

1923-24.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

No. 115.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

WEDNESDAY, 17TH SEPTEMBER, 1924.

1. The House met, at three o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Right Honorable W. A. Watt) took the Chair, and read Prayers.
2. ADJOURNMENT-MOTION FOR PURPOSE OF DISCUSSION.—Mr. Anstey rose in his place, and said that he proposed to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, "The questions submitted to the Royal Commission in connexion with the administration of the Land Tax Department."
- Mr. Speaker thereupon called upon those Members who approved of the proposed discussion to rise in their places, and more than the necessary number of Members having risen accordingly—
- Mr. Anstey moved, That the House do now adjourn.
- Debate ensued.
- Question—put.
- The House divided—

Ayes, 18.

Mr. Anstey	Mr. O'Keefe
Mr. Brennan	Mr. Edward Riley
Mr. Forde	Mr. E. C. Riley
Mr. Gabb	Mr. Scullin
Mr. Lazzarini	Mr. Watkins
Mr. Mahony	Mr. West
Mr. Makin	
Mr. Mathews	<i>Tellers :</i>
Mr. McGrath	Mr. Fenton
Mr. Parker Moloney	Mr. Albert Green

Noes, 33.

Mr. Atkinson	Mr. Jackson
Mr. Bamford	Sir Elliot Johnson
Mr. Bowden	Mr. Lister
Mr. Bruce	Mr. Mackay
Mr. Donald Cameron	Mr. Mann
Mr. Malcolm Cameron	Mr. Manning
Mr. Robert Cook	Mr. Earle Page
Mr. Corser	Mr. Thomas Paterson
Mr. Duncan-Hughes	Mr. Pratten
Mr. R. W. Foster	Mr. Seabrook
Mr. Frederick Francis	Mr. Stewart
Mr. Josiah Francis	Mr. William Watson
Mr. Gardner	Mr. Whitsitt
Mr. Roland Green	
Mr. Gregory	<i>Tellers :</i>
Sir Neville Howse	
Mr. Hughes	Mr. Hunter
Mr. Hurry	Mr. Marr

And so it was negatived.

3. PAPERS.—The following Papers were presented, pursuant to Statute.—
- Lands Acquisition Act—Land acquired in Parish of Queanbeyan, Federal Territory—For Federal Capital purposes.
- Public Service Act—Regulations Amended—Statutory Rules 1924, No. 139.
- War Service Homes Act—Land acquired at Hay, New South Wales.
4. FEDERAL CAPITAL—SOUTHERN INTERCEPTING SEWER—APPROVAL OF WORK.—Mr. Atkinson (for Minister for Works and Railways) moved, pursuant to notice, That, in accordance with the provisions of the Commonwealth *Public Works Committee Act* 1913-1921, it is expedient to carry out the following proposed work, viz. :—Federal Capital—Southern Intercepting Sewer—Extension of Main Intercepting Sewer within City Boundary from Commonwealth-avenue to Eastlake, which work has been investigated by the Parliamentary Standing Committee on Public Works, and on which the Committee has duly reported to this House the result of its investigations.
- Question—put and passed.

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5. INCOME TAX ASSESSMENT BILL (1924).—Mr. Earle Page (Treasurer), moved, pursuant to notice, That he have leave to bring in a Bill for an Act to amend the *Income Tax Assessment Act 1922-1923*.
Question—put and passed.
6. INCOME TAX ASSESSMENT (LIVE STOCK) BILL.—Mr. Earle Page (Treasurer) moved, pursuant to notice, That he have leave to bring in a Bill for an Act relating to the valuation of Live Stock for the purposes of assessments of Income Tax.
Question—put and passed.
7. ENTERTAINMENTS TAX ASSESSMENT BILL (1924).—Mr. Earle Page (Treasurer) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to amend the *Entertainments Tax Assessment Act 1916*.
Question—put and passed.
8. DAIRY PRODUCE EXPORT CONTROL BILL.—The Order of the Day having been read for the consideration in Committee of the whole House of Message No. 65 from His Excellency the Governor-General's Deputy—
Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Mr. Bruce (Prime Minister) moved, That it is expedient that an appropriation of revenue be made for the purposes of a Bill for an Act relating to the Export of Dairy Produce.
Question—put and passed.
Resolution to be reported.

The House resumed ; Mr. Bamford reported accordingly.

Mr. Bruce moved, pursuant to contingent notice, That the Standing Orders be suspended to enable the remaining stages to be passed without delay.

Question—put and passed.

The Resolution reported from the Committee was read, and, on the motion of Mr. Bruce, was adopted by the House.

Ordered—That Mr. Bruce and Mr. Earle Page do prepare and bring in a Bill to carry out the foregoing Resolution.

Mr. Bruce then brought up the Bill accordingly, and moved, That it be now read a first time.

Question—put and passed.—Bill read a first time.

Mr. Bruce moved, That the Bill be now read a second time.

Mr. Anstey (Acting Leader of the Opposition) moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and passed.

Ordered—That the resumption of the debate be made an Order of the Day for the next sitting.

9. DRIED FRUITS EXPORT CONTROL BILL.—The Order of the Day having been read for the consideration in Committee of the whole House of Message No. 66 from His Excellency the Governor-General's Deputy—
Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Mr. Bruce (Prime Minister) moved, That it is expedient that an appropriation of revenue be made for the purposes of a Bill for an Act relating to the Export of Dried Fruits.

