

Legislative Assembly

Tuesday, 16th September, 1952.

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

QUESTIONS.

RAILWAYS.

As to Replacement of Footbridge, Maylands Station.

Mr. OLDFIELD asked the Minister representing the Minister for Railways:

In view of the easing in supplies of timber, will he give consideration to the immediate replacement of the overhead footbridge at Maylands railway station, by a ramp, as in the past all proposals for this work have been dismissed on the plea that the necessary timber was not available?

The MINISTER FOR EDUCATION replied:

The reply given to the hon. member on the 13th March last indicated that a replacement would be made when the present structure was due for complete renewal. The same position obtains today.

BASIC WAGE.

As to Price of Bread and Allowance for Rent.

Mr. JOHNSON asked the Premier:

In reply to a question on the 2nd September, 1952, the Attorney General stated, "there is no person attached to the Arbitration Court in a position to supply the information requested"; and as the Chief Secretary on the 14th August, in reply to a question, stated, "The statistical information upon which the basic wage is fixed . . . is not supplied to any department other than the Arbitration Court," can he state whether any State Government employee can answer the questions—

- (1) How much the recent rise in the price of bread will increase the next basic wage declaration if all other influences are ignored?
- (2) How much of the present basic wage is rent allowance?

The PREMIER replied:

There is no State Government official who is in a position to give this information.

TRAFFIC.

As to Eyesight Tests in Accident Cases.

Mr. JOHNSON asked the Minister for Police:

(1) Is it possible to arrange for persons concerned in traffic accidents to be tested as to vision in a manner similar to tests made for drunkenness?

(2) If so, will he arrange for such a check to be made for a definite period?

The MINISTER replied:

(1) and (2) A test for drunkenness is only made when there is reason to suspect that the driver is under the influence of liquor. Similarly an eye test is made if there is reason to believe that the person concerned has defective eyesight.

GUILDFORD ROAD.

As to Rehabilitation.

Mr. OLDFIELD asked the Minister for Works:

(1) Have all the necessary signatures been secured in relation to the agreement for the rehabilitation of Guildford-rd., as agreed upon between the Main Roads Department, Local Government Department and the local authorities concerned?

(2) If so, when will the Main Roads Department commence work on this undertaking?

(3) Has the Main Roads Department completed its plans and arranged a schedule for this work. If so—

- (a) what portion of the road will receive attention first;

- (b) what portions of this road will be receiving attention during the first 12 months of the agreed six years?

The CHIEF SECRETARY (for the Minister for Works) replied:

(1) Yes.

(2) As soon as possible following on a survey to determine road and drainage requirements relative to other existing public utilities in the road reserve.

(3) As indicated in (2), plans and schedules have not been finalised.

MT. HENRY HOME.

As to Inmates and Cost.

Mr. McCULLOCH asked the Minister for Health:

(1) How many aged women from the Kalgoolie-Boulder area are now inmates of the Mt. Henry Home whose residential private address immediately prior to admission was in the abovementioned area?

(2) How many of those aged women referred to in (1) have been inmates of the home since the home was opened?

(3) What is the cost per day to the Government of an inmate who does not require medical attention and who is able to perform her normal domestic requirements?

(4) How many patients are now awaiting admission to the home, if any, and in what area do such applicants now reside?

The MINISTER replied:

(1) Two.

(2) Nil.

(3) The cost per patient per day is £1 2s. 7d. gross, including all inmates.

The average age is 78 years, and all require supervision, medical attention and personal assistance.

(4) Metropolitan area, 458; elsewhere, 53. I have attached a list of the latter.

List of Applicants from Country Districts awaiting Admission to Mt. Henry Home.

Albany, 7; Beverley, 1; Bunbury, 3; Burekup, 1; Busselton, 2; Brookton, 1; Calingiri, 1; Capel, 1; Carnamah, 1; Corrigin, 1; Geraldton, 4; Kalgoolie-Boulder, 8; Kununoppin, 2; Mundijong-Byford, 3; Merredin, 1; Moora, 1; Mandurah, 2; Nanup, 1; Nyabing, 1; Nungarin, 2; Pemberton, 3; Woodanilling, 1; Wagin, 2; Wubin, 1; Wickiepin, 1; Yarloop, 1. Total, 53. Metropolitan area, 458.

PRINCESS MARGARET CHILDREN'S HOSPITAL.

As to Accommodation and Vacant Beds.

Mr. GRAHAM asked the Minister for Health:

(1) What is the total accommodation for patients at Princess Margaret Children's Hospital.

(2) How many vacant beds are there at the present time?

(3) What was the number of vacant beds at this time last year?

The MINISTER replied:

(1) Two hundred and nineteen beds.

(2) Forty-three beds.

(3) Thirty-eight beds.

WORKERS' COMPENSATION ACT.

As to Introducing Amending Legislation.

Mr. W. HEGNEY asked the Premier:

(1) Is he aware that when the Workers' Compensation Act was amended in December, 1951, the metropolitan basic wage was £10 5s. 8d.?

(2) Is he aware that such basic wage is now £11 12s. 3d.?

(3) As his Government recently caused Standing Orders to be suspended so that industrial legislation could be passed, will he act similarly to amend the Workers' Compensation Act to give injured workers more reasonable compensation whilst incapacitated?

(4) If reply to question (3) is in the negative, will he give the House an undertaking that a Bill to amend the Workers' Compensation Act will be introduced during this session?

The PREMIER replied:

(1) Yes.

(2) Yes.

(3) As the Address-in-reply debate has concluded, the occasion for which Standing Orders were suspended has now passed. Legislation is being drafted.

(4) Answered by (3).

HOUSING.

As to Pre-fab. Homes.

Hon. J. T. TONKIN asked the Minister for Housing:

What materials not included in the components of pre-fabricated houses supplied by Thermo-Insulated Units Ltd., to the State Housing Commission, are required to be provided by the contractors, Messrs. Sandwell & Wood, to enable that firm to complete the erection of a house to the specifications of the Housing Commission?

The MINISTER replied:

Stumps, sole plates, bearers and ant caps.

Internal linings.

Roofing tiles.

All electrical components.

Glazing and window sash balances.

W.C. suite.

Stainless steel sink and drainer, stove and canopy, bath heater and flue pipes.

Water pipe reticulation from meter to house.

Glazed earthenware pipes and fittings.

Paints, tar and flashings.

Water troughs, copper, clothes posts and rails.

Composition floors to bath room, laundry and W.C.

Fencing and paths.

Bricks, sand, cement, lime and aggregate.

FISHERIES.

As to Re-establishment of Trawling off Albany, etc.

Mr. KELLY asked the Minister for Industrial Development:

(1) Is there any proposal at present to have a modern diesel trawler placed in the waters off Albany with a view to re-establishing the trawler fishing industry in that area?

(2) If not, does the Government intend using the plant installed at Seafoods Limited, Albany, for the snap freezing of vegetables and other suitable commodities?

(3) If not, does the Government intend to dispose of the plant and machinery installed at Seafoods Limited, Albany?

(4) What is the Government's policy regarding the payment of debts incurred by Seafoods Limited?

(5) If the Government intends to pay such debts, when are payments likely to be finalised?

The MINISTER replied:

(1) No.

(2) No.

(3) Inquiries are being made to ascertain if anybody is interested in using Seafoods' premises and refrigeration plant as a unit. Sundry items of stock and equipment are being disposed of.

(4) The Government has agreed to meet all Seafoods' trade creditors who have substantiated their claims.

(5) Cheques are now being drawn.

BILL—MARGARINE ACT AMENDMENT (No. 1).

Introduced by the Minister for Lands, and read a first time.

BILL—HEALTH ACT AMENDMENT (No. 2).

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR HEALTH (Hon. Dame Florence Cardell-Oliver—Subiaco) [4.40] in moving the second reading said: This is a short Bill and I hope it will not be a contentious one. Its purpose is to make plain certain facts that require clarification. In 1948 the Health Act was

amended in order to give local authorities power to regulate the collection of pig swill. It has been found that "pig swill" lacks a firm meaning in law and for this reason it is desired to amend Section 3 of the principal Act to provide that "pig swill shall mean residues or wastes whether solid or liquid, or part of each, from kitchens, manufacturers, shops, abattoirs or markets, which residues or wastes may be used as food for pigs."

Section 102 of the principal Act requires that a person undertaking any work necessitating the employment of workmen shall provide sanitary conveniences for the use of such workmen. Much building is undertaken by groups of persons working under partnership or general contract arrangements, so that in fact no workmen are employed in the sense that they are servants in receipt of wages. Neglect to provide sanitary conveniences at building works has been fairly common and local authorities have been unable to take corrective action where wages employees are not engaged in the work. It is proposed that the existing Section 102 be repealed and re-enacted in the form set out in Clause 3. If it is passed, it will remove the present loopholes, and permit the elimination of the nuisances now being committed by a few people who are taking advantage of the situation.

Before any fitting or part may be used in any sewerage work in the metropolitan area, it is necessary for it to be inspected and branded by officers of the Metropolitan Water Supply, Sewerage and Drainage Department. In the course of their duties the inspectors reject a number of misshapen or otherwise defective items, and it has become a practice for some traders to dispose of defective and rejected fittings to persons constructing septic tanks. Country customers in particular have suffered. Fixtures and fittings used for septic tanks must be of equal quality to those used for deep sewerage installations. Unsuspecting purchasers of rejected parts have been put to extra expense and inconvenience in making good septic tanks which have failed to function correctly because of material defects. Paragraph (a) of Clause 4 provides for standards to be prescribed for fittings and parts to be used in the construction of septic tanks. It also provides for marks to be applied to fittings which have been passed as satisfactory. Paragraph (b) of Clause 4 authorises the making of bylaws in regard to sanitary conveniences being provided on the work sites. This is complementary to the new proposed Section 102 of the Act which has been dealt with in Clause 3.

At present, the Health Act prohibits the establishment of an offensive trade unless the premises have been registered with the local authority. Registration must be renewed every year and a fee up to £5 is

charged for each registration. Piggeries are listed as an offensive trade in the second schedule to the Health Act, and consequently every person in the State who keeps pigs for sale must go through the procedure of registration each year. This is very necessary where a piggery, with its characteristic odour and attendant nuisances, is situated adjacent to built-up areas. However, it becomes a vexatious formality to the bona fide farmer whose property is remote from townships, major roads or neighbours. For example, a wheat farmer who raises pigs usually keeps them on open grazing, and feeds them on grain and the surplus or skimmed milk from his domestic cows. In such circumstances public health is not endangered, no nuisance to the community exists, and the registration is unjustified.

There is one factor that necessitates the retention of controls, irrespective of the situation of the premises—that being the use of swill as pig food. Pig swill is dangerous and creates a nuisance unless it is properly processed before use. During the war years an outbreak of swine fever cost producers in the State thousands of pounds. The disease has now been eliminated by strict observance of precautionary measures; of prime importance is the control of the use of swill as pig food.

Mr. Griffith: Does the Minister know that there is not the equipment to treat pig swill in the country?

THE MINISTER FOR HEALTH: We will deal with that aspect during the Committee stage. For the reasons given, the Government has decided that the insistence on registration of all piggeries throughout the State is unnecessary. Instead, it proposes that areas where piggeries would be a nuisance to the public should be defined, and all premises in such areas will require to be registered under similar provisions to those now applying. In addition, every farmer who uses pig swill to feed his stock will be required to register whether the premises are in a prescribed area or not. The majority of farmers will, therefore, be exempted from registration, while all necessary safeguards will be maintained. This is the intention, and effect, of the amendment proposed in Clause 5 of the Bill. The consequential amendment to the second schedule is dealt with in a later clause. Clause 6 gives administrative authority to implement the provisions of the preceding clause.

Mr. SPEAKER: I must ask the Minister not to give the clause numbers, but merely say "the measure provides".

THE MINISTER FOR HEALTH: Very well! Local authorities, within the limits of their respective districts, are charged with the administration of the Health Act and the food and drug regulations. Frequently foodstuffs which are under standard are found in the possession of a

retailer who has obtained them from a manufacturer or wholesaler whose business is situated outside the boundaries of the local authority. On many occasions the nature of the defect indicates that the retailer is not responsible and that he purchased supplies in the belief that they were of good quality; in that respect he complied with the law. Local authorities are reluctant to prosecute the retailer in such circumstances, but the law makes him liable to prosecution.

If the retailer is prosecuted he can recover the fine and costs from the manufacturer. In practice the manufacturer sends his cheque to the retailer leaving the retailer to bear the publicity which is usually a heavier penalty in itself than the fine. Simple justice dictates that we should seek the guilty party when launching prosecutions or inflicting penalties.

The next provision in the Bill extends the jurisdiction of the local authority beyond its boundaries for this purpose. Without affecting the powers of a local authority as they exist under the Act the Bill seeks to authorise the taking of proceedings against a manufacturer of a deficient product, even though the manufacturer may carry on business outside the district of the local authority. In cases of doubt both the retailer and the manufacturer may be joined in proceedings.

Subsection (2) of Section 276 of the Health Act requires that a local authority shall pay a sum of 2s. to the medical practitioner who notifies a case of infectious disease. With the passage of time the style of notification has changed a good deal and with some diseases a great deal of information must be furnished by the medical practitioner. This is largely occasioned by research and other work carried out by the Public Health Department. Where notification makes demands upon the medical practitioner's time it is felt that the sum of 2s. is insufficient payment. At the same time, when the information is primarily required by the Public Health Department, it is considered unfair that the local authority should pay the notification fee. The Bill therefore provides for different fees to be fixed for notifying various diseases. The local authority or the Minister would be liable to make payment according to circumstances.

The Hospital Benefits Agreement of 1945, which was concluded between the States and the Commonwealth, prohibited any charge being raised against a patient occupying a public ward hospital bed. The Infectious Diseases Hospital was regarded as a public hospital for the purposes of the agreement. The Health Act makes local authorities liable for the hospital fees of infectious disease patients, and the local authority was authorised to collect the amount paid by the patient. This con-

flicted with the agreement, and Section 322 of the Health Act was repealed by the Health Act Amendment Act of 1950. On the 1st May of this year the Hospital Benefits Agreement of 1945 was replaced by a new agreement under which patients became liable for a proportion of hospital charges. The situation has therefore reverted to a position similar to that which existed prior to 1945.

