person. I have therefore retained in the Bill a provision that proceedings against the Crown must be taken within 12 months of the cause of action arising.

It may later be desirable—this House may think it desirable as far as the limitation of proceedings is concerned—to extend that time and make it more in accordance with the time that applies to ordinary people, but in introducing this legislation for the consideration of the House, and bearing in mind that the Crown in some ways is more vulnerable to claims than is a private person, I have retained the limitation of 12 months, but with a proviso—which is not in the present legislation—that if the plaintiff did not know and could not have known with reasonable care that he had been injured, then the time does not run against him for bringing proceedings until he knew of his damage or might have known of it by the exercise of reasonable care. It does sometimes happen, and has happened in my experience, that a subject has been injured by Crown operations and has not known of it for months afterwards.

The instance I have in mind was where the Crown entered on private land and removed marketable timber, and it was not known to the owner of the land, for some time after the actual entry by the Crown took place, that the Crown had removed timber from his area, and yet the limitation of 12 months in the present law would run not from the time that the land owner knew of the trespass on his land but from the time that the trespass took place, though the land owner was not at the time aware of it. I had opportunity, by the consideration of this House in 1944, of dealing with this subject at greater length than I propose to deal with it tonight, referring much more widely to the law on this subject and to the observations that had been made by a number of persons of high authority. If any member would like to pursue the matter further, I might take the liberty of referring him to the remarks that I made in speaking to the House in 1944.

All members will appreciate very fully, I know, that in the old days when the maxim, "The Crown can do no wrong," flourished to its fullest extent, the activities of the Crown were extremely limited. Therefore, the opportunities for the subject to receive an injury for which he could obtain no redress from the Crown were comparatively limited. Today Governments operat in a very wide sphere. They conduct al kinds of activities and very large service: It is now possible that the ordinary citize may receive some damage for which he ca obtain no redress under the present law much more freely than was the position 5(or 100 years ago. I feel sure that I can sa with justification that the time has now com when this archaic law to which I have refer red should no longer find a legitimate plac in the jurisprudence of any progressiv State or country.

I think the general view is that ver shortly the position, in British countrie especially, will be that if Parliament lay down a code of obligations to be impose upon the ordinary man or woman, the leas the Government can do is to observe obliga tions of the same standard. I feel that th House will be prepared to welcome the con sideration of this measure. While it is ver short, it does include certain provisions tha may call for some explanation. I think i will be sufficient for me to say at this stag that I shall be very pleased when dealing with the Bill clause by clause to give any explanation in my power as to the meaning of various provisions and the reference they have to the existing law in this State. I move—

That the Bill be now read a second time.

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

House adjourned at 9.4 p.m.

Legislative Assembly.

Thursday, 4th September, 1947.

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

QUESTIONS.

FORTY-HOUR WEEK.

As to Tabling File.

Hon. F. J. S. WISE (on notice) asked the Minister for Labour:

Will he lay on the Table of the House, vol. 2 of file 74/75, Department of Labour, dealing with the 40-hour week proposals which will contain all relevant documents from the 3rd April, 1947, to date?

The MINISTER replied:

Yes.

HOUSING.

(a) As to Weatherboard Areas and Title Covenants.

Mr. NEEDHAM (on notice) asked the Minister for Local Government:

(1) Is the Government aware that land is being sold in weatherboard areas under contracts which contain a covenant that only brick or stone dwellings are to be erected on such land?

(2) Is the Government aware that local authorities have approved of plans for the building of weatherboard and asbestos homes on such land?

(3) As servicemen and others have expended their savings on partly completed homes and are now unable to obtain further finance to complete them on account of such covenants being endorsed on the titles, will the Government bring down the legislation to rectify the position?

The MINISTER replied:

(1) No.

(2) No.

(3) Inquiries will be made and consideration given as to what action should be taken thereafter.

(b) As to Brunswick Junction Homes and Railway Cottages.

Mr. REYNOLDS (on notice) asked the Premier:

(1) Is he aware that a letter, reference No. 6113, was sent from the Housing Commission stating "unfortunately the commission is not building homes at Brunswick Junction at the present time. Should you desire to be considered for a home in any other district, I shall be glad to be advised"?

(2) Has the commission abandoned its plans for erecting much-needed homes in a town which must expand rapidly with increased irrigation?

(3) Must employees live in districts chosen by the commission instead of adjacent to their work?

(4) Has any further move been taken to resume or purchase building sites in Brunswick Junction?

(5) Is he aware that material for railway cottages has been stacked in the Brunswick Junction yards for about five months, awaiting erection?

(6) Does he know when these cottages are likely to be started?

(7) Is there any liaison between the commission and the Railway Department regarding construction of railway cottages?

The PREMIER replied:

(1) Yes. Building of homes at Brunswick Junction has been held up pending acquisition and subdivision of suitable land. As applicant to whom the letter was addressed was a cream transport driver, it was thought that centres such as Harvey or Bunbury where houses were being built might be suitable.

(2) No. An allocation of homes will be made to this centre when land is available.

(3) No.

(4) Negotiations proceeding for acquisition of land.

(5) Yes. Railway Department has been accumulating material before calling tenders for construction. Still waiting for balance of material—principally flooring and linings.

(6) Railway Department hopes to have all material by end of month when tenders will be invited.

(7) Yes.

(c) As to Brick v. Stone Foundations.

Mr. GRAYDEN (on notice) asked the Minister for Housing:

Will he give information as to—

(1) The number of houses constructed with brick foundations during the year ending the 1st April last?

(2) The number of houses constructed with brick foundations during the previous year?

(3) Is he aware that an average of approximately 5,000 bricks are used in a foundation?

(4) Is he aware that in many cases stone is a very satisfactory foundation for houses?

(5) Is he aware that this use of bricks in foundations during the term of the previous Government has contributed to the shortage of bricks now apparent?

(6) Will he inform the House what steps have been taken by the present Government to reduce the number of houses constructed with brick foundations?

The MINISTER replied:

(1) Not available.

(2) Not available.

(3) Yes.

(4) Yes.

(5) During the term of the previous Government an embargo was placed on the use of bricks. The restriction still applies. Owing, however, to an acute shortage of stone and labour, exceptions were made and bricks were used so that the building programme would not be held up. The stone position has since improved.

(6) The position is being closely watched by the State Housing Commission to ensure that there is no undue use of bricks in foundations.

ASBESTOS.

As to Deposits near Goomalling.

Mr. LESLIE (on notice) asked the Minister representing the Minister for Mines:

(1) Is he aware of the existence of at least two deposits of asbestos near the townsite of Goomalling?

(2) Have any applications been received for mineral leases of the areas concerned and, if so, when and by whom were such applications made?

(3) Have mineral leases been issued and, if so, when and to whom?

(4) Has any investigation been made by or on behalf of the Government of the extent and probable value of these deposits?

(5) If no such investigation has been made, is the Government in possession of any information regarding the value and extent of the deposits?

(6) Will he make available any information and reports?

The CHIEF SECRETARY replied:

(1) Yes.

(2) Yes. Mineral claims Nos. 377H and 378H. 20th August, 1947. Messrs. F. C. Willcocks, T. L. Davies, H. K. Davies, F. Feddema and J. P. Rogers.

(3) No.

(4) No.

(5) Yes.

(6) Yes. Mines Department Annual Report, 1922, pages 67 and 118.

BILLS (3)—FIRST READING.

1, Western Australian Government Tramways and Ferries.

2, Government Railways Act Amendment.

Introduced by the Minister for Railways.

3, Goldfields Water Supply Act Amendment.

Introduced by Hon. E. Nulsen.

BILL—RURAL RELIEF FUND ACT AMENDMENT.

Second Reading.

Debate resumed from the 2nd September.

MR. LESLIE (Mt. Marshall) [2.35]: I wish to refer very briefly to the remarks I made at an early stage of the session in relation to the proposal to bring in this Bill. I then said that the Government's announced intention of dealing with and writing off these debts had received an enthusiastic welcome in the rural areas, and that most of the debtors there were anticipating, or hoping, that the total indebtedness would be written off. I also said that the Government would have to satisfy me, if it proposed anything less than that, that its proposal was reasonable and acceptable. In view of the fact that it is apparently necessary to establish a revolving fund—and I take it that whatever money is in hand will be entirely under the control and at the discretion of the Minister administering the fund in this State, and as I believe it advisable to have a fund of that kind—I am prepared to accept the Government's proposal as far as it goes.

I remind members that at the time when this fund was being operated very largely,

I was not a member of the House and therefore was not fully conversant with the conditions attaching to it. As it was a condition that any money advanced was to be repaid and placed in a reserve fund for use on future occasions, I consider the Government's action in writing off 80 per cent. of the debts can be said to be reasonable, even generous. I am particularly happy that the Government is not altering the provision contained in the 1942 Act, whereby farmers whose properties have been brought under the marginal areas reconstruction scheme may obtain, on application and subject to their submitting a reasonable case, a complete writing-off of their indebtedness to the fund, and that the same condition applies to ex-servicemen.

