

VICT. - MINUTES OF THE PROCEEDINGS OF THE LEG. COUNCIL SESS. 1916.



VICTORIA.



MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

SESSION 1916.

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MINUTES OF THE PROCEEDINGS, ETC.

VICTORIA.

No. 1.

MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL.

WEDNESDAY, 5TH JULY, 1916.

1. The Council met pursuant to the Proclamation of His Excellency the Governor, bearing date the thirteenth day of June, 1916, which Proclamation was read by the Clerk and is as follows:—

FURTHER PROROGUING PARLIAMENT AND FIXING THE TIME FOR HOLDING THE THIRD 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.

WHEREAS The Parliament of Victoria stands prorogued until Tuesday, the twentieth day of June, 1916: 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 fifth day of July, 1916, and I do hereby fix Wednesday, the fifth day of July, 1916, 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 thirteenth day of June, in the year of our Lord One thousand nine hundred and sixteen, and in the seventh 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!

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.

I regret that the end of the great war is not yet in sight, but the British Empire and our gallant Allies are more than ever determined to fight on until victory is achieved.

The buoyancy of the Consolidated Revenue is indicative of the general prosperity of the State, but owing to the extraordinary conditions arising from the war and the drought, which seriously affected the finances during the first portion of the year, I regret to announce that, as forecasted by My Advisers in the Budget statement, the Expenditure will be in excess of the Revenue. Provision has been made for meeting the deficiency by the issue of Treasury Bonds under authority already granted by Parliament.

Owing to the restrictions of the money market, and the necessity for economy, the Government considered it wise to reduce the expenditure of borrowed moneys on railways and public works generally, consequently this expenditure will be considerably less than the amounts approved by Parliament.

Successful arrangements were made for the redemption of the loan of one and a quarter millions, which matured on the 1st April last.

A satisfactory agreement has been made with the Commonwealth by which that Government will arrange for such loan moneys as this State may require in London up to the 31st December next.

The prospects of the State in an agricultural direction are wonderfully changed for the better since this time last year, when the consequences of the drought were still being felt. In the meantime a bounteous season has been passed through, and the wheat harvest in particular gives cause for great satisfaction.

The Government made a strong appeal to wheat growers to crop a large area last season, and advances were made to the extent of £452,000. As a consequence 4,000,000 acres were placed under crop, constituting a record area for Victoria. The magnificent response of farmers to the appeal of the Government resulted in the total wheat yield being almost double that of any previous year.

Of the amount advanced £78,308 has been repaid. In order to give the fullest possible assistance to the producers the Government decided, where securities would permit, to extend the time for payment of the first instalment.

To enable our wheat growers to reap an adequate return from their crops, the Governments of this and the other wheat-growing States combined with the Federal Government in a scheme for marketing the Australian harvest for 1915-16. This scheme has prevented that ruinous competition to sell which would have resulted so disastrously to the farming community and to the State. The beneficial effects of the scheme are already evident, and it is confidently expected that when final returns are available growers will be satisfied with the result, especially when the enormous increases in ocean freights and the shortage of tonnage are fully realized.

No less than 8½ millions sterling has already been made available for farmers through the operation of the Victorian pool, and when the additional sixpence per bushel is paid next month upwards of 10 millions sterling will have been distributed. When it is remembered that about 4½ millions sterling is the average total value of the Victorian crop for the last ten years, and 6½ millions the highest amount ever realized for that crop, the returns this year through the pool operations can be the better appreciated.

My Government realizes how greatly the prosperity of the State depends upon its agriculture and how much a progressive policy in agriculture can effect. In the Wheat Marketing Scheme, as well as in other directions, every effort has been made to extend agricultural production. This policy will be vigorously continued.

The recommendations of the Royal Commission on Fruit have received the serious attention of the Government. Legislation dealing with matters referred to in the Report will be introduced this session.

Efficient Agricultural Education is regarded by the Government as of so much importance to the State that Parliament will be asked to pass legislation to deal with the question.

It is pleasing to be able to announce that, in spite of existing financial conditions and the gratifying enlistment of teachers for war service, the educational activities of the State have not been curtailed. My Ministers fully realize the imperative necessity for steady and persistent educational development. Particular attention is being paid to technical training, and Parliament will be invited to provide further additional funds for buildings and for the equipment and maintenance of technical schools. New junior and senior schools will be established in suitable metropolitan and country districts, and developments will proceed in accordance with a well-considered scheme. Arrangements will be made by My Advisers to increase the travelling facilities now given for the purpose of enabling students to attend centrally-situated high schools and technical schools.

The gold production of the State has unfortunately further declined. Apart from natural contributory causes, such as exhaustion of well-known mines, the industry during the last two years has had to face heavy additional charges for labour and materials as well as its share of industrial unrest. Some mine owners, it is pleasing to record, are making a strenuous attempt to neutralize the effect of these conditions by improvement of plant and co-ordination of effort. I am hopeful that this tendency, together with a gradual reversion to normal conditions, will result in another such revival in gold-mining as has more than once been witnessed in this State.

The ever-increasing demand for power and other purposes emphasizes the high importance of developing our known reserves of coal. To this end it has been decided to actively resume the exploration of our largely untested coal-bearing strata by surveys, surface prospecting, and by boring.

For several years past large areas of known black coal-bearing lands, aggregating 4,000 acres, have been withheld from lease. It has now been decided to make these available for private enterprise.

Parliament will be asked to provide an increased amount for forest development to be expended in the maintenance of the Forests, Plantations and Nurseries Service throughout the State, for the systematic improvement of young natural forests, and for the enclosure and laying down of new plantations of hardwood and pine.

The work of electrifying the Suburban Railway System has been retarded by the War, and it is not therefore practicable to determine with any degree of certainty when the conversion of the first line, viz., between Sandringham and Essendon, from steam to electric traction will be accomplished.

The expert appointed to advise the Government in regard to the system of handling grain in bulk has made certain recommendations which are concurred in by the Railways Commissioners. It is the intention of the Government to invite Parliament at the earliest opportunity to sanction a scheme.

The Government is gratified in having induced the Governments of the wheat-growing States to adopt, as far as possible, uniform systems, which it is believed will result in increased efficiency and greater economy in marketing the Australian wheat harvests.

The Acts required to ratify the Murray Waters Agreement entered into between the Prime Minister of the Commonwealth and the Premiers of the States of New South Wales, Victoria, and South Australia, have been passed by the Parliaments of the Commonwealth and the States concerned. Representatives have been nominated as members of "The River Murray Commission," and the formal appointment of the Commission will be made at an early date. Meanwhile surveys and borings are in progress to ascertain the most suitable site for storage on the Upper Murray as provided in the Agreement.

Good progress has been made with the construction of the important storages at Sugarloaf, Taylor's Lake, and Fyan's Lake; works for the enlargement of Waranga Basin and the Upper Coliban Reservoir are well advanced; whilst the Melton Reservoir works for the supply of Werribee Irrigation District are practically complete. The works referred to will, when completed, provide for the storage of an additional 516,000 acre-feet of water, thus doubling existing storage capacities.

Arrangements are also being made to supplement the supply to Pyke's Creek Reservoir by the construction of a tunnel to divert water thereto from the Werribee River. This will ensure a satisfactory supply to Bacchus Marsh Irrigation District.

The Wimmera-Mallee Main Channels have been completed, and now permit of the various distributary systems therefrom being further developed to better supply the area of some 8,000 square miles of country commanded.

A number of minor but important works have been carried out in the various districts for the better distribution and supply of water for both domestic and stock and irrigation purposes.

Assistance this year has been rendered by the Water Commission to lessees in connexion with the marketing of their lucerne.

The administration of the Sewerage Districts Act, which provides for the sewerage of country centres, has been placed under the State Rivers and Water Supply Commission. Already an application has been received from Bendigo for the constitution of that centre as a sewerage district.

During the recess a Conference of Federal and State Ministers was held at Adelaide, at which Victoria was represented. Amongst other important matters the question of the settlement on the land and employment of our returned soldiers was exhaustively discussed, and measures are being taken to deal with this matter.

The Royal Commission appointed to inquire into and report as to the working of the Public Departments is still prosecuting its inquiries, and will shortly submit a Progress Report.

My Advisers are informed that the very onerous labours of the Closer Settlement Commission are nearing completion. As soon as their final Report has been received the Government will give this important matter their prompt attention.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The Estimates of Expenditure which will be laid before you provide adequately for the requirements of the State.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

It is the intention of My Advisers to submit at the earliest opportunity for your consideration a Bill authorizing a Referendum as to the closing hour for the sale of liquor.

It is also proposed to introduce a measure dealing with strikes and lockouts.

A Bill to make provision for the future development, management, and working of the tramway undertakings of the metropolitan area will be brought forward.

Measures will be introduced to render more effective the administration of the law as to the public health and to amend the Acts relating thereto.

The subject of venereal diseases will also be dealt with.

Proposals will be submitted for legislation for the control and regulation of hospitals and charities.

Legislation to simplify legal procedure, involving amendments of the law relating to the Supreme Court, the County Courts, and the Courts of Petty Sessions will be introduced, also a Bill to amend the law with relation to presentments in criminal proceedings.

You will be asked to consider legislation dealing with the subject of Port Phillip Harbor authorities.

In pursuance of resolutions of the recent Premiers' Conference, and with a view to uniform legislation in the several States, Bills will be introduced for electoral co-operation with the Commonwealth; for the regulation of the manufacture and sale of footwear; and for the hall-marking of jewellery.

Bills dealing with the following subjects will also be brought forward :—

- Control of Patriotic Funds.
- Metropolitan Gas Company.
- Local Government.
- Daylight Saving.
- Legitimation.
- Weights and Measures.
- Public Contracts.
- Commission Agents.
- Nurses' Registration.

I now leave you to the discharge of those high duties with which you are intrusted, and fervently pray that the blessing of Divine Providence may attend your deliberations.

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. M. Davies), A. A. Austin, Robert Beckett, W. J. Beckett, F. G. Clarke, W. L. R. Clarke, F. W. Hagelthorn, A. Hicks, D. E. McBryde, A. McLellan, A. Robinson, and E. J. White severally delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth :—

“In compliance with the provisions of *The Constitution Act Amendment Act 1915, 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 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 situate 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 the said municipality 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 Act 1915, 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 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 situate 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 the said municipality upon a yearly value of £2,512.

“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 Act 1915, 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 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 situate in the municipal districts of Camberwell, and Doncaster respectively, 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 the said municipality upon a yearly value of £78; 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 the said municipality upon a yearly value of £81.

“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 Act 1915, 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 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 situate in the municipal district of Fitzroy, and are known as Nos. 150 to 156 Gertrude-street, Nos. 70, 72, 74 Napier-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 the said municipality upon a yearly value of £157.

“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. J. BECKETT.”

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, FRANCIS GRENVILLE CLARKE*, 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 Victoria of the yearly value of Two hundred and twenty-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 situate in the municipal district of Rodney Shire, and are known as allotments 87 and 88, part allotments 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 the said municipality 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 Act 1915, I, WILLIAM LIONEL RUSSELL CLARKE*, 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 Victoria of the yearly value of Twelve 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 situate in the municipal district of Bulla, and are known as 'Rupertswood' and two hundred and thirty-three acres, Sunbury, being part of W. J. T. Clarke's Crown special survey in the parishes of Buttlejork and Bulla Bulla, No. 373 in the rate-book, and Rupertswood Farm, three hundred and eighty-two acres, being Crown allotment 2 and parts of Crown allotment 1 of section 21 of the parish of Bulla Bulla, No. 196 in the rate-book.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Bulla are rated in the rate-book of the said municipality upon a yearly value of £1,200.

"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. RUSSELL CLARKE."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, FREDERICK WILLIAM HAGELTHORN*, 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 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 situate in the municipal district of Malvern, and are known as 'Coonil,' Wattle-tree-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 the said municipality 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.

"F. HAGELTHORN."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, ALFRED HICKS*, 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 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 situate 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 the said municipality 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 Act 1915, I, DUNCAN ELPHINSTONE MCBRYDE*, 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 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 situate 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 the said municipality upon a yearly value of £380.

"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. McBRYPDE."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, 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 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 situate 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 the said municipality upon a yearly value of £137.

"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 Act 1915, I, ARTHUR ROBINSON*, 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 Victoria of the yearly value of 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 situate in the municipal district of St. Kilda, and are known as Nos. 267 and 269 High-street, St. Kilda.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of St. Kilda are rated in the rate-book of the said municipality upon a yearly value of £80.

"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 Act 1915, 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 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 situate 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 the said municipality upon a yearly value of £150, 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 the said municipality upon a yearly value of £44.

"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."

5. RESIGNATION OF MEMBER.—The President announced that he had received the following communication forwarded to him by His Excellency the Governor:—

Benalla, 12th April, 1916.

YOUR EXCELLENCY,

I have the honour under the provisions of Section VIII. of The Constitution Act to tender to you my resignation as a Member of the Legislative Council of Victoria for the North-Eastern Province.

I have the honour to be,

Your Excellency's most obedient servant,

WILLIS LITTLE.

His Excellency

The Hon. Sir A. L. Stanley, K.C.M.G.,
Governor of Victoria.

[INDORSEMENT.]

Forwarded by direction of His Excellency to the Clerk of the Legislative Council for submission to the Honorable the President.

F. W. MABBOTT,
Official Secretary.

6. RETURNS TO WRITS (BY-ELECTIONS).—The President announced that during the recess he had issued Writs for the election of Members to serve for the following Provinces:—

Melbourne West Province, in the place of the Honorable W. H. Fielding, deceased; and North-Eastern Province, in the place of the Honorable Willis Little, resigned;

and that there had been returned to him such Writs, and by the indorsements thereon it appeared that James Herbert Disney had been elected for the Melbourne West Province, and William Kendell for the North-Eastern Province.

7. RETURNS TO WRITS.—The President announced that there had been received Returns to Writs issued by him for the election of Members to serve in the places of Members whose seats became vacant by effluxion of time, and that by the indorsements on such Writs it appeared that the following Members had been elected for the several Electoral Provinces set opposite their respective names, viz.:—

The Honorable James Kerr Merritt, for the East Yarra Province;
 The Honorable John McWhae, for the Melbourne Province;
 The Honorable John Percy Jones, for the Melbourne East Province;
 The Honorable Donald Melville, for the Melbourne North Province;
 The Honorable Thomas Henry Payne, for the Melbourne South Province;
 The Honorable Daniel Laurence McNamara, for the Melbourne West Province;
 The Honorable Joseph Sternberg, for the Bendigo Province;
 The Honorable Edward Jolley Crooke, for the Gippsland Province;
 The Honorable Theodore Beggs, for the Nelson Province;
 The Honorable William Lawrence Baillieu, for the Northern Province;
 The Honorable Arthur Otto Sachse, for the North-Eastern Province;
 The Honorable Richard Bloomfield Rees, for the North-Western Province;
 The Honorable William Charles Angliss, for the Southern Province;
 The Honorable William Addison Adamson, for the South-Eastern Province;
 The Honorable Horace Frank Richardson, for the South-Western Province;
 The Honorable Frederick William Brawn, for the Wellington Province; and
 The Honorable Walter Synnot Manifold, for the Western Province.

8. SWEARING-IN OF NEW MEMBERS.—The Honorables W. A. Adamson, W. L. Baillieu, T. Beggs, E. J. Crooke, J. H. Disney, J. P. Jones, W. Kendell, Walter S. Manifold, D. L. McNamara, J. McWhae, D. Melville, J. K. Merritt, T. H. Payne, R. B. Rees, H. F. Richardson, A. O. Sachse, and J. Sternberg having approached the Table, took and subscribed the oath required by law, and severally delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth:—

“In compliance with the provisions of *The Constitution Act Amendment Act 1915, 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 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 situate 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 the said municipality 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 the said municipality 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 the said municipality 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 the said municipality 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 the said municipality 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 the said municipality 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 Act 1915, 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 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 situate 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 the said municipality 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 Act 1915, 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 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 situate 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 the said municipality upon a yearly value of £51 10s.

"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 Act 1915, 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 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 situate in the municipal district of Rosedale, and are known as portion of 'The Holely 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 the said municipality upon a yearly value of £227.

"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 Act 1915, I, JAMES HERBERT DISNEY*, 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 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 situate in the municipal district of South Melbourne, and are known as 214-216, and 218 Cecil-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 the said municipality upon a yearly value of £167.

"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. H. DISNEY."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, 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 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 situate 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 the said municipality 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 Act 1915, I, WILLIAM KENDALL*, 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 Victoria of the yearly value of Seventy-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 situate in the municipal district of Newtown and Chilwell, and are known as 'The Priory,' Pakington-street, Geelong.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Newtown and Chilwell are rated in the rate-book of the said municipality upon a yearly value of £75.

"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.

"WM. KENDELL."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, WALTER SYNNOT MANIFOLD, 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 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 situate in the municipal district of the shire of Warrnambool, and are known as parts of Crown allotment 24A and Crown allotment 23 A¹, 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 the said municipality 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 Act* 1915, I, DANIEL LAURENCE McNAMARA, 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 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 situate in the municipal districts of Caulfield and Berwick, and are known as 'Iona,' Talbot-avenue, East St. Kilda, in the municipal district of Caulfield; and allotments 2, section P, and 49A, section Q, parish of Koo-wee-rup east, containing thirty-two acres, in the Iona Riding, municipal district of Berwick.

"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 the said municipality upon a yearly value of £36, and that such of the said lands or tenements as are situate in the municipal district of Berwick are rated in the rate-book of the said municipality upon a yearly value of £65.

"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. L. McNAMARA."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, JOHN McWHAE, 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 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 situate 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 the said municipality 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."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, 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 Victoria of the yearly value of Ninety-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 situate in the municipal districts of Brunswick, Pyalong, and McIvor, and are known as my residence, situate in Albion-street, West Brunswick, with three acres of 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 the said municipality 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 the said municipality upon a yearly value of £20, 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 the said municipality 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 Act 1915*, 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 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 situate 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 the said municipality 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 Act 1915*, 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 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 situate in the municipal district of city of Prahran, and are known as 'Leura,' Toorak, being Crown portion 30, 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 the said municipality upon a yearly value of £900.

"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 Act 1915*, 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 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 situate 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 the said municipality upon a yearly value of above £100.

"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 Act 1915*, 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 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 situate 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 the said municipality 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 Act 1915*, 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 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 situate 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 the said municipality upon a yearly value of £450.

"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 Act 1915, 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 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 situate 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 the said municipality 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 the said municipality 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 Deakin and are thirdly above described are rated in the rate-book of the said municipality 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.

"J. STERNBERG."

9. CHEMISTS' APPRENTICES (WAR SERVICE) BILL.—On the motion of the Honorable A. Robinson a Bill relating to Chemists' Apprentices on War Service was read a first time, ordered to be printed, and to be read a second time on Wednesday next.
10. 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 1915, I do hereby appoint—*

The Honorable Austin Albert Austin,
The Honorable Robert Beckett,
The Honorable James Drysdale Brown,
The Honorable Francis Grenville Clarke,
The Honorable Alfred Hicks,
The Honorable Duncan Elphinstone McBryde, and
The Honorable Adam McLellan

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

Given under my hand this fifth day of July, One thousand nine hundred and sixteen.

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

11. CHAIRMAN OF COMMITTEES.—The Honorable W. L. Baillieu moved, by leave, That the Honorable Arthur Otto Sachse be Chairman of Committees of the Council.
Debate ensued.
Question—put and resolved in the affirmative.
12. PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS.—The Honorable W. L. Baillieu moved, by leave, That the Honorable Donald Melville be appointed a member of the Parliamentary Standing Committee on Railways.
Debate ensued.
Question—put and resolved in the affirmative.
13. THE LATE HONORABLE WILLIAM HARRIS FIELDING.—The Honorable F. W. Hagelthorn 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 Harris Fielding, one of the Members for the Melbourne West Province.
Debate ensued.
The President (the Honorable J. M. Davies) said—In putting the motion I should like to record my tribute of respect to the late honorable member. I cordially indorse everything that has been said with reference to his character. The late Mr. Fielding was a thorough gentleman. Although on a great number of matters his views were opposed to those of a majority of honorable members, yet he never expressed himself in any way that caused the slightest irritation or friction. Mr. Jones has referred to the funeral. The very large attendance at the funeral was the best testimonial of the respect and esteem in which the late honorable member was held by those amongst whom he lived. As Mr. Manifold has said, we very often have to pass similar resolutions. It seems as if in this House a greater proportion of deaths occurs than in any other portion of the community, and that section of whom the late honorable member formed one has had to bear lately the double loss of two members. My sympathies are with them, and I am quite sure we all sympathize with the widow and family of the late Mr. Fielding.

Question—put and resolved in the affirmative.

14. **THE LATE HONORABLE JOHN MURRAY.**—The Honorable W. L. Baillieu moved, That this House places on record its deep sense of the loss which the State has sustained through the death of the Honorable John Murray. As Premier of the State, as a Minister of the Crown, and a Member of Parliament, he was held in high esteem by all classes of the people.
Debate ensued.
Question—put and resolved in the affirmative.

15. **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, 1915.
Public Departments.—Progress Report of the Royal Commission.
Public Service Commissioner.—Report for the year 1915.
Statistical Register of the State of Victoria—
For the year 1914—
Part IX.—Production.
Part X.—Interchange.
For the Year 1915—
Part I.—Blue Book.

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 :—

- Companies Act 1910.—Rule 196—Return by Prothonotary of Business of Court.
Companies Act 1915.—Rules of the Supreme Court.—New Rule.
Country Fire Brigades Board.—Report for the year ended 31st December, 1915, together with Statement of Receipts and Expenditure, and Assets and Liabilities, for that period.
Education Act 1915—
Additional Regulation XLIV.—Art Teacher's Certificate.
Addition to Regulation XII (A).—Teacher's College Courses.
Electric Light and Power Act 1915.—Report respecting Applications and Proceedings for the year 1915.
Explosives Act 1915—
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.
Health Acts.—Regulations and Standards for Food and Drugs.
Inter-State Destitute Persons Relief Act 1915.—Regulations.
Justices Act 1915.—Rules.
Labour Covenants of Mining Leases and Licences.—List of Suspensions granted during the year 1915.
Licensing Act 1915.—Additional Rule.
Lifts Regulations Act 1915.—Regulations.
Marine Act 1915.—Marine Board of Victoria.—Regulations.—Temporary Certificate as Second Mate.
Marriage Act 1915.—Regulations.
Metropolitan Fire Brigades Board.—Report for year ending 31st December, 1915.
Midwives Act 1915.—Midwives Registration Board.—Regulations and Forms, Notices, and Instructions
Mines Act 1915.—Regulations.
Money Lenders Act 1915.—Regulations.
Neglected Children's Act 1915.—Regulations.
Parliamentary Standing Committee on Railways.—Twenty-sixth General Report.
Public Library, Museums, and National Gallery of Victoria.—Rules and Regulations.
Public Service Act 1915.—Regulations—
Appointment or Transfer to the Clerical Division, Chapter III.
Appointment to the General Division, Chapter V.
Appointment to the Professional Division, Chapter II.
Classification of General Division, Chapter VI. (6 papers.)
Insurance of Officers, Chapter VII. (2 papers.)
Stores and Transport, Chapter XV.
Temporary Employment, Chapter VIII.
Travelling Allowances, Chapter IX. (3 papers.)
Public Service Act 1915 and Lunacy Act 1915.—Regulations.—Lunacy Department.
Railways.—Reports of the Victorian Railways Commissioners—
For the quarter ending 30th September, 1915.
For the quarter ending 31st December, 1915.
For the quarter ending 31st March, 1916.
Registration of Births Deaths and Marriages Act 1915.—Regulations.
Stamps Act 1915.—Regulations.
State Accident Insurance Office.—Report, Profit and Loss Account, and Balance-sheet for period ending 30th June, 1915.
Supreme Court Act 1915.—Supreme Court Office Fees Regulations 1916.
University of Melbourne.—Report of the Proceedings from 31st July, 1914, to 31st July, 1915; together with Four Appendices, containing A.—List of Contributions to Literature and Science published by Members of University Staff and Students working in the University Laboratories; B.—List of Donations to the Libraries; C.—Statement of Accounts for the year 1914; D.—Amendment of Statutes and Regulations and New Regulations made during the year.

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

The Honorable W. Kendell moved, That a Committee be appointed to prepare an Address to His Excellency the Governor in reply to His Excellency the Governor's Speech.

Question—put and resolved in the affirmative.

The Honorable W. Kendell moved, That the Committee consist of the Honorables W. Kendell, J. D. Brown, F. G. Clarke, J. H. Disney, D. L. McNamara, D. Melville, and J. K. Merritt.

Question—put and resolved in the affirmative.

The Committee retired to prepare the Address.

The Honorable W. Kendell 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 W. Kendell 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 Wednesday next.

17. **ADJOURNMENT.**—The Honorable F. W. Hagelthorn moved, That the Council, at its rising, adjourn until Wednesday next, at half-past four o'clock.

Question—put and resolved in the affirmative.

The Honorable F. W. Hagelthorn moved, That the House do now adjourn.

Question—put and resolved in the affirmative.

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

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



VICTORIA.

No. 2.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 12TH JULY, 1916.

1. The President took the Chair and read the Prayer.
2. SUBPŒNA SERVED ON CLERK OF COUNCIL.—The President announced that a subpœna had been served on the Clerk requiring him to attend at the Court of Petty Sessions at Brunswick, on Friday, the 21st day of July, 1916, at Ten o'clock in the forenoon, and produce the following documents :—
 1. Writ* of His Excellency the Governor for the election of a member of the Legislative Council for the Melbourne North Province (held on 1st June, 1916).
 2. Ballot-paper issued to and used by Robert Wray at Moonee Ponds polling booth.
 3. Ballot-paper issued to and used by Robert Wray at Brunswick polling booth.
 4. Certified copies of rolls used at the said polling booths,
 in connexion with the prosecution of Robert Wray for voting twice at an election for the Melbourne North Province held on the 1st June, 1916.

The Honorable W. L. Baillieu moved, by leave, That leave be given to the Clerk, or such other officer of the Legislative Council as he may direct, to attend at the Court of Petty Sessions at Brunswick, and produce the documents required by the subpœna.

Question—put and resolved in the affirmative.

* This Writ was issued by the Honorable the President.

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 Two millions five hundred and eight thousand three hundred and seventy-three pounds to the service of the year One thousand nine hundred and sixteen and One thousand nine hundred and seventeen,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 11th July, 1916.

FRANK MADDEN,
Speaker.

4. 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.
5. 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.

6. **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.
7. **PARLIAMENT BUILDINGS COMMITTEE.**—The Honorable W. L. Baillieu moved, That the Honorables the President, W. A. Adamson, A. A. Austin, A. McLellan, and J. K. Merritt be Members of the Joint Committee to manage and superintend the Parliament Buildings.
Question—put and resolved in the affirmative.
8. **LIBRARY COMMITTEE.**—The Honorable W. L. Baillieu moved, That the Honorables the President, T. Beggs, F. W. Brawn, F. G. Clarke, and D. Melville be Members of the Joint Committee to manage the Library.
Question—put and resolved in the affirmative.
9. **REFRESHMENT ROOMS COMMITTEE.**—The Honorable W. L. Baillieu moved, That the Honorables A. Hicks, J. P. Jones, 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.
10. **PRINTING COMMITTEE.**—The Honorable W. L. Baillieu moved, That the Honorables the President, W. C. Angliss, W. J. Beckett, W. L. R. Clarke, J. H. Disney, W. Kendell, D. L. McNamara, W. Pearson, H. F. Richardson, and E. J. White be Members of the Printing Committee; three to be the quorum.
Question—put and resolved in the affirmative.
11. **STATUTE LAW REVISION COMMITTEE.**—The Honorable W. L. Baillieu moved, That, in compliance with the recommendation of the Joint Select Committee on the Consolidation of the Laws, adopted by this House on the 22nd June, 1915, a Committee be appointed, consisting of six Members, to join with a Committee of the Legislative Assembly to deal with anomalies in the law and make recommendations as to statutory amendments, such Committee to consist of the Honorables Robert Beckett, J. D. Brown, F. G. Clarke, E. J. Crooke, Walter S. Manifold, and A. Robinson, with power to send for persons, papers, and records; five to be the quorum.
Question—put and resolved in the affirmative.
Ordered—That a Message be sent to the Legislative Assembly acquainting them with the foregoing resolution.
12. **PRESENTMENTS BILL.**—On the motion of the Honorable A. Robinson, a Bill to amend the Law relating to Presentments in Criminal Cases and matters preliminary, incidental, or similar thereto was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
13. **FUNGICIDES BILL.**—On the motion of the Honorable F. W. Hagelthorn, a Bill to regulate the Sale of Fungicides Insecticides Vermin Destroyers and Weed Destroyers and for other purposes, was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
14. **MELBOURNE BUILDING BY-LAWS BILL.**—On the motion of the Honorable W. A. Adamson, a Bill relating to Building By-laws of the City of Melbourne was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
15. **EXECUTION OF TRUSTS ACT 1915 AMENDMENT BILL.**—On the motion of the Honorable A. Robinson, a Bill to amend and extend the provisions of the *Execution of Trusts Act 1915* was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
16. **STATE WAR COUNCIL BILL.**—On the motion of the Honorable W. A. Adamson, a Bill to make provision for a State War Council and for other purposes, was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
17. **UNAUTHORIZED DOCUMENTS ACT 1915 AMENDMENT BILL.**—On the motion of the Honorable A. Robinson, a Bill to amend the *Unauthorized Documents Act 1915* was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
18. **MELBOURNE AND GEELONG IMPROVEMENTS BILL.**—On the motion of the Honorable W. A. Adamson, a Bill to empower the City of Melbourne and the City of Geelong to reclaim and improve insanitary low-lying or overcrowded areas was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
19. **GOLD AND SILVER MARKING BILL.**—On the motion of the Honorable A. Robinson, a Bill to provide for the marking of Articles of Gold and Silver and for the Warranty of such Articles; to regulate the Sale and Exposing for Sale of Articles of Gold and Silver and for other purposes was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
20. **PAPERS.**—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—
Mines.—Annual Report of the Secretary for Mines to the Honorable T. Livingston, 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, Coal Miners' Accidents Relief, Boring Operations, &c., for the year 1915.

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—

Factories and Shops.—Report of the Chief Inspector for the year ended 31st December, 1915.

Fisheries Act 1915.—Notices of intention to issue Proclamations—

Re Boats and Nets on the North Arm at Lakes Entrance.

Re Marketing of Oysters.

Re Netting in the South-West Passage at Port Fairy.

Re Second Schedule, *Fisheries Act* 1915.

To prohibit Oyster Dredging in portion of Western Port Bay.

Forests Act 1915.—Copy of the proposed Order in Council (No. 14) to excise certain areas from the State Forests for public use ; together with Schedule.

Medical Act 1915.—Dental Board of Victoria.—Regulations relating to Elections.

21. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 1 and 2 be postponed until later this day.
22. 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.
23. 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 His Excellency the Governor's Speech, having been read—
Debate resumed.
The Honorable W. J. Beckett 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.
24. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day No. 2 be postponed until Tuesday next.
25. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at thirty 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, 18TH JULY, 1916.

1. The Council met in accordance with adjournment.
2. **ABSENCE OF THE PRESIDENT.**—The Clerk having announced that the Honorable the President was unavoidably absent through a family bereavement, the Honorable A. O. Sachse, on the motion of the Honorable F. W. Hagelthorn, was chosen to fill temporarily the office and perform all the duties of the President during his absence.
3. The Acting-President took the Chair and read the Prayer.
4. **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.**—The following Message from His Excellency the Governor was presented by the Honorable F. W. Hagelthorn, and the same was read by the Honorable the Acting-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 Two millions five hundred and eight thousand three hundred and seventy-three pounds to the service of the year One thousand nine hundred and sixteen and One thousand nine hundred and seventeen.”

Government Offices,
Melbourne, 13th July, 1916.

5. **PAPERS.**—The Honorable F. W. Hagelthorn presented, by command of His Excellency the Governor—Victorian Coal Miners' Accidents Relief Board.—Annual Report for the year 1915.
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 Clerk:—
County Court Act 1915.—Amended Scale of Costs payable in County Courts.
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 His Excellency the Governor's Speech, having been read—
Debate resumed.
The Honorable A. Hicks 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.
7. **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.
8. **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.

APPENDIX

VICTORIA.

No. 4.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 25TH JULY, 1916.

1. The President took the Chair and read the Prayer.
2. **SWEARING-IN OF NEW MEMBER.**—The Honorable F. W. Brawn, having approached the Table, took and subscribed the oath required by law, and delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth :—

“ In compliance with the provisions of *The Constitution Act Amendment Act 1915, 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 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 situate 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 the said municipality upon a yearly value of £127.

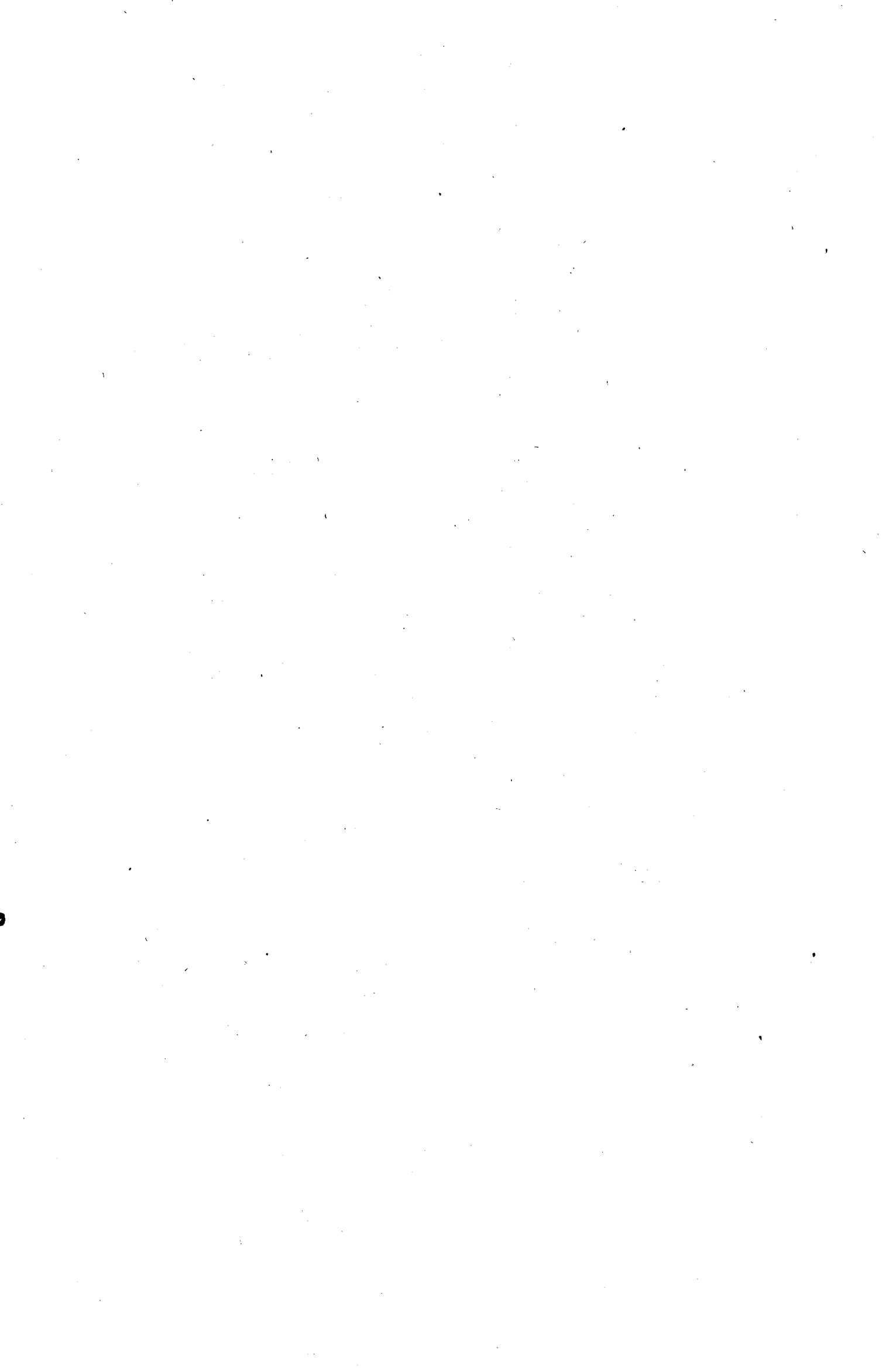
“ And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“ F. W. BRAWN ”
3. **PAPERS.**—The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk :—

Fruit Act 1915.—
Regulations in regard to Formation of Trusts.
Supplementary Regulations in regard to Formation, &c., of Trusts.
4. **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 His Excellency the Governor's Speech, having been read—
Debate resumed.
The Honorable D. L. McNamara 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 Orders of the Day Nos. 2 to 10 inclusive be postponed until Tuesday next.
6. **ADJOURNMENT.**—Ordered, That the Council, at its rising, adjourn until Tuesday next.

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

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



VICTORIA.

No. 5.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1ST AUGUST, 1916.

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 :—
Land Acts.—Lease under section 131 of the *Land Act* 1901, Parish of Greenhills, County of Normanby.
3. 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 His Excellency the Governor's Speech, having been read—
Debate resumed.
Question—put and resolved in the affirmative.
The Honorable W. L. Baillieu 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.
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, the 15th instant.
5. WAR IN EUROPE.—SECOND ANNIVERSARY OF DECLARATION OF WAR.—The Honorable W. L. Baillieu moved, by leave, That on the eve of the second anniversary of the declaration of a righteous war the Legislative Council of Victoria records its inflexible determination to continue to a victorious end the struggle in maintenance of those ideals of liberty and justice which are the common and sacred cause of the Allies.
Debate ensued.
On the question being put, honorable Members rose in their places and the foregoing resolution was carried unanimously.
6. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday, the 15th instant.

And then the Council, at twenty minutes past ten o'clock, adjourned until Tuesday, the 15th instant.

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

VICTORIA.

No. 6.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 15TH AUGUST, 1916.

1. The President took the Chair and read the Prayer.
2. DECLARATIONS OF MEMBERS.—The Honorables J. D. Brown and J. Y. McDonald severally delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth:—

“In compliance with the provisions of *The Constitution Act Amendment Act 1915, 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 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 situate 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 the said municipality upon a yearly value of £138.

“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 Act 1915, 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 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 situate 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 the said municipality upon a yearly value of £261.

“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.”

3. SWEARING-IN OF NEW MEMBER.—The Honorable W. C. Angliss, having approached the Table, took and subscribed the oath required by law, and delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth:—

“In compliance with the provisions of *The Constitution Act Amendment Act 1915, 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 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 situate 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 the said municipality upon a yearly value of £420.

“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.”

4. **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 1st instant, in reply to His Excellency the Governor's 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.

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 apply out of the Consolidated Revenue the sum of Two hundred and forty-eight thousand seven hundred and fifty-seven pounds to the service of the year One thousand nine hundred and fifteen and One thousand nine hundred and sixteen,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 10th August, 1916.

6. **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.

7. **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, in compliance with the recommendation of the Joint Select Committee on the Consolidation of the Laws, adopted by the Legislative Assembly on the 16th June, 1915, they have appointed a Committee of six Members, to join with the Committee of the Legislative Council to deal with anomalies in the law and make recommendations as to statutory amendments, such Committee consisting of Mr. Blackburn, Mr. Lawson, Mr. Mackey, Mr. Mackinnon, Mr. Prendergast, and Mr. Snowball, with power to send for persons, papers, and records, and to sit on days on which the House does not meet; five to be the quorum.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 9th August, 1916.

8. **SUBPŒNA SERVED ON CLERK OF COUNCIL.**—The President announced that a subpœna had been served on the Clerk requiring him to attend the sitting of the Supreme Court for the hearing of Criminal Trials to be holden at Melbourne on Tuesday, the 15th day of August, 1916, and produce the following documents :—

1. Writ* of His Excellency the Governor for the election of a Member of the Legislative Council for the Melbourne North Province (held on 1st June, 1916).
2. Ballot-paper issued to and used by Robert Wray at Moonee Ponds polling booth.
3. Ballot-paper issued to and used by Robert Wray at Brunswick polling booth.
4. Certified copies of rolls used at the said polling booths,

in connexion with the trial of Robert Wray for unlawfully voting twice at an election for the Melbourne North Province held on the 1st June, 1916.

The Honorable W. L. Baillieu moved, by leave, That leave be given to the Clerk, or such other officer of the Legislative Council as he may direct, to attend the Supreme Court, and produce the documents required by the subpœna.

Question—put and resolved in the affirmative.

* This Writ was issued by the Honorable the President.

9. **MELBOURNE WEST PROVINCE ELECTION.**—The President announced that there had been presented to him a Petition from John George Aikman, Merchant, praying that the election of the Honorable Daniel Laurence McNamara for the Melbourne West Province be declared void and that it be declared that the petitioner was returned as member for the said Province, and that the petition be referred to the Committee of Elections and Qualifications.

The Petition, having been laid on the Table by the President, was read by the Clerk and is as follows :—

TO THE HONORABLE JOHN MARK DAVIES, PRESIDENT OF THE LEGISLATIVE COUNCIL
OF THE STATE OF VICTORIA.

The Humble Petition of John George Aikman, of Holmes-road, Moonee Ponds, in the State of Victoria, Merchant, respectfully sheweth :—

1. That a Writ was duly issued on the sixteenth day of May, One thousand nine hundred and sixteen to proceed to the election of a member to serve in the Legislative Council for the Province of Melbourne West upon the retirement of your Petitioner from the representation of the said Province owing to his seat in the said Province being vacated by effluxion of time.

The said election was held upon the first day of June, One thousand nine hundred and sixteen.

2. That your Petitioner was a duly nominated candidate at such election and was qualified and capable of being elected a member of the Legislative Council.

3. That one Daniel Laurence McNamara, of Talbot-avenue, East St. Kilda, in the said State, Secretary, was also nominated as a candidate at such election.

4. No other persons were nominated for or stood as candidates at such election.

5. That as a result of such election the Returning Officer announced that Daniel Laurence McNamara had received Five thousand one hundred and seventy-seven votes and your Petitioner Four thousand nine hundred and twenty-seven votes, and thereupon the Returning Officer declared the said Daniel Laurence McNamara duly elected as a member of the Legislative Council for the Province of Melbourne West, and indorsed and returned the said Writ accordingly.

6. That the said Daniel Laurence McNamara was not nominated as a candidate at such election in accordance with the provisions of *The Constitution Act Amendment Act 1915*, Section 206.

7. That the said Daniel Laurence McNamara was not qualified to be or capable of being elected a member of the Legislative Council, inasmuch as the said Daniel Laurence McNamara had not for one year previously to such election been legally or equitably seized of or entitled to an estate of freehold in possession for his own use and benefit in lands or tenements in Victoria of the annual value of Fifty pounds above all charges and encumbrances affecting the same other than any public or parliamentary tax or municipal or other rate or assessment.

8. That the said Daniel Laurence McNamara delivered to the Returning Officer with his nomination paper a declaration to the effect that he was legally or equitably seized of or entitled to lands or tenements in Victoria sufficient to qualify him to be a member of the Legislative Council under *The Constitution Act Amendment Act 1915* which declaration was false and false to the knowledge of the said Daniel Laurence McNamara.

9. That the said Daniel Laurence McNamara on taking his seat in the Legislative Council made and subscribed a declaration in the form set forth in the Fourth Schedule to the said Act to the effect that he was legally or equitably seized of or entitled to certain lands or tenements in Victoria set forth in the said declaration sufficient to qualify him to be a member of the Legislative Council under the said Act which declaration was false and false to the knowledge of the said Daniel Laurence McNamara.

10. That the said Daniel Laurence McNamara is not now and never was legally or equitably seized of or entitled to lands or tenements in Victoria sufficient to qualify him to be a member of the Legislative Council under the said Act.

11. That your Petitioner claims that he was the only qualified candidate at such election and was duly elected as a member of the said Province at such election and should be declared duly elected as such member.

Your Petitioner therefore Humbly Prays—

That you will be pleased to communicate the matter of this Petition to the Legislative Council of Victoria in order that the same may be referred to the Committee of Elections and Qualifications of your Honorable House.

And also Prays—

That it be declared that the said Daniel Laurence McNamara was not a candidate at such election.

That the said Daniel Laurence McNamara be declared incapable of being elected or returned for the said electoral Province of Melbourne West and of sitting as a member for the said Province.

That the election of the said Daniel Laurence McNamara be declared void.

That it be declared that your Petitioner was returned as member for the said Electoral Province and is entitled to serve as such member and that the return for such Province be amended accordingly.

That it be declared that the said Daniel Laurence McNamara is not now qualified as a member for the said Province and that his seat be declared vacant.

That it be declared that the said Daniel Laurence McNamara was elected to the Legislative Council and took his seat by unlawful means and that his election be avoided and his seat vacated.

And that your Petitioner may have such further and other relief as the circumstances of the case may require or as to the said Committee of your Honorable House may seem meet.

And your Petitioner as in duty bound will ever pray.

Dated this fourth day of August One thousand nine hundred and sixteen.

J. G. AIKMAN.

Witness—

W. B. McCUTCHEON,
Parliamentary Agent and Solicitor,
418 Collins-street, Melbourne.

The Honorable W. L. Baillieu moved, That the foregoing Petition be referred to "The Committee of Elections and Qualifications" for consideration and report.

Question—put and resolved in the affirmative.

10. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable W. L. Baillieu moved, by leave, That the Committee of Elections and Qualifications have leave to meet on days on which the Council does not sit.

Question—put and resolved in the affirmative.

11. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Members of "The Committee of Elections and Qualifications," viz. :—The Honorables A. A. Austin, Robert Beckett, J. D. Brown, F. G. Clarke, A. Hicks, D. E. McBryde, and A. McLellan approached the Table, and took the oath provided by the three hundred and fiftieth section of the Act No. 2632, and severally subscribed the same before the Clerk.

The President appointed Tuesday, the 22nd day of August instant, at the hour of 3 o'clock in the afternoon as the time, and the Legislative Council Committee Room as the place, for the first meeting of the said Committee.

12. PAPERS.—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—Border Railways.—Report of the Royal Commission, together with Copies of Commissions, Evidence, Appendices, and Plan.

Inebriate Institutions.—Report of the Inspector for the year ending 31st December, 1915.

Inter-State Conferences—

Report of the Resolutions, Proceedings, and Debates of the Inter-State Conference on Forestry held at Adelaide, May, 1916.

Report of the Resolutions, Proceedings, and Debates of the Premiers' Conference held at Adelaide, May, 1916, together with Appendices.

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:—

Audit Act 1915.—General Regulations respecting Public Accounts.

Crimes Act 1915 and Indeterminate Sentences Act 1915.—Regulations as to Indeterminate Sentences and Release on Recognisances of First Offenders.

Education Act 1915.—Addendum to Regulation XLII.

Explosives Act 1915.—Report of the Chief Inspector on the Working of the Explosives Act during the year 1915.

Friendly Societies.—Report of the Registrar for the year 1915.

Geelong Harbor Trust Commissioners.—Accounts to 31st December, 1915.

13. CHEMISTS' APPRENTICES (WAR SERVICE) 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 transmitted to the Assembly with a Message desiring their concurrence therein.
14. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, after debate, That the consideration of Orders of the Day Nos. 2 to 4 inclusive be postponed until Tuesday next.
15. EXECUTION OF TRUSTS ACT 1915 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 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. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day No. 6 be postponed until Tuesday next.
17. UNAUTHORIZED DOCUMENTS ACT 1915 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.
18. CONSOLIDATED REVENUE BILL (No. 2).—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. 8 and 9 be postponed until Tuesday next.
20. WAR IN EUROPE—CONTROL OF PATRIOTIC FUNDS.—The Honorable J. McWhae moved, That a Select Committee of five members be appointed to join with a Committee of the Legislative Assembly to inquire into and report as to what patriotic funds have been raised in Australia, the nature and extent of the work being carried out by the committees controlling such funds, and whether such funds are meeting or will meet the necessities and requirements of our returned men, such Committee to consist of the Honorables A. A. Austin, Robert Beckett, Walter S. Manifold, A. McLellan, and the Mover, with power to send for persons, papers, and records, and to move from place to place; four to be the quorum.
Debate ensued.
The Honorable F. G. Clarke 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.
21. ADJOURNMENT.—The Honorable W. L. Baillieu moved, by leave, That the Council at its rising adjourn until Tuesday next.
Question—put and resolved in the affirmative.
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 ten minutes past nine 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, 22ND AUGUST, 1916.

