Ayes.	Noes.
Mr. Bath	Mr. Butcher
Mr. Diamond	Mr. Daglish
Mr. Ewing	Mr. Foulkes
Mr. Gardiner	Mr. Moran
Mr. Gregory	Mr. O'Connor
Mr. Hastie	Mr. Jacoby (*Teller*).
Mr. Hayward	
Mr. Holman	
Mr. Hopkins	
Mr. James	
Mr. Johnson	
Mr. Kingsmill	
Mr. McDonald	
Mr. McWilliams	
Mr. Piesse	
Mr. Rason	
Mr. Reid	
Mr. Taylor	
Mr. Wallace	
Mr. Higham (*Teller*).	

Clause thus passed.

On motion by the PREMIER, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at six minutes past 10 o'clock, until the next day.

Legislative Council,

Thursday 20th November, 1902.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

QUESTION—PREMIER DOWNS SYNDICATE, LAND APPLICATION.

HON. W. MALEY asked the Minister for Lands: 1, How many applications for pastoral leases in the Eucla Division were dealt with by the Crown Lands Department during the quarter ended 30th September, 1902. 2, The total area approved during the quarter. 3, The names of the successful applicants. 4, Were any applications refused. 5, Did the Premier Downs Syndicate apply for pastoral leases early in July. 6, Were their applications strictly in accordance with the Land Regulations. 7, Were their applications dealt with during the September quarter. 8, If not, why not. 9, How long did the Government hold the applicants' (P.D. Syndicate's) money before dealing with the applications. 10, Did the Government hope to tire the patience of the applicants by silently holding their money. 11, Did the syndicate complain of the treatment. 12, Did the Government offer a portion of land so dealt with to a Mr. Paterson, of Dover Street, Adelaide, or any other person at the instance of Mr. Christie. 13, If so, on what date. 14, Has a reply yet been received to the overtures made. 15, Have the Government despatched a party to bore for water in the Eucla Division since receiving all the applications made during the September quarter. 16 (*a*), Have the Government since refused the applications of the Premier Downs Syndicate; (*b*), Have the Government since accepted the other applications. 17, Why did the Government single out the syndicate for refusal of every block applied for, and accept the other applications during the same quarter. 18, Do the lands approved adjoin those applied for by the syndicate.

THE MINISTER FOR LANDS replied: 1, 167. 2, 179,000 acres. 3, Messrs. Talbot, Budge, and Anderson, G. B. Scott, and F. W. Beere. 4, Yes. 5, Yes. 6, The separate applications were in order, but the manner in which the blocks were located with respect to each other raised a question. 7, Yes; dealt with, but not approved. 8, Answered by reply No. 7. 9, About four months elapsed before the applications were finally refused. 10, No. 11, No; but wrote on 3rd November stating that they intended to make arrangements for stocking the land, and asked for the issue of the leases. 12, 13, and 14, No such offer was made to Mr. Paterson, or to any other person. 15, No; the party

was despatched on 23rd July. 16 (*a*), Yes. (*b*), Yes. 17, The applications referred to in reply No. 3 were of earlier date than those made by the syndicate, and were approved prior to the decision not to grant any further leases in this division. 18, Yes; some of them do adjoin.

QUESTION—ELECTRIC POWER TRANSMISSION.

HON. J. E. RICHARDSON (for Hon. J. W. Wright) asked the Minister for Lands: 1, Whether the Government had made any inquiries, as required by a motion of this honourable House last session, with respect to the feasibility of transmitting electrical power from the Collie to Kalgoorlie and elsewhere in the State. 2, If not, why not.

THE MINISTER FOR LANDS replied: This matter received the personal attention of the late Engineer-in-Chief, and communications were opened up with the United States of America. The result was not quite conclusive, and further information is shortly expected, and will, on receipt, be laid before the House. It is stated that the distance from Collie to Kalgoorlie is very much in excess of any line for transmission of power at present in operation.

QUESTION—RAILWAY LAND SALES AT NARROGIN.

HON. W. MALEY asked the Minister for Lands: 1, Has any land within the railway enclosure at Narrogin recently been disposed of in allotments. 2, On whose recommendation was the railway area reduced and sold in allotments. 3, Were the members for the Province and the District consulted in the matter.

THE MINISTER FOR LANDS replied: 1, In December, 1901, four lots were sold near the Narrogin Station; part of the land was previously included within the Railway Reserve. 2, On the recommendation of the Under Secretary for Railways, indorsed by the Surveyor General. 3, No.

MINES DEVELOPMENT BILL.

Read a third time, and returned to the Assembly with amendments.

DROVING BILL.

