the Minister for Health has received some correspondence concerning it, and he has handed it on to me.

I would like to read a letter dated the 6th October, 1959, from the Secretary, Chiropractors' Association of Victoria, to the Minister of Health. It is as follows:—

> It has recently come to our attention that a private member's Bill introduced by the Honourable Mr. J. T. Tonkin has been read and debated in the Legislative Assembly of Western Australia.
>
> With the greatest respect for the Hon. Mr. Tonkin the members of the Chiropractors' Association of Victoria (Inc.) feel that he has been gravely misled.
>
> It has been the aim of this Association since its incorporation in 1942, to maintain the highest possible standards of academic qualification and ethical conduct of its members in order to protect the public from the activities of unqualified and unethical practitioners.
>
> All of our members (19 in number) have completed a resident course of 4 academic years of nine months each or more at one of the Schools or Colleges of Chiropractic accredited and recognised by the Government of the United States of America either in the U.S.A. or Canada. There is no other place in the world where adequate training in Chiropractic is available.
>
> It is noted in part 5, sub-section 2 of the proposed Bill that at least 2 members of the proposed Board should be nominated by the group known as the "United Health Practitioners Association."
>
> This group originally banded together in Victoria under the leadership of a certain F. G. Roberts, who at the moment publishes literature advertising that he can train a complete layman to be a chiropractor within 3 months for the sum of fifty guineas. To our knowledge, the local members of the U.H.P.A. either have been trained by this man or have had no training whatsoever.
>
> May I also respectfully point out that there is no School or College anywhere in the world that teaches a course of so called "Naturopathy" that has any official recognition by any Government and that licences once granted to "Naturopaths" have been revoked in almost every state of the U.S.A.
>
> Qualified chiropractors and osteopaths do indeed perform a useful public service in Australia and overseas. Both these professions are recognised by many Governments including that of South Australia and we respectively submit to you that this proposed Bill which is being promoted by a group of unqualified and unethical persons will do nothing to serve the best interests of the general public or the chiropractic and osteopathic professions.

Mr. HAWKE: I move—

That the honourable member be given leave to continue his remarks at a future sitting.

Motion put and passed.

House adjourned at 11.26 p.m.

Legislative Council

Thursday, the 15th October, 1959

CONTENTS

The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

ROAD SUBSIDIES

Restoration in North-West

1. The Hon. H. C. STRICKLAND asked the Minister for Mines:

   (1) When, on the 17th March, 1959, in the pre-election advertisement, the Liberal Party promised to restore road subsidies in the North-West, was it the intention to restore the subsidies on Carnarvon

bananas, beans, and tomatoes, which were cancelled after it became the Government in 1947?

(2) If that was not the intention, to which road subsidies in the North-West did the pre-election promise refer?

The Hon. A. F. GRIFFITH replied:

(1) No. This was a subsidy paid by the Transport Board to meet special wartime transport difficulties.

(2) It would appear that the general policy to restore road subsidies in other parts of the State was inadvertently included in an advertisement dealing specifically with the North-West. The mistake is regretted; but as no such subsidies had been payable, obviously nobody would be disadvantaged.

BUILDERS' REGISTRATION

Regulations, List, and Examination Papers

2. The Hon. H. C. STRICKLAND asked the Minister for Mines:

Will the Minister table the following papers for the information of members:—

(a) Regulations in force under the Builders' Registration Act.

(b) The list of registrations at the 1st July, 1959.

(c) Exhibits of all examination papers which applicants for A and B-class registration are now required to complete.

The Hon. A. F. GRIFFITH replied:

(a) Yes; herewith tabled.

(b) Yes; herewith tabled.

(c) Yes. Herewith is a list of subjects and a synopsis indicating the field of knowledge required for these examinations, together with copies of papers of the 1958 examination.

To obtain A-class registration, the candidate must pass in all nine subjects.

To obtain B-class registration he is required to pass in three subjects only—i.e., Building Construction I, Quantities I, Book-keeping and Costing.

The papers were tabled.

BROOME DEEP-WATER PORT

Result of Investigations

3. The Hon. H. C. STRICKLAND (for the Hon. W. F. Willesee) asked the Minister for Mines:

(1) In view of the fact that several months have elapsed since the completion of investigations regarding the deep-water port at Broome, will the Minister advise what recommendations have been made to the Government relating to this proposal?