At present local authorities have no right to recover amounts paid for hospital treatment, and road boards and municipalities obviously could not meet the drain on their finances. It is therefore necessary to re-enact Section 322 of the Health Act and provision is made for this in Clause 9 of the Bill. When dealing with another provision in the Bill I mentioned that the second schedule of the Act, which lists offensive trades, would require amendment to bring it into line with amendments made to Section 191. Provision is therefore made in the Bill to limit the application of the schedule to piggeries established within prescribed areas or where the pigs are fed on pig swill.

In presenting this Bill, I have found it necessary to pass back and forth from one portion to another, but the point is that so many of the Acts one goes through seem to require reconstructing from the first section to the last. I apologise, therefore, for reading the provisions of the Bill in the way I have. The measure deals with various parts of the Act which it seeks to amend and though the provisions may not seem to coincide, if members will read the Act and the Bill together, it will be found that they do. I move—

That the Bill be now read a second time.

On motion by Hon. E. Nulsen, debate adjourned.

BILL—HEALTH ACT AMENDMENT (No. 1).

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR HEALTH (Hon. Dame Florence Cardell-Oliver—Subiaco) 14.56] in moving the second reading said: This is another small Bill which deals with pesticides and methods of poisoning. Since the war there have been introduced on to the market a number of highly poisonous substances for the control and destruction of insects and similar pests. Among these insecticides is the group referred to as toxic organic phosphates. These substances are based on the formula of a war gas invented by the Germans. Besides the

organic phosphates there are a number of other equally dangerous compounds. Persons engaged in handling these substances must go to great lengths to protect themselves and others against poisoning. Inhaling vapour or having the material splashed on the skin may result in death unless adequate treatment is early available.

In a number of other parts of the world deaths have recently occurred due to improper handling of dangerous insecticides and weed killers. Because of this the Government has decided to ask Parliament to amend the Health Act in the manner contained in this Bill. The measure takes the form of an amendment of that portion of the Health Act which now deals with food and drugs. It is proposed to set up a committee comprising the Commissioner of Public Health, the Government Analyst, the Registrar of the Pharmaceutical Council and the Director of Agriculture. This committee would have power to co-opt a representative of trade interests. The committee would also be responsible for recommending measures for the safe manufacture, marketing and use of these substances.

The Bill amends that section of the Health Act which deals with the titles of parts of the Act and inserts a new division to deal with pesticides in Part VIII. The name "pesticides" has been widely adopted to embrace a range of substances now used to destroy insects, weeds and similar living bodies. A specific meaning has been given to the word in part of the Bill to include disinfectants as pesticides. Disinfectants are already embraced in the provisions of the Act and the reference now made in the Title is simply for clearer indication. It would be impracticable with these poisons to adhere to the method of dividing samples into three equal parts, as is followed with food samples. The Bill therefore provides for the taking of three unopened packages. I hope I make this clear because I believe it has been the custom to divide a sample. This has been found to be very dangerous, so now three packages will be taken. The remaining provisions of the Bill comprise the proposed new division dealing with pesticides. It is not intended to invade the field of responsibility of the Pharmaceutical Council, and this is expressed in the Bill.

As mentioned earlier, it is proposed to set up an advisory committee. The composition of the committee, as specified in the measure, would ensure that the Government received qualified and responsible advice in framing regulations. Any member of the committee, other than those employed in the State Public Service, would be paid fees for attendance at meetings. This is similar to the arrangement for the Foods Standards Advisory Committee, which has existed for many years.

It is expected that the safe use of some pesticides, particularly the organic phosphates, will be governed by a number of variable factors such as the isolation of the premises from neighbours, the presence of food establishments, and whether they are to be used in the open air or in an enclosed space. For this reason the Bill seeks to confer some discretionary power on inspectors in policing the use of these highly dangerous substances.

The composition of these substances is complex. The individual is, therefore, to be protected against legal consequences provided that he has not been guilty of flagrant disregard of his obligations. The dangerous nature of modern pesticides demands that every user be properly informed of the risks of use and the safety precautions to be observed. It is expected that regulations would specify that all dangerous pesticides shall have attached to the label directions for safe use, and antidotes in case of poisoning. Another probable control would be the specifying of a minimum period before any food crop could be marketed after spraying. I move—

That the Bill be now read a second time.

On motion by Hon. E. Nulsen, debate adjourned.

BILL—MILK ACT AMENDMENT.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [5.31] in moving the second reading said: This Bill, which sets out to amend the Act of 1946-48, deals with the maximum amount of compensation payable in respect of the destruction of any one T.B. reactor condemned under the parent Act. At present the maximum compensation payable is £20, while this Bill proposes to increase the amount to £35.

Hon. E. Nulsen: An increase of 75 per cent.

The MINISTER FOR LANDS: That is so. The parent Act was passed in 1946 and testing for T.B. commenced in July, 1947. From that time until the 30th June, 1952, a total of 100,377 cattle have been tested, including re-tests, of which number 7,310 were slaughtered. Over the same period, a sum of £129,739 has been paid by way of compensation.

Mr. Nalder: From what fund has that been paid?

The MINISTER FOR LANDS: I shall tell the hon. member presently. I am pleased to inform the House that the re-

testing of herds has revealed a remarkably low incidence of reactors. The incidence of T.B. has been heaviest in the metropolitan dairy area, the unirrigated part of the South-West coastal dairy area north of Pinjarra, and in the Eastern Goldfields dairy area. The following percentages show how substantially the incidence has been reduced:—

	Retests since	
	Initial Tests. %	1st July, 1951. %
Metropolitan dairy area	46	2.5
South-West coastal dairy area north of Pinjarra ...	20	1.5
South of Pinjarra	4	.3
South coastal dairy area	8	.2
Eastern Goldfields dairy area	50	2

Those percentages show a remarkable reduction in the number of dairy cattle infected with T.B. Members will be pleased to learn that the Dairy Cattle Compensation Fund is in a very sound position. At the 30th June last, the balance stood at £29,708 8s. 5d. In 1948, the Act was amended to limit payment to the compensation fund to licensed dairymen on a voluntary basis, the maximum payment under the regulations being 1d. for every gallon of milk sold. Although payments were on a voluntary basis, if a licensed dairyman did not contribute to the fund, he was not entitled to receive any compensation. The Treasury contributes on a pound-for-pound basis on contributions collected from dairymen, and the salvage value of reactors and hides is paid into the fund.

Commencing on the 18th March, 1949, the rate of contribution was 1d. for each gallon of milk sold. However, owing to the healthy state of the fund and the heavy drop in the incidence of T.B. throughout the herds, the rate was reduced to one-eighth of a penny. This took effect on the 1st July last. Taking this reduction into account, it is estimated that contributions from dairymen during the current financial year will amount to £5,000, and a similar amount will be payable by the Treasury.

Practically all herds belonging to licensed dairymen have been tested and some have been re-tested on various occasions. New dairymen are constantly being licensed by the board and their herds will need to be tested in due course. While the information I have given the House is not connected with the Bill before us, I felt that it would be of interest to members.

Mr. Hoar: How far south has the testing extended?

The MINISTER FOR LANDS: It covers the whole milk area, which has been extended down to about Brunswick.

Hon. E. Nulsen: It covers only the whole-milk area?

The MINISTER FOR LANDS: Yes.

Hon. E. Nulsen: No area in my district, for instance?

The MINISTER FOR LANDS: That is so. Thus the introduction of legislation has resulted in dairy herds being cleaned up and of the milk supply being derived from healthy cattle. It must be reassuring for the public to know that the milk supply is coming from tested and healthy herds.

Hon. E. Nulsen: It is very fine to know that.

The MINISTER FOR LANDS: The great reduction in the incidence of T.B. has certainly demonstrated the value of this legislation. It is also satisfactory to know that the fund is in such a healthy condition, and that we have been able to reduce the contributions by dairymen so considerably. The general trend nowadays is for contributions and charges to be increased, but here is an instance where they have been reduced.

It is to be hoped that as a result of this testing, the herds will not deteriorate. I do not think they will. This aspect is being carefully watched by officials of the Department of Agriculture, and so long as a close watch is kept upon the herds and they are regularly tested, I think there need be no fear on that score.

Mr. Nalder: Is it possible for any producer to have his herd tested voluntarily?

The MINISTER FOR LANDS: Yes; any dairyman who wants his herd tested has only to inform the Department of Agriculture and the necessary arrangements will be made. I move—

That the Bill be now read a second time.

On motion by Mr. Hoar, debate adjourned.

BILL—FRIENDLY SOCIETIES ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. V. Doney—Narrogin) [5.13] in moving the second reading said: Members will have noticed that this Bill is the one that was selected by the Premier on the opening day as the privilege Bill. As is customary with privilege Bills, this is a simple measure that calls for very little explanation. It has been brought down because of the growing demand for funds to provide hospital benefits following the increased cost of hospital treatment generally.

The need for the Bill has become rather urgent because of the introduction of the Commonwealth Government's Hospital Benefits Act of 1951. This Bill seeks to amend two sections of the principal Act. Those are Sections 7 and 36. They deal with the objects for which friendly soci-

eties may be registered and the benefits which society members may enjoy. All such benefits are important, but there cannot be any doubt that the most important is that connected with ill-health. The sections referred to contain provisions that limit the benefits which may be granted to members by way of periodical payments. That limitation is fixed at 60s. per week. There is a provision requiring that those societies which contract for payments beyond the amount I have mentioned shall not be registered. That has been the situation for the last 30 years.

Some doubt has arisen whether certain payments, such as those for hospitalisation, are to be considered as periodical payments. Registered friendly societies are important organisations when it comes to making provision for insurance against sickness and resultant hospitalisation, and particularly is this so with regard to the new Commonwealth hospital benefits scheme. So that there shall be no doubt of their ability to provide payments consistent with today's monetary values, it is proposed, by this Bill, to remove the limiting provisions from the Act. The reference is to the 60s. per week that I mentioned.

It is proposed to effect this by deleting provisos and words from Sections 7 and 36. The Bill is a simple measure, the principles of which I have been informed have been agreed to by the Friendly Societies Council and the Registrar of Friendly Societies. So far as I can see, that is as much as need be said in explanation of the measure. I move—

That the Bill be now read a second time.

On motion by Mr. Graham, debate adjourned.

BILL—CHILD WELFARE ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th September.

MR. STYANTS (Kalgoorlie) [5.18]: I have given some consideration to the amendments contained in the Bill and, with slight modifications, I can support them whole-heartedly, because generally they are for the welfare of children whose lot, often through no fault of their own, has been cast in not very pleasant surroundings. This applies only to children who have been placed in homes privately; that is, otherwise than by court order. I take it that those who have been placed in a home by a court order do not come within the provisions. It is true that some people place their children in such institutions and promptly forget any responsibility they may have for their upkeep.

The department claims it has no jurisdiction over these children, and the main difficulty is to get the court to agree that they should be placed under the wardship of the State at some time, generally when they require assistance; namely, when they are old enough to go to work. The Minister should make it quite clear that this should not in any way be construed to apply to children who have been placed in an institution by a responsible person as defined by the Act; and that while a responsible person may, under the wording of the Bill, be adjudged not to have contributed regularly to the maintenance of a child, he may have made frequent contributions to that maintenance, in which case the department should not make any claim.

It would be possible, as the measure is worded, for this to happen: A widow may have placed her child in an institution and may have contributed reasonable amounts towards its upkeep. She may, however, have missed certain payments. For instance, she may have made 45 out of 52 weekly payments in a year. Under the wording of the Bill, those payments would not be regarded as regular contributions towards the upkeep of the child. I do not know whether the department would be likely to take action in a case of that kind, but I certainly think that so long as an attempt is being made within the financial ability of the responsible person to contribute to the upkeep of the child, the department should not endeavour to have it declared a destitute child.

The next amendment concerns the definition of a neglected child. The Act already contains nine definitions; and the amendment proposes that in cases where the mental, physical or moral welfare of a child is likely to be in jeopardy, it can be declared to be neglected. I think that a combination of the nine definitions already in the Act could be construed to cover an instance of that kind; but, if the department considers it necessary to have an additional definition, I do not think the House will have any objection.

The next provision is for an alteration of the definition of "ward". It is proposed to delete the present definition. It appears that children are frequently committed to institutions but never enter them because the court, when committing them, allows some responsible person to enter into an undertaking to look after them, and such children are more or less on parole, the parole being dependent upon good behaviour. The department claims that it has no jurisdiction over those children while they behave. It contends that it could frequently be of assistance to them by providing clothes or support of some other kind, or education, or training; and if it is agreed to alter the definition of "ward" along the lines suggested in the Bill, the department will be able to assist in that direction. That

is quite a laudable objective. I have heard it claimed that a ruthless application of the provision might be possible, but I hardly think that in the circumstances outlined to me the department would be likely to exercise any power over wards on parole that was not for the absolute good of the children themselves.

Paragraphs (b) and (c) of Section 30 of the Act establish a specified time for which a child may be committed to the State or to an institution. Paragraph (a) does not do so. The Bill proposes to delete Section 30 with a view to making an overall provision so that paragraphs (a), (b) and (c) shall contain a definite and specified period for which a child may be committed to the State. I understand some difficulty has been experienced with at least one country magistrate who claims that under paragraph (a) it is not permitted to establish a definite period, but paragraphs (b) and (c), which provide for committal not to the State but to institutions, contain a definite period, which is up to 18 years. The proposal is to make paragraphs (a), (b) and (c) uniform, and I see no objection.

The Bill proposes to insert a new section to the effect that where an application is made to the court to declare a child a destitute child as defined in Section 4 of the Act, the court shall declare the child to be a destitute child and shall commit him to the care of the department if the court is satisfied that—

(a) the governing authority or the department on behalf of a subsidised institution has taken all available proceedings to obtain an order against the near relative of the child for regular contributions towards the maintenance of the child; and

(b) the proceedings have failed to obtain from the near relative the maintenance.

I take it that that is a new section to provide that where a child has been put into an institution by some means or other and no responsible person can be found, and the institution has been called upon to foot the bill, the court may declare the child a destitute child and allow the department either to look after its welfare or pay the institution the amount set out in the Act for its upkeep. I do not see anything wrong with that.

