

Legislative Assembly,

Tuesday, 11th August, 1914.

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The DEPUTY SPEAKER took the Chair at 4.30 p.m., and read prayers.

PAPERS PRESENTED.

By Hon. W. C. Angwin (Honorary Minister): By-laws of Cue-Day Dawn Road Board under the Health Act.

By the Minister for Works: Additional by-laws of the Municipality of Claremont under the Municipal Corporations Act, 1906.

BILLS RETURNED FROM THE COUNCIL.

1. Control of Trade in War Time.
 2. Royal Commissioners' Powers Act Amendment.
 3. Land and Income Tax.
 4. Supply Bill (Temporary Advances) £230,830.
- Without amendment.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1. Registration of Births, Deaths, and Marriages Act Amendment.
2. Supply (Temporary Advances), £230,830.
3. Land and Income Tax.
4. Control of Trade in War Time.
5. Royal Commissioners' Powers Act Amendment.

ADJOURNMENT—SPECIAL.

The PREMIER (Hon. J. Scaddan—Brown Hill-Ivanhoe) [4.33]: I move—

That the House at its rising adjourn until Tuesday the 18th August.

I may explain that the Government do not propose to go on with business at this stage, and that I do not know of anything that is likely to arise in the meantime. Therefore, I do not see the necessity for asking country members to come into town day after day, or to remain in town, just for the purpose of attending here for a few minutes. Should anything arise out of the Premiers' Conference in Melbourne, we can consider it in the meantime, and, if necessary, bring it before the House on Tuesday next.

Question passed.

House adjourned at 4.34 p.m.

Legislative Council.

Tuesday, 18th August, 1914.

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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Colonial Secretary: 1. Report of the State Labour Bureau for the year ended June 30, 1914. 2. Amendment to Regulation No. 66a of the Mining Act, 1904. 3. Scale of Trespass and Poundage Fees under the Roads Act, 1911. 4. Mileage Fees for the Armadale-Kelmscott Road Board under the Roads Act, 1911.

BILL—MELVILLE TRAMWAYS.

Read a third time and *passed*.

BILL—BILLS OF SALE ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [4.33] in moving the second reading said: One of the objects of this Bill is to substitute the provisions of the South Australian Act for Section 5 of our Bills of Sale Act. The present Act enables a secret bill of sale to be given. The grantee can keep a bill of sale in his possession up to the eve of bankruptcy and he can step in at the last moment and take possession of the chattels covered by that bill of sale. It is not necessary in such circumstances that he should register and so inform the creditors generally that he has any security in his possession. The consequence is that the grantor often obtains credit in this way. This Bill makes it imperative that the holder of a bill of sale should register it and if the registration is not in accordance with the law the bill of sale will be void as against the Official Receiver or the liquidator if the chattels covered by the bill of sale are in the possession, or the apparent possession, of the grantor within three months of insolvency or the presentation of a petition for the winding up of the estate. Under the existing law the holder of a bill of sale may, as I have said before, on the very eve of bankruptcy, by taking possession of the chattels have an undue advantage over the ordinary creditor. This Bill will remedy that defect. There is a further purpose in the Bill. Its object is to wipe out the section in the principal Act which makes it necessary that the bill of sale should cover an advance of more than £30. In South Australia for a long time they had a provision for granting a bill of sale covering small amounts. A man could borrow in South Australia £5 and give a bill of sale over any chattels that he might possess.

Hon. Sir E. H. Wittenoom: What about the cost of the bill of sale?

The COLONIAL SECRETARY: There is a provision in the bill to so simplify matters that the cost will be

very small indeed. The present legislation will be amended by this Bill in order that power may be given for a bill of sale to be made for any amount. The measure also enables a man not only to borrow a small sum and give security by way of a bill of sale, but it also enables him, as Sir Edward Wittenoom points out it is necessary he should be able to do, to do it cheaply. He need not go to a lawyer's office and have a lengthy document drawn up, but he can fill in a form as shown in the first schedule of this Bill, and if he does that carefully, all he has to do afterwards is to register it. The second schedule gives the covenants to be deemed to be implied in a bill of sale given by way of security. There is another reform provided in the Bill and that is a clause enabling the worker to whom wages are owing to have a preferential claim, in the same way as landlords have preferential claims, but not on the lines submitted when the Bill was last introduced to this Chamber. The amount of wages owing to the worker which will be covered will be to the extent of one month.

