

REVIEW OF LEGISLATION, 1949.

I. Western Australia.

Introductory.

The legislative harvest for 1949 was very meagre, partly because the legislature sat for a much shorter period than usual, partly because a government which has shortly to face the electors avoids controversial measures in the closing hours of the life of Parliament.¹ As the Houses had never been prorogued after their adjournment in December, 1948, the sittings in 1949 did not constitute a third session of the nineteenth Parliament but a second period of the second (1948) session. The government did not disclose, before the 1948 adjournment, that it did not intend to advise a prorogation; by omitting to do so it was able to continue the previous session and so to avoid the Address-in-Reply which always takes up a good deal of time at the beginning of a new session. The Opposition, deprived of its time-honoured opportunity to air grievances in the debate on the Address-in-Reply, did its best to recover the lost ground in the Supply debates; but the government succeeded in its objective of closing the session early—the last day of sitting being 30th September 1949, nearly three months earlier than is normal. That a federal election would take place while the State parliament was still sitting—unless it finished its labours very early—may have influenced the government's course of action.

Fifty-two public Acts were passed in 1949, compared with eighty-six in each of the years 1947 and 1948; most of them were minor amendments of, rather than major additions to, the contents of the statute book.

I. CONSTITUTIONAL.

A minor amendment of the Constitution Act was passed in order to make the salary of the fourth puisne judge² a permanent charge on the Consolidated Revenue Fund. Of slightly greater importance was an amendment of the Electoral Act, made necessary by a redistribution of the seats in the Legislative Assembly.³ Since every one

¹ The election held early in 1950, under the new Electoral Districts Act 1947 (as to which see *Review of Legislation 1947*, 131-133 *supra*), brought no change in the political complexion of the Legislative Assembly. The government, still a Liberal-Country Party Coalition, depends for survival on the support of two Independent members.

² See under II. ADMINISTRATION OF JUSTICE.

³ As to which see 131-133, *supra*.

of the fifty electorates was changed by the Electoral Commission, many polling places which for nearly twenty years had been in one electorate were now situate in a different though adjoining electorate. To avoid confusion, particularly where a polling place traditionally associated with an old electorate was now just inside the boundaries of the next, new electorate, provision was made⁴ to enable the Minister to appoint polling places for each electoral district either within that district or in an adjoining district (the Minister did in fact make such use of this power as to make it possible for most electors to go to the polling place to which they had become accustomed). This involved a change in the questions which the presiding officer at each polling place must put to every person claiming the right to vote. The old questions were: "Do you live in this electoral district?" If the elector answered "No," two other questions were to be put: "Have you within the last preceding three months *bona fide* lived within this electoral district?" "Where was your place of living in this electoral district?" The new questions are: "Do you live in the electoral district for which you claim to vote?" "Have you within the last preceding six months *bona fide* lived within that district?" "Where was your place of living in that electoral district?"⁵

II. ADMINISTRATION OF JUSTICE.

Supreme Court.

The Supreme Court Act is amended⁶ to authorise the appointment of a fourth puisne judge to the Bench. Since one of the present judges is also President of the Court of Arbitration he is only intermittently available for Supreme Court work; as some appeals (notably in criminal matters) must be heard before a Full Court consisting of not less than three, the trial judge himself must sit on the appeal unless another judge is available. No appointment has yet⁷ been made to the authorised vacancy.

Industrial Arbitration.

Under the Industrial Arbitration Act 1912-1948⁸ jurisdiction to enforce awards or agreements and to investigate charges of offences against the Act could be exercised by the Court of Arbitration itself or could be vested in such police or resident magistrates as were appointed by the Governor to be Industrial Magistrates; an order of the latter was equated to an order of the Court, with a proviso

⁴ By the Electoral Act Amendment Act, No. 26 of 1949.

⁵ The elector's answers to any of these questions are conclusive and cannot be challenged during the polling: Electoral Act 1907-1949, sec. 121.

⁶ By Acts Amendment (Increase in number of Judges of the Supreme Court) Act, No. 17 of 1949.

⁷ I.e., as at 30th November, 1950.

⁸ For the Act consolidated to the end of 1941 see Reprinted Statutes of Western Australia, Vol. 2.

that if a question of the interpretation of an award or agreement arose before an Industrial Magistrate, it had to be referred by him to the Court. The proviso is now repealed, and an appeal lies in all matters from Industrial Magistrate to Court, which may reverse, modify, or vary his decision.⁹ A consequential minor alteration is made to sec. 108 of the principal Act.