Read a third time, and returned to the Assembly with amendments.

LOCAL INSCRIBED STOCK ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson) said: In moving the second reading of this Bill, I have to point out that the measure is of purely formal character. The title of the Bill is an "Act to amend the Local Inscribed Stock Act, 1897." Section 6 of that Act fixes the minimum amount of stock for one holder at £10, and it is now proposed to reduce that minimum to £5. In support of the amendment, it has been pointed out that many persons would invest in the stock if the minimum were £5 instead of £10, the former amount indeed being rather large in view of the savings possible to the very class which most largely invests in the stock. Therefore it is proposed to amend Section 6 of the Act by striking out the words "ten pounds," in line 2, and inserting "five pounds" in lieu.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

POST OFFICE SAVINGS BANK CONSOLIDATION ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson) said: In moving the second reading, I would point out that the object of the Bill is to liberalise the Act in certain directions, and also to render it more economical in other directions. It is a measure to amend the Post Office Savings Bank Consolidation Act, 1893. Clause 2 provides that "Section 3 of the principal Act is hereby repealed, and the following is inserted in lieu thereof." I do not know that I need read the 3rd section of the principal Act. Subclause 1 is in the same words as are in the principal Act. It is in the second subclause that we find an alteration. That subclause reads: "An entry so made shall be the sole evidence of a deposit having been made, and shall be conclusive evidence that the depositor named in such book is entitled to repayment thereof with interest (if any) thereon." At the present time when a sum is

posted at a distant part of the State, it is necessary to send it down to the Postmaster General before it can be actually accepted in this way. The Act says, "And the amount of the deposit shall be reported by such officer to the Postmaster General, and the acknowledgment of such Postmaster General, signified by the officer whom he shall appoint for the purpose, shall be forthwith transmitted to the depositor." It is thought that is unnecessary. It is not done in any other State, and in effect the proposal now made is that once an acknowledgment has been given by one of the officers of this bank, it is a practical acknowledgment that he is the agent of the bank, and one has to be bound by it. There is no object in postponing the actual acknowledgment until it reaches the Postmaster General. I am told that it costs in postage some £500, and the cost of entries is £350. It is a very small amendment, which does not affect the security of the bank in any way whatever, and by it we save £850, and also obtain a certain amount of despatch which we cannot otherwise acquire, therefore members will see this is a useful amendment, which is contained entirely in Subclause 2, because Subclauses 1 and 3 are already in the principal Act. It has been found better to make it clear in this way. By Clause 3, Section 17 of the principal Act is amended by omitting the words, "all friendly societies legally established," in line 1, and inserting in place thereof, "any registered friendly society or registered trade union, or any branch thereof respectively"; and by inserting after the words "friendly society," in line 5, the words "trade union." The object of this is to enable trade unions to deal with the bank, which at present they cannot do. It is extending the advantages of the bank to the trade union societies, and members will see that Clause 4 provides that the accounts of registered friendly societies and registered trade unions may be drawn upon by cheque. This is another facility which they do not possess at the present time, and it is thought it would be desirable. The friendly societies by Clause 5, moreover, will have the right to deposit £600 in the bank in one year. At the present time the limit is £150 for all other individuals. This being a large society, it is giving them special authority to deposit the larger amount. I think members will see these are all very desirable amendments, and somewhat of a formal character. I have much pleasure in moving the second reading of the Bill.

HON. G. RANDELL: I would like to know if the agent is protected by immediate transmission to the Colonial Treasurer?

THE MINISTER FOR LANDS: That is merely a matter of administration. No doubt an officer would take care that it would be done as soon as possible.

HON. G. RANDELL: It is a matter of regulation?

THE MINISTER FOR LANDS: It is matter of regulation entirely.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1, 2—agreed to.

Clause 3—Amendment of 57 Vict., No. 3, Sec. 17:

THE MINISTER FOR LANDS moved that the word "society," in line 5, be struck out, and the same word inserted before "trade union," in line 6.

Amendments passed, and the clause as amended agreed to

Clause 4—Friendly societies and trade unions accounts:

HON. G. RANDELL suggested that charitable societies, as well as friendly societies and trade unions, should have the same privilege of drawing by cheque.

THE MINISTER FOR LANDS said he did not at this moment see any objection to that, except that the term "charitable societies" was somewhat indefinite, those societies not being registered bodies.

HON. G. RANDELL: They appeared in the original Act.

THE MINISTER FOR LANDS: That was true, but when we were dealing with the question of cheques should we not know whom we were dealing with?

HON. G. RANDELL: That was prescribed by regulations. He moved that the word "and," after "societies," in line 1, be struck out, and that after "unions," in line 2, the words "and charitable societies" be inserted.

