

VICTORIA · MINUTES OF THE PROCEEDINGS OF THE LEG. COUNCIL - SESS. 1928



COUNCIL  
CHAMBER

VICTORIA



MINUTES OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL.  

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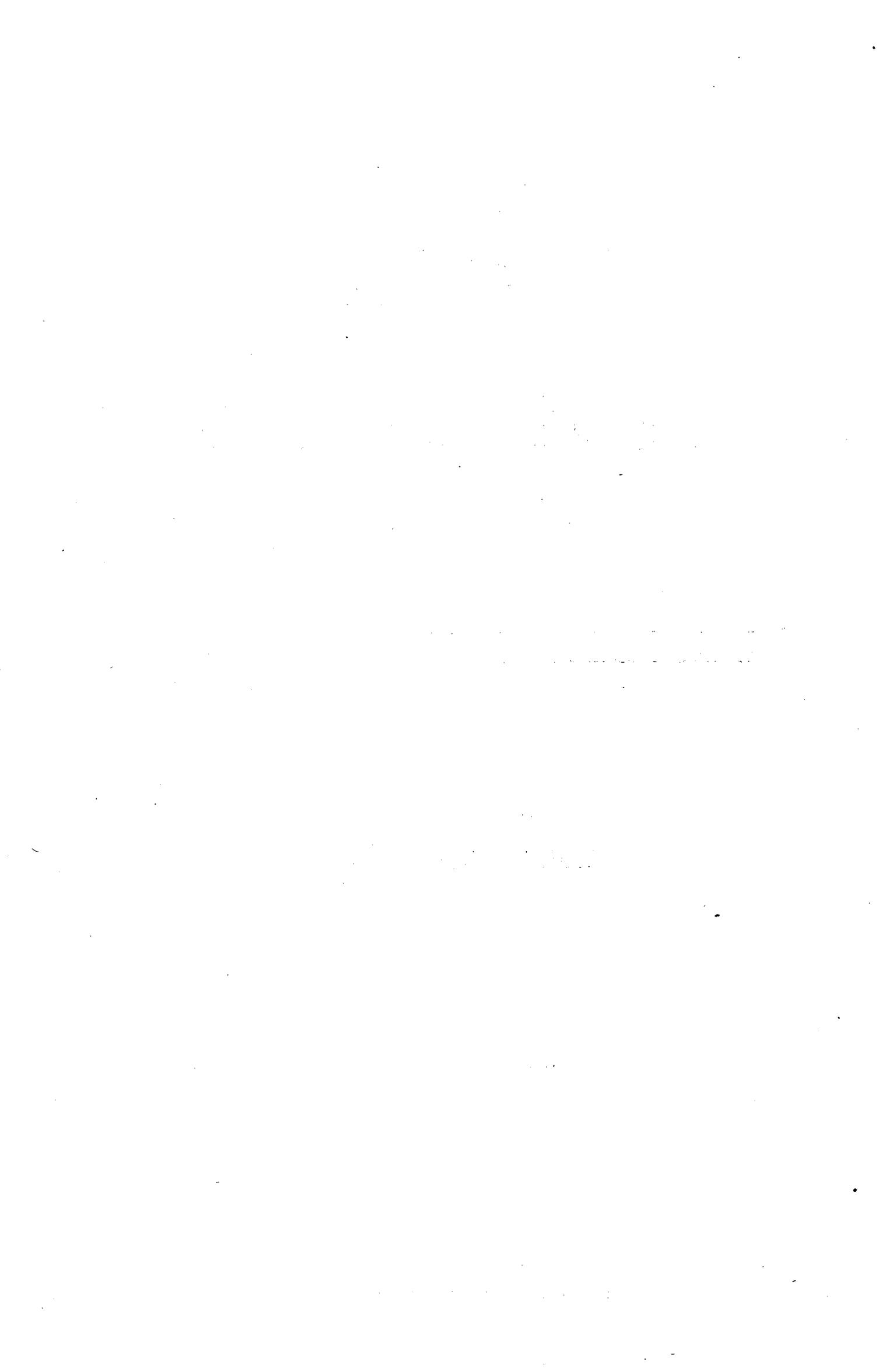
SESSION 1928.

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## VICTORIA.

## LEGISLATIVE COUNCIL.

## MINUTES OF THE PROCEEDINGS.

## No. 1.

WEDNESDAY, 4TH JULY, 1928.

1. The Council met pursuant to the Proclamation of His Excellency the Governor, bearing date the twenty-fifth day of June, 1928, which Proclamation was read by the Clerk and is as follows:—

FIXING THE TIME FOR HOLDING THE SECOND SESSION OF THE TWENTY-NINTH  
PARLIAMENT OF VICTORIA.

## PROCLAMATION

By His Excellency Lieutenant-Colonel the Right Honorable Arthur Herbert Tennyson, Baron Somers, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, Military Cross; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

WHEREAS the Parliament of Victoria stands prorogued until Wednesday, the fourth day of July, 1928, and it is expedient to fix the time for holding the next session thereof: Now therefore I, the Governor of the State of Victoria, in the Commonwealth of Australia, do by this my Proclamation fix Wednesday, the fourth day of July, 1928 aforesaid, as the time for the commencement and holding of the next Session of the said Parliament of Victoria, for the despatch of business, at the hour of Eleven o'clock in the forenoon, 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.

(L.S.) Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this twenty-fifth day of June, in the year of our Lord One thousand nine hundred and twenty-eight, and in the nineteenth year of the reign of His Majesty King George V.

SOMERS.

By His Excellency's Command,

E. J. HOGAN.

GOD SAVE THE KING!

The Honorable Mr. Justice Wasley, the Commissioner from His Excellency the Governor appointed to open the Parliament, having been introduced to the Council Chamber by the Usher, His Honour desired the Usher to request the presence of the Members of the Legislative Assembly to hear the Commission read for the commencement and holding of this present Session of the Parliament.

The Members of the Legislative Assembly having presented themselves, The Honorable Mr. Justice Wasley said:—

HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

His Excellency the Governor, not thinking fit to be present in person, has been pleased to cause Letters Patent to issue, under the seal of the State, constituting me his Commissioner, to do in his name all that is necessary to be performed in this Parliament. This will more fully appear from the Letters Patent which will now be read by the Clerk.

Then the said Letters Patent were read by the Clerk as follows, viz. :—

*GEORGE the Fifth, by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India :*

WHEREAS by Proclamation made the twenty-fifth day of June One thousand nine hundred and twenty-eight by His Excellency Lieutenant-Colonel the Right Honorable ARTHUR HERBERT TENNYSON, BARON SOMERS, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, Military Cross, Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c., Wednesday, the fourth day of July, was fixed as the time for the commencement and holding of the next Session of the Parliament of Victoria, at eleven of the clock in the forenoon, in the Parliament Houses, in the City of Melbourne : And forasmuch as for certain causes the said ARTHUR HERBERT TENNYSON, BARON SOMERS, cannot conveniently be present in person in the said Parliament at that time : Now KNOW YE THAT WE, trusting in the discretion, fidelity, and care of Our trusty and well-beloved The Honorable JOSIAH STEPHEN WASLEY, Acting Judge of Our Supreme Court of Victoria, do give and grant by the tenor of these presents unto you the said JOSIAH STEPHEN WASLEY full power in Our name to begin and hold the said Session of Our said Parliament, and to do everything which for and by Us, or the said ARTHUR HERBERT TENNYSON, BARON SOMERS, shall be there to be done ; commanding also by the tenor of these presents all whom it may concern to meet our said Parliament, and to the said JOSIAH STEPHEN WASLEY that he diligently attend in the premises and form aforesaid. In testimony whereof We have caused the Seal of Our said State to be hereunto affixed.

(L.S.) Witness Our Trusty and well-beloved Lieutenant-Colonel the Right Honorable Arthur Herbert Tennyson, Baron Somers, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Distinguished Service Order, Military Cross, Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c., at Melbourne, this second day of July, One thousand nine hundred and twenty-eight, and in the nineteenth year of the reign of His Majesty King George V.

SOMERS.

By His Excellency's Command,  
E. J. HOGAN.

Entered on Record by me in Register of Patents, Book 29,  
page 210, this second day of July, One thousand  
nine hundred and twenty-eight.

W. P. HEATHERSHAW, Under-Secretary.

Then the Honorable Mr. Justice Wasley said—

HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I have it in command from His Excellency to let you know that, later this day, His Excellency will declare to you in person, in this place, the cause of his calling this Parliament together ; and, Gentlemen of the Legislative Assembly, as it is necessary before you proceed to the despatch of business that a Speaker of the Legislative Assembly be chosen, His Excellency requests that you, in your Chamber, will proceed to the choice of a proper person to be Speaker.

The Members of the Legislative Assembly then withdrew.

The Commissioner withdrew.

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

3. DECLARATIONS OF MEMBERS.—The Honorables the President (Sir Frank Clarke), E. G. Bath, W. J. Beckett, A. Bell, A. E. Chandler, H. I. Cohen, G. M. Davis, W. H. Edgar, G. L. Goudie, H. Keck, E. J. White, and A. M. Zwar severally delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth :—

“In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, FRANCIS GRENVILLE CLARKE, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of One hundred and ninety pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situate in the municipal district of St. Kilda and are known as allotment 27, section 3, at Elwood, being Nos. 111 and 113 Mitford-street, Elwood.*

“And I further declare that such of the said lands or tenements as are situate in the municipal district of St. Kilda are rated in the rate-book of the said municipality upon a yearly value of £190.

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

“FRANK CLARKE.”

" In compliance with the provisions of *The Constitution Act Amendment Act 1915, I*, EDWIN GEORGE BATH, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situate in the municipal districts of Kara Kara and St. Arnaud, and are known as ' Pleasant-side ' Estate, and houses and land, St. Arnaud.

" And I further declare that such of the said lands or tenements as are situate in the municipal district of Kara Kara are rated in the rate-book of the said municipality upon a yearly value of £578, and that such of the said lands or tenements as are situate in the municipal district of St. Arnaud are rated in the rate-book of the said municipality upon a yearly value of £75.

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

" EDWIN G. BATH."

" In compliance with the provisions of *The Constitution Act Amendment Act 1915, I*, WILLIAM JAMES BECKETT, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds sterling above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situate in the municipal district of Fitzroy, and are known as Nos. 150 to 156 Gertrude-street, Nos. 70, 72, 74 Napier-street.

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

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

" W. J. BECKETT."

" In compliance with the provisions of *The Constitution Act Amendment Act 1915, I*, ALEXANDER BELL, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of One hundred and thirty-four pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situate in the municipal district of city of Ballarat and are known as 101 Wendouree-parade, and 210 and 212 Skipton-street.

" And I further declare that such of the said lands or tenements as are situate in the municipal district of city of Ballarat are rated in the rate-book of the said municipality upon a yearly value of £134.

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

" ALEXANDER BELL."

" In compliance with the provisions of *The Constitution Act Amendment Act 1915, I*, ALFRED ELLIOTT CHANDLER, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situate in the municipal district of Ferntree Gully, and are known as ' Boronia,' corner of Boronia and Forest roads, Boronia, being portion of Crown lot 69, parish of Scoresby.

" And I further declare that such of the said lands or tenements as are situate in the municipal district of Ferntree Gully are rated in the rate-book of the said municipality upon a yearly value of £227.

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

" A. E. CHANDLER."

" In compliance with the provisions of *The Constitution Act Amendment Act 1915, I*, HENRY ISAAC COHEN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Two hundred and fifty-seven pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situate in the municipal districts of Melbourne and Northcote, and are known as ' Keonbrook,' 106 Vale-street, East Melbourne, and lots 11 and 12, part A, of Thornbury Park Estate.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne is rated in the rate-book of the said municipality upon a yearly value of £225, and that such of the said lands or tenements as are situate in the municipal district of Northcote are rated in the rate-book of the said municipality upon a yearly value of £32.

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

"HENRY ISAAC COHEN."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, GEORGE MARTLEY DAVIS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Two hundred and twenty-nine pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Sale, and are known as Mathieson and Davis' offices, saleyards, motor garage, and tobacconist shop; and 37 acres and 26 perches known as Sale Plains paddock and Canal paddock all in the town of Sale.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Sale are rated in the rate-book of the said municipality upon a yearly value of £229.

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

"G. M. DAVIS."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, WILLIAM HASLAM EDGAR, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Ninety pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and, further, that such lands or tenements are situate in the municipal district of St. Kilda, and are known as 182 and 184 St. Kilda-street, St. Kilda.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of St. Kilda are rated in the rate-book of the said municipality upon a yearly value of £90.

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

"WILLIAM HASLAM EDGAR."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, GEORGE LOUIS GOUDIE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Fifty-eight pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Caulfield, and are known as 49 Elizabeth-street, Elsternwick.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Caulfield are rated in the rate-book of the said municipality upon a yearly value of £58.

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

"GEO. L. GOUDIE."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, HERBERT KECK, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Two hundred and forty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Strathfieldsaye, and are known as 'The Palms,' Retreat road, Bendigo.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Strathfieldsaye are rated in the rate-book of the said municipality upon a yearly value of £240.

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

"HERBERT KECK."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, EDWARD JAMES WHITE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Hamilton, and are known as (1), Newlands, being allotments 1, 2 and 3, section 31, parish of Hamilton North, and (2) Cyclone Paddock, being allotment 58, section A, parish of Hamilton North, all in the borough of Hamilton.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Hamilton are rated in the rate book of the said municipality upon a yearly value of £95.

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

"E. J. WHITE."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, ALBERT MICHAEL ZWAR*, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Beechworth, and are known as house and land in Church-street, and hall in Loch-street.

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

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

"A. M. ZWAR."

4. RETURNS TO WRITS.—The President announced that during the recess he had issued writs for the election of Members to hold seats which became vacant by effluxion of time, and that such writs had been returned to him and by the indorsements thereon it appeared that the following Members had been elected in pursuance thereof:—

The Honorable George Victor Lansell for the Bendigo Province ;  
 The Honorable George Swinburne for the East Yarra Province ;  
 The Honorable Martin McGregor for the Gippsland Province ;  
 The Honorable Herbert Henry Smith, for the Melbourne Province ;  
 The Honorable John Percy Jones for the Melbourne East Province ;  
 The Honorable Esmond Lawrence Kiernan for the Melbourne North Province ;  
 The Honorable Norman Falkiner for the Melbourne South Province ;  
 The Honorable Robert Williams for the Melbourne West Province ;  
 The Honorable Henry Alan Currie for the Nelson Province ;  
 The Honorable Richard Kilpatrick for the Northern Province ;  
 The Honorable John Richards Harris for the North-Eastern Province ;  
 The Honorable William John McCann for the North-Western Province ;  
 The Honorable William Charles Angliss for the Southern Province ;  
 The Honorable William Tyner for the South-Eastern Province ;  
 The Honorable Horace Frank Richardson for the South-Western Province ;  
 The Honorable Frederick William Brawn for the Wellington Province ; and  
 The Honorable Marcus Saltau for the Western Province.

5. SWEARING-IN OF NEW MEMBERS.—The Honorables W. Angliss, F. W. Brawn, H. A. Currie, N. Falkiner, Dr. J. R. Harris, J. P. Jones, G. V. Lansell, W. J. McCann, M. McGregor, H. F. Richardson, H. H. Smith, W. Tyner, and R. Williams, having severally approached the Table, took and subscribed the Oath required by law, and severally delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth:—

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, WILLIAM CHARLES ANGLISS*, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Five hundred and sixty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of city of Melbourne, and are known as part of allotment 6, section 24, city of Melbourne, parish of North Melbourne, county of Bourke, and being the whole of the land comprised in certificate of title, volume 3701, folio 740157.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of city of Melbourne are rated in the rate-book of the said municipality upon a yearly value of £560.

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

"W. ANGLISS."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, FREDERICK WILLIAM BRAUN*, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Ballarat, and are known as 213 Mill-street.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Ballarat are rated in the rate-book of the said municipality upon a yearly value of £50.

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

"F. W. BRAWN."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, HENRY ALAN CURRIE*, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Three thousand three hundred and seventy-two pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Lexton, and are known as 'Ercildoune Estate.'

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Lexton are rated in the rate-book of the said municipality upon a yearly value of £3,372.

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

"H. ALAN CURRIE."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, NORMAN FRASER FALKINER*, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Two thousand nine hundred and sixty-one pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal districts of (i) Waranga Shire, (ii) Goulburn Shire and (iii) Rodney Shire and are known as (i) part Noorilim, Castle Hill, Erwen's, Dicker's, Murray's, (ii) Noorilim, Hackney's, (iii) Campbellfield, Brancheys Park.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Waranga Shire are rated in the rate-book of the said municipality upon a yearly value of £682 and that such of the said lands or tenements as are situate in the municipal district of Goulburn Shire are rated in the rate-book of the said municipality upon a yearly value of £1,823, and that such of the said lands or tenements as are situate in the municipal district of Rodney Shire are rated in the rate-book of the said municipality upon a yearly value of £156.

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

"NORMAN FALKINER."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, JOHN RICHARDS HARRIS*, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of shire of Rutherglen, and are known as 'Thrana' vineyard, and land, parish of Carlyle, shire of Rutherglen, and a residence situate in High-street, Rutherglen.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of shire of Rutherglen are rated in the rate-book of the said municipality upon a yearly value of £320.

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

"JOHN R. HARRIS."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, JOHN PERCY JONES*, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Four hundred and seventy pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Melbourne, and are known as 20, 22, 24, and 26 Patrick-street, Melbourne.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of the said municipality upon a yearly value of £470.

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

"J. P. JONES."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I*, GEORGE VICTOR LANSSELL, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Seven hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further that such lands or tenements are situate in the municipal district of Bendigo, and are known as (i) 'Denderah,' View Hill, Bendigo, and (ii) 'Royal Bank,' View Point, Bendigo.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Bendigo are rated in the rate-book of the said municipality upon a yearly value of £700.

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

"GEO. V. LANSSELL."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I*, WILLIAM JOHN McCANN, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situate in the municipal district of Kerang, and are known as allotments 2c, 5c, and 6c, and allotments 4E, 5E, and 12E, parish of Dartagook, county of Tatchera.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Kerang are rated in the rate-book of the said municipality upon a yearly value of £236.

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

"W. J. McCANN."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I*, MARTIN MCGREGOR, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Narracan, and are known as allotment 97A, parish of Moe, county of Buln Buln, and occupied by me as residence.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Narracan are rated in the rate-book of the said municipality upon a yearly value of £130.

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

"M. MCGREGOR."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I*, HORACE FRANK RICHARDSON, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Three hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of city of Geelong, and are known as 'The Exchange' property, Little Malop-street, Geelong, and occupied by myself and tenants.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of city of Geelong are rated in the rate-book of the said municipality upon a yearly value of £350.

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

"H. F. RICHARDSON."

"In compliance with the provisions of *The Constitution Act Amendment Act 1915, I*, HERBERT HENRY SMITH, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Prahran and are known as "Marwee," 19 Domain-road East, South Yarra.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of the said municipality upon a yearly value of £400.

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

"HERBERT H. SMITH."

“ In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, WILLIAM TYNER*, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further that such lands or tenements are situate in the municipal district of Caulfield, and are known as 60 Hawthorn-road, Caulfield.

“ And I further declare that such of the said lands or tenements as are situate in the municipal district of Caulfield are rated in the rate-book of the said municipality upon a yearly value of £100.

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

“ WILLIAM TYNER.”

“ In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, ROBERT WILLIAMS*, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Seventy-five pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further that such lands or tenements are situate in the municipal district of South Melbourne, and are known as 123 Wright-street, Middle Park.

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

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

“ R. WILLIAMS.”

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

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

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

You have been called together for the consideration of many matters of public importance which will be submitted to you for your deliberation.

After the adverse season experienced over the greater part of Victoria last year, it is gratifying that seasonable prospects this year are more favorable.

As a result of the bountiful rain during the past few months, and the ready response made to the Government's appeal to wheat-growers for an extra million acres of wheat to be sown this season, there is every indication that, if normal conditions prevail, the coming wheat harvest will be one of the best in the history of the State. In consequence, pessimism amongst primary producers caused by the partial failure of the rains in 1927 has been replaced by confidence and optimism.

The Government has formulated proposals for increasing the hospital accommodation of the metropolis. These proposals, providing for 260 additional beds, have been approved by the Charities Board and the University Council and, generally, by the Committees of the Hospitals directly affected.

The Forest policy has been considerably developed during the past financial year; and plans for the future are based upon the assurance of a sustained annual increase of the yield in timber.

Many Bush Fire Brigades have been organized under the auspices of the Forests Commission; and motor patrols have been appointed and furnished with camping equipment and modern fire-fighting appliances.

To develop the eucalyptus oil industry an experimental plant has been established in the ironbark and grey box areas of the Bendigo district, with excellent results.

The various health activities of the State have been closely examined, and buildings under the control of the Department of Public Health have been renovated and added to, the additions including pavilions and administrative buildings at Mont Park and a new ward at Janefield; and a Tuberculosis Bureau is now in course of erection.

Infant welfare work has been extended, and District Health Officers have co-operated with School Medical Officers in the examination of school children.

There has been a steady expansion in the work of education. New school buildings in centres of growing population are being erected and existing buildings extended or reconstructed as rapidly as circumstances permit.

Tenders have been invited for the erection of a new University High School, and the construction of the building will shortly be begun.

Action has been taken by the Government to increase the dental staff of the Education Department so as to provide for the dental treatment of children over a wider area of the State. Three additional dental officers and three additional dental attendants will be appointed, and arrangements have been made to obtain two dental vans for country work.

The Apprenticeship Commission has been constituted in accordance with the legislation passed last session.

The dairying industry has benefited to a very marked extent, as a result of the Autumn rains. Recognizing that to obtain the fullest measure of agricultural output both scientific and administrative help must be made available to farmers, the Government has adopted a vigorous policy of assistance in both directions.

My Advisers are giving consideration to the question of re-organizing the lamb export trade on an effective co-operative basis.

The production of fruit in 1927-28 has been the highest on record. Approximately 1,000,000 cases of fruit are now in cool stores and will be placed on the market during the year.

The State Rivers and Water Supply Commission is giving effect to the Government's policy of increasing public water storages. The present capacity is 1,200,000 acre-feet, and with the works under construction will in a few years be raised to 2,500,000 acre feet.

Areas in the Mallee comprising approximately 240,000 acres have been made available for settlement, of which 128,000 acres have already been surveyed. Settlers are also being placed on Crown lands in other parts of the State where land is suitable for settlement.

In view of the many problems that are arising, it is proposed to decentralize the administration of land settlement by transferring experienced administrative officers to country centres.

Consequent upon the legislation passed last session, action has been taken in several localities to have Harbor Board Districts proclaimed. The Harbor Board District of Warrnambool has been proclaimed and steps are being taken for the election of the local Board. Preliminary conferences have been held regarding the establishment of Harbor Boards at Portland, Welshpool, and Gippsland Lakes. An application for the constitution of a Board at Port Fairy has been received.

The bridges over the River Murray at Gonn Crossing and Euston, with respect to which the Board of Land and Works was the constructing authority, have been completed and are open for traffic. The New South Wales Government has controlled the construction of the bridges over that river at Mildura and Abbotsford under contract, and the Mildura Bridge has already been opened for road traffic.

With the view of meeting the increasing demand for the supply of electricity, my Ministers are giving consideration to proposals for enlarging the activities of the State Electricity Commission. These proposals will involve an extension of the works at Yallourn and a duplication of the main transmission line.

The Government has taken over from the Exhibition Trustees the Western Annexe of the Exhibition Building and, by alterations, has made available 60,000 square feet of floor space, which will provide accommodation for the more efficient working of several Departments and will reduce the rent bill of the State.

The Government is proceeding with the erection of another building in order to promote Departmental efficiency and effect further economics.

The money made available by the Commonwealth in connexion with the occupation by the Commonwealth Parliament of the Parliament House of Victoria will be expended in the building of additions to Parliament House, and tenders for the work have been invited.

The consolidation of the Victorian statute law by Mr. Justice Cussen is proceeding rapidly. It is hoped that the necessary measures will be introduced into Parliament during this session.

**MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :**

The partial failure of the wheat crop, the adverse conditions affecting other sections of primary production, the general financial depression, and the substantial decrease in Railway revenue, have caused my Advisers concern; and prudent economy consistent with efficient administration has accordingly been exercised.

The Estimates of Revenue and Expenditure for the current financial year are now being prepared, and will be placed before you as early as practicable.

**MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :**

**MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :**

The problem of unemployment is world-wide, but the acute economic and industrial depression which Victoria, in common with the other States of the Commonwealth, has experienced during the past twelve months has considerably added to the number of people usually unemployed at this time of the year. In order to relieve the position, the Government has taken steps to expedite railway and road construction and other public works.

One of the first measures to be submitted for your consideration will make provision for Unemployed Workers' Insurance.

A Bill with respect to a Rural Bank will be placed before you.

A measure to create one Authority in place of existing Municipalities and certain other public bodies in the Metropolis will be introduced at an early date.

Bills providing for a Ministry of Transport and a Ministry of Health will be submitted to you.

A measure to revise the Electoral Districts Act passed by the last Parliament will be brought forward.

Legislation will be introduced to amend the Factories and Shops Acts, the Health Acts, and the Workers' Compensation Acts.

Proposals for amending the Motor Car Acts and the law relating to local government will be placed before you.

The question of removing the Newmarket saleyards to a more suitable site has been investigated by my Ministers, and legislation dealing therewith will be proposed.

A comprehensive measure to alter the law in regard to weights and measures is being prepared.

A Bill dealing with the care and treatment of mental defectives will be introduced.

A Bill having for its object the establishment of a Public Service Classification and Efficiency Board will be laid before you.

Several other legislative proposals, will be submitted, amongst these being Bills relating to Real Estate Agents, Business Agents, Farm Produce Agents, Justices, Marriage, County Courts, Children's Courts, Adoption of Children, Masseurs Registration, Nurses Registration, Tramways, Theatres, and Money Lenders.

I now leave you to your deliberations, and express the earnest hope that your labours may materially advance the welfare of the State and promote the prosperity and happiness of the people.

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

The Legislative Assembly then withdrew.

7. The President resumed the Chair.

8. DECLARATIONS OF MEMBERS.—The Honorables W. L. R. Clarke, J. H. Disney, D. L. McNamara, and G. J. Tuckett severally delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth :—

“In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, WILLIAM LIONEL RUSSELL CLARKE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Three hundred and ninety-four pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situate in the municipal district of Bulla, and are known as Rupertswood Farm, five hundred and seven acres one rood and twenty-one perches, being Crown allotment 2 and parts of Crown allotment 1 of section 21 of the parish of Bulla Bulla, and part of W. J. T. Clarke's special survey in the same Parish Nos. 226 and 227 in the rate-book.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Bulla are rated in the rate-book of the said municipality upon a yearly value of £394.

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

“W. L. RUSSELL CLARKE.”

“In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, JAMES HERBERT DISNEY, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situate in the municipal district of South Melbourne, and are known as ‘Clontarf Terrace,’ Cecil-street, South Melbourne.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of South Melbourne are rated in the rate-book of the said municipality upon a yearly value of £167.

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

“JAS. H. DISNEY.”

“In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, DANIEL LAURENCE MCNAMARA, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situate in the municipal districts of Berwick and Caulfield, and are known as allotment 2, section P, and allotment 49A, parish of Koo-wee-rup East, county of Mornington ; also house and land known as ‘Iona,’ Talbot-avenue, East St. Kilda.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Berwick are rated in the rate-book of the said municipality upon a yearly value of £57, and that such of the said lands or tenements as are situate in the municipal district of Caulfield are rated in the rate-book of the said municipality upon a yearly value of £61.

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

“D. L. McNAMARA.”

“In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, GEORGE JOSEPH TUCKETT, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situate in the municipal district of Numurkah, and are known as allotments 6, 7, 8, 9, 10, part 11 of section D, parish of Yalca, containing 1,412 acres.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Numurkah are rated in the rate-book of the said municipality upon a yearly value of £607.

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

“GEO. J. TUCKETT.”

9. SWEARING IN OF NEW MEMBERS.—The Honorables E. L. Kiernan, M. Saltau, and G. Swinburne, having severally approached the Table, took and subscribed the Oath required by law, and severally delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632 as hereunder set forth:—

“In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, ESMOND LAWRENCE KIERNAN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Heidelberg, and are known as house and land in Waldemar-road, Ivanhoe.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Heidelberg are rated in the rate-book of the said municipality upon a yearly value of £90.

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

“ESMOND L. KIERNAN.”

“In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, MARCUS SALTAU, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Prahran, and are known as part of Crown portion 18, Parish of Prahran, County of Bourke, and more particularly described in certificate of title, volume 4940, folio 987927.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of the said municipality upon a yearly value of £250.

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

“M. SALTAU.”

“In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, GEORGE SWINBURNE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Two hundred and ten pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Hawthorn and are known as dwelling-house and land known as “Shenton,” 41 Kinkora-road, Hawthorn.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Hawthorn are rated in the rate-book of the said municipality upon a yearly value of £210.

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

“GEORGE SWINBURNE.”

10. LOCAL GOVERNMENT (BORROWING POWERS) BILL.—On the motion of the Honorable J. P. Jones, a Bill to authorize Councils of Municipalities to borrow Money upon the Credit thereof by the Issue of Debentures for the purpose of defraying the Cost and Expenses of Works under Section Five hundred and thirty-four of the *Local Government Act 1915* was read a first time, ordered to be printed, and, by leave, to be read a second time later this day.

11. CLERK OF THE LEGISLATIVE COUNCIL.—APPOINTMENT OF MR. P. T. POOK.—The President announced to the Council that, by virtue of the powers conferred upon him by *The Constitution Act Amendment Act 1915*, he had nominated Mr. Percy Thomas Pook, previously Usher of the Legislative Council, for the office of Clerk of the Legislative Council, and that His Excellency the Governor in Council had been pleased to confirm that nomination.

12. TEMPORARY CHAIRMEN OF COMMITTEES.—The 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 Charles Angliss,  
The Honorable William Lionel Russell Clarke,  
The Honorable Dr. John Richards Harris, and  
The Honorable Esmond Lawrence Kiernan—

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 fourth day of July, One thousand nine hundred and twenty-eight.

FRANK CLARKE,

President of the Legislative Council.

13. COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The 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 1915* I do hereby appoint—

The Honorable Henry Isaac Cohen,  
The Honorable William Haslam Edgar,  
The Honorable George Louis Goudie,  
The Honorable Dr. John Richards Harris,  
The Honorable John Percy Jones,  
The Honorable Daniel Laurence McNamara, and  
The Honorable Horace Frank Richardson—

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

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

FRANK CLARKE,

President of the Legislative Council.

14. PAPERS.—The Honorable J. P. Jones presented, by command of His Excellency the Governor—

Charitable Institutions—Statistics for the year 1926–27.

Mines Department—Gold and Mineral Statistics for the year 1927.

Railways—Purchase of Electrical Equipment in 1925—Report of the Auditor-General.

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—

Agricultural Education—Accounts of the Trustees of Agricultural Colleges and the Council of Agricultural Education for the six months ended 30th September, 1927.

Apprenticeship Act 1927—Proclamation fixing Day of coming into Operation.

Bank Liabilities and Assets—Summary of Sworn Returns—

For the quarter ended 31st December, 1927.

For the quarter ended 31st March, 1928.

Boilers Inspection Acts—Amendment of the Regulations prescribing the fees payable for inspecting Boilers (2 papers).

Business Names Act 1927—Regulations prescribing Fees and Forms.

Companies Act 1915—Return by the Prothonotary of business of the Supreme Court in connexion with the winding-up of Companies.

Constitution Act Amendment Acts—Rates of Allowances for expenses of conducting elections.

Cultivation Advances Act 1927—Regulations.

Dairy Produce Act 1919—Regulations—Consolidation.

Dried Fruits Acts—Regulations—

Registration of Dried Fruit Dealers.

Registration of Packing Sheds.

Electric Light and Power Act 1915 and State Electricity Commission Acts—Regulations.

Exhibitions Act 1890—Rules and Regulations.

Fire Brigades Act 1915—Report of the Country Fire Brigades Board for the year 1926–27, together with Statements of Receipts and Expenditure and Assets and Liabilities for that period.

Friendly Societies—Fiftieth Annual Report of the Government Statist relating to the period of twelve months ended 30th June, 1927.

Health Act 1919—

Camping Regulations 1927.

Fire Prevention Regulations 1928.

Justices Act 1915—Postponement of Payment Rules 1928.

Land Act 1915—Particulars of Leases of Swamp or Reclaimed Land under section 110.

Medical Acts—Pharmacy Board of Victoria—Further Regulations.

Melbourne and Metropolitan Tramways Act 1918—Final Special Construction Scheme for Electric Tramway in Racecourse-road, Melbourne, together with the Report of the Parliamentary Standing Committee on Railways and the Recommendation of the Tramways Board thereon.

Melbourne Harbor Trust Commissioners—Statement of Accounts for the year 1927.

Melbourne Sailors' Home Act 1901—Accounts and Statement of Receipts and Expenditure of the Melbourne Sailors' Home for the year 1927.

Mines Act 1915—

Amendment of the Regulations relating to Mining Leases, Tailings Licences, and Water Right Licences.

Amendment of the Regulations relating to the Forms for Mining and other Leases and for Tailings and other Licences.

List of Suspensions of the Labour Covenants of Mining Leases and Licences granted during the year 1927.

Motor Car Act 1915—Regulations (4 papers).

Motor Car Act 1915 and Highways and Vehicles Act 1927—Regulations.

Motor Omnibus (Urban and Country) Act 1927—Regulations.

Poisons Acts—

Methylated Spirits Regulations 1928.

Poisons (Cyanide) Regulations, 1928.

Proclamations amending Schedules to Acts—

Articles deemed to be poisons.

Poisonous Substances and Preparations.

Restriction on Sale of certain Substances.

Public Service Acts—Regulations—

Attendance and Conduct of Officers, Chapter XIII.—Special Attendances.

Classification of General Division, Chapter VI.—

Department of Chief Secretary (2 papers).

Department of Law (2 papers).

Leave of Absence, Chapter XIV.

Professional Division, Chapter II.—

Department of Chief Secretary (3 papers).

Department of Mines.

Department of Public Instruction (3 papers).

Travelling Allowances, Chapter IX.—

Department of Agriculture (2 papers).

Department of Mines.

Department of Public Instruction.

Miscellaneous (2 papers).

Railways—

Awards Nos. 21 and 22 made by the Railways Classification Board together with the Report of the Victorian Railways Commissioners in regard thereto, and Orders relating to certain matters arising out of Awards Nos. 8, 17, 19, and 20.

Reports of the Victorian Railways Commissioners—

For the quarter ended 31st December, 1927.

For the quarter ended 31st March, 1928.

Supreme Court Acts and Acts Interpretation Act 1915—

Rules of the Supreme Court—Rules of Procedure in Civil Proceedings—Order XLI. (A)—Amending Rule.

Supreme Court Office Fees Regulations, 1927 and amendment thereof (2 papers).

Swine Compensation Act 1927—Regulations.

Trade Unions—Report of the Government Statist for the year 1927, with an Appendix.

15. CHAIRMAN OF COMMITTEES.—The Honorable J. P. Jones moved, by leave, That the Honorable William Haslam Edgar be Chairman of Committees of the Council.

Question—put and resolved in the affirmative.

16. THE LATE HONORABLE JOSEPH STERNBERG.—The Honorable J. P. Jones moved, by leave, That this House desires to place on record its sorrow at the death of the Honorable Joseph Sternberg, one of the Members for the Bendigo Province, and its acknowledgment of the long and useful service rendered by him as a Member of this House for nearly 37 years.

And other honorable members having addressed the House—

The President said—

Before putting the motion I should like to add my small tribute to the late Mr. Sternberg. I know that in his earlier days he was a keen agriculturist, and while it may not be said that he took a very leading part in the development of irrigation and intense culture in the North, he certainly took a very early part in it, and was one of the leaders who marked the track for others to follow. In this House, as the Unofficial Leader and Mr. Edgar have said, he was the soul of courtesy, more particularly to young members when they first came into the Chamber. I very vividly remember his great kindness and encouragement to me when I was a young member.

The question was then put and, honorable members signifying their assent by rising in their places, unanimously resolved in the affirmative.

17. THE LATE HONORABLE O. R. SNOWBALL.—The Honorable J. P. Jones moved, by leave, That this House desires to place on record its sorrow at the death of the Honorable Oswald Robinson Snowball, Speaker of the Legislative Assembly, and its acknowledgment of the high personal character, ability, and kindness which distinguished his long and honorable public career.  
And other honorable members having addressed the House—  
The question was put and, honorable members signifying their assent by rising in their places, unanimously resolved in the affirmative.
18. LOCAL GOVERNMENT (BORROWING POWERS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. P. Jones moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. I. Cohen, and after debate, that the debate be adjourned until later this day.
19. SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The President reported the Speech of His Excellency the Governor.  
The Honorable E. L. Kiernan 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 H. I. Cohen 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 17th instant.
20. LOCAL GOVERNMENT (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 Dr. J. R. Harris 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. CONSOLIDATED REVENUE BILL (No. 1).—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 and forty thousand eight hundred and twenty-two pounds to the service of the year One thousand nine hundred and twenty-eight and One thousand nine hundred and twenty-nine*" and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, was read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair ; and the Honorable Dr. J. R. Harris 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. ADJOURNMENT.—The Honorable J. P. Jones moved, That the Council, at its rising, adjourn until Tuesday, the 17th instant, at half-past four o'clock.  
Question—put and resolved in the affirmative.

And then the Council, at twenty-eight minutes past ten o'clock, adjourned until Tuesday, the 17th instant.

P. T. POOK,  
Clerk of the Legislative Council.

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day*

No. 1.

TUESDAY, 17<sup>TH</sup> JULY, 1928.

*Question.*

1. The Hon. H. F. RICHARDSON: To ask the Honorable the Commissioner of Public Works—Will the Government, if necessary, introduce legislation early in the present Session to prevent the circulation of indecent and obscene newspapers and literature that are tending to lower the moral tone of the community.

*Government Business.*

NOTICES OF MOTION:—

1. The Hon. W. J. BECKETT: To move, That he have leave to bring in a Bill to amend the *Masseurs Registration Act 1922*.
2. The Hon. W. J. BECKETT: To move, That he have leave to bring in a Bill relating to the Department of Health and for other purposes.
3. The Hon. W. J. BECKETT: To move, That he have leave to bring in a Bill to amend the Health Acts and Section Sixteen of the *Midwives Act 1915*.
4. The Hon. W. J. BECKETT: To move, That he have leave to bring in a Bill to make provision with respect to the Training Qualifications and Registration of Nurses for Sick Children and of Nurses for Persons suffering from Mental Diseases and to amend the *Nurses Registration Act 1923*.
5. The Hon. J. P. JONES: To move, That Tuesday, Wednesday, and Thursday in each week be the days on which the Council shall meet for the despatch of business during the present Session, and that half-past Four o'clock be the hour of meeting on each day; that on Tuesday and Thursday in each week the transaction of Government business shall take precedence of all other business; and that on Wednesday in each week Private Members' business shall take precedence of Government business; and that no new business, except the postponement of business on the Notice-paper, be taken after the hour of Eleven o'clock.
6. The Hon. J. P. JONES: To move, That the Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, G. Swinburne, and E. J. White be members of the Select Committee on the Standing Orders of the House; three to be the quorum.
7. The Hon. J. P. JONES: To move, That the Honorables W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar be members of the House Committee.
8. The Hon. J. P. JONES: To move, That the Honorables the President, W. J. Beckett, W. L. R. Clarke M. Saltau, and W. Tyner be members of the Joint Committee to manage the Library.
9. The Hon. J. P. JONES: To move, That the Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett be members of the Printing Committee; three to be the quorum.
10. The Hon. J. P. JONES: To move, That, in compliance with the recommendation of the Joint Select Committee on the Consolidation of the Laws, adopted by this House on the 22nd June, 1915, a Committee be appointed, consisting of six Members, to join with a Committee of the Legislative Assembly, to deal with anomalies in the law and make recommendations as to statutory amendments, such Committee to consist of the Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson, with power to send for persons, papers, and records; five to be the quorum.

*Contingent upon the foregoing being carried—*

To move, That a Message be sent to the Legislative Assembly acquainting them with the foregoing resolution.

## ORDER OF THE DAY :—

1. ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—*Resumption of Debate (Hon. H. I. Cohen).*

*General Business.*

## NOTICE OF MOTION :—

1. The Hon. D. L. McNAMARA : To move, That he have leave to bring in a Bill to provide for Compulsory Voting at Parliamentary (Legislative Council) Elections.

P. T. POOK,  
*Clerk of the Legislative Council.*

FRANK CLARKE,  
*President.*

## STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorable H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorable A. Bell and A. E. Chandler.

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day*

No. 2.

WEDNESDAY, 18<sup>TH</sup> JULY, 1928.

### *Questions.*

1. The Hon. A. BELL: To ask the Honorable the Minister of Forests—
  - (a) Will he lay on the table of the Library the file containing the correspondence, the reports of the forest ranger and the surveyor, and the result of the legal proceedings in the case of the Forests Commission against John Robins, of Elaine.
  - (b) Does the Government intend to take any further action in the matter.
2. The Hon. G. J. TUCKETT: To ask the Honorable the Commissioner of Public Works—What amount of money was collected in motor taxation and paid into the funds of the Country Roads Board during each of the past four financial years.
3. The Hon. W. H. EDGAR: To ask the Honorable the Commissioner of Public Works—
  - (a) How many additional railway employees were compelled to do duty on Sunday, 15th July, in connexion with the trains running to and from Geelong and Ballarat.
  - (b) What additional amount was paid to such employees for Sunday work.
  - (c) What reduction was made on the ordinary week-day fares.
  - (d) Can an estimate be given of the number of people who, during the week, deferred travelling to these places in order to take advantage of the reduced Sunday fares.
  - (e) Were the liquor bars open at the railway station refreshment rooms on such lines on that Sunday.
4. The Hon. A. E. CHANDLER: To ask the Honorable the Commissioner of Public Works—
  - (a) How many permits to hold entertainments on licensed premises were granted during the year 1927-28.
  - (b) For what purposes were such permits granted.
  - (c) In how many cases were charges made for admission to such entertainments and to what purposes were the proceeds devoted.

### *General Business.*

#### NOTICES OF MOTION:—

1. The Hon. D. L. McNAMARA: To move, That he have leave to bring in a Bill to provide for Compulsory Voting at Parliamentary (Legislative Council) Elections.
2. The Hon. E. L. KIERNAN: To move, That he have leave to bring in a Bill to provide for the Abolition of Capital Punishment.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—*Resumption of debate* (Hon. W. J. Beckett).
2. RACE-COURSE ROAD TRAMWAY CONSTRUCTION BILL—(Hon. J. P. Jones)—Second reading.
3. HEALTH BILL—(Hon. W. J. Beckett)—Second reading.
4. MIDWIVES BILL—(Hon. W. J. Beckett)—Second reading.
5. MASSEURS REGISTRATION BILL—(Hon. W. J. Beckett)—Second reading.
6. MINISTRY OF HEALTH BILL—(Hon. W. J. Beckett)—Second reading.
7. NURSES REGISTRATION BILL—(Hon. W. J. Beckett)—Second reading—*Resumption of debate* (Hon. H. I. Coker).

P. T. POOK,

*Clerk of the Legislative Council.*

FRANK CLARKE,

*President.*

## STANDING AND SELECT COMMITTEES—SESSION 1928

**ELECTIONS AND QUALIFICATIONS**—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

**PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)**—(Appointed 6th July, 1927)—The Honorables A. Bell and A. E. Chandler.

**STANDING ORDERS**—(Appointed 17th July, 1928)—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, G. Swinburne, and E. J. White.

**HOUSE (JOINT)**—(Appointed 17th July, 1928.)—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

**LIBRARY (JOINT)**—(Appointed 17th July, 1928.)—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

**PRINTING**—(Appointed 17th July 1928.)—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.

**STATUTE LAW REVISION (JOINT)**—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

## PRINTED PAPERS.

The following printed Papers can now be obtained by Honorable Members from the Clerk of the Legislative Council (Telephone F3605), and by others on the circulation list from the Government Printer. They can also be purchased by the Public from the Government Printer:—

Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925 (No. 1).

Railways—Report of the Parliamentary Standing Committee on Railways—Race-course-road, Melbourne, Electric Tramway (No. 2).

## VICTORIA.

## LEGISLATIVE COUNCIL.

## MINUTES OF THE PROCEEDINGS.

## No. 2.

TUESDAY, 17TH JULY, 1928.

- 1 The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable J. P. Jones presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bill presented to him by the Clerk of the Parliaments, viz. :—  
*Consolidated Revenue Bill (No. 1).*
3. ADJOURNMENT—MOTION UNDER STANDING ORDER NO. 53.—The Honorable H. F. Richardson moved, That the Council do now adjourn, and said he proposed to speak on the subject of the importance of immediate steps being taken to prevent the sale and distribution of indecent publications in this State; and six Members having risen in their places and required the motion to be proposed, the question was put and, after debate, negatived.
4. HEALTH BILL.—On the motion of the Honorable W. J. Beckett, a Bill to amend the Health Acts was, by leave, read a first time, ordered to be printed and to be read a second time to-morrow.
5. MIDWIVES BILL.—On the motion of the Honorable W. J. Beckett, a Bill to amend the Midwives Acts and for other purposes was, by leave, read a first time, ordered to be printed and to be read a second time to-morrow.
6. PAPERS.—The Honorable J. P. Jones presented, by command of His Excellency the Governor—  
Extension of Electric Supply System—Report of the State Electricity Commission of Victoria.  
Public Service Commissioner—Report for the year 1927.  
Reports by Mr. T. Forristal, L.I.C.A., on—  
Boots and Shoes—Proposed Increases in Price.  
Gas supplied by the Metropolitan Gas Company—Increase in Price.  
Motor Tyres and Tubes—Retail Price, and Alleged Boycott of the Perdriau Company in connexion therewith.  
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 :—  
Country Roads Board—Report for the year 1926–27.  
Fisheries Acts—Notices of Intention to issue Proclamations—  
To prohibit all fishing in or the Taking of Fish from the—  
Gellibrand River and its Tributaries above or Upstream from the Lower Gellibrand Bridge from 1st May to 15th December in each year.  
Goulburn River for one-quarter of a mile below the Eildon Weir.  
Latrobe River for a distance of 200 yards below the weir at Yallourn.  
Macallister River for one-quarter of a mile below the Glenmaggie Weir.  
Running Creek, also known as the Bolinda Creek, and its Tributaries above or Upstream from Rankin's Crossing, near Romsey.  
Scots Creek and portion of Curdie's River, near Cobden, from 1st May to 15th December in each year.  
Woody Yallock Creek and its Tributaries.  
To prohibit—  
Netting in Rutherford's Inlet (otherwise known as Cannon's Creek) from 1st November in each year to 30th April next following.  
Taking of Macquarie Perch from the Latrobe River and its Tributaries until 30th November, 1930.  
Taking of Macquarie Perch from portion of the Avoca River and its Tributaries until 30th November, 1929.  
Use of the Danish Seine Net in Western Port Bay.

Harbor Boards Act 1927—Regulations relating to Elections of Elected Members of the Warrnambool Harbor Board.

Justices Act 1915—Amendment of Additional Rule—List of Fees in Courts of Petty Sessions and in Proceedings before a Justice or Justices.

Poisons Acts—

Methylated Spirits Regulations 1928.

Poisons Antidote Regulations 1928.

Public Library, Museums, and National Gallery of Victoria—Report of the Trustees for the year 1927, with a Statement of Income and Expenditure for the year 1926–27.

Public Service Acts—Copy of Papers in connexion with the promotion of—

Frederick Thomas Albert Fricke from the Second Class to the First Class, Department of Lands and Survey.

Thomas James McConnell from the Third Class to the Second Class, Department of Lands and Survey.

Arthur Tension Smithers from the Fourth Class to the Third Class, Department of Treasury.

Railways—Thirty-eighth General Report of the Parliamentary Standing Committee on Railways.

7. MASSEURS REGISTRATION BILL.—On the motion of the Honorable W. J. Beckett, a Bill to amend the *Masseurs Registration Act* 1922 was read a first time, ordered to be printed and to be read a second time to-morrow.
8. MINISTRY OF HEALTH BILL.—On the motion of the Honorable W. J. Beckett, a Bill relating to the Department of Health and for other purposes was read a first time, ordered to be printed and to be read a second time to-morrow.
9. NURSES REGISTRATION BILL.—On the motion of the Honorable W. J. Beckett, a Bill to make provision with respect to the Training Qualifications and Registration of Nurses for Sick Children and of Nurses for persons suffering from Mental Diseases and to amend the *Nurses Registration Act* 1923 was read a first time, ordered to be printed and to be read a second time to-morrow.
10. DAYS OF BUSINESS.—The Honorable J. P. Jones moved, That Tuesday, Wednesday, and Thursday in each week be the days on which the Council shall meet for the despatch of business during the present Session, and that half-past four o'clock be the hour of meeting on each day; that on Tuesday and Thursday in each week the transaction of Government business shall take precedence of all other business; and that on Wednesday in each week Private Members' business shall take precedence of Government business; and that no new business, except the postponement of business on the Notice-paper, be taken after the hour of eleven o'clock.  
Question—put and resolved in the affirmative.
11. STANDING ORDERS COMMITTEE.—The Honorable J. P. Jones moved, That the Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, G. Swinburne, and E. J. White 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.
12. HOUSE COMMITTEE.—The Honorable J. P. Jones moved, That the Honorables W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar be members of the House Committee.  
Question—put and resolved in the affirmative.
13. LIBRARY COMMITTEE.—The Honorable J. P. Jones moved, That the Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner be members of the Joint Committee to manage the Library.  
Question—put and resolved in the affirmative.
14. PRINTING COMMITTEE.—The Honorable J. P. Jones moved, That the Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett be members of the Printing Committee; three to be the quorum.  
Question—put and resolved in the affirmative.
15. STATUTE LAW REVISION COMMITTEE.—The Honorable J. P. Jones moved, That, in compliance with the recommendation of the Joint Select Committee on the Consolidation of the Laws, adopted by this House on the 22nd June, 1915, a Committee be appointed, consisting of six Members, to join with a Committee of the Legislative Assembly, to deal with anomalies in the law and make recommendations as to statutory amendments, such Committee to consist of the Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson, with power to send for persons, papers, and records; five to be the quorum.  
Question—put and resolved in the affirmative.  
Ordered—That a Message be sent to the Assembly acquainting them with the foregoing resolution.
16. RACE-COURSE-ROAD TRAMWAY CONSTRUCTION BILL.—On the motion of the Honorable J. P. Jones, a Bill to authorize the Construction by the Melbourne and Metropolitan Tramways Board of an Electric Tramway in Race-course-road, Melbourne, was, by leave, read a first time, ordered to be printed and to be read a second time to-morrow.

17. 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 14 *ante*), having been read—  
Debate resumed.  
The Honorable W. J. Beckett moved, That the debate be now adjourned.  
Question—That the debate be now adjourned—put and resolved in the affirmative.  
Ordered—That the debate be adjourned until to-morrow.
18. STATUTE LAW REVISION COMMITTEE.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have appointed a Committee to join with the Committee of the Council to deal with anomalies in the law and make recommendations as to statutory amendments, such Committee consisting of Mr. Blackburn, Mr. Lawson, Mr. Macfarlan, Mr. Prendergast, Mr. Slater, and Mr. Wettenhall, with power to send for persons, papers, and records, and to sit on days on which the House does not meet; five to be the quorum.
19. ORDER OF THE COUNCIL RESCINDED.—The Honorable W. J. Beckett moved, by leave, That the Order of the Council appointing the next day of meeting for the second reading of the Nurses Registration Bill be rescinded.  
Question—put and resolved in the affirmative.
20. NURSES REGISTRATION BILL.—The Honorable W. J. Beckett moved, by leave, That the second reading of this Bill be made an Order of the Day for later this day.  
Question—put and resolved in the affirmative.  
The Order of the Day for the second reading of the Bill having been read, the Honorable W. J. Beckett moved, That this Bill be now read a second time and, debate arising thereupon, it was ordered, on the motion of the Honorable H. I. Cohen, that the debate be adjourned until to-morrow.

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

P. T. POOK,  
*Clerk of the Legislative Council.*

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### No. 3.

WEDNESDAY, 18<sup>TH</sup> JULY, 1928.

1. The President took the Chair and read the Prayer.
2. PAPER.—The Honorable J. P. Jones presented, by command of His Excellency the Governor—  
Education—Report of the Minister of Public Instruction for the year 1926-27.  
Ordered to lie on the Table.
3. CAPITAL PUNISHMENT ABOLITION BILL.—On the motion of the Honorable E. L. Kiernan, a Bill to provide for the Abolition of Capital Punishment was read a first time, ordered to be printed and to be read a second time on Tuesday, the 31st instant.
4. LEAVE OF ABSENCE.—The Honorable G. J. Tuckett moved, by leave, That leave of absence be granted to the Honorable Richard Kilpatrick for the remainder of the Session on account of ill health.  
Question—put and resolved in the affirmative.  
The Honorable W. H. Edgar moved, by leave, That leave of absence be granted to the Honorable Howard Hitchcock for the remainder of the Session on account of urgent private business.  
Question—put and resolved in the affirmative.
5. PHILLIP ISLAND SHIRE BILL.—On the motion of the Honorable J. P. Jones, a Bill to provide for the Constitution under the Local Government Acts of the Shire of Phillip Island and for the Annexation thereto of French Island and for other purposes was, by leave, read a first time, ordered to be printed and to be read a second time on Tuesday, the 31st instant.
6. ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for Address see page 14 *ante*), having been read—  
Debate resumed.  
The Honorable A. E. Chandler 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.

7. 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 Two hundred and forty-three thousand five hundred and twelve pounds to the service of the year One thousand nine hundred and twenty-seven and One thousand nine hundred and twenty-eight* ” and desiring the concurrence of the Council therein.

On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, 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 W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

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

8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 7 inclusive and *Address in Reply to Speech of His Excellency the Governor—Motion for—Resumption of debate*, be postponed until Tuesday, the 31st instant.

9. ADJOURNMENT.—The Honorable J. P. Jones moved, by leave, That the Council at its rising adjourn until Tuesday, the 31st instant.

Question—put and resolved in the affirmative.

And then the Council, at fifteen minutes past ten o'clock, adjourned until Tuesday, the 31st instant.

P. T. POOK,  
*Clerk of the Legislative Council.*

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day*

No. 3.

TUESDAY, 31<sup>ST</sup> JULY, 1928.

### *Questions.*

1. The Hon. W. H. EDGAR: To ask the Honorable the Commissioner of Public Works—
  - (a) How many additional railway employees were compelled to do duty on Sunday, 15<sup>th</sup> July, in connexion with the trains running to and from Geelong and Ballarat.
  - (b) What additional amount was paid to such employees for Sunday work.
  - (c) What reduction was made on the ordinary week-day fares.
  - (d) Can an estimate be given of the number of people who, during the week, deferred travelling to these places in order to take advantage of the reduced Sunday fares.
  - (e) Were the liquor bars open at the railway station refreshment rooms on such lines on that Sunday.
2. The Hon. A. E. CHANDLER: To ask the Honorable the Commissioner of Public Works—
  - (a) How many permits to hold entertainments on licensed premises were granted during the year 1927-28.
  - (b) For what purposes were such permits granted.
  - (c) In how many cases were charges made for admission to such entertainments and to what purposes were the proceeds devoted.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—*Resumption of debate* (Hon. A. E. Chandler).
2. RACE-COURSE-ROAD TRAMWAY CONSTRUCTION BILL—(Hon. J. P. Jones)—Second reading.
3. HEALTH BILL—(Hon. W. J. Beckett)—Second reading.
4. PHILLIP ISLAND SHIRE BILL—(Hon. J. P. Jones)—Second reading.
5. MIDWIVES BILL—(Hon. W. J. Beckett)—Second reading.
6. MASSEURS REGISTRATION BILL—(Hon. W. J. Beckett)—Second reading.
7. MINISTRY OF HEALTH BILL—(Hon. W. J. Beckett)—Second reading.
8. NURSES REGISTRATION BILL—(Hon. W. J. Beckett)—Second reading—*Resumption of debate* (Hon. H. I. Cohen).

### *General Business.*

#### NOTICE OF MOTION:—

1. The Hon. D. L. McNAMARA: To move, That he have leave to bring in a Bill to provide for Compulsory Voting at Parliamentary (Legislative Council) Elections.

#### ORDER OF THE DAY:—

1. CAPITAL PUNISHMENT ABOLITION BILL—(Hon. E. L. Kiernan)—Second reading.

P. T. POOK,  
*Clerk of the Legislative Council.*

FRANK CLARKE,  
*President.*

## STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, G. Swinburne, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.

STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

## PRINTED PAPERS.

The following printed Papers can now be obtained by Honorable Members from the Clerk of the Legislative Council (Telephone F3605), and by others on the circulation list from the Government Printer. They can also be purchased by the Public from the Government Printer:—

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Railways—Report of the Parliamentary Standing Committee on Railways—Race-course-road, Melbourne, Electric Tramway (No. 2).

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day*

No. 4.

WEDNESDAY, 1ST AUGUST, 1928.

### *Questions.*

1. The Hon. M. McGREGOR : To ask the Honorable the Commissioner of Public Works—
  - (a) What amount is at credit to the State of Victoria under the Migration Agreement.
  - (b) Can this money be used for the construction of outer ports ; if so, will the Government consider allowing this money to be used for this purpose.
  - (c) Is the £45,000 contribution from the Melbourne Harbor Trust's revenue towards the construction of outer ports solely for the use of the outer ports functioning, whether one or five, or can it be used for the maintenance of the jetties, &c., around the coast.
  - (d) What rate of interest does the Government propose to charge for the money advanced to construct the outer ports.
- 2 The Hon. W. L. R. CLARKE : To ask the Honorable the Commissioner of Public Works—
  - (a) If there is a storage of 100,000 acre feet of water in the Hume Reservoir by 1929, how do the Commission propose to use the water.
  - (b) Can such water be put in the irrigation pipes and channels.
  - (c) When is it estimated that the Hume Reservoir could be finished.
  - (d) When it is finished how many acres could be irrigated and how many men could be employed.
  - (e) How many acre feet could be stored in the Hume Reservoir by the years 1930, 1931, and 1932 respectively.

### *General Business.*

#### NOTICE OF MOTION :—

1. The Hon. D. L. McNAMARA : To move, That he have leave to bring in a Bill to provide for Compulsory Voting at Parliamentary (Legislative Council) Elections.

#### ORDER OF THE DAY :—

1. CAPITAL PUNISHMENT ABOLITION BILL—(*Hon. E. L. Kiernan*)—Second reading.

### *Government Business.*

#### ORDERS OF THE DAY :—

1. ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—*Resumption of debate* (*Hon. H. H. Smith*).
2. PHILLIP ISLAND SHIRE BILL—(*Hon. J. P. Jones*)—Second reading.
3. HEALTH BILL—(*Hon. W. J. Beckett*)—Second reading.
4. MIDWIVES BILL—(*Hon. W. J. Beckett*)—Second reading.
5. MASSEURS REGISTRATION BILL—(*Hon. W. J. Beckett*)—Second reading.
6. MINISTRY OF HEALTH BILL—(*Hon. W. J. Beckett*)—Second reading.
7. NURSES REGISTRATION BILL—(*Hon. W. J. Beckett*)—Second reading—*Resumption of debate* (*Hon. H. I. Cohen*).

P. T. POOK,

*Clerk of the Legislative Council.*

FRANK CLARKE,

*President.*

# MEETING OF SELECT COMMITTEE.

Tuesday, 7th August.

STATUTE LAW REVISION COMMITTEE (JOINT)—At Eleven o'clock.

## STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, G. Swinburne, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McEann, H. H. Smith, and G. J. Tuckett.

STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

## PRINTED PAPERS.

The following printed Papers can now be obtained by Honorable Members from the Clerk of the Legislative Council (Telephone F3605), and by others on the circulation list from the Government Printer. They can also be purchased by the Public from the Government Printer :—

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- Public Library, Museums, and National Gallery of Victoria—Report of the Trustees for the year 1927, with a Statement of Income and Expenditure for the year 1926-27. (No. 12.)
- Public Service Commissioner—Report for the year 1927. (No. 13.)
- Railways—
  - Reports of the Parliamentary Standing Committee on Railways—Race-course-road, Melbourne, Electric Tramway. (No. 2.)
  - Thirty-eighth General Report. (No. 7.)
  - Tolmie District Railway Report No. 1.)
  - Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
  - State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)

## VICTORIA.

## LEGISLATIVE COUNCIL.

## MINUTES OF THE PROCEEDINGS.

## No. 4.

TUESDAY, 31st JULY, 1928.

1. The President took the Chair and read the Prayer.
2. **DECLARATION OF MEMBER.**—The Honorable H. Hitchcock delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632 as hereunder set forth :—

“ In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, HOWARD HITCHCOCK, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same other than any public or parliamentary tax or municipal or other rate or assessment ; and further that such lands or tenements are situate in the municipal district of Newtown and Chilwell, and are known as ‘Como,’ Skene-street, Geelong, being part of allotments 1 and 2, section 2, parish of Moorpanyal, county of Grant.

“ And I further declare that such of the said lands or tenements as are situate in the municipal district of Newtown and Chilwell are rated in the rate-book of the said municipality upon a yearly value of £365.

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

“ HOWARD HITCHCOCK.”

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

“ In compliance with the provisions of *The Constitution Act Amendment Act 1915*, I, RICHARD KILPATRICK, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Two hundred and fifty pounds approximately above all charges and incumbrances affecting the same other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situate in the municipal district of Shepparton, and are known as—(i) Lots Nos. 9, 10, and 11 on plan of subdivision and part of Crown allotment 5A, 5B, and 6B, parish of Shepparton, county of Moira, more particularly described in Certificate of Title, vol. 3106, folio 621176 ; (ii) lot 3 on plan of subdivision and part of Crown allotment 3c of section P, township and parish of Shepparton, county of Moira, part of land more particularly described in Certificate of Title, vol. 2062, folio 412398 ; (iii) part of Crown allotments 9 and 10, section 20A, township and parish of Shepparton, county of Moira, having a frontage of 40 feet to High-street ; (iv) land and offices, Wyndham-street, Shepparton, in which the business of Kilpatrick, McLellan and Co. is carried on.

“ And I further declare that such of the said lands or tenements as are situate in the municipal district of Shepparton are rated in the rate-book of the said municipality upon a yearly value of £250 approximately.

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

“ R. KILPATRICK.”

4. **MESSAGE FROM HIS EXCELLENCY THE LIEUTENANT-GOVERNOR.**—The Honorable J. P. Jones presented a Message from His Excellency the Lieutenant-Governor as Deputy for His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bill presented to him by the Clerk of the Parliaments, viz. :—

*Consolidated Revenue Bill (No. 2).*

5. WATER SUPPLY LOANS 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 certain Sums of Money available under Loan Acts for Irrigation Works Water Supply Works Drainage and Flood Protection Works in Country Districts and for Works under the River Murray Waters Acts and for other purposes* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and, by leave, to be read a second time later this day.
6. PAPERS.—The Honorable J. P. Jones presented, by command of His Excellency the Governor—  
Victorian Coal Miners’ Accidents Relief Board—Report for the year 1927.  
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 :—  
Electric Light and Power Act 1915—Electric Supply (Public Protection) Regulations 1928.  
Poisons Acts—Poisons (Cyanide) Regulations 1928. (In substitution of Paper presented to the House on 4th July instant).  
Public Service Acts—Regulations—Classification of General Division, Chapter VI.—  
Department of Chief Secretary.  
Department of Treasurer.
7. WATER SUPPLY LOANS APPLICATION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. P. Jones moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable Dr. J. R. Harris, that the debate be adjourned until later this day.
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 14 *ante*), having been read—  
Debate resumed.  
The Honorable H. H. 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.
9. LOCAL GOVERNMENT (BORROWING POWERS) BILL.—The Deputy-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 4, sub-clause (2), line 23, after “ council ” insert “ of any municipality.”  
On the motion of the Honorable J. P. Jones, 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.
10. WATER SUPPLY LOANS 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 Deputy-President resumed the Chair ; and the Honorable Dr. J. R. Harris 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. RACE-COURSE-ROAD TRAMWAY CONSTRUCTION BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The Deputy-President resumed the Chair ; and the Honorable Dr. J. R. Harris 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. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 8 inclusive, and *Address in Reply to Speech of His Excellency the Governor—Motion for—Resumption of debate*, and the Order of the Day, General Business, be postponed until to-morrow.
13. ADJOURNMENT.—The Honorable J. P. Jones moved, That the House do now adjourn.  
Debate ensued.  
Question—put and resolved in the affirmative.

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

P. T. POOK,  
*Clerk of the Legislative Council.*

**No. 5.**

WEDNESDAY, 1ST AUGUST, 1928.

1. The President took the Chair and read the Prayer.
2. CAPITAL PUNISHMENT ABOLITION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. L. Kiernan moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable W. J. Beckett and after debate, that the debate be adjourned until Tuesday, the 14th instant.
3. ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (for Address see page 14 *ante*), having been read—  
Debate resumed.  
The Honorable W. Tyner 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 14th instant.
4. PHILLIP ISLAND SHIRE 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 W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
5. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 3 be postponed until after No. 4.
6. MIDWIVES BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable W. J. Beckett moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. H. Smith, that the debate be adjourned until Tuesday, the 14th instant.
7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 and 5 to 7 inclusive be postponed until Tuesday, the 14th instant.
8. ADJOURNMENT.—The Honorable J. P. Jones moved, by leave, That the Council, at its rising, adjourn until Tuesday, the 14th instant.  
Question—put and resolved in the affirmative.

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

**P. T. POOK,**  
*Clerk of the Legislative Council.*



# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day*

No. 5.

TUESDAY, 14<sup>TH</sup> AUGUST, 1928.

### *Questions.*

1. The Hon. W. L. R. CLARKE: To ask the Honorable the Commissioner of Public Works—
  - (a) If there is a storage of 100,000 acre feet of water in the Hume Reservoir by 1929, how do the Commission propose to use the water.
  - (b) Can such water be put in the irrigation pipes and channels.
  - (c) When is it estimated that the Hume Reservoir could be finished.
  - (d) When it is finished how many acres could be irrigated and how many men could be employed.
  - (e) How many acre feet could be stored in the Hume Reservoir by the years 1930, 1931, and 1932 respectively.
2. The Hon. E. G. BATH: To ask the Honorable the Commissioner of Public Works—
  - (a) What are the dates of expiration of the various leases from the Railways Commissioners for space on the metropolitan railway bridges for liquor advertisements.
  - (b) Do the Commissioners intend renewing such leases on the expiration thereof.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. ADDRESS-IN-REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—MOTION FOR—*Resumption of debate* (Hon. W. Tyner).
2. HEALTH BILL—(Hon. W. J. Beckett)—Second reading.
3. MASSEURS REGISTRATION BILL—(Hon. W. J. Beckett)—Second reading.
4. NURSES REGISTRATION BILL—(Hon. W. J. Beckett)—Second reading—*Resumption of debate* (Hon. H. I. Cohen).
5. MINISTRY OF HEALTH BILL—(Hon. W. J. Beckett)—Second reading.
6. MIDWIVES BILL—(Hon. W. J. Beckett)—Second reading—*Resumption of debate* (Hon. H. H. Smith).

### *General Business.*

#### NOTICE OF MOTION:—

1. The Hon. D. L. McNAMARA: To move, That he have leave to bring in a Bill to provide for Compulsory Voting at Parliamentary (Legislative Council) Elections.

#### ORDER OF THE DAY:—

1. CAPITAL PUNISHMENT ABOLITION BILL—(Hon. E. L. Kiernan)—Second reading—*Resumption of debate* (Hon. W. J. Beckett).

P. T. POOK,  
*Clerk of the Legislative Council.*

FRANK CLARKE,  
*President.*

## STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, G. Swinburne, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President (*ex officio*), W. Anglias, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. Mc'ann, H. H. Smith, and G. J. Tuckett.

STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

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    - Thirty-eighth General Report. (No. 7.)
    - Tolmie District Railway. (Report No. 1.)
    - Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
  - State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)

## PARLIAMENTARY PAPERS ISSUED 1ST AUGUST, 1928.

Notices of Motion and Orders of the Day. No. 5.

Midwives Bill—[59].

Capital Punishment Abolition Bill—[72].

Notices of Motion and Orders of the Day. No. 12.

Phillip Island Shire Bill—[40]. (To Members only.)

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day*

No. 6.

WEDNESDAY, 15<sup>TH</sup> AUGUST, 1928.

### *Questions.*

1. The Hon. W. L. R. CLARKE: To ask the Honorable the Commissioner of Public Works—
  - (a) If there is a storage of 100,000 acre feet of water in the Hume Reservoir by 1929, how do the Commission propose to use the water.
  - (b) Can such water be put in the irrigation pipes and channels.
  - (c) When is it estimated that the Hume Reservoir could be finished.
  - (d) When it is finished how many acres could be irrigated and how many men could be employed.
  - (e) How many acre feet could be stored in the Hume Reservoir by the years 1930, 1931, and 1932 respectively.
2. The Hon. E. G. BATH: To ask the Honorable the Commissioner of Public Works—
  - (a) What are the dates of expiration of the various leases from the Railways Commissioners for space on the metropolitan railway bridges for liquor advertisements.
  - (b) Do the Commissioners intend renewing such leases on the expiration thereof.
3. The Hon. H. KECK: To ask the Honorable the Commissioner of Public Works—Will the Government take immediate steps to have the freezing works of the State re-opened in time to meet the requirements of this year's lamb season; if not, what action does the Government propose to take in regard to these freezing works.

### *General Business.*

#### NOTICE OF MOTION:—

1. The Hon. D. L. McNAMARA: To move, That he have leave to bring in a Bill to provide for Compulsory Voting at Parliamentary (Legislative Council) Elections.

#### ORDER OF THE DAY:—

1. CAPITAL PUNISHMENT ABOLITION BILL—(Hon. E. L. Kiernan)—Second reading—*Resumption of debate* (Hon. W. J. Beckett).

### *Government Business.*

#### ORDERS OF THE DAY:—

1. NURSES REGISTRATION BILL—(Hon. W. J. Beckett)—Second reading—*Resumption of debate* (Hon. H. I. Cohen).
2. MINISTRY OF HEALTH BILL—(Hon. W. J. Beckett)—Second reading.
3. HEALTH BILL—(Hon. W. J. Beckett)—Second reading—*Resumption of debate* (Hon. Dr. J. R. Harris).
4. MASSEURS REGISTRATION BILL—(Hon. W. J. Beckett)—Second reading—*Resumption of debate* (Hon. Dr. J. R. Harris).
5. MIDWIVES BILL—(Hon. W. J. Beckett)—Second reading—*Resumption of debate* (Hon. H. H. Smith).

P. T. POOK,  
Clerk of the Legislative Council.

FRANK CLARKE,  
President.

## STANDING AND SELECT COMMITTEES—SESSION 1928

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- PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.
- STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, G. Swinburne, and E. J. White.
- HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.
- LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.
- PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.
- STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

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    - Macarthur District Railway. (Report No. 3.)
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    - Thirty-eighth General Report. (No. 7.)
    - Tolmie District Railway. (Report No. 1.)
    - Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
  - State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)
  - Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## VICTORIA.

## LEGISLATIVE COUNCIL.

## MINUTES OF THE PROCEEDINGS.

## No. 6.

TUESDAY, 14<sup>TH</sup> AUGUST, 1928.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE LIEUTENANT-GOVERNOR.—The Honorable J. P. Jones presented a Message from His Excellency the Lieutenant-Governor, as Deputy for His Excellency the Governor, informing the Council that he had given the Royal Assent to the undermentioned Bills presented to him by the Clerk of the Parliaments, viz. :—

*Local Government (Borrowing Powers) Bill.*  
*Water Supply Loans Application Bill.*

3. PAPERS.—The Honorable J. P. Jones presented, by command of His Excellency the Governor—  
 Report by Mr. T. Forristal, L.I.C.A., on Complaint by Mr. J. B. Tame, Storekeeper, Beecac, that Messrs. Swallow and Ariell, Biscuit Manufacturers, Port Melbourne, refused to supply Biscuits to him.

Ordered to lie on the Table.

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

Bank Liabilities and Assets—Summary of Sworn Returns for the quarter ended 30th June, 1928.  
 Explosives Act 1915—Report of the Chief Inspector of Explosives on the Working of the Act during the year 1927.

Harbor Boards Act 1927—Amended Regulations relating to Elections of Elected Members of the Warrnambool Harbor Board.

Lands Compensation Act 1915—Return under section 37 showing the amount of money paid for the period from 1st July, 1926, to 30th June, 1928, by the State Electricity Commission for land resumed in connexion with the works and undertakings of the Commission.

Legal Profession Practice Act 1915—Council of Legal Education—Alterations to Rules relating to the Qualification of Candidates to practise as Barristers and Solicitors, and for the Admission of such Candidates to practise.

Medical Act 1915, Part II., and the Dental Board of Victoria—Regulations repealed, new Regulations made.

Motor Car Act 1915—Regulations.

Poisons Acts—Poisons Regulations, 1928.

Public Service Acts—Regulations—

Attendance and Conduct of Officers, Chapter XIII.—Special Attendances.

Classification of General Division, Chapter VI.—Department of Chief Secretary.

Stores and Transport, Chapter XV.—Exceptions.

Travelling Allowances, Chapter IX.—Allowances to Certain Officers—

Department of Chief Secretary.

Department of Treasurer.

Water Acts—Copy of Declarations of the Honorable the Minister of Water Supply defining the areas that ought to be constituted the Calivil Irrigation and Water Supply District, the Katandra Irrigation and Water Supply District, and the North Shepparton Irrigation and Water Supply District ; together with plans showing the areas of such proposed districts.

4. ADJOURNMENT—MOTION UNDER STANDING ORDER NO. 53.—The Honorable A. E. Chandler moved, That the Council do now adjourn, and said he proposed to speak on the subject of the acquisition of land for the purposes of the Darling to Glen Waverley railway line ; and six Members having risen in their places and required the motion to be proposed, the question was put and, after debate, negatived.

5. 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 14 *ante*), having been read—  
 Debate resumed.  
 Question—put and resolved in the affirmative.  
 The Honorable W. J. Beckett 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.
6. HEALTH BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable W. J. Beckett moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable Dr. J. R. Harris, that the debate be adjourned until to-morrow.
7. MASSEURS REGISTRATION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable W. J. Beckett moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable Dr. J. R. Harris, that the debate be adjourned until to-morrow.
8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 to 6 inclusive, and the Order of the Day, General Business, be postponed until to-morrow.
9. ADJOURNMENT.—The Honorable J. P. Jones moved, That the House do now adjourn.  
 Debate ensued.  
 Question—put and resolved in the affirmative.

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

P. T. POOK,  
*Clerk of the Legislative Council.*

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## No. 7.

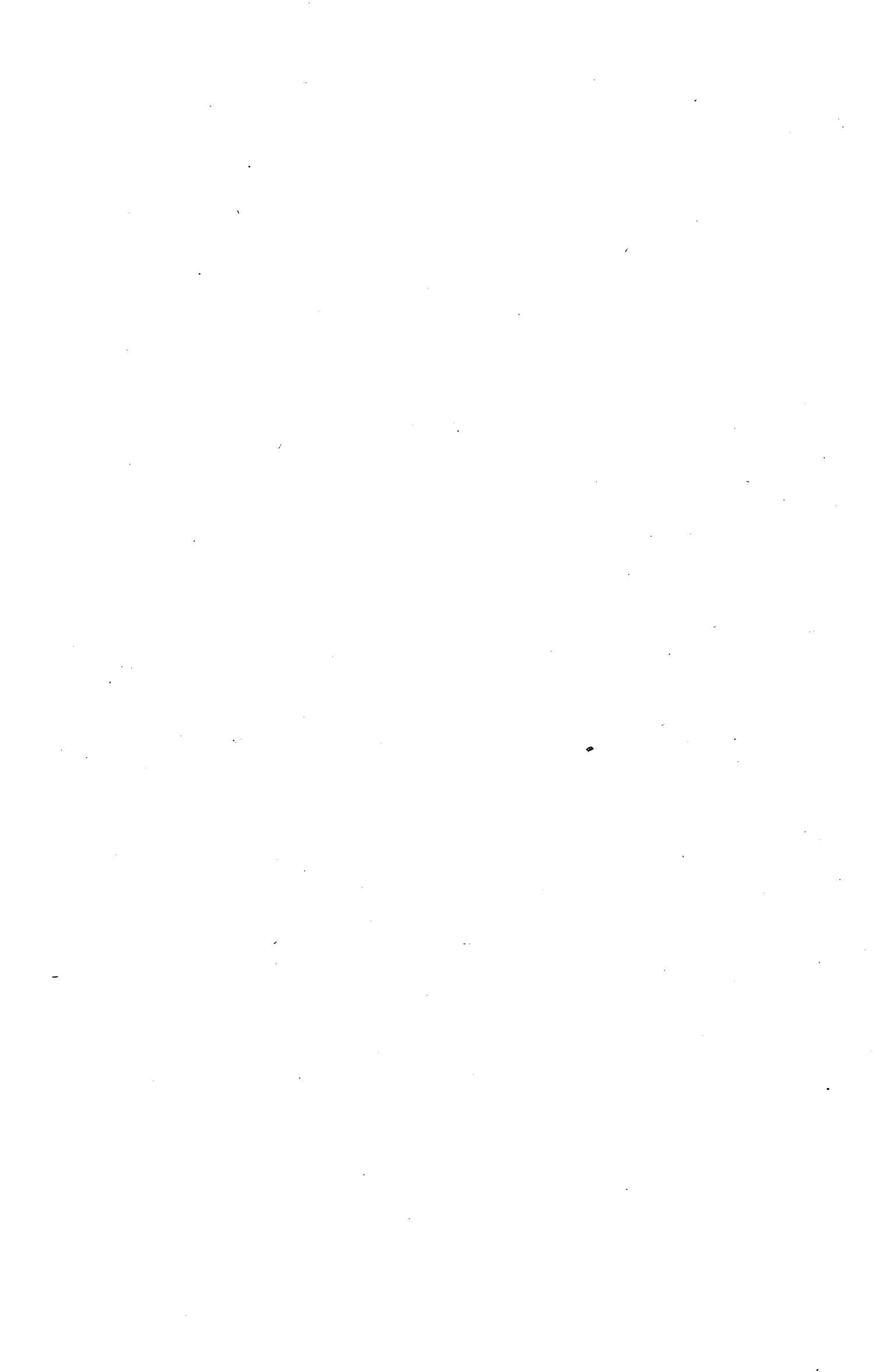
WEDNESDAY, 15TH AUGUST, 1928.

1. The President took the Chair and read the Prayer.
2. LOCAL GOVERNMENT BILL.—On the motion of the Honorable J. P. Jones, a Bill relating to Standing Places for Certain Classes of Motor Cars was, by leave, read a first time, ordered to be printed and to be read a second time later this day.
3. PETROL PUMPS BILL.—On the motion of the Honorable J. P. Jones, a Bill relating to Petrol Pumps was, by leave, read a first time, ordered to be printed and to be read a second time later this day.
4. COMPULSORY VOTING (LEGISLATIVE COUNCIL ELECTIONS) BILL.—On the motion of the Honorable D. L. McNamara, pursuant to *amended* notice, a Bill to provide for Compulsory Voting at Legislative Council Elections was read a first time, ordered to be printed and to be read a second time on Tuesday, the 28th instant.
5. CAPITAL PUNISHMENT ABOLITION 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.
6. NURSES REGISTRATION BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read, the debate was resumed and, on the motion of the Honorable H. H. Smith, further adjourned until Tuesday, the 28th instant.
7. LOCAL GOVERNMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. P. Jones moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. I. Cohen, that the debate be adjourned until Tuesday, the 28th instant.
8. PETROL PUMPS BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. P. Jones moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. I. Cohen, that the debate be adjourned until Tuesday, the 28th instant.

9. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered, after debate, That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until Tuesday, the 28th instant.
10. **MASSEURS REGISTRATION 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 W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, on Tuesday, the 28th instant, again resolve itself into the said Committee.
11. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day, Government Business, No. 5, be postponed until Tuesday, the 28th instant.
12. **ADJOURNMENT.**—The Honorable J. P. Jones moved, by leave, That the Council, at its rising, adjourn until Tuesday, the 28th instant.  
Question—put and resolved in the affirmative.  
The Honorable J. P. Jones moved, That the House do now adjourn.  
Debate ensued.  
Question—put and resolved in the affirmative.

And then the Council, at thirty-one minutes past nine o'clock, adjourned until Tuesday, the 28th instant.

P. T. POOK,  
*Clerk of the Legislative Council.*



# LEGISLATIVE COUNCIL

## Notices of Motion and Orders of the Day

No. 7.

TUESDAY, 28TH AUGUST, 1928.

### Questions.

1. The Hon. H. KECK : To ask the Honorable the Commissioner of Public Works—Will the Government take immediate steps to have the freezing works of the State re-opened in time to meet the requirements of this year's lamb season ; if not, what action does the Government propose to take in regard to these freezing works.
2. The Hon. H. H. SMITH : To ask the Honorable the Commissioner of Public Works—
  - (a) How many applications under the provisions of the *Motor Omnibus (Urban and Country) Act 1927* have been received by the Country Roads Board for motor omnibuses and other motor vehicles.
  - (b) How many of such licences have been granted for routes.
  - (c) How many of such licences have been refused.
  - (d) How many licences have been granted for motor omnibuses and other vehicles to run to Melbourne.
  - (e) What is the total amount of revenue received under the above-mentioned Act by the Country Roads Board to date.

### Government Business.

#### ORDERS OF THE DAY :—

1. MINISTRY OF HEALTH BILL—(Hon. W. J. Beckett)—Second reading.
2. LOCAL GOVERNMENT BILL—(Hon. J. P. Jones)—Second reading—*Resumption of debate* (Hon. H. I. Cohen).
3. PETROL PUMPS BILL—(Hon. J. P. Jones)—Second reading—*Resumption of debate* (Hon. H. I. Cohen).
4. NURSES REGISTRATION BILL—(Hon. W. J. Beckett)—Second reading—*Resumption of debate* (Hon. H. H. Smith).
5. HEALTH BILL—(Hon. W. J. Beckett)—Second reading—*Resumption of debate* (Hon. Dr. J. R. Harris).
6. MASSEURS REGISTRATION BILL—(Hon. W. J. Beckett)—To be further considered in Committee.
7. MIDWIVES BILL—(Hon. W. J. Beckett)—Second reading—*Resumption of debate* (Hon. H. H. Smith).

### General Business.

#### ORDER OF THE DAY :—

1. COMPULSORY VOTING (LEGISLATIVE COUNCIL ELECTIONS) BILL—(Hon. D. L. McNamara)—Second reading.

#### CONTINGENT NOTICES OF MOTION.

*Upon the Health Bill being committed—*

1. The Hon. W. ANGLISS : To move, That it be an instruction to the Committee that they have power to consider a new clause relating to the control exercisable by the Commission of Public Health over the appointment and removal of municipal health officers and inspectors.

*Upon the Nurses Registration Bill being committed—*

2. The Hon. M. SALTAU : To move, That it be an instruction to the Committee that they have power to consider new clauses relating to the courses of training for nurses and the admission to such courses of training.

P. T. POOK,

Clerk of the Legislative Council.

FRANK CLARKE,

President.

## STANDING AND SELECT COMMITTEES—SESSION 1928.

- ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.
- PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.
- STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, G. Swinburne, and E. J. White.
- HOUSE (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.
- LIBRARY (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.
- PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.
- STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

## PRINTED PAPERS.

The following printed Papers can now be obtained by Honorable Members from the Clerk of the Legislative Council (Telephone F3605), and by others on the circulation list from the Government Printer. They can also be purchased by the Public from the Government Printer:—

- Biscuits—Refusal by Messrs Swallow and Ariell to supply Biscuits to Mr. J. B. Tame, Store-keeper, Beac—Report by Mr. T. Forristal, L.I.C.A. (No. 16.)
- Boots and Shoes—Proposed Increases in the Price of—Report by T. Forristal, L.I.C.A. (No. 9.)
- Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925. (No. 1.)
- Estimates—Supplementary Estimates, 1927-28. (B. No. 5.)
- Charitable Institutions—Statistics for the year 1926-27. (No. 3.)
- Country Roads Board—Report for the year 1926-27. (No. 11.)
- Education—Report of the Minister of Public Instruction for the year 1926-27. (No. 14.)
- Friendly Societies—Report of the Government Statist for the year 1926-27. (No. 5.)
- Gas—Increase in the Price of—Report by T. Forristal, L.I.C.A. (No. 6.)
- Gold and Mineral Statistics for the year 1927. (No. 4.)
- Motor Tyres and Tubes—Retail Price of, and the Alleged Boycott of the Perdriau Company—Report by T. Forristal, L.I.C.A. (No. 8.)
- Public Library, Museums, and National Gallery of Victoria—Report of the Trustees for the year 1927, with a Statement of Income and Expenditure for the year 1926-27. (No. 12.)
- Public Service Commissioner—Report for the year 1927. (No. 13.)
- Railways—
- Reports of the Parliamentary Standing Committee on Railways—
  - Macarthur District Railway. (Report No. 3.)
  - Race-course-road, Melbourne, Electric Tramway. (No. 2.)
  - Thirty-eighth General Report. (No. 7.)
  - Tolmie District Railway. (Report No. 1.)
  - Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
- State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)
- Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## PARLIAMENTARY PAPERS ISSUED 16TH AUGUST, 1928.

- Notices of Motion and Orders of the Day. No. 7.
- Local Government Bill—[64].
- Petrol Pumps Bill—[22].

- Notices of Motion and Orders of the Day. No. 18.
- Marriage Bill—[10].

## VICTORIA.

## LEGISLATIVE COUNCIL.

## MINUTES OF THE PROCEEDINGS.

## No. 8.

TUESDAY, 28TH AUGUST, 1928.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE LIEUTENANT-GOVERNOR.—The Honorable J. P. Jones presented a Message from His Excellency the Lieutenant-Governor, as Deputy for His Excellency the Governor, informing the Council that he had given the Royal Assent to the undermentioned Bill presented to him by the Clerk of the Parliaments, viz.:—  
*Race-course-road Tramway Construction Bill.*
3. WILLIAMSTOWN TEMPERANCE HALL BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to revoke in part the Reservation of certain Land in the City of Williamstown permanently reserved as a Site for a Temperance Hall to revoke the Crown Grant of the whole of such Land and to provide for the Issue of a Crown Grant to certain Trustees of Portion thereof and for the Sale by Public Auction of the remaining Portion thereof and for other purposes*” and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.
4. DANDENONG LANDS BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to authorize the Use of certain Land in the Township of Dandenong for Market and Recreation purposes*” and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.
5. RACE-COURSE-ROAD TRAMWAY CONSTRUCTION BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
6. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—  
Apprenticeship Act 1927—Trade Committees Regulations 1928.  
Constitution Statute—Statement of Expenditure under Schedule D to Act 18 and 19 Vict. Cap. 55, and Act No. 3118 during the year 1927–28.  
Education—Report of the Council of Public Education for the year 1927–28.  
Melbourne and Metropolitan Tramways Act 1918—Notice of Intention to abandon that Portion of the Tramway known as the Maribyrnong River Tramway in Victoria-street, Flemington, between Mount Alexander-road and Race-course-road, together with Statement giving the Reasons for such Abandonment, and Plan.  
State Savings Bank Acts—General Order No. 33—Repeal of Rule 1 of General Order No. 31—New Rule substituted.
7. MINISTRY OF HEALTH BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable W. J. Beckett moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. I. Cohen, that the debate be adjourned until Tuesday, the 11th September next.
8. LOCAL GOVERNMENT 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 W. H. Edgar 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.

9. **PETROL PUMPS 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 W. H. Edgar 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.
10. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 to 6 inclusive be postponed until after No. 7.
11. **MIDWIVES BILL.**—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole. House in Committee.  
The President resumed the Chair ; and the Honorable W. H. Edgar 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, after debate, read a third time and passed.  
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
12. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 to 6 inclusive, and the Order of the Day, General Business, be postponed until Tuesday next.
13. **ADJOURNMENT.**—The Honorable J. P. Jones moved, by leave, That the Council at its rising adjourn until Tuesday next.  
Question—put and resolved in the affirmative.  
The Honorable J. P. Jones moved, That the House do now adjourn.  
Debate ensued.  
Question—put and resolved in the affirmative.

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

P. T. POOK,  
*Clerk of the Legislative Council.*

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day*

No. 8.

TUESDAY, 4TH SEPTEMBER, 1928.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. WILLIAMSTOWN TEMPERANCE HALL BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.
2. NURSES REGISTRATION BILL—(*Hon. W. J. Beckett*)—Second reading—*Resumption of debate (Hon. H. H. Smith).*
3. HEALTH BILL—(*Hon. W. J. Beckett*)—Second reading—*Resumption of debate (Hon. Dr. J. R. Harris).*
4. MASSEURS REGISTRATION BILL—(*Hon. W. J. Beckett*)—To be further considered in Committee.
5. DANDENONG LANDS BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.

### *General Business.*

#### ORDER OF THE DAY:—

1. COMPULSORY VOTING (LEGISLATIVE COUNCIL ELECTIONS) BILL—(*Hon. D. L. McNamara*)—Second reading.

TUESDAY, 11TH SEPTEMBER.

1. MINISTRY OF HEALTH BILL—(*Hon. W. J. Beckett*)—Second reading—*Resumption of debate (Hon. H. I. Cohen).*

### CONTINGENT NOTICES OF MOTION.

#### *Upon the Health Bill being committed—*

1. The Hon. W. ANGLISS: To move, That it be an instruction to the Committee that they have power to consider a new clause relating to the control exercisable by the Commission of Public Health over the appointment and removal of municipal health officers and inspectors.
2. The Hon. A. E. CHANDLER: To move, That it be an instruction to the Committee that they have power to consider a new clause relating to noises which are obnoxious or dangerous to health or comfort or an annoyance to the public.

#### *Upon the Nurses Registration Bill being committed—*

3. The Hon. M. SALTU: To move, That it be an instruction to the Committee that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board and the courses of training for nurses and the admission to such courses of training.

P. T. POOK,

*Clerk of the Legislative Council.*

FRANK CLARKE,

*President.*

## MEETING OF SELECT COMMITTEE.

*Wednesday, 12th September.*

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

## STANDING AND SELECT COMMITTEES—SESSION 1928.

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, G. Swinburne, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.

STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

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- Friendly Societies—Report of the Government Statist for the year 1926-27. (No. 5.)
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- Railways—
  - Reports of the Parliamentary Standing Committee on Railways—
    - Macarthur District Railway. (Report No. 3.)
    - Race-course-road, Melbourne, Electric Tramway. (No. 2.)
    - Thirty-eighth General Report. (No. 7.)
    - Tolmie District Railway. (Report No. 1.)
    - Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
  - State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)
  - Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## PARLIAMENTARY PAPERS ISSUED 29TH AUGUST, 1928.

Notices of Motion and Orders of the Day. No. 8.

Williamstown Temperance Hall Bill—[58]. (To Members of Council only.)

Dandenong Lands Bill—[56]. (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 23.

Workers Compensation Bill—[23].

Unemployed Workers' Insurance Bill—[19]. Amendments to be proposed by Mr. Dunstan. (To Members only.)

Business Agents Bill—[4]. Amendments to be proposed by Mr. Blackburn and Mr. Toucher. (To Members only.)

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 9.

WEDNESDAY, 5TH SEPTEMBER, 1928.

*Question.*

1. The Hon. G. J. TUCKETT: To ask the Honorable the Commissioner of Public Works—What are the amounts of the advances made and the overdrafts guaranteed by the Government to the Shepparton, Ardmona, and Kyabram Fruit Preserving Companies respectively.

*General Business.*

ORDER OF THE DAY:—

1. COMPULSORY VOTING (LEGISLATIVE COUNCIL ELECTIONS) BILL—(Hon. D. L. McNamara)—Second reading.

*Government Business.*

ORDERS OF THE DAY:—

1. WILLIAMSTOWN TEMPERANCE HALL BILL—To be further considered in Committee.
2. BUSINESS AGENTS BILL (*from Assembly*—Hon. J. P. Jones)—Second reading.
3. HEALTH BILL—(Hon. W. J. Beckett)—Second reading—*Resumption of debate* (Hon. W. Angliss).
4. MASSEURS REGISTRATION BILL—(Hon. W. J. Beckett)—To be further considered in Committee.
5. DANDENONG LANDS BILL—(*from Assembly*—Hon. J. P. Jones)—Second reading.

TUESDAY, 11TH SEPTEMBER.

1. MINISTRY OF HEALTH BILL—(Hon. W. J. Beckett)—Second reading—*Resumption of debate* (Hon. H. I. Cohen).

CONTINGENT NOTICES OF MOTION.

*Upon the Health Bill being committed—*

1. The Hon. W. ANGLISS: To move, That it be an instruction to the Committee that they have power to consider a new clause relating to the control exercisable by the Commission of Public Health over the appointment and removal of municipal health officers and inspectors.
2. The Hon. A. E. CHANDLER: To move, That it be an instruction to the Committee that they have power to consider a new clause relating to noises which are obnoxious or dangerous to health or comfort or an annoyance to the public.

*Upon the Nurses Registration Bill being committed—*

3. The Hon. M. SALTAU: To move, That it be an instruction to the Committee that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board and the courses of training for nurses and the admission to such courses of training.

P. T. POOK,

*Clerk of the Legislative Council.*

FRANK CLARKE,

*President.*

# MEETING OF SELECT COMMITTEE.

Wednesday, 12th September.

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

## STANDING AND SELECT COMMITTEES—SESSION 1928.

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, G. Swinburne, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.

STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

NURSES REGISTRATION BILL—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

## PRINTED PAPERS.

The following printed Papers can now be obtained by Honorable Members from the Clerk of the Legislative Council (Telephone F3605), and by others on the circulation list from the Government Printer. They can also be purchased by the Public from the Government Printer :—

Biscuits—Refusal by Messrs Swallow and Ariell to supply Biscuits to Mr. J. B. Tame, Store-keeper, Beeac—Report by Mr. T. Forristal, L.I.C.A. (No. 16.)

Boots and Shoes—Proposed Increases in the Price of—Report by T. Forristal, L.I.C.A. (No. 9.)

Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925. (No. 1.)

Estimates—Supplementary Estimates, 1927-28. (B. No. 5.)

Explosives—Report of the Chief Inspector for the year 1927. (No. 17.)

Charitable Institutions—Statistics for the year 1926-27. (No. 3.)

Constitution Statute—Statement of Expenditure under Schedule D. to Act 18 & 19 Vict., Cap 55, and Act No. 3188 during the year 1927-28. (No. 18.)

Country Roads Board—Report for the year 1926-27. (No. 11.)

Education—Report of the Minister of Public Instruction for the year 1926-27. (No. 14.)

Friendly Societies—Report of the Government Statist for the year 1926-27. (No. 5.)

Gas—Increase in the Price of—Report by T. Forristal, L.I.C.A. (No. 6.)

Gold and Mineral Statistics for the year 1927. (No. 4.)

Motor Tyres and Tubes—Retail Price of, and the Alleged Boycott of the Perdriau Company—Report by T. Forristal, L.I.C.A. (No. 8.)

Public Library, Museums, and National Gallery of Victoria—Report of the Trustees for the year 1927, with a Statement of Income and Expenditure for the year 1926-27. (No. 12.)

Public Service Commissioner—Report for the year 1927. (No. 13.)

Railways—

Reports of the Parliamentary Standing Committee on Railways—

Macarthur District Railway. (Report No. 3.)

Race-course-road, Melbourne, Electric Tramway. (No. 2.)

Thirty-eighth General Report. (No. 7.)

Tolmie District Railway. (Report No. 1.)

Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)

State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)

Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## VICTORIA.

## LEGISLATIVE COUNCIL.

## MINUTES OF THE PROCEEDINGS.

## No. 9.

TUESDAY, 4TH SEPTEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. BUSINESS AGENTS BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act to provide for the Licensing of Business Agents and their Sub-Agents and for other purposes* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.
3. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—  
Agricultural Education—Accounts of the Trustees of Agricultural Colleges and the Council of Agricultural Education for the six months ended 31st March, 1928.  
Friendly Societies—Report of the Registrar for the year 1927.  
Public Service Acts—Regulations—Classification of General Division, Chapter VI.—Department of Treasurer.  
Railways—Report of the Victorian Railways Commissioners for the year 1927–28.  
State Electricity Commission Acts—Amendment of Wiring Regulations.
4. WILLIAMSTOWN TEMPERANCE HALL 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 W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
5. NURSES REGISTRATION 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.  
The Honorable J. P. Jones moved, That the Bill be now committed.  
The Honorable H. I. Cohen moved, as an amendment, That the words “ to a Select Committee ” be added to the question.  
Debate ensued.  
Question—That the words proposed to be added be so added—put and resolved in the affirmative.  
Question—That the Bill be now committed to a Select Committee—put and resolved in the affirmative.  
The Honorable H. I. Cohen moved, by leave, That the Select Committee on the Nurses Registration Bill consist of the Honorables W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, A. M. Zwar, and the Mover ; such Committee to have power to send for persons, papers, and records, to move from place to place, and to report the minutes of evidence from time to time ; three to be the quorum.  
Question—put and resolved in the affirmative.
6. 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, the debate was resumed and, on the motion of the Honorable W. Angliss, further adjourned until to-morrow.

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

P. T. POOK,  
Clerk of the Legislative Council.

## No. 10.

WEDNESDAY, 5TH SEPTEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. 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 One million five hundred and ninety-two thousand eight hundred and forty-three pounds to the service of the year One thousand nine hundred and twenty-eight and One thousand nine hundred and twenty-nine*" and desiring the concurrence of the Council therein.

On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, was read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar 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.

3. THE LATE HONORABLE GEORGE SWINBURNE.—The Honorable J. P. Jones moved, by leave, That this House place on record its sense of the great loss sustained by the Parliament and the people of Victoria through the death of the Honorable George Swinburne, one of the Members for the East Yarra Province. His high personal character and his devoted service to the State as a Member of Parliament and Minister of the Crown, and as a great public leader, caused him to be regarded by all classes of the community with honour and trust.

And other honorable members having addressed the House—

The President said—

Before I put the motion I wish to express my sense of the loss the people of Australia have suffered by the sudden cessation of this wise and earnest life. George Swinburne was one of those rare men who gave his whole time and his great gifts to the service of his fellows without thought of reward other than that of his own conscience. It is, indeed, only after he has died that the community is realizing how much we owe him. With all his public service he yet succeeded in living an active private life of enthusiasms and quiet joys. Of his family circle it is best to say only that, more than most men, he inspired and felt an intense affection and loyalty. For his friends he had three invaluable gifts—a sense of humour, a belief in other men's motives, and a cheery vigour, which combined as a capacity for friendship such as few of us are fortunate enough to possess. United to that gift of friendship was an irradiation of honour and justice from his mind that left every one the cleaner for having met him. He was one of the lights of life.

The question was then put and, honorable members signifying their assent by rising in their places, unanimously resolved in the affirmative.

4. ADJOURNMENT.—The Honorable J. P. Jones moved, by leave, That the House, out of respect to the memory of the late Honorable George Swinburne, do now adjourn until Tuesday next.

Question—put and resolved in the affirmative.

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

P. T. POOK,  
Clerk of the Legislative Council.

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day*

No. 10.

TUESDAY, 11TH SEPTEMBER, 1928.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. MINISTRY OF HEALTH BILL—(*Hon. W. J. Beckett*)—Second reading—*Resumption of debate* (*Hon. H. I. Cohen*).
2. WILLIAMSTOWN TEMPERANCE HALL BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.
3. BUSINESS AGENTS BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.
4. HEALTH BILL—(*Hon. W. J. Beckett*)—Second reading—*Resumption of debate* (*Hon. W. Angliss*).
5. MASSEURS REGISTRATION BILL—(*Hon. W. J. Beckett*)—To be further considered in Committee.
6. DANDENONG LANDS BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.

### *General Business.*

#### ORDER OF THE DAY:—

1. COMPULSORY VOTING (LEGISLATIVE COUNCIL ELECTIONS) BILL—(*Hon. D. L. McNamara*)—Second reading.

#### CONTINGENT NOTICES OF MOTION.

##### *Upon the Health Bill being committed—*

1. The Hon. W. ANGLISS: To move, That it be an instruction to the Committee that they have power to consider a new clause relating to the control exercisable by the Commission of Public Health over the appointment and removal of municipal health officers and inspectors.
2. The Hon. A. E. CHANDLER: To move, That it be an instruction to the Committee that they have power to consider a new clause relating to noises which are obnoxious or dangerous to health or comfort or an annoyance to the public.

##### *Upon the Nurses Registration Bill being committed—*

3. The Hon. M. SALTAU: To move, That it be an instruction to the Committee that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board and the courses of training for nurses and the admission to such courses of training.

P. T. POOK,

FRANK CLARKE,

*Clerk of the Legislative Council.*

*President.*

## MEETINGS OF SELECT COMMITTEES.

Tuesday, 11th September.

HOUSE COMMITTEE (JOINT)—At a quarter past Two o'clock.

Wednesday, 12th September.

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

### STANDING AND SELECT COMMITTEES—SESSION 1928.

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, G. Swinburne, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.

STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

NURSES REGISTRATION BILL—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

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- Boots and Shoes—Proposed Increases in the Price of—Report by T. Forristal, L.I.C.A. (No. 9.)
- Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925. (No. 1.)
- Estimates—Supplementary Estimates, 1927-28. (B. No. 5.)
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- Railways—
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    - Thirty-eighth General Report. (No. 7.)
    - Tolmie District Railway. (Report No. 1.)
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- State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)
- Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day*

No. 11.

WEDNESDAY, 12<sup>TH</sup> SEPTEMBER, 1928.

*Question.*

1. The Hon. H. H. SMITH: To ask the Honorable the Commissioner of Public Works—
  - (a) Is the State Electricity Commission giving free to firemen, engineers, and others, packets of 50 to 100 cigarettes as an inducement to them to recommend the use of briquettes; if so, what quantity of cigarettes has been so distributed, and what is the value of same.
  - (b) Is the management of the State Coal Mine supplying free to engineers and others quantities of coal up to half a ton as an inducement to them to use the coal from the State Coal Mine; if so, what quantity of coal has been so supplied, and what is the value of same.

*General Business.*

ORDER OF THE DAY:—

1. COMPULSORY VOTING (LEGISLATIVE COUNCIL ELECTIONS) BILL—(Hon. D. L. McNamara)—Second reading.

*Government Business.*

ORDERS OF THE DAY:—

1. DANDENONG LANDS BILL—(from Assembly—Hon. J. P. Jones)—Second reading.
2. HEALTH BILL—(Hon. W. J. Beckett)—Second reading—Resumption of debate (Hon. W. Angliss).
3. BUSINESS AGENTS BILL—(from Assembly—Hon. J. P. Jones)—Second reading—Resumption of debate (Hon. H. I. Cohen).
4. MINISTRY OF HEALTH BILL—(Hon. W. J. Beckett)—To be further considered in Committee.

CONTINGENT NOTICES OF MOTION.

*Upon the Health Bill being committed—*

1. The Hon. W. ANGLISS: To move, That it be an instruction to the Committee that they have power to consider a new clause relating to the control exercisable by the Commission of Public Health over the appointment and removal of municipal health officers and inspectors.
2. The Hon. A. E. CHANDLER: To move, That it be an instruction to the Committee that they have power to consider a new clause relating to noises which are obnoxious or dangerous to health or comfort or an annoyance to the public.

*Upon the Nurses Registration Bill being committed—*

3. The Hon. M. SALTAU: To move, That it be an instruction to the Committee that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board and the courses of training for nurses and the admission to such courses of training.

P. T. POOK,  
Clerk of the Legislative Council.

FRANK CLARKE,  
President.

## STANDING AND SELECT COMMITTEES—SESSION 1928.

- ELECTIONS AND QUALIFICATIONS**—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.
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- HOUSE (JOINT)**—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.
- LIBRARY (JOINT)**—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.
- PRINTING**—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.
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- NURSES REGISTRATION BILL**—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

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- Education—  
 Report of the Minister of Public Instruction for the year 1926-27. (No. 14.)  
 Report of the Council of Public Education for the year 1927-28. (No. 19.)
- Friendly Societies—  
 Report of the Government Statist for the year 1926-27. (No. 5.)  
 Report of the Registrar for the year 1927. (No. 20.)
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 Race-course-road, Melbourne, Electric Tramway. (No. 2.)  
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- State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)
- Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

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## PARLIAMENTARY PAPERS ISSUED 12TH SEPTEMBER, 1928.

Notices of Motion and Orders of the Day. No. 11.

Notices of Motion and Orders of the Day. No. 29.

Stamps (Sheep Duty) Bill—[79]—

Amendments to be proposed by Mr. Macfarlan. (To Members only.)

Amendment to be proposed by Mr. Allan. (To Members only.)

Masseurs Registration Bill—[2].

## VICTORIA.

## LEGISLATIVE COUNCIL.

## MINUTES OF THE PROCEEDINGS.

## No. 11.

TUESDAY, 11<sup>TH</sup> SEPTEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable J. P. Jones presented Messages from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bills, presented to him by the Clerk of the Parliaments, viz. :—  
*Consolidated Revenue Bill (No. 3).*  
*Phillip Island Shire Bill.*
3. PHILLIP ISLAND SHIRE BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
4. 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 14th August last, in reply to His Excellency's Opening Speech, and that His Excellency had been pleased to make the following reply :—  
MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :  
In the name of and on behalf of His Majesty the King, I thank you for your expressions of loyalty to Our Most Gracious Sovereign contained in the Address 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.
5. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—  
Geelong Harbor Trust—Accounts and Balance-sheet for the year 1927.  
Health Act 1919—Meat Supervision Regulations 1928.  
Public Service Acts—Regulations—  
Classification of General Division, Chapter VI.—  
Department of Public Works.  
General.  
Professional Division, Chapter II.—  
Department of Public Health.  
Department of Public Instruction.  
Superannuation Act 1925—Report of the State Superannuation Board for the year 1927–28.
6. MINISTRY OF 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 W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
7. WILLIAMSTOWN TEMPERANCE HALL 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 W. H. Edgar 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. BUSINESS AGENTS BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. P. Jones moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. I. Cohen, that the debate be adjourned until to-morrow.
9. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 4 be postponed until after No. 5.
10. MASSEURS REGISTRATION 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 W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
11. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 and 6, and the Order of the Day, General Business, be postponed until to-morrow.

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

P. T. POOK,  
*Clerk of the Legislative Council*

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## No. 12.

WEDNESDAY, 12TH SEPTEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53.—The Honorable H. F. Richardson moved, That the Council do now adjourn, and said he proposed to speak on the subject of an incorrect and unfair statement that appeared in the *Argus* newspaper on the 6th instant, as having been made by the Minister of Forests to the North-Eastern and Goulburn Development Association, that the Council had rejected a clause in the Forests Bill of last Session providing £5,000 a year for the upkeep of roads adjacent to forest areas; and six members having risen in their places and required the motion to be proposed, the question was put and, after debate, negatived.
3. COMPULSORY VOTING (LEGISLATIVE COUNCIL ELECTIONS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable D. L. McNamara moved, That this Bill be now read a second time.  
Debate ensued.  
Question—put.  
The Council divided.

Ayes, 8.

The Hon. W. J. Beckett,  
A Bell,  
F. W. Brawn,  
J. H. Disney,  
J. P. Jones,  
R. Williams.

*Tellers.*

The Hon. E. L. Kiernan,  
D. L. McNamara.

Noes, 18.

The Hon. W. Angliss,  
E. G. Bath,  
W. L. R. Clarke,  
H. I. Cohen,  
H. A. Currie,  
G. M. Davis,  
Dr. J. R. Harris,  
R. Kilpatrick,  
W. J. McCann,  
M. McGregor,  
H. F. Richardson,  
M. Saltau,  
H. H. Smith,  
G. J. Tuckett,  
W. Tyner,  
A. M. Zwar.

*Tellers.*

The Hon. A. E. Chandler,  
H. Keck.

And so it passed in the negative.

4. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day, Government Business, No. 1 be postponed until after No. 2.
5. **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.

The Hon. W. Angliss moved, That it be an instruction to the Committee that they have power to consider a new clause relating to the control exercisable by the Commission of Public Health over the appointment and removal of municipal health officers and inspectors.

Debate ensued.

The President said—

Mr. Clarke asks, I understand, for a ruling on the question whether this motion for an instruction is in order. I gave a ruling last session on a similar question, and I think honorable members may perhaps like to hear what that ruling was. In the first place Mr. Clarke alluded to the Standing Orders. Standing Order No. 274 provides—

Any amendment may be made to a clause, provided the same be relevant to the subject-matter of the Bill, or pursuant to an instruction.

There is more of the Standing Order, but those are the vital words. I pointed out that there is a certain class of amendments of which the relevancy is doubtful, and it is not the concern of the President whether their relevancy is sufficient or insufficient. That concerns the Chairman of Committees, who may, if he thinks an amendment irrelevant, rule it out of order. The Standing Order provides that amendments are in order which are “relevant to the subject-matter of the Bill,” or “pursuant to an instruction,” the latter words being a direct recognition by the Standing Orders that amendments of doubtful relevancy may still be admitted pursuant to an instruction. The case in point last year, honorable members will recollect, was in connexion with the Forests Bill, in which Mr. Tuckett wished to introduce an amendment in regard to the control of timber upon roads. I understand that the Chairman expressed doubt as to the relevancy of the proposed amendment. Mr. Tuckett then consulted me, and asked whether, if his amendment were ruled out of order by the Chairman of Committees, there was any other way by which he could attain his object of having it inserted. It thereupon became my duty and pleasure to point out that, in accordance with our Standing Orders and May’s *Parliamentary Practice*, an instruction to the Committee might be given by the House, and Mr. Tuckett followed that procedure. The matter now before us is almost parallel with that. I have not been asked whether the proposed amendment is relevant or irrelevant. That is a question which I consider does not immediately concern me, but I have been asked to put this motion to the House in order that the Chairman may not be able to rule the amendment out of order upon the grounds of irrelevancy. If the motion be agreed to an instruction will have been given by the House that the amendment should be regarded as relevant so far as the Committee is concerned. I think that an honorable member who is anxious to have an amendment introduced into a Bill in Committee, and who has any doubt whether it is strictly relevant, is wise in submitting a motion for an instruction to the Committee, because if it is carried it removes any doubt as to whether the amendment can be considered or not. The ruling I gave last year is not very long, and I will read it to the House. It is as follows:—

The Minister of Forests has asked me to give a ruling upon the question whether the motion for an instruction to the Committee to deal with the control of timber on roads is in order on the question of relevancy. I may point out that this House has always taken to itself the right to interpret the rules as to relevancy of amendments in a broad way. Many amendments have been accepted in this House, which a strict reading of these rules would not allow. It is my duty as President first of all to carry out the practice of the House and to follow the precedents and traditions that have been established. If the Forests Bill consisted of only one clause, or dealt with only one subject amending the Forests Act, I would have grave doubts whether the introduction of a fresh subject would be relevant or permissible. I have no doubt, however, that this Bill is a Bill generally amending the Forest Acts. It amends at least nine different sections or parts of sections of the Principal Act. Therefore, in my opinion, the words used by *May* which have been read referring to endowing a Committee with power to perfect and complete the legislation defined by the contents of a Bill, or to extend the provisions of a Bill to cognate objects, apply in this particular case. I think the power to extend the Bill to cognate objects brings this proposal within the rules as to relevancy. It is also perhaps desirable that I should read our own standing order No. 213, which says—

“An instruction empowers a Committee of the whole Council to consider matters not otherwise referred to them.”

