial advisers, the London and Westminster Bank; they enter into negotiations with the underwriter. Since the time underwriting was first introduced in connexion with our loans, which was in 1890, the same man has always underwritten for us—Nivison.

210. Is he a company?—As far as I know, Nivison and Company is the firm now; it was, I think, Richard Nivison only in earlier days.

211. Was a loan floated in London in 1912 or 1913?—There was a loan floated in London in September, 1913.

212. *By the Hon. A. Robinson.*—For how much?—For £2,000,000—portion for redemption and portion for railways; the latter was for £1,000,000.

213. *By the Chairman.*—It was floated through Nivison?—Yes; the usual channel.

214. *By the Hon. A. Robinson.*—Through the same underwriting channel as previously?—Yes; the terms were the same as hitherto.

215. *By the Chairman.*—Have you ever heard of Mr. Baillieu or Baillieu and Company in connexion with any of these loans?—No.

216. He would have no influence in London in connexion with the floating of these loans?—I do not know whether he would have influence. I think the position as far as Nivison is concerned is that he is jealous of anybody else appearing on the scene.

217. *By the Hon. J. K. Merritt.*—Nivison and Son are financial people?—It is their business; they are underwriters; they underwrite for all the States.

218. *By the Hon. A. Robinson.*—And for Canada too?—I think so; I am not quite sure.

219. As far as you know, neither Mr. Baillieu nor any member of the Baillieu family are sub-underwriters for Nivison?—No; if it is so, I do not know of it.

220. *By the Hon. J. K. Merritt.*—During 1912-13 do you know of other loans being floated from any other sources than the one you mentioned?—There was a flotation—a local flotation—in 1912. I think it was in April, 1912.

221. *By the Hon. A. Robinson.*—Before Mr. Merz came out?—I could not say from memory what was the absolute date of flotation, but I think it was in April, 1912.

222. *By the Hon. J. K. Merritt.*—Do you know what it was for?—Railways, irrigation, and public works. The only expenditure in 1913 on account of electrification was charged to that Act; I mean for the financial year ended the 30th June, 1913.

223. *By the Hon. A. Robinson.*—What was the amount?—£2,000,000. I think only £1,500,000 was floated. That was under the local Loan Act.

224. *By the Hon. F. G. Clarke.*—Can you tell us whether it would be a practice of Nivison and Son to offer some of their commission brokerage to sub-underwriters, or would everybody have to come in as the general public?—As far as I am seized of the position, this is their practice. Nivison has for years been dealing with certain corporations—big insurance companies and life companies—and these companies deal with him year in and year out. Nivison goes to them and says—“We will have a Victorian loan for £2,000,000—how much will you take?” Each corporation agrees to underwrite a portion. Supposing these corporations (sub-underwriters) have had to take a certain amount of a Victorian loan not subscribed for by the public, as soon as they unload to the market they are ready to again sub-underwrite some other State's loan.

225. Is it likely that any of the large stock-broking firms are among their clients?—I could not say. I have always understood the position is this—To the big corporations they deal with they give portion of the commission; I think about £1. For instance, if the tender price is £99. the price to the sub-underwriter is £98.

226. *By the Hon. J. K. Merritt.*—With regard to the local loan in 1912; which was partly for railway purposes—can you tell us who underwrote that?—Mr. Goodall. That was the second loan which Mr. Goodall underwrote, and, I think, speaking from memory, his terms were 5s. less than the usual brokerage—£1 instead of 1¼.

227. The business was conducted entirely between the Government and Mr. Goodall?—Certainly.

228. *By the Hon. F. G. Clarke.*—Can you give us a general idea of the instructions given to Mr. Baillieu when he went to England to act on behalf of the Government?—I am not seized of anything that took place in that way. If any instructions were issued they were certainly not issued through the Treasury.

229. *By the Hon. R. B. Rees.*—You do not know whether he was acting on behalf of the Government in England?—He acted as Agent-General.

230. He was not acting specially on behalf of the Government?—Not as far as I know.

231. *By the Hon. W. L. Baillieu.*—In 1912 or 1913 you are not aware that any special loan was floated—any loan for the electrification of the railways?—Certainly not. As a matter of fact a works loan was floated in 1913; it was floated in a lump sum for railway purposes, to be expended in accordance with the allocation under Railway Loan Application Acts. As a matter of fact there was no charge up to the 30th June, 1913, to any London loan; electrification expenditure was charged to a Melbourne loan issue.

232. *By the Hon. J. K. Merritt.*—When the loan money is allotted it is charged to the different departments?—Of course what is set aside for railways is allocated by the Railways Loan Application Acts, and what is set aside for Water Supply or Public Works is dealt with in the same way by Application Acts.

233. In the Railways Loan Application Act are the different items set out?—Yes.

234. Can you tell us the earliest loan application for electrification?—There is an item of £300,000 in the Loan Application Act No. 2430.

235. That is the first allocation to this particular purpose?—Yes; that is to say, the first Loan Application Act No. 2430, assented to in December, 1912.

236. How was the money subscribed and allocated?—The moneys that were used for the purpose of that Act were from a loan floated in Melbourne in April, 1912; some of the moneys so raised were still available in 1913.

237. Those were the loans floated locally?—Yes; of course some of the London raising has been used for electrification works in the present year.

238. *By the Hon. W. L. Baillieu.*—What date was that?—December, 1912—the Application Act—the last item.

239. *By the Hon. A. Robinson.*—How much loan money had been spent for electrification purposes up to the 30th June, 1913?—£18,300.

240. *By the Hon. W. L. Baillieu.*—You are not aware of any special finance at all in London connected with the electrification of railways?—Certainly not.

241. Nor of Mr. Merz being concerned in any way in finance?—If he was I am not seized of it.

The Honorable William Lawrence Baillieu, examined.

242. *By the Chairman.*—You are a member of the Legislative Council?—I have the honour.

243. You have heard the evidence given to-day; are there any questions you would like to ask, or is there any information you would care to give the Committee?—I have a few points I would like to speak on if I am in order. I presume that I am. Mr. Rees, in his opening remarks, stated that nothing I had done was dishonorable. The point I am looking for is, what have I done? There is suggestion all the time—that is the wicked part of it all. The honorable gentleman, when asked for some definite statement, retires under the statement that nothing dishonorable has been done, clearly carrying the imputation that something has been done. I want the Committee to define if they can, out of this mass of innuendo, what it is. The honorable gentleman refers to contracts being refused to him; as if he would be able to complete his charge if he had the contracts—perhaps he will assist the Committee to complete the case. I have listened this morning with interest for something to be said to justify in any way at all the statements that appeared in *Hansard*, that I am a shareholder, and control companies making profits out of the railways. As these statements appeared in *Hansard*, and are the basis for my request for this Committee, and to some extent are again reiterated this morning, I have to go over the ground in this way, otherwise we will have in print no categorical denial by me. I want to say and assure the Committee that, in regard to the far-fetched statements in connexion with Siemens Brothers, I have not one iota of interest in that company, and never had, nor has any member of my firm or family in any shape or form, direct or indirect, or in any way whatever. The same observation applies to the Australian Metal Company with just the same force. With regard to the Dunlop Rubber Company of Australia, I am proud to be a director of that company and a shareholder. It does not in any way touch the position raised by the honorable member in any way, and it indicates how gravelled he is for information that he should attempt to bring that company's name in. Referring to the financial arrangements in London, in which it was vaguely suggested I made profits, the Under-Treasurer has told you that no such arrangements were made in connexion with the electrification of our railways. I want to add to that and say that in connexion with any financial business for the State of Victoria, I have only acted when in London in the interests of the State to the best of my ability, tendering to the Government any advice that I felt called upon to give, without fee or reward; and in a like capacity I served the State for a short time as the Acting Agent-General. Mr. Minogue has told you that Mr. Merz was not concerned in finance. That fact I did not know, but I believed that to be the position. Mr. Merz is practically unknown to me; I met him once or twice in London with Mr. Murray before he left for this State. Mr. Clarke asked a question as to whether there was any evidence of business being done through any new channel by the Baillieu group in London, and I assume the reply by Mr. Minogue to that query is complete. That gentleman's statements are, as I understand the position to be, that Nivison as the underwriter of the Victorian loans depends upon financial groups of people, chiefly companies referred to by Mr. Minogue. A question was asked whether any of the sharebrokers took any interest in the underwriting. It is known.

*The witness withdrew.*

that certain firms in London do participate in the underwriting. If the underwriter can get the support of his financial groups he can do the underwriting; he cannot otherwise. Nivison cannot enter into a contract to underwrite millions unless he has previously arranged for all his sub-underwriting. I think the commission Nivison gets is  $1\frac{1}{4}$  per cent., of which he gives 1 per cent. to the sub-underwriters; and, as Mr. Minogue puts it, those people occupy the position of 1 per cent. better than the public. Latterly, as we know, the underwriters have been getting from 60 per cent. to 80 per cent. of all the loans. Mr. Rees stated he assumed I would not work for nothing, as a patriot. In London, any work I was doing was as a member of the Government, and, of course, without profit. Mr. Rees said the ways of London finance were difficult. I wish to say that they are very simple to understand if inquiries are made in the right quarters. Mr. Rees referred to the difficulty in getting information from the railways in connexion with electrification, and from other people. I would like the Committee to ascertain what the meaning of "other people" is, so that there may be no tracks left uncovered. The underlying inference is, if the "other people" could be made to speak there would be something said that might complete the case suggested against me. I know, of course, there is none, and that is the wickedness of it all. The honorable gentleman says an apology was necessary, but the honorable gentleman did not seem to realize that it carried with it the obligation to say he had no right to make the state-

ments, and there was no justification for them. We know as members of Parliament that if a case is built up against a member, and definite allegations are made, the courtesy of an apology frequently follows, and leaves behind it the opinion that the facts that are stated were warranted. It is because in this case I felt I might occupy that position I have had to take the steps I have taken, and with no other motive whatever. I think I have already said, but I will repeat it, that I am not connected with any of the concerns mentioned by Mr. Rees, except the Dunlop Rubber Company, nor with any contracts for the railways, nor are my firm, my brothers or agents, nor do I know of any group that I am in the habit of doing business with that is, and the same remarks apply to London finance.

244-45. Did your firm or anybody connected with you tender for the loans floated in London?—No.

246. You acted as Agent-General for Victoria?—Yes, on the change over from Sir John Taverner to Mr. McBride, only for some weeks—exactly for how long I forget. I was there on the arrival of Mr. Watt.

247. *By the Hon. J. K. Merritt.*—Were any loans floated while you were in London?—After Mr. Watt's arrival, not before. Mr. Watt floated a loan after he arrived. It was the time of the Balkan crisis, and things were very acute; money was very difficult to get.

*The witness withdrew.*

*The Committee adjourned.*

1914.

VICTORIA.

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REPORT

FROM THE

JOINT SELECT COMMITTEE

OF THE

LEGISLATIVE COUNCIL AND THE LEGISLATIVE ASSEMBLY

ON THE

CONSOLIDATION OF THE LAWS;

TOGETHER WITH THE

MINUTES OF EVIDENCE.

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*Ordered by the Legislative Council to be printed, 28th October, 1914.*

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By Authority:

ALBERT J. MULLETT, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 9TH SEPTEMBER, 1914.

9. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have appointed a Committee consisting of five members to join with a Committee of the Legislative Council, to consider and report upon the question of the Consolidation of the Laws, and request that the Legislative Council will be pleased to appoint an equal number of Members to be joined with the Members of this House ; five to be the quorum.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 9th September, 1914.

Ordered—That the foregoing Message be taken into consideration later this day.

11. CONSOLIDATION OF THE LAWS.—The Order of the Day for the consideration of the Message from the Assembly having been read—

The Honorable J. D. Brown moved, That in compliance with the request of the Legislative Assembly a Committee be appointed, consisting of five members, to join with the Committee of the Legislative Assembly to consider and report upon the question of the Consolidation of the Laws, such Committee to consist of the Honorables Robert Beckett, E. J. Crooke, Walter S. Manifold, A. Robinson, and the Mover, with power to send for persons, papers, and records, to meet on days on which the Council does not sit, five to be the quorum ; and further, that the Committee meet in the first instance in the Legislative Council Committee Room on Tuesday next at four o'clock.

Question—put and resolved in the affirmative.

Ordered—That a Message be sent to the Assembly acquainting them with the above resolution.

14. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have directed the Select Committee appointed by the Legislative Assembly to join with a Committee of the Legislative Council to consider and report upon the question of the Consolidation of the Laws to meet the Committee appointed by the Legislative Council in the Legislative Council Committee Room on Tuesday, 15th September, at four o'clock.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 9th September, 1914.

# REPORT.

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THE SELECT COMMITTEE appointed to join with a Committee of the Legislative Assembly to consider and report upon the question of the Consolidation of the Laws have the honour to report to your Honorable House as follows :—

1. Your Committee have examined the Honorable Mr. Justice Cussen, and some of the draftsmen engaged on the consolidation, and other witnesses, and have considered the plan adopted for carrying out the work.

2. Your Committee approve of the plan upon which the Consolidating Bills have been framed, but your Committee regret to find that it would be impossible to pass the whole of the Bills into law at this late period of the Session, and recommend that they be re-introduced next Session, when the legislation of the Session now about to close can be incorporated.

3. This consolidation introduces more amendments and changes in the law than the consolidation of 1890. The draftsmen have not only re-drafted sections and made various amendments which are consequential on the re-arrangement of sections, but they have endeavoured to remove anomalies discovered in the course of the work, and in several cases they have modernized procedure. In some cases they have made amendments suggested by the necessity for greater accuracy and simplicity in administration. Your Committee have given some consideration to these proposed amendments, and have had the advantage of fully discussing them with the Honorable Mr. Justice Cussen.

4. In view of the early dissolution of the Legislative Assembly it is impossible for your Committee to consider the Bills for the purpose of informing Parliament fully thereon. Your Committee feel that Parliament should be informed wherever any alteration of the law which is not strictly consequential on consolidation is proposed. During the course of their inquiry they have indicated to the Honorable Mr. Justice Cussen several amendments about which there might be differences of opinion. His Honour will reconsider these amendments, and the law will be restored to its former state, or special reasons will be shown for the proposed changes.

5. In the time at their disposal your Committee have been able to satisfy themselves as to the care and ability with which the work has been carried out, and are convinced that this consolidation of our Statute Law is an undertaking not only of great magnitude, but also one of high value and great public advantage.

Committee Room,  
28th October, 1914.

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MINUTES OF EVIDENCE.

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# JOINT SELECT COMMITTEE ON CONSOLIDATION OF THE LAWS.

## MINUTES OF EVIDENCE.

FRIDAY, 18TH SEPTEMBER, 1914.

*Members present:*

Mr. MACKINNON, in the Chair;

*Council:*

The Hon. R. Beckett,  
The Hon. A. Robinson,  
The Hon. W. S. Manifold

*Assembly:*

Mr. Blackburn,  
Mr. Snowball.

His Honour Mr. Justice Cussen, examined.

1. *By the Chairman.*—It is very good of you to come and assist us. Could you just give us an idea of the way in which this undertaking of consolidation originated?—I think it was Mr. Davies and Mr. Mackey who spoke to me first about it—some time about the end of 1908, I think it was. The instructions they gave me then were that they desired that a little more should be done than was done on the last consolidation in the way of removing anomalies, or getting rid of obscurities, or filling up gaps, and matters of that kind; and I may say I have acted generally on those instructions, with this exception, that if the matter was one dealing with proprietary rights I interfered with it either not at all, or merely by alteration of language so as more symmetrically and easily bring about the same effect. But if the matter was one of procedure, in which I and those associated with me considered we could speak to a certain extent as experts, I took more liberty.

It very frequently happened that an object which was desired to be achieved would be achieved one way in an old Act and another way in a more recent Act, and in such a case I did not hesitate to transfer the modern provision, to which, of course, the Legislature has already given its assent, for the purpose of achieving the object. When I speak of ancient Acts, I refer to those Acts whose history goes back a long way, and which, in the last consolidation, were consolidated by simply repeating the language.

As was pointed out by the Hon. the Attorney-General, who had very much to do with that consolidation, they achieved very great accuracy, although, as he himself expressed it at the time to the Committee sitting, he did not consider the consolidation was as scientific as he would have desired; but there is no doubt about the wonderful accuracy achieved in that consolidation.

For my own part, I think it would be a very great pity if obscurities and anomalies were perpetuated by reprinting them in the same language over and over again, because at last you reach a stage at which you get an accumulation of matter which it is very desirable should be got rid of; and, personally, I should very much prefer, no matter how prolonged the scrutiny in conse-

quence, to omit that matter which it is very desirable, in the interests of every one—the public and the profession—should disappear for ever.

There are a great many grammatical changes in the Bills—I think I may say tens of thousands of them; but most of them were necessary owing to the old form of drafting adopted. You will find an enormous number of “shall have been’s” and “may have been’s” and “shall be’s” and “may be’s.” Those who have been accustomed to considering the Statutes know the very great relief in getting an Act of Parliament so expressed that the word “shall” is practically not used unless it embodies a command of the Legislature—“you shall do this,” or, “you shall not do this,” or, “if this is done, that shall be the result.” And so with the word “may”—it is not used except where the Legislature enables the person to do something, where it is empowering, &c.

In the Acts whose history goes back a long way, you find the words “shall” and “may” are not only used in connexion with commands or permissions of the Legislature, but are used in connexion with the expression of circumstances or conditions—“Where this shall be the case then something shall follow,” or “If he shall have done this then something shall follow.” In the consolidation you will find this in practically all cases—“Where this is the case then something shall follow,” or “If he has done this then something shall follow.” Instead of the words “shall be” you find “is.” To put it shortly, except for the purpose of expressing the commands of the Legislature, the indicative instead of the subjunctive or conditional mood is used so that the Act of Parliament is taken to be speaking when the occasion for its application arises. Of course, that task has necessitated an enormous number of alterations. If you take up any of the consolidating Bills and compare the corresponding section of the old Acts from which they are taken—old Acts in the sense in which I have used that expression—you will probably find one or two or three of those alterations made; but I think any one who takes the trouble to compare them will, as I say, find an enormous relief brought about by the fact that whenever you see the word “shall” the Legislature has directed something to be done, or not to be done if coupled with the word “not,” or if you see the word “may” the Legislature has empowered something to be done.

There are one or two very old Acts—Acts to which frequent reference is not made—in which I did not do that; they are hallowed by antiquity. There are many sections of the Real Property Act which I left as they were. They are not of much

importance in modern times, and may be only occasionally referred to when the history of the law is referred to, and I thought, on the whole, I had better not touch them. With exceptions of that kind, the policy I have indicated has been pursued right through.

There are other general remarks I may make in the same way indicating changes which are very large in number. For example, the Acts at present dealing with offences punishable summarily and, to a certain extent, with what may be called civil matters very often use the expression "justice" or "justices," "two or more justices," and expressions of that kind. The plan has been followed, to a certain extent instituted by sweeping general provisions in the more recent Acts, and to a certain extent in the exercise of discretion, to provide in almost all cases that such matters shall be heard before a court of petty sessions, so you will find numerous cases in which the consolidated Act has the expression "justice or justices," "two or more justices," &c., where you will find in the consolidating Bill "court of petty sessions." That has not been universally followed. Where the circumstances were such that it was thought it might be a matter of urgency the plan adopted has been to put in "two or more justices in or out of sessions," so as to make it plain they can sit out of sessions. That is in relation to procedure.

2. You have been dealing with changes in regard to procedure in a general way?—That is one of them.

3. I remember in the last consolidation there was considerable difficulty, and a great amount of trouble taken, with regard to the Supreme Court Act—a great many sections conflicting with rules were dropped?—I have dropped a number of sections of the Supreme Court Act on this occasion. I can give you another indication of change in procedure. The procedure with reference to arrested debtors is initiated by an application for a writ of *capias*. In England they have passed rules which are very much more simply expressed, and which do not necessitate an application for a writ of *capias* at all. The result in substance is precisely the same. There is no alteration in the law at all, except that you can now fulfil the same object by simply getting the judge's order without issuing the writ. The substance of the law is not altered.

As an illustration of the necessity, at all events, of the desirability of that change, on Easter Saturday last I had an application for a writ of *capias* to stop a man said to be going away in a day or two, and it was only with considerable trouble we were able to get the officers who had to act in such an emergency, to enable the Act to be used. The Prothonotary had to come in on the Saturday to be available if a writ was issued. As a matter of fact, I refused the application, and the writ was not issued. It serves no purpose and causes expense, and the substance of the law is not altered at all in any way—it is following the English rules on the subject which are much more simply expressed. Incidental applications also are much more simplified, *e.g.*, the application enabling the debtor to get relief from arrest by much more simple procedure. That is an instance of procedure dealt with freely.

4. We may take it, with regard to procedure, that you and the gentlemen associated with you have taken considerable liberties—have taken a free hand?—Yes, that is so, and it means in most cases a great saving in expense and trouble to the parties. As I said before, I felt very often justified in doing that, as the Legislature in a modern Act has itself set out procedure which I have transferred to an old Act.

The Evidence Act also is one in which there has been considerable rearrangement, and some alteration in procedure, and some additions, which I will point out in detail to the Committee afterwards.

The Acts consolidated are those of general public interest. The only ones I feel some regret about are the Acts relating to Melbourne and Geelong. For various reasons, which I do not think I need enumerate, I thought it not desirable to do those at present, but they can easily be done if necessary later, and I shall be pleased to do them.

5. Probably there is another method which Parliament has in its mind?—There are various reasons I have heard of which led me to think I had better leave them alone. Apart from those Acts, all the Acts of general public importance are consolidated. Of recent years the Legislature has passed a great number of Acts dealing with market sites, land for race-courses, some local railway, some local tramway, some reservation for some local purposes, &c. Of course, it would only increase the bulk of the volumes enormously to put such Acts in, and it was thought, as on the last consolidation, better to leave them out. They would increase the bulk of the volumes enormously, and would be very seldom referred to, and they are left unrepealed, and left available for local purposes.

Consideration has also had to be given to this consolidation to the fact that a great number of Acts are affected by either the Commonwealth Constitution Act or the Acts passed by the Commonwealth Parliament. The Victorian Acts relating to all those matters which have been taken over by the Commonwealth Parliament are not consolidated, and are simply left where they are. The probability is that in ten or twenty years' time they may be wiped out altogether, so far as Victoria is concerned; but at present it is thought desirable to leave them where they were—for example, the Post Office Act, Customs and Excise Duties Acts, except certain sections which refer to licensing matters or importation of stock, or matters of that kind which have been transferred to appropriate Acts.

6. In those cases you have consolidated them into other Victorian Acts?—Yes.

7. *By the Hon. W. S. Manifold.*—And all the rest dropped?—Simply left where they were—not published in the new volume, but not repealed, and left in the old volumes.

8. *By the Chairman.*—They retain their vitality for what it is worth?—Yes.

9. *By the Hon. A. Robinson.*—They do not appear in the new volumes?—No, except those particular sections from the Customs and Excise Duties Acts—a number of sections relating to brewers, &c., which are transferred to the Licensing Act, and one section from the Aliens Act, which I have transferred to the Supreme Court Act relating to those holding property.

10. You have not got an Aliens Act?—No. All the sections relating to naturalization are taken over by the Commonwealth.

11. There are several sections with regard to ownership of property?—There is one section I thought of sufficient importance to put in about holding property.

12. That is in the Supreme Court Act?—Yes. I may say that the Supreme Court Act has been made the receptacle for a number of miscellaneous provisions which I have put in under the head of "Rules of Law," and which are made applicable in all courts, although contained in the Supreme Court Act. My justification for doing that was that the Supreme Court Act at present

is the receptacle for a number of miscellaneous rules of law which legal members will remember as coming from the old Judicature Act, and as it was thought desirable to retain them there it was thought desirable to add also a number of miscellaneous things, and that is one of them. I may say, in the Supreme Court Bill I have made one ambitious effort, that is to say, I have consolidated all the Acts, not only the Victorian Acts, but the English Acts in force in Victoria, relating to limitation of actions other than actions relating to recovery, &c., of land, which will be found in the Real Property Bill. Any one who has had to deal with that question will know that at present it is in a most confusing condition, and unless you are perpetually dealing with it you have always to start at the beginning and go through it again to see what it means. That has been very carefully examined by a number of gentlemen interested in the matter, and I think it is a success—I hope it is, anyhow.

13. *By the Hon. R. Beckett.*—Have you repealed the old Acts?—I have repealed 21 James I. At present the position is this: There are a number of Victorian provisions that impinge upon the English Acts, and for the purpose of understanding them you have to go back to the English Acts. It is not new except as bringing in the English Acts which are affected by the provisions of the Victorian Act.

There are many of the Acts that have been rearranged, as the members will see when they examine them, as I hope they will have time to do. In some cases, I need hardly say, that rearrangement has taken a very considerable time. I may give one example of the effect of consolidation and the necessity for rearrangement if matters are to be made easily intelligible, and that is the State Savings Bank Act. I do not know whether members are aware that the Savings Banks were originally established as independent institutions. So far as I can understand the old Savings Bank Act, each savings bank was an institution in itself, the Commissioners being merely supervisors of local trustees who directly managed the business of the local bank. A few years ago the Legislature, at the time of the abolition of the Post Office Savings Bank, said in effect there shall be a State Savings Bank, which shall be managed by Commissioners, and which shall be a Government institution, and which shall be guaranteed by the Government. If those old sections and that new section were put together the result would be ridiculous; but, as a matter of fact, as every one will, I think, agree, in accordance with the established practice the result has been practically to make the Savings Banks cease to be local and individual institutions, and to make them one large State institution, which lends funds, receives deposits, borrows money, and issues debentures, and which is in substance managed entirely by the Commissioners and Inspector-General. That necessitated, in my mind, that that whole matter should be reconsidered, and in effect the institution should be made one institution, and that everything inconsistent with that broad general principle should be removed from the Act. I do not think it desirable, after consultation with the Inspector-General, that there should be a total abolition of the local trustees, although I am not sure that this is not the logical consequence; but they remain for certain purposes, and there are now, I understand, very few of them, and, of course, gradually, they will disappear altogether. It is not now the practice to appoint local trustees, but there are a few of them still living, and they remain for certain, but not very substantial, purposes.

That matter also illustrates another matter which I desire to mention to members. They will see there the title of the Act has been altered. That has been done in more than one case. The Acts used to be called, are called up to the present, "The Savings Banks Acts." In the new Bill it is called "The State Savings Bank Act," in accordance with recent provisions. There are other similar cases. For example, at the suggestion of the Director of Agriculture, the Artificial Manures Act is consolidated as "The Fertilizer Act," which, it was thought, was a better title. Also, at the suggestion of that gentleman, the title of the Milk and Dairy Supervision Act has been altered to the "Dairy Supervision Act."

There is an Act to be called the "Goods Act," which incorporates the "Sales of Goods Act" and provisions relating to trading coupons, and also those provisions which used to be found in the "Instruments Acts" which correspond to what are called in England "The Factors' Acts."

14. *By the Chairman.*—Have you retained those original Factors' Acts?—That is also one of the matters to which I desire particular attention.

15. The original provisions are stuck away at the end of the Instruments Acts?—Yes. I may mention that another of the ambitious attempts made in the consolidation is to reduce the law on this subject to something clearer than it was, and to embody provisions to the same effect in different language. I shall be very glad if some of the legal members of the Committee will give a little time to it to see that it does effect the same object. I feel convinced it does, and Mr. Blackburn, who went over those very carefully with me, I think is also satisfied; but it was thought desirable that those provisions should not remain in the Instruments Act because it has to do as much with the important matter of mercantile agents as with instruments. And on that subject we have had the advantage of subsequent legislation in England, and that has been taken advantage of, but not entirely. Some of the old Victorian provisions it was thought desirable to retain, and they have been retained; but, as I say, I do not think it makes any real change in the substance of the law, and if it does not, it is much better expressed now than it was.

16. *By the Hon. R. Beckett.*—You have adopted the English system?—I have adopted the English system and to some extent the English wording, when I am convinced the result is the same; but there are one or two matters in which I retained the Victorian substance while adopting the English provisions generally.

17. I was thinking of the applicability of English decisions?—I think in nearly all cases they will be applicable. There are one or two cases in which Chalmers' *Sales of Goods Act* criticises the English wording and suggests doubts arising from it which do not exist in the Victorian Act. I went through it very carefully, and you find some small provisions retained from the old Victorian Act and fitted into the English scheme and language.

18. *By the Chairman.*—Was the Victorian Act an improvement on the English Act?—Not in its scheme and language. Before referring to Chalmers' work I may say the Goods Bill also incorporates what used to be known as the Merchandise Marks Act. That Act in the consolidation of 1890 was put in with Trades Marks and became Part II. of the *Trades Marks Act* 1890. Part I. of the *Trades Marks Act* 1890 consists of the general law and regulation of trade marks, and that has been taken over by the Commonwealth, and Part I. has not now been consolidated, but Part II., which deals with merchandise

marks, has been consolidated in Part V. of the Goods Bill. I think there is one section omitted because it is a section dealing rather with Customs, and would find its natural place in the Customs Act and become the subject of Commonwealth legislation.

Referring to Chalmers' *Sales of Goods Act*, at page 133, he says, referring to the English subsection—

It no longer requires goods or documents to be "intrusted" to the agent, but it suffices that they are in his possession with the owner's consent. How far this alteration of language extends the operation of the new Act is not very clear; but if it was intended to alter the rule that where a mercantile agent was intrusted with goods in some other capacity he could not sell or pledge them contrary to instructions, it is a pity that so important a change in the law has not been more clearly enunciated.

On that point I retained the substance of the old Victorian provision, and it was not intended to make an alteration of the law.

19. There is no doubt about the Victorian provision?—No. This part of the Bill was very closely considered with Chalmers' notes, which are excellent notes on the English Act, and I think no change in substance will be found, and I feel sure if that result has been achieved it will be very desirable.

20. It will save one or two law suits?—It will enable people to understand what they are doing, too.

21. *By the Hon. R. Beckett.*—You have revised the reference to the Acts in the margin?—Yes. There is no explanatory paper to this Goods Bill at present. I am sorry I was detained till yesterday at Shepparton, and had not any time to do what I intended to do, to supply explanatory papers to all the Acts. In many cases you have the explanatory papers here, but the balance will come. There are a number of them printed, and a great number are not printed. For example, I think you have the explanatory paper to the Health Bill and to the Insolvency Bill.

22. And the County Court Bill?—There is no explanatory paper to that, because I understood it was likely a new County Court Bill was coming into operation, and I have not taken very much trouble about that. Apart from grammatical alteration, it is practically a copy of the present Act.

23. *By the Hon. A. Robinson.*—You have apparently rectified that mistake made in the last *Companies Act* 1910 which, I think, prohibited no liability companies having branches registered?—That has been put in.

*The Chairman.*—That is in the *Companies Act* 1910.

*The Witness.*—It was extremely difficult to produce a satisfactory result from the *Companies Bill*. Mr. Pigott had a good deal to do with that, and we considered it together too. I do not know whether any of you gentlemen have studied the Schedule to the Act of 1910 which repealed the Act of 1896. There is exception after exception in it, and we spent a good many days over it trying to arrive at what it meant, and finally we came to a conclusion satisfactory to ourselves as to what it did mean; but I do not know how the ordinary person would get on who had not much time to spare!

24. *By the Hon. A. Robinson.*—You have hardly altered the 1910 Act?—No; that is practically copied. That is, of course, copied from an English Act, but the difficulty was that that Act

did not get rid of the old Victorian Acts. If you look at the 1910 Act you will find a most embarrassing repealing Schedule leaving the Act of 1896 in force for certain purposes. The Act of 1896 has now been repealed. It was not repealed in 1910, but was left there for certain purposes. That was the difficulty about Part I. of the *Companies Act*.

25. *By the Hon. R. Beckett.*—Is there any memorandum explanatory of the Local Government Act?—No; I have not yet prepared that. As a matter of fact, the Local Government Act of 1903 is not very much altered. The new Acts are simply put into it.

26. There are provisions in the Local Government Act overlapping some in the Health Act?—I have retained them. That was one of the matters considered at great length, but dangerous to touch. Parliament should consider that in the shape of an amending Bill. There is another Act I desire to mention in order that you gentlemen may consider it. It is a very important question, and I should like you to give it your full attention. That is the section of the Transfer of Land Act dealing with the matters which affect the registered title. It is now clause 72, page 21, of the Bill. I suppose it is the great section of the Transfer of Land Act.

27. *By the Chairman.*—It is section 74 of the old Act and 72 of this Bill?—Section 74 said that the title shall be paramount except in certain cases—except any unpaid rates and any licences granted by the Board of Land and Works under the Mines Acts. In the Mines Bill there are no provisions for any licences by the Board of Land and Works, and the decision to bring about that result was arrived at after consultation with the former Secretary of Lands (Mr. Macgibbon) and Mr. A. G. Brown and the Secretary for Mines. Recent legislation has removed what you may call water licences altogether from the Board of Land and Works, and they now are either granted by the Governor in Council or by the State Rivers and Water Supply Commission, and, therefore, this provision referring to the Board of Land and Works is of no importance whatever. In fact, after the consolidation is carried through, it will disappear altogether. But the matter is far wider than that; that is only a minor matter. There are a great many Acts which provide for licences, &c., being granted, and the question is whether the Legislature did not intend, having regard to the public nature of those licences and to the fact that there can be very little mistake about them, and to the fact that very little inquiry would lead to the ascertainment of the fact that there was such a licence, that the estate of the registered proprietor should be subject to those. There are also a great many other charges besides rates which are put on land by the Local Government Act and other Acts. The question had to be considered what would be the result of an action or an application to the Court in which the Court had to decide whether under section 74 the estate of the registered proprietor would be paramount as against the licences and charges under other Acts, or whether the licences and charges would be paramount, although not mentioned in this section. My opinion was, and the decisions bear it out, that the licences and charges of this public nature were exceptions to the paramount nature of the registered title, and it seems to me desirable that a person getting a title under the Transfer of Lands Act should know that, and it was no use concealing the fact from him and putting only certain exceptions here and say, "Your title is paramount except for this and that," so that

he relies on that fact. If you look at some other Acts there are some licences granted which would be paramount, and, therefore, section 72 of the Bill has made an attempt to bring about that result in this way. The provision relating to licences granted by the Board of Land and Works drops except so far as embodied in general words, and the estate of the registered proprietor is made paramount except *inter alia* with regard to "any rates or other moneys by or under the express provision of an Act of Parliament declared to be a charge upon land (other than a charge in favour of a private individual or private corporate body) and to any leases, licences, or other charges granted by the Governor in Council or any responsible Minister or any Government or any public corporate body." A "public corporate body" was put in because there are leases and so on that may be granted by municipal bodies which have been held to be paramount to the estate of the registered proprietor. That is one of the rare exceptions to the principle that I informed the Committee was rigidly adhered to in almost all cases with regard to proprietary rights that the Acts were left entirely as they were. Whatever view was taken it seemed most undesirable that a great section of the Transfer of Land Act which dealt with the effect of the registered title should say, "Your title is paramount except for this and that," and when you look at other Acts you find it is not so. For that reason I desire your special consideration of that section. The matter is discussed in a book by Mr. Hogg on the Transfer of Lands Acts of Australia, and he refers to a New Zealand case which suggested to me the distinction between public and private rights; that is to say, the estate of a registered proprietor is subject to public rights granted under the provisions of an Act of Parliament, but not subject to private rights, and that is what I have endeavoured to express here.

28. *By the Hon. R. Beckett.*—You mean in favour of a public body, but not of a private person?—Yes. The Local Government Act has a provision in which the municipality may take land and grant a lease of it, and I think the Court has held that it is quite outside the Transfer of Land Act, and is good if carried out as provided by the Local Government Act. The result would be this: That to a person wishing to buy land—he is the person to be considered in most of these cases—the thing is obvious, or it would merely need inquiry from a public department to ascertain the facts, and that is the object I desire to achieve in the new clause.

29. In some cases more than one Statute provides for what it calls a first charge upon land?—Yes.

30. That position is not altered?—That is not altered.

31. You get rid of the absolute paramountcy, because Parliament has said in certain cases it is not to prevail?—Yes, that is the idea, and it is thought desirable if that is so that people's attention should be called to it. At all events, this old provision about licences granted by the Board of Land and Works, and other things, which do not now exist, are not referred to at all.

32. *By the Chairman.*—That is the most vital section in the Act?—Yes.

33. Have you any more illustrations showing the consolidation has been in accordance with the instructions conveyed?—I am afraid I can give hundreds of illustrations.

34. Those are fair examples?—That is one of the extreme cases—perhaps the extreme case. I have been very much influenced in my subsequent work—when I say my subsequent work, the work we all did; I must refer to the assistance received later on—by reason of the reception and result of the Police Offences Act and Factories Act, especially the Police Offences Act, because the Factories Act was mostly concerned with modern legislation, and, therefore, there was not the same difficulty as with the Police Offences Act—I mean the Acts of 1912. I went through the Factories Act with Mr. Murphy, and through the Police Offences Act with Mr. Paul. Taking the Police Offences Act—that is somewhat an extreme illustration of the lengths to which I have gone—there are very few cases where I have gone further than that. On that occasion the Legislature was good enough to pass the Bill as a whole, and so far I have not heard of any flaw in it, and it seems to be working all right, except, perhaps, that some of those who have come under it have found it more speedy and effective. I have not heard of any hole in it, and that was a sort of indication to me that I might do something of the same kind in other cases. At all events, there are no cases in which we have gone much further than the Police Offences Act in removing obscurities and filling up gaps. It dealt largely with procedure, and for that reason I felt I had a freer hand.

35. You spoke about the explanatory paper; that will be one consecutive paper for all the Bills?—The Transfer of Land Act has an explanatory paper, and this will be eventually taken out and form part of the general explanatory paper.

36. You propose to put it at the beginning of the volumes?—Yes.

37. When would that consecutive explanatory paper be available?—I could do it in a few days if I had the time. I will try and let the Committee have that by this day week, if that is suitable.

38. *By the Hon. R. Beckett.*—You spoke of modifications to a large extent in procedure. Do they represent your own personal views or the views of the Judges generally?—Very often they represent views shown by the cases decided, and very often represent the procedure taken from some other Act, and very often they represent what I know to be the quickest and cheapest way of doing things, *e.g.*, if you found an Act providing for an application by rule *nisi*, unless there was good reason for retaining it I would adopt the modern practice of application on motion or summons.

39. *By the Chairman.*—We may take it the changes will be pointed out in these explanatory papers?—Yes. Of course you understand you have a great many explanatory papers now, and some Bills hardly require an explanatory paper.

40. From what we gather to-day we can see there has been a very large element of direct personal supervision and interest in those procedures?—I received great assistance from those associated with me and not only from those members of the Bar and profession who helped me, but also from the heads of Government Departments. In all important details I consulted the heads of Government Departments.

41. The Bills as submitted to them have met with the approval of those departmental heads?—Yes.

42. Your professional assistants were members of the legal profession?—Yes. Mr. Pigott and

Mr. Woinarski were first helping me, and, unfortunately, the matter was delayed a very considerable time by reason of the fact that I was not in good health myself, and then Mr. Woinarski was taken off as Crown Prosecutor, and has been able to give me very little assistance since, as he has not had the time. Mr. Pigott has helped me with a great number of Acts. Mr. Blackburn, Mr. Duffy, and Mr. Dixon assisted me as readers, but they did a great deal more than reading, because whenever they came across anything that occurred to them as requiring discussion, they would discuss it with me, and they would make suggestions, and very often I adopted their suggestions; at all events, we always discussed them as to whether they should be altered or not. They got into the system I had myself followed, and knew exactly what I desired to achieve, and they would say, "Would it not be better to do this in this case and make it consistent with something else?" and it would be done or not done according to the discussion. In regard to particular Acts, I have had a good deal of assistance from Mr. Paul (Police Offences Bill and Justices Bill), and also from Colonel Wanliss (Justices Bill), and that is a Bill about which I will have something special to say; but there is a very full explanatory paper on that, and I should like members to have a look at it before the next meeting, because there have been a great many changes, mainly in procedure, and in some cases some alterations of substance in that Bill. Mr. (now Judge) Winneke assisted me on the Health Act, and Mr. Meagher on the Licensing Act. Mr. Pirani did the footnotes and also gave me the benefit of some suggestions he had to make. There are others whose names I will mention later.

43. With reference to footnotes; they are not part of the Acts?—No.

44. Do you go beyond the Victorian decisions in the footnotes?—In a very few cases—Commonwealth, and decisions on similar Acts elsewhere where they are of importance.

45. I suppose you report Privy Council decisions?—In Victorian cases and, in one or two cases, appeals from other States to the Privy Council.

46. You do not footnote English decisions at all?—No; there are enough of them at present. As I am referring to the Justices Act, I should like, before members read the explanatory paper, to mention one particular matter in which an alteration has been made. When I say it is an alteration I understand it is strictly in accordance with the existing practice as followed by police magistrates, but an alteration on the surface, and that is that there shall be no imprisonment for orders of costs. The present Justices Act must be considered in connexion with the Imprisonment of Fraudulent Debtors Act, and both those Acts have received very close scrutiny. Mr. Blackburn can express a very valuable opinion on the Imprisonment of Fraudulent Debtors Act, and he knows the time it took, although it contains only 25 sections.

47. What have you done with that Act?—We have left it as you left it, except in one main particular, and that is, that the corresponding offences in each court have been stated in identical language. At present they are expressed in various ways, and it is very difficult to know why a difference was made. We have also assimilated the procedures in the County and Supreme Courts. My own opinion is—I can say it without egotism; I did not know it myself—that most people are not aware of the fact that the Imprisonment of

Fraudulent Debtors Act does not in every case cut out the power to award imprisonment in civil matter under the Justices Act. It is very arguable whether at present—except in certain particular cases dealt with by courts of petty sessions as such, and relating only to certain particular matters—whether civil debts cannot be enforced by imprisonment by justices. I think most people take the view they cannot, and it has never been tried; but I think in many cases they can, and I feel sure that was not the intention of the Legislature, neither was it intended, nor is it the practice, that any imprisonment shall be awarded in connexion with costs ordered to be paid on conviction, and for a very good reason, viz., the penalty itself ordered to be paid on conviction is to be made to the clerk of courts, and a justice knows whether it is paid or not, but he has no knowledge whether the informant has got his costs or not. Besides that, it seems unjust when a man who perhaps fights some technical question is convicted and, as a result, is fined a shilling, but with costs, and because the matter requires an important legal argument, heavy costs of ten or twenty guineas, that although the man has only committed a slight offence, and the justices say so, he should go to gaol for two or three months because he cannot find the costs. I understand the police magistrates do not do that, and in making an alteration on the face of it I am really making no alteration of the existing practice. When the *Justices Act 1887* was passed a number of provisions from the old English Acts were incorporated, and, if I may say so, in effect they were very apt in the Acts from which they were taken, but do not seem to me in many cases to fit into the Act in which they were put. Some of them I got rid of because, after careful examination of the English Act and things to which they applied in the English Acts, I found those provisions to which they did apply in the English Act were not in the Victorian Act, and, therefore, it seemed to me they ought not to have been put in. I think the desired object has been achieved. Another thing about the Justices Act is that the Schedules and forms were in a very bad condition; they did not fit, they did not follow the text, and they are expressed in different language. They are taken to some extent from the English Act, and certain provisions were all right in the English Act, but when you come to the body of the Act you do not find them in the Victorian Act—for instance, provision about making an order where justices think a distress would be undesirable. There is a corresponding section in the English Act, but not in the Victorian Act at all. These have all been redrafted, and that took an enormous time.

48. That Act was drafted by a learned Judge of the High Court. I do not suppose he paid much attention to the Schedules?—I do not suppose he did. I do not want to detract from the good work in it, *e.g.*, the provisions relating to orders to review. The criticism I have to offer is not on the original work so much as on the adoption of the old English law, and trying to fit on some English provisions which do not fit on.

49. So far as the guarantee for accuracy in this work, you had complete confidence in the assistance you had in doing the particular Bills; and, in addition to that, your assistants consulted you frequently about any difficulties that arose?—That hardly expresses it; incessantly would be more like it.

50. *By the Hon. R. Beckett.*—Have you considered the rules and regulations in connexion with any of those Statutes?—No, I have not,

except with regard to the Supreme Court Act, where certain old provisions were left out because they were contained in the rules; but I thought it better to get the Acts done first, and the rules can follow. Of course, all the rules are preserved in the saving clauses, but I did not consider the rules except indirectly.

51. *By the Chairman.*—With regard to the Acts Interpretation Act, have you adopted similar clauses to that?—There is one clause in that Act I should like to direct attention to.

52. You have reproduced all the sections out of Lord Brougham's Act?—Yes. At the end of clause 33, if you compare that with the present Acts Interpretation Act, you will see it is somewhat bolder. To put it shortly, it leaves no doubt that the consolidating Acts are to be paramount. It was thought desirable to leave no doubt that the consolidating Acts shall govern, and to provide that you should not have to go back to the previous law to find out as to persons, things, and circumstances. That, however, must be taken subject to these remarks. As the Hon. the Attorney-General knows, each of those Acts has a saving clause, and the Acts Interpretation Act itself has a saving clause, so that all rights acquired and existing at the time of passing of the consolidating Bills are preserved, and all liabilities incurred are preserved; but as to future matters, it is thought desirable there should be no doubt but that the consolidating Acts should govern, and if any mistakes are detected they should be remedied by Parliament, and there should be no doubt as to whether the two sets of Acts apply to the same sets of circumstances.

53. *By the Hon. R. Beckett.*—Is not that against some decisions given (Bickford and Smith)?—At first, after 1890, there was an inclination to go back to the past, but later decisions, I think, show you must take the consolidation as governing. The decisions are collected in the notes.

54. They seem to have wobbled about?—Yes.

55. *By the Chairman.*—That was drafted by Mr. Justice Higinbotham after much thought?—Yes; we have adopted his language in every other respect. I think we must not fear our fate too much. It is done, and the Legislature can correct it if it is wrong.

56. *By the Hon. R. Beckett.*—In regard to the footnotes. Have you revised the footnotes yourself?—Yes.

57. And you are satisfied as to the accuracy yourself?—Yes, as far as I could, and I think they are all right.

58. *By the Chairman.*—They were done by Mr. Pirani?—Yes; I looked over them.

59. He has had very considerable experience, and has published a book?—Yes.

60. *By the Hon. R. Beckett.*—As to the names of the various Acts. Do you think it would be desirable to make them 1915?—That is a matter I am glad you mentioned. Of course, it would entail some labour if called 1915. You would have to go through them all again to alter 1914 to 1915.

61. What do you think of it yourself?—I would sooner you did not do it.

62. *By the Chairman.*—The idea is they should come into force on the 31st December?—It is a very common thing in our legislation to call an Act by reference to the year in which it is passed, though it is not to come into force till the next year. I think it is the custom to call it the Act of the year it is passed. It may be desirable that

they should come into operation when Parliament is sitting, so that if anything did occur Parliament would be there to deal with it. That is a question which the Committee might consider. It seems to me there is no difficulty, even if they are called the Acts of 1914, in saying that they shall come into force on the 1st January, 1915, or the date of the opening of the next Session of Parliament in 1915, or on a proclamation by the Governor in Council. However, it is a matter for consideration.

63. *By the Hon. R. Beckett.*—In regard to the numbering of the Acts, do you think it would be an advantage to give the years as well as the numbers?—I think it would be a decided advantage if there was no confusion by reason of having such a number of figures.

64. We are making a new start in life?—How would you suggest—by putting the year in brackets, e.g., No. 2670 (1915)?

*The Chairman.*—Begin a new number each year?

*The Hon. A. Robinson.*—That would be an inconvenient way.

*The Hon. W. S. Manifold.*—Speaking as a layman, I should say the consecutive numbers are distinctly an advantage.

*The Witness.*—Mr. Beckett wants the years added to them.

*The Chairman.*—The same as the Law Reports; that is very helpful.

*The Hon. R. Beckett.*—Yes, that is so.

65. *By Mr. Blackburn.*—With regard to the future. We have lately been passing a number of consolidating Acts, apart from general consolidation, so that now you may have, say, the *Factories Act* 1890, and in 1896 a number of *Factories Acts*, and then have a *Factories Act* 1912 which repeals all those and consolidates the law. In the short titles of Acts which amend the Principal Acts the word "amendment" should be inserted. The idea is this: In future when we amend any of those Acts we might say "Instruments Act 1890 Amending Act such and such a date." That indicates to the public that the Act amending the Principal Act was the amendment?—Yes, I think so. The practice has varied very much. Sometimes they put in the word "amendment" and sometimes they do not. I think in the majority of cases they do not put in "amendment," but they do in some.

*The Hon. A. Robinson.*—It makes such a long "short" title sometimes. That is why the *Justices Act* 1915 or 1914 is so much simpler.

66. *By the Chairman.*—In England in dealing with a general topic like the Transfer of Land Act, if the amending Act deals with some particular topic, they put in brackets something to ear-mark it with that topic?—Yes; that practice has been followed sometimes.

67. *By Mr. Blackburn.*—The difficulty which Mr. Robinson raised would disappear to a large extent if the main Acts were referred to as *Justices Acts*, *Factories Acts*, and so on. I should think it would be a great advantage to the public when they take the index at the end of a sessional volume to know which is the amendment, and when they take the Act of 1912 to know they need not go behind it; to know that is the Principal Act?—That is rather a matter for Parliament.

68. *By the Hon. R. Beckett.*—Do you think the practice as regards future consolidations should be carried out more frequently?—I am inclined to think they ought to be done every ten years, about. The Hon. the Attorney-General was

speaking to me as to whether they should be done almost continuously. I am inclined to think not. We turn out a great number of Acts here, and if there was an attempt made each year to weave them in, I think it would not be so good as getting some one to take an united view of the whole thing every now and again. The Commonwealth Acts are very different; they are modern Acts, and at present easily handled.

69. *By the Chairman.*—They are like the English Parliament; they do not pass many Acts?—Yes.

70. That was a recommendation from the last Select Committee that sat in regard to consolidation, that there should be a consolidation every ten years; but it has taken twenty-five years, and six years of your able efforts, to produce this one?—Of course I was not in good health for a long time.

71. *By the Hon. A. Robinson.*—It could not be done in two years?—I think if you did it every ten years, you could do it under two years. It could be done within a year, probably. It is astonishing what a difference each year makes to it. A good deal was done on the last occasion in the way of clearing away old matter, and a good deal has been done on this occasion; and, to a certain extent, they are brought up into modern language on this occasion.

72. *By the Hon. R. Beckett.*—You have cut away more dead wood than was ever cut away before?—Yes, I think so.

73. *By the Chairman.*—I think we would probably like to have the explanatory paper, and an opportunity of looking at the changes?—I should like that. I have called attention to some matters that I should like you legal gentlemen to look at before you meet again. There are others I shall call attention to on the next occasion. If you fix the meeting for this day fortnight, I will have things ready for you as soon as possible. In the meanwhile, you might have a look at the explanatory papers which you already have.

*His Honour withdrew.*

*Adjourned.*

FRIDAY, 2ND OCTOBER, 1914.

*Members present:*

Mr. MACKINNON, in the Chair;

<i>Council:</i>	<i>Assembly:</i>
The Hon. R. Beckett,	Mr. Blackburn,
The Hon. A. Robinson,	Mr. Snowball.
The Hon. W. S. Manifold.	

His Honour Mr. Justice Cussen, further examined.

74. *By the Chairman.*—Will you kindly proceed with your evidence?—Yes. I may say that although the Bills are referred to on this paper as the "Consolidating Bills" and come fairly under the instructions I have received for the purpose of consolidating them, I have, especially with regard to matters of procedure, introduced some amendments, to each of which Parliament's attention will be specially called. I said on the last occasion when I was here, that in certain cases amendments of the law, chiefly in connexion with procedural matters, have been introduced, because it was thought that the alteration was so obviously desirable that it only had to be pointed out in order to be done, and to these matters, as I say, particular and special attention will be called. The more important of

them are now in process of having attention called to them, and the information will be elaborated to include even the less important of them.

A complete consideration of the Acts led me to the conclusion that, except for the purposes of Justices, and Appeals from Justices, the recent Acts have abolished bailiwicks, and consequently you will find in the Supreme Court Act that while the Bailiwicks' Schedules are retained, the Supreme Court is given complete local jurisdiction throughout Victoria, both in civil and criminal matters. So far as criminal matters are concerned that has been done by various sweeping general sections already in force, which have had that effect. So far as civil matters are concerned there is only one particularly embarrassing section remaining in the *Supreme Court Act 1890*, which might, with regard to a case in connexion with real estate, cause some question whether, in regard to that matter, the jurisdiction of the Supreme Court is still local instead of territorial, as in other cases. The County Court is not local in its jurisdiction though there are provisions about going to the nearest Court. The Court of Mines is not local. It depends on districts, and not bailiwicks. The Court of Insolvency also depends upon districts, and not on bailiwicks, so that you have a large number of provisions in the various Acts, which refer to bailiwicks, and which, with the exception of those referring to justices, have all gone.

75. That is the appointment of justices?—And the jurisdiction of justices. With the exception of the appointment and jurisdiction of justices the bailiwicks have disappeared from local jurisdiction for all practical purposes, and in these Consolidating Bills you may take it that they have disappeared for all purposes except that one.

76. *By the Hon. R. Beckett.*—Do you suggest justices in future should have county appointments and not bailiwicks?—I do not touch that question. The bailiwick provisions are certainly alive as to justices, and it is for Parliament to say whether that distinction should be altered or not. They are certainly alive for that purpose. The bailiwicks, as against the counties, have the advantage that they cover large areas, and it might not be desirable that a justice should be limited to a county. In that connexion I might mention one matter in which an amendment has been made. In the Acts dealing with the local jurisdiction of justices it was thought necessary to extend it to a line 5 miles beyond the limit of a bailiwick, that is to say, the justice in one bailiwick had jurisdiction, even though the offence or matter complained of arose 5 miles outside the bailiwick. I understand it has been found inconvenient in many cases, and that has been extended to 10 miles in the Consolidating Bills. I do not see any possible harm that can come from it, and there are in Victoria circumstances under which it will be a great convenience, especially if people have only to cross a river to a town, instead of having to go 15 or 20 miles away to another town. They may get out of one bailiwick and into another by going across a river.