Hon. A. H. Panton: The trustees could always write down the debts.

Mr. LESLIE: I am aware of that; but, in view of the comparatively small amount that has been written off on marginal area debts, I feel that that provision has not been made sufficiently widely known.

Hon. A. H. Panton: Only a comparatively small amount was paid back.

Mr. LESLIE: I am aware of that also; but I repeat that the provision was not brought prominently under the notice of the farmers in the marginal areas.

Hon. A. H. Panton: That was a matter for the district concerned.

Mr. LESLIE: I agree. Had the provision been made more widely known, I am sure many more applications for writing-off would have been lodged. I do hope it is the intention of the Minister, once this Bill becomes an Act, to make known the benefits that are obtainable. I trust that every debtor will be circularised, and that the conditions that apply in the 1942 Act will be set out in the information conveyed to him as well as the conditions that will apply when this 1947 Bill becomes an Act. That is the only way the Minister will be able to achieve his objective of cleaning up this account as he anticipates. That is one of the principal points I want to make. The other is that I agree with the Leader of the Opposition that anomalies will be created with relation to those who have repaid their indebtedness in full. However, I venture to suggest, with all respect to those who have done so, that in the majority of cases the repayment in full or the repayment to any material extent that has been made was forced upon them through circumstances: Either because they desired to dispose of their properties and had a reasonable equity remaining to them after the payment of the obligation to the F.D.A.; or because they considered it advisable to be relieved of the obligation placed upon them under this Act in order to extend or improve their farming operations, feeling that while they were obliged under this Act their operations might be restricted.

So I point out that the overwhelming majority of those who have repaid are those who have benefited or who saw reason to benefit directly by repaying the whole of their debt or whatever part of it they were asked by the trustees to pay. I am personally aware that the trustees and the ex-Minister, in administering this fund, have been sympathetic and generous. I concede that point unhesitatingly, but it is time that the feeling of obligation and uncertainty under which debtors to the Rural Relief Fund have been working should be removed as early as possible; and, in spite of the fact that the fund has been so generously administered, the Bill is most welcome and I feel that the Government will have the co-operation of the farmers when they fully appreciate the reason the whole amount cannot be written off and that provision is made for that under the 1942 Act which provides that if their circumstances are such that they can prove they are not in a position to pay even 20 per cent. they can be made free from that amount.

Hon. F. J. S. Wise: The 20 per cent. would be a hardship to many.

Mr. LESLIE: Yes; but in a case of hardship I think the trustees would have power to write off the whole amount.

Hon. F. J. S. Wise: On the other hand, 50 per cent. would not be a hardship to others.

Mr. LESLIE: That is possible, too. But where are we going to draw a line? If anything is to be done, we must set down a rule and work to it; otherwise it will be on an unsatisfactory basis as it has been up till now. I support the Bill.

THE MINISTER FOR EDUCATION (Hon. A. F. Watts—Katanning—in reply) [2.35]: I listened with considerable atten-

tion to the remarks of the Leader of the Opposition. The comments he passed showed a discernment of the difficulties associated with bringing forward a measure of this kind in the circumstances of the case as related to the State and Commonwealth legislation. At the same time I wish to assure him that before this measure was introduced the closest consideration was given to those various aspects. The Director under the Farmers' Debts Adjustment Act—who, I think the Leader of the Opposition will agree, is a most responsible officer; indeed I am sure no-one will disagree with that—and myself went into the matter very carefully. The point at issue was not that the Crown Law Department or officers were of the opinion that the State could not legislate but they were of the opinion that it was possible the Commonwealth might challenge the State's right to introduce, pass and carry into effect such legislation. Suppose, for the time being, that that point of view were correct! It surely then becomes a question of policy as to whether action is to be taken or not.

I am convinced, not only from the papers that are on the file in this matter, but also from the remarks of the Leader of the Opposition a few days ago, and from the conversations he had with me in regard to this matter before this Parliament was elected, that he would ultimately have come, if not to the same conclusion, at least to a very similar conclusion as to what action should be taken; because I submit that if it be wrong legally or open to challenge legally to write off 80 per cent. of the amount of the debt, it is equally open to challenge to write off one per cent. since it is not a question of the percentage written off but the right to make a gift to the farmer of any part of it. So the mere question of percentage cannot, I think, be successfully debated under that particular heading. It can only be debated under other aspects of this question which may arise and which are not connected with the legalities thereof.

However, it is clear, I think, from the remarks of Dr. Earle Page at the time of the introduction of the original measure into the Commonwealth Parliament that he had quite obviously in contemplation the fact that a State might or in fact would make a free gift of a substantial portion at any rate of the amount that was involved. He stated when introducing the measure that he had reason to believe, or perhaps even more than that, that South Australia proposed to make a free gift of a substantial portion of the amount which was to be handled by that State; and it is true that South Australia did so. It is true also that 55 per cent. of the amount which was provided for the relief of farmers under the legislation in South Australia following on the provision of the money by Federal legislation was made a free gift; and in Tasmania I understand the figure was 25 per cent. So once again I come to the point that it is not a question of the actual percentage. If it is lawful to give 25 per cent., it is lawful to give 80 per cent.; and, therefore, arguing on those lines and following on my earlier observations concerning the matter of policy, it seems to me that there can be no reasonable shadow of doubt as to the right of this State, following on the action of South Australia and Tasmania, to take such action as is deemed just and reasonable in regard to the writing-down of this indebtedness.

With deference, and with great respect, I venture, on this and other counts, to doubt the correctness of the view that this legislation, if passed, would be open to challenge by the Commonwealth. In my opinion, there is little if anything in the Federal legislation to warrant the belief that the Commonwealth Government once having parted with the money has any right to dictate, direct or challenge what action shall be taken as to its ultimate disposition. But, as I say, the opinion of the Crown Law Department was given due weight—as it must be at all times—and a decision was arrived at in the light of the opinion expressed, and for the reasons I have given. Once again, I feel I must repeat that I cannot differentiate between the suggestion of challenge, argument or objection by the Commonwealth to the free grant of 55 per cent. by South Australia and 25 per cent. by Tasmania—I cannot see any reason why, in these circumstances, there should be the slightest intention, inclination or, indeed, right to challenge the activity of the Western Australian Parliament if it decides to give another and greater percentage.

Some questions of quite another kind were asked by the Leader of the Opposition in

the course of his remarks. One was: Is a flat rate of only 20 per cent. just when many could pay fully? It is purely a question of opinion, as to whether people indebted to this fund should be made to pay in full. In my opinion, the fundamental principle which ought to have governed the introduction of the Rural Relief Fund Act is that there was a decided intention to relieve the farmer of obligation for his excess liabilities. There was no implication in the Federal legislation that one debt had to be replaced by another. Were it not for the wording in the Federal Act of the section which provides that if any money is paid there shall be a revolving account, I would have come to this House for a writing-off of the whole lot.

But I did see difficulty—having received £60,000 which obviously could not be repaid—as it is one of the few aspects on which the Commonwealth law is clear and definite against the State's rights. I felt there was also a necessity to maintain a somewhat greater revolving fund in order to meet any possible future eventualities under the Farmers Debts Adjustment Act; and also because it would impose on all the debtors to the fund—not only those who had paid; mostly under some form of duress which I shall explain in a moment—the right to pay something, and thereby achieve such measure of equality as, in my opinion, we could reasonably manage under all the difficulties with which we are faced.

The next question that the hon. gentleman sought to have answered was: Is a flat rate fair to the worthy man who cannot pay even 20 per cent. without borrowing? The Bill contains nothing to indicate that a farmer has to pay this 20 per cent. in a lump sum. If he owes the fund £400 and he is to be relieved of £320, which will be the effect of this Bill, and he has had the opportunity, as he will have under this measure, to pay that amount by small instalments, if he so wishes, then it does not seem to me that there is any hardship; and only in very rare circumstances would there be any need to borrow in order to cover the then remaining small obligations under this measure which, as I have already stated, I have reluctantly included in it because of the circumstances I have endeavoured to explain both in this speech and the one I made when I introduced the Bill.

As the Director has pointed out to me, most of these repayments have been received from farmers who have sold their properties or abandoned their securities. I think I mentioned, when introducing the measure, that many of the repayments received had been made because of the statutory charge which formed part of the Rural Relief Fund Act, 1935, that placed a security upon all the assets of the farmer. In consequence, if and when he sold them and had any equity, great or small therein, that equity had to be accounted for to the trustees. The agents concerned in the sale, or those who were in receipt of the money on behalf of the vendor, were obliged to advise the trustees, and it rested entirely in their discretion whether they received their due share, or the whole, as the case may be, of the moneys available, or whether they decided to make any return and take a part payment. Sometimes they did one thing, and sometimes another, entirely at their own discretion. But, I am told, very few cases have occurred during the whole 12 years in which voluntary repayment of any kind has been made.