Sec. 5 of the amending Act gives the Court of Arbitration a discretion to postpone the date of operation of the new "basic wage" which under sec. 123 must be declared before 14th June in each year; the wage so declared remains in operation until the next declaration but is subject to a quarterly review based on current costs of living. An exhaustive examination of living costs has been conducted for many months by the Commonwealth Court of Conciliation and Arbitration, in relation to trade unions bound by federal awards, and was not concluded until August 1950; a fairly close approximation between federal and State basic wage rates is essential, since the unions are quick to find means of transferring their allegiance to the Court which declares the higher rate.

Workers' Compensation.

The Workers' Compensation Act 1912-1948¹⁰ is amended to clarify certain matters arising out of the substantial changes made to the principal Act in 1948, which *inter alia* increased the amounts payable to an injured worker or to the dependants of a deceased worker. Sec. 3 of the amending Act gives the benefits of the increased scale (a) to a worker to whom compensation on a weekly basis had been awarded before 8th April 1949 (the date on which the new scale came into effect), but only in respect of payments due after that date, and (b) to a worker injured before the named date whose compensation becomes payable after it. Sec. 8 (11) of the principal Act is repealed; in effect it had debarred any worker who came to Western Australia after 8th April 1949 from claiming compensation for silicosis, pneumoconiosis, or miner's phthisis unless he could prove that he had been free from such diseases when commencing work in this State. Sec. 13 (4) (a) is amended by correcting the reference to a member of the employer's family whom, with the permission of the Workers' Compensation Board, an incorporated insurance office may decline to insure against compensable risks. Sec. 27 (5) (a) is amended to empower the Board to levy contributions to its Fund to enable it to pay the inspectors whom it is now authorised, by an amendment to sec. 29, to appoint. Sec. 30 (1) (a) is amended to add the members of the Workers' Compensation Board to the "Premium Rates Committee," a body which is required to determine the maximum rates chargeable for underwriting workers'

⁹ Industrial Arbitration Act Amendment Act, No. 42 of 1949, sec. 3.

¹⁰ See *Review of Legislation 1948*, 308-309 *supra*. The amending Act is 33 of 1949.

compensation risks, and which previously had consisted of the Auditor-General (as Chairman), the manager of the State Government Insurance Office, and two nominees of the approved insurers.

Liquor offences.

Secs. 147 and 149 of the Licensing Act 1911-1948 are amended¹¹ to relieve licensees of a very onerous responsibility in regard to the supply of alcoholic liquor to minors. Under the principal Act it was an offence (with a penalty of £20) to supply liquor to a person "apparently" under 21; in a prosecution for this offence, if the person supplied appeared to the court to be under 21, the onus was on the licensee to prove him to be over that age. A minor who pretended to be over 21 in order to get liquor, whether he succeeded or failed, was liable to a fine of £5. Under the amended sections it is now an offence "knowingly" to supply any person under 21 or to connive at his being supplied on or near the licensed premises; a minor who asks for liquor, whether or not he represents himself to be over 21, is henceforth to be liable to a fine of £20.

III. STATUS.

Adoption of Children.

The word "illegitimate" is expunged from the Act¹² dealing with the adoption of children; "ex-nuptial" takes its place. The powers of the Supreme Court in relation to applications for adoption orders are enlarged; in a proper case the judge can dispense with certain consents (i.e., of the putative father of an ex-nuptial child; of parent or legal guardian if thought by the judge to be unfit to have the custody of the child) but must set out his reasons in the order.¹³ Where an order for adoption is made after the new Act comes into operation, a copy is to be sent to the Registrar-General of Births, Deaths, and Marriages so that he may prepare a new entry showing the date and place of birth, the child's Christian names, and the names, surname and address of the adopting parents.

¹¹ By Licensing Act Amendment Act, No. 30 of 1949.

¹² Adoption of Children Act 1896-1945, as amended by Adoption of Children Act Amendment Act, No. 22 of 1949; for the principal Act as amended to the end of 1926, see Reprinted Statutes of Western Australia, Vol. 2.