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 F. W. Hagelthorn, 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 apply out of the Consolidated Revenue the sum of Two hundred and forty-eight thousand seven hundred and fifty-seven pounds to the service of the year One thousand nine hundred and fifteen and One thousand nine hundred and sixteen.”
Government Offices,
Melbourne, 21st August, 1916.
3. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk :—
Mines Act 1915.—Regulations rescinded, and Regulations substituted.
4. MELBOURNE BUILDING BY-LAWS 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.
5. FUNGICIDES 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 transmitted to the Assembly with a Message desiring their concurrence therein.
6. MELBOURNE AND GEELONG IMPROVEMENTS 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.

7. EXECUTION OF TRUSTS ACT 1915 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 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.
8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 5 to 7 inclusive be postponed until Tuesday next.
9. WAR IN EUROPE—CONTROL OF PATRIOTIC FUNDS.—The Order of the Day for the resumption of the debate on the question, That a Select Committee of five members be appointed to join with a Committee of the Legislative Assembly to inquire into and report as to what patriotic funds have been raised in Australia, the nature and extent of the work being carried out by the committees controlling such funds, and whether such funds are meeting or will meet the necessities and requirements of our returned men, such Committee to consist of the Honorables A. A. Austin, Robert Beckett, Walter S. Manifold, A. McLellan, and the Mover, with power to send for persons, papers, and records, and to move from place to place; four to be the quorum, having been read—
Debate resumed.
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.
10. ADJOURNMENT.—The Honorable F. W. Hagelthorn moved, by leave, That the Council at its rising adjourn until Tuesday next.
Question—put and resolved in the affirmative.
The Honorable F. W. Hagelthorn moved, That the House do now adjourn.
Debate ensued.
Question—put and resolved in the affirmative.

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

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

VICTORIA.

No. 8.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 29TH AUGUST, 1916.

1. The President took the Chair and read the Prayer.
2. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable Robert Beckett, Chairman, brought up a Report from the Committee of Elections and Qualifications. Report read and, together with the Proceedings of the Committee and Minutes of Evidence, ordered to lie on the Table, and to be printed.
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 'Education Act 1915,'*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 22nd August, 1916.

4. EDUCATION 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. WHITE PHOSPHORUS MATCHES PROHIBITION BILL.—On the motion of the Honorable F. W. Hagelthorn, a Bill to prohibit the Manufacture and Sale of Matches made with White Phosphorus and for other purposes in connexion therewith was read a first time, ordered to be printed, and to be read a second time to-morrow.
6. UNIVERSITY BILL.—On the motion of the Honorable F. W. Hagelthorn, a Bill to provide for the conferring of University Degrees Diplomas Certificates or Licences in the case of Persons who have become qualified to receive the same but have died on War Service was read a first time, ordered to be printed, and to be read a second time to-morrow.
7. WITNESSES BILL.—On the motion of the Honorable A. Robinson, a Bill to afford protection to Witnesses giving Evidence before Persons acting judicially was read a first time, ordered to be printed, and to be read a second time to-morrow.
8. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—
 - Closer Settlement Act 1915.—Regulations.
 - Constitution Statute.—Statement of Expenditure under Schedule D to Act 18 and 19 Vict., Cap. 55, during the year 1915-16.
 - Land Act 1915.—Addition to Regulations.
 - Stock Foods Act 1915.—Regulations.
 - Workers' Compensation Act 1915.—Rules.

9. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered, after debate, That the consideration of Orders of the Day Nos. 1 to 5 inclusive be postponed until to-morrow
10. **TIME LIMIT TO SPEECHES.**—The Honorable A. A. Austin moved, That, in order to secure the despatch of business, the Standing Orders of the House be amended by placing a time limit on the speeches delivered by Honorable Members in the House, and that the question be referred to the Standing Orders Committee for consideration and report.

Debate ensued.

Question put.

The Council divided.

Ayes, 9.

The Hon. A. A. Austin,
Robert Beckett,
F. W. Brawn,
E. J. Crooke,
A. Hicks,
Walter S. Manifold,
T. H. Payne.

Tellers.

The Hon. W. Kendell,
H. F. Richardson.

Noes, 11.

The Hon. W. A. Adamson,
W. L. Baillieu,
W. J. Beckett,
J. D. Brown,
J. H. Disney,
F. W. Hagelthorn,
A. McLellan,
D. Melville,
A. O. Sachse.

Tellers.

The Hon. W. C. Angliss,
J. McWhae.

And so it passed in the negative.

11. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered, That the consideration of 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 forty-seven minutes past five o'clock, adjourned until to-morrow.

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

VICTORIA.

No. 9.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 30TH AUGUST, 1916.

1. The President took the Chair and read the Prayer.
2. RAILWAY MATERIAL MANUFACTURED IN GERMANY AND AUSTRIA-HUNGARY.—The Honorable J. D. Brown moved, pursuant to *amended* notice, That there be laid before this House a Return showing the amounts paid by the Victorian Railways Commissioners during each of the financial years, commencing on the 1st July, 1901, and ending 30th June, 1914, for railway material manufactured in Germany and in Austria-Hungary; in each instance giving the name of the manufacturer.
Debate ensued.
Question—put and resolved in the affirmative.
3. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of the Order of the Day, General Business, be postponed until Tuesday, the 12th September next.
4. NURSES REGISTRATION BILL.—On the motion of the Honorable A. Robinson, a Bill to regulate the Qualifications of Trained Nurses and to provide for their Registration and for other purposes was read a first time, ordered to be printed, and to be read a second time on Tuesday, the 12th September next.
5. EDUCATION 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 and, debate arising thereupon, it was ordered, on the motion of the Honorable Robert Beckett, That the debate be adjourned until later this day.
6. SWEARING-IN OF NEW MEMBER.—The Honorable J. G. Aikman, having approached the Table, took and subscribed the oath required by law, and delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth :—
“In compliance with the provisions of *The Constitution Act Amendment Act 1915*, 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 Victoria of the yearly value of One hundred and twelve 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 situate in the municipal district of Dandenong, and are known as part of Crown allotment 6A, and part of Crown allotment 143, parish of Lyndhurst, county of Mornington.
“And I further declare that such of the said lands or tenements as are situate in the municipal district of Dandenong are rated in the rate-book of the said municipality upon a yearly value of £112.
“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.”

7. **EDUCATION 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 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 ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day No. 2 be postponed until Tuesday, the 12th September next.
9. **EXECUTION OF TRUSTS ACT 1915 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 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 transmitted to the Assembly with a Message desiring their concurrence therein.
10. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day Nos. 4 to 9 inclusive be postponed until Tuesday, the 12th September next.
11. **ADJOURNMENT.**—The Honorable W. L. Baillieu moved, by leave, That the Council, at its rising, adjourn until Tuesday, the 12th September 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 fifty-four minutes past eight o'clock, adjourned until Tuesday, the 12th September next.

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

VICTORIA.

No. 10.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 12TH SEPTEMBER, 1916.

1. The President took the Chair and read the Prayer.
2. **SUBSTITUTED DECLARATION OF MEMBER.**—The Honorable W. L. R. Clarke delivered to the Clerk the following substituted Declaration, viz. :—

“In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, WILLIAM LIONEL RUSSELL 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 Victoria of the yearly value of Twelve 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 situate in the municipal district of Bulla, and are known as ‘Rupertswood’ and two hundred and thirty three acres, Sunbury, being part of W. J. T. Clarke’s Crown special survey in the parishes of Buttlejork and Bulla Bulla, No. 364 in the rate-book, and Rupertswood Farm, three hundred and eighty-two acres, being Crown allotment 2 and parts of Crown allotment 1 of section 21 of the parish of Bulla Bulla, No. 188 in the rate-book.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Bulla are rated in the rate-book of the said municipality upon a yearly value of £1,200.

“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. RUSSELL CLARKE.”

3. **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 Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“*An Act to further amend the ‘Education Act 1915.’*”

Government Offices,
Melbourne, 4th September, 1916.

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 the Law of Evidence*,” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 6th September, 1916.

5. **EVIDENCE BILL.**—On the motion of the Honorable A. Robinson, 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 provide for the Defence of Accused Persons who are without Adequate Means,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 6th September, 1916.

7. POOR PRISONERS DEFENCE BILL.—On the motion of the Honorable A. Robinson, 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 to amend the 'Railway Lands Acquisition Act 1915,'*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 6th September, 1916.

9. RAILWAY LANDS ACQUISITION 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.

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 Law relating to the Corporation of the City of Melbourne and the City of Geelong by abolishing the Office of Alderman and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 7th September, 1916.

11. ALDERMEN ABOLITION BILL.—On the motion of the Honorable J. P. Jones, 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.

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 revoke the Permanent Reservation of the remaining portion of certain Crown Land at Colac permanently reserved from Sale as a Site for a Market,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 7th September, 1916.

13. COLAC MARKET LAND 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.

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 authorize the Commissioners of the State Savings Bank of Victoria to invest in Stock and other Securities issued for War Purposes under the authority of any Act of the Parliament of the Commonwealth of Australia,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 7th September, 1916.

15. STATE SAVINGS BANK 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.

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

Education Act 1915—

Regulations added to.—Regulation XXV.—School Committees.

Report of the Council of Public Education for the period 1st July, 1915, to 30th June, 1916.

Melbourne and Metropolitan Board of Works Act 1915.—Statements of Accounts and Balance-sheet; together with Schedule of Contracts, for year ended 30th June, 1916.

Workers' Compensation Act 1915.—State Accident Insurance Office.—Report, Profit and Loss Account, and Balance-sheet for period ending 30th June, 1916.

17. MELBOURNE AND GEELONG IMPROVEMENTS 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 transmitted to the Assembly with a Message desiring their concurrence therein.

18. GOLD AND SILVER MARKING 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.

19. WHITE PHOSPHORUS MATCHES PROHIBITION 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.

20. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 to 8 inclusive, and the Order of the Day, General Business, be postponed until Tuesday next.

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

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

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



VICTORIA.

No. 11.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 19TH SEPTEMBER, 1916.

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 relating to the Heatherton Sanatorium,*" with which they desire the concurrence of the Legislative Council.
FRANK MADDEN,
Speaker.
Legislative Assembly,
Melbourne, 12th September, 1916.
3. HEATHERTON SANATORIUM 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.
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 and continue the 'Intoxicating Liquor (Temporary Restriction) Act 1915' and for other purposes,*" with which they desire the concurrence of the Legislative Council.
FRANK MADDEN,
Speaker.
Legislative Assembly,
Melbourne, 14th September, 1916.
5. INTOXICATING LIQUOR (TEMPORARY RESTRICTION) 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.
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 'Transfer of Land Act 1915,'*" with which they desire the concurrence of the Legislative Council.
FRANK MADDEN,
Speaker.
Legislative Assembly,
Melbourne, 14th September, 1916.
7. TRANSFER OF LAND BILL.—On the motion of the Honorable A. Robinson, 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 enable the Council of the Town of Port Melbourne to apply certain Surplus Moneys in hand from the Number 5 Loan so as to increase the Amount proposed to be applied for a certain Permanent Work from the said Loan,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 14th September, 1916.

FRANK MADDEN,
Speaker.

9. PORT MELBOURNE 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.
10. PETITIONS.—
The Honorable Walter S. Manifold presented a Petition from the Lord Mayor, Aldermen, Councillors, and Citizens of the City of Melbourne praying that the Aldermen Abolition Bill may not be passed into law.
Petition read, ordered to lie on the Table, and referred to the Committee of the whole on the Aldermen Abolition Bill.
The Honorable Robert Beckett presented a Petition from certain members of the jewellery trade carrying on business in Melbourne praying that the Gold and Silver Marking Bill may not be passed into law.
Petition read, ordered to lie on the Table, and referred to the Committee of the whole on the Gold and Silver Marking Bill.
11. PAPERS.—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—
Supreme Court Act 1915.—Report of the Council of Judges.
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 :—
Marine Act 1915.—Marine Board of Victoria.—Statements of Receipts and Disbursements on Pilotage Account for the year ended the 31st December, 1915.
Mines Act 1915.—Regulations relating to Mining Leases, Tailings Licences, and Water-right Licences.—Order amended.
12. STATE SAVINGS BANK 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. UNIVERSITY 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.
14. PRESENTMENTS BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable A. Robinson moved, That this Bill be now read a second time and, debate arising thereupon, it was ordered, on the motion of the Honorable J. D. Brown, That the debate be adjourned until Tuesday next.
15. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 to 11 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.
16. INTOXICATING LIQUOR (TEMPORARY RESTRICTION) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable F. W. Hagelthorn 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.
Motion—That the debate be adjourned until Tuesday next, by leave, withdrawn.
Debate continued.
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 to-morrow.

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

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

VICTORIA.

No. 12.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL

WEDNESDAY, 20TH SEPTEMBER, 1916.

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 Geelong Waterworks and Sewerage Acts*,” with which they desire the concurrence of the Legislative Council.
FRANK MADDEN,
Speaker.
Legislative Assembly,
Melbourne, 19th September, 1916.
3. GEELONG WATERWORKS AND SEWERAGE BILL.—On the motion of the Honorable A. Robinson, 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. CARRUM DROWNING CASE.—The Honorable Robert Beckett moved, That in the opinion of this House a public inquiry before a Police Magistrate or Coroner should be instituted, to ascertain the circumstances under which the two lads, Robinson and McNeil, are supposed to have met their death by drowning off the beach at Carrum in April last.
Debate ensued.
The Honorable W. L. Baillieu 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, the 10th October next.
5. UNIMPROVED LAND VALUE.—The Honorable A. McLellan moved, That there be laid before this House a Return showing the unimproved value of land in each municipal district of the State.
The Honorable W. L. Baillieu 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.
6. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk :—
Victorian Railways.—Report of the Victorian Railways Commissioners for the year ending 30th June, 1916.
7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day, General Business, be postponed until Tuesday next.
8. INTOXICATING LIQUOR (TEMPORARY RESTRICTION) 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. A. Austin 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.

9. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 12 inclusive be postponed until Tuesday next
10. ADJOURNMENT.—The Honorable W. L. Baillieu moved, by leave, That the Council, at its rising, adjourn until Tuesday next.
Question—put and resolved in the affirmative.
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 forty-three minutes past nine o'clock, adjourned until Tuesday next.

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

VICTORIA.

No. 13.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 26TH SEPTEMBER, 1916.

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. 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. :—

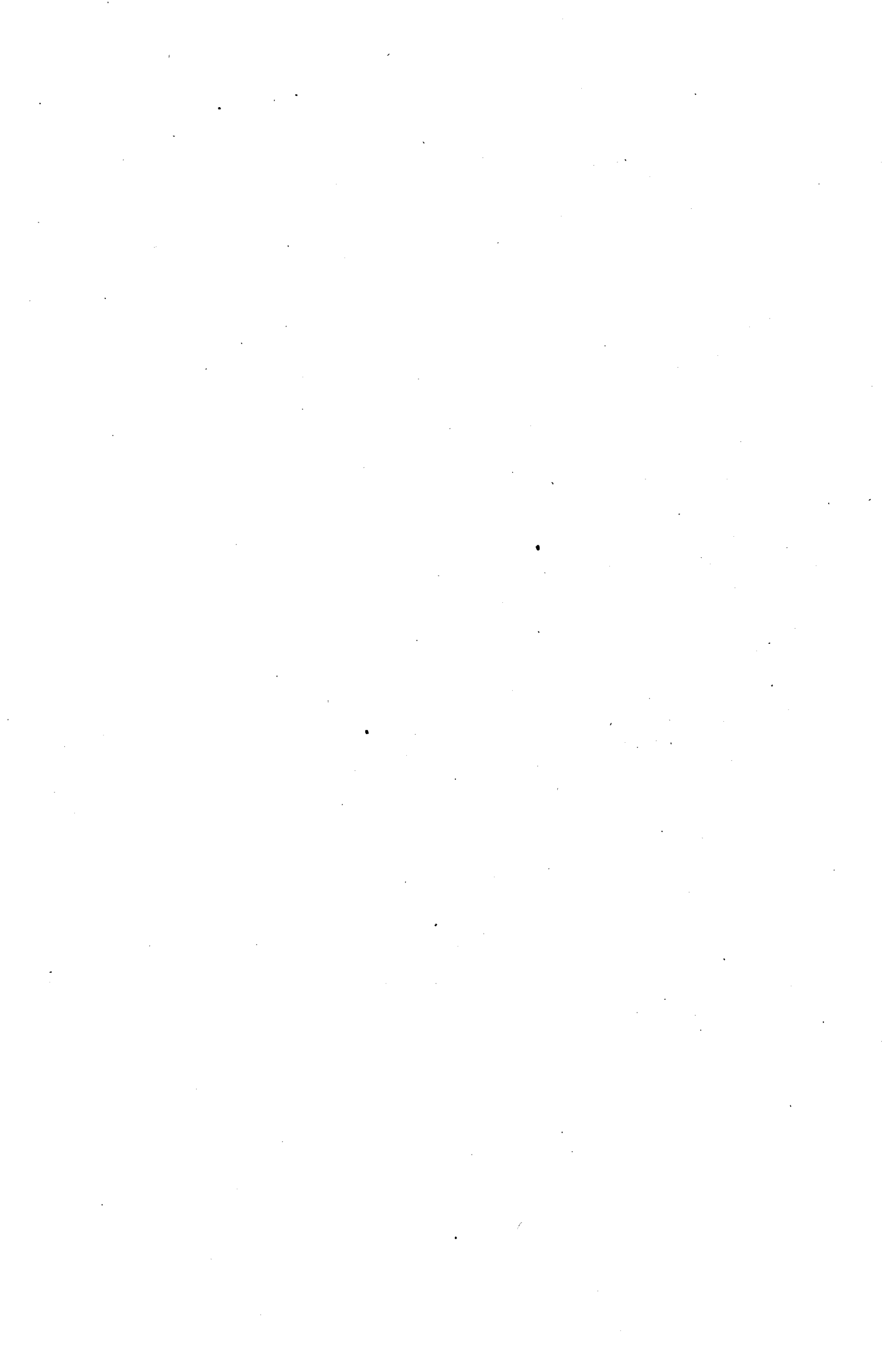
“An Act to authorize the Commissioners of the State Savings Bank of Victoria to invest in Stock and other Securities issued for War Purposes under the authority of any Act of the Parliament of the Commonwealth of Australia.”

Government Offices,
Melbourne, 25th September, 1916.

3. INTOXICATING LIQUOR (TEMPORARY RESTRICTION) 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 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.
4. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 14 inclusive, and the Orders of the Day, General Business, be postponed until Tuesday next.
5. 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. 14.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 3RD OCTOBER, 1916.

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 amend and extend the provisions of the ‘Execution of Trusts Act 1915.’*”
“*An Act relating to Chemists’ Apprentices on War Service.*”

The Government Offices,
Melbourne, 2nd October, 1916.

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 relating to Venereal Diseases and to amend Part V. of the ‘Police Offences Act 1915,’*” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 26th September, 1916.

4. VENEREAL DISEASES BILL.—On the motion of the Honorable A. Robinson, 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. 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 increase the Borrowing Powers of the Hawthorn Tramways Trust,*” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 26th September, 1916.

6. MELBOURNE TO BURWOOD TRAMWAYS 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.

7. 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 and extend the provisions of the 'Execution of Trusts Act 1915,'*" without amendment.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 27th September, 1916.

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 regulate the Manufacture and Sale of Footwear and for other purposes,'*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 27th September, 1916.

9. FOOTWEAR REGULATION 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.

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 'Infectious Diseases Hospital Act 1914,'*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 27th September, 1916.

11. INFECTIOUS DISEASES HOSPITAL BILL.—On the motion of the Honorable A. Robinson, 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.

12. 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 Chemists' Apprentices on War Service,'*" without amendment.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 27th September, 1916.

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 promote the Earlier Use of Daylight in certain Months yearly and for other purposes,'*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 27th September, 1916.

14. DAYLIGHT SAVING 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. 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 VI. of the 'Instruments Act 1915,'*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 27th September, 1916.

16. INSTRUMENTS BILL.—On the motion of the Honorable A. Robinson, 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.

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

Public Library, Museums, and National Gallery of Victoria.—Report of the Trustees for 1915, with a Statement of Income and Expenditure for the financial year 1914-15.

18. PRESENTMENTS 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 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 transmitted to the Assembly with a Message desiring their concurrence therein.

19. TRANSFER OF 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 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.

20. 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 'Intoxicating Liquor (Temporary Restriction) Act 1915' and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have disagreed with the amendment made in such Bill by the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,

Melbourne, 3rd October, 1916.

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

21. COLAC MARKET 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.

22. INTOXICATING LIQUOR (TEMPORARY RESTRICTION) 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 :—

Insert the following New Clause to follow Clause 3 :—

B. (1) Where in any licensed premises *bonâ fide* meals have before the passing of this Act been habitually supplied to customers or in the premises of any registered club supplied to members of the club, a Licensing Court for the District consisting of one magistrate may on the application of the licensee or (as the case may be) the secretary of the club, grant with respect to such licensed premises or club premises a permit to such licensee or secretary for the sale disposal or supply of liquor for consumption with *bonâ fide* meals in accordance with the provisions of this section and may at any time revoke any such permit.

Permit for sale of liquor with meals in certain cases.

(2) The operation of this Act shall not be held to prevent—

(a) the sale or disposal or supply of liquor on any licensed premises or club premises with respect to which a permit under this section has been granted and is in force to any person or member of a club (as the case may be) for consumption with a *bonâ fide* meal from the hour of six o'clock in the evening until such time not being later than eight o'clock in the evening as is specified in the permit: Provided that the meal is not being served and the liquor is not sold disposed of supplied or consumed in any bar or other part of the licensed premises or club premises except in the dining room thereof in which meals are usually served: Provided further that the door or doors of such dining room are not locked or kept locked between the hours of six o'clock and eight o'clock in the evening; or

Saving as to supply, &c., of liquor with meals in licensed or club premises between the hours of six and eight o'clock in the evening and in railway refreshment rooms.

Comp. (S.A.) No. 1236 s. 66; (Vict.) No. 2683 ss. 178, 180.

(b) the sale or disposal or supply of liquor on the premises of any railway refreshment room licensee at any railway station to any person travelling by any train conveying passengers from the arrival of such train at the station until its departure but not longer than for a period of twenty minutes after such arrival.

(3) Save as expressly provided in this section nothing in this section shall make lawful anything which would have been a contravention of any of the provisions of the Licensing Acts or this Act if this section had not passed.

On the motion of the Honorable F. W. Hagelthorn, and after debate, the Council did not insist on their amendment disagreed with by the Assembly, and ordered the Bill to be returned to the Assembly with a Message acquainting them therewith.

23. 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 agreed to the Bill with an amendment.
Ordered—That the Bill, as amended, be printed and taken into consideration on Tuesday next.
24. EVIDENCE 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.
25. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 6 to 13 inclusive, and the Orders of the Day, General Business, be postponed until Tuesday next.
26. ADJOURNMENT.—The Honorable W. L. Baillieu moved, by leave, That the Council at its rising adjourn until Tuesday next.
Question—put and resolved in the affirmative.
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 six minutes past nine o'clock, adjourned until Tuesday next.

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

VICTORIA.

No. 15.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL

TUESDAY, 10TH OCTOBER, 1916.

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 Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

- “ *An Act to revoke the Permanent Reservation of the remaining portion of certain Crown Land at Colac permanently reserved from Sale as a Site for a Market.*”
- “ *An Act to amend and continue the ‘ Intoxicating Liquor (Temporary Restriction) Act 1915’ and for other purposes.*”
- “ *An Act to amend the Law of Evidence.*”
- “ *An Act to amend the ‘ Unauthorized Documents Act 1915.’*”
- “ *An Act to provide for the conferring of University Degrees, Diplomas, Certificates, or Licences, in the case of Persons who have become qualified to receive the same but have died on War Service.*”

The Government Offices,
Melbourne, 9th October, 1916.

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 Bill intituled “ *An Act to provide for the conferring of University Degrees, Diplomas, Certificates, or Licences, in the case of Persons who have become qualified to receive the same but have died on War Service,*” without amendment.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 5th October, 1916.

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 certain Land in the Parish of Bellarine as a Site for a Race-course and other purposes of Public Recreation,*” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 4th October, 1916.

5. BELLARINE LAND 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 provide for the Closing of Portions of certain Streets in the Municipal District of Creswick and for the Compulsory Resumption on behalf of the King of certain Lands in the said District and for Vesting the said Portions of Streets and the said and other Lands in The Creswick District Hospital for the purposes of a Hospital,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 4th October, 1916.

FRANK MADDEN,
Speaker.

7. CRESWICK LAND 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 acquaint the Legislative Council that they have agreed to the Bill intituled "*An Act to amend the 'Unauthorized Documents Act 1915,'*" without amendment.

Legislative Assembly,
Melbourne, 4th October, 1916.

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 amend the 'Midwives Act 1915,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 4th October, 1916.

FRANK MADDEN,
Speaker.

10. MIDWIVES BILL.—On the motion of the Honorable A. Robinson, 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.

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 revoke the Permanent Reservation of certain Crown Land in the City of South Melbourne and the Town of Port Melbourne,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 3rd October, 1916.

FRANK MADDEN,
Speaker.

12. SOUTH MELBOURNE AND PORT MELBOURNE LAND BILL.—On the motion of the Honorable A. Robinson, 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.

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 relating to certain Agricultural School or College Lands situate at Mildura and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 3rd October, 1916.

FRANK MADDEN,
Speaker.

14. MILDURA COLLEGE LANDS BILL.—On the motion of the Honorable W. L. Baillieu, for 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.

15. 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 the Legitimation of Children by Registration under the Registration of Births Deaths and Marriages Acts,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 3rd October, 1916.

FRANK MADDEN,
Speaker.

16. REGISTRATION OF BIRTHS DEATHS AND MARRIAGES 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.

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 make further provision for the Recovery by Municipalities of Rates and other Moneys*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 3rd October, 1916.

FRANK MADDEN,
Speaker.

18. MUNICIPAL RATES RECOVERY BILL.—On the motion of the Honorable A. Robinson, 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. THE TITLE OF "HONORABLE."—The President announced that he had received the following papers in connexion with the retention of the title of "Honorable" by Mr. John George Aikman, who had served continuously as a Member of the Legislative Council for a period of more than ten years, which were read by the Clerk :—

[COPY.]

*Mr. John George Aikman's services as a Member of the Legislative Council.**

Mr. Aikman was elected as a Member of the Legislative Council for the Melbourne West Province on the 1st day of June, 1904, and sat continuously as a Member for the said Province until the 31st day of May, 1916, a period of twelve years.

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

19th June, 1916.

Premier's Office,
Melbourne, 3rd October, 1916.

SIR,

I have the honour, by direction, to forward herewith, for the information of members of the Legislative Council, a copy of a despatch which has been received from the Secretary of State for the Colonies (through His Excellency the Governor) notifying that His Majesty the King has been pleased to approve of the retention of the title of "Honourable" by Mr. John George Aikman, who 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 Honourable
The President of the Legislative Council,
State Parliament House,
Melbourne.

[COPY.]

Colonial Office,
Downing-street, 17th August, 1916.

VICTORIA.

MISCELLANEOUS.

SIR,

I have the honour to acknowledge the receipt of your despatch No. 21 of the 26th June, and to request you to inform your Ministers that His Majesty the King has been pleased to approve of the retention of the title of "Honorable" by Mr. John George Aikman, who has served continuously as a Member of the Legislative Council in the State 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 the honour to be,
Sir,

Your most obedient humble servant,
(Sgd.) A. BONAR LAW.

GOVERNOR,
The Honourable
SIR A. L. STANLEY, K.C.M.G.,
&c., &c., &c.

20. PAPERS.—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—
Statistical Register of the State of Victoria for the year 1915—
Part II.—Law, Crime, &c.
Part III.—Finance.

Severally ordered to lie on the Table.

21. 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 A. Robinson, the Bill was recommitted to a Committee of the whole in respect of clauses 10 and 21.

* Mr. Aikman was subsequently declared to have been duly elected on 1st June, 1916. (See D1 of 1916.)

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.

22. RAILWAY LANDS ACQUISITION 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 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.

23. POOR PRISONERS DEFENCE 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.

24. GOLD AND SILVER MARKING 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.

25. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 5 be postponed until to-morrow

26. PORT MELBOURNE LOAN 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 enable the Council of the Town of Port Melbourne to apply certain Surplus Moneys in hand from the Number 5 Loan so as to increase the Amount proposed to be applied for a certain Permanent Work from the said Loan, 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.

Debate ensued.

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.

27. GEELONG WATERWORKS AND SEWERAGE 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.

28. VENEREAL DISEASES BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable A. Robinson moved, That this Bill be now read a second time and, debate arising thereupon, it was ordered, on the motion of the Honorable J. D. Brown, That the debate be adjourned until to-morrow.

29. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 9 to 16 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

30. 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-two minutes past nine o'clock, adjourned until to-morrow.

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

VICTORIA.

No. 16.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 11TH OCTOBER, 1916.

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 two hundred and eighty-nine thousand eight hundred and eighty-eight pounds to the service of the year One thousand nine hundred and sixteen and One thousand nine hundred and seventeen,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.Legislative Assembly,
Melbourne, 10th October, 1916.

3. CONSOLIDATED REVENUE BILL (No. 3).—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.
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 relating to the Qualification of Members of the Legislative Council and of the Legislative Assembly,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.Legislative Assembly,
Melbourne, 11th October, 1916.

5. MEMBERS' QUALIFICATION (AMENDMENT) BILL.—On the motion of the Honorable A. Robinson, 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.
6. MEMBERS' QUALIFICATION (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 returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

7. 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.
8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day 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 thirty minutes past six o'clock, adjourned until to-morrow.

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

VICTORIA.

No. 17.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 12TH OCTOBER, 1916.

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 return to the Legislative Council the Bill intituled "*An Act to amend the 'Transfer of Land Act 1915,'*" 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, 11th October, 1916.

Ordered—That the foregoing Message be taken into consideration on Tuesday, the 31st instant.

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 amend the 'Lunacy Act 1915' and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,

Melbourne, 11th October, 1916.

4. LUNACY BILL.—On the motion of the Honorable A. Robinson, 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, the 31st instant.
5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 19 inclusive be postponed until later this day.
6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, General Business, Nos. 1 and 2 be postponed until Tuesday, the 31st instant.
7. ALDERMEN ABOLITION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable A. McLellan moved, That this Bill be now read a second time.

Debate ensued.

Question put.

The Council divided.

Ayes, 3.

The Hon. A. McLellan.

*Tellers.*The Hon. W. J. Beckett,
J. P. Jones.

Noes, 10.

The Hon. W. A. Adamson,
W. L. Baillieu,
J. D. Brown,
F. W. Hagelthorn,
Walter S. Manifold,
D. Melville,
A. Robinson,
A. O. Sachse.

Tellers.

The Hon. J. G. Aikman,
W. C. Angliss.

And so it passed in the negative.

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 for imposing certain Stamp Duties on Bookmakers' Licences or Permits and on Betting Tickets and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 12th October, 1916.

9. BETTING TAX BILL.—On the motion of the Honorable W. L. Baillieu, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed.
The Honorable W. L. Baillieu moved, by leave, That the second reading of this Bill be made an Order of the Day for later this day.
Objection being taken to the Bill being further proceeded with—
The President said—"Is there any reason why this Bill should be considered an urgent Bill. Standing Order 289 on this subject says :—'Bills of an urgent nature may be passed with unusual expedition through their several stages.' It was said by the President in 1907—'It is for the House to judge whether there is urgency or not.'"
The Honorable W. L. Baillieu moved, That this Bill be treated as an urgent measure.
Debate ensued.
Question—put and resolved in the affirmative.
Question—That the second reading of this Bill be made an Order of the Day for later this day—put and resolved in the affirmative.

10. 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 Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

"*An Act to enable the Council of the Town of Port Melbourne to apply certain Surplus Moneys in hand from the Number 5 Loan so as to increase the Amount proposed to be applied for a certain Permanent Work from the said Loan.*"

"*An Act to provide for the Defence of Accused Persons who are without Adequate Means.*"

"*An Act relating to the Qualification of Members of the Legislative Council and of the Legislative Assembly.*"

"*An Act to apply out of the Consolidated Revenue the sum of One million two hundred and eighty-nine thousand eight hundred and eighty-eight pounds to the service of the year One thousand nine hundred and sixteen and One thousand nine hundred and seventeen.*"

The Government Offices,
Melbourne, 12th October, 1916.

11. BETTING 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.
12. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 19 inclusive, and Order of the Day, General Business, No. 4, be postponed until Tuesday, the 31st instant.
13. ADJOURNMENT.—The Honorable W. L. Baillieu moved, by leave, That the Council at its rising adjourn until Tuesday, the 31st instant.
Question—put and resolved in the affirmative.
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 fifty-six minutes past nine o'clock, adjourned until Tuesday, the 31st instant.

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

VICTORIA.

No. 18.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 31ST OCTOBER, 1916.

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. 8.

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 for imposing certain Stamp Duties on Bookmakers’ Licences or Permits and on Betting Tickets and for other purposes.”

The Government Offices,
Melbourne, 23rd October, 1916.

3. LOCAL GOVERNMENT ACT 1915 FURTHER AMENDMENT BILL.—On the motion of the Honorable Robert Beckett, a Bill to further amend the *Local Government Act 1915* was, by leave, read a first time, ordered to be printed, and to be read a second time on Wednesday, the 8th November next.
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 1915—
Part IV.—Vital Statistics, &c.
Part V.—Municipal Statistics.
Part VI.—Population.

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 :—

Betting Tax Act 1916.—Regulations.

Fire Brigades Act 1915.—Country Fire Brigades Board—
Regulations.

Regulations for the Conduct of Elections of Members and Local Committees.

Lands Purchase and Management Board.—Report for the year ended 30th June, 1916.

Neglected Children and Reformatory Schools Department.—Report of the Secretary and Inspector for the year 1915.

State Rivers and Water Supply Commission.—Eleventh Annual Report, 1915–16.

State Savings Bank of Victoria.—Statements and Returns for the year ended 30th June, 1916.
Vegetation and Vine Diseases Act 1915.—Regulations (Consolidated).

5. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 1 be postponed until later this day.

6. MELBOURNE TO BURWOOD TRAMWAYS BILL.—The Honorable W. A. Adamson moved, by leave, That all the Standing Orders relating to Private Bills be suspended in relation to the Bill to increase the Borrowing Powers of the Hawthorn Tramways Trust, and that the Bill be treated as a Public Bill.
Question—put and resolved in the affirmative.
The Honorable W. A. Adamson 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.
7. FOOTWEAR REGULATION 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.
8. CRESWICK LAND 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 Closing of Portions of Certain Streets in the Municipal District of Creswick and for the Compulsory Resumption on behalf of the King of certain Lands in the said District and for Vesting the said Portions of Streets and the said and other Lands in The Creswick District Hospital for the purposes of a Hospital, 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.
Debate ensued.
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.
9. DAYLIGHT SAVING 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.
10. TRANSFER OF LAND 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:—

Amendments made by the Legislative Council.

How dealt with by the Legislative Assembly.

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------|
| <p>1. Clause 5, line 19, after "land" add "Provided that a reference shall be made on the form in the said Third Schedule to the registry number of the Crown grant containing such reservations exceptions conditions and powers."</p> <p>3. Clause 19, lines 37-39, omit—
 "(iv) The forms to be used for applications instruments and other documents to be lodged with the Registrar."</p> <p>4. Clause 19, line 41, omit "prescribed."</p> | } | Disagreed with. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------|

Amendment 1, after debate, insisted on.

Amendment 3.—The Honorable A. Robinson moved, That the Council do not insist on their amendment to omit paragraph (iv) of clause 19.

The Honorable Walter S. Manifold moved, as an amendment, That the following words be added to the motion:—"but amend the said paragraph by the addition of the following words:—'but any such regulation and the forms thereunder shall be subject to the provisions of section two hundred and seventy-nine of the Principal Act.'"

Debate ensued.

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

Question—That the Council do not insist on their amendment to omit paragraph (iv) of clause 19, but amend the said paragraph by the addition of the following words:—"but any such regulation and the forms thereunder shall be subject to the provisions of section two hundred and seventy-nine of the Principal Act,"—put and resolved in the affirmative.

Amendment 4, after debate, not insisted on.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council insist on their amendment in clause 5 disagreed with by the Assembly, and do not insist on their amendments in clause 19, but have amended paragraph (iv) of the said clause, with which they desire the concurrence of the Assembly.

11. MILDURA COLLEGE LANDS 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.

12. FOOTWEAR REGULATION 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.

13. BELLARINE 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.

14. 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 'Railway Lands Acquisition Act 1915,'*" and acquaint the Legislative Council that the Legislative Assembly have disagreed with the amendment made in such Bill by the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 31st October, 1916.

Ordered—That the foregoing Message be taken into consideration to-morrow.

15. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 8 be postponed until to-morrow.

16. SOUTH MELBOURNE AND PORT MELBOURNE 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.

17. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 10 and 11 be postponed until to-morrow.

18. GEELONG WATERWORKS AND SEWERAGE 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.

19. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 13 to 21 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

20. 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 fifty-six 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.

WEDNESDAY, 1ST NOVEMBER, 1916.

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 regulate the Sale of Fungicides, Insecticides, Vermin Destroyers, and Weed Destroyers, and for other purposes,*" without amendment.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 31st October, 1916.
3. CARRUM DROWNING CASE.—The Order of the Day for the resumption of the debate on the question, That, in the opinion of this House, a public inquiry before a Police Magistrate or Coroner should be instituted to ascertain the circumstances under which the two lads, Robinson and M'Neil, are supposed to have met their death by drowning off the beach at Carrum in April last, having been read—

Debate resumed.

Question—put and resolved in the affirmative.
4. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, General Business, Nos. 2 and 3 be postponed until Tuesday, the 14th instant.
5. REGISTRATION OF BIRTHS DEATHS AND MARRIAGES 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. RAILWAY LANDS ACQUISITION 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 :—

Add the following New Clause :—

A. Except the fee for service of a default summons by a member of the police force as provided by the *Justices Act* 1915 no fee shall be payable on the issue or service of any summons or the issue of a warrant of distress on the complaint or application of any trust.

On the motion of the Honorable W. L. Baillieu, and after debate, the Council did not insist on their amendment disagreed with by the Assembly, and ordered the Bill to be returned to the Assembly with a Message acquainting them therewith.

7. **VENEREAL DISEASES 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, the debate was resumed and, on the motion of the Honorable A. O. Sachse, further adjourned until Tuesday, the 14th instant.
8. **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 Building By-laws of the City of Melbourne,*" 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, 1st November, 1916.

Ordered—That the foregoing Message be taken into consideration on Tuesday, the 14th instant.

9. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 to 14 inclusive be postponed until Tuesday, the 14th instant.
10. **ADJOURNMENT.**—Ordered, That the Council, at its rising, adjourn until Tuesday, the 14th instant.

And then the Council, at twenty-seven minutes past six o'clock, adjourned until Tuesday, the 14th instant.

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

VICTORIA.

No. 20.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 14TH NOVEMBER, 1916.

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, 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 increase the Borrowing Powers of the Hawthorn Tramways Trust.”
- “An Act to provide for the Closing of Portions of certain Streets in the Municipal District of Creswick and for the Compulsory Resumption on behalf of the King of certain Lands in the said District and for vesting the said Portions of Streets and the said and other Lands in The Creswick District Hospital for the purposes of a Hospital.”
- “An Act to promote the Earlier Use of Daylight in certain Months yearly and for other purposes.”
- “An Act to revoke the Permanent Reservation of certain Land in the Parish of Bellarine as a Site for a Race-course and other purposes of Public Recreation.”
- “An Act to revoke the Permanent Reservation of certain Crown Land in the City of South Melbourne and the Town of Port Melbourne.”
- “An Act to amend the Geelong Waterworks and Sewerage Acts.”
- “An Act relating to certain Agricultural School or College Lands situate at Mildura and for other purposes.”
- “An Act to amend the Law relating to the Legitimation of Children by Registration under the Registration of Births Deaths and Marriages Acts.”
- “An Act to amend the ‘Railway Lands Acquisition Act 1915.’”
- “An Act to prohibit the Manufacture and Sale of Matches made with White Phosphorus and for other purposes in connexion therewith.”

The Government Offices,
Melbourne, 6th November, 1916.

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 extend the Operation of and to amend the ‘Wheat Marketing Act 1915,’” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 1st November, 1916.

4. WHEAT MARKETING 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.

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 amendment made by the Legislative Council in the Bill intituled "*An Act relating to certain Agricultural School or College Lands situate at Mildura and for other purposes.*"

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 1st November, 1916.

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 Friendly Societies Acts,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 1st November, 1916.

7. FRIENDLY SOCIETIES 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 Part IX. of 'The Constitution Act Amendment Act 1915,'*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 1st November, 1916.

9. CONSTITUTION ACT AMENDMENT ACT 1915 AMENDMENT 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 acquaint the Legislative Council that they have agreed to the Bill intituled "*An Act to prohibit the Manufacture and Sale of Matches made with White Phosphorus and for other purposes in connexion therewith,*" without amendment.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 2nd November, 1916.

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 amend the Law relating to Medical Practitioners,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 2nd November, 1916.

12. MEDICAL 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.

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 Law relating to the Distribution of the Estates of Persons dying Intestate,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 9th November, 1916.

14. INTESTATE ESTATES DISTRIBUTION 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.

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 amend the 'Transfer of Land Act 1915,'*" and acquaint the Legislative Council that the Legislative Assembly insist on disagreeing with the amendment made and insisted on by the Legislative Council in clause 5, and have agreed to the amendment of the Legislative Council to add certain words to paragraph (iv) in clause 19 of such Bill.

FRANK MADDEN,
Speaker.

Legislative Assembly,

Melbourne, 10th November, 1916.

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

16. 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 Law relating to Presentments in Criminal Cases, and matters preliminary, incidental, or similar thereto,*" 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, 10th November, 1916.

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

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 amend the 'Gaols Act 1915,'*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,

Melbourne, 10th November, 1916.

18. GAOLS 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.
19. ADJOURNMENT—MOTION UNDER STANDING ORDER NO. 53.—The Honorable J. K. Merritt moved, That the Council do now adjourn, and said he proposed to speak on the subject of the Coal Strike, and six Members having risen in their places and required the motion to be proposed, the question was put and, after debate, negatived.
20. PAPERS.—The Honorable W. L. Baillieu presented—Railway Material Manufactured in Germany and Austria-Hungary—Return to an Order of the Legislative Council, dated 30th August, 1916, showing the amounts paid by the Victorian Railways Commissioners during each of the financial years, commencing on the 1st July, 1901, and ending 30th June, 1914, for railway material manufactured in Germany and in Austria-Hungary; in each instance giving the name of the manufacturer.
- Ordered to lie on the Table.
- The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—
- Closer Settlement.—Final Report from the Royal Commission as to the Working of the Closer Settlement Acts in the Irrigable Districts, and a General Review of the Finances of Closer Settlement; together 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 :—
- Constitution Act Amendment Act 1915—Part VIII.—Statement showing the names of the persons temporarily employed in the Department of the Legislative Council.
- Country Roads Board.—Third Annual Report.
- Education Act 1915.—Regulation Rescinded and Regulation Substituted.
- Hospitals for the Insane.—Report of the Inspector-General of the Insane for the year ended 31st December, 1915.
- Land Act 1890.—Particulars of Lease of Swamp or Reclaimed Land under Section 85 of the Land Act 1890.
- Land Act 1915.—Particulars of Leases of Swamp or Reclaimed Land under Section 110 of the Land Act 1915.
21. VENEREAL DISEASES 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, the debate was resumed and, on the motion of the Honorable H. F. Richardson, further adjourned until to-morrow.

22. **WHEAT MARKETING BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable F. W. Hagelthorn 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 and resolved in the affirmative. Ordered—That the debate be adjourned until Tuesday next.
23. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day, Government Business, No. 2, be postponed until to-morrow.
24. **FOOTWEAR REGULATION 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 2 and 4. 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.
25. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 to 13 inclusive—
Presentments Bill—Amendments of the Assembly—To be taken into consideration.
Transfer of Land Bill—Message from the Assembly—To be taken into consideration,
 and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at fifty 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, 15TH NOVEMBER, 1916.

1. The President took the Chair and read the Prayer.
2. STATE EXPENDITURE AND TAXATION.—The Honorable A. A. Austin moved, pursuant to *amended* notice, That, considering the present heavy Federal taxation which is necessary for War purposes and other reasons including the probability of such taxation being increased in the near future, in the opinion of this House the Government of this State should keep expenditure within the revenue without introducing further taxation.
Debate ensued.
The Honorable W. J. Beckett 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 later this day.
3. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, General Business, Nos. 1 and 2 be postponed until after No. 3.
4. LOCAL GOVERNMENT ACT 1915 FURTHER AMENDMENT 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, debate arising thereupon, it was ordered, on the motion of the Honorable Walter S. Manifold, That the debate be adjourned until Tuesday next.
5. STATE EXPENDITURE AND TAXATION.—The Order of the Day for the resumption of the debate on the question, That, considering the present heavy Federal taxation which is necessary for War purposes and other reasons including the probability of such taxation being increased in the near future, in the opinion of this House the Government of this State should keep expenditure within the revenue without introducing further taxation, having been read—
Debate resumed.
Question—put and resolved in the affirmative.
6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, General Business, Nos. 1 and 2, and the Orders of the Day, Government Business, be postponed until Tuesday next.
7. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

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

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



VICTORIA.

No. 22.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 21st NOVEMBER, 1916.

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.

Pursuant to the provisions of section thirty-six of the Constitution Act, the Governor transmits to the Legislative Council the following amendment, which he desires to be made in the Bill intituled "*An Act to regulate the Sale of Fungicides, Insecticides, Vermin Destroyers, and Weed Destroyers, and for other purposes*" :—

In clause 15, omit the words "*Agricultural Journal*" substitute "*Journal of the Department of Agriculture of Victoria.*"

Government Offices,
Melbourne, 15th November, 1916.

- 2A. FUNGICIDES BILL.—The Honorable W. L. Baillieu moved, That the Council agree to the amendment recommended by His Excellency the Governor.

Question—put and resolved in the affirmative.

Ordered—That the Message from His Excellency the Governor be transmitted to the Assembly with a Message desiring their concurrence therein.

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 amend the 'Water Act 1915,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 15th November, 1916.

FRANK MADDEN,
Speaker.

4. WATER 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. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
- Health Acts.—Regulations and Standards for Foods and Drugs.
Mines Act 1915.—By-laws Rescinded and By-laws Substituted.

6. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 16 inclusive be postponed until after Nos. 17 and 18.
7. **PRESENTMENTS 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 1, sub-section (2), lines 11–12, omit “first day of July” and insert “thirty-first day of January.”

2. First Schedule, page 5, omit—

“7 Geo. IV. c. 64

An Act for improving the Administration of Criminal Justice in England, also known as *The Criminal Law Act* 1826

Sections fourteen to sixteen and section eighteen so far as they are in force in Victoria shall be repealed.”

3. Second Schedule, page 8, insert the following new rule to follow rule 11:—

“A. Upon the application of an accused person the Crown Solicitor or the clerk of the peace (as the case may be) not later than two days before the day of the arraignment of such accused person shall supply to him free of charge a copy of the statement and particulars of the offence to be charged: Provided that non-compliance with this rule shall not prejudice or delay the trial of the accused if, in the opinion of the court, no substantial injustice has been done to the accused by reason of such non-compliance.”