77. That would be a suggestion from the Department?—Yes.

*The Hon. R. Beckett.*—I was under the impression that was done last session in a Bill introduced by Mr. Brown.

*Mr. Snowball.*—No, you are thinking about an extension of the jurisdiction to 5 miles beyond

the boundary, and there was a good deal of argument in Parliament about it—now we are making it 10 miles. That was passed two years ago, I think.

*The Witness.*—The 5 miles was first mentioned in an Act of 1891. With regard to summary proceedings before justices there is also another matter that has arisen. It used to be the practice under some Acts that offenders could be prosecuted without information in writing. Those provisions are very much cut down by recent legislation, and there are but few cases in which an offender can now be prosecuted without information in writing. The result of that state of affairs under which offenders were prosecuted without information in writing was that with regard to the appropriation of the penalties you sometimes found the words “informer or person prosecuting.” Well, that has given rise to grave doubts as to the person to whom the penalty goes. Some have taken the view that an informer means the person who supplied the necessary information, for example, that a man was breaking the law relating to fisheries or game or something of that kind. To my mind it meant an informant. I do not see how the Clerk of Courts could work it if he had to have a supplementary inquiry to ascertain who the informer was, and how he should split up the penalty imposed. It seems impossible, and the consequence is that where that phrase occurs the word “informer” has been substituted, so that the Clerk of Courts knows exactly now who is to get the money when it says that half the penalty goes to the informant. How he would work it out if a number of “informers” came up and said, “I told so-and-so, and I ought to be given 5s. or 7s. 6d.” I do not know. I came to the conclusion that the use of the words was due to the fact that sometimes there was an information, and then in the old Act the person prosecuting was called an informer, and sometimes no information, and then the person prosecuting was called the “person prosecuting.” I have altered that in every case to the word “informant,” but in my view it is only a verbal alteration. There are special provisions sometimes, where in the event of a person giving information the Minister may reward him out of certain funds, or the Chief Inspector may. That is quite right because he can have a departmental inquiry to enable him to see how things will go.

78-80. *By Mr. Snowball.*—Are there not some instances in which the penalties are recoverable by information, and apportioned between the persons suing for the recovery thereof—in the Fisheries Department there appear to be heavy penalties provided where that could operate?—That is one of the cases in which this expression is used—“informer or person suing.”

81. Is it proposed to drop those words?—Yes.

82. Would it not case a difficulty where a person might sue for the recovery of penalties without information?—Well, I do not think so, because I regard such a person as an informant.

83. It would depend upon the interpretation clause in the Act whether he would come under that definition?—I should say he was an informant under the Justices provisions whether there was an information in writing or not. An informant is not defined now, but “information” is. I do not think the fact that there is not an information in writing renders him less an informant. That has not given so much difficulty as what is meant by the word “informer.” That is referred to in the Fisheries Act and, I think, in the Hawkers and Pedlers Act.

84. It would, perhaps, be wise to leave in the words “or persons suing for the recovery thereof”?—It may be.

85. *By the Hon. R. Beckett.*—Your definition of the word “informer” includes “complainant for an offence”?—Yes; and I think an informant includes a person suing for a penalty without written information. The suggestion in regard to adding some words could easily be carried out.

86. *By Mr. Snowball.*—It would be better to include it in the definition than to repeat the word time and again?—Yes. The present method has given rise to doubts in the minds of the Clerks of Petty Sessions, who have complained that they did not know what to do—if an informer means a person giving information, it is quite impossible to make adequate inquiries as to how the reward should go.

87. *By the Chairman.*—Your system makes it absolutely mechanical?—Yes.

88. *By Mr. Snowball.*—But would it apply for such cases as where penalties are provided for without information—the alteration in the interpretation clause would abundantly meet it?—Yes, I am inclined to think that an informant includes a person prosecuting without an information, but that point is easily introduced. There is no difficulty about that. I can put that in the Justices Act—that “informer” includes a person prosecuting for an offence where there is a penalty, whether with written information or not.

89. There is a question under the Justices Act in reference to the time under which a person may plead guilty—it is altered from fourteen days to seven days. It is referred to in the explanatory paper. It simply states that the alteration has been made?—You will find that is clause 49, section 1, of the Justices Bill. It formerly provided for fourteen days. Of course, this is a section designed to avoid expense—that is to say that when there has been an inquiry before Justices, and a person has pleaded not guilty, then before the Sittings of the Supreme Court or the General Sessions he is entitled to call in a Justice, and the Justice takes the plea, as he desires to plead guilty. The result is that the Crown are enabled to stop all the witnesses coming, and are enabled to save the expense entailed. It seemed to me that there was no necessity at all why that could not be done up till seven days before the commencement of the Sittings. With the increased communication nowadays there is absolutely no case in which seven days before the commencement of the Sittings should not be sufficient. At the present time it is fourteen days, and it seems to me desirable that he should be allowed to do it up to seven days. In fact, I cannot see myself why it should not be made even shorter than seven days.

90. *By the Chairman.*—I remember there was a good deal of controversy about that when it passed through Parliament before?—There might have been controversy about the question of doing it at all, but I should think not as to the question of the time. It is certainly beneficial if it is allowed to be done, and the only question is—is there time to communicate with the witnesses and stop them coming?

91. *By Mr. Snowball.*—It would seem a reasonable alteration?—Yes; I do not see why it should not be even made shorter.

92. *By Mr. Mackey.*—As a matter of fact he could withdraw his plea in Court?—Yes, but then the witnesses are there.

93. Yes, but if you say you will not allow him a shorter time than seven days, he will say, “Very well, I will withdraw my plea in Court when I am called upon to plead”?—Yes.

94. *By the Chairman.*—I think seven days is a fair compromise?—Yes. Then there is a great

variation under different Acts dealing with offences punishable summarily with regard to the infliction of the penalty. The expression used to be, "He shall forfeit and pay," and sometimes it was, "He shall be fined." Then again you would get, "He shall be liable to a penalty," or "He shall incur a penalty," and various expressions of that kind. They have all been altered to "He shall be liable to a penalty"—there are dozens of those cases, perhaps hundreds.

95. That is a mere alteration in verbiage?—Yes. Then there are two Bills I desire to draw particular attention to—they are the Justices Bill and the Evidence Bill, because they may be said to be pivot Bills. If you accept the alterations in them that carries with it a great number of alterations in other Acts, because the other Acts have all been made to conform with these Bills, and they may be described as pivot Bills which affect a great number of connected matters. If they are accepted as correct, then the other alterations follow necessarily.

There are two Acts that members may have noticed have not been consolidated. They were passed in the last session of Parliament, and they are the Workers' Compensation Act and the Rating on Unimproved Values Act. I propose simply to make the necessary alterations in them, and to leave them under their present names. There may be one or two alterations necessary as to references to other Acts. It may be suggested to put the Rating on Unimproved Values Act in the Local Government Act, but that is a matter standing by itself, and it does not come into operation with regard to any particular municipalities until certain preliminaries have been observed, so I think it better to leave it by itself. The Workers' Compensation Act is complete in itself, and it does not need any consolidation.

96. *By the Hon. R. Beckett.*—Are you treating the Workers' Dwellings Act as being distinct?—They are provided for in the Local Government Act.

97. Those two Acts will appear in the final volume?—Yes; but they are not with those that you have there. The printer has set them up in the Consolidating type, but they are not submitted at present.

98. They will appear as 1913 and 1914?—Well, I had some little doubt about that. I will consider what is the best way to put them in. They are complete Acts in themselves and, there is no difficulty about them. There is no consolidation about them.

99. *By the Chairman.*—There are one or two little words in connexion with them, I think, that need revision—verbal errors?—I should be glad if some one would point those out to me.

I was speaking to the Attorney-General with regard to the question of the date of the year that the Consolidated Bills should come into operation. I do not know whether members would be disposed to support a suggestion that they should be called the Acts of 1914, and come into operation on, say, 1st June, or 1st July, 1915. The advantage of that will be that if there are any Bills which require the Royal Assent, that could be procured beforehand.

100. The Marriage Act will, I think?—Yes. Not that this is a matter of very much importance; but what is more important is the fact that, if the Acts were passed in December and did not come into operation until July, it would enable them to be obtained by the profession before Parliament met again, and read up. It would also enable a complete extra volume to be prepared, including all the important rules and an index. Then it might be the purpose of the Lands Department, for instance, to take this

Consolidating Bill and draw up a complete set of new rules. They could then be put into a Rules and Index Volume at the end, which would be ready at the time the Acts came into operation. In the meantime, the profession would be able to observe them, and if there were anything seriously wrong there would be an opportunity of dealing with it; not that I anticipate that there will be.

101. *By the Hon. A. Robinson.*—How would that fit in with any Bills passed between now and then?—I do not think there is any difficulty there, as long as the Consolidating Acts are passed first, and all subsequent Bills could refer to them. It raises the question mentioned by Mr. Beckett on the last occasion we were here, as to whether it would not be better to call them the Consolidated Acts of 1915. That means they would have to be gone through again to alter various dates in them from 1914 to 1915.

102. *By Mr. Mackey.*—If they are called 1914, it means that we can get all the rest of the Acts passed in 1914 consolidated?—Yes. In the Consolidation of Chief Justice Higinbotham there were also other Acts passed in the year they were incorporated.

103. Yes; the Marriage Act 1890 is one?—Yes.

104. It is quite usual to have an Act passed in one year to come into operation in the next year?—Yes. I will run through this preliminary explanatory paper now.

#### ADMINISTRATION AND PROBATE BILL.

I will pass the Administration and Probate Bill for the present, because, possibly, Mr. Pigott will speak about that, and Mr. Webb. I do not know that I need bother you with any other until we come to the Auction Sales Bill.

#### AUCTION SALES BILL.

This has been altered a good deal on the face of it, but nearly altogether by reason of the fact that district auctioneers' licences have been got rid of. The Act was originally passed when Melbourne and Geelong were the only towns of importance in Victoria, and it provided for special meetings of justices in Melbourne and Geelong, where they could grant a general auctioneer's licence for Victoria. Then they provided for district licences being granted in the sparsely-settled localities. The fee for the district licence is fixed at the same sum as for a general licence, and there might have been some sense in that at the time. Then the Governor in Council was asked, under the power conferred by a sub-section of the Act, to provide other places where people might get general auctioneers' licences, because it was absurd that a man would think of paying £20 for a district auctioneer's licence when he could get a general auctioneer's licence for the same money. In consequence, for many years there has been no such thing as a district auctioneer's licence. The Act is curiously expressed by reason of the distinction between the licences, and it is simplified very much indeed now. I have made inquiries at the Treasury, where they receive the money for the auctioneers' licences, and they told me there was no such thing now taken out as a district auctioneer's licence. They are issued for the whole State.

105. *By the Hon. R. Beckett.*—Is not this a case where the Bill should be called "A Bill to amend and consolidate the laws"?—That raises the general question as to whether you should do that, and I should like the Committee to settle that one way or the other. It is a question of policy.

#### AUDIT BILL.

The Audit Bill, I think, is practically unaltered, except that there was an Act in the Consolidation of 1890 called the Public Moneys Act,

a clause from which has been included. That Public Moneys Act has a very big title, but it almost entirely deals with the collection and appropriation of penalties and fees. By taking the clause relating to fees out of that Act, and putting it in the Audit Bill, where it naturally fits in, it enables what was the Public Moneys Act to be called the Penalties Bill, which is more appropriate. It only deals with penalties, except in this one clause, which has gone into the Audit Bill, and that provides for public officers paying fees into the Consolidated Revenue.

106. Did you revise the schedules as well in the Audit Bill—there are sixteen of them; may we take it that generally the schedules have been revised?—Yes, certainly; all the schedules have been revised.

107. Your system is to repeal the particular section by the Act where it has been re-enacted?—Yes; but I could not do that here, because only a small part of a section is included in the Audit Bill.

108. *By Mr. Prendergast.*—Do you call this Audit Bill an amending Bill?—No.

#### BANKS AND CURRENCY BILL.

I will deal now with the Banks and Currency Bill, which is next. There are a number of provisions relating to bank notes, which, as far as I can understand, have been taken over by the Commonwealth, and now the provisions are contained in the Commonwealth legislation, which prevents note issue except under certain conditions, which are laid down by the Commonwealth Act, and providing penalties for any other kind of note issue. As a consequence, it seemed to me that sections 13, 14, 15, and 16 should go.

109. *By the Chairman.*—That is your best judgment?—Yes; I think they are done with, and will never be operative here again. I think they are spent.

110. You do formerly repeal them?—The whole Act is repealed, and those provisions are not re-enacted. There has been an attempt both in this Act, and the Public Service Bill, to re-state the position in regard to bank holidays. It is considered to be in a much simpler form now. The Commonwealth legislation still recognises our legislation for the purpose of bank holidays.

111. *By Mr. Prendergast.*—I suppose there is no doubt at all that sections 13 to 16 are not operative?—I do not think so. I think the Commonwealth has taken that over. Section 12 is retained because there may still be notes under the old Victorian law, which are made a first charge on the assets of the bank in case of insolvency.

#### BUILDING SOCIETIES BILL.

I pass on now to building societies. I am only calling attention to the important alterations. The Registrar of Friendly Societies is quite certain that all the provisions under Part 2 of the Act are now spent, and they have not been re-enacted. It relates to existing societies established before 1st January, 1875. He tells me there is no such building society in existence. Therefore, it was thought that it was only confusing to leave it in. He is quite certain about the matter.

112. *By the Hon. R. Beckett.*—There is no question about this being a Bill to amend?—Well, there is nothing for the Act to apply to. It really makes no change under the law in that case. The law is simply encumbered with it without any good effect at all. It all refers to "any such existing society," and I am sure there is no such existing society. Therefore, the thing is done with. In section 28 (4) of the present Act

there is provided a mode of winding up a building society. The Companies Act provided that a building society is to be deemed to be a company for the purpose of being wound up, and a comparison of the two sets of clauses led to the clear opinion that no one would ever proceed under this sub-section now. Any proceedings originally taken under the present section can be done under the Companies Act in a much simpler form of procedure, and I think it is desirable to get rid of that sub-section—it is never used. The Bill, you will see, says, "By winding up under Part 1 of the Companies Act." This was considered at some length, and at one time I did think I would leave it in, but it seemed to me that it is confusing for a person to read the Building Societies Act, and be told to proceed in this way, when, as a matter of fact, there is a much simpler method of procedure. So far as I know, this section has never been used in recent years.

113. You have noted up a large body of judicial decisions under this new clause?—Yes, under the Bill. They were given for what they were worth. Of course, it was in operation up to a certain date, and then the Companies Act came in. You will see in every case in the notes the words "under the former Act." I said with regard to these notes that I had looked over them on the last occasion, but I really did a great deal more than look over them. I went through them myself, and many were rejected as being not now applicable, and in each Act they were considered at great length. I do not feel any reasonable doubt that this is right, and sub-section (4) should be got rid of; in fact, I do not feel any doubt at all.

114. *By the Chairman.*—That is sub-section (4) of section 29?—Yes.

#### CEMETERIES BILL.

Now, taking the Cemeteries Bill. Two new sections have been put in from other Acts, one from the Health Act about burials in private grounds, and one from the Coroners Act about the exhumation of a body. It was thought they ought to go into this Act.

115. I think that is quite right?—Yes. The question about cremation was considered at great length, and I did make an attempt to work cremation and burial in together, but I became afraid that I might make some alterations if I did it. Although it is not very satisfactory, I have, in Part 2, in dealing with cremation, adopted the system of reference back to the other part, which is a very rare case in this consolidation. I would like to call attention to what I have said here in the explanatory paper, viz., "Clauses 50, 78, and 81 are made to correspond in language, and the term 'pauper' is not used." In clause 50 at present the word "pauper" is used.

116. *By Mr. Mackey.*—There was a discussion in the House about the word "pauper" in that Bill, and the whole House was unanimous that that word should come out of the Bill, in every case where it was mentioned. We considered that the word "pauper" should not be used?—Well, it has been missed in one place here. I had it in my mind, and I have it altered in my own copy, as a matter of fact.

#### CHILDREN'S COURT BILL.

Then there is the Children's Court Bill, which has presented a difficulty, not so much in itself, but because it affects several other Acts, and a good deal of care had to be taken to see that every time a matter which came within the jurisdiction of the Court was dealt with, these other Acts made the necessary provisions. The Bill itself does not present much difficulty.

#### CHINESE BILL.

Then we come to the Chinese Bill. As members will remember, the Chinese Act of 1890 is divided into two parts, one dealing with Chinese as possible electors, and the other with Chinese as immigrants. As far as the Act dealing with them as immigrants is concerned, it is not consolidated—it is left as it is. That is now practically a Commonwealth matter. I have only repealed Part 2, which deals with the provision that Chinese are not to be put on the rolls unless they are naturalized. I did make an attempt to put that into its proper place—one part into the Local Government Bill, and one into the Constitution Bill. However, I again became alarmed, and did not put it in. I thought I might make some change, and I had better leave it alone, so Part 2 of the Chinese Act has already been enacted as it is. There is no alteration.

117. The immigration part is still in force?—I should say probably not. It comes under the Commonwealth Immigration Restriction Act now. It is left there unrepealed, if it is any good—it is there for all it is worth. I do not think it is worth much myself, but it is there.

#### CLOSER SETTLEMENT BILL.

Then the Closer Settlement Bill is a Bill which I could not explain within any reasonable length. There was not much difficulty with it, but there was the necessity of seeing that it did not conflict in any way with the Land Bill, which was very difficult.

118. *By the Hon. W. S. Manifold.*—Did you leave Clause 69 in?—Yes, I think Clause 69 is there all right. See Clause 125.

#### COAL MINES REGULATION BILL.

Then there is the Coal Mines Regulation Bill. There is an alteration made there, which is very small. It is made in my own copy, but I see it is not made in this copy. That is in Clause 19. The word "or" has got in by mistake, but it is a very important "or." It has the effect possibly—I do not say actually, but possibly—of confining the provision of the Clause (which is meant, as is shown by the style of printing, to apply to all the preceding provisions) to only one preceding provision. It was obviously wrong. The Secretary for Mines pointed out that it is not so in the English Act. The section is worded in such a way that there are a great many "ors" and "nors," and an extra "or" has got in at the end. It is the last "or" at the end of Clause (c) (2). That is the "or" after the word "mine." An alteration has not really been made here in the print, although I have it in my own reader's copy.

#### COMPANIES BILL.

Then the Companies Bill is a very long one, and Mr. Pigott will be able to speak to you about that. It will take some time if it is to be discussed at length. The chief matter is the one I referred to on the last occasion. That is that the old Victorian Acts will now be repealed. The Companies Act of 1910 did not repeal them, and the difficulty was in regard to certain societies and possibly certain companies, because it was doubtful by what law they were governed. Great consideration was given to the matter, and eventually we adopted in the Companies Act, as shown by the explanatory paper, and the table, what we considered to be the meaning of the repealing clauses, and then decided to repeal all the old Victorian Acts which up till then had not been repealed. I spoke pretty fully on that matter before. Mr. Mackey, I think, has read the Companies Bill.

*Mr. Mackey.*—Yes, I have.

119. *By the Chairman.*—A number of provisions were kept alive which you thought should be got rid of?—Yes, they are now incorporated in the Bill, and if they are not of importance, or are inconsistent with the recent *Companies Act 1910*, they have gone.

120. *By Mr. Mackey.*—You made the corresponding provisions of the 1910 Act apply?—Yes. That is a Bill which under the view expressed by the Committee will possibly have to be called "A Bill to amend and consolidate."

#### CONSTITUTION ACT AMENDMENT BILL.

I should like to call attention now to the chief alterations in the Constitution Act Amendment Bill as shown in the preliminary explanatory paper. There is a table accompanying the Bill showing where the various sections have gone to. There is an old provision in Section 46 of the Act of 1890, about licensees, which was considered to be obsolete, and has been omitted. I asked the Electoral Officer about that, and he said there was no such person as far as he knew on the roll, and it was considered that it was unnecessary.

121. These are electors for the Council?—Yes, they are licensees under the *Land Act 1860*.

122. Mr. Molloy would know about them?—Yes, it was on Mr. Molloy's information that I omitted it.

123. *By the Hon. R. Beckett.*—Is there a substituted provision, which would save the rights of a selector?—No, there is no such substituted provision. I understand there are none of those people left.

124. *By Mr. Mackey.*—We do not issue licences now in the case of selectors—we issue a lease right away?—Yes.

125. *By the Hon. A. Robinson.*—The licensees under the Act have been selectors and Crown grantees for the last 25 years?—Yes.

126. *By Mr. Snowball.*—If all these licences have expired it would be a good reason for omitting that provision?—Yes, I think that is the point. Under Clause 60 there was a provision in regard to a schoolmaster possessing a certificate that he was duly qualified to teach. That has been altered to a "person" possessing a certificate to teach under some competent authority appointed under any Act. I consulted Mr. Molloy about that, and he said it would not injure any one, and that this was the modern equivalent of the ancient provision, and he thought it was a proper provision to put in for our own Victorian qualifications.

127. *By the Hon. R. Beckett.*—That would be a competent authority under our State of Victoria?—Yes.

128. So that a man qualified under the British Act or the Imperial Act would not be qualified here?—Not unless he got a certificate here. I suppose it is possible there might be a schoolmaster with that qualification.

129. *By Mr. Snowball.*—He might have come here and not desired to take up teaching?—Then he would not be a schoolmaster. I do not think it affects any one really.

130. The qualification is not really being a schoolmaster—something is required to establish his educational qualification?—I think it is both—it says a schoolmaster possessing a certificate. The question thus arises, as to whether a man might not possess a certificate of fitness, and yet not be a teacher, and whether it is intended that he should have a vote—that is taking the new clause, where it says a "person" possessing a certificate

of fitness to teach. I do not know whether it should say a person actually teaching, and possessing a certificate of fitness to teach.

131. *By Mr. Mackey.*—I think it is all right as it is?—Yes.

132. *By Mr. Prendergast.*—Personally, I would not like any alteration which would give any opportunity of extending the power?—I do not think it does, except in the way I suggest—that this might be confined to schoolmasters. Perhaps a statement that he must be an actual teacher ought to be added to clause C. It could say a “teacher” possessing a certificate to teach, instead of a “person.”

133. *By the Hon. R. Beckett.*—That would make it more accurate, I think?—Yes, I think it would. Perhaps it would be better to make that “teacher.”

134. *By Mr. Mackey.*—Then the question will arise before Mr. Molloy as to whether a man is actually a teacher, if he is teaching for, say, half-an-hour a week. I think if a man has that certificate, he is good enough to vote for either House of Parliament. He might be teaching one week and not the next, and then he would be entitled to vote one week, and not another?—Yes, Mr. Molloy and I had a long talk about this, and he said this was the modern equivalent of that ancient provision which had given him a great deal of trouble—not in the sense of actual applications, because, as I have said, it would probably not affect any one, but he said, “I was never quite sure as to what I should insist on in regard to that clause, if a man came and asked me about it.” I do not think it affects ten people in Victoria. Clause 255 has the following words now added to it:—“Or to any place in the polling-booth.” A person is not liable unless he wilfully offends, and it is thought in modern times with large polling booths that it is desirable to have a clause stopping a person from carrying the paper away from the compartment where he is voting. If it is done innocently it is not an offence, but if it is done wilfully it is thought that provision should be put in to meet it.

135. *By the Chairman.*—That is an amendment of the law?—Yes. Clause 421 is new, but it does not add anything really. It only makes it plain that what is now the law is the law. It says that officers of Parliament are to be subject to other Acts of Parliament. It really is to call attention to the fact that there are other Acts which affect them. The really important part is the phrase “whether before or after the commencement of this Act.”

#### CONVEYANCING BILL.

Then the Conveyancing Bill gave a good deal of trouble—first of all to know what to do with it. I did have actually printed a Bill called the Real Property and Conveyancing Bill, but I found that the modern language of the Conveyancing Bill attached to the ancient verbiage of the Real Property Bill looked rather odd, and eventually it was decided that as the Conveyancing Act was a modern Act, and expressed in modern language, and was to a great extent alive, while many portions of the Real Property Bill are ancient history, it would be better to keep the Conveyancing Bill to itself. Then there was the matter of dealing with particular sections. For example, take the clause relating to the Powers of Attorney. There are a number of provisions about Powers of Attorney in the Conveyancing Act, and there are some in the Instruments Act. On the whole, I thought it was best that all the provisions relating to Powers of Attorney should

go into the Instruments Bill, and, therefore, they were taken out of the other, and, they are all together now. Then one section related to wills, and that was put into the Wills Bill, and sections relating to the apportionment of dividends put into the Supreme Court Bill together with the definition of the word “month.” Then one section of the *Instruments Act* 1890 has been transferred to the Conveyancing Bill, but it is not of any importance.

136. There has been really no alteration of the law at all?—No, that is a consolidation.

#### CORONERS BILL.

Now I will take the Coroners Bill. In the Juries Act is a curious provision. It says that nothing in the Juries Act shall apply to the Coroners Court, except that Executive Councillors and Dentists shall be exempted. I do not know why that is. I have added a clause that the general exemptions under the Juries Act shall apply.

137. *By the Hon. R. Beckett.*—Did you interview any of the coroners on the matter?—Yes, I sent a copy of the Bill to Dr. Cole, and I have just received it back with some suggestions that he made. They are, so far as I feel justified in adopting them, only one or two trifling matters—nothing of any importance.

138. I have heard that he has made some suggestions at various times as to the working of the Coroners Law?—Yes, he has made some suggestions to me, but I have not fully considered them yet.

#### CRIMES BILL.

Then the Crimes Bill is the next one. There has been a great deal of redrafting in this Bill. For example, under the heading of Forging Bank Notes, &c., all the provisions have been redrafted. It is chiefly by collecting definitions which enable the subsequent sections to be much more simply stated, but, perhaps, the part that members chiefly desire attention called to is in regard to amendments to cure defects disclosed to a great extent by various cases that have been decided. For example, a man stole some copper plates, and it was held that he could not be prosecuted under the clause corresponding to clause 99. Again, a man deliberately set fire to some grass, and caused a terrible fire, and he was prosecuted under the section, and it was held that as the Act said a “crop of grass,” it meant cultivation, so the word “grass” has been used now.

139. That was clearly the intention?—Yes; but coming from England where probably they had nothing in the way of our bush grass, they did not have it provided for. The word “grass” has now been put in before the word “heath” in the fourth line. Taking clause 110, there was a case in which it was decided that though this clause extended to a case of defrauding in connexion with a mining claim, it did not extend to a lease. It was an obvious omission, and the recent Mining on Private Property Act made it apply to both, and, therefore, I felt no hesitation in making this section apply to both. Clauses which are entirely new are clauses 450 and 475. In the Juries Act there is a provision for a view, which I may say took me very much by surprise, because I have never known it to be used, and it seems to lead to most remarkable results. It is section 57, viz.:—

“Either party in any civil or criminal inquest may, for the better determination of the question in dispute, obtain a rule on application to the proper officer without motion

for a view of any place or property commanding the sheriff to have at least twice the number of jurors sufficient to form the jury required at a time and place to be named in the rule, such jurors being taken from the panel, and the sheriff shall cause a jury to be struck from those jurors . . . .”

If that means before the trial starts, it might have serious consequences indeed, and if it means after the trial starts, then it is unnecessary, if not absurd. Assuming, however, that it is before the trial starts, it would seem to be a most objectionable provision, because it would mean, first of all, that it deprives the accused person of his right of challenge to a great extent, but, apart from that, it would enable a party to say, in the case of a criminal charge, “I want a jury to view a gun, or a tree, or a piece of stick,” as the case may be, and he would go to the Prothonotary and get an order that the sheriff shall summon a jury, and the Crown can do that too. Then, instead of having the ordinary right of challenge, the challenging is done as in a civil trial, and then it says those viewers shall be the jurors to try the case. Such a thing has never been heard of. I do not know why the section was not acted on, but I think the sooner it is got rid of the better.

140. *By Mr. Snowball.*—Under section 57 there was a reserve power of challenge?—But only the civil challenge, not the criminal challenge.

141. *By the Chairman.*—It seems to have come from some English source?—Yes; I looked it up very carefully, but I could not find any information about it.

142. *By the Hon. W. S. Manifold.*—It is an undesirable immigrant?—Undoubtedly it is. I have provided for an urgent civil case, however, because it might be important that the jury should, for instance, view a ship going away. In the Juries Act I have provided for the civil cases. I did not take out the references to these sections myself, and I think attention should have been called to clause 393 of the *Crimes Bill* 1914, on page 102, rather than to clause 450 as a new clause, viz. :—

“In cases of special urgency or importance such order may be made for trial by the Supreme Court at any place appointed for holding the Court at a date other than a date appointed by the Governor in Council for holding the Court at that place, and the consequences in all respects shall be the same as if the date specified in the order had been a date appointed by the Governor in Council for holding the Court in that place.”

The idea was, supposing you had the case of a prisoner who said, “It is important for my defence that such a ship should be inspected.” You do not, under the new arrangement, have the jurymen going about and the Court not controlling them at all. The Court would have the sittings fixed for an early date, and the Judge would come in, and the jury would be sworn, and would go down to the ship under the custody of the proper officer. The Court would have control of the jury the whole time. Under this old provision the jury might be wandering all over the place for two or three weeks before the trial came on. Of course, the party does not get the order under the new provision as a matter of course. He has to ask for it. In the old provision he could walk up to the Prothonotary and demand it.

143. *By the Chairman.*—What is the exact result—you have got rid of that clause 57 altogether?—Yes, and this provision is put in its

place, as far as criminal trials are concerned. I think the statement in the explanatory paper, which was not drawn up by myself, as far as the sections, are concerned, ought not to refer to clause 450, but to part of clause 393.

144. *By the Hon. R. Beckett.*—By whom is this order made—by the Court or a Judge?—By a Judge. You will see on the first part of the section that a Judge of the Supreme Court may on application direct that he shall be tried, &c.

145. Could not the order be made at the General Sessions?—No; they would have to apply to the Supreme Court. Even if it were a case committed to the General Sessions, the Supreme Court would order it to be tried at the General Sessions.

146. *By Mr. Mackey.*—Is there provision for that?—No; I think I am wrong. If it were an order fixing an earlier date in special cases, it has to be tried before the Supreme Court in any circumstances. Of course, there would be only, perhaps, one case in 10,000 where that would apply. All such cases can be tried before the Supreme Court.

147. It means that that particular class of cases would have to be presented to the Supreme Court?—I think that was the idea I had in my mind. I thought that that was such a special case that the Supreme Court should take charge of it, because it is a special jury also.

Then there are some alterations made in the terms of imprisonment. It was felt, when the Bill was put together, that some curious features presented themselves, where less serious offences were punished by a greater term of imprisonment than more serious ones. Although we have altered the terms in very few cases, yet we thought we ought to correct two or three of them.

148. *By the Hon. R. Beckett.*—It seems, on the face of it, pretty striking to alter the term of imprisonment from six months to two years under the name of consolidation?—Yes, that is section 226. That is a case where it was altered.

149. *By Mr. Snowball.*—Section 30 relates to railway obstructions, and the penalty is increased from ten to fifteen years?—Yes, that is a very good illustration. I will explain that.

150. It would appear that for an analogous offence under section 222 the penalty is reduced from fifteen years to ten, while under section 30 it is increased from ten years to fifteen?—But one, I think you will find, is endangering the lives of passengers. If you interfere with a railway line with intent to endanger passengers, you got ten years, and if you did it with intent to damage the property of the Commissioners you got fifteen years. It was thought, on the face of it, that that was absurd, and we put it round the other way. Of course, it is a penalty of “not more than.” It was thought that if one offence was to be more serious than another, that it was the one endangering the lives of passengers.

151. *By the Chairman.*—I see you have reduced one penalty?—Yes, in section 132, from ten years to seven years.

152. *By Mr. Snowball.*—It would appear in those sections relating to railways that you would be justified in keeping the penalties uniform, because if damage were done to a train there would be the lives of the engine crew and guard, just the same as with an ordinary train of people?—Yes, but one offence is against the person, and the other is against property.

153. *By the Hon. R. Beckett.*—Why have works of art become four times as precious as they used to be, seeing that you have raised the penalty from six months to two years?—If you look at

section 134, dealing with libraries, &c., which is more recent, you will see the penalty was made two years, and it was thought there was no reason why that should be two years and the old provision should be six months. This is the latest expression of the Legislature on the subject.

154. *By the Chairman.*—I think that is a very good reason, too?—Yes.

*The Witness.*—I think that the other matters to which attention is called are of such a character that they would involve elaborate explanation. They really want looking at rather than a statement by me here. Regarding the matters mentioned in paragraph (1) at page 4 of the Explanatory Paper, there has been redrafting. For instance, all the provisions relating to forging bank-notes have been drafted in Clause 252 *et seq.* The provisions are shortened and stated much more simply.

#### DAIRY SUPERVISION BILL.

There is not very much alteration in that. There is a clause providing for transmitting notice to the Minister. It was provided that notice should be transmitted to the nearest police officer, but there was no provision for its going on to the Central Department, and that has been put in. The Schedule has been brought up to date.

#### DOG BILL.

155. *By the Chairman.*—With regard to the "Dog Bill," I suppose it is only clearing up doubts?—Yes.

#### EDUCATION BILL.

The Education Bill was considered at great length with Mr. Tate and his officers. I do not think it makes any alteration in the law, but it is rearranged very much. Mr. Piggott, who went through it very carefully, thinks it does not make any alteration in substance at all. I think it needs detailed examination to appreciate it. The sections have been arranged so as to put in the forefront of the Bill in Clauses 19, 20, 21, 22, 23, 24, and 25 of the free, secular, and compulsory education provisions.

#### ELECTRIC LIGHT AND POWER BILL.

There is a curious alteration from the English section in Clause 49 which did not seem to me to be a desirable alteration, and I have put it back to the wording of the English section. For some reason or other when that Bill was copied the word "maliciously" was altered to "wilfully." Of course, everyone who ordinarily uses electricity wilfully uses electricity. Something ought to be put in, either the word "maliciously," which means "wilfully without just cause or excuse," or something ought to be added to it. Previously "maliciously" was taken out and "wilfully" put in. It says, "Any person who wilfully uses electricity is liable to a penalty."

156. *By Mr. Mackey.*—A man who turns it on in his own house would be wilfully using it?—Yes.

157. *By the Chairman.*—That is the only alteration in that?—Yes.

#### EMPLOYERS AND EMPLOYEES BILL.

In this connexion I think the clause that needs particular attention is Clause 53. The Employers Act No. 1219, 1891, Section 14, has to be referred to in this connexion. This deals with breaches of contract by employes of water authorities, and there is special provision made imposing penalties for breaking contracts for the supply of water. The Act as it stands includes the Metropolitan Board of Works and Councils, and at the time it was passed those were the water authorities in those places, but since then, of course, the

Geelong Waterworks Authority has come into being, and also a number of authorities under the recent Water Acts, and it was thought that ought to be added to the definition.

158. There are other sewerage authorities likely to be created now?—Special ones?

159. Yes. There is an Act for a Country Sewerage Bill?—It might be desirable to add some words to include any authority created under any special Act of Parliament. In Clause 60 there is provision that corresponds with Section 21 of the Act 1219. That Act repealed a very large number of old English Acts relating to disputes.

160. Where there is a minimum penalty imposed?—Yes; but as we had gone through the penalties relating to Victorian Acts, I thought it was proper in Clause 60 of the Bill to confine that to any English Acts which had been overlooked in any previous repealing section, because I think all the Victorian cases are covered and completely reviewed. There is no necessity to say that the penalty should be reduced, because I think the penalty is now provided by the recent Acts.

#### EVIDENCE BILL.

The Evidence Bill is a very important one. First of all, there has been added power to make an order in respect of letters of request. It chiefly applies to Germany. The Germans will not acknowledge a commission coming from our Court to take evidence. They will not permit any officers to go into Germany and take evidence under commission. You have to approach them through the Foreign Office if you want evidence taken in Germany. You have to deliver a letter of request to them and ask them by their own officers to take the evidence. The Supreme Court rules provide for it in Supreme Court actions, and therefore, as far as these are concerned, it is not perhaps of very much importance; but under the Evidence Act at present the Supreme Court also makes orders for taking evidence on commission in foreign countries with respect to cases in the County Court and the Court of Mines. A case arose a little while ago in which it was decided that the Supreme Court could not make an order to take evidence in Germany, because it had no power in those cases to issue letters of request, and words have therefore been added.

161. In which clause has that been added?—In Clause 4 power is given to order "a commission or letters of request."

162. That is the Supreme Court?—Yes; the Supreme Court acts in the particular matter even though the case is in the County Court or the Court of Mines. That is the way in which foreign evidence is obtained. It meant in an action in the County Court that if evidence had to be obtained in Germany, and I think one or two other countries, you could not get it. What happened was that the defendant who wished to have the evidence taken in Germany had to apply under another section to have the case transferred into the Supreme Court in order that he might get the evidence taken in Germany, and that was considered to be a good ground for transferring it, because if it had been left where it was he could not have managed it.

163. What Court was that taken out of?—It was taken out of the County Court.

164. There is other legislative power?—In the Supreme Court they had rules of procedure, and those rules provided, but only with respect to cases in the Supreme Court, for letters of request. As to Clause 12, there has been a number of cases recently in which the Legislature has made provision for bringing prisoners up to give evidence. The Coroner's Act, for example, is one of them. The provision in the recent Act is much more complete and satisfactory than the

provision in the old Evidence Act, and what has been done practically is to take the recent provision, and to put it in this Act, and to make it general. You will see that this Clause 12 corresponds with the old Section 6. It is much more complete and satisfactory. It produces no substantial difference, excepting that it provides for all the cases.

165. The old section was a short one, taken from an Act of William IV. ?—Yes.

166. What is the next one?—Division 5. There are old provisions relating to Boards appointed by the Governor in Council, and there is a new Act relating to Commissions issued by the Governor in Council, and the penalty is differently enforced in the two cases. In the case of Boards, there is a penalty, recoverable before a Court of Petty Sessions, if a person who is served with a summons will not come, or will not give evidence when he is there. In the case of a Commission, the Attorney-General has to apply to the Supreme Court for an order calling on the person to show cause why he should not be dealt with for an offence. That distinction has been maintained, but, with the exception of that distinction, the two sets of provisions have been harmonized so as to be expressed in the same language. For instance, if you look at Clause 15, it says, "Any member of the Board may administer the oath to, or examine upon oath," and if you look at Clause 18 you will see exactly the same operative words, "Any commissioner may administer the oath to, or examine upon oath." In both cases the two sets of provisions have been made in all other respects to correspond. This set of provisions relating to Boards is of importance, because there is a great number of Acts which provide that various Boards, such as the Medical Board, and the Dental Board, and a large number of Boards of that kind, shall have the power conferred on Boards appointed by the Governor in Council under this Evidence Act. I did not think that was satisfactory, because they may have the powers; but if you do not provide the penalty, then nothing happens, as far as I can see, and it seems to me that those sections are not well considered. What I have done practically in every case is to say that the provisions of Sections 14, 15, and 16 of this Bill shall apply to the Board in question, as if it was one of the Boards appointed by the Governor in Council, and that brings in the penalty provision of not more than £20 in every case. That seems to me to be a more satisfactory way of providing for it, instead of saying that the Board appointed under the special Act shall have the powers of a Board appointed by the Governor in Council, because it may have the powers, but if it cannot enforce them, the provisions come to nothing.

Part III. is the one in which more has been done in the way of trying to make the procedure satisfactory than perhaps any other Act. It relates to the proof of what you might call "public documents," and proof of facts by public documents, such as certificates of public officers, and so on. The Victorian Legislature passed an Act some time ago providing for the proof of Australasian documents, and records of other States, and so on, including, I think, Fiji and other places. Then the Commonwealth has passed one or two Acts dealing with the proof of Australian documents. Of course, that is all they had power to do. What I have done is to incorporate not only the Victorian provisions, but also all the Commonwealth provisions, because all are law here, and it is very desirable that all should be collected in one Bill. I have taken the most general provision in each case, and put it in, whether it was Commonwealth or Victorian legislation; that is as to proof of Australasian documents.

167. In regard to that, does the Commonwealth law override ours?—I do not think it overrides ours. Both stand together, though they may, to a certain extent, cover the same ground.

168. Do you think it desirable these should be together?—I think all the provisions should be included in the one Act. I do not think it desirable that you should have to go from the Victorian Act to the Commonwealth Act, so I have drawn from the Commonwealth Act and put its provisions in. Clauses 41-45 are general provisions, which are designed to get rid of technical objections. As legal men, you know, in these cases, no one has any real doubt that the document is a perfect document. You may get a book including by-laws, about which no one has any doubt, but some one is able to take a technical objection, and so put the parties to the expense of perhaps going to another country to prove it. These clauses were designed to get rid of that. As I indicated previously, this being a matter of procedure, I felt that we could deal with it as experts.

169. *By Mr. Mackey.*—Is it provided for here if there is any dispute as to the authenticity of the document?—The provision is that the documents are only *prima facie* evidence, and there are stringent clauses that any one putting forth a false document is liable to a very serious penalty. I should like to call attention to the way the clauses are divided. Division I. is introductory; Division II. is general, and deals with matters arising, it may be, outside Australasia. Then I have headed Division III. "Further provisions relating to Australasian Documents." I have headed Division IV. "Further provision relating to Victorian Documents." Then Division V. is "Judicial Notice." With regard to Division V., Clause 69 is new. It enables all Courts to take judicial notice of all Acts of Parliament of the United Kingdom. At present what happens is that the Judge sits up on the Bench, and some young barrister is called to tell him what the law of the United Kingdom is, though there is a text book before him, from which, probably, the young barrister or solicitor gets his information, and he says, "I say it means so and so." Very often parties recognise that this is absurd, and they say to the Judge (in civil cases, at all events), "We are agreed that Your Honour should decide this matter as if you could take judicial notice of it." That is a course commonly pursued. In criminal cases the question might arise that this probably could not be done. If we can take judicial notice of the Ordinances of Fiji, I think we ought to be permitted to take judicial notice of the Acts of the United Kingdom, which would stretch from 1800 to the present. We can take judicial notice of some of the old Acts now, because they are enforced as Victorian laws; but the new provision will take us on from 1828 onwards. I thought that nothing but a saving of expense could come out of that, and it could not be objected to. Clause 72 groups together most of the persons of whose signatures judicial notice can be taken.

170. *By the Chairman.*—I notice there is not a lot of side headings. I suppose these are taken out of a great many Acts?—Yes.

171. You are satisfied it is complete?—I think there are others that could be added to it, but it does not prevent, where there is some special Act, judicial notice of a signature being taken by reason of such Act. These are the cases that usually arise in Court. There used to be a provision in the Evidence Act providing for quashing by-laws. That was out of place, and has gone into the Supreme Court Bill.

I might say with regard to this Bill that I have used the phrase "Judicial and official notice."

I have made those words go right through, so that it would apply to every officer in a Department. Where the Court can take judicial notice of a thing the officer in the Department can take official notice of it. There is a section in the *Justices Act 1890* which seems to have been overlooked in many of these cases, namely, section 38:—

“Where by any Act any affidavit or declaration is required to be made or any document to be signed before any Justice, it shall be sufficient if such affidavit or declaration be made or document be signed before a Justice of the Peace for that part of Her Majesty’s Dominions in which such affidavit or declaration is made or document is signed (as the case may be).”

172. *By Mr. Mackey.*—What corresponds to that section in the Evidence Bill?—Clause 117, which provides, “Where, by any Act or Order in Council, rule, regulation, or by-law, any affidavit or declaration is required, authorized, or permitted to be administered by a Justice of the Peace, it shall be sufficient for all purposes. . . .” See also clause 120.

173. That would have to be a Victorian Justice?—No, I think not. I think it would be a justice for the particular part of His Majesty’s dominions.

174. We appoint justices for New South Wales?—This section, I think, has been overlooked, or those justices might, perhaps, not have been appointed.

175. *By the Chairman.*—You think, for all practical purposes, these New South Wales justices for execution of documents of this sort will be quite sufficient for us under the Victorian section?—Yes, I do, affidavits or declarations.

176. There are other things?—Yes; but, as to these, clause 120 provides.

177. I am glad you drew attention to this because we are continually asked to appoint justices outside. The New South Wales authorities often appoint New South Wales justices in Victoria?—Yes, but I doubt the validity of our appointing justices to act outside Victoria. In Division VII., clause 80, I have tried to collect all the provisions relating to proof of convictions and acquittals. They were scattered over various Crimes Acts and Justices Acts, but I put them all into the Evidence Act, which seems to be the proper place for them. Clause 93 has been slightly altered. This is a very recent provision as to the new form of administering the oath, which I am glad to say is turning out very satisfactorily. There is some doubt whether the witnesses can say the oath without repeating it because the words of the present Act are, “Shall say or repeat after the officer.”

178. The form is, “Repeat after me”?—Yes. I do not take that view. I take the view that the man can say the words without repeating. I have instructed policemen, for instance, who know the words very well, to say the oath, but I am told some of the Judges insist on its being repeated.

179. *By Mr. Mackey.*—In some Courts they put a card in the witness’s hands, on which the words of the oath are printed, and he repeats what he sees?—Yes. I have altered the clause so as to provide that the witness “shall repeat after the officer, or otherwise say the words.” I have added at the end of that section a provision which is desirable, having regard to the fact that this is a consolidation, and that it might be said that this section did not apply where another consolidating Act provided a different form.

We have retained the old form, and I have added a paragraph so as to make it clear that this section does apply.

I have made an alteration in the consolidation of section 66 of the *Evidence Act 1890*. It provides that “any justice may take and receive a declaration of any person voluntarily making same.” That is retained. It also provides that “any attesting witness to the execution of any will or codicil deed or instrument in writing, and any other competent person may verify and prove the signing, &c., by such declaration in writing made as aforesaid.” An examination of the history of that section led me to conclude that that had been put in under a misapprehension, and that its inclusion in an Evidence Act was wrong. That section was taken from an English Act, which was dealing with the abolition of extra judicial oaths, and provided that where a person extra judicially wanted to verify the will or codicil or deed or instrument, he might do it by a voluntary declaration. Then it went on to say that he might do it in any case. “Whereas it might be desirable to do it in other cases he might do it in other cases.” Taking that part about wills, &c., out of an Act relating to extra judicial oaths, and putting it in an Evidence Act, suggests that persons can verify wills in Court proceedings by statutory declaration. That was never intended, and is never done. I asked the Registrar of Probates if such a thing had ever occurred, and he said, “I was not aware that there was such a section,” and I think it is wrong that this part of it should be there, so I have left it out. The voluntary declaration outside the Court, or even in Court if authorized by special legislation, is preserved for all purposes. Any one who wants to make a voluntary declaration can do so. All I say is that it is not intended that he should verify wills for probate purposes. That was, I think, put in by misapprehension. What the English Act provided was, first, whereas people very often wanted to verify wills by statutory declaration outside the Court (as I take it, abolishing extra judicial oaths), let them do so. They might want to do so in other cases, so the English Act said, “Let them do so in all cases.” We took that out of the Act dealing with oaths, and put it in the Evidence Act, which deals with things taking place before a Court; and placing that part of the section about verifying wills in another context might give it quite a new meaning.

180. *By the Chairman.*—It is of no practical use?—No, not at all. Clause 104 is new as being a legislative provision. Whether it introduces any new law I do not know; but it simply empowers an officer to administer an oath. It is an English Act, and cannot do any harm. Clause 105 was in the Insolvency Act, but it seemed to me desirable that it should be made perfectly general; that is to say, that if a prisoner wants to make an affidavit the gaoler ought to be empowered to administer the oath.

181. He has statutory power under this?—Yes. It was in the Insolvency Act, but nowhere else. Division VII., clause 106, is of some importance. It repeals the old English Act under which the Commissioners of the Supreme Court for taking affidavits are empowered to act, and it provides analogous provisions in our own Act as to how that should be done, and to remove any possible doubt on the subject puts all Commissioners already appointed on the same footing as those subsequently appointed. Clause 104 is new. Clauses 115 and 116 are composite also in that they bring together a great number of provisions scattered over a number of Acts and the Supreme

Court rules, the Supreme Court Act, the Insolvency Act, and the Marriage Act, and provide for the way affidavits may be taken in Victoria and out of Victoria. They are fuller than the law is at present. You can get out of all the Acts what is in here, but no one of them is as complete as this clause is.

182. *By Mr. Mackey.*—That is because the intentions of Parliament were shown by different Acts?—Yes.

183. *By the Chairman.*—You have taken some out of the Supreme Court rules?—Yes, it is sometimes desirable in cases like this that the Act should be the authority. Paragraph 5, commencing with clause 119, is, to a great extent, new also, and is a copy of recent English legislation. It practically provides that wherever a document is to be acknowledged or attested, or verified in a foreign country, that that may be done in the same way as an affidavit may be sworn. That is a provision in the recent English Act, and it certainly is desirable that it should be a provision here also. In section 120 you will see I have taken the complementary part of the justices' provision, and made it apply to documents as well as to declarations and affidavits; that is to say, that where, by any Act, a document can be verified here by a justice it can be verified by a justice in another part of His Majesty's dominions. I pass on now to clause 138 because the others are fully explained in the paper. That is a clause in the Marriage Act, but nowhere else. It might be conceived that there are special reasons why documents should be impounded under the Marriage Act, but it seems to me that a Judge now impounds documents very often if he thinks it desirable to do so, and it would be just as well to make it legal.

184. Do you think he might not have jurisdiction?—He might have, but as the Marriage Act contains express provision on the subject I thought it desirable to make the provision general, take it out of the Marriage Act, and put it into the Evidence Act. I have provided for an appeal; in case it is done in any Court, other than the Supreme Court, you may apply on appeal to a Judge of the Supreme Court, and see whether the document should be impounded.

185. *By Mr. Mackey.*—Section 138 applies to justices?—Yes.

#### EXPLOSIVES BILL.

The alterations in the Explosives Bill are not of much importance. There were provisions enabling Customs officers to do various things. They have ceased to be Victorian officers, and I thought it was desirable to have provision if the Governor in Council thought fit that an officer appointed by the Governor in Council should have power to do those things as well as Customs officers.

#### EXPORT PRODUCTS BILL.

In regard to the Export Products Bill the title has been changed because the products are not "exported," they are products for export.

#### FACTORIES AND SHOPS BILL.

With regard to this Bill, clause 126, there is an alteration which is necessitated by what seemed to me to be a slip. In section 126 there was provision providing that records must be kept in shops and other places, and at the end there was a provision that any person contravening the clause relating to shops shall be liable to a penalty. It seemed to me that there was a slip in not providing that a person not keeping records as regards the matters outside shops should be liable to a penalty, so that in respect of these

matters nothing could be done if the records were not kept. If Parliament likes to add it they may do so in the Bill now before the Houses. I think probably there was a slip in the last consolidation in 1912. The section provides that "every occupier of a shop, and every employer or any person engaged in a process trade business or occupation subject to a special Board shall make a true record"; part of that was introduced by an amending Act. At first it related only to shops. Then the original penal provision was in the event of the contravention of any section with regard to any shop. Then in the consolidation of 1912 that was copied: "In the event of the contravention of these sections with regard to any shop," and it left the other part without any penalty. The Bill makes it general.

186. *By the Chairman.*—If that is so, there is no way of enforcing it except by some general clause?—You might get it under some general penalty clause, but clearly he should come under this penalty clause.

187. It is the same offence?—Yes.

#### FERTILIZERS BILL.

The title of this Bill has been altered, as I pointed out before. I do not know that I need call attention to anything special.

#### FISHERIES BILL.

The Fisheries Bill has been very much re-arranged. It is one of the cases in which the word "informant" has been substituted for "informer or person suing," in clause 38. Also in clause 4 the words "relating to the use of nets" have been added. It did say, "Nothing in this Act shall apply to any person using a landing net." Of course, that might have given rise to an argument that if he was using a landing net although he had been guilty of some other violation of the Act, altogether apart from using a landing net, that the Act did not apply to him because at the time he was using the landing net. So it was thought that in order to avoid any difficulty in this matter the words should be "nothing in this Act relating to the use of nets shall apply to any person using landing nets." Also the words "or persons taking fish for scientific purposes" have been added. I understand it has been the practice to allow that to be done by the written permission of the Minister. It has been the practice to allow it, and it is thought desirable to put it in.

188. That is without written consent?—He must have the written consent of the Minister.

#### GAME BILL.

The Game Bill has been re-arranged very much, and the language has been altered by adopting a definition of "close season," which was not in the old Act. There is a recognition of the phrase "close season" in the Fisheries Act, but not in the Game Act. It was found that if a close season was defined the language in the Game Act would be very much simpler. The consequence is that definition has been introduced in clause 3, and that has been carried right through the Act. It is only in accordance with common usage, and it enables the language to be simplified very much.

189. Does that reproduce the old schedule?—It is a new schedule really. The schedule is brought up to date.

190. You have got it by proclamation?—Yes. It can be altered, but that is as it is at present.

191. That seems to be altered every year by proclamation?—Yes. Clause 22 is new, but is practically copied from the Fisheries Act. There seems to be no reason why it should be in the Fisheries Act and not in the Game Act. That reminds me of another matter that I ought to have referred to in connexion with my general remarks, and that is, that the justices have been given a discretion throughout the Acts either to impose hard labour or not to impose hard labour. There is a good deal of doubt in many Acts as to whether they had the power, or whether they had not. As a matter of fact, it makes very little difference, because the Gaols Act provides that where a person is sentenced to imprisonment he may be put to labour which is not severe, but I understand there is no difference at all. The labour is the same. None of it is very severe, and the labour is the same whether it is with or without hard labour. Many prisoners prefer to be sentenced with hard labour, because, I understand, it is good for themselves and, apart from that, they get some advantages by way of diet if they are sentenced to what is called "hard labour." The Police Offences Act and the Crimes Act provide that, in very numerous cases, justices can deal with those persons, that they have discretion to say whether there shall or shall not be hard labour, but in other Acts they have not been expressly given the discretion, and it was thought desirable to give it to them, and that has been done throughout.