So, I think it will be readily agreed that there is no unnecessary unfairness appearing in the Bill or that will arise as a consequence of its application to these particular cases. I have already dealt with the question of the revolving fund, which was also raised by the Leader of the Opposition, and some of the legal aspects of the measure. I conclude by saying that the Commonwealth legislation in no way tied the State in regard to the terms and conditions of making advances. We could, as South Australia and Tasmania did, have made a substantial free gift in the first instance. Those States did so and they have not been challenged; no objection has been taken to their procedure. Why, therefore, are we entitled to expect that such challenge would be made to us so long as we do not offend—and this Bill certainly does not offend—against the provision that what moneys are repaid are to be kept in a revolving fund?

I suppose it is true that a formula could have been prepared to meet the circumstances of individual cases, but it would undoubtedly have worked hardship in some directions, while being more than generous in others. I think it would have been difficult to evolve, and it would have re-started the whole of the activities of the debt ad-

justment branch, which now has a very small staff. In my opinion it would not have achieved, overall, the desirable results that this measure has achieved. It is well known that it was my intention, and that of the Government, to take the earliest possible steps to clean this matter up, as I, at all events, had never retracted from the belief that in no circumstances should it have been made, in the first instance, a charge on the assets of the farmer.

If the Bill be passed there remain the provisions of the 1942 Act, which gave wide powers to the trustees to review the accounts of farmers of certain types and in some circumstances. None of those powers is abrogated by this measure. If anyone finds hardship in repaying the 20 per cent. and can prove that hardship exists, the trustees are still at liberty, under the 1942 Act, to relieve him of the whole of the obligation of indebtedness, should they consider such a course justified in the terms of that Act and the conditions laid down thereunder.

Hon. A. H. Panton: I think that is what we should have done.

The MINISTER FOR EDUCATION: I do not think there remains any reasonable doubt on the subject, except as to the sufficiency of the revolving fund, assuming that these payments are made and the allowances for additional writings-off which I mentioned last week have also been made. I do not think there is any doubt that there will be a revolving fund of £250,000, which should be ample to meet any eventuality with which the State might be expected to deal.

Mr. Hoar: Will that operate on an 80 per cent. reduction of debt also?

The MINISTER FOR EDUCATION: Yes.

Mr. Hoar: Then it will be a disappearing fund?

The MINISTER FOR EDUCATION: Yes, but in the event of a national disaster such as a world-wide fall in commodity prices, or a Commonwealth-wide drought, the position will have to be faced on a Commonwealth basis, irrespective of this measure, because it would not give any opportunity of recovering the amounts outstanding and making the revolving fund to the full extent of the amount involved, approximately £850,000. In such circumstances of national disaster there would be a complete or at least a partial collapse of rural financial resources throughout the Commonwealth. I am grateful to the Leader of the Opposition for the manner in which he approached the discussion on this measure. I find—and I think he finds—no great divergence of opinion between us. I frankly admit my pleasure and gratification at the views he has expressed. I feel that nothing but good can be achieved by the passing of this measure, in view of all that has occurred over the last 12 years.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Minister for Education in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 11.

Hon. F. J. S. WISE: I was about to ask the Minister for Education, by interjection, what would be his reaction, particularly in view of the points I stressed while speaking to this measure after its introduction, to a proposal for a sliding scale of percentage payments instead of a flat rate of 20 per cent. I gave the thought in the questions I asked as to the fairness, under a flat rate payment of 20 per cent.—when some would find it a great burden to pay the 20 per cent.—of relieving them of the obligation and including that sum in the existing mortgage. In addition, to endeavour to be quite fair to those who had made repayments and to whom a refund could not be made, would it not be better to give consideration to placing authority in the trustees, in the light of the circumstances of individual cases, for payments to be made on a percentage basis as between, say, 5 per cent. and 50 per cent? I am wondering what is the reaction of the Minister to such a proposition, which I think would be eminently fair. It would relieve many people, who would find hardship in making repayments, of much of the responsibility, of a quarter of the amount as now sought in the Bill. Others would be asked to pay, according to the discretion of the trustees in the light of the circumstances, up to 50 per cent.

The MINISTER FOR EDUCATION: It is unfortunate that the Leader of the Opposition was absent when I spent some moments on these questions, having before me a list of matters that he had raised in his second reading speech. As to hardship that might be inflicted on persons who had to pay 20 per cent., and found difficulty in doing so, I expressed the opinion that I thought there were two avenues by which the position could be dealt with. The first was that there was no obligation to pay the 20 per cent. at once, and consequently it could be paid by instalments over a considerable period. The second avenue, as to those who might find hardship in paying the 20 per cent., was that the Bill does not prevent the trustees from exercising their discretion, under the 1942 Act, to write off, in cases where they think circumstances warrant such a procedure, the whole of the amount.

Hon. F. J. S. Wise: I was present when you explained that.

The MINISTER FOR EDUCATION: It therefore seems to me that, where it could be established that the 20 per cent. constituted a hardship, the trustees should have authority to deal with the matter. On my information I have no reason to doubt that, and on those two counts I see no prospect of hardship arising. I also said in dealing with the question of the formula that I had made some inquiries with a view to ascertaining whether it would be convenient and easy to function by that means, consonant with my ideas as to what relief should be given. Such a course might give new life to the office of the trustees and their small staff in various directions rather than the reverse which, in my opinion, is desirable.

Then I come to the question whether there is any sound reason why we should have a sliding scale. Most repayments have actually not been made voluntarily. Dealing with the whole question on the face I had to come to the conclusion that the better way would be, instead of further involving an issue which has been standing for so many years in the minds of some people, to provide for a flat rate of deduction and, as soon as 20 per cent. had been repaid, to write off the balance and relieve the farmer of his entire obligation.

Hon. F. J. S. WISE: The reasoning of the Minister does not wholly appeal to me. As he knows, I was very anxious to find, in conjunction with the Commonwealth, a legal means by which the fund could be abolished. I gave consideration to that side by side with the desirability of setting up a revolving fund, to be maintained in case of further necessity. I concede that under the legislation of 1942 the trustees have been empowered to exercise very wide discretion, and in dealing with that phase I think it would be preferable to provide an opportunity enabling those to whom the 20 per cent. repayment would be embarrassing, to pay less and have their accounts cleaned up as soon as possible. I feel that the farmers would wish to retain some sense of independence and what I suggest would be an encouragement to them to get rid of the whole debt at once. Because of that feeling, I move an amendment—

> That all the words after the word "following" in line three to the word "subsection" in lines seven and eight of paragraph (c) be struck out with a view to inserting the following words in lieu:—
>
> "(ii) The trustees shall have the authority to consider the amounts outstanding and owing by farmers, and according to the circumstances of each case seek repayment from farmers of percentages of the debt outstanding of from five per centum to twenty per centum and on obtaining such repayment shall by authority of the subsection—"

The trustees should have authority further to consider cases of hardship that we know do exist, despite the debt adjustment of 1935. My proposal would give them exactly the same authority to cancel sums represented in mortgages to the total amount now owing. My point is that according to the statement of the Minister we would be very fortunate if we were to collect £250,000, represented by the 20 per cent. and the undesirability attaching to that would lie in the inability of the worst circumstance to pay the 20 per cent. I want to give those concerned an opportunity to clear up the whole of the mortgage at this stage. I think that would be the better course both from the financial standpoint and from that of morale.

The MINISTER FOR EDUCATION: I do not know that I have any animus against the amendment, but it appears to me strange that it should come at this stage from the

Leader of the Opposition who first of all expressed considerable doubt about the sufficiency of the revolving fund. With that aspect I have been trying to deal in the light of advice tendered to me and the opinion I have formed in consequence of those representations. It seems to me that the £60,000 now paid under some form of minor duress, plus the 20 per cent that might be collected, would not be a sufficient revolving fund. Now, however, the Leader of the Opposition proposes that the trustees shall have authority to collect five per cent. or any other percentage up to 20, in which case it is quite obvious that there will not be a revolving fund of the magnitude suggested. There will be no means of being able to estimate with any accuracy what the fund will amount to.

I could wish that the hon. member had taken steps earlier to have his amendment placed on the notice paper, because I regard it as extremely interesting. Presumably the opportunity to have it placed on the notice paper did not arise in time. Before I express a final opinion on the amendment, I would like the Leader of the Opposition to answer me, as I endeavoured to answer him, as to his feelings and beliefs regarding the revolving fund, the position it will be in and the implications that will arise under his proposal, with its discretionary powers vested in the trustees to collect a percentage of anything from five to twenty, a discretionary power that might result in the great majority of the collections representing five per cent.—with the obvious consequences on the fund.