Amendment 1, after debate, agreed to.

Amendment 2 agreed to.

Amendment 3.—The Honorable W. L. Baillieu moved, That the Council agree to amendment 3.

The Honorable Robert Beckett moved, as an amendment, That all the words after “Council” be omitted with a view to insert in lieu thereof the following words:—“disagree with the amendment of the Assembly in the Second Schedule but substitute the following new rule in lieu thereof, viz.:

- ‘A. (1) In any case where the statement of an offence charged in the information laid against an accused person materially differs from the statement of the offence charged in the presentment the Crown Solicitor or the clerk of the peace (as the case may be) after the presentment has been signed and not later than two days before the day of the arraignment of such accused person shall supply to him free of charge a copy of the statement and particulars of the offence charged in the presentment.
- (2) In the event of non-compliance with this rule the court unless of opinion that no substantial injustice has been done to the accused by reason of such non-compliance may adjourn the trial for such time as the court thinks proper.’”

Question—That the words proposed to be omitted stand part of the motion—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 the Second Schedule but substitute the following new rule in lieu thereof, viz.:

- A. (1) In any case where the statement of an offence charged in the information laid against an accused person materially differs from the statement of the offence charged in the presentment the Crown Solicitor or the clerk of the peace (as the case may be) after the presentment has been signed and not later than two days before the day of the arraignment of such accused person shall supply to him free of charge a copy of the statement and particulars of the offence charged in the presentment.

- (2) In the event of non-compliance with this rule the court unless of opinion that no substantial injustice has been done to the accused by reason of such non-compliance may adjourn the trial for such time as the court thinks proper—

put and resolved in the affirmative.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to some of the amendments made by the Assembly, and have disagreed with the amendment of the Assembly in the Second Schedule but have substituted a new rule in lieu thereof, and desiring their concurrence therein.

8. **TRANSFER OF LAND BILL.**—The Order of the Day for the consideration of the amendment made and insisted on by the Council in this Bill, and disagreed with and disagreement insisted on by the Assembly, having been read, the said amendment was read and is as follows:—

1. Clause 5, line 19, after “land” add “Provided that a reference shall be made on the form in the said Third Schedule to the registry number of the Crown grant containing such reservations exceptions conditions and powers.”

The Honorable W. L. Baillieu moved, That the Council do not now insist on their amendment in clause 5.

The Honorable Robert Beckett moved, as an amendment, That the following words be added to the motion “but amend the said clause by omitting sub-clause (2) thereof.”

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

Question—That the Council do not now insist on their amendment in clause 5 but amend the said clause by omitting sub-clause (2) thereof—put and resolved in the affirmative.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council do not now insist on their amendment in clause 5, but have made a further amendment in the said clause with which they desire the concurrence of the Assembly.

9. **WHEAT MARKETING 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 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 BUILDING BY-LAWS 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 3, sub-section (4), at the beginning of the sub-section insert "Subject to this Act."
2. Clause 7, sub-section (1), lines 8-10, omit "the mayor of the city of Melbourne or the person acting as such for the time being or some qualified person appointed by the Mayor or person acting as such for the time being" and insert "some qualified person appointed by the referees."
3. Clause 8, sub-section (1), lines 21-22, omit "the town clerk" and insert "all the parties thereto."

On the motion of the Honorable W. A. Adamson 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. **STATE WAR COUNCIL 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 transmitted to the Assembly with a Message desiring their concurrence therein.

12. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day, Government Business, No. 4 be postponed until to-morrow.

13. **MEDICAL 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 A. A. Austin, That the debate be adjourned until Tuesday next.

14. **HEATHERTON SANATORIUM 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.

15. **GAOLS 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.

16. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 8 to 16 inclusive, 19 and 20, and the Orders of the Day, General Business, be postponed until to-morrow.

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

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



VICTORIA.

No. 23.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 22ND NOVEMBER, 1916.

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 amendment recommended by His Excellency the Governor in the Bill intituled "*An Act to regulate the Sale of Fungicides, Insecticides, Vermin Destroyers, and Weed Destroyers, and for other purposes.*"

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 22nd November, 1916.
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 amendment of the Legislative Council to omit sub-clause (2) of clause 5 of the Bill intituled "*An Act to amend the 'Transfer of Land Act 1915.'*"

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 22nd November, 1916.
4. DISCHARGE OF ORDER OF THE DAY.—On the motion of the Honorable Walter S. Manifold, the following Order of the Day was read and discharged :—

War in Europe—Control of Patriotic Funds.—Resumption of debate.
5. UNIMPROVED LAND VALUE.—The Order of the Day for the resumption of the debate on the question, That there be laid before this House a Return showing the unimproved value of land in each municipal district of the State, having been read—

Debate resumed.
Question—put and negatived.
6. LOCAL GOVERNMENT ACT 1915 FURTHER AMENDMENT 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.
7. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day Government Business, No. 1 be postponed until Tuesday next

8. **WATER 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. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 14 inclusive be postponed until Tuesday next.
10. **ADJOURNMENT.**—The Honorable W. L. Baillieu moved, by leave, That the Council, at its rising, adjourn until Tuesday next.
Question—put and resolved in the affirmative.
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 thirty-one minutes past six o'clock, adjourned until Tuesday next.

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

VICTORIA.

No. 24.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL

TUESDAY, 28TH NOVEMBER, 1916.

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 Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“ *An Act to extend the Operation of and amend the ‘Wheat Marketing Act 1915.’* ”

“ *An Act relating to Building By-laws of the City of Melbourne.* ”

“ *An Act relating to the Heatherton Sanatorium.* ”

“ *An Act to amend the ‘Transfer of Land Act 1915.’* ”

“ *An Act to regulate the Sale of Fungicides, Insecticides, Vermin Destroyers, and Weed Destroyers, and for other purposes.* ”

Government Offices,
Melbourne, 27th November, 1916.

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 1915.—Part VII.—Accumulation.
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:—

Exhibition Trustees.—Report of Proceedings and Statement of Income and Expenditure for the year ended 30th June, 1916.

Public Works Loan Application Act 1911—

Balance-sheets and Statement of Accounts for the financial year 1915-16 of the—

Burwood East Fruit Cool Store.

Diamond Creek Fruit Cool Store.

Victoria Dock Cool Stores.

State Coal Mines.—Annual Report of the General Manager, including the State Coal Mines Balance-sheet, and Statement of Accounts duly audited, &c., for the year 1915-16.

4. MUNICIPAL RATES RECOVERY 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.

5. **WATER 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 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 without 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.
6. **GAOLS 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. **VENEREAL DISEASES 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.
The Honorable H. F. Richardson moved, by leave, That it be an instruction to the Committee that they have power to call witnesses to the Bar to give evidence with respect to the Bill.
Debaté ensued.
Question put.
The Council divided.

Ayes, 4.

The Hon. J. D. Brown,
A. O. Sachse.

Tellers.

The Hon. W. J. Beckett,
H. F. Richardson.

Noes, 11.

The Hon. W. A. Adamson,
J. G. Aikman,
A. A. Austin,
W. L. Baillieu,
F. W. Brawn,
F. G. Clarke,
J. P. Jones,
Walter S. Manifold,
A. Robinson.

Tellers.

The Hon. A. McLellan,
J. K. Merritt.

And so it passed in the negative.

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. 5 to 15 inclusive, and the Order of the Day, General Business, be postponed until to-morrow.

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

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

VICTORIA.

No. 25.

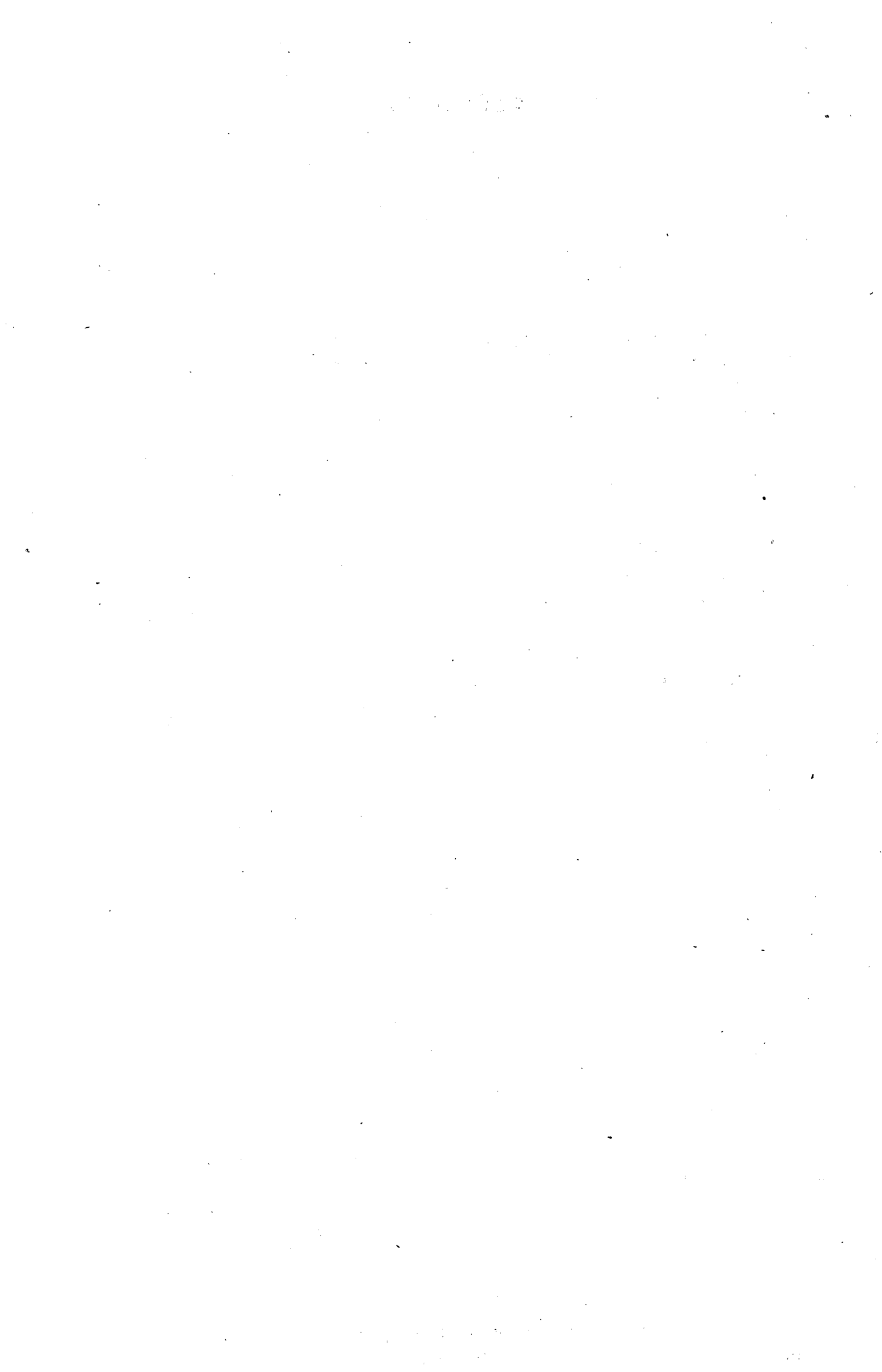
MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 29TH NOVEMBER, 1916.

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 'Water Act 1915.'*"
FRANK MADDEN,
Legislative Assembly, Speaker.
Melbourne, 29th November, 1916.
3. PAPER.—The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—Statistical Register of the State of Victoria for the year 1915.—Part VIII.—Social Condition.
4. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of the Order of the Day, General Business, be postponed until Wednesday next.
5. VENEREAL DISEASES 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, Government Business, Nos. 2 to 13 inclusive be postponed until Tuesday next.
7. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

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

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



VICTORIA.

No. 26.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 5TH DECEMBER, 1916.

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. J. 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 amend the ‘ Gaols Act 1915.’ ”
“ An Act to amend the ‘ Water Act 1915.’ ”

Government Offices,
Melbourne, 4th December, 1916.

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 amend the Licensing Acts,* ” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 30th November, 1916.

4. LICENSING ACTS AMENDMENT BILL.—On the motion of the Honorable A. Robinson, 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 apply out of the Consolidated Revenue the sum of Six hundred and seventy-two thousand and sixty-one pounds to the service of the year One thousand nine hundred* and sixteen and One thousand nine hundred and seventeen,* ” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 1st December, 1916.

6. 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 this day.

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

Supreme Court Act 1915.—Rules of the Supreme Court of the State of Victoria, 1916.

8. VENEREAL DISEASES 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.

9. CONSOLIDATED REVENUE BILL (No. 4).—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. Debate ensued.

The Honorable J. K. Merritt moved, That the debate be now adjourned.

Debate ensued.

Question—That the debate be now adjourned—put.

The Council divided.

Ayes, 4.

The Hon. J. D. Brown,
A. Hicks.

Tellers.

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

Noes, 14.

The Hon. W. A. Adamson,
J. G. Aikman,
W. L. Baillieu,
W. J. Beckett,
T. Beggs,
J. H. Disney,
J. P. Jones,
Walter S. Manifold,
A. McLellan,
T. H. Payne,
A. Robinson,
A. O. Sachse.

Tellers.

The Hon. W. Kendell,
E. J. White.

And so it passed in the negative.

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 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. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day Nos. 2 to 13 inclusive be postponed until to-morrow.

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

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

VICTORIA.

No. 27.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 6TH DECEMBER, 1916.

1. The President took the Chair and read the Prayer.
2. EDUCATION EXPENDITURE.—PRIMARY, HIGH, AND TECHNICAL SCHOOLS.—The Honorable A. Hicks moved, That there be laid before this House a Return showing the annual cost per scholar to the State of the children attending—
 - (a) the Primary Schools ;
 - (b) the High Schools ;
 - (c) the Technical Schools—
 - (i) Melbourne Junior Technical School—(a) day pupils and (b) evening pupils ;
 - (ii) Other Junior Technical Schools—day pupils ;
 - (iii) Approximate cost per head of full-course students in diploma courses ;
 - (iv) Average cost for all Technical School pupils based on the average number of individual students enrolled per quarter.

Such return to show in each case the basis of computation.

Question—put and resolved in the affirmative.
3. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Education Act 1915.—Regulation rescinded and Regulation substituted.

Fisheries Act 1915.—Notices of Intention to issue Proclamations—

Re prohibition of Netting at the Mouth of the Merri River, Warrnambool.

Re prohibition of Netting in Lady Bay, Warrnambool.

To prohibit all Fishing in portion of Mackenzie River, near Wartook Reservoir.

To prohibit Fishing in portion of the Mitta Mitta or Big River, parish of Bingo-Munjie North, until 31st October, 1917.

To prohibit Netting, &c., in Bancroft Bay, in the Gippsland Lakes.

To prohibit the Paddocking, &c., of Fish in certain waters.
4. LOCAL GOVERNMENT ACT 1915 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 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. 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.

Question—put and resolved in the affirmative.

6. **VENEREAL DISEASES 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 A. Robinson, the Bill was recommitted to a Committee of the whole in respect of clauses 5, 6, and 7.

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. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 14 inclusive be postponed until to-morrow.

And then the Council, at eleven minutes past nine 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.

THURSDAY, 7TH DECEMBER, 1916.

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—
Land Acts.—Report for the financial year ended 30th June, 1916; 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:—
Crimes Act 1915 and Indeterminate Sentences Act 1915.—Regulations as to Indeterminate Sentences.
Public Library, Museums, and National Gallery of Victoria.—Rules and Regulations.
Public Service Act 1915 and Lunacy Act 1915.—Regulations.—Lunacy Department.
3. FRIENDLY SOCIETIES 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.
4. LICENSING ACTS AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable A. Robinson moved, That this Bill be now read a second time and, debate arising thereupon, it was ordered, on the motion of the Honorable Walter S. Manifold, That the debate be adjourned until Tuesday next.
5. MUNICIPAL RATES RECOVERY 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.
6. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 4 be postponed until later this day.
7. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 5 be postponed until Tuesday next.

8. **INTESTATE ESTATES DISTRIBUTION 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.
9. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4, 7 to 13 inclusive, and the Order of the Day, General Business, be postponed until Tuesday next.
10. **ADJOURNMENT.**—Ordered, That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at forty-six minutes past eight 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, 12TH DECEMBER, 1916.

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 apply out of the Consolidated Revenue the sum of Six hundred and seventy-two thousand and sixty-one pounds to the service of the year One thousand nine hundred and sixteen and One thousand nine hundred and seventeen.*”
“*An Act to amend the Friendly Societies Acts.*”
Government Offices,
Melbourne, 11th December, 1916.
3. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
Friendly Societies.—Thirty-eighth Annual Report.—Report of the Government Statist for the year 1915, to which are appended Valuations of Societies, Numerical and Financial Summaries of the Returns furnished by the Secretaries, &c.
Geelong Harbor Trust Commissioners.—Tenth Report for the year ending 31st December, 1915.
Victorian Railways.—Report of the Victorian Railways Commissioners for the quarter ending 30th September, 1916.
4. LICENSING ACTS AMENDMENT 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, to-morrow, again resolve itself into the said Committee.
5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 11 inclusive, and the Order of the Day, General Business, be postponed until to-morrow.
6. 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 forty-eight minutes past nine o'clock, adjourned until to-morrow.

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

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.



VICTORIA.

No. 30.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 13TH DECEMBER, 1916.

1. The President took the Chair and read the Prayer.
2. LOCAL GOVERNMENT ACT 1915 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 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.
3. LICENSING ACTS 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 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. LICENSING ACTS 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 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. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Order of the Day, General Business, and the Orders of the Day, Government Business, Nos. 2 to 11 inclusive be postponed until to-morrow.

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

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

SECRET

SECRET

VICTORIA.

No. 31.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 14TH DECEMBER, 1916.

1. The President took the Chair and read the Prayer.
2. ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53.—The Honorable F. G. Clarke moved, That the Council do now adjourn, and said he proposed to speak on the subject of the reply given by the Honorable the Commissioner of Public Works to his question on to-day's Notice Paper; and six members rose in their places and required the motion to be proposed. Motion, after debate, by leave, withdrawn.
3. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:—
Geelong Waterworks and Sewerage Trust.—Ninth Balance Sheet as at 30th June, 1916.
4. LICENSING ACTS 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.
On the motion of the Honorable J. K. Merritt, and after debate, the Bill was recommitted to a Committee of the whole in respect of clause 51.
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 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.
5. INFECTIOUS DISEASES HOSPITAL 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.
6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 and 4 be postponed until after No. 5.

7. MUNICIPAL RATES RECOVERY 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 A. Robinson, the Bill was recommitted to a Committee of the whole in respect of clause 7, new clause B, and for the consideration of a proposed new clause.
 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. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3, 4, 6 to 11 inclusive, and the Order of the Day, General Business, be postponed until Tuesday next.
9. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

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

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

VICTORIA.

No. 32.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 19TH DECEMBER, 1916.

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 Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

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

Government Offices,
Melbourne, 18th December, 1916.

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 amendments made by the Legislative Council in the Bill intituled “ *An Act to amend the Licensing Acts.* ”

Legislative Assembly,
Melbourne, 15th December, 1916.

FRANK MADDEN,
Speaker.

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 relating to Venereal Diseases and to amend Part V. of the ‘ Police Offences Act 1915,’* ” and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in such Bill, have disagreed with the amendment in clause 3, line 25, but have made a consequential amendment by inserting a new clause in the Bill, and have agreed to one of the said amendments with an amendment, with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 15th December, 1916.

FRANK MADDEN,
Speaker.

4A. VENEREAL DISEASES BILL.—The said amendments were read and are as follow :—

Amendments made by the Legislative Council.

How dealt with by the Legislative Assembly.

1. Clause 3, line 25, omit "Division twond of Part VI." and insert "Sections one hundred and ninety-six to two hundred and five (both inclusive)."

Disagreed with, but the following new clause has been inserted in the Bill, viz. :—

Any person being the owner or occupier of any house room or place in which a female suffering from venereal disease resides for the purpose of prostitution or to which she resorts for such purpose shall unless he can prove that he did not know that such female prostituted herself while in a state of disease be guilty of an offence under this Act and shall be liable to a penalty of not more than Twenty pounds or at the discretion of the court to imprisonment with or without hard labour for a term of not more than six months: Provided that no conviction under this section shall exempt the offender from any penal or other consequences to which he or she may be liable for keeping or being concerned in keeping a bawdy-house or disorderly house or for the nuisance thereby occasioned.

19. Clause 24, line 17, after "Act" insert "there shall be inserted after the words 'Any person' where they first occur the following words 'who exhibits in any picture theatre or place of public resort any film or cinematograph display and any person' and."

Agreed to with the following amendment, viz. :—
After the word "display" insert the words "which is of an indecent or obscene nature."

Amendment 1.—The Honorable A. Robinson moved, That the Council agree to the amendment of the Assembly to insert a new clause, and do not insist on their amendment in clause 3, but make the following consequential amendment in the said clause, viz. :—omit "are" and insert "is."

Debate ensued.

Question—put and resolved in the affirmative.

Amendment 19.—Amendment 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 amendment of the Assembly on the amendment of the Council in clause 24; have agreed to the new clause inserted by the Assembly, and do not insist on their amendment in clause 3 but have made a consequential amendment in the said clause, with which they desire the concurrence of the Assembly.

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 regulate the Manufacture and Sale of Footwear 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, have agreed to one of the said amendments with amendments, and have disagreed with the amendment to omit clause 6 but have amended the said clause, with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 18th December, 1916.

FRANK MADDEN,
Speaker.

Ordered—That the foregoing Message 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 acquaint the Legislative Council that they do not insist on their amendment to insert new rule A in the Second Schedule of the Bill intituled "*An Act to amend the Law relating to Presentments in Criminal Cases, and matters preliminary, incidental, or similar thereto*," and have agreed to new rule A substituted by the Legislative Council.

Legislative Assembly,
Melbourne, 18th December, 1916.

FRANK MADDEN,
Speaker.

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 amend the 'Country Roads Act 1915,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 18th December, 1916.

FRANK MADDEN,
Speaker.

8. COUNTRY ROADS 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.

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 declare the Rate of Land Tax for the year ending the thirty-first day of December One thousand nine hundred and seventeen and to amend the Land Tax Acts,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 18th December, 1916.

FRANK MADDEN,
Speake

10. 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.

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 empower the City of Melbourne and the City of Geelong to reclaim and improve insanitary low-lying or overcrowded areas,*" 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.

Legislative Assembly,
Melbourne, 18th December, 1916.

FRANK MADDEN,
Speaker.

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

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 'Administration and Probate Act 1915,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 18th December, 1916.

FRANK MADDEN,
Speaker.

13. ADMINISTRATION AND PROBATE BILL.—On the motion of the Honorable A. Robinson, 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.

14. 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 Law relating to the Distribution of the Estates of Persons dying Intestate,*" and acquaint the Legislative Council that the Legislative Assembly have disagreed with the amendment of the Legislative Council in clause 2 of such Bill, but have made amendments in the said clause, with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 18th December, 1916.

FRANK MADDEN,
Speaker.

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

15. 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 Exercise by Deputy of certain Powers and Authorities vested in the Governor*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 18th December, 1916.

FRANK MADDEN,
Speaker.

16. GOVERNOR'S DEPUTY'S POWERS BILL.—On the motion of the Honorable A. Robinson, 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.

17. 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. 15.

Pursuant to the provisions of section thirty-six of *The Constitution Act* the Governor transmits to the Legislative Council for their consideration the following amendments, which he desires to be made in the Bill intituled "*An Act to amend the Law relating to Presentments in Criminal Cases, and matters preliminary, incidental, or similar thereto*" :—

Clause 8, line 37, after "felony" omit "not capital."

Clause 8, line 38, after "felonies" omit "not capital."

Second Schedule, page 7, rule 2, after "felonies" omit "not capital."

Government Offices,
Melbourne.

- 17A. PRESENTMENTS BILL.—The Honorable A. Robinson moved, That the Council agree to the amendments recommended by His Excellency the Governor.

Question—put and resolved in the affirmative.

Ordered—That the Message from His Excellency the Governor be transmitted to the Assembly with a Message desiring their concurrence therein.

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

Education Act 1915.—

Regulation rescinded.

Regulation rescinded and Regulation substituted.

Trade Unions.—Thirtieth Annual Report.—Report of the Government Statist for the Year 1915, with an Appendix.

19. INFECTIOUS DISEASES HOSPITAL 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.

20. STATUTE LAW REVISION COMMITTEE.—The Honorable Walter S. Manifold brought up a Report from the Joint Select Committee of the Legislative Council and the Legislative Assembly on the Revision of the Statute Law; together with the Minutes of Evidence and Schedule of Amendments.

Ordered to lie on the Table.

21. MEDICAL 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—

The Honorable Robert Beckett moved, as an amendment, That the word "now" be omitted, and the words "this day six months" added after the word "time."

Debate ensued.

The Honorable W. L. Baillieu moved, That the debate be adjourned until to-morrow.

Debate ensued.

Question—That the debate be adjourned until to-morrow—put and resolved in the affirmative.

Ordered—That the debate be adjourned until to-morrow.

22. CONSTITUTION ACT AMENDMENT ACT 1915 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, to-morrow, again resolve itself into the said Committee.

23. 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 person or persons or classes of persons (not including professional employees or nurses) employed in or about a hospital doing any kind of hospital work, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 19th December, 1916.

Ordered—That the foregoing Message be taken into consideration to-morrow.

24. 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 ‘ War Expenditure and Overdrafts Act 1914 ’ and to validate certain Investments by Municipalities in Commonwealth War Loans,*” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 19th December, 1916.

25. WAR CONTRIBUTIONS BILL.—On the motion of the Honorable A. Robinson, 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.

26. 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 extend the Powers of Municipalities with respect to Hawkers and Itinerant Traders and the Sale of Fish,*” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 19th December, 1916.

27. LOCAL GOVERNMENT BILL (No. 2).—On the motion of the Honorable W. L. Baillieu for 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.

28. 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 ‘ Supreme Court Act 1915 ’ with respect to the Qualifications of the Master-in-Equity,*” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 19th December, 1916.

29. SUPREME COURT BILL.—On the motion of the Honorable A. Robinson, 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.

30. 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 Schedule D to ‘ The Constitution Act ’ and to make provision with respect to the Salary of any future Master-in-Equity,*” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 19th December, 1916.

31. MASTER-IN-EQUITY'S SALARY BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, was 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.

32. 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 Disposition of the Real Estate of Persons engaged on War Service,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 19th December, 1916.

FRANK MADDEN,
Speaker.

33. WILLS (SOLDIERS') BILL.—On the motion of the Honorable A. Robinson, 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.
34. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 4 be postponed until to-morrow
35. INSTRUMENTS 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.
36. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 6 to 9 inclusive—
- Footwear Regulation Bill—Message from the Assembly—To be taken into consideration.*
Country Roads Bill—Second reading.
Land Tax Bill—Second reading.
Melbourne and Geelong Improvements Bill—Amendments of the Assembly—To be taken into consideration.
Administration and Probate Bill—Second reading.
Intestate Estates Distribution Bill—Message from the Assembly—To be taken into consideration.
Governor's Deputy's Powers Bill—Second reading,
- and the Order of the Day, General Business, be postponed until to-morrow.

And then the Council, at forty-eight 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.

WEDNESDAY, 20TH DECEMBER, 1916.

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 recommended by His Excellency the Governor in the Bill intituled "*An Act to amend the Law relating to Presentments in Criminal Cases, and matters preliminary, incidental, or similar thereto.*"

FRANK MADDEN,

Speaker.

Legislative Assembly,
Melbourne, 20th December, 1916.

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 consequential amendment made by the Legislative Council in clause 3 of the Bill intituled "*An Act relating to Venereal Diseases and to amend Part V. of the 'Police Offences Act 1915.'*"

FRANK MADDEN,

Speaker.

Legislative Assembly,
Melbourne, 20th December, 1916.

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 the raising of Money for Irrigation Works and Water Supply Works and for Drainage and Flood Protection Works in Country Districts,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,

Speaker.

Legislative Assembly,
Melbourne, 20th December, 1916.

5. 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, by leave, to be read a second time 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 relating to Municipal Endowment,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 20th December, 1916.

FRANK MADDEN,
Speaker.

7. MUNICIPAL ENDOWMENT 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.

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 raising of Money for Water Supply Purposes and to sanction the Issue and Application of such Money for the said Purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 20th December, 1916.

FRANK MADDEN,
Speaker.

9. WATER SUPPLY LOANS 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.

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

Companies Act 1915.—Summary of Statements for the year 1915 made by Companies transacting Life Assurance Business in Victoria.

Crimes Act 1915 (Juvenile Offenders).—Regulations.

Explosives Act 1915.—Orders in Council dated 12th October, 1909—

Addition to Order No. 1 relating to the Classification of Explosives.

Addition to Order No. 6.

Fire Brigades Act 1915.—Metropolitan Fire Brigades Board.—Regulations.

Friendly Societies Act 1915.—Consolidated Regulations.

Public Service Act 1915.—Regulations.—

Attendance and Conduct of Officers, Chapter XIII.

Classification of General Division—

Department of Agriculture (2 papers).

Department of Lands and Survey (2 papers).

Department of Public Works.

General.

Leave of Absence, Chapter XIV. (2 papers).

Travelling Allowances, Chapter IX.—

Department of Agriculture (2 papers).

Department of Chief Secretary (2 papers).

Water Act 1915.—Copies of Declarations of the Honorable the Minister of Water Supply defining the areas that ought to be constituted the following Flood Protection Districts; together with the Plans showing the areas of such proposed Districts—

Cardinia Flood Protection District.

Lower Koo-wee-rup Flood Protection District.

Upper Koo-wee-rup Flood Protection District.

Workers' Compensation Act 1915.—Regulations.

11. LOCAL GOVERNMENT ACT 1915 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 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.

12. MELBOURNE AND GEELONG IMPROVEMENTS 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 2, page 2, paragraph (e), omit this paragraph.

2. " " line 32, after " fit " insert " and."

3. " " line 36, after " fit " omit " and."

4. " " paragraph (l), omit this paragraph.

5. *Insert the following New Clause to follow Clause 2 :—*

A. (1) The Council if of opinion that for the effectual carrying out of any scheme under this Act or any amendment of such scheme it is expedient that any street or way less than thirty feet wide or any part of such street or way should be closed may apply to the Minister accordingly.

Closing of certain streets &c. in area under scheme.

(2) The Minister if satisfied—

(a) that the closing of such street or way or part thereof is expedient;

Power of Governor in Council on recommendation of Minister to close such streets &c.

(b) that all persons likely to be substantially affected by the closing thereof have received notice of the application and have had the opportunity of setting forth their objections to the closing thereof; and

(c) that due provision has been made—

(i) with respect to pipes wires apparatus railways tramways sewers drains tunnels conduits poles posts and fixtures lawfully upon over across or under such street or way or part thereof;

(ii) for access to any land likely to be prejudicially affected by the closing thereof;

(iii) for the payment of compensation pursuant to this Act to any person (including the Crown) in whom the land comprised in such street or way or part thereof (as the case may be) is vested and to any person entitled to any easement or right over the same; and

(iv) for the rectification or other alteration of documents of title to lands the descriptions of which are likely to be affected by the closing of such street or way or part thereof—

may, after considering all objections to the closing thereof and if of opinion that such closing will not substantially injure the public or any person so objecting and that all requirements imposed on the council by the Minister have been complied with, recommend the Governor in Council to close such street or way or part thereof and the Governor in Council by Order published in the *Government Gazette* may close such street or way or part thereof accordingly.

(3) Where the land comprised in any such street or way or part thereof (as the case may be) is the property of the Crown the Attorney-General is hereby empowered to make claim for compensation and settle with the council or sue for and receive the amount of such compensation on behalf of the Crown.

Compensation to the Crown. Comp. (N.S.W.) 1906 No. 16 s. 4.

(4) On the publication of such Order in the *Government Gazette* such street or way or part thereof (whether it is the property of the Crown or not) shall cease to be a street or way and thereupon all rights easements or privileges existing or claimed as regards the land comprised therein either in the public or by any body or person whatsoever or whomsoever as incident to any past dedication or supposed dedication thereof or by express grant or by any past user thereof or by any fiction of law shall cease and determine and the land comprised therein shall be re-vested in His Majesty his heirs and successors freed and discharged from all trusts obligations estates interests contracts charges rates limitations or restrictions whatsoever and shall be and be deemed to be and may be dealt with as unalienated land of the Crown.

Effect of closing.

(5) The Governor in Council may subject to such covenants conditions reservations and exceptions as the Governor in Council thinks fit grant to the municipality for the purposes of this Act the land which was comprised in the street or way or part thereof.

Power to grant land comprised in closed streets &c. to municipality.

(6) Where the land comprised in any street or way so closed as aforesaid or any part thereof is land under the operation of the *Transfer of Land Act 1915* the registrar of titles is hereby empowered to cancel the existing Crown grant or certificate of title therefor and any instrument entry or memorial in the register-book altogether or to such extent as is necessary to give effect to such Order.

Cancellation of existing Crown grant &c. when land is under Transfer of Land Acts. Comp. No. 2740 s. 97.

(7) In cancelling any Crown grant certificate of title instrument or any memorial or entry in the register-book in pursuance of the power hereby conferred on him in that behalf the registrar of titles shall endorse thereon a memorandum stating the circumstances and authority under which the cancellation is made.

Memorandum of cancellation. *Ib.* s. 100.

(8) If an order for the closing of a street or way or part thereof affects the right estate or interest of the registered proprietor of land under the operation of the *Transfer of Land Act 1915* included in any certificate of title in respect of any registered easement appearing thereon appurtenant to such land the registrar of titles may cancel such easement to the extent to which it has been determined or extinguished upon the original of such certificate and also upon the duplicate certificate of title when brought to him for that purpose or when the same is lodged in the office of titles for the purpose of any dealing with the land comprised therein.

Where Order closing street &c. affects other lands &c. *Ib.* s. 103.

(9) The registrar of titles may call in such duplicate certificate of title for the purpose of such cancellation and may detain the duplicate until such cancellation is effected and refuse to register any dealing with the land comprised therein or any part thereof until the duplicate has been so brought in and lodged.

Calling in duplicate certificate. *Ib.*

(10) Where the description of land under the operation of the *Transfer of Land Act* 1915 is or may be affected by any Order made hereunder closing a street or way or part thereof the registrar of titles is hereby empowered to make any amendment in such description which is in his opinion necessary or desirable.

Amendments
of description
of land under
Transfer of
Land Act.

(11) The Governor in Council may make regulations with respect to—

Regulations.

- (a) forms and particulars of applications by councils with respect to the closing of streets or ways or parts thereof under this Act;
- (b) requirements with respect to notices to persons affected by such closing;
- (c) the manner and times for hearing objections to such closing and the forms of such objections; and
- (d) generally, any matters and things necessary or expedient for carrying into effect the provisions of this section.

(12) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

Publication of
regulations.

On the motion of the Honorable W. A. Adamson, and after debate, 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.

13. COUNTRY ROADS 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.

14. INTESTATE ESTATES DISTRIBUTION BILL.—The Order of the Day for the consideration of the amendment made in this Bill by the Council, and disagreed with, but amended by the Assembly, having been read, the said amendment was read, and is as follows:—

Amendment made by the Legislative Council.

How dealt with by the Legislative Assembly.

<p>Clause 2, lines 9–13, omit “father and a mother but no issue, then if the whole or any part of the estate of such intestate would now by law be distributable to the father the same shall be distributed equally to and between the father and mother” and insert “mother but no wife issue or father and the net value of whose estate shall not exceed Five hundred pounds then the whole of the estate of such intestate shall belong to the mother absolutely and exclusively.”</p>	<p>Disagreed with, but the following amendments made in the clause, viz.:—line 9, after “leaving” insert “(a)” ; and at the end of the clause add the following words, viz.:— “; or (b) a mother but no wife issue or father and the net value of his estate does not exceed Five hundred pounds then the whole of the estate of such intestate shall belong to the mother absolutely and exclusively.”</p>
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The Honorable A. Robinson moved, That the Council do not insist on their amendment and agree to the amendments of the Assembly with the following amendments, viz.:—After “wife” in paragraph (b) insert “or husband” and after “his” insert “or her.”

Debate ensued.

Question—put and resolved in the affirmative.

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 of the Bill, and agree to the amendments of the Assembly with amendments, with which they desire the concurrence of the Assembly.

15. 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.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 20th December, 1916.

16. WATER SUPPLY LOANS APPLICATION BILL.—On the motion of the Honorable A. Robinson for 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.

17. **ADMINISTRATION AND PROBATE 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.
18. **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 make further provision for the Recovery by Municipalities of Rates and other Moneys.*"
Legislative Assembly,
Melbourne, 20th December, 1916.
FRANK MADDEN,
Speaker.
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 amendments made by the Legislative Council in the Bill intituled "*An Act to amend the 'Infectious Diseases Hospital Act 1914.'*"
Legislative Assembly,
Melbourne, 20th December, 1916.
FRANK MADDEN,
Speaker.
20. **MIDWIVES BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable A. Robinson moved, That this Bill be now read a second time and, debate arising thereupon, it was ordered, on the motion of the Honorable Walter S. Manifold, That the debate be adjourned until to-morrow.
21. **ADMINISTRATION AND PROBATE 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.
22. **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.
23. **CONSTITUTION ACT AMENDMENT ACT 1915 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 returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
24. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day, Government Business, No. 8 be postponed until to-morrow.
25. **WAR CONTRIBUTIONS 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.
26. **SUPREME COURT 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.

27. WILLS (SOLDIERS') 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.

28. 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 on the amendments of the Legislative Assembly in clause 2 of the Bill intituled "*An Act to amend the Law relating to the Distribution of the Estates of Persons dying Intestate.*"

Legislative Assembly,
Melbourne, 20th December, 1916.

FRANK MADDEN,
Speaker.

29. 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 for removing Anomalies and correcting Errors in the Statute Law and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 20th December, 1916.

FRANK MADDEN,
Speaker.

30. STATUTE LAW REVISION BILL.—On the motion of the Honorable A. Robinson, 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.

31. 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 Parliamentary Joint Statute Law Revision Committee,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 20th December, 1916.

FRANK MADDEN,
Speaker.

32. STATUTE LAW REVISION COMMITTEE BILL.—On the motion of the Honorable A. Robinson, 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.

33. MEDICAL BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, and on the amendment, That the word "now" be omitted, and the words "this day six months" be added after the word "time" having been read—

Debate resumed.

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

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 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.

34. FOOTWEAR REGULATION BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Council and disagreed with, or disagreed with but amended, or agreed to with amendments by the Assembly, 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 2, omit this clause, and insert in lieu thereof the following clause:—

2. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette* which proclamation may be made when the Governor in Council is satisfied that a similar Act has been passed by the Parliament of the State of New South Wales.

Commencement.
S.A. No. 1046
s. 2.

Disagreed with.

Amendments made by the Legislative Council.

How dealt with by the
Legislative Assembly.

4. Clause 4, line 22, after "consists" insert "of fibre cord felt or other prescribed fabric or"; and after "rubber" insert "or partially of leather and partially of rubber."
5. Clause 5, line 39, after "soles" insert "or lining"; and after "thereof" insert "conspicuously and."
6. " page 3, line 9, after "soles" insert "or lining"; and after "thereof" insert "conspicuously and."
7. Clause 6, omit this Clause
8. Clause 10, lines 16-17, after "four" omit "or section six."
9. " lines 21-22, omit "(a) in the case of a prosecution under section four of this Act he further proves."
10. " line 27, after "marked" omit "or."
11. " paragraph (b), omit this paragraph.
12. Clause 11, sub-clause (1), line 37, after "soles" insert "or linings."
13. " sub-clause (1), page 5, line 1, after "prescribing" insert "the fabrics of which outsoles may consist and."
14. " sub-clause (1), page 5, line 5, after "used" insert "and."
15. " sub-clause (1), page 5, paragraph (c), omit this paragraph.
16. " sub-clause (1), page 5, line 9, before "imposing" omit "(d)" and insert "(c)."
17. Insert the following new clause to follow clause 2:—
- A. So far only as relates to the sale or supply or exposing for sale or having in possession for sale or supply of boots or shoes in the possession of any person before the passing of this Act, sections four and five of this Act shall not apply to any such person until after the expiration of twelve months after the coming into force of this Act.

Disagreed with.

Amendment to omit clause 6 disagreed with, but clause amended by adding the following sub-section, viz. :—

"(2) The provisions of sections one hundred and ten one hundred and eleven and one hundred and twelve of the *Health Act* 1915 with respect to warranties shall with such alterations modifications and substitutions as are necessary extend and apply to a defendant in any proceedings under this Act for a breach of this section, and in the construction of the said sections for the purposes of this sub-section but without affecting the generality thereof any reference in the said sections to any article or any article of food or drug shall be read and construed as if it were a reference to boots or shoes (as the case requires)."

Disagreed with.

Agreed to with the following amendments, viz. :—

After "follow clause" omit "2" and insert "10."

Omit "twelve" and insert "six."

At the end of the clause add "and so far only as relates to the manufacture or sale or supply or having in possession for sale or supply of boots or shoes section five of this Act shall not apply to any such boots or shoes in any case where an inspector is satisfied that such boots or shoes are intended for export from Victoria and that save as provided in the proviso to section four of this Act the soles of such boots or shoes consist entirely of leather."

Amendment 1, after debate, not insisted on.

Amendments 4, 5, and 6 not insisted on.

Amendment 7 not insisted on, and amendment of the Assembly agreed to.

Amendments 8 to 16 inclusive, not insisted on.

Amendment 17.—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 do not insist on some of their amendments disagreed with by the Assembly, do not insist on their amendment to omit clause 6 and agree to the amendment of the Assembly in the said clause, and agree to the amendments of the Assembly in new clause A.

35. FACTORIES AND SHOPS ACT—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 person or persons or classes of persons (not including professional employees or nurses) employed in or about a hospital doing any kind of hospital work, having been read—
The Honorable W. L. Baillieu moved, That the Council concur with the Assembly in agreeing to the foregoing resolution.
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 to-morrow.
36. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 15 to 19 inclusive—
Victorian Loan Bill—Second reading.
Water Supply Loans Bill—Second reading.
Water Supply Loans Application Bill—Second reading,
be postponed until to-morrow.
37. 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 thirty-four minutes past ten o'clock, adjourned until to-morrow.

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

VICTORIA.

No. 34.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 21st DECEMBER, 1916.

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. 16.

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 Law relating to Presentments in Criminal Cases, and matters preliminary, incidental, or similar thereto.”

Government Offices,
Melbourne, 21st December, 1916.

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 empower the Victorian Railways Commissioners to dismantle the Lancefield and Kilmore Railway and to sell or otherwise dispose of the said Railway and any Land or Property vested in them for the purposes thereof,”* with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 20th December, 1916.

4. LANCEFIELD AND KILMORE RAILWAY BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, and after debate, 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 impose Additional Duties of Income Tax for each of the three years ending on the thirtieth day of June One thousand nine hundred and nineteen and to amend the Income Tax Acts,”* with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 21st December, 1916.

6. **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 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 Transfer of a sum of not more than Forty-five 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, 21st December, 1916.

8. **DEVELOPMENTAL RAILWAYS ACCOUNT TRANSFER 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 amend the Stamps Acts,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 21st December, 1916.

10. **STAMPS 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. **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 North Geelong to Fyansford,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 21st December, 1916.

12. **NORTH GEELONG TO FYANSFORD RAILWAY CONSTRUCTION BILL.**—On the motion of the Honorable A. Robinson, 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 transmit to the Legislative Council a Bill intituled "*An Act to provide for the Modification of a certain Lease granted in pursuance of the 'Thornbury Land Act 1912,'*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 21st December, 1916.

14. **THORNBURY LAND BILL.**—On the motion of the Honorable A. Robinson, 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.

15. **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, 21st December, 1916.

16. **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, by leave, to be read a second time this day.

17. **ORDER OF THE COUNCIL RESCINDED.**—The Honorable W. L. Baillieu moved, by leave, That the Order of the House appointing the next day of meeting for the second reading of the Income Tax Bill be rescinded, and that the second reading of the said Bill be made an Order of the Day for later this day.
Question—put and resolved in the affirmative.
18. **ALTERATION OF HOUR OF MEETING.**—The Honorable W. L. Baillieu moved, That the Council do meet for the despatch of business to-morrow at Two o'clock.
Question—put and resolved in the affirmative.
19. **STATUTE LAW REVISION COMMITTEE.** The Honorable Walter S. Manifold moved, That the Report from the Joint Select Committee of the Legislative Council and the Legislative Assembly on the Revision of the Statute Law, together with the Minutes of Evidence, be printed.
Question—put and resolved in the affirmative.
20. **PAPERS.**—The Honorable W. L. Baillieu presented—
Education Expenditure.—Primary, High, and Technical Schools.—Return to an Order of the Legislative Council, dated 6th December, 1916, showing the annual cost per scholar to the State of the children attending—
(a) the Primary Schools ;
(b) the High Schools ;
(c) the Technical Schools—
(i) Melbourne Junior Technical School—(a) day pupils and (b) evening pupils ;
(ii) Other Junior Technical Schools—day pupils ;
(iii) Approximate cost per head of full-course students in diploma courses ;
(iv) Average cost for all Technical School pupils based on the average number of individual students enrolled per quarter.
Such return to show in each case the basis of computation.
Ordered to lie on the Table.
The Honorable W. L. Baillieu presented, by command of His Excellency the Governor—
Charitable Institutions.—Report of Inspector for the year ended 30th June, 1916.
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 Clerk :—
Indeterminate Sentences Board—Annual Report of the Board for the year ended 30th June, 1916.
21. **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.
22. **LOCAL GOVERNMENT ACT 1915 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 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 transmitted to the Assembly with a Message desiring their concurrence therein.
23. **GOVERNOR'S DEPUTY'S POWERS 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.
24. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
25. **VICTORIAN LOAN 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.

26. 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 repeal 'The Rosstown Junction Railway Act' and 'The Rosstown Junction Railway Amendment Act' and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 21st December, 1916.

27. ROSSTOWN JUNCTION RAILWAY ABANDONMENT BILL.—On the motion of the Honorable A. Robinson, 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.

28. 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 Medical Practitioners.*"

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 21st December, 1916.

29. 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 with respect to Contributions under the Friendly Societies Acts by Persons on War Service and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 21st December, 1916.

30. FRIENDLY SOCIETIES BILL (No. 2).—On the motion of the Honorable W. L. Baillieu for the Honorable A. Robinson, 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.

31. 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.

32. WATER SUPPLY LOANS 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.

Debate ensued.

Question put.

The Council divided.

Ayes, 15.

The Hon. W. A. Adamson,
W. L. Baillieu,
W. J. Beckett,
F. W. Brawn,
J. D. Brown,
E. J. Crooke,
A. Hicks,
J. P. Jones,
Walter S. Manifold,
D. E. McBryde,
A. McLellan,
D. Melville,
A. Robinson.

Tellers.

The Hon. J. G. Aikman,
J. H. Disney.

Noes, 8.

The Hon. A. A. Austin,
Robert Beckett,
T. Beggs,
F. G. Clarke,
W. Kendell,
T. H. Payne.

Tellers.

The Hon. W. C. Angliss,
J. K. Merritt.

And so it was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.

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.

33. 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 dispensing, compounding, or selling medicines, drugs, or goods in dispensaries and chemists' shops, with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 21st December, 1916.

FRANK MADDEN,
Speaker.

Ordered—That the foregoing Message be taken into consideration to-morrow.

34. 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.

35. FACTORIES AND SHOPS ACT—APPOINTMENT OF SPECIAL WAGES BOARD.—The Order of the Day for the resumption of the debate on the question, That it is expedient to appoint a Special Board to determine the lowest prices or rates which may be paid to any person or persons or classes of persons (not including professional employees or nurses) employed in or about a hospital doing any kind of hospital work, having been read—

Debate resumed.