HON. M. L. MOSS: There was no definition of "charitable society."

HON. G. RANDELL: If there was any difficulty, the matter had better be

left open to be dealt with on recommittal. He asked leave to withdraw the amendment.

Amendment by leave withdrawn.

HON. J. D. CONNOLLY: Subclause 2 seemed extremely unfair. It provided that if moneys of friendly societies were paid in and unlawfully withdrawn, the Colonial Treasurer was not liable. Any other bank that cashed a forged cheque made good the amount. If this clause were allowed to stand as at present, officials would not be very careful whether the signature was good or not.

THE MINISTER FOR LANDS: A great concession was being given. It was only these two bodies which could use cheques at all. He had always understood that those in banks who dealt with the signatures were very expert in such matters. Seeing that this was a concession being given to certain societies, it was subject to the condition referred to, so that they would have to take every care with regard to their cheques. In a Government institution of this kind, in which there would be only a very few cheques of this nature coming forward simply from the two societies, an extra officer could not be kept to inspect cheques. The societies could guard themselves very carefully by making arrangements with regard to their seal and any private mark they liked to put on the cheques.

HON. B. C. WOOD: It would, in his opinion, be a great mistake to allow anybody to draw upon accounts by cheque.

HON. G. RANDELL: The Government should not be responsible for the correctness of the cheque. The concession was a very great one, and there was some risk in it. The regulations presumably would be so framed as to prevent such responsibility. Forgery, however, was not the greatest danger: The most serious risk to be run was that the secretary of a society or union might act improperly, though complying with the requirements of the regulations. Clearly, the Government must not make themselves liable in respect of such frauds. So far as forgeries were concerned, the officials of the Savings Bank, though not so expert as the officials of ordinary banks in matters of hand-writing, nevertheless possessed considerable skill, and of course had in all cases the assistance of the authorised signature registered in the Savings Bank books. Doubtless the regulations would provide that cheques should be duly signed and sealed with the seal of the union or society. In making this concession Ministers must take into consideration, however, that they would probably be asked later to extend the same conditions to private individuals. Indeed, the Government would be pestered with applications to that effect.

HON. J. D. CONNOLLY: Was the intention to allow trade unions and friendly societies to have current accounts at the Savings Bank in the same way as at an ordinary bank?

THE MINISTER FOR LANDS: Yes; current accounts.

HON. J. D. CONNOLLY: And would interest be paid on these current accounts?

THE MINISTER FOR LANDS: That was being done at the present time, he understood.

Clause passed.

Clause 5—agreed to.

Preamble, Title—agreed to.

Bill reported with an amendment, and the report adopted.

COMPANIES ACT AMENDMENT BILL.

SECOND READING.

HON. M. L. MOSS (Minister), in moving the second reading, said: In 1893 the Legislature of this State passed a Companies Act which has been in force ever since, though it has been slightly amended in certain respects. That Companies Act of 1893 contains a group of clauses, 198 to 212, compelling companies styled "foreign companies"—which term is interpreted to mean companies registered in any other part of Australia, in the United Kingdom, or in any foreign country — before they can carry on business in Western Australia to appoint in this State an attorney with power to sue and be sued and with power to appear in civil and criminal proceedings. The Act farther compels every foreign company to deposit in the Supreme Court a certified copy of its certificate of incorporation, and also to notify the address of an office or place where its business is carried on and where process against it may be served. Prior to 1893, numbers of foreign companies carried on business in Western

