

**BILL—MEDICAL ACT AMENDMENT.***Assembly's Request for Conference.*

Message from the Assembly requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers, now considered.

**THE CHIEF SECRETARY** [4.10]: I move—

That the Assembly's request for a conference be agreed to, that the managers for the Council be elected by ballot and that the conference be held in the President's room at 4.30 p.m.

Question put and passed.

*Conference Managers Appointed.*

The **PRESIDENT**: I think I might read to members Standing Order 332 which deals with the holding of a ballot:—

Each member present shall give to the Clerk a list of the names of such members as he may think fit and proper to be chosen at such ballot; and if any list contain a larger or lesser number of names than are to be chosen, it shall be void and rejected. When all the lists are collected, the Clerk with the mover, acting as scrutineers, shall ascertain and report to the President the names of the members having the greatest number of votes, which members shall be declared to be chosen. If two or more members have an equality of votes, the President shall determine by lot which shall be chosen.

The House will have to elect three members by ballot.

Ballot taken.

The **PRESIDENT**: There is an equality of votes for the manager who will be placed third, and the Standing Order I have quoted provides—

If two or more members have an equality of votes, the President shall determine by lot which shall be chosen.

I shall now choose by lot.

Ballot resulted in the Chief Secretary, Hon. J. G. Hislop, and Hon. C. F. Baxter being appointed as managers for the Council.

Message accordingly returned to the Assembly.

*Sitting suspended from 4.25 to 5.8 p.m.*

*Conference Managers' Report.*

**THE CHIEF SECRETARY**: I have to report that the managers appointed by the Council met the managers appointed by the Assembly and failed to arrive at an agreement.

The **PRESIDENT**: Then the Bill is lost.

**ADJOURNMENT—SPECIAL.**

**THE CHIEF SECRETARY**: I move—

That the House at its rising adjourn till 2.15 p.m. tomorrow.

Question put and passed.

*House adjourned at 5.9 p.m.*

**Legislative Assembly.**

*Tuesday, 23rd February, 1943.*

	PAGE
Questions: Vermin destruction, as to rabbits on Crown lands	2495
Apple and Pear Acquisition Board, as to differentiation between States	2497
Assent to Bill	2497
Select Committee, Commonwealth Powers Bill, report presented as to printing, etc.	2497
Bills: Business Names, returned	2502
Marketing of Eggs Act Amendment, 2n., defeated Companies, Com.	2502, 2509
Municipal Corporations Act Amendment, Council's further Message, lapsed	2500
Medical Act Amendment, Council's further Message, dropped	2509
Evidence Act Amendment, Order discharged	2512
Motion: Traffic, as to co-ordination of road services, discharged	2512

The **SPEAKER** took the Chair at 2.15 p.m. and read prayers.

**QUESTIONS (2).****VERMIN DESTRUCTION.***As to Rabbits on Crown Lands.*

Mr. **DONEY** asked the Minister for Lands: 1, Has he noted that the report by the Chief Inspector of Rabbits tabled on the 28th January—which embodies a reply to my question dealing with the responsibility of the Agricultural Bank and other departments for the destruction of rabbits on lands controlled by them—is only a recital of conditions existing before my question was submitted, and takes no cognisance of my request that the Agricultural Bank, the Lands and other Government Departments should initiate some new method which would recognise that the responsibility for rabbit destruction on lands controlled by them is their own and not that of local vermin boards or of adjoining private land owners? 2, If it can be shown by the department concerned that to do this work itself would entail the use of more manpower than when done by existing means, will he come to an arrangement with individual vermin boards

for the payment of a fixed annual sum sufficient, at least, to recoup the boards not only for the outlay on poisons, and poison material, but also on wages, poison-carts, etc., or to some other similar arrangement acceptable to both parties? 3, If implementation of either of these methods is balked by manpower difficulties, will he discuss that phase with the Deputy Director General of Manpower, basing the discussion on the latter's published statement in "The West Australian" of Wednesday, the 27th January, that food production is as vital as are munitions; that farm workers must be re-directed back to the land; and that by the provision by Australia of food for the American Forces only, not less than 1,500,000 tons of shipping was saved to the Allied cause?

The MINISTER FOR THE NORTH-WEST (for the Minister for Lands) replied: 1, Yes. 2, No, as arrangements already exist whereby vermin boards are subsidised whenever active co-operation on their part is evident. 3, Answered by No. 2.

#### APPLE AND PEAR ACQUISITION BOARD.

##### *As to Differentiation Between States.*

Mr. SAMPSON asked the Minister for Agriculture: 1, Will he inform the House what action the Government is taking in regard to the Apple and Pear Board position, wherein Section 99 of the Constitution Act appears to be no longer operative in respect of the Apple and Pear Board in that it has ceased to function in New South Wales, Victoria, South Australia and Queensland? 2, As the law brings about differentiation between States will he take up the matter with the Attorney General of the Commonwealth and indicate the disability which has been imposed on a number of apple and pear growers in this State. 3, As returns for apples and pears under acquisition do not cover the cost of production and growers are thereby suffering grave anxiety, will he give consideration to the lodgment of a protest with the Commonwealth Government?

The MINISTER FOR THE NORTH-WEST (for the Minister for Agriculture) replied: 1, In the interests of W.A. fruitgrowers as a whole no action will be taken. 2, No, for the reason given in answer No. 1. 3, No. If any person

is dissatisfied with the position, there is nothing to prevent his taking action against the Commonwealth Government, but the department is of the opinion that the majority of growers in this State favour retention of the acquisition scheme.

#### ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Motor Spirit and Substitute Liquid Fuels Bill.

#### COMMONWEALTH POWERS BILL SELECT COMMITTEE.

##### *Report Presented.*

Mr. Watts brought up the report of the Select Committee, together with a typewritten copy of the evidence.

Report received.

##### *As to Printing, etc.*

MR. WATTS (Katanning) [2.19]: I move—

That the report of the Select Committee be printed and the consideration of the Bill in Committee made an Order of the Day for the next sitting of the House.

HON. N. KEENAN (Nedlands): I presume the motion means that the further consideration of this matter will proceed tomorrow. In my opinion that would be far too short an interval to allow for enabling the proper consideration of a matter of this importance. This is the most important matter that Parliament has dealt with in the whole of this century—almost of the same importance as the resolution to enter Federation, which was 43 years ago. And on that occasion Parliament was really carrying out the expressed wish of the people. Now, although we are long beyond our ordinary legitimate time—I admit we have every right to extend the term of our life—we are attempting to act without the consent of the people. However, the most important feature is that we have the right to acquire a knowledge of the evidence tendered to this Select Committee; and that would be completely impossible, at all events for me, during the interval proposed. Up to a certain hour we have to spend our time in this Chamber, and after that I have other engagements. So I should not have even the time to look at the report and glance at the evidence during the next 24 hours. With your

leave and subject to your direction, Mr. Speaker, I should like to move that further consideration of the Select Committee's report be fixed at not earlier than this day week, and at a sitting not less than seven days from the present date. I do not know what would be the proper phraseology to use.

Mr. SPEAKER: The hon. member can move to strike out the words "the next sitting of the House" and if that is carried move for the insertion of any date he pleases, if he desires to insert a fixed date.

