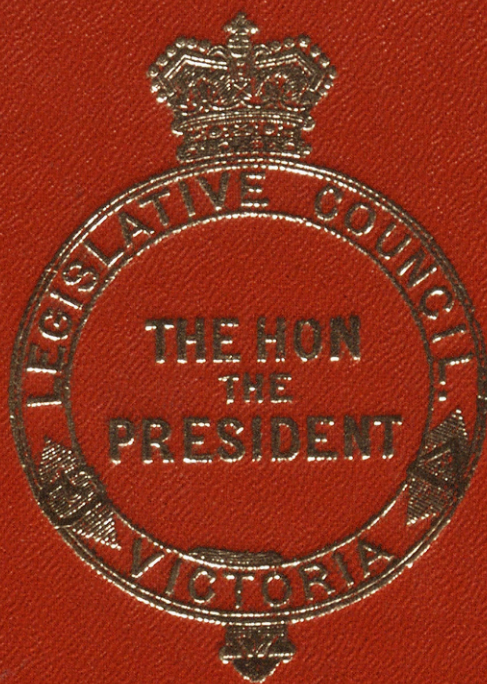


VICTORIA - MINUTES OF THE PROCEEDINGS OF THE LEG. COUNCIL, SESSION 1959 - 60



THE HON. THE
PRESIDENT

VICTORIA.



MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

SESSION 1959-60

WITH A COPY OF THE DOCUMENTS ORDERED TO BE PRINTED

By Authority:

A. C. BROOKS, GOVERNMENT PRINTER, MELBOURNE.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 1.

TUESDAY, 1ST SEPTEMBER, 1959.

1. The Council met pursuant to the Proclamation of His Excellency the Governor, bearing date the thirty-first day of July, 1959, which Proclamation was read by the Clerk and is as follows:—

PROROGUING PARLIAMENT AND FIXING THE TIME FOR HOLDING THE SECOND SESSION
OF THE FORTY-FIRST PARLIAMENT OF VICTORIA.

PROCLAMATION

By His Excellency the 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 such day and hour as may be fixed by the President of the Legislative Council and the Speaker of the Legislative Assembly respectively: 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 first day of September, 1959, and I do hereby fix Tuesday, the first day of September, 1959, aforesaid, at the hour of half-past Two o'clock in the afternoon, as the time for the commencement and holding of the next Session of the said Parliament of Victoria, for the despatch of business, in the Parliament Houses, situate in Spring-street, 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 thirty-first day of July, in the year of Our Lord One thousand nine hundred and fifty-nine, and in the eighth year of the reign of Her Majesty Queen Elizabeth II.

(L.S.)

DALLAS BROOKS.

By His Excellency's Command,

HENRY E. BOLTE,

Premier.

GOD SAVE THE QUEEN!

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

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

MR. ACTING-PRESIDENT AND HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

I have called you together for the consideration of important public business.

Shortly we will have the honour of welcoming to Victoria Her Royal Highness Princess Alexandra of Kent who has already endeared herself to many thousands of citizens, young and old, in other parts of the Commonwealth.

The Premier has recently returned to this State after leading a Mission to the United States of America, Canada, England, Scotland, Holland, Germany, France, Italy, Pakistan, and Ceylon. The political, industrial and financial contacts there made should be the means, not only of promoting further the goodwill existing between these countries and Australia, but also of ensuring a continued flow of capital to Victoria.

The industrial progress of the State and its sound economy are most encouraging. Many new projects have been commenced and others are proposed.

The influence of these developments is reflected in intense activity in all fields of building construction. At 31st March last, buildings to the value of nearly £120,000,000 were under construction in Victoria.

The Government is mindful of the need to encourage a more even distribution of population throughout the State, and the advantages of establishing industries in country areas are continually being indicated to manufacturers both in Australia and overseas.

The agricultural situation in Victoria is satisfactory despite a dry autumn generally and, in much of Northern Victoria and in East Gippsland, one of the driest winters for many years.

Valuable rains which fell in early August have enabled the sowing of crops to be completed under reasonably satisfactory conditions.

Despite dry conditions Victorian pastures carried stock into the winter in good condition, although the sheep population is the highest on record. This reflects the steady progress made in pasture development and management throughout the State.

The market for dairy products has improved and prices of butter and cheese have recovered strongly from the low prices at the beginning of 1958.

The comparable recovery in prices of dried fruit is also gratifying, and the early rise in wool prices is encouraging.

Altogether, in primary industry, on which the prosperity of Victoria so much depends, the State can look forward to the coming season with tempered optimism.

The Department of Agriculture has now established its Animal Husbandry Research Laboratory at Werribee. It has purchased a property of 836 acres near Hamilton for a Research Station for investigation in the fields of pasture management and animal husbandry. A grant of £20,000 has been provided towards the purchase of a property at Bacchus Marsh to be developed as a centre for the expansion of artificial breeding of dairy cattle. At Kyabram a property of 533 acres has been purchased for a Research Station for the study of irrigated pasture management.

The first stage of providing improved facilities and additional accommodation at Dookie and Longerenong Agricultural Colleges has been completed, and major building operations at Dookie are proceeding.

The Milk Board, in co-operation with dairy farmers and milk distributors, has recently undertaken an extensive publicity campaign to increase the sale of milk.

Excellent progress has been made on water supply works in all parts of the State, particularly for the extension of water reticulation and sewerage in country towns.

The Tullaroop Dam will be completed by the end of 1959. At Lake Corangamite, works designed to relieve thousands of acres of valuable agricultural land from flooding have been completed. The Cowwarr Weir which will divert water from the Thomson River for irrigation in the Nambrok-Denison soldier settlement area has also been completed.

The Government, recognizing that the sawmilling industry can be stabilized only by establishing forest crops on a scale which will assure a steady supply of timber, proposes to make available substantial sums to establish extensive softwood plantations and to regenerate milled forests of native hardwoods.

Throughout the eastern States, increasing interest is being displayed by industries which use wood as a raw material for the manufacture of fibre products such as paper, particle board, softboard, and hardboard. These industries employ a substantial labour force and are most appropriately located close to the growing trees.

The Government's proposals should further attract such industries by assuring a continuous supply of raw material. One large company has already decided to establish a hardboard plant at Bacchus Marsh utilizing pulpwood from the Eucalypt forests of the Western highlands. An Act to authorize an Agreement between the Government and that company will be introduced.

Soldier Settlement has now been in effective operation for some twelve years and in Victoria a sum of approximately £64,000,000 has been spent and some 6,000 ex-servicemen have been settled on the land.

This form of settlement, which has proved so successful, is now drawing to a close throughout Australia. But the Government proposes to embark on a scheme of general land settlement which will be available to ex-servicemen, and also to men who were too young to enlist.

Victoria's industrial expansion has been materially aided by the cheap and plentiful power derived from its own mineral resources.

The search for base metals is being continued and now constitutes a major part of the activities of the Mines Department.

Drilling for the location of workable deposits of moulding sands, concrete aggregates, and clays for ceramics and building materials is constantly in progress.

The search for road-making materials, such as crushed rock and similar quarry products, is continuing.

Geological investigations, followed by test drilling, are being maintained to assess the State's underground water resources.

The success of the Portland project, for which the recently purchased deep drilling plant was used, has assured an adequate supply of water for the Town.

As I forecast when I last addressed you, our population has continued to expand rapidly. I then indicated that Victoria was absorbing 40 per cent. of the migrants coming to Australia. This figure has increased to nearly 50 per cent. over the last twelve months. Such an increase has naturally placed heavy demands upon the Government, particularly in connexion with education and health services, housing, water supply, sewerage and power. The Government will give highest priority to the provision of adequate services, in particular to the construction of additional school accommodation, the recruitment and training of new teachers, and the provision of essential equipment.

In the financial year just concluded a record number of classrooms was constructed. The funds to be made available during the current year for new sites, new buildings and additional classrooms will greatly exceed the expenditure of any previous year.

The Health and Recreational School Camp at Somers will be opened before the end of this year.

Preliminary work for the establishment of the new Monash University is progressing. Priority is being given to the development of services and the Schools of Physics, Chemistry, Biology, Engineering, and Medicine.

The State Electricity Commission proposes to construct at Hazelwood in the Latrobe Valley a new 200,000 kilowatt power station which will be the largest such station in Australia. The Morwell Open Cut is being further developed to produce sufficient brown coal for this station. The first generating set at Hazelwood should be in service in 1964, and the project will, it is expected, be completed in 1970.

Good progress is being made with the major installations of the State Electricity Commission. Perhaps the most noteworthy achievement has been the completion of the Rocky Valley Dam in the Bogong High Plains, which will be the main storage for the Kiewa Hydro-Electric Scheme.

Electrification of the State is proceeding rapidly, and has been greatly accelerated by the splendid co-operation of prospective customers in the Commission's self-help scheme. The Commission is connecting annually to its system more than 30,000 new consumers, of which at least 3,000 are farmers.

The State's road system is being steadily developed. Over the last three years the amount spent by the Country Roads Board has increased from £8,000,000 to over £18,000,000 per annum, and it is anticipated that approximately £20,000,000 will be available to the Board in this financial year. Most of this money is spent on roads outside the metropolitan and urban areas of the State; and nearly half of the total funds available to the Board is used to subsidize country local authorities in their road development programmes.

The duplication of main arterial roads, such as the Princes Highway between Hallam and Oakleigh, and the Geelong-road for a greater part of its length, has contributed materially to free flow of traffic, road safety, and reduction of the costs of transportation. My advisers intend to continue this development, and particular attention will be given to grade separation at major level crossings in both metropolitan and country areas.

The Melbourne-Albury standard gauge project should be completed early in 1961. Track laying will commence in the near future, and a contract will be let for the installation of power signalling with centralized traffic control. In the construction of this railway some existing level crossings will be eliminated.

Progress has been made with the provision of a terminal for the Victoria-Tasmania vehicular ferries, the first of which is expected to be in operation before the end of this year. These ferries will not only increase facilities for tourist traffic to and from Tasmania, but will also greatly assist communications between these two States.

My Advisers are giving special attention to the provision of Social Services in Victoria.

The hospital building programme is enormous. Major projects include the building of the new Children's Hospital, the completion of the new St. Vincent's Hospital, and the provision of new hospitals and extension or improvement of many hospitals in country areas.

New wards are under construction at the Kew Mental Hospital. Other extensions of mental hospitals are under construction or planned.

An important project which should be completed before the end of this year is the provision of a new Clinic for Alcoholics.

Plans have been made for the provision of additional beds for the aged, and the Housing Commission expects to build 200 "Darby and Joan" units for old age pensioners, and 100 "lone-person" units. My Advisers are heartened by the support that local authorities are giving in projects to accommodate pensioners.

Ministers have for some time considered that the facilities in this State for Child Welfare are inadequate for existing needs, and are totally inadequate to meet the needs of a growing population. The Government has now adopted in principle a plan for the development of Child Welfare and Youth Services. In this plan special emphasis is placed upon the development to the utmost of the existing co-operation between the Department and voluntary organizations.

My Advisers have been gravely concerned at the financial arrangements between the Commonwealth and the States. Since the introduction of Uniform Tax, Victoria has been constantly penalized because of its low level of spending in the pre-war and war years. Now, with its extraordinarily rapid development, the "growing pains" of progress are placing a tremendous burden upon the administration of the State.

At a Premiers' Conference in June last, representatives of the Commonwealth and the States adopted a new basis of income tax reimbursement for the next six years. This will reduce the disabilities suffered by Victoria under Uniform Taxation. But the Government believes that the solution of the problem of Commonwealth-State financial relations can come only with the restoration to the States of their right to impose a tax on incomes.

Under new Commonwealth Aid Roads legislation which will operate during the current financial year, the distribution formula has been amended to include a factor for the number of motor vehicles registered in each State. This change will to some extent overcome weaknesses in the previous basis of distribution of road grants by the Commonwealth among the States. But even under the new formula Victoria will receive at the most 20 per cent. of the road funds made available by the Federal Government.

MR. SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY :

The Estimates of Revenue and Expenditure for the year 1959-60 which will be laid before you within the next few days have been framed with due regard to economy and the requirements of the State.

A Supply Bill to make further provision for the services of the current financial year will be laid before you early this month.

MR. ACTING-PRESIDENT AND HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY :

The legislative programme to be submitted to you during the coming Session will include legislation to give effect to the proposed re-organization of the Children's Welfare Department, and a complete revision of the Mental Hygiene Acts and associated legislation.

My Advisers intend to submit proposals to amend the Motor Car Act and, in particular, to simplify the registration of self-propelled agricultural machinery without fee and self-propelled industrial equipment at a nominal fee, to make concessions with regard to registration of veteran cars, and to change the system of registration of vehicles on hire purchase with a view to protecting the unsuspecting purchaser against a hirer who untruly represents that the car which he is selling is his to sell.

A Bill will be introduced to authorize the establishment of a power station at Hazelwood.

Much progress has been made by the Ministers of all States and the Commonwealth and their advisers in the project for Uniform Company Laws which was initiated by Victoria at a conference of Ministers recently held in Melbourne.

My Advisers are giving particular attention to safety in industry. A preliminary measure dealing with lifts and cranes will shortly be brought before Parliament.

Amending Transfer of Land Bills will be introduced for the purpose, among others, of improving the procedure by which purchasers of "Own Your Own Flats" may obtain satisfactory certificates of title.

On the recommendation of the Statute Law Revision Committee a Bill will be submitted to adopt provisions on the general lines of the United Kingdom Law Reform legislation to deal with the adjustment of rights between parties to contracts which have been frustrated or have become impossible of performance.

Legislation to clarify the rating provisions of the Water Acts and to vary certain irrigation districts will be introduced.

Bill dealing with the following subjects will also be submitted :—

- War Veterans Homes Trust
- Mines
- Coroners
- Crimes (Penalties)
- Superannuation
- Police Offences (Penalties)
- Geelong Trades Hall Council Trustees
- Soldier Settlement
- Yarra Park and Richmond Park
- Talbot Colony of Epileptics
- Off-Course Totalisator Betting
- Soil Conservation
- Valuer-General
- Public Library and National Museum, and
- Administration and Probate.

I commend to your earnest consideration these and other measures that will be brought before you, and trust that, under the blessing of Divine Providence, your deliberations may conduce to the continued prosperity of the country and the welfare of the people.

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

The Legislative Assembly then withdrew.

3. The Acting-President took the Chair and read the Prayer.
4. PRIVILEGE BILL.—JUSTICES (AMENDMENT) BILL.—On the motion of the Honorable L. H. S. Thompson, leave was given to bring in a Bill to amend Sections Eighty-six and Eighty-seven of the *Justices Act 1958*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
5. COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Acting-President laid upon the Table the following Warrant appointing the Committee of Elections and Qualifications :—

LEGISLATIVE COUNCIL—VICTORIA.

Pursuant to the provisions of *The Constitution Act Amendment Act 1958*, I do hereby appoint—

The Honorable Percy Thomas Byrnes,
 The Honorable Gilbert Lawrence Chandler,
 The Honorable Rupert James Hamer,
 The Honorable William Phillip Mair,
 The Honorable William Slater,
 The Honorable Arthur Smith, and
 The Honorable Ivan Archie Swinburne

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

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

R. W. MACK,

Acting-President of the Legislative Council.

6. TEMPORARY CHAIRMEN OF COMMITTEES.—The Acting-President laid upon the Table the following Warrant nominating the Temporary Chairmen of Committees :—

LEGISLATIVE COUNCIL—VICTORIA.

Pursuant to the provisions of the Standing Order of the Legislative Council numbered 160, I do hereby nominate—

The Honorable William Oliver Fulton,
 The Honorable Thomas Henry Grigg, and
 The Honorable Arthur Smith

to act as Temporary Chairmen of Committees whenever requested to do so by the Chairman of Committees or whenever the Chairman of Committees is absent.

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

R. W. MACK,

Acting-President of the Legislative Council.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

8. SUBORDINATE LEGISLATION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas be members of the Subordinate Legislation Committee.

Question—put and resolved in the affirmative.

9. STANDING ORDERS COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner 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.

10. HOUSE COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May and G. J. O'Connell be members of the House Committee.

Question—put and resolved in the affirmative.

11. LIBRARY COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton be members of the Joint Committee to manage the Library.

Question—put and resolved in the affirmative.

- PRINTING COMMITTEE.—The Honorable G. L. Chandler moved, by leave, that the Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas be members of the Printing Committee ; three to be the quorum.

Question—put and resolved in the affirmative.

13. LEAVE OF ABSENCE TO MEMBERS.—The Honorable G. L. Chandler moved, by leave, That leave of absence be granted to the Honorable Sir Arthur Warner for two months on account of ill-health.

Question—put and resolved in the affirmative.

The Honorable P. T. Byrnes moved, by leave, That leave of absence be granted to the Honorable William Oliver Fulton for one month on account of urgent private business.

Question—put and resolved in the affirmative.

The Honorable G. J. Nicol moved, by leave, that leave of absence be granted to the Honorable Charles Sherwin Gawith for two months on account of urgent private business.

Question—put and resolved in the affirmative.

14. FENCES (AMENDMENT) BILL.—On the motion (by leave without notice) of the Honorable E. P. Cameron, leave was given to bring in a Bill to amend Section Ten of the *Fences Act* 1958, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

15. CORONERS (AMENDMENT) BILL.—On the motion (by leave without notice) of the Honorable G. L. Chandler, leave was given to bring in a Bill to amend the *Coroners Act* 1958, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16. TRUSTEE (MORTGAGES) BILL.—On the motion (by leave without notice) of the Honorable L. H. S. Thompson, leave was given to bring in a Bill relating to the Power of Trustees and Others to lend Moneys upon the Security of Mortgages of Freehold Lands, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17. DAYS OF BUSINESS.—The Honorable G. L. Chandler moved, by leave, 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; that on Wednesday in each week Private Members' business shall take precedence of Government business; and that no new business be taken after half-past Ten O'clock.

Question—put and resolved in the affirmative.

18. PAPERS.—The Honorable G. L. Chandler presented, by command of His Excellency the Governor—

Education—Report of the Minister of Education for the year 1957–58.

Supreme Court—Annual Report of the Judges of the Supreme Court.

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 :—

Apprenticeship Act 1958—Printing and Allied Trades Apprenticeship Regulations.

Benefit Associations Act 1958—Report of the Government Statist and Actuary on Benefit Associations for the year ended 30th September, 1958.

Constitution Act Amendment Act 1958—

Committee of Public Accounts (Travelling Expenses) Regulations.

Statement of Expenditure under Section 66 during the year 1958–59.

Statute Law Revision Committee (Travelling Expenses) Regulations.

Constitution Statute—Statement of Expenditure under Schedule D to Act 18 and 19 Vict., Cap. 55, and Act No. 6224 during the year 1958–59.

Co-operation Act 1958—Co-operative Societies (General) Regulations No. 2.

Country Fire Authority Act 1958—Amendment of—

Country Fire Authority Compensation Regulations.

Country Fire Authority (Heat Engines) Regulations 1959.

Discharged Servicemen's Preference Act 1943—Amendment of Regulations.

Education Act 1958—Report of the Council of Adult Education for the year 1957–58.

Estate Agents Act 1958—Estate Agents Rules 1959.

Explosives Act 1958—

Amendment of Explosives (Carriage) Regulations 1957.

Orders in Council relating to—

Classification and Definition of Explosives (two papers).

Prohibition of the Manufacture, Keeping, Importation, Conveyance, and Sale of certain Explosives.

Health Act 1958—

Amending Food and Drug Standards Regulations 1959 (No. 1).

Irradiating Apparatus and Radio-active Substances Regulations 1959.

Juries Act 1958—Melbourne Civil Jury Rules 1959.

Land Act 1958—

Certificates of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of schools at Blackburn South, Cranbourne, Doncaster, Heidelberg, Oak Park, Osborne, St. Arnaud, Sunshine North, and Trawalla (nine papers).

Schedule of country lands proposed to be sold by public auction (two papers).

Lands Compensation Act 1958—Return under section 37 showing particulars of purchases, sales, or exchanges of land by the State Electricity Commission for the year 1958–59.

Libraries Act 1958—Report of the Free Library Service Board for the year 1957–58.

Marketing of Primary Products Act 1958—Regulations—

Chicory Marketing Board—Period of time for the computation of or accounting for the net proceeds of the sale of chicory.

Maize Marketing Board—Period of time for the computation of or accounting for the net proceeds of the sale of maize.

Onion Marketing Board—Registration of producers of onions.

Seed Beans Marketing Board—Period of time for the computation of or accounting for the net proceeds of the sale of seed beans.

Medical Act 1958—Pharmacy Regulations 1959.

Melbourne and Metropolitan Board of Works Acts—Regulations for Election by Groups of Councils of Members of the Melbourne and Metropolitan Board of Works.

Mental Hygiene Act 1958—Mental Hygiene Authority Regulations 1959 (Nos. 3 to 6 inclusive) (four papers).

Metropolitan Fire Brigades Act 1958—Regulations relating to the Issue of Debentures.

Milk Pasteurization Act 1958—Regulations prescribing Districts.

Motor Car Act 1958—Amendment of Motor Car Regulations 1952 (two papers).

Opticians Registration Act 1958—Amendment of Opticians Regulations 1946.

Police Regulation Act 1958—

Amendment of Police Regulations 1957 (five papers).

Determinations Nos. 72 to 76 inclusive, of the Police Classification Board (five papers).

Public Library National Gallery and Museums Act 1944—Amendment of National Gallery Regulations.

Public Service Act 1958—

Amendment of Public Service (Governor in Council) Regulations—Part IV.—Leave of Absence (two papers).

Amendment of Public Service (Public Service Board) Regulations—

Part I.—Appointments to the Administrative, Professional, and Technical and General Divisions.

Part II.—Promotions and Transfers.

Part III.—Salaries, Increments, and Allowances (thirty-seven papers).

Part VI.—Travelling Expenses (two papers).

Public Works Committee Act 1958—Public Works Committee (Travelling Expenses) Regulations.

Railways Act 1958—Report of the Victorian Railways Commissioners for the quarter ended 31st March, 1959.

Road Traffic Act 1958—Amendment of Road Traffic Regulations 1958 (two papers).

Second-hand Dealers Act 1958—Amendment of Regulations.

State Development Act 1958—State Development (Allowances) Regulations.

State Electricity Commission Acts—Falls Creek Tourist Area Regulations.

State Savings Bank Act 1958—General Order No. 58.

Supreme Court Act 1958—Amendment of Rules of the Supreme Court (two papers).

Teaching Service Act 1958—

Amendment of Regulations—

Teaching Service (Classification, Salaries and Allowances) Regulations (nine papers).

Teaching Service (Teachers Tribunal) Regulations (ten papers).

Report of the Teachers Tribunal for the year 1957–58.

Town and Country Planning Act 1958—

Amendment of Regulations.

Shire of Altona Planning Scheme 1958, Amendment No. 1.

Vegetation and Vine Diseases Act 1958—Fruit and Vegetables Importation Regulations 1959.

Vermin and Noxious Weeds Act 1958—Vermin and Noxious Weeds Destruction Board (Appointed Members' Salaries and Allowances) Regulations.

Workers Compensation Act 1958—Amendment of Workers Compensation Regulations 1954.

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

The Honorable R. J. Hamer moved, That the Council agree to the following Address to His Excellency the Governor in reply to His Excellency's Opening Speech :—

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.

Debate ensued.

The Honorable W. Slater for the Honorable J. W. Galbally 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 the next day of meeting.

20. ADJOURNMENT.—The Honorable G. L. Chandler moved, by leave, That the Council, at its rising, adjourn until Tuesday, the 22nd instant.

Question—put and resolved in the affirmative.

The Honorable G. L. Chandler moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at fifty-eight minutes past Five o'clock, adjourned until Tuesday, the 22nd instant.

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 1.

TUESDAY, 22ND SEPTEMBER, 1959.

ORDER OF THE DAY (to take precedence):—

1. ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—*Resumption of debate* (Hon. J. W. Galbally).

Government Business.

ORDERS OF THE DAY:—

1. JUSTICES (AMENDMENT) BILL—(Hon. L. H. S. Thompson)—Second reading.
2. FENCES (AMENDMENT) BILL—(Hon. E. P. Cameron)—Second reading.
3. CORONERS (AMENDMENT) BILL—(Hon. G. L. Chandler)—Second reading.
4. TRUSTEE (MORTGAGES) BILL—(Hon. L. H. S. Thompson)—Second reading.

General Business.

NOTICE OF MOTION:—

1. The Hon. W. SLATER: To move, That he have leave to bring in a Bill to deal with regulate and control Monopolies, restrictive Practices, unfair Trading, unfair Profits, and for other purposes.

ROY S. SARAH,

Clerk of the Legislative Council.

G. S. McARTHUR,

President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 2.

WEDNESDAY, 23RD SEPTEMBER, 1959.

Questions.

- *1. The Hon. W. SLATER: To ask the Honorable the Minister of Health—Is he aware of complaints by municipal health inspectors and medical officers against the use by certain butchers of sulphur dioxide as a meat preservative; if so, will he take steps to prevent the further use of this substance.
- *2. The Hon. B. MACHIN: To ask the Honorable the Minister of Agriculture—
 - (a) How many milk-shop licences are in existence in the city of Footscray.
 - (b) Where are such shops located.
 - (c) How many of such licences have changed hands between 1st September, 1957, and 31st August, 1959.
 - (d) How many applications for milk-shop licences in the city of Footscray were rejected between 1st September, 1957, and 31st August, 1959; what was the location of each shop concerned; and what reason was given for rejection of the application.
 - (e) On what basis does the Milk Board consider applications when assessing the needs of the Footscray area.
- *3. The Hon. W. SLATER: To ask the Honorable the Minister of Agriculture—
 - (a) By whom are the members of the Commonwealth Advisory and Planning Councils on Immigration appointed.
 - (b) Is any State ministerial or official administrative representation made to such Councils; if not, has the Government urged such representation.
 - (c) What are the names of the persons appointed to such Councils and what emoluments and allowances are paid to each.
 - (d) Having regard to the views recently expressed by the Chairman of the Planning Council at Brisbane in relation to housing and other State activities does any liaison exist between the Commonwealth and the respective State Departments covering these matters.
- *4. The Hon. R. W. MAY: To ask the Honorable the Minister of Agriculture—Because of the rise of salt on land in the Winindoo area of the Nambrok-Denison irrigation district temporarily rendering farms almost completely unproductive, will the Government pay compensation to the owners most affected to allow them to meet commitments and continue on their properties during the period of reclamation; if so, when will such compensation be paid.
- *5. The Hon. J. W. GALBALLY: To ask the Honorable the Minister of Agriculture—
 - (a) What is the Government practice in relation to appointment of Justices of the Peace.
 - (b) If recommendations for such appointments are made by Members of Parliament, are such recommendations received from Members of either House; if not, why.
- *6. The Hon. A. K. BRADBURY: To ask the Honorable the Minister of Agriculture—
 - (a) What was the tonnage of—(i) inward goods; and (ii) outward goods, at Wangaratta railway station in each of the years 1944-45, 1945-46, 1946-47, 1956-57, 1957-58, and 1958-59 for primary products, and secondary and general goods, respectively.
 - (b) What was the revenue in respect of each such class of goods for each of the said years.
- *7. The Hon. G. W. THOM: To ask the Honorable the Minister of Agriculture—
 - (a) How many Housing Commission homes have been sold in the Greater Geelong area and at Colac, respectively, giving the numbers for each type of construction (timber, brick veneer, concrete, &c.).
 - (b) Have bricks been used to provide a veneer for some pre-fabricated concrete homes; if so, how many Housing Commission homes have been built on this basis.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- *8. The Hon. B. MACHIN: To ask the Honorable the Minister of Health—
- (a) How many boilers, furnaces, or fireplaces connected with industry have been built since 1st March, 1958—(i) in the metropolitan area; and (ii) outside the metropolitan area.
 - (b) How many of such installations were approved by the Health Commission, and if inspections were made, by whom.
- *9. The Hon. T. H. GRIGG: To ask the Honorable the Minister of Agriculture—What was the number of outward passenger journeys from Harcourt, Chewton, Elphinstone, Taradale and Malsbury railway stations, respectively, for the year ended 30th June, 1959.
- *10. The Hon. A. K. BRADBURY: To ask the Honorable the Minister of Agriculture—What was the profit or loss in the Railway Accounts for 1958-59 in respect of—(i) metropolitan passengers; (ii) country passengers; (iii) country goods; and (iv) live stock.
- *11. The Hon. B. MACHIN: To ask the Honorable the Minister of Agriculture—
- (a) How many brown coal driers for the briquetting works at the new power station at Morwell were purchased from Germany, and what was the cost of each.
 - (b) What is the cost to date of repairing these vessels, who has carried out the repairs, and at whose expense.
 - (c) Was the construction of these vessels supervised on behalf of the State Electricity Commission; if so, by whom.
- *12. The Hon. B. MACHIN: To ask the Honorable the Minister of Agriculture—
- (a) How many gas generators or converters were purchased from Germany by the Gas and Fuel Corporation, and what was the cost of each.
 - (b) What is the cost to date of repairing faults in these vessels as a result of bad workmanship, and who is to pay for the repairs.
 - (c) Was the construction of these vessels supervised on behalf of the Gas and Fuel Corporation; if so, by whom.

General Business.

NOTICE OF MOTION:—

1. The Hon. W. SLATER: To move, That he have leave to bring in a Bill to deal with regulate and control Monopolies, restrictive Practices, unfair Trading, unfair Profits, and for other purposes.

ORDER OF THE DAY (to take precedence):—

1. ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—*Resumption of debate (Hon. P. T. Byrnes).*

General Business.

ORDERS OF THE DAY:—

- *1. HIRE-PURCHASE (AGREEMENTS) BILL—(Hon. J. W. Galbally)—Second reading.
- *2. ABOLITION OF CAPITAL PUNISHMENT BILL—(Hon. J. W. Galbally)—Second reading.

Government Business.

ORDERS OF THE DAY:—

- *1. WAR VETERANS' HOMES TRUST BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- *2. STATE ELECTRICITY COMMISSION (HAZELWOOD POWER STATION) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading.
- *3. STATUTE LAW REVISION BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- *4. MELBOURNE AND RICHMOND LANDS BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- *5. FRUSTRATED CONTRACTS BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- *6. EVIDENCE (AMENDMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
7. CORONERS (AMENDMENT) BILL—(Hon. G. L. Chandler)—Second reading—*Resumption of debate (Hon. J. W. Galbally).*
8. FENCES (AMENDMENT) BILL—(Hon. E. P. Cameron)—Second reading—*Resumption of debate (Hon. W. Slater).*

TUESDAY, 6TH OCTOBER.

Government Business.

ORDER OF THE DAY:—

1. TRUSTEE (MORTGAGES) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate* (*Hon. W. Slater*).

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 2.

TUESDAY, 22ND SEPTEMBER, 1959.

1. The President took the Chair and read the Prayer.
2. **WAR VETERANS' HOMES TRUST BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to validate a certain Deed of Trust and the Trusts expressed therein for the Benefit of War Veterans*" and desiring the concurrence of the Council therein.
Bill ruled to be a Private Bill.
The Honorable E. P. Cameron moved, That this Bill be dealt with as a Public Bill.
Question—put and resolved in the affirmative.
The Honorable E. P. Cameron moved, That this Bill be now read a first time.
Question—put and resolved in the affirmative.—Bill read a first time and ordered to be printed and to be read a second time on the next day of meeting.
3. **CONSOLIDATED REVENUE BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Thirty-one million six hundred and fifty-five thousand five hundred and eighteen pounds to the service of the year One thousand nine hundred and fifty-nine and One thousand nine hundred and sixty*" and desiring the concurrence of the Council therein.
On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
4. **HIRE-PURCHASE (AGREEMENTS) BILL.**—On the motion (by leave without notice) of the Honorable J. W. Galbally, leave was given to bring in a Bill to amend the Law relating to Hire-Purchase Agreements, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
5. **ABOLITION OF CAPITAL PUNISHMENT BILL.**—On the motion (by leave without notice) of the Honorable J. W. Galbally, leave was given to bring in a Bill to abolish Capital Punishment, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
6. **STATUTE LAW REVISION COMMITTEE.**—The Honorable P. T. Byrnes brought up Reports from the Statute Law Revision Committee on a Draft of a proposed Amendments Incorporation (Extension) Bill, together with Minutes of Evidence and Appendices; Powers of Members of the Police Force to release persons on bail, &c., together with Minutes of Evidence and Appendices; Section 34 of the *Limitation of Actions Act* 1958, together with Minutes of Evidence and Appendices; and Section 26 of the *Imprisonment of Fraudulent Debtors Act* 1958, together with Minutes of Evidence.
Severally ordered to lie on the Table and the Reports to be printed.
The Honorable P. T. Byrnes brought up a Report from the Statute Law Revision Committee on the **Marriage of Minors**, together with Minutes of Evidence and Appendices.
Ordered to lie on the Table and the Report and Appendix "A" to be printed.
7. **SUBORDINATE LEGISLATION COMMITTEE—FOOD AND DRUG STANDARDS REGULATIONS.**—The Honorable I. A. Swinburne brought up a Report from the Subordinate Legislation Committee on the Amending Food and Drug Standards Regulations 1959 (No. 1).
Ordered to lie on the Table.
8. **PAPERS.**—The Honorable G. L. Chandler presented, by command of His Excellency the Governor—
Police—Report of the Chief Commissioner of Police for the year 1958.
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:—
Business Names Act 1958 and Property Law Act 1958—Amendment of Regulations.
Constitution Act Amendment Act 1958—Statement of Alterations of Classifications in the Department of the Legislative Assembly.
Country Fire Authority Act 1958—Amendment of Regulations (three papers).

- County Court Act 1958—Order in Council relating to Fees in the County Court.
- Explosives Act 1958—Orders in Council relating to the Classification and Definition of Explosives (two papers).
- Fisheries Act 1958—Notices of Intention to Issue Proclamations—
 To prescribe a close season, &c., for Murray Cod.
 To prescribe a close season for Macquarie Perch, Callop, and Silver Perch or Grunter.
 To prescribe a minimum length for Mullet, Sand (*Myxus Elongatus*).
 To prohibit fishing in certain waters during the Murray fish close season.
 To prohibit netting and spear fishing at Apollo Bay.
 Respecting bag limits for Trout in certain waters.
 To vary a proclamation prohibiting fishing in certain waters (two papers).
- Forests Act 1958—Amendment of Forest Officers Training Regulations 1955.
- Labour and Industry Acts—Amendment of Explosive-Powered Tool Regulations (Amendment No. 2).
- Police Regulation Act 1958—
 Amendment of Police Regulations 1957.
 Determination No. 77 of the Police Classification Board.
- Public Service Act 1958—
 Amendment of Public Service (Governor in Council) Regulations—Part II.—Hours of Duty, &c.
 Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances (three papers).
- Public Works Committee Act 1958—Twenty-first General Report of the Public Works Committee.
- Supreme Court Act 1958—Supreme Court Office Fees Regulations 1959.
- Teaching Service Act 1958—Amendment of Teaching Service (Classification, Salaries and Allowances) Regulations.
- Victorian Inland Meat Authority Act 1958—Statement of guarantee given to the Commonwealth Bank by the Treasurer of Victoria.

9. ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—The Order of the Day for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for Address, see page 8 *ante*), having been read—
 Debate resumed.
 The Honorable P. T. Byrnes 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 the next day of meeting.
10. JUSTICES (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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
 Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
11. FENCES (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
 The Honorable W. Slater moved, That the debate be now adjourned.
 Debate ensued.
 Question—That the debate be now adjourned—put and resolved in the affirmative.
 Ordered—That the debate be adjourned until the next day of meeting.
12. CORONERS (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time.
 The Honorable J. W. Galbally 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 the next day of meeting.
13. TRUSTEE (MORTGAGES) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
 The Honorable W. Slater moved, That the debate be now adjourned.
 Debate ensued.
 Question—That the debate be now adjourned—put and resolved in the affirmative.
 Ordered—That the debate be adjourned until Tuesday, the 6th October next.
14. CONSOLIDATED REVENUE 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 Deputy-President resumed the Chair; and the Honorable T. H. Grigg 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. STATE ELECTRICITY COMMISSION (HAZELWOOD POWER STATION) BILL.—The Deputy-President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to make Provision with respect to a Scheme for the Extension of the State Electricity Generating System by the Establishment of a Power Station near Morwell to be known as the Hazelwood Power Station*" and desiring the concurrence of the Council therein.

On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16. MELBOURNE AND RICHMOND LANDS BILL.—The Deputy-President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to certain Lands in the Cities of Melbourne and Richmond*" and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17. EVIDENCE (AMENDMENT) BILL.—The Deputy-President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to Statutory Declarations*" and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

18. STATUTE LAW REVISION BILL.—The Deputy-President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to revise the Statute Law*" and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

19. FRUSTRATED CONTRACTS BILL.—The Deputy-President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Law relating to Frustrated Contracts*," and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

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

ROY S. SARAH,
Clerk of the Legislative Council.

No. 3.

WEDNESDAY, 23RD SEPTEMBER, 1959.

1. The President took the Chair and read the Prayer.
2. HAZELWOOD POWER STATION.—The Honorable G. L. Chandler moved, by leave, That the Report of the State Electricity Commission on the proposed Hazelwood Power Station be laid upon the Table of the House.
Question—put and resolved in the affirmative.
3. PAPERS.—The Honorable G. L. Chandler presented, in accordance with the Order of the Council—
State Electricity Commission—Report on the proposed Hazelwood Power Station.
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 Act 1957—Report of the Exhibition Trustees for the year 1958-59.
Public Service Act 1958—Report of the Public Service Board for the year 1958-59.
Workers Compensation Act 1958—Workers Compensation Board Fund—Balance-sheet and Statement of Receipts and Expenditure for the year 1958-59.
4. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL.—On the motion of the Honorable W. Slater, leave was given to bring in a Bill to deal with regulate and control Monopolies, restrictive Practices, unfair Trading, unfair Profits, and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
5. POSTPONEMENT OF ORDERS OF THE DAY.—
Ordered—That the consideration of the Order of the Day for the Resumption of the Debate on the Motion for the Address-in-Reply to the Speech of His Excellency the Governor be postponed until later this day.
Ordered—That the consideration of the Orders of the Day, General Business, be postponed until later this day.
6. WAR VETERANS' HOMES TRUST 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
7. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 2, be postponed until the next day of meeting.

8. **STATUTE LAW REVISION 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 R. W. Mack 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. **MELBOURNE AND RICHMOND LANDS BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.

The Honorable G. J. O'Connell 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 the next day of meeting.

10. **FRUSTRATED CONTRACTS BILL.**—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

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

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

11. **COUNTRY ROADS (OFFICES AND BUILDINGS) BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Sections Fifteen and One hundred and sixteen of the 'Country Roads Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

12. **EVIDENCE (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 R. W. Mack 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. **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 to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for Address, see page 8 *ante*), having been read—

Debate resumed.

The Honorable A. R. Mansell 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 the next day of meeting.

14. **TRANSFER OF LAND (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Transfer of Land Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

15. **STATE SAVINGS BANK (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'State Savings Bank Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16. **AMENDMENTS INCORPORATION (EXTENSION) BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to make Provision for the Incorporation of Amendments effected by Proclamations Orders and other Instruments in Reprints of Amended Acts*" and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17. **ADJOURNMENT.**—The Honorable G. L. Chandler moved, by leave, That the Council, at its rising, adjourn until Tuesday next.

Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 3.

TUESDAY, 29TH SEPTEMBER, 1959.

Questions.

1. The Hon. B. MACHIN : To ask the Honorable the Minister of Agriculture—
 - (a) How many milk-shop licences are in existence in the city of Footscray.
 - (b) Where are such shops located.
 - (c) How many of such licences have changed hands between 1st September, 1957, and 31st August, 1959.
 - (d) How many applications for milk-shop licences in the city of Footscray were rejected between 1st September, 1957, and 31st August, 1959; what was the location of each shop concerned; and what reason was given for rejection of the application.
 - (e) On what basis does the Milk Board consider applications when assessing the needs of the Footscray area.
2. The Hon. W. SLATER : To ask the Honorable the Minister of Agriculture—
 - (a) By whom are the members of the Commonwealth Advisory and Planning Councils on Immigration appointed.
 - (b) Is any State ministerial or official administrative representation made to such Councils; if not, has the Government urged such representation.
 - (c) What are the names of the persons appointed to such Councils and what emoluments and allowances are paid to each.
 - (d) Having regard to the views recently expressed by the Chairman of the Planning Council at Brisbane in relation to housing and other State activities does any liaison exist between the Commonwealth and the respective State Departments covering these matters.
3. The Hon. R. W. MAY : To ask the Honorable the Minister of Agriculture—Because of the rise of salt on land in the Winindoo area of the Nambrok-Denison irrigation district temporarily rendering farms almost completely unproductive, will the Government pay compensation to the owners most affected to allow them to meet commitments and continue on their properties during the period of reclamation; if so, when will such compensation be paid.
- *4. The Hon. A. SMITH : To ask the Honorable the Minister of Agriculture—
 - (a) What is the present position in relation to the proposed new police station and accommodation at Seymour.
 - (b) Have the original plans been abandoned; if so, what progress has been made with the preparation of new plans.
 - (c) Have tenders been called; if not, when are they likely to be called.
- *5. The Hon. T. H. GRIGG : To ask the Honorable the Minister of Agriculture—
 - (a) What was the cost of construction of the Lauriston Reservoir.
 - (b) What new concrete channels have been constructed during the past fifteen months for the delivery of water from the Malmesbury Reservoir to the towns supplied in that system, and what is the cost of same.
- *6. The Hon. I. A. SWINBURNE : To ask the Honorable the Minister of Agriculture—
 - (a) What was the total allocation of finance by the State Electricity Commission to each branch area during each of the financial years 1952-53 to 1958-59.
 - (b) What were the numbers of consumers connected in each area during each year, giving the classification of such consumers (private, business, primary and secondary industry).
- *7. The Hon. R. W. MAY : To ask the Honorable the Minister of Agriculture—What progress has been made with regard to providing a surface water supply for Paynesville.

** Notifications to which an asterisk (*) is prefixed appear for the first time.*

ORDER OF THE DAY (to take precedence):—

1. ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—*Resumption of debate (Hon. A. R. Mansell).*

Government Business.

ORDERS OF THE DAY :—

- *1. COUNTRY ROADS (OFFICES AND BUILDINGS) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
2. STATE ELECTRICITY COMMISSION (HAZELWOOD POWER STATION) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading.
- *3. STATE SAVINGS BANK (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- *4. TRANSFER OF LAND (AMENDMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- *5. AMENDMENTS INCORPORATION (EXTENSION) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
6. CORONERS (AMENDMENT) BILL—(Hon. G. L. Chandler)—Second reading—*Resumption of debate (Hon. J. W. Galbally).*
7. FENCES (AMENDMENT) BILL—(Hon. E. P. Cameron)—Second reading—*Resumption of debate (Hon. W. Slater).*
8. MELBOURNE AND RICHMOND LANDS BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate (Hon. G. J. O'Connell).*

General Business.

ORDERS OF THE DAY :—

- *1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(Hon. W. Slater)—Second reading.
2. HIRE-PURCHASE (AGREEMENTS) BILL—(Hon. J. W. Galbally)—Second reading.
3. ABOLITION OF CAPITAL PUNISHMENT BILL—(Hon. J. W. Galbally)—Second reading.

 TUESDAY, 6TH OCTOBER.
Government Business.

ORDER OF THE DAY :—

1. TRUSTEE (MORTGAGES) BILL—(Hon. L. H. S. Thompson)—Second reading—*Resumption of debate (Hon. W. Slater).*

ROY S. SARAH,
 Clerk of the Legislative Council.

G. S. McARTHUR,
 President.

 CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

 SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Marsell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 4.

TUESDAY, 29TH SEPTEMBER, 1959.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable G. L. Chandler presented a Message from His Excellency the Governor, informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz. :—
 - Consolidated Revenue Act.*
 - War Veterans' Homes Trust Act.*
 - Frustrated Contracts Act.*
 - Evidence (Amendment) Act.*
3. TRUSTEE (MORTGAGES) BILL.—The Honorable L. H. S. Thompson moved, by leave, That the proposals contained in this Bill be referred to the Statute Law Revision Committee for examination and report. Debate ensued. Question—put and resolved in the affirmative.
4. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
 - Clean Air Act 1958—Clean Air Regulations 1959.
 - Explosives Act 1958—Report of the Chief Inspector of Explosives for the year 1958.
 - Poisons Act 1958—Poisons Regulations 1959.
 - Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances.
5. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor be postponed until later this day.
6. COUNTRY ROADS (OFFICES AND BUILDINGS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time. The Honorable S. Merrifield 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. STATE ELECTRICITY COMMISSION (HAZELWOOD POWER STATION) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time. The Honorable S. Merrifield, for the Honorable J. W. Galbally 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.
8. STATE SAVINGS BANK (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time. The Honorable W. Slater 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. TRANSFER OF LAND (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable W. Slater 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. AMENDMENTS INCORPORATION (EXTENSION) 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
11. CORONERS (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 R. W. Mack 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.
12. FENCES (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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
13. MELBOURNE AND RICHMOND LANDS 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 R. W. Mack 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. 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 to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for Address, see page 8 *ante*), having been read—
Debate resumed.
The Honorable D. J. Walters 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 the next day of meeting.
15. ADJOURNMENT.—The Honorable G. L. Chandler moved, by leave, That the Council, at its rising, adjourn until Tuesday next.
Question—put and resolved in the affirmative.
The Honorable G. L. Chandler moved, That the House do now adjourn.
Debate ensued.
Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 4.

TUESDAY, 6TH OCTOBER, 1959.

ORDER OF THE DAY (to take precedence) :—

1. ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—*Resumption of debate (Hon. D. J. Walters).*

Government Business.

ORDERS OF THE DAY :—

1. COUNTRY ROADS (OFFICES AND BUILDINGS) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate (Hon. S. Merrifield).*
2. STATE ELECTRICITY COMMISSION (HAZELWOOD POWER STATION) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading—*Resumption of debate (Hon. J. W. Galbally).*
3. STATE SAVINGS BANK (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate (Hon. W. Slater).*
4. TRANSFER OF LAND (AMENDMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate (Hon. W. Slater).*
5. TRUSTEE (MORTGAGES) BILL—(Hon. L. H. S. Thompson)—Second reading—*Resumption of debate (Hon. W. Slater).*

General Business.

ORDERS OF THE DAY :—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(Hon. W. Slater)—Second reading.
2. HIRE-PURCHASE (AGREEMENTS) BILL—(Hon. J. W. Galbally)—Second reading.
3. ABOLITION OF CAPITAL PUNISHMENT BILL—(Hon. J. W. Galbally)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Marsell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 5.

WEDNESDAY, 7TH OCTOBER, 1959.

Questions.

- *1. The Hon. J. M. WALTON: To ask the Honorable the Minister of Agriculture—
- (a) Has the Minister seen the recent findings of the Gallup poll in relation to the Two-House system of Government.
 - (b) In view of the overwhelming expression of public disfavour of this system, what action, if any, does the Government propose to take.
- *2. The Hon. J. W. GALBALLY: To ask the Honorable the Minister of Agriculture—
- (a) Was the decision to block the existing ten-year-old underpass under the railway line from Epping-road to McCrae-street, Reservoir, made by the Victorian Railways Commissioners; if so, was such decision submitted to the Acting Minister of Transport for his approval.
 - (b) Is the Minister aware that, as a result of such blocking, there is now no vehicular crossing between Reservoir and Keon Park, a distance of approximately two miles.
 - (c) Will the Minister lay on the table of the Library the file relating to the underpass.
- *3. The Hon. R. J. HAMER: To ask the Honorable the Minister of Agriculture—
- (a) At how many stations in the suburban railway system is an area provided on railway land for the free parking of the cars of patrons.
 - (b) What is the capacity of each such area.
 - (c) Have any surveys been made of additional stations at which this facility could be provided; if so, what is the estimated cost and capacity of each such additional area.
- *4. The Hon. R. J. HAMER: To ask the Honorable the Minister of Agriculture—In each of the last ten financial years, what was—(i) the total number of Junior Government Scholarships awarded in Victoria; (ii) the value of each scholarship; and (iii) the total cost to the Education Department of the scholarships awarded.

ORDER OF THE DAY (to take precedence):—

1. ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—*Resumption of debate (Hon. G. J. Nicol).*

General Business.

ORDERS OF THE DAY:—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(Hon. W. Slater)—Second reading.
2. HIRE-PURCHASE (AGREEMENTS) BILL—(Hon. J. W. Galbally)—Second reading.
3. ABOLITION OF CAPITAL PUNISHMENT BILL—(Hon. J. W. Galbally)—Second reading.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

Government Business.

ORDERS OF THE DAY:—

- *1. CRIMES (SENTENCES AND PAROLE) BILL—(*Hon. L. H. S. Thompson*)—Second reading.
- *2. IMPRISONMENT OF FRAUDULENT DEBTORS (DEPOSITIONS) BILL—(*Hon. E. P. Cameron*)—Second reading.
- *3. STAMPS BILL—(*from Assembly—Hon. G. L. Chandler*)—Second reading.
- *4. POLICE REGULATION (DELEGATION OF POWERS) BILL—(*Hon. L. H. S. Thompson*)—Second reading.
- 5. STATE ELECTRICITY COMMISSION (HAZELWOOD POWER STATION) BILL—(*from Assembly—Hon. G. L. Chandler*)—Second reading—*Resumption of debate (Hon. W. O. Fulton)*.
- 6. TRUSTEE (MORTGAGES) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. W. Slater)*.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Marsell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 5.

TUESDAY, 6TH OCTOBER, 1959.

1. The President took the Chair and read the Prayer.
2. STATUTE LAW REVISION COMMITTEE—REPORTS TO PARLIAMENT.—The Honorable P. T. Byrnes brought up a Report from the Statute Law Revision Committee on Reports to Parliament, together with Minutes of Evidence and Appendices.
Ordered to lie on the Table and the Report and Appendices to be printed.
3. CRIMES (SENTENCES AND PAROLE) BILL.—On the motion (by leave without notice) of the Honorable L. H. S. Thompson, leave was given to bring in a Bill to amend the *Crimes Act 1958* with respect to Sentences of Imprisonment, Orders for Detention and Release on Parole, and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
4. IMPRISONMENT OF FRAUDULENT DEBTORS (DEPOSITIONS) BILL.—On the motion (by leave without notice) of the Honorable E. P. Cameron, leave was given to bring in a Bill to repeal Section Twenty-six of the *Imprisonment of Fraudulent Debtors Act 1958*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
5. POLICE REGULATION (DELEGATION OF POWERS) BILL.—On the motion (by leave without notice) of the Honorable L. H. S. Thompson, leave was given to bring in a Bill to empower the Chief Commissioner of Police to delegate his Powers and Functions to Officers of the Police Force, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
6. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
 - Fisheries Act 1958—Notice of Intention to Issue a Proclamation to prescribe the terms and conditions for the sale, &c., of Gummy Shark or School or Snapper Shark during the close season.
 - Health Act 1958—Report of the Commission of Public Health for the year 1958-59.
 - Land Act 1958—Certificates of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of schools at Dingley and Wangaratta (two papers).
 - Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances.
7. POSTPONEMENT OF ORDERS OF THE DAY.—
 - Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor be postponed until later this day.
 - Ordered—That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
8. STATE ELECTRICITY COMMISSION (HAZELWOOD POWER STATION) 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 W. O. Fulton 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 the next day of meeting.

9. STATE SAVINGS BANK (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, having been read—

Debate resumed.

The Honorable P. T. Byrnes, for the Honorable I. A. Swinburne, 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.

10. TRANSFER OF LAND (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 T. H. Grigg having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

11. COUNTRY ROADS (OFFICES AND BUILDINGS) 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 R. W. Mack 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. STAMPS BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend the ‘Stamps Act 1958’*” and desiring the concurrence of the Council therein.

On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

13. LOCAL GOVERNMENT (COUNCILLORS’ DECLARATIONS) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to extend the Time for the making by certain Persons elected as Councillors of Municipalities of the Declaration required by Section Fifty-four of the ‘Local Government Act 1958’, and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

14. STATE SAVINGS BANK (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 R. W. Mack 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. LOCAL GOVERNMENT (COUNCILLORS’ DECLARATIONS) 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

16. 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 to the Address to His Excellency the Governor in reply to His Excellency’s Opening Speech (for Address, see page 8 *ante*), having been read—

Debate resumed.

The Honorable G. J. Nicol 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 the next day of meeting.

17. ADJOURNMENT.—The Honorable G. L. Chandler moved, That the House do now adjourn.
Debate ensued.
Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

No. 6.

WEDNESDAY, 7TH OCTOBER, 1959.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable G. L. Chandler presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz. :—
Amendments Incorporation (Extension) Act.
Melbourne and Richmond Lands Act.
Local Government (Councillors' Declarations) Act.
3. ENTERTAINMENTS TAX (REDUCTION) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend the Second Schedule of the ‘Entertainments Tax Act 1958’*” and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
4. MARRIAGE (FEES) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend Section Fifty-one of the ‘Marriage Act 1958’*” and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
5. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
Estate Agents Act 1958—Amendment of Estate Agents Rules 1959.
Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part II.—Promotions and Transfers.
6. POSTPONEMENT OF ORDERS OF THE DAY.—
Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor be postponed until later this day.
Ordered—That the consideration of Orders of the Day, General Business, Nos. 1 and 2, be postponed until later this day.
7. ABOLITION OF CAPITAL PUNISHMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. W. Galbally moved, That this Bill be now read a second time.
Debate ensued.
The Honorable R. J. Hamer 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 the next day of meeting.
8. 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.
9. IMPRISONMENT OF FRAUDULENT DEBTORS (DEPOSITIONS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable W. Slater 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 the next day of meeting.

10. STAMPS BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time.
The Honorable A. Smith moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
11. POLICE REGULATION (DELEGATION OF POWERS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable S. Merrifield 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.
12. 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 to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for Address, see page 8 *ante*), having been read—
Debate resumed.
The Honorable B. Machin moved, as an amendment, That the following words be added to the proposed Address :—“ and we desire to assure Your Excellency of our earnest support of the efforts now being made by the leaders of the world's great powers to secure a just and abiding peace for all mankind ”.
Debate ensued.
The Honorable G. W. Thom 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 the next day of meeting.
13. MOTOR CAR (INSURANCE SURCHARGE) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to provide for the Imposition of a Surcharge upon Insurance Premiums paid in respect of Contracts of Insurance entered into pursuant to Part V. of the Motor Car Act 1958*” and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
14. ROAD TRAFFIC (INFRINGEMENTS) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to make Provision with respect to the Imposition and Collection of Penalties for Parking Offences and for other purposes*” and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
15. ADJOURNMENT.—The Honorable G. L. Chandler moved, by leave, That the Council, at its rising, adjourn until Tuesday next.
Question—put and resolved in the affirmative.
The Honorable G. L. Chandler moved, That the House do now adjourn.
Debate ensued.
Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 6.

TUESDAY, 13TH OCTOBER, 1959.

Question.

- *1. The Hon. T. H. GRIGG: To ask the Honorable the Minister of Agriculture—
- (a) Does the Minister of Water Supply propose to institute an inquiry by the Public Works Committee into the possibility of constructing an additional storage basin on the Coliban watershed to safeguard users of that system, including the City of Bendigo, against water restrictions in the event of a succession of dry seasons; if so, when.
 - (b) Should the Minister decide that such inquiry be made, will he in the meantime withhold the findings of the report of the same Committee on the proposal to utilize water from the proposed Eppalock Dam for the City of Bendigo, so that comparisons can be made to determine the more suitable and economic scheme.

ORDER OF THE DAY (to take precedence):—

1. ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—*Resumption of debate* on the Motion for the Address and on the amendment to add the following words to the proposed Address:—"and we desire to assure Your Excellency of our earnest support of the efforts now being made by the leaders of the world's great powers to secure a just and abiding peace for all mankind"—(*Hon. G. W. Thom.*)

Government Business.

ORDERS OF THE DAY:—

- *1. MOTOR CAR (INSURANCE SURCHARGE) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading.
- *2. ENTERTAINMENTS TAX (REDUCTION) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading.
- *3. ROAD TRAFFIC (INFRINGEMENTS) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading.
- *4. MARRIAGE (FEES) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading.
5. CRIMES (SENTENCES AND PAROLE) BILL—(*Hon. L. H. S. Thompson*)—Second reading.
6. STAMPS BILL—(*from Assembly—Hon. G. L. Chandler*)—Second reading—*Resumption of debate* (*Hon. A. Smith*).
7. IMPRISONMENT OF FRAUDULENT DEBTORS (DEPOSITIONS) BILL—(*Hon. E. P. Cameron*)—Second reading—*Resumption of debate* (*Hon. W. Slater*).
8. STATE ELECTRICITY COMMISSION (HAZELWOOD POWER STATION) BILL—(*from Assembly—Hon. G. L. Chandler*)—Second reading—*Resumption of debate* (*Hon. W. O. Fulton*).
9. POLICE REGULATION (DELEGATION OF POWERS) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate* (*Hon. S. Merrifield*).
10. TRUSTEE (MORTGAGES) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate* (*Hon. W. Slater*).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

General Business.

