dividends payable to the shareholders. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 3. New Clause—Insert after Clause 21 in Part 4 a new clause, to stand as Clause 22, as follows:—

Restriction upon increase of price of coal.

22. (1) Notwithstanding the provisions of any Act, award or agreement to the contrary no payment to the fund by any owner may be or be deemed to be included in the cost of production of coal and no owner shall in consequence of any payment to the fund increase the price of any coal supplied to any consumer (including the Government or any State instrumentality) except as hereinafter provided.

(2) (a) Where the payment by any owner in any year does not exceed four pence per ton of coal sold by such owner in that year, such owner may include one half of such payment in the cost of production of the coal and may increase the price of coal accordingly;

(b) Where the payment by any owner in any year exceeds four pence per ton of coal sold by such owner in that year such owner may include the amount of such payment which exceeds two pence per ton of coal sold in the cost of production of the coal and may increase the price of coal accordingly.

The MINISTER FOR LABOUR: This amendment sets out clearly the right of the companies to pass on in the price of coal the balance of any contribution which the tribunal may call upon the companies to make to the fund, that is, the balance over and above the 2d. per ton which they will be called upon to meet from the shareholders' dividends. The amendment is necessary, otherwise the companies would not be given direct legal authority to pass on the balance of their contribution in the price of coal. Members are aware that the total contribution which the companies may be called on to make per ton of coal may be 4d. a ton. The Bill provides that 2d. a ton shall be paid from the dividends of shareholders while the balance of 2d. per ton will have to be paid by the companies. This amendment makes it clear beyond any shadow of doubt that the companies will have the right to pass on that additional 2d. per ton in the price of coal sold to consumers within the State. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

House adjourned at 11 p.m.

Legislative Council.

Thursday, 7th October, 1943.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

LEAVE OF ABSENCE.

On motion by Hon. E. M. Heenan, leave of absence for six consecutive sittings granted to Hon. H. Seddon (North-East) on the ground of ill-health.

MOTION—STANDING ORDERS SUSPENSION.

On motion by the Chief Secretary, resolved:

That during the remainder of the session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith; and that Standing Order No. 62 (limit of time for commencing new business) be suspended during the same period.

MOTION—ADDITIONAL SITTING DAY.

On motion by the Chief Secretary, resolved:

That unless otherwise ordered, the House meet for the despatch of business on Fridays at 4.30 p.m. in addition to the ordinary sitting days.

BILLS (2)—THIRD READING.

1, Mortgagees' Rights Restriction Act Continuance.

2, Mine Workers' Relief Act Amendment.

Passed.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER [4.41] in moving the second reading said: The Bill embodies four proposals involving amendments to the Increase of Rent (War Restrictions) Act, which was passed in 1939. All the proposals are designed to effect more control over those who may be tempted to profit by war circumstances in respect of rents. The first proposal provides for a tenant, other than the first tenant, to be legally entitled to apply for the declaration of a fair rent. Under the Act the standard rent is that which was charged on the 31st August, 1939. The Act gives the tenant who was then in occupation the legal right to apply to a court for the fixation of a fair rent. If, however, the tenant in occupation on the 31st August, 1939, does not take advantage of the right, no tenant who subsequently occupies the house has any right whatever to make an application.

Many instances are known where the first tenant has not made such an application. Subsequent tenants, however, have desired to obtain a declaration of a fair rent, but because the Act gives that right only to the first tenant, the subsequent tenant has had no redress. This Bill provides, therefore, that he shall have the legal right to seek a declaration if the previous tenant has not done so. As a matter of fact, there have been many complaints on that score, and the need for an improvement in the position is urgent. Many instances have come under my notice personally of second or following tenants desiring to challenge the rent and finding themselves unable to do so.

The next proposal deals with a practice which has developed over the past few years whereby certain landlords have refused to let a dwelling-house when it was likely that such dwelling-house would be occupied by children. This is considered to be most unjust and not in the best interests of the community. The Government is now taking the required action to meet what I might term this menace to the life of our community, by adding a new section to the existing Act.

Hon. J. Cornell: There is no consideration for the landlord.

The HONORARY MINISTER: If we are to agree to people being excluded from the right to secure houses because of children, the ultimate situation may be serious. It may be an invitation to couples not to have children.

Hon. J. Cornell: You should see what the children do to houses sometimes!

The HONORARY MINISTER: There is no doubt that people have been prevented from securing houses because they had children.

Hon. L. Craig: Do you think children ought to be brought up in flats?

The HONORARY MINISTER: I do not like flats at all.

Hon. L. Craig: Nor do I.

Hon. T. Moore: They have to live somewhere.

The HONORARY MINISTER: Unfortunately present-day conditions make it imperative for people to secure whatever accommodation they can, and therefore we find families living in flats. However, the provision in the Bill sets out that a person shall not refuse to let a dwelling-house to any person on the ground that it is intended that a child shall live therein, and that it shall be an offence to advertise in any way that the letting of any premises is not available to people with children. Another proposal is designed to bring under control the rents of furnished houses and furnished rooms. At present such places are not under control in respect to the amount of rent or hire chargeable for the furniture. This means that a landlord who lets a house with furniture is restricted as to the rent he may charge for the house, but not as to the rent he may charge for the hire of the furniture.

Many instances have been brought under the notice of the Government of landlords having charged extortionate rent, or hire, for the furniture contained in a house or in a room where the furniture has been the property of the landlord. In view of these complaints, it is proposed by the Bill to amend the Act so that the rent or hire to be charged for furniture in a house or room may be brought under control, and thus be subject to a decision of a court where necessary. The only other proposal in the Bill makes it possible for a tenant to obtain a statutory declaration from the landlord as to the standard rent charged on the 31st August, 1939. This is necessary because many tenants have not been able to obtain that information. It is considered that where the landlord, or his agent, has

refused to supply this information, the standard rent is being departed from and a higher rent as a result is being charged.

The Bill therefore provides that a tenant may obtain from a landlord a statutory declaration in which there shall be set out the standard rent being charged for any premises as at the 31st August, 1939. Similar proposals to these already operate in the other parts of Australia where no State legislation has been passed dealing with the relationship between landlords and tenants. Those matters are covered by the National Security Regulations. Members are aware that in this State the Increase of Rent (War Restrictions) Act was passed in the early stages of the war. That measure was passed prior to any action by the Commonwealth to deal with this particular legislation.

Hon. J. Cornell: Part of it is over-ridden by National Security Regulations now.

The HONORARY MINISTER: The State Act has been reasonably effective, and it is considered that it is more practicable to amend that legislation than to endeavour to implement the provisions of the National Security Regulations. Indeed, those regulations, so far as this State is concerned, deal with evictions only. The question in a nutshell is whether the State Government shall take the necessary action or whether it will be forced to approach the Commonwealth Government to cover the position by means of National Security Regulations. Personally I think it would be far better for the State Government to assume that responsibility and for Parliament to decide what the restrictions should be. I hope the House will pass the Bill and help to remedy the present position. I move—

That the Bill be now read a second time.

HON. G. B. WOOD (East): A somewhat similar Bill was introduced last year but it did not receive much consideration from this House. I hope the present measure will receive more consideration for it has considerable merits. One of the principal features is that as regards the rent of a house let after the 30th September, 1939, an application for a determination of the amount of rent could be made within three months. Many people did not trouble to go to the court for such a determination, and the sponsors of the Bill probably looked at the matter from the point of view of the tenant. When the bomb scare occurred early in 1942, many persons ran away from Perth into the country.

Hon. E. H. H. Hall: They were advised to go.

Hon. G. B. WOOD: Yes. Then the first tenant who came along obtained the house at a nominal rent. I know of two ladies who lived in a house with the daughter of one of them and her two children, the husband being away at the war. They took refuge in the country—frightened of bombs undoubtedly. After six months they wished to return to their own home, and they could not obtain possession of it because they had made the house available to a refugee at a rental of £2 5s., which was at least 30s. per week below what it could have been let for. The house is situated in a good locality. To-day the owner cannot get back her house because the rent is so low. She went to the court and was told that she could get the house back when the tenant could obtain a similar house at a similar rental. The owner should get £3 3s. or £4 4s. a week rental for the house in place of the £2 5s. being paid by the present tenant. Accordingly the tenant makes no attempt to secure another house. From that aspect alone I hope the House will pass the Bill.

As regards children, I think the time has come when we should see that children secure accommodation; but I am not in favour of forcing an owner to allow children into a furnished house if he does not wish to do so. It is not right and proper to stop children from going into a house that is not furnished, but as regards a furnished house the owner should have the right to decide whether or not he will admit children. However, I do not think there will be many cases where that difficulty will crop up. One can go too far with legislation of this nature. Another part of the Bill I do not like is that under it one will not be allowed to ask a prospective tenant whether he has children. Surely the owner has a right to know. If I had half-a-dozen children in a house I had let, I would like to keep an eye on it and know what was going on. I presume there would be a way of getting people out if one's house was being destroyed. Reverting to the first objective aimed at, I do not know whether it applies to the first tenant as well as to the second tenant. Just now the Honorary Minister said it would apply only to the second tenant. I would also like to know

whether the Bill over-rides the National Security Regulations.

Hon. J. Cornell: It cannot.

Hon. G. B. WOOD: What is the use of our passing a Bill if the National Security Regulations are to over-ride what we do here? I hope the second reading of the measure will be carried.

HON. J. CORNELL (South): I have no houses to let, either furnished or unfurnished. I admit that there is a shortage of houses. I admit also that under this Bill the owner of a house would have some rights. One reason why owners are adverse to letting their houses to parents with children, and very often to parents without children, is the total disregard that is displayed today for other people's rights and other people's property. There is no question about the existence of that tendency. Those two features are manifest in our community today. Landlords are adverse to letting their houses where there are families. The total disregard for other people's ideas and other people's property which I have mentioned is not a monopoly of the working people of this State. It is characteristic of many highly placed people and to some extent of refugees. To blame the man who says, "I will not let you have the house if you have children," is all very well. The characteristics I have mentioned are the absolute reason for that.

I can quote cases in point referring to people in this State. One was a Senator, who at the time was well-pleased to let his house but would not do so today. For one thing, the door was not enough for the tenants' mastiff dog to enter the house. It was too much trouble for them to open the door, and so they opened the windows for that purpose. That man will never let a house again. I know of a furnished house let by some people in which within a fortnight's time the furniture was totally ruined by cigarette butts being put on it. I hold no brief for the man who owns houses. I consider that the man who today builds houses to let takes on as much trouble as if he went to New Guinea to fight the Japs. As time goes on unless we can inculcate on the community some regard for other people's property, a position will be reached when the community itself will have to build houses to let. If I had a house to let tomorrow during my absence, I would store my furniture and let the house, but I would not let it furnished. Let us hope that members will give some consideration to the other fellow's possessions.

HON. H. TUCKEY (South-West): I agree that tenants are entitled to every reasonable protection from exploiting, but I also think that the owner or landlord is entitled to protection, as Mr. Cornell has pointed out. The Bill seems to me not to go sufficiently far. In fact, it is one-sided. I should like to see some clause inserted in the Bill to afford landlords protection. I know of the case of a person who went into an empty house without any authority, stayed there for 12 months, and paid no rent. The landlord could not get the person out, nor could he collect any rent. We cannot expect investors to put their money into dwellings under such conditions. People with capital will not invest in houses unless they can get protection by law against this sort of thing.

Hon. J. Cornell: In one case the outhouse was made use of as firewood.

Hon. H. TUCKEY: It would not be unreasonable to embody a clause in this Bill making it necessary for a tenant to pay for any damages that occurred. That would render it less difficult to let houses where children were concerned. Very often the damage that is done exceeds the value of the rent obtained.

Hon. G. W. Miles: Did the Honorary Minister hear that suggestion, I wonder?

Hon. H. TUCKEY: No tenant should be asked to pay more than represents a fair return on the capital invested. We should give the landlord or owner some encouragement to go on investing money in this direction and assist in the task of providing houses for other people to occupy.

Hon. G. W. Miles: Your point is a good one.

Hon. H. TUCKEY: There is a tendency today to think only of the tenant. That is not a good thing. We want to encourage people to erect these houses and we can only do so by giving both parties a fair deal.

HON. H. S. W. PARKER (Metropolitan-Suburban): On a previous occasion I pointed out how essential it was that the Government should build houses. The trend of legislation today is to prevent persons from building houses for letting purposes by reason of the severity of the restrictions. A

man may want to let his house and a would-be tenant enters into negotiations with him. The landlord in discussing the rooms may suggest that such and such a room would suit children. In the course of conversation he may say to the would-be tenant, "Have you any children?" Under this Bill he will be liable to a fine of £20.

Hon. L. B. Bolton: That is ridiculous.

Hon. H. S. W. PARKER: Yes. That is the type of legislation that is coming before us. There could be no better Bill than this one for the purpose of preventing people who want houses from getting them. It will tend to prevent a careful man from letting his house.

Hon. J. Cornell: Can a man be forced by law to let his house?

Hon. H. S. W. PARKER: No.

Hon. J. Cornell: Then he will shut it up.

Hon. H. S. W. PARKER: If my family were going away for the summer I would not in any circumstances let my house, no matter what rent was offered. I would not know when I could get the tenant out. I could not do a charitable deed and offer to let the house for 5s. a week to someone who would look after it, because that would be regarded as the fixed rent and I could never get more than that amount if I did want to let the house. Furthermore, I would not be able to get a woman tenant out if it happened that she had a relative at the war. If anyone came to me in my capacity as a lawyer and asked me if he should let his house, I would advise him not to do so. He might be wanting to go away for 12 months, but I would advise him that if he let his house he might not get it back on his return. That sort of thing has led to the trouble that has arisen and is largely responsible for the present shortage of houses. People will not let their houses or part of them because they cannot get the tenants out. I know of the wife of a soldier who had two married sisters and all were living with their parents. She owns a fairly large house. There is now insufficient room in the parents' house, but she cannot get back into her own dwelling because it is let to the wife of another soldier, and so long as the rent is being paid she cannot get possession of it. I know of another instance of people who are occupying a house but not using all of it. The owner wants to get back to it because her sons are returning from service abroad and the husband has been posted back to this district. Re-possession of the house cannot be obtained because it is let to the relative of a soldier. Some comprehensive inquiry should be held into this matter of landlord and tenant and into the effect of the National Security Regulations governing it. This Bill is largely a copy of those regulations. If an impartial inquiry were held by someone who was not biased against landlords, but who had genuinely at heart the question of housing the people, I venture to say there would be no trouble in ensuring that a great many more people would be happily settled in houses than is the position today.

