

Legislative Assembly.

Thursday, 11th September, 1947.

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

FREE DENTAL SERVICE.

As to Indigent Persons and Pensioners on Goldfields.

Mr. STYANTS (on notice) asked the Minister representing the Minister for Health:

(1) What were the facilities available, until recently, at the Kalgoorlie Hospital to give free dental service to indigent persons and pensioners?

(2) Is it true that the dentists of the Eastern Goldfields are unwilling to carry on this work unless they receive the current rates for it?

(3) Can anything be done to provide this class of person on the Goldfields with free dental service on a basis comparable to that operating in Perth?

The HONORARY MINISTER replied:

(1) Impressions were made by dentists and the plates were made by the Dental Hospital in Perth.

(2) Yes.

(3) Negotiations are proceeding with the Australian Dental Association (W.A. Branch).

CO-OPERATIVE BULK HANDLING, LTD.

As to Tabling Papers re North Fremantle Facilities.

Hon. J. T. TONKIN (on notice) asked the Minister for Agriculture:

(1) In view of the promise given by him in the Legislative Assembly on 13th August that he would make available early for

perusal the papers concerning the arrangements made between the State Government and Co-operative Bulk Handling Ltd. in connection with the operation by the latter of the Government's Bulk Handling facilities at North Fremantle, why has he not tabled the papers?

(2) Will he now table the papers?

The MINISTER replied:

(1) Because negotiations were not completed.

(2) Yes.

BILL—PUBLIC TRUSTEE ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. E. H. H. HALL (Geraldton) [2.20]: I secured the adjournment of this debate, Mr. Speaker, in order that I might bring to the notice of the House and of the Attorney General a matter that I have in mind. Perhaps when the Attorney General replies he will be able to supply me with information, which may also bring enlightenment to other members. Do the charges laid down in the parent Act, under which the Public Trustee operates, entitle him to the same rate of payment as is charged by outside solicitors for obtaining probate? My reason for asking this question is that in 1945 an old friend of mine died, having previously appointed me his executor. He was in a humble walk of life and, in fact, was in receipt of the old age pension. When he died his estate was worth £183.

I thought it advisable to secure the services of a lawyer, in order to obtain probate, and I consulted a reputable firm of solicitors in the city. Their fees for administering that estate—there were twelve payments made—amounted to £30 13s. 9d. I was astounded at those charges and I went to the Master of the Supreme Court, with the idea of having the costs taxed. I found that I would be required to go through a great deal of red tape. When the money had been paid out the solicitors had an amount of £8 7s. 3d. still in hand and, although they had already helped themselves, through their bill of costs, to £24 6s. 6d., they thought that the £8 7s. 3d. was of no use to anybody, and they put it down to their firm's costs. I think it is time the

Attorney General gave his attention to matters of this sort in order that there may be some real supervision, even over reputable firms of solicitors in the city, who can charge such a sum to administer an estate valued at only £183.

MR. FOX (South Fremantle) [2.22]: I have had cases, like the one referred to by the member for Geraldton, that were dealt with at the Supreme Court. If the hon. member had gone to the probate officers at the court, they would have put the estate through and simply levied the charges incidental to the Probate Court fees on the property, which would have amounted to £2 or £3. That would apply to all estates of a value of under £500. Most members representing metropolitan constituencies had quite a number of such cases to deal with during the year. Many concern pensioners' who have left, possibly, a house that would not be worth so very much before building costs rose—possibly the actual cost of the dwellings has not risen a great deal—and in respect of all such estates up to £500, the authorities administer them free of cost from the standpoint of legal expenses and the only charges levied would be the court fees applicable in all instances. In addition, there would be the transfer fees incurred through the Land Titles Office, but these would be very small. It is not difficult to put such estates through for probate if one goes to the officials of the Supreme Court. I suggest to the Attorney General that he might consider increasing to £800 or £900 the maximum amount of an estate that may be attended to by the Supreme Court officials.

Hon. A. H. Panton: You will be starving the lawyers soon!

Mr. FOX: That would not mean a great deal because the Pensions Department allows a pensioner to own a house of a value up to £1,000. I do not think it would be asking too much of the Government to permit the Supreme Court officials to help executors to put such estates through free of charge, apart from the court fees. Incidentally, I desire to pay a tribute to the officials of the Supreme Court for the courtesy they have always extended to me. I have found them very helpful, and they render assistance in every possible way.

THE ATTORNEY GENERAL (Hon. R. R. McDonald—West Perth—in reply)

[2.25]: I was very glad to hear from the member for South Fremantle his acknowledgment of the assistance rendered by the officials of the Supreme Court.

Hon. A. H. Panton: They have always been of assistance, and are very good indeed.

The ATTORNEY GENERAL: I shall be glad to convey the hon. member's acknowledgment to the officials. I will consider the suggestion made by him as to increasing the amount at which what are described as small estates may be administered through the Supreme Court. The Minister for Education, when sitting as member for Katanning, introduced an amendment to the Supreme Court Act under which the smaller estates might be dealt with by country registries. The object was to provide further assistance to those in our remote areas to have small estates wound up with a minimum of expense.

With regard to the matter mentioned by the member for Geraldton and the charges that were made, I would be very much obliged to him if he would provide me with a copy of the bill. I will have it examined and see whether anything can be done. I understood from him that he made an inquiry as to how the charges imposed by the Public Trustee compared with those of the private trustee companies. I have not before me the detailed charges of the Public Trustee, which are prescribed by regulation. The Act provides the maximum charges which that official can make. Private trustees base their actual charges on a sliding scale up to 2½ per cent. of the corpus of an estate. From my recollection, the charges of the Public Trustee are in line with those of the private trustee companies. I would not like to say that positively at the moment because I have not looked at the regulations under the Public Trustee Act for some time.

Hon. E. H. H. Hall: Is there any check upon a private firm of solicitors?

The ATTORNEY GENERAL: With respect to private firms that undertake the administration of an estate, one check is that mentioned by the hon. member himself, namely, the right of people to have the bill of costs taxed. There is a further check that provides, under the terms of the Administration Act, that accounts of an executor must be filed with the court.

They are examined by the Master or Deputy Master and if he observes any extortionate charge, it would be within his power to query the amount debited against the estate concerned.

Hon. E. H. H. Hall: That would be done in the instance I referred to.

The ATTORNEY GENERAL: It is not done invariably, because with respect to the smaller estates it is regarded as preferable not to put the accounts through the court as the cost of classification of particulars regarding them and passing the accounts would represent more than the estates could justify. I shall be pleased to examine the particular account referred to by the member for Geraldton and ascertain what the position really is. As I mentioned when I introduced the Bill, it is a machinery measure that had received the consideration of my predecessor, the member for Kanowna, when he was Minister for Justice. It includes a number—I think I could say it contains most of them—of the amendments to which he gave consideration and I think would have received his approval in due course.

One or two of the amendments that he had under consideration have not been included in the Bill at this juncture, including the question of whether the staff of the Public Trustee should be under the Public Service Act as they now are, or should be taken away from the jurisdiction of that Act and be a separate staff body under the Public Trustee and the Minister, comparable with the case of the Rural and Industries Bank. I gave some consideration to the matter in view of the references appearing on the file, but at this stage I do not feel in a position to recommend to the House one way or the other. There are arguments both ways, but I will undertake to give the matter further consideration. In this Bill I confined myself to the amendments which I thought desirable in the interests of cheaper administration and thereby lower charges for the people who go to the Public Trustee.

I should like to say that, although the Public Trust Office has only recently been established, it has shown progress, and the figures may be of interest to the House. In 1942-43 the assets controlled by the Public Trust Office totalled £563,000 and in 1946-47 that total had risen to £1,116,000 or an

increase of more than 100 per cent. In 1942-43 the number of wills prepared by the office was 321 and in 1946-47 the number was 814 or nearly three times the total of four years previously. The staff has increased from 24 in 1942-43 to 58 in 1946-47.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—TRAFFIC ACT AMENDMENT.

In Committee.

Resumed from the previous day. Mr. Perkins in the Chair; the Minister for Local Government in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 4 had been agreed to.

Clause 5—Amendment of Section 22:

The MINISTER FOR LOCAL GOVERNMENT: When replying to the second reading debate, I undertook that certain matters raised by members, particularly by the member for Northam, would receive consideration. The first of them was the matter dealt with in Clause 5 authorising the Commissioner of Police to refuse to grant an applicant a license for driving a passenger vehicle without stating any ground for the refusal, and the hon. member took the objection that it would be impossible for a rejected applicant to appeal to the resident magistrate if he was unaware of the reason why his application had been rejected. I saw some substance in the point and propose to move an amendment which is designed to overcome the objection and which is in accordance with my own views.

The proposal in the Bill is not a new one in that I found on the file that, on the 23rd May, 1946, the member for Northam, as Minister for Works, recommended to Cabinet a series of amendments to the Act, one of which was to give authority to the Commissioner of Police to refuse a passenger driver's license to persons considered to be of bad repute or unfit to manage such vehicles, and provision was made

for an appeal to the magistrate against the decision of the Commissioner. That is the exact proposal in the Bill, so I think I may be excused for failing to anticipate an objection by the hon. member in this regard, although now he has made it, I am prepared to amend the clause in a manner of which I have acquainted him and to which I think he agrees. I move an amendment—

That the proviso be struck out with a view to inserting the following words in lieu:—

Provided further that in the case of an application to drive a passenger vehicle, but subject to the right of appeal mentioned in Subsection (5) of this section, the Commissioner of Police may, from time to time, by notice in writing disclosing his reasons, refuse to grant a driver's license to the applicant, or suspend or cancel any such driver's license after its issue.

From inquiries I have made, I have ascertained that it would be unheard of merely to reject an application for a license without giving the applicant an opportunity to be heard by the Commissioner or inspector in charge of traffic. In somewhat similar cases the practice has been, and would have been in this case, for the applicant to have the reasons explained to him orally and to be given an opportunity to make any statement, but it is more desirable that notice in writing disclosing the Commissioner's reasons should be made available to the applicant.

Hon. A. R. G. HAWKE: I can quite understand the Minister's anxiety to find some justification for the clause as printed. I can also imagine how carefully he searched each page of every departmental file in the hope of finding some slight shred of justification for the clause. The portion of the file which he quoted in my opinion does not justify the clause as it appears in the Bill. The file mentions the words "any person of bad repute," but the clause does not use the words "of bad repute" at all. It states that the Commissioner of Police may, subject to the right of appeal mentioned in Subsection 5, refuse to grant a driver's license to the applicant, or may at any time suspend or cancel any such driver's license. The clause therefore proposed to give to the Commissioner of Police absolute right, on his own initiative, to refuse a license to drive a passenger bus without giving any grounds at all and whether the person applying was of good or bad repute.

Had the previous Government taken this matter it would not have inserted such clause giving the Commissioner of Police wide a power, without affording the person refused a license a right of appeal to the magistrate. The amendment greatly improves the clause, but does not overcome all the objections to it which I raised at the second reading stage. It does not remove entirely the risk that an applicant refused a license by the Commissioner of Police might lose the job which was offered to him before he could take his appeal to the magistrate and have it decided.

The Minister for Local Government: Yes, can find no solution for that.