Hon. F. J. S. WISE: The Minister will remember that all the points I raised on the Bill were raised for his consideration. They were aspects upon which I sought his reactions and of which I desired his earnest scrutiny. The question of the revolving fund was raised by me along the lines of what might be considered to be the maximum that could be retrieved from the outstanding debts, if any were to be collected. His suggestion was that 20 per cent. should be collected. Is it reasonable to anticipate that we could collect 20 per cent? I doubt whether it could be collected without imposing some hardship upon farmers, particularly those in the eastern areas. Having suggested the way to the Minister and having asked him to consider a formula, I was hoping that there would emerge from him a suggestion along those lines. If the amendment is unacceptable or unworkable, I hope we shall be given an assurance that the measure of 1942 will be elastic enough to bring deserving cases under that heading. I could not put an amendment on the notice paper until I knew whether the Minister had some formula in mind.

Mr. LESLIE: The amendment appears to be most attractive, but I cannot see the need for it. The Act of 1942 provides that the farmer, who for any other good reason is deserving of assistance, may apply to have his indebtedness cleared up, but many farmers cannot put up a sufficient case and do not want to become mendicants for assistance, and, so long as they adopt that attitude, so long will this debt hang over their heads. I believe a majority of the farmers in those circumstances would gladly pay the 20 per cent, but they will not ask for the concession. I want them to be told that they are entitled to this relief. If their circumstances are such that they cannot pay the 20 per cent., they may still submit a case under the Act of 1942 on the ground of hardship.

Hon. F. J. S. Wise: Are you sure of that? That is what I asked the Minister.

The Minister for Education: I am sure of it.

Mr. LESLIE: The intention, I believe, is that nothing contained in the Bill shall limit the powers of the trustees under the Act of 1942. Therefore, the trustees under that Act will still have the power to write off a farmer's debt for any good reason.

Hon. F. J. S. Wise: I am wondering whether the Attorney General will express himself on that point.

Mr. LESLIE: While the provision for 5 to 20 per cent. might look nice, it will not effect any more than the Minister's proposal.

The MINISTER FOR EDUCATION: I am inclined to agree with the member for Mt. Marshall that the amendment will not effect any more. I am convinced that the trustees have ample authority, which the Bill preserves, to write off any amount considered proper. I know of cases in the last few years where they have written off 90 per cent. All that the Leader of the Opposition seeks to achieve is some sort of guidance to the trustees—

The Attorney General: Safety first.

The MINISTER FOR EDUCATION: That is so, rather than leave the matter to their discretion.

Hon. F. J. S. Wise: What they could do, under the existing law, is to write off 50 per cent. and have the farmer pay 20 per cent. under this Bill.

The MINISTER FOR EDUCATION: I cannot see that that could be done.

Hon. F. J. S. Wise: You can read that into the 1942 statute.

The MINISTER FOR EDUCATION: I cannot see that the amendment will make any difference to the rights of the trustees. It will not give them any greater authority than they have; it will not save anyone from anything, but it may have the effect in some cases where the 20 per cent. could easily have been paid of a lesser sum being paid. However, subject to an alteration or two, which I shall suggest to make the intention a little clearer, I propose to agree to the amendment and discuss the implications involved in the subsequent paragraph when we reach that stage.

Amendment (to strike out words) put and passed.

Hon. F. J. S. WISE: I move an amendment—

> That the following words be inserted in lieu of the words struck out:—"The trustees shall have the authority to consider the amounts outstanding and owing by farmers and, according to the circumstances of each case, seek repayment from farmers of percentages of the debt outstanding of from five per centum to twenty per centum, and on obtaining such repayment shall, by authority of the subsection."

The MINISTER FOR EDUCATION: I suggest that the Leader of the Opposition strike out the word "to" where it appears before the words "twenty per centum," and insert in lieu the words "up to and not exceeding."

Mr. LESLIE: I move—

> That the amendment be amended by striking out the word "seek" with a view to inserting the word "accept."

There is a vital difference between the two words. If the word "seek" be retained, the onus will be placed on the trustees to seek out the farmers and compel them to pay the percentage.

Hon. F. J. S. Wise: Why not use the word "obtain"?

Mr. LESLIE: No. I think "accept" is the better word.

Hon. F. J. S. WISE: I do not think "accept" is the right word. Something would have to be offered in order to be accepted. It would have to be sought, therefore, to be offered. If the member for Mt. Marshall wishes to be finicky, I suggest that the word "obtain" be used.

The Minister for Education: I think the Leader of the Opposition has covered the point by saying in his amendment "and on obtaining such repayment shall by authority of the subsection."

Hon. F. J. S. WISE: The trustees will endeavour to obtain payment. When they do so, they will absolve the farmer from the whole of the debt. I would prefer to use the word "obtain."

The Minister for Education: I think the amendment could be left alone.

Mr. LESLIE: The word "seek" would be a directive to the trustees to take action. It is because of the harshness attaching to the word that I prefer it to be altered.

Amendment on amendment put and negatived.

The MINISTER FOR EDUCATION: I move—

> That the amendment be amended by striking out the word "to" after the words "five per centum" and inserting in lieu the words "up to and not exceeding."

Amendment on amendment put and passed.

The MINISTER FOR EDUCATION: I wish to move another small amendment on the amendment. In the original draft of the Bill it says, "The trustees . . . . shall by authority of this subsection . . . ." In the amendment of the Leader of the Opposition the words are—"the trustees shall by authority of the subsection." I move—

> That the amendment be amended by striking out the word "the" in the last line and inserting in lieu the word "this."

I think the Leader of the Opposition will agree to the alteration.

Amendment on amendment put and passed; amendment, as amended, agreed to.

Clause, as amended, put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—TRAFFIC ACT AMENDMENT.

Second Reading.

Debate resumed from the 2nd September.

HON. A. R. G. HAWKE (Northam) [3.30]: The main part of this Bill deals with the proposal approved by Parliament last year to institute the staggering of the motor vehicle licensing period in the metropolitan area. The Traffic Department operated this year on the legislation that Parliament passed last year, but some of the Crown Law officers are doubtful whether the Traffic Department was fully entitled legally so to act; and to overcome and resolve any legal doubts, the Bill proposes completely to legalise what has been done this year and also to legalise that position for the future. There can be no opposition to that part of the Bill, and certainly not from me, seeing that I was responsible for piloting the measure through the House last year.

The Attorney General: You are not going to throw any stones at your child, are you?

Hon. A. R. G. HAWKE: I understand the legal doubt developed because of the way the Legislative Council interfered with the Bill after it was sent to that place from this House. Whether that is another argument for the abolition of another place I would not like to say at this stage. One part of the Bill proposes to give the Commissioner of Police the absolute right to refuse to grant a license for an applicant who seeks to obtain one to enable him to drive what is known as a passenger vehicle. It also gives the Commissioner of Police the right to suspend or cancel any such license that might have been issued in the past.

That part of the Bill does not recommend itself very much to me. Unfortunately the Minister did not present to the House any argument in support of this part of the measure. He said he understood the Commissioner was anxious to have this power because he considered it was a necessary safeguard in connection with the operation of passenger vehicles. I think the Minister should discuss this matter in detail with the Commissioner and obtain from him, for the benefit of members, the actual reasons why the Commissioner of Police considers he should have this absolute power to refuse a license for the driving of a passenger vehicle, and also the power to suspend or cancel any such license that might be in existence at any time.

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

Hon. A. R. G. HAWKE: The Minister did suggest that this power was required to enable the Commissioner to refuse applications for licenses from persons of bad or doubtful character. If we give this power to the Commissioner without having a good deal more information about it, I think we shall place in the hands of the Commissioner a power which, improperly or unwisely used, could have a very detrimental effect on a person genuinely seeking to obtain a living. It might very well be that a man in years gone by has been of doubtful or bad character but has, in the intervening period, rehabilitated himself substantially, if not completely. He has an opportunity to obtain a position with one of the transport companies to drive a passenger bus. He is offered that employment and naturally goes to the Traffic Department and applies for the requisite license. The police records are searched for goodness knows how many years past and, upon some searching officer finding a conviction against this man, he is refused the license which he must have before he can take the employment and operate the passenger vehicle.

I think we should be very careful in this House and in Parliament as a whole to protect the right of people to obtain employment and thereby a living. I am not at all happy about the idea of handing to the Commissioner of Police the absolute right, without his having to give any reason and without his having to prove any reason, to refuse to an applicant a license to enable him to take a position as the operator of a passenger vehicle. It might be said that this Bill, if it becomes law in its present form, would allow the applicant refused the license the right of appeal to a resident magistrate. It certainly would do that. However, I think it is not difficult to see that in some cases, if not in many cases, that right of appeal would be of no value to the person concerned.