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.

36. STATUTE LAW REVISION 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.

37. STATUTE LAW REVISION COMMITTEE 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.

38. 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.

39. LANCEFIELD AND KILMORE RAILWAY 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 but had amended the title thereof, which title is as follows:—

“An Act to empower the Victorian Railways Commissioners to dismantle the Lancefield and Kilmore Railway and to sell or otherwise dispose of the said Railway or Property and to demise any Land vested in them for the purposes thereof;”

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 but with an amended title, and desiring their concurrence therein.

40. DEVELOPMENTAL RAILWAYS ACCOUNT TRANSFER 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.
41. NORTH GEELONG TO FYANSFORD RAILWAY CONSTRUCTION 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.
42. ROSSTOWN JUNCTION RAILWAY ABANDONMENT BILL.—The Honorable A. Robinson moved, by leave, That all the Standing Orders relating to Private Bills be suspended in relation to the Bill to repeal *The Rosstown Junction Railway Act* and *The Rosstown Junction Railway Amendment Act* and for other purposes, and that the Bill be treated as a Public Bill.
Question—put and resolved in the affirmative.
The Honorable A. Robinson moved, That this Bill be now read a second time.
Debate ensued.
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.
43. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 10 to 15 inclusive—
Income Tax Bill—Second reading.
Stamps Bill—Second reading.
Thornbury Land Bill—Second reading.
Friendly Societies Bill (No. 2)—Second reading,
be postponed until to-morrow.

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

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

VICTORIA.

No. 35.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

FRIDAY, 22ND DECEMBER, 1916.

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 Clerk :—
 - Agricultural Education.—Statement of Accounts of the Trustees of Agricultural Colleges and the Council of Agricultural Education—
 - From 1st July to 31st December, 1914.
 - From 1st January to 30th June, 1915.
 - From 1st July to 31st December, 1915.
 - From 1st January to 30th June, 1916.
 - Health Acts.—Regulations for Securing the Cleanliness and Freedom from Contamination of Articles of Food, &c.
 - Poor Prisoners Defence Act 1916.—Regulations.
 - State Forests Department.—Report for the year ended 30th June, 1916.
3. THORNBURY 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.
4. FRIENDLY SOCIETIES BILL (No. 2).—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. INCOME TAX 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.
Debate ensued.
Question put.

The Council divided.

Ayes, 5.

The Hon. W. A. Adamson,
W. L. Baillieu,
Walter S. Manifold.

Tellers.

The Hon. W. J. Beckett,
A. Robinson.

Noes, 14.

The Hon. A. A. Austin,
Robert Beckett,
T. Beggs,
F. W. Brawn,
J. D. Brown,
F. G. Clarke,
E. J. Crooke,
W. Kendell,
D. E. McBryde,
D. Melville,
J. K. Merritt,
A. O. Sachse.

Tellers.

The Hon. J. G. Aikman,
W. C. Angliss.

And so it passed in the negative.

6. STAMPS 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.

Debate ensued.

Question put.

The Council divided.

Ayes, 6.

The Hon. W. A. Adamson,
W. L. Baillieu,
Robert Beckett,
A. Robinson.

Tellers.

The Hon. W. J. Beckett,
E. J. Crooke.

Noes, 13.

The Hon. J. G. Aikman,
W. C. Angliss,
A. A. Austin,
F. W. Brawn,
J. D. Brown,
Walter S. Manifold,
D. E. McBryde,
D. Melville,
J. K. Merritt,
T. H. Payne,
A. O. Sachse.

Tellers.

The Hon. T. Beggs,
W. Kendell.

And so it passed in the negative.

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 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 seventeen and to appropriate the Supplies granted in this Session of Parliament,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly;
Melbourne, 22nd December, 1916.

FRANK MADDEN,
Speaker.

8. 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, 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 make provision in regard to certain Expenditures in connexion with State Railways,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 22nd December, 1916.

FRANK MADDEN,
Speaker.

10. RAILWAYS 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. 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 Title of the Bill intituled "*An Act to empower the Victorian Railways Commissioners to dismantle the Lancefield and Kilmore Railway and to sell or otherwise dispose of the said Railway and any Land or Property vested in them for the purposes thereof.*"

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 22nd December, 1916.

12. 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.

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 Bill intituled "*An Act to make provision for a State War Council and for other purposes,*" without amendment.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 22nd December, 1916.

14. RAILWAYS 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. RESIGNATION OF MEMBER.—The President announced that he had received the following letter from His Excellency the Governor :—

Government Cottage,
Macedon Upper.
Dec. 22nd, 1916.

DEAR MR. PRESIDENT,

I have this day received the notification, of which I enclose a copy, from Mr. W. Pearson, that he resigns his seat in the Legislative Council as member for the Gippsland Province. It will be noted that the letter is dated October 16th, but it only reached me this day.

I have acknowledged its receipt to Mr. Pearson.

I am, Mr. President,

Yours faithfully,

A. L. STANLEY,
Governor.

[COPY.]

16th Oct., 1916.

SIR,

I do myself the honour to inform you that I hereby resign my seat as a member of the Legislative Council of the State of Victoria for the Gippsland Province.

I have the honour to be,

Sir,

Your most obedient Servant,
(Signed) WILLIAM PEARSON.

To His Excellency the Governor of Victoria.

16. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day No. 5 be postponed until later this day.

17. 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.

18. MIDWIVES 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 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.—The Honorable W. L. Baillieu moved, That the consideration of the remaining Orders of the Day (Nos. 7 to 12 inclusive) be postponed until the next day of meeting.

Debate ensued.

Question—put.

The Council divided.

Ayes, 15.

The Hon. W. A. Adamson,
J. G. Aikman,
W. C. Angliss,
W. L. Baillieu,
T. Beggs,
F. W. Brawn,
J. D. Brown,
W. Kendell,
Walter S. Manifold,
D. Melville,
J. K. Merritt,
A. Robinson,
A. O. Sachse.

Tellers.

The Hon. A. A. Austin,
E. J. Crooke.

Noes, 4.

The Hon. J. H. Disney,
A. McLellan.

Tellers.

The Hon. W. J. Beckett,
J. P. Jones.

And so it was resolved in the affirmative.

Ordered—That the consideration of the remaining Orders of the Day (Nos. 7 to 12 inclusive) be postponed until the next day of meeting.

20. ADJOURNMENT.—The Honorable W. L. Baillieu moved, by leave, That the Council at its rising adjourn until Tuesday, the 16th January next.

Question—put and resolved in the affirmative.

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 four minutes past nine o'clock, adjourned until Tuesday, the 16th January next.

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

SUBJECT-MATTER OF QUESTIONS OF WHICH NOTICE WAS GIVEN BY HONORABLE MEMBERS DURING SESSION 1916, AND REPLIES THERETO.

Subject-matter, and Name of Member.	No. of Notice-Paper.	Page in Hansard.
ACCUSED Persons in Military Uniform. <i>See under "The War."</i>		
Artificial Manures—Standard and Price (<i>Hon. A. Hicks</i>)	33	3724
BANKRUPTCY. <i>See "Pony Racing," &c.</i>		
Blackwood Logs in Seasoning Plant (<i>Hon. J. K. Merritt</i>)	30	3370
Brighton. <i>See "St. Kilda-Brighton Tramway."</i>		
Bulk Handling of Grain. <i>See under "Grain."</i>		
CARRUM Drowning Case (<i>Hon. Robert Beckett</i>)	5	740
Censorship. <i>See "Picture Films."</i>		
Clinics for Venereal Diseases (<i>Hon. J. D. Brown</i>)	13	1709
Closer Settlement—Purchase of Dry Areas (<i>Hon. J. Sternberg</i>)	13	1709
Coal Strike (<i>Hon. H. F. Richardson</i>)	21	2553
Commonwealth Referendum Campaign—Prime Minister's Pronouncements (<i>Hon. J. D. Brown</i>)	13	1709
Consolidated Acts—Index and Regulations (<i>Hon. Robert Beckett</i>)	3	306
DAYLIGHT Saving Act (<i>Hon. W. C. Angliss</i>)	26	3013
Dental Clinics. <i>See "Physically Unfit," &c.</i>		
Discharged Soldiers' Settlement Bill. <i>See under "The War."</i>		
Dog Act—Protection of Sheep Breeders (<i>Hon. W. Kendell</i>)	3	306
Dry Areas. <i>See "Closer Settlement," &c.</i>		
EMPLOYMENT for Returned Soldiers. <i>See under "The War."</i>		
Enlistment of Public Servants. <i>See under "The War."</i>		
Estates of Deceased Soldiers. <i>See under "The War."</i>		
FACTORIES Act—Provincial Wages Board (<i>Hon. Walter S. Manifold</i>)	23	2727
GRAIN—		
Handling Grain in Bulk (<i>Hon. W. Kendell</i>)	*	2042
Handling Grain in Bulk—Fees paid to J. S. Metcalfe Company Limited (<i>Hon. A. Hicks</i>)	5	740
<i>And see under "Wheat."</i>		
INCOME Tax—Form of Return (<i>Hon. A. A. Austin</i>)	8	1063-4
	*	1285
Industrial Peace Preservation Bill (<i>Hon. A. A. Austin</i>)	10	1441
	11	1479
Industrial Workers of the World (<i>Hon. T. H. Payne</i>)	26	3013
LAND for Returned Soldiers. <i>See under "The War."</i>		
Land Valuations. <i>See "Uniform Land Valuations."</i>		
Licensing Act (<i>Hon. W. J. Beckett</i>)	9	1285
McKAY'S Harvester Works at Sunshine—Employment of Women (<i>Hon. D. L. McNamara</i>)	5	741
Melbourne Hospital Expenditure (<i>Hon. J. K. Merritt</i>)	5	740
Metcalfe, J. S., Company Limited. <i>See under "Grain."</i>		
Military Uniforms. <i>See under "The War."</i>		
Municipal Trams. <i>See under "Railways."</i>		
NEWMARKET Yards. <i>See "Sheep at Newmarket Yards."</i>		

* Without Notice.

SUBJECT-MATTER OF QUESTIONS OF WHICH NOTICE WAS GIVEN BY HONORABLE MEMBERS DURING
SESSION 1916, AND REPLIES THERETO—*continued*

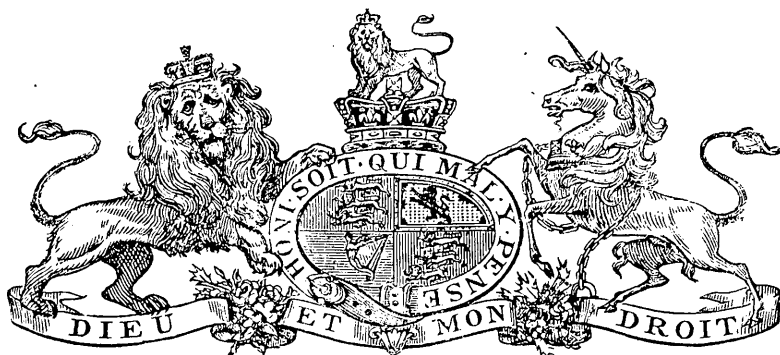
Subject-matter, and Name of Member.	No. of Notice-Paper.	Page in <i>Hansard</i> .
ORIENTAL Timber Company Limited (<i>Hon. J. K. Merritt</i>)	19	2358
PEACE Preservation. • See "Industrial Peace," &c.		
Physically Unfit—School Dental Clinics (<i>Hon. J. P. Jones</i>)	15	1915
Picture Films—Censorship of (<i>Hon. H. F. Richardson</i>)	14	1849
Pony Racing and Bankruptcy (<i>Hon. D. Melville</i>)	3	306
<i>And see "Race Meetings."</i>		
Port Melbourne Roll—Omissions from (<i>Hon. D. L. McNamara</i>)	2	166
Prime Minister's Pronouncements. See "Commonwealth Referendum Campaign," &c.		
Provincial Wages Board. See under "Factories Act."		
RACE Meetings (<i>Hon. W. J. Beckett</i>)	2	166
<i>And see "Pony Racing," &c.</i>	9	1284
Railways—		
Municipal Trams—Effect on Railway Revenue (<i>Hon. A. Hicks</i>)	2	165
Railway Department—		
Commissioners' Report (<i>Hon. J. P. Jones</i>)	15	1914
Dismissals of Men from Newport Workshops (<i>Hon. W. J. Beckett</i>)	27	3090
Professional and Clerical Employees (<i>Hon. D. E. McBryde</i>)	25	2946
Referendum Campaign. See "Commonwealth Referendum Campaign," &c.		
Returned Soldiers. See under "The War."		
ST. JOHN'S WORT (<i>Hon. A. O. Sachse</i>)	15	1914-15
St. Kilda—Brighton Tramway (<i>Hon. Robert Beckett</i>)	22	2606
School Dental Clinics. See "Physically Unfit," &c.		
Senator Russell's Services. See under "Wheat."		
Sheep at Newmarket Yards—Condition of (<i>Hon. A. A. Austin</i>)	4	449
Sheep Breeders. See "Dog Act," &c.		
Sheep Dipping Act—Number of Prosecutions (<i>Hon. A. A. Austin</i>)	1	75
South Melbourne Market—Proposed (<i>Hon. J. H. Disney</i>)	6	870
Sparrovale Farm—Proposed Leasing (<i>Hon. H. F. Richardson</i>)	6	869
Strike. See "Coal Strike," and "Industrial," &c.		
THE War—		
Accused Persons in Military Uniform (<i>Hon. Robert Beckett</i>)	5	740
Discharged Soldiers' Settlement Bill (<i>Hon. F. G. Clarke</i>)	30	3370-1
Employment for Returned Soldiers (<i>Hon. Robert Beckett</i>)	31	3521-2
Enlistment of Civil Servants (<i>Hon. H. F. Richardson</i>)	32	3647-8
Estates of Deceased Soldiers (<i>Hon. Robert Beckett</i>)	18	2097
Land for Returned Soldiers (<i>Hon. F. G. Clarke</i>)	24	2789
Returned Soldiers—Land Settlement Proposals (<i>Hon. J. McWhae</i>)	23	2727
Returned Soldiers—Land Settlement Proposals (<i>Hon. J. McWhae</i>)	4	480-1
Town Planning (<i>Hon. Robert Beckett</i>)	6	869-70
Tramway Trust Bill (<i>Hon. Robert Beckett</i>)	30	3370
UNIFORM Land Valuations (<i>Hon. H. F. Richardson</i>)	1	76
VENEREAL Diseases. See "Clinics for Venereal Diseases."		
WHEAT—		
Wheat Pool (<i>Hon. A. Hicks</i>)	21	2553-4
Wheat Pool—Senator Russell's Services (<i>Hon. W. Kendall</i>)	15	1914
<i>And see under "Grain."</i>		
Women—Employment of. See "McKay's Harvester Works," &c.		
Women's Political Association—Contribution by the Government (<i>Hon. T. Beggs</i>)	1	75

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 28th December, 1916, viz. :—

- “An Act to amend Part VI. of the *Instruments Act* 1915.”
 - “An Act relating to Venereal Diseases and to amend Part V. of the *Police Offences Act* 1915.”
 - “An Act to empower the City of Melbourne and the City of Geelong to reclaim and improve insanitary low-lying or overcrowded areas.”
 - “An Act to amend the *Infectious Diseases Hospital Act* 1914.”
 - “An Act to make further provision for the Recovery by Municipalities of Rates and other Moneys.”
 - “An Act to amend the *Country Roads Act* 1915.”
 - “An Act to amend the Law relating to the Distribution of the Estates of Persons dying Intestate.”
 - “An Act to amend the *Administration and Probate Act* 1915.”
 - “An Act to declare the Rate of Land Tax for the Year ending the thirty-first day of December One thousand nine hundred and seventeen and to amend the Land Tax Acts.”
 - “An Act to amend Part IX. of *The Constitution Act Amendment Act* 1915.”
 - “An Act to amend the *War Expenditure and Overdrafts Act* 1914 and to validate certain Investments by Municipalities in Commonwealth War Loans.”
 - “An Act to amend the *Supreme Court Act* 1915 with respect to the Qualifications of the Master-in-Equity.”
 - “An Act to regulate the Manufacture and Sale of Footwear and for other purposes.”
 - “An Act to amend the Law relating to Medical Practitioners.”
 - “An Act to authorize the raising of Money for Irrigation Works and Water Supply Works and for Drainage and Flood Protection Works in Country Districts.”
 - “An Act relating to Municipal Endowment.”
 - “An Act to authorize the raising of Money for Water Supply Purposes and to sanction the Issue and Application of such Money for the said Purposes.”
 - “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 for removing Anomalies and Correcting Errors in the Statute Law and for other purposes.”
 - “An Act relating to the Parliamentary Joint Statute Law Revision Committee.”
 - “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 Forty-five thousand pounds from ‘The Developmental Railways Account’ to the Consolidated Revenue.”
 - “An Act to authorize the Construction by the State of a Line of Railway from North Geelong to Fyansford.”
 - “An Act to repeal *The Rosstown Junction Railway Act* and *The Rosstown Junction Railway Amendment Act* and for other purposes.”
 - “An Act to empower the Victorian Railways Commissioners to dismantle the Lancefield and Kilmore Railway and to sell or otherwise dispose of the said Railway or Property and to demise any Land vested in them for the purposes thereof.”
 - “An Act to provide for the Modification of a certain Lease granted in pursuance of the *Thornbury Land Act* 1912.”
 - “An Act to make provision with respect to Contributions under the Friendly Societies Acts by Persons on War Service and for other purposes.”
 - “An Act to make provision for a State War Council and for other purposes.”
 - “An Act to make provision in regard to certain Expenditures in Connexion with State Railways.”
 - “An Act to amend the *Lunacy Act* 1915 and for other purposes.”
 - “An Act to amend the *Midwives Act* 1915.”
 - “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 seventeen and to appropriate the Supplies granted in this Session of Parliament.”
- Reserved—
- “An Act to amend Schedule D to ‘The Constitution Act’ and to make provision with respect to the Salary of any future Master-in-Equity.”
 - “An Act to provide for the Exercise by Deputy of certain Powers and Authorities vested in the Governor.”





VICTORIA

GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 8.]

FRIDAY, JANUARY 12.

[1917.

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.

WHEREAS The Parliament of Victoria stands adjourned until Tuesday, the sixteenth day of January, 1917: 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 twentieth day of February, 1917.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this tenth day of January, in the year of our Lord One thousand nine hundred and seventeen, and in the seventh 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 !



SELECT COMMITTEES.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS
(JOINT).

(SEE ACT No. 2717.)

The Hon. A. Hicks
(Appointed 3rd December, 1914)

The Hon. D. Melville
(Appointed 5th July, 1916).

APPOINTED DURING THE SESSION 1916.

No. 1.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 5th July, 1916.

The Hon. A. A. Austin	The Hon. A. Hicks
Robert Beckett	D. E. McBryde
J. D. Brown	A. McLellan.
F. G. Clarke	

No. 2.—ADDRESS IN REPLY TO HIS EXCELLENCY THE GOVERNOR'S SPEECH.

Appointed 5th July, 1916.

The Hon. W. Kendall	The Hon. D. L. McNamara
J. D. Brown	D. Melville
F. G. Clarke	J. K. Merritt.
J. H. Disney	

No. 3.—STANDING ORDERS.

Appointed 12th July, 1916.

The Hon. the President	The Hon. Walter S. Manifold
W. L. Baillieu	D. E. McBryde
J. D. Brown	T. H. Payne
E. J. Crooke	A. O. Sachse
F. W. Hagelthorn	J. Sternberg.

No. 4.—PARLIAMENT BUILDINGS (JOINT).

Appointed 12th July, 1916.

The Hon. the President	The Hon. A. McLellan
W. A. Adamson	J. K. Merritt.
A. A. Austin	

No. 5.—LIBRARY (JOINT).

Appointed 12th July, 1916.

The Hon. the President	The Hon. F. G. Clarke
T. Beggs	D. Melville.
F. W. Brawn	

No. 6.—REFRESHMENT ROOMS (JOINT).

Appointed 12th July, 1916.

The Hon. A. Hicks	The Hon. J. McWhae
J. P. Jones	R. B. Rees.
J. Y. McDonald	

No. 7.—PRINTING.

Appointed 12th July, 1916.

The Hon. the President	The Hon. W. Kendall
W. C. Angliss	D. L. McNamara
W. J. Beckett	W. Pearson
W. L. R. Clarke	H. F. Richardson
J. H. Disney	E. J. White.

No. 8.—STATUTE LAW REVISION (JOINT).

Appointed 12th July, 1916.

The Hon. Robert Beckett	The Hon. E. J. Crooke
J. D. Brown	Walter S. Manifold
F. G. Clarke	A. Robinson.



VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1916.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

WEDNESDAY, 30TH AUGUST, 1916.

No. 1.—EDUCATION BILL.—Clause 2.—

2. (1) If the Minister is of opinion that it is expedient in the interests of the people of Victoria that the registration under Part VI. of the *Education Act* 1915 of all or any of the schools referred to in the Schedule to this Act should be cancelled he may recommend to the Governor in Council that such registration be cancelled.—(*Hon. W. L. Baillieu.*)

Amendment proposed—That the following new sub-clause be inserted to follow sub-clause (1), viz. :—

“(1A) If instruction is given in any school otherwise than through the medium of the English language and no exemption Order has been made by the Governor in Council as hereinbefore provided the person carrying on or conducting such school and also the person giving such instruction shall in any case where the registration of such school has not been cancelled under this Act be liable to a penalty of not more than Ten pounds.”—(*Hon. Robert Beckett.*)

Question—That the new sub-clause proposed to be inserted be so inserted—put.
Committee divided.

Ayes, 7.

The Hon. Robert Beckett,
W. J. Beckett,
J. P. Jones,
A. McLellan,
J. K. Merritt.

Tellers.

The Hon. A. A. Austin,
J. H. Disney.

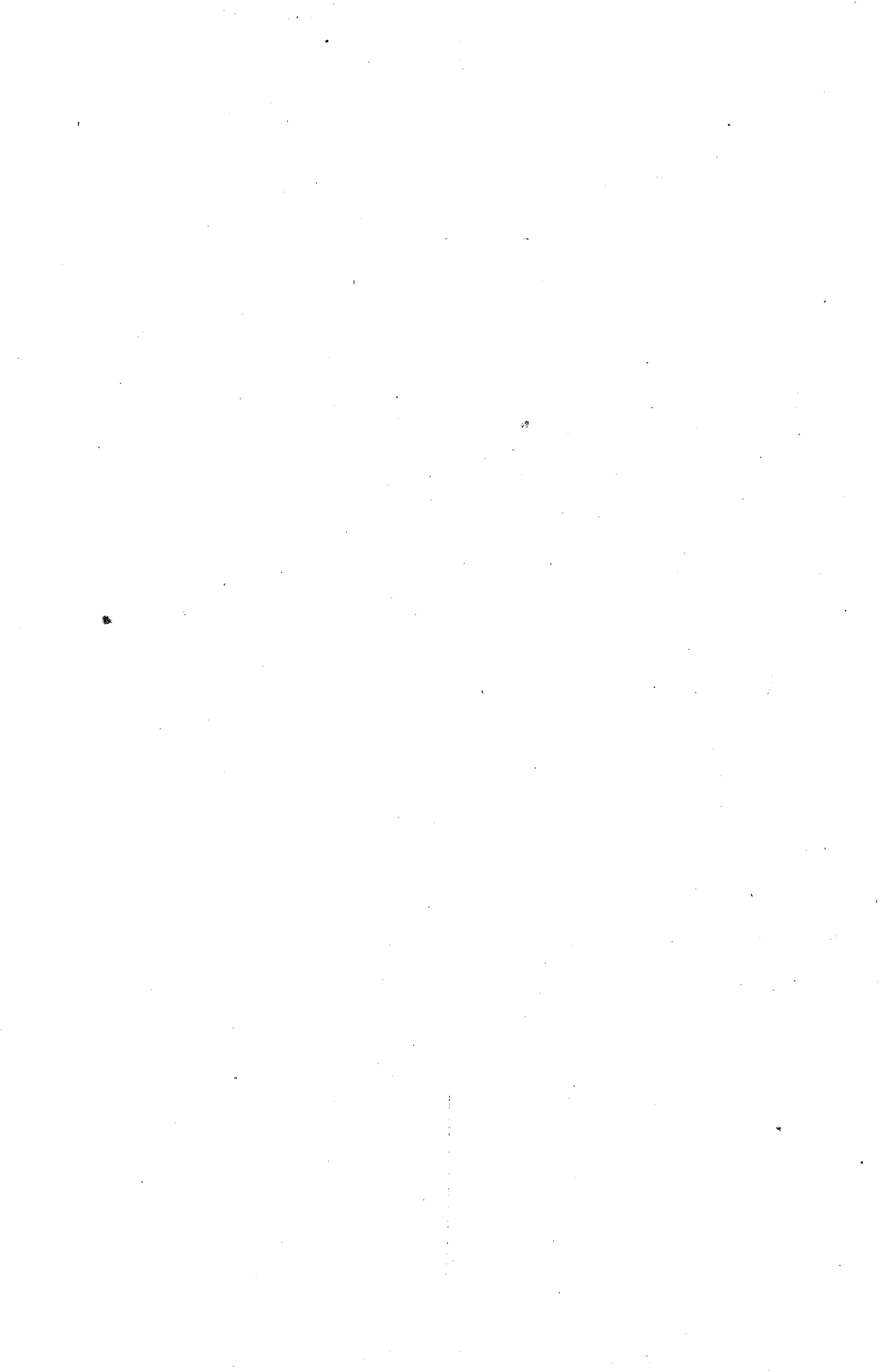
Noes, 9.

The Hon. W. A. Adamson,
W. L. Baillieu,
J. D. Brown,
F. W. Hagelthorn,
Walter S. Manifold,
H. F. Richardson,
A. Robinson.

Tellers.

The Hon. T. Beggs,
W. Kendell.

And so it passed in the negative.



VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1916.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 26TH SEPTEMBER, 1916.

No. 1.—INTOXICATING LIQUOR (TEMPORARY RESTRICTION) BILL.—Proposed New Clause B—

B. (1) Where in any licensed premises *bonâ fide* meals have before the passing of this Act been habitually supplied to customers or in the premises of any registered club supplied to members of the club, a Licensing Court for the district consisting of one magistrate may on the application of the licensee or (as the case may be) the secretary of the club grant with respect to such licensed premises or club premises a permit to such licensee or secretary for the sale disposal or supply of liquor for consumption with *bonâ fide* meals in accordance with the provisions of this section and may at any time revoke any such permit.

(2) The operation of this Act shall not be held to prevent—

(a) the sale or disposal or supply of liquor on any licensed premises or club premises with respect to which a permit under this section has been granted and is in force to any person or member of a club (as the case may be) for consumption with a *bonâ fide* meal from the hour of six o'clock in the evening until such time not being later than eight o'clock in the evening as is specified in the permit: Provided that the meal is not being served and the liquor is not sold disposed of supplied or consumed in any bar or other part of the licensed premises or club premises except in the dining room thereof in which meals are usually served: Provided further that the door or doors of such dining room are not locked or kept locked between the hours of six o'clock and eight o'clock in the evening; or

(b) the sale or disposal or supply of liquor on the premises of any railway refreshment room licensee at any railway station to any person travelling by any train conveying passengers from the arrival of such train at the station until its departure but not longer than for a period of twenty minutes after such arrival.

(3) Save as expressly provided in this section nothing in this section shall make lawful anything which would have been a contravention of any of the provisions of the Licensing Acts or this Act if this section had not passed.

Motion made and question put—That New Clause B be added to the Bill.
Committee divided.

Ayes, 15.

The Hon. W. C. Angliss,
A. A. Austin,
W. L. Baillieu,
W. J. Beckett,
T. Beggs,
F. W. Brawn,
F. G. Clarke,
J. H. Disney,
Walter S. Manifold,
D. E. McBryde,
T. H. Payne,
A. Robinson,
J. Sternberg.

Tellers.

The Hon. J. G. Aikman,
E. J. Crooke.

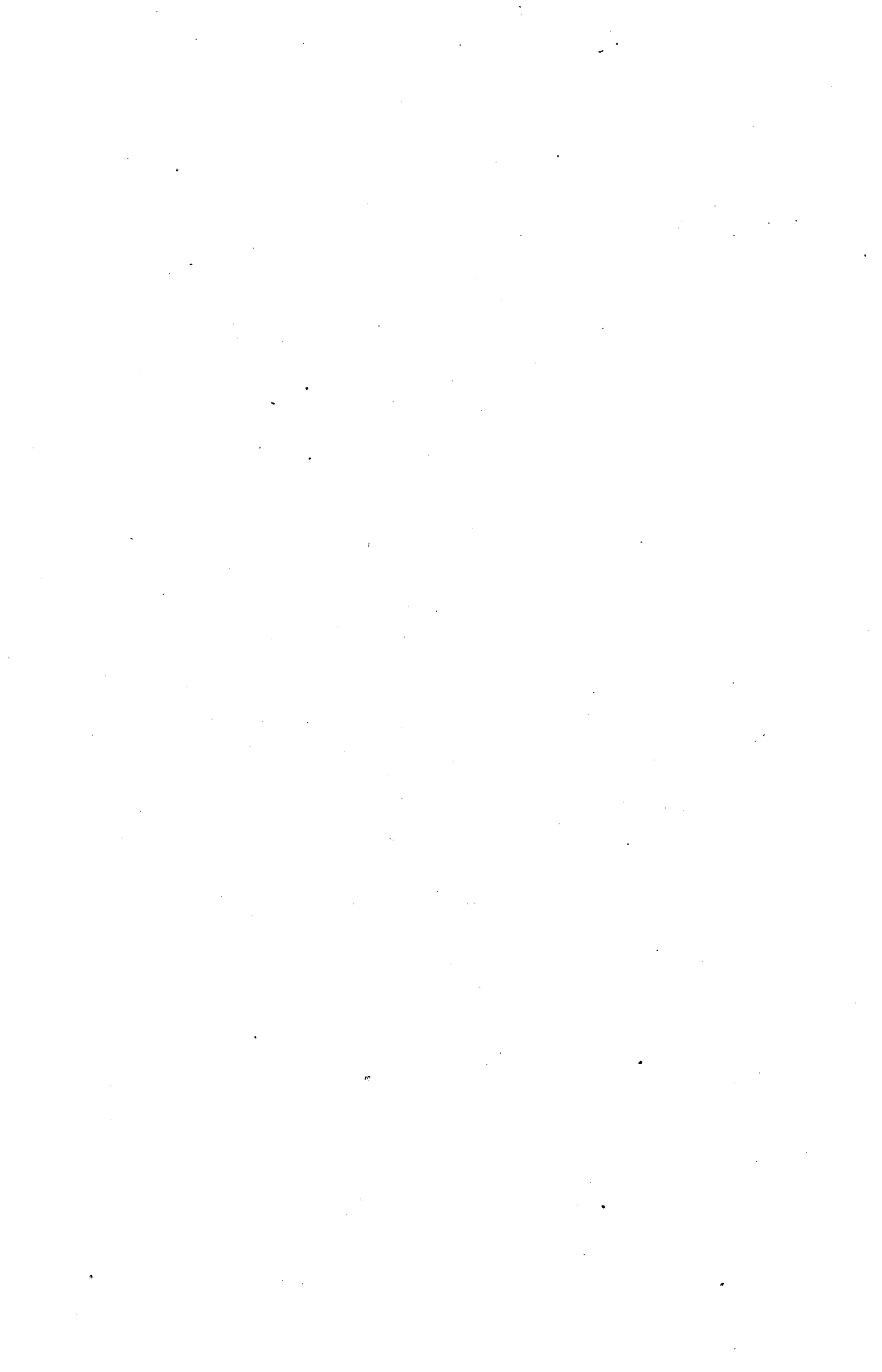
Noes, 9.

The Hon. J. D. Brown,
F. W. Hagelthorn,
A. Hicks,
J. P. Jones,
W. Kendell,
D. Melville,
H. F. Richardson.

Tellers.

The Hon. A. McLellan,
J. K. Merritt.

And so it was resolved in the affirmative.



VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1916.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

TUESDAY, 28TH NOVEMBER, 1916.

No. 1.—WATER BILL.—Clause 6—

6. In section two hundred and sixty of the Principal Act for the words from "by flooding" to the end of the section there shall be substituted the words "by intentional or negligent flooding or by water in any way sent on to property by any negligent act of the Authority or its servants agents or contractors but in all cases the onus of proof that such flooding was not intentional or due to negligence or any negligent act of the Authority or its servants agents or contractors shall rest with the Authority."

Amendment proposed—That all the words after "contractors" in line 4 to the end of the clause be omitted.—(*Hon. Robert Beckett.*)

Question—That the words proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 18.

The Hon. W. A. Adamson,
J. G. Aikman,
W. C. Angliss,
W. L. Baillieu,
W. J. Beckett,
J. D. Brown,
F. G. Clarke,
E. J. Crooke,
J. P. Jones,
Walter S. Manifold,
D. E. McBryde,
D. Melville,
T. H. Payne,
H. F. Richardson,
A. Robinson,
E. J. White.

Tellers.

The Hon. A. Hicks,
A. McLellan.

Noes, 3.

The Hon. Robert Beckett.

Tellers.

The Hon. A. A. Austin,
J. K. Merritt.

And so it was resolved in the affirmative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1916.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

THURSDAY, 7TH DECEMBER, 1916.

No. 1.—MUNICIPAL RATES RECOVERY BILL.—Clause 3—

3. The said power of sale shall include—

A power to sell the land or any part thereof either together or in lots by public auction or by private contract subject to such terms and conditions respecting title or evidence of title or payment of the purchase money or other matter as the council thinks fit with power to vary any contract of sale and to buy in at any auction or to rescind any contract for sale and to resell without being answerable for any loss occasioned thereby with power to make such roads streets and passages and grant such easements of right of way or drainage over the same as the circumstances of the case may require and the council thinks fit.

Provided that the land shall not be sold by private contract unless and until the same has been first offered for sale by public auction.—(*Hon. A. Robinson.*)

Amendment proposed—That the following words be added to the clause :—

“Provided further that the council requiring the land or part thereof for any public purpose may with the consent of the Governor in Council become the purchaser thereof at public auction.”—(*Hon. Robert Beckett.*)

Question—That the words proposed to be added be so added—put.

Committee divided.

Ayes, 7.

The Hon. J. G. Aikman,
Robert Beckett,
J. P. Jones,
A. McLellan,
J. K. Merritt.

Tellers.

The Hon. W. J. Beckett,
D. E. McBryde.

Noes, 8.

The Hon. W. A. Adamson,
W. L. Baillieu,
J. M. Davies,
Walter S. Manifold,
D. Melville,
A. Robinson.

Tellers.

The Hon. T. Beggs,
J. D. Brown.

And so it passed in the negative.

VICTORIA.

LEGISLATIVE COUNCIL

SESSION 1916.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

WEDNESDAY, 13TH DECEMBER, 1916.

No. 1.—LICENSING ACTS AMENDMENT BILL—Clause 30, as amended—

[Clause 30 had been amended by inserting the words "first day of January One thousand nine hundred and seventeen" in the first and second lines of sub-clause (4) in place of the words "passing of this Act" and by inserting the words "the Licensing Acts" in the fourth line of the said sub-clause in place of the words "this Act."]

30. For section two hundred and seven of the Principal Act there shall be substituted the following section:—

"207. (1) From and after the first day of January One thousand nine hundred and seventeen save as provided by this section no female shall be employed in any capacity or permitted to serve in any capacity in or about the bar of any licensed premises at any time while the bar is open for the sale of liquor.

* * * * *

(4) Every person who at any time within one year before the first day of January One thousand nine hundred and seventeen has been employed as a barmaid in any licensed premises for a continuous period of not less than three months shall be entitled to be registered as a barmaid under this Act if application for registration is made by her in accordance with the Licensing Acts and the regulations made thereunder on or before the first day of February One thousand nine hundred and seventeen."

* * * * *

—(Hon. A. Robinson.)

Motion made and question put—That clause 30, as amended, stand part of the Bill.

Committee divided.

Ayes, 12.

- The Hon. W. A. Adamson,
- Robert Beckett,
- F. W. Brawn,
- E. J. Crooke,
- A. Hicks,
- J. P. Jones,
- A. McLellan,
- D. Melville,
- T. H. Payne,
- A. Robinson.

Tellers.

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

Noes, 9.

- The Hon. J. G. Aikman,
- T. Beggs,
- J. H. Disney,
- W. Kendell,
- Walter S. Manifold,
- D. E. McBryde,
- E. J. White.

Tellers.

- The Hon. W. J. Beckett,
- F. G. Clarke.

And so it was resolved in the affirmative.

No. 2.—LICENSING ACTS AMENDMENT BILL.—Clause 31, *as amended*—

[Clause 31 had been amended by inserting the words “the public” in the second line of sub-clause (1) in place of the word “customers.”]

31. (1) Where in any licensed premises *bonâ fide* meals have before the passing of this Act been habitually supplied to the public or in the premises of any registered club supplied to members of the club, a licensing court for the district consisting of one licensing magistrate may on the application of the licensee or (as the case may be) the secretary of the club grant with respect to such licensed premises or club premises a permit to such licensee or secretary for the sale disposal or supply of liquor for consumption with *bonâ fide* meals in accordance with the provisions of this section and may at any time revoke any such permit.

* * * * *

—(*Hon. A. Robinson.*)

Motion made and question put—That clause 31, as amended, stand part of the Bill.

Committee divided.

Ayes, 14.

The Hon. W. A. Adamson,
W. C. Angliss,
W. J. Beckett,
F. W. Brawn,
E. J. Crooke,
J. H. Disney,
Walter S. Manifold,
D. E. McBryde,
J. K. Merritt,
T. H. Payne,
A. Robinson,
E. J. White.

Tellers.

The Hon. J. G. Aikman,
T. Beggs.

Noes, 6.

The Hon. Robert Beckett,
W. Kendell,
A. McLellan,
D. Melville.

Tellers.

The Hon. A. Hicks,
J. P. Jones.

And so it was resolved in the affirmative.

THURSDAY, 14TH DECEMBER.

No. 3.—LICENSING ACTS AMENDMENT BILL.—Clause 51 (*on Recommendation*).—

51. (1) In sub-section (3) of section two hundred and ninety-five of the Principal Act for the words “the general election next following the commencement of this Part” there shall be substituted the words “the second general election after the commencement of this Part.”

(2) Until the day appointed for the taking of the first local option vote under the said section two hundred and ninety-five as amended as aforesaid the licensing court for any licensing district may determine that reductions be made in the number of victuallers' licences for that district as if Resolution B referred to in section two hundred and ninety-six of the Principal Act had been carried in that district and may determine the amount of compensation payable; and for the purposes of this sub-section the provisions of the Licensing Acts with such modifications and substitutions as are necessary shall be read and construed and given effect accordingly:

Provided that the court shall exercise the powers conferred upon it hereunder to the extent only to which there are moneys in the Licensing Fund available for payment of compensation.—(*Hon. A. Robinson.*)

Motion made and question put—That clause 51 stand part of the Bill.

Committee divided.

Ayes, 12.

The Hon. J. G. Aikman,
A. A. Austin,
W. J. Beckett,
E. J. Crooke,
J. P. Jones,
W. Kendell,
Walter S. Manifold,
A. McLellan,
T. H. Payne,
A. Robinson.

Tellers.

The Hon. W. C. Angliss,
T. Beggs.

Noes, 6.

The Hon. Robert Beckett,
J. D. Brown,
D. Melville,
J. K. Merritt.

Tellers.

The Hon. F. G. Clarke,
A. Hicks.

And so it was resolved in the affirmative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1916.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 6.

Extracted from the Minutes.

TUESDAY, 19TH DECEMBER, 1916.

No. 1.—CONSTITUTION ACT AMENDMENT ACT 1915 AMENDMENT BILL—Clause 2.—

2. In sub-section (1) of section four hundred and twenty-three of the Principal Act for the words—

“ shall either directly or indirectly take any part whatsoever in or in relation to elections of members of the Council or the Assembly or directly or indirectly in any way take part in the political affairs of the State of Victoria otherwise than by recording a vote at a parliamentary election ”

there shall be substituted the following words :—

“ shall publicly comment upon the administration of any Department of the State of Victoria or use for any purpose other than for the discharge of his official duties information gained by or conveyed to him through his connexion with the public service.”—(*Hon. W. L. Baillieu.*)

Amendment proposed—That the words “ in which he may be employed ” be inserted after the word “ Victoria ” in line 9.—(*Hon. A. McLellan.*)

Question—That the words proposed to be inserted be so inserted—put.

Committee divided.

Ayes, 5.

The Hon. W. J. Beckett,
J. P. Jones,
A. McLellan.

Tellers.

The Hon. J. G. Aikman,
J. H. Disney.

Noes, 14.

The Hon. W. A. Adamson,
W. L. Baillieu,
T. Beggs,
J. D. Brown,
A. Hicks,
W. Kendall,
Walter S. Manifold,
D. Melville,
J. K. Merritt,
T. H. Payne,
H. F. Richardson,
A. Robinson.

Tellers.

The Hon. W. C. Angliss,
F. W. Brawn.

And so it passed in the negative.



1916.

VICTORIA.

MELBOURNE WEST PROVINCE.

REPORT

OF

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS

ON THE

PETITION OF JOHN GEORGE AIKMAN AGAINST THE
RETURN OF DANIEL LAURENCE McNAMARA,

FOR THE

ELECTORAL PROVINCE OF MELBOURNE WEST,

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE AND MINUTES OF EVIDENCE.

Ordered by the Legislative Council to be printed, 29th August, 1916.

By Authority:

ALBERT J. MULLETT, GOVERNMENT PRINTER, MELBOURNE.

(350 copies.)



EXTRACTED FROM THE MINUTES.

WEDNESDAY, 5TH JULY, 1916.

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 1915*, I do hereby appoint—

The Honorable Austin Albert Austin,
The Honorable Robert Beckett,
The Honorable James Drysdale Brown,
The Honorable Francis Grenville Clarke, ~~FRANCIS GRENVILLE CLARKE~~
The Honorable Alfred Hicks, ~~ALFRED HICKS~~
The Honorable Duncan Elphinstone McBryde, and
The Honorable Adam McLellan

to be members of a Committee to be called the Committee of Elections and Qualifications.

Given under my hand this fifth day of July, One thousand nine hundred and sixteen.

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

SWEARING-IN OF NEW MEMBERS.—The Honorables W. A. Adamson, W. L. Baillieu, T. Beggs, E. J. Crooke, J. H. Disney, J. P. Jones, W. Kendell, Walter S. Manifold, D. L. McNamara, J. McWhae, D. Melville, J. K. Merritt, T. H. Payne, R. B. Rees, H. F. Richardson, A. O. Sachse, and J. Sternberg having approached the Table, took and subscribed the oath required by law, and severally delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth:—

* * * * *

“In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, DANIEL LAURENCE MCNAMARA, 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 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 situate in the municipal districts of Caulfield and Berwick, and are known as ‘Iona,’ Talbot-avenue, East St Kilda, in the municipal district of Caulfield; and allotments 2, section P, and 49A, section Q, parish of Koo-wee-rup East, containing thirty-two acres, in the Iona Riding, municipal district of Berwick.

“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 the said municipality upon a yearly value of £36, and that such of the said lands or tenements as are situate in the municipal district of Berwick are rated in the rate-book of the said municipality upon a yearly value of £65.

“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. L. MCNAMARA.”

TUESDAY, 15TH AUGUST, 1916.

MELBOURNE WEST PROVINCE ELECTION.—The President announced that there had been presented to him a Petition from John George Aikman, Merchant, praying that the election of the Honorable Daniel Laurence McNamara for the Melbourne West Province be declared void and that it be declared that the petitioner was returned as member for the said Province, and that the petition be referred to the Committee of Elections and Qualifications.

The Petition, having been laid on the Table by the President, was read by the Clerk and is as follows:—

TO THE HONORABLE JOHN MARK DAVIES, PRESIDENT OF THE LEGISLATIVE COUNCIL OF THE STATE OF VICTORIA.

The Humble Petition of John George Aikman, of Holmes-road, Moonee Ponds, in the State of Victoria, Merchant, respectfully sheweth:—

1. That a Writ was duly issued on the sixteenth day of May, One thousand nine hundred and sixteen to proceed to the election of a member to serve in the Legislative Council for the Province of Melbourne West upon the retirement of your Petitioner from the representation of the said Province owing to his seat in the said Province being vacated by effluxion of time.

The said election was held upon the first day of June, One thousand nine hundred and sixteen.

2. That your Petitioner was a duly nominated candidate at such election and was qualified and capable of being elected a member of the Legislative Council.

3. That one Daniel Laurence McNamara, of Talbot-avenue, East St. Kilda, in the said State, Secretary, was also nominated as a candidate at such election.

4. No other persons were nominated for or stood as candidates at such election.

5. That as a result of such election the Returning Officer announced that Daniel Laurence McNamara had received Five thousand one hundred and seventy-seven votes and your Petitioner Four thousand nine hundred and twenty-seven votes, and thereupon the Returning Officer declared the said Daniel Laurence McNamara duly elected as a member of the Legislative Council for the Province of Melbourne West, and indorsed and returned the said Writ accordingly.

6. That the said Daniel Laurence McNamara was not nominated as a candidate at such election in accordance with the provisions of *The Constitution Act Amendment Act 1915*, Section 206.

7. That the said Daniel Laurence McNamara was not qualified to be or capable of being elected a member of the Legislative Council, inasmuch as the said Daniel Laurence McNamara had not for one year previously to such election been legally or equitably seized of or entitled to an estate of freehold in possession for his own use and benefit in lands or tenements in Victoria of the annual value of Fifty pounds above all charges and encumbrances affecting the same other than any public or parliamentary tax or municipal or other rate or assessment.

8. That the said Daniel Laurence McNamara delivered to the Returning Officer with his nomination paper a declaration to the effect that he was legally or equitably seized of or entitled to lands or tenements in Victoria sufficient to qualify him to be a member of the Legislative Council under *The Constitution Act Amendment Act 1915* which declaration was false and false to the knowledge of the said Daniel Laurence McNamara.

9. That the said Daniel Laurence McNamara on taking his seat in the Legislative Council made and subscribed a declaration in the form set forth in the Fourth Schedule to the said Act to the effect that he was legally or equitably seized of or entitled to certain lands or tenements in Victoria set forth in the said declaration sufficient to qualify him to be a member of the Legislative Council under the said Act which declaration was false and false to the knowledge of the said Daniel Laurence McNamara.

10. That the said Daniel Laurence McNamara is not now and never was legally or equitably seized of or entitled to lands or tenements in Victoria sufficient to qualify him to be a member of the Legislative Council under the said Act.

11. That your Petitioner claims that he was the only qualified candidate at such election and was duly elected as a member of the said Province at such election and should be declared duly elected as such member.

Your Petitioner therefore Humbly Prays—

That you will be pleased to communicate the matter of this Petition to the Legislative Council of Victoria in order that the same may be referred to the Committee of Elections and Qualifications of your Honorable House.
And also Prays—

That it be declared that the said Daniel Laurence McNamara was not a candidate at such election.

That the said Daniel Laurence McNamara be declared incapable of being elected or returned for the said electoral Province of Melbourne West and of sitting as a member for the said Province.

That the election of the said Daniel Laurence McNamara be declared void.

That it be declared that your Petitioner was returned as member for the said Electoral Province and is entitled to serve as such member and that the return for such Province be amended accordingly.

That it be declared that the said Daniel Laurence McNamara is not now qualified as a member for the said Province and that his seat be declared vacant.

That it be declared that the said Daniel Laurence McNamara was elected to the Legislative Council and took his seat by unlawful means and that his election be avoided and his seat vacated.

And that your Petitioner may have such further and other relief as the circumstances of the case may require or as to the said Committee of your Honorable House may seem meet.

And your Petitioner as in duty bound will ever pray.

Dated this fourth day of August One thousand nine hundred and sixteen.