¹³ The amending Act appears to be incorrectly printed in two particulars. Sec. 5 of the principal Act had six *paragraphs*, identified by arabic numbers contained in brackets, following the opening words, "Before making such order of adoption the Judge . . ." Sec. 4 of the amending Act purports to insert (1) in front of "Before," to insert new *paragraphs* (7), (8) and (9), and then to insert a new *sub-section* (11). Clearly, Roman numerals (I) and (II) were intended, not arabic numbers (1) and (11).

IV. PUBLIC HEALTH.

Mental Institutions.

By the Mental Institutions Benefits (Commonwealth and State Agreement) Act¹⁴ the Minister is empowered to enter into a five-year agreement with the Commonwealth whereby the latter agrees to subsidise mental institutions maintained by the State; in consideration of the subsidy the State agrees not to charge any fees in respect of persons admitted to its institutions nor, without Commonwealth concurrence, to make any charge for "services or comforts" which prior to 1st November 1948 had been provided free. On the federal side, authority to subsidise State mental institutions had been granted by the Mental Institutions Benefits Act 1948, the advantages of which are open to any State which is prepared to enter into the standard agreement set out in the federal Act.

Treatment of tuberculosis.

The Tuberculosis (Commonwealth and State Arrangement) Act¹⁵ marks the readiness of the State to enter into an Australia-wide campaign to reduce the incidence of tuberculosis and to provide better facilities for its diagnosis and treatment. The "arrangement"—whereby the Commonwealth agrees to contribute to capital costs as well as to maintenance—is to operate for ten years as from 1st July 1948; continuance of Commonwealth help is forecast by a provision for consultation, before the lapse of the present arrangement, as to its extension.

Under the constitution of the Commonwealth public health is not one of the matters taken away from the States; federal aid to the States is therefore based on sec. 96, which authorises the Commonwealth to "grant financial assistance to any State on such terms and conditions as the (federal) Parliament thinks fit." That Parliament set out its "terms and conditions" for this particular form of help in the Tuberculosis Act 1948, which the State of Western Australia has now accepted in the agreement scheduled to its own Act.

V. CONTROL OF PRICES AND COMMODITIES.

Price-control having passed from Commonwealth to States,¹⁶ the State scheme is to be continued for another year, until 31st December 1950;¹⁷ but it is unlikely to end on that date because prices continue to rise steadily.¹⁸ Control over the price of land lapsed at

¹⁴ No. 6 of 1949.

¹⁵ No. 13 of 1949.

¹⁶ See *Review of Legislation 1948*, 313-314 *supra*.

¹⁷ By Prices Control Act Amendment (Continuance) Act, No. 23 of 1949.

¹⁸ Some indication of the steepness of the rise is given by the claim made by trade unions registered with the Commonwealth Court of Conciliation and Arbitration for a basic (i.e., minimum) wage for adult males of £10 per week, approximately fifty per cent. higher than the present rate.

the end of 1949 when the Legislative Council rejected, on 24th August 1949, the government's Bill to continue the Land Sales Control Act 1948 for another year.¹⁹ Construction of new houses still lags behind demand; hence the continuance²⁰ of the Building Operations and Building Materials Control Act 1945-1948 to 31st December 1950,²¹ and of the Increase of Rent (War Restrictions) Act 1939-1948.²² Substantial additions were made to the latter Act after the High Court, in *The King v. Foster, Collins v. Hunter*,²³ had denied to the Commonwealth any right to use the defence power as a means of giving special protection and privileges to ex-servicemen and their dependants in the occupation of or in the search for a rented home; the State legislature, being under no such constitutional restraints, hastily incorporated in its own Act the substance of the Defence (Transitional Provisions) Act 1947 and of the regulations made or validated thereunder.

Liquid fuel.

In the decision already quoted the High Court also made short shrift of the petrol rationing scheme which the Commonwealth had continued as a by-product of the defence power. The then Prime Minister, the Hon. J. B. Chifley, immediately announced that despite the decision of the High Court the Commonwealth, under its unchallengeable power over customs, would not allow the import of increased quantities of petrol from dollar countries, Australia's main sources of supply. For a few weeks there was chaos; the greedy rushed in and obtained large quantities of unrationed petrol, storing it away, while the reasonable citizen (of which species there proved to be surprisingly many) got less than under rationing. A hurried conference of State ministers decided to re-introduce rationing on a State basis but in accordance with a common plan; in Western Australia the Liquid Fuel (Emergency Provisions) Act²⁴ gave effect in the State, with appropriate alterations in nomenclature, to the National Security (Liquid Fuel) Regulations which the High Court had struck down as a federal measure but which, it in effect declared,

¹⁹ See Western Australian *Parliamentary Debates*, Vol. 123, 1396-1400. Since the removal of control, the price of houses (with vacant possession) in the metropolitan area has risen fantastically. Between £5,000 and £7,000 is being asked (and paid) for houses built ten years or more ago for less than £2,000.