Hon. N. KEENAN: I do not wish to insert a fixed date. My only desire is that sufficient time for consideration shall be allowed. Possibly what is sufficient time in my personal opinion might not be sufficient time for other members. But I do not wish the further consideration to come on tomorrow. Accordingly I move an amendment—

That the words "at the next sitting of the House" be struck out.

HON. W. D. JOHNSON (Guildford-Midland—on amendment): Has this motion been seconded?

Mr. SPEAKER: It is not a motion; it is an amendment.

Hon. W. D. JOHNSON: I desire to appeal to the House to prevent this delay. As the member for Nedlands has pointed out, the matter is one of vital importance, outstanding importance. I do not say that in the sense in which the hon. member makes it out to be from his point of view, but from my own point of view—a humanitarian point of view. I am not interested in big business, and vested interests, and what is going to happen to money and property and all the rest of it after the war. I want to know what is going to happen to humanity after the war. There has already been a fair amount of delay in the consideration of the Bill. I have been disappointed because of that delay; but, after all, the Government is the Government and has its responsibilities. However, when a Government goes to a Convention and arrives at an understanding—

The Premier: Not only was the Government represented, but the Opposition as well.

Hon. W. D. JOHNSON: —The intention is that the Government shall return to its State and get on with the job, as in fact other Australian Governments have done.

Mr. SPEAKER: I think the hon. member is getting away from the amendment which is to strike out the words, "the next sitting of the House."

Hon. W. D. JOHNSON: In moving the amendment the member for Nedlands said he wanted to delay the consideration of the measure by striking out the words "the next sitting of the House" and substituting another date to be declared. I am opposing that delay. Like the hon. member who gave his views in support of the amendment, I want to give my views in opposition to it.

Mr. Thorn: You are causing delay now.

Hon. W. D. JOHNSON: My little bit of delay is of a constructive character.

Several members interjected.

Hon. W. D. JOHNSON: That is all right! If I were in opposition I might be playing with a Bill of this kind, though perhaps not the same game, because time is always with the Opposition. That is an old practice and of course the members of the Opposition have made use of it to the maximum extent in regard to this Bill. I do not object to their using it, but I do object to their succeeding in it. I claim that they have already delayed this question. As a member of this Parliament and a supporter of this Government I feel that I am misunderstood in other parts of Australia and in the Commonwealth Parliament and in the Labour movement because Victoria, New South Wales, Tasmania and other places are getting on with the job.

Member: What about Tasmania?

Hon. W. D. JOHNSON: In my enthusiasm I believe that Tasmania will contribute a major part to the exposure of just exactly what is possible under our present State system of government, where the property House is all powerful and undue advantage is taken of this strength. Other Parliaments have dealt with the Bill to a far greater extent than has this Parliament. In this State we have a Labour Government and a Labour majority. We have a responsibility to our movement and to the National Parliament in its desire to get on with reform. I appeal to the members of the Government to put an end to this delay, to get their heads down and do the job. I will give them the maximum help possible in getting a Bill of this description through, because it is based on the ideal of seeing to it that the devastation of war is not again visited on the shoulders of the workers. We do not want any more

part-time sustenance workers and privations for women and children. We want to get an organisation that will protect humanity against that type of thing and the time to do it is now. Let us get on with the job and start at the next sitting of the House to consider the report of this Select Committee which, in my opinion, has given us all the information we can get.

The Select Committee secured the extraordinary authority to publish the evidence. We have had an opportunity to read that evidence. We can assume that the best of the evidence was published, so why the delay? The member for Nedlands knows as well as I do what was said in evidence before the Select Committee, and to say that he has not the time to read it—! Why goodness me, it will only take him half an hour to read it! I have not read the evidence, but I knew before it was taken that in the end there would be two opinions. It could not be otherwise. I knew that there would be an opinion from one side and an opinion from the other, and that there would be two reports. That was perfectly obvious when the Committee was appointed, but it will not take us long to read the two opinions and we can get on with the job. I hope there will be no further delay.

**THE PREMIER** (on amendment): The member for Guildford-Midland adopts rather a provocative attitude in regard to many of the things he champions, which is likely to lose rather than gain him support.

Mr. Thorn: He is worrying about the Labour movement.

The PREMIER: The Labour movement can go on without him and without me. It has gone on for years and will continue to do so. Apart altogether from that viewpoint, the Bill has been before the House for two months. It does not matter so very much about the opinion of some individual who, after all, is only an individual. As pointed out in the report, there were one or two persons who represented some people other than themselves. One big organisation was represented by one witness who gave evidence, but I think it can be faithfully and truthfully said that the main points in all the evidence were published in the Press. In addition to that, I have so much respect for the member for Nedlands that I am quite sure he can make up his mind, and has done so, in regard to the powers contained in this Bill without the

assistance of some people who may have given evidence before the Select Committee.

The Bill has been published throughout Australia for three months. The Convention was held at the end of November and the results have been published in the Press. Various legal people and others representing all shades of opinion have had statements published. I do not want to deery the work of people who are public-spirited enough to study a Bill of this kind and to give evidence on it, but after all it is just their opinions and one is entitled to place whatever respect or credence he wishes on the opinions so expressed, taking the responsibility himself of making up his own mind. The Bill came before the House over two months ago, and most members have had an opportunity to cogitate over the whole matter and go into the pros and cons and view the position from all angles. There have been discussions on the matter and opinions have been published in the Press, and there has been plenty of guidance as to the line of thought we might take. I do not think, in the circumstances, that we would be justified in adjourning the House for a week over this Bill, particularly as this is the matter the House has met to discuss and which it met to discuss last month. Only for this Bill the House would have completed its business before Christmas, except for the Coal Mine Workers (Pensions) Bill.

Mr. Patrick: What about the Companies Bill?

The PREMIER: That is like Tennyson's "Brook." It can go on and on. If it reaches the sea and the safe haven in the harbour at the end of the brook, all the better. But it can go on for another few days. This is the business the House has been called together for a special summer session to deal with and I think it should be dealt with. With all due respect to those who gave evidence, I do not think the member for Nedlands will find anything in that evidence to cause him to change his mind. That is my opinion. Knowing the hon. gentleman, I do not think he will find anything in that evidence, even if he studies it most assiduously by candle-light, to make him change his mind. I do not want to burke discussion.

When the Bill was first introduced the House was adjourned for a month. That was a long time. The Bill was before members and they had available the expressions of opinion from myself and the Leader of

the Opposition voiced at the introduction of the measure. Then a Select Committee was appointed and evidence has been published. That accounts for practically another month. I think a fair thing has been done in regard to the time allowed for consideration of the Bill. I do not want to hurry or bludgeon the measure through, but to give members an opportunity to consider it. But they have had three months and the principle of the Bill is known to everybody interested. It has passed the second reading in this House. The principle of the Bill is not under consideration but the different clauses. I do not think the hon. member can accuse me of being discourteous if I oppose putting off consideration of the matter for another week. Members have had sufficient time and should be sufficiently informed to enable them to cast a vote.

