

absence of any other alternative and to meet the situation we shall inevitably be involved in on the cessation of hostilities, I support the second reading of the Bill on the definite understanding that it will be referred to a Select Committee. I would like that Select Committee to consist of members of both branches of the State Legislature in order to secure the viewpoints of all, and to make certain that the combined wisdom we can bring to bear on this matter in relation to the difficulties of Western Australia, is devoted to its consideration so that the whole matter shall be properly analysed and all the ambiguities that it is suggested are to be found in the Bill—that there are some is obvious even to a layman—shall be ironed out.

The Bill should be dealt with in that way so that people who have voiced objections to it shall have an opportunity to secure an adequate hearing, and that proper and full consideration may be given to their views by the Select Committee. In turn, that body can furnish a report to this House and another place and ultimately we may submit our views, in the light of the inquiry, to the further conference that I take it will be held between representatives of the Commonwealth and the States. By that means we will, as far as is humanly possible, deal with the bogies that have been raised, and investigate the possibilities of the misuse of powers respecting which we shall be able to provide adequate safeguards. On these conditions alone I shall support the second reading of the Bill.

THE PREMIER: I move—

That the debate be adjourned.

Mr. SPEAKER: I point out to members that, if the Premier moves the motion, he will have the right of pre-audience and will close the debate if he speaks.

Mr. Marshall: That is not necessarily so. He may not speak. He may give way to someone else.

Mr. SPEAKER: If the Premier exercises his right of pre-audience, he will close the debate.

Motion put and passed; debate adjourned.

ADJOURNMENT—SPECIAL.

THE PREMIER: I move—

That the House at its rising adjourn till Tuesday next at 11 a.m.

Question put and passed.

House adjourned at 5.1 p.m.

Legislative Council.

Tuesday, 26th January, 1943.

	PAGE
Assent to Bills	2243
Bills: Motor Spirit and Substitute Liquid Fuels,	2243
Assembly's Message	2243
Municipal Corporations Act Amendment, As-	2243
sembly's request for conference	2244
Business Names, 2A.	2244
Adjournment, special	2246

The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the following Bills—

- 1, Local Authorities (Reserve Funds).
- 2, Lotteries (Control) Act Amendment.
- 3, State (Western Australia) Alunite Industry Partnership.
- 4, Constitution Acts Amendment.
- 5, Industries Assistance Act Continuance.
- 6, Road Districts Act Amendment (No. 2).
- 7, Financial Emergency Act Amendment.
- 8, Mortgagees' Rights Restriction Act Amendment.
- 9, Health Act Amendment (No. 2).
- 10, Fire Brigades.
- 11, National Emergency (Stocks of Goods).
- 12, Loan, £310,000.
- 13, Pig Industry Compensation.
- 14, Rural Relief Fund Act Amendment.
- 15, Stamp Act Amendment.
- 16, Appropriation.
- 17, Mortgagees' Rights Restriction Act Continuance.
- 18, Income and Entertainments Tax (War Time Suspension).

BILL—MOTOR SPIRIT AND SUBSTITUTE LIQUID FUELS.

Assembly's Message.

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

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Assembly's Request for Conference.

Message from the Assembly received and read requesting a conference on the amend-

ment insisted on by the Council), and notifying that at such conference the Assembly would be represented by three managers.

BILL—BUSINESS NAMES.

Second Reading.

Debate resumed from the 10th December.

HON. J. A. DIMMITT (Metropolitan-Suburban) [2.25]: My main reason for seeking the adjournment of the debate on the Bill was to give the commercial community of Perth an opportunity to examine it carefully with a view to judging of its effects, and to see that the measure was made thoroughly workable. The tendency towards the close of the session, or its lengthened suspension, seems to be to rush through measures in the last few hours—especially in the case of a Bill of this kind. The measure repeals the old Registration of Firms Act, 1897-1940; and I felt, in common with other members, that a certain amount of caution was required. Let me say at this stage that I appreciate the courtesy extended by the Chief Secretary in agreeing to the adjournment for which I applied.

Since the sittings of the House were suspended, I feel sure members will have carefully examined the measure, and will now be in a better position to resume the debate than they would have been at the close of 1942. I feel the Bill is more thoroughly understood today than it was at that period. Personally I hold that there is a real need for the enactment of the measure. I consider it entirely desirable that the buying public should be acquainted with the personnel controlling the businesses from which they purchase goods or services. I dare say most of us have at some time or another been a little astonished to find that a shop where we were in the habit of purchasing some or many of our ordinary, everyday requirements, a shop trading under some impersonal name, was controlled or owned by persons with whom we would probably prefer not to trade.