HON. E. H. H. HALL (Central): Mr. Parker has made a sensible suggestion. Unfortunately Parliament is in its dying hours. The Government is anxious to go to the people from whom it has been estranged or from whom it has been separated for so many years. It is anxious to go before them and obtain their verdict concerning what it has done in the intervening period. It seems to me impossible to expect anything to be done so sensible as that which has been advanced by Mr. Parker. If there is one thing more than another that the Government and Parliament should have attempted to solve, it is the housing problem. I can quote a worse example than that which has been put forward by either Mr. Wood or Mr. Parker. The wife of a soldier serving in the Middle East has three children of school age and one under that age. She was living at Swanbourne. She was advised when Japan entered the war that she should vacate the premises and go into the country. Accordingly she let her furnished house of four rooms for 25s. a week and went to the country when Japan declared war. She also first consulted her only friend in the district, the schoolmaster. That gentleman pointed out that the authorities were advising people to go away, that she had a young family, that her husband was absent, and her brothers in the Army.

Accordingly she went to the country and let her house for 25s. a week. The eldest child was making good progress with his studies but could not obtain satisfactory educational facilities where the mother was living, so she decided after 12 months to return to the city. She asked the tenant, whose husband is also a soldier but who is only engaged in canteen work in the metropolitan area, to vacate the premises, but she

declined to do so. The tenant has a grown-up family. The owner of the premises is now living in three rooms behind a shop at Mosman Park. She has been to the committee dealing with soldiers' dependants and received some assistance from that source, and she also visited Commonwealth officials in the city who gave her some advice. She then went before the magistrate, who declared that her case was not of sufficient hardship to warrant him in making an order calling upon the tenant to vacate the premises. There the situation stands today. This unfortunate woman has suffered a great deal of mental stress. After her experiences she came to me and I took her to Mr. Parker, in whose province she is now living. Then it was I learnt for the first time that the National Security Regulations prohibit a solicitor from dealing with such a case. How can a Bill of this kind over-ride the National Security Regulations?

Hon. J. Cornell: It cannot do so.

Hon. E. H. H. HALL: Except that it gives members an opportunity to ventilate cases of hardship that arise as a result of regulations, I cannot see that we are serving any good purpose in passing the Bill. I do not know whether the Honorary Minister can assure me that the measure will serve any good purpose. We can see how careful Parliament should be before passing Bills and regulations in an endeavour to protect the wives and families of people who are entitled to protection. Under National Security Regulations the woman whose case I have cited, whose husband is stationed in Queensland and who has four young children, is unable to get back into her own home.

HON. E. M. HEENAN (North-East): I am sure the Government feels there is some real need for this Bill. From my observations and what I have been told, it is obvious that the housing position in the city is acute. I am glad we passed recently an amendment to the Workers' Homes Act. It is a pity that the amendment was not passed a few years ago when a similar measure was brought forward. It is all very well for Mr. E. H. H. Hall to quote one case. Apparently the magistrate who had all the facts before him did not regard it as a case of special hardship. He should be in a better position to form a judgment on the merits of the application than Mr. Hall would be.

Hon. E. H. H. Hall: The husband of one woman is away and the husband of the other is here.

Hon. E. M. HEENAN: This morning I spoke to the officer who is administering the soldiers' dependants scheme. He assured me there was great trouble over children, and said we should do something to deal with landlords who refused to let their houses to tenants with children. I do not think any magistrate would inflict a penalty unless it were proved that the ground on which the landlord refused to allow a person to take his house was that that person had children. The Bill is justified, and I hope the House will pass it, because it will do something to stop those landlords who refuse to let houses to poor people with children.

THE HONORARY MINISTER (in reply): The hardship cases quoted by Mr. Wood and by Mr. E. H. H. Hall cannot be overcome by this Bill. Those cases must have been ones where the landlord was a soldier and the tenant a soldier as well. Cases have arisen where a soldier's wife has been in trouble because she had four children and the other soldier's wife had eight children. In such a case it is for the magistrate to determine who is suffering the greater hardship. That problem is governed by the National Security Regulations, with which we have nothing to do. There is no question but that there is a shortage of houses. The Bill is a war measure designed to meet an urgent problem. We have to deal with it from that angle. I know from personal knowledge that there are many fair landlords, but there is a sufficiently large number of unreasonable ones who exploit the present housing shortage, which makes it imperative for that practice to be stopped.

Hon. H. S. W. Parker: How can they exploit it?

The HONORARY MINISTER: An incoming tenant may be careless enough not to insist upon being told what rent was being paid, and, as a result, may be charged an increased amount.

Hon. H. S. W. Parker: A landlord cannot do that.

The HONORARY MINISTER: It is done. I know of several cases respecting which married men have come to me. This amending Bill has been brought down because of complaints made by several people

regarding unscrupulous landlords exploiting tenants. I do not condemn all landlords, because one who is fair would not do that in time of war. This legislation only deals with landlords who are anxious to make money by taking advantage of the present position.

Hon. J. A. Dimmitt: There are any number of unscrupulous tenants.

The HONORARY MINISTER: That is so. No-one can convince me that present-day children are all unruly and destroy furniture.

Hon. L. Craig: Suppose half of them do?

The HONORARY MINISTER: We should be generous to that extent. We have to meet the position as it is, and cannot afford to permit the continuance of the present practice of landlords debarring families, in which there are children, from living in their houses. I hope the Bill will be passed without amendment.

Question put and a division taken with the following result:—

Ayes	20
Noes	6
Majority for	14

AYES.

Hon. C. F. Baxter	Hon. W. R. Hall
Hon. Sir Hal Colebatch	Hon. E. M. Heenan
Hon. J. Cornell	Hon. W. H. Kitson
Hon. C. R. Cornish	Hon. W. J. Mann
Hon. J. A. Dimmitt	Hon. T. Moore
Hon. J. M. Drew	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. H. V. Plesse
Hon. F. E. Gibson	Hon. F. R. Welsh
Hon. E. H. Gray	Hon. C. B. Williams
Hon. E. H. H. Hall	Hon. G. B. Wood (*Teller.*)

NOES.

Hon. L. B. Bolton	Hon. G. W. Miles
Hon. L. Craig	Hon. A. Thomson
Hon. V. Hamersley	Hon. H. Tuckey (*Teller.*)

Question thus passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—New sections to be inserted in principal Act:

Hon. H. S. W. PARKER: I move an amendment—

That in line 1 of Subsection (1) of proposed new Section 11A., the words "refuse or procure" be struck out and the word "influence" inserted in lieu.

My amendment should be quite sufficient. Some of the statements made by the Honorary Minister were astounding. He said that he has heard of tenants being literally robbed when the law, as it stands, states this—

Any person who receives rent for any premises in excess of the standard rent or fair rent, as the case may be, lawfully payable for the premises concerned, and any person who receives any payment or makes any charge contrary to the provisions of Subsection (2) of Section 5, or of Subsection (1) (b) (i) of Section 6 of this Act shall be guilty of an offence against this Act. Penalty: Fifty pounds.

Prosecutions for offences against this Act may be commenced upon a complaint made by any person being a lessee who is aggrieved, or the Minister, or any person authorised by him in writing——

The CHAIRMAN: All that the hon. member has said may be correct, but he has said it at the wrong time. He should make those remarks on the third reading of the Bill.

Hon. H. S. W. PARKER: I am sorry.

The HONORARY MINISTER: Mr. Parker has reprimanded me. There are innumerable cases of tenants who did not get the benefit of the declared rents when they rented a house because they could not get information. As a result they have been charged excessive rentals.

Hon. H. S. W. Parker: Why did you not prosecute? It is the duty of the Minister!

The HONORARY MINISTER: I could not do so, even if I were the Minister, which I am not. The clause as it now stands is quite in order. I cannot agree to the amendment.

Hon. E. M. HEENAN: It would be a mistake to remove these words. If the amendment is carried, the proposed subsection will read—

A person shall not influence any person to refuse——

But he can himself still refuse without its being an offence.

Hon. H. S. W. Parker: That is so. I could refuse to let my house, but must not tell you not to let yours.

Hon. E. M. HEENAN: To amend the proposed subsection as suggested would leave a serious loophole.

Amendment put and a division taken with the following result:—

Ayes	13
Noes	12
Majority for	1

AYES.

Hon. C. F. Baxter	Hon. W. J. Mann
Hon. L. B. Bolton	Hon. G. W. Miles
Hon. Sir Hal Colebatch	Hon. H. S. W. Parker
Hon. L. Craig	Hon. H. Tuckey
Hon. J. A. Dimmitt	Hon. F. R. Welsh
Hon. F. E. Gibson	Hon. V. Hamersley
Hon. E. H. H. Hall	(*Teller.*)

NOES.

Hon. C. R. Cornish	Hon. T. Moore
Hon. J. M. Drew	Hon. H. V. Piesse
Hon. E. H. Gray	Hon. A. Thomson
Hon. W. R. Hall	Hon. C. B. Williams
Hon. E. M. Heenan	Hon. G. B. Wood
Hon. W. H. Kitson	Hon. G. Fraser
	(*Teller.*)

Amendment thus passed.

On motion by Hon. H. S. W. Parker, proposed new Subsection (2) consequentially amended by striking out the words "refused or procured" and inserting the word "influenced" in lieu.

Hon. H. S. W. PARKER: I move an amendment—

That proposed new Subsection (3) be struck out.

This proposed subsection provides that a person shall not instruct any other person not to let, or state his intention not to let a dwelling-house to any person if it is intended that a child shall live in the house. If I went away for a period and said to my wife, "If, during my absence, you go to the country, do not let the house," I would be rendering myself liable to a penalty of £20.

The HONORARY MINISTER: I cannot agree with Mr. Parker's view and must oppose the amendment. If the proposed new subsection is retained, I shall move to add a proviso as follows:—"Provided that any inquiry as aforesaid shall not constitute an offence against this section if the premises are in fact let to that prospective tenant."

Amendment put and a division taken with the following result:—

Ayes	14
Noes	11
Majority for	3

AYES.

Hon. C. F. Baxter	Hon. V. Hamersley
Hon. L. B. Bolton	Hon. W. J. Mann
Hon. Sir Hal Colebatch	Hon. G. W. Miles
Hon. L. Craig	Hon. H. S. W. Parker
Hon. J. A. Dimmitt	Hon. A. Thomson
Hon. F. E. Gibson	Hon. H. Tuckey
Hon. E. H. H. Hall	Hon. F. R. Welsh
	(*Teller.*)

NOES.

Hon. C. R. Cornish	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. T. Moore
Hon. G. Fraser	Hon. H. V. Piesse
Hon. E. H. Gray	Hon. C. B. Williams
Hon. W. R. Hall	Hon. G. B. Wood
Hon. E. M. Heenan	(*Teller.*)

Amendment thus passed.

Hon. H. S. W. PARKER: I move an amendment—

That proposed new Subsection (4) be struck out.

Obviously, a person letting a house naturally asks whether the tenant has children. If he has, the landlord will say, "I shall not leave my knick-knacks and various other articles lying about." But if the landlord merely inquires whether the prospective tenant has any children he commits an offence. He does so even if he inquires, "How is your boy getting on in the Middle East?"

The HONORARY MINISTER: Mr. Parker is not serious!

Hon. H. S. W. Parker: I am.

The HONORARY MINISTER: I propose moving to add a proviso at the end of new Subsection (4).

The CHAIRMAN: Order! The Honorary Minister will have a chance to move that amendment later.

Amendment put and passed.

Hon. J. A. DIMMITT: I move an amendment—

That in Subsection (1) of proposed new Section 11B the following words be struck out:—"Where the land was leased on or before the thirty-first day of August, one thousand nine hundred and thirty-nine, such record shall show the rent received from and the name and address of the tenant at that date. Where the land was first leased after the thirty-first day of August, one thousand nine hundred and thirty-nine, such record shall show the rent received from and the name and address of the tenant who first leased the land."

In the four years which have elapsed since the date mentioned in the Bill, the property may have changed hands once or several times and the lessor may not have in his possession this required information.

The Chief Secretary: That would be unusual.

Hon. J. A. DIMMITT: No. Suppose the owner acquired a property in 1940 for the purpose of living in it, he would not in that case have been interested to inquire what the rental was at the 31st August, 1939, or who was occupying the property at that date. This strange provision, which seems to be entirely unworkable, is not contained in the National Security Regulations.

Hon. G. FRASER: A person purchasing property after the 31st August, 1939, is in duty bound to ascertain what the rent was at that time, because I understand there is an Act in existence which pegged rents at that date. For his own protection and in

order to avoid a prosecution for over-charging, he should obtain these necessary particulars. I hope the amendment will be defeated.

Hon. E. M. HEENAN: The provision in the Bill seems to have much merit. The purpose of this legislation is to stop racketeering in rents. It should be possible for an owner to ascertain what the rent of his premises was in August, 1939; in any case, the landlord should be obliged to keep some record. That is not imposing any great hardship upon him. If a record is available it can be produced in court and cannot be disputed.

Hon. L. B. BOLTON: What would be the position of a person who bought a property for his own occupation and use and later decided to let it? He probably would not have troubled to ascertain what the rent was in 1939. This provision would place him in an invidious position. I support the amendment.

The Chief Secretary: Such a landlord would not be affected by this provision.

Hon. L. B. BOLTON: I think he would.

Hon. H. S. W. PARKER: This provision seeks to force a landlord to keep a record of something that happened four years ago, and I point out that he is liable to a penalty of £20 if he does not do so. Proposed new Section 5A provides that the lessee may by notice require the lessor to furnish him with a statutory declaration as to the rent that was payable on the 31st August, 1939. A great many owners would not have such records. Subsection (1) of proposed new Section 11B provides that the lessor shall himself keep or cause to be kept a record showing the rent received by him in respect of any land leased by him. The words "leased by him" mean leased by him at any time. If I let a house tomorrow that land is leased by me and I have to keep a record. If that land was leased on the 31st August, 1939, by anyone—

The Chief Secretary: No. What does "such record" mean?