ORDERS OF THE DAY :—

1. ABOLITION OF CAPITAL PUNISHMENT BILL—(*Hon. J. W. Galbally*)—Second reading—*Resumption of debate* (*Hon. R. J. Hamer*).
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL (*Hon. W. Slater*)—Second reading.
3. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

MR. PRESIDENT TAKES THE CHAIR AT A QUARTER TO FIVE O'CLOCK.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 7.

WEDNESDAY, 14TH OCTOBER, 1959.

Questions.

- *1. The Hon. A. K. BRADBURY: To ask the Honorable the Minister of Agriculture—
- What level crossings are to be eliminated as a result of the construction of the standard-gauge railway line between Albury and Melbourne.
 - Who are the contributing parties to the cost of the overpasses and underpasses to be constructed, and on what basis.
- *2. The Hon. T. H. GRIGG: To ask the Honorable the Minister of Health—
- When was the Gray-McIntyre Ward erected at the Maldon Hospital, what was the cost of same, and by whom was the cost borne.
 - When was the Oswald Ward erected at such hospital, what was the cost of same, and by whom was the cost borne.
 - When did the hospital cease to be a benevolent home and patients transferred to the Castlemaine Benevolent Home.
 - When were the women's benevolent wards of such hospital converted into a maternity section, and by whom was the cost borne.
 - When was the hospital re-modelled, what improvements were effected, what was the cost of same, and by whom was the cost borne.

ORDER OF THE DAY (to take precedence):—

- ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—*Resumption of debate* on the Motion for the Address *and on the amendment* to add the following words to the proposed Address:—"and we desire to assure Your Excellency of our earnest support of the efforts now being made by the leaders of the world's great powers to secure a just and abiding peace for all mankind"—(*Hon. G. W. Thom*).

General Business.

ORDERS OF THE DAY:—

- ABOLITION OF CAPITAL PUNISHMENT BILL—(*Hon. J. W. Galbally*)—Second reading—*Resumption of debate* (*Hon. R. J. Hamer*).
- MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading.
- HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

Government Business.

NOTICE OF MOTION:—

- The Hon. E. P. CAMERON: To move, That he have leave to bring in a Bill to amend the *Health Act 1958*.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

ORDERS OF THE DAY :—

1. STAMPS BILL—(from Assembly—Hon. G. L. Chandler)—Second reading—Resumption of debate (Hon. A. Smith).
2. CRIMES (SENTENCES AND PAROLE) BILL—(Hon. L. H. S. Thompson)—Second reading.
- *3. MELBOURNE AND METROPOLITAN TRAMWAYS (AMENDMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- *4. LOCAL GOVERNMENT (MUNICIPALITIES ASSISTANCE FUND) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading.
- *5. POLICE OFFENCES (PENALTIES) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
6. IMPRISONMENT OF FRAUDULENT DEBTORS (DEPOSITIONS) BILL—(Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. W. Slater).
7. ROAD TRAFFIC (INFRINGEMENTS) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. J. W. Galbally).
8. POLICE REGULATION (DELEGATION OF POWERS) BILL—(Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. S. Merrifield).
9. TRUSTEE (MORTGAGES) BILL—(Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. W. Slater).

TUESDAY, 20TH OCTOBER.

Government Business.

ORDERS OF THE DAY :—

1. MOTOR CAR (INSURANCE SURCHARGE) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. S. Merrifield).
2. ENTERTAINMENTS TAX (REDUCTION) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. B. Machin).

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 7.

TUESDAY, 13TH OCTOBER, 1959.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable G. L. Chandler presented a Message from His Excellency the Governor, informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz.:—
Transfer of Land (Amendment) Act.
State Savings Bank (Amendment) Act.
3. MELBOURNE AND METROPOLITAN TRAMWAYS (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Melbourne and Metropolitan Tramways Act 1958'*" and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
4. POLICE OFFENCES (PENALTIES) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Police Offences Act 1958'*" and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
5. ADJOURNMENT.—MOTION UNDER STANDING ORDER No. 53.—The Honorable J. W. Galbally moved, That the Council do now adjourn, and said he proposed to speak on the subject of "The closing of the underpass between Reservoir and Keon Park"; and six Honorable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

Ayes, 7.

The Hon. J. W. Galbally,
B. Machin (*Teller*),
S. Merrifield (*Teller*),
G. J. O'Connell,
W. Slater,
A. Smith,
J. M. Walton.

Noes, 21.

The Hon. A. K. Bradbury,
C. H. Bridgford (*Teller*),
Murray Byrne,
P. T. Byrnes,
E. P. Cameron,
G. L. Chandler,
V. O. Dickie,
P. V. Feltham,
W. O. Fulton,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
R. J. Hamer (*Teller*),
R. W. Mack,
W. P. Mair,
A. R. Mansell,
G. J. Nicol,
I. A. Swinburne,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters.

And so it passed in the negative.

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

Country Fire Authority Act 1958—Regulations relating to the Issue of Debentures (two papers).

Land Act 1958—Certificate of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of a school at St. Albans.

Marine Act 1958—Amendment of Regulations.

Portland Harbor Trust Act 1958—Amendment No. 11 of Principal Regulations.

Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances.

Town and Country Planning Act 1958—

City of Shepparton Planning Scheme 1953, Amendment No. 2, 1958.

Shire of Morwell Planning Scheme 1954, Amendment No. 2, 1958.

7. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor and on the amendment to the proposed Address be postponed until later this day.

8. MOTOR CAR (INSURANCE SURCHARGE) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

The Honorable S. Merrifield 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. ENTERTAINMENTS TAX (REDUCTION) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.

The Honorable B. Machin 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. ROAD TRAFFIC (INFRINGEMENTS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

The Honorable J. W. Galbally 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 the next day of meeting.

11. MARRIAGE (FEES) 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 R. W. Mack 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. COUNTRY ROADS (OFFICES AND BUILDINGS) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.

13. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 5 to 7 inclusive, be postponed until later this day.

14. STATE ELECTRICITY COMMISSION (HAZELWOOD POWER STATION) 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 R. W. Mack 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. LOCAL GOVERNMENT (MUNICIPALITIES ASSISTANCE FUND) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Section Two hundred and fifty of the 'Local Government Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16. **STATUTE LAW REVISION BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.
17. **ADJOURNMENT.**—The Honorable G. L. Chandler 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 Ten o'clock, adjourned until to-morrow.

ROY S. SARAH,
Clerk of the Legislative Council.

No. 8.

WEDNESDAY, 14TH OCTOBER, 1959.

1. The President took the Chair and read the Prayer.
2. **CRIMES (PENALTIES) BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Section Eighty-one and Section Three hundred and twenty-one of the 'Crimes Act 1958'*" and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
3. **ORDER OF THE COUNCIL RESCINDED.**—The Honorable L. H. S. Thompson moved, by leave, That the Order of the Council appointing Tuesday next for the resumption of the debate on the second reading of the Motor Car (Insurance Surcharge) Bill be rescinded, and that the resumption of the debate on 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.
4. **PAPERS.**—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—
State Savings Bank Act 1958—Statements and Returns of the State Savings Bank for the year 1958–59.
Supreme Court Act 1958—Amendment of Rules of the Supreme Court.
Teaching Service Act 1958—Amendment of Teaching Service (Classification, Salaries and Allowances) Regulations.
5. **POSTPONEMENT OF ORDERS OF THE DAY.**—
Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor and on the amendment to the proposed Address be postponed until the next day of meeting.
Ordered—That the consideration of Order of the Day, General Business, No. 1, be postponed until later this day.
6. **MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable W. Slater moved, That this Bill be now read a second time.
The Honorable G. W. Thom 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, the 28th instant.
7. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day, General Business, No. 3, be postponed until Wednesday, the 28th instant.
8. **HEALTH (AMENDMENT) BILL.**—On the motion of the Honorable E. P. Cameron, leave was given to bring in a Bill to amend the *Health Act 1958*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
9. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 5 inclusive, be postponed until later this day.

10. IMPRISONMENT OF FRAUDULENT DEBTORS (DEPOSITIONS) 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

11. FENCES (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

12. CORONERS (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

13. STAMPS 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

14. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 2, be postponed until the next day of meeting.

15. MELBOURNE AND METROPOLITAN TRAMWAYS (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.

The Honorable S. Merrifield 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 the next day of meeting.

16. LOCAL GOVERNMENT (MUNICIPALITIES ASSISTANCE FUND) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time.

The Honorable J. M. Walton 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 the next day of meeting.

17. POLICE OFFENCES (PENALTIES) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

The Honorable S. Merrifield, for the Honorable J. W. Galbally, 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 the next day of meeting.

18. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.

19. POLICE REGULATION (DELEGATION OF POWERS) 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 R. W. Mack 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. **MOTOR CAR (INSURANCE SURCHARGE) 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

21. **HEALTH (AMENDMENT) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.

The Honorable B. Machin 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 the next day of meeting.

22. **ADJOURNMENT.**—The Honorable G. L. Chandler moved, by leave, That the Council, at its rising, adjourn until Wednesday next.

Debate ensued.

Question—put and resolved in the affirmative.

The Honorable G. L. Chandler moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 8.

WEDNESDAY, 21ST OCTOBER, 1959.

Question.

1. The Hon. T. H. GRIGG: To ask the Honorable the Minister of Health—
 - (a) When was the Gray-McIntyre Ward erected at the Maldon Hospital, what was the cost of same, and by whom was the cost borne.
 - (b) When was the Oswald Ward erected at such hospital, what was the cost of same, and by whom was the cost borne.
 - (c) When did the hospital cease to be a benevolent home and patients transferred to the Castlemaine Benevolent Home.
 - (d) When were the women's benevolent wards of such hospital converted into a maternity section, and by whom was the cost borne.
 - (e) When was the hospital re-modelled, what improvements were effected, what was the cost of same, and by whom was the cost borne.

ORDER OF THE DAY (to take precedence):—

1. ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—*Resumption of debate* on the Motion for the Address *and on the amendment* to add the following words to the proposed Address:—"and we desire to assure Your Excellency of our earnest support of the efforts now being made by the leaders of the world's great powers to secure a just and abiding peace for all mankind"—(Hon. G. W. Thom).

General Business.

ORDER OF THE DAY:—

1. ABOLITION OF CAPITAL PUNISHMENT BILL—(Hon. J. W. Galbally)—Second reading—*Resumption of debate* (Hon. R. J. Hamer).

Government Business.

ORDERS OF THE DAY:—

1. CRIMES (SENTENCES AND PAROLE) BILL—(Hon. L. H. S. Thompson)—Second reading.
- *2. CRIMES (PENALTIES) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
3. MELBOURNE AND METROPOLITAN TRAMWAYS (AMENDMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate* (Hon. S. Merrifield).
4. LOCAL GOVERNMENT (MUNICIPALITIES ASSISTANCE FUND) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading—*Resumption of debate* (Hon. J. M. Walton).
5. POLICE OFFENCES (PENALTIES) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. J. W. Galbally).
- *6. HEALTH (AMENDMENT) BILL—(Hon. E. P. Cameron)—Second reading—*Resumption of debate* (Hon. B. Machin).
7. ROAD TRAFFIC (INFRINGEMENTS) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. J. W. Galbally).
8. ENTERTAINMENTS TAX (REDUCTION) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate* (Hon. B. Machin).
9. TRUSTEE (MORTGAGES) BILL—(Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. W. Slater).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

WEDNESDAY, 28TH OCTOBER.

General Business.

ORDERS OF THE DAY :—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate (Hon. G. W. Thom)*.
2. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 9.

WEDNESDAY, 21ST OCTOBER, 1959.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable G. L. Chandler presented a Message from His Excellency the Governor, informing the Council that he had, on the 20th instant, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz. :—
 - Country Roads (Offices and Buildings) Act.*
 - Statute Law Revision Act.*
 - Marriage (Fees) Act.*
 - State Electricity Commission (Hazelwood Power Station) Act.*
 - Fences (Amendment) Act.*
 - Coroners (Amendment) Act.*
 - Stamps Act.*
 - Motor Car (Insurance Surcharge) Act.*
3. MOTOR CAR BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend the ‘ Motor Car Act 1958 ’*” and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
4. CONSOLIDATED REVENUE BILL (No. 2).—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to apply out of the Consolidated Revenue the sum of One million three hundred and ninety-five thousand one hundred and twelve pounds to the service of the year One thousand nine hundred and fifty-eight and One thousand nine hundred and fifty-nine*” and desiring the concurrence of the Council therein.

On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
5. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
 - Children’s Welfare Act 1958—Report of the Director of Children’s Welfare for the year 1958.
 - Land Act 1958—Certificates of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of schools at Johnson Park and Upwey South (two papers).
 - Poisons Act 1958—Pharmacy Board of Victoria—Proclamations amending—
 - Second Schedule to Poisons Act 1958.
 - Sixth Schedule to Poisons Act 1958.
 - Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances (two papers).
 - Town and Country Planning Act 1958—Shire of Ballarat Planning Scheme 1956, Amendment No. 1, 1958.
6. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of the Order of the Day for the resumption of the debate on the motion for the Address-in-Reply to the Speech of His Excellency the Governor and on the amendment to the proposed Address be postponed until later this day.

7. ABOLITION OF CAPITAL PUNISHMENT BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

Question—put and negatived.

8. 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 to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for Address, see page 8 *ante*), and on the amendment to add words to the proposed Address (for Amendment, see page 18 *ante*), having been read—

Debate resumed.

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

Question—That the Council agree to the following Address to His Excellency the Governor in reply to His Excellency's Opening Speech :—

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—put and resolved in the affirmative.

The Honorable G. L. Chandler 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.

9. ADJOURNMENT.—The Honorable G. L. Chandler moved, by leave, That the Council, at its rising, adjourn until Tuesday next.

Question—put and resolved in the affirmative.

The Honorable G. L. Chandler moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 9.

TUESDAY, 27TH OCTOBER, 1959.

Questions.

*1. The Hon. J. W. GALBALLY: To ask the Honorable the Minister of Agriculture—

- (a) Has the Government considered the Report of the Universities Commission in relation to the Monash University.
- (b) Does the Government accept the criticisms of the Monash University Interim Council made by the Universities Commission.
- (c) In view of the "Do as we say or else we will continue to withhold your money" attitude of the Universities Commission, will the Government give an assurance that it will not surrender its sole constitutional sovereignty in education.
- (d) Will the Government give an assurance that standards of education in Victoria will continue to be safeguarded and maintained by properly-constituted State authorities acting under a Responsible Minister and not undermined or interfered with by a body of dubious constitutional authority whose ministerial responsibility is not apparent.

*2. The Hon. A. K. BRADBURY: To ask the Honorable the Minister of Agriculture—

- (a) What alternative crossings are to be provided in lieu of level crossings eliminated as a result of construction of the standard-gauge railway line between Albury and Melbourne.
- (b) What is the estimated cost of the proposed underpass at Hume Highway, Wodonga.
- (c) What is the estimated amount of compensation to be paid for land acquired for such underpass.
- (d) What is the estimated cost of the alternative proposal by the Shire of Wodonga to drop the standard-gauge track below road level.
- (e) What is the cost to date of the alterations and extensions to the Richmond Railway Station.

*3. The Hon. J. W. GALBALLY: To ask the Honorable the Minister of Agriculture—

- (a) Is the statement attributed to the Premier that increased inflation brings increased prosperity the considered policy and program of the Government.
- (b) If so—(i) is the implementation of such a policy to be followed by a further debasement of the £1; (ii) will the Government say at what point it is proposed to stop inflating the £1; (iii) has the Government in mind the economic disaster which befell Germany after the first World War when the mark was systematically inflated; and (iv) how does the Government reconcile its "inflation by all means" program with the long-drawn-out, if unsuccessful, saga of the Prime Minister of putting value back in the £1.

Government Business.

ORDERS OF THE DAY:—

- *1. CONSOLIDATED REVENUE BILL (No. 2)—(from Assembly—Hon. G. L. Chandler)—Second reading.
- *2. CRIMES (SENTENCES AND PAROLE) BILL—(Hon. L. H. S. Thompson)—Second reading.
- *3. CRIMES (PENALTIES) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- *4. MELBOURNE AND METROPOLITAN TRAMWAYS (AMENDMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. S. Merrifield).
- *5. MOTOR CAR BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

7.

6. LOCAL GOVERNMENT (MUNICIPALITIES ASSISTANCE FUND) BILL—(*from Assenwoy—Hon. G. L. Chandler*)—Second reading—*Resumption of debate (Hon. J. M. Walton)*.
7. POLICE OFFENCES (PENALTIES) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
8. HEALTH (AMENDMENT) BILL—(*Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. B. Machin)*.
9. ROAD TRAFFIC (INFRINGEMENTS) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
10. ENTERTAINMENTS TAX (REDUCTION) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. B. Machin)*.
11. TRUSTEE (MORTGAGES) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. W. Slater)*.

WEDNESDAY, 28TH OCTOBER.

General Business.

ORDERS OF THE DAY :—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate (Hon. G. W. Thom)*.
2. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 10.

WEDNESDAY, 28TH OCTOBER, 1959.

Question.

*1. The Hon. J. W. GALBALLY: To ask the Honorable the Minister of Agriculture—

- (a) Is the Government aware that many insurance companies are refusing to make weekly payments of workers' compensation to workers injured in the course of their work unless the worker is prepared to sign a document forgoing his right to sue for damages.
- (b) Is the Government aware that a worker who is compelled by the economic circumstances in which he may find himself placed to sign such a document is deprived of his right to sue for damages notwithstanding the clear negligence of the employer, such as where dangerous parts of machinery have been left unguarded, resulting in injury to the worker.
- (c) Is the Government prepared to introduce legislation to amend the *Workers Compensation Act 1958* along the lines of the Commonwealth Employees Compensation Acts, so that an injured worker will have the right to accept payments of compensation and also to sue for damages in the courts, provided that the sums received by him as compensation are deducted from the damages awarded to him by a court.

General Business.

ORDERS OF THE DAY:—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate (Hon. G. W. Thom)*.
2. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

Government Business.

NOTICE OF MOTION:—

- *1. The Hon. G. L. CHANDLER: To move, That he have leave to bring in a Bill to amend the *Public Service Act 1958*.

ORDERS OF THE DAY:—

- *1. SOLDIER SETTLEMENT (AMENDMENT) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading.
- *2. ALPHINGTON TO EAST PRESTON RAILWAY CONSTRUCTION (HOUSING) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading.
- *3. SUPERANNUATION BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading.
4. CRIMES (PENALTIES) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
5. HEALTH (AMENDMENT) BILL—(*Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. B. Machin)*.
6. ROAD TRAFFIC (INFRINGEMENTS) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
7. TRUSTEE (MORTGAGES) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. W. Slater)*.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

TUESDAY, 3RD NOVEMBER.

Government Business.

ORDERS OF THE DAY:—

1. CRIMES (SENTENCES AND PAROLE) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
2. MOTOR CAR BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 10.

TUESDAY, 27TH OCTOBER, 1959.

1. The President took the Chair and read the Prayer.
2. LEAVE OF ABSENCE.—The Honorable J. W. Galbally moved, by leave, That leave of absence be granted to the Honorable William Slater for three weeks on account of ill-health.
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:—
Forests Act 1958—Report of the Forests Commission for the year 1958–59.
Land Act 1958—Schedule of country lands proposed to be sold by public auction.
National Parks Act 1958—Report of the National Parks Authority for the year 1958–59.
Transport Regulation Act 1958—Report of the Transport Regulation Board for the year 1958–59.
4. CONSOLIDATED REVENUE BILL (No. 2).—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time.
The Honorable J. W. Galbally 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.
5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 9 inclusive, be postponed until later this day.
6. ENTERTAINMENTS TAX (REDUCTION) 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 R. W. Mack 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. CRIMES (SENTENCES AND PAROLE) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable J. W. Galbally 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.
8. CRIMES (PENALTIES) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable J. W. Galbally 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 the next day of meeting.

9. MELBOURNE AND METROPOLITAN TRAMWAYS (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, 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 R. W. Mack 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. SOLDIER SETTLEMENT (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Soldier Settlement Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

11. LOCAL GOVERNMENT (MUNICIPALITIES ASSISTANCE FUND) 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 R. W. Mack 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. POLICE OFFENCES (PENALTIES) 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 R. W. Mack 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. MOTOR CAR BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

The Honorable J. W. Galbally 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.

14. CONSOLIDATED REVENUE BILL (No. 2).—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 W. O. Fulton 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. ALPHINGTON TO EAST PRESTON RAILWAY CONSTRUCTION (HOUSING) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to repeal the 'Alphington to East Preston Railway Construction Act 1948'* and to authorize the Housing Commission to deal with Land acquired by it under Section Ten of that Act" and desiring the concurrence of the Council therein.

On the motion of the Honorable G. L. Chandler, for the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16. SUPERANNUATION BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend Sections Three and Thirteen of the ‘Superannuation Act 1958’, and for purposes connected therewith*” and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17. ADJOURNMENT.—The Honorable G. L. Chandler moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

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

ROY S. SARAĦ,
Clerk of the Legislative Council.

No. 11.

WEDNESDAY, 28TH OCTOBER, 1959.

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 :—
Teaching Service Act 1958—Amendment of Teaching Service (Teachers Tribunal) Regulations.
3. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day, General Business, be postponed until the next day of meeting.
4. PUBLIC SERVICE (AMENDMENT) BILL.—On the motion of the Honorable G. L. Chandler, leave was given to bring in a Bill to amend the *Public Service Act 1958*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
5. SOLDIER SETTLEMENT (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable A. Smith 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 the next day of meeting.
6. ALPHINGTON TO EAST PRESTON RAILWAY CONSTRUCTION (HOUSING) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable J. M. Walton 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 the next day of meeting.
7. SUPERANNUATION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable J. W. Galbally 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 the next day of meeting.
8. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 4, be postponed until the next day of meeting.
9. HEALTH (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 R. W. Mack 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.

10. ROAD TRAFFIC (INFRINGEMENTS) 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

11. ADJOURNMENT.—The Honorable G. L. Chandler moved, by leave, That the Council, at its rising, adjourn until Tuesday, the 10th November next.

Question—put and resolved in the affirmative.

The Honorable G. L. Chandler moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at thirty-three minutes past Nine o'clock, adjourned until Tuesday, the 10th November next.

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 11.

TUESDAY, 10TH NOVEMBER, 1959.

Questions.

1. The Hon. J. W. GALBALLY: To ask the Honorable the Minister of Agriculture—
 - (a) Is the Government aware that many insurance companies are refusing to make weekly payments of workers' compensation to workers injured in the course of their work unless the worker is prepared to sign a document forgoing his right to sue for damages.
 - (b) Is the Government aware that a worker who is compelled by the economic circumstances in which he may find himself placed to sign such a document is deprived of his right to sue for damages notwithstanding the clear negligence of the employer, such as where dangerous parts of machinery have been left unguarded, resulting in injury to the worker.
 - (c) Is the Government prepared to introduce legislation to amend the *Workers Compensation Act* 1958 along the lines of the Commonwealth Employees Compensation Acts, so that an injured worker will have the right to accept payments of compensation and also to sue for damages in the courts, provided that the sums received by him as compensation are deducted from the damages awarded to him by a court.
- *2. The Hon. B. MACHIN: To ask the Honorable the Minister of Health—
 - (a) How many meetings have been held to date by the Clean Air Committee.
 - (b) Has any serious thought been given to policing the *Clean Air Act* 1958.
 - (c) Will the Health Commission give consideration to the appointment of a combustion engineer to lead a team to detect trouble and give advice where necessary.
 - (d) Will the Minister give consideration to instituting a boiler operator's certificate as in England, and encourage Government departments and private industry to issue to their boiler operators copies of the *New Stokers Manual* issued by the National Industrial Fuel Efficiency Service, London.
- *3. The Hon. I. A. SWINBURNE: To ask the Honorable the Minister of Agriculture—
 - (a) How many permits to destroy native game by poisoning have been issued under the Game (Destruction) Acts during the past three financial years, to whom were permits issued, and in what areas.
 - (b) What numbers of game were destroyed.
- *4. The Hon. R. W. MAY: To ask the Honorable the Minister of Agriculture—
 - (a) In view of the number of accidents and in the interests of safety, has the Government any plans for improvement to the overhead bridge at Moe.
 - (b) Would the Government consider the building of another overhead bridge to the west of Moe to take east-bound traffic, thus lessening the volume of traffic passing over the present east bridge, and utilizing that bridge in the main for west-bound traffic.
 - (c) Has the Government given consideration to the lowering of the railway line through the township of Moe to bring it to the same level as the lines to the east and west of the town.
- *5. The Hon. B. MACHIN: To ask the Honorable the Minister of Health—
 - (a) How many applications for registration of substances as proprietary medicines received by the Health Commission have not yet been considered and dealt with.
 - (b) What are the precise reasons for the delay.
 - (c) How many of such substances are sold as disinfectants, &c., thus bringing them within the regulations relating to foods, drugs, and substances and, because of the qualities claimed, also within the definition of proprietary medicines.
 - (d) When were the applications received for registration as proprietary medicines of "Dai-Zone", "White King", "Pineaire", and "Nu-Pine"; have any of these been registered, and if not, what is the reason.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

*6. The Hon. A. SMITH: To ask the Honorable the Minister of Agriculture—

- (a) In view of the statement made by the Hon. A. G. Rylah in connection with the proposal for the appointment of a committee to inquire into the road toll in this State, has the Government changed its attitude towards the inquiry being made by the Senate all-party committee.
- (b) Is the Government satisfied that the Senate committee is competent to make a full investigation of this problem.
- (c) Will the Government make available all possible facilities for the Senate committee to carry out successfully its inquiry while in this State.

Government Business.

ORDERS OF THE DAY :—

- *1. PUBLIC SERVICE (AMENDMENT) BILL—(Hon. G. L. Chandler)—Second reading.
2. MOTOR CAR BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. J. W. Galbally).
3. SOLDIER SETTLEMENT (AMENDMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate* (Hon. A. Smith).
4. CRIMES (SENTENCES AND PAROLE) BILL—(Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. J. W. Galbally).
5. SUPERANNUATION BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate* (Hon. J. W. Galbally).
6. CRIMES (PENALTIES) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. J. W. Galbally).
7. ALPHINGTON TO EAST PRESTON RAILWAY CONSTRUCTION (HOUSING) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. J. M. Walton).
8. TRUSTEE (MORTGAGES) BILL—(Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. W. Slater).

General Business.

ORDERS OF THE DAY :—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(Hon. W. Slater)—Second reading—*Resumption of debate* (Hon. G. W. Thom).
2. HIRE-PURCHASE (AGREEMENTS) BILL—(Hon. J. W. Galbally)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 12.

WEDNESDAY, 11TH NOVEMBER, 1959.

Questions.

- *1. The Hon. T. H. GRIGG: To ask the Honorable the Minister of Agriculture—
- What is the estimated amount of water flowing daily in the Campaspe River at the point known as the Ashbourne Cut, and what amount, if any, of this water is being diverted into the Upper Coliban Reservoir from this point.
 - If water is not being so diverted, will the Minister of Water Supply instruct his officers to arrange for diversion in order to augment the present supply in the Coliban system.
- *2. The Hon. A. TODD: To ask the Honorable the Minister of Agriculture—What amounts were received into the Consolidated Revenue from monetary penalties for convictions for illegal betting, or for assisting in the conduct of illegal betting, during each of the years 1957, 1958, and 1959 (to date).

General Business.

ORDERS OF THE DAY :—

- MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate (Hon. G. W. Thom)*.
- HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

Government Business.

NOTICE OF MOTION :—

- *1. The Hon. E. P. CAMERON: To move, That he have leave to bring in a Bill to authorize Trustees of Cemeteries to invest certain Moneys, and for other purposes.

ORDERS OF THE DAY :—

- REGISTRATION OF BIRTHS DEATHS AND MARRIAGES BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading.
- LIFTS AND CRANES BILL—(*from Assembly—Hon. G. L. Chandler*)—Second reading.
- COAL MINES (PENSIONS) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading.
- GAME (AMENDMENT) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading.
- WATER SUPPLY LOAN APPLICATION BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading.
- MOTOR CAR BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
- SOLDER SETTLEMENT (AMENDMENT) BILL—(*from Assembly—Hon. E. P. Cameron*)—To be further considered in Committee.
- ALPHINGTON TO EAST PRESTON RAILWAY CONSTRUCTION (HOUSING) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. M. Walton)*.
- TRUSTEE (MORTGAGES) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. W. Slater)*.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

TUESDAY, 17TH NOVEMBER.

Government Business.

ORDER OF THE DAY:—

1. PUBLIC SERVICE (AMENDMENT) BILL—(*Hon. G. L. Chandler*)—Second reading—*Resumption of debate (Hon. S. Merrifield).*

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

MEETING OF SELECT COMMITTEE.

Tuesday, 17th November.

LIBRARY (JOINT)—*At a quarter past Two o'clock.*

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 12.

TUESDAY, 10TH NOVEMBER, 1959.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable G. L. Chandler presented a Message from His Excellency the Governor, informing the Council that he had, on the 4th instant, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz. :—
 - Entertainments Tax (Reduction) Act.*
 - Melbourne and Metropolitan Tramways (Amendment) Act.*
 - Local Government (Municipalities Assistance Fund) Act.*
 - Police Offences (Penalties) Act.*
 - Consolidated Revenue Act.*
 - Road Traffic (Infringements) Act.*
3. REGISTRATION OF BIRTHS DEATHS AND MARRIAGES BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to consolidate and amend the Law relating to the Registration of Births Deaths and Marriages*” and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
4. GAME (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend Sub-section (3) of Section Eleven of the ‘Game Act 1958’*” and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
5. COAL MINES (PENSIONS) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend the ‘Coal Mines Act 1958’*” and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
6. LIFTS AND CRANES BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to make Provision with respect to the Safe Construction Installation and Use of Lifts Cranes Hoists and Conveyors, and for other purposes*” and desiring the concurrence of the Council therein.
On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
7. WATER SUPPLY LOAN APPLICATION BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to sanction the Issue and Application of Loan Money for Works and other Purposes relating to Irrigation Water Supply Drainage Sewerage Flood Protection and River Improvement, and for other purposes*” and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
8. STATUTE LAW REVISION COMMITTEE—TRUSTEE (MORTGAGES) BILL.—The Honorable P. T. Byrnes brought up a Report from the Statute Law Revision Committee upon the proposals contained in the Trustee (Mortgages) Bill, together with Minutes of Evidence and an Appendix.
Ordered to lie on the Table and the Report to be printed.

9. LEAVE OF ABSENCE.—The Honorable G. L. Chandler moved, by leave, That leave of absence be granted to the Honorable Sir Arthur Warner for a further six weeks on account of ill-health.

Question—put and resolved in the affirmative.

10. PAPERS.—The Honorable G. L. Chandler presented, by command of His Excellency the Governor—
Parole Boards—Reports for the year 1958-59.

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 :—

Agricultural Colleges Act 1958—Amendment of Regulations.

Fisheries Act 1958—Notices of Intention to issue Proclamations—

Respecting Close Season for School or Snapper Shark and Gummy Shark.

Respecting the Close Season for Male Crayfish.

To prescribe the common Mussel as fish for the purposes of the Fisheries Acts.

To prescribe the terms and conditions for the sale, &c., of Male Crayfish during the close season.

Hairdressers Registration Act 1958—Hairdressers Registration Regulations 1959.

Health Act 1958—

Diseases Notification Regulations 1959.

Irradiating Apparatus and Radio-active Substances Regulations 1959 (No. 2).

Land Act 1958—Certificate of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of a school at Bacchus Marsh.

Marketing of Primary Products Act 1958—Report of the Egg and Egg Pulp Marketing Board for the pool year ended 4th July, 1959.

Nurses Act 1958—Nursing Council Regulations 1959 (No. 2).

Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances.

Stamps Act 1958—Amendment of Regulations.

Town and Country Planning Act 1958—Town and Country Planning Regulations (No. 10).

11. PUBLIC SERVICE (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time.

The Honorable S. Merrifield 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.

12. 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.

13. SOLDIER SETTLEMENT (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 R. W. Mack reported that the Committee had made progress in the Bill, and asked leave to sit again.

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

14. CRIMES (SENTENCES AND PAROLE) 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 R. W. Mack 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.

15. SUPERANNUATION 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

16. **CRIMES (PENALTIES) 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 R. W. Mack 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. **ADJOURNMENT.**—The Honorable G. L. Chandler moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

No. 13.

WEDNESDAY, 11TH NOVEMBER, 1959.

1. The President took the Chair and read the Prayer.
2. **MENTAL HEALTH BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to consolidate and amend the Law relating to Mental Health and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
3. **SUBORDINATE LEGISLATION COMMITTEE—PRINTING AND ALLIED TRADES APPRENTICESHIP REGULATIONS.**—The Honorable I. A. Swinburne brought up a Report from the Subordinate Legislation Committee on the Printing and Allied Trades Apprenticeship Regulations.
Ordered to lie on the Table.
4. **PAPERS.**—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
Geelong Harbor Trust Act 1958—Accounts and Statement of Receipts and Expenditure of the Geelong Harbor Trust for the year 1958.
Land Act 1958—Certificate of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of a school at Lara.
5. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of the Orders of the Day, General Business, be postponed until Wednesday next.
6. **CEMETERIES (INVESTMENT OF FUNDS) BILL.**—On the motion of the Honorable E. P. Cameron, leave was given to bring in a Bill to authorize Trustees of Cemeteries to invest certain Moneys, and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
7. **REGISTRATION OF BIRTHS DEATHS AND MARRIAGES BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable B. Machin 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.
8. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day, Government Business, No. 2, be postponed until the next day of meeting.

9. COAL MINES (PENSIONS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable G. J. O'Connell 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. GAME (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable S. Merrifield, for the Honorable J. W. Galbally, moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.
11. WATER SUPPLY LOAN APPLICATION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable A. Smith 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.
12. RACING (TOTALIZATORS EXTENSION) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Part V. of the ' Racing Act 1958 ' to provide for Off-course Betting on Race-course Totalizators, and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honorable G. L. Chandler, for the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
13. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.
14. SOLDIER SETTLEMENT (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 R. W. Mack 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.
15. ALPHINGTON TO EAST PRESTON RAILWAY CONSTRUCTION (HOUSING) 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
16. METROPOLITAN FIRE BRIGADES (BORROWING POWERS) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Section Forty-six of the ' Metropolitan Fire Brigades Act 1958 ' "* and desiring the concurrence of the Council therein.
On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
17. MOTOR CAR 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 R. W. Mack having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment and desiring their concurrence therein.
18. RACING (MEETINGS) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the ' Racing Act 1958 ' "* and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

19. ADJOURNMENT.—The Honorable G. L. Chandler moved, by leave, That the Council, at its rising, adjourn until Tuesday next.

Question—put and resolved in the affirmative.

The Honorable G. L. Chandler moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 13.

TUESDAY, 17TH NOVEMBER, 1959.

Questions.

- *1. The Hon. A. TODD: To ask the Honorable the Minister of Agriculture—
- (a) What area of Crown land at Fishermen's Bend is occupied by the Australian Wool Bureau, and what is the nature of the tenure.
 - (b) How many of the 24 sheds standing thereon are let by the Bureau to other organizations.
 - (c) What rental was received by the Lands Department from the Bureau for the year 1958.
 - (d) Is such rental considered to be a fair return to the State when compared with rentals paid by industrial organizations for lesser areas in the vicinity.
- *2. The Hon. R. J. HAMER: To ask the Honorable the Minister of Agriculture—
- (a) What areas of park land or public open space in Victoria are still occupied by the Commonwealth.
 - (b) What are the Commonwealth Departments concerned and for what purposes are the areas so occupied.
 - (c) Have any undertakings or estimates been given by the Commonwealth as to when any of these areas will be vacated.

Government Business.

NOTICES OF MOTION:—

- *1. The Hon. G. L. CHANDLER: To move, That so much of the Sessional Orders as provides that on Wednesday in each week Private Members' business shall take precedence of Government business and that no new business be taken after half-past Ten o'clock be suspended during the remainder of this year, and that during the remainder of this year Government business shall take precedence of all other business and new business may be taken at any hour.
- *2. The Hon. G. L. CHANDLER: To move, That so much of the Sessional Orders as provides that the hour of meeting on Wednesday and Thursday in each week shall be half-past Four o'clock be suspended during the remainder of this year, and that during the remainder of this year the hour of meeting on Wednesdays shall be Two o'clock and on Thursdays Eleven o'clock.

ORDERS OF THE DAY:—

- *1. RACING (TOTALIZATORS EXTENSION) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
2. LIFTS AND CRANES BILL—(from Assembly—Hon. G. L. Chandler)—Second reading.
- *3. MENTAL HEALTH BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- *4. METROPOLITAN FIRE BRIGADES (BORROWING POWERS) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading.
- *5. CEMETERIES (INVESTMENT OF FUNDS) BILL—(Hon. E. P. Cameron)—Second reading.
6. REGISTRATION OF BIRTHS DEATHS AND MARRIAGES BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. B. Machin).
- *7. RACING (MEETINGS) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
8. PUBLIC SERVICE (AMENDMENT) BILL—(Hon. G. L. Chandler)—Second reading—*Resumption of debate* (Hon. S. Merrifield).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

9. TRUSTEE (MORTGAGES) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate* (*Hon. W. Slater*).
10. COAL MINES (PENSIONS) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate* (*Hon. G. J. O'Connell*).
11. GAME (AMENDMENT) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate* (*Hon. J. W. Galbally*).
12. WATER SUPPLY LOAN APPLICATION BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate* (*Hon. A. Smith*).

WEDNESDAY, 18TH NOVEMBER.

General Business.

ORDERS OF THE DAY :—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate* (*Hon. G. W. Thom*).
2. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 14.

WEDNESDAY, 18TH NOVEMBER, 1959.

Questions.

- *1. The Hon. R. W. MAY: To ask the Honorable the Minister of Agriculture—
- (a) What total amount of revenue has been received by the Tourist Development Authority to date.
 - (b) To which municipalities have allocations been made by the Authority, and what were the amounts in each case.
 - (c) What is the balance in hand, and what additional allocations are contemplated.
- *2. The Hon. R. W. MAY: To ask the Honorable the Minister of Agriculture—
- (a) What progress, if any, has been made regarding the formation of a waterworks trust at Paynesville.
 - (b) When was the bore at Paynesville started, and what progress has been made to date.
 - (c) What is the cost of the bore to date, and what is the estimated cost of completing the boring operations.

Government Business.

ORDERS OF THE DAY:—

1. RACING (MEETINGS) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
2. METROPOLITAN FIRE BRIGADES (BORROWING POWERS) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading.
- *3. POLICE OFFENCES (BETTING) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- *4. WATER (IRRIGATION) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- *5. LANDLORD AND TENANT (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- *6. GAS AND FUEL CORPORATION (COLONIAL GAS ASSOCIATION UNDERTAKINGS) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading.
- *7. HOME FINANCE (FINANCIAL) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
8. GAME (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate (Hon. J. W. Galbally).*
- *9. SOLDIER SETTLEMENT (AMENDMENT) BILL—MESSAGE FROM THE ASSEMBLY—To be taken into consideration.

General Business.

ORDERS OF THE DAY:—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(Hon. W. Slater)—Second reading—*Resumption of debate (Hon. G. W. Thom).*
2. HIRE-PURCHASE (AGREEMENTS) BILL—(Hon. J. W. Galbally)—Second reading.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

TUESDAY, 24TH NOVEMBER.

Government Business.

ORDERS OF THE DAY:—

1. LIFTS AND CRANES BILL—(*from Assembly—Hon. G. L. Chandler*)—Second reading—*Resumption of debate (Hon. A. Todd)*.
2. MENTAL HEALTH BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. B. Machin)*.
3. RACING (TOTALIZATORS EXTENSION) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
4. CEMETERIES (INVESTMENT OF FUNDS) BILL—(*Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. J. M. Walton)*.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 14.

TUESDAY, 17TH NOVEMBER, 1959.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable G. L. Chandler presented a Message from His Excellency the Governor, informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz. :—
Superannuation Act.
Crimes (Penalties) Act.
Alphington to East Preston Railway Construction Act.
Motor Car Act.
3. POLICE OFFENCES (BETTING) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend Part IV. of the ‘Police Offences Act 1958’*” and desiring the concurrence of the Council therein.
 On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
4. WATER (IRRIGATION) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to make Provision with respect to the Union of certain Irrigation and Water Supply Districts, to consolidate and amend the Law relating to Irrigation Districts, and for other purposes*” and desiring the concurrence of the Council therein.
 On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
5. GAS AND FUEL CORPORATION (COLONIAL GAS ASSOCIATION UNDERTAKINGS) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act relating to the Purchase by the Gas and Fuel Corporation of Victoria from the Colonial Gas Association Limited of Gas Reticulation Areas situate at Oakleigh and Murrumbeena and a Gas Undertaking situate at Warragul and to amend the ‘Gas and Fuel Corporation Act 1958’*” and desiring the concurrence of the Council therein.
 On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
6. LANDLORD AND TENANT (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to re-enact Section Forty-nine, and to amend Sections Sixty-four, Sixty-six, Eighty-two, Ninety-three and Ninety-four of the ‘Landlord and Tenant Act 1958’*” and desiring the concurrence of the Council therein.
 On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
7. MOTOR CAR BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.
8. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
Education Act 1958—Report of the Council of Public Education for the year 1958–59.
Gas and Fuel Corporation Act 1958—Reports, Profit and Loss Accounts, Balance Sheets, and other Statements of Accounts of the Gas and Fuel Corporation for the years 1953–54, 1954–55, 1955–56, 1956–57, 1957–58, and 1958–59 (six papers).
Grain Elevators Act 1958—Report of the Grain Elevators Board for the year ended 31st October, 1958.
Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances (two papers).
Melbourne and Metropolitan Tramways Act 1958—Notice and Statement of Proposal to abandon the Electric Tramway in Acland-street and The Esplanade, St. Kilda, known as the Acland-street Loop.

9. **ALTERATION OF SESSIONAL ORDERS.**—The Honorable G. L. Chandler moved, That so much of the Sessional Orders as provides that on Wednesday in each week Private Members' business shall take precedence of Government business and that no new business be taken after half-past Ten o'clock be suspended during the remainder of this year, and that during the remainder of this year Government business shall take precedence of all other business and new business may be taken at any hour.
Question—put and resolved in the affirmative.
The Hon. G. L. Chandler moved, That so much of the Sessional Orders as provides that the hour of meeting on Wednesday and Thursday in each week shall be half-past Four o'clock be suspended during the remainder of this year, and that during the remainder of this year the hour of meeting on Wednesdays shall be Two o'clock and on Thursdays Eleven o'clock.
10. **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.
11. **LIFTS AND CRANES BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time.
The Honorable A. Todd 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.
12. **MENTAL HEALTH BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable B. Machin 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.
13. **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.
14. **CEMETERIES (INVESTMENT OF FUNDS) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable J. M. Walton 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.
15. **REGISTRATION OF BIRTHS DEATHS AND MARRIAGES 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 T. H. Grigg having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
16. **HOME FINANCE (FINANCIAL) BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Home Finance Act 1958', and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
17. **RACING (TOTALIZATORS EXTENSION) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable J. W. Galbally 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.
18. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.
19. **PUBLIC SERVICE (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 R. W. Mack 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. **TRUSTEE (MORTGAGES) 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 R. W. Mack 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.
21. **COAL MINES (PENSIONS) 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 T. H. Grigg 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. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day, Government Business, No. 11, be postponed until later this day.
23. **WATER SUPPLY LOAN APPLICATION 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 R. W. Mack 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. **SOLDIER SETTLEMENT (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they decline to entertain the amendment made in such Bill by the Council as the effect of the amendment would be to impose a charge upon public funds which is the exclusive power of the Assembly.
Ordered—That the foregoing Message be taken into consideration of the next day of meeting.
25. **ADJOURNMENT.—ALTERATION OF HOUR OF MEETING.**—The Honorable G. L. Chandler moved, by leave, That the Council, at its rising, adjourn until to-morrow at half-past Four o'clock.
Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

No. 15.

WEDNESDAY, 18TH NOVEMBER, 1959.

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:—
 - Marketing of Primary Products Act 1958—Regulations—Onion Marketing Board—Period of time for the computation of or accounting for the net proceeds of the sale of onions.
 - Milk Pasteurization Act 1958—Regulations prescribing Districts.
 - Victorian Inland Meat Authority Act 1958—Annual Report of the Victorian Inland Meat Authority for the year 1958–59.

3. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 8 inclusive, be postponed until later this day.

4. **SOLDIER SETTLEMENT (AMENDMENT) BILL.**—The Order of the Day for the consideration of the amendment made by the Council in this Bill and not entertained 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.

Clause 4, line 27, after “Governor in Council” insert “that relief from
complying with such covenants and for such periods as the
Commission approves be granted without forfeiture or” } Not entertained.

The Honorable E. P. Cameron moved, That the Council do not insist on their amendment not entertained by the Assembly.

The Honorable D. J. Walters moved, as an amendment, That the word “not” be omitted and the following words be added to the question “but with the following amendment, viz. :—after ‘such covenants’ insert ‘(except covenants requiring the payment of money by the settler)’”.

Debate ensued.

The Honorable J. W. Galbally moved, That the debate be now adjourned.

Debate ensued.

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

Ordered—That the debate be adjourned until the next day of meeting.

5. **RACING (MEETINGS) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.

The Honorable J. W. Galbally 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 the next day of meeting.

6. **METROPOLITAN FIRE BRIGADES (BORROWING POWERS) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time.

The Honorable G. J. O’Connell 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 the next day of meeting.

7. **POLICE OFFENCES (BETTING) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

The Honorable J. W. Galbally 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 the next day of meeting.

8. **WATER (IRRIGATION) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.

The Honorable S. Merrifield 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 the next day of meeting.

9. **LANDLORD AND TENANT (AMENDMENT) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

The Honorable G. J. O’Connell, for the Honorable J. W. Galbally, 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 G. L. Chandler moved, by leave, That the Council, at its rising, adjourn until Tuesday next.

Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 15.

TUESDAY, 24TH NOVEMBER, 1959.

Government Business.

ORDERS OF THE DAY :—

1. HOME FINANCE (FINANCIAL) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
2. GAS AND FUEL CORPORATION (COLONIAL GAS ASSOCIATION UNDERTAKINGS) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading.
3. GAME (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. J. W. Galbally).
4. CEMETERIES (INVESTMENT OF FUNDS) BILL—(Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. J. M. Walton).
5. RACING (TOTALIZATORS EXTENSION) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. J. W. Galbally).
6. LIFTS AND CRANES BILL—(from Assembly—Hon. G. L. Chandler)—Second reading—Resumption of debate (Hon. A. Todd).
7. SOLDIER SETTLEMENT (AMENDMENT) BILL—MESSAGE FROM THE ASSEMBLY—To be further considered.
8. POLICE OFFENCES (BETTING) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. J. W. Galbally).
9. RACING (MEETINGS) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. J. W. Galbally).
10. METROPOLITAN FIRE BRIGADES (BORROWING POWERS) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading—Resumption of debate (Hon. G. J. O'Connell).
11. LANDLORD AND TENANT (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. J. W. Galbally).
12. WATER (IRRIGATION) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. S. Merrifield).
13. MENTAL HEALTH BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. B. Machin).

General Business.

ORDERS OF THE DAY :—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(Hon. W. Slater)—Second reading—Resumption of debate (Hon. G. W. Thom).
2. HIRE-PURCHASE (AGREEMENTS) BILL—(Hon. J. W. Galbally)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 16.

WEDNESDAY, 25TH NOVEMBER, 1959.

Questions.

- *1. The Hon. R. W. MAY: To ask the Honorable the Minister of Agriculture—
- What is the total amount of revenue collected in road tax since the passing of the *Commercial Goods Vehicles Act 1955*.
 - What has been the total cost of administration.
 - What total amount has been collected in fines for breaches of road tax regulations.
- *2. The Hon. B. MACHIN: To ask the Honorable the Minister of Agriculture—
- How many applications for school library subsidies have been refused this financial year, and what total amount of money is involved in such applications.
 - After what date were applications refused.
- *3. The Hon. R. W. MAY: To ask the Honorable the Minister of Agriculture—
- What has been the amount of tax received into the Cattle Compensation Fund during each of the last five years.
 - What amounts of compensation have been paid out during each of the last five years for notifiable diseases.
 - Who were the six largest recipients of compensation in each of the last five years, and what amounts were received by each.
- *4. The Hon. A. SMITH: To ask the Honorable the Minister of Agriculture—What are the proposals of the Railways Commissioners regarding—(i) the subway leading from Station-street to Anzac-avenue, Seymour; (ii) the level crossing between Victoria-street and McIntyre-street, Seymour; and (iii) the level crossing between High-street and Avenel-road, Seymour.

Government Business.

ORDERS OF THE DAY:—

- PUBLIC WORKS LOAN APPLICATION BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- FORESTS (PULPWOOD AGREEMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- COUNTRY FIRE AUTHORITY (AMENDMENT) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading.
- MONEY LENDERS (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- GEELONG TRADES HALL COUNCIL (TRUSTEES) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- RAILWAY LOAN APPLICATION BILL—(from Assembly—Hon. G. L. Chandler)—Second reading.
- POLICE OFFENCES (BETTING) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate (Hon. J. W. Galbally).*
- GAS AND FUEL CORPORATION (COLONIAL GAS ASSOCIATION UNDERTAKINGS) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading—*Resumption of debate (Hon. A. Smith).*
- LANDLORD AND TENANT (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate (Hon. J. W. Galbally).*

* Notifications to which an asterisk (*) is prefixed appear for the first time.

10. RACING (MEETINGS) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. J. W. Galbally).
11. LIFTS AND CRANES BILL—(from Assembly—Hon. G. L. Chandler)—Second reading—Resumption of debate (Hon. A. Todd).
12. MENTAL HEALTH BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. B. Machin).
13. HOME FINANCE (FINANCIAL) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. S. Merrifield).
14. WATER (IRRIGATION) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. S. Merrifield).

General Business.

ORDERS OF THE DAY :—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(Hon. W. Slater)—Second reading—Resumption of debate (Hon. G. W. Thom).
2. HIRE-PURCHASE (AGREEMENTS) BILL—(Hon. J. W. Galbally)—Second reading.

TUESDAY, 1ST DECEMBER.

Government Business.

ORDER OF THE DAY :—

- *1. MILK BOARD (MILK SHOPS) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading—Resumption of debate (Hon. A. Todd).

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 16.

TUESDAY, 24TH NOVEMBER, 1959.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable G. L. Chandler presented a Message from His Excellency the Governor, informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz. :—
 - Registration of Births Deaths and Marriages Act.*
 - Coal Mines (Pensions) Act.*
 - Water Supply Loan Application Act.*
3. MILK BOARD (MILK SHOPS) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to make Provision for the Licensing of Milk Shops, to amend the 'Milk Board Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
4. FORESTS (PULPWOOD AGREEMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to ratify validate approve and otherwise give effect to an Agreement between the Minister of Forests the Forests Commission and The Colonial Sugar Refining Company Limited with respect to the Establishment of an Industry for the Manufacture of Hardboard from Pulpwood obtained from Forests under the Control of the Forests Commission, and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
5. PUBLIC WORKS LOAN APPLICATION BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to sanction the Issue and Application of Loan Money for Public Works and other Purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
6. MONEY LENDERS (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Section Three of the 'Money Lenders Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
7. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
 - Constitution Act Amendment Act 1958—Part IX.—Statements of persons temporarily employed in the Departments of the Legislative Council, the Legislative Assembly, the Parliament Library, and the Legislative Council and Legislative Assembly House Committee.
 - Metropolitan Fire Brigades Act 1958—Amendment of Metropolitan Fire Brigades Board Superannuation Regulations.
 - Milk and Dairy Supervision Act 1958—Amendment of Dairy Produce Regulations.
 - Motor Car Acts—Amendment of Motor Car Regulations 1952.
 - National Parks Act 1958—National Parks Regulations 1959.
 - Teaching Service Act 1958—Amendment of Teaching Service (Classification, Salaries and Allowances) Regulations.
 - Town and Country Planning Act 1958—Town and Country Planning Regulations (No. 10).
 - Weights and Measures Act 1958—Amendment of Weights and Measures Regulations 1959.

8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 4 inclusive, be postponed until later this day.

9. RACING (TOTALIZATORS EXTENSION) 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 C. S. Gawith moved, That the debate be adjourned for seven days.

Question—That the debate be adjourned for seven days—put and negatived.

Question—That this Bill be now read a second time—put.

The Council divided.

Ayes, 14.

The Hon. C. H. Bridgford,
Murray Byrne (*Teller*),
E. P. Cameron,
G. L. Chandler,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross (*Teller*),
R. J. Hamer,
R. W. Mack,
W. P. Mair,
G. W. Thom,
L. H. S. Thompson.

Noes, 16.

The Hon. A. K. Bradbury,
P. T. Byrnes,
P. V. Feltham,
W. O. Fulton (*Teller*),
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May,
S. Merrifield (*Teller*),
G. J. O'Connell,
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

And so it passed in the negative.

10. GEELONG TRADES HALL COUNCIL (TRUSTEES) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to the Trustees of the Geelong Trades Hall Council, and for other purposes*" and desiring the concurrence of the Council therein.

Bill ruled to be a Private Bill.

The Honorable E. P. Cameron moved, That this Bill be dealt with as a Public Bill.

Question—put and resolved in the affirmative.

The Honorable E. P. Cameron moved, That this Bill be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time and ordered to be printed and to be read a second time on the next day of meeting.

11. COUNTRY FIRE AUTHORITY (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Country Fire Authority Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

12. HOME FINANCE (FINANCIAL) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

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

Debate ensued.

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

Ordered—That the debate be adjourned until the next day of meeting.

13. GAS AND FUEL CORPORATION (COLONIAL GAS ASSOCIATION UNDERTAKINGS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time.

The Honorable A. Smith 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 the next day of meeting.

14. MILK BOARD (MILK SHOPS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time.

The Honorable A. Todd 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.

15. CEMETERIES (INVESTMENT OF FUNDS) 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 R. W. Mack 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.

16. RAILWAY LOAN APPLICATION BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to sanction the Issue and Application of Loan Money for Works and Purposes relating to Railways, and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, for the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17. GAME (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 R. W. Mack 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. SOLDIER SETTLEMENT (AMENDMENT) BILL.—The Order of the Day for the further consideration of the amendment made by the Council in this Bill and not entertained by the Assembly having been read—

(For amendment see page 40 ante.)

Debate resumed on the question, That the Council do not insist on their amendment not entertained by the Assembly, and on the amendment, That the word "not" (where first occurring) be omitted and the following words be added to the question "but with the following amendment, viz.:—after 'such covenants' insert '(except covenants requiring the payment of money by the settler)'"

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

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

Question—That the Council do insist on their amendment not entertained by the Assembly but with the following amendment, viz.:—"after 'such covenants' insert '(except covenants requiring the payment of money by the settler)'"—put and resolved in the affirmative.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council insist on their amendment not entertained by the Assembly but with an amendment and desiring their concurrence therein.

19. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 8 and 9, be postponed until later this day.

20. METROPOLITAN FIRE BRIGADES (BORROWING POWERS) 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

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

WEDNESDAY, 25TH NOVEMBER, 1959.

1. The President took the Chair and read the Prayer.
2. MELBOURNE HARBOR TRUST (COMMISSIONERS) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Sections Eight and Thirteen of the 'Melbourne Harbor Trust Act 1958'*" and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
3. REVENUE DEFICIT FUNDING BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to sanction the Issue and Application of Loan Money for Transfer to the Consolidated Revenue to meet the Deficit therein for the year 1958-59*" and desiring the concurrence of the Council therein.
On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
4. STATE FORESTS LOAN APPLICATION BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to sanction the Issue and Application of Loan Money for Works and other Purposes relating to State Forests*" and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
5. DROMANA LAND (ARTHUR'S SEAT PUBLIC PARK) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to make Provision for the Revocation of the Permanent Reservation of certain Lands in the Town of Dromana, and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
6. LAND TAX (RATES) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to declare the Rates of Land Tax for the Year ending the Thirty-first Day of December One thousand nine hundred and sixty*" and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
7. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:—
Soil Conservation and Land Utilization Act 1958—Report of the Soil Conservation Authority for the year 1958-59.
8. PUBLIC WORKS LOAN APPLICATION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable B. Machin, for the Honorable S. Merrifield, 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. FORESTS (PULPWOOD AGREEMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable J. M. Walton 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 the next day of meeting.
10. COUNTRY FIRE AUTHORITY (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time.
The Honorable A. Smith 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 the next day of meeting.

- 11. MONEY LENDERS (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable A. Todd, for the Honorable J. W. Galbally, 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 the next day of meeting.

- 12. GEELONG TRADES HALL COUNCIL (TRUSTEES) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable G. J. O'Connell 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.

- 13. RAILWAY LOAN APPLICATION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time.
The Honorable B. Machin 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 the next day of meeting.

- 14. LABOUR AND INDUSTRY (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Labour and Industry Act 1958'*" and desiring the concurrence of the Council therein.
On the motion of the Honorable G. L. Chandler, for the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 15. WATER (LAND RECLAMATION) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize the State Rivers and Water Supply Commission to purchase and reclaim Land affected by Salt and to dispose of any Land so purchased and reclaimed, and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honorable G. L. Chandler, for the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 16. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.

- 17. GAS AND FUEL CORPORATION (COLONIAL GAS ASSOCIATION UNDERTAKINGS) 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 T. H. Grigg 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. POLICE OFFENCES (BETTING) 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 R. W. Mack 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.