192. What have you to say with regard to that provision?—It is always put in "or to imprisonment with or without hard labour," giving the justices discretion to say which is desirable—a discretion in the interest of accused persons themselves very often. This matter was called attention to in connexion with the Police Offences Bill 1912, and the Legislature then adopted it "with or without hard labour."

I call attention to another matter in the paper to show that it has not been overlooked. It is rather curious that the Game Act provides that any person who kills a certain kind of kangaroo shall be liable to a penalty. The Land Act provides as a condition of certain leases or licences that if a person does not kill kangaroos he shall be liable to a penalty. I had some doubt as to what I ought to do with these provisions, but I thought it better to leave things as they are. I thought, probably, that the special provisions would overcome the general one, and that such a man so acting would be held to be outside the Game Act.

#### GAOLS BILL.

Clause 24 (2) provides—

"That the Inspector-General may order the removal of any prisoner from any gaol to any hospital, or to visit a dying person, and that such prisoner shall be deemed to be in legal custody during such time."

It has sometimes happened that a prisoner's mother or father was dying, and the prisoner could not get out to see them. Sections 20 and 21 of the present Act are curiously phrased, and at first it took me a long while to find out what the real reason was. Mr. Callaway suggested that the reason was that it had something to do with the difficulty of removing a prisoner from one bailiwick to another. It was thought, when the bailiwicks were all important, that, while the Governor

could remove a prisoner to any gaol in the bailiwick, there ought to be an Order in Council if the prisoner was to be removed from one bailiwick to another. That distinction is no longer of any importance, and it is simply provided that the Governor may, by warrant, send him to any other place in Victoria, and the Inspector-General may, in the case of prisoners under sentence, order them to be taken from one gaol to another, to any place in Victoria, provided he reports to the Chief Secretary.

#### GEELONG HARBOR TRUST BILL.

All I wish to say about this is that, as pointed out here, when this Act was passed it was copied practically from the Melbourne Harbor Trust Bill, and there were some clauses towards the end nearly all procedural clauses, some of which apparently were thought to be unnecessary. After I considered them I thought some of them ought to be retained, and clearly as I was going to retain them in the Melbourne Harbor Trust Act, it was desirable they should be retained in the Geelong Harbor Trust Bill, otherwise they would have afforded ground for argument that they were deliberately left out in one place and put in in another. They are of no substantial importance.

193. *By Mr. Prendergast.*—You have repeated the clauses?—The ones I thought desirable to retain in the Melbourne Bill I have added to the Geelong Bill.

194. *By the Chairman.*—These schedules were very puzzling to us in connexion with Harbor Trust matters. You mention here, "There has been considerable re-arrangement of the clauses and particular attention has been paid to the simplification of the schedule"?—Yes. I should like to mention the reason why the Geelong Harbor Trust Act has not been completely repealed. If you look at the First Schedule there are certain sections unrepealed. They have nothing to do with the Geelong Harbor Trust. They are the result of the re-arrangement as it affects the Geelong Agricultural Society, and it would be desirable some time or other that the Geelong Agricultural Society Acts should be put into one. I did not think they were of sufficient importance to put them into the Consolidating Bills; but it makes it a little awkward having these sections unrepealed, though they have nothing to do with the Geelong Harbor Trust.

*Mr. Prendergast.*—Your putting in these clauses in both the Melbourne and Geelong Bills will certainly save cross references one to the other.

195. *By the Chairman.*—They are the clauses at the end, are they not?—Yes; on the last page. Clause 119 is a clause that was left out of the Geelong Harbor Trust Act. I thought it was well to have it in. At all events, I was not prepared to take it out of the Melbourne Harbor Trust Bill, although the last draftsman considered it should be left out of the Geelong Act. As it was not desirable to take it out of one, I thought it was desirable to put it in the other.

196. *By Mr. Mackey.*—In connexion with the Geelong Harbor Trust Act, I see there is one set of labour clauses, section 108, and in the 1911 Melbourne Harbor Trust Act there were certain other labour clauses. Did not they apply to Geelong?—No; I do not think so. I left those exactly as they were.

197. They did not apply to the Trust as they were?—No; I left them exactly as they were.

#### GOLD BUYERS BILL.

The work on the Gold Buyers Bill has been chiefly re-arrangement. It has been re-arranged very much and split up into subheadings so as to make it more easily readable. There is one provision the position of which has been altered a little and the alteration of the provision makes it general where it was doubtful before, that is the granting of temporary gold buyers' licences. Also it was provided that, where licences were issued by the Secretary for Mines, you could at any time call them in for cancellation, and when cancelled they ceased to be of any force or effect. I thought that was not desirable, that you might have very considerable difficulty in getting them to cancel them. It may be that calling in for cancellation was deemed to be cancellation; but I thought it better to make it quite plain and to provide that, when he called them in for cancellation, they should cease to have any force or effect. It is in a number of clauses, for instance, clause 32.

198. *By the Chairman.*—If he calls on them the licence is void?—It is at an end.

199. He has not to go through the form of cancellation?—That is so. That is more desirable, because, if you look at the Petty Sessions part, it says in clause 17, re-enacting a previous section, that a person may be called upon to produce his licence, but the revocation of such licence shall be effectual notwithstanding such failure to deliver it up. That was provided before. It certainly gave rise to the argument that until the Secretary of Mines got the licence and cancelled it it was not cancelled, and he might have very considerable difficulty in getting it if persons knew that they might keep it back.

#### GOODS BILL.

I said a good deal about this Bill on the last occasion, and I do not know that I need say anything more about it at present. I shall prepare a much fuller paper about this, as there is one clause I desire to further consider in connexion with Part II. of the Bill.

#### HAWKERS AND PEDLERS BILL.

There is a provision that if a man commits an offence he shall never afterwards get a licence. In several recent Acts the Legislature has in similar cases provided that, if a man commits an offence and he has got a licence for some purpose or another, that he should have at least some opportunity for repentance, and that he cannot get another for five years. I thought that it was only fair to have a similar clause for the hawkers and pedlers. It would be desirable, as shown by the Legislature in recent Acts, to give him another chance.

200. *By Mr. Prendergast.*—They would consider his capability of holding a licence, of course?—Yes.

201. *By the Chairman.*—I suppose they would take into consideration the fact that he has a bad record?—Yes. They are not bound to give it to him, but this prevents it being an absolute block for ever.

#### HEALTH BILL.

I do not think I can deal with that in any way this afternoon. I think the members must have a look at the paper and the table before them. It is an enormous thing. It might be left for the present.

#### IMPRISONMENT OF FRAUDULENT DEBTORS BILL.

I have already said a good deal about this Bill on the last occasion. A memorandum is annexed to the Bill. The first line in that memorandum should be "Imprisonment of Fraudulent Debtors Act," instead of "Imprisonment of Fraudulent Debtors Bill." The paper really explains all I can say about this Bill. It was in a very bad condition by reason of the fact it was taken from various Acts. What has been done as far as offences are concerned is to express them in each case in precisely the same words.

202. Have you made three parts of it?—Yes. I did start to make a more radical alteration of this Bill, but I thought I had better not do any more than is suggested now. This carries out the idea that I explained to you last day that there is to be no imprisonment for costs and no imprisonment for civil debts or damages whether by reason of order of courts of petty sessions or of justices out of sessions. I think that was clearly the intention of the Legislature, but I do not think it has been carried out up to the present. The forms were in a bad condition, and they have been revised to be consistent with the text in the body of the Bill.

#### INCOME TAX BILL.

I will leave the Income Tax Bill for Mr. Webb to speak about.

#### INSOLVENCY BILL.

The Insolvency Bill is chiefly re-arrangement and abolition of overlapping provisions, but so far as I know there is really no substantial change in it at all. There is a table annexed for the Act. If you look down the third column of the table you will see the amendments made. For example, provision has been made as to letters of request (clauses 26 and 23). In view of the Commonwealth passing a Bankruptcy Act I do not think this will be of very much importance, but certainly it is very much more convenient. In clause 72 there is a provision about a meeting of creditors appointing the bank into which the moneys of the estate have to be paid. The new provision relating to deeds of arrangement has been added in various parts where it was thought necessary, and where it would have been added before if it had been thought of.

#### INSTRUMENTS BILL.

This is a case in which, although the Commonwealth has practically taken over legislation relating to bills of exchange, I thought it was advisable to retain the old Bills of Exchange Act in the Instruments Bill. It is still applicable to bills drawn before 1st February, 1910. I suppose they will be a gradually disappearing list. As a matter of fact it is almost a verbatim copy of the Commonwealth Bill.

203. You have made it a verbatim copy?—I have not altered it at all. Practically they were both verbatim copies of the English Bills of Exchange Act.

204. *By Mr. Mackey.*—I thought the Commonwealth made some alteration?—Not to any substantial extent.

205. *By the Chairman.*—Where do you get your Part II. from?—I wanted to get the Bills of Exchange Act as Part IV., and liens on stock as Part VII. I wanted to keep the old parts just the same, and I found I could conveniently do that by putting a few small things in ahead.

206. Have you altered the Bills of Sale law?—In clause 129 I have inserted a provision in accordance with decisions that it applies only to bills of sale by way of security. In clause 171 I have added, “and such stock and also such vehicles or implements are included in the mortgage made by the purchaser in favour of the vendor.”

207. What is the change in that?—Those words have been added. It says in the paper, “The present Act may easily give rise to difficulties.” One of the difficulties was this—suppose that a person did put in some other chattels besides vehicles and agricultural implements, the present Act would seem to make that mortgage void altogether, at all events it is arguable if it would not do so, and I thought that that was not intended or desirable, and that there was no reason why the mortgage, so far as it only includes stock and these particular things, should not be good, although it would be bad as to the rest. That was one difficulty that occurred under the present Act. I think the two sections 170 and 171 make it plain that it would be void only to the extent that it included chattels other than such vehicles and implements. Supposing a man put in something that was held not to be a vehicle, this should not make his mortgage invalid altogether; that was one difficulty, but there was something else which I cannot remember at the present moment.

207A. That later Act was the result of some decision was it not?—No, some country member introduced this. I read some of the debates about it. He referred to the fact that it frequently happened that men at a clearing sale wanted not only to put in stock, but also vehicles and implements.

208. At any rate you had good reasons for making that alteration?—I think it expresses what Parliament intended in conformity with the general provisions relating to bills of sale.

I have included in the Instruments Act the book debts provisions. They seemed to be analogous to bills of sale, and in clause 192 there was no provision relating to book debts corresponding to the provisions relating to bills of sale, that if there have been immaterial omissions or inaccuracies of the “notice of intention” these shall not invalidate it.

209. *By Mr. Mackey.*—You think it advisable to make it more general?—I think it applies to everything else now. This is the only place where it was not put in. I think you will find it everywhere else. The only two matters in which there are caveats are bills of sale by way of security and book debts. The words I have added are in the Bills of Sale part, but not in the Book Debts part.

In Part XI. a rather important alteration has been made, namely, that if the Bill is passed marriage will be no longer a cause of revocation of a power of attorney. It seemed to be out of harmony with the modern provisions of the Married Women’s Property Act, and, in addition, with the Conveyancing Act enabling a married woman to give a power of attorney, that a female’s power should be revoked because she was married, and I have struck out all reference to “marriage.”

210. That is following the practice in England of more recent date?—Yes, I think it is.

INTER-STATE DESTITUTE PERSONS RELIEF BILL.

There has been a re-drafting in connexion with this Bill. I do not think I need call special

attention to it. The clauses were rather complicated and drawn in such a way that it was very doubtful as to what they meant. After consultation with one of the police magistrates I thought it was quite plain what it really did mean, and I made it plain.

211. *By the Chairman.*—It refers to an order for a person to support any other person?—That has been put in. It is necessary, because if you look at (b) you will see “and in any such case any such husband, parent, child, or person or the person by such order adjudged, ordered, or directed to pay.” That referred to a person who had not been previously referred to in the section as it was drawn. It now is referred to because I have altered it. I have put in the words “Any person for the support of any other person.” The Act says, “Such person ordered or directed to pay,” and there was in express words “no such person ordered or directed to pay.” That is not a substantial alteration. I do not think there is any doubt about it, but the police magistrate told me that, having regard to the language, he felt doubts as to whether he could find the person to whom the words referred. He had no doubt of the person intended to be referred to, but whether he could hold it to be effectual or not was a question. The other clause is the same thing. I have altered it in the same way.

#### JURIES BILL.

In this Bill there has been considerable rearrangement also. I have already referred to the disqualifications for coroners’ juries.

212. What have you done about disqualifications of ordinary juries. There was a provision in the old Act providing that certain persons who have been convicted could not serve on a jury, but there is no provision for excusing them on attendance. The consequence was they were summoned to attend, they sat in the court and drew their fees, and you could not excuse them. I thought it desirable that this should be altered. Then, with regard to excusing jurors, we find by experience that they generally send up a statutory declaration. Strictly speaking, we cannot excuse them on that because there ought to be an affidavit, so “statutory declaration” has been added. There are two old sections about special juries—sections 42 and 43—which are obsolete and have been omitted. The most important alteration is that one I called attention to previously, which is intended to provide a workable scheme for a view in all urgent civil cases. I would call the Committee’s attention to the fact that the old provisions seemed to be out of harmony with modern provisions, and the consequence is that clauses 60 to 63 take the place of sections 67 to 70, and the balance relating to juries in criminal cases is to be found in the Crimes Bill, to which I have already referred. The schedule of exemptions has been made complete by adding the exemptions under the Commonwealth law as well as those under the Victorian law.

#### JUSTICES BILL.

There is a very full memorandum with regard to this Bill. I have already mentioned some of the important matters in it. There is one other matter I desire to mention, and it will be for the Committee to say whether I shall retain it or not. I have put in a provision for proportional

payments by person imprisoned for non-payment of a penalty. That is already adopted in England and New South Wales, and to a certain extent it is in force in Victoria. For example, if a man was fined £10, and by distress or otherwise he paid £8, there is hardly any doubt at all that the justice imposing imprisonment would take that fact very seriously into account and only give him a short sentence; but as the law stands at present, once the imprisonment commences, if he is quite willing and able to pay £8 or £5, and that is all he can pay, he still has to serve the full time of his sentence. It will save a great deal of money to Victoria, and would be quite the proper thing to do to provide that persons who are imprisoned for non-payment of a penalty should be permitted to pay an aliquot part of the penalty and then get a remission of the sentence. If they are sentenced to a month for the non-payment of £20, if they pay £10 they should only get a fortnight.

213. I understand it works well in New South Wales?—It is an excellent thing and saves a good deal of money. The revenue collects a good deal of money, the number of persons in gaol is much less, and they get their own wish in the matter. The prisoner's friends say, "This unfortunate man has been in gaol for a fortnight. We will pay the penalty and get him out."

214. As a matter of practice the Crown does let them down and says, "You can pay in instalments"?—After they have gone to prison?

215. No?—I mean after having gone to prison.

216. They can be released under certain conditions?—They can also be released under this.

217. *By Mr. Prendergast.*—They cannot be released on the time-payment system?—No, this is after they get into prison. Clause 118 is the clause.

218. *By the Chairman.*—I understand that Mr. Callaway favours it?—Yes. Mr. Callaway suggested it in his last report, and I spoke to him about it. This is an amendment of the present law, and I can hardly conceive that any one can object to it. It benefits everybody. It certainly benefits the accused person, and it benefits the revenue.

219. And it keeps them off "the parish"?—It empties the gaols to a certain extent. The Justices Bill and the Land Bill are too big for me to deal with fully here.

220. Colonel Wanliss had something to do with the Justices Bill?—Yes, and also Mr. Paul.

#### LANDLORD AND TENANT BILL.

I call attention in connexion with the Landlord and Tenant Bill to the fact that apparently there are two sets of provisions dealing, to a great extent, with the same subject-matter, because I feared an alteration of the law if we omitted one of them. I would much sooner omit one of them, but the Legislature, in passing the recent Act, says that the old Act shall not apply "wherever and so far as the later Act applies." There does not seem to have been any case arising as to what those words mean. Some of the text books say they do not mean anything, but other text books say they have a meaning, and I am inclined to think that they have a meaning. At all events it was too difficult for me to determine, and I have left it where it is. The result is that two sets of provisions are contained in the same Act. One set of provisions is stated to apply wherever and so far as the other provision does not apply, and they give additional protection to lodgers. That is all that can be said.

#### LEGAL PROFESSION PRACTICE BILL.

A great number of obsolete provisions have been omitted here, and there has been some re-arrangement. This is another case in which I have "consolidated the doubt." There are a number of provisions in the old Act which say that for certain appointments a person shall be a barrister-at-law practising as a barrister-at-law or counsel or advocate, or various matters of that kind. The Legal Profession Practice Act of 1891 came into operation and said that every one after its date should be a barrister and solicitor and that a barrister shall be deemed to have the right to practice as a solicitor, and the solicitor shall have the right to practice as a barrister. It is a very arguable question as to what the effect of that is on other Acts. I do not feel justified in solving that problem, so I put at the end of that Legal Profession and Practice Act a provision that where those words were used the Act should have the same meaning as before the Consolidation whatever that meaning was.

221. That is a new section?—That is a new section preserving the existing law.

#### LAND TAX BILL.

222. You do not say anything about the Land Tax Bill?—No, I will leave that to Mr. Webb.

#### LICENSING BILL.

223. As to the Licensing Bill you have got a memorandum?—Yes, a very full memorandum, and rather too full to deal with now. It will give members an opportunity to consider the matter.

#### LOCAL GOVERNMENT BILL.

There is not very much to say about this Bill. A number of the recent Acts are shown in the First Schedule, and for convenience of reference, I have so manipulated the numbers of the sections and divisions that in nearly all cases they have been retained exactly as they are in the Act of 1903; so that any one familiar with the Act will at once be able to find whereabouts they are. I did not put in that the Rating on Unimproved Values Act. That will be left by itself.

#### LUNACY BILL.

In clause 45 (3) I have put in the words "or a superintendent." I believe it causes a good deal of delay if the Inspector-General has to be brought.

224. We carried a Bill last night?—I was told it caused considerable inconvenience that the Inspector-General had to go up, say to Ararat, to give a certificate. It merely results in a patient being retained for a week longer, and I thought it would be sufficient if the official visitor and the superintendent gave it for that short time.

#### MARRIAGE BILL.

This Bill is an important one. A good deal of trouble was taken by Mr. Pigott and myself and the officers of the Government Statist's Department in harmonizing completely this Bill and the Registration of Births Deaths and Marriages Bill. The marriage certificates have been re-drawn in more convenient form, but it has been provided that the present forms may be used for some time after this Act comes into operation. So that there will be no dislocation in that respect. The Government Statist said that the present form is very inconvenient for official purposes, and that it will be much better to re-arrange the form, so that he could get a convenient form for filing, and that has been done.

There are a number of provisions relating to appeals in connexion with marriage cases which at present are in a very unsatisfactory condition. There is provision at present that an appeal may be brought within three months.

225. That is an appeal from a decree *nisi*?—Yes. There is a difficulty in connexion with that appeal as to whether the decree should be made absolute or not. The whole of these provisions have been considered with a view to harmonizing them, so that there shall be no doubt as to what is to happen if appeals are brought. An elaborate set of provisions has been drawn up which is thought to be complete, and to provide for every case that arises in making decree absolute and appeals to the Privy Council.

226. It can become absolute *ipso facto* and still be under appeal?—Under the present law it might happen that persons might get married. It might be very dangerous.

227. We shortened that period from six to three months?—Now the appeal time has been shortened to two months and it is provided if when three months is up there is any appeal pending or even an appeal has been lodged that the order is not to be made absolute by the Prothonotary, but is to be made absolute by the Court.

228. That is a section that was thought very desirable to prevent complications?—Yes.

229. There are a very small number of appeals in these cases?—They are hardly ever defended now. There is another provision about two Judges sitting in matrimonial causes that has been taken out.

230. That is obsolete?—Yes. Then Part V. of the *Marriage Act* 1890 is not reproduced. It deals with orders for the protection of deserted wives. The object of these sections was in effect to enable justices to make orders which produced the result that the women in whose favour these orders were made should for the future retain property as their own. That is quite unnecessary, because the Married Women's Property Act provides this whether they have a protection order or whether they have not. It is an order for protection of property and not an order for protection of the person. That is the effect of it and the Married Women's Property Act does all that is covered by those provisions. They are never used.

231. *By Mr. Mackey*.—That section is still in existence in England?—I am not quite sure that they are used in England in the same way. In England they have not got the special provisions we have about maintenance of wives and children. Part VI. has not been reproduced either. It related to aggravated assaults on wives and contained provisions as to the maintenance and custody of children. So far as the custody of children is concerned that has been recently dealt with by our Parliament by the Custody of Infants Act, and it was thought much better so far as the custody of children is concerned, that all applications as to children should be dealt with under that Act, and not under this old Marriage Act. So far as maintenance is concerned our legislation makes provision for maintenance which is not made in England, and it renders it undesirable to retain the English provision on the subject. As a matter of fact, in England they have repealed this provision relating to aggravated assaults on wives, and have substituted a provision dealing with maintenance which is unnecessary under our legislation. It is thought better to leave it out. So far as maintenance is concerned it is provided for by the maintenance clauses much better than in this provision.

232. Have you made additions to the maintenance clause?—No; there are really no additions, but it is already provided for. I have made inquiries, and I could not hear that for many years past this Part relating to aggravated assaults has ever been used.

#### MEDICAL BILL.

It is explained in the paper that difficulty arose from the fact that the Act is divided into three parts, one dealing with medical practitioners, one with dentists, and one with chemists, and those parts have been taken from Acts which have been passed at different times, and though very often designed to accomplish the same purpose in some particular respect, they do it in different language. The dentists, of course, have had recent provisions, and, as suggested in the explanatory paper, the solution is to take the best provisions from the three parts and to harmonize them all, and that has been done.

233. There is no interference with rights, or anything of that kind?—No, I am sure there is not that. Clauses 5, 40, and 84 represent what I have referred to previously as to the Evidence Bill. You will remember what I pointed out in this clause dealing with the Boards appointed by the Governor in Council, that they do not provide for penalties.

234. I did not know that they have that power?—They have the power, but the question is whether it could be enforced. The Act says that the Board should have the powers conferred on a Board appointed by the Governor in Council.

235. That carries the power?—If you have the power it is enforceable.

236. I never knew these Boards had semi-judicial powers?—Yes, they have to examine these applicants.

237. *By Mr. Prendergast*.—They only have powers to that extent?—I have not increased their powers. I have only provided that if a person does not answer their summons or question he may be liable to a penalty.

*The Chairman*.—It is new to most of us. These Boards are all right, but I did not know they had the power to compel you to give evidence.

238. *By Mr. Prendergast*.—Supposing they were brought up before a Board for breaking the rules of the organization?—It has nothing to do with that.

239. *By the Chairman*.—It is only for the purpose of carrying on their investigations?—The present provision as to medical practitioners is section 6—"The Board may question any person who may attend before the Board as hereinafter mentioned, and any witness who may be produced before the Board may make a solemn declaration, &c."

240. Act No. 1595, section 15—"The Dental Board shall, for the purpose of conducting any investigation or inquiry deemed necessary, &c." That covers it?—That is what I refer to.

241. It is news to me that they have that sort of power?—I have taken that as the expression of the latest opinion of the Legislature on the subject, and applied it to the medical section, which was drawn differently, and the chemists' section, which was drawn differently.

242. *By Mr. Prendergast*.—What difference in power is there between the medical and the dental?—I do not know that it is very different; but it is differently expressed from section 6. "The

Board may question any person who attends before it, and may take a solemn declaration from such witness, and any person who wilfully and intentionally makes a false statement shall be guilty of a misdemeanour." The dental provision says that the Dental Board shall have the same powers as a Board appointed by the Governor in Council. I have taken the Dental Board as the last expression of Parliament's will on the subject.

243. And you have made it uniform?—Yes.

244. I suppose we may take it there is not very much difference?—I do not think there is.

245. There is no difference in the powers of the Boards, but it is expressed in different terms?—Yes. I will look at it again, and make sure of that.

246. I would prefer it, because I do not believe in increasing the powers of such Boards?—I cannot see any real difference between the Medical, the Chemists, and the Dental Boards on this question, and as this is the latest expression of opinion of Parliament on the subject, I have taken this. With regard to clauses 52 and 53, these took the place of sections 56 and 58, because it seemed to me that sections 56 and 58 placed the foreigner in a better position than the British subject, which I do not think was intended. Section 56 was left when section 57 was repealed, and provided that in the case of a person who comes from a British possession other than the United Kingdom he must have practised dental surgery or dentistry more than ten years. Section 58 does not provide for ten years in the case of a foreign country, and it was thought that they should at least be put on the same footing.

247. *By the Chairman.*—You have knocked out the ten years?—Yes. It ought either to be put in for both of them, or knocked out for both of them. I do not mind which it is, so long as it is one or the other. I think there was some slip in the repeal of the sections when repealing sections 53 and 57. It may be that they meant to knock out foreigners altogether. If so, they did not do it, because they left them in section 58; but as the Boards have complete control over the matter, I do not think any harm is done by leaving them in, so long as they are satisfied.

248. The Boards have to see these certificates?—Yes. They have to recognise these certificates. They will not let persons in merely because they come. The Board will see that they do not get into practice too easily, because I think it may be to the Board's interest to keep them out. I had some doubt as to whether the Legislature did not intend to wipe out the foreigner altogether, and not to give power to recognise foreign certificates, and it is a question as to whether that is what they meant. I eventually came to the conclusion that they meant to leave the Board power to recognise their certificates if they thought fit. But it seemed to suggest that a British subject from any British possession other than the United Kingdom had to have ten years' experience, and the foreigner might come in without it, so I wiped out the ten years, leaving it to the Board to recognise or not as they thought fit.

249. Your idea is to knock out the ten years?—The Board does not care very much, because if the members are not satisfied about the certificate they will not recognise it, ten years or no ten years. So it really does not matter very much to them.

250. I suppose they have pretty absolute power?—I think so, in this respect. The provisions relating to offences have all been grouped together at the end of the Act, and made to apply to each part, and where the punishment varies this is in accordance with the present Act, where they are more severe in medical cases than in chemists' cases, and I have provided for what I was told by several of the Boards is a thing that needs guarding against, and that is impersonation, candidates presenting themselves for examination, or, perhaps, for something else.

251. *By Mr. Mackey.*—Or for admission?—Yes. They say they desire that should be put in. They also said they desired power to change the names of female married practitioners, as it is awkward now, because they cannot alter the names once they get on the register, and they have to put a note or bracket in stating "This lady has now become so-and-so."

*His Honour withdrew.*

*Adjourned.*

SATURDAY, 3RD OCTOBER, 1914.

*Members present:*

Mr. MACKEY, in the Chair;

<i>Council:</i>	<i>Assembly:</i>
The Hon. W. S. Manifold.	Mr. Blackburn,
	Mr. Prendergast,
	Mr. Snowball.

His Honour Mr. Justice Cussen, further examined.

*His Honour continued as follows:—*

MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL.

The main thing that was done with the Melbourne and Metropolitan Board of Works Bill was in relation to the provisions concerning water supply. The clauses 70 to 132 are set out in the Bill itself. The result is that the law relating to supply of water by the Metropolitan Board of Works is set out in the Bill itself, whereas, before the old section No. 72 of the Melbourne and Metropolitan Board of Works Act had it in this way:—[*Reads section 72*]. That incorporated an enormous number of sections which did not use the word "Board" and some sections of the Water Act were omitted. That was not a very satisfactory way of enabling a person to ascertain what the law was; but it was made worse by reason of the fact that in the Water Bill 1905 that section was repealed and in the 17th schedule to that Act it was stated in this way: "The following sections of the Water Act . . . are applied to the Melbourne and Metropolitan Board of Works," and then, "The following provisions also apply." The sections incorporated to a certain extent overlapped and conflicted with the express conditions which were set out in the 17th schedule, and which, it will be seen, themselves cover two or three pages of print. I think the law was in a very confused condition. Any one who wanted to ascertain it had to go from the Melbourne and Metropolitan Board of Works Act to the Water Act, and had to pick out certain sections, and had to look through the long schedule and see what the effect of that schedule was on the sections which were extracted. For example, if

you look, by way of example, at clause 111, you will see it is the combined result of section 343 of the Water Act and the 17th schedule of the Water Act. There was a good deal of trouble taken about the schedules to this Act to bring them up to date, and I think they are now up to date, and the Act has been re-arranged generally. I call attention particularly to a clause relating to raising money by stock. Both in the Melbourne Act and the Geelong Act there is a provision relating to raising money by debentures, and there is in both of them a provision relating to raising money by inscribed stock. The Acts did not state that that money raised in such a way might be secured on the revenues of the Board, and I understand that in neither case has the power been used. If the provision as to stock is to remain there at all, it is no use giving power to raise money by stock unless you tell creditors that they will be secured; and I have put in a provision saying that, in the case of stock, they may be secured in the same way as in the case of debentures. The authorities say they might use this power if they had a chance, but, so far, they have not done it, because the Act does not say the indebtedness may be secured. The words that have been added are in clause 200.

#### MELBOURNE HARBOR TRUST BILL.

The greatest difficulty, I think, in connexion with this Bill was in regard to the schedules. There were various schedules relating to the land which was vested in commissioners when the Harbor Trust was first created constituting the port of Melbourne; and then there were various schedules relating to land that was vested in them for other purposes, and various schedules relating to land which they were under the obligation of maintaining as streets. After that Act was passed a number of Acts were passed relating to various municipalities and other bodies exchanging lands with the Melbourne Harbor Trust. The Trust would take a piece at one place and give up a piece at another, and the consequence was the schedules had got into a very confused condition. With the assistance of the Chairman of the Trust, the Surveyor-General, who afterwards became Secretary for Lands, and the Chief Draughtsman, Mr. Hodgkinson, I have set out a complete description of the port of Melbourne in Part 1 of the second schedule, which is believed to be quite correct, according to the result of the various Acts, including those which resulted in exchanges with municipalities and other public bodies; and also the same thing has been done with all the roads and streets they have to maintain. That affects nearly all the schedules. I explained before that some of the provisions at the end which had in the Geelong Act been dropped when the Geelong Harbor Trust was created have been retained. They are such as I thought might be important, and they have also been retained in the Geelong Harbor Trust Bill.

#### MINES BILL.

For the Mines Bill there is a table which sets out pretty fully what has been done in various cases, and there are one or two matters I should like to refer to. One matter of general importance is the definition of "claim." I think I am right in saying that, as it originally stood, a claim was a piece of ground taken up in accordance with the by-laws for the purpose of mining for gold. Later on, the Legislature passed an Act which said that a miner's right

should confer the same right with regard to other minerals, and "minerals" includes metals other than gold. It was thought that this necessitated an alteration in the definition of the word claim, and that idea has been carried out right throughout the Act. That is to say, that a miner's right now confers a right to a claim, which is a right to a piece of land for mining purposes, and mining purposes not only means obtaining gold, but any metal other than gold or any mineral.

252. *By Mr. Prendergast.*—You are not altering the law at all?—I do not think so. It is giving effect to the law. You had to gather it before from a general clause.

253. The other position is that a miner's right entitles you to ownership of land for agricultural purposes. It does not alter that?—No.

254. *By the Hon. W. S. Manifold.*—Is there not some doubt as to what is a mineral?—In the Mines Act it is defined. I suppose a mineral includes pretty well everything you can dig out of the earth, whatever it is. In the Bill wherever the effect of a miner's right was confined to gold it is now extended to any mineral. The first place where that occurred was in the definition of the word claim. The definition of "tribute" and "sub-tributer" has also been extended. The definition as it stands is that a tributer is a person who agrees with another to pay him a percentage of the gold. I am informed that as a matter of practice the agreement is very often turned round the other way; that is to say, that the provision is that the tributer shall receive a portion of the gold instead of pay it, and the definition has been extended to cover that. It covers both cases. I put in the words "or receive" after the word "pay." Clause 26 of the *Mines Act 1890* has been omitted for the reason that the Board of Land and Works does not now grant licences in respect to what may be called water rights. They are either granted by the Governor in Council under the provisions of the later Mines Act or granted by the State Rivers and Water Supply Commission under the provisions of the Water Act. This is the section which evidently is the origin of that exception in the *Transfer of Land Act 1890*, section 74—"except licences granted by the Board of Land and Works under the *Mines Act 1890*." Section 26 has now been omitted altogether. I made careful inquiries on the subject and the officers interested in the matter told me that no such licences have been granted for many years, and if a person wanted a licence nowadays he did not go to the Board of Land and Works at all, and it is doubtful whether the Board would give him one if he did. Other clauses have been omitted, but I do not think I need refer to them. Section 280 is altered by providing that the Judge should have power to direct costs to be fixed instead of having them taxed. That is the practice which is really followed now, and it is certainly convenient to have such a power. That is extended also to include cases where the party makes default in appearance. I omitted to call attention to something that is more important than that, in clause 5 of the Bill. This is a matter that rather concerns the land-owner than the miner, but I thought it necessarily followed from what the Legislature has provided. In section 82 of the *Land Act 1901* it is provided that a licensee under section 49 of the *Land Act 1869* shall not be debarred from using an allotment on the ground of same being auriferous if he is willing to accept a land grant including a condition as to damage done by mining. He is told, "We think this land is auriferous and we cannot give you a grant, but if you

like to take it on this condition we will give you a grant." If he says, "I will not take it on that condition," he need not. The point is that, although it says that the condition may be inserted it does not say what the effect of it is when it is inserted. Section 98 provides that in the case of an application for a licence to occupy an agricultural or grazing allotment it shall be lawful for the Governor in Council, upon the applicant consenting to the condition, to issue a licence containing the condition that neither the applicant nor any one claiming for him shall obtain compensation in respect to damage by mining. I think the proper thing is to combine the two sections and say the result shall be the same in both cases, and I have taken them out of the Lands Act and put them in the Mines Act so as to enable persons interested in mining to know that if the land is held under this particular grant they will be able to mine on it without compensation. The point I want to call attention to is that sections 82 and 98 have been put on the same footing and produce the same result. They are practically on the same footing for all other purposes, and the result ought to be the same.

Clause 319 of the Bill was restricted to land exempted under certain sections. It has been extended to all classes of exempted land. It is a provision forbidding the cutting or removing of timber from land which has been excepted for mining purposes, and I can see no reason why it should be confined to certain sections. It is extended to all exempted or excepted lands.

Clause 103 also has a slight alteration, but it is of very small importance. The question is in what newspaper you shall publish notices of intention in regard to Crown leases. The old Act says a newspaper circulating in the district; the new Act says a newspaper, the place of publication of which is near the land. I have taken the more recent one—a newspaper, the place of publication of which is near the land. Personally, I think that is the proper thing, because I do not think the publication in a paper like the *Bulletin*, for example, which may circulate in the neighbourhood, but which contains an enormous amount of other matter, is the sort of thing that ought to be done, and it is better to have it in a local paper if you want to call the attention of the local people to it.

Clause 216 has been amended to conform with what has been done in the Imprisonment of Debtors Bill.

I should like to call particular attention to section 329, 330, 331, 337, and 338. By the section represented now by clause 330 gold and silver were declared to be Crown property, and in respect of land not alienated on or before March, 1892, all other minerals are declared to be Crown property. They made gold and silver available to the Crown even in the case of land alienated before 1892, but the clauses relating to silver were so drawn that silver leases in land alienated before 1892 could not be granted, and the clauses have now been so drawn that they can be granted and they are practically put in the same position, not so far as the money to be paid for them, but so far as the power to grant them is concerned, as gold-mining leases. I do not think it was intentional, but I think it was due to some confusion in drawing the clauses that that result was produced. Clause 330 seemed to me to be a justification for saying, for the purpose of the right to grant property in silver, that the power of the Crown was to be taken as existing even in

the case of land alienated before 1892, and that, therefore, there ought logically to be a provision—I do not know that it is of much practical importance—for granting silver leases even in the case of land alienated before 1892. Clause 330 is not altered at all. There are a number of complicated provisions in the section now represented by clause 331 so far as related to leases at certain times. They seem to have got into a confused condition in regard to silver. In the *Mines Act* 1897 the alteration made is disclosed in clause 332 (a). The words "or in the case of silver so alienated before such date" have been added. It seemed logically to follow from clause 330 that the dates had got wrong. There evidently was some confusion, because, if you look at section 69 of Act. No. 1514 it says in clause (a) that a gold mining lease shall give the right to mine for gold; then clause (b) gives the right to mine for gold and silver on that land; when you come to clause (c) it says gold. In one of the intermediate clauses they provide for gold and silver, and it presents to some extent the view that the Legislature at one time thought of making a gold-mining lease include both gold and silver and then changed their minds and forgot to take the words "and silver" out of one of the clauses. At present there is something wrong. I came to the conclusion that that was left in by mistake and then that they did not make the adequate provision for silver afterwards in connexion with the mineral leases.

255. *By the Vice-Chairman.*—As you have it drawn would it allow the lease to be granted as to both gold and silver?—No. I do not think it is of very much practical importance one way or the other. In addition to that matter these sections have had to be arranged to conform with the modern Land Acts. If you look at the *Mines Act* 1897 you will find a number of matters referred to which under the modern Acts are of very little practical importance, and these clauses have been drawn so as to be consistent with the modern land provisions. The present Act has provisions about the Wattles Act, and things of that kind, which are no longer in existence. I think they have all been considered in connexion with the Lands Act, and all this part has been made to be consistent with the Lands Bill as it is at present drawn and in working operation. Both Mr. Dickson and Mr. Brown have spent many hours with me over this matter.

(*Mr. Mackinnon here entered the room and took the chair.*)

256. *By Mr. Prendergast.*—How does that "and silver" affect it?—Mr. Dickson thought there was not much importance in it, but he agreed there was some mistake. I think he approves of these clauses. There is a very full table to this Act, and members interested can see for themselves what has been done, but the whole of the regulations relating to working in mines have been re-arranged so as to put them in better order. They are not altered at all, but those contained in pages 159 and 171 have been re-arranged so as to bring all the matters referring to the same subjects together. The drawing and the examination of this Act rendered it necessary also to consider some clauses of the Lands Bill. Clauses 167 and 168 of the Lands Bill have been re-drawn to a certain extent.—[*Reads original clauses and as amended.*] The reason of the alteration was that the mining provisions are the later provisions.

## MINING DEVELOPMENT BILL.

The position of these Mining Development Acts is that the Legislature has passed provisions relating to a number of cases in which grants have been provided, and enabling the Minister or the Governor in Council to make advances out of those grants. The amount of money available under these grants varies very greatly from time to time, and even if the present position of affairs was stated in the Bill it would alter next month. What has been done is to make this a purely administrative Bill, so that whenever Parliament wishes to apply money to Part 1 or Part 2 they can do so. It is stated in footnotes how much money was available last July. Persons interested will have to make inquiries from time to time as to the money that is available. At the present time no money is available under certain Parts, for example, under Part 5.

## NEGLECTED CHILDREN'S BILL.

There were a great many alterations in this, but they are not alterations in the law. They are alterations of words, and nearly all of them are necessitated by the fact that the Children's Court has come into operation, and has had to be substituted in the proper cases for justices and Courts of Petty Sessions. There was one alteration which I made at the suggestion of the Secretary of the Department. He said he thought it was out of harmony with modern conditions, and I agreed with him. He said what in the Act are called "receiving depôts" should be called "receiving homes," and that alteration has been made throughout the Bill.

## PARTNERSHIP BILL.

Into this Bill has been put the Registration of Firms Act. There were some things to be said for putting that in the Bill, and some for not doing so. Usually firms under the Registration of Firms Act are partnerships, and that is the reason why it was done, but a firm under the Registration of Firms Act need not be a partnership. On the whole it was thought it was sufficiently allied to partnerships to put them together. The Registrar of Titles, who is the officer who registers these firms, informed me that the Act was deficient in several respects. It did not provide for all the necessary notices that might be given as to changes of firms. A reference to the second schedule will show that the schedule has been extended and the forms have been redrawn. You will not find Form E in the Act as it is at present, and I think Form B is differently drawn. I think there is no doubt it is desirable that the additions should be made. They make the Bill more full and complete, and enable the list to be kept as it should be. That is practically all they are designed to do. This does not impose any real obligation on any one beyond merely sending notices in certain cases. Part 1 of the Act is just as it was.

## MONEY LENDERS BILL.

257. Were there any alterations in the Money Lenders Bill?—No, I do not think so. I did not approve of some of the language, but it was so complicated that it was too dangerous to touch.

## PAWNBROKERS BILL.

The Pawnbrokers Act is one of several Acts which go back to the old times of police districts. Another was the Auctioneers Act, and another was the Hawkers and Pedlers Act. I have retained the district for the purposes of the

Hawkers and Pedlers Act, but I think in the case of an auctioneer or a pawnbroker the court of petty sessions nearest to which he intends to carry on business is the proper court to grant him his licence. At present the Act says he is to give notice to the clerk of petty sessions for the police district in which he intends to carry on business. I do not suppose there is any clerk of petty sessions for the police district in so many words. I do not think they are so appointed now.

## POLICE OFFENCES BILL.

The Police Offences Bill is, of course, practically a consolidation of the 1912 Act, but at the end I have added a number of what I have called miscellaneous provisions. Otherwise I should have had to have a number of small Bills relating to juvenile smoking, pigeons, and pea rifles, and I thought this was a convenient place to put them all.—[*Reads definition of pea rifle.*]—The important words are "or any cartridge loaded with shot." Mr. Duffy said that was not what was meant at all, and that putting in the words "or any cartridge loaded with shot" disconnected it from the previous part of the section when it was not intended to be disconnected. It was intended to mean a cartridge containing so many grains of powder, or its equivalent, and either a bullet or shot, but it did not mean a cartridge containing so much powder and a bullet, or a cartridge containing shot, because that would include any gun.

## PRINTERS AND NEWSPAPERS BILL.

If clause 25 of the Printers and Newspapers Bill be compared with the old clause it will be found that the old clause appears to be incomplete. The old clause was that if any person who prints any paper or book and omits to print his name and place of abode thereon, or if any person publishes or disperses, or assists in publishing or dispersing, any such paper or book; he shall for publishing or dispersing be liable to a penalty. The word "printed" has been added before "published or dispersed."

258. *By Mr. Snowball.*—The offence was not the printing, but the publishing or dispersing?—I should think the printing is the more serious offence. The distribution is perhaps the less serious.

PUBLIC SERVICE BILL AND RAILWAY LANDS  
ACQUISITION BILL.

I dare say you would like to hear Mr. Pigott on those. I am quite prepared to go over them, but it does not seem necessary to go over them twice.

REGISTRATION OF BIRTHS DEATHS AND MARRIAGES  
BILL.

The same applies to this. I have already explained that the forms of marriage certificate have been re-drafted with a provision that the old forms can be used for a considerable time after the Act comes into operation. Clause 31, sub-clause 9, provides that until 1st January, 1916, the old forms may be used. The forms are given in both the Marriages Act and in the Registration of Births Act, but are intended to be precisely the same in every particular. Some of the wording of the old forms was wrong, and the names mixed up. It will be noticed in the fourth schedule that the form given at page 2 is differently arranged from the form given at pages 18 and 19. The forms given

at pages 18 and 19 are to be the forms which are handed to one of the parties, and retained by the clergyman or officiating person, whereas the form at page 20 is the form to be sent to the Government Statist. It is said it will result in great convenience to the office if this form is adopted, both in the way of bookkeeping and in other respects. They will all be bound up in the same book as far as the officiating person is concerned. He will tear the third one off and forward it to the Government Statist. He keeps his own record, and that will correspond exactly with what is given to the bride or bridegroom.

#### RESERVES ON PRIVATE PROPERTY BILL.

259. Should not this Bill have gone into the Local Government Bill?—I have put part of it in. Part of it deals with charges, but this part has really nothing to do with local government. This is to enable the owner of adjoining land to compel the owner of what used to be called the "revenge foot" to sell it, and to sell it on terms which, in case of dispute, are to be assessed as if it was a case of a municipal body buying it. The present Act is divided into three parts. It is called the Reserves on Private Property and Improvement Charges Act. Part 1 deals with land acquired by a municipal council for widening a street. Part 2, which is the part incorporated in this Bill, deals with a private owner, compelling the owner of this narrow strip to sell the land to him. Part 3 deals with special improvement charges under the Local Government Act in connexion with the reserves. Part 1 and Part 3 have been put into the Local Government Bill, and Part 2 into this little Bill. Part 2, which is the only part we are at present concerned with, is designed to enable the owner of adjoining land to compel the owner of a narrow strip to sell it to him, and if they cannot agree on the price, compensation shall be ascertained as provided by Part 37 of the Local Government Act. Of course, under Part 37 of the Local Government Act, which is the part dealing with the power of the municipality compulsorily to take land, the municipality is the purchaser of the land. The purchaser here means the owner of the land adjoining the narrow strip, according to the section. Then in the next section it says that in reading Part 37 "municipality" shall mean "the owner." It seems to me that that is wrong, and it ought to mean "the purchaser," unless we misconceived the object of the Act. It is a curious thing that this question never seems to have arisen. I have put it that, in reading Part 37, "municipality" and "council" shall mean the purchaser.

#### REAL PROPERTY BILL.

260. *By Mr. Mackey.*—Has there been any alteration of the Real Property Act?—I don't think so.

261. The old section 52 seems to be completely out of conformity with the modern law?—I spoke to Mr. Guest and Mr. Templeton about it, and they said they thought it might be operative in some cases, and it might be dangerous to leave it out.

262. Why should a married woman when she wants to exercise the right have to get the consent of her husband?—I think it is provided that nothing in this Act shall affect the Married Women's Property Act. I was doubtful whether these provisions would ever be used, and I consulted them as to dropping it, and they said that

might be the case. Leaving them out would really necessitate an extension of the Married Women's Property Act. I quite agreed that they are out of harmony with modern conditions, and I feel it is encumbering the Statute Book, and probably in the next consolidation they will disappear. At present, there may be married women who come under them, and for their purposes it may be desirable to retain the provision. Once, years ago, I had an application made under this clause, but it was made with the statement that they doubted whether it was necessary, and I made the order. As I explained at the beginning, I did not interfere with the Property Act, especially this Real Property Act, which is so ancient that I thought I had better not run any risks myself about it. A case of this kind would be a case in which it would be very desirable to have a specific amending Bill brought in, as in the case of the *Companies Act* 1910, so as to permit Parliament to have a more general discussion.

#### SETTLED ESTATES AND SETTLED LANDS BILL.

This Act has been drawn as at present. In clause 130 (2), I have altered the word "settlement" to "instruments." It purports to be taken not from the English Act, but from the English Bill. "Settlement" clearly must be a mistake.

#### STAMPS BILL.

There was a Stamps Act of 1890 and a Stamps Act of 1892. They related to different matters to a certain extent, and were copied from different English Acts, and there was a great deal of repetition in the two parts—matters which really were of the same nature. For example, licences to sell stamps, offences by licensees, powers to search for stamps, and matters of that kind were repeated in slightly different language in the two parts. The plan adopted has been to take the two parts, and confine them to their distinct subject-matter, and in the Bill to add a third part, an administrative part, and to take the best provisions from each part relating to administration and apply them to both the previous parts of the Bill. There are certain clauses which were not applicable to both parts before, but were applicable to one or the other, and the result is they are now made applicable to both. Clause 102 was only applied to one part before, and now applies to both. If you look at clause 119, in the marginal note, you will see 23 and 78. That shows that that was a duplicated clause. As to clause 45 of the Act 2153, there has been a good deal of trouble in arriving at the exact meaning and effect of this on the Stamps Act. This was passed late, and after the Commonwealth came into being, and, I understand, to a certain extent, it was passed by reason of the fact that it was said that in Melbourne financial dealings were being affected by the fact that stamp duty had to be paid on bills drawn elsewhere. It is expressed at great length in the Act. The effect of it seemed to be that bills of exchange, if drawn in Victoria, and payable anywhere else, shall not be liable to stamp duty, and if drawn anywhere else payable in Victoria shall not be liable to stamp duty. The section is divided into four classes; drawn in Victoria, and payable outside the Commonwealth; drawn outside the Commonwealth, and payable in Victoria; drawn in Victoria, and payable in the Commonwealth; drawn in the Commonwealth, and payable in Victoria. Why cannot those four clauses be put into two? That is the way I have drafted them, and

I have added promissory notes. The result of what I have done, and the view I have taken of it—and Mr. Metzner agrees—is that clause 85 of the *Stamps Act* 1890 has been dropped. That was the clause providing for bills of exchange purporting to be drawn or made out in Victoria. It was no use leaving that in if there was no stamp duty on them, and I suppose if the Legislature passes an amending Act it will re-enact some such provision. I have called attention to it, so that if there is any amendment 80 can be put back again. At page 43 clause 8 stands at present that any Government or municipal debenture is not to be taxable as a promissory note. Under the *Stamps Act* the definition of bills of exchange and promissory notes is very wide, and would include almost any promise to pay money which is evidenced by a document. The Government, of course, issues debentures, and they are at present exempt, as you naturally would expect them to be. All municipal debentures are exempt, but of recent years the Legislature has authorized a number of public bodies, such as the Melbourne Harbor Trust, the Melbourne and Metropolitan Board of Works, and the Geelong Harbor Trust, to issue debentures, and borrow money. I understand the practice has been not to collect on them, so Mr. Metzner informs me. I asked him specially, and he said he thought this clause, as I have drawn it, really conforms to what is actually done; that is to say, that a debenture of any corporate body incorporated by a special Act of Parliament, and authorized by any such Act to issue debentures, does not have to put a stamp on them. It would seem rather odd that the city of Geelong need not put stamps on because they are authorized to issue debentures, and that the Geelong Harbor Trust should, and, in fact, I think I am right in saying that in regard to either the Geelong Harbor Trust or the Geelong Water Board, the Legislature has put in a special provision exempting them from stamp duty. I thought it was not desirable to retain that special provision as long as this general one was approved of. It was much better to have the general provision. It might be argued, I think, in connexion with these recent Acts, that where Parliament says you may issue debentures the power is not subject to any restrictions such as liability to stamp duty other than those which Parliament has itself imposed in that latter Act; but, at all events, this, if approved of, will get rid of any difficulty; and, as far as I can understand, it is exactly in accord with what is done.

#### STATE SAVINGS BANK BILL.

I have already explained the main question that arises in the State Savings Bank Bill, and the necessity for altering it verbally very considerably for the purpose of adapting it to the new conditions under which the Bank is a State institution, but clause 45 needs special attention as compared with the old provision. The marginal note to clause 45 appears to be wrong. The old provision conceived disputes between local trustees and depositors, and provided that the dispute should be settled by an officer of the Commissioners. In those days, of course, the deposits were very small, and the Comptroller or whoever the officer of the Commissioners was, might be conceived as an independent person acting as between the local trustees and the local depositor, but now the disputes may be about very large amounts, and the dispute is not between the depositor and the trustees, but between

the depositor and the Commissioners, and the Commissioners themselves think that it is quite improper that one of their officers should settle a dispute to which they are a party, and, as a matter of fact, all the recent disputes about Savings Bank deposits have been conducted between depositors and Commissioners by ordinary action. If the Commissioners had chosen to take the objection that they could not be sued I don't know what would have happened. There has been no objection taken. I thought it might not be undesirable, in cases where the amounts are small, that there should be an opportunity of settling them, without legal proceedings, by a county court judge or a police magistrate if the parties agreed to it.

#### SUPREME COURT BILL.

I don't know that this alteration has any substantial effect or not, but in the last consolidation there is a possibility that the Acts relating to the Judge's pensions were not put in the position in which they existed immediately before the consolidation. At all events, they are now put back into exactly the condition they were before 1890, whatever that was. Whether it will have any effect or not I am not sure, but whatever it is it is there. The view I take about it is that there were four Judges appointed, and under the Constitution Act they had certain pension rights. There was then an Act of Parliament providing that there might be a fifth Judge, and it contained a general provision to the effect that his pension rights should be the same as the previous Judges. Then there was an Act providing that there might be a sixth Judge, and providing that his pension rights should be the same as the others. Then the consolidation of 1890 repealed those two Acts, but did not re-enact the provision, for whatever it was worth, that the Judges appointed under those Acts should have the same pension rights as the others, which might have the effect of extending the provision in the Constitution Act or it might not. At all events, what we have done is to put this provision in, but whatever it does I do not think it alters the law as it was. Acts 437 and 844 were the two Acts under which power was given to appoint the fifth and sixth Judges. I have not given them any extra force, but they simply state that whatever the rights of the fifth and sixth Judges were under those Acts they are to remain. I only intended to put the thing back to the position before 1890.

#### TRANSFER OF LAND BILL.

The Transfer of Land Bill, I understand, will be to some extent affected by the Bills at present before the Houses. There are two or three matters I desire to call attention to in addition to the important matter I called attention to the other day. As to clause 30 the power to give costs has been added. In clause 140 the word "assign" has been omitted. It does not occur elsewhere, and it would seem that its inclusion there would be a mistake. There were certain provisions in clauses 150 and 163 which, it was said, were in accordance with the practice of the officers, and were desirable machinery provisions. Clause 177, relating to registration of executors and administrators on getting probate and administration, has been re-drafted so as to make it harmonize with clause 232, which is the more important case of registration of probate and administration. For some reason or other

the clauses were expressed in different language, and it was thought there was no real reason, and they ought to be put into the same words. I also desire to call particular attention to clause 184. There has always been a great deal of trouble as to whether these caveat applications can be heard before a single Judge. The Judicature Act says that all applications shall be heard before the Full Court, and in the judicature rules there is what is called an emergency rule, which provides that when the business is very urgent a Judge in chambers may hear it. There is no doubt, I think, the Court strained the construction of that rule, and the section on which it was based, which provides for urgent applications being heard in Melbourne to a great extent for the purpose of enabling it to be said that a single Judge in cases of emergency may hear these caveat applications. At all events, to its own satisfaction the Court did do it. I thought it was much better to provide what the Judicature Act provides, that these applications are to be heard before the Full Court, and to put in a special provision that in cases of emergency a summons may be heard before a Judge in chambers. That is really in accordance with the existing practice, and makes certain what it is very desirable should be made certain. At present if there was an application to the High Court it might result in a previous decision being differed from. It gets rid of a doubt. Clause 242 needs consideration also. It is a question whether the Commissioner ought not to be entitled to charge an indemnity in certain cases coming under clauses 78 and 79. The opinion was expressed pretty confidently that he ought to be, and that the omission of those clauses was by mistake. It is convenient that the Registrar should have power to dispense with the duplicate grant in certain cases, and dispense with the production of the grant where it has been lost, and he is more likely to do so if some contribution can be made so that he can to a certain extent justify himself in taking the risk. It was thought that these two clauses fell into line with a great many other clauses in which he is entitled to take an indemnity, and, therefore, that was added to clause 242.

