stitutions, he does not mention the private mortgagee who has all his money invested in one rural security. He is not to be dealt with under this motion, but the hon. member does, by his action, seek to interfere with money invested as trustees' securities. Investment in land is, it must be borne in mind, a permissible investment for such funds. If the member for Wagin wishes to bring within the ambit of his motion cases that are deserving of attention, I am afraid he will have to reconstruct it very substantially. The most important point of all is that if the hon. member will refer to the Commonwealth "Government Gazette" of the 14th March, 1942, he will find that interest rates are limited by an order published by the Commonwealth Bank in the "Gazette" of that date. He will find that, by authority vested in the Commonwealth Bank, under National Security (Economic Organisation) Regulation No. 11, the maximum rates of interest on deposits and on loans are prescribed. He will find that the interest to be charged by trading banks, pastoral companies, local authorities or building societies is all covered in that particular Commonwealth regulation. Thus the member for Wagin asks, by way of the immediate introduction of legislation in this Chamber, that interest rates shall be controlled and that the control of such interest rates shall be limited to particular industries or persons, including particular types of mortgages.

Mr. Watts: Can you not reduce the interest rate below the maximum?

The MINISTER FOR LANDS: Yes, and that is done today. That was admitted by way of interjection by the member for Wagin before I had been speaking for a minute. However, what is suggested cannot be done effectively in Western Australia in the light of the Commonwealth National Security Regulation to which I have referred. Although the issues involved could be traversed at great length, I submit that, for the very valid reasons I have advanced, the House should not agree to the motion.

On motion by Mr. McDonald, debate adjourned.

House adjourned at 6.15 p.m.

Legislative Council.

Tuesday, 2nd February, 1943.

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

QUESTIONS (2).

GAOLS.

Appointment of Visiting Justices, Etc.

Hon. J. A. DIMMITT (for Hon. L. B. Bolton) asked the Chief Secretary: 1, Have any appointments been made as visiting justices to the Fremantle Gaol or Barton's Mill Prison for the year ending the 31st December, 1943? 2, If so, will the Minister give the names and addresses of those appointed? 3, If not, is it intended to make any such appointments? 4, In view of the many escapes from and general dissatisfaction at Barton's Mill, will the Government consider appointing a visiting board to confer with the prison authorities?

The CHIEF SECRETARY replied: 1, Yes. 2, The names and addresses of the gentlemen appointed are as under: A. C. R. Loaring, J.P., Lawnbrook, Bickley; A. R. Thorogood, J.P., 256 Albany-road, Victoria Park; C. Kostera, J.P., Kalamunda Bus Service, Kalamunda; G. Weston, J.P., Pickering Brook—Barton's Mill. The Stipendiary Magistrate, Fremantle; L. B. Bolton, M.L.C., 102 Barker-road, Subiaco; C. M. Purdie, 190 Canning-road, East Fremantle; G. J. B. Thompson, 200 Canning-road, East Fremantle; W. J. Sumpton, Angwin-street, Fremantle; F. E. Gibson, M.L.C., 142 High-street, Fremantle; C. H. Rudwick, Glyde-street, Mosman Park; A. Turton, 25 Harvest-road, North Fremantle; James Farrell, 20 Fothergill-street, Fremantle—Fremantle Gaol. 3, Answered by No. 1. 4, It is considered quite competent for the visiting justices to fulfil the functions of such a board. Their duties as laid down in their letters of appointment embrace the hearing and determination of all cases awaiting adjudication; hearing complaints of any prisoners

who may desire to see them; inspecting the prison; examining the clothing, bedding and rations, and satisfying themselves that the regulations are being enforced.

COLLIE MINE WORKERS' PENSIONS.

As to Coal Production, Etc.

Hon. SIR HAL COLEBATCH (without notice) asked the Chief Secretary: Has the Chief Secretary been able to obtain answers to questions on the subject of Collie mine-workers' pensions which I asked on the 9th December last?

The CHIEF SECRETARY replied: I am not in receipt of the information up to date.

BILL—BUSINESS NAMES.

Second Reading.

Debate resumed from the 26th January.