(2) In view of the policy decision of the previous Government to erect a deep-water jetty at a recommended site, will the Government give a positive assurance that a new deep-water jetty will be erected at Broome to replace the existing structure?

The Hon. A. F. GRIFFITH replied:

(1) G. Maunsell & Partners, consulting engineers, have been requested to advise the Government as to the most suitable location and type of structure for a deep-water port to serve the West Kimberley area. Investigations are proceeding, and it will be some months before a report is received.

(2) No decision will be made regarding the replacement of the existing structure at Broome until the report from the consultants has been fully considered.

PENSIONERS

Removal of Travel Restrictions

4. The Hon. G. E. JEFFERY asked the Minister for Mines:

With reference to my question on Wednesday the 30th September, 1959, relating to the restriction of pensioners' travel on the M.T.T. and W.A.G.R.—

(a) What action has been taken by the Government to advise the M.T.T. and W.A.G.R. of the decision as explained in the reply to my question?

(b) If no action has been taken, will the Minister expedite the implementation of the proposed alteration?

The Hon. A. F. GRIFFITH replied:

(a) and (b) The necessary administrative arrangements are proceeding.

BILLS (2)—THIRD READING

1. State Hotels (Disposal) Bill.
Returned to the Assembly with an amendment.

2. Kalgoorlie-Parkeston Railway Bill.
Passed.

KATANNING ELECTRIC LIGHTING AND POWER REPEAL BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.40] in moving the second reading said: The introduction of this Bill, which proposes the repeal, on a date to be proclaimed, of the Katanning Electric Lighting and Power (Private) Act, is involved with the acquisition by the State Electricity Commission of the electricity supply undertaking at Katanning.

The private Act to which I referred—and which was passed in 1904—authorised Frederick Henry Piesse and his assigns to manufacture, generate, distribute, sell, and supply electric light, power, and heat in the township of Katanning, and to construct all necessary works in connection therewith. The word "undertaker" in this Act was defined to mean Mr. Piesse, his executors, administrators, and assigns.

In 1928, by when Mr. Piesse was deceased, his executors assigned their rights under the Act to Katanning Flour Mills Ltd., which still conducts the undertaking.

Under the Act the Katanning Road Board was given the right, after the 1st January, 1925, to purchase all the works, assets, and personal property of the undertaking, subject to the giving of six months' notice to the owner of the undertaking.

The Katanning Road Board has never sought to exercise this right; and some months ago it asked the Minister for Electricity that the State Electricity Commission take over the undertaking as soon as possible. Since 1948, it has been understood that the commission would eventually acquire the undertaking. On the 14th December, 1948, the commission and Katanning Flour Mills Ltd. entered into an agreement that the undertaking would be sold to the commission as soon as the commission could supply alternating current to the town. It had been considered this would take place by about June, 1961.

The town's supply is now in such a bad state that the commission has been urged to take over the undertaking at an earlier date. As this might occur before Parliament meets again, it is necessary to have this Bill passed during this session. It provides for proclamation when the negotiations between Katanning Flour Mills Ltd. and the State Electricity Commission have been brought to a satisfactory conclusion. I move—

> That the Bill be now read a second time.

On motion by the Hon. A. L. Loton, debate adjourned.

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [2.43] in moving the second reading said: The purpose of this Bill is to obtain statutory approval to revert to a practice that applied until 1957, even though for 23 years prior to June, 1957, this practice contravened section 74(2) (b) of the principal Act. This section stipulates that every gift *inter vivos*—this means a gift from one living person to another—made at any time shall be chargeable, on the death of the donor, with duty if it cannot be proved that the recipient at once assumed absolute control of the gift, without providing any benefit to the donor for the gift. A gift could be money, investments of land, an interest in land, or goods, or any commodity, etc.

This means that duty can be assessed on gifts made at any time prior to the death of the donor. It could be 50, 60, or 70 years before decease. It could be comparatively simple to obtain evidence of some transactions made shortly before, or a few years prior to death, particularly where land was concerned; but after many years have elapsed, many of the transactions would be impossible to investigate satisfactorily.

This particular provision was inserted in the principal Act in 1934, it being based on New Zealand legislation of 1921. It was soon realised, however, that the provision would be difficult to implement and could be most unfair in its application. Therefore, until June, 1957, no action was taken to give effect to it. The change in this policy occurred as a result of litigation between persons in New South Wales and the Commissioner of Stamps in that State, which had a provision in its legislation similar to that in ours. The Commissioner issued an assessment based on this provision. The assessment was disputed and appealed against by the persons concerned; and the case eventually came before the Privy Council.