**MR. McDONALD** (West Perth—on amendment): This is, after all, a very modest request. It is for two more sitting days of Parliament during which members may examine the report of the Select Committee, and any parts of the evidence which they may desire to peruse. The evidence, despite all the member for Guildford-Midland said, consists of 140,000 words, and that volume of matter cannot be read and digested in a few minutes. Those 140,000 words represent to a large extent opinions expressed on very intricate aspects not only of constitutional law but also of the economy of the State. The Bill raises in Western Australia the question: To be or not to be a self-governing body. That is the whole issue. Whatever the member for Guildford-Midland may think about such a question being brushed aside as not requiring any serious consideration, I believe the people of this State will expect and demand that this legislative body shall take any necessary time to decide this vital matter. If any single representative of a constituency wants two days' more time within which to study the report of the Select Committee and the evidence taken, then I suggest with respect it is the duty of the House to that member and to the people he represents, as well as to the State in general, to grant him that extension of time. I hope we will not be open to any reasonable suggestion that we have rushed this matter forward.

The Select Committee, considering the importance of the subject matter dealt with,

has in promptitude of despatch of its task broken, I think, all records in connection with this House. Four weeks ago today the committee was appointed to deal with the most momentous question this House has had to consider during the last 43 years. During the first week, the House was in session and during the remaining three weeks the committee examined a number of witnesses, formulated its report, which was printed, and it is now before members, without any request being tendered for one day's extension of time. I thought there might be some commendation expressed regarding the despatch exercised by the committee in dealing with the work affecting such an important subject. The members of the Select Committee worked day by day in an endeavour to ensure that there would be no delay in putting their views before the House. I hope there will be no question of refusing any member two sitting days' time in which to satisfy his mind on the most important subject with which Parliament has had the responsibility of recording a decision during the last 43 years.

**MR. WATTS** (Katanning—on amendment): When the Select Committee discussed the matter of proceeding with the measure, I must admit that I thought the resumption of the debate on the Committee stage of the Bill tomorrow would, in view of all that has been said by the Premier, be considered reasonable. I appreciated the fact then, as I do now, that a long time had elapsed since the Bill was introduced—not too long a time, because the more one gives consideration to it the more one realises the many aspects that have to be covered. I did not think that there would be any member who would object to proceeding with the Committee stage of the Bill tomorrow. However, there has been an objection from a member of this House who gave evidence before the Select Committee, and who spent a great deal of his time and knowledge in an endeavour to assist the committee after he gave his evidence by answering questions that were put to him in writing. That member has come forward and has said that he wishes to study further aspects of this matter.

The Premier: To a very great extent we accepted that hon. member's views.

Mr. WATTS: In some directions we did.

The Premier: To a very great extent we accepted them.

Mr. WATTS: Nevertheless, that member has made the statement I have attributed to him, and I am sorry that the Premier has not, as yet, been able to make any move which would be in the nature of a compromise to meet the views of that hon. member. I regret that the Premier has not done that, and I hope that he will yet see fit to do so. In passing, I wish to make one or two remarks in reply to those expressed by the member for Guildford-Midland, who repeated the parrot cry that there has been intentional delay in dealing with the Bill and that that delay has been generated by vested interests. That was the gravamen of the charge he made. On the contrary, anyone who reads intelligently the unanimous portions of the Select Committee's report—I trust such is not beyond the capacity of the member for Guildford-Midland—will find that extremely valuable work has been done regarding the Bill, which justified the appointment of the Select Committee quite apart from the powers that are to be referred, or are not to be referred, under Clause 2.

In the unanimous conclusions there will be found recommendations which have undoubtedly, in the opinion of all members of the committee, justified the reference of the Bill to the Select Committee. Therefore it is useless for the member for Guildford-Midland or anyone else to repeat the parrot cry that all we achieved by referring the Bill to the committee was to secure further delay. Had the member for Guildford-Midland been a member of the Select Committee, I am safe in saying that the committee's report would not have been presented today because, if he knew the amount of time and effort involved in bringing in the report today, he probably would repudiate the nonsense he talked about delay being generated by vested interests. I have nothing more to say on the subject.

**THE MINISTER FOR LABOUR** (on amendment): The Select Committee was unanimous in recommending the course of action indicated in the motion moved by the Leader of the Opposition. There might be some strength in the argument of the member for West Perth regarding the advisability of postponing the debate until next week if it was intended at tomorrow's sitting to pass the Bill right through the Committee stage. That, of course, is not

the intention unless progress is such as to enable that to be done reasonably. It is quite possible that at tomorrow's sitting we may not progress beyond the consideration of paragraph (a) or paragraph (b) of Clause 2. It is fairly clear to me that the first two or three paragraphs in Clause 2 of the Bill are of such a nature as to cause a deal of discussion which might easily occupy the whole of tomorrow's sitting. If that be so, the member for Nedlands will have a further 24 hours in which to study the evidence. If he wishes to study the evidence, he will find that quite a deal of it does not contain anything that will be helpful to him in his desire deeply and thoroughly to consider the paragraphs in Clause 2 of the Bill.

Most of the evidence is of a general character; it does not contain anything of value of a detailed character. If the member for Nedlands carefully peruses the evidence of about three witnesses, I think he will obtain all the information of value tendered to the committee. The majority of the witnesses gave evidence of a general character, which could be read or not according to the ideas of the member concerned and the time at his disposal. Therefore it seems to me that tomorrow we can quite reasonably resume consideration of the Bill. By the time the preliminary provisions are dealt with and we debate two or three paragraphs of Clause 2, I think the afternoon's sitting will have been taken up. If there were any intention of putting the Bill right through tomorrow, there would be a good deal in the argument of the member for West Perth and the suggestion of the member for Nedlands but, as this is not likely to happen, it seems to me that the suggestion to postpone the discussion for a week loses any strength or appeal it might otherwise have.

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

Ayes	..	..	..	18
Noes	..	..	..	18
A tie	..	..	..	—

AYES	
Mr. Berry	Mr. North
Mr. Boyle	Mr. Patrick
Mrs. Cardell-Oliver	Mr. Perkins
Mr. Hill	Mr. Sampson
Mr. Hughes	Mr. Seward
Mr. Keenan	Mr. Shearn
Mr. Kelly	Mr. Thorn
Mr. Mann	Mr. Warner
Mr. McDonald	Mr. Doney

(Teller.)

## NOES.

Mr. Coverley  
Mr. Fox  
Mr. Hawke  
Mr. J. Hegney  
Mr. W. Hegney  
Mr. Johnson  
Mr. Leahy  
Mr. Marshall  
Mr. Needham

Mr. Nulsen  
Mr. Pantou  
Mr. Tonkin  
Mr. Triat  
Mr. Waits  
Mr. Wilcock  
Mr. Wilson  
Mr. Withers  
Mr. Cross

(Teller.)

## PAIRS.

## AYRS.

Mr. Abbott  
Mr. McLarty  
Mr. J. H. Smith  
Mr. Stubbs  
Mr. Willmott

## NOES.

Mr. Holman  
Mr. Styants  
Mr. Raphael  
Mr. Millington  
Mr. F. C. L. Smith

Mr. SPEAKER: The voting being equal, I give my casting vote with the noes.

Amendment thus negatived.

Question put and passed.

**BILL—BUSINESS NAMES.**

Returned from the Council with amendments.

