

Legislative Assembly

Thursday, 25th September, 1952.

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The SPEAKER took the Chair at 2.30 p.m., and read prayers.

QUESTIONS.

RAILWAYS.

(a) As to Kalgoorlie Train and Bus Services

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

(1) Is it the intention of the department to continue to run two passenger road buses weekly to Kalgoorlie and vice versa, after the reinstatement of normal rail services?

(2) Is he aware that keen public approval is voiced by travellers using present road bus services to Kalgoorlie, especially passengers joining or alighting at intermediate stations?

The MINISTER FOR EDUCATION replied:

(1) No.

(2) Yes, but it is considered that the majority would prefer rail services when restored.

(b) As to Kalgoorlie Express, Time Table and Sleeping Berths.

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

(1) When is it anticipated that the Perth-Kalgoorlie express will recommence its normal timetable, inclusive of sleeping berths?

(2) Has he given consideration—and with what result—to the possibility of adjusting the Kalgoorlie express timetable to connect up with the departure times of the "Australind" from Perth?

The MINISTER FOR EDUCATION replied:

(1) A definite date cannot be given for the restoration of the normal timetable, but an extra train each way weekly will commence next week, and sleeping berths the following week.

(2) Yes. A connection is not practicable without undesirable disturbance of other services.

(c) As to Diesel Coach, Bullfinch Route.

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

As it is the intention of the Great Western Mining Company to adhere to its original schedule of commencing ore treatment towards the end of October, 1952, can he intimate when a start is likely to be made with the running of a diesel rail coach to Bullfinch and vice versa?

The MINISTER FOR EDUCATION replied:

Developments at Bullfinch are being closely watched and travel facilities will be provided when they are considered warranted.

HOSPITALS.

(a) As to Remuneration of Country Secretaries.

Mr. CORNELL asked the Minister for Health:

Adverting to the question asked by me on the 11th September, regarding the remuneration of secretaries of country hospitals, when is it expected that a decision will be reached in this matter?

The MINISTER replied:

Advice to hospital boards will be posted this week.

(b) As to Mortuary, Wyalkatchem.

Mr. CORNELL asked the Minister for Works:

(1) Is it a fact that the mortuary at the Wyalkatchem Hospital is in a particularly bad state of repair, and has been condemned by the District Supervisor of the Architectural Division?

(2) Does the Principal Architect consider that a new mortuary is necessary?

The MINISTER replied:

- (1) Yes.
- (2) Yes.

WATER SUPPLIES.

(a) *As to Main, Wicherina Tank.*

Mr. SEWELL asked the Minister for Water Supply:

(1) Is he aware that work on the rising main to the summit tank at Wicherina has been curtailed?

(2) Will he give an assurance that this work will be expedited so that the main will be in use before the summer sets in?

The MINISTER replied:

- (1) Yes.
- (2) The completion of the new rising main cannot be undertaken at present owing to shortage of Loan funds. In any case, no more water can be given to Geraldton until new pumps which have been ordered are delivered and installed, and the gravity main improved.

(b) *As to Contemplated Restrictions, Barbalin and Goldfields Schemes.*

Mr. CORNELL asked the Minister for Works:

Referring to the question asked by me on the 11th September regarding the possible imposition of restrictions on consumers on the Goldfields Water Scheme and its subsidiaries, are any restrictions during the coming summer contemplated in respect of—

- (a) consumers served by the Goldfields Water Scheme;
- (b) consumers in the Barbalin district?

The MINISTER replied:

(a) It is impossible to forecast, with any degree of accuracy, the demand for water during the summer, as this is influenced to some extent by weather conditions—that is, rainfall and temperature.

The supply to the general Goldfields Scheme area will be fully called on and short term difficulties could arise from pumping equipment or pipe line breakdown.

If average summer conditions occur in the Goldfields area, possible restrictions could be very limited in scope.

(b) The major source of supply on the Barbalin system for years was from rock catchments, which are supplemented by a limited pipe supply from the G.W.S. system.

This year practically no storage was built up from rainfall, but supply from the G.W.S. main was continued throughout the whole of the winter and storage at present is equal to that at the same date in 1950.

If average summer conditions occur, possible restrictions, as with the Goldfields area, could be very limited in scope.

(c) *As to Shortage of Bore Casing.*

Mr. CORNELL asked the Minister for Supply and Shipping:

(1) Is she aware that a serious shortage of 5in. bore casing still exists?

(2) Will she do everything possible to ensure that an adequate supply of this sized bore casing is forthcoming for users in the north-eastern districts and other drier areas, to ensure that the maximum supplies of water can be conserved?

The MINISTER replied:

- (1) Yes.
- (2) Yes, efforts have been made to obtain bore casing and will be pressed continuously to procure sufficient casing to ease the position.

EDUCATION.

(a) *As to Bicton and Attadale Schools.*

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

(1) What is the present enrolment of the Bicton school?

(2) How many classrooms are there at this school?

(3) What is the number of children which it is anticipated will pass out of the school at the end of this year?

(4) What is the number of children expected to seek admission at the commencement of 1953?

(5) What is the present position concerning the proposal to erect a new school at Attadale?

(6) How is it proposed to accommodate the children at Bicton next year?

The MINISTER replied:

(1) Five hundred and twenty-nine.

(2) Ten.

(3) Forty.

(4) Fifty-eight.

(5) Investigations on the school site at Attadale are being made and working drawings are being prepared by the Public Works Department.

(6) This matter is at present the subject of examination.

(b) *As to Palmyra School and Willagee Children.*

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

(1) What is the present enrolment of the Palmyra school?

(2) What is the anticipated enrolment for 1953?

(3) How many classrooms are there at the school?

(4) How is it proposed to accommodate the children from Willagee?

(5) If a new school is to be erected, when is it expected to be ready for use?

The MINISTER replied:

(1) Four hundred and forty-two.

(2) Four hundred and sixty-seven.

(3) Nine.

(4) Children from Willagee are at present being accommodated at the Palmyra school.

(5) It is hoped to have the new school erected at Willagee by July, 1953.

(c) As to Mt. Pleasant School and Excess Children, Applecross.

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

(1) When will the Mt. Pleasant school be ready for occupation?

(2) How does the Education Department propose to accommodate the excess number of children at the Applecross school next year?

(3) Will it still be necessary to use the two halls and the staff room as at present?

The MINISTER replied:

(1) As I have already advised the hon. member, it is expected that this school will be ready for occupation in February, 1953.

(2) and (3) It is hoped to accommodate the pupils in the existing classrooms when the school at Mt. Pleasant is opened. However, it may be necessary to continue using at least one of the halls until Willagee and Attadale schools are erected.

MARGARINE.

As to Protection for Dairying Industry.

Mr. HEARMAN asked the Minister representing the Minister for Agriculture:

(1) Has he any objection to having the question of the protection of the dairy industry from undue sales of margarine in Australia discussed at the next meeting of the Agricultural Council?

(2) If so, what are those objections?

(3) Does he agree that this matter is best dealt with by the Federal Parliament?

The MINISTER FOR LANDS replied:

(1) No.

(2) Answered by No. (1).

(3) The Commonwealth Parliament has no authority under the Constitution to control the manufacture and sale of an article within a State.

ARGENTINE ANT.

As to Supplies of Chlordane.

Mr. GRAHAM asked the Minister for Health:

(1) How much chlordane for the extermination of argentine ants has been imported to this State?

(2) When will it be available to the public?

(3) Where will it be obtainable?

(4) What will it cost?

The MINISTER replied:

(1) The department has at present approximately one ton of chlordane. Twenty tons of chlordane are en route from America.

(2), (3) and (4) It is not the present intention of the department to distribute this to the public, but to use it in an organised manner by special spraying teams.

BILLS (2)—FIRST READING.