I think that this Standing Order deliberately contemplates instructions upon such matters as the one brought forward to-night. The question of control of timber upon roads is dealt with in the Principal Act, and if nine major subjects in the Principal Act are proposed to be amended by the Bill, I think it is in accordance with the custom and practice of this House to permit the introduction of a tenth object such as this is. In my opinion, therefore, the relevancy is sufficient to permit of an instruction being given.

I would repeat that it is not primarily a question whether the President will admit a motion such as has been moved by Mr. Angliss. The question is whether an honorable member wishes to ensure that an amendment of his shall receive consideration by the Committee of the whole House. This is not a new procedure, and while I would deprecate it being used too often, because the Chairman of Committees is very liberal in his interpretation of the relevancy of amendments, still, if there is doubt, there is no question that an honorable member has the right to try to remove that doubt.

Debate continued.

Question—put and resolved in the affirmative.

The Hon. A. E. Chandler moved, That it be an instruction to the Committee that they have power to consider a new clause relating to noises which are obnoxious or dangerous to health or comfort or an annoyance to the public.

Debate ensued.

Question—put and resolved in the affirmative.

The President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable E. L. Kiernan reported that the Committee had made progress in the Bill, and asked leave to sit again.

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

6. STAMPS (SHEEP DUTY) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to establish a Freezing Works Fund in the Treasury by means of Stamp Duties imposed upon Delivery Notes given when Sheep are received into Abattoirs for Slaughter and to provide for the Application of such Fund, and for other purposes*” and desiring the concurrence of the Council therein.

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

The Order of the Day for the second reading of the Bill having been read, the Honorable J. P. Jones moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. I. Cohen, that the debate be adjourned until Wednesday next.

7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1, 3, and 4 be postponed until Tuesday next.

8. ADJOURNMENT.—The Honorable J. P. Jones moved, by leave, That the Council at its rising adjourn until Tuesday next.

Question—put and resolved in the affirmative.

The Honorable J. P. Jones 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.

P. T. POOK,  
*Clerk of the Legislative Council.*

# LEGISLATIVE COUNCIL.

## Notices of Motion and Orders of the Day.

No. 12.

TUESDAY, 18TH SEPTEMBER, 1928.

*Government Business.*

ORDERS OF THE DAY :—

1. HEALTH BILL—(*Hon. W. J. Beckett*)—To be further considered in Committee.
2. DANDENONG LANDS BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.
3. BUSINESS AGENTS BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading—*Resumption of debate (Hon. H. I. Cohen)*.
4. MINISTRY OF HEALTH BILL—(*Hon. W. J. Beckett*)—To be further considered in Committee.

WEDNESDAY, 19TH SEPTEMBER.

- 1 STAMPS (SHEEP DUTY) BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading—*Resumption of debate (Hon. H. I. Cohen)*.

CONTINGENT NOTICE OF MOTION:

*Upon the Nurses Registration Bill being committed—*

1. The HON. M. SALTAU: To move, That it be an instruction to the Committee that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board and the courses of training for nurses and the admission to such courses of training.

P. T. POOK,  
*Clerk of the Legislative Council.*

FRANK CLARKE,  
*President.*

## MEETINGS OF SELECT COMMITTEES.

*Tuesday, 18th September.*

LIBRARY COMMITTEE (JOINT)—At Two o'clock.

*Wednesday, 19th September.*

NURSES REGISTRATION BILL COMMITTEE—At Two o'clock.

## STANDING AND SELECT COMMITTEES—SESSION 1928.

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

- HOUSE (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.
- LIBRARY (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.
- PRINTING—(Appointed 17th July 1928.)—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.
- STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928.)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.
- NURSES REGISTRATION BILL—(Appointed 4th September, 1928.)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

## PRINTED PAPERS.

The following printed Papers can now be obtained by Honorable Members from the Clerk of the Legislative Council (Telephone F3605), and by others on the circulation list from the Government Printer. They can also be purchased by the Public from the Government Printer:—

- Biscuits—Refusal by Messrs Swallow and Ariell to supply Biscuits to Mr. J. B. Tame, Store-keeper, Beeac—Report by Mr. T. Forristal, L.I.C.A. (No. 16.)
- Boots and Shoes—Proposed Increases in the Price of—Report by T. Forristal, L.I.C.A. (No. 9.)
- Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925. (No. 1.)
- Estimates—Supplementary Estimates, 1927-28. (B. No. 5.)
- Explosives—Report of the Chief Inspector for the year 1927. (No. 17.)
- Charitable Institutions—Statistics for the year 1926-27. (No. 3.)
- Constitution Statute—Statement of Expenditure under Schedule D. to Act 18 & 19 Vict., Cap 55, and Act No. 3188 during the year 1927-28. (No. 18.)
- Country Roads Board—Report for the year 1926-27. (No. 11.)
- Education—  
 Report of the Minister of Public Instruction for the year 1926-27. (No. 14.)  
 Report of the Council of Public Education for the year 1927-28. (No. 19.)
- Friendly Societies—  
 Report of the Government Statist for the year 1926-27. (No. 5.)  
 Report of the Registrar for the year 1927. (No. 20.)
- Gas—Increase in the Price of—Report by T. Forristal, L.I.C.A. (No. 6.)
- Gold and Mineral Statistics for the year 1927. (No. 4.)
- Motor Tyres and Tubes—Retail Price of, and the Alleged Boycott of the Perdriau Company—  
 Report by T. Forristal, L.I.C.A. (No. 8.)
- Public Library, Museums, and National Gallery of Victoria—Report of the Trustees for the year 1927, with a Statement of Income and Expenditure for the year 1926-27. (No. 12.)
- Public Service Commissioner—Report for the year 1927. (No. 13.)
- Railways—  
 Reports of the Parliamentary Standing Committee on Railways—  
 Macarthur District Railway. (Report No. 3.)  
 Race-course-road, Melbourne, Electric Tramway. (No. 2.)  
 Thirty-eighth General Report. (No. 7.)  
 Tolmie District Railway. (Report No. 1.)  
 Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
- State Electricity Commission—Report on Extension of Electric Supply System. (No. 10)
- Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## PARLIAMENTARY PAPERS ISSUED 13TH SEPTEMBER, 1928.

- Notices of Motion and Orders of the Day. No. 12.  
 Stamps (Sheep Duty) Bill—[79].  
 Health Bill—[1]. New Clause to be proposed by the Hon. A. E. Chandler. (To Members of Council only.)
- Notices of Motion and Orders of the Day. No. 30.

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 13.

WEDNESDAY, 19TH SEPTEMBER, 1928.

*Government Business.*

ORDERS OF THE DAY :—

- 1 STAMPS (SHEEP DUTY) BILL—(from Assembly—Hon. J. P. Jones)—Second reading—Resumption of debate (Hon. H. I. Cohen).
2. HEALTH BILL—(Hon. W. J. Beckett)—To be further considered in Committee.
3. DANDENONG LANDS BILL—(from Assembly—Hon. J. P. Jones)—Second reading.
4. BUSINESS AGENTS BILL—(from Assembly—Hon. J. P. Jones)—Second reading—Resumption of debate (Hon. H. I. Cohen).
5. MINISTRY OF HEALTH BILL—(Hon. W. J. Beckett)—To be further considered in Committee.

CONTINGENT NOTICE OF MOTION.

*Upon the Nurses Registration Bill being committed—*

1. The Hon. M. SALTAU : To move, That it be an instruction to the Committee that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board and the courses of training for nurses and the admission to such courses of training.

P. T. POOK,  
*Clerk of the Legislative Council.*

FRANK CLARKE,  
*President.*

### STANDING AND SELECT COMMITTEES—SESSION 1928.

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.

STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

NURSES REGISTRATION BILL—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

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- Country Roads Board—Report for the year 1926-27. (No. 11.)
- Education—
  - Report of the Minister of Public Instruction for the year 1926-27. (No. 14.)
  - Report of the Council of Public Education for the year 1927-28. (No. 19.)
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  - Report of the Government Statist for the year 1926-27. (No. 5.)
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    - Thirty-eighth General Report. (No. 7.)
    - Tolmie District Railway. (Report No. 1.)
    - Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
  - State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)
  - Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## PARLIAMENTARY PAPERS ISSUED 19TH SEPTEMBER, 1928.

- Notices of Motion and Orders of the Day. No. 13.
- Ministry of Health Bill—[5]. Amendment to be proposed by Hon. Dr. J. R. Harris. (To Members of Council only.)
- Business Agents Bill—[4]. Amendments to be proposed by Hon. H. H. Smith. (To Members of Council only.)
- Health Bill—[1].—
  - New Clause to be proposed by Hon. W. J. Beckett. (To Members of Council only.)
  - New Clause to be proposed by Hon. H. I. Cohen. (To Members of Council only.)
- Notices of Motion and Orders of the Day. No. 31.
- Report from Parliamentary Standing Committee on Railways on Proposed Expenditure under Railway Loan Application Act No. 3557. C.—No. 1.

## VICTORIA

## LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

No. 13.

TUESDAY, 18TH SEPTEMBER, 1928.

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

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable J. P. Jones presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bill presented to him by the Clerk of the Parliaments, viz. :—

*Williamstown Temperance Hall Bill.*

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

Coal Mines Regulation Act 1915—Amendment of Regulations relating to Miners' Accidents Relief.

Health Act 1919—Cleanliness (Food) Regulations 1928.

Marine Acts—Marine Board of Victoria—Statements of Receipts and Disbursements on Pilotage Account for the year 1927.

Melbourne and Metropolitan Tramways Board—Report and Statement of Accounts for the year 1927-28.

4. HEALTH 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 W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.

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

5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 4 inclusive be postponed until to-morrow.

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

P. T. POOK,  
*Clerk of the Legislative Council.*

No. 14.

WEDNESDAY, 19TH SEPTEMBER, 1928.

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

2. PAPERS.—The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk :—

Land Act 1915—Particulars of Leases of Swamp or Reclaimed Land under section 110 (2 papers).

3. STAMPS (SHEEP DUTY) 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, 11.

The Hon. E. G. Bath (*Teller*),  
W. J. Beckett,  
A. Bell,  
F. W. Brawn (*Teller*),  
J. H. Disney,  
G. L. Goudie,  
J. P. Jones,  
E. L. Kiernan,  
W. J. McCann,  
D. L. McNamara,  
R. Williams.

Noes, 18.

The Hon. W. Angliss (*Teller*),  
A. E. Chandler,  
W. L. R. Clarke,  
H. I. Cohen,  
H. A. Currie,  
G. M. Davis,  
W. H. Edgar,  
Dr. J. R. Harris,  
H. Hitchcock,  
H. Keck,  
R. Kilpatrick,  
Lieut.-Col. G. V. Lansell (*Teller*),  
H. F. Richardson,  
M. Saltau,  
H. H. Smith,  
G. J. Tuckett,  
W. Tyner,  
A. M. Zwar.

And so it passed in the negative.

4. MIDWIVES 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. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 5 inclusive, be postponed until Tuesday next.
6. ADJOURNMENT.—The Honorable J. P. Jones 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-three minutes past ten o'clock, adjourned until Tuesday next.

P. T. POOK,  
*Clerk of the Legislative Council.*

# LEGISLATIVE COUNCIL

## Notices of Motion and Orders of the Day

No. 14.

TUESDAY, 25TH SEPTEMBER, 1928.

### Question.

1. The Hon. G. J. TUCKETT: To ask the Honorable the Commissioner of Public Works—Are the Victorian Railways Commissioners buying a large quantity of oranges from other States this year; if so—(a) what is the number of cases bought from Victoria, South Australia, and New South Wales respectively, and the average price paid in each of these States; and (b) what is the reason for buying from outside Victoria.

### Government Business.

#### ORDERS OF THE DAY:—

1. BUSINESS AGENTS BILL—(from Assembly—Hon. J. P. Jones)—Second reading—Resumption of debate (Hon. H. I. Cohen).
2. DANDENONG LANDS BILL—(from Assembly—Hon. J. P. Jones)—Second reading.
3. HEALTH BILL—(Hon. W. J. Beckett)—To be further considered in Committee.
4. MINISTRY OF HEALTH BILL—(Hon. W. J. Beckett)—To be further considered in Committee.

#### CONTINGENT NOTICE OF MOTION.

##### Upon the Nurses Registration Bill being committed—

1. The Hon. M. SALTU: To move, That it be an instruction to the Committee that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board and the courses of training for nurses and the admission to such courses of training.

P. T. POOK,  
Clerk of the Legislative Council.

FRANK CLARKE,  
President.

#### STANDING AND SELECT COMMITTEES—SESSION 1928.

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltu, and W. Tyner.

PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.

STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

NURSES REGISTRATION BILL—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltu, and A. M. Zwar.

## PRINTED PAPERS.

The following printed Papers can now be obtained by Honorable Members from the Clerk of the Legislative Council (Telephone F3605), and by others on the circulation list from the Government Printer. They can also be purchased by the Public from the Government Printer :—

- Biscuits—Refusal by Messrs Swallow and Ariell to supply Biscuits to Mr. J. B. Tame, Store-keeper, Beeac—Report by Mr. T. Forristal, L.I.C.A. (No. 16.)
- Boots and Shoes—Proposed Increases in the Price of—Report by T. Forristal, L.I.C.A. (No. 9.)
- Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925. (No. 1.)
- Estimates—Supplementary Estimates, 1927-28. (B. No. 5.)
- Explosives—Report of the Chief Inspector for the year 1927. (No. 17.)
- Charitable Institutions—Statistics for the year 1926-27. (No. 3.)
- Constitution Statute—Statement of Expenditure under Schedule D. to Act 18 & 19 Vict., Cap. 55, and Act No. 3188 during the year 1927-28. (No. 18.)
- Country Roads Board—Report for the year 1926-27. (No. 11.)
- Education—  
 Report of the Minister of Public Instruction for the year 1926-27. (No. 14.)  
 Report of the Council of Public Education for the year 1927-28. (No. 19.)
- Friendly Societies—  
 Report of the Government Statist for the year 1926-27. (No. 5.)  
 Report of the Registrar for the year 1927. (No. 20.)
- Gas—Increase in the Price of—Report by T. Forristal, L.I.C.A. (No. 6.)
- Gold and Mineral Statistics for the year 1927. (No. 4.)
- Motor Tyres and Tubes—Retail Price of, and the Alleged Boycott of the Perdriau Company—Report by T. Forristal, L.I.C.A. (No. 8.)
- Public Library, Museums, and National Gallery of Victoria—Report of the Trustees for the year 1927, with a Statement of Income and Expenditure for the year 1926-27. (No. 12.)
- Public Service Commissioner—Report for the year 1927. (No. 13.)
- Railways—  
 Report of the Victorian Railways Commissioners for the year 1927-28. (No. 21.)  
 Reports of the Parliamentary Standing Committee on Railways—  
 Macarthur District Railway. (Report No. 3.)  
 Newport Workshops—New Locomotive Erecting Shop at Race-course-road, Melbourne, Electric Tramway. (C.—No. 1.)  
 Race-course-road, Melbourne, Electric Tramway. (No. 2.)  
 Thirty-eighth General Report. (No. 7.)  
 Tolmie District Railway. (Report No. 1.)  
 Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
- State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)
- State Superannuation Board—Report for the year 1927-28. (No. 22.)
- Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

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**PARLIAMENTARY PAPERS ISSUED 19TH SEPTEMBER, 1928.**

Notices of Motion and Orders of the Day. No. 14.

Notices of Motion and Orders of the Day. No. 32.

Victorian Railways—Report of the Victorian Railways Commissioners for the year ended 30th June, 1928. (No. 21.)

Third Report of the State Superannuation Board for the year ended 30th June, 1928. (No. 22.)

Local Government Bill (No. 2)—[64]—Amendment to be proposed by Mr. Gray. (To Members only.)

VICTORIA

LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 15.

TUESDAY, 25TH SEPTEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable J. P. Jones presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bill presented to him by the Clerk of the Parliaments, viz. :—  
*Midwives Bill.*
3. UNEMPLOYED WORKERS INSURANCE BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to make provision for the Insurance of Unemployed Workers and for other purposes*” and desiring the concurrence of the Council therein. On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
4. BUSINESS AGENTS 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 W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.
5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 4 inclusive, and *Unemployed Workers Insurance Bill—Second reading*, be postponed until Tuesday next.
6. ADJOURNMENT.—The Honorable J. P. Jones moved, by leave, That the Council at its rising adjourn until Tuesday next.  
Question—put and resolved in the affirmative.  
The Honorable J. P. Jones moved, That the House do now adjourn.  
Debate ensued.  
Question—put and resolved in the affirmative.

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

P. T. POOK,  
Clerk of the Legislative Council.



# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day*

No. 15.

TUESDAY, 2ND OCTOBER, 1928.

### *Question.*

1. The Hon. DR. J. R. HARRIS : To ask the Honorable the Commissioner of Public Works, in connexion with the projected works of the State Rivers and Water Supply Commission for making the waters to be stored in the Hume Reservoir available for irrigation purposes to landholders—
  - (a) What is the length of the channel from the Hume Reservoir necessary to provide water to irrigate the land to the point where the waters from the weir to be constructed at Yarrawonga will take on the duty of providing water.
  - (b) The approximate cost per mile of this channel and the number of acres to be irrigated by it.
  - (c) The approximate cost of the weir to be constructed at Yarrawonga.
  - (d) The height of the off-take of the weir at Yarrawonga above sea-level.
  - (e) The depth of the off-take channel from the top of the weir at Yarrawonga.
  - (f) The estimated distance of channel from the weir at Yarrawonga necessary to enable the water to be used by gravitation.
  - (g) The approximate cost per mile of the channel from the weir at Yarrawonga and the number of acres proposed to be irrigated by the same.

### *Government Business.*

#### ORDERS OF THE DAY :—

1. UNEMPLOYED WORKERS INSURANCE BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.
2. BUSINESS AGENTS BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.
3. HEALTH BILL—(*Hon. W. J. Beckett*)—To be further considered in Committee.
4. MINISTRY OF HEALTH BILL—(*Hon. W. J. Beckett*)—To be further considered in Committee.
5. DANDENONG LANDS BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.

#### CONTINGENT NOTICE OF MOTION.

##### *Upon the Nurses Registration Bill being committed—*

1. The Hon. M. SALTAU : To move, That it be an instruction to the Committee that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board and the courses of training for nurses and the admission to such courses of training.

P. T. POOK.

*Clerk of the Legislative Council.*

FRANK CLARKE,

*President.*

#### STANDING AND SELECT COMMITTEES—SESSION 1928.

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

**LIBRARY (JOINT)**—(Appointed 17th July, 1928.)—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

**PRINTING**—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. Mc'ann, H. H. Smith, and G. J. Tuckett.

**STATUTE LAW REVISION (JOINT)**—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

**NURSES REGISTRATION BILL**—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

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  - Report of the Government Statist for the year 1926-27. (No. 5.)
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  - Report of the Victorian Railways Commissioners for the year 1927-28. (No. 21.)
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    - Beaumaris Electric Street Railway—Extension of (Report No. 4.)
    - Macarthur District Railway. (Report No. 3.)
    - Newport Workshops—New Locomotive Erecting Shop at. (C.—No. 1.)
    - Race-course-road, Melbourne, Electric Tramway. (No. 2.)
    - Thirty-eighth General Report. (No. 7.)
    - Tolmie District Railway. (Report No. 1.)
    - Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
- State Electricity Commission—Report on Extension of Electric Supply System. (No. 10)
- State Superannuation Board—Report for the year 1927-28. (No. 22.)
- Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## PARLIAMENTARY PAPERS ISSUED 26TH SEPTEMBER, 1928.

Notices of Motion and Orders of the Day. No. 15.

Unemployed Workers Insurance Bill—[19]. (To Members of Council only).

Notices of Motion and Orders of the Day. No. 33.

Real Estate Agents Bill—[41].

Judicial Proceedings (Publication of Reports) Bill—[85].

Workers' Compensation Bill—[23]. (Amendments to be proposed by Mr. Blackburn.) (To Members only).

# LEGISLATIVE COUNCIL

## Notices of Motion and Orders of the Day.

No. 16.

WEDNESDAY, 3RD OCTOBER, 1928.

### Questions.

1. The Hon. A. E. CHANDLER: To ask the Honorable the Commissioner of Public Works—
  - (a) How many blocks of land did the State Rivers and Water Supply Commission make available for settlement at Narre Warren.
  - (b) How many of such blocks are unoccupied.
  - (c) How many of such blocks have been occupied and abandoned.
2. The Hon. A. E. CHANDLER: To ask the Honorable the Commissioner of Public Works—
  - (a) Is Mr. George Dickson Brown managing or leasing the hotel erected by the State Electricity Commission at Yallourn.
  - (b) If managing, what are the terms and conditions of his appointment.
  - (c) If leasing, what are the terms and conditions of the lease.

### Government Business.

#### ORDERS OF THE DAY:—

1. CONSOLIDATED REVENUE BILL (No. 4)—(from Assembly—Hon. J. P. Jones)—Second reading.
2. LOCAL GOVERNMENT BILL—AMENDMENTS OF THE ASSEMBLY—To be considered.
3. BUSINESS AGENTS BILL—(from Assembly—Hon. J. P. Jones)—To be further considered in Committee.
4. FERTILIZERS BILL—(from Assembly—Hon. J. P. Jones)—Second reading.
5. DANDENONG LANDS BILL—(from Assembly—Hon. J. P. Jones)—Second reading.
6. GEELONG LAND (MELBOURNE ROAD) BILL—(from Assembly—Hon. J. P. Jones)—Second reading.
7. MINISTRY OF HEALTH BILL—(Hon. W. J. Beckett)—To be further considered in Committee.

TUESDAY, 9TH OCTOBER.

### Government Business.

#### ORDER OF THE DAY:—

1. UNEMPLOYED WORKERS INSURANCE BILL—(from Assembly—Hon. J. P. Jones)—Second reading—  
Resumption of debate (Hon. H. I. Cohen).

### CONTINGENT NOTICE OF MOTION.

#### Upon the Nurses Registration Bill being committed—

1. The Hon. M. SALTAU: To move, That it be an instruction to the Committee that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board and the courses of training for nurses and the admission to such courses of training.

P. T. POOK,  
Clerk of the Legislative Council.

FRANK CLARKE,  
President.

## STANDING AND SELECT COMMITTEES—SESSION 1928.

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- PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.
- STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.
- HOUSE (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.
- LIBRARY (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.
- PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.
- STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.
- NURSES REGISTRATION BILL—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

## PARLIAMENTARY PAPERS ISSUED 26TH SEPTEMBER, 1928.

- Notices of Motion and Orders of the Day. No. 16.
- Geelong Land (Melbourne Road) Bill—[82].
- Business Agents Bill—[4]. Amendments to be proposed by the Hon. J. P. Jones. (To Members of Council only.)
- Local Government Bill—[64]. Amendments made by the Legislative Assembly. (To Members of Council only.)
- Fertilizers Bill—[54].

Notices of Motion and Orders of the Day. No. 35.

## VICTORIA.

## LEGISLATIVE COUNCIL.

## MINUTES OF THE PROCEEDINGS.

## No. 16.

TUESDAY, 2ND OCTOBER, 1928.

1. The President took the Chair and read the Prayer.
2. LOCAL GOVERNMENT 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 amendments and desiring the concurrence of the Council therein.  
Ordered—That the foregoing Message be taken into consideration later this day.
3. FERTILIZERS BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act to amend the ‘ Fertilizers Act 1915’* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.
4. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk :—  
Land Act 1915—Particulars of Lease of Swamp or Reclaimed Land under section 110.
5. UNEMPLOYED WORKERS INSURANCE BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. P. Jones moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. I. Cohen, that the debate be adjourned until Tuesday next.
6. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 2, be postponed until after No. 3.
7. HEALTH 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 Dr. J. R. Harris having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.  
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
8. 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 One million five hundred and forty-four thousand nine hundred and fifty-six pounds to the service of the year One thousand nine hundred and twenty-eight and One thousand nine hundred and twenty-nine* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.
9. GEELONG LAND (MELBOURNE ROAD) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act to divest out of The Geelong Harbor Trust Commissioners certain Land vested in the said Commissioners and to declare such Land to form part of the Public Highway known as the Melbourne Road* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.
10. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2, 4 and 5, and *Local Government Bill—Amendments of the Assembly—To be considered*, be postponed until to-morrow.

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

P. T. POOK,  
Clerk of the Legislative Council

**No. 17.**

WEDNESDAY, 3RD OCTOBER, 1928.

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 :—  
Apprenticeship Act 1927—Apprenticeship Commission of Victoria—General Regulations (No. 1).
3. CONSOLIDATED REVENUE BILL (No. 4).—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair ; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
4. LOCAL GOVERNMENT BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Assembly having been read, the said amendments were read and are as follow :—
  1. Clause 3, paragraph (f), lines 30–31, omit “prescribing reasonable fees (whether daily or periodical fees)” and insert “prescribing in respect of each of the periods hereinafter mentioned reasonable fees (if any).”
  2. „ paragraph (f), line 34, omit “be at a rate exceeding One shilling per day” and insert “exceed for the period of—  
twelve months—Ten pounds ;  
six months—Five pounds ten shillings ;  
three months—Three pounds ;  
one month—One pound ;  
one week—Five shillings ;  
one day—One shilling.”
  3. „ paragraph (g), lines 39–40, omit “day or the period (as the case may be)” and insert “period.”
  4. Clause 4, paragraph (b), line 7, after “appointed” insert “who shall exercise reasonable supervision over motor cars placed in their charge.”
 Amendments 1 to 3 inclusive, after debate, agreed to.  
Amendment 4, after debate, disagreed with.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to some of the amendments made by the Assembly and have disagreed with one of the said amendments.
5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, after debate—That the consideration of Orders of the Day, Government Business, Nos. 3 and 4 be postponed until after No. 5.
6. DANDENONG LANDS BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. P. Jones moved, by leave, That all the Standing Orders relating to Private Bills be suspended in relation to this Bill and that the Bill be treated as a Public Bill.  
Question—put and resolved in the affirmative.  
The Honorable J. P. Jones moved, That this Bill be now read a second time.  
Debate ensued.  
Question—put and resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair ; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3, 4, 6, and 7 be postponed until Tuesday next.
8. ADJOURNMENT.—The Honorable J. P. Jones 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-three minutes past nine o'clock, adjourned until Tuesday next.

P. T. POOK,  
*Clerk of the Legislative Council.*

# LEGISLATIVE COUNCIL

## Notices of Motion and Orders of the Day

No. 17.

TUESDAY, 9TH OCTOBER, 1928.

### Government Business.

#### ORDERS OF THE DAY :—

1. MINISTRY OF HEALTH BILL—(*Hon. W. J. Beckett*)—To be further considered in Committee.
2. BUSINESS AGENTS BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.
3. UNEMPLOYED WORKERS INSURANCE BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading—*Resumption of debate (Hon. H. I. Cohen)*.
4. FERTILIZERS BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.
5. GEELONG LAND (MELBOURNE ROAD) BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.

#### CONTINGENT NOTICE OF MOTION.

##### *Upon the Nurses Registration Bill being committed—*

1. The Hon. M. SALTAU : To move, That it be an instruction to the Committee that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board and the courses of training for nurses and the admission to such courses of training.

P. T. POOK,

*Clerk of the Legislative Council.*

FRANK CLARKE,

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STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliass, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

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 Education—  
   Report of the Minister of Public Instruction for the year 1926-27. (No. 14.)  
   Report of the Council of Public Education for the year 1927-28. (No. 19.)  
 Friendly Societies—  
   Report of the Government Statist for the year 1926-27. (No. 5.)  
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   Report of the Victorian Railways Commissioners for the year 1927-28. (No. 21.)  
   Reports of the Parliamentary Standing Committee on Railways—  
     Beaumaris Electric Street Railway—Extension of (Report No. 4.)  
     Macarthur District Railway. (Report No. 3.)  
     Newport Workshops—New Locomotive Erecting Shop at. (C.—No. 1.)  
     Race-course-road, Melbourne, Electric Tramway. (No. 2.)  
     Thirty-eighth General Report. (No. 7.)  
     Tolmie District Railway. (Report No. 1.)  
     Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)  
 State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)  
 State Superannuation Board—Report for the year 1927-28. (No. 22.)  
 Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## PARLIAMENTARY PAPERS ISSUED 4TH OCTOBER, 1928.

Notices of Motion and Orders of the Day. No. 17.

Notices of Motion and Orders of the Day. No. 36.

Lands Compensation Bill—[99].

Local Government Bill—[93]. Amendments made by Assembly—How dealt with. (To Members only.)

Marine Board of Victoria—Statement of Receipts and Disbursements. No. 23.

Local Government Bill—[93].

Stamps (Sheep Duty) Bill—[97].

Workers Compensation Bill—[23]. Amendments to be proposed by Mr. McKenzie. (To Members only.)

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 18.

WEDNESDAY, 10<sup>TH</sup> OCTOBER, 1928.

### *Question.*

1. The Hon. H. F. RICHARDSON: To ask the Honorable the Commissioner of Public Works—What action does the Government intend taking towards the establishment of a Textile School at Geelong, as approved of by the late Government and the textile manufacturers throughout the Commonwealth, and referred by the Federal Government to the Migration and Development Commission.

### *General Business.*

#### NOTICE OF MOTION:—

1. The Hon. H. I. COHEN: To move, That a Select Committee be appointed to inquire into and report upon the following matters:—
  - (a) The desirability of amending, and, if so, in what respects, Division 11 of Part IV. of the *Police Offences Act 1915* relating to race-courses and race-meetings; and
  - (b) Generally, the conduct, control, and management of horse, pony, and trotting race-meetings in Victoria.

*Contingent upon the foregoing being carried—*

To move, That the Select Committee consist of the Honorables F. W. Brawn, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, E. L. Kiernan, and the Mover; such Committee to have power to send for persons, papers, and records, to move from place to place, and to report the minutes of evidence from time to time; four to be the quorum.

#### ORDER OF THE DAY:—

1. LOCAL GOVERNMENT BILL (No. 2)—(from Assembly—Hon. W. H. Edgar)—Second reading.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. UNEMPLOYED WORKERS INSURANCE BILL—(from Assembly—Hon. J. P. Jones)—Second reading—*Resumption of debate (Hon. H. I. Cohen).*
2. FERTILIZERS BILL—(from Assembly—Hon. J. P. Jones)—Second reading.
3. BUSINESS AGENTS BILL—(from Assembly—Hon. J. P. Jones)—To be further considered in Committee.
4. GEELONG LAND (MELBOURNE ROAD) BILL—(from Assembly—Hon. J. P. Jones)—Second reading.

#### CONTINGENT NOTICE OF MOTION.

*Upon the Nurses Registration Bill being committed—*

1. The Hon. M. SALTAU: To move, That it be an instruction to the Committee that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board and the courses of training for nurses and the admission to such courses of training.

P. T. POOK,

*Clerk of the Legislative Council.*

FRANK CLARKE,

*President.*

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## PARLIAMENTARY PAPERS ISSUED 10TH OCTOBER, 1928.

Notices of Motion and Orders of the Day. No. 18.  
 Local Government Bill (No. 2)—[93].

Notices of Motion and Orders of the Day. No. 38.  
 Votes and Proceedings, Nos. 36, 37, and 38.  
 Totalizator Bill—[95].

VICTORIA

LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS

No. 18.

TUESDAY, 9TH OCTOBER, 1928.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable J. P. Jones presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bill presented to him by the Clerk of the Parliaments, viz. :—  
*Consolidated Revenue Bill (No. 4).*
3. STAMPS (SHEEP DUTY) BILL (No. 2).—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act to establish a Freezing Works Fund in the Treasury by means of Stamp Duties imposed upon Statements on Sales of Sheep and to provide for the Application of such Fund, and for other purposes* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
4. LOCAL GOVERNMENT BILL (No. 2).—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act to amend the Law relating to Local Government* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable W. H. Edgar, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.
5. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—  
Fire Brigades Act 1915—Country Fire Brigades Board—Additional Regulations.  
Fisheries Acts—Notice of Intention to issue Proclamation to prohibit all fishing in or the taking of fish from the Werribee River between the Exford Weir and Werribee.  
Motor Car Act 1915 and Highways and Vehicles Act 1927—Portable Mechanical Devices Regulations 1927—Additional Regulations.  
Public Service Acts—Regulations—Professional Division, Chapter II.—  
Department of Law.  
Department of Public Health.
6. MINISTRY OF HEALTH 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 W. H. Edgar reported that the Committee had agreed to the Bill with amendments.  
On the motion of the Honorable W. J. Beckett, the Bill was recommitted to a Committee of the whole in respect of clause 3.  
House in Committee.  
The President resumed the Chair ; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with a further amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report and the Bill was read a third time and passed.  
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
7. RETURN TO WRIT.—The President announced that there had been returned to him the writ issued on the 13th September last for the election of a member to serve for the East Yarra Province in the place of the Honorable George Swinburne, deceased, and that by the indorsement on such writ it appeared that Robert Gordon Menzies had been elected in pursuance thereof.

8. SWEARING-IN OF NEW MEMBER.—The Honorable Robert Gordon Menzies, having approached the Table, took and subscribed the Oath required by law, and delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth :—

“ In compliance with the provisions of *The Constitution Act Amendment Act 1915, I, ROBERT GORDON MENZIES*, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and encumbrances affecting the same other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situate in the municipal district of Kew, and are known as 501 High-street, Kew.

“ And I further declare that such of the said lands or tenements as are situate in the municipal district of Kew are rated in the rate-book of the said municipality upon a yearly value of £56.

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

“ ROBERT G. MENZIES.”

9. STAMPS (SHEEP DUTY) BILL (No. 2).—The Order of the Day for the second reading of this Bill having been read, the Honorable J. P. Jones moved, That this Bill be now read a second time.

Debate ensued.

Question—put.

The Council divided.

Ayes, 11.

The Hon. E. G. Bath,  
W. J. Beckett,  
A. Beil (*Teller*),  
F. W. Brawn,  
J. H. Disuey,  
J. P. Jones,  
E. L. Kiernan,  
Lieut.-Col. G. V. Lansell,  
W. J. McCann (*Teller*),  
D. L. McNamara,  
R. Williams.

Noes, 17.

The Hon. W. Angliss,  
A. E. Chandler,  
W. L. R. Clarke,  
H. I. Cohen,  
H. A. Currie (*Teller*),  
W. H. Edgar,  
N. Falkiner,  
Dr. J. R. Harris,  
H. Hitchcock,  
R. G. Menzies,  
H. F. Richardson,  
M. Saltau,  
H. H. Smith,  
G. J. Tuckett,  
W. Tyner,  
E. J. White (*Teller*),  
A. M. Zwar.

And so it passed in the negative.

10. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 5 inclusive, be postponed until to-morrow.

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

P. T. POOK,  
*Clerk of the Legislative Council.*

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## No. 19.

WEDNESDAY, 10TH OCTOBER, 1928.

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

2. LOCAL GOVERNMENT BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they do not insist on their amendment in this Bill with which the Council have disagreed.

3. NURSES REGISTRATION BILL.—The Honorable M. Saltau moved, by leave, That it be an instruction to the Select Committee on the Nurses Registration Bill that they have power to consider amendments relating to the constitution of the Nurses Board, the courses of training for nurses, and the admission to such courses of training.

Debate ensued.

Motion, by leave, amended by the insertion of the words “ and new clauses ” after the word “ amendments ”.

Debate continued.

The Honorable J. P. Jones 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.

4. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk :—  
Mines Act 1915—Amendment of the Regulations relating to Mining Leases, Tailings Licences, and Water Right Licences.

5. RACE-COURSES AND RACE-MEETINGS.—The Honorable H. I. Cohen moved, That a Select Committee be appointed to inquire into and report upon the following matters :—  
(a) The desirability of amending, and, if so, in what respects, Division 11 of Part IV. of the *Police Offences Act 1915* relating to race-courses and race-meetings ; and  
(b) Generally, the conduct, control, and management of horse, pony, and trotting race-meetings in Victoria.

Debate ensued.

Question—put and resolved in the affirmative.

The Honorable H. I. Cohen moved, That the Select Committee consist of the Honorables F. W. Brawn, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, E. L. Kiernan, and the Mover ; such Committee to have power to send for persons, papers, and records, to move from place to place, and to report the minutes of evidence from time to time ; four to be the quorum.

Debate ensued.

Question—put and resolved in the affirmative.

6. LOCAL GOVERNMENT 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 Deputy-President resumed the Chair ; and the Honorable Dr. J. R. Harris 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.

7. WORKERS' COMPENSATION BILL.—The Deputy-President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Workers' Compensation Acts*" and desiring the concurrence of the Council therein.

On the motion of the Honorable R. Williams, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

8. UNEMPLOYED WORKERS 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, having been read—

Debate resumed.

The Honorable H. I. Cohen moved, as an amendment, That the word "now" be omitted and the words "this day two months" added after the word "time."

Debate ensued.

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

The Council divided.

Ayes, 13.

The Hon. W. J. Beckett,  
A. E. Chandler,  
J. H. Disney,  
N. Falkiner,  
J. P. Jones,  
E. L. Kiernan (*Teller*),  
W. J. McCann,  
D. L. McNamara,  
R. G. Menzies,  
M. Saltau,  
H. H. Smith,  
W. Tyner (*Teller*),  
R. Williams.

Noes, 14.

The Hon. W. Angliss,  
E. G. Bath,  
A. Bell,  
F. W. Brawn,  
W. L. R. Clarke,  
H. I. Cohen,  
H. A. Currie,  
G. M. Davis,  
Dr. J. R. Harris,  
H. Hitchcock,  
Lieut.-Col. G. V. Lansell (*Teller*),  
H. F. Richardson,  
G. J. Tuckett (*Teller*),  
A. M. Zwar.

And so it passed in the negative.

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

Question—That this Bill be read a second time this day two months—put and resolved in the affirmative.

9. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 4 inclusive, and *Nurses Registration Bill—Motion for an Instruction to Select Committee—Resumption of debate*, be postponed until Tuesday next.

10. ADJOURNMENT.—The Honorable J. P. Jones 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-three minutes past ten o'clock, adjourned until Tuesday next.

P. T. POOK,  
*Clerk of the Legislative Council.*



# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 19.

TUESDAY, 16TH OCTOBER, 1928.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. FERTILIZERS BILL—(from Assembly—Hon. J. P. Jones)—Second reading.
2. BUSINESS AGENTS BILL—(from Assembly—Hon. J. P. Jones)—To be further considered in Committee.
3. GEELONG LAND (MELBOURNE ROAD) BILL—(from Assembly—Hon. J. P. Jones)—Second reading.
4. WORKERS' COMPENSATION BILL—(from Assembly—Hon. R. Williams)—Second reading.

### *General Business.*

#### ORDER OF THE DAY:—

1. NURSES REGISTRATION BILL.—*The question is*, That it be an instruction to the Select Committee on the Nurses Registration Bill that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board, the courses of training for nurses, and the admission to such courses of training—(Hon. M. Saltau)—*Resumption of debate*—(Hon. J. P. Jones).

WEDNESDAY, 5TH DECEMBER.

### *Government Business.*

#### ORDER OF THE DAY:—

1. UNEMPLOYED WORKERS INSURANCE BILL.—(from Assembly—Hon. J. P. Jones)—Second reading.

P. T. POOK,  
*Clerk of the Legislative Council.*

FRANK CLARKE,  
*President.*

### STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

**PRINTING**—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.

**STATUTE LAW REVISION (JOINT)**—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

**NURSES REGISTRATION BILL**—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

**RACE-COURSES AND RACE-MEETINGS**—(Appointed 10th October, 1928)—The Honorables F. W. Brawn, H. I. Cohen, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, and E. L. Kiernan.

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  - State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)
  - State Superannuation Board—Report for the year 1927–28. (No. 22.)
  - Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## PARLIAMENTARY PAPERS ISSUED 11TH OCTOBER, 1928.

Notices of Motion and Orders of the Day. No. 19.  
Workers' Compensation Bill—[23].

Notices of Motion and Orders of the Day. No. 39.  
Income Tax Bill—[100].  
Land Tax Bill—[101].  
Railways Bill—[71].  
Ministry of Health Bill—[5].  
Local Government Bill—[93]. Amendments made by Legislative Council. (To Members only.)

## VICTORIA

## LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

## No. 20.

TUESDAY, 16TH OCTOBER, 1928.

1. The President took the Chair and read the Prayer.
2. ADOPTION OF CHILDREN BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act to make provision for the Adoption of Infants* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.
3. LAND TAX BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act to declare the Rate of Land Tax for the year ending the thirty-first day of December One thousand nine hundred and twenty-nine* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
4. RAILWAYS BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act to amend Section Forty-six and Section Seventy-nine of the ‘ Railways Act 1915 ’ and for other purposes* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time on Tuesday next.
5. INCOME TAX BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act to declare the Rates of Income Tax for the year ending on the thirtieth day of June One thousand nine hundred and twenty-nine and to continue the Income Tax Acts* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day, Government Business, be postponed until after the consideration of the Order of the Day, General Business.
7. NURSES REGISTRATION BILL.—The Order of the Day for the resumption of the debate on the question, That it be an instruction to the Select Committee on the Nurses Registration Bill that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board, the courses of training for nurses, and the admission to such courses of training, having been read—  
Debate resumed.  
The President said—

In the House on the last day of meeting, Mr. Saltau was given leave to move that a Select Committee then sitting upon the Nurses Registration Bill be instructed that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board, the courses of training for nurses, and the admission to such courses of training. Debate arose as to whether such an instruction was permissible under the rules of parliamentary procedure and practice, and I was asked for a ruling, the debate being adjourned. Debate upon the merit of the instruction may, of course, follow after the point of order has been disposed of. I will give my ruling now, unless any member who has not spoken on the point of order wishes to do so, because it would be irregular to speak to the point of order after the Chair has given its ruling. As it appears that no honorable member wishes to argue the question further, I may state that I have consulted all the authorities available, as well as the precedents established in this House. In the first place, I find that it is a common practice in the House of Commons to give instructions to Select Committees, and that in this House, in 1878, the Honorable Nicholas Fitzgerald moved and had carried an instruc-

tion to a Select Committee of this House. Therefore, as to the point of order raised that instructions to Select Committees are "unconstitutional and without precedent," I find there is abundant authority for such instructions if given at the right time. The question then resolves itself into a question whether it is a "right time" if the instruction be proposed when the Select Committee has sat and made progress with its work. The answer is very definitely given in *May's Parliamentary Practice*, page 402. He says—

"In the case of Bills referred to Standing or Select Committees, an instruction can be moved as soon as the Bill has been committed, or subsequently."

*May* gives references to three cases occurring in the House of Commons which I have read, and which indicate that the practice is applicable to this case we have in hand. It is desirable to interpolate here that, earlier in the paragraph from which I have quoted, *May* differentiates between instructions to Committees of the whole and those to Select Committees by saying—

"An instruction to a Committee of the whole House can only be moved when the Order of the Day for the first sitting of the Committee has been read."

There are certain rare exceptions, but I need not cloud this issue with them. This statement is in accord with our own Standing Order 215. If any honorable member is curious to explore further as to instructions, he will find short descriptions of no less than 70 examples in *May*, on page 898 and the following pages. I do not profess to have followed them further myself. Summarizing, it is clear that instructions may be given to Select Committees at any time, and in that respect Mr. Saltau's motion is in order. I turn now to the second point taken. The unofficial Leader expressed the opinion that the subjects of the proposed instruction were so closely related to the subject-matter of the amending Bill that no instruction was needed; the Minister of Public Health urged, on the contrary, that they were so little cognate that no such instruction could be given. Clause 4 of the amending Bill adds an eighth member to the Board to represent the mental nurses. Mr. Saltau proposes in the amendments he has circulated to vary the qualifications of the other members of the Board. My doubt here is whether an instruction is necessary at all. The subject of the constitution of the Board is introduced into the Bill now before us in clause 4, which proposes an amendment to the section of the principal Act constituting the Board, and Mr. Saltau proposes to make further amendments to it. I do not propose to quote my ruling of last session on the Forests Bill; but, as the Chairman of Committees might find it his duty to rule Mr. Saltau's first proposed amendment out of order, may I draw honorable members' attention to this excellent illustration of the prudence of securing beforehand an instruction in doubtful or border-line cases? I esteem instructions as a privilege and a protection that honorable members should jealously guard. In regard to the other points upon which Mr. Saltau has sought an instruction, my opinion is that, while they are cognate to the subject-matter of the amending Bill, there is less doubt that an instruction is necessary. I therefore consider that Mr. Saltau's motion is a proper one to propound to the House. The fear was expressed by Ministers that this procedure might have the effect of taking control of measures out of their hands; but no amendment could be properly recommended by a Select Committee pursuant to an instruction which would not be equally admissible in Committee of the whole, and there is a safeguard in the limits imposed by the rules on such motions. *May*, page 399, states—

"An attempt to engraft novel principles into a Bill which would be irrelevant, foreign, or contradictory to the decision of the House taken on the introduction and second reading of the Bill is not within the due province of an instruction."

Question—put and resolved in the affirmative.

8. **FERTILIZERS 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 W. H. Edgar 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. **BUSINESS AGENTS 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 W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.
10. **NURSES REGISTRATION BILL.**—The Honorable H. I. Cohen brought up the Report of the Select Committee on this Bill.  
Ordered to lie on the Table and to be printed.
11. **INCOME TAX BILL.**—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable W. H. Edgar 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. **LAND TAX BILL.**—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar 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. **LOCAL GOVERNMENT BILL (No. 2).**—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to one of the amendments made in such Bill by the Council, have agreed to another of the said amendments with an amendment, have disagreed with one, and have agreed to one with consequential amendments and desiring the concurrence of the Council therein.

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

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

Amendments made by the Legislative Council.	How dealt with by the Legislative Assembly.
2. Clause 2, sub-clause 2, page 2, paragraph (h), line 28, omit "specifying."	} Disagreed with.
3. Clause 2, sub-clause (9), page 5, paragraph (c), before sub-paragraph (i) insert— " ( ) had a frontage to a business street before the scheme was approved."	
4. Clause 2, page 7, insert the following new sub-clause to follow sub-clause 15 :— " (16) The provisions of sections fifty-one to seventy-one of the <i>Housing and Reclamation Act</i> 1920 shall so far as applicable and with such alterations modifications and substitutions as are necessary extend and apply for the purposes of this section."	} Agreed to but with the following consequential amendments in the clause :— Page 2, sub-clause (2), paragraphs (g) and (h), omit these paragraphs and insert the following new paragraphs :— " (g) whether or not it is proposed to impose a betterment charge in respect of any lands for the purposes of the scheme ; (h) if it is proposed to impose such a charge—the area within which such charge will be imposed on such lands; and"

The Honorable H. I. Cohen moved, That the Council do not insist on amendment No. 2 disagreed with by the Assembly.

Debate ensued.

Motion, by leave, withdrawn.

Ordered—That the further consideration of the Message from the Assembly be postponed until Tuesday next.

14. **OAKLEIGH LAND BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to revoke in part the Reservation of certain Land in the City of Oakleigh permanently reserved as a Site for a Cemetery and to provide for the Reservation of Portion as a Site for Public Gardens and Portion as a Site for a Baby Health Centre*" and desiring the concurrence of the Council therein.

On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

15. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered—That the consideration of Order of the Day, Government Business, No. 3 be postponed until after No. 4.

16. **WORKERS' COMPENSATION BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable R. Williams moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. I. Cohen, that the debate be adjourned until Tuesday, the 30th instant.

17. **NURSES REGISTRATION BILL.**—The Honorable W. J. Beckett moved, by leave, That the Nurses Registration Bill be committed to a Committee of the whole House.

Debate ensued.

Question—put and resolved in the affirmative.

The Honorable W. J. Beckett moved, by leave, That the Report from the Select Committee on this Bill be referred to the Committee of the whole on the Bill.

Question—put and resolved in the affirmative.

Resolved—That the Council do now resolve itself into the said Committee.

The President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable E. L. Kiernan reported that the Committee had made progress in the Bill, and asked leave to sit again.

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

18. GEELONG LAND (MELBOURNE ROAD) 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 W. L. R. Clarke 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. ADJOURNMENT.—The Honorable J. P. Jones 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-four minutes past nine o'clock, adjourned until Tuesday next.

P. T. POOK,  
*Clerk of the Legislative Council.*

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 20.

TUESDAY, 23RD OCTOBER, 1928.

*Government Business.*

ORDERS OF THE DAY:—

1. NURSES REGISTRATION BILL—(*Hon. W. J. Beckett*)—To be further considered in Committee.
2. BUSINESS AGENTS BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.
3. RAILWAYS BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.
4. ADOPTION OF CHILDREN BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.
5. OAKLEIGH LAND BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.

*General Business.*

ORDER OF THE DAY:—

1. LOCAL GOVERNMENT BILL (No. 2)—MESSAGE FROM ASSEMBLY—To be further considered.

TUESDAY, 30TH OCTOBER.

*Government Business.*

ORDER OF THE DAY:—

1. WORKERS' COMPENSATION BILL—(*from Assembly—Hon. R. Williams*)—Second reading—*Resumption of debate (Hon. H. I. Cohen).*

WEDNESDAY, 5TH DECEMBER.

*Government Business.*

ORDER OF THE DAY:—

1. UNEMPLOYED WORKERS INSURANCE BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.

P. T. POOK,  
*Clerk of the Legislative Council.*

FRANK CLARKE,  
*President.*

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### STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

**PRINTING**—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.

**STATUTE LAW REVISION (JOINT)**—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

**NURSES REGISTRATION BILL**—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

**RACE-COURSES AND RACE-MEETINGS**—(Appointed 10th October, 1928)—The Honorables F. W. Brawn, H. I. Cohen, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, and E. L. Kiernan.

## PRINTED PAPERS.

The following printed Papers can now be obtained by Honorable Members from the Clerk of the Legislative Council (Telephone F3605), and by others on the circulation list from the Government Printer. They can also be purchased by the Public from the Government Printer:—

- Biscuits—Refusal by Messrs Swallow and Ariell to supply Biscuits to Mr. J. B. Tame, Store-keeper, Beac—Report by Mr. T. Forristal, L.I.C.A. (No. 16.)
- Boots and Shoes—Proposed Increases in the Price of—Report by T. Forristal, L.I.C.A. (No. 9.)
- Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925. (No. 1.)
- Estimates of Revenue and Expenditure for the year 1928-29. (B.—No. 18.)
- Estimates—Supplementary Estimates, 1927-28. (B. No. 5.)
- Explosives—Report of the Chief Inspector for the year 1927. (No. 17.)
- Charitable Institutions—Statistics for the year 1926-27. (No. 3.)
- Constitution Statute—Statement of Expenditure under Schedule D. to Act 18 & 19 Vict., Cap. 55, and Act No. 3188 during the year 1927-28. (No. 18.)
- Country Roads Board—Report for the year 1926-27. (No. 11.)
- Education—
  - Report of the Minister of Public Instruction for the year 1926-27. (No. 14.)
  - Report of the Council of Public Education for the year 1927-28. (No. 19.)
- Friendly Societies—
  - Report of the Government Statist for the year 1926-27. (No. 5.)
  - Report of the Registrar for the year 1927. (No. 20.)
- Gas—Increase in the Price of—Report by T. Forristal, L.I.C.A. (No. 6.)
- Gold and Mineral Statistics for the year 1927. (No. 4.)
- Marine Board of Victoria—Statements of Receipts and Disbursements on Pilotage Account for the year 1927. (No. 23.)
- Motor Tyres and Tubes—Retail Price of, and the Alleged Boycott of the Perdriau Company—Report by T. Forristal, L.I.C.A. (No. 8.)
- Public Library, Museums, and National Gallery of Victoria—Report of the Trustees for the year 1927, with a Statement of Income and Expenditure for the year 1926-27. (No. 12.)
- Public Service Commissioner—Report for the year 1927. (No. 13.)
- Railways—
  - Report of the Victorian Railways Commissioners for the year 1927-28. (No. 21.)
  - Reports of the Parliamentary Standing Committee on Railways—
    - Beaumaris Electric Street Railway—Extension of (Report No. 4.)
    - Macarthur District Railway. (Report No. 3.)
    - Newport Workshops—New Locomotive Erecting Shop at. (C.—No. 1.)
    - Nicholson-street, East Brunswick, Electric Tramway. (C.—No. 2.)
    - Race-course-road, Melbourne, Electric Tramway. (No. 2.)
    - Thirty-eighth General Report. (No. 7.)
    - Tolmie District Railway. (Report No. 1.)
    - Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
  - State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)
  - State Superannuation Board—Report for the year 1927-28. (No. 22.)
  - Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## PARLIAMENTARY PAPERS ISSUED 17TH OCTOBER, 1928.

Notices of Motion and Orders of the Day. No. 20.  
 Minutes of the Proceedings, Nos. 18 and 19.  
 Railways Bill—[71].  
 Adoption of Children Bill—[11].  
 Oakleigh Land Bill—[49].

Notices of Motion and Orders of the Day. No. 41.  
 Engineers Registration Bill—[61]. Amendments by Select Committee. (To Members only)  
 Oakleigh Land Bill—[49].  
 Names and Addresses of Members of Legislative Assembly.  
 Finance, 1927-28. (A.—No. 1.)

## VICTORIA

## LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

## No. 21.

TUESDAY, 23RD OCTOBER, 1928.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE LIEUTENANT-GOVERNOR.—The Honorable J. P. Jones presented a Message from His Excellency the Lieutenant-Governor, as Deputy for His Excellency the Governor, informing the Council that he had given the Royal Assent to the undermentioned Bills presented to him by the Clerk of the Parliaments, viz. :—  
*Dandenong Lands Bill.*  
*Local Government Bill.*
3. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—  
 Apprenticeship Act 1927—Proclamation proclaiming certain Trades to be Apprenticeship Trades.  
 Factories and Shops—Report of the Chief Inspector for the year 1927.  
 Melbourne and Metropolitan Board of Works—Statements of Accounts and Balance-sheet, together with Schedule of Contracts for the year 1927–28.  
 State Accident Insurance Office—Report, Profit and Loss Account, and Balance-sheet for the year 1927–28.
4. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 and 2 be postponed until after No. 3.
5. RAILWAYS 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 W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.  
 Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.
6. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 1 be postponed until Tuesday next.
7. BUSINESS AGENTS 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 W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.  
 Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.
8. ADOPTION OF CHILDREN BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. P. Jones moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. I. Cohen, that the debate be adjourned until Tuesday next.
9. OAKLEIGH LAND BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.  
 House in Committee.  
 The President resumed the Chair ; and the Honorable W. H. Edgar 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. LOCAL GOVERNMENT BILL (No. 2).—The Order of the Day for the further consideration of the Message from the Assembly returning this Bill and acquainting the Council that they have agreed to one of the amendments made in such Bill by the Council, have agreed to another of the said amendments with an amendment, have disagreed with one, and have agreed to one with consequential amendments having been read, the said amendments were read and are as follow :—

(For amendments see page 47.)

Amendment 2, after debate, not insisted on.

Amendment 3—Amendment of the Assembly on the amendment of the Council in sub-clause (9) of clause 2 agreed to.

Amendment 4—Consequential amendments made by the Assembly in clause 2 of the Bill agreed to.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council do not insist on their amendment disagreed with by the Assembly, have agreed to the amendment made by the Assembly on the amendment of the Council in sub-clause (9) of clause 2, and have agreed to the consequential amendments made by the Assembly in clause 2 of the Bill.

11. ADJOURNMENT.—The Honorable J. P. Jones 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 thirteen minutes past six o'clock, adjourned until Tuesday next.

P. T. POOK,  
Clerk of the Legislative Council,

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 21.

TUESDAY, 30TH OCTOBER, 1928.

*Government Business.*

ORDERS OF THE DAY:—

1. WORKERS' COMPENSATION BILL—(from Assembly—Hon. R. Williams)—Second reading—*Resumption of debate* (Hon. H. I. Cohen).
2. NURSES REGISTRATION BILL—(Hon. W. J. Beckett)—To be further considered in Committee.
3. BUSINESS AGENTS BILL—(from Assembly—Hon. J. P. Jones)—To be further considered in Committee.
4. RAILWAYS BILL—(from Assembly—Hon. W. J. Beckett)—To be further considered in Committee.
5. ADOPTION OF CHILDREN BILL—(from Assembly—Hon. J. P. Jones)—Second reading—*Resumption of debate* (Hon. H. I. Cohen).

WEDNESDAY, 5TH DECEMBER.

*Government Business.*

ORDER OF THE DAY:—

1. UNEMPLOYED WORKERS INSURANCE BILL—(from Assembly—Hon. J. P. Jones)—Second reading.

P. T. POOK,  
*Clerk of the Legislative Council.*

FRANK CLARKE,  
*President.*

## MEETING OF SELECT COMMITTEE.

*Wednesday, 31st October.*

STATUTE LAW REVISION COMMITTEE (JOINT)—At Eleven o'clock.

### STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

**PRINTING**—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.

**STATUTE LAW REVISION (JOINT)**—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

**NURSES REGISTRATION BILL**—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

**RACE-COURSES AND RACE-MEETINGS**—(Appointed 10th October, 1928)—The Honorables F. W. Brawn, H. I. Cohen, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, and E. L. Kiernan.

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Boots and Shoes—Proposed Increases in the Price of—Report by T. Forristal, L.I.C.A. (No. 9.)

Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925. (No. 1.)

Estimates of Revenue and Expenditure for the year 1928–29. (B.—No. 18.)

Estimates—Supplementary Estimates, 1927–28. (B. No. 5.)

Explosives—Report of the Chief Inspector for the year 1927. (No. 17.)

Charitable Institutions—Statistics for the year 1926–27. (No. 3.)

Constitution Statute—Statement of Expenditure under Schedule D. to Act 18 & 19 Vict., Cap. 55, and Act No. 3188 during the year 1927–28. (No. 18.)

Country Roads Board—Report for the year 1926–27. (No. 11.)

Education—

Report of the Minister of Public Instruction for the year 1926–27. (No. 14.)

Report of the Council of Public Education for the year 1927–28. (No. 19.)

Finance, 1927–28—Treasurer's Statement and Report of the Auditor-General, &c. (A.—No. 1.)

Friendly Societies—

Report of the Government Statist for the year 1926–27. (No. 5.)

Report of the Registrar for the year 1927. (No. 20.)

Gas—Increase in the Price of—Report by T. Forristal, L.I.C.A. (No. 6.)

Gold and Mineral Statistics for the year 1927. (No. 4.)

Marine Board of Victoria—Statements of Receipts and Disbursements on Pilotage Account for the year 1927. (No. 23.)

Motor Tyres and Tubes—Retail Price of, and the Alleged Boycott of the Perdriau Company—Report by T. Forristal, L.I.C.A. (No. 8.)

Nurses Registration Bill—Report of Select Committee of the Legislative Council on. (D.—No. 1.)

Public Library, Museums, and National Gallery of Victoria—Report of the Trustees for the year 1927, with a Statement of Income and Expenditure for the year 1926–27. (No. 12.)

Public Service Commissioner—Report for the year 1927. (No. 13.)

Railways—

Report of the Victorian Railways Commissioners for the year 1927–28. (No. 21.)

Reports of the Parliamentary Standing Committee on Railways—

Beaumaris Electric Street Railway—Extension of (Report No. 4.)

Macarthur District Railway. (Report No. 3.)

Newport Workshops—New Locomotive Erecting Shop at. (C.—No. 1.)

Nicholson-street, East Brunswick, Electric Tramway. (C.—No. 2.)

Race-course-road, Melbourne, Electric Tramway. (No. 2.)

Thirty-eighth General Report. (No. 7.)

Tolmie District Railway. (Report No. 1.)

Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)

State Accident Insurance Office—Report, Profit and Loss Account, and Balance-sheet for the year 1927–28. (No. 25.)

State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)

State Superannuation Board—Report for the year 1927–28. (No. 22.)

Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## PARLIAMENTARY PAPERS ISSUED 24TH OCTOBER, 1928.

Notices of Motion and Orders of the Day. No. 21.

Railways Bill—[71]. (To Members of Council only.)

Names and Addresses of Members of Council.

Notices of Motion and Orders of the Day. No. 44.

Real Estate Agents Bill—[41]. Amendments to be proposed by Mr. Greenwood. (To Members only.)

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 22.

WEDNESDAY, 31ST OCTOBER, 1928.

*Question.*

1. The Hon. E. L. KIERNAN: To ask the Honorable the Commissioner of Public Works—
  - (a) Is he aware that the Melbourne and Metropolitan Tramways Board on the 3rd October stated to a deputation representing the Northern municipalities that it desires to proceed continuously with the conversion of the balance of the cable tramway system, but that in view of its existing deficit it is not justified in so doing, and that if Parliament relieves the Board of the obligation of paying the contributions to the Metropolitan Fire Brigades Board, the Infectious Diseases Hospital, and the Publicans' Licences Equivalent (now over £114,000 per annum) the Board would be in a position to proceed with the work of conversion, and would put the work in hand without delay.
  - (b) Does the Government propose to take action during the present Session to remove this obligation (which is imposed by section 88 of the Melbourne and Metropolitan Tramways Act 1918) so that the conversion of the balance of the cable tramways may be resumed.

*Government Business.*

**ORDERS OF THE DAY:—**

1. CONSOLIDATED REVENUE BILL (No. 5)—(*from Assembly—Hon. J. P. Jones*)—Second reading.
2. FERTILIZERS BILL—AMENDMENTS RECOMMENDED BY HIS EXCELLENCY THE GOVERNOR—To be considered.
3. NURSES REGISTRATION BILL—(*Hon. W. J. Beckett*)—To be further considered in Committee.
4. WORKERS' COMPENSATION BILL—(*from Assembly—Hon. R. Williams*)—To be further considered in Committee.
5. RAILWAYS BILL—(*from Assembly—Hon. W. J. Beckett*)—To be further considered in Committee.
6. MELBOURNE AND METROPOLITAN TRAMWAYS BILL—(*Hon. J. P. Jones*)—Second reading.
7. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—(*Hon. J. P. Jones*)—Second reading.
8. ADOPTION OF CHILDREN BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading—*Resumption of debate (Hon. H. I. Cohen).*
9. BUSINESS AGENTS BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.

WEDNESDAY, 5TH DECEMBER.

*Government Business.*

**ORDER OF THE DAY:—**

1. UNEMPLOYED WORKERS INSURANCE BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.

P. T. POOK.

*Clerk of the Legislative Council.*

FRANK CLARKE,

*President.*

## MEETINGS OF SELECT COMMITTEES.

Wednesday, 31st October.

STATUTE LAW REVISION COMMITTEE (JOINT)—At Eleven o'clock.

RACE-COURSES AND RACE-MEETINGS COMMITTEE—At Two o'clock.

### PRINTED PAPERS.

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Boots and Shoes—Proposed Increases in the Price of—Report by Mr. T. Forristal, L.I.C.A. (No. 9.)

Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925. (No. 1.)

Estimates of Revenue and Expenditure for the year 1928-29. (B.—No. 18.)

Estimates—Supplementary Estimates, 1927-28. (B. No. 5.)

Explosives—Report of the Chief Inspector for the year 1927. (No. 17.)

Charitable Institutions—Statistics for the year 1926-27. (No. 3.)

Constitution Statute—Statement of Expenditure under Schedule D. to Act 18 & 19 Vict., Cap. 55, and Act No. 3188 during the year 1927-28. (No. 18.)

Country Roads Board—Report for the year 1926-27. (No. 11.)

Education—

Report of the Minister of Public Instruction for the year 1926-27. (No. 14.)

Report of the Council of Public Education for the year 1927-28. (No. 19.)

Factories and Shops—Report of Chief Inspector for the year 1927. (No. 24.)

Finance, 1927-28—Treasurer's Statement and Report of the Auditor-General, &c. (A.—No. 1.)

Finances of the Workless Winter Buffet—Report by Mr. T. Forristal, L.I.C.A. (C.—No. 3.)

Friendly Societies—

Report of the Government Statist for the year 1926-27. (No. 5.)

Report of the Registrar for the year 1927. (No. 20.)

Gas—Increase in the Price of—Report by Mr. T. Forristal, L.I.C.A. (No. 6.)

Gold and Mineral Statistics for the year 1927. (No. 4.)

Marine Board of Victoria—Statements of Receipts and Disbursements on Pilotage Account for the year 1927. (No. 23.)

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State Superannuation Board—Report for the year 1927-28. (No. 22.)

Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## VICTORIA

## LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

No. 22.

TUESDAY, 30TH OCTOBER, 1928

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE LIEUTENANT-GOVERNOR.—The Honorable J. P. Jones presented a Message from His Excellency the Lieutenant-Governor, as Deputy for His Excellency the Governor, informing the Council that he had given the Royal Assent to the undermentioned Bills presented to him by the Clerk of the Parliaments, viz. :—

*Income Tax Bill.**Land Tax Bill.**Geelong Land (Melbourne Road) Bill.*

3. FERTILIZERS BILL.—The President announced the receipt of a Message from the Assembly transmitting a Message from His Excellency the Governor, pursuant to the provision of section XXXVI. of The Constitution Act, recommending the following amendments which he desires to be made in this Bill, and acquainting the Council that the Assembly have agreed to such amendments and desiring the concurrence of the Council therein :—

In sub-clause (2) of clause 4, after the words "bonedusts and" omit the word "certain."

In the Schedule, after the words "bonedusts and" omit the word "certain."

Ordered—That the amendments recommended by His Excellency the Governor be taken into consideration later this day.

4. MELBOURNE AND METROPOLITAN TRAMWAYS BILL.—On the motion of the Honorable W. J. Beckett for the Honorable J. P. Jones, a Bill to amend the Melbourne and Metropolitan Tramways Acts was, by leave, read a first time, ordered to be printed and to be read a second time to-morrow.
5. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL.—On the motion of the Honorable W. J. Beckett for the Honorable J. P. Jones, a Bill relating to the Provision of Septic Tank Systems in certain Areas within the Metropolis and for other purposes was, by leave, read a first time, ordered to be printed and to be read a second time to-morrow.
6. PETITION.—The Honorable R. G. Menzies presented a petition from certain Nurses and Trainees of Victoria praying that the Council will take into consideration the harm that may result to the nursing profession in Victoria if certain amendments recommended by the Select Committee on the Nurses Registration Bill in section 10 of the *Nurses Registration Act 1923* are passed by this House. Ordered to lie on the Table and to be referred to the Committee of the whole on the Nurses Registration Bill.
7. PAPERS.—The Honorable J. P. Jones presented, by command of His Excellency the Governor—  
Inebriate Institutions—Report of the Inspector for the year 1927.  
Report by Mr. T. Forristal, L.I.C.A., on Certain Phases of the Operations of the Proprietary Articles Trade Association of Victoria.

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 :—

Charities Board of Victoria—Report for the year 1927–28.

Exhibition Trustees—Report and Statement of Receipts and Expenditure for the year 1927–28.

Fire Brigades Act 1915—Country Fire Brigades Board—Report for the year 1927–28, together with Statements of Receipts and Expenditure and Assets and Liabilities for that period.

Fisheries Acts—Notice of Intention to issue Proclamation to prohibit all fishing in or the taking of Fish from portion of the Stony Creek, near Hall's Gap.

Public Service Acts—Regulations—

Classification of General Division, Chapter VI.—Department of Agriculture.

Professional Division, Chapter II.—Department of Public Instruction (2 papers).

Travelling Allowances, Chapter IX.—Miscellaneous.

River Murray Waters Act 1915—Report of the River Murray Commission for the year 1927–28.

State Savings Bank of Victoria—Statements and Returns for the year 1927–28.

8. WORKERS' COMPENSATION 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, 15.

The Hon. W. J. Beckett,  
F. W. Brawn,  
A. E. Chandler,  
H. I. Cohen,  
G. M. Davis,  
J. H. Disney,  
N. Falkiner,  
J. P. Jones,  
E. L. Kiernan,  
W. J. McCann,  
M. McGregor,  
D. L. McNamara (*Teller*),  
R. G. Menzies (*Teller*),  
W. Tyner,  
R. Williams.

Noes, 15.

The Hon. W. Angliss,  
E. G. Bath,  
W. L. R. Clarke,  
H. A. Currie,  
W. H. Edgar,  
G. L. Goudie (*Teller*),  
Dr. J. R. Harris,  
K. Kilpatrick,  
Lieut.-Col. G. V. Lansell  
H. F. Richardson,  
M. Saltau,  
H. H. Smith,  
G. J. Tuckett,  
E. J. White (*Teller*),  
A. M. Zwar.

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively fifteen, or equal, the President said—

It devolves on me to give a casting vote, and it is usual, although not mandatory, for the President so to give his casting vote that further consideration may be given to the Bill. I therefore give my voice with the Ayes.

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 W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.

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

9. CONSOLIDATED REVENUE BILL (No. 5).—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 four hundred and ninety-seven thousand seven hundred and ninety-three pounds to the service of the year One thousand nine hundred and twenty-eight and One thousand nine hundred and twenty-nine*" and desiring the concurrence of the Council therein.

On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

10. THE LATE T. R. GILCHRIST, ESQUIRE.—The Honorable J. P. Jones moved, by leave, That this House place on record its regret at the death of Thomas Rae Gilchrist, Clerk of this House from 1st January, 1927, to 31st December, 1927, and its acknowledgment of the valuable services rendered by him as a Parliamentary Officer for over 26 years.

And the Honorable H. I. Cohen having addressed the House—

The President said—

Before I put the motion, I should like to say that, representing the House, I attended the funeral service in the city this morning, and the Usher, Mr. Jamieson, went to the graveside at Geelong. I feel Mr. Gilchrist's loss keenly. He proved an invaluable helper to me, particularly while the transfer from our recent quarters in the Exhibition Buildings was in progress last year. As the Minister of Public Works has said, Mr. Gilchrist was always genial and cheery, and willing to assist honorable members in every way. I think that it is generally conceded that his greatest work was done as secretary of the Railways Standing Committee. There he has left his mark on the State of Victoria. It is correct to say that quite 50 per cent. of the lines which have been built in Victoria during the last 30 years have been built largely because of his great industry in accumulating statistics which the Committee always needed. His industry was such that it must have been largely a contributing cause of the ill health which eventually brought about his death. It is well known to officers of both Houses of Parliament that it was difficult to get him away from duty even on Saturday afternoons or to leave his office after his ordinary work was done. He continually applied himself to problems of the moment, and read to such a voluminous extent that he was one of the best informed men on his own subjects I have ever met. I regret with the unofficial Leader that he was not spared longer to enjoy the leisure which he had so fully earned, but which I fancy he did not appreciate as much as many men would do, because he voluntarily took up work as secretary to the Railways Royal Commission. I think, as a result of a conversation I had with him at the time, that he was really rather glad than otherwise to get into harness again. That is a fine trait for any man to have—wanting to go on working and giving his services to the community, even willing to die in harness.

The question was then put and, honorable members signifying their assent by rising in their places, unanimously resolved in the affirmative.

11. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 5 inclusive, and *Fertilizers Bill—Amendments recommended by the Governor—To be considered*, be postponed until to-morrow.

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

P. T. POOK,  
Clerk of the Legislative Council.

## No. 23.

WEDNESDAY, 31st OCTOBER, 1928.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE LIEUTENANT-GOVERNOR.—The Honorable J. P. Jones presented a Message from His Excellency the Lieutenant-Governor, as Deputy for His Excellency the Governor, informing the Council that he had given the Royal Assent to the undermentioned Bills presented to him by the Clerk of the Parliaments, viz. :—  
*Oakleigh Land Bill.*  
*Local Government Bill (No. 2).*
3. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk :—  
State Rivers and Water Supply Commission—Twenty-third Annual Report, 1927–28.
4. CONSOLIDATED REVENUE BILL (No. 5).—This Bill was, according to Order, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair ; and the Honorable Dr. J. R. Harris having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
5. FERTILIZERS BILL.—The Order of the Day for the consideration of the amendments recommended by His Excellency the Governor in this Bill having been read, the said amendments were read and are as follow :—  
(*For amendments see page 51.*)  
On the motion of the Honorable J. P. Jones the Council agreed to the amendments recommended by His Excellency the Governor, and ordered His Excellency's Message to be returned to the Assembly with a Message acquainting them therewith.
6. NURSES REGISTRATION 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 W. H. Edgar having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.  
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
7. LOCAL GOVERNMENT (AMENDMENT) BILL.—On the motion of the Honorable J. P. Jones, a Bill to amend the Law relating to Local Government was, by leave, read a first time, ordered to be printed and to be read a second time on Tuesday, the 13th November next.
8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 to 9 inclusive be postponed until Tuesday, the 13th November next.
9. ADJOURNMENT.—The Honorable J. P. Jones moved, by leave, That the Council at its rising adjourn until Tuesday, the 13th November next.  
Question—put and resolved in the affirmative.

And then the Council, at twenty-three minutes past eleven o'clock, adjourned until Tuesday, the 13th November next.

P. T. POOK,  
*Clerk of the Legislative Council.*

UNIT HISTORY (cont.)

... of the ...

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day*

No. 23.

TUESDAY, 13TH NOVEMBER, 1928.

*Government Business.*

ORDERS OF THE DAY:—

1. RAILWAYS BILL—(*from Assembly—Hon. W. J. Beckett*)—To be further considered in Committee.
2. ADOPTION OF CHILDREN BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading—*Resumption of debate (Hon. H. I. Cohen)*.
3. WORKERS' COMPENSATION BILL—(*from Assembly—Hon. R. Williams*)—To be further considered in Committee.
4. MELBOURNE AND METROPOLITAN TRAMWAYS BILL—(*Hon. J. P. Jones*)—Second reading.
5. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—(*Hon. J. P. Jones*)—Second reading.
6. LOCAL GOVERNMENT (AMENDMENT) BILL—(*Hon. J. P. Jones*)—Second reading.
7. BUSINESS AGENTS BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.

WEDNESDAY, 5TH DECEMBER.

*Government Business.*

ORDER OF THE DAY:—

1. UNEMPLOYED WORKERS INSURANCE BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.

P. T. POOK,  
*Clerk of the Legislative Council.*

FRANK CLARKE,  
*President.*

## MEETINGS OF SELECT COMMITTEES.

*Tuesday, 13th November.*

STATUTE LAW REVISION COMMITTEE (JOINT)—At Eleven o'clock.

RACE-COURSES AND RACE-MEETINGS COMMITTEE—At Two o'clock.

## STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927)—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928)—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928.)—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

- LIBRARY (JOINT)**—(Appointed 17th July, 1928.)—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.
- PRINTING**—(Appointed 17th July 1928.)—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.
- STATUTE LAW REVISION (JOINT)**—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.
- NURSES REGISTRATION BILL**—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.
- RACE COURSES AND RACE-MEETINGS**—(Appointed 10th October, 1928)—The Honorables F. W. Brawn, H. I. Cohen, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, and E. L. Kiernan.

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- Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925. (No. 1.)
- Estimates of Revenue and Expenditure for the year 1928–29. (B.—No. 18.)
- Estimates—Supplementary Estimates, 1927–28. (B. No. 5.)
- Explosives—Report of the Chief Inspector for the year 1927. (No. 17.)
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- Education—
- Report of the Minister of Public Instruction for the year 1926–27. (No. 14.)
  - Report of the Council of Public Education for the year 1927–28. (No. 19.)
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- Friendly Societies—
- Report of the Government Statist for the year 1926–27. (No. 5.)
  - Report of the Registrar for the year 1927. (No. 20.)
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    - Newport Workshops—New Locomotive Erecting Shop at. (C.—No. 1.)
    - Nicholson-street, East Brunswick, Electric Tramway. (C.—No. 2.)
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- Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

# LEGISLATIVE COUNCIL

## Notices of Motion and Orders of the Day

No. 24.

WEDNESDAY, 14TH NOVEMBER, 1928.

### Question.

1. The Hon. W. H. EDGAR: To ask the Honorable the Commissioner of Public Works—
  - (a) Can the Government prevent brewers from supplying ale or beer in small quantities direct to householders.
  - (b) If not, will the Government, in view of this additional facility for obtaining alcoholic liquor, take steps to ensure that special vigilance is exercised by the police to prevent its sale by unlicensed persons.

### Government Business.

#### ORDERS OF THE DAY:—

1. WORKERS' COMPENSATION BILL—(from Assembly—Hon. R. Williams)—To be further considered in Committee.
2. MELBOURNE AND METROPOLITAN TRAMWAYS BILL—(Hon. J. P. Jones)—Second reading.
3. ADOPTION OF CHILDREN BILL—(from Assembly—Hon. J. P. Jones)—To be further considered in Committee.
4. MARRIAGE BILL—(from Assembly—Hon. W. J. Beckett)—Second reading.
5. JUSTICES BILL—(from Assembly—Hon. W. J. Beckett)—Second reading.
6. VICTORIAN GOVERNMENT LOAN BILL—(from Assembly—Hon. J. P. Jones)—Second reading.
7. REGISTRAR-GENERAL'S FEES BILL—(from Assembly—Hon. J. P. Jones)—Second reading.
8. REAL ESTATE AGENTS BILL—(from Assembly—Hon. J. P. Jones)—Second reading.
9. BUSINESS AGENTS BILL—(from Assembly—Hon. J. P. Jones)—To be further considered in Committee.
10. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—(Hon. J. P. Jones)—Second reading.
11. LOCAL GOVERNMENT (AMENDMENT) BILL—(Hon. J. P. Jones)—Second reading.

WEDNESDAY, 5TH DECEMBER.

### Government Business.

#### ORDER OF THE DAY:—

1. UNEMPLOYED WORKERS INSURANCE BILL—(from Assembly—Hon. J. P. Jones)—Second reading.

P. T. POOK,

Clerk of the Legislative Council.

FRANK CLARKE,

President.

## MEETING OF SELECT COMMITTEE.

Wednesday, 14th November.

RACE-COURSES AND RACE-MEETINGS COMMITTEE—At Eleven o'clock.

## PRINTED PAPERS.

The following printed Papers can now be obtained by Honorable Members from the Clerk of the Legislative Council (Telephone F3605), and by others on the circulation list from the Government Printer. They can also be purchased by the Public from the Government Printer:—

- Biscuits—Refusal by Messrs Swallow and Ariell to supply Biscuits to Mr. J. B. Tame, Store-keeper, Beeac—Report by Mr. T. Forristal, L.I.C.A. (No. 16.)
- Boots and Shoes—Proposed Increases in the Price of—Report by Mr. T. Forristal, L.I.C.A. (No. 9.)
- Charitable Institutions—Statistics for the year 1926-27. (No. 3.)
- Charities Board of Victoria—Report for the year 1927-28. (No. 29.)
- Constitution Statute—Statement of Expenditure under Schedule D. to Act 18 & 19 Vict., Cap. 55, and Act No. 3188 during the year 1927-28. (No. 18.)
- Country Roads Board—Report for the year 1926-27. (No. 11.)
- Education—
- Report of the Minister of Public Instruction for the year 1926-27. (No. 14.)
  - Report of the Council of Public Education for the year 1927-28. (No. 19.)
- Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925. (No. 1.)
- Estimates of Revenue and Expenditure for the year 1928-29. (B.—No. 18.)
- Estimates—Supplementary Estimates, 1927-28. (B. No. 5.)
- Explosives—Report of the Chief Inspector for the year 1927. (No. 17.)
- Factories and Shops—Report of Chief Inspector for the year 1927. (No. 24.)
- Finance, 1927-28—Treasurer's Statement and Report of the Auditor-General, &c. (A.—No. 1.)
- Finances of the Workless Winter Buffet—Report by Mr. T. Forristal, L.I.C.A. (C.—No. 3.)
- Friendly Societies—
- Report of the Government Statist for the year 1926-27. (No. 5.)
  - Report of the Registrar for the year 1927. (No. 20.)
- Gas—Increase in the Price of—Report by Mr. T. Forristal, L.I.C.A. (No. 6.)
- Gold and Mineral Statistics for the year 1927. (No. 4.)
- Inebriate Institutions—Report of the Inspector for the year 1927. (No. 27.)
- Marine Board of Victoria—Statements of Receipts and Disbursements on Pilotage Account for the year 1927. (No. 23.)
- Motor Tyres and Tubes—Retail Price of, and the Alleged Boycott of the Perdriau Company—Report by Mr. T. Forristal, L.I.C.A. (No. 8.)
- Nurses Registration Bill—Report of Select Committee of the Legislative Council on. (D.—No. 1.)
- Proprietary Articles Trade Association of Victoria—Certain Phases of the Operations of—Report by Mr. T. Forristal, L.I.C.A. (No. 26.)
- Public Library, Museums, and National Gallery of Victoria—Report of the Trustees for the year 1927, with a Statement of Income and Expenditure for the year 1926-27. (No. 12.)
- Public Service Commissioner—Report for the year 1927. (No. 13.)
- Railways—
- Report of the Royal Commission on the Control, Management, Working, and Financial Position of the Victorian Railways. (No. 32.)
  - Report of the Victorian Railways Commissioners for the year 1927-28. (No. 21.)
  - Reports of the Parliamentary Standing Committee on Railways—
    - Beaumaris Electric Street Railway—Extension of (Report No. 4.)
    - Macarthur District Railway. (Report No. 3.)
    - Newport Workshops—New Locomotive Erecting Shop at. (C.—No. 1.)
    - Nicholson-street, East Brunswick, Electric Tramway. (C.—No. 2.)
    - Race-course-road, Melbourne, Electric Tramway. (No. 2.)
    - Thirty-eighth General Report. (No. 7.)
    - Tolmie District Railway. (Report No. 1.)
    - Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
  - State Accident Insurance Office—Report, Profit and Loss Account, and Balance-sheet for the year 1927-28. (No. 25.)
  - State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)
  - State Rivers and Water Supply Commission—Annual Report for the year 1927-28. (No. 30.)
  - State Superannuation Board—Report for the year 1927-28. (No. 22.)
  - Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

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 PARLIAMENTARY PAPERS ISSUED 24TH OCTOBER, 1928.

- Notices of Motion and Orders of the Day. No. 24.
- Justices Bill—[9].
- Marriage Bill—[10].
- Real Estate Agents Bill—[41].
- Victorian Government Loan Bill—[69].
- Registrar-General's Fees Bill—[105].
- Adoption of Children Bill—[11]. Amendment to be proposed by the Hon. D. L. McNamara.
- Workers' Compensation—[23]. Amendment to be proposed by the Hon. R. Williams
- Workers' Compensation—[23]. Amendment to be proposed by the Hon. G. J. Tuckett.
- Workers' Compensation—[23]. Amendment to be proposed by the Hon. W. Tyner.

## VICTORIA

## LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

## No. 24.

TUESDAY, 13<sup>TH</sup> NOVEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE LIEUTENANT-GOVERNOR.—The Honorable J. P. Jones presented a Message from His Excellency the Lieutenant-Governor, as Deputy for His Excellency the Governor, informing the Council that he had given the Royal Assent to the undermentioned Bills presented to him by the Clerk of the Parliaments, viz. :—  
*Fertilizers Bill.*  
*Consolidated Revenue Bill (No. 5).*
3. REGISTRAR-GENERAL'S FEES BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Table B of the Second Schedule to the 'Companies Act 1915' as re-enacted and amended by the 'Registrar-General's Fees Act 1927' and to continue in force the said last-mentioned Act and for other purposes*" and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.
4. REAL ESTATE AGENTS BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Real Estate Agents Act 1922' and for other purposes*" and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.
5. MARRIAGE BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Marriage Acts and for other purposes*" and desiring the concurrence of the Council therein.  
On the motion of the Honorable W. J. Beckett, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.
6. VICTORIAN GOVERNMENT LOAN BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize the raising of Money for Railways and for Irrigation Works and Water Supply and for the purposes of Works and Undertakings of the State Electricity Commission of Victoria*" and desiring the concurrence of the Council therein.  
On the motion of the Honorable J. P. Jones, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.
7. JUSTICES BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Justices Acts and for other purposes*" and desiring the concurrence of the Council therein.  
On the motion of the Honorable W. J. Beckett, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

8. PAPERS.—The Honorable J. P. Jones presented, by command of His Excellency the Governor—  
 Dairying Industry—Report of the Royal Commission on the Dairying Industry, 1928.  
 Railways—Report of the Royal Commission appointed to inquire into and report upon the Control, Management, Working, and Financial Position of the Victorian Railways.  
 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 1927—General Regulations (No. 2).  
 Constitution Act Amendment Act 1915—Part VIII.—  
 Statement of Appointments and Alterations of Classification in the Department of the Legislative Assembly.  
 Statement of Appointments, Alteration of Classification, and Persons temporarily employed in the Department of the Legislative Council.  
 Dried Fruits Acts—Regulations—  
 Payment of Contributions by Dried Fruits Packing Sheds.  
 Victorian Dried Fruits Board Election.  
 Fruit Acts—  
 Citrus Packing Regulations, 1928.  
 Grade Standards for Mushrooms, Peas, and Beans Regulations, 1928.  
 Proclamation declaring Mushrooms to be vegetables within the meaning of the Acts.  
 State Electricity Commission of Victoria—Report for the year 1927–28, together with Appendices.
9. RAILWAYS 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 W. H. Edgar 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. ADOPTION OF CHILDREN 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 Dr. J. R. Harris reported that the Committee had made progress in the Bill, and asked leave to sit again.  
 Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
11. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 7 inclusive, be postponed until to-morrow.

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

P. T. POOK,  
*Clerk of the Legislative Council.*

## No. 25.

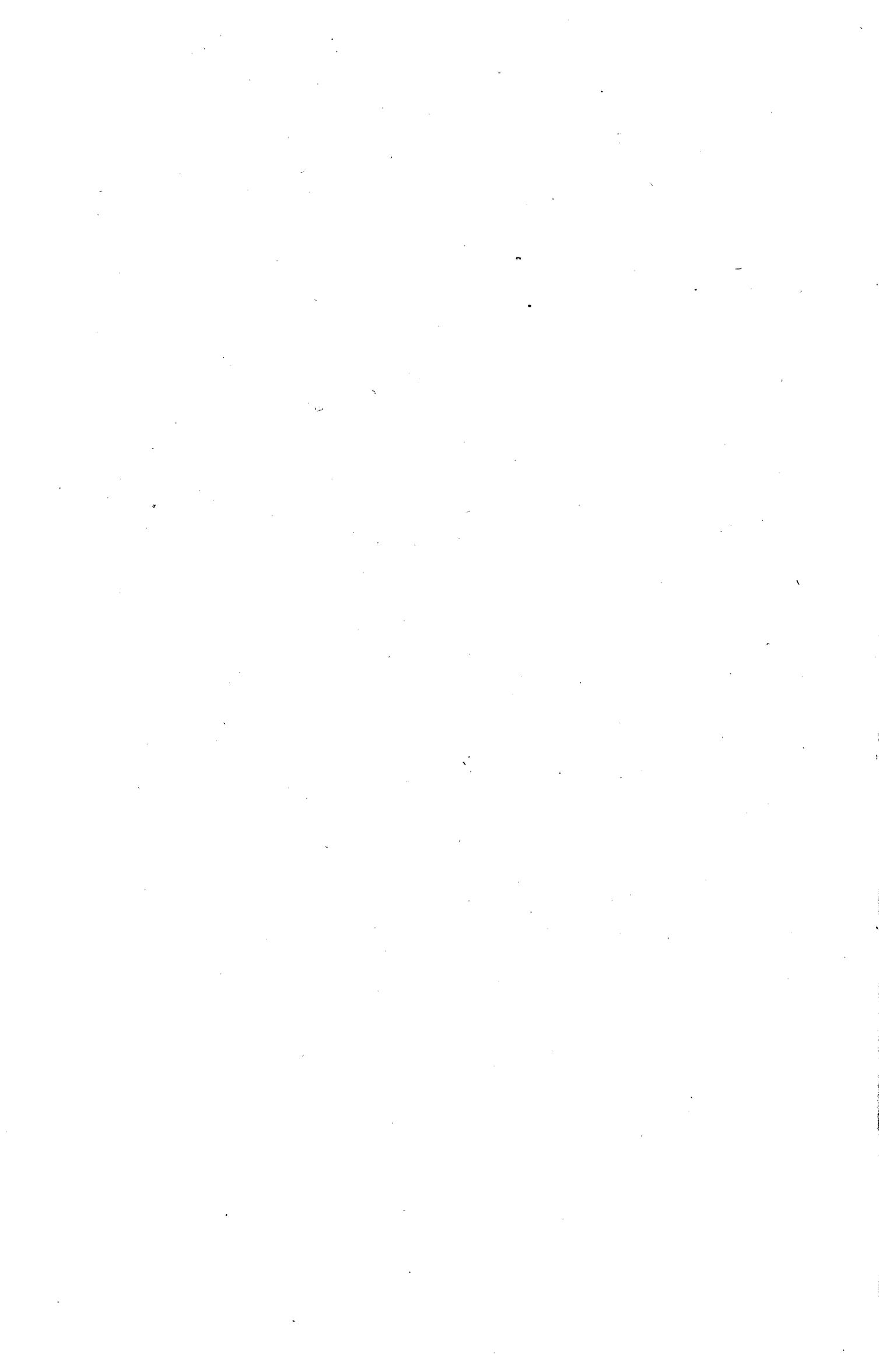
WEDNESDAY, 14TH NOVEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. THE TITLE OF "HONORABLE."—The President announced that he had received from the Honorable the Premier a copy of a despatch from the Secretary of State for the Dominion Affairs intimating that His Majesty the King had been pleased to approve of the retention of the title of "Honorable" by Mr. Theodore Beggs, who had served continuously as a Member of the Legislative Council of Victoria for a period of more than ten years.
3. PAPERS.—The Honorable J. P. Jones presented, by command of His Excellency the Governor—  
 Penal Establishments, Gaols, and Reformatory Prisons—Report and Statistical Tables for the year 1927.  
 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 :—  
 Health Acts—Report of the Commission of Public Health for the year 1927–28.  
 Motor Car Act 1915—Regulation.  
 University of Melbourne—Annual Report, 1927–28.

4. **WORKERS' COMPENSATION 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 W. H. Edgar reported that the Committee had agreed to the Bill with amendments.  
On the motion of the Honorable R. Williams, the Bill was recommitted to a Committee of the whole in respect of clause 4.  
House in Committee.  
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with further amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments and desiring their concurrence therein.
5. **MELBOURNE AND METROPOLITAN TRAMWAYS BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable J. P. Jones moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. I. Cohen, that the debate be adjourned until Tuesday next.
6. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 5 inclusive be postponed until after No. 7.
7. **VICTORIAN GOVERNMENT LOAN BILL.**—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable Dr. J. R. Harris 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. **REGISTRAR-GENERAL'S 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 Dr. J. R. Harris reported that the Committee had made progress in the Bill, and asked leave to sit again.  
Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.
9. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 5 inclusive and Nos. 8 to 11 inclusive, be postponed until Tuesday next.
10. **NURSES REGISTRATION BILL.**—The Honorable W. J. Beckett moved, by leave, That a message be sent to the Legislative Assembly acquainting them that in the Nurses Registration Bill transmitted by this House to the Legislative Assembly on the 31st October last the word "Instructress" was by mistake printed instead of the word "Inspectress" wherever occurring in clause 12 of the Bill as passed by this House, and requesting the Legislative Assembly to give leave to the proper officer of this House to correct the said mistake.  
Question—put and resolved in the affirmative.
11. **ADJOURNMENT.**—The Honorable J. P. Jones 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-five minutes past ten o'clock, adjourned until Tuesday next.

P. T. POOK,  
*Clerk of the Legislative Council.*



# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 25.

TUESDAY, 20TH NOVEMBER, 1928.

*Government Business.*

ORDERS OF THE DAY:—

1. REAL ESTATE AGENTS BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.
2. BUSINESS AGENTS BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.
3. ADOPTION OF CHILDREN BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.
4. MARRIAGE BILL—(*from Assembly—Hon. W. J. Beckett*)—Second reading.
5. JUSTICES BILL—(*from Assembly—Hon. W. J. Beckett*)—Second reading.
6. MELBOURNE AND METROPOLITAN TRAMWAYS BILL—(*Hon. J. P. Jones*)—Second reading—*Resumption of debate (Hon. H. I. Cohen.)*
7. REGISTRAR-GENERAL'S FEES BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.
8. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—(*Hon. J. P. Jones*)—Second reading.
9. LOCAL GOVERNMENT (AMENDMENT) BILL—(*Hon. J. P. Jones*)—Second reading.

WEDNESDAY, 5TH DECEMBER.

*Government Business.*

ORDER OF THE DAY:—

1. UNEMPLOYED WORKERS INSURANCE BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.

P. T. POOK,  
*Clerk of the Legislative Council.*

FRANK CLARKE,  
*President.*

## MEETING OF SELECT COMMITTEE.

*Tuesday, 20th November.*

RACE-COURSES AND RACE-MEETINGS COMMITTEE—At Two o'clock.

### STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

- LIBRARY (JOINT)**—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.
- PRINTING**—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.
- STATUTE LAW REVISION (JOINT)**—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.
- NURSES REGISTRATION BILL**—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.
- RACE COURSES AND RACE-MEETINGS**—(Appointed 10th October, 1928)—The Honorables F. W. Brawn, H. I. Cohen, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, and E. L. Kiernan.

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- State Superannuation Board—Report for the year 1927-28. (No. 22.)
- Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 26.

WEDNESDAY, 21ST NOVEMBER, 1928.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. REAL ESTATE AGENTS BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.
2. BUSINESS AGENTS BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.
3. ADOPTION OF CHILDREN BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.
4. MARRIAGE BILL—(*from Assembly—Hon. W. J. Beckett*)—Second reading.
5. JUSTICES BILL—(*from Assembly—Hon. W. J. Beckett*)—Second reading.
6. MELBOURNE AND METROPOLITAN TRAMWAYS BILL—(*Hon. J. P. Jones*)—Second reading—*Resumption of debate (Hon. H. I. Cohen.)*
7. REGISTRAR-GENERAL'S FEES BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.
8. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—(*Hon. J. P. Jones*)—Second reading.
9. LOCAL GOVERNMENT (AMENDMENT) BILL—(*Hon. J. P. Jones*)—Second reading.

WEDNESDAY, 5TH DECEMBER.

### *Government Business.*

#### ORDER OF THE DAY:—

1. UNEMPLOYED WORKERS INSURANCE BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.

P. T. POOK,  
*Clerk of the Legislative Council.*

FRANK CLARKE,  
*President.*

### STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliiss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

**PRINTING**—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.

**STATUTE LAW REVISION (JOINT)**—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

**NURSES REGISTRATION BILL**—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

**RACE-COURSES AND RACE-MEETINGS**—(Appointed 10th October, 1928)—The Honorables F. W. Brawn, H. I. Cohen, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, and E. L. Kiernan.

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Estimates—Supplementary Estimates, 1927-28. (B. No. 5.)

Explosives—Report of the Chief Inspector for the year 1927. (No. 17.)

Factories and Shops—Report of Chief Inspector for the year 1927. (No. 24.)

Finance, 1927-28—Treasurer's Statement and Report of the Auditor-General, &c. (A.—No. 1.)

Finances of the Workless Winter Buffet—Report by Mr. T. Forristal, L.I.C.A. (C.—No. 3.)

Friendly Societies—

Report of the Government Statist for the year 1926-27. (No. 5.)

Report of the Registrar for the year 1927. (No. 20.)

Gas—Increase in the Price of—Report by Mr. T. Forristal, L.I.C.A. (No. 6.)

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Inebriate Institutions—Report of the Inspector for the year 1927. (No. 27.)

Marine Board of Victoria—Statements of Receipts and Disbursements on Pilotage Account for the year 1927. (No. 23.)

Motor Tyres and Tubes—Retail Price of, and the Alleged Boycott of the Perdriau Company—Report by Mr. T. Forristal, L.I.C.A. (No. 8.)

Nurses Registration Bill—Report of Select Committee of the Legislative Council on. (D.—No. 1.)

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Report of the Victorian Railways Commissioners for the year 1927-28. (No. 21.)

Reports of the Parliamentary Standing Committee on Railways—

Beaumaris Electric Street Railway—Extension of (Report No. 4.)

Macarthur District Railway. (Report No. 3.)

Newport Workshops—New Locomotive Erecting Shop at. (C.—No. 1.)

Nicholson-street, East Brunswick, Electric Tramway. (C.—No. 2.)

Race-course-road, Melbourne, Electric Tramway. (No. 2.)

Thirty-eighth General Report. (No. 7.)

Tolmie District Railway. (Report No. 1.)

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State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)

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State Superannuation Board—Report for the year 1927-28. (No. 22.)

Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## VICTORIA

## LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

No. 26.

TUESDAY, 20TH NOVEMBER, 1928

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable J. P. Jones presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bill presented to him by the Clerk of the Parliaments, viz. :—  
*Victorian Government Loan Bill.*
3. THE LATE HONORABLE SIR WALTER MANIFOLD.—The Honorable J. P. Jones moved, by leave, That this House place on record its sorrow at the death of the Honorable Sir Walter Synnot Manifold and its appreciation of the valuable public services rendered by him during his twenty-three years' membership of this House of which he was President from 1919 to 1923.

And other honorable members having addressed the House—

The President said—

Before I put the motion, I should like to add a few words to what has been so ably said by various members. Sir Walter Manifold was my personal friend. He was, I think, a personal friend of all of us. Fine leader and just President as he was, I think the abiding memory we all have of him is chiefly one of great personal affection. It is, possibly, a greater tribute to a man who has finished his life here, that he is remembered with strong personal affection rather than as a great man, or as a man of strong driving force. Sir Walter Manifold served neither for place nor ambition, but simply because he regarded service as a duty to his country. He was patient of views that were not his own, and was impatient only of insincerity. He had the exact quality required in a President of this Chamber, because he valued above all things in administration the integrity that convinced all men of his fairness, whatever the consequences. In fact, he was the best type of English gentleman.

The question was then put and, honorable members signifying their assent by rising in their places, unanimously resolved in the affirmative.

4. ADJOURNMENT.—The Honorable J. P. Jones moved, That the House, out of respect to the memory of the late Sir Walter Manifold, do now adjourn.

Question—put and resolved in the affirmative.

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

P. T. POOK,  
*Clerk of the Legislative Council.*

No. 27.

WEDNESDAY, 21ST NOVEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. PAPERS.—The Honorable J. P. Jones presented, by command of His Excellency the Governor—  
Hospital-Medical School Problems of the State of Victoria—Report by Professor R. J. A. Berry, M.D.—Part I.—The Medical Centre devoted to Community Health.

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 1927—Plumbing and Gasfitting Regulations (No. 1).

Education Acts—Regulation XXXVII.—Technical Schools—Clauses rescinded and remade.

Motor Car Act 1915 and Highways and Vehicles Act 1927—Portable Mechanical Devices Regulations.

State Coal Mines—Annual Report of the General Manager, including the State Coal Mines Balance-sheet and Statement of Accounts, duly audited, &c., for the year 1927-28.

3. ADJOURNMENT.—The Honorable J. P. Jones 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-seven minutes past four o'clock, adjourned until Tuesday next.

P. T. POOK,  
*Clerk of the Legislative Council.*

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 27.

TUESDAY, 27TH NOVEMBER, 1928.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. REAL ESTATE AGENTS BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.
2. BUSINESS AGENTS BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.
3. ADOPTION OF CHILDREN BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.
4. MARRIAGE BILL—(*from Assembly—Hon. W. J. Beckett*)—Second reading.
5. JUSTICES BILL—(*from Assembly—Hon. W. J. Beckett*)—Second reading.
6. MELBOURNE AND METROPOLITAN TRAMWAYS BILL—(*Hon. J. P. Jones*)—Second reading—*Resumption of debate (Hon. H. I. Cohen.)*
7. REGISTRAR-GENERAL'S FEES BILL—(*from Assembly—Hon. J. P. Jones*)—To be further considered in Committee.
8. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—(*Hon. J. P. Jones*)—Second reading.
9. LOCAL GOVERNMENT (AMENDMENT) BILL—(*Hon. J. P. Jones*)—Second reading.

WEDNESDAY, 5TH DECEMBER.

### *Government Business.*

#### ORDER OF THE DAY:—

1. UNEMPLOYED WORKERS INSURANCE BILL—(*from Assembly—Hon. J. P. Jones*)—Second reading.

P. T. POOK,

*Clerk of the Legislative Council.*

FRANK CLARKE,

*President.*

### STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT)—(Appointed 6th July, 1927).—The Honorables A. Bell and A. E. Chandler.

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McAnn, H. H. Smith, and G. J. Tuckett.

STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

NURSES REGISTRATION BILL—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

RACE-COURSES AND RACE-MEETINGS—(Appointed 10th October, 1928)—The Honorables F. W. Brawn, H. I. Cohen, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, and E. L. Kiernan.

## PRINTED PAPERS.

The following printed Papers can now be obtained by Honorable Members from the Clerk of the Legislative Council (Telephone F3605), and by others on the circulation list from the Government Printer. They can also be purchased by the Public from the Government Printer :—

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- Boots and Shoes—Proposed Increases in the Price of—Report by Mr. T. Forristal, L.I.C.A. (No. 9.)
- Charitable Institutions—Statistics for the year 1926-27. (No. 3.)
- Charities Board of Victoria—Report for the year 1927-28. (No. 29.)
- Constitution Statute—Statement of Expenditure under Schedule D. to Act 18 & 19 Vict., Cap. 55, and Act No. 3188 during the year 1927-28. (No. 18.)
- Country Roads Board—Report for the year 1926-27. (No. 11.)
- Education—  
 Report of the Minister of Public Instruction for the year 1926-27. (No. 14.)  
 Report of the Council of Public Education for the year 1927-28. (No. 19.)
- Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925. (No. 1.)
- Estimates of Revenue and Expenditure for the year 1928-29. (B.—No. 18.)
- Estimates—Supplementary Estimates, 1927-28. (B. No. 5.)
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 Report of the Registrar for the year 1927. (No. 20.)
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- Inebriate Institutions—Report of the Inspector for the year 1927. (No. 27.)
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- Nurses Registration Bill—Report of Select Committee of the Legislative Council on. (D.—No. 1.)
- Proprietary Articles Trade Association of Victoria—Certain Phases of the Operations of—Report by Mr. T. Forristal, L.I.C.A. (No. 26.)
- Public Library, Museums, and National Gallery of Victoria—Report of the Trustees for the year 1927, with a Statement of Income and Expenditure for the year 1926-27. (No. 12.)
- Public Service Commissioner—Report for the year 1927. (No. 13.)
- Railways—  
 Report of the Royal Commission on the Control, Management, Working, and Financial Position of the Victorian Railways. (No. 32.)  
 Report of the Victorian Railways Commissioners for the year 1927-28. (No. 21.)  
 Reports of the Parliamentary Standing Committee on Railways—  
 Beaumaris Electric Street Railway—Extension of (Report No. 4.)  
 Macarthur District Railway. (Report No. 3.)  
 Newport Workshops—New Locomotive Erecting Shop at. (C.—No. 1.)  
 Nicholson-street, East Brunswick, Electric Tramway. (C.—No. 2.)  
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- State Rivers and Water Supply Commission—Annual Report for the year 1927-28. (No. 30.)
- State Superannuation Board—Report for the year 1927-28. (No. 22.)
- Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## PARLIAMENTARY PAPERS ISSUED 21ST NOVEMBER, 1928.

Notices of Motion and Orders of the Day. No. 27.

Notices of Motion and Orders of the Day. No. 55.

Machinery Monopolies Restriction Bill—Report of the Select Committee. D.—No. 1.

River Murray Commission—Report for year 1927-28. No. 28.

## VICTORIA

## LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS

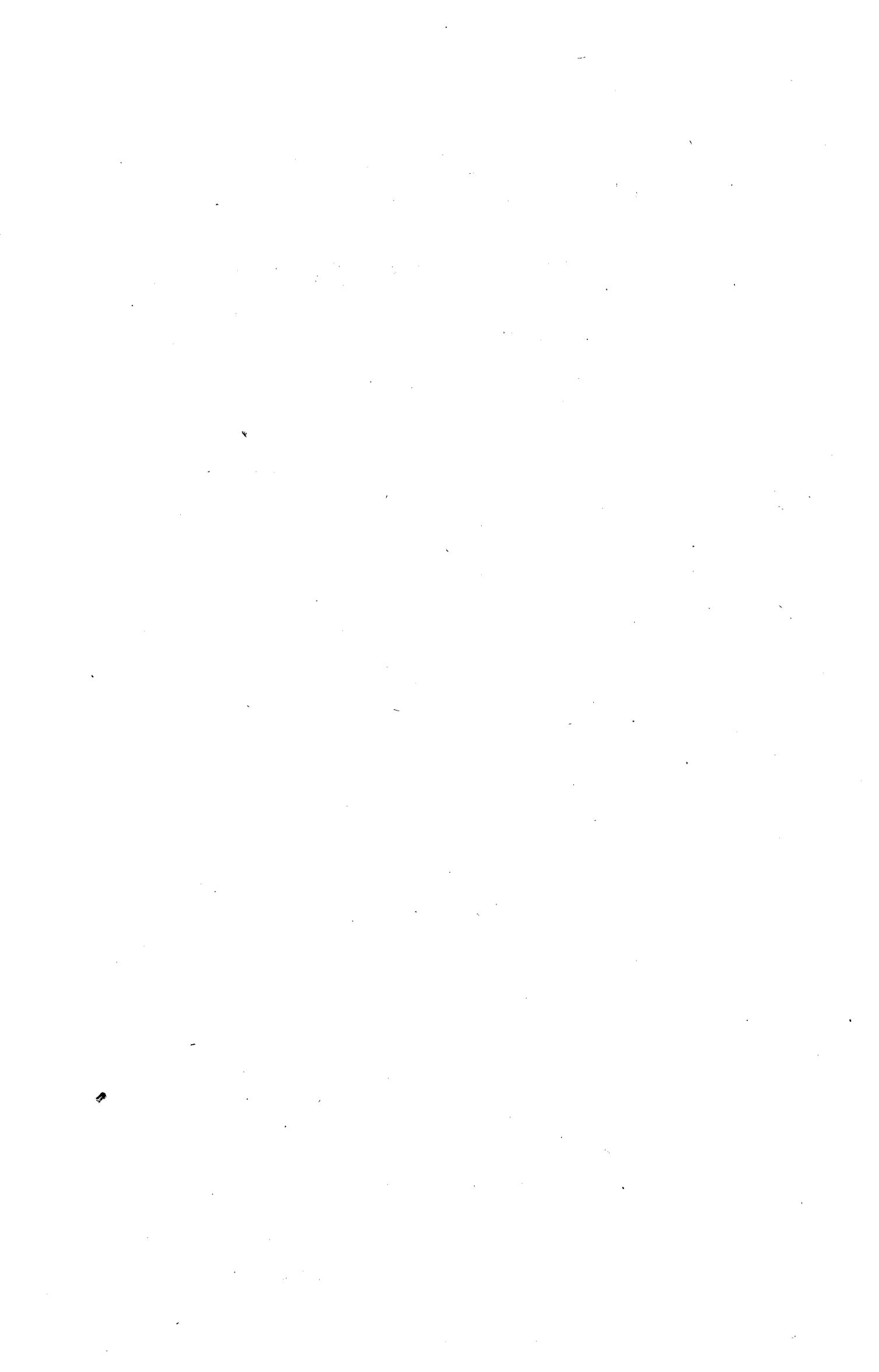
No. 28.

TUESDAY, 27<sup>TH</sup> NOVEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. **PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS.**—The Honorable H. I. Cohen moved, by leave, That the Honorable Martin McGregor be appointed a member of the Parliamentary Standing Committee on Railways in the place of the Honorable Alfred Elliott Chandler.  
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 :—
  - Bank Liabilities and Assets—Summary of Sworn Returns for the quarter ended 30th September, 1928.
  - Children's Welfare Department and Reformatory Schools—Report of the Secretary and Inspector for the year 1927.
  - Hospitals for the Insane—Report of the Inspector-General of the Insane for the year 1927.
  - Public Service Acts—Regulations—
    - Classification of General Division, Chapter VI.—Department of Chief Secretary.
    - Professional Division, Chapter II.—
      - Department of Public Instruction.
      - Department of Treasurer.
4. **REAL ESTATE AGENTS BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable H. I. Cohen moved, That this Bill be now read a second time and, debate arising thereupon, it was ordered, on the motion of the Honorable Dr. J. R. Harris that the debate be adjourned until Tuesday next.
5. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 6 inclusive be postponed until after No. 7.
6. **REGISTRAR-GENERAL'S FEES BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the Deputy-President left the Chair.  
House in Committee.  
The Deputy-President resumed the Chair; and the Honorable E. L. Kiernan having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
7. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 6 inclusive, and Nos. 8 and 9, be postponed until Tuesday next.
8. **ADJOURNMENT.**—The Honorable H. I. Cohen moved, by leave, That the Council at its rising adjourn until Tuesday next.  
Question—put and resolved in the affirmative.  
The Honorable H. I. Cohen 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 five o'clock, adjourned until Tuesday next.

P. T. POOK,  
*Clerk of the Legislative Council.*



# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 28.

TUESDAY, 4TH DECEMBER, 1928.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. BUSINESS AGENTS BILL—(*from Assembly*)—To be further considered in Committee.
2. REAL ESTATE AGENTS BILL—(*from Assembly*)—Second reading—*Resumption of debate Hon. Dr. J. R. Harris*).
3. ADOPTION OF CHILDREN BILL—(*from Assembly*)—To be further considered in Committee.
4. MELBOURNE AND METROPOLITAN TRAMWAYS BILL—Second reading—*Resumption of debate (Hon. H. I. Cohen)*.
5. JUSTICES BILL—(*from Assembly*)—Second reading.
6. MARRIAGE BILL—(*from Assembly*)—Second reading.
7. LOCAL GOVERNMENT (AMENDMENT) BILL—Second reading.
8. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—Second reading.

WEDNESDAY, 5TH DECEMBER.

### *Government Business.*

#### ORDER OF THE DAY:—

1. UNEMPLOYED WORKERS INSURANCE BILL—(*from Assembly*)—Second reading.

P. T. POOK,  
*Clerk of the Legislative Council.*

FRANK CLARKE,  
*President.*

### STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT).—The Honorables A. Bell (appointed 6th July, 1927), and M. McGregor (appointed 27th November, 1928).

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

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STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928).—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

NURSES REGISTRATION BILL—(Appointed 4th September, 1928).—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

RACE-COURSES AND RACE-MEETINGS—(Appointed 10th October, 1928).—The Honorables F. W. Brawn, H. I. Cohen, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, and E. L. Kiernan.

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     Report of the Victorian Railways Commissioners for the year 1927-28. (No. 21.)  
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         Beaumaris Electric Street Railway—Extension of (Report No. 4.)  
         Macarthur District Railway. (Report No. 3.)  
         Newport Workshops—New Locomotive Erecting Shop at. (C.—No. 1.)  
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         Race-course-road, Melbourne, Electric Tramway. (No. 2.)  
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 Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

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 PARLIAMENTARY PAPERS ISSUED 27TH NOVEMBER, 1928.

Notices of Motion and Orders of the Day. No. 28.

Notices of Motion and Orders of the Day. No. 56.

Parliamentary Standing Committee on Railways—Reports—

Proposed Expenditure under Railway Loan Application Act, No. 3557 (Provision of Additional and Improved Station Yard Accommodation, &c., at Hamilton).

Mount Alexander-road and Buckley-street, Essendon, Electric Tramway.

