

LEGISLATIVE COUNCIL.

Tuesday, September 6, 1955.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

QUESTIONS.

TONSLEY SPUR RAILWAY LINE.

The Hon. K. E. J. BARDOLPH—It was reported in this morning's *Advertiser* that the Marion Council had unanimously decided to form a committee to deal with the proposed spur railway line to Tonsley. Has the Minister of Railways any further information other than that published in the press?

The Hon. N. L. JUDE—Rather naturally, I anticipated a question in this direction, and prepared the following report:—

With regard to the need to make certain acquisitions of land along the route to Tonsley via Woodlands Park, an impression seems to have been gained that the Government is pushing ahead arbitrarily with its own idea as to where this new spur line should be constructed. This is incorrect. The Government referred the whole matter to the Public Works Standing Committee which took detailed evidence as to which route should be followed. The Committee, a non-Party one, suggested unanimously the one now in question. Should compulsory acquisition be necessary the affected person may dispose of the whole of his interest if he wishes to do so, and naturally the Commissioner will view the individual problems as reasonably as is possible.

Regarding demolitions, only four homes were involved on this route as against 10 on the alternative one. One further permanent residence also exists, not requiring to be demolished, as against seven on the alternative route. There are, however, eight emergency type houses required to be shifted on the Woodlands Park route. Vacant blocks involved are 14 via Woodlands Park as against 117 on the other route. The suggestion that people on the route should have been previously advised does not at first sight appear to be an unreasonable one. However, when the possibilities of speculative purchasing, etc., are considered it will be appreciated that the principle adopted was the fairest to the taxpayers as a whole.

The cost of the present suggestion will be £179,000 for the total construction, purchase of land and so forth as against £381,000 for the alternative route.

HIGHWAYS DEPARTMENT REVENUE.

The Hon. E. ANTHONY—Can the Minister of Roads inform me what proportion of the revenue raised from motor vehicle registration fees and driving licences is allocated to the Highways Department?

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The Hon. N. L. JUDE—As far as I am aware, every pound raised by the Motor Vehicles Department from registration fees and driving licences, less a deduction for administrative purposes, is payable by the Treasury into the Highways Department.

RIVER MURRAY FLOODS.

The Hon. J. L. COWAN—Has the Minister of Local Government a reply to the question I asked on August 31 regarding river levels and future flooding of the Murray?

The Hon. N. L. JUDE—I took this matter up with the Minister of Works and he furnished the following statement:—

The purpose of the locks and weirs is to retain certain pool levels for which they are designed. It is obvious that as the flow increases less obstruction is necessary to retain these levels and the stop locks and panels can progressively be removed. Eventually the stage is reached where the natural flow attains pool level and at this stage the weirs are entirely removed. This stage has now been reached at places; some of the weirs have been removed and others are in course of removal.

The Engineer-in-Chief, who is the Commissioner representing South Australia on the River Murray Commission, states that so far as can be judged, the river level is not such as to warrant alarm. Every step that can humanly be taken has been taken in anticipation of a high river. There are many circumstances we cannot control; for example, adverse high winds and further rains. These will have to be taken into consideration. On present indications there will be a high river, but no substantial damage, if any, will occur. This year, the most important factor in reducing the flood level has been the filling by the State of Victoria of the new Eildon reservoir on the River Goulburn. This reservoir will impound the whole of the flow from the Upper Goulburn catchment and it means that this year, because of the filling of this reservoir, there will be approximately 2,000,000 acre feet less water coming down the Murray.

MOTOR VEHICLE REGISTRATION FEES (REFUNDS) BILL.

Read a third time and passed.

HEALTH ACT AMENDMENT BILL.

Read a third time and passed.

PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL.

In Committee.

(Continued from September 1. Page 705).

Clause 4 "Duty to submit works to Committee," which the Honourable S. C. Bevan had moved to amend by deleting "one hundred" and inserting "seventy five."

The Hon. C. R. CUDMORE—I had asked a question on this clause and the Minister reported progress so that he could get the information. Perhaps he can tell us now exactly what the position is.