Hon. H. S. W. PARKER: It means the record I have to make up now because I have not got one.

The Chief Secretary: No.

Hon. H. S. W. PARKER: Obviously I have not got one. That is what I am pointing out. A tremendous number of tenants have not got their old rent books or any records extending back to that date, but there is another clause which covers what is desired, namely, the clause providing that a statutory declaration has to be made as to what the rent was. I do not know how it is possible to keep a record of something of which one has not got a record. Do not forget there is a reference to the rent received and not to the rent charged. The tenant may not have paid.

Hon. G. Fraser: Then it was not received.

Hon. H. S. W. PARKER: Exactly! A nice record that would be! Where is the record? How can a man today tell the name and address of the tenant who occupied his house in 1939?

The HONORARY MINISTER: I think Mr. Parker is trying to ridicule this provision and those responsible for drafting it and everything connected with it.

Hon. H. S. W. Parker: I am not complaining about the drafting, but about the Bill.

The HONORARY MINISTER: The wording is very plain.

Amendment put and a division taken with the following result:—

Ayes	15
Noes	10
Majority for	5

AYES.

Hon. C. F. Baxter	Hon. W. J. Mann
Hon. L. B. Bolton	Hon. G. W. Miles
Hon. Sir Hal Colebatch	Hon. A. Thomson
Hon. L. Craig	Hon. H. Tuckey
Hon. J. A. Dimmitt	Hon. F. R. Welsh
Hon. F. E. Gibson	Hon. G. B. Wood
Hon. E. H. H. Hall	Hon. H. S. W. Parker
Hon. V. Hamersley	*(Teller.)*

NOES.

Hon. C. R. Cornish	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. T. Moore
Hon. G. Fraser	Hon. H. V. Piesse
Hon. E. H. Gray	Hon. C. B. Williams
Hon. W. R. Hall	Hon. E. M. Heenan
	(Teller.)

Amendment thus passed; the clause, as amended, agreed to.

Clause 6, Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—COAL MINE WORKERS (PENSIONS).

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the Council's amendments.

BILL—EDUCATION ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—ELECTORAL (WAR TIME).

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the Council's amendments.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

BILL—LEGISLATIVE COUNCIL (WAR TIME) ELECTORAL.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Definitions:

Hon. C. F. BAXTER: I move an amendment—

That the definition of "Discharged Member of the Forces" be struck out.

This represents the first amendment I foreshadowed in my second reading speech with the object of remodelling the Bill to extend the franchise to those who are qualified to be enrolled for the Legislative Council. Unless this amendment is agreed to, the others will not fit in.

The CHIEF SECRETARY: It may be advisable for me to deal with the principle involved in Mr. Baxter's proposals and to draw the attention of members to the large number of amendments he has on the notice paper, which will so vitally affect the object of the Bill. This is the first of a series of amendments designed to provide that the Bill, if agreed to in the amended form desired by Mr. Baxter, will apply only to those soldiers who are enrolled. I am sorry that Mr. Baxter should propose to amend the Bill to the extent that only those who are actually enrolled shall be entitled to vote. Apparently the hon. member considers that no-one else in any circumstance at all, quite irrespective of conditions that have prevented some from being enrolled, shall have a vote for this Chamber. I shall not quarrel with Mr. Baxter's opinions except to say that while it is perfectly true that the franchise for this Chamber is restricted, there must be hundreds of men in the Fighting Forces who, had they remained in civilian life, would not only have been qualified for enrolment as Legislative Council electors but would have been enrolled. We must remember that there is nothing compulsory about enrolment for this House. There must be hundreds of men in one or other of the Fighting Services who have married since the war commenced and who, in ordinary circumstances, would have been householders, or would have been owners of property or ratepayers.

If we accept Mr. Baxter's amendments, we shall intimate to all those men that, notwithstanding the fact that circumstances over which they have no control have prevented them from being enrolled, we do not propose to extend this privilege to them. I do not think that is right. Mr. Baxter may not agree with all the provisions of the Bill, but I should have thought he would be prepared to make some concessions to men who are fighting for the defence of this country. As I remarked in my reply to the second reading debate, surely men, particularly those who are married, who have been prepared to join the Forces and accept risks that may entail the sacrifice of all they possess and even their very lives, possess a qualification for enrolment as electors of this House to a much greater extent than a person who merely owns a block of land or rents a house!

Hon. E. H. H. Hall: He need only pay a small rent; about 6s. 6d. or 7s. per week.

The CHIEF SECRETARY: That is so.

Hon. C. B. Williams: If he could get a house.

The CHIEF SECRETARY: If we accept Mr. Baxter's amendments, we will say to such men that we are not prepared to give them the vote.

Hon. C. B. Williams: A naturalised Japanese can buy a block of land and get the vote, but we are not prepared to give the vote to our own people.

The CHIEF SECRETARY: This House has limited the voting concessions for the Legislative Assembly to members of the Fighting Forces who are 21 years or over, except in the case of those men who have gone oversea, in which case we say that all between 18 and 21 years of age shall be entitled to a vote for the lower House. I should have thought Mr. Baxter would have been prepared to agree to find ways and means whereby the right to vote in connection with this House should be given to men in that position.

Hon. C. B. Williams: The occupiers of some of the hovels in Roe-street can have the vote.

The CHIEF SECRETARY: If members look at the machinery amendments to be proposed by Mr. Baxter, they will see that he seeks to make it practically impossible for a large number of the soldiers to exercise the right to vote. I refer mainly to the fact that he desires that copies of all rolls shall be forwarded to all commanding officers wherever votes are to be taken, so that the officers concerned may check the rolls and supplementary rolls to make sure that soldiers are entitled to the vote.

Hon. C. B. Williams: That is not done anywhere else, not even in regard to postal votes.

The CHIEF SECRETARY: The Select Committee that inquired into the Electoral (War Time) Bill reported to the House that one of the great difficulties regarding the Assembly elections was the question of printing. It is granted that there will be no election for the Legislative Council within the next few weeks, but the point has already been made that the time between the closing of nominations and the return of the writ is really shorter in the case of Legislative Council elections than for the Legislative Assembly poll. Consequently, if there is any difficulty with respect to the time factor in connection with the Assembly elections, how much will that be emphasised in connection with the Legislative Council, seeing that both the ordinary rolls and the supplementary rolls, in addition to all other electoral matter, will have to be sent throughout the whole of Australia and the South-West Pacific zone, including New Guinea and the Solomons. That means that at least ten rolls will have to be sent to each commanding officer who is appointed a returning officer for the taking of perhaps a dozen votes. If that is Mr. Baxter's idea, I regret he should adopt such an attitude, and I hope the Committee will not agree with him. On a further amendment I propose to test the feeling of the Chamber as to whether members really believe that Mr. Baxter's proposals are, in all the circumstances, fair and equitable.

Hon. C. F. BAXTER: The Chief Secretary has spoken of what may be. Nobody can say whether a number of the men at the Front would be entitled to be on the Council roll. The Chief Secretary's great argument is that these amendments will not allow of a representative vote. The amount of printing, however, will be very small indeed. The rolls, their printing having been completed, can reach their destination in plenty of time for the officer in charge to have them early enough. It is not right for the franchise of this Chamber to be extended to children of 18 years. I should think the Chief Secretary would prefer a Bill giving the franchise to those qualified to vote, rather than see the Bill defeated.

Hon. C. B. WILLIAMS: I support the Chief Secretary. It would be much better if the second reading had been defeated, because that is Mr. Baxter's intention.

Hon. C. F. Baxter: No, not at all!

Hon. C. B. WILLIAMS: The hon. member wishes the Bill to be defeated. His amendments are intended for that purpose. The hon. member would give a vote to a naturalised Japanese in preference to giving it to a soldier of this country, and similarly as regards an Italian holding a block of land here. I know what the Chief Electoral Officer, when before the Select Committee, said about the printing of the rolls. The carrying of the amendment would mean the printing of at least 1,000 rolls, of which 100 or more returning officers would each have to receive 10 copies, plus 10 copies of all supplementary rolls.

The CHAIRMAN: The Chief Secretary has stated, as well as the hon. member, that copies of electoral rolls will have to be sent out. I do not see that.

Hon. C. B. WILLIAMS: I am not responsible for your eyesight, Sir! As regards possessing the right to vote, a man will simply go along to the returning officer and say, "I want to vote." I hope the Chief Secretary will have a show-down so as to show some members up!

The CHIEF SECRETARY: The first amendment proposes to delete the definition

of "discharged soldier." When speaking on that I took the opportunity to speak to the whole of the amendments. The last amendment on the notice paper deals with the matter of rolls, to which the Chairman said he had been unable to see a reference.

The CHAIRMAN: Not in the Bill as it stands.

The CHIEF SECRETARY: With regard to discharged soldiers, is it reasonable to assume that at any given time, not when a Legislative Council election is taking place, there would be a number of discharged soldiers in Australia who had not the opportunity of enrolling although they had the qualification for enrolment? Is it reasonable to say to those men that they should be entitled to vote? If the war should finish next week and an election for this Chamber take place in April, would it not be reasonable to assume that hundreds of soldiers moving about Australia were entitled to vote here but on account of their movements would be prevented from voting—that is, if Mr. Baxter's amendments were adopted? Even though members may not like the Bill in its entirety, I hope the Committee will go a little further than Mr. Baxter proposes.

Hon. H. S. W. PARKER: All soldiers upon discharge—unless discharged summarily, and these would be unpleasant persons—are given at least a month's leave, during which they are still soldiers though in civilian clothes. That would cover their opportunity of getting on the rolls. I do not see why a discharged soldier should receive some special privilege in this respect. Why should I be given a vote in a province for which I have not the qualification, merely because I happen to be a discharged soldier?

Hon. C. F. BAXTER: I desire to keep this Bill on the same level as that relating to the other Chamber, which expires on the 31st December, 1944. It has been suggested that it will not be necessary to have the rolls because all the votes must be returned to the Chief Electoral Officer. There will not be anything like the amount of printing that is involved in the case of the Assembly, because there will be no declarations. If this amendment is agreed to, I am of opinion that the result will be more satisfactory than if we take the vote in the same way as it will be in the Assembly election.

The CHIEF SECRETARY: I am advised that Mr. Baxter has not looked far enough ahead. He now considers it will not be necessary to send out rolls, which include supplementary rolls, which are usually printed at a very late hour. At present it would be almost impossible to have them printed even as early as usual. If it is decided not to send the rolls, then it will be necessary to have the declarations which Mr. Baxter has cut out, otherwise the commanding officer, who will be acting as returning officer, will not know how he stands, and when the votes are returned the Chief Electoral Officer would have nothing to indicate whether the people who recorded those votes resided in a particular province before enlistment.

Hon. C. B. Williams: He would not know who they were.

The CHIEF SECRETARY: That is so. The amendment must necessarily involve provision for similar declarations to those agreed to for the Legislative Assembly.

Hon. L. B. BOLTON: It seems to me that the number of discharged members of the Forces who would be affected would be very few. It could only apply to such members discharged between the date of the issue of the writ and election day. The position would not be as serious as suggested by the Chief Secretary. I support the amendment.

Hon. E. M. HEENAN: Unless we simplify this matter the Bill will be of little value. Members of the public generally do not understand the qualifications necessary to secure enrolment for a Legislative Council province. In the first place, enrolment is not compulsory. Very few people are capable of filling in the necessary card to make application. When one asks a person to have his name put on the roll he invariably says, "I am on." A tedious explanation has then to be made to show that he is wrong. This is a wartime measure and we should grant the vote to all male members of the Forces over 21 years of age. The great majority of those men if they were still in Australia would have one of the several qualifications to fit them for enrolment. The Committee would not be going too far if it adopted the general principle that this is a war measure by which we are going to extend a franchise to men over 21 years of age who are fighting for Australia, and that it is only for the period of the war. If the right to vote is hedged around with all sorts of qualifications it will be of no use to the soldiers or to the candidates contesting the

elections. I repeat that the majority, probably 80 or 90 per cent. of members of the Forces over 21 years of age, would be possessed of one of the qualifications for enrolment.

Hon. C. F. Baxter: About 20 per cent.

Hon. E. M. HEENAN: If I am wrong in that estimate, I will make the other point that they should be granted a vote for what they are doing.

Hon. T. Moore: That is the point.

Amendment put and a division taken with the following result:—

Ayes	.. .. ..	15
Noes	.. .. ..	9
Majority for	.. ..	6

AYES.

Hon. C. F. Baxter	Hon. H. S. W. Parker
Hon. L. B. Bolton	Hon. H. V. Plesse
Hon. Sir Hal Colebatch	Hon. H. L. Roche
Hon. J. A. Dimmitt	Hon. A. Thomson
Hon. E. H. H. Hall	Hon. F. R. Welsh
Hon. V. Hamersley	Hon. G. B. Wood
Hon. W. J. Mann	Hon. H. Tuckey
Hon. G. W. Miles	*(Teller.)*

NOES.

Hon. C. R. Cornish	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. T. Moore
Hon. F. E. Gibson	Hon. C. B. Williams
Hon. E. H. Gray	Hon. W. R. Hall
Hon. E. M. Heenan	*(Teller.)*

Amendment thus passed.

Hon. C. F. BAXTER: I move an amendment—

That after the definition of "Election" a new definition be inserted as follows:—"'Elector' means any person whose name appears on the electoral roll of a province as an elector."

There is a definition of "election" but not of "elector." This is necessary.

The CHIEF SECRETARY: This is one of the really vital amendments, because if it is agreed to it means, as I have already explained, that only those persons who have actually enrolled will be entitled to a vote. It will not matter what qualifications a soldier may have, he cannot vote if his name is not on the roll. He may have served for four years. In no matter what arm of the Forces a man is serving he should be given the opportunity to vote so long as he is qualified as an elector of this Chamber. That will not be possible under this proposed definition. They might have endeavoured to become enrolled, but been unsuccessful. If that is what members desire, I shall be very sorry. Men who have left Australia have not had the opportunity to become enrolled that they would have, had they remained civilians, and many hundreds of men will be deprived of the right to exercise the vote.