²⁰ By No. 27 of 1949.

²¹ On 1st July 1950 control was relaxed to the extent that a permit to build a house covering an area of not more than 1,250 square feet can be had for the asking. It is easy to get a permit to build a small home; it is difficult to get a contractor to build it—the demand for essential materials still exceeding the supply.

²² By Increase of Rent (War Restrictions) Act Amendment Act, No. 20 of 1949. Further minor amendments were made by another Act of the same title, No. 39.

²³ (1949) 79 C.L.R. 43.

²⁴ No. 21 of 1949.

could be adopted and enforced as the legislation of six separate States without risk of challenge.²⁵

Wheat marketing.

Minor changes are made²⁶ in the composition of the "Western Australian Agency of the Australian Wheat Board" (described elliptically in the Act as the State Board) set up by the principal Act of 1948.²⁷ The three members selected by the Minister from nominees of the Farmers' Union of Western Australia are to be replaced by four members elected by that Union, which can also choose their successors (or re-elect them) when their term of office ends; the Chairman of Directors of Co-operative Bulk Handling Ltd. is left out, the manager of that Company remaining as the sole representative of the "licensed receivers."

VI. GENERAL.

Claims on intestate estates.

The depreciated value of money is recognised by an amendment²⁸ of the Administration Act 1903-1945 which raises from £500 to £1,000 the sum which widow or widower is entitled to receive, in priority to the claims of next-of-kin, out of the net estate of the intestate spouse.

Staff re-organization of the Rural and Industries Bank.

The staff of this Bank, which is owned and operated by the State, are no longer to be deemed to be public servants within the meaning of the Public Service Act 1904-1948, but without prejudice to any rights to long-service leave that might already have accrued to them under that Act.²⁹ Their terms of employment will now be settled by the Commissioners of the Bank within the limits of their enabling Act, the Rural and Industries Bank Act 1944-1949. By the Government Employees (Promotions Appeal Board) Act Amend-

²⁵ The then Opposition stoutly maintained that, on its appreciation of the exchange situation, petrol rationing was unnecessary; the then Prime Minister asserted with equal vehemence that it was unnecessary unless Australia was prepared to ask for a larger allocation from the dollar pool. In the event the Opposition had the last word; it promised the electors in December that if it got a majority it would abolish rationing; having obtained a handsome majority it put an end to petrol rationing two months later. Undoubtedly the Labour Party lost some support through its laudable, if unpopular, determination not to aggravate the dollar shortage; had it had the slightest inkling that within six months the United Kingdom would also abandon rationing, it would have announced "unrestricted petrol" —before election day.

²⁶ Wheat Industry Stabilisation Act Amendment Act, No. 49 of 1949.

²⁷ See *Review of Legislation 1948*, 315 *supra*.

²⁸ Administration Act Amendment Act, No. 8 of 1949.

²⁹ Rural and Industries Bank Act Amendment Act, No. 14 of 1949.

ment Act³⁰ officers of the Bank are denied access to the Promotions Appeal Board established under the principal Act of 1945-1946.

Petroleum.

Renewed hopes of the discovery of oil in the north-west of the State led to an amendment³¹ of the Petroleum Act 1936-1940 to make prospecting more attractive. In exceptional circumstances the Governor may now grant petroleum leases to persons not domiciled or to companies not formed within the Commonwealth. Leases are to be granted in the first instance for a term of twenty-one years, but thereafter may be extended indefinitely so long as at least one well on the leased area is producing and all the requirements of the Act, the regulations, and the lease have been fully observed. The principal Act required all petroleum produced in the State to be refined in Western Australia or in some other approved part of the Commonwealth, and prohibited export without the Minister's consent. The amending Act substantially modifies these provisions by increasing ministerial discretion. If the Minister thinks that any petroleum that may be produced can be consumed in Australia, he may direct that it is to be made available solely for domestic consumption; he may also require the lessee to refine locally (i.e., in Australia) petroleum required for consumption here.