The Hon. N. L. JUDE—I have received the following report from the Parliamentary Draftsman:—

The question which Mr. Cudmore raises is, I think, this—why is it necessary to refer to the Public Works Committee a proposal for the erection of a public school costing more than £30,000, although no Bill is introduced authorizing the particular school. The answer is to be found in section 25 of the Public Works Standing Committee Act which the honourable member quoted. Under this section an inquiry by the Public Works Committee is necessary for any work estimated to cost more than £30,000—

- (a) if the work is to be authorized by a Bill for a special Act; or
- (b) if (although no special Act is required) money is to be appropriated by a Bill for the work.

Although a special Act is not necessary for each school, because there is a standing authority to build them, an appropriation of money is necessary before any school can be built; and the appropriation of money for schools is usually contained in the Loan Acts of each year. Money for schools is provided for in these Acts under the heading of the vote for the Architect-in-Chief, and the specific schools for which the money is voted are mentioned in the Loan Estimates. Therefore, the inquiry by the Public Works Committee is necessary before the Loan Bill can be introduced. The statutory authority for building schools is contained in section 6 of the Education Act, 1915, which says that the Minister of Education has power to do all matters and things necessary for the purposes of the Education Act; but this does not of itself authorize the building of any schools unless money is made available by Parliament.

The Hon. F. J. CONDON (Leader of the Opposition)—During the second reading debate I said that although I would not move any amendment I thought the prescribed amount should be £75,000 and therefore I support the amendment. Prior to 1927 the procedure was to place a line on the Estimates for a given project and ask Parliament to agree to it without any inquiry. Sometimes the work had already been put in hand and it was then impossible for Parliament to do anything about it. In order to control public expenditure it was felt that Parliament should have more say in the matter and as a result the Public Works Standing Committee Act was passed. The Minister said that, taking present values as two and a half times greater than those of 1927, a sum of £100,000 was the correct figure, but I warn Parliament not to allow

too much control to be taken from it. If we fix the amount at £75,000 Parliament will still retain reasonable control. I think that about 26 of the references which I mentioned previously were less than £100,000, but in my experience the money that has been saved has been greater on the smaller projects than on the larger. The committee often makes suggestions which are accepted in the majority of cases and result in considerable reductions. If there is one thing that this Council stands for it is the protection of the taxpayers' money. We have always kept a watchful eye on public expenditure. Already we see a fall in prices in various commodities, so that we may yet have a recession and as a consequence have to amend the Act again if we now make the limit £100,000.

The Hon. J. L. S. BICE—There seems to be some doubt as to my attitude on this issue. Mr. Cudmore asked what amount I was prepared to support and I said that I would fall in line with Mr. Condon's idea and agree to £75,000. That opinion was formed because I had taken the precaution to read the 1927 debates. Parliament was then emphatic on maintaining control over expenditure, and that is why I consider Parliament should decide this matter rather than the Public Works Standing Committee. Of the 40 references submitted to the committee last year 14 were under £100,000 and four were between £79,000 and £90,000. No matter what the amount, Parliament still has the right through the medium of the Loan Estimates of deciding how the money is to be expended. I support the amendment.

The Hon. E. ANTHONY—I cannot understand members' concern about the matter. I thought that the purpose of the Bill was to minimize the amount of work placed on the Public Works Standing Committee so that it would not have to examine small projects. I am most jealous to preserve the rights of Parliament, but I cannot see how an increase from £30,000 to £100,000 will endanger our rights to challenge public expenditure. Is it to be suggested because the amount is increased to £100,000 that we shall be careless about the expenditure on public works? Surely we should take away from the committee work that is unnecessary. Often education officers are called upon to waste a great deal of time in submitting plans and giving evidence on school buildings which are more or less standardized. I oppose the amendment.

The Hon. A. J. MELROSE—I am afraid I cannot accept Mr. Anthony's view that any amount up to £100,000 should be considered

trivial and not worth considering. We are indebted to Mr. Condon for an excellent analysis of the work and problems of the Public Works Standing Committee. His speech was most educational and I am sure I am not the only one grateful to him for it. If the purpose of the committee is not to be entirely lost sight of we should not relax controls unnecessarily. Although today money has lost a considerable proportion of its value compared with the days when the amount was fixed at £30,000, I think this Committee should express some kind of disapproval of the removal of controls by increasing the amount to £100,000. I shall support the amendment.