Penal Establishments, Gaols, and Reformatory Prisons—Report and Statistical Tables for the Year 1927.

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 29.

WEDNESDAY, 5TH DECEMBER, 1928.

### *Questions.*

1. The Hon. H. F. RICHARDSON: To ask the Honorable the Minister of Public Instruction—Will the Government urge the Development and Migration Commission to agree to the proposal of the Allan-Peacock Government for a settlement in the Beech Forest in conjunction with forestry.
2. The Hon. E. G. BATH: To ask the Honorable the Minister of Public Instruction—Has the Government the power to stop the printing and circulation of impure literature; if so, will the Government consider the advisability of stopping the publication of the paper known as *Beckett's Budget*; if not, will the Government bring in legislation at an early date to give it the necessary power.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. BUSINESS AGENTS BILL—(*from Assembly*)—To be further considered in Committee.
2. REAL ESTATE AGENTS BILL—(*from Assembly*)—Second reading—*Resumption of debate* (Hon. Dr. J. R. Harris).
3. ADOPTION OF CHILDREN BILL—(*from Assembly*)—To be further considered in Committee.
4. MELBOURNE AND METROPOLITAN TRAMWAYS BILL—Second reading—*Resumption of debate* (Hon. H. I. Cohen).
5. MELBOURNE AND METROPOLITAN TRAMWAYS BOARD BILL—Second reading.
6. MARRIAGE BILL—(*from Assembly*)—Second reading.
7. JUSTICES BILL—(*from Assembly*)—Second reading.
8. LOCAL GOVERNMENT (AMENDMENT) BILL—Second reading.
9. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—Second reading.
10. UNEMPLOYED WORKERS INSURANCE BILL—(*from Assembly*)—Second reading.

P. T. POOK,

*Clerk of the Legislative Council.*

FRANK CLARKE,

*President.*

## MEETINGS OF SELECT COMMITTEES.

*Friday, 7th December.*

RACE-COURSES AND RACE-MEETINGS COMMITTEE—At Eleven o'clock.

*Tuesday, 11th December.*

STATUTE LAW REVISION COMMITTEE (JOINT)—At Eleven o'clock.

### STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT).—The Honorables A. Bell (appointed 6th July, 1927), and M. McGregor (appointed 27th November, 1928).

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

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**PRINTING**—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan; W. J. McCann, H. H. Smith, and G. J. Tuckett.

**STATUTE LAW REVISION (JOINT)**—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

**NURSES REGISTRATION BILL**—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

**RACE-COURSES AND RACE-MEETINGS**—(Appointed 10th October, 1928)—The Honorables F. W. Brawn, H. I. Cohen\*, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, and E. L. Kiernan.

\* Discharged from attendance, 4th December, 1928.

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## VICTORIA.

## LEGISLATIVE COUNCIL.

## MINUTES OF THE PROCEEDINGS.

No. 29.

TUESDAY, 4TH DECEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable H. I. Cohen presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bill presented to him by the Clerk of the Parliaments, viz. :—  
*Registrar-General's Fees Bill.*
3. NURSES REGISTRATION BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have given leave to the proper officer of the Council to make a correction in this Bill transmitted to the Assembly on the 31st October last, in which the word "Instructress" was by mistake printed instead of the word "Inspectress" wherever occurring in clause 12 of the Bill as passed by the Council.
4. MELBOURNE AND METROPOLITAN TRAMWAYS BOARD BILL.—On the motion of the Honorable A. E. Chandler, a Bill relating to the Melbourne and Metropolitan Tramways Board, was, by leave, read a first time, ordered to be printed and to be read a second time to-morrow.
5. RACE-COURSES AND RACE-MEETINGS COMMITTEE—MEMBER DISCHARGED.—The Honorable A. E. Chandler moved, by leave, That the Honorable H. I. Cohen be discharged from attendance upon the Select Committee on Race-courses and Race-meetings.  
Question—put and resolved in the affirmative.
6. BUSINESS AGENTS 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 W. H. Edgar reported that the Committee had agreed to the Bill with amendments.  
On the motion of the Honorable H. I. Cohen, the Bill was recommitted to a Committee of the whole in respect of clauses 2, 3, 6, 42, and 43.  
House in Committee.  
The President resumed the Chair; and the Honorable E. L. Kiernan reported that the Committee had made progress in the Bill and asked leave to sit again.  
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
7. EXPLOSIVE SUBSTANCES BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Law relating to Explosive Substances*" and desiring the concurrence of the Council therein.  
On the motion of the Honorable H. I. Cohen, the Bill transmitted by the foregoing Message was read a first time, 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 W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 8 inclusive, be postponed until to-morrow.

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

P. T. POOK,  
*Clerk of the Legislative Council.*

## No. 30.

WEDNESDAY, 5TH DECEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. CONSOLIDATED REVENUE BILL (No. 6).—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 five hundred and sixty-one thousand eight hundred and five pounds to the service of the year One thousand nine hundred and twenty-eight and One thousand nine hundred and twenty-nine* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable H. I. Cohen, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
3. PAPERS.—The following Papers, pursuant to the direction of several Acts of Parliament, were laid upon the Table by the Clerk :—  
Apprenticeship Act 1927—Proclamation proclaiming certain Trades to be Apprenticeship Trades.  
Motor Car Act 1915 and Highways and Vehicles Act 1927—Portable Mechanical Devices Regulations—Regulations substituted.
4. CONSOLIDATED REVENUE BILL (No. 6).—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 E. L. Kiernan having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
5. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable H. I. Cohen presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undeimentioned Bill presented to him by the Clerk of the Parliaments, viz. :—  
*Explosive Substances Bill.*
6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 10 inclusive, be postponed until Tuesday next.
7. ADJOURNMENT.—The Honorable H. I. Cohen 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 forty-five minutes past ten o'clock, adjourned until Tuesday next.

P. T. POOK,  
*Clerk of the Legislative Council.*

# LEGISLATIVE COUNCIL

## Notices of Motion and Orders of the Day.

No. 30.

TUESDAY, 11<sup>TH</sup> DECEMBER, 1928.

### Government Business.

#### ORDERS OF THE DAY :—

1. BUSINESS AGENTS BILL—(*from Assembly*)—To be further considered in Committee.
2. REAL ESTATE AGENTS BILL—(*from Assembly*)—Second reading—*Resumption of debate* (Hon. Dr. J. R. Harris).
3. ADOPTION OF CHILDREN BILL—(*from Assembly*)—To be further considered in Committee.
4. MELBOURNE AND METROPOLITAN TRAMWAYS BILL—Second reading—*Resumption of debate* (Hon. H. I. Cohen).
5. MELBOURNE AND METROPOLITAN TRAMWAYS BOARD BILL—Second reading.
6. MARRIAGE BILL—(*from Assembly*)—Second reading.
7. JUSTICES BILL—(*from Assembly*)—Second reading.
8. LOCAL GOVERNMENT (AMENDMENT) BILL—Second reading.
9. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—Second reading.
10. UNEMPLOYED WORKERS INSURANCE BILL.—(*from Assembly*)—Second reading.

P. T. POOK,  
Clerk of the Legislative Council.

FRANK CLARKE,  
President.

### STANDING AND SELECT COMMITTEES—SESSION 1928

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- HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.
- LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.
- PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.
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- NURSES REGISTRATION BILL—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.
- RACE-COURSES AND RACE-MEETINGS—(Appointed 10th October, 1928)—The Honorables F. W. Brawn, H. I. Cohen\*, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, and E. L. Kiernan.

\* Discharged from attendance, 4th December, 1928.

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## PARLIAMENTARY PAPERS ISSUED 5TH DECEMBER, 1928.

Notices of Motion and Orders of the Day. No. 30.

Melbourne and Metropolitan Tramways Board Bill—[125].

Notices of Motion and Orders of the Day. No. 60.

Hospital—Medical School Problems of the State of Victoria—Report by Professor R. J. A. Berry, M.D. No. 35.

Sixth Report of the Commission of Public Health to the Minister of Public Health. No. 39.

Children's Welfare Department and Reformatory Schools—Report of the Secretary and Inspector for the year 1927. No. 40.

Hospitals for the Insane—Report of the Inspector-General of the Insane for the year ended 31st December, 1927. No. 41.

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 31.

WEDNESDAY, 12TH DECEMBER, 1928.

### *Question.*

1. The Hon. W. TYNER: To ask the Honorable the Minister of Public Instruction—
  - (a) What amount did each member of the recent Royal Commission on Railways receive for his services.
  - (b) What amount was paid in fees to counsel appearing before the Commission or in connexion with any other legal assistance, and to whom were such fees paid.
  - (c) How long was the Commission engaged in its duties, and for what part of such time was legal assistance engaged.
  - (d) What was the amount of other expenditure incurred by the Commission and for what services.
  - (e) What was the total cost of the Commission.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. MARRIAGE BILL—(*from Assembly*)—Second reading.
2. MELBOURNE AND METROPOLITAN TRAMWAYS BILL—Second reading—*Resumption of debate* (Hon. H. I. Cohen).
3. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—Second reading.
4. JUSTICES BILL—(*from Assembly*)—Second reading.
5. LOCAL GOVERNMENT (AMENDMENT) BILL—Second reading.
6. UNEMPLOYED WORKERS INSURANCE BILL.—(*from Assembly*)—Second reading.

TUESDAY, 18TH DECEMBER.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. BUSINESS AGENTS BILL—(*from Assembly*)—Third reading
2. REAL ESTATE AGENTS BILL—(*from Assembly*)—Third reading.

P. T. POOK,

*Clerk of the Legislative Council.*

FRANK CLARKE,

*President.*

### STANDING AND SELECT COMMITTEES—SESSION 1928

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## VICTORIA.

## LEGISLATIVE COUNCIL

## MINUTES OF THE PROCEEDINGS.

## No. 31.

TUESDAY, 11<sup>TH</sup> DECEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable H. I. Cohen presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bill presented to him by the Clerk of the Parliaments, viz. :—  
*Consolidated Revenue Bill (No. 6).*
3. PAPERS.—The Honorable H. I. Cohen presented, by command of His Excellency the Governor—  
Indeterminate Sentences Board—Report for the year 1927–28.  
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 :—  
Censorship of Films Act 1926—  
Censorship of Films Regulations 1928.  
Additional Regulation.  
Companies Act 1915—Summary of Statements for the year 1927 made by Companies transacting Life Assurance Business in Victoria.  
Electoral (Absent Voters) Act 1927—Amendment of Regulations.  
Hospitals and Charities Act 1922—Certificate relating to the proposed compulsory resumption of land for the St. Vincent's Hospital, Melbourne.  
Land Act 1915—Report of the Lands Department for the year 1927–28.  
Public Service Acts—Regulations—Professional Division, Chapter II.—Department of Law.  
Victorian Mining Accident Relief Fund—Statement of Receipts and Expenditure for the year 1927.
4. BUSINESS AGENTS 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 W. H. Edgar having reported that the Committee had agreed to the Bill with further amendments, the House ordered the Report to be taken into consideration this day.  
On the motion of the Honorable H. I. Cohen the Council adopted the Report from the Committee of the whole.  
Ordered—That the Bill be read a third time on Tuesday next.
5. REAL ESTATE AGENTS 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 W. H. Edgar having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day.  
On the motion of the Honorable H. I. Cohen, the Council adopted the Report from the Committee of the whole.  
Ordered, after debate—That the Bill be read a third time on Tuesday next.
6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 and 4 be postponed until after No. 5.

7. MELBOURNE AND METROPOLITAN TRAMWAYS BOARD 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 W. H. Edgar 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. ADOPTION OF CHILDREN 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 W. H. Edgar reported that the Committee had agreed to the Bill with amendments.  
On the motion of the Honorable H. I. Cohen, the Bill was recommitted to a Committee of the whole in respect of clauses 5 and 15.  
House in Committee.  
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with a further amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments and desiring their concurrence therein.
9. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 and 6 to 10 inclusive, be postponed until to-morrow.

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

P. T. POOK,  
Clerk of the Legislative Council.

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## No. 32.

WEDNESDAY, 12TH DECEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. VACANCY IN THE SENATE.—The Honorable H. I. Cohen presented a Message from His Excellency the Governor transmitting a copy of the following despatch:—

Canberra,  
10th December, 1928.

Your Excellency,

Pursuant to the provisions of Section 21 of the Commonwealth of Australia Constitution Act, I have the honor to notify Your Excellency that a vacancy has happened in the representation of the State of Victoria in the Senate, through the death of Senator David Andrew, which occurred on the 18th November, 1928.

I have the honor to be,  
Your Excellency's Obedient Servant,  
(Signed) JOHN NEWLANDS,  
President of the Senate.

His Excellency  
the Governor of Victoria,  
Melbourne.

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

3. 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 certain Sums of Money available under Loan Acts for Railways and for other purposes*" and desiring the concurrence of the Council therein.  
On the motion of the Honorable H. I. Cohen, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
4. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:—  
Railways—Report of the Victorian Railways Commissioners for the quarter ended 30th September, 1928.

5. **MARRIAGE BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable R. G. Menzies moved, That this Bill be now read a second time and, debate arising thereupon, it was ordered, on the motion of the Honorable Dr. J. R. Harris, that the debate be adjourned until Tuesday next.
6. **RAILWAY LOAN APPLICATION BILL.**—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable E. L. Kiernan having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
7. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered, after debate—That the consideration of Orders of the Day, Government Business, Nos. 2 to 6 inclusive, be postponed until Tuesday next.
8. **ADJOURNMENT.**—The Honorable H. I. Cohen 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-three minutes past nine o'clock, adjourned until Tuesday next.

P. T. POOK,  
*Clerk of the Legislative Council.*



# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 32.

TUESDAY, 18TH DECEMBER, 1928.

### *Questions.*

1. The Hon. M. MCGREGOR: To ask the Honorable the Minister of Public Instruction—In view of the importance to the primary producers of the work carried out by the University Veterinary School and Research Institute is the Government making arrangements for the continuance of the School.
2. The Hon. W. J. McCANN: To ask the Honorable the Minister of Public Instruction—Is it the practice of the Government to disclose the financial position of soldier settlers or civilian settlers to business men in their home trading towns.
3. The Hon. G. J. TUCKERT: To ask the Honorable the Minister of Public Instruction—Will the Government, to avoid a recurrence of the serious loss caused to land owners last year by the requirements of the law as to the burning of stubble, bring in regulations or a proclamation under the *Forests Act 1927* to provide for permission to burn stubble at an earlier date than allowed last year.
4. The Hon. W. J. McCANN: To ask the Honorable the Minister of Public Instruction—
  - (a) How many settlers have taken up blocks of land in the Murrabit Overseas Settlement.
  - (b) How many have left their blocks.
  - (c) Does the Government intend to apply the proposed home maintenance area principle to these and other overseas settlers.

### *Government Business.*

#### NOTICE OF MOTION:—

1. The Hon. H. I. COHEN: To move, That so much of the Sessional Orders as provides that half-past Four o'clock shall be the hour of meeting of the Council on Wednesday and Thursday in each week be rescinded and that for the remainder of the Session the Council shall meet on Wednesdays and Thursdays at Eleven o'clock.

#### ORDERS OF THE DAY:—

1. VACANCY IN THE SENATE—MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—To be taken into consideration.
2. MARRIAGE BILL—(*from Assembly*)—Second reading—*Resumption of debate (Hon. Dr. J. R. Harris).*
3. MELBOURNE AND METROPOLITAN TRAMWAYS BILL—Second reading—*Resumption of debate (Hon. H. I. Cohen).*
4. BUSINESS AGENTS BILL—(*from Assembly*)—Third reading.
5. REAL ESTATE AGENTS BILL—(*from Assembly*)—Third reading.
6. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—Second reading.
7. JUSTICES BILL—(*from Assembly*)—Second reading.
8. LOCAL GOVERNMENT (AMENDMENT) BILL—Second reading.
9. UNEMPLOYED WORKERS INSURANCE BILL—(*from Assembly*)—Second reading.

P. T. POOK,

*Clerk of the Legislative Council.*

FRANK CLARKE,

*President.*

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- Constitution Statute—Statement of Expenditure under Schedule D. to Act 18 & 19 Vict., Cap. 55, and Act No. 3188 during the year 1927-28. (No. 18.)
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- Education—  
 Report of the Minister of Public Instruction for the year 1926-27. (No. 14.)  
 Report of the Council of Public Education for the year 1927-28. (No. 19.)
- Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925. (No. 1.)
- Estimates of Revenue and Expenditure for the year 1928-29. (B.—No. 18.)
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- Finance, 1927-28—Treasurer's Statement and Report of the Auditor-General, &c. (A.—No. 1.)
- Finances of the Workless Winter Buffet—Report by Mr. T. Forristal, L.I.C.A. (C.—No. 3.)
- Friendly Societies—  
 Report of the Government Statist for the year 1926-27. (No. 5.)  
 Report of the Registrar for the year 1927. (No. 20.)
- Gas—Increase in the Price of—Report by Mr. T. Forristal, L.I.C.A. (No. 6.)
- Gold and Mineral Statistics for the year 1927. (No. 4.)
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 Report of the Victorian Railways Commissioners for the year 1927-28. (No. 21.)  
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 Beaumaris Electric Street Railway—Extension of (Report No. 4.)  
 Macarthur District Railway. (Report No. 3.)  
 Newport Workshops—New Locomotive Erecting Shop at. (C.—No. 1.)  
 Nicholson-street, East Brunswick, Electric Tramway. (C.—No. 2.)  
 Race-course-road, Melbourne, Electric Tramway. (No. 2.)  
 Thirty-eighth General Report. (No. 7.)  
 Tolmie District Railway. (Report No. 1.)  
 Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
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- State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)
- State Rivers and Water Supply Commission—Annual Report for the year 1927-28. (No. 30.)
- State Superannuation Board—Report for the year 1927-28. (No. 22.)
- Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

MR. PRESIDENT TAKES THE CHAIR AT A QUARTER-PAST TWO O'CLOCK.

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 33.

WEDNESDAY, 19TH DECEMBER, 1928.

### *Question.*

1. The Hon. E. L. KIERNAN: To ask the Honorable the Minister of Public Instruction—Will the Government give Parliament an opportunity of passing a Machinery Monopolies Restriction Bill on the lines of the recommendation of the Select Committee of another place.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. VICTORIAN LOAN (PUBLIC WORKS) BILL—(from Assembly)—Second reading.
2. MELBOURNE AND METROPOLITAN BOARD OF WORKS (BORROWING POWERS) BILL—(from Assembly)—Second reading.
3. VICTORIAN LOAN (COUNTRY SEWERAGE) BILL—(from Assembly)—Second reading.
4. MUNICIPAL ENDOWMENT APPLICATION BILL—(from Assembly)—Second reading.
5. AGRICULTURAL EDUCATION ACTS AMENDMENT BILL—(from Assembly)—Second reading.
6. DARLING TO GLEN WAVERLEY RAILWAY CONSTRUCTION BILL—(from Assembly)—Second reading.
7. MARRIAGE BILL—(from Assembly)—Second reading—*Resumption of debate (Hon. Dr. J. R. Harris).*
8. MELBOURNE AND METROPOLITAN TRAMWAYS BILL—Second reading—*Resumption of debate (Hon. H. I. Cohen).*
9. BUSINESS AGENTS BILL—(from Assembly)—Third reading.
10. REAL ESTATE AGENTS BILL—(from Assembly)—Third reading.
11. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—Second reading.
12. JUSTICES BILL—(from Assembly)—Second reading.
13. LOCAL GOVERNMENT (AMENDMENT) BILL—Second reading.
14. UNEMPLOYED WORKERS INSURANCE BILL—(from Assembly)—Second reading.

P. T. POOK,

*Clerk of the Legislative Council.*

FRANK CLARKE,

*President.*

### STANDING AND SELECT COMMITTEES—SESSION 1928

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT).—The Honorables A. Bell (appointed 6th July, 1927), and M. McGregor (appointed 27th November, 1928).

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.

STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

NURSES REGISTRATION BILL—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

RACE-COURSES AND RACE-MEETINGS—(Appointed 10th October, 1928)—The Honorables F. W. Brawn, H. I. Cohen\*, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, and E. L. Kiernan.

\* Discharged from attendance, 4th December, 1928.

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## PARLIAMENTARY PAPERS ISSUED 18TH DECEMBER, 1928.

- Notices of Motion and Orders of the Day. No. 33.
- Agricultural Education—[81].
- Darling to Glen Waverley Railway Construction—[108].
- Municipal Endowment Application—[126].
- Victorian Loan (Public Works)—[132].
- Melbourne and Metropolitan Board of Works (Borrowing Powers)—[137].
- Victorian Loan (Country Sewerage)—[139].

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- Notices of Motion and Orders of the Day. No. 65.
- Darling to Glen Waverley Railway Construction—[108].
- The Land Act—Report for Financial year ended 30th June, 1928. No. 42.
- Indeterminate Sentences Board—Annual Report for year ended 30th June, 1928. No. 43.

# LEGISLATIVE COUNCIL

## *Notices of Motion and Orders of the Day.*

No. 34.

THURSDAY, 20<sup>TH</sup> DECEMBER, 1928.

### *Questions.*

1. The Hon. E. L. KIERNAN : To ask the Honorable the Minister of Public Instruction—Will the Government give Parliament an opportunity of passing a Machinery Monopolies Restriction Bill on the lines of the recommendation of the Select Committee of another place.
- \*2. The Hon. F. W. BRAUN : To ask the Honorable the Minister of Public Instruction—
  - (a) Have the Government considered the question of recognizing the tactful and efficient manner in which the late trouble on the water front was handled by the police.
  - (b) Has the attention of the Government been drawn to the action of the South Australian Government in granting leave and a bonus to the police engaged on the water front in that State during the recent trouble.
  - (c) If these matters have not been considered by the Government, will the Minister bring them before the Cabinet for consideration at the earliest opportunity.

### *Government Business.*

#### ORDERS OF THE DAY:—

- \*1. RACE-COURSES AND RACE-MEETINGS—REPORT OF SELECT COMMITTEE—To be considered.
2. MARRIAGE BILL—(*from Assembly*)—To be further considered in committee.
- \*3. PETROL PUMPS BILL—AMENDMENTS OF THE ASSEMBLY—To be considered.
4. MELBOURNE AND METROPOLITAN TRAMWAYS BILL—Second reading—*Resumption of debate (Hon. H. I. Cohen)*.
5. JUSTICES BILL—(*from Assembly*)—Second reading.
- \*6. RAILWAY LANDS ACQUISITION ACT 1915 AMENDMENT BILL—(*from Assembly*)—Second reading.
- \*7. STATE SAVINGS BANK ACTS AMENDMENT BILL—(*from Assembly*)—Second reading.
- \*8. HARBOR BOARDS ACT 1927 AMENDMENT BILL—(*from Assembly*)—Second reading.
- \*9. MALVERN WAR MEMORIAL FUND BILL—(*from Assembly*)—Second reading.
10. BUSINESS AGENTS BILL—(*from Assembly*)—Third reading.
11. REAL ESTATE AGENTS BILL—(*from Assembly*)—Third reading.
12. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—Second reading.
13. LOCAL GOVERNMENT (AMENDMENT) BILL—Second reading.
14. UNEMPLOYED WORKERS INSURANCE BILL.—(*from Assembly*)—Second reading.

P. T. POOK,

*Clerk of the Legislative Council.*

FRANK CLARKE,

*President.*

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

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 Beaumaris Electric Street Railway—Extension of (Report No. 4.)  
 Macarthur District Railway. (Report No. 3.)  
 Newport Workshops—New Locomotive Erecting Shop at. (C.—No. 1.)  
 Nicholson-street, East Brunswick, Electric Tramway. (C.—No. 2.)  
 Race-course-road, Melbourne, Electric Tramway. (No. 2.)  
 Thirty-eighth General Report. (No. 7.)  
 Tolmie District Railway. (Report No. 1.)  
 Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
- State Accident Insurance Office—Report, Profit and Loss Account, and Balance-sheet for the year 1927-28. (No. 25.)
- State Electricity Commission—Report on Extension of Electric Supply System. (No. 10)
- State Rivers and Water Supply Commission—Annual Report for the year 1927-28. (No. 30.)
- State Superannuation Board—Report for the year 1927-28. (No. 22.)
- Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## PARLIAMENTARY PAPERS ISSUED 19TH DECEMBER, 1928.

Notices of Motion and Orders of the Day. No. 34.

Report of Select Committee of the Legislative Council on Race-courses and Race-meetings together with Appendices, &c.

Notices of Motion and Orders of the Day. No. 66.

State Savings Bank Acts Amendment Bill—[131].

Closer Settlement Acts Amendment Bill—[134].

Victorian Loan (Country Sewerage) Bill—[139]. (To Members only.)

Harbor Boards Act 1927 Amendment Bill—[39]. (To Members only.)

Malvern War Memorial Fund Bill—[110]. (To Members only.)

Land Acts Amendment Bill—[142].

MR. PRESIDENT TAKES THE CHAIR AT A QUARTER-PAST TEN O'CLOCK.

# LEGISLATIVE COUNCIL

## Notices of Motion and Orders of the Day.

No. 35.

FRIDAY, 21<sup>ST</sup> DECEMBER, 1928.

### Government Business.

#### ORDERS OF THE DAY:—

1. MARRIAGE BILL—(*from Assembly*)—Consideration of Report.
2. MALVERN WAR MEMORIAL FUND BILL—(*from Assembly*)—Second reading.
- \*3. CLOSER SETTLEMENT BILL—(*from Assembly*)—Second reading.
4. REAL ESTATE AGENTS BILL—(*from Assembly*)—Third reading.
5. BUSINESS AGENTS BILL—(*from Assembly*)—Third reading.
6. MELBOURNE AND METROPOLITAN BOARD OF WORKS BILL—Second reading.
7. LOCAL GOVERNMENT (AMENDMENT) BILL—Second reading.
8. UNEMPLOYED WORKERS INSURANCE BILL—(*from Assembly*)—Second reading.

P. T. POOK,  
Clerk of the Legislative Council.

FRANK CLARKE,  
President.

### STANDING AND SELECT COMMITTEES—SESSION 1928,

ELECTIONS AND QUALIFICATIONS—(Appointed by Mr. President's Warrant, 4th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, J. P. Jones, D. L. McNamara, and H. F. Richardson.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT).—The Honorables A. Bell (appointed 6th July, 1927), and M. McGregor (appointed 27th November, 1928).

STANDING ORDERS—(Appointed 17th July, 1928).—The Honorables the President, F. W. Brawn, H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, J. P. Jones, M. McGregor, D. L. McNamara, and E. J. White.

HOUSE (JOINT)—(Appointed 17th July, 1928).—The Honorables the President (*ex officio*), W. Angliss, A. Bell, A. E. Chandler, D. L. McNamara, and A. M. Zwar.

LIBRARY (JOINT)—(Appointed 17th July, 1928).—The Honorables the President, W. J. Beckett, W. L. R. Clarke, M. Saltau, and W. Tyner.

PRINTING—(Appointed 17th July 1928).—The Honorables the President, E. G. Bath, H. A. Currie, N. Falkiner, H. Hitchcock, H. Keck, E. L. Kiernan, W. J. McCann, H. H. Smith, and G. J. Tuckett.

STATUTE LAW REVISION (JOINT)—(Appointed 17th July, 1928)—The Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson.

NURSES REGISTRATION BILL—(Appointed 4th September, 1928)—The Honorables H. I. Cohen, W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, and A. M. Zwar.

RACE-COURSES AND RACE-MEETINGS—(Appointed 10th October, 1928)—The Honorables F. W. Brawn, H. I. Cohen\*, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, and E. L. Kiernan.

\* Discharged from attendance, 4th December, 1928.

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

## PRINTED PAPERS.

The following printed Papers can now be obtained by Honorable Members from the Clerk of the Legislative Council (Telephone F3605), and by others on the circulation list from the Government Printer. They can also be purchased by the Public from the Government Printer :—

- Biscuits—Refusal by Messrs Swallow and Ariell to supply Biscuits to Mr. J. B. Tame, Store-keeper, Beac—Report by Mr. T. Forristal, L.I.C.A. (No. 16.)
- Boots and Shoes—Proposed Increases in the Price of—Report by Mr. T. Forristal, L.I.C.A. (No. 9.)
- Charitable Institutions—Statistics for the year 1926-27. (No. 3.)
- Charities Board of Victoria—Report for the year 1927-28. (No. 29.)
- Constitution Statute—Statement of Expenditure under Schedule D. to Act 18 & 19 Vict., Cap. 55, and Act No. 3188 during the year 1927-28. (No. 18.)
- Country Roads Board—Report for the year 1926-27. (No. 11.)
- Education—  
 Report of the Minister of Public Instruction for the year 1926-27. (No. 14.)  
 Report of the Council of Public Education for the year 1927-28. (No. 19.)
- Electrical Equipment for the Railways—Report of the Auditor-General on the Purchase of Electrical Equipment for the Railways in 1925. (No. 1.)
- Estimates of Revenue and Expenditure for the year 1928-29. (B.—No. 18.)
- Estimates—Supplementary Estimates, 1927-28. (B. No. 5.)
- Explosives—Report of the Chief Inspector for the year 1927. (No. 17.)
- Factories and Shops—Report of Chief Inspector for the year 1927. (No. 24.)
- Finance, 1927-28—Treasurer's Statement and Report of the Auditor-General, &c. (A.—No. 1.)
- Finances of the Workless Winter Buffet—Report by Mr. T. Forristal, L.I.C.A. (C.—No. 3.)
- Friendly Societies—  
 Report of the Government Statist for the year 1926-27. (No. 5.)  
 Report of the Registrar for the year 1927. (No. 20.)
- Gas—Increase in the Price of—Report by Mr. T. Forristal, L.I.C.A. (No. 6.)
- Gold and Mineral Statistics for the year 1927. (No. 4.)
- Inebriate Institutions—Report of the Inspector for the year 1927. (No. 27.)
- Marine Board of Victoria—Statements of Receipts and Disbursements on Pilotage Account for the year 1927. (No. 23.)
- Motor Tyres and Tubes—Retail Price of, and the Alleged Boycott of the Perdriau Company—Report by Mr. T. Forristal, L.I.C.A. (No. 8.)
- Nurses Registration Bill—Report of Select Committee of the Legislative Council on. (D.—No. 1.)
- Proprietary Articles Trade Association of Victoria—Certain Phases of the Operations of—Report by Mr. T. Forristal, L.I.C.A. (No. 26.)
- Public Library, Museums, and National Gallery of Victoria—Report of the Trustees for the year 1927, with a Statement of Income and Expenditure for the year 1926-27. (No. 12.)
- Public Service Commissioner—Report for the year 1927. (No. 13.)
- Railways—  
 Report of the Royal Commission on the Control, Management, Working, and Financial Position of the Victorian Railways. (No. 32.)  
 Report of the Victorian Railways Commissioners for the year 1927-28. (No. 21.)  
 Reports of the Parliamentary Standing Committee on Railways—  
 Beaumaris Electric Street Railway—Extension of (Report No. 4.)  
 Macarthur District Railway. (Report No. 3.)  
 Newport Workshops—New Locomotive Erecting Shop at. (C.—No. 1.)  
 Nicholson-street, East Brunswick, Electric Tramway. (C.—No. 2.)  
 Race-course-road, Melbourne, Electric Tramway. (No. 2.)  
 Thirty-eighth General Report. (No. 7.)  
 Tolmie District Railway. (Report No. 1.)  
 Wallaloo, Navarre, and St. Arnaud District Connecting Railway. (Report No. 2.)
- State Accident Insurance Office—Report, Profit and Loss Account, and Balance-sheet for the year 1927-28. (No. 25.)
- State Electricity Commission—Report on Extension of Electric Supply System. (No. 10.)
- State Rivers and Water Supply Commission—Annual Report for the year 1927-28. (No. 30.)
- State Superannuation Board—Report for the year 1927-28. (No. 22.)
- Victorian Coal Miners' Accidents Relief Board—Report for the year 1927. (No. 15.)

## VICTORIA.

## LEGISLATIVE COUNCIL.

## MINUTES OF THE PROCEEDINGS.

## No. 33.

TUESDAY, 18<sup>TH</sup> DECEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. CONSOLIDATION OF THE LAWS.—The Honorable H. I. Cohen brought up a Report from the Joint Statute Law Revision Committee of the Legislative Council and the Legislative Assembly on the Consolidation of the Laws.  
Ordered to lie on the Table and be printed together with the Minutes of Evidence.
3. MELBOURNE AND METROPOLITAN TRAMWAYS BOARD BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
4. ELECTRICITY SUPPLY LOANS 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 certain Sums of Money available under Loan Acts for Works and Undertakings of the State Electricity Commission of Victoria*" and desiring the concurrence of the Council therein.  
On the motion of the Honorable H. I. Cohen, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and, by leave, to be read a second time later this day.
5. CONSOLIDATING BILLS.—The President announced the receipt of a Message from the Assembly transmitting the undermentioned Bills, and desiring the concurrence of the Council therein, viz:—  
Bills intituled—
  - "*An Act to enumerate the Consolidating Acts of the Legislature of Victoria passed in the year One thousand nine hundred and twenty-eight and to state the effect of and rules of construction applicable to such Acts and to provide that certain enactments of the Legislature of New South Wales and of the Legislature of Victoria passed before the first of January One thousand nine hundred and twenty-eight shall be repealed and to enumerate the Unrepealed and Unconsolidated Enactments of such Legislatures.*"
  - "*An Act to consolidate the Law relating to the Interpretation of Legislative Enactments and for Shortening the Language used therein.*"
  - "*An Act to consolidate the Law relating to the Aboriginal Natives of Victoria.*"
  - "*An Act to consolidate and amend the Law relating to the Administration of the Estates of Deceased Persons.*"
  - "*An Act to consolidate the Law relating to the Agent-General for Victoria.*"
  - "*An Act to consolidate the Law relating to Colleges of Agriculture.*"
  - "*An Act to consolidate the Law constituting Anzac Day a Public and Bank Holiday and for other purposes.*"
  - "*An Act to consolidate the Law relating to Apprenticeship.*"
  - "*An Act to consolidate the Law relating to Arbitration.*"
  - "*An Act to consolidate the Law relating to the Registration of Architects.*"
  - "*An Act to consolidate the Law relating to Sales by Auction and Auctioneers.*"
  - "*An Act to consolidate the Law for the Collection and Payment of the Public Moneys the Audit of the Public Accounts and the Protection and Recovery of the Public Property.*"
  - "*An Act to consolidate the Law relating to Bakers and Millers.*"
  - "*An Act to consolidate the Law relating to Banks and the Currency.*"
  - "*An Act to consolidate the Law relating to Diseases of Bees.*"
  - "*An Act to consolidate the Law relating to the Sugar Beet Industry in Victoria.*"
  - "*An Act to consolidate the Law relating to the Inspection and Regulation of Boilers.*"
  - "*An Act to consolidate the Law relating to the Branding and Ear-marking of Stock.*"
  - "*An Act to consolidate the Law relating to Building Societies.*"

- "An Act to consolidate the Law relating to the Registration of Firms and Persons carrying on Business under Business Names and relating to the Names Styles Titles or Designations under which Businesses are carried on."
- "An Act to consolidate the Law relating to Licensed Carriages."
- "An Act to consolidate the Law relating to Carriers Innkeepers and others."
- "An Act to consolidate the Law relating to the provision of Compensation for the Owners of certain Cattle and for other purposes."
- "An Act to consolidate the Law relating to Cemeteries and Cremation."
- "An Act to consolidate the Law relating to Children's Courts."
- "An Act to consolidate the Law relating to Children's Welfare and to the Protection of Infant Life."
- "An Act to consolidate the Law relating to Chinese Residents."
- "An Act to consolidate the Law relating to the Acquisition and Disposal of Land for the purposes of Closer Settlement and relating to the Settlement of Discharged Soldiers on Land and for other purposes."
- "An Act to consolidate the Law relating to the Regulation of Coal Mines."
- "An Act to consolidate the Law providing for certain matters in Victoria in connexion with the Commonwealth."
- "An Act to consolidate the Law relating to Companies."
- "An Act to consolidate the Law relating to the Amendment of the Constitution."
- "An Act to consolidate the Law relating to Coroners."
- "An Act to consolidate the Law relating to Country Roads."
- "An Act to consolidate and amend the Law relating to County Courts."
- "An Act to consolidate the Law relating to Crimes and Criminal Offenders."
- "An Act to consolidate the Law relating to the Protection and Recovery of Crown Property and the enforcement of Claims against the Crown."
- "An Act to consolidate the Law relating to Developmental Railways in Country Districts."
- "An Act to consolidate the Law relating to Dogs."
- "An Act to consolidate the Law relating to the Drainage of Land in Drainage Areas."
- "An Act to consolidate the Law relating to the Drainage of Land for Agricultural and other purposes."
- "An Act to consolidate the Law relating to Dried Fruits and Dried Fruits Packing Sheds and for other purposes."
- "An Act to consolidate the Law relating to Education."
- "An Act to consolidate the Law relating to the supply of Electricity for Lighting and for other purposes."
- "An Act to consolidate the Law relating to Employers and Employés."
- "An Act to consolidate the Law of Evidence."
- "An Act to consolidate the Law relating to the Importation Carriage Storage Manufacture and Sale of Explosives."
- "An Act to consolidate the Law providing for the Inspection of Live Stock, Meat, Dairy Produce, Fruit, and other products intended for Export and regulating the Exportation thereof."
- "An Act to consolidate the Law relating to the Supervision and Regulation of Factories and Shops and to other Industrial Matters."
- "An Act to consolidate the Law relating to the Licensing of Farm Produce Agents and purposes incidental thereto."
- "An Act to consolidate the Law relating to Dividing and Vermin-proof Fences."
- "An Act to consolidate the Law relating to the Sale of Fertilizers."
- "An Act to consolidate the Law relating to Firearms and other Weapons and for other purposes."
- "An Act to consolidate the Law relating to the Protection of Life and Property from Fire and for other purposes."
- "An Act to consolidate the Law relating to Fisheries."
- "An Act to consolidate the Law regulating the Manufacture and Sale of Footwear and for other purposes."
- "An Act to consolidate the Law for the Management and Protection of State Forests."
- "An Act to consolidate the Law relating to Friendly Societies."
- "An Act to consolidate the Law relating to Cool Stores for Fruit and the Packing and Sale of Fruit and Vegetables."
- "An Act to consolidate the Law regulating the Sale of Fungicides, Insecticides, Vermin Destroyers, and Weed Destroyers, and for other purposes."
- "An Act to consolidate the Law relating to the Protection of Game."
- "An Act to consolidate the Law relating to Gaols."
- "An Act to consolidate the Law relating to the Geelong Harbor Trust."
- "An Act to consolidate the Law relating to Geelong Waterworks and Sewerage."
- "An Act to consolidate the Law relating to Gold Buyers and Assayers and for other purposes"
- "An Act to consolidate the Law relating to Dealings in Goods."
- "An Act to consolidate the Law relating to Harbor Boards for certain Ports."
- "An Act to consolidate the Law relating to Hawkers and Pedlars."
- "An Act to consolidate the Law relating to Public Health."
- "An Act to consolidate the Law regulating the use of Stallions for Stud purposes."
- "An Act to consolidate the Law relating to Hospitals and Charities."
- "An Act to consolidate the Law relating to the Imprisonment of Fraudulent Debtors."
- "An Act to consolidate the Law relating to the Imposition of Income Tax."
- "An Act to consolidate the Law relating to Industrial and Provident Societies."
- "An Act to consolidate the Law providing for the care, control, and treatment of Inebriates."

- "An Act to consolidate the Law relating to the Queen's Memorial Infectious Diseases Hospital at Fairfield."*
- "An Act to consolidate the Law relating to Insolvency."*
- "An Act to consolidate the Law relating to Instruments and Securities."*
- "An Act to consolidate the Law relating to Juries."*
- "An Act to consolidate the Law relating to Justices of the Peace and Courts of General and Petty Sessions."*
- "An Act to consolidate the Law relating to the Sale and Occupation of Crown Lands."*
- "An Act to consolidate the Law relating to Landlord and Tenant."*
- "An Act to consolidate the Law relating to the mode of procedure in taking and determining the Compensation to be paid for Lands required by the State for Public Works."*
- "An Act to consolidate the Law regulating the Licensing of Surveyors and for other purposes."*
- "An Act to consolidate the Law providing for a Tax on the Unimproved Value of Land and for the Assessment of Land and other purposes."*
- "An Act to consolidate the Law relating to the Law Institute of Victoria and for other purposes."*
- "An Act to consolidate the Law regulating the Practice of the Legal Profession."*
- "An Act to consolidate the Laws relating to Libraries."*
- "An Act to consolidate the Law relating to the Licensing of Public Houses and the Sale of Fermented and Spirituous Liquors."*
- "An Act to consolidate the Law regulating the use of Passenger and other Lifts."*
- "An Act to consolidate the Law for the better Protection of Livery-stable Keepers and Agisters of Cattle, and for other purposes."*
- "An Act to consolidate the Law relating to Local Government."*
- "An Act to consolidate the Law relating to the Insane."*
- "An Act to consolidate the Law relating to the Maintenance of Destitute or Deserted Wives and Children and others and relating to Confinement Expenses and relating to the Enforcement of Orders made in England Northern Ireland the States of the Commonwealth of Australia and in New Zealand and for other purposes."*
- "An Act to consolidate the Law relating to Passengers Harbors and Navigation."*
- "An Act to consolidate the Law relating to Collectors of and Dealers in Special Wares Marine Stores and Old Metals."*
- "An Act to consolidate the Law relating to Markets."*
- "An Act to consolidate the Law relating to Marriage and to Divorce and Matrimonial Causes and to Guardianship and Custody of Infants."*
- "An Act to consolidate the Law relating to the Property of Married Women."*
- "An Act to consolidate the Law making provision with respect to the Training Qualifications and Registration of Masseurs and for other purposes."*
- "An Act to consolidate the Law relating to Masters and Apprentices."*
- "An Act to consolidate the Law relating to Medical Practitioners Dentists and Chemists and to the adoption of the British Pharmacopoeia."*
- "An Act to consolidate the Law relating to the Melbourne and Metropolitan Board of Works."*
- "An Act to consolidate the Law relating to Metropolitan Tramways."*
- "An Act to consolidate the Law providing for the Regulation Management and Improvement of the Port of Melbourne and certain portions of the River Yarra Yarra and certain portions of the Maribyrnong River and for other purposes connected therewith."*
- "An Act to consolidate the Law providing for the Registration and Better Training of Midwives and regulating their Practice."*
- "An Act to consolidate the Law relating to Irrigation and Water Trusts within the Irrigation Settlement of Mildura."*
- "An Act to consolidate the Law regulating the Production Testing Grading and Sale of Milk and Dairy Produce and the Manufacture of Dairy Produce and for other purposes."*
- "An Act to consolidate the Law relating to Mines."*
- "An Act to consolidate the Law relating to Advances to Companies and Persons to further develop Mining and for other purposes."*
- "An Act to consolidate the Law relating to the Maintenance in Victoria of a Branch of the Royal Mint."*
- "An Act to consolidate the Law with respect to persons carrying on Business as Money Lenders."*
- "An Act to consolidate the Law regulating the use of Motor Cars."*
- "An Act to consolidate the Law making further provision with respect to Motor Omnibuses and for other purposes."*
- "An Act to consolidate the Law relating to Municipal Endowment."*
- "An Act to consolidate the Law making provision with respect to the Training Qualifications and Registration of Nurses and for other purposes."*
- "An Act to consolidate the Law relating to Partnership."*
- "An Act to consolidate the Law relating to Pawnbrokers."*
- "An Act to consolidate the Law relating to Penalties."*
- "An Act to consolidate the Law relating to the Sale and Use of Poisons and Poisonous and Narcotic Substances and Preparations and Potent Drugs."*
- "An Act to consolidate the Law relating to Police Offences."*
- "An Act to consolidate the Law relating to the Police Force in Victoria."*
- "An Act to consolidate the Law relating to the provision of Legal Assistance to Poor Persons."*
- "An Act to consolidate the Law relating to the Impounding of Cattle."*
- "An Act to consolidate the Law relating to the preventing the Printing and Publishing of Books and Papers by persons not known and to the Printing and Publishing of Newspapers."*

- “An Act to consolidate and amend the Law relating to Conveyancing and the Law of Property.”
- “An Act to consolidate the Law relating to the Purchase of Goods Machinery or Materials for Works undertaken by or on behalf of certain Local Authorities.”
- “An Act to consolidate the Law making Provision for the Protection of the Community in cases of Emergency.”
- “An Act to consolidate the Law relating to the Public Service of Victoria.”
- “An Act to consolidate the Law relating to Public Works.”
- “An Act to consolidate the Law relating to Railways.”
- “An Act to consolidate the Law relating to the acquisition of Lands required for the construction of Lines of Railway.”
- “An Act to consolidate the Law relating to the Railways Standing Committee.”
- “An Act to consolidate the Law relating to the Licensing of Real Estate Agents.”
- “An Act to consolidate the Law relating to Fees payable in the Office of the Registrar-General.”
- “An Act to consolidate the Law relating to the Registration of Births Deaths and Marriages.”
- “An Act to consolidate the Law relating to Religious Successory and Charitable Trusts.”
- “An Act to consolidate the Law relating to Seamen.”
- “An Act to consolidate the Law regulating the Sale and Purchase of Goods by Second-hand Dealers.”
- “An Act to consolidate the Law relating to Seeds.”
- “An Act to consolidate the Law relating to the election of Senators for Victoria to the Senate of the Commonwealth.”
- “An Act to consolidate the Law relating to the regulation of Servants’ Registry Offices.”
- “An Act to consolidate and amend the Law relating to Settled Land.”
- “An Act to consolidate the Law relating to Sewerage Districts and the sewerage thereof.”
- “An Act to consolidate the Law relating to Hut Accommodation for Shearers.”
- “An Act to consolidate the Law relating to the Compulsory Dipping of Sheep.”
- “An Act to consolidate the Law relating to Stamps.”
- “An Act to consolidate the Law relating to the State Electricity Commission and the Powers and Duties thereof.”
- “An Act to consolidate the Law relating to the State Savings Bank of Victoria.”
- “An Act to consolidate the Law relating to the Government Statist and to Statistics.”
- “An Act to consolidate the Law relating to Diseases in Stock.”
- “An Act to consolidate the Law regulating the Sale of Chaff and other Foods for Stock.”
- “An Act to consolidate the Law regulating Street Trading in certain cases and for other purposes.”
- “An Act to consolidate the Law making provision on a Contributory Basis for Superannuation Benefits for certain Public Officers and Employés and Benefits for certain of their Dependents, and for other purposes.”
- “An Act to consolidate and amend the Law relating to the Supreme Court.”
- “An Act to consolidate the Law relating to Compensation for the Owners of Pigs in certain cases and to prohibit the making of certain Charges or Deductions in connexion with the Sale of Swine.”
- “An Act to consolidate the Law enabling Trustees of Temperance Halls to demise certain lands for terms of years and to raise Loans on the Rents of such lands and buildings and for other purposes.”
- “An Act to consolidate the Law relating to Theatres and Censorship of Cinematograph Films.”
- “An Act to consolidate the Law relating to Sellers of Tobacco Cigars Cigarettes and Snuff.”
- “An Act to consolidate the Law relating to Trade Unions.”
- “An Act to consolidate the Law relating to Training Ships.”
- “An Act to consolidate the Law relating to Tramways.”
- “An Act to consolidate the Law relating to the Simplification of the Title to and the Dealing with Estates in Land.”
- “An Act to consolidate and amend the Law relating to Trustees.”
- “An Act to consolidate the Law relating to Trustee Companies.”
- “An Act to consolidate the Law relating to the Unauthorized Use of the Royal or other Arms and to the issue of False or Misleading Process and other Documents.”
- “An Act to consolidate the Law relating to the University of Melbourne.”
- “An Act to consolidate the Law relating to Unlawful Assemblies and Processions Special Constables and Riotously Disturbed Districts.”
- “An Act to consolidate the Law relating to Diseases of Vegetation and Vines.”
- “An Act to consolidate the Law relating to Venereal Diseases.”
- “An Act to consolidate the Law relating to Vermin and Noxious Weeds.”
- “An Act to consolidate the Law relating to Veterinary Surgeons.”
- “An Act to consolidate the Law relating to the Conservation and Supply of Water and the Law relating to certain Rights in Natural Waters and the property in the beds and banks containing the same.”
- “An Act to consolidate the Law relating to Weights and Measures.”
- “An Act to consolidate the Laws relating to Wills.”
- “An Act to consolidate the Law relating to the Supplying of Wire-Netting.”
- “An Act to consolidate the Law with respect to Disqualifications on Account of Sex and for other purposes.”
- “An Act to consolidate the Law relating to Compensation to Workers for Injuries occurring in the course of their Employment.”
- “An Act to consolidate the Law relating to Wrongs.”

On the motion of the Honorable H. I. Cohen, the Bills transmitted by the foregoing Message were read a first time, ordered to be printed, and, by leave, to be read a second time later this day.

6. **ADOPTION OF CHILDREN BILL.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made in this Bill by the Council.
7. **PAPERS.**—The Honorable H. I. Cohen presented, by command of His Excellency the Governor—  
Outer Ports Development—Royal Commission on Victorian Outer Ports—Eighth Report—  
Westernport.  
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 1927—  
General Regulations (No. 3).  
Plumbing and Gasfitting Regulations (No. 2.)  
Dried Fruits Acts—Statement showing details of Receipts and Expenditure under the Dried Fruits Acts during the year 1927–28.  
Fire Brigades Act 1915—Report of the Metropolitan Fire Brigades Board for the year 1927–28.  
Fisheries Acts—Notice of Intention to issue Proclamation to prohibit the use of Long Lines in Western Port Bay.  
Geelong Waterworks and Sewerage Trust—Twenty-first Balance-sheet as at 30th June, 1928.
8. **POSTPONEMENT OF NOTICE OF MOTION.**—The Honorable H. I. Cohen moved, That the consideration of Notice of Motion No. 1, Government Business, be postponed until after the Orders of the Day.  
Question—put and resolved in the affirmative.
9. **VACANCY IN THE SENATE.**—The Order of the Day for the consideration of the Message from His Excellency the Governor transmitting a copy of a despatch from the President of the Senate notifying that a vacancy had happened in the representation of the State of Victoria in the Senate through the death of Senator David Andrew having been read—  
The Honorable H. I. Cohen moved, That this House meet the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the death of Senator David Andrew.  
Question—put and resolved in the affirmative.  
Ordered—That a Message be sent to the Assembly acquainting them with the foregoing resolution and requesting them to name the place and time of such meeting.
10. **CONSOLIDATING BILLS.**—These Bills were, 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 W. H. Edgar having reported that the Committee had agreed to the Bills without amendment, the Report was adopted, and the Bills were read a third time and passed.  
Ordered—That the Bills be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
11. **ELECTRICITY SUPPLY LOANS APPLICATION BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable H. I. Cohen moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. H. Smith, that the debate be adjourned until later this day.
12. **VACANCY IN THE SENATE.**—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to meet the Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the death of Senator David Andrew, and naming the Assembly Chamber as the place and this day at eight o'clock as the time of meeting.
13. **VACANCY IN THE SENATE.**—The President announced that the time had arrived for this House to meet the Assembly in the Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the death of Senator David Andrew.  
Accordingly the Council then proceeded to the Assembly Chamber, and being returned—  
The President reported that the House had met the Assembly this day in the Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the death of Senator David Andrew, and that Mr. Richard Hartley Smith Abbott had been duly chosen to hold the vacant place.
14. **ADOPTION OF CHILDREN 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 amendments which he desires to be made in this Bill, and acquainting the Council that the Assembly have agreed to such amendments and desiring the concurrence of the Council therein :—  
In sub-clause (3) of clause 4, after the words " An adoption " insert the word " order."   
In paragraph (b) of clause 15, after the words " nineteen of the " omit the word " said " and insert the word " first-mentioned."

On the motion of the Honorable H. I. Cohen the Council agreed to the amendments recommended by His Excellency the Governor, and ordered His Excellency's Message to be returned to the Assembly with a Message acquainting them therewith.

15. WORKERS' COMPENSATION BILL.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made in this Bill by the Council.
16. VICTORIAN LOAN (PUBLIC WORKS) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act to authorize the raising of Money for Public Works and other purposes and to sanction the Issue and Application of such Money* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable A. E. Chandler, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and, by leave, to be read a second time later this day.
17. MUNICIPAL ENDOWMENT APPLICATION BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act relating to Municipal Endowment* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable A. E. Chandler, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.
18. 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 H. I. Cohen, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
19. VICTORIAN LOAN (COUNTRY SEWERAGE) BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act to authorize the raising of Money for Sewerage Works in Country Districts and to sanction the Issue and Application of such Money* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable A. E. Chandler, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
20. ELECTRICITY SUPPLY LOANS 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 E. L. Kiernan 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. AGRICULTURAL EDUCATION ACTS AMENDMENT BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act relating to Agricultural Education* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable H. I. Cohen, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.
22. DARLING TO GLEN WAVERLEY RAILWAY CONSTRUCTION BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act to amend the ‘ Darling to Glen Waverley Railway Construction Act 1926 ’ and for other purposes* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable A. E. Chandler, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.
23. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 9 inclusive, and *Victorian Loan (Public Works) Bill—Second reading, Melbourne and Metropolitan Board of Works (Borrowing Powers) Bill—Second reading, and Victorian Loan (Country Sewerage) Bill—Second reading*, be postponed until to-morrow.
24. ALTERATION OF SESSIONAL ORDERS.—The Honorable H. I. Cohen moved, pursuant to amended notice, That so much of the Sessional Orders as provides that half-past Four o'clock shall be the hour of meeting of the Council on Wednesday and Thursday in each week be rescinded and that the Council shall meet on Wednesday next at Two o'clock and on Thursday next at Eleven o'clock.  
Debate ensued.  
Question—put and resolved in the affirmative.

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

P. T. POOK,  
Clerk of the Legislative Council.

## No. 34.

WEDNESDAY, 19TH DECEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. PETROL PUMPS 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 amendments and desiring the concurrence of the Council therein.  
Ordered—That the foregoing Message be taken into consideration later this day.
3. RAILWAY LANDS ACQUISITION ACT 1915 AMENDMENT BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “ *An Act to amend Sections Forty-one and Sixty-eight of the ‘ Railway Lands Acquisition Act 1915 ’* ” and desiring the concurrence of the Council therein.  
On the motion of the Honorable A. E. Chandler, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
4. VICTORIAN LOAN (PUBLIC WORKS) 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 W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
5. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable H. I. Cohen presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bills presented to him by the Clerk of the Parliaments, viz. :—  
*Melbourne and Metropolitan Tramways Board Bill.*  
*Railway Loan Application Bill.*
6. MELBOURNE AND METROPOLITAN BOARD OF WORKS (BORROWING POWERS) BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair ; and the Honorable W. H. Edgar 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. VICTORIAN LOAN (COUNTRY SEWERAGE) BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair ; and the Honorable E. L. Kiernan 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. MUNICIPAL ENDOWMENT APPLICATION BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair ; and the Honorable E. L. Kiernan 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. AGRICULTURAL EDUCATION ACTS AMENDMENT BILL.—This Bill was, according to Order and after debate, read a second time.  
Ordered—That the Bill be committed to a Committee of the whole later this day.
10. RACE-COURSES AND RACE-MEETINGS.—The Honorable Dr. J. R. Harris, Chairman, brought up the Report of the Select Committee on Race-courses and Race-meetings together with Appendices and Minutes of Evidence.  
Ordered to lie on the Table.  
The Honorable Dr. J. R. Harris moved, That the Report, Appendices, and a précis of the Minutes of Evidence be printed.  
Debate ensued.  
Question—put and resolved in the affirmative.  
The Honorable W. J. Beckett moved, by leave, That the Report be taken into consideration later this day.  
Debate ensued.  
Motion, by leave, withdrawn.  
The Honorable W. J. Beckett moved, That the Report be taken into consideration to-morrow  
Question—put and resolved in the affirmative.

11. **AGRICULTURAL EDUCATION ACTS AMENDMENT BILL.**—The Honorable H. I. Cohen moved, That this Bill be now committed.  
 Question—put and resolved in the affirmative.  
 The President left the Chair.  
 House in Committee.  
 The President resumed the Chair; and the Honorable W. H. Edgar 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. **DARLING TO GLEN WAVERLEY RAILWAY CONSTRUCTION BILL.**—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.  
 House in Committee.  
 The President resumed the Chair; and the Honorable W. H. Edgar 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. **STATE SAVINGS BANK ACTS AMENDMENT BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to further amend Section Eighty-two of the ‘State Savings Bank Act 1915’*” and desiring the concurrence of the Council therein.  
 On the motion of the Honorable H. I. Cohen, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
14. **HARBOR BOARDS ACT 1927 AMENDMENT BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to make a Correction in and to amend the ‘Harbor Boards Act 1927’*” and desiring the concurrence of the Council therein.  
 On the motion of the Honorable A. E. Chandler, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
15. **MARRIAGE 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 E. L. Kiernan reported that the Committee had made progress in the Bill, and asked leave to sit again.  
 Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
16. **MALVERN WAR MEMORIAL FUND BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to incorporate a Body by the Name of the Malvern War Memorial Trust and to authorize such Trust to administer the Malvern Returned Sailors and Soldiers Imperial League of Australia Memorial Hall Fund in accordance with a certain Deed of Trust.*” and desiring the concurrence of the Council therein.  
 On the motion of the Honorable R. G. Menzies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.
17. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 8 to 14 inclusive, and *Petrol Pumps Bill—Amendments of the Assembly—To be considered Railway Lands Acquisition Act 1915 Amendment Bill—Second reading, State Savings Bank Acts Amendment Bill—Second reading, and Harbor Boards Act 1927 Amendment Bill—Second reading*, be postponed until to-morrow.

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

P. T. POOK,  
 Clerk of the Legislative Council.

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## No. 35.

THURSDAY, 20TH DECEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. **METROPOLITAN TOWN PLANNING COMMISSION BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend and to extend the Operation of the Metropolitan Town Planning Commission Acts*” and desiring the concurrence of the Council therein.  
 On the motion of the Honorable A. E. Chandler, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

- 3. PAPER.—The Honorable H. I. Cohen presented, by command of His Excellency the Governor—  
Charitable Institutions—Statistics for the year 1927-28.
- 4. RACE-COURSES AND RACE-MEETINGS.—The Order of the Day for the consideration of the Report of the Select Committee on Race-courses and Race-meetings having been read—  
The Honorable Dr. J. R. Harris moved, That the Report be now adopted.  
Debate ensued.  
Question—put and resolved in the affirmative.
- 5. MARRIAGE 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 E. L. Kiernan reported that the Committee had agreed to the Bill with amendments.  
Ordered—That the Report be taken into consideration later this day.
- 6. PETROL PUMPS BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Assembly having been read, the said amendments were read and are as follow :—
  - 1. Clause 6, lines 36-37, omit "Two pounds two shillings" and insert "One pound one shilling."
  - 2. Clause 10, line 32, after "used" insert "any tank."
  - 3. Clause 10, line 33, omit "any tank."
 On the motion of the Honorable H. I. Cohen, and after debate, the Council agreed to the amendments made by the Assembly and ordered the Bill to be returned to the Assembly with a Message acquainting them therewith.
- 7. MELBOURNE AND METROPOLITAN TRAMWAYS 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 E. L. Kiernan having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.  
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
- 8. 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.
- 9. RAILWAY LANDS ACQUISITION ACT 1915 AMENDMENT BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair ; and the Honorable W. H. Edgar 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. STATE SAVINGS BANK ACTS 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 E. L. Kiernan 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. CLOSER SETTLEMENT BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Closer Settlement Acts and the Discharged Soldiers Settlement Acts and for other purposes*" and desiring the concurrence of the Council therein.  
On the motion of the Honorable A. E. Chandler, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
- 12. HARBOR BOARDS ACT 1927 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 W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

13. **JUSTICES BILL.**—This Bill was, according to Order 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 W. H. Edgar 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. **METROPOLITAN TOWN PLANNING COMMISSION 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 E. L. Kiernan having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
15. **POSTPONEMENT OF ORDERS OF THE DAY.**—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 9 to 14 inclusive, and *Marriage Bill—Consideration of Report and Closer Settlement Bill—Second reading*, be postponed until to-morrow.
16. **ADJOURNMENT.**—The Honorable H. I. Cohen moved, That the Council at its rising adjourn until to-morrow at ten o'clock.  
Debate ensued.  
Question—put and resolved in the affirmative.

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

P. T. POOK,  
*Clerk of the Legislative Council.*

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## No. 36.

FRIDAY, 21ST DECEMBER, 1928.

1. The President took the Chair and read the Prayer.
2. **MARRIAGE BILL.**—The Order of the Day for the consideration of the Report from the Committee of the whole having been read—  
The Honorable H. I. Cohen moved, That the said Order be discharged and the Bill recommitted to a Committee of the whole in respect of clauses 10, 13, 24, 25, 26, and the Schedules.  
Question—put and resolved in the affirmative.  
House in Committee.  
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with further amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments and desiring their concurrence therein.
3. **MALVERN WAR MEMORIAL FUND 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 W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.
4. **CLOSER SETTLEMENT 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 W. H. Edgar reported that the Committee had agreed to the following resolutions:—  
That it be a suggestion to the Legislative Assembly that they make the following amendments in the Bill, viz.:—
  1. Clause 6, line 25, after "lease" insert "and whether due or to become due at any time."
  2. " " line 29, after "Board" insert "and whether due or to become due at any time."
  3. " " lines 31-2, omit "accrued due thereon at the date of the said agreement" and insert "thereon."
 and asked leave to sit again.

On the motion of the Honorable M. Saltau the Report was adopted.

Ordered—That the Bill be returned to the Assembly with a Message suggesting that the Assembly amend the same as set forth in the foregoing resolutions.

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

- 5. REAL ESTATE AGENTS BILL.—The Order of the Day for the third reading of this Bill having been read—  
The Honorable H. I. Cohen moved, That the said Order be discharged and the Bill recommitted to a Committee of the whole in respect of Clauses 3, 6, and 15, and new clause A.

Question—put and resolved in the affirmative.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with further amendments, the House ordered the Report to be taken into consideration this day.

The Honorable H. I. Cohen moved, That the Report be now adopted.

Debate ensued.

Question—put and negatived.

- 6. BUSINESS AGENTS BILL.—The Order of the Day for the third reading of this Bill having been read—

The Honorable H. I. Cohen moved, That the said Order be discharged.

Debate ensued.

Question—put.

The Council divided.

Ayes, 17.

- The Hon. W. Angliss,
- E. G. Bath,
- A. Bell,
- A. E. Chandler,
- H. I. Cohen,
- W. H. Edgar,
- N. Falkiner,
- G. L. Goudie,
- Dr. J. R. Harris,
- H. Keck,
- R. Kilpatrick,
- M. McGregor (Teller),
- R. G. Menzies,
- M. Saltau,
- H. H. Smith (Teller),
- G. J. Tuckett,
- W. Tyner.

Noes, 6.

- The Hon. W. J. Beckett (Teller),
- J. H. Disney,
- J. P. Jones,
- E. L. Kiernan,
- D. L. McNamara,
- R. Williams (Teller).

And so it was resolved in the affirmative.

Ordered—That the said Bill be withdrawn.

- 7. RAILWAY LANDS ACQUISITION ACT 1915 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.

- 8. LEAVE OF ABSENCE TO THE PRESIDENT.—The Honorable H. I. Cohen moved, by leave, That leave of absence be granted to the President, the Honorable Sir Frank Clarke, from the beginning of the next Session until the 30th September, 1929, to enable him to visit England.

And other honorable members having addressed the House in support of the motion—

Question—put and resolved in the affirmative.

- 9. 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 twenty-nine and to appropriate the Supplies granted in this Session of Parliament*” and desiring the concurrence of the Council therein.

On the motion of the Honorable H. I. Cohen, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, was read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable E. L. Kiernan 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. CLOSER SETTLEMENT BILL.—The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that the Assembly have considered the Message of the Council suggesting, on the consideration of the Bill in Committee, that the Assembly make certain amendments in such Bill, and have made the suggested amendments.

Ordered—That the foregoing Message be referred to the Committee of the whole on the Bill.

11. GREAT OCEAN ROAD LANDS BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act relating to the Sale of certain Crown Lands in the County of Polwarth for the purposes of the Construction of a Highway known as the Great Ocean Road*” and desiring the concurrence of the Council therein.  
On the motion of the Honorable H. I. Cohen, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
12. GEELONG (HARBOR TRUST) LAND BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to provide for the Reservation for the Recreation Convenience and Amusement of the People of certain Land vested in The Geelong Harbor Trust Commissioners*” and desiring the concurrence of the Council therein.  
On the motion of the Honorable H. I. Cohen, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
13. MARRIAGE 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.
14. JUSTICES 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. COUNTRY ROADS BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to relieve certain Municipalities from certain Payments in respect of certain Permanent Works carried out under the Country Roads Acts in the Shire of Wodonga*” and desiring the concurrence of the Council therein.  
On the motion of the Honorable A. E. Chandler, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
16. CLOSER SETTLEMENT 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 W. H. Edgar having reported that the Committee had agreed to the Bill, including the amendments made by the Assembly which were 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 amendments made by the Assembly which were suggested by the Council, without amendment.
17. GREAT OCEAN ROAD LANDS 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 W. H. Edgar 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. LAND ACTS AMENDMENT BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend Section Five of the ‘Land Act 1923’*” and desiring the concurrence of the Council therein.  
On the motion of the Honorable H. I. Cohen, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
19. BLACK ROCK TO BEAUMARIS ELECTRIC STREET RAILWAY BILL.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to amend the Black Rock to Beaumaris Electric Street Railway Acts*” and desiring the concurrence of the Council therein.  
On the motion of the Honorable H. I. Cohen, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.
20. GEELONG (HARBOR TRUST) LAND BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole House in Committee.  
The President resumed the Chair; and the Honorable W. H. Edgar 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. COUNTRY ROADS BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole House in Committee.  
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.  
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

22. **LAND ACTS 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 W. H. Edgar 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. **BLACK ROCK TO BEAUMARIS ELECTRIC STREET RAILWAY 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 E. L. Kiernan 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. **PUBLIC ACCOUNTS COMMITTEE BILL.**—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Public Accounts Committee Act 1922'*" and desiring the concurrence of the Council therein.  
On the motion of the Honorable H. I. Cohen, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, was read a second time and committed to a Committee of the whole.  
House in Committee.  
The President resumed the Chair; and the Honorable W. H. Edgar 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. **ADJOURNMENT.**—The Honorable H. I. Cohen moved, by leave, That the Council at its rising adjourn until Tuesday, the 19th February next.  
Question—put and resolved in the affirmative.
26. **ILLNESS OF HIS MAJESTY THE KING.**—The Honorable H. I. Cohen moved, by leave, That this House places on record its great anxiety during the illness which has befallen His Majesty the King and expresses the sincere and fervent hope that His Majesty will be speedily restored to convalescence and health.  
Question—put and resolved in the affirmative.

And then the Council at thirty-four minutes past nine o'clock adjourned until Tuesday, the 19th February next.

P. T. POOK,  
*Clerk of the Legislative Council.*



## SESSION 1928.

## QUESTIONS ASKED BY HONORABLE MEMBERS AND REPLIES THERETO.

Subject-matter, and Name of Member.	No. of Notice-Paper. (Question.)	Page in Hansard. (Reply.)
ADVANCES to Fruit Preserving Companies. <i>See</i> "Fruit Preserving Companies."		
Ale or Beer—Prevention of supply by brewers in small quantities direct to householders—Exercise by police of special vigilance to prevent sale of alcoholic liquor by unlicensed persons ( <i>Hon. W. H. Edgar</i> ) .. .. .	24	2858
Ardmona Fruit Preserving Company. <i>See</i> "Fruit Preserving Companies."		
"BECKETT'S BUDGET"—Advisability of stopping publication ( <i>Hon. E. G. Bath</i> ) .. .. .	29	3156-7
Beech Forest—Proposal of Allan-Peacock Government for settlement in conjunction with forestry—Action by Government to urge Development and Migration Commission to agree to proposal ( <i>Hon. H. F. Richardson</i> ) .. .. .	29	3156
Beer, Supply of. <i>See</i> "Ale or Beer."		
Briquettes. <i>See</i> "State Electricity Commission."		
Brown, Mr. George Dickson. <i>See</i> "State Electricity Commission."		
Burning of stubble. <i>See</i> "Stubble, burning of."		
COAL. <i>See</i> "State Coal Mine."		
Country Roads Board. <i>See</i> "Motor Omnibuses, &c.", and "Motor Taxation."		
DEVELOPMENT and Migration Commission. <i>See</i> "Beech Forest" and "Textile School at Geelong."		
ELECTRIFICATION of balance of the cable tramway system. <i>See</i> "Tramways."		
Entertainments on licensed premises—Number of permits granted during 1927-28, and purposes to which proceeds of such entertainments were devoted ( <i>Hon. A. E. Chandler</i> ) .. .. .	3	488
FINANCIAL position of soldier and civilian settlers—Disclosure thereof by Government to business men in settlers' home trading towns ( <i>Hon. W. J. McCann</i> ) .. .. .	32	3451
Forestry. <i>See</i> "Beech Forest."		
Forests Commission—Case of John Robins, of Elaine—Further action by Government ( <i>Hon. A. Bell</i> ) .. .. .	2	263
Free Cigarettes. <i>See</i> "State Electricity Commission."		
Free Coal. <i>See</i> "State Coal Mine."		
Freezing Works—Action by Government to have works re-opened in time to meet the requirements of this year's lamb season ( <i>Hon. H. Keck</i> ) .. .. .	7	1145-6
Fruit Preserving Companies—Advances made and overdrafts guaranteed by the Government to the Shepparton, Ardmona and Kyabram Fruit Preserving Companies respectively ( <i>Hon. G. J. Tuckett</i> ) .. .. .	9	*
GEELONG. <i>See</i> "Textile School at Geelong."		
HOME Maintenance Areas. <i>See</i> "Murrabit Overseas Settlement."		
Hume Reservoir—		
Amount of water storable by the years 1930, 1931, and 1932 respectively ( <i>Hon. W. L. R. Clarke</i> ) .. .. .	6	929
Date of completion of work, number of acres irrigable and number of men employable on completion ( <i>Hon. W. L. R. Clarke</i> ) .. .. .		
Length of channel necessary to provide water to irrigate to the point where the Yarrowonga weir will provide water—Cost per mile and number of acres irrigable by channel ( <i>Hon. Dr. J. R. Harris</i> ) .. .. .	15	1879
<i>And see</i> "Yarrowonga Weir."		
Use to which water stored by 1929 is to be put ( <i>Hon. W. L. R. Clarke</i> ) .. .. .	6	929
INDECENT and obscene publications—		
Legislation to prevent circulation, &c. ( <i>Hon. H. F. Richardson</i> ) .. .. .	1	196
Power of Government to prevent printing and circulation—Action to prevent publication of <i>Beckett's Budget</i> ( <i>Hon. E. G. Bath</i> ) .. .. .	29	3156-7

\* Question not asked—Notice of question withdrawn.

Subject-matter, and Name of Member.	No. of Notice-Paper. (Question.)	Page in Hansard. (Reply.)
KYABRAM Fruit Preserving Company. <i>See</i> "Fruit Preserving Companies."		
LICENSED Premises. <i>See</i> "Entertainments on Licensed Premises."		
Licences for Motor Omnibuses. <i>See</i> "Motor Omnibuses, &c."		
Liquor advertisements. <i>See under</i> "Railways."		
MACHINERY Monopolies Restriction—Introduction of legislation on the lines of the recommendation of the Select Committee of the Legislative Assembly ( <i>Hon. E. L. Kiernan</i> ) .. .. .	34	3625
Melbourne Harbor Trust. <i>See</i> "Outer Ports."		
Migration Agreement—Amount of money at credit to Victoria and its use for construction of outer ports ( <i>Hon. M. McGregor</i> ) .. .. . <i>And see</i> "Development and Migration Commission."	4	554-5
Motor Omnibuses and other motor vehicles—Applications under <i>Motor Omnibus (Urban and Country) Act 1927</i> received by Country Roads Board—Number granted, number refused, and total revenue received to date under the Act ( <i>Hon. H. H. Smith</i> ) .. .. .	7	1146
Motor Taxation—Amount collected and paid to Country Roads Board during each of the past four financial years ( <i>Hon. G. J. Tuckett</i> ) .. .. .	2	263
Murrabit Overseas Settlement—Number of settlers who have taken up blocks and number who have left their blocks—Application of proposed home maintenance area principle to these and other overseas settlers ( <i>Hon. W. J. McCann</i> ) .. .. .	32	3451-2
NARRE WARREN—Number of blocks of land made available for settlement by State Rivers and Water Supply Commission—Number unoccupied, number occupied and abandoned ( <i>Hon. A. E. Chandler</i> ) .. .. .	16	1953
Newspapers. <i>See</i> "Indecent and obscene publications."		
OBSCENE publications. <i>See</i> "Indecent and obscene publications."		
Oranges. <i>See</i> "Railways."		
Outer Ports ( <i>Hon. M. McGregor</i> )—		
Rate of interest charged by the Government on money advanced to construct outer ports .. .. .	4	554-5
Use of Melbourne Harbor Trust's contribution of £45,000 for maintenance of jetties, &c. .. .. .		
Use of money at credit to the State of Victoria under the Migration Agreement for construction of outer ports .. .. .		
PAPERS to be laid on the Library table—Case of the Forests Commission against John Robins, of Elaine ( <i>Hon. A. Bell</i> ) .. .. .	2	263
Permits. <i>See</i> "Entertainments on licensed premises."		
Police. <i>See</i> "Ale or Beer" and "Waterside Workers' Strike."		
RAILWAYS—		
Liquor advertisements on metropolitan railway bridges—Dates of expiration of leases and intentions of Commissioners as to renewal ( <i>Hon. E. G. Bath</i> ) .. .. .	6	930
Oranges purchased from other States—Number of cases bought in different States, average price, and reason for buying outside Victoria ( <i>Hon. G. J. Tuckett</i> ) .. .. .	14	1765
Royal Commission on Railways—Amount paid to each member and time Commission was engaged in its duties—Amounts paid for legal assistance, &c., and to whom paid—Total cost of Commission ( <i>Hon. W. Tyner</i> ) .. .. .	31	3341
Sunday trains to and from Geelong and Ballarat—Additional employees compelled to do Sunday duty on 15th July and additional wages paid—Reduction in fares and loss in week day travelling caused thereby—Opening of liquor bars in Refreshment Rooms ( <i>Hon. W. H. Edgar</i> ) .. .. .	3	487-8
Robins, John, of Elaine. <i>See</i> "Forests Commission."		
Royal Commission. <i>See under</i> "Railways."		
SETTLEMENT of Migrants and others. <i>See</i> "Beech Forest," "Murrabit Overseas Settlement," and "Narre Warren."		
Settlers. <i>See</i> "Financial position of soldier and civilian settlers, &c."		
Shepparton Fruit Preserving Company. <i>See</i> "Fruit Preserving Companies."		
Sly Grog Selling. <i>See</i> "Ale or Beer."		

QUESTIONS ASKED BY HONORABLE MEMBERS, AND REPLIES THERETO—*continued.*

Subject-matter, and Name of Member.	No. of Notice-Paper. (Question.)	Page in Hansard. (Reply.)
State Coal Mine—Supply of free coal to engineers and others as an inducement to use coal from State Coal Mine ( <i>Hon. H. H. Smith</i> ) .. ..	11	1494
State Electricity Commission—		
Distribution of free cigarettes to firemen, engineers, &c., to advertise briquettes ( <i>Hon. H. H. Smith</i> ) .. ..	11	1493-4
Yallourn Hotel—Particulars of Mr. George Dickson Brown's position, whether as manager or lessee ( <i>Hon. A. E. Chandler</i> ) .. ..	16	1953
State Rivers and Water Supply Commission. See "Hume Reservoir," "Narre Warren," and "Yarrowonga Weir."		
Strike. See "Waterside Workers' Strike."		
Stubble, burning of Action by Government to bring in regulations or a proclamation under the <i>Forests Act 1927</i> to provide for permission to burn stubble at an earlier date than allowed last year ( <i>Hon. G. J. Tuckett</i> ) ..	32	3452
Sunday trains to Geelong and Ballarat. See under "Railways."		
TEXTILE School at Geelong—Action by Government towards its establishment as referred by the Federal Government to the Development and Migration Commission ( <i>Hon. H. F. Richardson</i> ) .. ..	18	2131-2
Tramways ( <i>Hon. E. L. Kiernan</i> )—		
Action by Government to relieve Tramways Board of statutory payments to Fire Brigades Board, Municipalities, &c. .. ..	22	2573
Statement by Board to deputation from northern municipalities that it would proceed with electrification of balance of cable tramways if relieved of such payments .. ..		
VETERINARY School and Research Institute at University—Arrangements by Government for continuance of the School ( <i>Hon. M. McGregor</i> ) ..	32	3451
WATERSIDE Workers Strike—Recognition of services of the police—Action of South Australian Government in granting leave and a bonus to the police engaged on the waterfront in that State during the strike ( <i>Hon. F. W. Brawn</i> ) .. ..	34	3625
YALLOURN Hotel. See under "State Electricity Commission."		
Yarrowonga Weir—Approximate cost, height of off-take above sea level, and depth of off-take channel—Length and cost per mile of channel and number of acres to be irrigated by it ( <i>Hon. Dr. J. R. Harris</i> ) .. .. And see "Hume Reservoir."	15	1879



**BILLS ASSENTED TO AFTER THE FINAL ADJOURNMENT OF BOTH HOUSES OF PARLIAMENT AND BEFORE THE PROROGATION.**

The following Bills were assented to by His Excellency the Governor on the dates mentioned hereunder, viz. :—

On the 27th December, 1928—

Adoption of Children	Malvern War Memorial Fund	Railway Lands Acquisition Act 1915 Amendment
Agricultural Education Acts Amendment	Melbourne and Metropolitan Board of Works (Borrowing Powers)	State Savings Bank Acts Amendment
Darling to Glen Waverley Railway Construction	Metropolitan Town Planning Commission	Victorian Loan (Country Sewerage)
Electricity Supply Loans Application	Municipal Endowment Application	Victorian Loan (Public Works)
Harbor Boards Act 1927 Amendment	Petrol Pumps	Workers' Compensation

On the 2nd January, 1929—

Appropriation	Country Roads	Land Acts Amendment
Black Rock to Beaumaris Electric Street Railway	Geelong (Harbor Trust) Land	Marriage
Closer Settlement	Great Ocean Road Lands	Public Accounts Committee
	Justices	

On the 12th February, 1929—Consolidating Bills, viz.:—

Acts Enumeration and Revision	Employers and Employés	Libraries
Acts Interpretation	Evidence	Licensing
Aborigines	Explosives	Lifts Regulation
Administration and Probate Agent-General	Export Products	Livery and Agistment
Agricultural Colleges	Factories and Shops	Local Government
Anzac Day	Farm Produce Agents	Lunacy
Apprenticeship	Fences	Maintenance
Arbitration	Fertilizers	Marine
Architects	Firearms	Marine Stores and Old Metals
Auction Sales	Fire Brigades	Markets
Audit	Fisheries	Marriage
Bakers and Millers	Footwear Regulation	Married Women's Property.
Banks and Currency	Forests	Masseurs
Bees	Friendly Societies	Master and Apprentice
Beet Sugar Works	Fruit and Vegetables	Medical
Boilers Inspection	Fungicides	Melbourne and Metropolitan Board of Works
Brands	Game	Melbourne and Metropolitan Tramways
Building Societies	Gaols	Melbourne Harbor Trust
Business Names	Geelong Harbor Trust	Midwives
Carriages	Geelong Waterworks and Sewerage	Mildura Irrigation and Water Trusts
Carriers and Innkeepers	Gold Buyers	Milk and Dairy Supervision
Cattle Compensation	Goods	Mines
Cemeteries	Harbor Boards	Mining Development
Children's Court	Hawkers and Pedlers	Mint
Children's Welfare	Health	Money Lenders
Chinese	Horse Breeding	Motor Car
Closer Settlement	Hospitals and Charities	Motor Omnibus
Coal Mines Regulation	Imprisonment of Fraudulent Debtors	Municipal Endowment
Commonwealth Arrangements	Income Tax	Nurses
Companies	Industrial and Provident Societies	Partnership
Constitution Act Amendment	Inebriates	Pawnbrokers
Coroners	Infectious Diseases Hospital	Penalties
Country Roads	Insolvency	Poisons
County Court	Instruments	Police Offences
Crimes	Juries	Police Regulation
Crown Remedies and Liability	Justices	Poor Persons Legal Assistance
Developmental Railways	Land	Pounds
Dog	Landlord and Tenant	Printers and Newspapers
Drainage Areas	Lands Compensation	Property Law
Drainage of Land	Land Surveyors	Public Contracts
Dried Fruits	Land Tax	Public Safety Preservation
Education	Law Institute	Public Service
Electric Light and Power	Legal Profession Practice	Public Works

Railways	Sheep Dipping	Trustee
Railway Lands Acquisition	Stamps	Trustee Companies
Railways Standing Committee	State Electricity Commission	Unauthorized Documents
Real Estate Agents	State Savings Bank	University
Registrar-General's Fees	Statistics	Unlawful Assemblies and Processions
Registration of Births	Stock Diseases	Vegetation and Vine Diseases
Deaths and Marriages	Stock Foods	Veneral Diseases
Religious Successory and Charitable Trusts	Street Trading	Vermin and Noxious Weeds
Seamen's	Superannuation	Veterinary Surgeons
Secondhand Dealers	Supreme Court	Water
Seeds	Swine	Weights and Measures
Senate Elections (Times and Places)	Temperance Halls	Wills
Servants' Registry Offices	Theatres	Wire Netting
Settled Land	Tobacco Sellers	Women's Qualification
Sewerage Districts	Trade Unions	Workers' Compensation
Shearers' Hut Accommodation	Training Ships	Wrongs
	Tramways	
	Transfer of Land	



VICTORIA  
GOVERNMENT GAZETTE.

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No. 18]

MONDAY, FEBRUARY 18.

[1929

PROROGUING THE 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 Tuesday, the nineteenth day of February, 1929: 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 nineteenth day of March, 1929.

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

(L.S.)

SOMERS.

By His Excellency's Command,

W. M. McPHERSON.

GOD SAVE THE KING!



# SELECT COMMITTEES.

## APPOINTED DURING THE SESSION 1928.

### No. 1.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 4th July, 1928.

The Hon. H. I. Cohen	The Hon. J. P. Jones
W. H. Edgar	D. L. McNamara
G. L. Goudie	H. F. Richardson
Dr. J. R. Harris	

### No. 2.—STANDING ORDERS.

Appointed 17th July, 1928.

The Hon. the President	The Hon. J. P. Jones
F. W. Brawn	M. McGregor
H. I. Cohen	D. L. McNamara
W. H. Edgar	G. Swinburne*
Dr. J. R. Harris	E. J. White

\* Died 4th September, 1928.

### No. 3.—HOUSE (JOINT).

Appointed 17th July, 1928.

(See Act No. 3176 s. 2.)

The Hon. the President ( <i>ex officio</i> )	The Hon. A. E. Chandler
W. Angliss	D. L. McNamara
A. Bell	A. M. Zwar

### No. 4.—LIBRARY (JOINT).

Appointed 17th July, 1928.

The Hon. the President	The Hon. M. Saltau
W. J. Beckett	W. Tyner
W. L. R. Clarke	

### No. 5.—PRINTING.

Appointed 17th July, 1928.

The Hon. the President	The Hon. H. Keck
E. G. Bath	E. L. Kiernan
H. A. Currie	W. J. McCann
N. Falkiner	H. H. Smith
H. Hitchcock	G. J. Tuckett

### No. 6.—STATUTE LAW REVISION (JOINT).

Appointed 17th July, 1928.

The Hon. H. I. Cohen	The Hon. J. P. Jones
W. H. Edgar	M. McGregor
G. L. Goudie	H. F. Richardson

### No. 7.—NURSES REGISTRATION BILL.

Appointed 4th September, 1928.

The Hon. H. I. Cohen ( <i>Mover</i> )	The Hon. D. L. McNamara
W. H. Edgar	M. Saltau
Dr. J. R. Harris	A. M. Zwar

### No. 8.—RACE-COURSES AND RACE-MEETINGS.

Appointed 10th October, 1928.

The Hon. F. W. Brawn	The Hon. W. H. Edgar
H. I. Cohen ( <i>Mover</i> )*	Dr. J. R. Harris
H. A. Currie	E. L. Kiernan
G. M. Davis	

\* Discharged from attendance, 4th December, 1928.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS  
(JOINT).

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APPOINTED UNDER THE *RAILWAYS STANDING COMMITTEE ACT*  
1915, No. 2717.

---

The Hon. A. Bell  
(Appointed 6th July, 1927.)

The Hon. M. McGregor  
(Appointed 27th November, 1928, *vice* Hon. A. E.  
Chandler.)

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VICTORIA  
 LEGISLATIVE COUNCIL.

SESSION 1928.

WEEKLY REPORT OF DIVISIONS  
 IN  
 COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

TUESDAY, 18TH SEPTEMBER, 1928.

No. 1.—HEALTH BILL.—Clause 9—

9. For section two hundred and five of the *Health Act* 1919 there shall be substituted the following section:—

“ 205. (1) Every person who exposes for sale any carcass or meat which has been frozen or which has been chilled shall affix to such carcass or meat and keep affixed thereto or post in a conspicuous position in relation thereto and keep so posted a label stating distinctly and legibly in printed or written characters that such carcass or meat has been frozen or has been chilled (as the case may be).

(2) Every person who delivers at any house any such carcass or meat shall affix thereto or to the package containing the same a label stating distinctly and legibly in printed or written characters that such carcass or meat has been frozen or has been chilled (as the case may be).

(3) For the purpose of this section a carcass or meat shall be deemed to have been chilled if the carcass or the meat or the carcass from which the meat was obtained had been artificially refrigerated to a temperature below thirty-six degrees Fahrenheit but not so as to have become frozen.”

—(Hon. W. J. Beckett.)

Question—That clause 9 stand part of the Bill—put.

Committee divided.

Ayes, 5.

The Hon. W. J. Beckett,  
 J. H. Disney,  
 E. L. Kiernan (*Teller*),  
 D. L. McNamara (*Teller*),  
 R. Williams.

Noes, 21.

The Hon. W. Angliss,  
 E. G. Bath,  
 A. Bell,  
 F. W. Brawn (*Teller*),  
 A. E. Chandler,  
 Sir Frank Clarke,  
 W. L. R. Clarke,  
 H. I. Cohen,  
 H. A. Currie,  
 G. M. Davis,  
 G. L. Goudie,  
 Dr. J. R. Harris,  
 H. Hitchcock,  
 H. Keck,  
 R. Kilpatrick (*Teller*),  
 Lieut.-Col. G. V. Lansell,  
 H. F. Richardson,  
 H. H. Smith,  
 G. J. Tuckett,  
 W. Tyner,  
 A. M. Zwar.

And so it passed in the negative.

## No. 2.—HEALTH BILL.—Clause 13—

13. (1) All houses which are not connected with sewers under the control and management of a sewerage authority or are not provided with a septic tank or connected with a septic tank system shall be provided with such suitable sanitary conveniences as are prescribed.

\* \* \* \* \*

—(*Hon. W. J. Beckett.*)

Amendment proposed—That the words “by a council” be inserted after the word “prescribed” in sub-clause (1).

—(*Hon. W. Tyner.*)

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

Committee divided.

Ayes, 18.

The Hon. W. Angliss,  
E. G. Bath,  
A. Bell,  
F. W. Brawn,  
A. E. Chandler (*Teller*),  
W. L. R. Clarke,  
G. M. Davis,  
G. L. Goudie,  
Dr. J. R. Harris,  
H. Hitchcock,  
H. Keck,  
R. Kilpatrick,  
Lieut.-Col. G. V. Lansell (*Teller*),  
H. F. Richardson,  
H. H. Smith,  
G. J. Tuckett,  
W. Tyner,  
A. M. Zwar.

Noes, 9.

The Hon. W. J. Beckett,  
Sir Frank Clarke,  
H. I. Cohen,  
H. A. Currie (*Teller*),  
J. H. Disney,  
J. P. Jones,  
E. L. Kiernan,  
D. L. McNamara,  
R. Williams (*Teller*).

And so it was resolved in the affirmative.

## No. 3.—HEALTH BILL.—Clause 14—

[Clause 14 applied to all cities and towns and certain other areas or districts and provided for the registration of “heating and ventilation plumbers,” “sanitary plumbers,” “gasfitters,” and “drain-layers”; together with detailed provisions as to mode of registration, &c., application of the Health Acts as to proclamations and regulations, and power to police magistrates to hear appeals against refusal to register, &c.]

Question—That clause 14 stand part of the Bill—put.

Committee divided.

Ayes, 6.

The Hon. W. J. Beckett,  
J. H. Disney (*Teller*),  
J. P. Jones,  
E. L. Kiernan (*Teller*),  
D. L. McNamara,  
R. Williams.

Noes, 21.

The Hon. W. Angliss,  
E. G. Bath,  
A. Bell,  
F. W. Brawn,  
A. E. Chandler,  
Sir Frank Clarke,  
W. L. R. Clarke,  
H. I. Cohen,  
H. A. Currie,  
G. M. Davis,  
G. L. Goudie,  
Dr. J. R. Harris,  
H. Hitchcock,  
H. Keck,  
R. Kilpatrick,  
Lieut.-Col. G. V. Lansell,  
H. F. Richardson,  
H. H. Smith,  
G. J. Tuckett (*Teller*),  
W. Tyner (*Teller*),  
A. M. Zwar.

And so it passed in the negative.

VICTORIA  
LEGISLATIVE COUNCIL.

SESSION 1928.

WEEKLY REPORT OF DIVISIONS  
IN  
COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 25TH SEPTEMBER, 1928.

No. 1.—BUSINESS AGENTS BILL.—Clause 3, sub-clause (2)—

(2) Nothing in this Act shall be construed—

(a) as requiring—

- (i) any executor, administrator, trustee, liquidator, assignee of an insolvent, committee of a lunatic, curator, or receiver, for the purpose of performing his functions exercising his powers or carrying out his duties as such : or
- (ii) any person for the purposes of any sale referred to in section four of the *Auction Sales Act 1915* : or
- (iii) any employé of a licensed business agent as such employé : or
- (iv) any licensed auctioneer selling by auction under the *Auction Sales Acts*—  
to hold a licence under this Act ; or

\* \* \* \* \*

—(Hon. J. P. Jones.)

Amendment proposed—That the words “selling by auction under the *Auction Sales Acts*” in sub-paragraph (iv) of paragraph (a) of sub-clause (2) be omitted with the view of inserting in place thereof the words “or any licensed real estate agent.”

—(Hon. H. F. Richardson.)

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

Committee divided.

Ayes, 9.

- The Hon. W. J. Beckett,
- H. I. Cohen,
- J. H. Disney,
- J. P. Jones,
- E. L. Kiernan,
- R. Kilpatrick (*Teller*),
- G. J. Tuckett (*Teller*),
- R. Williams,
- A. M. Zwar.

Noes, 17.

- The Hon. W. Angliss,
- A. Bell,
- F. W. Brawn,
- A. E. Chandler,
- Sir Frank Clarke,
- W. L. R. Clarke (*Teller*),
- H. A. Currie,
- G. M. Davis,
- Dr. J. R. Harris,
- H. Hitchcock,
- H. Keck,
- Lieut.-Col. G. V. Lansell,
- M. McGregor,
- H. F. Richardson,
- M. Saltau (*Teller*),
- H. H. Smith,
- W. Tyner.

And so it passed in the negative.



## VICTORIA

## LEGISLATIVE COUNCIL.

SESSION 1928.

WEEKLY REPORT OF DIVISIONS  
IN  
COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

TUESDAY, 9TH OCTOBER, 1928.

## No. 1.—MINISTRY OF HEALTH BILL.—Clause 3—

3. (1) For the purpose of promoting the health of the people throughout Victoria and for the better exercise of the powers conferred upon or transferred to the Minister by or under this or any other Act there shall be a Department of Health consisting of—

- (a) a Minister of Health who shall be a responsible Minister of the Crown ; and
- (b) the following officers and employes :—
  - (i) a Secretary to the Department :
  - (ii) a Chief Health Officer :
  - (iii) (on from and after the appointed date of transfer of the administration of the Lunacy Acts to the Minister pursuant to this Act) an Inspector-General of Mental Hygiene :
  - (iv) a Chief Sanitary Engineer ; and
  - (v) such other officers and employes (whether permanent or temporary) as are deemed necessary.

\* \* \* \* \*

—(Hon. W. J. Beckett.)

Amendment proposed—That the words “Secretary to the Department” in sub-paragraph (i) of paragraph (b) of sub-clause (1) be omitted with the view of inserting in place thereof the words “Director-General of Public Health.”—(Hon. H. I. Cohen).

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

Committee divided.

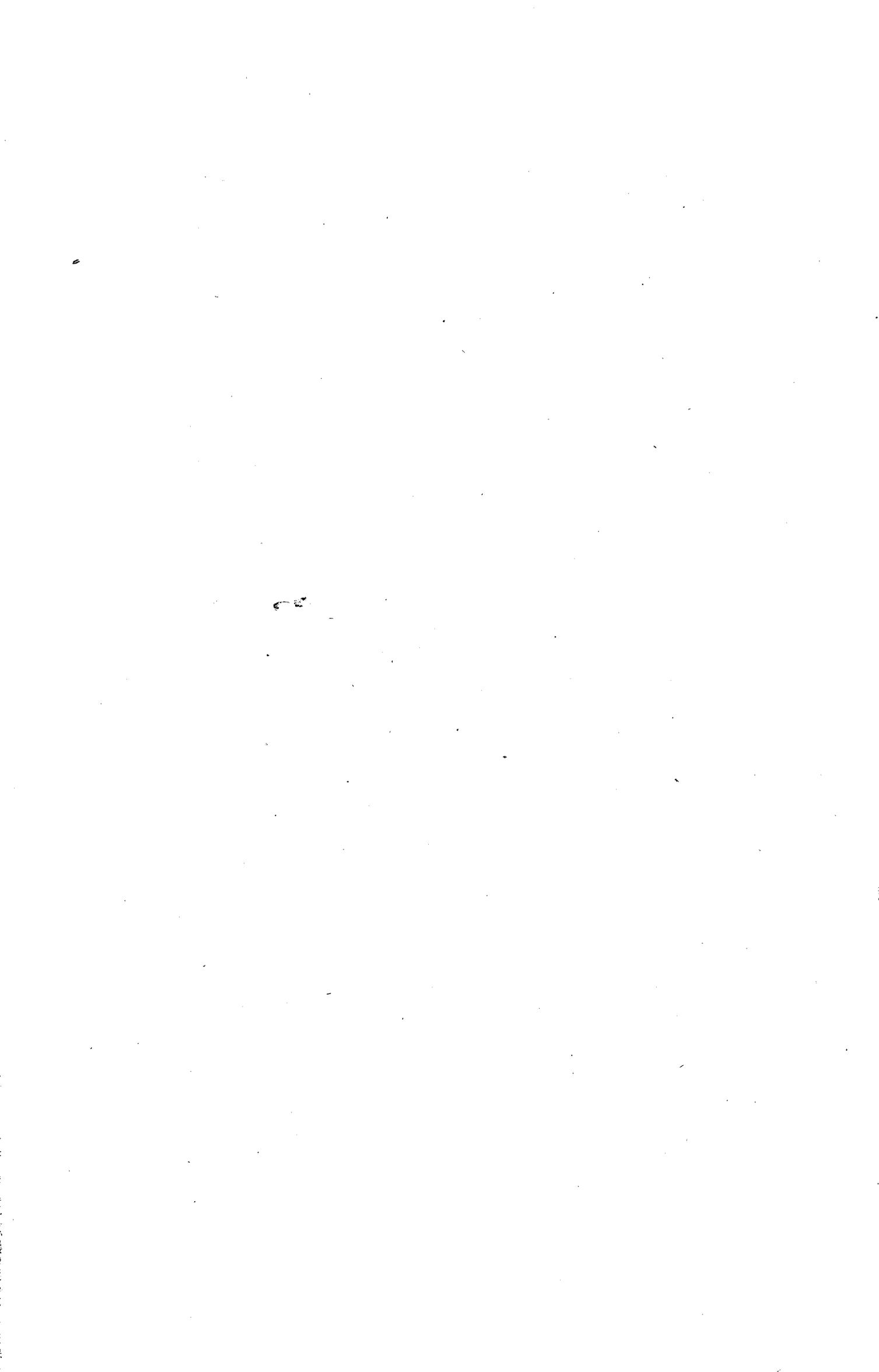
Ayes, 17.

The Hon. W. Angliss,  
E. G. Bath,  
W. J. Beckett,  
A. Bell,  
A. E. Chandler,  
W. L. R. Clarke  
J. H. Disney,  
N. Falkiner (Teller),  
J. P. Jones,  
W. J. McCann,  
D. L. McNamara,  
H. F. Richardson,  
M. Saltau,  
G. J. Tuckett  
W. Tyner (Teller),  
R. Williams,  
A. M. Zwar.

Noes, 9.

The Hon. F. W. Brawn (Teller),  
H. I. Cohen,  
H. A. Currie,  
Dr. J. R. Harris,  
H. Hitchcock,  
E. L. Kiernan,  
Lieut.-Col. G. V. Lansell,  
H. H. Smith,  
E. J. White (Teller).

And so it was resolved in the affirmative.



VICTORIA  
LEGISLATIVE COUNCIL.

SESSION 1928.

WEEKLY REPORT OF DIVISIONS  
IN  
COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

TUESDAY, 30TH OCTOBER, 1928.

No. 1.—WORKERS' COMPENSATION BILL.—Clause 2—

2. In the interpretation of "Worker" in section three of the Principal Act as amended by section two of the *Workers' Compensation Act 1922* for the words "remuneration exceeds Three hundred and fifty pounds a year" there shall be substituted the words "remuneration exceeds Four hundred pounds a year."

—(Hon. R. Williams.)

Amendment proposed—That the words "Four hundred" be omitted with the view of inserting in place thereof the words "Three hundred and sixty."

— (Hon. Dr. J. R. Harris.)

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

Committee divided.

Ayes, 10.

- The Hon. W. J. Beckett,
- F. W. Brawn (*Teller*),
- H. I. Cohen,
- J. H. Disney,
- J. P. Jones,
- E. L. Kiernan,
- W. J. McCann (*Teller*),
- D. L. McNamara,
- R. G. Menzies,
- R. Williams.

Noes, 18.

- The Hon. W. Angliss,
- W. L. R. Clarke (*Teller*),
- H. A. Currie,
- G. M. Davis,
- N. Falkiner,
- G. L. Goudie,
- Dr. J. R. Harris,
- H. Hitchcock,
- H. Keck,
- R. Kilpatrick (*Teller*),
- Lieut.-Col. G. V. Lansell,
- M. McGregor,
- H. F. Richardson,
- M. Saltau,
- H. H. Smith,
- G. J. Tuckett,
- E. J. White,
- A. M. Zwar.

And so it passed in the negative.

## No. 2.—WORKERS' COMPENSATION BILL.—Clause 4—

4. (1) Paragraph (1) of the Second Schedule to the Principal Act as amended by section ten of the *Workers' Compensation Act 1922* is hereby amended as follows:—

(a) In sub-paragraph (a) for the words "Six hundred pounds" there shall be substituted the words "Six hundred and eighty pounds";

\* \* \* \* \*

—(Hon. R. Williams.)

Amendment proposed—That paragraph (a) of sub-clause (1) be omitted.—(Hon. Dr. J. R. Harris.)

Question—That paragraph (a) proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 18.

The Hon. E. G. Bath,  
W. J. Beckett,  
F. W. Brawn,  
A. E. Chandler,  
Sir Frank Clarke,  
H. I. Cohen,  
H. A. Currie,  
J. H. Disney,  
J. P. Jones,  
H. Keck,  
E. L. Kiernan,  
Lieut.-Col. G. V. Lansell (*Teller*),  
M. McGregor,  
D. L. McNamara,  
R. G. Menzies,  
M. Saltau,  
W. Tyner (*Teller*),  
R. Williams.

Noes, 14.

The Hon. W. Angliss,  
W. L. R. Clarke,  
G. M. Davis,  
N. Falkiner (*Teller*),  
G. L. Goudie,  
Dr. J. R. Harris,  
H. Hitchcock,  
R. Kilpatrick,  
W. J. McCann,  
H. F. Richardson,  
H. H. Smith,  
G. J. Tuckett,  
E. J. White.  
A. M. Zwar (*Teller*).

And so it was resolved in the affirmative.

## No. 3.—WORKERS' COMPENSATION BILL.—Clause 4—

4. (1) Paragraph (1) of the Second Schedule to the Principal Act as amended by section ten of the *Workers' Compensation Act 1922* is hereby amended as follows:—

\* \* \* \* \*

(b) For clause (iii) of sub-paragraph (b) there shall be substituted the following clauses:—

"(iii) where total incapacity for work results from the injury—for each child of the worker under fourteen years of age and totally or mainly dependent upon the earnings of the injured worker at the date of the accident, the sum of Seven shillings and sixpence per week shall, in addition to any other weekly payment hereunder, be payable during the disablement of the worker, or until a lump sum settlement has been made with the worker in respect of the accident, or until the age of fourteen is reached, whichever first occurs; but the total amount payable in respect of all such children shall not exceed One pound ten shillings per week; or

(iv) whether in the case of total incapacity, where no child under fourteen years of age is totally or mainly dependent upon the earnings of the worker as aforesaid, or in the case of partial incapacity, or in the case of both total incapacity as aforesaid and partial incapacity, the weekly payment under sub-paragraph (b) of this paragraph shall not exceed Two pounds and the total liability of the employer in respect thereof shall not exceed Six hundred pounds; but in the case of total incapacity where any child or children of the worker under fourteen years of age is or are totally or mainly dependent upon the earnings of the injured worker as aforesaid, the total amount payable under sub-paragraph (b) of this paragraph shall not exceed Three pounds ten shillings per week in the aggregate or the sum of Six hundred and eighty pounds in all:

Provided that the total weekly payment under sub-paragraph (b) of this paragraph shall not in the aggregate exceed a sum equal to the average weekly earnings referred to in clause (i) or clause (ii) of the said sub-paragraph (b), or the sum of Three pounds ten shillings, whichever is the smaller amount."

\* \* \* \* \*

—(Hon. R. Williams.)

Amendment proposed—That paragraph (b) of sub-clause (1) be omitted.—(Hon. Dr. J. R. Harris.)

Notice having been given of an amendment in the fourth line of paragraph (b)—

Question—That all the words in paragraph (b) down to and including the words “date of the accident” in the fourth line of the paragraph stand part of the clause—put.

Committee divided.

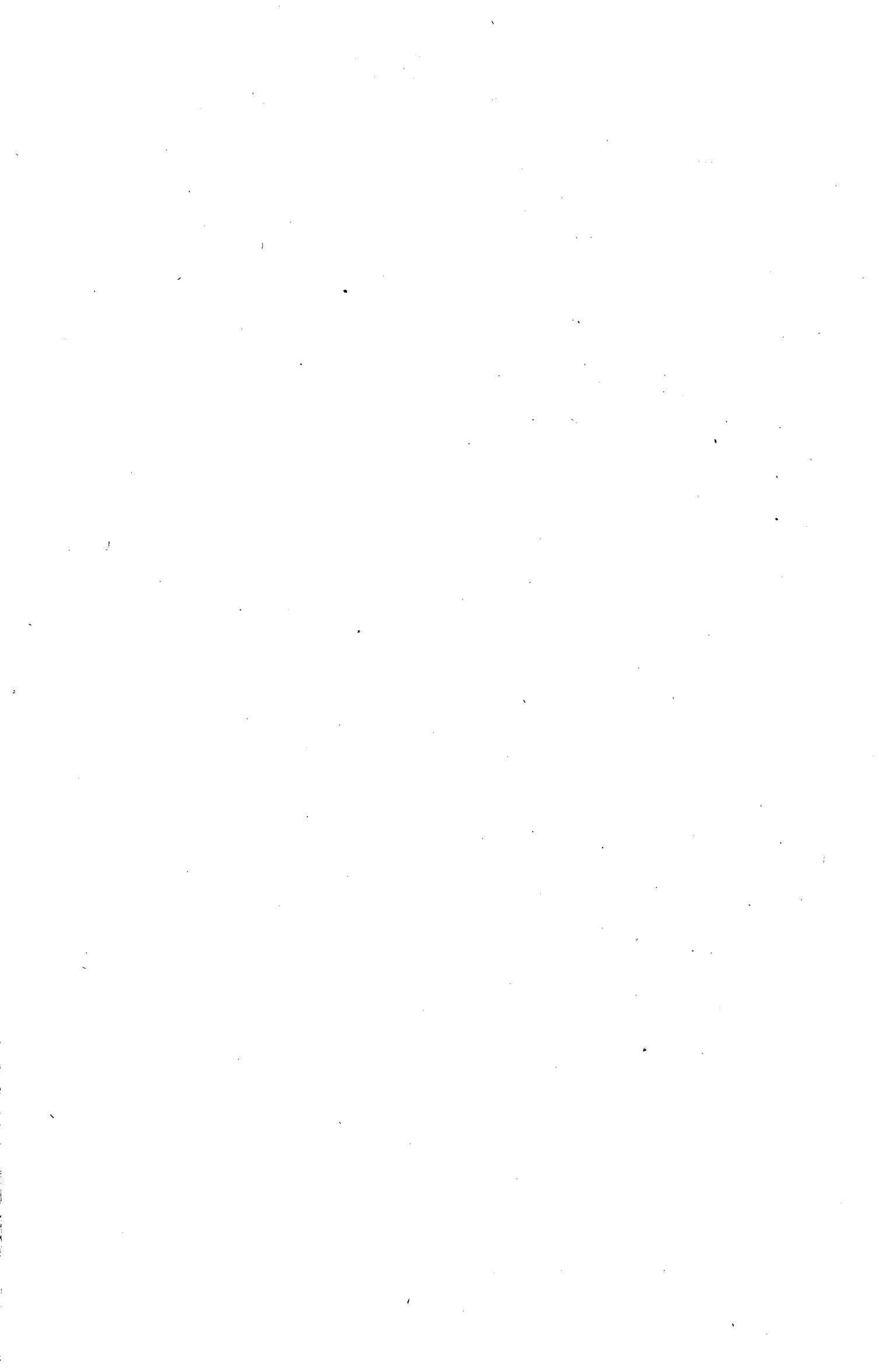
Ayes, 16.

The Hon. W. J. Beckett,  
 F. W. Brawn,  
 H. I. Cohen,  
 G. M. Davis,  
 J. H. Disney,  
 N. Falkiner,  
 J. P. Jones,  
 H. Keck (*Teller*),  
 E. L. Kiernan,  
 Lieut.-Col. G. V. Lansell,  
 W. J. McCann,  
 M. McGregor,  
 D. L. McNamara (*Teller*),  
 R. G. Menzies,  
 W. Tyner,  
 R. Williams.

Noes, 15.

The Hon. W. Angliss,  
 E. G. Bath (*Teller*),  
 A. E. Chandler (*Teller*),  
 W. L. R. Clarke,  
 H. A. Currie,  
 G. L. Goudie,  
 Dr. J. R. Harris,  
 H. Hitchcock,  
 R. Kilpatrick,  
 H. F. Richardson,  
 M. Saltau,  
 H. H. Smith,  
 G. J. Tuckett,  
 E. J. White,  
 A. M. Zwar.

And so it was resolved in the affirmative.



VICTORIA  
 —  
 LEGISLATIVE COUNCIL.

SESSION 1928.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

WEDNESDAY, 14TH NOVEMBER, 1928.

No. 1.—WORKERS' COMPENSATION BILL.—Clause 4 (*as amended in Committee*)—(*on recommital*)—

4. (1) Paragraph (1) of the Second Schedule to the Principal Act as amended by section ten of the *Workers' Compensation Act 1922* is hereby amended as follows:—

(a) In sub-paragraph (a) for the words "Six hundred pounds" there shall be substituted the words "Six hundred and eighty pounds ;

(b) For clause (iii) of sub-paragraph (b) there shall be substituted the following clauses:—

"(iii) where total incapacity for work results from the injury—for each child of the worker under fourteen years of age and totally or mainly dependent upon the earnings of the injured worker at the date of the accident, the sum of Five shillings per week shall, in addition to any other weekly payment hereunder, be payable during the disablement of the worker, or until a lump sum settlement has been made with the worker in respect of the accident, or until the age of fourteen is reached, whichever first occurs; but the total amount payable in respect of all such children shall not exceed One pound per week ; or

(iv) whether in the case of total incapacity, where no child under fourteen years of age is totally or mainly dependent upon the earnings of the worker as aforesaid, or in the case of partial incapacity, or in the case of both total incapacity as aforesaid and partial incapacity, the weekly payment under sub-paragraph (b) of this paragraph shall not exceed Two pounds and the total liability of the employer in respect thereof shall not exceed Six hundred pounds; but in the case of total incapacity where any child or children of the worker under fourteen years of age is or are totally or mainly dependent upon the earnings of the injured worker as aforesaid, the total amount payable under sub-paragraph (b) of this paragraph shall not exceed Three pounds per week in the aggregate or the sum of Six hundred and eighty pounds in all :

Provided that the total weekly payment under sub-paragraph (b) of this paragraph shall not in the aggregate exceed a sum equal to the average weekly earnings referred to in clause (i) or clause (ii) of the said sub-paragraph (b), or the sum of Three pounds, whichever is the smaller amount."

\* \* \* \* \*

—(*Hon. R. Williams.*)

Amendment proposed—That the words “if the worker has dependants and One pound fifteen shillings if the worker has no dependants” be inserted after the words “Two pounds” in sub-paragraph (iv) of paragraph (b) of sub-clause (1).

—(Hon. W. Tyner.)

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

Ayes, 10.

The Hon. W. Angliss,  
A. E. Chandler,  
G. M. Davis,  
Dr. J. R. Harris,  
H. Hitchcock,  
Lieut.-Col. G. V. Lansell  
(*Teller*),  
H. F. Richardson,  
M. Saltau (*Teller*),  
H. H. Smith,  
W. Tyner,

Noes, 12.

The Hon. W. J. Beckett,  
A. Bell,  
H. I. Cohen,  
J. H. Disney,  
G. L. Goudie,  
J. P. Jones,  
R. Kilpatrick (*Teller*),  
M. McGregor,  
D. L. McNamara,  
R. G. Menzies (*Teller*),  
G. J. Tuckett,  
R. Williams.

And so it passed in the negative.

No. 2.—WORKERS' COMPENSATION BILL.—Clause 4 (as amended in Committee)—(on recommittal)—

[For this clause see Division No. 1, page 11.]

—(Hon. R. Williams.)

Amendment proposed—That the words “if the worker has dependants and Five hundred and fifty pounds if the worker has no dependants” be inserted after the words “Six hundred pounds” in sub-paragraph (iv) of paragraph (b) of sub-clause (1).

—(Hon. W. Tyner.)

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

Ayes, 10.

The Hon. W. Angliss,  
A. E. Chandler (*Teller*),  
W. L. R. Clarke (*Teller*),  
G. M. Davis,  
Dr. J. R. Harris,  
H. Hitchcock,  
Lieut.-Col. G. V. Lansell,  
H. F. Richardson,  
H. H. Smith,  
W. Tyner,

Noes, 12.

