

Legislative Council.

Thursday, 29th November, 1945.

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

QUESTIONS.

AUTHORISED TRANSPORT ROUTES.

As to Waiving Picking-up Regulations.

Hon. J. A. DIMMITT asked the Chief Secretary:

1, What is the result of the consideration given by the Government to waiving the regulations which prevent the picking up and setting down of passengers on any part of authorised transport routes?

2, What are the difficulties which were referred to by the Chief Secretary in his reply to my question on the 27th September?

3, What, if any, effort has been made to overcome those difficulties?

The CHIEF SECRETARY replied:

1, The termination of the circumstances connected with the coal situation and which were responsible for the temporary dislocation of the tram and trolley-bus service obviated the necessity for further action.

2, The difficulties referred to were centred mainly on the inability of privately operated motor omnibuses to cope with any additional loading.

3, Continuous efforts have been made for several years to secure new plant from overseas and to alleviate the manpower problem. Rubber and fuel supplies have also restricted road transport.

BUILDING OPERATIONS AND MATERIALS.

As to Commonwealth National Security Regulations.

Hon. H. SEDDON asked the Chief Secretary:

Will the Minister lay on the Table of the House a copy of the National Security Regulations, 1939-1943, of the Commonwealth, referred to in Clause 5 of the Bill for controlling building operations and building materials?

The CHIEF SECRETARY replied: Yes.

Hon. H. Seddon: As a matter of fact, I understand that the Chief Secretary has already laid the papers on the Table of the House.

BILLS (2)—THIRD READING.

1, South-West State Power Scheme.

Returned to the Assembly with an amendment.

2, Child Welfare Act Amendment (No. 2).

Passed.

BILL—STATE ELECTRICITY COMMISSION.

Further Recommittal.

On motion by Hon. H. Seddon, Bill again recommitted for the further consideration of Clause 8.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 8—Establishment of Commission:

Hon. H. SEDDON: I move an amendment—

That the following further proviso be added to Subclause (5):—"Provided further that when a vacancy occurs in the office of a Commissioner who represents the consumers the person to fill the vacancy shall be elected by the local authorities which elected his predecessor."

This amendment arises as the result of an amendment passed yesterday and is necessary for the purpose of filling a casual vacancy.

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

Bill again reported with a further amendment.

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [4.42] in moving the second reading said: It is proposed by this Bill to amend Subsection (3) of Section 6 of the parent Act in order to clarify the interpretation of an amendment made in 1941 which related to the appointment of temporary officers to positions on the permanent staff. This subsection, prior to amendment in 1941, provided that any person who had been employed continuously in a temporary capacity for not less than five years was entitled to apply to the Public Service Commissioner for appointment to the permanent staff, and in the event of his claim being rejected he could lodge an appeal with the Public Service Appeal Board. The necessity to amend the provision became apparent in 1941 owing to the heavy influx into the Public Service of temporary employees, which was caused by the numerous enlistments of permanent officers in the Fighting Forces. It was therefore suggested that the provisions of the subsection should be suspended for the remainder of the war and one year thereafter, and an amendment to this effect was approved by Parliament.

Then and subsequently it was considered that the amendment would prevent this period, namely from the 21st November, 1941, to one year after the war, from being included in any claim by a temporary officer for a permanent position. The amendment, which received the support of the Public Service Commissioner, the Civil Service Association and the temporary employees, was designed to obviate the possibility of persons temporarily engaged, while the permanent officers were on war service, from applying for permanent positions. There would be no opportunity for those persons to obtain permanent appointment as, in addition to the permanent officers who would be returning to their position, the Public Service Commissioner has to find positions for a large number of young men who are on what is known as the "Unattached List." These young men had, prior to the war, selected the Public Service for a career and had qualified by examination for permanent appointment. At the time of enlisting in or being called up for the Services they were

employed as temporary junior clerks and were waiting for permanent positions to become available.

In order that these young officers should have some security of employment they, on entry to the Forces, were placed on the permanent staff of the Public Service. The great majority of these young men are now over 21 years of age, and thus are entitled to senior positions. Many departments have more permanent officers returning than there are positions available. This is caused by the fact that several young men, all fully qualified, may during the war years have at different times occupied the same temporary junior position, and then have been permanently appointed when entering the Forces. It will thus be seen that when demobilisation is complete there will at least be ample permanent officers available for the Public Service.

It would therefore be unwise to allow persons who were appointed for a temporary period only an opportunity to claim permanent appointment. The opinion has been advanced, and it is supported by Crown Law authorities, that the 1941 amendment can be interpreted as suspending only the right to apply for appointment during the period, whereas its intention was to prevent the balance of the war years, namely, from the 21st November, 1941, onwards, and one year thereafter, from being included in any qualifying period towards permanent appointment.

The Bill which I am introducing will ensure that this original intention can be implemented. It will create no hardship for temporary employees who, on their appointment, were made aware that their services would not be required when the permanent officers returned to duty. Subsequent to the end of the war they were again advised in a similar strain, and it was suggested that it would be advisable for them to accept other work whenever it was available. In asking members to support the Bill I feel that I should pay a tribute to the excellent service given to the State in a most trying time by those temporary employees whose services will, through necessity, soon have to be dispensed with. I move—

That the Bill be now read a second time.