Hon. H. S. W. PARKER: I propose to move an amendment to Clause 4 to the effect that any soldier who is qualified shall have the right to vote. That is practically what the Minister desires. If a man has the qualification, he should have an opportunity to vote, provided it can be afforded him.

Hon. C. F. BAXTER: There are thousands of people in the State qualified to vote and not on the roll, and I do not think the soldiers will worry much about the vote. In matters of this sort we have to exercise great care. We cannot open up the qualification without running the risk of great danger.

Hon. F. E. GIBSON: I voted for the second reading with the object of giving qualified men who are away fighting an opportunity to vote. If I supported the amendment, I would be defeating that object.

Hon. V. HAMERSLEY: I support the amendment. We have never previously extended this right to an enrolled elector who was absent, say, in the Eastern States. Now we are asked to extend it to all the men of the Fighting Forces who have the qualification.

Hon. C. B. WILLIAMS: I oppose the amendment. Mr. Hamersley may be the oldest member of this Chamber and apparently he has not altered his view in 40 years.

The CHAIRMAN: Order! The hon. member is not entitled to make such an assertion.

Hon. C. B. WILLIAMS: Soldiers are defending the hon. member's home and broad acres, not because they are on a trip to the Eastern States, but because they have volunteered to fight for this country.

Hon. W. J. MANN: We should extend some consideration to members of the Forces who are qualified. I move—

That the amendment be amended by adding the words "or is qualified to be enrolled as an elector."

If those words were added, a declaration would be made by the applicant.

The CHIEF SECRETARY: There is no need for Mr. Mann's amendment provided we agree to accept the amendment that Mr. Parker has indicated he intends to move to Clause 4.

The CHAIRMAN: Who is going to substantiate an applicant's statement that he is qualified if he makes a declaration? It seems to me that we have to give him the

vote because he is a serving soldier or give him no vote at all.

Hon. T. Moore: That is the point—a serving soldier without other qualifications.

The CHIEF SECRETARY: Because there is difficulty in providing for a soldier who is qualified and not on the roll, we should endeavour to arrange for his having a vote. I would be prepared to accept "serving soldier" as a qualification save for the division taken a few minutes ago. When a man claimed the right to vote, he could declare the ground. If a man made a false declaration, that could not be helped.

The CHAIRMAN: He could only be qualified before he enlisted.

The CHIEF SECRETARY: He might have become an owner of property since. The fact that the matter presents difficulties should not prevent our trying to give a vote to qualified men.

Hon. H. S. W. Parker: There is no need for a definition of "elector."

Hon. W. J. MANN: If a man is sufficiently interested in the election and knows he has the qualification, he should have a vote. Let him make a declaration disclosing his qualification and all will be well. If it is proved that he has falsely attested he will be subject to a penalty. I see no difficulty in the matter.

Hon. T. MOORE: We had a number of electors at Youanmi and Mt. Magnet who were householders. They went away and on the day they enlisted they had the necessary qualification. I give that as an example. I oppose the amendment on the amendment and I suggest to the Committee that the only qualification necessary is that the voter shall be a serving soldier.

Hon. C. F. BAXTER: I am more than ever convinced that Mr. Moore is not right.

Hon. T. Moore: You would be disfranchising many soldiers.

Hon. C. F. BAXTER: No. In order that we shall pass a sound Bill, I ask the Committee to vote for the definition I propose.

Amendment on amendment put and a division taken with the following result:—

Ayes	10
Noes	14
Majority against	4

Ayes	
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. E. H. Gray	Hon. W. J. Mann
Hon. E. H. H. Hall	Hon. T. Moore
Hon. W. R. Hall	Hon. C. B. Williams
Hon. E. M. Heenan	Hon. F. E. Gibson (*Teller.*)

Noes	
Hon. C. F. Baxter	Hon. H. V. Piesse
Hon. L. B. Bolton	Hon. H. L. Roche
Hon. C. R. Cornish	Hon. A. Thomson
Hon. J. A. Dimmitt	Hon. H. Tuckey
Hon. V. Hamersley	Hon. F. R. Welsh
Hon. G. W. Miles	Hon. G. B. Wood
Hon. H. S. W. Parker	Hon. Sir Hal Colebatch (*Teller.*)

Amendment on amendment thus negatived.

Amendment put and a division taken with the following result:—

Ayes	13
Noes	11
Majority for .. .	2

Ayes	
Hon. C. F. Baxter	Hon. H. L. Roche
Hon. L. B. Bolton	Hon. A. Thomson
Hon. Sir Hal Colebatch	Hon. H. Tuckey
Hon. J. A. Dimmitt	Hon. F. R. Welsh
Hon. V. Hamersley	Hon. G. B. Wood
Hon. G. W. Miles	Hon. C. R. Cornish
Hon. H. V. Piesse	(*Teller.*)

Noes	
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. F. E. Gibson	Hon. T. Moore
Hon. E. H. Gray	Hon. H. S. W. Parker
Hon. E. H. H. Hall	Hon. C. B. Williams
Hon. W. R. Hall	Hon. W. J. Mann
Hon. E. M. Heenan	(*Teller.*)

Amendment thus passed.

Hon. C. F. BAXTER: I move an amendment—

That in line 2 of the definition of "Member of the Forces" the words "or has been" be struck out.

Amendment put and passed.

Hon. C. F. BAXTER: I move an amendment—

That in lines 3 and 4 of the definition of "Member of the Forces" after the word "commonwealth" the words "and who is or has been on active service during the present war" be struck out.

Amendment put and passed.

Hon. C. F. BAXTER: I move an amendment—

That after the definition of "Province" the following definition be inserted:—"'Qualified member of the Forces' means a member of the Forces who is serving with any unit within Australia or outside Australia, but within that portion of the South-Western Pacific Zone as may be proclaimed from time to time under the provisions of section four of the Commonwealth Defence (Citizen Military Forces) Act, 1943, and who is an elector."

It is necessary to have that definition in view of the amendments I shall subsequently move.

The CHIEF SECRETARY: We already have a definition of "Member of the Forces" and now Mr. Baxter wants to put in another definition. Why?

Hon. C. F. Baxter: Because it is used in all my amendments.

The CHAIRMAN: Mr. Baxter proposes that Clause 4 be struck out.

The CHIEF SECRETARY: All right, I will raise no objection now.

Hon. H. S. W. PARKER: Will Mr. Baxter tell me where the words "qualified member of the Forces" occur in the Bill?

Hon. C. F. Baxter: I did not say they occurred in the Bill but in the amendments I am going to move.

Amendment put and passed; the clause, as amended, agreed to.

Clause 4—Members of the Forces entitled to vote:

Hon. C. F. BAXTER: I have an amendment on the notice paper to delete this clause. Now that we have a definition of an elector as agreed to by the Committee there is no further need for this clause.

The CHAIRMAN: Members can vote *against* it.

Hon. H. S. W. PARKER: I have amendments on the notice paper which I expect are opposed to what has been carried. It was my desire to have all persons who were qualified given the opportunity of voting although they might not actually be on the roll. My amendments provide that soldiers who are qualified may vote. At present I think that only those on the roll can vote.

The CHAIRMAN: In view of what the Committee has done in inserting a definition of "Qualified member of the Forces" there is no alternative but to delete Clause 4.

The CHIEF SECRETARY: I suppose that to be consistent the Committee, having given more than one decision on the amendments moved by Mr. Baxter, should follow his amendments right through with the exception of those machinery amendments which may not be quite in accord with our views.

Hon. C. F. Baxter: This clause cannot be retained now.

The CHIEF SECRETARY: I do not raise any objection to its deletion. If it is of no use let us cut it out.

The CHAIRMAN: Mr. Parker's amendments do not now apply.

Clause put and negatived.

Hon. C. F. Baxter: I have an amendment to insert the word "qualified" before "members" in the heading appearing before Clause 5.

The CHAIRMAN: That is consequential, and will be made here and wherever necessary.

Clause 5—agreed to.

Clause 6—Action by Chief Electoral Officer:

Hon. C. F. BAXTER: I have an amendment on the notice paper to insert after the word "possession" in line 2 of Subclause (1) the words "a sufficient number of copies of the roll of each province, and such copies to include the names of all electors, if any, enrolled since the last print, and entitled to vote, and". I feel that the Committee may be able to simplify this amendment. I am not satisfied with the declaration system, which can open the way to a lot of trouble. We need to lessen expense and trouble and perhaps this amendment could be altered to do that.

Hon. Sir HAL COLEBATCH: I think Mr. Baxter will be well advised to withdraw his amendment.

The CHAIRMAN: I take it that Mr. Baxter has not moved it. The hon. member can speak to the clause and refer to what Mr. Baxter suggests. I will not regard the amendment as having been moved because we do not want to load up the minutes with amendments and withdrawals.

Hon. C. B. Williams: On a point of order, I object! If the amendments are not recorded they are not before us.

The CHAIRMAN: The hon. member will resume his seat. I am in the Chair.

Hon. C. B. Williams: I will soon move you out, if you are not in order!

Hon. Sir HAL COLEBATCH: We have decided who shall vote. Now the question is to decide how they shall vote. I do not think it is possible to send copies of the rolls to all returning officers. Therefore the system should be by means of declarations as in the case of the Legislative Assembly election. When the declarations come back the returning officer sees whether the man's name is on the roll.

The CHAIRMAN: Mr. Baxter's second amendment to this subclause to insert the word "qualified" before "members" in line 3 is consequential.

Clause put and passed.

Clause 7—Action by returning officer:

Hon. C. F. BAXTER: I have an amendment on the notice paper but in view of my amendment to Clause 6 not being satisfactory I do not know whether I should move the amendment to Clause 7.

The CHAIRMAN: I do not want to intrude into the debate but I would like to follow up what Sir Hal Colebatch said. The Committee has agreed to follow the machinery of the Assembly Bill. That is to say, by making a declaration, any member of the Forces may vote. That vote will be returned to the Chief Electoral Officer together with the man's declaration. It will be checked with the province roll and if the name does not appear thereon the vote will be ruled out. If we follow the procedure we adopted in connection with the Legislative Assembly Bill and adopt those that the Assembly has accepted, the position should be clarified.

Hon. C. F. Baxter: I have already explained that I do not intend to move the amendment about which you are concerned.

The CHAIRMAN: I ask Mr. Baxter to make himself au fait with all that has been done in the Assembly Bill and we can make the amendments as we go along.

Clause put and passed.

Clause 8—Action by commanding officer:

Hon. C. F. BAXTER: I move an amendment—

That in lines 2 and 3 of paragraph (a) the words "or non-commissioned" be struck out.

Amendment put and passed.

The CHAIRMAN: The clause will be consequentially amended in paragraph (a) by inserting in line 3 before the word "members" the word "qualified" and in line 4 of paragraph (c) by inserting after the word "hours" the word "qualified."

Clause, as amended, agreed to.

Clause 9—List of names of candidates to be posted:

The CHAIRMAN: A consequential amendment will be made in line 1 by inserting before the word "members" the word "qualified."

Clause, as consequentially amended, put and passed.

Clause 10—Manner of voting:

The CHAIRMAN: An amendment in line 1 of paragraph (a) of Subclause (1) to insert the word "qualified" before the word "members" will be made. This is consequential.

The CHIEF SECRETARY: It will be necessary to delete the reference to Section 4, which appears in paragraph (a).

The CHAIRMAN: That is consequential and will be made automatically. Another consequential amendment will be made in Subclause (2).

Hon. Sir HAL COLEBATCH: Before the consequential amendment to Subclause (2) is dealt with, I have an amendment to move in connection with the proviso to paragraph (a) of Subclause (1). I move an amendment—

That in lines 2 to 7 of the proviso to paragraph (a) of Subclause (1) the words "in which he ordinarily resided immediately prior to appointment or enlistment as a member of the Forces, or immediately prior to the third day of September, one thousand nine hundred and thirty-nine, as the case may be," be struck out, and the words "for which he is enrolled" inserted in lieu.

Amendment put and passed.

The CHAIRMAN: The consequential amendment that will be made in Subclause (2) appears in lines 1 and 2 in which the words "or non-commissioned" will be struck out.

Clause, as amended, agreed to.

Clauses 11 and 12—agreed to.

Clause 13—Scrutiny:

The CHAIRMAN: A consequential amendment will be made in line 4 of paragraph (a) by inserting the word "qualified" before the word "member."

Clause, as consequentially amended, put and passed.

Clauses 14 and 15—agreed to.

Clause 16—Voting by discharged member of Forces:

Hon. C. F. BAXTER: This clause and Clauses 17 and 18 will now have to be deleted.

The CHIEF SECRETARY: Unless the Chamber decides that no discharged soldier shall have a vote, there is no need for the remainder of this provision.

Clause put and negatived.

Clauses 17 to 20—negatived.

Clause 21—One vote only to be recorded:

Hon. Sir HAL COLEBATCH: Subclauses (1) and (2) should be deleted. There is no reason why a man possessing votes for two provinces should not exercise one of these votes.

On motions by Hon. Sir Hal Colebatch, clause amended by striking out Subclauses (1) and (2) and by striking out the words

"subject to this section" at the beginning of Subclause (3).

Clause, as amended, put and passed.

Clause 22—Voting by members of Civil Constructional Corps:

Hon. C. F. BAXTER: I move an amendment—

That all the words after the word "who" in line 9 of the clause be struck out, and the following inserted in lieu:—"is an elector may vote in accordance with the provisions of this Act, in so far as those provisions are applicable, as if he were a qualified member of the Forces."

Provided that in the case of any project, undertaking or work outside the State, the functions of a commanding officer and of a commissioned officer, as set out in Division (2) of this Act may be performed respectively by the engineer or other person in charge of the project, undertaking, or work, and by any person designated by him."

This will simplify matters for the Civil Constructional Corps, especially when the corps is outside the State.

Amendment put and passed; the clause, as amended, agreed to.