The Hon. W. J. Beckett,  
A. Bell,  
H. I. Cohen,  
J. H. Disney,  
G. L. Goudie,  
J. P. Jones,  
R. Kilpatrick,  
M. McGregor,  
D. L. McNamara (*Teller*),  
M. Saltau,  
G. J. Tuckett (*Teller*),  
R. Williams.

And so it passed in the negative.

1928.

VICTORIA.

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REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

NURSES REGISTRATION BILL.

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*Ordered by the Legislative Council to be printed, 16th October, 1928.*

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By Authority:

H. J. GREEN, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE  
LEGISLATIVE COUNCIL.

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TUESDAY, 4TH SEPTEMBER, 1928.

5. NURSES REGISTRATION 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.  
The Honorable J. P. Jones moved, That the Bill be now committed.  
The Honorable H. I. Cohen moved, as an amendment, That the words " to a Select Committee " be added to the question.  
Debate ensued.  
Question—That the words proposed to be added be so added—put and resolved in the affirmative.  
Question—That the Bill be now committed to a Select Committee—put and resolved in the affirmative.  
The Honorable H. I. Cohen moved, by leave, That the Select Committee on the Nurses Registration Bill consist of the Honorables W. H. Edgar, Dr. J. R. Harris, D. L. McNamara, M. Saltau, A. M. Zwar and the Mover; such Committee to have power to send for persons, papers, and records, to move from place to place, and to report the minutes of evidence from time to time; three to be the quorum.  
Question—put and resolved in the affirmative.

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WEDNESDAY, 10TH OCTOBER, 1928.

3. NURSES REGISTRATION BILL.—The Honorable M. Saltau moved, by leave, That it be an instruction to the Select Committee on the Nurses Registration Bill that they have power to consider amendments relating to the constitution of the Nurses Board, the courses of training for nurses, and the admission to such courses of training.  
Debate ensued.  
Motion, by leave, amended by the insertion of the words " and new clauses " after the word " amendments."  
Debate continued.  
The Honorable J. P. Jones 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.

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TUESDAY, 16TH OCTOBER, 1928.

7. NURSES REGISTRATION BILL.—The Order of the Day for the resumption of the debate on the question, That it be an instruction to the Select Committee on the Nurses Registration Bill that they have power to consider amendments and new clauses relating to the constitution of the Nurses Board, the courses of training for nurses, and the admission to such courses of training, having been read—  
Debate resumed.  
\* \* \* \* \*  
Question—put and resolved in the affirmative.
10. NURSES REGISTRATION BILL.—The Honorable H. I. Cohen brought up the Report of the Select Committee on this Bill.  
Ordered to lie on the Table and to be printed.

# REPORT.

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THE SELECT COMMITTEE appointed by your Honourable House on the 4th September, 1928, and to which was referred "A Bill to make provision with respect to the Training Qualifications and Registration of Nurses for Sick Children and of Nurses for Persons suffering from Mental Diseases and to amend the *Nurses Registration Act 1923*," have the honour to Report that they have considered the Bill, and recommend to your Honourable House that the following amendments be made:—

Clause 4, sub-clause (1), paragraph (a), line 26, omit "eight" and insert "nine."

Clause 4, sub-clause (1), paragraph (b), omit this paragraph and insert the following paragraph:—

"(b) For sub-section (3) there shall be substituted the following sub-section:—

(3) The Board shall consist of—

- (a) one person nominated by the Minister;
- (b) one medical practitioner (being a member of the medical staff of a hospital approved as a general training school for nurses) nominated by the body known as the Victorian Branch of the British Medical Association;
- (c) two registered nurses (one being a matron in a metropolitan hospital approved as a general training school for nurses and the other being certificated in midwifery) nominated by the association known as the Royal Victorian Trained Nurses Association;
- (d) one registered nurse (being a matron in a country hospital where the average number of occupied beds is not less than forty) nominated by the association known as the Country Hospitals Association;
- (e) one person (other than a person who is being trained as a nurse) nominated as representing persons who are being trained as nurses;
- (f) one person (other than a medical practitioner) nominated by the association known as the Metropolitan Hospitals Association;
- (g) one person (other than a medical practitioner) nominated by the association known as the Country Hospitals Association; and
- (h) one person (with experience in the treatment nursing or care of persons suffering from mental diseases or defects) nominated by the Minister."

Clause 4, sub-clause (3), omit this sub-clause and insert—

"(3) (a) On the day prior to the appointed day the members of the Board then in office shall go out of office.

(b) As soon as may be after the passing of this Act the Governor in Council may appoint members of the Board pursuant to section four of the Principal Act as amended by this section and the persons so appointed shall hold office as such members on from and after the appointed day."

Clause 11, omit this clause and insert the following new clause:—

A. (1) For the purposes of the Nurses Registration Acts the Governor in Council may—

(a) appoint such person as he thinks fit as a Directress of Nurses Training; and

(b) remove any Directress of Nurses Training so appointed.

(2) The Directress of Nurses Training—

(a) shall be a registered nurse;

(b) shall examine and report to the Board upon the teaching facilities and equipment provided in hospitals which are training schools for nurses and the ratio of registered nurses to trainees therein; and

(c) shall have such other duties as are prescribed.

Insert the following new clause:—

B. For sub-sections (3) and (4) of section ten of the Principal Act there shall be substituted the following sub-sections:—

“(3) Where the average number of occupied beds at a hospital is less than forty but not less than thirty the period of the course of training shall be three years thereat, together with a subsequent period of six months at a hospital where the average number of occupied beds is not less than forty.

(4) Where the average number of occupied beds at a hospital is less than thirty but not less than fifteen the period of the course of training shall be two years and six months thereat, together with a subsequent period of one year at a hospital where the average number of occupied beds is not less than forty.”

Committee Room,

16th October, 1928.

1928.

VICTORIA.

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# REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

## RACE-COURSES AND RACE-MEETINGS

TOGETHER WITH

APPENDICES AND MINUTES OF EVIDENCE.

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*Ordered by the Legislative Council to be printed, 19th December, 1928.*

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By Authority

H. J. GREEN, GOVERNMENT PRINTER, MELBOURNE

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS OF THE  
LEGISLATIVE COUNCIL.

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WEDNESDAY, 10<sup>TH</sup> OCTOBER, 1928.

5. RACE-COURSES AND RACE-MEETINGS.—The Honorable H. I. Cohen moved, That a Select Committee be appointed to inquire into and report upon the following matters :—

(a) The desirability of amending, and, if so, in what respects, Division 11 of Part IV. of the *Police Offences Act* 1915 relating to race-courses and race-meetings; and

(b) Generally, the conduct, control, and management of horse, pony, and trotting race-meetings in Victoria.

Debate ensued.

Question—put and resolved in the affirmative.

The Honorable H. I. Cohen moved, That the Select Committee consist of the Honorables F. W. Brawn, H. A. Currie, G. M. Davis, W. H. Edgar, Dr. J. R. Harris, E. L. Kiernan, and the Mover; such Committee to have power to send for persons, papers, and records, to move from place to place, and to report the minutes of evidence from time to time; four to be the quorum.

Debate ensued.

Question—put and resolved in the affirmative

---

TUESDAY, 4<sup>TH</sup> DECEMBER, 1928.

5. RACE-COURSES AND RACE-MEETINGS COMMITTEE—MEMBER DISCHARGED.—The Honorable A. E. Chandler moved, by leave That the Honorable H. I. Cohen be discharged from attendance upon the Select Committee on Race-courses and Race-meetings.

Question—put and resolved in the affirmative

# REPORT

THE SELECT COMMITTEE of the Legislative Council appointed to inquire into and report upon the following matters :—

- (a) The desirability of amending, and, if so, in what respects, Division 11 of Part IV. of the *Police Offences Act* 1915 relating to race-courses and race-meetings ; and
  - (b) Generally the conduct, control, and management of horse, pony, and trotting race-meetings in Victoria,
- have the honour to report to your Honorable House as follows :—

## INTRODUCTION.

1. Your Committee have examined many witnesses, embracing the secretaries of the Victoria Racing Club, the Victoria Amateur Turf Club, the Moonee Valley Racing Club, the Williamstown Racing Club, the Werribee Racing Club, the Cranbourne Turf Club, and the secretaries of the Clubs known as "Down the Line Clubs"; the secretaries or presidents of the seven Country District Racing Associations; the officials of what are known as unregistered Country District Racing Associations; and the Victorian Trotting and Racing Association, in the person of Captain Dyett, their general secretary.

2. Your Committee also heard evidence from the general public, who responded to the general invitation, published in the Melbourne newspapers; from the police in control of the departments supervising horse racing and betting; and the departmental staff administering existing legislation in the Chief Secretary's Department and the Treasury.

3. From the evidence tendered on oath, the following facts have emerged :—

- (1) There was an almost unanimous opinion amongst the witnesses that horse racing and pony racing should be controlled by one authority.

(The Hon. E. L. Kiernan dissented from this paragraph.)

- (2) There was a difference of opinion as to whether pony racing was serving any good purpose in fostering the industry of blood horse breeding, but the weight of evidence was against the continuance of pony racing.

(The Hon. E. L. Kiernan did not agree with the words "but the weight of evidence was against the continuance of pony racing".)

The minority who favoured continuance pointed out that every first class stud produced a proportion of undersized stock, and the studmaster should be provided with a market for his small highly-bred stock, as the pony is a useful animal in the country.

4. Your Committee have considered the two points of view presented to them, and make the following recommendations :—

- (a) That horse and pony racing be placed under the control of the Victoria Racing Club as the supreme authority on racing in this State.

- (b) That pony racing be curtailed.

(The Hon. E. L. Kiernan dissented from paragraph (a).)

5. Your Committee arrived at the second recommendation, as, in their opinion, excessive pony racing, if continued, will tend to reduce the size of the blood horse, and thereby interfere with the breeding of remounts and artillery horses, which should be one of the main objectives of studmasters in the industry of horse breeding.

(The Hon. E. L. Kiernan dissented from the view that pony racing will tend to reduce the size of the blood horse.)

## PROPRIETARY CLUBS.

6. Your Committee have carefully examined the evidence tendered by the proprietary racing clubs, and have deduced the following facts :—

- (a) The proprietary clubs under the *Lotteries Gaming and Betting Act 1906* (incorporated in the *Police Offences Act 1915* as Division 11 of Part IV.) were granted a franchise to run a certain number of race-meetings per annum on their courses, to the detriment of any other person or body of persons who might have desired to participate in such an occupation for profit.
- (b) The franchises so granted are the most valuable assets the clubs possess.
- (c) The Richmond, Fitzroy, and Ascot courses have been sold to a race club of 40 members by the original proprietors, Messrs. Wren and Nathan, for a fixed sum, and this sum is at present in process of liquidation out of the profits made by the race club out of the statutory meetings run on their race-courses. The Richmond course is privately owned, and the course is not included in the agreement of sale—only the lease. About three-quarters of the Ascot race-course is included in the agreement of sale, the remaining one-quarter being under lease and subject to a yearly rental, whilst the freehold of the Fitzroy course is being transferred.
- (d) The Moonee Valley race club is now a genuine race club, but the race-course is still the property of the executors of the late W. S. Cox. The race club pays the estate a very large sum per annum for the right to run their meetings on the course.
- (e) The Epsom course is also a genuine race club sold by the proprietors to a club of upwards of 300 members at a stated fixed sum. A deposit was paid by the club on signing the agreement of sale, but no attempt has since been made to liquidate any of the principal; 10 per cent. interest is being paid by the club on the unpaid balance of the purchase money, but a considerable sum has been spent on improvements.
- (f) The Mentone course is still held by the proprietary owners and is run for profit.
- (g) The Aspendale course has been sold to a larger company, which is running this course for profit.
- (h) The Sandown Park course is rented on lease by Messrs. Considine and the executors of the Skinner estate, and is being run for profit by the proprietary under their franchise.

7. Your Committee concluded on the evidence tendered, the examination of the balance-sheets, the agreements of sale where existing, and the titles to the properties held by the proprietors, that, whilst everything appeared to be straightforward in connexion with the race-courses in process of transformation into genuine racing clubs, the very high values being obtained by the proprietors for their assets, and now in process of liquidation out of profits only, left doubts in the minds of your Committee as to whether the values were not placed so high in order to render liquidation impossible, and, further, as to whether when the agreements of sale are fulfilled the desired effect of converting the race-courses into genuine race clubs will be obtained.

(The Hon. E. L. Kiernan dissented from this paragraph.)

8. It cannot be forgotten that the franchises conferred under Division 11 of Part IV. of the Police Offences Statute, and the assets of the proprietors in the race-courses are only in process of transference to what may be called larger syndicates, and whilst we have the assurance of the officers of the syndicates that as soon as the agreements of sale are satisfied the whole of the profits realized will be used in improvements to the race-courses, increases of stakes, and the improvement of the blood horse, we recognize there is no obligation on the part of the syndicates to carry out this assurance except in the case of Epsom.

9. Your Committee are of opinion that all profits from racing, after the provision of a reasonable reserve fund, should be devoted to improvement of race-courses, increases of stake money, providing better and cheaper facilities to horse breeders by providing them with subsidized blood stallions and for charitable purposes.

(The Hon. W. H. Edgar dissented from the words “ and for charitable purposes.”)

For the above reasons your Committee hold that proprietary clubs run for private gain are not in the best interests of racing and should cease to exist.

10. Your Committee therefore recommend :—

- (1) That after three years' notice the franchise granted to all proprietary clubs under Division 11 of Part IV. of the Police Offences Statute shall be cancelled unless they have taken complete steps to convert the proprietary interest into a genuine racing club, which shall own the freehold, on the lines above mentioned (all documents in such conversion to be approved by an officer to be appointed by the Governor in Council).
- (2) Your Committee further recommend—

That all racing clubs should be compelled to submit to the Chief Secretary's Department annually a complete statement of receipts and expenditure, and that the Auditor-General should be empowered to audit such balance-sheets when called upon to do so.

#### CONTROL OF BOOKMAKERS.

11. Your Committee consider that the Central Control proposed by a majority of your Committee for all horse racing will greatly improve the personnel of the bookmaker and the jockey, and tend to improve the tone of horse and pony racing generally. All jockeys should be registered by the central authority and all appeals heard by a central authority.

(The Hon. E. L. Kiernan dissented from this paragraph.)

12. Your Committee recommend that the Betting Tax Act be amended, and authority given to the Comptroller of Stamps <sup>†</sup> to refuse the licence fee of a bookmaker. It is felt that if the four matters referred to in a memorandum sent to the Committee by the Comptroller of Stamps, and quoted below, can be given effect to, the required result will to a great extent be obtained. The proposed amendments are really for the purpose of improving the machinery of the Act and do not introduce any new principle.

13. Details of the amendments as suggested to your Committee by the Comptroller of Stamps are set out hereunder :—

- A. "Bookmaker" includes any person *who whether on his own account or as servant or agent of any other person carries on the business or vocation of or acts as a bookmaker or turf commission agent or any person who gains or endeavours to gain his livelihood wholly or partly by betting or making wagers.*
- B. Any bookmaker holding a licence or permit granted to him by a racing club and desiring to have such licence stamped with stamp duty to the amount as required by Act No. 2835 so that he may carry on his business or vocation shall first satisfy the Comptroller of Stamps by such evidence as he may require that he (the bookmaker) is a fit person to be authorized to carry on the vocation of a bookmaker in the State of Victoria.
- C. On the request in writing of any bookmaker (being the holder of a licence or permit issued by any racing club in Victoria duly stamped with full stamp duty) that on account of illness he is unable to carry on his business or vocation and that he has nominated a substitute to act in his stead and that the racing club has issued a substitute's licence to such nominated person, the Comptroller of Stamps shall stamp such substitute licence or permit with a stamp duty to the amount of £1 ls. (on payment of such sum to him) and shall authorize such person to act as the substitute (during the illness of his principal) such illness to be verified from time to time by a medical practitioner's certificate as required by the Comptroller of Stamps. The person to whom such substitute licence is issued shall during the currency thereof be subject to the provisions of this Act in all respects as if he were a bookmaker being the holder of a licence (other than a substitute licence) issued under this Act.
- D. Any bookmaker carrying on his business or vocation on any race-course or part thereof who on demand by the secretary or the chairman of the club conducting the races on such race-course or by any member of the police force *or by any officer authorized in writing by the Comptroller of Stamps (whether generally or in any particular case)* does not produce a licence or permit held by him and duly stamped and any other licence or permit (if any) held by him and enabling him to carry on his business or vocation on that race-course or part thereof (as the case may be) shall be liable to a penalty of not less than Five pounds and not more than Fifty pounds or to imprisonment for a term of not more than three months.

The words underlined in paragraph D are sought to be added to section 6 of the present Act.

## THE TOTALIZATOR.

14. There was a general and overwhelming concensus of opinion expressed by the witnesses examined that the introduction of the totalizator without the bookmaker would result in a great deal of illegal betting, as has occurred in South Australia, which would result in a great diminution of revenue, as it would come neither under the province of the totalizator nor of the betting tax.

15. Most of the witnesses were in favour of the totalizator provided the bookmaker was allowed to remain ; on the other hand, most of them did not seem to care whether the totalizator was installed or not, being satisfied with the existing facilities for wagering.

16. Your Committee recommend that the totalizator be installed, and that the bookmaker be permitted to ply his calling also in conjunction with the totalizator.

(The Hon. W. H. Edgar dissented, stating that he was entirely opposed to any proposal calculated to increase gambling.)

## GAMBLING.

17. Your Committee found that illicit betting is on the increase. Notwithstanding the efforts of the police the number of annual prosecutions have increased by over 100 per cent. in five years.

Your Committee recommend a general tightening up of present legislation in the following directions :—

- (a) The enlarging of the powers of the police by giving them the right of entry into premises where they suspect betting to be carried on.
- (b) Making it an offence for any person to be in any place, house, office, or room for the purpose of illegal betting.
- (c) Providing a minimum penalty for all gaming house offences under Section 125 in just the same way as for street betting.
- (d) That the Government make representations to the Postmaster-General with the object of controlling radio, telephone, and telegraph messages, to prevent the quotation of betting odds prior to a race.

These recommendations are made with the object of confining betting to where it can be legally carried on, and where it can be supervised and taxed, rather than with the object of preventing it.

18. Your Committee are quite aware that no legislation will uproot one of the inherent characteristics of man, namely, his love of taking a risk, and the odds on it.

## POLICE CONTROL ON RACE-COURSES.

19. As the law now stands no police officer has power to remove an undesirable from a race-course. The executive officer of a club can order the removal of an undesirable, but even then the police are reluctant to carry out the order.

20. Your Committee recommend that the police be given that power, and also recommend that the police be given power to order people attending race-meetings who are obstructing gangways to refrain from so doing under penalty.

## PERMIT MEETINGS.

21. Your Committee made particular inquiries into the opinions of witnesses on the granting of permit meetings. Generally they were of opinion that far too many permits were granted. Many country race clubs objected to them because they interfered with the licensed meetings in their areas, and pointed out that the total stakes at most permit meetings rarely exceeded Fifty pounds and were no encouragement to horse breeding.

They encouraged gambling, and the habitual racegoer in his useless occupation, without contributing anything to the industry of horse breeding. This particularly applies to a large number of permits granted to clubs within a radius of 70 miles of Melbourne.

22. We attach a list of the whole of the permit meetings for the year 1927-28, with particulars of revenue and expenditure, showing that little good has accrued in many cases to the particular object or charity for which the meeting was inaugurated.

23. Your Committee recommend the repeal of sub-section (11) of section 151 of the *Police Offences Act 1915*. This section as it stands confers on the Chief Secretary the right to grant or refuse permit meetings. Your Committee hold that the granting or refusing of permit meetings should not be subject to political control.

(Mr. Kiernan dissented from the above recommendation, holding that permit race-meetings have contributed enormously to Hospitals, Charities, Halls, Churches, Schools, Recreation Reserves, Sports Grounds, Agricultural Societies, and Show grounds throughout the country.)

#### FEES OF STIPENDIARY STEWARDS AND OTHER OFFICIALS OF THE VICTORIAN TROTTING AND RACING ASSOCIATION.

24. It appears to your Committee that the fees charged by officials of the Victorian Trotting and Racing Association for acting as stipendiary stewards and handicappers for race-meetings under the rules of the Victorian Trotting and Racing Association are excessive in comparison to the revenue and profits of many small meetings. These charges must result in a large income to the officials concerned, and it is recommended that a fixed salary be paid to them by the Victorian Trotting and Racing Association on behalf of the racing clubs under their jurisdiction.

#### LICENSED MEETINGS ON LICENSED RACE-COURSES.

25. The meetings held on licensed country race-courses are not abnormal. At present the Victoria Racing Club fixes dates for all meetings under its jurisdiction. Many witnesses were in favour of handing the allotment of permits over to an independent Board.

26. The Hon. Dr. Argyle, when Chief Secretary in 1925, prepared a scheme for the allotment of permits to the country race clubs. He proposed a Board of three members for each of the seven districts, which was to consist of the Under-Secretary, as chairman, a member nominated by the Governor in Council, and a member for the particular district being considered. The country member would thus be changed as each district was considered.

27. Your Committee recommend that legislation—

With regard to licensed meetings on licensed race-courses be not amended in the country districts, except in so far as to readjust the licensed meetings according to the fluctuation in population since 1906, and that all applications for permits for the succeeding year be applied for to a Board on the lines abovementioned on or before a date to be fixed by Act of Parliament, and the Board shall have power to grant or reject such applications.

(Mr. Kiernan dissented from this paragraph.)

28. Your Committee further recommend—

- (a) That after the allotment of permits the Victoria Racing Club shall fix the racing dates as heretofore.
- (b) That no permits be granted except those applied for on or before the date to be fixed in each year.
- (c) That the Victoria Racing Club be appointed by Act of Parliament to allot dates for all licensed and permit meetings in the country and metropolitan areas.
- (d) That in the metropolitan area all permit meetings shall be applied for on or before a date to be fixed for the year following.
- (e) That the Victoria Racing Club be empowered to grant or reject permits in the metropolitan area.

(The Hon. E. L. Kiernan dissented from this paragraph of the Report, believing that if the present permit system is abolished a certain number of permits should be fixed for each district, and that a Board consisting of not less than three purely local representatives for each district shall allot such permits.)

#### PONY RACES.

29. Your Committee recommend that sub-sections (5) and (6) of section 151 of the *Police Offences Act 1915* be considered when any amendment of the Act is proposed so as to clarify the position and prevent the running off of heats and divisions of races. In the event of a dead heat in a race under the jurisdiction of the Victoria Racing Club, the running off of a dead heat is prohibited.

## TROTTING.

30. Your Committee recommend—

- (1) That the Committee of the Victorian Trotting and Racing Association be appointed to control trotting races in Victoria.
- (2) That a limit be placed on the number of trotting meetings by Act of Parliament, and that all clubs at present in existence be called upon to register and have dates allotted to them.
- (3) That all permits for meetings above the number allotted be applied for on or before a date to be fixed.
- (4) That a Board to be appointed for each district be empowered to grant or refuse permits, and that the Victorian Trotting and Racing Association be the authority for the metropolitan area, and have power to allot all dates.  
(The Hon. E. L. Kiernan dissented from this paragraph.)
- (5) That the Victorian Trotting and Racing Association shall control trotting in the same way as the Victoria Racing Club shall control horse and pony racing.

## GENERAL.

31. Your Committee have received a Report from Lieut.-General Sir Harry Chauvel on the Improvement of Horse Breeding, which is appended as an Appendix to this Report.

Your Committee have referred to this subject in the introductory paragraph to this Report.

32. Your Committee further recommend that sub-section (3) of section 152 of the *Police Offences Act 1915* be considered with a view to the taxation of clubs on their net revenue of each race-meeting in place of the gross revenue, as is now done under the sub-section.

(The Hon. E. L. Kiernan dissented from this paragraph.)

Committee Room,

18th December, 1928.

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APPENDICES.

APPENDIX A.

HORSES—IMPROVEMENT OF BREEDING.

*Remarks by Lieut.-General Sir Harry Chauvel, Inspector-General of the Australian Military Forces.*

There is no doubt whatever that the popularity of horse-racing in Australia has been responsible for the great value of the Australian horse for Army purposes.

Some of the best blood in England has been introduced from time to time, sometimes, of course, solely for breeding purposes, but more often for the double purpose of winning big money and afterwards going to the stud.

The result of this was already becoming apparent in the South African War, when the horses sent over with our contingents far surpassed in stamina and endurance those that came from Canada and the Argentine, and almost held their own with the local South African horse, which was bred the same way. In the cavalry operations of the late War, in Palestine and Syria, the Australian horse was so outstanding in stamina and endurance that by the end of that campaign, with the exception of the New Zealanders and the French, practically all the cavalry—British, Australian, and Indian—were mounted on Australian horses. In the last phase, some of these covered nearly 600 miles in 38 consecutive days with up to 20 stone on their backs.

Since then, however, there has been a serious deterioration, with the result that horses suitable for military purposes are difficult to obtain. It is, therefore, apparent that unless steps are taken to check further deterioration, we will find that in a very few years time an adequate supply of suitable horses even for an expeditionary force will not be available, to say nothing of what may be required on a partial or general mobilization of the Australian Army.

The fact that the Indian Government's order for something under 3,000 horses has been found difficult to complete is, it is considered, definite proof of the scarcity of high-class Army horses.

The serious state into which the light horse breeding industry has been drifting, and the urgent necessity for Government assistance to place it on a sounder footing, has repeatedly been brought to notice in my annual reports.

In May, 1924, when again emphasizing the necessity for Government assistance to encourage and assist horse breeding, attention was drawn to a suggestion made by the Quartermaster-General that stallion premiums of sufficient value to encourage the keeping of thoroughbred stallions be provided. It is regretted that the Government has not yet been able to finance a scheme of this kind.

The establishment of a system for the provision of premiums for thoroughbred stallions similar to that controlled by the War Office in England would, it is considered, be the cheapest and possibly the most effective method of attaining the object in view. Its adoption would undoubtedly stimulate horse breeding in many districts where, through the lack of good stallions, that industry is practically at a standstill to-day. It is estimated that each premium would cost £250.

*Premium to be paid as follows ;—*

<i>Premium</i> £145—Half to be paid at time of award and the other half at close of season .. ..	£145
<i>Service Fee</i> of £1 a mare (average number 65) to be paid after the close of the season .. ..	65
<i>Total Fee</i> of £1 per each mare which foals (average number 40) to be paid at the close of the foaling season .. .. .	40
	£250

and, in addition, a service fee not exceeding £1 a mare be chargeable to the owner of the mare by the owner of the premium stallion, and that if the number of mares which foal to any premium stallion exceeds the average number estimated at 40, a foal fee of £1 be paid for each foal got in excess of that number.

It will be necessary to draw up somewhat lengthy regulations and conditions governing the award of premiums, eligibility of stallions for premiums, location of stallions, payment of service fees, &c.

Racing clubs may be able to assist in providing certain premiums by devoting a portion of their profits to the encouragement of horse breeding. Something of this kind has recently been recommended by a Select Committee on Horse Breeding in South Africa.

The above remarks are made with reference to the value of a scheme for the improvement of horse breeding from a Military point of view, but it is desired to add that the adoption of the scheme referred to would also be of considerable economic value to Australia.

(Sgd.) H. G. CHAUVEL.  
17th December, 1928.

APPENDIX B.

COUNTRY RACING.—PERMIT MEETINGS, 1927-28.

Particulars supplied by the Chief Secretary's Department to the Select Committee of the Legislative Council on Race-courses and Race-meetings.

Name of Club.	Purpose.	Run Under—	Course— Licensed or Unlicensed.	Total Receipts.	Admission Fees.	Book- makers.	Entries, &c.	Privileges.	Donations.	Prizes.	Fees to Officials.	Profits.
				£	£	£	£	£	£	£	£	£
Alberton West Sports .. ..	Hall .. ..	Unregistered ..	U.	72	28	..	9	7	..	39	..	14
Alexandra Charity Race Club ..	Roman Catholic Church ..	V.R.C. ..	L.	157	41	21	17	20	51	55	3	80
Allan's Flat Sports .. ..	Quarter Hospital, three- quarters club	Unregistered ..	U.	115	35*	4	20	..	*	48	..	38
Allan's Flat Sports .. ..	15 per cent. Hospital, 85 per cent. club	Unregistered ..	U.	87	22	7	14	19	..	53	..	8
Allansford Football.. ..	Football club .. ..	Unregistered ..	U.	42	17	..	6	9	2	22	..	14
Anakie A.N.A. .. ..	A.N.A... ..	V.R.C. ..	U.	43	20	1	15	6	10/-	34	..	loss 12/-
Apollo Bay Race Club .. ..	Club .. ..	V.R.C. ..	U.	174	55	4	16	46	7	76	15	22
Apsley Race Club .. ..	Mechanics' Institute ..	V.R.C. ..	L.	92	46	2	..	9	1	47	1	18
Ararat Trotting Club .. ..	Sports ground .. ..	V.T.R.A. ..	U.	563	177	34	71	34	..	210	44	76
Ararat Trotting Club .. ..	Sports ground .. ..	V.T.R.A. ..	U.	395	158	35	78	17	..	150	39	10
Ararat St. Patrick's Race Club ..	Roman Catholic Church ..	V.R.C., V.T.R.A. ..	L.	140	45	7	21	18	33	93	14	4
Ararat Charities Carnival .. ..	Hospital and Benevolent Asylum	Unregistered ..	U.	517	47	2	17	8	120	63	25	379
Arcadia Picnic Race Club .. ..	Hall .. ..	B.D.R.A. ..	U.	482	49	3	15	8	123	41	6	365
Ardmona Sports .. ..	Recreation reserve ..	V.T.R.A., B.D.R.A.	U.	76	30	14	2	4	25	30	4	20
Avenel Oddfellows .. ..	I.O.O.F. .. ..	Unregistered ..	L.	207	41	3	17	13	33	48	4	96
Avoca Gymkhana .. ..	Grand stand .. ..	Unregistered ..	L.	37	19	..	10	7	5/-	24	16/-	6
Bacchus Marsh (Darley) .. ..	Recreation reserve ..	V.T.R.A. ..	L.	86	55	1	9	7	4	38	6	32
Bacchus Marsh (Melton South) ..	Hall .. ..	V.T.R.A. ..	L.	168	92	27	20	14	..	58	39	9
Bacchus Marsh (Melton) .. ..	Mechanics' Institute ..	V.T.R.A. ..	L.	213	124	39	18	17	..	50	40	42
Bacchus Marsh (St. Patrick's) ..	Roman Catholic school ..	V.T.R.A. ..	L.	302	157	52	44	18	..	104†	44	99
Bacchus Marsh (Maddingly Park) ..	Park .. ..	V.T.R.A. ..	L.	274	161	43	32	19	..	78†	35	109
Back Creek Sports .. ..	Hall .. ..	Unregistered ..	L.	223	112	41	23	18	..	81†	41	44
Bairnsdale Hibernian .. ..	Roman Catholic school ..	V.R.C. ..	L.	113	32	5	21	5	6	49	..	19
Ballan and District Race Club ..	Hospital .. ..	V.R.C. ..	L.	361	124	24	44	..	101†	100	12	204
Ballan and District Race Club ..	Hospital .. ..	V.R.C. ..	L.	166	93	11	24	13	4	57	8	50
Ballarat Trotting Club (six meetings)	Club .. ..	V.T.R.A. ..	L.	157	45	10	18	19	5	56	9	52
Ballarat St. Patrick's .. ..	Roman Catholic school ..	V.R.C. ..	L.	3,217	1,677	204	845	180	..	1,580	384	376
Balliang Sports .. ..	Recreation reserve ..	Unregistered ..	U.	586	339	53	51	96	..	209†	54	234
Balliang Racing Club .. ..	Memorial hall .. ..	Unregistered ..	U.	63	17	1	10	2	..	26	..	4
Balmoral Race Club .. ..	Club .. ..	V.R.C. ..	U.	191	109	24	24	18	..	74†	39	21
Balmoral Race Club .. ..	Club .. ..	V.R.C. ..	U.	108	47	5	15	16	5	59	12	13
Balmoral Race Club .. ..	Club .. ..	V.R.C. ..	U.	94	47	..	10	15	13	51	8	18

Bangerang Sports .. ..	Recreation reserve ..	Unregistered, N.D.A.S.A.	U.	177	..	not given	..	..	..	..	129	(total)	48
Bannerton Picnic Race .. ..	Course improvements ..	V.R.C. ..	U.	141	52	7	25	23	24	59	7	36	
Baring Sports .. ..	Hall .. ..	V.R.C. ..	U.	23	12	..	6	..	..	15	..	5	
Barkly Sports .. ..	Hall .. ..	Unregistered ..	U.	97	26	2	18	14	1	34	..	43	
Barmah Race Club .. ..	Hospital .. ..	N.E.D.R.A. ..	L.	132	43	..	..	14	8	54	7	43	
Barnawartha R.S.S.I.L.A. .. ..	Memorial hall .. ..	Unregistered ..	L.	104	39	4	13	12	..	29	..	64	
Bass Racing Club .. ..	Recreation reserve ..	S.G.R.A. ..	U.	78	36	6	10	5	5	46	15	8/3	
Bass R.S.S.I.L.A. Race Club .. ..	Club rooms .. ..	S.G.R.A. ..	U.	66	24	8	13	10	..	23	5	7	
Baynton Picnic Sports .. ..	Charity .. ..	V.R.C. ..	U.	64	31	3	10	12	..	42	2	7	
Bealiba Turf Club .. ..	Club and hall .. ..	V.R.C. ..	U.	98	27	6	10	6	17	63	7	Loss 13	
Beaufort Trotting Club .. ..	Club and "Back to" ..	V.T.R.A. ..	U.	92	25	8	19	13	..	63	23	Loss 51	
Beeac Recreation Reserve .. ..	Recreation reserve ..	Unregistered ..	U.	104	36	4	10	15	11	32	..	51	
Beeac Recreation Reserve .. ..	Recreation reserve ..	Unregistered ..	U.	54	23	1	5	6	2	32	..	7	
Beeac Hibernian Race Club .. ..	Roman Catholic Church ..	Unregistered ..	U.	71	35	5	11	11	..	35	..	20	
Beechworth Football Club .. ..	Football club .. ..	Unregistered ..	U.	101	58	7	10	3	9	62	7	4	
Beechworth Athletic Club .. ..	Club .. ..	Unregistered ..	U.	486	175	1	38	4	1	173	30	54	
Beechworth Anzac Sports .. ..	R.S.S.I.L.A. and town improvements	Unregistered ..	U.	170	67	..	12	4	10/-	65	..	16	
Belmont Sports .. ..	Recreation reserve ..	Unregistered ..	U.	49	38	..	6	..	1	35	..	7	
Belmont Sports .. ..	Recreation reserve ..	Unregistered ..	U.	98	67	2	4	21	..	33	..	27	
Belmont Sports .. ..	Recreation reserve ..	Unregistered ..	U.	85	44	4	12	23	..	30	..	42	
Belmont Sports .. ..	Roman Catholic school ..	Unregistered ..	U.	106	59	4	17	18	..	27	..	56	
Belmont Sports .. ..	Recreation reserve ..	Unregistered ..	U.	74	37	4	15	12	..	37	..	20	
Benalla Race Club .. ..	Club .. ..	V.R.C. ..	L.	403	(Approximate) included in licence return (two days)								
Bendigo Trotting Club .. ..	Club .. ..	V.T.R.A. ..	L.	352	144	36	118	10	..	210	21	10	
Bendigo Easter Fair (four days) .. ..	Hospital and Benevolent Asylum	V.T.R.A. ..	U.	3,616§	1,907	4	403	366	165	885	341	1,681	
Bendigo Jockey Club (two days) .. ..	Club .. ..	V.R.C. ..	L.	(Included in licence return)									
Bendigo Jockey Club (two days) .. ..	Hospital and Benevolent Asylum	V.R.C. ..	L.	1,700	1,096	214	200	65	..	665	152	530	
Bendigo Sports Club .. ..	Club .. ..	V.T.R.A. ..	U.	179	96	10	31	25	9	82	4	44	
Bendigo Sports Club .. ..	Club .. ..	V.T.R.A. ..	U.	101	38	10	29	10	1	62	3	9	
Bendigo Sports Club .. ..	Club .. ..	V.T.R.A. ..	U.	122	54	14	24	17	8	52	3	9	
Bendigo Sports Club .. ..	Club .. ..	V.T.R.A. ..	U.	73	39	2	18	3	1	41	1	Loss 6	
Bendigo Sports Club .. ..	Club .. ..	V.T.R.A. ..	U.	164	112	16	20	5	2	65	11	46	
Bendigo St. Patrick's .. ..	Roman Catholic school ..	V.T.R.A. ..	U.	314	209	..	37	68	..	200	14	50	
Bendoc Race Club .. ..	Club .. ..	V.R.C. ..	U.	104	70	5	14	7	1	75	15	Loss 16	
Bethanga-Springdale .. ..	Football club .. ..	Unregistered ..	L.	59	28	2	14	4	1	42	..	Loss 2	
Beulah Catholic Sports .. ..	Roman Catholic presbytery	N.D.A.S.A. ..	L.	398	(Included in licensed course revenue)								
Beulah Diggers' Picnic Sports .. ..	Memorial park .. ..	N.D.A.S.A. ..	L.	139	43	..	12	13	..	48	7	37	
Birchip District Race Club .. ..	Club .. ..	V.R.C. ..	L.	481	177	39	85	54	..	270	36	119	
Birregurra Turf Club .. ..	Club .. ..	V.R.C. ..	U.	77	42	7	10	8	1	41	7	2	
Blampied Race Club .. ..	Roman Catholic institution	B.D.R.A., V.T.R.A.	U.	91	50	7	14	13	4	36	6	32	
Bonegilla Weir Race Club .. ..	Club .. ..	V.R.C. ..	U.	306	189	11	53	32	..	250	1	Loss 34	
Boolarra Sports Club .. ..	Memorial park .. ..	V.T.R.A. ..	U.	125	50	3	20	20	..	44	5	28	
Boolarra Sports Club .. ..	Memorial park .. ..	V.T.R.A. ..	U.	88	31	2	15	15	2	72	1	Loss 20	

\* Includes donations.

† Includes railway freight paid on horses.

‡ Ladies' Committee.

§ Includes all Fair receipts.

APPENDIX B—continued.

COUNTRY RACING.—PERMIT MEETINGS—continued.

Name of Club.	Purpose.	Run Under—	Course— Licensed or Unlicensed.	Total Receipts.	Admission Fees.	Book- makers.	Entries, &c.	Privileges.	Donations.	Prizes.	Fees to Officials.	Profits.
				£	£	£	£	£	£	£	£	£
Boolite Sports Club .. ..	Mechanics institute ..	V.R.C. .. ..	U.	119	56	5	27	10	14	58	6	23
Boorhaman Race Club .. ..	Recreation reserve ..	V.T.R.A. .. ..	U.	83	23	5	8	11	13	32	7	21
Boort Trotting Club .. ..	Club .. ..	V.T.R.A. .. ..	U.	642	253	79	205	49	..	500	48	Loss 23*
Boort Trotting Club .. ..	Club .. ..	V.T.R.A. .. ..	U.	(Abandoned owing to wet weather)								
Boundary Bend Race Club ..	Bush Nurse and course improvements	Unregistered ..	U.	56	32	..	8	12	..	35	..	4
Briagolong Amateur Race Club ..	Recreation reserve ..	V.R.C. .. ..	U.	121	42	13	20	24	5	85	11	Loss 11
Bridgewater Recreation Reserve ..	Recreation reserve ..	Unregistered ..	U.	176	17	2	13	12	2	40	8	77
Bright Racing and Sports .. ..	Park .. ..	Unregistered ..	L.	172	54	..	18	18	10	65	10	28
Brim Sports .. ..	Recreation reserve ..	Unregistered ..	U.	114	39	7	23	..	1	66	7	13
Buchan Picnic Race .. ..	Club .. ..	Unregistered ..	U.	(Abandoned)								
Bungaree Turf Club .. ..	Roman Catholic school ..	V.R.C. .. ..	L.	544	347	26	34	75	..	156	37	300
Buninyong Picnic Race .. ..	Progress Association ..	V.R.C. .. ..	L.	78	44	11	11	4	..	36	8	13
Bunyip Progress Association ..	Progress Association ..	V.T.R.A. .. ..	U.	168	92	27	21	16	..	50	35	42
Bunyip Agricultural Society (two days)	Showgrounds .. ..	V.T.R.A. .. ..	U.	155	90	24	16	14	..	57	29	33
Bunyip (Iona Hall) .. ..	Pioneers' hall .. ..	V.T.R.A. ... ..	U.	147	82	22	22	13	..	50	35	21
Burrumbeet (Windermere A.N.A.) ..	Windermere A.N.A. ..	V.R.C. .. ..	L.	153	89	11	17	21	3	53	27	32
Bushy Park, Boisdale .. ..	Sale Hospital .. ..	V.R.C. .. ..	U.	166	86	15	24	18	9	77	10	42
Buxton Picnic Sports .. ..	School, hall, and cricket club	V.R.C. .. ..	U.	49	20	1	6	..	8	29	..	4
Campbell's Forest Race .. ..	Roman Catholic Church ..	B.D.R.A. .. ..	U.	60	22	4	8	19	..	39	4	1
Camperdown Turf Club .. ..	Camperdown Hospital ..	V.R.C. .. ..	L.	201	111	24	27	21	2	76	11	76
Camperdown Trotting Club .. ..	Club .. ..	V.T.R.A. .. ..	L.	377	179	37	109	30	..	215	36	44
Camperdown Picnic Race .. ..	Roman Catholic school ..	V.R.C. and V.T.R.A.	L.	164	94	10	25	26	..	60	7	37
Cape Clear Race .. ..	Hall .. ..	Unregistered ..	U.	73	12	..	5	18	2	21	..	30
Cape Clear (Grenville Race) ..	Cemetery .. ..	Unregistered ..	U.	104	23	..	8	28	20	20	..	59
Carisbrook (Maryborough District Race)	Club .. ..	V.R.C. & V.T.R.A.	U.	196	124	8	20	23	..	121	23	Loss 4
Carlisle River Race .. ..	Club .. ..	Unregistered ..	U.	34	15	..	9	6	2	28	..	Loss 3
Carngham (Snake Valley) .. ..	Mechanics hall .. ..	Unregistered ..	L.	42	4	..	9	..	11	18	..	26
Carngham (Snake Valley) .. ..	Widows and orphans ..	Unregistered ..	L.	94	37	..	18	13	3	47	9	20
Carron Sports .. ..	Memorial hall .. ..	Unregistered ..	U.	140	40	9	32	15	..	75	..	19
Carwarp and District Race .. ..	Hall and local improve- ments	V.R.C. .. ..	U.	141	71	17	29	15	..	75	3	Loss 2
Casterton St. Patrick's Race ..	Roman Catholic school ..	V.R.C. .. ..	L.	216	145	16	15	24	..	46	7	117
Casterton Mechanics Institute ..	Mechanics institute ..	V.R.C. .. ..	L.	97	50	11	19	9	..	50	14	Loss 7
Charlton Trotting .. ..	Roman Catholic school ..	V.R.C. & V.T.R.A.	L.	274	130	12	35	24	19	120	11	110
Charlton St. Patrick's Trotting ..	Roman Catholic school ..	V.T.R.A. ... ..	L.	344	126	11	39	23	75	120	9	167
Chetwynd Race .. ..	Club .. ..	V.R.C. .. ..	U.	118	28	10	15	15	3	61	10	14
Chetwynd Picnic Race .. ..	Club .. ..	V.R.C. .. ..	U.	127	59	11	14	18	5	61	13	10

Childers Cove Gymkhana .. ..	Improvements, Cove .. ..	Unregistered .. ..	U.	76	33	2	6	20	4	26	1	43
Chinkapook Race .. ..	Course.. ..	V.R.C. .. ..	U.	64	40	3	3	11	2	34	7	Loss 2
Clunes Amateur Turf (on Ballarat Miners)	Roman Catholic Church..	V.R.C. .. ..	L.	520	292	58	104	29	..	190	63	84
Cobram District Trotting .. ..	Cobram Hospital .. ..	V.R.C. .. ..	L.				(Postponed indefinitely)					
Cobram Turf Club .. ..	Roman Catholic convent .. ..	V.R.C. .. ..	L.	235	156	17	22	26	2	70	8	127
Colac Easter Carnival .. ..	Hospital .. ..	V.R.C. .. ..	U.	374	118	..	24	3	36	81	..	133
Colac (Corangamite Race) .. ..	Roman Catholic school .. ..	V.R.C. .. ..	L.	364	139	29	44	34	73	162	16	104
Colac (Corangamite) (Pirron Yallock)	Roman Catholic school .. ..	V.R.C. .. ..	L.	243	121	23	42	24	2	99	12	47
Colac Gymkhana .. ..	Roman Catholic school .. ..	Unregistered .. ..	U.	161	38	3	15	20	..	31	2	90
Colac West Gymkhana .. ..	Roman Catholic school .. ..	Unregistered .. ..	U.	140	22	2	10	14	2	35	..	55
Colac St. Patrick's Sports .. ..	Roman Catholic school .. ..	Unregistered .. ..	U.	264	165	..	38	45	16	108	6	107
Colac Turf Club .. ..	Colac Hospital .. ..	V.R.C. .. ..	L.	245	119	29	35	21	3	70	7	116
Colbinabbin Race .. ..	Course .. ..	B.D.R.A. .. ..	U.	67	32	8	8	15	..	37	5	2
Coleraine St. Patrick's Race.. ..	Roman Catholic school .. ..	V.R.C. .. ..	L.	218	75	11	14	39	18	47	..	80
Coleraine St. Patrick's Race .. ..	Roman Catholic school .. ..	V.R.C. .. ..	L.	389	77	..	30	31	45	47	..	262
Coonooer Bridge Sports .. ..	Hall and club .. ..	Unregistered .. ..	U.	100	53	7	25	7	3	54	..	27
Cope Cope Race .. ..	Hall .. ..	Unregistered .. ..	U.	82	56	..	15	5	2	27	..	50
Cora Lynn Race .. ..	Club .. ..	V.T.R.A. .. ..	U.	251	88	23	20	50	..	50	20	92
Corop Sports .. ..	Sports ground and hospital .. ..	V.T.R.A. .. ..	U.	303	140	8	31	70	..	88	19	103
Cororooke Gymkhana .. ..	Roman Catholic Church..	Unregistered .. ..	U.	134	45	2	24	21	4	35	2	85
Cororooke Race Club .. ..	Roman Catholic Church..	V.R.C. .. ..	U.	301	177	21	44	35	..	178	..	49
Cowangie Turf .. ..	Club .. ..	V.R.C. .. ..	U.	214	98	4	43	50	2	150	13	20
Cowes (Phillip Island) Race .. ..	Course .. ..	Unregistered .. ..	U.	72	40	13	8	4	..	40	..	8
Cundare Turf Club (Beeac) .. ..	Roman Catholic school .. ..	V.R.C. .. ..	U.				(Meeting abandoned)					
Corryong Agricultural Society .. ..	Agricultural Society .. ..	V.R.C. .. ..	L.	121	67	7	21	7	..	46	21	35
Corryong R.S.S.I.L.A. .. ..	Memorial gardens .. ..	V.R.C. .. ..	L.	156	89	6	24	23	7	55	14	60
Cudgewa North Picnic Race .. ..	State school .. ..	V.R.C. .. ..	U.	113	33	2	37	15	..	47	6	34
Cudgewa North Picnic Race .. ..	Hospital and State school .. ..	V.R.C. .. ..	U.	111	40	3	41	9	..	46	6	38
Culgoa St. Patrick's .. ..	Roman Catholic Church .. ..	Unregistered .. ..	U.	83			(Only profits meeting given with receipt for proceeds)					
Dalyston Race .. ..	Roman Catholic Church .. ..	V.T.R.A. .. ..	U.	127	61	10	9	38	5	34	5	67
Dalyston St. Patrick's Race .. ..	Roman Catholic Church .. ..	V.T.R.A. .. ..	U.	113	39	11	25	30	1	52	5	21
Daylesford Worn-out Miners .. ..	Worn-out miners .. ..	V.T.R.A. .. ..	U.	213	58	..	13	15	37	70	8	64
Daylesford Boxing Day Race .. ..	Roman Catholic school .. ..	V.T.R.A. .. ..	U.	341	86	..	12	30	32	49	8	242
Dederang Sports .. ..	Club .. ..	Unregistered .. ..	L.	50	18	..	14	8	..	33	..	8
Derby Sports .. ..	Recreation reserve .. ..	V.R.C. .. ..	U.	259			(not given)					
Dereel Picnic Race .. ..	Soldiers' hall .. ..	V.R.C. .. ..	U.	104	38	5	22	16	13	45	7	34
Derrinallum Gala .. ..	Recreation reserve .. ..	V.R.C. .. ..	U.	113	24	..	13	6	13	16	..	76
Devenish Sports .. ..	Improvements, ground .. ..	V.T.R.A. .. ..	U.	76	23	..	23	6	..	32	4	28
Devon Meadows .. ..	Hall .. ..	V.R.C. .. ..	U.	57	17	..	9	12	2	17	..	8
Dimboola Race .. ..	Course .. ..	V.R.C. .. ..	L.	220	112	18	35	20	..	96	29	1
Dingee Sports .. ..	Bush Nurse and Progress Association .. ..	Unregistered .. ..	U.	104	26	..	19	16	5	61	..	36
Dinyarrak Picnic Race .. ..	Cove hall .. ..	V.R.C. .. ..	U.	132	62	3	15	16	27	29	..	87
Donald St. Patrick's .. ..	Roman Catholic convent .. ..	V.R.C. .. ..	L.	236	160	13	33	20	..	119	18	39
Donald Jockey Club .. ..	Memorial hall .. ..	V.R.C. .. ..	L.	214	124	15	27	23	1	134	10	33

\* Now being licensed.

APPENDIX B—continued.

COUNTRY RACING.—PERMIT MEETINGS—continued.

Name of Club.	Purpose.	Run Under—	Course— Licensed or Unlicensed.	Total Receipts.	Admission Fees.	Book- makers.	Entries, &c.	Privileges.	Donations.	Prizes.	Fees to Officials.	Profits.
				£	£	£	£	£	£	£	£	£
Donald Amateur .. ..	Swimming baths .. ..	Unregistered .. ..	L.	161	50	11	18	17	38	59	5	69
Dunolly Charity Race .. ..	Hospital .. ..	V.T.R.A. .. ..	U.	284	37	4	14	75	7	53	11	107
Echuca Picnic Race (two days) .. ..	Club .. ..	V.R.C. .. ..	L.	244	167	2	40	5	3	212	29	195
Echuca Village Race . . . .	Hospital and banking scheme	V.R.C. .. ..	U.	86	36	8	5	8	..	19	4	46
Echuca North Race .. ..	Hall .. ..	V.R.C. .. ..	U.	59	22	3	6	9	..	20	4	9
Elderslie Picnic Race .. ..	Soldiers' hall .. ..	V.R.C. .. ..	U.	204	116	12	28	8	16	83	11	51
Eldorado Race .. ..	Course and park .. ..	V.T.R.A. .. ..	U.	53	18	4	8	..	7	36	10	Loss 6
Elmhurst Gymkhana .. ..	Course .. ..	Unregistered .. ..	U.	78	39	2	8	9	1	20	..	42
Elmore St. Patrick's .. ..	Roman Catholic school .. ..	V.R.C. .. ..	L.	280	197	14	30	16	..	117	7	101
Elmore Race Club .. ..	Course .. ..	V.R.C. .. ..	L.	176	89	16	29	19	..	129	9	Loss 14
Emu Flat Sports .. ..	Club .. ..	Unregistered .. ..	U.	37	18	..	11	7	..	25	1	Loss 3
Emu Plains (Balnarring and Bittern) .. ..	Course .. ..	V.T.R.A. .. ..	L.	191	101	33	28	18	1	73	54	9
Emu Plains (Balnarring and Bittern) .. ..	Motor ambulance .. ..	V.T.R.A. .. ..	L.	130	66	23	15	..	..	63	44	Loss 9
Euroa Racing Club .. ..	R.S.S.I.L.A. .. ..	V.R.C. .. ..	L.	147	85	15	15	18	7	50	8	46
Euroa Racing Club .. ..	Club .. ..	V.R.C. .. ..	L.	137	78	17	16	11	10	69	18	20
Euroa (Boomerang Picnic Race) (two days)	Club (social) .. ..	V.R.C. .. ..	L.	177	109	4	36	2	21	86	9	11
Foster Gymkhana .. ..	Agricultural Society .. ..	Unregistered .. ..	U.	93	26	..	24	7	..	30	1	34
Framlingham Gymkhana .. ..	Mechanics Institute and recreation reserve	V.R.C. .. ..	U.	39	21	6	5	6	..	18	..	10
Garfield Race .. ..	Recreation reserve .. ..	V.T.R.A... ..	L.	168	83	26	29	21	..	71	32	42
Garfield Race .. ..	Warragul Hospital .. ..	V.T.R.A... ..	L.	177	97	24	28	15	..	74	34	41
Garvoc Race .. ..	Club .. ..	V.R.C. and V.T.R.A.	L.	321	192	25	42	40	..	167	45	1/10
Geelong Race Club (two days) .. ..	Debt on stand .. ..	V.R.C. .. ..	L.				(Included in licence returns)					
Geelong St. Patrick's .. ..	Roman Catholic institutions .. ..	V.R.C. .. ..	L.	907	593	141	80	68	..	256	93	315
Geelong (Oakleigh R.C. Church) .. ..	Roman Catholic Church .. ..	V.T.R.A... ..	L.	266	144	47	38	2	..	80	54	51
Geelong Pony Race .. ..	Club .. ..	V.T.R.A... ..	L.	242	145	27	29	27	..	97	37	Loss 18
Geelong Pony Race .. ..	Agricultural Society .. ..	V.T.R.A... ..	L.	379	245	41	44	22	..	128	75	93
Geelong East Race .. ..	Memorial reserve .. ..	Unregistered .. ..	U.	57	11	..	8	8	25	17	..	28
Girgarre Sports .. ..	Memorial hall .. ..	V.T.R.A... ..	U.	86	16	..	10	1	4	36	..	23
Girgarre Sports .. ..	Recreation reserve .. ..	V.T.R.A... ..	U.	102	35	19	17	2	1	45	4	32
Girgarre Sports .. ..	R.S.S.I.L.A. .. ..	V.T.R.A... ..	U.	80	29	12	17	2	..	54	5	Loss 3
Girgarre Sports .. ..	Memorial hall .. ..	V.T.R.A... ..	U.				(Abandoned owing wet weather)					
Gisborne Progress Association .. ..	Town improvements .. ..	V.T.R.A... ..	L.	233	126	33	27	14	..	79	50	17
Gisborne Racing .. ..	Course .. ..	V.R.C. .. ..	L.	244	128	35	32	21	..	168	42	Loss 16
Gisborne Benefit Race .. ..	Roman Catholic schools .. ..	V.T.R.A... ..	L.	358	207	56	35	39	..	129	27	172
Glenlyon Sports .. ..	Improvements ground .. ..	Unregistered .. ..	U.	28	17	..	6	4	..	14	2	Loss 3
Glenlyon Sports .. ..	Daylesford Hospital .. ..	Unregistered .. ..	U.	50	26	5	8	5	..	30	1	12
Glenthompson Race .. ..	Club .. ..	V.R.C. and V.T.R.A.	L.	167	56	14	25	15	20	90	9	4

Gobur Race	..	..	Alexandra Hospital and club	V.R.C.	..	U.	86	24	7	9	7	35	32	1	43
Goornong Benefit Race	..	..	Roman Catholic school	Unregistered	..	U.	127	58	13	13	19	2	40	..	67
Goornong Jockey Club	..	..	Course	V.R.C.	..	U.	120	62	14	17	15	..	77	7	2
Gooroc Race	..	..	Roman Catholic hall	Unregistered	..	U.	69	39	3	7	8	..	26	..	30
Goulburn Weir Sports	..	..	Ground and hospital	Unregistered	..	U.	145	97	..	12	29	2	65	..	18
Grantville Race	..	..	Wonthaggi Hospital	S.G.R.A.	..	U.	53	25	9	5	..	9	30	5	loss 7/6
Grasmere Gymkhana	..	..	Football club	Unregistered	..	U.	41	24	..	11	6	..	18	..	14
Greta West Picnic Race	..	..	Club	V.R.C.	..	U.	59	26	8	9	2	6	35	..	9
Gunbower Race	..	..	Course	V.R.C.	..	L.	399	140	34	56	61	27	221	51	23
Gymbowen Gymkhana	..	..	Hall	Unregistered	..	U.	127	49	..	8	20	3	7	..	96
Hamilton (Western District Amateur Race)	..	..	Club	V.R.C.	..	L.	548	399	25	64	8	..	168	56	49
Hamilton Hunt Club	..	..	Club	V.R.C.	..	L.	212	74	16	23	6	85	94	22	41
Hamilton St. Patrick's	..	..	Roman Catholic schools	V.R.C.	..	L.	283	44	9	14	20	188	43	..	166
Harrow Picnic Race	..	..	Club	V.R.C.	..	U.	119	59	..	14	15	5	58	9	22
Harrow Picnic Race	..	..	Club	V.R.C.	..	U.	102	45	6	11	12	11	58	16	Loss 17
Heathcote Race	..	..	Club and course	B.D.R.A.	..	U.	132	64	18	11	8	10	42	9	33
Heathcote Race	..	..	Course	B.D.R.A.	..	U.	96	40	7	9	5	4	47	6	Loss 15
Hedley Sports	..	..	Recreation reserve	S.G.S.A.	..	U.	61	17	3	5	7	..	20	..	11
Heyfield Amateur Turf	..	..	Roman Catholic Church	V.R.C.	..	L.	176	121	8	17	12	..	76	6	68
Horsham Trotting	..	..	Club	V.T.R.A.	..	U.	525	125	42	195	35	3	450	20	Loss 48
Horsham (Jung Race Club)	..	..	Club	V.T.R.A. and V.R.C.	..	L.	226	126	13	34	23	7	98	13	51
Horsham Trotting Club	..	..	Club	V.T.R.A.	..	U.	270	128	22	64	27	..	164	30	11
Inglewood Trotting	..	..	Hospital and club	V.T.R.A.	..	U.	296	134	12	100	28	..	135	24	79
Inglewood Trotting	..	..	Club	V.T.R.A.	..	U.	96	47	7	14	6	..	37	5	24
Inverloch Race	..	..	Wonthaggi Hospital	V.T.R.A.	..	U.	60	27	9	8	5	..	39	7	Loss 6
Inverloch Race	..	..	Club	V.T.R.A.	..	U.	136	69	11	19	30	..	48	21	33
Iona St. Patrick's	..	..	Roman Catholic school	V.T.R.A.	..	U.	125	20	2	6	44	23	11	1	76
Irrewarra Sports	..	..	Hospital, State school, and tennis	Unregistered	..	U.	42	12	2	7	4	..	27	..	Loss 16
Irrewillipe Gymkhana	..	..	Hall	Unregistered	..	L.	111	32	3	20	8	2	56	..	11/3
Irrewillipe Athletic Sports	..	..	Club	Unregistered	..	U.	71	21	1	23	..	..	30	..	17
Joel Joel Sports	..	..	Hall	Unregistered	..	U.	79	47	2	11	10	..	1	..	67
Kaniva Race	..	..	Mechanics' Institute	V.R.C.	..	L.	337	204	25	33	54	..	150	45	24
Kerang Turf	..	..	Park	V.R.C.	..	L.	287	184	23	33	31	..	122	14	51
Kerang St. Patrick's	..	..	Roman Catholic convent	V.R.C.	..	L.	434	222	57	91	42	..	225	18	89
Kerang Trotting	..	..	Distressed soldiers	V.T.R.A.	..	L.	372	170	38	108	36	..	245	27	1
Kerang Trotting	..	..	Distressed soldiers	V.T.R.A.	..	L.	119	..	..	..	..	..	..	..	..
Kergunyah Sports	..	..	Memorial hall	Unregistered	..	U.	63	24	3	9	14	..	33	1	63
Kiewa Sports	..	..	Club	Unregistered	..	U.	307	193	36	28	30	..	135	34	73
Kilmore Turf	..	..	Hospital	V.R.C.	..	L.	276	183	16	29	27	1	115	29	63
Kilmore Turf	..	..	Course	V.R.C.	..	L.	334	216	9	30	43	..	125	27	6
Koondrook Jockey	..	..	Course	V.R.C.	..	U.	211	110	29	37	10	1	138	40	2
Koondrook Jockey	..	..	Course	V.R.C.	..	U.	102	34	4	9	8	22	29	4	43
Koo Wee Rup Race	..	..	Memorial hall	V.T.R.A.	..	U.	546	392	40	50	43	..	237	70	167
Kopke Race	..	..	Roman Catholic Church	Unregistered	..	U.	..	..	..	..	..	..	..	..	..
Koroit Race	..	..	Roman Catholic school	V.R.C.	..	L.	..	..	..	..	..	..	..	..	..

Permit originally granted for racing year but date amended to next year

(Not given)

(Included in licence return)

AX

APPENDIX B—continued.

COUNTRY RACING.—PERMIT MEETINGS—continued.

Name of Club.	Purpose.	Run Under—	Course— Licensed or Unlicensed.	Total Receipts.	Admission Fees.	Book- makers.	Entries, &c.	Privileges.	Donations.	Prizes.	Fees to Officials.	Profits.
				£	£	£	£	£	£	£	£	£
Korong Vale Trotting .. ..	Club .. ..	V.T.R.A. ..	U.	173	72	20	53	16	1	100	13	22
Korong Vale Trotting .. ..	Club .. ..	V.T.R.A. ..	U.	256	76	18	54	16	5	100	21	62
Korumburra Sports .. ..	Hospital .. ..	S.G.S.A. ..	U.	179	57	..	13	20	2	38	..	77
Korumburra (Great Southern Sports)	Hospital .. ..	S.G.S.A. ..	U.	66	35	2	13	1	6	33	..	Loss 2/-
Koyuga Sports .. ..	Hall .. ..	B.D.R.A. ..	U.	111	38	7	15	5	..	44	4	32
Kyabram Agricultural, &c., Society ..	Agricultural Society ..	V.T.R.A. ..	L.	254	143	..	3	36	..	11	40	17
Kyneton District Race .. ..	Course .. ..	V.R.C. ..	L.	580	320	65	118	22	..	255	26	76
Lah Sports .. ..	Hall .. ..	Unregistered ..	U.	169	69	9	27	20	27	78	5	51
Lake Boga Race .. ..	Club .. ..	Unregistered ..	U.	91	43	8	10	20	7	49	2	29
Lake Boga Race .. ..	Club .. ..	Unregistered ..	U.	95	42	13	12	16	5	58	2	2/-
Lake Bolac Race .. ..	Club .. ..	V.R.C. ..	U.	111	58	3	22	5	6	68	12	4
Lal Lal .. ..	Roman Catholic school ..	V.R.C. ..	L.	92	36	16	20	12	..	64	18	Loss 11
Lancefield Pony .. ..	Roman Catholic school ..	V.T.R.A. ..	L.	186	103	24	23	25	..	74	41	22
Lancefield Pony .. ..	Roman Catholic school ..	V.T.R.A. ..	L.	213	119	36	34	13	..	74	40	52
Landsborough Sports .. ..	Club .. ..	Unregistered ..	L.	79	21	1	22	2	7	32	..	26
Langi Logan Race .. ..	Course .. ..	V.R.C. ..	U.	113	44	7	16	7	27	52	15	19
Lang Lang Carnival .. ..	Returned soldiers ..	Unregistered ..	L.	169	42	1	15	58	11	48	..	63
Lang Lang Pony Race .. ..	Foreshore improvements..	Unregistered ..	L.									
Lara Picnic Race .. ..	Club .. ..	V.R.C. ..	U.	185	57	14	26	18	1	69	7	47
Lara Picnic Race .. ..	Scholarships and recrea- tion reserve	V.T.R.A. ..	U.	139	68	17	15	18	2	53	7	36
Learmonth A.N.A. .. ..	A.N.A. funds .. ..	V.T.R.A. ..	U.	110	52	8	25	13	..	60	13	13
Learmonth Trotting .. ..	Roman Catholic Church..	V.T.R.A. ..	U.	148	69	..	22	..	..	60	..	54
Lemnos Race .. ..	Hall .. ..	Unregistered ..	U.	129	29	..	19	23	5	32	..	73
Leongatha St. Patrick's .. ..	Roman Catholic Church ..	Unregistered ..	U.	74	32	12	16	9	..	48	5	16
Leongatha (South Gippsland Racing Association)	Late W. Crook .. ..	V.T.R.A. ..	U.	57	25	7	15	6	..	48	1	2
Leongatha Pony Race .. ..	Recreation reserve ..	V.T.R.A. ..	U.	97	43	15	22	8	..	80	5	Loss 29
Leopold Sports .. ..	Memorial park .. ..	Unregistered ..	U.	76	15	..	13	12	29	10	..	51
Lexton R.C. Sports.. ..	Roman Catholic Church ..	Unregistered ..	U.	52	15	..	11	10	13	32	..	8
Lillimur Picnic Race .. ..	Mechanics' Institute ..	V.R.C. ..	U.	86	39	2	11	10	19	18	..	55
Lindenow South Race .. ..	Hospital and club ..	Unregistered ..	L.	146	74	9	24	26	..	80	10	16
Linton St. Patrick's .. ..	Roman Catholic Church ..	Unregistered ..	U.	83	35	2	5	30	10	21	..	45
Litchfield Sports .. ..	Hall .. ..	N.D.A.S.A. ..	U.	134	36	12	29	12	21	52	6	55
Loch Sports .. ..	Memorial reserve ..	Unregistered ..	U.	83	22	..	28	6	..	69	..	Loss 18
Loch Sports .. ..	Memorial reserve ..	Unregistered ..	U.	124	34	2	10	40	6	45	..	37
Lockington Sports .. ..	Memorial hall .. ..	B.D.R.A. ..	U.	163	42	5	9	23	31	45	16	58
Longford Amateur Turf .. ..	Course .. ..	V.R.C. ..	U.	81	29	13	17	13	2	51	8	Loss 3
Longwood Picnic Sports .. ..	Football club .. ..	V.R.C. ..	L.	39	15	..	7	11	2	11	..	22
Lower Tarwin Race .. ..	Memorial hall .. ..	Unregistered ..	U.	126	35	5	12	26	1	45	5	28

(Postponed to a date to be fixed)

Lucy Vale Picnic Sports	Hall	Unregistered	U.	12	3	..	2	7	3	..	1/6	
Macarthur Picnic Race	Course	V.R.C.	L.	111	55	16	12	16	37	16	30	
Macarthur Race	Course	V.R.C.	L.	149	79	11	20	19	102	15	5	
Macorna Trotting	Recreation reserve	V.T.R.A...	U.	144	65	5	41	24	3	120	14	Loss 40
Maffra Hibernian Race	Roman Catholic schools	V.R.C.	L.	293	95	25	25	15	92	82	8	156
Maldon St. Patrick's	Roman Catholic schools	Unregistered	U.	121	40	8	14	24	16	49	4	19
Maldon Hospital Race	Hospital	B.D.R.A.	U.	191	70	12	39	34	21	100	5	27
Maldon Race	Course	V.T.R.A...	U.	125	36	13	18	22	12	63	10	20
Marlo Race	Recreation reserve	V.R.C.	U.	128	79	..	12	22	..	54	8	32
Marong Picnic Race	Roman Catholic Church	Unregistered	L.	92	52	..	5	21	..	36	4	35
Meeniyah Picnic Race	Roman Catholic Church	V.R.C.	U.	69	40	8	6	10	1	37	5	6
Merbein Turf	Club	V.R.C.	L.	353	165	54	64	35	2	133	56	92*
Merbein Turf	Hospital	V.R.C.	L.	155	79	6	35	20	3	67	14	32*
Merbein Turf	Club	V.R.C.	L.	254	128	27	36	45	6	106	60	31*
Meredith St. Patrick's	Roman Catholic school	V.R.C.	U.	96	52	12	11	11	..	34	5	24
Meredith St. Patrick's	Roman Catholic school	V.R.C.	U.	114	52	13	9	19	..	34	7	37
Merrinee Race	Course	V.R.C.	U.	277	104	33	34	33	5	101	4	87
Merrinee Race	Hall	V.R.C.	U.	..	..	..	..	..	..	..	..	..
Middle Tarwin Sports	State school	Unregistered	U.	132	..	..	not given	Meeting abandoned	..	61	..	23
Middle Tarwin Sports	State school	Unregistered	U.	146	..	..	not given	..	..	..	..	31
Mildura Grand Carnival	Hospital and Fire Brigade	V.T.R.A...	U.	91	82	..	9	..	..	15	..	54
Mildura Race	Club	V.R.C.	L.	295	170	26	37	36	9	128	32	92
Mildura Race	Club	V.R.C.	L.	223	112	34	41	20	..	110	56	6
Mildura Race	Club	V.R.C.	L.	202	106	27	35	18	2	103	17	24
Mildura Race	Club	V.R.C.	L.	254	108	44	56	25	5	115	32	45
Minimay Picnic Race	Hall	V.R.C.	U.	107	48	2	12	22	2	49	..	35
Minyip Trotting	Club	V.T.R.A...	L.	123	66	..	36	10	2	82	15	8
Minyip Trotting	Welfare League	V.T.R.A...	L.	145	56	..	66	15	..	150	5	Loss 25
Minyip Turf Club	Memorial rooms	V.R.C.	L.	131	76	6	22	1	..	85	8	4
Minyip Trotting	Roman Catholic school	V.R.C. and V.T.R.A.	L.	106	52	9	20	17	..	74	15	14
Mirboo North Race	Recreation reserve	V.T.R.A.	U.	77	50	4	8	11	..	48	5	Loss 1
Moe Sports	Course	Unregistered	U.	81	32	1	18	13	2	37	..	7
Molyullah Sports	Club and hall	Unregistered	U.	86	43	..	23	13	3	44	5	25
Moolap Sports	State school grounds	Unregistered	U.	100	14	..	8	42	20	15	..	53
Moolort Gymkhana	Hall	Unregistered	U.	42	19	1	8	14	..	28	..	10
Moonambel Sports	Hall	V.T.R.A.	U.	82	33	..	20	9	2	35	5	26
Mooroopna Sports	Hospital	V.T.R.A.	L.	305	57	13	14	16	125	60	4	166
Mooroopna Trotting	Recreation reserve	V.T.R.A.	L.	..	..	..	..	..	..	..	..	..
Mornington Race	Course	V.R.C.	L.	1,051	684	134	124	41	..	290	122	421
Mornington Race	Course	V.R.C.	L.	885	565	141	91	41	..	250	111	301
Mornington Race	Park and foreshore	V.R.C.	L.	625	392	109	53	27	..	210	117	116
Morwell St. Patrick's	Roman Catholic convent..	V.T.R.A.	L.	144	68	12	22	30	..	60	17	9
Moyhu Race	Memorial hall	Unregistered	U.	81	45	5	11	16	..	45	7	Loss 1
Mount Moriac Gymkhana	Orphanages and football club	Unregistered	U.	49	30	4	8	5	1	26	..	10
Murrabit Picnic Race	Club	Unregistered	U.	..	..	..	..	..	..	..	..	..
Murtoa Race	Club	V.R.C.	L.	211	121	23	36	15	..	106	23	23
Muskerry Sports	Roman Catholic school	B.D.R.A.	U.	155	44	12	17	22	5	61	6	28

\* This course now licensed.

APPENDIX B—continued.

COUNTRY RACING.—PERMIT MEETINGS—continued.

Name of Club.	Purpose.	Run Under—	Course— Licensed or Unlicensed.	Total Receipts.	Admission Fees.	Book- makers.	Entries, &c.	Privileges.	Donations.	Prizes.	Fees to Officials.	Profits.
				£	£	£	£	£	£	£	£	£
Myer's Flat Race .. ..	Roman Catholic school ..	B.D.R.A. ..	U.	190	104	13	13	37	..	58	4	99
Myola Race .. ..	Course .. ..	Unregistered ..	U.	78	21	6	7	5	2	43	5	1
Myrtleford Sports .. ..	R.S.S.I.L.A. .. ..	V.R.C. .. ..	U.	57	17	2	9	21	3	32	..	Nil
Myrtleford Sports .. ..	Town improvements ..	Unregistered ..	U.	153	47	..	24	13	8	60	3	32
Myrtleford Race .. ..	Roman Catholic Convent..	Unregistered ..	U.	129	29	5	11	13	36	45	..	56
Myrtleford Race .. ..	Roman Catholic Convent..	Unregistered ..	U.	52	12	3	8	8	1	40	..	Loss 23
Nambrok Picnic Race .. ..	Recreation reserve and club	V.R.C. .. ..	U.	144	58	16	25	24	8	60	17	36
Nambrok Picnic Race .. ..	Recreation reserve and club	V.R.C. .. ..	U.	142	68	19	20	20	..	61	7	41
Nandaly Race .. ..	Club .. ..	V.R.C. .. ..	U.	89	42	3	10	30	3	56	1	1/6
Nanneella Race .. ..	Memorial hall .. ..	B.D.R.A. .. ..	U.	109	37	8	11	44	1	46	4	32
Nanneella Race .. ..	Hall .. ..	B.D.R.A. .. ..	U.					(Abandoned)				
Nar-Nar-Goon Associated Clubs	Course .. ..	V.T.R.A. .. ..	L.	312	183	47	37	24	..	65	34	144
Nar-Nar-Goon Race Club ..	Soldiers' hall .. ..	V.T.R.A. .. ..	L.	227	122	28	35	10	..	83	32	73
Nar-Nar-Goon Race Club ..	Roman Catholic school ..	V.T.R.A. .. ..	L.	182	98	23	28	22	..	74	32	34
Nar-Nar-Goon Picnic Race ..	Course .. ..	V.T.R.A. .. ..	L.	176	102	34	19	13	..	71	31	46
Nar-Nar-Goon Picnic Race ..	Roman Catholic school ..	V.T.R.A. .. ..	L.	273	164	42	34	13	..	118	33	69
Nar-Nar-Goon Trotting Club	Reserve .. ..	V.T.R.A. .. ..	L.	176	81	27	47	11	2	84	21	27
Nathalia St. Patrick's ..	Roman Catholic Church ..	V.R.C. .. ..	L.	201	82	..	14	25	58	62	7	111
Natte Yallock Race .. ..	Recreation reserve .. ..	V.R.C. .. ..	U.	60	23	1	16	13	5	23	..	25
Navarre Sports .. ..	Hall .. ..	Unregistered ..	U.	52	28	..	12	10	2	25	..	24
Neilborough Race .. ..	Hall .. ..	Unregistered ..	U.	88	35	8	9	15	2	38	4	14
Newbridge Carnival .. ..	Hospital .. ..	Unregistered ..	U.	188	45	..	19	6	3	43	5	64
Newry Sports .. ..	A.N.A., Mechanics' Institute, Scottish Thistle	Unregistered ..	U.	152	84	3	28	22	..	61	14	53
Newry Sports .. ..	Scottish Thistle .. ..	Unregistered ..	U.	120	44	3	12	18	2	45	3	21
Nhill Race .. ..	Club .. ..	V.R.C. .. ..	L.	114	68	6	18	12	..	85	15	Loss 38
Nhill Race .. ..	Club .. ..	V.R.C. .. ..	L.	504	299	22	72	72	..	234	33	117
Numurkah St. Patrick's ..	Roman Catholic school ..	V.R.C. .. ..	U.	265	35	13	16	28	132	65	11	168
Nyah West Race .. ..	Course .. ..	Unregistered ..	U.	243	69	5	..	25	11	85	4	60
Ouyen St. Patrick's .. ..	Roman Catholic buildings and club	V.R.C. .. ..	U.	330	143	14	65	58	16	155	15	69
Ouyen Race .. ..	Club .. ..	V.R.C. .. ..	U.	184	85	8	27	33	10	90	7	43
Pakenham Hospital (on Nar-nar-agoon)	Bush Nursing Hospital ..	V.T.R.A. .. ..	L.	349	216	60	33	18	..	134	36	144
Pakenham Picnic Race .. ..	Roman Catholic school ..	V.R.C. .. ..	L.	275	148	22	20	40	..	68	10	162
Pakenham Race .. ..	Course .. ..	V.R.C. .. ..	L.	811	531	96	97	40	..	298	108	218
Pakenham Race .. ..	Course .. ..	V.R.C. .. ..	L.	1,027	682	105	141	40	..	355	105	358
Pakenham Race .. ..	Hospital (Bush Nursing)..	V.R.C. .. ..	L.	985	633	90	106	40	57	283	91	473
Panmure Gymkhana .. ..	Warrnambool Hospital and club	Unregistered ..	U.	58	30	..	8	6	..	25	..	13

Patchewollock Picnic Race .. ..	Hall .. ..	V.R.C. .. ..	U.	238	100	5	21	40	21	21	66	112
Penshurst Boxing Day Race .. ..	Course .. ..	V.R.C. .. ..	L.	1,029	724	46	60	115	..	569	64	93
Penshurst Picnic Race .. ..	Roman Catholic Church .. ..	V.R.C. .. ..	L.	237	98	14	26	42	39	27	13	149
Piangil Race .. ..	Recreation reserve .. ..	V.R.C. .. ..	U.	95	44	5	15	25	..	49	10	20
Picola Race .. ..	Hall and club .. ..	V.R.C. .. ..	U.	107	51	6	11	21	..	70	9	Loss 20
Pine Grove Race .. ..	Club .. ..	B.D.R.A. .. ..	U.	160	..	..	..	Not given	..	93	10	94
Porepunkah Sports .. ..	Roman Catholic school .. ..	Unregistered .. ..	U.	44	12	..	10	1	..	37	..	15
Port Campbell Race .. ..	Club .. ..	V.R.C. .. ..	U.	86	28	6	11	5	8	45	..	9
Port Fairy Gymkhana .. ..	Hospital and soldiers' memorial .. ..	V.R.C. .. ..	L.	99	47	3	11	19	18	28	..	46
Purnim Race (Woodford) .. ..	Roman Catholic school .. ..	V.R.C. .. ..	L.	334	181	30	28	63	4	120	27	142
Purnim Gymkhana .. ..	Warrnambool Hospital .. ..	V.R.C. .. ..	U.	105	38	6	11	10	14	25	1	58
Quambatook Race .. ..	Club .. ..	V.R.C. .. ..	U.	170	85	15	24	22	6	85	20	21
Rainbow St. Patrick's .. ..	Roman Catholic Church .. ..	V.R.C. .. ..	L.	146	65	8	9	22	4	59	17	37
Raywood Race .. ..	Roman Catholic Church .. ..	Unregistered .. ..	U.	98	42	8	9	18	..	40	4	33
Redbank Race .. ..	Club .. ..	V.R.C. .. ..	U.	98	43	4	11	19	15	76	9	Loss 8
Redbank Gymkhana .. ..	Football club and public hall .. ..	Unregistered .. ..	U.	73	33	2	18	8	..	35	..	30
Redesdale Picnic Sports .. ..	Club .. ..	Unregistered .. ..	U.	80	24	3	8	10	15	46	2	19
Rheola Carnival .. ..	Hospitals .. ..	V.T.R.A. .. ..	U.	300	69	..	18	25	38	65	14	150
Riddell .. ..	Clarkefield hall .. ..	V.T.R.A. .. ..	L.	125	68	18	19	13	..	66	35	Loss 6
Riddell .. ..	Stanley Park, Macedon .. ..	V.T.R.A. .. ..	L.	..	..	..	..	..	..	..	..	..
Riddell Benefit Race .. ..	Roman Catholic school .. ..	V.T.R.A. .. ..	L.	226	147	29	19	18	..	85	36	53
Rochester St. Patrick's .. ..	Roman Catholic school .. ..	V.R.C. .. ..	L.	313	182	15	20	35	2	118	9	112
Romsey Turf Club .. ..	Progress Association .. ..	V.T.R.A. .. ..	L.	219	112	36	29	14	..	100	49	21
Romsey Turf Club .. ..	Club .. ..	V.T.R.A. .. ..	L.	243	120	47	42	25	..	132	51	Loss 11
Romsey St. Patrick's .. ..	Roman Catholic school .. ..	V.T.R.A. .. ..	L.	223	120	37	23	29	..	83	47	45
Romsey Progress Association .. ..	Improvements, township .. ..	V.T.R.A. .. ..	L.	259	141	44	31	26	..	81	51	66
Romsey Turf Club .. ..	Agricultural Society .. ..	V.T.R.A. .. ..	L.	95	39	17	13	22	..	70	48	Loss 68
Romsey Turf Club .. ..	New Gisborne Progress Association .. ..	V.T.R.A. .. ..	L.	167	92	25	16	24	..	76	47	Loss 16
Rosedale Hibernian .. ..	Roman Catholic Church .. ..	V.R.C. .. ..	L.	137	82	11	21	23	..	70	8	7
Rushworth Caledonian .. ..	Caledonian Society .. ..	B.D.R.A. .. ..	U.	189	68	2	24	35	..	71	11	22
Rushworth Wood Day and Carnival .. ..	Mooroopna Hospital .. ..	B.D.R.A. .. ..	U.	430	51	5	19	..	65	57	17	270
Rutherglen Pony .. ..	Club .. ..	V.T.R.A. .. ..	L.	95	45	9	23	11	1	56	21	Loss 3
Rutherglen Pony .. ..	Club .. ..	V.T.R.A. .. ..	L.	113	46	13	30	14	..	56	21	14
Sale St. Patrick's .. ..	Roman Catholic school .. ..	V.R.C. .. ..	L.	250	122	21	32	55	..	57	9	151
Sale Athletic Club .. ..	Recreation reserve .. ..	V.T.R.A. .. ..	U.	280	96	20	62	32	..	231	8	Loss 11
Salt Lakes Picnic Race .. ..	Course .. ..	V.R.C. .. ..	U.	85	30	10	12	24	1	41	10	Loss 3
Sandford Picnic Race .. ..	Roman Catholic Church .. ..	V.R.C. .. ..	L.	100	38	17	14	15	2	41	3	26
Sandsmere Race .. ..	Hall .. ..	V.R.C. .. ..	U.	116	49	1	9	15	..	8	..	75
Sandy Creek Sports .. ..	Hall .. ..	Unregistered .. ..	L.	76	21	3	22	8	..	23	..	34
Scarsdale-Smythesdale .. ..	Free Library .. ..	Unregistered .. ..	U.	47	20	1	6	8	1	23	..	10
Sebastian Race .. ..	Club .. ..	Unregistered .. ..	U.	102	44	15	13	16	..	47	3	20
Seymour Turf .. ..	Club .. ..	V.R.C. .. ..	L.	281	182	30	35	23	..	150	29	24
Seymour Turf .. ..	Course .. ..	V.R.C. .. ..	L.	226	115	20	36	28	..	95	33	19
Seymour Turf .. ..	"Back to" celebrations .. ..	V.R.C. .. ..	L.	..	..	..	..	..	..	..	..	..
Shepparton Settlements .. ..	R.S.S.I.L.A. .. ..	Unregistered .. ..	U.	101	12	..	6	17	32	24	..	46

(Postponed)

(Abandoned)

APPENDIX B—continued.

COUNTRY RACING.—PERMIT MEETINGS—continued.

Name of Club.	Purpose.	Run Under—	Course— Licensed or Unlicensed.	Total Receipts.	Admission Fees.	Book- makers.	Entries, &c.	Privileges.	Donations.	Prizes.	Fees to Officials.	Profits.
			£	£	£	£	£	£	£	£	£	£
Shepparton Jockey Club .. ..	Course .. ..	V.R.C. .. ..	L.	143	74	21	19	18	..	90	12	Loss 11
Shepparton Jockey Club .. ..	Club .. ..	V.R.C. .. ..	L.	160	66	24	22	29	..	74	7	9
Skipton Trotting and Racing .. ..	Club .. ..	Unregistered .. ..	U.	164	63	5	24	13	16	50	..	65
Spargo Creek Racing .. ..	Daylesford Hospital .. ..	Unregistered .. ..	U.	15	5	..	4	6	..	15	..	Loss 2
Speed Sports .. ..	Hall .. ..	Unregistered .. ..	U.	175	27	5	15	109*	9	24	..	140
Springhurst Racing .. ..	Tennis club .. ..	Unregistered .. ..	U.	57	16	1	11	19	..	21	..	18
Springmount Sports .. ..	Creswick Hospital and club .. ..	V.R.C. .. ..	U.	84	35	5	11	8	20	27	2	18
Stawell Amateur Turf (two days) .. ..	Club .. ..	V.R.C. .. ..	L.	2,307	1,402	237	236	172	21	604	225	689
Stawell Amateur Turf (one day) .. ..	Course .. ..	V.R.C. .. ..	L.	294	87	29	38	25	..	172	29	Loss 101
Stawell St. Patrick's .. ..	Roman Catholic school .. ..	V.R.C. .. ..	L.	187	102	11	36	21	..	100	12	8
Stony Creek Race .. ..	Mechanics' Institute and band .. ..	V.T.R.A. .. ..	U.	124	37	1	15	37	2	38	2	30
Stony Creek Race .. ..	Mechanics' Institute .. ..	V.T.R.A. .. ..	U.	100	18	4	9	6	..	40	..	31
Stony Creek Race .. ..	Club .. ..	V.T.R.A. .. ..	U.	57	20	4	9	7	3	42	5	Loss 11
Stratford and Nuntin Race .. ..	Course .. ..	V.R.C. .. ..	L.	191	83	16	26	22	4	99	31	Loss 5
Stratford Amateur Race .. ..	Hospital .. ..	V.R.C. .. ..	L.	173	98	15	24	22	..	82	8	44
Strathfieldsaye (Axe Creek) .. ..	Roman Catholic Church .. ..	B.D.R.A. .. ..	U.	128	37	6	20	10	50	45	4	54
Sutherland Sports .. ..	Tennis club .. ..	V.R.C. .. ..	U.	44	15	..	8	6	..	16	..	11
Swan Hill A.N.A. .. ..	Expenses, delegate .. ..	Unregistered .. ..	L.	104	54	3	14	23	..	55	..	12
Swan Hill Hospital Fete (this fete includes very many efforts beside racing) .. ..	Hospital .. ..	Unregistered .. ..	L.	1,652	401	14	26	40	60	111	24	1,262
Swan Hill St. Patrick's .. ..	Roman Catholic convent .. ..	Unregistered .. ..	L.	92	32	9	17	25	..	54	1	6
Swan Hill Jockey Club .. ..	Course .. ..	V.R.C. .. ..	L.	..	..	..	(Included in licence return)	..	..	..	..	..
Swan Marsh Sports .. ..	Club and hall .. ..	Unregistered .. ..	U.	72	20	2	9	10	..	30	..	1
Swan Reach Race .. ..	Club .. ..	V.R.C. .. ..	U.	86	38	4	11	11	..	63	11	Loss 18
Streatham Race .. ..	Hall .. ..	V.R.C. .. ..	U.	105	..	..	..	Not given	..	..	..	7
Tahara Picnic Race .. ..	Reserve .. ..	V.R.C. .. ..	U.	99	59	5	16	8	2	38	12	23
Tallangatta Sports .. ..	Roman Catholic Church .. ..	Unregistered .. ..	U.	68	33	..	20	..	15	25	..	35
Tallangatta Valley Sports .. ..	Tallangatta Hospital .. ..	Unregistered .. ..	U.	94	30	3	11	6	8	37	3	28
Tallarook Pony .. ..	Roman Catholic school .. ..	V.T.R.A. .. ..	U.	189	102	27	24	25	..	70	39	14
Tallygaroopna .. ..	Memorial hall and recreation reserve .. ..	V.R.C. .. ..	U.	147	..	..	..	Not given	..	..	..	26
Tambo Valley Race .. ..	Course .. ..	V.R.C. .. ..	U.	151	64	8	33	18	..	100	20	Loss 16
Tarrawingee Race .. ..	Hall .. ..	Unregistered .. ..	L.	117	55	9	19	20	6	64	6	26
Tatura St. Patrick's .. ..	Roman Catholic school .. ..	Unregistered .. ..	L.	152	30	1	8	28	3	38	..	55
Terang (Hampden Race) .. ..	Roman Catholic school .. ..	V.R.C. .. ..	L.	454	258	27	40	35	..	125	11	229
Terang Trotting Club .. ..	Club .. ..	V.T.R.A. .. ..	L.	377	184	20	90	35	25	240	58	Loss 26
Thorpdale Sports .. ..	Improvements, ground .. ..	Unregistered .. ..	U.	144	52	4	43	32	..	76	1	29
Thorpdale Show .. ..	Improvements, ground .. ..	Unregistered .. ..	U.	157	56	4	19	53	1	58	..	31

XX

Tintaldra Picnic Race	.. ..	Corryong Hospital and club	V.R.C. ..	U.	118	67	2	15	11	1	45	7	28
Toosan Picnic Race	.. ..	Hospital and course	V.R.C. ..	U.	132	77	4	19	20	..	54	16	18
Toolleen Race	.. ..	Heathcote Hospital	B.D.R.A.	U.	89	21	6	9	15	20	40	6	14
Torrumberry Sports	.. ..	Hall .. ..	Unregistered	U.	128	36	..	17	42	10	57	7	24
Towan District Race	.. ..	Hall and Mechanics' Institute	Unregistered	U.	57	23	4	11	18	1	38	..	15
Trafalgar Public Institutes	.. ..	Clubs, societies, &c.	Unregistered	L.	64	21	1	11	25	5	19	..	31
Trafalgar Sports	.. ..	Soldiers' hall	Unregistered	L.	87	59	2	10	9	..	20	..	58
Trafalgar Public Institutes	.. ..	Clubs, societies, &c.	Unregistered	L.	52	25	3	12	11	..	30	1	7
Trentham Race	.. ..	Kyneton Hospital	V.T.R.A.	U.	85	42	9	12	15	..	54	19	Loss 5
Trentham Race	.. ..	Club .. ..	Unregistered	U.	57	28	5	7	15	..	37	..	6
Trentham Race	.. ..	Football club	Unregistered	U.	95	23	3	9	37	10	27	2	38
Tresco Memorial Hall	.. ..	Memorial hall	V.R.C. ..	U.	89	56	8	12	10	..	45	..	31
Tungamah Sports	.. ..	Memorial hall	Unregistered	U.	223	74	1	14	48	20	61	..	31
Turriff East Sports	.. ..	Hall .. ..	V.R.C. ..	U.	4 <sup>†</sup>	..	..	4	..	..	13	..	Loss 9
Turriff West Hall	.. ..	Hall .. ..	V.T.R.A.	U.	47	14	..	13	7	..	24	..	19
Tynong	.. ..	Memorial reserve	V.T.R.A.	U.	320	175	55	54	15	..	146	26	110
Tynong	.. ..	Memorial hall	V.T.R.A.	U.	208	120	35	23	18	1	82	34	63
Tyrendarra Show	.. ..	Show funds	V.R.C. ..	U.	137	45	..	12	17	..	51	8	7
Ultima Race	.. ..	Purchase course	V.R.C. ..	U.	..	..	..	..	..	..	..	..	..
Valencia Picnic Race	.. ..	Memorial hall	Unregistered	U.	96	46	7	19	8	5	36	..	43
Victoria Valley Race	.. ..	Club .. ..	V.R.C. ..	U.	51	26	..	7	4	11	40	3	Loss 5
Waaia Race Club	.. ..	Hall .. ..	V.R.C. ..	U.	136	43	14	16	32	1	64	7	36
Waggarandall Sports	.. ..	Hospital and club	Unregistered	U.	86	37	..	15	18	1	42	..	26
Wallace Race (on Bungaree)	.. ..	Roman Catholic school	V.R.C. ..	L.	331	200	20	31	47	..	125	27	105
Wallacedale District Picnic Race	.. ..	Club .. ..	V.R.C. ..	U.	87	26	4	16	12	23	39	14	10
Wandiligong Sports	.. ..	Club .. ..	Unregistered	U.	83	36	..	15	6	..	26	2	22
Wangaratta St. Patrick's	.. ..	Roman Catholic Church	V.R.C. ..	L.	354	218	25	25	35	..	100	7	139
Wangaratta (N.E.D.U.R.A.)	.. ..	Hospital .. ..	V.R.C. ..	L.	502	388	48	47	41	179	112	18	305
Warburton (Upper Yarra Race)	.. ..	Park .. ..	V.R.C. ..	U.	128	63	6	18	20	..	65	8	11
Warracknabeal St. Patrick's	.. ..	Roman Catholic school	V.R.C. ..	L.	295	147	16	49	30	5	124	56	37
Warracknabeal Turf Club (two days)	.. ..	Course .. ..	V.R.C. ..	L.	772	385	51	108	140	30	399	125	117
Warrnambool Amateur Turf	.. ..	Club .. ..	V.R.C. ..	L.	421	260	54	35	54	..	380	119	Loss 174
Warrnambool Race Club	.. ..	Hospital .. ..	V.R.C. ..	L.	367	242	26	36	38	6	205	79	31
Watchem Race	.. ..	Roman Catholic Presbytery and club	V.R.C. ..	L.	218	..	(Not given.)	..	..	..	..	..	70
Waubra Trotting	.. ..	Roman Catholic Church	V.R.C. ..	U.	124	61	7	18	19	6	36	10	26
Weeaprounah (Otway Race)	.. ..	Hall and course	Unregistered	U.	38	14	1	6	16	..	27	..	Loss 18
Welshpool Sports	.. ..	Recreation reserve	Unregistered	U.	62	18	..	12	10	11	43	..	Loss 13
Wensleydale Gymkhana	.. ..	Memorial hall	Unregistered	U.	77	17	..	11	37	..	8	..	49
Wesburn Progress Association	.. ..	Recreation reserve and town improvements	Unregistered	U.	20	13	1	6	..	..	16	..	1
Whorouly Race	.. ..	Recreation reserve	V.T.R.A.	U.	92	40	8	8	12	..	50	..	13
Wilkur South Sports	.. ..	Hall .. ..	Unregistered	U.	116	43	9	33	..	21	59	3	35
Willenabrina Sports	.. ..	Mechanics' Institute	N.D.A.S.A.	U.	141	63	7	24	11	7	46	4	43
Winnambool Picnic Race	.. ..	Recreation reserve	Unregistered	U.	67	27	..	9	..	3	56	5	Loss 10

\* Including all stalls.

† Horse events only given.

APPENDIX B—continued.

COUNTRY RACING.—PERMIT MEETINGS—continued.

Name of Club.	Purpose.	Run Under—	Course— Licensed or Unlicensed.	Total Receipts.	Admission Fees.	Book- makers.	Entries, &c.	Privileges.	Donations.	Prizes.	Fees to Officials.	Profits.
				£	£	£	£	£	£	£	£	£
Winslow Race (on Woodford) ..	Hospital ..	V.R.C. ..	L.	280	173	24	37	24	2	150	19	44
Wodonga Turf ..	Course Improvements ..	V.R.C. ..	L.	201	110	14	21	17	2	110	19	6
Wodonga St. Patrick's ..	Roman Catholic School ..	V.R.C. ..	L.	248	153	14	23	45	..	100	17	77
Wodonga Progress Assolation ..	Association funds ..	V.R.C. ..	L.	67	38	2	18	3	1	41	3	Loss 3
Wonthaggi Hospital Sports ..	Hospital ..	V.R.C. ..	U.	210	108	6	26	35	31	73	..	92
Wonthaggi St. Patrick's ..	Roman Catholic School ..	Unregistered ..	U.	254	65	..	22	98	40	73	16	98
Wonthaggi Recreation Reserve (two days)	Recreation reserve ..	V.R.C. ..	U.									
Woodend Race ..	Progress Association ..	V.R.C. ..	L.	635	408	96	71	30	..	263	67	203
Woodend Race ..	Course ..	V.R.C. ..	L.	674	426	110	75	30	..	267	61	248
Woodend Race ..	Course ..	V.R.C. ..	L.	710	435	77	126	35	..	371	60	177
Woodford Race ..	Roman Catholic School ..	V.R.C. ..	L.	182	115	20	12	20	..	90	19	53
Woomelang Race (on Birchip) ..	Club ..	V.R.C. ..	L.	246	111	18	43	37	24	110	26	60
Woorinen District Race (on Swan Hill)	Course ..	V.R.C. ..	L.	138	58	..	29	20	2	84	4	19
Woorndoo Gymkhana ..	Soldiers' hall ..	V.R.C. ..	U.									
Woorndoo Sports ..	Hall ..	V.R.C. ..	U.	122	52	..	15	17	13	27	2	70
Woosang Race ..	Hospitals and hall ..	V.T.R.A. ..	U.	374	78	4	..	63	52	90	36	126
Wunghnu Race ..	Public park ..	Unregistered ..	U.	107	38	..	28	34	1	38	7	29
Wycheproof Trotting ..	Recreation reserve ..	V.T.R.A. ..	U.	162	76	14	35	20	..	100	16	8
Yarra Glen Race ..	Course ..	V.R.C. ..	L.	368	209	58	58	16	..	205	46	14
Yarra Glen Race ..	Soldiers' hall ..	V.R.C. ..	L.	266	129	41	51	10	18	131	43	Loss 4
Yarram Sports ..	Club ..	Unregistered ..	U.	241	75	7	52	47	3	172	36	Loss 135
Yarram Sports ..	Charity ..	Unregistered ..	U.									
Yarram Agricultural Society ..	Agricultural Society ..	Unregistered ..	U.	60	27	1	5	9	2	16	..	33
Yarrowonga St. Patrick's ..	Roman Catholic School ..	V.R.C. ..	L.	342	207	17	26	72	..	109	12	176
Yea St. Patrick's ..	Roman Catholic Church ..	V.R.C. ..	L.	279	..	Not given		..	..	22	..	257

(Horse Events Deleted) (No Statement)

Races abandoned, owing to W.D.R.A., only gymkhana events held.

(Postponed)

LIST OF ABBREVIATIONS.

- V.R.C. .. .. Victoria Racing Club.
- V.T.R.A. .. .. Victorian Trotting and Racing Association.
- B.D.R.A. .. .. Bendigo District Racing Association.
- N.E.D.R.A. .. .. North-Eastern District Racing Association.
- S.G.R.A. .. .. South Gippsland Racing Association.
- S.G.S.A. ... .. South Gippsland Sports Association.
- N.D.A.S.A. .. .. Northern District Amateur Sports Association.

## APPENDIX B—continued.

## NO RETURNS RECEIVED.

Name of Club.	Purpose.	Name of Club.	Purpose.
Berringama Picnic Race Club ..	Hall	Nalangil Sports Club .. ..	Hall
Ballarat Butchers' Picnic ..	Picnic funds	Nar-nar-goon Recreation Reserve	Recreation reserve
Boundary Bend Race Club ..	Bush Nurse and club	Nyah District Athletic Club ..	Club
Cohuna Turf Club .. ..	Course improvement	Nyah District Jockey Club ..	Course
Cohuna (Wee-wee-rup) ..	Club	Pirron Yalloak Race Club ..	Course
Cressy Race Club .. ..	Ground	Purrumbete South Race Club (2)	Course and club
Chinkapook Race Club ..	Recreation reserve	Robinvale Race Club .. ..	Course
Cavendish Picnic Race Club ..	Club	Rokewood Turf Club .. ..	Course
Cowes (Phillip Island Race Club)	Course	Sale Amateur Turf Club ..	Club
Devenish Sports Club .. ..	Club	Sheep Hills Turf Club .. ..	Recreation reserve
Echuca North Race Club (2) ..	School hall	Stawell R.S.S.I.L.A. .. ..	R.S.S.I.L.A.
Goroke Picnic Race Club ..	Cottage Hospital	Swan Hill District Hospital Fete	Hospital
Gymbowen Picnic Sports ..	Hall	Tarrayoukan Race Club ..	Club
Horsham St. Patrick's Race Club	R.C. school	Tarrayoukan Picnic Race Club ..	Club
Horsham Trotting Club ..	Club	Thorinton Race Club .. ..	Course
Inverloch Race Club .. ..	R.C. Church	Tarwin Lower Race Club ..	R.C. Church memorial hall
Koo-wee-rup Sports .. ..	R.C. Church	Toora Sports Club .. ..	Club
Kilmore Pony Race Club ..	R.C. Church	Towong Picnic Race Club ..	Club
Lalbert Race Club .. ..	Course	Tongala Picnic Race Club ..	Club
Lang Lang (Yannathan and Catani)	Club	Ultima Unregistered Race Club	Club
Lindenow Race Club .. ..	Hospital	Wangaratta Turf Club ..	Course and buildings
Manangatang Race Club ..	Recreation reserve	Wee-wee-rup Race Club ..	Course
Mandample Race Club ..	Club	Yackandandah Sports Club ..	Course
Mia Mia Sports Club (2) ..	Course	Yannathan Sports Club ..	Club
Miga Lake Picnic Race Club ..	Hall	Yarragon Picnic Race Club ..	R.C. Church
		Yarram St. Patrick's Race Club	R.C. Church

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Thomas Alfred Tabart, Secretary of the Victoria Amateur Turf Club .. .. .	3
John Flood Nagle, Secretary of the Williamstown Racing Club .. .. .	4
Councillor John Black, Belmont .. .. .	5
Arthur Vaughan Hiskens, Secretary of the Moonee Valley Racing Club .. .. .	5
John Langtree Reilly, Honorary Secretary, Epsom Turf Club and Mentone Racing Club .. .. .	6
Michael Patrick Considine, Secretary and General Manager, Sandown Park Racing Coy. Pty. Ltd. .. .. .	7
James Gillies Symes Stewart, Chartered Secretary, and Secretary of the Aspendale Racing and Coursing Club, Ltd. .. .. .	7
Joseph Taylor, Honorary Secretary, Cranbourne Turf Club .. .. .	7
Dennis Joseph Canny, Secretary of the Werribee Racing Club .. .. .	8
Matthew Joseph Hogan, Chairman of the Stipendiary Stewards in South Australia .. .. .	8
William Murray McQueen, President of the Breeders, Owners, and Trainers Association .. .. .	9
Charles William Tyzack, Officer-in-charge of the Betting Tax Branch .. .. .	9
Gilbert Joseph Cullen Dyett, Secretary of the Victorian Trotting and Racing Association .. .. .	10
Joseph William Shaw, Foreman, Construction Branch, Victorian Railways .. .. .	13
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# PRÉCIS OF SWORN EVIDENCE GIVEN BEFORE THE SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL ON RACE-COURSES AND RACE-MEETINGS.

Arthur Vaux Kewney.—I have been secretary of the Victoria Racing Club since July, 1925, with thirteen years' experience as a racing official—four years as secretary of the Kalgoorlie Racing Club, six years as secretary of the South Australian Jockey Club, and three years as secretary of the Victoria Racing Club. The Victoria Racing Club, by Act No. 398, obtained a grant of 301 acres 3 roods for the purpose of racing. The club, under that Act, is enabled to sue and be sued. The club has acquired, in addition, approximately 29 acres of other land. The *Racing Calendar* for October sets out a complete list of the clubs registered with the V.R.C. At the commencement of the racing season the V.R.C. experiences difficulties in allotting dates to the various clubs consequent on the overlapping of applications. The V.R.C. committee acts in a purely honorary capacity, and pays subscriptions as other members. The rules provide for the appointment of stipendiary stewards. Three stipendiary stewards have been appointed at fixed salaries, as is also an assistant to them. The stewards act on all courses within a radius of 20 miles of the General Post Office, and all clubs within that radius contribute towards the payment of their salaries. It is obligatory on other clubs to officially submit the names of all responsible officials to the V.R.C. The duties of the stipendiary stewards are set out in Rules of Racing 17 to 26. The main racing track at Flemington is 11 furlongs and 120 yards in circumference; the straight a little over 2 furlongs from the home turn to the judge's box. There is also a straight 6 furlongs. The straight is 110 feet wide at starting post, narrowing to about 99 feet at judge's box. The track can accommodate 30 horses; 39 have been started. There are four training tracks—big sand, inside sand, tan, and the course. There is stabling accommodation for about 250 horses. Four hundred and forty horses are in training. Charges for admission are—Lawn enclosure (grand-stand), 13s. 6d.; hill, 4s.; flat, 1s. The lawn enclosure can hold 45,000, the hill about 30,000, the flat up to 80,000. The record attendance is estimated at 119,000, exclusive of bookmakers and various employees and police. The Railway Department conveys passengers to the entrance to the lawn and hill, and the course is served by electric trams from Melbourne. The railway charge is one of the drawbacks, the fare being 3s. and 2s., whereas the charge to the Royal Agricultural Show is 9d. and 6d., practically the same distance. There are three motor parking areas—members', holding about 800 cars, adjoining the lawn enclosure, and one down by the river, accommodating about 2,000 cars altogether; there is also an enclosure on the hill known as "Bagotville." The seating accommodation in all stands is about 25,000. The value of the buildings and improvements is over £556,556. All net profits are spent for purely racing purposes. I have our balance-sheets here for the past ten years.

The V.R.C. and the A.J.C. have the copyright of the *Stud Book*; copies of the book are sold at a loss.

"Added money" is the prize money out of the club's funds, contributed by owners' fees. The official pay-sheet is, roughly, £6,000. Fees and taxes amounted to £5,667, the percentage paid to the Government.

The accident insurance fund covers boys and stable hands who may be injured. We have a guarantee deposit with the Government of £7,500, and it is administered for the benefit of all jockeys and stable hands. The allowances vary from £3 10s. per week to a married man to £1 10s. to an apprentice, and the payments last during disability. The fund is run on something like the lines of the Workers' Compensation Act, with a maximum of £600 for total disablement, and £800 at death. Participators in the fund are very frequently given surgical treatment and massage supplied by the club. The jockeys do not contribute to the fund. There is a benevolent fund to assist old-time jockeys, trainers, and others who have fallen on hard times. The V.R.C. holds a race meeting each year for the purpose of this fund. All net profits are spent on improvements of the course, providing stakes and trophies, and otherwise for the benefit of racing and of the racing public. An ordinary meeting employs 400, and Cup Day 600 hands. Salaries and wages of all sorts apart from caterers and other contractors amount to £23,500 per annum. The prize money last year was £107,308.

I favour the bookmaker and the totalizator. When the question of betting crops up, the first person to be considered is the owner. He can get a price laid to him by a bookmaker. Where the totalizator only is in force he is not able to get a fixed price. It is a natural conclusion that every pound put on his horse in the totalizator reduces his dividend. The racing population as a whole get a better deal with the bookmaker and the totalizator betting side by side, particularly as is the case in Western Australia. I am inclined to think that the competition of the totalizator with the bookmaker tends to keep the odds at a longer price than they might otherwise be. The bookmaker is almost a necessity on the race-course from an owner's point of view, and the totalizator forms a safe medium of betting for the average racegoer, most of whom are content with a small bet. This is my opinion after observing different methods in three-fifths of the States.

In South Australia there is only one form of legalized gambling—the totalizator. In my time there were scores of bookmakers, both on and off the course. They paid no licence, were registered by nobody, and the public were, more or less, at their mercy. Many and various efforts have been made to suppress them without success. Small fines for a first offence to a heavy fine for subsequent offences did not deter them. They all laid totalizator odds with a limit—that is, if the totalizator returned 100 to 1, the bookmakers worked on a limit of 30 or 40 to 1. As to the influence of the totalizator on the breeding of horses, that would depend entirely on the profit from the totalizator a beneficent Government would allow the clubs to retain. The A.J.C. have had bookmakers licensed for years, and the totalizator for 15 or 16 years, and the stakes of the club have increased enormously since the totalizator was introduced. Bookmakers operating at Flemington are—Main ring, 139; hill, 131, and 176 on the flat. The fees charged are—Main ring (grand stand), £75 per annum; hill, £25 per annum; and the flat, £7 per annum. There must be about 150 on the waiting list. The introduction of

the totalizator would reduce the number of book-makers, but it is hard to state to what extent. If the bookmaker were declared illegal there would be created a host of law-breakers, because betting cannot be stopped.

The ultimate court of appeal in cases of suspension or disqualification or other punishment is a committee of the V.R.C. It works satisfactorily. I have had experience in other States, and speak from that experience. An appellant, as a rule, puts in a sworn statement, probably prepared by a legal adviser. This is read out. He can call any evidence he may wish, and is given every consideration. Inconsistent performances are inquired into by the stipendiary stewards. Every person is given the benefit of any possible doubt. Probably not more than 25 per cent. of persons suspected, charged, or into whose conduct inquiries have been made by the stewards, are punished. Within the suburban radius they have the right of appeal direct to the V.R.C. In the extra-suburban radius the appeal is first made to the association governing the district in which the occurrence took place, with an ultimate right of appeal to the V.R.C. As far as the V.R.C. committee is concerned, I think about 50 per cent. of the appeals are successful. There is power to hear appeals in the absence of parties, but I have never known it to be done. There are cases, however, where affidavits were accepted. I cannot suggest any improvement in the method of hearing appeals. The stipendiary stewards and all officials are under a prohibition not to bet. That obviates any possibility of bias beforehand. I do not bet, and I think none of our men bet.

Reciprocity exists between the V.R.C. and the racing bodies in other States. There are Australian racing rules which are common to all the States. Reciprocity in disqualifications also obtains. There is a supreme controlling body in each State, namely, Western Australian Turf Club, South Australian Jockey Club, Australian Jockey Club (New South Wales); Queensland Turf Club, Central Queensland Racing Association, and North Queensland Racing Association in Queensland; and in Tasmania the Tasmanian Turf Club and Tasmanian Racing Club, in Hobart and Launceston respectively, but they are affiliated. No principal club can come into existence without the consent of the existing principal clubs at a conference specially called for that particular purpose. A racehorse registered with the principal registrar would be admitted as a registered horse throughout Australia. The principal registrar is at the A.J.C., in Sydney, and I am deputy-registrar in Victoria. A registration by me or any other deputy-registrar would obtain throughout Australia.

Respecting unregistered racing, I think it possible to have all racing under one control. In Western Australia and South Australia there is only one body. There was unregistered racing in Western Australia, but it was brought under one control. It has been to the benefit of racing. In my opinion, there is no insuperable difficulty in bringing it under the principal club here.

With regard to proprietary clubs, I feel sure it was never contemplated by old-time sportsmen, who wished to find out which horse was best at the time and raced for money or a side wager, that any one would seek to promote race meetings for their own personal gain. If race meetings in Victoria were conducted entirely by proprietary clubs, or proprietary interests, racing would not be as flourishing as it is to-day, and it would be bad for racing. Racing run entirely for the benefit of racing and the racing public would be an advantage. Naturally, when one runs an entertainment for the people, he is inclined to get all he can and give as little as he can for it. The tone of racing under the V.R.C. is very high.

I do not know anything about pony racing, and do not frequent pony meetings at all.

With respect to permits, the attitude of the V.R.C. is, if a permit is granted, not to approve the programme until actual proof is received of the granting of the permit. Once the Chief Secretary grants a permit, then, if it is in the country and a recommendation is received from the association concerned that they approve that particular race meeting, the V.R.C. passes the programme and finds a date if it possibly can. I have not heard that the permit system has been abused, but it is becoming increasingly difficult to fit race meetings, because of the considerable increase in the granting of permits. I believe there are a large number of permit meetings which do not come within our jurisdiction at all, but I have no knowledge of them. There are a great number of permits granted to clubs not recognized by the V.R.C. for meetings held not in accordance with V.R.C. rules. The V.R.C. has no control over them. It is no concern of the V.R.C. as to the purpose for which the permit is issued. If a club recognized by the V.R.C. is granted a permit, we proceed to allot a date, and, provided the programme conforms to the rules, there our obligation ends.