The next amendment deals with the case where a waif or foundling is left with nothing to indicate its origin or what its name should be, and the purpose is to give the department the right to name such a child. There has been at least one case in this State—and more in the Eastern States, as outlined by the Minister—of a child being left on a doorstep, in a park or elsewhere, with no indication of its name or who its parents might be. I understand that in such circumstances the

legal position is that, with the assistance of doctors, the court has the right to assess the child's age, but no right to give it a name. Difficulty can then arise when the child is to be registered by the Registrar.

The Bill provides that in such a case the department shall have the right to give the child a name, but there is the safeguard that if at some future date reliable information comes to hand that the child already had a name, that is the name to which the name given by the department shall be changed. I understand that in one case in this State a child was abandoned and the department took it over and gave it a name, but eventually the mother turned up and claimed it and, of course, it was then registered in its right name.

In Clause 6 it is proposed to add a new subsection to Section 68, allowing for an appeal to the Children's Court. When introducing the Bill the Minister informed the House that this procedure had been customary, but that its legality had recently been questioned by a magistrate who contended that any claim by a woman—who had been divorced or was in the course of divorcing her husband—for maintenance for her children should be made to the Supreme Court, rather than to the Children's Court. The intention of the Bill is that, owing to the costs incurred in an approach to the Supreme Court, the system that has operated smoothly for many years should be permitted to continue, and I think that is reasonable.

I am not well-versed in court costs, but I understand that one cannot approach the Supreme Court without engaging a solicitor to appear on one's behalf. The Bill provides that where there is no Supreme Court order for the maintenance of the children the woman, three months after the decree absolute, may approach the Children's Court for an order for the maintenance of her children. If we turn it the other way round—I would like the Minister to give consideration to this point—a woman who has obtained a decree absolute could, within three months, approach the Children's Court and, if not satisfied with the amount of maintenance granted there, approach the Supreme Court and get an order which would override that of the Children's Court. If a woman first approaches the Supreme Court and gets an order with which she is not satisfied, she cannot then approach the Children's Court, but if she approaches the Children's Court first and is not satisfied with its order she may then approach the Supreme Court.

Clause 7 seeks to amend Section 69, which lays down the maximum payment that can be demanded from a husband for the upkeep of a child. Apparently this is a fairly ancient provision as the maximum laid down is £1 per week, which would be totally inadequate today, and this clause seeks to raise that maximum to £2 per week in the case of children who

are not wards of the State and—for some reason inexplicable to me—£2 10s. per week in the case of wards of the State. I have not been able to find out why there should be a preferential distinction in favour of wards of the State. If it costs the State a maximum of £2 10s. per week to maintain a child in a given institution, I take it that the maximum, in a like set of circumstances but in some other institution, would be the same for a child not a ward of the State.

Some retrospectivity is also allowed for in this clause. The responsible person can be sued not only for current maintenance but also for past payments as well. I can see the justice of that provision where a person quite able to maintain the child has absconded for two or three years and remained out of reach of the authorities, thus being able to evade the payments, and I do not know that any anomalies have been created by the provisions of the parent Act in that regard, but I can visualise circumstances under which injustice could be done.

I have in mind a case where a woman is deserted by her husband and he goes to another State or country, and evades maintenance payments for the upkeep of his children. The woman, having placed her child in a home for that period, decides to re-marry. She then makes application for divorce and gets it, following which she remarries, and I believe that, strictly according to law, the second husband would then become responsible for any arrears of maintenance for the children. Under the strict wording of the Bill I think he could be held responsible for the payments owing by the absconding former husband, and that would be a grave injustice to him. It might, if a man were aware of the facts beforehand, prevent him marrying that woman. During the three of four years while the children were in the institution their mother might not have been able to contribute sufficient for their upkeep and such arrears could, I think, be claimed from the second husband.

The other amendment proposes to give an officer of the department the right to search any premises when he suspects that a child is not receiving proper care and treatment. I do not know whether the Minister has noticed it, but I think an alteration will be necessary at the top of page 5 of the Bill. It reads—

The principal Act is amended by adding after Section 146 a section as follows:—

164A. . . .

I think what is required there is a transposition on the figures four and six, to make it read "146A".

The Minister for Child Welfare: Yes. I have noticed that.

Mr. STYANTS: I think this is a reasonable proposal, because the granting of such right to an officer of the department will

bring about conformity with the search warrant which is used by the police when searching premises, and which must first be signed by a justice of the peace. That is a necessary safeguard to prevent any indiscriminate searching of premises on what may turn out to be the flimsiest information. If this amendment did not provide for the signing of such an authority by a justice of the peace, I would be opposed to it.

The last amendment proposes to insert a new Section 146B which provides that anyone impersonating an officer of the department will be guilty of an offence. There should not be any reasonable objection to that. The only passing observation I would like to make is that it seems remarkable that under common law, if a person represented himself as being an officer of the department without any authority to do so, he could not be prosecuted for false pretences. However, I understand that that is the legal position; that he could not be charged for impersonating an officer of the department at present and the Bill now provides that the commission of such an act constitutes an offence. As I said at the outset, the provisions of the Bill have for their object the welfare of the unfortunate children of the State who, very often through no fault of their own, have had their lot cast under unpleasant conditions and environment. Therefore, with the exception of two or three portions of it that I have mentioned, I propose to support the Bill.

THE MINISTER FOR CHILD WELFARE (Hon. A. F. Watts—Stirling—in reply) [5.49]: I would like to make some reply to the careful analysis that has been made of this measure by the member for Kalgoorlie. He is perfectly correct about the intentions that underlie the object of this measure. I think, too, that he has made it quite clear that in his own mind he is satisfied that the record of the officers of the Child Welfare Department is such that they are deemed worthy to be entrusted with the increased powers and duties that have been sought and granted to them in recent years. Dealing with the remarks made by the hon. member on that provision in the Bill which suggests that a married woman, having obtained a decree of divorce or nullity of marriage, may after three months apply to the Children's Court, and as to which the hon. member suggested that she might, if dissatisfied with the verdict of that court, have the right to approach the Supreme Court, in my view that would substantially undermine the intention of this legislation. I think I can see the point of the hon. member's argument.

Mr. Styants: She might go to the cheapest one first. She might not be able to pay the fee necessary to apply to the Supreme Court.

THE MINISTER FOR CHILD WELFARE: Perhaps we may have to disagree on this point. In many cases, when a decree of dissolution or nullity is granted by the Supreme Court, an order is made in respect of the maintenance of the children. Then, of course, one could assume—and I think quite rightly—that there would be no need to approach the Children's Court. It is only where that does not take place that the woman concerned is now permitted by the Bill, in order to clear up a legal doubt that has arisen, to make application to the Children's Court. I would suggest that she would only be in that position if there were considerable doubt as to the inability of her former husband to make substantial contributions for the maintenance of the children.

She would go to the Children's Court partly because of the inexpensiveness of her application in a difficult case and partly because of the comparatively simple methods there are of recovering, under the Children's Court procedure, the debts due by the father and, if that method failed, she would rest on the almost certain knowledge that she would get some assistance from the department itself. That is how I view the position. It would only be in those cases where the Supreme Court, for one reason or another, had failed to make an order that she would want to go to the Children's Court and that court would be the best place for her because underlying authority are the methods of the Child Welfare Department which can be used to her advantage. So whilst I can see the hon. member's point of view, I am merely expressing my own opinion as to why this provision was inserted in the way it has been.

In the course of the excellent review he made of the measure, the hon. gentleman referred to the apparent retrospectivity of maintenance orders. As he said, the retrospectivity provision is in the parent Act and has been there since, I think, 1907 when the Act was first placed in the statute book, although it has been amended several times, because it reads—dealing with the question of maintenance—as follows:—

... if the court is satisfied that the persons so summoned, or any of them, are near relatives of the child, and are able to pay for or contribute towards the past or future maintenance of such child, or the payment to be made by such near relatives, or some one or more of them in the case of a ward to the Department or a governing authority, or, in the case of any other child, to the Department, or to the complainant, or any person whom the court shall select, as the court may think fit—

(a) of such sum for past maintenance of the child as may seem sufficient; and

- (b) of such sum for future maintenance, and for such period may seem sufficient, but not being more than one pound per week.

That has been the authority, therefore, to make it retrospective. However, I think the hon. member assessed the position correctly when he said the effect—if I understood him aright—of these proposals in the Bill would be to extend the time in which past maintenance could be claimed, because it has been ruled that the provisions of the Child Welfare Act are governed by those of the Justices Act, and the latter legislation provides for a maximum of six months, whereas the Bill proposes to overcome that difficulty and the period can go back for more than six months.

I am informed that it has been only on very rare occasions that an order has been made for past maintenance under the existing provisions of the Act for as long a period as even six months, but it is considered desirable, in cases as defined by the Act, where the court is completely satisfied about the ability of the near relative to pay, that the court should have discretion to order a greater period for the payment of past maintenance. I do not think we, as legislators, should encourage tactics by persons who the court is satisfied can pay, which will merely throw the onus on the State which has difficulties enough already in regard to the maintenance and assistance of the considerable number of children that come under its care from time to time—

Mr. Styants: Persons who are able to pay abscond before the department can get on to them and they should pay.

The MINISTER FOR CHILD WELFARE: That is so. I can only venture to say that we must leave this matter to the discretion of the court, backed up, of course, by the provisions of the parent Act itself which reads—

... that the persons so summoned, or any of them, are near relatives of the child, and are able to pay. . . .

Resting on that, I think we can assume that the additional power conferred on the court in regard to this matter will be reasonably used.

Hon. E. Nulsen: What would happen if that widow re-marries?

The MINISTER FOR CHILD WELFARE: In that case I am of the opinion it would be possible for the court in regard to a legitimate child—that is a child born in wedlock—Under the provisions of Section 67, to make such an order against the stepfather, because as a result of the re-constitution of this Act which took place in 1947, the list of near relatives was cut down by an amendment passed

in this House. It contained more names of relatives than are contained in it now, but it still reads—

- (a) In the case of a legitimate child—Father, Mother, step-father, step-mother.

- (b) In the case of an illegitimate child—Father, Mother.

So in the case of an illegitimate child there will be no possibility of the step-father being asked to contribute, but in regard to a legitimate child, it would be, in my view, within the competence of the court to make such an order.

Mr. Styants: It might make it for three or four years, but in the meantime the other fellow has probably absconded.

The MINISTER FOR CHILD WELFARE: I venture to suggest that that is not likely to happen. As a general rule, I think it is found that when arrangements are made for the marriage of a woman to a new husband, the woman having had a child by her previous husband in the State it is almost the invariable rule that the child is returned to the mother and his or her new step-father and it is very rarely that he is left in the care of the State, provided of course the parents are reasonable people.

Mr. Styants: I would not like to say that there will be no possibility of the second husband having to pay.

The MINISTER FOR CHILD WELFARE: I suppose it is a legal possibility; I must confess that. I suggest, however, that it is so unlikely that it is hardly worth bothering about and, so far as I have been able to ascertain, the difficulty has never arisen in the past. With regard to the period of six months, in the Act we have the right to claim now. I agree with the potency of the hon. member's review of this particular clause, but I think it can be safely passed into law, leaving it to the discretion of the department and the court not to proceed unreasonably. I do not think they have done so in the past.

In the earlier part of his remarks, the hon. member made reference to contributions made regularly towards the maintenance of a child and said it might be possible to declare a child to be destitute under the proposed provision, notwithstanding that for 45 out of the 52 weeks in a year some contribution had been made to the institution for its maintenance. Here again I suppose that must be accepted as a possibility. As a matter of fact, when I discussed this point with the secretary of the Child Welfare Department, and learned of the difficulties that were being experienced in these matters so that ultimately this particular amendment was placed in the Bill, I told him he would have to suggest something showing that the department would know what the position was between the parent

and the institution before any proceedings could be taken. It was for that reason that the provision was inserted in the Bill setting out that the application to the court had to be made with the consent or approval of the secretary.

Our present secretary I am sure—and I am reasonably sure that no other secretary would desire to do otherwise—would not move to commit a child to the care of the State as destitute when an institution was receiving contributions in respect of that child reasonably regularly. But when it came to trying to interpret the matter in those terms in legislation, it was found to be extremely difficult because once we got away from the word “regularly”, I was satisfied, as I hope the hon. member will be, that the provision in the Bill that the application had to be made with the approval of the secretary would be sufficient. There is also this further point that before any application is made, proceedings have to be taken against the party concerned, and I suggest that in that respect the managing committees of all institutions I know of comprise reasonable people who would not take proceedings if they were receiving reasonably regular maintenance contributions on account of any child.

On the other hand, I think they must take steps to protect themselves reasonably, particularly in these days when it is becoming more and more difficult to maintain the standards they have set up in looking after wards and children entrusted to their care, unless they receive more funds from the State or from the persons responsible for the children. The member for Kalgoorlie also made reference to the definition of “neglected child”. As he said, the definition in the parent Act consists of nine or 10 headings.

Mr. Styants: It refers to nine headings.

The MINISTER FOR CHILD WELFARE: Yes, and the heading in the Bill is the 10th. If the hon. member considers the matter carefully, he will see that the 10th heading is not covered in the Act.

Mr. Styants: Not in toto?

The MINISTER FOR CHILD WELFARE: No, I do not think so. The only heading that might possibly apply is that which sets out that the child—

is living under such conditions as to indicate that the child is lapsing or likely to lapse into a career of vice or crime.

That is certainly not implied in the Bill. Mr. Styants: It would be moral or mental.

The MINISTER FOR CHILD WELFARE: It would be more; it would be a matter of definitely sliding into crime. There is also the heading which sets out that the child—

is under the guardianship or in the custody of any person whom the court considers unfit to have such guardianship or custody.

That might not cover the position, because we might be confronted with a case of a person who is quite a worthy citizen, but with whom there is complete absence of control over a child. In the circumstances it was deemed advisable to make the position perfectly clear by including the additional heading set out in the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Hill in the Chair; the Minister for Child Welfare in charge of the Bill.

Clauses 1 to 6—agreed to.

Clause 7—Section 69 amended:

Mr. STYANTS: Will the Minister explain why the difference is made between the maximum contribution of £2 10s. in the case of a State ward and the maximum of £2 as applying to a child in an institution?