J. G. AIKMAN.

Witness—

W. B. McCUTCHEON,
Parliamentary Agent and Solicitor,
418 Collins-street, Melbourne.

The Honorable W. L. Baillieu moved, That the foregoing Petition be referred to the Committee of Elections and Qualifications for consideration and report.

Question—put and resolved in the affirmative.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Members of the Committee of Elections and Qualifications, viz. :—The Honorables A. A. Austin, Robert Beckett, J. D. Brown, F. G. Clarke, A. Hicks, D. E. McBryde, and A. McLellan approached the Table, and took the oath provided by the three hundred and fiftieth section of the Act No. 2632, and severally subscribed the same before the Clerk.

The President appointed Tuesday, the 22nd day of August instant, at the hour of 3 o'clock in the afternoon, as the time, and the Legislative Council Committee Room as the place, for the first meeting of the said Committee.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable W. L. Baillieu moved, by leave, That the Committee of Elections and Qualifications have leave to meet on days on which the Council does not sit.

Question—put and resolved in the affirmative.

REPORT.

IN THE MATTER OF THE PETITION OF JOHN GEORGE AIKMAN, against the return of DANIEL LAURENCE MCNAMARA, for the Melbourne West Province.

The Committee of Elections and Qualifications have the honour to report to your Honorable House :—

1. They find that the above-named Daniel Laurence McNamara was not at the date of the Election duly qualified under the provisions of *The Constitution Act Amendment Act 1915* to be elected a Member of the Legislative Council.

2. The Committee declare the election of the said Daniel Laurence McNamara and the return of the Returning Officer void.

3. The Committee declare that the Petitioner, John George Aikman, being the only person duly nominated, was duly elected a Member of the Legislative Council of Victoria for the Melbourne West Province.

4. That the sum of One hundred pounds, lodged by the Petitioner, be returned to him.

5. That Daniel Laurence McNamara pay the expenses of reporting, not exceeding £5.

Committee Room,
29th August, 1916.



PROCEEDINGS OF THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.

MELBOURNE WEST PROVINCE ELECTION.

TUESDAY, 22ND AUGUST, 1916.

Members present :

The Hon. A. A. Austin,
Robert Beckett,
J. D. Brown,
F. G. Clarke,

The Hon. A. Hicks,
D. E. McBryde,
A. McLellan.

The Honorable Robert Beckett was elected Chairman of the Committee.

The President's warrant appointing the Committee of Elections and Qualifications was read by the Clerk of the Council.

The Clerk of the Council read extracts from the Minutes of the Proceedings of the Legislative Council of the 15th August, 1916 :—

Referring the Petition of John George Aikman against the return of Daniel Laurence McNamara for the Melbourne West Province to the Committee of Elections and Qualifications for consideration and report ;

Swearing of the members of the Committee ;

Fixing the time and the place of the first meeting of the Committee ; and

Giving leave to the Committee to meet on days on which the Council does not sit.

Room cleared.

Committee deliberated.

Preliminary resolutions, as under, were agreed to :—

1. That the Committee will hear only one counsel on each side on the opening and summing up of the case.
2. That counsel will not be allowed to go into matters not referred to in their opening statements without a special application to the Committee for permission to do so.
3. That, if costs be demanded by either party, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.
4. That in all other matters not provided for the practice of the Supreme Court will, as far as possible, be observed.

Parties called in.

Mr. Starke, instructed by Mr. W. B. McCutcheon, appeared as counsel for the Petitioner.

Mr. Blackburn, M.L.A., instructed by Mr. Mark Lazarus, appeared as counsel for the sitting member.

Preliminary resolutions read by the Chairman.

Shorthand writer sworn.

Petition read by the Clerk.

Mr. Starke requested an adjournment for fourteen days, in order to subpoena witnesses.

The Chairman intimated that the desire of the Committee was that Mr. Starke should open his case as far as possible.

Mr. Starke was heard to open the case on behalf of the Petitioner.

Mr. Blackburn informed the Committee that Mr. McNamara did not rely upon any property qualification not referred to in his Declaration.

The Clerk of the Council produced the following papers :—

Writ for the election of a Member for the Melbourne West Province to fill the vacancy caused by the retirement by effluxion of time of the Honorable John George Aikman, together with the indorsement of the Returning Officer on such Writ.

Declaration of D. L. McNamara, transmitted to the Clerk of the Council by the Returning Officer.

Minutes of the Proceedings of the Legislative Council for Wednesday, 5th July, 1916, containing on page 9 thereof a copy of the Declaration of D. L. McNamara.

Original Declaration of D. L. McNamara, delivered to the Clerk of the Council prior to taking his seat on 5th July, 1916.

Room cleared.

Committee deliberated, and decided to meet on Tuesday next at ten thirty o'clock in the forenoon.

Parties called in, and so informed.

Committee adjourned until ten thirty o'clock on Tuesday, the 29th instant.

TUESDAY, 29TH AUGUST, 1916.

Members present.

The Hon. ROBERT BECKETT, in the Chair;

The Hon. A. A. Austin,
J. D. Brown,
A. Hicks,

The Hon. D. E. McBryde,
A. McLellan.

The Chairman intimated that he had received a letter from the Hon. F. G. Clarke apologizing for his unavoidable absence.

The Clerk of the Council produced the following additional papers:—

Nomination of D. L. McNamara, dated 23rd May, 1916.

Nomination of J. G. Aikman, dated 17th May, 1916.

Declaration of J. G. Aikman, transmitted to the Clerk of the Council by the Returning Officer.

Mr. Starke concluded his opening address.

Mr. Starke contended that the "annual value" must be the "municipal value" and, further, that the Committee in the case of *Harbison v. Dobson*, in 1871, wrongly permitted evidence of value outside that shown in the rate-books to be given.

The Chairman quoted from p. 13 of the Committee's Report in the case of *Moore v. Sargeant*, heard in 1889, where the Committee decided that they were precluded from taking any evidence outside that revealed by the rate-book as to the value of the property.

Mr. Starke contended that the Committee, in considering what the mortgage charges on the properties were, must treat the interest at the higher rate as being the proper legal amount of the charge, and he quoted *Davis v. Thomas*, Law Reports, 1 Russell and Mylne, p. 506, and *Wallingford v. Mutual Society*, House of Lords, 5 Appeal Cases, p. 702, in support of his contention.

John Brodie, clerk in the Office of Titles, produced certain documents of title, called for by Mr. Starke.

Frederick Jowett, Town Clerk of Caulfield—sworn, and examined by Mr. Starke.

Cross-examined by Mr. Blackburn.

James Joseph Ahern, Secretary of the Shire of Berwick—sworn, and examined by Mr. Starke.

Albert Austin Harris, Returning Officer for the Melbourne West Province—sworn, and examined by Mr. Starke.

Mr. Starke asked Mr. Blackburn to admit that the properties referred to in the evidence were the only properties relied upon, and that the rates were correct.

Mr. Blackburn admitted that those were the properties and valuations relied upon.

Mr. Starke raised objection to any evidence outside the rate-books being given to determine the value or yearly value of the properties.

Mr. Blackburn relied upon the decision in *Harbison v. Dobson*. He also referred to section 352 of Act No. 2632, and requested the Committee to put a liberal construction on section 48 of the said Act.

Room cleared.

Committee deliberated, and decided that the Committee were bound by the municipal valuations.

Parties called in, and informed that the Committee were bound by section 48, which governed the case, and declined to accept any evidence outside the municipal valuations.

Mr. Blackburn obtained leave to retire and confer with his client and, on their return, Mr. Blackburn said that the decision of the Committee had made a material difference to their case and, in view of that decision, Mr. McNamara did not propose to contend that he was entitled to the seat; but, as the petition alleged that Mr. McNamara's Declaration, delivered by him to the Returning Officer, and the Declaration subscribed by him on taking his seat in the Legislative Council, were false, and false to his knowledge, Mr. McNamara desired to give evidence to show his *bona fides*.

Mr. Starke withdrew the allegations in the Petition that the Declarations were false to the knowledge of Daniel Laurence McNamara.

Mr. Blackburn intimated that Mr. McNamara was still desirous of giving evidence.

Daniel Laurence McNamara—sworn, and examined by Mr. Blackburn.

Cross-examined by Mr. Starke.

Examined by the Chairman.

Mr. Blackburn addressed the Committee on the Declarations made by his client and, at the request of the Chairman, addressed the Committee on the question of costs.

Mr. Starke, in reply, said that the Declaration of D. L. McNamara as a Candidate might be excusable; but his Declaration as a Member was dishonest and, as he had given evidence to support his statements in such Declarations, he now asked the Committee to declare the opposition to the Petition frivolous, and to grant costs against D. L. McNamara.

Mr. Starke further contended that under section 358 the Petitioner should be declared duly elected.

Room cleared.

Committee deliberated.

Resolved.—1. The Committee find, That Daniel Laurence McNamara was not at the date of the Election duly qualified under the provisions of *The Constitution Act Amendment Act 1915* to be elected a Member of the Legislative Council.

2. The Committee declare the election of the said Daniel Laurence McNamara, and the return of the Returning Officer, void.

3. The Committee declare that the Petitioner, John George Aikman, being the only person duly nominated, was duly elected a Member of the Legislative Council of Victoria for the Melbourne West Province.

4. That the sum of One hundred pounds, lodged by the Petitioner, be returned to him.

5. That Daniel Laurence McNamara pay the expenses of reporting, not exceeding £5.

Parties called in, and the resolutions of the Committee announced to them by the Chairman.

Chairman ordered to report to the House.

MINUTES OF EVIDENCE

TAKEN BEFORE THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.

MELBOURNE WEST PROVINCE ELECTION.

TUESDAY, 22ND AUGUST, 1916.

Members present:

The Hon. ROBERT BECKETT, in the Chair;

The Hon. A. A. Austin,
The Hon. J. D. Brown,
The Hon. F. G. Clarke,
The Hon. A. Hicks,
The Hon. D. E. McBryde,
The Hon. A. McLellan.

Mr. H. E. Starke (instructed by Messrs. W. B. and O. McCutcheon) appeared as Counsel for the Petitioner.

Mr. M. Blackburn, M.L.A. (instructed by Mr. Mark Lazarus), appeared as Counsel for the sitting member.

Robert William Victor McCall, examined.

To Mr. Starke.—I am Clerk of the Legislative Council. I produce the Writ issued by the Hon. the President. It is dated 16th May, 1916, and is for the election of a member to serve in the Legislative Council for the Province of Melbourne West. [*Read same.*] [*Put in and marked Exhibit "A."*]

By Mr. Starke.—I presume you have not the Nomination paper?—The Nomination paper is in the sealed parcels in my custody. I will produce it later.

Will you give me the Declaration lodged with the Nomination?—I produce the Declaration lodged with the Returning Officer. It is signed by D. L. McNamara. [*Read same.*] This was forwarded to me by the Returning Officer on the 19th day of May, 1916. I acknowledged its receipt. [*Put in and marked Exhibit "B."*]

Have you a record of the Minutes of Proceedings showing that Mr. McNamara subscribed the Oath when he took his seat, and also the Declaration made at that time?—I produce extract from the Minutes of Proceedings of the Legislative Council of the 5th of July, 1916. [*Read same.*] [*Put in and marked Exhibit "C."*]

Will you give me the original of that Declaration?—This is the Declaration. [*Read same.*] [*Put in and marked Exhibit "D."*]

Adjourned till Tuesday next at ten-thirty o'clock.

TUESDAY, 29TH AUGUST, 1916.

Members present:

The Hon. ROBERT BECKETT, in the Chair;

The Hon. A. A. Austin,
The Hon. J. D. Brown,
The Hon. A. Hicks,
The Hon. D. E. McBryde,
The Hon. A. McLellan.

An apology for non-attendance was received by the Chairman from the Hon. F. G. Clarke.

Robert William Victor McCall, further examined.

To the Chairman.—At the last meeting Mr. Starke asked for the production of the Nomination paper of Daniel Laurence McNamara, which was with the papers in the sealed parcels. I now produce that Nomination paper. I have put a certificate on it. [*Put in and marked Exhibit "E."*] I also produce the Nomination paper of Mr. Aikman. I put a certificate on that also. [*Put in and marked Exhibit "F."*]

Mr. Starke.—Have you the Declaration made by Mr. Aikman?—I produce the Declaration made by Mr. John George Aikman as a candidate for office as a member of the Legislative Council. [*Read same.*] [*Put in and marked Exhibit "G."*]

John Brodie, Clerk in the Office of Titles, examined.

Mr. Starke.—Do you produce a certificate of title, volume 3337, folio 667293?—Yes.

Mr. Starke.—This is a certificate of title for land at Talbot-avenue, East St. Kilda. It is called "Iona." The document is indorsed "Daniel Laurence McNamara, of 582 Drummond-street, Carlton, Secretary." The property was transferred to D. L. McNamara on the 24th of April, 1915. Then it is subject to a mortgage No. 346406 from Daniel Laurence McNamara to Alfred Charles Moncrieff in consideration of the sum of £525. [*Put in and marked Exhibit "H."*] One of the covenants is to the effect that so long as the principal sum or any part thereof shall remain unpaid interest shall be charged at 8 per cent. per annum without any reduction. Further on, there is a proviso that the mortgagee shall accept interest at the rate of 6 per cent. per

annum if the instalments are paid in due time. The mortgage is, of course, in the usual form, and is still subsisting.

To Witness.—I understand you have a transfer of that ground from Mr. Clifton to Mr. McNamara?—Yes.

Mr. Starke.—The transfer shows that on the 23rd of April "Iona" was transferred from Henry Clifton to Daniel Laurence McNamara. [*Title, and transfer No. 773384 put in and marked Exhibit "J."*]

To Witness.—Do you produce Crown Grant, allotment 2, section P, Koo-wee-rup. I understand it is entered in the Register Book, volume 3248, folio 649594?—Yes.

Mr. Starke.—This is dated 28th of November, 1908, and is issued to Daniel Laurence McNamara. It is indorsed with a mortgage to Margaret Scott, which is numbered 267580, and it was registered on the 3rd of December, 1908, and marked "discharged" 31st May, 1916. Then it is indorsed with another mortgage registered 23rd March, 1915, to Martha Helenbelle Butchart. It is numbered 345269. That was discharged, according to the indorsement, on the 31st of May, 1916. It is indorsed with another mortgage, No. 360887, registered on 31st May, 1916; it is from Daniel Laurence McNamara to Martha Helenbelle Butchart; that is undischarged. [*Put in and marked Exhibit "K."*]

To Witness.—Do you produce mortgage No. 267580?—Yes.

Mr. Starke.—It is from Daniel Laurence McNamara to Margaret Scott, and is for £600. The higher rate of interest is £6 10s. per cent. per annum, with a proviso reducing it to £4 10s. per cent. per annum if paid within seven days of due date. Included in that also is the discharge. It is dated 26th May, 1916, and, according to the document, was registered on the 31st May, 1916. [*Mortgage and discharge put in and marked Exhibit "L."*]

To Witness.—Do you produce mortgage No. 345269 to Martha Helenbelle Butchart and the accompanying discharge?—Yes.

Mr. Starke.—This is dated 17th March, 1915. The principal sum is £200, and the rate of interest is £9 per cent. At the very end of the document it says: "I agree I will accept interest at £7 per cent. per annum for every half-year, providing such interest shall be paid to me within seven days after the same shall become due." The discharge is dated 31st of May, 1916. [*Mortgage and discharge put in and marked Exhibit "M."*]

To Witness.—Do you produce mortgage No. 360887?—Yes.

Mr. Starke.—It is dated the 30th May, 1916, and is from Daniel Laurence McNamara to Martha Helenbelle Butchart, and is for the sum of £300. The higher rate of interest is £8 per cent., expressed to be reducible to £6 per cent. per annum on punctual payment. [*Put in and marked Exhibit "N."*]

Will you produce Crown Grant for allotment 49A, section Q, entered in the Register Book, volume 3248, folio 649596?—Yes.

Mr. Starke.—This Crown Grant is dated the 28th of November, 1908, and is issued to Daniel Laurence McNamara for allotment 49A, section Q, in the parish of Koo-wee-rup. It is indorsed with precisely the same mortgages as the last Crown Grant, with similar indorsements for discharge. [*Put in and marked Exhibit "O."*]

To Witness.—Do you produce the Crown Grant for allotments 26, 27, and 28, entered in the Register Book, volume 3248, folio 649595?—Yes.

Mr. Starke.—This is a grant issued on the 28th of November, 1908, to Daniel Laurence McNamara for allotments 26, 27, and 28, section Q, parish of Koo-wee-rup. It is indorsed with a mortgage to Margaret Scott, which is discharged. There is a new indorsement on the 31st of May, 1916, to James Joseph Field. It is numbered 36887.

To Witness.—Do you produce transfer No. 802631 from Daniel Laurence McNamara to James Joseph Field?—Yes.

Mr. Starke.—This is dated the 26th of May, 1916, and was registered on the 31st of May, 1916, at 2.36 p.m. The consideration recited is £600. [*Crown Grant and transfer put in and marked Exhibit "P."*]

The witness withdrew.

Frederick Jowett, sworn and examined.

Mr. Starke.—What are you?—Town Clerk of Caulfield.

What is the name of your municipal district?—The City of Caulfield. It is the West Ward where the property is situated.

Do you produce the rate book showing the rating of the property in Talbot-avenue, East St. Kilda, in the name of Mr. McNamara?—For what year?

Take it for the 12 months preceding the 1st of June, 1916?—That is the valuation made by Mr. Storey and returned on the 1st of December, 1914. It shows that the house No. 24 Talbot-avenue was rated in the name of Henry Clifton, and this was altered in pencil on the 15th of April, 1915, and shows Florence McNamara as occupier and Daniel McNamara as owner.

What was the capital value?—The rateable value was £36 per annum; that is for 1914-15.

The Chairman.—Can you tell us the value for 1915-16?—That is a valuation returned on the 28th of September, 1915. It is in the name of Florence McNamara as occupier, and the rateable value is £36.

Mr. Starke.—What is the date of that valuation?—1915-16. It was returned on the 28th of September, 1915.

When does that rate expire?—On the 30th of September, 1916.

Those are the rate books of the shire?—Yes.

Mr. Starke.—I tender those books. [*Books put in and marked Exhibit "Q."*]

By the Chairman.—Was there any appeal against that valuation?—No, no appeal at all.

Who would be enrolled?—Mrs. McNamara, she being the occupier.

Where would you get her name from?—By the valuer going round and inspecting the houses.

He would be told that?—Yes, and he would enter it up.

Mr. Blackburn.—Who was the valuer for 1915-16?—Mr. Frank Brace.

The witness withdrew.

James Joseph Ahern, sworn and examined.

Mr. Starke.—I understand you are the Secretary of the Shire of Berwick?—Yes.

Do you produce the rate book of that shire for a period covering the 12 months preceding the 1st of June, 1916?—Yes.

Will you give me the rating of allotment 2, section P, Koo-wee-rup, for the 12 months preceding the 1st of June, 1916?—That contains 20 acres rated in the name of Richard McNamara.

What as, owner or occupier?—As lessee.

The Chairman.—Who is down as owner?—The owner's name is not here.

Mr. Starke.—What is it rated at?—£40. That is for the year ending 30th of September, 1916.

The Chairman.—That is for the year 1915-16?—Yes.

Mr. Starke.—Does it give any annual value in the books?—£40.

Does it give the capital value?—No, it does not give the capital value.

The Chairman.—Can you give us similar facts in regard to the previous year?—For the year ending 30th September, 1915, allotment 2, section P, is rated at £26. Richard McNamara is rated in respect of that.

Does the owner's name appear?—The owner's name is not here.

Mr. Starke.—What is he rated as?—He is rated as occupier.

The rate was raised from £26 to £40?—Yes.

Would you give the rating during the same period for allotments 49A, and 26, 27, and 28. Take your rate books in the same order.

The Chairman.—Those are four allotments being taken together?

Mr. Starke.—Yes, they are all rated together; they cannot be separated.

The Witness.—For the year ending the 30th of September, 1916, they are rated at £40, in the name of Daniel Laurence McNamara, Secretary.

The Chairman.—Is he down as occupier?—As owner and occupier. For the year ending 30th September, 1915, the same allotments were rated in the name of Daniel Laurence McNamara, Secretary, Melbourne, at £26.

Mr. Starke.—There is the same increase made there?—Yes.

You are reading from different entries, although the increases are the same?—Yes, the increases are the same.

The Chairman.—Take this last one. Is there any record of a sale to a man named Field?—No.

His name does not appear?—No.

[Rate books put in and marked Exhibit "B."]

The witness withdrew.

Albert Austin Harris, sworn and examined.

Mr. Starke.—I understand you were Returning Officer at the election for Melbourne West Province, which election took place on the 1st of June, 1916?—Yes.

You received the Writ?—Yes.

You duly fixed the date for the nomination of candidates?—I did.

What Nominations were received?—One received from Mr. Aikman, and one from Mr. McNamara.

Did you receive any Nominations other than those of Mr. Aikman and Mr. McNamara?—No.

The Chairman.—Those are the only Nominations you received?—Yes, those are the Nominations I received.

They were the only ones?—Yes.

Mr. Starke.—Were these the Declarations you received with the Nominations—[handing Declarations to witness]?—Yes, these would be the Declarations I received.

I believe the election was held on the 1st of June, 1916?—Yes.

I am told that Daniel Laurence McNamara received 5,177 votes and Mr. Aikman 4,927 votes?—That is so.

Did you then declare Mr. McNamara duly elected?—I did.

Did you return the Writ?—I did.

Would you look at this Writ—[handing same to witness]?—Yes, that is my Return.

You returned that to the Clerk of the Council?—I did.

You advertised the result according to law?—I did.

The witness withdrew.

(Case for Petitioner closed.)

Daniel Laurence McNamara, sworn and examined.

Mr. Blackburn.—You reside at 24 Talbot-avenue, East St. Kilda, and you are a Secretary?—Yes.

I understand that some time last year you had conceived the idea of becoming a candidate for the Melbourne West Province of the Legislative Council?—Yes.

How did you come to believe that you were qualified to stand?—I had the knowledge of the properties that I then held which, according to my assumption, knowing the district and knowing the values, I considered to be worth about £3,100; and I am prepared to swear now that, even allowing for the property I sold to Mr. Field for £600, on which the mortgage for £600 was a set-off, in my opinion, to-day and any time during the last 15 months my property has not been worth less than £1,500. I am speaking now of the fair market value, free of encumbrances. I arrive at that in this way: I value my land at Bunyip at £1,500, and my house property at Talbot-avenue at £900, making a total of £2,400, and the liabilities or mortgages against that to-day amount to £825. Until the 1st of June, the amount was only £725, but I discharged two mortgages for £200, and got an additional mortgage for £300.

On satisfying yourself that you came within the law, what did you do?—Prior to making the Declaration I saw that a statement was necessary setting out the value of my property and, as I was paying my rates on the 8th of June, I thought I would ascertain the exact position from the Shire Rate Collector and Valuer. I went up to Pakenham on the 8th of June and paid my rates, and I mentioned to Mr. Ramage that I had sold portion of my property to Mr. Field. I mentioned the allotments, and I asked him what he considered to be a fair adjustment on the value of my property, and he said, "I will make it £65." That was on the portions of the property I then held which I mentioned in the Declaration. He said, in future he would place both properties on the one notice. That is in regard to the Declaration I made subsequent to that date.

You saw the book entitled the "Victorian Parliamentary Hand-Book"?—Yes.

When did you first see that book?—In my office. I have had a copy of this book for some 12 or 18 months—possibly longer—and I read it closely in considering the matter of qualification, and my reading of that was that where it spoke of annual value I assumed that the annual value would be 5 per cent. on the fair market value of the property. That is the conclusion I arrived at after reading that section very carefully, and after reading it a number of times on different occasions. In justification of my valuation of my property, I want to say that, in my opinion, sworn as it is, the municipal valuations for the Shire of Berwick are 100 per cent. (more than that in my case) below their value, and I understand that a new valuation has just been made. There has been no valuation for eight or nine years or, according to some statements, for eleven years. A new valuation is now being made, and according to Mr. Ramage, the Shire Valuer, values will in many cases be raised 100 per cent. above the values at which properties have been standing in the books for some years past.

Do you know if Mr. Ramage has valued your remaining land there now?—Yes, I understand he has, in conjunction with all other properties around there, and he fixed the annual value of the remainder of my property—leaving out the piece which has been sold—at £64, which is just £1 under the amount he told me when I asked him about the adjustment. In connexion with my property in Talbot-avenue, which is called "Iona," the annual value was £36. When this case came on I had inquiries made, and I purchased a copy of the valuations—[*producing the same*]—from the Caulfield Municipality, and I ascertained from that on the valuations made in 1915-16, which were made about September, 1915, all the properties around mine were raised from £5 to £7 in annual value, and in further evidence on that the valuation for this year is fixed at £44. I produce the valuation notice. [*Put in and marked Exhibit "No. 1."*] It is raised from £36 to £44 in annual value this year. I spoke to the valuer, Mr. Storey, and said, "How did you arrive at the valuation last year," and he explained to me that he was not the particular valuer for this ward last year. He said the work was very heavy, and the municipality had appointed another valuer to do the work last year. I asked who the gentleman was who made the valuation, and he told me Mr. Frank Brace was the valuer. I asked Mr. Brace to come down and see the property for himself. He came down and saw the property, and I asked him then why he had raised the valuation of the other properties right around me for the year 1915-16 and left mine stationary, and his explanation was this: That when he was making the valuations in that street he had called twice at my house, and there was no one in, and being unable to see inside the building, he left the valuation stand, but he was in agreement that had he seen the property when he was making the valuation he would have made the annual value £44. That was after he had an opportunity of seeing it. I also ascertained that a property four doors away from me was valued by him at £44, based on the rental value of the property per annum, and I consider that this particular property is worth £100 less than my property. He valued it at £44 then, and has valued it at the same this year. Another point raised is the different systems of valuing that operate in different shires. My property at

Talbot-avenue is situated within about 24 numbers of Hotham-street, which is the municipal boundary between the cities of Caulfield and St. Kilda, and on the same basis at which they rate me in the city of Caulfield, if in St. Kilda, I would have been rated at £50, notwithstanding there are only 24 houses between my property and the St. Kilda boundary. They have a different system. I understand in the city of Caulfield they allow 33 per cent. off the fair rental value, and in the cities of St. Kilda, Brighton, Richmond, and other places, they allow 25 per cent. As I have previously mentioned, knowing the value of my properties, and I have several witnesses here to prove it if necessary, I say without exaggeration that my properties in both these places are worth to-day over £1,500 over and above the mortgage of £825 which was registered on the 31st of May, and which was only £725 on the 21st of May. That is the explanation I desire to make to show I am really the victim of circumstances, because I felt I had the merits with me all the time.

The Chairman.—This notice you have put in is in the name of Mrs. Florence McNamara?—Yes.

Is that your property?—Yes.

How is it that Mrs. McNamara is rated there?

Mr. Blackburn.—I understand you requested the rate collector of Caulfield to rate Mrs. McNamara as the occupier?—Yes. The reason I did so was that I would be away at Bunyip in connexion with my election, and I thought I might be disfranchised here.

The Chairman.—Richard McNamara is rated down at Bunyip?—He is the tenant of one of my properties.

You were a councillor of the Shire of Berwick?—Yes, for some years.

You knew the system of municipal rating?—Yes, I knew it in the Berwick Shire, and during my term there we had four general valuations. There have been none since I left.

How long is it since you left?—About six years.

We are to understand you did not look at the Act of Parliament or take any legal advice at the time you made your Declaration when you nominated?—No, I took this handbook. I thought it was a digest for the use of members of Parliament, and I thought it would contain everything which needed to be said about this qualification.

How many years were you in the Berwick Shire Council?—Eight years.

As a councillor, you knew the lists would be compiled from the rate book?—I never worried about that.

Mr. Starke.—The only properties you had were "Iona," allotment 2, allotment 49A, and allotments 26, 27, and 28, Koo-wee-rup?—That is so.

You say "Iona" should be rated at £44?—It is valued at £44.

But for a year previous to the election, according to yourself, it should have been rated at £44?—That is so.

Then allotment 2, section P, at Koo-wee-rup, is rated at £40?—That is what it was rated at. That is not a fair rate.

What is the annual value according to you?—5 per cent. on the capital value of the land.

What is the capital value?—I gave the figures previously.

Is it let to your brother?—Yes.

What rent does he pay?—He pays £50 for this particular property.

Is it leased?—No.

Does he pay £50 per annum for allotment 2, or is that £50 for allotment 2 and other lots?—He pays £50 for allotment 2.

Allotment 2 alone?—That is the position; we have no lease in existence.

How long has he been paying that?—About 12 months.

Then as to allotments 49A, and 26, 27, and 28, were they let to anybody?—Mr. Field was my tenant for 10 or 12 years on allotments 26, 27, and 28.

What rent did he pay per annum for the year before your election?—He paid £17, and he did certain improvements. That also applied to my brother.

Mr. Field paid £17 per annum and did certain improvements—what about allotment 49A?—My brother has the use of it; I have never let it to him at all in the sense of rental.

It was included in the £17?—That was not the understanding.

Therefore the only moneys you were getting out of these properties, even taking into consideration the £44, only amounted to £111. You were getting less than the rateable value, in point of fact?—No.

Can you explain these figures. Although in point of fact I think the rate book showed £116 as the yearly value, you were getting £111?—That is not based on the rental value.

You were getting from Mr. Field and your brother in respect of these allotments only £67, and you yourself say "Iona" was only worth £44 a year?—I did not say so; the valuer said that.

You gave the figures, and they amount to £111?—Mr. Field effected improvements exceeding £30 last year, for which I never allowed him anything.

Give me your own valuation of allotment 2?—£55 the year before the election.

That is taking "Iona" at £44 and allotment 2 at £55. What about allotment 49A?—I value that at £310.

What is your annual value?—£15.

Then as to allotments 26, 27, 28, what is the annual value for these?—£600 is the capital value.

That would be £30 annual value?—That is £30.

That makes £144, taking your own valuation and giving you credit for every mortal thing you can suggest yourself. Did you not have for the year before your election mortgages over that in which you contracted to pay interest at the rate of £99 a year?—No, I do not admit that.

Your own mortgages are in evidence showing that?—I never paid the penal rate in my life; I always paid up to date.

But the fact is you had agreed to pay interest, taking it as you like, at the rate of £99 per year?—I never recognised that.

You never recognised anything. You said you looked at this book—[*The Victorian Parliamentary Hand-Book*—and you noticed you had to hold property, for one year previous to the election, of the annual value of £50 above all charges and encumbrances?—Yes, I noticed that.

Do you think that was a fair statement—to go and put yourself up for election when you knew, on your own valuation, you could only make up £144 against which there were interest charges which you had contracted to pay—£99, reducible to £72 if you paid it punctually?—I do not admit the £99.

£99 is the higher rate, reducible to £72 if certain conditions were complied with?—They were complied with always. It never entered into my calculations.

I do not want to criticise the carelessness with which you acted, but I want to take you on your Declaration made as a Candidate. Will you kindly take your Declaration in your hands. [Witness did so.] You made that?—Yes.

I presume you read it?—Yes.

You notice there you declared you knew that the valuation was £50, according to your own statement, that you had to have £50 above all charges and encumbrances?—Yes.

And you declared that you had such a qualification, and then you said, "I declare that such lands or tenements are situate in the municipal district and have been held by me for at least one year previously to the date of such election"?—That is so, and I described where the properties were. The Declaration asked where the properties were situated for the purposes of identification.

You did not mean by that you held the qualifications for the year prior to the election?—I believe I held it for a number of years.

You believe you held that for one year previous to the election. That is what you meant when you declared that. Did you believe at that time you meant that?—On the value of the property.

Then there is the Declaration you made when you took your seat. Did you prepare that Declaration yourself when you took your seat?—Yes.

You prepared it yourself?—Yes.

Mr. Starke read from Declaration: "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 the said municipality upon a yearly value of £36." That was the rate. "And that such of the said lands or tenements as are situate in the municipal district of Berwick are rated in the rate book of the said municipality upon a yearly value of £65." You had never seen the rate book?—I had not seen the rate book.

You had been told the rate book was going to be altered?—I received an assessment notice which set out what the rate was.

Where is the notice?—I have not the notice with me.

When did you get the notice?—I think about the 22nd or 23rd of December, immediately after the rate was struck.

You never inspected the rate book. You knew the importance of making the Declaration on taking your seat?—I think every member has done the same.

You knew you had transferred some of the land formerly rated, and then you go and declare to the House itself that in the rate book these things were rated at £65, and you had never taken the trouble to look at it?—I asked the proper person, the rate collector or valuer.

The Chairman.—Did you have the valuation notices to go through?—Not at that moment, but I knew what the assessment was.

As a matter of fact, they did not exist at that time?—I do not know.

Some members of the Committee would like to ask you if you have any objection to stating what values you put down for Land Tax purposes. If you would rather not answer, it does not matter?—I have not mentioned it for a number of years; the Land Tax people make their own valuation.

You never fixed it?—Not for land tax purposes; I understand some years ago they asked for valuations, but from memory I cannot say what I did.

Mr. Blackburn.—Did you make any return for the War Census?—I did, and from memory I should say it was quite close up to the value of the property. I am speaking from memory, and that is not satisfactory.

The witness withdrew.

1916.

VICTORIA.

REPORT

FROM THE

JOINT SELECT COMMITTEE

OF THE

LEGISLATIVE COUNCIL AND THE LEGISLATIVE ASSEMBLY

ON THE

REVISION OF THE STATUTE LAW;

TOGETHER WITH THE

MINUTES OF EVIDENCE AND SCHEDULE OF AMENDMENTS.

Ordered by the Legislative Council to be printed, 21st December, 1916.

By Authority:

ALBERT J. MULLETT, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS.

WEDNESDAY, 12TH JULY, 1916.

11. STATUTE LAW REVISION COMMITTEE.—The Hon. W. L. Baillieu moved, That, in compliance with the recommendation of the Joint Select Committee on the Consolidation of the Laws, adopted by this House on the 22nd June, 1915, a Committee be appointed, consisting of six Members, to join with a Committee of the Legislative Assembly to deal with anomalies in the law and make recommendations as to statutory amendments, such Committee to consist of the Honorables Robert Beckett, J. D. Brown, F. G. Clarke, E. J. Crooke, Walter S. Manifold, and A. Robinson, with power to send for persons, papers, and records; five to be the quorum.

Question—put and resolved in the affirmative.

Ordered—That a message be sent to the Legislative Assembly acquainting them with the foregoing resolution.

TUESDAY, 15TH AUGUST, 1916.

7. 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, in compliance with the recommendation of the Joint Select Committee on the Consolidation of the Laws, adopted by the Legislative Assembly on the 16th June, 1915, they have appointed a Committee of six Members, to join with the Committee of the Legislative Council to deal with anomalies in the law and make recommendations as to statutory amendments, such Committee consisting of Mr. Blackburn, Mr. Lawson, Mr. Mackey, Mr. Mackinnon, Mr. Prendergast, and Mr. Snowball, with power to send for persons, papers, and records, and to sit on days on which the House does not meet; five to be the quorum.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 9th August, 1916.

APPROXIMATE COST OF REPORT.

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REPORT.

THE SELECT COMMITTEE appointed to join with a Committee of the Legislative Council to deal with anomalies in the law and make recommendations as to statutory amendments have the honour to report to your Honorable House as follows : —

1. Your Committee have examined the Honorable Mr. Justice Cussen, and have had the advantage of fully discussing the alterations and amendments proposed by His Honour.

2. The proposed alterations are shown in the attached Schedule, and your Committee have been assured that the effect of such amendments, if agreed to and made effective by law, will correct mistakes that existed in the Acts of 1890 or Acts passed between 1890 and 1915, mistakes which were made in the Consolidation of 1915, and remove some anomalies which were not removed when the recent work of consolidation was carried out ; also a number of printer's errors at present existent.

3. Your Committee are satisfied that the amendments proposed by His Honour should be adopted, and recommend that they be incorporated in the Bill shortly to be brought before Parliament and passed into law during the present Session.

4. As your Committee have not power at present to hold meetings except during the Session, and experience having proved that it would be advantageous to meet and consider proposed amendments during the Recess, they recommend that a Bill be passed this Session giving the necessary authority.

5. Further consideration was given to the question of consolidating the Private Acts of Victoria and publishing a collection of Private Acts and certain Imperial Statutes in force in Victoria, and His Honour will, at the request of your Committee, furnish a Report on the subject early next year.

6. Your Committee again desire to express their appreciation of the great and valuable labour which His Honour continues to bestow on the improvement of the Statute Law of Victoria.

Committee Room,
State Parliament House,
Melbourne, 19th December, 1916.



MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

TUESDAY, 3RD OCTOBER, 1916.

Members present:

Mr. LAWSON, in the Chair;

Council:

The Hon. J. D. Brown,
The Hon. W. S. Manifold,
The Hon. A. Robinson.

Assembly:

Mr. Blackburn,
Mr. Mackey,
Mr. Mackinnon,
Mr. Prendergast,
Mr. Snowball.

His Honour Mr. Justice Cussen, examined.

1. *By the Chairman.*—I have explained to the Committee that, since the consolidation, all the officers administering the various Acts have been on the look out for any anomalies, and various suggestions have been sent to you from the Crown Law Department; you have got them, as a matter of fact, from various sources?—Yes.

2. And the result is shown in this schedule?—Yes.

3. We have asked you to attend in order that you might explain to the members of the Committee the nature of the proposed alterations and amendments?—Yes; I may say generally that this schedule represents, in part, things that I have discovered myself—perhaps for the greater part—and it also represents matters that have been communicated to me by the heads of the various Departments, and in a great number of cases, by police magistrates and clerks of courts, with reference to the Acts they have to deal with. The errors relate to several groups of matters; some are mere printers' errors, and no time need be taken up with them; some represent the correction of mistakes that were not detected on the last occasion; that is to say, they were mistakes that existed in the Acts of 1890, or Acts passed between 1890 and 1915, and which were not then detected; others correct mistakes which were made in the consolidation of 1915, and which are not mere printers' errors. Finally, there are some cases which are corrections of anomalies which, if I had noticed when doing the consolidation, I should have then altered. I think those are the four groups illustrated by the schedule; and, unless the Committee asks about any particular matter, I propose to pass rapidly over any matters of little importance, or mere verbal corrections, or slips.

ADMINISTRATION AND PROBATE ACT.

The first one I will deal with in the schedule is the Administration Act, section 95. The word "benefit" has been added there; that addition is to make it harmonize with the Trusts Act, and it illustrates the case of an addition that I should have made before if I had happened to notice it.

CONSTITUTION ACT AMENDMENT ACT.

Then I think the first important alteration is in the Constitution Act Amendment Act. That is really a very important alteration in one respect; it relates to section 133, and, as shown in the schedule, it reads as follows, viz.:—

"In section 133, after the words 'The Constitution Act,' there shall be inserted the words 'as amended by the Act 21 Victoria, No. 12'; and the words 'and not removed by this Act' shall be repealed."

By the Constitution Act a certain qualification for members of the Legislative Assembly was provided, which included a property qualification. That property qualification was abolished by the Act 21 Victoria, No. 12, and it was provided in that Act that the qualifications for members of the Assembly should be the qualifications provided in the Constitution Act, with the disabilities therein provided and not removed by the present Act. Those were the words. The mistake was made in 1890 in this case; it was not made originally by me. In 1890 they went wrong by keeping the precise words. They said the qualifications shall be those in the Constitution Act, and the disabilities shall be those in the Constitution Act and not removed by the present Act, which in that case was the Constitution Act of 1890. The words "the present Act" were noticed in the consolidation of 1915, and as they were not the usual words, they were altered to "not removed by this Act"; but it was not observed that the consolidations of 1890 and 1915 were both wrong, because removal took place by the Act 21 Victoria, No. 12, and it might be urged—though I do not know that it would be with very much likelihood of success—that the Act of 1890 put back the Constitution Act without the alteration made by the Act 21 Victoria, No. 12. I do not know whether I have made that plain. If you look at the Constitution Act, you will see that that particular clause is set out in italics as repealed, but the wording of section 133 affords grounds for argument.

4. *By Mr. Prendergast.*—It does not seem of much consequence; would it apply if it were not proposed to make this alteration now?—I do not think it would be of much consequence; if you look at the Constitution Act, you will see that that particular clause is repealed, and this did not put it back again; still it affords ground for argument. You have the words "not removed by this Act," and then if you look at the Act you will find nothing removed.

5. *By the Chairman.*—It is just as well to put it beyond the possibility of doubt?—Yes; I think so. The next point relates to section 322 of the Constitution Act Amendment Act; that is shown in the schedule in this manner, viz.:—

"In section 322, after the words 'any person who,' there shall be inserted the words 'without the lawful command of some competent court or tribunal.'"

I am not sure at whose suggestion section 322 was altered to read as it now stands. I have been speaking to Mr. Collins about it, and he is inclined to agree with me that it was altered at his suggestion, and the intention was to provide for it by an amendment of a separate section; but this was not done, through my overlooking it. It relates to the question of opening sealed packets of ballot-papers, and as to the power of a court before which an offence is charged to direct that the package shall be opened. That was provided for in the Constitution Act Amendment Act and in the Local Government Act of 1890 and 1903 respectively; but the words "without the lawful command of some competent court or tribunal" did not appear in the Act of 1915, but instead there is substituted the words—[reading]—"Save in compliance with the express provisions of the

law relating to parliamentary elections." It was intended to make express provision for that, but it was not done. It is now desired to bring the Constitution Act Amendment Act and the Local Government Act into harmony, and to provide in both cases an express provision to apply as to the opening of ballot-papers. In the Local Government Act I think it is provided that a police magistrate can have a recount, and under the Constitution Act Amendment Act the Elections Committee authorize the recount. The additions now suggested will provide that, if there is a case of an offence charged against a man, say, for voting twice, any competent court or tribunal before which that offence is tried could direct that the packets be opened. Unless it is done with one of these two permissions, or possibly by the permission of the House of Parliament concerned, it is made a misdemeanour; so it is of importance that it should be put right, and that persons should not have any fear as to the circumstances under which they can open the packets.

6. *By Mr. Prendergast.*—What is the difference, as to the suggested alteration in section 191, between the words "judiciously" and "judicially"?—"Judiciously" is wrong; "judicially noticed" is the expression. In one sense, they ought to mean the same.

In sections 418 and 419 of the Constitution Act Amendment Act references to the Library Committee are contained, and provision is made for an interval between the close of one session and the commencement of the next. It was pointed out by Mr. Callaway that it was overlooked that a comparatively recent provision—now contained in section 367—had provided for that interval, and that therefore there was no necessity, under sections 418 and 419, to refer to the Library Committee; not only is there no necessity to do that, but it is incorrect to do so, because the Library Committee continues in office during the interval. Those sections 418 and 419 were originally enacted at a time when the Library Committee did not continue in office. The alterations in the schedule are merely consequential on the alterations that have been made in the body of the Act.

CONVEYANCING ACT.

I do not know whether any legal gentlemen here have looked at the provisions with reference to the Conveyancing Act; they are only to effect fully what was intended.

7. *By the Hon. A. Robinson.*—Take this last one, viz:—

In sub-section (1) of section 42, after the words "conferred by this Act," where they last occur, there shall be inserted the words "or by the *Transfer of Land Act 1915.*"

Are there any powers to appoint a receiver conferred by the *Transfer of Land Act*?—No; but there is a power of sale. I think that is alright; there is really nothing of importance in these alterations, except that they express more fully what I think would be implied without them; but still it is desirable to make it plain. It seems that before the words "of section thirty-five," at the end of the first clause in the schedule, there ought to be written, "and sub-section five."

COUNTY COURT ACT.

The next matter is the County Court Act, section 64. This is a case of an alteration, and it is for members to say whether they can recommend it to the House or not. I think it is desirable, and it is a matter I would have done originally if I had noticed it. If you look at section 64 of

the County Court Act you will find that it says that every such action in the county court—that is an action for a liquidated demand—shall be commenced, &c. Sub-section (2) provides that such summons may be served in the same manner as an ordinary summons under this Act may be served. Section 61 provides that an ordinary summons may be served either personally or by leaving it at the last known place of abode of the person. The Fifth Schedule, which is referred to in section 64, and which sets out the form of summons to be issued under it, says—

This summons must be served personally on the defendant twenty-one clear days before the day appointed for the hearing.

It would appear, therefore, that there is a conflict between the section and the schedule. In addition to that, I think it is very undesirable that a man should be forced to issue a summons of this kind when he may really be doubtful whether he has got a claim for a debt or a liquidated demand at all; it is a matter not easy of determination occasionally, and the analogy of the Justices Act suggests that two alterations should be made—one is in connexion with that first clause, where "shall" should be altered to "may," and another in the second clause. It should be provided that the summons should be served personally to conform with the schedule, with the addition of the clause that the House passed in the Default Summonses Act last year—that service upon a body corporate in the manner provided by any Act shall be deemed to be personal service. Those are the two alterations made, that "shall" should be altered to "may," and the second clause has been altered to provide for personal service, with the provision as to service on a company. It seems to me that the alteration is very desirable.

8. In the first sub-section of section 64 it says—[*reading*]—"The following provisions shall apply . . . debt." If you are going to bring an action for a debt which is undoubtedly a debt, would not altering the word "shall" in sub-clause (1) be sufficient?—Perhaps it would; it might be that in the introductory clause some alteration should be made.

9. *By Mr. Blackburn.*—The mandatory effect of "shall" in sub-section (1) has been taken away by the decision of the Full Court in *Best v. Best*. It says here—[*reading*]—"An action for liquidated . . . proceed with the hearing"?—Yes, I had a look at that decision. I think this alteration is desirable, and, in addition, it brings this provision into line with the similar provision in the Justices Act.

CRIMES ACT.

The next matter is the Crimes Act, section 94. This is a replacement of the old provision. An alteration was made in the consolidation, and this is going back to what existed prior to the consolidation. The reason which has led me to think it is desirable is this: There are certain provisions enabling persons to be summarily punished for larceny, and I think the provision which was contained in the old Act was, or might have been, put into it for the purpose of enabling the enactment now in the main represented by section 94 to be brought into line with other cases of simple larceny, so that a magistrate might say in such a case, "If you elect to be dealt with summarily, or if you plead guilty and elect to be dealt with summarily, I will sentence you now, straightaway, and will not send you for trial by jury." Otherwise it might be that on a charge of stealing a comparatively unimportant security a magistrate

might find himself bound to send a man for trial by jury, although if it were a case of stealing money of a similar amount he would have the power to deal with him summarily. I thought that if there was even a possibility of such a result I ought not, by a change which I had already made, bring about another result, so I have put it back to where it was. The old words were—[reading]—“He shall be guilty of felony of the same nature and punishable . . . security in question.” The new words are—[reading]—“Guilty of a felony . . . terms of imprisonment for not more than five years.” The term is all right, but it is a question as to the power to inflict summary punishment, which is doubtful.

10. If he stole a cheque for £1 he would, under this provision, have to be sent for trial by jury?—Yes, although if he had stolen a sovereign he would not be.

11. *By Mr. Mackinnon.*—It makes it a much longer section?—Yes. The next section is section 97. Instead of “two last preceding sections” there shall be substituted the words “three last preceding sections.” That is to correct a mistake which has existed for many years. It was originally two sections in England, but we made it into three sections in the Crimes Act here. Then where the English Act says “two last preceding sections,” we copied it without noticing that we had made it into three.

12. The marginal note does not show that; it refers to the English sections 27, 28, and 29—that is in the Crimes Act?—Yes, that is so. I think I looked that up, but I will look at it again. I thought I found it was as I said.