1. Wheat Industry Stabilisation Act Amendment.

Introduced by the Minister for Lands.

2. Coogee-Kwinana Railway.

Introduced by the Minister for Education.

LEAVE OF ABSENCE.

On motion by Mr. Bovell, leave of absence for two weeks granted to Mr. Totterdell (West Perth) on the ground of ill-health.

MOTION—HOUSING INFORMATION.

As to Disapproval of Member's Methods.

THE ACTING PREMIER (Hon. A. F. Watts-Stirling) [2.43]: I move—

That this House expresses strong disapproval of the use of methods to obtain departmental information from public servants out of the normal course of their duties and such as those recently used by the member for Melville in the case of a temporary officer of the State Housing Commission, on the grounds that—

(a) they are likely to place individual public servants in a most invidious position; and

(b) they are most unfair to the Public Service generally.

In moving the motion standing in my name on the notice paper I wish to make it plain that in the 17 years I have been here I have moved a considerable number of motions, the majority of them with considerable satisfaction. There may have been one or two instances where I experienced what might be called neutral sensations; but I do not think I have ever moved a motion with less feeling of satisfaction than I do on this occasion. At this juncture, and by way of commencing the recital of events which I have to indicate to the House, I would like to say that Regulation 20, under the Public Service Act, reads as follows:—

Except in the course of official duty, no information concerning public business or any matter of which an officer has knowledge officially shall be given, directly or indirectly, by an officer without the express direction or permission of the Permanent Head. The Permanent Head will be responsible to the Minister for information given by him to the Press or any person.

Because these regulations are of great importance to this motion, I would like to stress the words "except in the course of official duty . . . no information shall be given." Regulation 170, under the same Act reads—

Any person temporarily employed charged with the commission of a minor offence may be reprimanded or cautioned or fined up to 10s. by the Head of Sub-department, on his being satisfied that the offence has been committed.

and Regulation 171 reads—

If any person temporarily employed be found guilty by the Permanent Head, or some officer or officers acting in his behalf and on his authority, of—

- (a) wilful disobedience; or
- (b) being negligent or careless in the discharge of his duties; or
- (c) being inefficient or incompetent; or
- (d) using intoxicating beverages to excess; or
- (e) any disgraceful or improper conduct;

he may be summarily dismissed or otherwise punished by the Permanent Head.

It would be quite obvious, therefore, that if any steps were taken by any individual, whoever he might be, to cause, or even be likely to cause, a civil servant and, in this case, a temporary officer, to breach the provisions of Regulation 20, it could become a most unfortunate situation for the civil servant in question because, although as the regulation stands, it can be regarded as a minor offence and he could be fined, if it were regarded as being of a more serious nature, he could be summarily dismissed. So I think it will be quite obvious to every member of this House and to everyone who hears of this matter that the gravamen of the situation to which I am going to refer is not so much the action of the hon. member so far as he himself is concerned, but the effect that that action might have had on an innocent member of the public service.

In consequence, this motion is so worded as to indicate that it is in the interests of the upholding of the traditions of the public service which have persisted throughout the British Commonwealth for

an extremely long period of years that this motion has been brought before this House at the request and with the full cognisance and knowledge of the Public Service Commissioner. The circumstances which gave rise to this motion can, I think, for the moment anyway, start with a communication which was written by the member for Melville on the 12th August, 1952, to a temporary officer of the State Housing Commission, by name H. Gorddard. The name is a peculiar one. It is not spelt Goddard, but Gorddard, and therefore is somewhat unusual.

The letter I refer to came into the possession of the chairman of the State Housing Commission on or about the 17th day of September—that is, this month—having been handed by the civil servant in question to the clerk in charge of the section in which he works, by name Herlihy, earlier that day and by him taken to the chairman in company with the public officer in question. The letter was enclosed in a parliamentary envelope bearing the postage stamp of the 12th August, 1952 and was addressed to Mr. H. Gorddard, Mill-st., Queen's Park. The address of Mill-st., Queen's Park is the private residence of the officer in question.

At this stage I might say that officer is concerned in that part of the Housing Commission's activities which at present deals with Austrian pre-fabricated homes, and this officer in particular is engaged in matters concerning the contracts which have been let to and are being executed by Messrs. Sandwell & Wood. This officer has been in the public service of the State as a temporary officer for a little over two years, and during the whole of that time he has been engaged in that section of the Housing Commission and more recently in the particular work to which I have referred. This letter, addressed from Parliament House on the date I mentioned and directed to this officer at his private address, reads as follows:—

Dear Sir,

In the public interest I would like to have a talk with you. If you are agreeable I should be glad if you would ring me at home (LI480) on Thursday or Friday morning between 7 and 9.30 or on Saturday any time up to 11 a.m. If possible I would like to see you before next Tuesday and have in mind a meeting between us during your lunch hour on Thursday or Friday or on Saturday morning, or some time Sunday.

Yours faithfully,
(sgd.) J. T. Tonkin.

That letter with some reference to the accompanying circumstances was mentioned to the section leader, Mr. Herlihy, and the letter together with Mr. Gorddard, were taken to the chairman of the State

Housing Commission. I will read his report on the subject later. Naturally, having gone thus far in his explanation of the circumstances of the receipt of the letter Mr. Gorddard was asked to expand on those circumstances and to inform the officers of the Housing Commission there present—both of them—as to what had transpired as a result of that letter. In consequence, on the 17th September, he wrote to the chairman of the Housing Commission. I have the original letter here, but I propose to read from a type-written copy as it is much easier to read than the writing of the officer referred to. Mr. Gorddard's letter is as follows:—

Plain-st.,
Perth.

17th September, 1952.

The Chairman,
State Housing Commission,
Plain-st., Perth.

Dear Sir,

In response to your request the following is the substance of my interview with Mr. Tonkin last month. During the week ended 16th August, 1952, I received a letter dated the 12th August, 1952, from Mr. Tonkin. This letter requested me to phone him in order that a meeting could be arranged to discuss a matter of public interest. The meeting took place between us within two or three days of receipt of the letter. I was questioned as to anything I might know relative to the cost of erecting the imported Austrian homes which are under contract to Sandwell & Wood. I told Mr. Tonkin that being a civil servant I could not disclose anything I might know and pointed out to him that if his Party were in power and the present Government in Opposition he would not thank me for divulging to a member of his Opposition information similar in nature to that which he was now seeking. My conduct throughout the interview was based upon this principle. I might add that I had not previously met Mr. Tonkin.

Yours faithfully,

(sgd.) H. Gorddard.

As a result of that the matter was reported to the Public Service Commissioner and to the Minister for Housing. It was then reported by the Public Service Commissioner to the Premier and it became necessary in the opinion of the Public Service Commissioner and that of the Premier that a further inquiry should be made as to this interview to ascertain exactly what had taken place. Accordingly I have here a statement signed by Mr. R. W. Brownlie, chairman of the State Housing Commission, referring to a statement made by Mr. Gorddard on the 18th September, 1952. Mr. Brownlie's statement of that interview reads as follows:—

Mr. H. Gorddard, an officer employed on the temporary staff of the Commission in a verbal statement made to me during an interview at which Mr. P. P. Herlihy was present supplied the following information concerning his interview with Mr. J. T. Tonkin, M.L.A. Mr. Gorddard stated that he received a letter at his private address in an envelope having the Parliamentary seal. On opening the letter he was surprised to find that it contained an invitation from Mr. J. T. Tonkin, M.L.A. to meet him for the purpose of an interview. The letter received by Mr. Gorddard from Mr. Tonkin was produced. It was stated by Mr. Gorddard that he was uncertain as to whether to meet Mr. Tonkin or not, but subsequently he decided to meet him. He had not met Mr. Tonkin previously and was quite unknown to him. They met at the Palace Hotel corner and Mr. Tonkin asked for information concerning the account of Sandwell & Wood Pty. Ltd. in connection with the erection of the imported houses—Austrian-produced houses. Mr. Gorddard said he informed Mr. Tonkin he was unable to supply any information regarding the Commission's affairs pointing out to him that if his Party was in power he, Mr. Tonkin, would take a very dim view of any officer supplying information respecting departmental activities to a member of the Opposition. Therefore he could not supply him with information as it would be unfair to the Government in power. Mr. Gorddard stated he had this principle in mind during the discussion with Mr. Tonkin and that no important departmental information was supplied to him.