Question—put and passed.

Resolution to be reported.

The House resumed ; Mr. Bamford reported accordingly.

Mr. Bruce moved, pursuant to contingent notice, That the Standing Orders be suspended to enable the remaining stages to be passed without delay.

Question—put and passed.

The Resolution reported from the Committee was read, and, on the motion of Mr. Bruce, was adopted by the House.

Ordered—That Mr. Bruce and Mr. Pratten do prepare and bring in a Bill to carry out the foregoing Resolution.

Mr. Bruce then brought up the Bill accordingly, and moved, That it be now read a first time.

Question—put and passed.—Bill read a first time.

Mr. Bruce moved, That the Bill be now read a second time.

Mr. Gabb moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and passed.

Ordered—That the resumption of the debate be made an Order of the Day for the next sitting.

10. POSTPONEMENT OF BUSINESS.—Ordered—That Order of the Day, No. 3, be postponed until after Order of the Day, No. 6, Government Business.

11. GRAFTON TO SOUTH BRISBANE RAILWAY BILL.—The Order of the Day having been read for the consideration in Committee of the whole House of Message No. 69 from His Excellency the Governor-General's Deputy—

Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Mr. Bruce (Prime Minister) moved, That it is expedient that an appropriation of revenue and moneys be made for the purposes of a Bill for an Act to approve and provide for the carrying out of an Agreement entered into between the Commonwealth of Australia and the States of New South Wales and Queensland respecting the Construction of a Railway of Standard Gauge between Kyogle and South Brisbane and the Re-grading and Re-laying of the Railway between Grafton and Kyogle and to authorize the Raising and Expending of Moneys for the purposes of the Agreement.

Question—put and passed.

Resolution to be reported.

The House resumed ; Mr. Bamford reported accordingly.

Mr. Bruce moved, pursuant to contingent notice, That the Standing Orders be suspended to enable the remaining stages to be passed without delay.

Question—put and passed.

The Resolution reported from the Committee was read, and, on the motion of Mr. Bruce, was adopted by the House.

Ordered—That Mr. Bruce and Mr. Earle Page do prepare and bring in a Bill to carry out the foregoing Resolution.

Mr. Bruce then brought up the Bill accordingly, and moved, That it be now read a first time.

Question—put and passed.—Bill read a first time.

Ordered—That the second reading be made an Order of the Day for a later hour this day.

12. POSTPONEMENT OF BUSINESS.—Ordered—That Order of the Day, No. 5, be postponed until after Order of the Day, No. 6, Government Business.

13. BANKRUPTCY BILL.—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—

Debate resumed.

Question—put and passed.—Bill read a second time.

Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Clauses 1 to 3 agreed to.

Clause 4 debated.

On the motion of Mr. Bowden (Minister for Defence), the following amendment was made:—

Page 3, lines 32–33, omit “ or Deputy Registrar in Bankruptcy ”, insert “ and includes a Deputy Registrar in Bankruptcy when exercising any of the powers or functions of the Registrar ”.

Clause further debated.

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6—

On the motion of Mr. Bowden, the following amendment was made:—

Page 4, lines 44–45, omit “ in, or within the scope of ”, insert “, either expressly or by necessary implication, in ”.

Clause, as amended, agreed to.

Clauses 7 to 10 agreed to.

Clause 11 debated.

Question—That the clause be agreed to—put.

The Committee divided—

Ayes, 26.

Noes, 21.

Mr. Atkinson	Mr. Jackson
Mr. Bowden	Sir Elliot Johnson
Mr. Bruce	Mr. Mackay
Mr. Donald Cameron	Mr. Mann
Mr. Malcolm Cameron	Mr. Manning
Mr. Robert Cook	Mr. Earle Page
Mr. Corser	Mr. Thomas Paterson
Mr. Duncan-Hughes	Mr. Pratten
Mr. R. W. Foster	Mr. Stewart
Mr. Gardner	Mr. Whitsitt
Mr. Roland Green	
Mr. Gregory	<i>Tellers :</i>
Sir Neville House	Mr. Hunter
Mr. Hurry	Mr. Marr

Mr. Anstey	Mr. McGrath
Mr. Brennan	Mr. Parker Moloney
Mr. Coleman	Mr. O'Keefe
Mr. Cunningham	Mr. E. C. Riley
Mr. Forde	Mr. Scullin
Mr. Gabb	Mr. Watkins
Mr. Albert Green	Mr. West
Mr. Lazzarini	
Mr. Mahony	<i>Tellers :</i>
Mr. Makin	
Mr. Mathews	Mr. Fenton
Mr. Frederick McDonald	Mr. Edward Riley

And so it was resolved in the affirmative.

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Clause 12—

On the motion of Mr. Bowden, the following amendments were made :—

Page 6, lines 3–13, omit paragraphs (a) and (b), insert the following paragraphs :—

- “ (a) if, in respect of any estate, the official receiver is appointed trustee or no trustee is appointed, he shall receive commission as trustee of the estate; and
 (b) if, in respect of any estate, a person other than the official receiver is appointed trustee, the official receiver shall receive such fees as are prescribed, and such commission as the Court directs.”.