- 19. RACING (MEETINGS) 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 R. W. Mack 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.

20. LANDLORD AND TENANT (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, having been read—
Debate resumed.
The Honorable P. T. Byrnes, for the Honorable I. A. Swinburne, 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.
21. HEALTH (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
22. LANDLORD AND TENANT (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 R. W. Mack 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. LIFTS AND CRANES 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 R. W. Mack 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.
24. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 12 and 13, be postponed until later this day.
25. WATER (IRRIGATION) 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 T. H. Grigg 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. LAND TAX (RATES) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable S. Merrifield 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 the next day of meeting.
27. IMPRISONMENT OF FRAUDULENT DEBTORS (DEPOSITIONS) BILL.—The President announced the receipt of a message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
28. POLICE REGULATION (DELEGATION OF POWERS) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
29. DROMANA LAND (ARTHUR'S SEAT PUBLIC PARK) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable B. Machin 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 the next day of meeting.
30. REVENUE DEFICIT FUNDING BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time.
The Honorable S. Merrifield 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 the next day of meeting.

31. STATE FORESTS LOAN APPLICATION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable S. Merrifield, for the Honorable A. Smith, 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 the next day of meeting.
32. WATER (LAND RECLAMATION) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable S. Merrifield 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 the next day of meeting.
33. MELBOURNE HARBOR TRUST (COMMISSIONERS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable A. Todd 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 the next day of meeting.
34. ADJOURNMENT.—The Honorable G. L. Chandler moved, by leave, That the Council, at its rising, adjourn until Tuesday next.
Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 17.

TUESDAY, 1ST DECEMBER, 1959.

Questions.

- *1. The Hon. A. K. BRADBURY: To ask the Honorable the Minister of Health—What amounts have been received by the Spastic Children's Association from the sponsors of the "Miss Victoria" Contests 1958 and 1959.
- *2. The Hon. J. M. WALTON: To ask the Honorable the Minister of Agriculture—What organizations receive fare concessions for their members travelling on public transport.
- *3. The Hon. K. S. GROSS: To ask the Honorable the Minister of Agriculture—
- (a) What number of students is it proposed to accommodate in the new buildings at—(i) Longerenong Agricultural College; and (ii) Dookie Agricultural College.
 - (b) What is the estimated cost of the accommodation blocks at Longerenong and Dookie, respectively, and when will tenders be invited.

Government Business.

ORDERS OF THE DAY:—

- *1. LABOUR AND INDUSTRY (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
2. COUNTRY FIRE AUTHORITY (AMENDMENT) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading—*Resumption of debate* (Hon. A. Smith).
3. POLICE OFFENCES (BETTING) BILL—(from Assembly—Hon. L. H. S. Thompson)—To be further considered in Committee.
4. FORESTS (PULPWOOD AGREEMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate* (Hon. J. M. Walton).
5. PUBLIC WORKS LOAN APPLICATION BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. S. Merrifield).
6. RAILWAY LOAN APPLICATION BILL—(from Assembly—Hon. G. L. Chandler)—Second reading—*Resumption of debate* (Hon. B. Machin).
7. HOME FINANCE (FINANCIAL) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. S. Merrifield).
8. GEELONG TRADES HALL COUNCIL (TRUSTEES) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate* (Hon. G. J. O'Connell).
9. MONEY LENDERS (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. J. W. Galbally).
10. MENTAL HEALTH BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate* (Hon. B. Machin).
11. MILK BOARD (MILK SHOPS) BILL—(from Assembly—Hon. G. L. Chandler)—Second reading—*Resumption of debate* (Hon. A. Todd).
- *12. MELBOURNE HARBOR TRUST (COMMISSIONERS) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. A. Todd).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- *13. STATE FORESTS LOAN APPLICATION BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. A. Smith).*
- *14. REVENUE DEFICIT FUNDING BILL—(*from Assembly—Hon. G. L. Chandler*)—Second reading—*Resumption of debate (Hon. S. Merrifield).*
- *15. DROMANA LAND (ARTHUR'S SEAT PUBLIC PARK) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. B. Machin).*
- *16. LAND TAX (RATES) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. S. Merrifield).*
- *17. WATER (LAND RECLAMATION) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. S. Merrifield).*

General Business.

ORDERS OF THE DAY :—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate (Hon. G. W. Thom).*
2. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 18.

WEDNESDAY, 2ND DECEMBER, 1959.

Questions.

- *1. The Hon. A. TODD: To ask the Honorable the Minister of Agriculture—
- How many eviction orders were granted by metropolitan courts of petty sessions in each of the years 1956, 1957, 1958, and 1959 (to 30th June).
 - How many of these orders were issued against Housing Commission tenants in each such year.
- *2. The Hon. W. O. FULTON: To ask the Honorable the Minister of Agriculture—
- Why did the Government refuse miner's rights and leases to persons willing to search for iron ore in the parishes of Nowa Nowa and Nowa Nowa South in the Shire of Tambo prior to December, 1955.
 - What was—(i) the number and depth of bores put down by the Mines Department in this area; (ii) the cost of drilling per foot; and (iii) the proved amount of iron ore.
 - What has been the total cost of all operations in the search for iron ore at Nowa Nowa.
 - Was the Government's decision to proceed with the exploration for iron ore taken against the advice of experts.
 - If the Government abandons this project, will preference in the issue of miner's rights and leases be given to those persons whose money deposited for leases was returned prior to the Government taking over the field.
- *3. The Hon. R. W. MAY: To ask the Honorable the Minister of Agriculture—What action has been taken regarding the formation of a River Improvement Trust for the breakaway section of the Thomson River, near Cowwarr.
- *4. The Hon. J. M. WALTON: To ask the Honorable the Minister of Agriculture—
- In view of the work done in a voluntary capacity by the St. John's Ambulance Brigade, its increased membership and increased demands made on it, will the Government increase the present subsidy for travelling allowances which is in the vicinity of £100 annually.
 - In view of the cost to the Brigade in preparing claims and distributing the subsidy, will consideration be given to paying the subsidy annually in a lump sum.
- *5. The Hon. R. J. HAMER: To ask the Honorable the Minister of Agriculture—What is the estimated annual cost to the State Treasury of—(i) the recent increase in Commonwealth postal charges; (ii) the recent increase in Commonwealth telephone charges; (iii) the carriage of mails by air; (iv) the recent imposition by the Commonwealth of a 5s. prescription fee under the Pharmaceutical Benefits Act; and (v) the pay-roll tax.

Government Business.

ORDERS OF THE DAY:—

- TEACHING SERVICE (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- LAND (SPECIAL GRANTS) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- LOCAL GOVERNMENT BILL—(from Assembly—Hon. G. L. Chandler)—Second reading.
- LABOUR AND INDUSTRY (MOTOR CAR SHOPS) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- SOLDIER SETTLEMENT (AMENDMENT) BILL—MESSAGE FROM THE ASSEMBLY—To be taken into consideration.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

6. HOME FINANCE (FINANCIAL) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. S. Merrifield).
7. GEELONG TRADES HALL COUNCIL (TRUSTEES) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. G. J. O'Connell).
8. MONEY LENDERS (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—To be further considered in Committee.
9. REVENUE DEFICIT FUNDING BILL—(from Assembly—Hon. G. L. Chandler)—Second reading—Resumption of debate (Hon. S. Merrifield).
10. MELBOURNE HARBOR TRUST (COMMISSIONERS) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. A. Todd).
11. DROMANA LAND (ARTHUR'S SEAT PUBLIC PARK) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. B. Machin).
12. LABOUR AND INDUSTRY (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. A. Todd).
13. RAILWAY LOAN APPLICATION BILL—(from Assembly—Hon. G. L. Chandler)—Second reading—Resumption of debate (Hon. B. Machin).
- *14. LANDLORD AND TENANT (FAIR RENTS) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. J. W. Galbally).
15. PUBLIC WORKS LOAN APPLICATION BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. S. Merrifield).
16. MENTAL HEALTH BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. B. Machin).
17. STATE FORESTS LOAN APPLICATION BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. A. Smith).
18. WATER (LAND RECLAMATION) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. S. Merrifield).
19. LAND TAX (RATES) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. S. Merrifield).

General Business.

ORDERS OF THE DAY :—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(Hon. W. Slater)—Second reading—Resumption of debate (Hon. G. W. Thom).
2. HIRE-PURCHASE (AGREEMENTS) BILL—(Hon. J. W. Galbally)—Second reading.

ROY S. SARAH,

Clerk of the Legislative Council.

G. S. McARTHUR,

President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

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SESSIONAL COMMITTEES.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 19.

THURSDAY, 3RD DECEMBER, 1959.

Questions.

- *1. The Hon. S. MERRIFIELD: To ask the Honorable the Minister of Agriculture—
- (a) Has the Premier received a report from the committee set up by the Government to plan the removal of the Newmarket saleyards and abattoirs; if so, what action does the Government propose in regard to implementing the findings in the report.
 - (b) Will the report be released for public information.
- *2. The Hon. B. MACHIN: To ask the Honorable the Minister of Agriculture—In view of the reported statement by the Dean of Melbourne, Dr. Babbage, that no object obstructing the view of St. Paul's Cathedral would be erected without consulting the Chapter, will the Premier give an assurance that the beauty of the Cathedral will not be allowed to be obscured by "gimmicks" and signs.
- *3. The Hon. B. MACHIN: To ask the Honorable the Minister of Health—Have plans and specifications for the erection of a boiler plant at Bacchus Marsh been submitted to the Health Commission by the Colonial Sugar Refining Company.

Government Business.

ORDERS OF THE DAY :—

1. TEACHING SERVICE (AMENDMENT) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. B. Machin)*.
2. LAND (SPECIAL GRANTS) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. A. Smith)*.
3. LABOUR AND INDUSTRY (MOTOR CAR SHOPS) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
4. HOME FINANCE (FINANCIAL) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. S. Merrifield)*.
5. DROMANA LAND (ARTHUR'S SEAT PUBLIC PARK) BILL—(*from Assembly—Hon. E. P. Cameron*)—To be further considered in Committee.
6. MONEY LENDERS (AMENDMENT) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—To be further considered in Committee.
7. LANDLORD AND TENANT (FAIR RENTS) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
8. PUBLIC WORKS LOAN APPLICATION BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. S. Merrifield)*.
9. MENTAL HEALTH BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. B. Machin)*.
10. WATER (LAND RECLAMATION) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. S. Merrifield)*.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

eneral Business.

ORDERS OF THE DAY:—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—
Resumption of debate (Hon. G. W. Thom).
2. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

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HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 18.

TUESDAY, 1ST DECEMBER, 1959.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable G. L. Chandler presented a Message from His Excellency the Governor, informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz. :—
 - Game (Amendment) Act.*
 - Metropolitan Fire Brigades (Borrowing Powers) Act.*
 - Health (Amendment) Act.*
 - Police Regulation (Delegation of Powers) Act.*
 - Imprisonment of Fraudulent Debtors (Depositions) Act.*
 - Crimes (Sentences and Parole) Act.*
 - Gas and Fuel Corporation (Colonial Gas Association Undertakings) Act.*
 - Racing (Meetings) Act.*
 - Landlord and Tenant (Amendment) Act.*
3. LANDLORD AND TENANT (FAIR RENTS) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to Fair Rents of Dwelling-houses*" and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
4. CRIMES (SENTENCES AND PAROLE) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
5. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
 - Co-operative Housing Societies Act 1958—Report of the Registrar of Co-operative Housing Societies for the year 1958-59.
 - Dairy Products Act 1958—Report of the Victorian Dairy Products Board for the six months ended 30th June, 1959.
 - Explosives Act 1958—Report of the Chief Inspector of Explosives for the year 1958.
 - Housing Act 1958—Report of the Housing Commission for the year 1958-59.
 - Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances (two papers).
 - Railways Act 1958—Report of the Victorian Railways Commissioners for the year 1958-59.
 - Soldier Settlement Act 1958—Report of the Soldier Settlement Commission for the year 1958-59.
 - State Electricity Commission Act 1958—Report of the State Electricity Commission for the year 1958-59.
 - Trade Unions Act 1958—Report of the Government Statist for the year 1958.

6. LABOUR AND INDUSTRY (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

The Honorable A. Todd 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 the next day of meeting.

7. COUNTRY FIRE AUTHORITY (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 R. W. Mack 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. WATER (IRRIGATION) BILL.—The President announced the receipt of a Message from the Assembly transmitting a communication from the Clerk of the Parliaments (pursuant to Joint Standing Order No. 21), calling attention to certain clerical errors in this Bill, viz. :—

In clause 2, page 15, line 11, the words “and water supply” have been inserted after the word “irrigation”.

In clause 2, page 15, line 18, the words “and water supply” have been inserted after the word “irrigation”—

and acquainting the Council that they have agreed that such errors be corrected by the omission of the words “and water supply” in clause 2, page 15, line 11, and by the omission of the words “and water supply” in clause 2, page 15, line 18, and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, the Council concurred with the Assembly in the correction of the clerical errors discovered in this Bill and ordered that the communication from the Clerk of the Parliaments be returned to the Assembly with a Message acquainting them therewith.

9. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 10 inclusive, be postponed until later this day.

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

House in Committee.

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

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

11. LANDLORD AND TENANT (FAIR RENTS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

The Honorable J. W. Galbally 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 the next day of meeting.

12. MONEY LENDERS (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 R. W. Mack reported that the Committee had made progress in the Bill, and asked leave to sit again.

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

13. **POLICE OFFENCES (BETTING) 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 R. W. Mack 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.
14. **FORESTS (PULPWOOD AGREEMENT) 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 T. H. Grigg 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. **TEACHING SERVICE (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Section Twenty-four of the 'Teaching Service Act 1958'*" and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
16. **LABOUR AND INDUSTRY (MOTOR CAR SHOPS) BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Section Ninety-eight of the 'Labour and Industry Act 1958'*" and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
17. **LAND (SPECIAL GRANTS) BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Grant of certain Lands to the After Care Hospital, the Melbourne District Nursing Service, the Victorian Civil Ambulance Service, St. George's Hospital, the Royal Talbot Colony for Epileptics, the Ballarat Orphanage and the Melbourne and Metropolitan Tramways Board respectively*" and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
18. **SOLDIER SETTLEMENT (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the amendment made and insisted on by the Council as amended by the Council but with an amendment with which they desire the concurrence of the Council.
Ordered—That the foregoing Message be taken into consideration on the next day of meeting.
19. **LOCAL GOVERNMENT BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Local Government Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
20. **LIFTS AND CRANES BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.
21. **CEMETERIES (INVESTMENT OF FUNDS) BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
22. **PUBLIC SERVICE (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
23. **TRUSTEE (MORTGAGES) BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
24. **JUSTICES (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

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

WEDNESDAY, 2ND DECEMBER, 1959.

1. The President took the Chair and read the Prayer.
2. PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The President reported that, accompanied by Honorable Members, he had this day, waited upon His Excellency the Governor and had presented to him the Address of the Legislative Council, adopted on the 21st October last, in reply to His Excellency's Opening Speech, and that His Excellency had been pleased to make the following reply:—

MR. PRESIDENT AND HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL :

In the name and on behalf of Her Majesty the Queen I thank you for your expressions of loyalty to Our Most Gracious Sovereign contained in the Address 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.

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

Land Act 1958—Certificate of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of a school at Werribee.

Transport Regulation Act 1958 and Commercial Goods Vehicles Act 1958—Transport Consolidated Regulations 1960.

4. TEACHING SERVICE (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

The Honorable B. Machin 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 the next day of meeting.

5. 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.

6. LOCAL GOVERNMENT BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

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

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

7. DISTRIBUTION OF POPULATION (JOINT COMMITTEE) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Appointment of a Joint Committee of Members of the Legislative Council and of the Legislative Assembly to Inquire into and Report upon the Question of the Distribution of Population in the State of Victoria and for the Payment of Attendance Fees and Travelling Expenses to the Members thereof, and for purposes connected therewith*" and desiring the concurrence of the Council therein.

On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

8. SOLDIER SETTLEMENT (AMENDMENT) BILL.—The Order of the Day for the consideration of the amendment made by the Assembly on the amendment made and insisted on by the Council as amended by the Council, having been read, the said amendment was read and is as follows:—

Amendment made by the Legislative Council.

How dealt with.

Clause 4, line 27, after "Governor in Council" insert "that relief from complying with such covenants and for such periods as the Commission approves be granted without forfeiture or".

Not entertained by the Assembly.—Insisted on by the Council but with the following amendment, viz. :—after the words "such covenants" insert the words "(except covenants requiring the payment of money by the settler)".

Amendment made and insisted on by the Council as amended by the Council agreed to by the Assembly but with the following amendment, viz. :—after the words "and for such periods as the Commission approves" insert "(but not in any case exceeding two years in the aggregate)".

The Honorable E. P. Cameron moved, That the Council agree to the amendment made by the Assembly on the amendment made and insisted on by the Council as amended by the Council.

Debate ensued.

Question—put.

The Council divided.

Ayes, 14.

The Hon. Murray Byrne,
E. P. Cameron,
G. L. Chandler,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
R. W. Mack,
W. P. Mair (*Teller*),
G. J. Nicol (*Teller*),
G. W. Thom,
L. H. S. Thompson.

Noes, 15.

The Hon. P. T. Byrnes,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May,
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith (*Teller*),
I. A. Swinburne,
A. Todd (*Teller*),
D. J. Walters,
J. M. Walton.

And so it passed in the negative.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have disagreed with the amendment made by the Assembly on the amendment made and insisted on by the Council as amended by the Council.

9. DISTRIBUTION OF POPULATION (JOINT COMMITTEE) 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 R. W. Mack 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. LAND (SPECIAL GRANTS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.

The Honorable A. Smith 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.

11. LABOUR AND INDUSTRY (MOTOR CAR SHOPS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

The Honorable S. Merrifield, for the Honorable J. W. Galbally, 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 the next day of meeting.

12. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

13. GEELONG TRADES HALL COUNCIL (TRUSTEES) 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

14. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 8, be postponed until later this day.

15. REVENUE DEFICIT FUNDING 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

16. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable G. L. Chandler presented a Message from His Excellency the Governor, informing the Council that he had, this day, given the Royal Assent to the under-mentioned Act presented to him by the Clerk of the Parliaments, viz. :—

Distribution of Population (Joint Committee) Act.

17. POLICE OFFENCES (BETTING) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

18. MELBOURNE HARBOR TRUST (COMMISSIONERS) 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 R. W. Mack 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. DROMANA LAND (ARTHUR'S SEAT PUBLIC PARK) 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 R. W. Mack reported that the Committee had made progress in the Bill, and asked leave to sit again.

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

20. LABOUR AND INDUSTRY (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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

21. RAILWAY LOAN APPLICATION 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.

And the Council having continued to sit until after Twelve of the clock—

THURSDAY, 3RD DECEMBER, 1959.

Debate continued.

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 R. W. Mack 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. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 14 to 16 inclusive, be postponed until the next day of meeting.
23. **STATE FORESTS LOAN APPLICATION 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 R. W. Mack 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. 18, be postponed until the next day of meeting.
25. **LAND TAX (RATES) 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
- Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

And then the Council, at fifty-eight minutes past One o'clock in the morning, adjourned until this day.

ROY S. SARAH,
Clerk of the Legislative Council.

No. 20.

THURSDAY, 3RD DECEMBER, 1959.

1. The President took the Chair and read the Prayer.
2. **DISTRIBUTION OF POPULATION COMMITTEE.**—The Honorable G. L. Chandler moved, by leave, That the following Members of this House be appointed members of the Distribution of Population Committee, viz.:—the Honorables R. W. Mack, R. W. May, and A. Smith.
Question—put and resolved in the affirmative.
3. **SUBORDINATE LEGISLATION COMMITTEE—PHARMACY REGULATIONS 1959.**—The Honorable I. A. Swinburne brought up a Report from the Subordinate Legislation Committee on the Pharmacy Regulations 1959.
Ordered to lie on the Table.
4. **DISTRIBUTION OF POPULATION COMMITTEE.**—The Honorable G. L. Chandler moved, by leave, That the Distribution of Population Committee have power to send for persons, papers, and records, and to report the minutes of evidence from time to time.
Question—put and resolved in the affirmative.
Ordered—That a Message be sent to the Assembly acquainting them with the foregoing resolution.

5. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
 Mental Hygiene Act 1958—Report of the Mental Hygiene Authority for the year 1958.
 River Murray Waters Act 1915—Report of the River Murray Commission for the year 1958-59.
6. TEACHING SERVICE (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 R. W. Mack 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. LAND (SPECIAL GRANTS) 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 R. W. Mack 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. LABOUR AND INDUSTRY (MOTOR CAR SHOPS) BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.
 House in Committee.
 The President resumed the Chair ; and the Honorable R. W. Mack 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. HOME FINANCE (FINANCIAL) 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 R. W. Mack 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 ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.
11. MONEY LENDERS (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 R. W. Mack 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. STATUTE LAW REVISION COMMITTEE—LOCAL GOVERNMENT ACT 1958.—The Honorable P. T. Byrnes brought up a Report from the Statute Law Revision Committee on the provisions of sections 53, 166 and 181 of the *Local Government Act 1958*, together with Minutes of Evidence and Appendices.
 Ordered to lie on the Table and the Report to be printed.
13. DISTRIBUTION OF POPULATION COMMITTEE.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to a resolution that the Distribution of Population Committee have power to send for persons, papers, and records, and to report the minutes of evidence from time to time.

14. DROMANA LAND (ARTHUR'S SEAT PUBLIC PARK) 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 R. W. Mack 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. LANDLORD AND TENANT (FAIR RENTS) 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honorable L. H. S. Thompson moved, That the Bill be now read a third time.

Question—put.

The Council divided.

Ayes, 21.

Noes, 7.

- The Hon. A. K. Bradbury,
- Murray Byrne,
- P. T. Byrnes,
- E. P. Cameron,
- G. L. Chandler,
- V. O. Dickie (*Teller*),
- P. V. Feltham,
- W. O. Fulton,
- W. R. Garrett,
- C. S. Gawith,
- K. S. Gross,
- R. J. Hamer,
- R. W. Mack,
- W. P. Mair,
- A. R. Mansell,
- R. W. May,
- G. J. Nicol,
- I. A. Swinburne (*Teller*),
- G. W. Thom,
- L. H. S. Thompson,
- D. J. Walters.

- The Hon. J. W. Galbally,
- B. Machin,
- S. Merrifield (*Teller*),
- G. J. O'Connell,
- A. Smith,
- A. Todd,
- J. M. Walton (*Teller*).

And so it was resolved in the affirmative.—Bill read a third time and passed.

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

16. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 8, be postponed until later this day.

17. MENTAL HEALTH 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 P. T. Byrnes 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.

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

Hospitals and Charities Act 1958—Report of the Hospitals and Charities Commission for the year 1958-59.

Housing Act 1958—Report of Actuary on House Purchasers' Death Benefit Fund as at 30th June, 1958.

Milk Board Act 1958—Statements of Accounts of the Milk Board for the year 1958-59.

Rural Finance Corporation Act 1958—Report and Statement of Accounts of the Rural Finance Corporation for the year 1958-59.

19. SOLDIER SETTLEMENT (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they insist on their amendment on the amendment made and insisted on by the Council as amended by the Council with which the Council have disagreed.

Ordered—That the foregoing Message be now taken into consideration.

And the said amendment was read and is as follows :—

Amendment made by the Legislative Council.

How dealt with.

Clause 4, line 27, after "Governor in Council" insert "that relief from complying with such covenants and for such periods as the Commission approves be granted without forfeiture or".

Not entertained by the Assembly.—Insisted on by the Council but with the following amendment, viz :—after the words "such covenants" insert the words "(except covenants requiring the payment of money by the settler)".
Amendment made and insisted on by the Council as amended by the Council agreed to by the Assembly but with the following amendment, viz :—after the words "and for such periods as the Commission approves" insert "(but not in any case exceeding two years in the aggregate)".
Assembly's amendment on Council's amendment as amended by the Council disagreed with by Council.—Insisted on by Assembly.

The Honorable E. P. Cameron moved, That the Council do not insist on disagreeing with the amendment made and insisted on by the Assembly on the amendment made and insisted on by the Council as amended by the Council.

Debate ensued.

Question—put.

The Council divided.

Ayes, 12.

Noes, 14.

The Hon. Murray Byrne (*Teller*),
E. P. Cameron,
G. L. Chandler,
V. O. Dickie,
W. R. Garrett (*Teller*),
C. S. Gawith,
R. J. Hamer,
R. W. Mack,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson.

The Hon. A. K. Bradbury,
P. T. Byrnes,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin (*Teller*),
A. R. Mansell,
R. W. May,
S. Merrifield,
G. J. O'Connell,
A. Smith,
A. Todd (*Teller*),
D. J. Walters,
J. M. Walton.

And so it passed in the negative.—Disagreement insisted on.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council insist on disagreeing with the amendment made and insisted on by the Assembly on the amendment made and insisted on by the Council as amended by the Council.

20. LOCAL GOVERNMENT BILL.—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendment made in such Bill by the Council.

Ordered—That the foregoing Message be now taken into consideration.

And the said amendment was read and is as follows :—

Amendment made by the Legislative Council.

How dealt with by
the Legislative Assembly.

Clause 7, omit this clause.

Disagreed with.

The Honorable G. L. Chandler moved, That the Council do not insist on their amendment disagreed with by the Assembly.

Debate ensued.

Question—put.

The Council divided.

Ayes, 12.

The Hon. Murray Byrne,
E. P. Cameron,
G. L. Chandler,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
R. J. Hamer,
R. W. Mack,
W. P. Mair (*Teller*),
G. J. Nicol (*Teller*),
G. W. Thom,
L. H. S. Thompson.

Noes, 14.

The Hon. A. K. Bradbury (*Teller*),
P. T. Byrnes,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May (*Teller*),
S. Merrifield,
G. J. O'Connell,
A. Smith,
A. Todd,
D. J. Walters,
J. M. Walton.

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

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

21. **LABOUR AND INDUSTRY (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Message from His Excellency the Governor, pursuant to the provisions of Section XXXVI., of The Constitution Act, recommending the following amendment which His Excellency desires to be made in this Bill, and acquainting the Council that the Assembly have agreed to such amendment, and desiring the concurrence of the Council therein :—

Clause 3, line 26, insert the following sub-paragraph to follow sub-paragraph (i) :—

“() for the words ‘if the premises have already been so registered during such month’ there shall be substituted the words ‘if the premises have been so registered before the council so notifies the Secretary’; and”.

Ordered—That the foregoing Message be now taken into consideration.

On the motion of the Honorable L. H. S. Thompson, and after debate, the Council agreed to the amendment recommended by His Excellency the Governor and ordered the Message from His Excellency to be returned to the Assembly with a Message acquainting them therewith.

22. **MENTAL HEALTH 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 R. W. Mack 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.

23. **PUBLIC WORKS LOAN APPLICATION 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 R. W. Mack 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. **WATER (LAND RECLAMATION) 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.

And the Council having continued to sit until after Twelve of the clock—

FRIDAY, 4TH DECEMBER, 1959.

Debate continued.

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 R. W. Mack 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. **SOLDIER SETTLEMENT (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they do not now insist on their amendment on the amendment made and insisted on by the Council as amended by the Council, but have made an amendment in the Bill with which they desire the concurrence of the Council.

Ordered—That the foregoing Message be now taken into consideration.

And the said amendment was read and is as follows:—

Amendment made by the Legislative Council.

How dealt with.

Clause 4, line 27, after "Governor in Council" insert "that relief from complying with such covenants and for such periods as the Commission approves be granted without forfeiture or".

Not entertained by the Assembly.—Insisted on by the Council but with the following amendment, viz.:—after the words "such covenants" insert the words "(except covenants requiring the payment of money by the settler)".

Amendment made and insisted on by the Council as amended by the Council agreed to by the Assembly but with the following amendment, viz.:—after the words "and for such periods as the Commission approves" insert "(but not in any case exceeding two years in the aggregate)".

Assembly's amendment on Council's amendment as amended by the Council disagreed with by Council.—Insisted on by Assembly.—Disagreement insisted on by Council.—Not now insisted on by Assembly, but the following amendment made in the Bill, viz.:—Clause 4, omit this clause.

On the motion of the Honorable E. P. Cameron, and after debate, the Council agreed to the amendment now made by the Assembly to omit clause 4 of the Bill.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the amendment now made by the Assembly to omit clause 4 of the Bill.

26. **LOCAL GOVERNMENT BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they do not insist on disagreeing with the amendment made and insisted on by the Council in this Bill.

27. **APPROPRIATION BILL.**—The President announced the receipt of a Message from the Assembly transmitting 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 sixty and to appropriate the Supplies granted in this and the last preceding Session of Parliament*" and desiring the concurrence of the Council therein.

On the motion of the Honorable G. L. Chandler, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave and after debate, was read a second time and committed to a Committee of the whole.

House in Committee.

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

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

28. **MENTAL HEALTH BILL.**—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to some of the amendments made by the Council, have disagreed with others of the said amendments, and have agreed to one of the said amendments with an amendment, with which they desire the concurrence of the Legislative Council.

Ordered—That the foregoing Message be now taken into consideration.

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

Amendments made by the Legislative Council.

How dealt with by
the Legislative Assembly.

5. Clause 113, at the end of the clause insert the following new sub-clause :—

“(3) 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, and a copy thereof shall be posted to each Member of Parliament.”

Agreed to with the following amendment :—
After the word “ posted ” insert the words “ or delivered ”.

7. Second Schedule, page 52, paragraph (b), sub-paragraph (ii), omit “ Lunatic so found ” and insert “ mentally affected person so found ”.
8. Second Schedule, page 52, paragraph (b), sub-paragraph (iii), omit “ lunatic so found ” and insert “ mentally affected person so found ”.
9. Second Schedule, page 52, paragraph (b), sub-paragraph (iv), omit “ lunatic so found ” and insert “ mentally affected person so found ”.
10. Second Schedule, page 53, inserted sub-section (3), omit “ lunatic so found ” (wherever occurring) and insert “ mentally affected person so found ”.
11. Second Schedule, page 55, inserted section 34, sub-section (2), omit “ lunatic so found ” and insert “ mentally affected person so found ”.
12. Second Schedule, page 55, inserted section 35, omit “ lunatic so found ” and insert “ mentally affected person so found ”.
13. Second Schedule, page 55, inserted section 36, omit “ lunatic so found ” and insert “ mentally affected person so found ”.
14. Second Schedule, page 55, inserted section 38, sub-section (1) omit “ lunatic so found ” and insert “ mentally affected person so found ”.
15. Second Schedule, page 55, inserted section 39, paragraph (a) omit “ lunatic so found ” and insert “ mentally affected person so found ”.
16. Second Schedule, page 56, inserted section 41, omit “ lunatic so found ” and insert “ mentally affected person so found ”.
17. Second Schedule, page 57, inserted section 46, sub-section (2) omit “ lunatic so found ” and insert “ mentally affected person so found ”.
18. Second Schedule, page 58, inserted section 47, sub-section (5), omit “ lunatic so found ” and insert “ mentally affected person so found ”.
19. Second Schedule, page 58, inserted section 48, sub-section (1), omit “ lunatic so found ” and insert “ mentally affected person so found ”.
21. Second Schedule, page 61, inserted section 54F, sub-section (1), omit “ lunatic so found ” and insert “ mentally affected person so found ”.

Disagreed with.

Amendment 5.—Assembly’s amendment on this amendment agreed to.

Amendments Nos. 7 to 19 inclusive and 21—Not insisted on.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the amendment made by the Assembly on one of the amendments made by the Council and do not insist on the amendments disagreed with by the Assembly.

29. ADJOURNMENT.—The Honorable G. L. Chandler moved, by leave, That the Council, at its rising, adjourn until a day and hour to be fixed by the President or, if the President is unable to act on account of illness or other cause, by the Chairman of Committees, which time of meeting shall be notified to each Honorable Member by telegram or letter.

Question—put and resolved in the affirmative.

And then the Council, at forty-eight minutes past One o’clock in the morning, adjourned until a day and hour to be fixed by the President or, if the President is unable to act on account of illness or other cause, by the Chairman of Committees, which time of meeting shall be notified to each Honorable Member by telegram or letter.

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 20.

TUESDAY, 22ND MARCH, 1960.

General Business.

ORDERS OF THE DAY:—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate (Hon. G. W. Thom)*.
2. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, B. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and F. M. Thomas.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 21.

TUESDAY, 22ND MARCH, 1960.

1. The Council met in accordance with adjournment, the President, pursuant to resolution, having fixed this day at half-past Four o'clock as the time of meeting.
2. The President took the Chair and read the Prayer.
3. MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable Sir Arthur Warner presented Messages from His Excellency the Governor informing the Council—

That he had, on the dates mentioned hereunder, given the Royal Assent to the under-mentioned Acts presented to him by the Clerk of the Parliaments, viz. :—

On the 8th December, 1959—

Lifts and Cranes Act.
Cemeteries (Investment of Funds) Act.
Public Service (Amendment) Act.
Trustee (Mortgages) Act.
Justices (Amendment) Act.
Water (Irrigation) Act.
Country Fire Authority (Amendment) Act.
Milk Board (Milk Shops) Act.
Forests (Pulpwood Agreement) Act.
Police Offences (Betting) Act.
Revenue Deficit Funding Act.
Geelong Trades Hall Council (Trustees) Act.
Melbourne Harbor Trust (Commissioners) Act.
Railway Loan Application Act.
State Forests Loan Application Act.
Land Tax (Rates) Act.
Teaching Service (Amendment) Act.
Land (Special Grants) Act.
Labour and Industry (Motor Car Shops) Act.
Home Finance (Financial) Act.
Dromana Land (Arthur's Seat Public Park) Act.
Money Lenders (Amendment) Act.

On the 15th December, 1959—

Landlord and Tenant (Fair Rents) Act.
Labour and Industry (Amendment) Act.
Local Government Act.
Public Works Loan Application Act.
Soldier Settlement (Amendment) Act.
Water (Land Reclamation) Act.
Mental Health Act.

That he had, on 22nd December, 1959, given the Royal Assent to the under-mentioned Act presented to him by the Honorable the Speaker of the Legislative Assembly, viz. :—

Appropriation Act.

4. PAPERS.—The Honorable Sir Arthur Warner presented, by command of His Excellency the Governor—
 Derrimut Saleyards and Abattoirs—Report of the Interim Planning Committee.
 Penal Department—Report of the Director of Penal Services for the year 1958.
 Third-Party Insurance—Report of the Royal Commission on Third-Party Compulsory Insurance.

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 :—

- Aborigines Act 1958—Report of the Aborigines Welfare Board for the year 1958–59.
- Apprenticeship Act 1958—Amendment of Regulations—
Butchering Trades Apprenticeship Regulations.
Painting Trades Apprenticeship Regulations.
- Cemeteries Act 1958—Certificates of the Minister of Health in relation to the purchase or taking of certain lands for the purposes of the Cheltenham Public Cemetery and the Hamilton Public Cemetery (two papers).
- Coal Mines Act 1958—Report of the General Manager of the State Coal Mines, including the State Mines Balance-sheet and Statement of Accounts, for the year 1958–59.
- Country Fire Authority Act 1958—
Amendment of Country Fire Authority (Heat Engines) Regulations 1959.
Report of the Country Fire Authority for the year 1958–59.
- Country Roads Act 1958—Report of the Country Roads Board for the year 1958–59.
- Dried Fruits Act 1958—Statement of Receipts and Expenditure and Balance-sheet of the Victorian Dried Fruits Board for the year 1959.
- Education Act 1958—Amendment of Regulations—
Regulation IV. (E).—Accountancy Certificate.
Regulation XVI.—Allowance for Conveyance of Pupils to Primary Schools.
Regulation XVII.—Conveyance of Pupils to Post-Primary Schools and Classes.
Regulation XIX.—Allowances for School Requisites, &c.
Regulation XXIX.—School Committees.
Regulation XXXIII.—Consolidated Schools and Group Schools.
Regulation XXXV.—Girls' Secondary Schools.
Regulation XXXVI.—District High Schools.
Regulation XXXVIII.—Technical Schools.
- Friendly Societies Act 1958—
Amendment of Regulations.
Report of the Government Statist on Friendly Societies for the year 1957–58.
- Fruit and Vegetables Act 1958—Amendment of Regulations.
- Geelong Waterworks and Sewerage Act 1958—Balance-sheet of the Geelong Waterworks and Sewerage Trust as at 30th June, 1959.
- Health Act 1958—Registration (Health Acts) Regulations 1959.
- Hospitals and Charities Act 1958—Certificate of the Minister of Health relating to the proposed compulsory resumption of land for the purpose of the Tweddle Baby Hospital.
- Labour and Industry Act 1958—
Labour and Industry (Offices and Warehouses) Regulations.
Regulations—Holidays in Certain Trades.
- Land Act 1958—
Certificates of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of schools at Bayswater, Bentleigh, Dunvegan, Highett, Pyalong, Rosanna East, Shepparton, Southvale, and Sunshine North (nine papers).
Schedules of country lands proposed to be sold by public auction (two papers).
- Land Tax Act 1958, Administration and Probate Acts, and Entertainments Tax Act 1958—Analysis of Operations of—
Land Tax for the Assessment Year 1958.
Probate Duty for the year 1958–59.
Entertainments Tax for the year 1958–59.
- Landlord and Tenant Act 1958—Landlord and Tenant Regulations 1960.
- Legal Profession Practice Act 1958—
Auditors (Disclosure of Information) Rules 1959.
Claims against the Solicitors' Guarantee Fund Rules 1959.
Solicitors (Audit and Practising Certificates) Rules 1959.
Solicitors (Professional Conduct and Practice) Rules 1959.
- Marriage Act 1958—Marriage (Fees) Regulations 1959.
- Masseurs Act 1958—Amending Masseurs Regulations 1959.
- Melbourne and Metropolitan Board of Works Act 1958—Statement of Accounts and Balance-sheet of the Board together with Schedule of Contracts for the year 1958–59.
- Melbourne and Metropolitan Tramways Act 1958—Report of the Melbourne and Metropolitan Tramways Board for the year 1958–59.
- Mental Hygiene Act 1958—Mental Hygiene Authority Regulations 1960 (No. 2).
- Metropolitan Fire Brigades Act 1958—
Regulations relating to the Issue of Debentures.
Report of the Metropolitan Fire Brigades Board for the year 1958–59.
- Milk and Dairy Supervision Act 1958—Amendment of Regulations (two papers).
- Milk Board Act 1958—Milk Board (Milk Shops) Amending Regulations 1960.

- Milk Pasteurization Act 1958—Regulation prescribing a District.
- Motor Car Act 1958—Statistical Returns by Authorized Third-Party Insurers for the year 1958-59.
- Motor Car Act 1958 and Workers Compensation Act 1958—Report, Profit and Loss Account, and Balance-sheet for the year 1958-59 of the—
State Accident Insurance Office.
State Motor Car Insurance Office.
- Police Regulation Act 1958—
Amendment of Police Regulations 1957 (three papers).
Determinations Nos. 79 to 82 of the Police Classification Board (four papers).
- Public Library National Gallery and Museums Acts—Reports, with Statements of Receipts and Expenditure, for the year 1958-59 of the—
Trustees of the Museum of Applied Science.
Trustees of the National Museum.
Trustees of the Public Library.
Building Trustees of the Public Library, National Gallery, and Museums.
- Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—
Part II.—Promotions and Transfers.
Part III.—Salaries, Increments and Allowances (twenty-six papers).
- Racing Act 1958—
Amendment of Totalizator Regulations 1955.
Amendment of Trotting Control Board Regulations 1957.
- Railways Act 1958—Report of the Victorian Railways Commissioners for the quarter ended 30th September, 1959.
- Road Traffic Act 1958—
Road Traffic Regulations 1960.
Road Traffic (Infringements) Regulations 1960.
- Seeds Act 1958—Amendment of Regulations (two papers).
- Stamps Act 1958—Amendment of Stamps Regulations 1948.
- State Electricity Commission Act 1958—Amendment of Regulations (two papers).
- State Savings Bank Act 1958—General Orders Nos. 59 and 60 (two papers).
- Stock Diseases Act 1958—Amendment of Regulations.
- Supreme Court Act 1958—
Amendment of Rules of the Supreme Court.
Supreme Court Office Fees Regulations 1959.
- Teaching Service Act 1958—Amendment of Regulations—
Regulation VIII.(A).—Infant Teacher's Certificate, Second Class.
Regulation XX.(C).—Trained Special Teacher's Certificate.
Teaching Service (Classification, Salaries and Allowances) Regulations.
Teaching Service (Teachers Tribunal) Regulations (five papers).
- Town and Country Planning Act 1958—
City of Brunswick Planning Scheme 1956, Amendment No. 3, 1959.
City of Moorabbin Planning Scheme 1952, Amendment No. 8, 1958.
City of Moorabbin Planning Scheme 1952, Amendment No. 9, 1959.
Moe-Newborough Planning Scheme 1951, Amendment No. 2, 1958.
Moe-Newborough Planning Scheme 1951, Amendment No. 3, 1959.
Shire of Altona Planning Scheme 1958, Amendment No. 4.
Shire of Altona Planning Scheme 1958, Amendment No. 5.
Shire of Warragul Planning Scheme 1954.
- Vegetation and Vine Diseases Act 1958—Amendment of Regulations.
- Veterinary Surgeons Act 1958—Amendment of Regulations (two papers).
- Weights and Measures Act 1958—Amendment of Weights and Measures Regulations 1959.
- Workers Compensation Act 1958—Amendment of Workers Compensation Regulations 1954.
- Zoological Gardens Act 1936—Amendment of Regulations.

5. STATUTE LAW REVISION COMMITTEE.—The Honorable P. T. Byrnes brought up Reports from the Statute Law Revision Committee on False Reports to Police, together with Minutes of Evidence and Appendices; and Release of Exhibits, together with Minutes of Evidence and Appendices.

Severally ordered to lie on the Table and the Reports to be printed.

6. SUBORDINATE LEGISLATION COMMITTEE.—The Honorable I. A. Swinburne brought up Reports from the Subordinate Legislation Committee on—Clean Air Regulations 1959; Nursing Council Regulations 1959 (No. 2); Regulations under the *Land Settlement Act* 1959; and Hairdressers Registration Regulations 1959.

Severally ordered to lie on the Table.

7. ADMINISTRATION AND PROBATE (OFFICES) BILL.—On the motion (by leave without notice) of the Honorable Sir Arthur Warner, leave was given to bring in a Bill to amend the *Administration and Probate Act 1958*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
8. AGRICULTURAL LIME (AMENDMENT) BILL.—On the motion (by leave without notice) of the Honorable G. L. Chandler, leave was given to bring in a Bill to repeal Section Fourteen of the *Agricultural Lime Act 1958*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
9. TRANSFER OF LAND (STRATUM ESTATES) BILL.—On the motion (by leave without notice) of the Honorable E. P. Cameron, leave was given to bring in a Bill relating to Freehold Estates in Parts of Subdivided Buildings, and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
10. CHILDREN'S COURT (ENFORCEMENT OF AWARDS) BILL.—On the motion (by leave without notice) of the Honorable L. H. S. Thompson, leave was given to bring in a Bill to amend Section Forty-one of the *Children's Court Act 1958*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
11. POLICE OFFENCES (AMENDMENT) BILL.—On the motion (by leave without notice) of the Honorable L. H. S. Thompson, leave was given to bring in a Bill to make Provision with respect to the Release of Persons apprehended for certain Offences on their making a Cash Deposit, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
12. MOTOR CAR (COMMENCEMENT) BILL.—On the motion (by leave without notice) of the Honorable L. H. S. Thompson, leave was given to bring in a Bill relating to the Coming into Operation of the Provisions of the *Motor Car Act 1959*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
13. SUBORDINATE LEGISLATION COMMITTEE.—The Honorable Sir Arthur Warner moved, by leave, That the Honorable F. M. Thomas be discharged from attendance upon the Subordinate Legislation Committee and that the Honorable J. M. Walton be added to such Committee.

Question—put and resolved in the affirmative.

14. ADJOURNMENT.—MOTION UNDER STANDING ORDER NO. 53.—The Honorable P. T. Byrnes moved, That the Council do now adjourn, and said he proposed to speak on the subject of "The unjustified increase in railway freights by the Government and its adverse effect upon the economic stability of the State, particularly upon primary and country industries and country people in general; and the mishandling by the Cabinet and Responsible Ministers of the question of compensation to land owners for the removal of road-making material from their properties"; and six Honorable Members having risen in their places and required the motion to be proposed—

Debate ensued.

And the Council having continued to sit until after Twelve of the clock—

WEDNESDAY, 23RD MARCH, 1960.

Debate continued.

Question—put.

The Council divided.

Ayes, 14.

The Hon. A. K. Bradbury,
 P. T. Byrnes,
 P. V. Feltham,
 W. O. Fulton,
 J. W. Galbally,
 B. Machin,
 A. R. Mansell (*Teller*),
 R. W. May,
 S. Merrifield,
 G. J. O'Connell (*Teller*),
 I. A. Swinburne,
 A. Todd,
 D. J. Walters,
 J. M. Walton.

Noes, 16.

The Hon. C. H. Bridgford,
 Murray Byrne,
 E. P. Cameron,
 G. L. Chandler,
 V. O. Dickie (*Teller*),
 W. R. Garrett,
 C. S. Gawith (*Teller*),
 T. H. Grigg,
 K. S. Gross,
 R. J. Hamer,
 R. W. Mack,
 W. P. Mair,
 G. J. Nicol,
 G. W. Thom,
 L. H. S. Thompson,
 Sir Arthur Warner.

And so it passed in the negative.

15. ADJOURNMENT.—The Honorable Sir Arthur Warner moved, by leave, That the Council, at its rising, adjourn until Tuesday next.

Question—put and resolved in the affirmative.

The Honorable Sir Arthur Warner 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 Twelve o'clock in the morning, adjourned until Tuesday next.

ROY S. SARAH,
 Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 21.

TUESDAY, 29TH MARCH, 1960.

Questions.

- *1. The Hon. J. W. GALBALLY: To ask the Honorable the Minister of Transport—In view of the statement attributed to the Premier that inflation was a good thing, will the Minister say whether the recent increase in fares, freights, and rents represents the settled policy of the Government; if so, are further regular increases in the cost of living to be encouraged by the Government.
- *2. The Hon. B. MACHIN: To ask the Honorable the Minister of Transport—Will the Government give favourable consideration to the appointment of a Select Committee to inquire into and report upon all aspects of the Victorian Railways with terms of reference comprehensive enough—
- to focus attention on the Railways' very complex double nature or objective;
 - to reveal whether or not the Railways as at present managed are facilitating the development of our primary and secondary industries, and to what extent possible of estimation;
 - to compile a pro-forma statement of assets and liabilities and annual income and expenditure based on—(i) accountancy practice normally observed by profit-making companies and individuals in their businesses; and (ii) debiting interest on total outstanding loans to consolidated revenue.
- *3. The Hon. S. MERRIFIELD: To ask the Honorable the Minister of Transport—What are the weights, dimensions, and other specifications prescribed by regulation for the cat-o'-nine-tails used in corporal punishment of offenders.
- *4. The Hon. A. TODD: To ask the Honorable the Minister of Transport—In view of the fact that interim reports only have been presented on the following matters—(i) the provision of an improved traffic route from the City of Melbourne to the City of Williamstown; and (ii) whether the provision of another crossing of the Yarra River at or in the vicinity of Cowper-street is desirable, and whether additional outlets from the City on its south fringe are desirable—will the Minister indicate when the Public Works Committee will resume its inquiries into these matters and present final reports.
- *5. The Hon. A. TODD: To ask the Honorable the Minister of Transport—Will he lay on the table of the Library all files relating to the Horsham-Kyosan Engineering Company.
- *6. The Hon. J. W. GALBALLY: To ask the Honorable the Minister of Transport—
- What happened to the proposed chair lift at Arthur's Seat.
 - If the lift has been abandoned for technical or other reasons will the Minister give an assurance that the land in question will be restored to the National Park and that no destruction of natural resources will be entertained.
- *7. The Hon. S. MERRIFIELD: To ask the Honorable the Minister of Transport—What are the numbers of current orders by the Housing Commission for—(i) demolition, and (ii) repairs, in the municipalities of Fitzroy and Collingwood, respectively.
- *8. The Hon. T. H. GRIGG: To ask the Honorable the Minister of Transport—
- What amount of water was released from the Cairn Curran Dam during the past twelve months.
 - For what purposes was the water used, giving the amounts for—(i) water rights along the River Loddon; (ii) supply to the Township of Boort and any other town; and (iii) any other purpose.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

*9. The Hon. K. S. GROSS : To ask the Honorable the Minister of Health—

- (a) How many kindergartens are there in Victoria.
- (b) How many are without trained directors.
- (c) How many are closed.
- (d) How many bursaries, and of what value, are awarded to city and country girls during their training.
- (e) How does the number and value of such bursaries compare with those awarded by the Education Department for their infant teachers.
- (f) What is the enrolment capacity of the Kindergarten Training College.
- (g) How many are expected to graduate as directors in 1960 and 1961, respectively.

*10. The Hon. T. H. GRIGG : To ask the Honorable the Minister of Transport—

- (a) What was the number of outward passengers travelling from Harcourt railway station during the past twelve months.
- (b) What were the destinations of those passengers.
- (c) What revenue was received in respect of each destination.

*11. The Hon. T. H. GRIGG : To ask the Honorable the Minister of Transport—When does the Minister of Water Supply propose to honor his promise made in 1958 to the Coliban Water Investigation Committee that he would direct the Public Works Committee to report on the possibilities of creating further storages on the watershed of the Coliban River.

Government Business.

ORDERS OF THE DAY :—

- *1. ADMINISTRATION AND PROBATE (OFFICES) BILL—(Hon. Sir Arthur Warner)—Second reading.
- *2. CHILDREN'S COURT (ENFORCEMENT OF AWARDS) BILL—(Hon. L. H. S. Thompson)—Second reading.
- *3. AGRICULTURAL LIME (AMENDMENT) BILL—(Hon. G. L. Chandler)—Second reading.
- *4. POLICE OFFENCES (AMENDMENT) BILL—(Hon. L. H. S. Thompson)—Second reading.
- *5. TRANSFER OF LAND (STRATUM ESTATES) BILL—(Hon. E. P. Cameron)—Second reading.
- *6. MOTOR CAR (COMMENCEMENT) BILL—(Hon. L. H. S. Thompson)—Second reading.

General Business.

ORDERS OF THE DAY :—

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(Hon. W. Slater)—Second reading—*Resumption of debate (Hon. G. W. Thom).*
2. HIRE-PURCHASE (AGREEMENTS) BILL—(Hon. J. W. Galbally)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. MCARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 22.

TUESDAY, 29TH MARCH, 1960.

1. The President took the Chair and read the Prayer.
2. PAPERS.—The Honorable Sir Arthur Warner presented, by command of His Excellency the Governor—Victorian Licensing Court and Licences Reduction Board—Report and Statement of Accounts for the year 1958-59.

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:—

Lifts and Cranes Act 1959—Lifts and Cranes Regulations 1960 (No. 1).

Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—
Part I.—Appointments to the Administrative, Professional and Technical and General Divisions.
Part III.—Salaries, Increments and Allowances (two papers).

3. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2).—On the motion (by leave without notice) of the Honorable J. W. Galbally, leave was given to bring in a Bill to repeal the *Landlord and Tenant (Fair Rents) Act 1959*, and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
4. ADJOURNMENT.—MOTION UNDER STANDING ORDER No. 53.—The Honorable J. W. Galbally moved, That the Council do now adjourn, and said he proposed to speak on the subject of "The indifference of the Government to the general exploitation of the lower income groups in the community"; and six Honorable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

Ayes, 8.

The Hon. J. W. Galbally,
B. Machin,
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith (*Teller*),
A. Todd (*Teller*),
J. M. Walton.

Noes, 21.

The Hon. A. K. Bradbury,
C. H. Bridgford,
P. T. Byrnes,
E. P. Cameron,
G. L. Chandler,
P. V. Feltham (*Teller*),
W. O. Fulton,
W. R. Garrett,
T. H. Grigg,
K. S. Gross (*Teller*),
R. J. Hamer,
R. W. Mack,
W. P. Mair,
A. R. Mansell,
R. W. May,
G. J. Nicol,
I. A. Swinburne,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters,
Sir Arthur Warner.

And so it passed in the negative.

5. ADJOURNMENT.—The Honorable Sir Arthur Warner moved, by leave, That the Council, at its rising, adjourn until Tuesday next.
- Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 22.

TUESDAY, 5TH APRIL, 1960.

Questions.

- *1. The Hon. A. K. BRADBURY : To ask the Honorable the Minister of Transport—
 - (a) What are the reasons for building the bridge over the Ovens River at Wangaratta to carry the standard-gauge railway line at a higher level than the existing bridge.
 - (b) How much higher will the standard-gauge line be than the existing line.
 - (c) Will the standard-gauge line be higher than, or on the same level as, the existing line over Templeton-street crossing.
- *2. The Hon. B. MACHIN : To ask the Honorable the Minister of Health—In view of the outstanding service given to the State by the Maternal, Infant and Pre-school Welfare Division of the Department of Health under present direction, is any change to be made, or is any change contemplated, in the conduct or control of this Division.
- *3. The Hon. R. J. HAMER : To ask the Honorable the Minister of Transport—What is the estimated amount which will be paid in the current financial year to the Commonwealth by the State Treasury and by semi-governmental authorities for—(i) pay-roll tax ; and (ii) interest on loans made to Victoria by the Commonwealth out of its own taxation revenue.

Government Business.

ORDERS OF THE DAY :—

- 1. ADMINISTRATION AND PROBATE (OFFICES) BILL—(*Hon. Sir Arthur Warner*)—Second reading.
- 2. CHILDREN'S COURT (ENFORCEMENT OF AWARDS) BILL—(*Hon. L. H. S. Thompson*)—Second reading.
- 3. AGRICULTURAL LIME (AMENDMENT) BILL—(*Hon. G. L. Chandler*)—Second reading.
- 4. POLICE OFFENCES (AMENDMENT) BILL—(*Hon. L. H. S. Thompson*)—Second reading.
- 5. TRANSFER OF LAND (STRATUM ESTATES) BILL—(*Hon. E. P. Cameron*)—Second reading.
- 6. MOTOR CAR (COMMENCEMENT) BILL—(*Hon. L. H. S. Thompson*)—Second reading.

General Business.

ORDERS OF THE DAY :—

- *1. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2)—(*Hon. J. W. Galbally*)—Second reading.
- 2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—
Resumption of debate (Hon. G. W. Thom).
- 3. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 23.

TUESDAY, 5TH APRIL, 1960.

1. The President took the Chair and read the Prayer.
2. ANZAC DAY BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Law relating to Anzac Day*" and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
3. WODONGA LANDS EXCHANGE BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide, upon the Surrender to Her Majesty of certain Land in the Township of Wodonga for the Reservation thereof as a Site for a Court House and Police Station, and for the Revocation of the Reservation of certain other Land in the said Township temporarily reserved as a Site for a Court House and Police Station, and for the Grant thereof to the President Councillors and Ratepayers of the Shire of Wodonga, and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
4. STATUTE LAW REVISION COMMITTEE—VENDING MACHINES.—The Honorable W. Slater brought up a Report from the Statute Law Revision Committee on Investments offered by Vending Machine Companies, together with Minutes of Evidence and Appendices.
Ordered to lie on the Table and the Report to be printed.
5. DISTRIBUTION OF POPULATION COMMITTEE—PROGRESS REPORT.—The Honorable R. W. Mack brought up a Progress Report from the Distribution of Population Committee, together with Minutes of Evidence to 11th March, 1960.
Ordered to lie on the Table and the Report to be printed.
6. MEDICAL (AMENDMENT) BILL.—On the motion (by leave without notice) of the Honorable E. P. Cameron, leave was given to bring in a Bill to amend Sections One hundred and three and One hundred and six and the Twelfth Schedule to the *Medical Act* 1958, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
7. FISHERIES (CHANGE OF TITLE) BILL.—On the motion (by leave without notice) of the Honorable Sir Arthur Warner, leave was given to bring in a Bill to amend Section Six of the *Fisheries Act* 1958 and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
8. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—
Explosives Act 1958—Orders in Council relating to the Classification and Definition of Explosives (two papers).
Firearms Act 1958—Amendment of Regulations.
Milk Board Act 1958—Amendment of Milk Board (Milk Shops) Amending Regulations 1960.
Motor Car Act 1958—Amendment of Motor Car Regulations 1952.
Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances (three papers).
Racing Act 1958—Amendment of Dog Racing Control Board Regulations.
9. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 6 inclusive, be postponed until later this day.
10. ANZAC DAY 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 R. W. Mack reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, later this day, again resolve itself into the said Committee.
11. ADMINISTRATION AND PROBATE (OFFICES) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.
The Honorable W. Slater 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 the next day of meeting.