Hon. A. R. G. HAWKE: It would be difficult to overcome that disability unless it were possible to draft the amendment in such a way as to provide that the appeal would be heard immediately, or almost immediately following its lodgment. However, I do not propose to pursue that point, as I agree with the Minister that there are many practical difficulties in the way of drafting a protective amendment which would ensure that such persons would not be subjected to the risk of losing employment offered to them.

Mr. Rodoreda: Are tram drivers and trolley-bus drivers included in the clause?

Hon. A. R. G. HAWKE: I think not. That is a point I want to raise when the Committee is dealing with the succeeding clause. I support the amendment as in my opinion it substantially improves the clause.

Amendment (to strike out words) put and passed.

THE MINISTER FOR LOCAL GOVERNMENT: I now move an amendment—

That the following proviso be inserted in lieu of the proviso struck out:—"Provided further that in the case of an application to drive a passenger vehicle, but subject to the right of appeal mentioned in Subsection (5) of this section, the Commissioner of Police may from time to time, by notice in writing disclosing his reasons, refuse to grant a driver's license to the applicant, or suspend or cancel any such driver's license after its issue."

Mr. MARSHALL: I do not know whether the difficulty can be overcome, but I point out to the Committee that we are dealing with a particular section of drivers entirely different from other vehicle drivers in any part of the State. As our capital city becomes more congested from the point of view of motor

transport, the probability is that we shall have more omnibus drivers figuring in accidents. I desire the Committee to note two aspects. The driver of an omnibus is not always conveniently circumstanced to comply with the traffic laws. Some omnibuses are so constructed that if a driver wishes to stop his bus at an intersection, he cannot comply with the law because he cannot put his hand out to indicate to oncoming traffic that he proposes to stop. This action can be taken by drivers of motorcars and drivers of vehicles carrying goods. Therefore the driver of an omnibus is somewhat handicapped. I cannot say whether there is any mechanism on the omnibus which would give the driver a chance of indicating to those following him that he intended to stop.

Hon. F. J. S. Wise: Some English cars have that attachment.

Mr. MARSHALL: There may be some, but the point is there is no regulation compelling omnibus owners to instal them. For some time to come, our omnibus drivers will probably be severely handicapped. I know of one case in which the driver distinctly stated that he did his best to indicate what he was going to do. He displayed as much of his hand as could be protruded, but the oncoming driver was not aware of it and crashed into the back of the bus. The driver of the omnibus was fined. When an omnibus is so constructed that the driver cannot possibly comply with the law, should he be penalised? When a bus is so conveniently built that the driver can indicate what he is going to do, no one desires to protect him on his failing to give that indication.

Another aspect of the matter is that omnibus drivers and motormen on the trams are under an obligation to keep to schedule; whereas drivers of other vehicles are not in that position. If omnibus drivers or tram motormen lose a few minutes in passing over an intersection—and when passing through the city they may be held up at several such intersections—they have to make up that time or be called upon to explain why they are late. They are likely to be penalised for not keeping to schedule. The Transport Board demands that the privately-owned bus shall run to schedule and here we find the same objectionable feature. If the driver fails to keep up to schedule he is likely to find himself unemployed.

Mr. Yates: A reasonable time is allowed in the schedule for that to be done.

Mr. MARSHALL: If a driver makes up the time and escapes being involved in an accident he is all right; but if in his endeavour to make up lost time in order to preserve his employment he figures in an accident, he is all wrong. If that happens two or three times the Commissioner of Police may suggest that he is incompetent and deny him the right to a livelihood as an omnibus driver. That does not apply to the taxis and privately-owned cars and goods vehicles that traverse our roads. They can lose a few moments and it does not matter very much. I hope the Commissioner of Police will be particularly sympathetic in the administration of this measure or many worthy men will be denied the right of following an occupation in which they have been engaged all their working lives, simply because they have been obliged to get up speed to comply with one law and in the process have found themselves in the unfortunate position of having broken another law.

The MINISTER FOR LOCAL GOVERNMENT: To hear the member for Murchison one would imagine that the Commissioner of Police and his principal officers were ogres or something of that kind, without any howels of compassion or any idea of mercy or sweet reasonableness. I do not think any member of this Chamber has any reason to believe that those officers will exercise a power of this nature—subject, incidentally, to a right of appeal to a resident magistrate, in which case they would have to disclose the reasons why they exercised it—in a manner calculated to do the things the hon. member indicated.

I would suggest there are a great many powers in a great many Bills, some of which were introduced by the hon. member himself, which, if exercised by sadistic persons, would result in the sort of thing he suggested; but which, exercised by reasonable men of the type I believe are to be found in the Police Force of this State, are likely to be exercised in a manner which is very reasonable and proper. But deprive them altogether of this power, and when there is a case where the most awful circumstances exist and where there has been the most chronic negligence, or perhaps something even worse, they would not have the right to prevent such a person from having a license to drive a passenger vehicle. All members will realise that the member for

Murchison is usually extremely well-balanced in his arguments. I would suggest to him that we should have a try at this. If in the future there is a deliberate attempt unreasonably to keep a man from his occupation merely because he has committed some minor misdemeanour in regard to the traffic laws, I would be prepared to stand up with the hon. member.

Mr. MARSHALL: I hope the Minister will not become heated about the matter. I said I could not see any possibility of amending the amendment, but it seemed to me that the Committee were regarding these amendments from the point of view of the driver of an ordinary vehicle, without realising that we force omnibus drivers to do certain things by law. I do not take any exception to the amendment, but merely ask that serious consideration be given the matter before these men are penalised. If a case such as the Minister mentioned came before the Commissioner of Police, he would naturally take serious action, and I do not think any member would object to that. But there is every possibility in the prevailing circumstances for certain individuals to be very seriously penalised—to the extent, perhaps, of losing their means of livelihood.

Amendment (to insert words) put and passed; the clause, as amended, agreed to.

Clause 6—Amendment of Section 30:

The MINISTER FOR LOCAL GOVERNMENT: I wish to move to strike out the words "a subsection" which appear in the second line with a view to inserting the word "subsections". That is necessary because of a further amendment I wish to move. Perhaps I had better inform the Committee at this stage what the other amendment is. It refers to a provision further on in the Bill dealing with the conviction of a driver of a vehicle in respect of driving to the danger of the public and negligent driving as contemplated by Section 30 of the Act. It was feared that if such a person was an employee, the magistrate, unless so directed to do, would not take into consideration the fact that he might be liable, in effect, to a double penalty. Therefore the amendment I propose to move later is to add a new subsection as follows—

"(4) Where any person convicted of an offence under this section is an employee, the court in deciding what penalty, if any, it

should inflict upon such person, shall take into consideration any punishment proved to have been already inflicted upon such person by his employer in relation to the circumstances constituting such offence."

The CHAIRMAN: Order! I point out that the amendment to strike out the words "a subsection" with a view to inserting the word "subsections" is really consequential on the Minister's further amendment. If the Minister succeeds in getting his further amendment, the alteration of those words will be consequential, whereas if the Minister does not succeed with his further amendment, we will then have to alter the wording back to what it is now.

The MINISTER FOR LOCAL GOVERNMENT: In these circumstances I will not move the amendment.

Hon. J. B. SLEEMAN: I do not think it is right that tramcars should come under the heading of vehicle in this Bill. The driver of a tram should not be brought under the supervision of the Commissioner of Police. It seems to me that the Commissioner of Police can deal with the registration of a tramcar driver in the same way as he can with others.

The Minister for Local Government: No, it has nothing to do with it.

Hon. J. B. SLEEMAN: Explain what it is.

The MINISTER FOR LOCAL GOVERNMENT: This amendment deals with Section 30 of the Act which provides that if any person drives a vehicle on a road recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the road, that person shall be guilty of an offence under this Act. Therefore, this clause will apply only to the right to apprehend a person in charge of such a vehicle as is included in the clause mentioned by the member for Fremantle, if that person drives furiously, negligently, or to the danger of the public. It will have nothing to do with the question of license fees or licenses.

Mr. RODOREDA: Subsection (2) of Section 30, provides that any member of the

Police Force may apprehend without warrant the driver of any vehicle who commits an offence under this section within his view, if he refuses to give his name and address, or if he does not produce his license on demand, or if the vehicle does not bear the prescribed number plate. That subsection refers to "any vehicle" and that will include, if this measure is passed, a tram or trolley-bus. The clause will, therefore, give the police power to apprehend, without warrant, any tram or trolley-bus driver. I do not know whether the Minister has given consideration to that aspect.

THE MINISTER FOR LOCAL GOVERNMENT: I am advised that in this Act there is no provision for the driver of such vehicles to require a license or the vehicles a number plate. There cannot be a demand to produce something that is not required. Therefore it is unnecessary to amend the section because it will have application only to those persons who have to carry drivers' licenses or the vehicles which need number plates.

MR. RODOREDA: I do not know that I am satisfied with that explanation. It seems a slipshod way of drafting Bills. I am not at loggerheads with the Minister's intentions, but I do not think a policeman should be entitled to apprehend a man for not having a license if the man is not required to have one.

THE MINISTER FOR LOCAL GOVERNMENT: I will have the matter looked into and if I find the slightest reason to agree to the hon. member's suggestion I will have an amendment moved in another place.

HON. A. R. G. HAWKE: The Minister might easily overcome this trouble by wording the clause to deal with only Subsection (1) of Section 30. If that were done it would completely cut out any possibility of difficulty or confusion arising under Subsection (2). The Minister has told us that Subsection (2) could not apply in the direction mentioned, and I am not able to see that it can apply very well, anyway.

THE MINISTER FOR LOCAL GOVERNMENT: I am indebted to the member for Northam, but to be quite truthful the same idea had occurred to me. The reason I did not adopt it when replying to the member for Roebourne was that I felt there

might be circumstances in which it would be necessary to apprehend a driver, not for not having a license, or a number plate, but because of negligent driving.

HON. A. R. G. HAWKE: You could not do it, except under Subsection (2).

THE MINISTER FOR LOCAL GOVERNMENT: That is why I suggested I would have the matter examined and an additional amendment moved in another place if it were necessary. That would be better than simply excluding the provisions of Subsection (2), which would cut out the right of a police officer to apprehend if he wished to.

MR. RODOREDA: You admit he can do so.

THE MINISTER FOR LOCAL GOVERNMENT: Under the clause the driver of a tram could not be apprehended for not having a license, or for not having the prescribed number plate, which I say does not apply. We do not desire to make a joke of the Police Force. If the police are given duties to perform they must be given rights under which to perform them. I think members will agree that in the great majority of cases the rights given are wisely and properly used. I therefore do not think we should strike out Subsection (2), as has been suggested. I have already undertaken to have a suitable amendment moved if the circumstances appear, on further inquiry, to warrant it.

MR. RODOREDA: I think we are both agreed that amendment is necessary.

MR. FOX: I think trams should be removed altogether from these provisions. They run on fixed tracks, as do the trains. Many of our streets are narrow and people are in the habit of parking cars on the side of the road along tram routes. I think the trams should be given precedence in passing parked cars. A motorist travelling in one direction may meet a tram going in the other direction, and both vehicles may have to pass a parked car. Which should give way?

HON. F. J. S. WISE: The motorist is forced to give way.

MR. FOX: It happens dozens of times every day and I think trams should be given the right-of-way under those circumstances. I have seen many such cases, where accidents would have occurred had the tram drivers not been careful. I know there are careful motorcar drivers, but there are also some that

are very reckless. Perhaps we might also include the railways. What right has a railway train to pass over a crossing?