The MINISTER FOR CHILD WELFARE: I purposely did not deal with that matter because I understood the hon. member intended to move an amendment. If he moves to make the contribution of £2 10s. apply overall and he deletes the provision set out in paragraph (b), I shall raise no objection to that course. I left the matter so that he could deal with it himself.

Mr. STYANTS: I move an amendment—

That at the end of paragraph (a) the following words be added:—“ten shillings.”

Amendment put and passed.

The MINISTER FOR CHILD WELFARE: I move an amendment—

That paragraph (b) be struck out.

It will be necessary to delete the paragraph in view of the previous amendment.

Amendment put and passed.

Mr. STYANTS: I move an amendment—

That at the end of paragraph (c) the following words be added:—“ten shillings.”

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

Clause 8—New Section 146A. added:

The MINISTER FOR CHILD WELFARE: A printer's error has crept into this clause and the reference to proposed new Section 164A should read “146A.”

The CHAIRMAN: That can be dealt with by the Clerk, and the necessary correction made.

Clause put and passed.

Clause 9, Title—agreed to.

Bill reported with amendments.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—EDUCATION ACT AMENDMENT.*Message.*

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR EDUCATION (Hon. A. F. Watts—Stirling) [7.30] in moving the second reading said: There have not been a considerable number of substantial amendments to the Education Act for a great many years. I think the last amendment was made in 1943, which is nine years ago, and prior to that there had been, in the preceding 15 years, only a comparatively small amendment or two inserted from time to time. This measure proposes to make some fairly substantial alterations to the Act, partly in the light of recent events in education, and partly because of the necessity for some changes in the management of the Education Department.

The first provision in the Bill really arises out of the amendment to the Act which took place in 1943, when some power of control or supervision over kindergartens was vested in the Education Department. The Bill proposes to amend the definition of "kindergarten" as follows:—

"Kindergarten" means an assembly at appointed times of three or more children of not less than two nor more than six years of age for all or any of the following purposes: Supervision, exercise, play, observation, imitation and construction and includes a nursery school, play centre or any similar institution, but does not include an assembly of children, all of whom are members of the same family or of not more than two families.

This amendment is required to widen the definition of "kindergarten" so as to enable the 1943 Act to operate in respect of all institutions catering for pre-school children. I might exemplify the position by saying that in order to establish that an institution catering for pre-school children was a kindergarten it has been necessary to prove that it was conducted on the theory that education should begin by gratifying and cultivating the normal aptitude for "exercise, play, observation, imitation and construction," because that is the phraseology of the Act of 1943.

This would be extremely difficult in cases when, for example, it was claimed that the school was a nursery school, or a play centre, or where children were under supervision and no attempt was being made to educate them. In fact, one such case arose last year. The department received adverse reports on a privately-conducted nursery school from its district superintendent and from a health

inspector. A man was found to be concerned with the carrying on of the school contrary to the Act. The proprietor took the view that as the school made no contract whatever to educate the children but only to supervise them, it was not covered by the Act. The question was referred to the Solicitor General who gave the opinion that the facts strongly suggested that this school was not conducted on the theory mentioned in the definition of "kindergarten" and was not, therefore, a kindergarten within the meaning of Section 34A of the Education Act and the department had no right of supervision over it. So this definition is intended to prevent any repetition of this sort of thing and to ensure that the definition of "kindergarten" brings every institution, including those I have referred to, under the supervision of the department.

The next amendment is to repeal and re-enact Section 7 of the principal Act. The purpose is to empower the Minister to appoint officers other than teachers. As will be realised, there are a considerable number of people employed in and about schools today who were not employed in past times, such as gardeners, technicians and others. As is known, the position has been that the Governor delegates to the Minister power to make the appointment of teachers. That is continued, and the Bill proposes that the Governor shall delegate the same power in respect of other officers. With regard to the remainder of the subclauses of this clause, there is no change from the existing provisions of the Act.

The next provision relates to the conditions under which aliens may be employed in the department. It is provided that a person shall not be appointed to the permanent teaching staff of the department unless he is a natural-born or naturalised subject of Her Majesty. It is also provided that a person who is not a natural-born or a naturalised subject may be appointed temporarily to the teaching staff. Objectively, of course, it is hoped that such persons will become naturalised and, if satisfactory, will be able to be appointed to the permanent staff. In the meantime their services will be made use of under the temporary provisions under which some employees or teachers are from time to time engaged.

The next clause deals with the compulsory attendance of children at school. It proposes to make clear the obligation of a parent to send his child to school if he resides within the compulsory radius of any satisfactory means of conveyance, and not only a conveyance provided by the Minister. The parent Act makes reference only to a conveyance provided by the Minister; but for some years driving allowances have been made to parents and fares have been paid in respect of the transport of children to schools on public

transport vehicles in respect both of Government and of private schools. As a matter of fact, I have some figures here in this regard. Where children, who reside outside the compulsory radius travel to school by public passenger service, or arrange to drive to school, the department pays the following allowances:—Outside the compulsory radius, up to five miles from the school, the actual fare, or cost up to 1s. per child per day; over five miles from the school, the fare, or up to 2s. 6d. per child per day.

I mentioned a moment ago that allowances of that nature were paid to both Government and private schools, but I have not here the figures in relation to the Government schools, although I did extract those in regard to children attending private schools. In 1951-52, the amount paid in this connection by the department was £4,420; and for the two months, July and August, of 1952-53, £1,738. So it is provided that where in accordance with the regulations a grant, at a prescribed rate per day, is made to and accepted by—I want the House to notice that it not only has to be offered, but accepted—the parent or guardian of a child who rides, drives or is conveyed to school, in lieu of a satisfactory means of conveyance being available, then in such case a satisfactory means of conveyance shall be deemed to be available within the meaning of paragraph (d) and (e) of the section. As I understand the situation, this gives statutory authority to a practice which has been existing, in a greater or less degree, for a considerable period, but has not had the backing, strictly speaking, of the law.

The Bill contains a number of amendments, of which the first is the next following clause, where the words “an inspector of schools” are to be deleted and the words “a Superintendent of Education” placed in their stead. Some little time ago, because it was clear that the work of these officers went beyond mere inspectorial duties, and because it was more and more of an advisory nature rather than inspectorial, it was decided to change their title. These amendments just tidy up the position in the parent Act so that the nomenclature will not be astray.

The next provision is to increase the penalty for the offence of non-attendance of a child, to a maximum of £5 and a minimum of £1. The penalty in the existing Act is very low. As the value of money has greatly changed and the importance of education increased, it is felt desirable that something more than a nominal penalty should be imposed in the few cases where it is established that the parent is responsible for not sending the child to school.

The next clause deals with handicapped children. In this connection, considerable changes have been made in our outlook. Since the parent Act came into operation,

a great deal has been done in regard to the various types of handicapped children. The rubella child suffering from deafness, the spastic child suffering from cerebral palsy, the crippled child, and the partially-sighted or blind child all to a greater or less degree in the last decade, have received increased attention from the Education Department; and a more and more sympathetic understanding not only from the department but from the general public.

It is considered that some definite reference to them—particularly to the notification by parents at an early stage—should be incorporated in the Act. The section will cover not only mentally defective and cerebrally palsied children, but blind, deaf and mute children. Early notification in such cases is desirable to enable plans to be made, where practicable, for the accommodation of the children and their individual education. In the case of deaf and mute children, it is thought by the experts and others who are closely associated with the problem, that notification at the age of three years is necessary to ensure that correct training methods will be commenced before the children have had time to accommodate themselves to their loss.

In other cases, the age at which training commences will vary according to the type and degree of defect. For those blind and partially blind, it should commence at an early age, but on the other hand a mentally defective child is likely to be harmed by a too-early compulsory attendance at school. The education of such a child, I suggest, should rarely commence before the eighth or ninth year, but if early notification is given to the department—the Act provides, of course, to the Minister—of all these cases, it will enable the best possible steps to be taken within the scope of the department's activities, to provide for such children.

The Bill of course provides that the Minister may grant exemption in writing from any of the provisions of this section in respect of blind, deaf, mute, cerebrally palsied or mentally defective children if by reason of the poverty or sickness of any parent, or other pressing necessity, he deems it necessary so to do. This is a wise provision, particularly until such time as the State is able to arrange for attention to be given to all these children as they come forward. That, I suggest, will not be for a fairly long time, although as I have said, in recent years, starting with the rubella child, going on to the cerebrally palsied child, who is catered for at the James Mitchell school at Thomas-st., carrying on further to the deaf and dumb school at Mosman Park—which has been taken over by the department—and going on from there to the assistance which has been given to the school for the blind, much has been done.

More recently, too, a report has been made available to the department by one of its teachers in this branch of work, who has spent some months in England examining the situation. From that report there is no doubt that in the near future a policy will be laid down to deal with more and more of these children, and efforts made to carry out, in stages at any rate, the recommendations contained not only in that report, but others which have been made by experts who have visited this State and looked into our conditions—and amongst these experts I would include Dr. Ewing. I think members will appreciate that some legislation in this regard is desirable, and that at the same time there should, at least for the present, be some power of exemption vested in the Minister.

Mr. Hutchinson: This provision would prevent harsh compulsion.

THE MINISTER FOR EDUCATION: Yes, and, as I have tried to point out, I would be most anxious to avoid that in any circumstances of difficulty or pressing necessity. The next amendment seeks to empower the Minister to make regulations with respect to the training and examination of students at the Teachers' College and regulations governing the leasing of living quarters to teachers. Under Section 6 of the parent Act, all such properties are already vested in the Minister. For a period of years there have been regulations made in regard to the renting of teachers' quarters, but when it was planned to make some alterations in those regulations, and discussions were entered into with the Teachers' Union in that regard, we were advised by the Crown Law authorities that there was no power in the Act to make such regulations and that, in the opinion of the Crown Law Department, they would be ultra vires. It is desired to have power to make these regulations after the discussions have been completed and that is the reason for this proposal appearing in the Bill.

It will be noted that Subsections (3), (4), and (5) of Section 28 of the principal Act are to be deleted. Members may wonder why that should be so, but the explanation is simple. Those subsections deal with the tabling of regulations in Parliament and their disallowance by either House. Of course, all those provisions are contained in the Interpretation Act of 1918. All regulations are subject to that procedure by virtue of the Interpretation Act and its amendments, and there is no need to repeat those provisions in this legislation. It is therefore proposed to delete them. Section 28A of the principal Act is to be repealed as it no longer has any force, and here I bow to the decision of the Crown Law Department. That section was inserted by an amendment to the Act in 1930, and the concluding paragraph of that amending Bill stated that the legis-

lation should continue in operation till the 31st day of December, 1931, and no longer. I should have imagined, therefore, that it had expired in consequence of the passage of time, but I am informed that it ought to be repealed. I can see no objection to repealing it and an amendment for that purpose is therefore included in the Bill.

The next provision seeks to widen the field of subjects to be inspected in deciding whether a non-Government school is efficient. The existing provision reads—

If upon inspection such school is found to be efficient as to the instruction given in English, arithmetic, history, geography and drawing, the Minister shall cause such school to be included in the list of schools which have been inspected and found efficient.

I have not taken the trouble to make a search to discover when that phraseology was included in the parent Act, but I have no doubt it was a considerable time ago and that, when it was included, anybody who could instruct the youth of this country satisfactorily in those five subjects was regarded as being most efficient. At the present time I do not think that view would be held by the vast majority of people judging from what I hear from Parents and Citizens' Associations, various other bodies and even members of this House from time to time, and I gather that the line of country that people now expect their children to pursue is considerably wider than that covered by those five subjects.

In consequence, it is thought desirable that the granting of a certificate of efficiency should be on the basis of whether the standard of instruction given at the school concerned is reasonably equivalent to that being given in a corresponding grade of Government school, and that is what the Bill proposes. I think it is reasonable, particularly when one realises that Government scholarships are tenable at efficient schools, and therefore persons who are in receipt of those scholarships should be entitled to expect some assurance that reasonably nearly the same standard of efficiency can be obtained in such institutions as at a similar grade of Government school.

I would go a little further in explanation of the position by saying that in many cases the living-away-from-home allowances that are paid by the State are paid in respect of pupils attending non-Government schools and that the expenditure over the last 12 months in respect of boarding allowances paid for private school pupils, reached the sum of £30,000. I do not for one moment suppose that in the great majority of cases there will be any question as to these schools being equally efficient or nearly as efficient as the same grade of Government school, and I do not

think the head teacher of any private school would agree that the standard was lower. I believe that in the majority of cases the standard would be equal to that in the Government school and I am prepared, in the majority of cases, to postulate in that direction, but nevertheless, I think—certainly the heads of the department agree—that we should amend this provision which limits the field of efficiency to the four or five subjects I mentioned, so as to make the standard something comparable with what is required under present-day conditions, in order to bring the Act up to date.

The Bill goes on to provide that schools which are already registered as efficient need not make application, though new schools must, of course, make application for registration, and it shall be the duty of the proprietor or head teacher to do that, and the necessary steps will then be taken by the department; but it carefully provides that this section shall not apply to a school which, on the commencement of the Education Act Amendment Act, 1952, is included in the latest list of schools published in the "Gazette." Therefore, it will not affect those schools that are already on the roster of efficient schools, except that in the future they will be inspected, when they are inspected, on the lines of more than those five subjects to which I have referred.

But here again I think it should be made perfectly clear, and the House should be reminded of what I said just now, that the duties of inspectors—now called superintendents—must be less and less of an inspectorial character and more and more of an advisory character. I know that many of the head teachers of private schools at present in this State, and on the department's roster, welcome the idea of being able to obtain the advice of the superintendents which is usually proffered to them but will certainly be available to them if this Bill becomes an Act.

Another provision in the measure is to ensure that, except when they are being instructed in foreign languages as part of the school curriculum, children at schools in this State are taught in the English language. There is always a possibility, in these days of considerable migration and the hearing of foreign tongues throughout the city and State, that there may be those who are not anxious to be assimilated in our population and who may be inclined to segregate and, in consequence, set up a school of their own in which the children are taught in the language of the place of their birth. Of course, no-one has the slightest objection to their knowing the language of their place of birth, or indeed any other language, but their assimilation will never be brought about satisfactorily if they are being taught in a foreign language. So, in order to pre-

vent that possibility arising—and it has arisen elsewhere—it is proposed to add a new sub-section, which reads as follows:—

It shall be the duty of a head teacher of a school to ensure that for the whole of the period of time in each week that the school is open for instruction, except any time in teaching a prescribed foreign language or the literature thereof, the instruction given at the school is given through the medium of the English language.