12. AGRICULTURAL LIME (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable G. L. Chandler moved, That this Bill be now read a second time.
The Honorable A. Smith 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 the next day of meeting.
13. TRANSFER OF LAND (STRATUM ESTATES) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable W. Slater 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 the next day of meeting.
14. STAMPS (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Stamps Act 1958'*" and desiring the concurrence of the Council therein.
On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
15. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2).—The Order of the Day for the second reading of this Bill having been read, the Honorable J. W. Galbally moved, That this Bill be now read a second time.
Debate ensued.
The Honorable P. V. Feltham, for the Honorable P. T. Byrnes, 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 the next day of meeting.
16. MOTOR CAR (COMMENCEMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable S. Merrifield 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 the next day of meeting.
17. COAL CANAL BRIDGE BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to make Provision with respect to the Construction of a New Bridge over the Railway Coal Canal at West Melbourne and the Construction of a Service Road along the Northern Side of the Portion of the Melbourne to Footscray Road, and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
18. LAND (PUBLIC AUTHORITIES) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Division Two of Part I. of the 'Land Act 1958'*" and desiring the concurrence of the Council therein.
On the motion of the Honorable Sir Arthur Warner, for the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
19. ADJOURNMENT.—The Honorable Sir Arthur Warner moved, by leave, That the Council, at its rising, adjourn until Tuesday next.
Question—put and resolved in the affirmative.
20. ANZAC DAY 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 R. W. Mack 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.
21. JUSTICES (BAIL) BILL.—On the motion (by leave without notice) of the Honorable L. H. S. Thompson, leave was given to bring in a Bill to amend Sections Thirty-nine and Ninety-four of the *Justices Act 1958*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
22. WEIGHTS AND MEASURES (PENALTIES) BILL.—On the motion (by leave without notice) of the Honorable L. H. S. Thompson, leave was given to bring in a Bill to amend Sections Sixty-four and Eighty-three of the *Weights and Measures Act 1958*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
23. ADJOURNMENT.—The Honorable Sir Arthur Warner moved, That the House do now adjourn.
Debate ensued.
Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 23.

TUESDAY, 12TH APRIL, 1960.

Questions.

- *1. The Hon. A. TODD : To ask the Honorable the Minister of Transport—
- How many persons or firms were prosecuted for the illegal baking of bread outside award hours during the years 1958 and 1959, respectively.
 - What are the names of such persons or firms and what was the amount of the fine recorded in each case in which a conviction was obtained.
 - How many instances of illegal baking were reported to the Labour and Industry Department during the years 1958 and 1959, respectively, in which prosecutions were not made.
 - What are the names of firms or persons so reported and not prosecuted during the years 1958 and 1959, respectively.
- *2. The Hon. J. M. WALTON : To ask the Honorable the Minister of Transport—
- Has the Minister's attention been drawn to the recent fatality at the Lower Plenty-road, Rosanna, level crossing.
 - In view of the dangerous nature of the crossings at Lower Plenty-road, Rosanna, and at Ruthven-street, Macleod, will the Minister agree to the installation of boom gates at both these crossings.
- *3. The Hon. A. SMITH : To ask the Honorable the Minister of Transport—
- Will the Government give consideration to copies of the Road Traffic Regulations 1960 being offered for sale at the Motor Show now being held in Melbourne.
 - Is the Minister aware that booklets containing questions and answers regarding traffic laws are being distributed at the Motor Show ; if so, has their accuracy been checked by the responsible Department.
- *4. The Hon. A. TODD : To ask the Honorable the Minister of Transport—Will he lay on the table of the Library all files relating to the illegal baking of bread for the period from January, 1958, to March, 1960.
- *5. The Hon. J. W. GALBALLY : To ask the Honorable the Minister of Transport—In view of the accepted principle of loan monies being appropriated for and expended on capital works, will the Government indicate what amount of loan monies for the last financial year has been expended on—(i) repayment of interest ; (ii) salaries ; (iii) maintenance ; and (iv) works of a non-capital nature.

Government Business.

ORDERS OF THE DAY :—

- CHILDREN'S COURT (ENFORCEMENT OF AWARDS) BILL—(Hon. L. H. S. Thompson)—Second reading.
- WODONGA (LANDS EXCHANGE) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- FISHERIES (CHANGE OF TITLE) BILL—(Hon. Sir Arthur Warner)—Second reading.
- POLICE OFFENCES (AMENDMENT) BILL—(Hon. L. H. S. Thompson)—Second reading.
- MEDICAL (AMENDMENT) BILL—(Hon. E. P. Cameron)—Second reading.
- STAMPS (AMENDMENT) BILL—(from Assembly—Hon. Sir Arthur Warner)—Second reading.
- JUSTICES (BAIL) BILL—(Hon. L. H. S. Thompson)—Second reading.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- *8. LAND (PUBLIC AUTHORITIES) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading.
- *9. COAL CANAL BRIDGE BILL—(*from Assembly—Hon. Sir Arthur Warner*)—Second reading.
- *10. WEIGHTS AND MEASURES (PENALTIES) BILL—(*Hon. L. H. S. Thompson*)—Second reading.
11. ADMINISTRATION AND PROBATE (OFFICES) BILL—(*Hon. Sir Arthur Warner*)—Second reading—*Resumption of debate (Hon. W. Slater)*.
12. AGRICULTURAL LIME (AMENDMENT) BILL—(*Hon. G. L. Chandler*)—Second reading—*Resumption of debate (Hon. A. Smith)*.
13. TRANSFER OF LAND (STRATUM ESTATES) BILL—(*Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. W. Slater)*.
14. MOTOR CAR (COMMENCEMENT) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. S. Merrifield)*.

General Business.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2)—(*Hon. J. W. Galbally*)—Second reading—*Resumption of debate (Hon. P. T. Byrnes)*.
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate (Hon. G. W. Thom)*.
3. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 24.

TUESDAY, 12TH APRIL, 1960.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable Sir Arthur Warner presented a Message from His Excellency the Governor, informing the Council that he had, on the 7th instant, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments, viz.:—
Anzac Day Act.
3. ANZAC DAY BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.
4. ELECTORAL PROVINCES BILL.—On the motion (by leave without notice) of the Honorable L. H. S. Thompson, leave was given to bring in a Bill to provide for an Increase in the Number of Electoral Provinces and for the Redivision of Electoral Provinces in a Part of Victoria, and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
5. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—
Country Fire Authority Act 1958—Amendment of Country Fire Authority Superannuation and Endowment Assurance Regulations 1953.
Fisheries Act 1958—Notice of Intention to issue Proclamations—
To permit the use of bait nets in certain waters.
To vary a Proclamation prohibiting fishing in certain waters.
To vary the Regulations respecting netting, &c., in Corner Basin, Corner Inlet, and Port Albert and adjacent waters.
Labour and Industry Act 1958—Report of the Department of Labour and Industry for the year 1958.
Petrol Pumps Act 1958—Amendment of Regulations.
Police Regulation Act 1958—Amendment of Police Regulations 1957.
6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 11 inclusive, be postponed until later this day.
7. AGRICULTURAL LIME (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 R. W. Mack 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.
8. FISHERIES (CHANGE OF TITLE) 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 R. W. Mack 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.

9. MEDICAL (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable W. Slater, for the Honorable J. W. Galbally, 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 the next day of meeting.
10. STAMPS (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.
The Honorable W. Slater 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 the next day of meeting.
11. LAND (PUBLIC AUTHORITIES) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable A. Todd, for the Honorable S. Merrifield, 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 the next day of meeting.
12. COAL CANAL BRIDGE BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.
The Honorable A. Todd, for the Honorable B. Machin, 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 the next day of meeting.
13. WEIGHTS AND MEASURES (PENALTIES) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable A. Todd, for the Honorable B. Machin, 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 the next day of meeting.
14. WODONGA LANDS EXCHANGE BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable J. M. Walton 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 the next day of meeting.
15. JUSTICES (BAIL) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable W. Slater, for the Honorable J. W. Galbally, 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 the next day of meeting.
16. CHILDREN'S COURT (ENFORCEMENT OF AWARDS) BILL.—The Order of the day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable A. Todd 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 the next day of meeting.
17. POLICE OFFENCES (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable W. Slater, for the Honorable J. W. Galbally, 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 the next day of meeting.
18. TRANSFER OF LAND (STRATUM ESTATES) 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 P. T. Byrnes, for the Honorable P. V. Feltham, 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.

19. MOTOR CAR (COMMENCEMENT) 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 R. W. Mack 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. METROPOLITAN FIRE BRIGADES (BORROWING POWERS) BILL (No. 2).—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend Section Forty-six of the ‘Metropolitan Fire Brigades Act 1958’*” and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

21. LICENSING (FEES) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act relating to the Fees for certain Licences under the ‘Licensing Act 1958’*” and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

22. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2).—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 P. T. Byrnes moved, That the debate be now adjourned.

Debate ensued.

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

Ordered—That the debate be adjourned until Tuesday, the 26th instant.

23. ADJOURNMENT.—The Honorable G. L. Chandler moved, by leave, That the Council, at its rising, adjourn until Tuesday, the 26th instant.

Question—put and resolved in the affirmative.

The Honorable G. L. Chandler moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at seventeen minutes past Eight o'clock, adjourned until Tuesday, the 26th instant.

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 24.

TUESDAY, 26TH APRIL, 1960.

Questions.

- *1. The Hon. W. O. FULTON : To ask the Honorable the Minister of Transport—Have surveys been made by the State Rivers and Water Supply Commission of the Mitchell, Nicholson, and Tambo rivers ; if so—(i) are there any locations for storage basins on such rivers ; and (ii) what is the annual flow in gallons of such rivers.
- *2. The Hon. J. M. WALTON : To ask the Honorable the Minister of Transport—Will he lay on the table of the Library the files dealing with the extension of the Sydney-road tramway line.
- *3. The Hon. W. O. FULTON : To ask the Honorable the Minister of Transport—When is it anticipated that the channels will be completed and water made available to land-owners at Clydebank in the Gippsland irrigation district.

Government Business.

ORDERS OF THE DAY :—

- *1. ELECTORAL PROVINCES BILL—(*Hon. L. H. S. Thompson*)—Second reading.
2. TRANSFER OF LAND (STRATUM ESTATES) BILL—(*Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. P. V. Feltham)*.
- *3. METROPOLITAN FIRE BRIGADES (BORROWING POWERS) BILL (No. 2)—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading.
4. STAMPS (AMENDMENT) BILL—(*from Assembly—Hon. Sir Arthur Warner*)—Second reading—*Resumption of debate (Hon. W. Slater)*.
- *5. LICENSING (FEES) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading.
6. MEDICAL (AMENDMENT) BILL—(*Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
7. COAL CANAL BRIDGE BILL—(*from Assembly—Hon. Sir Arthur Warner*)—Second reading—*Resumption of debate (Hon. B. Machin)*.
8. WEIGHTS AND MEASURES (PENALTIES) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. B. Machin)*.
9. LAND (PUBLIC AUTHORITIES) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. S. Merrifield)*.
10. JUSTICES (BAIL) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
11. WODONGA LANDS EXCHANGE BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. J. M. Walton)*.
12. POLICE OFFENCES (AMENDMENT) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
13. CHILDREN'S COURT (ENFORCEMENT OF AWARDS) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. A. Todd)*.
14. ADMINISTRATION AND PROBATE (OFFICES) BILL—(*Hon. Sir Arthur Warner*)—Second reading—*Resumption of debate (Hon. W. Slater)*.

* *Notifications to which an asterisk (*) is prefixed appear for the first time.*

General Business.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2)—(*Hon. J. W. Galbally*)—Second reading—*Resumption of debate* (*Hon. P. T. Byrnes*).
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate* (*Hon. G. W. Thom*).
3. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 25.

TUESDAY, 26TH APRIL, 1960.

1. The President took the Chair and read the Prayer.
2. HOME FINANCE (LOANS TO MINORS) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Home Finance Act 1958'*" and desiring the concurrence of the Council therein.
On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
3. ACTS INTERPRETATION BILL.—On the motion (by leave without notice) of the Honorable Sir Arthur Warner, leave was given to bring in a Bill to amend the *Acts Interpretation Act 1958* with respect to references to Acts or provisions of Acts in the same or other Acts, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
4. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—
 - Fisheries Act 1958—Notices of Intention to issue Proclamations—
 - Re* sale, exposure for sale, &c., of female crayfish (whether taken in Victoria or elsewhere) during the close season.
 - Respecting the minimum legal size of crayfish.
 - To alter the close season for female crayfish.
 - To prohibit the marketing, &c., of certain damaged crayfish.
 - To restrict the use of crayfish pots.
 - To revoke the Proclamations prohibiting all fishing, &c., in certain waters from 1st September to 31st October in each year.
 - Land Act 1958—
 - Certificates of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of schools at Broadford and Sunbury (two papers).
 - Schedule of country lands proposed to be sold by public auction.
 - Nurses Act 1958—Nursing Council Regulations 1960 (No. 1).
 - Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances (two papers).
5. ELECTORAL PROVINCES BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable J. W. Galbally 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 May next.
6. TRANSFER OF LAND (STRATUM ESTATES) 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 R. W. Mack 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.
7. AGRICULTURAL LIME (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
8. MOTOR CAR (COMMENCEMENT) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
9. FISHERIES (CHANGE OF TITLE) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

10. METROPOLITAN FIRE BRIGADES (BORROWING POWERS) BILL (No. 2).—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
- The Honorable G. J. O'Connell moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until Tuesday next.
11. STAMPS (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 R. W. Mack 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. LICENSING (FEES) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
- The Honorable A. Todd 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.
13. MEDICAL (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 R. W. Mack 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. COAL CANAL BRIDGE 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 R. W. Mack 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.
15. WEIGHTS AND MEASURES (PENALTIES) 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 R. W. Mack 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.
16. LAND (PUBLIC AUTHORITIES) 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 R. W. Mack 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. MOTOR CAR (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to further amend the 'Motor Car Act 1958'*" and desiring the concurrence of the Council therein.
- On the motion of the Honorable Sir Arthur Warner, for the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
18. ADJOURNMENT.—The Honorable Sir Arthur Warner moved, by leave, That the Council, at its rising, adjourn until Tuesday next.
- Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 25.

TUESDAY, 3RD MAY, 1960.

Questions.

- *1. The Hon. J. M. WALTON: To ask the Honorable the Minister of Transport—
- Is the Minister aware of the rapidly-deteriorating surface of the streets and roads in the Olympic Village section of the Housing Commission area in West Heidelberg.
 - Will the Minister take immediate steps to see that those streets and roads in the Housing Commission areas in Heidelberg that have not yet been taken over by the Heidelberg City Council are brought up to the standard required by the Council in order that they may be subsequently taken over.
- *2. The Hon. R. W. MAY: To ask the Honorable the Minister of Transport—Is it a fact that, when land is treated by Lands Department men for the destruction of vermin and noxious weeds, the revenue derived therefrom is paid into consolidated revenue; if so, will the Government agree that such revenue be paid to the Lands Department and credited to the district from which derived.
- *3. The Hon. B. MACHIN: To ask the Honorable the Minister of Health—
- How many cases of air pollution have been brought to the notice of the Health Commission.
 - What action (if any) has been taken against the offenders.
 - Why is it proposed to amend the Clean Air Act by reducing the penalty from £200 to £100 for offences against the Act.
 - Is care being taken by the Commission to see that the boiler installation at the Vacuum Oil Company's Petrochemical Plant at Altona will not offend.
 - Are any steps being taken by the Commission to deal with the problem of fumes from petrol-driven vehicles and the emission of smoke from diesel vehicles.
 - Where have deposit gauge readings been taken.
 - Have any gauge readings been taken at the Newport Power Station or at any of the brick and pottery making industries.
 - Has the Clean Air Committee recommended that the ceramic industry be relieved from compliance with the provisions of the Clean Air Act.

Government Business.

ORDERS OF THE DAY :—

- *1. HOME FINANCE (LOANS TO MINORS) BILL—(from Assembly—Hon. Sir Arthur Warner)—Second reading.
- *2. MOTOR CAR (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- *3. ACTS INTERPRETATION BILL—(Hon. Sir Arthur Warner)—Second reading.
4. METROPOLITAN FIRE BRIGADES (BORROWING POWERS) BILL (No. 2)—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. G. J. O'Connell).
5. WODONGA LANDS EXCHANGE BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. J. M. Walton).
6. LICENSING (FEES) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. A. Todd).
7. JUSTICES (BALL) BILL—(Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. J. W. Galbally).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

8. POLICE OFFENCES (AMENDMENT) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
9. CHILDREN'S COURT (ENFORCEMENT OF AWARDS) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. A. Todd)*.
10. ADMINISTRATION AND PROBATE (OFFICES) BILL—(*Hon. Sir Arthur Warner*)—Second reading—*Resumption of debate (Hon. W. Slater)*.

General Business.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2)—(*Hon. J. W. Galbally*)—Second reading—*Resumption of debate (Hon. P. T. Byrnes)*.
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate (Hon. G. W. Thom)*.
3. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

TUESDAY, 10TH MAY.

Government Business.

ORDER OF THE DAY :—

1. ELECTORAL PROVINCES BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 26.

TUESDAY, 3RD MAY, 1960.

1. The President took the Chair and read the Prayer.
2. DISTRIBUTION OF POPULATION COMMITTEE.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to a resolution that the Distribution of Population Committee have power to travel to and hold meetings in the State of New South Wales for the purpose of studying decentralized industries and the distribution of population in that State.
3. STATUTE LAW REVISION COMMITTEE—TRANSFER OF LAND (AMENDMENT) BILL 1959.—The Honorable T. H. Grigg brought up a Report from the Statute Law Revision Committee upon Clause 9 of the Transfer of Land (Amendment) Bill 1959 together with Minutes of Evidence and Appendices.
Ordered to lie on the Table and the Report to be printed.
4. DISTRIBUTION OF POPULATION COMMITTEE.—The Honorable R. W. Mack moved, by leave, That the Distribution of Population Committee have power to travel to and hold meetings in the State of New South Wales for the purpose of studying decentralized industries and the distribution of population in that State.
Question—put and resolved in the affirmative.
Ordered—That a Message be sent to the Assembly acquainting them with the foregoing resolution.
5. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
Barley Marketing Act 1958—Amendment of Barley Marketing (Elections) Regulations 1948.
Land Act 1958—Certificates of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of schools at Norlane West and Strathmore (two papers).
Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances.
Railways Act 1958—Report of the Victorian Railways Commissioners for the quarter ended 31st December, 1959.
Town and Country Planning Act 1958—
Cobram Planning Scheme 1949, Amendment No. 1, 1959.
Ocean Road Planning Scheme 1955, Amendment No. 1, 1959 (Shire of Barrabool).
6. ADJOURNMENT.—MOTION UNDER STANDING ORDER NO. 53.—The Honorable I. A. Swinburne moved, That the Council do now adjourn, and said he proposed to speak on the subject of “The Government’s injustice to the people resulting from certain proposed closures and grade separation as recommended by the Level Crossings Committee on the line between Melbourne and Albury, and the methods of negotiation used by the Government during their investigations”; and six Honorable Members having risen in their places and required the motion to be proposed—

Debate ensued.

Question—put.

The Council divided.

Ayes, 14.

The Hon. A. K. Bradbury (*Teller*),
 P. V. Feltham,
 W. O. Fulton,
 J. W. Galbally,
 B. Machin,
 A. R. Mansell,
 R. W. May,
 S. Merrifield (*Teller*),
 G. J. O'Connell,
 A. Smith,
 I. A. Swinburne,
 A. Todd,
 D. J. Walters,
 J. M. Walton.

Noes, 15.

The Hon. C. H. Bridgford,
 Murray Byrne,
 E. P. Cameron,
 V. O. Dickie (*Teller*),
 W. R. Garrett (*Teller*),
 C. S. Gawith,
 T. H. Grigg,
 K. S. Gross,
 R. J. Hamer,
 R. W. Mack,
 W. P. Mair,
 G. J. Nicol,
 G. W. Thom,
 L. H. S. Thompson,
 Sir Arthur Warner.

And so it passed in the negative.

7. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable Sir Arthur Warner presented a Message from His Excellency the Governor, informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments, viz. :—
- Agricultural Lime (Amendment) Act.*
Motor Car (Commencement) Act.
Fisheries (Change of Title) Act.
Stamps (Amendment) Act.
Land (Public Authorities) Act.
8. COAL CANAL BRIDGE BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.
9. 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.
10. MOTOR CAR (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
- The Honorable S. Merrifield moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the debate be adjourned until Tuesday next.
11. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.
12. METROPOLITAN FIRE BRIGADES (BORROWING POWERS) BILL (No. 2).—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 R. W. Mack 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. WODONGA LANDS EXCHANGE 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 R. W. Mack 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. LICENSING (FEES) 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 R. W. Mack 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. HOME FINANCE (LOANS TO MINORS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.
The Honorable A. Todd 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 the next day of meeting.
16. ACTS INTERPRETATION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.
The Honorable J. W. Galbally 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 the next day of meeting.
17. ADJOURNMENT.—The Honorable Sir Arthur Warner moved, by leave, That the Council, at its rising, adjourn until Tuesday next.
Question—put and resolved in the affirmative.
The Honorable Sir Arthur Warner 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 Tuesday next.

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 26.

TUESDAY, 10TH MAY, 1960.

Questions.

- *1. The Hon. J. M. WALTON : To ask the Honorable the Minister of Transport—
- Is the Minister aware of the financial difficulties facing parents who have children over the age of fourteen years attending secondary schools and universities and which are aggravated by the cessation of child endowment at the age of sixteen years.
 - Will the Minister examine the position in regard to student concession travel with a view to extending it to all children who are full-time students for travel on public transport at all times.
- *2. The Hon. I. A. SWINBURNE : To ask the Honorable the Minister of Transport—
- What was the cost of the concrete bridge and approaches erected approximately three to four years ago over the Indigo Creek at Barnawartha on the Hume Highway.
 - In connexion with the Hume Highway deviation at Glenrowan, what was—(i) the total cost; (ii) the total length; (iii) the cost of compensation; (iv) the cost of earthworks; (v) the cost of pavement; (vi) the cost of sealing; (vii) the cost of any other charges; and (viii) the unit cost per 1,000 lineal feet.
- *3. The Hon. W. O. FULTON : To ask the Honorable the Minister of Transport—Will the Minister lay on the table of the Library the file relating to the agreement between the Closer Settlement Commission and the State Rivers and Water Supply Commission in connexion with the additional land granted to the soldier settlers on the Airley Estate.
- *4. The Hon. R. W. MAY : To ask the Honorable the Minister of Transport—What is the total amount of rent received by the Railways Department from railway land in Gippsland used for agricultural and pastoral purposes.
- *5. The Hon. C. H. BRIDGFORD : To ask the Honorable the Minister of Transport—
- Will the Government inform the House what information has been considered by it concerning the machine known as the breathalyser, and in particular what degree of accuracy may be expected of the machine in establishing—(i) alcohol consumed; and (ii) drunkenness.
 - So far as such information has been published, will the Government supply the House with library references to any relevant books or articles.
 - So far as such information is not yet published, will the Government arrange for the information to be made available to Honorable Members.
- *6. The Hon. R. W. MAY : To ask the Honorable the Minister of Transport—Has the Government any plans in hand for the construction of a reservoir on the Thompson River for the purposes of irrigation; if so, where will same be located.

Government Business.

ORDERS OF THE DAY :—

- JUSTICES (BAIL) BILL—(*Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally).*
- HOME FINANCE (LOANS TO MINORS) BILL—(*from Assembly—Hon. Sir Arthur Warner*)—Second reading—*Resumption of debate (Hon. A. Todd).*

* Notifications to which an asterisk (*) is prefixed appear for the first time.

3. POLICE OFFENCES (AMENDMENT) BILL—(Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. J. W. Galbally).
4. MOTOR CAR (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. S. Merrifield).
5. ACTS INTERPRETATION BILL—(Hon. Sir Arthur Warner)—Second reading—*Resumption of debate* (Hon. J. W. Galbally).
6. ELECTORAL PROVINCES BILL—(Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. J. W. Galbally).
7. CHILDREN'S COURT (ENFORCEMENT OF AWARDS) BILL—(Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. A. Todd).
8. ADMINISTRATION AND PROBATE (OFFICES) BILL—(Hon. Sir Arthur Warner)—Second reading—*Resumption of debate* (Hon. W. Slater).

General Business.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT (AMENDMENT) BILL (NO. 2)—(Hon. J. W. Galbally)—Second reading—*Resumption of debate* (Hon. P. T. Byrnes).
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(Hon. W. Slater)—Second reading—*Resumption of debate* (Hon. G. W. Thom).
3. HIRE-PURCHASE (AGREEMENTS) BILL—(Hon. J. W. Galbally)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 27.

TUESDAY, 10TH MAY, 1960.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable Sir Arthur Warner presented a Message from His Excellency the Governor, informing the Council that he had, this day, given the Royal Assent to the under-mentioned Acts presented to him by the Clerk of the Parliaments, viz. :—
 - Coal Canal Bridge Act.*
 - Metropolitan Fire Brigades (Borrowing Powers) Act.*
 - Wodonga Lands Exchange Act.*
 - Licensing (Fees) Act.*
3. COMPANIES BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend the ‘Companies Act 1958’, and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
4. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
 - Explosives Act 1958—Report of the Chief Inspector of Explosives for the year 1959.
 - Land Act 1958—Certificate of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of a school at Waverley North.
 - Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances.
 - Teaching Service Act 1958—
 - Amendment of Teaching Service (Teachers Tribunal) Regulations.
 - Report of the Teachers Tribunal for the year 1958–59.
 - Water Act 1958—Report of the State Rivers and Water Supply Commission for the year 1958–59.
5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 5 inclusive, be postponed until later this day.
6. ELECTORAL PROVINCES 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 R. W. Mack reported that the Committee had agreed to the Bill with amendments.

Ordered—That the Report be taken into consideration on the next day of meeting.
7. HOME FINANCE (LOANS TO MINORS) 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 T. H. Grigg 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. JUSTICES (BAIL) 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 R. W. Mack 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.

9. ACTS INTERPRETATION 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 T. H. Grigg 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.

10. POLICE OFFENCES (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 T. H. Grigg having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

11. ADJOURNMENT.—The Honorable Sir Arthur Warner moved, by leave, That the Council, at its rising, adjourn until Tuesday next.

Question—put and resolved in the affirmative.

The Honorable Sir Arthur Warner moved, That the House do now adjourn.

Debate ensued:

Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 27.

TUESDAY, 17TH MAY, 1960.

Questions.

- *1. The Hon. A. TODD: To ask the Honorable the Minister of Transport—
- Does the Fair Rents Board, before making its determination, obtain from an officer of the Board a report embracing the following matters—(i) the approximate age of the property concerned; (ii) the frontage and depth of such property; (iii) the condition of such property, including state of repair and provision of hygienic facilities; (iv) the existence of any Orders on the property; and (v) the municipal valuation of the property.
 - If no such report is obtained by the Board, what methods are used by the Board in reaching its determination.
- *2. The Hon. R. W. MAY: To ask the Honorable the Minister of Transport—Will the Government remove the axle load limit imposed on trucks operating on the Bonang Highway as this is placing a handicap on local residents compelled to use this route.
- *3. The Hon. A. TODD: To ask the Honorable the Minister of Transport—
- What is the estimated annual cost of fare concessions to—(i) the Victorian Railways; and (ii) the Melbourne and Metropolitan Tramways Board.
 - What reimbursement, if any, is made by the State to the Authorities concerned.
- *4. The Hon. R. W. MAY: To ask the Honorable the Minister of Transport—
- What progress has been made towards relieving the water pressure in the saline-affected area in the Nambrok-Denison irrigation district.
 - Have the measures adopted proved successful.
 - Is the State Rivers and Water Supply Commission aware of the use overseas of asphalt-impregnated burlap for channel lining as a cheap means of preventing seepage.
 - Will the Commission consider using such material in the Nambrok-Denison district; if so, when.
- *5. The Hon. R. W. MAY: To ask the Honorable the Minister of Transport—
- Did officers of the Department of Agriculture visit dairy farms in Gippsland in the course of investigation of farm bulk-refrigerated milk as against water-cooled bulk farm milk supply; if so, what were their findings.
 - Has the Government any information regarding the bacteria count of farm bulk-refrigerated milk and water-cooled bulk farm milk supply; if so, what is the difference in the counts.

Government Business.

ORDERS OF THE DAY :—

- ELECTORAL PROVINCES BILL—(Hon. L. H. S. Thompson)—Consideration of Report.
- *2. COMPANIES BILL—(from Assembly—Hon. Sir Arthur Warner)—Second reading.
- *3. MOTOR CAR (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. S. Merrifield).
- *4. CHILDREN'S COURT (ENFORCEMENT OF AWARDS) BILL—(Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. A. Todd).
- *5. ADMINISTRATION AND PROBATE (OFFICES) BILL—(Hon. Sir Arthur Warner)—Second reading—*Resumption of debate* (Hon. W. Slater).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

General Business.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2)—(*Hon. J. W. Galbally*)—Second reading—*Resumption of debate* (*Hon. P. T. Byrnes*).
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate* (*Hon. G. W. Thom*).
3. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 28.

TUESDAY, 17TH MAY, 1960.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable Sir Arthur Warner presented a Message from His Excellency the Governor, informing the Council that he had, this day, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments, viz. :—
Home Finance (Loans to Minors) Act.
3. RACING (TOTALIZATORS EXTENSION) BILL (No. 2).—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Part V. of the ' Racing Act 1958 ' to provide for Off-course Betting on Race-course Totalizators, and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
4. LEGAL PROFESSION PRACTICE (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the ' Legal Profession Practice Act 1958 ' and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
5. JOHN STOREY MEMORIAL FUND BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to certain Trusts created by the Will of the late Sir John Storey providing for the Establishment of the John Storey Memorial Fund, and for other purposes*" and desiring the concurrence of the Council therein.
Bill ruled to be a Private Bill.
The Honorable E. P. Cameron moved, That this Bill be dealt with as a Public Bill.
Question—put and resolved in the affirmative.
The Honorable E. P. Cameron moved, That this Bill be now read a first time.
Question—put and resolved in the affirmative.—Bill read a first time and ordered to be printed and to be read a second time on the next day of meeting.
6. CO-OPERATIVE HOUSING SOCIETIES (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the ' Co-operative Housing Societies Act 1958 ' "* and desiring the concurrence of the Council therein.
On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
7. GEELONG WATERWORKS AND SEWERAGE (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the ' Geelong Waterworks and Sewerage Act 1958 ', and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
8. LATROBE VALLEY (FINANCIAL) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the ' Latrobe Valley Act 1958 ', and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

9. MELBOURNE AND METROPOLITAN BOARD OF WORKS (BORROWING POWERS) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to increase the Borrowing Powers of the Melbourne and Metropolitan Board of Works*” and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

10. THE LATE HONORABLE P. J. CLAREY.—The Honorable Sir Arthur Warner expressed, by leave, deep regret at the death of the Honorable Percy James Clarey, a Member of the House of Representatives, a former Member of this House, and a former Minister of the Crown, and paid tribute to his long and distinguished public services.

Other Honorable Members and the President joined in the expression of sympathy.

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

Co-operation Act 1958—Report of the Registrar of Co-operative Societies for the year 1958-59.

Labour and Industry Act 1958—Proclamation amending the Seventh Schedule.

Land Act 1958—

Certificate of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of a school at Frankston East.

Schedule of country lands proposed to be sold by public auction.

Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part II.—Promotions and Transfers.

Registration of Births Deaths and Marriages Act 1958—General Abstract showing the number of Births, Deaths and Marriages during the year 1959.

State Development Act 1958—Final Report of the State Development Committee on the Utilization of Timber Resources in the Watersheds of the State.

12. ELECTORAL PROVINCES 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.

The Honorable L. H. S. Thompson moved, That the Bill be now read a third time.

Debate ensued.

Question—put.

The Council divided.

Ayes, 21.

The Hon. A. K. Bradbury,
C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
P. V. Feltham,
W. O. Fulton (*Teller*),
W. R. Garrett,
T. H. Grigg,
K. S. Gross,
R. J. Hamer (*Teller*),
R. W. Mack,
W. P. Mair,
A. R. Mansell,
R. W. May,
G. J. Nicol,
I. A. Swinburne,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters,
Sir Arthur Warner.

Noes, 7.

The Hon. J. W. Galbally,
B. Machin,
S. Merrifield,
G. J. O'Connell (*Teller*),
A. Smith,
A. Todd,
J. M. Walton (*Teller*).

And so it was resolved in the affirmative.—Bill read a third time.

On the motion of the Honorable L. H. S. Thompson the following amendment was made in the Bill:

Clause 13, sub-clause (3), page 6, line 1, omit “name” and insert “names”.

Question—That the Bill do pass—put and resolved in the affirmative.

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

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

14. CHILDREN'S COURT (ENFORCEMENT OF AWARDS) 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 R. W. Mack 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.
15. MOTOR CAR (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 R. W. Mack reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, on the next day of meeting, again resolve itself into the said Committee.
16. COMPANIES BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.
The Honorable J. W. Galbally moved, That the debate be now adjourned.
Debate ensued.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until the next day of meeting.
17. RACING (TOTALIZATORS EXTENSION) BILL (No. 2).—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable J. W. Galbally having asked for a ruling on the question whether this Bill was substantially the same as the Racing Totalizators (Extension) Bill, the second reading of which was negatived earlier this Session—
The President said—
I consider that the point of order has been properly taken. Although the machinery parts of this Bill may be substantially the same as those contained in the previous measure, in my view the Bill embraces a completely new principle. Therefore, in my opinion, it is not substantially the same as the Bill that was dealt with during the last sessional period. I am fortified in my view by a statement contained in May's *Parliamentary Practice* at page 523—
On consideration of the Profiteering Bill, as amended, in session 1919, a Member asked whether clause 3 of the Bill was in order, as it was substantially a repetition of a Bill which had been rejected on second reading; but the Speaker held that the House could revise a decision, provided that it was not asked to disagree with the same question.
It is true that this Bill contains certain clauses which appear in the Bill previously rejected on the second reading, but the Bill itself, as it embraces a completely new principle, is not substantially the same as a measure that has already been rejected on the second reading in this Chamber. Therefore, I rule that the Bill is in order.
The Honorable J. W. Galbally 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 the next day of meeting.
18. ADMINISTRATION AND PROBATE (OFFICES) 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 R. W. Mack reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, on the next day of meeting, again resolve itself into the said Committee.
19. CO-OPERATIVE HOUSING SOCIETIES (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.
The Honorable S. Merrifield 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 the next day of meeting.
20. ADJOURNMENT.—The Honorable Sir Arthur Warner moved, by leave, That the Council, at its rising, adjourn until Tuesday next.
Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 28.

TUESDAY, 24TH MAY, 1960.

Questions.

- *1. The Hon. A. TODD: To ask the Honorable the Minister of Transport—How many tenancy applications by childless couples, exclusive of elderly couples seeking “Darby and Joan” accommodation, are held by the Housing Commission, and what is the date of the earliest such application.
- *2. The Hon. R. W. MAY: To ask the Honorable the Minister of Transport—Is it necessary to have a licence in order to pick up oysters; if so, when was the relevant regulation promulgated, and by whom.
- *3. The Hon. A. TODD: To ask the Honorable the Minister of Transport—
 - (a) How many one-bedroom, two-bedroom and three-bedroom units, respectively, will be included in the Housing Commission's fifteen-storey reclamation project at South Melbourne to be known as Emerald Court.
 - (b) Will the selected tenants be taken in order of priority from the Commission's normal tenancy application list.
 - (c) What are the estimated weekly rentals of the units in question.

Government Business.

NOTICE OF MOTION:—

- *1. The Hon. SIR ARTHUR WARNER: To move, That so much of the Sessional Orders as provides that no new business be taken after half-past Ten o'clock and that on Wednesday in each week Private Members' business shall take precedence of Government business be suspended until the end of June next and that until the end of June next new business may be taken at any hour and Government business shall take precedence of all other business.

ORDERS OF THE DAY:—

- *1. GEELONG WATERWORKS AND SEWERAGE (AMENDMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- *2. LEGAL PROFESSION PRACTICE (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- *3. LATROBE VALLEY (FINANCIAL) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
4. COMPANIES BILL—(from Assembly—Hon. Sir Arthur Warner)—Second reading—Resumption of debate (Hon. J. W. Galbally).
- *5. MELBOURNE AND METROPOLITAN BOARD OF WORKS (BORROWING POWERS) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- *6. RACING (TOTALIZATORS EXTENSION) BILL (No. 2)—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. J. W. Galbally).
- *7. JOHN STOREY MEMORIAL FUND BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
8. ADMINISTRATION AND PROBATE (OFFICES) BILL—(Hon. Sir Arthur Warner)—To be further considered in Committee.
9. MOTOR CAR (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—To be further considered in Committee.
- *10. CO-OPERATIVE HOUSING SOCIETIES (AMENDMENT) BILL—(from Assembly—Hon. Sir Arthur Warner)—Second reading—Resumption of debate (Hon. S. Merrifield).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

General Business.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2)—(*Hon. J. W. Galbally*)—Second reading—*Resumption of debate* (*Hon. P. T. Byrnes*).
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate* (*Hon. G. W. Thom*).
3. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 29.

WEDNESDAY, 25TH MAY, 1960.

Questions.

- *1. The Hon. A. R. MANSELL: To ask the Honorable the Minister of Transport—
- Has the Government decided to open up part of the Rocklands Dam catchment for land settlement; if so, what acreage and where.
 - Has the Land Utilization Advisory Committee made a report on the suggested area; if so, is the report available to Honorable Members.
- *2. The Hon. B. MACHIN: To ask the Honorable the Minister of Transport—
- Has any change been made or contemplated in the supervision of any Housing Commission area by replacing female supervisors by males.
 - Is the Government aware that some zealous supervisors have given instructions that pets of all types must be banished from the flats under penalty of a fine.
 - Has any complaint been received from any municipal health officer which would justify such instructions.
 - Will the Housing Commission give an assurance that an arbitrary ban will not be placed on all pets, but that discretion will be used and only pets which are known to be a nuisance or a danger will be removed.
- *3. The Hon. A. TODD: To ask the Honorable the Minister of Transport—
- How many persons entered the service of the Melbourne and Metropolitan Tramways Board as conductors and conductresses during the periods—(i) 1st January, 1959, to 31st December, 1959; and (ii) 1st January, 1960, to 30th April, 1960.
 - How many such persons have since left the service of the Board.
 - What is the cost of the uniform supplied to—(i) a conductor; and (ii) a conductress.
 - To what use are second-hand uniforms put.
 - What was the cost of training conductors and conductresses during the year 1959.

Government Business.

NOTICE OF MOTION :—

- *1. The Hon. SIR ARTHUR WARNER: To move, That so much of the Sessional Orders as provides that the hour of meeting on Wednesday and Thursday in each week shall be half-past Four o'clock be suspended until the end of June next and that until the end of June next the hour of meeting on Wednesdays shall be Two o'clock and on Thursdays Eleven o'clock.

ORDERS OF THE DAY :—

- *1. COMPANIES (FEES) BILL—(from Assembly—Hon. Sir Arthur Warner)—Second reading.
- *2. LOCAL GOVERNMENT (PRESTON STREETS AGREEMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- *3. SOCIAL WELFARE BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- *4. PUBLIC OFFICERS SALARIES AND ALLOWANCES BILL—(from Assembly—Hon. Sir Arthur Warner)—Second reading.
- *5. JUDGES SALARIES AND ALLOWANCES BILL—(from Assembly—Hon. Sir Arthur Warner)—Second reading.

* Notifications to which an asterisk (*) is prefixed appear for the first time.

- *6. CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading.
- *7. RACING (DOG RACES) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading.
- *8. CONSOLIDATED REVENUE BILL (NO. 3)—(*from Assembly—Hon. Sir Arthur Warner*)—Second reading.
- *9. NATIONAL PARKS (AMENDMENT) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading.
- *10. MELBOURNE HARBOR TRUST LANDS BILL—(*from Assembly—Hon. Sir Arthur Warner*)—Second reading.
11. MOTOR CAR (AMENDMENT) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—To be further considered in Committee.
12. COMPANIES BILL—(*from Assembly—Hon. Sir Arthur Warner*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
13. GEELONG WATERWORKS AND SEWERAGE (AMENDMENT) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. B. Machin)*.
- *14. LANDLORD AND TENANT (FURTHER AMENDMENT) BILL—(*from Assembly—Hon. Sir Arthur Warner*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
15. LEGAL PROFESSION PRACTICE (AMENDMENT) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
16. ADMINISTRATION AND PROBATE (OFFICES) BILL—(*Hon. Sir Arthur Warner*)—To be further considered in Committee.
17. MELBOURNE AND METROPOLITAN BOARD OF WORKS (BORROWING POWERS) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. B. Machin)*.
- *18. COAL MINES (PENSIONS CONTRIBUTIONS) BILL—(*from Assembly—Hon. Sir Arthur Warner*)—Second reading—*Resumption of debate (Hon. G. J. O'Connell)*.
19. LATROBE VALLEY (FINANCIAL) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. A. Smith)*.
20. JOHN STOREY MEMORIAL FUND BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.

General Business.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT (AMENDMENT) BILL (NO. 2)—(*Hon. J. W. Galbally*)—Second reading—*Resumption of debate (Hon. P. T. Byrnes)*.
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate (Hon. G. W. Thom)*.
3. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

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SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

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STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 30.

THURSDAY, 26TH MAY, 1960.

Question.

- *1. The Hon. A. TODD: To ask the Honorable the Minister of Transport—
- How many of the prosecutions for breaches of the law relating to the baking, making, carting or delivery of bread launched in each of the years 1958, 1959, and 1960 (to date) were proceeded with as the result of information laid by or evidence given by inspectors of the Department of Labour and Industry.
 - How many prosecutions were proceeded with as a result of information laid by or evidence given by members of employees' unions.
 - How many prosecutions were proceeded with as a result of information laid by or evidence given by members of employers' organizations.
 - Have all fines imposed for breaches of the said law been collected; if not, why, and what amount is outstanding.

Government Business.

ORDERS OF THE DAY:—

- ADMINISTRATION AND PROBATE (OFFICES) BILL—(*Hon. Sir Arthur Warner*)—To be further considered in Committee.
- *2. MOTOR CAR (THIRD-PARTY INSURANCE) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading.
- *3. INDUSTRIAL SAFETY ADVISORY COUNCIL BILL—(*from Assembly—Hon. Sir Arthur Warner*)—Second reading.
- *4. SUPREME COURT (PROCEEDINGS BEFORE MASTER) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading.
- *5. MILK BOARD (AMENDMENT) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading.
6. PUBLIC OFFICERS SALARIES AND ALLOWANCES BILL—(*from Assembly—Hon. Sir Arthur Warner*)—Second reading—*Resumption of debate (Hon. S. Merrifield).*
7. LEGAL PROFESSION PRACTICE (AMENDMENT) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally).*
8. LATROBE VALLEY (FINANCIAL) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. A. Smith).*
- *9. VICTORIA RACING CLUB (AMENDMENT) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—First reading.
10. JOHN STOREY MEMORIAL FUND BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. J. W. Galbally).*
11. MELBOURNE HARBOR TRUST LANDS BILL—(*from Assembly—Hon. Sir Arthur Warner*)—Second reading—*Resumption of debate (Hon. A. Todd).*
12. RACING (DOG RACES) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. A. Todd).*
13. CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. J. W. Galbally).*

* Notifications to which an asterisk (*) is prefixed appear for the first time.

14. COMPANIES (FEES) BILL—(*from Assembly—Hon. Sir Arthur Warner*)—To be further considered in Committee.
15. NATIONAL PARKS (AMENDMENT) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. B. Machin)*.
16. SOCIAL WELFARE BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. B. Machin)*.
17. GEELONG WATERWORKS AND SEWERAGE (AMENDMENT) BILL—(*from Assembly—Hon. E. P. Cameron*)—To be further considered in Committee.
18. MELBOURNE AND METROPOLITAN BOARD OF WORKS (BORROWING POWERS) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. B. Machin)*.
19. CONSOLIDATED REVENUE BILL (NO. 3)—(*from Assembly—Hon. Sir Arthur Warner*)—Second reading—*Resumption of debate (Hon. S. Merrifield)*.
20. LOCAL GOVERNMENT (PRESTON STREETS AGREEMENT) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. J. M. Walton)*.

General Business.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT (AMENDMENT) BILL (NO. 2)—(*Hon. J. W. Galbally*)—Second reading—*Resumption of debate (Hon. P. T. Byrnes)*.
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate (Hon. G. W. Thom)*.
3. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

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HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 29.

TUESDAY, 24TH MAY, 1960.

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

2. LANDLORD AND TENANT (FURTHER AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend the ‘ Landlord and Tenant Act 1958 ’ with respect to the Constitution of Fair Rents Boards, the Operation of Determinations of Fair Rents Boards, the Making of Agreements to determine Fair Rents, and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3. CONSOLIDATED REVENUE BILL (No. 3).—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to apply out of the Consolidated Revenue the sum of Thirty-two million four hundred and forty-two thousand one hundred and sixty-four pounds to the service of the year One thousand nine hundred and sixty and One thousand nine hundred and sixty-one*” and desiring the concurrence of the Council therein.

On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

4. COAL MINES (PENSIONS CONTRIBUTIONS) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend Section One hundred and twenty-one of the ‘ Coal Mines Act 1958 ’*” and desiring the concurrence of the Council therein.

On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

5. SOCIAL WELFARE BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to establish a Social Welfare Branch of the Chief Secretary’s Department and to make Provision with respect to the Functions of that Branch and for other purposes*” and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

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

Country Fire Authority Act 1958—Amendment of Regulations.

Geelong Harbor Trust Act 1958—Amendment No. 5 of the Principal Regulations.

Police Regulation Act 1958—Determination No. 83 of the Police Classification Board.

Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.
—Salaries, Increments and Allowances.

7. ALTERATION OF SESSIONAL ORDERS.—The Honorable Sir Arthur Warner moved, That so much of the Sessional Orders as provides that no new business be taken after half-past Ten o’clock and that on Wednesday in each week Private Members’ business shall take precedence of Government business be suspended until the end of June next and that until the end of June next new business may be taken at any hour and Government business shall take precedence of all other business.

Debate ensued.

Question—put and resolved in the affirmative.

8. **GEELONG WATERWORKS AND SEWERAGE (AMENDMENT) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable B. Machin 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 the next day of meeting.
9. **LEGAL PROFESSION PRACTICE (AMENDMENT) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.
The Honorable A. Todd, for the Honorable J. W. Galbally, 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 the next day of meeting.
10. **LATROBE VALLEY (FINANCIAL) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable A. Smith 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 the next day of meeting.
11. **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.
12. **COAL MINES (PENSIONS CONTRIBUTIONS) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.
The Honorable G. J. O'Connell 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 the next day of meeting.
13. **MELBOURNE AND METROPOLITAN BOARD OF WORKS (BORROWING POWERS) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable B. Machin 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 the next day of meeting.
14. **LANDLORD AND TENANT (FURTHER AMENDMENT) BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.
The Honorable A. Todd, for the Honorable J. W. Galbally, 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 the next day of meeting.
15. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.
16. **JOHN STOREY MEMORIAL FUND BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable A. Todd, for the Honorable J. W. Galbally, 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 the next day of meeting.
17. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 8 and 9, be postponed until later this day.
18. **CO-OPERATIVE HOUSING SOCIETIES (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 R. W. Mack 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. RACING (TOTALIZATORS EXTENSION) BILL (No. 2).—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

Question—put.

The Council divided.

Ayes, 16.

The Hon. Murray Byrne,
V. O. Dickie,
P. V. Feltham,
W. O. Fulton (*Teller*),
W. R. Garrett,
C. S. Gawith,
K. S. Gross (*Teller*),
R. W. Mack,
W. P. Mair,
R. W. May,
G. J. Nicol,
I. A. Swinburne,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters,
Sir Arthur Warner.

Noes, 14.

The Hon. A. K. Bradbury (*Teller*),
C. H. Bridgford,
E. P. Cameron,
J. W. Galbally,
T. H. Grigg,
R. J. Hamer,
B. Machin,
A. R. Mansell,
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith (*Teller*),
A. Todd,
J. M. Walton.

And so it 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 R. W. Mack 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.

20. LOCAL GOVERNMENT (PRESTON STREETS AGREEMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to validate certain Declarations made by the Council of the City of Preston declaring certain Streets to be dedicated to the Public as Public Highways and to ratify validate approve and otherwise give Effect to an Agreement between the City of Preston and the Housing Commission, and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

21. CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to give Legal Force and Effect within the State of Victoria to the Provisions of the Constitution of the Church of England in Australia contained in the Schedule to this Act, and for other purposes*" and desiring the concurrence of the Council therein.

Bill ruled to be a Private Bill.

The Honorable E. P. Cameron moved, That this Bill be dealt with as a Public Bill.

Question—put and resolved in the affirmative.

The Honorable E. P. Cameron moved, That this Bill be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed and to be read a second time on the next day of meeting.

22. COMPANIES (FEES) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Section Eleven of and the Second Schedule to the 'Companies Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

23. MELBOURNE HARBOR TRUST LANDS BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Exchange of certain Lands vested in The Victorian Railways Commissioners or of which The Victorian Railways Commissioners is the Registered Proprietor for certain Lands vested in The Melbourne Harbor Trust Commissioners, to provide for the Grant of certain Land to The Victorian Railways Commissioners, to vest certain Lands in The Melbourne Harbor Trust Commissioners, to declare certain Lands to be a Public Road, to remove Doubts as to the Operation or Effect of certain Provisions of the 'Spencer Street Bridge Act 1927' and the 'Melbourne Harbor Trust Act 1958', and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

24. NATIONAL PARKS (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to reserve certain Lands of the Crown as Sites for National Parks and to declare the Lands so reserved to be National Parks under the 'National Parks Act 1958' and to amend the said Act*" and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

25. RACING (DOG RACES) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend Part III. of the ‘ Racing Act 1958 ’*” and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

26. PUBLIC OFFICERS SALARIES AND ALLOWANCES BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act relating to the Salaries Allowances and Fees of Certain Public Officers*” and desiring the concurrence of the Council therein.

On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

27. JUDGES SALARIES AND ALLOWANCES BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act relating to the Remuneration of Judges of the Supreme Court and the County Court*” and desiring the concurrence of the Council therein.

On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

28. RACING (TOTALIZATORS EXTENSION) BILL (No. 2).—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 R. W. Mack 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 Council having continued to sit until after Twelve of the clock—

WEDNESDAY, 25TH MAY, 1960.

The Honorable L. H. S. Thompson moved, That the Bill be now read a third time.

Question—put.

The Council divided.

Ayes, 16.

The Hon. Murray Byrne,
V. O. Dickie,
P. V. Feltham,
W. O. Fulton,
W. R. Garrett,
C. S. Gawith,
K. S. Gross,
R. W. Mack (*Teller*),
W. P. Mair,
R. W. May (*Teller*),
G. J. Nicol,
I. A. Swinburne,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters,
Sir Arthur Warner.

Noes, 14.

The Hon. A. K. Bradbury,
C. H. Bridgford,
E. P. Cameron,
J. W. Galbally,
T. H. Grigg (*Teller*),
R. J. Hamer,
B. Machin,
A. R. Mansell,
S. Merrifield,
G. J. O’Connell (*Teller*),
W. Slater,
A. Smith,
A. Todd,
J. M. Walton.

And so it was resolved in the affirmative.—Bill read a third time and passed.

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

29. ADJOURNMENT—ALTERATION OF HOUR OF MEETING.—The Honorable Sir Arthur Warner moved, by leave, That the Council, at its rising, adjourn until this day at Two o’clock.

Question—put and resolved in the affirmative.

And then the Council, at eight minutes past Twelve o’clock in the morning, adjourned until this day.

ROY S. SARAH,

Clerk of the Legislative Council.

No. 30.

WEDNESDAY, 25TH MAY, 1960.

1. The President took the Chair and read the Prayer.
2. VICTORIA RACING CLUB (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend 'The Victoria Racing Club Act 1871'*" and desiring the concurrence of the Council therein.
Bill ruled to be a Private Bill.
The Honorable L. H. S. Thompson moved, That this Bill be dealt with as a Public Bill except in relation to the payment of fees.
Question—put and resolved in the affirmative.
Ordered—That the Bill be read a first time on the next day of meeting.
3. MOTOR CAR (THIRD-PARTY INSURANCE) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Law relating to Compulsory Third-Party Insurance of Motors Cars and for other purposes*" and desiring the concurrence of the Council therein.
On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
4. RACING (TOTALIZATORS EXTENSION) BILL (No. 2).—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.
5. STATUTE LAW REVISION COMMITTEE—ARTIFICERS' LIENS.—The Honorable V. O. Dickie brought up a Report from the Statute Law Revision Committee upon Artificers' Liens, together with an Extract from the Proceedings of the Committee, Appendices, and Minutes of Evidence.
Ordered to lie on the Table and the Report and Extract from the Proceedings of the Committee to be printed.
6. PAPER.—The following Paper, pursuant to the directions of an Act of Parliament, was laid upon the Table by the Clerk:—
Marketing of Primary Products Act 1958—Chicory Marketing Board—Regulations—Period of time for the computation of or accounting for the net proceeds of the sale of chicory.
7. ALTERATION OF SESSIONAL ORDERS.—The Honorable Sir Arthur Warner moved, That so much of the Sessional Orders as provides that the hour of meeting on Wednesday and Thursday in each week shall be half-past Four o'clock be suspended until the end of June next and that until the end of June next the hour of meeting on Wednesdays shall be Two o'clock and on Thursdays Eleven o'clock.
Question—put and resolved in the affirmative.
8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 11 inclusive, be postponed until later this day.
9. COMPANIES 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 R. W. Mack 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. COMPANIES (FEES) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.
The Honorable S. Merrifield moved, That the debate be now adjourned.
Debate ensued.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.

11. LOCAL GOVERNMENT (PRESTON STREETS AGREEMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time. The Honorable J. M. Walton moved, That the debate be now adjourned. Debate ensued. Question—That the debate be now adjourned—put and resolved in the affirmative. Ordered—That the debate be adjourned until later this day.
12. SOCIAL WELFARE BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time. The Honorable B. Machin 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.
13. COMPANIES (FEES) 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 R. W. Mack reported that the Committee had made progress in the Bill, and had agreed to the following resolution:—
That it be a suggestion to the Legislative Assembly that they make the following amendment in the Bill, viz. :—
Clause 2, line 13, before “ In ” insert “ In paragraph (b) of section nine and ”—
and asked leave to sit again. On the motion of the Honorable Sir Arthur Warner, the Council adopted the resolution reported from the Committee of the whole. Ordered—That the Bill be returned to the Assembly with a Message suggesting that the Assembly amend the same as set forth in the foregoing resolution. Resolved—That the Council will, later this day, again resolve itself into a Committee of the whole.
14. PUBLIC OFFICERS SALARIES AND ALLOWANCES BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time. The Honorable S. Merrifield 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 the next day of meeting.
15. JUDGES SALARIES AND ALLOWANCES BILL.—This Bill was, according to Order and after debate, 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 R. W. Mack 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.
16. CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time. The Honorable A. Todd, for the Honorable J. W. Galbally, 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.
17. RACING (DOG RACES) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time. The Honorable A. Todd 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.

18. NATIONAL PARKS (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.

The Honorable S. Merrifield, for the Honorable B. Machin, 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 the next day of meeting.

19. MOTOR CAR (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 R. W. Mack 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, after debate, 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. CONSOLIDATED REVENUE BILL (NO. 3).—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.

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

Debate ensued.

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

Ordered—That the debate be adjourned until later this day.

21. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 13 to 17 inclusive, be postponed until later this day.

22. COAL MINES (PENSIONS CONTRIBUTIONS) 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 R. W. Mack 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. SUPREME COURT (PROCEEDINGS BEFORE MASTER) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to repeal Sections One hundred and seven One hundred and eight and One hundred and nine of the 'Supreme Court Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

24. MILK BOARD (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Section Twenty-three of the 'Milk Board Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

25. INDUSTRIAL SAFETY ADVISORY COUNCIL BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Establishment of an Industrial Safety Advisory Council and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

26. MELBOURNE HARBOR TRUST LANDS BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.

The Honorable A. Todd moved, That the debate be now adjourned.

Debate ensued.

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

Ordered—That the debate be adjourned until the next day of meeting.

27. LANDLORD AND TENANT (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, having been read—

Debate resumed.

Question—put.

The Council divided.

Ayes, 22.

The Hon. A. K. Bradbury,
C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
P. V. Feltham,
W. O. Fulton,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
R. W. Mack,
W. P. Mair (*Teller*),
A. R. Mansell (*Teller*),
R. W. May,
G. J. Nicol,
I. A. Swinburne,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters,
Sir Arthur Warner.

Noes, 7.

The Hon. J. W. Galbally,
B. Machin (*Teller*),
S. Merrifield,
G. J. O'Connell,
A. Smith,
A. Todd (*Teller*),
J. M. Walton.

And so it 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

28. GEELONG WATERWORKS AND SEWERAGE (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 T. H. Grigg having reported that the Committee had made progress in the Bill and asked leave to sit again.

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

29. ADJOURNMENT.—The Honorable Sir Arthur Warner moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

No. 31.

THURSDAY, 26TH MAY, 1960.

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

2. LABOUR AND INDUSTRY (AMENDMENT) BILL (No. 2).—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Labour and Industry Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave and after debate, to be read a second time later this day.

3. MOTOR CAR (DRIVING) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “An Act to amend the ‘Motor Car Act 1958’ and the ‘Crimes Act 1958’ in relation to the Driving of Motor Cars by Incapable Persons” and desiring the concurrence of the Council therein.