Hon. F. J. S. Wise: To get to the other side.

Mr FOX: I hope that trams will be excluded from the provisions of the Bill.

Mr. STYANTS: I favour the proposal to bring the drivers of both trams and trolley-buses under the provisions of the Bill, as I have seen some flagrant breaches of the safe-driving regulations by drivers of both these classes of vehicle. I do not want it to be inferred that I think all the drivers come within that category. The vast majority of tram and trolley-bus drivers are careful and anxious to avoid placing the driver of any other vehicle in a hazardous position, but there are a few that I think should be made to take full responsibility for their actions. Trolley-bus drivers frequently commit breaches of safe-driving rules on our roads. Some of them are in the habit of blocking interseptions. I believe that in 25 per cent. of cases on the Wembley run they overshoot the intersection and block the traffic. The circumstance raised by the member for South Fremantle, as to who should give way, is probably responsible for some accidents at present. If tram drivers are brought under the provisions of the Act, as proposed in the Bill, they will know where they stand, just as do the drivers of motor vehicles.

I come now to the point raised by the member for Murchison in relation to omnibus drivers. It applies also to tram and trolley-bus drivers. From where a tram driver sits he cannot give a proper indication of his intention to stop, and that applies, in lesser degree, to the drivers of trolley-buses. Without leaning right over and either partly or wholly losing control of his steering gear, a trolley-bus driver cannot give the stop signal in the manner prescribed by the Police Department—that is with the arm raised horizontally. He may be able to put his arm partly out of the window and give an indifferent signal to turn, but he cannot give a proper indication of his intention to stop. If we bring tram and trolley-bus drivers under the Traffic Act it will be essential to make regulations under which to provide mechanical means of indicating the intention to stop or turn.

Mr. MARSHALL: The amendment proposes to bring under the supervision of the police, for the first time, the drivers of tram-motors, tramcars and trolley-buses. Such authority is not given to the police in the parent Act, but it is proposed to give it by means of the amendment moved by the Minister for Local Government. If that provision becomes law the drivers of such vehicles will, for the first time, be subject to the same provisions as apply to all other vehicle drivers on the road.

The Minister for Local Government: Not quite. It will apply only to Sections 30 and 31 of the Traffic Act, which have reference to negligent, dangerous and drunken driving. There is no intention to make them subject to all the provisions of the Act.

Mr. MARSHALL: Can anyone define the reckless driving of a tram?

The Chief Secretary: Excessive speed.

Mr. MARSHALL: Apart from applying the current or cutting it off, the drivers can do little, and they are already hemmed in by regulations against reckless and negligent driving. There are regulations controlling every driver of a State-owned vehicle, and such drivers are liable to severe punishment.

Mr. Graham: Who polices those regulations?

Mr. MARSHALL: There is an army of inspectors, who constantly supervise the drivers. Members must have noticed the inspectors in every suburb where State-owned transport operates.

Mr. Fox: They check tickets.

Mr. MARSHALL: They check everything!

Hon. A. H. Panton: Especially gold passes.

Mr. MARSHALL: Even without the amendment indicated, I believe that tram-drivers and those in charge of trolley-buses exercise every care with regard to giving way to vehicles approaching on the right hand.

Mr. Styants: That has not been my experience.

Mr. MARSHALL: I am not disputing the authentic statement made by the member for Kalgoorlie, and I agree that in the suburbs a few drivers may offend; but as

a rule tramdrivers are particularly careful in their observance of the traffic laws. The point I wish to emphasise is that drivers of State-owned transport should not be subject to two sets of punishment, one by their employer and the other under this Act.

The Minister for Local Government: I am seeking to remedy that by an amendment.

Mr. MARSHALL: I admit that the amendment the Minister proposes to move will afford some relief because the magistrate is to take into consideration any punishment that may be imposed by an employer. We cannot take exception to that. But I do not feel satisfied with any proposal that may have the effect of subjecting employees in charge of State-owned transport facilities, to two sets of laws imposing penalties. We must remember that trams in particular are static in that they cannot be moved to any extent in order to avoid an accident. How many accidents have been caused by negligent or reckless driving of tramears? There would be very few. The reason for that is principally that the drivers of other vehicles are mighty careful about coming into contact with a tramcar. Owing to the difference in weight, a tramcar usually wins! It is not fair to ask one set of employees to be subject to two laws and others to be responsible under only one law.

The MINISTER FOR LOCAL GOVERNMENT: For my part I would sooner have all concerned under the purview of the Traffic Act than that no penalty should be imposed by an employer. The proper way for such matters to be dealt with is under one law—the Traffic Act. The amendment I suggest seems to be the best in the immediate circumstances. I am quite prepared to subscribe to the idea that one law should apply to everyone. I have never been able to appreciate why Crown instrumentalities should be exempt from a law that applies to the people generally. The tendency, particularly at the present time, is to hold that the King is no better than his subject and that what the subject has to submit to, the King himself should be prepared to observe. That is the underlying reason that trams, trolley-buses and other forms of State-owned transport are brought under this legislation, and a magistrate will be

permitted, I hope, to take into consideration any penalty that may be imposed by an employer. I am firmly convinced that the course proposed will solve the problem that the member for Murchison has in mind. Were it not so, I would not suggest the course I am taking.

Mr. Rodoreda: What is a tram-motor?

The MINISTER FOR LOCAL GOVERNMENT: The vehicle used for repairing the overhead lines. I move an amendment—

That a new subsection be added as follows:—

“(4) Where any person convicted of an offence under this section is an employee, the court in deciding what penalty, if any it should inflict upon such person, shall take into consideration any punishment proved to have been already inflicted upon such person by his employer in relation to the circumstances constituting such offence.”

Hon. A. R. G. HAWKE: The amendment has a great deal of merit, but if it is accepted, I propose to move a further amendment that I believe will completely overcome the difficulty. The Minister's proposal will ensure fair treatment of an accused person by a magistrate where the employer has inflicted punishment before the case is decided. However, it will prevent a person so charged and convicted from receiving fair treatment if the employer postponed the infliction of punishment upon his employee until the court has made its decision and imposed its penalty. It may very well be in practice that most employers would prefer to await judgment of the court before imposing any penalty. If an employee is charged with an offence, an employer may reasonably say to himself, “I will wait until this case is decided by the magistrate. If the magistrate finds my employee guilty of committing an offence and punishes him, I will be justified in believing my employee guilty of negligently or dangerously driving and I shall inflict upon him whatever punishment I think should be imposed by me as an employer on an employee.”

I move—

That the amendment be amended by adding the following words:—“and no such person shall be punished by his employer in connection with such offence subsequent to such conviction.”

Then if the magistrate convicted an employee of an offence and punished him by

fine or in some other way, the employer could not subsequently also punish the man for the same offence.

The MINISTER FOR LOCAL GOVERNMENT: I know what the hon. member has in mind, but I am afraid that his amendment goes too far. If we could confine this to a double pecuniary penalty, I should not mind, or if we could confine it to a first offence, it might be all right. It does not at the moment include charges of drunken driving and, if it did, the objection would be all the stronger. But there must come a time, supposing a man had been convicted of negligent or dangerous driving on more than one occasion, when it would be impracticable for his employer or for the Minister in charge of the Tramway Department to uphold the further employment of that man, because he would appear to be one who could not be relied upon to drive in reasonable safety. The amendment on the amendment would place it beyond the power of anyone—I must presume that punishment would include suspension or dismissal—no matter how bad the circumstances or how frequent the offence, to suspend or dismiss the man.

Hon. A. R. G. Hawke: That could be done before the prosecution.

The MINISTER FOR LOCAL GOVERNMENT: And the court could take it into consideration. A man might be a menace to the community but, under the hon. member's amendment, it would be impossible for the employer to dispense with the man's services, however undesirable from the point of view of safety of the public his driving might be. I hope the hon. member will not press his amendment. If a reasonable alternative can be arrived at, I am prepared to have it moved in another place.

Hon. A. R. G. HAWKE: I admit the difficulty mentioned by the Minister. Nevertheless, there is some need to ensure that the employee shall not have a double punishment imposed upon him where his offence is not such as to warrant double punishment. When an employee does something really drastic for which there is no excuse, or commits a serious offence on more than one occasion, the employer should have some remedy and be able to decide whether he will continue that employee in his service. Would the Minister consider the development of an amendment, before another place deals with the Bill in Committee, that would operate the same principle as is contained in his

own amendment so that it would apply to the employer regarding any punishment he might decide to impose subsequent to the court conviction? I want to make it obligatory upon an employer who, subsequent to a court conviction, decided to impose additional punishment, to take into consideration the punishment already inflicted by the court.

The Minister for Local Government: I will do so and will offer another suggestion in a moment.

Hon. A. R. G. HAWKE: I take it this will apply to other than Government employees.

The Minister for Local Government: It will have general application.

Hon. A. R. G. HAWKE: I am anxious to ensure that employees shall not unfairly have inflicted upon them a penalty by the court and a further penalty by their employers for the same offence.

Mr. FOX: When an offence is committed by the driver of a tram, the employer usually deals with it summarily and inflicts punishment right away, before the traffic authorities have an opportunity to bring him before the court.

The Minister for Local Government: But the point made by the member for Northam was that the employer might hold up action deliberately.

Hon. A. R. G. Hawke: Not deliberately, but awaiting the decision of the court.

Mr. FOX: A driver who commits an offence is usually dealt with summarily, and is usually not permitted to drive a tram, or is relegated to some other position or dismissed. The amendment by the member for Northam would be an indication to those controlling tramway employees to deal with such offences immediately; otherwise they should not be in a position to inflict a penalty after the court has already done so.

The MINISTER FOR LOCAL GOVERNMENT: I suggest to the member for Northam that, in all the circumstances, he withdraw his amendment on the amendment. The whole difficulty can be overcome by the addition of a few words to the amendment now before the Committee, if after the word "inflicted" in the third line from the bottom there be inserted these words, "or which lawfully can be in-

flicted." The hon. member will doubtless agree that that covers the ground.

Hon. A. R. G. HAWKE: I really am not keen on the Minister's later suggestion. My main objection is that a magistrate might say to a driver, "I am going to fine you only £1, because, although you have not yet been sacked, de-rated or fined by your employer, he has the legal power to do any one of these things." That seems to me to be a direct invitation by the court to the employer to inflict some additional punishment on the worker.

The Minister for Local Government: You have a suspicious mind.

Hon. A. R. G. HAWKE: I would rather describe it myself as practical. I quickly foresee the danger that might arise if this latest amendment of the Minister were accepted, although I appreciate very much the motive which moved him to suggest it and the objective which he was seeking to attain. I therefore hope the Minister will do what he suggested earlier, give further consideration to the whole matter with a view to drafting an amendment which will fairly meet all the circumstances.

The MINISTER FOR LOCAL GOVERNMENT: Of course, I cannot move my suggested amendment unless the member for Northam withdraws his amendment on the amendment. Consequently, I am agreeable to the second course.

Mr. STYANTS: Should the Minister decide to give further consideration to the amendment, I hope he will bear in mind the prevention of a Government employee being punished twice for the same offence, as that is against the ethics of British justice. He ought to be placed in exactly the same position as a driver in the employment of, say, an omnibus company. If such a driver offends against the traffic laws, he is charged and tried in the courts of the State, and, if found guilty, punished. Having been so punished, he would not then be subject to further punishment by his employer, except that he might be dismissed, but that might easily be the fate of the driver of a tramcar or a trolley-bus.