It will be an offence if the provisions of that section are not complied with, and powers are given to superintendents to investigate, if they so desire, to ascertain that the English language is being used in accordance with the provisions of the Act.

Mr. Hutchinson: Is any school taught through any other medium than English in this State at present?

The MINISTER FOR EDUCATION: We do not know of any, but in view of the considerable increase in the number of foreign language speakers in our country, there is always the possibility. We desire to indicate to them that because we wish them to be assimilated into our population and become citizens of this community—and become, in time, not new Australians but Australians—we desire to point out that, while we have not the slightest objection to their learning their own language, and the literature thereof or any other language and the literature thereof which may be part of their education, they are to be taught their general education in the English language.

The fourth schedule to the principal Act is repealed and a clause is inserted in the Bill to provide for the collection of statistics from non-Government schools as the Minister may determine, instead of under the fourth schedule which is now obsolete. The last provision in the Bill deals with the bonds or agreements that are entered into by students who receive training from the department and are under guarantee to serve the department for a minimum of three years. Hitherto, the method adopted—the pupil or trainee usually being under the age of 21 years—has been to require him or her to sign the agreement and also have it signed by a parent or guardian, or some such person, as a guarantor.

That has not been a very satisfactory procedure; the benefits that are conferred by the allowances and opportunities are given only to the student, whereas the penalty falls on some third party. By the time a student has become a qualified teacher, he or she is at or verging on the age of 21 years. But it is still possible, if default is made after that time, to go after the guarantor. On the other hand, if the bond is broken before the trainee

attains the age of 21 years, then of course the guarantor is the person who is approached on every occasion. It is usually thought, as a principle of law, that when something of this nature is being done, for the benefit of a student and for his advancement in life, in certain circumstances he might be the person liable; but it is problematic and depends in every instance on the particular circumstances of the case.

This Bill proposes that agreements may be entered into in future by students themselves, and that the students shall be bound by the agreements, which may be enforceable against them even if, at the time the agreements are made, the students are under the age of 21 years. Some agreements have been entered into by students without guarantors, and the Bill proposes to validate those agreements and make them enforceable along the same lines.

Those are the major matters dealt with by this measure. I commend the Bill to the House because I think that, although its provisions are not very lengthy, it deals with some matters which are of great importance to the education system of this State. It clears up, as I said, certain questions which have become anomalous in the light of recent experience and methods; it provides the department with an assurance of authority to deal with matters about which it is doubtful in regard to its rights; and it validates certain actions which have been taken by the department and which might or might not be clearly valid and to which I have already referred. I move—

That the Bill be now read a second time.

On motion by Hon. J. T. Tonkin, debate adjourned.

BILL—FREMANTLE HARBOUR TRUST ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th September.

HON. A. R. G. HAWKE (Northam) [8.11]: The Bill proposes to add greatly to the powers of the Fremantle Harbour Trust. The additional powers proposed to be conferred are also extremely wide. During his second reading speech the Minister himself mentioned that fact and gave us to understand that it would be difficult to draft a Bill that would cover in specific form five or six different matters regarding which the Trust wishes to be given power by legislation. I would suggest that the Minister might give further consideration to the possibility of having the Bill altered because, if it is passed, the Harbour Trust would be able to do almost anything imaginable concern-

ing people entering or remaining on Harbour Trust property or doing or omitting to do anything on such property. In fact, the provisions of the Bill would enable the Trust to go even further than that, so it seems that the Bill is far too embracing in regard to the powers it aims at granting to the Trust.

I know it is not always possible, under Act of Parliament, to reduce to specific terms the powers conferred on bodies such as the Fremantle Harbour Trust. I know it is necessary on some occasions to give to an authority far more legal power than it would ever need or use in order that it might be able to do the few things that it wishes to do, and which it thinks it must do in order effectively to carry out the duties which Parliament has placed upon it. Nevertheless, when we are asked to give approval to the sweeping additional powers set out in this Bill we must have some consideration for the way in which they could be applied and the people and things which would be affected by the use of them.

I am not saying absolutely that it would be a practicable matter for the Government's law officers to redraft the Bill in such a way as to give it specific application to the certain proposals, to the certain specific additional powers which the members of the Fremantle Harbour Trust consider they should have to enable them more adequately to carry out their many duties. Despite that I think some attempt should be made by the Crown Law officers to try to reduce those specific requirements to wording which would be far less sweeping than that now found in this Bill.

If those officers, through the Minister, subsequently report back to Parliament that it is not a practicable proposition to reword the Bill in a way which would give it specific application to the five particular matters mentioned by the Minister in his second reading speech, then members of this House might have no other option but to approve of the Bill in its present form. Therefore I hope the Minister will allow further consideration to be given to the Bill by the officers of the Crown Law Department after which he himself, of course, would give it further consideration and then he could report back to the House as to whether it is possible to make any progress along the lines suggested by me.

On motion by Mr. Lawrence, debate adjourned.

BILL—STATE HOUSING ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th September.

HON. A. R. G. HAWKE (Northam) [8.18]: The Bill proposes to raise the maximum amount specified in the State

Housing Act which can be granted to those people who are eligible, under the provisions of that Act, to receive financial assistance for the building or the purchase of a house. The present maximum figure is £2,000 and the Bill proposes to raise that amount by £500, thus making a new maximum of £2,500. We are all aware of the manner in which money has continued to lose its value over the period from the time the parent Act was passed and came into operation until the present day. Therefore, the increase proposed in the maximum limit by this Bill appears to be in line with the reduction in the value of money and it is perhaps reasonable, therefore, that we should not, because of that circumstance, allow the field of applicants to be reduced.

The Bill represents an attempt on the part of the Minister and the Government to keep the field of applicants as it was previously and therefore the move appears to be one that should receive the approval of the House. Although not covered directly by this Bill, it is a matter for some concern that the value of money should continue to go downwards. That is brought about, of course, by the fact that the cost of building houses is on the increase, or has been on the increase all the time for some considerable period. Looking forward some two, three or four years in the future, it is difficult to foresee how many people, who are purchasing houses today under the provisions of this Act, or by some other method on a timepayment basis, where the deposit is small, will be able fully to meet their financial commitments in the future.

When the cost of erecting buildings, including houses, is arrested, and when that cost begins to fall, and the value of the houses being erected, as well as those already erected falls, many people who have bought houses in recent years, and who are still buying them, and who will buy them during the next two or three years, will find that all or most of their equity in the houses will have automatically disappeared. They will not be owners of the houses in any shape or form; they will not even be part owners. Whatever equity they had when values were high will have vanished and they will be in a very difficult position in many instances. It is extremely doubtful whether in that situation many of them will be able fully to keep up their progress payments.

I think it would not be an exaggeration to say that several of them would not be able to keep up those payments in full and consequently they will be facing up to many and substantial difficulties. However, that is not a problem with which this Bill deals, but it is a question which ought to be kept in mind because it seems to me to be one which will have to be faced in the not-very-distant future, in point of years, by some Government in

the State. I have no objection to the provision in the Bill to raise the existing maximum limit from £2,000 to £2,500.

HON. J. T. TONKIN (Melville) [8.24]: I desire to make a few remarks in connection with this Bill; not in any way in opposition to its proposals because I think it is very necessary that the permissible amount should be increased. I have had personal experience in recent months of people who believed they were going to be in the position of getting a house from the Housing Commission, only to find that because of the increase of prices in the meantime there was not sufficient money available from the Commission; they could not bridge the gap themselves and accordingly the house which they believed they were going to get became out of reach.

I have the case of a resident of Mosman Park who got to the stage of having tenders called by the Commission for the erection of a house. A firm of builders took on the job at a certain figure, and at that figure there was sufficient loan available from the Commission and the people were able to provide the balance necessary to cover the total cost. But because of certain delays that occurred in the building it was not proceeded with and in the meantime the costs rose rapidly; the Commission had reached the limit of the advance permitted under the Act and the people were not able to find the additional money required. The contract then fell through, with the result that those people are still without a house.

This provision to enable a greater loan to be made available will undoubtedly bring the purchase of a home, in the initial stages anyhow, within the compass of many people who are now desirous of getting one. I would like to point out, however, that I believe it will be impossible for a number of these people entering into contracts to meet their obligations under those contracts. In my student days it used to be said that no man, no matter what his station in life, could afford to pay more for a house than two years' salary. That is to say, if he was on a salary of £1,000 a year he could afford to provide himself with a house costing £2,000. If he was on a wage of £350 a year then he could not afford to spend more than £700 on a house. That was regarded as very sound economics.

Nothing has developed since to cause me to change my mind about that, and I believe that what was sound in those days is still sound, namely, that when a person takes on a financial obligation with regard to the provision of a house which requires more than two years of his working life to pay for it, he is taking on something which is beyond his financial capacity unless, of course, there is the possibility that his station in life will be raised and that he will obtain a position

which will give him an increased salary. In such a case what was previously difficult might become somewhat easy of accomplishment owing to the changed circumstances. But, generally speaking, there is not a very bright prospect that the people who are looking for houses to-day will have their station in life increased in a manner to offset the increased obligation.

In his speech the Minister mentioned that the figure fixed previously with basic wage adjustments brings the amount up to something over £900 which will enable the person to qualify as a worker. Suppose we fix it at £1,000 then, according to my early teaching, a man on that wage should not attempt to buy a house costing more than £2,000. But this proposition is to permit of a loan of £2,500, and there will be an additional amount that the person himself will provide by way of a deposit, and so it is quite conceivable that the Minister has in view the erecting of homes that may cost anything up to £3,000. Well, how on earth is a man whose income is less than £1,000 a year going to pay for a house costing £3,000? That is the problem, and I am afraid that a lot of these people will never manage it. They will have this millstone around their necks and, if we meet with difficult times, they will lose the equity they have been able to build up.

What we need is not some method by which we can keep on increasing the amount of loan to be made available, but some method that will cheapen the cost of construction. I consider that not sufficient investigation has been made into this avenue and, furthermore, that a lot of homes that the Housing Commission is building are costing far too much. I shall endeavour to show on another occasion that, in some instances, the houses are costing at least £500 too much and that, by the adoption of better methods, a substantial saving could be effected.

However, in existing circumstances, it is necessary that we provide for more money to be made available and I offer no objection to that being done, but I suggest to the Minister that there are ways by which the construction of a number of the homes being erected could be considerably cheapened. If the ultimate debt is reduced so that the purchase of a home is brought more within the compass of those people, we shall be conferring a far greater benefit upon them than by continually amending the Act to permit of a greater advance being made.

I wonder what the situation will be if any sort of a recession sets in and prices and wages fall. Suppose the case before the Commonwealth Court of Arbitration succeeded and there was a substantial reduction in the wages of the workers with prices remaining at present levels, how would the workers taking these homes be able to find sufficient money to pay the

instalments necessary to meet interest charges and repayment of capital? Of course, they just could not do it. In those circumstances the State would face a substantial writing down process much as happened in the time of the group settlement scheme, when many hundreds of thousands of pounds were written off because the money was irrecoverable.

I feel that that will be the position regarding a lot of the homes, especially those being erected with faulty material that will not last very long. We shall have deterioration in the condition of the homes taking place long before a reasonable proportion of the cost has been paid off. Maintenance costs, too, will be very high. When the Housing Commission makes a house available to a person under the war service homes scheme, the purchaser becomes responsible for the maintenance and so, in addition to the high rate of repayment, there will be a demand by the Commission on the home purchaser to maintain the building to a certain standard. With the present cost of painting and the expense for even small repairs, it is easy to see that there will be such a financial burden upon these people that it will be beyond their capacity to bear it.

That is not the question involved in this measure. The point to be decided is whether additional money shall be made available to enable home purchasers to obtain a larger loan from the Commission in order to permit them to get into the houses. We have to take the hurdles as we come to them. This is the first one, and I think we must agree to this proposal in order to enable a lot of people, who are debarred from getting homes that they urgently require, to secure them as speedily as possible before costs rise still higher and we are required once more to amend the Act to increase the amount of money that may be made available. I support the Bill.

MR. J. HEGNEY (Middle Swan) [8.37]: The copy of "Hansard" recording the Minister's speech in moving the second reading is not available and unfortunately I was not present to hear his explanation of the Bill. I understand that the object is to authorise an increase from £2,000 to £2,500 in the amount that may be made available to applicants under the State Housing Act. I should like the Minister to indicate how much money is being advanced by way of loan under the Act at present.

Last week a woman who lives in Belmont approached the department to ascertain whether money could be made available for building a house. At present she is paying six guineas a week rent for a war service home belonging to another party, who has gone out. This woman is in a very difficult position because she is living apart from her husband and is work-

ing to maintain her two children, and her mother is living with her. Her lease of the house expires at the end of December and she is anxious to know her position. She had been to the Commission and although her husband is an ex-Serviceman, she could not obtain help. She sought assistance under the workers' homes scheme and it was indicated to her that she could not be helped in that way, either.

Will the Minister indicate exactly what the policy of the department is? I know that, when a considerable sum of money was available and the Commission was building many homes under the Commonwealth-State rental scheme, there was not the same need to develop operations under the State Housing Act, but, as the Premier has indicated, assistance under the Commonwealth-State scheme is diminishing and he is placing £500,000 on the Estimates for the purpose of extending activities under the State Housing Act. I would like to know from the Minister whether the system that previously existed still prevails. That is to say, people made a formal application to the department under the provisions of the State Housing Act, and their names were put on a list and they had an order of priority. Does that system obtain now and is money under the Act being made available to applicants in order of priority?

There is no doubt that there is a need for activity in that direction, more particularly in the case of persons whose economic position is insecure. As a matter of administration, the department could help such persons as the one of whom I have spoken. I have had other cases of that kind brought to my notice. The last time I made an inquiry from the department in this connection, it was indicated that no money was being spent. I understand that money is being used from Loan funds to provide accommodation for persons evicted from their homes; and that the people concerned go into these properties, take them over on a small deposit and pay them off. That may not be so; but the Minister can indicate what the position is when he replies.