On the motion of the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

4. COMPANIES (FEES) BILL.—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that the Assembly, having considered the Message of the Council suggesting on the consideration of the Bill in Committee that the Assembly make a certain amendment in such Bill, have made the suggested amendment and desiring the concurrence of the Council therein.

Ordered—That the foregoing Message be referred to the Committee of the whole on the Bill.

5. ADMINISTRATION AND PROBATE (OFFICES) 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 R. W. Mack having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

6. 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 later this day.

7. COMPANIES (FEES) 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 R. W. Mack having reported that the Committee had agreed to the Bill, including the amendment made by the Assembly which was suggested by the Council, without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same, including the amendment made by the Assembly which was suggested by the Council, without amendment.

8. MOTOR CAR (THIRD-PARTY INSURANCE) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

The Honorable S. Merrifield 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 the next day of meeting.

9. INDUSTRIAL SAFETY ADVISORY COUNCIL BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.

The Honorable A. Todd 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 the next day of meeting.

10. SUPREME COURT (PROCEEDINGS BEFORE MASTER) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

The Honorable A. Todd 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.

11. PUBLIC OFFICERS SALARIES AND ALLOWANCES 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 R. W. Mack 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. LICENSING (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “An Act to amend the ‘Licensing Act 1958’” and desiring the concurrence of the Council therein.

On the motion of the Honorable Sir Arthur Warner, for the Honorable L. H. S. Thompson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

13. MILK BOARD (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
The Honorable A. Todd 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 the next day of meeting.
14. LEGAL PROFESSION PRACTICE (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 R. W. Mack 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. LATROBE VALLEY (FINANCIAL) 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 R. W. Mack 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.
16. VICTORIA RACING CLUB (AMENDMENT) BILL.—The Order of the Day for the first reading of this Bill having been read, the Honorable L. H. S. Thompson produced a receipt showing that the sum of £20 had been paid into the Treasury for the public uses of the State to meet the expenses of the Bill and moved, That this Bill be now read a first time.
Question—put and resolved in the affirmative.—Bill read a first time and ordered to be printed.
The Honorable L. H. S. Thompson moved, by leave, That this Bill be now read a second time.
The Honorable A. Smith, for the Honorable G. J. O'Connell, 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 the next day of meeting.
17. JOHN STOREY MEMORIAL FUND 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 I. A. Swinburne, for the Honorable D. J. Walters, 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 the next day of meeting.
18. RACING (DOG RACES) 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 A. Todd 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 the next day of meeting.
19. CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION 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 R. W. Mack 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.
20. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 15 and 16, be postponed until later this day.

21. GEELONG WATERWORKS AND SEWERAGE (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 R. W. Mack 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.

22. MELBOURNE AND METROPOLITAN BOARD OF WORKS (BORROWING POWERS) 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. Todd 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 the next day of meeting.

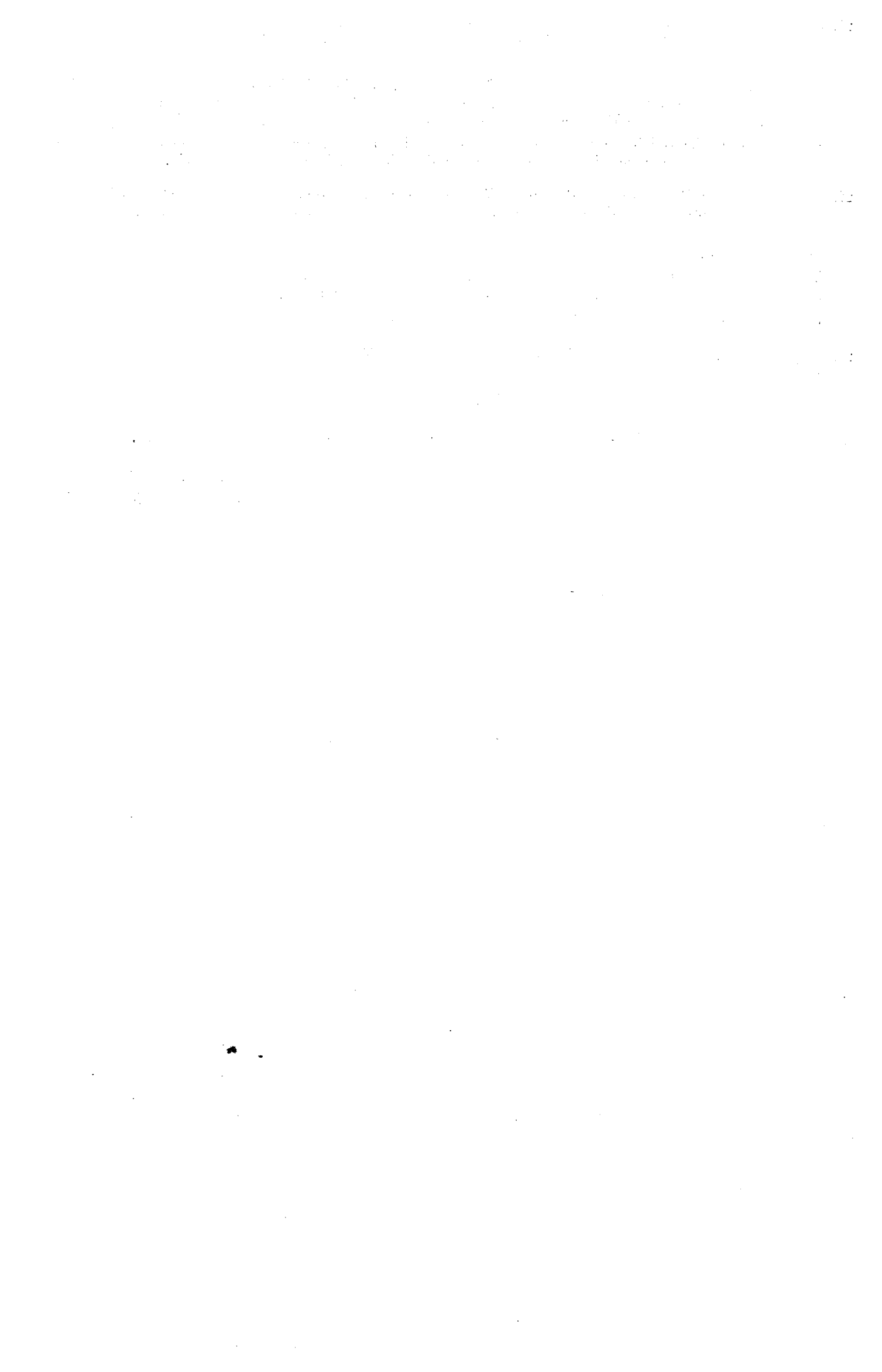
23. ADJOURNMENT.—The Honorable Sir Arthur Warner moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.



LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 31.

TUESDAY, 31ST MAY, 1960.

Question.

- *1. The Hon. A. R. MANSELL: To ask the Honorable the Minister of Transport—
- (a) Has the Land Utilization Advisory Council submitted its report on the use of part of the Rocklands Dam catchment area for land settlement.
 - (b) Will the Minister make such report available to Honorable Members after its submission to the Government.
 - (c) Has the Soil Conservation Authority taken any action to prevent further erosion on the part of the catchment area already alienated.

Government Business.

ORDERS OF THE DAY:—

- *1. MOTOR CAR (DRIVING) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
- *2. LABOUR AND INDUSTRY (AMENDMENT) BILL (NO. 2)—(from Assembly—Hon. Sir Arthur Warner)—Second reading.
- *3. LICENSING (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading.
4. MELBOURNE HARBOR TRUST LANDS BILL—(from Assembly—Hon. Sir Arthur Warner)—Second reading—Resumption of debate (Hon. A. Todd).
5. JOHN STOREY MEMORIAL FUND BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. D. J. Walters).
6. SUPREME COURT (PROCEEDINGS BEFORE MASTER) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. A. Todd).
7. MELBOURNE AND METROPOLITAN BOARD OF WORKS (BORROWING POWERS) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. A. Todd).
8. RACING (DOG RACES) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. A. Todd).
9. LOCAL GOVERNMENT (PRESTON STREETS AGREEMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. J. M. Walton).
10. CONSOLIDATED REVENUE BILL (NO. 3)—(from Assembly—Hon. Sir Arthur Warner)—Second reading—Resumption of debate (Hon. S. Merrifield).
11. SOCIAL WELFARE BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. B. Machin).
12. NATIONAL PARKS (AMENDMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. B. Machin).
13. INDUSTRIAL SAFETY ADVISORY COUNCIL BILL—(from Assembly—Hon. Sir Arthur Warner)—Second reading—Resumption of debate (Hon. A. Todd).
14. MOTOR CAR (THIRD-PARTY INSURANCE) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. S. Merrifield).
15. MILK BOARD (AMENDMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—Resumption of debate (Hon. A. Todd).
16. VICTORIA RACING CLUB (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—Resumption of debate (Hon. G. J. O'Connell).

* Notifications to which an asterisk (*) is prefixed appear for the first time.

General Business.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2)—(*Hon. J. W. Galbally*)—Second reading—*Resumption of debate* (*Hon. P. T. Byrnes*).
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate* (*Hon. G. W. Thom*).
3. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 32.

WEDNESDAY, 1ST JUNE, 1960.

Questions.

- *1. The Hon. A. K. BRADBURY: To ask the Honorable the Minister of Transport—
 - (a) What are the names and offices of the persons who inspected the property of Messrs. A. C. and R. W. Scammell, Allotments 15 and 16, Section 37, Parish of Barnawartha North, and took therefrom samples of stone on behalf of the Railways Department.
 - (b) Did their report recommend the stone as suitable for railway purposes or otherwise.
 - (c) What was the nature of the advice in relation thereto given to Messrs. Scammell Bros.
- *2. The Hon. W. O. FULTON: To ask the Honorable the Minister of Health—
 - (a) What are the numbers of beds in public hospitals in—(i) public wards; (ii) intermediate wards; and (iii) private wards.
 - (b) What is the minimum daily cost per bed in each ward.
- *3. The Hon. R. W. MAY: To ask the Honorable the Minister of Transport—
 - (a) Is it the policy of the Government that, in future, railway land in country areas is to be leased for cultivation purposes only.
 - (b) Will adjoining landholders receive priority in leasing such railway land.

Government Business.

ORDERS OF THE DAY:—

- *1. TOWN AND COUNTRY PLANNING (AMENDMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- *2. CITY OF MELBOURNE UNDERGROUND RAILWAY CONSTRUCTION BILL—(from Assembly—Hon. Sir Arthur Warner)—Second reading.
- *3. VALUATION OF LAND BILL—(from Assembly—Hon. E. P. Cameron)—Second reading.
- 4. RACING (DOG RACES) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate (Hon. A. Todd).*
- 5. MELBOURNE HARBOR TRUST LANDS BILL—(from Assembly—Hon. Sir Arthur Warner)—Second reading—*Resumption of debate (Hon. A. Todd).*
- 6. NATIONAL PARKS (AMENDMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate (Hon. B. Machin).*
- 7. MOTOR CAR (THIRD-PARTY INSURANCE) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate (Hon. S. Merrifield).*
- 8. LOCAL GOVERNMENT (PRESTON STREETS AGREEMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate (Hon. J. M. Walton).*
- 9. SOCIAL WELFARE BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate (Hon. B. Machin).*
- 10. CONSOLIDATED REVENUE BILL (No. 3)—(from Assembly—Hon. Sir Arthur Warner)—Second reading—*Resumption of debate (Hon. S. Merrifield).*

* Notifications to which an asterisk (*) is prefixed appear for the first time.

11. VICTORIA RACING CLUB (AMENDMENT) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. G. J. O'Connell)*.
12. MILK BOARD (AMENDMENT) BILL—(*from Assembly—Hon. E. P. Cameron*)—Second reading—*Resumption of debate (Hon. A. Todd)*.
13. MOTOR CAR (DRIVING) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—Second reading—*Resumption of debate (Hon. J. W. Galbally)*.
14. LICENSING (AMENDMENT) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—To be committed.

General Business.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2)—(*Hon. J. W. Galbally*)—Second reading—*Resumption of debate (Hon. P. T. Byrnes)*.
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate (Hon. G. W. Thom)*.
3. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 33.

THURSDAY, 2ND JUNE, 1960.

Government Business.

ORDERS OF THE DAY :—

1. CITY OF MELBOURNE UNDERGROUND RAILWAY CONSTRUCTION BILL—(from Assembly—Hon. Sir Arthur Warner)—Second reading—*Resumption of debate* (Hon. S. Merrifield).
2. VALUATION OF LAND BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate* (Hon. S. Merrifield).
3. LOCAL GOVERNMENT (PRESTON STREETS AGREEMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate* (Hon. J. M. Walton).
4. VICTORIA RACING CLUB (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. G. J. O'Connell).
5. MILK BOARD (AMENDMENT) BILL—(from Assembly—Hon. E. P. Cameron)—Second reading—*Resumption of debate* (Hon. A. Todd).
6. MOTOR CAR (DRIVING) BILL—(from Assembly—Hon. L. H. S. Thompson)—Second reading—*Resumption of debate* (Hon. J. W. Galbally).
7. CONSOLIDATED REVENUE BILL (No. 3)—(from Assembly—Hon. Sir Arthur Warner)—Second reading—*Resumption of debate* (Hon. S. Merrifield).
8. LICENSING (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—To be committed.
- *9. CONSOLIDATED REVENUE BILL (No. 4)—(from Assembly—Hon. Sir Arthur Warner)—Second reading.

General Business.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2)—(Hon. J. W. Galbally)—Second reading—*Resumption of debate* (Hon. P. T. Byrnes).
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(Hon. W. Slater)—Second reading—*Resumption of debate* (Hon. G. W. Thom).
3. HIRE-PURCHASE (AGREEMENTS) BILL—(Hon. J. W. Galbally)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

* *Notifications to which an asterisk (*) is prefixed appear for the first time.*

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, G. W. Thom, and F. M. Thomas.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 32.

TUESDAY, 31ST MAY, 1960.

- 1. The President took the Chair and read the Prayer.
- 2. TOWN AND COUNTRY PLANNING (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Town and Country Planning Act 1958'*" and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3. COMPANIES (FEES) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Message from His Excellency the Governor, pursuant to the provisions of Section XXXVI., of The Constitution Act, recommending the following amendment which His Excellency desires to be made in this Bill, and acquainting the Council that the Assembly have agreed to such amendment, and desiring the concurrence of the Council therein :—

In the Title after "amend" insert "Section Nine and".

On the motion of the Honorable Sir Arthur Warner, the Council agreed to the amendment recommended by His Excellency the Governor and ordered the Message from His Excellency to be returned to the Assembly with a Message acquainting them therewith.

- 4. STATUTE LAW REVISION COMMITTEE—POLICE OFFENCES (AMENDMENT) BILL 1960.—The Honorable T. H. Grigg brought up a Report from the Statute Law Revision Committee upon the Police Offences (Amendment) Bill 1960 (Clause 2).

Ordered to lie on the Table and the Report to be printed.

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

- Estate Agents Act 1958—Estate Agents (Estate Agents Committee) Regulations.
- Land Act 1958—Certificates of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of schools at Croydon West and Keon Park (two papers).
- Milk Pasteurization Act 1958—Regulation prescribing a District.
- Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances.

- 6. 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.

- 7. LABOUR AND INDUSTRY (AMENDMENT) BILL (No. 2).—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honorable Sir Arthur Warner moved, That the Bill be now read a third time.

Question—put.

The Council divided.

Ayes, 21.

The Hon. A. K. Bradbury,
C. H. Bridgford,
Murray Byrne (*Teller*),
E. P. Cameron,
V. O. Dickie,
P. V. Feltham (*Teller*),
W. O. Fulton,
W. R. Garrett,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
R. W. Mack,
W. P. Mair,
A. R. Mansell,
R. W. May,
G. J. Nicol,
I. A. Swinburne,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters,
Sir Arthur Warner.

Noes, 7.

The Hon. J. W. Galbally,
B. Machin (*Teller*),
S. Merrifield,
G. J. O'Connell,
A. Smith,
A. Todd,
J. M. Walton (*Teller*).

And so it was resolved in the affirmative.—Bill read a third time and passed.

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

8. POSTPONEMENT OF ORDERS OF THE DAY.—The Honorable Sir Arthur Warner moved, That the consideration of Orders of the Day, Government Business, Nos. 3 to 12 inclusive, be postponed until later this day.

Debate ensued.

Question—put.

The Council divided.

Ayes, 15.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross (*Teller*),
R. J. Hamer (*Teller*),
R. W. Mack,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 14.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell (*Teller*),
R. W. May,
S. Merrifield (*Teller*),
G. J. O'Connell,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

And so it was resolved in the affirmative.

9. INDUSTRIAL SAFETY ADVISORY COUNCIL 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 R. W. Mack 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.

10. MOTOR CAR (DRIVING) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

The Honorable J. W. Galbally 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.

11. LICENSING (AMENDMENT) BILL.—The Order of the Day for the second reading of this Bill having been read—

The Honorable L. H. S. Thompson moved, That this Bill be now read a second time.

Debate ensued.

Question—put.

The Council divided.

Ayes, 15.

The Hon. C. H. Bridgford (*Teller*),
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
R. W. Mack,
W. P. Mair,
G. J. Nicol,
G. W. Thom (*Teller*),
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May,
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith (*Teller*),
I. A. Swinburne,
A. Todd,
D. J. Walters (*Teller*),
J. M. Walton.

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively fifteen, or equal, the President said—

In the event of an equality of votes at this stage, it is usual for the Presiding Officer to vote to allow the measure to be further considered. Therefore, I shall cast my votes with the "Ayes".

And so it was resolved in the affirmative.—Bill read a second time.

The Honorable L. H. S. Thompson moved, That the Bill be committed to a Committee of the whole on the next day of meeting.

Debate ensued.

The Council divided.

Ayes, 15.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith (*Teller*),
T. H. Grigg (*Teller*),
K. S. Gross,
R. J. Hamer,
R. W. Mack,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton (*Teller*),
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May,
S. Merrifield,
G. J. O'Connell (*Teller*),
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively fifteen, or equal, the President said—

In the event of an equality of voting on motions of this character, there are ample precedents to support the proposition that the presiding officer does not support a proposal the effect of which would be to take the business out of the Government's hands. Therefore, I cast my vote with the "Ayes".

And so it was resolved in the affirmative.

12. VALUATION OF LAND BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Appointment of a Valuer-General and a Valuers' Qualification Board, and to make further Provision with regard to the Valuation of Land by Municipalities, to amend the 'Local Government Act 1958' and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honorable E. P. Cameron, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

13. CITY OF MELBOURNE UNDERGROUND RAILWAY CONSTRUCTION BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize the Construction of an Underground Railway in the City of Melbourne and for other purposes*" and desiring the concurrence of the Council therein.

On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

14. **MOTOR CAR (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.
15. **GEELONG WATERWORKS AND SEWERAGE (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.
16. **LATROBE VALLEY (FINANCIAL) BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.
17. **ACTS INTERPRETATION BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
18. **CHILDREN'S COURT (ENFORCEMENT OF AWARDS) BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
19. **JOHN STOREY MEMORIAL FUND 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 R. W. Mack 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.
20. **MELBOURNE AND METROPOLITAN BOARD OF WORKS (BORROWING POWERS) 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
21. **SUPREME COURT (PROCEEDINGS BEFORE MASTER) 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 T. H. Grigg having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

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

ROY S. SARAH,
Clerk of the Legislative Council.

No. 33.

WEDNESDAY, 1ST JUNE, 1960.

1. The President took the Chair and read the Prayer.
2. **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.**—The Honorable Sir Arthur Warner presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the under-mentioned Acts presented to him by the Clerk-Assistant of the Legislative Council, for and in the absence of the Clerk of the Parliaments, viz. :—

Co-operative Housing Societies (Amendment) Act.

Racing (Totalizators Extension) Act.

Companies Act.

Judges Salaries and Allowances Act.

Coal Mines (Pensions Contributions) Act.

Landlord and Tenant (Further Amendment) Act.

Public Officers Salaries and Allowances Act.

Legal Profession Practice (Amendment) Act.

Church of England in Australia Constitution Act.

Companies (Fees) Act.

3. PUBLIC WORKS COMMITTEE.—The Honorable Sir Arthur Warner moved, by leave, That the Honorable William Phillip Mair be appointed a member of the Public Works Committee in place of the Honorable Charles Haig Bridgford, resigned.

Question—put and resolved in the affirmative.

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

Milk and Dairy Supervision Act 1958—Amendment of Regulations.

5. TOWN AND COUNTRY PLANNING (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 R. W. Mack 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. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.

7. RACING (DOG RACES) 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 T. H. Grigg having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honorable L. H. S. Thompson moved, That the Bill be now read a third time.

Question—put.

The Council divided.

Ayes, 19.

Noes, 6.

The Hon. Murray Byrne,
E. P. Cameron,
V. O. Dickie,
P. V. Feltham,
W. O. Fulton,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
R. W. Mack,
W. P. Mair,
R. W. May,
G. J. Nicol,
I. A. Swinburne,
G. W. Thom (*Teller*),
L. H. S. Thompson,
D. J. Walters (*Teller*),
Sir Arthur Warner.

The Hon. B. Machin,
S. Merrifield,
G. J. O'Connell,
A. Smith (*Teller*),
A. Todd (*Teller*),
J. M. Walton.

And so it was resolved in the affirmative.—Bill read a third time and passed.

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

8. MELBOURNE HARBOR TRUST LANDS 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 T. H. Grigg 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.

9. NATIONAL PARKS (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 R. W. Mack 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.
10. MOTOR CAR (THIRD-PARTY INSURANCE) 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 R. W. Mack 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.
11. VALUATION OF LAND BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. P. Cameron moved, That this Bill be now read a second time.
- The Honorable S. Merrifield 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 the next day of meeting.
12. CONSOLIDATED REVENUE BILL (No. 4).—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Three million one hundred and three thousand two hundred and ninety pounds to the service of the year One thousand nine hundred and fifty-nine and One thousand nine hundred and sixty*" and desiring the concurrence of the Council therein.
- On the motion of the Honorable Sir Arthur Warner, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
13. ELECTORAL PROVINCES BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
14. ADMINISTRATION AND PROBATE (OFFICES) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
15. JUSTICES (BAIL) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
16. INDUSTRIAL SAFETY ADVISORY COUNCIL BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.
17. CITY OF MELBOURNE UNDERGROUND RAILWAY CONSTRUCTION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.
- The Honorable S. Merrifield 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 the next day of meeting.
18. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 8, be postponed until later this day.
19. SOCIAL WELFARE 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.

And the Council having continued to sit until after Twelve of the clock—

THURSDAY, 2ND JUNE, 1960.

Debate continued.

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 R. W. Mack 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. **POLICE OFFENCES (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the same with an amendment and desiring the concurrence of the Council therein.

Ordered—That the foregoing Message be now taken into consideration.

And the said amendment was read and is as follows:—

Clause 2, line 17, omit “Ten” and insert “Twenty-five”.

On the motion of the Honorable L. H. S. Thompson, and after debate, the Council agreed to the amendment made by the Assembly and ordered the Bill to be returned to the Assembly with a Message acquainting them therewith.

21. **NATIONAL PARKS (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.
22. **MELBOURNE HARBOR TRUST LANDS BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.
23. **MEDICAL (AMENDMENT) BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
24. **TRANSFER OF LAND (STRATUM ESTATES) BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
25. **WEIGHTS AND MEASURES (PENALTIES) BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

And then the Council, at forty-one minutes past Twelve o'clock in the morning, adjourned until this day.

ROY S. SARAH,
Clerk of the Legislative Council.

No. 34.

THURSDAY, 2ND JUNE, 1960.

1. The President took the Chair and read the Prayer.
2. **THE LATE HONORABLE FREDERICK MILES THOMAS.**—The Honorable Sir Arthur Warner moved, by leave, That this House place on record its deep regret at the death of the Honorable Frederick Miles Thomas, one of the Members for the Melbourne Province, and its keen appreciation of the long and valuable services rendered by him to the Parliament and the people of Victoria and, That the House, out of respect to his memory, do now adjourn until half-past Two o'clock this day.
And other Honorable Members and the President having addressed the House—
The question was put and, Honorable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
And then the Council, at forty-eight minutes past Eleven o'clock, adjourned until half-past Two o'clock this day.

1. The President resumed the Chair.
2. **PAPERS.**—The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:—
Land Act 1958—Certificates of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of schools at Benalla and Omeo (two papers).
3. **CITY OF MELBOURNE UNDERGROUND RAILWAY CONSTRUCTION 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 R. W. Mack 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.

4. MOTOR CAR (THIRD-PARTY INSURANCE) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.
5. SOCIAL WELFARE BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.
6. 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.
7. LOCAL GOVERNMENT (PRESTON STREETS AGREEMENT) 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 R. W. Mack 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. VICTORIA RACING CLUB (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 R. W. Mack 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. MILK BOARD (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 R. W. Mack 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. VALUATION OF LAND BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, 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 R. W. Mack having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
11. MOTOR CAR (DRIVING) 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 R. W. Mack 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. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, after debate, That the consideration of Orders of the Day, Government Business, Nos. 7 and 8, be postponed until later this day.

13. CONSOLIDATED REVENUE BILL (No. 4).—The Order of the Day for the second reading of this Bill having been read, the Honorable Sir Arthur Warner moved, That this Bill be now read a second time.

The Honorable J. W. Galbally 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.

14. CONSOLIDATED REVENUE BILL (No. 3).—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 R. W. Mack 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. LICENSING (AMENDMENT) BILL.—This Bill was, according to Order, committed to a Committee of the whole. House in Committee.

The President resumed the Chair.

16. CONSOLIDATED REVENUE BILL (No. 4).—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 R. W. Mack 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. LICENSING (AMENDMENT) BILL.—The Honorable Sir Arthur Warner moved, That the Council will, on the next day of meeting, resolve itself into a Committee of the whole to further consider this Bill.

Debate ensued.

Question—put.

The Council divided.

Ayes, 15.

The Hon. C. H. Bridgford,
Murray Byrne (*Teller*),
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross (*Teller*),
R. J. Hamer,
R. W. Mack,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
J. H. S. Thompson,
Sir Arthur Warner.

Noes, 14.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin (*Teller*),
A. R. Mansell,
R. W. May,
S. Merrifield (*Teller*),
G. J. O'Connell,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

And so it was resolved in the affirmative.

18. ADJOURNMENT.—The Honorable Sir Arthur Warner moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

MR. PRESIDENT TAKES THE CHAIR AT A QUARTER TO FIVE O'CLOCK.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 34.

TUESDAY, 7TH JUNE, 1960.

Government Business.

ORDER OF THE DAY :—

1. LICENSING (AMENDMENT) BILL—(*from Assembly—Hon. L. H. S. Thompson*)—To be further considered in Committee.

General Business.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2)—(*Hon. J. W. Galbally*)—Second reading—*Resumption of debate (Hon. P. T. Byrnes)*.
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(*Hon. W. Slater*)—Second reading—*Resumption of debate (Hon. G. W. Thom)*.
3. HIRE-PURCHASE (AGREEMENTS) BILL—(*Hon. J. W. Galbally*)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, and G. W. Thom.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

MR. PRESIDENT TAKES THE CHAIR AT A QUARTER-PAST TWO O'CLOCK.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 35.

WEDNESDAY, 8TH JUNE, 1960.

Government Business.

ORDER OF THE DAY :—

1. LICENSING (AMENDMENT) BILL—(from Assembly—Hon. L. H. S. Thompson)—To be further considered in Committee.

General Business.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT (AMENDMENT) BILL (No. 2)—(Hon. J. W. Galbally)—Second reading—*Resumption of debate* (Hon. P. T. Byrnes).
2. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES CONTROL BILL—(Hon. W. Slater)—Second reading—*Resumption of debate* (Hon. G. W. Thom).
3. HIRE-PURCHASE (AGREEMENTS) BILL—(Hon. J. W. Galbally)—Second reading.

ROY S. SARAH,
Clerk of the Legislative Council.

G. S. McARTHUR,
President.

CHAIRMAN OF COMMITTEES AND TEMPORARY CHAIRMEN.

CHAIRMAN OF COMMITTEES.—The Honorable R. W. Mack.

TEMPORARY CHAIRMEN.—The Honorables W. O. Fulton, T. H. Grigg, and A. Smith.

SESSIONAL COMMITTEES.

DISTRIBUTION OF POPULATION (JOINT).—The Honorables R. W. Mack, R. W. May, and A. Smith.

ELECTIONS AND QUALIFICATIONS.—The Honorables P. T. Byrnes, G. L. Chandler, R. J. Hamer, W. P. Mair, W. Slater, A. Smith, and I. A. Swinburne.

HOUSE (JOINT).—The Honorables the President (*ex officio*), A. K. Bradbury, C. S. Gawith, B. Machin, R. W. May, and G. J. O'Connell.

LIBRARY (JOINT).—The Honorables the President, W. O. Fulton, R. J. Hamer, S. Merrifield, and J. M. Walton.

PRINTING.—The Honorables the President, A. K. Bradbury, T. H. Grigg, B. Machin, A. R. Mansell, and G. W. Thom.

STANDING ORDERS.—The Honorables the President, Murray Byrne, P. T. Byrnes, J. W. Galbally, W. R. Garrett, K. S. Gross, W. Slater, I. A. Swinburne, D. J. Walters, and Sir Arthur Warner.

STATUTE LAW REVISION (JOINT).—The Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd.

SUBORDINATE LEGISLATION (JOINT).—The Honorables Murray Byrne, I. A. Swinburne, and J. M. Walton.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 35.

TUESDAY, 7TH JUNE, 1960.

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

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable Sir Arthur Warner presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the under-mentioned Acts presented to him by the Clerk-Assistant of the Legislative Council, for and in the absence of the Clerk of the Parliaments, viz:—

Motor Car (Amendment) Act.

Geelong Waterworks and Sewerage (Amendment) Act.

Latrobe Valley (Financial) Act.

Labour and Industry (Amendment) Act.

Acts Interpretation Act.

Children's Court (Enforcement of Awards) Act.

Supreme Court (Proceedings before Master) Act.

Melbourne and Metropolitan Board of Works (Borrowing Powers) Act.

Electoral Provinces Act.

Town and Country Planning (Amendment) Act.

Racing (Dog Races) Act.

Industrial Safety Advisory Council Act.

Administration and Probate (Offices) Act.

Justices (Bail) Act.

National Parks (Amendment) Act.

Medical (Amendment) Act.

Melbourne Harbor Trust Lands Act.

Weights and Measures (Penalties) Act.

Transfer of Land (Stratum Estates) Act.

Local Government (Preston Streets Agreement) Act.

3. CITY OF MELBOURNE UNDERGROUND RAILWAY CONSTRUCTION BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

4. MOTOR CAR (DRIVING) BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.

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

Health Act 1958—Amending Food and Drug Standards Regulations 1960 (No. 1).

Land Act 1958—Certificates of the Minister of Education relating to the proposed compulsory resumption of land for the purposes of schools at Dandenong and Princes Hill (two papers).

Public Library National Gallery and Museums Act 1944—Report, with Statement of Receipts and Expenditure, of the Trustees of the National Gallery for the year 1958-59.

Public Service Act 1958—Amendment of Public Service (Public Service Board) Regulations—Part III.—Salaries, Increments and Allowances.

6. LICENSING (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.

7. LICENSING (AMENDMENT) BILL.—The Honorable Sir Arthur Warner moved, That the Council will, on the next day of meeting, resolve itself into a Committee of the whole to further consider this Bill.

Debate ensued.

Question—put.

The Council divided.

Ayes, 15.

The Hon. C. H. Bridgford (*Teller*),
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith (*Teller*),
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
R. W. Mack,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin (*Teller*),
A. R. Mansell,
R. W. May,
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton (*Teller*).

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively fifteen, or equal, the President said—

In the event of an equality of votes on motions of this character, the precedent is that the presiding officer shall not cast a vote which will have the effect of taking the conduct of the business out of the Government's hands. Therefore, I cast my vote with the "Ayes".

And so it was resolved in the affirmative.

8. ADJOURNMENT.—The Honorable Sir Arthur Warner moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

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

ROY S. SARAH,
Clerk of the Legislative Council.

No. 36.

WEDNESDAY, 8TH JUNE, 1960.

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 :—
 - Audit Act 1958—Amendment of Public Accounts and Stores Regulations 1958.
 - Stamps Act 1958—Stamps Regulations 1960.
 - Teaching Service Act 1958—Amendment of Teaching Service (Governor in Council) Regulations.

3. LICENSING (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 R. W. Mack 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.

The Honorable L. H. S. Thompson moved, That the Bill be now read a third time.

Question—put.

The Council divided.

Ayes, 15.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie (*Teller*),
W. R. Garrett,
C. S. Gawith,
T. H. Grigg (*Teller*),
K. S. Gross,
R. J. Hamer,
R. W. Mack,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May,
S. Merrifield (*Teller*),
G. J. O'Connell (*Teller*),
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively fifteen, or equal, the President said—

In accordance with precedent, I, as presiding officer, shall cast my vote with the "Ayes" to allow the Government to control the conduct of the business of the House.

And so it was resolved in the affirmative.—Bill read a third time and passed.

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

4. LICENSING (AMENDMENT) BILL.—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendments made in such Bill by the Council.

Ordered—That the foregoing Message be now taken into consideration.

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

Amendments made by the Legislative Council.

How dealt with by
the Legislative Assembly.

1. Clause 2, omit this clause.
2. Clause 3, omit this clause.
3. Clause 4, omit this clause.
4. Clause 5, omit this clause.
5. Clause 7, omit this clause.
6. Clause 8, omit this clause.
7. Clause 9, omit this clause.
8. Clause 10, omit this clause.
9. Clause 11, omit this clause.
10. Clause 12, omit this clause.
11. Clause 13, omit this clause.
12. Clause 14, omit this clause.
13. Clause 15, omit this clause.
14. Clause 16, omit this clause.
15. Clause 17, omit this clause.

} Disagreed with.

The Honorable L. H. S. Thompson moved, That the Council do not insist on their amendments disagreed with by the Assembly.

Question—put.

The Council divided.

Ayes, 15.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross (*Teller*),
R. J. Hamer (*Teller*),
R. W. Mack,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May,
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith (*Teller*),
I. A. Swinburne,
A. Todd (*Teller*),
D. J. Walters,
J. M. Walton.

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively fifteen, or equal, the President said—

There being an equality of voting on this motion, I have the responsibility of giving a casting vote. At the outset, I wish the House to realize that, in such circumstances, there is no constitutional bar to the presiding officer casting his vote on the merits of the proposed legislation. Last year, a distinguished member of the judiciary was sent overseas to report on licensing reform, and this measure seeks, to a minor degree, to implement his report. It may now be argued that the author of this Bill, is a learned Judge. His Honour, Judge Fraser, is very experienced in the licensing law and, in my opinion, this Parliament is justified in accepting his recommendations. If I decide to cast my vote with the "Ayes", it will have the effect of saving that portion of the Bill with which Parliament has agreed. Accordingly, I cast my vote with "Ayes".

And so it was resolved in the affirmative.—Amendments not insisted on.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council do not insist on their amendments disagreed with by the Assembly.

5. ADJOURNMENT.—The Honorable Sir Arthur Warner moved, by leave, That the Council, at its rising, adjourn until a day and hour to be fixed by the President or, if the President is unable to act on account of illness or other cause, by the Chairman of Committees, which time of meeting shall be notified to each Honorable Member by telegram or letter.

Question—put and resolved in the affirmative.

And then the Council, at thirty-five minutes past Seven o'clock, adjourned until a day and hour to be fixed by the President or, if the President is unable to act on account of illness or other cause, by the Chairman of Committees, which time of meeting shall be notified to each Honorable Member by telegram or letter.

ROY S. SARAH,

Clerk of the Legislative Council.

BILLS ASSENTED TO AFTER THE FINAL ADJOURNMENT OF BOTH HOUSES AND BEFORE THE PROROGATION.

A Message was received from His Excellency the Lieutenant-Governor after the final adjournment of both Houses :—

Informing the Legislative Council that he had, on 15th June, 1960, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk-Assistant of the Legislative Council, for and in the absence of the Clerk of the Parliaments, viz :—

- John Storey Memorial Fund Act 1960.
- Police Offences (Amendment) Act 1960.
- Motor Car (Third-Party Insurance) Act 1960.
- Social Welfare Act 1960.
- City of Melbourne Underground Railway Construction Act 1960.
- Valuation of Land Act 1960.
- Milk Board (Amendment) Act 1960.
- Victoria Racing Club (Amendment) Act 1960.
- Consolidated Revenue Act 1960.
- Consolidated Revenue Act 1960.
- Motor Car (Driving) Act 1960.
- Licensing (Amendment) Act 1960.

SESSION 1959-60.

QUESTIONS ASKED BY HONORABLE MEMBERS, AND REPLIES THERETO.

Name of Member and Subject-matter.	Number of Notice-Paper. (Question.)	Page in Hansard. (Reply.)
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Railways Department—		
Passenger, goods and livestock traffic—Financial results	2	278
Report on stone deposits at Barnawartha North	32	3451
Richmond station	9	837
Standard-gauge track Albury to Melbourne—Crossings	7, 9, 22	733, 837, 2311
Wangaratta station—Goods traffic—Revenue	2	277
Spastic Children's Association—Receipts from "Miss Victoria" contests ..	17	1659
BRIDGFORD, Hon. C. H.—		
Drunken Driving—Use of breathalyser	26	2777
FULTON, Hon. W. O.—		
Hospitals and Charities Commission—Beds in public hospitals—Number and cost	32	3452
Mines Department—Iron ore deposits at Nowa Nowa	18	1759
Railways Department—Carriage of superphosphate	*	2630
Soldier Settlement—Airley Estate	26	2777
State Rivers and Water Supply Commission—		
Gippsland Irrigation District—Channels at Clydebank	24	2504
Survey of Mitchell, Nicholson and Tambo rivers	24	2504
GALBALLY, Hon. J. W.—		
Arthur's Seat Public Park—Proposed chair lift	21	2183
Inflation—Government policy	9, 21	838, 869, 2182
Justices of the Peace—Appointment	2	277
Loan Funds—Items of Expenditure	23	2415
Logging in Watershed Areas—Report of State Development Committee ..	*	2416
Monash University—Report of Universities Commission	9	837, 869
Railways Department—Closing of under-pass at Reservoir	5	592
Workers Compensation—Payment to workers—Claims for damages ..	11	1057
GRIGG, Hon. T. H.—		
Hospital and Charities Commission—Maldon hospital	8	790
Railways Department—Harcourt—Malmsbury stations—Outward passenger journeys—Revenue	2, 21	277, 2185
State Rivers and Water Supply Commission—		
Cairn Curran Dam—Water released	21	2183
Coliban system—		
Diversion of water from Campaspe river	12	1140
Public Works Committee inquiry—Eppalock project	6	657
Storages	21	2184
Lauriston and Malmsbury reservoirs—Costs	3	353
GROSS, Hon. K. S.—		
Agricultural Colleges—Additional accommodation	17	1660
Kindergartens—Statistics	21	2184

* Question asked without notice.

QUESTIONS ASKED BY HONORABLE MEMBERS, AND REPLIES THERETO—*continued.*

Name of Member and Subject-matter.	Number of Notice-Paper. (Question.)	Page in Hansard. (Reply.)
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Education Department—Junior Government Scholarships	5	593
Increased Commonwealth Charges—Cost to State	18	1760
Park Lands—Areas occupied by Commonwealth Departments	13	1259
Payments to Commonwealth Government—Pay-roll Tax—Interest on Loans	22	2311
Railways Department—Car parks at suburban stations	5	592
MACHIN, Hon. B.—		
Clean Air Committee—		
Administration of Act—Proposed amendment	25	2628
Meetings—Technical advice—Boiler operator's certificate	11	1057
Colonial Sugar Refining Company—Erection of plant at Bacchus Marsh	19	1880
Gas and Fuel Corporation—Gas generators—Repairs and construction	2	278
Health Department—		
Industrial boilers and furnace—Inspection	2	277
Maternal Infant and Pre-school Welfare Division—Control	22	2311
Registration of proprietary medicines	11	1058, 1167
Housing Commission—Supervisory staff—Ban on keeping of pets	29	3183
Milk Shops—Licences in city of Footscray	3	351
Railways Department—		
Non-running of Sunday trains	*	2042
Proposed committee of inquiry	21	2182
School Libraries—Applications for subsidies	16	1527
State Electricity Commission—Brown coal driers—Repairs and construction	2	278
St. Paul's Cathedral—Obstruction of view by advertising sign	19	1880
MANSELL, Hon. A. R.—		
Land Settlement—Rocklands Dam catchment area	29, 31	3183, 3373
MAY, Hon. R. W.—		
Agriculture Department—Investigation of milk supplies—Refrigerated and water-cooled milk	27	2908
Bonang Highway—Axle load limits on trucks	27	2907
Cattle Compensation Fund—Revenue and payments	16	1527
Oyster Fisheries—Licence to take oysters	28	3085
Railways Department—		
Leasing of land in country areas	32	3451
Moe over-head bridge—Location—Lowering of line	11	1058
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Road Tax—Revenue—Administration—Breaches of regulations	16	1527
State Rivers and Water Supply Commission—		
Nambrok—Denison irrigation area—Saline-affected land	3, 27	353, 2908
Thomson river—Formation of Trust—Reservoir	18, 26	1760, 2778
Water supply for Paynesville	3, 14	354, 1337
Tourist Development Authority—Revenue—Allocations to municipalities	14	1336
Vermin and Noxious Weeds—Revenue from destruction to Lands Department	25	2628
MERRIFIELD, Hon. S.—		
Housing Commission—Demolition and repair orders—Collingwood and Fitzroy districts	21	2183
Newmarket Saleyards and Abattoirs—Report of committee	19	1879
Penal Department—Specifications of cat-o-nine-tails	21	2182
SLATER, Hon. W.—		
Health Department—Sulphur dioxide as meat preservative	2	276
Immigration—Commonwealth Advisory and Planning Councils	3	353

QUESTIONS ASKED BY HONORABLE MEMBERS, AND REPLIES THERETO—*continued.*

Name of Member and Subject-matter.	Number of Notice-Paper. (Question.)	Page in Hansard. (Reply.)
SMITH, Hon. A.—		
Police Department—New police station at Seymour	3	354
Railways Department—Subway and level crossings at Seymour	16	1528
Road Traffic—		
Availability of copies of Regulations at Motor Show	23	2415
Inquiry into road toll—Senate committee	11	1059
 SWINBURNE, Hon. I. A.—		
Game Destruction—Permits issued—Game destroyed	11	1058
Hume Highway—Indigo creek bridge—Glenrowan deviation	26	2776
State Electricity Commission—Financial allocations to branch areas— Classification of consumers	3	355
 THOM, Hon. G. W.—		
Housing Commission—Sale of homes at Geelong and Colac—Type of construction	2	278
 TODD, Hon. A.—		
Bread Industry—Illegal baking	23, 30	2414, 2415, 3313, 3336
Crown Lands at Fisherman's Bend—Occupancy by Australian Wool Bureau	13	1259
Fair Rents Board—Method of rent determination	27	2907
Horsham—Kyosan Engineering Company—Files requested	21	2183
Housing—Eviction orders	18	1759
Housing Commission—		
Emerald Court project at South Melbourne	28	3084
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Illegal Betting—Amount of fines	12	1141
Melbourne and Metropolitan Tramways Board—Uniforms—Training of employees	29	3193
Metropolitan Traffic Routes—Inquiries and reports by Public Works Committee	21	2183
Rail and Tram Travel—Concessional fares	27	2907
 WALTON, Hon. J. M.—		
Education—Financial difficulties of parents—Concession travel for students	26	2776
Housing Commission—Streets in Heidelberg area	25	2626
Melbourne and Metropolitan Tramways Board—Extension of Sydney-road line	24	2504
Parliament—Bicameral system	5	592
Public Transport—Fare concessions to organizations	17	1659
Railways Department—Level crossings at Rosanna and Macleod	23	2415
St. John's Ambulance Brigade—Subsidy for travelling allowances	18	1760

* Question asked without notice.

[2845]



VICTORIA
GOVERNMENT GAZETTE

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No. 80]

WEDNESDAY, AUGUST 17

[1960

PROROGUING PARLIAMENT AND FIXING THE TIME FOR HOLDING THE THIRD SESSION OF THE FORTY-FIRST PARLIAMENT OF VICTORIA.

PROCLAMATION

By His Excellency the Lieutenant-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 such day and hour as may be fixed by the President of the Legislative Council and the Speaker of the Legislative Assembly respectively: Now I, the Lieutenant-Governor of the State of Victoria, in the Commonwealth of Australia, do by this my Proclamation prorogue the said Parliament of Victoria until Wednesday, the fourteenth day of September, 1960, and I do hereby fix Wednesday, the fourteenth day of September, 1960, aforesaid, at the hour of half-past Two o'clock in the afternoon, as the time for the commencement and holding of the next Session of the said Parliament of Victoria, for the despatch of business, in the Parliament Houses, situate in Spring-street, in the City of Melbourne; And the Honourable 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 seal of the State of Victoria aforesaid, at Melbourne, this sixteenth day of August, in the year of our Lord One thousand nine hundred and sixty, and in the ninth year of the reign of Her Majesty Queen Elizabeth II.

(L.S.)

E. F. HERRING.

By His Excellency's Command,

HENRY E. BOLTE,
Premier.

GOD SAVE THE QUEEN!

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1959.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

WEDNESDAY, 11TH NOVEMBER, 1959.

No. 1.—SOLDIER SETTLEMENT (AMENDMENT) BILL—Clause 4—

4. After section seventy-three of the Principal Act there shall be inserted the following section:—

“73A. (1) Notwithstanding any of the provisions of the last preceding section at any time after the expiration of the period of six years or any reduction thereof referred to in section sixty-six of this Act in any case—

(a) where a settler seeks relief from complying with any of the covenants contained in a purchase lease granted to him under this Part the failure to comply with which would render the purchase lease liable to forfeiture; or

(b) where a settler seeks to mortgage his interest in a purchase lease granted to him under this Part to any person other than the Commission—

if the Commission is satisfied—

(i) that it would be in the best interests of the settler so to do; or

(ii) that because of the difficulties which would confront the settler in obtaining the necessary finance to pay the Commission the full amount of his liability to the Commission under the purchase lease and in respect of advances and otherwise under this Act the settler would suffer undue hardship—

then the Commission may recommend to the Governor in Council that a Crown grant of the land comprised in the purchase lease be made to the settler subject to the execution by the settler of a first mortgage of the said land to the Commission as provided in the next succeeding sub-section to secure the payment of the settler's liability to the Commission and in any such case a Crown grant may be made accordingly subject to such covenants conditions exceptions and reservations as the Governor in Council thinks fit.

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—(Hon. E. P. Cameron.)

Amendment proposed—That the words “that relief from complying with such covenants and for such periods as the Commission approves be granted without forfeiture or” be inserted after the words “the Commission may recommend to the Governor in Council”.

—(Hon. D. J. Walters.)

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

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 14.

The Hon. A. K. Bradbury,
P. T. Byrnes,
P. V. Feltham,
B. Machin (*Teller*),
A. R. Mansell (*Teller*),
R. W. May,
S. Merrifield,
G. J. O'Connell,
A. Smith,
I. A. Swinburne,
F. M. Thomas,
A. Todd,
D. J. Walters,
J. M. Walton.

Noes, 13.

The Hon. Murray Byrne,
E. P. Cameron,
G. L. Chandler,
V. O. Dickie,
W. R. Garrett (*Teller*),
C. S. Gawith,
T. H. Grigg,
K. S. Gross (*Teller*),
R. J. Hamer,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson.

And so it was resolved in the affirmative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1959.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

WEDNESDAY, 25TH NOVEMBER, 1959.

No. 1.—POLICE OFFENCES (BETTING) BILL—Clause 2—

2. In sub-section (1) of section ninety-eight of the Principal Act for the words commencing "shall be liable" and ending at the end of the sub-section there shall be substituted the words "shall be liable for a first offence to a penalty of not less than One hundred pounds and not more than Two hundred pounds or to imprisonment for a term of not less than three months and not more than six months and for a second or any subsequent offence to imprisonment for a term of not less than six months and not more than twelve months".

—(Hon. L. H. S. Thompson.)

Amendment proposed—That the words "or to imprisonment for a term of not less than three months and not more than six months and for a second or any subsequent offence to imprisonment for a term of not less than six months and not more than twelve months" be omitted with the view of inserting in place thereof the words "or to imprisonment for a term of not more than three months and for a second offence to a penalty of not less than Two hundred pounds nor more than Five hundred pounds or imprisonment for a term of six months, and for any subsequent offence to imprisonment for a term of twelve months".

—(Hon. J. W. Galbally.)

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

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 13.

The Hon. Murray Byrne,
E. P. Cameron,
G. L. Chandler,
V. O. Dickie (*Teller*),
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair (*Teller*),
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson.

Noes, 15.

The Hon. A. K. Bradbury,
P. T. Byrnes,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May (*Teller*),
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith,
A. Todd (*Teller*),
D. J. Walters,
J. M. Walton.

And so it passed in the negative.

No. 2.—POLICE OFFENCES (BETTING) BILL—Clause 2—

[For this clause see Division No. 1 above.]

Amendment proposed—That the words "or to imprisonment for a term of not more than three months and for a second offence to a penalty of not less than Two hundred pounds nor more than Five hundred pounds or imprisonment for a term of six months, and for any subsequent offence to imprisonment for a term of twelve months" be inserted in place of the words already omitted. (*See Division No. 1 above.*)

—(Hon. J. W. Galbally.)

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

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 15.

The Hon. A. K. Bradbury,
P. T. Byrnes,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May (*Teller*),
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith,
A. Todd (*Teller*),
D. J. Walters,
J. M. Walton.

Noes, 13.

The Hon. Murray Byrne,
E. P. Cameron,
G. L. Chandler,
V. O. Dickie (*Teller*),
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair (*Teller*),
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson.

And so it was resolved in the affirmative.

N .3.—LIFTS AND CRANES BILL.—Clause 3—

3. In this Act unless inconsistent with the context or subject-matter—

“ Chief Inspector ” means the Chief Inspector of Lifts and Cranes appointed under this Act.

“ Conveyor ” means apparatus or contrivance including ropeway worked by any power other than manual by which loads are raised lowered or transported or are capable of being raised lowered or transported by means of—

(a) an endless belt rope or chain ;

(b) buckets trays or other containers or fittings moved by an endless belt rope or chain ; or

(c) a rotating screw—

and includes the supporting structure machinery equipment and gear used in connexion with the conveyor.

“ Crane ” means crane of any kind, excavator, power shovel, cableway, and monorail and any other apparatus or contrivance used or capable of being used for raising lowering or transporting loads in like manner to the foregoing and includes conveyor and hoist, and also includes the supporting structure and the gear used in connexion with a crane, but does not include—

(i) a lift ;

(ii) any apparatus or contrivance in a mine ;

(iii) any crane used solely for private or domestic purposes and not in connexion with any business conducted for gain ; or

(iv) any crane or type of crane which the Minister by notice published in the *Government Gazette* exempts from the operation of this Act.

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—(*Hon. G. L. Chandler.*)

Amendment proposed—That the following interpretations be inserted to follow the interpretation of “ Crane ” :—

“ ‘ Crane chaser ’ means a person slinging and directing the movement of loads handled by a crane where such loads are usually in full view of the crane driver.

‘ Dogman ’ means a person slinging and directing the movement of loads handled by a crane where such loads are usually not in full view of the crane driver.”

—(*Hon. A. Todd.*)

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

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 6.

The Hon. B. Machin,
S. Merrifield (*Teller*),
G. J. O'Connell,
A. Smith (*Teller*),
A. Todd,
J. M. Walton.

Noes, 22.

The Hon. A. K. Bradbury (*Teller*),
C. H. Bridgford,
Murray Byrne (*Teller*),
P. T. Byrnes,
E. P. Cameron,
G. L. Chandler,
V. O. Dickie,
P. V. Feltham,
W. O. Fulton,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair,
A. R. Mansell,
R. W. May,
G. J. Nicol,
I. A. Swinburne,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters.

And so it passed in the negative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1959.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

WEDNESDAY, 2ND DECEMBER 1959.

No. 1.—LOCAL GOVERNMENT BILL—Clause 7—

7. At the end of sub-section (10) of section five hundred and sixty-nine of the Principal Act there shall be inserted the following sub-sections :—

“(10A) Where in respect of the proposed subdivision of any land no requirement has been made under paragraph (e) of the last preceding sub-section or where such a requirement has been made in respect of some only of the streets roads lanes or passages shown on the plan the council may before causing the plan to be sealed enter into an agreement with the person intending to subdivide the land which provides—

(a) (i) for the streets roads lanes and passages in respect of which no requirement has been made to be temporarily constructed by such person to the satisfaction of the council and for the giving of security to the satisfaction of the council to ensure compliance with the agreement; or

(ii) for the payment to the council or for the giving of security to the council of an amount equivalent to the cost as estimated by the council of the temporary construction by the council of the streets roads lanes or passages in respect of which no requirement has been made; and

(b) for such other matters in connexion therewith as the council thinks fit—

and upon entering into any such agreement the council shall cause the plan to be sealed.

(10B) Any temporary construction carried out by the council or by the person intending to subdivide pursuant to an agreement made under the last preceding sub-section shall not be deemed to be the construction of a private street within the meaning of this Part and the council may proceed with a scheme for the construction of such street road lane or passage under this Part at any time.

(10C) Where an agreement has been made between a council and any person pursuant to the provisions of sub-section (10A) of this section the council shall state in every certificate in writing in respect of any land affected by the agreement issued by the council pursuant to the provisions of sub-section (2) of section three hundred and eighty-seven of this Act before a scheme for the construction of a private street has been prepared by the council that the streets roads lanes and passages have not been constructed pursuant to Division ten of Part XIX. and that in due course a scheme for the construction of such private streets at the expense of the owners of premises fronting may be proceeded with by the council.”

—(Hon. G. L. Chandler.)

Question—That clause 7 stand part of the Bill—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 13.

The Hon. Murray Byrne,
E. P. Cameron,
G. L. Chandler,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg (Teller),
K. S. Gross,
R. J. Hamer (Teller),
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson.

Noes, 15.

The Hon. P. T. Byrnes,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell (Teller),
R. W. May,
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton (Teller).

And so it passed in the negative.

FRIDAY (MORNING), 4TH DECEMBER, 1959.

No. 2.—WATER (LAND RECLAMATION) BILL—Clause 2—

2. At the end of section ninety-one of the Principal Act there shall be inserted the following sections :—

“ 91A. (1) The Commission with the consent of the Governor in Council may acquire by agreement any area of land in the Macalister irrigation district or in the vicinity of that irrigation district which has in whole or in part been affected by the accumulation of salt in the surface soil.

(2) The Commission shall not agree to pay for any such land an amount in excess of the amount that a bona fide purchaser might reasonably be expected to offer for the land on the assumption—

(a) that the land is not and is not capable of being irrigated, and

(b) that the land is not affected by the accumulation of salt in the surface soil.

* * * * *

—(Hon. E. P. Cameron.)

Amendment proposed—That the words “and is not capable of being” be omitted.

—(Hon. R. W. May.)

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

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 16.

The Hon. Murray Byrne,
E. P. Cameron,
G. L. Chandler,
V. O. Dickie,
J. W. Galbally,
W. R. Garrett,
C. S. Gawith,
R. J. Hamer,
B. Machin,
W. P. Mair (*Teller*),
S. Merrifield,
G. J. Nicol,
G. J. O'Connell (*Teller*),
A. Smith,
G. W. Thom,
L. H. S. Thompson.

Noes, 7.

The Hon. A. K. Bradbury (*Teller*),
P. T. Byrnes,
P. V. Feltham,
W. O. Fulton,
A. R. Mansell (*Teller*),
R. W. May,
D. J. Walters.

And so it was resolved in the affirmative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1959—60.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

TUESDAY, 10TH MAY, 1960.

No. 1.—ELECTORAL PROVINCES BILL—Clause 1—

1. (1) This Act may be cited as the *Electoral Provinces Act 1960*.(2) This Act shall be read and construed as one with *The Constitution Act Amendment Act 1958* (hereinafter called the Principal Act).

(3) This Act is divided into parts as follows:—

Part I.—Redivision of Metropolitan Area.

Part II.—Amendments of *The Constitution Act Amendment Act 1958*.—(*Hon. L. H. S. Thompson.*)

Question—That clause 1 stand part of the Bill—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 20.

The Hon. A. K. Bradbury,
C. H. Bridgford,
Murray Byrne (*Teller*),
E. P. Cameron,
V. O. Dickie,
P. V. Feltham (*Teller*),
W. O. Fulton,
W. R. Garrett,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair,
A. R. Mansell,
R. W. May,
G. J. Nicol,
I. A. Swinburne,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters,
Sir Arthur Warner.

Noes, 7.

The Hon. J. W. Galbally,
B. Machin (*Teller*),
S. Merrifield,
G. J. O'Connell (*Teller*),
A. Smith,
A. Todd,
J. M. Walton.

And so it was resolved in the affirmative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1959—60.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

TUESDAY, 24TH MAY, 1960.

No. 1.—RACING (TOTALIZATORS EXTENSION) BILL (No. 2)—Clause 4—(as amended)—

4. (1) After section ninety-six of the Principal Act there shall be inserted the following heading :—

“ DIVISION I.—TOTALIZATORS ON RACE-COURSES.”