263. *By Mr. Snowball.*—Is it right for us to make an amendment involving payment of contributions by the public?—Not unless special attention was called to it. If there was any serious objection to a thing of this kind I would simply strike it out.

264. The assurance fund has far exceeded its purposes. Is it right to extend the obligation to contribute to that fund without special legislation?—I think the test is, would it be for the benefit of applicants? Would the Registrar be more likely to say to the applicant, "If you pay me a small contribution I will take the risk"?

265. The practice now in dispensing with the production is to charge a fee of £1. Now the proposal is to say that he shall have a right to compel a contribution to the assurance fund?—If any member feels strongly about it I think it should be struck out. The reason I put it in was this: You find in the Act a number of cases in which a certain amount of risk is taken, and those cases, with the exception of these two, seem to be all included in the case in which the indemnity is paid. These two resemble them in many respects and are omitted—whether it was deliberately or by mistake I am not sure. Looking at the matter generally I would say there was a slip. I

can quite understand what Mr. Snowball says—that the assurance fund has grown so much that it is not desirable to add to it. As a matter of fact, it is much too large for the purpose for which it was created. I am judging by the Special Funds Act in which the assurance fund is taken for a large number of purposes—to provide for defalcations by public officers, and teachers' residences, and other things of that kind.

#### TRUSTS BILL.

Mr. Pigott will speak to you about this Bill, and I will speak about it afterwards if necessary.

#### UNLAWFUL ASSEMBLIES AND PROCESSIONS BILL.

This is one of the cases in which a departure has been made from the procedure of making all summonses returnable before a Court of Petty Sessions only. It was felt it was desirable to give Justices power to sit out of sessions. (See *e.g.*, clauses 14 and 17.)

#### VEGETATION AND VINE DISEASES BILL.

Some members will remember that the Vine Diseases Bill is an old Bill which was originally brought into force chiefly by reason of the fact, I think, that phylloxera occurred in a very injurious form in the Geelong district, and resulted in a number of vineyards being destroyed. At present there is no phylloxera in Victoria, but the Act is there, and I thought on the whole it would be better to retain it in case of phylloxera did break out, so that it could be very promptly dealt with. The way to do it is to take all references to Geelong out of it and adapt the provisions so that if it did break out what was originally referable to Geelong alone would be referable to any locality in which it did in fact break out. I think you will find in the old Act there is some provision that certain things shall be done within a certain radius of Geelong, and I have altered "Geelong" to "the locality in which the phylloxera occurs." Dr. Cameron told me that there is no phylloxera in Victoria at present. He did not seem to think that it was of much importance to retain this, but I thought it might be as well to retain it for what it was worth.

#### VERMIN DESTRUCTION BILL.

There were provisions excluding Mallee land from the operations of the Act. That was due to the fact that at that time there were under the Land Acts several Vermin Destruction Committees up in the Mallee. All those special Land Act provisions have disappeared, and it was thought the provisions relating to Mallee lands should not now be excepted from the Vermin Destruction Acts. The Act at present under section 6 says, "Nothing in this Act shall be construed as applying to any Mallee land." Those other Acts have been repealed; and the Department tells me that now no difference is made between Mallee and other lands. Therefore, clause 6 is not re-enacted, and the Bill is drawn in general terms without any exception as to Mallee lands.

#### HAWKERS AND PEDLERS BILL.

266. Might I mention the slight amendment made in the Hawkers and Pedlers Bill where a limited term was substituted for perpetual disqualification. I notice that in the following section—section 21—a similar perpetual disqualification is created and not altered. The disqualification attaches under section 20 to selling smuggled or stolen goods, and under section 21 it is for hiring or lending a licence. It says he shall be

utterly incapable of having any licence again granted to him. Is there any reason why the same principle should not apply to both?—I am inclined to think it should apply to both. I think it is a slip. I think if we had seen it we would have applied it to both. Unless I hear to the contrary I will alter that.

*His Honour withdrew.*

*Adjourned.*

MONDAY, 5TH OCTOBER, 1914.

*Members present:*

Mr. MACKINNON, in the Chair;

*Council:*

The Hon. W. S. Manifold.

*Assembly:*

Mr. Blackburn,  
Mr. Prendergast,  
Mr. Snowball.

Gerald Pigott, examined.

267. *By the Chairman.*—You are a barrister-at-law?—Yes. I was admitted in 1882 I think, and I have since been practising at Melbourne, except during the six years from 1884 to 1890, when I was Mr. Higinbotham's associate.

268. You have done a great deal of work in connexion with the consolidation?—Under the direction and supervision of His Honour Mr. Justice Cussen I drafted fourteen Bills; as to these I can answer such questions as you may think fit to put to me; in regard to the consolidation generally, I am not in a position to speak, because as to the great part of it I have had no share in the work, though as to other parts Mr. Justice Cussen has discussed some matters with me from time to time as occasion arose, sometimes asking me to investigate a particular matter and report to him. But, speaking generally, I have only a small acquaintance with the general body of consolidation other than the Bills I have drafted.

269. Have you a list of the Bills that you dealt with?—The Acts Interpretation Bill, the Administration and Probate Bill, Companies Bill, Developmental Railways Bill, Education Bill, Government Statist and Statistics Bill, Marriage Bill, Public Service Bill, Public Works Bill, Railway Lands Acquisition Bill, Railways Bill, Railways Standing Committee Bill, Registration of Births Deaths and Marriages Bill, and the Trusts Bill.

270. I suppose you have prepared explanatory papers?—Not with all; in reference to two or three His Honour thought there was really no need for an explanatory paper, as there was so little alteration either in re-drafting sections or in any other way; they were really a grouping together without any change worth noticing.

271. Can you say which you consider have been sufficiently changed to justify the explanatory paper?—It was not merely with reference to changes, but with reference to re-arrangement that explanation became necessary. This was so in the case of the Administration and Probate Bill, the Companies Bill, Education Bill, Marriage Bill, Public Service Bill, Public Works Bill, Railways Bill, Registration of Births Deaths and Marriages Bill, and the Trusts Bill.

#### ACTS INTERPRETATION BILL.

272. Is there anything in the Acts Interpretation Bill that you would draw our attention to?—I think so; but at the outset I would refer briefly to the instructions I had from Mr. Justice Cussen. He sent for me, and when it was arranged that I should be one of the draftsmen to assist him he gave Mr. Woinarski and myself instructions in general terms to reproduce the existing law, but with this limitation—that we were to remove anomalies and replace obscurities by enactments clearly expressed, and fill up gaps caused by obvious omissions, and, in addition, were to modernize the language of the statutes. That was sometimes necessary in order to secure the due co-ordination of various enactments. We were requested to use the word "shall" to express a command, and to use the word "may" to provide a power, and for expressing a case or condition to use the indicative mood, and not the conditional. These instructions account for a great number of changes in the wording of the Consolidating Bills.

As to the Acts Interpretation Bill, I think it has been pointed out to the Committee by His Honour that the Bill was so drawn as to show that the Consolidating Acts are to be paramount. though existing matters are preserved by the saving clause of each Bill. Clause 33 is the clause to which I have referred as providing that the Consolidating Acts are to be paramount. That indeed is only giving effect to the trend of the judicial decisions on the consolidation of 1890, because, though at first there was a disposition to hold that the Consolidating Act, if it appeared to differ from the provisions of the Act it replaced, was not to have effect, still the trend of the decisions as they went on was to the effect that if there was a difference the consolidating provisions much be given effect to. That was the trend of the decisions, not only in the Supreme Court of Victoria, but in the High Court.

273. You have moulded clause 33 on the original clause put in for that purpose?—Yes; but some alteration in it was absolutely necessary, for once the instructions I have referred to were carried out, the section which clause 33 replaces could not stand, because it would be inconsistent with those instructions altogether. I may state that the difference between the consolidation, speaking in general terms, of 1890 and this one is that the consolidation of 1890 is rather a case of expurgation and revision, not a consolidation in the sense in which the term is used by English writers. That is exemplified by the recent English Consolidation Acts, so far as I am acquainted with them. Since 1890 the desire has been to give effect to such matters as were included in my general instructions. It will be noticed there is some change of language in a few clauses of the Acts Interpretation Bill. The Act of 1890 reproduced some sections taken almost verbatim from Lord Brougham's Act, 13 and 14 Victoria, Chapter 21. That Act was repealed in England by the Interpretation Act of 1889, but though some of the sections of the later English Act appear in the Victorian Act of 1890, others are taken from sections of the earlier Act. These last-mentioned sections are now taken from the English Interpretation Act of 1889, reproducing in different words the effect of the sections in Lord Brougham's Act.

*(The Hon. R. Beckett here entered the room, and took his seat.)*

274. It makes no change in the law?—Except the one I have pointed to in section 33; it merely expresses the law in more modern terms.

ADMINISTRATION AND PROBATE BILL.

275. Take the Administration and Probate Act?—That Bill consolidates a considerable number of Acts; they are shown in the memorandum and explanatory paper and table of contents which are prefixed to the copy of the Bill. The plan of the Bill is to divide it into six parts; this difference from the Act of 1890 is due to there being now in existence further legislation on certain subjects which ought properly to be included in the Administration and Probate Bill. Thus the Bill includes the Widows and Young Children Maintenance Act of 1906, and makes its provisions a separate part of the Bill, Part 5. Otherwise the general plan of the Bill corresponds with the plan followed in the Administration and Probate Act of 1890. One difficulty in dealing with the measures that had to be consolidated was this: There are in existence several scales of probate duty, these are applicable in accordance with the date of the death of the testator or intestate whose estate is in question. Acting on instructions from Mr. Justice Cussen, in my original drafts I endeavoured to prepare a scheme by which all these scales of probate duty, with the qualifications necessary to be expressed in regard to them should be included in the Bill. The result was, after a very difficult piece of work, the production of what appeared to be an interminably long and confusing enactment. The ordinary man looking at it would have been very puzzled to say what the sections meant. After conferring with the Master in Equity, Mr. Prout Webb, in whose Department the administration of this Act to a great extent lies, it was decided by Mr. Justice Cussen that the best way to deal with the difficulty would be to leave out all the scales, other than the last to come into force, but to preserve the effect of the scales thus excluded, doing so by a clause which would still keep for them their present effect; *i.e.*, to repeal all the existing Acts, but keep these scales in force by clause 151 of the Bill. It is thought that by these means the number of cases to which the other scales will be referable being a constantly diminishing quantity, confusion and perplexity will, to a great extent, be avoided. The explanatory memorandum goes on to state that accompanying the memorandum is a table showing how the several sections of the Acts included in the Bill have been dealt with. Turning to clause 129, it will be seen that it is a provision that certain charitable chargeable bequests are to be exempted from duty. It is obvious that it was the intention of the Legislature not to exempt such charitable institutions as were situated abroad, but only those in Victoria, yet there is no such limitation in the existing Act; it was, therefore, decided that it would be proper to insert the words "are situated in Victoria." The Bill makes no change in the existing law other than such changes as I have pointed out, or are referred to in the memorandum. The other variations and additions are of a formal character; the table of contents draws attention to these.

(Mr. Mackey here entered the room, and took his seat.)

276. *By Mr. Prendergast.*—There is really no alteration in the law at all?—Only such as I have referred to.

277. *By the Chairman.*—As to the Companies Bill?—The Companies Bill had one main difficulty, that was, to decide how the provisions of, not the last Act, but Act No. 1482, should be dealt with. This, too, is explained in the memo-

randum which has been prepared. The Act No. 2293, that is, the Act of 1910, repealed the Act No. 1482, except Division 1, which was not repealed so far as it applied to any no-liability trading company existing at the commencement of the later Act, and except Divisions 2 and 6 of the Act No. 1482, which were repealed only so far as they related to companies under the later Act, or Part I. of the *Companies Act* 1890, or Division I. or Division III. of the Act No. 1482. Take the first exemption as to any no-liability trading company existing at the commencement of the Act of 1910; that difficulty was removed when it was found that there is now in existence no such no-liability trading company. Then, coming to the rest of the matters, it was found that the Act of 1910 applied to what may be called ordinary trading companies, that is to say, it applies to such companies as were formed and registered under Part I. of the *Companies Act* 1890, and that it repealed Act No. 1482 so far as it related to these companies. For the provisions of Division II. of Act No. 1482, Act No. 2293, it substituted other provisions, and thus altogether omitted many of the provisions of the earlier Act, though it reproduced some of them wholly or in part. By these enactments as to ordinary trading companies, the Legislature has, it is thought, indicated what provisions may now be considered sufficient in the case of the societies and the other companies which are at present under the operation of Division II. of the Act No. 1482. The Bill accordingly omits all the enactments of Division II. which were not reproduced in the Act No. 2293 of 1910, and extends to these societies and these other companies the provisions already substituted in regard to ordinary trading companies. These companies and societies thus brought under similar provisions to those of the Act of 1910 are practically statutory companies, in which would be included such companies as gas companies and building societies registered in Victoria other than foreign societies registered under section 270 of the Act of 1910. Inquiry into the existing condition of things seemed to disclose that the present condition of the law creating a difference between companies now under Act No. 1482 and companies under the Act of 1910 was not working very satisfactorily. It was found that the provision of the earlier Acts were difficult to comply with, and in practice they were not observed—that the practice that had grown up was rather to apply to them similar requirements to those required by the Act of 1910. So it was considered it would be better to establish uniformity with regard to all those companies and societies, and to provide in this Bill that there would be one scheme which would be applicable to all. That is the scheme of this Bill.

278. As far as you know, that only gets rid of troublesome provisions and troublesome administration; it does not affect anybody's rights?—I do not think it affects rights; it deals rather with safeguards. There could be no reason why more stringent requirements should be necessary with reference to building societies and statutory companies than in reference to the ordinary trading companies, as to which the Legislature, in its most recent Act, thought less stringent and more easily worked provisions were sufficient.

279. *By Mr. Snowball.*—Is it not a fact that many of the safeguards introduced by the Isaacs Act were dropped out in the 1910 Act without really realizing that an alteration had been made?—I am unable to say whether such is or is not the fact.

280. The 1910 Act was supposed to be a consolidation, whereas it was a great deal more; it dropped out all those safeguards to which you have referred?—I do not know that they were necessary safeguards; they were attempts to obtain safety by means of certain provisions, which differed slightly, though not very greatly, from the safeguards included in the Act of 1910. The Act of 1910 was in many respects a verbatim reproduction of the English Companies Act.

281. The Legislature saw no reason to re-enact the 1896 safeguards?—It went further than merely remaining passive, and not seeing reason to re-enact; it repealed a number of the provisions of the Act 1482, and it seems, as far as one not a member of the Legislature can form an opinion, that it was done advisedly and deliberately, the Legislature, in the Act of 1910, apparently having come to the conclusion that the provisions in the Act of 1910 were, as regards a very large number of companies carrying on business in Victoria, quite sufficient.

282. *By the Chairman.*—You have extended the provisions of the Act of 1910 to building societies and trading companies?—Yes. Dealing more specifically with some of the matters in this Bill, a number of the apparent alterations are due to the arrangement of the sections and the treatment of Act 1482. The definition of a company is altered; it does not change the law, except in the sense to which I have pointed. Clauses 101-10: These clauses reproduce the sections of the Act 2293 relating to mortgages and charges. By clause 242 of the Bill this operation is enlarged by extending their operation, so far as it relates to assets in Victoria, to all companies (other than Victorian mining companies) carrying on business in Victoria, and to all building societies registered and carrying on business in Victoria. That is one of the matters to which I have referred in general terms. Then, again, in clauses 117-23 reference is made to inspection and audit. These clauses reproduce sections 117-23 of the Act of 1910, and by clause 242 of the Bill are, so far as they are applicable, made to extend to the companies under the present operation of Division II. of the Act 1482, and to building societies. The proviso in clause 242 was put in in order that, if in the case of inspection and audit, the application of these particular sections to the companies and societies under the existing provisions of Act 1482 should be found, perhaps, too rigorous, the Governor in Council then could dispense with the obligation contained in the section.

283. This is really following out and spreading the Act of 1910 to these societies—it is all one movement?—Yes.

284. *By Mr. Snowball.*—Did you contemplate that it might be found that the provisions of the Act might be too onerous; is it wise to confer a power of this kind, by which the building societies might be able to rid themselves of any obligation under the Act?—I think that was not the idea; the idea was rather to impose conditions which in some events might prove more onerous than the conditions under Act No. 1482. They might require some balance, and, therefore, His Honour desired to give effect to that balance by reserving to the Governor in Council power to dispense with the rigorous application of them.

285. *By the Hon. R. Beckett.*—Is there any precedent for giving a dispensing power of that kind?—I cannot say offhand; but, speaking from memory, I think I could find numerous instances.

286. Quite apart from the general rule and regulations applying to all companies, this is to

apply to a particular company?—In particular circumstances, to certain classes of companies.

287. It is a dispensing power in favour of a particular company?—It is with respect to certain kind of companies, but it is a mere question of making certain returns; it is not a question of substance; it is a question of inspection and audit of a certain kind. Clause 117 deals with investigation of the affairs of a company by inspectors; "The Governor in Council may appoint one or more competent inspectors to investigate the affairs of any company and to report thereon in such manner as the Governor in Council may direct." There again that is in the hands of the Governor in Council. That is no change in the law. Power of a company to appoint inspectors: "A company may by special resolution appoint inspectors to investigate its affairs." Then the report is to be evidence. The next clause is the remuneration of auditors, then powers and duties of auditors, private balance-sheets and so on, rights of preference shareholders as to receipt and inspection of report. The power of dispensation in these matters is not a great power.

288. *By Mr. Snowball.*—There is nothing of an extraordinary character on the face of them. Why should there be this power of dispensation in applying the general law to any society; it does not appear on the face of it that there is any hardship?—It is not a question of relieving the building societies; it is rather a question of not putting a more stringent requirement upon them than is at present upon them—that is the object of the clause; it is not so much to relieve the society as to prevent a greater burden being put upon it than it has at present. Then coming to clause 117, as to investigation by inspectors, the provision of this clause is by clause 242 of Act 1239 made applicable to these life assurance companies which are subject to Part III. of the Bill. Thus, for the first time, these provisions are made to apply to life assurance companies under Part III., and the Bill thus makes some modification of the existing law with the object of providing a substitute for the special audit under Act 1482. It is merely a difference in procedure, not in substance, as far as I understand. Then it will be found in various sections, which are specified in the memorandum, that there are some changes which are pointed out. In clause 89 the words, "and the number of shares subscribed for by them" are omitted from the first paragraph as inappropriate, having regard to the requirements of the prospectus. In clause 101 (3) (b) the words, "A verified copy of" have been inserted before the words "one of the debentures," so as to remove an obvious difficulty, that is, the difficulty of filing a debenture and so having it out of one's control afterwards. Then clause 151 (5) is re-drafted so as to make the provision more definite. Clause 170, sub-clause (2), runs now: "All other pertinent matters stated in the order shall be taken to be truly stated as against all persons and in all proceedings." If I may venture a suggestion, that clause which is omitted was put in by the Legislature by an oversight; it merely reproduced a clause which was necessary in England, but which is useless here, as, in Victoria, both real and personal property are chargeable with the payment of debts. Clause 193 (6) has been re-drafted so as to supply the *Arbitration Act 1914* instead of the *Companies Consolidation Act 1914*. That is necessary. Then section 225 of the Act 1910 is omitted, as it is sufficiently provided for by the *Evidence Act 1914*. No other

changes or alterations are made by the Bill, except such as are of a purely formal character. They consist of mere structural changes necessary for consolidation or the correction of an occasional misprint or manifest error. Part 2 of the Bill deals with mining companies. Reference to the Table of Contents of the Companies will show that a very large number—far the greater proportion of the sections of the Act of 1890—have been re-drafted. The reason for this is that the words of the Consolidation Act of 1890 reproduce verbatim a number of old Victorian Acts which are drawn in very cramped and obscure language, and it has been endeavoured by this Bill to reproduce such sections in clearer wording, without alteration of their meaning, and with this object those sections have been re-drafted to a considerable extent. The re-drafting has been done carefully with a view of not changing the existing law, but reproducing it in a clearer form. Clause 296 of the Bill is intended to remove some existing anomalies.—[*Reading the same.*]—It was thought very desirable to have similar provisions applicable to mining companies.

289. Under clause 89 at present it is necessary not only to give the names of subscribers, but the number of shares held by each. Is it wise to omit that requirement without some reason for the omission?—Section 89 refers to advertisement, not to the prospectus.

290. The reason given for it is that, having regard to the requirements of the prospectus, it is apparently unnecessary to state the number of shares subscribed for by each?—In the advertisement; my note is having regard to the requirements of the prospectus. In the Act of 1910 it says, "Notwithstanding anything in the last preceding section it shall not be necessary in a newspaper advertisement of a prospectus to insert the particulars required by that section except those with respect to the names, descriptions, and addresses of the directors, or proposed directors, and the number of shares subscribed for by them respectively, and with respect to the minimum subscription," &c. The Act does not require that the prospectus should state the number of shares subscribed for by the directors.

291. *By the Hon. R. Beckett.*—Would you use the word "inappropriate" in the sense of leaving that out?—Section 89 says that you need not publish in the advertisement all the things that are contained in the prospectus, except certain things, and one of those things which is mentioned is not in the prospectus.

*Mr. Snowball.*—That clause may have meant that there are a lot of things in the requirements of the prospectus that are not very material to the public, but in this advertisement you should insert "you need not insert any of these things, yet you must give the names of the subscribers and the number of shares taken up." It does not necessarily mean that this is required in the preceding section, but it is stated what shall be done in this advertisement. It is a very long-winded thing, I suppose, and would make a long advertisement, but you say that you must put in the names of the directors and the shares taken.

*Mr. Blackburn.*—I do not think it says that.

*Mr. Snowball.*—It might be taken that way by an ordinary layman, or a member of Parliament reading it—that that was the requirement of the section.

292-3. *By Mr. Prendergast.*—Would that view be good in law in that regard?—No, sir, not in the opinion of Mr. Justice Cussen. His view was that those words in section 89 were inappropriate.

294. *By the Chairman.*—They only got in by accident?—Yes, and His Honour took it that those words in clause 89 came in inadvertently, and must be treated as surplusage and inappropriate. That is his interpretation of it. That is how I understood him. I can only say that I understood him to express the opinion that those words might be treated as surplusage—as being meaningless, having regard to the preceding section, and he thought they must have crept in by inadvertence. He was under the impression that he was not in any way altering the law by omitting them.

295. *By Mr. Prendergast.*—Do you express any opinion yourself on it?—Yes, I agree with the opinion expressed by Mr. Justice Cussen.

296. It is a matter of interpretation, and I think it would be better to go in if there is no doubt about the matter, but the point is as to whether there is a doubt?—I would have difficulty in saying there is no doubt when one member of the Committee strongly holds the other view.

297. *By the Chairman.*—I think we had better let it go as it is printed this way. I have taken a note that Mr. Snowball has drawn attention to it?—Yes. There is another clause, No. 328, which re-enacts the Mining Companies Act of 1897, empowering a no-liability company to establish a branch register outside Victoria. The operations of the provisions of that Act are restricted to a no-liability company. I refer to this as the removal of an anomaly, as there is no reason why no-liability companies should have this provision and other mining companies should not. It is a useful provision.

298. *By the Hon. R. Beckett.*—That is a little bit of new legislation?—Yes, coming under the instructions of correcting anomalies, and that is why attention is drawn to it.

299. It is a real bit of new legislation?—Yes.

300. *By Mr. Snowball.*—Your instructions were to remove anomalies?—Yes. Then passing on to Part 3 there is no change of the law as regards life assurance companies, nor in Part 4 with regard to trustee companies, nor as to the law in Part 5 with regard to dairying companies. Then Part 6 of the Bill reproduces the provisions of the *Unclaimed Moneys Act 1906*. It makes only one modification in the existing law, and that is by omitting "liquidator to the company" from the definition of company as it appears in section 2 of the Act. As regards the liquidator the provisions of the *Unclaimed Moneys Act of 1906* appear to overlap section 222, sub-section (4) of the *Companies Act 1910*, which has been found in practice sufficiently to proscribe the liquidator's duty. Therefore by clause 222, sub-clause (4), the Bill re-enacts section 222, sub-clause (4), but omits mention of the liquidator in clause 499 as unnecessary. That is the only change with regard to unclaimed moneys to which I point. Those two provisions overlap, and one is unnecessary.

301. *By the Hon. R. Beckett.*—As to Part 6, in the definition of company it goes on to say that it includes a building society under the *Building Societies Act of 1914*, and so on. I do not see anything to indicate that it relates to building societies registered under past Acts. A good deal of this relates to old companies, which were registered years ago—is the definition wide enough to include old companies and building societies?

*Mr. Mackey.*—When the Act was passed it was only made retrospective for six years previously.

\*302. *By the Hon. R. Beckett.*—But a lot of these old companies may sell a little bit of land

and receive money that way. They were registered 20 or 30 years ago, and it was intended that they should go into this part in regard to unclaimed moneys. It seems to me that the definition does not cover past companies?—If you look at clause 499 you will see that the word “company” means—

“(a) A company which having for its object the acquisition of gain is registered or incorporated in Victoria under any Act relating to companies,”

and further on you will see—

“and also includes a building society under the *Building Societies Act 1914*, and a society registered under the *Provident Societies Act 1914*.”

Well, in regard to building societies, the companies registered under the old Acts are carried on under the Consolidation Bill, and they would be deemed to be registered under the later Acts.

303. That would enlarge this interpretation?—Yes, I think you will find it would work that way. I think you will find it will be met in that way:

304. *By the Chairman*.—That exhausts the Companies Act, I think?—Yes, I have no further observation to make.

#### DEVELOPMENTAL RAILWAYS BILL.

305. Well, in regard to Developmental Railways, I think His Honour explained that?—I do not know that it needs any explanation, but I would suggest that in order to save time I might deal with this Bill, with the Railway Lands Acquisition Bill, the Railways Bill, and the Railways Standing Committee Bill as forming one group. I will deal with those now. I may say at the outset that the inclusion of these Acts in one Bill was considered by His Honour, seeing that they all relate to railways, but he decided that it would be better to put them under separate Consolidating Bills, as has been done, and that it would not be well to include them all in one Consolidating Bill, to be called a Railways Bill, because though the Developmental Railways Bill, for instance, relates to railways, it brings in provisions which relate to matters not under the administration of the Railways Commissioners. Therefore, he thought the Developmental Railways Bill might better be embodied in one Consolidating and separate Bill. Then, too, with the Public Works Bill there are certain provisions which relate to railways. Some of these are embodied in the Railways Bill, but other provisions of the Public Works Bill, which do not relate to railways, ought to be kept distinct, and that is why a separate Bill has been prepared with regard to Public Works. Then, too, with regard to the Railway Lands Acquisition Bill, it was thought better to keep it separate, because in certain events the administration of matters under that Bill is not in the hands of the Railway Construction Branch, but of other persons. The Railways Standing Committee Bill has reference to railways, but it is essentially a matter for Parliament, and is not confined to the administration of the railways by the Commissioners.

306. *By the Hon. R. Beckett*.—Have you considered the Lands Compensation Bill as impinging upon any of these?—Well, reference is made in places to the Lands Compensation Bill, but that is dealt with apart.

307. Not by you?—No. The Developmental Railways Bill repeals Act No. 2381, the *Developmental Railways Act 1910*, and re-enacts it with the necessary verbal alterations. I do not think I need trouble the Committee with any

reference to those alterations. They are entirely machinery clauses for the purpose of establishing co-ordination, and they do not make any change in the law. For instance, in clause 6 there is a reference to the *Railway Lands Acquisition Act 1914*. That takes the place of reference to the Railway Lands Acquisition Acts. It is entirely a verbal alteration. Then clause 7 refers to the Land Act instead of Land Acts, as they now are. Then the Bill provides that there shall be paid to the credit of the Trust Account, kept at the Treasury, and called the Developmental Railway Account, &c. This slight change in language is necessary, as the Trust Account is already in existence.

#### RAILWAY LANDS ACQUISITION BILL.

This Bill, of course, does not consolidate the existing law in so far as it is contained in the Act which has been passed during the present session. So far as it goes it reproduces the existing law without change, and I do not think I need trouble the Committee with any further observations on it.

308. Is there any reason why the Railway Lands Acquisition Act does not come in prior to the Railways Act, when the Railways Standing Committee comes after it?—That is taking it alphabetically, I think. Strictly speaking, “Railway” is alphabetically before “Railways”—that is the way the printer looks at it.

#### RAILWAYS BILL.

Dealing now with the Railways Bill, I may say that this will be found to consolidate a number of measures which are enumerated in the schedule. There are fifteen Acts dealt with under this consolidation, and those measures, to some extent, contain enactments which are spent or are obsolete. Such matters as were decided to be spent or obsolete were omitted, but none of them were omitted without the very fullest consideration, and, in regard to all of them, His Honour had the advantage of consultations with Mr. McClelland, Commissioner for Railways, who from time to time had interviews with him, when I was present, and received instructions from His Honour, and from time to time the Bill passed through several revisions. Mr. McClelland was most helpful to me in giving up his time and explaining matters of difficulty and giving me information in regard to the working of departmental matters, which enabled His Honour to decide whether a phrase should be turned this way or that, and I should like to be permitted to express my obligation to Mr. McClelland for the trouble he took and the aid he gave me. The Bill consolidates only such Acts relating to railways as are of general application. It does not consolidate special Acts relating to the construction of particular railways. It leaves untouched the various Victorian Railway Loan Acts, with the exception of Act No. 1999, section 6 of which is consolidated with clause 106 of the Bill as having general application to the Railways Stores Suspense Account. The Bill does not include the provisions of the Acts relating to Developmental Railways, Railway Lands Acquisition, or the Railways Standing Committee. As has been already stated, it has been found desirable to reproduce these provisions in separate Bills. There is a table attached to the Bill showing how the sections of the Acts which are consolidated have been dealt with. As to re-drafting, it will be noticed that there are a large number of sections

which have been re-drafted either wholly or in part. The purpose in re-drafting has been, in some instances, to express existing enactments in clearer wording, and in other instances to consolidate or distribute two or more enactments, or to state the present meaning of an enactment which, though not expressly amended, is yet in effect materially qualified by some subsequent enactment. That is to say, the original enactment still exists, but read with the later enactment it cannot be reproduced without making a change in the wording so as to give the right effect to each. Then there are a large number of sections which have been found to be spent; that is to say, they have accomplished the purposes for which they were passed. Those sections are not reproduced in the Bill, but they have not been omitted except on the fullest consideration, and, in omitting them, a safeguard has been placed in the Bill by a saving clause, so that the omissions should not by any chance operate injuriously to any one. That is under clause 2 of the Bill. It is a short clause, but it is thought to be sufficiently strong to prevent any trouble ensuing from the omission of those sections. It runs, "And nothing in this Act contained shall lessen any right, privilege, or immunity accrued, accruing, or secured to any person immediately before the commencement of this Act."

309. Will you give us an illustration of the kind of provision you regard as spent?—Well, take clause 10 of Act 1250. That clause relates to the determination by the Governor in Council of certain matters of transfer, and so on, and you will see a reference there to unexpended money. Well, the clause as to unexpended money is omitted as spent. That has all gone long ago. In other words, the clause has achieved its object, and there is now no necessity for it.

310. They were temporary provisions?—That provision was not in terms temporary, but in effect it was temporary. When the case is in terms made temporary—when, *e.g.*, a provision is made applicable up to, but not beyond, a certain date—then it speaks for itself.

311. It drops out automatically?—Yes. Then, too, certain provisions are omitted as obsolete; that is to say, the condition of things to which they have regard no longer exists—therefore they are useless. An instance is section 13 of Act No. 1439, which provides for the Railways Board of Advice. That is omitted as obsolete. Act No. 1439 reduced the number of Commissioners from three to one, and gave the sole Commissioner the assistance of a Consultation Board. The state of things contemplated ceased to exist when the policy of having three Commissioners was again adopted, and section 13 accordingly became inoperative, but it still remained unrepealed.

312. *By the Chairman.*—You made very few real alterations in the Act?—No, except in re-drafting. All these provisions which appeared in the early part of the Consolidated Act of 1890, such as general provisions as to railways, are taken from old Acts, and contain very involved language, and, following the plan of that consolidation, they were reproduced without any verbal change whatever. Well, it was thought desirable to alter that. They appeared in the Act of 1890 as general provisions as to railways, and they applied to railways under the Commissioners as well as to private railways, if there were any. Then, too, the sections relating to private railways in Part 3 of the Act of 1890 are expressed in language requiring re-drafting; and that re-drafting has been done. Clause 54 (2) is a

clause which is added to meet the case of an existing Commissioner being appointed to act as Deputy Chairman.

313. That is quite new?—Yes, it supplies matter which is clearly omitted, and it is thought desirable to have it. Clause 90 has been re-drafted to meet the requirements of present conditions, because the control of telegraphs is now in the hands of the Postmaster-General of the Commonwealth. It is drawn so as to provide for the existing situation. Clause 159 gives a name to a Board, which it calls the "Board of Discipline." That Board had no name previously. It came under Act 1439, and it was desirable that it should have some name, especially as a reference to the "Board" in the Bill might be misleading and cause confusion with the Board of Land and Works, and it was thought that the name "Board of Discipline" was suitable, as the province of the Board was to deal with matters of discipline.

314. *By Mr. Mackey.*—I think it was called the Appeal Board?—Well, it was thought, having regard to the framing of this Bill, to be undesirable to use the name "Appeal Board," because that would cause confusion, so it became necessary to invent a name.

315. Was that Mr. McClelland's suggestion?—I think the name was my own idea, but Mr. McClelland approved of it. Then the same clause describes the officers who constitute the Board of Discipline by applying to them their present official designations. The existing law refers to certain officers, but officially there are no such persons, for the persons who have taken their places are now known by other official designations. It is a mere question of terms, and it cannot be urged that the change makes any change in effect. I do not know that there is anything further. Such other changes as are made will be found mentioned in the table prefixed to the Bill. It mentions what sections have been re-drafted, how some have been distributed and put in more appropriate places, and others not re-enacted, &c.

316. *By the Hon. R. Beckett.*—What is the weights and measures clause that you brought into the Railways Act?—That is a provision taken from the Weights and Measures Act with regard to the weights and measures to be used by the Railways Commissioners, and it was thought it would be better to include it in stating the duties of the Commissioners than to leave it in the Weights and Measures Act.

317. *By Mr. Mackey.*—There is no change in the law, so far as this Act is concerned, in regard to the Commissioners being common carriers?—No.

318. I think it is in clause 101 there is something about the Cabinet having power to dictate a scheme—there is no change in regard to that clause?—No, it is simply reproduced.

319. There is no change in the law regarding the rights of employés?—No.

320. You have kept that section about their rights being preserved?—Yes; it is even stronger under this than in the Act of 1890. The last clause in clause 2 of this Bill is even stronger than the clause was before. It is short, but it was carefully considered.

#### RAILWAYS STANDING COMMITTEE BILL.

This Bill makes no change in the existing law. An explanatory paper for it was unnecessary, but there is a table which points out how the sections consolidated have been dealt with.

321. *By the Chairman.*—There is a point here which has been mentioned by Mr. Gilchrist. That is in regard to clause 22 of the Bill, in section 5, where it prescribes that, before carrying out any railway works a motion shall be moved to the effect that it is inexpedient. As a matter of fact, I think there has been one attempt to move a resolution that a certain work be not carried out, but it is regarded as ridiculous to put in those words, that it is not expedient to do it?—I did not feel at liberty to alter the language of the Statute in this case. That is essentially a matter of parliamentary procedure, and I considered that it was my duty to follow the words the Legislature thought fit to use.

322. But as the law stands it requires a negative motion to be submitted to the House, and we do not do that?—In any matters dealing with parliamentary procedure, he would be a rash draftsman, indeed, who would alter the language of the Act—that is a matter for Parliament, and not for a draftsman.

*The Chairman.*—There is another matter he mentions here, and that is to have the cheque signing done by either the Chairman or the Vice-Chairman, because very often the Chairman may be away.

323. *By Mr. Mackey.*—Yes, we have done that already with regard to the Chairman of the Railways Commissioners, and the question is whether there should not be power for the Vice-Chairman here to perform the act?—Clause 10 says that, with regard to the amounts for travelling expenses and charges, they are to be certified to by the Chairman and the Vice-Chairman of the Committee. That is section 6 of the Act of 1901—that is Act No. 1230.

324. *By the Chairman.*—Mr. Gilchrist suggests that the word “or” should be substituted for “and.”

*Mr. Mackey.*—We will take a note of that.

325. *By Mr. Blackburn.*—As to the travelling expenses, the Vice-Chairman and the Chairman certify, but in clause 8, in regard to attendance fees, only the Chairman certifies?—On reading these Acts I came to the conclusion that, for some reason which I did not appreciate, it was desired by Parliament that there should be an additional check. That is to say that, with regard to travelling expenses and charges, it was thought desirable that the Chairman and Vice-Chairman should both sign the certificate, but with regard to attendance fees that so strict a control was not required, and it would be enough to leave it to the Chairman alone. That is the only way I can account for it.

326. *By the Chairman.*—You would require to substitute “Vice-Chairman” also in clause 8 then?—Yes.

327. I think that exhausts the railway matters?—Yes; there are some small alterations with regard to procedure, but in substance there is no change.

(*Mr. Mackinnon at this stage left the Chair, which was taken by the Hon. W. S. Manifold.*)

328. *By the Vice-Chairman.*—Will you take the Public Works Bill now, and the Public Service Bill?—Yes; I will deal first with the Public Works Bill, if you wish.

#### PUBLIC WORKS BILL.

There is really very little to draw your attention to in this Bill. Such portions of the Public

Works Act of 1890 as are still in force, and section 7, and parts of section 3 of the Railways Act of 1891, are consolidated in this Bill. The Bill is divided into three parts, one relating to the Board of Land and Works and its officers, another part relating to sewerage, and another to the taking of lands required for certain undertakings. As to Part 1, the provision of the *Railways Act* 1891 that the responsible Minister of the Crown for the time being administering the Railways Acts shall be a Vice-President of the Board will be found in clause 5 of the Bill. It is thought better to have it in that place where the constitution of the Board is dealt with. Part 2 relates to sewerage, and is almost obsolete. It was found necessary to re-enact the provisions which it contains, because some small portions of the Melbourne suburban area still remain under the provisions of the Act of 1890. They were not covered by the provisions in regard to the Metropolitan Board of Works, and on that account it was necessary to re-enact those sections. Then, in regard to the definition of suburbs in clause 3, the reference to Geelong has been deleted, as it seems to have no application to subsequent sections of the Bill, and, so far as sewerage is concerned, provision for Geelong is now made by the Geelong Waterworks and Sewerage Bill.

329. *By the Hon. R. Beckett.*—Then Geelong is in a better position than Melbourne, because the Geelong Bill covers all of Geelong, but the Metropolitan Board of Works does not cover all Melbourne?—At present there are certain small limited areas which do not come under the area of the Metropolitan Board of Works. Part 3 refers to the taking of lands required for certain undertakings. There are a few minor alterations there. In clause 84 elisors are substituted for a coroner.

330. Where did you get that term?—Out of the Supreme Court Act. Then clause 97 substitutes taxing-master for prothonotary. Clause 108, for the sake of uniformity, includes a jury, and clause 123 authorizes investment in real securities, which was thought to be an unintentional omission in the Act of 1890.

331. *By Mr. Mackey.*—What funds would that refer to?

332. *By Mr. Blackburn.*—It deals with the investment of deposits and purchase money?—Yes, except for that there is no change in the existing laws except for slight verbal alterations.

333. *By the Hon. R. Beckett.*—I suppose these sewer provisions are word for word the same as they were previously—you have not attempted to make them fall into line with the Board of Works?—No; they are simply reproduced, and are put there for safety sake, and will probably never be used for any purpose whatever. It was thought desirable not to eliminate them from the statute-book, and they are all reproduced with the modifications I have pointed out.

334. *By Mr. Mackey.*—I was wondering whether the securities were not deliberately left out in that case we spoke of previously?—In clause 123.

335. I mean it may have been a matter of policy not to allow an investment in real security, but to keep them to Government securities?—I should think the Supreme Court would be careful to see that the investment in real securities would not exceed that of a careful trustee, if I may hazard an opinion.

336. *By the Vice-Chairman.*—Following the alphabetical order, I think we will go back and take the Education Bill.

#### EDUCATION BILL.

This is a Bill which caused considerable trouble in the drafting of it. It is unnecessary for me to point out that in the main it is almost purely an administrative Act. It has regard to the efficiency and careful working of a Department of the State, and it has to provide for the system of education in favour of which the Legislature has declared—a free, secular, and compulsory education—and it further provides for the recognition of schools other than State schools, subject, however, to a certain oversight by the Education Department, and the observance of requirements which would at least entail this, that the education to be derived by a child at a school other than a State school will be at least as good as he would receive in a State school. The Bill is divided into six parts. Part 1 includes a section relating to the appeal of the Acts which are consolidated, a section relating to interpretation, and introductory provisions of general application. Part 2 provides for the administration of the Education Department, and for the acquisition, holding, and disposition of property for departmental purposes. Part 3 contains the provisions which relate to what is commonly known as State school education as distinguished from the more advanced or technical instruction of the higher schools and classes. This part contains five divisions, which are all enumerated in the memorandum attached to the Bill. The memorandum enumerates the provisions of Part 4. Part 5 relates to the constitution and duties of the Council of Public Education, and Part 6 contains provisions relating to schools other than State schools, and completes the system by which the policy of compulsory education is enforced. The memorandum refers to a table showing how the sections of the Acts which are consolidated in the Bill have been dealt with. It refers to the various sections whose operations are spent, and states that they are not reproduced in the Bill. Some sections are reproduced wholly without alteration, but many sections have been redrafted either wholly or partially. The object in re-drafting has been to consolidate two or more enactments in one section, or to distribute several parts of a section so that each may have its appropriate place according to the general plan of the Bill, or to express more clearly the meaning of existing enactments. There are some slight changes in the existing law, but they are few and merely formal, and do not need to be specified, as they are sufficiently referred to in the table of contents. Except for these alterations the Bill does not make any change in the existing law. For illustration I might refer to clause 28 of the Bill, which omits sub-section (4) of the *Education Act* 1905, as Boards of Advice are now abolished. This is a case of a spent section. Sometimes it has been necessary to add a word. For instance, in clause 54 the words “or group of schools” are added to make that section correspond with clause 55 of the Bill. These are alterations for the sake of uniformity. In clause 100 the Director of Education is substituted for the Education Department. Then there are some spent sections, *e.g.*, sections 11 and 15 of Act 2330 are treated as spent. Care was taken before any section was omitted as spent. It was only done after conferring with the Director of Education. Both he and his Secretary, Mr. Bottoms,

waited on Mr. Justice Cussen on more than one occasion and discussed with him the propriety of omitting certain sections. Sometimes, as a result of one of those interviews, inquiry would be made and information would be supplied by the Director of Education to me with regard to the subject-matter on which His Honour desired information, and to both the gentlemen I have named I should like to be permitted to express my thanks for the trouble they took in supplying me with information on any matters on which I found it necessary to make inquiry. Then, too, the revisions were read from time to time by Mr. Tate, the Director, and he finally read and checked the last draft, which is embodied in this print, so that, as far as departmental help and revision is concerned, the Bill has had every advantage.

337. There are no changes in the law, and the omissions have been approved of by the Director?—Yes, and though I am responsible in a sense for such draft as I have prepared, the Committee will understand that their preparation has in every case been under the personal supervision and direction of His Honour. I never ventured to make any alteration myself without saying what I proposed to do. Very many times he approved of the change I suggested. Sometimes he did not. Then when any alteration was made it was made in accordance with his view.

338. *By the Hon. R. Beckett.*—Do those same remarks also apply to the schedules?—Yes, most careful attention has been given to the schedules. They have been carefully examined by the Director. Some slight change has been necessary in some of them. For instance, a schedule might refer to the Act of 1890, and it would be necessary to make consequential changes. Sometimes it would contain a reference to a clause which was no longer in existence, or perhaps it did not contain a reference to a clause which had come into existence. They required precise and careful examination, and such examination as could only be properly made by the head of a department or some competent officer, as it was not a matter of law, but of administration.

339. *By Mr. Prendergast.*—I think you said a few moments ago that you had done with the alterations to the existing law, and you would go on to another matter—what did you mean by the alterations to the existing law—I took it that you were re-drafting sections and that you had not made an alteration of the law at all?—No. I was referring to these slight alterations. For instance, here is one section which illustrates the sort of thing I was dealing with. In clause 54 you will see at the beginning “the Governor in Council may for any school or group of schools appoint a Committee, &c.” Now, the words “group of schools” imply no alteration of the law, because if the Governor can do it for a school he can do it for a group of schools, and it is only to make the thing uniform and adequately express what the sections ought to express. Those are what I refer to as alterations. It is making good an omission which is obviously unintentional. Take clause 68, you will find it stated that the Governor in Council may make regulations as to all or any of the following subjects—then there are a number of subjects quoted and the clause concludes, “and generally for carrying into effect the provisions of this division.” The clause specified gives power to the Governor in Council to make regulations and rules for those things, but did not contain power to make rules generally for carrying out the purposes of this division, but this power

merely brings the clause into uniformity with similar clauses in the Bill. Such alterations are merely formal or consequential, and are not substantial changes of the law.

#### GOVERNMENT STATIST AND STATISTICS BILL.

The next Bill is the Government Statist and Statistics Bill. It bears a new title. There was a Government Statist Act of 1908, and there was a Statistics Act of 1904, but there was no Act on the Statute Book with this precise title. It was thought convenient to embody in one short Bill the measures which deal with the Government Statist and with statistics. His duties, it will be remembered, relate not only to statistics, but also to the registration of births, deaths and marriages and to friendly societies and trade unions. His duties with regard to statistics are dealt with in this Bill, but his duties with regard to births, deaths, and marriages are dealt with under the Bill entitled the "Registration of Births, Deaths and Marriages Bill," and his duties in regard to friendly societies and trade unions are dealt with under their appropriate title under the Friendly Societies Bill. This Bill makes no alteration in the existing law. It is divided into two parts. Part 1 relates to the Government Statist and to his qualifications and to the Assistant Government Statist. It does not alter the law. Part 2 relates to statistics. I do not think there is anything in it which requires comment.

340. It would be rather confusing to refer to the Government Statist under the Friendly Societies Bill and to have only certain powers defined there for instance. His Honour Mr. Justice Cussen said he would try to bring it under the one head?—Mr. Laughton, the Government Statist, pointed out to me that this Bill appeared to make out that the Government Statist had very small duties, and I replied that if the Bill were drawn up entirely with the view of putting under the one heading all the duties and powers of the Government Statist it would be necessary to include matters which related to very important branches of his work—relating to friendly societies and trade unions, and relating to the registration of births, deaths, and marriages. His Honour, however, came to the conclusion that it would be best to set out the Government Statist's duties and powers in matters relating to friendly societies and trade unions in the Friendly Societies Bill, and to set out the Statist's duties and powers, in matters relating to births, deaths, and marriages in the Registration of Births, Deaths and Marriages Bill, and in the Marriage Bill. There was no Bill in which the provisions relating to statistics could more appropriately be included.

341. *By the Hon. Robert Beckett.*—Why was it considered necessary to introduce the word "Government." Most people would look up "Statist," or "Statistics." You would not expect the word "Government," any more than you would expect it to read "Government Railways." It only lengthens the title, and misleads people?—I recognise the objection; but, on the other hand, it would be rather for the Legislature to call the holder of the position the "Statist," or the "Official Statist." As it is, the Legislature has shortened "Statistician" into "Statist," a word which has no existence except in Victoria.

342. It would mislead most people looking it up?—Well, your criticism could be met at once by an instruction to the Government Printer to put in an inset in the index to the Acts at the beginning of the first volume, reading "'Statist'—see 'Government Statist.'"

343. *By Mr. Blackburn.*—In regard to friendly societies and trade unions, there is a clause here which draws attention to the fact that the Government Statist has powers in regard to trade unions, by saying that he cannot exercise any of the powers conferred on him in relation to trade unions unless he has passed the necessary examinations?—Yes; it draws attention in this way.

#### MARRIAGE BILL.

*Scheme of the Bill.*—The memorandum attached to this Bill describes the scheme and division of the Bill.

*Marriage Certificates.*—The first thing to be noticed is that the Bill makes a slight change in the form, but not in the substance of the marriage certificate. The forms which the Bill substitutes for the existing forms are designed to set out what is essentially the information required to be stated in the existing certificate, and they require that all three certificates shall be identical as regards the information they contain, though for office purposes one form has a different framework from that of the other two forms. The change is for bookbinding purposes in the volume of the register. The sheet is folded so that it will open out in that way—[indicating]—and read right across. That is really for bookbinding purposes.

344. *By the Vice-Chairman.*—His Honour spoke about that the other day?—Then perhaps it is desirable that I should not occupy your time unduly by pointing out what has already been dealt with.

345. I think, if I remember rightly, that His Honour only dealt with that; I do not recollect his dealing with any other part?—The Bill provides that, for office purposes, the existing forms may remain in use till the 1st January, 1916, so as to give the various registrars throughout the State the opportunity of using up their old stationery, or, at all events, to avoid inconvenience by a change.

*Decrees Nisi.*—Another modification of the existing law is with respect to the procedure by which a decree *nisi* for a dissolution of marriage is made absolute. I cannot specify more definitely than is expressed in this memorandum what the change is.

The Bill substitutes two months for three months as the time within which an appeal may be brought. This is to keep it within reasonable bounds. Cutting it down to two months instead of three does not interfere with the rights of the litigant; it is only that within two months he shall decide whether he will or will not appeal. The Committee will see that these changes are changes of mere procedure, and are designed to make matters work more smoothly.

346. *By Mr. Mackey.*—It is important to parties outside of Victoria who may not be reached by service in time?—It does not shorten the time in which the decree becomes absolute.

347. *By Mr. Prendergast.*—It shortens the appeal?—The respondent against whom the decree was made might want to appeal. I should think that no risk or hardship would occur to him by reason of the time being less. I might point out certain alterations, changes, additions, and omissions. In the interpretation provisions in clause 3 "The Court" is now defined as the Supreme Court, and the reference to two Judges is omitted. There was an old provision by which two Judges might sit and form the Court, dealing with the matter in the first instance. That is an obsolete procedure never resorted to now, and as there is no need to maintain it it has been

omitted. A corresponding omission is made in clause 160 of the Bill—[*Reading the same*]. It will be seen that there was no need to keep those references to two Judges because the same effect can be obtained by one Judge referring to the Full Court, which would consist of three Judges, if occasion should arise.

*Deserted Wives.*—One part of the *Marriage Act 1890* is altogether omitted from the Bill. I refer to Part 5. The provisions of this part of the Act of 1890 relate to orders of protection for deserted wives, and as they have been superseded by the later enactments contained in the Married Women's Property Act they have become inoperative. They exist in the Statute Book, but are never resorted to, for a more effective and better protection for deserted wives may be obtained under the Married Women's Property Act. Therefore, it is considered unnecessary to reproduce these obsolete enactments contained in the *Marriage Act 1890*.

*Aggravated Assaults on Wives.*—Part VI. of the *Marriage Act 1890* has for many years been inoperative—it is the part relating to aggravated assaults on a wife. It is not reproduced in the Bill. It contains enactments as to maintenance, and as to the custody of the children. So far as maintenance is concerned, Part 3 of the Bill makes sufficient provision, and there is no need to retain the provision taken from the English law as to aggravated assaults on wives.

*Custody of Children.*—As to the custody of children the provisions of the *Custody of Infants Act 1912*, re-enacted in Part 2 of the Bill, make it desirable that such matters should be dealt with by the Supreme Court rather than by a Court of Petty Sessions, with an appeal to the Supreme Court. There are other alterations and additions in this Bill of a slight minor character, which are specifically referred to in the table of contents which prefaces the Bill. They are formal, and, speaking generally, are required for the purpose of consolidating existing enactments.

*Unnecessary Sections.*—No sections have been omitted from the Bill except such sections as are spent, or are necessary, or are transferred to some more appropriate place in another Bill. Except in such matters as I have indicated, the Bill does not make a change in the existing law, with the exception of one matter I have omitted to speak of.

*Nullity Decrees.*—Under the existing law decrees for nullity of marriage in Victoria are made absolute in the first instance, and are not made by means of a decree *nisi* and a decree absolute. In England a special Act was passed years ago requiring that the procedure should be by decree *nisi*, and, so far as I have been able to ascertain, Victoria is the only State of the Commonwealth where decrees *nisi* for nullity of marriage are not in existence. At first, the Supreme Court seemed to think there was room for doubt as to whether a decree for nullity of marriage should not, in the first instance, be a decree *nisi*, but the decision given by the Court some little time ago, and since followed in a later case, was that the existing law provided that the decree should be absolute in the first instance. The Bill makes a change in that respect, inasmuch as provisions making decrees for nullity uniform with decrees for dissolution of marriage have been inserted in this Bill. That is done in section 156. I would also refer you to sections 132, 136, 137, 138, and 140—[*Reading the same*]. That slight change is a change of procedure, and I point to it because it is a matter to which the attention of the Committee should be drawn. It is submitted to them as a change of procedure rather than of

substance. It brings the Victorian law in that respect into conformity with the English law and the law of the other States. Certain changes are made in language in various parts of the sections which are reproduced in this Bill, but I do not think I need refer to them specifically as they do not change the law so far as I have been able to ascertain—they are certainly not intended to change the law. They include slight consequential changes in order to bring the provisions with regard to the custody of infants into uniformity and proper sequence. I think I may leave them with these general observations, unless the Committee think fit to put me any specific inquiry with regard to any one or more of them.