The facts of this case were that in 1934, some 23 years before the assessment, a person referred to as "C" transferred by way of a gift to his son a pastoral property together with improvements. The gift was made without reservation, qualification or condition. The son was then living in a homestead erected on the property and continued to do so until "C's" death. In 1935—some 17 months after the transaction—"C", his son, and another son entered into an agreement to carry on in partnership the business of graziers and stock dealers. The business was to be conducted on the respective holdings of the partners which were to be used for the purposes of the partnership only. At that stage, I might say, each one of them held a separate property.

Any and all lands held by any of the partners at the date of agreement, or acquired afterwards, were to be and remain the sole property of each partner, and were not on any consideration to be taken into account as, or deemed to be, an asset of the partnership; and any partner holding any such land was to have and retain the sole and free right to deal with it as he might think fit.

Each of the partners owned a property, and these were thenceforth used for the depasturing of the partners' stock. "C" died in April 1952; and in assessing the death duty payable in respect of his estate, the Commissioner of Stamps included the value of the property given to "C's" son by way of gift in 1934, by virtue of the New South Wales Stamp Duties Act. It was not disputed that the son assumed *bona fide* possession and enjoyment of the property immediately on the gift, to the exclusion of "C" or any benefit to him under Section 102 of the New South Wales Act.

It was held, however, in the judgment that the value of the property was rightly included in the dutiable estate since from 1935 onwards the partners and each of them were in possession and enjoyment of the property so long as the partnership subsisted. Therefore the son had not retained the *bona fide* possession and enjoyment of the property to the entire exclusion of "C," although the gift to him was made in 1934, about 17 months before the partnership agreement; and, when the partnership agreement was drawn, each of the three partners had a separate property of his own. Yet the decision was that duty was assessable under the terms of the section, because he had not exclusive possession since 1934.

A similar instance would be where a person may give a house to a child. If, for some reason, he subsequently lived in that house for a while, it could be claimed on his death many years later that the child had not had exclusive possession of the gift.

There are cases where a parent has transferred premises to a child in consideration of an annuity. If the value of the asset exceeded the actuarial value of the annuity, it could be claimed that the child did not retain the asset to the entire exclusion of the father.

A number of cases where this provision has borne harshly have occurred since June, 1957. On the 25th August, 1959, C. P. Bird and Associates wrote—

> I have just seen a case where a farmer made a gift of land to his sons in 1945. In 1947 he entered into a share-farming agreement with the sons concerning the use of that and other land, and died within the last 12 months. In assessing the probate duty, the Commissioner of Stamps has included in the death duty, the present-day value of the land given away back in 1945.
>
> The effect of this is that those sons, we understand, will be called upon to pay death duties of something between £4,000 and £5,000, which figure is arrived at by adding the present-day value of the gift, made 14 years ago, to the remainder of the deceased's estate.

The proposal in the Bill will restrict any assessment of duty to gifts made within three years prior to the death of the donor. In order that this shall not bear unfairly on those who have paid duty since the provision in the Act was operated on since June, 1957, the proposals in the Bill are retroactive from the 1st July, 1956. If agreed to, this will mean that duty to the extent of £9,375 will be refunded by the Treasury.

The Bill also proposes that the duty chargeable shall be based on the value of the gift at the time it was made. Since the provision in the Act was enforced, the present-day values of gifts have been used in the assessment of duty. In view of the reduction in money values, and, in many cases, the increase in property values, this is not considered to be equitable.

The proposals in the Bill do not affect the provision in section 74(2)(a) of the principal Act, which states that all gifts made within 12 months of death shall be dutiable, whether or not the recipients enjoyed exclusive possession. I move—

> That the Bill be now read a second time.

On motion by the Hon. F. J. S. Wise, debate adjourned.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Second Reading

Debate resumed from the previous day.

THE HON. R. THOMPSON (West) [2.52]: I have not had time fully to study this Bill, but I wish to refer to proposed new paragraph (8a) in clause 2, which reads, in part—

> . . . certifying that the applicant or husband or both, as the case may be, has within a period of six months immediately preceding the date of the application, undergone an X-ray examination of his chest, and is not on the evidence available from the examination, suffering from any form of infectious tuberculosis.