Page 6, line 23, omit “ Registrar ”, insert “ Court ”.

Clause, as amended, agreed to.

Clauses 13 and 14 agreed to.

Clause 15—

On the motion of Mr. Bowden, the following amendment was made :—

Page 7, line 5, after “ petition ” insert “ or within such further time as is prescribed ”.

Clause, as amended, agreed to.

Clauses 16 and 17 agreed to.

Clause 18—

On the motion of Mr. Bowden, after debate, the following amendment was made :—

Page 8, line 14, omit “ the Court ”, insert “ a Court ”.

Clause, as amended, agreed to.

Clause 19—

On the motion of Mr. Bowden, the following amendment was made :—

Page 8, lines 19–26, omit all words after “ Act ”, insert “ may be transacted and disposed of by or under the direction of—

- (a) the Judge or Judges of the Court ; or
 (b) in the case of a State Court, such one or more Judges of the Court as the Governor-General with the concurrence of the Governor of the State appoints for that purpose ; or
 (c) in the case of a Court of a Territory, such one or more Judges of the Court as the Governor-General appoints for that purpose.”.

§. Clause, as amended, agreed to.

Clauses 20 and 21 agreed to.

Clause 22—

On the motion of Mr. Bowden, the following amendment was made :—

Page 9, line 32, omit “ barristers-at-law ”, insert “ barristers ”.

Clause, as amended, agreed to.

Clause 23—

On the motion of Mr. Bowden, the following amendment was made :—

Page 9, line 36, after “ powers ” insert “ of an administrative nature ”.

Clause, as amended, agreed to.

Clause 24—

On the motion of Mr. Bowden, the following amendments were made :—

Page 9, line 41, omit “ a ”, insert “ the ”.

Page 10, lines 7–9, omit all words after “ opposed ”.

Page 10, lines 10–13, omit paragraph (d).

Page 10, lines 20–23, omit all words after “ affairs ”.

Page 10, lines 48–49, omit paragraph (n).

Page 11, lines 3–7, omit paragraphs (p), (q), and (r), insert the following paragraph :—

“ (p) To exercise the powers of the Court under section sixty-two of this Act ; and ”.

Clause, as amended, agreed to.

Clauses 25 to 46 agreed to.

Clause 47—

On the motion of Mr. Bowden, the following amendments were made :—

Page 15, line 3, before “ a commissioner ” insert “ a person authorized under the law of the Commonwealth to take affidavits, or ”.

Page 15, line 6, before “ a British ” insert “ a High Commissioner of the Commonwealth,”.

Clause, as amended, agreed to.

Clauses 48 to 51 agreed to.

Clause 52—

On the motion of Mr. Bowden, the following amendments were made :—

Page 16, line 7, after “ as ” insert “ a preference or ”.

Page 16, line 41, omit “ to so ”, insert “ so to ”.

Page 17, lines 18–19, omit all words after “ debts ”.

Clause, as amended, agreed to.

Clauses 53 to 65 agreed to.

Clause 66—

On the motion of Mr. Bowden, the following amendment was made :—

Page 23, lines 17–20, omit sub-clause (4.), insert the following sub-clause :—

“ (4.) Any person who untruthfully states that he is a creditor or the agent of a creditor of the bankrupt and is allowed, by virtue of that statement, to inspect the statement filed pursuant to this section without payment of the prescribed fee, shall be guilty of an offence.

Penalty : Five pounds.”.

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Clause, as amended, agreed to.

Clause 67 agreed to.

Clause 68—

On the motion of Mr. Bowden, the following amendments were made :—

Page 24, line 9, omit " any creditor " (first occurring), insert " the official receiver, the trustee, the bankrupt or any creditor of the bankrupt ".

Page 24, line 9, omit " any creditor " (second occurring), insert " any such person ".

Page 24, lines 12–15, omit sub-clause (10.), insert the following sub-clause :—

" (10.) Any person who untruthfully states that he is the official receiver, the trustee, the bankrupt or a creditor of the bankrupt or the agent of any such person and is allowed, by virtue of that statement, to inspect the notes of the examination without payment of the prescribed fee, shall be guilty of an offence.

Penalty : Five pounds."

Clause, as amended, agreed to.

Clause 69—

On the motion of Mr. Bowden, the following amendments were made :—

Page 25, line 5, omit " any creditor " (first occurring), insert " the official receiver, the trustee, the bankrupt or any creditor of the bankrupt ".

Page 25, line 5, omit " any creditor " (second occurring), insert " any such person ".

Page 25, lines 8–11, omit sub-clause (10.) insert the following sub-clause :—

" (10.) Any person who untruthfully states that he is the official receiver, the trustee, the bankrupt, or a creditor of the bankrupt, or the agent of any such person, and is allowed, by virtue of that statement, to inspect the notes of the examination without payment of the prescribed fee shall be guilty of an offence.

Penalty : Five pounds."

Clause, as amended, agreed to.

Clause 70—

On the motion of Mr. Bowden, the following amendments were made :—

Page 25, line 23, before " A bankrupt " insert " Unless the Court otherwise directs,".

Page 25, line 25, omit " under this Act."

Clause, as amended, agreed to.

Clauses 71 to 75 agreed to.

Clause 76—

Mr. Corser moved, as an amendment, That after " examinations " (line 14) the words " upon oath or otherwise by the trustee, or otherwise under this Act," be inserted.