The Hon. N. L. JUDE (Minister of Local Government)—I have listened to the opinions of honourable members and feel it incumbent upon me to adopt a practical outlook on this matter. In view of the relative value of money, the original proposal in the clause is no break-away from the established principle, but merely a raising of the amount in keeping with present day monetary values. In the past few years many honourable members have complained of the delay by the Public Works Standing Committee in dealing with certain projects.

The Hon. F. J. Condon—Any honourable member here?

The Hon. N. L. JUDE—Yes.

The Hon. F. J. Condon—Who are they?

The Hon. N. L. JUDE—I will substantiate that in due course. From time to time honourable members have complained that such and such a report is not ready because of the Public Works Standing Committee being overloaded with work. Nobody has risen to the defence of the committee more adequately than the Leader of the Opposition, and rightly so. Mr. Anthony pointed out that sometimes a reference is given to the committee and, because of the tremendous amount of business it has to deal with, the report is not furnished for a long time, and in the interim the whole economy of the State has changed. Mr. Cudmore asked what figures were available. If he wants figures the first person to ask is Mr. Condon, who is able to speak with immediate knowledge as almost a life-time member of the committee. I would like to ask Mr. Condon how many projects between £75,000 and £100,000 are at the moment being investigated by the committee, and whether they are a high or a low percentage of the total. This is a practical matter and it is for honourable members to decide whether the amount should

be £100,000 as suggested in the Bill or £75,000 as suggested in the amendment.

The Hon. F. J. CONDON—I assure members I shall not lose any sleep whatever the amount is. On two occasions the Government asked the committee to suggest an amount, but it took the view that it is for Parliament to decide. There are not many projects costing between £75,000 and £100,000. The Minister said there have been many complaints in this Chamber about the delay in furnishing reports. The chief criticism was in reference to the bulk handling of wheat. This Chamber was bluffed in that matter; it was threatened and so was the House of Assembly. One of the threats was that if the Bill were not passed we would get the blame and could look out at the next election. We passed the Bill in a day, yet there will not be any bulk handling in South Australia this year. That scheme will cost millions of pounds and the State will be asked to guarantee £500,000. The Government sent two men overseas to secure information, so is it a fair thing to ask for a report before they get back?

The Hon. E. Anthony—But the committee submitted a report.

The Hon. F. J. CONDON—Yes. We were criticized in taking eight years to do so, but the people concerned do not want the scheme recommended. They want it their way, but it is the responsibility of the Government to say whether the full recommendation of the committee shall be carried out or not. There is no obligation on the part of the Government to put into effect any scheme recommended by the committee. This morning the committee took evidence from two important officers on a sewerage scheme. In August last year they submitted estimates, and following that the Government sent one of them, Mr. Hodgson, overseas. The investigation was delayed, and because of the delay £117,000 was saved.

The Hon. C. R. CUDMORE—This is a very interesting debate. The Minister asked Mr. Condon to supply certain particulars, but instead of doing so he told us what the Government is doing by sending people overseas to find out about bulk handling. That is a curious situation. I was originally prepared to support the Bill as it came in, but as I have asked questions continuously but have received no answers, I shall support the amendment.

The Hon. N. L. JUDE (Minister of Local Government)—During the second reading I directed the attention of the honourable

member to his somewhat improper remarks about scant courtesy. I refer members to his speech on the second reading to see what specific questions he asked. He merely generalized, and said "We have been told nothing." With his ability he can seek out the necessary information. If he asks specific questions I shall endeavour to answer them. He asked one specific question and I think I gave a specific reply.

The Hon. S. C. BEVAN—It was interesting to hear that the two and a half times formula of the Arbitration Court has been adopted by the Government. Mr. Anthony said that apart from a consideration of monetary values the amount of £100,000 would reduce the work the committee is called upon to do and the work of various departmental heads. My amendment will have precisely the same effect. The Public Works Committee has investigated all public works costing over £30,000, and if that is increased to £75,000 it will save the necessity for many investigations. I have often complained in this House about receiving information only from the press. From time to time this information has been on matters involving considerable expenditure of public money. Mr. Condon warned us that the control vested in Parliament in 1927 should not be whittled away.

The Hon. E. Anthony—How does this affect control?