I know of one case where a woman purchased a frock, and when she wore it for the first time she discovered that the material from which the frock was made was perished. On returning to the premises at which the frock had been bought, she experienced great difficulty in her endeavours to obtain either redress or satisfaction. The sales girl from

whom she made the purchase was obviously an Australian, and this girl was not authorised to make any allowance or give any redress whatever. It was only as the result of persistent efforts that the lady made contact with the actual proprietor of the premises. He turned out to be a very unpleasant type of foreigner. This particular frock shop was known by some name such as "Elite" or "Charm" or "Rose Petal," or other decorative title. I know that the lady to whom I refer was not only disappointed but much upset to find that she was making a purchase from a person entirely different from the person suggested by the enticing name painted on the window. She knew that she was served by an Australian salesgirl, and thought she was dealing with an Australian or British firm. Actually the person who was the proprietor of the establishment was so close to being an enemy alien that there was very little difference. The Bill will protect the public from such—well, I could almost say, imposition. However, there are one or two clauses of the measure on which I should like to express opinions.

The first of these is Clause 4, paragraph (3) of which deals with joint tenants and tenants in common of property. It states that these people shall not be deemed to carry on business whether or not the owner of the premises shares in profits arising from the sales therein. Presumably the Parliamentary Draftsman intended to convey that profits such as are obtained from a property owned in common shall not be deemed to constitute a business requiring registration. The phrasing seems particularly awkward, and perhaps capable of misconception. I respectfully suggest to the Chief Secretary that this particular clause be referred back to the Parliamentary Draftsman to see whether it can be made clearer. Then Clause 6, paragraph (2), provides that at the termination of each period of three years a new registration shall be effected. I realise, naturally, that when the Bill becomes law, simple forms for the renewal of registration can be provided. It might be set out that merely a renewal of registration should be sought.

I would like the Chief Secretary to inquire from the draftsman whether the word "new" in this paragraph could be struck out and the words "renewal of" substituted. Instead of a new registration, the requirement would then be a renewal of the old reg-

istration. I also suggest to the Chief Secretary that some form of warning notice to persons registered under the provisions of the measure should be sent prior to the end of the period or term, so as to prevent the registration from lapsing through inadvertence; because it may be possible, in the event of the lapsing through inadvertence of the registration of a firm or business, that some other person or persons might jump in and register under the same name as had inadvertently lapsed through lack of re-registering. I feel sure that the framers of the Bill intended to give consideration to this aspect. The substitution of the re-registration for new registration together with warning notices would overcome the difficulty. I certainly think a new registration should be made only when the constitution of the firm is materially changed. Otherwise, probably a statutory declaration could be made that there has been no change in the constitution of the firm between the three-year periods of registration. This would probably meet the case. I trust that the Chief Secretary will refer these suggestions to the Crown Law Department.

Now as regards Clause 11. Paragraphs (1), (2), (3) and (4) have very obvious intentions, but in these paragraphs provision is made to have the name, title or designation displayed on the outside of the premises or office or place of business. Clause 19, by paragraph (4), requires that a certificate of registration must be kept exhibited in a conspicuous position at the principal place of business of the firm, individual or corporation. I would suggest that there is rather a duplication of effort there. It seems unnecessary to have both provisions—that is, that the name should be painted up outside, and that it should be prominently displayed inside. I would suggest that the provision made in paragraph (4) of Clause 19—that the names of the members of the firm be displayed in a conspicuous place within the premises—should be sufficient.

Hon. L. Craig: One provision applies to one particular building; the other provision to several buildings. The name is to be displayed on all premises occupied. Is not that so?

Hon. J. A. DIMMITT: No; at the principal place of business. Reference was made elsewhere, in this connection, to the difficulty of having brass plates made and of having signwriting undertaken during

the period immediately following the commencement of the measure. Shortage of material and manpower are very real problems at the present time, and probably will be after this Act is proclaimed in 1944. If the names of the proprietors are displayed inside the building, that should meet the situation and obviate the need for signwriting and the providing of brass plates. Members may know that in England all persons and firms requiring to be registered must publish in legible characters their real names and nationalities, if they are not British, in all trade catalogues, circulars, show-cards, and also on their business letterheads and in fact on any communications on which their business names appear and which are issued or sent to any part of His Majesty's Dominions. Actually it is considered by the business community of Perth that the second paragraph of Clause 11 should be deleted, and Subclause (4) of Clause 19 be allowed to provide the protection that is sought in both parts of the Bill.