Once his employer came to learn that his application had been refused and that he had to take his case into an open court to try to get a decision from a magistrate

to enable him to be issued with a license, that employer, or most employers at any rate, would feel it might be better not to employ that person at all. So, even though the applicant might subsequent to the refusal obtain the right to procure a license, the employment formerly available might no longer be offering. Another point is that no-one could say how long it might take from the time the application for a license was refused by the Commissioner of Police until the magistrate had heard all the arguments advanced for and against and finally made a decision one way or the other. It is probable that in some cases the employing company would not be able to wait the necessary period for the operator to be available, consequently it would obtain the services of some other person. It is not easy to see just how a case of this kind would develop in the courts.

If an applicant, turned down by the Commissioner, had to take his case before a resident magistrate he would, in the first instance, have no knowledge of the reasons which caused the Commissioner of Police to refuse his application. I do not, therefore, know how the person concerned would develop his case in court unless the procedure would be—and it would be the commonsense way—that the magistrate would, in the first place, call upon the Commissioner of Police to justify his refusal to grant the license. There ought to be a much more satisfactory way of dealing with the position which this part of the Bill seeks to cover. We can quite visualise that a person might, in years gone by, have committed some offence against the laws of this State, that should not have the slightest effect or influence upon his employment as the driver of a passenger vehicle. Although that is so, the Commissioner of Police, on his own initiative and without giving any reason at all, would be able to say to that person, when he applied for a license to drive a passenger vehicle, "I am sorry, but no such license can be made available to you."

Mr. Triat: He might not even be sorry.

Hon. A. R. G. HAWKE: The Commissioner of Police should have the power to refuse to issue such a license to a person addicted to alcohol.

Hon. N. Keenan: Or to one who has been convicted of a traffic offence.

Hon. A. R. G. HAWKE: Yes, or convicted of any offence which would indicate that the applicant was not a safe person to be trusted with the job of driving a passenger vehicle. If, however, the applicant had committed one of a hundred other offences, which had no relationship at all to his ability to drive such a vehicle, then the Commissioner of Police should not have the power to say to the person, " I am sorry, but your application for a license is refused." He might not even say that he is sorry. He might be quite abrupt to the applicant and say, or get one of his officers to say, "Your application is refused." It is my desire that this part of the Bill should receive much closer attention by the Minister. He should discuss it thoroughly with the Commissioner of Police.

From what the Minister said in his second reading speech, he has not had any discussion at all about this proposal with the Commissioner, but he understands the Commissioner of Police regards it as being a necessary safeguard in connection with the operation of passenger vehicles in the metropolitan area. If the Minister, or the Crown Law authorities, are able to alter this part of the Bill so as to set out specific grounds upon which the Commissioner of Police could refuse an application for such a license, I would support it. I would certainly support addiction to alcohol as being a good ground to justify the Commissioner refusing to grant a license to a person to operate a vehicle of this kind, or, indeed, of any kind. I understand the Committee stage of the Bill is not to be proceeded with today. As a result, the Minister will have some time between now and next Tuesday to go closely into the matter, and I hope he will be able to so amend this part of the Bill as to make it acceptable to all members.

I have no objection—and I do not think any other member will have— to giving the Commissioner of Police limited power in this regard, provided such limited power is linked directly to certain specific grounds upon which a refusal could be based. At the present time it is wide open; the Commissioner is given total and absolute power to refuse a license to anyone, and need give no reason, or prove any reason that he might give. The right of appeal to a magistrate, as I have said, is not a very valuable one to any applicant who has been refused.

There are several reasons, some of which I have mentioned, why that right could be of no value to the applicant concerned, even though he might have a good case to upset the refusal of the Commissioner to grant him a license.

The only other part of the Bill I wish to discuss is that which proposes to bring tramcars and trolleybuses within the definition of "vehicle" in the Traffic Act. It is proposed to bring tramcars and trolleybuses under that definition so as to enable the drivers of them to be proceeded against by the Traffic authorities in the event of those drivers exceeding the speed limit, driving *negligently*, or driving to the danger of the public. There is, of course, no speed limit for tramcars, except the limit imposed upon them by their physical or mechanical condition. But that is not to suggest that they do not travel much too fast on occasions—

The Attorney General: You are not suggesting a speed limit for railway locomotives, are you?

Hon. A. R. G. HAWKE: —especially in narrow streets such as Hay-street and Murray-street. I have occasionally seen tramcars tearing along at speeds which have undoubtedly been extremely dangerous to motor vehicles, pedestrians and others using the streets at the time. However, the question as to whether a tramcar in the future exceeds the speed limit will not necessarily depend upon the number of miles per hour at which the tram is travelling, but upon the circumstances in the street at the time. In other words, 20 miles per hour, if a tram can develop that speed, might be too fast, and 10 or 15 miles per hour might also be too fast, depending on the circumstances. The only point I wish to raise here is whether some provision should not be included in this part of the Bill to call upon the court concerned to take into consideration—in fixing any fine or penalty—any punishment that the employer might already have inflicted on the worker because of the offence.

Hon. A. H. Panton: That is an important point, as the employee could easily be fined twice.

Hon. A. R. G. HAWKE: It might well happen that an employer would sack the offending employee, and loss of employment is a severe punishment to an employee either male or female, even when it is a deserved punishment. If the employee concerned is subsequently hauled before a court, and another heavy penalty is inflicted on him, that places him in a much worse position than that of someone else who committed a similar offence, but who was not an employee. I know that this principle exists today in relation to many laws. An employee of a firm might commit an offence against the law, and might be dismissed for having committed that offence. Later he might be prosecuted in a court of law for the offence and a sentence of imprisonment or a fine might be inflicted on him, so that he would in that way suffer a double penalty. Nevertheless, in relation to the new departure we are making by aiming to bring tram and trolley bus drivers under this measure, I think we would be well advised to include in the Bill some provision making it mandatory for a magistrate or court to take into consideration any punishment already inflicted by the employer on the employee for the offence. I refer to such punishment as dismissal, a reduction in status, or a fine. That is the present practice in the case of some magistrates and some courts. It is often put up to a judge, a magistrate or justices of the peace, that the accused has already lost his employment or has suffered some penalty because of the offence committed, and the judge, magistrate or justices are urged on that account either to let the accused person go free or to impose a lighter penalty than would otherwise be imposed.

I admit that if we introduce a provision of this kind we will have to make it applicable to all employees and not only those of the Tramway Department, because a tramway employee would be in no different position, in this regard, from that of an employee driving a transport truck for R. P. North and Company, or some other transport firm He would be in a position no different from that of the driver of an Alpine taxi or a Beam bus. If we include such a provision in the Bill, it will have to be given general application to all employees who might be charged with breaches of the traffic laws. I think the suggestion worthy of consideration and I hope the Attorney General will discuss it with the Minister in charge of the Bill, between now and Tuesday next, in order to see whether some fair and reasonable provision can be evolved to meet this position.

The Attorney General: I undertake to do that.

Hon. A. R. G. HAWKE: I do not wish to discuss any other provision in the Bill and I offer my support of the second reading.

On motion by Mr. Perkins, debate adjourned.

BILL—PUBLIC SERVICE ACT AMENDMENT.

Second Reading

Debate resumed from the 2nd September.

HON. A. H. PANTON (Leederville) [3.55]: The object of this Bill is to repeal Section 63 of the Public Service Act, which deals with long-service leave for officers of the Public Service. The Bill is a complete break-away from Section 63 as it exists in the present Act. It provides for three months' long-service leave at the end of every seven years' service by an officer. I notice that the Act provides that, on the recommendation of the Commissioner, the Governor may grant certain leave under the long-service leave provisions. As I read the Bill it provides that on the completion of seven years' service officers shall be entitled to long-service leave. I think public servants will be pleased to know that, as it will decide for all time the question of whether they are really entitled to long-service leave or whether it may be granted only on the recommendation of the Commissioner. Provision is also made that on the recommendation of the Commissioner the Governor may approve of long-service leave accumulating, up to a maximum of 12 months. I entirely disagree with that provision.

In all the years that I have been associated with industrial matters the only logical argument I have heard used in favour of either annual or long-service leave has been that of recuperation. It might be argued that after seven years' continuous service an officer is entitled to three months' long-service leave, for the purpose of recuperation, but the proposal put forward by the Attorney General, that an officer may be allowed to accumulate up to 12 months' long-service leave, would mean, on my calculation, that he would have to complete 28 years' service, at the rate of three months' leave for every seven years of service, before becoming entitled to 12 months' accumulated long-service leave. I think the Attorney General stated that the Bill had been submitted to the Public Service Association and that that body was satisfied with it. I am afraid that the measure would have a detrimental effect, not only on that association, but on every other association the members of which look forward to long-service leave or annual leave for recuperation, which is the only logical argument in favour of either.