Clause 23—Voting by presiding officers and others:

Hon. C. F. Baxter: This clause will need to be consequentially amended.

The CHAIRMAN: That will be attended to.

Clause, as consequentially amended, put and passed.

Clauses 24 and 25—negatived.

Clause 26—Validity of election not to be challenged:

The CHAIRMAN: There will be a consequential amendment in line 5.

Clause, as consequentially amended, put and passed.

Clauses 27 to 30—agreed to.

Clause 31—Repeal of Subsection (3) of Section 2 of Franchise Act, 1916:

The CHAIRMAN: I hope members will strike out this clause.

Clause put and negatived.

Clause 32—Duration:

Hon. C. F. BAXTER: I move an amendment—

That the words "during the present war and twelve months thereafter" be struck out and the words "until the 31st December, 1944, and no longer" inserted in lieu.

This will be in keeping with the Assembly Bill.

Amendment put and passed; the clause, as amended, agreed to.

Schedule No. 1:

The CHAIRMAN: There will be a consequential amendment by inserting the word "qualified" in line 1 of paragraph 1.

Hon. C. F. Baxter: It is not necessary to do that.

The CHAIRMAN: This is where the Schedule does not square with that of the Assembly.

Hon. Sir Hal Colebatch: The word "qualified" is not required there.

The CHAIRMAN: Very well.

Hon. Sir HAL COLEBATCH: I move an amendment—

That in paragraph (2) the words "My ordinary place of residence immediately prior to my appointment or enlistment as a member of the Forces (or if appointed or enlisted prior to the 3rd September, 1939, immediately prior to that date) was at (here insert place of residence in full)" be struck out and the words "I am enrolled as an elector" inserted in lieu.

Hon. C. B. WILLIAMS: How could a soldier who has been away from the State for two years make a declaration that he was on the roll?

Hon. Sir Hal Colebatch: He would know whether he was on the roll.

Hon. C. B. WILLIAMS: He might have known when he left here.

Hon. Sir Hal Colebatch: Only in the event of his wilfully making a false declaration would he be committing an offence.

Amendment put and passed.

Hon. C. F. BAXTER: I move an amendment—

That in line 1 of paragraph (3) after the word "election" the words "for the province" be inserted.

Amendment put and passed; the schedule, as amended, agreed to.

Schedules No. 2 and 3—negatived.

Schedule No. 4:

On motions by Hon. Sir Hal Colebatch, schedule consequentially amended by striking out paragraphs (2) and (3) and by striking out of paragraph (4) all the words from the commencement down to the word "full" in line 4 and inserting the words "I am enrolled as an elector" in lieu; by striking out of line 4 the word "electoral"; and by inserting after the word "election" in line 1 of paragraph (5) the words "for the province."

Schedule, as amended, put and passed.

Title:

Hon. C. F. BAXTER: It is necesary to amend the Title. I move an amendment—

That the words "for the duration of the present war and twelve months thereafter" be struck out.

Amendment put and passed.

On motion by Hon. C. F. Baxter, Title further consequentially amended by inserting before the word "members" the word "qualified."

Title, as amended, agreed to.

Bill reported with amendments and amendments to the Title, and the report adopted.

BILL—LOAN, £350,000.

Received from the Assembly and read a first time.

BILL—MOTOR VEHICLE (THIRD PARTY INSURANCE).

Second Reading.

Debate resumed from the previous day.

HON. A. THOMSON (South-East) [10.1]: It is a remarkable coincidence that on three occasions a Bill similar to this should have reached this Chamber in the closing hours of the session. Still more remarkable, in my opinion, is the fact that, in introducing a measure of this character, it has been considered necessary to follow closely legislation which has been passed in other States. One of the proud boasts of the Trades Hall and of various unions, as well as of the Government, is that as far as possible everything should be done departmentally or at least on the day-labour principle, with the idea of avoiding increased expense and unnecessary profits. It is considered by them that private enterprise has no thought in these matters but to make a profit. That might be all right so far as this Bill is concerned were the insurance not being made compulsory. Under this Bill every owner of a motor vehicle will be obliged to insure against third-party risk and in that respect the measure is long overdue.

When one bears in mind that the Government had before it the report of a Select Committee that inquired into this matter and made recommendations upon the sworn evidence of insurance experts, it seems remarkable that such recommendations were not adopted. Evidence was given by no fewer than three managers of insurance companies to the effect that were they given the sole responsibility of managing this insurance business by the creation of a pool, they would guarantee that the administrative costs would not exceed 10 per cent. of the premiums. One of the witnesses went so far as to say that he would like the opportunity to undertake the business and that if he could secure it for himself he would not want another job in his lifetime. Sworn evidence was also given to the Select Committee by the managers of insurance companies to the effect that the companies could not administer this class of business under an expense ratio of 30 per cent. In the measure before us, we find the Government is apparently prepared to mulct motorcar and truck owners of an additional 20 per cent. by way of premiums, if we take into consideration the fact that the business could be done upon a 10 per cent. basis. I take strong exception to that and I hope this House will refer the Bill back to the Government with a request that it consider the evidence submitted to the Select Committee and frame a Bill on the lines of the recommendations of that committee.

The Select Committee strongly recommended that when motor licenses were issued they should bear a notification that the owner of the vehicle was covered by insurance against third-party risk. The Bill provides for a penalty of £100 if a vehicle remains uninsured, but what benefit would that be to an injured person should the driver of the vehicle prove to be a man of straw? In the metropolitan area all the motor vehicle licenses are issued by the Traffic Department and consequently there should be no difficulty in arranging for a man to pay his insurance against third-party risk at the time he obtains his license. The same remark applies to country districts, where the road boards issue the licenses. An enormous saving would be made in that way.

Hon. W. J. Mann: It would be done automatically.

Hon. A. THOMSON: And at no extra expense. If the Bill passes, the agents of the insurance companies would be chasing this business for which, of course, they would receive a commission varying from 5 per cent. upwards. I desire to quote from the report of the Select Committee of the Legislative Council on third-party risks under the Traffic Act. The committee took evi-

dence in 1940. On page 3 of the report the following appears:—

The North Island (N.Z.) Motor Union (the parent body of the Automobile Association operating in the North Island of New Zealand) indorsed a proposal for the establishment of a mutual company to insure members of the Automobile Association. The initial funds of the company consisted of just under £250, subscribed by 42 enthusiasts in sums of £5 and five guineas as an advance payment in respect of their first insurance premium . . . In 1929 the net premium income was £12,357 and the net profit £1,962, while the value of the assets was £8,638.

There was a steady increase in the income and in the profits. In 1935 the net premium income was £86,076, the net profit £12,836, and the value of the assets £124,088. That union was able to reduce its premium charges to those who were insured under the compulsory system. Mr. Zehnder, secretary of the Royal Automobile Club, told the Select Committee that no-one should be allowed to make a profit from this insurance. That is the principle for which I was fighting. Mr. Zehnder also said that everything could be conducted by a board, and that the club's insurance pool comprised of tariff companies was able to save 20 per cent. to its members.

I point out to the House this measure is not in the interests of the motor vehicle owners in this State. I am not blaming the Minister for Works, because, after all, it is a matter of policy; yet it seems to me that his department is afraid to launch out and break fresh ground. We have the sworn evidence of experts. Mr. Forsaith, representing Harvey Trinder & Co., told the Select Committee that there would be no difficulty in arriving at the premiums to be charged and that the administrative costs should not exceed 10 per cent. Mr. Lenox, of Bennie S. Cohen & Son (W.A.) Ltd., said that he would willingly run the pool for 10 per cent.: as a private individual he approved, but as an insurance man he did not like compulsory insurance.

Hon. G. W. Miles: Did the tariff companies say they wanted 30 per cent.?

Hon. A. THOMSON: That is the sworn evidence submitted. Personally, I do not think much harm would be done if the measure were deferred; the motor vehicle owners would certainly be saved a considerable sum of money. The Select Committee's recommendations were—

That legislation be brought in immediately to provide for a Compulsory Co-operative Pool to be administered by an advisory body of three persons, one to be appointed by the Government, who shall act as chairman; one representing the motorists; one representing the public and experienced as an insurance underwriter.

I would commend to the Government this passage from the committee's report—

The reasons for the Committee's recommendations are based on the following overwhelming evidence which has been submitted: That a pool as proposed by your Committee should be established and should be administered at a maximum cost of 10 per cent.

We have no evidence as to what the scheme under this Bill will cost, but we have sworn evidence by expert insurance men that they will guarantee that it could be done under a pool for ten per cent. and probably less.

Hon. G. W. Miles: Does not this Bill exclude those two?

Hon. A. THOMSON: They are not included under the Bill.

Hon. G. Fraser: Who did you say was not included?

Hon. A. THOMSON: Harvey Trinder and Bennie S. Cohen.

Hon. E. H. H. Hall: I understand they could do the business.

Hon. A. THOMSON: They are not provided for in the Bill.

The Honorary Minister: They were overlooked.

Hon. A. THOMSON: That justifies my suggestion that the Bill be referred back to the Government for further consideration and that attention should be given to sworn evidence by experts. It is true that fresh ground would be broken, but the rest of Australia would be shown how to save money as has been done in New Zealand and by the co-operative pool of the Royal Automobile Club.

Sitting suspended from 10.20 to 10.50 p.m.

HON. SIR HAL COLEBATCH (Metropolitan): I sympathise entirely with Mr. Thomson. I do not know what excuse the Government has for producing an important measure of this kind in the closing hours of the session. The same thing was done in the closing hours of last session. At the same time I do not know exactly what Mr. Thomson implies when he suggests referring the Bill back to the Government. Is it intended as a polite form of rejection? I do not think there is any provision in the Standing Orders for any action of that kind. Last

session we applied a polite form of rejection by carrying a motion "that the Bill be read a second time this day six months." But I feel that the chief objection to the Bill introduced last session has been removed. Last session it was intended that third-party insurance should be a monopoly of the Government.

During the last couple of days I have had a good look through the Bill. It is quite certain that we have not got the time that is necessary to make sure that we are passing a good Bill, but for my own part I intend to vote for the second reading. I have placed on the notice paper certain amendments—some of them rather important, others intended chiefly to bring about uniformity. It is recognised as a good practice in Bills that where two clauses mean the same thing, the same words should be used. That is a practice which has not been entirely followed. I should think the success or otherwise of this Bill will depend largely on the clause proposing the formation of a committee to check premiums and all that sort of thing. I do not think there is any reason to suggest that the insurance companies are not willing to co-operate fairly with the Government in endeavouring to make the measure a success. I shall support the second reading.

HON. G. FRASER (West): I support the Bill. I can quite understand Mr. Thomson being disappointed at the fact that the Select Committee's recommendations were not embodied in the measure presented to Parliament. However, we have to deal with the Bill we have before us; and I believe this measure will prove a very good Act. Mr. Thomson mentioned the names of several gentlemen who gave evidence before the Select Committee regarding this matter, and said "they would be excluded from this Bill." However, only during the last day or two I have had conversations with one or two of those men, and they say that this will be a very good Bill. Certain amendments are needed, but with their inclusion the Bill will be one of which we may be proud. Some 10 or 12 years ago I first introduced the subject of third-party insurance to this Chamber, because of the number of accidents brought to my notice where persons injured had no hope of receiving compensation seeing that the persons responsible for the accidents were men of straw.

Hon. G. B. Wood: Why depart from the Select Committee's report?

Hon. G. FRASER: I do not know. I am not the Government. I believe Mr. Thomson will also support the Bill, as he is a very keen advocate of this type of insurance. I feel sure that if the hon. member has examined the Bill closely——

Hon. A. Thomson: I have studied it very closely.

Hon. G. FRASER: —with one or two amendments that are suggested, he will be well satisfied with the measure. The idea of the pool arose mainly in connection with the cost. We thought that the pool system would probably result in a charge of about £1 for a single car. I believe that what the Bill proposes will bring the cost very near that figure.

Hon. G. B. Wood: I was hoping you would criticise the Government for not introducing a pool.

Hon. G. FRASER: Destructive criticism does not get us anywhere when we are after a particular object. I believe the Bill will provide something on the lines of what the Select Committee desired. The proposal is to form a committee which will arrive at the price. I believe the constitution of that committee will be something on the lines the Select Committee had in mind when it recommended a pool. From my own knowledge of third-party business and from conversations with insurance men who know something about the matter, I feel sure that if the Bill is carried——

Hon. A. Thomson: It will be a good thing for the insurance companies!

Hon. G. FRASER: No. It will achieve the object Mr. Thomson, I and many others have been desirous of achieving for many years. I support the second reading.

HON. H. S. W. PARKER (Metropolitan-Suburban): I have pleasure in supporting the Bill, which I consider to be very essential. I regret, however, that it does not cover damage to property. There are a great many instances of careless driving and of irresponsible drivers getting hold of motor-cars and causing a good deal of damage to other cars and to property generally. However, this Bill is a step in the right direction providing, as it does, compulsory insurance against injury caused to other people.

HON. G. B. WOOD (East): I rise to make a protest. I would like to know why the Government did not follow the recom-

mendations of the Select Committee. The committee took a tremendous volume of expert evidence, and one recommendation was that a pool should be formed. The committee was told by experts that the costs would be low if such a pool were formed. However, I suppose this is the next best thing, and I support the second reading.

HON. L. B. BOLTON (Metropolitan): I desire to support the remarks of my colleague, Sir Hal Colebatch. I opposed the Bill strongly on the last occasion, because it gave the State Government Insurance Office a monopoly. On this occasion that objection has been removed, and I have pleasure in supporting the second reading.

THE HONORARY MINISTER (in reply): While I do not object to Mr. Thomson expressing an opinion on this Bill, his remarks are liable to leave a false impression. He criticised the department. It is not the department's fault; it is a matter of Government policy. I would like shortly to review the history of this matter to show that the Government has endeavoured in the past to have third-party insurance introduced, but this House has rejected the proposals. The first Bill was introduced in 1938. It reached the second reading stage but was not agreed to. It provided for the insuring authorities to be any person or association of persons carrying on the business of insurance. The 1939 Bill provided for the work to be undertaken by approved insurance officers and the State Insurance Office. This Bill lapsed because the Council refused to give power to the State office to undertake all classes of motor vehicle insurance while third-party insurance was compulsory.