Debate ensued.

Amendment negatived.

Clause agreed to.

Clause 77—

On the motion of Mr. Bowden, the following amendment was made :—

Page 30, line 27, before " fraudulent " insert " preferences or ".

Clause, as amended, agreed to.

Clause 78 agreed to.

Clause 79—

On the motion of Mr. Bowden the following amendment was made :—

Page 30, line 38, after " receiver " insert " or trustee ".

Clause, as amended, agreed to.

Clause 80—

On the motion of Mr. Bowden, the following amendments were made :—

Page 31, line 46 omit " any creditor ", insert " the official receiver, the trustee, the bankrupt, or any creditor of the bankrupt,".

Page 31, line 47, omit " any creditor ", insert " any such person ".

Page 32, lines 1–4, omit sub-clause (8.), insert the following sub-clause :—

" (8.) Any person who untruthfully states that he is the official receiver, the trustee, the bankrupt, or a creditor of the bankrupt, or the agent of any such person, and is allowed by virtue of that statement, to inspect the notes of the examination without payment of the prescribed fee, shall be guilty of an offence.

Penalty : Five pounds."

Page 32, line 5, omit " the bankrupt or any other ", insert " any ".

Clause, as amended, agreed to.

Clauses 81 to 83 agreed to.

Clause 84 debated—

Mr. Brennan moved, as an amendment, That the words " not exceeding Fifty pounds," in paragraph (e) (pages 33–4) be omitted.

Amendment negatived.

Mr. Mackay moved, as an amendment, That the following new paragraph be inserted after paragraph (e) :—

" (ee) Sixthly, in payment of amounts owing by the bankrupt to any agent on account of any payment (other than the payment of the purchase moneys for the goods) made by the carrier on behalf of the bankrupt whereby goods are made available as assets in the estate of the bankrupt ; "

Debate ensued.

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Amendment negatived.

On the motion of Mr. Bowden, the following amendment was made :—

Page 34, line 30, after " land " insert ", or the aid, development or encouragement of mining ".

Debate continued.

Mr. Brennan moved, as a further amendment, That the word " eight " (page 35, line 24) be omitted, with a view to the insertion of the word " six " in place thereof.

Debate ensued.

Question—That the amendment be agreed to—put.

The Committee divided—

Ayes, 21.

Mr. Anstey	Mr. Parker Moloney
Mr. Brennan	Mr. O'Keefe
Mr. Coleman	Mr. Edward Riley
Mr. Cunningham	Mr. E. C. Riley
Mr. Forde	Mr. Scullin
Mr. Gabb	Mr. Watkins
Mr. Lazzarini	Mr. West
Mr. Mahony	
Mr. Makin	
Mr. Mathews	<i>Tellers :</i>
Mr. Frederick McDonald	Mr. Fenton
Mr. McGrath	Mr. Albert Green

Noes, 29.

Mr. Atkinson	Sir Elliot Johnson
Mr. Bowden	Mr. Lister
Mr. Bruce	Mr. Mackay
Mr. Donald Cameron	Mr. Mann
Mr. Malcolm Cameron	Mr. Manning
Mr. Robert Cook	Mr. Earle Page
Mr. Corser	Mr. Thomas Paterson
Mr. Duncan-Hughes	Mr. Pratten
Mr. R. W. Foster	Mr. Seabrook
Mr. Frederick Francis	Mr. Stewart
Mr. Gardner	Mr. Whitsitt
Mr. Roland Green	
Mr. Gregory	<i>Tellers :</i>
Sir Neville Howse	
Mr. Hurry	Mr. Hunter
Mr. Jackson	Mr. Marr

And so it was negatived.

Clause, as amended, agreed to.

Clauses 85 to 90 agreed to.

Clause 91—

On the motion of Mr. Bowden, the following amendment was made :—

Page 37, lines 5-8, omit paragraph (b) insert the following paragraph :—

" (b) policies of life assurance or endowment except to the extent of a charge on the policies in respect of the amount of the premiums paid on the policies during the two years next preceding the date of the order of sequestration ; ".

On the motion of Mr. Brennan, the following further amendment was made :—

Page 37, line 16, omit " Twenty ", insert " Fifty ".

Clause, as amended, agreed to.

Clause 92 agreed to.

Clause 93—

On the motion of Mr. Bowden, the following amendments were made :—

Page 38, line 31, after " Court " insert " before which the action or proceeding was tried or heard ".

Page 39, line 3, before " taxed " insert " costs of the execution up to the date of the service of the notice, and the ".

Page 39, line 4, omit " or other ", insert " or ".

Page 39, line 5, after " Court " insert " before which the action or proceeding was tried or heard ".

Clause, as amended, agreed to.

Clause 94 agreed to.

Clause 95—

Mr. Corser moved, as an amendment, That the words " this section " (page 40, line 39) be omitted, and the words " the last preceding sub-section " be inserted in lieu thereof.

Debate ensued.

Amendment negatived.