There is considerable geological activity and some drilling in the north-west—but so far, no petroleum.

Company Law.

In 1943 an entirely new Companies Act³² was at long last adopted by the legislature, but its operation was postponed from time to time until 29th December 1947. The Act was eclectic, drawing substantially upon the English Act of 1929³³ and the legislation of the other Australian States and New Zealand. Some amendments were made in 1947 before the Act was proclaimed;³⁴ after less than two years a considerable number of further changes have been made.³⁵

³⁰ No. 15 of 1949.

³¹ Petroleum Act Amendment Act, No. 25 of 1949.

³² No. 36 of 1943. It replaced the Companies Act 1893, which was largely based on the English Act of 1862 (25 & 26 Vict. c. 89) and had been amended, in patchwork fashion, on ten occasions.

³³ 19 & 20 Geo. 5, c. 23. The Australian and New Zealand legislation consisted of the New South Wales Act of 1936, the Victorian Act of 1938, the South Australian Act of 1934-1935, the Queensland Act of 1931, the Tasmanian Act of 1920, and the New Zealand Act of 1933. Western Australia had lagged behind them all for many years.

³⁴ See *Review of Legislation 1947*, 138-139 *supra*. Note 53 on page 138 is incorrect; at the time of writing it had been intended to proclaim the Act on 1st January, 1948, but for technical reasons (such as the inclusion of the accounting year ending 30th June 1948 within the scope of the Act) it was found expedient to bring it into operation two days earlier.

³⁵ By Companies Act Amendment Act, No. 47 of 1949. References in the text are to the sections of the principal Act as now amended.

A company is not now required to file a prospectus (sec. 46) nor a Fifth Schedule statement in its place (sec. 54), nor is it debarred from proceeding to allotment unless the "minimum subscription" has been offered (sec. 53), where it merely invites its existing shareholders to take up debentures or new shares. The prohibition, addressed to companies which do not issue a prospectus, against commencing business until a statement in place of a prospectus has been filed with the Registrar, the directors have paid for the shares for which they applied or undertook to apply, and the manager or a director has delivered to the Registrar a statutory declaration that the directors have so paid, is now extended to companies which do issue a prospectus even if they do not "proceed to allotment upon applications received in consequence of the prospectus" (sec. 102). Where an application form is issued with but is detachable from the prospectus, it is not now necessary for the applicant for shares to declare that he has read the prospectus (sec. 48). Co-operative companies can now lend money to their directors, a power which is still denied to all other companies (sec. 59). No company, whether incorporated under the Act (sec. 101) or registered as a foreign company (sec. 336), is required to publish its name (or the country of incorporation if it is a foreign company) "in legible characters" in its advertisements though it must do so in all other documents and papers.

It is still obligatory upon companies not to close the share register for more than fourteen consecutive days; but the total period in any one year during which the register may be closed—after due notice—is increased from twenty-eight to fifty-six days (sec. 106). The requirement that copies of special resolutions must be registered and annexed to copies of the articles of association issued after the date of such resolutions now applies only to special resolutions to alter the capital, memorandum or articles of association (sec. 121). The period for which the company's accounts are made up for presentation to the annual meeting is extended from three to not more than six months before the date of the meeting, and from six to not more than nine months if the company carries on business or has interests outside Australia; in a proper case the Registrar can agree to even longer periods (sec. 126). The time within which companies must notify the Registrar of any change in their managers or directors is enlarged from fourteen to twenty-eight days (sec. 151).

Under the principal Act the following were debarred from appointment as auditors: (1) directors, officers or employees of the company; (2) any partner or employee of such persons; (3) bodies corporate; and (4) persons indebted to the company. The section now excludes (1) directors, officers, and servants of the company; (2) the partner or employee of a servant of the company, and the partner, employer or employee of an officer of the company; (3) bodies corporate; and (4) any person who owes the company more than £200. Proprietary companies, however, may by special resolu-

tion appoint as auditor any member of either of the first two groups (sec. 138). A partnership registered under the Business Names Act 1942-1946 can be appointed auditor in its business name if every partner who is resident in Australia has been registered as an auditor under the Companies Act (sec. 137).