**BILL—MARKETING OF EGGS ACT  
AMENDMENT.**

*Second Reading—Defeated.*

Debate resumed from the 3rd February.

**THE MINISTER FOR THE NORTH-WEST** [2.53]: This Bill proposes a very short amendment to the Act, but no very convincing reasons have been advanced as to why the amendment should be made. I consider it would be quite wrong to agree to the measure. The Act provides for a board consisting of five members, two of them representative of and elected by the producers, leaving three members to be nominated by the Government. The board has the right to elect its own chairman, and there would be nothing to prevent one of the producers' representatives from being appointed to that position. In these circumstances and in view of the power given to the chairman, the numbers voting on any question might be equal. On the other hand, if the amendment is agreed to and the producers had the right to elect a further representative, the board would be controlled solely by the producers. I have no objection to giving full representation to the producers on a board that has the particular duty of controlling their business but, when we come to deal with the marketing of eggs, we must have a board appointed to consider all interests, and I am not prepared to give majority control to the producers.

I do not think that any reasonable or fair-minded member of the House would vote

for that. We have to remember that the board must consider all interests and not alone those of the producers. I admit it is only fair that the producers should have representation on the board and the Act provides for their having two direct representatives and, as I have pointed out, the board has the right to elect its own chairman. In my opinion that is fair and reasonable, and is all that the producers should ask for. I repeat that no sound argument was given in favour of the Bill either when it was being introduced in another place or in this House. If the amendment is agreed to, the board will be dominated by the producers and will ignore all other interests. That is the purport of the amendment—to enable the producers to dominate the board. This would be unfair and unreasonable and I am opposed to it.

**MR. CROSS** (Canning): I consider that the remarks made on the introduction of this Bill in both Houses were the most extraordinary I have heard in Parliament.

Mr. Sampson: That is an extraordinary statement by an extraordinary member.

Mr. CROSS: The whole of the arguments did not fill one column of one page of "Hansard"; in fact no reason was given for the introduction of the Bill. Some comments were made on the fact that a Bill was introduced last year, and the mover gloated because another place had been successful in killing a good measure owing to the fact that nobody offered to sponsor it there.

Mr. Sampson: That is untrue.

Mr. CROSS: It is definitely true.

Mr. Sampson: It is untrue. The mover did nothing of the sort.

Mr. SPEAKER: Order! The hon. member is not in order in alluding to a debate in another place.

Mr. CROSS: Allusions have been made to the discussion in this place. Another remark made in another place—

Mr. SPEAKER: Order! I have pointed out the hon. member is not in order in discussing what was said in another place.

Mr. CROSS: Somewhere a remark was made that if the Act were amended as proposed, the producers would be able to get permanent control of the board. Last year a Bill was introduced to give the present stabilisation committee statutory power, which is what is wanted. The remarks that have been made are a reflection on the good work done by the voluntary stabilisation

committee. When the member for Swan moved the second reading, he gave even less reason for the Bill than was given anywhere else. He said that the amendment would provide for three representatives of the producers on a board of six, instead of two representatives as at present, but he gave no reason for proposing the change.

Mr. Sampson: That was a statement of fact.

Mr. CROSS: The board has power to elect its own chairman, and to fix prices. I know of no board or constituted authority under which the interested parties are empowered to fix their own emoluments. Why not agree to give the workers a majority on the Arbitration Court?

Mr. Sampson interjected.

Mr. SPEAKER: Order! The hon. member has the right of reply.

Mr. CROSS: The member for Swan, in introducing the measure, told the House a hard-luck story about one producer in his own district. He gave that as the reason for the introduction of the Bill. I think I have in my electorate a preponderance of the egg-producers in this State. The few producers in my district to whom I have spoken about the measure say they have not been consulted and are not interested in it. The present proposal is unfair and I have not been requested to support it; the egg-producers in my district say they do not care what happens to the Bill, and that what they desire is a board with statutory powers such as was provided for in the Bill introduced last year. I shall not discuss the measure further, but will vote against it.

MR. SAMPSON (Swan—in reply): I regret that the Minister is opposed to the measure, because the representation asked for is equitable. There is no suggestion that egg-producers will set out to elect a chairman from among their own number and so secure a majority. If that is feared, it would be competent to submit an amendment providing that the right to a second or casting vote should not be given. I would have no objection to the parent Act being amended in such a way as to provide, on an equality of votes, that the vote should be determined in the negative. That is really the expressed objection to the measure. It is thought that by some occult means the producers will be given an unreasonable ad-

vantage. I do not think the Minister need have any fear in that respect and I hope that the producers will be given the same opportunity as is given to the representatives of the other sections concerned. The member for Canning, running true to form, is suffering from a kind of mental indigestion and misunderstanding.

Mr. Marshall: You should not reflect on another member.

Mr. SAMPSON: I am not sure whether I am reflecting on him at all. He is very anxious that the egg-producers, who, he tells us, are greater in number in his district than in any other part of the State, should receive every consideration. He then, in a remarkable statement, sets out to disprove the words which he himself uttered.

The Minister for the North-West: You have not given any sound reason why the primary producers should have three representatives on this board and why control should be placed in their hands.

Mr. SAMPSON: One reason is that the eggs are the property of the producers. In my opinion, the producers should have equal controlling powers with the other representatives who are appointed.

The Minister for the North-West: They have that now.

Mr. SAMPSON: If the Minister will pardon me, there are five, of whom two are elected by the poultry farmers. The other three are appointed by the Government.

The Minister for the North-West: Whom do they represent? Tell us that.

Mr. SAMPSON: They represent the consumers and the Government, and there is a man appointed with some knowledge of the industry.

The Minister for Mines: Who is he?

Mr. SAMPSON: Whomever the hon. member and his colleagues select! I do not say that the Minister and his colleagues would not give fair consideration to the selection.

The Minister for Mines: That is what the Bill says.

Mr. SAMPSON: The Bill says what many Acts provide, namely, that the producers should have equal representation. I have before me a report of the stabilisation committee.

Mr. SPEAKER: Order! The hon. member must not bring up new matter in reply.



Mr. SAMPSON: I merely wish to point out that there is no innovation in asking for an even number of representatives.

Mr. Cross interjected.

Mr. SPEAKER: Order!

Mr. SAMPSON: In reply to the Deputy-Speaker, the Deputy-Premier, the member for Canning, who also holds other positions, I would say that when he states that three representatives of the producers would have control of the price of eggs, he is stating something which is absolutely not in accordance with fact. My desire is to treat the hon. member with some degree of courtesy, but it is difficult fittingly to describe the mass of contradictory matter which he has expressed this afternoon, and still retain some fleeting respect for what he has said. He knows full well that when, a year or two ago, he brought forward a Bill to care for the egg-producers, I supported him in every way in which I could conscientiously do so. Did that have any effect? No! Owing to much consideration on the part of members that measure was passed and the member for Canning had no cause to complain. Even if he had reason to complain, it was because of his insatiable desire to repeal an existing measure, the operation of which was not—

Mr. SPEAKER: Order! I think the hon. member had better get back to his reply.