13. *By Mr. Blackburn.*—Yes, it is quite right, as shown here—[handing volume to witness]. It is 96 and 97 that have been split in two; there were three sections there made into four, and not two into three?—Yes. I do not think there is anything of importance now until we come to section 469. That is a very technical matter, but I will endeavour to explain it. I think it was due to the fact that we did not fully understand what was meant by the old section. A full investigation convinced me that this section was copied from an English section which was directed to the fact that certain criminal cases in England were tried on informations filed either by the Attorney-General at common law or by the leave of the court at common law, and in such cases they went through the form of pleadings in the court of Queen’s Bench; and then they used to send them down for trial to a Judge of Assize. He was not the Court of Queen’s Bench, and this section was passed in England with the intention of enabling that judge to pass sentence upon prisoners, whether they appeared before him or not, because the trial was set down upon the record—that is to say, pleadings were set down and the accused person might not be there at all. Very often it was a case of nuisance, or something of that sort, and possibly it was met by a fine; and this section was passed to enable a Judge of Assize, who was not the Court of Queen’s Bench, to pass sentence, and it provided that the sentence would be of the same effect as if it had been passed at a trial on an indictment, and it also provided for the arrest of the accused if it were determined to arrest him after the trial had taken place, if he did not happen to be in court. I must say that I did not appreciate all that when the section was drawn, and the consequence was we cut the section about a bit and treated it as an ordinary case of presentment for trial, and left out some small portion. I have

now put it back to what it was, subject to this: that as the trial here would take place before the Supreme Court, I have omitted some words.

14. The judge here sits as the Supreme Court and there is no necessity to provide for matters dependent on that fact?—Under the English Act he was not the court, but acted as a sort of delegate from the court; he sat to hear the evidence, and reported the matter to the court. That is the explanation of putting it back to what it was.

15. I think there were a great many libel prosecutions when that Act was passed?—Yes, there were—libels and nuisances, and things of that kind came under it.

16. Take this last alteration in the Crimes Act—that is the one which makes the definition of “night” for the purpose of loitering. That is in section 494. In section 490 above that it specifically sets out the definition of “night” in the same way. It says, “The night shall for the purpose . . . the morning next preceding.” They are the same?—Yes, I will take a note of that. It might be better to make it refer to section 490.

EVIDENCE ACT.

The next section is the Evidence Act, section 93. That is the section which deals with the new form of taking the oath. It was not observed when the consolidation was made that it was desirable to provide not only for a case where the oath was required to be taken in the new form, but if the statute required that it should be subscribed, that it might be subscribed in the same form. Some little difficulty was felt in administering the oath to Members of the House, because it did not say it should be subscribed in the new form, and the practice up to the present has been to administer it in the old form of kissing the book. This new sub-clause is designed to get over any difficulty in that respect, so that the oath might be not only administered in the new form, but also subscribed in the new form.

17. *By Mr. Mackey.*—Have you considered whether an ordinary amendment like this would be sufficient to alter the Constitution Act?—Well, it is very distinct. It says—[reading]—“This section shall apply notwithstanding that in any of the Acts enumerated in the Second Schedule of the Acts Interpretation Act, &c.” The Constitution Act Amendment Act is one of them.

18. This is in the schedule then?—Yes.

19. It is binding enough to use the new form?—You are not bound.

20. The officer is bound to administer it, though?—Yes, but the other one would be quite good if you prefer it.

21. But the officer would be guilty at common law?—Yes, if he did it deliberately, possibly he might be guilty of something.

The next section is section 115. There is provision added to meet the case of a person who is authorized to administer oaths for use in the Supreme Court under Act of Parliament. I think the Administration and Probate Act provides that in certain cases the registrars of county courts may administer oaths for affidavits for use in the Supreme Court.

The next section is section 125 of the Evidence Act. That is an addition. The alteration makes clear, I think, the meaning. If it does not mean that I do not know what it means. It says—[reading]—“Any judge without application may . . . shorthand note taken.” That is the Act as it is. It seems there is some distinction between the first word “judge” and the second

word "judge," because it says that one may without any application do it and the other may do it on the application of the parties. I thought it must mean—and the probability was that it did mean, as some other sections refer to a judge of the Supreme Court—as I have interpreted it by this addition, that a judge of the Supreme Court may act without application, and any other judge may act on an application. If it does not mean that then there ought to be some words struck out.

22. In the previous sections they used the words "a judge of the Supreme Court." That occurs twice?—Yes; it is a question whether you should put this in or strike out the first part of the section. The next matter is at the end of the Fourth Schedule. I think it desirable to make it plain to a person who happened to be looking at it and who could not get expert advice or a printed form, so as to enable him to put in words to complete the declaration. I have copied it from the Local Government Act.

23. *By the Hon. A. Robinson.*—In a common form, instead of "made and subscribed," as is proposed, it would be "declared"?—Well, perhaps it should be altered. If you went to a local stationer's for forms which would it show?

24. It would show "declared"?—Well, then, it should be "declared." I took it from section 43 of the Local Government Act, which refers to a statutory declaration and to a schedule which uses the words "made and subscribed." If "declared" is the better word it should be altered to "declared" in the Local Government Act also. It should be made "declared" in both places.

25. *By Mr. Mackinnon.*—There is a point as to the alteration of the word "declaration" to "statutory declaration" in the Landlord and Tenant Act. In England I think it has been said that "declaration" does not mean "statutory declaration"?—I will look into that.

26. *By Mr. Prendergast.*—Is there any likelihood of a different interpretation being put upon "declared" as compared with "made and subscribed"?

27. *By the Hon. A. Robinson.*—"Subscribed" means written in the presence of the Justice, and it is very rarely that it is written in the presence of the Justice?—Yes, I think it would be better to alter the Local Government Act to "declare," and make them both the same. I have taken a note of that.

28. *By Mr. Mackinnon.*—I notice here in section 99 they talk about a declaration "made and subscribed"?—Under the Evidence Act?

29. Yes, in section 99?—That is a declaration in connexion with a public department—that is not a voluntary statutory declaration.

30. Then it talks about the person before whom the declaration is made; he shall "take and receive"?—Yes, I think the common form should be adopted, whatever it is.

Mr. Mackinnon.—In a law stationer's form it shows "declared before me."

31. *By the Chairman.*—That is always signed before it is taken to a Justice.

The Hon. A. Robinson.—Yes.

32. *By Mr. Prendergast.*—We must be careful not to make any difference in the meaning there?—I do not think it would. If you look at section 99 you will see that it provides for a statutory declaration in the form of the Fourth Schedule, or to the like effect.

33. There need be no looking for the words just now if they have precisely the same meaning. It is certainly shorter to have "declared"?—Yes; I think it is undesirable to have one word in one

place and another in another place when they mean the same thing; but if there is any doubt about it perhaps the best way is to leave it as it is.

34. Perhaps you could bring up a report on that matter and we could deal with it subsequently?—Yes; it is not essential, but I thought it would be useful.

The Chairman.—In affidavits it is shown as "sworn before me." A man simply takes the oath in one case and declares it in the other.

Mr. Prendergast.—It seems that "made and subscribed" is a totally different thing to "declared."

Mr. Snowball.—But the effect is the same. The penalty is perjury for a false statement.

35. *By Mr. Blackburn.*—Yes, but you say "subscribed" and it is not subscribed before a Justice at all; it is subscribed before it reaches him?—I think we had better leave it out; it was only for assistance that I put it in.

36. *By Mr. Mackinnon.*—It has got an unfinished appearance there in the schedule?—Yes.

FACTORIES AND SHOPS ACT.

The next matter is an alteration to section 7 of the Factories and Shops Act. There was an alteration in the verbiage there. It is not intended to make an alteration in effect, but merely to make it plain. It refers to the words "trade, business, process, or occupation." Sometimes one or other, or more than one of the words, are used in various ways, and the idea was to make it quite plain whether all or some or one of them were or was used.

The next section relates to the Factories and Shops Act, Part V. There are a number of provisions relating to the closing of shops on the day before a public holiday, and, unfortunately, some use the singular and some use the plural. Some say that "shops" may be kept open on the day preceding a holiday, and some speak of the "shop." I thought it was desirable to make it plain that where the plural was used it applied to any shop in that section, so that all the sections should be brought into line, and when the Act is consolidated again a uniform term can be used for "shop" or "shops." It would not matter particularly which term was chosen—perhaps "shop" is the proper expression. The next section is section 134. This is for the same purpose as I mentioned before, viz., to make it plain that "trade" includes "process, trade, business, or occupation," or all or some of them, as the case requires.

FISHERIES ACT.

The next section relates to the Fisheries Act, section 36, and the amendment there is simply to bring that section into line with the Imprisonment of Fraudulent Debtors Act and the Justices Act. The purpose of it is to exclude the costs as part of the sum default in payment of which results in a term of imprisonment. In this section it was apparently overlooked that default in payment of costs is, speaking generally, looked upon as a matter of civil remedy and not directly punishable by imprisonment.

FORESTS ACT.

Then the next section is section 54 of the Forests Act. The alteration there is substituting the words "Forest Act 1907" for the words "this Act." You might have a case where a person planted land with trees in 1913, and it might be said he could not escape liability for further rates on that account; but this provision will apply when the trees are planted after 1907.

FRIENDLY SOCIETIES ACT.

Next is the Friendly Societies Act. Some words have been dropped out without causing any harm. The form used in the office, which was copied from the form in use in England, put them in. It was not previously noticed that for forty years they have been left out of the body of the Act.

GOLD BUYERS ACT.

Then we come to the Gold Buyers Act. This is a real alteration of importance, but it seems to me to be essential if the section is to be given its full meaning. It says, "Every licensed gold buyer . . . if such gold has been purchased." That is the Act as it is; but it seems to me that the words "or received" should go in if the section is to be given its full effect. That is a matter for the Committee to consider. That is an instance of an addition being made, but I do not see any escape from it.

37. *By Mr. Prendergast.*—In what position do we stand in regard to these alterations. Do these things go in unless we object?—It might be desirable that there should be another sitting of the Committee, and then all these matters could be cleared up. Any one would be at liberty to mention any of the matters after seeing the evidence.

Mr. Prendergast.—There are many of these things we can accept without question. We may accept that word "received"; but I want to look at the effect of it.

HOSPITALS AND CHARITIES ACT.

The Witness.—As to the Hospitals and Charities Act, Part II., I have ascertained by inquiry that Part II. has no application to any hospital.

38. *By Mr. Mackinnon.*—Is that so. It was always regarded as moribund?—I understand that no hospital at all comes under it. It might as well be struck out. Not striking out is of no importance really, especially if there is going to be a Hospitals Act within a reasonable time.

INSTRUMENTS ACT.

The next matter is the Instruments Act, section 227. It was taken from the Conveyancing Act. It refers to the word "purchased," but it was overlooked that that word had in the Conveyancing Act a meaning which extended far beyond the ordinary meaning of purchaser. I think it is necessary the same definition should be applied under this section of the Instruments Act.

JUSTICES ACT.

In relation to the Justices Act, section 23 (1), Mr. Kelley, the Police Magistrate, has called my attention to the difficulties about service on a corporation under this Act. The section has again the word "shall."

Except where otherwise expressly enacted every summons to answer to informations or complaints *shall* be served at least seventy-two hours before the time appointed in such summons for the hearing thereof by a member of the Police Force or other person upon the person to whom it is so directed, by delivering a true copy thereof to such person himself or by leaving the same for him at his last or most usual place of abode or business.

I thought it was desirable to make it plain that the ordinary provisions for service on corporations contained in the Companies Act and other Acts should not be excluded

by this provision; possibly they are not, because we have the words, "Except where otherwise expressly enacted." The alteration does not affect the provision that every summons shall be served at least 72 hours before the time appointed for the hearing thereof, but inserts after the words "for the hearing thereof," and before the words "member of the Police Force," the words "and every such summons may be served." It reads shortly—"Every summons shall be served at least 72 hours before the hearing thereof, and may be served in this manner." That leaves it open to say that a summons may be served in any other manner provided for by law. One way of dealing with the matter would be by delivering it to the registered office of the company.

39. *By Mr. Mackey.*—Or by post?—Yes.

The next matter is an addition at the end of section 70 (2) of the Justices Act. That is a provision that where an Act of Parliament imposes a liability on a person for an offence and does not say how that offence is to be punished, the way to punish it is before Justices. Still, the Wrongs Act and one or two sections of the Crimes Act speak about a person being liable, and do not say how the punishment is to be inflicted. There is no doubt at all they are intended to be indictable offences. Possibly you can get it out of the rest of the Act that they are indictable offences, but I think it is desirable it should be made plain that in the Crimes Act, and in the Wrongs Act, where there is simply a provision making a person liable to imprisonment, such provision, unless it is otherwise stated, should mean an indictable offence, so it is desirable to add to the end of that sub-section of section 70 that—"Unless inconsistent with the context or subject-matter, offences under the Crimes Act or the Wrongs Act shall be deemed to be indictable offences." Section 81 raises a very difficult question of construction, and a difficult question of law. I think it was Mr. Kelley who called my attention to this also. It is a provision as to a Petty Sessions Court not having jurisdiction where the title to any land is *bonâ fide* in question. It depends upon how you read that section whether it is confined to civil cases, or whether it applies to both civil and criminal cases. In doing the consolidation the view was evidently taken that it applied to civil matters, because it is put under the heading "Civil matters." That is doubtful. It does not follow because you have it under the heading of civil matters that there would not be a similar result in criminal cases, because, apart from this, I think it has been uniformly held, where a prosecution is before Petty Sessions, that where a man does an act under a *bonâ fide* belief as to his title he is not guilty of a criminal offence. On the other hand, it has been pointed out that in the old Act it was not under a subdivisive heading, but under a general heading. I think we should add some words and say that what it meant before it means now. Therefore, I have provided here that section 81 shall be construed as if it appeared in Division 1 of Part III. without any subdivisive headings. That will put it back to what it was previously.

40. *By Mr. Blackburn.*—The section draws a distinction between complaint and case?—Yes. I think, as a matter of grammar, it is correctly placed. On the other hand, the contrast between "any civil case" and "any case" rather supports the view that it should not be under the heading "Civil matters."

41. It has been held to apply to informations?—It is a question whether an information would

not be similarly dealt with apart from this provision, and whether it would not be better to have it without this provision. I have looked at a number of cases, and I have come to the conclusion that I should not like to decide at present. Look at a book like *Stone's Justices' Manual*, where they have no section like this, and you will find a criminal offence is held not to have been committed if a man acts on a *bonâ fide* belief as to title.

42. *By Mr. Mackey*.—I think it is very desirable that any doubts should be cleared up?—So do I in most cases, but this is a sort of case in which people become very intensely interested in their rights. I will have to look it over, and, perhaps, some members of the Committee will look into it. In sub-section (2) of section 99, I think, acting on a suggestion of Mr. Cohen, P.M., that this ought to be put back to where it was, and, as the suggested alteration is not correctly represented in the printed copy, would members of the Committee take down the words which I think should go in, namely, in sub-section (2) of section 99, for the words "To the defendant personally with true copies of the two notices of intention to defend in the form in the said schedule attached to it" there shall be substituted the words "With the two notices aforesaid attached to it to the defendant personally"? I think that is only putting things back to what they were to start with, and I think a mistake was made by reason of the fact that these two notices are originally attached on the summons when issued, but they are intended to be detached from that summons and attached to the copy that is served, and, apparently, the view was taken that there had to be four copies, two of which remained attached to the original summons and two of which—the new ones—were attached to the summons which was served. It is plain on looking at it that is not the intention. There is no need to have more than two copies. They are only short forms. I think, if it had been fully realized exactly what was intended before, it would not have been altered as it is.

43. *By the Chairman*.—I understand objection has been taken in the Courts where two copies have not been used?—It is desirable to get rid of them.

In section 113 the words "appeal to" should be struck out, because there was originally what was called an appeal from Justices to the Supreme Court, but there is now no such appeal. In section 114 there are merely verbal corrections. It merely means putting the words right. As to section 157, there formerly used to be no power as to costs where a case was stated for the Supreme Court by the Sessions. Then the Act of 1915 gave that power. The Local Government Act, which is the latest expression of the considered opinion of the Legislature, provides that where a case is stated by the County Court for the Supreme Court in reference to rate cases, the Supreme Court shall have full power to determine, not only the costs of the hearing, but the costs of the Court below. I thought it was desirable, if the Supreme Court was given power as to costs at all, it should have full power. The section ought to be brought into line with the section of the Local Government Act, which deals with rate cases, which formerly used to be heard before General Sessions, but that are now transferred to the County Court.

44. *By Mr. Blackburn*.—Before you leave the Justices Act, did you consider that question in section 136 (b)—[read same]. In 1895 Mr. Justice Hood held that was limited to orders under the provisions of the Justices Act. There could be no appeal from convictions under any other

Act?—I am afraid we gave a very long note about that, and we agreed to leave it as it was. It was left to the Legislature.

45. It was considered?—Yes, it was.

LAND ACT.

Then we come to the Land Act. The first provision there, under section 2, is intended to cover a case where a perpetual lessee of an agricultural allotment in the Mallee country desires to take up, say, an agricultural lease, that is the old form of lease, and it is intended to provide for various indorsements being made in accordance with the new practice. The Registrar of Titles informed me that it was desirable that some such provision as this should be put in, because it was intended that these people's rights should be preserved. That is already done under the more modern selection purchase leases under the new Act.

46. *By Mr. Mackinnon*.—I suppose that long-saving clause in the Land Act was merely copied from the 1890 Act?—A good deal was, and under the 1901 Act it was consolidated. It was really a copy to a great extent.

47. There is now really no reason why the saving clause should appear in the Land Act?—Except, of course, that under the Land Act you continue getting things under the old names, which, in respect of all subsequent dealings, were abolished after the passing of the new Act. A man comes up and says, "I want an agricultural lease"; and if you look in the Land Act, apart from that saving clause, there is very little about it.

LIBRARIES ACT.

In section 10 of the Libraries Act it should read, "objects for which." Some one, apparently thinking "objects" was a verb, said, "That cannot be right," and has altered it to "objects to which." As a matter of fact, "objects" is a noun, and the correct reading is, "objects for which." That is simply putting it back the way it was.

LICENSING ACT.

Under the Licensing Act, section 62, there are some important matters to consider. The first one I do not think will cause any trouble, because full consideration has led me to think that that should be put back to what it was. There was a provision in the 1890 Act which enabled one magistrate to exercise all the powers of the Court with relation to transfers outside of the big city districts, apparently whether they were objected to or not. The Act of 1906 provided that a single magistrate might hear every application for a transfer if it was not objected to. Apparently, the view was taken that this was a mere general clause, and that the old clause could be dispensed with, and that it was sufficient to put in the later clause alone, but one of the police magistrates called my attention to this, and, having given it full consideration, I am inclined to think his view is right. That is to say, the old power was in some respects wider, and outside the Melbourne, Ballarat, and Geelong districts one magistrate could hear applications for transfer of licences even if they were opposed. The next group of sections 177 to 189 relate to questions as to railway refreshment-rooms, licences, and *bonâ fide* travellers. I think that is a difficult question. They are really a Sunday trading group of sections. Attention was called to the fact that with the clauses as they stood, railway refreshment-rooms licensees were not in the same position as a licensed victualler as to a *bonâ fide* traveller being entitled to refreshment. All I can say is

that I called full attention to this in the Explanatory Paper. No one objected, but I have now considered the matter fully, because of a case at Maryborough or Castlemaine, where the licensing inspector was prosecuting a railway refreshment-room licensee. The inspector's case was that the licensee served people who were not *bonâ fide* travellers, but the police magistrate, Mr. Knight, then pointed out that it did not matter whether they were *bonâ fide* travellers or not, that under the consolidating Act a railway refreshment-room licensee was not permitted to serve them. The question was then left in abeyance, and, on examining it further, I came to the conclusion that the police magistrate's view was right. Although the matter was fully dealt with in the Explanatory Paper, no one took any notice of it. Perhaps that is a matter members might like to think about.

Then in the sections relating to clubs there are several matters to consider. Take section 250, it will be noticed that this section incorporates sections 116 and 215. It was pointed out to me that section 215 had nothing to do with clubs—that it referred to Australian wine licences in particular in a way that could not be applicable to clubs, and when that was pointed out it was found that a mistake had been made in the section. On looking further into the matter I came to the conclusion that section 214 was intended—not section 215. There must have been some alteration in the numbering of the sections, and in reading it over for final proof the alteration had not been noticed. That lead me further to see why section 214 should be included. Section 214 is not included expressly by the Act of 1906, but its inclusion depends upon section 116, and if section 116 is included it would look as if section 214, although it was not in the Act of 1906, should be included too, because section 116 provides whenever it is desired by a licensed victualler to have more than one bar, he has got to get permission from the Licensing Court. It seemed desirable, if that was in, that section 214 should be included, because there the penalty is set out. So far, therefore, section 214 should be included in section 250. Looking further, I had to see why section 116 should be put in. If you look at that, the position is as follows:—The first clause of section 116 comes from the Licensing Act of 1890, section 142. That is to say, whenever it is desired by a licensed victualler to have more than one bar, he has to get permission from the Licensing Court. The subsequent clauses of section 116 come from the 1906 Act, which provides how an application is to be made, fees paid, and that kind of thing. The position under the 1906 Act is this:—It applies some of the clauses following what is now clause 1 of section 116, but did not apply clause 1. The view was taken that, as the Legislature had applied the subsequent clauses, they must have intended to apply the first clause, and, if that was applied, it followed clause 214 should apply also. I have rather come to the conclusion that the proper view to take is that neither of these sections should be applied. In other words, that section 86 of the 1906 Act, though applied in terms, was merely dependent upon section 142 of the Act of 1890, and it would seem to follow that neither of the present sections 116 and 214 should be applied. That is doubtful, and is for consideration. I had inquiries made by Mr. Anderson, the Secretary to the Law Department, and he tells me there is only one club in Victoria that has more than one bar, and, prior to 1915, that club never got permission to have an extra bar, and, therefore, it would seem as if the practice before 1915 was to take the view that

these sections did not apply to clubs at all. That was one of the reasons that induced me to think both sections should be struck out. This is, therefore, a matter for the Committee to consider. I understand that only the Commercial Travellers' Club has more than one bar. We have not done with this section yet, because there is the question of section 204—as to how it should be incorporated; and further consideration has again led me to think it should be put back to what it was. It is a very unsatisfactory position, but still it may be that, by trying to alter it, and trying to make it satisfactory, it has produced an alteration in the law which ought not to have been made, so the suggestion is that the words should be put back exactly where they were before consolidation. The next thing depends, I understand, upon a matter that Parliament has already had occasion to consider recently, that is, whether clubs are not prohibited from selling after hours. I saw it was stated that there had been a change made; some words had been omitted. I admit that, but I do not feel at all clear, if a prosecution took place, there would not be a conviction. I think there is a good deal of reason for expecting a prosecution to be successful.

Mr. Mackinnon.—How did that doubt arise? Mr. Meagher is perfectly clear there is no alteration at all.

The Chairman.—I think it arises from an opinion by the Crown Solicitor.

The Witness.—I should like to see a copy of the new Licensing Bill, so there should be no conflict between that Bill and this one.

48. *By Mr. Mackey.*—Would it not be well to restore section 266 to what it was, without the addendum in this Act?—I am afraid it would take a lot of alteration if it had to be altered right through.

49. I mean this particular section?—Take out the words "prohibited hours."

50. And also one or two other words you have there?—Alter the section to what it was.

51. Except the definition of the word "boarder"?—Of course, "boarder" would not apply to clubs.

Mr. Mackey.—Make it as it was before.

52. *By the Chairman.*—I think this is just the same as we put in this temporary Bill?—I have not seen it.

53. I think Parliament desires to take it from this proposal, but that is only a Bill to remain in operation for a limited period?—Yes, I know that; it is desirable to make it plain, and have no doubt about it. I am not convinced it is absolutely necessary.

54. I think the proper course now would be to get the notes of this day's meeting, and then have another meeting to run through the balance of these suggestions; and, in the meantime, have an opportunity of considering the more important matters, and have the chance of raising any further questions?—I think I might say the only other matters of much importance are under the Marine Act, section 27; the Thistle Act, section 4; the Pounds Act, section 63; the Railway Lands Acquisition Act, section 50; and, perhaps, the Wrongs Act, section 10.

His Honour withdrew.

Adjourned.

TUESDAY, 10TH OCTOBER, 1916.

Members present :

Mr. LAWSON, in the Chair;

<i>Council:</i>	<i>Assembly:</i>
The Hon. J. D. Brown,	Mr. Mackey,
The Hon. E. J. Crooke,	Mr. Mackinnon,
The Hon. W. S. Manifold.	Mr. Prendergast,
	Mr. Snowball.

His Honour Mr. Justice Cussen, further examined.

55. *By the Hon. W. S. Manifold.*—Might I ask a question with reference to a matter that has been passed by, viz., the Constitution Amendment Act?

The Chairman.—Certainly.

56. *By the Hon. W. S. Manifold.*—There is a point with regard to the declaration to be made by a member of the Legislative Council?—Do you mean with reference to the words "made and subscribed"?

57. No; it is in the 1890 Act, in the Fourth Schedule, where the following words occur, viz.:—*[reading]*—"And I further declare . . . of such district." In the 1915 Act the words "of such district" have been changed to "of the said municipality," but no municipality has been mentioned previously?—In which schedule is that?

58. It occurs in the Fourth Schedule. Under the 1890 Act it read clearly that he declares that all such lands as are situated in the municipal district of ——— are rated in the rate-book of such district upon a yearly value?—I should think there is no doubt that the meaning is the same; they would fill in "Collingwood," for example, where the blank occurs.

59. You think it is quite all right?—Yes; it would read—*[reading]*—"I further declare . . . of the said municipality." That would be Collingwood in the case mentioned.

60. You do not think there is anything in it?—No.

61. *By the Chairman.*—I think we might run through the balance of those items now?—Yes; or perhaps before we start them it would be well to deal with any matters left over from the last occasion. I do not know whether members have anything further to say in regard to the Gold Buyers Act. Mr. Prendergast mentioned a matter there.

62. *By Mr. Prendergast.*—It was merely in regard to the definition of the word "affidavit"?—No; it was in regard to putting in the words "or received." I do not know whether you wish to say anything more about that. Then there is the Justices Act, section 81. I think, following out the suggestion made by Mr. Mackey, that the best plan would be to say that that section should be read as if it appeared in subdivision 1, which is the general subdivision of that part of the Justices Act, and to slightly alter the words to remove the grammatical difficulty I mentioned. That was the conclusion I came to after hearing what members had to say and giving it further consideration. Then, with regard to the form to be inserted at the foot of the statutory declaration in the Evidence Act. I have examined a great number of forms under the Acts, and find all kinds of phrases. Sometimes it is "taken"; sometimes it is "declared"; sometimes "made and subscribed"; and sometimes "made and declared." I think the safest way would be, so far as the Evidence Act is concerned—which gives the general form—to use the word "declared," and as the section which refers to the schedule only provides for it being put in the form of the

schedule, or to the like effect, if any one used any other words it would not matter. That would be the best solution of that difficulty, I think. Then, the Attorney-General sent me a copy of the new Licensing Bill, and I see that as far as section 266 is concerned it practically adopts the suggestion that was made here, and this particular clause can now be struck out.

63. *By the Chairman.*—That is only a temporary measure, though?—Yes; well, this particular clause can be inserted as in that Bill. With regard to the provision in the Land Act as to old forms of Mallee leases, I have had a further conference with the Registrar-General and Mr. Gregson, Chief Clerk of the Lands Department, and we have come to the conclusion that it would be better not to insert it. There is a general clause, which they think, on further consideration, covers it, and they think it would be undesirable to possibly limit the effect of that general clause by putting in a special clause. They tell me they do not want it in, and as it was at their suggestion I inserted it, it had better come out.

LOCAL GOVERNMENT ACT.

Then with regard to the Local Government Act, which is the item we reached on the last occasion. The alteration in section 151 merely brings this Act into line with the Constitution Act Amendment Act with respect to opening sealed packets of ballot-papers. In regard to section 166, there was a provision inserted in one of the recent Acts as an exception to the rule that councillors shall have no dealings with the municipality; this provided that if a councillor was a member of any association of twenty or more members which rented buildings from the municipality he should not be deemed guilty of an offence, or have his seat affected merely because he was a member of such an association, though the association rented a building from the municipality. I thought it was desirable to extend that to the officers as well as to the councillors.

64. *By Mr. Mackey.*—Does that meet the position in dealing with the councillors of municipalities?—This merely extends to officers what is already provided for in the case of councillors. Mr. Meaden mentioned an important matter, which I have not had time to verify for myself, and which might render it desirable to extend these Local Government provisions in a further respect to the officers and councillors of the cities of Melbourne and Geelong. He says that in Melbourne and Geelong an officer—I am not sure about a councillor—might not be able to take electric light from the corporation without committing an offence. That is provided for under the Local Government Act, but not in their special Acts, and it might be desirable to say that those provisions which are most recently stated in the Local Government Act should extend to Melbourne and Geelong. I will further consider that matter.

Mr. Mackey.—I think that would be desirable, because it would be removing anomalies.

The Chairman.—Yes.

65. *By Mr. Snowball.*—Could it be stated that the exemption of municipal officers is one that necessarily follows?—You mean in regard to renting the building?

66. Yes; it is quite conceivable that a municipal officer might influence a contract in a different way to a municipal councillor, there being less scrutiny over his actions in the matter. He might initiate a transaction with the council in which he might be personally interested. Anyway, we are

entitled to assume that Parliament would extend the exemption to a municipal officer—that is, the exemption given to a municipal councillor?

67. *By Mr. Mackey.*—Is not the question—are we favorable to it; if so, we should commend it to Parliament?

Mr. Snowball.—That is another matter.

The Witness.—I do not feel any desire to put it in unless you gentlemen wish it. It is the same question as you raised on the last occasion. It is new legislation, undoubtedly, but it seems desirable that the same exemption should be afforded the officer as the councillor, otherwise some literary association, for instance, might rent a municipal building, and an officer could not become a member, although he might be a most desirable member.

68. *By the Chairman.*—That is all right, as long as the House is notified at the time?—Yes; then section 341 is a matter of some importance, but in reality it merely involves inserting a precise date for the words “the commencement of this Act,” and a more correct date in regard to the matters referred to. The “commencement of this Act” really means the *Local Government Act 1903*; that is what is meant, but it might be read for the *Local Government Act 1915*.

LUNACY ACT.

Then the Lunacy Act in the Twenty-fourth Schedule contains the words “and seals,” and the amendment states that wherever they occur they shall be repealed. That is due to recent legislation, which does not require justices to have seals.

MARINE ACT.

The next matter relating to the Marine Act is more important. When an amending Melbourne Harbor Trust Act was passed shortly before the consolidation it abolished a roll of merchants and traders which used to be kept by the Harbor Trust. The Marine Act provides that representatives of merchants and traders on the Marine Board should be elected by the merchants and traders who were on the roll of the Harbor Trust. When the consolidation was being done, it was pointed out that the Legislature had overlooked, in passing the amending Melbourne Harbor Trust Act, the compiling of the roll, though they had provided for the election of merchants and traders on the Marine Board by reference to that roll. To remedy that I provided practically for a continuation of the old practice, so that there could be a reference to the roll of the Harbor Trust, but now the Harbor Trust people say that this is an expensive roll to keep, and while in the olden times they had to keep it for their own purposes, they do not need it, nor desire to keep it now for the mere purpose of electing two members to the Marine Board. As it is possible the Marine Board will disappear as soon as the Commonwealth Navigation Act comes into force—that is largely, though not entirely—I thought the best solution of the difficulty would be to provide that the Governor in Council might appoint members instead of their being elected on the next vacancy, which I think will occur next year. Those two members will sit for three years. No doubt the Governor in Council will appoint them on the recommendation of the Chamber of Commerce, or some body connected with merchants and traders. There is a further consideration, viz., that in connexion with the Marine Board I doubt whether merchants and traders confined to Melbourne should be the electors; but that is a matter of policy.

69. *By Mr. Mackey.*—You have practically re-enacted the old provision?—Yes; I have put in the consolidation a provision for continuing the roll of

merchants and traders in the Harbor Trust Office, and that this roll should be available for election purposes to the Marine Board. That practically continues things as they were, but the Harbor Trust people say that it will cost some hundreds of pounds to prepare the roll, and that it is not worth it. Perhaps some other means might be devised by the Legislature, but that seems a very expensive way of doing it.

70. They say it would cost hundreds of pounds?—I understand so. They have to make entries of every one passing goods, and paying charges in connexion with the Harbor Trust. They have to keep accounts and add them up.

71. You propose that, instead of an election, the Governor in Council shall appoint some one?—Yes, for the present.

72. I think, Mr. Chairman, we should approve of such an item as this in these times?

The Chairman.—Yes.

73. *By Mr. Mackey.*—By striking this out you restore the law to what it was. You put in a positive law where there is no provision. You provide that the Governor in Council may appoint to the vacancy?—Yes.

Mr. Mackey.—I move, Mr. Chairman, that His Honour's suggestion be adopted.

Mr. Prendergast.—I take the view that this is an alteration of the law completely, and I am not prepared to say what other things in connexion with administration depend upon this roll.

Mr. Mackey.—The position is this—that before the consolidation was brought before Parliament there was no roll at all. The effect of the consolidation is to say that there is to be a roll, the compilation of which would cost several hundred pounds. Certainly, if it had been before us when looking through the consolidation, I doubt if the Committee would have assented to it. Now, Mr. Justice Cussen proposes to strike that out, and leave matters as they would have been if there had not been any consolidation.

The Witness.—Not quite that. I do not strike it out. I leave it as it is; but the proposal is practically to allow a suspension with the consent of the Governor in Council.

74. *By Mr. Mackinnon.*—That is the result of the reform in the Melbourne Harbor Trust which we carried out recently?—Yes; that was the result under the Melbourne Harbor Trust as it existed before 1914. There was a roll kept then of merchants and traders for the purpose of the Melbourne Harbor Trust, and it was used independently for the purpose of electing to the Marine Board. Then the amending Melbourne Harbor Trust Act got rid of the roll. There was no roll then for electing anybody.

75. And the person chosen as a commissioner of the Harbor Trust became a nominee instead of being elected by the merchants?—Yes; and the consequence was that there was no roll of electors of representatives of merchants and traders to the Marine Board.

76. *By Mr. Mackey.*—The roll had been used for two purposes?—Yes; when the matter was pointed out to me it seemed desirable that there should be some one to appoint representatives. The provision was that there should be an election. I thought at the time of the consolidation that I was putting things back simply to what they were as far as the Marine Act was concerned. It has since been pointed out that the compilation of the roll will cost a lot of money.

The Hon. J. D. Brown.—This could be met by the Minister promising to look into the Marine Act.

77. *By Mr. Prendergast.*—There may be factory legislation, for instance, depending on this roll. I know a roll is taken in connexion with insurance, and it appeared in the *Gazette* only the week before last?—But this particular roll is used for no other purpose at all.

78. I think the matter should be left to the Minister. If it is undesirable to have the roll, and it costs a lot of money, perhaps legislation ought to be introduced, but I think these rolls are an advantage. I frequently have to apply for rolls for the purpose of getting information?—Every other roll is preserved, such as the seamen's roll, &c.

79. This roll may be used in connexion with the administration—that is, the merchants and traders roll. It may be used for the purpose of selecting certain interests or preserving certain interests; or for knowing what certain interests are. For instance, if you were selecting members for a Board for factory legislation you would define their interests by the rolls.

The Chairman.—They have those records in the factories office—that is, for roll purposes in connexion with Wages Boards.

80. *By Mr. Mackey.*—It is a question of money to me. If the roll is being used for no other purpose it seems a needless expenditure of public money, and from what His Honour has told us it seems he has restored the law to what it was before the consolidation. He is trying to undo or suspend what he has introduced?—Yes; it certainly does that.

81. *By the Chairman.*—Then it goes a little further, and His Honour pointed out how they may be elected in the meantime?—Yes; perhaps the members of the Committee might like to discuss this matter further.

Mr. Mackey.—Yes; I will withdraw the motion; but I hope the matter will be noted so that it may be brought up again before members.

The Witness.—Then this next item deals with the substitution of "Collector of Imposts" for the "Registrar-General." I understand he does this work, and not the Registrar-General.

MARRIAGE ACT.

I come now to the Marriage Act, section 152.

82. *By Mr. Mackinnon.*—That seems an alteration of substance?—I will tell you how that happens. When that section was originally drawn all decrees of nullity were decrees *nisi*, but at the last moment there was an addition made to the end of section 156 to the effect that where a decree for nullity is made on the ground of a prior marriage the Court may make the decree absolute in the first instance. It is very desirable in the case of a decree for nullity, which depends upon, say, impotence, or something of that kind, that the matter should be by decree *nisi*, so that there should be time for inquiring. It is also desirable that where there is a clear case of a person having been married before the Judge should be at liberty to say, "There is a certificate in the Registrar's office of the previous marriage, and it is admitted, therefore, you will not have to wait three months, but I will make it a decree absolute at once." The sections which precede section 152 were drawn up before that proviso was inserted, and the necessary consequential amendment was not made—that is all it means there. There is no substance in it. It is only doing what ought to be done. It is only a procedural matter.

83. It does not state where section 156 is drawn from in the marginal note?—No; because it was not drawn from anywhere, except out of our heads. I think I pointed out when the Committee was

sitting prior to the consolidation that, although the Legislature by a section in the Marriage Act of 1890 apparently intended to make decrees for nullity decrees *nisi* in the first instance, they did not completely do so, although in England they had done so, and we had copied one section, but not the other. The Committee approved of it on the last occasion, and it was intended that it should be done. Then, at the last moment, it was thought that if it were a case of bigamy the person should not be obliged to wait. Owing to the provisions of the section being drawn on the basis existing before the final alteration was made, they do not read quite correctly, but, as far as this is concerned, there is nothing substantial in it.

84. That is the only case that is irregular in this respect; it refers to bigamous marriages only?—Yes, that is the only case in which a decree can be made absolute in the first place.

85. These are really all very formal amendments?—I think most of them are. There are a few to which I have been calling attention at perhaps undue length.

MEDICAL ACT.

The next matter is section 72 of the Medical Act. That relates to the words, "College of Dentistry" and "School of Dentistry." That is to make clear what the Legislature intended. They had the expression "College of Dentistry or School of Dentistry" in inverted commas, but no one would think of putting up a sign embodying both terms. Chief Justice Griffith called attention to this matter, and said the inverted commas were wrongly placed, and Mr. Justice Isaacs said he was not sure that the Legislature had not intended it. The consolidation followed the previous Act literally, but the alteration should, I think, be made.

POUNDS ACT.

The next matter is in regard to the definition of the word "tillage" in the Pounds Act. As at present stated, it might be construed as a case of an exception on an exception. The alteration is merely a re-statement to give effect to the Acts consolidated. The definition of "tillage" is as follows—[*reading to . . .* "planted with fruit trees."] It might be said that that land planted with fruit trees was part of the exception, and not tillage land, but the intention, of course, is that it should be tillage land. In the re-statement all that is included in "tillage" is set out in the beginning of the definition, and all that is not included is set out at the end.

PUBLIC SERVICE ACT.

The next matter is the schedule to the Public Service Act. Here we have the abolition of the Prince of Wales' Birthday, and some one suggested to me that that was compassing the death of the Heir Apparent. The word "Holiday" should appear after the word "Birthday."

RAILWAY LANDS ACQUISITION ACT.

86. You deal here with section 50 of the Railway Lands Acquisition Act?—Yes; that is a re-statement, due to a more careful consideration of what was originally contained in the Act. The difficulty occurred in this way. The original Railway Lands Acquisition Act was passed before the *Local Government Act* 1903, and incorporated certain parts and provisions of the *Local Government Act* 1890. When the *Local Government Act* 1903 was drawn up these divisions were re-arranged, and the sections were put in a different order, and, to some extent, added provisions were made. When you came, therefore, to incorporate the

Local Government Act 1903, which, in this respect, was the same as the *Local Government Act 1915*, there was a difficulty in getting the exact provisions which were intended to be included in the original sections of the *Railway Lands Acquisition Act*. Reconsideration of the matter has led me to believe that the sections are now correctly stated, and that, perhaps, they were not correctly stated before—at all events, all were not included that should have been included.

THISTLE ACT.

The next matter is the Thistle Act. This is a case where members should consider what ought to be done. Of course, it is altering the law, but the question is whether it is not carrying out the intention of the Legislature. The Thistle Act, section 4, seems to suggest in reading it that what the Legislature intended was to give a kind of reward to a man, who, although having committed a technical offence in not having absolutely cleared his land of thistles in fourteen days, yet had taken all reasonable steps to clear the land, and was going on clearing it, and indicated his intention of continuing to clear it. It provided that the penalty might be suspended for a period. If it were a mere delay in payment the Justices Act provides for that, and gives the Court power to suspend payment. This matter was called to my attention by one of the Police Magistrates, who said he thought—and I do, too—that this was not intended to be a mere suspension of penalty, but a reward for good conduct: that is, that if a man really does his best to clear his land, and succeeded in doing so, the penalty should never be enforced against him at all. If that is the meaning the sub-section does not express it. If it is not the meaning it should stay as it is.

87. *By Mr. Prendergast*.—It seems to me that is a desirable amendment for consolidation. It is one that would come well within the scope of the consolidation?

Mr. Mackey.—I think so.

88. *By Mr. Snowball*.—Has power really been given to remit a penalty that has been incurred by a person through default to comply with certain provisions?—Yes, the Act is strict. It says you have to clear the land within fourteen days. If you do not do so you commit an offence. Then the inspector summonses you. At the Court he will say, "This man's land is not cleared." The Magistrate says, "Very well, we must fine him." Then the man says, "But I have done my best, and I am doing my best." Then the Magistrate may say, according to this amendment, "Very well, we will give you another month," or he may postpone the enforcement of the penalty indefinitely. In the last case, if defendant continues his exertions he may not come up again, and the penalty will never be enforced. The question turns on whether it is a reward for good conduct or a suspension of payment. A suspension of payment would mean very little; it would only mean pay this month, or pay next month.

89. I do not know of any power given to a Court to remit penalties. The Attorney-General has always to be appealed to, and he has a controlling voice in all cases?—This is the only section I know of which is an exception to that rule.

90. *By Mr. Mackey*.—We have a general provision in the Justices Act that where a man is found guilty of an offence the Court may find him not guilty if it is a trivial matter. Take a charge of assault. It may be proved, but the man might be found not guilty on the grounds that it was a trivial matter. The idea seems to be that while you are guilty, and it may be registered against you, under the Act the verdict may be "not

guilty" ?—In the case of the Thistle Act, it is not a case of "not guilty," but a question as to whether he would have to pay.

91. *By the Hon. W. S. Manifold*.—Except on a very small piece of land it is absolutely impossible to absolutely eradicate thistles. You are bound to miss one or two. I think that is a very reasonable proposition indeed?—Yes.

WRONGS ACT.

The next matter is the Wrongs Act. When the Act which is now known as No. 502 (an Act dealing with Supreme Court Procedure) was passed it abolished that form of criminal prosecution which was known as an "information"—that was not an information at Common Law. An information then was what is now called a "presentment," and Mr. Mackinnon will remember that in the consolidation of 1890 in the Crimes Act the words "indictment" or "presentment" were always added to "information."

92. *By Mr. Mackinnon*.—That was the *Crimes Act 1890*?—Yes.

93. Mr. Justice Higinbotham did that?—Yes; he should have also done it in the Wrongs Act.

94. Yes; he overlooked it, because it was an obscure measure?—Yes; this alteration is really to remedy that. Well, now, that finishes this particular schedule, but I may say that since I was here last I have spent much time looking at the Acts, and if the members of the Committee desire it I could bring forward other matters of the same class as are brought forward in this schedule—that is to say, not merely clerical mistakes, but particularly matters of procedure which ought to be corrected. In addition, certain printers' or verbal errors have been discovered, but I do not know that I need take up the time of the Committee with them. If it is desired that I should give the Committee the information now at my disposal on all the matters there will have to be another meeting, and I will have to get another print made.

95. *By the Chairman*.—Are there any errors of substance?—I think it is very desirable that some should be corrected. These amendments look very formidable, but since the consolidation of the Acts, and since I have had the advantage of having all these books before me, and looking from one to another, knowing that they represent in substance the law as it stands, I have read through the Acts, and whenever I came across anything which struck me as not being exactly right I have traced it out and got to the bottom of it, as in the case of the Friendly Societies Act, the Constitution Act, the Wrongs Act, and matters of that kind. I have some particulars which I can give the Committee if they desire to have them—that is apart from the clerical mistakes. So far as this schedule is concerned, you could, of course, take this schedule as it stands, subject to any alteration, and that can be passed as one Statute Law Revision Act, and then there might be another later. That is for you to say.

The Chairman.—I think we had two or three last session.

96. *By Mr. Mackinnon*.—Yes, we had two in one session?—You had one which dealt almost entirely with the sessional laws passed in 1915, before the consolidation of the Acts in that year, and then one which was concerned with both the Sessional Acts and the Consolidating Acts.

97. *By the Chairman*.—If it did not make for much delay it would be better if we could get them all in one measure. It is just as easy to get a larger measure through the House?—I agree, subject to this remark—that those which are mentioned in this schedule are the most urgent, and

some are of importance with respect to matters that might at any time arise. It might, therefore, be desirable to get these through at an early stage.

98. We are not likely to be dealing with them before the 28th instant?—Very well, the other schedule will be ready by then.

GENERAL.

I have some general remarks to make about some of the Acts, apart from these particular amendments. I do not know whether you would like me to deal with them now.

99. Yes, we should be obliged if you would?—What I am about to say relates to matters and things that should be dealt with in the near future, as soon as things have become more settled. It relates to general matters connected with the Acts. Take for example, the Crimes Act and the Police Offences Act. It seems to me very desirable that the result of the work done by Mr. Finlayson and Mr. Woinarski—assisted to some extent, as Mr. Mackey tells me, by the suggestions of Sir Samuel Griffith—should not be altogether thrown away. I think an attempt should be made to some extent to get the result of that work, and have what would practically be a complete code of criminal law. At the same time, in Victoria, I think it is not desirable to do what was done in Queensland, nor what was done at the time by Mr. Finlayson and Mr. Woinarski—that is, to bring all indictable offences and offences punishable by summary conviction into the one Act, because we have the Police Offences Act, which ought to be the receptacle for general offences punishable by summary conviction, and, in addition, the plan in Victoria always has been to confine the Crimes Act and Police Offences Act to matters of general application, and to put special matters in the Acts to which they relate. For example, if you turn to the Harbor Trust Act you will find some special offences relating to Harbor Trust matters. In Queensland there was an attempt—and I believe it was successful—to put everything into one Act as a code. Then when you pass new legislation, and create new offences in connexion with that particular legislation you have either to alter the code, or drop the broad principle that all offences are to be dealt with in the code. I am inclined to think that in our legislation we should not depart from the principle we have adopted—that only general offences are dealt with under the Crimes Act and the Police Offences Act, nor should we depart from the principle that summary offences should not be dealt with under the Crimes Act. On the other hand, as far as procedure is concerned, I think the Act should be a code of criminal procedure applying to any indictable offence which is mentioned in any Act, and not only those mentioned in the Crimes Act. Then there is an additional advantage if that is done, because we could get rid of a number of old English Acts, some of which may be in force. Perhaps it is doubtful whether some are in force or not. This might possibly pave the way for having a complete statement of our law which would incorporate the English legislation of the old English Acts. That is one matter which I think it would be desirable to deal with.

Mr. Mackey.—I may explain that Mr. Finlayson and Mr. Woinarski, under directions from the Government, drafted a Bill codifying our criminal law. The indictable offences were revised by Mr. Justice Hood, and a number of suggestions and alterations were subsequently made by Chief Justice Griffith, who went into the matter, and gave an immense amount of time to it. The result of his suggestions were submitted to Mr. Finlayson

and Mr. Woinarski, and they made corresponding alterations. I know that Sir Samuel Griffith said that, in some cases, it was an improvement on his code that he had in Queensland, and I think that that code which Mr. Finlayson and Mr. Woinarski prepared could very easily form the basis of such work as Mr. Justice Cussen has in view. I have always thought for the last ten years that we were depriving ourselves of the very fine work done by Mr. Finlayson and Mr. Woinarski, and if Mr. Justice Cussen can arrange now that that work should be taken up and brought up to date, with those alterations of principle that he suggests, and presented to Parliament, I think Parliament would be very glad of it.