We could do with six more race meetings annually at Flemington without detriment, and can safely say that we might take more. All meetings do not show a profit. The Autumn meeting, extending over four days—two Saturdays, Tuesday, and Thursday—none of them a holiday, with very liberal stakes, makes it almost impossible to make a profit. On the Thursday the stakes are £5,500 added money, and the loss on that day would be £2,500, or even £3,000. I do not know of any club in Australasia doing what the V.R.C. does in connexion with its Autumn meeting. On suggesting to the chairman that the meeting might be reduced to three days, he said, "Look, Kewney, the V.R.C. stands for something more than a mere money-making machine. The V.R.C. must keep faith with owners and trainers." I do not think the V.R.C. would be prepared to run one race day without betting. I would not suggest it, even if we had six additional days. I would not like to try it, even as an experiment.

Regarding the prohibition of broadcasting from race-courses in New Zealand, I think the clubs are endeavouring to do something there is very little chance of doing. I do not think it possible to stop broadcasting of race meetings. Only one person would have the power, and that is the Postmaster-General. We do not allow 3LO, the only company broadcasting from Flemington, to broadcast prices of any of the starters until after the last race has been run. We do not want suburban betting shops to know the prices prevailing in the ring. I have no suggestions whether it would be in the interest of the public either for a reduction or increase in the allotment of race days to the V.R.C. The V.R.C. should not have its racing days reduced, but is anxious to have the number increased. The October meeting also results in a loss; last year, £1,200; the previous year, £2,000.

The V.R.C. would be able to run at a profit the racing now done at Aspendale, Epsom, Mentone, and Sandown Park, giving the same stakes as they are now doing. The running of such races would not prove a greater attraction at Flemington, for the attraction there is the high class of racing owing to the good stakes provided. The same thing applies at Caulfield, where there are good stakes and racing. The "Down the line" clubs provide just what stakes they are compelled to pay, and no more. The V.R.C. can insist on a certain amount of stake money. I think 832 race meetings in the country excessive, and it is not to the advantage of the community to have racing every day.

The suggestion of Dr. Argyle's to have a Board to deal with allotment of meetings was warmly commended by the committee of the V.R.C. as a way out of the difficulty which apparently besets the Chief Secretary. We deal only with registered clubs, and know nothing about allotments for unregistered meetings. I have no objection to race meetings in the country—far from it—or in towns of 1,200 or 2,000 or more people being allowed two or three days in a year. We do all we can for Ballarat and Bendigo for their cup meetings.

The Honorable Horace Frank Richardson, a Member of the Legislative Council.—I object, on behalf of a number of the leading residents of Belmont, a suburb of Geelong, to horse and pony racing and betting being allowed on the Belmont recreation reserve, a reserve granted by Act of Parliament for the recreation, convenience, and amusement of the people. The committee of management fenced in the land, and have allowed racing on the ground, with bookmakers conducting betting and a wireless set to allow the conduct of betting on metropolitan racing. It is lowering the tone of the young people, especially as intoxicating liquor is sold. The Police Offences Statute should be amended to prohibit the granting of permits, and betting by wireless prohibited; and betting should not be allowed on the Belmont reserve in any circumstances. The sports committee gets a permit to run the races, of which there were five during the year. One of the advertisements read, "Belmont Races—Horse, cycle, and motor cycle events, &c.," and stated that leading bookmakers would be in attendance, and a wireless installed for broadcasting the Caulfield races. The committee pays a fee of £1 for each permit. The Geelong Racing Club is unfavorable, as the reserve is within 1 mile of their course. I think there should be legislation to prevent betting by means of the wireless. The leading people of Belmont object to the reserve being used for betting purposes of any description. It was never thought for one moment when the Act of Parliament was passed granting this land for a reserve that horse racing would be permitted on it.

Thomas Alfred Tabart.—I have been secretary of the Victoria Amateur Turf Club for the past four years, and was secretary of the Tasmanian Racing Club for twenty years. The V.A.T.C. (Caulfield) occupies certain land known as the Caulfield Race-course Reserve, and it is controlled by trustees, four of whom are representatives from the Government, four from the local council, and six from the V.A.T.C. The grant of the land limits racing to fifteen days a year, but the Chief Secretary may give permission for charity meetings. It is a reserve always left open day and night for through traffic. The main track goes through the course, because of the station being opposite, and is always open except on race days. A children's play-ground is in one corner, fenced off. A full-sized sports oval, the same size as the Melbourne Cricket Ground, with a grand-stand, has been erected, and is open on every day, including race days, also a four-roomed wooden place, with shower baths, &c., for amateur athletic clubs which meet there. £2,300 was spent on the grand-stand, £1,269 on the laying out of the ground, and an additional £1,000 was spent last year. That is for the use of harriers. The sports oval is for cricket and football matches; a local sub-committee of residents control the sports ground, &c., under the trustees. There is no charge for admission, and it is open to all members of the public. All the improvements above mentioned were effected outside the requirements of racing. The club expended about £20,000 in alterations to Station-street, and the land taken in by diverting the street has been added to the Crown grant of the property, although it was freehold land. The whole of the centre of the course is to be

laid out in seats and gardens, and made attractive in every way. Drinking fountains are being provided. Something like £450,000 has been spent at Caulfield from the club funds in improvements and beautification. The sports oval will accommodate 40,000 people.

The parking of cars is a serious concern. We have bought land in several directions, and also large paddocks. We parked about 2,500 cars on Cup Day in our parking area, but are still congested, and we will make plans for further parking.

There are eight training tracks, and provision is made for 600 or 700 horses, the number being trained there at present. There is ample stable provision—350 boxes for horses training. Over 200 boxes are in the saddling paddock. Horses were walked about the roads in Caulfield, but now they are provided with tracks inside various paddocks.

The committee is an honorary body, and each member of it pays his subscription as other members. The limit of membership is 1,000, owing to the question of accommodation, particularly for ladies. On an ordinary race day about 280 are employed, exclusive of the caterer. On Cup Day—the biggest day—probably 680 to 700 are employed. Our record attendance is about 66,000. There is seating accommodation for 29,000. Special ambulances are provided from the city. There are two casualty rooms and an operating theatre, three nurses in attendance, and always two doctors on the course. Casualty rooms are on the ground for use by the public where necessary. It is intended to turn the new lawn into a promenade, an advantage from the social point. First-aid men are placed at every fence. Veterinary surgeons are provided for horses. All services are free.

The charges for admission are 12s. in the reserve, 4s. in the Guineas reserve, and 2s. in the flat reserve. These charges are fixed by regulations. Two shillings is charged for parking motors. We pay the Railway Department a fixed sum for carrying our members, not ladies. The railway service is splendid. Four hundred and eighty bookmakers operate at Caulfield—145 in grand-stand, 162 in Guineas reserve, and 173 on flat. The fees paid by bookmakers are—Grand-stand, £50; Guineas reserve, £20; and flat, £10. I submit our balance-sheets for the last ten years.

The course is 10 furlongs and 65 yards, and can safely accommodate 30 horses. We divide a race if there are more than 28 horses left in, as the stewards prefer it. Entry and acceptance moneys go into the club's funds. We do not have sweepstakes, but keep nominations and acceptances as low as possible, with no sweepstake, and it is practically given back in increased stakes added in the last few years. Last year, £81,156 was paid in stakes. Heavy expenditure mainly due to replacing the Guineas stand, which was burnt down, amounted to £53,568 last year. We paid Caulfield Council £1,443 in rates and taxes, and Federal land tax £237. On gross revenue and entertainment tax we paid £4,254 and £7,064 respectively. The total in rates and taxes is about £14,000, almost equivalent to our profits. There is a balance in our patriotic fund of £2,300. All revenues go to the revenue of the club. Catering and race-books are let by tender. All profits are spent in improvements, stakes and trophies, and charity grants. We give to the returned soldiers £100 a year; various hospitals, £210; bush fire relief, £500 last year; shrine of remembrance, £100; other charitable funds, £347; in addition to subscriptions to various local clubs in the district. We give £1,000 a year to the trustees to keep the centre of the reserve in good order and beautify it. The club has altogether donated and set aside £62,937 for the above purposes and in meeting special appeals. The benevolent and accident fund is controlled by the V.R.C., and we contribute to it. We

have regulations dealing with undesirables, thieves, and pickpockets, and the police keep the course clear of them.

I do not think that racing could be continued purely by the totalizator; it has its drawbacks. An owner with the totalizator only does not get an opportunity to get back his money spent in purchasing yearlings at a good price, and the totalizator alone would not encourage the sales of yearlings being continued. With the totalizator and the bookmaker he has a bigger chance, and he could reimburse himself on his outlay if successful. Without the bookmaker it could not be done. My experience in Tasmania, where racing has been very much reduced, proved that with the totalizator alone a tremendous number of illegal bookmakers were doing business, and we could not control them, and a large sum that should have gone to the Government through taxation was lost. I think that is the experience in every country. I do not think it possible to carry on racing without the bookmaker. From a racing point of view and that of horse breeding, I favour the bookmaker without the totalizator. The totalizator in combination with the bookmaker is all right if there be no danger of eliminating the bookmaker. In Tasmania it is a common thing for people to venture their money with illicit bookmakers, who follow in the wake of the totalizator when in use exclusively. The public are frequently fleeced by these men.

One particular matter I desire to refer to is the breeding industry. During the war racing was continued owing to the necessity for obtaining remounts. About 114,000 horses were shipped away during the war, and 80 or 90 per cent. of these remounts were, I believe, bred from thoroughbred horses.

I have had no experience of pony racing, never attend such meetings, and have no observations to make.

The procedure described by the secretary of the V.R.C. respecting charges against owners, trainers, and jockeys could not be improved on. We are quite pleased with the working of it.

We are not allowed more than fifteen race meetings under the Crown grant, excepting special charity meetings. If more meetings were granted, it would not be detrimental to the public use of the course. I have not discussed the matter with my committee. In training, all horses are off the course by 10 a.m. in summer and 11 a.m. in winter. They are not allowed in the part of the course used by the public; they are right away from the public altogether. Seven hundred are in training at present. There is no doubt that the profits from racing should be devoted to racing purposes. If there were no bookmakers present at a meeting held with that intention, there would be no racing and no horses. I do not think we could give any stakes. It would be like a country run without a Government.

I would rather not express an opinion on the subject of proprietary clubs, as I have not discussed the question with my committee.

A great number of racing officials do not bet, also a tremendous number of horse-owners.

I could not say that "Tattersalls" has had a baneful influence on the community in Tasmania.

Control in all things is quite right. Every branch of racing should be controlled. I am glad we are under the V.R.C. I do not favour a Board to control all forms of racing; the system in Victoria and New South Wales of a representative club in control is perfect. I do not know how a principal club could control trotting; it is another branch of racing.

I think four meetings too many for a population of 4,000 or 5,000; three, or even two, would be plenty.

Picnic meetings ought to be encouraged. There is quite enough racing, if not too much, in the metropolitan area. Picnic meetings are desirable, as they have a very amateur sporting character about them—amateur riders.

We look only after our own affairs; anything general is under the scope of the V.R.C.

**John Flood Nagle.**—I have been secretary of the Williamstown Racing Club for the past four months, and was formerly secretary of the Albury Racing Club. The Williamstown course, of 99 acres, is held under Crown grant, and is controlled by eighteen trustees—four nominated by the Government, four by the town council, four by the Wyndham Shire Council, and six by the club. The course is 10 furlongs in circumference. Fourteen acres additional are freehold land acquired by the club. Fifteen acres are used by picnic parties, independently of the club. The club grants permission and keeps the park in order. Twenty-seven horses can run safely on the course. The profits made from racing are expended in improvements and increased stakes and trophies. No individual gets anything. All committeemen act in an honorary capacity and pay subscriptions as other members. We have a surgeon, nurse, and ambulance car. We hold eight race meetings, and could run, say, another six. Our charges of admission are 10s., 5s., and 3s. The stand just completed cost £37,000. There is stabling accommodation for 120 horses. There is very little training done here. Seating accommodation is provided in the stands for 6,500 people. We have a freehold parking reserve of 14 acres. Our balance-sheets over the past ten years, which I have here, show assets, apart from improvements, of about £29,000. We have spent about £83,000 in improvements, and are still improving the course. We spent £20,060 last year in stakes. On our Cup Day we employ about 120 people. Catering is done by contract; about 60 are employed by the caterer. We pay the Williamstown Council £500 towards repairs to the road leading to the course. Government tax, Federal tax, water, and registration fees amount to about £1,853. The railway service is satisfactory. Twenty thousand is our record attendance.

The totalizator and the bookmaker work all right together, but the system in New South Wales is not as good as the system in Western Australia. I have no idea what the cost of installing a totalizator would be; in Albury it cost £750, where the attendance would be about 6,000 at a cup meeting, 4,500 at a show meeting, and 2,000 at other meetings. The horse industry would go down if the bookmaker were abolished. That is my considered opinion. The totalizator would not minimize gambling. I do not think it possible to carry on the industry of racing without betting; I think the industry would die. The majority of persons in racing are in it as a business. I do not think the introduction of the totalizator would increase betting.

The system of control by the principal club in this State has operated excellently. The procedure in connexion with charges against owners, trainers, and jockeys has operated very fairly, and every one has had a very "fair go." We are fairly treated by the principal club. The control of horse racing would be better where it is. I do not think the V.R.C. would like to control pony racing. I have never been to a pony meeting, and cannot say whether it would be better if pony and galloway racing were all under one control.

Two meetings a year to a population of 4,000 to 5,000 would be enough. I think it would be to the betterment of racing if the bigger country clubs had the requisite racing. It is my considered opinion that this Select Committee could legitimately encourage picnic races in the country. The bookmakers attend picnic meetings, but I do not think it necessary where

there is foot running, wood chopping, &c., also. Permits do not obtain in New South Wales. If properly carried out, I favour picnic meetings.

**John Black.**—The Honorable Mr. Richardson stated that the Belmont Recreation Reserve is only 1 mile from the Geelong course, but it is divided by the Barwon River, and there is no connecting bridge. The Belmont Club held five meetings, They were under unregistered rules. We do not get officials from Melbourne to control the racing. We have no officials at all, but the club will register, so that we may get stipendiary stewards from the Victorian Trotting and Racing Association. We got the right to hold our meetings from the Chief Secretary. A number of leading residents of Belmont have objected, but certainly not a majority. Twenty-three people signed a petition, amongst them being three clergymen. At a public meeting called to discuss the matter, 35 supported a motion of abolition of racing, and 240 opposed it. It was difficult to decide whether they were all ratepayers or not. The president of the shire was in the chair. Mr. Richardson called the meeting by public advertisement. As to selling liquor, the licensee had his licence to sell liquor, so there was no sly-grog selling. The reserve is vested in a committee of five, of whom I am chairman. The profits of our meetings have gone to beautify the reserve. We found it necessary to fence the reserve, and have done so, fifteen persons having guaranteed the bank for £200. We incurred responsibility for £415. We still owe that amount and £93 of the overdraft. Our indebtedness is practically £600. The meetings realized a profit of £140, which was used in reduction of our liabilities. We understand that the ground is vested in us to improve and beautify, and we intend doing so. Our attendance varies from 600 to 1,200. There is no truth in the suggestion that these meetings were merely a device for gambling. As prize money we gave from £7 to £3, and the total for the year was £135 odd. All bookmakers are registered by the V.R.C.; the more bookmakers, the more revenue to the club. It is not intended to register under the V.R.C., but under the Victorian Trotting and Racing Association.

**Arthur Vaughan Hiskens.**—I am secretary of the Moonee Valley Racing Club, and I have been since 1905. The race-course was opened in 1883, and racing has continued since. There was a change made in 1916, in accordance with a lease or licence. The land was valued at £80,000, and the yearly amount payable is 10 per cent. of that sum, and it is to be revalued every seven years. The agreement operated from 1918, and was for 21 years, and may be extended. As a proprietary, we had a licence to run the races which we transferred to the Moonee Valley Race Club. We formed a proprietary limited, with 1,270 members. Our executive is limited to 60. We all desired to change the status, and I worked out a scheme and submitted it to our committee, and then to the committee of the V.R.C. The 60 executive members elect the committee. They are very representative men. They can remove any one from office. The ordinary member has no voice in the election of the committee. Once the whole thing was settled the club was formed, and has gone on ever since. We have always been credited with being extremely liberal in the matter of stakes, and whatever profit we make we shall put a proportion of it into stakes. We have a waiting list of members numbering over 500. We regard Moonee Valley as a social centre—we aim at it. There were 5,000 ladies at the last Moonee Valley Cup meeting. The rent of the course is £8,000 per annum. The total revenues derived by the Government and municipal authorities is £12,481. Wages paid last year amounted to £17,257. There is plenty of

parking room, with two more parks outside the course. We have given to the returned soldiers the use of a block in Pascoe-oval-road to get whatever revenue they can from it.

We hold twelve meetings each year, thirteen last year, and eleven the year previous. In addition, there are five hunt club meetings, three meetings for charity, and one for the Victorian Club. The hunt club meetings are permit meetings, and have been raced for 30 or 40 years. We could hold more meetings in the summer. We are satisfied with the number of meetings. The hunt clubs race during winter, as their horses are turned out during summer. We sent two meetings away. We do not make any charge other than out-of-pocket expenses to the hunt clubs, which is estimated at one-twentieth part. We deduct 25 per cent. from the Victorian Club's net profit and devote it to charity. We also run a race meeting for the Benevolent Fund, at the request of the V.R.C. We raise for charity just over £6,000 per year. For charity meetings no charge is made; everybody pays, including our members. I have balance-sheets here for the last ten years. Three hundred and ninety bookmakers are licensed—130 in the grandstand enclosure at £25 per annum, and 260 outside at £15; also 12 in the enclosure known as the North Hill, who are guaranteed, but pay no fee. We could do with fewer, but it is difficult to refuse them when they are entitled to bet at other places.

I do not think I am qualified to express an opinion on the totalizator, nor would I say it could displace the bookmaker with advantage to racing. I am quite clear on that. In expressing an opinion in favour of the bookmaker, I have in mind the interests of owners and breeders more particularly. I think it gives them a chance to recoup their outlay. If an owner has the right to back his horse, it is just that he should have the first of the market. If the bookmaker were allowed in the interests of owners, there would be no objection from their point of view to the totalizator. I cannot say how they would work together, but I think racing is better where there is no totalizator. Victoria has no totalizator, and racing is prosperous and on a high level. Sydney is in a different position. The average attendances there, excepting Cup and Derby days, are much greater. There is an immense number to draw from. I cannot express an opinion whether the totalizator has increased gambling there. In Tasmania, where there is the totalizator and no bookmaker, the whole thing is going to pieces. South Australia is another instance where the bookmaker is supposed not to be, but who is much more in evidence as a street bettor than in Victoria. There they are miles behind the V.R.C. and V.A.T.C., and even behind us. The leading club in South Australia is behind us in the matter of stakes. According to information, it would cost us about £70,000 to install the totalizator. The profit would depend entirely on the percentage allowed by the Government to the club. Betting with bookmakers is a cheaper and more convenient method, and it has other advantages.

Our charges for admission, including amusement tax, are 12s. for men to the stand, 5s. 6d. for ladies; 4s. to the North Hill; and 3s. to the South Hill and flat. The Moonee Valley Cup is worth £2,000, including a gold cup valued at £200; and we run a weight-for-age race on the same day worth £1,100. The course is 9 furlongs around. We have a short straight with a long run to it, owing to the buildings being on the end of the ground instead of the side. Improvements during past ten years include ladies' lawn with stand seating 700, with standing room for 500, another stand sheltering 2,500, an original stand seating 1,000, and another holding 1,500; spacious luncheon-rooms, sanitary accommodation for 36,000, and hot and cold water services. There

is a subway under the course 32 feet wide to enable people to pass from one reserve to another. Our record attendance is about 35,000. The course is 88 feet wide at the 6 furlongs barrier, and we can start 26 horses safely—we do not exceed that number. We divide a race, if necessary, but the stake must be divided in the same proportion as the original one, and a winner must receive not less than £100.

I do not think you could improve on the control of racing by the V.R.C. It is entirely satisfactory to all persons racing under it. The procedure against owners, trainers, and jockeys is carried out with the fullest and most careful consideration by the stewards, and if in the least doubtful, the benefit of the doubt is given. The police have our written authority to remove known bad characters or undesirables.

I see no reason why pony racing could not be placed under the same control as horse racing; it is done in Western Australia.

**John Langtree Reilly.**—I am honorary secretary of the Epsom Turf Club and the Mentone Racing Club. The Epsom Club was formed in 1917. I have the constitution of the club and the minute-book. It was not registered as a company. Racing has been held there for 39 years. During the war, profits were handed over to the war funds. My personal interest ceased when I transferred it to the Epsom Proprietary. It was later transferred to the Epsom Turf Club. It was held under lease by the club, and in 1924 sold to the club. Three trustees were appointed. The premises were purchased outright, and are definitely bound down for racing purposes only. I am chairman of the committee of the club. None of the committee is remunerated. The membership numbers about 170. The members elect the committee, of whom five retire annually; they are not remunerated. For the purchase of the land, debentures were prepared, but not issued. They were offered for 30 days, and taken up by the Epsom Proprietary, comprising myself and family. The club was not registered as a company. The transfer has been signed, but the actual transfer of the title has not taken place. The debentures are lodged in trust. We paid over £3,000 for a motor park. The debentures, which were subscribed by the Epsom Proprietary Company, will be redeemed from the profits, and the club is under an obligation to pay off at least £1,000 a year. So far, it has not done so, but is paying interest on the debentures. When the debentures are finally paid off, the property belongs to the club; and when all liabilities have been met, all the profits will be devoted to racing purposes, no person other than the required paid skilled officials will take any money out of the club at all. The property comprises 107 acres, but 70 acres is low-lying land, and has been inundated to a depth of 7 feet. About 37 acres are above flood level. The course is 60 chains from the Mordialloc station, and a good service is provided. We have six meetings only, no other. The nearest course to Epsom is Mentone, 2 miles away, and Aspendale Park on the other side is about the same. There are three courses in a radius of 4 miles. As to whether it would be better in the public interest to have all the racing on one of the courses instead of three, I say the only saving would be the overhead expenses. The Epsom Club is a genuine racing club, independent of any private interests. I have here eleven annual balance-sheets. Profits are shown in the balance-sheets. Nominations last year were £895, acceptances £1,039, and stakes £7,790. The owners subscribed about 25 per cent. of the whole.

I am not in favour of the totalizator, as it is valueless to owners and breeders of horses. The cost of erection of a building for a totalizator would be very great, and with only six meetings a year, we could not get

enough in percentages to pay interest on the building. I think the present facilities given by bookmakers meet requirements. I issued a circular giving my views when the Totalizator Bill was before Parliament, and I have not revised my opinions. The totalizator increases illicit bookmakers enormously. Bookmakers operating at Epsom number about 140 inside and 160 outside, guaranteed for £500 and £250 respectively. The charges are £12 12s. and £6 6s. per annum respectively. Our charges for admission are 11s. and 3s., including tax.

The course is practically 99 feet wide all around. It will safely carry 33 horses. About 80 horses are trained on the course, and a number of people have bought properties near by in consequence of the training facilities provided. Our record attendance is about 13,000. Our stand will seat about 1,600. We have unlimited room for motor cars; with the paddock outside also. We spent £3,000 to buy a motor park. I say there is no better race-course in Australia, and no safer course for horses. The course is used for racing and training only, except when lent occasionally for a Sunday school picnic. We could run more meetings, but one a month would be all we would care to have.

In the matter of control of racing, we are very happy to be under the control of the V.R.C. I do not think racing would be so clean or so well conducted if the principal club did not take the part it does. The stipendiary stewards who act at Flemington take charge at Epsom and other courses.

I would not interfere with the number of race meetings in the country. Let them have their little picnic meetings and so on. There may be too many meetings in the metropolitan area.

There is no reason why the principal club should not take charge of every race meeting in Victoria, although I think the V.R.C. would not want to handle pony or trotting meetings. I would not ruthlessly wipe out what are known as unregistered meetings in the metropolitan area. Owners of horses not quite class enough for Flemington and other such courses should be given an opportunity to get their expenses back on the other courses. The main objection to such courses is that they are so close to the city; they should be moved away, and not permitted within a certain radius of Melbourne.

With respect to the Mentone Race-course. It is a proprietary club known as the Mentone Racing Club, held in shares by about 20 people all told. I own the freehold in conjunction with Mr. Leslie Stuart. Racing was first held at Mentone in 1888. Our best attendance would be about 14,000. The property comprises 87 acres. We had more, but sold 12 acres at £12 12s. per acre. It is about the same distance from a railway station as Epsom. The clubs, such as Epsom and Mentone, are bound to give a minimum in stakes of £1,000 for a Wednesday meeting, and £1,300 for a Saturday. We keep a little ahead of it, not much. Over a number of years, Mentone has been a more profitable course than Epsom; there is very little difference the last year or two. I have balance-sheets from 1918. Both Epsom and Mentone are excellent courses, and, like Caulfield, never get slippery. There are 100 horses in training on the four tracks at Mentone. The nature of the soil is such that it makes excellent racing tracks. The charges at Mentone are the same as at Epsom; generally, my evidence in the one case is the same for both clubs. There is any amount of accommodation—dining, press, telegraph, cloak, and ladies' rooms. The stand will accommodate 1,200. The same practice is pursued by this club as with others respecting bookmakers. There are 120 horse-boxes at Mentone, and 125 at

Epsom. Mentone course is 2 miles nearer Melbourne than Epsom, and 2 miles beyond the latter is the Aspendale course. The affairs of the club are controlled by a committee.

**Michael Patrick Considine.**—I am the secretary and managing director of the Sandown Racing Club, and have been so since the company was formed as a proprietary company under the Companies Act in 1922. The shareholders are the children of the late Henry Skinner and myself. The course was opened in 1891, and I became secretary in 1895. I produce the memorandum of the Sandown Racing Club Pty. Ltd., which is not a club. The company holds the property on a lease expiring in 1932. The question of purchase has never been considered. The course is 12 furlongs less 128 yards around, and the steeplechase course 2 miles less 7 chains, and is situated alongside the Sandown Park railway station. It was opened in 1891. The course varies in width from 94 to 75 feet, allowing 12 feet. The property comprises 295 acres—134 for racing, and 161 let for grazing. The Spring Vale cemetery line passes through the property, so that practically 134 acres represent the race-course portion. The company is not a club. There are six meetings a year, and two hunt club meetings, of which the clubs take 80 per cent. and the company 20 per cent. of the profits. Catering is done by outsiders. The course, which is a chain wide at each starting post, can safely carry 24. We could run a meeting a month without detriment to the course, and eighteen if required to. Stakes provided have been £1,000 on Wednesdays, and £1,300 on Saturdays. We intend to increase the stakes at next Saturday's meeting to £1,450, with a race for £500 included. Anything above that would be too risky.

I would favour the totalizator alongside the bookmaker, having seen it at work in all the States; beyond that, I take no interest in it. I could not say what it would cost to install at Sandown. It is my considered opinion that racing could not be carried on without betting. The V.R.C. is very fair in the allotting of dates. We employ 90 men on race days. We register bookmakers only registered by the V.R.C., and have no difficulties with them. We have 145 inside, and the same number outside. Apart from rules and regulations relating to bookmakers, the company has none of its own. We have no difficulty whatever with undesirable or suspect persons. I take effective steps to check them.

I am absolutely satisfied with the system of control by the principal club, and can suggest no improvement in reference to procedure relating to owners, trainers, and jockeys. The present system works well. I would not say there is too much racing, but there is enough. I can express no opinion on unregistered racing, but there is no question but that it is growing.

There is no training at Sandown, but there are gallops at different times. In the stands there are ramps, not seats. One will hold about 500 and the other 2,000. There is room for thousands of motor cars. There are 114 stalls, and the course is right alongside the station.

**James Gillies Symes Stewart.**—I am a chartered secretary, and act as secretary of the Aspendale Racing and Coursing Club Limited. It is incorporated under the Companies Act, and has the usual articles of association. The company owns the Aspendale course. It is a public company, numbering 390 shareholders. The company has been registered about eighteen months. No balance-sheet is yet available. There are directors acting until the annual meeting. We have a racing committee, a racing secretary, and the usual officials acting under V.R.C. stipendiary stewards. The committee is purely honorary. We hold six meetings each

year. The stakes are the same as at Epsom and Mentone. Nominations and acceptances were £1,942, and stake money £7,090 for the year. The course is alongside the Aspendale railway station, and 11,000 attended the last meeting. We could put up 750 motor cars, and are increasing the accommodation; we have the land, and are clearing it. We have approximately 133 acres of land. Motor car and motor cycle racing is carried on on the course. There is a special track for that purpose. We proposed to have mechanical hare coursing, but it was not a success, and that is finished with. Our charges, including tax, are—grand stand, gentlemen 11s., ladies 5s. 6d.; 3s. on the flat, motors 2s. The circumference of the track is 7 furlongs, average width 60 feet and in the straight 66 feet, the length of which is a furlong and one-half. The track will carry 25, that is the limit. We do not run steeplechases, only hurdle races on the main course. Our motor track does not interfere in any way with horse racing. There is one training track around the motor track, roughly, 6 furlongs. Stable accommodation is provided for 120 horses, and more is being added. Three trainers are working on the course. The large grand stand will seat 3,000, and the members' stand from 250 to 300 in comfort. I believe about 40 men are employed on race days. I have no views on the totalizator. We charge bookmakers £12 12s. and £6 6s. inside and outside. I think there are 314 in all. They are controlled absolutely by the V.R.C. supervisor. The land was purchased purely for the purpose of sport and not for cutting up, and as a racing club to meet, if possible, the convenience of the public. It is intended to hold between six and ten motor car and motor cycle races per annum. There will be four days' motor racing before Christmas. We are not compelled to get a permit for motor races. No bookmakers will be operating at them. We cannot prohibit them, but we do not encourage or license them for that purpose.

It is the intention of the club to pay dividends out of profits.

**Joseph Taylor.**—I am honorary secretary of the Cranbourne Turf Club, and have held office for ten years. The club races on a public recreation ground and race-course vested in trustees. It is absolutely a Crown lease. We have two race days a year under the Act, and use the area purely for racing so far as the club is concerned. The committee of management numbers nine. The reserve, 110 acres, is about a mile from the railway station, and 29½ miles from Melbourne. Eighty-seven horse stalls have been completed out of 120 for which there is room. All the officers of the club are honorary. The nearest race-course, Sandown, is about 13 miles away. The club is managed by local residents. The course is 2 chains short of a mile. I am not sure of the width, but the course is so popular that it will have to be widened and extended. The straight is the narrowest part of the track, and as we had eighteen starters in the cup we had to divide the race; we thought it wise to do so to avoid the possibility of a fall in the race. The stipendiary stewards thought it inadvisable to start eighteen at the narrowest part of the track. I can give an assurance that the committee will have this remedied. There is ample room for the alteration. There were only five runners in the pony race when there was a fall, and as the pony was by itself at the time it probably crossed its legs. The whole length of the track is grassed. The whole of the profits of the club were spent on the ground. Ours is a mixed meeting of five horse races and one pony race. We charge 11s. for men and 5s. 6d. for ladies in the enclosure; outside is free. Various sports meetings are held on the ground. It is open to the

public free of charge except on race days. I have the balance-sheets for the past ten years. We give £100 as our principal stake, plus a gold cup valued at 60 guineas.

I have no definite knowledge of the totalizator. In my opinion it would have a tendency to increase the number of meetings, and to increase attendances and betting. I think it would do no harm provided bookmakers were allowed to operate alongside the machine. It would not pay to install on courses where only two meetings are held.

From 60 to 70 bookmakers operate on the course and pay £1 1s. fee for each meeting. They operate in one enclosure only, no bookmaking being allowed outside. We have only the one track, and trainers are allowed to train on it free of charge. I think 75 per cent. of our support comes from Melbourne. We race under the rules of the V.R.C. We regard our club as a country club, and have no suburban conditions. The gross revenue from racing last year was £726.

I think it would be a good thing if many pony meetings held under permit were stopped; there seems to be too many of them. As to why unregistered clubs are allowed to exist, I cannot understand. They offer only from £3 to £7 in stakes, with a total of about £40. On some of such courses they have many more meetings than we have. My committee would not entertain running meetings of that nature. Of the pony courses, I do not think Fitzroy and Richmond suitable for horses to gallop around. In my opinion they tend to break down horses. I am surprised the Government allow it to continue.

**Dennis Joseph Canny.**—I am secretary of the Werribee Racing Club, and have been so for thirteen years. The land is Government property. It is used also by the Agricultural Society once a year, and by the public at any time other than a race day. There are about sixteen coursing days there also. Coursing is conducted at the lower end of the enclosure. The land is vested in trustees for general recreation and racing purposes. In 1924 our number of meetings was increased from two to four. I think we are entitled to a Saturday for a meeting, which, if granted, would probably come off one of the "down the line" clubs, and we are entitled to as many race days as proprietary clubs down the line. The club is a non-proprietary one, which spends all its revenues on improvements of the reserve or in additions to stake monies, and should receive, at least, as much consideration as proprietary clubs. The stakes on cup day are £1,275, including a gold cup valued at £100. We have no Saturdays, but raced on Wednesdays, and gave £275 more than we are compelled to give or than the proprietary clubs give. I have balance-sheets for the last ten years. The enclosure covers 98 acres, and the length of the track is one mile and three chains. There is plenty of width on it. We do not cater for jumping races, but provide for jumpers' flat races. There is no training at Werribee. The grand stand holds 1,200, and under the stand is a dining hall to seat 500. It is the intention of the committee to spend £5,000 in the next year on new buildings; we have just on £3,000 in hand, and it is all going in improvements. Stand accommodation and conveniences are better than the "down the line" clubs possess. There is a well-furnished ladies' room with a woman in charge. The length of the straight is a furlong and three-quarters. The average of bookmakers is about 100 inside and 60 outside. They pay a daily licence of £2 2s. and £1 1s. Admission charges, including tax, are 11s. for the grand stand, ladies 5s. 6d., and 3s. in the outer reserve. There is no training done on the course. We have had water laid on from the first,

but it is so unsatisfactory that we are getting the Yan Yean water supply laid on. We have a large motor paddock to hold easily up to 700 cars.

I have no experience of the totalizator. I hope the Totalizator Bill will not pass. The totalizator would put us to a lot of expense. The bookmakers serve the interests of the owners, and I think the only way for an owner who is a big bettor to bet is with a bookmaker. With smaller people I do not think it matters. It would undoubtedly be the means of increasing street betting without the bookmaker.

Of the pony courses Ascot is the best. It is a beautiful course with a good grass track. The courses are on the small side, but you do not want big courses for pony racing.

Our course was never an unregistered course, it was licensed for a considerable time. The nearest registered course to us is Williamstown, and there are no unregistered courses in the district. I would not favour indiscriminate unregistered meetings. I would like my club to be placed on the same basis and to obtain the same privileges as are extended to "down the line" clubs.

**Matthew Joseph Hogan.**—I am chairman of the stipendiary stewards in South Australia. The governing body there is the South Australian Jockey Club. Everybody connected with racing has absolute confidence in such control. The club appoints the stipendiary stewards, who act for all metropolitan clubs within a radius of 25 miles, which is the metropolitan area. There are no stewards outside that area, but the club is applying for them. They are all registered meetings in South Australia. No proprietary clubs are allowed in South Australia, being prohibited by Act of Parliament, and we have no pony racing or trotting, unless there be some trotting at night, at which there is no totalizator and, of course, bookmakers are not allowed. There are picnic meetings under the rules, and they come under meetings which give £25 in stakes. They are outside the metropolitan area. I understand most of these are in aid of churches and charitable institutions. All the clubs in the metropolitan area are limited to seven days, and the maximum racing on any course is twelve days a year. The difference between seven and twelve days is filled by other clubs coming in. Some of the clubs have no course. Betting is not allowed. The profits on all racing go to racing. The only people who get anything out of racing in South Australia are the officials who have to be paid. There has been no pony racing during my period of fourteen years, and we get on well without it.

The totalizator has acted very satisfactorily in South Australia. The system is two dividends for seven starters or over. I can say that for fourteen years it has been a great success, and given general satisfaction. There has been no other form of betting, and no agitation for an alteration. It is the best system, and I would not like to see any other. Bookmakers were holding more money "under the lap" than the totalizator, consequently the clubs are in favour of licensing them to get fees out of them. At present any person of whatever reputation can act as a bookmaker as stated. A new Act was assented to last week, and at the first meeting following two illicit bookmakers were arrested. The penalty is now £100 for a first offence and £200 for a second offence. If the police suspect a man of betting, and a charge is proved against him, he can be fined anything up to £500. That is the final attempt to deal with an evil which has existed a great number of years, and which the authorities have never been able to stamp out. I think the bookmaker should be licensed alongside the totalizator; if men will bet with bookmakers, there will

be bookmakers. If it cannot be stamped out, it had better be controlled. That is my argument. The bookmaker serves no purpose that the totalizator does not serve, and if everybody wagered with the machine it would mean better stakes, and be much better for owners and trainers. I think the stakes given in country districts compare more than favorably with Victoria.

I found in Western Australia that the closing price of the totalizator was always greater than that of the bookmaker. I contend that the owner will get more from the totalizator than from the bookmaker. If he should lose by the machine, he would gain in prize money. They are giving £500 for a race now where a few months ago they gave £200 in South Australia. A totalizator for country meetings is a building of 30 to 40 feet long, and all they have are known as "tins"—boxes to sell tickets out of—they do not have a grand total or the total of each horse. The system is wonderful, and has worked very well. In the country they have nothing but the building. All tickets are counted under police supervision, and unsold tickets for winners or seconds are sealed up and handed to the police. It is known as the "box" system, and is worked to such a fine art that fraud would be practically impossible.

There is no cleaner racing in any part of the world than in South Australia, one reason being the few metropolitan meetings—47 in all, and 50 to 60 in the country. The lesser volume of racing, the cleaner the sport. All clubs give from £1,500 to £2,000 a day, and all profits are spent in stakes. Every committeeman acts in an honoray capacity.

I found racing in Victoria wonderfully well conducted and clean. I know nothing of your "down the line" or pony courses.

The controlling of racing by registration is sound. Unregistered racing is not allowed in South Australia. There are 47 days of racing in the metropolitan area, and 50 to 60 altogether in the country. Picnic meetings are unrestricted, except that the stakes must be, in all, below £25, and the meetings held outside the metropolis. That is done to restrict this class of meeting.

**William Murray McQueen.**—I am president of the Breeders, Owners, and Trainers Association. Our association thinks there is not too much racing in the metropolitan area, but some proprietary courses do not treat owners and breeders fairly in the matter of stakes. In one case it cost owners £363 in nominations and acceptances, and with entrance, jockeys, shoeing, and other expenses, £675, and the club provided only £937. That is typical of all "down the line" clubs. We consider the fees charged by such clubs too high, and the training facilities inadequate and crude; evidently they do not want trainers there. We consider that any club allowed to collect fees should be compelled to provide tracks for jumping and flat racing. We would prefer racing clubs to proprietary clubs. Our association at a meeting was unfavorable to the totalizator, and favours the bookmaker only; but, if it is installed, they prefer the bookmaker with it than the totalizator only. It would not affect owners if the bookmaker were retained.

We do not like pony racing.

Any breeder, owner, or trainer may be elected a member of our association. There are seven members on the executive of our association.

Personally, I think two-year old horses are raced too early. I would race them in March or April, missing the Spring. I do not like two-year-olds racing. The association would say that October is not too early. Early racing affects their future stamina, and, if mares, injures the progeny. We do not think there is

reason to curtail country meetings, but there is too much racing of bad class in the metropolitan area; that is, ponies and unregistered meetings. We think that unregistered meetings interfere with registered country meetings. If the racing now conducted at Epsom, Mentone, and Aspendale could be concentrated on one course, it would be ample. I am not prepared to say which of the three courses is the best. We look upon Sandown as the best "down the line" course, but as an association we have expressed no opinion. The accommodation at some of them is very crude. Our association has been very successful in obtaining better provision for horses, &c., at the various courses and through the Railway Department.

It would be possible to bring all horse and pony racing under one control, but I think the V.R.C. would not welcome it. I see no objection to it. The club has been very fair to all parties. We do not approve of horse racing at pony meetings, and it might well be stopped. I have no views on trotting.

**Charles William Tyzack.**—I am officer in charge of the Betting Tax Branch. Every bookmaker before he can bet must pay stamp duty of a licence. The average number paying is 1,000, it never varies, although the personnel may alter. The number of individuals from 1906 to June last is 2,007. The majority who have retired have done so from financial reasons. We have no power to stop defaulters. A person getting a permit tenders stamp duty, and it must be taken and a licence issued although I know him to be a defaulter. Such a person would not be able to operate at meetings of clubs affiliated with various racing associations. An amendment of the Act would prevent that; the Comptroller of Stamps should have discretionary power. An applicant should be compelled to prove his credentials too, say, to an officer in charge of police or a reputable man living in the district. In many cases, secretaries of clubs issuing permits do not know the man at all; I know him, and am bound to issue the stamp. All leading clubs should examine the applicant carefully before they issue a licence to a bookmaker. The associations never register a man without asking my opinion first.

We have submitted recommendations for amendments in the Act, but so far they have not been made. Some persons obtain permits simply to dodge the Vagrancy Act. They produce a permit, and have thus got out of the charge of being rogues and vagabonds. We have had requests to block the licences to such men, but we have not the power. Most of them are of good appearance and address. The trouble is confined entirely to the country districts.

There is a large amount of betting apart from race-courses from which we collect no tax, starting-price betting, which, if tax could be collected, would be a big source of revenue. Ante-post betting on the Melbourne Cup alone would run into hundreds of thousands of pounds. Betting in a club is not reached by us, as the Betting Tax Act provides for taxes on betting on race-courses only.

As a public servant I would rather not offer opinions relating to the totalizator. Bookmakers do not make a declaration, but they can be compelled to produce their books for inspection. If authorized by legislation to demand returns of ante-post betting, or a percentage on turnover, there should be no administrative difficulty. The Government draws no revenue from a bookmaker's clerk. As a rule, one bookmaker guarantees another. As part of my duties I move about the betting ring and different enclosures. Irrespective of pony courses, an inside bookmaker has to make £277 before he gets anything for himself.

Gilbert Joseph Cullen Dyett.—I am secretary of the Victorian Trotting and Racing Association, and have private interests.

[Before Mr. Dyett gave evidence, Mr. L. B. Cussen addressed the Committee, and said he desired to appear on behalf of the association. The Committee deliberated in private, and, on resuming, the Chairman, addressing Mr. Cussen, said, "The Committee have considered the matter, and wish to point out that no person, club, or association is charged before the Committee, the terms of reference being [*reference read*]. We will permit counsel to be present during the examination of witnesses, but the Committee will conduct the proceedings as heretofore, the questions being asked by the Chairman or by other members of the Committee through the Chairman. The witness will be at liberty to consult with counsel from time to time if he so desires."]

The witness gave evidence as follows:—I am secretary of the Victorian Trotting and Racing Association. The association is not incorporated. There are at present 41 members, including six life members. It was originally the Victorian Breeders' and Owners' Trotting Horse Association, formed in 1906, changed in name to the Victorian Trotting Association in 1908, and altered to the present title in April, 1919, when it was decided to acquire the trotting and racing interests of Mr. John Wren, in order to have the meetings placed on a non-proprietary basis. These interests included the freehold of the Fitzroy Race-course, part freehold and leasehold of the Ascot Race-course, and the leasehold of the Richmond Race-course. There is a committee, elected annually, and trustees of the association. The association controls trotting activities throughout Victoria, and its decisions have reciprocal effect in the other States and New Zealand. It also conducts trotting meetings at Richmond course. Since the present administration commenced, stakes to £387,205 have been distributed, £116,424 paid in taxes and rates, and £102,235 in salaries and wages. There are 13,313 horses and ponies named in the registers, 6,294 under the present régime. Over 1,323 horses and ponies are in training, 307 being at Ascot, Fitzroy, and Richmond, where there is accommodation for 200, 156, and 222 respectively. Two hundred and twenty-four trotting, racing, and sports bodies were registered last year ending June; 352 meetings held; 1,043 riders, drivers, and jockeys, 184 trainers, 1,061 owner-trainers, and 306 bookmakers were also registered. Trainers and jockeys are licensed half-yearly, bookmakers must be guaranteed by other reputable bookmakers for an unlimited amount, and supply particulars to the secretary of unpaid winning bets within seven days after each meeting.

The stewards use separate selected stands to view races, and by telephones connected with the barriers the starter is apprised of any fluctuations in the betting, which enables him to warn jockeys and drivers. The stewards hold inquiries, and if suspicions are confirmed disqualification follows. Disqualified persons may appeal to an Appeal Board. To prevent misrepresentation of the sale or lease of a horse, a signed copy of the document must be lodged with the association. If a disqualified person attends a meeting held under our rules before the expiration of the term the recommencement of disqualification automatically follows. The police have full power to eject suspected or undesirable persons.

No employee is permitted to bet at the association meetings. It is an unwritten law that no member of the committee shall become directly or indirectly the owner of a horse racing under the rules of the association, nor is he allowed to adjudicate in a case in which he is pecuniarily interested. Practically all the

available space at these courses is used by cricket, football, tennis, and other kindred clubs free of charge. Large sums have been raised by the holding of gymkhanas for local charities and unemployed funds, and the association gave the proceeds of two meetings during the current year. There are approximately 70 persons employed on race days at the highest rate in the Commonwealth. It is generally admitted by the racing community that the association rules (for the most part copies of those in force by the leading clubs in Australia and New Zealand) are applied and enforced without fear or favour. I am also registrar of trotting names for Australia, and a calendar containing registrations, disqualifications, and allocations is sent gratis each month to clubs and bodies registered with the association. A book of rules containing the constitution of the association is also issued thereto. The association does not participate in the proceeds of meetings held outside the metropolitan area, although some of its officials are engaged to act in responsible positions at country meetings. Our predecessors gave stakes of £575 for a trotting meeting, and £600 for a race meeting, whereas the amounts now given are, for a trotting meeting, £1,000, and for a race meeting £800 (the lowest amount given). Four events of £1,000 and three of £500 are held annually. As much as £2,000 sterling has been given for each Trotting Thousand and Derby Thousand meeting held in November and March, half of each amount being allotted to each of the two events, the latter event being principally in the interests of breeders. It is a classic event for three-year olds, and as many as 188 nominations have been received from Australia and New Zealand. The aggregate increase in stakes since the association assumed command exceeds £110,000. Most harmonious relations exist between the association and the Trotting Breeders' and Owners' Association and the Pony and Galloway Association, which collaborate in the best interest of trotting and racing affairs. When its liabilities have been liquidated, the association intends to devote its attention to increasing prize money and improvements at the race-courses. When we liquidate the contract, Fitzroy is ours, three-quarters of Ascot is ours. That portion is owned by Wren and Nathan. We have not bought Richmond, it is on lease. It belongs to Mr. H. Austin. The area is 15 acres 2 roods 23 perches. There is no option in our lease for purchase. Ascot contains, in all, 81 acres, and Fitzroy 21 acres. The purchase price, which I have made known confidentially to the Committee, for the foregoing rights, included appurtenances, plant, freehold, leasehold, and racing and trotting as a going concern. About 14 acres of Ascot are owned outside of the association.

The association is not a company. No one receives anything but the paid staff; no member of the committee or the association gets anything other than his privileges. He receives no payment, no dividend, no monetary consideration at all. We do not propose to close down or sell any of our property. Any one can become a member on payment of an entrance-fee of £25 and £10 a year, subject to the generally recognized conditions.

I know of one detective who owns race-horses. Several policemen race trotters. One detective racing trotters under the name of Kennedy was disqualified about two years ago, but he won on appeal. It was proved to be a mistake. I thought him wrongfully disqualified; whatever it was the appeal board removed the disqualification. I think he still owns trotters, but would not say who races them.

In pony racing we assume jurisdiction over a 70-mile radius of Melbourne. As no organization was controlling these meetings, it was decided that we should. They were not registered anywhere. They raced under

our rules without authority. To-day they pay us for passing a programme, and I allot the dates, but we have no financial interest in them. We require them to race under our rules. They are compelled to engage our stipendiary steward and our supervisor of bookmakers in the public interest. We insist on the clubs applying for a stipendiary steward; we do not care which one they select. If a club says it will not register, there will be no racing, because no owner or trainer will nominate. We know nothing about the proceeds of their meetings or what becomes of the money; we are not interested, but I understand they are held for charity.

Trotting in Victoria is absolutely subject to our administration. We also control trotting at agricultural shows. There are about eighteen of them at present registered holding trotting events. The Royal Agricultural Society engages one of our officials to control the trotting events. We have three stipendiary stewards for trotting meetings, and three for galloping meetings, held at our courses. They are also selected to officiate at country trotting and pony meetings. All ponies are measured at Richmond to ensure uniformity and prevent irregularities. It is important to have a pony properly measured. Ponies are examined in an enclosed area on a concrete surface that has a spirit-level placed on it periodically. The stewards are paid specified fees for their services at meetings outside the metropolis. Our handicapper handicaps for most of the clubs racing under our rules throughout Victoria.

It is not an easy matter to be registered as a bookmaker. The conditions set out in a form to be signed are stringent, and provide for credentials from reputable people and a guarantee by another approved bookmaker. If one defaulted, the guarantor would be called on to pay. About 80 per cent. of the persons named in the official calendar whose licences were cancelled was for delay in paying winning bets. I know of only about four having defaulted. The licence to a bookmaker entitles him to operate within the 70-miles radius, and outside that, provided he produced a clearance from me or a licence from the V.R.C. Bookmakers are charged at the rate of £2 2s. per day, that is, for Ascot, Fitzroy, and Richmond.

The names of such defaulters are published in the official calendar for the information of the clubs registered therewith. I understand that none of the clubs referred to is a proprietary club. Associations affiliated with this association are the South Gippsland Racing Association, Bendigo District Racing Association, Murray Valley Racing Association, and the North-Eastern Unregistered Racing Association, all of which have clubs racing within their areas registered with them.

The track at Fitzroy is cinders, and the width about 50 feet. It can safely carry fifteen, but for safety is limited to twelve ponies and 10 horses. There are two horse events in the programme. The track at Richmond is 4 furlongs 32 yards, and the width about 66 feet. For the number of events it is the safest track in Australia. It is a cinder track, and training is allowed thereon. The track at Ascot is nearly 7 furlongs, and the width 94, 79, and 66 feet in different parts. It will carry 30 horses, but we do not race that number; we ordinarily run from fifteen to twenty. It is a beautiful grass track. About 200 horses are trained there. The sand and dirt tracks are for ordinary training, and the grass track for special gallops.

I produce forms for bookmakers and nomination forms in respect of both trotting and racing. You will observe that the requirements on the application forms for bookmakers are very stringent. On the back of the trotting nomination form is a formula to work out times.

I also produce an application for the registration of horses and the registration certificate to be produced to the stipendiary steward. Also a form for interstate purposes when a trotting horse is transferred to another State. Also the report form for the time-keeper and for the stipendiary steward, and the agreement form for the lease of a horse. This latter is to help an uneducated man to make out his appeal if disqualified. We can ascertain the whereabouts of every trotting horse in Australia and New Zealand. It is compulsory for owners to report the death of a registered horse, or when a horse is sold or leased. A man failing to do this will not be allowed to race again until he does. This is done to prevent "ringing-in."

With regard to jockeys, if a boy who has been previously licensed applies to us for a licence, he must produce a clearance. If it was with the V.R.C., he must produce his clearance from there. This requirement is indispensable. My relations with Mr. Kewney are very happy. There are unregistered jockeys riding horses. Most of them were previously with the V.R.C. About 75 per cent. of them have ridden under that jurisdiction. A boy became apprenticed under an assumed name. He had been attached to the V.R.C. His licence was cancelled, which shows there is a desirable understanding between the two bodies. He can be reinstated only with the approval of the V.R.C. A great many of the boys at the V.R.C. have graduated from our courses. The V.R.C. will not allow jockeys to ride horses, only ponies, at our courses. The boys who ride ponies are not unskilled, and they are of good character and in no way inferior to other boys. Our boys receive as much, if not more, as the boys under the V.R.C. rules.

The committee of the association is an honorary one, no member receives a reward for his services.

There is a Trotting Appeal Board, on which the Breeders and Owners Association has a representative, with the same power as other members; and a Racing Appeal Board, on which a member of the Victorian Pony and Galloway Association sits with full powers.

With respect to the witness Shaw, I might state that he is not allowed on the association race-courses. He was fined, and has not paid.

Neither Mr. Wren or Mr. Nathan is directly or indirectly interested in the association, except as unpaid vendors for the time, and neither is a member.

The detectives have been requested to refuse admission to suspected or undesirable persons. If one gets in, he is speedily removed. If we find a person of bad character, we soon deal with him.

Pony racing in the country is much more popular than any other, except trotting. If a pony meeting and one under the V.R.C. were held, the former would be more profitable. If held on following days, it would result the same.

We do not admit that we have six or seven horse races at Fitzroy when the Act allows for only two; it is a matter of legal interpretation, and we are advised that the present procedure of running a race in heats is necessary.

We used to race on Saturdays in competition with other clubs. We were putting up an extra £500 on Saturdays, and the result was most satisfactory. It was in opposition to "down the line" clubs. I suggested, and they agreed, so as to avoid competition, that they should surrender three Saturdays to us. The V.R.C. disallowed the arrangement. My committee said they would continue racing, but owing to my attitude it was decided not to do so.

I would not say it would be in the best interests of the community that racing in the metropolitan area should be curtailed with either the V.R.C. or V.T. and R.A. I think it inadvisable for Parliament to

interfere with the inclinations of the community at large. The same people attend our meetings who attend other meetings; there is no difference in a race crowd. People who are not allowed on our courses frequent other meetings.

With regard to clashing of dates in country districts between V.R.C. and V.T. and R.A. meetings, it is quite possible it could be rectified if the associations in the different districts conferred with each other. It could be arranged without difficulty. For instance, if there were a difficulty here, Mr. Kewney and I could arrange something acceptable to all concerned.

We do not prepare a separate balance-sheet for each course. They are all shown as one association. A balance-sheet is made after each meeting. I can tell you what it costs to run each of these meetings. You could get the net profit, gross profit, or the average profit for twelve months. Every penny earned, directly or indirectly, must be shown in the figures supplied to the Chief Secretary's Department.

I consider it indispensable that the police should have power to remove undesirables from a race-course. On one occasion the police were disinclined to remove a man for offensive behaviour because they were doubtful regarding their powers. I determined to have him removed, and said I would indemnify the Department even if it cost £1,000 through the removal of the man. He was put off; that indicates the precautions we take to remove undesirables from the association courses.

I submit for your perusal a transcript of an inquiry into the doubtful running of a horse. We observe the same practice as the V.R.C. with respect to disqualifications. It is surprising the number of applications we have from representative people urging the remission of a period of disqualification. I say definitely that when a person incurs disqualification and loses an appeal, it would be a singular occurrence if he did not serve the full term. If a subsequent investigation indicated that possibly a mistake had been made, a remission of the unexpired portion of the sentence would probably follow. I think about one in three appeals has been upheld during the last nine years.

Our jockeys, despite what Mr. Foster said, apart from a losing fee of 10s. for a pony and £1 for a horse, receive 5 per cent. of the value of the stake. Our boys are treated a little better than anywhere else. We never let the owner pay the jockey, as his percentage is deducted from the stake for him.

In dividing horse (galloping) races at Richmond and Fitzroy we are compelled to run off such events as the law requires it. At Ascot we are compelled to run off pony events, as it is a horse course. Fitzroy is a pony course, and Richmond is both a pony and trotting course; Ascot is a horse course.

It has been stated that in the run-off of pony races the bigger pony wins. That is incorrect. The ponies are re-handicapped according to the handicapper's judgment, and weight will bring ponies together irrespective of height. Last week, the smaller pony won by lengths. Handicaps are according to merit, and Mr. Foster's statement is incorrect. The handicapper receives a large annual salary to say what ponies should receive, and we never interfere. Heats of the horse events are not run off at the Ascot course. There have never been seventeen races at Richmond during my time, nor to my knowledge at Fitzroy. There have been fourteen to sixteen, including run-off. All races at Richmond are the same distance, 7½ furlongs for gallopers, and at Fitzroy there are two distances, 6 and 9 furlongs. The framing of a programme is left to me, and it is continued unless circumstances suggest variation or alteration.

Experience has proved that No. 1 position at the barrier is not always an advantage. It all depends on the speed of the animal. A horse on the outside always goes farther than the one on the inside. However it is mainly a question of the boy's judgment and capacity to get away quickly. Some owners have asked for an outside position. There are about 40 trainers, with an average of four horses and/or ponies. We never allow a lessee to race unless he is the owner of another pony or horse racing with us. Every Monday, the acceptors are checked to find out by whom they are trained. It might happen that they are not being trained, in which case they would not be permitted to run.

Respecting accidents on association courses, I will stake my reputation on it that there are 33 per cent. less accidents there than on any other courses in Melbourne, including Flemington. For flat races only I would think that our percentage of accidents is less than elsewhere.

That cinder courses are bad for racing on account of dust and particles of cinder scattered by horses' hoofs is ridiculous. We have four men who do nothing but keep the track watered all day. As a rule, cinder tracks are used for trotting.

The statement that 4-furlong races were discontinued at Richmond because it was not safe is absolutely untrue. If it were not my desire to give all classes of horses a chance to win at different distances, as at present, I would not hesitate to have a 4-furlong race at Richmond. I do not say that horses running on our courses would win a Melbourne Cup, but it is iniquitous to say that they are rejects. Take Suomi and such horses. He was favorite for the Caulfield Cup two years ago. Nearly all the horses running have raced at the V.R.C. There is a pretty good class of horse racing at our courses. They would not stay there 24 hours if they were not. The shortest race for horses is 5 furlongs, which is held at Ascot, and we have mile and a quarter also at Ascot. Nine-furlong races are held at Fitzroy.

Since giving evidence previously I have had a personal interview with Mr. John Wren, the vendor of the courses to the association, as there appeared to be a doubt in the minds of the Committee as to what the association was to receive in exchange for the payments made to the vendor. I am absolutely satisfied that when we have paid the balance of purchase money we become the owners of Fitzroy, and of all but about 14 acres of Ascot. Richmond is held on lease. Richmond does not become our property, as it is on lease, but we have to keep the buildings, &c., insured.

Respecting the apparent discrepancy of £144,801 in our balance-sheet compared with returns sent into the Chief Secretary, the explanation is that we have not rendered our statement for the year 1928 to the Department yet. That is the reason for the difference, apart from the proceeds of charity meetings. The returns for the year ended 31st July, 1928, are not due until March. Our balance-sheet is made out to the 30th June, 1928, but the Government return for the year ending 31st July has not been rendered yet, and will not be until we apply for our 1929 dates. We send in our returns in March every year. Our next one will go in in March for another year, and that will include the balance-sheet for 1928. That is the explanation. The only thing which does not appear are the figures relating to charity meetings, as indicated above. We may, the same as the V.R.C., have trouble over these meetings. Like the V.R.C., we give large sums in connexion with charity meetings, and the whole proceeds, less the stakes, go to the fund concerned. In my opinion, it would be outrageous for any Government to demand about £50 in taxation for each of such meetings, seeing that the whole of the proceeds were

devoted to charitable undertakings. We have never deducted the money, and, therefore, it has never gone in.

Our courses are occupied by cricket and football clubs throughout the year. There are about twenty cricket teams playing there on every Saturday, and other matches are played on Wednesdays. We get no revenue from them, although they cost us a lot of money indirectly. The same thing applies to Fitzroy and Richmond.

I think it would be most unwise to introduce the totalizator. I think it would increase gambling, and I oppose it in every way. If it is to be installed, I would continue it with the services of bookmakers. As a rule, there is no more honorable member of society than the bookmaker, and I have, officially, had a lot of dealings with them.

Gambling is inherent in human nature, an ingrained tendency. I do not think it can be wiped out by Act of Parliament. You might minimize gambling, but you cannot suppress it. I never bet on horses, and very seldom go to any other race meeting. If all the secretaries who have appeared before this Committee have stated that they do not bet on horses, it shows that the sport is well protected.

There is a weakness with respect to the issue of licences to bookmakers which should be rectified. The Comptroller of Stamps has no alternative but to issue a permit when the applicant pays the fee. He should be invested with power to refuse a permit to a person of doubtful character.

In regard to statements that Richmond Race-course in particular is patronized by an undesirable class, I say it is absolutely false. The best proof of that is the attitude of the Department. There are detectives there to deal with undesirables who are not permitted inside the course. I would not continue to associate myself with this organization if there were justification for the statement.

We use the same tickets over and over again at our course, but a very close check is kept on them; we watch our tickets very closely. We employ the same men on the gates as the V.R.C. When the tickets are taken, they are put into boxes, which are locked, and taken to my office. They are counted to prevent dishonest practices, and must correspond with the seller's returns. We use the same tickets continuously as a matter of economy. Why should we buy fresh tickets for each meeting? We check them for our own purposes and for that of the amusement tax. We think the system more effective than numbered tickets, which can be bought anywhere; you could get a roll made for a few shillings, and in that way you could evade taxation requirements, but it cannot be done under our system.

The suggestion that in the best interests of racing generally it should be placed under the control of the V.R.C. I do not agree with. Under such control pony racing would not be the success it is to-day. I think the present conditions should continue, as such a development would not be in the best interests of racing. Regarding our particular interests, our methods are very effective. We are extremely severe in our administration, and have always required the right and proper thing being done under our rules. A lot of evidence has been given by various association secretaries and others, and if they had been taught like a parrot to say what they said, they could not have done it more perfectly. I am glad the Committee will be pleased to hear other evidence, and will communicate with the associations we are connected with, so that they may put their evidence before it. We have four different associations registered with us.

If further information is desired, I shall be pleased to supply it.

**John William Shaw.**—I am a foreman in the Railways Construction Branch, and have raced horses and ponies on registered and unregistered courses over twenty years, but not on the latter for some years—ever since the V.R.C. allowed those who wished to do so to return to the registered control. Any one may race a pony under 14.2 hands; the V.R.C. rules allow it. On the unregistered courses, the running of horses should be stopped, and ponies raced only. Most of the horses there are broken-down cripples from the registered courses. I do not think that the three courses run by the V.T. and R.A. should be allowed in the city; they should be pushed farther out. There are lots of reasons why it should be so. As it is, it gives men an opportunity to sneak off and bet when they should be working. The temptation is too great. Richmond and Fitzroy courses are too small for galloping horses, and accommodation for men and horses is lacking. The jockeys are herded together like sheep in a truck, and horses into stalls only about half big enough; it is a work of art to saddle a horse there. There is practically no provision for trainers on a race day. With regard to the class who assemble there, any one knows that the riff-raff of the place attend. Some very good people attend, but I think more of the other class are to be found there than at the registered courses.

When I went there I would get an entrance ticket to be produced at the gate, and you got the same bit of cardboard meeting after meeting; there was not the ordinary roll as at other courses. I do not know if the tickets are numbered, and I do not know what method they have of checking the tickets; but I think the system now in use open to objection.

I had one penalty inflicted on me at Richmond for not buying a birdcage ticket, and, I think, two penalties during the whole of my career. I was called up, but satisfied the committee that everything was all right. They were not satisfied with the running of my horses. On one occasion they disqualified the jockey for life, but exonerated me, and did not disqualify the horse. In about twelve months' time, the jockey was back riding again. I got full up of racing, as I thought we were not getting a fair go in many ways; there was too much underhand work about it. I have been approached by bookmakers to square my pony, and that sort of thing. That is one of the troubles at these places. The boys riding at pony meetings do not get enough to make a decent living, and after a bad day they borrow money from the bookmakers. I think bookmakers are at the bottom of it; they get the boys to pull horses. I have nothing personally against the handicapper, although I thought he was sometimes harsh on my horses. Taking it all round, I think I always got a fair deal from him. If there were two different bodies racing instead of the present monopoly, a man, if he thought he was not getting a fair deal at one place, would be free to try the other; as it is now, he is tied to one place. It is an anomaly that one cannot run his horse on other courses.

Within 70 miles of Melbourne, it is practically all the same. There is the same handicapper for all such places as Nar-Nar-Goon, Bunyip, Bacchus Marsh, Riddell, or Romsey. Mr. A. Gray is stipendiary steward; his brother, J. Gray, is starter; Mr. W. Cahill, judge; and Mr. Joseph Wren, supervisor of bookmakers. You always find the same four men, and the handicapper is secretary and treasurer, and everything else for these meetings. They are known as the "Big Four." You can go the whole round of Victoria within the 70-miles radius, and it is the same. You will find all meetings controlled by the same four.

Trotting is a form of racing that should be encouraged in the interests of breeding. A trotting horse is a utility horse, and should be encouraged. Some of our best-bred horses are only pony height because they do not grow. They should be given a chance so that

owners may make something out of them. I have won at many of the country centres. Most of the crowd at these places come from Melbourne. At Romsey, I was told on one occasion that out of an attendance of about 500, only about a dozen were local people. The great majority of the followers of pony racing in that area go from Melbourne. It is the same lot of horses that run at these meetings. There may be a local pony occasionally, but there would not be 2 per cent. of local horses at such meetings. I think the country people do not want the meetings at all. I would eliminate all the unregistered meetings in the country at such places as Romsey and Bacchus Marsh. The stakes, in many cases, would not pay the cost of training and running the horses.

At the V.T. and R.A. courses, they generally divide the handicaps. There will be a plate and purse—£100 for the plate and £200 for the purse. They will take out enough horses to make one race in the plate, but the purse may be run in five or six heats or divisions. There was one yesterday with five heats. The £200 would be divided into five prizes, and the heat winners must run off for the final. You may not win anything in the heats, but you get a prize even if there are five in the final. In Sydney, a race is divided, made a separate division, the same as on the principal courses here, and there is no run-off. From an owner's point, running-off is objectionable. It means a horse must run twice, and many will not saddle up a second time. Cinder tracks are not hard on horses. There are not many accidents at Richmond, but it is dangerous in wet weather.

My complaint is quite true as to the lack of proper accommodation for the jockeys.

Mr. A. Gray is secretary for all these country meetings, and attends to all the work of nomination. It is done in his office, and the cheques are, or were, paid there. I have received dozens of cheques there for such meetings. Compared with Richmond and Fitzroy, I would sooner race my horses at some of the country courses. They are all properly railed off.

The measuring of ponies is now quite satisfactory; it was not so in the past. Pony meetings are not in the best interests of the people; there are too many of them. If only half were held, it would be far better. The stakes at some of the small meetings in the country would be about £8 or £10, but there is often big betting. I have known £1,000 collected on such a race. I have given up racing now.

Thomas Dunn.—I am a senior-constable of police at Russell-street. The system under which the police attend race meetings is for the secretary to make application for the number required. They are detailed under sub-officers, and the positions are indicated by an official of the club. Apart from the men ordered there are a certain number of detectives and plain-clothes men present to check the criminal section. The police independently control the traffic outside the course. As a general rule, every assistance is rendered to the police by the authorities, but cases of hindrance have occurred through being refused by the gatekeepers admittance to the course. Under the Police Offences Act the managing body of a club has power to make regulations relating to the removal of undesirables from a course. It is considered that police supervision at races and other sports is a matter for the Chief Commissioner of Police, and no outside body should dictate the number required to preserve order.

A much more satisfactory system from a police point of view is adopted with regard to race meetings in New South Wales. In that State racing clubs notify the police authorities of the dates on which race meetings are to be held. Arrangements for the provision of adequate police protection are then made

from police head-quarters on the same lines as for any other event or function which causes the public to attend in large numbers. No charge is made for the services of the police, but each man is given a refreshment allowance. The police are appointed inspectors under the Totalizator Act, and under the provisions of that Act any person who hinders or attempts to hinder an inspector from entering any part of a race-course is liable to a penalty not exceeding £50.

I have been asked to stress the position with regard to the supervision of race-courses by the police; and the point that I should like to make is this: that we do not consider that outside bodies should have the power to say how many police are required at a race meeting; or, for that matter, that we should be hindered in the discharge of our duty on race-courses. We have twelve or fourteen motor cycle police doing duty with regard to traffic. After their duties slacken down they report to their senior on the course, and are at liberty to participate in the sport unless something crops up in the meantime. Before the races are finished they are again on the road to attend to the traffic. I think the police supervision at these places should not be paid for; we are charged with the responsibility of keeping order and the place free from undesirables; we should not have to look after gates and fences and things of that kind. We know what effect the uniform has, but we do not consider it legitimate duty. We know also that the clubs like to have police there. It may be impossible for an ordinary official to keep gangways clear. Personally I think the charge for police—3s. 1d. foot constables, 3s. 3d. for plain-clothes men, and 4s. for mounted men—is too small. We charge under the regulations; it is the same everywhere. That is my own view, not the Department's.

Daniel Mulfahey.—I am a detective sergeant attached to the Criminal Investigation Branch. I have attended race meetings in the metropolitan area, Kyneton, Bendigo, Geelong, and Ballarat for about twenty years; also the pony courses in and around Melbourne. Most of these meetings are attended by the same class of people. They are very orderly, and we have no difficulty in coping with crime. There is a certain class of criminal, mostly larceny or confidence men, but they are in a very small minority, and we never have any trouble in removing them from the course. The secretary or committee gives us authority, and we remove the person. If they come in again in another part and we see them we put them out again. We remove them because they are known bad characters. There is not the same attendance on pony courses as at Flemington, Caulfield, and Moonee Valley. The undesirables do not congregate more at one class of course than another. You will find them wherever there is a crowd, even at church meetings. I do not think the pony courses are as congested relatively as the Cup meetings or the Grand Nationals. The average attendance at Richmond is from 5,000 to 6,000. There is a different class of people attending trotting meetings compared with pony meetings—a much better class, mostly horse-breeders, and a majority of country people.

There is a greater percentage of working men attending the pony courses. Trotting meetings are generally composed of business people, horse-breeders, and country people interested in horses. Some of them are wealthy men, generally graziers. Some of our leading citizens in Melbourne trot their horses at these meetings. One of them races at Flemington, and won a Melbourne Cup. More than half the trotting horses come from the country. Some of the bookmakers from Flemington and Caulfield are licensed to bet at pony and trotting meetings. I have said that working

men went to the pony meetings in considerable numbers, but would not say that the man of small means is catered for there more than a man of large means. Both sections attend the other meetings, but the working men do not go inside at the larger meetings to the extent they do at pony meetings. I have seen criminals operating as bookmakers on the race-courses, but in recent years in the metropolitan area I have not seen them. I do not think you would find men who have paid the penalty of their offences operating on city courses now, as I am certain if the authorities were doubtful they would refer them to us. There is never any complaint of welching; it is a thing of the past. They are very strict at pony meetings, and it has been well conducted for years. The secretary gives us a free hand in dealing with anything that occurs on his courses. He will give the police every assistance. As to whether permits should be curtailed, I do not feel competent to answer; that is a matter for a higher authority than I am. As to whether particular individuals attend race meetings very frequently, I would say that you see the same persons at almost every meeting constantly Wednesdays or Saturdays. The 5,000 or 6,000 people at the unregistered meetings are usually more or less the same crowd. At all the meetings, registered or unregistered, the crowd is very orderly. We do not get many complaints of people being robbed on race-courses. I think there were only two during Cup week, and they were in the streets. We have very little to do with bookmakers, as they are governed by the race-course officials.

**John O'Connell Brophy.**—I am a detective sergeant, and have been doing duty on race-courses over fifteen years, principally Flemington, Caulfield, and Moonee Valley. The people attending are composed of all classes, including a number of criminals, which necessitate the attendance of detectives and plain-clothes police. Apart from thieving from the person and the confidence trick, very little crime is committed. These offenders or suspects are removed from the courses by the police. Most of them behave themselves, and are content trying to pick winners.

The rules of the clubs are very strict respecting the conduct of bookmakers and their retinue, and all complaints are investigated by their own race-course detective. I have not attended suburban courses for years, and therefore cannot speak accurately, but can say I have never heard complaints.

Most of the country meetings are conducted under their own rules, and many undesirables, even convicted persons, obtain licences to bet, and then purchase betting tickets with the Government stamp duty. That is detrimental to the public, as on many occasions the bookmaker is unable to pay winning bets. I am referring to way-back country meetings only—unregistered meetings. There are a great number of undesirables on the course, but not so undesirable that we would remove them. Others we will not permit to remain two minutes; the moment we spot them out they go. If a man is drunk, or even offensive, we do not interfere with him. The police should be allowed to go anywhere and wherever people are congregated for sport; and not only that, he should be in a position to deal with undesirables. Take a Cup meeting; I suppose there would be anything up to 200,000 there. As a sergeant of police, I would allow every constable to go there, whether on or off duty. During the last Cup meeting, eight or ten interstate detective police were there, mostly on holidays, and they were of great assistance to us with the crowds about the streets and on the course. One man was arrested, recognized by Detective Harding and a Queensland man. He was from New Zealand. Before that we did not know him.

It is very hard to say anything respecting the unlimited issue of permits for racing, but there is too much facility for betting.

The more police in a crowd the better; even if police off duty were admitted it would do no harm.

**James Herbert Gorey.**—I am a sergeant in the uniformed police stationed at Melbourne. For the past two years I have had charge of police arrangements at Flemington, and have done considerable duty at other metropolitan race-courses. The present system of policing race meetings, whereby the clubs pay for and engage as many or as few constables as they think necessary, is not altogether satisfactory from a police point of view. For one thing, the clubs have a tendency to utilize their services on work not within the scope of police duty at all, such as keeping steps, gangways, and platforms leading to grand-stands clear of persons who attempt to stand or loiter, to guard fences, to prevent people passing from one enclosure to another, and to prevent them standing on fences. That is objectionable. It would be better for the officer in charge to say what duties should be carried out by police, and to see that the work properly comes within the scope of police work. The duties I mentioned previously should be carried out by the club's own officers, leaving the police to preserve order, control traffic, and safeguard moneys taken at the course.

Race-course frequenters do not give the police much trouble. There is very little drunkenness, and very little crime of any sort. Race patrons are well able to look after themselves.

On Saturdays, people of all walks attend race meetings. The mid-week meetings are attended by people who seem to do nothing else but go to race meetings—people working at night, or of leisure, or who control and are able to get away from their businesses. Women are attending meetings in increasing numbers. The majority of race-goers are people on weekly wages.

The conduct of people attending pony courses is good. A very large percentage of their patrons are working-class people. These courses are situated in densely-populated areas, and the disposal of the crowds and the traffic is becoming a serious matter. Take Fitzroy Race-course as an instance. It is situated in Northcote. Ten or fifteen years ago this course was surrounded by open country. This land has now been built on and streets laid out. It is now a thickly-populated residential area. The making of the streets has been paid for by the property-owners. On race days, these private streets are used as parking areas for motor cars. Both sides of at least half-a-dozen streets in the vicinity are lined with rows of hire motors, charabancs, huge race-horse transport motors, horse-drawn cabs, and vehicles of all descriptions. The result is that no ordinary business or private vehicle can draw up to any house opposite those parked vehicles. It is unsafe at times for children or elderly people to cross the road, and very often a complete blockage of traffic occurs. The streets are only about 30 feet wide from kerb to kerb, and although this is quite wide enough under ordinary circumstances, it does not allow sufficient space for such an enormous increase of race-course traffic. In addition to the congestion caused in the streets, every vacant block in the vicinity is packed with motors. In fact, during the whole of the afternoon on race days the streets in the neighbourhood are given up entirely to this race-course traffic. In my opinion, these could and should be accommodated on the flat inside the course, where there is ample room, or the race-course should be removed to a less-congested area. The houses built in the locality are of a neat, attractive type; but the race-course, surrounded as it is by a drab galvanized-iron fence, is not in keeping.

There is no doubt that racing and race-courses attract a very large number of undesirables—that is, people

who live on their wits, such as the urging and whispering fraternity. These people naturally go where money flows freely in the hope that some of it will flow into their pockets. They are not fond of work, and they are not over-particular as to the manner in which the other fellow's money is obtained as long as they get it. They belong to the fairly numerous class of professional gamblers and punters. They do no useful work, produce nothing, and simply "live on the game."

As long as the Richmond course has been in existence there has always been congestion. It was and has ever since been a thickly-populated area; but Fitzroy was not. When the Fitzroy course was brought into being it was, you might say, practically in the country—there were no residences at all.

I have not been on the Richmond course for five years. There is a bottle-neck between Wellington-parade and Church-street—it is very narrow there. Returning and outgoing traffic leads to a great congestion in Bridge-road. It may not interfere with business, but it would greatly with the travelling public. For both Richmond and Fitzroy courses it is impossible for a person to board a tram between 12 and 2 and 5 and 6 o'clock. The ordinary travelling public that support the trams from day to day have no chance of getting a ride. The dust created is frightful. At Northcote, they are beautifying St. George's-road now, and that might make a difference. The electric trams run right past the course.

I do not think there is very much dust inside, the cinder track is kept well watered. There is a very large flat at Fitzroy, and the Northcote Council suggested the parking of cars there; but you would require a subway or overhead bridge, otherwise you would have to take them across the course, and that would cause inconvenience. St. George's-road was parked on both sides recently for 200 or 300 yards with cars, leaving a distance of about 15 feet in the centre, not enough for pedestrians. There is no area there for parking motors except the public streets. The parking of cars at Richmond is done in the same way—in the streets. Most of the cars are parked in Palmer-street, Bendigo-street, and Westbank-terrace. At Richmond you would have to cross the running track, whatever way you brought them in. I think the club should do something to relieve the congestion and the confusion in the streets caused by their race meetings. Ascot is becoming somewhat similar. It is rapidly developing into a thickly-populated district. I do not know much about parking arrangements there. The last time I was there I noticed the main street on the west side of the course was very congested. Ascot has a much bigger area than the others. I have never been to Randwick. At Flemington they have arranged matters well. It is my opinion that the Fitzroy course should be removed to a less-congested area.

Protecting property of any description is legitimate police duty. We put out all undesirable persons.

**Andrew Chanel Pattison.**—I am a senior plain-clothes constable stationed at Collingwood. From early in 1922 to middle 1925 I attended the meetings at Ascot, Fitzroy, and Richmond. You would have an average attendance of about 5,000, and at Cup time the crowds would be much greater. That is at Ascot and Fitzroy. At Richmond there would be trotting meetings, and you would find the cup meeting attendance much greater; there might be 10,000 or 12,000 people present. They would be mostly manufacturers, working men, labourers, railway employees working perhaps at night, or on the trams in the early morning, or would be off at midday, bakers, and a proportion of undesirables who follow all race meetings. In the paddock you find respectable married yemen, but in the outer reserve there is a pretty rough

class of women. During my time the racing crowd was fairly well conducted, and there was never much ground for complaint.

Of the crowd that follows trotting a certain proportion is the same as follows ponies. I would say a better class follows the trots than follows the ponies. Many of them are country people whom you would never see at the ponies. On race days there are big crowds at Richmond, lots of vehicles parked in side streets, and coming away at night would be crowds tearing along the streets. I do not know that I ever witnessed any accidents during the time I was doing duty there. Probably it would be better to have this racing conducted a little distance from the centre of the city. From the point of view of convenience for men who want to go to races it would be better to have it at Richmond, but for the sake of the working class it would be better to have it at Ascot. On account of congestion, it would be better to have it a bit further away from the city, but, from the working class point of view, there is the fact that one is more easy of access than the other. I have not been to Fitzroy for three years except occasionally when off duty, and am not in a position to say whether there has been an improvement in the conduct of racing during the last three years. I can say that while I was doing duty we received assistance from the officials, especially Captain Dyett. In the removal of undesirables he and Detective West and others help in every way. If there was anything not right with any one we would put them off. Captain Dyett told us the racing club was behind us. I believe certain people would not attend the races if the courses were not so handy. I have had no experience in regard to permits. There is something in what has been said that shifting the course would take away from a poor man a pleasure he has as much right to enjoy as a rich man. As a rough estimate I would say about one-third of the people attending go inside on these courses. At the trots there is a bigger percentage go inside than at the ponies. You will always find the people from the country inside at the trots.

**William Callendar.**—I am treasurer of the North-Eastern District Racing Association, which embraces 47 clubs; 78 meetings are held annually. All the clubs are under the jurisdiction of the V.R.C., and are perfectly satisfied with the control. We have no suggestions for improvement, although we consider that all galloping should be under the one control, and think the V.R.C. the best body. The method of dealing with charges against trainers and jockeys meets with our approval. The allocation of dates has not always given satisfaction to us, but we recognize that the V.R.C. has a difficult task to perform. There is severe competition amongst registered clubs in our district. For instance, Benalla is an old-established club, and on the day they raced a permit was given for an unregistered meeting at Wahgunyah, about 40 miles away. It is in the same district, and was a distinct clash, not only that, but it might have happened the day before. If a meeting is held even the day before it affects the annual fixture. My personal opinion is that there are too many race meetings in the country, indeed all over the State. Forty years ago excellent meetings were held in the country, but they are not so numerous now. Excessive racing around Melbourne has affected legitimate racing in the country. Moderate horses that are trained in and should be racing in the country are attracted to Melbourne by the number of small meetings there. The result of this excessive competition has compelled clubs to reduce stakes. We gave £700 at the cup meeting a few years ago; now it is reduced to £400. I think there is no better track in the State than at Wangaratta

for safety. We spent £2,500 some years ago in remodelling it. I have attended unregistered meetings around about Wangaratta, and am strongly of opinion they should be controlled. A lot of meetings are of no value to racing, horse-breeding, or anything else. There should be more supervision of the places where some of the meetings are held, for I have seen them held in places absolutely dangerous. Our principal disadvantage is unregistered racing, which is growing and affecting the registered clubs. Excessive racing in Melbourne is operating against our club; we complain against that competition. There are 30 or 40 unregistered meetings held in the North-Eastern district that compete against our association. We have a circle of unregistered racing around Wangaratta which, with the second class racing round about, affects us. This should all be under one control. I do not say pony racing should be stopped, but all galloping should be controlled by one body. I know of nothing to prevent it. Pony racing caters for and supplies a great deal of enjoyment to people who otherwise would not get it. There are a lot of permit meetings granted during the year, many of them merely used as a chance for betting. They are not in the interests of racing, and should be cut down; it would be better without the unregistered meetings. We do not get as much patronage from Melbourne as fifteen years ago; our patrons come mostly from the district. All the galloping in our district can be properly controlled by our association. I favour the whole of racing being controlled by one body. A Board should be appointed free from political influence; a controlling committee for fixing dates and having control generally would be in the best interests of racing. If the permit system remains in force I would favour applications being first submitted to associations like ours. Applications might well be left to the local body as it could arrange better than other people. Such a system would relieve the Minister, as the onus for refusing permits would be thrown on the association.

None of the clubs affiliated with our association race for profit, and none race on proprietary courses; the meetings are all run for the benefit of the sport and to make improvements in courses. I am not aware of any club having a property where they run permit meetings.

The number of old-established meetings which gave the local people a little sport once or twice a year are gradually dropping out as population declines. Most of them are unregistered. There are no decent facilities for racing. The permit meetings have had an effect on them. Some of the meetings are held on private property marked out with pegs. Our association does not cover them.

All the galloping races could be controlled in our district by our association.

As a country representative, I think the totalizator under present conditions in the country would be impracticable, as the number of starters are insufficient. It is of no use unless the fields are fairly large. I have seen it in operation with small fields, and my deliberate opinion is that it is no good. If it is installed I would like to see it run in conjunction with the bookmaker; even then I think it would not extend very much to country districts. If a cheap portable machine could be used our club would adopt it for a trial, but I would have the bookmaker as well. The majority of our bookmakers are local men and, speaking generally, give very little trouble.

Racing associations generally have done a lot to clean up the sport. When we started we had a great number of betting disputes to settle, but a dispute now is a very rare occurrence. We register a man for one year so long as his credentials are right. The charge for the whole district is £4 4s., and in addi-

tion he pays each club for the day he is present. They are varying rates, but it averages about £1 1s. a day. As an association we charge £3 3s. to register a man as a bookmaker.

The Wangaratta course is a little over a mile around, about 60 feet wide, and fifteen horses can be started safely. We hold hurdle races, but no steeplechases. Our greatest amount in stakes is £400 to £500 for two days; it was £700 to £800, but we could not make a profit, as our patronage has declined. I put it down to excessive racing in the district.

I can give no information as to complaints about bookmakers at unregistered meetings. I do not attend often, and have not much experience of them. There is supervision there, but in my opinion it is a little lax.

**Alexander John Sutherland.**—I am president of the North-Western District Racing Association and also of the Nhill Racing Club. Our district extends from Ararat west and north to Beulah. We have 33 clubs controlled by our association and 38 racing days. We allot the running dates, and submit them to the V.R.C. We are satisfied with the control of racing by the V.R.C., and have no suggestions to make for improvement of it, but the fixing of dates sometimes causes a clash. We have no trouble except when a trotting meeting is fixed, and it may be within 20 miles of a club to which was allotted that particular date. Last year a trotting meeting clashed with one of our meetings. Horsham had a trot and Warracknabeal a race meeting, and they are only 20 miles apart. We could not alter the latter, so asked the other to race on another day, but they declined. They gave no reason, but Saturday is usually a half holiday, and they wanted Saturday as other dates clashed with other sports on other Saturdays. The trotting meeting would be run under the V. T. and R. A. They were apparently cutting one another's throats. I would not be surprised if Horsham lost £48, or if the meeting had a prejudicial effect on the Warracknabeal meeting, but it would probably affect the attendance.

Our association exercises control over the race-courses in our district to see that they comply with requirements as to size and safety. We get reports from the stipendiary steward, and if anything is wrong the association asks the club to rectify it. We have our own stipendiary steward. Our racing season is short, from Boxing Day to the end of March. There are eleven members on our committee, and most of them know the courses. The Nhill club has spent £2,016 in seven years in improvements and £15,056 in stakes in five years. None of the clubs in our association are proprietary clubs. With one exception the courses belong to the club. Most are vested in trustees, and profits go towards making improvements. So far as I know they are not recreation grounds as well as race-courses. At Jeparit the races are run on private property, but they have made improvements on it. It is not a proprietary course, but is leased for the day. They have been running on the course for many years.

With regard to bookmakers we have the same system as the North-Eastern District Racing Association. We charge £2 2s. for registration. Our association was formed eight years ago, and for several years we had 100 tickets a year unpaid, sometimes twenty by one man, and we could not find him; last year we had only one disputed bet. It was for £6, and will be paid. The various affiliated associations have done a great deal of good in the interests of racing.

We are working well with one another and with the V.R.C. We have no competition from unregistered clubs in our district worth mentioning. There are two, one at Woomelang and one at Beulah.

I would favour absolute control of racing being in the hands of the V.R.C. or some other controlling body in regard to rules, disputes, disqualifications, appeals, and the general requirements of racing. I am emphatically of opinion as an experienced racing man that could be left to the V.R.C.

We do not cater for pony races. We have a two days' meeting at Nhill, and include a pony race each day. We generally have thirteen or fourteen ponies entered, six one day and seven the next. They are not all local ponies. We have no necessity for dividing races. Our course will carry twenty horses. It is about 66 feet wide.

We are very much in favour of the totalizator for country meetings. We are close to the South Australian border, and they can pay higher stakes there with the totalizator than we can pay. If we had it we could pay much higher stakes than now; race clubs our size over the border can pay better stakes. I do not think it would increase betting if operated in conjunction with the bookmaker. I favour the bookmaker operating with the totalizator. You do not hear the noise of bookmakers in South Australia; we know that our bookmakers cross the border and are operating there illegally all the time. They are not allowed to bet there, but there are numbers there, and Victorians go across. You can get as much money as you care to lay. I think it better to have that volume of betting under control.

I would not say that the permits granted in our district have interfered with registered meetings, but I think we have too many. I favour a proposal that it be necessary for every club to become affiliated with an association in its district. I think the V.R.C. should exercise pressure to induce all clubs to affiliate.

As a rule, if a horse comes from Melbourne it goes through the various meetings—Nhill, Rainbow, Horscham, and so on. Nhill had a bad year last year, losing £87 on the second meeting, with only £41 profit on the first, as against £185 the year before. All the clubs are steadily improving, but last year was a very bad season, and most of the meetings were run at a loss; the losses were attributable to the season. It is not desirable to reduce racing in our district. We do not race in the winter; the tracks would be impassable. In the metropolis racing is considerably overdone and right through the State. It would be in the interest of the sport if the meetings were largely curtailed.

**Thomas William Charles Deeley.**—I have been in charge of the gaming police since 1924. In that year there were 98 prosecutions for illegal betting, and £1,970 in fines. The costs were £188 6s. 4d., and forfeitures £20 13s. That has increased from year to year, excepting last year. There has been slightly more than a 100 per cent. increase since 1924. This year is a record one. There are still six months to go, and a number of prosecutions pending. The fines increased from 1924 from £1,970 to £6,290, and it was not on account of the fines being raised by the Legislature. Our Act has not been revised since 1915, that was the consolidation, and we are working practically on the Act of 1906. For street betting the minimum is £20 and the maximum £100 for a first offender; for a second offence, £100 and £200; and for a subsequent offence the penalty is imprisonment. There have been several convicted three or four times, but under different sections; therefore, they do not become second or third offences. In 1928, the cases were 198; fines, £6,290; costs, £789 12s. 4d.; and forfeitures, £220 6s. 11d. The grand total up to yesterday for this year was £7,299 19s. 3d. They were gaming-house cases, that is, betting in shops. The charges are laid under the *Police Offences Act 1915*,

section 125. I have deleted from this statement all games that do not refer to betting offences arising out of horse racing. There is no doubt illegal betting is on the increase. If we have sufficient evidence to warrant a raid, doors do not stop us. There are very many places in the metropolis where illegal betting is carried on. I have turned over more than a dozen during the last year. Hotel betting is an absolute curse, and one of the hardest forms upon which to obtain a conviction. It has been laid down in Court that one date is not sufficient to convict. It should be an offence for a man to be in any place for the purposes of betting. What does it matter what is known of the licensee so long as a bookmaker is carrying on betting on the premises? The man should be responsible for his own act; a person illegally betting should be responsible anywhere. As to the effect of broadcasting on races, I would say that it permits a starting-price bookmaker to pay his clients after each race. They do not broadcast the odds, but the starters, and the bookmaker will lay starting-price or a price of his own. They also get urgent wires from the course within a reasonable time. There are persons who carry on legitimate business in connexion with racing. They supply the scratchings and the price of winners to a number of clients. They may have 300 or 400 clients, including starting-price bookmakers. They phone the social clubs, and get paid for it—£1 a week or a month, according to the amount of work the man is doing. It is quite legitimate, as he is not betting, nor printing or publishing anything relating to racing. The betting results get to the bookmakers by wires. There is a great volume of illegal betting on which no taxation is paid. If it could be turned into legal channels, it would yield a very large revenue. With respect to quarantining premises where illegal betting had been proved, an amendment of the Act, from which no appeal could be made, providing for a term of, say, two months of quarantine and no rent to accrue during the term, would affect shop betting considerably. Even if you made the first offence a fine and the second imprisonment, certain persons would take the risk. One or two have been driven out of the business, small men, not the big men. It is very hard to convince the Court unless you get a straight-out admission that the owner of the premises knows that betting is being carried on. The money that is sent to Tattersall's, in Tasmania, is something outside the State. The Postal Department printed a special 5s. 6d. note to meet the case. There is a great prevalence of betting in factories, almost every factory having a starting-price bookmaker among the employees unknown to the owner. I have heard no complaints of recent years respecting Government Departments, although at one time we had them. The illegal betting carried on through poor and ill-clad children is a painful case. On one occasion I went into a grocer's shop; a little girl of ten or eleven, clothed only sufficiently to cover her nakedness came in. In her hand she had a betting slip. I asked her what it was, and she said, "Mother has sent me down with these bets." There were fourteen sixpenny bets, and she had seven shillings in silver rolled up. I told her to take the money home and tell her mother to buy her a pair of decent shoes. She went away as if she was quite in the habit of doing that sort of thing. Last week, while I was in a gaming house in an inner suburb, five or six children, ranging from nine to fourteen came in. I have a betting slip here which I took from one of them, for 3s., 2s. one horse, and 1s. on another. I asked why he brought it, and he said one of the ladies used to get it from mother. I told him to bring his mother to see me, but she has not been near me.

As to a gaming house, we would charge a man with having the care and management of a gaming house. He is the occupier of the premises, and we have authority under the Act. If we find slips, papers, or anything capable of use for betting, wagering, or gaming, it makes the place a common gaming house.

When we get into a place, we generally get sufficient evidence to secure a conviction. There should be a minimum penalty for all gaming-house offences. Under section 125 there is no minimum provided. For street betting there is a minimum of £20 and a maximum of £100, whereas under section 125 a person may be fined anything up to £100. Without in any way reflecting on honorary justices, I think it would be better if there were a section providing for police magistrates to sit alone trying these cases. They are highly technical. As it is, with justices trying the case he may be overruled.

I am aware that certain bookmakers publish charts setting out the prices straightout and in doubles. He is doing something that under the spirit of the law is illegal. They put their symbols on the charts, and if you wanted to get a conviction against the man, what is there in such a chart to satisfy a Court? We know the odds are there for every horse in the race, but what is there in the chart as evidence? Most charts are issued under initials; any person conversant with the business would know the initials. If there was something in the Act which said, "The name, initials, or other symbol," then we would get him. It should be a simple amendment to make, and, if made, is the end of it. Illicit betting is largely on the increase, but I would not revert to the position that existed before the present legislation to prevent betting was passed. It would not be in the public interest; publishing the odds would not tend to improve the position. The suppression of publishing the odds has increased illegal betting. If the newspapers were allowed to publish the odds, it would suppress a certain class of men, usually termed "dynamiters," that is, men who cramp the prices and never offer anything near the odds to be obtained by reputable fielders. Illegal betting in Adelaide is very much worse than it is here. Respecting the publication in Tasmanian papers of the odds offered before the event is run in Melbourne, there must be bookmakers who supply the information, or it can be obtained through certain clubs and press agencies. Find the source of the telegrams and you will then find the agency from which the information comes.

I have had no experience of the totalizator.

There is no organized form of betting outside racing, that is, in connexion with other branches of sport. More race meetings mean more betting, and I think a lot of the small country meetings could well be done away with. It takes Melbourne people to run them, and if no Melbourne people attended there would be no races. I mean places like Romsey, Nar-Nar-Goon, and the like. Take the Melbourne people away and you take the meeting away.

From the statistics I have kept and my own knowledge, I say betting, both legal and illegal, has increased with the increased number of race meetings.

**John Cruickshank.**—I am the inventor of the totalizator which I produce here to-day. The object of this machine is to provide a cheap and reasonably portable form of totalizator for race-courses. It fulfils all the functions of a totalizator. It enables you to see at a glance how many tickets have been taken on the individual horses. As far as I know, from my ten years' experience of race-courses, it is proof against fraud or chicanery of any kind. It operates in this way: Suppose there are eleven starters, then the magazine is arranged in groups for eleven starters, putting in magazines for the first and

second horses. Then you take out the tickets and get the machine all ready before the meeting. You arrange the magazines, load them, and put them in position to show the proper results. If there were eleven horses to be started, and one was scratched, you would simply unload that particular magazine to prevent it operating—[*The witness here gave a practical demonstration of how the machine worked, the members of the Committee in turn taking tickets as the machine was operated.*].—If a mistake is made, and the wrong number inadvertently struck, the seller is responsible for any mistake. There are generally four machines operating on a course, and if a mistake of that kind is made the seller immediately informs the other sellers.

Immediately the barrier rises nobody can take a ticket. It has been proved that there may be a good horse which gets away from the barrier badly, but if people can wait and see that he gets away well, then it is like backing a certainty. With this machine, after the barrier lifts, it will not issue a ticket. There is a controlling device to prevent the tickets dropping all over the place. The machine is covered in the front. As to how many of them I would have installed on the Flemington race-course is a very hard question, but it is a curious thing that on race-courses you get an average amount of betting in each department that is remarkably close to any other department. After you have gone to a few meetings you get a fair estimate of what you would get in the way of betting at many of the courses. If there was an unprecedented run on one of the horses, I say that a sufficient supply of tickets would be available. At a large race-course it is one man's duty to have every one of these colours arranged in such a way that a man operating a machine could replenish the supply.

As regards using the machine on large courses such as the A.J.C. and the V.R.C., I say that the machine is of better use for smaller meetings for country clubs; but I maintain that it could be used at Flemington also.

Provision could be made to have a further machine giving you, as it were, an aggregate of all those aggregates, but in small courses I think these machines are invaluable. We can couple these machines in groups of 30 or 40, and total all the bets on the course.

The Government inspector is the man who looks after safeguarding the tax on the tickets. In a country meeting of about 5,000 race-goers about four machines would do easily; in all probability two, up to 1,000 people. I should say that only two machines would be required. The chances are that you would want a £1 machine and a 5s. machine.

The slot here—[*indicating*].—prevents more than one ticket being ejected at a time.

**William James Bray.**—I have been secretary of the Western District Racing Association since its formation in 1923, and seventeen years secretary of a race club. We find control by the V.R.C. entirely satisfactory, and suggest that all racing should be under the control of that club. We are not favorable to the present system of issuing permits, but think there should be a board for that purpose, and removed from political control. The various associations should have allotted to them the dates for their districts, and there should be no variation. If a board consisting of Government representatives, the V.R.C., and the respective association were appointed, very often permits would not be issued; it would restrict them to a reasonable extent. There are 71 clubs affiliated in our district, and approximately 111 race days, all held between November and the end of May. We have a cessation for five months on account of bad weather conditions. We regulate our racing so that there is no clashing of dates, and we have

not an unregistered club in the district. No one would tolerate it in the Western District. We extend from the South Australian border to Merbein and Edenhope. We provide for a pony race a day on our courses. The Warrnambool club distributed £6,500 at the winter meeting, and £5,185 in May. At Terang, Colac, Penshurst, and Hamilton, wonderful improvements have been effected. Metropolitan racing does not affect us; we are too far removed. We have no proprietary clubs; all proceeds go to the benefit of racing generally. Some clubs own their own courses, and others are Crown grants. There are no private courses. They are all well equipped, and it is the aim of the association to induce clubs to continue improving the courses. Nearly all courses are railed in. Racing is not overdone in our district. It could not be curtailed without unfairness to our long-established clubs. Ours is one of the six country racing districts. We supervise every meeting by our stipendiary steward, who is also the pony measurer. There are about 60 horses training at Warrnambool, and there are other large training centres also. Some of the clubs have been established 60 years. On Boxing Day or New Year's Day there may be four meetings in the district, but they may be 100 miles apart. There is no difficulty in allotting dates.

Stakes are on the up grade right through. I have the association balance-sheet here. Warrnambool gives a steeplechase stake of £1,000.

Respecting bookmakers' licences, we recommend that before the Comptroller of Stamps issues the permit the applicant should present a report by the chief officer of police of the district in which he resides, together with a recommendation from the club as to character, standing, and bona fides. We have no trouble with bookmakers. Of 140 odd, we had one defaulter, and his guarantor met the liabilities. With respect to using boards by bookmakers for setting out the odds against each horse in a race, I may say that I am not interested in betting. Bookmakers bring wireless plants on to the courses and bet on Melbourne races, disregarding the local races, and it has caused a great deal of discontent. They have the boards with the Melbourne races set out. They put up the starters, and have a list of prices. They also get the scratchings and the starting prices from agents in the city. Some hold more money on the Melbourne races than on the local races. The results come through, and they pay out. A large number of people attend country meetings for the purpose of betting on Melbourne meetings. It is bad for a local owner; he cannot get the price he otherwise would. The bookmakers should be compelled to lay the odds on the local races. Our association is trying to curtail that. Our meetings are held for the sport of the day, and not to provide additional facilities for gambling. I do not think broadcasting keeps people away from racing, rather is it an added pleasure to have it, particularly to people living out-back. The question is engaging our attention, and we are endeavouring to get clubs to prevent boards being used except on local races on the course. Some clubs in our association prohibit the use of wireless, and others cater for it; others decline to register a bookmaker unless he is prepared to bet on all local races.

With respect to applications from clubs for permits, the application is passed to the police for a report on the course. We consider that function should be performed by a stipendiary steward, who should be compelled to report privately and confidentially to the Government as to sanitary conditions, safety of course, extent of improvements, and such other matters as he thinks proper. The steward is an independent man. He submits such a report to the association and the V.R.C., so he could make a triplicate copy. It would be valuable information.

I do not know that any of our courses are under a mile around, and they are correspondingly wide. Casterton is 10 furlongs. They are all good, safe, and very fine.

We favour the totalizator together with the bookmaker, provided it is optional to country clubs to install it. I have never seen it at work, and know nothing about it, and cannot state whether it would improve Western District racing. I have nothing to say respecting the unlimited issue of racing permits.

**Thomas William Murphy.**—I am president of the Gippsland Racing Association, formed six years ago, and have been secretary of a race club for 22 years. We have an average of 30 clubs affiliated with the association, which run about 38 meetings a year between them; occasionally there is an additional meeting for charity. The area is a large scattered one, and not a large population. Approximately, it is the same area as the Commonwealth House of Representatives' electorate, and a little larger than the Gippsland Province electorate in the Legislative Council. The number of meetings for such a large district is not excessive so far as the affiliated clubs are concerned. We have competition from unregistered clubs; practically the whole of South Gippsland, except Leongatha, where there has not been a meeting for two years, is in the control of unregistered clubs. There is an unregistered association in that locality which controls the whole of the racing there. I would not say it has squeezed our association out, except at such places as Nar-nar-noon and Bunyip, but it has killed any revival of registered racing in the locality except at Leongatha. We are prepared to control all racing in the district if given the opportunity. The control of racing by our association under the V.R.C. is unquestionably the best in the interests of racing. There has been distinct improvement since our association was formed. Stipendiary officials control and report upon the courses. We insist on courses being kept to a standard, and also the control of bookmakers, jockeys, and trainers by registration. In all such matters we act as advisers to the V.R.C., and give that body valuable information.

I cannot go so far as to say the unregistered bodies cannot give the advantages suggested, because I am not familiar with details. I believe they have stipendiary stewards; but, in my opinion, they have no control or uniformity in matters like the compensation fund or accident fund. These are administered by the V.R.C., and its administration is humane and admirable. This aspect of control by the V.R.C. has not been sufficiently stressed. It extends to all associations affiliated with the V.R.C. If a person is injured, the local secretary represents the V.R.C., receives the money, and reports to the V.R.C. concerning his condition. He looks after him instead of the boy becoming a charge on the State. Taking all things into consideration, it is not in the best interests of racing to have unregistered associations. For a small town like Nar-nar-noon to have six meetings a year is ridiculous, as it would be in a number of small towns of similar size in Gippsland. They are run in the metropolitan interests; if they relied on local patronage they would soon die out. There are towns four times the size where it is almost impossible, except by making very strong representations, to get even a charity meeting.

In my opinion, all racing, other than trotting, should be under one control. Trotting comes under a different head. We generally run two races for ponies. We have no big centres like other associations. Sale has the largest club, and has two or three meetings. Racing is on a much smaller scale, and they are mostly social gatherings. Quite a number of our meetings are held

on privately-owned land, particularly on holidays, and the courses are given by the owner for the day. There is no racing for profit, and no proprietary racing of any kind. We are strongly opposed to it. It should all be for the benefit of racing, and proprietary racing is not good for the sport. Racing in Gippsland has not been too prosperous the last year or two. We have no clubs on the Melbourne side of Moc or Traralgon, an area we could easily administer.

The bulk of racing in our association is from December to end of April, as in winter months football and other winter sports would affect attendances. We consider all unregistered racing should be eliminated. We would recommend a restriction of racing generally. We have had no end of trouble by the clashing of dates. The meetings are mostly social gatherings.

We strongly urge the appointment of a Board to control the issue of permits, and dividing the State into districts, and placing the power to issue the permits in the hands of a Board consisting of representatives of the Government and a local representative of the district; there to be six districts, and the local representative changed as each successive district was dealt with. It would be wise for the Board to get the views of, say, the executive of a racing association. The local men to be thoroughly acquainted with racing conditions and the circumstances surrounding racing. Reform in the issue of permits is badly needed. It has been altogether indiscriminate in the past. Nothing in connexion with racing requires earlier attention than this subject. I am against permits for charity meetings; there should be a tightening up there, and some method devised whereby a tangible result could be obtained. The meetings in Gippsland were held with the best intentions on the part of the promoters, but in many cases were not successful owing to adverse weather.

In the matter of running race special trains, the Railway Department is one-sided. If we lose £15 or £20 on a train, we have to pay. If our guarantee is £30 and the revenue £70, the Department takes the lot; but if we lose £5 next meeting, then we have to pay, notwithstanding the profit of £40 to the Department on the previous meeting.

If the suggested division of the State into six districts were brought about under one control, and Gippsland became one district, I would not suggest the elimination of any club, registered or unregistered, but a few courses might go, and a limit placed on the number of meetings on small courses. Six at small places like Nar-nar-goon is ridiculous. All these matters should be brought under one non-political control.

In the constitution of the present associations, all members of the committee are elected on the democratic principle of one club one vote; the smallest club having equal representation with the largest; consequently none is penalized in representation.

Generally speaking, I approve of the evidence given by Mr. Bray respecting the inspection of courses by a stipendiary steward, but in our case it would be difficult, because it is so scattered. It would be possible to make arrangements with a local man at extreme outside places, like Bendoc and others. We send an official to these outside places if not satisfied that local control is sufficient.

None of the money of our association, other than for paid attendants, is used other than for racing purposes. There are no paid officials, everything being done in an honorary capacity.

My committee favour the totalizator, provided an economical means of installation on our courses could be provided. Regarding the licensing of bookmakers, I endorse Mr. Bray's views, and under our control there has been a decided improvement. If a man holds a

licence and misbehaves himself, we promptly cancel the licence. That has been done. We have only one man who is bad at present. The majority of them are local men.

**Henry Marcus White.**—I am secretary of the Romsey Turf Club, which is unregistered, has no rules or regulations, and no constitution. It is composed of residents of Romsey. There is a president and eight members of committee. There are no other members of the club. It was originally a registered club, and has been in existence 40 years. We lost our usual racing date in 1922, and afterwards failed to make a success of it; and, after the 1923 meeting, had a big overdraft, so we decided to become unregistered, and have been so ever since. The club has a licence, and the course is licensed. It is a public reserve of 60 acres. As a registered club, we had two meetings a year. We did not renew our affiliation with the Northern District Association, and never could get the facts why we lost our date in February—our best day. Our relations with the V.R.C. were all that could be desired, but under the Northern Association we lost our date; that was the cause of the trouble. The granting of our date to Leongatha made a tremendous difference, as Melbourne is the centre between us. Melbourne is the centre from which we draw our horses and attendances; they are mostly from Melbourne. Once we became unregistered, we had to run pony meetings. We are affiliated with the V.T. and R.A. Local residents do not support us; our population is, roughly, 1,600. In 1927, from Christmas to Christmas, we had eight meetings. We did not have eight in the racing year. Five was the most we had. We had one for the Romsey Progress Association for a profit of £66. We apply to the Department for a permit, and give reasons. I am a newspaper proprietor, and all our programmes are printed by me. I have sole control of them, and they are set up by me.

The judge, stipendiary steward, and handicapper come from Melbourne. The average loss of six meetings was £6, and the average paid to those officials was about £48. The comparison is not fair for one year; taken since we started, they would be more than justified. They relate to one bad year. In our four years we have collected for local institutions £668, quite a fair profit. Last year, the loss on the agricultural society meeting was £68. I came to the committee voluntarily. I had the impression from what I read that the current idea was that pony racing was *infra dig.*, and if I can correct that I will. I have seen the same people at Flemington, Richmond, and Romsey. We also have a supervisor of bookmakers from Melbourne. I believe the same four officials operate at all meetings within 70 miles of Melbourne. They are known as the "big four." Since we affiliated the V.T. and R.A. supplies a list of four names to choose the stipendiary steward from. We always select the same men; they give absolute satisfaction. We could not supply similar officials ourselves. I pay stakes in all cases on the course.

The loss on the meeting for the New Gisborne Progress Association was £16, and our loss in January this year £10. We were disappointed, and thought stakes were not sufficient, and had included a race for £100, increasing the total stakes by £50. The effort met with a poor response. We got more entries for the smaller stakes.

Our figures for three years do not justify the conclusion that there is too much racing at Romsey. We have spent £218 in improving the course in four years; it is practically 7 furlongs round in a circle. The track is about 50 feet wide from the rail. We can run twelve starters comfortably. The straight is about

4 chains. If there are too many entries we divide a race, with a run off if the owners desire it. To travel from Melbourne would cost about £1 a pony. The principal attraction is the betting ring for the owners, otherwise we would not get the entries. Other clubs using our course pay for the right to use our improvements. The agricultural society in four years has received £347, absolutely clear profit, St. Patrick's Club £216, progress association £37, and the mechanics' institute £26, or £668 in all, and we have paid £118 off our overdraft. No one gets anything out of it connected with the club, only the institutions. We are simply racing enthusiasts, and there is no antagonism to us in Romsey. All labour and the staffs are local. We provide recreation and amusement for the people, and have built swimming pools, and so on. The liquor booth is let out, but ladies attend to the catering.

My club has never discussed the question of a board of control for all racing; it was discussed several years ago, but only as a suggestion. We would oppose any association handling our permits; the present system functions satisfactorily. If the present Chief Secretary thinks racing should be cut down we would have to be satisfied, as he would probably have some justification for so doing. I do not think too many race meetings are held in Victoria. The financial loss this last year was due to financial depression everywhere. Our meetings are conducted so as to be beyond reproach.

**Edward Spencer Barham Bell.**—I am a sporting journalist, race-horse owner, and trainer. As an experienced man, I would not say there is more racing now than in 1906 when the law was amended, but there have been so many undesirable meetings allowed during the past five or six years that it has become a serious matter for legitimate racing. The present state is a menace to the welfare of the turf and the community generally. At the outbreak of war racing was considerably curtailed and except at the three metropolitan courses, Ascot, Fitzroy, and Richmond, there were no unregistered meetings anywhere, but during the past five years meetings were held continually in the country. There are unregistered small meetings in all parts of the country, and they seriously affect meetings held under the control of the various country associations. There is practically no stake, and they are undesirable in every respect. I refer to meetings outside 70 miles from Melbourne, though there are a few such meetings within the area. They lower the tone of racing from a racing point, and bring together crowds of undesirables; they do not tend to improve the breed of horses, and they affect clubs governed by regular associations, where decent stakes and properly run meetings are provided.

It would be a good thing to do away with proprietary racing; it would be in the best interests of racing. Racing should be conducted in Melbourne on Wednesdays and Saturdays and holidays only, excepting, of course, the big spring, autumn, and winter events. By allowing proprietary clubs racing has become commercialized; many are in it as a business, whereas formerly men raced horses for the love of the sport.

Generally speaking, the class of horse has gone back. Racing young horses is having a bad effect on it, and I question whether they will ever give the same good results at the stud. The increased speed is due more to the improved courses than the improvement in breed. My books over 39 years show that Carbine, Melos, The Admiral, and others were as fast and far better stayers than present day horses. I do not approve of two-year old racing. It is like asking a boy to do a man's work. Very few winners of the Maribyrnong Plate, instituted in 1871, have

been successful at the stud. It is surprising how few good two-year-old horses turned out good sires. Early two-year old racing is likely to break the constitution of a horse. In any case two-year old racing should not be permitted until the 1st of January. I recognize the importance of early racing to breeders, but the question is, Are the best interests of racing to be subordinated to a few stud masters? I am unaware that of 600 stallions in England the successful ones could be counted on the fingers of one's hands.