Mr. Gorddard stated during the course of the statement that Mr. Tonkin said that he intended to move for a Royal Commission or inquiry into matters connected with the contract of Sandwell and Wood Pty. Ltd.

In answer to an inquiry as to why he had refrained from mentioning the matter of the meeting with Mr. Tonkin previously, Mr. Gorddard stated that as no important information had been given to Mr. Tonkin, he did not think that any harm had accrued from the interview, but since that date, because of questions raised in Parliament by Mr. Tonkin respecting the imported houses, and the publishing of certain matters concerning those houses, he felt it was his duty to disclose what had taken place between Mr. Tonkin and himself.

In answer to a further inquiry, Mr. Gorddard was unable to state where Mr. Tonkin could have ascertained

that he was checking the accounts of Sandwell and Wood Pty. Ltd., nor could he explain where Mr. Tonkin could have obtained particulars of his private address.

(Sgd.) R. W. Brownlie, Chairman,
State Housing Commission.

There are other documents that I have here which I will later read, but it might be as well at this stage to look over the ground that we have so far covered. Mr. Gorddard was obviously unknown prior to the communication of the 12th August to the member for Melville. The letter would appear quite clearly to have been written with the idea of obtaining a private interview, because it would seem to be quite apparent that if the hon. member knew that this civil servant was dealing with this particular contract, as he must have done in order to induce him to write to the civil servant at his private address, there would have been the obvious alternative which, although it might have been slightly unusual, would not have been subject, I would suggest, to the very powerful criticism which can be levelled against the methods that were actually adopted.

The hon. member could have gone to the Housing Commission and sought an interview with Mr. Gorddard as in the course of his usual ordinary duty and he could then and there have asked that officer his questions, even though there might be some divergence of opinion as to whether he was justified in doing so or not. But he did not do that. If he had done so, I venture to suggest that the attitude of the Public Service Commissioner and other persons who have concerned themselves very greatly in this matter, would have been different. I am fairly certain that no such motion as that which we are now discussing would be before this House. The member for Melville did not go to the office of the Housing Commission and speak to this officer there. He writes him a letter to his private address. Surely that removes from this discussion any suggestion of the complete bona fides of the hon. member. It lays him open, I would suggest without the slightest hesitation, to a charge of attempting to obtain this information secretly and, what is more and what is worse, lays the civil servant—this temporary officer—open to be dealt with under the provisions of the Public Service regulations.

I will show later on that the Public Service Commissioner has considered that aspect and I will make known what his views are on the matter. There we have it—an attempt—successful or not does not matter—to induce in secret this temporary officer of the Public Service to give information arising out of the course of his duty in respect of which the more

normal way, although not strictly permissible, would have been to approach him at his place of business. Now I will come to the next stage in this matter. I said earlier that it was referred to the Public Service Commissioner. As everyone knows, the Public Service Commissioner is responsible for the Public Service of this State. In many respects he is as much subject to Parliament as to the Government.

There are times, as members know, when his recommendations, for example, cannot be refused unless the necessary papers are placed, together with reasons, upon the Table of the House. His business is to keep the relations between the Public Service and the Government of the day on a reasonable and satisfactory level and to ensure that officers of the Public Service are given fair treatment in the positions they occupy and to guarantee them, in the course of his ordinary duties, a fair hearing in respect of any difficulty that may arise. And so, naturally, when this matter was reported to him by Mr. Gorddard, he called upon him, Mr. Gorddard, to see him one day last week. As a result of that interview and now at this stage in the absence of the Premier, he addressed a minute to me, dated the 22nd of September, 1952, reading:—

I attach a copy of notes of an interview with Mr. Gorddard on Friday morning, the 19th instant.

This interview was arranged following the disclosure of a letter dated 12th August which Mr. Gorddard had received from Mr. Tonkin, M.L.A.

The letter, with Mr. Gorddard's written statement of his subsequent interview with Mr. Tonkin, was handed to the Minister for Housing (Hon. G. P. Wild) and is now held in safe keeping by the Under Secretary, Premier's Department. Public Service Regulation No. 20 prohibits an officer, except in the course of official duty, from giving information on any matter of which he has knowledge officially unless by the direction or permission of the permanent head. My interview with Mr. Gorddard was for the purpose of determining whether he had in any way been an active or consenting party to a breach of this regulation. I am satisfied he was not.

I am, however, greatly perturbed at the means adopted by Mr. Tonkin in this instance and feel that all possible action should be taken to protect officers of the Public Service from such a method of seeking official information.

S. A. TAYLOR,
Public Service Commissioner,
22nd September, 1952.

Attached to that are notes of an interview with H. D. Gorddard on Friday morning, the 19th September, 1952, which read—

Mr. H. D. Gorddard is a temporary clerk, age 49, employed in the architectural clerical section of the State Housing Commission. He has been continuously employed in this section since the 16th June, 1950. His duties include keeping the contract ledger record of Sandwell and Wood's contract for the erection of Austrian prefabricated houses. As part of these duties, he assesses the fortnightly progress payments due to the contractors on receipt by him of progress reports filled in by the field supervisor. His work comes under the supervision of Mr. P. P. Herlihy, who is the clerk in charge of the section.

The purpose of my interview with Gorddard was to interrogate him in relation to his action following a letter he had received from Mr. J. T. Tonkin, M.L.A., dated the 12th August, 1952. This letter had been brought to my notice by Mr. Brownlie, Chairman of the State Housing Commission, on Wednesday, the 17th September, soon after it had been given to him by Mr. Herlihy on behalf of Mr. Gorddard.

The implications, to my mind, were so serious as to warrant the fullest inquiry and immediate report to the Hon. the Minister. The letter invited Mr. Gorddard to meet Mr. Tonkin to discuss a matter of public interest. It was addressed to him at his home. At the time of its receipt, Mr. Gorddard was confined to his home with sickness, but he got into touch with Mr. Tonkin by telephone and arranged a meeting to take place in St. George's Terrace in front of the Palace Hotel.

Here I may interpolate members will recall that Mr. Gorddard's own letter of the 17th refers to the meeting in front of the Palace Hotel.

As neither party knew the other, each gave a description of their build, etc., and they met, after a little hesitant walking up and down, at the time and place appointed. Mr. Gorddard was not sure of the date, but after a reference to questions asked by Mr. Tonkin in the House on the 5th August (the answers to which were shown to Gorddard during his interview with Mr. Tonkin), and further questions which were asked by Mr. Tonkin on Tuesday, the 19th August, I have no doubt in my mind that the date of their meeting was Saturday morning, the 16th August.

After identification and at Mr. Tonkin's suggestion, they walked to the Esplanade and had their discussion near the bowling green. The talk lasted about 45 minutes. Mr. Gord-

dard has no full recollection of all the questions put to him by Mr. Tonkin, but was quite definite with me that his answers throughout were qualified by his initial statement to Mr. Tonkin to the effect that he could not and should not be expected to disclose anything which came to his knowledge as an officer of the Public Service and a member of the State Housing Commission staff.

