

ACTS OF PARLIAMENT.

PROCLAMATION

By His Excellency the Right Honorable John Adrian Louis, Earl of Hopetoun, Viscount Aithrie, and Baron Hope, in the Peerage of Scotland; Baron Hopetoun of Hopetoun, and Baron Niddry of Niddry Castle, in the Peerage of the United Kingdom; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

I, THE Governor of Victoria, do hereby declare that I have this day assented, in Her Majesty's name, to the Bills passed by the Parliament of Victoria, the titles whereof are hereinafter set forth, that is to say:—

- “An Act to authorize the City of Saint Kilda to construct certain permanent Works and Undertakings in lieu of certain other permanent Works and Undertakings.”
- “An Act providing for the Reduction for Three Years of the Reimbursement of Expenses payable to Members of the Legislative Assembly.”

Given under my Hand and the Seal of the Colony, at Melbourne, this twenty-ninth day of August, in the year of our Lord One thousand eight hundred and ninety-three, and in the fifty-seventh year of Her Majesty's reign.

(L.S.)

HOPETOUN.

By His Excellency's Command,

J. B. PATTERSON.

GOD SAVE THE QUEEN!

ALLOWANCES TO WITNESSES IN CRIMINAL CASES ON A PROSECUTION BY ANY OFFICER ON BEHALF OF THE CROWN AND AT INQUESTS AND MAGISTERIAL INQUIRIES.

At the Executive Council Chamber, Melbourne, the twenty-ninth day of August, 1893.

PRESENT:

His Excellency the Governor.

Mr. Patterson	Mr. Webb
Sir Bryan O'Loughlen	Mr. Richardson
Mr. McIntyre	Mr. Baker
Mr. McColl	Mr. Cooke
Mr. Wynne	Mr. Abbott.

WHEREAS by an Order of the Governor in Council, bearing date the twenty-fifth day of February, 1892, certain rates of allowances to be made to witnesses and interpreters summoned to attend at the Supreme and Circuit Courts, Courts of General Sessions and Petty Sessions, at Inquests, and Magisterial Inquiries were prescribed: And whereas it is expedient to rescind the said Order and make another in lieu thereof: Now therefore His Excellency the Governor, with the advice of the Executive Council, doth by this present Order direct that on and after the first day of September next, the said first-mentioned Order shall be rescinded, and that on and after that day the allowances to be made to witnesses and interpreters required to attend at the Criminal Sittings of the Supreme Court, and at General and Petty Sessions, or before justices, and at Inquests and Magisterial Inquiries shall be in accordance with the Regulations following: Provided that witnesses at Petty Sessions, or before justices, and at Inquests and at Magisterial Inquiries, other than professional witnesses or experts, members of the Police Force, and interpreters, shall be paid only in accordance with the provisions hereinafter specially set out in that behalf.

For Travelling.

1. To every witness or interpreter (not being a member of the Police Force) the sum actually paid, but not exceeding One shilling for every mile he may reside from the court at which he may be required to attend.
2. To every witness or interpreter who may travel by ship, coach, railway, or tram, the sum actually and properly paid for fares both in going to and returning from the court at which he may be required to attend.
3. No allowance under clause 1 will be made to any witness or interpreter residing within three miles of the court which he may be required to attend.
4. In all cases where practicable witnesses or interpreters must travel by ship, coach, railway, or tram, and in such part of the vessel, vehicle, or train as may be suitable to their station in life.

5.—

For Attendance—Subject to Qualification as below.