Hon. A. R. G. HAWKE: I prefer not to withdraw my amendment. If it be carried, as I hope it will, the Minister can arrange for it to be put into better shape in another place. I would like my amendment

to go into the Bill at this stage so that the point will certainly be considered when the Bill is before another place.

The Minister for Local Government: It will be considered, whether the amendment is there or not, although I hope it will not be.

Amendment on amendment put and negatived.

Mr. RODOREDA: I hope the Committee realises that if we agree to the amendment we shall be altering the law which has existed ever since the Traffic Act was passed in relation to employees of private concerns. The amendment involves a new principle altogether. The Committee is mainly concerned with the protection of employees of State undertakings; that seems to have been the basis of the debate. We know that employees of State transport concerns are liable to penalties which may be inflicted by their employer. They may be fined or dismissed. Their position is quite different from that of drivers in private concerns, who of course can make their own terms and conditions of employment so far as penalties are concerned. No doubt, from the time of the passing of the Traffic Act penalties have been inflicted by private employers in addition to penalties inflicted by the court for traffic offences. While I do not wish to suggest any amendment to the Minister, I hope he realises what he is doing in this connection and that he will give consideration to this aspect.

The MINISTER FOR LOCAL GOVERNMENT: There is no doubt that already the courts have been in the habit of taking into consideration things of this kind, but in view of the proposed changes it seemed to me that there should be a direction in the Act that they shall take notice and then there will be no question of their having to do so. That is why the amendment is moved to apply to all employees, both of Government and of private concerns. It may be that there are regulations in the "Government Gazette" which provide for Government employees and for penalties to be administered by the employer. There may be provisions in awards in some cases which provide for penalties being inflicted on employees in private concerns. In other instances again it may be purely a matter of arrangement. Whatever the case may

be, if this comes into force the magistrate, in regard to all employees, will have to take into consideration the fact that there is or may be another penalty, ascertain its extent, and make his judgment accordingly.

Amendment put and passed; the clause, as amended, agreed to.

Clause 7—Amendment of Section 31:

Hon. A. R. G. HAWKE: This clause proposes to amend Section 31 which deals with the drunken driving of motor vehicles and sets out the penalties that may be imposed and also the penalties which must be imposed. I take it that the only penalty that could be inflicted upon a tram driver or a trolley-bus driver convicted of an offence under Section 31 would be a penalty of £50 or imprisonment with or without hard labour for three months. The other penalties in the section refer to the cancellation of the driving license of the convicted person. If my belief is correct, tram and trolley-bus drivers will not hold a Traffic Act driving license. The Minister indicates that that is so. Therefore they will not be subject to the cancellation of the driver's license penalty in this section.

THE MINISTER FOR LOCAL GOVERNMENT: The point has reference to one raised by the member for Roebourne which I promised him I would go into. My advice is that as no license is issued the provisions as to licenses would not apply. But I have no desire to be uncertain about it.

Hon. A. R. G. HAWKE: There is an important point involved; because, if upon conviction for drunken driving a tram or trolley-bus driver is to be prevented from continuing to drive his vehicle for a period, the employer—in this case the Commissioner of Railways or the head of the Tramway Department—might easily decide that the court, by taking away the right of the driver to drive a tram or trolley-bus, has made it impossible for his employment to be continued in the department and automatically that person loses his employment. Under the Government Railways Act of 1904, employees of the Tramway Department, after they have had a certain period of continuous service, have the right of appeal against any punishment inflicted on them by the employer under the headings of the imposition of a fine, the de-rating

by the employer of the employee, and dismissal.

If by bringing drivers of trolley-buses and trams under Section 31 of the Traffic Act we are going to give the court the power to take away from them, following a conviction for drunken driving, the right to drive, it is very important that employees of the department should know whether they would have the right of appeal if the department punished them by a monetary fine or by de-rating them or by dismissing them from the service. I think it could be argued that if the court took away the right of a driver to drive his tram or trolley-bus, the court would in effect and automatically take away the man's employment, because the department could logically argue that the reason for which the person was employed had then disappeared; that he was no longer allowed by the law of the land to drive the vehicle and consequently that his employment was at an end.

I trust that the Minister will go very carefully into the matter and see that proper protection is afforded by way of appeal under the Government Railways Act if the court will, in the event of this Bill being passed, have the power to take away the right to drive from a trolley-bus or a tram driver. My own opinion is that the court will not have that right under this Bill because, as I understand the measure, no trolley-bus or tram driver will hold a license under the Traffic Act to drive his vehicle. He will hold that right from his employer by virtue of his position in the department, unless it is subsequently contended, by interpretation of this Bill when it becomes part of the Act, that it is then obligatory upon each tram driver or trolley-bus driver to take out a driving license under the traffic laws. I assure the Minister that the men concerned regard this as extremely important. They do not want any sympathy shown or any consideration given to any tram or trolley-bus driver who drives a vehicle while in a drunken condition; but they are anxious that the right of appeal under the Government Railways Act, in the event of dismissal developing out of a court conviction, shall still be available to them.

THE MINISTER FOR LOCAL GOVERNMENT: My opinion is the same as that of the member for Northam. As it was intended, as the member for Roebourne will

remember, that this aspect of the matter should be examined, I see no reason why it should not be examined before the Bill leaves this place. I suggest, therefore, that the member for Northam ask that progress be reported.

Progress reported.

BILL—PUBLIC SERVICE ACT AMENDMENT.

In Committee.

Resumed from the previous day. Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 1 had been agreed to.

Clause 2—Amendment of Section 63.

Hon. A. H. PANTON: I dealt fairly fully with the question of temporary employees when speaking on the second reading. This is an important matter to members on this side of the Chamber, generally. The question of temporary and casual employees has been a bugbear to the worker for years. If he fears anything it is temporary employment. For that reason the Arbitration Court has always provided an increased rate for temporary employees, and the term has come into use in the Public Service, and temporary assistance is referred to in Section 36. The interpretation of "officer" in the Act is as follows:—

Means and includes all persons employed in any capacity in those branches of the public service to which this Act applies.

There is no definition of temporary employee. Taking Section 36 in conjunction with the definition one would imagine that there is only one sort of officer. The Bill seeks to introduce a temporary employee other than that provided for in Section 36, and the Bill does not seek to amend Section 36. We will have an anomalous position. Section 36 provides that a temporary employee shall cease his employment after eighteen months or two years, but now we find this Bill provides that a temporary employee who serves for a period of ten years shall have long-service leave. I do not want to deal with that aspect because the Attorney General can overcome it by amending Section 36. I am concerned about the differentiation between the permanent officer and the temporary employee.

Last night the Attorney General said he was surprised to find so many officers leaving his department and going to the Federal arena. One can hardly blame State officers for doing that. In the first place the Federal salaries are greater, and secondly it is obvious from the way the Commonwealth is absorbing State departments that the place for a young man is in the Commonwealth service. In "The West Australian" this morning the following paragraph appeared:—

PUBLIC SERVICE CLERKS.

Temporary Workers to get Higher Pay.

Claims for higher rates of pay for temporary clerks employed by the Commonwealth Government had been approved by the Commonwealth Public Service Arbitrator, the secretary of the West Australian branch of the Federated Clerks' Union of Australia (Mr. W. R. Sawyer) said yesterday. The new rates were retrospective to May 8.

The lowest salary range had been increased by £6 per annum for the minimum of the range and by £42 per annum for the maximum of the range, Mr. Sawyer said. Previously, annual increments had been at the rate of £12 per annum, but the new scale provided for increments at £24 per annum. The minimum salary in this range was now £6/14/11 a week and the maximum £8/2/6 a week.

The higher salary ranges would be increased by over £50 per annum.

The Attorney General said that the ten years' provision would be an inducement for temporary employees to remain in the State service. If rates for temporary employees are rising in the Federal service then our temporary hands will not be coaxed into remaining in the State service simply because they can get long-service leave at the end of ten years, which is a long time. If any inducement is to be made it should be by giving long-service leave at the end of seven years. With that object in view, I move an amendment—

That in lines 5 to 10 of Subsection (1) of proposed new Section 63 the words "in a permanent capacity, or ten years of continuous service in a temporary capacity, or eight and one-half years of continuous service, of which not less than eighteen months shall have been served in a temporary capacity and the balance in a permanent capacity" be struck out.

In view of the definition of officer I think I am safe in saying that if the amendment is carried every officer will be entitled to long-service leave at the end of seven years. The Attorney General said there were about 700

temporary employees in the service at the moment. I do not know their ages or the time they have served, but I am very keen to have this amendment tested by the Attorney General because it is important to the Labour movement. This has been a lifetime argument with us. Although the Civil Service Association agreed to this Bill, it obviously does not know the effect it may have in the future on any argument the Labour movement may desire to put up in the Arbitration Court for a different section of the community altogether. I am anxious that Parliament should not do anything to affect these arguments. There is a tendency in the Arbitration Court, and other courts, too, to say, "Parliament has decided in this," and they do not feel justified at times in going beyond what Parliament has decided.

THE ATTORNEY GENERAL: The Government is desirous of being sympathetic to the viewpoint of the temporary officer or employee as well as that of the permanent officer of the Public Service. In bringing down this Bill the Government feels that it is giving a practical demonstration of appreciation of the standpoint of the temporary officer, as this is the first time he has been recognised by legislation as being entitled to any long-service leave at all. I think it may be said that this legislation will be a landmark in the employment of temporary officers in the Public Service, and, as the member for Leederville said, it will give a lead to the Arbitration Court—a lead which I think will be acceptable to the trade union movement.

Hon. F. J. S. Wise called attention to the state of the Committee.

Bells rung and a quorum formed.

THE ATTORNEY GENERAL: The Government has brought down this Bill in order to give temporary officers a place in the Public Service law, in the matter of long-service leave. The position of the temporary staff has been of this nature for many years. I am informed that even well before the war the temporary staff of the Public Service had reached large dimensions, and during the war it was increased for obvious reasons. It must continue in being for some time, until conditions return to normal. By means of the Bill temporary staffs are to be provided, as a right, with long-service leave after they have

served, in the first place, for a period of ten years, if for all that time they are temporary, or eight and a half years if they commence as temporaries and then join the permanent service.

I wish it to be realised that if a temporary servant continues after his first period of long-service leave, he will then get long-service leave, under proposed new Subsection (2), every seven years, in the same way as would a permanent public servant. I am informed that there are seven hundred temporary public servants but my information does not enable me to say how long the majority of them will be retained in the service, or what their average salary would be. It was suggested by the member for Leederville that if temporary public servants receive their first long-service leave after a shorter period than is prescribed by the Bill, it would mean an added charge on the Treasury but the amount of that charge I am not in a position to know. I tried to get into touch with the Public Service Commissioner or his deputy, but found that they are both travelling in the country and will not be back until the beginning of next week. I feel that I should obtain from them some idea of the extra imposition on the public charges likely to be caused by the amendment, and then consult the Treasurer on that point.