The 1941 Bill provided that the State Insurance Office was to have a monopoly of compulsory third-party insurance, with power to undertake all classes of motor vehicle insurance. That was defeated in this Chamber, which objected to the State office undertaking the business, and refused to give it the necessary power. All along the Government has maintained that an organisation was already in existence—the State office—to do the work efficiently and cheaply. This is a compromise Bill, which includes all insurance companies and the State Insurance Office. The amendments placed on the notice paper by Mr. Craig and Sir Hal Colebatch will be accepted, and I think will improve the Bill. The main provisions of the measure are well known to all members. They have been discussed on several occasions and we should lose little time in passing the Bill through Committee. As Sir Hal says, the main principle is contained in the provision for the appointment of a premiums committee which will consist of representatives of the insurance companies together with representatives of the Government and motor interests.

Question put and a division taken with the following result:—

Ayes	..	..	19
Noes	..	..	3
Majority for	.	..	16

AYES.

Hon. L. B. Bolton	Hon. W. R. Hall
Hon. Sir Hal Colebatch	Hon. E. M. Heenan
Hon. J. Cornell	Hon. W. H. Kitson
Hon. C. R. Cornish	Hon. G. W. Miles
Hon. L. Craig	Hon. H. S. W. Parker
Hon. J. A. Dimmitt	Hon. H. V. Piesse
Hon. J. M. Drew	Hon. H. Tuckey
Hon. G. Fraser	Hon. G. B. Wood
Hon. F. E. Gibson	Hon. F. R. Welsh
Hon. E. H. Gray	*(Teller.)*

NOES.

Hon. E. H. H. Hall	Hon. A. Thomson
Hon. V. Hamersley	*(Teller.)*

Question thus passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Interpretation:

Hon. Sir HAL COLEBATCH: I move an amendment—

That in line 3 of the definition of "motor vehicle" after the word "used" the words "on roads" be inserted.

This amendment is to make it clear that there is no intention to cover motor boats or aircraft.

Amendment put and passed.

Hon. Sir HAL COLEBATCH: I move an amendment—

That in line 5 of the definition of "motor vehicles" the word "or" be struck out.

Amendment put and passed.

Hon. Sir HAL COLEBATCH: I move an amendment—

That at the end of the definition of "motor vehicle," the following words be added: "any farm tractor which is not used on a public road or any kind of aircraft."

I was under the impression that the use of the words "on roads" would have been sufficient to exempt aircraft, but I was told that it was advisable to state specifically that aircraft are not included.

The HONORARY MINISTER: I would suggest that the words "intended for air navigation" be added to the proposed amendment.

Hon. Sir Hal Colebatch: Very well.

The CHAIRMAN: The amendment will now read—

That the words "any farm tractor which is not used on a public road or any kind of aircraft intended for use in air navigation" be added.

Amendment put and passed.

Hon. L. CRAIG: I move an amendment—

That in line 1 of the definition of "policy of insurance" after the word "note" the words "and/or certificate of insurance" be inserted.

There are certain insurers operating in Perth who are not members of the Underwriters' Association. These insurers include Lloyds, Harvey Trinder and other English companies. Instead of issuing a cover note they issue a certificate of insurance. It is for that reason that I move the amendment.

Amendment put and passed.

Hon. Sir HAL COLEBATCH: I move an amendment—

That in line 4 of the proviso to Subclause (3) the words "who has" be struck out and the words "if such insurer had" inserted in lieu.

It is considered that this amendment will make the meaning clearer.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 4 and 5—agreed to.

Clause 6—Requirements in respect of policies:

Hon. Sir HAL COLEBATCH: It is a recognised principle to use the same words to describe the same thing. I move an amendment—

That in line 1 of Subclause (2) (b) (i) the word "relation" be struck out and the word "relative" inserted in lieu.

The HONORARY MINISTER: I have no objection to the amendment, although I have been advised that it is unnecessary.

Amendment put and passed; the clause, as amended, agreed to.

Clause 7—Liability of insurers:

Hon. Sir HAL COLEBATCH: I move an amendment—

That in line 8 of Subclause (7) (a) the word "for" be struck out and the words "in respect of contracts or policies of" inserted in lieu.

That is the expression used in other clauses for the same purpose.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 8 to 13—agreed to.

Clause 14—Emergency treatment and hospital treatment when motor vehicle uninsured:

Hon. Sir HAL COLEBATCH: I move an amendment—

That in line 1 of Subclause (1) the word "when" be struck out and the word "where" inserted in lieu.

The word "where" is used over and over again in the same sense.

The HONORARY MINISTER: My advice is that "when" is a more direct word to use.

Hon. Sir Hal Colebatch: Then why not use it in other places?

Amendment put and passed; the clause, as amended, agreed to.

Clauses 15 to 25—agreed to.

Clause 26—Appointment of committee to make inquiries, etc.:

Hon. L. CRAIG: I move an amendment—

That Subclause (3) be struck out and a new subclause as follows inserted:—

(3) (a) The members referred to in paragraph (c) of the last preceding subsection shall be appointed after consultation with such body or bodies as in the opinion of the Minister, represent the interests of owners of motor vehicles.

(b) The members referred to in paragraph (d) of the last preceding subsection shall be appointed from a list of persons compiled from names submitted by approved insurers each approved insurer having the right to submit the name of one such person.

The amendment is self-explanatory.

The HONORARY MINISTER: There is no objection to the amendment, which will improve the clause.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 27 to 29, Title—agreed to.

Bill reported with amendments, and the report adopted.

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.

Second Reading.

Debate resumed from the 5th October.

HON. W. J. MANN (South-West) [11.45]: I consider that this Bill is one to which full consideration should be given. I shall be glad to hear a little more regarding the provisions of the measure before I decide whether I can support it or not. That is all I have to say at the moment.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 2:

Hon. Sir HAL COLEBATCH: The question which arises here is whether the Government should have its insurance powers extended. In view of the Bill we have passed, it is necessary that those powers should be extended to cover third-party insurance. Now it is for us to consider whether we are to make a further extension to cover all business. I see no need for such extension. I move an amendment—

That proposed new paragraph (b1) be struck out, and the following words inserted in lieu:—"in relation to insurance under the Motor Vehicle (Third Party Insurance) Act, 1943."

Hon. L. CRAIG: I do not think it is quite fair to ask the State Insurance Office to accept only third-party business, without being able to insure motor cars for other risks. Nor is that quite fair to motor car owners who want to insure their cars in the same office as that in which they took out their third party insurance. It would mean that the State Insurance Office would get practically no motor car insurance whatever. We have agreed that the State office should be entitled to participate in third-party insurance, and it is only fair that the office should be entitled to do ordinary insurance as well. It is getting no preference whatever.

Hon. G. FRASER: I know that Sir Hal does not want to be unfair to the State Insurance Office. There is nothing in the other measure which has been mentioned that would compel other insurance companies to accept third-party insurance and any person. The Select Committee had evidence that there were numbers of people whom the ordinary insurance companies would not accept. The State office would be in a different position; it would not be able to refuse to insure those people and so it would be forced to take all the bad cases which the insurance companies did not want. That is unfair and, in my opinion, it is the main objection to the amendment.

Hon. L. B. BOLTON: While there may be some justification for Mr. Craig's remark, the Bill is identical with that introduced in the Assembly in 1941 and it contains provisions for the extension of the activities of the State Insurance Office; in other words, it is an extension of State trading. I therefore support the amendment.

Amendment put and negatived.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

Bill read a third time and *passed.*

BILL—COMPANIES.

In Committee.

Resumed from the previous day. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 256—Notice by liquidator of his appointment:

The CHAIRMAN: Progress was reported after Clause 255 had been agreed to.

The CHIEF SECRETARY: I move an amendment—

That a new subclause be inserted as follows:—

(2) (a) The notice shall state the situation of his office, and notice of any change thereof shall be given by him within twenty-one days of such change.

(b) Service made at such address shall be deemed good service on him and on the company."

When a company goes into liquidation, a liquidator is appointed. He may be a professional man who from time to time may change his address, and I understand that frequently there is difficulty in ascertaining his address for service of notices. If the amendment is passed, the work of the Registrar of Companies will be facilitated.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 257 to 269—agreed to.

Clause 270—Priority of Crown in winding up preserved:

Hon. H. S. W. PARKER: I move an amendment—

That in lines 4 to 6 of paragraph (a) of the proviso the words "under the provisions of the State Trading Concerns Act, 1916," be struck out.

We have recently passed a measure for the establishment of an industry which will be carried on by the State but which will not be a State trading concern. I therefore think the amendment will have the effect of making the provision somewhat wider.

The CHIEF SECRETARY: The object of the paragraph the hon. member desires to amend is to take away the priority of the Crown in regard to Crown debts.

Hon. H. S. W. Parker: As regards trading concerns.

The CHIEF SECRETARY: Yes. Owing to the State trading concerns which are engaged in commercial activities, and particularly when they are in competition with private concerns, I should have thought that Mr. Parker would agree that this provision is quite desirable.

Hon. H. S. W. PARKER: I agree with the principle. But take the wood distillation and charcoal iron and steel industry. That does not come under the State Trading Concerns Act, and by leaving these words out the provision is broadened. It should not be confined merely to those concerns under a particular Act. I want it to apply to all State trading concerns, whether under the Act or not.

The CHIEF SECRETARY: I must ask that the words be left in. Otherwise there is likely to be argument as to what is a State trading concern. The provision defines the matter. If these words are taken out there will be disputation. I am reminded by the Solicitor General that the State Trading Concerns Act provides that no State trading concern may be established except by Act of Parliament.

Hon. H. S. W. Parker: But that has been over-ridden with regard to the wood distillation industry.

The CHIEF SECRETARY: If that is so, the provision is limited to those that come under the State Trading Concerns Act.

Hon. H. S. W. PARKER: I desire all State trading concerns to be on the same footing as other traders. To leave the words in is to narrow the measure down to the Government activities that come directly under the Act. Surely this wood distillation industry is a State trading concern.

The Chief Secretary: The Act specifically says it is not.

Hon. H. S. W. PARKER: Never mind what the Act says; in fact, it is.

Hon. L. CRAIG: There is some sound reasoning in Mr. Parker's contention. If the words are left in, certain trading concerns are defined and not others, and there may be some doubt about the wood distillation industry. If these words are taken out, the provision will include everything that might be classed as a State trading concern, and all those concerned will have no priority.

The CHIEF SECRETARY: I am advised that if any doubt arose the position would have to be settled in court. It is better to know where we stand. With regard to the concern mentioned by Mr. Parker, there is specific provision in the Act governing it that it is not a State trading concern. Wherever it is a question of liquidation, the liquidator can get a decision only by referring the matter to the court. Why should we put people to all this trouble when there is no need for it?

Hon. H. S. W. PARKER: As the provision stands only those concerns under the State Trading Concerns Act are deprived of the priority. This wood distillation concern will have priority.

Amendment put and negatived.

Clause put and passed.

Midnight.

Clauses 271 to 328—agreed to.

Clause 329—Registration and documents to be delivered to registrar:

Hon. H. S. W. PARKER: I move an amendment—

That in lines 8 to 10 of paragraph (c) of Subclause (1) the words "where there are directors in this State a memorandum shall be attached to the said list stating the powers of the local directors" be struck out.

I do not know the object of these words. The local directors would look after the affairs of the company in Western Australia. Although this provision is in the New South Wales Act I cannot see any object in it. Companies should not be put to the expense of submitting this document.

The Chief Secretary: What would be the expense?

Hon. H. S. W. PARKER: It would entail some work which would be charged for. This would be a stereotyped form stating that their duties are to look after the affairs of the company in Western Australia and all other matters relevant thereto.

The CHIEF SECRETARY: This is inserted for the protection of the public, so that any prospective shareholder or creditor may get the information locally instead of having to apply to the head office outside the State, which might refuse to give the information and thus cause a creditor a tremendous amount of trouble. If there is any strength in what Mr. Parker said, that he does not know what good it will do, there is more strength in the argument that it will do no harm.

Hon. H. S. W. Parker: What are the powers of directors? To sign cheques.

The CHIEF SECRETARY: Their powers might be limited or unlimited.

Hon. H. S. W. Parker: Does it matter?

The CHIEF SECRETARY: I have not had experience of it, but I can imagine that it might. As well as being in the New South Wales Act, this is in the South Australian Act. Such information might be the determining factor for a creditor or other person.

Hon. L. CRAIG: I agree with Mr. Parker. I cannot see how one could define the powers or duties of a local director. I am the local director of a company, and to set out my powers or duties would be most difficult. Whatever I did, the principal board would have to stand by me as its agent.

Hon. J. A. Dimmitt: No powers have been set out.

Hon. L. CRAIG: No, but anything done by me must be accepted by the principal board.

The CHIEF SECRETARY: Suppose the director exceeded his powers and the company refused to accept the responsibility and threw it back on the local director, what would be the position? The principal board might reserve to itself the right to give decisions on certain matters.

Hon. H. S. W. PARKER: If such a memorandum were filed and the director exceeded his powers, the position would be the same. The essential thing with a foreign company is the registration of a power of attorney given to an individual in the State. The attorney is the official, and he exercises the power set out in his power of attorney. The memorandum could only contain something indefinite such as "to assist the company in its transaction of business."

The CHIEF SECRETARY: It is strange that South Australia and New South Wales have seen fit to include a similar provision. The attorney would not be able to over-ride the directors, who are the men that exercise the power.

Hon. H. S. W. PARKER: Whenever a company changes its manager, it is necessary to re-file quite a number of documents. The attorney is the important man. The directors simply assist and advise the manager. The directors have no power other than what the principal board cares to give them from time to time.

The Chief Secretary: Well, let us have those powers stated.

Hon. J. A. DIMMITT: The somewhat overdrawn picture produced by the Chief Secretary simply could not exist in reality. A local director is selected for his ability and reliability, and any action taken by him is supported by the central board. I have never known a central board not to confirm the action of a local director.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 330 to 333—agreed to.