I think it will be agreed that the Bill provides that a youth or a girl starting at 18 years of age will be entitled to three months' long-service leave at the age of 25 years, after seven years' continuous service. At that age a youth might want to recuperate, but I suggest he would recuperate during week-ends, wearing a football guernsey. I strenuously oppose the idea that an officer should be allowed to accumulate his long-service leave over a period of 28 years. In dealing with the Bill the other night, the Attorney General said that the railway officers and wages men employed by the Crown were at present able to accumulate leave up to 12 months. That is not quite the true story. I have made many inquiries about this matter since the measure was introduced, and my advice is that neither the railway officers nor the wages men employed by the Commissioner of Railways have any such right.

The only time that an accumulation of leave is permitted is when the Commissioner is unable to grant it at a particular date. As a matter of fact, I was told today of the case of a stationmaster who, when his leave was due, was transferred to another station, where it was impossible to relieve him. He had that experience twice and thus had been able to accumulate six months' leave instead of three months. Possibly the Attorney General was confusing the position with that applying to sub-heads of departments who are not eligible, I am informed, to join the Railway Officers' Union, and are, so to speak, a law unto themselves. They have been able to accumulate long-service leave up to considerable periods, but certainly members of the Railway Officers' Union and wages men are not entitled to any such concession. They have to take their long-service leave of three months when the Commissioner is able to spare them and grants the necessary permission.

I am wholly in favour of the Bill in so far as it represents an endeavour to make up the leave due to the suspension of long-service leave during the period of hostilities. I do not wish to be misunderstood regarding my attitude. There is every justification for trying to overcome that lag, because many officers worked right through the war period in order to relieve others who went overseas to fight in one or other of the Armed Forces. I also agree that there will be times when, at the end of the seven-year period of service, the necessity may arise, or the officer concerned may himself desire, to postpone long-service leave, and that officer, for instance, may desire to accumulate a second period of three months' long-service leave to enable him to go to England or elsewhere for the purpose of benefiting himself in some way.

On the other hand, I disagree with the manner in which the Attorney General provides for the accumulation of long-service leave to a period of 12 months, seeing that he proposes that such leave shall not necessarily be granted by the Governor on the recommendation of the Commissioner. I respectfully suggest to the Minister that he should provide that any extension of long-service leave from three months to six months or any longer period should be granted by the Governor on the recommendation of the Commissioner. I prefer that suggestion for the reason that a Minister, and particularly the head of his department, should know at all times where his officers stand with regard to long-service leave. If that were not so, then the department could easily be deprived of the services of two or three highly-placed officers who had been granted long-service leave by the Commissioner without any reference to the Government. In that event, several essential officers might easily be absent at one time. In the circumstances, I think any step in this direction should be on the recommendation of the Commissioner and approved by the Governor in Council, so that the whole of the members of Cabinet would know the position.

Provision is also made in the Bill to enable an officer to take double the period of his long-service leave at half pay in lieu of his period of long-service leave entitlement on full pay, while it is also set out that an officer may take part of his leave on full pay and double the balance on half pay. I am not clear on the point whether, if the Bill be passed in its present form, that would apply to an officer who had accumulated long-service leave for a period of 12 months. If it would so apply, it would mean that a man with 12 months' long-service leave on half pay could extend that leave over a period of two years. Again, provision is made with regard to long-service leave entitlement so that pro rata leave may be granted to officers who retire on reaching 60 years of age, or on account of ill-health or for some other reason. There is no objection to that, but I suggest to the Minister that even there some danger is involved.

I assume that my interpretation with regard to the accumulation of 12 months' long-service leave is correct. If this particular proposal is adopted and the provision regarding the accumulation of 12 months' long-service leave is also agreed to, I suggest that it would be quite easy for an officer with 28 years' service to his credit—he might have started with a small salary in the middle range, and at the end of his 28 years' service when he had reached the age of 60 years, at which stage he had accumulated 12 months' long-service leave, might occupy the position of Under Secretary or hold an office for which the salary was £1,000 a year—to go on his long-service leave on the basis of the salary he was receiving when he started his leave.

Mr. Rodoreda: That is the racket that is being worked.

Hon. A. H. PANTON: The Bill provides that in the event of a man retiring at 60 years of age, he shall be granted long-service leave and be paid on the basis of the salary he was receiving when he retired. I repeat that I see a danger here.

While I was Minister for Labour, the case of one man was brought under my notice. He applied for 12 months' long-service leave. Some of that leave had been earned during the period when he had been receiving a much smaller salary than he was paid at the time of his retirement. Notwithstanding that fact, his 12 months' salary had to be paid at the rate of that received by him when he retired. That was necessary because he had duly secured the necessary permission to accumulate his long-service leave. That sort of thing is not playing cricket and could easily make

a difference of at least £500 a year to the officer who retired. I agree that officers should be allowed to accumulate long-service leave for various reasons I have already mentioned, but I emphasise that the only argument we as industrialists have ever been able to advance in support of either long-service leave or annual leave is that of recuperation. If, however, we are to be placed in the position of having to meet the objection that Parliament had already agreed that 28 years was a fair period to work to earn long-service leave extending over 12 months, I trust I shall never be placed in the position of having to meet a contention of that sort in the Arbitration Court. I am assuming that my interpretation is right; otherwise my argument falls to the ground.

There is another point on which I disagree with the Minister. I am sorry to have to disagree on some matters because I believe the Bill to be an honest attempt to tighten up the Act and make it explicit, which it has not been up-to-date. I am referring to the question of the temporary employee. The Bill provides that an officer in a permanent position, after serving for seven years, shall be entitled to three months' long-service leave, but a temporary employee has to serve 10 years, not seven years, before becoming entitled to a similar period of leave. It is necessary to refer to the Act, because this is an important matter and Section 36 is very definite. It states—

(1) Whenever in the opinion of the Minister of a department the prompt despatch of the business of a department renders temporary assistance necessary, and the Commissioner is unable to provide such assistance from other departments, the permanent head shall select in such manner as may be prescribed, from the persons whose names are upon the prescribed register, such person or persons who are available as appear to be best qualified for such work, and they shall be paid at a daily or weekly rate of payment.

(2) Such person or persons may be employed to perform such work for any period not exceeding twelve months.

That is the law at present. I understand that the Attorney General, by this Bill, does not propose to amend that section, though I think he did mention the necessity for amending it.

(3) No person who has been temporarily employed in any department for twelve months continuously, or for eighteen months continuously where extended as hereinafter provided, or for twelve months in the whole in any two years, or for eighteen months in the whole in any two years where extended as hereinafter provided, shall, during the six months following such temporary employment, be eligible for further temporary employment in the Public Service.

I admit that the last-quoted subsection permits of the earlier provisions being temporarily suspended, but that is only to meet a particular emergency. Consequently, I suggest that the Attorney General is asking the House to agree to something affecting temporary employees in the Public Service which Section 36 of the Act already limits to a period of 12 months or of 18 months within a space of two years. That section should be amended for a start but, even though it be amended, I have a definite objection to any differentiation between the permanent employee and the temporary employee if the temporary man is still so employed after the expiration of seven or 10 years.

Though the Act provides that a temporary officer, after having served for five years, may apply to be placed on the permanent staff, I know—and any member can easily ascertain the fact—that there are men who for various reasons have been unable to pass the requisite examination and yet are doing perhaps a particularly good job and are retained in the service. I have not the slightest objection to that, but a man temporarily employed in the Public Service, or by any one else for that matter, is employed for the convenience of the department. He may be on a weekly or a daily wage, and his services might be dispensed with on a week's notice. In the circumstances, I consider that the temporary man is entitled, if anything, to a little more consideration than the one who has joined the service at the age of 14 or 15 years, has been entitled to long-service leave over all the years from 18 to 65 and has had a permanent job. He is certainly in a better position than is the man who has had the order of the sack hanging over his head day in and day out.

Whatever may be in the mind of the Attorney General regarding officers temporarily employed, whether he proposes to amend Section 36 to bring it into line with the Bill, I suggest that the temporary man who has served seven years is just as much entitled to long-service leave as is the permanent officer who has served that period,

because a temporary man has been retained mainly to meet the convenience of the department.

The Honorary Minister: You did not think that when you were in power.

Hon. A. H. PANTON: I was waiting for that interjection. As a matter of fact the Honorary Minister is quite wrong. The Act provided that a temporary officer could not be employed for more than 12 months, but under this measure the Attorney General is proposing something entirely different. How his ideas will work out in face of Section 36 of the Act, I do not know, and the Honorary Minister does not know, either. I presume the Attorney General will take steps to amend Section 36. The positions are not comparable.

The Attorney General: I am not worrying about future temporary officers. We can provide for them. I am concerned about the temporary servants who have already been there for 10 years.

Hon. A. H. PANTON: So am I. In 1942, quite a number of people were taken into the Public Service and did excellent work throughout the war period. They worked overtime without additional recompense. If the Attorney General wants to provide for those people, I am with him 100 per cent. But let us be fair to them and give them long-service leave at the expiration of seven years, the same as any permanent officer would receive. If a temporary officer has served seven years since 1942, why not make him eligible? I do not know that there are many such officers. The Attorney General is fully aware that casual or temporary workers, whatever they might be called, are always granted higher rates under an award than is a permanent man, and consequently I say these temporary officers are entitled to the same leave as is a permanent man.