Two unregistered meetings, Kyneton and Nar-Nar-Goon, are being held to-day, and the total stakes amount to £56. My knowledge of these meetings is hearsay. I believe they are all run by the same officials, the same as act at the pony meetings in Melbourne. I do not know of any connexion between the V.T. and R.A. and these meetings.

I think pony racing is desirable and, like other racing, should be under one control, the V.R.C. if that is decided upon. One body should control all galloping racing. Trotting is absolutely distinct. If the V.R.C. was agreeable to take control of trotting it would be all right, but I think they would not care to do so. In Tasmania trotting is becoming so popular that it is knocking racing out. Trotting horses are useful and less expensive to keep than a racehorse. The pony is a most useful animal.

Respecting permits, I say there is altogether too much racing.

I would have the totalizator and bookmaker together. In the interest of breeding there should be both. The big betting owners would wish for the retention of the bookmaker. There are totalizators for which large buildings are quite unnecessary; machines costing £50 each, ten of which could handle £20,000 a day. They are portable, and in use in Tasmania. They may be put in a van and moved from place to place. Except for places like Flemington or Caulfield, there is no need for large buildings.

As a whole, I think racing as a sport has deteriorated, though the supervision is of the highest standard, and it is much cleaner than it was.

My evidence is largely the outcome of discussion with interested parties, and are the well-considered opinions of men who know what they discussed.

**John Percival Foster.**—I am a horse trainer, and have raced at the V.T. and R.A. courses, and at most country meetings. I race ponies, and take objection to running off events at Ascot. If a 14.2 and 14.1 pony wins its respective heat, they have to run off, and invariably the bigger pony wins. The smaller pony has no chance. One may be a young pony, and it may have two races before the final, and then have to race against a much larger pony. You have to pay two jockeys' fees and two insurance fees, and receive only second money. I contend this is unfair. It applies also to 13.3 and 14 hand ponies. I have no other complaint against these courses. Regarding pony racing outside the V.T. and R.A. courses, the stakes are not tempting. Fares, jockey, and insurance run into £4 out of a stake of £7. You must get your money through the betting. The stakes should be higher. Most of the meetings are for the benefit of a specified institution. I have attended memorial hall meetings, and the highest stake was £7. I have wondered at times where the memorial halls were. It is really a gambling business, and I do not think it a good thing to have such meetings so frequently in the country. I have known of as many as 150 nominations at these meetings. These meetings are generally under the supervision of the same four men. I do not think the V.T. and R.A., or its secretary, have anything to do with them. Some of the stakes are paid on the course, but mostly in Mr. Gray's office in Melbourne. There are good bookmakers at

these meetings, and generally many shifty ones. I know who to bet with. I have heard of licences being cancelled for non-payment of bets, but have no proof.

I generally use V.R.C. jockeys, as they are more capable, and I am in better touch with them. Many of the other jockeys are incompetent. If the V.R.C. jockeys were not allowed to ride at these meetings I would cease racing ponies. The V.R.C. boys are better riders and more reliable. It is a common thing for jockeys to be brought up and dealt with. Boys have been disqualified, and they have the right of appeal to the Appeal Board of the V.T. and R.A., and appeals have been upheld. If the stewards have doubts beforehand, they warn the boys before a race starts. Some of the boys are still standing out, and their licences are not renewed. I thoroughly believe Captain Dyett, and others associated with him, are doing their best to keep racing clean. They have done a good deal since this committee has been sitting; you have done some good. The fee at unregistered meetings for a jockey is 10s., and for a winning mount you give what you think fit; there is nothing taken out for percentage. At registered meetings there is a fee, up to £1 for £100, and over £100 the fee is £2 at the V.R.C., and is really the same for £600. I get £3 per week for training a pony, am always paid, and have some good clients. There are not many owners. More than one-third in training are held on lease by trainers, and most of them are owner-trainers. Most of the owners are struggling men, mostly tradesmen and shopkeepers.

At places like Nar-nar-goon, they are mostly city people present, mostly the same class at all such meetings. The majority of them go around from meeting to meeting.

I have had many ponies, and been very successful, but one makes no headway, as the stakes are too small.

Pony racing should be continued. It is a curious fact that in every stud they get a small one, and I contend there should be an outlet on the turf for it. The breeding industry is a very expensive one, and pony racing properly conducted is all right. It would be better if all pony racing were done at Ascot; you would get a better class of pony and owner on the whole. You would do away with a lot of scrubbers and ponies, fit only for the shafts of a cart.

There are too many races and big fields at Richmond and Fitzroy. I have known of seventeen races in one day. At these courses there are too many nominations, too many divisions, stakes too small; whereas at Ascot you could get a better pony, and the stakes would be much larger. There are few women attending pony meetings, and I cannot remember having seen betting with children. Richmond and Fitzroy are not fit to race on. Ten should be the limit of starters on account of the width and the sharp turns. Richmond is only about 4 furlongs around. Positions at the barrier are drawn for, and the position largely influences the betting; you need an exceptionally good animal to come from behind and win. If a horse does not start quickly he has no chance; he gets carried off the course, and the cinders get into the riders' eyes, and they do not know where they are going for a time. The courses are not fit for horses, although they may do for ponies, which are very nimble and can go around anywhere. I think the fields for trotting are too large. Sulkies have overturned and horses galloped around without riders. There is a very good inside track at Ascot for trotters, and I think Ascot a better trotting course than Fitzroy or Richmond.

Stakes at Ascot are divided, and are called the first, second, and third divisions. They do not run off horses at Ascot, only ponies; and at Fitzroy and Richmond horses run off.

Wednesdays and Saturdays would be the best days for meetings under the V.R.C. If you bring pony racing in it will do away with some of the "down the line" meetings, to make place for pony meetings. In Sydney, pony meetings are mostly on Wednesdays. There are three different courses, with, I think, different officials at each.

I do not believe in the totalizator, but in the book-maker alone. The totalizator encourages street and secret betting. In Adelaide it has been a curse to many homes. It is not beneficial to racing. There are shops everywhere where they bet totalizator odds. Instead of betting being confined to proper channels it gets where it should not. There is a lot of "graft" in totalizator countries.

The breeding of racehorses should be encouraged as there is always an outlet for them on the remount market. Soldiers in India use a lot of horses bred here; they stand out, and are the best type of horse.

Races at Richmond are run over  $7\frac{1}{2}$  furlongs; they never vary. It is done to make the races more safe, to give the ponies time to spread out. They ran  $\frac{1}{2}$ -mile races there, but found it was not too safe. At Fitzroy pony races are 6 furlongs, and horses race 6 and 9 furlongs. At Ascot they have 4, 5,  $5\frac{1}{2}$ , 8, and 10-furlong races. The 4-furlong race is for non-stayers, rejects, most of them, from the registered courses. Most of the horses racing on those courses are from the registered courses after it was thought their racing careers there were finished.

John Taylor (A. J. Taylor).—I am secretary of the Northern District Racing Association, and of the executive committee of Country District Racing Associations. My committee considers the control by the V.R.C. excellent, but recommends that all galloping races be under one control, ponies or horses. Trotting was not discussed at the meeting. Our association is totally opposed to pony racing, and unregistered meetings as now conducted. We oppose it under any control. We consider that the pony meetings in our vicinity have not been and are not run in the best interests of racing; they do not provide courses such as a legitimate club does.

We do not favour the present system of issuing permits, but suggest the issue of them in manner proposed in the Bill introduced by the present Chief Secretary. Kyneton has raced on St. Patrick's Day for 70 years. If that day falls on a Thursday a permit is granted to some one in the metropolitan area, and that materially affects the success of the Kyneton meeting. Last year Pakenham was granted a permit for the day before, and it made a difference of at least £300 to Kyneton. Also, in 1926, a permit was granted Moonee Valley which caused a loss to Woodend of £80 instead of the usual profit of £300. A Board outside political influence should grant the permits. We approve of a Board for each district having a representative of the district on it. We have never considered a Board comprised of a member of the association interested, a member of the V.T. and R.A., with a Government nominee as chairman. The mature opinion of my association is a Board with a representative of the particular district, a person appointed by the Government, and the Under-Secretary as chairman. In each area the association representative would be different. That is for the issue of permits only.

If the increasing issue of permits for racing is allowed, and permits are granted to race the day before such as Geelong and Ballarat and other large centres race, it detracts from the latter meetings. The profits of permit meetings are not going into racing at all; they are used for some other purpose. It is

killing the genuine clubs, the mainstay of racing, that are providing racing tracks and training tracks. It is an important factor.

My committee is unanimously against proprietary racing. All profits should be devoted to course improvements, increases of stakes, &c., so that patrons may have reasonable comfort and proper conveniences. I do not think racing as a sport was ever intended to be used commercially, and no one can uphold a few people running race-courses for their own profit.

As an association we do not favour an amalgamation of clubs, but if agreed to mutually we would not object; we would not advocate it as a principle. To take away a privilege from those who have raced for years would engender lasting antagonism.

In the issue of licences to bookmakers my committee considers that applicants should have a reference from a police officer, and the Chief Secretary empowered to cancel a licence in case of default. At present a bookmaker can make default and still pursue his vocation in the outside uncontrolled country centres. I have approached the Government on behalf of the whole of the associations and personally. Character should be an essential. If a man can get a permit from a club, he can get it stamped, and that is the Government licence. I want the Government to have more power to deal with this matter.

Unregistered racing could be got rid of by not issuing permits, and compensation should certainly be paid where there are vested interests. In my opinion unregistered meetings throughout the State have a bad influence on racing, that is, small meetings with £7 or £10 stakes. They only create facilities for gambling, and that is all they are doing.

We have no objection to the totalizator, provided the bookmakers are retained, but not without the bookmaker. We think the totalizator alone will greatly increase bucket shop betting and in offices. Have the bookmaker and try to keep betting on the courses. I would confine all betting to race-courses if possible. What is now done legally will, with the totalizator, be done illegally outside.

We have 64 clubs in our association and 88 race days. Owing to the bad season twelve clubs did not race last year. We extend from Bendigo right up into the Mallee. How many unregistered clubs there are in the district it would not be easy to state, but in a small radius there are more permits to unregistered clubs than to legitimate clubs. From Bendigo to Echuca and Bendigo to the Mallee, with a fairly big circumference, there are 26 clubs with 32 permit meetings not in any way connected with our association. They are affiliated with an association known as the Bendigo District Racing Association, which is affiliated with the V.T. and R.A. These 32 meetings are not held on licensed race-courses, but mostly in paddocks or on recreation reserves. What are known as picnic meetings, where the stakes are under £50 for the day, are legitimate meetings held under permit. They are mostly attended by farmers in the surrounding district and the riders are amateurs. They are as different as day from night from the permit meetings I have referred to. The other meetings are different, the ponies and horses coming from Melbourne; they are trained, and ridden by jockeys. We object to them; they are not picnic meetings. I do not favour these unregistered meetings, even if registered by the V.T. and R.A. or anyone else. There should be one control for racing only, and all should be under the V.R.C.

Bendigo club in two years spent £3,907, and in five years £4,216; Birchip, in the Mallee, £829 and £1,245; Donald, £119 and £1,860; Echuca, £970 in two years; Elmore, £176 and £450; Gisborne, £994 and £1,114; Kyneton (two clubs), £500, and over

£5,000 in four years. That shows they are out to improve their courses, accommodation, and the sport of racing.

Some of the permit meetings are really sports meetings with a trot or a couple of horse races thrown in in order that they may have betting. They are under no control, registered or unregistered. It is the thin end of the wedge for them to become race meetings. On one occasion two meetings were held on one day, Bamawm and Lockington, about 4 miles apart, and the horses were taken from one course to the other. That should not be allowed. Genuine picnic meetings I would favour in the country; they provide the residents with their annual picnic; in most cases trophies are given. There should be permits for all sports meetings if necessary, and not have them camouflaged by insertion of a horse race. There are a few genuine picnic meetings in our district, but not many. I would put even the smallest meeting under the control of the V.R.C. I certainly think racing was not meant for the purpose of raising money for progress associations or mechanics' institutes, agricultural societies, and the like, but would not object for legitimate charitable institutions. It is not in the interest of sport; it is commercializing the thing, and the sport goes to the wall. If this Committee recommended that all charitable meetings be held on registered courses it would, if handled discreetly, limit the evil. To make a profit out of a meeting for a hospital you must have enthusiasts. Say, a bush nursing society, a hospital, and a private hospital; combine one meeting for the three; you could by putting all your energies into it make a good profit.

The danger of recommending the holding of all country meetings on licensed courses only would be that you would have two or three meetings on a course for different purposes, and the majority of our people want the racing between January and April, two-thirds of which takes place during that period. You could not get the public support.

Our association is subdivided into ten sub-districts. There are fifteen members on the committee. The association pays for a stipendiary steward.

I have the balance-sheets of the Bendigo Jockey Club and also of my association, with report attached.

**Thomas Edward Dean.**—I am foreman in the British Australian Tobacco Company. I reside in Moonee Ponds. The progress associations in that district object to the continuance of the courses there. The motor traffic to the courses is a nuisance and dangerous. Flemington capitalized is probably worth £1,500,000, and worth annually up to, say, £90,000. As to being low lying, with proper reticulation that could be overcome. Cut into allotments for residences, it would be of much more value to the city. Class privileges are created there at the expense of the public, the sole objective being enormous gambling facilities. Nobody wants to live in the immediate vicinity of the courses. There are vacant sites no one will purchase owing to the racing. The V.R.C. should purchase their own land and go 30 or 40 miles out. They hold 360 acres, which would provide, at least, 2,000 residential sites. I was unaware that the V.R.C. bought Footscray Hill and presented it to the people. I thought it belonged to the State. I was also unaware that this Committee had not power to remove the courses, but only power to report to Parliament or to recommend that a course be delicensed. The three courses—Flemington, Ascot, and Moonee Valley—should be done away with.

Moonee Valley is a far greater menace to the district. All business people in the vicinity of the course are loud voiced in their complaints. The nuisance caused by street parking of cars and the vast crowds

attending have caused great protestations. The takings of business people are affected 50 per cent. on race days; mothers of children are nervous of their children on their way home from school, and the home routes are altered. People are afraid to leave their homes for fear they be ransacked. Certain streets are impassable, and others affected. The three courses are in close proximity, and it is no wonder the city is stagnant. The Ascot course is north of Flemington, and has an area of about 80 acres; its unimproved capital value is £98,000. It would accommodate 280 dwellings. I am not opposed to racing, but think the courses should be removed from the city area.

**Walter John Farrell.**—I am chairman of the South Gippsland Racing Association Appeal Board. We do not race under the V.R.C. rules, and have sixteen or seventeen clubs in our association, and have been in existence three years. Some of our meetings are held on licensed race-courses, but some of our courses are of the type of recreation reserves. There are no proprietary courses; I know of none in Gippsland.

Our area is Stoney Creek and Foster, Leongatha, Wonthaggi, and Dalyston, and across to Mirboo and Boolarra.

Our racing is carried out under our local rules, and we are affiliated with the V.T. and R.A. We found it beneficial to affiliate, as otherwise horses running solely under our control would be automatically disqualified and not allowed to race on the V.T. and R.A. courses, and the same difficulty applied to jockeys. We do not tolerate trotting in any shape or form. It was much the same when we were racing under the V.R.C. Twenty-five years ago we had an association and raced under the V.R.C., but with the growth of courses at Mornington, Woodend, Kyneton, and the like, we could not attract horses. For those places, horses could leave home at 8 in the morning and be back at night. That practically killed racing under V.R.C. rules in South Gippsland. We spent a lot of money under the V.R.C. racing at Leongatha and Stoney Creek, and the Leongatha club got into debt about £800. They held two meetings at Cranbourne to get out, but only got further into debt. The last meeting at Stoney Creek some years ago showed a loss of £80. After that, racing died out for some time. Then little meetings started, were carried out badly, and the class of racing was very poor. It was then that our association was started, and we have cleaned up racing wonderfully, and it is now fairly good and clean.

One of the principal reasons why racing died out was the introduction of first, second, and third division handicaps, and also plates and purses, at "down the line" clubs. That practically killed country racing, so far as the V.R.C. is concerned, for horses. We used to run special trains from Melbourne then, but at the later meetings we found it a losing proposition, so we cut it out.

The average per race would be £8 or £9, and usually six races. The average stakes £50, sometimes more. Most of the meetings are for charitable purposes, church, school, or hospital, or recreation reserves, or public benefit. They are never held for the benefit of race-courses or of racing generally. Our association has no financial interest in these meetings. We charge a club fee to join the association, and find a man to go to the meetings and control the bookmakers, and look after registrations of horses and jockeys. Except the stipendiary steward and handicapper, all officials are honorary. We appoint the stipendiary steward. He is our officer, and the V.T. and R.A. has no control over him. At Middle Tarwin a nice school has been built out of the proceeds of the little meetings; they paid well.

The majority of horses racing are locally owned; it is rare for a horse to come from Melbourne. In the majority of meetings there would be four pony races and two for horses. Most of them are locally bred. There are more ponies than horses in South Gippsland. Each of our programmes is submitted to the Chief Secretary for approval. Each club must do so; they are not sent to the executive of the V.T. and R.A. We do not run in divisions; there would be a separate stake for each event. I presume we are within the law running three horse races if our programmes are approved.

Respecting picnic meetings, we found if we kept honestly to trophies the entries were poor, and the trouble was also to get riders. The only way for us to have held such meetings would have been by being dishonest.

I would have no objection to the V.R.C. controlling horse racing, and have heard no objections to such control. It was forced upon us when we gave up the V.R.C. and linked up with the V.T. and R.A. from the financial stand-point. I have never heard any objection raised to the V.R.C. having control of racing. We never had friction with the V.R.C., and the feeling in our association has been most friendly. I see no objection to pony racing being brought under the V.R.C. Owners in Gippsland would prefer jockeys registered with the V.R.C. than any other; he is a better type, more experienced, and probably more reliable.

Our meetings may appear small, but they provide certain amusement for the people, are well conducted, and if there is any suspicious running we take action at once. We give about £50 in stakes, and the profit, about 25 per cent., is very helpful to the public institutions. We charge bookmakers an annual fee, and each horse-owner and jockey a registration fee. The secretary—£15 per annum—is the only paid officer, other than the stipendiary steward, who is paid by each individual club. There has not been a registered meeting held in South Gippsland for many years. The profits at meetings vary, one meeting at Wonthaggi returning £98, Leongatha £12, Western Creek £2, Stoney Creek £30, and there have been losses on other meetings of £10 or £11, at which the total receipts would be £20, £4 being from the four bookmakers there. Our meetings are more in the nature of a picnic, and, if abolished, the charitable institutions would suffer, as it is more profitable to run a race meeting than any other form of entertainment. We do not have much trouble with bookmakers, as we have wiped out undesirables. We have about fifteen of them, all approved by a man to be known in our district. We had no trouble last year. We try to arrange our dates so as to give horses the minimum of travelling. I know nothing of trotting, and we do not countenance it; we found it almost impossible to control it owing to the "ringing in" and the difficulty of detecting crooked running.

The whole of our racing is done under permit, and if confined to horses we would have to close down; we could not carry on without ponies, and we could not do that without being affiliated with the V.T. and R.A. Some meetings are held on private property, where there would be no charge for admission. The Middle Tarwin course is 6 furlongs, and the Dalyston 9 furlongs. The courses are maintained by local members, who organize a working-bee, and for a couple of days clean up the course; they do it for the love of the sport. There is registration of the jockeys and supervision under the Workers Compensation Act to protect them against accidents. Our secretary attends every meeting and supervises the bookmakers.

If a club in South Gippsland not affiliated with us attempted to run a meeting it would be a failure. It would not get the entries.

**William McQualter.**—I am representing the Bendigo District Racing Association, which is unregistered. I am secretary of the association. There are 35 clubs at present. We have had 44, but some of the smaller dropped out as racing was unpayable. Our district covers approximately 50 miles around Bendigo. It reaches Echuca in the north-east, Pine Grove in the north, down to Mooropna; in the south-east to Blampied, and to the west as far as Wedderburn. We started with twelve clubs. At the end of the season we had twenty, and they have been coming in ever since. We are a distinct body, but are affiliated with the V.T. and R.A. for several reasons. We run under our own rules, with complete jurisdiction over our own racing. The V.T. and R.A. has no control over us. Some of our clubs found they could not hold trotting events, and that was the reason they affiliated with the V.T. and R.A., to give them the privilege of putting trotting events on their programmes. We have mixed events, horses and ponies, but not more than two pony events on a programme. We have no divisions for pony racing. We have an appeal board of seven members, and its decision is binding on all affiliated clubs.

We have two stipendiary stewards and one handicapper. The clubs generally race on Saturdays. The field would generally be about twelve, but it is often six or seven; that would represent about the average. All our meetings are run on unlicensed courses, under permit from the Chief Secretary. Some courses have fair improvements. There has been marked improvement for the betterment of racing since the association was formed six years ago. Most races are run in paddocks lent by farmers, and one or two on recreation reserves. Our stakes vary from £30 to £50, but one or two go from £80 to £100. We keep the control of bookmakers in our own hands, and do not take into consideration either the V.R.C. or the V.T. and R.A. The general committee controls them, not the appeal board.

We have a constitution and rules, but are not registered with the Government as a licensed association. I could not say whether we have articles of association. Our rules were agreed to by ourselves, and follow closely to those of the V.T. and R.A., which are very similar to the rules of the V.R.C. I have a copy of the constitution and rules of racing and of betting.

We have nothing to do with trotting or gig horses.

I would not agree to the V.R.C. having control of blood-horse racing in our district; it would not work well. It would kill the little meetings very quickly. The V.R.C. rules stipulate a certain amount in stakes, and in our little country districts we could not do it. We never have been able to do it, and we must show a profit. If that difficulty could be got over, I would have no objection to horse and pony racing being under one control, provided that associations controlling unregistered racing had equal representation on the committee. I would not favour the V.R.C. as at present constituted getting control of unregistered racing, as I think it would not be approved by them at all.

I was not aware that, for a permit meeting, application might be made to the V.R.C. to give less than the stipulated stakes; nor was I aware that stakes under £50 would be allowed for a permit meeting. Even if that be so, I would not off-hand definitely decide on the control of horse and pony racing by that body. I would like to discuss it with my committee. I do not think it would work well in our particular racing, but I may alter my opinion.

We do not run special trains from Melbourne, but do so from Bendigo to Myer's Flat, Sebastian, or Raywood. Ponies are mostly local; it is very rarely one comes from Melbourne. I would say our association is assisting the horse-breeding industry. Our horses equal those running on registered courses in the country, and our times as fast, and sometimes faster, so

much so, that doubts have been expressed that our courses are not measured correctly, or the times correct.

Our meetings sometimes clash with registered meetings. The allotting of dates is mostly left to me, and I have had great difficulty in the past with the registered clubs. I have communicated with the secretary of a club, but get no assistance whatever. The attitude seems to be, "We do not want you interfering with racing at all; get out." We are anxious to collaborate, but they do not seem to want to reciprocate. We have had several cases of clashing, and if there was a body to allot the dates it would save clashing. We had one very bad instance between Pine Grove and Rochester, and we appealed to the V.R.C., but nothing has been done. A mutual agreement between the clubs could have rectified the position. The appointment of a board to allot dates and consider applications for permits would be a good one.

The statement of the secretary of the registered clubs in our district that unregistered clubs should be wiped out is unwarranted. He was antagonistic on general principles. The contention that where they could at one time give £800 in stakes, but now only £400, was due to the competition of unregistered clubs, shows there must be something wrong with their administration if unregistered racing can so successfully compete against them. We do not interfere with them, but go our own way. We are always up against it, and they do nothing to assist us. I do not think there is too much racing at small meetings, either as respects horse breeding or the people generally. We had 36 meetings last year, and only one club had two. The general idea is to hold meetings each month along a particular railway line, for the convenience of race-goers generally.

If controlled properly, there is not too much racing by the registered and unregistered clubs in the district.

Each affiliated club pays £2 2s.; bookmakers' fees, £46; horse registration fees, £22; jockeys, £12; privilege rights, £25; and other items £12. The revenue is sufficient to enable the association to carry on.

The statement "that many city racing men attend our meetings was not for the national good" was evidently a gibe by the secretary of the registered association in this district. The public is the best judge of what it requires. If they do not prefer registered meetings to ours, then there must be something wrong with them. I think our financial aspect is an important one. Our average charge would be 2s. or 3s., some as low as 1s. 6d. I would say the usual attendance would be about 200 at 2s. Registered clubs 5s. or 7s. 6d. Many people would take their families to race meetings, but the latter charges make it prohibitive. Training fees are not important, as most of our horses are owned by farmers. It is really the farmers' sports that is catered for. The great bulk attending our meetings are country, and not metropolitan, people.

We could carry on our meetings with registered horses and jockeys if brought under the V.R.C. provided the minimum of stakes was not stipulated. I was unaware that stakes under £50 would be allowed for permit meetings.

One or two of our clubs run trotting events, but they are under the V.T. and R.A. rules. We have nothing to do with the management. Our stipendiary steward supervises the events; but, in case of a disputed decision by him, the appeal would go to the V.T. and R.A. It would not come to us. Registered associations hold trotting meetings in country districts, and they are run under the V.T. and R.A.

All our meetings are held for charity, district hospitals or other institutions, such as mechanics' institutes or benevolent homes.

Under our rules, we could not cut out the smaller of our clubs and confine ourselves to the better clubs without giving offence. It is our policy to help the small clubs along and take them in as they apply.

**Patrick Hurley.**—I am president of the Murray Valley Racing Association, which is unregistered. We have ten affiliated clubs, and run one meeting each during the year, all permit meetings. They are all horse races, with one pony event in each programme. We are affiliated with the V.T. and R.A. The usual height of our ponies, measured by a stipendiary steward, is 14.2. This association was in existence some years ago, but lapsed, and we got it going again last March. We found it necessary to have an association, as some of the meetings were not as clean as we would wish, and we thought that by re-forming the association we could clean it up. Our secretary attends every meeting, and reports to the association. We have advertised for a stipendiary steward, who is to attend all meetings, and for a paid handicapper. We have no divisions of races, the field being usually from five to the biggest, twelve. The horses are all trained and owned locally. Our racing season begins in January and ends in August. All clubs joined the association voluntarily with the object of attaining better control of racing. Stakes have gone up to £90 at Boga. Tresco, not quite so high, also races on the Boga course. All courses are in good order. Three meetings are held on licensed courses. The stipendiary steward has charge of the jockeys and bookmakers, but the secretary licences them. We have not had any trouble with bookmakers. Bookmakers must lodge a guarantee of £5. The meetings are well controlled, as the horses are owned by local farmers, and are out to win if they can. I have here a copy of our constitution and rules.

The association at the annual meeting allots racing dates for the various clubs. From £50 to £90 is the general run of stakes provided.

I have not gone into the question, and would not like to express an opinion as to the best system of control for blood-horse racing in Victoria, both horses and ponies. A district body is better able to control local racing than a larger body, as it is on the spot and can see everything. The trouble, if horse and pony racing were vested in the V.R.C., would be the cost; it would be too expensive, and would eat up all profits; apart from which would be the expense of stipendiary stewards and handicappers. The present system gives the local farmer a chance to have a horse and train it himself. Registered horses and jockeys would be too expensive.

The secretary gets his expenses, and there are no other paid officials.

The Swan Hill hospital fête held on the local race-course was the biggest meeting we had. The profit on that was £1,252. There were other things beside racing, and the ladies were working for it six months before. They raised about £1,200. The fête lasts only one day. Only one club here runs under the V.R.C. rules—the Swan Hill club. It is better to run meetings locally; if all were run at Swan Hill, there would be too many meetings there. Lake Boga is 9 and Tresco 14 miles from Swan Hill. They race on an unregistered course. It would be unfair to cut out district meetings.

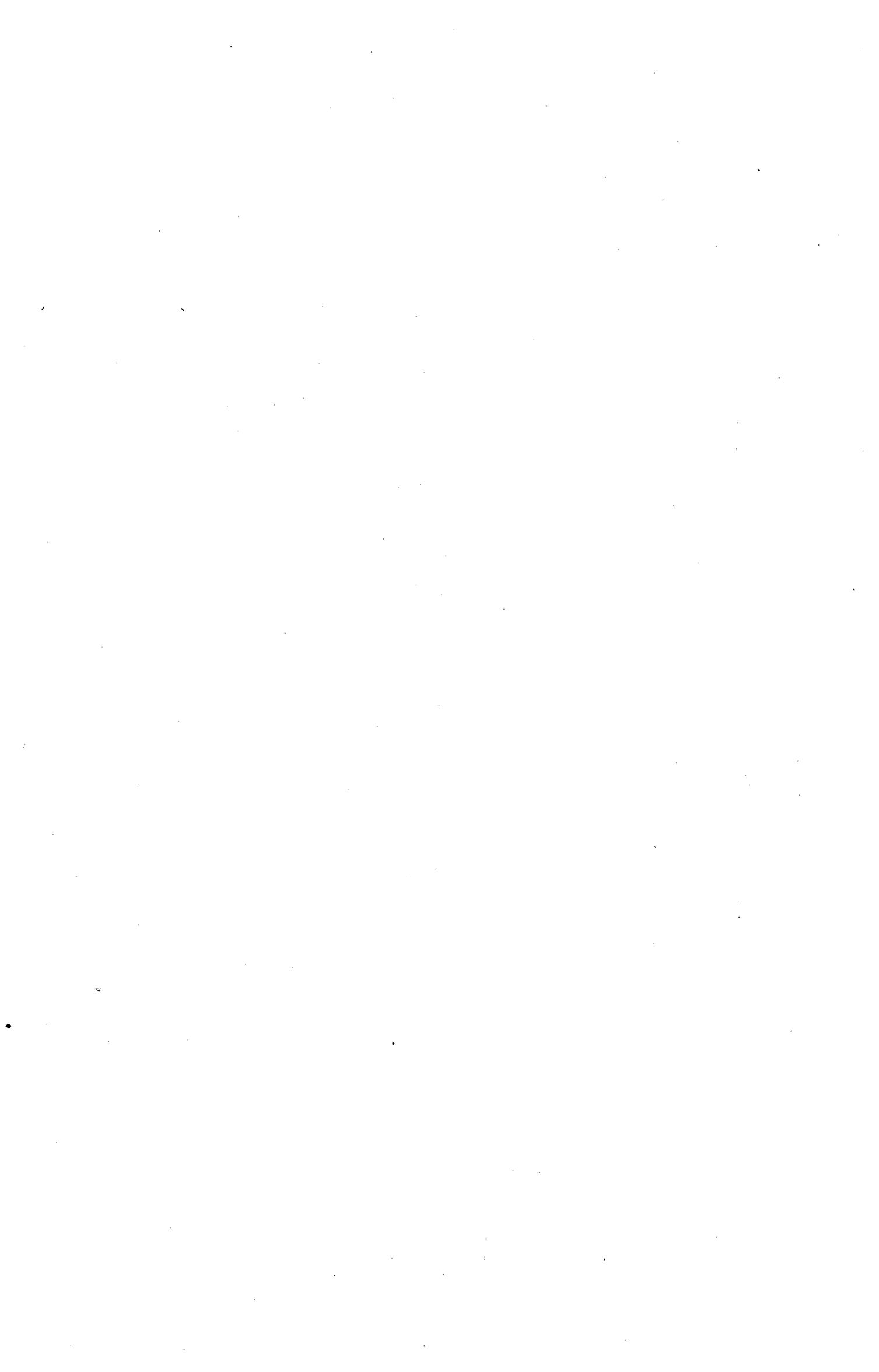
In comparing registered and unregistered meetings I will quote the instance of the hospital fête meeting. The committee decided on a registered meeting, and called for nominations. When they closed, they found one for some races, two for others, and three the highest for any race. They cancelled the fixture straight away as a registered meeting, and ran an unregistered one. In our district, the unregistered meetings are more popular and have better fields. We cannot get entries

for a registered meeting; we have no chance of doing so. One explanation is that farmers will not go to the expense of training a horse that they would have to for a registered meeting. At a registered meeting the horses would probably come from Bendigo, and the local owners would feel that they were outclassed. Our horses are not up to the standard of first class horses, but we have good racing. All our courses are in good order, and the meetings are generally held for a charitable purpose, such as building halls or towards sports and recreation grounds. Very few clubs on the other side of the Murray compete with us, the nearest would be Balranald.

Our meetings are really picnic meetings, although not run as such, where only trophies are presented and the riders are amateurs. Mr. Farrell has stated that his association tried it, but it was an absolute failure, as he could get neither the horses nor riders. As to whether the difference between the old type of picnic meeting, where the prizes were trophies and the riders amateurs, and the present meetings, where the prizes are money prizes instead of trophies and the riders professional jockeys, I think it much better as it is now, because we can get a better meeting. I do not think it possible to have the old-type genuine picnic meeting now. I think it would be better to retain the permit system.

**Henry John Klemm.**—I am president of the North-Eastern District Racing Association, which is unregistered. Our meetings are held principally for charity and race-course improvements. At the time of the Lord Mayor's appeal for £100,000 for St. Vincent's Hospital, we were asked to conduct a meeting on the Wangaratta Race-course; the trustees granted permission, but the Chief Secretary refused a permit, so the Tarrawingee Club agreed to allow us one of their two days. We also held a meeting in aid of the Wangaratta District Hospital. All meetings I have been connected with were run wholly for charity; voluntary service and no expense. A number of men in our district race ponies, and they would not train them if they had to run under the V.R.C. We cater for the moderate class of horse, and they are locally owned. Our district is one of the best for breeding horses. We oppose single control. Quite a number of men here would not enter ponies at registered meetings. Our association is the training ground for ponies. Seven clubs are affiliated with our association, and hold ten meetings yearly. I submit for your perusal balance-sheets of the association from 1923 to 1928. We have articles of association, but I have not my copy with me; I have mislaid it. We never clash with registered meetings in our district. We have a paid stipendiary steward. Our executive is the Board of Appeal, with the V.T. and R.A. as the final appeal. Our decisions have been upheld in all cases. The V.T. and R.A. handicapper handicaps for our trotting events. We do not divide pony events; six to thirteen generally start in the events. We charge 5 per cent. of the prize money for nominations. I take personal control of hospital meetings. We have no complaints against the V.T. and R.A., and we have no complaints against bookmakers. We require them to be registered under the V.R.C.; they are the same as under the V.T. and R.A. Local bookmakers are registered by the V.R.C.

My opinion respecting bookmakers and the totalizator would not be worth anything, as I am not a betting man. I could not say if our courses would yield a bigger profit with the totalizator. I breed trotters, and have raced only one. It is not a profitable investment.



1928.

VICTORIA.

REPORT

FROM THE

JOINT STATUTE LAW REVISION COMMITTEE

OF THE

LEGISLATIVE COUNCIL AND THE LEGISLATIVE ASSEMBLY

ON THE

CONSOLIDATION OF THE LAWS;

TOGETHER WITH

MINUTES OF EVIDENCE AND APPENDIX.

Ordered by the Legislative Council to be printed, 18th December, 1928.

Sp Authority:

H. J. GREEN, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS.

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TUESDAY, 17<sup>TH</sup> JULY, 1928.

15. STATUTE LAW REVISION COMMITTEE.—The Honorable J. P. Jones moved, That, in compliance with the recommendation of the Joint Select Committee on the Consolidation of the Laws, adopted by this House on the 22nd June, 1915, a Committee be appointed, consisting of six Members, to join with a Committee of the Legislative Assembly, to deal with anomalies in the law and make recommendations as to statutory amendments, such Committee to consist of the Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, M. McGregor, and H. F. Richardson, with power to send for persons, papers, and records; five to be the quorum.

Question—put and resolved in the affirmative.

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

18. STATUTE LAW REVISION COMMITTEE.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have appointed a Committee to join with the Committee of the Council to deal with anomalies in the law and make recommendations as to statutory amendments, such Committee consisting of Mr. Blackburn, Mr. Lawson, Mr. Macfarlan, Mr. Prendergast, Mr. Slater, and Mr. Wettenhall, with power to send for persons, papers, and records, and to sit on days on which the House does not meet; five to be the quorum.

# REPORT.

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THE SELECT COMMITTEE appointed to join with a Committee of the Legislative Assembly to deal with anomalies in the law and make recommendations as to statutory amendments, having considered the question of the proposed Consolidation of the Laws prepared by the Honorable Sir Leo Cussen, have the honour to report to your Honorable House as follows :—

1. Your Committee have held eight meetings, and have examined the Honorable Sir Leo Cussen, and have discussed with him the proposed form and content of the Consolidation.

2. Your Committee have had before them a draft Bill prepared by the Honorable Sir Leo Cussen to enumerate the Consolidating Acts, and also to provide that certain enactments of the Legislature of New South Wales and of the Legislature of Victoria passed before the first of January, 1928, shall be repealed, and to enumerate the unrepealed and unconsolidated enactments of those Legislatures.

This Bill has been framed on the lines of the *Imperial Acts Application Act 1922*, but with reference only to Acts and enactments of New South Wales and Victoria ; and if it is passed the ascertainment of the Acts and enactments of those Legislatures in force in Victoria on the date above mentioned will be facilitated.

3. In addition to the Bills consolidating the law there are several which amend as well as consolidate the law. For example, those relating to Administration and Probate, County Courts, Property, Settled Land, Supreme Court, and Trustees.

4. Your Committee have given consideration to the procedure to be recommended for the presentation of the Bills to Parliament, and are of opinion that it would be most advantageous to introduce the Bills in their present form, but to postpone their coming into operation until a day to be proclaimed after the beginning of the next Session of Parliament. If this suggestion were adopted, and Parliament thought fit to pass the Bills in their present form, your Committee would be able to consider during the recess what alterations in the Bills as passed would be required in order to incorporate in the Consolidation the other Acts passed during the present Session, as well as any amendments in the Consolidating Acts which it was thought expedient to recommend.

In order to carry this into effect a Statute Law Revision Bill would be prepared embodying the necessary alterations and amendments. This Bill would be introduced into Parliament at the beginning of the next Session, and would take effect on the coming into operation of the Consolidating Acts.

This procedure would afford full opportunity to Parliament for discussion and criticism of the Consolidating Acts and the amendments before they were brought into force.

5. Your Committee have the honour to make the following recommendations :—

- (1) That the Bills (including the Acts Enumeration and Revision Bill), as now prepared and laid before your Committee by the Honorable Sir Leo Cussen, be introduced into Parliament before the end of the present Session.

- (2) That their coming into operation should be postponed until a day to be proclaimed by the Governor in Council, and that the proclamation should not be made to take effect until after the beginning of the next Session of Parliament, in order that during the Parliamentary recess your Committee may consider the incorporation in the Consolidation of the other Acts passed during the current Session and what amendments (if any) should be made in the Bills as passed.
- (3) That a Statute Law Revision Bill embodying any necessary alterations and amendments should be prepared and should be submitted to Parliament as soon as possible after the opening of the next Session and before the proclamation of the Acts is made ; and that this Bill should be accompanied by an Explanatory Paper stating generally any changes in the law made by the Consolidation as passed, and also the purport of any amendments included in the Statute Law Revision Bill.

Committee Room,  
11th December, 1928.

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# MINUTES OF EVIDENCE.

WEDNESDAY, 25TH JULY, 1928.

*Members Present :*

Mr. SLATER, in the Chair ;

*Council :*

The Hon. W. H. Edgar.  
The Hon. J. P. Jones.

*Assembly :*

Mr. Blackburn,  
Mr. Lawson,  
Mr. Prendergast,  
Mr. Wettenhall.

The Honorable Sir L. F. B. Cussen, examined.

*The Chairman.*—On behalf of the Committee I desire to extend a welcome to Sir Leo Cussen, at whose wish this meeting has been called. I shall now call upon him to make a preliminary explanation.

*The Witness.*—To-day I do not propose to go into any great detail. I shall deal with several important general matters about which I wish to give you information, and with regard to some of which I wish to have your guidance as to the best means of procedure. By that I mean that there are some of the Acts that are dealt with in such a way that, unless the Committee, after hearing some of those who have been assisting me—I do not mean ordinary assistants, but some of those outside whom I have called in connexion with the more difficult Acts—think that they can deal with them as part of the general consolidation, it may be necessary that some of them should be submitted to Parliament as a preliminary to their being included in the consolidation. I shall explain that more fully afterwards, but I may mention the County Court Act and the important Acts dealing with the general law of property. They are in such a condition that it seems to me that it would be very undesirable that anything in the nature of pure consolidation should be applied to them, and therefore I have done something very much more. I do not think that any one waking up on the morning when the consolidated Acts came into force, if these were included among them, would find his position changed, but in the course of time he might find, particularly in regard to procedural provisions, that a great many changes had been made in the direction of cheapening litigation, and so on. I will explain that also more fully to you afterwards. In saying that I am dealing with matters generally this morning, I do not mean to suggest that members of the Committee should not ask any questions even about details if they wish to do so. If they do, I shall endeavour to answer them. I now proceed to mention certain proposed bills. The first of them, and this is something quite new, is the Acts Enumeration and Revision Bill. Some of the members of the Committee will recollect that in connexion with the Imperial Acts a plan was adopted which included all but certain enumerated Acts to be repealed, and those were preserved and effect given to them to the extent to which they had effect at the time. If they had not any effect, then that Act did not give them any. I am talking about Part 2 of that Act, which is called Transcribed Enactments. That, I think, has been successful in connexion with Imperial Acts, and it occurred to me that it would be desirable that something of the same kind should obtain with regard to our local legislation, and consequently I have a Bill prepared which sets out some 600 Acts as unrepealed. Some of them will be published in full, a good many of them will simply be named, and then there is a clause in the Bill, as there was in the Imperial Acts Application Act, saying that all the other enactments are repealed, and giving power to the Governor-in-Council to add to the list in case any should have been omitted. As I pointed out on the last occasion, that does not give the Governor-in-Council any legislative

power at all. It simply empowers him to put the name of an Act in a schedule, and if it had any effect before it will have the same effect afterwards, but it does not enable him to give the Act any effect which it had not before. That is simply to cure any possible omission. The Imperial Acts Application Act has now been in force five years. There was a similar power to the Governor-in-Council in that Act, but, so far as I know, he has added nothing to it. As I told you, that is new. The New South Wales Legislature started legislating in 1825, more than 100 years ago, and legislation has been going on continuously ever since, I think by New South Wales up till 1851, and after 1851 by the Governor and Legislative Council of Victoria, and a few years later on and ever since by the Parliament of Victoria. This Bill provides in Part 1 for the consolidating Acts that are proposed to be passed, and they are all set out in the first schedule. There is nothing new about that part. It is Part 2 which is new, and that provides that every enactment enacted by the Legislatures of New South Wales and Victoria, except certain specified enactments, shall be repealed. In the second schedule there are set out about 600 Acts that are unrepealed and unconsolidated, so that in these two schedules there will be a complete statement of the Acts in force in Victoria up till the 1st January, 1928. It starts off with Churches, and goes on to Banks and Insurance Companies, and then come in the Melbourne Corporation and the Gas Companies, and so on. Any one who would like to have a look at it may do so. I shall endeavour to have some copies of it prepared, as it is a new matter, for the Committee as early as possible, but I must retain this copy for the present, because, like the overture to the opera, it is not only important in itself, but it gives me an indication of the things that I wish to mention later.

I wish to say a few words about the Constitution Act Amendment Bill. There is a copy here in the possession of the Clerk of the Parliaments for any member of the Committee who wishes to look at it. This is the latest copy and is practically complete, and I have no doubt the Clerk of Parliaments will make it available for Members. I think the main work that had to be done there was in connexion with the electoral provisions, and I have to acknowledge my great indebtedness to the Chief Electoral Officer for the great assistance he has given me. The officers of the House also gave me great assistance in connexion with the earlier part of the Act, but there were not so many changes in connexion with that as there were in connexion with the electoral provisions. For example, preferential voting was applied by certain very general sections to elections for the Legislative Council as well as for the Legislative Assembly, but, as was I think only to be expected, Parliament did not go through the sections which were affected by that very general provision, but left them standing, and super-imposed upon them the statement that preferential voting was to apply. That, of course, necessitated going through a great many sections, and now I think the Bill will be found to be in the condition that the provisions relating to the Legislative Council and to the Legislative Assembly with relation to preferential voting are all to be found in the sections in their appropriate places. However, that was a very big task. Another interesting thing of importance to members occurred in connexion with the Constitution Act Amendment Bill, although this was a small matter so far as work was concerned, in connexion with the protection of the Members of the Houses and of the Committees in relation to the publication of documents. This is, of course, a very important provision, which has a long history. It was brought into force in England and applied both to the House of Commons and the House of Lords, and the Committees of

those two Houses. When it was adopted in New South Wales there was there only one House, and of course they had to alter it to make it apply to the Legislative Council of the day, the only House there was—the only advisers that the Governor had. When the two Houses were established here this section should have been altered. At all events this should have been done in the consolidation of 1890, but they simply altered “Legislative Council” to “Parliament,” although there were some provisions which looked as if the two Houses were being referred to. It shows how a little error can go on. It has gone on ever since. I doubt whether there are many Committees of Parliament as a whole, but at all events there are certain Committees of the Houses which ought to be protected, and the error was not observed in 1915, although it went wrong in 1890. It has now been observed and has been cured, so that the Committees of both Houses will be protected.

I come now to the County Court Bill, which is one of those that I particularly mentioned as desiring to bring them before the Committee at the earliest stage for their information as well as to get their guidance as to what is to be done. The County Court Act is a very old one, and a great many of its provisions are, to say the least, antique, and antiquity is not always an advantage, at all events in Acts of Parliament. We have gone on repeating those old provisions from time to time, and I thought the stage had been reached at which there ought to be a modern County Court Act, and that for that purpose the same plan should be adopted as in practically all other Courts, that is to say, that procedural provisions should not be laid down in the Act but should be provided for in the Rules, so that they can be expeditiously altered when necessary. That is the great alteration that has been made. The result is that 50 or 60 sections of the Act have been dropped altogether, with the provision that they are to remain in force until rules are made, and then they are to be provided for by rules. At present the legal members of the Committee will know that a good deal of confusion and difficulty is caused by reason of the fact that the old provisions of the Act do not adequately provide for procedure. They have to be eked out by rules. There is a difficulty in making the rules as good as they might be because of the fact that the Act stands in the way and that a rule cannot be made which is inconsistent with it, and the consequence is that practitioners and others have to go partly to the Act and partly to the Rules. Sometimes difficulty is caused by that, as I dare say the gentlemen who have to do these things know well. Consequently in the new Bill it is proposed that all purely procedural provisions, except those relating to trial by Jury, should be dealt with by the Rules, and that, pending the making of the Rules, the provisions of the Act should continue to operate and that then when the rules are completely made and everything is provided for, those sections should drop out. I come now to the point which I have already once or twice indicated. Assuming that, in addition to what I say myself as to the desirability of doing this, it is the opinion particularly of the legal members of the Committee that it is desirable that this should be done, and if the Committee desire in addition to hear evidence from Mr. Jacobs, who has been concerned in drawing up this Bill, are the Committee prepared to recommend that it should go through as part of the general consolidation, or would they desire that it be brought separately before Parliament and discussed at length, or would they desire that the old County Court Act should simply be re-enacted and no more be said about it? There will not be any trouble in doing the last, if that is what members desire, except that it would be going back to things as they were. I personally think it would be a pity, but it could be done. In addition to what I have said about the procedural provisions, there has been in a few cases an extension of jurisdiction of the County Court, and perhaps most important of all is the giving of jurisdiction to the County Court where a part of the cause of action arises outside Victoria, so long as the defendant is resident here and is served here. The absence of such a provision

has caused a great deal of delay and has necessitated action being taken in the Supreme Court, because something in connexion with the action happened for instance in Albury instead of at Wodonga. I think it has long been felt by practitioners that it would be desirable that that objection, and it is an objection which cannot be overcome by consenting, should be removed. Then there are some other extensions of jurisdiction which are not so important. For example, giving power to hear breach of promise of marriage actions and seduction actions, and also power in certain cases to refer technical matters, like costs of building, and so on, to an outsider, especially if the parties consent to it. There has been a great deal done in the way of re-arrangement of clauses and improvement of wording, and so on, but I regard these as merely part of the ordinary consolidating work. The two important things that have to be considered are the taking out of those sections relating to procedure and putting them into rules, and the extension of jurisdiction. The Bill is complete, and I hope that members of the Committee will have an opportunity of seeing it within a week or two.

1. *By the Chairman.*—Do you invite discussion on the County Court Bill at this stage, or would you prefer it to come later?—Whichever members of the Committee think best.

2. *By Mr. Wettenhall.*—Do I understand you to put as alternatives that the County Court Bill be included in the Consolidation or that it be introduced by itself as an amending Bill?—With the Bill you can do one of three things. You can include it as part of the general Consolidation as was done I think in the case of the Trusts Bill last time, which contained a number of provisions that had never been in force in Victoria before, but that were strongly recommended, and the Committee eventually said that they would recommend Parliament to adopt the Bill, notwithstanding that it was entitled “A Bill to amend and consolidate”. That is one thing that can be done. If that were done, and the Committee and Parliament were both agreeable, the Bill could go through, although it was to a certain extent an amending Bill. The other thing that could be done with it is for the Government to put the Bill before Parliament as one of their ordinary measures, whose provisions would have to be discussed more or less at length, and then of course if it were passed it could be included in the Consolidation, but I ask you to remember that this is not the only Bill which is in the same position, as there are four or five others about which I am going to make similar remarks. The disadvantage which I see about adopting that course from my point of view, although that of course will not influence you, is that you might not get the consolidating Bills through this year. The other course which I also mentioned just now would be to say, “Never mind the new Bill. take the old Act with all its imperfections and simply consolidate it.”

3. *By the Chairman.*—In other words, leave in a lot of dead wood?—Yes.

4. *By Mr. Edgar.*—But your mind is to have that new Bill?—Yes, I have no doubt about the desirability of those amendments.

*The Chairman.*—And the Committee will have the opportunity of hearing Mr. Jacobs, who is a recognized authority on the County Court Act.

5. *By Mr. Prendergast.*—Why, in view of His Honour's remarks, should the discussion on that Bill take a long time?—I do not know that there would be very much discussion on this Bill, but I am going to make similar remarks about the Bills relating to property.

*Mr. Wettenhall.*—The County Court Bill is a technical measure. Laymen could not take a hand in the discussion of it, and my opinion is that it would be quite all right if the legal members of this Committee were to give it the necessary consideration.

*The Witness.*—What I suggest is that this Committee should meet again in about a fortnight's time, and that in the meanwhile the legal members of the Committee at

all events should have copies of the Bill, and then perhaps Mr. Jacobs could be called before the Committee to say what he has to say.

*Mr. Prendergast.*—I am of the same opinion as in the case of the previous consolidation—that is, I shall be prepared to hear His Honour's explanation and wherever no new point is introduced and no attempt is made to alter the law from what has previously existed, to accept His Honour's decision upon pure consolidation. I think we all agree upon that point.

*The Chairman.*—But there is an alteration here.

*Mr. Blackburn.*—There will be an alteration in procedure and also an alteration in substantive law.

*The Chairman.*—My own view is that there will be the closest agreement on the procedural question. Of course as to the extension of jurisdiction and alterations of substantive law, there might be a difference of opinion. On the question of procedure, I am very much impressed, and in fact Sir Leo Cussen has indicated my own view. I favour Sir Leo's suggestion without any reservation at all.

*Mr. Prendergast.*—That would ensure the passage of the Bill without much discussion.

*The Chairman.*—Of course I am in a position of some advantage, as I have had the opportunity of discussing the matter already with Sir Leo Cussen and hearing his views. I think his suggestion that we should meet Mr. Jacobs, who has helped him in this particular branch of the work, is most valuable. His views will appeal to the legal members of the Committee who I am sure will have no great difficulty in making up their minds.

*The Witness.*—I do not think that there is likely to be any outcry about the change of procedure. That, I think, is easily settled. As to the extension of jurisdiction, it is to be remembered that that is all in the direction which has been indicated by the Legislature lately, of extending the jurisdiction of the County Court so that people will not be put to expense by reason of what may be called technical objections. There is no doubt that the question of matters arising outside Victoria has caused a great deal of trouble and expense and has necessitated Supreme Court actions.

*Mr. Blackburn.*—Yes, sometimes for £5.

*The Chairman.*—Cases of that sort arise almost every day, as is known to anybody who has experience of the border towns. That is especially the case at Mildura, where I often experienced great difficulty. Portion of a contract would be done on the New South Wales side, the defendant would be living in Victoria, and the rest of the contract would be completed in Victoria, with the result that the Plaintiff has to bring his action in the High Court.

6. *By Mr. Prendergast.*—The result of His Honour's work in this matter might come before the House as a new Bill in which case it would invite a lot of discussion. That course should not be followed where it is a mere consolidation. No new principles should be introduced into a consolidating Bill. If members desire new principles to be introduced, let them bring in a fresh Bill of their own, instead of attempting to amend this one. I take it that what we are considering is pure consolidation?—I cannot say that this is pure consolidation.

*Mr. Prendergast.*—If a new Bill is introduced into the House, any one may move amendments to any part of it.

*Mr. Blackburn.*—The present Bill, which His Honour has been describing, provides, I understand, that the County Court shall have jurisdiction where part of the cause of action arises outside Victoria, and it also provides that the County Court shall have jurisdiction in breach of promise actions and actions for seduction, without consent. Those are alterations of the present law.

7. *By Mr. Prendergast.*—Why go outside the present law? This Consolidating Bill should not be treated as new legislation?—What I have described means considerably more than re-enacting the old law without alterations.

*Mr. Lawson.*—On the last occasion we went past consolidation. Obvious anomalies were amended, and some subsequent alterations were made, but provided that that is done with the full knowledge of the House, and after full examination by this Committee, and due publicity given, there should be no objection. We are getting a short cut to a very desirable effect. I think we can take the responsibility after making such inquiries as we may deem necessary, so long as members and the public know what changes are being made. It is consolidation that we are working for, but in this instance Sir Leo Cussen is going further, and he gives us excellent reasons why we should do what he suggests. He advises us to alter these obvious anomalies, and so long as everybody knows, and there is due publicity, and the proper safeguards, by the Committee examining the measure, and by the public statement which Sir Leo Cussen is now making, it is surely the most desirable, expeditious and simple course for us to take. It is a much less cumbrous method than for us to introduce and pass a Bill amending the County Court Act, and incorporate it afterwards in the Consolidation.

*The Witness.*—There is a full table showing what has become of every section, and an explanatory paper showing all the changes which have been made. I can give these to some of the legal members now, but in any case it will be available next week.

*Mr. Prendergast.*—What I was thinking of was the necessity for extensive second-reading speeches on such a Bill, with long explanations. It seems to me that it would be easier to pass the consolidating measure separately, and to let members deal separately with whatever alterations of the law they desired to introduce. I do not know what Mr. Lawson means by anomalies. If it is simply a case of removing inconsistencies between different Acts, it is all right, but everything is liable to be considered an anomaly when it comes before the House.

*Mr. Lawson.*—You can put your own meaning on the word, but there are obvious defects which everybody admits to be defects, and which everybody desires to have altered. That is practically the position.

*The Witness.*—That is so. It is not the kind of Bill that appeals to the Ministry of the day to bring in, concerning matters of this kind, it is better done on a consolidation than at any other time. I would remind Mr. Blackburn that the old Act did not actually provide that there should be no jurisdiction unless the whole cause of action arose inside Victoria. That was the result of a decision. As to the other things, the old Act provided as Mr. Blackburn stated.

*Mr. Prendergast.*—I have never yet seen the perfect unanimity of which Mr. Lawson speaks.

*Mr. Wettenhall.*—The limitation of jurisdiction of the County Court in the class of cases referred to has been one of the obvious difficulties in the border towns ever since Federation. At a border town, such as Kaniva in my district, there is really no border recognized except in these Acts, because contracts are made at one place and the other continuously. It seems very necessary to get rid of this difficulty as soon as possible.

*Mr. Lawson.*—At the same time we have to recognize that this is a substantial alteration in the law.

*The Witness.*—Yes, and specific attention will have to be called to it.

*Mr. Lawson.*—It is a substantial alteration of the law, and full attention must be called to it and publicity given to it, so that it may not be said that it was done behind anybody's back.

*The Witness.*—Some trifling alterations, all of which will be called attention to, have been made in connexion with the Fisheries and Game Act, but as I am not going into detail this morning I need not take up any further time about that measure. The question of the Insolvency Act has caused, not of itself, but by reason of recent happenings,

a good deal of trouble as to whether some additions should be made to it. I understand that the Commonwealth Bankruptcy Act is to come into force next week. It will produce a profound change, both as to the law applicable in connexion with bankruptcy, or what was previously called insolvency, and also with regard to the Court which is to administer it, and there has been a good deal of difficulty to know exactly what was best to be done with it. My present intention is simply to preserve the Insolvency Act for what it is worth. I suppose it will gradually become altogether inoperative after some years, but so far as I can understand the Commonwealth Bankruptcy Act, and it is not easy in some places to see exactly what the effect of it is, as regards insolvency proceedings that are pending, they may, when the Commonwealth Bankruptcy Act comes into operation next week, be to a considerable extent controlled by our Insolvency Act. It is therefore desirable to preserve the Insolvency Act and to add to it clauses indicating that the Commonwealth Bankruptcy Act will increasingly have effect on the matters dealt with in it, but the difficulties do not quite stop there. As members of the Committee will know there are a great many Acts of the Victorian Parliament which refer to insolvency and to the effects of insolvency. Perhaps the greater number of them can be dealt with very simply. They relate to disqualification by insolvency for office, such as that a Councillor forfeits his office on becoming insolvent, or having his estate sequestrated, and many things of that kind. They can be simply provided for by adding the words "Bankruptcy or insolvency," where they do not already exist, because there are Acts in which both words are used, but some of the difficulties relating to the effects of insolvency in connexion with leases of land, and so on, and married women's property, and companies legislation, and insurance policies, cannot be dealt with quite so simply. All I mean to indicate this morning, and again I will deal with the matter later in greater detail, is that Mr. Collins' staff has fortunately for me gone through the Acts and taken out all the references which are made to insolvency at any time, and I am dealing with each individual Bill which refers to insolvency separately and individually so as to put in what I consider the appropriate provision if any provision is necessary in the Bill that is being dealt with. For example, to take the simplest case first, in the Local Government Act, where it says that no Councillor shall retain his seat if he is insolvent, I simply add the words "bankrupt or." In the Married Women's Property Act, it might be more complicated, but I will add there what I consider to be the appropriate provision in every case. I may add nothing at all, simply leaving it as it is, but what I wish to indicate is that each individual Act will be dealt with separately and the effect of the Commonwealth Bankruptcy Act considered with reference to it.

I will take now three Acts together—the Land Act, the Closer Settlement Act, and the Discharged Soldiers Settlement Acts, and state at once that the Discharged Soldiers Settlement Acts will no longer appear under a separate title if effect is given to the Bill which has been prepared. There will be a Land Bill, and there will be a Closer Settlement Bill, and the Closer Settlement Bill will be divided into two parts. Part I. will be called "General," and Part II. will be called "Special provisions relating to discharged soldiers," or something to that effect. The reason of that is that after consultation with the Department it was found that there was a great deal of overlapping, as was necessarily the case. Legislation has got into a very complicated condition indeed, and the Discharged Soldiers Settlement Acts under that name have been superimposed on the Closer Settlement Acts, and in many cases they assume the foundations of the Closer Settlement Acts, and on them the superstructure relating to discharged soldiers in particular is built up. That necessitated referring from the one set of Acts to the other set of Acts before you could get fully the law on the subject, and after a great deal of consideration it was thought best to have not two Bills, but one, and that

one divided into two parts. A great deal of trouble has been taken about the matter. It is an extraordinarily complicated matter, as I daresay members know, from their experience when they have had to pass a new Discharged Soldiers Settlement Bill—and they have passed many during the last few sessions. A great deal of trouble, however, has been taken in the endeavour to make a harmonious whole of this legislation, and to work it in with the Land Bill which I have also mentioned, and in connexion with which matters have also got into rather a complicated condition. There, however, it is again not so much a matter of introducing anything new as of getting rid of an enormous number of complications which already exist. A full explanation will have to be made of these, and I hope it can be satisfactorily made when I have all the explanatory papers ready. I do not consider these to be on the same basis as the County Court Bill. It is rather a question of getting rid of complications which exist by reason of the great number of Acts relating to the subjects dealt with.

Another Bill which I desire to mention—and here some changes have been made, mostly in procedure—is what is called the Maintenance Bill. This is new, under that name. At present provisions relating to the maintenance of wives and children are contained in the Marriage Act, and it has been complained by some one that if you want to look at what is to happen in the case of illegitimate children, you have to look for it in the Marriage Act, which is hardly the place where you would expect to find it. At all events it was thought desirable in the first place to take out of the Marriage Act all the provisions relating to maintenance and to put them in a separate Bill under the title of the Maintenance Bill. There would be, I think, no objection to that by any one. To me it seems a very desirable change. Of course of itself it makes no difference at all, but the legal members of the Committee, at all events, will not think that the maintenance provisions, relating particularly to appeals to General Sessions, are in a very satisfactory condition now. I do not know that the Judges or any one else are sure of what the law is on some of the difficult points relating to that matter. I think members may take it as mainly a matter of procedure. At all events very much more elaborate provisions have been put into the Maintenance Bill, providing fully for appeals to General Sessions, and, what is not the same thing as an appeal to General Sessions, an application to General Sessions to vary the original justices' order by reason of changed circumstances occurring after the order was made. Two sets of circumstances arise. The Justices make an order or do not make an order, as the case may be, and there is an appeal to General Sessions, saying that an order should not have been made or that an order should have been made, as the case may be, on the evidence then before the Justices. That is one class of case, but there is another class of case altogether. An order is made, and there is no appeal at the time, and it must be assumed or taken to be admitted that the order was rightly made. It was assumed that it could not be successfully attacked; but it may be that afterwards the wife who has got the order becomes comparatively well off, or the husband against whom the order was made falls into ill health, and what he could afford to pay at one time he cannot pay at another, or it may be the other way round, that where the Justices made an order at the time for the payment of only a few shillings, the husband has become comparatively wealthy and can pay more, but there are applications months or perhaps years afterwards, where there are children, to vary the order. The children grow up, and may be earning money themselves, and there are many other circumstances that may affect the matter. In the maintenance provisions of the Marriage Act, at present, these two things are mixed up in a very extraordinary manner, and it is very difficult to know in many cases exactly what to do, and the provisions are not nearly full enough. The consequence is that in the new Maintenance Bill they are made what we think satisfactory. Mr. Paul has been mainly concerned in this

matter, and if the Committee think it necessary to hear him on it, he can be called. I will go into the matter in greater detail myself afterwards.

8. *By the Chairman.*—Are they only procedure?—Yes, I think so.

*The Chairman.*—We have an amending Marriage Bill ready to introduce into Parliament along the lines of one introduced last session.

*The Witness.*—I did not see that. Is it in connexion with this matter?

*The Chairman.*—Yes, in some cases.

9. *By Mr. Blackburn.*—Is it proposed to give the wife the right of appeal to General Sessions from the refusal of the Justices to make an order?—I think so.

*Mr. Blackburn.*—She has not got it now.

*The Chairman.*—We are bringing that in, giving power to the Justices to vary the order themselves.

*The Witness.*—You will have to alter a lot if you are doing that. The order has to go to the Clerk of the Peace, and after that it is supposed to be in the General Sessions. Of course the question of whether the Justices should do it is a matter of policy, but at all events the provisions should be made fuller with regard to what can be done, whichever Court does it. Parliament can easily alter it afterwards, and say that the Justices may do it.

*The Chairman.*—I am wondering what effect the passing of that amending Marriage Bill will have on the consolidation.

*The Witness.*—If you pass it soon, I will put it in.

*The Chairman.*—It is ready. It amends the Marriage Act and deals with the guardianship of children.

*The Witness.*—I have not dealt with that at all. I come now to the Melbourne and Metropolitan Tramways Bill, about which I have not much to say beyond stating that the opportunity has been taken advantage of to get rid of an enormous number of Tramways Acts which are at present in the volumes and unrepealed. Parliament, in passing the Melbourne and Metropolitan Tramways Act and creating the present Board, did what is very often done, I suppose, by reason of political exigency—it did not repeal the old Acts going right back to No. 765, in 1883, when the Melbourne Tramway and Omnibus Company was given the control of the tramways, and there was a Trust or Board or both during the next few years. Parliament did not repeal those old Acts, which contained provisions not only relating to the company which has gone out of existence, but also relating to the Board or Trust which was behind the company, and which borrowed the money with which the tramways were constructed. A great deal of trouble has been taken to try to get rid of all those old Acts, to reproduce in one Bill all these provisions, and to repeal the Acts from No. 765 onwards. There are many dozens of Acts. They also will have to be explained in greater detail, but I call attention to them now because the Bill as it will be presented will look very different, although it may not be really different, from the bundle of Acts which now affect the law relating to tramways.

We propose to bring in a new Bill called the Mildura Irrigation Trusts Bill. Members may also know that this matter has got into a very complicated condition, and although, except with regard to the Geelong Water Works and Sewerage, the Geelong Harbour Trust, The Melbourne Harbour Trust, and the Melbourne and Metropolitan Board of Works, matters of that kind are not usually published as part of consolidated Acts, it was thought that this was of sufficient importance, in connexion with the Mildura Trusts, and certainly sufficiently complicated, to warrant a consolidation being made of it, and so to enable a number of Acts to be repealed which are at present in a very unsatisfactory condition.

The Poisons Bill also necessitated some alterations—chiefly, I think, in procedure. They will have to be explained fully in detail, but there is no doubt that the legislation relating to poisons, particularly having regard to the last Act passed in 1927, is in a very unsatisfactory condition, and it certainly must be straightened up somehow. Again we have spent a great deal of time in endeavouring to do that.

I come now to what I will call the Property Law Bills. There are several of them, and these, with the County Court Act, are the ones about which there may be most doubt or debate. I will deal with the Law of Property Bill, the Administration and Probate Bill, the Settled Lands Bill, and the Trustee Bill, together. I may say in passing that we have divided what is now the Trusts Act into the Trustee Bill, which is the general Bill, and another Bill into which we have put religious, charitable, and successory trusts. The position with regard to these property Bills, as I may call them, is this: we have in some Acts a number of provisions expressed in very antiquated language, particularly in our Real Property Act. At present we have the advantage of, I suppose I am not exaggerating in saying 50 years of work, and the expenditure of I should not like to say how much money in England, in the sense of bringing their property laws up to date and expressing them in modern language. In England they have done two things. They have made some very drastic alterations in their law of property and in their law of distribution on intestacy. Those alterations are perhaps too technical for me to endeavour to explain, and as I am not proposing to adopt them in the Bill which I am submitting, I need not enlarge on them at present, but I am willing to discuss them with any of the legal members if they so desire. These are, however, very drastic alterations indeed; but while they were doing that, they also did a lot of cleaning up work and a lot of redrafting, for the purpose of putting all the old provisions, nearly all of which we have here, but some of which we have not, into modern language, and under a satisfactory arrangement, and there is no doubt that if we do not take advantage of all that work and all that expenditure of money we shall be losing a great opportunity. I do not see what Parliament can do with these Bills except refer them to Committees to discuss them. I should have thought that they are too technical for ordinary debate. What has been done in England is that time after time they have been referred to Committees, and now they have eventually evolved a scheme which affects all the measures which I have mentioned. They are all tied up together. The Trustee Act works in with the Real Property Act and the Real Property Act works in with the Administration and Probate Act, and all of them work in with the Settled Land Act. It would be a very great pity indeed if we did not take advantage of what has been done in England, not in the sense of making the drastic alterations that they have made, because I do not think those are necessary here, but in the sense of making use of all their cleaning up work, if I may so call it. I do not think the drastic alterations are necessary here, because, first of all, the conditions which led them to make those drastic alterations in the way of strict settlements and matters of that kind are not operative here; and in the second place, we have a Transfer of Land Act, a Registration Act, which gradually, it is hoped, will affect possibly all the land in Victoria. It seemed to me inadvisable, even if Parliament were willing to discuss the matter at all, that we should suddenly make drastic changes of the nature of those which have been made in England. The length to which they have gone in some respects is really astonishing. They have altered their law of intestacy entirely in some respects, such as giving the wife only a life interest in the estate, with remainder to the children. I do not know that that is wanted here. All at events, I am not suggesting that it should be done here. I have not got those Bills ready for submission, but of course I do not suggest for a moment that they should be recommended by the Committee to the House without much fuller discussion.

In connexion with this matter I have had the advantage of discussing it with Mr. Guest for several hours, and also with Mr. Gregory, and the Committee, if they so desire, can have the advantage of hearing those gentlemen also. Here again, as with the County Court Bill, and perhaps even more important than the County Court Bill, if the Committee think that they would be prepared to recommend that those Bills be submitted as part of the consolidation after hearing what I have to say in detail about them, and after the legal members of the Committee have had the opportunity of going through them, and after the Committee have heard what Mr. Guest and Mr. Gregory have to say, that course can be adopted. That, perhaps, is the most important matter which I have to mention this morning. I do not know whether any of the legal members of the Committee wish to ask me anything particularly about it now. I will discuss it more much fully later.

*Mr. Blackburn.*—It seems to me that there is an objection to making alterations of the law—at any rate, to making alterations that go beyond mere procedure, by consolidation. There is this objection from the layman's point of view, that if alterations are made, members may subsequently be reproached for having voted for them. They may then say, "We did not know that we were altering the law. This is a consolidation, and we took the word of the Consolidation Committee that it was consolidation only." It seems to me that in the case of the Property Bill and the County Court Bill, for example, and especially the Property Bill, there is nothing to prevent the Government giving notice of a motion asking for leave to introduce the Bill, then moving the first reading, and then taking the second reading and formally explaining to the House that it is doubted whether this is a mere matter of consolidation. The Government could point out that for that reason they are asking only for the second reading, and they are then inviting the House to refer the Bill to the same Committee as deals with the consolidation. In that way we will get rid of all the possible objections. I do not like the idea of making, in a consolidation, alterations of substantive law that affect the rights and obligations of people, outside of procedure. People have spoken to me about the last consolidation, and have told me that they did not understand that certain things were going to be done in the consolidation. I can quite understand the awkward position of a lay member of the House when he is asked by a constituent how he came to vote for a certain alteration of the law.

*The Witness.*—I think I am right in saying that in several instances on the last occasion the Bill was called "A Bill for an Act to amend and consolidate." An example of that was the Trusts Bill. The explanatory paper on that measure—and of course there will be a similar explanatory paper in connexion with this Bill—said: "The law contained in Part I. of the Act of 1890"—that is the one which was supposed to be consolidated—"and in subsequent general provisions, has been consolidated by adopting the appropriate sections of the English Act wherever they reproduce . . . omissions." I think that Bill was called "A Bill for an Act to amend and consolidate," and I am sure there were a good many of that kind.

*Mr. Blackburn.*—There were several of them.

*The Witness.*—In other cases in which I thought that we were going beyond mere consolidation I called the Bill "A Bill to amend and consolidate," and I propose to do the same thing this time.

*Mr. Blackburn.*—Yes, but it seemed to me that if we adopted the course I have just suggested we might be actually a little bolder than we otherwise would be and adopt useful provisions which we thought were necessary but which we thought were distinctly over the line.

*The Witness.*—These property Bills raise the question in a most critical manner, and that is what I wanted to know.

*The Chairman.*—Before we come to any decision on the subject, I, and I am sure the other legal members of the Committee, would like to have the advantage of hearing the views of both Mr. Guest and Mr. Gregory.

*Mr. Blackburn.*—The Attorney-General would tell the House why His Honour and the Committee hesitated to include measures of this kind with purely consolidating measures in the consolidation. The House could be informed that there are reasons why the alterations should be made, and could be asked to refer the Bill in question to the same Committee, which primarily deals with the question of rectifying anomalies in the law. The Bill would then be considered from every point of view, and no one would have any excuse for saying that it went through with the general consolidation.

*The Chairman.*—Under Mr. Blackburn's suggested scheme no lay member would be in a position to understand the technical questions involved.

*Mr. Blackburn.*—Lay members have said that on the last occasion they took the consolidation to be simply a reproduction of the existing law without affecting the rights and duties of anybody.

*Mr. Lawson.*—That is a natural assumption unless the explanation is given, but I assume that the explanation was given, and it becomes a question of degree how far you are going. If you do what is suggested, bringing in the Bill with the amendments and then referring it to the Committee, it is only another way of achieving the same purpose. It seems to me that if we can consider these matters after we have heard the explanations, we may say in some cases that the measures are really a great deal more than consolidation measures, and we may feel that there is a certain length beyond which we should not be justified in recommending the House to go. There may, however, be some Bills which refer to obvious defects and discrepancies and which remove admitted anomalies, and so long as attention is publicly drawn to these matters, it seems the most practical and the least cumbrous way of doing it. If there is a doubt in the minds of the Committee that this is going a little too far, even in the rectification of anomalies or the avoidance of discrepancies, we ought to leave it out of the consolidation, and then let those amendments, if they are big enough, be made by means of amending legislation. The method we adopted on the last occasion established the precedent. It may be that the House was new to it and did not understand it, but that method appears to be the most expeditious and effective, so long as we do not deprive the House and the public of the opportunity of knowing what we are doing.

*Mr. Prendergast.*—The position is somewhat different if the Bill does effect material alterations in the law. On the last occasion I asked His Honour what the consolidating Bill did, and was guided entirely by his decision. Wherever anything was agreed to by the Committee that was outside of what may be called pure consolidation, the attention of the House was fully drawn to it at the time.

*The Chairman.*—If that was done on the last occasion it will be done equally strongly this time.

*Mr. Prendergast.*—I accepted His Honour's decision upon all those matters, wherever he said that there were no material alterations. In those cases I agreed to the Bills, and did not desire any discussion of them in the House; but in all cases where there was the slightest amendment of the law, attention was called to them in the House. This happened on at least two or three occasions, and not only was this done, but copies of the existing law, with the amendments marked in them, were made available to all honorable members.

*Mr. Lawson.*—An explanatory memorandum was circulated drawing attention to practically every alteration of any substance.

*The Witness.*—That is so.

10. *By Mr. Edgar.*—Do Mr. Blackburn's remarks apply only to the Property Bills?

*Mr. Blackburn.*—They seem to be important, but there may be others.

*Mr. Edgar.*—The question does not seem to be so vital in regard to the other Bills as it is with regard to the Property Bills to judge by what Sir Leo Cussen has said this morning.

*The Witness.*—I think that is so.

*Mr. Blackburn.*—I should not take the responsibility of recommending the County Court Bill simply as a consolidation in the wide sense.

11. *By Mr. Edgar.*—Is it proposed to increase the jurisdiction of the County Court in relation to the amount that may be sued for?—No, that remains at £500.

*Mr. Edgar.*—There is a feeling that that should be altered.

*The Witness.*—Parliament can settle that matter. Parliament, if it chooses, can make the amount £1,000.

*Mr. Jones.*—One of the difficulties about Mr. Blackburn's suggestion would occur in the Legislative Council. The same procedure would have to be adopted there. This would prolong the debate and delay the consolidation of the measure. If the Assembly referred the Bill to a Committee, the Upper House would naturally want to do the same thing. It does not follow, however, that that procedure would be acceptable to the members of the Upper House.

*Mr. Blackburn.*—I think you will find a great deal of trouble in altering the law relating to property by consolidation, as soon as it touches any rights or obligations.

*The Witness.*—I agree with that, but of course the alterations that are made are alterations rather in the management of property than in the property itself. The property itself will not be altered, but a trustee may have bigger powers under these Bills than under the old Acts. To give an example, under the Act as it at present stands, there is no power for the Court or any one else to deal with extraordinary and exceptional circumstances. Property left, perhaps, by a man to his family to be managed by trustees gets into such a condition that, unless it can be sold or money can be raised upon it, or something of that kind, contrary to his express instructions, the whole thing will be lost. The Court evolved, after much difficulty, what they called the doctrine of salvage, and they will, if it is necessary to save the property that something should be done which is not otherwise authorized, say on this doctrine of salvage that they have power to do it. There was a good deal of doubt and debate about the matter, but eventually they got that established at any rate. The new Bill in England, and the one proposed to be introduced here, gives the Court express power, where unforeseen and unprovided for circumstances have arisen, to make an order even although it is contrary to the order which the testator or settlor gave perhaps 40 or 50 years before. You could not say that that is consolidation. It is not, in the sense of pure consolidation.

*Mr. Prendergast.*—On the last occasion the advice which His Honour gave guided me completely, because His Honour said that wherever there was an alteration it had to appear so.

*The Witness.*—I quite agree.

*The Chairman.*—In all these matters of substance, when they are particularly indicated by His Honour, Mr. Guest, and Mr. Gregory, we shall be able to appreciate the effect of the amendments far more fully than we can now, and we shall then be able to see whether they are serious enough to justify the adoption of Mr. Blackburn's suggestion.

*The Witness.*—I wanted members to have these matters in their thoughts. That is why I spoke of them generally to-day. This matter is perhaps the most important of all. England is a very conservative place, and if in

England they have found it necessary to give better powers of management to trustees and others in that position than they have at present, we can fairly safely adopt the same course here. For instance, with regard to settled lands—and this is another thing which will appear in the new Bill—they have given trustees power to provide for streets and even places of recreation, and a number of matters of that kind, which at present they have not got, it is very desirable that they should have, if they want to deal with property for the advantage of the beneficiaries and for the advantage of the community too, much wider, and, in a sense, more specific powers than they have at present in regard to those matters I have mentioned. You will find them much better in the new Act than in the old Act, and it would be a pity, while we have all these measures tied together, so to speak, if we did not take advantage of all those years of work and all that expenditure of money which have taken place in England. However, that is a matter for you.

*Mr. Blackburn.*—I suppose we have a general power to consider anomalies of the law. I have no objection to a Bill, so long as it is made perfectly clear to the House that it is not actual consolidation, being used also to amend the law, but it is desirable that the attention of the House should be called to that fact, and the House should decide for itself whether it does want to alter the law. If you submit a whole list of Bills and call them consolidation Bills, when they are not pure consolidations, it is rather a dangerous practice. I was in the House when the last consolidation was done, and I am satisfied that the great majority of members did not know which were pure consolidations and which were consolidations and amendments. They all went through together.

*The Witness.*—I quite realize the position of this Committee, and their responsibility to the House, and I quite appreciate their desire for caution.

*Mr. Blackburn.*—You may say, "Here are certain Bills for consolidations, and certain Bills for consolidations and some amendments which we think should be treated as consolidations, and here are certain things which go outside consolidations. We recommend the House to make these amendments of the law, and that, if a Bill does go outside the existing law, it should take the same place in the scheme as the other ordinary consolidations of the law."

*The Witness.*—I think that could be done.

*Mr. Blackburn.*—If we do that we may do more than rectifying anomalies.

*The Witness.*—The Railways Act is one of those which led to this idea that I had of suggesting the passing by Parliament of the new Acts Enumeration Bill. There are, I suppose, hundreds of Railways Acts unrepealed, most of them being Railway Construction Acts. There is a provision in the general Railways Act that when the Engineer-in-chief gives his certificate that a railway line has been constructed, the line thereupon becomes vested in the Railways Commissioners. With certain special exceptions which are preserved, it was thought desirable to repeal all those Railways Acts. The schedule, by the way, gives an interesting little history of railway construction in Victoria. These constructions go back 70 or 80 years, but at all events that view enabled all those Acts to be repealed, except those which for some special reason had to be preserved, either because there was some local rate to be struck, or for something of that kind. The subject was, in my opinion, a proper one for consolidation, because these lines, when constructed, all vest in the Railways Commissioners.

I found some difficulty in connexion with the Registrar-General's Fees Acts. On that subject Parliament has passed two measures, one of which is in a state of suspended animation, and one is in operation for a year only. I did not know which I was to consolidate. Anyhow, I consolidated the last one, and I put in a provision that on

the expiration of the year, unless Parliament does something else in the meanwhile, it is to cease and the other one is to come into operation.

12. *By Mr. Lawson.*—That is the Bill passed last session?—Yes, and the Legislative Council amended it by limiting its operation to twelve months only.

*Mr. Jones.*—That was one of the compromises which I had to accept. The Council said to me, "You can have that or we will throw the Bill out." I said, "I will have it for twelve months."

*The Witness.*—The next Bill I wish to mention is a new one so far as consolidation is concerned, and that is the Trustee Companies Bill. There are a dozen or so trustee companies, all of which have Acts governing them, which are the same, or almost the same, in every respect. There are trifling verbal differences, and perhaps in one or two cases there may be a little more than verbal differences, but they take up a great deal of space in the private volume that was published in 1890, because you have over and over and over again practically the same Act printed—the Union Trustee Company Act, the Equity Trustee Company Act, the Perpetual Trustee Company Act, and so on. If you read them all you find that with very trifling exceptions they are exactly word for word. I thought all that space could be saved if you had one Act and put the companies which come under it in the schedule, and that has been done. This has enabled a great number of Acts to be repealed.

*Mr. Blackburn.*—It will also be more accessible now.

*The Witness.*—Yes, being published in the consolidated volume. There are one or two matters outside the actual consolidating Bills which I should like to mention. One of them is the question of the Commonwealth Acts. I have referred already to the Bankruptcy Act, but there are others that affect Victorian legislation very much in connexion with those matters in which the Commonwealth has jurisdiction. Take for example bills of exchange. On the last occasion, 1915, our Instruments Act, Part I., which dealt with bills of exchange, was left standing, although in fact it did not apply to any bills of exchange, promissory notes, or cheques after 1909 or 1910, which was the year in which the Commonwealth Bills of Exchange Act came into operation and provided, as it had power to provide, that "This Act shall apply to all bills of exchange, promissory notes and cheques after this date." The Victorian Act therefore no longer applied, but in fact the Bills of Exchange Act, both in Victoria and in the Commonwealth, was copied from the English Bills of Exchange Act, and I thought it desirable in 1915 that the Victorian provisions should be allowed to stand, because, although they did not apply to promissory notes or cheques after 1909, and would gradually cease to apply to any promissory notes or cheques at all, still, as they were practically word for word with the Commonwealth Act, it was just as well to leave them there for the guidance of practitioners. We have now reached the year 1928, and I do not suppose the Victorian provisions apply to a single instrument, cheque, promissory note, or bill of exchange, and the question is; What is to be done with them? It seems to me no longer desirable that they should remain there, because they do not apply to anything, and at present I have omitted them, but when you omit them, the question is: What is to be done about bills of exchange? Have you to go to the Commonwealth volumes? I have it in my mind that it might be possible somehow or other, with regard to Acts like bankruptcy, bills of exchange, copyright, patents, trade marks and designs, and one or two other matters of that kind, where gaps have been made in the Victorian legislation by reason of the Commonwealth having taken over the powers, to have in our volumes those Acts which fill up the gaps. I do not know whether that can be arranged or not, although I think it would be desirable if it could be arranged. For example, if you wanted to look at the legislation on bills of exchange, would you have to go to the Commonwealth volumes,

or could you get it in its appropriate alphabetical place in our Acts? Another way, of course, would be for the Commonwealth to publish a volume dealing with those Acts which are in daily use, and which originally were contained in the Victorian legislation, but the question is whether the Commonwealth would do this.

*The Chairman.*—You would have a difficulty in getting them to do it. Other States would make similar requests.

*The Witness.*—They might, if they had consolidations.

*Mr. Blackburn.*—South Australia is engaged in consolidation now.

*The Witness.*—I spoke to the Commonwealth Attorney-General, Mr. Latham, about it, and I was going to ask you, Mr. Chairman, as Attorney-General of the State of Victoria, to seek an opportunity to have a talk with him when he comes back to Melbourne. It would be very convenient if, in going through our Acts, you could find the Bills of Exchange Act there.

*The Chairman.*—It would be very helpful if you put the Commonwealth Acts in the gaps, as you suggest.

*Mr. Blackburn.*—The only advantage I see in having the bills of exchange provisions and the Instruments Act provisions in, at present, is that you would have the Victorian decisions there in a compendious form. It would be a good thing if we could have preserved somewhere the various Victorian decisions on the Statutes which have been re-enacted in practically the same language by the Commonwealth, and of course there is the section about summary procedure.

*The Witness.*—That is preserved. They did not repeal that.

*Mr. Blackburn.*—I think they might split that up between the County Court Act and the Justices Act. It would be a very good thing if we could have the Federal Acts in.

*The Chairman.*—Yes, and with the decisions appended it would be a very good thing.

*The Witness.*—I do not think I should like to take the responsibility of appending the decisions to their Act. All I should like to do is simply to publish their Act.

*The Chairman.*—But adopting Mr. Blackburn's suggestion that the Victorian decisions could be appended.

*The Witness.*—You could not append them without leaving the sections in, and at present I have dropped those. I do not say that it is impossible to put them back, but they apply to nothing.

13. *By Mr. Wettenhall.*—That is a very great difficulty, is it not?—A very great difficulty.

*Mr. Wettenhall.*—We have no right to put their Act in, and yet if we take out our own Act, which has been superseded, there is nothing in there dealing with the subject.

*The Witness.*—No, you have to go to their volume. The fact remains that our Act applies to no bills of exchange issued for the last eighteen years. You could agree to say, in the preface or in every individual instance, "This is the state of Commonwealth legislation at such and such a date." It would have, of course, a different heading altogether.

*The Chairman.*—It would be in a different form.

*Mr. Blackburn.*—We could have an official publication. There was one about 1887.

*The Chairman.*—Their sections would not be the same as ours.

*The Witness.*—They are not exactly the same, but they are very nearly the same.

14. *By the Chairman.*—Is the language the same?—Almost in every particular.

*Mr. Blackburn.*—That is why I say the Victorian Acts would be valuable, because there are decisions on the same language.

*The Witness.*—The Bankruptcy Act would be in the same position. Our Insolvency Act will be gradually getting out of gear. It will not be operating on anything, I suppose, in fifteen or twenty years. There will be nothing for it to do, and in the meantime there will be fresh insolvencies, all of which will be governed by the Commonwealth Bankruptcy Act, which is very different from our Insolvency Act.

*Mr. Blackburn.*—In the case of the Instruments Act, and to some extent the Marriage Act, there are some sections which are absolutely identical, and it would be a good thing to have the old Victorian decisions there. I cannot say, however, that that is consolidation.

*The Witness.*—If it is going to be done, it must be done soon. I could leave the first hundred sections of the Instruments Act in, as I did before, with the guarding clause that they do not apply to anything after 1909 or 1910. It could be explained also in the explanatory paper, that they are left in to get the benefit of decisions upon them, if asked for. There would be this effect, however, that the bills of sale sections and others are referred to over and over again in other Acts, and now I would have to go through those other Acts again to get the numbers right, as the numbers would be all wrong.

15. *By Mr. Jones.*—Would it not be adequate if in the alphabetical order you referred to the fact that this subject was dealt with now by Commonwealth law, and referred practitioners to the Commonwealth Acts on the subject?—That could be done.

*Mr. Blackburn.*—You could also indicate that the Victorian Acts as they stood are quoted in the old volumes.

*The Witness.*—You could do that also. It would be a great comfort to have it in your own alphabetical order, and to have the complete legislation set out. A great many practitioners, particularly in the country, may have these volumes and not have the Commonwealth volumes containing the particular Acts.

There are a number of other Acts which I think it is about time disappeared from our statute books. Take, for example, the Post Office Acts, the Defence Acts, the Customs Acts, and the Customs Duties Acts. They have never been repealed. In 1915 it was thought desirable that they should not be repealed, because they were not doing anybody any harm, and something might arise under them, but I think we have reached the stage where they can be repealed, and accordingly they go into the repeal basket now. I have preserved the Copyright Act, because I think there may be something in the old Victorian Copyright Act which may have some effect, and the same applies to patents, but others, such as Defence, Post Office, Customs, and Customs duties, are not in the schedule of the Acts Enumeration Act, which means that they are repealed.

There is the Aliens Act, which was another that was not repealed in 1915. That has been superseded by the Commonwealth Naturalization and Nationality Acts for most purposes, but it does contain a section saying that no naturalized person shall be a member of our Executive Council. That is the only thing I thought to preserve.

*Mr. Blackburn.*—A naturalized person was Premier of South Australia.

*The Witness.*—I was not aware of that. At any rate, that provision is in our Aliens Act, which has never been repealed. I do not know whether Parliament will take it into consideration. I think the Commonwealth legislation was originally to this effect, that every person naturalized by the Commonwealth shall have all the rights of a British subject, provided that if a State law draws a distinction between a naturalized person and a British subject, its effect shall be preserved. That is just what our law does.

*Mr. Blackburn.*—That Commonwealth provision was to cover those Canadian cases.

*The Witness.*—I believe so. Of course that matter which I have raised is one for Parliament to consider, but I thought I could not dispense with that section, and there it is. It is to be preserved.

The only other matter I desire to mention this morning is the Imperial Acts Application Act. As I indicated at the time of passing this Act to the members of the Committee then sitting, I thought that, when the next consolidation came along, that Act would be to a very great extent disembowelled, and it would not be nearly so long as it was originally. That has occurred. Practically the whole of Part III., which is called consolidating provisions relating to administration of estates, solicitors, sheriffs, and a great many other matters of that kind, has disappeared. That is to say, it has gone into these Bills and will no longer appear in the Imperial Acts Application Act. There are also the transcribed enactments, which were printed in different type, and were not enacted by the Victorian Legislature, it being simply stated that they were to have such effect, if any, as they had at the commencement of the Act. These old English Acts were set out, but a great many of them have been repealed and put into the new Bills. Perhaps the best example I can give is all those provisions relating to real property, or nearly all of them. Nearly all those provisions relating to real property have gone into these Real Property Bills, but I thought that it was desirable that, as a mere matter of historical interest, these transcribed enactments should not disappear from sight. I therefore propose that in that case the Bill shall be printed with a stroke through the repealed enactments, but leaving them legible, so that any one who desires to see where they came from and where they have gone will be enabled to do so. The only other way would have been to leave blanks, but then you would not have the benefit of them, and I did not think it desirable to adopt that course. If now any member of the Committee wishes to ask me any questions about the matters which I have mentioned, or about others which I have not touched upon, I am prepared to answer them.

16. *By the Chairman.*—Do you suggest that we should meet at an early date to hear Mr. Guest and Mr. Gregory?—I suggest that you might meet in a fortnight, if that would be suitable, and you could have Mr. Guest and Mr. Gregory before you. I think that in a fortnight they will be in a position to discuss with you the matters with which they are specially concerned. I do not think you will get the absolute details from anybody yet, and I do not think you can expect them to go into matters in detail.

17. What is the wish of the Committee with regard to the next meeting and with regard to hearing Mr. Guest and Mr. Gregory?—Would you have Mr. Paul in connexion with the Maintenance Bill?

*The Chairman.*—I think we might defer that matter and consider it in conjunction with the Marriage Bill.

*The Witness.*—Mr. Paul has dealt also with the Licensing Act, where things have also gone into a complicated condition. It illustrates what the consolidator is always up against—that when Acts are passed at intervals of years, and you compare section 20 of the first Act with section 40 of the second Act, they do not look so bad, and the interval of time itself has some effect in causing you to say, “Well, the later would be given the governing operation,” and so on; but directly you put those two sections together—and they may come together as a matter of location in the consolidation—they do not look right, and you must do something with them, or otherwise any one looking at them will say, “It is a most remarkable thing that a man should put that section in and immediately follow it with this one. See the difference there is between them.” You must do something with that. The Poisons Act and the Licensing Act are very good examples of that kind. Mr. Paul, as I say, has done that work with regard to the Licensing Bill, and I said to him, “You have done the Licensing Act; here is the Poisons Act.” Would any member of the Committee like to look at the Acts Enumeration Bill? It is not in

its complete form, because the second schedule is going to be re-arranged to make the form better, but it is practically complete so far as the information is concerned. The County Court Bill is also available for your inspection.

18. *By Mr. Blackburn.*—Are you going to put the Railways Standing Committee Act in with the Railways Bill?—No, I am leaving it as it is. The general Railways Act is to a great extent associated with the powers of the Commissioners, and the Railways Standing Committee is something outside, and, it may be said, above them.

*Mr. Blackburn.*—I have often thought that you might have two measures—one dealing with the railway line until it leaves the control of the Board of Land and Works, and the other dealing with it after the Commissioners take it over.

*The Witness.*—They are both in the Railways Act.

*Mr. Blackburn.*—Yes, they are.

*The Witness.*—I should have mentioned that it will be found that the Public Works Bill is a very short measure indeed, although at one time—for instance, in 1890—the Public Works Act was a very big Act. The reason was that a great number of sections were taken up with the sewerage of Melbourne and its surrounding parts, and put that matter under the control of the Board of Land and Works. Then when the Melbourne and Metropolitan Board of Works Act was originally passed, it cut out from the jurisdiction of the Board of Land and Works everything which was within the domain of the Melbourne and Metropolitan Board of Works. The Board of Works had jurisdiction within 10 miles, I think, of the Melbourne General Post Office. The original Melbourne and Metropolitan Board of Works area did not cover that 10 miles, and there were little islands and gaps left in it, but the Melbourne and Metropolitan Board of Works Act contained a provision that the metropolis, which was the extent of the domain of the Board, might be defined differently by order in council, and the Governor in Council some years ago passed an order in council that the Melbourne and Metropolitan Board of Works should have jurisdiction within 13 miles of the Melbourne General Post Office. That is what I understand they have now. The result is that those 50 or 60 sections of the Public Works Act have now no longer any operation, and that the whole area is covered by the Melbourne and Metropolitan Board of Works Act. That cuts one lot out. There was also another large number of sections which dealt with something in the nature of lands compensation in connexion with the early gas companies and the Victoria Racing Club, and it seemed to me that they ought to be dropped also, that a much shorter reference could be given to them and produce the same effect, and that those long and elaborate sections, which no one ever uses, and I suppose no one ever looks at, should go out. The consequence is that the Public Works Bill has now in it only about 20 or 30 clauses, instead of 100 or 150 or something of that kind that it used to have.

*The Committee adjourned.*

TUESDAY, 14TH AUGUST, 1928.

*Members Present :*

Mr. SLATER, in the Chair ;

<i>Council :</i>	<i>Assembly :</i>
The Hon. W. H. Edgar.	Mr. Blackburn,
The Hon. J. P. Jones,	Mr. Macfarlan,
The Hon. M. McGregor.	Mr. Prendergast,
	Mr. Wettenhall.

*The Chairman.*—It was the wish of the Committee, following the suggestion of Sir Leo Cussen at the first meeting of the Committee, that the Committee might hear the views of the Commissioner of Titles (Mr. Guest) and of Mr. Gregory, of counsel. Both those gentlemen are here this morning, and I will ask Mr. Guest first to submit his views in regard to the proposed property law consolidation.

William Campbell Guest, K.C., Commissioner of Titles, examined.

*The Witness.*—I did not come prepared to make an address to members of the Committee. I expected when I came that I should have a few questions put to me about the scope of the work in which we have been engaged. However, I shall state shortly what part I have taken in the great work which Sir Leo Cussen has undertaken, namely the consolidation of all the Statutes. That part, compared with the whole, is a very limited one. It may be said to be limited to those Acts with which I am associated in varying degrees as Commissioner of Titles. These comprise five Acts. There are, of course, many other Acts in which I am interested, but, speaking generally, the five principal Acts may be said to be the Transfer of Land Act itself, the Law of Property Act, the Settled Lands Act, the Probate and Administration Act, and the Trustee Act. My part in the work of consolidation has been limited to these Acts. We started with this advantage, that a similar group of Acts have, within the last three years, been consolidated in England, and, as you legal gentlemen at any rate know, the work which is performed in England in connexion with the drafting of Acts of Parliament is of the very finest, and not to be surpassed by any other country in the world. We had then the advantage of those consolidating Acts. I may state that in England the work of consolidating is not done in quite so comprehensive a way as it has been done in this country. In England, they adopt rather the principle of consolidating in groups of Acts. In 1922, with a view ultimately to consolidating their Property Acts, they passed the Law of Property Act, which introduces a great many changes, many of them of rather a drastic nature. That Act was passed and became law, but was not put into force until it was taken to pieces, section by section, and re-arranged in the six consolidating Bills which were being prepared. These measures came into force in, I think, 1925. These were the new consolidating Acts. I desire to explain, in connexion with this consolidation, that in consolidating the corresponding Acts in Victoria we have not followed these drastic changes which were made in England in 1922. We have, however, derived very great benefit from the improvement which has taken place in many sections in these consolidating Acts, that is, in what I may call machinery sections, that is to say, sections which originated a long way back, but which, as experience is gained, are improved from time to time. The great advantage which we derived in the consolidation of our local Acts was these improvements in form which had taken place in the English consolidating Acts. We have, therefore, in consolidating, not always followed verbally the existing Victorian Statutes, but we have, where it was obviously a benefit, adopted the improved form of many of these machinery sections. It is, of course, not always an easy matter to draw the line between what is purely an improvement in machinery and what is a material alteration, and where we felt that there was any doubt about any particular change that came under discussion I understand that His Honour has made a note of it and will submit it. There are, of course, cases which may be said to be on the border line, but, speaking generally, I think that the Property Acts in which I am interested have been very much improved. We have not only improved the machinery sections, but we have had the benefit of seeing how in England the corresponding sections could be better arranged, and we have in many cases followed their arrangement, with considerable advantage, I think, to the people who have to do with these Acts. I need hardly say that these are Acts with which professional men rather than the ordinary laymen are concerned, and it behoves us to have that machinery as perfect as possible. There is no place where we can get greater help and assistance than from the draftsmen of Lincoln's Inn. I often think that we owe a very great debt to the work that is done in England and to which we help ourselves freely, and which, so far as I know, is never acknowledged. It is the finest work of the kind in the world. There is no work like it. The Treaty of Peace was drafted by Lincoln's Inn draftsmen. So far

as this country is concerned, we have helped ourselves without stint to all the finest work of the English draftsmen from the very beginning, and we are still doing it, and I have no hesitation in saying that we have vastly improved our ordinary legislation by so doing.

19. *By the Chairman.*—I think that at the last meeting of the Committee Sir Leo Cussen indicated the desirability of altering in effect some phases of the substantive property laws. Have you any suggestions to make in regard to that matter? Can you indicate to the Committee those suggested alterations, and their nature or scope?—I do not know to what in particular Sir Leo Cussen refers, but speaking for myself, I have been a student of the proposed alterations in England ever since I have been Commissioner of Titles, which represents a period of nearly twenty years. The proposed substantive changes are rather a large subject, They found it necessary in England, after they had made the substantive changes in the shape of an Act of Parliament—a process which I may tell you took 25 years to perfect before the result was passed as an Act of Parliament—I am referring to those changes which were made in the Act of 1922—to postpone the coming into force of that Act for several years, so that the profession might become acquainted with the changes that were proposed to be made. It would be rather a big work for me to try to outline the proposed changes.

*The Chairman.*—I make that suggestion only because it emanated from Sir Leo Cussen himself.

*Mr. Blackburn.*—I thought Sir Leo said that the drastic alterations were not necessary.

*The Chairman.*—No, but he said that there were some changes.

20. *By Mr. Blackburn.*—What he said was on the same lines as Mr. Guest has indicated. On page 13 of the transcript of the shorthand notes of the last meeting of the Committee, he is reported as follows:—"The Trustee Act works in with the Real Property Act and the Real Property Act works in with the Administration and Probate Act, and all of them work in with the Settled Lands Act, it would be a very great pity indeed if we did not take advantage of what has been done in England, not in the sense of making the drastic alterations that they have made, because I do not think those are necessary here, but in the sense of making use of all their cleaning up work, if I may so call it. I do not think drastic alterations are necessary here because, first of all, the conditions which led them to make those drastic alterations in the way of strict settlements and matters of that kind are not operative here, and in the second place, we have a Transfer of Land Act, a Registration Act, which gradually, it is hoped, will affect possibly all the land in Victoria. It seemed to me inadvisable, even if Parliament were willing to discuss the matter at all, that we should suddenly make drastic changes of the nature of those which have been made in England." Do you agree with that?—Yes, it is very much better expressed than I could do it. We have not made the drastic alterations. I agree with His Honour in saying that they would not be justified in the present condition of development here. Our dealing with land in this country is of a very simple nature compared with the very complex dealings with land in England. Here we buy land and sell land—

*Mr. Blackburn.*—His Honour discussed the change in the law of intestacy, and then says that he does not suggest that that change should be adopted here.

*The Witness.*—Much the greater proportion of the land in England is settled land, which means that in every piece of land there are several interests. Here, for the most part, a man owns a piece of land, and that is the beginning and the end of it. He sells it, and that is all about it. In England, more than half the land is settled land, which means that several people are entitled in succession to an interest in it, and there are several different estates all existing at the same time; this makes the dealing with the land very much more complicated than it is here, so that although we have in fact adopted the Settled Lands Act,

it is of very little practical use. A great deal of work and study has been involved in adapting it to our local conditions, but it is still of very little practical value.

21. *By Mr. Macfarlan.*—In any event, you would not bring those drastic alterations into a consolidation. That would be a matter for the House, and, so far as we are concerned, we can leave it alone?—Yes.

22. *By the Chairman.*—Did you follow the English practice of grouping these Acts which hitherto have remained separate?—We have grouped them, I suppose, but the groups make up the whole. They do not go over the whole statute law as consolidated in England.

You have not consolidated in one piece the Transfer of Land Act, the Conveyancing Act, and so on. You have left them as they are?—Yes.

23. *By Mr. Prendergast.*—Did I understand you to say that changes of a drastic nature have been carried out?—Only in England. That was in 1922. We have not adopted those drastic changes.

24. Will the improved form of drafting which you have adopted make any alteration in the law. Will any of those new forms adopt any of the procedure which is now in force in Great Britain?—No. I have tried to draw the distinction between an improvement in a mere machinery clause and the making of a change in the substance of the law. In a consolidation, I think we are justified in improving a purely machinery clause. Take, for example, the well-known section which provides for filling up vacancies in a trust. That section first appeared in the Trustee Act of 1859 in England. As time went on, and cases were decided, it was found to be imperfect in this respect and that respect, and it has been amended and improved from time to time. We have had at least half a dozen editions to that section. They are merely machinery provisions.

25. It appeals to me that an alteration of the law may be required in a consolidation which is presented to the House. I presume that none of those alterations will be put in without coming before the House as new matter or as a new Bill?—Yes, that is so.

*Mr. Blackburn.*—Material alterations.

*Mr. Macfarlan.*—Alterations in the substantive law apart from mere improvements in the machinery.

*The Witness.*—I said that where there is any doubt as to whether it is a mere improvement in the machinery or a change in substance, those cases have been very carefully and specifically noted. I have spent a good many hours with His Honour in going through these Acts, and I know that he has noted all those cases in which there is any doubt as to whether what has been done is a mere improvement in the machinery or a change in substance.

*Mr. Prendergast.*—The promise made to us by Sir Leo Cussen was that no alterations at all would be made in the law without them being distinctly placed before the House. He also promised that where an alteration in procedure was recommended, that would also be completely stated. Otherwise it would mean that the consolidation would have to come before the House without any alterations whatever in the original Acts, as that would be the only way in which it could go through Parliament without discussion.

*The witness withdrew.*

Robert Henry Gregory, barrister-at-law, Melbourne, examined.

*The Witness.*—I have had to study the same five Acts to which Mr. Guest has referred. His Honour Sir Leo Cussen requested me to go through them and to consider whether any of certain clauses from the new English legislation which he was proposing to introduce were in any way inconsistent, or would not work in well, with our existing legislation. It was from that point of view that I have had to consider the proposed Bills. The English legislation, speaking broadly, has been aimed to overcome difficulties in dealings with land and in putting land to the best advantage—difficulties which have arisen from the system of

land being held in limited interests or estates, that is to say, instead of one man owning what we call technically the fee in the land, owning the whole interest in the land, the ownership of land is split up by persons owning land in succession, with, for instance, one person owning a life interest, and after that person's death, the land going to somebody else. A familiar instance which we have in Victoria is where a testator leaves all his property to his widow for life and after her death to his children. Of course, in England, that system of land being held for limited interests has been carried to a very great extent, and I believe that the mass of land in England is held under settlements of that description, only of a very much more complicated character. Two evils result from land being held in limited interests. The first is that in the case where land is held in limited interests it has been found very difficult to put the land to the best advantage and to the best use either for the person entitled to the limited interest or for the community. A person who has only a limited interest in land will not, as a rule, expend money on permanent improvements to the land, his interest ceasing with his death, and in such a case, not only does the individual suffer because he does not get the best out of the land, but the community also suffers, because the land is not put to its most productive use. There are also difficulties arising in proving title on the sale and transfer of land. Broadly speaking, the legislation in England has been aimed at enabling land held upon trusts for persons for limited interests, or limited directly to people by way of succession, to be sold and dealt with as it was owned by one person in fee, but if, for example, land which has been limited to various persons by way of succession is sold, the proceeds of the sale are held upon the same trusts as those upon which the land was held before it was sold. The object of the legislation has been to enable land which has been tied up in this way in a number of limited interests to be dealt with and disposed of by the owner for the time being of the limited interest, subject to precautions, as if it was his own, but that the purchase money which will be received on sale shall be received by trustees, and the persons who were interested in the land for limited estates will have, instead, interests in the money, so that while there is no alteration made in the substantive rights of persons beneficially interested, there is an alteration in the nature of the property, which may be changed from land into money, or from money into land. That is very broadly the class of problem which is tackled by the English legislation, and, as has been pointed out, we have already largely adopted that legislation. We have it in our existing Settled Lands Act. It has, however, been found in England from experience, that there was this case or that case which could not be dealt with, and for which legislation had failed to make provision, or a particular case would arise in which it was felt that greater freedom in dealing with the land should be given, for the benefit of the persons interested in the land and of the community, which is interested, of course, in land being put to the best advantage. In those cases it was felt, as I say, that greater freedom should be given, while at the same time safeguarding the interest of the persons who were beneficially interested in the land. It has been found necessary in England, in order to bring that about, as has been explained, to make some very drastic alterations indeed in the general system of holding land. It is not necessary for that to be done here because, owing to the great mass of our land being held under the Transfer of Land Act, certain of the difficulties do not arise, and also because, in regard to the rest of the land, we hope that it will be brought under the Transfer of Land Act within a comparatively short time, and further because land is not settled in the same way or to the same extent as in England. While Sir Leo Cussen has not introduced into the consolidation those drastic changes, he has incorporated various machinery clauses which seemed to fit in with our system and make our system more efficient, and here or there he has introduced from the English Act a clause which abolishes something which was obsolete,

To give an example, there is a rule in law with which the legal gentlemen present are familiar, known as the rule in Shelley's case. The rule in Shelley's case is a purely technical rule which has existed as far back as historians can trace the history of our law, and no two persons are in agreement as to the reason why it was introduced. However, there it is, and it must last until it is repealed by the legislature. The English Parliament has abolished that rule, and the section abolishing the rule in Shelley's case has been introduced into our legislation. Of course, in one sense it is an alteration of the substantive law. There are a few alterations of that sort, abolishing rules which are recognized and have been long recognized by the profession as obsolete, but I understand that Sir Leo Cussen is drawing up a paper in which every section which introduces any alteration in the substantive law will be set out, and the reason for that alteration will be explained, so that the members of the Committee and the House afterwards will be able, looking at that paper, to see every proposed alteration of a substantive character which will be made if the Bills as prepared are enacted. It will be, I think, quite useless for me to attempt to draw your attention to those alterations, but they will all be set before you. I thoroughly agree with what Sir Leo Cussen stated on the last occasion, and what Mr. Guest has now stated, that it would be a very great pity if we missed this opportunity of introducing into our legislation the various improvements which are of a machinery character, and the various clauses which more clearly express what the legislature intended. We have now ready to our hand work of the highest character which has taken years to do, and it is there for us to take. We can take it, we can improve the efficiency of our law and render dealings with land cheaper and more effective, and enable the land of the community to be put to better advantage if we choose to stretch out our hands and introduce those clauses into our legislation. Of course, whether they should be introduced into a consolidation where they do make an alteration, or in a separate Bill, is not a matter upon which I am competent to express an opinion, but I feel very strongly that they ought certainly to be introduced into our legislation, and they ought to form a component part of these Acts and not appear as separate Acts, so that we may have the law of property brought together in certain Acts, and so stated that lawyers, at any rate, will know where they can look to find it.

*The Chairman.*—On behalf of the Committee, I thank Mr. Guest and Mr. Gregory, whose views are of very great value to us.

*Sir Leo Cussen.*—Before Mr. Guest leaves, may I add to what I said on the last occasion. I meant to say it then, but I forgot to do so. I explained then that Mr. Guest had gone through a number of the prints that we had in connexion with these Bills with me, but I ought to have added that, with regard to the Trustee Act, which is one of the most important, Mr. Guest had, before I started my work at all, taken the recent English legislation and suggested that a number of the clauses which are now incorporated in the Bill should be incorporated in a separate measure to be passed by the Victorian Parliament. The present Bill goes a little further than was suggested by him in his proposed Bill, but I wish to add that, of course, his suggestions, which adapted the English legislation to the local conditions in connexion with the Trustee Act, were of the greatest importance, quite apart from the subsequent discussions we had in connexion with all the Acts.

*The witness withdrew.*

*The Chairman.*—Mr. Jacobs is now present to give the Committee the benefit of his knowledge of the County Court Bill.

Philip Acland Jacobs, barrister-at-law, Melbourne,  
examined.

*The Witness.*—I have had the advantage of reading the report of what His Honour Mr. Justice Cussen said to the Committee on the last occasion, and I feel rather a difficulty as to how I should address you and on what line I should

proceed. His Honour put to you, I think, very clearly and succinctly what ground is covered by the new County Court Bill, and explained the nature of the amendments embodied in it, and the work which is proposed to be done by the Bill. I find it rather difficult to add anything which would be of assistance to you in view of what His Honour has said, but I may perhaps in my own way point out what I think is proposed to be done by this new legislation, and leave it to you to ask me any questions which you desire to put. As His Honour said, undoubtedly the most important work done by the County Court Bill is the elimination of the sections of the *County Court Act 1915* which deal with procedure in County Court actions. Most of the procedural sections of the Act of 1915 have been omitted from the Bill. In some cases, however, procedural sections have been retained. I am referring particularly to the sections relating to trial by jury. The idea has been that those sections, although they may be described as procedural, stand on a special footing, and that Parliament should be the only body to deal with matters relating to trial by jury because it is deemed to be unwise to leave to the Judges the power of saying in the rules to be framed by them what actions, for example, should be tried by a jury rather than by a Judge. This is a matter of fundamental importance, and it was considered that those sections should not be eliminated from the Act. In the case of one or two other matters relating to procedure, the sections have been left untouched for special reasons. Now, as to the desirability of leaving the great majority of the procedural sections out of the Bill, the explanatory paper which has been prepared gives the reasons for it, speaks for itself. I have a copy of it here. It puts briefly the reasons why it is thought better to leave the procedural sections out of the Act. I will read the following explanatory paper and comment on it as I proceed:—

“General Remarks.—Little need be said with regard to the consolidation effected by the Bill. There has only been a slight alteration in County Court law since the consolidation of 1915, as may be gathered from the first schedule to the Bill which specifies the repealed Acts. The County Court Act of 1917, referred to in the schedule, is now embodied in the Bill. (Clause 5.) The Act of 1919 (also mentioned in the schedule) deals with a matter of procedure, and will probably be included in rules to be framed later.

The Bill, however, contains some important amendments of the law as embodied in the *County Court Act 1915* (hereinafter called “The Act”). A table has been prepared showing how the sections of the Act have been dealt with, and some of the main alterations and additions effected by the Bill will now be specified.