The Hon. S. C. BEVAN—To the extent that a considerable amount of work up to a cost of £100,000 could be carried out without consideration by Parliament or inquiry by a committee. Even on today's values £100,000 is a considerable sum, and so is the difference between £30,000 and £75,000. As has been pointed out, before the passing of the Act the only opportunity Parliament had to discuss projects was on the Estimates, and quite often the work was already in progress, so that nothing could be done. The Act is a safety catch on the expenditure of public money. In the event of prices falling I suggest that the first to fall will be building materials which will reduce the cost of these projects.

The Hon. Sir. LYELL McEWIN (Chief Secretary)—So far I have been a listener to this debate, but sometimes listeners can contribute to a discussion and I think there is some new ground which can be broken. I listened with interest to the Leader of the Opposition, but I did not find any more relevancy in his remarks than when the accusation was made against my colleague,

because he was discussing a project involving, I will not say how many millions, but certainly not in the realm of thousands of pounds. However, I was pleased to hear his support of the Government's attitude in sending two representatives abroad to ensure that the greatest economy and efficiency shall be associated with an installation of that magnitude.

A point which I think might be considered is the amount of interest that is shown towards the expenditure which a responsible Government has to incur, and the amount of money which can be spent by outside organizations with subsidies by the Government and which are accepted without a blush by Parliament. I have never heard exception taken to a line on the Estimates to subsidize, for example, church organizations in the establishment of hospitals, or to a subsidy of £100,000 for nurses' quarters for the Children's Hospital, which, although the proposal was initiated long after the Government had proposed quarters for its own nurses, was completed two years before the Government had its own. I do not expect to hear any opposition when I put a line on the Estimates this year for expenditure in connection with the Queen Victoria Maternity Hospital which will go much above the amount complained about today. In view of the fact that we have an Auditor-General who makes close investigations into all Government expenditures it astounds me that there should be so much concern about the difference between £75,000 and £100,000. I do not know anything about this two and a half times formula of values; I could only wish that my department could work within that limit, for I would say it is nearer three and a half to four times. I think that £100,000 is well within comparative values.

The Hon. C. R. STORY—From discussions with members of the Public Works Standing Committee I have formed the opinion that the committee is overworked. Many of the projects referred to it are of relatively small character costing about £30,000, and I agree entirely with the Chief Secretary that a three times formula is about the mark; economists throughout the Commonwealth seem to agree on that. I do not agree with Mr. Bevan when he says, in effect, that a recession is just around the corner. As I see it things will remain very much the same for some time. I think £100,000 is a proper figure and it may allow the committee to get on with some of the major projects, such as the Blanchetown bridge, which

has been shelved for seven or eight months presumably because some other small projects are being investigated.

Amendment negatived; clause passed.

Remaining clauses (5) and (6) and title passed.

Bill reported without amendment and Committee's report adopted.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 1. Page 700.)

The Hon. E. ANTHONY (Central No. 2)—We should not lose sight of the fact that there is an aesthetic side to this question which Mr. Cudmore was rather inclined to treat lightly.

The Hon. C. R. Cudmore—I said I would not discuss it because it was not in the Bill.

The Hon. E. ANTHONY—It is not, but it is pertinent nevertheless. Adelaide is very fortunate to be surrounded with a beautiful amphitheatre of hills; there is nothing more beautiful in the whole of Australia than the Adelaide Hills, but a great deal of defacement is occurring owing to the activities of the quarries. I know that some people think that a splash of colour adds variety to the scene, but if it is allowed to persist the gashes will become an ugly sight.

The Bill amends section 10 of the principal Act which provides the inspectors of the Mines Department with far-reaching powers. They have the right to enter a quarry at any time and make all kinds of inquiries regarding explosives, etc., for the protection of the men on the job—and rightly so. Undoubtedly the activities of the inspectors have done much to minimize accidents and improve employees' working conditions. Increased blasting has occurred as a result of the increased demand for metal for building and road requirements, and those living near the quarries are affected by the noise and vibration. It is difficult in some circumstances to say whether damage to housing results from the blasting. Those who built near established quarries cannot expect to have any claim for damage. The question has arisen whether a nuisance results from the operations of quarries; the word "nuisance," like section 92 of the Commonwealth Constitution, is capable of a wide interpretation. I support the second reading.