Mr. SAMPSON: The hon. member would have the House believe that the Bill asks for something quite new. I was about to observe that on other boards the producers have equal representation. That is so in the case of the Dried Fruits Board and, I believe, the Onion Board. The Egg Stabilisation Committee comprises three representatives of the Primary Producers' Association, one representative of the Commercial Poultry Union, one representative of the merchants, three representatives of the agents, and an independent chairman, Dr. Sutton. No justification exists for the objection to this tiny measure. Unfortunately, the member for Canning appears to value or weigh the evidence in its favour by the period of time taken to introduce the measure. He said that because of the very short speech I made in introducing the Bill, it should not be approved. Could there be anything more unreasonable, anything more stupid or unjustifiable? I do not want to

be hard on the unfortunate member, because he is very hard on himself.

Mr. Cross: Those are the vapourings of a disordered mind.

Mr. SPEAKER: Order!

Mr. SAMPSON: That may be so. I am not disputing it. If the hon. member has a disordered mind—

Mr. SPEAKER: Order! The hon. member must not reflect on another member.

Mr. SAMPSON: I will not refer further to the hon. member. I assure members that, should some action be deemed necessary to avoid the conferring of undue power on the egg-producers, no objection will be raised by me to an amendment in the Committee stage providing that on an equality of voting the decision shall be in the negative. Such a condition is already contained in other Acts.

Mr. Cross: It is not contained in this Bill.

Mr. SPEAKER: Order!

Mr. SAMPSON: I think it would do no great harm if such a condition were inserted in this measure; at all events, I am not opposed to it. My desire is to do what is right on behalf of the egg-producers. We ought to do what we can to help them. The Government has already done something; it has performed a valuable service in the erection of works for the production of egg-powder. We ought to do all we can to encourage the poultry farmers to look after their own affairs and to endeavour to maintain reasonable prices, so that these people will be encouraged to remain on their holdings. So that there may be no misunderstanding because of the sentiments I have just expressed, I say again that the Bill does not provide for the fixing of prices; it merely gives to the representatives of the producers the same powers as are given to the representatives appointed by the Government. I trust the Bill will pass the second reading and that, if necessary, there will be an amendment in the Committee stage.

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

Ayes	..	..	..	12
Noes	..	..	..	18
				—
Majority against	..			6
				—

<b>AYES.</b>	
Mrs. Cardell-Oliver	Mr. Sampson
Mr. Hill	Mr. Seward
Mr. Mann	Mr. Shearn
Mr. McLarty	Mr. Thorn
Mr. North	Mr. Waite
Mr. Patrick	Mr. Doney
<b>NOES.</b>	
Mr. Coverley	Mr. Marshall
Mr. Crosa	Mr. Needham
Mr. Fox	Mr. Nulsen
Mr. Hawke	Mr. Panten
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. Triat
Mr. Johnson	Mr. Willcock
Mr. Kelly	Mr. Withers
Mr. Leaby	Mr. Wilson
<b>PAIRS.</b>	
<b>AYES.</b>	<b>NOES.</b>
Mr. Abbott	Mr. Hobnan
Mr. Hughes	Mr. Millington
Mr. J. H. Smith	Mr. Raphael
Mr. Boyle	Mr. Rodoreda
Mr. Perkins	Mr. F. C. L. Smith
Mr. Stubbs	Mr. Styants
Mr. Willmott	Mr. Wise

Question thus negatived.

Bill defeated.

## BILL—COMPANIES.

### *In Committee.*

Resumed from the 4th February. Mr. Marshall in the Chair; the Minister for Justice in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 248 had been agreed to.

Clauses 249 to 257—agreed to.

Clause 258—Powers and duties of liquidator in voluntary winding-up:

Hon. N. KEENAN: I move an amendment—

That in line 1 of paragraph (b) of Sub-clause (1) the words "without sanction" be struck out.

A voluntary winding-up may be of two characters. One is the members' voluntary winding-up, and the other the creditors' voluntary winding-up. If it is a members' voluntary winding-up, the company is solvent and is being wound up for the purpose of putting an end to it. But this clause provides for both classes of winding-up. The other powers contained in the measure are even more important than those expressed in paragraphs (a) and (b). There is no reason why, if the sanction of the court is required for the benefit of these paragraphs, liquidators should have the right, without any sanction, to exercise all the other powers given to the liquidator on winding-up.

The MINISTER FOR JUSTICE: The Crown Law Department has gone through all these amendments very carefully with me, and unless I am going to oppose an

amendment I do not intend to speak, as it would only be wasting the time of the Committee.

Amendment put and passed.

Hon. N. KEENAN: The next amendment I have on the notice paper would not meet the position which may arise where there are two liquidators appointed. If there is only one liquidator then there would be no question of his not agreeing with himself. Where two liquidators are appointed and one holds one opinion and one another, there would not be a majority, so my amendment would not meet the position. We will have to leave it to proper recourse to the court if two liquidators hold different opinions on important matters.

Clause, as amended, agreed to.

Clauses 259 to 274—agreed to.

Clause 275—Preferential payments:

Hon. N. KEENAN: I move an amendment—

That in line 3 of Subclause (1) after the word "debts" the following words be added:—"subject to Subsection (3) hereof."

The first debt provided for in Subclause (3) is to meet the expense of liquidation. To preserve the proper reading of the clause I move the amendment.

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

Clause 276—Creditors to receive interest before surplus dividend:

Hon. N. KEENAN: I move an amendment—

That in lines 9 to 12 the words "and, secondly, all other creditors shall have been paid interest on their debts, from the same date, at the rate of four pounds per centum per annum" be struck out.

This clause provides in the first place that interest shall be paid on debts which are entitled to interest, when the principal moneys have been paid and a surplus remains. Such debts shall only be allowed to carry interest at the rate of four per cent. It then goes on to provide that if a surplus remains, instead of its being given to the shareholders, it shall be paid to the other creditors by way of interest at the rate of four per cent. per annum. It would thus reduce the amount to be returned to the shareholders. I can see no reason for that.

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

Clauses 277 and 278—agreed to.

Clause 279—Effect of floating charge:

Hon. N. KEENAN: I move an amendment—

That in line 9 the word "five" be struck out and the word "four" inserted in lieu.

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

Clause 280—Disclaimer of onerous property:

Hon. N. KEENAN: I move an amendment—

That in line 1 of Subclause (10) the word "injured" be struck out and the words "who has suffered damages" inserted in lieu.

The word "injured" is not applicable to a monetary damage and what is involved in this clause.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

That in line 3 of Subclause (10) the words "the injury" be struck out, and the words "such damages as may be recoverable under the provisions of this section" inserted in lieu.

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

Clauses 281 to 282—agreed to.

Clause 283—Offences by officers of companies in liquidation:

Hon. N. KEENAN: I move an amendment—

That in line 2 of Subclause (1) after the word "company" the words "who is connected with the management of a company" be inserted.

Elsewhere in the Bill, in cases where an officer of a company is liable to a penalty, he is shown to be an officer connected with the management of the company. Every employee of a company should be regarded as a servant of that company.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

That in lines 4 and 5 of paragraph (d) of Subclause (1) the words "to the value of ten pounds or upwards" be struck out.

If an officer conceals any moneys due to the company, he commits an offence.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

That in line 1 of paragraph (g) the words "or believing" be struck out.