I remember that previously we had to amend this law because the earnings of some workers were beyond the amount permissible to enable them to take advantage of the Act. The figure was raised to £500, but many workers who did a considerable amount of overtime, like the waterside workers, received amounts in excess of that sum and were debarred. Today, because of the high basic wage, many men have incomes which are very large, but they are still workers. Because of the considerably increased cost of building homes, the capitalisation that can be made available under the law has to be considerably increased.

There is no doubt that many people have taken on the purchase of homes who, as the member for Melville has said, will

not possess them because the cost is beyond their means. Nevertheless, people must have homes. During the depression many workers were unable to meet the commitments on their houses, because of the high interest rate and because their income had gone, and they were on sustenance; and their homes reverted to the mortgagees. Some of those men took up properties for £50 down and 25s. a week rent, but were unable to meet their commitments.

While the Minister is trying to make provision for the future and meet the needs of persons who want to obtain the benefits of the Act, there is the possibility that the amount can be pushed too high and many who could not be classified as workers would seek assistance. The original Workers' Homes Act, which was introduced by the late Mr. Scaddan when he was a Labour Premier, for the purpose of helping workers, was a great boon to them. I worked with many of the men who occupied workers' homes at 12s. 6d. per week, and those houses became theirs.

The late Mr. Panton often told us how he was acquiring a worker's home under the leasehold system under which the land on which the house was built was held by him in perpetuity and he paid a nominal amount for its use. Thirty-five years have passed since the time that was possible and the price of a house is at least £2,500. I will be interested to know what the policy of the administration is and what funds are being made available under the Act, and also where they are being spent. Many people make inquiries of this kind, and I would like to have the answers.

THE MINISTER FOR HOUSING (Hon. G. P. Wild—Dale—in reply) [8.46]: I would like to thank members for their observations. I entirely agree with the comments of the Leader of the Opposition and his deputy concerning the prices being charged for houses throughout Australia. I am afraid it is something over which we have very little control, however much we observe the costs that are being built into these houses. The Deputy Leader of the Opposition said that some were £500 too dear and that later he would be making observations on those lines. I can assure him we are doing everything we can to try to keep down the cost, and it is interesting to note that it is only in the last three or four weeks that we have been able to get any tenders at all. It is one thing to say houses are too dear and another thing to say what the alternative is, when we cannot get anybody to tender at other than what we ourselves sometimes consider to be too high a price.

The position is being observed all the time and we are making all sorts of investigations and inquiries with a view to keeping prices down. While we are asking for an amendment of the Act to raise the figure to £2,500, that does not mean that houses

provided under the Act will cost that figure. We have found that in recent months houses are costing slightly over £2,000. The additional amount provided last year was insufficient and, as there seems to be a tendency for the cost to rise, we felt it was opportune to lift the figure to £2,500.

I, personally, and the Housing Commission sincerely hope there will not be the necessity to use that amount. I think the Leader of the Opposition and the Deputy Leader of the Opposition asked how a man was ever going to pay for these homes. I am afraid their guess would be the same as mine. No one knows which way prices will go in future. My own view is that while they will level out, they will continue to rise. The working man who takes on something which, as the Deputy Leader of the Opposition said, will absorb more than two years of his salary, is in an extremely difficult position; but if there is a saving grace, I would suggest it lies in the fact that the working man who goes into a Commonwealth-State rental home and pays £2 10s. or £2 15s. a week rent, occupies the home for 10 or 15 years and never owns a stick. But under the Workers' Homes Act, with amortisation over 40 years, the instalments on a house are not as great as the rent paid for a rental home, and if the worst happened and prices receded, the man buying a home under the Workers' Homes Act would be no worse off than if he were renting a home.

The member for Middle Swan referred to the State Housing Act and the policy of the Commission in the metropolitan area. Prior to the Loan Council meeting, it was intended to build in the metropolitan area under the State Housing Act, but when the Premier returned from the meeting and we found we had more money under the Commonwealth-State rental scheme than we thought we would have, and we got less money under the State Housing Act, it was decided to build in the country under the State Housing Act, and not in the metropolitan area.

In regard to evictions, we are selling houses in the metropolitan area under the State Housing Act, but this is only in regard to money made available by the Treasury and not money supplied by the Loan Council to the State Government. It is not intended, this year, to build other than for evictees under the State Housing Act in the metropolitan area, but to confine all these efforts to the country.

Mr. J. Hegney: Cannot you borrow the surplus funds of the State Insurance Office, and so on?

The MINISTER FOR HOUSING: I do not think there are any funds available at the moment, but it is hoped next year—1953-54—to commence building in the metropolitan area under the State Housing Act.

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—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the 11th September.

HON. J. T. TONKIN (Melville) [8.55]: There are few members of this House who would hold the opinion that this continuance Bill should not be here. It is quite possible that there are a few in another place who have a different view, but that remains to be seen. When the Government took the course of liberalising the conditions under which repossession could be gained, we on this side drew attention to the fact that this was the first State to relax controls in the way it was proposed. I personally expressed the view that we were going ahead too quickly, and that we would bring trouble upon ourselves because we would not be able to house adequately the people who would be evicted. I mentioned that we had a long list of applicants for homes who, in the normal course, could reasonably expect to have accommodation provided for them, and that if we allowed these evictions to take place—as they inevitably would—then the Government, however good its intentions, would not be able to keep pace with the demands of the evicted people, with the result that the applicants on the general list would be denied any opportunity of getting a home. That is precisely what happened.

It is true that the Minister for Housing and the Chief Secretary both declared in the House that no evicted person would be out in the street, but that all would be provided with homes. I can remember the Minister for Housing dangling some keys in the air, and saying that he had there the keys of a great number of dwellings which had been erected for the purpose of housing evictees, and he was confident that the Government would be able to accommodate them. I can recall the Chief Secretary saying he had been assured that no evicted person would be out in the street, and he felt sure the Government would be able to live up to that undertaking. The Act was finally passed in December of last year. By July of this year—just seven months after the new provisions came into operation—the Minister for Housing announced a new policy which amounted to a straight-out repudiation of the promises previously made in the House.

I say without hesitation that a number of members here who supported the Government in the alteration to the rents and tenancies legislation did so because of the assurances given that no evicted person would be out in the street. But within seven months of the passage of the legislation we find the Minister making a declaration which is, in effect, a repudiation of a solemn undertaking given here. I quote from "The West Australian" of the 12th July last—

HOME APPLICANTS WILL HAVE MERIT ASSESSED.

The Government now felt that when tenants became faced with eviction, some of them should do something for themselves, the Minister for Housing said yesterday. In future when tenants received notices to quit under the Rents and Tenancies Emergency Provisions Act and applied to the Housing Commission for accommodation, each case would be considered on its merits, he said.

I shall pause there before concluding the reading of that paragraph, in order to say that it was news to me that since the passage of the legislation each case had not been considered on its merits already by the Housing Commission. Surely the Minister will not say that without any investigation or consideration of the merits of their cases all evicted persons were provided with homes! I know it is a fact that the Minister for Housing did say that in the Press. He did make the statement that all evicted persons had been housed, but that statement, of course, was not true and the Minister knew it was not true when he made it.

The Premier: Are you justified in saying that?

Hon. J. T. TONKIN: Yes, and the Minister knows it. He is in the Chamber and can sit in his seat and deny that, if he wishes to do so, but, of course, he will not because he knows that the statement he made to the public that all evicted persons—there is no qualification there—had been housed was not true, because a number of them had received circular letters from the Commission telling them that the fact that they were evicted gave them no priority and that they had better try to do something for themselves. A number of them—the more conscientious souls—took that as an intimation that they were wasting their time in approaching the Housing Commission and so they split up their families. Some of them put their children into orphanages, the mothers and fathers going to live with their respective parents.

The Premier: I should think there would be exceedingly few of those.

Hon. J. T. TONKIN: On the contrary, quite a number.

The Chief Secretary: What would the number be?

Hon. J. T. TONKIN: Even if there were only half a dozen—

The Premier: If there were that many!

Hon. J. T. TONKIN: —that would give the lie to the Minister's statement that all evicted persons had been housed. I suggest that the Premier study the figures which the Minister for Housing has given in this House in reply to questions on this subject asked by me, and he will find that there is quite a discrepancy between the number of persons who were evicted and the number supplied with houses by the Commission. In his statement in "The West Australian" on the 12th July the Minister said that since July last year 897 owners had applied to the court for repossession of their homes and that 634 of them had been granted the necessary orders. He continued and said that though all the evicted families did not require assistance 489 of them had been given alternative accommodation.

If 634 had had eviction orders issued against them, and the Housing Commission had provided for 489, that left a discrepancy of well over 100 evicted persons for whom the Commission did not provide homes. The Premier expressed some doubt about half a dozen a little while ago, yet here we have over 100 persons who, though evicted, were not provided with accommodation by the Commission. Where did they go? The Premier will probably say—I know the Minister for Housing will say it, because he has already said it—that they did not require assistance from the Commission. He can ask them if they required it and he will then see what they have to say.

The position was that in the opinion of the Commission they did not require it; that is how the Minister's statement should be qualified—people who, in the opinion of the Housing Commission did not require assistance. Members representing the Fremantle area, and I suppose other members who have had the same experience, have from time to time had evicted persons to see them—persons who had been to the Housing Commission to try to make some provision for themselves, but who had been told by the Commission that they should not look to it for help and had better see what they could do for themselves.

The Premier: I think the Minister for Housing gave the incomes of some of those people the other night.

Hon. J. T. TONKIN: He picked out two or three cases from 40 files, where the incomes of the families concerned were substantial.

The Chief Secretary: He did not say, "two or three."

Hon. J. T. TONKIN: Yes, he did.

The Chief Secretary: Are you sure of that?

Hon. J. T. TONKIN: It may have been three or four.

The Chief Secretary: You should get the correct figures.

Hon. J. T. TONKIN: He did not give the details of more than two or three cases.

The Chief Secretary: That may be so, but he did not say there were only two or three that had such large incomes.

Hon. J. T. TONKIN: Does the Chief Secretary know how many there were?

The Chief Secretary: No.

Hon. J. T. TONKIN: Then why argue about it?

The Chief Secretary: You are making the statement.

Hon. J. T. TONKIN: To what statement of mine does the Chief Secretary object?

The Chief Secretary: Never mind. I will object if I hear a statement that I do not like.

Hon. J. T. TONKIN: One can see, Mr. Speaker, that when Ministers have to face up to anything they crawl out of it.

The Minister for Lands: No, you mentioned 100 just now.

Hon. J. T. TONKIN: Of course I mentioned a figure of 100 and I will mention it again. If the Minister can do a simple subtraction he will get a figure in excess of 100. The Minister for Housing said that since July last year 897 owners had applied for repossession of their homes and 634 of them had been granted the necessary orders and that, although all the evicted families did not require assistance, 489 of them had been given alternative accommodation. Subtracting 489 from 634 gives a figure considerably in excess of 100. Has the Minister for Lands any more to say?

The Minister for Lands: No. I think you have answered my question.

Hon. J. T. TONKIN: I was saying, Mr. Speaker, that it was only in the opinion of the Housing Commission that these people did not require assistance; not actually, but in the opinion of the Housing Commission, because the Commission regards a family as not requiring assistance if, under any circumstances, it can get a roof over its head. If a person is told to go away, because the Commission will not do anything, and he does not come back, it says that he does not require assistance—the proof being that he did not come back. I do not look at it that way. I think we are entitled to say that a human being has the right to live under decent conditions, and where we have as many as eight persons trying to live in one room I would say those are not decent conditions.

The Premier: Did you say "eight in one room"?

Hon. J. T. TONKIN: Yes.

The Premier: How many cases are there like that?

Hon. J. T. TONKIN: I know of only one with eight.

The Minister for Health: What is the size of the room?

Hon. J. T. TONKIN: But I know of some with six.

Mr. J. Hegney: I know of one with seven.

The Minister for Lands: Does anyone else know of any?

Mr. Graham: I know of one with six.

Hon. J. T. TONKIN: I know of a family in North Fremantle—happily it has been fixed up in the last fortnight but it took months and months to do so—where the people lived on one room and the woman gave birth to three additional children while living in that one room; that meant that there were six of them in the one room, and a small room at that. But happily, within recent days, the Commission has provided accommodation for that family.

A process of saturation has been going on. When the Commission has refused to help some of these cases they have just had to fit in somewhere and they have adopted all sorts of methods. I know of a case where the people rented a caravan at £3 10s. 0d. a week. The father and mother lived in the caravan and the children had to be placed with relatives, one with one lot of relatives and one with another. The Commission would say that that family did not require assistance because it did not come back. I do not look at it that way. I think that there is a number of families that should have been assisted by the Commission, in pursuance of the undertaking given in this House, but have not been so assisted.

Last week I wrote to the Minister and asked him to supply me with the reason why a certain two-unit family had not been given a house, because this family was under notice of eviction. I saw the letter written to this couple telling them that they would not get assistance from the Commission. Apparently the Commission thought they did not require it. I have written to the Minister because he said that applicants would be assessed on their merits, and I am curious to know the reason that knocked out that couple. I have had an acknowledgment from the Minister that he received my letter, but so far no reason. To proceed with what the Minister had to say—

When it appeared that any applicant was in a position to help himself, or the number and ages of the family would create no undue hard-

ship, he would be expected to arrange his own accommodation. The Commission would try to assess, as early as possible, the merits of each applicant under threat of eviction in order that he could be advised whether or not alternative accommodation would be provided by the Commission.

Then the Minister went on to quote the figures that I have already mentioned. Let us analyse that part of the Minister's statement which reads "When it appeared that any applicant was in a position to help himself, or the number and ages of the family would create no undue hardship, he would be expected to arrange his own accommodation." What is meant by "the number and ages of the family would create no undue hardship"? Suppose there is a man and his wife and one child and they have hunted up and down the streets, approached land agents, been to the Commission but still cannot find a place to go! Will it not create undue hardship if they are put out, irrespective of the age of the child? This is the Government which, with anguish in its voice, said, with regard to the previous Government, "It will not do anything for the two-unit families." The Deputy Premier said something like this: "Two-unit families yearning for a home." I see the Premier recalls that. The Labour Government would not do anything about it but the McLarty-Watts Government would!