1. Procedure.—With few exceptions those provisions of the Act which are purely procedural have been omitted from the Bill, with a view to their being dealt with by rules to be framed by the Judges. Several reasons may be urged for this.

(a) Judges may be presumed to be the most appropriate persons to decide upon the procedure governing actions and matters in their Court. Procedure should, therefore, be governed by rules made by the Judges.

(b) Under the existing law, the procedure in regard to a number of subjects is contained partly in the Act and partly in the rules. Thus, payment into Court is dealt with partly by section 62 and partly by Order XXVI.; joinder of parties by section 54 and by Orders XV. and XIX.; remitting actions of contract by section 50 and rules 151 and 152; discontinuance, by section 70 and Order X.; amendment, by section 146 and Order IX.; interrogatories and Discovery of Documents, by sections 78 to 81 and Order XIII. In the Supreme Court, such matters, where dealt with at all, are dealt with in the rules of the Supreme Court. The method now existing in the County Court is illogical, confusing, and troublesome. To ascertain the procedure relating to a given matter, reference must be made both to the Act and the Rules. If the Act is to prescribe part of the procedure, why not the whole of it?

(c) A fundamental objection to the inclusion of procedural provisions in the Act is that it nullifies, to a large extent, the rule-making power given to the Judges (see section 148 of the Act), i.e., if the Judges wish by means of rules, to repeal or amend the procedure specified in the Act, they cannot do it. A rule conflicting with the Act is *ultra vires*.

To illustrate the disadvantage of the present system, take the case of joinder of causes of action and joinder of parties. As pointed out above, this is dealt with partly by section 54 and partly by Orders XV. and XIX. In the Supreme Court, the procedure formerly prescribed by rules corresponding in part to section 54 has long ago been improved upon by rules of later date (see R.S.C. 1884, Order XVI., and R.S.C. 1916, Order XVI.). A similar improvement could not be effected in the County Court without repealing section 54.

Principally as a result of eliminating from the Bill sections previously appearing in the Act, the Bill is much shorter than the Act. It contains 94 clauses, whereas the Act contains 152.

It will be observed that clause 1 (1) provides that the Bill will come into operation on the 1st October, 1928. It may be, however, that the rules will not be completed (i.e., made, published, &c.) in time to come into operation on 1st October, 1928, and to meet that contingency, clause 94 provides that until the rules to be made under the Bill come into operation, the present procedural sections of the Act will remain in force.

It may be pointed out that, even if the procedural provisions of the Act were not omitted from the Bill for the reasons given, many, and perhaps most, of them would require to be omitted or amended for other reasons. The procedure they prescribe is, speaking generally, antiquated, and is open to criticism in many respects.

The provisions relating to trial by jury, although they may be described as procedural, have, however, been retained practically in their entirety.

2. Jurisdiction.—An important extension of the jurisdiction is contained in clause 36, which is entirely new. This clause is designed to meet the technical and inflexible rule of the common law that the County Court cannot try an action in which any part of the cause of action has arisen outside Victoria (see *Brooks Robinson and Company v. Smith and Sons*, 16 V.L.R., 245, 250). So that under the present law a claim, e.g., for £5 damages for breach of contract in which some part of the cause of action arose on the other side of the Murray, could not be heard in any Victorian County Court. This almost amounts to a denial of justice, because a Supreme Court action for so small a sum would be out of the question. A provision somewhat similar to clause 36 has been in force in New South Wales and Queensland for many years, and the defect in the Victorian legislation was pointed out long ago by Martin C.J. in *Thompson v. Hood*, 5 N.S.W. L.R. (L), 202.”

That case of *Thompson and Hood* was decided about 40 years ago, and His Honour the then Chief Justice of New South Wales pointed out that the Victorian legislation was defective in this respect; that there was no jurisdiction to hear the action unless the whole cause of action arose in Victoria. The explanatory paper continues—

“Again, the County Court will now, under clause 37, have jurisdiction to hear actions for breach of promise of marriage and for seduction. The proviso to section 48 of the Act (omitted from the Bill) withdrew jurisdiction from the County Court to hear these actions, except by consent of the parties or their solicitors. It can also hear an action commenced in the Supreme Court claiming more than £500, if the parties consent in writing. Under the Act of 1915 it could not do so. (See *Freeth v. Hines*, 6 A.L.T., 267).

Clause 48 is an innovation which, it is believed, will be valuable. It is taken from recent English legislation (the *County Courts Act 1919*, section 6), and will be especially useful in building cases and similar cases where technical matters arise with which a Judge may not be very conversant. The clause enables a Judge, with the parties' consent, to refer such cases to a referee (who may, e.g., be an architect) for inquiry and report. On consideration of the report, the Judge gives judgment. The provision should save time and expense, and lead to a juster decision. The machinery for working out the provisions of this clause would be supplied by rules. (See *English County Court Rules, 1903 to 1921, Order XXA.*)”

I may state here that section 14 in the *Arbitration Act 1915* gives similar power to a Supreme Court Judge. That is to say, a Supreme Court Judge may refer an action or a question arising in an action to a referee for report, and then give his judgment on the report as made to him. This document proceeds—

“Jurisdiction in equity is increased (see clause 41 (iv)) by extending it to actions for specific performance, rectification, &c., of any agreement whatever where the amount in dispute does not exceed £500. The Act (section 121 (iv)) is of more limited application. There is also enlarged jurisdiction in regard to partnership actions (see clause 41 (vii)) and injunctions (clause 41 (viii)).”

The first part of that last paragraph simply means that under the present Act there is power in the County Court under the equity jurisdiction for a Judge to direct cancellation or rectification of certain limited classes of agreement, agreement for the sale of property or the leasing of any property where the value of the property does not exceed £500. The idea of this extension is to enable the Judge to direct cancellation or rectification of any agreement whatever where the amount involved is not more than £500, not merely agreements for the sale or leasing of property, but any agreement. There seems no reason why it should be limited to that particular class of agreement as it is at present. The matters mentioned in the last part of that last paragraph are really unimportant. The Bill enables a declaration to be made by a County Court Judge that a partnership exists, and not merely that the partnership should be dissolved or is dissolved. I do not

think the alteration in jurisdiction in regard to injunctions is material. It is more a matter of making the wording clearer than it is in the Act. The paper continues—

“3. Re-arrangement of clauses.—The clauses of the Bill are, it is believed, more accurately located under their proper headings than the sections of the Act. Thus, provisions corresponding to section 8 of the Act (relating to committal for contempt of Court) section 118 (Jurisdiction in replevin), section 119 (jurisdiction in ejectment), appear now under the appropriate heading ‘Jurisdiction.’ Again, all the clauses relating to the remitting of Supreme Court Actions to the County Court and the transfer of County Court actions to the Supreme Court (clauses 57 to 63) are now grouped together under one heading. In the Act they were under different headings. Section 22 of the Act is now sub-clause (3) of clause 35.

4. Remitting and Transferring Actions.—The sections of the Act relating to these subjects have been altered on the lines of English and New South Wales legislation. Under clause 57, an order to remit a Supreme Court action to the County Court may be made on the application of any party to the action. Under section 50 of the Act, an order could only be made at the instance of the defendant. The alteration is useful, because sometimes a plaintiff, although he has brought his action in the Supreme Court, finds it necessary or desirable to have the action remitted. The clause, further, extends now to actions of tort as well as of contract. Section 50 affected actions of contract only. Clause 58 also deals with both classes of action, whereas section 51 (which corresponded to clause 58 of the Bill) related to tort only.

The wording of the remitting and transferring clauses has been improved, and the clauses have been made uniform. The Judge of the Supreme Court, in making or refusing to make an order to remit or transfer under clauses 57, 58, and 61, has to consider whether ‘it is advisable under all the circumstances’ that he should do so. These words give him a wider discretion than he had under the Act. In the Act, the words indicating the circumstances under which the order should be made in the different sections varied, and with no apparent reason for the variation. Other improvements in the drafting will be observed on a comparison of the Act with the Bill.”

The paper then deals with appeal, which is an important matter. I think the Committee will recognize that very desirable and important alterations are made here—

“5. Appeal.—Two very irksome conditions with regard to appeals are created by section 133 of the Act. One is that notice of appeal (with the grounds of appeal) must be given within seven days from the judgment or order appealed from. The other is that within the same period security (to be approved by the Registrar) must be given for the costs of appeal and amount of the judgment or order, or, alternatively, that the amount of the judgment or order, together with £10 for costs of the appeal, must be deposited with the Registrar. The Bill, by clause 74 (2), allows fourteen days instead of seven for giving notice of appeal. It removes altogether the condition as to requiring security, but provides by clause 74 (4) that a stay of proceedings under the judgment or order appealed from may be obtained by depositing or giving security for a sum to be fixed by the Judge not exceeding (broadly speaking) the amount at stake. Then clause 74 (5) further provides that the rules as to ordering security for the costs of appeals from the Supreme Court to the Full Court shall, as far as practicable, govern appeals from the County Court. The provisions thus substituted are based upon English legislation and rules, and appear to be just and reasonable.”

The position in the County Court at the present time is, I think, very unfair for people who desire to appeal from judgments. In the Supreme Court, fourteen days or such further time as may be ordered, is allowed if a party desires to appeal from a judgment of the Supreme Court. The present County Court Act makes the time for appealing seven days. In the case of an order to review a decision of justices, one month is allowed. There seems no reason whatever why a County Court appellant should have to appeal within seven days where in the case of those other jurisdictions either a fortnight or a month is allowed, and neither in the case of an appeal from the justices or in the case of an appeal from a Supreme Court decision is any security at all required for costs. Yet in the case of a County Court appeal, the appellant has either to deposit with the Registrar the whole of the amount of the judgment payable together with £10 for the cost of the appeal, or else has to give security for those amounts. That seems altogether unreasonable. No such requirements exist in the case of an appeal from either a decision of a Court of Petty Sessions or a judgment of the Supreme Court. The result is that, unless a man has the purse of Fortunatus, he cannot appeal.

26. *By the Chairman.*—What is the origin of that provision?—I have often wondered why it existed. It is a terrible burden to impose upon an appellant, and only a rich man can afford to appeal.

27. *By Mr. Blackburn.*—It is a burden on the unsuccessful defendant, but not so much on the unsuccessful plaintiff?—That is so.

*Mr. Blackburn.*—A defendant who gets a judgment given against him in the County Court may have to deposit the amount of the judgment plus £10, but if the plaintiff is unsuccessful he has to deposit only the amount for costs.

*The Witness.*—Yes, if a judgment goes against a man for £300 or £400 in the County Court, he has to deposit the whole of that amount together with the costs of the action and of the appeal.

*Sir Leo Cussen.*—You might explain that a little device has been invented to get round that trouble.

*The Witness.*—Yes, but it has not been altogether successful.

*Sir Leo Cussen.*—What is done is that the unsuccessful defendant applies for a new trial to the County Court Judge. The Judge generally adheres to his previous finding, and says “I will not give you a new trial.” Then the defendant says “I will appeal from that decision not to give me a new trial, and pay only the three guineas costs ordered against me on that finding.” That, however, is not satisfactory, because there is some doubt whether you can on that appeal order anything but a new trial before the County Court.

*The Witness.*—That is so. This has always seemed to me a very important matter, and, like the Attorney-General, I have often wondered why it was introduced, unless it was that somebody conceived the idea that these appeals from the County Court ought to be strongly discouraged. I am perfectly sure from my own experience and from what I have heard from other people that many an appeal has been strangled by reason of this provision.

*Mr. Blackburn.*—In the County Court it may well be said, in view of that provision, that “Twice is he armed who hath his quarrel just, but three times he who gets his blow in ‘fust’.” If you get your judgment against the defendant, you have a good chance.

*The Witness.*—There is no doubt about it. An ordinary man cannot produce security for a large sum of that kind.

*The Chairman.*—Unless he produces a security such as I had experience of recently under the Workers’ Compensation Act. The party against whom the judgment was brought produced to the Registrar a security which turned out to be absolutely worthless, and the poor workman never got a penny of his money.

*Mr. Jones.*—We must not do anything which will stop the progress of trade and commerce so far as the law is concerned.

*Sir Leo Cussen.*—I think Mr. Jacobs has a provision by which, if the parties agree, they can have the case decided without any appeal at all.

*The Witness.*—Yes, that is a new provision taken from the English Act. In answer to what Mr. Jones says, I may say that that provision will also be a check on appeals.

*Mr. Prendergast.*—We put into one of our Acts the other day a provision that there should be no appeal from a decision of a Judge of the Supreme Court, and yet somehow the matter went to the High Court.

*Mr. Blackburn.*—The same thing happened in New South Wales last year. They put in one of their State Acts a provision that there should be no appeal, and notwithstanding this, the High Court granted special leave to appeal.

*Mr. Jacobs.*—The explanatory paper proceeds—

“Sub-clause (7) is also taken from the English Act. It provides that the parties may, before judgment is given, make a binding written agreement not to appeal.

6. Rule-making Provisions.—Clause 87 has been carefully drafted with a view to giving wide powers to the County Court Judges of making rules, forms, and scales of costs. As pointed out in the accompanying table showing how the sections of the Act have been dealt with, clause 87 contains various sub-clauses not included in section 148 of the Act (corresponding to clause 87). The object

is to make sure, with regard to the subject-matter of the procedural provisions deleted from the Act, that the Judges will have ample power to deal with and provide for such subject-matter by the rules which they will frame."

That is to say, clause 87 is now the rulemaking section whereas section 148 was the corresponding section of the Act of 1915. In view of the fact that these procedural sections have been taken out of the Act, it is very important to see that the Judges will have ample power to make rules which will take the place of the procedural sections that have been omitted. The rest of the explanatory paper deals with phraseology as follows:—

"7. Phraseology.—In drafting the Bill, care has been taken to use apt language throughout. The language used in the Act is frequently loose and careless, e.g., section 72, in line 1, speaks of 'any action, suit, or other proceeding.' Section 73, line 1, speaks of 'any action.' Yet it is clear, on examination of the contents of these sections, that the same words should be used in each section. Reading on, section 74 speaks of a 'cause, suit, matter, or proceeding'; section 76 of a 'suit or action'; section 77 of a 'cause' merely; section 78 of a 'cause or other civil proceeding'; and section 79 of a 'cause or other proceeding'. It is quite clear that the words quoted are used promiscuously. Other instances of the same kind of thing appear throughout the Act, giving rise sometimes to difficulty in construing the Act.

Clause 3 interprets a number of expressions occurring frequently in the Bill. The words 'counsel' and 'practitioner' have been defined in the light of the *Legal Profession Practice Act 1915*."

Then, lastly, as to interstate provisions—

"8. Interstate.—It will be observed that the *Federal Service and Execution of Process Act 1901-1924* covers practically the same ground as clauses 68 to 76 of the Bill (which substantially reproduce sections 138 to 145 of the *County Court Act 1915*), these clauses would have been omitted from the Bill, in view of the existence of the Federal Act, were it not that sections 138 to 145 of the *County Court Act 1915* apply to New Zealand as well as to Australian States, while the Federal Act does not relate to New Zealand. Hence it seems better not to omit the clauses from the Bill."

I do not think I can add anything to what has been said in that explanatory paper. There is also a table showing how the sections of the County Court Act have been dealt with in the Bill. Where the sections of the Act have been substantially reproduced in the Bill, that is set out, and where the sections of the Act have been omitted, that is also set out in the table. There is a full explanation of what has been done with every section of the *County Court Act of 1915*.

28. *By Mr. Blackburn.*—The limit of the jurisdiction in respect of amount is to be retained?—Absolutely.

*Mr. Blackburn.*—But the plaintiff who is forced to go to the Supreme Court, say for £750, will have given to him by this Bill what he has not got at present, the right to apply to the Supreme Court to remit the action to the County Court.

*The Witness.*—The plaintiff, yes. He has not got that right at present, but he will have it under the Bill.

*Mr. Blackburn.*—That means that, although he must commence his action in the Supreme Court, he can practically at once apply to have it remitted to the County Court?

*The Witness.*—Yes. Sometimes a plaintiff starts an action in the Supreme Court, and afterwards regrets it. He finds sometimes that he has not the means to carry on in the Supreme Court, or the defendant has not the means to pay him if he succeeds. He will now be able to apply, equally as well as the defendant, to have the case remitted to the County Court.

29. *By Mr. Edgar.*—Up to what amount over the £500 can the plaintiff and the defendant agree to a claim being tried by the County Court?—Up to any amount.

30. And if the plaintiff and defendant agree in regard to an action for the specific performance of a contract, can they go above the £500 limit?—No. It is only on the common law side that they can make that agreement.

*Mr. Edgar.*—You were speaking about the phraseology. It has been contended that in the drafting of all these Bills the draftsman might shorten the clauses to a considerable extent. I have heard it said that the English Acts are put in very simple language and expressed in a very few words, whereas our system is rather too elaborate.

*The Witness.*—In drafting this Bill, that has been borne in mind. I think you will find that the phraseology is much simpler and clearer than it was.

*Mr. Edgar.*—And is more curtailed and concise?

*The Witness.*—Yes, it is curtailed also, e.g., the word "judgment," for example, is frequently referred to. In the Act of 1915 you find "judgment" or "decree" or "decretal." In this measure in the definition clause, "judgment" is defined as including all those matters. The sections have also been divided into sub-sections, and clauses into sub-clauses. A reference to the Bill itself will show how that has been done.

31. *By the Chairman.*—I take it that the table indicates whether there is a definite alteration in the substantive law?—Absolutely, yes. That has been done very carefully indeed. I think you will find that nothing at all of any importance has been omitted from that table. I think also the explanatory paper covers the whole ground.

*Mr. Prendergast.*—After hearing the explanatory memorandum read, I am beginning to think that it would be impossible to pick any holes in those Acts when they come before the Courts.

*Mr. Blackburn.*—Perhaps so, but the ingenuity of man is inexhaustible.

*The Witness.*—I will say, in answer to Mr. Prendergast's observation, that the work has been done very carefully, although I will not go so far as to assert that it is absolutely bullet-proof. There is no doubt that the present Act is in a very bad state. If its procedural sections were left in, it would be found that they are in a very faulty condition. It will be found when rules have to be drafted to take the place of those sections that some substantial alterations will have to be made in the procedure.

32. *By Mr. Macfarlan.*—Why is the limit of the equitable jurisdiction still left in the measure at £500, whereas the limit in the case of common law actions may be increased by consent up to any amount?—I do not know that there was any particular reason.

33. If you extend the common law jurisdiction by consent to any amount, what is the objection in the other case?—I think I am right in saying that the desire of Sir Leo Cussen has been to recognize that in this matter of jurisdiction, we were on delicate ground. I think he will agree with me that he has not made every amendment that perhaps he would have desired to make. Where we did make an alteration in regard to the jurisdiction—

*Mr. Macfarlan.*—I was simply asking why there is an extension of jurisdiction in one case and not in the other.

*The Witness.*—It may be said that the equity jurisdiction is not very largely invoked in the County Court. It may be also felt that County Court Judges should not have too much jurisdiction, even by consent, in regard to the equity side. I should say that that would be one good reason why the equity jurisdiction should perhaps not be extended in the County Court.

34. *By Mr. Macfarlan.*—In these days, with the change in the value of money, it is not much of a contract that does not go above £500 in respect of the sale of land. Specific performance might be wanted in regard to any contract of this kind, but whereas you have proposed to increase the jurisdiction to any amount on the common law side by consent, you apparently consider it wise to retain the present limit on the equity side?—It seems to me to be more a question for Parliament than for anybody doing the work that His Honour and I have been doing.

*Mr. Macfarlan.*—You have done it on the common law side, and I wanted to get the reason why you did not suggest it on the equity side.

*The Witness.*—In these matters it is very often a question of degree. I cannot think of any better answer to your question than the one I have given already, that it may be undesirable to give too much jurisdiction in equity matters

to the Judges of the County Court, and that, to put it plainly, the County Court is not always equal to the task of grappling with cases involving large amounts on the equity side.

*Sir Leo Cussen.*—In respect of which they have very little experience, by reason of the fact that the County Court is very little resorted to on the equity side. It is only meant to be resorted to in very small cases so far as the equity side is concerned. I suppose the extension of the common law jurisdiction as compared with the other would be perhaps as ninety-nine is to one.

*The Witness.*—Yes, and it must be remembered that Parliament itself has shown a disposition to give the County Court Judges jurisdiction up to a very large amount in other actions on the common law side; for example, in the Railways Act, and in the Local Government Act, in the case of injuries sustained for which councils may be sued, and in the Mines Act; whereas no such tendency has been shown by Parliament on the equity side.

35. *By Mr. Edgar.*—If an amendment is proposed in Parliament to increase the limit in equity cases up to £1,000, will you have any objection?—I am very doubtful. I know of no other country, and certainly of no other State, in which the County Court, or any Court corresponding to the County Court, has jurisdiction up to such a large amount as £500 in these matters. In the New South Wales District Courts Act, I think the limit of jurisdiction is £400. I believe that in South Australia, under the new Local Courts Act, jurisdiction is given up to £400. I think in Queensland it is only up to £100 now. It is, of course, an arbitrary line which has to be drawn somewhere, but I doubt whether, if I were called upon to express an opinion, I would suggest any extension beyond the £500.

*Mr. Macfarlan.*—I am not suggesting that you should do so. I desire simply to ascertain the ground for the extension of jurisdiction in one case and not in the other, because the matter may come up later on.

*Mr. Edgar.*—The matter seems important to the lay mind.

*The Witness.*—It may be, but if I were asked to express an opinion, I should say that £500 was enough, and would not suggest anything beyond. I think for one thing you ought to be guided by the position taken up in other places. I know that the late Judge Eagleson favored an extension up to £1,000. I was engaged in this work of drafting an amending County Court Bill with him many years ago. That Bill is the basis of the present Bill. I know that he favoured an extension up to £1,000, but, of course, he was a Judge of considerable experience.

*Mr. Macfarlan.*—That was quite apart from questions of consent?

*The Witness.*—Yes.

36. *By Mr. Prendergast.*—Could the law be so framed that you could limit the cases to the County Court, not allowing them to go to any other Court at all?—You mean to bar the right of appeal?

37. Yes, to any other Court whatever?—Within the range of certain amounts.

*Mr. Prendergast.*—If you put the matter in the jurisdiction of the County Court and make the parties accept that Court's decision?

*The Witness.*—You mean that all actions below a certain amount should be tried by the County Court and by the County Court only?

*Mr. Prendergast.*—Yes, and that there should be no appeal from it.

*The Chairman.*—There may be as important a principle involved in an action for a small amount as in an action for a large one.

*Mr. Prendergast.*—Those are the things that cost money to find out.

*The Witness.*—There is a provision that if you bring an action in the Supreme Court and do not recover more than £50, you can get only County Court costs—only such costs as you would have got if the action had been brought in the County Court—unless the Judge otherwise orders.

*Mr. Prendergast.*—But you can appeal, and go on appealing so long as your pocket will stand it?

*The Witness.*—Yes.

*The Chairman.*—The point Mr. Prendergast raises is covered by Mr. Jacobs' observation as to that existing provision as to costs, which obtains both in the Supreme Court and in the County Court, that where a certain amount is not recovered, the plaintiff is prejudiced in regard to costs.

*Mr. Prendergast.*—Yes, but his right of appeal is not stopped. He can still go on spending money.

*The Witness.*—It is a very serious matter to try to deprive a man of his right of appeal.

*Sir Leo Cussen.*—Copies of the County Court Bill should be available to the Committee shortly. I thought it would have been ready by now, but some corrections were made in it and I thought it advisable not to let it go until those corrections had been printed. I do not know that I have very much to add to what I said at the last meeting of the Committee, but something I heard this morning leads me to say that, while it is true that in connexion with the Property Acts we are to a large extent lifting the English legislation bodily, the task is not an easy one. It is not merely a matter of going to the English Statutes and putting them into the Victorian Statutes, mainly for two reasons, although there are possibly other minor reasons. As I explained to the Committee on the last occasion, the new English legislation involves a number of extremely drastic alterations which we are not adopting at all, and which it was not thought necessary to introduce here, with all the confusion that they will necessarily cause in England, because our land laws are in a different condition. The settlements and matters of that kind which are made in respect of land are much less complicated, and we have a system of registration which, it is hoped, will eventually take in practically all the land in Victoria. They have in England some small registered areas, but they are very small indeed, and comparatively unimportant. For all these reasons it was thought undesirable to introduce, or even to lay before the Committee, those very drastic alterations that have been introduced in England, but, as I explained, there is in addition in the English legislation an extensive cleaning up of matters, re-drafting on better lines, and so on. If it had not been for the drastic alterations, those could be taken *en bloc*, but one has to be perpetually on one's guard lest, in some section which looks as if it was not connected with those alterations, you subsequently find by some little turn of a word, that it is based upon these alterations, and as we are not adopting them it would not do to introduce a mere copy of the English legislation, even though in the main it related to a section dealing with what I call the cleaning-up process. There is another matter which in regard to one particular Property Act has to be constantly borne in mind, and which presented a most difficult problem. In the English Settled Land Act, their system was based upon the view that the tenant for life gets, as a trustee no doubt, complete control of the property, so that he can sell it or lease it or deal with it, although he himself has only a life interest in it. He has to give notice of his intention to deal, and there are trustees appointed who can, if they like, as possibly can other persons, apply to the Court to stop him on the ground that he is not going to deal fairly with it, but, subject to that, he has enormous powers. When that Act was introduced here nearly 20 years ago it was thought undesirable to give the tenant for life this very large power without some control over him at the beginning, and, consequently, it will be found that our Act provides that in every case in which it is said that the tenant for life can enter into an important dealing, it must be done with the consent of the trustees of the settlement, or the order of the Court. If the trustees will not

agree with him, he can go to the Court and see if the Court will agree with him as to what he is going to do about selling the property and turning it into money, the central idea being that it is desirable that there should be freedom to deal with land, and that all the trusts affecting that land should be transferred to the money which is realized by it in the case of a sale, and which has to be paid to the trustees of the settlement or paid into Court. That was a very essential difference between our legislation on that subject and the English legislation, and meant, in connexion with the new Acts that they have just passed in England, that you had to be perpetually on your guard to see that the provisions of the English legislation are not in conflict with our policy that the tenant for life is not to act without the consent of the trustees of the settlement or the order of the Court. The consequence is that it has been a very lengthy and difficult task to accommodate to our circumstances the new English legislation, good as it is as applied to their own circumstances. There are many occasions on which it can be taken bodily, and you can simply say "That applies to both, there is nothing that can adversely affect local conditions," but there are other cases in which you have to be extremely careful to see, first of all, that the wording is not based on the new English drastic alterations, as I call them, and secondly, with regard to the Settled Land Act, that it is not in conflict with our principle that the tenant for life cannot act without the consent of the trustees of the settlement or the order of the Court. I have been led to make these remarks because something was said this morning which rather suggested that we went to the English Acts and picked out certain sections and put them into the Victorian Bills. That has not been the case at all. Many weeks and months have been spent over the task.

It may be convenient for the Committee to decide, before this meeting terminates, on the date of the next meeting. I suggest that this should not be before at least another fortnight, or possibly, three weeks, by which time I shall have a large number of explanatory papers ready. I am anxious to get on, and I fancy that in a fortnight's time there will be plenty to do, although an earlier meeting might necessitate another meeting afterwards.

There is one other matter that I omitted to mention. Apart from the drafting of particular sections, I am quite sure that when the legal members, who have some familiarity with them, read these new Bills, they will be greatly impressed by the improvement in the arrangement of the sections, and the sub-headings and headings. This makes such a difference that really one can now read the Settled Land Act with some pleasure, whereas previously, I can say for myself, that I could not make out some portions of it, or understand why they were in particular places.

*The Committee adjourned.*

TUESDAY, 23RD OCTOBER, 1928.

*Members Present:*

Mr. SLATER, in the Chair;

- |                            |                  |
|----------------------------|------------------|
| <i>Council:</i>            | <i>Assembly:</i> |
| The Hon. H. I. Cohen, K.C. | Mr. Macfarlan.   |
| The Hon. W. H. Edgar.      | Mr. Wettenhall.  |
| The Hon. J. P. Jones.      |                  |
| The Hon. M. McGregor.      |                  |
| The Hon. H. F. Richardson. |                  |

*The Chairman.*—Before the Committee commences, a representative of the Press wants to know if he can come in. I do not know what the practice has been in the past. Some of the members who have been on earlier Committees will be better acquainted with it than I am.

*Mr. Alexander* (Clerk of the Parliaments).—Representatives of the Press have not been present at this stage. If the Committee decide to admit the Press, all ought to be informed.

*The Chairman.*—That has not been the practice?

*Mr. Alexander.*—Not at this stage, Mr. Chairman.

*The Chairman.*—I will inform the representative of the Press to that effect. I will now call on His Honour Sir Leo Cussen to deal with the matters which he desires to bring before the Committee.

*Sir Leo Cussen.*—I should like, in the first place, to say something about these volumes which you now have before you, and which, I think, contain all the consolidating Bills that it is proposed to present to Parliament. They are substantially in alphabetical order, but by reason of various circumstances which I need not detail it happened that some of the Bills were not ready at the same time as the other Bills which constitute the first volume, and therefore it was suggested that they might be put either in a later volume or in a supplemental volume entitled "No. 8, Supplemental." The Committee will see, for example, on looking at Volume 1, a slip headed "Acts Enumeration and Revision Act," and with the words "See Paper-covered Volume," which is the supplemental volume. If you look at the appropriate place for the Administration and Probate Bill you will find "See Volume 6"; but with those exceptions, and they are not many in number, the Bills are in alphabetical order.

There is another general matter that I wish to mention also in connexion with these volumes. If you look at the head of any of these Bills you will see that they are all stated to come into force from 1st October, 1928. That was a pious hope which has been disappointed. We could not finish them in time, and therefore some other date will either have to be fixed or indicated as the commencement of the Acts if they are passed by Parliament.

38. *By Mr. Wettenhall.*—Will that alteration of the date these Acts will come into operation be done generally?—It will have to be done in every case.

39. It will have to be altered in the printing?—Yes, in every case. I propose to say something before this meeting breaks up as to the general policy to be observed in connexion with the time of the presentation of these Bills to Parliament, and in connexion with that matter the appropriate date which is either to be fixed or indicated for the commencement of the Bills. There are various possible contingencies as to the time which will be, or may be, fixed, but I think you gentlemen will probably be in a better position to discuss that question after I have said something about some of the more important matters that have been dealt with in the consolidation.

You now have all the Bills before you, contained in these volumes, and what I have said to-day is intended to be preliminary to the opportunity which will be afforded to all of you to take away a set and examine them for yourselves. I ought to say that at the commencement of this supplemental volume you will find an explanatory paper dealing with each of the Bills in which any alteration of substance has been made. Some of them are very lengthy, and some of them are very short; but whenever an alteration which we considered to be substantial was made you will find it referred to here. Take as an example Acts Interpretation Act: There is a very short explanatory paper, and the alterations are not of very much importance. On the other hand, if you take the County Court Bill or the Property Law Bill you will find that they are headed "Bills to Amend" as well as consolidate, and the explanatory papers are necessarily very long. There are other Bills, such as the Licensing Bill and Bills of that kind, as to which the explanatory paper is necessarily long, not because the alterations, though numerous, are substantial or very substantial, but because the legislation was in such a very complicated

condition that in dealing with it in the consolidation it could not be dealt with satisfactorily unless the explanatory paper was made very lengthy.

With these introductory remarks about the volumes, I think it would be desirable if I called your attention to a Bill which is novel and important in connexion with the revision of the statutes generally, and that is a Bill which is called "Acts Enumeration and Revision Act," contained in Volume 8. It follows immediately upon the explanatory paper. These volumes are not paged continuously; they are only paged in connexion with each individual Act. This Bill is based on the work which I did in 1922 and the previous years in connexion with the Imperial Acts, and follows out the same idea, that is to say, that it is an attempt to enumerate all the Acts which were in force in Victoria at the 1st January, 1928, going back to the Acts of the New South Wales Legislature which commenced somewhere about 1828, or before that. It is divided into two parts. The first deals with the Consolidating Acts, that is to say, those that are to be submitted to Parliament as the result of the work done. That is Part I., and needs no special mention. A similar set of provisions was contained in the *Acts Interpretation Act* 1915, but I thought it better, as I was having an Acts Enumeration Act, that I should have a complete list of all the legislation which was, or would be, in force in Victoria apart from the legislation passed after January, 1928, and therefore Part I. and the First Schedule contained the consolidating Bills, or Acts, as you choose to call them. That needs no special mention, but I desire to speak about Part II. and the Second Schedule now. It is headed "Unrepealed and Unconsolidated Enactments." Section 6 says that "enactment" means any Act or law enacted by the Legislature of New South Wales up to 1851, that is, when the Legislature of Victoria commenced to legislate, and any Act or law enacted by the Legislature of Victoria or any part of any such Act or law. Section 7 provides—

"The enactments set out in chronological order in Part I. of the Second Schedule to this Act and arranged according to subject-matter in Part II. of the said Schedule shall continue to have in Victoria whether separately or in combination with any unrepealed enactment or statutory provision such force and effect (if any) as they had at the commencement of this Act. . . ."

Section 8 says—

"Nothing in the next succeeding section shall in any way affect or be construed as in any way affecting—

(a) 'The Constitution Act' or any repeal or amendment of any part thereof;"

The important part is the first clause of section 9, which is "Save as aforesaid every enactment enacted before the first day of January in the year One thousand nine hundred and twenty-eight by the Legislature of New South Wales or by the Legislature of Victoria so far as such enactment is at the commencement of this Act in force in Victoria shall be hereby repealed in and for Victoria."

40. *By Mr. Cohen.*—Is there anything to show what they are?—The Second Schedule shows the Acts which are saved.

41. Is there anything which shows the Acts which are repealed?—No. They are very numerous indeed. They are Acts dealing with all sorts of matters, and we came to the conclusion that they were no longer in operation in Victoria. If you look at the Second Schedule at page 8 you will see that the first Act starts in 1830. The Legislature in New South Wales

had passed some Acts a few years before that, but none of them now have any operation in Victoria. It starts off with Acts in relation to some of the churches and goes on to deal with the Melbourne Corporation, and then with gas companies, insurance companies, and various matters of that kind, and goes on through about 500 Acts. In the later stages there are many Government Finance Acts, and also many of what I call special Lands Acts: that is to say, that Parliament has passed a small Act revoking a permanent reservation of a piece of land as a sports ground, saying that it may be used for a mechanics' institute, or that the trustees may sell it and use the money for some other purpose. There are various matters of that kind dealt with. Perhaps more informative than the chronological table is Part II. of the Second Schedule, which classifies the same Acts. They are not additional Acts. This schedule looks twice as long as if you had the Acts enumerated once.

42. *By Mr. Wettenhall.*—Are these later Acts coming to 1927, such as Land Tax Rates, Income Tax Rates, Loans, Sewerage, and various small Loan Bills, completed?—Their operation has not ceased for some reason or other, either that the money has not been raised under them or it has not been spent as provided by them. There is some reason or other for keeping them in operation.

43. Those are all being retained?—Yes. In connexion with Part II. of the Second Schedule you will see that it is divided into various compartments. Division 1 is called "Finance." That is mostly Government, but not entirely. Division 2 is called "Special Lands." Division 3 refers to the City of Melbourne and the City of Geelong, Division 4 to Gas Companies, Division 5 to Insurance Companies, Division 6 to General Trading Companies, Division 7 to Municipal Matters apart from Melbourne and Geelong, Division 8 to Railways, Division 9 to Religious Denominations, and Division 10 to Miscellaneous. Apart from the consolidated Acts or Bills, that schedule is supposed to contain all the legislation in force in Victoria apart from anything passed after the 1st January of this year.

44. *By Mr. Richardson.*—Have you dealt with the Act which deals with the Geelong and Melbourne Corporation?—No. I did make an attempt, and spent many weeks over it, but I came to the conclusion that it was not a matter for consolidation, but that it could only be dealt satisfactorily with by Parliament debating it at length. All I have done is, I have given you what may be a convenient list of the Acts which affect Melbourne and Geelong. They are saved, but not otherwise dealt with. If you look at pages 30 and 31 you will see all the special Acts which are in force relating to Melbourne, which are in force relating to Geelong, and which are in force relating to Melbourne and Geelong. Of course, I need hardly say that the Local Government Act itself contains a great many matters relating to Melbourne and Geelong, but that will be one of the consolidating Bills not mentioned here.

45. *By Mr. Wettenhall.*—That will be mentioned in the Local Government Act?—Yes. That is all I propose to say in connexion with this schedule, to show how it was arrived at. I might here refer to the Melbourne and Metropolitan Tramways Act. In its alphabetical order it is in Volume 5. If you look at page 52 of that Act you will see that an enormous number of prior Acts are repealed, going back to Act No. 765 in 1883. That was the old Melbourne Tramway and Omnibus Act of 1883. When Parliament was passing the Tramways Act of 1918, which is the main Act under which the present Board is constituted, they did not repeal all those earlier Acts, but left them to have

such operation as they might have. They were practically dead, but Parliament, I suppose, had not the time to investigate the question whether they really had any operation or not, and therefore simply said that they should continue to have such operation as they had at the date of the commencement of the new Act, except insofar as inconsistent with the new Act. It was thought very undesirable that that state of things should be left, and the consequence is that going back to the Act of 1883 all the Acts relating to Melbourne and Metropolitan Tramways have been repealed. You will have details of this particular Bill before you at a later stage. I am at present telling you how the Acts Enumeration Act was arrived at. If you turn now to page 64 of the Melbourne and Metropolitan Tramways Bill you will see that there is a complete statement of all the existing cable tramways and all the existing electric tramways, and by that means the particular Acts and the particular Orders in Council which authorized those tramways to be constructed may safely be repealed, because there is now a general section which says that these tramways have been constructed under the authority of Parliament and are now vested in the Board, of course under the powers and duties conferred or imposed by the new Acts.

46. *By Mr. Cohen.*—If an extension were to be made would it be necessary to be done by Order in Council or by Act of Parliament?—I am not quite sure about that. Whatever is the present provision as to extensions, it is there now. There is no alteration made in that respect.

47. *By the Chairman.*—While we are on the Schedules, has "Notice of Action" been taken from the Schedule and put into the Act itself?—It has. As the Chairman has mentioned it, I may say that in the Act of 1918—I suppose it was by reason of some Parliamentary exigencies—some matters which are usually contained in the body of the Act were put into the Schedules, and some matters which are usually contained in the Schedules were put into the body of the Act. That has been altered, and matters affecting the public have been put into the body of the Act, and matters affecting the procedure of the Board at its meetings have been put into the Schedules in accordance with the practice.

*Mr. Cohen.*—The Chairman referred to Notice of Action, 126.

*The Chairman.*—Yes. It was hidden away from litigants. The result was that litigants were sometimes imperilled in their rights by that being hidden away.

*Sir Leo Cussen.*—If you look at the Railways Act, which is contained in Volume 6, at page 75 of that Act, you will find in the Schedule that a great many Acts which have been repealed expressly because they have been fully carried out and the authority under them has been fully carried out, are set out. They are set out as being repealed, but I need hardly say that does not refer to any Railways Act which is at present in operation; but the Railways Act contains a section which provides that when the Engineer in Chief, I think it is, or the Engineer for Construction, gives a certificate that the railway has been constructed by the Board of Land and Works, it shall thereupon vest in the Victorian Railways Commissioners and, just as with the Tramways Acts relating to railways which have been constructed and the authority exhausted where there is no special provision to preserve, are put into Part II. Then if you look at Part III. and Part IV. and turn back to section 96, you will see that the result of what has been done is that the Acts have been repealed, but, as they contain special provisions about gates, and gatekeepers, and matters of that kind, such as liability for damage, &c., there has been a

special provision put in to preserve that position, although the Acts, generally, are repealed. You will see, for example, section 96 (1) at page 25—"With respect to each of the lines of railway referred to in the Acts specified in Part III. of the First Schedule hereto, the following provision shall notwithstanding the repeal or partial repeal of any such Act apply:—

The Commissioners shall not be liable for any damage which may be caused by the absence of gates or gatekeepers at any public or occupation road crossing on such line or by reason of such line not being fenced in or fenced off."

It is not a novelty; but it is put in because it is in the Act at present. It is not in all the Acts, but wherever it is in, it is preserved. So in regard to Part IV. the provision is somewhat differently expressed but in many respects it is the same, and it is preserved in regard to each of those Acts because it was in them. Subject to that remark all the Acts in the First Schedule, Parts I., II., III., and IV., have been repealed, and, incidentally I may say you will find in the reference to those Acts repealed, and in the notes, a short history of railway construction in Victoria set out at page 75 of the Bill and the following pages with respect to the various Acts and various railways that were authorized. That enabled an enormous number of Acts to be repealed. I may mention that there are one of two rather curious things. In one particular case, No. 821, you will see a note at the bottom of page 77. This Act authorized the construction of a line to a proposed cemetery at Frankston, which I daresay some of you will remember. I thought that that ought to be dropped, but if members of the Committee think it ought to be preserved, or if the residents of Frankston think it ought to be preserved, there is no difficulty in putting it back but I suppose no one wants it now. At all events it has not been preserved, though, as a matter of strict consolidation, it should be. There is Parliamentary authority for constructing that railway and it has never been executed.

48. *By Mr. Edgar.*—Is it in force?—Yes.

49. *By Mr. Cohen.*—It does not say what the termini are?—No

50. This says "Frankston Cemetery?"—If you look at 821 you will see that it is a proposed cemetery at Frankston. So probably they could not get the termini. Perhaps they had not fixed on the locality.

*Mr. Cohen.*—The line to Frankston is constructed.

*Sir Leo Cussen.*—There was a similar kind of thing and I had some doubt about it. I was very nearly dropping it but I eventually preserved it. At the bottom of page 76, the note mentions in connexion with Act No. 682, authority to construct additional railways. I have repealed that except insofar as it authorizes the construction of a line of railway from East Richmond to Collingwood. As I understand the position, it is this, that Act did authorize the construction of a line of railway between East Richmond and Collingwood, but what happened was that they started from the other end and eventually the line from Collingwood came to Jolimont and that little bit to East Richmond was never constructed. Whether the Committee thinks that that ought to be preserved or not I do not know. But it is 48 years since that was authorized and it has never been constructed. I did not like to drop it because I thought the East Richmond or Collingwood people might have something to say about it, but there is the authority. If the Committee expresses an opinion I will bow to it.

*The Chairman.*—I think that it should not go in.

*Mr. Edgar.*—Certainly. It is moribund.

*Sir Leo Cussen.*—I have mentioned this tramway legislation, and the schedules to the new Bill, and the railways legislation and the schedules to the new Bill, for this reason, because it was they that suggested to me that I should have an Acts Enumeration Act. So that they are the authors of its being. I thought if I could repeal all this railway legislation and tramway legislation to the extent of dozens of Acts, and if I could get the Auditor-General and the Treasurer to tell me what Finance Acts were in force, and if I could get the Lands Department and the Titles Office to tell me what Lands Acts were in force, then I would have the material to enable me to give the schedules and set out in the schedules to the Acts Enumeration Act the legislation which is in force in Victoria; and that is what, in fact, has been done.

I desire to express my great indebtedness to Mr. Norris, the Auditor-General, who has gone carefully through Division 1 of Part II. of the Second Schedule at page 22 of the Acts Enumeration Act in Volume 8, and assures me that those are the only Government Finance Acts which now have any operation, and that all the rest, all Loan Acts and that kind of thing, are, by reason of having been paid off, or for some other reason, no longer in operation, and there is no longer any reason for preserving them.

51. *By Mr. Cohen.*—In Volume 8 you have departed from the alphabetical arrangement, and you have the Administration and Probate Act alphabetically out of place. Was it the intention to alter the name to "Probate Act?"—No. I explained before you came in that there were certain Acts which were printed late, and if you look at Volume 1 at the appropriate place for the Administration and Probate Act you will see a note there. At one time I had the ambitious idea, which was eventually abandoned, that I might try and consolidate these Victorian Loan Acts, especially the Government Loan and Government Stock Acts; but they are very difficult to do, and after consultation with Mr. Norris, I decided not to pursue the idea; but if you look at page 23 of the Acts Enumeration Bill, you will find a number of statements which will be informative to members of the Committee and the public generally as to the way in which loans were raised in Victoria. They have all passed under Mr. Norris's personal supervision and he says they accurately represent the facts. For instance, if you look at the bottom of page 23, note (d), it says, "Prior to 1882, all loans floated in London were raised by the issue of debentures. In 1882, the Victorian Parliament passed 'The Victorian Government Inscribed Stock Act' No. 740 which authorized the erection of stock in London to replace the debentures issued under the Railway Loan Act 1881, and the securities issued under the Victorian Debentures Redemption Act 1882. The amount authorized to be issued by this Act was increased from time to time, as authority was obtained for flotations in London, and the provisions of Act No. 740 governed the issue of stock in London until 1898, when the 'Victorian Government Consolidated Inscribed Stock Act' (No. 1560) was passed. This Act governed and still governs the issue of all stock in London. The rates of interest, period of currency, and price are fixed by the Governor in Council." The same kind of thing was done with regard to Division 2, that is the one which deals with those lands. They were referred to the Lands Department and Titles Office, and both of those Departments gave me great assistance. In fact they practically fixed the schedule. I said "If you have any doubt leave it in. If you are quite clear that the provision about this particular piece of land is wholly exhausted then I will repeal it and it will not appear in the schedule." With regard to what was said just now I have no doubt that though it would take some time and would contain a number of matters which no one would think of any

importance, a complete list of the Acts which have been repealed by section 9 of this Acts Enumeration Bill should be made; but what I have said with regard to Government finance and to the land applies also to the other divisions of this Part II. of the Second Schedule; that is to say, we have consulted the people concerned and if we had any doubt at all about it then we left it in and saved it for what it was worth. You will see in Division 8 (Railways) at pages 32 and 33, that there are a number of Railways Acts still saved, and the reason for saving them is that they still have some operation; either because they have not been constructed at all or because, if they have been partially constructed, they have not yet been handed over to the Commissioners or for some other similar reason they have been preserved. There is another of these doubtful cases in connexion with the Mildura to Yelta railway construction. It is constructed, I understand, as far as Merbein.

*The Chairman.*—They are pressing for that Merbein to Yelta line.

*Sir Leo Cussen.*—I thought there was some suggestion that the Border Railways had altered the position.

*The Chairman.*—Meetings are being held in those districts and have been held during the last three months regarding the question.

*Sir Leo Cussen.*—At all events, it is saved.

*The Chairman.*—The honorable member for Brighton hopes that the Sandringham to Black Rock electric street railway is saved.

*Sir Leo Cussen.*—Nothing has been done in regard to the Mildura to Yelta Railway Construction since 1900.

*The Chairman.*—No. I was in Mildura a few weeks ago and there were meetings still being held there. That question is still a live one in that district.

*Sir Leo Cussen.*—I do not know that there is anything further I need say about that Bill. It is a very important one, of course, and if desired I could get someone to make a complete list of the enactments which have been repealed by it.

*Mr. Cohen.*—I did not suggest it. I was asking whether in point of fact it had been done. I cannot see any useful purpose being served by it.

*Sir Leo Cussen.*—If it does happen that any omission has been made and that some enactment ought to be put into this Second Schedule which has not been put there, the Governor in Council is empowered to put it in by section 10, and, as I pointed out on the last occasion in reference to the Imperial Acts, he does not legislate at all by that. He only gives it whatever force it has. He is not empowered to say "This Act shall be enforced and it was never enforced before." He can only say, "Whatever force it has, it is given." It is merely to cure any accidental omission that has been made.

*The Chairman.*—You have a provision like that in the Imperial Acts Application Act.

*Sir Leo Cussen.*—It has not been acted upon in the Imperial Acts Application Act, and I hope it will not be in this.

52. *By the Chairman.*—This was not done in the previous consolidation?—No. In regard to the Imperial Acts Application Act, it has been saved in this Acts Enumeration Act that I have just mentioned. It was passed before 1928 and therefore it has to be saved; but as I previously indicated in 1922, it has, to a very great extent, been repealed and distributed amongst the various Bills, which is the proper thing to do with it, particularly Part III. I have here, if any one cares to look at it, a copy of the Imperial Acts Application Act as it will finally appear in the new

print. What I propose to do is this: I think the Act is very important particularly in connexion with the transcribed sections which are printed in the old type of spelling and so on, that it would not be desirable, because they are repealed, that they should disappear forever. The Government Printer says that he can print this Act, and although it is not consolidated it will appear in the volumes, and he will simply put lines through repealed provisions and a note at the side showing they they have been repealed. I think that is the best way to deal with that. The whole of Part III. of the Imperial Acts Application Act has gone except three sections which were really connected with Part II.; so that a great part of the Act has been repealed, as it should be.

If you look at the First Schedule of the Acts Enumeration and Revision Act in Volume 8 it sets out the new Consolidating Bills, the first of which is Acts Interpretation Act 1928. With regard to these you will also need to look at the explanatory paper at the commencement of Volume 8. I do not propose to-day to do more than mention a few of them so as to direct the attention of members of the Committee to the ones in which the most important changes or doubtful matters arise. This is the first occasion on which members of the Committee have had an opportunity of looking at the Bills bound in volumes, and, therefore, I propose to mention some of the more important matters, and then, before the next meeting, or some subsequent meeting, members will have an opportunity of looking at matters in which they are interested for themselves and then we can go through them in greater detail.

As I previously mentioned there are four Acts starting with the Administration and Probate Act, consisting of that Act and the Property Law Act, the Settled Land Act, and the Trustees Act, which are all headed "Bills to Amend and Consolidate the Law." There is an introductory note on that subject preceding the Property Law Act in Volume 6 in its alphabetical order. Eventually, it will appear in its proper place in the General Explanatory Paper; but for various reasons which I need not set out, it happens to appear here. I will read this introductory note because it applies to the four Acts which I have mentioned. The introductory note is as follows:—

"In connexion with the present consolidation, four Acts, namely, the Administration and Probate Act, the Property Law Act (particularly Part II.), the Settled Land Act, and the Trustees Act, have required particular attention by reason of the fact that the recent English legislation relating to the same matters has been freely availed of in order to get better arrangement and better expression in modern language, for it should be always remembered that most of the matters dealt with already appear in substance in Victorian legislation. It should be pointed out, however, that the recent English legislation may be divided into two parts. The first makes very drastic changes in the law; the second results in better arrangement and expression and makes minor beneficial changes and would be desirable even if the drastic changes had never been enacted. It may be stated at once that the first part has not been adopted in the consolidation on the ground that it is not desirable in Victoria. In adopting to a limited extent, as pointed out in detail hereafter, the second part, great care has been taken to see that provisions which at first sight or in some particulars come within the second part are not really based upon the drastic changes referred to. If found to be so based they had to be rejected, though in one instance, namely, the necessity for there being two trustees or a trust company to receive what

may be called capital money, of which there were already some indications in Victorian legislation, the English provision has, with certain specified exceptions, been adopted in the consolidation. These drastic changes are mainly indicated in Part I. of the English Law of Property Act 1925 and in certain provisions of Part I. of the English Settled Land Act 1925, but these drastic changes affect to some extent all the four English Acts referred to. With respect to the adoption of provisions of the English Settled Land Act, further difficulty is caused by the fact that the Victorian Legislature has laid down the principle that for the exercise of the important powers of a tenant for life he must act with the consent of the Trustees of the settlement or the Order of the Court. Generally speaking, there is no such requirement in England. Care has to be taken in adopting new provisions to see that the Victorian principle is maintained. As to the Administration and Probate Act they have in England now adopted two principles which in substance were given effect to in Victoria as far back as 1873. The first relates to the vesting of all property both real and personal in the executor or administrator or in other words in the personal representative; the second relates to real property being distributed on intestacy in the same manner as personalty. The new English legislation also now adopts the view long in force in Victoria, again speaking generally, that all property both real and personal property should be assets for the payment of debts. The recent English Acts goes on to make in respect of deaths after the commencement of the Act an almost entirely new mode of distribution of an intestate's residuary estate. This, however, has not been adopted in the consolidation, the distribution provided for during some centuries by what was known as the Statute of Distributions being apart from special local provisions retained here. In considering how far the consolidating enactments represent those consolidated, it should be remembered that in the four Consolidating Acts referred to there are now general provisions as to the date of operation of instruments, or the date of death, or as to the effect of provisions in the instrument to the contrary of the enactment which render unnecessary a number of special clauses formerly appearing in particular sections."

You will therefore see that a very elaborate explanatory paper has been written practically going through all these new sections. I do not propose to go through it now. In addition to that there is an elaborate table showing what has become of the Victorian legislation which has been consolidated. For instance, the Conveyancing Act of 1915 with its amendments has been absorbed in this new Property Law Act and disappears, and the table shows you where it has gone. If you look at section 12 you will find that that is represented by section 49 (1) of the New Act, and so on. That kind of thing has been done in all the four Acts that I have mentioned, namely, the Administration and Probate Act, the Property Law Act, the Settled Land Act, and the Trustee Act, and they have all been headed "Acts to Amend and Consolidate the Law Relating to the Subject." As I told you before, and as the Committee knows, Mr. Guest and Mr. Gregory have assisted me with these Bills. This is the first occasion, however, on which members of the Committee, and particularly the legal members of the Committee have had an opportunity to consider them for themselves. Of course, it would be absurd for me to go into them in detail to-day, but I desire simply to indicate the general lines on which consolidation has been done. I am quite sure that any one who remembers our old

Real Property Act, and even our Conveyancing Act, and then reads this new Bill, will say, that at least the arrangement of the subject matters and the expressions with reference to them are an immense improvement on what they were in the past, even where they do not bring about any change in the law at all. This particularly applies to the matter of arrangement. The Settled Land Act was arranged in an extraordinary way. It followed English legislation on the subject and I suppose it was a difficult problem at the time, but even to a lawyer it could not have been much pleasure to read it; but it is some pleasure to a lawyer to read the Settled Land Act under the new arrangement because everything seems to fit in in its proper place. I do not propose to say anything more about those four Acts to-day, and I will pass rapidly over some of the others. Regarding the Brands Act, I merely call attention to the fact that it is not in operation, and I do not know whether the Committee have anything to say about it. I simply retain it as it is. It is to come into operation at a date to be fixed by the Governor in Council, but it has never been brought into operation. It is now some years old. I suppose we had better leave it as it is. The Children's Welfare Act is another one to which I call particular attention. The old Neglected Children's Act has disappeared together with its objectionable name, and some care has been taken to see that the new Children's Welfare Act properly represents the existing legislation. I do not see in the explanatory paper whether very much has been done with it, but I think not. The Closer Settlement Act caused great difficulty as I have already indicated to members of the Committee. It was after long discussion and consideration that it was decided it would be better to abolish the Discharged Soldiers Settlement Act as a separate title for an Act, and to combine it with the Closer Settlement provisions and make it Part II. of that Act, so that in the new Closer Settlement Act which you will find in Volume 1, Part I., sections 3 to 190, is Closer Settlement generally, and Part II. relates to discharged soldiers' settlement. The reason for combining the two together was that the discharged soldiers' settlement provisions were based upon the Closer Settlement provisions but in many respects extended them. The consequence is that it was thought desirable to retain the foundation, that is the Closer Settlement provisions, and to add to them the special provisions relating to discharged soldiers' settlement. Of course, that is a matter of importance, but we arrived at the conclusion that it was the best way to do it, instead of having separate Acts with a great number of overlapping provisions; and that is, consequently, what has been done.

53. *By Mr. Wettenhall.*—The Closer Settlement Act incorporates amendments made in regard to special provisions for college lands. Would they be included in these?—I would be surprised if they were not.

*The Chairman.*—To what does Mr. Wettenhall refer?

*Mr. Wettenhall.*—I refer to Agricultural College lands.

*The Chairman.*—That is under a special Act, the Agricultural Colleges Act 1928, Volume 1.

*Sir Leo Cussen.*—There is a fairly long explanatory paper which will be forwarded to members of the Committee in regard to the Closer Settlement Act. In regard to the Commonwealth Arrangements Act, I desire to say there is a short Act of that name which is consolidating, but in regard to the main Act which was passed a few years ago, the Commonwealth Financial Agreement with the States, that has not been consolidated, but will be printed in the volumes. It is a very important Act and I understand at present has been proclaimed in Victoria.

*The Chairman.*—That is so.

*Sir Leo Cussen.*—But that is only temporary, pending the amendment of the Commonwealth Constitution. It will appear in the volumes but it is not consolidated. It is saved under the Acts Enumeration Act. Regarding The Constitution Act Amendment Act, I have already made a statement to members of the Committee about that. Very great pains were taken particularly in connexion with the question of elections. You will find a lengthy explanatory note on that matter in Volume 8; but that explanatory note cannot explain the care that had to be taken particularly with reference to preferential voting, because, again I suppose on account of political exigencies, Parliament just simply extended preferential voting from time to time to various elections. Now it applies to everything except a double dissolution and that has never happened. Very great care had to be taken in the consolidation so that the effect of that should be shown. That is to say, if you now look at the consolidation of The Constitution Act Amendment Act you will find that in every case to which it applies provisions relating to preferential voting are expressed in full, and that you do not have to go to some general reference. I think that will simplify matters for returning officers.

54. *Mr. Richardson.*—At what page is the preferential voting referred to?—That will be in Volume 1. Sections 257 to 267 are the main ones but there are a great number of others which are affected by those sections. I have no doubt members will devote some attention to this particular Bill even if not to others. I have already spoken about it, and, with the explanatory note that you have now before you, you will be able to follow what has been done. I have called attention to the fact that some other alterations have been made on the last occasion, and as they already appear in the explanatory paper it is not necessary for me to enlarge upon them now, particularly as I want to speak about an important matter—perhaps the most important matter with which this Committee has to-day to deal.

In regard to the County Court Act, I do not intend to say anything more at present.

The Electric Light and Power Act has been profoundly affected by the Electricity Commission Act, and all I need say about it at present is that effect has been given to the alterations which have been made by the Electricity Commission Act.

The Fisheries Act and the Game Act I may deal with together. I think I mentioned them before, but they, like the Licensing Act and the Poisons Act, were in a very unsatisfactory condition, and something more than ordinary consolidation was necessary in order to make them intelligible. As I think I have had occasion to say to members of this Committee before, when Acts are passed with intervals of years between them, the conflict that appears by putting two sections together is not very marked or can be got over by reference to the principle that the later Act is to govern, but when you try to put those two sections together in a consolidating Act and both come into operation on the same date, you may find that they look quite odd when they are put together in that way, and some attempt must be made if they are to be fairly intelligible, to reconcile them. Otherwise you will have the argument "Here is an inconsistency." One side says, "This section should be given effect to" and the other side says "This other section should be given effect to." The Acts I have mentioned are of those kinds. I do not intend to go into them at present. The explanatory papers on the Fisheries Act are here, also the Game Act, and the Licensing Act, and so on, and will explain themselves. At all events, there is a good deal of re-arrangement.

The same applies to the Forests Act by reason of the fact that there was an Act in 1915 and a subsequent Act which drastically amended the original Act. There, again, the explanatory paper is not here for the moment. I will go through these explanatory papers carefully, and get the printer to provide the missing ones, but I rather rushed him this morning, and the explanatory papers are not all here.

The Insolvency Act has caused a great deal of trouble. The Commonwealth Bankruptcy Act, section 6, provides:—"This Act shall not affect—

- (a) any provision in any State Bankruptcy or Insolvency Act relating to matters not dealt with, either expressly or by necessary implication, in this Act; or
- (b) any proceedings pending at the commencement of this Act under any State Bankruptcy or Insolvency Act, or any right or privilege acquired, or duty imposed, or liability, disqualification, fine, forfeiture, or other punishment incurred before the commencement of this Act,

and any proceeding under any State Bankruptcy or Insolvency Act, pending at the commencement of this Act, may, subject to section 19 of this Act, be confined and completed as if this Act had not been passed."

Section 19 provides as follows:—"Subject to section 6 of this Act—" (Section 6 having said that it was subject to section 19 of this Act)—"all bankruptcy matters pending in any State, Court, or Court of a Territory exercising bankruptcy jurisdiction at the commencement of this Act may be transacted and disposed of by or under the direction of—

- (a) the Judge or Judges of the Court; or
- (b) in the case of a State Court, such one or more Judges of the Court as the Governor-General, with the concurrence of the Governor of the State, appoints for that purpose; or
- (c) in the case of a Court of a Territory, such one or more Judges of the Court as the Governor-General appoints for the purpose."

That possibly only alters the status of the judges who deal with these matters. The important point was I thought it necessary to preserve the Insolvency Act, because it applies to all pending proceedings, apparently apart from the judge who administers it, but it also applies to any gap which is not covered by the Commonwealth Act. Therefore I have preserved it for what it is worth. As years go on it will become less and less important, and eventually of no importance at all.

In regard to the Land Act, I think what I have said about the Closer Settlement Act applies.

As to the Local Government Act, it has become an immense Act of 800 sections, and it includes the rating on unimproved values and other matters which have been the subjects of legislation since 1915. I do not think any substantial alterations have been made there, and I think you have an explanatory paper on that.

Mr. Richardson.—Will we be dealing with the Local Government Act this session?

Mr. Jones.—I hope so.

Mr. Richardson.—There will be a great many alterations again.

Sir Leo Cussen.—I should have referred, in its appropriate place, to the Licensing Act. I did mention it before as one of the cases in which the legislation had got into a very complicated condition, and there is a very elaborate explanatory paper on this matter which is contained in Vol. 8, and which sets out all the amendments that have been made and also

the places to which the various sections have gone. I thought members of the Committee, with reference to this Bill, might wish to hear Mr. Paul and Mr. Barr. They went into this at very great length, and the explanatory paper, as I was telling the Attorney-General the other day, contains a sort of introductory paragraph which seems to me to have a political rather than a consolidating flavour, and it escaped my attention. Perhaps those gentlemen may be able to justify it, but I should prefer not to put in an explanatory paper that there was a proprietary aspect, a financial aspect, and various other aspects which may be matters of controversy in the House, and I think I should be pleased to strike that introductory part out as far as I am concerned, but if members of the Committee think it should stay in, then let it stay.

55. By the Chairman.—There has been no other Act treated similarly?—No, I think not.

There have been no such aspects of the Property Act?—No.

56. By Mr. Jones.—It is not such a political Act as the Licensing Act?—No. Do you think you would like to hear Mr. Paul or Mr. Barr, or both of them, because, if so, I can arrange, as they have devoted particular attention to this matter, for them to attend, and you will have an opportunity of reading this explanatory paper, which illustrates the effect of what has been done, and the Act is an important one.

The Chairman.—The only indication is in the words "In framing this consolidation, and particularly in making such changes as are made therein, due consideration has been bestowed on all these aspects."

Sir Leo Cussen.—I do not want to make too much of it, but it happened to escape my observation. I do not think I would have written it myself. This Act is an illustration of the difficulty of the consolidators in their desire not to settle controversial questions, and there are one or two doubts, which you will see on reading the explanatory paper, that have been consolidated and left where they are. For example, in connexion with local option as it was called, and which it has now become "State wide option," there are certain provisions in the Licensing Bill which seem to indicate that the licensees or the owners of licensed houses which were not closed shall contribute the funds for the compensation of houses that are closed. Of course that is all right when there is local option, and it was assumed possibly that in municipality A, B, and C there should be no licensees, and in municipalities X, Y, Z there should be, but now it is State wide prohibition, or not prohibition, it seems difficult to imagine what that means. At the same time it may be said that things ought to be left as they are in order that any argument that may be passed one way or the other as to provisions for compensation should be given effect to, and the Courts shall decide. At all events, we did not feel that we should decide it, and we left it as it is. You will see it is referred to in the explanatory paper, Volume 8, at page 24. Take one leading instance:—"The Act of 1915, sections 300 and 303, as subsequently amended . . . relating to the abolition of licences, still makes reference to (1) the district within which a 'local option' vote is to be taken, and (ii) the holders of victuallers' licences 'other than holders whose premises are to be closed pursuant to a local option poll.' Since the abandonment of 'local option,' and the substitution therefor of a State wide poll, the existence of these references creates almost insuperable difficulties of construction, although (ii) above may possibly be explained by reference to the originals of clause 38 (3) and 125 (6)." I think they refer, amongst other things, to cases where people submit a plan for building elaborate houses that they are not to be closed for a number of years after the house has been built. The explanatory

paper goes on to say, "Inasmuch as the Legislature, in passing the Act of 1922, had an opportunity of removing the difficulties referred to above, and in fact amended sections 300 and 303 of the Act of 1915, it has been deemed advisable to leave section 303 (clause 303), in this respect substantially in the same condition as it was in prior to consolidation."

That is an example of consolidating a doubt. Then there was the difficulty that we felt in deciding what may be said to be controversial questions. Leaving that as it is affords a ground for the same argument which might be urged before consolidation. If we decide it ourselves one way or the other, we might deprive one side or the other of some advantage.

The Maintenance Act I have already referred to. It is a new name, and takes out of the Marriage Act a number of clauses relating to maintenance. I shall have occasion to refer to that afterwards in connexion with the important matter that I mentioned I wished to discuss to-day. I think the explanatory paper is here.

*The Chairman.*—There is an important amending Bill amending the Marriage Act dealing with the maintenance of a person.

*Sir Leo Cussen.*—There are many difficulties that have to be overcome. There is the Mildura Irrigation and Water Trusts Act. Legislation on that subject has got into a very confused condition, and although it may be said to be rather a local Act to put into a general volume, still it affects a great many people, and it was desired to get rid of the confusion that had arisen.

I have already referred to the Poisons Act and the Property Law Act.

The Public Works Act has now been cut down to a very short Act, by reason of the fact that in the old Act there were many provisions relating to sewerage, and by the extension of the Melbourne and Metropolitan Board of Works area by the Order in Council authorized by Act of Parliament the whole of the area referred to in the sewerage provisions of the Board of Works Act cover it, and there is nothing to operate upon. Another part of it which is becoming practically obsolete is the part relating to compensation. It is explained in the explanatory paper. That has been dealt with in a very much shorter and equally satisfactory way.

The Registrar-General's Fees Acts I have already referred to. There are two Acts, one in a state of suspended animation and the other is to cease this year unless it is extended. We adopted the last one with the provision that if it is not extended the previous one will come into operation. That is not satisfactory, but later on we will probably know how things stand as to that.

The Trustee Companies Act is a new one. At the present time there are a large number of trustee companies, all of which have special Acts in almost identical words. It is thought that it would be desirable that it should be put into the general public volumes, and the companies that were authorized should be put into a Schedule, and that each should have precisely and not merely substantially the same powers and authorities. That enables a number of Acts to be repealed.

57. *By Mr. Richardson.*—These Acts dealing with separate trustee companies are practically on the same lines?—Yes. One is copied from the other, as a matter of fact. The original Trustees Executors and Agency Company Act was not like the later ones. It had to be amended, but with its amendments it is like the later ones, and they are all substantially the same; but there are a number of irritating trifling differences, and it was thought better to put them into one Act.

58. In consolidation, one Act will apply to all these different companies?—Yes. You will see it in Volume 7 at page 12 of that Act.

59. *By Mr. Cohen.*—Do all the private Acts disappear or will there be a separate volume?—That is a matter that I have not finally decided yet. I have a number of private Acts set up in print, and probably there will be a separate volume. All these trustee companies Acts are repealed, as you will see in the First Schedule.

*Mr. Richardson.*—That deals with those companies that obtained an Act of Parliament like the Geelong and District Trustees Company. They have an Act of Parliament, but they never put it into operation.

*Sir Leo Cussen.*—I was going to mention that particular thing. That is an exceptional case. In 1912 or 1913 the Geelong and District Trustees Company obtained an Act, but inquiry at the Registrar-General's office disclosed that no such company had ever been formed; therefore, I have repealed the Act.

*Mr. Richardson.*—That is so. I know all about that business. The man who was the moving spirit in it got the Act through and could not float the company.

*Sir Leo Cussen.*—It is repealed at present.

*Mr. Jones.*—They are not likely to float the company now?

*Mr. Richardson.*—No. Another company could not take advantage of that.

*The Chairman.*—You would have trouble in passing it.

*Sir Leo Cussen.*—If you look at the explanatory paper you will probably see something about that. So far as the Geelong and District Company Limited is concerned the company never carried on business, and for many years has been non-existent, so that the Act has been repealed. I think it is a defunct company.

*The Chairman.*—It was, as a matter of fact, formed.

*Mr. Richardson.*—Another company could not take advantage of that legislation. They would have to get separate legislation. They never got it floated.

*Sir Leo Cussen.*—It must have been formed or registered, but it never did anything. That finishes all I have to say to-day about specific Bills, but I shall have more to say in the future if members will have other meetings shortly.

I now come to what I consider to be the most important matter for to-day's sitting, and that is, what is to be the immediate future course of action with reference to these Bills? As I told you a little while ago each of them starts off with a statement, "This Bill is to come into operation on 1st October, 1928." That date has passed, and that section will in each case have to be altered. It might be that these Bills with an alteration in that section could be submitted to Parliament this session, and with the provision that they are not to come into operation until a date to be proclaimed by the Governor in Council, or if the Committee and Parliament thought fit, that they are not to come into operation until there is a resolution of each House that they shall come into operation, and fixing a day. If that were done it would have the advantage that the Bills would be open for inspection and criticism before they, in fact, came into operation; but with that matter has to be considered this question—there are a number of cases in connexion with the legislation of this session which the Attorney-General has mentioned—the Maintenance Act is one, the County Court Act is another, and the Justices Act is another. It is impossible, of course, so rapid is the course of legislation in Victoria, that you should keep on waiting indefinitely

till this is settled and that is settled, because you must expect whenever consolidation comes it must be to some extent taken to pieces within the next year or two. So I do not put the general principle that you should wait for this or that. The question is, in the special circumstances of this case and having regard to the time of the year at which we have now arrived, what is the most convenient way to have these Bills put through? I am quite willing to get them ready as 1928 Acts for Parliament to pass with some such clause as I suggested, if Parliament will do it; but it is an essential part of the understanding that they will not be issued to the public till possibly some months hence. If that were so, I have it in mind that this might be done: At the very commencement of next session of Parliament in 1929 there might be passed a Statute Law Revision Bill which would incorporate all the amendments made in 1928 in these Bills or in the Acts which they represent, and which would authorize the printer to print the Consolidating Acts with the amendments, and then they could be made up and issued to the public, and there could be included with them those Bills which are entirely new Bills such as the Adoption of Children's Bill, if there is such a Bill. Such Bills could be included in the volume, and would include what has been enacted in this session.

60. *By Mr. Cohen.*—Would not the most practical way be to meet in March for this purpose only, of consolidation. As a case in point, the other night in our House we dealt with the Fertilizers Bill which related only to amendments in the Fertilizers Act, which is one of the Acts which has been consolidated. That, clearly, ought to be incorporated in the Statutes. I had that in mind also, but I had some idea that Parliaments, Governments, and Ministers do not like meeting early for a special purpose. I am quite indifferent on the subject. Whatever way the members of the Committee consider is the best way to do it, I am quite willing to fall in with them.

*Mr. Cohen.*—I mentioned March, because the legal vacation would give all February to consolidate.

*Sir Leo Cussen.*—It might be April.

*Mr. Jones.*—I remember the previous consolidation, and Parliament was not occupied for any length of time at all on it.

*Mr. Cohen.*—That is not the point. The point is the interpretation of all these amendments. We have had two Local Government Acts already in this session.

*Mr. Jones.*—I was coming to the point to which you now allude. Therefore, from the standpoint of the period or the time it would take to discuss the consolidating Bills it would not be necessary to have a special session. From the other standpoint it is undoubtedly advisable to have embodied in the volumes any amendments that happen to be passed this session. Then you would find you are in the same position next session. You will find that next session you will be amending a number of Acts that appear in your consolidation.

*Mr. Cohen.*—Is there any reason why we should be a year behind?

*Mr. Jones.*—You must have a finishing date to your work, and the public have been clamouring for the consolidation for some time.

*Mr. Cohen.*—Undoubtedly.

*Mr. Jones.*—I have no doubt that members of the legal profession will find the new consolidation an enormous benefit to them in their daily work. You have to remember another factor, and that is that we are turning out fresh batches of lawyers from the University, and all these young men have to purchase their law books. They have to purchase copies of the

Consolidated Statutes, and this matter now is in a position of suspense. My own view is that whilst there are advantages and disadvantages, if you balance them I believe that it is wise to go on with the consolidation this session, in spite of the fact that there will be some instances in which we will not be able to include them in the consolidation. I think that the interests of the public would outweigh the other interests in this matter, and I am strongly of the opinion that the consolidation, now that we have got it to the point it has reached, should be completed this year. You will find that the few Acts that will have to be omitted from it will be of no great importance compared with the tremendous importance of getting the work done and getting the volumes printed so that the public may purchase them. I suppose that it would be possible to include Acts that are passed up to a certain date?

*Sir Leo Cussen.*—That is so with regard to a few Acts. There is one already included, namely, the Local Government Act 1928. That refers to borrowing money. It was passed at an early date.

*Mr. Jones.*—Would it be possible to take a date at the end of October?

*Sir Leo Cussen.*—I quite see the point of what Mr. Jones has said, that it is inadvisable to wait for this amendment and that amendment. You will always have amendments. But that is not my particular trouble. My particular trouble is this: Remember that the consideration of the last consolidation was completed by the Statute Law Revision Committee in about June or July. The Committee then reported to Parliament, and Parliament passed the Acts, Parliament being then sitting, to come into force in October. We have got past that stage in the year now, and I recognize the responsibility of the Committee and of myself in connexion with these important amendments and references to the Acts which I have specially mentioned. Would there be time to finally pass them, so that they could come into force and be issued to the public this year?

*Mr. Cohen.*—If you were to do that you would practically preclude all discussion.

*Sir Leo Cussen.*—Would this Committee be prepared to say, "Very well, we will take it as it is. We will pass them, and recommend Parliament to pass them as quickly as before." The solution which I suggested is a possible one, and again I am guided by what the Committee thinks. It is a sort of a half-way house between Mr. Cohen's and Mr. Jones's proposals. I thought that they might be passed this year, but that they should not come into operation till next year, and that a Statute Law Revision Act might be passed, and the Government Printer authorized, before he made up the books for the public, to alter the Acts.

*Mr. Jones.*—I quite agree with that suggestion.

*The Chairman.*—It is a good suggestion.

*Sir Leo Cussen.*—But what I should like is that members should think over it, and that we should have a meeting within a very few days. In that time the members could give me the benefit of their opinions, and I could proceed to work upon it.

*Mr. Jones.*—I think that is an excellent proposal.

*The Chairman.*—So do I.

*Mr. Wettenhall.*—I think it would be impracticable to get them right through this session, and your Honour's alternative is a remedy.

*Mr. Jones.*—The time that either House will devote to the consideration of this consolidation will undoubtedly be merely to accept the recommendation of the Committee.

*Mr. Wettenhall.*—That is so.

*Mr. Jones.*—I remember quite well that in the Upper House it was only a question of the introduction of the Bill, and it was carried almost without discussion.

*Sir Leo Cussen.*—I remember there was some record-breaking to achieve that.

*Mr. Wettenhall.*—It is too vast a subject for any discussion in the House.

*Mr. McGregor.*—For other than legal men.

*Mr. Wettenhall.*—And even then the House would not listen to it. It is the work of this Committee.

*Mr. Jones.*—The tendency will be to accept the report of this Committee.

*The Chairman.*—I do not think there will be any doubt about that, in either House.

*Sir Leo Cussen.*—Will members fix an early date at which this important question could be discussed and decided? Any time will suit me.

*Mr. McGregor.*—The sooner we consider this matter the better.

*Sir Leo Cussen.*—You have not said yet whether you would like to hear Mr. Paul and Mr. Barr.

*Mr. Cohen.*—Personally I should like to read their notes before deciding.

*Sir Leo Cussen.*—I am at your disposal either in the morning or afternoon, or both.

*Mr. Wettenhall.*—I think the Committee could decide to-day on the question of passing the Bills this session or holding them over for circulation next year.

*Sir Leo Cussen.*—I would like members to consider the question. Mr. Blackburn had some ideas on the subject, and he is not here to-day. I would prefer that members should think about it. It is a most important question.

*The Committee adjourned.*

WEDNESDAY, 31ST OCTOBER, 1928.

*Members Present:*

Mr. SLATER, in the Chair;

*Council.*

The Hon. H. I. Cohen, K.C.,  
The Hon. W. H. Edgar,  
The Hon. J. P. Jones,  
The Hon. M. McGregor,  
The Hon. H. F. Richardson.

*Assembly.*

Mr. Linton.

*Sir Leo Cussen (to Mr. Alexander).*—Will the Clerk of Parliaments indicate to the Committee the order of events on the last occasion, so as to give the Committee the benefit of knowing the time which may be taken up? The time may be shortened to some extent on this occasion in certain circumstances.

*Mr. Alexander (the Clerk of the Parliaments).*—On the 19th May, 1915, a Governor's Message was brought down recommending appropriations for the purposes of the Bills. On the following day that message was agreed to, and the Bills were introduced. They were read a first time, read a second time, and committed to the Consolidation of Laws Committee. On the 16th June the Committee's report was adopted by the Legislative Assembly, and on the following day the Bills were agreed to, without amendment, and sent to the Legislative Council. A fortnight afterwards, on 1st July, a message was received that the Council had agreed to the Bills without amendment. On the 29th July a Governor's Message was brought down, recommending numerous amendments, which were mainly in the nature of correction of errors. These were agreed to by the Assembly on the 29th July, and by the Council on the 3rd August. On the 7th September a Message was received from the Governor, intimating

that on the previous day he had assented to the Bills. The process covered a period from the 19th May to 7th September, about three and a half months.

*The Chairman (to Mr. Alexander).*—After the carrying of the agreement to the Message on the 20th May and the first and second readings, the Bills were then remitted to the Committee?

*Mr. Alexander.*—Yes.

*The Chairman.*—Would that same procedure be necessary on this occasion?

*Mr. Alexander.*—I think it would be necessary. It brings the Bills to the committee stage, when definite Bills would be referred by the House to this Committee.

*The Chairman.*—Was that formal, or did the Committee meet and continue the work that it had been doing for the last two or three months?

*Mr. Alexander.*—It would be, to some extent, formal, because this Committee would take into consideration the fact that they had already considered these Bills. On the previous occasion they had considered them during the preceding year, which made the meetings very short.

*The Chairman.*—Can you indicate the reason for the delay of three weeks between May and June?

*Mr. Alexander.*—I suppose a few meetings were held, and only one meeting a week. That was not very long.

*Sir Leo Cussen.*—Parliament seems to have met very early that year, for some reason or other.

*Mr. Alexander.*—Yes. On the 20th April.

*The Chairman.*—That was the war year.

*Sir Leo Cussen.*—There was one other matter. There was a period of one month of that three and a half months that was taken up with the correction of errors and by the Governor's Message relating to corrections. That would not be necessary if the procedure suggested at the last meeting of this Committee were adopted, because that cleaning-up could be done, so far as it was necessary to do it, when the Statute Law Revision Bill was brought in next year. So that cuts out one month. Apart from that, it seems to have taken them two and a half months. I thought it would be useful to the Committee if the Clerk of Parliaments gave you those dates, because it indicates the procedure that will have to be adopted. It may be that some of those intervals may be cut down on this occasion after the Committee has had an opportunity of considering what the Clerk has just said.

*Mr. Edgar.*—What is the earliest date at which the Bill could be submitted?

*Sir Leo Cussen.*—That is the chief matter that I want to discuss with the Committee to-day, and perhaps I had better get on with it at once. There are four possible plans which may be adopted. One would be to say that the time this year is too short, and the Bills had better be introduced at the beginning of the next session of Parliament. It has been suggested, however, that matters have gone so far now that it may be desirable to introduce Bills during this session of Parliament, which, I think, might be done so far as I am concerned, if parliamentary procedure would otherwise allow it, within the next four or five weeks, and, assuming that the Committee can meet in the meanwhile, to bring up a report with which Parliament would be satisfied. Assuming that were done, it might be that within a very short time after that the Bills could be passed by the Assembly—say, within six weeks or so—and then transmitted to the Council. I suppose there are only about seven or eight working weeks left. Those dates might be shortened a little. Following on what I suggested on the last occasion, and assuming now that it is possible to introduce and pass the Bills this session, there are then three possible courses that can be adopted in regard to them. As I indicated to you before, each of the

Bills now starts in section 1 with the statement, "This Act shall come into force on 1st October, 1928." Of course, that date has gone, and it is no use thinking about it any more. The question is what shall be substituted for it. You will understand that I am now speaking on the assumption that the Bills are introduced this session. There are two or three substitutions that might be made. The first is that you might say, "These Acts shall come into operation on the 1st September, 1929." That has the advantage that every one would know exactly the date that they would come into operation. The idea would be that, say Parliament met in June or July, 1929, a Statute Law Revision Bill should be passed, and that it should bring the acts up to date, including the Acts of the 1928 session, including a section providing that the Government Printer, in printing the Consolidated Acts—which, it is now assumed, were passed in 1928—would print them with the corrections made by this Statute Law Revision Bill. The effect of that would be that, in the Acts which are consolidated in these Bills, all amendments which are made in this session would be included in the Statute Law Revision Bill, and the Printer would print the Acts with all those in. That is the first thing that might be done. Another thing that might be done—again on the assumption that the Bills might be passed this session—is that section 1 might be altered to read, "These Acts shall come into operation on a date to be fixed by proclamation of the Governor in Council published in the *Government Gazette*." That, again, will result in the necessity of the Governor in Council not making his proclamation until some time in 1929 that he found convenient, and assumes that, in the meanwhile, this same Statute Law Revision Bill that I have mentioned is passed.

Another substitution that might be made in section 1 would be, "This Act shall come into operation on a date to be fixed by a resolution of each House of Parliament." That would give each House the power of preventing this Act coming into operation unless the House was willing that it should come into operation. It would not necessitate the Houses of Parliament going through two or three readings to fix a date.

There is a fourth possibility that it might be provided that all these Acts should come into operation on a date fixed by Act of Parliament. That would necessitate an Act of Parliament being passed in 1929.

In addition to what the Clerk has pointed out to you as to the dates in connexion with parliamentary procedure, I might bring to your minds again the fact that there is a good deal of printing, &c., work to be done that will take time. I do not know whether any of the members present can recollect whether, in 1915, the Printer prepared, as he usually does, a copy of each Bill for each member of each House?

*Mr. Jones*.—Yes. That was done.

*Sir Leo Cussen*.—The Printer thinks it was not done. I know that members almost always have copies of the Bills, but the Printer says that the printing of 100 copies of these Bills is a matter that will take some weeks; so that if each member had to be supplied with copies of these Bills before they were passed, on the assumption that they are proposed to the House during this session, it would take the Printer a considerable time.

*Mr. Alexander*.—It would take nearly two months.

*Mr. Jones*.—I may be wrong. I know I had a copy, but I was a member of the Committee.

*Sir Leo Cussen*.—Were you on the Committee in 1915 or 1922, *Mr. Edgar*?

*Mr. Edgar*.—In 1922.

*Mr. Richardson*.—I think it was only members of the Committee who got copies.

*Sir Leo Cussen*.—You might tell the Committee, *Mr. Alexander*, what the Printer said to you. I understand he told you that members had not copies supplied to them.

*Mr. Alexander*.—*Mr. Pook* and I conferred with the Government Printer over here yesterday, and we were going over the whole question. The distinct recollection of the Government Printer was that only the members of the Committee were supplied with copies, and perhaps a few other copies were supplied to the officers at the table. He said he had consulted with his foremen at the time, and they agreed that there was only a limited number of copies supplied.

*The Chairman*.—Did you put before him the question of printing 100 copies?

*Mr. Alexander*.—Yes. He said if 100 copies were to be printed he could not turn them out in less than six weeks.

*Sir Leo Cussen*.—That gets rid of that matter. Assuming that the members will be satisfied in this case without each having a copy of the Bill, there remains, of course, the printing question in relation to the public. Whenever these Bills assume their final form, on the assumption that I have made of their introduction this session, it would mean not till after the Statute Law Revision Bill had been passed; and when the House assents to the Statute Law Revision Bill, with the clause that the Government Printer may give effect to that Statute Law Revision Bill in his new printing, he will then have to prepare the volumes for the public. He will want a month or two to do that. He would also want a little more than that in order that the public and the profession may have them a little time before they actually come into operation. Supposing that Parliament met in June, and for this reason met a little earlier, even if they adjourned for a while, and passed this Statute Law Revision Bill, which would merely give effect to the legislation of this session, and then the Printer was told, "You can go on and print these and make them up for the public," I suppose he would not have them ready till the end of August. That is why I mentioned the possibility that the 1st September, 1929, might be inserted in clause 1. That is the position as far as I know it now.

*Mr. Alexander*.—What would be the position if you fixed the 1st September, 1929, for them to come into operation, and when the House met at the beginning of next session there was a no-confidence motion and a dissolution?

*The Chairman*.—I pointed that out to *Sir Leo Cussen* before.

*Sir Leo Cussen*.—Those are political matters. I cannot assume that anything will happen to the House. I assume the House will go on for ever.

*The Chairman*.—That is the difficulty in the way of the calling of an early session or a special session to consider the question of the consolidation. It may be used as an opportunity to launch a no-confidence motion, and the consolidation might be sunk.

*Mr. Edgar*.—But the work is practically done now.

*The Chairman*.—I understand that is the position, as I have stated it.

*Sir Leo Cussen*.—Yes; that is so.

*Mr. Edgar*.—I have been wonderfully impressed with the magnitude of the task of His Honour, and I feel that the business should be expedited through Parliament, even if His Honour was called before Parliament to explain the consolidation to both Houses. I think there would be no discussion.

*The Chairman*.—I agree. I do not think there would be any discussion in either House.

*Mr. Edgar*.—There would be no discussion.

*Sir Leo Cussen.*—I will do my best to get it through this session if Parliament itself finds that it can do it. I can do my part.

*The Chairman.*—Answering for the Legislative Assembly, I think we can do it. The House, without any hesitation or delay, would accept His Honour's work, and there would be no discussion at all.

*Mr. Edgar.*—I agree with that.

*Sir Leo Cussen.*—I think the House will probably require, as they did on the last occasion—speaking without the knowledge which you gentlemen have, but as Mr. Alexander has pointed out—that after the Bills have been read a second time probably the House will refer them to this Committee, and this Committee will have to make a report. Of course, if this Committee is in a position to say, "We only want a day in which to make our report," that is a different matter.

*The Chairman.*—In regard to these procedural difficulties, Mr. Alexander, would it be possible at an earlier stage than we had in mind, perhaps some time in November, to undertake the early procedural stages in our House, for instance, by Governor's Message?

*Mr. Alexander.*—Yes. It can be undertaken as soon as Sir Leo Cussen submits the Bills.

*Sir Leo Cussen.*—I think I can submit the Bills within the next fortnight.

*The Chairman.*—I could undertake, then, if that were done, the early procedural stages in the House at once. We could bring down a Message on a Tuesday and the next day refer it to the Committee.

*Mr. Alexander.*—Quite so, if we had the specific Bills.

*The Chairman.*—That would give you probably a month.

*Sir Leo Cussen.*—I speak with some ignorance of the matter; but as each member is not going to get a copy of the Bill, is not there some practice by which you bring down a blank sheet and say, "I want leave to introduce a Bill." Do you get past the first reading in that case?

*Mr. Alexander.*—The House always passes the first reading without having a copy of the Bill before it.

*Sir Leo Cussen.*—What about the second reading?

*Mr. Alexander.*—On the second reading the Bill is usually before the House.

*Sir Leo Cussen.*—That is "a" Bill. Each member has not got one on this occasion.

*Mr. Alexander.*—That is not necessary. Mr. Prendergast, when Premier, brought in an urgent financial Bill, and put it right through the Assembly with only one copy of the Bill which he had in his hands. The House of Commons has done the same. In the House of Commons it has been ruled that it is for the House to say whether copies of a Bill must be in the hands of members or not.

*The Chairman.*—The House would understand that in a job like this it would be unnecessary, in view of the House of Commons practice.

*Mr. Alexander.*—The Speaker of the House of Commons laid it down that it was for the House to decide.

*The Chairman.*—There is no doubt that our House would agree to that.

*Mr. Richardson.*—Would not it be possible to provide for members explanatory notes of any important alterations?

*Sir Leo Cussen.*—They have been prepared.

*Mr. Richardson.*—That would guide members in their decisions in connexion with the matter. I rather favour your suggestion that these Bills should come into operation by resolution of both Houses. That could go through in a few days.

*Sir Leo Cussen.*—It would give them every confidence, and each House would feel that they had control of the matter.

*Mr. Richardson.*—If you fix a date it would be almost impossible to say it would be brought in on that date, but if it was done by resolution of both Houses you can bring them along any time.

*The Chairman.*—Do you suggest, Mr. Richardson, that the Bills should be introduced and carried this session, and the resolutions carried next session?

*Mr. Richardson.*—Will they be ready?

*The Chairman.*—I think they will be ready this session.

*Mr. Jones.*—Do you mean the Bill?

*The Chairman.*—Not to enable each member to have the Bill but to have the work completed so that it can be submitted to the House. I have received communications from two members of the Committee who are absent this morning, Mr. Blackburn and Mr. Wettenhall. Mr. Blackburn desired Sir Leo Cussen to have his views on this question, and he writes me as follows:—

"Dear Mr. SLATER,

*Statute Law Revision Committee.*

I have read the transcript of the proceedings upon the 23rd instant, and entirely concur in the suggestion made by Sir Leo Cussen and reported at p. 20 of the transcript (10th line from the foot)."

That is where Sir Leo suggests that the Bills might be passed this session but that they should not come into operation till next year, and that a Statute Law Revision Act might be passed, and the Government Printer authorized, before he made up the books for the public, to alter the Bills. Mr. Blackburn is in accord with Mr. Wettenhall in that regard and urges the completion of the inquiries and the passing of the Bills this session. That is my own view, if we can do it. It seems to me, after Sir Leo's declaration this morning, when the work is completed we can do it, so long as the procedural stages can be met.

*Mr. Richardson.*—There will be nothing to prevent that being done, to bring them into operation at any time simply by resolution of both Houses.

*The Chairman.*—I am in agreement with that. That could be done, so that during the recess the checking could be completed, and any errors or amendments necessary could be dealt with in the next session.

*Sir Leo Cussen.*—Yes.

*Mr. Cohen.*—There is only one difficulty I can foresee: If the Acts are passed this session with an instruction to incorporate any new Act which might have been passed since Parliament has dealt with the matter or which is not incorporated in these volumes, would that meet the position?

*Sir Leo Cussen.*—I do not think that that would be done this session, that is to say that anything would be passed this session and incorporated in that resolution. I thought that would be done at the beginning of next June.

*Mr. Cohen.*—Then the whole thing would be included in the one session?

*Sir Leo Cussen.*—Yes.

*Mr. Cohen.*—I was going to say that the difficulty I foresaw was that where we passed Acts which are merely amending Acts, you, Sir Leo, and those associated with you, should have the opportunity of seeing how they fit in with your notions of the consolidation. We are amending various Acts as we go along.

*Sir Leo Cussen.*—Do you mean at the present moment?

*Mr. Cohen.*—Yes, at the present moment.

*Sir Leo Cussen.*—I have always endeavoured to keep clear of what Parliament wants to do. It is not my concern. If Parliament wants to do anything it is my job to put it in.

*Mr. Cohen.*—I do not say we anticipate doing it, but we never know what is going to happen when a Bill comes before the House. For instance, we passed the Fertilizers Bill the other day in our House. Have you passed it in your House, Mr. Chairman?

*The Chairman.*—Yes.

*Mr. Cohen.*—Have you dealt with that Bill, Sir Leo?

*Sir Leo Cussen.*—No, but if it is a short one I could deal with it. If it is a lengthy Bill I could not deal with it. There is a provision in the Acts Interpretation Act which says that where an Act refers to another Act which is repealed and the repealed Act is represented by new consolidated provisions, the reference shall be taken as a reference to the new position. For example, supposing you amended section 15 of the *Fertilizers Bill* 1915, that amendment in effect would be made in section 15 of the *Fertilizers Act* 1928 without any further provision, merely by reason of that section. That is, of course, assuming that this Statute Law Revision Bill that I have mentioned, was not passed. What I have in my mind, taking the very case you have mentioned, would be that after the end of the year I, and those assisting me, would take that Fertilizers Bill and say "In the *Fertilizers Bill* 1928, that is the Consolidated Bill, the following amendments shall be made," and then, in effect, incorporate your present amending Bill of this session; and then authorize the Printer to print the Consolidating Bill of 1928 with those amendments in it. That might be difficult if the Bill was very long, but if it is short it would not be difficult.

*Mr. Cohen.*—That particular Bill is short; but contemporaneously with passing such of the work as you have already completed, we could also pass an Act enabling you without reference to Parliament to incorporate any amendments which may have been made.

*The Chairman.*—Would not that mean under the Statute Law Revision Committee giving authority that you would embody it in the Statute Law Revision Bill?

*Sir Leo Cussen.*—I did propose to embody it in 1929; but it is not impossible, if what Mr. Cohen suggests could be done, that is to say, that Parliament could pass a short Act, assuming that it passes the Consolidating Bills, to this effect, that any legislation affecting the Consolidating Bills passed during 1928 may be incorporated and the Government Printer may print them in the meantime.

*Mr. Cohen.*—That would be the authority of the Statute Law Revision Committee?

*Sir Leo Cussen.*—Yes.

*Mr. Cohen.*—If that were done, it would meet the whole situation.

*The Chairman.*—That would mean that there would be no delay in the printing. The printing of the volumes could then proceed.

*Sir Leo Cussen.*—Yes. It could.

*The Chairman.*—If the Committee met some time next year and completed that work of incorporation and gave the Government Printer the necessary authority to embody what was necessary—

*Sir Leo Cussen.*—Mr. Cohen's idea is for Parliament to give the Printer that authority this year, but that it could be done next year.

*Mr. Cohen.*—Yes, and the only authority he would need would be the Statute Law Revision Bill.

*The Chairman.*—I think that is a very good suggestion. Do you see any difficulty in that, Mr. Alexander?

*Mr. Alexander.*—That would be to simply embody legislation passed this session?

*The Chairman.*—Yes.

*Mr. Alexander.*—What about ordinary corrections?

*The Chairman.*—You could not get over that. Of course that would prevent the printing of the Acts.

*Mr. Cohen.*—What do you mean by "ordinary corrections"?

*Mr. Alexander.*—Trifling irregularities which would not be legislation, but which would need correction.

*The Chairman.*—There was a special Act last time.

*Mr. Alexander.*—Yes.

*Sir Leo Cussen.*—That could be introduced in 1929.

*Mr. Alexander.*—But in the meantime the consolidation would have been printed.

*Sir Leo Cussen.*—So it was before.

*Mr. Cohen.*—That will always happen. The only thing is to try and minimize them as far as possible.

*The Chairman.*—It would have to be by a supplementary Act. I think the proposal of Mr. Cohen is a very good one, and would get over the whole of the difficulty.

*Mr. Alexander.*—Could a Bill be put through this year authorizing corrections to be made by the Statute Law Revision Committee?

*The Chairman.*—Yes.

*Mr. Cohen.*—That could be done at the present time

*Sir Leo Cussen.*—Parliament can do what it likes in that respect.

*The Chairman.*—It knows that this Committee is representative of both Houses.

*Mr. Cohen.*—There would be no substantive alterations?

*Sir Leo Cussen.*—Parliament might be jealous of saying, "any amendments recommended by the Statute Law Revision Committee." So long as it was limited to verbal amendments, there might be no objection.

*Mr. Cohen.*—Any amendments passed by the Statute Law Revision Committee. If you exceeded your authority, which you are not likely to do, you could deal with that difficulty when it arose.

*Sir Leo Cussen.*—I do not think there will be anything like the number of trifling corrections to be made this time as there was last time. The work of revision has been much more thoroughly done on this occasion. I did most of it myself the last time, but I have more assistance now, and the work has been better done. As far as trifling things are concerned, I do not think there will be anything like the same number. If I remember correctly, the Governor's Message dealing with corrections was a very long one. There is a provision in the Constitution which says that after an Act has been before the House the Governor may send out a Message suggesting verbal and trifling amendments. The Governor, on the last occasion, sent down two or three pages of them, and they were incorporated.

*The Chairman.*—Summing it up, the position is that these Bills, so far as your work is concerned, Sir Leo, will be ready for submission to Parliament at an early date?

*Sir Leo Cussen.*—Yes.

*The Chairman.*—And, assuming both Houses passed the Bills, it is desirable that a special Act, a Statute Law Authorization Act or a small Act authorizing the Government Printer, on the authority of the Statute Law Revision Committee, to embody this session's legislation, could be passed.

*Mr. Cohen.*—Any current legislation.

*The Chairman.*—Yes.

*Sir Leo Cussen.*—I find a practical difficulty about that. I quite see the advantages of it, but I am thinking of the question of time. If the Statute Law

Revision Bill was introduced in 1929, we could start after the House finishes at Christmas time, or just before the New Year, assuming that it finishes about the ordinary time, and could at leisure see that everything that was passed during 1928 was incorporated. If it has to be done this session, it will mean pretty strenuous work.

*Mr. Cohen.*—Under my suggestion, it would not need to be done this session.

*The Chairman.*—I do not think we had that in mind. We could authorize the Committee to do this in recess.

*Sir Leo Cussen.*—Would you indicate, Mr. Cohen, how you suggest that the authority should be framed? Take perhaps a better example than the one you mentioned, which, I understand, is a short amending Act, the Fertilizers Act, and refer to the Maintenance Act. The Maintenance Act introduces very substantial amendments, and amendments of a kind that you cannot incorporate by simply taking the scissors and cutting out a piece and pasting it into our sheets. They are amendments that we should have to weave in, so to speak. Would you authorize the Statute Law Revision Committee to amend that Consolidating Maintenance Bill by incorporating to their satisfaction the Maintenance Bill of 1928?

*Mr. Cohen.*—Absolutely.

*The Chairman.*—I share that view, also.

*Mr. Cohen.*—As the Chairman has put it, the ultimate authority is the Statute Law Revision Committee. The House will know to whom they are entrusting the work.

*The Chairman.*—There are representatives from either side of the House on the Committee.

*Sir Leo Cussen.*—I do not raise any objection to that at all. So long as Parliament is satisfied, and the Committee is satisfied, I have no objection.

*Mr. Cohen.*—The advantages are so great that I think Parliament will be prepared to make that concession of taking the ultimate authority out of its hands for the moment.

*Mr. Jones.*—By that means you succeed in securing a consolidation right up to date. There is no other way in which you can secure a consolidation up to date.

*The Chairman.*—You might delay it for another year.

*Mr. Jones.*—If you delay it till 1929, you would still be in the same position. You would have the 1929 legislation.

*Sir Leo Cussen.*—Very well; I am quite agreeable if it can be managed in accordance with parliamentary procedure. If Parliament and the Statute Law Revision Committee are agreeable, I will do my part.

*The Chairman.*—Would any member of the Committee like to express any views on the question? I take it that that will be the view of both Messrs. Blackburn and Wettenhall. Mr. Wettenhall has expressed concurrence with the views of Mr. Blackburn.

*Sir Leo Cussen.*—I should like a specific direction from the Committee. Is Mr. Richardson's statement to be adopted; that is to say, that, as far as these Consolidating Bills are concerned, section 1 will be altered to read, "This Act shall come into operation on a date to be fixed by resolution of each House of Parliament."

*Mr. Cohen.*—I think we might leave that in abeyance till we consult with you as to when the complete consolidation could be done.

*Sir Leo Cussen.*—If they are to be passed this session you will have to put something in. You will have either to put in a date such as September, 1929, or "on proclamation by the Governor in Council."

*Mr. Cohen.*—I think we could have an earlier date if you think the work can be done and instructions given to the Government Printer, by, say, 1st April.

*The Chairman.*—My view is that by proclamation would be the better way of doing it.

*Mr. McGregor.*—Quite true.

*Mr. Cohen.*—You need not go on repeating that in every section 1 of every particular Act?

*Sir Leo Cussen.*—Yes. You must repeat it in every Act. Every Act starts with a short title, commencement, and divisions—"This Act may be cited as . . . and shall come into operation on . . ." and it is then subdivided as follows. You might do it in another way. You might have them in a schedule and say, "All the Acts in the schedule thereto shall come into operation."

*Mr. Cohen.*—Or the Act could give the Government Printer power to print these, and give the Statute Law Revision Committee the ultimate authority to say that each and every one of the consolidated Acts shall come into force.

*Sir Leo Cussen.*—It would not be much trouble to alter section 1 in each case. It can be done in the other way, if you so desire.

*The Chairman.*—Do you see any objection to that, Mr. Richardson?

*Mr. Richardson.*—I still think that by proclamation is the best and easiest way. We do not know. We are in the dark as far as fixing any date is concerned. We cannot fix a date. It is a very easy matter to put through a resolution of both Houses. It might be done in a couple of days.

*Mr. Cohen.*—But it means recalling the House.

*Mr. McGregor.*—No. Mr. Richardson means practically the same as you do, that it shall be provided in the Bill that you propose that that includes the proclamation.

*Sir Leo Cussen.*—There seems to be a little confusion. Do you mean by a resolution of each House, or do you mean by proclamation of the Governor in Council? Mr. Richardson knows that they are two different things.

*Mr. Cohen.*—The House would have to meet for a resolution.

*Mr. Richardson.*—Yes. You have to have the House meeting to carry this resolution, but it gives an opportunity then, if there should be any doubt about anything, of discussing it when that resolution comes up. I do not suppose that it would be likely, but it gives Parliament an opportunity of having the last say before those Bills come into force.

*Sir Leo Cussen.*—I can see the importance of it. It is an important matter. It is for the Committee to decide.

*Mr. Edgar.*—The House would have to be in session, and it might lead to delay.

*Mr. Cohen.*—It would lead to delay.

*Mr. Jones.*—And you would not get your consolidation till the session in 1929.

*Mr. Richardson.*—You have not much of this session left.

*The Chairman.*—You could not do it this session.

*Mr. Cohen.*—I do not see why the public and the profession should not have the benefit of this consolidation, at the latest, by the beginning of April.

*Sir Leo Cussen.*—I will put this forward for your consideration, gentlemen: When a big job like this is being determined, and particularly when you have some Acts which amend and consolidate, is it desirable that they should come into operation excepting when Parliament is sitting? Supposing some unforeseen and important matter cropped up, if Parliament were sitting and they were convinced "This is a slip," and something has been omitted or something has been added and the full effect has not been seen, although

it is a most important matter and disastrous consequences may occur, that could be cured in one day if all parties were convinced. Parliament would say, "We can put this Bill through in one night and make it retrospective; otherwise great harm will be done." On the other hand, if you bring these Bills into operation when Parliament is not sitting, nothing can be done for some time. I always had the idea that consolidating Bills should be brought into operation while Parliament is sitting.

*Mr. Cohen.*—Why should not you have power to exclude from the consolidation any particular Act which created insuperable difficulties?

*The Chairman.*—You have your power of correction.

*Mr. Cohen.*—There would only be one in a very great number.

*Sir Leo Cussen.*—There may be none.

*Mr. Cohen.*—I suggest that there should be probably none, but there may be one.

*Sir Leo Cussen.*—I am not talking about an Act. It may be only a particular section of an Act or a particular clause of a section which creates great difficulty.

*Mr. Cohen.*—That contingency would be most remote.

*Sir Leo Cussen.*—Yes; but, at the same, time, I do not want any risk about it.

*Mr. Cohen.*—The risk would not be entirely yours. That is why I want to place the responsibility on the Statute Law Revision Committee. We would have to take the responsibility one way or the other.

*Sir Leo Cussen.*—Do you think the advantage of bringing it in in April, instead of June, is so great that it might not be disregarded in favour of having it brought in when Parliament meets?

*Mr. Cohen.*—I think so. I said at the latest in April, but, as a matter of fact, we do not meet till July.

*Sir Leo Cussen.*—In 1915 Parliament met in May, but that was war time, and I suppose the circumstances were exceptional.

*Mr. Richardson.*—It seems to me that, in regard to such an important work, a month or two is not of such great importance. It is an enormous job we are dealing with. We have waited a good many years for this, and, even if we have to wait two or three months longer, it would be far better that Parliament should be meeting and that the resolutions should be agreed to. Some members may have gone through these Bills in the recess.

*Mr. Cohen.*—I do not think so.

*The Chairman.*—I think Mr. Richardson is optimistic.

*Mr. Cohen.*—I think they would want a long recess if they did.

*Mr. Edgar.*—I am relying on the master mind in this great work.

*Mr. Richardson.*—The question is such a big one and is so important that we should not rush it for the sake of a month or two.

*Mr. Jones.*—I would like to point out that if you leave it over till next year it will be September before the resolution can be passed by both Houses.

*Mr. Cohen.*—Why do you say that?

*Mr. Richardson.*—Why September?

*Mr. Jones.*—From a practical stand-point, we meet as late in July as it is possible.

*The Chairman.*—That is a well-established practice.

*Mr. Cohen.*—It is always in the legal vacation, and it spoils my holiday.

*Mr. Jones.*—All Governments "tread the plank" with the greatest timidity. That is well established.

That means that the House meets in July to pass Supply, and it usually adjourns for a week or a fortnight.

*Mr. Richardson.*—But this would be such an important matter that you could put it through in the first fortnight, surely.

*Mr. Jones.*—There is no matter of greater importance than the convenience of members of Parliament. It would mean that you would reach September before there was actually a sitting of the House, and that means that, coming on in the early part of the session when there is a paucity of discussable matter, it would give an opportunity, probably, for delay.

*The Chairman.*—There might be serious delay if there was a no-confidence motion moved in the Lower House. The result would be that there would probably be a month's discussion on that motion, and the consolidation would be held up.

*Mr. Jones.*—From a practical stand-point, and speaking with a considerable amount of experience behind me, I should say that it would be September before you were able to give to the public the benefit of this great work. I am thinking of the public in this matter.

*Sir Leo Cussen.*—Personally, I should prefer that the Bills did not come into operation before the House met. That does not necessarily mean that it should be done by resolution of the Houses, but if it were done by proclamation the proclamation might be made in the first week the Houses met; but I would like the House to be ready for it; that is to say, that they would have it in their own hands to control, and, if there was anything pointed out to them that might be disastrous if allowed to continue, they need only pass a short Act and everything would be cured. I am not anticipating trouble, but you must be ready for all kinds of possibilities.

*Mr. Jones.*—The alternative to that would be to print the Statutes as we now have them, and exclude the work of the 1928 session.

*Sir Leo Cussen.*—I am assuming that Mr. Cohen's idea is carried out; that is to say, that there is passed this session (assuming these Consolidation Bills are passed this session) an authority which enables the present sessional legislation to be incorporated and the Government Printer to put it into the Consolidating Bill so far as it is necessary to put it in. Then the question is, When are those Consolidating Bills to come into force? That is quite a different question. Two suggestions have been made, one by Mr. Richardson that it should be done by resolution of each House. You say, in answer to that, that would be to delay, and possibly you could not get that resolution through till September. What I am suggesting is that the particular difficulty which Mr. Jones has pointed out could be got over by making it by proclamation, and that proclamation could be made in the first week Parliament met.

*Mr. Cohen.*—Within one week after the meeting of Parliament, whenever it took place.

*Sir Leo Cussen.*—Not before it, if you like.

*Mr. Jones.*—Then the Statutes would have been already printed.

*Sir Leo Cussen.*—Yes.

*The Chairman.*—I think a resolution, if it is the practice of the Committee to take resolutions, might be passed to-day. Is it the practice, Mr. Alexander, to have a resolution of this character?

*Sir Leo Cussen.*—The Committee could indicate what it desires to be done.

*Mr. Alexander.*—Yes. It could be put on record.

*Mr. Jones.*—The alternative would be that we would simply confine ourselves to the consolidating of Acts that are already law. You could even take it up to a

certain date, I presume. To-day is the 31st October. You could take it up to the end of October or the end of last month, and consolidate them up to that date. I do not think there is any very great necessity to embody the Acts of this session in the consolidation. It would certainly be better, but next session you are going to have Acts that are amending the other legislation.

*The Chairman.*—Yes; that goes on. But, if you can do it, Mr. Cohen's proposal is a very desirable one, and I certainly see no serious difficulties in the way of giving effect to it, that if we can embody sessional legislation in the consolidation it is desirable to do it, particularly in respect to legislation regarding the Marriage Bill and the Justices Bill. The Maintenance Bill, according to Sir Leo Cussen, is taken from the Marriage Act.

*Mr. Jones.*—Is it through your House?

*The Chairman.*—It is through our House.

*Mr. Jones.*—It has to come to the House of criticism now.

*Mr. Cohen.*—I move—

“That the consolidation, so far as it has been dealt with, shall be considered by Parliament during the current session, and that the Statute Law Revision Bill shall empower the Government Printer with the authority of the Statute Law Revision Committee—”

*Sir Leo Cussen.*—You could say “a Bill having the title of the Statute Law Revision Bill or some similar title.”

*Mr. Cohen.*—

“shall empower the Government Printer with the authority of the Statute Law Revision Committee, to incorporate into the consolidation all Acts or amendments of Acts passed during the current session, and that the same Bill shall provide that each of the consolidated Acts shall come into operation on a date to be proclaimed as the date, but not until one week after the meeting of Parliament.”

*The Chairman.*—Why not put it “not earlier than the sitting of Parliament”?

*Mr. Cohen.*—But we want Parliament to have a sitting and to have the opportunity of dealing with anything that may arise.

*Sir Leo Cussen.*—Do you think there is any necessity for that? This is not a party question, and the Governor in Council would not proclaim it until Parliament does meet. I do not object to your saying “after the next meeting of Parliament,” but I do not think it will be necessary to say “within a week.”

*Mr. Cohen.*—I am not wedded to that wording. You can leave it indefinite.

*The Chairman.*—Make it “not earlier than the meeting of Parliament.”

*Mr. Cohen.*—I am prepared to amend my resolution in that way.

*The Chairman.*—Is there any seconder of the resolution?

*Mr. Edgar.*—I second the resolution.

*Sir Leo Cussen.*—Do you see any objection to leaving out that part of it which says “a Bill to be called the Statute Law Revision Bill or some similar title shall provide that each of these should come into operation on a date to be proclaimed by the Governor in Council”? There is no difficulty in the way of putting it in the first section of each of them, and then the provision is exactly the same.

*Mr. Cohen.*—I am not suggesting that should take the place of the other. It is merely indicating when the matter will be ultimately dealt with.

*Sir Leo Cussen.*—If you alter that to say that provision should be made that each of the consolidating Bills shall come into operation on that date, it could be made as found convenient.

*Mr. Cohen.*—You say not necessarily in the Statute Law Revision Bill?

*Sir Leo Cussen.*—Why not make it in clause 1? You are departing from the practice of Parliament. It is always included. The shorthand writer has it recorded, and I will revise it in the transcript.

*Mr. Cohen.*—Then my resolution, as amended, will provide that provision should be made so that the consolidating Bills should not come into operation before a date to be proclaimed, but not earlier than the first sitting of Parliament.

*The Chairman.*—The Committee understands the effect of the resolution. Is there any further discussion on it? If not, I will ask the Committee to vote.

The resolution was carried unanimously. It was as follows:—

“That the consolidation, so far as it has been dealt with, shall be considered by Parliament during the current session, and that the Statute Law Revision Bill shall empower the Government Printer, on the authority of the Statute Law Revision Committee, to incorporate into the consolidation all Acts or amendments of Acts passed during the current session, and that provision should be made so that the consolidating Acts shall not come into operation before a date to be proclaimed and not earlier than the first sitting of Parliament.”