On motion by Hon. E. H. H. Hall, debate adjourned.

BILL—PUBLIC WORKS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.48] in moving the second reading said: This Bill seeks to amend the Public Works Act, 1902-1933, two of the amendments being applicable to Section 2 of the Act and the other to Section 5. Section 2 deals with definitions, and it is desired to amend the interpretation of "Public Works" and "Work" in order that the Government may be empowered to obtain from private land materials such as timber, stone, gravel and earth which may be required for any industrial or other undertaking which is being operated by or for the State under statute. Section 112 confers these powers upon the Minister in connection with the construction or repair of any public work, but at present the definition of "Public Work" and "Work" does not include any reference to industrial and other undertakings conducted by the State.

There are two very important undertakings which the Government is developing, and for which in the future it will be necessary to obtain timber, ironstone and other materials. I refer to the alunite or potash industry at Lake Chandler, and to the production at Wundowie of wood distillation products and charcoal-iron. It is obvious that it would not be advisable for the Government to purchase land with the sole intention of obtaining timber, etc., nor would the majority of landowners wish to sell their properties for this purpose. The amendment is therefore very simple. It merely seeks to add to an already extensive list of definitions in respect to the words "Public Works" and "Work" and will give the Government authority to obtain essential materials required in the development of its secondary industries.

It will also extend a practice that has been in operation for a considerable time, and in the functioning of which the Government has received excellent co-operation from landowners. Should any person feel dissatisfied with the prices offered him by the Government for materials obtained from his property under the authority of the Act, he is entitled, under Section 113, to the right of appeal which is heard by a compensation court. This court is composed of a president and two assessors, one representing the ap-

pellant and one the respondent. Should the claim be under £500, a resident magistrate is appointed as president, but if it exceeds that amount the president is a judge of the Supreme Court, unless the Judge appoints a resident magistrate to act for him or unless both parties are agreeable to the appointment of a resident magistrate.

The second amendment includes as a definition of "Public Works" and "Works" the words "Buildings and structures required for fire brigade purposes." At the present time there is no authority in the Act, or in the Fire Brigades Act, 1942 for the acquisition of land upon which to establish buildings and structures essential to the most important work of fire fighting. The necessity for the amendment has been stressed by the Fires Brigades Board because of the difficulty in obtaining land in and outside the metropolitan area for fire brigades purposes, and in anticipation of the general development of the fire fighting purposes.

The last amendment proposes to appoint the Minister for Works a body corporate with perpetual succession and common seal. A great deal of difficulty and embarrassment have arisen for a considerable period owing to the Minister not being a body corporate. At the present time the person occupying the position of Minister for Works, in signing documents and leases for or obtaining leaseholds of private property required for public purposes, does so in a more or less private capacity. This applies also in the establishment of contracts, and it may in some circumstances be necessary to obtain the signature of the Minister who signed the original document, although he may have been retired for a considerable time. When a Minister has died, other difficulties have arisen.

Although specific authority is provided in the Act for the Minister to let land for public works, there is no similar authority for the renting of private premises for State purposes, and the creation of the Minister as a body corporate will give him the power to enter into such contracts. The Solicitor General is firmly of the opinion that the Minister for Works should be established as a body corporate on a similar footing to other State Ministers, such as the Ministers for Education and for Lands. In commending the Bill to the House I do so in the full knowledge that

the amendments are essential in the administration of the departments controlled by the Minister for Works. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILLS (5)—FIRST READING.

1, War Service Land Settlement Agreement (Land Act Application).

2, War Service Land Settlement Agreement.

3, Industrial Development (Resumption of Land).

4, Financial Emergency Act Amendment.

5, Mortgagees' Rights Restriction Act Continuance.

Received from the Assembly.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. G. FRASER (West) [5.4]: I support the measure. All down the years there have been many cases in the courts when the charges against the persons concerned have been dismissed, and as a result people have been somewhat puzzled over the decisions arrived at. The parties implicated have got off scot-free, the reason being that they have been charged with manslaughter because there was no provision whereby they could be charged with having committed a lesser offence. This Bill will set that right. In future there will be an opportunity to charge an offender with having committed an offence other than manslaughter. This legislation is long overdue.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 5.7 p.m.

Legislative Assembly.

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

QUESTIONS.

WATER SUPPLIES, UNDERGROUND.

As to Ranney System of Tapping.

Mr. BRAND asked the Minister for Agriculture:

1, Has the Department of Agriculture given consideration to the Ranney system of water production from underground sources?

2, If so, does the department consider that this system would be of utility in country areas in this State which are at present without adequate water supplies?

3, As this system claims to be of particular utility not only for industrial purposes, but also for supplies for country townships, would the Government be prepared to put down a test Ranney unit in some area like the Greenough district, where underground waters or streams have been proved to exist?

The MINISTER replied:

1, 2, and 3, There is very little information available regarding the Ranney system of obtaining water from underground sources. I am arranging for an inquiry and a statement will be submitted as soon as this is available.