348. *By Mr. Mackey.*—Is there nothing in the Bill giving the Court power to hear these matters *in camera*?—The law as it now stands is reproduced in that respect. I will read clause 168—[*Reading the same*].

349. That is the law exactly as it is?—Yes; I think there is no change there. I think it is intended to be quite general.

#### REGISTRATION OF BIRTHS DEATHS AND MARRIAGES BILL.

This Bill consolidates various Acts now in force relating to the registration of births, deaths, and marriages. It is divided into five parts, and the first portion of it relates to the registration of births and deaths. That is now distinct from the registration of marriages, because, although as originally framed the Act of 1890 dealt with registration by the same persons, that is to say, the registrars of marriages were also registrars of births and deaths. Later legislation has made a change, and the registration of marriages is now effected by registrars of marriages, who are very few as compared with the registrars of births and deaths.

*Legitimation of Children.*—Part II. deals with the question of legitimation of children by the subsequent marriage of their parents. There was difficulty in deciding what would be the proper place in which to re-enact the provisions set out in this Part. The members of this Committee will remember that the *Registration of Births Deaths and Marriages Act 1912* allows the legitimation of a child whose parents were not married at the time of its birth, provided, *inter alia*, that they have subsequently married, and provided that the registration of the birth is registered in accordance with the requirements of the Act. That registration once so effected confers on the child in question certain rights of succession to property and certain other rights relating to property which he otherwise would not have had, or which it would not be possible for him to get. Dealing with questions of succession to real property, it might be thought that the provision should be more fitly placed in some real property statute, but the difficulty was that, while the succession to real property might be dealt with in such a statute, the actual registration which brings about the rights of succession could be provided for only in the Registration of Births Act. Further, then came the question of the rights to personal property as distinct from succession to realty. It was, thus, extremely difficult to find any other Bill which would form an appropriate place for these provisions concerning legitimation. After very careful consideration His Honour came to the conclusion that this Bill would be the best place in which to put them. And so that the law as to the right of succession to property acquired by a legitimated child may be readily found by persons using the statutes, there will be put in the

table of contents an inset worded, "Legitimation of Children—see Registration of Births." The Bill represents a very considerable amount of labour, because the sections of the Act of 1890 were old-fashioned and very inadequately expressed. Therefore, it has been endeavoured to make a clear succinct re-statement of the law, making very little change except in trivial matters, all of which are noted in this paper. The amount of work which this short Bill represents is quite incommensurate with the number of its sections.

*Temporary Registration.*—Certain alterations and additions are noted in this explanatory paper, which set out that no substantial alteration of the existing law is made. Then it specifies instances in which a change is made and to which attention ought to be directed. A new provision is added, so that in the event of the death of the registrar of births and deaths a registrar may be appointed to act temporarily as a registrar. That needs no comment.

*Certificate of Marriage.*—Clause 31 provides new forms of certificate of marriage. The provisions of the Bill in this respect repeat the provisions of the Marriage Bill, and as these slight modifications are referred to in the Marriage Bill it is unnecessary to refer to them in the memorandum for this Bill. The memorandum goes on to state that many of the clauses which are reproduced in the Bill have been re-drafted with the object either of re-stating the law in clearer terms or of consolidating two or more sections of distributing enactments so that they may have their appropriate places according to the general plan of the Bill. Except in the instances mentioned, the Bill makes no change in the existing law, and the alterations made in the section which it reproduces are but formal. If you just glance through this table of contents you will see that a very large number of the sections are re-drafted. Some are split up so as separately to state the duties of registrars of births and deaths and the duties of registrars of marriage.

*Mr. Prendergast.*—As to temporarily appointing a registrar of births and deaths, I think that was deliberately omitted from the enactment, because of the appointment by people retiring from these positions of some one temporarily in their place, such appointment giving those appointed a right to the office which it was never intended they should have. They cannot do that now without getting permission.

350. *By Mr. Mackey.*—Was it not in connexion with this matter that we had to pass one or two special Acts to validate certificates?—Sometimes the wife or the mother acted.

351. *By Mr. Prendergast.*—We had amendments lately in connexion with the question of marriages and legitimation.—The last Act to which you refer was the Act of 1913, No. 2458. Its sections are reproduced in this Bill in clause 51—[*Reading the same*]. That is not the matter to which I was referring. I was referring rather to clause 5 of this Bill, by which it is provided that "In the case of the death, illness, or unavoidable absence of any registrar of births and deaths, the Governor in Council may appoint a fit person to act as registrar or to act in the place of such registrar. And the provision of this Act in respect of registrars of births and deaths shall apply to every such person while he is so acting." That is a provision to enable the appointment of a person to act temporarily in the event of the death, &c., of the registrar. I think I can best answer Mr. Prendergast by pointing out that this proposed temporary appointment is in the hands of the Governor in Council and cannot be made

by any one else. Possibly, therefore, you may be satisfied in that regard. This clause was inserted because from inquiries made in the Department, His Honour came to the conclusion that it was desirable to have some provision made, in order that, such an event happening, the public should not be inconvenienced by there being no available registrar.

352. *By Mr. Mackey.*—There is never any trouble about it because they send some one up from the office?—I point to it merely as a case where it was thought desirable to fill up a gap. Having done that, I discharge my duty in the matter.

353. That was recommended by the Department?—On inquiry made from the Department. I forgot for the moment whether it was by the Judge asking, "What happened in the event of the death or illness of any one? Can you have any one to carry on the duties?"—or how it was. However, the result was that inquiries were made, and on seeing Mr. Fenton, the Assistant Government Statist, who deals with these matters, he expressed the opinion that this clause was a useful addition for the purposes intended.

354. *By the Vice-Chairman.*—I would suggest that this matter be passed over just now and picked up later on?—There is one other matter I might mention. There are some clauses in this Bill which are reproduced from the existing Act which appear to be obsolete, inasmuch as they are upon matters which are overlapped by the Commonwealth legislation, but in this Bill there has been followed the plan His Honour decided to follow, that is, to reproduce such matters, except in a clear case such as that of the Post Office, and leave the Court to work out what is the result of the conflicts. Those provisions thus remain in the Bill, and are reproduced for what they may be worth. It may be unsatisfactory in some details, but it is a matter upon which His Honour seems to think it undesirable for him to determine how far there is a conflict. There is not very much in it. To illustrate it, I might mention a case I was dealing with in my evidence this morning in reference to the Railways. There the question of the control of the electric wires and telephone wires by the Post Office was dealt with and it was clear that it was possible to cut away most of it; but there still remain certain lines which might be considered, if I may use the expression—the private telegraph or telephone wires of the Railway Department, and for these, some provision was desirable.

355. *By Mr. Mackey.*—I thoroughly appreciate a case like that of possible conflict of State and Commonwealth functions, but as to matters of the ordinary general law I think, at first sight, it would be better to, say, let the Commonwealth have full power to legislate upon this if they purport to do so.—It is difficult to say as to that. For instance, look at this clause 11—[*Reading the same*.]

The matter is referred to in the foot-note that summarises the position, and it would seem on reference to it that any man who complies with the case mentioned in the foot-note has done all that can be reasonably required of him; but, still, I should find doubt, subject to correction from you, Mr. Chairman, in my own mind as to how far the Commonwealth can interfere to require the Victorian Legislature to say, "We will no longer legislate with regard to the registration of births of children at sea when those children land in Victoria and continue to be, or it is intended they shall be, resident in Victoria." There seems to be room for saying that there is

an overlapping of State and Commonwealth functions in that respect, and it may be a question about which the State might feel jealous, and might say that it prefers to see its own children resident here brought here with the intention and the probability that they should remain resident here, registered in accordance with the Victorian requirements.

356. *By the Vice-Chairman.*—I quite agree with that?—In that instance.

357. But if the Commonwealth purport to exercise a certain power I should say, let them prevail, but you say it is not a question of that?—No; it is a question of whether Victoria must be taken to have no longer any duty in regard to these things. I draw attention to it merely as an instance of the difficulty which exists, but it is a matter for Parliament to decide.

#### PUBLIC SERVICE BILL.

*Obsolete and Spent Sections.*—An examination of this Bill will show that it consolidates, I think, twenty-eight Acts, and it consolidates them with the result that the Bill is now reduced to the compass of 199 sections. The mere size of it gives not the least idea of the difficulty of its consolidation, the difficulty being that a very large number of sections at present existing in the Acts which the Bill consolidates are obsolete or spent, that is to say, the state of things contemplated by the enactments has ceased to exist or the enactments have accomplished the purposes for which they were passed. Such sections are not reproduced in the Bill. But none has been thus omitted until full consideration of its extent and meaning and careful inquiry into the relevant facts have established the conclusion that the section is no longer operative. And in order to preserve the rights of any person who possibly might be found to be affected injuriously by the omission, the following paragraph has been added to Clause 2 of the Bill:—

“Nothing in this Act contained shall affect any privilege or right accrued, accruing, or secured to any person immediately before the commencement of this Act.”

Another difficulty follows from its being an administrative Act. It is not a question of substantive law to any extent at all, but is an Act to provide for the good government and good administration of a large Department of the State, and yet the consolidator or the draftsman attempting to consolidate these Acts must be necessarily very careful lest by any omission or mistake whatsoever he should interfere with the vested rights of some person in the State service, which might have interests which required to be safeguarded. All these matters were most carefully and thoroughly investigated. His Honour Mr. Justice Cussen had interviews with Mr. Morrison (the Public Service Commissioner), and with Mr. Tate (the Director of Education), and he delegated to me the duty of seeing them at various times and making inquiries of them on various questions as they arose. Further than that, both the Public Service Commissioner and the Director of Education examined the various revises as they went through the printing office, and the final draft which now constitutes this Bill was read by and obtained the express approval of Mr. Morrison and Mr. Tate. Not only was that done, but the Director of Education was kind enough to obtain the services of his secretary to check the sections relating to the Education Department with regard to classification, promotion, remuneration, &c., which

were matters so entirely of an administrative nature that it was almost impossible for any draftsman to attempt to formulate them lest he might, by a stroke of the pen, do something which would work material confusion. As a result of the care thus taken, and of the help obtained from the Commissioner and the Director, the matter can be submitted to you now with some confidence that it does not make changes in the law, that it adequately expresses what the Act ought to express, and is designed to express. Further than that, care has been taken to have a safeguard inserted in the shape of a provision which deals with the interests of the various people concerned. That is contained in Clause 2 already mentioned, so that if some gentleman in the Public Service in some remote part of the State, occupying a quite obscure position in the Service, has some vested right which should have been preserved, his right will not be interfered with by the Bill, and no harm will be done to him.

357A. His rights will continue as if the Act had not been passed?—Yes.

*Re-drafting.*—The re-drafting necessary entailed a great deal of labour. In the case of some of these enactments which were repealed by the omission of a few words it may be, and the more addition of others, there was a resultant state of things which was clear if you had the two Acts before you. But to combine and re-state the effect of the two required expansion. The general condition of the existing Public Service Acts is very confusing, and has caused a considerable amount of labour in reducing what was simply a legislative chaos into a form in which any gentleman in the Public Service may, by reading, be able to ascertain what is meant. I should think, without disrespect, it would require a brave layman to approach the reading of the Public Service Acts with any degree of confidence. I know, however, that the gentlemen of the Public Service in the past have been very astute in working out their position, and I have had occasion to remark the keenness with which matters were dealt with by them.

358. Anyhow, their rights are absolutely preserved and are not interfered with by this Act?—There were very numerous revises of this Bill, and there were changes brought in by the Legislature as these revises were being prepared. Not the least change was that brought in by the Act which was passed at the end of 1912, the *Public Service Act* 1912, No. 2383. The result of that was that such a complete change was effected in the classification of the Service that the draft which at that time was ready for the printer, and ready to be submitted to this Committee, had to be ripped open, re-modelled, and re-drafted. This Bill has been completely re-drafted two or three times owing to those various changes.

359. *By Mr. Mackey.*—This Bill is rather exceptional in keeping alive the *status quo*?—Yes.

*Vested rights.*—With regard to vested rights, those who were considering the matter were very alive to this—that the public servants, no matter in what Department of the State they were, were carefully to be considered, and that it would be a hardship to any one employed in the Service if, for the sake of uniformity or some other desirability in revising the existing legislation, in order to obtain a better form, or something of that sort, some vested right of his, however small, should be interfered with. I may state that all these revises and the changes in these drafts from time to time, have been submitted to His Honour, and have been carefully considered

by him. I have never made any change of language or any omission of any sort without calling His Honour's attention to it. I do not think there is anything that I know of which I can add to what I have already said except that these matters that I have mentioned are specified in this memorandum and attention is drawn to two or three matters in the memorandum where a change is made.

*Insurance.*—In clause 41 there is a sub-clause added to the Bill in order to enforce compliance as to insurance in the case of any officer who, being required by the Act of 1912 to insure, has omitted to do so. That is new to this extent: The Act of 1912 required that certain persons in the Public Service who had not already insured should insure within a specified time, which time has now expired; but it was thought that there might be some one in the Public Service who had failed to comply with the Act. It was therefore deemed desirable to add something. In clause 98 there is a mere formal change—[*Reading the same*]. That is a question in regard to notices which should be inserted in the *Education Gazette and Teachers' Aid*. It was thought desirable to have uniformity, as this *Education Gazette and Teachers' Aid* is the publication to which the public servants engaged in the Education Department look for their information.

*Public Holidays.*—In clause 187 the words "In the whole or any part of the State of Victoria" have been added. That clause has regard to public holidays. It has been the practice for many years that the Governor in Council shall, as occasion requires, gazette a public holiday for part of the State instead of for the whole of it. By adding these words this practice is provided for. It is most inconvenient that a public holiday cannot be gazetted for a portion of the State.

The table of sections sets out the sections which are omitted as spent. It will be seen that there is a vary large number of them. It specifies as regards other matters how the sections have been subdivided and re-distributed in the Bill in various instances. I have nothing more that I can add, I think.

360. *Oaths.*—Look at clause 156 with regard to the oaths?—Yes.

361. That is mandatory. In the Evidence Act, section 93, it is mandatory there without any question to the officer to administer the new form of oath. Of course, the person to whom it is administered may object to it. In that case he would have to look at what was the previous oath. The point is, here are two different forms of oaths which are mandatory. Which is to be administered, the old or the present one? It seems to me there is a difficulty there. I realize we have to preserve the oath in the 11th schedule. Should not the words of section 156 be qualified like this "Subject to the provisions of the Evidence Act, section 93"?—I am not sure that the Evidence Act, as it stands, does not provide for that.

362. I am reading sub-section (7) of the Evidence Act—[*Reading the same*]. It does not provide for that. It does not say, "This oath is to be taken in preference to the other"?—"It may be administered and taken in the form following"?

363. Yes, but that particular form can be modified?—Well, it may be desirable to make some alteration there. I may explain it this way. This co-ordination between the two was a matter in which I did not take part. I did not have any share in the preparation of the Evidence Bill.

When this clause was drafted and left in its present form it was understood that the Evidence Bill would make the necessary provision to deal with it.

364. It may, but I doubt it?—His Honour Mr. Justice Cussen himself drew the Evidence Bill, as I understand, and I have not had the advantage of having a copy of that Bill as it progressed accessible to me. Therefore I was not able personally to see what provision was made.

365. We have the general oath applied to all cases made mandatory. It says—[*Reading the same*]. In a special case a particular form is made mandatory?—Might I draw your attention to clause 3 of section 93 of the Evidence Act—[*Reading the same*]?

366. But the point is that section 93 makes it mandatory to the officer to administer the oath of section 93. Supposing a man objects?—Your objection is this: That in one Act it says you are to do certain things, whilst another says if you do not do this but something else that will be just as good as if you do the thing you are told to do.

367. One hundred and fifty-six can only be one of a type of cases. There are ever so many statutory oaths. Take the Old Country. The present Chief Justice of England, Sir Rufus Isaacs, took the oath as in the Evidence Act. There were three forms of oath available to him, but he took the one I have read. It looks, at first sight, as if some reconciliation were required?—An alteration can be made if the Committee desire it.

368. You have not had occasion to consider that point, I understand?—I have not, for the reason I have given you. I had no share in the preparation of the Evidence Bill—indeed, I have not seen a copy of it; there has been none available to me during the progress of His Honour's work upon it. That is one of the difficulties inseparable from work of so considerable an extent. The suggestion that the form of the 10th schedule, which is made mandatory in the terms of clauses 155 and 156 of the Public Service Bill, needs alteration, having regard to the provisions of the Evidence Bill, can, I think, best be made by some slight modification of the provisions of the Evidence Bill so as to enact that in any case where in any Act a particular form of oath is required that requirement can be sufficiently observed by a compliance with the terms of the section in the Evidence Act.

369. I am afraid it is all provided for. Sub-section (3) of section 93 says—[*Reading the same*]. No, I do not think it does, it does not get rid of the conflict?—"Prescribed" would be mandatory.

370. The concluding sub-section says that the officer "shall," without question, administer the new form of oath?—After all, it is not for me to venture to debate the question with you. If you wish the thing altered, it is only for me, as far as I am concerned, to carry out that desire by drawing His Honour's attention to it.

371. If he is satisfied with that I should be?—He told me he thought he was. I have referred to it, and he said, "You need not trouble about that, that will be dealt with by the Evidence Bill." So, too, in this Bill there is no clause allowing an affirmation instead of an oath. He said that, too, was unnecessary, because it would be covered by the provisions of the Evidence Bill.

#### TRUSTS BILL.

The last Bill in the preparation of which I took part was the Trusts Bill.

*Alterations.*—The alterations which appear in this Bill are for the greater part matters of expression and arrangement, and are not matters of substance, but are matters which have the result of expressing, in what is almost a tabulated form, the provisions of a large number of old sections dating back for a very long period, reproduced word for word from English Acts which have long been repealed in England, but have, however, been permitted to remain on our statute-book. These alterations have, to a very great extent, been made by reproducing the provisions of the old-fashioned English Acts in the form in which they now appear in the recent English Consolidating Acts. The language is much clearer, and it is easier to find any particular provision in the new form than it was to find it amongst the scattered provisions in the old sections which related back to the time of Lord Cranworth and other Lords Chancellors, whose drafting was, perhaps, suited to their own times but is not suited to present requirements.

*Plan of Consolidation.*—The memorandum prefixed to the Bill sets out what the plan of consolidation is. The existing law as contained in Part I. of Act No. 1150 and in subsequent general provisions as to Trusts has been consolidated in accordance with the following plan:—

The appropriate sections of the English Consolidating Act 56 and 57 Vict. c. 53, intituled the *Trustee Act* 1893, have been adopted wherever they reproduce the effect of the existing Victorian enactments, and whenever in the instances mentioned in the memorandum to this Bill they make good an obvious defect or omission.

The interpretation section of the English Consolidating Act with necessary modification has been substituted for section 3 of Act No. 1150, thus in effect reproducing that section.

Section 3 of Act No. 1421, an interpretation clause, has been omitted as unnecessary except in the case of the definition of "Banker," which has been re-enacted as part of clause 21 of the Bill.

The Victorian enactments which have no corresponding provision in the English Consolidating Act have been consolidated with such alterations only as is necessary to secure clearness or uniformity of expression.

The result is that most of the sections of the existing Acts which have been consolidated in this part have been altered. But except in a few instances the alterations do not change the existing law, are caused by grouping sections together and restating them in a concise form, or are otherwise of a mere formal character, and require no further mention.

*Reasons for Alterations.*—Part I. of Act No. 1150 is mainly composed of sections which re-enact sections contained in English Acts. These Acts, that is to say, the *Trustee Relief Act* 1847, the *Trustee Relief Act* 1894, the *Trustee Act* 1850, the *Trustee Act* 1852, and Lord Cranworth's Act, 23 and 24 Vict. c. 145, or provisions then corresponding to them, were consolidated by the *Trustee Act* 1893. Three years later the Victorian Act of 1896, No. 1421, was passed. This Act reproduced some of the sections contained in the English Consolidating Act, but left unaltered a very large number of the lengthy sections in Part I. of Act No. 1150, the effect of which is clearly stated in a succinct form in the English Act.

In Act No. 1421 obscurity is caused by the interpretation sections, which are taken partly (section 2) from 44 and 45 Vict. c. 41, s. 2, and partly from 51 and 52 Vict. c. 59, s. 1, though

these Acts are properly applicable to very few sections of the Victorian Act, and though a reproduction of the interpretation section of the English Consolidating Act would be applicable to most of the sections.

This has been dealt with by getting rid of the present interpretation sections, and by taking the proper interpretation clauses and making them applicable. In some instances it is only a difference of terms, it is a question of neatness. It was very undesirable to have them existing as they were, and what has been done in this way makes no change in the law.

*Part II. of the Bill.*—There are no alterations in Part II. of the Bill. It deals with religious trusts. I am not sure whether it is practically obsolete, but it is unsafe to jettison it.

*Part III. of the Bill.*—Part III. of the Bill relates to successory trusts, and the alterations are purely formal.

*Amendments and Additions which Require Special Mention.*—Clause 2 (b) preserves the operation, effect and consequence of instruments which might otherwise be affected by the omission of certain sections which have not been re-enacted. These omissions are referred to in the table of sections.

Clause 2 (c) preserves the effect of section 79 of Act No. 1150, which is not otherwise re-enacted.

*Clause 37.*—This section, so far as it relates to a trustee convicted of felony, enlarges the provisions of section 20 of Act No. 1150, so as to make them apply not merely to stock, but to personalty generally. To this extent a change is made in the existing law, so as to remove a gap which ought not to be allowed to continue.

*Clause 38B.*—A change is made by making the provision as to a lunatic trustee apply in terms to a joint trustee as well as to a sole trustee.

*Clause 38.*—In this section, and in others where the expression again occurs, the words "entitled to" are substituted for the word "seized" in the expression "seized or possessed of any lands." The change effects no alteration in the law, but is made so as to use a word more appropriate to the inclusion of leaseholds. "Seized" is not as wide an expression as "entitled to." The change effects no alteration in the law, but is made so as to use a word more appropriate to the inclusion of leaseholds.

Clause 42 effects a change in the existing law by extending the power of the Court to the case of an order directing a mortgage. A similar defect was first dealt with in England by section 30 of the Consolidating Act of 1893.

Clause 58 is with regard to a question of an order for payment of costs. It gives the Court power to make this order, and direct what person shall pay these particular amounts. It is entirely a technical question, and merely gives the Court power to carry out its own order.

In clause 65, some of the words have been re-drafted, so as to give effect to the decision of *In re Elliott*, 27 V.L.R., 161, declaring the meaning of the section to be that the Court may break upon *corpus* in any case in which the income is insufficient for maintenance.

372. *By Mr. Prendergast.*—Do you mean that the words did not affect the decision by the Judge, and had to be altered to fit in with his decision?—If I had the judgment here, I think you would agree with me that His Honour was at pains to find what the real meaning of the Legislature was, not to strain the words to fit the judgment, but rather he endeavoured to show from the

words actually used in the section, the drafting of which was a little obscure, that the real meaning of the Legislature was to give a useful power for the benefit of the infant. Had these words as they now stand in the existing section been reproduced verbatim, the Court, when it came to construe them next, would probably have considered itself bound to construe them in accordance with the terms of the decision of a'Beckett, J., because, a decision having been given, and the Legislature having thought fit to re-affirm these words without changing them, the effect of the words would have been taken to be in accordance with the previous judicial declaration as to their meaning; therefore the Bill does not in any sense seek to alter the existing law in this matter.

373. You are only fixing the interpretation of the law?—Yes.

374. *By Mr. Blackburn.*—It looks as if they could only make an order, but they have no power to sell property?—I think I have referred to the only matters that have occurred to me at present. It will be seen that a very large number of sections have been re-drafted, but I have explained the reason, and shown that it has not been done to bring about any changes in the existing law. The definition clauses have been altered, and their arrangement is different.

375. *By Mr. Mackey.*—You have reproduced from the 1890 Act a number of sections which were taken from previous English Acts, and which are not now to be found in the English Consolidated Act. Can you tell the Committee why these sections were dropped out in England?—I can only speak generally as to that—in this way: In some instances the law in England was changed, and the Consolidating Act, being an Act which was consolidating the then existing law, was obviously reproducing the law as it then was, and was not seeking to reproduce these sections which remain on our statute-book, and which were the existing law here at the time this Bill was drafted. That accounts for some of the differences. In other cases there are enactments on our statute-book which do not run on the same lines as the English law, as you, of course, are aware.

*Mr. Blackburn.*—That section we dealt with is purely a Victorian section.

376. *By Mr. Mackey.*—Do you know of any reasons which would induce us to retain those old English sections in this State which have been dropped there?—No, I cannot say I do. I think this Bill now reproduces, except where there is a designed difference according to the wish of this Legislature, I think, except in those instances, this Bill very nearly reproduces the existing law in England with regard to trusts. There are some things which I have not been able to account for, and I have drawn the attention of His Honour Mr. Justice Cussen to them, but he seems to think that they were not sufficient to induce him to make an alteration. I think there is one still existing in the Bill, if I remember rightly, with regard to the Statute of Limitations. It is a question relating to trustees of charities.

377. That is something that has got in here, not designedly, but it has got in?—It has got in, and I pointed out to His Honour that my attention had been drawn to that curious provision. I said that perhaps it ought to be altered, but he thought it was a matter that he would not desire to interfere with—that the Legislature appeared to have done it for some definite reason, though he could not understand why.

378. Apart from a few matters of that kind, have we not retained here a number of antiquated sections from the 1890 Act that have been dropped

in England?—There are a few, but not many, I think. In the re-drafting I was enabled to jettison a good many of them.

379. You think our law is practically identical with that of England?—I think it is. Mr. Blackburn, I have reason to believe, has closely examined these sections.

*Mr. Blackburn.*—Yes; with the English Trusts Act and with our own Trusts Act, and I thought that the law was substantially the same.

380. *By Mr. Mackey.*—You have dropped out the antiquated stuff?

*Mr. Blackburn.*—Most of it.

*The Witness.*—I think, Mr. Chairman, that completes the number of the Bills which I referred to originally.

381. *By Mr. Prendergast.*—You spoke in the first place about the design of the consolidation in Mr. Justice Cussen's hands. Do you think the consolidation has been brought about in the best possible manner? Is it the best possible thing that can be done. I am asking as a layman?—I would answer that in this way. Take some of these Bills. If it were possible to have a free hand, to start and make any changes one thinks right, I would say the best thing possible has not been done; for instance, take these Bills that I have been speaking of to-day. Take the Registration of Births Deaths and Marriages Bill. I should be disposed to recommend that all the existing legislation with regard to the Registration of Births Deaths and Marriages be repealed, and that a new Bill be drafted bringing in a complete new set of provisions. I think the whole of the scheme is rather clumsy. I think it is very much better in other parts of the world, and I should suggest an entirely new Bill. But I should not have any right to any such views of my own in doing the work assigned to me. My instructions were to draft a Consolidating Bill, but had I entered upon its preparation in the way I have indicated, I should not have been consolidating at all. I cannot suggest any better way of consolidating than the way which, in fact, has been followed in this consolidation.

382. You do not think there are any alterations in consolidation which will alter the policy of the law dealing with the question in any way?—I think not, excepting so far as matters such as those to which I have drawn attention are concerned. I have endeavoured to carry out my instructions, and not to make changes in the law, except where due attention is drawn to them. In this large body of work, it is quite possible—it is certain—that small errors will be found which will need to be put right by subsequent legislation. I think there has never been any consolidation anywhere without a Revision Act following it, for even misprints have to be corrected. No one can be more careful than the Government Printer in the avoidance of mistakes, but no matter who undertakes the work they are bound to occur. But, speaking in general terms, I would say that all that care can do to secure an accurate consolidation has been done by Mr. Justice Cussen and those working with him.

383. *By Mr. Mackey.*—Speaking with all due respect, do you not think the plan adopted here is superior to the plan adopted formerly?—I think it is the better plan—much better. I think the object of consolidation is better maintained. I know you will not take me as speaking in any depreciatory way of the work of one for whose memory I have great respect. I think the general method of the present consolidation certainly gives scope for better results than could be attained under the methods observed in the consolidation of 1890.

384. Where you have made any change it is explicitly brought before the Committee?—Yes.

385. *By Mr. Prendergast.*—I am not a lawyer, but a layman, and I want to protect myself when the time comes for me to make my own explanations?—The work of the consolidation of 1890 was rather that of expurgation and revision than consolidation in the sense in which lawyers now use the term. Consolidation in the sense in which lawyers now use the term would not be mere expurgation and revision, but something more, it would seek to remove obscurity and anomaly, and to fill up gaps in matters where there have been obvious omissions.

*The witness withdrew.*

*Adjourned.*

WEDNESDAY, 7TH OCTOBER, 1914.

*Members present:*

Mr. MACKINNON, in the Chair;

<i>Council:</i>	<i>Assembly:</i>
The Hon. R. Beckett,	Mr. Prendergast,
The Hon. W. S. Manifold,	Mr. Snowball.
The Hon. A. Robinson.	

Thomas Prout Webb, examined.

386. *By the Chairman.*—What are you?—The Master-in-Equity. I have to administer a number of Acts, amongst others, the Administration and Probate Act, Income Tax Act, Land Tax Act, and, to some extent, the Lunacy Act and the Inebriates Act.

387. Have you seen a copy of the *Administration and Probate Bill 1914*?—Yes. As submitted to me I have read it through and made some suggestions, and have carefully compared the Bill with the existing Acts, and I find it reproduces them exactly—the consolidation seems to me to be quite correct.

388. It makes no change in the existing law?—No.

389. I understand Mr. Pigott, who has given us evidence on that Bill, drafted it?—Yes, and I perused it. I am satisfied that it makes no difference in the existing law. There is, however, one correction that might be made in clause 125—at the end of section 2 it says—

It shall be lawful for any Judge of the Court to order that the person summoned shall file such statement, and to make such other order in the premises and as to costs as appears just.

It should read—"It shall be lawful . . . shall file such statement, or to make such other order," &c., to give the Court jurisdiction in the alternative. In the original Act it is "and," and I think that is a mistake. I happened to notice it the other day, and had not called His Honour's attention to it. Supposing the Judge does not want to make an order for the person summoned to file a statement, he ought to have the alternative power to make "such other order," &c. The Court may interpret the section as "or"—judicially so interpreted, it might be all right.

Another amendment might be proper. In clause 142 it says—

Every settlement of any property made on or after the 16th day of December One thousand eight hundred and seventy by any person containing trusts or dispositions to take effect after his death.

That was the original clause in the *Administration and Probate Act 1890*, section 112; but by the amending Act of 1903 "settlement" was defined to be, as you will find it in clause 118 of this Bill—

Includes every conveyance, transfer, &c. . . containing trusts or dispositions to take effect or which shall or may take effect.

Therefore, the new provision "shall or may take effect" in the Act of 1903 ought to supersede those words in section 142. That is of considerable importance. There are several cases in the Supreme Court—Whiting and McGinnis and others—in which the Court has held that although the settlor has died and the trusts cannot in fact take effect, yet under the settlement itself there were trusts which might have taken effect, and therefore the settlement was dutiable. Therefore, that is rather important. If you read section 142—"Every settlement of any property . . .," and then see what "settlement" means—in the interpretation clause it has a wide effect, but under clause 142 itself it is limited.

390. It gives you too much revenue?

*Mr. Snowball.*—It does not affect revenue, it affects recording the document.

*The Witness.*—That ultimately results in duty.

391. *By Mr. Snowball.*—The position is, the duty is not imposed under this Act; it is merely the machinery?—Yes, it is; this is more than machinery.

392. It is compelling the registration of the document?—Yes, and it says you shall pay the duty, and fixes the rate.

393. Your suggestion does not alter the obligation to pay duty?—No. I am simply pointing out the inconsistency as it stands.

394. *By the Hon. W. S. Manifold.*—It causes an obligation to register, and subsequently to pay duty on settlements which contain trusts which cannot, under existing circumstances, possibly take effect at any time?—Yes. In Whiting and McGinnis a settlement was made by the settlor upon trust for the settlor's wife for life, and after her death upon trust for the settlor for life, and after the death of the survivor upon trust for the children of the marriage. The settlor predeceased his wife, yet the settlement had to be registered.

395. *By Mr. Snowball.*—The Act merely required it to be a registration after death under this section 142?—Yes, but in this case he predeceased the person who had the life estate.

*The Hon. W. S. Manifold.*—The trust could not possibly have taken effect, and yet duty would have to be paid on it.

396. *By Mr. Snowball.*—And yet he properly paid on it in respect of trusts that ought to take effect after death, because in the nature of a devise?—Under the original Act as it stood there were no trusts which could take effect after his death.

397. *By the Chairman.*—Your point is, by including this definition they have created a confusion, but it does not amount to anything more than that?—The consolidation does not alter the existing condition of things.

398. They have consolidated the doubtful with the confusion?—Yes.

399. *By the Hon. W. S. Manifold.*—In this particular case—Whiting and McGinnis—where the trust could not possibly have taken effect after the settlor's death, yet the duty would have to be paid on his estate and on the death; would the children have to pay?—No.

*The Chairman.*—There is a note at the bottom of page 50—

A settlement containing trusts which are directed to come into operation upon the death of the settler and his wife is a settlement containing trusts to take effect after the settler's death notwithstanding that the settler dies before his wife and is liable to duty accordingly.

*The Witness.*—That still remains.

400. *By the Chairman.*—You point out that that is really inconsistent with what was originally intended?—Yes; there is an apparent confusion.

401. *By Mr. Prendergast.*—There is no alteration—only that confusion?—That is so. As the Chairman says, it consolidates a confusion.

402. *By the Chairman.*—Apart from that, you are satisfied that that Act reproduces the existing law?—That is so.

403. In regard to the Income Tax Act. I understand you drafted this Bill?—Yes.

404. What can you tell us about it?—In the first place, there were certain alterations made to eliminate parts of the old Act which were useless in this way: The original Act, No. 1374, was originally a Land and Income Tax Act, and when it was passing through the House the land tax part of it was thrown out, and some words were left in which related only to land tax—those I have cut out.

405. *By Mr. Prendergast.*—Give us an illustration of that?—In clause 15 (3) of Act No. 1374—the original Act—relating to preparation of assessments and other matters, sub-section (3) says—

If the owner of land is out of Victoria, and has no known agent in Victoria, any tenant of such land shall be deemed to be the agent of the owner.

That does not apply to income tax, because there are several provisions relating to agency in clause 12—general provisions. So that was left out.

406. Has that provision been passed over to the Land Act?—There are provisions in the Land Act which supersede those altogether. In clause 25 (a) there is another example—objections heard by a police magistrate. Sub-section (a) provides that he may make alterations in the description of the land, &c.

407. *By the Chairman.*—That is not reproduced?—No. There are one or two alterations of that sort. Then, of course, other alterations in the consolidation have been made necessary by the alteration of the basis of taxation. In the original Acts dividends of companies were taxable in the hands of the taxpayer, but now the profits of the companies are taxed, so the clause of the original Act dealing with dividends has been struck out and amendments made to make the machinery fit in with the new method of taxation. Beyond these alterations the whole Act has been rearranged. The original Act was very confusing; the clauses were not properly arranged in sequence according to the subject-matter, and the whole has now been rearranged to make it more intelligible.

408. In regard to the Land Tax Act?—I drafted this Bill. Very little alteration has been made in that case. There have been a couple of amending Acts since the original Land Tax Act was introduced, and there has been no alteration practically. Section 11 of the original Land Tax Act gave an exemption to certain income taxpayers. This has been taken out of the Land Tax Act and put into the Income Tax exemptions. Section 18 of the Income Tax Bill contains the provision of section 11 of the Land Tax Act. There

were a couple of clauses in the original Land Tax Act which were of a temporary nature; these have now been omitted.

409. *By the Hon. W. S. Manifold.*—Is the Federal tax allowed for in the Income Tax Act?—No. It is only allowed in a modified way; but you will find it in clause 19 of the Income Tax Bill—the last part.

410. *By the Chairman.*—That reproduces Act No. 2506?—Yes. This Bill reproduces that exactly. In the original Land Tax Act there was a temporary clause (14) which was simply inserted to enable the taxation to be carried out in 1911—temporary arrangements for that year; and, of course, that is now omitted. Otherwise the Act is reproduced.

411. With regard to the Lunacy Act?—That is an exact consolidation of the two Acts of 1903 and 1890. The 1903 Act relates to the Lunacy Department, and the 1890 Act relates to the Master's office. Those have been consolidated without any alteration.

412. Did you draft it?—No; the two Acts were just put together, and the only drafting I did was to rearrange some of the sections so as to make the thing run more smoothly.

413. *By the Hon. R. Beckett.*—Will this new Bill now before Parliament materially affect this consolidation of the Lunacy Acts?—No; that is new matter altogether. It does not affect any of the provisions here at all.

414. I suppose it will be blended in with it?—Yes.

415. *By Mr. Snowball.*—With regard to section 45—power of detention of lunatic patient for a further term of four weeks—that is extended in this consolidation. The Inspector-General had power to do it then, but you are now giving power to the superintendent?—Yes. That was done in consultation with Mr. Justice Cussen and the Inspector-General. The Inspector-General pointed out the very great inconvenience in the present system, and suggested the power should be enlarged.

415A. That matter is, to some extent, dealt with in the Bill just now being dealt with, but is it right for us, however much we may feel the inconvenience served, to legislate in this way, particularly on a matter affecting the liberty of the subject—even though the consolidators may be impressed by the officials of the wisdom of it?—That is a matter that was discussed with Mr. Justice Cussen.

416. *By the Hon. R. Beckett.*—That is new matter?—Yes.

*The Chairman.*—His Honour draws attention to that in his explanatory paper. I think it is provided for in the new Bill.

*Mr. Snowball.*—It does touch this very point. The point is—in this consolidation it is proposed to extend a power which was only vested by the Act in the Inspector-General, and an official visitor, of continuing the term of detention of a lunatic patient for a further term of four weeks. This consolidation proposes to extend that power to the superintendent of the institution—a power which Parliament only gave to the Inspector-General, and it is a power to detain a person for a longer term than his admission contemplated in section 45 (c).

*The Chairman.*—His Honour draws our full attention to it in his explanatory paper.

417. *By Mr. Snowball.*—Why should not the Inspector-General exercise that power?—Simply because inconvenience has been caused. It has been very difficult when the Inspector-General has been

away at Beechworth or Ararat inspecting there. You must have somebody to act here. The Receiving House is at Royal Park.

*Mr. Snowball.*—Parliament may see the wisdom of meeting that difficulty, but it is quite possible, too, that Parliament may say: "If we are to give this power to the superintendent, we will safeguard it in some way, requiring some medical examination by an independent person."

*The Chairman.*—We can draw the attention of Parliament to it.

*Mr. Prendergast.*—The superintendent himself may have charge of the Receiving House.

*The Witness.*—Yes; he is the superintendent of that particular place. There is only one superintendent—he is the man in charge.

*The Hon. R. Beckett.*—I suggest that a clause be drafted for the Bill now before Parliament—that could then be dealt with by Parliament at once. We have the Bill on our notice-paper now.

418. *By the Hon. W. S. Manifold.*—Who are the official visitors?—Three gentleman appointed by the Governor in Council. They are Dr. Springthorpe, Dr. Jamieson, and Dr. Joske. Their duties are to go round to the Metropolitan asylums only.

419. Nothing could be done with this clause except with the sanction of one of those visitors?—No.

420. *By Mr. Snowball.*—Is it quite clear in this sub-clause that the Official Visitor is only necessary where the Superintendent does it?—It says, "The Official Visitor and the Inspector-General, or the Superintendent, certify . . ." It may be construed that the Visitor is only necessary where the Inspector-General does it.

*The Hon. R. Beckett.*—It is open to both views. It is ambiguous.

421. *By the Chairman.*—There must be a good many of these points we shall want to discuss where we recommend Parliament to make these changes. Is there any thing else in the Lunacy Bill?—No. The only other thing is the re-arrangement of some clauses in the old Act to put them in their proper places.

422. You had to do with the consolidation of the Inebriates Bill?—Only just to reprint the original Act, and no alteration whatever.

423. *By the Hon. R. Beckett.*—Did you go through the schedule of forms in the Inebriates Statute; some of the schedules are very important?—There are no schedules in the Act, but in the rules.

424. *By Mr. Prendergast.*—There is no alteration in the Lunacy Bill other than that about the superintendent?—That is so.

*The witness withdrew.*

Harold Alfred Templeton, examined.

425. *By the Chairman.*—What are you?—Registrar of Titles.

426. Did you draft any of these Bills?—No.

427. You have to do in your official capacity with the Conveyancing Bill, the Partnership Bill, the Real Property Bill, the Settled Estates and Settled Lands Bills, and clauses of the Transfer of Land Bill?—Yes. That is, from the aspect of registration.

428. Have you read those Bills I have referred to?—Yes.

429. Take the Conveyancing Bill?—As regards that Bill, there is no change in it. It is merely a consolidation of the existing Acts.

430. *By the Hon. R. Beckett.*—Did you consider the question of incorporating that with the Real Property Act?—Yes; but we thought the Real Property Act contained such a lot of dead matter as compared with the Conveyancing Act, it was better to keep them apart.

431. They both deal with real estate?—Yes. The Real Property Act is really what you might call a mausoleum, and the Conveyancing Act was quite modern.

432. *By the Chairman.*—In the Explanatory Paper there is something said about the Conveyancing Bill; it indicates that certain sections were taken out, and put into their proper places?—Yes; I am satisfied they have been put into their proper places, and I am satisfied the transposition is satisfactory.

433. *By Mr. Prendergast.*—No amendment of any kind in it?—No; none at all.

434. Only an alteration of verbiage?—Some slight grammatical changes which Mr. Justice Cussen made, and which did not affect the result, but made the sections clearer.

435. *By the Chairman.*—With regard to the Partnership Bill. I understand they have incorporated with that the Registration of Firms Act?—Yes; that is the only part I have to deal with.

436. *By the Hon. R. Beckett.*—You have extended those provisions?—Yes.

437. In some respects they did not cover a number of cases that arose?—Yes. It was not absolutely clear whether a change of address had to be registered by a firm. The Crown Solicitor had advised it was necessary, and we always insisted on it being done, and His Honour has made that quite clear. The second point was where a man retired from a firm there was no obligation on him to give notice to that effect, and creditors may be misled thinking he was still a member of the firm; so His Honour has now made provision for the lodgment of a notice of such a person having ceased to be a member of the firm.

438. That is quite new?—Yes.

439. *By Mr. Prendergast.*—What section does that apply to?—Section 57 (2) provides for registration of a cesser of partnership.

440. *By the Chairman.*—You have put in a proper form?—Yes; I drafted a form for that.

441. *By Mr. Prendergast.*—That has only the effect of making the law clear, as it was intended to be?—I should think it was intended; but, of course, it was not in the previous Act. It is a daily occurrence to get a notification from a man who has dropped out of a firm, and that notice is put with the papers for anybody to see; but still if it were overlooked there is no obligation on our part to do so. It gives more information for the public.

442. The only thing you have done is to make compulsory to do what you have been doing?—Yes. It constantly happens that notice of cesser is given; but in many cases we find it is not done, because when people come in to register a change in the firm we find several people have dropped out.

443. You also overlooked the Real Property Act?—Yes.

(*At this stage the Hon. W. S. Manifold took the Chair.*)

444. *By the Vice-Chairman.*—Have there been many changes made in the Real Property Bill?—No; none at all. Certain sections, of course, have been taken out of other Acts, and embodied in the present consolidated Act, and have been more appropriately placed, but no change has been made. For instance, with reference to ancient

lights; there was an Act dealing with that, and that has been embodied in the Real Property Bill.

445. *By the Hon. R. Beckett.*—Have you considered the later provisions of the English law relating to the same subject—the Statute of Limitations?—We simply kept to the law here.

446. As a matter of fact, the provisions in England have been modified considerably?—Yes, of course; such an amendment would be rather drastic in a consolidating Bill. As far as possible I have confined my suggestions to removal of anomalies.

447. You have considered that a matter of policy?—Yes.

448. With regard to the statutory conditions attached to this Bill. Have you gone through those at all to simplify them in any way?—Yes. I went through them and satisfied myself they were similar to the previous ones.

449. Some of them were never used?—Some of them are very hard, too, I consider; but, of course, that was outside my province.

450. You have not dealt with them at all?—No.

451. *By the Vice-Chairman.*—Are any of those anomalies of considerable importance?—No, they are trifling. In the Real Property Bill there are none at all.

452. *By Mr. Prendergast.*—There has been no alteration of the Act at all in any direction, except in regard to verbiage?—Yes, slight verbal alterations made by His Honour Mr. Justice Cussen to make it read more clearly.

453. *By the Vice-Chairman.*—You are responsible for the Real Property Act?—I have a good deal to do with the administration of it. After His Honour drafted the consolidation I went through it to see whether it was in accordance with existing law, but I saw no changes at all.

*The Vice-Chairman.*—In that case we can pass the settled estates.

454. *By the Hon. R. Beckett.*—In regard to memorials for registration of instruments—further detailed information as to addresses and description of witnesses and so on?—That is provided for in the Act.

455. You have made no difference in that respect?—No. There was an amending Bill of about 1887 providing for addresses, &c., in memorials, and that is incorporated in this.

456. *By the Vice-Chairman.*—With regard to settled estates?—Simply a re-enactment of the existing law—no changes at all.

457. *By the Hon. R. Beckett.*—Have you considered the question of shortening the title. It is generally called Settled Estates Act?—I think it would be a good idea. I did not feel at liberty to touch the titles.

458. You see no objection to calling it the Settled Estates Act?—No.

459. No anomalies in this?—No.

*The Hon. A. Robinson.*—I think it is very desirable to shorten the titles as much as possible.

460. *By the Vice-Chairman.*—We pass the Transfer of Land Statute?—Mr. Justice Cussen has made some slight alterations to this. Of course, I was not present when His Honour gave evidence, but I suppose he gave you a full account of the reason for the alterations and changes. They are not very vital.

461. *By the Hon. R. Beckett.*—Clause 72 seems a fundamental one. Can you throw any light on the alterations there—as to the title being paramount?—That amendment did not emanate from us at all. It emanated from His Honour, and he discussed it with me, and thought it was advisable for anybody reading the section to see what

class of rates were chargeable having priority to anything else, and His Honour suggested it should go in this way.

462. *By the Hon. A. Robinson.*—There is a Bill now before Parliament amending the Act?—Yes, I am aware of that. That will materially alter this Bill.

463. In what way?—At the present time, on an application for a title by adverse possession of land (Part 4) where it is worth more than £200 applicants have to go to the Court, but this amending Bill does away with the provisions for going to the Court, and applicants can go to the Titles Office. It also reduces the notices and advertisements that have to be published in connexion with applications to the Commissioner.

464. *By the Hon. R. Beckett.*—Part 4 of this Bill will have to be revised entirely?—Yes; it will take the place of Part 4.

465. Going back to clause 72, speaking of unpaid rates, will that cover all rates due to the Board of Works—house connexion charges, and that sort of thing?—I do not think it would. His Honour did not intend to make any alteration of the law by putting that there. He thought it advisable to specify those particular charges so as to bring it home more to people what the land is liable for.

466. I suppose it includes land taxes?—Yes; both Federal and State.

467. It is intended to be a kind of warning to purchasers?—Yes, that is all. There are several other points where variations have been made. At the present time, where a conveyance or similar document is missing, and dated prior to 1862, we are entitled to use the memorial; 1862 is a long time ago, and, at the suggestion of the Commissioner of Titles, His Honour made provision that memorials of conveyances, &c., more than twenty years old could be utilized.

468. *By the Vice-Chairman.*—His Honour did not touch on that particular statement?—That brings the position practically into line with the Conveyancing Act. The fixed period of 1862 makes the present provision almost useless. Now we have a fixed period of twenty years, and also the provision with regard to fixing a fee for the use of these memorials—instead of having it fixed it is left more to the discretion of the Commissioner to fix the contribution. The fee is fixed at £1 for each memorial at present. You may say it is giving the Commissioner too free a hand, enabling him to make it £2 if he chose. But his idea was, in making the suggestion, that £1, in many cases, was too heavy. In connexion with the application for special certificates and dispensing with production of lost mortgages or titles, provision is now being made for contribution where the document is lost, or burnt, or has become too mutilated for use. At the present time we have to make our requisitions for evidence very drastic, as we have been hit by one of these applications. The Commissioner has suggested to His Honour that it was an oversight omitting provision for contribution to the Assurance Fund in cases of that kind. There are a good many similar sections where contributions have to be made to the Assurance Fund, and he thought those sections (sections 80 and 81) were inadvertently omitted, and thought they should be included, so that he could call for a contribution where we issue a special certificate of title in lieu of the one lost or destroyed.

469. *By the Hon. R. Beckett.*—You are taking power to levy a contribution in these special cases?—Yes.

470. As a matter of fact, the Assurance Fund is a large fund?—Yes.

471. And claims on it have been reduced to a minimum?—There are very few.

472. What is the necessity for levying a fresh toll?—We would not have to be so drastic in the evidence that the Commissioner is entitled to call for as to the title, &c., being actually lost or destroyed, and he would feel justified in modifying his requisitions.

473. Is it the object of making a revenue in addition to the ordinary proof. If so, it is an extra tax?—It is an extra tax. Of course, I drew attention to the fact that it is there, and His Honour refers to it in his memorandum; but I thought, that, possibly, as I am very familiar with the working of the Act, I might better bring it home to you. The clause in question is clause 242. His Honour Mr. Justice Cussen has specially noticed this amendment.

474. *By the Vice-Chairman.*—It leaves it altogether in the hands of the Commissioner to say what the sum of money shall be?—Yes; that is so.

475. *By the Hon. R. Beckett.*—Can you tell us from recollection how many claims have been made in the last ten years against the Assurance Fund?—I cannot tell you from recollection. I have only been registrar for the last couple of years.

476. Has there been any claim during that time?—There has been a claim; but nothing was paid. The only other variation is one in connexion with the attestation of instruments. I am entitled, under the Evidence Acts, to take judicial notice of certain signatures of attesting witnesses, but not of all such signatures. I suggested there should be an embracing clause entitling me to assume that any body purporting to be a qualified witness had the qualification without investigation, and His Honour made that addition to section 152. It would be a help to the public, as, in certain cases, I have to call for proof of qualification.

477. *By the Hon. R. Beckett.*—Does that include the cases of head teachers and postmasters and so on?—As a matter of fact, if they purport to be head teachers of State schools, I have never investigated their qualification at all; but as to mayors of boroughs outside Victoria, I have to find out whether they are qualified, and it frequently gives people a great deal of trouble to satisfy the requisition.

478. Will it still be necessary for you to insist on the seal of a municipal corporation?—No.

479. The signature of the mayor alone?—Yes.

480. Would it help you to recognise the initials "H.T."?—No; I could not assume "H.T." would stand for head teacher.

481. It does not give that effect?—No.

482. If you come to the initials "P.M."?—I would have to assume that they stood for police magistrate, unless a post-office was mentioned; but that is very trifling, as certificates can always be got from the Postal Department.

483. It does not meet that position?—No.

484. Take the J's.P. Do you look up the list of J's.P.?—No, I do not; the Justices Act would safeguard me there. I am entitled to assume he is a J.P. There is no list, but I could always find out from the Crown Law Department.

485. Take, for instance, a mayor. He is a J.P. by virtue of his office. Do you ascertain when he ceases to be mayor?—No. I have a certain safeguard in that I compare the signatures of transferors.

486. Do you see any objection to recognising the initials "H.T."?—If they were to correct it

with State school No. so-and-so, I certainly do not. I think it a matter of common sense to assume he was the head teacher in that case.

487. They have been rejected?—I dare say they have, but not where I had been consulted.

488. *By Mr. Prendergast.*—The alterations are not important?—No, I do not think so. I think they are quite unimportant. Two of the alterations are certainly beneficial to the public as a whole. The third might be questionable.

489. No alteration to the present law?—No.

*The witness withdrew.*

Samuel Gabriel Pirani, examined.

490. *By the Vice-Chairman.*—What are you?—A solicitor. I have been in the profession for over forty years.

491. Have you gone through any of the clauses in these Bills?—Through all of them; with the exception of three Bills. Right through them all—all the consolidation. The three I did not do were the Justices Bill, Insolvency Bill, and Supreme Court Bill. I annotated the whole of them, except those three, and had to go through every section to annotate.

492. *By the Hon. A. Robinson.*—You did those footnotes?—All of them except those three Bills. The Supreme Court and the Insolvency Bills were done by my partner, Mr. Braham, and the Justices Bill, I believe, by Mr. Justice Cussen himself. The others I did.

493. *By Mr. Prendergast.*—You went through the Bills consolidated?—Yes; and the consolidated Bills as well.

494. *By the Hon. A. Robinson.*—In regard to those footnotes—what principle did you go on?—I had my own volumes of the Statutes annotated up to a certain point, and I examined those annotations with Horwitz's, and also with the original volumes of the Statutes, and after I had them copied I went through them with His Honour in most cases, and he made alterations in the notes where he thought they did not accurately convey the real state of the law to the public and we considered them in conference between us. That was the usual course with His Honour, but in the case of the Local Government Act I did that with Mr. Collins, the Parliamentary Draftsman. He has had a great experience in Local Government Law, and has written a book on the Local Government Law. His Honour suggested that it would be quite sufficient if I went through it with Mr. Collins, and I think His Honour was very glad to have the opportunity of getting Mr. Collins to do it. I went through that principally with Mr. Collins, and through his book also, checking my notes with his notes. We left out those we thought were out of date—a good many in the Local Government Law were got rid of altogether. Then the Marriage Bill. I did that with Mr. Piggott. He had the drafting of that mostly, and His Honour thought in that case it was better I should go through the notes with him (Mr. Piggott), and the same applies to the Administration and Probate Bill. With the exception of those particular Bills, I went through the whole of the notes with His Honour after having drafted them, and had them typewritten before they went into print.