(2) After section one hundred and sixteen of the Principal Act there shall be inserted the following heading and sections :—

‘ DIVISION 2.—OFF-COURSE BETTING ON RACE-COURSE TOTALIZATORS.

116A. (1) For the purposes of this Division there shall be a Board appointed by the Governor in Council to be called the “ Totalizator Agency Board ” (hereinafter called “ the Board ”).

(2) By that name the Board shall be a body corporate with perpetual succession and a common seal and shall be capable in law of suing and of being sued and of taking purchasing holding exchanging leasing and disposing of real and personal property and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

* * * * *

116H. For the purposes of this Division the Board may establish offices and agencies purchase or take on lease or licence any lands buildings or premises and may erect buildings and may equip fit and furnish any buildings or premises and may enter into any agency contracts or other contracts or arrangements whatsoever and may carry the same into effect.

* * * * *

116M. (1) The following provisions shall have effect in relation to offices and agencies of the Board :—

(a) Every office or agency of the Board to which members of the public are admitted for the purposes of this Division shall consist of separate premises to which access may be had from the street without passing through other occupied premises, and no trade, business or calling of any kind, other than the business of the Board under this Division, shall be authorized, permitted or suffered to be conducted in any part of the office or agency premises whilst open to the public for the purposes of this Division ;’

* * * * *

—(Hon. L. H. S. Thompson.)

The clause having been amended by the omission of the words "and may" (where first occurring) in proposed new section 116H.—

Amendment proposed—That the words "in such numbers and at such places as the Minister approves and for that purpose the Board may" be inserted in place of the words omitted.

—(Hon. W. R. Garrett.)

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

Committee divided—The Hon. W. R. Mack in the Chair.

Ayes, 16.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie (*Teller*),
P. V. Feltham,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross (*Teller*),
R. J. Hamer,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters,
Sir Arthur Warner.

Noes, 13.

The Hon. A. K. Bradbury,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell (*Teller*),
R. W. May,
S. Merrifield,
G. J. O'Connell (*Teller*),
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd,
J. M. Walton.

And so it was resolved in the affirmative.

No. 2.—RACING (TOTALIZATORS EXTENSION) BILL (No. 2)—Clause 4 (*as amended*)—

[*For this clause, see Division No. 1 above.*]

Amendment proposed—That the following new paragraph be inserted to follow paragraph (a) in proposed new section 116M. :—

" () No such office or agency shall be open to the public nor shall any member of the public be admitted to any such office or agency on any Saturday or public holiday after the hour of half-past two in the afternoon."

—(Hon. G. W. Thom.)

Question—That the new paragraph proposed to be inserted be so inserted—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 10.

The Hon. C. H. Bridgford,
E. P. Cameron,
P. V. Feltham,
W. R. Garrett (*Teller*),
T. H. Grigg,
R. J. Hamer (*Teller*),
W. P. Mair,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters.

Noes, 19.

The Hon. A. K. Bradbury,
Murray Byrne,
V. O. Dickie,
W. O. Fulton (*Teller*),
J. W. Galbally,
C. S. Gawith,
K. S. Gross,
B. Machin,
A. R. Mansell,
R. W. May,
S. Merrifield,
G. J. Nicol,
G. J. O'Connell,
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd (*Teller*),
J. M. Walton,
Sir Arthur Warner.

And so it passed in the negative.

WEDNESDAY, 25TH MAY, 1960.

No. 3.—LANDLORD AND TENANT (FURTHER AMENDMENT) BILL.—Clause 3—

3. In sub-section (1) of section sixty of the Principal Act for the words "the date of the application" there shall be substituted the words "the date of the making of the determination."

—(Hon. Sir Arthur Warner.)

Amendment proposed—That the words "the date of the making of the determination" be omitted with the view of inserting in place thereof the words "the first day of August One thousand nine hundred and sixty-one".

—(Hon. G. J. O'Connell.)

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

The Council divided—The Hon. R. W. Mack in the Chair.

Ayes, 21.

The Hon. A. K. Bradbury,
 C. H. Bridgford,
 Murray Byrne (*Teller*),
 E. P. Cameron,
 V. O. Dickie,
 P. V. Feltham,
 W. O. Fulton,
 W. R. Garrett,
 C. S. Gawith,
 T. H. Grigg,
 K. S. Gross,
 R. J. Hamer,
 W. P. Mair,
 A. R. Mansell,
 R. W. May (*Teller*),
 G. J. Nicol,
 I. A. Swinburne,
 G. W. Thom,
 L. H. S. Thompson,
 D. J. Walters,
 Sir Arthur Warner.

Noes, 7.

The Hon. J. W. Galbally,
 B. Machin (*Teller*),
 S. Merrifield,
 G. J. O'Connell,
 A. Smith (*Teller*),
 A. Todd,
 J. M. Walton.

And so it was resolved in the affirmative.

VICTORIA.

LEGISLATIVE COUNCIL.

 SESSION 1959—60.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

 No. 6.

TUESDAY, 31ST MAY, 1960.

No. 1.—LABOUR AND INDUSTRY (AMENDMENT) BILL (No. 2).—Clause 2—

2. (1) In section forty-five of the Principal Act—

(a) after paragraph (a) of sub-section (1) there shall be inserted the following paragraph:—

“(aa) The Minister at his discretion or pursuant to inquiries instituted by the Department or to representations made to him by any association of consumers of goods or any body of persons appearing to the Minister to have a *bona fide* interest in the operation of the determination or part thereof appealed against may on behalf of the State of Victoria after having given to the registrar notice in writing of his intention so to do intervene in the public interest in any such appeal and may appear by counsel.”

(b) after sub-section (3) there shall be inserted the following sub-section:—

“(3A) When dealing with any such appeal in which the Minister has intervened the Industrial Appeals Court shall consider in addition to the matters mentioned in sub-section (3) of this section whether the determination or part thereof appealed against is contrary to the public interest and without limiting the generality of the foregoing whether in particular it has had or may have the effect of—

(a) detrimentally affecting the interests convenience or requirements of the public or any substantial section thereof; or

(b) restricting reasonable competition in the trade to which the determination relates or in any trade associated therewith—

and if satisfied that the determination is so contrary to the public interest or has had or may have any such effect the Court may in respect of the determination exercise all or any of the powers conferred upon it by this section.”

(2) This section shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

—(Hon. Sir Arthur Warner.)

Question—That clause 2 stand part of the Bill—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 20.

The Hon. A. K. Bradbury,
C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
P. V. Feltham (*Teller*),
W. O. Fulton,
W. R. Garrett,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair (*Teller*),
A. R. Mansell,
R. W. May,
G. J. Nicol,
I. A. Swinburne,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters,
Sir Arthur Warner.

Noes, 7.

The Hon. J. W. Galbally,
B. Machin,
S. Merrifield (*Teller*),
G. J. O'Connell,
A. Smith,
A. Todd,
J. M. Walton (*Teller*).

And so it was resolved in the affirmative.

WEDNESDAY, 1ST JUNE, 1960.

No. 2.—TOWN AND COUNTRY PLANNING (AMENDMENT) BILL.—Clause 3—

3. For sub-section (3) of section fourteen of the Principal Act there shall be substituted the following sub-sections:—

“(3) Every application for a permit under an interim development order shall be made to the responsible authority in writing in the prescribed form.

* * * * *

(3B) Any person—

(a) who feels aggrieved—

(i) by a determination of the responsible authority refusing to grant to him a permit for any use or development of any land or for the erection construction or carrying out of any buildings or works on any land; or

(ii) by the failure of a responsible authority to grant to him such a permit within a period of two months or, where notice of the application was given or published as aforesaid, three months after receipt by the authority of the application for the permit;

(b) who feels aggrieved by any of the conditions specified in any permit granted or determined to be granted to him by the authority pursuant to this section;

(c) who feels aggrieved by any restriction on the use or development of any land or on the erection construction or carrying out of any building or works on any land (which use development erection construction or carrying out is permitted or not prohibited by the interim development order or is expressly authorized by a permit granted or determined to be granted to him by the authority under this section) where the restriction results from or arises under any by-law made by a council pursuant to sub-paragraph (a) of paragraph (xxxviii) of sub-section (1) of section one hundred and ninety-seven of the *Local Government Act 1958*; or

(d) who, being an objector, feels aggrieved by a determination of the authority to grant any such permit—

may within the prescribed time and in the prescribed manner appeal to the Minister against the determination failure condition or restriction (as the case may be) and different prescriptions may be made in respect of different kinds of appellants.”

* * * * *

—(Hon. E. P. Cameron.)

Amendment proposed—That all the words commencing “(c) who feels aggrieved by any restriction” and ending “*Local Government Act 1958*,” be omitted.

—(Hon. S. Merrifield.)

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

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 21.

The Hon. A. K. Bradbury,
 C. H. Bridgford (*Teller*),
 Murray Byrne,
 E. P. Cameron,
 V. O. Dickie,
 P. V. Feltham (*Teller*),
 W. O. Fulton,
 W. R. Garrett,
 C. S. Gawith,
 T. H. Grigg,
 K. S. Gross,
 R. J. Hamer,
 W. P. Mair,
 A. R. Mansell,
 R. W. May,
 G. J. Nicol,
 I. A. Swinburne,
 G. W. Thom,
 L. H. S. Thompson,
 D. J. Walters,
 Sir Arthur Warner.

Noes, 7.

The Hon. J. W. Galbally,
 B. Machin (*Teller*),
 S. Merrifield,
 G. J. O'Connell (*Teller*),
 A. Smith,
 A. Todd,
 J. M. Walton.

And so it was resolved in the affirmative.

No. 3.—NATIONAL PARKS (AMENDMENT) BILL.—Clause 8—

8. In section nine of the Principal Act after sub-section (3) there shall be inserted the following sub-section:—

“(4) The Authority may with the consent of the Minister grant to any person or body of persons a permit to occupy any portion of a national park for a period not exceeding twenty-one years subject to such covenants terms and conditions and to the payment of such rent fees or charges as the Authority determines.”

—(*Hon. E. P. Cameron.*)

Amendment proposed—That the words “the following sub-section” be omitted with the view of inserting in place thereof the words “the following sub-sections”.

—(*Hon. W. O. Fulton.*)

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

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 6.

The Hon. B. Machin,
 S. Merrifield (*Teller*),
 G. J. O'Connell,
 A. Smith (*Teller*),
 A. Todd,
 J. M. Walton.

Noes, 19.

The Hon. A. K. Bradbury,
 Murray Byrne (*Teller*),
 E. P. Cameron,
 V. O. Dickie,
 P. V. Feltham,
 W. O. Fulton,
 W. R. Garrett,
 C. S. Gawith,
 T. H. Grigg,
 K. S. Gross,
 R. J. Hamer,
 W. P. Mair,
 A. R. Mansell (*Teller*),
 R. W. May,
 G. J. Nicol,
 I. A. Swinburne,
 G. W. Thom,
 L. H. S. Thompson,
 D. J. Walters.

And so it passed in the negative.

No. 4.—NATIONAL PARKS (AMENDMENT) BILL.—Clause 8—

[For this clause, see Division No. 3 above.]

—(*Hon. E. P. Cameron.*)

Amendment proposed—That the words “twenty-one years” be omitted with the view of inserting in place thereof the words “thirty-three years”.

—(*Hon. W. O. Fulton.*)

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

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 6.

The Hon. B. Machin,
S. Merrifield,
G. J. O'Connell (*Teller*),
A. Smith,
A. Todd,
J. M. Walton (*Teller*).

Noes, 19.

The Hon. A. K. Bradbury,
Murray Byrne,
E. P. Cameron,
V. O. Dickie (*Teller*),
P. V. Feltham,
W. O. Fulton,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair,
A. R. Mansell,
R. W. May (*Teller*),
G. J. Nicol,
I. A. Swinburne,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters.

And so it passed in the negative.

No. 5.—NATIONAL PARKS (AMENDMENT) BILL.—Clause 8—

[*For this clause, see Division No. 3 above.*]

—(*Hon. E. P. Cameron.*)

Amendment proposed—That at the end of the clause there be added the following expression:—

“(5) The Authority may with the consent of the Minister grant to any person or body of persons a lease of an area of land within a national park for a period not exceeding seventy-five years for the purpose of erecting a building thereon the cost of which must not be less than One hundred thousand pounds subject to such covenants terms and conditions and to the payment of such rent fees or charges as the Authority determines.”

—(*Hon. W. O. Fulton.*)

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

Council divided—The Hon. R. W. Mack in the Chair.

Ayes, 19.

The Hon. A. K. Bradbury,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
P. V. Feltham (*Teller*),
W. O. Fulton,
W. R. Garrett (*Teller*),
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair,
A. R. Mansell,
R. W. May,
G. J. Nicol,
I. A. Swinburne,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters.

Noes, 6.

The Hon. B. Machin (*Teller*),
S. Merrifield,
G. J. O'Connell,
A. Smith (*Teller*),
A. Todd,
J. M. Walton.

And so it was resolved in the affirmative.

No. 6.—MOTOR CAR (THIRD-PARTY INSURANCE) BILL.—Clause 2 (*as amended*)—

2. In section twenty-five of the Principal Act—

(a) after paragraph (d) of sub-section (1) there shall be inserted the following expression:—

“ or ;

(e) if the Chief Commissioner is satisfied upon information supplied by an authorized insurer pursuant to the provisions of section twenty-seven of this Act and after causing the applicant or the holder of the licence (as the case may be) to be tested or examined that the said applicant or holder is unfit to be issued with or to hold such a licence upon the ground that the safety of the public is being or is likely to be endangered.”; and

(b) after sub-section (2) there shall be inserted the following sub-section:—

“(3) Upon any appeal pursuant to the provisions of the last preceding sub-section the court shall re-determine the matter of the refusal cancellation or suspension, shall hear any relevant evidence tendered whether by the applicant or the Chief Commissioner and, without limiting the generality of its discretion, shall take into consideration all the matters which the Chief Commissioner ought to have taken into consideration in determining the matter of such refusal cancellation or suspension.”

—(Hon. L. H. S. Thompson.)

[NOTE.—The clause had been amended by the substitution of the word “whether” for the word “either”.]

Question—That clause 2, as amended, stand part of the Bill—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 20.

The Hon. A. K. Bradbury,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
P. V. Feltham,
W. O. Fulton (*Teller*),
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer (*Teller*),
W. P. Mair,
A. R. Mansell,
R. W. May,
G. J. Nicol,
I. A. Swinburne,
G. W. Thom,
L. H. S. Thompson,
D. J. Walters,
Sir Arthur Warner.

Noes, 6.

The Hon. B. Machin,
S. Merrifield,
G. J. O’Connell,
A. Smith,
A. Todd (*Teller*),
J. M. Walton (*Teller*).

And so it was resolved in the affirmative.

THURSDAY, 2ND JUNE, 1960.

No. 7.—LICENSING (AMENDMENT) BILL.—

Motion made and question put—That the Chairman do now leave the Chair.

—(Hon. J. W. Galbally.)

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May (*Teller*),
S. Merrifield,
G. J. O’Connell,
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd (*Teller*),
D. J. Walters,
J. M. Walton.

Noes, 14.

The Hon. C. H. Bridgford (*Teller*),
Murray Byrne,
E. P. Cameron,
V. O. Dickie (*Teller*),
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
Sir Arthur Warner.

And so it was resolved in the affirmative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1959—60.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 7.

TUESDAY, 7TH JUNE, 1960.

No. 1.—LICENSING (AMENDMENT) BILL.—

Motion made and question put—That the Chairman do now leave the Chair.

—(Hon. J. W. Galbally.)

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell (*Teller*),
R. W. May,
S. Merrifield (*Teller*),
G. J. O'Connell,
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

Noes, 14.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer (*Teller*),
W. P. Mair (*Teller*),
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
Sir Arthur Warner.

And so it was resolved in the affirmative.

WEDNESDAY, 8TH JUNE, 1960.

No. 2.—LICENSING (AMENDMENT) BILL.—

Motion made and question put—That the Chairman do now leave the Chair.

—(Hon. J. W. Galbally.)

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton (*Teller*),
J. W. Galbally,
B. Machin (*Teller*),
A. R. Mansell,
R. W. May,
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

Noes, 15.

The Hon. C. H. Bridgford (*Teller*),
Murray Byrne (*Teller*),
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
Sir Gordon McArthur,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
Sir Arthur Warner.

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively fifteen, or equal, the Chairman gave his voice with the "Ayes" in order to allow of further consideration of the Bill and declared the question to have ~~been resolved in the affirmative~~ passed in the negative

No. 3.—LICENSING (AMENDMENT) BILL.—Clause 2—

2. (1) In section seven of the Principal Act after the expression—

“ (2) Temporary victuallers’ licences.”—

there shall be inserted the expression—

“ (2A) Restaurant licences.”

(2) After section nine of the Principal Act there shall be inserted the following section :—

“ 9A. A restaurant licence shall, subject to sub-section (5) of section eighty-five A of this Act, authorize the licensee to sell and dispose of liquor (other than beer ale and porter) to any person on the premises therein specified for consumption with a *bona fide* meal supplied by the licensee between twelve noon and ten in the evening or such later hour on a special occasion as may be specified in a permit issued under this Act.”

(3) In section thirty-six of the Principal Act after the words “ Australian wine licence ” there shall be inserted the words “ or restaurant licence ”.

(4) In paragraphs (a) and (b) of sub-section (2) of section seventy-two of the Principal Act after the words “ Australian wine licence ” there shall be inserted the words “ or restaurant licence ”.

(5) In section eighty-two and in sub-section (1) of section eighty-three of the Principal Act after the expression “ victualler’s licence,” there shall be inserted the expression “ restaurant licence.”

(6) After section eighty-five of the Principal Act there shall be inserted the following section :—

“ 85A. (1) Every applicant for a restaurant licence shall with the notice of application deliver to the clerk of the Licensing Court and forward to the licensing inspector testimonials as to the character and suitability of the applicant for the particular premises applied for.

(2) It shall be the duty of the licensing inspector for the locality in which the premises are situated to make a searching investigation as to the applicant’s character and suitability and as to the genuineness and value of the testimonials and as to the effect which the grant of the licence may have upon the business of licensed victuallers in the neighbourhood and to report in writing fully thereon to the Court.

(3) The Court in dealing with every such application shall take into consideration the said testimonials and report.

(4) Where the applicant for a restaurant licence is the holder of an Australian wine licence and the application is made within the period of two years next after the commencement of the *Licensing (Amendment) Act 1960* (whether in respect of premises being or including the premises to which the Australian wine licence relates or in respect of other premises) the Licensing Court, if satisfied as to the character and suitability of the applicant and as to the suitability of the existing or proposed premises (whether in their then state or as proposed to be erected altered extended or repaired), shall subject to sub-section (3) of section fifty-seven of this Act, grant the licence or (as the case may require) approve the grant of the licence conditionally upon the premises being erected altered extended or repaired in conformity with the approved plans and specifications, unless the Court is satisfied after considering objections made in accordance with this Act that the majority of ratepayers in the neighbourhood object to the grant of the licence or that the grant of the licence would unduly affect the business of licensed victuallers in the neighbourhood.

(5) Where a restaurant licence is granted or approved conditionally pursuant to an application made in accordance with the last preceding sub-section, the licence may, if the applicant so applies and the Court in its discretion thinks fit, also authorize the licensee to sell and dispose of wine cider or perry (being the produce of fruit grown in any State of the Commonwealth of Australia) either in bottles or containers or for consumption on the premises or a part of the premises specified in that behalf in the licence between the hours of nine in the morning and six in the afternoon, and the licence shall, whether or not it contains such additional authority, be granted in lieu of the existing Australian wine licence which shall thereupon be cancelled.”

(7) In sub-sections (1) and (6) of section ninety-one of the Principal Act after the words “ victualler’s licence ” there shall be inserted the words “ restaurant licence ”.

(8) In sub-section (1) of section one hundred and thirty-one, in sub-section (1) of section one hundred and thirty-five, and in sections one hundred and forty, one hundred and ninety-seven and two hundred and one of the Principal Act after the words “ licensed victualler ” (wherever occurring) there shall be inserted the words “ or holder of a restaurant licence ”.

(9) In sub-section (1) of section two hundred and thirty-eight of the Principal Act after the words “ Australian wine ” there shall be inserted the words “ or a restaurant ”.

(10) In sub-section (1) of section two hundred and ninety-nine of the Principal Act after the words “ Australian wine licence ” there shall be inserted the words “ or a restaurant licence ”.

(11) Where an application for an Australian wine licence was lodged before and is pending at the commencement of this Act the Licensing Court may in its discretion permit the application to be amended by the applicant upon the hearing thereof so as to become an application for a restaurant licence without further or other action by him, and where any such amendment is permitted every notice, advertisement, lodging, setting down, report or objection or other act or thing made or done and every fee paid in respect of the application shall be regarded as applying to the application as so amended and the provisions of the Principal Act shall apply accordingly.

—(Hon. L. H. S. Thompson.)

Question—That clause 2 stand part of the Bill—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 14.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett (*Teller*),
C. S. Gawith (*Teller*),
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham (*Teller*),
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May,
S. Merrifield (*Teller*),
G. J. O'Connell,
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

And so it passed in the negative.

No. 4.—LICENSING (AMENDMENT) BILL.—Clause 3—

3. In sub-section (2) of section nine of the Principal Act after the words "receiver of revenue" there shall be inserted the words "or the registrar of the Court".

—(*Hon. L. H. S. Thompson.*)

Question—That clause 3 stand part of the Bill—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 14.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett (*Teller*),
C. S. Gawith (*Teller*),
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham (*Teller*),
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May,
S. Merrifield (*Teller*),
G. J. O'Connell,
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

And so it passed in the negative.

No. 5.—LICENSING (AMENDMENT) BILL.—Clause 4—

4. (1) The Principal Act shall be amended as follows:—

(a) At the end of section seven there shall be inserted the following proviso:—

"Provided that no new Australian wine licence shall be granted after the commencement of the *Licensing (Amendment) Act 1960*";

(b) In paragraph (e) of sub-section (1) of section nineteen the words "grant or" shall be repealed;

(c) For section twenty-five there shall be substituted the following section:—

"25. A victualler's, restaurant or grocer's licence shall not be granted renewed or transferred and an Australian wine licence shall not be renewed or transferred to any person licensed to make beer under any Act of the Commonwealth.";

(d) In sub-section (4) of section fifty-eight the words "required or is granted or" shall be repealed;

(e) In section eighty-two the expression "Australian wine licence," shall be repealed;

(f) In sub-section (1) of section eighty-three the expression "Australian wine licence," shall be repealed;

(g) In sub-section (1) of section eighty-five for the words "billiard-table licence or Australian wine licence" there shall be substituted the words "or billiard-table licence";

(h) In sub-section (1) of section ninety-one—

(i) the words "Australian wine licence" shall be repealed; and

(ii) for the words "or to which it relates" there shall be substituted the words "or to which any such licence or an Australian wine licence relates";

(i) In sub-section (6) of section ninety-one after the words "licence or" there shall be inserted the words "for the renewal of";

(j) In section ninety-two after the words "licence or" there shall be inserted the words "for the renewal of".

(2) Nothing in the amendments of the Principal Act made by the last preceding sub-section shall affect the validity or operation of any Australian wine licence granted before the commencement of this Act or (except to the extent specifically expressed in any such amendment) be construed as precluding the renewal or transfer of any such licence.

(3) From and after a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette* (being a day not less than two years after the commencement of this Act) the Principal Act shall be amended as follows:—

(a) For section ten there shall be substituted the following section:—

"10. An Australian wine licence (notwithstanding that it originally granted a further or greater authority) shall authorize the licensee to sell and dispose of on the premises specified in the licence between the hours of nine in the morning and six in the afternoon any wine cider or perry (being the produce of fruit grown in any State of the Commonwealth of Australia) in bottles or sealed containers and in quantities not exceeding two gallons for consumption elsewhere than on the premises."

(b) In section thirty-eight the words "or an Australian wine licence" (wherever occurring) shall be repealed;

(c) In sub-section (4) of section thirty-nine the words "or an Australian wine licence" shall be repealed;

(d) In sub-section (1) of section forty the words "or holder of an Australian wine licence" (where twice occurring) shall be repealed;

(e) In sections forty-one and forty-two the words "or holder of an Australian wine licence" (wherever occurring) shall be repealed;

(f) In section forty-three the words "or of the holder of an Australian wine licence" shall be repealed;

(g) In section forty-four the words "or the holder of an Australian wine licence" shall be repealed;

(h) In section forty-seven—

(i) in sub-section (1) the words "and also every holder of an Australian wine licence" shall be repealed; and

(ii) in sub-section (4) the words "or holder of an Australian wine licence" shall be repealed;

(i) In sub-section (1) of section one hundred and thirty-one and in sub-section (1) of section one hundred and thirty-five of the Principal Act the words "or holder of an Australian wine licence" (wherever occurring) shall be repealed;

(j) In section one hundred and forty the words "or holder of an Australian wine licence" (wherever occurring) shall be repealed;

(k) In paragraph (a) of sub-section (1) of section one hundred and seventy of the Principal Act the words "and holders of Australian wine licences" shall be repealed;

(l) In section one hundred and seventy-one the words "or holder of an Australian wine licence" (where twice occurring) shall be repealed;

(m) In sub-section (1) of section one hundred and seventy-six, section one hundred and seventy-seven, sub-section (1) of section one hundred and seventy-nine, sub-section (3) of section one hundred and eighty, sub-section (2) of section one hundred and eighty-two, section one hundred and ninety-six, and sub-section (1) of section one hundred and ninety-seven the words "or holder of an Australian wine licence" shall be repealed;

(n) In section one hundred and ninety-eight the words "or holder of an Australian wine licence" (wherever occurring) shall be repealed;

(o) In sub-section (1) of section two hundred and one the words "or holder of an Australian wine licence" shall be repealed; and

(p) In section two hundred and six—

(i) in sub-section (1) the words "holder of an Australian wine licence and every" shall be repealed; and

(ii) sub-section (2) shall be repealed.

—(Hon. L. H. S. Thompson.)

Question—That clause 4 stand part of the Bill—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 14.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer (*Teller*),
W. P. Mair (*Teller*),
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell (*Teller*),
R. W. May,
S. Merrifield,
G. J. O'Connell (*Teller*),
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

And so it passed in the negative.

No. 6.—LICENSING (AMENDMENT) BILL.—Clause 5—

5. In sub-section (1) of section twelve of the Principal Act—

- (a) After the word “ bottles ” there shall be inserted the words “ or cans ”; and
 (b) after the word “ bottle ” there shall be inserted the words “ or can ”.

—(Hon. L. H. S. Thompson.)

Question—That clause 5 stand part of the Bill—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 14.

The Hon. C. H. Bridgford,
 Murray Byrne,
 E. P. Cameron,
 V. O. Dickie,
 W. R. Garrett,
 C. S. Gawith,
 T. H. Grigg,
 K. S. Gross,
 R. J. Hamer (*Teller*),
 W. P. Mair (*Teller*),
 G. J. Nicol,
 G. W. Thom,
 L. H. S. Thompson,
 Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
 P. V. Feltham,
 W. O. Fulton,
 J. W. Galbally,
 B. Machin,
 A. R. Mansell (*Teller*),
 R. W. May,
 S. Merrifield,
 G. J. O'Connell (*Teller*),
 W. Slater,
 A. Smith,
 I. A. Swinburne,
 A. Todd,
 D. J. Walters,
 J. M. Walton.

And so it passed in the negative.

No. 7.—LICENSING (AMENDMENT) BILL.—Clause 7—

7. (1) For section thirty-eight of the Principal Act there shall be substituted the following section:—

“ 38. (1) Where in the licensed premises of the holder of a victualler's licence or a restaurant licence or an Australian wine licence *bona fide* meals are habitually supplied to the public or where, in the case of an application made in respect of new or altered premises provision has been made to the satisfaction of the Licensing Court for the regular supply of *bona fide* meals to the public, the Licensing Court consisting of one licensing magistrate may on the application of the licensee grant to the licensee with respect to the premises a permit for the sale disposal or supply of liquor for consumption with *bona fide* meals in accordance with the provisions of this section and may at any time revoke any such permit.

(2) Every such permit shall unless revoked remain in force until the end of the year in respect of which it was granted and may on application be renewed with the licence.

(3) For every permit granted under this section a fee fixed in accordance with rules made in that behalf shall be paid.

(4) Nothing in this Act shall be held to prevent the sale or disposal or supply of liquor on any licensed premises (with respect to which a permit under this section has been granted and is in force) for consumption with a *bona fide* meal—

(a) on any day in the case of a victualler's licence or an Australian wine licence or on Sunday or Good Friday in the case of a restaurant licence—to any person between six in the evening and such time (not being later than ten in the evening) as is specified in the permit; or

(b) on any Sunday or Good Friday or Anzac Day in the case of a victualler's licence or an Australian wine licence or a restaurant licence—to any person between twelve noon and such time (not being later than half-past two in the afternoon or, in the case of Anzac Day when it does not fall on a Sunday, one in the afternoon) as is specified in the permit—

provided that the meal is served and the liquor is sold disposed of or supplied and is consumed in the dining room or restaurant in which meals are usually served and not in the bar-room or any other part of the licensed premises.

(5) (a) On application to the Licensing Court for any special occasion on a stated date the Licensing Court may, where the application is made by the holder of a victualler's licence or an Australian wine licence, extend any permit beyond the hour specified therein pursuant to paragraph (a) of the last preceding sub-section or, where the application is made by the holder of a restaurant licence, grant a permit extending the licence beyond ten o'clock in the evening.

(b) Where a permit or licence is extended as aforesaid to any specified hour the provisions of the last preceding sub-section shall apply as if the extension were authorized by a permit under that sub-section.

(c) For every extension of a permit or licence pursuant to this sub-section a fee to be fixed in accordance with rules made in that behalf shall be paid.

(6) Where any permit or extension of a permit or licence is granted pursuant to this section for the sale disposal or supply of liquor up to any specified hour no offence under this Act shall be committed by any person by reason of the consumption by him of any liquor so sold disposed of or supplied in the room or rooms to which the permit or extension applies during the hours specified in the permit or extension or within thirty minutes thereafter.

(7) At all times while a permit or any extension of a permit or licence is in operation under this section every door (including the outer door) by which access is had to the room or rooms to which the permit or extension relates shall be kept unlocked. This sub-section shall not apply to the door of any bar-room."

(2) In sub-section (3) of section seventy of the Principal Act for the expression "sub-section (3)" there shall be substituted the expression "sub-section (5)".

(3) In sub-section (1) of section two hundred and fifty-six of the Principal Act—

(a) in paragraph (a) the expression "(or such earlier hour as is specified in any permit granted under this Act)" shall be repealed; and

(b) in paragraph (b) the words "or six and ten in the evening" shall be repealed.

—(Hon. L. H. S. Thompson.)

Question—That clause 7 stand part of the Bill—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 14.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer (*Teller*),
W. P. Mair (*Teller*),
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell (*Teller*),
R. W. May,
S. Merrifield,
G. J. O'Connell (*Teller*),
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

And so it passed in the negative.

No. 8.—LICENSING (AMENDMENT) BILL.—Clause 8—

8. After section thirty-eight of the Principal Act there shall be inserted the following section:—

"38A. (1) Upon the application of the holder of a victualler's licence the Licensing Court consisting of one licensing magistrate may in its absolute discretion grant to the licensee, subject to such conditions as the Court may think proper in any particular case, a supper permit in respect of any room or rooms in the licensed premises in accordance with the provisions of this section and may at any time revoke any such permit.

(2) No such permit shall be granted unless the Court is satisfied that the room or rooms in respect of which the permit is sought are suitable for the purpose and that there are on the licensed premises all other proper facilities for the service of substantial refreshments at the times to which the permit relates and that there is a reasonable need for such service in the locality.

(3) Every such permit shall unless revoked remain in force until the end of the year in respect of which it was granted and may on application be renewed with the licence.

(4) For every permit granted under this section a fee fixed in accordance with rules made in that behalf shall be paid.

(5) Nothing in this Act shall be held to prevent the sale or disposal or supply of liquor in the room or rooms with respect to which a permit under this section has been granted and is in force for consumption with and as ancillary to substantial refreshments on any day other than Sunday or Good Friday between half-past ten and half-past eleven in the evening.

(6) Where any permit under this section is in force no offence under this Act shall be committed by any person by reason of the consumption by him, during the time to which the permit relates or within thirty minutes thereafter, of any liquor sold supplied or disposed of under the permit in any room to which the permit applies."

—(Hon. L. H. S. Thompson.)

Question—That clause 8 stand part of the Bill—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 14.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair,
G. J. Nicol (*Teller*),
G. W. Thom (*Teller*),
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May (*Teller*),
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith (*Teller*),
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

And so it passed in the negative.

No. 9.—LICENSING (AMENDMENT) BILL.—Clauses 9 to 11 inclusive—

9. For paragraphs (a), (b), (c), and (d) of sub-section (3) of section fifty-seven of the Principal Act there shall be substituted the following paragraphs:—

“(a) Before a new licence or a registration of a club is granted in or an existing licence or registration of a club is removed to any part of the area corresponding with that district the Licensing Court shall in the case of a victualler's licence or a restaurant licence or a registration of a club and may if it thinks proper in the case of any other licence order a vote of electors to be taken in the neighbourhood surrounding the proposed site of the premises in respect of which a licence or registration has been applied for or to which a licence or registration is sought to be removed (as the case may be).

(b) The neighbourhood shall be delineated by the Licensing Court after consultation with the Chief Electoral Officer.

(c) The resolution to be submitted at the vote of electors shall be—

That a licence [or a registration of a club] (*nature of licence or name of proposed club to be stated*) be granted in [or removed to] the neighbourhood (*neighbourhood to be sufficiently indicated*).

(d) If a majority of the electors voting vote against the resolution the Licensing Court shall not grant the application for the licence or the registration of the club or for the removal of the licence or registration (as the case may be) nor shall it grant any application for a licence or registration in or the removal of a licence or registration to that neighbourhood within three years after the taking of such vote.”

10. In sub-section (1) of section eighty-six of the Principal Act—

(a) for the words “seventy-two hours” (where twice occurring) there shall be substituted the words “seven days”; and

(b) at the end of the sub-section there shall be inserted the following proviso:—

“Provided that the clerk of the Court may in special circumstances upon application to him accept an application of which notice is received after the due time if he is satisfied that there will not be any objection to the grant of the licence.”

11. For sub-paragraph (ii) of paragraph (a) of sub-section (5) of section one hundred and ninety-eight of the Principal Act there shall be substituted the following sub-paragraph:—

“(ii) during the period of fifteen minutes immediately after six o'clock liquor which was served to persons on the licensed premises before six o'clock may be consumed by such persons and liquor which was sold or disposed of in bottles or in sealed containers to any such persons before six o'clock may be removed by such persons from the premises.”

—(*Hon. L. H. S. Thompson.*)

Question—That clauses 9 to 11 inclusive stand part of the Bill—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 14.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair,
G. J. Nicol (*Teller*),
G. W. Thom (*Teller*),
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May (*Teller*),
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith (*Teller*),
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

An so it passed in the negative.

No. 10.—LICENSING (AMENDMENT) BILL.—Clauses 12 to 14 inclusive—

12. After section two hundred and thirty-nine of the Principal Act there shall be inserted the following new section:—

“239A. On the hearing of any application under this Act, whether for the grant or renewal or transfer of any licence or of the registration of any club or otherwise, the Licensing Court may on the application of the applicant or of any objector or of any other party to the proceedings on such terms as to costs or adjournment or otherwise as it thinks fit—

- (a) permit the amendment of any notice application or other document; or
- (b) disregard any omission error defect or insufficiency in any such notice application or document or any failure defect or insufficiency in respect of the giving serving affixing keeping affixed or advertising thereof—

if the Court is satisfied that injustice to any person will not thereby be occasioned.”

13. In sub-section (1) of section two hundred and forty-six of the Principal Act—

(a) for paragraph (e) there shall be substituted the following paragraph:—

“(e) That illegal sales of liquor purchased by or belonging to the club have taken place whether in the club premises or elsewhere”;

(b) after paragraph (l) there shall be inserted the following paragraphs:—

“(la) That, having regard to other existing facilities and to the objects of the club, the club is not required to meet a real and substantial need;

(lb) That the registration of the club will result in undue competition and economic waste.”

14. After section two hundred and forty-seven of the Principal Act there shall be inserted the following section:—

‘247A. (1) Where application for the registration of a club is made after the commencement of the *Licensing (Amendment) Act 1960* the Licensing Court may in its discretion grant the application subject to the condition that no liquor shall be sold supplied or disposed of for consumption elsewhere than on the club premises and may direct that the rules of the club shall so stipulate and unless the rules are made to accord with that direction the club shall not be registered.

(2) Where the registration of any club is granted subject to such a condition, section two hundred and fifty-six of this Act shall in respect of that club have operation as if there were inserted therein a new sub-section (3) as follows:—

“(3) No liquor shall be sold supplied or disposed of in the club except for consumption on the club premises and no person shall at any time remove from the club premises any liquor which has been sold supplied or disposed of to him on those premises.”

—(Hon. L. H. S. Thompson.)

Question—That clauses 12 to 14 inclusive stand part of the Bill—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 14.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair,
G. J. Nicol (*Teller*),
G. W. Thom (*Teller*),
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May (*Teller*),
S. Merrifield,
G. J. O’Connell,
W. Slater,
A. Smith (*Teller*),
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

And so it passed in the negative.

No. 11.—LICENSING (AMENDMENT) BILL.—Clauses 15 to 17 inclusive—

15. For sub-sections (3) and (4) of section two hundred and fifty-one of the Principal Act there shall be substituted the following sub-sections:—

“(3) The matter of each such application shall be enquired into and dealt with by the Court.

(4) Objections may in accordance with this Act be made to the grant of a certificate of removal by any person or body who could object to the grant or renewal of the registration of a club and upon any of the grounds referred to in paragraphs (g), (l), (m) and (n) of sub-section (1) of section two hundred and forty-six of this Act as modified to apply to the proposed new premises, but not on any other ground.”

16. (1) In sub-section (1) of section two hundred and fifty-six of the Principal Act for the words "No liquor" there shall be substituted the words "Subject to the next succeeding section no liquor".

(2) After section two hundred and fifty-six of the Principal Act there shall be inserted the following new section:—

"256A. (1) Notwithstanding anything to the contrary in the last preceding section liquor may pursuant to and in accordance with a permit issued under this Act be sold supplied or disposed of in a registered club on any Sunday between the hours of twelve noon and two in the afternoon and four-thirty and six-thirty in the afternoon for consumption on the club premises and not elsewhere.

(2) Every permit issued under this section shall unless revoked remain in force until the end of the year in which it is granted but shall subject to this Act be capable of being renewed.

(3) Upon any application to the Licensing Court for the grant of any such permit the Court consisting of three licensing magistrates may in its discretion grant or refuse to grant the permit but in the consideration of the application shall have regard to—

(a) the location and the number of members of the club;

(b) the objects of the club and, in particular, the nature of its sporting or other active pursuits at the times to which the permit relates; and

(c) the past conduct and management of the club—

and the Court may at any time revoke or vary any such permit."

(3) In paragraph (7) of section fifty-eight of the Principal Act for the words "To grant" there shall be substituted the expression "Subject to sub-section (3) of section two hundred and fifty-six A of this Act, to grant".

17. In section two hundred and ninety-eight of the Principal Act after the words "licensed victualler" (where twice occurring) there shall be inserted the words "or innkeeper".

—(Hon. L. H. S. Thompson.)

Question—That clauses 15 to 17 inclusive stand part of the Bill—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 14.

The Hon. C. H. Bridgford,
Murray Byrne,
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
W. P. Mair,
G. J. Nicol (*Teller*),
G. W. Thom (*Teller*),
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton,
J. W. Galbally,
B. Machin,
A. R. Mansell,
R. W. May (*Teller*),
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith (*Teller*),
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

And so it passed in the negative.

No. 12.—LICENSING (AMENDMENT) BILL.—

Question—That the Chairman report the Bill to the Council with amendments—put.

Committee divided—The Hon. R. W. Mack in the Chair.

Ayes, 15.

The Hon. C. H. Bridgford (*Teller*),
Murray Byrne (*Teller*),
E. P. Cameron,
V. O. Dickie,
W. R. Garrett,
C. S. Gawith,
T. H. Grigg,
K. S. Gross,
R. J. Hamer,
Sir Gordon McArthur,
W. P. Mair,
G. J. Nicol,
G. W. Thom,
L. H. S. Thompson,
Sir Arthur Warner.

Noes, 15.

The Hon. A. K. Bradbury,
P. V. Feltham,
W. O. Fulton (*Teller*),
J. W. Galbally,
B. Machin (*Teller*),
A. R. Mansell,
R. W. May,
S. Merrifield,
G. J. O'Connell,
W. Slater,
A. Smith,
I. A. Swinburne,
A. Todd,
D. J. Walters,
J. M. Walton.

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively fifteen, or equal, the Chairman gave his voice with the "Ayes" in order to allow of further consideration of the Bill and declared the question to have been resolved in the affirmative.

1959
—
VICTORIA

REPORT

FROM THE

STATUTE LAW REVISION COMMITTEE

ON A

DRAFT OF A PROPOSED

AMENDMENTS INCORPORATION (EXTENSION) BILL

Ordered by the Legislative Council to be printed, 22nd September, 1959.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 1ST SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

TUESDAY, 1ST SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochrane, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958*, has the honor to report as follows:—

1. By memorandum dated 2nd July, 1959, the Secretary to the Law Department, at the direction of the Honorable the Attorney-General, forwarded to the Committee for its consideration a draft of a proposed Amendments Incorporation (Extension) Bill.

2. On 15th July, 1959, Mr. John J. Lynch, Parliamentary Draftsman, attended the meeting of the Committee and presented a later draft of the proposed Bill and explained its provisions. The Committee has examined the draft presented by Mr. Lynch.

3. Appended to this Report are copies of the memorandum from the Secretary to the Law Department, the evidence given by Mr. Lynch, Parliamentary Draftsman, and the draft Bill examined by the Committee.

4. The draft Bill proposes amendments to sections 2 and 3 of the *Amendments Incorporation Act 1958*, which Act provides (by section 2 (1))—

“When any Act has been directly amended then in any reprint of the Act by the Government Printer the Act shall, unless the Attorney-General otherwise directs, be reprinted as so amended”.

Doubts have been expressed as to whether the *Amendments Incorporation Act 1958* gives authority to include in reprints some of the amendments to Acts which are made by way of proclamations orders and other instruments. The draft Bill is designed to give that authority in respect of all amendments made under the provisions of an Act by proclamations or orders of the Governor in Council.

Authority for the Governor in Council to amend Acts has been given by Parliament in a number of Acts, e.g. the *Poisons Act 1958*, the *Game Act 1958* and the *Fisheries Act 1958*. In some such cases the amendments are “deemed to be made” or the Act may provide that “the schedule will be read and construed as if” certain alterations or additions were made and the doubt arises as to whether, when these or similar words are used, the amendments made by the authority of those words can be considered as *direct* amendments for the purposes of section 2 (1) of the *Amendments Incorporation Act 1958*.

5. The draft Bill proposes the addition of a new sub-section (4) to section 2 of the *Amendments Incorporation Act 1958* to remove the doubt. The proposed sub-section reads:—

“(4) In this Act any reference to the direct amendment of any Act shall include a reference to any alteration which the Governor in Council, under the authority of any Act, makes by proclamation Order regulation rule or other instrument, whether that instrument makes a direct amendment to the Act or whether upon the making of that instrument the Act is deemed or taken to be amended or is to have effect as if amended or any addition to, deletion from or variation of the Act is deemed or taken to be made”.

6. A previous Statute Law Revision Committee in its Report on the Amendments Incorporation Bill (Vic. Parl. Papers D. No. 17, Session 1955-56) and the Parliament by the passage of the *Amendments Incorporation Act 1956* supported the reprinting of Acts. An important purpose of reprints is to provide the up-to-date law on a subject in one document. If all or some of those amendments to Acts which are made by other than statutes cannot be included in reprints that purpose will be frustrated.

7. The relief proposed by the draft Bill is restricted to those cases in which the change in the law is made by the Governor in Council. Mr. Lynch, Parliamentary Draftsman, pointed out that the *Supreme Court Act 1958* gives to the Supreme Court Judges power to make rules to replace those in the Fifth Schedule to that Act. The draft Bill examined by the Committee would not permit any such alteration made by the Judges to be included in a reprint of the Supreme Court Act.

8. The Committee believes that the passage of a Bill in the terms of the draft before it will remove one possible obstacle to the reprint system becoming fully effective and commends the principle underlying the draft Bill.

9. The Committee sees no reason for restricting the operation of the provisions to those alterations made by the Governor in Council and accordingly recommends that the draft be amended to widen its application to "any alteration which under the authority of any Act, is made by proclamation &c.".

10. The Committee examined a suggestion that the Bill when introduced should provide that when an Act which contains amendments to other Acts is being reprinted, the amendments to other Acts may be omitted from the reprint. An example would be Parts II. and III. of the First Schedule to the *Companies Act 1958*. In favor of the suggestion are the propositions—(a) that the listed amendments in question would be given effect to in reprints of the Acts amended; and (b) that the listed amendments may be out of date at the time the Act containing them is reprinted. On the other hand it may be convenient for a person using a reprinted Act to have available in the same document the amendments to other Acts originally effected by the reprinted Act.

11. The Committee recommends that no action be taken on this suggestion for the time being.

Committee Room,

2nd September, 1959.

1959

VICTORIA

REPORT

FROM THE

STATUTE LAW REVISION COMMITTEE

UPON THE

POWERS OF MEMBERS OF THE POLICE
FORCE TO RELEASE PERSONS
ON BAIL, ETC.

TOGETHER WITH

MINUTES OF EVIDENCE

AND

APPENDICES

Ordered by the Legislative Council to be printed, 22nd September, 1959.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1st SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

TUESDAY, 1st SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochran, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958*, has the honor to report as follows:—

1. At the direction of the Honorable the Attorney-General, the Acting Secretary to the Law Department by letter dated 2nd June, 1959, brought to the attention of the Committee certain difficulties experienced by police in the granting of bail which have arisen out of recent amendments to the *Justices Act* and the *Police Offences Act*.

The Committee agreed to investigate these matters and commenced its inquiries.

2. Appended to this Report is the evidence* given before the Committee by Mr. D. Yeaman, Legal Assistant to the Police Department; Inspector K. E. Hubbard, Prosecutor, City Court; and Mr. J. White, Assistant Parliamentary Draftsman. The Committee also conferred with Mr. D. M. Addison, Chief Stipendiary Magistrate.

Also appended are memoranda* submitted to the Committee by the Acting Secretary to the Law Department, the Chief Stipendiary Magistrate and the Chief Commissioner of Police.

3. Section 37 of the *Justices Act 1928* provided that where a person was taken into custody without a warrant and that where the offence was not serious and it was not practicable to bring the person before a justice or court of petty sessions within 24 hours "a superintendent inspector or sub-inspector of police or member of the police force in charge of a station" could discharge such person upon his entering into a recognisance for a reasonable amount, which was at the discretion of such police officer, on the condition of his appearing before some justice or court of petty sessions at a particular place and time.

4. This section was amended by the *Justices (Amendment) Act 1957* so that a person could be admitted to bail by "a member of the police force of or above the rank of senior constable or in charge of a police station".

5. The Crown Solicitor in his Opinion of 7th May, 1958, expressed to the Chief Commissioner of Police doubt as to whether "member of the police force in charge of a police station" referred to the most senior member on duty at a particular time, or merely the member actually "gazetted" as being in charge of a station.

6. The Committee appreciates that in practice the situation often arises where a member of the police force who is actually in charge of a police station at a particular time is not gazetted as such, and is therefore probably not covered by the section.

7. To remove this doubt the Committee recommends the amendment of sub-section (2) of section 39 of the *Justices Act 1958* to make the section read "member of the police force of or above the rank of senior constable or for the time being in charge of a police station". Sub-section (1) of section 94 of the same Act would also require a similar amendment.

8. One of the principal reasons underlying the introduction of the *Justices (Amendment) Act 1957* was that it was thought that arrangements for bail would be expedited if the power to grant bail was extended to more police officers. Consequently it was thought that the power of the police under section 201 of the *Police Offences Act 1928* to release persons apprehended and charged with minor offences on their making a deposit of £10 was no longer necessary, and this section was repealed.

9. Under section 201 it was possible for a person apprehended to be released on the payment of a deposit, and if he did not appear in court any fine imposed was deducted from the deposit and the balance was paid into Consolidated Revenue.

This provision was particularly useful inasmuch as it allowed for quick release and thus eased the accommodation problem in police cells. It also had the advantage in that it avoided any unnecessary hardship on the defendant by his being forced to attend court with possible loss of wages and embarrassing explanations to his employer.

* Minutes of Evidence and Appendices not printed.

10. The Committee is in favor of such a procedure but is of opinion that the fixed deposit of £10 is excessive, as the maximum fine that can be imposed under sections 23 to 27 of the *Police Offences Act* 1958 which specify the offences for which persons were originally released on deposit under the repealed section 201, is £10.

11. Accordingly the Committee recommends that section 30 of the *Police Offences Act* 1958, which refers to the procedure to be adopted in dealing with offenders against the above-mentioned sections, be amended by the insertion of the following sub-sections to follow sub-section (1) :—

- “(2) where any person is apprehended for any offence against any of the preceding sections 23 to 27 a member of the police force of or above the rank of senior constable or for the time being in charge of a police station shall in addition to any power he may have to release such person on a recognisance have power to release him on his making a deposit of such sum not exceeding Ten pounds as such member of the police force thinks reasonable as security for the payment of any penalty which may be imposed by a justice or court of petty sessions as punishment for his offence.
- (3) upon so releasing any such person such member of the police force shall notify him that he is required to appear before a justice or court of petty sessions at a certain time and place and that if he fails to appear accordingly the charge against him may be heard in his absence and that such deposit will be appropriated to the payment or part payment of any fine which may be imposed by the justice or court of petty sessions and that any surplus thereof will be paid to Consolidated Revenue but that if he appears to answer the charge any surplus will be refunded to him.
- (4) notwithstanding anything in any Act or law, where any person who is released in accordance with the provisions of this section fails to appear at the stated time and place the charge against him may be heard and determined in his absence and the deposit lodged by him shall be appropriated to the payment or part payment of any fine which may be imposed by the justice or court of petty sessions and any surplus thereof shall be paid to Consolidated Revenue. If the person appears any surplus shall be refunded to him.
- (5) a statement in the form prescribed in the Schedule purporting to be signed by the member of the police force who released the person shall be *prima facie* evidence that defendant was released and notified in accordance with sub-sections (2) and (3) of this section.”
-

SCHEDULE.

In the.....Bailiwick

..... Informant

..... Defendant

Nature of Offence (state shortly).....

BE IT REMEMBERED that the abovenamed defendant was released from custody on his making a deposit in the sum of.....pounds, and at the time of the release I notified him that he was required to appear before—

(a) a Justice of the Peace sitting in open Court

(or)

(b) the Court of Petty Sessions at

at the hour of.....o'clock in the.....noon on the.....day

of.....19.....to answer the said charge

and I explained to him that if he failed to appear at the time and place mentioned, the charge might be heard in his absence and such deposit would be appropriated to the payment or part payment of any fine which might be imposed upon him by the Justice or Court, and any surplus paid to Consolidated Revenue, but if he appeared to answer the charge any surplus would be refunded to him.

Dated at.....this.....day of.....19.....

Signature of member of the Police Force releasing the defendant.

Deposit of £.....

Defendant's Signature

Committee Room,
2nd September, 1959.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In addition, the document outlines the procedures for handling discrepancies. If there is a difference between the recorded amount and the actual amount received or paid, it is crucial to investigate the cause immediately. This could be due to a clerical error, a missing receipt, or a fraudulent transaction.

The document also provides guidelines for the storage and security of financial records. All records should be kept in a secure location, protected from fire, theft, and unauthorized access. Regular backups should be performed to prevent data loss.

Finally, the document stresses the importance of regular audits. Conducting periodic audits helps to identify any irregularities or errors in the accounting system. This proactive approach can prevent small issues from becoming major problems.

Financial Reporting and Compliance

This section details the requirements for financial reporting and compliance with applicable laws and regulations. It covers the preparation of financial statements, including the balance sheet, income statement, and cash flow statement. Each statement must be prepared in accordance with the relevant accounting standards.

The document also discusses the importance of staying up-to-date with changes in tax laws and regulatory requirements. Failure to comply with these regulations can result in significant penalties and legal consequences. Therefore, it is essential to consult with a qualified professional to ensure full compliance.

Furthermore, the document highlights the need for clear communication and transparency with stakeholders. Regularly providing accurate financial reports to investors, creditors, and other interested parties is vital for maintaining trust and confidence in the organization.

In conclusion, the document serves as a comprehensive guide for managing financial records and ensuring compliance. By following the outlined procedures and guidelines, organizations can maintain accurate and reliable financial data, thereby supporting their long-term success and growth.

1959
VICTORIA

REPORT

FROM THE

STATUTE LAW REVISION COMMITTEE

UPON THE

MARRIAGE OF MINORS

TOGETHER WITH

MINUTES OF EVIDENCE

AND

APPENDICES

Ordered by the Legislative Council to be printed, 22nd September, 1959.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
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TUESDAY, 1ST SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

TUESDAY, 1ST SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochrane, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958*, has the honor to report as follows:—

1. The Secretary to the Law Department by letter dated 13th April, 1959, advised the Committee that as there had been criticism of the Victorian law relating to the marriage of minors and that as there had been representations by various organizations for the fixing of a minimum age below which marriage should be prohibited, he was directed to enquire whether the Committee would undertake an enquiry with the view to making a recommendation for or against an amendment to the existing law.

The Committee agreed to investigate the matter and commenced its inquiries.

2. Appended to this Report is the evidence* given before the Committee by the following witnesses:—

Mr. V. H. Arnold, Government Statist and Actuary ;
 Mr. F. W. Corrie, Assistant Government Statist ;
 Mr. H. C. Chipman, Secretary to the Law Department ;
 Mr. Mendes da Costa, Law School, University of Melbourne ;
 Mrs. W. King }
 Mrs. G. N. Frost } Representing the National Council of Women of Victoria ;
 Miss E. Hedger, President, League of Women Voters of Victoria ;
 Mrs. R. D. Collmann, President, Australian Federation of Women Voters ;
 Inspector L. M. Coysh }
 Sergeant Katherine Mackay } Police Department ;
 Dr. C. R. D. Brothers, Deputy Chairman, Mental Hygiene Authority ;
 Rev. F. J. Angus, Chairman, Marriage Guidance Council of Victoria ;
 Mr. J. V. Nelson, Director of Children's Welfare ;
 Mr. G. F. d'Andrea, Welfare Officer of the Italian Consulate and Hon. Secretary of Migrant Advisory Council of the Good Neighbour Council of Victoria ;
 and
 Miss I. Strahan, Chief Almoner, Royal Women's Hospital.

Also appended are memoranda* submitted to the Committee by the following:—

Secretary to the Law Department ;
 Government Statist and Actuary ;
 The Chief Secretary, Salvation Army, Australia Southern Territory ;
 The Convenor of the Public Questions Committee of the Presbyterian Church of Victoria ;
 The Director, Churches of Christ Department of Social Services ;
 The Director, The Victorian Baptist Christian Education Council ;
 The Administrator, St. Patrick's Cathedral, Melbourne ;
 The Hon. Secretary, The Church of England Marriage Guidance and Education Council ;
 The President, Victorian Council of Social Services ;
 The President, Australian Federation of Women Voters ;
 The Chairman, Children's Welfare Advisory Council ;
 The Director of Children's Welfare ;
 The Hon. Secretary, Migrant Advisory Council of the Good Neighbour Council of Victoria ;
 The Hon. Secretary, St. Joan's Social and Political Alliance ; and
 The Secretary, Law Institute of Victoria.

* Minutes of Evidence and Appendices not printed.

3. In addition to the verbal evidence and memoranda submitted, the Committee had before it a report by the Secretary-General, United Nations Economic and Social Council on "Consent to Marriage and Age of Marriage" (E/CN. 6/317, 20th January, 1958) and "A survey of deserted wives granted widows' pensions in Victoria" prepared by the Department of Social Services.

4. Section 43 of the *Marriage Act* 1958 contains provisions relating to various consents required before the marriage of any person under the age of 21 years, not being a widow or widower, shall take place.

This section however does not prescribe any minimum age below which a marriage shall not take place and therefore in the absence of any statutory requirement, common law provisions apply. These provisions prescribe an age of matrimonial consent—12 years in the case of a female, and 14 years in the case of a male. Further, children under this age may marry but such marriage is voidable. Either party may affirm or avoid the marriage on attaining the age of matrimonial consent.

5. Whilst marriages under this latter provision are rare, there has been a tendency in Victoria for an increasing number of girls to marry at a very young age. This is shown by the table set out hereunder:—

Year.	Age.		
	13.	14.	15.
1947	Nil	2	23
1948	Nil	Nil	16
1949	Nil	2	19
1950	Nil	1	28
1951	1	4	27
1952	Nil	4	29
1953	Nil	4	43
1954	Nil	3	54
1955	1	11	51
1956	1	5	66
1957	2	8	64

For the same years there was a total of only four males married under the age of 16 years—one being aged 14 years and the other three being aged 15 years.