I was further informed by Mr. Gorddard that Mr. Tonkin had told him that it was his intention to move for a Royal Commission of inquiry into the erection of the Austrian prefabricated houses and Sandwell and Wood's contract and he (Gorddard) would be summoned as a witness. Mr. Gorddard's answer to that was that that would be the time and place for him to supply any information in his possession. Until then he could not and would not supply the information sought by Mr. Tonkin.

In answer to my questioning as to the reason for delaying his report of the receipt of Mr. Tonkin's letter, Mr. Gorddard told me that, after the interview, he felt that he had not given any information of importance to Mr. Tonkin and he came to the conclusion that it would be in his own best interest if he said nothing about the matter. However, as Mr. Tonkin developed his campaign for further information relating to Sandwell & Wood's contract, he had become worried and finally reached the stage where he had to confide in someone. He then told Mr. Herlihy who immediately informed Mr. Brownlie.

Mr. Gorddard is a sparely-built, slightly-anaemic looking man who does not enjoy the best of health. He is probably a little highly strung, but his manner with me was frank and open and I have no doubt in my mind that he gave me a truthful account of his interview with Mr. Tonkin as far as he was able to remember it.

Other matters which disturbed me were—

(1) How did Mr. Tonkin know that Gorddard handled Sandwell and Wood's contract account?

(2) How did he come by Gorddard's address?

(3) Did Gorddard or any other member of the Commission's staff supply Mr. Tonkin with information on which the questions asked by him on the 5th August, 1952, were framed?

Questioning on these points satisfied me that Gorddard did not have any communication, either directly or indirectly, with Mr. Tonkin prior to his receipt of Mr. Tonkin's letter dated

the 12th August. Further questioning on (1) and (2) brought no result, except that Gorddard's association with Sandwell and Wood's contract was well known to many members of the Commission's staff and, of course, to the contractors themselves. I can only conclude, therefore, that someone, who could be an officer of the Commission or an employee of Sandwell and Wood or even a member of the public, informed Mr. Tonkin of the nature of Gorddard's work in the Commission. The field is so wide as to make it impossible for me to pinpoint the source or prove the action of anyone who may be suspect.

Once having obtained the name, however, it would be an easy matter to find the address by reference to the electoral rolls or inquiry at the Electoral Office, as Gorddard gave me to understand that, to his knowledge, there is no other family of his name in Western Australia.

As regards the questions asked by Mr. Tonkin on the 5th August, I had, on the 6th August, discussed with Mr. Brownlie and Mr. Telfer the possibility of a member of the Commission's staff having given information to Mr. Tonkin, as it appeared to all three of us that the questions could not have been put in the manner in which they were except as the result of a discussion with a person who had much more than a casual knowledge of Sandwell and Wood's contract account with the Commission.

My discussion on this occasion was directed towards determining the best means to adopt in order to ensure that officers generally would not unwittingly or thoughtlessly commit the offence, under Public Service Regulations, of supplying official information without the consent of the Head of the Department. I have since followed up this question and had reached the stage of preparing a letter to Heads of Departments and a declaration to be signed by officers which, if broken, would constitute an offence under the Public Service Act. This has been withheld pending the outcome of Mr. Gorddard's disclosures.

I gave Mr. Gorddard to understand that the Government must necessarily take a serious view of the manner in which Mr. Tonkin seemingly had attempted to obtain information from him and that I personally was very much disturbed at any action of such a nature which could result in suspicion being cast on the loyalty of an officer of the service and generally reflect upon the non-political attitude which officers were required to adopt in relation to their official duties.

Mr. Gorddard clearly understood the implications associated with the possible ventilation of this matter through any action which the Government might decide to take and expressed willingness to the letter he had received from Mr. Tonkin and his statement relating to the interview he had had with Mr. Tonkin being used in whatever manner considered to be appropriate.

(Signed) S. A. Taylor.

There we move along a stage or two further, I think, and we find that long before this letter came to the notice of the Public Service Commissioner he had, for the reasons he discloses, been of the opinion that information was being supplied in a way that it should not be and he had taken steps to prepare a document for despatch to the various Government departments calling upon the public servants to make a declaration, the breach of which would be an offence against the Public Service Act and could give rise to the penalties, or some of them, to which I have already referred.

Surely it is vitally necessary that we should take what steps we can to prevent the Public Service from being put in that position! Surely these men and women who serve the State, and serve it equally faithfully whatever may be the political complexion of the Government, should not be put in the invidious position which obviously arises out of all these circumstances and which at the best can do nothing more than break down, or commence to break down, the honourable tradition of the Public Service that has existed as long as all of us here can remember such a service!

When I received this document from the Public Service Commissioner last Monday, Cabinet was about to sit, and I thought it advisable that the Public Service Commissioner should, in furtherance of what he had said in this minute, be asked to express his views orally as to whether he really was of the opinion that it was vitally necessary that some action to call attention to this state of affairs which appeared to be developing should be taken. As a result, he came and discussed the matter; and if I needed any convincing, having read his minutes, he certainly convinced me and everyone else present, I think, that it was essential something should be done.

There occurred to me, and I think to the others interested in this matter, only two possibilities—either that there should be some statement made in the Press or, alternatively, that there should be some motion moved in this House.

Hon. E. Nulsen: This case is not a precedent, though, is it?

The ACTING PREMIER: It is without precedent in my time, and even if it is not without precedent—

Hon. E. Nulsen: It has not been brought up in the House before, but it has happened in this House.

The ACTING PREMIER: —it does not make the slightest difference in my opinion. As I was saying, there appeared to be two alternatives only which were available that would have the necessary reassuring effect on the Public Service and perhaps the necessary restraining effect on those who might think these methods desirable. One was some Press statement and the other was some ventilation of the matter in this House.

Mr. May: You get both this way.

The ACTING PREMIER: Of the two, it was quite obvious that the latter was preferable. It is a matter of public concern, I think, to every member of Parliament and it is a matter which therefore, if it is to be ventilated at all, should rightly be ventilated here. Does anyone suggest that the method of approach to this matter—as distinct from the alternative ways whereby information may be sought, even to the extent of going to the officer in question at his place of business—is the proper or decent method? If he does, I would suggest his thoughts on the subject run along extremely strange lines.

I know it has been said that to the pure all things are pure, but I would not suggest that even that line of thought would justify an approach of this nature to a public servant in the circumstances and for the purpose I have outlined. Quite apart from the direct approach to the public servant, which would have been better but not entirely correct, perhaps, there are many avenues available to members of this House, and of which full advantage is taken by members. Questions, motions and all other kinds of ways are available under Standing Orders. It is not as though the hon. member, and other members too, have not been given information and permitted to peruse papers as soon as reasonable opportunity affords itself. The member for Melville, when dealing with an asbestos called Silvanit was given the file on the question in the Premier's office on at least two occasions, and he took therefrom anything he desired. It is true that on other occasions some delay has had to take place before papers could be provided, but that is not unusual. It has occurred many times in the years I have been in the House.

The questions asked by the hon. member in regard to matters which concern Mr. Gorddard, in the course of his employment, have been numerous. But, as the Public Service Commissioner says, some of them obviously indicated that some information which is not normally available has

been available before the questions were asked; otherwise, he says, and I agree, they would not have been framed in the language in which they were framed. So the situation is that the House, I suggest, must take notice of the circumstances and express its displeasure at the methods used. The whole thing is founded on the communication of the 12th August from the hon. member to the public servant. He says that in the public interest he wants to see Mr. Gorddard, but he does not say, "When you are back at your office, let me know so that I can call there and see you."

He likes to ring this officer at home and "see him before Tuesday," and has in mind, "meeting between us during the lunch hour." This is the essence, in such circumstances as these, of secretiveness and secrecy. Imagine the position of the civil servant—a temporary officer in the Housing Commission! The member for Melville is well known, and hitherto distinguished in the Parliament of the State. He holds a high position today; he has held higher positions in the past, and he may hold them again at some future date.