Clause 334—Companies to file balance sheets:

Hon. J. A. DIMMITT: I move an amendment of which notice has been given by Mr. Baxter—

That a new subclause be added as follows:—"(4) This section shall not apply to any company which by the law in force in the country or State where it was incorporated is not required to publish its balance sheet."

THE CHIEF SECRETARY: There is not very much objection to the amendment, but I do desire that we should be quite logical. If Mr. Dimmitt would agree to substitute for the word "publish" the words "filed with a registrar", I could accept the amendment.

Hon. J. A. Dimmitt: Very well.

The CHIEF SECRETARY: I move—

That the amendment be amended in the last line by striking out the word "publish" and inserting the words "filed with a registrar" in lieu.

Amendment on amendment put and passed; amendment, as amended, agreed to.

Clause, as amended, put and passed.

Clauses 335 to 356—agreed to.

Clause 357—Dividends—how payable:

Hon. H. S. W. PARKER: An amendment should be inserted to strike out the word "notified" with a view to inserting the words "forwarded by cheque or dividend warrant." The provision is an extraordinary one. There may be only one shareholder in the State, yet notice of the dividend has to be advertised in the paper and a letter sent to the shareholder, who has to go to the registered office of the company to collect the money. That provision is contained in our existing Act.

The CHIEF SECRETARY: The amendment Mr. Parker has indicated is one of a series which will alter the clause materially. As Mr. Parker said, the clause appears in the existing Act.

Hon. L. Craig: But it is not being observed.

The CHIEF SECRETARY: I am advised that the intention is to protect the company.

Hon. J. A. Dimmitt: Against what?

The CHIEF SECRETARY: The shareholder is notified that a dividend is payable. He can request the company to forward it to him by post, and if he does so he accepts the responsibility for the money being sent to him in that way.

Hon. L. CRAIG: The clause should not appear in the Bill. In the first place, dividends do not accrue, unless they are preference dividends. In the second place, the shareholder receives a notice of the meeting of the company, together with a profit and loss account and balance sheet.

Hon. J. A. Dimmitt: And an agenda notifying that a dividend is to be paid.

Hon. L. CRAIG: After having received that notice, the shareholder must go to the registered office of the company to collect the dividend. The provision is obsolete. Today a cheque or dividend warrant is posted to a shareholder. It contains a receipt form which the shareholder must sign.

The Chief Secretary: Suppose the cheque got into the hands of the wrong person and he collected the money?

Hon. L. CRAIG: He would have committed a crime. The Committee would be well advised to vote against the whole clause.

Hon. E. M. HEENAN: I frequently notice in the "Kalgoorlie Miner" advertisements stating that a dividend is payable by a company and that cheques can be obtained at the registered office of the company. I am sorry to hear that companies down here do not comply with the law. They do so on the Goldfields.

Hon. L. CRAIG: With no-liability companies it is different. Scrip changes hands and very often it is not known to whom the money should be sent. The name on the register is often not the name on the scrip at all.

The CHIEF SECRETARY: This is for the protection of the companies. If they are prepared to give away that protection I will raise no further objection. I am more concerned about the public.

The CHAIRMAN: The Committee had better decide whether it wants this clause or not.

Hon. L. CRAIG: I would like to move that the clause be struck out.

The CHAIRMAN: The hon. member cannot do that. He had better vote against the clause.

Clause put and negatived.

Clauses 358 to 361—agreed to.

Clause 362—Appointment of receivers:

Hon. L. CRAIG: I move an amendment—

That a new subclause be added as follows:—"(5) Nothing in this section shall disqualify a body corporate from acting as receiver as aforesaid provided such body corporate has by statute been empowered so to do."

I am sorry that this amendment was not put on the notice paper. I intended to take that course but I discussed it with the Chief Secretary and it was agreed that the amendment was not necessary. Since then it has been decided that it is advisable to insert it. This Bill says that a company may not as liquidator take over the assets of another company. The W.A. Trustee Company and the Perpetual Trustee Company have been authorised to take over the assets of companies in liquidation but it is necessary to make quite certain of their position by including this provision.

The CHIEF SECRETARY: This is a question of making doubly sure and I have no objection to the amendment.

Hon. G. W. MILES: I want to protest against amendments not being on the notice paper. Mr. Craig and the Chief Secretary confer and decide, but this Committee should have some say in what is transacted. This has been sprung on us at a quarter

to one in the morning. I hope that in future amendments will be put on the notice paper.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 363 to 432—agreed to.

Postponed Clause 24—Registration:

The CHIEF SECRETARY: I move an amendment—

That in line 2 of Subclause (1) after the words "Registrar, and" the words "subject to this Act and on payment of the prescribed fees" be inserted.

Hon. L. Craig: What is the object of the words "subject to this Act"?

The CHIEF SECRETARY: The next proposed amendment must be read in conjunction with this. It is a very long one, and deals with the question of caveats. Fees will have to be paid and, if we agree to the second amendment, it will also be necessary to have these words inserted.

The CHAIRMAN: I hope members will read the subsequent amendment because I am not going to. It has been on the notice paper for a fortnight.

Hon. G. W. Miles: It was published in the Press.

Amendment put and passed.

The CHIEF SECRETARY: The idea of the second amendment I am about to move is to prevent firms or persons from floating companies and then transferring their assets to such companies unknown to their creditors, and for other purposes to prevent frivolous or malicious caveats. As a result the amendment provides that the judge may order payment of compensation by the caveator where he considers that the caveat is being lodged without reasonable cause. I move an amendment—

That a new subclause be added as follows:—

"(3) (a) The Registrar shall not register a company—

(i) unless a promoter or proposed director of the company makes application in writing, in the prescribed form and containing the prescribed particulars, to the Registrar for registration of the company; and

(ii) unless at least twenty-one days before the proposed date of application a notice of intention, in the prescribed form and containing the prescribed particulars, to apply for registration of the company, signed by such promoter or proposed director, has been lodged with the Registrar and a copy of such notice advertised in a daily morning newspaper published in Perth and generally circulating throughout Western Australia and in a newspaper generally circulating in the locality, if other than Perth, where the registered office of the company is proposed to be situated; and

(iii) unless a caveat has not been lodged with the Registrar before the proposed date of application or unless, if any caveat has been so lodged, the same has been removed or withdrawn.

(b) The Registrar shall cause a book to be kept wherein every such notice shall be entered and such book and the notice therein shall be open to the inspection of any person upon payment of a fee of two shillings.

(c) Any person may at any time before the proposed date of application, on payment of the prescribed fee, enter a caveat against the registration of the company as being likely to hinder, defeat or delay any claim of the caveator against any person.

(d) Every such caveat shall be in the prescribed form or to the like effect.

(e) Upon the receipt of any such caveat the Registrar shall cause a copy thereof to be posted to the promoter or proposed director giving notice of intention to apply as aforesaid.

(f) Such promoter or proposed director or any other person interested in the registration of the proposed company may summon the caveator before a judge in chambers to show cause why the caveat should not be removed; and upon the return of such summons the judge shall hear and determine whether the registration of the proposed company is likely to hinder, defeat or delay any claim of the caveator against any person, and in such determination may direct upon what terms and conditions the registration of the company can be proceeded with.

(g) If on the hearing of such summons it appears that the registration of the proposed company is likely to hinder, defeat or delay any claim of the caveator against any person, the judge may make an order directing that the company shall not be registered until the said terms and conditions are complied with; but if it does not so appear, the judge may order the caveat to be removed, and upon the service of the order on the Registrar he shall remove the caveat therein mentioned.

(h) The caveator may withdraw his caveat at any time by giving notice to the Registrar that he withdraws such caveat.

(i) If after the terms and conditions aforesaid are complied with the caveator refuses to withdraw his caveat or to sign an application for the withdrawal thereof, the promoter or proposed director or any other person interested in the registration of the proposed company may summon the caveator before a judge as hereinbefore mentioned to show cause why the caveat should not be removed, and the judge may order the removal of such caveat; and upon the service of the order upon the Registrar he shall remove the caveat therein mentioned.

(j) Upon the hearing of any summons under this subsection the judge may make such order as to costs as he thinks fit; and any person who enters a caveat without reasonable cause for considering that the registration of such company would be likely to defeat, hinder, or delay any claim of the caveator against any person, and any caveator refusing without reasonable cause to sign an application for withdrawal of his caveat after the terms and conditions aforesaid have been complied with, shall be liable to pay the promoter or proposed director or other person interested in the registration of the proposed company aforesaid (as the case may be) such sum by way of compensation as the judge upon the hearing of any such summons deems just and orders.

(k) The registration of a company and the issue of a certificate of incorporation in respect thereof shall not be deemed insufficient or invalid by reason only that in any such application or caveat or in the notice of intention aforesaid there is an omission or incorrect or insufficient description or misdescription in respect to the particulars required by law to be contained in such application, caveat or notice of intention, if the court judge or justice before which or whom the validity of such registration, application, caveat or notice comes into question is satisfied that such omission or incorrect or insufficient description or misdescription was accidental and due to inadvertence and was not of such a nature as to be liable to mislead or deceive.

1 a.m.

Hon. L. Craig: Is this a departmental suggestion?

The CHIEF SECRETARY: Yes, recommended by the registrar, to assist in the administration of the Act. Experience in Victoria rendered a similar provision necessary there. We have had experience of some cases in this State, and the desire is to protect the public.

Hon. H. S. W. PARKER: I oppose the amendment, which provides that three weeks before the registration, notice has to be given of intended registration. That must be advertised and particulars given in order to afford anyone an opportunity to lodge a caveat. The registrar may not register a company with a name similar to that of an existing company, but under the ordinary law an injunction can be obtained to prevent that being done. I cannot see how this provision could prevent creditors from being defrauded. Is it suggested that a company would sell the whole of its assets to another company? If the company were in difficulties, it would sell to a trustee who, in turn, might sell to a new company. So far as I can see, this is something absolutely new that will add considerably to the cost of forming companies and will cause delay. Why not let Victoria try it first?

The CHIEF SECRETARY: The Victorian registrar has strongly recommended the amendment. The object is to prevent a firm in financial difficulties and loaded with debt from selling its assets to a company.

Hon. H. S. W. Parker: No. I say that for that to happen here.

The CHIEF SECRETARY: Does the hon. member suggest that a company cannot be formed to take over the assets of another firm?

Hon. H. S. W. Parker: No. I say that when a company is in financial difficulties, it cannot sell the assets.

The CHIEF SECRETARY: I am assured that in numerous cases companies have been formed to take over the assets of firms, and the creditors have been left lamenting. Probably the registrar in Victoria and our own registrar have a wider knowledge of this matter than has Mr. Parker, and they strongly recommend the inclusion of the provision to protect the public in this way.

Hon. H. S. W. Parker: There is the Bankruptcy Act to give protection.

The CHIEF SECRETARY: I repeat that companies have been formed to take over the assets of firms, and the creditors have been left lamenting. It is time some protection was afforded.

Hon. L. Craig: That has happened in this State.

The CHIEF SECRETARY: Yes. Yet Mr. Parker says it cannot happen here. We should do our best to prevent its happening.

Hon. G. W. MILES: What I object to in this amendment is the free gift to "The West Australian" newspaper company of all these cheap advertisements. Practically, this clause says that one must advertise in "The West Australian."

The CHAIRMAN: One can advertise in the "Kalgoorlie Miner."

Hon. G. W. MILES: No; it says "a morning paper published in Perth and generally circulated in Western Australia." Are we to legislate in that way for the benefit of a newspaper company?

The CHIEF SECRETARY: There are references to papers published in Kalgoorlie and other country towns.

Amendment put and passed; the clause, as amended, agreed to.

Postponed Clause 28—Name of company:

The CHIEF SECRETARY: I have another amendment requested by the Registrar of Companies. The amendment is designed to provide that where a company is in process of formation and notice is given to the registrar of the name of the company, the registrar may give protection to that name for 28 days, and the period can be extended for a further 28 days where unavoidable delay occurs in the registration of the company. The same protection is given when a prospectus is filed giving the name of the company. I move an amendment—

That Subclause (6) be struck out, and a new subclause inserted, as follows:—

(6) (a) A legal practitioner engaged in the formation of a company, or a person named in the articles as a director, or the secretary of a company, may file with the Registrar a notice specifying the name by which it is proposed that the company shall be registered, and if the use of that name is not prohibited by this section, for a period of twenty-eight days from the date of filing the notice such name or any name so nearly resembling (in the opinion of the Registrar) the same as to be calculated to deceive shall not be registered as the name of any company, firm, individual or association under the provisions of this Act or the Business Names Act, 1942, or the Associations Incorporation Act, 1895, except the said company in the course of formation.

(b) The Registrar may on application in writing and on payment of the prescribed fee direct that the period in the last preceding paragraph mentioned be extended for a further period specified in the direction of not more than twenty-eight days from the date of the expiry of the first mentioned period and the said period shall be extended accordingly.

(c) Any person filing a copy of a prospectus in relation to an intended company may, on payment of the prescribed fee, apply to the Registrar for the reservation of the name appearing in the prospectus as the name of the intended company for three months from the date of filing the prospectus and for such period the name of the intended company or any name so nearly resembling (in the opinion of the Registrar) such name as to be calculated to deceive shall not be registered as the name of any company, society, firm, individual or association under the provisions of this Act, or the Business Names Act, 1942, or the Associations Incorporation Act, 1895, except the said company named in the prospectus.

(d) This subsection shall not apply to companies within the provisions of Part XI. of this Act.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in line 1 of Subclause (7), after the word "In" the following words and figures be inserted:—"Subsections (1) to (5) both inclusive of."

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That a new proviso be added to Subclause (7) and a new subclause inserted as follows:—

Provided that—

(a) where in the opinion of the Governor (on being satisfied that it would be inequitable or unreasonable to require any company formed or incorporated outside Western Australia to which Part XI. of this Act applies to change its name, style, title or designation before complying with the requirements of such Part it is in the circumstances of the particular case expedient, the Governor may, notwithstanding anything in this section or section thirty of this Act, authorise the Registrar to accept for filing the documents and particulars specified in paragraphs (a), (b), (c), (d), (e) and (f) of subsection (1) of section three hundred and twenty-nine of this Act; and

(b) where a company formed or incorporated outside Western Australia to which Part XI. applies has (after complying with the requirements of Part XI. under its original name) changed, in the country of its incorporation, its name to a name which includes any word or words prohibited, either generally or in the circumstances of the particular case, by this Division, the Governor, if of opinion that it would be inequitable or unreasonable to refuse to allow the new name to be entered in the register in place of the former name, may authorise the Registrar to enter the new name in the register and the Registrar shall enter the new name in the register accordingly.