	If residing within five miles of the Court, for each day of actual attendance at the Court.	If residing beyond five miles from the Court, for each day of actual attendance at the Court.	Additional, if residing beyond twenty miles from the Court, for each day necessarily absent from home in travelling to and from, not including the days at the Court.
	£ s. d.	£ s. d.	£ s. d.
A. To every— Barrister and Solicitor Medical Practitioner Civil Engineer, Architect, or Surveyor Accountant (as defined below), or Notary	1 0 0	1 0 0	1 0 0
B. To every such witness when not attending in a professional capacity, and to every— Clergyman Bank Manager or Bank Inspector, Merchant, or Auctioneer	The amount lost by attendance, but not exceeding— 0 5 0		0 12 6
C. To every Police Officer	0 3 0	0 5 0	
D. To every Police Sergeant or Constable	0 2 0	0 3 0	
E. To every other witness	The amount lost by attendance (where there has been direct loss of wages or other remuneration), but not exceeding 6s.		0 7 6
F. To every Interpreter or Expert, amount agreed upon, but not exceeding	0 10 0	0 12 6	0 15 0

6. To every witness or interpreter who may be necessarily detained, or who may be prevented from proceeding on his journey or to his place of abode, either before or after attending the court, the same allowance from the date of detention up to the date of attending the court, or of departure, as paid to witnesses residing beyond twenty miles from the court, and mentioned in the third column, or, in the case of members of the Police Force, as mentioned in the second column.

7. Witnesses at Petty Sessions, or before justices, and at Inquests and at Magisterial Inquiries, other than professional witnesses and experts, members of the Police Force, and interpreters, shall be paid sufficient to cover the loss which has been or will be sustained through such attendance, but not to exceed in any event the amounts hereinbefore set out, and it shall be the duty of the police magistrate, or (if no police magistrate is present), the chairman of the bench, or the coroner or presiding justice (as the case may be) to satisfy himself that such loss has been or will be sustained through such attendance, and a special minute to that effect must be placed on the face of the account, signed by such police magistrate or presiding officer. In paying witnesses at the Supreme Court and at Courts of General Sessions, under clause five, for attendance, the officer performing the duty shall similarly satisfy himself, and shall indorse and sign on the back of the abstract a general certificate that he has done so.

- 8. Witnesses who attend in more than one prosecution or matter will be entitled to a proportionate payment only in each.
 - 9. No allowance will be paid to any member of the Police Force for attendance at any court, or before justices, or at any Inquest or Magisterial Inquiry held within the city, town, borough, or township in which he is stationed or does duty.
 - 10. No allowance will be paid to aboriginal natives, nor to any prisoner of the Crown, but every protector, constable, warder, or other person having charge of any such native or prisoner will receive the expenses actually and necessarily incurred in taking him to and from and keeping him in attendance at the court.
 - 11. The abstract of payments to witnesses and interpreters must be certified at the Supreme Court by the Crown Solicitor; at Courts of General Sessions by the Clerk of the Peace, countersigned by the Prosecutor for the Queen, as inspected and approved; at Courts of Petty Sessions or before justices, by the police magistrate, or (if no police magistrate is present) by the chairman of the bench; at Inquests by the coroner, or justice acting as such; and at Magisterial Inquiries by the magistrate.
 - 12. "Accountant" shall mean only a member of the "Incorporated Institute of Accountants, Victoria," or a Government auditor of municipal accounts.
- And the Honorable Sir Bryan O'Loughlen, Bart., Her Majesty's Attorney-General for Victoria, shall give the necessary directions herein accordingly.

THOS. BRISBANE,
Acting Clerk of the Executive Council.

Licensing Act 1890.
FURTHER RULE AND REGULATION.

At the Executive Council Chamber, Melbourne, the twenty-ninth day of August, 1893.

PRESENT:

His Excellency the Governor.

Mr. Patterson
Sir Bryan O'Loughlen
Mr. McIntyre
Mr. McColl
Mr. Wynne

Mr. Webb
Mr. Richardson
Mr. Baker
Mr. Cooke
Mr. Abbott.