The Hon. C. D. ROWE (Attorney-General)—I compliment Mr. Cudmore on his able contribution to the Bill. Those who live in areas

subject to damage as a result of quarry blasting have possibly thought that the real cause was something different from that submitted by Mr. Cudmore and that it was the result of air blast. The information the honourable member gave indicated that the blast from a quarry explosion is considerably less than is required to break a window. That information should alleviate anxiety on the matter. The Bill has much to commend it, as it will provide a source of protection to the people concerned. Therefore, it should be supported.

Bill read a second time and taken through Committee without amendment; Committee's report adopted.

DRAUGHT STALLIONS ACT REPEAL BILL.

(Continued from September 1. Page 710.)

Bill read a second time and taken through Committee without amendment; Committee's report adopted.

DAIRY CATTLE IMPROVEMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 1. Page 708.)

The Hon. L. H. DENSLEY (Southern)—I am pleased to support the Bill. This legislation came into operation a little more than 30 years ago, since when there has been a tremendous improvement in our dairy cattle. There has been considerable advance in improved pastures, pasture management, methods of feeding and also in the class of dairy cattle raised as an indirect result of this legislation. Many people have been enabled to purchase bulls of a reasonably high standard and thus improve their herds. The keeping of stud cattle is a rather expensive project, and associated with this is the proper testing of the herd from time to time in order that a good type of animal can be produced. It is therefore desirable that a reasonable price should be available to those who are prepared to spend their money in improving the standard of their animals.

Undoubtedly, there have been beneficial results on production as a result of this legislation. Our dairying industry has advanced considerably in the past 30 years. We have more dairy cows and greatly increased production, and what is more important more people who are prepared to settle on the land to carry on dairy farming. Therefore, we should make every effort to lift the standard of our herds. The making of more money

available for this purpose through the bull subsidy is therefore worthy of our support.

The Hon. A. J. Melrose—What do you think about the elimination of scrub bulls?

The Hon. L. H. DENSLEY—I think there are few fewer than there were 30 years ago. Nearly every farm has a pure bred bull. The fee charged for the registration of bulls of the beef breeds ceased in 1940, and perhaps there is not sufficient reason for its reintroduction. I am satisfied that the class of bull now extant has greatly improved our production of dairy produce, and consequently we can claim that we are on the right road in supporting this legislation.

Bill read a second time and taken through Committee without amendment; Committee's report adopted.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 31. Page 678.)

The Hon. Sir LYELL McEWIN (Chief Secretary)—I thank honourable members for the attention they have given to this very important measure, and I am also grateful that this measure has revived historical associations in that we were taken back by Mr. Cudmore some four thousand years. Although so many things have happened in that period, much value can be derived by delving into history. However, one has to consider the developments that have taken place over the centuries and, although human nature has not altered to any great extent, much on the organizational side that concerns us probably did not concern people four thousand years ago.

When considering control of any nature, in this case Government control, we also have to take into account competition by sectional control which concerns us in many avenues of trade and commerce. I have said on previous occasions that the Government is not hungry for controls for controls' sake and that statement is still relevant. For the nine months up to June 30 last some controls had to be reintroduced, but the number of items controlled was reduced from 184 to 104. That is the answer to any suggestion that the Government has not honoured the policy of decontrol wherever possible. The cost of staff is only 30 per cent of that when State control commenced, so there is nothing to indicate that the Government has been control-hungry. Everything indicates that it has found from

experience that having in existence a police Bill is of value in checking decontrolled items. It is not sufficient to decontrol and then leave everything without having concern for the public, which is vitally interested in this matter.

In spite of what has been said about the supply of commodities, some are still in short supply. Import restrictions will possibly accentuate that position and may make it necessary to exercise control over other commodities. If we talk about the abolition of controls we must be prepared to go the whole way; it is no good saying we are going to control certain things and let everything else go. The conditions which have been created justify the retention of this legislation. We are faced with an economic position produced by the reduction in the price of everything that we export. I am told by practical men who have interests in wool that they are now receiving one-third less than 12 months ago. We know that on last year's production of wheat an initial payment was made, while on the previous year's production a second instalment is about to be made and we have another crop on the way. All primary produce, such as eggs, cheese, butter, and dried fruits is being sold on falling markets, yet those industries are expected to accept increases in the cost of machinery and everything they use. Whatever the reason we know very well that if costs increase we cannot expect the cost of labour to fall to meet the new position.