THE CHIEF SECRETARY (in reply) [2.23]: In speaking to the Bill Mr. Dimmitt intimated that the business community is fairly well satisfied with the measure as a whole. This is not surprising, especially in view of the fact that the parent Act was passed in 1897, 45 years ago, and that there has been only one amendment of it since that date. I believe I am perfectly correct in saying that this amending measure is really long overdue, because not only the business community but also the department dealing with these particular matters have been somewhat embarrassed from time to time owing principally to the fact that the register kept has not been purged since this legislation was first put into force. The Bill is a consolidating measure, as members are aware. It contains numerous improvements which, I think, will be appreciated by the business community—improvements which have shown themselves to be highly satisfactory in other States of the Commonwealth.

It is interesting to note that in recent years those States have found it necessary to amend their corresponding legislation. Mr. Dimmitt mentioned various points which he desired me to refer to the Crown Law Department in order to elucidate what he considered were possibly misleading clauses, and in two or three cases he questioned sub-clauses which in his opinion did not set out the position as clearly as it might be stated. I have done as Mr. Dimmitt requested: and I propose to deal with the various points, although they are all matters which could very well be considered in Committee. At the same time, in replying to the debate I would like to take advantage of the opportunity to cover the more important of the points raised by Mr. Dimmitt. The first he mentioned was in regard to subparagraph (iii) of the proviso to Clause 4. That deals with the question of joint tenants and tenants in common of a property. The hon. member suggested that the matter might be referred back to the draftsman in order to see whether it could not be made clearer than it appears at present. I am advised by the draftsman that this particular provision is perfectly satisfactory as it stands and the reason given is that the proviso incorporates in the Bill a rule laid down in the Partnership Act of 1895 for determining whether a partnership actually exists.

It is not considered desirable to bring within the scope of the Bill the case of persons purchasing land as tenants in common but not making a business of such transactions, and, of course, subsequently selling that land and sharing the profits from the sale. This particular proviso has been adopted from the Acts which are in operation in the other States and I am advised that it will be found to work quite satisfactorily in practice. The next point raised was with regard to re-registration. The Bill provides that every third year an application shall be made for a new registration. Mr. Dimmitt considered that re-registration should be sufficient and asked that I should have this point looked into. I am advised by the department that from the point of view of administration a new registration is to be preferred to re-registration. In either case, once a registration has expired a firm will no longer be protected.

The new registration referred to in the Bill will only involve the filling in and signing of a very short form amounting to little more than the completion of the statutory declaration suggested by the hon. member. I am also told that in practice the Registrar of Companies will probably find it necessary to send a warning notice to firms before their registration expires. Provision for the sending of such notices can be made by regulation, the clause dealing with regulations being quite wide enough for that purpose. The next important point raised

by Mr. Dimmitt was in regard to Clause 11, which provides that the name under which a business is carried on shall be painted or affixed outside every office or place in which the business is conducted. When criticising this particular clause, Mr. Dimmitt suggested it would be sufficient so long as the certificate of registration was permanently exhibited in the main office or place of business of the firm concerned.

I would like to point out that in many instances the business of firms is carried on in a number of different branches. A firm may have a central establishment in the city and branches in every suburb of the metropolitan area. The certificate of registration is only a small piece of paper of quarto size—it is a typewritten document—and that is required to be exhibited in the main office or main premises of the firm really as an aid to policing the Act effectively. If we agree that only a certificate is necessary and particularly only in one place of business, and supposing that the firm did actually hide the real identity of the persons comprised in the firm, there would be no protection for the public. I am advised it is desirable to leave the Bill in that particular respect as it is at present. I think members will agree with that contention.

Another point which Mr. Dimmitt raised was in connection with paragraph (d) of Subclause (3) of Clause 14. He said it was not clear how the Registrar is to know when a firm is dissolved. The Registrar will act under this subclause on information that comes to his knowledge in various ways. For instance, knowledge comes to him from time to time that a firm or corporation is dissolved. A firm, as defined by Clause 3, may be dissolved in any of the ways provided for by the Partnership Act of 1895. The publication in the Press of notice of dissolution of a partnership would cause the Registrar to inquire with a view to cancelling the registration of the firm. Again, in the case of death or bankruptcy, subject to an agreement by the partners, the partnership is dissolved and the occurrence of either of these happenings to a member of the firm might also cause the Registrar to make necessary inquiries.

