

amendment I proposed to move is the word "unanimously". It was in my amendment. However, I see that the inclusion of that word may bring about some difficulty, as one person may be obstructive.

The Hon. C. D. ROWE: Do you mean one member of the commission?

The Hon. F. J. POTTER: Yes. So long as this matter is given the consideration that I think it should be given, the difficulty will be overcome. I move to insert the following new paragraph:

(d) By inserting at the end thereof the following subsection:—

(3) The commission, before recommending that the area of the State in relation to which a conciliation committee should have jurisdiction to make orders and awards should extend beyond the metropolitan area, shall determine whether the general interests of the community and of the employers and employees engaged in the process, trade, business or undertaking in the area concerned will be best and most conveniently served by so extending such jurisdiction, and in making its recommendation shall give effect to such determination.

In other words, inquiries will be made by the commission. All I am seeking to avoid is the "sudden death" application of an award to the country without some consideration being given to the interests of country people.

New paragraph inserted; clause as amended passed.

Clauses 159 to 168 passed.

New clause 168a.—"Working hours for females and young persons."

The Hon. A. F. KNEEBONE moved to insert the following new clause:

168a. Section 340 of the principal Act is amended by striking out the words "or determination" therein.

New clause inserted.

New clause 168b.—"Powers of inspectors."

The Hon. A. F. KNEEBONE moved to insert the following new clause:

168b. Section 379 of the principal Act is amended by striking out the passage "award or order of the court or a determination of a board" therein and inserting in lieu thereof the passage "order of the court or award or order of the commission or a conciliation committee".

New clause inserted.

New clause 168c.—"Duty of inspectors."

The Hon. A. F. KNEEBONE moved to insert the following new clause:

168c. Section 383 of the principal Act is amended by striking out the passage "awards and orders of the court, and determinations of boards" therein and inserting in lieu thereof the passage "orders of the court and awards

and orders of the commission and of conciliation committees".

New clause inserted.

Clause 169 and title passed.

Bill read a third time and passed.

BRANDS ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

The Hon. S. C. BEVAN (Minister of Local Government): I move:

That this Bill be now read a second time.

It is consequential on the repeal of the Travelling Stock Waybills Act effected by the State Law Revision Act of last year. Honourable members will recall that when the Statute Law Revision Bill was introduced the Minister stated that, as a more satisfactory measure for detecting any stealing of stock, the Commissioner of Police proposed the introduction of stock movement forms to be completed by police officers whenever stock was observed on the move. Inquiries would then be made at the places of departure and destination of the stock. Accordingly, this Bill confers on inspectors of brands and on members of the Police Force powers to stop and search vehicles conveying stock, to stop stock driven on the hoof and to ask questions relating to the place of departure, the route and the destination of the stock.

Clause 3 inserts three new subsections in section 59 of the principal Act. New subsection (1a) enables an inspector or a member of the Police Force to request the driver of any vehicle that is carrying stock to stop his vehicle or to request any person driving any stock to stop the stock, to ask questions for the purpose of ascertaining the name and address of the driver or the owner of the stock and the place of departure, route and destination of the stock. Also, he may, with assistance if necessary, search any such vehicle and examine and take particulars of the stock.

New subsection (1b), corresponding with a provision of the Road Traffic Act, provides for a penalty of \$100 if a person fails to comply with a request made to him under subsection (1a) or to truly answer any question put to him under that subsection. New subsection (5) extends the scope of section 59, as amended by this Bill, to pigs so that the powers conferred by the section may be used in the detection of any stealing of pigs.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): The Bill is one to which I can give my support. Earlier in this session the Travelling Stock Waybills Act was repealed.

Everybody is conscious of the losses that occur through the stealing of stock and for some time had legislation that provided for stock waybills and imposed on people the responsibility to put out stock waybills whenever they were carrying stock by vehicle. This was not a logical method of handling the problem so far as racing stock was concerned and, when the Act was repealed, it was announced that the Commissioner had other suggestions that he thought would be just as effective and that it would be perhaps less onerous on owners of stock.

This Bill gives effect to those suggestions. The suggestions of the Commissioner of Police have been stated by the Minister. Power is given to the police to question people and to make inquiries. I think the Bill gives power to enter property to question people regarding stock on the move and power to obtain the necessary information regarding stock being moved on the hoof or by transport. I think we can accept the Bill and have assurance that it will be just as effective as the provisions under the old Travelling Stock Waybills Act, while being less onerous than the repealed measure.

The Hon. M. B. DAWKINS (Midland): I support the Bill and endorse the remarks that have been made by the Hon. Sir Lyell Ewin. He said that the waybill system that had for a number of years was not very effective. I agree with that and add that it was very effective. Many people did not carry out effectively. It was necessary to have provisions to replace those that were repealed and this Bill seems to meet the case and to give the police or the inspector the necessary power.

The Hon. R. A. GEDDES (Northern): I raise three points that I wish to make on this Bill. The first is the report in this morning's press of a plea by the Commissioner of Police for every endeavour to be made not to restrict freedom from questioning people in order to get maximum information. This Bill gives the police the right to stop vehicles and examine them in connection with the problem of theft of stock, which I understand is becoming very prevalent in certain parts of the State. My second point is that section 3 (1a) provides that a member of the Police Force or an inspector may at any time request the driver of a vehicle that is conveying stock to stop the vehicle, and request any person driving any stock to stop such stock. I suggest that would be a physical impossibility. My third point is that I support the Bill.

The Hon. L. R. HART (Midland): As other speakers have stated, the old Travelling Stock Waybills Act was not very effective. It caused much irritating form-filling by people who conveyed stock, and it served no real purpose. It seems to me that the onus of proof in this Bill has been moved to the person conveying stock. He must prove that the stock carried was not stolen. Under the Travelling Stock Waybills Act it would appear that if a person had a form correctly filled out it was on the shoulders of the police to prove that the stock was not stolen. I think the proposal in the Bill is a very good move. It will give the police adequate powers and remove the friction-causing job of filling in forms, particularly by carriers who have to move stock. I give the Bill my wholehearted support.

Bill read a second time and taken through its remaining stages.

COMPANIES ACT AMENDMENT BILL (HOME UNITS).

Received from House of Assembly and read a first time.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It is designed to ensure that a grant by a company administering a home unit scheme to any of its shareholders of the right to occupy or use a home unit owned or held on lease by the company does not amount to an unlawful return of capital to the shareholder or reduction of capital of the company if the grant is in pursuance of, or authorized by, the memorandum or articles of the company. It is a well recognized and long established rule that a company cannot make a return of capital to a shareholder or cause a reduction of its capital to be made except within the limits prescribed by legislation. In a recent case in New Zealand it was held by the Court of Appeal of New Zealand that a grant by a home unit company to one of its shareholders of the right to occupy a specified flat in a building owned by the company pursuant to a provision in the company's articles of association entitling the shareholder to occupy that flat amounted to a return of capital to the shareholder which had not been made in the manner required by the Companies Act of New Zealand and was therefore unlawful.

If that decision were followed by the Australian courts it would have the effect of inhibiting the sales of home units and of causing considerable loss to home unit owners and financiers of home unit schemes. The