I now refer to paragraph (d) of Subclause (3) of Clause 14. In this clause the Registrar is given the right to cancel the registration of any firm and in paragraph (d) reference is made to any firm or corporation which is dissolved or deemed to be dissolved. How the Registrar is to find out when a firm is "dissolved" is not clear. It is still more difficult to suggest how a firm may be "deemed to have been dissolved." Some clarity on this point is desirable and I trust that the Chief Secretary in his reply will clear it up. In Subclause (4) of Clause 14 the right of application to the Supreme Court is given in the case of a cancellation of registration under Subclause (2) of that clause. This right of application is superimposed on the right of the Registrar to revoke or renew any cancellation made under Subclause (2) and it is difficult to see why this right should be limited to Subclause (2). I suggest that the right of application to the court should be also extended to Subclause (3).

In Clause 16 reference is made to the requiring of a firm or individual to furnish a statement. The furnishing of a statement presumably initiates the process of registration, but it is not clear from any part of this measure when the registration is complete. I make reference to this because in Subclause (3) of the same clause the words "shall fail to register" appear. They are

used in Subclause (3) in distinct contrast to the words used in Subclause (1) and it all appears—at least to me and I think to others—somewhat confusing. I also suggest that after the word “register” in line 3 of Subclause (3) the words “or re-register” be inserted. I think they should be inserted for the clearing up of the point I raised as to when the process of registration is actually completed. I have already referred to Subclause (4) of Clause 19 when dealing with Clause 11. I have mentioned that the certificate of registration of a firm, individual or corporation has to be kept and exhibited in a conspicuous position in the particular place of business of that firm, individual or corporation. That was the point raised by Mr. Craig.

Hon. L. Craig: Should not that cover all places of business?

Hon. J. A. DIMMITT: It distinctly states that it shall be displayed in the principal place of business.

Hon. L. Craig: Would it not be desirable for it to be displayed in every one of a string of such places?

Hon. J. A. DIMMITT: I should not think it would be. I indicated that I consider, and the business community considers, that the display in one place or the other should be sufficient. It may be desirable to provide in Clause 23 for regulations to be made regarding notification of the necessity of re-registration which I referred to earlier when I was discussing Clause 6. In Clause 26, the registrar appears to have absolute discretion as to the registration of firms, individuals or corporations of identical or similar names. Possibly the right of application to the court such as is provided in proviso (ii) of Subclause (1) of Clause 8 could well be inserted here. That would then give an applicant or any other interested party an opportunity to be heard should there be any dispute or two ways of thinking over the registration of names. It would give the other party an opportunity to be heard and to have the matter decided by a judge instead of leaving absolute authority with the Registrar.

Those are the main points which I raise for the consideration of the Chief Secretary. I hope he will be good enough to place them before the authorities to whom they should be submitted, and that the Bill will not be rushed through the Committee stage. There

seems to be no great hurry for this measure. I hope that after the Chief Secretary's reply, sufficient time will be allowed to elapse before the Committee stage in order that his reply may be considered. I support the second reading.

On motion by the Chief Secretary, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY [2.43]: I move—

That the House at its rising adjourn till Tuesday, the 2nd February, at 2.15 p.m.

Question put and passed.

House adjourned at 2.45 p.m.

Legislative Assembly.

Tuesday, 26th January, 1943.

	PAGE
Questions: Children's Court, sentence for interfering with child	2246
Coal, as to briquetting, as to importations and prices	2247
Government buses, as to procuring new chassis	2247
Grass fires, as to outbreaks caused by locomotives	2247
Bills: Coal Mine Workers (Pensions), 2a.	2248
Commonwealth Powers, 2a	2253
Referred to Select Committee	2305

The SPEAKER took the Chair at 11 a.m., and read prayers.

QUESTIONS (5).

CHILDREN'S COURT.

Sentence for Interfering with Child.

Mr. CROSS asked the Minister representing the Minister for Police: 1, Has he seen the report in a week-end newspaper stating that one Geoffrey Holland received six months' gaol for assaulting and infecting a child? 2, What was the nature of the infection? 3, If the report was true, is there provision in the Criminal Code for a more drastic sentence for so serious an offence? 4, If so, why was Holland charged under Section 322 of the Act?

The MINISTER FOR THE NORTH-WEST (for the Minister for Police) replied: 1, Yes. 2, There was no infection. 3, Yes, but the evidence for a more serious charge was not available. The only evidence obtainable was that of a child of