



VICTORIA GOVERNMENT GAZETTE.

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TUESDAY, NOVEMBER 18.

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VICTORIAN RAILWAYS.

At the Executive Council Chamber, Melbourne, the eighteenth day of November, 1930.

PRESENT:

His Excellency the Lieutenant-Governor of Victoria.

Mr. Cain.

Mr. Slater.

WHEREAS in a memorandum dated the fifteenth day of November, One thousand nine hundred and thirty, the Minister of Railways (hereinafter called "the Minister") informed the Victorian Railways Commissioners (hereinafter called "the Commissioners") that the Government had decided as a matter of general policy that the right of the Australian Railways Union and other registered organizations of the Commissioners' employees and of the Commissioners themselves to approach the Commonwealth Court of Conciliation and Arbitration under the provisions of the *Conciliation and Arbitration Act 1904-1929* should be preserved, and to this end that the Commissioners shall take no steps to raise in the case pending before the High Court of Australia the question of immunity of the Commissioners from the legislative power of the Commonwealth in respect of conciliation and arbitration for the prevention and settlement of industrial disputes: And whereas in the said memorandum the Minister, in pursuance of the provisions of section 101 of the *Railways Act 1928*, requested the Commissioners to present forthwith in writing a scheme whereby the said policy may be carried out: And whereas the Commissioners in a memorandum dated the seventeenth day of November, One thousand nine hundred and thirty, informed the Minister

that for reasons therein stated the said section 101 does not apply to the request of the Minister, and, further, that even assuming the said section 101 does apply, the Minister's request was based upon a misapprehension of the position for the reasons stated in such reply by the Commissioners: And whereas the effect of the said memorandum of the Commissioners is that a scheme has not been proposed by the Commissioners in accordance with section 101: And whereas in the circumstances a doubt or difference of opinion has arisen respecting the provisions of the said section: Now therefore it is submitted to His Excellency the Lieutenant-Governor, with the advice of the Executive Council, that such doubt or difference of opinion shall be finally determined to the intent that the request contained in the memorandum of the Minister does concern a matter of general policy, and that the Minister may now transmit to the Commissioners a proposition for effecting and carrying out such matter of policy.

The Lieutenant-Governor, with the advice of the Executive Council, does hereby determine that the request of the Minister contained in the memorandum of the fifteenth day of November, One thousand nine hundred and thirty, hereinbefore referred to, concerns a matter of general policy, and further determines that the Minister may now transmit to the Commissioners a proposition for effecting and carrying out such matter of policy.

And the Honorable John Cain, His Majesty's Minister of Railways for the State of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,
Acting Clerk of the Executive Council.