495. You practically confined yourself to Victorian and High Court cases?—We did not go outside Victoria. We followed the same practice as was followed in the previous consolidations, with the exception that the High Court decisions were added to the Victorian cases.

496. *By the Hon. R. Beckett.*—And the Privy Council?—Yes. We noted those decisions. There were very few.

497. *By Mr. Prendergast.*—In all cases the references are mentioned?—Yes. We have three sets of law reports—*Australian Law Times*, the *Argus Law Reports*, and the *Victorian Law Reports*. The *Victorian Law Reports* are the recognised official reports, and where the cases are to be found in the *Victorian Law Reports*, we have noted only V.L.R., but where cases are not reported in the *Victorian Law Reports*, but either in the *Australian Law Times* or *Argus Law Reports* reference is made accordingly.

498. *By the Hon. R. Beckett.*—In cases where not reported in the *Victorian Law Reports*, but both the *Argus* and *Law Times*?—I think we put both in usually, and I understand His Honour was going to set out in the beginning of the Statutes the corresponding dates where the *Australian Law Times*, or the *Argus Law Reports* coincide with the dates of the *Victorian Law Reports*.

499. *By the Hon. A. Robinson.*—That would be very valuable if it was done?—I understood that was to be done, and it is to save the printing of the three rulings in each case.

500. *By the Hon. R. Beckett.*—I notice you did not set out the date against the reference?—We wanted to save the printing as much as we could.

501. In the *Law Times* you give the volume without any year?—The table previous to the Statutes would give the dates of the volumes.

502. In that case you can find the dates of the decisions?—Yes.

503. Have you adopted the headnotes to those cases or drafted them yourself from perusal of the judgments?—Where we had headnotes we started with them, and went through the decisions, of course, to see whether the headnotes accurately conveyed the effect of the cases, and in many cases we found a good many alterations were required.

504. You did not mechanically follow the headnotes?—No. The Judge went through them very carefully after I had been through them.

505. Have you followed the annotation of previous cases?—Where we could.

506. But most of it is original matter?—I would not say that. The consolidation up to 1890 was very useful; but we found it necessary to make a good many alterations.

507. Have you looked at the alteration of the wording in the consolidated Acts?—Yes.

508. Is there any danger of the alteration of wording in the Statutes affecting the applicability of the decisions?—I think you will find it is all right.

509. You have already published a book on case law?—Well, I would call it an index. I had that to help me, and it is by reason of that that His Honour asked me to help him.

510. It is a matter with which you are very familiar?—Yes, very familiar. I may say the same results apply to what Mr. Braham did.

511. *By Mr. Prendergast.*—His evidence would be just the same as yours?—Yes; he did his separately, and His Honour was satisfied.

512. *By the Hon. R. Beckett.*—Did Mr. Braham go through it with you?—Just cursorily. I asked him to take up those two in order to save time. He is very intimately acquainted with insolvency work, and he could do it much quicker than I could.

513. The substance is this: These notes may be taken as reliable statements of the law?—Yes,

they can up to the end of 1913. There are one or two references since then, but I think that is all.

514. *By Mr. Prendergast.*—What does C.L.R. stand for?—The *Commonwealth Law Reports*.

515. *By the Hon. R. Beckett.*—As regards the general value of notes. I suppose in the country districts, in courts, and offices of solicitors, they really help a great deal when they have not got the series of reports, and in that way they are of great commercial value?—Very great value.

516. Did you find *Horwitz* of much value to you?—Yes.

517. Did you have occasion to look at the rules and regulations?—No; I confined myself to the Statutes. I did look at the rules to the Companies Act, and also those to the Local Government Act—the Thirteenth Schedule.

518. *By Mr. Prendergast.*—What would be the effect supposing one of these notes was found to be incorrect in any way?—I do not know.

519. It is not essential to the interpretation of the law to take those notes?—No. They are not part of the Act, but only a guide, and also a guide for justices. I think they are very useful for justices.

520. *By the Hon. R. Beckett.*—Of great value to justices in country districts where they have not got the sets of reports?—I should think so. The marriage notes were cut down as much as possible.

521. *By Mr. Prendergast.*—All your notes have been gone through and checked by the Judge, except in the cases you speak of?—Yes. His Honour went through the notes on the Local Government Act and on the Administration and Probate Act with Mr. Pigott after I had finished with Mr. Pigott. The Justices Act, I believe, His Honour annotated himself.

522. Every reasonable precaution was taken to insure accuracy?—Yes, I think so.

523. *By the Vice-Chairman.*—That is very satisfactory, they having been gone through so carefully as that and checked—in some cases checked by two people?—In addition to that, I checked a good many sections of those Acts with the Judge. Sometimes when he was a bit doubtful, he consulted me about slight alterations when going through the Acts, and I had a good many conferences with His Honour, and thus had a good opportunity of examining the Bills as well as the notes very carefully.

524. In a good many cases throughout these Bills the clauses have been re-drafted?—Yes.

525. I suppose that would prejudice the use of cases that have been decided?—Yes; we had to adopt the case to the alteration in the re-drafting. The re-drafting was really only to make the sections plainer—not re-drafting in the ordinary sense.

526. *By the Hon. R. Beckett.*—Do you advise this is a matter that should be continued—future consolidations?—Yes.

527. And as a practising solicitor, you regard that as of very great value?—Yes; I think there ought to be a standing committee always consolidating and annotating. Even this consolidation will be getting stale if not put through very quickly.

528. You were a member of the Law Commission that sat for some years?—Yes.

529. Was the question of consolidation before that Commission?—Yes, I think it was; and they recommended that this work should be continued.

530. What term of years did they suggest?—Every ten years, to the best of my memory.

531. And from your experience, you favour consolidation within, say, periods of about ten years?—Yes.

532. And with the annotation of cases brought up to date?—Yes. I brought out an index of the cases noted in the High Court. I find even five years is as long as you should leave that. I would bring out an edition every five years.

533. *By Mr. Prendergast.*—You think the consolidation ought to be done every five years?—Well, every ten years. I think every five years would be an advantage; but it would be very expensive. I believe it was intended to be done in the Federal House, but has not been carried out.

534. Attached to one or two of the Acts is a clause saying the Government Printer shall have power to insert the clause of the Bill in a proper place with some other Bill?—That is risky.

535. That does not mean the Government Printer?—No; the Crown Law officers ought to be able to do that.

536. You think it is a good idea that there should be a permanent committee for consolidation?—Yes.

*The witness withdrew.*

William Dickson, examined.

537. *By the Vice-Chairman.*—What are you?—Secretary for Mines and Forests.

538. I see by the list in front of me that you checked the Boilers Inspection Bill, Coal Mines Regulation, Forests, Gold Buyers, Mines, and Mining Development Bills?—Yes.

539. Do you know who consolidated those Bills?—I should say the Judge himself. I submitted certain suggestions to the Judge in regard to the Mines Act, but His Honour did not accept many of them; he kept pretty well to the old form.

540. With regard to the Boilers Inspection Bill, you have been through the consolidation?—Yes.

541. Has it made any change whatever in the law?—None at all.

542. You have no suggestions to make, or any points to call the attention of the Committee to with regard to the Boilers Inspection Bill?—I think that Bill as the law stands is complete and perfect.

543. As far as you know, it is really not consolidated at all?—No. There was an amending Act bringing it up to date.

544. With regard to the Coal Mines Regulation Bill. You have been through that also?—Yes.

545. Are there any points to which you would like to draw the Committee's attention?—I cannot recollect anything further for the moment.

546. With regard to forests, it is exactly the same?—Yes.

547. And the gold buyers?—The Judge has rearranged that himself; but that is all. It is a consolidation of the two Acts, and is correct so far as I know.

548. With regard to mines?—That has been a very troublesome one. I think on the law as it stands it is as right as it could be made. I did write to the Judge about one or two things, but that is only within the last few days—since His Honour last gave evidence here.

549. What was the principal trouble in regard to the Mines Bill?—The number of Acts. An

amended Act might appear to conflict with the principal Act, and so on; but I think they have all been reconciled.

550. You are satisfied that it has made no alteration of the law?—Yes, that is so.

551. *By the Hon. A. Robinson.*—In the table showing how the sections of the Act consolidated have been dealt with, there is a statement as regards sections 270-275-280 of the *Mines Act 1890*, "amended in accordance with practice." The old Mines Act only provided for the taxation of costs, and this is to follow the County Court practice?—Yes; that has really been done by the Judge himself.

552. This makes the practice regular?—Yes; it is a most convenient practice, too. There is nothing in that.

553. *By the Vice-Chairman.*—Have any sections been imported into this Act that were not in other Acts?—Only amending Mines Acts.

554. Nothing outside of those?—No. There is a little Act which Mr. Outtrim was responsible for—appeals to County Court Judges. It was not called the Mines Act, but is in that now. It was called at the time Appeals to Courts of Mines. However, it is now included in that consolidation. What I submitted to the Judge was practically a re-arrangement—just transposition, but His Honour practically stuck to the old form. But there has been no alteration in the law except to clarify it where necessary, perhaps due to some decisions sometimes in the law.

555. *By the Hon. A. Robinson.*—The settled practice?—Yes, nothing else.

556. *By the Vice-Chairman.*—With regard to the Mining Development Bill. That is a Bill which I do not think many Members of Parliament have got a hold of?—There are footnotes showing what is available, but not what is spent. That could be found in other ways. The old Acts always used to say, "The sum of £100,000 is hereby provided," then there would be an amending Act, and something taken out of one Act and put into another; and it was very difficult for a layman to find out what amount of money was there; but it is all clear now. There are not many Acts of that class now. When future money is required for mining development, it will come up in a separate Bill. There are no figures in the Bill itself now, so that at any time we start with a new £100,000 we will be able to follow it up.

557. With regard to this Bill, are there any anomalies to which you would like to call the attention of the Committee, or any alterations of any kind made in the existing law?—No alteration whatever. It is pretty straightforward. I suggested to the Judge at the time, trying to reduce the size of the Bill, because you will notice there is a good deal of what looks like repetition, but His Honour, in criticising it, thought there were material little differences which were better left alone.

558. For fear of altering them?—Yes, or introducing into one part something from another which was not intended to be in the first part. So it really stands as it was.

559. We may take it, so far as your checking has gone in those Bills, the law is identically the same as it has been?—Yes. I will not say it is perfect; but that is not our fault. I honestly believe them to be correct as the law stands.

*The witness withdrew.*

*Adjourned.*

SATURDAY, 10TH OCTOBER, 1914.

*Members present:*

Mr. MACKINNON, in the Chair;

*Council:*

The Hon. R. Beckett,  
The Hon. W. S. Manifold.

*Assembly:*

Mr. Blackburn,  
Mr. Prendergast,  
Mr. Snowball.

William Campbell Guest, examined.

560. *By the Chairman.*—You are the Commissioner of Titles?—Yes.

561. And you deal with the Transfer of Land Acts?—Yes.

562. Have you seen this Transfer of Land Bill?—Yes; a good deal of the work connected with the consolidation of it was left to me by Mr. Justice Cussen. After he had put the Acts into one he sent over to me his draft with all the alterations marked, and I had many discussions with him about the alterations which had been made, and we discussed many points in connexion with the Act. I had previously got a great number of suggestions from the officers who administer the Act practically, and I dealt with most of them myself. I did not submit them to Mr. Justice Cussen, because I did not think they came fairly within the authority of consolidation. Other suggestions about which there appeared some doubt I submitted to him, and he dealt with them. In some cases he thought they were legitimate, and in others he did not think they were. After we had settled all those points he asked me to write an explanatory memorandum, and I recognise in this memorandum which is prefixed to the Bill the one which I wrote, although it has been added to in some few respects. It is not entirely mine, but the basis of it is.

563. I take it, generally, that the Bill is a substantial consolidation of the Transfer of Land Acts—the Act of 1890 and the amending Acts?—Yes.

564. And allowing for the alterations indicated in this paper, it represents the Statute Law on the subject?—Yes.

565. Would you care to deal with any of these amendments or make any further explanation?—I do not know that I would. I think they are all fairly justified by the authority to consolidate the law. Of course, many difficult questions arise as to whether a particular alteration is authorized by instructions to consolidate, and it is a matter about which any two lawyers might differ; but, speaking for myself, I found that the Judge was inclined to take what I thought was rather a strict view of his authority to consolidate.

566. May I put it this way: If you had been given instructions to consolidate you would have amended the laws more liberally than he has?—Yes, I think I would. There is only one thing open to any argument at all, and that is the alteration which authorizes the Commissioner of Titles to charge a contribution in the case of an application for a new certificate when a certificate has been lost.

567. I think that point has already been taken—it was discussed with Mr. Templeton?—Yes, it appears to me to be a section that was inadvertently omitted in the section which authorizes charges to be made. It is a very common device, or something very nearly resembling this provision, which you find in almost all cases of that kind. The ordinary articles of association of a company provide that when a man loses his

certificate for shares, or his scrip, as it is called, he may get a new certificate by giving a bond or indemnity, or something of that sort.

568. *By the Hon. W. S. Manifold.*—That is very different to paying in cash as much as the Commissioner may think fit?—Well, that is only an insurance premium—the whole business that we carry on is only an insurance business. It is really an advantage to those people, because if we can charge a premium we need not be quite so searching in the requisitions that we have to make. In every case of an application for a new certificate we have to ask so many searching questions that it puts the parties to considerable expense sometimes, and they resent it. I mean to say that it is easier in the case of a piece of land of small value, instead of asking a man one hundred and one questions connected with the particular case, to charge a small premium or contribution.

569. *By Mr. Snowball.*—This clause 42 that we were referring to when His Honour was here is the clause enabling the Registrar to accept the memorial as proof of the deed, and not altogether where a duplicate certificate is being asked for when one has been lost?—That is another point.

570. That is the first amendment made in the Act—where power to levy a contribution is asked for?—In the English Act they have a precisely similar power to charge, and it is an almost universal device for that kind of case.

571. The point is that we have an insurance fund which has proved more than sufficient for all the requirements of indemnifying the State against risk run in the various steps that are made possible. The Act already provides for a fixed contribution of £1 in every case. It says that the Registrar may accept the memorial, and need not require the production of the indenture itself, and charge the person failing to produce it £1. It is now proposed that the Act go further and make charges for the insurance fund, which has been proved to be more than adequate, and a really producing account?—The object of the alteration is because of the necessity I am under at present of charging £1 in many cases.

572. *By the Hon. R. Beckett.*—In some cases it might be less than £1—that is with clause 42?—You can charge nothing at all.

573. *By the Chairman.*—What is the percentage you would charge on the value?

574. *By the Snowball.*—It is entirely at the discretion of the Registrar. He might make it £5, £3, or £2; but you cannot conceive of the Registrar making it less than £1. Nobody is complaining about the payment of £1—they pay that willingly—but in this Act the Registrar would be able to charge more than £1?—I do not think that is quite correct. At present, as the law stands, if a conveyance is missing and cannot be produced, and if that conveyance is a conveyance of the estate in fee simple, and is prior in date to 1862, I have to charge £1; I must charge that under the law as it stands. I want to be relieved of the obligation to charge £1 for the non-production of an instrument which must now be more than 50 years old.

575. *By the Chairman.*—You are dealing with clause 42?—Yes. That has been amended by leaving out the words referring to the date, and by leaving out the words about £1, and putting in “such sum as the Commissioner may fix,” so that I have a general discretion now of making a charge for the non-production of a conveyance in fee simple, whatever the date may be. The absurdity of the present Act consists of imposing that charge of £1 for the non-production of an instrument more than 50 years old.

*Mr. Snowball.*—I would like to see extended power given to the Registrar dispensing with the production of the deed, but I think we have no right to give that power. This clause is hardly framed in such a way as to lead the public to believe that they are to be relieved of the payment of £1. If that could be made to appear clear there might be some reason for justifying it, but are we justified in doing that in a consolidation of the statutes?

*The Chairman.*—I should think it would come under the heading of anomalies—the Judge would regard it as getting rid of anomalies. It is only a small point, and it is a question whether the charge is made £1, over £1, or less than £1.

*The Hon. R. Beckett.*—But we must have regard to the fact that it is 25 years since that provision was made, and it now looks very ancient indeed. Having regard to that lapse of 25 years, it might be considered an anomaly.

576. *By Mr. Prendergast.*—You will charge what you consider to be reasonable?—Yes, we have found it necessary to dispense with the production in a number of cases of deeds of later date than this, and yet there is no law there which imposes an obligation upon me to charge £1 for later dates than 1862. You have to exercise your discretion.

577. *By the Chairman.*—Well, if there is any doubt about it, perhaps we had better go back to the original law?—I want to relieve the people of the burden. I do not think I ought to be placed under the obligation of charging £1 in the case of those deeds any longer. It seems to me absurd that I should be compelled to charge £1 for the non-production of a deed more than 50 years old. If a person does not produce a deed of a later date than 1862, it would appear then that I ought to charge him more than £1—if the law requires me to charge £1 on deeds prior to 1862—in order to be consistent.

578. *Mr. Snowball* is afraid that you will charge a great deal more than £1 under this clause?—Oh, no, it is no pleasure to me to charge a man a great deal more.

579. *By Mr. Snowball.*—I do not object to the principle of the office trying to get this insurance fund up as much as possible?—I have no ambition in that direction.

580. *By the Chairman.*—Perhaps we might consider that later—I am inclined to think it is an anomaly of a sort?—It does not make much difference anyway, because clause 47 gives me a general discretion outside that. That clause gives me discretion to make charges for imperfection in titles, so that if a deed of a later date is not produced, I could charge 10s.; whereas, if a deed of an earlier date is not produced I have to charge £1, and I think that is absurd.

581. *By the Hon. R. Beckett.*—Could you tell us the state of the insurance fund, roughly?—No.

582. Since you have been Commissioner have any large amounts been paid out in claims from that fund?—Not very large amounts; I usually settle them.

583. What would be the amount in claims paid out during your term as Commissioner by reason of any of the matters in this Act?—I could not say off-hand, but it would not be very much.

584. *By the Chairman.*—Do you want to press this matter, Mr. Snowball?

*Mr. Snowball.*—No; as long as the Committee realizes the position, and feels that it is justified, I do not mind.

585. *By the Chairman.*—What is the alteration that has been made in clause 78, Mr. Guest?—That was the one I was referring to at first—from 242 to the end. No. 242 is the section which

gives the Commissioner of Titles power to charge contributions for registration on certain occasions, and it now enumerates sections 77 and 78, in addition to those formerly mentioned. Sections 78 and 79 authorize the Commissioner to dispense with the production of a certificate, or to issue a new title in the place of a lost one.

586. *By Mr. Prendergast.*—Is there any alteration of the law there?—I consider they were inadvertently omitted from the original of section 242.

587. *By the Hon. R. Beckett.*—It is something which was not in the law before?—Yes, 78 and 79 have been added. There is power now to charge an insurance premium when we issue a new certificate of title. We have been hit under these sections more than once when we have issued a new title, while the old certificate of title has been deposited to raise money.

*The Chairman.*—I will read you the evidence of Mr. Justice Cussen in this connexion—[*Reading the same*]. “Clause 242 . . . strike it out.”

*Mr. Prendergast.*—Would it not be advisable to introduce legislation in preference to the amendment, because a Bill to such effect would pass without comment in either House?

*The Hon. R. Beckett.*—If we started to do that we would have to knock out a lot of the consolidation work and introduce Bills to pass the amendments.

588. *By Mr. Prendergast.*—Is there any alteration there, outside those quoted, which you consider an alteration of the law?—No. This memorandum represents everything, I think, it is necessary to mention. The only thing that is arguable is the one point we are mentioning now, as to whether that constitutes an alteration of the law.

589. *By the Hon. R. Beckett.*—In regard to clause 72—that is the fundamental provision—will you assure the Committee that such alterations as have been made do not affect the paramount nature of the certificate of title under the Act?—Yes, there is no alteration there. Section 72, as it is now, simply enumerates those matters in regard to which a man who is proposing to deal with a registered proprietor under the Transfer of Land Act must inquire, and it is convenient that all those matters into which he must inquire should appear in that Act. There is no alteration. Those provisions are simply gathered from the other Acts—Acts passed from time to time which do not affect the registered title.

590. But this new clause does not affect the value of the title as it stands under the existing law?—Absolutely, no. It is simply a finger-post to tell a man who proposes to take a transfer that under the Water Act, for instance, or the Local Government Act, or the Mines Act there are things which might affect his title, and tell him that he had better look them up.

591. There is a question which comes up frequently as to the form of statutory declaration—you generally insist that a man should comply with the local law where he is in that respect and also the law of Victoria—is that still enforced?—Yes; we took advice on that point some years ago, but it is a very difficult question as to the swearing of declarations outside the colony. We took the advice of Mr. Finlayson, and he was the greatest authority on criminal law that we had. I take it that our courts take cognisance only of crimes committed within the jurisdiction of Victoria, and when we want a statutory declaration relating to land under the Act, and the man who has to swear is outside the colony, the difficulty is whether we should require him to swear in the form of the place where he is or in the Victorian form. The only solution we have arrived at so

far is that he should swear in both forms, so that, if possible, he will be responsible if he commits perjury.

592. Do you think it should be necessary for him to swear in the Victorian form when he does so in the other; is that your own view?—I do not know about that.

593. Have you personally considered the matter?—No.

594. I think where that position occurs that a man should swear in the form of the State where he is?—Yes, I think that is my own view.

595. I suppose you know this is a common cause of trouble in the office?—Yes.

596. Is there anything in this Act to get rid of that?—No, I think that is a matter about which you might have a subsequent Bill. It is quite outside the work of consolidation.

597. You have cleared up a great many less important points than that under the heading of consolidation, to all of which I agree?—I think this involves a very difficult question of international law. I daresay I could give you the advice of Mr. Finlayson to us on that subject. Once the point was settled in that way it was sufficient, and we have not raised it again. An opinion from me after a moment's consideration would not be of much value.

598. *By the Hon. W. S. Manifold.*—What is the present practice?—We require a man to swear a statutory declaration in the form which is required by the law of the country where he is, as well as swearing in the Victorian form, so that we can prosecute him in that country on the declaration made there.

599. *By the Chairman.*—You could shoot him both ways?—We comply with the local law by getting a statutory declaration in our own form; but we say—“We want you also to swear it in the form of the country where you are, so that if you commit perjury you will be responsible.”

600. *By the Hon. W. S. Manifold.*—You cannot prosecute a man in New South Wales under the Victorian form?—No.

601. *By Mr. Snowball.*—At present the Act recognises that a man making a declaration in such circumstances is not a Victorian subject and could not be prosecuted under the Victorian Act?—Yes, I think that is a matter that is rather outside this inquiry and could be dealt with by special legislation. I do not think it is fair to compare any of the other changes that have been made with a change like that.

602. *By Mr. Prendergast.*—If the law is supposed to be effective and it is not effective, why not make it so; in this instance it appears that it ought to be made effective?—I do not know how the Parliament of Victoria could make an offence punishable in Victoria if a man swears falsely in New South Wales. If that man swears a statutory declaration according to the country in which he is, what hold have we got over him in those circumstances if it is false?

603. *By the Hon. R. Beckett.*—The laws of that country cover that. In our courts we have affidavits that are sworn in Queensland and New South Wales?—Yes.

604. *By the Chairman.*—It would come under the Bill, and we would like to see Mr. Finlayson's opinion on that point?—Very well, sir.

605. *By Mr. Prendergast.*—Who prepared the memorandum in connexion with this Bill?—I prepared it, but the Judge has made some additions. I have made absolutely a full confession in that memorandum of anything I had any doubt about. Looking over it again, I think I have mentioned here to-day the only matter about which there can be any argument.

606. *By the Chairman.*—That is clause 242 and clause 42?—I did not mention clause 42.

607. Mr. Snowball did, though?—Yes.

608. We may take your assurance that except for the matters mentioned here, to the best of your belief as an expert connected with this particular Act, it is a reproduction of the existing Transfer of Land Acts?—Yes.

*The witness withdrew.*

Casimir Julius Zichy Woinarski, K.C., examined.

609. *By the Chairman.*—What are you?—I am the Crown Prosecutor, and have occupied that position for the last five years. I took the late Mr. Finlayson's place.

610. As a prosecutor for the King, you frequently have to use the Crimes Acts?—Yes.

611. Did you have anything to do with the drafting of the Criminal Code Bill?—Yes. Mr. Finlayson and I drew the draft Bill, but it has not yet been adopted.

612. You worked on that with the late Mr. Finlayson?—Yes.

613. Did you draft this Crimes Bill?—Yes, I drew that under instructions from His Honour Mr. Justice Cussen.

614. Can you tell us generally whether this is a faithful reproduction of the criminal statute law?—It reproduces the statute law, removing some obsolete sections and making minor amendments just here and there. I do not think any of them are striking amendments. There was one that I recollect, where it had been made an offence punishable by six months' imprisonment if a person stole a book from a public library; but if a man went and slashed a work of art or a picture to pieces he could only be dealt with summarily. I think His Honour thought that those two sections should be brought on a par as to the term of imprisonment, and I think that amendment has been made.

615. *By the Hon. R. Beckett.*—Was it not the other way round. It increased the sentence from six months to two years?—It may be that.

616. *By the Chairman.*—You have not had an opportunity of going through His Honour's evidence?—I have not.

617. I understand in this Bill several of the terms of imprisonment have been brought into harmony with each other?—That is so.

618. Those changes, from your experience, are all in the right direction?—I think they are all desirable, and only deal with the maximums in each case. It is only a technical maximum in each case, and does not practically affect anybody, as I never knew a Judge to fix the maximum penalty in any case.

619. Are there any changes in what the Judge calls procedural sections?—I think His Honour has shortened some of the procedural sections which were of unnecessary length, and has clarified them, removing obsolete terms, &c. He has also brought into statute form some of the practices that now prevail in the courts. For instance, there is one as to which there is no statutory provision—the view the jury may take during the progress of a trial. His Honour has now given statutory authority for those practices.

620. *By Mr. Snowball.*—In regard to the penalties for offences. What is the reason for asking for a reduction of the term of imprisonment for injuries to goods in process of manufacture, &c., from ten to seven years, seeing it is hardly ever that the maximum penalty is imposed. Why

bother about reducing the term?—I think that was to bring it into line with some other similar sections.

621. With regard to penalties for railway obstructions, &c., the way they have been amended may be justifiable and commend itself to anybody, but is it the thing to do here seeing there is no urgent need of it—that the Judge would not award the maximum penalty?—The amendment in regard to penalties is rather His Honour's idea. There is not very much principle one way or the other.

*Mr. Snowball.*—Parliament in fixing the maximum penalties in cases of obstruction causing injury or damage to railway property, and obstructions endangering the lives of the travelling public, under the old Act had the whole of the facts before them. Can we say Parliament was not justified in doing that, and that we will alter it?

622. *By the Chairman.*—Do you recollect when those two sections, which were taken from the old English Acts, were introduced into our law?—No, I do not. I would need to trace it.

623. *By the Hon. R. Beckett.*—Have you been through the Police Offences Act?—Some time ago I helped the Judge in first drawing that, but it has been considerably altered since.

624. Can you say to the Committee there is no overlapping in regard to that Act and the Crimes Act?—I can assure you on that. I know some of the sections were removed from the *Crimes Act* 1890, and put into the Police Offences Bill by the Judge, because he thought it was the proper place for them.

625. Those two statutes would be quite consistent?—Yes, no overlapping at all.

626. *By Mr. Blackburn.*—There used to be overlapping in cases of assault?—Yes, in one or two cases there were different provisions with different penalties for the same offence in the two Acts.

627. *By the Hon. R. Beckett.*—You can assure us they are now both in harmony?—Yes, I can assure you of that. That has been very carefully looked into.

628. *By the Chairman.*—Is there anything else that occurs to you with regard to the Crimes Act?—No. I think the Bill as now drawn is a great improvement on the present Statute Law. I do not mean to say it has amended it in any great particular, but it has rearranged the subject-matters, and put sections into their proper places, and I think the whole frame of this new Bill is much clearer reading for the layman, as well as for the lawyer, and I think it is a vast improvement. All the amendments made have been minor ones, in no way affecting the liberty of the subject to any extent, and made to give the Judge a clearer view of the whole of the law under proper headings, and to enable those who administer the law to administer it with greater ease, and, it seems to me, in no way are there any radical alterations.

629. *By the Hon. R. Beckett.*—You are specially acquainted with the procedural part of the business?—Yes.

630. And you think, as it is now, it correctly reproduces the present Statute Law?—Yes. I do not think any alteration has been made excepting the order in which procedure may be followed, and in one or two instances where the Judge has put in one or two statutory provisions dealing with practices now prevailing for which we had no statutory authority, such as the view, the time, and the manner in which it may be done is illustrated by a section.

631. *By the Chairman.*—There was a section in the Juries Act?—Yes, but it was not sufficiently wide, so the sections are drawn to cover those points. That is only to tell people what the law is on the subject.

632. *By the Hon. R. Beckett.*—Nothing done to affect the privilege of accused persons in any way?—No, not in the slightest, but on the contrary.

633. *By Mr. Snowball.*—Will you explain the reason for the provision in section 475 of the Bill, in regard to a re-trial after disagreement of juries. That is specially mentioned as a new matter provided for?—Yes. That is another illustration of what happens every day in criminal trials: The jury disagrees and the Judge then directs that the new trial may be held either before himself or some other Judge. Some Judges take the view they should not be asked to try a person again at the same sessions, that they know too much about the case, and it is better that another Judge should try it. It was the practice to do that, to direct that the person should be tried at some other sessions at which another Judge was presiding. This section only embodies that practice. It is not an alteration at all. It is only making legal what is being constantly done, and it is to give uniformity to the practice. Some Judges do not feel so scrupulous about the matter and will say—"I will try him myself at the present sittings," and sometimes the prisoner does not like it. It is sometimes an advantage to the prisoner to get the re-trial sent on to the next sittings.

634. *By Mr. Prendergast.*—You said that this consolidation had been carried out without great alterations to the law. What do you mean by "great alterations"?—I rather mean the alterations are in harmonizing penalties. The Judge sees sometimes two sections dealing with a similar subject-matter; in one case the penalty is ten years, and in the other seven; and where His Honour thought the penalties should be assimilated he has made the maximum penalties the same. That, of course, is an alteration, but not one of any great consequence. I should not have used the word "great."

635. With reference to those words in the second paragraph in the explanatory paper. His Honour says—"Amendments in the Bill are mainly verbal alterations not affecting the subject-matter and variations necessary in consolidating, of which it is unnecessary to give details." What does that mean?—The old terms used to describe the Statute have been taken out, and the Bill is drawn in the present tense. Right through there are a number of unnecessary words used in the old Statutes—"shall have been," &c. The idea of this Bill is to make it always speak in the present tense, not "who shall have done" a certain thing, but "who does a thing." The future tense is very much dropped—it is entirely dropped.

636. On page 4 it says—"Other sections that may be mentioned are . . . amended to include matters in petty sessions and before justices?—There was a doubt as to whether a court of petty sessions would be a court of record. It was intended by the Legislature to include matters in petty sessions and before justices, and to remove that doubt the Judge has put in "court of petty sessions" expressly to make it quite clear.

637. It also goes on—"To include forgeries of stamps of Commonwealth and other States"?—The Commonwealth was not in force at the time the Act from which this sections comes was passed, and now the Commonwealth is an entity it is as well we should cover that.

638. Why the words "and other States"?—In case any States other than those in the Commonwealth come into existence.

639. *By Mr. Snowball.*—The Commonwealth Act itself creates the offence, and now you are really bringing it as an offence under our Act as well?—Yes, to harmonize it.

640. It really was not necessary, because the Commonwealth had made it a punishable offence?—That is so.

641. *By Mr. Prendergast.*—It also says—"425. To apply to male as well as female children"?—That is a section dealing with unsworn testimony of children. Whether by omission or intention I do not know, but it applied originally to female children, and yet you have dastardly offences sometimes committed on boys, or a little boy was present at the dastardly offence on a little girl. This only allows the same provision with regard to the male child as a female child.

642. This is an alteration of the law?—Well, it is one, but a very desirable one.

643. I am not questioning the desirability, but it is an alteration?—Yes. I think it was originally meant, but was an oversight. It is very necessary to have it in.

644. It is a question whether an alteration of law should be made in the consolidation?—Quite so.

*Mr. Snowball.*—It seems a good deal to say—"We assume it was an oversight." Parliament does not use the word "female" by oversight. It uses it to distinguish between male and female. It is, however, an alteration which evidently His Honour and Mr. Woinarski think necessary.

645. *By the Chairman.*—That was an Act passed in 1891, and it was copied from an English Act. Would it be a similar oversight in the English measure?—I could not say.

646. *By the Hon. R. Beckett.*—Has it been rectified in England?—I can ascertain that for you.

647. *By Mr. Blackburn.*—Section 481. The Judge has made an alteration that Mr. Mackey's Bill—the Court of Criminal Appeal—proposes, by enabling the Full Court to *mandamus* the Judge of criminal sessions?—Yes.

648. Whereas the Supreme Court Judge who tries the case can be compelled to state a case for the chairman of general sessions?—It should be the other way round. That is an anomaly.

649. *By Mr. Prendergast.*—Did you draft this memorandum in connexion with the Crimes Bill?—No.

650. Did you do the consolidation?—In July of last year the Judge asked me first to draw this Bill, and I drew it. I have had many sittings with His Honour, and there have been many redrafts. During the last stages I have not had very much to do with it.

651. *By the Chairman.*—You drew those remarks?—Yes. Not this one that appears before the Committee now. I drew the analysis of the alterations we were making for the use of the Judge, and I think he has adopted some of them and submitted them to this Committee.

*The witness withdrew.*

John Macgibbon, examined.

652. *By the Chairman.*—You are ex-Secretary for Lands?—Yes.

653. You have had long experience in the administration of the Lands Acts of Victoria?—Yes. I would prefer to give evidence in regard

to the two Bill together, *i.e.*, the Closer Settlement Bill and the Land Bill. My remarks apply equally to both.

654. All we want to ask you is generally whether they are accurate reproductions of the Statute Law on those two topics?—I will tell you exactly what I did in connexion with the Bills. I assisted in the preparation of the two Bills from their inception, and was very particular to see that all the "live" sections of the Acts which they purport to repeal were duly embodied in each Bill. As Secretary for Lands and since my retirement from that position I have carefully examined the two Bills, and am satisfied that they consolidate in a correct and concise manner, without any material alteration, addition, or amendment, the "live" sections of the existing Acts. That is about all I can say in connexion with the matter. I had several consultations with Mr. Justice Cussen and with Mr. Brown, who was then Assistant Parliamentary Draftsman, and we went through them all carefully together and made alterations in the various drafts until we got them into what we considered absolutely correct forms.

655. You are quite satisfied you have reproduced the existing law?—Yes. I checked every "live" section in the existing Acts, and saw that they were all embodied properly in the Bills. I checked every one as I did them.

656. How long ago is it since you had this matter in hand?—On the final draft prior to submission to Parliament—about June last.

657. *By Mr. Prendergast.*—You say there was no material alteration?—No. Mr. Justice Cussen may in one or two instances have put in additional words to try and make the meaning clear, and, in some cases, altered the phraseology to embody the same sense in different words.

658. "Any unexpected effect of alterations is guarded against by elaborate saving clauses." Can you give us an illustration of that?—I think Mr. Justice Cussen would be the best to illustrate that for you. The saving clauses were put in with a view to protect all existing interests in every respect.

659. Have you any idea of the amendments that were introduced?—No; but they were all very slight—two or three words put in perhaps in connexion with defining a certain clause.

660. There were no alterations suggested by the officers of the Department, and put in the Bill for the purpose of procedure?—None at all. Whatever alterations were made were effected by Mr. Justice Cussen himself.

*The witness withdrew.*

*Adjourned.*

WEDNESDAY, 21ST OCTOBER, 1914.

*Members present:*

Mr. MACKINNON, in the Chair;	
<i>Council:</i>	<i>Assembly:</i>
The Hon. R. Beckett,	Mr. Blackburn,
The Hon. J. D. Brown,	Mr. Prendergast,
The Hon. E. J. Croke,	Mr. Snowball.
The Hon. W. S. Manifold.	

John Sheehy Meagher, examined.

LICENSING BILL.

661. *By the Chairman.*—You are a barrister and solicitor of the Supreme Court?—Yes.

662. Were you associated with Mr. Justice Cussen in this consolidation?—I was.

663. I understand you were largely responsible for the Licensing Bill?—In one sense I was. When I became first associated with Mr. Justice Cussen the framework of the consolidation had been sketched out, and from that we worked together in connexion with the consolidation.

664. You have had considerable experience in connexion with the licensing law and you have written a book on the subject?—Yes. For the last ten or twelve years a considerable part of my practice consisted in advising upon and attempting to elucidate the various problems that have arisen in connexion with the law as to the deprivation of licences and the grant of new ones and in connexion with the administration of the licensing law.

665. Did you go carefully through this Bill?—I did; about three years ago my part of the work was completed, and until last night I had not seen the consolidation since. I had an hour or two to spare last night, and I refreshed my memory by looking at it again.

666. Have you seen the explanatory paper?—I think I drafted it.

#### *Local Option Poll.*

667. Are there any points in connexion with amendments, alterations, or variations you would like to draw our attention to?—I think the explanatory memo. speaks for itself, but I think the attention of the Committee might be drawn to the first section which is mentioned on the second page of the memo.—section 37 of the *Licensing Act* 1890. That is the one which deals with the way in which a poll has to be taken in order to increase the number of licences, and it seemed to Mr. Justice Cussen and myself that as the section is drafted no intelligible meaning could be placed upon it. It has, therefore, been recast so as to express what presumably was the intention of the Legislature. As it is drafted it seems to me that the word "lowest" in the eighth line of section 37 should have been "highest."

668. You intended to alter that?—Well, it has been recast.

669. As a matter of fact, that section 37 has already gone, or has it been revived?—It will be in operation until the 31st December, 1916; after that this section will be of no further importance. As it stands at present, assuming that there was, for example, a constituency with 3,000 votes—I take these figures haphazard, any set of figures would equally suit the circumstances—and suppose there were 1,600 votes cast, that is a majority of the 3,000 for an increase of licences; the existing number of licences being five, and the statutory number 26—such a state of things might well occur. If there is a majority for the statutory number or for any particular number no difficulty arises; the matter is ended. But supposing this state of things arises, you have a split vote. In this way one votes for, say, six hotels (five being the existing number), one man votes for six, 299 vote for eight, 300 vote for ten, 200 vote for fifteen, 500 for twenty, and 300 for the statutory number, 26. Assuming the votes to have been cast in this way, the will of the people would be that 1,300 of them have voted for ten hotels and upwards, but as section 37 is drafted it would appear that in such a state of things the number of hotels would be not ten but six, for which there is but one vote. This does not seem to have been contemplated by the Legislature, and to make the meaning clear the section has been drafted so as to accord with what the Legislature probably intended.

670. *By the Hon. J. D. Brown.*—Was it not the deliberate will of Parliament?—It seems extraordinary that if the Legislature should have contemplated such a result it should adopt the phraseology of section 37. The new clause 48 is as follows:—

"48. If there is not a majority of the votes recorded in favour of the existing number or the statutory number or some particular number which is below the statutory number and above the existing number the votes (if any) given for the statutory number and those given for such other several lesser numbers next to the statutory number in descending order which will make a majority of the votes recorded, shall be added together, and the lowest of such several lesser numbers shall be the determination of the electors. Provided that at any election one-third of the whole number of the electors on the roll shall record their votes in order to constitute a poll."

Where there is a majority for the statutory number, as I explained before, or for any particular number, no trouble arises; if there is a split vote complications such as I have indicated will most certainly ensue.

671. How would that work out in the illustration you gave us?—In the way in which the section is drafted it is clear that the determination of the electors would be to have at least ten hotels; it has been drafted so as to make the meaning of the section perfectly clear.

672. As the law stands now, would it be for one?—Yes; I think it would.

673. Your re-drafting would add nine hotels?—No, it would not add any, it would make clear that the number voted for was ten, an addition of five.

674. *By the Chairman.*—You have altered that suitably?—Yes, so as to express what we thought was the intention of Parliament. I think we consulted Mr. Molloy, of the Chief Secretary's Department, who superintends the taking of the polls in connexion with these matters, and he agreed that the section was an exceedingly difficult and troublesome one to administer.

675. *By the Hon. R. Beckett.*—Have there been any actual instances?—I cannot say that any such instances have occurred within my knowledge. The parties asking for an increase of licences generally agree beforehand upon recommending to their supporters a fixed number for which all will vote; the Temperance party usually abstain from voting. This law will cease to be operative after the 31st December, 1916.

676. *By the Chairman.*—What alteration could be made to bring it back to what we may presume Parliament meant?—One way would be to leave the clause as it stands.

#### *Intermediate Lessees.*

677. What other clauses are there in question?—Well, there is section 34 of the 1890 Act.

678. That is dealt with in clauses 279 and 287 of this Bill?—Yes. As the law stands now where the licence is taken away from a house the occupier usually asks to have his lease cancelled, and that is done as a matter of course. In cases there are other persons concerned—there may be a ground landlord, a tenant from him who lets to the occupier; the occupier's lease alone is cancelled, and the tenant to the ground landlord has to go on paying the rent under his lease although its value is almost invariably diminished by the loss of the licence. Provision to meet this case

has been made by the insertion of the words, in the last paragraph of clause 287 after the word "occupier," line 3, "or any intermediate lessee"; that is new matter. The last paragraph now reads as follows:—

"When any licensed premises are under the provisions of this section deprived of its licence, and the owner thereof is not also the occupier, the lease of agreement under which the occupier or any intermediate lessee holds the same shall (if he within three months after the licence has ceased and determined under the provisions of this Act so elect) be forthwith annulled by the Board."

The Legislature in section 126 of Act No. 2068 has made provision for the determination of leases and sub-leases, and, therefore, the amendment of what is now clause 287 is actually expressive of the Legislature's intentions.

679. *By Mr. Snowball.*—How would it affect a mortgagee?—A mortgagee has in addition to his contractual rights a lien on the money awarded to the owner in consequence of the deprivation of the licence; the mortgagee of the licensee's interest is not similarly protected.

#### *Offences.*

680. *By the Chairman.*—What is the next point?—Section 44 of the Licensing Act of 1906 deals with offences which put a house, so to speak, into the black list. That is dealt with by clause 276 in this Bill. The alterations made there are almost entirely of form rather than substance. For instance, in section 44, clause (a), sub-section (v) is as follows:—"Permitting or suffering drunkenness on the premises." There is no such offence as permitting or suffering drunkenness on the premises; there is an offence for permitting drunken persons to be on the premises. We have changed the expression so as to make it clear.

681. That is expressed in clause 276 by paragraph (e)—

"Suffering or permitting prostitutes, thieves, drunken or disorderly persons to be in or upon his licensed premises contrary to the provisions of this Act."

?—Yes.

682. *By the Hon. R. Beckett.*—Has that been the subject of any decision?—Yes, by Mr. Justice a'Beckett.

683. Has there been any decision against it?—No. Our amendment has been drawn in accordance with the decision of Mr. Justice a'Beckett. We have been very careful in all these sections dealing with offences or with vested interests not to alter the law; and in the very few instances where such alterations have been made they have been pointed out in the explanatory memorandum.

684. *By Mr. Prendergast.*—Have you created an offence where no offence existed before?—No, certainly not.

#### *Proportion of Compensation.*

685. *By the Chairman.*—Will you kindly proceed to the next point?—The next is in connexion with section 111 of the *Licensing Act 1906*—clause 309 of the Bill. Section 111 contemplated that there would be at most three persons interested in bearing the burden of the compensation fee, and the position may shortly be illustrated by the case of a ground landlord, a lessee from him, and a licensee—a sub-lessee from the latter. It provides that the burden of paying the owner's compensation fee shall fall upon this ground landlord. Cases have occurred in practice where there are as many as four or even five such persons.

The section has been amended so as to meet cases of greater complexity which were not contemplated by the Legislature in 1906-7. The burden will clearly fall on the ultimate landlord.

686. You have altered it with the idea of practically meeting the case of more than three persons?—Yes.

687. You assumed that the intention of Parliament was to be interpreted in that way?—Yes, the burden was to fall on the man who received the rents and profits.

688. Are these mentioned in the explanatory paper?—Yes; everything of any importance has been referred to.

#### *Vignerons' Licences.*

689. *By Mr. Snowball.*—The procedure with regard to the application for vigneron's licences has been materially altered?—Yes, as the law stands a vigneron has to make application for a licence in the same way as a man desiring to obtain a victualler's licence. It was thought that instead of being among that class of licences it should have been put in with the grocers' licences.

690. *By the Hon. J. D. Brown.*—Has there not been an eye to sly grog selling?—I think in the last 25 years there has only been one conviction—if there has been one.

691. *By Mr. Snowball.*—Apparently as they are right out of the way of the police greater care would have to be taken in connexion with the granting of licences to insure they should only be held by reputable persons?—Our alterations will not affect any supervision.

692. It will affect the check on the inquiry into the character—into the publicity of the application largely?—A man would be under the same conditions as to publication, except that he would not have to put a notice of the application on his front door. In the one case an application for a victualler's licence has to give fourteen days' notice, whereas the requisite notice for the other licence is seven days.

693. A great deal more publicity would be given in regard to the application now than there would be if this alteration were made?—There would be some more.

#### *Selling during Prohibited Hours.*

With regard to sections 128 and 134 of the 1890 Act the first section, roughly, deals with selling during prohibited hours—after closing hours and before opening hours; it has been re-cast, and so also has section 134 which deals with Sunday trading. In neither of these has any alteration been made in the law whatever. Section 134, for example, was ungrammatical, and it was pointed out to have been so by Mr. Justice Hodges.

694. *By the Hon. R. Beckett.*—You did not depart from his decision?—We departed from no decision whatever.

#### *Proof of Formal Acts.*

In Part 10 a new section has been drafted, which facilitates the proof of offences, and assists the police in the administration of the Act.—Clause 245.

695. *By the Hon. J. D. Brown.*—Was that suggested by some licensing officer?—No; it was done merely to provide for technical difficulties that might sometimes occur. Sometimes the prosecuting sergeant or licensing inspector has omitted to prove that the house was within a certain licensing district, or has omitted to call for the

production of the licence, whereupon the defendant would be entitled to have the case dismissed. The clause is as follows:—

“ 245. In all proceedings under this Act the allegation in an information or summons or orally by the informant or by the Inspector of Licensing Districts, or an Inspector of Liquor, that any person is licensed, or licensed in respect of any particular premises, or unlicensed, or that any person is a justice, or an Inspector of Licensing Districts, or an Inspector of Liquor, or a member of the Police Force, or that any such member holds a certain rank, or is in charge of a police station, or is specially authorized in any manner, or that any licensed premises are within the boundaries of any licensing district, shall be taken to be correct until the contrary is proved, and oral evidence of belief as to any such fact may be given, and shall be deemed to be legal and sufficient until the contrary is proved.”

696. *By Mr. Blackburn.*—The Commonwealth Acts mostly contain provisions like this with regard to immaterial matters?—Yes; but the provisions of the Customs Act are very much more stringent against the defendant than anything in the Licensing Acts.

697. *By Mr. Prendergast.*—Generally, are there any alterations of the law in connexion with any amendments in the Licensing Act?—There have been some alterations of the law.

698. How can you justify amendment in a consolidating measure?—This is a consolidating and amending Act. You cannot justify an amendment of the law in an Act which is purely a consolidating Act. Shortly, these amendments have been made to harmonize conflicting provisions of the Legislature, or to rectify what is apparently an anomaly, or to correct a mistake into which Parliament has apparently fallen; and they have been made for the reasons set out more fully in the explanatory memorandum.

699. It is not really an alteration of the law—only where the law conflicts?—There are other cases—not only where the law conflicts.

700. *By the Chairman.*—We have had cases where Parliament has not seen everything?—Yes.

701. *By Mr. Prendergast.*—Should not these alterations be the subject of an amending Bill?—It might, of course, be so done; but there are many difficulties in the way, and there are many and considerable advantages in the method which has been adopted in this case.

702. *By Mr. Snowball.*—With regard to clause 245, that is purely a matter of procedure?—Yes; it does not affect vested rights; it merely facilitates proof of a number of formal matters.

703. *By Mr. Prendergast.*—It alters the law?—It alters the law of procedure only. No man's rights or interests are in any way affected.

#### *Brewers' Licences.*

704. *By Mr. Snowball.*—With regard to brewers' licences, it is proposed, in this consolidation, to make them subject to a lot of restrictions and penalties which never hitherto applied to brewers' licences?—Brewers are, under this Bill, put in practically the same position as spirit merchants. Formerly, anybody could have a spirit merchant's licence for a shop, or, indeed, for any house, simply on the payment of a fee of £25.

705. As long as the premises were right?—That did not matter; it might have been a cottage or a bark humpy, or a tent, as in Wonthaggi. Brewers are licensed persons now. It had to be

considered how far those restrictions which apply universally to licensed persons would apply when brewers were brought within the provisions under which they previously had not been included. They are all mentioned in these clauses in the Bill. For example, clause 168 deals with the possession of adulterated liquor. Brewers are now subject to that. Under clause 174 a brewer must keep “painted or fixed on the front of the premises in respect of which his licence is granted, in a conspicuous place, and in letters 3 inches at least in length, his name, with the addition (thereafter) of the word ‘licensed’.” Under clause 175 he must not supply liquor to a drunken person.

706. He would not be allowed to supply liquor in a retail form at all; but there is nothing to prevent a brewer from giving a man a pint of beer on his premises. If he were to give a drunken man a pint of beer at present he would not be offending against the law?—That would not be selling.

707. A brewer's carter might come in from delivering beer; he might not be drunk, but he might have taken drink, will that brewer, who never hitherto had to exercise supervision over his carters, unwittingly be subjected to very heavy penalties of the law under the provisions of the Act, such as forfeiture?—I think your illustration would not apply, as we have drafted the clause, unless the brewer did it himself, or some responsible person; otherwise, the brewer would not be liable, because such an act would not be within the scope of the servant's duties.

708. Would you make it an offence on the part of the brewer to supply liquor to a person at all?—Only to a person in a state of intoxication. There is a penalty for a licensed person who supplies a man who is in a state of intoxication with liquor, and the same consequences should apply to a brewer if he supplies a man in a state of intoxication.

709. *By Mr. Prendergast.*—The amendment provides for that?—Yes.

710. That is a clear amendment?—Yes. Brewers are licensed persons under the Bill, and we have to set out what offences apply to licensed persons. It is an offence to supply intoxicated men with liquor on the part of a licensed person, and brewers now come within the definition of “licensed persons.”

711. *By Mr. Blackburn.*—The position is that the provisions relating to brewers' licences which exist under the Customs and Exercise Acts have been transferred here, and if brewers are to be exempted they must be specially exempted?—Yes.

712. There are no special penalties specially applying to persons who hold brewers' licences; they apply to licensed persons generally?—They apply to all licensed persons. In order to exempt brewers, it must be put thus:—“Any licensed person other than a brewer.”

713. *By Mr. Snowball.*—I think we should hesitate about subjecting brewers to these restrictions and penalties without having some more authority than we have at present. Forfeitures may be imposed on licensed persons?—I suppose we had that in mind, because clause 176 does not apply to a brewer?—It is as follows:—

“ 176. Any person who, being on any licensed premises, procures, or attempts to procure, any liquor for any person in a state of intoxication, or who aids or abets any person in a state of intoxication in obtaining or consuming any liquor, shall be liable to a penalty not more than Two pounds.”

That section is omitted from those made applicable to brewers.

714. They are licensed premises?—Yes.

715. If it were left in its present position, to exempt a brewer would involve alterations?—It could be done by expressly exempting brewers in some such way as inserting the words "other than a brewer."

716. It might be left to rest in that way until Parliament chooses to make a new provision?—The difficulty would be, if you add those words, it might be held to give a licence to the brewer to do a thing which is forbidden to others. For instance, in clause 177, if you added after "any licensed person" in the first line the words "other than a brewer," that would be a very strong argument to support the view that brewers were permitted to do this thing.

717. *By Mr. Prendergast.*—This Bill appears to have received more drastic treatment than any other Bill?—I should not think so.

718. *By the Hon. R. Beckett.*—With regard to the recurrence of the word "amended," which occurs so frequently in the table of sections, should that be taken in the sense of an alteration of the law?—No. That word "amended" covers many cases which are really not amendments at all; changes in the form of expression, alterations necessary to make a section grammatical, and the recasting of an involved and awkwardly expressed section, have all been included in that expressive word "amended," though such alterations are not amendments, strictly so called.

*Club Licences.*

719. *By Mr. Snowball.*—With regard to club licences, certain restrictions and penalties appear in this Bill which were not in the Act; for instance, look at clauses 166 and 168?—Yes; these are the sole alterations; there are none others; and these sections deal with the possession of adulterated liquor.

720. They are being made subject to penalties which they were not previously subjected to?—In those two cases alone: Yes.

721. *By Mr. Prendergast.*—With regard to the expression in clause 168, "knowing it to be adulterated," how does that work out?—We can prosecute any person who has adulterated liquor on his premises, whether he knows it or not—that is under the provisions of the Trade Marks Act. Clause 168 provides that any person who has liquor in his possession, knowing it to be adulterated liquor, and who is unable to account for it, shall be deemed knowingly to have exposed it for sale.

722. *By Mr. Snowball.*—There is a penalty attached to which club licences were not hitherto subjected?—That is so. In making the suggestion, we were no doubt influenced by the extraordinary development of clubs in certain parts of the State; and it seems to me that, if the Legislature had in view the extraordinary state of things which had arisen, it would provide that a club which knowingly kept adulterated liquor ought to be punished.

*Australian Wine Licences.*

723. There are two alterations, I think, made in connexion with Australian wine licences—one that they are to have their premises closed in the case of a riot—the house of a licensed victualler can now be closed in case of a riot; the other is if the holder of an Australian wine licence commits certain offences he is to be disqualified from holding a licence in the same way as the holder of a victualler's licence?—Yes.