The view I take is that if an officer has knowledge that a false debt has been proved, it is immaterial whether he believes that to be the case or not.

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

Clause 284—Liability where proper accounts not kept:

Hon. N. KEENAN: I move an amendment—

That in line 5 of Subclause (1) the word "other" be struck out and the word "accounting" inserted in lieu.

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

Clause 285—Responsibility of directors for fraudulent trading:

Hon. N. KEENAN: I move an amendment—

That in line 5 of Subclause (5) the words "been accustomed to act" be struck out, and the word "acted" inserted in lieu.

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

Clauses 286 to 293—agreed to.

Clause 294—Application of unclaimed assets of company:

Hon. N. KEENAN: I move an amendment—

That at the end of Subclause (4) the following words be added:—"together with any interest accruing thereto."

If a person claiming to be entitled to any unclaimed assets of the company is paid, he should also receive interest on the money he derives.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

That in line 6 of Subclause (7) the word "assets" be struck out and the word "moneys" inserted in lieu.

Amendment put and passed.

The CHAIRMAN: The next amendment of which the hon. member has given notice is consequential.

Hon. N. KEENAN: I move an amendment—

That at the end of Subclause (7) the following words be added:—"but any such order must be presented for payment to the Treasurer within six years after the payment of any such moneys to the Treasurer, after the expiration of which period the same shall pass to the credit of and form part of the general revenue."

The subclause as it stands leaves the matter open without any limit of time. If money remains in the Treasurer's hands for six years, it should pass to Consolidated Revenue.

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

Clauses 295 to 305—agreed to.

Clause 306—Meaning of unregistered company:

Hon. N. KEENAN: We now reach that part of the Bill dealing with the winding-up of unregistered companies. I move an amendment—

That in lines 4 and 5 the words “partnership, society, association, or” be struck out.

The MINISTER FOR JUSTICE: I am not quite certain as to a couple of points, although I agree with the member for Nedlands generally. There is provision for the winding-up of partnerships but is there legislation for the winding-up of societies and associations? Doubt exists on that point.

Hon. N. KEENAN: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

On motion by the Minister for Justice, further consideration of the clause postponed.

Clauses 307 to 312—agreed to.

Clause 313—Application of Act to companies formed under former Companies Act:

The CHAIRMAN: The three amendments of which the member for Nedlands has given notice are consequential on an amendment passed previously.

Clause, as consequentially amended, put and passed.

Clauses 314 and 315—agreed to.

Clause 316—Companies capable of being registered:

The CHAIRMAN: The amendment of the member for Nedlands referring to this clause is consequential.

Clause, as consequentially amended, put and passed.

Clauses 317 to 321—agreed to.

Clause 322—Exemption of certain companies from payment of fees:

Hon. N. KEENAN: I move an amendment—

That in line 3 the words “if it is not registered as a limited company or” be struck out.

All kinds of ragtag and bobtail companies could exist and escape liability for payment of fees for which limited companies are liable, under the clause as it stands.

The MINISTER FOR JUSTICE: Superficially I agree with the amendment, but I would like to look into the matter.

Hon. N. KEENAN: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

On motion by the Minister for Justice, further consideration of the clause postponed.

Clauses 323 to 333—agreed to.

Clause 334—Registration and documents to be delivered to Registrar:

Hon. N. KEENAN: I move an amendment—

That in line 5 of paragraph (b) of Sub-clause (3) the word “six” be struck out and the word “twelve” inserted in lieu.

This portion of the clause deals with the necessity to register documents within a certain period of time. Six months is the period stipulated in this paragraph and I suggest that the time should be 12 months.

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

Clauses 335 to 338—agreed to.

Clause 339—Certain companies deemed not to be carrying on business:

Hon. N. KEENAN: I do not see why trustee and executor companies referred to in this clause should not comply with the same laws with which our own trustees have to comply.

Clause put and negatived.

Clause 340—Companies to file balance sheets:

Mr. TONKIN: I would like to ask the Minister why it is proposed to exempt foreign companies, which are incorporated in other States where there is no provision for filing balance sheets, from the necessity for filing them in this State. As I read the clause all foreign companies which have offices in this State are obliged to furnish a balance sheet if they are incorporated in States which require them to do so in those States, but, if they happen to be incorporated in a State where there is no such requirement, this State does not require them to furnish such balance sheets. I cannot see any sense in that.

The MINISTER FOR JUSTICE: I have not given attention to the matter, and would like the clause to be postponed.

On motion by the Minister for Justice, further consideration of the clause postponed.

Clause 341—agreed to.

Clause 342—Obligations to state name of company, whether limited and country where incorporated:

Mr. McDONALD: On behalf of the member for North Perth, I move an amendment—

That in line 2 of paragraph (iii) after the word "limited" the words "unless the last word of the name of the company is the word 'limited'" be inserted.

By the prior part of this provision a company has to put its name on the premises and on its literature. By the second part it also has to state on its premises and on its literature, whether the liability of its members is limited. But if a company is a limited or a no-liability company the name itself contains the words "limited" or "no liability," as the case may be. Therefore when the name of the company under the first part of the provision has to be on the premises or used on the literature, as the name includes the words "no liability" or "limited," there is notice to the public that the liability of the shareholders is limited in that way. I think the last part of the clause was meant to cover the case of a company limited by guarantee, but I think that clause was struck out. So it seems to me that either subparagraph (iii) should be eliminated because companies by guarantee are no longer provided for in the Bill, or alternatively an amendment should be inserted in the terms I have suggested, providing that where the last word is the word "limited" there need be no statement in the terms of subparagraph (iii).

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

Clause 343—agreed to

Clause 344—Notice to Registrar of liquidation of company outside the State:

Hon. N. KEENAN: I move an amendment—

That in line 5 of Subclause (1) the word "forthwith" be struck out and the words "within seven days of receiving information of such liquidation" inserted in lieu.

"Forthwith" might mean within an hour. I think that seven days would be sufficient time to allow.

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

Clause 345—Notice of dissolution of foreign company:

Hon. N. KEENAN: As a result of the amendment just made, it will be necessary to amend this clause consequentially.

The CHAIRMAN: The amendment will be made consequentially.

Clause, as consequentially amended, put and passed.

Clauses 346 to 358—agreed to.

Clause 359—Inspection of register:

The MINISTER FOR JUSTICE: I move an amendment—

That in lines 11 and 12 of Subclause (1) the words "or of any annual return prepared under Section 117 of this Act" be struck out.

Clause 117 does not apply to foreign companies with which Clause 359 deals, and in the circumstances these words should not have appeared in the clause.

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

Clause 360 to 367—agreed to.

Clause 368—Appointment of receivers:

Hon. N. KEENAN: During the discussion of an earlier clause the matter of a corporate body acting as a receiver was discussed particularly by the member for East Perth. The Committee reached a decision on that point, and now Clause 368 provides for a contrary position. Does the Minister desire that the Bill shall indicate two minds on the one point?

The MINISTER FOR JUSTICE: The member for East Perth has asked me to re-commit the clause that has already been agreed to. According to the decision we reach on re-considering that clause, the present clause may or may not be all right.

Hon. N. Keenan: What do you propose to do?