The Premier: That is so. We have built about 25,000 houses for people with families.

Hon. J. T. TONKIN: The Government should have done so. Every other State has done the same, with increases in manpower and materials.

The Premier: You said yourself that houses were springing up like mushrooms.

Hon. J. T. TONKIN: So they should, but there should have been a lot more mushrooms. Surely the Premier will agree that there are still as many people in Western Australia today applying to the Commission for homes as was the case when this Government took office. Will the Premier agree with that or not? If he will not, I will read a statement from his own Minister which says so.

The Premier: I know that a great number of these applicants, who still appear as applicants, have long ago been provided with homes.

Hon. J. T. TONKIN: That is not so.

The Premier: Yes, it is.

Hon. J. T. TONKIN: The Commission regularly goes through the lists and wipes off those people.

The Premier: And do not forget that there was no migration policy in operation when you were over here. You did not have thousands of people coming in to the country as we have had.

Hon. J. T. TONKIN: And apparently there was not such a thing as a war which caused the brick kilns to close down!

The Premier: You should have got them going earlier than you did.

Hon. J. T. TONKIN: Before the war stopped!

The Premier: You should have got the employees out and got them to work like others did.

Hon. J. T. TONKIN: I commend to the Premier the latest issue of that green paper that finds its way about this building occasionally—"News Review." In this paper there appears a statement from the Minister for Housing. He said, or words to this effect, "The numbers applying for homes are just as great today as they were when the Government took office". I have not the paper in front of me, unfortunately, so I cannot be absolutely accurate.

The Premier: I know that the population has increased by 100,000 during the last five or six years.

Hon. J. T. TONKIN: Yes, it might have done, but that has brought an increased number of artisans here. They were brought into the country for the specific purpose of assisting in the building of houses. There have been all those years during which the momentum of building could gather as it has gathered in all States of Australia and yet there is still this tremendous shortage of houses.

The Premier: Every migrant creates a liability for some considerable time, as you know. You admit that, do you not?

Hon. J. T. TONKIN: Yes, I do and I will give the Government full credit for erecting a very large number of homes.

The Premier: Yes, many thousands.

Hon. J. T. TONKIN: Yes. I will give the Government credit for having done that, but I still say, as I said when this legislation was introduced previously, that this Government was in too much of a hurry to release controls. It was ahead of every other State in the Commonwealth and, because it took controls off earlier than it should have done, it increased the demand for houses to such an extent that the State Housing Commission had to go all out to meet the needs of evictees and so could not give attention to the requirements of the applicants who were on the list and had been accorded a priority.

We have reached the position in Western Australia where a large number of newcomers to this State have been here a

sufficient time to qualify under our legislation to issue eviction notices on their tenants, and thus take possession of houses in which our people have been, in some cases, tenants for 20 years but are now out looking to the Housing Commission for accommodation. They need not have been in that position if we had not relaxed the controls in the way that this Government did, well ahead of anybody else. As I told the Premier before, an officer from South Australia when visiting this State said we were mad, and that we were lifting controls beyond our capacity to provide houses for those who were being evicted.

The Premier: As the hon. member knows, there was a large number of people who owned their houses for years but who were suffering hardship because they could not get into them, and justice had to be done to them.

Hon. J. T. TONKIN: Very true, but we went too far. Now, just listen to this article which appeared in tonight's issue of the "Daily News." It reads—

MOTHER OF EIGHT EVICTED.

A mother of eight children, the youngest aged seven months, was among 10 people against whom eviction orders were made in Perth Local Court today.

She is Mrs. Dorothy Eileen Perry, who has been living in a house in Fitzgerald street, Perth, owned by John Sepich.

Sepich today obtained repossession of the house for his married daughter.

I wonder where his married daughter was living previously; if she has any children and how long she has been married. The article continues—

When the Magistrate gave Mrs. Perry the usual instruction to "go and see Mr. Prince at the Housing Commission," she said: "What if he doesn't fix us up?"

The Magistrate, smilingly answered: "He will."

I would like to know how the magistrate knows that.

The Minister for Health: Finish reading it.

Hon. J. T. TONKIN: I read it all.

The Minister for Health: I thought there was a little more to it.

Hon. J. T. TONKIN: No, I read it all. I think the Housing Commission will do something for that family because of the large number of children. I believe she will be provided with accommodation, but she might be forced into a house which will only hold about four or five people, and I want to protest against that. The Housing Commission has stopped building the larger type of dwelling and is trying to cram families, irrespective of size, into

these tiny places. One man told me this week that he had six persons to house, his wife, his three children, his father and himself, and he said there was not room in the kitchen to get a table into it in order that six people could sit around it. The stove juts out a couple of feet and so takes that length off one wall; the sink juts out 18 inches or so on another wall and takes up that portion of space and, if one is successful in getting a table into the kitchen to seat six people, there is not room for the chairs.

The Premier: The hon. member is now referring to houses for evictees?

Hon. J. T. TONKIN: Yes.

The Premier: Of course the idea is to put such families into them temporarily and then transfer them into other State houses as quickly as possible.

Hon. J. T. TONKIN: No, they have to buy the house.

The Premier: A family such as that would not be asked to buy it.

Hon. J. T. TONKIN: Oh yes, they are asked to buy the house.

The Premier: They are not compelled to buy it.

Hon. J. T. TONKIN: I have encountered a number of cases where the people concerned have refused to buy and they have been told by the Commission that it will do nothing for them. These are houses which the Commission erects for the purpose of selling them to the evictees. They must put down so much as a deposit and agree to pay so much a week.

Mr. Needham: The same as a worker's home.

Hon. J. T. TONKIN: That is a condition enforced when providing these houses. These evictees say that they are poor value because they cost a great deal more to erect than they should have done, that they are too small for their needs; but nevertheless they have to enter into a contract to buy them and they are told, too, that if they do not continue with the contract it will be enforced against them. The other day I told one family it could forget about that; that there was no law or Government in this country game enough to take these tenants to court to enforce such a contract and make them pay up for these houses.

The Chief Secretary: I take it that you have evidence that the State Housing Commission has actually insisted upon their having the house only if they were prepared to buy it?

Hon. J. T. TONKIN: Oh yes, I have obtained that evidence. In fact, I do not know of any case to the contrary.

The Premier: You agree with the Housing Commission's principle of encouraging home ownership, do you not?

Hon. J. T. TONKIN: I think it is a good idea to encourage people to own their homes, but, on the other hand, I think it is a bad idea to build costly places with inferior material and force the tenants to buy those houses and pay the deposits on them. When a person decides to buy a place, he likes the opportunity of making his own selection. However, the purchasers of these houses have no option; it is a case of take it or go without.

The Attorney General: Of course, the deposits are extremely small.

Hon. J. T. TONKIN: Yes, they are small, but in some cases they ask for £40.

The Attorney General: In other cases, £5.

Hon. J. T. TONKIN: I know they will let them in with less than that if they cannot find the £40. I know of many people who have paid £20; some have paid £10 and, I understand, there are some who have been let in who have paid only £5. I do not know whether that is so or not.

The Premier: I believe that is so.

Hon. J. T. TONKIN: I think it is rather hard on people who are up against it when they are faced with eviction and have nowhere else to go, to be forced into places that are too small for them initially and then made to enter into a contract to buy those places which are too small and which have been erected, in some cases, with unsatisfactory material. I mention the asbestos sheeting about which I spoke before, where there is very definite evidence that the Commission issued a direction that this faulty asbestos sheeting which nobody else would buy, should be used in the Commission's homes. This sheeting deteriorates the older it gets.

The Attorney General: You might say that about all sheeting.

Hon. J. T. TONKIN: I do not think so.

The Attorney General: I was under that impression; that it got more brittle.

Hon. J. T. TONKIN: Goodness gracious, Mr. Speaker, if this stuff is as bad as it is now and it is going to deteriorate further with age, what good will it be in 10 years' time?

The Attorney General: I tried some of the ordinary Australian stuff the other day and it is exactly the same. When you first tried that in the House I was surprised and immediately sampled the ordinary stuff, and it was the same.

Hon. J. T. TONKIN: I have not been able to do that with the ordinary stuff, and I saw a sample on the file which the Premier made available to me today. That was a lot better than the asbestos to which I have referred previously. I am certain it would not have been possible to do the same with the stuff I saw on the file as it would be with the asbestos I have here

before me. With this stuff there was a 30 per cent. of breakages before it was put up in the house; that is according to the file. Up to four per cent. replacements were necessary after it was put on the houses. These people have to buy the places that are being constructed with this type of material. They have no option. If they refuse then they lose their priority and are put off the list.

During the week I was battling for two families. I mentioned one which consisted of six members and asked if it could have been possible to allow the family to bypass the small house at Willagee—this was miles too small for them—and let them wait until a larger house became available. First I was told that if they did not take that house, they would lose their priority and would go off the list. But after my using a little persuasion and argument, the Commission agreed to offer that family a slightly larger house in another district, and they contemplated enclosing a back verandah and hoped in that way to make another room for themselves. The kitchen, however, will be miles too small. This family happens to have a refrigerator and it is a sheer impossibility to put a refrigerator and a table into this kitchen; it just cannot be done. I do not think that is wise at all.

I agree that we should try to make the money go as far as possible and provide as many houses as we can for these people. But we should not go to the other extreme and make them too small for comfortable living. I am afraid that that is what has happened in a number of cases. I suppose it is something to know that the Government intends to continue the existing controls—inadequate as I regard them. There is not much left, but we would be worse off if the controls went altogether. I refer not only to the controls with regard to houses themselves, but to controls in connection with rentals to be charged. In this connection a novel idea was put to me the other day. Some people living in rooms are very diffident about applying to the rent inspector to check the rent because, if they applied to have the rent checked and, as a result of that, the rent was reduced, the next thing that would happen would be that the landlord would give them notice and out they would go. Then, when the new tenant came in, up would go the rent again.

The idea put to me was this: If a tenant feels that the rent is much too high—and there are many cases where they are being called upon to pay £3 and £4 a week rent for one room—and he applies to the rent inspector, and, as a result of that, the rent is reduced, then there should be something in the legislation which says that that tenant is protected from eviction for a certain time. That would prevent these irate landlords from giving their week's notice

straight away and from putting the tenants out simply because they had the temerity to say that the rent was too high.

Some rapacious landlords are getting very high sums of money for comparatively small dwellings. I have been told, though it has never been proved to me—it is just by word of mouth—that there are cases where landlords are drawing up to £20 a week from families that are crammed into their places.

The Premier: One house?

Hon. J. T. TONKIN: Yes. Families are crammed into these houses and the landlords charge an extra large amount for the rent of each room. The tenants are afraid to do anything about it because if they do lodge a complaint with the rent inspector and he reduces the rent, then the next thing these people find is that they are out in the street. There is no protection; there is nothing in the law which protects them in any way. A landlord can simply give a week's notice and out they go.

The Attorney General: Landlords are watched rather carefully.

Hon. J. T. TONKIN: What can be done by watching them?

The Attorney General: You can see they do not get any more than they should.

Hon. J. T. TONKIN: It would need an army to watch that. When these tenants are put out of houses we very soon find somebody already anxious to move in because accommodation is still very short, and there is nobody there to check what rent is being charged when the new tenants move in. For all I know, they might move in at a reduced rent and then have it increased.

The Premier: I thought they were under the same provision as a householder. Suppose I owned a house and the tenant went out, I could not legally charge the incoming tenant a higher rent.

Hon. J. T. TONKIN: But that obstacle is overcome by putting a couple of extra chairs in one room or a settee in another.

The Attorney General: That does not legally overcome the obstacle.

Hon. J. T. TONKIN: There has never been a successful case in the court.

The Attorney General: If a case were taken, it would be successful.

Hon. J. T. TONKIN: It would take a lot to convince me of that. I know that this sort of thing is going on.

The Attorney General: I think some of it is going on, but thieving is also going on.

Hon. J. T. TONKIN: Some tenants have had experience of it before and, when they are lucky enough to get another place, they grin and bear it. The Minister knows that this is happening and I dare say it is worrying him, but there is no way in

which it can be adequately dealt with at present. The suggestion put to me was that, if the tenant made a complaint and the rent was reduced by a certain amount—he mentioned a 10 per cent. reduction to prevent any frivolous complaints—such a tenant should be protected against the landlord for a period of, say, at least 12 months, so that the landlord could not vent his spleen and serve notice on the tenant to leave.

We must endeavour to avoid that sort of thing. I get dozens of letters about these matters from different angles. I have one here that serves to emphasise what I have been saying. Some of the people who are paying these high rentals for rooms and flats are retired civil servants whose incomes are limited, and they are not receiving the advantage of basic wage increases. They have to pay the increased prices but, as they are on pensions, they have a very limited income and find these increased rents decidedly irksome. This correspondent says—

I live in a flat. Before the 20 per cent increase was allowed, I paid 35s. per week but no rates and taxes. After the 20 per cent. increase, I paid 42s. per week, plus rates and taxes. Last year, another 10 per cent. increase was allowed. This brought my rent to 46s. 3d. per week, plus rates and taxes 5s. 3d. or a total of 51s. 6d. per week. Rates and taxes alone come to £13 11s. 6d. per year, and the year's rent to £120 5s., or a total of £133 16s. 6d.

My flat is one in a block of four. The four tenants pay between them £54 6s. in rates and taxes.

I wonder whether the landlord has to pay that amount.

I have no way of checking this to find out if it is less or more than the landlord pays in rates. So the landlord gets £481 in rents and £54 6s. in rates from the four tenants, a total of £535 6s. per year.

When these flats were built 20 years ago, it is said that they did not cost £2,000. I cannot say what was given for the land, but it was held for several years before the building was put on it. This man is said to own from 18 to 20 such blocks of flats.

Although last year it was claimed in the House that the landlords had to face up to greatly increased costs for repairs, the following is a fact:—This particular landlord will do absolutely nothing in the way of repairs. He himself has stated that this is an understanding between the big landlords and he himself will not budge an inch from it. Here are some repairs that tenants have been forced to have done at their own expense—

(1) Install a new gas bathheater.

- (2) Repairs to lavatory cisterns.
- (3) Complete replacement of kitchen sink eaten away by white ants.
- (4) Repairs to gas stoves.
- (5) Repairs to washtubs and coppers.