This means that to become eligible to adopt a child, a person must produce a certificate showing that he is not suffering from tuberculosis. Perhaps we should cast our minds back to the time when there was a stigma on T.B. sufferers. In the old days they were ostracised in the community;

and there was a time when sufferers from the white death, as it was called, were burned at the stake. However, since that time social justice has brought its reward to sufferers from this disease; and we have now reached the stage where, in the next few years, T.B. in Australia will be wiped out.

The old treatment for T.B.—I have studied the disease from a layman's point of view—was, after the removal of the ribs, to collapse the lung, and then to deflate the infected portion and insert plastic balls in order to keep the lung permanently collapsed. That method was like sticking solution on a bicycle tube and blowing it up before placing it back in the tyre; because the treatment did not prove very successful.

Nowadays, fortunately, there are new drugs which have proved effective in the treatment of T.B. Of these, streptomycin, I think, was the first; and it gave people an opportunity again to take their place in normal life, after having suffered from tuberculosis. Following on that treatment, other drugs were used in conjunction with the streptomycin; and here I refer to tablets known as P.A.S. and I.N.A.H.

Nowadays a patient, after hospital treatment for the advanced stage of tuberculosis, can be discharged and over a period of up to two years must take 24 P.A.S. tablets and, I think, six I.N.A.H. tablets per day. If this treatment is faithfully carried out, it practically guarantees that the patient will remain non-infectious at that stage. In spite of that, under the provisions of this Bill, a patient in the course of taking that treatment during convalescence would not be able to adopt a child; because that patient would not be considered as having a clean bill of health.

There are Public Health Department sisters who make regular inspections of homes where there are T.B. patients; they give the guidance needed and instruct the patients in all matters necessary for recovery. I think the provision to which I have referred should be redrafted so that, after an inspection and on recommendation by a sister from the Public Health Department, a patient could be considered a fit and proper person to adopt a child.

The majority of people who have suffered from T.B. realise their responsibility; and in 99 cases out of 100, after they have had treatment, they practise a far higher standard of hygiene than does the rest of the community. Admittedly, there are exceptions to the rule; but in almost all cases, after the treatment and encouragement they receive, their realisation of the necessiity for rigid hygiene is far greater than that of the rest of the community.

I am sure that if Dr. Henzel, Dr. King, or Dr. Elphick were asked for an opinion they would agree with me in this regard. I think that a doctor in another place, who had many years' experience at Hollywood Hospital, where he did valuable work, would also agree with me, and would express the opinion that the persons to whom I have referred could adopt a child without any fear of that child becoming infected. I would also point out that nowadays children can undergo a course of treatment, over a period of approximately one month or six weeks, in a place called Morrison—a cottage in Railway Parade at the eastern end of the show ground. There, children are given B.C.G. injections, which have proved completely effective in rendering children immune from tuberculosis, particularly in their early years.

There are a lot of people who may have had tuberculosis in the early part of their lives, and are getting on towards their 30's who, because of their condition of health, find it inadvisable to have children. Now these people may look forward to a future of happy married life by adopting a child; they may have left it a bit late to have children of their own. We should not place on them the stigma that was placed on them in the past. That would deny them the right to adopt a child.

I know of such a case at the moment. In the case to which I refer I doubt whether members would find a more respectable couple, or a cleaner or better home. They are at the moment contemplating the adoption of a child, but if this Bill were passed in its present form they would be excluded and prevented from doing so. Dr. Hislop may disagree with me on this point, but once a person has had T.B. it is very difficult for him to obtain a clean bill of health. The argument is that he has had the disease and there is always a chance of its flaring up and breaking out again. In the circumstances, I do not think the medical profession would issue a clean bill of health.

We know that people from all walks of life contract the disease; it is not peculiar to one section of the community. We should not deny people the right of happiness if they feel this can be attained by adopting a child. They would be denied that happiness, however, if this provision were left in the Bill. Let us for a moment consider the so-called serious nature of T.B. Let us suppose that members here were contemplating a trip to Scandinavian countries. Would they say, "Oh, no! They have a high T.B. rate in those countries, so we will not take our children there?" Would they say the same if they happened to be going on a cruise to China, where the incidence of T.B. is very high and where very little has been done to control it? I am sure they would not.