The MINISTER FOR JUSTICE: It is only reasonable that we should give the member for East Perth an opportunity further to discuss a clause that slipped through without very much consideration. I myself feel a little fearful about the earlier clause as it appears in the Bill now.

Hon. N. Keenan: Will you re-commit this clause as well?

The MINISTER FOR JUSTICE: Yes, but in the meantime I move—

That the consideration of the clause be postponed.

Motion put and passed; clause postponed.

Clauses 369 to 371—agreed to.

Clause 372—Definitions:

Hon. N. KEENAN: I move an amendment—

That in line 3 of the definition of "company" the word "five" be struck out and the word "twenty" inserted in lieu.

I have previously pointed out that a partnership can consist legally of 21 members.

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

Clauses 373 and 374—agreed to.

Clause 375—Restrictions on offering shares for subscription or sale:

Hon. N. KEENAN: I move an amendment—

That subparagraph (b) (iii) of Subclause (1) be struck out.

In paragraph (a) provision is made that, subject to certain provisos, it shall not be lawful for "any person to go from house to house or from place to place, whether by appointment or otherwise, offering to any member of the public shares for subscription or purchase or in exchange for other shares." Then paragraph (b) goes on to provide various exceptions. My reason for moving the amendment is the impossibility of reconciling the application of those exceptions with a desire to prevent what, without doubt, is a very great evil. I refer to canvassing from door to door with the object of disposing of shares either for cash or in exchange for shares in some prosperous company for rubbishy stuff that canvassers may be able to persuade people to accept. We know the scandal that this sort of thing created in Western Australia some time ago. To my mind the exceptions go far to counter the provisions to make illegal what is sought to be prohibited. The door will be left so wide open that little, if anything, will be accomplished. If the clause be agreed to as it stands, those indulging in these practices will be able to get someone like a registered sharebroker to speak for them, and they will be removed entirely from the ambit of the legislation. Unless the desire is to hold up the remedy, I can see no reason for such drafting. I propose to make it illegal to indulge in canvassing and not leave the position open to the abuse likely to arise from the provision of so many exceptions.

Mr. SAMPSON: Subparagraph (b) would be helpful in affording protection to people who buy shares, and if it is deleted the clause will suffer. We should not open the door to permitting the sale of shares unless all possible precautions are taken to protect the unwary. We have had many examples of honest people having been simple enough to accept statements made to them and having been shockingly robbed. In one instance an amount of £2,200 was invested in shares, and not long afterwards the company went into liquidation and the return to the shareholders was only 6d. for every £25 invested.

Progress reported till a later stage of the sitting.

## **BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.**

### *Council's Further Message*

Message from the Council received and read notifying that it had resolved not to comply with the Assembly's request for a conference on the amendment to which the Assembly had disagreed and on which the Council had insisted.

Bill thus lapsed.

## **BILL—MEDICAL ACT AMENDMENT.**

### *Council's Further Message.*

Message from the Council received and read notifying that it had agreed to the Assembly's request for a conference on the amendments insisted on by the Council, and had appointed the Chief Secretary, Hon. J. G. Hislop, and Hon. C. F. Baxter as managers for the Council, the President's room as the place of meeting and the time 4.30 p.m.

*Sitting suspended from 4.34 to 5.3 p.m.*

### *Conference Managers' Report.*

**THE MINISTER FOR HEALTH:** I have to report that the managers appointed by the Council met the managers appointed by the Assembly and failed to arrive at an agreement. I move—

That the report be adopted.

Question put and passed; Bill dropped.

## **BILL—COMPANIES.**

### *In Committee.*

Resumed from an earlier stage of the sitting. Mr. Marshall in the Chair; the Minister for Justice in charge of the Bill.

Clause 375—Restrictions on offering shares for subscription or sale:

The CHAIRMAN: Progress was reported on this clause, to which the member for Nedlands had moved an amendment to strike out subparagraph (b) (iii) of paragraph (b) of Subclause (1)

Mr. SAMPSON: I urge the Committee to continue in this measure the protection given to the public by the existing Act. The public should be given all the protection possible in regard to the sale of shares by those persons who are sometimes termed "go-getters." The protection that would be afforded by subparagraph (b) is very desirable. No good can come of loosening the restrictions which have been imposed by the

Act. I could give the Committee many examples of hard-working, honest people who have been badly treated by "go-getters."

Amendment put and negatived.

Clause put and passed.

Clauses 376 to 380—agreed to.

Clause 381—Provisions as to application to Court for order authorising registration:

Hon. N. KEENAN: I move an amendment—

That in line 4 of paragraph (c) of Subclause (5) after the word "Act" the words "involving a finding that he acted fraudulently or dishonestly" be inserted.

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

Clause 382—Provisions relating to deposits made with Treasurer:

Hon. N. KEENAN: I move an amendment—

That in line 5 of paragraph (a) of Subclause (1) after the word "bankruptcy" the words "to be applied in the first instance in payment pro rata of any moneys due to clients of such sharebroker in respect of dealings with such clients and as to any surplus thereafter to be applied in accordance with the law and practice in bankruptcy" be inserted.

The amendment will provide that in the event of a depositor becoming bankrupt, the amount of his deposit with the Treasurer shall be applied for the purposes for which it was deposited in the first instance and any balance over shall be dealt with according to the laws of bankruptcy. Otherwise all debts would rank equally with the debts he owed to the clients who had dealt with him.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

That in lines 5 and 6 of paragraph (b) the words "repaid to the corporation" be struck out and the words "handed to the liquidator to be applied in like manner to that set out in paragraph (a) above" inserted in lieu.

This is a consequential amendment.

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

Clause 383—Cancellation of registration of authorised broker by registrar:

Hon. N. KEENAN: I move an amendment—

That in line 8 of paragraph (a) of Subclause (2) the words "a Judge of the Supreme" be struck out and the word "the" inserted in lieu.

If members will look back two pages they will find the word "Court" used again and again where it simply means one judge. We

find that on one page again and again the words "the Court," meaning a judge of the Supreme Court, are used, whereas on another page is set out "a Judge of the Supreme Court." My amendment will secure uniformity and avoid confusion.

Amendment put and passed.

On motions by Hon. N. Keenan, clause further amended by striking out the word "Judge" in line 4 of paragraph (a), Subclause (3) and inserting the word "Court" in lieu; and by striking out the word "Judge" in line 1 of the Subclause (4) and inserting the word "Court" in lieu.

Clause, as amended, put and passed.

Clauses 384 to 407—agreed to.

Clause 408—Registration of persons qualified to act as auditors or liquidators:

Hon. N. KEENAN: I move an amendment—

That Subclause (2) be struck out, and the following new subclauses inserted in lieu:—

"(2) The Registrar shall cause such application to be advertised at least twice in a daily newspaper circulating in Perth at an interval of seven days inviting all persons having any objection to such applicant being registered as an auditor or liquidator to lodge such objection within seven days of the second publication of such application.

(3) On receipt of any such objection the Registrar may require the person making same to forward to him a statutory declaration in support of his objection.