Hon. D. G. Gawler: That was an amendment made in this Bill in the lower House.

The COLONIAL SECRETARY: Yes, this is how the Bill has come to the Legislative Council. It has been amended I think in another place. I will now explain the different clauses. Clause 2 is an amendment of Section 5 of the Principal Act, and is inserted with the object of removing an ambiguity from the present Act. Under the Act a contemporaneous advance is an advance made contemporaneously with the granting of a bill of sale or within three days of the registration thereof. The words "within three days of the registration thereof" have been interpreted as being within three days after the registration. That is the interpretation which has been put upon it recently, so that advances made after the granting of a bill of sale can only be regarded as contemporaneous if made within three days of the registration, which could not have been the intention of Parliament. Clause 3 enables

the maximum rate of interest to be stated in the bill of sale instead of a fixed rate if the parties so desire. Under the present law there must be a fixed rate. Clause 4 makes it clear that a bill of sale is valid when the security is stated to be a contemporaneous advance and when portion of the amount covered is subsequently advanced. Clause 5 provides for a bill of sale over crops about to be grown. It can now be given only over growing crops, but under this amendment it can be given over crops about to be grown. The amendment will permit the farmer who wants to buy seed wheat or fertiliser on credit to give a bill of sale over a crop about to be grown. Clause 6 provides—

Hon. D. G. Gawler: Makes it compulsory to register assignments.

The COLONIAL SECRETARY: I think it provides for just the reverse. The Bill as it reads now provides for the registration of any transfer or assignment of a bill of sale. Clause 7 deals with unregistered bills of sale, under the amendment explained by me in my introductory remarks. Clause 8 merely corrects a palpable error in Section 31 of the principal Act, the object being to protect the grantee for advances made not only during the time of registration but from the time of the making of the bill of sale. Clause 10 repeals Section 46 of the principal Act. This section makes every bill void for any amount under £30. Clause 12 sets out that the bill may be in the form appearing in the first schedule, but that the use of such form shall not be obligatory. The object is to save legal expenses in connection with a bill of sale for a small amount. Clause 13 provides that the covenants and powers set out in the second schedule shall be implied in a bill of sale drawn up in accordance with the first schedule. Clause 14 repeals section 12 of the principal Act and Section 16 of the amending Act of 1906, Section 12 being amended by Section 16 of the 1906 Act. It sets out that the fee for registration or renewal shall be 5s. and as the Bill specifies the fees on a sliding scale basis, this section must go out. Clause

15 goes more comprehensively into the definition of agricultural machinery so that agricultural machinery of all kinds will be excluded from the application of the Act. Clause 16 by Section 3 of the Act of 1906 provides that notice of intention to register a bill of sale is required to be given. Seven days' notice is required if the bill of sale is granted in Perth or Fremantle and 14 days' notice if granted elsewhere. The proposed amendment was suggested I think by the hon. Mr. Gawler. It is obvious that the term of the notice should be seven or fourteen days, according to the residence of the grantor.

Hon. D. G. Gawler: Where the chattels are situated.

The COLONIAL SECRETARY: The residence of the grantor is generally supposed to be where the chattels are situated. The object of the Act of 1906 is to notify creditors of the intended grantor. As Section 3 at present stands, if the Bill of sale is executed in Perth, although the grantor may reside, for instance, in Geraldton, nevertheless seven days' notice is given because the grantor happened to execute the document in Perth. Clause 17 amends Section 18 so as not to limit the interpretation of the words stock, sheep, cattle and horses and to enable a bill of sale over all stock to be registered without lodging a notice of intention. It also makes it necessary to lodge a notice of intention in reference to a bill of sale over crops sown or growing, or about to be sown or grown, when such a bill of sale is granted to secure payment of the purchase money for seed wheat, fertiliser, etc. Clause 18 protects workmen's wages to the extent of one month's wages. I beg to move—

That the Bill be now read a second time.