The Hon. L. H. Densley—Are you suggesting that you are going to recontrol everything now?

The Hon. Sir LYELL McEWIN—I am not suggesting anything. I am merely stating facts, and I am not prepared to sit down and take everything without doing anything about it. I know that the honourable member has opposed other measures in this House after which he has sought the assistance of the very legislation he has opposed.

The Hon. L. H. Densley—Could you quote them?

The Hon. Sir LYELL McEWIN—I do not want to be put in that position today; I want merely to quote the position that exists, and it is not history. All prices are falling, the creation of new wealth is therefore reduced and we cannot have that associated with rising prices. For that reason, and because I have indicated that the Government has administered this legislation with discretion and will continue to do so, I still see a need for this legislation.

The Council divided on the second reading:—

Ayes (12).—The Hons. K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, E. H. Edmonds, N. L. Jude, Sir Lyell McEwin (teller), W. W. Robinson, C. D. Rowe, C. R. Story, and R. R. Wilson.

Noes (6).—The Hons. E. Anthoney, C. R. Cudmore (teller), L. H. Densley, A. J. Melrose, Sir Frank Perry, and Sir Wallace Sandford.

Majority of 6 for the Ayes.

Second reading thus carried.

Bill taken through Committee without amendment and Committee's report adopted.

REGISTRATION OF BUSINESS NAMES ACT AMENDMENT BILL.

In Committee.

(Continued from August 31. Page 682.)

Clause 3—"Particulars for registration."

The Hon. C. R. CUDMORE—I mentioned briefly in my speech on the second reading that I was not in favour of this clause. It is an amendment with reference to section 8 of the principal Act which sets out the particulars which have to be given by anyone wishing to register a business name. It provides that such applications shall be signed in the presence of a justice, proclaimed bank manager, commissioner for taking affidavits in the Supreme Court or a solicitor, etc., etc. In effect whoever makes a statement has to go before a responsible official, and that is the usual trend in all legislation of this kind. It is suggested in this clause that the witness should be any person enrolled as an elector, which means that any 21-year-old person—a girl working in a factory, for example—could witness a document. But it is nothing to her if she is asked to witness a statement of this nature. I protest against this. The present practice is the correct one. The Registrar says that people in the country say they have difficulty in finding a qualified witness, but we are dealing with people who desire to register business names, and if we treat this at all seriously, if we want to protect the public by ensuring that we at least know something about the people with whom they are going to trade, we must see that there is some real care in the preparation of the application.

The Hon. E. H. Edmonds—How far does a witness's responsibility go? He only witnesses a signature.

The Hon. C. R. CUDMORE—If the honourable member would like to make it a declaration or an affidavit I would be with

him; that would be an improvement. The witnesses enumerated in section 8 are mostly the people before whom declarations under the Real Property Act and so forth are attested and people are not likely to come before them lightly. I think that a commissioner of the peace or a bank manager would take a little trouble to check up on a person making an application before he witnessed his signature. I agree with Mr. Edmonds that this matter requires tightening up instead of easing.

The Hon. C. D. ROWE (Attorney-General)—I have had an opportunity of discussing this point with the Registrar of Companies who is a very able and efficient officer. At present the Registrar finds it extremely difficult to keep his records up-to-date. From time to time it becomes necessary for business names to be re-registered. The system which the Registrar adopted was to send out a card to the registered owner of a business name stating that the registration was about to expire and intimating that on the receipt of the fee the necessary forms would be forwarded for completion. That system did not work satisfactorily so he adopted a new one under which he sends out a circular letter prior to the month in which the registration expires, and with it a form which has to be completed, asking that it be returned with the necessary fee. Notwithstanding this he still does not get replies to about 25 per cent of the circulars sent out. For instance, in April last year he sent out 335 letters and did not receive replies to 91. In June he sent out 388 and 58 failed to reply, and those figures are typical. If he does not get replies information on his files is not up-to-date and he has only two alternatives—either to allow the matter to remain as it is without up-to-date information, or to adopt what is suggested in this Bill, namely, not require these people to go before justices of the peace to have their signatures witnessed. He points out that nearly always when he asks people why they have not completed the form the reply is that they could not find a justice of the peace at the appropriate time and put the form aside. By requiring that witnesses shall be electors it means that their names must be recorded on the electoral roll and therefore the witnesses can be traced.