(4) The Registrar shall consider the said application and all matter in reference thereto before him and if he is satisfied that—

(a) the applicant is a person of good fame; and

(b) the applicant holds a diploma or license from any recognised authority to carry on the business of an auditor or accountant; or

(c) the applicant has had a previous training sufficient to enable him to satisfactorily discharge the duties of an auditor or accountant;

the Registrar shall direct such applicant to be registered as an auditor or liquidator as the case may be and shall issue to him a certificate of registration in the prescribed form."

This is a very radical alteration, and I will illustrate it a little. The clause proposes to give power to the Registrar to appoint any person applying to him to act as an auditor or liquidator if he thinks fit and approves the application. Subclause (3) empowers him, at any time, to cancel such registration. That is a very wide and improper power to give to the Registrar. It is purely a matter of choice. A tailor may say to the Registrar, "I have been waiting a long time to collect my bills; what about

making me an accountant?" Any ridiculous reason might be put forward. The appointment and removal of such persons are purely at the pleasure of the Registrar. I do not give him the right to remove them at all, but leave that to the court.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

That Subclause (3) be struck out.

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

Clauses 409 and 410—agreed to.

Clause 411—Qualifications for registration as auditor or liquidator:

Hon. N. KEENAN: I propose to strike out the words "either as an auditor or." We have in this Bill authorised persons to act as auditors. There was an undertaking given by the Minister to recommit that clause but, subject to that recommitment, we cannot in this part of the Bill say that something is not to happen that we have already said in another part is to happen. I propose to ask the Minister to put this clause in the same category. I will withdraw the amendment if the Minister will give such an undertaking.

The CHAIRMAN: The hon. member has not moved any amendment to the clause, so far.

On motion by the Minister for Justice, further consideration of the clause postponed.

Clause 412—Cancellation of registration of auditor or liquidator:

Hon. N. KEENAN: I move an amendment—

That Subclause (3) be struck out and the following subclause inserted in lieu:—" (3) The court may, on the complaint of any inspector or any interested party, order any inquiry in relation to the discharge of his duties by any registered auditor or liquidator and may direct in what manner and by whom the costs of such an inquiry are to be borne."

That completes the matter by giving the court the power, on any complaint by an interested party or an inspector under the Act as to the conduct of some registered auditor, to have an inquiry made into the charge; and it directs in what manner and by whom the costs of such inquiry are to be borne.

The Premier: Whom would the court order to conduct the inquiry? Any competent person?

Hon. N. KEENAN: I presume so. The inquiry might be carried out by the Regis-

trar or the Master, or somebody else. We do not restrict the court.

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

Clauses 413 to 417—agreed to.

Clause 418—Power of court to grant relief in certain cases:

Hon. N. KEENAN: My amendment to this clause is in connection with Subclause (4), which deals with the persons to whom the clause applies. I move an amendment—

That in paragraph (d) of Subclause (4) the words "whether they are or are not officers of the company" be struck out.

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

Clauses 419 to 423—agreed to.

Clause 424—Expenses of winding-up where assets are not sufficient:

Hon. N. KEENAN: The clause provides that the liquidator shall not be liable without the express direction of the Registrar. If this means anything, it is that the Registrar would be liable because there would be nobody else. I move an amendment—

That the words "without the express direction of the Registrar" be struck out and the words "without all expense so incurred being guaranteed by the party requiring same" inserted in lieu.

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

Clause 425—Power of assignee to sue:

Hon. N. KEENAN: I move an amendment—

That in line 1 the word "anything" be struck out and the words "any chose" inserted in lieu.

That is the legal expression.

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

Clause 426—Transfers to avoid liability:

Hon. N. KEENAN: We would be wise to provide that a transfer to an infant shall be of a character not to relieve the transferor of liability, and without an amendment it might be impossible to prove the intent. I move an amendment—

That in Subclause (1) the words "for the purpose of avoiding or evading liability with regard to such share" be struck out.

Amendment put and passed.

On motion by Hon. N. Keenan, Subclause (2) amended by striking out the words "made for the purpose of avoiding or evading liability with regard to such share."



Hon. N. KEENAN: I move an amendment—

That in line 4 of Subclause (2) the word "such" be struck out and after the word "liability" in the same line the words "in regard to such share" be inserted.

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

Clauses 427 to 438, First Schedule to Thirteenth Schedule—agreed to.

Progress reported.

### MOTION—TRAFFIC.

*As to Co-ordination of Road Services.*

Order of the Day read for the resumption from the 27th January of the debate on the following motion by Mr. Cross:—

That in the opinion of this House, in view of the serious position facing passenger transport authorities, due to the war, the Government should take immediate steps to set up a special committee to re-organise, co-ordinate, regulate and direct all passenger transport routes, companies and vehicles in the Greater Metropolitan Area in the best public interests for the duration of the war and six months thereafter.

On motion by Mr. Cross, Order of the Day discharged.

### BILL—EVIDENCE ACT AMENDMENT.

*Order Discharged.*

Order of the Day read for the resumption from the 8th December of the debate on the second reading.

On motion by the Premier, Order of the Day discharged.

*House adjourned at 5.15 p.m.*

## Legislative Council.

*Wednesday, 24th February, 1943.*

	PAGE
Leave of absence .....	2512
Motion: Youthful delinquents, detention conditions, to Inquire by Select Committee .....	2512
Bills: Coal Mine Workers (Pensions), 2R. ....	2517
Vermin Act Amendment, Assembly's Message ....	2531
Public Authorities (Retirement of Members), 2R. ....	2531
Adjournment, special .....	2532

### LEAVE OF ABSENCE.

On motion by Hon. H. L. Roche, leave of absence for twelve consecutive sittings granted to Hon. H. V. Piesse (South-East) on the ground of ill-health.

### MOTION—YOUTHFUL DELINQUENTS, DETENTION CONDITIONS.

*To Inquire by Select Committee.*

HON. E. H. H. HALL (Central) [2.19]:

I move—

That a Select Committee be appointed to inquire into and report upon—

- what provision should be made by the State for the care and reform of youthful delinquents;
- the conditions of Barton's Mill prison as a place of detention for male youthful delinquents, and of York for females, and whether improvements can be effected at such places for such purposes; and
- the results that were achieved by the investigation which on or about the 23rd June, 1937 (according to a statement of the Minister controlling the Child Welfare Department) had been in progress for 12 months prior to a deputation to that Minister at that time.

I think it only right, if you will permit me, Mr. President, as several members are aware of the fact that it was my intention to move the adjournment of the House last Tuesday, to explain that owing to a little misunderstanding I did not proceed with that motion. On reconsideration, I decided to bring forward the motion standing in my name today. Several months ago, feeling alarmed at the rumours I have heard about the Barton's Mill prison, I took the opportunity, in company with the member for the district, to visit the prison and there saw much that called for commendation.

Remembering the many dreadful reports that had been spread about the conditions obtaining at the prison at Barton's Mill, and feeling pleased with what I had observed, I thought it my duty to make known to the public my impressions. I therefore wrote to the editor of "The West Australian" a letter which was published with the exception of one paragraph in which I had suggested that the magistrate of the Children's Court, who had uttered some severe strictures on the Barton's Mill institution and the conditions obtaining there, should endeavour to take advantage of an opportunity to inspect the prison himself for the purpose of ascertaining the many difficulties

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