On motion by Hon. D. G. Gawler debate adjourned.

BILL—COTTESLOE MUNICIPAL RATES VALIDATION.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [4.50] in moving

the second reading said: Little explanation is needed in introducing this Bill. In 1911 an omission occurred in connection with the completion of the rate book for the Cottesloe municipality. It is necessary that the Mayor should initial every page of the rate book when it is completed, and then sign a memorandum stating the rates levied in regard to property. That he failed to do. The result is that the rates were illegally struck. The fact became known, and, while some ratepayers cheerfully paid their rates, declining to take advantage of a technical error, others refused to do so. The consequence is that the revenue of the municipality has suffered to some extent. The Bill is introduced for the purpose of relieving the situation. It will validate the rates which have been struck. I beg to move—

That the Bill be now read a second time.

In Committee.

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

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [4.53] in moving the second reading said: Last year when Mr. Colebatch was speaking to a motion, he referred to the fact that some enrolments made in Geraldton did not give the names of the streets in which the electors resided. I stated that the practice followed in that case had been observed for many years, and that if the Act was carried out to the letter, many persons would be disfranchised. This Bill is introduced for the purpose of making clear what must have been the intention of Parliament that every man and woman duly qualified would be able to secure a vote. There are some parts of Western Australia in which it is next door to impossible to give the names of the streets, because they are not locally known.

There are a number of electoral districts in the State in which townsites were surveyed many years ago, but the exact locality of which cannot now be ascertained without a re-survey. The Bill provides an amendment of Section 44, Subsection 2 of which reads as follows:—

If the residence of the claimant is within a municipal district or townsite, the name of the street and the number of the house, if numbered, shall be stated.

It is therefore compulsory now that the name of the street in a townsite be given, and also the number, if the numbers are there. There are in this State townsites without streets, and, as I have already stated, townsites which have streets, but the survey pegs in connection with which cannot be traced. The object of the amendment is to secure to every elector who is properly qualified the right to have his name on the roll. This was the object of the Legislature when the principal Act was passed. The object of Section 44 was to enable an electoral registrar to be sure that the elector lived within the electoral district, and had the right to be included on that particular roll. If the Act were allowed to continue as it is, and were strictly enforced, quite a number of those entitled to have their names on the roll would be disfranchised. The amendment provides, as has been done before, that the claim shall be stated, and then there is a certain proviso that if the claimant resides within a municipal district or townsite, the name of the street as commonly known shall be given, but if the residence be outside a municipal district or townsite, it is permitted to him to state such particulars as will enable the location of the residence to be ascertained. That preserves all we have now in the existing Act. Very often the Lands Department declare townsites before they are surveyed, and even at times when they are surveyed no names are given to the streets. It is also provided that the registrar in his discretion may accept and register a claim for enrolment notwithstanding that the requirements of the

subelaune are not strictly complied with, and provided he is satisfied the claimant resides within the electoral district. When the Bill is in Committee, I propose to move a further amendment, making registration compulsory. We had already started the police in making a canvass in connection with the electoral rolls, but, for reasons which are well known to hon. members, we had to withdraw them. Since then the Premier has had a conference with the leader of the Opposition, and both are agreed, in view of the fact that the cost of making up the roll would involve an expenditure of between £6,000 and £7,000, and taking into consideration that we would not have the services of the police, that, instead of conducting the canvass, an amendment should be introduced to this measure providing for compulsory registration. This is regrettable, but it is necessary, owing to developments which have taken place. I beg to move—

That the Bill be now read a second time.

On motion by Hon. H. P. Colebatch debate adjourned.

BILL—FOODSTUFFS COMMISSION.

Received from the Legislative Assembly and read a first time.

Standing Orders Suspension.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.1] moved—

That so much of the Standing Orders be suspended as is necessary to enable the Bill relating to the distribution, export, and prices of foodstuffs and other commodities to pass its second reading at this sitting.