*The witness withdrew.*

His Honour Mr. Justice Cussen, further examined.

724. *By the Chairman.*—We have examined other witnesses, and have considered your own evidence and explanatory papers, and we feel that there are a great many changes, especially changes in the Licensing Act, which are of such a nature that we can hardly say to Parliament that they are something which should be put in a Consolidating Act. The Licensing Act is very fresh in our memory, as we have examined Mr. Meagher about it this morning. That is a very difficult subject, and it is a subject which is sure to come up almost immediately, as it has reference to local option, and that sort of thing, which, of course, rather accentuates the difficulty. Of course, we are very pleased with the consolidation, and the work that has been done, but our difficulty is in going to Parliament and saying, "We report that these Acts should be passed as they are." We know that there are a considerable number of matters in them which members of Parliament, if their attention were drawn to them, would want to discuss; and I might say, too, that some of the Committee hold divided opinions on them. The difficulty is to draw your attention to those we are not unanimous about?—Of course, with regard to any of those about which the Committee have any decided doubts as to whether they should go in, I think the proper thing is to put them back to what they were. It is not satisfactory to me, in a sense, but, at the same time, I think that is what should be done. My own view of the subject is that, unless an alteration—where there is an alteration—is of so obvious a character that it would appeal to practically every one—I do not say every one absolutely—it ought to be put back to what it was.

725. You do not know, I suppose, how many points the members of the Committee are not unanimous upon?—I do not know anything beyond what happened when I was here myself. I have not seen a proof of the examination of the other witnesses, except Mr. Pigott; nor do I know anything, except, perhaps casually, one or two matters which Mr. Pigott mentioned to me. I do not know what is in the minds of the members of the Committee. Taking the Licensing Bill as an example, one matter of importance occurs to me which may have occurred to you also, and that is the bringing of brewers into the Bill. If you leave them out, it creates a most unfortunate blot, because they are already in the Bill for certain purposes; they are mentioned, and are dealt with by separate sections. If you say, "We will have a separate Act taking out those sections of the old Customs and Excise Duties Act, called the brewers' sections," you will have the unfortunate position that the law relating to brewers is found to be in two Acts—one of which is of very ancient character; and that, of course, is not a desirable result. However, if it has to be done, it will have to be done.

726. Of course, there is the parliamentary difficulty. If we came before Parliament with our report and said, "Here are certain Acts which contain important amendments, or, at any rate, amendments which cannot be disregarded," I think the Speaker would insist on those Bills going through the ordinary stages, that is to say, have them read the first time, and the second time, and so on, and possibly go into Committee over them; and when you go into Committee, any one can put in what he likes?—I only know what I have read in the papers; but Parliament made

very short work of the Police Offences Bill. I think they got through in half-an-hour. That, of course, means unanimity.

727. *By Mr. Snowball.*—Would not the position with regard to brewers and the Licensing Act be met by saying that licensed persons were to exclude brewers?—It looks so odd to say, "Every licensed person except a brewer who permits a riot to take place on his premises"—as if a brewer could do that. We went carefully through all the sections, and we thought they were cases of such a kind that a brewer would never think of doing such a thing and that, therefore, there was no harm in bringing him in as a licensed person. If we say that section so-and-so shall not apply to brewers, it would look as if brewers had the sanction of Parliament to do a lot of things that they would not think of doing, and which they ought not to be allowed to do. That the same suggestion which Mr. Snowball has made occurred to us. We did think of saying, at one time, that a certain number of sections would not apply to brewers; but it was really so absurd that we discarded the idea.

728. *By Mr. Blackburn.*—You might be giving him the sanction of Parliament to do something which, under the common law, he was prohibited from doing?—It might be so. For example, I think the section dealing with Sunday trading at present does not apply to brewers. If you said, "Any licensed person in this section shall not include a brewer," it would look as if he could carry on Sunday trading.

729. *By the Chairman.*—It is very difficult for us to agree on what things we think Parliament should have its attention drawn to?—I might make this suggestion—of course, it is postponing the evil day, to a certain extent—that the Committee could make a tentative report at present, and say that certain matters, or, if you wish, certain particular matters, are to be further considered in the direction, in most, if not in all, the cases, of putting things back to what they were, and that a further report may possibly be desirable, after these matters have been considered again in the next session. That may possibly meet the situation; but it is, of course, impossible for me at present to know what is in your minds about the difficulties. All I can say is that, if the Committee in any case say, "We have serious doubt about it," I would simply put it back to what it was. I know that Parliament is being asked to do a good deal; but what I have always felt is that, taking it at a low estimate of nineteen cases out of twenty, the result is clearly beneficial; and, if there is possibly a twentieth case, it would be better to put in the whole twenty, and alter them afterwards, rather than risk the lot of them.

730. To illustrate our difficulty, there is a provision in the Health Act to enable the authorities to deal with contagious diseases by taking such steps as the isolation of houses, and so on. You have given very full power to the chairman of the Board of Health and the Minister in cases of emergency. That is all new?—Yes; that is new. My idea in doing that was this: If it really is a case of emergency, where the council has to act, or the Board of Health has to act, they cannot do it. They cannot have a meeting in time to enable them to do it, and the harm is done before the meeting can be called. The ordinary council meets once a month, and the Board of Health, I think, is constituted of people who come from all over Victoria. They have to be called together, and in a really serious case the harm might be done before action is taken.

731. *By the Hon. J. D. Brown.*—Is it not, in effect, doing away with the Board to a great extent?—Does not the section provide that the Board may overrule the chairman when they do meet?—That is the case, anyhow, I had in my mind—a serious and urgent position arising, and the Board not being able to be called together for two or three days.

732. I think that under one section the Minister can act?—Yes; there is a very general section, but that is practically taking it out of the Board's hands altogether. It is a very sweeping clause, which it might not be necessary to put into operation. Of course, if the Committee said to me, "We do not think the Minister ought to have this power," I would simply strike it out. A little thing like that could be easily dealt with. The question of the brewer's licence and the Licensing Bill is more difficult, because it involves a great number of things; but a single section like that just referred to can be easily dealt with—simply take it out unless every one is very clear it ought to be done.

733. *By the Chairman.*—There is very little time left this session, and it will be a little difficult to get at what the feeling of the Committee is. Do you think it would be better to let it go over to another session. There will be another session, beginning probably early in December, and another Select Committee could be appointed?—I should think that Select Committee would have to make a final report. Of course, if the matter could be fixed up in the short session, it would be a very good time to do it—it would fit in well with the end of the year, and so on. As I have already told the Committee, what I had intended to do was to try to arrange to give the whole of November to it.

734. But unless this Committee reported to you, or gave you some indication of what they thought would be necessary amendments, you would not be able to do it?—Of course, that would have to be done.

735. *By Mr. Prendergast.*—There are three classes of Bills, namely: Bills for consolidation only, with no alteration; those with amendments, but with no alteration of the law; and those with alterations and amendments, and it seems to me that we could accept all those Bills in regard to which we have your statement that there will be no alteration of the law, or that any alteration at all as an amendment only affects the easy reading of the law?—I quite agree that that could be done.

736. The others would be subject to the decision of the Committee?—Yes; that could be done without any difficulty. Of course, the thing is done as a whole. What I mean is there are cross-references of all kinds. You might get an Act which was pure consolidation, and yet, if you did not pass an Act to which it referred, some other alteration would have to be made.

737. We could have the Bills introduced in two separate sections to the House—consolidating without altering the law, and consolidating with amendments?—It certainly would limit the attention of the House to be able to say, "You need not bother about so-and-so; you can direct your attention to so-and-so, and look at the explanatory papers with regard to those." What I would want to be supplied with would be the points with regard to which the members of the Committee have divided opinions, and I dare say that I shall

gather from the reports of the examination of other witnesses some matters that were raised or discussed, and I could consider those.

738. *By the Hon. W. S. Manifold.*—All through your evidence you make reference to a fuller statement that you propose to furnish us with which would direct our attention to alterations in Bills which we have not got explanatory papers for at present?—That is so—more fully than at present. I called attention to the more important matters, but I intended to go through them again, and make a fuller explanation. I hoped to present that to the new Committee in the beginning of December. In some cases I should say there was nothing further to call attention to than what I had previously called attention to. In other cases I might wish to say, “In addition, I should like to point this out.”

739. *By the Chairman.*—Would it be more convenient for you if this Committee, or the Committee of the next session, were to draw your attention to the various points?—I think it would be more convenient if this Committee did it, and got the work in hand.

740. Of course, it could be done in instalments?—Yes.

741. Of course, some of the alterations touch very dangerous ground. Take the licensing alterations, for example. There is one about the number of hotels?—I cannot understand the present section. I thought it clear with regard to that matter that there was one principle involved, and I should say the Legislature intended to give effect to it. That is to say, that the electors should govern; that it should be in the hands of the electors to say, “There shall be this many at least, or this many at most,” because it does not matter whether you start from the bottom or the top. I think the draftsman got into two minds over that section. He started with one idea of coming down from the top, and another idea of going up from the bottom, and he put a little of both in the section, giving it a meaning, but a ridiculous meaning, so that one vote might settle the number. He would simply say, “I vote for the lowest number,” and the section says that has to be taken. What all the counting is to be done about I do not know, because it is the lowest number that gets the vote. I do not call that making an alteration. I say that is giving effect to what Parliament clearly intended. They intended to get the determination of the electors, and to do it by going up or down the scale until you come to a point where you find the most voting for this number at least, or this number at most, whichever way you like to take it.

742. The trouble is that, from a political point of view, you are right up against a thing which the people are very divided over?—Surely they are not divided over what the Legislature meant. They might be divided as to whether there should be a certain number of hotels.

743. *By Mr. Blackburn.*—If the temperance people were using this section for their own ends, it would be a different thing, would it not—they might say that it is better to leave it without any meaning?—Of course, they might do that.

744. *By the Hon. W. S. Manifold.*—I gather you look upon the re-drafting of that section as not an alteration?—I look upon it as clearly expressing that the Legislature was intending to get at the will of the electors, and the man who devised the machinery made a bungle of it. It is clearly a bungle, and it ought to be corrected. In that case I did not feel any difficulty at all.

I spent several hours trying to understand what it meant, and I have never been able to understand how it could be fairly worked, and how you could avoid a result which is perfectly absurd.

745. That would practically be an amendment, so the attention of Parliament need not be drawn to it?—Attention is drawn to it in the paper. I have no objection to it. I think the terms used are warranted. I should have no hesitation in saying to Parliament, “I am not really altering what it is quite clear was intended, and there has been a bungle in a machinery provision.”

746. *By Mr. Blackburn.*—One point which has arisen is with regard to section 34 of the Act, relating to lessees?—That seems to me to fairly come within consolidation. I think that is filling up a gap, and there is no reason why that very obvious gap left by the Legislature should not be filled up. I should not have much doubt that that ought to be filled up.

747. *By the Chairman.*—Another point is with regard to the alteration of the law relating to the remuneration of the Agent-General?—That is an easy thing to alter. I do not want to put it in if you do not want it to go in.

748. *By Mr. Blackburn.*—Another point is with regard to vignerons' licences?—We thought there was a mistake there. In everything else the vigneron was disassociated from the licensed victualler, and in that particular case he was put with him. I have had no reasons suggested why he should be allied to the licensed victualler in that particular respect.

749. *By Mr. Snowball.*—There has been a fear that sly-grog selling has been largely done by vignerons, and it is thought that greater publicity should be given to applications for licences by licensed victuallers. It may have been intended by Parliament to be a safeguard in respect to these people. They, situated way back in the country, might obtain such licences without the publicity given to other applications, and it is thought that that may have been the reason for it?—On the other hand, Australian wine licences, which are much more closely allied to publicans, are not put in.

750. But they are never applied for except in closely-settled districts, and it is easier to give publicity in such cases. The premises have to be approved of by the police, for example, and there are other precautions of that kind?—That could be easily put back.

751. *By the Chairman.*—You have carried out consolidation in one particular case in regard to which a Bill has actually passed both Houses. It is in connexion with the certificate which is necessary for retaining a person more than a fortnight in a receiving house or house of detention for lunatics. At present, I think, the law is that the certificate of extension should be signed by the official visitor and Inspector-General. You propose to add “or superintendent.” The superintendent may probably be the superintendent of the establishment, and might be said to have an interest. As I have said, Parliament dealt with that particular point, and what the Chief Secretary carried was that it should be either the official visitor or the inspector. The superintendent has been left out by Parliament, advisedly apparently?—That goes further than I proposed to, and it relieves us of the difficulty. There will not be an alteration—that is all.

752. We have also passed a Bill dealing with evidence given before foreign tribunals. You have

incorporated that in the Supreme Court Act?—I knew it was going to be passed; in fact, I got a copy of the Bill, and I thought I might as well put it in, as it would save reprinting.

753. *By Mr. Snowball.*—In regard to the lunacy matter to which the Chairman has referred, there is a question whether the power to continue the term of detention, which is given to the official visitor in the new Act, is not restricted to Government institutions, and whether the power of continuing the term in licensed houses conducted by private individuals is not limited to the Inspector-General?—In regard to matters that Parliament has dealt with this session, I have not, of course, directed my attention to them at all at present, because that would only mean disturbing the printer with the Consolidating Bills. If Parliament has recently considered the matter. I will not go any further. I will put it back as it was, with the addition of the recent provision.

754. *By the Chairman.*—There is one point in the Transfer of Land Act I would also like to mention, namely, the right to call for a contribution which may be higher than £1?—I think that ought to go back to what it was. I intended that after what was said before.

755. *By Mr. Blackburn.*—There is a point, also, in connexion with the work of the three Boards—the Medical Board, the Pharmacy Board, and the Dental Board. You took back that question for consideration as to whether there is an alteration in the law?—There is in regard to the Medical Board and the Pharmacy Board, but the latest expression of the Legislature is in connexion with the Dental Board, and I simply put them all on the same footing. I did not see why the provisions as to the Dental Board should be expressed in one way, and the provisions as to the Pharmacy Board and the Medical Board expressed in another. I do not think that is desirable. The way the Parliamentary Draftsman has apparently evolved those sections of the Evidence Act is to say, "This Board shall have all the powers of a Board or Commission appointed by the Governor in Council." The powers of a Board or Commission were not expressed in the same language, and it was difficult to know which they intended to apply to. In addition to that, they did not say that the penalties applied. It was not much use giving power to summon a man if the man said, "I will not come." Did that include the liability to a penalty if he would not come? That is a very debatable question. I have no doubt that the Legislature meant that it should, but they did not so express it.

756. *By Mr. Snowball.*—You have introduced a provision into the Justices Act enabling a person, under imprisonment in default of payment of a fine, to release himself from portion of his term of imprisonment by paying portion of the fine. That provision has been asked for in Parliament for some time past, but it has not so far been granted. There is a doubt in many of our minds as to whether we are justified in doing it in this way or not?—It is clearly new—there is no doubt about that; but, although it is clearly new, I would be very sorry if it went out. I think it would be for the benefit of every one to have it in. That is what I felt about the justification of it. Supposing a man was fined £10, and a distress warrant was issued, and the distress realized £5. There is no doubt that the justice who had to fix the term of imprisonment which would be imposed in connexion with that fine would say, "It really has become a £5 fine, because we have got £5 from him—he has either

paid it himself or else the distress has realized it." The consequence would be that that man would get less than he would have got if the distress had realized nothing. He might get, say, a fortnight instead of a month. On the other hand, if, when going down to the gaol after the policeman had arrested him, some one came along and said, "I can give you £5, and you can pay it," the result would be that no diminution in his imprisonment would be made at all. Whether he got a fortnight or a month would depend on whether the £5 was paid yesterday or to-day.

757. We all feel that this should be done, but the point is, is this a place where we dare do it?—Supposing in that particular case, which is, of course, an extreme case, special attention is called to it, and that the Government of the day says, "If there is any objection to it it will be struck out."

758. Another point is with regard to a magistrate or clerk of petty sessions issuing a summons, and insisting on evidence on oath being furnished to him before such a summons can be obtained by a litigant. It does look like hampering the proceedings in this Court of summary jurisdiction. The section, I think, is No. 20?—What led to that being done was this: If you look at the old section 20, it says, "A summons to any person to attend before a justice as a witness shall be directed to any person who appears," &c. The Full Court decided in one case that, where the Act used the word "appear," he could only appear by legal evidence—he could not appear by any casual statement. I think we rather feared that, if the matter was ever tested, that view would be taken, and the sub-section which was introduced was more for the purpose of extending it and bringing it back to the present practice than with the idea of making it more stringent. We wanted to make it certain that a justice could issue a summons without evidence on oath. Supposing that some erratic individual came to a justice, and said, "I want to summon the Premier or Prime Minister of the Commonwealth to produce something which I say he has got," and the justice says, "I have grave reason to doubt, from the case that was before me yesterday, whether you are not simply worrying and annoying him, and I will not grant you this unless you make an affidavit that it is a matter you want him to produce." The point is this: At present it says, "who appears." What does "appear" mean? Does it mean appear by ordinary legal evidence, or appear by an ordinary oral statement—simply, "I want a person to produce a document." We had no decision on that particular section, but we had a decision on another section, which said that, where the word "appear" was used, *prima facie* it meant appear by legal evidence, and that, therefore, *prima facie* it meant appear by oath, and we feared that the present practice, which Mr. Snowball has called attention to, might be struck at if some one at some time or other chose to test the question, and knowing that almost uniformly—in fact, I suppose, universally—the thing was done without oath, we put in the express power that it might be done without oath, adding that the justice might require an oath if he thought fit.

759. Really all that is being added to the clause is that statement that the justice or clerk of petty sessions may require evidence on oath if he sees fit?—Is there not a little more than that? Is it not also made clear that they may do it without?

760. Is it not quite clear that, had we retained the language of the clause in the Act, a justice

could, in such an extreme case as that, say, "No, I will not issue this summons; it is vexatious, and under the Act it has to appear to me that it is a proper thing"?—I think it is possible, but it still leaves the difficulty about what the word "appears" means.

761. You are making it clear that it means that the justice or clerk of petty sessions may insist on evidence?—Yes, "may," but I am sure he would not do it as a rule. The name of the case I refer to is mentioned in the notes to the Bill. You will find it on page 9.

762. At present in the County Court there is perfect freedom. Any one can go, vexatiously or otherwise, and issue a summons to a witness to appear, and give evidence in the County Court and Supreme Court, so why, in the magistrate's Court, should there be this restriction. Very often a summons is required urgently?—Of course, it could be made quite clear, and yet not include that feature if it is considered objectionable, if it said, "A summons may be issued without any oath." That will get over the authority which gives that meaning to the word "appear," and prevent any oath being administered in any case.

763. That would be making that Court uniform with the County Court and Supreme Court?—Yes. I think a magistrate might say sometimes, "I am not convinced this is a vexatious application; if you swear to it I will be prepared to give it to you, but if you will not swear to it I will not give it to you."

764. *By Mr. Blackburn.*—At present in the County Court and the Supreme Court it is taken out by solicitors, whereas in the justices' Court it might be taken out by a layman, and there is more likelihood in that case of a summons being taken out vexatiously?—I do not feel strongly about it if it is desired simply that the existing practice should be adhered to, and that an oath should not be required in any case. Of course, the man is asking for something, and *prima facie* he should get it. Then the justice says, "I have some doubt whether I ought to give this to you; I am not convinced that you are not simply annoying this man by summoning him." The man then says, "I am prepared to swear he has that letter in his possession," and the justice says, "Very well, if that is so I will give you the summons."

765. *By the Chairman.*—Is there any other matter you wish to refer to?—Yes; there is one matter I should like to mention, and that is with

regard to the Geelong Harbor Trust. Members of the Committee may remember that the recent Acts have relieved the Trust from the payment of one-fifth of the tolls, rates, and charges into the Treasury "until Parliament otherwise provides." That creates a difficult position in consolidating. I suppose that "until Parliament otherwise provides" means until they pass another Act. All the debentures that have been issued by the Geelong Harbor Trust have been issued charged on four-fifths of the revenue, and even the debentures which have been issued since the recent Act have been issued charged on four-fifths of the revenue. It is so expressed on the debentures. The Melbourne Harbor Trust debentures are also charged on four-fifths of the revenue. It seems to me desirable that in consolidating that should continue, so that you should not have different sets of debentures. If you did, it would be awkward for Parliament to go back—if ever they did want to go back—to the four-fifths again, because they would have debentures charged on the whole revenue. It would also be desirable, in the case of any amalgamation between the Melbourne and Geelong Harbor Trusts. You would not have two different kinds of debentures. It seems to me proper that, in the section dealing with the charging, it should still be expressed that the debentures should be charged on four-fifths of the revenue, and not on the whole revenue, and I propose to alter the Geelong Harbor Trust Bill to give effect to that. It was pointed out to me by Mr. Wilson, the solicitor to the Trust, and the persons, I think, who might object to it would be the Commissioners, but he says the Commissioners desire it. They think it would be very awkward if the Consolidating Act was so expressed that they had to charge the debentures on the whole fund, because they would have two sets of debentures out, and, in addition to that, Parliament has indicated that they may go back to the old arrangement some time or other by which one-fifth has to go into the Treasury, as in the case of the Melbourne Harbor Trust, and it would be much better, for the sake of uniformity, and for every other reason, to say that the new debentures should be charged on four-fifths of the revenue. I think that is a fair conclusion from all the legislation on the subject, and I personally agree with it.

*His Honour withdrew.*

*Adjourned.*

VICTORIA.



MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

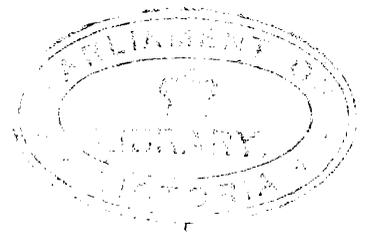
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# MEMBERS OF THE LEGISLATIVE COUNCIL.

DURING THE PERIOD FROM 5TH NOVEMBER, 1914, TO 31ST DECEMBER, 1914, BOTH INCLUSIVE.

Names of Provinces and Members.	Elected at—		Dates of Retirement.	Remarks.
	Nomination.	Polling.		
<b>Each Province returns two Members.</b>				
<b>METROPOLITAN.</b>				
<b>EAST YARRA :</b>				
The Honorables—				26,691 Electors { Males, 20,926. Females, 5,765.
Robert Beckett .. .. .	.. .. .	6 June, 1913 ..	1919	Elected in place of Hon. E. Miller, who retired by rotation.
James Kerr Merritt .. .. .	.. .. .	19 Sept., 1913	1916	Elected in place of Hon. James Balfour, deceased.
<b>MELBOURNE :</b>				
The Honorables—				19,983 Electors { Males, 15,268. Females, 4,715.
John Mark Davies .. .. .	29 May, 1913..	.. .. .	1919	Retired by rotation and re-elected. Re-elected President 2 July, 1913.
John McWhae .. .. .	.. .. .	2 June, 1910 ..	1916	Elected in place of Hon. W. Cain, who retired by rotation.
<b>MELBOURNE EAST :</b>				
The Honorables—				18,347 Electors { Males, 14,673. Females, 3,674.
Adam McLellan .. .. .	{ 29 May, 1913 17 Dec., 1913	.. .. .	{ 1919	{ Retired by rotation and re-elected. Vacated seat by accepting office of Commissioner of Public Works ; re-elected.
John Percy Jones .. .. .	.. .. .	2 June, 1910 ..	1916	Elected in place of Hon. W. Pitt, who retired by rotation.
<b>MELBOURNE NORTH :</b>				
The Honorables—				26,031 Electors { Males, 22,292. Females, 3,739.
William James Beckett .. .. .	.. .. .	18 Sept., 1914..	1919	Elected in place of Hon. W. J. Evans, deceased.
Donald Melville .. .. .	.. .. .	2 June, 1910 ..	1916	Retired by rotation and re-elected.
<b>MELBOURNE SOUTH :</b>				
The Honorables—				22,506 Electors { Males, 17,221. Females, 5,285.
Arthur Robinson .. .. .	29 May, 1913 ..	.. .. .	1919	Retired by rotation and re-elected.
Thomas Henry Payne .. .. .	.. .. .	2 June, 1910 ..	1916	Retired by rotation and re-elected.
<b>MELBOURNE WEST :</b>				
The Honorables—				23,749 Electors { Males, 19,688. Females, 4,061.
William Harris Fielding .. .. .	.. .. .	6 June, 1913 ..	1919	Elected in place of Hon. W. H. Edgar, who retired by rotation.
John George Aikman .. .. .	.. .. .	2 June, 1910 ..	1916	Retired by rotation and re-elected.
<b>COUNTRY.</b>				
<b>BENDIGO :</b>				
The Honorables—				11,083 Electors { Males, 8,484. Females, 2,599.
Alfred Hicks .. .. .	29 May, 1913 ..	.. .. .	1919	Retired by rotation and re-elected.
Joseph Sternberg .. .. .	24 May, 1910 ..	.. .. .	1916	Retired by rotation and re-elected.
<b>GIPPSLAND :</b>				
The Honorables—				12,980 Electors { Males, 10,492. Females, 2,488.
William Pearson .. .. .	29 May, 1913..	.. .. .	1919	Retired by rotation and re-elected.
Edward Jolley Croke .. .. .	24 May, 1910..	.. .. .	1916	Retired by rotation and re-elected.
<b>NELSON :</b>				
The Honorables—				10,872 Electors { Males, 8,275. Females, 2,597.
James Drysdale Brown .. .. .	{ 29 May, 1913 30 Dec., 1913	.. .. .	{ 1919	{ Retired by rotation and re-elected. Vacated seat by accepting office of Minister of Mines ; re-elected.
Theodore Beggs .. .. .	.. .. .	2 June, 1910 ..	1916	Elected in place of Hon. T. C. Miners, who retired by rotation.

MEMBERS OF THE LEGISLATIVE COUNCIL—*continued.*

Names of Provinces and Members.	Elected at—		Dates of Retirement.	Remarks.	
	Nomination.	Polling.			
Each Province returns two Members.					
<b>COUNTRY—<i>continued.</i></b>					
<b>NORTHERN :</b>					
The Honorables—				12,625 Electors { Males, 10,019. Females, 2,606.	
Francis Grenville Clarke ..	..	6 June, 1913 ..	1919	Elected in place of Hon. R. H. S. Abbott, who retired by rotation.	
William Lawrence Baillieu ..	..	2 June, 1910 ..	1916	Retired by rotation and re-elected.	
<b>NORTH-EASTERN :</b>					
The Honorables—				12,560 Electors { Males, 9,706. Females, 2,854.	
Willis Little .. ..	.. ..	29 May, 1913 ..	..	1919	Retired by rotation and re-elected.
Arthur Otto Sächse ..	..	24 May, 1910 ..	..	1916	Retired by rotation and re-elected. Re-appointed Chairman of Committees, 3 December, 1914.
<b>NORTH-WESTERN :</b>					
The Honorables—				14,674 Electors { Males, 11,927. Females, 2,747.	
Frederick William Hagelthorn	{	29 May, 1913	..	} 1919	Retired by rotation and re-elected. Vacated seat by accepting office of Minister of Public Health; re-elected.
		30 June, 1913	..		
		30 Dec., 1913	..		
Richard Bloomfield Rees ..	..	24 May, 1910 ..	..	1916	Vacated seat by accepting office of Commissioner of Public Works; re-elected. Retired by rotation and re-elected.
<b>SOUTHERN :</b>					
The Honorables—				13,173 Electors { Males, 10,351. Females, 2,822.	
William Lionel Russell Clarke	..	29 May, 1913 ..	..	1919	Retired by rotation and re-elected.
William Charles Angliss ..	..	..	21 June, 1912	1916	Elected in place of Hon. Dr. W. H. Embling, deceased.
<b>SOUTH-EASTERN :</b>					
The Honorables—				19,888 Electors { Males, 15,771. Females, 4,117.	
Duncan Elphinstone McBryde ..	..	6 June, 1913 ..	..	1919	Retired by rotation and re-elected.
William Addison Adamson ..	..	2 June, 1910 ..	..	1916	Elected in place of Hon. J. C. Campbell, who retired by rotation.
<b>SOUTH-WESTERN :</b>					
The Honorables—				15,313 Electors { Males, 12,389. Females, 2,924.	
Austin Albert Austin ..	..	29 May, 1913 ..	..	1919	Retired by rotation and re-elected.
Horace Frank Richardson ..	..	..	24 May, 1912 ..	1916	Elected in place of Hon. T. C. Harwood, deceased.
<b>WELLINGTON :</b>					
The Honorables—				10,411 Electors { Males, 8,137. Females, 2,274.	
John Young McDonald ..	..	29 May, 1913 ..	..	1919	Retired by rotation and re-elected.
Frederick William Brawn ..	..	..	2 June, 1910 ..	1916	Retired by rotation and re-elected.
<b>WESTERN :</b>					
The Honorables—				13,203 Electors { Males, 10,678. Females, 2,525.	
Edward James White ..	..	29 May, 1913 ..	..	1919	Retired by rotation and re-elected.
Walter Synnot Manifold ..	..	24 May, 1910 ..	..	1916	Retired by rotation and re-elected.
				Total No. of Electors,*	{ Males, 226,297. Females, 57,792.

\* Including 421 non-ratepaying electors—295 males and 126 females.

R. W. V. McCALL,

*Clerk of the Legislative Council.*

## ALPHABETICAL LIST

OF

## MEMBERS OF THE LEGISLATIVE COUNCIL.

## SECOND SESSION 1914.

Member.	Province.
1. ADAMSON, The Honorable William Addison	... South-Eastern.
2. AIKMAN, The Honorable John George	... Melbourne West.
3. ANGLISS, The Honorable William Charles	... Southern.
4. AUSTIN, The Honorable Austin Albert	... South-Western.
5. BAILLIEU, The Honorable William Lawrence	... Northern.
6. BECKETT, The Honorable Robert	... East Yarra.
7. BECKETT, The Honorable William James	... Melbourne North.
8. BEGGS, The Honorable Theodore	... Nelson.
9. BRAUN, The Honorable Frederick William	... Wellington.
10. BROWN, The Honorable James Drysdale	... Nelson.
11. CLARKE, The Honorable Francis Grenville	... Northern.
12. CLARKE, The Honorable William Lionel Russell	... Southern.
13. CROOKE, The Honorable Edward Jolley	... Gippsland.
14. DAVIES, The Honorable John Mark (President)	... Melbourne.
15. FIELDING, The Honorable William Harris	... Melbourne West.
16. HAGELTHORN, The Honorable Frederick William	... North-Western.
17. HICKS, The Honorable Alfred	... Bendigo.
18. JONES, The Honorable John Percy	... Melbourne East.
19. LITTLE, The Honorable Willis	... North-Eastern.
20. MANIFOLD, The Honorable Walter Synnot	... Western.
21. McBRYDE, The Honorable Duncan Elphinstone	... South-Eastern.
22. McDONALD, The Honorable John Young	... Wellington.
23. McLELLAN, The Honorable Adam	... Melbourne East.
24. McWHAE, The Honorable John	... Melbourne.
25. MELVILLE, The Honorable Donald	... Melbourne North.
26. MERRITT, The Honorable James Kerr	... East Yarra.
27. PAYNE, The Honorable Thomas Henry	... Melbourne South.
28. PEARSON, The Honorable William	... Gippsland.
29. REES, The Honorable Richard Bloomfield	... North-Western.
30. RICHARDSON, The Honorable Horace Frank	... South-Western.
31. ROBINSON, The Honorable Arthur	... Melbourne South.
32. SACHSE, The Honorable Arthur Otto (Chairman of Committees)	... North-Eastern.
33. STERNBERG, The Honorable Joseph	... Bendigo.
34. WHITE, The Honorable Edward James	... Western.

## LIST OF MEMBERS

OF THE

## LEGISLATIVE COUNCIL,

SHOWING DATE WHEN FIRST ELECTED.

## SECOND SESSION 1914.

No.	Member.	Province.	First Elected.
1*	MELVILLE, The Hon. D. ..	Melbourne North	1882
2*	DAVIES, The Hon. J. M. (President)	Melbourne ..	1889†
3	STERNBERG, The Hon. J. ..	Bendigo.. ..	1891§
4*	McBRYDE, The Hon. D. E. ..	South-Eastern ..	1891†§
5*	SACHSE, The Hon. A. O. (Chairman of Committees)	North-Eastern ..	1892§
6*	CROOKE, The Hon. E. J. ..	Gippsland ..	1893§
7	PEARSON, The Hon. W. ..	Gippsland ..	1896§
8*	McDONALD, The Hon. J. Y. ..	Wellington ..	1898
9†	MANIFOLD, The Hon. Walter S.	Western	1901§
10*	PAYNE, The Hon. T. H. ..	Melbourne South	
11*	BAILLIEU, The Hon. W. L. ..	Northern ..	1901§
12	LITTLE, The Hon. W. ..	North-Eastern ..	1903§
13	REES, The Hon. R. B... ..	North-Western ..	1903§
14	AIKMAN, The Hon. J. G. ..	Melbourne West	1904
15*	BROWN, The Hon. J. D. ..	Nelson ..	
16*	McLELLAN, The Hon. A. ..	Melbourne East	
17	HICKS, The Hon. A. ..	Bendigo ..	1904§
18	BRAWN, The Hon. F. W. ..	Wellington ..	1907§
19	WHITE, The Hon. E. J. ..	Western	1907
20*	HAGELTHORN, The Hon. F. W.	North-Western	
21*	ADAMSON, The Hon. W. A. ..	South-Eastern	1910
22	BEGGS, The Hon. T. ..	Nelson ..	
23*	JONES, The Hon. J. P. ..	Melbourne East	
24	McWHAE, The Hon. J... ..	Melbourne	1910§
25	AUSTIN, The Hon. A. A. ..	South-Western ..	
26	CLARKE, The Hon. W. L. R. ..	Southern ..	1910§
27	ROBINSON, The Hon. A. ..	Melbourne South..	1912§
28	RICHARDSON, The Hon. H. F.	South-Western ..	1912§
29	ANGLISS, The Hon. W. C. ..	Southern ..	1912§
30	BECKETT, The Hon. Robert ..	East Yarra	1913
31	CLARKE, The Hon. F. G. ..	Northern	
32*	FIELDING, The Hon. W. H. ..	Melbourne West	
33	MERRITT, The Hon. J. K. ..	East Yarra ..	1913§
34	BECKETT, The Hon. W. J. ..	Melbourne North..	1914§

\* Executive Councillors.

† Service not continuous.

‡ Unofficial Leader.

§ By-Election.

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1914.

(SECOND SESSION.)

## LEGISLATIVE COUNCIL OF VICTORIA.

FIRST SESSION

OF THE

## TWENTY-FOURTH PARLIAMENT.

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PROCEEDINGS ON BILLS.

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# BILLS INTRODUCED IN THE LEGISLATIVE COUNCIL

AND PROCEEDINGS THEREON

DURING SECOND SESSION, 1914.

ADMINISTRATION AND PROBATE DUTIES.

§ALBERT PARK LAND.

APPROPRIATION. [*Not printed by the Legislative Council.*]

\*CORONERS.

CRIMINAL APPEAL.

CROWLAND AND NAVARRE RAILWAY CONSTRUCTION TRUST (INDEMNITY).

FOODSTUFFS AND COMMODITIES.

HAWKERS AND PEDLERS.

INCOME TAX.

INSTRUMENTS.

†JUSTICES.

LAND TAX.

MUNICIPAL ENDOWMENT.

\*†MUNICIPAL TRAMWAYS TRUST.

NAVARRE. See "Crowland and Navarre," &c.

PRICE OF GOODS. [*Not printed by the Legislative Council.*]

RATING ON UNIMPROVED VALUES.

\*†SAW-MILL EMPLOYÉS ACCOMMODATION. [*Not printed.*]

SEED ADVANCES.

‡SEWERAGE DISTRICTS.

STAMP DUTIES.

TREASURY BONDS.

WAR-TIME LEGISLATION. See "Foodstuffs and Commodities," and "Price of Goods."

\* Initiated in the Legislative Council.

† Lapsed.

‡ Passed the Council with amendments but did not become law.

§ Second reading negatived.

## SUMMARY OF PROCEEDINGS ON BILLS.

Bills initiated in the Legislative Council—

Passed and assented to	...	...	...	...	...	...	...	1
Lapsed	...	...	...	...	...	...	...	2
								3

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Passed and assented to	...	...	...	...	...	...	...	15
Passed the Council with amendments, but did not become law	...	...	...	...	...	...	...	1
Lapsed in the Council	...	...	...	...	...	...	...	1
Second reading negatived	...	...	...	...	...	...	...	1
								18

Total number of Bills introduced during the Session	...	...	...	...	...	...	...	21
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# PROCEEDINGS ON BILLS.

## SECOND SESSION 1914.

### ADMINISTRATION AND PROBATE DUTIES BILL.—

Bill intituled "*An Act relating to Duties payable under the Administration and Probate Acts and to amend the said Acts.*"—(Hon. W. L. Baillieu.)—Brought from the Legislative Assembly and read a first time, 21st December, 1914, p. 19.

Read a second time, by leave, and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read a third time and passed, 21st December, p. 19. (*Assented to 30th December. Act No. 2565.*)

ALBERT PARK LAND BILL.—Bill intituled "*An Act to revoke the Permanent Reservation and Crown Grant of portion of certain Land situate in the Municipal Districts of the City of South Melbourne and the City of St. Kilda as a Site for a Public Park.*"—(Hon. W. A. Adamson.)—Brought from the Legislative Assembly and read a first time, 22nd December, 1914, p. 22.

Motion—That this Bill be now read a second time—debate adjourned, 23rd December, p. 25.

Debate resumed, and question for second reading negatived, 23rd December, p. 26.

APPROPRIATION BILL.—Bill intituled "*An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the thirtieth day of June One thousand nine hundred and fifteen and to appropriate the Supplies granted in this and the last preceding Session of Parliament.*"—(Hon. W. L. Baillieu.)—Brought from the Legislative Assembly and read a first time, 22nd December, 1914, p. 22.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read a third time and passed, 23rd December, p. 25. (*Assented to 30th December. Act No. 2570.*)

\*CORONERS BILL.—Bill to amend the *Coroners Act 1911.*—(Hon. J. D. Brown.)—Initiated and read a first time, 3rd December, 1914, p. 8.

Read a second time and committed; considered in Committee and reported with an amendment; report, by leave, considered and adopted; Bill read a third time and passed; concurrence of Assembly desired, 15th December, p. 14.

Message from the Assembly notifying their agreement to the Bill, 22nd December, p. 23. (*Assented to 30th December. Act No. 2567.*)

CRIMINAL APPEAL BILL.—Bill intituled "*An Act to provide for Appeals in Criminal Cases and for other purposes.*"—(Hon. Walter S. Manifold.)—Brought from the Legislative Assembly and read a first time, 15th December, 1914, p. 14.

Motion—That a Message be transmitted to the Assembly requesting that they will be pleased to communicate to the Council copies of the Report and Proceedings of the Select Committee to which the Bill to establish a Court of Criminal Appeal and for other purposes was referred last session—put and resolved in the affirmative, 15th December, p. 14.

Message from the Assembly transmitting copies of the Report and Proceedings of the Select Committee of the Assembly as requested by the Council, 17th December, p. 15.

Read a second time and committed; considered in Committee, 17th December, p. 15.

Further considered in Committee and reported with an amendment.

Motion—By leave, That the Report be now adopted; amendment, That the Bill be re-committed to a Committee of the whole in respect of clause 5—put and negatived; report considered and adopted; Bill read a third time and passed; concurrence of Assembly in Council's amendment desired, 21st December, p. 18.

Message from the Assembly notifying their agreement to the amendment of the Council, 21st December, p. 20. (*Assented to 30th December. Act No. 2564.*)

CROWLAND AND NAVARRE RAILWAY CONSTRUCTION TRUST (INDEMNITY) BILL.—Bill intituled "*An Act to indemnify the Members of the Crowland and Navarre Railway Construction Trust for not repaying Moneys obtained by Overdraft of Current Account in a certain Bank within two years of the constitution of such Trust and for other purposes.*"—(Hon. J. D. Brown.)—Brought from the Legislative Assembly and read a first time, 22nd December, 1914, p. 23.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read a third time and passed, 23rd December, p. 26. (*Assented to 30th December. Act No. 2573.*)

FOODSTUFFS AND COMMODITIES BILL.—Bill intituled "*An Act to continue the 'Foodstuffs and Commodities Act 1914.'*"—(Hon. F. W. Hagelthorn.)—Brought from the Legislative Assembly and read a first time, 22nd December, 1914, p. 23.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read a third time and passed, 23rd December, p. 27. (*Assented to 30th December. Act No. 2572.*)

**HAWKERS AND PEDLERS BILL.**—Bill intituled “*An Act to amend the ‘Hawkers and Pedlers Act 1890.’*”—(Hon. J. D. Brown.)—Brought from the Legislative Assembly and read a first time, 22nd December, 1914, p. 22.

Read a second time and committed ; considered in Committee and reported without amendment ; report considered and adopted ; Bill read a third time and passed, 23rd December, p. 25. (*Assented to 30th December. Act No. 2569.*)

**INCOME TAX BILL.**—Bill intituled “*An Act to declare the rates of Income Tax for each of the five Years ending on the thirty-first day of December One thousand nine hundred and nineteen and to amend and continue the Income Tax Acts.*”—(Hon. W. L. Baillieu.)—Brought from the Legislative Assembly and read a first time, 21st December, 1914, p. 19.

Read a second time, by leave, and committed ; considered in Committee, 21st December, p. 20.

Further considered in Committee, 22nd December, p. 24.

Further considered in Committee, and reported with the following suggested amendment, viz.:—“Clause 5, Omit this clause.”

Report adopted ; message to Assembly, 23rd December, p. 26.

Message from the Assembly notifying that they had decided not to make the amendment suggested by the Council ; message referred to the Committee of the whole on the Bill, 24th December, p. 28.

Bill further considered in Committee and reported without amendment ; report considered and adopted ; Bill read a third time and passed, 24th December, p. 28. (*Assented to 30th December. Act No. 2576.*)

**INSTRUMENTS BILL.**—Bill intituled “*An Act to amend Part VII. of the ‘Instruments Act 1890.’*”—(Hon. J. D. Brown.)—Brought from the Legislative Assembly and read a first time, 22nd December, 1914, p. 23.

Read a second time and committed ; considered in Committee and reported without amendment ; report considered and adopted ; Bill read a third time and passed, 23rd December, p. 26. (*Assented to 30th December. Act No. 2574.*)

**JUSTICES BILL.**—Bill intituled “*An Act to amend the ‘Justices Act 1904’ as to Default Summonses.*”—(Hon. J. D. Brown.)—Brought from the Legislative Assembly and read a first time, 22nd December, 1914, p. 23.

Read a second time and committed ; considered in Committee, 23rd December, p. 26.

Bill lapsed in the Council.

**LAND TAX BILL.**—Bill intituled “*An Act to declare the Rate of Land Tax for the Year ending the thirty-first day of December One thousand nine hundred and fifteen and to amend the Land Tax Acts.*”—(Hon. W. L. Baillieu.)—Brought from the Legislative Assembly and read a first time, 21st December, 1914, p. 19.

Read a second time, by leave, and committed ; considered in Committee and reported without amendment ; report considered and adopted ; Bill read a third time and passed, 21st December, p. 20. (*Assented to 30th December. Act No. 2566.*)

**MUNICIPAL ENDOWMENT BILL.**—Bill intituled “*An Act relating to Municipal Endowment.*”—(Hon. W. L. Baillieu.)—Brought from the Legislative Assembly and read a first time, 21st December, 1914, p. 18.

Read a second time, by leave, and committed ; considered in Committee and reported without amendment ; report considered and adopted ; Bill read a third time and passed, 21st December, p. 19. (*Assented to 30th December. Act No. 2562.*)

**\*MUNICIPAL TRAMWAYS TRUST BILL.**—Bill to incorporate the Municipal Tramways Trust.—(Hon. Robert Beckett.)—Initiated and read a first time, 21st December, 1914, p. 18.

Motion—That this Bill be now read a second time, debated and adjourned, 23rd December, p. 25.

Bill lapsed in the Council.

**PRICE OF GOODS BILL.**—Bill intituled “*An Act to amend and continue the ‘Price of Goods Act 1914.’*”—(Hon. F. W. Hagelthorn.)—Brought from the Legislative Assembly and read a first time, 23rd December, 1914, p. 25.

Read a second time, by leave, and committed ; considered in Committee and reported with amendments ; report, by leave, considered and adopted ; Bill read a third time and passed ; concurrence of Assembly in Council’s amendments desired, 23rd December, p. 28.

Message from the Assembly notifying that they had agreed to one of the amendments of the Council, and had disagreed with the other of the said amendments.

Amendment read and considered ; the Council did not insist on their amendment disagreed with by the Assembly, 24th December, p. 28. (*Assented to 30th December. Act No. 2577.*)

**RATING ON UNIMPROVED VALUES BILL.**—Bill intituled “*An Act to amend Section Two and Section Four of the Rating on ‘Unimproved Values Act 1914.’*”—(Hon. F. W. Hagelthorn.)—Brought from the Legislative Assembly and read a first time, 22nd December, 1914, p. 22.

Read a second time and committed ; considered in Committee and reported without amendment ; report considered and adopted ; Bill read a third time and passed, 23rd December, p. 26. (*Assented to 30th December. Act No. 2571.*)

**\*SAW-MILL EMPLOYÉES ACCOMMODATION BILL.**—Bill to insure the provision of better Accommodation for Saw-Mill Employés.—(Hon. J. D. Brown.)—Initiated, by leave, and read a first time, 21st December, 1914, p. 18.

Bill lapsed in the Council.

**SEED ADVANCES BILL.**—Bill intituled “*An Act to enable Seed and Fodder to be advanced on certain terms to Cultivators of Land and for other purposes.*”—(Hon. J. D. Brown.)—Brought from the Legislative Assembly and read a first time, 21st December, 1914, p. 18.

Read a second time, by leave, and committed ; considered in Committee, 21st December, p. 19.

Further considered in Committee and reported with amendments ; recommitted in respect of clauses 8 and 10 ; reconsidered in Committee, 22nd December, p. 21.

SEED ADVANCES BILL—*continued.*

Re-reported with the following suggested amendment, viz. :—Clause 10, add the following new sub-clause—

“(4) For the purposes of this section all persons or corporations (whether trustees or not) being mortgagees lessors or landlords are hereby authorized to make such payment to the Board as aforesaid.”

Report adopted; Message to Assembly, 22nd December, p. 21.

Message from the Assembly notifying that they had made the amendment suggested by the Council; Message referred to the Committee of the whole on the Bill, 22nd December, p. 23.

Bill, as amended by the Assembly, further considered in Committee and reported without amendment; report considered and adopted; Bill read a third time and passed, 22nd December, p. 24.

Message to Assembly notifying that the Council have agreed to the Bill including the amendment made by the Assembly which was suggested by the Council, 22nd December, p. 24. (*Assented to 30th December. Act No. 2568.*)

SEWERAGE DISTRICTS BILL.—Bill intituled “*An Act to make provision for Sewerage Districts and the Sewering thereof.*”—(*Hon. W. L. Baillieu.*)—Brought from the Legislative Assembly and read a first time, 21st December, 1914, pp. 17–18.

Read a second time, by leave, and committed; considered in Committee, 21st December, p. 20.

Further considered in Committee and reported with amendments and with an amended title, viz. :—“*An Act to make provision for Sewerage Districts and the Sewering thereof and for other purposes,*” 22nd December, p. 22.

SEWERAGE DISTRICTS BILL—*continued.*

Order of Day for consideration of report discharged and Bill recommitted in respect of clauses 105 and 106; reconsidered in Committee and re-reported with further amendments; report, by leave, considered and adopted; Bill read a third time and passed; concurrence of Assembly in Council's amendments desired, 22nd December, p. 24.

Message from the Assembly notifying that they had agreed to some of the amendments of the Council, had disagreed with others, and had agreed to others of the said amendments with amendments, 23rd December, p. 26.

Amendments read and considered; the Council agreed to the amendments of the Assembly on certain amendments of the Council, insisted on some of their amendments disagreed with by the Assembly, and did not insist on others of the said amendments, 23rd December, p. 27.

Bill not returned from the Assembly.

STAMP DUTIES BILL.—Bill intituled “*An Act to further amend the Stamps Acts.*”—(*Hon. F. W. Hagelthorn.*)—Brought from the Legislative Assembly and read a first time, 21st December, 1914, p. 20.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read a third time and passed, 23rd December, p. 26. (*Assented to 30th December. Act No. 2575.*)

TREASURY BONDS BILL.—Bill intituled “*An Act to authorize the issue of Treasury Bonds.*”—(*Hon. W. L. Baillieu.*)—Brought from the Legislative Assembly and read a first time, 21st December, 1914, p. 18.

Read a second time, by leave, and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read a third time and passed, 21st December, p. 19. (*Assented to 30th December. Act No. 2563.*)

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MINUTES OF THE PROCEEDINGS, ETC.

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VICTORIA.

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No. 1.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

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THURSDAY, 3RD DECEMBER, 1914.

1. The Council met pursuant to the Proclamation of His Excellency the Governor, bearing date the twenty-seventh day of November, 1914, which Proclamation was read by the Clerk and is as follows :—

FIXING THE TIME FOR HOLDING THE FIRST SESSION OF THE TWENTY-FOURTH PARLIAMENT OF VICTORIA.

---

PROCLAMATION

By His Excellency the Honorable Sir Arthur Lyulph Stanley, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George ; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

I, the Governor of the State of Victoria in the Commonwealth of Australia, do by this my Proclamation fix Thursday, the third day of December, 1914, as the time for the commencement and holding of the First Session of the Twenty-fourth Parliament of Victoria, for the despatch of business, at the hour of Eleven o'clock in the forenoon, in the State Parliament Houses, situate in the Carlton Gardens, in the City of Melbourne : And the Honorable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this twenty-seventh day of November, in the year of our Lord One thousand nine hundred and fourteen, and in the fifth year of the reign of His Majesty King George V.

(L.S.)

A. L. STANLEY.

By His Excellency's Command,

A. J. PEACOCK.

GOD SAVE THE KING !

His Honour Mr. Justice Hodges, the Commissioner from His Excellency the Governor appointed to open the Parliament, having been introduced to the Council Chamber by the Usher, His Honour Mr. Justice Hodges desired the Usher to request the presence of the Members of the Legislative Assembly to hear the Commission read for the commencement and holding of this present Session of the Parliament.

The Members of the Legislative Assembly having presented themselves, His Honour Mr. Justice Hodges said :—

HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

His Excellency the Governor, not thinking fit to be present in person, has been pleased to cause Letters Patent to issue, under the Seal of the State, constituting me his Commissioner, to do in his name all that is necessary to be performed in this Parliament. This will more fully appear from the Letters Patent which will now be read by the Clerk.

Then the said Letters Patent were read by the Clerk as follow, viz. :—

*GEORGE, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India :*

WHEREAS by Proclamation made the twenty-seventh day of November by His Excellency the Honorable Sir ARTHUR LYULPH STANLEY, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, and Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, Thursday, the third day of December, was fixed as the time for the commencement and holding of the next Session of the Parliament of Victoria, at Eleven of the clock in the forenoon, in the State Parliament Houses, situate in the Carlton Gardens, in the City of Melbourne: And forasmuch as for certain causes the said Sir ARTHUR LYULPH STANLEY cannot conveniently be present in person in the said Parliament at that time: NOW KNOW YE THAT WE, trusting in the discretion, fidelity, and care of Our trusty and well-beloved His Honour HENRY EDWARD AGINCOURT HODGES, Justice of Our Supreme Court of Victoria, do give and grant by the tenor of these presents unto you the said HENRY EDWARD AGINCOURT HODGES full power in Our name to begin and hold the said Session of Our said Parliament, and to do everything which for and by Us, or the said Sir ARTHUR LYULPH STANLEY, shall be there to be done; commanding also by the tenor of these presents all whom it may concern to meet our said Parliament, and to the said HENRY EDWARD AGINCOURT HODGES, that he diligently attend in the premises and form aforesaid. In testimony whereof We have caused the Seal of Our said State to be hereunto affixed.

(L.S.) WITNESS Our trusty and well-beloved the Honorable Sir ARTHUR LYULPH STANLEY, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George; Governor of the said State and its Dependencies in the Commonwealth of Australia, &c., &c., at Melbourne, this twenty-seventh day of November, One thousand nine hundred and fourteen, and in the fifth year of Our reign.

A. L. STANLEY.

By His Excellency's Command,

A. J. PEACOCK.

Entered on Record by me in Register of Patents, Book 24,  
Page 425, this twenty-seventh day of November, One  
thousand nine hundred and fourteen.

W. A. CALLAWAY.

Then His Honour Mr. Justice Hodges said :—

HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I have it in command from His Excellency to let you know that later this day His Excellency will declare to you in person, in this place, the causes of his calling this Parliament together; and, Gentlemen of the Legislative Assembly, as it is necessary before you proceed to the despatch of business that a Speaker of the Legislative Assembly be chosen, His Excellency requests that you, in your Chamber, will proceed to the choice of a proper person to be Speaker.

The Members of the Legislative Assembly then withdrew.

The Commissioner withdrew.

2. The President took the Chair and read the Prayer.

3. DECLARATIONS OF MEMBERS.—The Honorables the President, W. A. Adamson, A. A. Austin, W. L. Baillieu, W. J. Beckett, J. D. Brown, F. W. Hagelthorn, A. Hicks, W. Little, Walter S. Manifold, J. Y. McDonald, A. McLellan, D. Melville, J. K. Merritt, H. F. Richardson, A. Robinson, A. O. Sachse, J. Sternberg, and E. J. White severally delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth :—

“In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN MARK DAVIES, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and ten pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Malvern, and are known as lots 51, 52, 53, and 54 on plan of subdivision No. 5674 lodged in the office of Titles, and being part of Crown portions 123 and 124 at Malvern, parish of Prahran, at Gardiner, County of Bourke.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Malvern, are rated in the rate-book of such district upon a yearly value of £110.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“JNO. M. DAVIES.”