Mr. Graham: Not very far distant.

Mr. Nimmo: Wishful thinking!

The ACTING PREMIER: I said that he may hold them at some future date. Let us not go into details in respect of which we have no basis on which to work. So Mr. Gorddard is doubtless in a quandary as to what he should do. He thinks, "Anyway, I had better ring him up, as he suggests."

Mr. Hoar: Would you like the member for Melville to stand at the bar?

The Attorney General: That is where Dr. Fuchs stood, anyway.

The ACTING PREMIER: So he does ring the member for Melville, and the telephone conversation results in the meeting at the Esplanade. Then one can imagine the questions which could be put to him by the hon. member.

Hon. J. T. Tonkin: Do not draw too much upon imagination.

The ACTING PREMIER: No, I do not, and the hon. member will see why in a moment. One knows the incisive way of the Deputy Leader of the Opposition, and his ability to place his case and to marshal his facts and queries.

Mr. May: You mean, a straightout method.

The ACTING PREMIER: One can imagine, therefore, the activity in which he would like to indulge in this questioning. Frankly, had I been in the position of the civil servant in question, I would not have liked it. Then I can contemplate the attitude of the hon. member were the position reversed, and were he, at this juncture sit-

ting here and some other member, who had taken a similar course of action to his, sitting opposite. I have not the slightest doubt that the hon. member would not, in bringing the matter before the responsible authorities, have been nearly as moderate in his views as have been the chairman of the Housing Commission, the Public Service Commissioner and, I think I might even add, myself. I am firmly convinced that he would have taken the strongest exception to the position. He would have conjured up, by the flights of imagination to which he referred by interjection just now, the great possibilities that would underlie a circumstance or situation of that nature.

Mr. Hoar: What he probably would do would be to see you privately about it instead of going to all this fuss and bother.

The Minister for Lands: You wasted a lot of time last night; what are you talking about?

The ACTING PREMIER: I thought someone would suggest that the matter could have been dealt with in that manner. I have, I think, already advanced sufficient reasons to show why it should not be dealt with in that way. Great oaks from little acorns grow, and I have no desire to see—and I do not think any hon. member has, and I am certain no member of the Civil Service has—matters of this nature extended in the future to any individual, individuals or section of the Public Service by anybody, whoever he may be and to whatever political party he may belong. So it is no use trying to make light of this matter. Right underneath it is this—

Mr. Graham: Smear Tonkin at all costs!

The ACTING PREMIER: This action might quite easily have resulted in the dismissal of this officer from the Public Service.

Hon. J. T. Tonkin: I hope it will not.

The ACTING PREMIER: It will not. Do not worry about that.

The Attorney General: It probably would if the member for Melville had anything to do with it.

Hon. J. B. Sleeman: Pull your head in!

The ACTING PREMIER: But it might have done so in other circumstances. Why did the hon. member do it? I asked myself that question; why do it? I have already said that there were other alternatives, to which no exception could have been taken; alternatives that could have been used decently and within the bounds of reason—but not this one, which was to write this man the letter to which I have referred and make a private assignment with him, and meet him outside a well-known building in Perth and take him down to the Esplanade and sit him down—

Hon. J. T. Tonkin: One might as well do it in comfort.

The ACTING PREMIER: —and cross-question him, a process which, had it been found out by any means other than the officer coming forward personally with the letter, would certainly have resulted in his dismissal from the service. So I must confess that I think this motion is entirely justified although, as I have said, I obtain no satisfaction from moving it.

As for the interjection of the member for East Perth, every member here knows that there have been the friendliest relations for many years between the member for Melville and me and I have never taken part in any effort to belittle him in this Chamber. Every member here knows that, and certainly the member for Melville knows it. Even on those occasions when he has, in rather unreasonable language, taken me to task, I have endeavoured to maintain at least some semblance of commonsense in the matter and not attack him unnecessarily in return, and so the member for East Perth, who is not present now, can bear in mind his interjection and my answer to it when he reads it, because that is the one thing to which I will not subscribe either in my present official position or as a private member of this House.

I believe that the member for Melville has, at least for once, gone a little too far, and has sought to make trouble not only for those who are able in open verbal conflict in this House to look after themselves as well as they can, but also for an individual who had little or no means of looking after himself in the circumstances that I have traversed, and whose situation, I submit, was made an invidious one and could have been a far worse one. The member for Melville, I suggest, has on this occasion overstepped the mark and has taken an action which, to say the very least of it, is distinctly unworthy of him and in regard to which there is, unfortunately, a strong suspicion, in the mind of the Public Service Commissioner, that it is not the first time.

Hon. E. Nulsen: And by other members.

The Minister for Lands: You can speak for yourself.

Hon. E. Nulsen: I know it from what has been brought up here.

Sitting suspended from 3.45 to 4 p.m.

The ACTING PREMIER: Before the afternoon tea suspension I had been dealing with the position where a civil servant might find himself in those circumstances to which I have been referring and I do not propose to cover that ground again. I would like to summarise for two or three minutes the facts of this matter so that there will be no misunderstanding. As I said, it was based on the letter written by the member for Melville on the 12th August, which I have read to the House. That letter, quite clearly, sought a private interview with an officer of the Public Service as employed in the State Housing Commission and in a sub-department in

which the hon. member has, of recent times, taken a great interest. It led to a private assignment in St. George's Terrace and subsequently to a lengthy conversation on the Esplanade.

After some considerable lapse of time the officer in question becomes concerned because he sees the carrying on of the campaign by the hon. member in regard to these particular matters. So he, having kept the letter, confides it and the circumstances surrounding it to his superior officer in the Housing Commission, and from there it goes to the Public Service Commissioner whose observations on the subject I have already recited. It is quite clear, as I indicated earlier, that the concern of the Public Service Commissioner which I have endeavoured to translate in my speech in this House was for the officers of the Public Service both individually and collectively. He realises, as no one is better able to realise, that a class of conduct such as we have been dealing with, if permitted to continue or if allowed to expand and increase could only reduce the Public Service to the lowest possible level and far removed from those traditions which hitherto have, I think, distinguished it throughout the British Commonwealth.

I consider that, if the circumstances were reversed in this Chamber and similar facts had been disclosed, far more caustic criticism would have been indulged in and more than I would care to make. It has satisfied me to disclose the facts as they have been reported to me, supported as they are by the original letter and by other documents from responsible and reliable officers of the Public Service occupying the highest and a very high position respectively. In conclusion, suffice it to say that I am satisfied, in the interests of the Public Service, both individually and collectively, and to protect its officers from actions of this kind in the future, that it is desirable that this motion should be moved and carried. For no other reason do I offer it to the House. I think I have made that pretty plain.

HON. J. T. TONKIN (Melville) [4.10]: Before I get on to the real subject-matter of this charge there are one or two observations which I wish to make. Firstly, on occasions, I have hit out quite strongly in this House in connection with certain matters and when doing so it has not been my custom to pull any punches. One does not go into battle without expecting to meet, or without stirring up, any opposition. It is to be expected that there would be some retaliation or some opposition forthcoming at some time. If I am on the giving end at times I should expect, I suppose, to be on the receiving end at other times. So I make no complaints. Secondly, I want to say that as the motion has been brought down by

the Government as a Government motion, then of course if the Government so desires it can carry it. It would not matter what explanation I made or whether my reply completely overshadowed the speech made by the Acting Premier in moving the motion; if the Government decided that this motion was to be carried, as it has the numbers it could carry it and it could carry a similar motion against any member in this House.

Mr. Bovell: Not without reason.

Hon. J. T. TONKIN: Yes.

Mr. Bovell: Then you misjudge the members that are supporting the Government.