As Registrar of Companies he will have cognisance of the winding-up of any corporation which trades under a business name, whether in partnership or otherwise. In this connection there is no objection to the right of appeal to the court being extended to the cancellation of registrations by the Registrar under this particular subclause. This was suggested by the hon. member and I have had an amendment prepared which I will move in Committee. I think it will meet with the hon. member's approval. I will submit a further small amendment which will give to the Registrar the right to revoke any cancellation that may have been made under Subclause (3) in just the same way as he has the power under Subclause (2).

Another question raised by Mr. Dimmitt was as to when registration under this measure is completed. He said it was not clear as to just when a registration actually took effect. If the hon. member will refer to Subclause (2) of Clause 19 he will see that upon the Registrar's receiving "any statement furnished pursuant to Section 7 of the Act," he shall cause the business name of the firm, individual or corporation on whose behalf the statement was furnished, to be entered in the register and upon such entry being made, the firm, individual or corporation shall be deemed to be registered. Upon such registration the Registrar is required to send out a certificate of registration.

I think that covers most of the points raised by Mr. Dimmitt with the exception of that relating to Part 3 of the Bill. He suggested in that connection that an applicant with a particular firm-name upon being refused registration by the Registrar should have the right of appeal to a judge. The departmental view is that there is no necessity for that. It is considered advisable for the Registrar to have unfettered discretion in dealing with applications to register business names that are identical with, or similar to, names already registered or which for any reason at all may mislead the public. I think it can be easily understood that the Registrar is the one man who is in a position to determine whether a firm-name would be misleading to the public and whether it would clash in any way with a name that has already been registered. It is considered that the right of appeal would lead to confusion in administration where, of course, uniformity is highly desirable. The Registrar already has power under the existing Act. In other States, particularly where this legislation has recently been brought up to date, the Registrar has been given

sole discretion in such matters. I think these remarks cover very fully the suggestions made by Mr. Dimmitt and I feel sure the House will agree with me when I say that the consolidation and bringing up to date of this legislation constitute an advance that is some years overdue and the accomplishment of which will be of great benefit indeed to the commercial community.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 3—agreed to.

Clause 4—Firms, etc., to be registered:

Hon. G. W. MILES: What is the reason for registration every three years? Once a firm is registered and is carrying on why the necessity for re-registration?

The CHIEF SECRETARY: There is a very good reason. The register at present comprises the names of 25,000 firms, a very large number of which although registered are not now being carried on as business concerns. Whenever an application is made for the registration of a firm, those 25,000 names have to be examined to ensure that there is no duplication. Owing to a weakness in the Act the department, in many instances, has no knowledge whatever as to whether a particular firm is still carrying on and that has caused serious embarrassment to individuals as well as to the department. It is considered that registration every three years represents a reasonable length of time. In Queensland firms have to be registered each year which means that the registration fee of 5s. has to be paid annually.

Hon. G. W. MILES: I can appreciate the points made by the Chief Secretary, but with compulsory registration in the first instance the list of 25,000 registrations will be brought up to date, and I cannot see the necessity for re-registration.

Hon. G. B. Wood: Re-registration will prevent the recurrence of a similar experience in future.

Hon. G. W. MILES: Is that the reason for re-registration every three years?

The Chief Secretary: Yes.

Clause put and passed.

Clauses 5 to 13—agreed to.

Clause 14—Power of Registrar to strike off the register names of defunct firms:

The CHIEF SECRETARY: I move an amendment—

That in line 8 of Subclause (2), after the word "cancellation" the words "or any cancellation under Subsection (3) of this section" be inserted.

The amendment will meet the point raised by Mr. Dimmitt and will give the Registrar the right to revoke any cancellation under Subclause (2) that he possesses under Subclause (3). I will later move a further amendment to give the right of appeal similarly.

Hon. J. A. Dimmitt: I support the amendment.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in line 2 of Subclause (4) after the word and figure "Subsection (2)" the word and figure "or (3)" be inserted.

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

Clauses 15 to 28, Title—agreed to.

Bill reported with amendments.

BILL—MEDICAL ACT AMENDMENT.

Assembly's Request for Conference.

Message from the Assembly received and read 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.

BILL—COAL MINE WORKERS (PENSIONS).

Received from the Assembly and read a first time.

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 2.54 p.m.