On the motion of Mr. Bowden, the following amendment was made :—

Page 40, at the end of the clause, add the following sub-clause :—

" (4.) For the purposes of this section a creditor shall not be deemed to be a purchaser, payee or encumbrancer in good faith if the conveyance, transfer, charge, payment or obligation were made or incurred under such circumstances as to lead to the inference that the creditor knew or had reason to suspect that the debtor was unable to pay his debts as they became due, and that the effect of the conveyance, transfer, charge, payment or obligation would be to give him a preference over the other creditors."

Mr. Corser moved, as an amendment, That the following new sub-clauses be added to the clause :—

(4.) Every conveyance or transfer of property, or charge thereon made by any person unable to pay his debts as they become due from his own moneys in favor of any creditor or any person in trust for any creditor not being for a reasonable and sufficient consideration given at the time of making the conveyance, transfer or charge, shall if the debtor becomes bankrupt on a bankruptcy petition presented within six months thereafter, be deemed a fraudulent preference and shall be void as against the trustee in bankruptcy and shall not be available to the creditor as against

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the trustee, and the property conveyed, transferred or charged or the full value thereof shall be recoverable by the trustee from the creditor or any person who holds the property in trust for the creditor or any person to whom the creditor or person holding the property in trust has conveyed, transferred, delivered or mortgaged the property, if that person had at the time of the conveyance, transfer, delivery or mortgage notice of the fraudulent preference.

(5.) Every conveyance or transfer of property or charge thereon made by any person unable to pay his debts as they become due from his own moneys and the effect whereof is to defeat or delay his creditors or to diminish the property to be divided amongst his creditors, shall, if a bankruptcy petition is presented against the debtor within six months thereafter be deemed fraudulent and void as against the petitioning creditor, and, if a sequestration order is made on the petition, shall also be deemed fraudulent and void as against the trustee in the insolvency, unless in either case it is proved that the conveyance, transfer or charge was made in good faith proof whereof shall be upon the party alleging the validity of the transaction.

Provided that pressure by a creditor shall not be sufficient to protect any such transaction nor shall any such transaction acquire any validity by reason only that it was made or done in pursuance of an antecedent agreement.

Debate ensued.

Amendment negatived.

Clause, as amended, agreed to.

Clause 96 agreed to.

Clause 97—

On the motion of Mr. Bowden, the following amendments were made :—

Page 41, line 31, omit " knowledge ", insert " negligence ".

Page 41, line 31, omit " of the making ", insert " after the making, ".

Clause, as amended, agreed to.

Clause 98—

On the motion of Mr. Bowden, the following amendments were made :—

Page 41, after sub-clause (1.) insert the following sub-clause :—

" (1A.) The lodging by the trustee of a caveat against the title of the bankrupt to deal with any estate or interest in land shall be deemed to be a sufficient intervention within the meaning of the last preceding sub-section."

Page 42, line 4, omit " belonging to ", insert " which is part of the property of ".

Page 42, after sub-clause (2.) insert the following sub-clauses :—

" (2A.) Where a doubt arises as to the identity of any person appearing in the title to any property with any bankrupt, any intending or actual vendor, mortgagor or lessor of the property or applicant to bring land under the provisions of any Act or State Act relating to title to land, or any resuming or constructing authority under any Act or State Act may give, to the official receiver or trustee of the estate of the bankrupt as to whose identity the doubt arises, a notice, accompanied by the prescribed fee, containing particulars of the property in question and of the person whose identity is in doubt, and a statement of his intention to sell, mortgage or lease, or complete the sale, mortgage or lease, of the property or to bring the property under the provisions of any Act or State Act relating to title to land, or to pay compensation in respect of the resumption of the property.

" (2B.) The official receiver or trustee may, within such time after the date of the notice as is prescribed, file with the Registrar of Titles or Registrar-General or other proper officer of the Commonwealth or the State in which the property is situated, a memorandum in the prescribed form claiming the property in respect of which the notice was given.

" (2C.) If the official receiver or trustee does not within the prescribed time file, in accordance with the last preceding sub-section, a memorandum claiming the property in respect of which the notice was given, he shall not be entitled at any future time to assert his title thereto or make any claim in respect thereof as against the vendor, mortgagor, lessor, applicant or the resuming or constructing authority, or as against any person claiming under or through the vendor, mortgagor, lessor or applicant.

" (2D.) The official receiver or trustee may file with the Registrar of Titles or Registrar-General or other proper officer of the Commonwealth or the State in which the property is situated, a notice, in the prescribed form, of withdrawal of any such memorandum."

Page 42, lines 16-17, omit all words after " information ", insert " no order has been made by the Court and no instructions have been received from the trustee ".

Clause, as amended, agreed to.

Clause 99—

Mr. Corser moved, as an amendment, That the following proviso be inserted at the end of sub-clause (3.):—

" Provided that a person who has purchased from the trustee the book debts due or growing due to the bankrupt shall be entitled to the books of account relating to those debts ".

Debate ensued.

Amendment negatived.

On the motion of Mr. Bowden, the following amendment was made :—

Page 42, lines 28-32, omit sub-clause (4.).

Clause, as amended, agreed to.

Clause 100 debated—

On the motion of Mr. Brennan, the following amendment was made :—

Page 43, line 18, omit " three years ", insert " one year ".

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Clause, as amended, agreed to.

Clauses 101 and 102 agreed to.