Hon. J. T. TONKIN: I have known them to support the Government on some very questionable matters and, as they did so, it only proves my point that so long as the Government has the majority it can get any decision it likes. If the Government sets out to do so, it could get a motion carried that white was black, because it has the numbers.

Mr. Bovell: It would not have the numbers unless it had a good case to submit.

Hon. J. T. TONKIN: It is over there because it has the numbers, and when the Government ceases to have the numbers it will be over on this side.

Mr. Bovell: This is like the flowers that bloom in the spring; it has nothing to do with the case.

Hon. J. T. TONKIN: I am simply pointing out that it would not matter; if the Government were determined on passing this motion, it would not matter what sort of case I put up. The Government would only have to crack the whip and, as it has the numbers, it could pass the motion. So I have to accept that position and again I make no complaint. Although there are some members in this House, particularly the Minister for Housing, who would not believe that I endeavour to tell the truth, I think I do. I am not saying that I have never made a statement in this House which was not true. But I will say that I have never made a statement in this House which I did not believe to be true when I made it. If it was subsequently proved to me that the statement which I might have made was not true, then I have never hesitated to admit it and I hope that will characterise my conduct as long as I am a member of this House. I propose to tell exactly what happened in connection with this matter so that members will know as much about it as if they were there themselves. It ought to be noticed that the date of the letter, which by the way I have asked the Minister to table,—

The Acting Premier: I shall be delighted to do so as soon as it comes back from "Hansard".

Hon. J. T. TONKIN: The date of the letter was the 12th August. Now that date is very important and I want to come back to it later. I had known many months before that there was an officer of the name of Gorddard or "Goddard"—I was not sure at that stage—who was in the State Housing Commission, but I had known many months before the 12th August that that was so. The information was given to me by an acquaintance who said that this particular officer was engaged in the part of the Housing Commission's activities that was dealing with the Austrian pre-fabricated houses. I put the name of the officer away in my drawer, at that time not having made up my mind about it in any way whatever. I thought it might be useful; I did not know but I put it in the drawer and that is where it remained for some time.

A man in my position has volunteered to him from time to time a lot of information, and I suppose there is not a member in this House who has not had volunteered to him from one source or another information of one kind or another. The information may be about other members or about Government departments, about Government undertakings or Government proposals or, in some cases, about Government Bills. It is in the ordinary course of one's political life. Whether one is in the Government or in the Opposition, information is given one from a variety of sources and for a variety of reasons. Some people may anticipate that action might be taken which will benefit them; others that action might be taken which will punish some opponent of theirs.

For a variety of reasons information is volunteered to members of Parliament, sometimes by anonymous letters as is well known. Information of a very serious kind about these Austrian pre-fabs came to my notice very early this year. The most disturbing feature of it was that a position had arisen at the Housing Commission in which one of its officers had refused to authorise the payments of certain sums of money which were due to contractors. He had, point blank, refused to do it, I was told and, because he would not do so, another officer was requested to do the job and he did it without knowledge of the accounts he was signing. That was the information which came to me and I say, quickly, not from a civil servant. I am a public man in a responsible position and I receive information that large accounts involving thousands of pounds could not be passed by the officer whose duty it was to pass them but, in order to get them passed, they had been given to another officer.

Was I to take no action about that at all and say, "Well it is just too bad; it has nothing to do with me; let it go on" or was I to attempt to do something about

it? After thinking it over I decided to ask a series of questions, a number of which amounted to very little. My purpose was to put the real question in such a way that I would get the information I was seeking. Accordingly I asked these questions on the 5th August. Members will note that that is a week before I wrote the letter to Gorddard. Up till that stage I had never seen Gorddard nor spoken any word with him, so that he could not have inspired this question. I say quite frankly that neither he nor any other civil servant did so. The Public Service Commissioner, according to the Acting Premier, made the statement that it appeared to him from the nature of these questions that information must have been obtained from a civil servant or from someone closely associated with the work. I thought the Public Service Commissioner had more perspicacity, because there is only one question in that series—and that is the vital one—which would suggest that one had prior knowledge, and it would only suggest that if there were a basis for that belief. I propose to read these questions.

Mr. SPEAKER: The hon member can only refresh his memory from "Hansard."

Hon. J. T. TONKIN: I realise that, Mr. Speaker. I asked a series of questions to find out what was the average cost of erecting these houses, the total cost to date of preventive measures to deal with the siren wasp, whether payments had been made and if any liability was outstanding. I then asked the vital question—

Has the point ever been raised in connection with these houses that certain costs or charges were excessive or fictitious and payment should be withheld?

That was the vital question, based on information which had come to me from sources outside the Public Service—and the Minister did not answer it. One would have expected that he would have done so and that he would have given a clear answer, if there were a clear answer to it. Instead of answering that question, the Minister went on to say something to the effect that when it was found necessary to arrange the importation of houses it was realised that the cost of the imported houses would exceed the cost of those erected with locally-produced materials—something that had nothing whatever to do with the question I had asked. Seeing that that was the position, I ask members what their reaction would be? A definite question is asked on a matter that had arisen in connection with which an officer had refused to pass accounts for payment or a point had been raised that the charges in connection with the houses were excessive or fictitious, and that payment for them should be withheld—and there was no answer given to the question. On the

12th August I asked another series of questions in connection with the Willagee Park houses, and concluded by asking the Minister—

Will he make available all papers in connection with these houses?

On that day the Minister replied that the papers would not be made available at present. Acting upon information in my possession, I asked questions in order to get information to which I was entitled. For instance, I was entitled to know whether it was a fact that an officer of the Housing Commission had refused to sanction payment of certain amounts, or whether it was suggested that the payment of them should be withheld. I was not told anything about that. Then I asked if I could have the papers, and I was told "No". Immediately I received that answer, I decided to write to Gorddard as being the only way I could see of finding out whether there was anything in what I had heard about an officer of the Commission refusing to sanction certain payments. I considered going to the offices of the Housing Commission to see Gorddard there.

Mr. Styants: They would not have allowed you to see him.

Hon. J. T. TONKIN: There were two reasons against doing so. Firstly, the Minister for Housing had issued instructions previously that members of Parliament desiring to do business with the Housing Commission should do it with the parliamentary liaison officer. All members received a circular letter to that effect. In the circumstances, I am surprised at the Acting Premier suggesting that, despite the instructions from the Minister for Housing, I should have sought an interview with a member of the staff of the Housing Commission at the Commission's office.

Another point is that I am very well known at the Housing Commission. If I had gone there to see an officer, it would not have required very much initiative or capacity on the part of anyone there to link up the questions I had already asked in the House with that particular officer, and he would have been liable to summary dismissal. Out of consideration to the officer concerned, I did not take that course. The only other step open to me to take was to see him away from the office. There are a number of ways in which that might have been done, and I would say in which it has been done by other people before me down the years. One way was to invite the person concerned to one's home or else to go to his home. Do not tell me that that has not been done! A lot of motions that have been moved in this House in my time could not have been moved without information having been obtained from inside a Government department. Let members make no mistake about that!

Mr. Styants: The Minister would not give you the information; that is a certainty.

Hon. J. T. TONKIN: So I decided to write the letter which has been quoted this afternoon, the date of which is the 12th August, the day upon which the Minister refused to make the papers available in this House. I arranged to meet Gorddard. I want to say this, and to say it quickly, that although I had never seen Gorddard before, I formed a very high impression of him after I had been with him for a few minutes. I considered that he was a very worthy type of civil servant who knew his responsibilities and was very concerned about carrying out his duties correctly. I wanted to be perfectly fair to him so that I would not lead him into any trap, and I told him that any information that he might give me would be used by me in Parliament in the public interest; and that as surely as I used it, an attempt would be made by the department to find out the person who had given it to me, and it would not take very much searching to land suspicion on him.