WHEREAS by section 75 of the *Licensing Act 1890* it is amongst other things enacted that the Governor in Council may from time to time make rules for regulating the practice and proceedings of the Licensing Courts and for fixing the scale of fees and costs to be allowed to persons practising as counsel or attorneys therein, and for regulating the keeping of all registers, books, entries, and accounts by officers of the said courts, and for regulating the expenses to be paid to witnesses in the said courts, and that any such rules may apply to all Licensing Courts or to such of the said courts as may be specified in that behalf by the Governor in Council: And whereas by the said section it is also enacted that the Governor in Council may also from time to time make regulations to enforce the carrying out of the said Act and for giving effect to the same: And whereas rules and regulations were accordingly made on the 6th day of October, 1890, fixing (*inter alia*) a scale of allowances to witnesses: And whereas it is expedient to alter and amend such scale: Now therefore His Excellency the Governor of the Colony of Victoria, acting with the advice of the Executive Council of the said colony, doth make the following further rule and regulation, that is to say:—

Costs of witnesses' attendance.—The costs of witnesses in attendance at the hearing of any matter or cause by the Licensing Court (although they have not been summoned and although they have not been examined) may be allowed at any rate not exceeding that mentioned in the Schedule hereto, and such rates shall be, on and after the 1st day of September next, in full force and effect, in lieu of the rates fixed by the Order of the Governor in Council made on the said 6th day of October, 1890 (that is to say):—

ALLOWANCE TO WITNESSES.

For Travelling.

- 1. To every witness or interpreter (not being a member of the Police Force) the *sum actually paid*, but not exceeding One shilling for every mile he may reside from the court at which he may be required to attend.
- 2. To every witness or interpreter who may travel by ship, coach, railway, or tram, the sum actually and properly paid for fares both in going to and returning from the court at which he may be required to attend.
- 3. No allowance under clause 1 will be made to any witness or interpreter residing within three miles of the court which he may be required to attend.
- 4. In all cases where practicable witnesses or interpreters must travel by ship, coach, railway, or tram, and in such part of the vessel, vehicle, or train as may be suitable to their station in life.
- 5.—

For Attendance—Subject to Qualification as below.

	If residing within five miles of the Court, for each day of actual attendance at the Court.	If residing beyond five miles from the Court, for each day of actual attendance at the Court.	Additional, if residing beyond twenty miles from the Court, for each day necessarily absent from home in travelling to and from, not including the days at the Court.
A. To every— Barrister and Solicitor Medical Practitioner Civil Engineer, Architect, or Surveyor Accountant (as defined below), or Notary	£ s. d. 1 0 0	£ s. d. 1 0 0	£ s. d. 1 0 0
B. To every such witness when not attending in a professional capacity, and to every— Clergyman Bank Manager or Bank Inspector, Merchant, or Auctioneer	The amount lost by attendance, but not exceeding— 0 5 0		0 12 6
C. To every Police Officer	0 3 0	0 5 0	
D. To every Police Sergeant or Constable	0 2 0	0 3 0	
E. To every other witness	The amount lost by attendance (where there has been direct loss of wages or other remuneration), but not exceeding 6s.		0 7 6
F. To every Interpreter or Expert, amount agreed upon, but not exceeding	0 10 0	0 12 6	0 15 0

6. To every witness or interpreter who may be necessarily detained, or who may be prevented from proceeding on his journey or to his place of abode, either before or after attending the court, the same allowance from the date of detention up to the date of attending the court, or of departure, as paid to witnesses residing beyond twenty miles from the court, and mentioned in the third column, or, in case of members of the Police Force, as mentioned in the second column.

7. No allowance will be paid to any member of the Police Force for attendance at a Licensing Court held within the city, town, borough, or township in which he is stationed or does duty.

8. Witnesses who attend in more than one cause or matter will be entitled to a proportionate payment only in each cause or matter.

9. "Accountant" shall mean only a member of the "Incorporated Institute of Accountants, Victoria" or a Government auditor of municipal accounts.

And the Honorable Agar Wynne, Her Majesty's Solicitor-General for Victoria, shall give the necessary directions herein accordingly.

THOS. BRISBANE,
Acting Clerk of the Executive Council.

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