I am prepared to consult the Public Service Commissioner and the Treasurer on the point raised by the member for Leederville to see whether it can be regarded as practicable and desirable in the circumstances. If he will assist me by withdrawing the amendment, after the further amendment that he proposes to move—which I will be grateful to accept—is carried, I will move that the report of the Committee be made an Order of the Day for the next sitting of the House. Then, if the member for Leederville wishes, the Bill may be re-committed for discussion on the aspects he has mentioned as to the period to qualify a temporary public servant to obtain long service leave for the first time. It may be that the amendment is not in order, but I do not wish to raise that point.

Hon. F. J. S. Wise: It is quite in order.

Hon. A. H. Panton: We are sure of that.

The ATTORNEY GENERAL: I have not examined that aspect and do not wish to refer to it. I desire to deal with the amendment on its merits. If the member for Leederville will agree to its standing over I will examine the position as soon as the Public Service Commissioner returns to Perth.

Hon. A. H. PANTON: I will be glad to assist the Attorney General. I am sure he appreciates my position, as I have fought for this principle for 45 years and do not wish to let it be passed over now. I am prepared to withdraw the amendment in view of the assurance given by the Attorney General.

Amendment, by leave, withdrawn.

Hon. A. H. PANTON: Dealing with Sub-clause (3) which refers to the period when leave has to be taken, the custom has been that where an accumulation of long-service leave is desired by an officer, the permission of the Governor-in-Council, on the recommendations of the Public Service Commissioner, has to be obtained for any period up to six months, but the proviso to the sub-clause will permit an accumulation of long service leave entitlement up to a maximum of 12 months. In the first place, I object to the accumulation of leave to that maximum period, because it cuts the ground away from the only logical argument in favour of long-service leave, that of recuperation. I have several amendments to move in order to effect what I have in mind, and the first will apply after the word "may" in the eighth line of the subclause.

Mr. Rodoreda: I wish to deal with matter referred to earlier in the subclause.

Hon. A. H. PANTON: Then I will defer my further remarks till later on.

Mr. RODOREDA: The subclause sets out that every officer shall take his long-service leave between such dates as the Commissioner, after obtaining a report from the permanent head, may direct or approve, but it must be within seven years next after the officer becomes entitled to his leave. Will the Attorney General inform the Committee why seven years was the period fixed? I can see no reason why in the usual course of events, apart from reasons due to the recent war, arrangements could not be made for an officer to take his leave within much less than seven years. I think the general

desire of everyone, including the Public Service Commissioner, is that leave shall be taken as nearly as possible when it becomes due. To suggest that the Public Service Commissioner can defer leave for seven years or for some such period, seems to be making a farce of the matter. The period should be considerably lessened. The Act does not provide any power for the accumulation of long-service leave.

Hon. A. H. Panton: No, but the custom has grown up.

Mr. RODOREDA: Yes, and the permanent heads and sub-heads of departments have taken it as a concession to themselves and made a welter of it. I want the Public Service Commissioner to see that officers take the leave due to them as soon as possible. To allow the Public Service Commissioner to defer an officer's leave for seven years seems so farcical that I think an explanation is due to the Committee.

The ATTORNEY GENERAL: The whole idea of the Bill is to achieve what the member for Roebourne says should be done, namely, to require officers to take their leave when it becomes due, qualified by the conditions that obtain today as the result of the recent war. Until the war period, public servants did take their leave when it became due, although they could accumulate it up to six months.

Mr. Rodoreda: I doubt that.

The ATTORNEY GENERAL: In consequence of difficulties that arose after the outbreak of hostilities, a number of public servants, especially the senior and older ones, could not take their leave when it was due on account of the large proportion of younger men who left to join one or other of the Armed Forces. The Bill is therefore designed with two objects. One is to ensure that leave is taken when it is due and, secondly, to protect the interests of those who have not been able to take their leave in the past and may not be able to take it for some time to come.

Mr. Rodoreda: But we are legislating for the future!

The ATTORNEY GENERAL: The Bill provides that officers shall take their leave within seven years of becoming entitled to it unless they get special dispensation for an accumulation. I believe there are public servants who may have six years service to-

wards their next leave or are on the eve of their second period of leave becoming due and, if they are to take it within seven years, they might be forced to go straight away.

Mr. Rodoreda: It is only five years since the war affected us here.

The ATTORNEY GENERAL: There are still senior officers—the number would not exceed 50—who should take the long-service leave that has accrued to them as soon as possible, but it would be difficult to dispense with the services of 30 or 40 senior officers at the one time. It is not intended that men shall be deprived for seven years of the opportunity to take leave, but in view of the fact that certain officers at present have already gone far towards, or even beyond, the seven-year period, it is essential that there shall be some discretionary power provided to retain them, otherwise they would be sent off on their long-service leave, and the position in the Public Service would then be extremely difficult. I appreciate that there are aspects such as that indicated by the member for Roebourne, but the whole idea is that the Public Service Commissioner shall be in a position to wipe off the leave at the earliest possible moment. It is most undesirable, not only from the point of view of public servants, but of administration that there should be any great accumulation of leave to be wiped off at some future period. If the provision is left in the sub-clause, it will safeguard the interests of those who have already served many years towards their long-service entitlement, and will do no harm. I assume that the member for Leederville has further representations to make.

Mr. RODOREDA: I am glad to have the Attorney General's assurance that it is the intention of the Government and of the Public Service Commissioner to compel public servants, as far as possible, to take their leave within a reasonable period of its becoming due and not to allow accumulations. The Minister said that he thought most civil servants took their leave when it became due. I agree with that statement, and that is why I want the Public Service Commissioner to see that the permanent heads and sub-heads take their leave when it becomes due just as the officers in the lower grades are required to do. I ask members if they know of any permanent head who has re-

tired within the last 10 or 15 years and has not had at least 12 months' long-service leave due to him. To tell me that those officers could not be spared is to suggest something we all know is not a fact. The reason for that practice is that when such officers retire with 12 months' long-service leave due to them, they draw their pay for that period at the rate of their then salary and not on the basis of what they received when the leave was accumulated.

Some of those officers have leave in respect of 28 years' service due to them and their salaries 21 years ago would have been considerably less than they would be receiving on their retirement. From the point of view of saving revenue to the State, these officers should be compelled to take their leave when due. The Taxation Department treats payment in respect of long-service leave as a retiring allowance, but by no stretch of imagination can it be called a retiring allowance. The heads of the Taxation Department also take advantage of this ruling and pay taxation on only five per cent. of the amount instead of on the salaries that would have been taxable had the leave been taken when due. I hope the Government will insist that, wherever possible, all officers take their leave as it falls due, particularly permanent heads of departments.

One Government official has nearly two years' leave due to him and he will take that at a salary of about £1,500 per year. He also had annual leave deliberately accumulated, and there is no provision for annual leave to be accumulated beyond six weeks or the equivalent of three years' service. This, however, has been done by officers in a position to wangle it, but the ordinary employee cannot do that. If the ordinary employee does not take his leave when due, he forfeits it.

No provision has been made in the clause for extra leave to be given to officers north of the 26th parallel. I suggest that, if three months' leave is a fair thing for an officer stationed in Perth, those stationed in the North are entitled to greater consideration. I hope the Attorney General will allow some extra leave to those officers, at the discretion of the Commissioner, if he likes.

The ATTORNEY GENERAL: I will look into the last suggestion made by the

member for Roebourne because it is well worthy of consideration. I ask the hon. member, however, not to look so savagely at me. I have been in office for five months and the hon. member was an important part of the Government for many years.

Mr. Rodoreda: Thanks for the "important" part.

The ATTORNEY GENERAL: In the five months, I have done my best. Here is a Bill to give public servants the legal right to long-service leave for the first time and to include temporary employees, and it endeavours to meet injustices that have occurred during the war years when many officers could not take their leave. Thus we are making a reasonable attempt to meet the difficulty. As to the reference to senior officers, I understand that up to the commencement of the war, all officers—there may be exceptions—did take their long-service leave when it became due. The senior officers who postponed their long-service leave during the war years and since from a sense of duty to the State should not be criticised for having refrained, because they were acutely conscious of the responsibilities they had to discharge. It has been a matter, I believe, not of their trying to profiteer, but of their remaining in time of stress and since to discharge duties in respect of which the State seriously needed them.

Mr. RODOREDA: While permanent heads might not do this sort of thing deliberately—in some cases I doubt it—ordinary employees who were at the war and were given the annual leave that had accrued during their absence were paid at six different rates—rates pertaining to the years when the leave became due. That is not done in the case of permanent heads, and the other employees should be treated on a like basis. It is somewhat difficult to find out these occurrences, but they are happening to the detriment of the ordinary employees. Whether done deliberately or not, it is to the financial benefit of those officers who are able to wangle their leave in the way mentioned. I point this out merely as a friendly warning to the Attorney General.

Hon. A. H. PANTON: I am not blaming the Attorney General for the fact of long-service leave having accumulated because, having been a Minister, I know something of what has been happening. In 1942 departments were so depleted of male officers

that it was found necessary to suspend long-service leave, and the suspension continued until 12 months after the close of the war. A number of those officers might have exceeded the six months' period due to them, and the fact of their having continued for another five years has put the Government in the present position. I am not complaining about that. I am satisfied that it is dangerous to allow an accumulation of long-service leave for 12 months, which represents 28 years of service. I have several amendments to propose to Subclause (3). The first is to insert after the word "may" in line eight the letter "(a)"; to delete the word "twelve" in line 10 with a view to inserting the word "six," and to add to the subclause the following paragraph:—

(b) In the case of any officer who at the commencement of this amending Act has accumulated at least six months' long service leave, approve the accumulation of his long service leave entitlement (inclusive of the long service leave already accumulated) up to a maximum of twelve months thereof.

I have been assured by the Crown Law Department that this will not only tie up the six months' accumulation, but will also do what the Attorney General desires, namely, make provision for 12 months' accumulation for all those officers who, owing to the suspension of long-service leave, now find themselves with nine months or a little more due to them. That provides for the lag in respect of all those who now have over six months' long-service leave due to them. Once the lag is picked up, the measure will apply only to those servants who have leave due at the beginning "of this amending Act." I am not quite sure—the Attorney General could probably correct me—whether it is necessary to say "amending Act." However, that is a matter which can be considered later. I move an amendment—

That in line 8 of Subsection (3) of proposed new Section 63 after the word "may" the letter and brackets "(a)" be inserted.

The ATTORNEY GENERAL: It might be convenient at this stage if I said that I propose to agree to the amendment of the member for Leederville. I agree with this qualification, which I am sure he will accept, that I will have the amendment examined—if in the meantime the Committee is agreeable to it—by the Public Service Commissioner in order to make quite certain that, inadvertently on the part of

the member for Leederville and myself, it will not render an injustice to any officer. I consider the amendment should be acceptable to the Committee; I had myself prepared an amendment somewhat on the same lines. I consider the Bill is sufficient to cover what is needed, but the member for Leederville desires to have it more exact. Should the amendment require any slight rearrangement it can be dealt with next week.

Mr. HEGNEY: I have listened closely to the discussion this afternoon. I have also closely considered the Attorney General's speech when introducing the measure. I do not know the viewpoint of other members on what I am about to say, but I raise my formal objection to the introduction of lengthy amendments without notice and to the conversation between the Attorney General and the member for Leederville. I do not know the terms of the amendment and I doubt whether other members do. In my opinion, members should be supplied with copies of amendments if they are not placed on the notice paper, so that they may have the opportunity to study their contents. I am not prepared to vote on an amendment unless I know what I am voting for. I wish to say, however, that I have every reason to believe that the member for Leederville would ensure that a vital principle of Labour would be safeguarded.