Another aspect that should be considered is that many members of the medical profession have contracted tuberculosis as a result of their duties having brought them into close proximity with patients who were suffering from the disease. Many

of these doctors have dedicated their lives to humanity in this field. Would it be just or unjust for us to say that once a doctor has had T.B. he shall not be permitted to attend to his duties as a general practitioner if, during the course of those duties he may come in contact with children? If the disease flared up while he was treating his patients—and it would be more likely for a person working under high pressure to have a relapse—he could pass on the disease; he could pass it on far more quickly than would a man and his wife in an average household.

I do not intend to oppose the measure, because I think there is much good in it, but I would ask the Minister to seek the advice of Dr. Henzel, Dr. King, or Dr. Elphick on this matter. If he does so I think he will find that what I have said is substantially correct; namely, that persons who have suffered from this complaint are fit and proper persons to adopt children providing the Public Health Department gives a written report; and this could be obtained at any time. I would ask the Minister to re-examine the particular clause to which I have referred. If he will do so I will be happy; if he will not, then I intend to move certain amendments in the Committee stage.

On motion by the Hon. R. F. Hutchison, debate adjourned.

MARRIAGE ACT AMENDMENT BILL

Second Reading

Debate resumed from the previous day.

THE HON. E. M. DAVIES (West) [3.6]: In 1956 Parliament amended the Act by inserting section 8A which provides a legal minimum marriage age of 16 years for females and 18 years for males. Parliament further agreed, in 1956, to a provision to permit the marriage of females under 16 years of age and males under 18 years of age. These provisions were to the effect that a magistrate could make such an order, providing the parent or guardian agreed and a medical certificate was provided certifying that the girl was pregnant.

There is a serious anomaly in the Act inasmuch as section 8A only provided for the issue of an order where the girl is pregnant and not where a child is already born. This Bill seeks to allow the magistrate to grant an immediate order permitting the marriage not only where the girl is pregnant, but where she is the mother of a child of whom the intending husband is the father.

As the Act stands at present, great hardship has been caused in one or two cases; and innocent children have been born out of wedlock when this could have been avoided. The amendment contained in the Bill is supported by the Child Welfare Department; and I believe it is a wise one. I feel sure members will agree that the purport of the Bill is most desirable. It will prevent the hardships that have been experienced on one or two occasions recently. The other proposals in the Bill relate to section 11 of the principal Act which requires a district registrar, or an officiating minister to prepare a marriage certificate in triplicate; one copy to be given to the bridal couple, one to be retained by the registrar for record purposes, and one to be kept by the magistrate. Where a church wedding in involved, the Minister must, within 14 days, send the third copy to the registrar for entry in the marriage register. The amendment will validate what has been the procedure for many years.

A further amendment deals with special licenses; and the other two amendments refer to sections 16 and 17 and seek to amend the Act to provide for prescribed fees instead of a set amount in shillings. While some people may say they disagree with this proposition, because it is governed by regulation, I feel it is wise to incorporate it in the Act because from time to time it is necessary that certain fees should be changed; and I do not think there is much that we can quarrel about in that respect.

I am pleased that the Government has seen fit to bring down this Bill, because it will prevent a great deal of hardship. The one case to which I referred of the unborn child carrying that stigma all his life could have been avoided if the proposals in the amending Bill had been in the Act. I support the measure.

Question put and passed.

Bill read a second time.

In Committee

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

MAIN ROADS ACT AMENDMENT BILL

Second Reading

Debate resumed from the previous day.

THE HON. E. M. DAVIES (West) [3.14]: This Bill seeks to improve the standard of lighting in the main highways of the metropolitan area. The problem to overcome is the apportionment of the estimated cost of providing lighting of a satisfactory standard. In the past, local authorities have been responsible for street lighting; and members no doubt have noticed the lack of uniformity in the standard of lighting in the highways that pass through the several local authority districts.

I feel sure that members will agree it is most necessary that something should be done to improve the standard of lighting, because in the past we have been obliged to travel along highways that provided a different standard of lighting in each local authority district; because the local authorities in each district do provide different standards.

The Bill provides that the cost of implementing the proposals to improve highway lighting in the metropolitan area will be shared by the Main Roads Department and the local authorities situated on the routes of the particular highways. The local authorities have raised no objection to the provisions in the Bill; they have approved of the scheme. The installation and maintenance of the new lighting system will be carried out by the State Electricity Commission; and the Bill provides that the Commissioner of Main Roads shall have authority to spend money from the departmental allocations of metropolitan traffic fees.