I therefore made it clear to him that he would run a very serious risk if he supplied the information I was seeking. Contrary to what the Acting Premier imagined—and he did let his imagination run away a bit—I did not ply Gorddard with a series of questions at all. I told him what I already knew, preferring to watch his reaction and so gain my impressions that way. When I told him what I knew and he was fully aware of the implication, that was the end of the interview. His memory is particularly good, except that I think there is a difference in the date. I do not think it was a Saturday morning.

Mr. Griffith: When you say that was the end of the interview, what do you mean?

Hon. J. T. TONKIN: He went his way and I went mine. I do not think it was a Saturday morning, but that is immaterial. I think it was on the Monday.

The Acting Premier: He was not certain, as the Public Service Commissioner pointed out.

Hon. J. T. TONKIN: That is so. On the other particulars his memory is remarkably good. Gorddard did tell me of the existence of the Civil Service regulations. He did mention that he was a servant of the Government and that if there were a change of Government he would be the servant of another Government, and what would I think of him if he gave the information. My reply, and I still believe it, was that he was not a servant of the Government but a servant of the State, and if something was happening under his nose which was contrary to the interests of the State, even though it might be detrimental to the Government, the

information should be forthcoming. That was my attitude to this matter. If something was happening, and I was led to believe that it might be a major scandal, was I to take no action to get to the bottom of it?

Mr. Griffith: Do you not think that you place a civil servant in the position of being a judge of what is right and wrong?

Hon. J. T. TONKIN: Surely a man can judge between what is right and wrong!

Mr. Griffith: Not always.

Hon. J. T. TONKIN: I want to point out that at no time was any inducement offered or any promise of reward or any threat. On the contrary, a warning was given that the information would be used in Parliament. Mr. Gorrard has confirmed that by his reference to the fact that he knew I intended to move for a Royal Commission. Would I move for a Royal Commission without using the information? It is perfectly obvious that it would be possible to pinpoint the man in the department who supplied such information, because there would not be more than two of them dealing with this matter in the Housing Commission.

So he did run a risk, and I was exposing him to a risk, and I would not have done it if I had not considered that the public interest justified it. The information which I had—a considerable quantity of it—has only been partly used by me in this House up to date, because I have been attempting to get the papers. I have sufficient information to let me know where to look, and I have been attempting to get the papers in order to see what the situation is; and, if the Minister had not denied me the papers when he did, that letter would never have been written to Mr. Gorrard.

Mr. Hutchinson: They were denied with some justification.

Hon. J. T. TONKIN: I do not think so. What is more, I do not place much reliance on the Minister's undertaking the other night that we will have the papers next week.

The Attorney General: That was given from the Government.

The Acting Premier: That is unfair. The undertaking was given on behalf of the Government.

Hon. J. T. TONKIN: If that is so, I withdraw what I said. I was not aware that it was given on behalf of the Government, because I have a clear recollection of the Deputy Premier denying me papers once before because a writ had been issued and the matter was sub judice.

The Acting Premier: It is intended to lay the papers on the Table of the House one day next week for seven days, which should be adequate for your purpose, before a writ is issued, if a writ is to issue.

Hon. J. T. TONKIN: Before a writ is issued?

The Acting Premier: Yes, if any writ is to issue.

Hon. J. T. TONKIN: That puts a different complexion on the matter. I was under the impression that this offer to lay the papers on the Table would be countermanded subsequently by the issue of a writ, and a statement that as a writ had been issued the matter was sub judice and the papers would not be available.

The Acting Premier: I think that is a flight of the imagination.

Hon. J. T. TONKIN: Well, I have had some experience of frustration in this way.

The Acting Premier: I do not think you have had experience of an undertaking being given by a Minister of the Crown which has not been acted upon.

Hon. J. T. TONKIN: Well, I was not aware at the time it was given—I did not hear it clearly—that the Minister for Housing was giving the undertaking on behalf of the Government. If he was, I accept that and expect to see the papers in due course. Had I been advised that the papers would be available in the reasonably near future, I say again that no letter would have been written to Gorrard.

The Attorney General: The answer to your question was that the papers could not be made available at present.

Hon. J. T. TONKIN: For the present.

The Attorney General: Yes.

Hon. J. T. TONKIN: Subsequently the Minister said that if there were 36 files lying on the Table, how could the business of the department be carried on. He also said that the Government had no intention of putting these papers on the Table.

The Attorney General: At that time.

Hon. J. T. TONKIN: No.

The Attorney General: Yes.

Hon. J. T. TONKIN: Oh, no! He made the very definite statement that the Government had no intention of laying them on the Table. Did I not draw the Attorney General's attention to the matter a while ago when I pointed out that it would be Parliament that would decide that matter and not the Government? Does the Attorney General recall that?

The Attorney General: That was in connection with your motion.

Hon. J. T. TONKIN: It was in connection with the statement made by the Minister for Housing that the Government had no intention of making the papers available. He knows he said that—

The Acting Premier: Where did he say it?

Hon. J. T. TONKIN: In this House.

The Acting Premier: In answer to a question?

Hon. J. T. TONKIN: No, during a speech.

Mr. Griffith: If you were the Minister for Housing and somebody asked you to lay some papers on the Table of the House and you refused to do so, after which that somebody tried to extort information from a public servant, what would be your reaction?

Hon. J. T. TONKIN: Let it be clear to the hon. member that I never tried to extort information from anybody.

Mr. Griffith: Then I withdraw the word "extort" and substitute in lieu the word "gain."

Hon. J. T. TONKIN: On the contrary, I was careful to point out to the person concerned the risk he would be running in supplying the information.

Mr. Griffith: Let me use the word "gain."

Hon. J. T. TONKIN: The step that was taken by me was taken only after the papers had been refused me in this House. I could not know how long the Minister was going to take to make up his mind to lay them on the Table.

Mr. Griffith: You have not answered my question.

Hon. J. T. TONKIN: Put it again, and I will answer it.

Mr. Griffith: If you were the Minister for Housing and somebody on the Opposition side of the House asked for papers, which you refused, and that somebody then tried to gain information about those papers from a civil servant, what would be your attitude?

Hon. J. T. TONKIN: If it disclosed a set of circumstances such as I am led to believe exists down there, I would say it was perfectly justified.

Mr. May: Ask him another.

The Attorney General: That shows your attitude of mind; it is pitiable.

Hon. J. T. TONKIN: Why?

The Attorney General: Because, as you well know, you could make a complaint to the Premier and get the papers within five minutes.

Hon. J. T. TONKIN: Out of evil might come good and so I am suggesting this: Would the Government agree to an immediate investigation, by the Auditor General or his staff, of the financial position down there in the Housing Commission, with regard to these accounts, and whether it is a fact that an officer of the Commission refused to sanction the payment of certain amounts?

The Minister for Lands: We have only your word for that.

Hon. J. T. TONKIN: The Minister does not want me to interrogate any more civil servants, but that is something we should know; will the Government agree to this inquiry?

The Acting Premier: That is rather new country. We have not heard this tale before.

Hon. J. T. TONKIN: The Minister says he has not heard it before. What is this question? Has the point ever been raised in connection with these houses, that certain costs or charges were excessive or fictitious and that payment should be withheld? That was raised on the 5th August and there has been no reply yet to that question, so it is no use saying this is new country. This is a vital point in the matter.

Mr. Needham: What was the answer to that question?

Hon. J. T. TONKIN: Here is the opportunity to prove—if the Government can prove it—that I have gone after a mare's nest.

Mr. Hutchinson: That is not the point.

Hon. J. T. TONKIN: Here is the opportunity to prove whether or not it is a fact that an officer of the Housing Commission did, in the course of his duty, refuse to pass certain accounts for payment.

The Attorney General: Did he tell you that?

Hon. J. T. TONKIN: He did not.