The Attorney General: I have introduced this Bill with the approval of the association.

Hon. A. H. PANTON: Then I am afraid the association has been badly advised. If the Attorney General agrees, firstly, to allow an accumulation of 12 months, which I warn him is capable of being exploited in all manner of ways, and, secondly, for a temporary man to be granted less leave than a permanent officer, then he will be meeting with difficulty. I shall not be giving secrets away if I tell him that such action will make the position more acute. Certain people have been trying to get the temporary employees out of the association into another organisation. This move has been fought strenuously for a long time. The argument is that the Civil Service Association looks after the permanent hands only. If the temporary employees have to work 10 years instead of seven before getting long-service leave, that will be an argument for those people; and it is something with which I do not agree. When I was a Minister, I said I did not agree with it.

The Attorney General: What you are saying, I think, is well worthy of consideration.

Hon. A. H. PANTON: Thanks, I am glad that somebody thinks so. I hope the Attorney General will reconsider this matter of temporary employees, because otherwise I shall be under the painful necessity of moving an amendment to strike out the reference to temporary employees so that they may be put on the same footing as permanent officers. I hope the Minister will bring down an amendment to Section 36 so that the position there may be clarified. Otherwise, we shall be in the peculiar position of telling a temporary man that he may work 12 months or not more than 18 months in any two years, and of later providing that if he does wangle a job for seven or 10 years, he shall be entitled to three months' long-service leave.

The Attorney General: I think we can keep inside the twelve months in future for temporary employees.

Hon. A. H. PANTON: The Bill provides for the payment of a lump sum to an officer on his retirement at 60 years or owing to ill health, and to a girl if she wishes to get married—not at 60; I do not think that applies to the girls, although it might, but that is not the question now. I point out to the Attorney General that if an officer has an accumulation of 12 months' leave then there are two periods of long-service leave; in the first period the officer may have been receiving £600 a year, but on retirement £1,000 a year, so that officer would be on a fairly good wicket. That has happened and I do not think we ought to introduce legislation to make it permanent. The Attorney General has done well to bring in this Bill to clean up the war period; and, again, in case the Honorary Minister rushes in, I would like to say that

I was Minister for Labour during one Parliament only and that the then Government was intending to introduce legislation similar to this. However, the Attorney General has the right and the opportunity and I congratulate him on introducing this legislation. I support the second reading.

On motion by Mr. Needham, debate adjourned.

BILL—STATE HOUSING ACT AMENDMENT.

Second Reading.

THE PREMIER (Hon. D. R. McLarty—Murray-Wellington) [4.23] in moving the second reading said: This is a Bill to amend the State Housing Act and it can be divided into three parts. It is proposed to appoint a woman to the Housing Commission, to make provision for loans to local authorities and to raise the amount to be advanced under the Workers' Homes Act to £1,500. Dealing with the first proposal, to appoint a woman to the Commission, members will recall that considerable discussion took place on this matter last session and that the proposal was dropped as the result of a conference between the two Houses. The Council insisted that a woman should be appointed to the Commission and the conference failed to reach an agreement. Members will also recall that during the election campaign I enunciated, as part of the policy of my Party, that if we were elected to govern the country we would place a woman on the Commission.

I hope this amendment will meet with the approval of the House. Women's organisations and women generally have taken a keen interest in the housing position. During the short time I have been in office, many representations have been made to me by women's organisations and by women generally to adopt certain suggestions with regard to the housing programme. After all is said and done, the woman spends the greater part of her life in the house. If it is a conveniently built house she gets the benefit; if it is not, she suffers. She has to bring up her family and, generally speaking, spends much more time in the home than does the man. I do not think I need labour this point to any great extent, but I assure members that there are numbers of women in the State who could render valuable assistance on the Housing Commission. If the proposal is agreed to, I can give an assurance that the Government will appoint a woman who is practical and who has shown keen interest in the housing problem.

The tendency today is to appoint women to positions of more and more responsibility and I think that is right. Women have the same voting power as men, which is an indication that they are bearing responsibilities and have the same interest in their country. I read only in this morning's paper of an interview with a lady who is a member of the Victorian Housing Commission. She told of the work that she has been able to carry out on that Commission. I think I am right in saying, too, that there is a woman member on the Housing Commission in New South Wales. The Old Country, too, is utilising the services of women very considerably in this direction. In fact, the modern tendency is make greater use of women's services.

Hon. F. J. S. Wise: A woman architect has been attached to the board for a long time.

The PREMIER: That is so. This proposal intends to increase the number of the Commission from five to six, and the additional member will be a woman. As regards the other amendment, members will recall that last session the Leader of the Opposition brought in an amendment to the Act whereby the original sum of £900 for home building was increased to £1,250. The amendment in this Bill provides for an increase in the advance from £1,250 to £1,500. The amendment has been found necessary because of increasing costs.

Hon. F. J. S. Wise: It shows how costs are getting too high for workers' homes.

The PREMIER: That is so. There is a desire to provide an applicant with a good class of five-roomed house. The Leader of the Opposition has said that it shows costs are still rising. I can assure the House that efforts are being made to control costs and it is not intended to remove certain controls and bring about further inflationary costs in regard to building generally.

Hon. F. J. S. Wise: You would not agree with the views of one of your Ministers that if you removed the permit system you would do better?

The PREMIER: I have said it is the intention to remove these controls, though I am one who, if circumstances were favourable, would like to see them removed at the present time for their removal is not opportune.

Hon. F. J. S. Wise: We share that view.

The PREMIER: There have been a considerable increase in building costs over the past few years and I intend to give an analysis of competitive tendering disclosing increases in prices. I propose to submit a comparison between four-roomed houses and five-roomed houses and will give the prices in that order. These are the figures relating to brick houses. In 1939 a four-roomed house cost £764 and a five-roomed house £794. In 1946 the respective figures were £1,208 and £1,398; and in 1947 they were £1,297 and £1,493. The prices of timber houses will indicate to what extent costs have risen. In 1939 a four-roomed timber house cost £491 and a five-roomed house £531. In 1946 the respective figures were £975 and £1,049; and in 1947 they were £1,129 and £1,210.

Hon. A. H. Panton: A working man would want to live to 150 to pay for a house!

Hon. F. J. S. Wise: What are the main causes of the various increases?

The PREMIER: I am just going to give the House an indication of the principal causes of the increases. They have been brought about by a rise in basic wage directly affecting labour and consequently increasing the price of materials generally.

Hon. F. J. S. Wise: You do not think I did much of it deliberately?

The PREMIER: No, I do not; but I believe the hon. gentleman might be able to help us to do something to stop further increases.

Hon. A. H. Panton: In the basic wage?

The PREMIER: No, and nothing else.

Mr. Marshall: The 40-hour week will make the cost higher still.

Hon. F. J. S. Wise: I was amusingly recalling how "prices rise with Wise."

The PREMIER: The final cost to the purchaser or person renting the house is modified by a lower interest rate at present. I am pleased to advise that the Commission will shortly announce its home-building programme under freehold and leasehold conditions, and it is the intention of the Government to reduce the rate to 1¼ per cent. The third amendment in the Bill gives authority to the Housing Commission to loan money to local authorities to construct roads. Most of the areas in which the Commission is now building are not served with roads though, in the great majority of cases, the areas are already subdivided and the roads have been formed. The outstanding difficulty is the inability of local authorities to provide the necessary funds for the roads to be made. I think members can understand that easily enough. They know the difficulties local authorities are up against in growing towns where roads and streets have been provided.

Mr. May: They cannot keep their own roads in order now.

The PREMIER: That is so. It is difficult to keep existing roads going and the inability to have roads provided is reflecting itself in building costs.

Hon. F. J. S. Wise: What funds would you use for this?

The PREMIER: Funds would have to be made available to the Housing Commission which would lend them out to the local authorities and the local authorities would be responsible for repayment.

Hon. F. J. S. Wise: Would any Federal Aid Road moneys be used?

The PREMIER: I could not say at present whether Federal Aid Road money could be used in this connection. I am doubtful.

Hon. F. J. S. Wise: The Minister for Works has a couple of million pounds in that fund.

The PREMIER: I know, but he has a lot to do with it, as the hon. member knows. I do not think at this stage that that money could be used, but money will have to be provided for the purpose.

Mr. May: We do not get enough for ordinary roads!

Hon. F. J. S. Wise: It would otherwise have to come from ordinary revenue.

The PREMIER: Yes, it would have to be made available to the Housing Commission by the Treasury, or it may be taken into consideration with the general set-up

between the Commonwealth and State under the Commonwealth-State Housing Agreement.

Hon. F. J. S. Wise: It might be necessary to mention in the Bill the source from which the funds will come, do you not think?