*Sir Leo Cussen.*—I will see that that is given effect to as soon as possible. May I ask now if any member of the Committee has any suggestions to make? I have one or two remarks to make about corrections which I have already made in the Acts, but perhaps some members of the Committee may themselves have some questions to ask. If so, I prefer to take them first.

*The Chairman.*—Mr. Kelly, of counsel, has submitted a very important one to me, which he discovered in the course of his lectures at the University in respect to the Instruments Act of last session, as to bills of sale.

*Sir Leo Cussen.*—I found lots of difficulties myself, and I thought I had better leave it as it was.

*The Chairman.*—As long as that view is expressed, because we will probably have to meet it, if that is the position.

*Sir Leo Cussen.*—I think you will probably have to do so.

*The Chairman.*—Mr. Kelly drew my attention to the fact that we restricted the meaning of a bill of sale by the Instruments Act in a small and rather innocent measure last year which, strangely enough, was submitted by the Law Institute, which never thought of the profound difficulties which would arise. It was a procedural amending Act, and provided for the bill of sale itself to be lodged in the office of the Registrar-General instead of notice of intention to file a bill. There was no necessity to file a notice of intention, but the bill itself was lodged, and if there was no caveat lodged in fourteen days it was registered automatically; but the definition in the 1915 Instruments Act included other documents, such as declarations of trust and assignments and assurances, and it is almost impossible for many of these documents to have within them all the particulars that are required under our amending Act of last year, and consequently they are incapable of registration.

*Sir Leo Cussen.*—I know we felt great difficulty about that amending Act, and I think you will find that it has been reproduced. In addition to what Mr. Kelly points out, there is another difficulty. The old Bills of Sale Act, as the legal members will remember, was designed in favour of creditors and assignees in

insolvency and persons of that kind, and great importance was attached to possession of the goods. The Legislature, in passing this amending Bill, left all those in, and yet it seemed to us to be doubtful whether they have not given such a definition to bills of sale, and have not made such provision as to notice as to make any bill of sale of which notice was not given, and which was not registered, void against any one in every case. If that is so, it may be that these provisions, which are specially designed to favour creditors and others, are now of no importance at all, because the latest Act affects every one. We had to consider that question, and we thought that as the Legislature had dealt with it so recently, notwithstanding that great difficulty, there might be some explanation which we could not see, and we let it stand.

*Mr. Cohen.*—I see the difficulty. I objected to the piecemeal amendment of the Act, as far as my recollection went, but I was rather misled by the fact that the Law Institute gave its sanction.

*The Chairman.*—As a matter of fact, it was they who wanted it. It never came from any one but the institute. Another mistake was pointed out, and that was that we had two separate sections, one requiring 30 days and the other requiring 31 days.

*Mr. Cohen.*—Mr. Richardson drew up the amendment and handed it to me.

*The Chairman.*—As long as we know that is the position, we will have to cure it.

*Sir Leo Cussen.*—It has been left as it is. That is what it comes to.

*Mr. Alexander.*—May I make this suggestion—that if Sir Leo Cussen would tell the Committee that these are the Bills which are to be submitted to Parliament, the Committee could at this sitting or next week make a report to both Houses, stating what has taken place before this Committee and recommending the adoption of these Bills. That would obviate a delay of perhaps a fortnight or three weeks in referring the Bills to this Committee at the Committee stage.

*Sir Leo Cussen.*—I should like a little more time before I could say “These are the Bills,” because I have already made some corrections in my own particular copy, and that copy would be the one that would have to be submitted. I do not know whether the Statute Law Revision Committee will have another meeting within a week or so. Perhaps I would be able by that time to say, “These are the Bills.”

*Mr. Alexander.*—I was only trying to avoid a delay at a later stage in a busy part of the session.

*The Chairman.*—Thank you.

*Mr. Richardson.*—Will that explanatory memorandum be ready?

*Sir Leo Cussen.*—It is ready now. All the details are ready. I called attention to the fact that the Closer Settlement explanatory paper was missing on the last occasion. The Government Printer has now supplied that, and you may have it.

*The Chairman.*—I take it that, although it may be impossible for the members individually to get Bills, they might be able to get copies of the explanatory papers.

*Sir Leo Cussen.*—That will be done; but, if they have not got the Bills, the explanatory papers would not be very informative, because they say “section so-and-so.” It would not be of very much use to members.

*The Chairman.*—There will be just a preliminary memorandum?

*Sir Leo Cussen.*—Do you mean the preface?

*The Chairman.*—Yes.

*Sir Leo Cussen.*—The preface will not be prepared until the Acts are ready for issue to the public, but I will draw up a general explanatory memorandum

which will relate to two or three general matters. The explanatory memorandum you have at present relates to the details of each particular Bill.

*The Chairman.*—I think Mr. Richardson made the proposal that Sir Leo Cussen should address each Chamber.

*Sir Leo Cussen.*—If it is done it should be well done, and it would take a very long time. I do not mind, but if it is not well done it would perhaps be not worth while doing.

*Mr. Edgar.*—Still, it would wonderfully facilitate the passing of the Bills. There would be no discussion at all.

*The Chairman.*—I do not want to impose it on Sir Leo as a further burden. You have already carried a very big burden. I think the Committee can satisfy the House.

*Sir Leo Cussen.*—There are one or two matters to which I wish to call the attention of the Committee. I have been going through some of the Acts about which I have some questionings from others or doubts myself, and in some cases I have made some alterations in my particular copy of them, which I will get the Government Printer to alter.

I do not think it is necessary now to tell the Committee about what you might call minor alterations which I have come to the conclusion are necessary in order to give real effect to the legislation; but there are one or two alterations of importance that I think I ought to bring before the Committee now, because if they look at their copies they will be misled unless they knew that I proposed to make alterations in them.

The first is one relating to the Judges, and that is a matter I considered I should call your attention to. If you look at the Supreme Court Act, section 10, and compare it with the Supreme Court Act, section 10 of 1915, you will find that it is very much altered, and attention is drawn to it in the explanatory paper in this way. It says that the Supreme Court Act, section 10 of 1915, has been altered in order to make it conform to modern conditions. I knew it was a section about which there had been a dispute in the past, but it was only during the past week that I found it was the subject of most heated controversy between the Attorney-General of the day and the Judges of the day. It goes back to Sir Redmond Barry and Mr. Higinbotham. It is the section which gives the Governor in Council power to suspend a Judge until His Majesty's pleasure is known. That is what the old section gave. That section was originally framed at a time when Judges were appointed by His Majesty and not by the Governor in Council. They were appointed from England, and held office only during pleasure, but not, as they do now, during good behaviour or until a vote of both Houses of Parliament. When it was passed it was a perfectly sensible provision: that is to say, the Governor in Council was a long way from England in those days, and could, owing to the time and distance, suspend a Judge until there was time to send information Home, and then His Majesty said, “I will indicate my pleasure that this Judge's office terminates,” or “I will indicate my pleasure that his office shall not terminate,” and then the discussion came to an end. That was all perfectly sensible; but the Judges contended that the Constitution Act had wiped that all out and gave the Judge tenure during good behaviour; and, personally, I think there is a great deal to be said for that; but Mr. Higinbotham and the Government of the day did not take that view. Sir Redmond Barry having indicated that he was going on leave of absence, Mr. Higinbotham indicated that he might be liable to suspension if he went without leave. The Judges tried to take it to the Judicial Committee, but the Judicial Committee said they would not entertain it because that very question might come before them in a case; but the law officers of the Crown in England gave the opinion that

the section was still in force. Then the Government of the day introduced a Bill which repeated the section. The Judges protested against this because, they said, the provision of the Constitution Act which had wiped it out would be nullified or, at all events, weakened if a subsequent legislative Act was passed which re-enacted the section and the Legislative Council (as I understand they sometimes do) threw the Bill out. A curious thing is that when Mr. Higinbotham was consolidating the Acts in 1890 he then repeated the section, and there it is. I do not know whether he directed his attention to it or not, but the controversy seems to have been very fierce indeed. You will find it all in the second edition of Todd's *Parliamentary Government in the Colonies*, and also in Quick and Groom's *Judicial Power of the Commonwealth*. It is a very interesting story. I am only telling you that for the purpose of saying that I think I ought not to alter that section in spite of its peculiarities, and I have put it back where it was.

*Mr. Cohen.*—You refer to section 10, which provides, "if by death, resignation, &c."

*Sir Leo Cussen.*—The explanatory paper says that it has been altered to conform with modern conditions, and that it is no longer a question of His Majesty's pleasure.

*Mr. Cohen.*—You have altered it?

*Sir Leo Cussen.*—Yes; but I think I ought to put it back again.

*Mr. Cohen.*—Why?

*Sir Leo Cussen.*—Because it has been a matter of great controversy, and it might be that Parliament might say, "You ought to have left that where it was." No doubt it creates difficulties, but, if not re-enacted, it would mean that the Governor in Council has no power to suspend. Each House can vote a resolution for the removal of a Judge under the Constitution Act, but it would mean that the Governor in Council would have no power to suspend if you altered it as I have altered it in this print before you.

*The Chairman.*—Would that mean that a Judge could absent himself and say, "Well, I am going Home next year for the whole year" without any control?

*Sir Leo Cussen.*—It would mean that Parliament would say, "If you do that kind of thing, we will remove you." It would prevent the Governor in Council from suspending. There is no doubt that the reason for that power of suspension being given was that Victoria was a long way from England in those days, and it was His Majesty who controlled the matter. The Judges had held office at His Majesty's pleasure. They were appointed in England and came out here, and they said, "Supposing a Judge does something or other, or goes away, it may be a long while before they can act from England, whereas we can act here very promptly." His salary would go on, and then he would be suspended. His Majesty's Ministers would say, "We advise Your Majesty in such a way," and His Majesty would probably act on that advice. They might advise His Majesty to terminate the appointment or to continue the appointment or to suspend. I decided to leave it where it is. You will find that there are cases described in the books where His Majesty acted either in one way or the other.

*Mr. Cohen.*—In these days of wireless, the suspension would be removed before it operated.

*Sir Leo Cussen.*—I do not know what the words "until His Majesty's pleasure is known" mean now. I do not think His Majesty could remove a Judge now after the Constitution Act.

*Mr. Cohen.*—No; clearly not.

*Sir Leo Cussen.*—Then what is the meaning of "until His Majesty's pleasure is known"?

*Mr. Cohen.*—I think His Majesty in the right of the Government of Victoria.

*Sir Leo Cussen.*—But His Majesty is contrasted with the Governor in Council, that is the trouble. There is a curious thing, also, in reading these books that you will have to bear in mind. This subject is full of difficulty. In the New South Wales Constitution, and I think in the Constitution of some others of the States, it is His Majesty who still is said to remove judges on the address of the local Legislatures. If you look at the Victorian Constitution Act you will see that it is the Governor who has the power on an address of the local Legislature; and, for the word "Governor" in the Victorian Constitution Act you will find "His Majesty" in the New South Wales Constitution Act.

*Mr. Cohen.*—All this says is "remove" without indicating how removal takes place: "If by reason of death resignation or removal".

*Sir Leo Cussen.*—That is the new English section.

*Mr. Cohen.*—I suggest respectfully that your Honour should leave the amendment in and I think the attention of the House should be drawn to the circumstances and that the House should be asked to say whether modern conditions should prevail or whether that antiquated section which leads to the difficulty, should remain.

*Sir Leo Cussen.*—It leads to debate.

*Mr. Cohen.*—I do not think there will be any debate.

*The Chairman.*—I share Mr. Cohen's views, the reasons having entirely disappeared and the control having been very definitely left in the hands of Parliament, that if a judge did act capriciously, and there are not many examples of that in our history, he should be dealt with by Parliament.

*Sir Leo Cussen.*—One of the earliest cases was that of Judge Willis, who was the first judge in Port Phillip. He was one of the earliest judges who came out under this section but under an old English Act. They held eventually that he had not been given sufficient notice of the charges, when he appealed. The Governor had him removed under an old English Act which provided that the Governor in Council might remove a judge under certain circumstances but subject to the right of appeal to His Majesty in Council. They said that he had not had sufficient notice of the charges.

*Mr. Edgar.*—Are there any other direct appeals to the King regarding officers?

*Sir Leo Cussen.*—Do you mean the Judicial Committee of the Privy Council?

*Mr. Edgar.*—Yes.

*Sir Leo Cussen.*—Yes. I think an officer can get leave to appeal to the Judicial Committee of the Privy Council.

*Mr. Cohen.*—I think Mr. Edgar means without the intervention of the Court.

*Sir Leo Cussen.*—There is power for His Majesty to refer all kinds of matters to the Privy Council. They have no set jurisdiction. I do not know that there would be any appeal from a resolution of both Houses because that is a political matter and not a judicial matter. That would be settled by Statute. A judge holds office during good behaviour. Supposing there is no resolution of the Houses of Parliament but some one takes an application in the Court in the nature of a *scire facias* and contends that he has terminated his appointment. If you could get them before the local court they could go to the Privy Council but there are many difficulties in the way.

I put it shortly to you in this way, after reading those long controversies, I thought, particularly as it was a matter that concerned the judges, that it would be better to put it back where it was and save all trouble.

*Mr. Cohen.*—I do not see how it can save trouble. I think it creates the possibility of future trouble. You have to conceive the possibility of a government of the day suspending a judge for its own political ends.

*Sir Leo Cussen.*—You mean that that is a possibility on the one side; but on the other hand you may have the possibility of Parliament not sitting and not proposing to sit for some time. I understand you can always be called together in a couple of weeks if absolutely necessary and in that case something might happen which might render the power of suspension desirable; but "until His Majesty's pleasure is known" seems to be absurd.

*The Chairman.*—I share Mr. Cohen's views. I think the reason for the provision has disappeared and that you have it in clear and more definite terms that there is no deprivation of Parliamentary control because, after all, that is what it means.

*Mr. Cohen.*—It legalizes the control.

*Sir Leo Cussen.*—Very well. I will do it. I do not mind. I may add that there is no such provision for suspension in Commonwealth legislation, or so far as I know in English legislation.

*The Chairman.*—I take it that the Committee does not object to that.

*Sir Leo Cussen.*—I think I shall call more pointed attention to it in the explanatory paper, but subject to that I will leave it.

There is one other matter and that is in the Closer Settlement Act I have also made an important alteration by reason of later information which I have got. I refer the Committee to sub-section 3 of section 19 at p. 10 of Vol. 1, Closer Settlement Act. I propose to strike that sub-section out.

*Mr. Cohen.*—"Shall not exceed £500,000".

*The Chairman.*—Is not that in the previous Act?

*Sir Leo Cussen.*—That is not in the previous Act. It is rather a conclusion from the previous Act. The position is rather a curious one. Parliament authorized the raising by the issue of further Victorian stock of a sum not exceeding £500,000 in any one year, and by various Acts that was continued from 1904 when it started until 1925, and the amount included in the £10,500,000 which is referred to in this Consolidating Act really means 21 times £500,000, because it was authorized by Parliament for 21 years. Then Parliament further provided that if the sum of £500,000 was not raised in any one year that by so much more could the sum raised in the subsequent year be increased. So, if you raised £300,000 in one year you could raise £700,000 in another year. Parliament gave no authority directly for raising money after 1925 at all; but the view that has been always taken—and it has resulted in £2,000,000 being raised—is that that authority continued, and that as the departments had fallen short by about £3,000,000 of the amounts that they were authorized to raise, if they had raised £500,000 in each of those 21 years, they were at liberty to raise the balance after 1925; and accordingly between 1925 and June, 1928, they raised £2,000,000. You will see that that is three and a half years, and they raised about £700,000 in each year, taking the view that as they had not raised £500,000 in those previous years, the clause which said that they might raise in excess of £500,000 in subsequent years authorized them to do that. Assuming that the £10,500,000 is right, then there is still about £1,200,000 to be raised. The departments say that they do not think the limit of £500,000 should apply to them, and accordingly the practice of the last three or four years of assuming that to be right has operated. I propose to strike that clause out. The Governor in Council, of course, has control of the matter, and if he wants to raise £500,000 or only £100,000 he may do so, and the Treasurer may

have something to say on the matter; but the Department says that there should be no statutory limit: that if they are authorized to raise money under the provision, the £500,000 proviso no longer applies; and I am inclined to think that that is right. The doubt I had was whether they had authority to raise money after 1925, but they have done so to the extent of over £2,000,000. It seems to be the position that they are entitled to go on till they have raised the full amount.

*Mr. Cohen.*—How much have they raised?

*Sir Leo Cussen.* About £9,300,000 has been raised and £2,200,000 has been raised during the last three and a half years up to the 30th of June of this year. There is about £1,200,000 still to raise, speaking in round figures. So it is not of very much importance even if they raised the whole amount at once. As I say the Governor in Council's control of it would not permit them to raise £500,000 unless it was a matter of urgency. I thought I ought to call attention to that. I propose to strike it out unless, after looking into it, you think there is something to be said for it.

In the University Act I am striking out section 34, I think it is. It is an agricultural education provision, and after discussion with Dr. Cameron, and the Registrar, I came to the conclusion that it would be better not to take that isolated section out of the Agricultural Education Acts but to preserve those Acts in the Acts Enumeration Act and let them have their own operation, particularly as they expire next year and a new Act will be needed. The Agricultural Department suggested that it was much better to leave all these provisions in regard to agricultural education to be dealt with departmentally in the sense that the Department could submit a Bill, and it was undesirable to put an isolated section into the University Act. With that I agreed. The Acts are preserved. That section will continue in operation till next year.

With regard to the other alterations that I have made either in the body of the Acts or in the explanatory papers, I will have a complete list of those at the next meeting, but I do not think that they are of any importance. I will possibly make an enumeration of them and show them to you. Those are matters to which I ought to call your attention, and subject to what has been said, unless I hear to the contrary, I will leave things as they are, as I have altered them.

*The Chairman.*—When is our next meeting likely to take place?

*Sir Leo Cussen.*—At whatever date suits the convenience of the members.

*The Committee adjourned.*

TUESDAY, 13TH NOVEMBER, 1928.

*Members Present:*

Mr. SLATER, in the Chair;

<i>Council.</i>	<i>Assembly.</i>
The Hon. H. I. Cohen, K.C.	Mr. Blackburn.
The Hon. W. H. Edgar.	Mr. Linton.
The Hon. J. P. Jones.	Mr. Macfarlan.
The Hon. M. McGregor.	Mr. Prendergast.
The Hon. H. F. Richardson.	Mr. Wettenthal.

*Sir Leo Cussen.*—Most of you were present here on the last occasion when the question of the procedure to be observed was discussed in connexion with the possible presentation this session of the Bills to Parliament. I have been thinking a good deal about the matter since, and wondering whether it would not be too much to ask Parliament to do what was suggested, and whether the same object could not be achieved by giving Parliament an opportunity of speaking the last word on the subject at the beginning of the next session.

I quite realize the political questions that might give rise to difficulties as to time, but I thought that, as at all events the members of this Committee, and I understand the members of the House generally, are prepared to treat this as a non-party matter, no matter what the political situation might be at the time of the opening of the next session, it might be agreed among all parties that these Bills should be finally put through, that is to say, that an Act should be passed which would enable the main Bills to be finally put through at the beginning of the session. It need not take many hours. That seems to be on the whole a more satisfactory solution than to leave large powers to myself in the first place under the supervision of the Statute Law Revision Committee. I do not know whether some of the members who were not here on the last occasion would like me to state what I understood to be the suggestion, or whether the transcript of the shorthand notes taken on that occasion sets out the suggestion.

*Mr. Prendergast.*—I am quite satisfied with what was done.

*Sir Leo Cussen.*—There are two propositions, and involved in both is the presentation of the Bills to Parliament this session. I think they can be ready. I have gone through various parts of a set of the Bills myself, about which doubts were suggested, and marked a few alterations, and I should think that the Government Printer, if his officers can give their attention to it, ought to have all those alterations done in two or three days. Then the consolidated Bills, together with the Acts Enumeration Bill, could be ready for submission to Parliament in the sense explained to the last meeting of the Committee, that is, that one or perhaps even a few copies might be available. It would be impossible in the time at our disposal this year for each member of Parliament to be supplied with a copy. This would involve printing 100 copies which, according to the estimate of the Government Printer, it would take him a couple of months to do. As I say, both the alternatives involve the presentation to Parliament this session of these Bills. Then the question is, what is to be done with the amendments which will have to be incorporated by reason of the sessional legislation this session, and what will have to be done with the corrections that will no doubt have to be made when there is a further opportunity, extending over some months, for considering these consolidating measures. Two suggestions were made, one that a Statute Law Revision Bill, or a measure with some such title, should be presented to Parliament at the very commencement of next session, that that should bring up to date the consolidating Bills by incorporating in them the legislation of this session and also perfect them by incorporating any suggestions which were made by way of correction when further time had been given for perusal. The second suggestion that was made was that the Statute Law Revision Committee should be authorized by Parliament this session to approve of all the insertions that will be made by reason of the present sessional legislation and by reason of corrections, and that without the Bills in any way further coming before Parliament, Parliament should this session authorize them to come into law at a date to be proclaimed by the Governor in Council and published in the *Government Gazette*. I quite realize the advantages which are pointed out in connexion with the second suggestion, and I also realize that the members of the Committee know much better than I do that political difficulties may lead to some little lapse of time at the beginning of the session in 1929, but, as I have already indicated, I still think that this matter might be treated as above ordinary disputes between parties or between the Houses, and that there is no reason why, like the Supply Bill, which I understand is put through at the beginning of each session, these should not be put through also. On the whole, I personally favour the idea that that should be done, and that Parliament should have the last word on the

subject. I do not know whether there would be any constitutional difficulties in Mr. Cohen's suggestion. I do not think there would be. I think they could be got over by appropriate expressions in an Act passed this session. I have here the three Sessional Law Revision Acts and Statute Law Revision Acts which were passed on the last occasion. In one of them, Act No. 2763, there are certain provisions at the beginning with regard to certain references made in the Acts passed in that session—that was 1915, when the consolidated Acts were coming into force—and transferring those references to the consolidated Acts. Section 5 is the important section. This is an Act of Parliament with a very big schedule, and section 5 provides—[reads from “without limiting the generality” to “and not otherwise”].

*The Chairman.*—That was giving authority in effect to the clerk and to the law officer.

*Sir Leo Cussen.*—Yes, but only with reference to amendments which had been before Parliament. The same kind of thing was done in Act No. 2875, where again there was a long schedule. Section 4 of that Act provides: “Every copy of any of the said Acts”—that is the consolidated Acts or some of them—“printed after . . . provided for by this Act”. The point is that all those alterations were before Parliament. And although I agree that in a case like this Parliament cannot be expected to give its attention in detail to a lot of these things, there was still an opportunity for any member, or any one advising any member, to consider the matter. If they were prepared to accept the recommendation of myself and the Statute Law Revision Committee, well and good, but there at all events was an opportunity to act if thought desirable. The proposals seem to me to be substantially equally good as to time as regards coming into operation, except for the one thing, about which I admit that I know much less than do members of the Committee. That is, would Parliament, or might Parliament—because if there was a substantial chance of Parliament doing it, it would be important—delay the coming into operation of the Act by reason of some political exigency that might occur at the beginning of the next session, or could the parties be relied upon to say, “Well, at all events, before we start anything else, we will do this”? From the expressions of opinion I have heard from the members of the Statute Law Revision Committee, I should think that the second course might result quite well, and if it did, then no time would be lost, and it would have the advantage of Parliament having the opportunity of saying anything if it wished to say it. For these reasons, on the whole, after thinking the matter over very carefully, and realizing the value of the suggestions made at the last meeting of the Committee, I should prefer that it be done in that way. That means that the Bills would be introduced this session, they would be passed to come into operation on a date to be fixed by the Governor in Council, the idea being that the Governor in Council would not fix a day before the opening of the 1929 session and perhaps for a week or two afterwards, and that at the beginning of the 1929 session a Statute Law Revision Bill, or whatever name it is called by, should be presented with all the alterations set out in the schedule, that Parliament should pass it promptly if no difficulty was raised, and that thereupon the Governor in Council should proclaim that the Act should come into force say a month or two months after that.

*Mr. Cohen.*—Speaking for the House to which I belong I am satisfied that they would treat it both as an urgent and a non-party measure, without any trouble whatever.

*Mr. Edgar.*—I think so, too, because, following this Committee, and following the legal mind that is associated with your Honour, there has been very little alteration made and there have been no suggestions of any very vital kind.

*Sir Leo Cussen.*—I would not say that, because we have not gone into them in detail.

*Mr. Edgar.*—I am speaking of them up to date.

*Sir Leo Cussen.*—Yes, up to date that is so.

*Mr. Edgar.*—And I feel sure that the House would rely on your judgment and expert knowledge.

*Mr. Cohen.*—Not only that, but they would rely on the members of the Committee.

*The Chairman.*—If this assurance were given by the members of the Committee, that would carry weight.

*Sir Leo Cussen.*—I do suggest that, if the Committee are able to give the time to it, there should later on be a discussion far more in detail of some of these things. One of the results of that discussion may be that the Committee may make suggestions, as they did on the last occasion, and that some of the alterations which I have made may be struck out, but we have no time to do that now. I think the Bills are substantially in a satisfactory form at the present moment, but I should not like to send them finally to Parliament without the corrective of a Statute Law Revision Bill, which itself would embody the result of a more detailed examination of them, an examination which I would have with this Committee after the present urgent business in connexion with the closing of the session has been got rid of. This Committee goes on until the opening of the next Parliament, so that it can meet at any time during the recess.

*Mr. Edgar.*—It would be a prodigious task for the Committee to go through all those volumes.

*Sir Leo Cussen.*—There are a great number of those alterations, most of which you will see at the commencement of Volume 8, with which I would not think it necessary to trouble you, but there are some of them which I think I should like to bring before the Committee in more detail than I have had the opportunity of doing up to the present. At the same time I see no difficulty in Parliament passing it now, because in fact it seems to me that it would conduce to the passing now if Parliament were to be told: "You will understand that these Bills are now in the substantial form in which they can be enacted. Between this and the next session and between this and the proclamation by the Governor in Council there will be a more detailed examination. They will be open to criticism, and a Statute Law Revision Bill will come before you which you will have to pass, and no proclamation will be made until you do pass it." I should think this would be a great inducement to Parliament to say this session, "We will pass it, because we have a certain amount of control over it in the future, and we are not finally settling the matter now".

*Mr. Prendergast.*—I take the same attitude on this consolidation as I took on the last. It seems to me that there will be less difficulty in dealing with this consolidation than on the previous occasion because a much longer period had then elapsed since the last consolidation. The only guarantee I want is that which you gave previously, that where alterations have been made to an Act our attention will be called to them, as was done on the previous occasion. I refer to those things which are really alterations of the Act itself. I do not regard it as an alteration when the wording is changed to make an Act agree with something that is in another Act. All I want to be sure of is that, just as you gave the guarantee on the last occasion and showed these alterations to the House, the House will be made acquainted with all important alterations on this occasion. I regard any amendment which will alter the application of the law as important. That is the kind of thing to which our attention should be drawn.

*Sir Leo Cussen.*—I see the distinction which you draw, Mr. Prendergast, and it will be observed. There are many clauses which involve the alteration of words but which will not mean alterations of substance at

all. They simply give effect to what Parliament has enacted in another way. Sometimes the literal and verbatim copying of an Act would result, not in consolidation, but in the Act not representing the real facts. Take, for instance, the word "now". If you repeated that word in 1928 when it was first enacted in 1916 you would give an entirely wrong meaning to the Act. I refer to such phrases as "which are now in existence": in cases of that kind you must strike out the word "now" and substitute for it the appropriate date, whatever it was. I do not consider those to be alterations of substance at all. As regards the other classes of alteration in which matters of substance are involved, I call Mr. Prendergast's attention to the distinction which exists between this and the last occasion. On the last occasion I had the opportunity of discussing with the Statute Law Revision Committee those alterations which I call alterations of some substance. I quite agree that attention must be called to them. Of course it must be, but the result of the discussion with the Committee was that as to some of the alterations I made, even if sometimes the Committee said that they agreed with them individually, the Committee said, "On the whole, we think it had better be put back," and it was put back. I have not had the benefit of this discussion on this occasion, and I cannot possibly have it before the close of the session, but I can have it before the opening of the next session.

*Mr. Prendergast.*—I propose to agree with what you recommend, simply pointing out what are vital or material alterations. I agree that they were really infinitesimal in number in a consolidation which covered a period of over 40 years. A considerable number of alterations were required then which would not be required now, but I feel that it is vital that we should know that no alteration is being made the effect of which will afterwards be discovered in the Law Courts.

*Sir Leo Cussen.*—The question is, what kind of a report is the Committee going to make at this stage, assuming that the Bills are presented to Parliament? On the last occasion the Committee presented a report in June, in which they recommended that those Bills enumerated should come into force on the 1st October. That was a definite statement. They were complete and done with. The discussion of the Statute Law Revision Committee had been had, every amendment of substance which the Statute Law Revision Committee approved was set out, and the reason for its being was explained. As I say, we have not had that detailed discussion on the present occasion, and I should not like the matter to go forward until there had been an opportunity to have it. It seems to me that there is no opportunity to have it this year, because it would take probably three or four weeks, and by that time we should be close to Christmas. What kind of report are the Committee going to make to Parliament now? I am not presuming to suggest that they should make any report, or what report they should make, but it seems to me that at present it must be something like this: "The Committee having been assured that the Bills substantially represent the form in which they will finally appear for submission to Parliament, Parliament is recommended to pass them to come into operation on a date to be proclaimed, it being understood that that date will not be before the opening of the next session of Parliament, and that in the meanwhile a more detailed discussion shall take place, and that a full explanatory paper setting out all substantial alterations will be presented to Parliament before the Statute Law Revision Bill is passed." After that, if Parliament says, "Very well, we will pass them provisionally, or tentatively, that is to say, not to come into operation until we have another opportunity of considering the matter," that may be done.

*Mr. Prendergast.*—Is anything gained by that course?

*Sir Leo Cussen.*—Yes, there is this gained—that if Parliament went to that stage, I should think that as a matter of administration, but if necessary by enactment, instructions could be given by the Attorney-General or by the proper Minister, to the Government Printer, saying “Whatever alterations are suggested to you before the next session of Parliament, make them”. I do not mean to say that the Act of Parliament as presented to the Houses would not continue to be the Act of Parliament, but the Printer would be told, “Make these alterations in your type.” It may be that these Acts will never come into force, but if they do come into force they will come into force in this new shape, and the result of that method will be that before June of next year they will be in their new shape. The Clerk of Parliaments will preserve his Act as passed, but the Printer will alter his type and everything will be ready to issue a volume straight away at the beginning of the session if Parliament approves of the Statute Law Revision Bill. That is a gaining of valuable time.

*Mr. Prendergast.*—I shall be perfectly satisfied to take the Bill, because to-day the consolidators are finished with it. I am satisfied to take it after all their revision has been finished, because of the very few alterations made in the previous consolidation, when the material alterations, of which there were only about half a dozen, were explained to us.

*Sir Leo Cussen.*—You were unfortunately away, Mr. Prendergast, from the early meetings of the Committee this year, but I did explain that there were some Bills in which alterations rather more substantial than usual had been made, particularly in connexion with the County Court Bill, the Maintenance Bill, and the Bills relating to property. As regards property, I do not mean that they are alterations affecting a person's right to his property, so much as they are alterations which may enable land to be sold and converted into money, and so on, enabling land to be dealt with in that way, and enabling trustees to have various powers which it is considered beneficial that they should have, and which they have not got, and giving administrators certain powers including the power to maintain parties from property, and various matters of that kind which do not affect beneficial interests in the property but which cannot be said to be mere consolidation. These are just those alterations which I should like to have a little time to discuss with the Committee. I do not know whether you, Mr. Chairman, or any of the other members, have in your own mind mapped out the substantial framing of the report which you would present at present, assuming that the Bills were presented this year. They can be presented this year. I propose to send to the Government Printer my own copy of this set of volumes, in which I have made a few alterations. They could be done in a few days, and then the Printer could send all the consolidated Bills to the Clerk of Parliaments for submission to the House by the Minister. However, I see a little difficulty in regard to the report although I do not presume in any way to say what I think the report should be.

*The Chairman.*—Do you say that the report should be submitted subsequent to the presentation of the Bills to Parliament?

*Sir Leo Cussen.*—I should say contemporaneously with it, but I see a little difficulty in seeing exactly what you are going to say. You cannot say, with the definiteness of the last occasion, “We recommend that these Bills be brought into force as they are on a certain fixed date.” There are two or three things which have to be altered in that statement, to fit the new set of circumstances.

*The Chairman.*—We shall probably have to do what you have suggested—indicate that this is submitted provisionally.

*Sir Leo Cussen.*—If Parliament is willing to do that, they will understand that they will have another chance of speaking about it before it comes into force.

*The Chairman.*—They may ask what will be gained by the provisional submission.

*Sir Leo Cussen.*—The answer to that is that time will be gained.

*Mr. Edgar.*—In what respect?

*Sir Leo Cussen.*—Time in which the printing can be put right by the Printer.

*The Chairman.*—Would not some of that type have to be varied in view of the sessional legislation?

*Sir Leo Cussen.*—Very much varied.

*Mr. Cohen.*—When the consolidation is issued and published, it will be right up to date with the Statute Law.

*Sir Leo Cussen.*—The object is to use the time between January and June to enable the Printer to say: “Here are the final forms in which the consolidators have submitted these Bills incorporating the legislation of last session, and in that form the Statute Law Revision Committee recommend that these Bills be passed,” the idea being of course that immediately afterwards the Governor in Council will issue his proclamation. There will be in that Bill a clause, as in the Acts I read to you just now, providing that the print made by the Government Printer incorporating all those amendments shall be taken to be part of the Act.

*Mr. Wettenhall.*—I read the transcript of the last meeting. I understand that if the Bill is put through this session, the period in the next year between the end of this session and the time when it will be finally confirmed in the early part of next session, will be utilized for the purpose of review. Would the review be only to rectify minor errors, or would it be possible to make any discoveries of substance in that time?

*Sir Leo Cussen.*—I think there would be time to do so, and besides, there is the much more important matter that it is intended that they shall incorporate the sessional legislation, which may be in some cases fairly extensive.

*Mr. Wettenhall.*—I was pleased to note that there seemed to be a possibility of getting the Bill introduced this year and making progress with it, so that it would be finalized early in the next session.

*The Chairman.*—Do members wish to discuss the two points that have been submitted to the Committee by His Honour.

*Mr. Macfarlan.*—I think we could not do better than follow the suggestion to have the Bills introduced in the House at the end of this session with an intimation to members that the sessional legislation will be incorporated in them prior to the next session, and to have the Bills put through next session. It is very valuable that we should have this session's legislation included, and get a clean start at the beginning of next session.

*Mr. Cohen.*—Hear, hear! That is important.

*Sir Leo Cussen.*—It is valuable also to the Parliamentary Draftsman, because, if he knows that it is practically certain that they will be put through the first thing in the new session, all his cross references to Acts can be made to the new volumes, instead of having long sessional Law Revision Bills to cure them, such as when you refer to the Act of 1915 instead of the Act of 1928, and so on.

*Mr. Cohen.*—I think there are far too many advantages in the suggestion to risk losing it—so many advantages that we ought to make sure of following it.

*Sir Leo Cussen.*—Then I will undertake to see the Government Printer at once, to submit these Bills as they leave our hands at once, to get him to make the

few amendments which have been made in them, all of which I have marked in my own copy, straight away or as soon as ever he can, and I should think that the Clerk of Parliaments ought to have the Bills here, ready for submission to the House, as they leave our hands, and to be tentatively passed, as suggested, within the next week.

*Mr. Cohen.*—Should not a draft report of these matters accompany them?

*Sir Leo Cussen.*—It should, but I understand that this Committee will meet and draft that report for themselves. I have expressed my views about it without presuming to say that the Committee ought to accept them.

*Mr. Macfarlan.*—That will not take very long to do.

*The Chairman.*—No, the last report was very brief, but our report would be different from the report of the old Committee.

*Mr. Alexander.*—The Bills can be brought in as soon as the Printer has made those alterations which Your Honour has suggested.

*Sir Leo Cussen.*—Yes, I do not want them to go without those alterations, but there are not many. You may go through 150 pages without meeting one, but there are one or two of the Bills in which there are a few.

*The Chairman.*—I think there can be general agreement between the members of the Committee as to the submission of the Bills to the two Houses next session and the acceptance by the two Houses without any serious discussion. The only doubt I had, and the only difficulty I foresaw, was that there might be interminable debate.

*Mr. Prendergast.*—There was no discussion on that proposal on the last occasion.

*The Chairman.*—That was a different occasion. We are bringing these Bills down in the opening session of a new Parliament, when the opportunity is often irresistible.

*Sir Leo Cussen.*—Like oysters, they have generally to be swallowed whole if they are going to be swallowed at all.

*The Chairman.*—I think there is agreement on the part of the Committee.

*Mr. Macfarlan.*—I should think so, but the trouble is that you cannot bind Parliament. So far as I am personally concerned I agree with the suggestion.

*Sir Leo Cussen.*—If the Committee will have its report ready within a week from now, I will undertake, subject to any stress in the Government Printing Office, to have my Bills up to the Government Printer with an instruction to him to send them down to the Clerk.

*Mr. Cohen.*—Does it mean the printing of 100 sets of all these copies of Bills?

*The Chairman.*—No, that would take too much time.

*Sir Leo Cussen.*—If that were to be done, it would be an end of the matter for this year.

*The Chairman.*—The House would have to accept the two or three sets that would be available.

*Mr. Macfarlan.*—In order to get this draft report I suggest that a sub-committee of three should prepare it and submit it to the general Statute Law Revision Committee.

*Mr. Cohen.*—There is a Standing Order which provides that the Chairman shall draw up the report and submit it to the Committee paragraph by paragraph.

*The Chairman.*—We can say that the draft report will be available for the Committee if it meets this day week.

*Sir Leo Cussen.*—I will attend that meeting.

*Mr. Jones.*—One trouble is that the public will not have the benefit of the consolidation until Parliament meets next year.

*Mr. Cohen.*—But then it will be a real benefit. It will be right up to date.

*The Committee adjourned.*

TUESDAY, 4TH DECEMBER, 1928.

*Members Present:*

Mr. MACFARLAN, in the Chair;

<i>Council:</i>	<i>Assembly:</i>
The Hon. H. I. Cohen, K.C.	Mr. Prendergast.
The Hon. W. H. Edgar.	
The Hon. M. McGregor.	

*The Chairman.*—When this meeting was called it was thought that we would have the completed Bills and also the draft report of this Committee, but inasmuch as we could not get the Bills and will not get them until Friday at the earliest, and possibly not until next Tuesday, the draft report has not been prepared, because we could not adopt that report until we had the completed Bills before us. For that reason the business for this meeting has lapsed. What is going to happen, so far as the Government is concerned, is that the arrangement which was made here will be adhered to, that is, that the Bills will be put through all stages this session, if possible, and that within a reasonable time after the beginning of next session they will be proclaimed. They will not be proclaimed until the members of the Houses have an opportunity of discussing them next session, and in the meantime such Acts as are passed or have been passed in this session will be incorporated in them, and they will finally come before the House in the form of a Statute Law Revision Bill. That was the arrangement which was made here with the concurrence of Mr. Slater, Mr. Blackburn, and all the other members of the Committee, and so far as I can see there is no reason, and I understand that Sir Leo Cussen can see no reason why that arrangement should not go on irrespective of the change in the Administration.

*Sir Leo Cussen.*—I agree with what has been said. Section 1 of every Bill has been altered as was indicated at the last meeting of the Committee, that is to say, that instead of the words "On the 1st October," the words "On a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*" have been inserted in every case. A number of very trifling changes have also been made, some of them being mere verbal corrections which happen to have been observed. Mr. Collins called my attention to some of these, and I am obliged to him for doing so. In addition to that I have incorporated in the new prints which will be here next Friday or Tuesday, all the Bills which have been passed up to date and which are of general importance, such as the Local Government Bill, the Fertilizers Bill, and the Midwives Bill, and one or two others. This will save their being put into the Statute Law Revision Bill hereafter, and make it less lengthy than it would otherwise be. They are all in the hands of the printer now and the new prints which come over will contain those alterations. Then, as the Attorney-General has said, it is intended that some time about March or April this Committee will meet again, possibly several times, and that after discussion with them this Statute Law Revision Bill, or a Bill with some such title, shall be introduced and be ready for the opening of the new Parliament, and that then the consolidated Bills can be proclaimed. There must be a more detailed discussion with this Committee than has taken place heretofore, but there is no time for it this year. It must take place comparatively early next year.

*The Chairman* (to Mr. Collins, the Parliamentary Draftsman).—Have you the Governor's message prepared, except so far as the Town Planning Commission Bill is concerned?

*Mr. Collins*.—As soon as that is settled that can be prepared.

*Sir Leo Cussen*.—I would leave that out.

*The Chairman*.—We decided to extend the term of the Town Planning Commission for six months to enable them to complete their report, and that will take them up to June 30th. It would be futile to put that into the consolidation, and Sir Leo Cussen agrees that it should be left out. Apart from that the Governor's message is ready and can be brought up at any time?

*Mr. Collins*.—Yes.

*Mr. Cohen*.—What is the final determination with regard to the names of each of these Bills? I see that the first one is called "The Business Names Act 1928." Will that remain 1928?

*Sir Leo Cussen*.—It will remain 1928. I suppose there are dozens of references to Acts, like the Marriage Act, or the Justices Act, or the Police Offences Act, or the Crimes Act, and they are all called "such and such an Act 1928." If I had to alter the date, it would be necessary to go through all those again.

*Mr. Cohen*.—Although passed in 1928, they do not come into operation until 1929?

*Sir Leo Cussen*.—That is so. Of course if the Statute Law Revision Committee thought at the meeting next year that the date ought to be altered to 1929, it could be very simply done in the Statute Law Revision Bill, which is intended to authorize the printer to make the alterations which in the meantime will have been made by him, by saying that "All references to the Bills of 1928 shall be taken as references to the Bills of 1929," and the print may be altered accordingly.

*Mr. Cohen*.—I do not think it would make that much difference.

*Sir Leo Cussen*.—No, but I do not say that it could not be done.

*Mr. Cohen*.—Mr. Alexander asks whether any amendments have been made in the Bill relating to the Constitution which will necessitate the second and third readings being carried by an absolute majority as required by section 60 of the Constitution Act.

*Sir Leo Cussen*.—That is a difficult thing to say. If it is no trouble, I should say that it would be better to do it. What was done on the last occasion?

*Mr. Alexander* (Clerk of the Parliaments).—On both occasions, in 1890 and in 1915, an absolute majority was not asked for in the Legislative Assembly, but in 1915, Sir J. M. Davies, President of the Council, divided the Council so as to be able to certify that the Bill was passed by an absolute majority.

*Sir Leo Cussen*.—I do not know that it would be necessary, but I think it would be safer. What are the words of that section of the Constitution Act?

*Mr. Cohen*.—The section provides—[read].

*Sir Leo Cussen*.—It is quite clear that nothing that I have done affects directly the Constitution Act, that is, the Imperial Statute, but whether an alteration of the Constitution Act Amendment Act, and it would be only a trifling one at that, could be said to be an amendment of the Constitution Act because it is an amendment of the Constitution Act Amendment Act, I do not know. Perhaps Mr. Collins can say what the practice is when the Constitution Act Amendment Act is amended.

*Mr. Collins*.—I think it depends rather on the nature of the amendment.

*Mr. Cohen*.—We have always insisted on an absolute majority. For instance, we did so in the case of the Bill by which women were permitted to become members of Parliament.

*Mr. Collins*.—But in the case of the amendment of the electoral provisions I do not think it is necessary.

*Sir Leo Cussen*.—I think that is all there is, but there is another amendment about the publication of Parliamentary proceedings, to which I called the attention of the Committee. I stated that a blunder was made in 1890, by reason of the fact that when they originally adopted the English Act there was only one House, and they provided for the publication of the proceedings of the Legislative Council. When they consolidated that in 1890, they substituted "Parliament" for "Legislative Council," and did not provide for the publication of the proceedings of either House, or at any rate not fully. That amendment has been made, but I should not think that that needed an absolute majority.

*Mr. Cohen*.—The important words are "By which an alteration in the constitution of the Legislative Council or Legislative Assembly. . . ."

*The Chairman*.—What alteration is there in the constitution of those Houses?

*Mr. Cohen*.—I do not know of any.

*Sir Leo Cussen*.—The explanatory paper on the Constitution Act Amendment Act appears on page 3 of volume 8. That shows the character of the amendments which have been made.

*Mr. Cohen*.—Now that your attention and our attention has been drawn to it, I do not think we need discuss it further at this stage.

*Sir Leo Cussen*.—I think it would be all right without an absolute majority, but one does not like to risk the omission of anything that may make a difference. There is this to be said, that if the Governor once assents to it, the Colonial Laws Validity Act will do the rest, and it does not matter. If the course pursued in the Assembly on the last occasion was adopted, I think in this case it would be all right, that is to say, that no special notice should be taken, but that it should be simply carried.

*Mr. Cohen*.—It is likely to be unanimous, but for greater precaution a division could be taken.

*The Chairman*.—It is not much trouble, and if there is the faintest doubt about it, it is better to make certain.

*Sir Leo Cussen*.—What is the procedure? I understand that the House divides and the Speaker or the President declares that an absolute majority of the whole of the members of the House have agreed.

*Mr. Alexander*.—Yes, it takes no time, but the presiding officer usually says "As required by the Constitution, an absolute majority . . ." and so on.

*Sir Leo Cussen*.—That raises another question. On the last occasion the question arose of whether any of these Acts should be reserved for the assent of His Majesty, and eventually I think it was decided by whoever was Attorney-General at the time, that it was not necessary in the circumstances, and as a matter of fact Sir Arthur Stanley, who was Governor at the time, signed the whole of the Acts straight away. I do not know whether it would be a sort of discouragement to the Governor to sign the Acts to say that the House took the precaution to say that it would pass certain of them by an absolute majority. When the House does that, the Governor should usually reserve the Bill for His Majesty's assent. There is

a provision for reservation for the Royal assent, but it would be desirable that they should all come into force at the same time.

*Mr. Cohen.*—The Constitution says "Provided that every Bill which shall be so passed shall be reserved for the signification . . ."

*Sir Leo Cussen.*—That would seem rather a reason for not calling for an absolute majority.

*Mr. Cohen.*—I have glanced through the proposed amendments, and I cannot see anything in them which alters the Constitution. There are one or two provisions in regard to preferential voting.

*Mr. Alexander.*—They would not affect the question. The widest changes can be made in the electoral provisions without necessitating an absolute majority.

*Mr. Cohen.*—And section 61 of the Constitution is also very wide.

*Mr. Collins.*—The late English Act of Edward VII. covers a great deal.

*The Chairman.*—Then we had better dispense with the absolute majority provision.

*Sir Leo Cussen.*—I will think over it and have a consultation with Mr. Collins and Mr. Alexander, but I should say at present that you should not bother about it. It has been done twice, because the fact that Sir J. M. Davies in the Council chose to adopt his own particular way would not make a difference if the Assembly chose to do it without the special procedure. The Assembly has done it twice and the Council once without the special procedure.

*Mr. Collins.*—In 1890 some Bills were reserved.

*Mr. Prendergast.*—What might happen if an absolute majority was not called for?

*Sir Leo Cussen.*—I do not think anything might happen, if you once got the Governor to assent to it.

*Mr. Collins.*—After that Queensland case, I do not think there would be much difficulty.

*Mr. Prendergast.*—There is no danger of all the Acts being invalid?

*Sir Leo Cussen.*—No, none whatever.

*The Chairman.*—It is suggested that we should meet again next Tuesday, when we shall certainly have the Bills from the printer, and the draft report.

*Mr. Cohen.*—How long will it take to deal with the report?

*The Chairman.*—It should be dealt with that morning.

*Mr. Cohen.*—So that the Bills may be introduced the same day?

*The Chairman.*—Yes, and it is hoped that they will go through and be sent to the Legislative Council on the same day.

*The Committee adjourned.*

TUESDAY, 11<sup>TH</sup> DECEMBER, 1928.

*Members Present:*

Mr. MACFARLAN, in the Chair;

*Council:*

The Hon. H. I. Cohen, K.C.  
The Hon. W. H. Edgar.  
The Hon. G. L. Goudie.  
The Hon. J. P. Jones.  
The Hon. H. F. Richardson.

*Assembly:*

Mr. Slater.

*Sir Leo Cussen.*—I wish to call the attention of the Committee to the fact that in England they have passed a new Companies Act, which has just come out in the last publication of the English Statutes. It is the result of many years of inquiry in England,

and consists mainly of alterations in machinery sections, which result in more convenient registrations and winding up and all that kind of thing in regard to companies. It contains also two or three provisions which might be said to involve questions of policy. For example, there is a section which prohibits the hawking of shares from house to house.

*Mr. Richardson.*—That is the legislation we want here too. It is one of our greatest scandals at the present time.

*Sir Leo Cussen.*—If you are all agreed on that, it can be embodied.

*Mr. Slater.*—I do not think there would be any disagreement in either House as to that matter.

*Sir Leo Cussen.*—There is another provision regarding the prospectuses of foreign companies offering shares for sale or inviting subscriptions for shares. This English Act has resulted from work which has been done over a long period and I have no doubt that in the next year or two it will be adopted in Victoria. It is very desirable that it should be adopted substantially. I desire guidance from the Committee on this question. I could, if so desired, incorporate that Act in the present Companies Act and fit it in so that it would appear in the new volumes which will be issued to the public. Of course, it would not be done now, but it would be done some time next year. Does the Committee think it desirable to do this?

*Mr. Slater.*—My own view is that it would be highly desirable to do it. I have had the advantage of reading some of the evidence given to the Parliamentary Committees in England that examined the question of amending the law. These Committees issued reports which were very valuable.

*Sir Leo Cussen.*—Yes, they took a great deal of trouble.

*Mr. Slater.*—They spent a great deal of time and took a great deal of trouble, and they have expressed the last modern view on company law. It is highly desirable that we should take advantage of the opportunity of incorporating it in our legislation. Of course, there are points of policy involved, but my own view is that there would be no disagreement whatever in either House so far as concerns the share hawking proposal or the proposal for the imposing of conditions on the registration of foreign companies.

*Sir Leo Cussen.*—There are at least two things which could be done one is to fit this Act into the consolidation so that the consolidated volumes issued to the public would contain it, and make the necessary alterations. Another way would be to pass it at the beginning of next session, and to publish it in the volume at the end, and to call attention in the old Companies Act to the fact that there is an amending Act just passed which can be found in such and such a volume. That would not be so handy, but it could be done, and it would give Parliament an opportunity of considering it specially. I have been through this new English Companies Act and I have not the slightest doubt that practically the whole of it, except the provisions which relate to Scotland, should be embodied in our legislation.

*Mr. Slater.*—Does it deal at all with the private company which is analogous to the proprietary company?

*Sir Leo Cussen.*—Yes, there are provisions about private companies, but I do not think they are very important.

*The Chairman.*—I think it could go into the consolidation.

*Sir Leo Cussen.*—The Committee would have another opportunity of considering it. It would not cause any trouble in the way of consolidation because I would suggest that if this proposal is adopted the Companies Act 1928, as it would be called, should be attached as a schedule to the Statute Law Revision Bill with a provision that it should be substituted for the Act originally passed.

*Mr. Goudie.*—Do I understand you to say that you propose that the English Act should be incorporated in our Act and practically supersede some of the legislation that is now in force here?

*Sir Leo Cussen.*—Yes, some of it. Of course, the Act is merely an amending Act, but the great bulk of the original English Act, which is copied here already, would remain. This is an amending Act correcting a number of difficulties that have occurred in the meanwhile.

*The Chairman.*—And of course Parliament would discuss it next session.

*Mr. Goudie.*—It would be necessary for Parliament to discuss it.

*The Chairman.*—Yes, that would be so with all of them.

*Mr. Edgar.*—It is highly important that it should be dealt with as soon as possible.

*Mr. Slater.*—It is too valuable an opportunity to lose. Bearing out what Sir Leo Cussen has said, I would emphasize the fact that this is not in any sense of the word hasty legislation, but represents the considered views of the very splendid committees that were appointed.

*Sir Leo Cussen.*—They have been at it for years.

*Mr. Slater.*—They have given years of work and study to the very desirable question of modernizing and bringing the company law up to date. As I say, this is too valuable an opportunity to lose of embodying this up-to-date legislation in our Statutes.

*Sir Leo Cussen.*—To put it broadly, we have got the same house as they have got. We have got from them their old Act practically substantially as a whole, but they have furnished up their house and the question is whether we shall treat our house in the same way.

*Mr. Slater.*—We can take the benefit of their experience, and of the valuable work which their committees have done.

*Mr. Richardson.*—Would there be many alterations so far as our Act is concerned?

*Sir Leo Cussen.*—A good many. For instance, this is the type of amendment which is made by the new English Act: Section 26 provides: "Section 70 of the principal Act (which makes provision with respect to registration and copies of special resolutions) shall be amended as follows: The following shall be substituted for sub-section (1): (1) A printed copy of every special resolution shall within fifteen days after the date of the passing thereof be forwarded to the registrar of companies and recorded by him." Most of it represents that kind of thing, and is really machinery work.

*Mr. Richardson.*—What is the provision regarding the selling of shares?

*Sir Leo Cussen.*—That is the general policy which perhaps rather departs from the general character of the Act. It is worded as follows: "It shall not be lawful for any person to go from house to house offering shares for subscription or purchase to the public or any member of the public. In this sub-section the expression 'House' shall not include an

office for business purposes." That means that canvassers offering shares for sale are not to go to private houses.

*Mr. Richardson.*—I would go further than that. I would not allow hawking at all.

*Mr. Goudie.*—I think that where any radical alteration of an Act is proposed Parliament would be fairly jealous as to the prerogatives of its members, and would insist that they should have every opportunity of discussing any measure before it is made law.

*Mr. Slater.*—There is no impediment to that in what Sir Leo Cussen has suggested.

*The Chairman.*—All these Bills, including this one if it goes in, will come before Parliament next session, and the understanding is that Parliament is to be given every opportunity of doing what it likes with them.

*Mr. Edgar.*—We are all agreed that this business of hawking things of that kind has become a scandal.

*The Chairman.*—There are other Bills in a similar position. For instance, the County Court Act and the laws relating to property have been altered to some extent.

*Mr. Goudie.*—I noticed in the shorthand notes that His Honour said that fifty or sixty clauses in the County Court Act would have to be wiped out.

*The Chairman.*—They are going into the rules instead of remaining as sections in the Act.

*Mr. Slater.*—They are of no use. They are merely dead wood.

*Sir Leo Cussen.*—I think, having regard to what the Committee has said, that an attempt had better be made to weave this Act into the present Companies Act. The other matter to which I wished to direct the attention of the Committee had relation to the Constitution Act Amendment Act. Recent events in connexion with the election for the Senate and the death of Colonel Forsyth, who was a candidate, have raised the question of whether it is desirable to include a provision to meet the case where a candidate dies. There is at present no provision in the Constitution Act as to what is to happen in such an extent.

*Mr. Edgar.*—That is where a candidate dies after nomination and before the election?

*Sir Leo Cussen.*—Yes.

*Mr. Slater.*—It has never happened in Victoria, but it has happened three times in connexion with the Federal Election.

*Sir Leo Cussen.*—I should like to know whether the Committee thinks it desirable to include some provision of the kind. There are two ways of doing it. One would be to put it in the same position as in the case of retirement. There is a provision regarding retirement, that the other candidate, if the number is not exceeded, shall be declared elected. In the Commonwealth Electoral Act the provision is that, if it is a case in the House of Representatives, for which there are single electorates, the election shall be void and new writs will be issued, but that nominations stand so far as they have been made unless they are withdrawn. A new writ, however, has to be issued. I suppose the idea is that as elections have become so much a party matter nowadays, if two candidates are chosen and one dies, the result might be very hard on the party who proposed the candidate who afterwards died, or who supported that candidate, if there was no election. At any rate, that is the Federal provision in the case of the House of Representatives, that if a candidate dies there is a new writ, the nomination of the living candidate continues, and there is a new election and new persons can be proposed. There is no provision in regard to the Senate, I presume because

there are no single electorates for that Chamber, so that they have to work out a provision for the general purposes of the case, because there is no legislative provision for it. If what happened recently in the case of the Senate election had happened in relation to the House of Representatives, there would have been a new nomination. Perhaps the question that I have raised is a matter of policy.

*Mr. Slater.*—I think that could be left as it is not a matter of great moment.

*Mr. Richardson.*—Would it be possible to have the vital amendments or the important amendments printed in a larger type? The great bulk of the amendments suggested by His Honour are only machinery.

*Sir Leo Cussen.*—That is so.

*Mr. Richardson.*—If we were dealing with the matter of selling shares, it would be as well to direct the attention of members to an amendment of that kind in some special way. I should like to see shares sold only from an office. I do not think they should be sold in any private house or in fact any where but in an office, and there certainly should not be any hawking shares. If an amendment of that kind were printed in larger type, then when the Bill came before the House, members would know that it related to a matter of principle. They would know that it was a vital matter.

*The Chairman.*—I assume that the explanatory paper would give that information.

*Sir Leo Cussen.*—Mr. Richardson means that the explanatory paper itself is very long and complicated and that members cannot be expected in a moment to pick out the peaks from the flats.

*Mr. Slater.*—It would be a long and difficult task to carry out Mr. Richardson's suggestion.

*Mr. Richardson.*—Could not a supplementary sheet be attached, seeing that there are probably not very many of these vital alterations?

*Sir Leo Cussen.*—The same thing would apply to the County Court Bill and the Bills relating to property. A good many of the amendments there would be important.

*Mr. Goudie.*—I understand also that His Honour said that there were about half a dozen Acts which would be more or less altered. He mentioned the County Court Act and the Acts relating to property and four or five others in which there would probably be some important alteration.

*Sir Leo Cussen.*—To those you will now have to add the Companies Act if I make these alterations. I will consider that matter, as to whether something can be done in the way of calling attention to the more important parts of the consolidation.

*The Chairman.*—You would know that it was only in those six or seven Bills.

*Mr. Goudie.*—Supplementary sheets would be a good idea.

*Mr. Richardson.*—The selling of shares is rather an important matter, in fact, it is almost a matter of policy.

*Mr. Slater.*—In my opinion we ought also consider the question of a radical alteration of the law relating to proprietary companies. At present that is the greatest cloak that we have for frauds. There are more frauds perpetrated under the provisions of the law relating to proprietary companies than under any other form of our company law. Possibly that question and the question of share hawking might be omitted and the very valuable machinery provisions left in, but my personal view is that I see no objection at all to the adoption of the English provisions against the hawking of shares.

*Sir Leo Cussen.*—It could be strengthened afterwards.

*Mr. Slater.*—I think the reasons that actuated the English authorities in passing that legislation are all equally applicable here.

*Mr. Richardson.*—I would go further and stop the hawking of allotments of land. Those are the two greatest scandals that we have at the present time.

*Mr. Goudie.*—The hawking of allotments of land does not come under the Companies Act. It seems to me that there are a large number of practically bogus companies being pushed onto the public.

*Mr. Richardson.*—They come from other States and start an office here.

*Mr. Slater.*—The late Government prepared a Bill dealing with the conditions under which land could be sold, and largely following the South Australian law, but that Bill has not yet been submitted to Parliament.

*Mr. Richardson.*—They do not allow hawking there.

*Mr. Slater.*—They allow it but they impose very rigid conditions.

*Mr. Jones.*—How are you going to stop them?

*Mr. Richardson.*—By law, if you do not allow them to hawk.

#### REPORT OF COMMITTEE.

*The Chairman.*—The following report has been prepared by Mr. Collins and Mr. Alexander, as the proposed report of the Committee.—[*Reads the proposed report.*]—Any suggestions for alterations will be welcome.

*Mr. Goudie.*—Will the Bills be introduced this session?

*The Chairman.*—Yes, and they will go through this session but they will not be proclaimed until next session. That was the arrangement made at the meeting before last. The Committee agreed then on Sir Leo Cussen's recommendation that that was probably the best way of dealing with the matter. Although they will be passed this session, the Bills do not become law until next session.

*Mr. Richardson.*—That is the fair condition about the proposal. It allows for a long recess during which these amendments can be considered, and it gives Parliament an opportunity to deal with them again. I do not think any member can object to that arrangement. There should be no discussion in putting a Bill of that kind through.

*Mr. Slater.*—I do not think there will be any discussion in our House.

*Mr. Jones.*—It should not take more than two or three hours.

*The Chairman.*—This report will have to be presented to both Houses. Does any member think it can be improved on?

*Mr. Slater.*—I think the report completely indicates the view of the Committee as agreed to at our previous meetings, and puts them in a form which we can all endorse. I do not think there is any reason why we should change our minds.

*The Chairman.*—Then we can take it that the report as read will be the report of the Committee. I understand that the Governor's message will be ready to-morrow.

*Mr. Collins.*—I was only holding it up to make quite sure that there would be no alterations. I will have to get the Bills checked with this final copy.

*Mr. Slater.*—I move—"That the report as presented and read to the Committee be adopted."

*Mr. Richardson.*—I second the motion. The motion was agreed to.

*The Committee adjourned.*

## APPENDIX.

### MINUTES OF EVIDENCE TAKEN AT MEETING OF THE STATUTE LAW REVISION COMMITTEE HELD AT STATE PARLIAMENT HOUSE, EXHIBITION BUILDINGS, MELBOURNE.

WEDNESDAY, 23RD JUNE, 1926, AT 12 NOON.

*Members Present:*

Mr. EGGLESTON, in the Chair;

<i>Council.</i>		<i>Assembly.</i>
The Hon. H. I. Cohen,		Mr. Blackburn,
The Hon. M. McGregor,		Mr. Prendergast,
The Hon. H. F. Richardson.		Mr. Snowball,
		Mr. Wettenhall.

The Honorable Sir Leo Cussen was also present.

*The Chairman.*—This is a preliminary meeting of the Committee with regard to the work which Sir Leo Cussen has undertaken in the Consolidation of the Statutes. We are very much obliged to him for undertaking the work, and we appreciate the qualifications which he has for it, especially as shown in the way in which it was done in 1915. I understand that there are certain aspects of the consolidation which Sir Leo Cussen wishes to bring before the Committee. We shall be very much obliged if he will let us know what he wishes the Committee to consider.

*His Honour Sir Leo Cussen.*—I propose to-day merely to have a sort of general talk on the question without going into details at all so as to get the benefit of the opinion of the Committee on certain broad matters, and also for the purpose of enabling them to have in their minds certain questions that I shall bring before them to-day, and that may be further discussed at a later stage. Of course, the experience that I gained on the last occasion has been very valuable on this occasion, and the same policy of removing anomalies, and filling up gaps and curing mistakes has been pursued, and is being pursued on this occasion, as was pursued on the last occasion, particularly with regard to matters of procedure. I have ventured to make the same class of alterations as I made on the last occasion, often using the subsequent provisions enacted by the Legislature itself as a substitute for earlier provisions which they may be taken to have superseded, although not in that very Act.

But the experience gained on the last occasion has led me to alter the mode of doing the work. That, of course, has been brought about to some extent by the fact that I am able to give my whole time to it. I found on the last occasion that the longer the time that the operation was spread over, the more difficult it was, and that it was desirable to avoid, as far as possible, doing the work in bits, and spreading it over a long time and amongst, in the earlier stages—I emphasize the earlier stages—a large number of people. The consequence of doing that, I found on the last occasion, was that one Act would be in the hands of one person and another Act in the hands of another person, and some Acts would be up at the printer's, and some just returning from the printer, and as, in a consolidation, the cross references are extremely numerous, it was impossible at any particular time or on any particular day to do more than say, "We will have to put a mark against that, and do it at some time or other." When it is spread over a long time, these

things are apt to be forgotten. I have on this occasion pursued the plan of trying to get practically the whole of the foundation laid before many of the Acts have gone to the printer. I have sent a few of the larger ones, to which I wish to give a second or third revision, but the majority of them I have got under my own eye, not prints of them, but consolidated with all the amendments and so on pasted in. The consequence is that when I come to a reference in a later Act, I can at once fill it in accurately as I have consolidated the earlier Act. The result is that I have now laid the foundations, I think, of about four-fifths or five-sixths of the whole of the Acts that are to be consolidated, but, as I say, they have not been printed. I am sure that that plan is the wiser one, and it may be that, as I have had this experience, it is as well that it should be set down for the benefit of those who may have to do the work on some future occasions. Another thing is that, by doing this, I am also enabled to send the Acts along with all their foot-notes completed in the first instance. Everyone who has had experience with printing knows how disturbing it is if, after you get the print of a Bill, a great number of foot-notes have to be added, as a great part of the print has to be disturbed, and the consequence is that a great number of things are likely to go wrong. I think the plan I am pursuing is much more desirable than the course adopted on the last occasion, and is the result of having had the experience of the last occasion.

*Mr. Wettenhall.*—I understand that your proposal is that these methods should be set down, as they are valuable, and that that is what you are doing now?

*His Honour.*—Yes, that they should be recorded in the shorthand notes of this meeting, but if the Attorney-General so wishes, I can put my observations in the form of a written memorandum, stating what my experience is.

*Mr. Prendergast.*—The work of consolidation was very satisfactory the last time it was done.

*His Honour.*—I do not mean that it was not satisfactory in the end. I merely wished to convey that I think this is a much quicker and neater way of doing it.

*Mr. Prendergast.*—What was it that I understood that you were going to put into the form of a written memorandum?

*His Honour.*—What I have just been stating as to the mode of doing the consolidation work.

*Mr. Prendergast.*—But no errors of any consequence have been discovered in the method of doing the work last time.

*His Honour.*—I was referring rather to the question of the physical handling of the material—to the progress of the work rather than its conclusion. The other question of putting in the amendments is the same as before. That, of course, has to be done.

*Mr. Prendergast.*—It will increase your labour in connexion with it.

*His Honour.*—That is all the better in one sense, because I have the time to give to it. Of course, when the checking and reading comes to be done, I shall have, as before, to enlist the assistance of a good many people. In this case Doctor Ellis has already done the Local Government Act, and a print of it is available, subject to corrections; the Licensing Act has been done by Mr. Lewers, and the Factories Act by Doctor Sanderson. Those, subject to correction, are all now available.

I suggest on this occasion that it might be well to endeavour to make a list of all unrepealed Acts, in addition to the Acts which are being consolidated—in the broad sense of the word, what may be called the General Public Acts. As all members know, there are a great many Acts, chiefly concerning pieces of land, which it is desired to turn into a road, or which are wanted for recreation reserves or show grounds, or cricket grounds, and so on, and these Acts, of which there are hundreds, are not worthy of consolidation or of putting in to swell the general public volume. Some of them are of very little public importance. I notice that in New Zealand they had at their last consolidation an Act which set out a list of all the Acts which were unrepealed. For example, it might be shown by reference to years—such as 1896, “Geelong Agricultural Land,” and the year 1902 would set out another list of Acts. Thus those who wished to go into the matter would have a chronological table set out in that way, and also an alphabetical table in which everything referring to a particular district could be located. Then, as was done in the case of the Imperial Acts, they need not bother about looking for anything else if the work is well done. The same device might be adopted as was adopted in connexion with the Imperial Acts Application Act, that the Governor in Council might be given power to add any Act to the list if it was found that by some slip it was omitted. I think that would be useful, and would, I think, obviate the necessity of reprinting these Acts, because it is not desirable that the general public volumes should be swollen by references to these minor measures. If the Committee approves of that suggestion, I will endeavour to see that it is carried out.

*Mr. Richardson.*—I think that ought to meet the case. Numbers of these small Acts are put through every session referring to blocks of land in various districts. If you brought them into districts, as you suggest, it would be a great convenience.

*His Honour.*—Of course they are published in the sessional volumes, and part of the work is done so far as the alphabetical list is concerned. If you look up the sessional volumes under the head of Local and Personal Acts, you will find references to them giving you a number, but that is not combined with what I propose to combine it with, that is to say, a general repealing clause, saying that all other Acts may be considered as wiped out except those referred to in the list.

*Mr. Cohen.*—I found it necessary recently to refer to the Exhibitions Act of 1890. That still remains as it was, and to a certain extent is not applicable to-day. I do not know whether you propose to deal with such Acts as those in the way of bringing them up to date.

*His Honour.*—That is an Act which may be said to be just on the line. It might be worth while to consolidate it and get rid of the obsolete part of it.

*Mr. Cohen.*—It had reference to the time when there were Commissioners and an actual exhibition. A lot of it is obsolete, even as regards the schedule.

*His Honour.*—I certainly have that under consideration amongst other matters. I would also suggest that on this occasion, in addition to this list of Local and Personal Acts, there be published anew a volume of those Local and Personal Acts which are more generally important, and which concern a good many members of the public, just as there was in 1890 a private volume published, containing the Act relating to the Geelong Gas Company, and so on.

*Mr. Cohen.*—And Trustee Companies and Banks.

*Mr. Blackburn.*—And the City of Melbourne Act.

*His Honour.*—The City of Melbourne is, of course, the great trouble in connexion with this consolidation, and what is to be done with it I do not know.

*Mr. Richardson.*—That applied to Geelong, too?

*His Honour.*—Yes. Of course, I do not want to say anything that will be taken as prejudicing the position of the City of Melbourne or the City of Geelong, as to whether it would be wise that they should change or not. I only say that there are two very important classes of Acts which it is almost impossible to bring into line with an ordinary consolidation, except at an enormous amount of trouble. Still it may be done if those municipalities are willing to assist in the doing of it. Whether they are or not I do not know.

*The Chairman.*—Their strength is that the only one who really knows what is in them is the town clerk.

*Mr. Blackburn.*—I think they are accessible in the 1890 volumes.

*His Honour.*—That is so, and you have to go to the Local Government Act and find that this section refers to Melbourne and Geelong, and the other does not. Then there is an Act like the Motor Omnibus Act, which refers only to Melbourne and suburbs, and the Carriages Act, which goes 8 miles from the post office. It is really a serious blot on the scheme of consolidation.

*Mr. Richardson.*—I suppose you could not possibly purchase a copy of the Geelong and Melbourne Corporation Act if you wanted to.

*His Honour.*—It is in the 1890 volume.

*Mr. Blackburn.*—In the volume of private Acts.

*Mr. Richardson.*—Has it been altered?

*Mr. Cohen.*—It has been altered since then.

*His Honour.*—That is the original Act.

*Mr. Richardson.*—And it has been amended in every clause.

*His Honour.*—Not in every clause.

*Mr. Prendergast.*—Could you provide for continuous consolidation, or at least continuous consolidation as applying to some of the important Acts, such as the Local Government Act?

*His Honour.*—There might be a provision such as there is in the Commonwealth Acts that the Government Printer, if an amendment is made, should be permitted to print the Acts with amendments, but this is a much more complicated problem than they have in the Commonwealth legislation, which is all modern and comparatively simple compared with some of our Acts.

*The Chairman.*—The Parliamentary Draftsman, Mr. Collins, would have to revise his mode of drafting so as to bring the amending Act under the various divisions of the original Act.

*Mr. Blackburn.*—They have something like that in England now. I saw in the New Zealand *Hansard* recently that Sir Francis Bell piloted through the Legislative Council there a Bill containing a similar proposal which he said was based upon the new English practice. It was not exactly identical with the Commonwealth method, but it was substantially the same, and provided that the old Act should be reprinted with amendments. Take, for instance, the Conciliation and Arbitration Act, which is being continually amended. Every time it is amended, the Government Printer at once issues the original Act with the amendments. It would be very difficult to work it otherwise, because it is an Act to which everybody has to have recourse, and it is always out.

*Mr. Cohen.*—It is wonderfully convenient.

*Mr. Blackburn.*—Sir Francis Bell spoke very highly of the system which he was introducing into New Zealand.

*Mr. Cohen.*—What is the difficulty in our present system of drafting which prevents that being done?

*His Honour.*—That is a matter rather for the Parliamentary Draftsman than for me. It does not affect this matter, because I can do it in quite another way, and really a better way. Instead of the printer doing it, I am doing it myself, so that it is not so much a question for the present as a matter for the future.

*The Chairman.*—I anticipated that on the basis of this consolidation the method of draftsmanship should be so framed in the future that the new amendments should be amendments of particular divisions of this consolidation, and they could be easily reprinted. At present the Parliamentary Draftsman ignores, to a certain extent, the position that the new amendments will have in the old legislation. He just goes at it anew, as if it is a new section. In future he would have to say: "In division so and so of the Act, the following sections shall be inserted," or "In such and such a part, the following words shall be added at the end of the section," and so on. That is what we shall have to do in the future.

*Mr. Cohen.*—Would you have an opportunity of consulting with the Parliamentary Draftsman?

*His Honour.*—The Committee might bring this matter up later after I have had a talk with Mr. Collins, but it is rather his concern than mine.

*Mr. Prendergast.*—This will make it exceedingly difficult for members of Parliament to follow sections intelligently, because they will require to have the other Acts before them all the time.

*The Chairman.*—Theoretically they should have.

*Mr. Prendergast.*—If the whole section is given, showing the words proposed to be added, it is easy to follow, but it is puzzling to members and the public to say simply, "At the end of section so and so the following words are added."

*Mr. Blackburn.*—At the end of the Commonwealth volumes they reprint the Acts showing how the amendments have affected them.

*His Honour.*—But to reprint the Local Government Act, which contains 800 sections, would be a terribly heavy task.

*Mr. Cohen.*—That is the Act which is most likely to be freely amended. Last session we amended it very freely in the Legislative Council, but it did not come before the Assembly. When it comes before the Assembly this year, there is no reason to believe that it will not be amended there equally freely. It seems almost a pity to consolidate that Act at the present moment, when it is likely that that will be done this session.

*His Honour.*—It is understood that the work of the forthcoming session is to be included in the consolidation.

*Mr. Richardson.*—Then that will be included?

*His Honour.*—Yes.

*Mr. Prendergast.*—If a continuous consolidation were going on, a person buying an Act would not have to buy half a dozen amending Acts to see what the law was.

*His Honour.*—No. I pass on now to the question of the Commonwealth legislation and Commonwealth arrangements with the States. I called attention to this matter in what I said to the Committee on the last occasion, but it has become somewhat more acute now. To take an example, there is the Commonwealth Bills of Exchange Act. I reprinted the old Victorian Part I. of the Instruments Act which related to bills of exchange and cheques and promissory notes, although it hardly applied to anything even at that time, because it had been superseded by the Commonwealth Bills of Exchange Act, and applied only to notes and bills before 1910 or 1911, or some such date. I reprinted it because, as a matter of fact, the one is a verbatim copy of the other, both coming from the English Bills of Exchange Act, a very carefully drafted Act. It was

copied originally by the State and afterwards by the Commonwealth, so that I thought it desirable to have them before the people in the country who wanted to look up the subject, because they could safely, in nine hundred and ninety-nine cases out of a thousand, trust the Victorian Act as if it was the Commonwealth Act, but there is no doubt now that it applies to nothing. I do not suppose that a bill of exchange or a promissory note comes under it.

*Mr. Blackburn.*—Except as to procedure.

*His Honour.*—I did not mean that, of course, because I may put that into the Supreme Court Act. There is also the Bankruptcy Act. We will have to reprint our Insolvency Act, and for many years I suppose it will have operation, gradually diminishing in quantity, but the Bankruptcy Act will immediately begin to affect the question as to new bankrupts, with our Insolvency Act applying to a certain extent to old bankruptcies. Then there is the Marine Act. Our Parliament has passed an Act which, to a very great extent, hands the matter over to the Commonwealth, subject to certain arrangements being approved of by the Commonwealth and the States. I understand that although the Act has been passed now for some time, these arrangements have never been approved of, and it may be questioned whether they ever will be.

*The Chairman.*—The difficulty is that the Federal Government have not the powers to deal with interstate shipping, and they can get them only by delegation as an agent for the State Governments. In order to give them the necessary powers, practically the whole of the Marine Act will have to be included in the agreement, and that is so clumsy and difficult that it is hardly worth while doing it.

*His Honour.*—We can put the Marine Act aside then, because it depends on an agreement, and apparently the parties have not yet arrived at that agreement. But I think it would be better on this occasion, in connexion with the Bills of Exchange Act, and the Bankruptcy Act, and possibly there may be other subjects, such as a Marriage Act eventually, to print in our volumes the Commonwealth Act—simply reprint it. For instance, there would follow our Insolvency Act the Commonwealth Bankruptcy Act, which is very different from it. The Bills of Exchange Act is practically the same in each case, but the Bankruptcy Act is very different from our Insolvency Act. I spoke to Mr. Latham about the matter, and he said that he did not see that there was the slightest objection to doing it. I think it would be better that it should be done, and that there should be a selection made from the Commonwealth Acts which would be printed in our volumes. Otherwise our volumes would not be nearly so valuable if they omitted subjects like bills of exchange or bankruptcy. There are also a number of old Victorian Acts in connexion with Commonwealth legislation which I mentioned on the last occasion, such as the Customs Act, the Defence Act, Copyright Act, and the Patents Act. I suppose the time has now arrived to do what I suggested on a former occasion might be done at a later stage, namely, to put those in the repeal, and get rid of them altogether by getting them out of our statute-books. The Customs Act did contain some sections relating to brewers, and those were put in the Licensing Act on the last occasion. It also contained some sections about tobacco sellers, but since 1915 Parliament has passed an Act dealing with that matter, and so far as I know now the Customs Act relates to nothing in the present. I should think we had better get rid of it.

*Mr. Cohen.*—That is the wisest thing to do.

*Mr. Wettenhall.*—Would that affect the power of a State, say, to collect excise on petrol?

*Mr. Cohen.*—No, that would not affect it.

*His Honour.*—Whatever powers Parliament has it can exercise. I do not think that that Act is used for anything at the present moment. If Parliament wanted to pass a fresh Act, the repeal of that measure

would not affect their powers. There is another matter which is connected with the question that Mr. Wettenhall asked, and that is the quarantine provisions of the Health Act. I am inclined to think that they also are dead, but on the last occasion when I asked the Health Officers about it, they said, "You had better keep all the powers you have, although they are not used," and I propose at present simply to reprint them and leave them in, although I do not think they are worth much when they are in.

*Mr. Cohen.*—If they are a dead letter, why retain them?

*The Chairman.*—Do the Commonwealth powers cover the whole of the ground?

*His Honour.*—In quarantine they do. I think they have legislated for it.

*Mr. Cohen.*—We have not got such a thing as a quarantine station.

*His Honour.*—I do not think we have. There are amongst these sections a few odd ones which deal with lepers and subjects of that kind, and they are transferred to the Health Act. I am talking now of what are ordinarily understood as quarantine sections—purely quarantine provisions.

*The Chairman.*—I think it is a good thing to get off the statute-book things which are only deceptive.

*His Honour.*—Members might consider that question, but Dr. Robertson told me on the last occasion that they liked to retain all the powers they had, as they never knew what might turn up.

*Mr. Blackburn.*—Do you remember the Public Library clauses in the Copyright Act?

*His Honour.*—Yes, I do, and I put them in the Libraries Bill this time. I hope members will consider that question of quarantine. At present I have left those quarantine sections in, but they can easily be struck out.

Now, there is a very big question in connexion with the law of property—real property in particular. There have recently been passed in England a number of Acts dealing with administration and division on intestacy, real property generally, trusts, and settled estates, in a very drastic, but at the same time, a very complete manner. They have taken many years over it, and have had the very best men in England on it, and they have made some extraordinarily radical changes. I do not think for a moment that those changes can be adopted in a consolidation, and, as to some of them, I am not sure that it would be wise for us to adopt them at all. To take their new intestacy provision, we have already a complete code on the subject in the Imperial Acts Application Act as to what the division on intestacy is to be, but in England they have devised an entirely new plan by which, if a person worth over a certain small amount dies intestate—if his estate was under that amount his widow would get it—his estate goes to his widow for life and to his family after. I doubt whether that would meet with general approval in Victoria. They have provided also that, if there is no one as close as a first cousin—I think that is it—the Crown takes the property. I doubt, too, whether that would meet with approval here. So, too, they have made radical changes, which are too technical for me to go into now, in connexion with real property, and as to the estates which can be held in real property, and I doubt whether it is desirable that those should be adopted in Victoria, first, because we have our Transfer of Land Act, under which the greater part of the land in this State is held—the land held under the general law is a diminishing quantity, and may eventually disappear—and in the second place I do not think our land law ever was as complicated as was the law in England, where they have settlements drawn up very skilfully for the purpose of keeping properties in families. I do not suggest that either in a consolidation, or by means of a Bill brought down specially

on the subject, these should be adopted. If the Legislature wishes to consider the question of these radical alterations, it can do so in the future; but, apart from those alterations, these Bills bring the English law up to date. For example, in the laws relating to trusts, and the powers of a trustee, and how he can deal with a trust estate, and the question of selling settled estates, there are a number of very valuable provisions which might very well have been adopted in England even if they had not made those radical changes at all, and I think it is very desirable that they should be adopted here, but even those are too radical for a consolidation directly. What I suggest is that they should be brought up in the form of Bills to the House, possibly during the forthcoming session, and that then Parliament could consider them separately, and that if they were approved, they might be passed, but not to come into operation until some time next year, or until proclaimed, or something of that kind. Then, if Parliament did approve of them, they could be included in the consolidation, but I think it is too much to ask the Parliament to take them now in the consolidation, although many of them are, I think, clearly desirable alterations. I do not know whether I have made the position clear. What I mean is that you can divide the English legislation into two classes, one consisting of a number of very radical alterations; with which I do not propose to do anything, while another consists of provisions bringing past legislation up to date. I think it would be very desirable to have those, but even those would be too much for what I may term direct action.

*Mr. Cohen.*—I think we ought to aim at uniformity throughout the Empire on the law relating to real property, so far as that is practicable.

*His Honour.*—It is desirable. The same thing applies in connexion with the English Judicature Act, or what we call our Supreme Court Act here, or the leading portion of it. They have recently passed a complete consolidation of all their Acts relating to this subject, most of which we have copied here except so far as they relate to their particular Judges and Courts, and I think it would be desirable that our Acts should be brought up to date in following English legislation. I refer to the Supreme Court Act or Judicature Act passed in England this year or last year. All those Bills, I suggest, might be submitted, if possible, before the end of the year by themselves, and if Parliament approved of them—as the consolidation will not come into operation until next year, it will include everything passed in this forthcoming session—those might be included, and they could be discussed later.

*The Chairman.*—Could we get from you what you have?

*His Honour.*—Yes; I have done a good deal of the work to have these ready, and I will get the printer to print separate Bills for those. I propose now to refer to a few special Bills which raise particular questions. I have here the first print of the Consolidating Constitution Act Amendment Bill.

*Mr. Wettenhall.*—Do you require any resolution from the Committee approving of the suggestions you have made?

*His Honour.*—Yes. I think it would be better, but I do not know whether a formal resolution is necessary. If the Committee indicated its informal approval of what I have suggested, I would do it. It does not bind any one to anything.

*Mr. Cohen.*—It would be better to take exception to particular matters where that is thought necessary, and if the Committee does not take exception to anything, it means that we approve of what Your Honour does.

*Mr. Prendergast.*—This matter affects not so much the actual consolidation, but all the work that is to take place on the consolidation, each suggestion proposing to do something, so far as I can see, to shorten the whole undertaking and make it meet with even more general approval than it did previously.

*His Honour.*—I was about to speak of the Constitution Act Amendment Bill. I have brought three copies of it, two of which I propose to give to the officers of the House. The other is available to any member who would like to look at it, but I ask you to remember that it has not been corrected. It has just come back from the printer. I mention it particularly because there has been one—I will not say change, but—radical rearrangement in connexion with elections. The position in regard to elections is this: The old Act was on the basis that there might be more than one candidate for each election, and that names should be struck out. Then the Legislature introduced single electorates and preferential voting for the Assembly, and then it introduced preferential voting with respect to elections for the Legislative Council when a member retired, or when there was a casual vacancy, or even when an ordinary election took place for members of the Council when there was only one candidate to be elected for each province. The consequence is that, so far as I can see—and the Chief Electoral Officer agrees also—the old provisions apply now only to double dissolutions, simultaneous dissolutions of the Council and Assembly, which I understand are very rare events indeed. At any rate, they are not likely to be frequent, but the intelligent foreigner picking up our Constitution Act Amendment Act would come to the conclusion that the main object was to provide for non-preferential voting, but that there were a number of exceptions which he would have to go through very carefully in order to see where preferential voting applied. Consequently, I have rearranged the whole grouping of these sections so as to show the real thing in the forefront, and to put in the back ground those comparatively rare cases that I have mentioned. This involved a good deal of work, which I hope is properly done, but it will have to be very carefully checked. Still, I do not think it has made any change in substance at all. It will have to be discussed later when it is in proper form, but again I ask members to remember that I have not checked this print. For all I know, there may be in it all sorts of things of which I do not approve. I have not interfered with the electoral boundaries at all; they, of course, remain as they are. If you look at clause 243—

*Mr. Prendergast.*—There were some suggestions for amendments made by the Committee of Elections and Qualifications which inquired into this matter.

*His Honour.*—I shall be glad to have them.

*Mr. Prendergast.*—I suppose there would be no attempt made at all to interfere with the reading of the section regarding the vote, or in regard to the difficulties surrounding the matter of what is a vote, or how you can mark a preference?

*His Honour.*—No; I do not think it alters that at all. If you go to clause 257 you will find that it is headed "Preferential Voting." There is no such heading in the present Act at all. Then it says, "This division shall apply to all elections for the Council or Assembly except the elections for the Council directly following upon a simultaneous dissolution." That makes that matter quite plain.

*The Chairman.*—You cannot apply the preferential system to an election of the Council following on a double dissolution.

*His Honour.*—No; in a double dissolution there are two vacancies for each province. Parliament might, of course, say that in the case of a double dissolution each case should be considered a single election. You might have candidate A opposing candidate B, of the two retiring members, but I suppose that could be done by each being treated as a single election, and allowing their opponents to choose which one they would attack. However, that is for Parliament to say.

*The Chairman.*—Cannot the preferential system be applied to the candidates for two vacancies at once?

*His Honour.*—I should say not this system.

*Mr. Cohen.*—You might provide for the two at the head of the poll to go in, two to be elected.

*The Chairman.*—That would involve a re-drafting of the section.

*His Honour.*—That could be easily done. At present the law is, so far as I can see, that preferential voting does not apply to the election of the Council following on a double dissolution. If Parliament says that it is to apply, it may be worked in some way, either as Mr. Cohen suggests, or by some other means.

*Mr. Cohen.*—One man might get a walk-over and the other might have four opponents.

*The Chairman.*—It would be as well to get expert advice about it.

*His Honour.*—Yes. The County Court Act is another Act that badly wants something being done with it. As a matter of fact, I think about fifteen years ago Mr. Jacobs was consulted, and, as you see by this Bill here, and all the notes that he had on it, he did a very considerable amount of work. When the late Mr. Drysdale Brown was Attorney-General, and also during the time that Mr. Donald Mackinnon was Attorney-General, it was proposed to introduce the Bill into the House, but it is not a Bill that arouses much enthusiasm, and somehow the matter was dropped, and has never been brought on again. I think it is a pity that Mr. Jacobs's work on the subject should be wasted, and that the expense to which the Government were put in connexion with it should be incurred in vain. So far as I can judge, putting aside some debatable matters about which I spoke to Mr. Jacobs, it would be a very desirable Bill to pass. The County Court Act goes back a very long way, and I think it would be very desirable to put it into modern shape. I suggest to you that Mr. Jacobs should be asked to go through his work again, to put it into the form of a Bill which also could be introduced during the present session, and, if Parliament approved of it, it could be introduced into the consolidation. If not, I could simply re-copy the old Act.

*Mr. Cohen.*—Would it not be advisable for Mr. Jacobs to have before him your Supreme Court Act as amended, so that he could follow the lines of the changes regarding interrogatories, and the rest?

*His Honour.*—It would be, but he has put all those things into rules.

*Mr. Cohen.*—Those should be brought into line, having regard to the separate jurisdiction.

*His Honour.*—They ought to be, and that raises again the question of the new English Judicature Act to which I referred earlier, and which brings everything up to date.

*Mr. Blackburn.*—The trouble about the County Court jurisdiction is that it is too complicated and too expensive.

*His Honour.*—One question of jurisdiction about which Mr. Jacobs feels somewhat keenly, and which would have to be the subject of special discussion in Parliament, is whether the County Court should have jurisdiction in connexion with causes of action, part of which do not arise in Victoria. Sometimes a person who brings an action in the County Court is defeated on the ground that a material part of the matter arose in New South Wales or Queensland or in some other State or country, although a great part of the matter may have arisen in Victoria. Some people think that that is very unfortunate, and others may have a different opinion, but that is a matter which Parliament would have to debate specially.

*The Chairman.*—We have under consideration the question of an amendment dealing with that matter.

*His Honour.*—All I suggest is that Mr. Jacobs should be asked to take up his work again, a great deal of which is done, and done at considerable expense. It seems a pity not to give it an opportunity of being considered.

*The Chairman.*—Yes; I think the Committee approves of that.

*His Honour.*—The Crimes Act is one of the Acts which come early in the alphabetical list, but which I have left untouched for the present, because I wanted to finish the others before I came to it, as the Attorney-General asked me, in connexion with that, whether it would be possible—and I propose to consider whether it would be possible—to make a code of it, not merely a consolidation, but a code, as has been done in Queensland, Tasmania, New Zealand, and, I think, Western Australia. That, of course, would have to be specially introduced also. If there is a code, it will have to be passed by Parliament as a code, and then it can be included in the consolidation.

*Mr. Cohen.*—Would you consolidate or codify both the Police Offences Act and the Crimes Act, putting them into the one Act?

*His Honour.*—No, I do not think so. I do not think I would do that.

*Mr. Cohen.*—It is very hard sometimes to see the reason for a certain clause being in one Act and for another clause being in another.

*His Honour.*—It is hard to see it sometimes, but cases may vary very much in the degree of seriousness, and sometimes it is not thought desirable to have all the paraphernalia of the Supreme Court or of the Court of General Sessions, and trial by jury, and it is felt that it is better to bring the matter before a magistrate. At the same time, a crime of the same name may be so serious that it would be necessary to bring it before a jury. In some cases, also, the Police Offences Act is resorted to because it is thought that there is more likely to be a conviction under it than before a jury. I do not think it would be desirable to put them together in one Act.

*Mr. Blackburn.*—Perhaps you could separate them under two main headings, such as "Crimes, indictable offences," and "Crimes, summary." It wants something to indicate that your criminal code did not include a number of things that were actually crimes.

*His Honour.*—Clearly; but it all depends, of course, on what you call crimes.

*The Chairman.*—A criminal code is a very big thing

• *His Honour.*—Yes.

*The Chairman.*—Do you think you would have time to do it?

*His Honour.*—After I got rid of a number of these things I was going to start on it soon. Another matter is the Imperial Acts Application Act. I am doing what I said I would do when that Bill was before the Committee: that is, it is being practically disembowelled, and the various parts of it are being put into their proper places, and the result will be that the Imperial Acts Application Act when it appears in the consolidation will be a very short Act indeed, that perhaps some old provisions relating to justice and liberty, and matter of that kind may be retained, but apart from those, it will all disappear. However, I think members understood that on the last occasion.

The Public Works Act is an Act which is causing me some trouble. It is a pretty long Act at present, shorter than it used to be, but still pretty long, but so far as I can see Part II. of it is now entirely out of date and gone, by reason of the fact that the Melbourne and Metropolitan Board of Works has been given by Order in Council control of the districts lying approximately within 13 miles from the General Post Office, and Part II. of the Public Works Act applies only within 10 miles of the General Post Office, and does not apply to the metropolis as defined in the Melbourne and Metropolitan Board of Works Act, and consequently it is wiped out, and I propose to get rid of it. I should like also to get rid of Part III., if possible. That is the provision relating to taking land compulsorily. It relates to the Bendigo

Gas Company, the Castlemaine Gas Company, the Victoria Racing Club, the Ovens Water Supply, and a few old Acts like that, but it has been quite superseded in modern times by the Lands Compensation Act, and similar provisions of the Water Act and the Local Government Act. However, I suppose I had better retain it. There are about 100 sections there, and I do not think they have ever been used for the last 40 or 50 years.

*The Chairman.*—It relates to the power to take lands compulsorily?

*His Honour.*—Yes, it relates to that, and goes back to the English Lands Clauses Act. There is a very exceptional thing in Part III, and that is that the marginal notes are legislation. That is in relation to the English Land Clauses Consolidation Act. For instance, suppose the Castlemaine Gas Act says, "Section 55 of the English Land Clauses Consolidation Act is to apply to this Act." Then Part III. of the Public Works Act says that whenever you get an Act which refers to section 55 of the English Land Clauses Consolidation Act it shall refer to the section to which you find section 55 as a marginal note.

*Mr. Cohen.*—Would it not be possible in that case to make the Lands Compensation Act applicable to the Company and wipe it out altogether?

*His Honour.*—Possibly; but it would reduce the Public Works Act to about fifteen sections.

*The Chairman.*—Have we adequate powers in other Acts?

*His Honour.*—I have just reached this difficulty, and I mention it so that you may have it in your minds.

There will be a number of new titles to Acts. For example, "Neglected Children" has disappeared and becomes "Children's Welfare" by Act of Parliament. That enabled me to get rid of "Infants' Life Protection" and put it under "Children's Welfare," so that "Infants' Life Protection" will disappear. The difficulty was that I could not put it under "Neglected Children." I propose to get rid of "Dairy Supervision" and to go back to "Milk and Dairy Supervision," because the Legislature has passed several Acts relating to milk, and it is desirable to put them all together. One part relates to Victoria generally, and the next to milk areas, and the next to the metropolitan district. It is desirable to have them all together, and so I propose to put them all under "Milk and Dairy Supervision." That was the old title, but on the last occasion I cut it down to "Dairy Supervision" because it really related to dairies and milk in connexion with dairies. I was also thinking of having a Maintenance Act, and cutting all the maintenance provisions out of the Marriage Act. It may be of some importance in connexion with any new Commonwealth legislation about marriage which may be brought forward in the future, but at all events you now have the maintenance provisions in the Marriage Act, the Interstate Destitute Persons Relief Act—which is not a very fine title for an Act of Parliament—also the Maintenance Orders Enforcement Acts and the Reciprocity Acts. I think it would be desirable to take them out of the Marriage Act altogether and put them in a Maintenance Act, so that that would be a new title. I have had some doubts about motor omnibuses whether I should put them with carriages or motor cars, but I think probably members would like them left by themselves at present. The Butchers and Abattoirs Act has disappeared. I have put part of it into the Health Act and part of it into the Police Offences Act. It was remarkable for the fact that, although it was called the Butchers and Abattoirs Act, the word "butchers" did not occur in it. For some reason it was never mentioned.

*Mr. Cohen.*—Provision regarding the sale of frozen meat occurs in section 205 of the Health Act. That came up for consideration last year.

*His Honour.*—I do not know the point.

*Mr. Cohen.*—Only to show that there are particular provisions already in the Health Act.

*His Honour.*—I have put the abattoirs provisions into the new Health Consolidating Bill, and I have put those provisions about finding carcasses with brands cut off and others of that kind into the Police Offences Act.

*Mr. Cohen.*—You want to be very careful to see that the definition of carcass includes part of a carcass, because otherwise it makes the Act ridiculous.

*His Honour.*—I do not think that is in that portion of the Butchers and Abattoirs Act which I put in the Health Bill.

*Mr. Cohen.*—It is in the Health Act.

*His Honour.*—Acts relating to Rating on Unimproved Values, Housing and Reclamation, and Scaffolding, have been put into the Local Government Bill, and I suppose they can stop there. I also had some doubt as to the Anzac Day Act, but I think I had better retain it as a separate Bill, although it refers to the Factories Act and the Theatres Act, making Anzac Day like a Sunday. I think it is desirable to have something like an Act following the opening statement, and if I put all those provisions into the various Acts to which they refer, there would be nothing left, so I think I will have to keep it, but there are a number of detailed provisions which will have to go into the Licensing Act making Anzac Day like Sunday. At the same time, I will put a note at the bottom of the Anzac Day Bill to say that that has been done. For example, the present Anzac Day Act says, "In section 178 of the Licensing Act, after the word 'Sunday' shall be inserted the words 'or on Anzac Day'". Apart from that, I think I had better keep the Act as it is, although it refers to factories, warehouses, and shops, and put a note in the Factories Act to say that additional provisions will be found in the Anzac Day Act.

*Mr. Snowball.*—Is it not possible to collect more into the Crimes Act? There are offences created under various Acts which do not appear in the Crimes Act at all. For instance, there is the anomaly under the Instruments Act. In section 164 the offence is created of selling a crop on which a lien has been given, and by section 178 the offence is created in respect of dealings with wool affected by a lien under the Act, and it is clearly an omission that there is no offence created by any similar provision for selling goods over which a bill of sale registered under the Act has been given. They are in identically the same position, but by a strange omission it has somehow occurred that there is an offence created in the one case and not in the other. It would be as well to remedy that anomaly if possible.

*His Honour.*—There are two entirely different questions that you have raised. One is whether the bills of sale provisions might be added to by making such dealings with goods subject to a bill of sale an offence. That is a thing which Parliament would have to do. I do not think I should do it. The other is whether all indictable offences should be put into the Crimes Act and taken out of the various Acts to which they relate. That is a matter about which I know that Mr. Collins has a very strong opinion. He thinks that it should not be done.

*Mr. Snowball.*—It would be a great convenience.

*His Honour.*—It is perhaps convenient to see that everything is contained in the four corners of the Crimes Act, but, on the other hand, in the case of a man who is working, say, under the Companies Act, it may be inconvenient for him not to be able to see before him that if he does certain things he may go to gaol. He would have the Companies Act, but he would probably never think of buying a copy of the Crimes Act. In some respects it is advantageous to have the Crimes Act set out in the special Act dealing with the work in which the man is particularly interested. That,

however, is a very big question, upon which some people have one view and some the other. The English people have always taken the view that they should leave special sections in special Acts, and provide only for general crimes like larceny and so on in the Crimes Act itself. On the other hand, Sir Samuel Griffith, when dealing with the Statutes in Queensland, took the view that you have just suggested. He endeavoured to collect—and it can of course be done—every indictable offence that there was, and put it into the Crimes Act. Of course, when you take a section out of an Act which has an interpretation section, and is surrounded by other sections which may give it a meaning, and put it into the Crimes Act, it may get a different meaning, so that you have to be very careful in what you do in this way.

*Mr. Snowball.*—Would it not be possible in dealing with the Instruments Act on this consolidation to remove that anomaly, or would it be going too far?

*His Honour.*—I do not like creating offences.

*Mr. Snowball.*—Of course the Bills of Sale Act vests the goods which are the subject of the bill of sale in the grantee, but it does not make it an offence for the grantor to sell or dispose of them.

*His Honour.*—Might he not be converting the property of other people to his use?

*Mr. Snowball.*—It is not an offence at present.

*His Honour.*—Not by specific words, but might it not come under the general provisions of the Crimes Act with regard to converting property?

*Mr. Snowball.*—It might be desirable to provide for it specifically.

*The Chairman.*—I think the reason was that in the case of a lien on wool and a lien on a crop, the property had not come into existence, and it only came into existence when it was taken off the ground or off the sheep's back, and, therefore, it was necessary to have a special provision for it.

*His Honour.*—That is the old difficulty about chattels that, under the common law, can be stolen, and things of that kind.

*Mr. Snowball.*—Under the division "bills of sale," there is no specific offence created, but in the following division dealing with the lien on a crop, there is a special provision stating that it shall be an offence to sell a crop which is subject to a lien.

*His Honour.*—It seems almost impossible that such a thing could have been entirely overlooked, and it may be, as the Attorney-General has suggested, that the reason is that when you came to deal with what you might call future chattels—wool growing on a sheep's back or a crop growing in the ground—they thought it necessary to have a special provision to create an offence, which they did not think was necessary where you were dealing with existing chattels, the property in which was passed by the bill of sale.

*Mr. Snowball.*—The provisions in the Instruments Act dealing with a lien on a crop come from the old Liens on Crops Act, which was a separate Act.

*The Chairman.*—The Liens on Crops Act and the Stock Mortgage Act had rather a curious history. The British Parliament disallowed them in the first instance, holding that they were quite obnoxious to British law. There was a pretty big political issue over them.

*Mr. Blackburn.*—We started with liens on wool, and Martin's *British Colonies*, published in 1849, has a paragraph stating that they are really an adaptation of the West Indian method of dealing with mortgages on slaves.

*His Honour.*—You are not thinking about the selling of land?

*Mr. Blackburn.*—No, I am thinking of liens on wool. They are very early.

*His Honour.*—You know that big section under which land has always been sold under a judgment? That comes from a Jamaican or West Indian Act where you could sell plantations and slaves, and so on.

*Mr. Blackburn.*—This statement is made in Martin's *British Colonies* that that was the origin of the liens on wool in Australia—an adaptation of a West Indian idea.

*The Chairman.*—I do not think that is a thing which could be dealt with properly in a consolidation.

*Mr. Snowball.*—It is a striking anomaly. The bills of sale legislation deals with things *in esse*. The lien on crops legislation provides especially that any one who sells a crop which is subject to a lien shall be guilty of an offence punishable under the Act, and there is no such provision or analogous provision in relation to goods under a bill of sale.

*His Honour.*—There has never been any such provision dealing with the English Bills of Sale Act. They never seemed to feel the want of it, and possibly they did not feel the want of it because there was no want to feel; that is to say, that it was already an offence if a man sold to other people chattels which he had mortgaged under a bill of sale.

*The Chairman.*—Under the common law?

*His Honour.*—Yes.

*Mr. Snowball.*—Here the Crown law authorities take the view that it is not an offence punishable under the Police Offences Act or the Crimes Act.

*His Honour.*—I do not know that I have ever considered it. However, I will think about it.

*Mr. Snowball.*—It is section 164 of the Act that creates the offence in respect of liens on crops.

*The Chairman.*—That can be considered and His Honour will advise what he thinks about it. We shall

have to introduce legislation on the subject, if necessary. Do you want us to authorize you to see Mr. Jacobs, Your Honour?

*His Honour.*—You could do that if the Committee approved?

*The Chairman.*—It would be very useful. As to the question of the jurisdiction of the County Court, there is a strong objection to giving an inferior Court jurisdiction outside the State, which, in my opinion, is merely technical, and if that is done the way in which it is to be done is very difficult to draft for the County Court. The New South Wales Act does give it by making it a personal matter. It provides that any person who resides in New South Wales can be brought before the County Court.

*His Honour.*—What I hope Mr. Jacobs will do is not to send up this big Bill to Parliament at all, but to take the points that might be said to be debatable—for example, there is this question of taking half the present Act out and putting it into rules, providing that all questions of procedure shall be dealt with by rules—supposing Parliament passed that as a Bill and said, "We approve of that principle," then the consolidation could put everything right as to that, an Act of Parliament having been passed. Then he might have another short clause to the effect that the County Court shall have jurisdiction notwithstanding that the whole cause of action does not arise in Victoria. Parliament might have it, or it might not.

*Mr. Wettenhall.*—With regard to the rubbing out of the Customs Act, it is the general practice in America for the States to impose petrol taxes for their road-making. What method would we have if you wiped out the Customs Act?

*His Honour.*—You would pass an Act of Parliament imposing it straight out. The repeal of the Customs Act will not affect you.

*The Committee adjourned.*



1928.

VICTORIA.

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MINUTES OF THE PROCEEDINGS

OF THE

JOINT SITTING

OF THE

HOUSES OF PARLIAMENT OF THE STATE OF VICTORIA

TO CHOOSE A PERSON

TO

HOLD THE PLACE IN THE SENATE

RENDERED VACANT BY THE

DEATH OF SENATOR DAVID ANDREW.

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*Held in accordance with the provisions of Section 15 of the Commonwealth of Australia Constitution Act.*

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By Authority:

H. J. GREEN, GOVERNMENT PRINTER, MELBOURNE.

# MINUTES OF THE PROCEEDINGS

OF THE

## JOINT SITTING

HELD IN THE

### LEGISLATIVE ASSEMBLY CHAMBER.

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TUESDAY, 18TH DECEMBER, 1928.

The Members of the Legislative Council and the Members of the Legislative Assembly having, pursuant to resolution, assembled in the Legislative Assembly Chamber :—

1. ELECTION OF PRESIDENT.—The Premier, the Honorable Sir William McPherson, M.L.A., rose and moved—That the Honorable Sir Francis Grenville Clarke, President of the Legislative Council, be appointed President of this Joint Sitting, which motion, being seconded by the Chief Secretary, the Honorable Dr. S. S. Argyle, M.L.A., was resolved in the affirmative.

The Honorable Sir F. G. Clarke, having expressed his acknowledgments for the honour which had been conferred upon him, then took the Chair.

2. RULES OF PROCEDURE.—The Premier, the Honorable Sir William McPherson, M.L.A., submitted the following rules of procedure for the consideration of honorable members, and moved that they be adopted as the rules of procedure of this Joint Sitting :—

1. On any debate arising the same shall be conducted according to parliamentary usage.

2. A Member, addressing himself to the President, shall propose a person to hold the place in the Senate rendered vacant by the death of Senator David Andrew, and such proposition shall be duly seconded. When any person is so proposed his proposer shall state to the Members present that such person is willing to hold the vacant place if chosen.

3. If only one person be proposed and seconded the President shall declare—“ That has been chosen to hold the place in the Senate rendered vacant by the death of Senator David Andrew.”

4. If more than one person be proposed and seconded the person to hold the vacant place shall, subject to the following rules, be chosen by ballot.

5. Before giving directions to proceed with the ballot the President shall ask if any Member desires to propose any other person to hold the vacant place, and, no other person being proposed, the ballot shall be proceeded with, after which no person shall be proposed.

6. Each Member present shall be provided with a ballot-paper certified by the Clerks of the two Houses, and shall write thereon the name of one of the persons duly proposed, and shall place his ballot-paper in the ballot-box.

7. If two or more persons be proposed and seconded, the proposer of each of such persons shall name some Member present to be a scrutineer. The scrutineers, with the Clerks of the two Houses, shall retire and ascertain the number of votes for each person ; and the scrutineers shall make a written report of the result to the President.

8. No informal vote shall be taken into account.

9. If on the first ballot no person shall have received an absolute majority of the votes polled, a second ballot shall be taken, and the name of the person who shall have received the fewest votes at the first ballot shall be excluded ; but if at the first ballot the names of only two persons be submitted and the number of votes for such persons be equal, the scrutineers shall by drawing lots determine which of such persons shall be chosen to hold the vacant place, and the person whose name shall be first drawn shall be deemed to have been duly chosen.

10. Until one of the persons proposed obtains an absolute majority of the votes polled, or (as the case may be) is chosen by lot to hold the vacant place, successive ballots shall be taken, and at each such ballot the name of the person who shall have the fewest votes at the preceding ballot shall be excluded.

11. If on any ballot it shall be necessary to decide between two or more persons as to which one is to be excluded from a subsequent ballot through the number of votes for such persons being equal, a special ballot shall be taken at which the names of only those persons shall be submitted, and the name of the person having the fewest votes at such special ballot shall be excluded; but if on any special ballot it shall be necessary to decide between two or more persons as to which one is to be excluded from a subsequent ballot through the number of votes for such persons being equal, the scrutineers by drawing lots shall determine which one of such persons shall be excluded, and the name of the person last drawn shall be excluded.

12. If at any ballot, other than the first ballot or a special ballot hereinbefore provided for, the names of only two persons be submitted and the number of votes for such persons be equal, the scrutineers shall, by drawing lots, determine which of those persons shall be chosen to hold the vacant place, and the person whose name shall be first drawn shall be deemed to have been duly chosen.

13. As soon as any person obtains an absolute majority of the votes polled, or (as the case may be) is chosen by lot to hold the vacant place, the President shall declare—"That  
has been chosen to hold the place in the Senate rendered vacant by the death of Senator David Andrew."

14. The President shall in all cases be entitled to a vote.

15. The records of the proceedings and the ballot-papers shall be retained by the Clerk of the Parliaments of the State of Victoria, who shall be the custodian thereof, and shall keep the ballot-papers safely for one year and thereafter destroy them.

Debate ensued.

Question—put and resolved in the affirmative.

3. SCRUTINEERS' REPORTS.—The Honorable J. Cain, M.L.A., moved—That the number of votes received by each candidate be disclosed by the scrutineers in their reports.

Question—put and resolved in the affirmative.

4. PERSONS PROPOSED TO HOLD THE VACANT PLACE IN THE SENATE.—The President announced that, the rules having been adopted, he was now prepared to receive proposals from any honorable member with regard to a person to hold the place in the Senate rendered vacant by the death of Senator David Andrew.

The Honorable J. Allan, M.L.A., proposed Robert Charles Dunlop Elliott, Esquire, as the person to hold the vacant place, and stated that such person was willing to hold the vacant place, if chosen, and named the Honorable E. J. Mackrell, M.L.A., to be a scrutineer, which proposal was seconded by A. L. N. Walter, Esquire, M.L.A.

The Honorable A. M. Zwar, M.L.C., proposed Richard Hartley Smith Abbott, Esquire, as the person to hold the vacant place, and stated that such person was willing to hold the vacant place, if chosen, and named the Honorable H. Keck, M.L.C., to be a scrutineer, which proposal was seconded by the Honorable W. C. Angliss, M.L.C.

5. BALLOT.—The President having asked if any member desired to propose any other person to hold the vacant place, and no other person being proposed, the President declared that the period for proposing persons had closed, and directed the ballot to be proceeded with, the names of the persons proposed, in the order in which they were proposed, being—

ELLIOTT, R. C. D.  
ABBOTT, R. H. S.

Ballot-papers duly certified by the Clerks of the two Houses were issued to honorable members, and such ballot-papers when filled in were deposited in the ballot-box.

At the conclusion of the ballot the scrutineers, with the Clerks of the two Houses, made a scrutiny of the votes received by each person, and the written report of the scrutineers was handed to the President.

6. RESULT OF BALLOT.—The scrutineers reported that 91 votes were recorded by the honorable members present, and that the result of the ballot was as follows :—

Mr. R. H. S. Abbott .. .. .	58 votes.
Mr. R. C. D. Elliott .. .. .	33 votes.

The President thereupon declared that Richard Hartley Smith Abbott, Esquire, having obtained an absolute majority of the votes polled, had been chosen to hold the place in the Senate rendered vacant by the death of Senator David Andrew.

7. NOTIFICATION TO HIS EXCELLENCY THE GOVERNOR.—The Premier, the Honorable Sir William McPherson, M.L.A., moved—That the President be requested to inform His Excellency the Governor that Richard Hartley Smith Abbott, Esquire, has been chosen to hold the place in the Senate rendered vacant by the death of Senator David Andrew.

Question—put and resolved in the affirmative.

8. VOTE OF THANKS TO THE PRESIDENT.—The Premier, the Honorable Sir William McPherson, M.L.A., moved a vote of thanks to the President, which motion was seconded by the Honorable E. J. Hogan, M.L.A., and carried unanimously.

The President, having returned thanks, declared the Joint Sitting closed.

W. R. ALEXANDER,  
*Clerk of the Parliaments and Clerk of the Legislative Assembly.*

P. T. POOK,  
*Clerk of the Legislative Council.*

VICTORIA · MINUTES OF THE PROCEEDINGS OF THE LEG. COUNCIL - SESS. 1928

COUNCIL  
CHAMBER