The Hon. C. R. Cudmore—Cannot a solicitor or a justice of the peace be traced?

The Hon. C. D. ROWE—Exactly, but the honourable member seemed to suggest that the witnesses might be people of whom we have no record. He suggested that we require other documents to be witnessed by a solicitor or a

justice of the peace, but that is the exception rather than the rule. Anyone can witness a will which, surely, is a more important document than an application under this Act. The only time when we require a particular person to be a witness is in respect of a declaration or affidavit; in other words, when the person who executes a document can be prosecuted for making a false declaration. This seems to be a case in which, in the interests of sound administration, we might well agree to what the Registrar suggests.

The Hon. C. R. CUDMORE—The Minister has not put forward a very convincing argument. The fact that people do not reply to circular letters has little to do with this question. Does anyone suggest that a person who has a registered business name cannot find a proclaimed bank manager without much trouble? It is simply that they do not trouble to reply, and in that case the Registrar has power to strike out the name. We are dealing with registered business names under which someone is going to trade with members of the public, not using his own name, and the public is entitled to know something about him, so we should be as careful as we can.

The Hon. E. ANTHONY—I feel there is a good deal in the honourable member's argument. We should not deliberately make things too easy for these people. If there is any difficulty in finding justices of the peace could we not make it a little more convenient for the public by having lists posted up somewhere as an indication where justices of the peace can be found? To say that they cannot find a bank manager suggests to me that they are not trying very much.

The Hon. C. D. ROWE—I will have a look at Mr. Anthony's suggestion that a list of justices of the peace should be located where the public can inspect it. I have known instances in the country where people have received advice from the Registrar of Companies, but overlooked the matter. I believe that their excuse that they did not reply to the formal letter because they were unable to secure the services of a justice of the peace was a true statement of fact. This clause will simplify the matter, and in the circumstances I ask the Committee to accept it. It is not usual to require a justice of the peace or a bank manager to witness documents. For example, anyone can witness a will, share-farming agreement or memorandum of articles of association for the incorporation of a new company.

Clause passed.

Clause 4 passed.

Clause 5—"Powers of Registrar."

The Hon. C. R. CUDMORE—I move the following amendments:—

In the first line after "amended" to insert "(a)."

In the sixth line after "is" to insert "not."

In the seventh line to strike out "not."

In the seventh line after "business" to insert "send by registered post to the firm, individual or corporation a notice that at the expiration of one month from the receipt of the notice by the firm, individual or corporation, he will, unless cause is shown to the contrary."

In the eighth line after "register" to insert the following paragraph:—

"At the expiration of one month from the receipt of the notice by the firm, individual or corporation, the registrar may, unless cause to the contrary is previously shown by the firm, individual or corporation, strike the business name off the register."

At end of clause to insert the following paragraph:—

(b) by inserting after the word "letter" in the first line of subsection (6) thereof, the words "or notice."

I had previous amendments on the file and the only difference between them and this series of amendments is that the others provided for one month to elapse from the sending of a notice, whereas now I have fixed the time as the date of the receipt of a notice. Shortly, the position is that the Registrar sends out a notice asking whether a person is still carrying on business under his business name. At the moment, if his reply is in the negative or he does not reply he is struck off. The proposal in the Bill is that if he does reply in the affirmative the Registrar can still arbitrarily say, "I do not believe you" and strike him off. However, there is the right of appeal to the Supreme Court, but in the original Act there was the right to show cause why the person who had the notice sent to him should not be struck off. I am trying to restore that position.

The Hon. C. D. ROWE—The amendments seem to improve the Bill as drafted and therefore I support them.

Amendments carried; clause as amended passed.

Remaining clauses (6 and 7) and title passed.

Bill reported with amendments and Committee's report adopted.

ADJOURNMENT.

At 3.55 p.m. the Council adjourned until Tuesday, September 20, at 2 p.m.