The improved lighting of the highways, in my opinion, is a safety measure which will no doubt be a boon to motorists who will, in the future, be able to drive on better illuminated highways. The scheme will pay for itself as a safety measure; it will prevent accidents. I am pleased indeed that the Bill has been brought down, and I give it my wholehearted support.

THE HON. J. G. HISLOP (Metropolitan) [3.17]: I applaud any Bill that is introduced for the better lighting of main roads; and I think it is right to give the power to the Main Roads Department. I wonder whether the Minister would give thought to inserting the word "design" before the word "construction" in clause 2 (b). I do not think anybody is happy about the design of the Causeway lights, which tend to flicker as motorists go by. I understand they were architecturally designed; and I also understand that the lights on the new Narrows Bridge were not designed either by the State Electricity Commission or the Main Roads Department, but again were architecturally designed.

When such lights are installed in future, considerable thought should be given to their type of construction, because I have a feeling from what I have been told that the lights on the Narrows Bridge, as they are now erected, will be liable to move in the wind. Nothing could be more disconcerting to a driver than to have the lights above him moving about. If we are going to give the Main Roads Department power to construct, erect, and maintain these lights, we should also consider giving it the power to design them. In those circumstances the department would be able to design a general standard of base into which new lights could be set. I offer those suggestions to the Minister, and I hope that he will insert the word "design" before the word "construction."

THE HON. L. A. LOGAN (Midland—Minister for Local Government—in reply) [3.18]: I can assure Dr. Hislop that before any of these lighting systems are installed, they undergo strict examination; and they also undergo an actual test. The system on the Narrows Bridge was subjected to considerable testing by the State Electricity Commission, the Public Works Department, and the contractors to see whether the lights would be suitable. Therefore, as the two organisations concerned and the contractor, whoever he may be, test the lights to see that they are satisfactory, I do not consider that inserting the word "design" in the Bill will make for better lighting.

I do not know who designed the lights on the Causeway; I do not know whether it was the Public Works Department or the State Electricity Commission.

The Hon. A. L. Loton: Have they not been changed?

The Hon. L. A. LOGAN: I am of the opinion that their design leaves much to be desired. If the word "design" is inserted in the Bill, and it happens that the Public Works Department was responsible for designing the lights on the Causeway, then I do not think the suggestion would contain much merit. I do not know the position in regard to the Narrows Bridge lighting as I have not been near enough to observe it. While some people may consider the Causeway lighting is good, I think it is pretty weak; although the lights are pretty from an architectural point of view, each being a stick of iron with a light on it. I do not think that very much benefit will be obtained by including the word "design" in the Bill because lights are subject to examination and testing by the State Electricity Commission and the Public Works Department before they are installed.

Question put and passed.

Bill read a second time.

In Committee

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

COMPANIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the previous day.

THE HON. W. F. WILLESEE (North) [3.23]: This small Bill is a machinery one which, in the words of the Attorney-General, is to make it possible for a company to be registered in Western Australia and to keep the share register of other companies which, in the present state of the Companies Act, is not allowed.

When the Minister for Mines introduced the Bill to this House he said that the object of the Bill is to bring this State into line with a practice operating in other Australian States; and he mentioned the fact that in the Eastern States, companies have been formed for the express purpose of keeping a share register and an index of shareholders of other companies. He went on to say that representations have been made for the registration of this type of company in Western Australia.

Throughout those remarks there was a tendency to emphasise the fact that the Bill provides for a company or a series of companies to handle the particular section of work which was previously done by individual companies in their registered offices. The amendment to the Companies Act will be known as section 105A, if this Bill is passed; and it overrides sections 103 and 105 of the parent Act. Paragraph (a) of the proposed new section reads as follows:—

> Where the work of making up the register of members and index, if any, is done at another office of the company, it may be kept at that other office.

At first reading of this Bill, I was inclined to take the view that this paragraph did not achieve the objective of the Government, in that it did not stipulate that another company would keep the share register at its own office. However, it could be thought this gives the additional right to a company to have its share register kept at some office other than its registered office.

If such is the case, I do not think it was clearly put forward in the original approach to the Bill. There is also the question of paragraph (b) which reads as follows:—

> Where the company arranges with some other person to make up the register on its behalf, it may be kept at the office of the other person at which the work is done.