6. Many reasons have been advanced for this increase in the number of child brides, the principal ones being —

- (a) Pregnancy ;
- (b) To absolve males from carnal knowledge prosecutions ;
- (c) Early marriage as an expression of protest against parents ; and
- (d) It is normal for migrants to marry at an early age.

7. The Committee disagrees with views tendered regarding migrants ; statistics show that of the 209 girls between the ages of 13 and 15 years married during the years 1955 to 1957, only 20 per cent. were not born in Australia. This closely follows the marriage pattern for brides of all age groups. In addition Appendix "A" to this Report reveals that the minimum marriage age for girls in most European countries is usually higher than 15 years.

The Committee agrees that a large number of child marriages are a direct result of the girl having become pregnant, but is unable to ascertain what influence the other factors may have.

8. Notwithstanding the validity or otherwise of any of the reasons advanced for the trend towards marriage at an early age, the Committee is in agreement with the majority of submissions, which were to the effect that the common law marriage ages were too low, and that there should definitely be a higher minimum age.

The suggested minimum ages ranged from 14 to 17 years in the case of a girl and from 15 to 19 years in the case of a boy ; the most widely held view being that 16 years for a girl and 18 years for a boy were the most suitable.

9. In favor of the suggested ages of 16 and 18 years it was stated that this was the minimum age at which girls and boys could be sufficiently mature both physically and mentally to assume the serious responsibilities as parents and home-builders. At ages younger than these it is doubtful whether either party would have the necessary maturity, and it would be economically difficult for a boy under 18 years to support a family.

10. The Committee accepts this reasoning and recommends that the minimum age for marriage in Victoria should be 16 years for a girl and 18 years for a boy, with the various consents still required for persons under the age of 21 years as already provided for in section 43 of the *Marriage Act* 1958. Such an amendment would bring Victorian legislation, in respect of minimum marriage ages, into conformity with the Marriage Acts of Tasmania, South Australia and Western Australia.

11. These States also have provisions enabling persons under the prescribed ages to make application for permission to marry, and evidence was tendered that Victoria should allow for similar exemptions.

The Committee appreciates that in special circumstances the proposed restrictions could inflict undue hardship, and recommends that provision be made for the granting of exemptions.

12. The Committee considers that applications of this nature should be heard before a County Court Judge, who may, if satisfied after due investigation that marriage would be in the best interests of the parties, grant an order permitting them to marry.

13. Section 31 of the *Registration of Births Deaths and Marriages Act* 1958 provides that where any child is born before the marriage of his or her parents, and there is an impediment to a marriage at the time of the birth of the child, such child cannot be legitimated by the subsequent marriage of its parents. The introduction of a minimum marriage age will in many cases preclude the marriage of parents, and could be regarded as an impediment to marriage at the time of the birth of a child.

The Committee considers that lack of age of a parent should not be considered as an impediment, and the subsequent marriage of the parents should ensure the legitimacy of the child.

14. During the course of the inquiry, the attention of the Committee was drawn to many of the problems involved in the operation of the impediment provisions of section 31 of the Act.

The Committee, whilst appreciating the difficulties, is not at this stage prepared to make any recommendation in this regard, believing that this aspect could well be the subject of a separate investigation.

15. Many witnesses expressed the opinion that it would be preferable for an unmarried girl to have her child adopted rather than to marry merely to assure the legitimacy of the child.

The Committee sees merit in this suggestion and strongly urges the encouragement of adoption in these circumstances.

Committee Room,
2nd September, 1959.

APPENDIX "A".

EXTRACT FROM REPORT BY THE SECRETARY-GENERAL UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL ON CONSENT TO MARRIAGE AND AGE OF MARRIAGE.

E/CN.6/317
English
Annex
Page 1.

ANNEX.

Minimum Age of Marriage.

Country or Territory.	Men.	Women.	Country or Territory.	Men.	Women.
Aden	18	14	Gambia	No statutory provision	
Argentina	14	12	Age of matrimonial consent	14	12
Australia—			Germany (Federal Republic) ¹²	21	16
New South Wales	14	12	Gibraltar	16	14
Queensland	14	12	Gilbert and Ellice Islands	18	16
South Australia	18	16	Greece	18	14
Tasmania ¹	18	16	Guatemala	16	14
Victoria	14	12	Haiti	18	15
Western Australia	18	16	Honduras	14	12
Northern Territory	14	12	Hong Kong	16	16
Australian Capital Territory	14	12	Hungary	18	18
Bahamas	14	12	India ¹³	18	15
Barbados	No statutory restriction		Iran ¹⁴	18	15
Basutoland	16	14	Ireland	14	12
Bechuanaland	16	14	Israel	17	17
Belgium ²	18	15	Italy ¹⁵	16	14
Bermuda	16	16	Jamaica—		
Bolivia	14	12	East Indians	15	13
Brazil ³	18	17	Others	No provision	
British Guiana	14	12	Japan	18	16
British Honduras	14	14	Jordan ¹⁶	18	17
British Solomon Islands	16	16	Kenya	No age limit prescribed by law	
Brunei—			Laos	18	16
Christian and Civil Marriage	14		Lebanon ¹⁷	18	17
Mohammedan Marriage	Age of puberty		Malaya (Federation of)	16	14
Chinese Marriage	Age of puberty		Malta	16	14
Hindu Marriage	18	16	Mauritius ¹⁸	18	16
Bulgaria	18	17	Mexico ¹⁹	16	14
Burma	14	14	Monserrat	14	12
Byelorussian SSR ⁴	18	18	Morocco	15	15
Cambodia ⁵	18	16	Netherlands	18	16
Cameroons (British)	16	16	New Hebrides	16	16
Cameroons (French)	16	14	New Zealand	16	16
Canada—			Nicaragua	14	12
Alberta ⁶	16	16	Nigeria ²⁰	16	16
British Columbia ⁷	16	16	Northern Rhodesia ²¹	14	12
Manitoba ⁸	16	16	Norway ²²	20	18
New Brunswick	There is no statutory restriction as to age of marriage		Nyasaland	14	12
Newfoundland	14	12	Panama	14	12
Nova Scotia	21	21	Pakistan—		
Ontario ⁸	14	14	Moslems—presumption of puberty ²³	15	15
Prince Edward Island	No minimum age is specified		Native Christians	16	13
Quebec	14	12	Paraguay	14	12
Saskatchewan ⁸	15	15	Peru ²⁴	21	18
Yukon Territory	14	12	Philippines	16	14
Ceylon	16	14	Poland	18	18
Chile	14	12	Portugal	18	16
China	18	16	Rhodesia (Southern)	14	12
Colombia	14	12	St. Christopher-Nevis	16	16
Costa Rica	15	15	St. Helena	16	16
Cuba	14	12	Sarawak	14	14
Cyprus	No legal restriction		Seychelles ¹⁸	18	15
Czechoslovakia	18	18	Sierra Leone	No prescribed minimum age	
Denmark ⁹	21	18	Singapore	16	14
Dominican Republic ¹⁰	18	15	Somaliland	As in English law	
Ecuador	14	12	South Africa	18	16
Egypt—			Spain	14	12
Statutory	No age limit under Moslem law		Swaziland	14	12
El Salvador	16	14	Sweden ²⁵	21	18
Ethiopia	18	18	Switzerland ²⁶	20	18
Falkland Islands	16	16	Syria	18	17
Fiji—			Thailand	17	15
Indians	18	14	Tonga	18	18
Others	14	12	Trinidad and Tobago	14	12
Finland	18	17	Turks and Caicos Islands	16	16
France ¹¹	18	15	Turkey ²⁷	17	15
French Equatorial Africa	16	14	Uganda	No prescribed minimum age	
French West Africa	16	14	Union of Soviet Socialist Republics ²⁸	18	18

APPENDIX "A"—continued.

Country or Territory.	Men.	Women.	Country or Territory.	Men.	Women.
United Kingdom—			Uruguay	14	12
Great Britain	16	16	Virgin Islands	No statutory provision.	
Northern Ireland	14	12	Windward Islands—		
United States of America ²⁰	18	18	Dominica	No minimum age.	
	(28 States and 4 Territories)	(1 State and 1 Territory)	Grenada	No express provision	
	17	16	Saint Lucia	14	12
	(2 States and 1 Territory)	(26 States and 3 Territories)	Saint Vincent	Presumption of application of English law	
	16	15	Yugoslavia ³⁰	18	18
	(11 States)	(7 States)	Venezuela	14	12
	15	14	Zanzibar	Same as in England	
	(2 States)	(9 States and 1 Territory)			
	14	13			
	(5 States)	(1 State)			
		12			
		(4 States)			

¹ Unless an order is obtained from the Registrar General or a Police Magistrate.

² Article 145 of the Civil Code provides that a dispensation can be granted by the Chief of State for serious reasons.

³ Men and Women under eighteen and sixteen respectively may marry with the permission of the Court, in which case the judge may order the separation of bodies until the spouses attain legal age. The marriage followed by pregnancy shall not be annulled for want of age.

⁴ The marriageable age for both men and women may be lowered to sixteen years.

⁵ His Majesty the King of Cambodia can exceptionally, at the request of the prospective spouses or of their parents or guardians, grant dispensation upon advice of the Council of Ministers on the proposal of the Minister of Justice. But no dispensation can be granted for men under fifteen years of age and for women under twelve years.

⁶ Unless the woman is shown by a medical certificate to be pregnant and has obtained the consent of her parents.

⁷ Unless a Court order showing the marriage to be expedient and in the interest of the parties, subject to the consent of the parents.

⁸ Except on a medical certificate stating that immediate marriage is necessary in order to prevent illegitimacy of offspring.

⁹ A royal grant is necessary for marriage of persons under these ages.

¹⁰ The Government may, for serious reasons, grant dispensations of age.

¹¹ The President of the Republic may, when there are cogent reasons, waive the age requirements. In most cases in which the waiver is applied for, the cogent reason is the pregnancy of the prospective wife. The waiver is rarely granted in respect of persons more than one year under the statutory age.

¹² In exceptional cases boys may marry if they are over eighteen and girls under sixteen years of age.

¹³ Though the Child Marriage Restraint Act has fixed an age limit and violations thereof are penalized, marriage contracted under the age limit fixed by that Act is not invalid. Children of any age according to Hindu Law may be validly married.

¹⁴ In cases where circumstances require, dispensation from the age requirement may be granted on the proposal of the public law officers and with the approval of the court, provided that such dispensation may not be granted to a girl under thirteen or a boy under fifteen years of age.

¹⁵ The age requirement may be lowered to fourteen for the man and twelve for the woman in case of special dispensations.

¹⁶ If the boy or the girl is fifteen or over, their guardians may request court permission to marry on proof of sufficient maturity.

¹⁷ A man may obtain judicial authorization to marry before that age if he proves his puberty and a woman may obtain similar authorization if the person in charge of her (Wali) assents.

¹⁸ Except with the authorization of the Governor.

¹⁹ The municipal authorities may grant dispensation from this condition on serious and substantial grounds.

²⁰ Under the Marriage Ordinance; the great majority of marriages in Nigeria are celebrated under Mohammedan Law or in accordance with the Native Law and Custom.

²¹ As in English Law of 17 August, 1911.

²² No man under twenty or woman under eighteen years of age may contract marriage except by leave of His Majesty or of a person appointed by him.

²³ Among Mohammedans a boy or girl who has not attained puberty may be contracted into marriage by his or her guardian subject however to his or her option on reaching puberty.

²⁴ The Court can grant a dispensation for serious reasons, upon request, if the man is over eighteen years and the woman over sixteen.

²⁵ A royal grant is necessary for marriage of persons under these ages.

²⁶ As an exceptional measure and for very serious reasons, the Government of the Canton of domicile can, however, proclaim a woman of seventeen or a man of eighteen years of age capable to marry if their parents or guardians consent.

²⁷ In exceptional cases and for cogent reasons, the judge may declare a man of fifteen years of age and a woman of fourteen years of age to be capable of contracting marriage after hearing the parents or guardian of the person concerned.

²⁸ In exceptional cases, upon application to authorities, the marriageable age for women can be lowered by not more than one year.

²⁹ The general rule in the United States is that the marriage of a person under the statutory age is not void for that reason but may be voided by either party to the marriage.

³⁰ Marriage between persons under the statutory age may be approved by the Court if considered stable from a medical and other standpoints.

1959
VICTORIA

REPORT

FROM THE

STATUTE LAW REVISION COMMITTEE

ON

SECTION 34

OF THE

LIMITATION OF ACTIONS ACT 1958

Ordered by the Legislative Council to be printed, 22nd September, 1959.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1st SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

TUESDAY, 1st SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochrane, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958* has the honor to report as follows:—

1. The Secretary to the Law Department by letter dated 2nd March, 1959, passed on a request of the Honorable the Attorney-General that the Statute Law Revision Committee examine section 34 of the *Limitation of Actions Act 1958*.

2. Appended to this Report are the Minutes of Evidence * given before the Committee by the following persons:—

- Mr. E. R. T. Reynolds, Q.C., of Counsel, representing the Melbourne and Metropolitan Board of Works;
- Mr. H. J. Camier, representing the Housing Commission of Victoria;
- Mr. F. H. Klenner, representing the Lands Department;
- Mr. T. F. E. Mornane, Crown Solicitor;
- Mr. W. Crockett, of Counsel, and Mr. D. R. Dooley, Solicitor, representing the State Electricity Commission of Victoria;
- Mr. J. D. Fagan, representing the Municipal Association of Victoria;
- Mr. C. A. Sweeney, Q.C., representing the Bar Council of Victoria; and
- Sir Henry Winneke, Q.C., Solicitor-General.

Also appended * are memoranda received from—

- Mr. J. J. Lynch, Parliamentary Draftsman;
- Mr. H. J. Camier, Chief Finance Officer, Housing Commission;
- The Melbourne and Metropolitan Board of Works;
- The Chief Justice's Law Reform Committee;
- The Law Institute of Victoria;
- The Forests Commission of Victoria; and
- The Gas and Fuel Corporation of Victoria.

3. In his letter to the Committee, the Secretary to the Law Department stated that the decision in *Leech v. The Melbourne and Metropolitan Tramways Board* had drawn "attention to the fact that section 34 of the *Limitation of Actions Act 1958* . . . still contains some of the elements which were thought undesirable in respect of the somewhat similar Motor Car (Third-party Insurance) legislation which was altered last year" and the undesirable elements removed. The 1958 amendments to the Motor Car legislation referred to were effected by the *Motor Car (Third-party Insurance) Act 1958* (No. 6463).

The proposals contained in the Motor Car (Third-party Insurance) Bill were referred to the Committee by the Legislative Council on 7th October, 1958. The Committee's Report was presented to the Parliament on 28th October, 1958 (Victorian Parliamentary Papers D. No. 6, Session 1958-59).

4. The *Motor Car (Third-party Insurance) Act 1958* set out the details to be included in a notice of claim required to be given to the authorized insurer or nominal defendant (as the case may be) in certain circumstances. The substituted proviso had called for merely "a short statement of the grounds".

The Act for the first time gave to the court power to allow an action to proceed in the absence of any or sufficient notice of claim if "the claimant satisfies the court before which the claim is tried that the . . . (defendant) has not been materially prejudiced in his defence" . . . by that failure.

The requirement of notice "as soon as possible" in section 47 of the *Motor Car Act 1951* (now section 49 of the *Motor Car Act 1958*) was altered to "within a reasonable time".

The "undesirable elements" referred to in the letter from the Secretary to the Law Department have been taken then to mean the questions of the contents of notices of claim, a "dispensing power" to enable the courts to allow an action to proceed in some cases where the notice requirements have not been met, and of when notice should be given. The Committee has accordingly examined section 34 of the *Limitation of Actions Act 1958* under these headings.

The case of *Leech v. Melbourne and Metropolitan Tramways Board* and subsequent judicial decision turned largely on the question of the meaning of the words "mistake or any reasonable cause" which are used in section 34 but not in the Motor Car (Third-party Insurance) legislation. The points raised by judicial decision on the section have been examined together with the question of a dispensing power.

The further matters which were raised during the inquiry related to notice to persons sued as individuals in respect of acts done in performance of a public duty and to notice to public authorities sought to be made liable for contribution under the *Wrongs Act 1958*.

5. From the Report of the Statute Law Revision Committee on the proposals contained in the Limitation of Actions Bill 1955 (Victorian Parliamentary Papers D. No. 3, Session 1955-56) it may be seen that prior to the enactment in 1955 of the present section 34, four other Bills dealing with this subject had been considered by Parliament and not passed.

Until the commencement of the *Limitation of Actions Act 1955* the Statute Book contained a variety of separate provisions relating to the period within which actions against public authorities should be commenced, the period within which notice of intention to claim should be served upon a public authority and to the contents of any such notice.

The 1955 Act replaced those separate provisions with uniform provisions applicable to all actions against public authorities. Section 34 preserved the rule that public authorities should be given notice before claim.

6. The Committee examined the reasons for the section 34 requirement of prior notice of claim to be served on public authorities and is of the opinion that the arguments advanced from time to time in favour of such a provision are not sufficiently strong to justify this exception to the general principle enunciated in section 32 (1) of the *Limitation of Actions Act 1958* which provides *inter alia*—

"this Act shall apply to proceedings by or against the Crown in like manner as it applies to proceedings between subjects".

The attention of Honorable Members is invited to the 1950 Report of the Statute Law Revision Committee (Victorian Parliamentary Papers D. No. 1, October, 1950) wherein that Committee disagreed with the 1949 Committee Report (D. No. 1, March, 1949) and recommended "that a public authority should be placed in exactly the same position as any other defendant".

This Committee agrees with the 1950 Committee. There are then, two alternatives—either to apply the notice provisions of section 34 to all persons or to repeal section 34 and abolish the notice provisions.

The Committee believes that the reasons for the section 34 requirement of notice to public authorities being written into the 1955 Act were largely because of opposition by many such authorities to losing the protection which they had enjoyed by virtue of the separate notice provisions in their respective Acts.

The Parliament has abolished the shield of the Crown and enacted section 32 (1) of the *Limitation of Actions Act 1958*, but in 1955 was not prepared to abolish the distinction between public authority and private individual enshrined in the notice provisions of section 34.

The Committee recommends that section 34 be now repealed.

Committee Room,

2nd September, 1959.

1959
VICTORIA

REPORT

FROM THE

STATUTE LAW REVISION COMMITTEE

UPON

SECTION 26

OF THE

IMPRISONMENT OF FRAUDULENT DEBTORS ACT 1958

Ordered by the Legislative Council to be printed, 22nd September, 1959.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1ST SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

TUESDAY, 1ST SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochrane, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958*, has the honour to report as follows:—

1. By letter dated 2nd June, 1959, the Acting-Secretary to the Law Department, at the direction of the Honorable the Attorney-General, passed on to the Committee for its consideration a request by the Clerk of Petty Sessions, Melbourne, that section 26 of the *Imprisonment of Fraudulent Debtors Act 1958* be repealed.

2. Appended to this Report is the evidence* given before the Committee by Mr. F. A. Wood, Deputy Clerk of Petty Sessions, Melbourne.

3. Section 26 of the *Imprisonment of Fraudulent Debtors Act 1958* provides that evidence given in petty sessions at the hearing of cases under Part III. of the Act, where it is sought to enforce existing court orders, shall be taken down in writing, so that such depositions may be used in the event of any appeal or order to review.

4. The Committee received evidence to the effect that at the City Court alone, approximately 50 defendants are examined as witnesses under this Act each week, and that the evidence, which is taken down in longhand by the Bench Clerk, is sometimes lengthy.

5. It was submitted that as the provisions for appeal against orders under this Act were very rarely availed of, there was little to justify the retention of section 26. It was also pointed out that in other civil cases, written depositions are not required to be taken, and in any appeal in these cases, no written statement of the evidence in the lower court is ordinarily available.

6. In appeal cases under the *Imprisonment of Fraudulent Debtors Act*, the depositions are simply of an informative nature, and during the rehearing, fresh evidence may be introduced. Statements contained in the evidence given in the lower court may sometimes be contradicted or found to be inaccurate.

7. The Committee is of opinion that the provision for written evidence to be taken in hearings of cases under this Act does little to facilitate the conduct of subsequent appeals and orders to review. It is considered that, having regard to the low number of appeals, the lack of value of such depositions in appeal cases, together with the delay caused to magistrates, clerks and legal practitioners, the existing provision is not justified.

8. The Committee recommends that section 26 of the *Imprisonment of Fraudulent Debtors Act 1958* be repealed.

Committee Room,
8th September, 1959.

* *Minutes of Evidence not printed.*

1959
VICTORIA

REPORT
FROM THE
STATUTE LAW REVISION COMMITTEE
ON
REPORTS TO PARLIAMENT
TOGETHER WITH
APPENDICES

Ordered by the Legislative Council to be printed, 6th October, 1959.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1ST SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

TUESDAY, 1ST SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochrane, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958*, has the honor to report as follows :—

1. Pursuant to the powers vested in it to “ examine anomalies in the statute law ” the Committee has examined anomalies in the statutory provisions requiring the furnishing of reports to Parliament by various Government departments and instrumentalities.

2. Appended to this Report is the evidence* given by Mr. R. W. Gillard, Auditor-General.

3. The Committee has made a careful examination of all the Public General Acts in force in Victoria with a view to ascertaining the detailed requirements regarding reports to Parliament. The Committee discovered many inconsistencies and ineffective provisions. Bearing in mind the presumption that the prime object of reports to Parliament must surely be to account to Parliament and to inform Honorable Members of the detailed operation of the authorities concerned, the machinery in many cases seems to be at variance with this objective.

4. In the course of its enquiry the Committee observed that some of the instrumentalities constituted by statute were not required to report to either the Minister or Parliament. Whilst in some of these cases Parliament may have intended certain bodies to be largely free of Ministerial or Parliamentary control, it is difficult to see why Parliament should not at least be informed of the activities of such bodies.

5. As a result of its investigation the Committee considers that a number of matters should be brought to the attention of Parliament. These matters may be classified as follows :—

- (a) unjustifiable inconsistencies between various statutory requirements ;
- (b) ineffective provisions ;
- (c) omissions of the requirement to report annually ; and
- (d) the variance of times as to when reports are to be made.

INCONSISTENCY BETWEEN EXISTING PROVISIONS.

6. Inconsistencies between the various existing provisions requiring reports are numerous. Because of the diverse functions of the various bodies it is not suggested that complete uniformity in the statutory requirements is either practicable or desirable, but it is considered that a greater measure of consistency is possible. The principal type of inconsistency relates to the nature of the required reports—some requirements demand a detailed report, some a very meagre report of a general nature and in other cases the nature of the report is not specified at all.

The recommendations of the Committee in this regard are shown in Appendix “ A ” to this Report.

INEFFECTIVE PROVISIONS.

7. In the case of some of the provisions requiring reports to Parliament the nature of the statutory requirement is such as to be patently ineffective. As an example, the *Gas and Fuel Corporation Act 1958*, by section 21 requires the Corporation to present at the end of each financial year a general report to the Treasurer, who shall lay it before Parliament. The provision however makes no stipulation as to the time within which the Report is to be presented to Parliament by the Treasurer. Presumably the requirement would be satisfied by the Treasurer Tabling a report years after the close of the period

* Minutes of Evidence not printed.

reported on. In fact the Committee understands that a report from the Corporation has not been Tabled in Parliament for some years. It is considered that the provision should be amended by the stipulation of a period of time during which the report must be Tabled. In the absence of such a stipulation the section does not effectively satisfy the requirement of accountability to Parliament. Appendix " B " to this Report shows a number of bodies where the requirements for presenting reports are somewhat similar to the case mentioned above. Whilst there is no suggestion that the reports of these bodies are not reaching Parliament, it is recommended that where a body has to report to a particular Minister who is required to Table the report, then there should be a requirement for the Minister to present it to Parliament within a specified period.

OMISSIONS.

8. It is considered by the Committee that a number of additional requirements should be included in the statutes to require reports to Parliament by a number of bodies not at present required to report. The Committee considers such additional requirements to be logical and from the viewpoint of Parliament desirable.

These recommendations are embodied in Appendix " A ".

TIME OF REPORTS.

9. The various statutory provisions specifying the times when reports are to be made vary considerably, ranging from the vague requirements of "annually" and "as soon as possible after the end of the year" to specific dates. This situation is further complicated by the fact that all reports are not made for the fiscal year. Some of such variations are shown in Appendix " C " to this Report. With the exception of the University of Melbourne where there are obvious advantages in submitting a report on a calendar year the Committee can see no reason why the other bodies cannot report for a fiscal year.

10. The Committee is of the opinion that all reports should be submitted to Parliament by the 30th September of each year, as it is of the utmost importance to Honorable Members to have up to date information when discussing the Budget. It is realized that there are certain difficulties involved in implementing this suggestion, namely, the impossibility of the Auditor-General being able to audit all accounts prior to the 30th September and the difficulty experienced in having reports printed by this date.

11. The Committee has been informed that the present difficulties involved in completing accounts audits stem largely from the lack of mechanization in the Treasury and shortage of staff in the Audit office. It is understood that if this situation were remedied there is every possibility that within a period of 3 years all accounts could be audited prior to the Committee's suggested date. The Committee whilst making no recommendation in this regard suggests that the Government may care to give consideration to this particular aspect.

12. It is also understood by the Committee that it would be impossible for the Government Printer to print all required reports by 30th September but the Committee is of opinion that Departments and instrumentalities should be able to furnish duplicated copies of their reports to Parliament.

Committee Room,

29th September, 1959.

APPENDIX "A"

Title of Act.	Boards, Instrumentalities, &c., set up under provisions of Act.	(a) Are Reports required?	(b) If so, to whom?	(c) Nature of Report required (if any)	Recommendation of the Committee.
Agent-General's	Agent-General	Yes. S.6 (3).	Governor-in-Council	Exercise of functions and on matters which may affect Victoria in Great Britain	Detailed report should be submitted to Parliament each year
Barley Marketing	Australian Barley Board. (A Board comprised of South Australian and Victorian Members jointly)	No. But last balance-sheet and statement to be publicly displayed	.. ..	.. ..	Annual Report on the activities of the Board and the results thereof should be submitted to Parliament
Children's Court	Children's Courts ; Chief Probation Officer, &c. Officer-in-Charge Clinic }	No	.. ..	.. ..	An Annual Report showing general details of the activities of the Courts should be submitted to Parliament
Crimes ..	Parole Board	Yes. S.532	Minister ..	General	Should also report to Parliament
Dairy Products	Dairy Products Board ..	Yes. S.17 (2)	Parliament	Not specified ..	Annual Report on the activities of the Board and the results thereof should be submitted to Parliament
Estate Agents ..	Estate Agents Committee } Registrar of Estate Agents }	No ..	.. ..	.. ..	The Registrar should submit an annual detailed general report to Parliament
Fisheries ..	Director of Fisheries and Game	No ..	.. ..	.. ..	The Director should submit to Parliament an annual report on the activities of the Department
Gaols ..	Director of Penal Services	No ..	Annual report presented by Command of	His Excellency.	Report should be mandatory to Parliament
Home Finance	Home Finance Trust ..	No ..	.. ..	.. ..	Annual Report on the activities of the Trust and the results thereof should be submitted to Parliament
Landlord and Tenant	Fair Rents Board ..	No ..	.. ..	.. ..	Annual Report on the activities of the Board and the results thereof should be submitted to Parliament
Land Settlement	Soldier Settlement Commission	Yes. S. 42	Minister ..	Various recommendations re land settlement, &c.	Should also report to Parliament
Licensing ..	Licensing Court } Licences Reduction Board }	No ..	Annual Report presented by Command of	His Excellency	Report should be mandatory to Parliament
Local Authorities Superannuation	Local Authorities Superannuation Board	No ..	.. ..	.. ..	Should report to Minister
Marketing of Primary Products	Various Marketing Boards—Onion, Chicory, &c.	No ..	.. ..	.. ..	Annual Report on the activities of each Board and the results thereof should be submitted to Parliament
Medical ..	Medical Board } Dental Board } Pharmacy Board }	No. ..	.. ..	.. ..	Boards should submit annual general reports to Minister
Melbourne and Metropolitan Board of Works	Melbourne and Metropolitan Board of Works	Yes. S. 49	Governor in Council and Parliament	Statement of Accounts	An annual detailed report of activities should also be submitted to Parliament
Milk and Dairy Supervision	Milk Supply Committee ..	Yes. S. 102	Minister ..	Matters affecting the supply of milk to the metropolis, &c.	Should also report to Parliament
Milk Board ..	Milk Board	Yes. S. 37 (5)	Minister ..	Report of its operations	Should also report to Parliament

APPENDIX "A"—continued.

Title of Act.	Boards, Instrumentalities, &c., set up under provisions of Act.	(a) Are Reports required ?	(b) If so, to whom ?	(c) Nature of Report required (if any)	Recommendation of the Committee.
Money Lenders	Registrar	No ..	.. ..	.. ..	Registrar should submit annual report of his activities to Minister and Parliament
Police Regulation	Chief Commissioner of Police	No ..	Annual Report presented by command of His Excellency		Report should be mandatory to Parliament
Process Servers and Inquiry Agents	Registrar of Process Servers and Inquiry Agents	No ..	.. ..	.. ..	Registrar should submit Annual Report of his activities to Minister and Parliament
Public Trustee	Public Trustee	No ..	.. ..	.. ..	Annual Report of activities should be submitted to Minister and Parliament
Racing ..	Race-courses Licences Board	No ..	.. ..	.. ..	Annual reports of proceedings of both Boards should be submitted to Minister
	Bookmakers and Bookmakers' Clerks Registration Committee	No ..	.. ..	.. ..
Road Traffic ..	Traffic Commission ..	No ..	Advises Governor in Council on matters relating to Act for improvements to traffic conditions and any other matters referred to it by Governor in Council		An annual detailed report of activities of the Commission should be submitted to Parliament
Vermin and Noxious Weeds	Superintendent of Vermin and Noxious Weeds Destruction	Yes S. 5 ..	Minister of Agriculture	Destruction of Vermin and Noxious Weeds	Should also report to Parliament
Weights and Measures	Superintendent of Weights and Measures	No ..	.. ..	.. ..	Annual report of activities should be submitted to the Minister and Parliament
Workers Compensation	Workers Compensation Board	Yes. S. 82 (16)	Minister and Parliament	Statement of Revenue and Expenditure of Workers Compensation Board Fund	Should also submit an annual report to Parliament

APPENDIX "B"

REPORTS REQUIRED TO BE TABLED BY MINISTERS.

- Registrar of Co-operative Societies.
- Registrar of Co-operative Housing Societies.
- Country Fire Authority.
- Registrar of Friendly Societies.
- Commissioner of Public Health.
- Melbourne and Metropolitan Tramways Board.

APPENDIX "C"

REPORTS FOR PERIODS OTHER THAN THE FISCAL YEAR.

FOR THE YEAR ENDING 31ST DECEMBER.

Chief Inspector of Explosives.
 Registrar of Friendly Societies.
 Director of Children's Welfare.
 Geelong Harbor Trust.
 Labour and Industry Department.
 Melbourne Harbor Trust.
 Mental Hygiene Authority.
 Penal Department.
 Chief Commissioner of Police.
 University of Melbourne.

FOR THE YEAR ENDING 30TH SEPTEMBER.

Benefit Associations.

FOR THE YEAR ENDING 31ST OCTOBER.

Grain Elevators Board.

FOR A POOL YEAR (WHICH VARIES FROM YEAR TO YEAR).

Egg and Egg Pulp Marketing Board

1959
VICTORIA

REPORT

FROM THE

STATUTE LAW REVISION COMMITTEE

UPON THE

PROPOSALS CONTAINED IN THE

TRUSTEE (MORTGAGES) BILL

Ordered by the Legislative Council to be printed, 10th November, 1959.

By Authority:

A. C. BROOKS, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 1ST SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

TUESDAY, 1st SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochrane, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958*, has the honor to report as follows :—

1. On 29th September, 1959, the Legislative Council referred the proposals contained in the Trustee (Mortgages) Bill to the Statute Law Revision Committee for examination and report.

2. Appended to this Report are the minutes of evidence* of the following witnesses who appeared before the Committee :—

Mr. J. J. Lynch, Parliamentary Draftsman ;
Mr. M. Komesaroff, Barrister and Solicitor ; and
Mr. W. J. Taylor, Registrar of Titles.

Also appended is a memorandum from* Dr. H. A. J. Ford, Reader in Law, University of Melbourne.

3. Section 2 of the Bill proposes the insertion in the *Trustee Act 1958* of a new section 5A as follows :—

“ Where by this Act or any other Act, whenever passed, or by the terms of any trust, whenever created, a trustee or other person or body corporate or unincorporate is authorized to lend money upon the security of a first mortgage of freehold land, then, without limiting the generality of that authority, any such trustee person or body may, unless specifically prohibited from so doing by any Act or by the terms of the trust, lend money upon the security of a mortgage of a stratum estate, that is to say, an estate in fee simple, evidenced by a certificate of title under the *Transfer of Land Act 1958*, in an allotment of land, being a part or parts of a building, above or below or between certain levels, notwithstanding that a charge to secure payment of an annuity in favour of a service company, that is to say, a company formed for the sole or principal purpose of giving effect to the common purposes of the proprietors of the stratum estates in the several parts of the building, takes priority over the mortgage and notwithstanding that the mortgage includes or is coupled with a mortgage of shares in the service company.”

4. The provisions of the Bill, if enacted, will permit a trustee to lend trust money on the security of a stratum title notwithstanding that a charge in favor of a service company is registered in respect of that title and has priority over the trustee's mortgage.

The Bill is permissive and its provisions would not absolve a trustee from the responsibility of investigating each proposition and exercising the prudence and the standard of care which the law and particularly the *Trustee Act 1958* oblige him to exercise.

5. The Committee approves the Bill and recommends its enactment.

Committee Room,
4th November, 1959.

* *Minutes of Evidence and memorandum not printed.*

TICKET

1959—60
VICTORIA

REPORT

FROM THE

STATUTE LAW REVISION COMMITTEE

ON THE

PROVISIONS OF SECTIONS 53, 166 AND 181

OF THE

LOCAL GOVERNMENT ACT 1958

TOGETHER WITH

MINUTES OF EVIDENCE

AND

APPENDICES

Ordered by the Legislative Council to be printed, 3rd December, 1959

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1ST SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

TUESDAY, 1ST SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochrane, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958* has the honor to report as follows :—

1. The Secretary to the Law Department by letter dated 8th May, 1959, passed on a request of the Honorable the Attorney-General that the Statute Law Revision Committee examine the provisions in the *Local Government Act 1958* which restrict the rights of municipal councillors to discuss or vote on transactions being considered by the council and in which they may have an interest no matter how slight.

2. Appended to this Report are the Minutes of Evidence* given before the Committee by the following persons :—

- Mr. P. P. Mithen, Secretary, Local Government Department ;
- Mr. J. Downey, Assistant Crown Solicitor ;
- Mr. R. J. Gray, Secretary, Victorian Branch of the Municipal Officers Association of Australia ;
- Mr. G. E. Price, representing the Professional Engineers' Association of Victoria ;
- Mr. J. D. Fagan, Secretary, Municipal Association of Victoria ; and
- Mr. F. H. Rogan, Town Clerk, City of Melbourne.

Also appended* are memoranda received from :—

- The Publicity Officer, Shire of Springvale and Noble Park Ratepayers Association ;
- The Shire Secretary, Shire of Deakin ; and
- Mr. J. Downey, Assistant Crown Solicitor.

In addition to the verbal evidence and memoranda submitted, the Committee had before it a report by the Institute of Public Affairs, Dalhousie University, Halifax, Nova Scotia on "Officials and Public Contracts, Control of Beneficial Interests, a Survey of Legislation and Proposals for Change in Nova Scotia" (1958) and extracts from the United Kingdom Report of the Royal Commission on Local Government 1923-1929.

3. With his letter to the Committee the Secretary to the Law Department enclosed a memorandum from the Minister for Local Government in which the Minister drew attention to a number of the difficulties which occur under sections 53, 166 and 181 of the Act. It is claimed that municipal administration is being made unreasonably difficult in many instances because councillors and officers may, in the general course of their duties, innocently commit a breach of these provisions. The Committee accordingly decided to investigate each of these particular sections of the Act.

4. Section 53 provides for the disqualification of councillors, Section 181 creates an offence in relationship to councillors and Section 166 provides both penalty and disqualification of officers of councils.

5. Great doubts in the minds of those engaged in local government affairs have been borne out by recent judicial decisions to the point where municipal administration is being seriously hampered. The Committee believes some changes to be necessary to clarify the present unsatisfactory state of affairs.

* Minutes of Evidence and Appendices not printed.

6. Section 53 of the *Local Government Act 1958* provides—

“ 53. (1) No person holding any office or place of profit under or in the gift of the council of any municipality or concerned or participating in any manner whether directly or indirectly in any contract with any municipality or in any work to be done under the authority of any such council or in the profit of such contract or work shall be capable of being or continuing a councillor of the municipality.

(2) But no person shall be disqualified from being or continuing a councillor of any municipality by reason of—

- (a) being beneficially interested in any newspaper in which the council inserts advertisements ; or
- (b) being a shareholder or member of any incorporated company consisting of more than twenty persons which has entered into any contract with or done any work under the authority of the council ; or
- (c) paying or being or becoming liable for the payment of any moneys due to any municipality under the provisions of the *Wire Netting Act 1958* in respect of wire netting for fencing purposes ; or
- (d) renting from the council any building hall or room for the purpose of holding any meeting or entertainment therein ; or
- (e) being or having been before the commencement of this Act an officer or member of any club or association incorporated or otherwise of twenty members at least having for its object the physical recreation or cultural activities of the members thereof notwithstanding that such club or association leases or rents any lands or buildings from any municipality for such object.

In this sub-section “physical recreation” includes the games of cricket tennis football bowling or other sport and “cultural activities” includes social religious educational literary musical scientific agricultural horticultural or other like activities.

(3) And where in pursuance of the authority of any Act the council of any municipality carries on any gas works electric light works sanitary desiccating works baths weighbridges markets water supply ferries or other like works, it shall be lawful for any member of any such council to use any such conveniences or things or receive purchase take and use the residuum or product thereof in the same manner as any member of the public not being a councillor might do and to pay the council or the proper officers thereof without incurring any penalty or disqualification in respect thereof.”

7. It was contended before the Committee that the Section 53 provisions could be safely abolished in favour of a requirement that a councillor should publicly disclose any interest in contracts with the council and to rely on the provisions of Section 181 to prohibit him from discussing or voting on any such contract.

As a result of the recommendation of the United Kingdom Royal Commission on Local Government, 1923–29, to the effect that the situation would best be met if disqualification were applied to voting rather than membership, the United Kingdom equivalent of the provisions of Section 53 of the Local Government Act were repealed in 1933.

Section 106 of the *Companies Act 1958* together with Item 71 (h) of Table A of the Fourth Schedule to that Act contain provisions which are somewhat similar to the United Kingdom legislation in that officers of companies are required to disclose certain interests.

8. It appeared to the Committee, however, that there is a substantial body of opinion which considers that the Act should contain a positive prohibition in the form of disqualification provisions against councillors having any interest in any contract with the council or in any work done by the council and that that prohibition should remain general in terms but that where experience has shown that certain types of transactions should, in the general interest, remain outside the prohibition, provision should be made as in the present Section 53 to permit those transactions.

9. The Committee favours the retention of Section 53. It is convinced however, that the section requires revision in the light of recent experience and in the light of changes in the fields of activities of municipal councils.

The general trend of the revision recommended is an extension of the exceptions in sub-sections (2) and (3) of the section from the general disqualification provision of sub-section (1), consistent with retaining the effectiveness of the section in securing the disinterestedness of the holders of council office in the discharge of the duties of such office.

10. Many of the doubts regarding the position of councillors under Section 53 have arisen from the *Tobias v. Allen* case. After the decision in this case municipalities received legal opinions which were much narrower in the interpretation of this section than were previous opinions.

11. To clarify this section the Committee recommends that the exemptions in Section 53 be extended so that a councillor does not come within the disqualification provisions for—

- (a) the supply or sale to him by the council of any service, commodity or product which is normally provided to persons who are not councillors, and on similar terms and conditions as such service, commodity or product is supplied to persons not councillors ;
- (b) participating in an agreement for the erection under the provisions of the *Fences Act 1958* of fencing between his and the council's property ;
- (c) being a member or an officer of any organization as specified in paragraph (e) of sub-section (2) which borrows from or otherwise contracts with the council ;
- (d) being appointed by the council as its representative on any organization to which the council makes contributions either in cash or in services, or for remaining or acting as a member of such organization ;
- (e) any *bona fide* sale by him to the council in the ordinary course of business and not pursuant to any written contract and not exceeding in the aggregate the sum of £20 in a financial year.

12. Recommendations (a) and (b) in the preceding paragraph are intended to place a councillor in a similar position to non-councillors in certain instances so that, for example, he would not be subject to disqualification for participating in any municipal home help service, hiring council plant and equipment (when such is normally hired out by the council) or for contracting with the council for the erection of fencing. The Committee can see no reason why a councillor should suffer any disadvantages in respect of these items.

13. Municipalities have dealings with many local organizations of the type referred to in paragraph (e) of sub-section (2) and it is quite common for a councillor to be a member of such organizations. However, if the organization receives from the council any contribution, either in cash or services, the position of such councillor is suspect. Likewise is the position of a councillor appointed by the council to represent it on some body outside the provisions of paragraph (e) of sub-section (2) but which receives assistance from the council, for example, Moomba, Sidney Myer Music Bowl, National Art Gallery and Cultural Centre, &c. To obviate these difficulties the Committee proposes recommendations (c) and (d) of paragraph 11.

14. A retail sale by a councillor or by one of his employees to the council is ground for disqualification, even though the sale may have been made by an employee, either in error or contrary to a direction of the councillor. This principle applies irrespective of the amount of money involved—in a recent case a councillor was called on to resign over a sale made by an employee when such sale involved the sum of 17s. 6d. only.

The Committee whilst agreeing with the principle that a Councillor should not be permitted to contract with the council, is of the opinion that Section 53 should be relaxed so as to allow retail sales as per recommendation (e) of paragraph 11. In arriving at the permissible maximum of £20 per annum the Committee considered, in particular, the position of country municipalities. In some of the more remote areas municipalities have

often to obtain urgently required replacement machinery parts, &c., from towns some long distance away, merely because the local supplier or agent happens to be a councillor. This situation appeared to the Committee to be both expensive and productive of delay.

15. The attention of the Committee has been drawn to paragraph (b) of sub-section (2) of Section 53 which exempts a councillor from disqualification when he is a shareholder or a member of an incorporated company of more than twenty members which contracts with the council. This exemption appears to be based on the presumption that a shareholder or member of such a company would not have much influence in the company nor would he benefit to any great extent from any contract the company may have with the council. The presumption appears to be false to the Committee as it is conceivable that a shareholder or member may have sufficient shares to virtually control the company. Accordingly the Committee recommends that a restriction be placed in this paragraph so that the exemption provision will not apply when a councillor holds 10 per cent. or more of the total value of issued share capital of any such company.

16. In *Payne v. Loft* (1953) Mr. Justice Barry held that a councillor, the managing director of a company, actively interested in the business of the company and its contracts with the council, fell within the disqualifying effect of sub-section (1) and that because that effect did not in any way relate merely to his shareholding, he was not within exemption 2 (b).

The Committee considers that a director, managing or otherwise, and the general manager or branch manager (by whatever names they are called) of a company would be actively interested in the affairs of the company and as such there should be no doubt as to whether they came within the exemption provisions of sub-section 2 (b). Accordingly the Committee recommends that the above-mentioned company officers be specifically mentioned in this section as not coming within the exempting provision.

17. Municipalities often compulsorily acquire land for council purposes such as road-making, road-widening and for use as tips. If the owner of such land happens to be a councillor he is barred by disqualification from coming to an agreement with the council and is forced to go to arbitration which is both delaying and expensive. This situation is further complicated by the comments of His Honor Mr. Justice Sholl in his judgment in the case of *Tobias v. Allen* (1957), viz:—"I am not to be taken as agreeing that compulsory acquisition and exercise of such a right (i.e., the right to tip rubbish) over the land of a councillor would necessarily take him outside the operation of Section 53 (1)".

The Committee is of opinion that there should be no change in the present situation, cumbersome as the arbitration procedure may be, but that the Act should be amended to include a statement to the effect that a councillor is not subject to disqualification if a price for acquired land is reached by arbitration.

18. Similar conditions to those referred to in paragraph 17 apply to the acquisition of road-making material from councillor-owned property.

The Committee proposes the same recommendation as that where land is acquired.

19. Section 166 of the *Local Government Act 1958* provides—

“ 166. (1) Every officer employed by the council who—

(a) exacts or accepts on account of anything done by virtue of his office or in relation to the matters to be done under this Act any fee or reward whatsoever other than the salary or allowance by way of salary allowed by the council; or

(b) is in anywise concerned or interested in any bargain or contract made by the council—

shall be incapable of being afterwards employed by the council and shall forfeit a sum not exceeding One Hundred pounds.

(2) Any person may sue for such penalty by action of debt in any court of competent jurisdiction and shall on recovery thereof be entitled to full costs of suit.

(3) Notwithstanding anything in this section contained no officer shall incur any incapacity or disqualification or be liable to a penalty by reason of—

- (a) being a shareholder or member of any incorporated company consisting of more than twenty persons which has entered into any contract with or done any work under the authority of the council; or
- (b) paying or being or becoming liable for the payment of any moneys due to any municipality under the provisions of the *Wire Netting Act 1958* in respect of wire-netting for fencing purposes; or
- (c) renting from the council any building hall or room for the purpose of holding any meeting or entertainment therein; or
- (d) being or having been before the commencement of this Act an officer or member of any club or association incorporated or otherwise of twenty members at least having for its object the physical recreation or cultural activities of the members thereof notwithstanding that such club or association leases or rents any lands or buildings from any municipality for such object.

In this sub-section "physical recreation" includes the games of cricket tennis football bowling or other sport and "cultural activities" includes social religious educational literary musical scientific agricultural horticultural or other like activities.

(4) And where in pursuance of the authority of any Act the council of any municipality (including the city of Melbourne and the city of Geelong) carries on any gas works electric light works sanitary desiccating works baths weighbridges markets water supply ferries or other like works it shall be lawful for any officer of such council to use any such conveniences or things or receive purchase take and use the residuum or product thereof in the same manner as any member of the public not being an officer might do and to pay the council or the proper officers thereof without incurring any penalty or disqualification in respect thereof."

20. It will be noted that the exemptions granted officers under this section differ slightly from those extended to councillors. This appears to be anomalous as all the arguments advanced in respect of exemptions to councillors apply with equal force to officers, with the exception of retail sales to the council.

The Committee proposes that the recommendations contained in paragraphs 11, (a), (b), (c) and (d), 15, 16, 17 and 18 of this Report should be incorporated in this section.

21. In addition to the above exemptions the Committee considers that an officer should also have protection when he is—

- (a) employed or engaged by the council in connexion with municipal elections and accepts payment in addition to his salary or allowance for the work done; and
- (b) renting a council-owned house and paying rent.

These two additional exceptions would remove some of the present doubts. In recent municipal elections council officers were so unsure of the interpretation of this section that rather than possibly contravene its provisions by "accepting any fee other than salary" the officers worked in and were paid by the adjoining municipality.

In country municipalities it is often the practice to attract officers to the municipal service by offering a house for rental with the position. The position of the officers in such situations is not particularly clear and for the sake of clarity the Committee proposes recommendation (b) as above.

22. In Section 166 the word "officer" is not defined and it is difficult to ascertain from the Act what particular employees are included. Section 158 refers to certain specific officers but other sections of the Act suggest by inference that there are officers

other than those referred to in Section 158. To clarify this section the Committee recommends that sub-section (1) be amended by deleting the words "employed by the council" and substituting "or employee of the council". This amendment together with the necessary consequential amendments to sub-section (1) (a) and (3) would extend the section to cover all persons employed by a council. In the opinion of the Committee this is most desirable.

23. The Committee is perturbed by the penalties imposed on officers by this section, particularly in view of its recommended extension of the section to include all council employees. An officer guilty of an offence against this section is disqualified for life from ever being employed by the council and forfeits a sum not exceeding £100. This provision seems extremely severe especially in regard to life disqualification, a penalty, incidentally, which is not imposed on councillors by Section 53.

The retention of the provision requiring forfeiture of a sum not exceeding £100 is favoured but the Committee recommends that the matter of disqualification under this section be referred to the Minister for Local Government with the Minister having the power to either disqualify for life or for a particular period of time or to impose some fine or penalty which he thinks appropriate in the circumstances. Such an amendment would not only protect an officer who has committed an offence unwittingly or of a minor nature, but also would allow for severe penalty in relation to serious breaches.

24. Attention is drawn to the words "by action of debt" in sub-section (2) of this section. These words appear to be incongruous and it is recommended that they be repealed.

25. Section 181 of the *Local Government Act 1958* provides—

"181. (1) No councillor shall vote upon or take part in the discussion of any matter in or before the council in which such councillor has directly or indirectly by himself or his partners any pecuniary interest :

Provided that if any such matter relates to any contract with an incorporated company consisting of more than twenty persons and there are not sufficient councillors to form a quorum who are not shareholders or members of such company the Governor in Council on the request of the council may authorize the councillors who are shareholders or members of such company to vote upon or take part in the discussion of such matter.

(2) Every councillor who knowingly offends against this section shall for every such offence be liable to a penalty of not more than Fifty pounds."

26. In relation to Section 181 the Committee affirms the view expressed in paragraph 8 to the effect that the general prohibition contained in sub-section (1) be retained and that exemptions which are proved desirable be added to the section from time to time.

27. The Committee accepts the advice tendered to the effect that there is considerable doubt in the minds of councillors as to whether they are permitted to speak or vote on many matters.

28. In particular it seems that there is even some doubt as to whether the general prohibition in Section 181 may not be interpreted to prevent a councillor who is a ratepayer from voting on the fixation of the municipal rate. The Committee doubts that the section would be so interpreted but recommends that the Act should contain a definite statement permitting councillors to speak and vote on the fixing of general rates.

29. In addition the Committee recommends that councillors should not incur any penalty under Section 181 for speaking and/or voting on matters pertaining to the fixing of rates and charges for services such as gas, electricity, or water or the use of municipal saleyards where such services are supplied by the council and notwithstanding that such councillor makes use of those services.

30. Doubts have been expressed as to whether a councillor whose property may be increased or reduced in value by the erection of a proposed building should vote or speak to the issue of a building permit in such a case. The Committee believes that a councillor should not speak to or vote on any building permit in which he is directly interested, but should be permitted to speak but not to vote on building permits in which his interest is indirect as in the example mentioned.

31. Where a councillor has been appointed a member of an organization to represent the council thereon the councillor should in the opinion of the Committee be permitted to speak but not to vote on matters pertaining to that organization.

32. The problem of in what circumstances a councillor should be permitted to speak or vote on matters relating to planning schemes, zoning by-laws and the like, is rather more complex than those matters already mentioned. It is felt that where the interest of a councillor in such matters is generally an interest in common with a large number of other occupiers or owners of property within the area affected, the councillor should be permitted to speak and vote. A blanket exemption permitting councillors to speak and vote on all such matters may produce undesirable results in some cases of relatively small schemes, and on the other hand, if there is no exemption in respect of larger schemes so many councillors may be prevented from acting that the Council would be prevented through lack of a quorum from transacting the necessary business.

The Committee believes some relief should be afforded from the provisions of section 181 and feels that an adaptation of the *proviso* to sub-section (1) may be the best solution to the problem. It is accordingly recommended that in respect of planning schemes and zoning by-laws, where there are not sufficient councillors who do not have any direct or indirect pecuniary interest in any planning scheme or zoning by-law to form a quorum, the Governor-in-Council on request of the council may authorize the councillors who have any such interest to vote upon or take part in the discussion of the matter.

33. The Committee further recommends that the provisions of Section 181 should extend and apply to matters in or before any committee or sub-committee of a council.

34. Both Sections 56 and 166 permit "any person" to initiate actions. It was contended that these provisions create undesirable opportunities for "vexatious litigants" to harass councillors and council officers, i.e., that persons harboring personal enmities against councillors or officers could seize upon technical breaches of the Local Government Act and gratify the enmity through legal action regardless of the seriousness of any alleged breach. It was suggested that the consent of the Minister for Local Government or the Attorney-General should be required before any action is commenced.

35. The Committee appreciates the possibility of litigation being initiated for improper reasons but is unable to find on the evidence sufficient actions in recent years to warrant any change. It feels further that it would be very difficult for the Attorney-General or the Minister to accurately apply a subjective test as to the motives of an informer before giving consent to an action. Indeed it should be for the courts to decide whether a breach is technical or otherwise and to impose a penalty appropriate to the case.

Some relief from any hardship which may occur could be granted by giving to courts greater discretion as to the award of costs than the words "with full costs of suit" in Section 56 (1) now permit.

36. Sub-section (2) of Section 56 of the *Local Government Act* 1958 provides—

"(2) In every such action the person sued shall prove that at the time of so acting he was qualified under the provisions of this Act to be a councillor, and had made and subscribed the declaration aforesaid or he shall be adjudged to pay the said penalty and costs without any other evidence being required from the plaintiff than that such person had acted as a councillor in the execution of this Act".

37. In *Allen v. Tobias* 32 A.L.J.R. 32 the High Court held that by virtue of Section 56 (2) a person sued under Section 56 (1) is required to prove, among other things, that he was not disqualified by virtue of Section 53. It is clear that a person sued under Section 56 (1) must also prove that at the relevant time he possessed the positive qualifications specified in Section 51 and was not disqualified under Section 52 and has made the declaration required by Section 54.

The High Court made the following observation in relation to the construction which it considered it was constrained to place upon Section 56 (2) :—

“ It doubtless seems somewhat harsh, not to say unjust, to place upon a councillor the burden of proving positively that he has not incurred any of the disabilities mentioned in Section 53 (1). It would be satisfactory enough if it were possible to construe Section 56 (2) as confined to what may be called the primary and initial qualifications required by Section 51 and the definite disqualifications mentioned in Section 52 ”.

The Committee agrees with the comments of the High Court and recommends that Section 56 (2) be suitably amended.

38. Sub-section (1) of Section 156 of the *Local Government Act* 1958 provides—

“ (1) If any person is declared elected to be or holds or exercises the office of chairman or councillor of any municipality unduly or contrary to the provisions of this Act or being incapable under the provisions hereof of being or continuing such chairman or councillor the Supreme Court may on the application of any ratepayer of the municipality oust such person of such office.”

39. The Committee was told that if ouster proceedings are initiated by a ratepayer upon the basis of some irregularity in connexion with the election of a councillor, the councillor must himself defend the proceedings and, if they are successful, pay full costs even if the fatal irregularity arose from the act or omission of persons conducting the elections, persons over whose actions the councillor could have no control.

It seems to the Committee that courts should be given a discretionary power to award costs against the council or the defaulting person in appropriate cases.

40. The Committee is greatly impressed by the urgent need for amendment of the *Local Government Act* to free those engaged in local government affairs from the present doubts and accordingly requests Honorable Members to give early consideration to the recommendations contained in paragraphs 11, 15, 16, 17, 18, 20, 21, 22, 23, 24, 26, 28, 29, 30, 31, 32, 33, 35, 37 and 39 of this Report.

41. The Committee desires to place on record its sincere appreciation of the valuable services afforded it by the several organizations and persons who tendered evidence and supplied a wealth of material which greatly facilitated the conduct of this enquiry.

Committee Room,

3rd December, 1959.

1959-60
VICTORIA

REPORT

FROM THE

STATUTE LAW REVISION COMMITTEE

RELATING TO

FALSE REPORTS TO POLICE

Ordered by the Legislative Council to be printed, 22nd March, 1960.

By Authority:

A. C. BROOKS, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1ST SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

TUESDAY, 1ST SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochrane, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958*, has the honor to report as follows :—

1. By memorandum dated 15th April, 1959, and at the direction of the Honorable the Attorney-General the Secretary to the Law Department referred to the Committee portion of the transcript of the trial in *Reg. v. Maguire, Jones, Jones, Spence and Quadara* and also a memorandum dated 10th April, 1959, from the Solicitor-General.

The memoranda* of the Secretary to the Law Department and the Solicitor-General are appended to this Report.

The minutes of evidence* given by the following persons who appeared before the Committee are appended :—

Inspector C. H. Petty and Mr. D. Yeaman, representing the Victoria Police ;
Mr. R. A. Smithers, Q.C., representing the Victorian Bar Council ; and
Sir Henry Winneke, Q.C., Solicitor-General.

Also appended are portion of a proposed charge to a jury prepared by the Honorable Mr. Justice Pape and memoranda* from :—

The Associate to the Honorable Mr. Justice Pape ;
The Parliamentary Draftsman ;
The Chief Commissioner of Police ; and
The Secretary, Law Institute of Victoria.

2. In *Reg. v. Maguire and others* the accused persons were charged on indictment with the common law offence of having effected a public mischief by conspiring to tell a false story to the police in an attempt to conceal the commission of a certain offence by another person. The accused eventually pleaded " guilty " and were each convicted and fined £25.

3. The Committee was advised that actions such as those of the accused in the case of *Reg. v. Maguire and others* would not constitute offences unless bound up with the element of conspiracy and that where a person acting alone knowingly gives false information to the police as to the commission of an offence he commits no offence of public mischief, but if he conspires with another or others to do the same thing he commits the indictable common law offence of effecting a public mischief.