He said: I would have asked the House to pass the Bill through all its stages, but yesterday I was communicated with, through the Clerk Assistant by no fewer than eight members, who asked whether any important business would come before the House to-day, and I replied that there would be only the Cottesloe Validation of Rates Bill. Consequently, it would be scarcely proper to put a Bill of this nature through all its stages without

giving those members an opportunity to express their views upon it.

Hon. J. F. Cullen: I do not think they would object.

The COLONIAL SECRETARY: I do not anticipate that they would, but I propose to go no further to-day than to move the second reading.

The PRESIDENT: This motion has to be passed by an absolute majority, and I declare there is an absolute majority present.

Question put and passed.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.4] in moving the second reading, said: This Bill is a result of a conference held recently between the Federal authorities and the State Premiers. It represents the action proposed to be taken in the Eastern States in reference to the question of food supplies. The Prime Minister wired a draft of this Bill to us with a request that we should introduce it as the Eastern States of the Commonwealth have agreed to do, and it is now submitted to this House in exactly the same form as it was received. There was no particular need for us to introduce this Bill. It does not go so far as the legislation of which this House has already approved, and it is not so effective. It gives no power to fix prices; it goes no further than to provide that all who have in their possession goods in excess of the quantities set forth in the schedule shall be obliged to make returns of the quantities of their stocks to the Commission. There is no doubt, however, that the information which will be obtained in this manner will be of great value to the Commission. It may to some extent save them the necessity of calling merchants, putting them on oath and making an examination of their books. Of course the power which is given by our Act can at any time be availed of apart from the power sought under this measure. Clause 2 contains the definition of "foodstuffs and other commodities," and states that these mean the goods specified in the first column

of the schedule, namely, wheat, flour, oatmeal, rice, barley, pollard, bran, oats, maize, hay, etc. Clause 3 deals with the appointment of the Commission and gives the Governor power to appoint a Commission for the purpose of investigating the distribution, export and prices of foodstuffs. Clause 4 makes provision that returns shall be supplied to the Commission. All persons having in their possession a quantity of any of the foodstuffs and other commodities specified in the first column of the schedule greater than the quantity specified in the second column of the schedule or greater than is prescribed by regulations, must make returns to the Commission. Clause 5 provides a penalty for furnishing false returns, and Clause 6 stipulates that no proceedings shall be taken without the consent of the Attorney General. Clause 7 sets forth that the measure shall operate only during such period as is determined by the Governor and only during the time when a state of war exists. 1 move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

BILL—BUNBURY MOTOR 'BUS SERVICE.

Received from the Legislative Assembly and read a first time.

ADJOURNMENT—SPECIAL.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.7] moved—

That the House at its rising adjourn until Tuesday, 25th August.

Question passed.

House adjourned at 5.8 p.m.

Legislative Assembly.

Tuesday, 18th August, 1914.

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The DEPUTY SPEAKER took the Chair at 4.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Minister for Works: By-laws of Armadale-Kelmseott Roads Board and Goomalling Roads Board under the Roads Act, 1911.

By the Premier: 1, Regulations under the Government Savings Bank Act, 1906. 2, Report of State Labour Bureau for the year ended 30th June, 1914.

BILL—MELVILLE TRAMWAYS.

Returned from the Legislative Council with an amendment.

QUESTION—HOLIDAY. KALGOORLIE CUP MEETING.

Mr. McLEOD (without notice) asked the Premier: Have the civil servants at Kalgoorlie been refused a holiday tomorrow?

The PREMIER replied: The statement that a holiday has been refused is not correct. The resident magistrate at Kalgoorlie was informed by the Public Service Commissioner some time since that the holiday usually granted for the Kalgoorlie cup meeting will apply tomorrow, as in previous years.

STANDING ORDERS SUSPENSION.

The PREMIER (Hon. J. Scaddan—Brown Hill-Ivanhoe) [4.38]: 1 move—

That during the present session so much of the Standing Orders be suspended as to admit of the introduction of Bills without notice, and of the passing of the same through all their stages in one day.