Hon. A. H. Panton: That is what I am trying to do.

Mr. HEGNEY: I believe that. In view of what the Minister has outlined, I point out that the amendment cuts right across a principle of the trade union movement. No Government worker should be allowed to accumulate long-service leave for a period of 28 years. I well recollect when, acting on behalf of a union, I raised the question of annual leave and pointed out that workers could not be expected to continue working indefinitely without a period of rest. Civil servants have enjoyed the privilege of long-service leave for many years; but it is only within the last 20 years that railway servants and other Government servants were granted that privilege. The principle underlying the granting of long-service leave is that after a certain period of years a worker shall be entitled to three months' leave in order to recuperate.

As long as I am a member of Parliament I will never agree to any proposal which would give a worker, no matter how important he may be, the right to accumulate his leave over a period of 28 years. The Attorney General made the point that men holding important positions in the Government service could not be spared at the same time. Without casting any slur on the permanent heads or sub-heads, I ask, if any of these were stricken with influenza tomorrow, would the Public Service close down while they were away? Too much importance is placed on this aspect. I have a recollection of a protest being made, at a time when Labour was in Opposition, against the retention in employment of an officer over 65 years of age, when wages men were definitely retired on attaining that age. It was said that the man in question was occupying an important position and could not be spared. That was a slur on the men coming on in the Service.

Hon. A. H. PANTON: I bow my head in shame. As a matter of fact, I had the impression that the Attorney General intended to draft amendments and that we were in agreement. Then I found out that he was not, and at the last moment I had to go this morning to the department and have amendments drafted by the proper authorities. However, this Bill has been on the notice paper for some days. The Attorney General introduced it last week and I secured the adjournment and spoke on the second reading. Any protest the hon. member wanted to make could have been made during that period right up to the time when the Bill went into Committee. However, I apologise to the hon. member and to the Committee generally.

Amendment put and passed.

Hon. A. H. PANTON: I move an amendment—

That in line 10 of Subsection (3) the word "twelve" be struck out and the word "six" inserted in lieu.

Amendment put and passed.

Hon. A. H. PANTON: I move—

That a new paragraph be added as follows:—

(b) In the case of any officer who at the commencement of this amending Act has accumulated at least six months' long service leave, approve the accumulation of his

long service leave entitlement (inclusive of the long service leave already accumulated) up to a maximum of twelve months thereof.

Amendment put and passed.

Mr. RODOREDA: Do I understand the Attorney General to have stated that he will re-commit this clause in relation to the question that the member for Leederville raised earlier in the debate in regard to temporary employees?

The ATTORNEY GENERAL: I said I would discuss the question of the qualifying period for temporary officers and, if the member for Leederville desired me to do so after our discussion, I would re-commit the clause for consideration of that aspect.

Mr. Rodoreda: That aspect only?

The ATTORNEY GENERAL: That aspect and also, if any question arose, the other amendment, too. But I do not anticipate the other amendment will require any further consideration.

Mr. RODOREDA: Could the Attorney General explain the meaning of Subsection (5) relating to lump sum payments in lieu of long-service leave entitlements and for pro rata long-service entitlements to officers?

The ATTORNEY GENERAL: In relation to lump sum payments in respect of pro rata leave, it is desired in respect of the several classes of officers to indicate by regulation to what extent that principle will be carried out. I am not sure that by the practice and intended practice of the department a lump sum payment will be made in every case. The department may desire to say, after having consulted all interested people, that lump sum payments will be paid in respect of certain periods of service but not necessarily all periods.

Mr. RODOREDA: I have a faint glimmering of the meaning now. Further on in the clause there is a proviso. I fail to see why the concession in that proviso should be given. It means, I take it, that if a man has accumulated from six to twelve months' leave through some special provision, he shall, upon retirement be paid the full twelve months accrued at the salary obtaining when he retired. I fail to see why these officials should not be paid for each three months of their leave at the salary obtaining when that leave fell due.

The ATTORNEY GENERAL: This applies not only to higher paid servants, but also to lower paid servants. At the time of his retirement a man may not have been receiving a high salary and it may be reasonable to allow him the benefit of the rate of salary he was receiving at that time. Particularly would it be desirable in the event of the man's death that the higher amount should be paid to his widow. This may look generous, but I think it is not unreasonable. I see no justification for trying to cut down, but I will make inquiries into the matter.

Hon. F. J. S. Wise: Some officers who earned salaries of £300 and £400 a year took their leave when they were getting £1,000 a year.

Mr. RODOREDA: I can understand this concession being made in the event of an officer dying, but I fail to see why it should be available to those who retire, because they work things so that they can accumulate the full leave at the higher salary. Whilst it may in a few cases react unfavourably to the lower paid men, it reacts unfavourably against all men who are compelled to take their leave when it is due.

The ATTORNEY GENERAL: The whole object of the Bill is to prevent what the hon. member has just mentioned. That is, it is to make people take their leave as it becomes due. If that is done, any profiteering by the additional period will be minimised or eliminated.

Clause, as amended, put and passed.

Clause 3, Title—agreed to.

Bill reported with amendments.

BILL—STATE HOUSING ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

MR. GRAHAM (East Perth) [5.3]: I have no objection to the provisions in the Bill, although I do not know why the increase in the allowable amount of the cost of a house should be raised to £1,500. In other words, I do not know why there should be a figure specified at all. Whilst there is a shortage of houses, obviously the type to be built will be limited by the housing authority, and when the shortage is

overcome it will not be necessary to impose any limitations at all; houses will then be built in accordance with the wishes of the applicants. However, I agree that because there is a limit specified at the present time, and because of the trend towards increased costs, this move is necessary if homes are to be provided.

In regard to the additional personnel of the Commission—and at this stage there is only the proposal for the appointment of a woman—I offer no objection, but at the same time I am at a loss to understand what good purpose will be served by such an appointment. It will be recalled that last year when this measure was debated and a move was made, emanating from the Legislative Council, for the appointment of a woman, the position was amply explained by the then Premier and this Chamber accepted his statement that the work of the Housing Commission was largely administrative and, accordingly, a woman, as such, did not have a particular point of view. Provision had already been made for a woman to do drafting, designing and architectural work for the Commission. I feel that the proposal for the appointment of a woman is a political move.

The Premier: Are they political in Victoria and New South Wales?

Mr. Marshall: Are those commissions better than ours because of that fact?

The Premier: I think so, yes.

Mr. GRAHAM: I will give my reasons in due course. The Opposition was divided on the matter 12 months ago, and it was then not sufficiently important to warrant anyone even speaking on it in Committee, let alone making any move. Accordingly it could not have been very vital. But I am making the statement, and I am certain the Premier will agree with me, although he might not say so, that this is a political gesture to curry favour with the women and their organisations. I have no objection to the appointment of a woman because, whilst I am dubious as to the amount of good she will do, I do not believe any harm will be occasioned thereby. In connection with the composition of the Commission, I question very much whether it is in the interests of the general programme of house-building and the allocation of homes that there should be a representative

of the building contractors. I say that because—and I have not met the person who occupies that position, and know nothing of him—there must be a tendency, when a person is actively associated with the administration of the Commission, and is at the same time tendering for or performing contracts for it, for a certain amount of suspicion to be raised, to say the least. Such a person would have a definite advantage over others who might seek to contract for houses. I make these observations as a prelude to some remarks appertaining to the Housing Commission, as a department, and the housing situation, generally.

I propose to continue from the introduction made by the member for Swan when he informed the House that he was by no means satisfied that the work being undertaken in the way of building, at the present moment, was all warranted. During the course of the Address-in-reply debate I made a suggestion that two members of Parliament, one from each side of the House, should be appointed as ex officio members of the Housing Commission in order that they might have some authority to make investigations and inspections, and to have access to files and documents. So far as I am aware, nothing has been done about that suggestion. As I said, we, the elected representatives of the people, assume, whether we like it or not, the responsibilities of the position. It is we who are criticised, and it is to us that the people come with their complaints and requests. But, by and large, a member of Parliament—or at any rate this has been my experience—is practically powerless to do anything for a case, no matter how deserving it might be.

I will now make some statements that may be regarded as indiscreet. I make them deliberately, being fully conscious of my responsibility as a member of Parliament, and fully aware of the implications of what I am about to say. In essence my remarks will be a definite criticism of the administration of the State Housing Commission. I am not aware of how closely members of that Commission investigate applications, or how many of their decisions—and to what extent—are based on information placed before them. I feel sure that all is not well with the general conduct and administration of the Commission.

The Premier: For how long have you had that feeling?

Mr. GRAHAM: For a considerable time, but more particularly over the last three months or so. I wish now to say that my remarks are not to be construed as in any way making inferences or charges against either the present Government or its predecessor. I realise full well that a Minister, in the nature of things, is unable to scrutinise in detail all the documents concerned in the allocation of building permits and houses for rental purposes. I doubt whether, except in isolated cases, the Minister has occasion even to sight the papers dealing with such matters. Before giving a number of instances of certain action having been taken or decisions being given—I know not whether by the Housing Commission or by officers of that organisation—that were grossly unfair to many deserving people who have been prejudiced in favour of persons not entitled to homes—

The Chief Secretary: You were asked to supply that information, and refused.

Mr. GRAHAM: I was requested by interjection, and subsequently by letter from the then acting Minister for Housing, to state details of the cases I had in mind when I made a general statement. This afternoon I will quote cases, but without mentioning the names of the parties concerned except in one instance. I make that exception because of the manner in which the information came to me. When I enjoy the hospitality of any citizen, and during the course of conversation become possessed of certain facts I refuse—as I informed the acting Minister for Housing at the time—to place myself in the position of a detective, a pimp or a policeman, to carry tales to constituted authority. I hope that what I say will be sufficient to cause the Government to have the fullest inquiries made in order to see what has been done—wrongly to my mind—and perhaps to make recommendations as to the future. If there were members of Parliament appointed to play the role of watchdog, that would have a salutary effect on the staff of the Commission. I would not mention the cases I have in mind were I not entirely satisfied as to the integrity of those who supplied me with the information. I will mention, in the first instance, certain officers

of the State Housing Commission. One such officer today occupies, on a rental basis, either the best or one of the best houses constructed by the Commission in South Perth.

The Premier: When did he occupy it?

Mr. GRAHAM: I am unable to say, exactly. I understand that his application was in respect of himself, his wife, his mother and father—who were to live with him—and his sister-in-law and her husband. The mother and father were living in and managing a hotel in the metropolitan area, and could have continued living there. The sister-in-law was also living in that hotel, yet, in order to secure allocation of this tenancy home, the story was placed before the Commission or certain of its officers, and the house was granted to the person I have mentioned. One of the best houses has, in fact, been allocated to a man and his wife, who have no children. There was no occasion for the Commission to take into account his mother, father or anyone else, as they were housed elsewhere and in any case could have found accommodation in boarding-houses or hotels. This position obtains, while I have instances of extreme hardship existing in really deserving cases.