4. It was suggested to the Committee that a new statutory offence should be created to deal with a person acting alone in that manner and further that the new offence as well as the present offence of conspiring to effect a public mischief should be punishable summarily.

5. Reference was made to relevant sections of the legislation of South Australia, Tasmania and New Zealand.

Section 62 of the *Police Offences Act 1953* of South Australia provides :—

" (1) Any person who falsely and with knowledge of the falsity of his statements represents to any member of the police force that any act has been done or that any circumstances have occurred, which act or circumstances as so represented are such as reasonably call for investigation by the police, shall be guilty of an offence. Provided that where the statements alleged to have been made by the defendant were statements concerning the conduct of a member of the police force the defendant shall not be convicted on the uncorroborated evidence of members of the police force.

Penalty : Fifty pounds.

(2) Upon convicting a person for an offence against this section, the court may order him to pay to the complainant a reasonable sum for the expenses of or incidental to any investigation made by any member of the police force as a result of the false statement.

* *Minutes of Evidence and Appendices not printed.*

(3) Any amount received by the complainant under this section shall be paid by him to the Treasurer in aid of the general revenue of the State."

Section 44A of the *Police Offences Act* 1935 of Tasmania provides :—

"(1) No person shall, falsely and with knowledge of the falsity of his statement, represent to any police officer that any act has been done, or that any circumstances have occurred, which act or circumstances as so represented are such as reasonably call for investigation by the police.

Penalty : Fifty pounds.

(2) In any proceedings instituted against any person under this section, the court, on the application of the complainant, may order that, in addition to or instead of a fine, the offender shall pay to the complainant a reasonable sum for the expenses of or incidental to any investigation made by any police officer by reason of such offence.

(3) Any amount received by the complainant under this section shall be paid by him into the Consolidated Revenue.

(4) This section shall not be held to restrict the operation of any other Act or rule of law."

Section 4 of the *Police Offences Act* 1935 of New Zealand provides :—

"Every person commits an offence and shall be liable on summary conviction to a fine of twenty pounds or three months imprisonment who, in any written or verbal statement made to an officer of police, alleges, contrary to the fact and without a genuine belief in the truth of his statement, that a crime or other offence has been committed."

6. The Committee is aware of the amount of time, money and effort which can be at times uselessly expended by the police investigating false reports and of the possibly more serious consequence of innocent persons becoming subject to suspicion and interrogation as a result of such reports and, as has occurred on at least one occasion, the loss of life or injury to persons engaged in investigation or search resulting from a false report.

7. The evidence before the Committee does not show that the police are often deceived for any considerable time by false reports but the Committee believes that where a person initiates a wilfully false report to police in circumstances in which it would reasonably be expected to be the subject of an investigation the person should be punished. An essence of the new offence should be the volunteering of a false report as distinct from giving a false answer to questions by members of the police force. It is appreciated that there may be difficulties in drafting a penal section which will have this desired effect without cutting across the rule of law that a man shall not be compelled to incriminate himself.

8. Bearing in mind the reference in the preceding paragraph to the essential factor of the volunteering of a false report, the Committee accordingly recommends that a provision be enacted similar in effect to sub-section (1) of section 44A of the *Tasmanian Police Offences Act* 1935 with a penalty of a fine not exceeding £50 and the alternative of a term or imprisonment not exceeding three months. The Committee is not in favour of enacting the other sub-sections of the Tasmanian section as the compensation payable by the offender would bear a direct relationship to the amount of time involved in investigation irrespective of whether the alleged offence was serious or otherwise. The Committee considers that the proposed penalty of a maximum fine of £50 or imprisonment for a period not exceeding three months is adequate and gives the court some discretion in imposing a suitable penalty.

9. It is further recommended that persons accused of the new offence should be given the right to elect to have the matter tried before a judge and jury and that in the absence of any such election the matter may be determinable summarily in courts of petty sessions.

10. The Committee further recommends that no change be made in respect of the common law indictable offence of conspiring to effect a public mischief.

Committee Room,

3rd February, 1960.

1959—60
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VICTORIA

REPORT

FROM THE

STATUTE LAW REVISION COMMITTEE

UPON

RELEASE OF EXHIBITS

Ordered by the Legislative Council to be printed, 22nd March, 1960

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1ST SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.
Question—put and resolved in the affirmative.
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EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

TUESDAY, 1ST SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochrane, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958*, has the honour to report as follows:—

1. The Secretary to the Law Department, by letter dated 9th November, 1959, passed on a request by the Honorable the Attorney-General that the Statute Law Revision Committee consider and make recommendations on the desirability of releasing goods and chattels required as evidence in cases where an accused person appears before a lower court and is committed for trial.

2. Appended to this Report are the Minutes of Evidence* given before the Committee by the following witnesses:—

Detective Chief Inspector W. H. McMennemin, Police Department ;

Mr. J. J. Lynch, Parliamentary Draftsman ;

Mr. J. McC. Hambleton, a member of the Legislation Committee of the Law Institute of Victoria ; and

Mr. F. P. Mortimer, Criminal Law Branch, Crown Solicitor's Office.

Also appended are memoranda* on the subject from:—

Mr. T. F. E. Mornane, Crown Solicitor ; and

Mr. J. J. Lynch, Parliamentary Draftsman.

3. Prior to 1959 in cases where goods and chattels were put in as evidence on committal for trial proceedings it was the practice of the Prosecutor for the Queen on the application of the owner or some claimant thereto to determine before the hearing of the trial whether the property could be released absolutely, in part, or conditionally upon its production at the trial. In some cases property was released after having been photographed. In making such a determination consideration was given to the depositions taken at the committal proceedings and to any detriment to the case of either the Crown or the accused which could be occasioned by the release of the evidence.

4. In 1959, the Crown Solicitor expressed the opinion that the Crown had no right to release property held in evidence. He stated that no authority could be found for such practice and in the absence of any such authority there seemed to be no legal justification for the absolute release of an exhibit before the trial. He maintained that possibly the release of an exhibit on an undertaking to produce it at the trial could be justified.

5. In the Court of General Sessions, Melbourne, on 25th September, 1959, before His Honor Judge Cussen, a storekeeper made application for the return of stolen goods being held in evidence pending a trial. In refusing the application, His Honor said that although appreciating the position of the claimant, whose total stock valued at £2,000 had been stolen, he had no power to make any order in the matter.

6. The position now is that an owner of stolen property cannot regain possession until after the trial, and the Committee understands that the normal delay between committal proceedings and subsequent trials is approximately three to four months. This position is sometimes aggravated by the granting of adjournments so that trials may be delayed for very extensive periods. Further, trial proceedings may be delayed indefinitely if the accused absconds from bail.

7. The Committee believes that delays in trials can produce undue hardship to claimants, particularly where the retained property consists of fashion items such as dresses, cardigans, &c., where sale appeal may be lost after a particular season, and the owner naturally faces heavy losses if the goods are not returned within a short time.

8. The Committee is of opinion that provision should be made for the return of stolen property to owners or claimants where there is no dispute of ownership and where it is considered that such return would not prejudice the case of either the Crown or the defendant.

9. The Committee sees merit in the suggestion that owners of property could be relieved of hardship by the more expeditious hearing of trials, but having regard to the factors mentioned in paragraph 6 of this Report, and to the fact that gaol cases are always given preference, this suggestion does not appear to be a practical solution in all cases.

10. The Committee therefore recommends that power to release exhibits should be vested in a Stipendiary Magistrate at the committal proceedings, such Magistrate having the power to release the goods either wholly or in part, and with any conditions he deems necessary.

It is appreciated that a Stipendiary Magistrate would not necessarily constitute a court or part of a court at the committal proceedings. The Committee would prefer this power to be exercised by a Stipendiary Magistrate where practicable, but believes that provision should be made to give the authority to Justices of the Peace at committal proceedings where it is not convenient for a Stipendiary Magistrate to participate.

It is further recommended that the Police Department be instructed to advise claimants or owners of their right to make an application for return of their goods during committal proceedings.

11. In cases where a Stipendiary Magistrate has refused to grant an order for the release of property, the Committee considers that such cases should be listed for trial at the earliest possible time.

12. When an accused person absconds from bail the Committee is of opinion that provided there is no dispute regarding the ownership of the property a Judge of the Court to which the accused has been committed should be empowered to order the release of the goods.

13. It is suggested that where any property is released to a claimant either by a Stipendiary Magistrate, Justice, or trial Judge then such claimant should be required to sign an indemnity discharging the Crown from any liability in the event of a later dispute as to ownership.

14. Advice has been tendered that cases exist where property has been retained as evidence for some years pending the bringing to trial of an accused who has absconded from bail. Whilst hesitating to make a recommendation for retrospective legislation to correct this situation, the Committee desires to especially draw to the attention of Honorable Members the plight of property owners in this category.

Committee Room,

1st March, 1960.

1959-60
VICTORIA

REPORT

FROM THE

STATUTE LAW REVISION COMMITTEE

ON

INVESTMENTS OFFERED BY VENDING MACHINE COMPANIES

Ordered by the Legislative Council to be printed, 5th April, 1960.

By Authority:

A. C. BROOKS, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1ST SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

TUESDAY, 1ST SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochrane, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958*, has the honour to report as follows :—

1. The Honorable the Attorney-General by letter dated 23rd December, 1959, invited the Statute Law Revision Committee to examine the fund-raising activities of companies interested in the establishment of vending machines, with a view to reporting upon measures deemed necessary to afford adequate protection to the investing public.

2. Appended* to this Report are the Minutes of Evidence given before the Committee by the following witnesses :—

Mr. J. C. Finemore, Assistant Parliamentary Draftsman.

Professor F. P. Donovan, Professor of Commercial Law, University of Melbourne.

Mr. L. Steen, Chairman of Directors	..	} International Vending Machines Pty. Ltd.
Mr. J. Steen, Managing Director	..	
Mr. L. Barker, Public Relations Consultant	..	
Mr. T. P. Ball, Managing Director	..	} Hygienic Products Automatic Pty. Ltd.
Mr. I. M. Nicolson, Auditor	..	
Mr. V. J. Varney, Managing Director	..	} North American Vending Machines Co. Pty. Ltd.
Mr. J. H. Kinnear, Director	..	
Mr. W. G. Boyd, Sales Manager	..	
Mr. D. R. N. Self, Managing Director, Pacific Merchandising Equipment Pty. Ltd.		

Sir Henry Winneke, Q.C., Solicitor-General.

The Committee also conferred with Detective-Inspector W. H. Garvey, Companies Investigation Squad, Victoria Police.

3. Also appended* are memoranda from the following :—

The Registrar of Companies.

Law Institute of Victoria.

The Institute of Chartered Accountants in Australia.

The Chartered Institute of Secretaries.

Australian Society of Accountants.

The Stock Exchange of Melbourne.

The Committee had before it documents from the Federal Securities and Exchange Commission, United States of America; copies of articles appearing in the *Sydney Morning Herald* and *Nation*, and operating agreements of several vending-machine companies.

4. The type of transaction under consideration by the Committee is as follows :—

A company invites a prospective investor to purchase an automatic vending machine. The machine purchased is then hired from the investor by that or a subsidiary company which guarantees to pay a rental amount ranging from 12½ per cent. to 20 per cent. per annum of the capital outlay for the machine. The hiring company undertakes to site, service, and maintain the machine subject, in some cases, to fixed maintenance and insurance charges.

Contracts usually provide for the guaranteed rental return to be paid to trustees for disbursement to machine owners.

This scheme is substantially similar—commercially if not legally—to those methods adopted by companies dealing with forestry schemes, oyster leases, and coffee and rubber plantations.

* *Minutes of Evidence and Appendices not printed.*

5. In 1955, legislation was enacted controlling the raising of capital by these companies otherwise than by the issue of their own share or debentures. This legislation is now incorporated in section 63 of the *Companies Act* 1958, which reads as follows:—

63. (1) The interests to which this section applies are all rights or interests, whether enforceable or not and whether actual prospective or contingent, to participate in any profits assets or realization of any financial or business undertaking or scheme, but do not include any share in or debenture of a company whether incorporated in Victoria or elsewhere.

(2) No person except a company (not being a proprietary company) or its agent authorized in that behalf under the seal of the company shall issue or offer to the public for subscription or purchase or shall invite the public to subscribe for or purchase any interest to which this section applies.

(3) Before a company (whether itself or by an agent aforesaid) issues or offers to the public for subscription or purchase or invites the public to subscribe for or purchase any interest to which this section applies the company shall issue or cause to be issued a statement in writing in connexion therewith which statement shall for all purposes be deemed to be a prospectus issued by a company, and all provisions of this Act and rules of law relating to prospectuses or to the offering of shares for subscription or purchase to the public shall with such adaptations as are necessary apply and have effect accordingly as if such interest were shares offered to the public for subscription or purchase and as if persons accepting any offer or invitation in respect of or subscribing for or purchasing any such interest were subscribers for such shares :

Provided that where such interest consists solely of rights or interests in shares of companies other than those of the first-mentioned company, which shares are held by a trustee under a trust deed or instrument executed by the first-mentioned company, such statement shall, in lieu of the matters and reports specified in the Fifth Schedule set out the matters and reports specified in the Seventh Schedule.

(4) No company or agent aforesaid shall issue or offer to the public for subscription or purchase or shall invite the public to subscribe for or purchase any interest to which this section applies unless the company has in relation to such interest made provision in a deed (which deed and any amendment thereof has been approved for the purposes of this section by the Registrar) for the appointment of a person or company as trustee or as representative of the holders of such interests and for other matters as prescribed by this section.

(5) (a) No appointment of such a trustee or representative shall be made without the approval of the Attorney-General.

(b) The first appointment of any such trustee or representative and all appointments to fill vacancies in the office shall be made with reasonable despatch, in default of which the company shall be deemed to have contravened the provisions of this section.

(c) No such trustee or representative shall be removable except by the Attorney-General, or by resignation or death, or by a majority decision of the holders of interests to which the deed relates.

(d) Every such trustee or representative shall exercise all due diligence and vigilance in watching the rights and interests of holders of interests to which the deed relates.

(e) Every such trustee or representative shall keep proper books of account in relation to the interests to which the deed relates and shall annually post a statement of such accounts with the report of an auditor thereon to each holder of any such interests.

(6) Every such deed shall contain covenants by the company or (if it does not expressly contain such covenants) shall be deemed to contain them to the following effect, namely—

(a) that the company will use its best endeavours to carry on and conduct the business of the company in a proper and efficient manner and to ensure that any business or scheme to which the deed relates is carried on and conducted in a proper and efficient manner ;

- (b) that to the same extent as if the trustee or representative were a director of the company the company will—
- (i) make available to the trustee or representative for inspection the whole of the books of the company whether kept at the registered office or elsewhere ;
 - (ii) give to the trustee or representative such oral or written information as he requires with respect to all matters relating to the business of the company or any property (whether acquired before or after the date of the deed) of the company or otherwise relating to the affairs thereof ;
- (c) that the company will make available or ensure that there is made available to the trustee or representative such details as he requires with respect to all matters relating to the business or scheme to which the deed relates ;
- (d) that the company will not exercise the right to vote in respect of any shares held by the trustee or representative at any election for directors of a company whose shares are so held without the consent of the holders of the interests to which the deed relates given at a meeting of holders summoned in the same manner as a meeting may be summoned under the next succeeding paragraph for the purpose of authorizing the exercise of the right in a particular case ;
- (e) that the company will from time to time on the application, forwarded to the company at its registered office, of not less than one-tenth in number of the holders of interests to which the deed relates summon—
- (i) by giving notice at least seven days before the proposed meeting by letter through the post addressed to each of the holders of such interests at his last known address ; and
 - (ii) by giving notice at least fourteen days before the proposed meeting by advertisement in a daily newspaper generally circulating throughout Victoria addressed to all holders of such interests—

a meeting of holders of such interests for the purpose of having laid before the meeting the accounts and balance-sheet which were laid before the last preceding annual meeting of the company or the last audited statement of accounts of the trustee or representative, and of the meeting giving to the trustee or representative such directions as the meeting thinks proper, such meeting to be held at a time and place specified in the notice and advertisement under the chairmanship of the trustee or representative or a nominee of the trustee or representative approved by the Attorney-General or of such other person as is appointed in that behalf by the holders of such interests present at the meeting, and to be conducted in accordance with the provisions of the deed or, insofar as the deed makes no provision, as directed by the chairman of the meeting.

(7) Every such deed and any amendment thereof shall be lodged in the office of the Registrar within fourteen days after the execution of such deed or amendment.

(8) Every company shall—

- (a) once at least in every calendar year lodge with the Registrar—
 - (i) a return containing a list of all persons who on the day of the first or only ordinary general meeting of the year are holders of such interests showing their names and addresses and the extent of their holdings of such interests ; and
 - (ii) a copy of the lists and statement required by the next succeeding paragraph to be posted to the holders of such interests :

Provided that subject to the regulations any company which is required pursuant to the provisions of sub-paragraph (i) of this paragraph to lodge with the Registrar a return of holders of interests and which has its registered office

at a place within 3 miles of the General Post Office, Melbourne, need not lodge such return with the Registrar if such return is available without fee for inspection and copying by any person at the registered office of the company during the hours in which the registered office is accessible to the public ;

(b) not less than seven days before the first or only ordinary general meeting of the year post to any holder of an interest who has requested the company to supply him with the documents hereinafter referred to a copy of—

- (i) its balance-sheet ;
- (ii) its profit and loss account ;
- (iii) its director's report ;
- (iv) a summary of all purchases and sales of securities by the company affecting such holders during the period to which the accounts relate ;
- (v) a statement of the total amount of brokerage affecting such holders paid or charged by the company during the period to which the accounts relate and the proportion thereof paid to any stock or share-broker who or any employé or nominee of whom is an officer of the company and the proportion retained by the company ;
- (vi) a list of all the investments of the company affecting such holders as at the date of the balance-sheet showing the names and quantities of such investments.

(9) No company or person shall by reason of any failure by the company or by any person to observe any provision of this section or by reason of the commission of any offence by any company or person be relieved from any liability to any holder of any interest to which this section applies.

(10) Any person who and any company which contravenes or fails to comply with any of the provisions of this section or of any covenant of any deed under this section and any person who is a director of such company shall be guilty of an offence and be liable to imprisonment for a term of not more than twelve months or to a penalty of not more than Five hundred pounds.

(11) This section shall not apply in the case of the sale of any interest by a personal representative liquidator receiver or trustee in bankruptcy in the normal course of realization of assets."

6. As can be seen, this section is very wide in its provisions and whilst it does not prohibit public companies from inviting the public to subscribe for or purchase any interests, it does provide that such companies shall issue a statement in writing in connexion with any invitation, and that such statement shall be deemed to be a prospectus. The provisions of section 37 of the Companies Act which relate to the contents of a prospectus are then applicable. Further, where a deed is required for the appointment of Trustees, it is provided that such deed shall be approved by the Registrar of Companies, and that Trustees shall not be appointed without the approval of the Attorney-General.

7. An investor in the vending-machine scheme is merely entitled to a fixed percentage of his investment in his capacity as owner of the machine, and has in law no interest in the scheme or the actual operation of the machine. For this reason it is generally agreed that vending-machine companies do not come within the scope of section 63 and none of the safeguards thereby imposed apply.

8. Thus at the moment companies may, and in some cases do give uncertificated incorrect particulars regarding the number of machines operating and the earning capacity of machines. Companies may appoint any person as a Trustee of the Guarantee Fund. In this regard the Committee draws attention to the unusual action of one company in appointing one of its Directors, who also happens to be the company solicitor, as a Trustee.

9. It was the general consensus of opinion among witnesses that some control was necessary to give the investing public adequate protection. Opinion was divided on whether the Companies Act was the proper vehicle for the control of this type of activity.

10. One suggestion was that legislation along the lines of section 13 of the United Kingdom *Prevention of Fraud (Investments) Act 1958*, which concerns the fraudulent or reckless inducement of investment, should be enacted. The Committee agrees with the inference that the vending-machine proposition does present possibilities of fraud and misrepresentation, but points out that the *Crimes Act 1958* by section 187 and by section 189, which was based on the above United Kingdom legislation, already gives protection. These sections, however, operate by way of being a deterrent only against fraud, and are in no other way preventative.

11. Other proposals submitted were that either the Instruments Act or the Goods Act were better media for restrictive legislation on vending-machine transactions. The Committee rejected these views on its conclusion that a person investing money does not consider his ownership of the machine as important, his ownership being in reality a device to enable him to secure the high rental paid by these companies. The transaction is not a genuine sale and purchase of chattels or property. In this context it is an inducement by companies to people to invest money. Apparently a number of companies think along similar lines, because their investments are sold at a premium—in that the selling price of the machine is in some instances in excess of 400 per cent. above cost price to the company.

The Committee considers that the proper place for control of investments is the Companies Act.

12. All the other suggestions related to bringing vending-machine investments under the control of the Companies Act. The Committee agrees with the proposition that section 63 of that Act, because of its effect on companies similar in operation to vending machine companies, should be adapted to cover the latter.

The submission was made that vending-machine companies could be brought within the province of section 63 by extending the present definition of “interests” to mean interests “in any common enterprise whether in the State or elsewhere in which the holder of the right or interest is led to expect profits from the efforts of the promoter or a third party whether or not the right or interest is evidenced by a formal document or by an interest in any physical asset employed in the enterprise”.

13. It appears to the Committee that this definition may not achieve the desired result because—

- (a) the purchaser has his rights under the contract of sale of the machine, and he has his rights under the hiring agreement to obtain his rental or percentage, but as it is the operator or subsidiary company which will use that machine in common with other machines, the owner, therefore, has no right or interest in any common enterprise conducted by the operator; and
- (b) the usual hiring agreement does not give the purchaser any rights in any profits of the operator. Under his contract he is entitled to receive only his rental or interest irrespective of whether the operator's business makes profits or incurs losses.

14. As an alternative to the above definition, it was proposed that section 63 be amended as follows:—

“For the purposes of this section—

- (a) “Interests” means any rights or interests whether enforceable or not and whether actual prospective or contingent—
 - (i) to participate in any profits assets or realization of any financial or business undertaking or scheme whether in the State or elsewhere;
 - (ii) in any common enterprise whether in the State or elsewhere in which the holder of the right or interest is led to expect profits rent or interest from the efforts of the promoter or a third party; or

(iii) in any investment contract—

whether or not the right or interest is evidenced by a formal document or by an interest in any physical asset but does not include—

any share in or debenture of a corporation; or any interest in or arising out of a policy of life assurance; or any interest in a partnership agreement.

(b) "Holder" means the holder of any interest.

(c) "Investment contract" means any contract scheme or arrangement which in substance and irrespective of the form thereof involves the investment of money in or under such circumstances that the investor acquires or may acquire an interest in or right in respect of property which under or in accordance with the terms of investment will or may at the option of the investor be used or employed in common with any other interest in or right in respect of property acquired in or under like circumstances."

15. The Committee considers that this proposal would bring the vending-machine type of transaction under control, and recommends that section 63 of the *Companies Act 1958* be amended along these lines.

16. The enactment of the suggested amendment would have two major effects.

Firstly, only public companies could invite the public to invest in the vending-machine scheme. This would not prevent present companies from continuing in the scheme, but would merely force them to convert to public companies in order to do so. Existing companies which did not wish to float public companies could still operate but could not invite subscriptions on a purchase-lease basis.

Secondly, under section 63, any company continuing in the scheme would, in addition to complying with the requirements mentioned in paragraph 6 of this Report, be required to disclose a number of other facts relevant to its affairs. These requirements would satisfy much of the criticism levelled at these companies.

17. None of the new requirements would affect in any way existing contracts. Machine owners could continue with their rental contracts or if given the opportunity could convert their machines to shares in the new public company. Several companies have already advised of their intention to float public companies. Hygienic Products Automatic Pty. Ltd., having admitted to raising sufficient capital by the sale of vending machines, now proposes to convert to a public company and to offer its machine owners shares in the new company. This company while proposing to continue in the vending line will further extend into land development and investment. The Committee points out that this company is already using money subscribed for vending-machine purposes for subdivision of land.

18. The Committee does not contend that the suggested amendment will cure all the faults which are inherent in this type of scheme. It still remains to be seen whether the companies can continue to pay the high percentage rates that they have offered and also to pay back the capital at the end of periods specified under the contracts. There is already some doubt in the industry as to whether the initial rental percentage offered was too high. The companies admit to offering these high rentals in order to induce subscriptions, and some companies having obtained sufficient capital under the scheme are now offering lower rental percentages than originally.

19. The Committee's attention has been drawn to the position of a number of persons now connected with the vending-machine industry who have previously been involved in transactions in which investors have lost considerable sums of money. Section 104 of the *Companies Act* contains provisions whereby a court *may* make an order preventing persons convicted of certain offences in relation to companies from being directly or indirectly concerned in the management of a company. The Committee considers that this section should be strengthened.

20. The Committee wishes to record its concern regarding several apparent defects contained in certain of the lease contracts which were examined during the course of the inquiry.

These include—

- (a) In one case, the failure of assurance of the return of capital in the event of an owner dying before the expiration of the contract. The Committee can foresee difficulties in the finalizing of the estate of an owner in these circumstances.
- (b) The absence of a provision ensuring the automatic repayment of capital on the completion of the contract, so that an investor, unless he can prove financial hardship, may find his money perpetually committed to the scheme.
- (c) The matter of arbitration in the case of an owner who desires the return of his money on account of financial emergency.

In some cases contracts provide for a decision by an "independent third party mutually agreed upon by both parties". The Committee considers that, whilst affording some protection in the event of a dispute, the possible delay in arriving at such mutual agreement could cause further hardship to an owner already in financial distress.

One company expressly provides for arbitration by a "Barrister-at-law of not less than five years standing". The Committee believes that, particularly in the case of the small investor, the expense of this method would act as an unfair deterrent to an owner who was genuinely in need of his money.

Committee Room,
5th April, 1960.

1959—60

VICTORIA

REPORT

FROM THE

STATUTE LAW REVISION COMMITTEE

UPON

CLAUSE 9

OF THE

TRANSFER OF LAND (AMENDMENT)

BILL 1959

Ordered by the Legislative Council to be printed, 3rd May, 1960.

By Authority:

A. C. BROOKS, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 1ST SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

TUESDAY, 1ST SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochrane, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958*, has the honor to report as follows :—

1. On 1st September, 1959, the Transfer of Land (Amendment) Bill was initiated and read a first time in the Legislative Assembly. The debate on the second reading was adjourned, and on 23rd September, 1959, the Legislative Assembly referred the proposals contained in clause 9 of the Bill to the Statute Law Revision Committee for examination and report.

Clause 9 was subsequently deleted from the Bill which passed into law (*Transfer of Land (Amendment) Act 1959—No. 6544*).

2. Appended* to this Report are the Minutes of Evidence given before the Committee by Mr. W. J. Taylor, Registrar of Titles, and memoranda from the Law Institute of Victoria, and Alfred L. Abrahams and Co., Barristers and Solicitors.

3. Clause 9 of the Transfer of Land (Amendment) Bill 1959 provides for the lodging at the Titles Office of a priority notice which would reserve for a period of 30 days priority of registration for a specified instrument effecting a proposed dealing.

Its effect would be to protect the proposed dealing, as from the date of lodgment of the notice, by giving it priority over any other instrument lodged for registration within the 30 day period. The instrument referred to in the priority notice would, of course, have to be lodged within the 30 day period for the priority to apply to it.

4. The new provision contained in Clause 9 is to replace the existing section 93 of the *Transfer of Land Act 1958*, which provides a procedure whereby a 48-hour stay of registration may be obtained to protect a proposed dealing. The Committee was informed that this existing procedure is rarely used, no doubt because of the brief period of time for which the stay applies. Both the existing and the proposed provisions are designed so that a person dealing with the registered proprietor may take steps to ensure that provided the dealing is lodged with reasonable promptness it will not be adversely affected by virtue of some alteration in the register book which may have taken place after the title had been searched and before settlement is reached.

5. From the evidence before it the Committee is not convinced of the need for the amendment envisaged by Clause 9 of the Bill although it would provide a procedure which would have some advantages over those at present provided by Section 93 of the Act.

It is considered that if Clause 9 were enacted most proposed dealings would automatically be accompanied by priority notices and the advantages of the new section would be far out-weighed by the Titles Office administrative difficulties which would ensue.

6. The Committee accordingly recommends that Clause 9 be not proceeded with.

Committee Room,

28th April, 1960.

* Minutes of evidence and appendices not printed.

1959-60
VICTORIA

REPORT

FROM THE

STATUTE LAW REVISION COMMITTEE

UPON

ARTIFICERS' LIENS

TOGETHER WITH

AN EXTRACT FROM THE PROCEEDINGS
OF THE COMMITTEE

Ordered by the Legislative Council to be printed, 25th May, 1960.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF
THE LEGISLATIVE COUNCIL.

TUESDAY, 1st SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

TUESDAY, 1st SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochrane, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958*, has the honor to report as follows:—

1. The Secretary to the Law Department by letter dated 14th May, 1959, passed on a request by the Honorable the Attorney-General that the Statute Law Revision Committee consider the desirability of enacting legislation conferring a power of sale upon a bailee of goods who has acquired a lien over them by reason of his having done work upon them.

The inquiry follows a request by the Victorian Automobile Chamber of Commerce that garagemen be empowered to sell motor vehicles which are left with them for repair and subsequently not claimed by their owners.

2. Appended* to this Report are the Minutes of Evidence given by the following witnesses who appeared before the Committee:—

Mr. L. A. Armstrong, General Secretary, Victorian Automobile Chamber of Commerce ;

Mr. V. H. Low, Chairman of the Victorian Section of the Australian Hire Purchase Conference, and Mr. V. Corr, Solicitor ;

Mr. N. D. Wilkin, Acting-President of the Victorian Association of General Electroplaters ;

Mr. H. Prince,
Mr. R. J. Keegan, and
Mr. D. Hutchison } representing the Institute of Launderers ;

Mr. R. Glass,
Mr. D. Burke, and
Miss M. Knight } representing the Victorian Dry Cleaners' and Dyers' Association ;

Mr. W. F. Nunan, Assistant Crown Solicitor ; and

Miss J. F. Body, Legal Officer, Royal Automobile Club of Victoria.

3. Also appended* are memoranda from the following:—

Secretary to the Law Department, with Crown Solicitor's Opinion ;

Parliamentary Draftsman ;

Chamber of Manufactures ;

Victorian Employers' Federation ;

Victorian Federation of Retailers' Associations ;

Royal Automobile Club of Victoria ;

Chief Commissioner of Police ;

Victorian Automobile Chamber of Commerce ;

Chief Justice's Law Reform Committee ; and

Assistant Crown Solicitor.

4. A lien, that is a right in one man to retain that rightfully and continuously in his possession belonging to another until the present and accrued claims of the person in possession are satisfied, is conferred by common law on any artificer who has expended labor, skill or money, on a chattel delivered to him and on which the charges remain unpaid. No lien arises in favour of an artificer unless at the time when a chattel is delivered to him there exists an express or implied authority on the part of an owner for the work to be done ; nor does it arise when the chattel is neither improved nor repaired.

It was pointed out to the Committee that the law in relation to the creation of liens was uncertain in regard to goods under hire-purchase agreements. However, for agreements entered into after 1st July, 1959, section 26 of the *Hire Purchase Act, 1959* provides that, unless the agreement contains a provision prohibiting the creation of a lien by the hirer,

* *Minutes of Evidence and Appendices not printed.*

and the worker had notice of that provision before doing work upon the goods, the worker would be entitled to a lien on them for the value of the work, notwithstanding that the goods are not in fact the property of the hirer.

It may therefore be assumed that repairers will be entitled to liens over goods subject to hire-purchase agreements unless it is proved that the repairer had *actual* knowledge of the restrictions in the agreement.

5. Although there are a number of statutes giving in specific instances to holders of a lien the power of sale—e.g. under the Livery and Agistment Act, the Goods Act, the Warehousemen's Liens Act and the Railways Act—at common law, a lien merely confers on the holder of the article in respect of which it was claimed a passive right of retaining the article until the debt is paid. Such a lien could not, in the absence of statutory powers, be enforced by sale although there may be expenses incurred in the retention of the property. A person insisting on retaining goods must suffer any inconvenience which retention might entail. He is not as a rule permitted to make any claim for the use of the place in which the property is so retained.

The holder of a lien may, however, by—

- (a) an action in the Supreme Court obtain an order for the sale of chattels under the powers conferred by Order 50 rule 2 of the Rules of the Supreme Court ;
- (b) obtaining a judgement against the debtor have execution levied against the goods provided that the debtor is the owner of the goods ; and
- (c) relinquishing his lien, have the Public Trustee obtain from the Supreme Court under the provisions of section 25 of the *Public Trustee Act* 1958 an order for the sale of property where *inter alia* the owner is unknown or his whereabouts are unknown. On the sale of the property the proceeds may be used in paying the debts of the owner.

6. Repairers and others doing work on goods are at present experiencing difficulties through the number of articles left for repair and/or renovation not subsequently being claimed by the owners or persons depositing them. The particular difficulties, apart from any financial loss involved, which are common to most groups of repairers are those of the use of space which could well be used for profitable purposes and the deterioration of many goods which take place after certain periods of time. Motor car repairers are possibly most affected by these two aspects but other groups, such as dry cleaners, launderers, dyers and electroplaters are similarly affected.

However, these latter groups solve their problem to some extent in disposing of goods remaining unclaimed for some six to nine months by sale, or by donation to charitable institutions or, in the case of electroplaters, substituting repaired unclaimed articles for identical articles which may come in for repair. The groups disposing of articles do so without legal authority and risk having claims made against them. It is interesting to note that the evidence before the Committee points to the fact that such claims are rare.

7. Because of the requirements of the Motor Car Act, the position of motor car repairers in regard to disposal of vehicles is not so simple. To lessen the difficulties of garage men the Victorian Automobile Chamber of Commerce proposed that there should be enacted legislation which, summarized, is as follows :—

- (a) every motor repairer shall enter in a register—
 - (i) the date on which vehicle was left for repair ;
 - (ii) identifying description of vehicle ;
 - (iii) name of owner of vehicle ;
 - (iv) name of person leaving vehicle for repair ; and
 - (v) nature of repairs required.
- (b) owner to be advised when vehicle repaired and of cost involved ;
- (c) vehicle to be forfeited to repairer if amount of charges not paid within six months of service of notice to owner ;
- (d) owner to be advised of any proposed sale and notice of sale to be published in newspapers ;

- (e) any surplus remaining following sale, after deducting charges of sale and storage to be paid to person entitled thereto or if there is no claimant to be placed to the credit of an "Unclaimed Money Fund" kept at the Treasury.

8. In Support of this proposal it was claimed that in many cases the owners of vehicles left for repair could not be traced and in such circumstances it was difficult in any application to a court to prove that every endeavour had been made to serve a summons on the owner. Because it was not easy to obtain an order for substituted service it was becoming an urgent necessity for a simplified system of disposal after all reasonable attempts to locate an owner had failed. If the vehicle were disposed of through the Public Trustee as mentioned in paragraph 5 of this Report, the lien holder in surrendering his lien would only have a claim along with any other creditors and if the sale of the vehicle did not realize sufficient to pay all creditors in full he would only receive a dividend on the amount owing.

9. Some objections to this proposal put to the Committee are that—

- (a) the proposal was over-simplified in that it sought to confer on a certain group of creditors the right to dispose of the assets of a debtor without recourse to the courts ;
- (b) the repairer is already in a privileged position, as a debtor who has many creditors would probably give preference to discharging a debt which would mean the return of his car ;
- (c) the owner who disputed the cost of repairs and/or the nature or quality of of the repairs carried out is in an unfair position. If an owner fails within six months to pay the charges specified in the notice sent to him by the repairer the vehicle is to be forfeited to the repairer ; and
- (d) in the case of motor vehicles there is often the possibility of a third party interest. The proposal provides for the repair bill to be sent in the first instance to the owner, whereas normally the responsibility for payment would fall on the person depositing the car for repair. However, in the event of forfeiture and subsequent sale, proceeds of such sale are to be paid " upon demand to the person by or for whom such motor vehicle was left for repairs."

10. The Committee, whilst agreeing with some of these objections, is of opinion that there should be created a statutory power of sale in favour of lienors whose lien over goods has arisen from the performance of work or repairs on goods. However, in view of the general nature of the problem, it considers that any power of sale should apply to all artificers and should not relate particularly to motor vehicle repairers.

11. The Committee's attention was drawn to the United Kingdom *Disposal of Uncollected Goods Act 1952* which, because of its simplicity and general application, was considered suitable to meet all requirements. This Act authorizes the sale of goods accepted in the course of a business for repair or other treatment when the charges are not paid. Precautionary measures in the legislation provide that—

- (a) a notice be conspicuously displayed on the repairer's premises, indicating that goods are accepted subject to the provisions of the Act ;
- (b) notice be given to the bailor that goods are ready for delivery and will be sold if not collected and paid for ;
- (c) twelve months after date of this notice, and not less than 14 days before sale, a further notice of sale must be sent to the bailor ;
- (d) the bailee is not entitled to sell the goods in a lot in which goods other than those of the bailor are included or otherwise than by public auction. But if in the notice of intention to sell the bailee states the lowest price he is prepared to accept on the sale of the goods, he may sell them at not less than that price otherwise than by public auction ;
- (e) if in a dispute between the bailor and bailee, the bailor claims that the charges are excessive or the work is unsatisfactory the statutory right of sale is suspended until the dispute is settled. However, a summary method of settlement is provided by the bailee giving certain notices to the bailor ; and

(f) the bailee must for 6 years from the date of the sale keep a record of all relevant details and notices (on penalty of a fine of up to £100 or imprisonment up to 3 months). The bailor is given a right to recover any amount by which the gross proceeds of the sale exceed the charges of the bailee.

12. As an alternative to this legislation it was suggested that—

- (a) where goods are valued at less than £10 then sale by public auction may be effected by the artificer after giving notice to the bailor and to any person known to have an interest in the goods.
- (b) where goods are valued at less than £250, sale be effected in accordance with the United Kingdom legislation; and
- (c) where goods are valued in excess of £250 then—
 - (i) a notice as provided for in the United Kingdom Act stating that unless payment is made within a specified period, application will be made to a stipendiary magistrate at a stated place and time for an order authorizing sale;
 - (ii) if charges remain unpaid at expiration of specified period lienor to lodge at a court of petty sessions an application supported by an affidavit showing—
 - (1) identification of bailor;
 - (2) statement of charges;
 - (3) certificate of valuation of goods;
 - (4) verification of notice and advertisements;
 - (5) a statement that a lienor knows of no other person having an interest in the goods; and
 - (6) a request for an order permitting sale. An order made by a magistrate is, where the sale is otherwise than by auction to be treated as authorizing a sale at a price not more than 10% less than the value shown in the certificate of valuation.

13. The Committee sees a number of advantages in the alternative proposal but is of opinion that the United Kingdom legislation, because of its application to all cases irrespective of the value of goods, provides a convenient pattern on which to base legislation. It accordingly recommends that similar legislation be enacted subject to the recommendations appearing in the following paragraphs.

14. The United Kingdom legislation provides that no sale may take place within twelve months of the notice given to the bailor that the goods are available for delivery. The Committee considers that the period is excessive and recommends that sale be authorized within nine months of the original notice to the bailor. This shorter period would alleviate the present grievance of repairers that many goods deteriorate in a relatively short time.

15. No provision exists for any notice to be given to any person other than the bailor. It is considered that a notice should be sent to any person who to the actual knowledge of the repairer has or claims an interest in the goods. It was suggested that repairers should keep registers containing details of third party interest, but this practice while being cumbersome in the motor trade would, it is felt, be quite impracticable in relation to many other trades. Third party interest through hire-purchase agreements is very wide-spread, particularly in relation to motor vehicles, and a garage man who fails to ask questions on this subject may be thought to be wilfully closing his eyes to this possibility. However, when the *Motor Car Act* 1959 (No. 6563) comes into operation it will be possible for a garage man to ascertain from the Motor Registration Branch whether any hire-purchase agreement or bill of sale is recorded against the title to the vehicle.

It is also recommended that any notice of the proposed sale shall be once inserted in some newspaper published in Melbourne and circulating throughout Victoria and in the district in which the repairer has his business not less than fourteen days before such sale.

16. The pattern legislation is silent as to the nature of the title conferred on the purchaser by a sale of goods under the provisions of the Act. The Committee considers that it is essential that, subject to all the requirements of the proposed legislation being complied with, the title of goods given by any sale should be absolute.

If titles are absolute it would assure that the articles sold would command a reasonable commercial price which would be to the advantage of both the lienor and the bailor. In the absence of a clear title prospective purchasers may be reluctant to pay a reasonable price for an article. It is therefore recommended that the Act provide for the conferring of an absolute title and further, that a buyer should not be required to prove that he took all proper steps involved in the sale. The onus of proving that all requirements have been complied with should be on the artificer. In the event of any artificer selling goods contrary to these provisions, he should be held liable in conversion.

The Committee also recommends that there be preserved to the previous owner of the subject goods who was not the bailor and who had no notice of the proposed sale and was not bound by the bailment, his rights against the bailor. While the Committee considers that no action in conversion based on a sale in accordance with the Act should be available to such owner, he should have the same rights in respect of the proceeds of the sale as he would have against the goods.

17. Reference is made to a proviso in the *Disposal of Uncollected Goods Act 1952* whereby a bailee may dispose of goods otherwise than by auction where he has stated in his notice the lowest price which he is prepared to accept on the sale of goods. It is possible that such an exception could create abuses and the Committee affirms that all goods disposed of under the proposed legislation must be sold by public auction.

18. Where, following a sale an artificer has surplus proceeds after deducting his charges it is recommended that such surplus be held by him in a bank account at a recognized savings bank for a period of twelve months. Thereafter the surplus if unclaimed is to be paid into an "Unclaimed Moneys Fund" in the Treasury. The owner of the goods or any person having an interest in the moneys is to have the right to claim the surplus until such time as his right to recover the surplus from the artificer would be barred by the Limitations of Actions Act.

It was suggested that repairers be allowed to include in their charges interest at a reasonable rate on the costs of the repairs. The English Act makes provision for a lienor to include in his charges any "reasonable charge for storing the goods during the period beginning with the date of the giving of the notice that the goods are ready for delivery . . . and ending with the date of the sale." The Committee considers that the English provision is equitable but that no provision should be made for the charging of interest also.

19. Special difficulties arise in relation to the sale of motor vehicles. Firstly, it is not possible to transfer ownership without being in possession of certain documents which it is extremely unlikely that the lienor would have. Secondly, with the large number of motor vehicles stolen it is highly probable that a vehicle left unclaimed with a repairer could be a stolen vehicle.

It is accordingly recommended that in respect of a proposed sale by a lienor of a motor car there be inserted in the legislation a requirement that the Chief Commissioner of Police is to be advised at least four weeks in advance of the sale, and that such sale shall not proceed without a statement by him to the effect that the vehicle is not recorded as being stolen; and that the *Motor Car Act 1958* be amended to facilitate the transfer of a vehicle sold under the proposed provisions.

20. The Committee desires to draw to the attention of Honorable Members a statement made by the Crown Solicitor in his Opinion on liens to the effect that section 12 of the *Railways Act 1958*, which deals with the power of the Commissioners to detain or sell any animals or goods on which freight rates remain unpaid, is badly in need of re-drafting.

This is a matter to which the Government may care to give consideration.

DIVISION.

The following extracts from the Minutes of the Proceedings of the Committee shows a Division which took place during the consideration of the Draft Report—

TUESDAY, 24TH MAY, 1960.

DRAFT REPORT.

Paragraph 10.

The Committee, whilst agreeing with some of these objections, is of the opinion that there should be created a statutory power of sale in favor of lienors whose lien over goods has arisen from the performance of work or repairs on goods. However, in view of the general nature of the problem, it considers that any power of sale should apply to all artificers and should not relate particularly to motor vehicle repairers.

Question.—That paragraph 10 stand part of the Report—put.

The Committee divided.

Ayes, 6.

Mr. Cochrane,
Mr. Cook,
The Hon. W. O. Fulton,
Mr. Holland,
The Hon. W. Slater,
Mr. Sutton.

Noes, 3.

Mr. Manson,
The Hon. A. Todd,
Mr. Wilcox.

And so it passed in the affirmative.

1959-60

VICTORIA

REPORT

FROM THE

STATUTE LAW REVISION COMMITTEE

UPON THE

POLICE OFFENCES (AMENDMENT) BILL 1960
(CLAUSE 2)

Ordered by the Legislative Council to be printed, 31st May, 1960

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1ST SEPTEMBER, 1959.

7. STATUTE LAW REVISION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Honorables P. T. Byrnes, V. O. Dickie, W. O. Fulton, T. H. Grigg, W. Slater, and A. Todd be members of the Statute Law Revision Committee.

Question—put and resolved in the affirmative.

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

TUESDAY, 1ST SEPTEMBER, 1959.

10. STATUTE LAW REVISION COMMITTEE.—Motion made, by leave, and question—That Mr. Cochrane, Mr. Cook, Mr. Holland, Mr. Manson, Mr. Sutton, and Mr. Wilcox be appointed members of the Statute Law Revision Committee (*Mr. Bolte*)—put and agreed to.
-

THURSDAY, 26TH MAY, 1960.

12. POLICE OFFENCES (AMENDMENT) BILL.—Motion made, by leave, and question—That the provision of clause 2 of the Police Offences (Amendment) Bill relating to the release of persons apprehended for certain offences on their making cash deposits not exceeding Ten pounds as security for the payment of any penalty which may be imposed for punishment for their offences be referred to the Statute Law Revision Committee for examination and report (*Mr. Rylah*)—put and agreed to.

REPORT

THE STATUTE LAW REVISION COMMITTEE, appointed pursuant to the provisions of *The Constitution Act Amendment Act 1958*, has the honor to report as follows :—

1. The Police Offences (Amendment) Bill 1960, which was introduced into the Legislative Council on 23rd March, 1960, was subsequently passed by that House and transmitted to the Legislative Assembly. On Thursday, 26th May, during the second-reading stage in the Assembly, the Assembly referred to the Statute Law Revision Committee the provisions of clause 2 relating to the release of persons apprehended for certain offences on their making cash deposits not exceeding ten pounds as security for the payment of any penalty which may be imposed for punishment for their offences.

2. This provision, which applies to offences against sections 23 to 27 of the *Police Offences Act 1958*, was based on a recommendation made by the Statute Law Revision Committee in its Report tabled in the Legislative Assembly on 2nd September, 1959, and in the Legislative Council on 22nd September, 1959. (Victorian Parliamentary Papers, D. No. 3/1959-60.)

3. In paragraph 11 of that Report, the Committee recommended that certain members of the police force should have power to release a person charged with an offence against any of sections 23 to 27 of the *Police Offences Act 1958* on his making " a deposit of such sum not exceeding ten pounds.....". At that time the maximum fine provided for offences against those sections was ten pounds. The maximum fine has now been increased to twenty-five pounds by the *Police Offences (Penalties) Act 1959* (No. 6557).

4. The Committee affirms the principle underlying the recommendation in its previous Report that discretion should be given to the member of the police force releasing a person on deposit for offences under the abovementioned sections, and believes that the maximum deposit should be the same as the maximum fine which can be imposed.

5. Accordingly, it is recommended that the maximum deposit payable by any person apprehended for offences against these sections should be twenty-five pounds, and that the Police Offences (Amendment) Bill 1960 be amended by substituting the expression " Twenty-five " for the word " Ten " in clause 2, line 7.

Committee Room,
31st May, 1960.

1959—60
VICTORIA

DISTRIBUTION OF POPULATION COMMITTEE

PROGRESS REPORT

Ordered by the Legislative Council to be printed, 5th April, 1960.

By Authority:

A. C. BROOKS, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 3RD DECEMBER, 1959.

2. DISTRIBUTION OF POPULATION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the following Members of this House be appointed Members of the Distribution of Population Committee, viz. :—the Honorables R. W. Mack, R. W. May, and A. Smith.

Question—put and resolved in the affirmative.

4. DISTRIBUTION OF POPULATION COMMITTEE.—The Honorable G. L. Chandler moved, by leave, That the Distribution of Population Committee have power to send for persons, papers, and records, and to report the minutes of evidence from time to time.

Question—put and resolved in the affirmative.

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

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

THURSDAY, 3RD DECEMBER, 1959.

5. DISTRIBUTION OF POPULATION COMMITTEE.—Motion made, by leave, and question—That Mr. Galvin, Mr. Kane, Mr. Moss, Mr. Scott, Mr. Stoneham, and Mr. White be appointed members of the Distribution of Population Committee (*Mr. Bolte*)—put and agreed to.

6. DISTRIBUTION OF POPULATION COMMITTEE.—Motion made, by leave, and question—That the Distribution of Population Committee have power to send for persons, papers, and records, and to report the Minutes of Evidence from time to time (*Mr. Bolte*)—put and agreed to.

Ordered—That a Message be sent to the Legislative Council acquainting them with the foregoing resolution.

REPORT

THE DISTRIBUTION OF POPULATION COMMITTEE, appointed pursuant to the provisions of the *Distribution of Population (Joint Committee) Act 1959* (No. 6576) has the honor to report as follows:—

1. By Resolutions agreed to on Thursday, 3rd December, 1959, by the Legislative Council and the Legislative Assembly, respectively, the Distribution of Population Committee was "to have power to report the Minutes of Evidence from time to time".

2. The Committee has received evidence at Parliament House, Melbourne, and at Ballarat, Daylesford, Bendigo, Traralgon, Moe and Numurkah and, desiring to keep Honorable Members informed as to the progress made in this inquiry, and pursuant to the abovementioned Resolutions, reports herewith the Minutes of Evidence of the following witnesses who have appeared before it up to and including Thursday, the 11th March, 1960:—

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|---|---|---|
| Mr. W. O. Galletly, Chief Mechanical Manager | } | Representing the Victorian
Railways Commissioners. |
| Mr. R. C. Burgess, Chief Commercial Manager | | |
| Mr. M. McLachlan, Chief Special Officer | | |
| Mr. W. H. Connolly, Chairman, and | } | Representing the State
Electricity Commission. |
| Mr. K. L. Murray, Acting Engineer and Manager,
Electricity Supply Department | | |
| Mr. L. R. East, Chairman, | } | Representing the State
Rivers and Water Supply
Commission. |
| Mr. H. W. McCay, Deputy Chairman, and | | |
| Mr. J. N. Churchyard, Economic Research Officer | | |
| Mr. P. K. Hedger, Senior Investigation Officer, Division of State Development. | | |
| Mr. F. G. James, and | } | Representing the Country Members Group of the
Victorian Chamber of Manufactures. |
| Mr. V. B. D. Watson | | |
| Mr. H. R. Maddern, representing the City of Ballarat. | | |
| Mr. I. D. McCoy, representing the Ballarat Group of the Victorian Chamber of Manufactures. | | |
| Mr. C. H. Clamp, representing the Ballarat Water Commissioners and the Ballarat Sewerage Authority. | | |
| Mr. W. Bridges, representing the Beaufort Chamber of Commerce. | | |
| Mr. E. J. Semmens, and | } | Representing the Shire of Creswick. |
| Mr. A. T. Evans | | |
| Mr. A. C. Williams, and | } | Representing the Ballarat Trades Hall Council. |
| Mr. J. C. Restarick | | |
| Mr. H. E. Arblaster, Principal, Ballarat School of Mines and Industries. | | |
| Mr. A. C. Lord, representing the Shire of Buninyong. | | |
| Mr. C. Blackmore, | } | Representing the Borough of Clunes. |
| Mr. G. Keller, and | | |
| Mr. W. C. Foulkes | | |
| Mr. P. N. Thwaites, Principal, Ballarat College. | | |
| Mr. R. A. King, representing the Ballarat Branch of the Victorian Road Transport Association. | | |
| Mr. J. E. R. Jones, of Ballarat. | | |
| Mr. V. G. Wilson, and | } | Representing the Shire of Newham and Woodend. |
| Mr. O. G. Batchelor | | |
| Mr. W. Odgen, | } | Representing the Borough of Daylesford. |
| Mr. K. Cole, | | |
| Mr. J. Drummond, | | |
| Mr. S. Hauser, | | |
| Mr. I. McI. Head, | | |
| Mr. E. Martyn, and | | |
| Mr. L. R. Little | | |

- Mr. A. G. Hoffert, representing the Shire of Glenlyon.
- Mr. M. D. Barnes, representing the Ballan Decentralization Committee.
- Mr. H. W. Snell,
Mr. A. S. Craig, and } Representing the City of Bendigo.
Mr. R. R. Anderson }
- Mr. A. E. Gow, representing the Shire of Cohuna and the Loddon Regional Committee.
- Mr. C. K. Parrish, representing the Shire of Charlton.
- Mr. A. Brownbill, and } Representing the Shire of Bet Bet.
Mr. G. H. Whitehead }
- Mr. J. J. Murley,
Mr. G. G. Styles,
Mr. E. F. Sonneman, } Representing the Bendigo Trades Hall Council.
Mr. A. Foulds, and }
Mr. C. W. Lyall }
- Mr. R. H. Meurer,
Mr. R. L. Waddington, and } Representing the Bendigo and District Industrial
Mr. W. B. Nicholls } Expansion Committee.
- Mr. W. C. McKean, and } Representing the Bendigo Chamber of Commerce.
Mr. T. B. Keith }
- Mr. E. C. Thompson, Principal, Bendigo Technical College.
- Mr. A. W. Styles, representing the Inglewood Progress Association.
- Mr. D. J. Miller, representing the St. Arnaud Industries Committee.
- Mr. A. E. Jenkin, of Bendigo.
- Mr. D. J. R. Dunton, representing the Shire of Newstead.
- Mr. P. V. Bowles, representing the Shire of Strathfieldsaye.
- Mr. J. R. McDonald, representing the Shire of Kerang.
- Mr. J. D. Oakes, and } Representing the Commercial Egg Producers'
Mr. A. N. Hudson } Association.
- Mr. P. H. McKean, Managing Director, Hanro Knitting Mills Ltd., Bendigo.
- Mr. A. H. Lawrence, Managing Director, Myer Emporium, Bendigo.
- Mr. N. J. Oliver, Pharmacist, Bendigo.
- Mr. J. D. Harris, and } Representing the East of Bullock Creek Water League.
Mr. A. T. Kennedy }
- Mr. V. H. Arnold, Deputy Commonwealth Statistician and Government Statist.
- Mr. F. W. Sayer, Assistant Deputy Commonwealth Statistician.
- Mr. J. Mulvany, representing the Latrobe Valley Water and Sewerage Board.
- Mr. B. M. Condon, representing the National Catholic Rural Movement.
- Mr. I. G. Patience, General Manager, South-Eastern Milk Products Limited.
- Mr. A. G. Holden, representing the Advance Latrobe Valley Association.
- Mr. P. R. Lewis, representing the Shire of Bairnsdale.
- Mr. A. J. Watts, representing the Bairnsdale Decentralization Committee.
- Mr. W. K. Mathison, representing the Shire of Morwell.
- Mr. A. E. Head, representing the Heyfield Section of the Victorian Sawmillers' Association.
- Mr. S. S. Middlehurst, of Warragul.
- Mr. F. E. Greenwood,
Mr. F. P. Gregory,
Mr. W. K. Rice,
Mr. G. C. Purvis,
Mrs. V. E. Jowett,
Mr. V. R. Allison,
Mr. J. C. Dwyer,
Mr. D. W. R. Dennis, and } Representing the Borough of Moe and the Shire of
Mr. G. M. Brown } Narracan.

- Mr. J. W. Reed,
 Mr. J. T. Morris, and } Representing the Shire of Numurkah.
 Mr. C. E. Newman
- Mr. A. E. Crow, representing the Borough of Kyabram.
 Mr. L. J. Batey, representing the Shire of Tungamah.
 Mr. P. Willoughby, representing the Katunga Fruitgrowers' Association.
- Mr. C. W. Saunders,
 Mr. M. J. Delaney, and } Representing the National Catholic Rural Movement.
 Mr. F. M. Sullivan
- Mr. A. B. McCutcheon, Officer-in-Charge, Soldier Settlement Commission,
 Numurkah.
- Mr. A. F. Caddy, representing the Shire of Rochester.
- Mr. J. H. Hewlett, and } Representing the Rochester Irrigators' League.
 Mr. N. M. Jackson
- Mr. F. R. Charlton, representing the Borough of Echuca.
- Mr. R. J. M. Eastman, and } Representing the Shire of Nathalia.
 Mr. A. M. Galt
- Mr. J. E. C. Radcliffe, representing the Shire of Cobram.
- Mr. J. J. McGuire, Manager, Murray Valley Co-operative Dairying Products and
 Trading Limited.
- Mr. A. Thompson, representing the Shire of Deakin.
- Mr. F. Kloppstein, Manager, Tongala Milk Products Limited.
- Mr. T. A. Backstrom, Manager, Holdenson and Neilson Milk Products and Butter
 Factory, Numurkah.
- Mr. K. H. Robinson, representing the Shire of Numurkah, and
 Mr. C. A. Stuart, Manager, Kraft Foods Limited, Strathmerton.

Committee Room,
 31st March, 1960.

VICTORIA - MINUTES OF THE PROCEEDINGS OF THE LEG. COUNCIL, SESSION 1959 - 60

THE HON. THE
PRESIDENT