A director is required under the principal Act to disclose his personal interest (if any) in contracts with the company, and can give a general notice that he is a member of a named company or firm and is therefore to be regarded as being interested in a contract thereafter made with it. But he must now either (a) give that notice at a meeting of the board or (b) take "reasonable steps" to ensure that it is brought before the board at its next meeting (sec. 154). In any event he must not vote, either personally or by proxy, on any resolution relating to such a contract; if he does so, he becomes liable to a fine not exceeding £200, to not more than one year's imprisonment, and to five years' disqualification from holding office as a director. These last provisions, by the amendment of 1947,³⁶ do not apply to directors of proprietary companies, nor, by virtue of the 1949 amendment, to directors of public companies whose articles of association expressly exclude the operation of the sub-section by allowing directors to vote on contracts in which they are interested so long as they have disclosed that interest.

Sec. 329 clarifies the provisions of the Act as to the filing, by foreign companies (i.e., companies formed anywhere outside Western Australia), of lists and particulars of such of their directors as are normally resident in the State or elsewhere in Australia. These companies do not now need to keep a local share register unless they actually have shareholders resident in the State (sec. 347); but they are discouraged from trying to sell shares in this State by certain requirements as to the prior preparation and filing of a prospectus and other prescribed statements (Part XIII). On the other hand, they need not publish their prospectus in full in any advertisement inviting applications for shares so long as they (a) make it clear that what is advertised is only an abridged prospectus, (b) state that copies of the abridged and of the full prospectus have been filed with the Registrar, (c) give an address in the City of Perth where application forms and copies of the full prospectus can be obtained, and (d) describe the purposes for which the company was formed (sec. 368A).

A concession is at last made to the modern practice of using loose-leaf ledgers, etc.; by sec. 434 the register of shareholders and all necessary accounts may be kept in bound books "or in any other manner"; but if they are kept in some other manner adequate precautions against falsification must be taken under penalty of £50 (plus a further penalty of £2 for every day "during which the offence continues").

³⁶ See *Review of Legislation 1947*, 139 *supra*.

VII. MISCELLANEOUS.

Other measures were passed in 1949—

- (1) to tighten up the law as to the employment of paid charitable organisers;³⁷
- (2) to enlarge the definition of “mine worker” in the Coal Mine Workers (Pensions) Act 1943-1948;³⁸
- (3) to make further provision for the protection of fisheries in the open sea and in fresh waters;³⁹
- (4) to protect the public against vendors of shoddy footwear;⁴⁰
- (5) to provide for the compulsory acquisition and “orderly marketing,” of all apples and pears grown in the State, by a State Board which is to be identical with the State Committee previously established under Commonwealth Regulations to handle Western Australian fruit as part of a federal scheme of control;⁴¹
- (6) to continue the operation of the Marketing of Barley Act 1946 until 9th December 1952;⁴²
- (7) to vary some of the provisions of the Marketing of Eggs Act 1945⁴³ and of the Marketing of Potatoes Act 1946;⁴⁴
- (8) to amend the Plant Diseases Act 1914-1947;⁴⁵
- (9) to amend the Traffic Act 1919-1948;⁴⁶
- (10) to remove doubts as to the validity of certain appointments to the Western Australian Transport Board.⁴⁷

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³⁷ Charitable Collections Act Amendment Act, No. 2 of 1949.

³⁸ Coal Mine Workers (Pensions) Act Amendment Act, No. 38 of 1949.

³⁹ Fisheries Act Amendment Act, No. 48 of 1949.

⁴⁰ Footwear Regulation Act Amendment Act, No. 46 of 1949.

⁴¹ Marketing of Apples and Pears Act, No. 45 of 1949.

⁴² Marketing of Barley Act Amendment (Continuance) Act, No. 1 of 1949.

⁴³ Marketing of Eggs Act Amendment Acts, Nos. 19 and 50 of 1949.

⁴⁴ Marketing of Potatoes Act Amendment Act, No. 4 of 1949.

⁴⁵ Plant Diseases Act Amendment Acts, Nos. 3 and 11 of 1949.

⁴⁶ Traffic Act Amendment Act, No. 29 of 1949.

⁴⁷ Western Australian Transport Board (Validation) Act, No. 34 of 1949.