Clause 103—

On the motion of Mr. Bowden, the following amendment was made:—

Page 43, at end of clause add the following sub-clause:—

“(4.) Notwithstanding anything contained in this Act, where any Act or State Act requires the transmission of property to be registered, and makes provision for the registration of the official receiver or trustee as the owner of property vested in him under this Act, the vesting of the property of the bankrupt in the official receiver or trustee upon sequestration shall be subject to compliance with the requirements of the Act or State Act.”

Clause, as amended, agreed to.

Clauses 104 and 105 agreed to.

Clause 106—

On the motion of Mr. Bowden, the following amendments were made:—

Page 47, line 1, after “conveyed” insert “, transferred”.

Page 47, line 2, after “conveyance” insert “, transfer”.

Clause, as amended, agreed to.

Clauses 107 to 118 agreed to.

Clause 119—

On the motion of Mr. Bowden, the following amendments were made:—

Page 51, line 8, after “trustee” insert “or a creditor who has proved his debt”.

Page 51, line 35, omit “earnings or income”, insert “pay, pension, salary, emoluments, profits, wages, earnings, or income”.

Mr. Corser moved, as an amendment, That after “bankruptcy” (line 41) the following words be inserted:—“, including a book or books containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealings in goods, accounts of all goods sold and purchased, and statements of annual stocktakings”.

Debate ensued.

Amendment negatived.

Clause, as amended, agreed to.

Clause 120 agreed to.

Clause 121—

On the motion of Mr. Bowden, the following amendment was made:—

Page 54, line 39, before “order” insert “or maintenance”.

Clause, as amended, agreed to.

Clauses 122 to 132 agreed to.

Clause 133—

Mr. Corser moved, That the following amendment be made:—

Page 57, lines 39–42, omit all words after “commission”, insert the following paragraphs:—

- (a) not exceeding Five pounds per centum on the amount realized by the trustee after the deduction of the expenses of realization, subject to the creditors by resolution fixing a higher commission on the collection of book debts; or
- (b) where the trustee is permitted to carry on the business of the bankrupt, not exceeding one per centum on the turnover of the capital involved in the business.

Debate ensued.

Amendment negatived.

Mr. Corser moved, That the following amendment be made:—

Page 57, at end of sub-clause (1.), add the following proviso:—

Provided further, that where in any particular case the creditors by resolution determine that, in view of the amount likely to be realized by the trustee being small and of all the circumstances of the case, the remuneration of the trustee shall not be less than an amount specified in the resolution, the Court may approve of the remuneration of the trustee being not less than the amount so specified.

Debate ensued.

Amendment negatived.

On the motion of Mr. Bowden, the following amendments were made, after debate:—

Page 57, at end of sub-clause (1.), insert the following sub-clause:—

“(1A.) Notwithstanding anything contained in the last preceding sub-section the remuneration of the trustee shall, if the creditors so resolve, be a sum of money fixed in accordance with the prescribed scale.”

Page 58, after sub-clause (3.), insert the following sub-clause:—

“(3A.) Notwithstanding anything contained in this section, the Court may order that the remuneration of a trustee be increased, and may take into account in allowing the increase—

- (a) any special services rendered by the trustee; and
- (b) any special circumstances which in the opinion of the Court increased the difficulty of realizing the estate.”

Clause, as amended, agreed to.

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Clauses 134 to 153 agreed to.

Clause 154—

Mr. Corser moved, as an amendment, That sub-clause (2.) be omitted.

Amendment negatived.

Clause agreed to.

Clauses 155 and 156 agreed to.

Clause 157—

On the motion of Mr. Corser, the following amendment was made :—

Page 66, line 11, omit "and", insert "or".

Clause, as amended, agreed to.

Clauses 158 and 159 agreed to.

Clause 160—

On the motion of Mr. Bowden, the following amendment was made :—

Page 67, clause 160, line 1, after "shall" (first occurring) insert " , unless prevented by sickness or other sufficient cause,".

Clause, as amended, agreed to.

Clause 161 agreed to.

Clause 162—

On the motion of Mr. Bowden, the following amendments were made :—

Page 70, line 24, after "apply" insert "in relation".

Page 70, line 24, after "assignment" insert "as if an order of sequestration had been made against the debtor and the trustee had been appointed trustee in the bankruptcy".

Clause, as amended, agreed to.

Clause 163—

On the motion of Mr. Bowden, the following amendments were made :—

Page 71, line 11, after "thereof" insert "or within such further time as is prescribed".

Page 71, line 23, after "paid" insert " , and a copy of the notice shall be lodged in the office of the Registrar of Titles, or Registrar-General or other proper officer of each State and in such other places as are prescribed".

Clause, as amended, agreed to.

Clauses 164 to 174 agreed to.

Clause 175—

On the motion of Mr. Bowden, the following amendments were made :—

Page 74, line 36, omit "Official Receiver" insert "Registrar".

Page 75, lines 19-20, omit "Official Receiver" insert "Registrar".

Clause, as amended, agreed to.

Clause 176 agreed to.

Clause 177 debated—

On the motion of Mr. Bowden, the following amendments were made :—

Page 76, line 3, omit "nor until", insert "unless".

Page 76, line 4, after "been" insert "sooner".

Clause, as amended, agreed to.

Clauses 178 to 183 agreed to.

Clause 184—

On the motion of Mr. Bowden, the following amendment was made :—

Page 77, line 16, after "thereof," insert "such a sum of money or".