To sum up, the tenant pays increased rent 20 per cent., then 10 per cent., on the 1948 rent, plus rates, plus all necessary repairs. In justice, it must be said that there are many small landlords who have not availed themselves of the right to raise rents 20 per cent. and 10 per cent. and certainly do not expect payment of rates, and look upon it as a duty to do necessary repairs.

The Premier: How can the landlord legally ask the tenant to pay the rates? I understood he could charge the increase in rates, but not all the rates on the property.

Hon. J. T. TONKIN: Previously, these tenants were not paying any rates and taxes, and they were paying a certain rent. This landlord has taken the view that he is entitled to add to the rent the total of all rates and taxes, because they were not being charged before. That is arguable. I should say that in the previous rent he included rates and taxes.

The Attorney General: That would be anybody's view.

Hon. J. T. TONKIN: He is taking the stand that they were not paying any rates and taxes before but only a straight-out rental, and that he was entitled to increase the rental and make them pay the rates and taxes and, on top of that, do all the necessary repairs.

The Attorney General: Of course, he is just a thief.

Hon. J. T. TONKIN: He is on a very good wicket.

The Attorney General: Why not mention his name and let the Press publish it? If these are genuine cases, mention the name.

Hon. J. T. TONKIN: There is no doubt about this being a genuine case.

The Attorney General: Then mention the name of the landlord.

Hon. J. T. TONKIN: I know this tenant well. He is a man who occupied a responsible position in the civil service of the State. He is now living upon superannuation, which he finds inadequate for his needs, and the increases in rent are proving a very heavy burden.

The Attorney General: What chance has the Government of redressing that sort of thing if no names are given? What he has done is entirely illegal. If you mention his name, some action will be taken.

Hon. J. T. TONKIN: Let me explain my feeling in the matter. I am diffident about mentioning the name of the tenant; and, if I am not prepared to do that, I do not think I should mention the name of the landlord. I do not consider I should mention the one and not the other; and, as I do not want to mention the tenant's name, I do not want to go any further than that.

The Premier: Do you think that landlord is acting within his legal rights?

Hon. J. T. TONKIN: No, I do not.

The Premier: I do not, either.

Hon. J. T. TONKIN: But it takes money to try these things out; and if I were a civil servant on a limited income, already finding it difficult to pay my rent and buy the necessities of life, I would not feel inclined to risk money I did not have in order to test out something that I might not be able to prove.

The Attorney General: You would not put up with that for five minutes!

Hon. J. T. TONKIN: That may be so; but perhaps some of these tenants will not take the risks I am prepared to run. I am not going to argue that. I mention this case as one that was brought under my notice. It was one of a number where the tenants complained that they did not get a fair crack of the whip.

Hon. J. B. Sleeman: That would only be one in hundreds.

Hon. J. T. TONKIN: In lifting controls and relaxing controls the way we did in this State, we went ahead of other States before we were ready to do so; because housing is still a very acute matter in Western Australia, despite the fact that the Government has built a large number of houses.

The Minister for Health: It is just the same in the other States, if not worse.

Hon. J. T. TONKIN: I believe it is, except in Tasmania. That State was able to build houses during the war period.

The Premier: I think they are in a pretty difficult position, too.

Hon. J. T. TONKIN: Yes, but Tasmania is not as badly off as we are. It was the only State which was able to continue building houses during the war.

The Premier: South Australia was the State that continued building.

Hon. J. T. TONKIN: South Australia built some, but not nearly as many as Tasmania.

The Premier: I thought they had the most active building programme.

Hon. J. T. TONKIN: I do not think so. I may be wrong.

The Premier: I think so.

Hon. J. T. TONKIN: I have been under the impression that Tasmania, above all States, was able to maintain almost a

complete building programme during the war period, not only of houses but schools as well. It is certain that we could not do it here because our brick kilns were closed and we allowed our artisans to join up with the Forces, and our carpenters and bricklayers could not be in two places at once. So we had to do without buildings during the war years and a very big lag was experienced. Because of the lifting of controls with regard to evictions, and through permitting people from other countries to come here and buy houses over the heads of our tenants, we have placed an additional burden upon the Housing Commission, which has been flat out to cope with that situation. That is the reason behind the Minister's repudiation of an undertaking given in this House.

I think that when the Minister and the Chief Secretary told us last November that all evicted persons would be housed, they believed it could be done. I had other views, because I said there would be more evicted people than they thought and the Commission would not be able to build the number of houses necessary. However, I give the Ministers credit for believing what they said. But experience has shown that it has taken them all their time to meet the needs of evictees, and they have not been able to do very much at all about providing homes for those on the priority list. The Commission is still trying to satisfy applicants whose applications were lodged in 1947. So in some cases we are five years behind.

It is true that in certain districts the Commission has been able to provide for applicants of a later date than 1947. But there are still a large number of applicants whose applications were lodged in that year and who remain unsatisfied. I believe it is because of the Minister's desire and the Commission's desire to try to satisfy a number of those 1947 applications that the decision referred to in this State was made—that is, to treat evictees on their merits—whereas the undertaking was previously given to this House that all evicted persons would be housed. I know a number of evicted families that were not housed, and I know they required accommodation.

Mr. Yates: Was accommodation offered to them at any time?

Hon. J. T. TONKIN: No. They were told that the Commission would not assist them and that they would have to make their own arrangements. I have had supplied to me some of the letters that these tenants have received from time to time. I think I have some amongst my papers here, but I do not want to take up time searching for them. Generally they state that the Commission has given consideration to the application but regrets it is unable to render assistance and the applicant must make his own arrangements;

or words to that effect. Those are usually cases of two-unit or three-unit families. Previously the Commission would provide for three-unit families, though it was diffident about providing for two-unit families, but latterly it has shown reluctance to provide accommodation even for three-unit families; and, though I have no proof of it, I have been told that four-unit families have been refused assistance, even though they needed it.

The other night the Minister referred to the number of cases of big incomes. I said that there were three or four and the Chief Secretary took me up on that. I find that the Minister actually quoted five cases. That is to say, he quoted five cases from these 40 files showing big incomes. But one cannot always go on the big income factor. It depends on how many persons are earning that income and what they have to do with it. Every person living in a family does not come home on pay day and say, "Here you are, Mother. Here is all my wages." They have a number of things to do with their wages. Take transport today! On the average, it costs a working person about £1 per week for trams or bus fares, if he has any distance to travel.

The Premier: Would you say that was the average?

Hon. J. T. TONKIN: I am not in a position to say what the average is, but I know a number of persons living round about me who have to pay approximately £1 per week. The bus fare into Fremantle from the end of the Bicton run is 8d. single. The return fare would be 1s. 4d. per day. For a five-day week—though some of them work on Saturday mornings as well—the cost would be 6s. 8d. If they work in Perth and have to catch the metro bus to the city and back, they buy a weekly ticket. I do not know off hand what a weekly ticket from Fremantle, or the bridge at Fremantle, to Perth costs, but I assume it would be in the vicinity of 10s. a week—probably more. So there is 16s. 8d.

The Premier: He is travelling a long way.

Hon. J. T. TONKIN: Quite a lot of Fremantle residents work in Perth. My own boy is one. That is where I got an idea of the amount involved in travelling. We can put fares down at an average of 10s. a week—and I know large numbers pay considerably in excess of that amount—and some people are paying superannuation which amounts to another 6s. or 8s. a week. Clothing today is particularly dear. For example, it costs 25s. to 30s. a pair for shoes for children as young as three and four years of age; and for an adult, £3 or £4. Then the other articles of clothing have to be purchased. So we cannot say that because a person is getting £8 or £10 a week, and there are three

people in the family getting that amount, the family has an income of £25 a week and they ought to be able to provide themselves with accommodation.

The Premier: They would be getting more than £8 or £10 a week. The basic wage is more than that.

Hon. J. T. TONKIN: They might be juniors. The position is not as easy as that. Although the Minister's figures did suggest, at first glance, that there were families which might be expected to provide their own homes, I point out that an income of £30 or £40 a week now, because there are a number of people in the family, is not sufficient to provide a house, for what is needed today is not the capacity to meet the weekly payments on the house when it is up, but the cash at the moment to pay the builder so that he can erect the house.

Whereas a year or two ago it was possible to go along to a building society or a bank and get the necessary finance to erect a home, in which case the repayment would be well within the capacity of the families mentioned by the Minister, today it is not possible to get these loans; and quite a large amount of cash has to be provided almost immediately for the builder. It is this difficulty which, apparently, the Housing Commission does not fully appreciate. So it is not sufficient to quote the income of a family which might have five or six members working and then say, "Why do not these people provide themselves with a house?" If members go into the matter they might find these people have a perfectly legitimate reason for not providing themselves with a home. It does not matter how much a week a person is getting, if a house is not there to rent he cannot rent it.

Mr. Griffith: Do you not agree that the suspension of building during the war has made it necessary for the State to step in and build houses for the people?

Hon. J. T. TONKIN: Of course I do.

Mr. Griffith: Before the war, people were not helped in the same way as they are today.

Hon. J. T. TONKIN: There is another aspect, too. Before the war there were moneyed people who made it a business to erect houses for the purpose of letting.

The Premier: They are gone as an investing class.

Hon. J. T. TONKIN: I know of one man in Fremantle who built something like 70 houses which he let to tenants, and they had no reason to believe that they would not be allowed to go on living in them. They were content to pay the reasonable rentals which were charged at the time, and to live in those places. It suited them and it suited the landlord. But those days are gone. Houses are not built by private people for the purpose of letting. When

a private individual builds a house now his idea is to sell it at a profit and, if a person has not the ready cash, he cannot buy it. So it does not help a great deal to pick up a file and say, "Here is a case where the income is £40 a week. Why have not these people done something about providing themselves with a home?" The £40 might be of quite recent growth. After all, if the father is earning in excess of the basic wage, and he has a couple of sons and a daughter working, it is not difficult to have an income of £40 a week coming into the home, but it might even in these circumstances be difficult to save £500 or £600 to have a house built.

Mr. Graham: In any event, parents have no claim on a child's income, other than for board.

Hon. J. T. TONKIN: The Minister needs to look at other aspects besides the one he dealt with. I hope members will agree to the continuance of the legislation. The Premier gave an indication the other evening that he had reason to believe there would be no difficulty about it up above. I hope he is right, because we will be in a serious plight if these controls go at this stage, both as regards rentals being charged, and keeping people out of their property. In my view the pressure on rentals is greater now than it was 12 months ago because house-building is falling off. A number of people had reason to believe that they would be able to build their own places. Many were putting up self-help homes and others were getting builders to build houses for them. They were getting the necessary finance through the building societies and the banks.

Many people had reason to believe that before they were actually evicted they would have their own homes into which they could go. But almost overnight the financial policy of the Commonwealth Government changed with regard to money being available for building. As a definite policy to bring about a brake on inflation, it requested a clamping down on funds for building, and this meant that many people who had intended to build and had taken the initial steps to that end, were not able to proceed.

Mr. Griffith: There is still a lot of private building going on.

Hon. J. T. TONKIN: Yes, but much less than would otherwise be the case; and here is proof. Some 12 months ago, if a person went to a builder and asked him to take a contract, he was reluctant to do so and, even if he did, he would show the person desiring to build, a list of some dozens of persons, and say, "I will put you on the list, but you will have to wait your turn." I know that is right because I inquired of some builders about it. Those builders will today undertake im-

mediate building and will commence the work without delay. It is not that they have built all the houses that they previously had on their lists, but that a number of the prospective owners have dropped off the lists as they can no longer finance the erection of homes.

With a lessening of home building and an increase in production, it is inevitable that there will be a greater demand on existing accommodation and with that increased demand we can expect considerable pressure upon rentals. In view of that if controls were removed we could expect trouble.

Mr. Griffith: I hope you do not think I was suggesting the lifting of controls?

Hon. J. T. TONKIN: No. I have all along had in mind members of another place. I do not expect difficulty in the passing of the legislation through this House as the Chief Secretary has made it clear that he knows exactly what the situation is. He said that if the legislation were allowed to lapse there would be a general increase in rents, and there is not the slightest doubt about that. I hope that realisation is in the minds of members of another place and that this legislation will not be allowed to lapse because, as I have said, if it does there will inevitably be an increasing pressure for the raising of rents. While we might be against controls generally and would prefer a free economy, this is not the time to remove these controls. I am glad that the Government has seen fit to introduce this continuance Bill and I hope it will be passed.

On motion by Mr. Graham, debate adjourned.

House adjourned at 10.14 p.m.

Legislative Council

Wednesday, 17th September, 1952.

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

ASSENT TO BILL.

Message from the Governor received and read notifying assent to the Industrial Arbitration Act Amendment Bill.

QUESTIONS.

DAIRYING INDUSTRY.

(a) As to 1,000-Farm Scheme.

Hon. C. H. HENNING asked the Minister for Agriculture:

(1) Concerning the statement of the Director of Agriculture in "The West Australian" of the 15th September, 1952, under the heading "Aim of 1,000 Dairy Farms," will the Minister amplify the statement?

(2) Which scheme takes preference in the Government's plans—the improvement of existing farms or the 1,000-farm scheme?

The MINISTER replied:

(1) Details of the scheme for the establishment of 1,000 new dairy farms in Western Australia are still under discussion with the Commonwealth Government and will be made available as soon as finality is reached.

(2) The schemes for the development of new farms and the rehabilitation of existing farms are regarded as separate proposals. Neither can be commenced without financial assistance from the Commonwealth. The Government regards the re-establishment of existing dairy farms as of the greatest importance.

(b) As to Price of Wholemilk.

Hon. C. H. HENNING asked the Minister for Agriculture:

(1) Is the price of wholemilk paid to the producer, as determined by the Milk Board, based on the cost of production?

(2) Will he make public the costs table as is done in Victoria?

(3) If the answer to (2) is in the negative, why?

The MINISTER replied:

(1) The price as determined by the Milk Board is based upon the inquiry by the Royal Commission appointed to investigate the financial and economic position of the milk industry between November, 1947, and January, 1948, with suitable adjustments for increased costs since that date.

(2) and (3) The findings of the Royal Commission have been published, but consideration will be given to making available the adjustments made due to increased costs. The determination of the price is the function of the Milk Board.