Here the word "person" is relative to the Interpretation Act, in which "person" includes a body corporate. I think the emphasis made throughout the explanation of the Bill is entirely on the fact that a new company can undertake this type of work. I think it should be clearly understood that there is nothing to prevent an individual or a set of individuals applying for this type of work in line with another company. It would not be possible for a person who is an employee of a company to make application, because the general definition of a company is—

> An association of persons who join together, and contributing to a joint fund, employ it to the common benefit, generally in some trade or business. It is an artificial person having a legal entity, apart from its members.

So any person who was of a company of people with the title of "person" could only apply, in my view, under the section of the Companies Act which would title him as "officer" of a company.

Apparently while there has been considerable emphasis on the fact that a series of companies would specialise in this type of work, the field is open to a person or persons. Subclause (3) reads as follows:—

> If default is made in complying with this section the company, and every officer who is in default, is liable to a fine not exceeding fifty pounds, and in addition to a daily penalty not exceeding five pounds for every day during which the default continues.

This subclause does not deal with the word "person"; it deals with a company or an officer of a company, which is in accordance with the Companies Act. I do not know whether there would be a legal loophole for a person selected to do this work as an individual. I do not know whether he would come within the province of that penalty where it stipulates "company or officer of the company."

Generally speaking, I have no quarrel with the Bill; I think it is modernising the Act to a degree. The Companies Act is one to which a lot of research could be given to bring it up to date. We should not deal with one clause at a time. I think there is some value in the point of view I have put forward, and I ask the Minister whether he will clarify the situation to the extent that companies and individuals can apply, and that penalties will apply both to the company and to the individual. I support the Bill.

THE HON. H. K. WATSON (Metropolitan) [3.30]: Mr. Willesee has rather amply discussed the Bill and explained its purpose; and the Minister has pointed out that it has been introduced to meet the present-day need of companies which have share registers so large that, in fact, it becomes a business proposition for them to hand over the keeping of the registers, the attention to share transfers, and so on, to specialised offices.

In the Eastern States this class of work is becoming a huge undertaking. We find that groups of people—either as partnerships or as companies—are specialising and working exclusively in the keeping of share registers so that the registers are kept up to date in regard to the day-to-day transfers that are made as a result of sales on the stock exchange. The Bill has been introduced to overcome the existing provision in the Act which states that the share register shall be kept at the registered office of the company.

The measure will enable a company to keep its share register at some place other than its registered office. There might be a goldmining company with its registered office at Kalgoorlie, but it may be

more convenient for the company to have its share register kept in Perth. The Bill gives power for the company to do that. If the company did not have its own office in Perth, it might desire to have its share register kept at the office of a public accountant, or at one of these secretariat companies which specialise in the keeping of share registers. Such a company will, if the Bill is agreed to, be able to avail itself of that facility.

The word "person" is mentioned, but under the Interpretation Act "person" includes "company." Therefore it would be open to any person or any company to keep the share register of another company.

Replying to the last point made by Mr. Willesee, my reading of the Bill is that it requires the company to notify the registrar of any place, other than the registered office of the company, at which the register is kept. To my mind that duty is an obligation on an officer of the company—the secretary or a director.

I think it matters not whether the person keeping the share register is an officer of the company or not. I should say that in all the cases contemplated by the Bill, the company or the firm of individuals keeping the share register would not be officers of the company in the ordinary accepted sense of the term; they would be professional persons engaged by the company, and the relationship of master and servant would not exist. I do not think it is intended that they should be liable to any penalty; but there is ample provision in the Bill for the Act to be observed, because each company has its directors, its secretary, and its public officer; and the Act contemplates that any one of these officers is the officer to be responsible for notifying the registrar where the register of members is available for inspection.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines—in reply) [3.34]: I thank Mr. Willesee and Mr. Watson for their contributions to the debate. The Bill seemed to be perfectly all right to Mr. Watson, but Mr. Willesee raised one or two queries. In order to make sure that, before the legislation goes through, I shall have an opportunity to give an explanation to Mr. Willesee concerning the points he raised, I shall if the second reading of the Bill is carried, ask that the Committee stage be made an order of the day for next Tuesday; and, in the meantime, I shall endeavour to get the necessary information to satisfy the honourable member on the points he brought forward.

Question put and passed.

Bill read a second time.

House adjourned at 3.36 p.m.

Legislative Assembly

Thursday, the 15th October, 1959

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