100. *By Mr. Snowball.*—That would absorb a large part of the Justices Act in regard to procedure?—I think I would leave the procedure in the Justices Act. The Justices Act is purely procedural with the exception of two or three offences which relate to the direct administration of justice. The Justices Act should be left as it is. The Justices Act would operate up to the time that a man leaves the Justices Court, and the Crimes Act would take him up to the time of trial and sentence.

101. *By Mr. Mackey.*—The Justices Act will deal with all summary cases?—Yes; the Justices Act will be left as it is.

102. *By Mr. Mackinnon.*—The Crimes Act is really a sort of complete code?—It is very nearly complete.

103. *By the Hon. W. S. Manifold.*—I was going to ask where the difference came in?—There are certain matters that could be stated under a complete Crimes Act which could not be stated under our Act. Treason is one of them. At present, you would have to go to an old English Act. That is one example. There are a number of other cases with relation to offences at common law, or under old English Acts, which have not been copied. As Mr. Mackinnon says, it is a nearly complete code.

Another matter I desire to mention is in connexion with the Acts relating to real property, especially the Real Property Act itself. I understand there is some suggestion that there will be an amendment of the Real Property Act shortly, and, possibly, some of these things could be done then; but the Real Property Act is, in many respects, out of date, and the Committee will remember I told them that, in the consolidation, I did not interfere with the Acts relating to property, but left them as they were. However, I think Part IV. might go altogether. Mr. Mackinnon will remember that, in 1890, he called attention to it, but said, to save any trouble, he would leave it in. As to estates tail, I understand there are three or four still in existence, but they will probably disappear altogether, and I would suggest in the next consolidation they be dealt with as dower has been in one section, with a clause preserving rights for the few cases that exist.

104. *By Mr. Mackey.*—As to Part IV., would you repeal that without any provision at all—as to empowering a married woman to deal with these matters as if a *feme sole*?—One way would be to do away with the necessity of acknowledgments, &c. In my opinion, the Married Women's Property Act gets over the difficulty.

105. And you would put nothing in its place?—The Married Women's Property Act in Victoria is different to what it is in England, because property is vested in every woman whether she acquired it after marriage or before marriage, and whether she acquired it before 1884 or not. In England a woman married before 1882, in respect of property acquired before that date, did not come under this Act, and, therefore, it was desirable

to retain the old provisions in England, but, personally, I cannot see why an elderly married woman should not be allowed to deal with property in the same way as a younger married woman. I have only known of one case in which Part IV. was resorted to, and then I did not think it was necessary to do so.

105A. *By Mr. Mackey.*—I am told there are cases, but not since the consolidation?—The consolidation has not done anything to affect that.

106. In the old conveyances I believe they do insist on the concurrence of the husband?—They are very conservative. I should prefer myself to repeal the whole of Part IV., and provide that all powers of alienation, release, disclaimer, &c., conferred by the Real Property Act should be deemed to be included in the powers given by the Married Women's Property Act, because I feel pretty certain a married woman in Victoria need not come under that provision at all.

107. You have considered that?—I will read section 8 of the Married Women's Property Act, and I will call attention to the part where it differs from the English Act—[reading]—“Every woman married before the 13th day of December, 1884, being the day of the commencement of the *Married Women's Property Act 1884*, shall be deemed to have been as from that date entitled to have, and to hold, and to dispose of in manner aforesaid as her separate property all real and personal property, her title to which, whether vested or contingent, or whether in possession, reversion, or remainder”—in the English Act it said, “has accrued after the said date”—but in the Victorian Act it says, “has accrued before or after the date.” These words in express terms deal with reversions and remainders, and so on. The main section, which is section 4, says a married woman shall be capable of disposing of property as if a *feme sole*.

Mr. Mackey.—The effect in law might be exactly the same, but the average lawyer, I think, would, in dealing with surrenders, still be apt to do this for safety sake.

The Witness.—How would it do to add to the end of section 8 that the power conferred by this section shall be deemed to include all the powers enumerated in the *Real Property Act 1915* possessed by a married woman at the commencement of the amending Act.

Mr. Mackey.—I do not wish anything to go in. We will stop with *feme sole*. She can do all these things. I will leave that to His Honour.

The Witness.—This is a matter for a Minister or some member to introduce. I think it should be done.

108. *By Mr. Mackinnon.*—If you make that change you could get rid of Part IV. altogether?—I suppose so. Some consequential amendments would have to be made in Part V., but they are very small. Then with regard to Part VI., section 79 is a most important section, and I have not ventured to touch it, but it is in very bad condition, I think. It ought to be straightened up a bit. It is the power of seizing real estates for debt. It is curiously expressed. It has this to be said about it: the Court has given a construction which makes it work all right, but if there is to be a real revision of the Real Property Act it should be redrafted.

109. *By Mr. Prendergast.*—Have you redrafted anything that will simplify this thing?—No; because I think it is a matter Parliament will have to deal with at length.

110. Your own suggestion is to make the clause more workable?—Yes, to make it plainer. Then I have great doubts about sections 82 to 90, as to whether they should not disappear altogether, and

some short section be introduced providing for the vesting of the property of a deceased person between death and probate. Then in Parts XI. and XII. there are a number of provisions about accountants to the Crown which, or some parts of which, I think might disappear.

Then there is another matter. I think the Acts relating to the city of Melbourne and city of Geelong should be consolidated.

Mr. Mackinnon.—And all of them abolished.

The Witness.—They are a perpetual source of trouble at present. Whenever you are making provision about Local Government law you are always considering whether you will take in Melbourne and Geelong. I explained on the last occasion why they were not consolidated. I would have done them except that there was a Greater Melbourne Bill talked about at the time, and it was suggested that might render consolidation unnecessary. If they are going to remain they should be consolidated, because they are a great source of trouble. I am not suggesting for a moment that there should be any alteration. I merely say they should be brought up to date. Another Act which I think ought to be considered at an early stage is the Public Works Act. It is a very long Act at present. The first part is the live part. It deals with the Board of Land and Works, and is important. The second part deals with sewerage, and, originally, it dealt with the sewerage of Melbourne and Geelong. Now it no longer deals with Geelong. We took out all reference to Geelong on consolidation, because we found the territory of the Geelong Waterworks and Sewerage Trust covers the territory covered by the old Act. But as regards Melbourne, the Public Works Act applies to sewerage 10 miles from the Post Office and not included in the territory of the Melbourne and Metropolitan Board of Works. That territory frequently goes more than that distance from the Post Office, but there are a few patches within that distance, and the Act remains in force for these little patches, although it is never used. I have never heard of its being used.

111. *By Mr. Mackinnon.*—That is Part II. of the Public Works Act?—Yes; I have never heard of its being brought into operation. Then in Part III. there are 108 sections dealing with provisions for land compensation—in cases where the Lands Compensation Act does not apply, to put it shortly—and I am told there are one or two semi-public bodies who come under this, but I think it would be desirable to bring them under the Lands Compensation Act, and get rid of these 108 sections. Again, I have never heard of their being used.

112. There is no reason why these public bodies should be under this Act?—I am not sure whether they are quite public bodies. I am not sure whether the Victoria Racing Club comes under that.

113. *By Mr. Prendergast.*—Are you suggesting that these matters of consolidation should be proceeded with?—I am suggesting rather that legislators should take these matters into their own hands, and bring in a short Act so that it will not have to be drafted again.

114. *By Mr. Mackey.*—These are really curios?—Yes; it seems a great pity to print them time after time, and have to read through 108 sections no one ever uses. I am thinking of the size of the volumes on the next consolidation. If you can get rid of these things we could put in all new Acts, and not increase the size.

Then there is the Companies Act, so far as it relates to mining companies. That is Part II. of the Act. I think Mr. Brown had some Bill in connexion with this at one time.

The Hon. J. D. Brown.—Yes.

The Witness.—I am not suggesting any alteration except this: I am told by the Registrar of Companies that there is not a single mining company registered under Part II. that is not a no-liability company. That is to say, limited mining companies do not go under this part, but under Part I. Part II. is so arranged that you find dozens of sections dealing with limited companies, and then set away at the end you find out about no liability companies, provisions that this section and that section shall apply to no liability companies. I suggest that Part II. might be drawn to apply to no liability mining companies only. Limited mining companies would, as they do now, register under Part I., which has a much more complete and satisfactory set of provisions for limited companies.

Going back to the subject of lands compensation, Mr. Collins told me he had it in his mind to revise, as is very desirable, the Lands Compensation Act and to put it into order, so that any public body that desired to buy land should come under the same set of provisions regarding the compensation they are to pay. At present you have the Lands Compensation Act, and if you go to the Local Government Act, and the Water Act, and other Acts, they are the same, except for slight variations. It seems to me there is no reason why one public body should come under a different set of provisions to another public body. It requires to be brought up to date.

115. *By Mr. Mackey.*—The Legislature might stand certain provisions as regards a limited number of bodies, but it might not stand all the body of interest up against one Act?—It seems illogical.

Then there are certain groups of Acts it would be desirable to consider before consolidation—the Factories and Shops Acts and Masters and Apprentices Act, and the Employers and Employees Act. Most of the provisions of the Master and Apprentice Act were taken at a time when there were parish apprentices and all that sort of thing. It is absurd, having regard to recent legislation. It should be considered either in an Apprenticeship Act, if there is such a thing brought forward soon, or, at all events, the legislation brought up to date with factories and shops legislation. In connexion with that I suggest the title of the Factories and Shops Act might be altered to “Industrial Regulation Act,” or something of that kind, because the legislation has got far beyond factories and shops.

There is a similar state of affairs with the Local Government Act. We have still got on the statute-book a Markets Act, which is of no importance at all, except with regard to Melbourne and Geelong, because the Local Government Act itself provides for markets, and if the Melbourne and Geelong Acts were consolidated that could be worked in with them. We also have the Butchers and Abattoirs Act, which goes back to old English times, and which is remarkable for the fact that the word “butchers” does not occur at all in it.

Finally, I think it would be very desirable, so far as is possible, to incorporate in our own legislation the English Acts which were brought into New South Wales, and thence into Victoria by Act 9 George IV. I do not think there are very many which are of importance, and some may be difficult to express in modern language. If this is not done a person will always be under the difficulty of having to know in regard to many matters, “Is there any old English Act which affects these matters?” but if it is done, he could say “No; the Victorian legislation is complete, except for Imperial Acts expressly relating to Victoria. I have no need to look for any Acts passed before

1828.” This task would be very much lightened by reason of the work that has been done in England, where they have gone completely through their legislation from the start, and repealed a great many of the old Acts, and we could in most, if not in all cases, with safety repeal those here, and only direct our attention to the ones not repealed. That would make the task easier.

116. *By Mr. Mackinnon.*—You might have some ingenious counsel finding some old Act we have not incorporated?—You could, I think, trust to English action on the subject. If they have repealed an Act you may take it as certain, or almost certain, we could repeal it, and you need only direct your attention to the rest.

117. *By Mr. Mackey.*—As I take it, this list (Schedule), which you say is so long, is not immediately consequential on the work you have already done. It is a suggestion for removing certain anomalies in the law. It is not to convey there have been a number of mistakes in consolidation?—The number of actual mistakes, if you exclude mere verbal errors, is not very large.

The Chairman.—The Committee is very grateful to His Honour for the tremendous amount of work he has done, and the interesting suggestions that have been made.

His Honour withdrew.

Adjourned.

TUESDAY, 21ST NOVEMBER, 1916.

Members present:

Mr. LAWSON, in the Chair.

<i>Council:</i>	<i>Assembly:</i>
The Hon. R. Beckett,	Mr. Mackey,
The Hon. E. J. Crooke,	Mr. Prendergast.
The Hon. W. S. Manifold.	

His Honour Mr. Justice Cussen, further examined.

ADMINISTRATION AND PROBATE ACT.

The Witness.—The first matter I will deal with is the Administration and Probate Act, section 8 (1). It is a question about discharging an executor. Some question has arisen as to whether one of two executors can be discharged under this section. I have twice decided that it can be done; and on the last occasion I expressed some doubt, and consulted Mr. Justice a'Beckett, and he told me he had no doubt I was right; but I, myself, have always had a doubt about it. This first proposed amendment merely gives effect to my decision: that is to say, one of two executors can be released.

118. *By the Hon. R. Beckett.*—Has there been any decision the other way?—No; I am really responsible for the doubt. The section was copied from a New Zealand Act, and there was some slight difference of wording.

119. *By Mr. Mackey.*—Do you think the words you are inserting would settle that matter?—I think the words “if he thinks fit” would make it clear.

120. There might be some cases where there might be a question really of whether it could not be done by considering the person as a trustee?—If you wanted to work that out fully, it might take a long time; but this amendment

will make it clear that the Judge can do what I did in these two cases. I might mention that I propose to make another small amendment in this Act which is not printed; but as it is only the removal of excess words, I do not think it necessary to detain the Committee about it.

CLOSER SETTLEMENT ACT.

The next Act I deal with is the Closer Settlement Act, section 77. It speaks about the Board relinquishing part of the land which it has on the transfer to the Board by the Crown of land of equal value. It seemed to me that the expression "transfer to the Board by the Crown of land of equal value" was inconsistent with the rest of the Act, which is based on the assumption that the Crown, and not the Board, is the owner of the land; and I propose to substitute for it the words "on the Crown making available for the purposes of this Act (which the Crown is hereby authorized to do)." I think that is consistent with the Act.

COMPANIES ACT.

The Companies Act is the next one I mention. The amendments in this look rather formidable as to length, but a great many of them are due to the fact that the Parliamentary Draftsman asked me to get rid of the expression "Companies Acts," which was taken over from the Act of 1910. He says it embarrasses him in any future amendment of the *Companies Act 1915*. A great many of these amendments are merely paraphrasing this expression, and putting it into other words in order to get rid of it.

121. *By the Hon. R. Beckett.*—Have you worked that all through?—Yes. Dealing with section 45, if you will look at the end of sub-section (1), which refers to a person being liable to a term of imprisonment of not more than fifteen years—in the English Act it was for life—and for the lesser offence under sub-section (2) the English Act provided a term of not less than three years nor more than fourteen years. In the 1910 Act we altered the term of imprisonment for the first and more serious offence to fifteen years, and for the lesser offence a man is to get not less than three years and not more than fourteen years. Something should be done with that. If he should get not less than three years for the lesser offence he should get not less than three years for the more serious offence; but, at present, it is left to the discretion of the Judge.

122. The more serious offence may receive the lesser penalty?—Yes. What I proposed to do was simply to strike out all the words "less than three nor" in the second part, and leave it to the Judge. It looks really odd to make a distinction between fifteen and fourteen years. I should prefer to put it at, say, not more than seven or ten years for the less serious offence.

123. Would it not be better to make it not more than ten years?—I think it would. If the Committee approve of it, I will make it ten years and strike out "not less than three" in the second part. In section 131 there will be noticed a provision in the Act of 1910, and now copied into this Act, that a building society shall be deemed to be a company for the purpose of being wound up. The same result is brought about in England by a more devious course. In Victoria, prior to 1910, a building society was wound up as an unregistered company; but in England they found it necessary to provide that if a building society is to be wound up like a company, a member to whom an advance was made under mortgage or other security should

not be bound to pay the amount except at the times and subject to the conditions expressed therein. This proviso, which is shown in the schedule, is the English proviso added to this sub-section (3). They found it necessary, and it seems to me it really should be so.

124. Has the point occurred at all in Victoria?—No. Fortunately there have not been any building societies wound up since 1910; but at any time it might happen.

Section 155, paragraph (f), sub-section (2).—This is simply a provision enabling a liquidator to prove in the insolvency of an ordinary debtor as well as a contributor.

Section 193 (6).—In pursuance of the policy, which I think should be given general effect to, we should try and get rid of references to former Acts relating to companies. There is a reference to the English Companies Clauses Consolidation Act, but provision is made here to substitute the words "the *Arbitration Act 1915*," and for greater caution in cases where there might be any difficulty, there is added "the Court may give any directions necessary for the initiation and conduct of the arbitration, and such directions shall be binding on the parties." The rest of the amendments, I think, are unimportant, and most of them are for the purpose of getting rid of the expression "Companies Acts," as I indicated before.

CORONERS ACT.

Then we come to the Coroners Act. I propose to insert in the Coroners Act a provision which in the consolidation was inserted in the *Justices Act 1915*, that where there are a number of witnesses bound in the same sum or penalty to appear and give evidence all the recognisances may be put in one document. There used to be a great waste of paper by reason of every witness having a separate recognisance. The suggested amendment has been put in the *Justices Act*, and it is copied here.

COUNTY COURT ACT.

The County Court Act, section 136.—It would appear by this section, if looked at alone, that where there had been an appeal to the Supreme Court and a new trial ordered before a Supreme Court Judge, a person could get a jury in the matter whether it was an equity case, or chamber order, or anything else. That does not seem to be desirable; and, although the matter has never given rise to any difficulty in the past, I have suggested it should be confined to cases in which there was a jury in the County Court. If the parties had a jury there they could get one in the Supreme Court.

125. You are putting it in cases which had been already tried before a jury?—Yes.

126. Might it not be desirable, in some cases which were tried before a Judge, to have it before a jury?—Yes, that did occur to me. It could be done by a longer expression by saying that a jury might be had if the case was one which if originally tried in the Supreme Court a jury might have been obtained. You get into some difficulties there, as these jury rules are complicated.

127. The right in the County Court is more easily obtained?—Yes.

128. You are taking that away?—On the other hand, parties leave a case to the Judge, and the question is: Should not that state of affairs be carried right through the case. However, it is a matter about which I do not mind very much. Would the Committee say which form of words they prefer?

129. We have had cases in the County Court where the Judge has said, "This is a case which should be tried by jury." The Supreme Court in directing a new trial should have the same power?—Yes.

130. A County Court Judge can do it?—Yes. If it is the wish of the Committee that it should be expressed in that way, I do not mind. Which do you think, Mr. Chairman, would be the better way of doing it?

The Chairman.—I do not see any objection to the proposal you made.

The Witness.—Mr. Beckett has pointed out a case—it would be perhaps a rare case—where a Judge would say, "I am going to decide this case, but I should be very much more satisfied if it was tried by jury." Then there is an appeal, and a jury could not be ordered. You might mark it, and let me know about it.

CRIMES ACT.

Crimes Act, section 46 (3).—This deals with cases relating to girls under eighteen, and I may say it gives effect to a decision of the Full Court which was pronounced the other day, but possibly it is desirable in such cases that it should be made plain to ordinary members of the public. There was some doubt before this decision whether an accused person over twenty-one years of age could rely on the fact that he had had intercourse himself previously with a girl under eighteen. It simply says "male person." In a case at Shepparton I directed the jury that it meant "male person other than the accused," and the Full Court held that to be right, but with such a crime as this it is desirable to make it plain.

Section 478.—I propose to add this amendment to make it clear in cases of questions reserved as on appeals, that the Court need not avoid the judgment if it considers substantial justice has been done. That is the law on appeals, and it seems the matter should not depend on the mere form of procedure by which the case comes up to the Full Court.

Section 544.—This is an amendment of some importance, but rather in the way of saving trouble hereafter than anything else. The general principle to which effect was given on consolidation in all the important Acts dealing with imprisonment is in cases of sentences that the Court or Justices may impose hard labour, or no labour, as they think proper. It is not of very much importance, as, even if hard labour is not ordered, the gaol authorities can impose labour which is not severe, and I understand hard labour and labour which is not severe present no distinction. Mr. Collins mentioned it to me, and the amendment provides that "unless the contrary is provided, all offences should be punishable with hard labour if the Justices so order." It is adopted in cases of indictable offences now, and this only carries it on.

EVIDENCE ACT.

Evidence Act, section 23.—I had originally altered this prior to the consolidation, but to avoid discussion I put it back to its present unsatisfactory condition. I think it ought now to be cured. It was provided that an aboriginal native or an infant might give evidence in certain cases, though unsworn, on the taking of a certain declaration. That section is a very old section. Then, at a later time, when the Crimes Act was being passed, in cases of crime or offences against girls (now extended to boys), there is a provision for the taking of unsworn evidence of children. So far as I can make it out, the Legislature appeared to think it was necessary to alter this section 23 in order that it should not conflict with

that later provision. Originally it was provided that you might take the evidence of an aboriginal or an infant on a certain declaration being made, but the Court should see that the person, whether aboriginal or infant, who gave the evidence understood the nature of the declaration. The Legislature as to this last part struck out the words "or infant." I think there was some misapprehension about it, and what I propose to do is to put back the words the Legislature struck out, and add, "Nothing in this section shall limit or affect the provisions of the Crimes Act 1915 as to the reception of evidence not on oath."

At the end of section 50 I propose to insert a provision making a copy of a ship's articles evidence, and the reason I propose to do it is this: If you turn over to the Seamen's Act, near the end of the schedule you will see I propose to repeal Part III. of that Act, and this section with reference to proceedings was in there. It seemed to me if the copy of the ship's articles ought to be evidence under that section of the Seamen's Act they ought to be evidence generally. Therefore, in repealing that part I propose to put some provisions formerly contained there into this Act. Perhaps I might come back to that when I deal with the Seamen's Act. That part of the Seamen's Act goes back to an old New South Wales Act.

FENCES ACT.

The Fences Act, section 25 (5).—One of the police magistrates pointed out to me that it was very desirable, in connexion with the erection of fences, that, as the money which is due for portion of a fence is, if unpaid, now made a charge on the land, it is only proper that the owner of the land for the time being should have the means of ascertaining what he has to pay, and when the application is made he should have an opportunity of appearing, as he may be the man who has to pay, and if the money is not paid, he will find he has a charge on his land until it is paid. This provides that he may come into the hearing before the Court of Petty Sessions when the amount is being fixed. I may say it is generally fixed afterwards, not at the time the kind of fence is decided on.

131. *By the Hon. R. Beckett.*—As from what date?—If you read the first part of section 25 (1), it will show that. Then sub-section (5) says "whenever any order is made . . . complaint of either party." It makes no provision for the owner, on whose land the cost becomes a charge, coming in. I will have a further look at it.

FIRE BRIGADES ACT.

The Fire Brigades Act, section 38.—It seems to me there is some mistake here. It appears to provide that the chief officer of country fire brigades cannot perform his most urgent duties unless some approval is given by the Board. I cannot understand why these words should be put in. It seems to me they ought to come out. For example, it cannot mean that the chief officer is not to proceed with all possible speed to a fire unless he gets the approval of a country Board to do it. If a man is chief officer, I should think that is what he has got to do without any approval being given to him. That is the view I take of it, though, of course, you might have a general form of approval.

132. Does it not mean the Metropolitan Fire Brigade is not to call upon the chief officer from one of the country brigades without the consent of the Board?—No. In construing this Act you must always put in the words "respectively" or "respective Board." That is to say, when you

are dealing with the Metropolitan Board you are dealing with their district. I do not think it has anything to do with the chief officer coming from the country to the metropolis at all. I think, probably, the words got astray by reason of the fact that not only the chief officer but other officers are appointed by local committees, who may act, but the approval of the country Boards is necessary there. There is no such thing as local committees in connexion with the Metropolitan Board.

133. *By the Chairman.*—Are there any in connexion with the country Boards?—I do not know whether there are any in fact, but the Act provides for them. If you look at section 6 you will see the heading “Fire Brigades Board and Local Committees,” and section 9 says, “in each country district the powers . . . subject to the regulations.” I do not know that they ever have them.

GOODS ACT.

The provisions proposed to be inserted in the Goods Act are only those that come from the Health Act, and relate to the inspection and regulation of matters by inspectors.

INSOLVENCY ACT.

The addition in the Insolvency Act is the converse case to the one suggested in the Companies Act, that is to say, a trustee in insolvency may prove in the winding up of the company.

134. *By the Hon. R. Beckett.*—Have you considered the point of saving payment for an affidavit of proof of debt by providing that it may be sworn before a justice of the peace. It is a very awkward thing when persons have to pay 1s. 6d. for a proof of debt?—I have not considered it.

135. So many proofs of debt are for very small sums?—It might be desirable to put it in.

The Chairman.—I think we could approve of that.

LICENSING ACT.

The Witness.—I propose to postpone dealing with this Act till later on.

MINES ACT.

In the Mines Act, section 3, the definition of “applicant” shown in the schedule is substituted for the present definition. It brings it into harmony with a similar definition contained in the part relating to private property.

Section 84 (1).—The words “excluding tributers” are added, as I understand some difficulty is experienced in making out the returns which the lessees have to send in as to the average number of men employed, because they include the tributers amongst them. I do not think it was intended that they should be included, because in a subsequent paragraph (f) there is special reference to them, and it seems that this paragraph (a) should exclude the tributers, so as to show how many men are employed in the ordinary way.

136. *By Mr. Mackey.*—Would it not be better to say “the average number of men employed,” setting out the tributers?—It is set out under paragraph (e), and paragraph (f) says “the number of men employed under such tribute or contract.” That makes it clear. I do not think these other matters in the Mines Act are of any importance.

POLICE OFFENCES ACT.

Police Offences Act, section 106.—The Act of 1915, as it now stands, copies the law as it was

before consolidation. It is questionable whether it is desirable to retain it as it is. When they passed the Act in 1896 dealing with street betting suppression they provided that “street” should extend to any enclosed or unenclosed land which, at the time of the passing of that Act, was a city or town. I understand portions of North Melbourne and Kensington are now a kind of sanctuary. The question is whether it should not be extended to include land which is in what is a city or town at this time. The places mentioned are now within the city of Melbourne.

Mr. Mackey.—I think so; they are practically licensed gamblers out there now. Gambling is going on out there *ad lib*, and it simply depends on that phrase.

The Witness.—It seems to be a curious thing there should be a difference because it did not happen to be a city or town at the time that Act was passed.

PUBLIC WORKS ACT.

Public Works Act, section 10.—That provision at the end looks a very long one; but, as a matter of fact, it follows from provisions in that Act before consolidation, although I do not think it was realized at the time it did follow. I think this provision really is justified by the *Public Works Act* 1864, and its omission was due to the fact that portion of that 1864 Act had been in 1890 put into the Railways Act under the heading of “Private Railways,” and in consolidating in 1915 it was not, I think, fully seen what the effect of putting that provision into the Railways Act was. This provision is really a general provision, and was not intended to apply only to private railways. It should not have been put under that heading so far as its general application is concerned. It is really putting the thing back to where it was.

REAL PROPERTY ACT.

The Real Property Act, section 45.—I have done a little clearing up in the way of getting rid of old writs. At present the section seems to suggest that you could get a writ of dower *unde nihil habet*. I do not think you could do so, but it looks as if you could.

Section 97.—For the word “necessary” there should be substituted the word “unnecessary.” It has been there for over 60 years in a part of the Act which practically is never used. I happened to be comparing it with the English Act, and found the word was “unnecessary.”

SEAMEN'S ACT.

The Seamen's Act.—This is a matter I mentioned before. Originally, between 1820 and 1830, at a time when ships, and also the captains of ships, might, on the order of the Vice-Admiralty Court be arrested in connexion with the wages of seamen, it was found in Sydney that trouble was caused, as orders were made when the Vice-Admiralty Court had no jurisdiction, and, therefore, it was provided if such a thing was done the person at whose instance it was done should be liable for damages, and so on. Now there is ordinarily no longer a Vice-Admiralty Court as such. The Supreme Court acts in the matter, and the whole of the old procedure seems to me to be quite unnecessary. The Supreme Court could not very well grant a prohibition against itself, and, as a matter of fact, masters of vessels could not be arrested, and, in addition, there are the new provisions of the Merchant Shipping Act and Marine Act, which get rid of the difficulty. The Court has jurisdiction even if there is a special contract. The preamble of the old New South Wales Act refers

to the fact that there was then no jurisdiction, because there was a special contract. The thing cannot happen now. It was only by tracing it back to the old Sydney Act I found why they did it, and why it is unnecessary now.

137. *By the Hon. W. S. Manifold.*—Is the Vice-Admiralty Court done away with altogether?—There may be one by special appointment, for example, if a Prize Court is appointed for dealing with prize matters. The Supreme Court is now what is called a Colonial Court of Admiralty. That was by reason of an Act passed in England in 1890, which specially excluded New South Wales and Victoria and some other places. They did not come under it until there was a proclamation. As far as Victoria is concerned that proclamation has now been made.

STAMPS ACT.

The Stamps Act.—I saw Mr. Metzner about this, and he agrees with me there is no use leaving in the provisions relating to Customs entry warrants and dockers' orders. The probability is stamp duties could not be charged on them, and, as a matter of fact, they are never charged. It would be interfering with Commonwealth concerns.

138. *By the Hon. R. Beckett.*—Could we not get the Stamps Act to provide in this schedule for duplicate instruments being stamped for a fee of, say, 1s.? When you present a lease only one part is stamped; both parties want to see that the instrument has been duly stamped.

The Witness.—Would you have a special duplicate stamp for it?

The Hon. R. Beckett.—Yes.

The Witness.—It would certainly seem desirable.

The Hon. R. Beckett.—The Attorney-General proposed to do it by regulation, but it was looked into and found to be impossible.

The Witness.—Can you run out something? It might need a little trouble to word it properly.

The Hon. R. Beckett.—Look at the statute, page 4338.

The Witness.—Would it be enough to put it under the heading "Lease"? Might you not want it in the case of settlements also?

The Hon. R. Beckett.—The question comes up as to leases, and the tenant says, "I want the one with the stamp on it," and the landlord will say the same.

The Chairman.—I can let you have the papers. Mr. Beckett brought the matter up in the Council.

SUPREME COURT ACT.

The Witness.—The next is the Supreme Court Act, section 79. Certain paragraphs are repealed, but this makes no alteration, because the words are contained in the Real Property Act, and I think it is better to have them there for the present than to have them in the two Acts. It might cause some trouble. The matter might be further considered at some future time, and some general Limitations Act adopted.

LICENSING ACT.

Dealing with the Licensing Act, in the first place, what I am about to say must be taken as supplemental to what I said previously, particularly regarding sections 250 and 266. On looking into it further I thought it was better for the purpose of bringing the matter before the members of the Committee and the House that the sections should be re-drafted entirely, and set out in full so that they could compare the old sections with the new proposals instead of having little bits of one and the other.

The first matter I want to mention is with reference to section 177 and section 266. The question there is as to the word "boarder" with relation to the selling of liquor between the hours of 12 noon and 2 in the afternoon, and 6 and 8 in the evening. The position is this: In the 1906 Act there was a general agreement apparently which brought Sundays and prohibited hours of the week days into line in respect of three classes of people—*bonâ fide* travellers, lodgers, and boarders. I judge from *Hansard* that messages were passing rapidly backwards and forwards up to a very late period of the year and evening, and, at the last moment, a definition was put in defining boarder, that is, a person habitually having meals between the hours of 12 and 2 in the afternoon, and 6 and 8 in the evening, and the same provision was also made as to Sunday. That is to say, a boarder may have liquor on Sunday between those hours. When we came to draft the consolidation we thought it looked absurd with reference to week days to say that boarders should be excepted, because putting it into concrete form it meant—no person shall sell liquor before 6 in the morning or after 11.30 at night except to a person having a meal between 12 and 2 in the afternoon and 6 and 8 in the evening. We dropped the word "boarder" out. Then the Legislature put back the hour from 11.30 to 9.30, but that made no difference. They then put the hour back to 6, and no one apparently called attention to the fact that by putting the hour back to 6, the word "boarder" having been dropped out might make an alteration. A similar thing happened with respect to a member having a meal in a club. It is not for me to say, but it seems to me the effect of the latest Act was possibly not quite appreciated. I simply put the facts before the Committee, and leave them to say whether the words relating to boarders and members having meals should go back.

Mr. Mackey.—An amendment has been moved with regard to the serving of meals in hotels between 6 and 8 in the evening.

The Witness.—Is that as to any one having a meal or a "boarder" as defined?

Mr. Mackey.—Any one having a meal.

The Witness.—That is much wider.

139. *By the Hon. R. Beckett.*—That definition as to boarder is gone?—No, it is still there; but you will not see the word "boarder" in section 177. You will in the section limited to Sunday, but it is not in section 177. That is the difficulty. It is not for me to say what should be done. I am only pointing out what the result of the legislation is. I wish to say this: It is not our fault. We could not foresee that the hour would be put back to 6 o'clock.

Mr. Mackey.—I think, Mr. Chairman, this is a very controversial point, and it should be left to Parliament to settle. It is an anomaly. A boarder is a person who habitually has his meals in the hotel. That person to-day at a club or an hotel on Sunday could have liquor with his meals between 6 and 8 o'clock, but he could not on week days. If the consolidation had not taken place that anomaly would not have existed; that is, he could now have liquor with his meals between 6 and 8 o'clock on any day in the week.

The Chairman.—There is a letter here from Messrs. Raynes Dickson and Kiddle to the Premier. They suggest the privilege of a weekly or other boarder should be restored.

The Witness (after perusing letter).—This letter calls attention to what I have just mentioned. Mr. Mann spoke to me about it,

and I said I dropped it out because it looked absurd at the time. Now, of course, it is of some importance. If this amendment is carried it will simply put sections 177 and 266 back to what they were before.

Now, going through the sections 177 to 189, or 190, as was pointed out in the explanatory paper, these sections were very difficult to consolidate, yet they are amongst the most important in the Act. An inspection of them leads me to believe with regard to persons like licensed victuallers the consolidation makes things plain, but I have come to the conclusion that the incorporation of these sections with respect to clubs in section 250 has not been satisfactory. Therefore, I have drawn a new section 250 in order to give effect to what I now think should have been done. The position under the Act of 1906 was very unsatisfactory indeed with regard to Sunday trading. By the Act of 1906 it was provided that section 134, now represented by section 178, should be incorporated with regard to clubs, but that section, as will be noticed, starts with the words, "Any licensed person," but there was no provision that "licensed person" should mean "secretary of a club." We cured that by consolidation. So far as that is concerned, we got rid of the difficulty. Another difficulty was that caused by section 22 of the *Licensing Act* 1906, which is now represented by section 266 of the consolidation, which also deals with selling liquor on Sunday, but deals with it in a different way, because this section 22 only provides that no liquor shall be sold or disposed of in a club on Sunday, whereas the old section 134 provided not only that, but that no liquor should be drunk on licensed premises on Sunday, and then provided if any liquor was drunk the licensed person should be liable. Therefore, there still remains this difficulty: You have two provisions relating to Sunday trading, which is in itself objectionable. There was a further objection. Section 22 also referred to the selling of liquor during prohibited hours on week days, but it did not provide penalties, and the general section which did impose a penalty was not incorporated as to clubs, so, apparently, both sets of provisions in 1906 broke down. Section 22 broke down because there was no provision incorporating the penalty section, and the incorporation of section 134 broke down because of the words "licensed person." Then, in addition to that, there was another objection to the Act of 1906, namely, that, although it was provided, and seemed to be intended by Parliament, that members having meals between 12 and 2 and 6 and 8 o'clock should be provided with liquor, and that a licensed person should not be responsible for supplying them, yet there was no exception as to drinking at a meal with regard to the clause which imposed a penalty on a person drinking liquor. Therefore, although the licensed person was not liable, the person drinking was. I think we cured a great many of the troubles, but we failed in some respects. I think what now appears is that we made the exception too large with regard to some of the sub-sections. Instead of saying, "this shall not apply to members having a meal," we put it, "shall not apply to members." And it would look, if there was a prosecution for supplying liquor in prohibited hours, that the secretary might escape by saying, "Oh, well, it was a member who was drinking." What I have done now is first of all to incorporate the penalty section, and to exclude Sunday from 266 altogether, and to provide that the exceptions shall apply to members having meals, and not to members generally. I think, shortly,

that is the effect of the new draft. I do not think members of the Committee should be expected to follow without looking into it closely.

140. *By Mr. Mackey.*—Apart from the penalty part, you are simply restoring the law to what it was?—To what it was intended to be. The sections were so confused. I could only restore it on a general basis.

141. *By the Hon. R. Beckett.*—Could not that be dealt with in the present Licensing Bill either in the Assembly or the Council?—What I thought I was bound to do was to put before the Committee what the facts are. It is not more unsatisfactory than it was. In fact, I think it is a little better, but it is still not satisfactory.

142. *By the Hon. W. S. Manifold.*—Would it be possible to allow clubs to have special permission for a special occasion?—You can get that permission for a special occasion. You have to get permission from the Licensing Court. It is at present in section 266. I think that is all I have to say on the Licensing Act.

143. *By Mr. Mackey.*—The question is, shall this Committee recommend, apart from the question of penalties, that the law be restored to what it was before consolidation? The consolidation affected more than was intended.

The Hon. W. S. Manifold.—Considering subsequent law has altered the whole legislation, I think the Committee should make the recommendation.

The Chairman.—We will see in print the Judge's explanation, and you want to follow it pretty closely with the different sections.

Mr. Mackey.—The effect of it is very short. Apart from the question of penalty, the old law, I take it, is this: That during prohibited hours, if there were any prohibited hours, on week days or Sundays, a boarder could have liquor with his meals between 12 and 2, and 6 and 8 o'clock, on any day in the week, and the member of a club could also have liquor with his meals during prohibited hours. The consolidation altered that, and put the word "Sundays" in, and it achieved more than was expected.

The Witness.—You must remember there are two sections. The provision dealing with hours generally are in one section, and the other provisions dealing with Sunday are in another section.

Mr. Mackey.—I am only putting it in effect. To-day a member should have liquor with his meals, and a boarder in an hotel should also have liquor with his meals between 6 and 8 o'clock. It is the consolidation that altered that.

The Chairman.—We should defer this for consideration if it is not dealt with in the House. I do not think any one will be desirous of raising it.

The Hon. R. Beckett.—The position is altered by the legislation passed this session. If we say we are restoring it to what it was before consolidation we are shutting our eyes to recent legislation.

Mr. Mackey.—It will have to be explained.

144. *By the Chairman.*—Yes. Shall we defer this, and deal with it when dealing with the other deferred matters?

Mr. Mackey.—So long as it is made perfectly clear to the House, this seems to be the place for it. We are restoring things to what they were.

The Hon. R. Beckett.—If we have too much debatable matter it would be likely to hold it up.

The Chairman.—If the House will not take it it will necessarily prejudice the rest of the Bill.

Mr. Mackey.—I move we recommend these alterations. Of course it is understood that the House be fully informed of what is done.

The Chairman.—I think, perhaps, we might defer this, and consult the Cabinet, and if they decide not to do anything with this particular Bill we should then consider what recommendation we will make.

LOCAL GOVERNMENT ACT.

The Witness.—There is one matter which does not appear upon the printed paper which I desire to call attention to. That is the Local Government Act, section 477. It is a matter of little importance, but still it will be desirable to set it right. It is with reference to the power of a municipality with the consent of the Minister to make a deviation through Crown lands, or lands held by lessees under the Land Act. I have traced that back, and the position is this: It originally appeared in the Local Government Act of 1891, and it then had the expression, "Land held by licensees or pastoral lessees." At that time there were under the then Land Act agricultural and grazing licences and pastoral leases. The licence was, in many respects, more secure than the lease. The expression "pastoral lessees," as such, was abolished by the Land Act 1901. After that was passed the Local Government Act 1903, and notwithstanding the change made in the language of the 1901 Act they still left in the words "pastoral lessees under the Land Act 1890." After that Act there was another amending Land Act, and they abolished these agricultural and grazing licences, and called them selection purchase leases. That presents a very complicated problem as to what is the present position of affairs.

Mr. Mackey.—Instead of having two documents now, a man gets a selection purchase lease from the very beginning, but the conditions for the first six years are different.

The Witness.—This thing was only looked into by me just before I came up. Something should be done. I shall see some one connected with the Department about it.

Mr. Mackey.—After the first six years a man has practically full power to deal with it.

The Witness.—I will look into it.

COMPANIES ACT.

Mr. Mackey.—There is one anomaly I would like to call your attention to, and I think it is a serious one. It relates to the Companies Act. We have a certain number of provisions in sections 87 and 88 as to what should appear in a prospectus. It is mandatory to have certain provisions. In the new English Act, from which we took this, there was no penalty provided, and Lord Halsbury, in his work, indicates that the penalty will be a misdemeanour for a breach of the statute. In the Isaacs Act Mr. Isaacs had a similar, but not the same, set of provisions for a prospectus, but immediately after he had specific penalties for not complying. We adopted the English provisions as to the prospectus, but without the penalty, leaving it at the Common Law penalty, if there is one; but we also inserted something at the end, in section 292, which makes all the difference in the world, and has a most unexpected effect. Section 291 says that the non-performance of the provisions of the Act shall be deemed an offence, and that every person, society, &c., guilty of such an offence shall be liable to a penalty of not more than £25. Therefore, instead of being liable to imprisonment, as an offender would be under our 1896 Act, or as he would be in England, he would be liable only

to a penalty not exceeding £25, which is absurd. In the Isaacs Act that provision only applied to minor things, because all the big things were provided for.

The Witness.—It seems rather hard that a man should be liable to imprisonment for neglecting to date a prospectus, for instance.

145. *By Mr. Mackey.*—He may omit very important things from it?—If he did it fraudulently, that is another matter, but some of the offences might be very small.

146. I think we ought to exclude the operation of this £25 section, as in England. In England there is no express provision for dealing with non-compliance in that case, and for not giving the particulars you are bound to give there is no specific penalty, and you are left with the Common Law provisions. Should not we adopt the English provisions?—I do not quite follow you. This, no doubt, keeps to the Act of 1910—that is, section 292.

147. But in the 1896 Act it did not apply to a prospectus?—It is a mere repetition of our Companies Act of 1910.

148. Yes, that is so?—Is that a mere repetition of the English provision?

Mr. Mackey.—No, it is not in the English provision at all; it is purely local. It is shown here, but it is not in the 1896 Act.

149. *By the Hon. W. S. Manifold.*—What would be the Common Law penalty?

Mr. Mackey.—It would be a misdemeanour.

The Witness.—A person convicted of a misdemeanour would be liable to a fine or imprisonment; it is difficult to decide sometimes when a breach of a statute is a misdemeanour. Sometimes if it were not wilful you might hold that it was not a misdemeanour.

Mr. Mackey.—I do not want to make it a misdemeanour, but we have no penalty except this one of a fine up to £25 in a case where there has been a wilful omission of these provisions, which we say should be there for the safety of the public.

The Witness.—I am not sure about section 87—[Reading—"Every prospectus shall be dated . . . £5 per day."]

Mr. Mackey.—No, section 88 is the provision.

The Witness.—[Perusing]—Yes, I see it.

Mr. Mackey.—In section 92 there is a provision, and in section 290 there is a provision in regard to a false statement; but for wilful omission to give information there is no provision. I wish you would consider that, your Honour.

The Witness.—Yes, I will.

ADMINISTRATION AND PROBATE ACT.

The Hon. R. Beckett.—I notice in connexion with the Administration and Probate Act, section 19, that it is only the Court that can make a reduction in the bond or dispense with sureties and not the Judge; that procedure often entails inconvenience, and means the expenditure of four or five guineas in costs. In the case of maintenance for widows and young children an order may be made by the Court or the Judge, and I suggest in this case that an order might be made by the Court or a Judge.

The Witness.—Yes, I think it might be very well done; a Judge does much more serious things than that, and it seems to be desirable.

BAKERS AND MILLERS ACT.

150. *By Mr. Prendergast.*—Is it desirable to make any alteration in these clauses; if so, I have one to suggest in connexion with bakers, viz., a baker to-day may be bailed up in the street and have his bread seized in order that it may be

weighed, but then the bread has to be handed back to him; he may thus sell the very bread for which he may afterwards be fined because of its light weight?—There are certain provisions for seizing it.

Mr. Prendergast.—Yes, but then you have to give it back to him.

Mr. Mackey.—Mr. Prendergast's idea is that the baker may sell that light-weight bread to a customer.

Mr. Prendergast.—Undoubtedly; then in connexion with light weight, you are supposed to have redress against any one who sells you a light-weight article in the shop, but you have not.

151. *By the Chairman.*—Is there any other matter your Honour desires to comment upon?—Yes, I have been looking through this volume of *Imperial Statutes Apparently in Force in Victoria*, published in connexion with the consolidation of 1890, and I desire to correct a statement that I made to this Committee at an earlier date; the statement being to this effect, viz., that the Imperial Statutes now in force in Victoria are not very different from those in force at the time this volume was printed; I find that that statement must be qualified a good deal. For instance, take the Table of Contents: First we get "Admiralty"—all the earlier Acts are now gone, and the only one remaining is the one set out on page 72 of this volume, so that you get rid of 70 pages there straight away. Then take "Aliens"; there is a new Aliens Act in Great Britain, and possibly there are some provisions in the Commonwealth in regard to that also. In the *Aliens Act* 1890, which on this point was not consolidated in 1915, we have provisions as to naturalized aliens not being on the Executive Council; that still remains law; but it only refers to naturalization under that Act. Whether Parliament considers it necessary to make any provision having wider scope or not it is for members to say. The next provision in this volume of Imperial Statutes here is in regard to "Arbitration"; that has gone. Then in regard to "Attorneys" there is a recent Act which provides for the admission of Colonial solicitors in England, and which repeals all the earlier Acts. The Act relating to "Bail" contained in the volume is now obsolete. In regard to "Companies" this volume sets out at great length clauses of the English Companies Consolidation Act of 1845. They are only of importance in reference to certain companies such as the Bendigo Gas Company, the Castle-maine Gas Company, &c., and the reason they are of importance is because the Acts incorporating these companies were passed before the general Companies Act of 1864. Some of the provisions relate to them as semi-public bodies, but all the provisions relating to internal management would now come under the memorandum or articles of association. These old provisions take up a great many pages in this volume, and it would be very desirable to get rid of them if possible. Then there is a new English Copyright Act also. As to "Coroners" the English Acts referred to no longer apply, because the old Coroners Act of 1890 contained in effect the expression that coroners should have jurisdiction according to the "law in force in England," while the new Coroners Act says they "shall have the jurisdiction conferred at common law." This excludes the English statutes. Then with regard to the Merchant Shipping Acts, which take up 260 pages of this volume. They have all been repealed, and a new Act passed in 1894. Therefore, I wish to qualify that previous statement, and I think it might be well to consider whether a further volume should not be prepared.

Mr. Prendergast.—I think it was intended to prepare two fresh volumes in connexion with Private Acts and Imperial Acts.

152. *By the Chairman.*—Is the Committee prepared to make a recommendation in regard to that?

153. *By Mr. Prendergast.*—Has it to go to the Cabinet?

The Chairman.—We would have to consider first of all what it would cost.

The Witness.—With regard to the Imperial Acts I think, perhaps, it ought to be done.

Mr. Prendergast.—In the Private Acts there is the Tramways Act, and a number of provisions relating to the Local Government Act which apply to the city of Melbourne. I think there should be a recommendation by this Committee in regard to that. It is highly important that we should get this work completed in connexion with the two volumes. Wherever legislation is taking place now it is dropped out of these volumes altogether. They should both be put together in the one volume now; they would not take up too much space.

The Witness.—There are a great many private Acts, such as those relating to tramway undertakings, railways, and land, and if you included all of them it would make a big volume.

154. *By Mr. Prendergast.*—Have you any idea what it would cost?

The Chairman.—I have not the remotest idea, but the cost could be ascertained and reported to us subsequently.

155. *By the Hon. R. Beckett.*—How much of the Imperial law would be left after cutting out what the Judge has referred to?—I do not think there would be much left after 9 George IV.; that is, after cutting out the Acts relating to Fugitive Offenders, Extradition, &c., and particularly the Merchant Shipping, which is referred to in our local Acts; that is an Act itself of between 700 and 800 sections, and since the last Act there have been several amendments.

156. Would it not be sufficient to prepare a table of the British Statutes in force in Victoria, and show a reference as to where they can be seen?—I think that would be sufficient in many cases.