In one instance a father, a mother and three small children are living in one small room, living, sleeping and eating in it. There are cases of 12 and 14 people living in one house, and ex-Servicemen among them. There are children suffering from all sorts of complaints caused by the unhygienic conditions. In a case referred to me by the member for Swan, one member of the family was living in the country as he could not be accommodated in the house with the rest of the family. A certain amount of relief was secured in that case—or is about to be secured—through representations that I recently made. I am aware of the case of an Anzac of the last war—a Serviceman of this war also—with his wife and three children living in one room at a rental of 19s. 6d. per week. They had to live and eat in the one room. The eldest boy, 13 years of age, has been struck by infantile paralysis. His body is surrounded by plaster of paris, and he had to sleep on an unenclosed verandah facing west. A daughter aged five, had to sleep on the floor as there was no room in the house for another bed. That man had an application in for three years, but I had

to make representations on a number of occasions before a house was granted him on a rental basis.

Cases such as I have mentioned are common to practically all members, with many of whom I have had conversations. While cases such as that exist we find an officer of the Housing Commission with his wife, but with no children, being given one of the best houses yet constructed by the Commission. I think it is time there was some form of inquiry into the activities of the Commission.

The Premier: Where did you say that was—in South Perth?

Mr. GRAHAM: Yes, in South Perth. There is another officer of the Housing Commission who, with his wife, is occupying a home—I think the house was built under permit—in Mosman Park, and I am told it is a fine residence. I have his name, as I have also in the previous case I mentioned, but I do not see why I should publicise these particular individuals. I do not blame any person for seeking to secure accommodation for himself, but where we have constituted an authority and placed people in responsible positions with obligations that they are expected to carry out, I feel I should make it clear when they are not carrying out those obligations by any means satisfactorily as at the present moment. I have had conversations with several members on this phase, and I believe that is the general experience.

The Premier: You will let me have those names, will you not, even though you do not wish them to be publicised?

Mr. GRAHAM: I will discuss that matter with the Premier later. It is my intention to mention the name of a particular individual, and that case can be fully investigated. The reason why I am not free with regard to these names is that if I divulged them, the source of my information would be obvious. I discussed the situation with two persons this morning—they are people whose honesty and integrity I am satisfied with—and I begged that I should be allowed to use their names in this Chamber or, failing that, to make the names available privately to the Minister in charge. However, they requested me not to do that. I feel, from what I am advised, that it has gone so far that the persons connected with the building of the premises are fearful of some

form of victimisation. It would not require more than an hour's walk around the town to confirm many of the suggestions I am going to make during the course of my remarks.

There is an officer of the department—this instance applies to war service homes—who very obligingly fixed up, if I can use that term, a card for a person who was an applicant for one of those homes, putting the date back to some previous period and then inserting the card ahead of hundreds or possibly thousands of others concerning people who were waiting. In consequence, that particular individual—he is a school teacher—secured for his papers far earlier consideration for the allocation of a home than was his just entitlement, which was, of course, against the interests of others who had lodged their applications far earlier.

Mr. May: That does not apply now. That has been altered.

Mr. GRAHAM: I am not aware of that, but I am dealing with the procedure adopted hitherto which, so far as war service homes are concerned, was that the applications were granted in the order they were lodged and not on the basis of needs as is, or should be, the case with regard to the granting of building permits and the allocation of rental houses.

Mr. Marshall: The practice could be indefinitely proceeded with, and it could go on for ever.

Mr. GRAHAM: Yes. I am aware of various instances, and I would mention this one—again I have the name. It has been suggested to me that it might be interesting in certain cases if a check were made of the dates of discharge of officers of the Housing Commission who have received war service homes. That may be a stab in the dark: on the other hand, it might reveal something. There is a gentleman with a foreign-sounding name—I do not introduce into my remarks any prejudice on that score and merely mention the fact so that the case may be recognised without my mentioning it—who recently had a new home erected for himself in North Perth. He took possession of the home as soon as he was married. In that case the permit for the erection of the house was granted for the man and his wife alone.

The Premier: When was that?

Hon. A. H. Panton: Was that before he was married?

Mr. GRAHAM: Obviously, the permit was granted before, because he took possession of it as soon as he was married. As to exactly when it was done, I do not know. There was also a man who came to Western Australia from Singapore. He had a wife and, I think, two children. He received a permit to build a house almost immediately after he arrived. That is to say, he received a permit to construct a wood and asbestos house. That was most obligingly done for him, and he was told that if he liked to wait for three months he would be able to get a permit to build a brick house. We must come to our own conclusions as to the influences at work when we have a situation such as that.

There is another case—the Chief Secretary will probably know something of it because he had to take official action to interrupt a certain projected building plan—regarding a house for a man who already had a flat at Subiaco. He also had one at Scarborough, where he had a business. He lived in one or other of the flats to suit his convenience. I understand he had a friend who occupied the home at Scarborough when he did not require it himself. That man was granted a permit over 12 months ago. He has a wife and, I fancy, two children. Incidentally, he has separated from his family. Whether that was before or after the granting of the permit, I do not know. What I do know is that he offered the permit to a brother of his, but that individual had already bought a house for himself and was not to be tempted. Since then, that individual has endeavoured to sell the permit to other people. By my reference to selling it, I mean that he was prepared to have the house constructed in his own name—the permit, of course, was in his name—and then for a consideration—apparently the arrangement would be made beforehand—to sell the house to someone else.

Then again, in Nedlands there is a professional man who is living in quite a decent home and he was granted a permit to make certain alterations, or additions, to his dwelling. I am given to understand that the alterations cost in the vicinity of, if they did not exceed, £1,000. He was already

living in a good home—not like so many families who have to occupy single rooms in condemned houses—despite which materials and manpower could be made available to him to the tune of approximately £1,000.

There was another applicant for a building permit—a person prominent in the sporting world who has had a house completed at Belmont. I am told that it is an exceedingly fine home, too. I had inquiries made this morning because I thought there might have been some mistake. I was informed that it was a war service home, but I understand that no person of that name is listed for a war service home. Therefore, this house can only have been built under permit issued by the Housing Commission. That man, I am informed from several sources, was living in quite a decent flat. He has a wife and one child only.

There is a farmer who, I believe, comes from the vicinity of Bruce Rock and the family consists of the father, mother and a grown-up daughter. They secured a permit and have built a beautiful home with three bedrooms, a garage and so on at Nedlands, opposite the Old Men's Home. That might be very nice, but I should say that a person would need to have an extraordinarily good case to be able to vacate his home in the country and, because it suited his pleasure or convenience, come to the city and construct a house of that type.

Mr. Marshall: I will bet his name is Perkins.

Mr. GRAHAM: It is not. A farmer has a wife and grown-up son and daughter; they continue to run the farm, and only occasionally come to live in a new house constructed for them in the vicinity of North Perth or Joondana Heights. The daughter is working in Perth and sometimes, when entirely alone, has a girl friend to spend the evening with her. This is the type of luxury that could be enjoyed in bygone days, but, if these are typical of the persons who are being allocated permits and houses, the whole business is scandalous and warrants the most drastic action in order that it be cleaned up.

I am aware of the case of a young couple who were living quite comfortably in spacious premises with the wife's parents. In the course of time, an entirely new house was built for the young couple and their

baby daughter. I know the two houses concerned. It was suggested to me in the first instance that this person had secured a permit by passing money. This morning I was told that it had gone even better than that, and that the place had been constructed without a permit at all. I drove along a certain street this morning and was informed, "Behind those premises you will find a stack of bricks that a certain person is accumulating because, in the course of his building operations, he does not worry about permits."

The Premier: What is the name of the street?

Mr. GRAHAM: I am not prepared to state it. The point is that we have a department which has inspectors, and it is certainly not the province of a member of Parliament to sift and sort out all these things. If they are so apparent to us as members, or if we can with comparative ease secure information of this sort, then those persons who are charged with the responsibility could, if they asserted themselves, find out the facts without any trouble.

The Premier: It is the duty of a member of Parliament to give all the information if he thinks there is any dishonesty going on.

Mr. GRAHAM: I am being subjected to all sorts of caustic comments and criticisms because I refuse to mention names or be specific, but I ask members to accept my undertaking that I have good and sufficient reasons for not doing so. I am submitting this information in the hope that something will be done. All that those who complain of these happenings can do is to talk to a member of Parliament, because they are powerless to do more than speak to a clerk behind the counter.

The Chief Secretary: Why not talk to a Minister?

Mr. GRAHAM: That is exceedingly difficult, and the Minister would probably know very little about it. In the first instance I gave, it would be said there would be five people to accommodate. That sort of thing is possible. I was speaking to a member of a road board last week and he told me that, in a certain area in Bayswater, a party there, who was seeking a permit and who knew that the inspectors were about to arrive, went to two or three friends and relatives and borrowed a number of beds to place in the house in order to create the

impression that a far larger number of people were residing in the house.

Mr. Nimmo: I think that is ended now. I believe they have a double check.

Mr. GRAHAM: I do not know how long ago that occurred, but a greater check in all the ramifications of the Housing Commission should be applied. If I approach the Housing Commission with a shocking case that requires immediate consideration, I am told, "Next week there will be 10 houses available at South Perth." (At East Perth, which is more of an industrial area, they do not build houses.) "But unfortunately there are about 200 people on the waiting list. They are all deserving cases and yours will not make the distance." If I inquire, "How long? About six months?" the reply is, "No, probably longer than that." That is all the satisfaction I can get. I will guarantee from the spot on which I stand at this moment, that if I, or some other member had the authority to check through the list of the homes allocated and the circumstances in which they are being used, it would be found that many of them are not deserving cases but are along the lines I have already indicated.

I stated that I would quote the name or the particular circumstances of a certain case. At Bayswater a house has recently been completed, although I understand that a few adornments remain to be added. When all the work is completed, that house will have cost very little short of £2,000. It has two bathrooms, two lavatories, and, I think, a brick garage in course of construction, and it is occupied by a man and his wife. The name of the man is Bond. From inquiries I have made, I wish it to be clearly understood that this man is in no way related to the secretary of the Housing Commission. I want to make that perfectly clear.

Hon. F. J. S. Wise: I am prepared to say that no member of the Housing Commission is corruptible.

Mr. GRAHAM: I should like to believe that and I have no reason to believe otherwise. All I know is that certain things have happened. As to who is responsible, I am unable to say definitely, although I have knowledge in certain respects, because in the last week I have spoken to a man—I will leave it as vague as that—connected with the building trade in the City of Perth who himself has passed money to officers, or to

an officer, of the Housing Commission. I am definitely aware of another case where the sum of £20 was handed over by a contractor to an individual. The applicant for the house was also going to pass money, but something happened meanwhile. I am not going to mention what happened, as the particular case will be identified if I do. I learnt, too, that permits have been granted for the erection of shops in certain areas.

I am told—I do not know how true it is—that premises for a chemist's shop are being constructed in Albany-road, apparently to cater for an extension of Victoria Park eastward. That might be perfectly valid in the ordinary course of events. Hundreds of people are living in that area now, and have been for very many years; but while it may be inconvenient up to a point for them to have to go further down the street in order to secure their medicines and toilet requisites, I make the statement that as long as the building position is as critical as it is, no such luxuries as that should be permitted. I am told that there is no difficulty whatever in securing quantities of bricks and cement. A person told me only this morning that he went to a certain establishment and was told, "We cannot give you cement without a permit." He replied, "Very well, I will go not far from here and get it." (He asked for and received eight bags of cement) "I, and persons engaged in the building trade, can get the quantity of cement we require."