On the motion of Mr. Corser, the following amendment was made, after debate :—

Page 77, lines 17-20, omit all words after "exceed" and insert the following paragraphs :—

(a) Five pounds per centum on the amount realized by the trustee after the deduction of the expenses of realization, subject to the creditors, by resolution, fixing a higher commission on the collection of book debts ; or

(b) where the trustee carries on the business of the debtor, one pound per centum on the turnover of the capital of the business."

Clause, as amended, agreed to.

Clauses 185 to 191 agreed to.

Clause 192—

On the motion of Mr. Bowden, the following amendment was made :—

Page 79, line 20, omit "absolutely inoperative and invalid" insert "void".

Clause, as amended, agreed to.

Clause 193 omitted.

Clauses 194 to 196 agreed to.

Clause 197—

On the motion of Mr. Bowden, the following amendment was made :—

Page 82, at end of clause, add the following sub-clause :—

(2.) Notice of the registration of every deed stating the particulars mentioned in the last preceding sub-section shall be lodged in the office of the Registrar of Titles, or Registrar-General or other proper officer of each State and in such other places as are prescribed."

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Clause, as amended, agreed to.

Clause 198 agreed to.

Clause 199—

On the motion of Mr. Bowden, the following amendments were made :—

Page 82, line 35, after “ apply ” insert “, as if a sequestration order had been made against the debtor.”.

Page 82, line 42, after “ apply ” insert “ in relation ”.

Page 82, line 42, after “ arrangement ” insert “ as if an order of sequestration had been made against the debtor and the trustee had been appointed trustee in the bankruptcy ”.

Clause, as amended, agreed to.

Clause 200—

On the motion of Mr. Bowden, the following amendments were made :—

Page 83, line 2, omit “ three ” insert “ six ”.

Page 83, at end of clause, add the following sub-clause :—

“ (2.) When a deed of arrangement is void by virtue of this Act for any reason other than that it has not been registered within the time allowed for the purpose by this Part, the trustee shall, as soon as practicable after he has become aware that the deed is void, give notice in writing thereof to each creditor whose name and address he knows and file a copy of the notice with the Registrar, and, if he fails to do so, he shall be liable on summary conviction to a fine not exceeding Twenty pounds.”.

Clause, as amended, agreed to.

Clause 201—

On the motion of Mr. Bowden, the following amendment was made :—

Page 83, omit the clause, insert the following clause :—

“ 201. If the trustee under a deed of arrangement fails to give security when required so to do in pursuance of this Act, the Court may, on the application of any creditor and after hearing such persons as it thinks fit, declare the deed of arrangement to be void or may cancel the appointment of the trustee and order that some other person registered as qualified to act as a trustee be appointed by the creditors.”

Failure of trustee to give security.

Clause 202 agreed to.

Clause 203—

On the motion of Mr. Bowden, the following amendment was made :—

Page 83, line 25, after “ be ” insert “ such a sum of money as is fixed by the creditors or shall be ”.

On the motion of Mr. Corser, the following further amendment was made :—

Page 83, lines 26–29, omit all words after “ exceed ” and insert the following paragraphs :—

- (a) Five pounds per centum on the amount realized by the trustee after the deduction of the expenses of realization, subject to the creditors, by resolution, fixing a higher commission on the collection of book debts ; or
- (b) where the trustee carries on the business of the debtor, one pound per centum on the turnover of the capital of the business.

Clause, as amended, agreed to.

Clauses 204 and 205 agreed to.

Clause 206—

On the motion of Mr. Bowden, the following amendment was made—

Page 84, lines 7–8, omit “ debtor resided or carried on business at the date of the execution of the deed ” insert “ deed is registered ”.

Clause, as amended, agreed to.

Clause 207 agreed to.

Clause 208—

On the motion of Mr. Bowden, the following amendments were made :—

Page 84, lines 42–43, omit “, within six years from the date those moneys are so paid in,”.

Page 85, omit sub-clause (6.) insert the following sub-clauses :—

“ (6.) The interest arising from any investment of the moneys paid in to the prescribed account pursuant to this section shall be paid to the credit of a fund to be called the ‘ Bankruptcy Suitors’ Fund’, which shall be a trust account within the meaning of section sixty-two A of the *Audit Act* 1901–1920.

“ (7.) If it appears to the Court, upon the application of the official receiver or trustee, that inquiries or proceedings relating to a bankrupt’s estate ought to be instituted or carried on, or any prosecution ought to be carried on against any person for any offence against this Act, and that there are no funds in the estate available for the inquiries, proceedings or prosecution, the Court may direct the payment of the costs of any such inquiries, proceedings or prosecution, after taxation thereof out of the ‘ Bankruptcy Suitors’ Fund ’ and payment of the taxed costs shall be made accordingly.”.

Clause, as amended, agreed to.

Clause 209 agreed to.

Clauses 210 to 212 agreed to.

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Clause 213—

Mr. Corser moved, That the following amendment be made :—

Page 87, lines 42-44, omit " If any person who has on any previous occasion been a bankrupt or made a composition or arrangement with his creditors becomes a bankrupt, he ", and insert " A bankrupt ".

Debate ensued.

Amendment negatived.

Clause agreed to.

Clause 214 debated and agreed to.