157. You would not like to see the Merchant Shipping Act printed all over again when you can get it in so many different editions?—No, I do not think it should be printed again. I really think the time has arrived for wiping out all those English Acts before 9 George IV. and getting rid of them altogether; I think that could easily be done.

The Hon. R. Beckett.—I think it would be sufficient if we had in this last volume a very carefully compiled table of these Imperial Acts, showing a full reference as to where they could be found. If a man wants to look up one of the Imperial Acts at the present time he looks up a text-book for it generally.

The Witness.—I should say myself that it would not be worth while printing a volume of the Imperial Acts after 9 George IV., partly for the following reason also, viz., there is a publication in New South Wales, which has already been printed, and which, I think, sets them out up to the last year or two, except the Merchant Shipping Act. I think myself that the Acts before George IV. ought to be dealt with and finally got rid of.

158. *By the Chairman.*—Do you think we could do all that is necessary by the one additional volume; there is an additional volume due covering the index?—I am not quite certain; I do

not think you will get it into that volume; that will, I think, be the largest volume of all, without adding any fresh matter.

Mr. Prendergast.—I think it is a matter which should go to the Attorney-General to be brought before the Cabinet and a report obtained.

Mr. Mackey.—It might be well, Mr. Chairman, if you could get one or two copies of that New South Wales work for members to look through at our next meeting.

The Hon. R. Beckett.—I am inclined to think that the Statutes prior to George IV., and a well-prepared table also of the private Acts, would make up a volume by themselves; they would be useful volumes, and that would be accomplished without printing *in extenso* any of these Acts prior to George IV.

The Witness.—Do you mean a table of private Acts?

The Hon. R. Beckett.—Yes, not printing them at all; they could be just set out, showing the dates, the full titles, and where they could be found.

159. *By the Chairman.*—Take the Act relating to the Castlemaine Gas Company; I do not suppose that is ever looked at except by the Castlemaine Council, the company officials, and the solicitors for the company; was it the idea of the old Committee that those should be printed?

Mr. Mackey.—I do not know whether we came to a decision on the matter.

The Witness.—Yes, you did, but afterwards the Attorney-General of the day said that times were becoming too hard for it to be done. I think it would be best if something of this kind could be done. For instance, you have a large number of Acts dealing with the trustee companies—there is the Perpetual Trustees Company, the Equity Trustees Company, and so on; they are all the same, and if you had a Trustees Act, and put the names in as a schedule, you would have the lot in one Act, and the same thing could be done with the gas companies.

Mr. Prendergast.—But they vary, I think.

The Witness.—Very little.

Mr. Prendergast.—I know there was a great fight in the House over separate clauses in connexion with the Bendigo Trustee Company and the Geelong Trustee Company.

The Witness.—I compared two or three of them, and they looked to me to be precisely the same, and whether they are or not they ought to be.

Mr. Mackey.—I think there is very little variation, and they ought to be the same.

The Hon. R. Beckett.—There are also a number of Acts dealing with Tramway Trusts now—there are seven of them, I think.

Mr. Prendergast.—They ought to be made public Acts now, I think. Regarding this other matter, I think the Attorney-General ought to have reports obtained regarding it. I understood before that the whole of the Acts were to be consolidated, and that was the intention originally.

The Chairman.—Apparently, from what His Honour said, it was held up on account of the cost.

Mr. Mackey.—If it were done now it would not swell this year's figures.

The Chairman.—The conditions might be worse next year.

The Hon. R. Beckett.—If it were only a table it could be placed in the volume, and thus save one volume. That would be one other volume only, including the index; it could be placed in the beginning of it.

Mr. Prendergast.—I think the Government ought to get a report from the Judge as to making some of these Acts in conformity with other Acts, and making them public Acts.

The Witness.—The Acts Interpretation Act says that every Act is a public Act, but I think that is not meant in the sense in which you are using it.

Mr. Prendergast.—On each occasion the Government has applied to make it a public Bill when it gets to a certain stage in the House.

Mr. Mackey.—That is a matter really of procedure in the Houses.

The Witness.—There is a clause here which says, in effect, that every Act passed becomes a public Act; but, of course, that is only after it is passed.

Mr. Prendergast.—It would affect a number of Acts dealing with municipalities, churches, trustees, gas companies, &c.

The Witness.—This is the recommendation of the Committee in 1915, viz.—[reading]—“In connexion with the publication and issue of the Consolidated Acts there be also published volumes of private Acts and Imperial Statutes in force in Victoria.”

160. *By the Chairman.*—What was the title of the New South Wales publication that you referred to a few moments ago?—It was done by Mr. Bignold, and in volume 3 you will find a collection of the important Acts that he considered apply to New South Wales from 1828 to the present day. In volume 2 he has most of the other Acts which are in our Imperial volume. It is in a good many respects simply this Imperial volume brought up to date. Of course, you have to be careful in using it, because many of the Acts which he cites as applying to New South Wales do not apply here, because we have already transcribed them, or they were repealed, or something of that nature.

Mr. Prendergast.—I think we had better refer the matter to the Government to have a report made on it.

The Witness.—I should like to see the Acts before 9 George IV. dealt with, setting out those which are to be considered as in force, with a provision that no other Statute prior to that date shall apply in Victoria. One way would be to copy out the retained ones with their headings, following the English Acts, and say that so far as they are in force they are to continue in force. Subsequently they could be put into modern dress and be woven into the next consolidation.

161. *By the Hon. R. Beckett.*—In some cases there are only sections from the Acts in force?—Yes.

162. *By Mr. Mackey.*—With Magna Charta, would you put it as the Latin or English version?—Only clause 9 remains, I think, and even it is not important, because you have it over again in the Petition of Rights and Bill of Rights, or some of those Statutes which we could not touch.

163. *By Mr. Prendergast.*—What do you propose to do about the continuation of the consolidation?

The Chairman.—I will make fresh inquiries; it has apparently been held up on account of the expense.

164. *By Mr. Prendergast.*—Will you get a report also; you could get a report from the Judge for the Cabinet on this matter?

165. *By the Chairman.*—If we could get a report from the Judge as to what he thinks should be done, this Committee could make a definite recommendation for the Cabinet to consider; the only question likely to hold the matter up would be the cost, and you would want to consider what

the sales of the volume would be likely to be. The cost of printing it would have to be considered. I should say it is desirable that something on the lines the Judge has indicated should be done, but it may not be possible to do it immediately—is that the mind of the Committee?

Mr. Mackey.—I think the Attorney-General might bring something before us next Tuesday.

166. *By the Hon. R. Beckett.*—How many Acts would there be prior to 9 George IV.?—Only about twenty of any importance, I should say.

The Hon. R. Beckett.—I think we should pass a special Act setting out in the schedule thereto all the British legislation prior to George IV. now in force in Victoria to the extent shown in the schedule, and enact a provision that no other legislation prior to George IV. shall be deemed to be in force.

His Honour withdrew.

Adjourned.

TUESDAY, 5TH DECEMBER, 1916.

Members present:

Mr. LAWSON, in the Chair;

Council:

The Hon. R. Beckett,
The Hon. E. J. Crooke,
The Hon. W. S. Manifold.

Assembly:

Mr. Mackey,
Mr. Mackinnon,
Mr. Prendergast,
Mr. Snowball.

His Honour Mr. Justice Cussen, further examined.

167. *By the Chairman.*—Have you got a list of the matters which we did not absolutely settle?—No; I am sorry to say I have not.

168. Mr. Worthington has supplied me with a list which, I think, pretty well covers it. The first matter is in regard to section 64 of the County Court Act, in regard to the question of personal service; but perhaps I had better leave the explanation to you; the schedule to the Act contemplates that it is to be personally served, but the Act says it should be served in the same way as an ordinary summons. I understand the suggestion was that we should make sure it was personally served?—Yes, I think so. I did not know the Committee expressed the opinion that there was any difficulty about it.

169. We have it marked here as “deferred”?—It says in section 64 that every such action shall be commenced by a summons in the form set out in the schedule; I think it was proposed to alter “shall” to “may.” That might be the effect of a decision of the Full Court, as Mr. Blackburn has pointed out; but, still, I thought it desirable to make it plain that a man is not bound to decide for himself that it is a liquidated amount before issuing a special summons. It may be suggested that as this is a cheaper form of procedure he ought to be bound to take it. That would throw on him sometimes the onus of deciding a difficult question of law, and if it was really meant to be mandatory, and could not be escaped from, it might put him in a difficult position. Mr. Blackburn thought the decision of the Full Court cited in the footnote really decided that in this section it meant “may.” I was not sure that it does go that far, but I desired that it should be made plain, and a man should not be defeated if he happened

to take the wrong procedure. That was the first suggestion. The second suggestion was in regard to sub-section (2), where it says such a summons may be served in the same manner as an ordinary summons may be served. Section 61 says an ordinary summons may be served by leaving it at the last-known place of abode of the party. The 5th schedule, however, which is referred to in sub-section (1) of section 64, says that the service must be personal, and Parliament last year added in the Justices Act a provision that service at the place of business of an incorporated company or a corporation should be deemed to be personal service for the purpose of that Act. I proposed to bring section 2 into line with the Justices provision, and say that the service must be personal, but that a corporation may be served in the way provided for in the Justices Act Amendment Act.

The Chairman.—I think we may safely recommend that alteration.

The Hon. R. Beckett.—I think it would be a distinct advantage, because that is continually cropping up.

(Resolution to recommend acceptance of alteration agreed to unanimously.)

170. *By Mr. Mackinnon.*—That covers both amendments there?

The Chairman.—Yes.

171. *By Mr. Mackinnon.*—We agreed to that before?—Yes; it was in the schedule. I cannot say that members actually agreed, but it was not dissented from; I understood it was assented to.

The Chairman.—Anyway, we have made it clear now that we accept it.

172. *By the Chairman.*—The next matter is the Crimes Act, section 94, which relates to trial by jury and summary punishment?—The position as to this was that it was desired to bring section 94 back to what it was before in effect, by reason of the fact that if it stood as it is in the Consolidation it might be urged that Justices could not deal with a charge of stealing a negotiable instrument or a valuable security summarily, even if they thought the offence was one they ought to deal with summarily, although they could deal with a similar case if it were a matter of stealing money to the same amount. My mind has fluctuated a little as to the best way of effecting that—that is, as to whether it was desirable to put the section back to where it was, so as to set out at some length that he should be deemed to be guilty of an offence of the same nature and having the same consequence as if he had stolen money of the same amount as represented by the security; or whether it would not be simpler to say he should be deemed guilty of simple larceny. The position was that at common law there was an objection to holding that he was guilty of larceny. My personal impression is that the latter would be the most satisfactory way of dealing with it.

173. *By Mr. Mackey.*—It would be the most simple way?—Yes.

(Proposal agreed to unanimously.)

174. *By the Chairman.*—Then we come to sections 490 and 494, dealing with the definition of “night” for the purposes of lighting?—Yes; there is nothing in that. It was merely an omission. It was a matter of putting into section 494 what was in section 490, and making clear what “night” means. It ought to have been done, but it was overlooked.

175. Then there is the Evidence Act, section 125?—Yes; that is a question of difficulty with the language as it stands. It seems to say two different things. It says a Judge may without application order shorthand notes to be taken; and that a Judge may, on the application of the parties, order shorthand notes to be taken. Either those first words, "a Judge may without application" should be struck out, or the following suggestion should be given effect to, as I think was intended by Parliament, viz., that the first Judge means a Judge of the Supreme Court. It would provide then that a Judge of the Supreme Court may without application order shorthand notes to be taken, and for other purposes a Judge of any other Court or a Chairman of General Sessions, or Justices may on application order shorthand notes to be taken.

176. *By Mr. Snowball.*—It looks as if it were meant for any Judge to do it first?—Yes.

Mr. Snowball.—A Judge of the Supreme Court very seldom does it unless the parties do apply.

177. *By Mr. Mackinnon.*—It is a question of loose draftsmanship. It would produce a curious result so far as a Supreme Court Judge is concerned; the argument, I take it, is that a County Court being a less expensive tribunal, the power should not be given to a County Court Judge to order an expense like that?—That is what I thought. There is some justification for thinking the Legislature had in mind a Judge of the Supreme Court, because in section 124 he has to take an oath before a Judge of the Supreme Court, and then immediately after that it says "any Judge."

178. *By the Chairman.*—You would suggest adding the words "of the Supreme Court" after the word "Judge" where it occurs first?—Yes.

179. *By Mr. Mackinnon.*—Do you know of any County Court Judges who have insisted on using that power?—No.

180. *By the Hon. R. Beckett.*—Where the word "Judge" occurs the second time you would leave it without any alteration?—Yes.

181. Well, that would include both a Supreme Court Judge and a County Court Judge there in the second one?—Yes, it would.

(Proposal agreed to unanimously.)

182. *By the Chairman.*—The next item in regard to the Gold Buyers Act relates to the addition of the words "or received"?—Yes; that is a distinct alteration, but it seemed to be necessary to add the words "or received" at the end of sub-section (7) of section 24.

Mr. Mackinnon.—This is an Act which is very scrupulously regarded in the House, and if it seemed to be a case of making any alteration in the law there might be a point raised about it. That Act was very closely debated when it was introduced, and again later on when it was altered, and I think there would need to be a very full explanation in regard to it. With regard to all these alterations or amendments, of course, if anything were objected to it could be dropped out, but my view is that amendments should be submitted where they improve the law or make it clearer.

183. *By Mr. Mackey.*—What is the effect of the section?—It says he shall "keep the gold purchased or received by him . . . for a period of five days after such gold was purchased."

184. *By Mr. Snowball.*—The language shows that it was intended to apply not only to gold purchased, but also to gold received?—Yes, I think it should go in.

(Proposal agreed to unanimously.)

185. *By the Chairman.*—The next item relates to the Justices Act, section 23, in regard to the service of a summons?—Yes; the proposal is to add the words "and may be served" after "for the hearing thereof" in the fourth line of sub-section (1) of section 23. The point is this: It was thought that it ought to be mandatory that a summons to answer an information or complaint should be served 72 hours before the hearing, but that it should not be mandatory that it should be served in the way provided for in this section, because it causes difficulties in regard to the service on corporations, which is provided for by Act of Parliament. I think there is little doubt it would do good, and it could not do harm.

(Proposal agreed to unanimously.)

186. *By the Chairman.*—The next item is in regard to the Licensing Act. There are two questions that I recollect in regard to that. One was in regard to railway refreshment rooms, as to licensees serving *bonâ fide* travellers. It appears that in the consolidation their right to supply liquor to *bonâ fide* travellers disappeared—that the exception was only made to apply to licensed victuallers and holders of Australian wine licences. Railway refreshment rooms were dropped. I do not think we need worry about that if the present Licensing Bill goes through, because there is a clause there which enables holders of these licences to supply passengers travelling by a train during the period it is at a station, not exceeding twenty minutes. That meets the requirements of the travelling public. The Judge pointed out the difficulty that had arisen at Kilmore, where a prosecution had been launched, and then it was found that an alteration of the law had been made, and Parliament had accepted it, although the Judge had drawn special attention to it in his explanatory paper. The other question was with regard to a boarder and the alteration made by the 6 o'clock closing. If that proposal about 6 to 8 o'clock and liquor with meals is assented to there will be no occasion for this alteration at all, so we can dispose of this right away?—Yes.

Mr. Prendergast.—I think section 177 of this Act is most remarkable. There is a long sentence here with a parenthetical clause in it; in sub-section (b) you find you have to go to the first sub-section to see why the exception takes place; we were dealing with this the other night in the House, and found it remarkably difficult to follow.

187. *By the Chairman.*—Well, we can drop these alterations?—Yes, I think so.

188. Was there not something in regard to clubs?—Yes; the re-drafting of section 250 is a very complicated matter. I do not think it can be dealt with unless members take the sections by parts and go through them. You will find the reference to the matter on pages 18 and 19 of the Schedule of Amendments to the Statute Law Revision Bill.

189. *By Mr. Mackinnon.*—You have substituted an entirely new section in this schedule as compared with the old schedule?—Yes, there were three or four scraps I referred to before, and I thought it would be better to set the whole section out. Perhaps I had better read to you what I said regarding this matter on a previous occasion, as shown by pages 7 and 19 of Evidence. On 3rd October, 1916, page 7 of Evidence, I said:—

"Then in the sections relating to clubs there are several matters to consider. Take section 250; it will be noticed that this section incorporates section 116 and 215. It was pointed out to me that section 215 had

nothing to do with clubs—that it referred to Australian wine licences in particular in a way that could not be applicable to clubs, and when that was pointed out it was found that a mistake had been made in the section. On looking further into the matter I came to the conclusion that section 214 was intended, not section 215. There must have been some alteration in the numbering of the sections, and in reading it over for final proof the alteration had not been noticed. That led me further to see why section 214 should be included. Section 214 is not included expressly by the Act of 1906, but its inclusion depends upon section 116, and if section 116 is included it would look as if section 214, although it was not in the Act of 1906, should be included too, because section 116 provides, whenever it is desired by a licensed victualler to have more than one bar, he has got to get permission from the Licensing Court. It seemed desirable, if that was in, that section 214 should be included, because there the penalty is set out. So far, therefore, section 214 should be included in section 250. Looking further, I had to see why section 116 should be put in. If you look at that, the position is as follows:—The first clause of section 116 comes from the Licensing Act of 1890, section 142. That is to say, whenever it is desired by a licensed victualler to have more than one bar he has to get permission from the Licensing Court. The subsequent clauses of section 116 come from the 1906 Act, which provides how an application is to be made, fees paid, and that kind of thing. The position under the 1906 Act is this: It applies some of the clauses following what is now clause 1 of section 116, but did not apply clause 1. The view was taken that, as the Legislature had applied the subsequent clauses, they must have intended to apply the first clause, and, if that was applied, it followed clause 214 should apply also. I have rather come to the conclusion that the proper view to take is that neither of these sections should be applied. In other words, that section 86 of the 1906 Act, though applied in terms, was merely dependent upon section 142 of the Act of 1890, and it would seem to follow that neither of the present sections 116 and 214 should be applied. That is doubtful, and is for consideration. I had inquiries made by Mr. Anderson, the secretary to the Law Department, and he tells me there is only one club in Victoria that has more than one bar, and prior to 1915 that club never got permission to have an extra bar, and therefore it would seem as if the practice before 1915 was to take the view that these sections did not apply to clubs at all. That was one of the reasons that induced me to think both sections should be struck out. This is therefore a matter for the Committee to consider. I understand that only the Commercial Travellers' Club has more than one bar."

That is the position. First of all there was a clerical mistake. Section 215 is wrong. It should be section 214, and then the question is—Should section 214 be included? In the Act of 1906 it was not included expressly, but it provided a penalty for a section which possibly should have been included. Then you have to decide the question—Should that section be included? When you come to the main part of it, that no licensed victualler should have more than one bar without

permission, it was not included, but some sub-sections dependent on that were included, so what is to be done with it? When I was making inquiries for the purpose of giving evidence here I thought it would be desirable to find out the practice, and I asked Mr. Anderson, who told me that between 1906 and 1915 there was only one club which had more than one bar, and they had never paid the fee, and that apparently the view was that it did not come under that section. My final opinion was that it would be better to strike them both out, and to assume that the Legislature overlooked the fact that the main provision in regard to two bars did not apply to clubs. If they had noticed it they would have cut out the dependent sub-sections in regard to fees.

190. *By Mr. Prendergast.*—In what position does it place the Commercial Travellers' Club?—They would have to get permission from the Licensing Court to have more than one bar if this is applied; but if you cut out the section they are not concerned with it.

191. *By Mr. Mackey.*—Can a hotel have any number of bars?—They can have one, and more by permission.

192. *By Mr. Prendergast.*—If you cut the section out any other club could put up more than one bar?—Yes; that is what it means.

193. I do not know that it is advisable?—I think it would be better to notify the Commercial Travellers' Club to apply and get permission?—They would have to pay the fee.

Mr. Mackinnon.—Yes; I think the fee is £10.

194. *By Mr. Prendergast.*—Could you prevent them from having two bars?—You could not prevent it, but they would have to get permission and pay the fees.

195. The commercial travellers have two classes—I suppose they have a bar for each class?—From my point of view, it simply comes to this: What was the proper thing to do with section 116 in relation to clubs. I found the main provision was not applied, but some of the dependent provisions were applied. We may consider the intention of the Legislature, but what would have been the result if the Commercial Travellers' Club had been prosecuted for having more than one bar in the year 1914? They would have said—"This provision about two bars does not apply to us at all; the main part of the section does not apply to us, and, therefore, other dependent clauses should not be applied." That was the final view that I took. Previously I was inclined to think that as the Legislature had applied some provisions relating to two bars, I might, perhaps, take the lot; but I was rather influenced by Mr. Anderson telling me that the section had never been applied to clubs, and the question had not been raised.

Mr. Prendergast.—But a great many clubs may establish two bars. However, the point is that this would have been a decision of the Court, so we are only making the law in accordance with what the Judge's decision would be.

196. *By Mr. Mackey.*—Under the old law, by adopting these dependent sections, that indicated Parliament's intention that a club should not have more than one bar, but it did not, for the purpose of the Court, clearly express that intention?—That is the other view I took originally.

197. We are looking for anomalies to-day, and removing them; the question is: Should we not apply a further section and not leave the dependent section having any effect at all?—If clubs

could have a number of additional bars without additional fees Parliament would say, "You cannot have this privilege."

198. *By the Chairman.*—We have one club at present which is allowed permission without fee?—Yes; it might have escaped prior to the consolidation by arguing that the dependent clauses did not apply because the main part did not apply. Supposing they said, "Where does it say a club shall not have two bars?" Well, you cannot find it; you can only find the dependent section. Since the consolidation they can say—"You may not apply section 214. You must apply section 215, which deals with Australian wine licences." That is, of course, merely a clerical error.

The Hon. W. S. Manifold.—With regard to an ordinary licensed victualler, he would only put in more than one bar if his trade demanded additional accommodation. In a club there is the definite number of members, and it does not matter whether there is one bar or two bars. In a good many clubs there are no bars at all.

Mr. Prendergast.—In reference to the Commercial Travellers' Club, generally the tendency of new legislation is to concentrate the bar business about one part of the premises. In the Commercial Travellers' Club one bar is away in the back premises and the other at the front. One of them is away from the public. It is quite in opposition to the spirit of licensing legislation that that should be nowadays.

199. *By Mr. Mackey.*—The position is this: The Judge has said that as the law stands to-day there is an express prohibition of anything more than one bar, unless for so-and-so, but there is an error in the consolidation and in fixing the penalty they have named the wrong section; let us rectify that?—But there still is the question whether I ought to have put that section 215 in the Act of 1915.

Mr. Prendergast.—I think the best thing to do is to place the law as it was, and let the Government have the responsibility of altering it.

Mr. Snowball.—Parliament is now dealing with this very subject, and there is an opportunity now of altering it.

The Chairman.—The action that Parliament would take would depend on the recommendation that this Committee might make.

Mr. Prendergast.—I do not think it is within our province to recommend an alteration in the law, and we could not put the law back as it was.

Mr. Snowball.—But His Honour says, "Will you put it right back to where it was when you made that clause applicable?" We find it now in the Statutes, and we ought to regard it as the law intended by Parliament, and if the penalty clause does not apply it should guide us in asking that the anomaly should be rectified. It is folly to ask Parliament to legislate, and not provide a penalty.

Mr. Mackey.—I move that the penalty clause 215 be altered to 214.

200. *By Mr. Mackinnon.*—Will that not produce an absurd result?

Mr. Mackey.—No; it will mean that they will have to get permission, or else be liable to a penalty. They may think it unjust, but they must get permission.

(Proposal agreed to unanimously.)

The Witness.—I will go on with this section—that is, in reference to section 250 and the incorporation of section 204; I propose that the incorporation of that section should be put back exactly as it was—that is to say, that section 204 should apply so far as such section relates to unlawful sporting, prostitutes, thieves, and drunken or disorderly persons. That is as it stands in the Act of 1906. We endeavoured to make it plainer. I think we may have gone too far, and perhaps we ought to go back to what it was. One word renders the present suggestion unsatisfactory, and that is the word "sporting." The word "sporting" does not occur in section 204. There may be a question whether "sporting" does not refer to sports. I think Mr. Manifold referred to that in the House. These sections are of such a ticklish character to deal with that I think it would be better to put it back to what it was.

201. *By the Hon. W. S. Manifold.*—I do not think I was guilty of that?—I think, if you look at *Hansard* of 1906, you will find it.

202. *By Mr. Mackinnon.*—It should refer to unlawful games or sports?—Yes. The word "sporting" might mean playing at games and sports.

203. *By Mr. Snowball.*—As to unlawful "sporting," no game is unlawful unless it is forbidden by law?—The word "sporting" is not referred to in section 204. It says "playing at an unlawful game or sport."

204. *By the Hon. R. Beckett.*—Where does the word "sporting" occur?—Not at all in the present Act; but if you look at the Act of 1906 you will find that those are the words. I am not quite clear as to what they mean.

205. *By Mr. Mackinnon.*—In section 204 there is no reference to "sporting" at all?—No, but the question is whether Parliament did not mean it. A question might possibly arise as to its reference to games or cards.

206. *By Mr. Mackey.*—Playing cards is not an unlawful game?—Well, some curious decisions have been given in the Courts. In this case I would not have any objection to altering "sporting" to "sports." The expression "unlawful sports" occurs in section 204.

207. *By Mr. Mackinnon.*—It says, "to play any unlawful game or sport"?—Yes; it is obvious that Parliament did not intend the whole of that section to be applied, because it says "so far as it relates."

208. *By Mr. Mackey.*—What would be an unlawful sport?

The Hon. W. S. Manifold.—Playing "two-up."

The Witness.—Cock-fighting, perhaps, or bear-baiting.

209. *By Mr. Prendergast.*—Is a game of cards requiring science an unlawful game?—I do not think so, but curious decisions have been given on that point. In this case I suggest that "sports" be put in in place of "sporting," and that otherwise the section go back to what it was.

210. *By the Hon. R. Beckett.*—Did "sports" occur previously?—Yes, in what is now section 204.

Mr. Mackey.—I think it would be best to go back to what it was, except that "sporting" be altered to "sports."

(Proposal agreed to unanimously.)

The Witness.—Dealing still with the Licensing Act, I wish to bring under your notice the following remarks I made on 21st November last before this Committee, as shown by page 19 of the printed evidence, viz.:—

“Now, going through the sections 177 to 189, or 190, as was pointed out in the explanatory paper, these sections were very difficult to consolidate, yet they are amongst the most important in the Act. An inspection of them leads me to believe, with regard to persons like licensed victuallers, the consolidation makes things plain, but I have come to the conclusion that the incorporation of these sections with respect to clubs in section 250 has not been satisfactory. Therefore, I have drawn a new section 250 in order to give effect to what I now think should have been done. The position under the Act of 1906 was very unsatisfactory indeed with regard to Sunday trading. By the Act of 1906 it was provided that section 134, now represented by section 178, should be incorporated with regard to clubs, but that section, as will be noticed, starts with the words ‘Any licensed person,’ but there was no provision that ‘licensed persons’ should mean ‘secretary of a club.’ We cured that by consolidation. So far as that is concerned, we got rid of the difficulty. Another difficulty was that caused by section 22 of the *Licensing Act* 1906, which is now represented by section 266 of the consolidation, which also deals with selling liquor on the Sunday, but deals with it in a different way, because this section 22 only provides that no liquor shall be sold or disposed of in a club on Sunday, whereas the old section 134 provided not only that, but that no liquor should be drunk on licensed premises on Sunday, and then provided if any liquor was drunk the licensed persons should be liable. Therefore, there still remains this difficulty: You have two provisions relating to Sunday trading, which is in itself objectionable. There was a further objection. Section 22 also referred to the selling of liquor during prohibited hours on week days, but it did not provide penalties, and the general section which did impose a penalty was not incorporated as to clubs, so, apparently, both sets of provisions in 1906 broke down. Section 22 broke down because there was no provision incorporating the penalty section, and incorporation of section 134 broke down because of the words ‘licensed person.’ Then, in addition to that, there was another objection to the Act of 1906, namely, that although it was provided, and seemed to be intended by Parliament, that members having meals between 12 and 2, and 6 and 8 o’clock should be provided with liquor, and that a licensed person should not be responsible for supplying them, yet there was no exception as to drinking at a meal with regard to the clause which imposed a penalty on a person drinking liquor. Therefore, although the licensed person was not liable, the person drinking was. I think we cured a great many of the troubles, but we failed in some respects. I think what now appears is that we made the exception too large with regard to some of the sub-sections. Instead of saying ‘this shall not apply to members having a meal,’ we put it ‘shall not apply to members,’ and it would look, if there was a prosecution for supplying liquor in prohibited hours, that the secretary might escape by

saying, ‘Oh, well, it was a member who was drinking.’ What I have done now is, first of all, to incorporate the penalty section, and to exclude Sunday from 266 altogether, and to provide that the exceptions shall apply to members having meals, and not to members generally. I think, shortly, that is the effect of the new draft. I do not think members of the Committee should be expected to follow it without looking into it closely.”

I have done my best to put it back to what it ought to be, with all the obvious faults cured. The main results are now that licensed premises and clubs will be put in practically the same position, “members having meals” being substituted for “boarders.” It is only in the case of members having meals that there is an exception other than this relating to *bonâ fide* travellers and lodgers. It rather increases the liabilities of clubs, but I think it increases them in a way intended by the Legislature, and prevents any escaping on the ground that the person was a member. There are certain provisions by which certain clubs formed before 1906 are exempted, but they stand as they were, and I need not refer to those.

211. *By Mr. Mackey.*—Your proposal is to get back to the original Act. Take, for instance, clubs. From six to eight members can have drinks at clubs in spite of your proposals?—That is cured by the present Licensing Act.

212. Yes, I thought your proposal was to duplicate that. Notwithstanding that we have it in the new Bill, do you intend to restore that provision as to 6 and 8?—As to members having meals?

213. Yes?—I think so, but I have not seen the Bill, and cannot say what the form of it is.

Mr. Mackey.—As to the provisions relating to 6 and 8 o’clock in the new Bill, there are certain provisions not in the old Act; you must get permission from a magistrate, if I remember rightly.

Mr. Snowball.—Yes, and it will be given only to such clubs as were in the habit of supplying liquor with meals prior to the passing of the Act.

Mr. Mackinnon.—If that becomes law, and this thing is passed subsequently, it will modify it.

Mr. Mackey.—Yes.

The Witness.—I have not seen the other Bill.

Mr. Mackinnon.—From the club point of view this would be more satisfactory, I take it.

214. *By Mr. Mackey.*—This provision relates to any club whatever, whether they usually have meals or not. The provision in the Bill is limited to such cases where meals are served, and the room where they are served, and then you must get permission from a magistrate?—If that Bill does not alter the section as it stands at present, I am not quite sure what the position would be.

Mr. Mackinnon.—I do not think it makes any direct reference to it.

The Chairman.—No, it is quite by itself.

The Hon. W. S. Manifold.—I think if the new Bill it applies to licensed victuallers altogether.

Mr. Mackey.—They have to get permission, and clubs have to.

215. *By the Hon. W. S. Manifold.*—But it applies equally to licensed victuallers as to clubs?

Mr. Mackey.—Yes.

The Chairman.—I think we might agree to leave this matter pending the decision of the Legislative Council.

(Proposal agreed to unanimously.)

Mr. Mackinnon.—That deals with sections 250 and 266.

216. *By the Chairman.*—Do we not deal with one in the present Licensing Bill?—Yes, but I think they had better both be passed over now, and I will make a special report to you if you think it advisable for the purposes of the House.

The Chairman.—Yes; then there was the question in regard to the Harbor Trust to be considered.

Mr. Snowball.—There was section 166 of the Local Government Act to be considered in regard to officers of municipalities.

The Witness.—That is the one in regard to officers being interested. It applies section 53, sub-section (2)(e) to officers as well as councillors; that is to say, an officer is not disqualified because he is a member of an association consisting of at least twenty members which rents a building from the municipality, and there is the proposal that the last part of sub-section (3) of section 53, and the last part of section 166, should be extended to Melbourne and Geelong. I have not actually seen the municipal officers about that, but I think it is right that it should be extended. However, I will make sure before it is finally submitted.

Mr. Snowball.—There is a point about applying the same principle to an officer as to a councillor. It might be more dangerous to allow an officer to become interested in a contract for the council than a councillor.

The Witness.—Whereas at present a councillor is not disqualified by being a member of an association of twenty members, an officer might be said to be, and Mr. Snowball is suggesting that possibly the distinction was intentional; but if you look at sub-section (3)(c) of section 166 you will see that an officer is protected in a much more direct dealing than that. It seems to me that the proposal to extend this to officers is rather a trifling matter. I cannot see what harm could come out of it. Section 166, sub-section (3)(c), suggests that it would not be dangerous to extend this.

Mr. Snowball.—If an officer comes direct in his dealings with the council, then it is open and above board; but in a contract with an association in which an officer is interested, and where the council does not know of it, it is a different matter; but, anyhow, it is, I think, a trifling matter.

The Witness.—In a country town it could be said that the town clerk could not be a member of an association if they used the council building.

The Chairman.—Yes, I think we might leave it at that.

217. *By Mr. Prendergast.*—There is a section dealing with any one being interested. An officer, for instance, might be interested in a newspaper. Have you put the word "officer" in there?—I did not put "officer" in that part.

The Chairman.—I think we might approve of it.

(Proposal agreed to unanimously.)

218. *By the Chairman.*—Now we come to the Marine Act and that Harbor Trust roll?—Yes; that is section 27. Prior to the Harbor Trust Act of 1914 there used to be a roll kept by the Harbor Trust for its own purposes and for the election of their own members; that roll was also used incidentally for the purposes of the Marine Board. When Parliament abolished the former constitution of the Harbor Trust that roll was got

rid of so far as it related to the Melbourne Harbor Trust, and it was not kept. It was some time afterwards pointed out that the absence of the roll would cause difficulty in electing members of the Marine Board. The Marine Board said, "How are we to get our merchants and traders elected?" In the consolidation to cure that I put in the provision that a roll might be prepared which would show the same thing as has been shown before the Harbor Trust Act of 1914. When that was pointed out to the Harbor Trust they said that while they had to keep it up before for the purpose of electing their own members, they thought they should not be bound to keep it now when it would mean a considerable expenditure of money on their part merely for the purpose of having two members elected to the Marine Board. They say they would have to have a clerk especially directing his attention to the matter of making entries and adding them up for each quarter, &c., and that it would cost £200 or £300 a year. They do not want to do that. The Navigation Act has been passed, and, although it will not get rid of the Marine Board altogether, it will in some respects, and I think a temporary provision would do providing that on the next vacancies the Governor in Council might appoint persons. No doubt he would appoint the same persons as are there now, who have been recommended by the Chamber of Commerce or some other body. Then, after the Navigation Act comes into force, the whole thing could be reviewed. I think it would mean one election at the end of next year, and that would carry them on for three years more. The proposition is, therefore, that the Governor in Council may appoint members to represent the merchants and traders. It provides that the Minister, with the approval of the Governor in Council, may refrain from keeping the roll for any particular time.

219. *By Mr. Snowball.*—Should there be no such roll, then the Governor in Council may appoint?—Yes.

220. *By Mr. Prendergast.*—That is not a very large roll of merchants and traders?—No; but the way they ascertain who should be on it is by finding out who has paid a certain amount of money to the Harbor Trust, and in order to find that out they have to keep clerks attending to the books.

Mr. Prendergast.—A list of merchants and traders is kept now; as a matter of fact, the Factories Office has all these rolls for its own use.

Mr. Snowball.—But they would not have that information, which is essential.

Mr. Mackey.—I move that we agree to the proposal.

(Proposal agreed to unanimously.)

221. *By the Chairman.*—There are one or two matters to be considered which were mentioned in the evidence at the last meeting?—Yes; there is one matter which occurred to me, and which is not in the printed paper. It has come to my mind possibly because I have become a trustee of the Public Library. In England they passed an Act in 1915 that if the trustees of the British Museum, with the consent of the Board of Trade (which I suppose here would be the Governor in Council), so desired, they might pass regulations that pamphlets and other printed matter of that kind, consisting mainly of advertisements, need not be sent to the Museum, and I think it would be desirable to have the English Act copied here, and that the trustees, with the consent of the Gover-

nor in Council, might make regulations that publications of a certain class should not be sent to the Public Library. At present, as the Act stands, it says "all books," and by an interpretation clause books includes all kinds of publications. As a matter of fact, I understand that they do not insist on getting some of those things now; but it might be desirable to put matters on a legal basis, as has been done in England. There is a great deal of stuff which it would be better to exclude. They do not want it at the Library.

222. *By the Hon. R. Beckett.*—Is it all indexed up?—I am not sure.

Mr. Prendergast.—It would be better to leave it all go there, and then permit the Public Library officials to select and burn off the stuff they do not want instead of it not going there at all.

The Witness.—The English Act says they shall not send certain publications unless they are demanded.

Mr. Prendergast.—But then this is an alteration of the law, and is beyond the functions of the Committee.

Mr. Mackey.—It is an alteration, being the removal of an anomaly, but I do not think we can do it unless we are unanimous on the point.

The Chairman.—Very well, we will let it go.

The Witness.—Before leaving the details of the schedule, I have in mind three or four clerical corrections which have not been set out. I suppose the Committee will leave them to me. There is nothing of much importance there at all.

(Proposal agreed to unanimously.)

223. *By the Chairman.*—I think there are one or two matters referred to in this proof of the evidence at the last meeting?—One matter was in connexion with Mr. Prendergast's remarks about the list of private Acts. I have here now an index which I did not then know had been prepared. On the last occasion, when printing the sessional volume for 1916, they did not give an historical table in the front showing what had become of the various Acts. I asked Mr. Fairhall about it, and he said—"We have got it in a neat little book, which shows all the private Acts, and gives an account of the consolidation." He afterwards brought this over to me. You will see in this book that from pages 53 to 64 there is a complete table of the private Acts, so that, for example, if you wanted to turn up "Prahnan-Malvern Tramways Trust" you would find it under the heading of "Tramways," and showing Act No. 2328, &c. That gives you all the Acts on the subject up to the end of last session. The question is whether that would be sufficient for the present.

The Chairman.—The idea is that that book is to be issued every year. It is to be added to each year, and will be sold pretty cheaply. In it you will then have a complete index.

224. *By Mr. Snowball.*—When was that published?—In March last. This is modelled on the New Zealand index.

225. *By Mr. Prendergast.*—The front of this book should be made in double columns, and so save half the space—what do you think of this book?—I think it is very good for its purpose, but it is not fulfilling the complete purpose that the Committee originally desired—that is, to put the private Acts in a form where they could be found in one or two volumes.

226. *By Mr. Mackey.*—Even if you did that this book would be still handy?—Yes, this would put you on to anything you wanted, but you may

have to get volumes running back to 1890 or earlier. I have been looking at the private Acts and the Imperial Acts since the last meeting, and I would suggest, for the approval of the Committee, that if I am given a little time to look further into them, I would be able to bring forward a definite proposal with regard to them next year, and possibly indicate how the volumes could be made very much shorter by omitting a number of things that practically would not be referred to, or in some cases by consolidating a number of Acts into one.

227. Such as the Trustees Acts, for instance?—Yes.

228. *By the Chairman.*—I think we are all agreeable to that suggestion. We have got those New South Wales books that you were referring to at our last meeting?—Yes, they are useful; but they include a number of things which are not directly applicable in Victoria, because they are already incorporated in our Acts.

229. *By Mr. Snowball.*—Could this matter not be published with the sessional volumes that is contained in this little book?—It might delay publication; if not, there is no objection to it. With regard to this particular volume, they had to direct their attention to the new form of arrangement, and possibly it would take longer than usual. It may not take so long next year, when it is settled.

Mr. Prendergast.—It only needs the Acts for the year to be added on; that could be done in an hour or half-an-hour.

Mr. Snowball.—It would need to be gone through very carefully in order to make the amendments.

Mr. Prendergast.—There is nothing to be done except the Acts to be added on.

Mr. Snowball.—Every session will necessitate alterations being made in it where the existing laws have been repealed or affected in any way.

Mr. Prendergast.—But if 40 Acts are passed in a session there would only be 40 alterations.

Mr. Snowball.—No; you will see that the amendments have to be carefully brought up to date.

230. *By the Chairman.*—Is there any other matter you wish to mention?—Yes; in addition to the general matters—that is, those under the heading of "General"—I mentioned to you the desirability of dealing with the Crimes Act at an early date. It seems to me that a change in the aspect of affairs has been brought about by our provisions as to indeterminate sentences. Blocks of sections of our Crimes Act consist of provisions relating to larceny, malicious injury to property, and making all kinds of small distinctions by reason of the property. You will find provisions dealing with alpaca, mohair, silk, wool, &c., and going right back to the time of the Chartists' Riots, and providing various terms of imprisonment not exceeding seven, eight, or ten years, as the case may be. In olden times, when a Judge gave a man, say, nine years instead of five, those provisions might have been of use; but in modern times, when a first offender is usually leniently dealt with, I should think great blocks of those sections could be got rid of by merely substituting a general section saying that any one who steals any property (and that property means anything which can be owned, whether a fixture, &c., or not), or who maliciously injures any property, might be liable to a penalty. The Act would be very much simplified in that way, and where it

was a case of an habitual offender the Judge could deal with him accordingly. It is absurd now to read about breaking looms and entering cotton mills. I suggest that as far as larceny is concerned we might provide simply as was done in Queensland—by saying that anything that could be owned could be stolen, and that any one who stole anything should be liable to a penalty not exceeding seven years. I am sure that would cover every case except perhaps one in 10,000. If a man continued to offend you could sentence him under the other provisions of the law.

Mr. Mackey.—I would suggest that His Honour's suggestion be approved by the Committee. The Act has been passed from year to year successively, and if the matters in it had been dealt with at one time those things would have been included in the one section.

The Witness.—I see they have a Larceny Bill before the House of Commons at the present time. Then another matter is in regard to the Transfer of Land Act. It would be an improvement if some means could be devised by which encouragement would be given to bring land under the Transfer of Land Act, and the revenue would benefit also.

Mr. Mackey.—Hear, hear!

The Witness.—I am not at all sure that some means could not be devised so that lands could be compulsorily surveyed and brought under the Act in many cases.

Mr. Mackey.—There is an English provision for making it compulsory. Every change of ownership has to come under the Act. Any new transaction in London must come under the Act now.

His Honour withdrew.

Albert James Mullett, Government Printer,
Melbourne, examined.

231. *By the Chairman.*—We were considering the question of that index which you published; what steps were taken to make it known to the public, and how are you selling it?—We are selling it at 10s. 6d. per copy, and the law stationers have all been notified.

232. *By Mr. Mackey.*—I have not seen it advertised at all?—No, it has not been advertised.

233. *By the Chairman.*—Have you sold a great many copies?—No.

234. *By Mr. Mackey.*—If it is an annual publication I think 10s. 6d. is too much?—Well, it is a question of what it is worth preparing it; it does not cost that to print it.

235. I understand it is the intention to publish it every year?—Yes; it is based on the New Zealand one, and I think the price of the New Zealand one was 10s. 6d.

236. *By Mr. Prendergast.*—Who prepared this?—Mr. Collins, the Parliamentary Draftsman. We printed it at the Printing Office.

237. In reference to the printing of our own Acts, what about the change of type—is that pica or small pica?—That (the Statutes) is small pica (11-point).

238. And it is pica in the other Acts?—Yes.

239. What is the reason for the change of type, taking this new volume in comparison with the old one?—The yearly volume is in pica, and the consolidation is in small pica. The reason is that the Acts, in going through, are printed in pica, because it is thought necessary to have big type in the Bill. The largest common type is used for the benefit of members.

240. Are the Bills, when going through the House, put in that same type?—Yes.

241. And they have the same length of line?—Yes; it is the same printed matter.

242. *By Mr. Snowball.*—Do members of the Committee feel that there is any advantage in adhering to the old size instead of the new one?—The Acts are now being done in the smaller size.

243. *By Mr. Mackey.*—You do not suggest that for the consolidation now?—No; but for the future it would be a great saving in setting up.

244. *By His Honour Mr. Justice Cussen.*—You mean to have a narrower margin?

Mr. Snowball.—Yes.

245. *By the Hon. R. Beckett.*—Would the printing or the reprinting of the consolidated Statutes with these various amendments and corrections involve any great expense?—I suppose there would be 100 or 200 corrections to make?

His Honour Mr. Justice Cussen.—Well, of course, Mr. Mullett does not know just what alterations will be made.

246. *By Mr. Prendergast.*—Here is the difference in the two printings—[showing illustration]. There is an "em" difference between the two printings?—Yes, the consolidation is kept for that; we may want to reprint Acts at any time, and the type is used for that.

247. But the consolidation is dead, and you will never be able to use it; you will have to reprint the whole thing from commencement to end; have you got plates of the consolidation?—Yes.

Mr. Prendergast.—Well, if the consolidation is printed that size you will not be able to use those plates, because there is an "em" difference in the size. The alteration in the size of type means that if the consolidation is to be reprinted, and there were half-a-dozen Acts with no alteration, you could not put the old plates into the consolidation because they are of a different size type.

248. *By the Hon. R. Beckett.*—In any re-issue of the consolidated Statutes, not as Statutes for each separate Act, is there any great difficulty in incorporating these amendments that are being made now?—There would be no difficulty about that at all; but it depends altogether on the incorporation; we do it for the Commonwealth now; they consolidate their Acts as they go along.

249. *By the Chairman.*—Take the Mines Act, which members of the community buy separately—you could incorporate all those alterations?—Yes.

250. *By Mr. Snowball.*—It might be a very large amendment or a very slight one?

The Chairman.—They are mostly slight.

251. *By His Honour Mr. Justice Cussen.*—Is the suggestion that an Act passed in 1915 should be kept set up so that if there was a consolidation in 1920 that very thing should be used for the purpose of printing it?

Mr. Prendergast.—No, you cannot do that.

The Witness.—We have the type, and we keep it standing in type; we strip the material out, but we keep the type standing.

252. *By Mr. Prendergast.*—Well, that makes it quite incomprehensible to me why the size of the type should be changed in the new volumes because you cannot use the old type?—The consolidation is kept as a distinct thing from the Acts, because, while the consolidation is going on, we may have to reprint any of the Acts. The consolidation takes a long time. If we were using the type and incorporating amendments we could

not print the original Mines Act, say, we would have to reset it up and reprint it.

Mr. Prendergast.—Every year, if the consolidation goes on, that type is dead. If it is put in this size it will all have to be reset. Supposing only twenty clauses have been altered out of 100, or rather, take the Local Government Act, where there might be only 50 clauses altered out of 500 or 600. This type and size is then of no consequence; it will have to be reset—the whole of it—in this new size, from commencement to end. If you had kept it uniform it would have been very much better. The paper could have been cut down to look smaller. It means that all the type used for the old volumes is no good unless an Act stands; then you cannot transfer them over unless they are the same size; there is no uniformity.

253. *By His Honour Mr. Justice Cussen.*—How much space is saved, comparing the type in the consolidating Acts and the type in the sessional volumes?—You would save one-eleventh.

254. *By Mr. Prendergast.*—For every eleven pages of this there would be twelve pages in the other?—Yes.

255. That would be roughly eight pages in 100?—Yes.

256. What is the cost of the paper in the consolidation?—It is Australian-made paper.

257. What weight is it?—It is 30-lb. paper.

258. *By His Honour Mr. Justice Cussen.*—It is very good paper?—Yes, we paid 15s. per ream for it, and the same paper is now 35s. per ream.

259. *By Mr. Prendergast.*—It is Australian paper in the consolidation?—Yes.

260. And in this volume too?—Yes.

261. It is a different paper?—Yes.

262. What is the weight of this one?—40 lbs.

The witness withdrew.

Adjourned.

[Schedule of Amendments not printed. See Schedule to Statute Law Revision Bill.]



VICT. - MINUTES OF THE PROCEEDINGS OF THE LEG. COUNCIL SESS. 1916.