(8) In respect of every authorisation by the Governor pursuant to either of the provisos to Subsection (7) of this section a fee of five guineas shall be paid to the Registrar by the Company concerned.

Amendment put and passed; the clause, as amended, agreed to.

Postponed Clause 123—Minutes of proceedings of meetings and directors:

Hon. H. S. W. PARKER: I asked for the postponement of the clause with reference

to paragraphs 4 (a) and 4 (b). In view of amendments made to Clauses 151 and 152, those two paragraphs are hardly required now.

The Chief Secretary: I think they are necessary now.

Hon. H. S. W. PARKER: I see no harm in their remaining.

Clause put and passed.

Postponed Clause 184—Registered liquidators to be appointed in special cases:

Hon. H. S. W. PARKER: I move an amendment—

That a new paragraph be added to Subclause (1) as follows:—"(c) Nothing in this section shall disqualify a body corporate from acting as a liquidator as aforesaid provided such body corporate has, by statute, been empowered so to act."

Amendment put and passed; the clause, as amended, agreed to.

New clause—Penalty for false statement:

The CHIEF SECRETARY: I move—

That a new clause be inserted as follows:—

Penalty for false statement.

425. If any person in any prospectus, return, declaration, report, certificate, notice, balance sheet, or other document required by or for the purposes of any provision of this Act wilfully makes a statement false in any material particular knowing it to be false, he shall be guilty of a misdemeanour and shall be liable on conviction or indictment to imprisonment for a term not exceeding two years and be liable on summary conviction to imprisonment for a term not exceeding six months and in either case to a fine in lieu of or in addition to such imprisonment as aforesaid:

Provided that—

(a) the fine imposed on summary conviction shall not exceed one hundred pounds;

(b) nothing in this section shall affect the provisions of the Criminal Code.

New clause put and passed.

Schedules 1 to 9—agreed to.

Schedule 10:

The CHIEF SECRETARY: I move an amendment—

That the items appearing under subheading "C" be struck out and the following inserted in lieu:—

	£	s.	d.
On lodging a notice of intention under section 24	0	6	0
On lodging a caveat under the said section	0	15	0
For every notification (after the first) to any promoter or proposed director of a caveat	0	2	6
For reserving any name under section 28, subsection (6) (a) ..	1	0	0
For extending the time of such reservation	1	0	0
For a reservation by the Registrar under section 28, subsection (6) (c)	2	0	0
For every authorisation by the Governor under the provisos to subsection (7) of section 28	5	5	0
For every license under section 29	1	0	0
Upon the forwarding, delivery, lodgment, registration, or filing of any notice, summary, list, statement, statutory declaration, balance sheet, or other document (other than a Memorandum of Association or Memorandum of Registration) required or authorised to be lodged, registered, deposited or filed with or by the Registrar in connection with any company, society or association—			
(a) if within the period (if any) provided by law ..	0	5	0
(b) if within twenty-eight days after the period prescribed by law	1	5	0
(c) if after more than twenty-eight days after the period prescribed by law ..	5	5	0
The Registrar may, if satisfied that just cause exists for so doing, reduce the fees prescribed in paragraphs (b) and (c) last preceding, but in no case shall either of such fees be reduced below 5s. and 10s. respectively.			
For inspection of any document filed with, or file of, the Registrar	0	2	0
For a copy or extract of any document kept by the Registrar relating to companies, certified by the Registrar—			
(a) if five folios of 72 words or under	0	5	0
(b) if exceeding five folios, for each additional folio ..	0	0	6
Examining a written or printed copy and certifying same by Registrar—			
(a) if 10 folios of 72 words or under	0	5	0
(b) if exceeding 10 folios, for each additional folio ..	0	0	6
For doing or causing to be done any act referred to in and under section 297	2	2	0

There have been some slight alterations in the amounts of the fees.

Amendment put and passed; the schedule, as amended, agreed to.

Schedules 11 to 13, Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. J. A. Dimmitt, Bill recommitted for the further consideration of Clauses 37, 152 and 329.

In Committee.

Hon. Sir J. W. Kirwan in the Chair; the Chief Secretary in charge of the Bill.

Clause 37—Meaning of "proprietary company":

Hon. J. A. DIMMITT: I move an amendment—

That in line 8 of sub-paragraph (a) of paragraph (i) of Subclause (1) the word "twenty-one" be struck out and the word "fifty" inserted in lieu.

In all the other States and in the United Kingdom 50 is the recognised maximum number of members for proprietary companies. When introduced by the Minister for Justice in another place three years ago, the Bill included the word "fifty" and not "twenty-one." The change took place during the passage of the Bill in that Chamber.

The CHIEF SECRETARY: I oppose the amendment. I understand that when this Bill was being considered in another place there was very strong opposition to the formation of proprietary companies but eventually, after a good deal of discussion, it was decided that if proprietary companies were to be agreed to, the number of members should be 21.

Hon. L. CRAIG: I hope the Committee will not agree to the amendment. Proprietary companies are given lots of privileges and we want to make sure that they are proprietary companies in fact and not in name only. I have consulted at least four eminent K.Cs. and all have agreed that 21 is a fair number.

Hon. J. A. DIMMITT: I think Mr. Craig was a member of the Select Committee, which was afterwards converted into a Royal Commission that inquired into the provisions of this Bill. The recommendation of that commission was that 50 should be the maximum number. I repeat that if that number is substituted for 21 the measure will be in line with measures in every other State in Australia. Fifty may be a large number by comparison with 21, but it is small in comparison with larger numbers still. It is a matter of relativity.

Amendment put and negatived.

[*Hon. J. Cornell took the Chair.*]

Hon. H. S. W. PARKER: I move an amendment—

That in line 3 of sub-paragraph (b) of paragraph (i) of Subclause (1) the word "and" be struck out and the words "or to deposit money with the company for fixed periods or payable at call, whether bearing or not bearing interest; and" inserted in lieu.

This clause prohibits a company from receiving deposits. Deposits presumably mean money because subparagraph (c) contains the words "whether bearing or not bearing interest." I think it is quite possible that would prohibit a company from borrowing money because it would be receiving a deposit.

The CHIEF SECRETARY: This amendment will mean that a proprietary company will be able to receive deposits provided they have not been invited by the company.

Hon. H. S. W. Parker: It is the same as in the other States.

The CHIEF SECRETARY: One of the conditions precedent to the formation of a proprietary company is that it shall not be able to receive deposits from members of the public who can thereby acquire an interest in its assets without becoming shareholders.

Hon. H. S. W. Parker: I am only quoting from the New South Wales Act.

The CHIEF SECRETARY: The provision is in the South Australian Act.

Hon. H. S. W. Parker: My amendment will make this correspond with the South Australian Act.

The CHIEF SECRETARY: There is nothing in any of the amendments up to date to cause much trouble, but this clause was the subject of considerable discussion elsewhere. It affects proprietary companies, and grave doubt was expressed as to whether they should be permitted. The clause has been inserted with a view to extending protection to the public. The amendment would remove from the Bill a material condition precedent to the formation of proprietary companies.

Hon. H. S. W. Parker: Would it not prohibit them from getting loans—not from banks but from private people?

The CHIEF SECRETARY: I cannot see that.

Hon. H. S. W. Parker: This refers to receiving deposits, not money on deposit, which is quite different.

The CHIEF SECRETARY: The company, first of all, is prohibited from inviting the public to subscribe for shares, debentures, etc., and then it is prohibited from receiving deposits. If one subclause is cut out, the other should be.

Hon. H. S. W. Parker: I am endeavouring to make it the same as the provision in the South Australian Act.

The CHIEF SECRETARY: The Solicitor General assures me that he cannot agree with Mr. Parker's contention.

Hon. L. CRAIG: The members of a company should be able to make deposits with it, because many pastoral companies are family concerns, and their members use them almost as a bank. The committee agreed that members should be allowed to deposit money. I cannot understand the argument that deposits are not the same as money on deposit. These subclauses are necessary.

Amendment put and negatived.

Clause put and passed.

Clause 152—Shareholders may appeal against rate or amount of remuneration fixed for a director:

Hon. G. W. MILES: This clause was amended last night by substituting the word "three" for the word "one" in line 7 of Subclause (1), and the words "or two or more shareholders holding at least ten per centum of the paid up capital" were inserted. I want the words "ten per centum of the paid up capital" inserted after the word "shareholder." It would probably be better to say, "two or more shareholders" instead of "three." I have discussed this question with two King's Counsel.

The CHAIRMAN: Mr. Craig had four King's Counsel.

Hon. G. W. MILES: The position now is that three shareholders holding one share each can take action against the company. I want to provide that these shareholders must hold at least 10 per cent. of the paid-up capital, in order to prevent one or two persons holding only a small number of shares from taking action.

The CHIEF SECRETARY: Unless provision is made for two shareholders to object, the minimum number that could object would be three. The hon. member's wishes might be met by permitting two or more shareholders holding at least 10 per cent. of the paid-up capital to object.

Hon. L. B. Bolton: I am not agreeable to allowing two shareholders to object.

THE CHIEF SECRETARY: Mr. Miles has suggested that three shareholders might hold only one share each, and they could object to the remuneration fixed for the directors. Therefore he wants to ensure that they hold at least 10 per cent. of the shares. This being so, we ought to provide that two or more should hold at least 10 per cent. of the paid-up capital.

Hon. L. B. BOLTON: Three shareholders may represent only 5 per cent. of the share capital and so we have made provision for them to hold 10 per cent. Having done that nothing further is necessary.

The Chief Secretary: It does not make provision for two shareholders to object.

Hon. L. B. BOLTON: I am not in favour of that. My company is purely a private one, and I would not approve of two shareholders being permitted to take this action. There is no necessity to provide for two shareholders to object.

Hon. G. W. MILES: I move an amendment:

That the word "three" in line 7 of subclause (1), substituted for the word "one" by a previous Committee, be struck out.

The CHIEF SECRETARY: I strongly oppose the deletion of the word "two". A previous Committee was very strong on this. The Committee was unanimous that two shareholders should have the right. If we revert to the position of "three", as desired by Mr. Bolton, it will, I think, be wrong.

Hon. G. W. Miles: It was considered that the company had no protection against two shareholders.

Hon. L. CRAIG: There is protection. Three or more shareholders holding 10 per cent. or two or more shareholders holding 10 per cent.

Hon. L. B. BOLTON: I do not agree with that. I have three shareholders, members of my own family, who hold 10 per cent. of the share capital. It is only necessary for them to get another small shareholder. When I formed my company I did not sell shares, but gave them away; and I gave my employees service shares. It would be only necessary for one disgruntled employee to join with my two relatives in order to take proceedings.

The CHAIRMAN: It seems to me that three holding the same number of shares and two holding the same number of shares constitute a negation.

Amendment put and passed.

Hon. G. W. MILES: I move an amendment:

That the words "or more shareholders" be struck out, and that the word "or" at the beginning of the words "or two or more share-

holders holding at least ten per centum of the paid-up capital" inserted by a previous Committee be struck out.

Amendment put and passed; the clause as amended agreed to.

Clause 329—Registration and documents to be delivered to Registrar:

Hon. G. W. MILES: I move an amendment—

That the following words (struck out by a previous Committee) be added to paragraph (c) of Subclause 1:—"Where there are directors in this State a memorandum shall be attached to the said list stating the powers of the local directors."

These words were struck out by a previous Committee and I think they should be reinserted. It has been said that directors simply draw their salaries and get office boys to lick the stamps on the receipts. If a shareholder desires to consult the directors he cannot do so; he must see the manager, who shelters himself behind the board.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Bill again reported with further amendments and the reports adopted.

Hon. J. CORNELL: Does the Minister wish a re-print of the Bill? I have discussed this matter with the Clerk. The Bill is very lengthy and I doubt whether a re-print could be obtained tomorrow.

The CHIEF SECRETARY: We will have to accept it as it stands.

House adjourned at 2.18 a.m. (Friday)

Legislative Assembly.

Thursday, 7th October, 1943.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (3).

RAILWAYS.

As to Charge for Camp Equipment.

Mr. DONEY asked the Minister for Railways:

(1) What is the total value of the tent, blankets, and other camp equipment loaned to "ways and works" men engaged on building and repair jobs away from home?

(2) What is the weekly rent charged to these men for this equipment?

The MINISTER replied:

(1) £18 10s. per set.

(2) No rent is charged for the use of this equipment but, under the W.A.A.S.R.E. award (clause 36 k), employees when called upon to camp away from their home station for not less than three nights are provided with tent or van, and stretcher, rugs and cooking utensils, and granted a camping-out allowance of 2s. 6d. per day. If the equipment is not provided, the employee concerned receives an allowance of 8s. per day.

MEAT.

As to Army and Export Prices.

Mr. SEWARD (without notice) asked the Minister for Agriculture:

(1) Can he state whether the arrangements for mutton contracts will provide for separate quotations for mutton supplied to the Armed Forces, and for that exported to the United Kingdom?

(2) Did the price he quoted on Tuesday last, namely, 4¾d. per lb., refer to mutton supplied to the Armed Forces or to that which it is hoped to export?

The MINISTER replied: I have received a copy of this question asked without notice. I wish to make it clear that I stated in the course of my remarks two days ago that no contracts had been finalised with the United Kingdom. I assumed that if we can get the price of 4¾d. it might be a satisfactory price representing, as it does, a marked increase on anything we previously had for United Kingdom contracts I would think that when the matter is finalised there is likely to be a variation between the Service contracts and the United Kingdom contracts. That might reasonably follow. I have no information in connection with the United Kingdom contract price being accepted. I have asked the Controller of Meat Rationing to make it available as soon as anything is finalised.