Australia, and it was an impossibility to serve them with process of court in connection with the contracts they made. It has now been found, however, that Clauses 198 to 212 are somewhat defective, and productive of considerable inconvenience. In many instances, insurance companies, for example, appoint one attorney for the whole of Australia, and that attorney's power includes full power of delegation, authorising the general attorney, as he may be termed, to nominate sub-attorneys for various parts of Australia. The appointment of these delegated agents or sub-attorneys, provided that the law be complied with, should for all purposes be sufficient to carry out the object which the Companies Act has in view; but owing to the manner in which Part VIII. is drawn it has become absolutely necessary in every instance for the company itself under its common seal to appoint a sub-attorney. The result has been that in many instances when an attorney has been appointed for the whole of Australia, with powers of delegation, he has been unable to comply with the Companies Act in this State because he cannot act as the company under its common seal; so that although there is in Australia a person with plenary powers to appoint sub-attorneys, it is necessary in every instance to send away to the head office of the company for the sub-attorney's appointment. A good deal of inconvenience has arisen, owing to the fact that the head office of many companies is in America or in England. The House will understand that these large companies, having sufficient confidence in a man to appoint him general attorney to look after their business throughout Australasia, may be desirous that sub-attorneys should be under the general attorney's control, and farther may be unwilling to appoint sub-attorneys direct from the head office. The consequence is apparent: it is necessary that the general attorney should have the power of supervising and controlling the work of the sub-attorneys in the various States where the company may be carrying on business. Our Companies Act of 1893 was largely drawn on an excellent measure in force in South Australia, and these foreign-companies clauses were copied from the South Australian Act. It appears, however, that in the year after our Act came into force, that is to say in 1894, South Australia made the amendment contained in the Bill now before the House. The effect of the Bill is to enable the attorney of a company appointed generally for Australia to delegate his powers, and thus the sub-attorney will carry out all the provisions of the Companies Act. This will be just as effectual a compliance with the law as if the power of attorney were granted by the company itself. The object of compelling foreign companies to register under this Act is, as I have indicated, to give any members of the public who have contracts with them an opportunity of finding here on the spot someone on whom they could serve process in connection with proceedings taken. That object will be just as well achieved by the passing of the Bill now before the House, and the annoyance and inconvenience which the present law produces will be avoided. The present law also works hardship in another direction. In numerous instances, companies' attorneys in Western Australia are directly appointed by the head office, the instrument of appointment containing powers of delegation. Now, it has occurred that when such an attorney desires to leave the State temporarily for the purpose of a business or pleasure trip, strange as it may seem, although the power of attorney gives full power of delegation, the local attorney has nevertheless been unable to appoint any person to temporarily discharge the duties. The result has been that a local attorney desiring to visit Melbourne or Sydney finds it almost impossible to comply with the Companies Act as it stands at the present time, since a temporary attorney cannot, in the circumstances, be appointed from the head office. The effect is that under Section 203 of the existing Act failure to comply with the law in this respect renders the company liable to a penalty of £20, and the agent to a penalty of £5, per day. A farther effect is that if the company sues for debt against any person in the State, the fact of the Act not being fully complied with may be set up as a defence to defeat a just and honest claim. In order to meet the difficulty which has arisen, and to do away with the inconvenience which the present state of the law has

produced, we have adopted a provision from the South Australian Act of 1893, enabling a foreign company to appoint under its common seal some person in Western Australia or elsewhere to act as its attorney, and in the exercise of the power thereby conferred to delegate such powers to any other person or to appoint a substitute in the State to exercise such powers, and providing such company shall be deemed to have complied with Section 198 of the principal Act. The four subclauses of Clause 2 provide for certain formalities to be gone through. The only other new feature of the Bill is contained in Clause 3, which purports to amend Section 201 of the principal Act. I shall read the section, in order that hon. members may understand the effect of the amendment:—

In the event of the death of any sole or sole surviving attorney whose power of attorney shall have been deposited in the office of the Registrar under this part of the Act, or in the event of the filing under the last preceding section of a notice of revocation of the power of any such attorney, the company shall not, from the expiration of six months after such death or one week after the filing of such notice, carry on business in the said colony until the provisions of Subsections (1), (2), (3), and (4) of Section 198 shall have been complied with, or again complied with, as the case may be.

By the amendment, it it proposed that the words "one week" shall be struck out and the following inserted in lieu: "one month or such extended time as may be allowed under special circumstances by the Registrar." Plainly, in case of a revocation coming by cable from the old country, or America, or New Zealand, it is impossible to comply with the law within a week. We therefore propose to make the term one month in any case, and we provide farther that in special circumstances the Registrar of Companies may extend that period. I am sure the House will see that it is a desirable amendment to make. I have much pleasure in moving the second reading of the Bill.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Passed through Committee without debate, reported without amendment, and the report adopted.

STAMP ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the 12th November; Hon. M. L. Moss in charge.

Clauses 3 to 15, inclusive—agreed to.

Schedules (2)—agreed to.

New Clause:

HON. M. L. MOSS moved that the following be added as Clause 16:—

Cancellation of Stamps on Policies of Insurance.—The duty upon any policy of insurance may be denoted by an adhesive stamp, which may be cancelled by the person by whom the instrument is first executed at the time of execution.

Clause passed, and added to the Bill.

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

ADJOURNMENT.

The House adjourned at 5·22 o'clock, until the next Tuesday.

Legislative Assembly,

Thursday, 20th November, 1902.

THE DEPUTY SPEAKER took the Chair at 2·30 o'clock, p.m.

PRAYERS.

QUESTIONS—COOLGARDIE WATER SCHEME.

OPENING CEREMONY.

MR. REID asked the Minister for Works: 1, Whether it is a fact that,