Mr. Leslie: I would like to find out where. I am looking for some cement. I will see you afterwards.

Mr. GRAHAM: I know quite a number of people who have used all sorts of pretexts to get cement. They have said they required it to line water tanks when in fact it has been used the purpose of laying cement paths in their front gardens. I know of a particular instance in the electorate of the member for South Fremantle.

Mr. Fox: Spit it out!

Mr. GRAHAM: I feel I have said sufficient with regard to individual cases to warrant the closest scrutiny of which the Government is capable of the very basis of these charges and not only those which I have specifically mentioned. I repeat, I am aware that the member for Geraldton has quoted the case of a reverend gentleman; I myself am aware of another case of a reverend gentleman who secured a per-

mit which should not have been issued to him if equity and fairness were taken into account. From my own knowledge, there must be many hundreds of such cases. I want some competent authority—preferably a Royal Commission—to sift this matter thoroughly. I am now going to appeal to the representatives of the Press and the National Broadcasting service in the hope that they will give publicity to this request of mine, that all those people who are aware of dubious allocations of homes for rental purposes or the granting of building permits for new houses or extensions will advise me in writing at Parliament House.

The Premier: And give their names.

Mr. GRAHAM: And give their names, although I am not so concerned as to that. For certain reasons a person may not want his name connected with the matter. So long as he supplies information, that is all I require.

The Chief Secretary: What about giving it to the Minister? Why you?

Mr. GRAHAM: Because I happen to be making this speech and because this Government has done nothing whatsoever in regard to the matter.

The Chief Secretary: You were asked for help and would not give it.

Mr. GRAHAM: Notwithstanding that I spoke, admittedly in general terms, several weeks ago and that the member for Geraldton and I had a conference with the Premier since that time—

The Chief Secretary: You made no offer to help.

Mr. GRAHAM: If the Chief Secretary is really sincere in this matter, and he has his ears well and truly open and, when it suits the occasion his tongue is always to the fore, and if he listens to his colleagues in this Parliament, he can be supplied with very many cases which, to say the least, are not beyond suspicion. If he were earnest in his desire to see that all was well with regard to this important matter, then he would have had some inquiries made by a competent authority long before this. I suggest a Royal Commission because it has greater and wider powers than has a Select Committee, for which I could move. The matter will require the closest sifting and I am hoping that if it

is seen there is a genuine effort to clear this matter up once and for all, certain people now reluctant to disclose what they know will gain heart and be prepared to make available voluntarily to such a Commission or some other body of inquiry, the facts as they know them. But contractors and builders particularly are afraid to say a word out of place lest they be penalised in certain respects.

I suggest that meanwhile two members of Parliament should be allowed to inquire into this matter. As a matter of fact, I would like the Commission to go to a block of houses and make a check of the persons living in them at the present moment, and then check that information against what appears on the application for the premises in the first place. I will guarantee that, unless the position is worse than I imagine in very many cases, the information they obtain will bear no resemblance whatever to the application. Of course, I have no authority whatever to do that; all I can do is to ring on the telephone and get back a reply which may or may not be in accordance with facts. What I suggest, in order to assist in clearing the situation, is that there should be made available to the Press monthly the names and addresses of persons to whom permits have been granted and rental houses allocated, for the information of the public. Thus the public would be able to police what is going on. At the present moment a family leaves, or a husband and wife leave, for new premises, nobody knows where, why or in what circumstances.

At the present time, a list is being published of the permits issued to secure new motor vehicles, and I see no reason why that could not be done as far as houses are concerned, the latter being so much more vital and important. I think, too, that in the ordinary course a far greater number of inspectors should be attached to the State Housing Commission. Recently I had some very bad cases, in common with other members, and I was told that notwithstanding that applications had been in for some time, the applicants still had to wait a month or two before an inspection could be made, because somebody was ill or away, and I believe had left only one person who could inspect the plight of these people. I told the officer I was horrified at the state of affairs that was allowed to continue, because any clerk

of reasonable intelligence and integrity can take measurements of rooms, inspect premises, make inquiries as to the size of family and the conditions generally under which it lives and submit a report accordingly. That hundreds of people, many of them in urgent need, should have to wait several months before their premises are even looked at, is something that should not be tolerated. I mentioned the borrowing of beds in order to make it appear that more people are living in a house than is actually the case.

Yesterday afternoon a question was asked about persons evicted from homes. I make an observation on that matter now for several reasons; one being in order that the Housing Commission may take some cognisance of it. My observation is that there is a certain amount of collusion—or so I am reliably informed—between landlords and tenants. A landlord is anxious to get rid of a tenant in order to have his house to himself. The tenant is anxious to get out of the one or two rooms he is occupying and obtain a home of his own, so he falls behind in the rent and allows the landlord, when the latter takes the case to court, to make assertions against him that his conduct has not been satisfactory; that he permits noises to be made at night by parties enjoying themselves in his rooms; that he is not careful in the safe-keeping of the property—the walls, furnishings and so on. So, because of the landlord and the tenant putting their heads together, the court in its wisdom, and because of the facts presented to it, grants an eviction order and the tenant has a reasonably high priority for a permit for the erection of a house or to be granted rental premises.

I hate to say this, but I am told by several people who, I repeat, are in a position to know, that influences are at work that have been responsible for some of these things—which may not be quite in accordance with every particular I have suggested, but broadly they are and they are only some of many that could be quoted—and so many officers are directly or indirectly involved in these practices that discipline is becoming a diminishing quantity in the particular Government department concerned. Because of that, certain officers arrive when they like and leave when they like. I am informed that they are engaging in private

work during office hours; that at any hour of the day officers can be seen in either of two hostelries; and that money has passed. One person with whom I discussed the whole matter has been guilty of the offence. "But if I did not do it," he told me, "I would not be in the race to get this work done." Apropos the matter of doing work outside official duties, I am told that a number of officers are there and can be seen—and their initials are upon the plans—actually preparing plans for people outside. That is, they are doing work that has no relationship whatsoever with the work of the Housing Commission.

Mr. SPEAKER: Order! There is too much conversation.

Mr. GRAHAM: Several months ago I was warned that because of the influences involved, it would be, to say the least of it, injudicious on my part to raise the question of the Mayfair Theatre. I am informed that it would be exceedingly interesting to find out the circumstances under which the permit for that theatre was granted. I am told that in the first instance the Housing Commission rejected the application. The principal of the company which sought to construct this underground theatre below Levinson's building in Hay-street flew from the Eastern States and—I understand this is a most unusual procedure to say the least of it—waited on the Housing Commission itself in the morning and, in the afternoon, true to a bet he had had prior to going to the Commission, walked out with a permit in his possession.

I am unaware of the extent of the permit. I understand it was in the vicinity of £2,000 for necessary work to be undertaken. But that was only a start. What influences this particular individual had, I do not know; but I do know that the application of his company was rejected out of hand by the Housing Commission. Yet, after interviewing them for the purpose of obtaining permission to use building materials and employ workmen to construct a theatre—of all places!—that man, in the afternoon, had his permit. Somebody took the opportunity of going over these premises and found all sorts of wooden panelling, finely-carved and polished, and that a terrific amount of cement had been used in strengthening and fortifying the building in various respects. My informant said this work could not have

been done for less than £7,000. I would like to know how the extra material was obtained for that work to be carried out in addition to that provided for in the original permit which, I maintain, should never have been granted in the first place.

I hope that these remarks, which have been directed against a body or the servants of a body entrusted with a tremendous responsibility, will not be turned aside as being made by a member in order to secure cheap publicity. I realise that I may be taunted by certain people and that I run the risk of representations made by myself being prejudiced not out of hand but because very often there are a whole group of applications more or less on the same level and so it is obvious that those I was backing could somehow be omitted. I am not suggesting I should receive any special favour. I have never sought that. All I want is that justice should be done. That reminds me that I have been told—and this is directed particularly to the Premier—that it will be exceedingly difficult to check where sums of money have passed to officers for this reason: That there may be 50 applicants who are more or less in the same category, but there are only, for instance, 10 houses available. Anyone of those 50 applicants would be entitled to a house under this immediate distribution. But it was stated, with a full knowledge of what was being said and with a knowledge of the facts, that for certain considerations applicants stood a far greater prospect of being included in the 10. If, therefore, an inquiry were undertaken into a particular batch it would be exceedingly difficult to trace anything to an individual.

But these things are being done and I ask the Premier and all members to accept that solemn statement. I repeat that I am conscious of the seriousness of my utterances and that I seek nothing else except that the most stringent steps should be taken to overcome the situation. To be one of the ex-officio members of the Housing Commission, that I have suggested, is the last position I would desire because I know the amount of work that would be entailed. It would be interminable, and while it would take only a few short lines in a letter to make a complaint it would perhaps involve a day or more of inquiry and inspection to ascertain the facts. Such a position would, perhaps, impose too serious a burden on any

member of Parliament. But my intention was that there should be two representatives of this Chamber who could ferret out the details—names addresses and everything else—of specific cases and submit them to the Minister. But I am handicapped in many respects, as are all other private members. As a result, I have to rely on the integrity of other people. I have had to visit, beg and cajole in order to extract certain information.

I have submitted that information to the House, and may I say finally that if it could be demonstrated to me, not by any whitewashing process but by proper examination, that all the matters of which I have spoken are untrue, then I would be exceedingly happy; but it is impossible for that to happen as I know of my own knowledge. I am aware of discrepancies and irregularities that have occurred—particularly when we are mindful of the seriousness of the present position. There is no need for me to go into the details of the harrowing stories of the circumstances of many people today. If they had to wait because there was a genuine shortage, unfortunate though that might be, there would be very little that we, as members, could do about it, but when we find persons in no way entitled to consideration, being allocated houses by one device or another—particularly I am informed in the way of alterations or additions to homes, apart from the aspect of new houses being constructed—then it is time we took a definite stand.

As I said at the outset, whether we have one woman or a hundred women; whether we have an ex-Serviceman or not, and whether the Housing Commission consists of three, five, or fifty members, that in itself will make no difference whatsoever to the general housing and building programme. When houses can be secured without any valid claim, and when building materials can be purchased without permits, notwithstanding that there is an authority to police these matters, then I say we are merely tinkering with the whole subject by the proposition, no matter on how legitimate grounds, to increase the number of persons to be appointed to the Housing Commission. I support the Bill and do hope and trust that the Government will take some cognisance of what I have said, but not my remarks alone. I repeat, I am, with one

or two exceptions, the only member who has quoted a number of cases, but I say that practically every member could tell stories similar to what I have put forward.

Hon. E. H. H. Hall: I quoted a case and gave the name.

Mr. GRAHAM: Exactly. I ask members to do so when the occasion warrants, but it should not be necessary. I feel the Government is sufficiently aware of what is going on to initiate some action to overcome the present shocking state of affairs, without any beseeching on my part.

On motion by Mr. Leslie, debate adjourned.

House adjourned at 6.5 p.m.

Legislative Council.

Tuesday, 16th September, 1947.

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

CHAIRMEN (TEMPORARY) OF COMMITTEES.

The PRESIDENT: I desire to announce that I have appointed Hon. G. Fraser, Hon. A. L. Loton and Hon. W. J. Mann to be temporary Chairmen of Committees for the session.