Clauses 215 to 220 agreed to.

Clause 221 debated and agreed to.

Clauses 222 and 223 agreed to.

New Clauses---

On the motion of Mr. Bowden, the following new clause was added to the Bill :—

" 191A.—(1.) A deed of arrangement to which this Part applies shall comply with the following conditions :—

- (a) It shall contain in a first schedule annexed a true and particular account of all the property of which the debtor or any person in trust for him is possessed, or to which he or any such person is entitled legally or equitably in possession, reversion, remainder or expectancy, so far as the debtor can set it forth, except such articles of household furniture, wearing apparel of the debtor and his family, tools or implements of his trade and other like necessaries (not exceeding in the whole the value of Fifty pounds) as the debtor selects, and such other household furniture as a majority of the creditors may by resolution determine ;
- (b) It shall contain in a second schedule annexed the names of the several creditors of the debtor and the several amounts due or supposed to be due to them respectively ; and
- (c) A declaration by the debtor in the prescribed form verifying the contents of the schedules shall be attached to the deed.

" (2.) The trustee (if any) of such a deed shall be a person registered under Part VIII. of this Act as qualified to act as a trustee.

" (3.) Notwithstanding anything contained in the next succeeding section, the Court may, after the execution of such a deed, on the application of the trustee (if any) or of any creditor who has assented to the deed, subject to such conditions (if any) as the Court thinks fit to impose, order a stay of proceedings in any action, execution, distress for rent or other legal process, in respect of any debt or liability which would be provable in the bankruptcy if a sequestration order were made against the debtor, and may at any time in its discretion set aside the order.

" (4.) The order while in force shall have the effect of staying the proceedings pending the registration of the deed and its receiving the assent of the requisite majority in number and value of the creditors within the prescribed time.

" (5.) The form in the first part of the Third Schedule to this Act may be used for any deed to which this Part applies, and when so used shall be of the same effect as if it were in the form of a deed in the second part of that Schedule."

Mr. Corser moved, That the following new clause be added to the Bill :—

219A: The trial on indictment of any offence against this Act shall be by special jury as prescribed. Trial of offences by special jury.

Debate ensued.

Proposed new clause negatived.

Schedules 1 to 3 agreed to.

Title agreed to.

Bill to be reported with amendments.

The House resumed ; Mr. Makin reported accordingly.

On the motion of Mr. Bowden, by leave, the House adopted the Report.

Ordered—That the third reading be made an order of the day for the next sitting.

14. MESSAGE FROM THE DEPUTY OF THE GOVERNOR-GENERAL.—ASSENT TO BILLS—The following Message from His Excellency the Governor-General's Deputy was received, and the same was read by Mr. Speaker :—

STRADBROKE,
Deputy of the Governor-General.

Message No. 70.

Bills intituled :—

" *Sea-Carriage of Goods Act 1924* "" *Wine Export Bounty Act 1924* "" *Wireless Agreement Act 1924* ",

as finally passed by the Senate and the House of Representatives of the Commonwealth, having been presented to the Deputy of the Governor-General for the Royal Assent, His Excellency has, in the name and on behalf of His Majesty, assented to the said Acts

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15. MESSAGE FROM THE SENATE.—TASMANIA GRANT BILL (1924).—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 80.

The Senate returns to the House of Representatives the Bill for “ *An Act to grant and apply out of the Consolidated Revenue Fund a sum for the purposes of Financial Assistance to the State of Tasmania,*” and acquaints the House that the Senate has agreed to the Bill without amendment.

JOHN NEWLAND,
Deputy-President.

The Senate,

Melbourne, 17th September, 1924.

16. MESSAGE FROM THE SENATE.—EXCISE TARIFF [SPIRIT] BILL (1924).—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 81.

The Senate returns to the House of Representatives the Bill for “ *An Act relating to Duties of Excise,*” and acquaints the House that the Senate has agreed to the Bill without requests.

JOHN NEWLAND,
Deputy-President.

The Senate,

Melbourne, 17th September, 1924.

17. MESSAGE FROM THE SENATE.—TARIFF BOARD BILL (1924).—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 82.

The Senate returns to the House of Representatives the Bill for “ *An Act to amend the ‘ Tariff Board Act 1921-1923 ’,*” and acquaints the House that the Senate has agreed to the Amendments made by the House of Representatives upon Amendment No. 2 of the Senate.

JOHN NEWLAND,
Deputy-President.

The Senate,

Melbourne, 17th September, 1924.

18. ADJOURNMENT.—Mr. Bruce (Prime Minister) moved, That the House do now adjourn.
Question—put and passed.

And then the House, at eleven o'clock p.m., adjourned until to-morrow at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—
Mr. Bayley*, Mr. Blakeley*, Sir Austin Chapman, Mr. Charlton*, Mr. Gibson*, Sir Littleton Groom*, Mr. Hill*, Mr. Killen*, Mr. Lacey*, Mr. Lambert, Mr. Latham, Mr. W. Maloney*, Mr. Marks*, Mr. Maxwell, Mr. Charles McDonald*, Mr. McNeill, Mr. Nelson, Mr. Prowse*, Sir Granville Ryrie*, Mr. Thompson, and Mr. Yates*.

* On leave.

FRANK L. CLAPIN,
Acting Clerk of the House of Representatives.