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM ADDISON ADAMSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Fifty pounds and upwards above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Brighton, being vacant land in Male-street, Brighton; and in the municipal district of Melbourne, known as the Victoria Horse Bazaar; and in the municipal district of Whittlesea, known as the Sale Yards, in the Plenty-road; and in the municipal district of Lancefield, known as the Sale Yards, in Dunsford and High streets; and in the municipal district of Essendon, known as Adamson, Strettle and Co.'s Stud Stock Sale Yards, Epsom and Ascot Vale roads; and in the municipal district of Werribee, known as the Boundary Farm.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Brighton are rated in the rate-book of such district upon a yearly value of £10, and that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of £840, and that such of the said lands or tenements as are situate in the municipal district of Whittlesea are rated in the rate-book of such district upon a yearly value of £15, and such of the said lands or tenements as are situate in the municipal district of Lancefield are rated in the rate-book of such district upon a yearly value of £9, and that such of the said lands or tenements as are situate in the municipal district of Essendon are rated in the rate-book of such district upon a yearly value of £270, and that such of the said lands or tenements as are situate in the municipal district of Werribee are rated in the rate-book of such district upon a yearly value of £189.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"W. A. ADAMSON."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, AUSTIN ALBERT AUSTIN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Buninyong, and are known as 'Larundel,' Elaine.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Buninyong are rated in the rate-book of such district upon a yearly value of £2,005.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a Member of the Legislative Council.

"AUSTIN ALBERT AUSTIN."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM LAWRENCE BAILLIEU, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Three hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Gisborne, and are known as all those pieces of land containing respectively fourteen acres one rood and twelve perches and thirty-six acres and three roods being allotment 'A,' section three, parish of Macedon, county of Bourke, and being the lands more particularly described in certificates of title volume 1950 folio 389868, and volume 3200 folio 639893.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Gisborne are rated in the rate-book of such district upon a yearly value of £300.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a Member of the Legislative Council.

"W. L. BAILLIEU."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM JAMES BECKETT, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of over Fifty pounds sterling above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Fitzroy, and are known as Nos. 150 to 156 Gertrude-street, Nos. 70, 72, 74 Napier-street, No. 53 Little Napier-street, and in the municipal district of Queenscliff and known as "Mount Edgecombe" Queen-street.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Fitzroy are rated in the rate-book of such district upon a yearly value of £157, and that such of the said lands or tenements as are situate in the municipal district of Queenscliff are rated in the rate-book of such district upon a yearly value of £32.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"WILLIAM J. BECKETT."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, JAMES DRYSDALE BROWN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and thirty-eight pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Coburg, and are known as part of Crown portion One hundred and forty-three at Coburg, parish of Jika Jika, county of Bourke.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Coburg are rated in the rate-book of such district upon a yearly value of One hundred and thirty-eight pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"J. DRYSDALE BROWN."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, FREDERICK WILLIAM HAGELTHORN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Three hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Malvern, and are known as 'Coonil,' Wattletree-road.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Malvern are rated in the rate-book of such district upon a yearly value of Three hundred pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"F. HAGELTHORN."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, ALFRED HICKS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Brunswick and are known as shops and dwellings Nos. 559 and 561 situate in Sydney Road.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Brunswick are rated in the rate-book of such district upon a yearly value of £130.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"A. HICKS."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIS LITTLE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Benalla, and are known as allotments 1 to 4, section H, Benalla, one hundred and ninety-three acres, Fifty-seven pounds; allotments 1 and 2, section I, Benalla, three hundred and twenty-seven acres, Eighty-one pounds; allotment 3, section I, Benalla, sixty-five acres, Sixteen pounds; and allotment 24AB, Benalla, three hundred and twenty acres, Fifty pounds.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Benalla are rated in the rate-book of such district upon a yearly value of Two hundred and four pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"WILLIS LITTLE."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WALTER SYNNOT MANIFOLD, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred and six pounds (£206) above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of the shire of Warrnambool, and are known as parts of Crown allotment 24A and Crown allotment 23 A<sup>1</sup>, parish of Mepunga, county of Heytesbury, containing three hundred and thirty-three acres three roods and eighteen perches.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of the shire of Warrnambool are rated in the rate-book of such district upon a yearly value of £206.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"WALTER MANIFOLD."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN YOUNG McDONALD, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred and sixty-one pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Ballarat West, and are known as the 'Edinburgh Buildings.'

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Ballarat West are rated in the rate-book of such district upon a yearly value of Two hundred and sixty-one pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"J. Y. McDONALD."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, ADAM McLELLAN, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Richmond, and are known as land and buildings, corner of Lord and Boyd-streets, Richmond.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Richmond are rated in the rate-book of such district upon a yearly value of £172.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"ADAM McLELLAN."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, DONALD MELVILLE do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and three pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Brunswick, Pyalong, and McIvor, and are known as my residence, situated in Albion-street, West Brunswick, with three acres land; two hundred and six acres land within the shire of Pyalong; and one hundred and forty acres land within the shire of McIvor.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Brunswick are rated in the rate-book of such district upon a yearly value of £53, and that such of the said lands or tenements as are situate in the municipal district of Pyalong are rated in the rate-book of such district upon a yearly value of £30, and that such of the said lands or tenements as are situate in the municipal district of McIvor are rated in the rate-book of such district upon a yearly value of £20.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"D. MELVILLE."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, JAMES KERR MERRITT, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and seventy pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Kew, and are known as 'Fairholme,' Fellows-street.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Kew are rated in the rate-book of such district upon a yearly value of £170.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"J. K. MERRITT."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, HORACE FRANK RICHARDSON, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred and twenty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of city of Geelong, and are known as 'The Exchange' property, Little Malop-street, Geelong, and occupied by myself and tenants.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of city of Geelong are rated in the rate-book of such district upon a yearly value of £220.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"H. F. RICHARDSON."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, ARTHUR ROBINSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Sixty-two pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Malvern, and are known as house and land, 'Chilcote,' Sorrett Avenue, Malvern.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Malvern are rated in the rate-book of such district upon a yearly value of £150.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"ARTHUR ROBINSON."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, ARTHUR OTTO SACHSE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Four hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, and are known as 'Marilla,' Toorak-road, South Yarra.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Four hundred and fifty pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"A. O. SACHSE."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, JOSEPH STERNBERG, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of the shires of Waranga and Deakin, and are known as, firstly, Crown allotments 70E, 70F, parish of Moora, county of Rodney, in the municipal district of the shire of Waranga; secondly, Crown allotment 40, in the parish of Burrumboot East, county of Rodney, in the municipal district of the shire of Waranga; thirdly, Crown allotments 39A, 39B, 40A, 40B, 41B, in the parish of Carag Carag, county of Rodney, in the municipal district of the shire of Deakin.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of the shire of Waranga and are firstly above described are rated in the rate-book of such district upon a yearly value of £52; and that such of the said lands or tenements as are situate in the municipal district of the shire of Waranga and are secondly above described are rated in the rate-book of such district upon a yearly value of £52; and that such of the said lands or tenements as are situated in the municipal district of the shire of Deakin and are thirdly above described are rated in the rate-book of such district upon a yearly value of £42.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"J. STERNBERG."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, EDWARD JAMES WHITE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and twenty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Dundas and borough of Hamilton, and are known as 'Waratah,' being part of subdivision of the Kenilworth Estate, parish of Gatum Gatum, county of Dundas, containing 1,786½ acres. In the borough of Hamilton is my house and allotment fronting Clarendon-street; an allotment fronting Gray-street; and an allotment at back of Hospital.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Dundas are rated in the rate-book of such district upon a yearly value of One hundred and fifty pounds, and that such of the said lands or tenements as are situate in the municipal district of borough of Hamilton are rated in the rate-book of such district upon a yearly value of Forty-four pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"E. J. WHITE."

4. APPROACH OF HIS EXCELLENCY THE GOVERNOR.—The approach of His Excellency the Governor was announced by the Usher.

His Excellency came into the Council Chamber, and commanded the Usher to desire the immediate attendance of the Legislative Assembly, who being come with their Speaker, His Excellency was pleased to speak as follows :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I avail myself of the earliest opportunity, after the return of the writs for the recent general elections, of having your advice and assistance in certain matters of importance.

The requisite provision for the Public Service of this year remains still to be made and, in view of this pressing circumstance, I have felt it my duty to summon Parliament for the despatch of public business as soon as possible after the elections had taken place.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The Estimates of Expenditure for the year will be laid before you, and they will, I trust, receive your immediate and careful consideration.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

It is deemed by my advisers desirable that this Session of Parliament should be principally occupied in making due provision for the services of the year.

I beg to express the earnest hope that your labours may tend to the welfare and happiness of the people.

Which being concluded, a copy of the Speech was delivered to Mr. President, and a copy to Mr. Speaker, and His Excellency the Governor left the Chamber.

The Legislative Assembly then withdrew.

5. The President resumed the Chair.

6. DECLARATIONS OF MEMBERS.—The Honorables Robert Beckett, F. G. Clarke, and T. H. Payne severally delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth :—

“ In compliance with the provisions of the Constitution Act Amendment Acts, I, ROBERT BECKETT, of Essex-road, Surrey Hills, Solicitor, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Camberwell, and Doncaster, and are known as ‘Guildford,’ being Essex-road and Durham-road, Surrey Hills; lands in city of Camberwell, where I reside, and houses and land, part of section 26, parish of Warrandyte, situate in the shire of Doncaster.

“ And I further declare that such of the said lands or tenements as are situate in the municipal district of Camberwell are rated in the rate-book of such district upon a yearly value of £73; and that such of the said lands or tenements as are situate in the municipal district of Doncaster are rated in the rate-book of such district upon a yearly value of £87.

“ And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“ ROBT. BECKETT.”

“ In compliance with the provisions of the Constitution Act Amendment Acts, I, FRANCIS GRENVILLE CLARKE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of £225 above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Rodney Shire, and are known as allots. 87 and 88, part allots. 85, 86, and 89, parish of Murchison North.

“ And I further declare that such of the said lands or tenements as are situate in the municipal district of Rodney are rated in the rate-book of such district upon a yearly value of £225.

“ And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“ FRANK G. CLARKE.”

"In compliance with the provisions of the Constitution Act Amendment Acts, I, THOMAS HENRY PAYNE, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Nine hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of city of Prahran, and are known as 'Leura,' Toorak, being Crown portion 20, parish of Prahran, county of Bourke.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Nine hundred pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"T. H. PAYNE."

7. CORONERS BILL.—On the motion of the Honorable W. L. Baillieu a Bill to amend the *Coroners Act* 1911 was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
8. COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President laid upon the Table the following Warrant appointing the Committee of Elections and Qualifications :—

VICTORIA.

Pursuant to the provisions of *The Constitution Act Amendment Act* 1890, I do hereby appoint—

The Honorable Robert Beckett,  
 The Honorable Walter Synnot Manifold,  
 The Honorable Duncan Elphinstone McBryde,  
 The Honorable Adam McLellan,  
 The Honorable Donald Melville,  
 The Honorable Thomas Henry Payne, and  
 The Honorable Arthur Robinson

to be members of a Committee to be called "The Committee of Elections and Qualifications."

Given under my hand this third day of December, One thousand nine hundred and fourteen.

JNO. M. DAVIES,  
 President of the Legislative Council.

9. CHAIRMAN OF COMMITTEES.—The Honorable W. L. Baillieu moved, by leave, That the Honorable Arthur Otto Sachse be Chairman of Committees of the Council.  
 Question—put and resolved in the affirmative.
10. PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS.—The Honorable W. L. Baillieu moved, by leave, That the following Members of this House be appointed members of the Parliamentary Standing Committee on Railways, viz. :—The Honorables Alfred Hicks and Donald Melville.  
 Question—put and resolved in the affirmative.
11. LEAVE OF ABSENCE.—  
 The Honorable A. Robinson moved, by leave, That leave of absence be granted to the Honorable William Pearson for the remainder of the Session on account of urgent private business.  
 Question—put and resolved in the affirmative.
- The Honorable F. G. Clarke moved, by leave, That leave of absence be granted to the Honorable William Lionel Russell Clarke for the remainder of the Session on account of urgent private business.  
 Question—put and resolved in the affirmative.
- The Honorable A. McLellan moved, by leave, That leave of absence be granted to the Honorable William Harris Fielding for the remainder of the Session on account of ill-health.  
 Question—put and resolved in the affirmative.
12. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—  
 Closer Settlement Acts.—Additions to the Regulations.  
 Companies Act 1890.—Summary of Statements for the year 1913 made by Companies transacting Life Assurance Business in Victoria.  
 Constitution Act Amendment Act 1890—Part IX.—  
 Statement of Appointments and Alteration in Classification in the Department of the Legislative Council.  
 Statement showing the name of the person temporarily employed in the Department of the Legislative Council.  
 Education Act 1890.—Regulations rescinded, Regulation substituted.  
 Education Acts.—The Council of Public Education.—Regulations.  
 Geelong Harbor Trust Commissioners.—Eighth Report for the year ending 31st December, 1913.  
 State Forests Department.—Report for the year ended 30th June, 1914.

13. SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The President reported the Speech of His Excellency the Governor.

The Honorable F. G. Clarke moved, That a Committee be appointed to prepare an Address to His Excellency the Governor in reply to His Excellency's Opening Speech.

Question—put and resolved in the affirmative.

The Honorable F. G. Clarke moved, That the Committee consist of the Honorables F. G. Clarke, J. G. Aikman, A. A. Austin, W. J. Beckett, A. Hicks, T. H. Payne, and J. Sternberg.

Question—put and resolved in the affirmative.

The Committee retired to prepare the Address.

The Honorable F. G. Clarke presented the Address, which had been agreed to by the Committee, and the same was read by the Clerk, and is as follows :—

*To His Excellency THE HONORABLE SIR ARTHUR LYULPH STANLEY, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY—

We, the Legislative Council of Victoria, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the gracious Speech which you have been pleased to address to Parliament.

The Honorable F. G. Clarke moved, That the Council agree with the Committee in the said Address.

Debate ensued.

The Honorable Walter S. Manifold moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered— That the debate be adjourned until Tuesday next.

16. ADJOURNMENT.—The Honorable W. L. Baillieu moved, That the Council, at its rising, adjourn until Tuesday next, at half-past four o'clock.

Question—put and resolved in the affirmative

The Honorable W. L. Baillieu moved, That the House do now adjourn.

Question—put and resolved in the affirmative.

And then the Council, at forty-six minutes past five o'clock, adjourned until Tuesday next.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 2.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

TUESDAY, 8TH DECEMBER, 1914.

1. The President took the Chair and read the Prayer.

2. DECLARATIONS OF MEMBERS.—The Honorables W. C. Angliss, F. W. Brawn, J. P. Jones, and R. B. Rees severally delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth :—

“In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM ANGLISS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Caulfield and are known as East and West Terrace, Glen Eira-road, Elsternwick, being lots 37, 38, 39, 40, and 41 on plan of subdivision No. 2418, being part of Crown portion 252 south-east of St. Kilda, parish of Prahran, county of Bourke.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Caulfield are rated in the rate-book of such district upon a yearly value of £364.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“W. ANGLISS.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, FREDERICK WILLIAM BRAUN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and sixty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Ballaarat, and are known as three brick cottages in Mill-street, Ballaarat.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Ballaarat are rated in the rate-book of such district upon a yearly value of One hundred and twenty-seven pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“F. BRAUN.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN PERCY JONES, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Three hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Melbourne, and are known as 16, 18, 20, 22, 24, 26 Patrick-street, Melbourne.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of £300.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“J. P. JONES.”

"In compliance with the provisions of the Constitution Act Amendment Acts, I, RICHARD BLOOMFIELD REES, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further that such lands or tenements are situated in the municipal district of Swan Hill, and are known as shop and dwelling properties, situate in Campbell-street.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Swan Hill are rated in the rate-book of such district upon a yearly value of above One hundred pounds per annum.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"R. BLOOMFIELD REES."

3. **DAYS OF BUSINESS.**—The Honorable W. L. Baillieu moved, That Tuesday, Wednesday, and Thursday in each week be the days on which the Council shall meet for the despatch of business during the present Session, and that half-past Four o'clock be the hour of meeting on each day; that on Tuesday and Thursday in each week the transaction of Government business shall take precedence of all other business; and that on Wednesday in each week Private Members' business shall take precedence of Government business.  
Question—put and resolved in the affirmative.
  4. **STANDING ORDERS COMMITTEE.**—The Honorable W. L. Baillieu moved, That the Honorables the President, W. L. Baillieu, J. D. Brown, E. J. Crooke, F. W. Hagelthorn, Walter S. Manifold, D. E. McBryde, T. H. Payne, A. O. Sachse, and J. Sternberg be Members of the Select Committee on the Standing Orders of the House; three to be the quorum.  
Question—put and resolved in the affirmative.
  5. **PARLIAMENT BUILDINGS COMMITTEE.**—The Honorable W. L. Baillieu moved, That the Honorables the President, J. G. Aikman, W. Little, A. McLellan, and W. Pearson be Members of the Joint Committee to manage and superintend the Parliament Buildings.  
Question—put and resolved in the affirmative.
  6. **LIBRARY COMMITTEE.**—The Honorable W. L. Baillieu moved, That the Honorables the President, W. A. Adamson, T. Beggs, F. W. Brawn, and D. Melville be Members of the Joint Committee to manage the Library.  
Question—put and resolved in the affirmative.
  7. **REFRESHMENT ROOMS COMMITTEE.**—The Honorable W. L. Baillieu moved, That the Honorables W. H. Fielding, A. Hicks, J. Y. McDonald, J. McWhae, and R. B. Rees be Members of the Joint Committee to manage the Refreshment Rooms.  
Question—put and resolved in the affirmative.
  8. **PRINTING COMMITTEE.**—The Honorable W. L. Baillieu moved, That the Honorables the President, W. C. Angliss, A. A. Austin, Robert Beckett, F. G. Clarke, W. L. R. Clarke, J. P. Jones, H. F. Richardson, A. Robinson, and E. J. White be Members of the Printing Committee; three to be the quorum.  
Question—put and resolved in the affirmative.
  9. **ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR.**—The Order of the Day for the resumption of the debate on the question, That the Council agree with the Committee in the Address in Reply to the Speech of His Excellency the Governor, having been read—  
Debate resumed.  
The Honorable R. B. Rees moved, That the debate be now adjourned.  
Debate ensued.  
Question—That the debate be now adjourned—put and negatived.  
Question—That the Council agree with the Committee in the Address in Reply to the Speech of His Excellency the Governor—put and resolved in the affirmative.  
The Honorable J. D. Brown moved, That the Address be presented to His Excellency the Governor by the President and such Members of the Council as may wish to accompany him.  
Question—put and resolved in the affirmative.
  10. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day No. 2 be postponed until Tuesday next.
  11. **ADJOURNMENT.**—Ordered, That the Council, at its rising, adjourn until Tuesday next.
- And then the Council, at thirty-two minutes past nine o'clock, adjourned until Tuesday next.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 3.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

TUESDAY, 15TH DECEMBER, 1914.

1. The President took the Chair and read the Prayer.
2. DECLARATIONS OF MEMBERS.—The Honorables J. G. Aikman, E. J. Crooke, and D. E. McBryde severally delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth:—

“In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN GEORGE AIKMAN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two thousand one hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Melbourne, and are known as the Melbourne Coffee Palace, 214 to 218 Bourke-street.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of Two thousand one hundred and fifty pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“J. G. AIKMAN.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, EDWARD JOLLEY CROOKE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Rosedale, and are known as portion of ‘The Holey Plain Estate.’

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Rosedale are rated in the rate-book of such district upon a yearly value of Two hundred and twenty-seven pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“E. J. CROOKE.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, DUNCAN ELPHINSTONE MCBRYDE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Three hundred and eighty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Brighton, and are known as ‘Kamesburgh,’ containing ten acres or thereabouts, being part of Dendy’s special survey at Brighton, and situate at the angle of North-road and Cochrane-street, and purchased by me for the sum of Twelve thousand two hundred pounds.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Brighton are rated in the rate-book of such district upon a yearly value of Three hundred and eighty pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“D. E. MCBRYDE.”

3. **PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR.**—The President reported that, accompanied by Honorable Members, he had that day waited upon His Excellency the Governor, and had presented to him the Address of the Legislative Council, adopted on the 8th instant, in reply to His Excellency's Opening Speech, and that His Excellency had been pleased to make the following reply :—

MR. PRESIDENT AND HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL :

In the name and on behalf of His Majesty the King I thank you for your expressions of loyalty to Our Most Gracious Sovereign contained in the Address which you have just presented to me.

I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.

A. L. STANLEY,  
Governor of Victoria.

4. **PAPERS.**—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—Statistical Register of the State of Victoria for the year 1913.—Part VIII.—Population. Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Bank Liabilities and Assets.—Summary of Sworn Returns for the quarter ended 30th September, 1914.

Education Act 1890.—

Clause rescinded, Regulation substituted.

Clauses rescinded, Regulation substituted.

Friendly Societies.—Thirty-sixth Annual Report on.—Report of the Government Statist for the year 1913, to which are appended Valuations of Societies, Numerical and Financial Summaries of the Returns furnished by the Secretaries, &c.

Public Works Loan Application Act 1911.—

Balance-sheet and Statement of Accounts for the financial year 1913-14 of the—

Burwood East Fruit Cool Store.

Diamond Creek Fruit Cool Store.

Supreme Court Acts—Rules under the.—Addition to Order 37.

Trade Unions.—Twenty-eighth Annual Report on.—Report of the Government Statist for the year 1913, with an Appendix.

Victorian Railways.—Report of the Victorian Railways Commissioners for the quarter ending 30th September, 1914.

Workers' Compensation Act 1914 and County Court Act 1890.—The Workers' Compensation Rules, 1914.

5. **CORONERS BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

6. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for Appeals in Criminal Cases and for other purposes*," with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 10th December, 1914.

7. **CRIMINAL APPEAL BILL.**—On the motion of the Honorable Walter S. Manifold, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Thursday next.

The Honorable Walter S. Manifold moved, That a Message be transmitted to the Legislative Assembly requesting that they will be pleased to communicate to the Council copies of the Report and Proceedings of the Select Committee to which the Bill to establish a Court of Criminal Appeal and for other purposes was referred last session.

Question—put and resolved in the affirmative.

8. **ADJOURNMENT.**—Ordered, That the Council, at its rising, adjourn until Thursday next. And then the Council, at eight minutes past five o'clock, adjourned until Thursday next.

R. W. V. McCALL,  
Clerk of the Legislative Council.

## VICTORIA.

No. 4.

# MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 17TH DECEMBER, 1914.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council copies of the Report of the Select Committee of the Legislative Assembly appointed last Session on the Bill intituled "A Bill to establish a Court of Criminal Appeal and for other purposes," in accordance with the request of the Legislative Council.

FRANK MADDEN,  
Speaker.Legislative Assembly,  
Melbourne, 15th December, 1914.

3. ADJOURNMENT—Motion under Standing Order No. 53.—The Honorable W. C. Angliss moved, That the Council do now adjourn, and said he proposed to speak on the subject of the extraordinary position which has occurred with reference to the export of frozen meat from this State, and six members having risen in their places and required the motion to be proposed, the question was put and, after debate, negatived.

4. PAPERS.—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—  
Penal Establishments, Gaols, and Reformatory Prisons.—Report and Statistical Tables for the year 1913.

Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Public Service Acts.—Regulations—  
Classification of General Division—  
Department of Agriculture.  
Department of Chief Secretary.  
Department of Public Works.  
Travelling Allowances.—Addition to Chapter IX.

5. CRIMINAL APPEAL BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair ; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, on Monday next, again resolve itself into the said Committee.
6. ADDITIONAL DAY OF BUSINESS.—The Honorable W. L. Baillieu moved, by leave, That during the remainder of the Session the Council shall meet for the despatch of business on Mondays, at half-past four o'clock.  
Question—put and resolved in the affirmative.

And then the Council, at thirty-four minutes past six o'clock, adjourned until Monday next.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

VICTORIA.

No. 5.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

MONDAY, 21st DECEMBER, 1914.

1. The President took the Chair and read the Prayer.

2. DECLARATIONS OF MEMBERS.—The Honorables T. Beggs and J. McWhae severally delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth :—

“In compliance with the provisions of the Constitution Act Amendment Acts, I, THEODORE BEGGS, of Eurambeen, Beaufort, grazier, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Fifty-one pounds ten shillings above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Ripon, and are known as Crown allotments 70B, 73C, 74, 74A, and 73B, parish of Eurambeen, county of Ripon, containing 206 acres.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Ripon are rated in the rate-book of such district upon a yearly value of Fifty-one pounds ten shillings.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“THEODORE BEGGS.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN McWHAE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Morwell, and are known as McWhae’s farm in Wonyip, being allotments 40A, 40B, parish of Wonyip, containing 315 acres 3 roods 19 perches.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Morwell are rated in the rate-book of such district upon a yearly value of £60.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“JOHN McWHAE.”

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT.

The Legislative Assembly transmit to the Legislative Council a Bill intituled “An Act to make provision for Sewerage Districts and the Sewering thereof,” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 18th December, 1914.

4. SEWERAGE DISTRICTS BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to enable Seed and Fodder to be advanced on certain terms to Cultivators of Land and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 18th December, 1914.

FRANK MADDEN,  
Speaker.

6. SEED ADVANCES BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.

7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act relating to Municipal Endowment,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 18th December, 1914.

FRANK MADDEN,  
Speaker.

8. MUNICIPAL ENDOWMENT BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.

9. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the issue of Treasury Bonds,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 18th December, 1914.

FRANK MADDEN,  
Speaker.

10. TREASURY BONDS BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.

11. MUNICIPAL TRAMWAYS TRUST BILL.—On the motion of the Honorable Robert Beckett, a Bill to Incorporate the Municipal Tramways Trust was read a first time, ordered to be printed, and to be read a second time to-morrow.

12. SAW-MILL EMPLOYÉS ACCOMMODATION BILL.—On the motion of the Honorable J. D. Brown, a Bill to insure the provision of better Accommodation for Saw-mill Employés was, by leave, read a first time, ordered to be printed, and to be read a second time to-morrow.

13. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:—

Indeterminate Sentences Act 1907.—Annual Report of the Indeterminate Sentences Board for the year ended 30th June, 1914.

14. CRIMINAL APPEAL BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had agreed to the Bill with an amendment.

The Honorable Walter S. Manifold moved, by leave, That the Report be now adopted.

The Honorable J. D. Brown moved, as an amendment, That all the words after "That" be omitted with a view to insert in place thereof the words "the Bill be re-committed to a Committee of the whole in respect of clause 5."

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put and resolved in the affirmative.

Question—That the Report be now adopted—put and resolved in the affirmative.—Bill read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.

15. MUNICIPAL ENDOWMENT BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

16. TREASURY BONDS BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

17. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to declare the Rate of Land Tax for the Year ending the thirty-first day of December One thousand nine hundred and fifteen and to amend the Land Tax Acts,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 21st December, 1914.

18. LAND TAX BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.

19. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act relating to Duties payable under the Administration and Probate Acts and to amend the said Acts,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 21st December, 1914.

20. ADMINISTRATION AND PROBATE DUTIES BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.

21. SEED ADVANCES BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

22. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to declare the rates of Income Tax for each of the five Years ending on the thirty-first day of December One thousand nine hundred and nineteen and to amend and continue the Income Tax Acts,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 21st December, 1914.

23. INCOME TAX BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.

24. ADMINISTRATION AND PROBATE DUTIES BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

25. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to further amend the Stamps Acts*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,

Melbourne, 21st December, 1914.

FRANK MADDEN,

Speaker.

26. STAMP DUTIES BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

27. LAND TAX BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

28. SEWERAGE DISTRICTS BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

29. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have agreed to the amendment made by the Legislative Council in the Bill intituled "*An Act to provide for Appeals in Criminal Cases and for other purposes*."

Legislative Assembly,

Melbourne, 21st December, 1914.

FRANK MADDEN,

Speaker.

30. INCOME TAX BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

31. ALTERATION OF HOUR OF MEETING.—The Honorable W. L. Baillieu moved, by leave, That the Council shall meet for the despatch of business to-morrow at half-past three o'clock.

Question—put and resolved in the affirmative

And then the Council, at fifty-eight minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
Clerk of the Legislative Council.

## VICTORIA.

No. 6.

# MINUTES OF THE PROCEEDINGS

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 22ND DECEMBER, 1914.

1. The President took the Chair and read the Prayer.

2. PAPERS.—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—Charitable Institutions.—Report of Inspector for the year ended 30th June, 1914. Statistical Register of the State of Victoria for the year 1913.—Part IX.—Accumulation. Severally ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Fisheries Acts.—Notices of Intention to issue Proclamations—

To close the Head Waters of the Gibbo or Buenbar River, County of Benambra, until 30th September, 1916.

To prescribe Minimum Lengths in lieu of Minimum Weights for certain species of Fish.

To prohibit Fishing in or the Taking of Fish from Sugarloaf and Black Charlie's Creeks until 31st August, 1917.

To repeal the Proclamation prohibiting Netting in Shallow Inlet.

To revoke a Proclamation prohibiting Fishing in Lake Lonsdale, Mokepilly and Fyan's Creeks and their Tributaries, etc., also the Green Hole at Lake Lonsdale, from 1st May to 31st August in each year.

Workers' Compensation Act 1914—

Proclamation appointing the date on which the Act shall come into operation. Regulations.

3. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 1 to 3 inclusive be postponed until after No. 4.

4. SEED ADVANCES BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair. House in Committee.

The President resumed the Chair ; and the Honorable A. O. Sachse reported that the Committee had agreed to the Bill with amendments.

On the motion of the Honorable J. D. Brown, the Bill was recommitted to a Committee of the whole in respect of clauses 8 and 10.

House in Committee.

The President resumed the Chair ; and the Honorable A. O. Sachse reported that the Committee had agreed to the following resolution :—

That it be a suggestion to the Legislative Assembly that they make the following amendment in the Bill :—

Clause 10, add the following new sub-clause—

“(4) For the purposes of this section all persons or corporations (whether trustees or not) being mortgagees lessors or landlords are hereby authorized to make such payment to the Board as aforesaid.”

and asked leave to sit again.

On the motion of the Honorable J. D. Brown, the Report was adopted.

Ordered—That the Bill be returned to the Assembly with a Message suggesting that the Assembly amend the same as set forth in the foregoing resolution.

Resolved—That the Council will, later this day, again resolve itself into a Committee of the whole.

5. SEWERAGE DISTRICTS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.  
House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had agreed to the Bill with amendments, and had amended the title thereof, which title is as follows:—

*“An Act to make provision for Sewerage Districts and the Sewering thereof and for other purposes.”*

Ordered—That the Report be taken into consideration later this day.

6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the thirtieth day of June One thousand nine hundred and fifteen and to appropriate the Supplies granted in this and the last preceding Session of Parliament,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 22nd December, 1914.

FRANK MADDEN,  
Speaker.

7. APPROPRIATION BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

8. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend the ‘Hawkers and Pedlers Act 1890,’*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 22nd December, 1914.

FRANK MADDEN,  
Speaker.

9. HAWKERS AND PEDLERS BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

10. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to revoke the Permanent Reservation and Crown Grant of portion of certain Land situate in the Municipal Districts of the City of South Melbourne and the City of St. Kilda as a Site for a Public Park,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 22nd December, 1914.

FRANK MADDEN,  
Speaker.

11. ALBERT PARK LAND BILL.—On the motion of the Honorable W. A. Adamson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

12. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend Section Two and Section Four of the Rating on ‘Unimproved Values Act 1914,’*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 22nd December, 1914.

FRANK MADDEN,  
Speaker.

13. RATING ON UNIMPROVED VALUES BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

14. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,  
The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the 'Justices Act 1904' as to Default Summonses,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 22nd December, 1914.

FRANK MADDEN,  
Speaker.

15. JUSTICES BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

16. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,  
The Legislative Assembly acquaint the Legislative Council that they have agreed to the Bill intituled "*An Act to amend the 'Coroners Act 1911,'*" without amendment.

Legislative Assembly,  
Melbourne, 22nd December, 1914.

FRANK MADDEN,  
Speaker.

17. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,  
The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to indemnify the Members of the Crowland and Navarre Railway Construction Trust for not repaying Moneys obtained by Overdraft of Current Account in a certain Bank within two years of the constitution of such Trust and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 22nd December, 1914.

FRANK MADDEN,  
Speaker.

18. CROWLAND AND NAVARRE RAILWAY CONSTRUCTION TRUST (INDEMNITY) BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

19. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,  
The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend Part VII of the 'Instruments Act 1890,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 22nd December, 1914.

FRANK MADDEN,  
Speaker.

20. INSTRUMENTS BILL.—On the motion of the Honorable J. D. Brown, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

21. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,  
The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to continue the 'Foodstuffs and Commodities Act 1914,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,  
Melbourne, 22nd December, 1914.

FRANK MADDEN,  
Speaker.

22. FOODSTUFFS AND COMMODITIES BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

23. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,  
The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to enable Seed and Fodder to be advanced on certain terms to Cultivators of Land and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have considered the Message of the Legislative Council suggesting, on the consideration of the Bill in Committee, that this House make a certain amendment in such Bill, and have made the suggested amendment.

Legislative Assembly,  
Melbourne, 22nd December, 1914.

FRANK MADDEN,  
Speaker.

Ordered—That the foregoing Message be referred to the Committee of the whole on the Seed Advances Bill.

24. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk :—

Workers' Compensation Act 1914.—Amendment of the Regulations.

25. SEWERAGE DISTRICTS BILL.—The Order of the Day for the consideration of the Report from the Committee of the whole having been read—

Ordered—That the said Order be discharged.

On the motion of the Honorable F. W. Hagelthorn, the Bill was recommitted to a Committee of the whole in respect of clauses 105 and 106.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with further amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

26. SEED ADVANCES BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same including the amendment made by the Assembly which was suggested by the Council.

27. INCOME TAX BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

28. ALTERATION OF HOUR OF MEETING.—The Honorable W. L. Baillieu moved, by leave, That the Council shall meet for the despatch of business to-morrow at half-past two o'clock.

Question—put and resolved in the affirmative.

29. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 and 5, and Order of the Day, General Business, be postponed until to-morrow.

And then the Council, at eight minutes past ten o'clock, adjourned until to-morrow.

R. W. V. McCALL,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 7.

MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.

WEDNESDAY, 23RD DECEMBER, 1914.

1. The President took the Chair and read the Prayer.
2. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk :—  
Education Act 1890.—Regulation *re* Staffs, Appointments, &c.—Order amended.
3. MUNICIPAL TRAMWAYS TRUST BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable Robert Beckett moved, that this Bill be now read a second time and, having spoken thereon, it was ordered, on the motion of the Honorable Robert Beckett, that the debate be adjourned until Tuesday, the 12th January next.
4. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day No. 1 be postponed until after No. 3.
5. HAWKERS AND PEDLERS BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
6. ALBERT PARK LAND BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable W. A. Adamson moved, That this Bill be now read a second time and, debate arising thereupon, it was ordered, on the motion of the Honorable F. W. Hagelthorn, that the debate be adjourned until later this day.
7. APPROPRIATION BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
8. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend and continue the 'Price of Goods Act 1914,'*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 23rd December, 1914.

9. PRICE OF GOODS BILL.—On the motion of the Honorable F. W. Hagelthorn, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.

10. **INCOME TAX BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had agreed to the following resolution:—

That it be a suggestion to the Legislative Assembly that they make the following amendment in the Bill:—

Clause 5, omit this clause,

and asked leave to sit again.

On the motion of the Honorable W. L. Baillieu the Report was adopted.

Ordered—That the Bill be returned to the Assembly with a Message suggesting that the Assembly amend the same as set forth in the foregoing resolution.

Resolved—That the Council will, later this day, again resolve itself into a Committee of the whole.

11. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT.

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to make provision for Sewerage Districts and the Sewering thereof,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made in such Bill by the Legislative Council, have disagreed with others, and have agreed to others of the said amendments with amendments, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 23rd December, 1914.

Ordered—That the foregoing Message be taken into consideration later this day.

12. **RATING ON UNIMPROVED VALUES BILL.**—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

13. **JUSTICES BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, later this day, again resolve itself into the said Committee.

14. **STAMP DUTIES BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

15. **ALBERT PARK LAND BILL.**—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

Question—That this Bill be now read a second time—put and negatived.

16. **INSTRUMENTS BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

17. **CROWLAND AND NAVARRE RAILWAY CONSTRUCTION TRUST (INDEMNITY) BILL.**—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

18. **FOODSTUFFS AND COMMODITIES BILL.**—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

19. **SEWERAGE DISTRICTS BILL.**—The Order of the Day for the consideration of the amendments made in this Bill by the Council and disagreed with by the Assembly, or agreed to with amendments, having been read, the said amendments were read and are as follow :—

Amendments made by the Legislative Council.	How dealt with by the Legislative Assembly.
2. Clause 2, line 1, before "Nothing" insert "Except where hereafter expressly provided."	} Agreed to with the following amendment, omit "where hereafter" and insert "as hereinafter."
6. Clause 40, sub-clause (1), paragraph (a), omit this paragraph.	
7. " " paragraph (b), omit this paragraph.	} Disagreed with.
8. " " paragraph (c) omit "skilled."	
9. " " lines 26-27, omit "Provided that any workman employed in tunnelling shall be paid not less than nine shillings per day of eight hours."	
10. " sub-clause (2), omit this sub-clause.	
11. " sub-clause (3), omit this sub-clause.	
12. Clause 48, lines 16-20, omit "the Sewerage Authority or contractor before contracting for the purchase of such goods machinery or material shall satisfy the responsible Minister of the Crown administering this Act that goods machinery or material manufactured or produced in the Commonwealth cannot be purchased or can only be purchased" and insert "such goods machinery or material cannot be manufactured produced or purchased in the Commonwealth except."	
13. <i>MCDONALD</i> , line 25, after "person" insert "authorized in writing by the "Minister."	
18. Clause 105, line 10, after "purchase" insert "and with or without a right of pre-emption."	
19. " line 19, after "district" add "with or without a right of pre-emption."	

Agreed to with the following amendments, viz.:—

Omit the words "sub-section (6) of section eighty-two," after the words "one hundred and fifty-one" insert the words "except paragraph (X.) thereof and," omit the words "one hundred and fifty-seven one hundred and fifty-nine to one hundred and sixty-three both inclusive one hundred and seventy-eight one hundred and seventy-nine one hundred and eighty and one hundred and eighty-four," after the words "of this Act shall" insert the words "extend and," omit all words after the words "Melbourne and Metropolitan Board of Works" where they first occur to the end of the new clause and insert the words "and for the purposes of this section in the construction of the said sections unless inconsistent with the context or subject-matter—

'A Sewerage Authority' or 'the Sewerage Authority' means the Melbourne and Metropolitan Board of Works.

'This Act' means the Melbourne and Metropolitan Board of Works Acts.

'By-law' or 'regulation' means by-law or regulation under the said Acts.

'Sewerage district' means the metropolis as defined in the said Acts."

- Add the following New Clause :—
21. A. Section fifty-three sub-section (6) of section eighty-two sections ninety-four one hundred and thirty-five one hundred and thirty-six one hundred and forty one hundred and forty-one one hundred and fifty one hundred and fifty-one one hundred and fifty-six one hundred and fifty-seven one hundred and fifty-nine to one hundred and sixty-three both inclusive one hundred and seventy-eight one hundred and seventy-nine one hundred and eighty and one hundred and eighty-four of this Act shall apply to the Melbourne and Metropolitan Board of Works which shall be deemed a Sewerage Authority within the meaning of these sections and the provisions thereof shall be substituted for any inconsistent provisions contained in the Melbourne and Metropolitan Board of Works Acts.

Amendment 2.—Amendment of the Assembly on the amendment of the Council agreed to.

Amendments 6 to 11 inclusive, after debate, insisted on.

Amendments 12 and 13, after debate, insisted on.

Amendments 18 and 19, not insisted on.

Amendment 21.—Amendments of the Assembly on the amendment of the Council agreed to.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the amendments of the Assembly on certain amendments of the Council, insist on some of their amendments disagreed with by the Assembly, and do not insist on others of the said amendments.

20. PRICE OF GOODS BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

And the Council having continued to sit after Twelve of the clock—

THURSDAY, 24TH DECEMBER, 1914.

21. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to declare the rates of Income Tax for each of the five Years ending on the thirty-first day of December One thousand nine hundred and nineteen and to amend and continue the Income Tax Acts,*" and acquaint the Legislative Council that the Legislative Assembly having considered the Message of the Legislative Council suggesting, on the consideration of the Bill in Committee, that this House make a certain amendment in such Bill, have decided not to make the amendment suggested by the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 23rd December, 1914.

Ordered—That the foregoing Message be referred to the Committee of the whole on the Income Tax Bill.

22. INCOME TAX BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable A. O. Sachse having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

23. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend and continue the 'Price of Goods Act 1914,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to one of the amendments made in such Bill by the Legislative Council, and have disagreed with the other of the said amendments, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,  
Speaker.

Legislative Assembly,  
Melbourne, 24th December, 1914.

And the said amendment was read, and is as follows:—

Clause 2, line 11, after "shall" insert "in the absence of any claim by the holder that he is under an obligation to another person in respect of such goods."

On the motion of the Honorable F. W. Hagelthorn, and after debate, the Council did not insist on their amendment in clause 2.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council do not insist on their amendment in clause 2 disagreed with by the Assembly.

24. ADJOURNMENT.—The Honorable W. L. Baillieu moved, That the Council, at its rising, adjourn until Tuesday, the 12th January next.

Question—put and resolved in the affirmative.

The Honorable W. L. Baillieu moved, That the House do now adjourn.

Question—put and resolved in the affirmative.

And then the Council, at twenty-six minutes past two o'clock in the morning, adjourned until Tuesday, the 12th January next.

R. W. V. McCALL,  
Clerk of the Legislative Council.

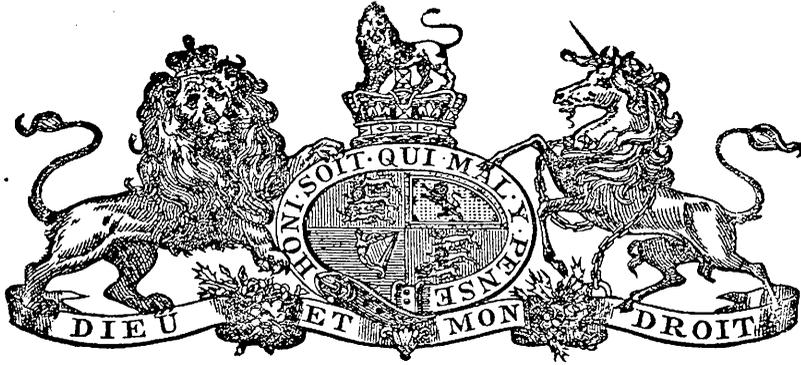
SUBJECT-MATTER OF QUESTIONS OF WHICH NOTICE WAS GIVEN BY HONORABLE  
MEMBERS DURING THE SESSION, AND REPLIES THERETO.

Subject-matter, and Name of Member.	No. of Notice-Paper.	Page in <i>Hansard</i> .
ADVANCES for Seed Wheat—( <i>Hon. F. G. Clarke</i> ) ... ..	3	268-9
ADVANCES to Metropolitan Municipalities ( <i>Hon. Robert Beckett</i> ) ...	4	370
CONSOLIDATION of the Statutes ( <i>Hon. Robert Beckett</i> ) ... ..	1	21-2
RAILWAY Department—Tramway Competition ( <i>Hon. R. B. Rees</i> ) ...	{ 2 3	167-8 268
REDUCTION of Railway Freights ( <i>Hon. H. F. Richardson</i> ) ... ..	6	530
UNIFORM System of Valuations ( <i>Hon. H. F. Richardson</i> ) ... ..	6	530
YARRA Improvement Works ( <i>Hon. J. K. Merritt</i> ) ... ..	2	167

ACTS ASSENTED TO AFTER THE FINAL ADJOURNMENT OF BOTH HOUSES OF PARLIAMENT AND BEFORE THE PROROGATION.

The following Acts were assented to by His Excellency the Governor, on the 30th December, 1914, viz. :—

- “An Act relating to Municipal Endowment.”
- “An Act to authorize the Issue of Treasury Bonds.”
- “An Act to provide for Appeals in Criminal Cases and for other purposes.”
- “An Act relating to Duties payable under the Administration and Probate Acts and to amend the said Acts.”
- “An Act to declare the Rate of Land Tax for the Year ending the thirty-first day of December One thousand nine hundred and fifteen and to amend the Land Tax Acts.”
- “An Act to amend the *Coroners Act* 1911.”
- “An Act to enable Seed and Fodder to be advanced on certain terms to Cultivators of Land and for other purposes.”
- “An Act to amend the *Hawkers and Pedlers Act* 1890.”
- “An Act to apply a sum out of the Consolidated Revenue to the service of the Year ending on the thirtieth day of June One thousand nine hundred and fifteen and to appropriate the Supplies granted in this and the last preceding Session of Parliament.”
- “An Act to amend Section Two and Section Four of the *Rating on Unimproved Values Act* 1914.”
- “An Act to continue the *Foodstuffs and Commodities Act* 1914.”
- “An Act to indemnify the Members of the Crowland and Navarre Railway Construction Trust for not repaying Moneys obtained by Overdraft of Current Account in a certain Bank within two years of the Constitution of such Trust and for other purposes.”
- “An Act to amend Part VII. of the *Instruments Act* 1890.”
- “An Act to further amend the Stamps Acts.”
- “An Act to declare the rates of Income Tax for each of the five Years ending on the thirty-first day of December One thousand nine hundred and nineteen and to amend and continue the Income Tax Acts.”
- “An Act to amend and continue the *Price of Goods Act* 1914.”



VICTORIA  
GOVERNMENT GAZETTE.

Published by Authority.

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No. 3.]

FRIDAY, JANUARY 8.

[1915.

PROROGUING THE PARLIAMENT OF VICTORIA.

PROCLAMATION

By His Excellency the Honorable Sir Arthur Lyulph Stanley, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

**W**HEREAS The Parliament of Victoria stands adjourned until Tuesday, the twelfth day of January, 1915: Now I, the Governor of the State of Victoria in the Commonwealth of Australia, do by this my Proclamation prorogue the said Parliament of Victoria until Tuesday, the ninth day of February, 1915.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this sixth day of January, in the year of our Lord One thousand nine hundred and fifteen, and in the fifth year of the reign of His Majesty King George V.

(L.s.)

A. L. STANLEY.

By His Excellency's Command,

A. J. PEACOCK.

GOD SAVE THE KING!

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SELECT COMMITTEES.

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PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS  
(JOINT).

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APPOINTED (SEE ACT No. 1899) 3RD DECEMBER, 1914.

---

The Hon. A. Hicks

The Hon. D. Melville.

## APPOINTED DURING THE SECOND SESSION 1914.

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### No. 1.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 3rd December, 1914.

The Hon. Robert Beckett Walter S. Manifold D. E. McBryde A. McLellan		The Hon. D. Melville T. H. Payne A. Robinson.
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### No. 2.—ADDRESS IN REPLY TO THE OPENING SPEECH OF HIS EXCELLENCY THE GOVERNOR.

Appointed 3rd December, 1914.

The Hon. F. G. Clarke J. G. Aikman A. A. Austin W. J. Beckett		The Hon. A. Hicks T. H. Payne J. Sternberg.
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### No. 3.—STANDING ORDERS.

Appointed 8th December, 1914.

The Hon. the President W. L. Baillieu J. D. Brown E. J. Crooke F. W. Hagelthorn		The Hon. Walter S. Manifold D. E. McBryde T. H. Payne A. O. Sachse J. Sternberg.
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### No. 4.—PARLIAMENT BUILDINGS (JOINT).

Appointed 8th December, 1914.

The Hon. the President J. G. Aikman W. Little		The Hon. A. McLellan W. Pearson.
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### No. 5.—LIBRARY (JOINT).

Appointed 8th December, 1914.

The Hon. the President W. A. Adamson T. Beggs		The Hon. F. W. Brawn D. Melville.
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### No. 6.—REFRESHMENT ROOMS (JOINT).

Appointed 8th December, 1914.

The Hon. W. H. Fielding A. Hicks J. Y. McDonald		The Hon. J. McWhae R. B. Rees.
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### No. 7.—PRINTING.

Appointed 8th December, 1914.

The Hon. the President W. C. Angliss A. A. Austin Robert Beckett F. G. Clarke		The Hon. W. L. R. Clarke J. P. Jones H. F. Richardson A. Robinson E. J. White.
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VICTORIA.

## LEGISLATIVE COUNCIL.

SECOND SESSION 1914.

WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

TUESDAY, 22ND DECEMBER, 1914.

## No. 1.—SEED ADVANCES BILL—Clause 8—

8. (1) Notwithstanding anything in Part VII. of the *Instruments Act* 1890 a preferable lien on crops although given for the purposes of this Act before the existence of a growing crop shall be as valid and effectual and have the like force and effect as if it had been given on a growing crop.

(2) For the purposes of any such preferable lien the Ninth Schedule to the *Instruments Act* 1890 shall be used with such modifications as the regulations prescribe.

(3) Sections one hundred and sixty and one hundred and sixty-one of the *Instruments Act* 1890 shall not apply to any preferable lien given to the Board pursuant to this Act.

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fodder or both during the year One thousand nine hundred and eight or the year One thousand nine hundred and fourteen before the commencement of this Act.—(*Hon. J. D. Brown.*)

Amendment proposed—That the following words be added to sub-clause (3), viz. :—“over any crop whether in the ground growing or harvested which is the produce of any seed obtained or partly obtained under the provisions of this Act or which has been sown or produced by the aid of fodder obtained under the provisions of this Act.”—(*Hon. Walter S. Manifold.*)

Question—That the words proposed to be added be so added—put.  
Committee divided.

Ayes, 12.

The Hon. W. J. Beckett,  
T. Beggs,  
F. G. Clarke,  
E. J. Croke,  
Walter S. Manifold,  
D. Melville,  
J. K. Merritt,  
T. H. Payne,  
A. Robinson,  
J. Sternberg.

Tellers.

The Hon. A. A. Austin,  
H. F. Richardson.

Noes, 7.

The Hon. W. C. Angliss,  
W. L. Baillieu,  
J. D. Brown,  
F. W. Hagelthorn,  
J. P. Jones.

Tellers.

The Hon. A. McLellan,  
R. B. Rees.

And so it was resolved in the affirmative.

## No. 2. SEWERAGE DISTRICTS BILL.—Clause 40—

40. (1) (a) The hours to be worked by any unskilled adult workman employed by a Sewerage Authority shall not exceed forty-eight hours in any one week, and the rate of wages to be paid by a Sewerage Authority to such workman shall not be less than Eight shillings per day of Eight hours.
- (b) Any such workman may work for a Sewerage Authority overtime for a special payment which shall not be less than time and a quarter for the first two hours so worked and time and a half for each subsequent hour.
- (c) The rate of wages to be paid and the hours to be worked by all skilled workmen employed by a Sewerage Authority shall be the recognised standard rate for the recognised hours.

Provided that any workman employed in tunnelling shall be paid not less than Nine shillings per day of eight hours.

(2) Any Sewerage Authority offending against this section shall be liable to a penalty not exceeding Ten pounds recoverable by any person in a court of petty sessions.

(3) Nothing in this section shall apply to any person or class of persons so employed in any locality where under any determination of a Special Board under the Factories and Shops Acts in force in such locality the wages and hours of labour of such person or class of persons are specifically fixed and determined.—(*Hon. F. W. Hagelthorn.*)

Amendment proposed—That all the words from the beginning of the clause down to and including the words “subsequent hour” be omitted.—(*Hon. J. K. Merritt.*)

Question—That the words proposed to be omitted stand part of the clause—put.  
Committee divided.

Ayes, 10.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
J. D. Brown,  
F. W. Hagelthorn,  
A. Hicks,  
J. P. Jones,  
A. McLellan,  
J. Sternberg.

Tellers.

The Hon. J. G. Aikman,  
W. J. Beckett.

Noes, 13.

The Hon. W. C. Angliss,  
A. A. Austin,  
Robert Beckett,  
T. Beggs,  
F. G. Clarke,  
Walter S. Manifold,  
D. Melville,  
J. K. Merritt,  
T. H. Payne,  
R. B. Rees,  
A. Robinson.

Tellers.

The Hon. E. J. Crooke,  
H. F. Richardson.

And so it passed in the negative.

## WEDNESDAY, 23RD DECEMBER.

## No. 3.—INCOME TAX BILL.—Clause 5—

5. Notwithstanding anything in the Income Tax Acts all income subject to tax earned derived or received by or arising or accruing to a trustee in his representative capacity or received or receivable from the trustee by a taxpayer as a beneficiary shall be deemed and taken to be income the produce of property within the meaning of those Acts, and be liable to tax accordingly —(*Hon. W. L. Baillieu.*)

Amendment proposed—That it be a suggestion to the Legislative Assembly that they make the following amendment in the Bill, viz.:—Clause 5. Omit this clause.—(*Hon. Walter S. Manifold.*)

Question—That the amendment proposed to be suggested be so suggested—put.  
Committee divided.

Ayes, 15.

The Hon. W. C. Angliss,  
A. A. Austin,  
Robert Beckett,  
E. J. Crooke,  
Walter S. Manifold,  
J. McWhae,  
D. Melville,  
J. K. Merritt,  
T. H. Payne,  
R. B. Rees,  
H. F. Richardson,  
A. Robinson,  
J. Sternberg.

Tellers.

The Hon. T. Beggs,  
A. Hicks.

Noes, 8.

The Hon. W. A. Adamson,  
W. L. Baillieu,  
W. J. Beckett,  
J. D. Brown,  
F. W. Hagelthorn,  
J. P. Jones.

Tellers.

The Hon. F. G. Clarke,  
A. McLellan.

And so it was resolved in the affirmative.



MINUTES OF THE PROCEEDINGS OF THE LEG. COUNCIL 1<sup>ST</sup> & 2<sup>ND</sup> SESS. 1914.