The PREMIER: I do not think that necessary. So long as the money is provided, that is the main thing.

Mr. May: Would it be additional to what we are getting now?

The PREMIER: I can only say that the money we will provide towards the construction of roads will not have any effect on our housing programme but it will have the effect of cheapening the cost of houses. When I was speaking from my notes, I think I was trying to point out that the lack of roads where these houses are being built is adding to their cost inasmuch as very often trucks have to plough through bog and sand, and contractors have breakdowns. There have been many instances in which a contractor has been forced to unload one truck and load it on to another.

Hon. F. J. S. Wise: Have you any idea whether the proposal will be acceptable to local authorities?

The PREMIER: Yes; a number of local authorities have already agreed.

Hon. F. J. S. Wise: This Bill contemplates an agreement.

The PREMIER: Yes, because a request has been made by the local authorities for such assistance. I can tell the Leader of the Opposition that we know local authorities are anxious to co-operate. Because of the rapid development of particular areas and because of the expense of the roads necessary, those local authorities, as the hon. member can readily understand, are having great difficulty in finding the necessary finance. Consequently this amendment is designed to enable the Commission to make an arrangement with a local authority whereby the State Housing Commission can advance to that local authority the cost of construction, the repayment of the advance to be effected out of rates accruing on the properties as they become occupied. Provision is made for the payment of interest which is payable from the general revenue of the local authority. The arrangement is optional, and upon conditions to be agreed upon by the two bodies.

As one or two local authorities have indicated their willingness to enter into such an arrangement and have, in fact, made tentative plans along these lines, the clause is made to operate retrospectively to the 31st July, 1947. That is a point the Leader of the Opposition just mentioned. It is linked also with similar amendments to the Road Districts Act and the Municipal Corporations Act, and the arrangement is intended as a genuine desire on the part of the State Housing Commission and the local authorities to expedite home construction in their respective areas, and to keep costs to a minimum. Those are the three amendments in the Bill. If they are accepted they will go a considerable distance towards helping with the housing programme. I commend the measure to the House, and hope it will be passed. I move—

That the Bill be now read a second time.

On motion by Hon. F. J. S. Wise, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT (RE-ELECTION OF MINISTERS).

Second Reading.

Debate resumed from the previous day.

HON. A. H. PANTON (Leederville) [4.45]: This Bill is designed to abolish the necessity for a member of Parliament having to vacate his seat because he has accepted an office of profit under the Crown. In other words, when a member becomes a Minister he will not, if this Bill becomes law, have to go to the country. The Attorney General, when introducing the measure, gave some very interesting information as to the origin, and I am indebted to the Leader of the Opposition for giving me a little more information on the subject, and I would like to read it to the House. It adds to the history already put forward by the Attorney General and makes it complete. The information I have is as follows:—

The principle of members of Parliament on acceptance of an office of profit seeking re-election began after the Revolution. During the reign of the Stuarts, the whole revenue of the Crown, but on when the King was obliged to keep up the establishments of the country, military as well as civil, was very inconsiderable. The wars which continued, al-

most without intermission, for nearly twenty years after the Revolution, induced the Ministers of the Crown to defray the expenses attending those wars by making considerable loans; and, in order to pay the annual interest of those loans, taxes were necessarily imposed. The Crown, as the executive part of the Government, had, directly or indirectly, the appointment of all the officers that were necessary for the collection and management of these taxes. From hence a new system of power and influence arose, not known, or but in a very small degree, before the Revolution; which, as the necessities of the State, and with them the taxes, increased, extended itself into every part of the kingdom. To check the undue and improper effects of this influence, as well upon the electors of members of the House of Commons, as upon the elected, a law was passed making necessary the re-election of a member of the House of Commons on acceptance of an office of profit.

The power then existing of conferring titles of rank-badges of different coloured ribbons—and above all a considerabde pecuniary addition to their income—was of considerable advantage to the King in the appointment of officers who were willing to carry out his will. Parliament, jealous of its own independence to watch over the increase and operations of this power, imposed this limitation.

In later years it has been found that there were serious inconveniences in the practical working of the principle that the acceptance by a member of any of the principal offices of State entailed the vacation of his seat, since, on the appointment of a new Government as the result of a general election, the business of Parliament and of the country might be held up for weeks, while Ministers left their offices in order to submit themselves again to their constituents. A further objection was that the principle worked capriciously and unfairly, that it restricted the choice of new Ministers by considerations regarding the safety of their seats, and that in some well-known cases it practically put an end to promising careers. For these reasons Parliament first limited the principle by passing the Re-election of Ministers Act, 1919, making re-election unnecessary within nine months of a general election, and finally abolished the principle altogether in the amending Act of 1926.

It would seem, from what I have read, that the matter of taxes has not altered much since the days of the Stuarts. I can support this Bill with a great deal of feeling. I find, on looking up the records, that only two members of this House have been opposed after having been appointed as Ministers—that is in the last 30 odd years, at any rate. They were the late John Scaddan who, in 1917, changed from this to the other side of the House, and he was then defeated for Brown Hill-Ivanhoe. The next occasion occurred when I was foolish enough to be inveigled into the Ministry. At that time I contested three elections in three years.

During the present session I have listened to a good deal about pamphlets of one sort and another, but members would have their hair stand on end if they could read what was contained in the pamphlets, referring to me, on that occasion—and neither the Liberal nor the Country Party was involved. I think it is absurd to ask the new members of the Ministry, whether they have been elected by a small majority or a large one, to see if they are going to be opposed in another election. I know how I felt in 1938 when I was told that I had not only to fight an election but to try to be a Minister at the same time. In the pamphlets issued at that time, it was stated that the candidate was not a bad fellow but that he had joined a gang and had to take the consequences.

I give the Attorney General my assurance that I am 100 per cent. with him. I am pleased the Bill has been brought down, because in future members who have ambitions to become Ministers, or whose Party leader desires them to join the Ministry, will know that there is no argument about it. There is no doubt that the last paragraph I read has an effect. If a member, eligible for the Ministry, has an electorate that may be said to be on the balance, he will be diffident about chancing another election. This measure will give all members a free path to the Ministerial benches if that is their desire. I support the second reading.

HON. N. KEENAN (Nedlands) [4.52]: This, of course, is no doubt a proper Bill to pass at the present stage of evolution, but it should be considered with more time and dignity, as not only is the provision it proposes to abolish meant to prevent certain abuses, but to deal with cases where members, for their own personal advancement, and contrary to pledges made during the election campaign, cross the floor of the House. That has happened, and will happen again, and it is something that no-one will defend. No-one would say that in such circumstances the member concerned should not be called upon to go back to his electorate, before giving up the political party as a member of which he was elected in order to support and give allegiance to some other party to serve their personal

aggrandisement. For that and for other reasons which I do not wish to mention at the moment, but which are of similar character, I think this measure should be given careful consideration.

I would like also to point out to the Attorney General that it will be necessary to amend the Constitution Act of 1899, two sections of which deal with the position of those who are allowed to take political office and vacate their seats in consequence, and who therefore do not come under the prohibition of accepting an office of profit from the Crown. I refer to Section 38—in the last paragraph—and Section 36 of the same statute. That would mean slight additions to the Bill. I have risen not only to point out that small omission but to mention the greater risk of men accepting Ministerial positions, under some circumstances. Members are elected on specific pledges to their electors and it has been known for a member to break those pledges and cross the floor of the House, for personal gain accepting office from the Crown on the other side of the House. If we are not careful, we will make that easy, and it is not desirable that we should rush into the task of making it easy.

Question put.

Mr. SPEAKER: I have counted the House and assured myself that there is an absolute majority of members present. I declare the question duly passed.

Question thus passed.

Bill read a second time.

In Committee.

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

House adjourned at 4.55 p.m.

Legislative Council.

Tuesday, 9th September, 1947.

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

ADDRESS-IN-REPLY.

Presentation.

The DEPUTY PRESIDENT: I desire to inform the House that, in company with the Minister for Mines and several members, I attended upon His Excellency, the Lieut.-Governor, and presented the Address-in-reply to His Excellency's Speech. His Excellency replied in the following terms:—

Mr. President and members of the Legislative Council: I thank you for your expressions of loyalty to His Most Gracious Majesty the King and for your Address-in-reply to the Speech with which I opened Parliament.

LEAVE OF ABSENCE.

On motion by Hon. G. W. Miles, leave of absence for six consecutive sittings granted to Hon. R. M. Forrest (North) on the ground of ill-health.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT (CONTINUANCE).

Second Reading.

THE MINISTER FOR MINES (Hon. H. S. W. Parker—Metropolitan-Suburban) [4.41] in moving the second reading said: This Bill is one that used to be a hardy annual, but in 1944 it was, instead of being extended for one year, extended for three years, and the request now before the House is that the Act be carried on for another three years. Members may wonder why it has been decided to extend it for three years instead of one, as formerly. The reason is that it is necessary to enter into contracts