Mr. Hutchinson: That is not the point.

The Attorney General: It is obviously likely.

Hon. J. T. TONKIN: This is a very important phase—

Mr. Hutchinson: You are attempting to justify your action.

Hon. J. T. TONKIN: And in my view I have justified it.

Mr. Hutchinson: Do you think you have justified blasting the loyalty of a civil servant?

Hon. J. T. TONKIN: Who did that?

Mr. Hutchinson: That is what you attempted.

Hon. J. T. TONKIN: As a matter of fact, my action just tested it.

The Minister for Works: Was that your objective?

The Acting Premier: You meant to use the information if you got it.

Hon. J. T. TONKIN: My method found out that in this particular officer loyalty was strong.

Mr. Hutchinson: But that was not your fault.

The Minister for Lands: The first thing you did was to warn him of the risk he was running.

Hon. J. T. TONKIN: I wanted to be fair to him.

The Minister for Lands: You invited him to take that risk.

Hon. J. T. TONKIN: No.

The Minister for Lands: You did that by asking him to meet you.

Hon. J. T. TONKIN: I warned him of the risk he would certainly run as I intended to use the information immediately in the House.

Mr. Manning: Hoping all the time that he would give you the information.

Hon. J. T. TONKIN: Of course I hoped he would, but I did not attempt to get it by any underhand means.

Mr. Hutchinson: You say you were fair to him, but I think you were most unfair in your action.

Mr. Hoar: What is it you suggest he should have done?

Mr. Hutchinson: I think the member for Melville knows in his heart that it was unfair.

Mr. SPEAKER: Order! The member for Melville is making his speech.

Hon. J. T. TONKIN: Whatever members might say about it, there are very few in this House who have not at some time or other obtained information which they sought—

The Attorney General: Not by dirty means.

Hon. J. T. TONKIN: Information which they sought—

The Attorney General: Not at all.

Hon. J. T. TONKIN: I could give the Attorney General an instance of where he obtained some information—

The Attorney General: You could not.

Hon. J. T. TONKIN: Yes, I could, in connection with a certain eviction case that took place at Fremantle.

The Attorney General: You could not.

Hon. J. T. TONKIN: Yes, I could, where a communist was involved.

Hon. A. R. G. Hawke: I will bet Mr. Downing has obtained plenty of information.

The Minister for Works: Not more than Mr. Chamberlain has, I think!

Hon. A. R. G. Hawke: It is the same thing.

Hon. J. T. TONKIN: It is no use trying to be lily-white in this matter and say that the other fellow has done this, but that you have not.

Hon. E. Nulsen: If any member has not made such inquiries he has been lacking in enthusiasm.

Hon. J. T. TONKIN: There are regulations of the Education Department that are there to prevent schoolteachers seek-

ing the assistance of members of Parliament, but when I was Minister representations were made to me by a number of members of Parliament on behalf of schoolteachers.

The Minister for Lands: That is correct. I have done it myself.

Hon. J. T. TONKIN: It is a breach of regulations and there is punishment provided for teachers who do that.

Hon. A. R. G. Hawke: It is the same in connection with railway men.

Mr. Grayden: Did these teachers seek out the member?

Hon. J. T. TONKIN: Yes, they did, and the member, knowing full well that he was leaving the teacher open to the risk of being disciplined, went ahead and made the representations.

Mr. Grayden: But the teacher took the risk. The member did not ask him to take it.

Hon. J. T. TONKIN: That is splitting straws.

Mr. Grayden: There is a principle involved.

Hon. J. T. TONKIN: I take strong exception to the statement of the Public Service Commissioner that he believes or has reason to believe that this is not the first time that information had been obtained by me in this way. That is a pure guess for which there is not the slightest justification and the statement should never have been made, without some evidence, by a man in a judicial capacity, and he never had a scintilla of evidence to support that allegation.

The Acting Premier: Except the letter.

Hon. J. T. TONKIN: But the letter dealt with one person and he made the statement that he had reason to believe that this was not the first occasion.

The Acting Premier: How do you know that he has no reason to believe?

Hon. J. T. TONKIN: This motion refers to methods; the methods adopted by the member for Melville. What are the methods? The word "methods" is in the plural. What methods did the Acting Premier state to this House? He confined his charges absolutely to a single letter written to a man called Gorddard.

The Acting Premier: Is not that enough?

Hon. J. T. TONKIN: It does not justify the Acting Premier's statement and the loose use of the word "methods."

Mr. Griffith: Surely the hon. member is not trying to prove his case by taking exception to the word "methods."

Hon. J. T. TONKIN: I am dealing with the English language and the word used. I propose to read the motion to show how carelessly it was framed and how the Minister failed to back it up.

Hon. A. R. G. Hawke: It is a legal motion.

Hon. J. T. TONKIN: It reads—

This House expresses strong disapproval of the use of methods to obtain departmental information . . .

What were the methods?

Mr. Griffith: One when you wrote the letter and the other when on the next day you saw the man. They are the two methods. Surely you are splitting straws.

Hon. A. R. G. Hawke: The member for Canning will win the snooker tournament easily if he is allowed to have his own scoring methods.

Hon. J. T. TONKIN: In referring to these methods it is said that they are likely to place individual public servants in a most invidious position and that they are most unfair.

Mr. Manning: Most unfair!

Hon. J. T. TONKIN: The Acting Premier is most unfair because he refers to methods throughout his motion and he could find only one method. One single isolated instance, and yet his motion gives the impression that it is a practice of the member for Melville; that he adopts methods likely to be injurious to public servants, and in support of his case on methods he deals with a single isolated instance.

Mr. J. Hegney: The Public Service Commissioner panicked on the idea.

Hon. J. T. TONKIN: Is the Acting Premier justified in asking this House to express disapproval against the use of methods when he can advance only a single, isolated instance of any conduct of mine to which exception might be taken? I was entitled, in the public interest, because papers were refused to me and the questions that I asked were not properly answered, to seek another method to get the information I desired.

I want to emphasise that I was careful not to take advantage of any civil servant in that regard, and I gave this man ample warning beforehand so that he would be under no misapprehension that as surely as night follows day it was my intention to use that information in Parliament, and that it would be a simple matter for it to be traced to him. He would be a courageous man indeed if he gave the information that I sought knowing with absolute certainty beforehand that he would be under suspicion immediately. He was under suspicion before I saw him.

The Minister for Lands: That is what I cannot understand. Why did you ask him to meet you when you knew that?

Hon. J. T. TONKIN: Because the Government refused to let me see the papers.

The Minister for Lands: But you must have been aware of the risk that you were asking that man to run.

Hon. J. T. TONKIN: Yes, and I warned him of it, but I consider that in the public interest I was justified in taking that step, just as a commander who goes into battle knows that in order to reach an objective he must sacrifice some of his men.

The Attorney General: Of course, there are such people, known as spies, that also go into battle.

Hon. J. T. TONKIN: And there is such a thing as a Government tapping telephone lines in order to obtain information.

The Minister for Lands: Yes, that happened in the Federal sphere a few years ago.

Hon. J. T. TONKIN: Not only a few years ago; it still goes on. Will the Attorney General and Minister for Police deny that?

The Attorney General: Are you suggesting that such things go on here?

Hon. J. T. TONKIN: I am not only suggesting it; I am saying it.

The Attorney General: You are quite wrong.

Hon. J. T. TONKIN: I am saying that on occasions telephone lines are tapped.

The Attorney General: I am saying, whether it is intentional or not, that you sometimes distort the truth.

Hon. J. T. TONKIN: Is the Minister denying that telephone lines are tapped?

The Attorney General: Yes.

Hon. J. T. TONKIN: Well, I will give him an instance.

Mr. Bovell: Another red herring!

Mr. Manning: Yes, of course it is.

Hon. J. T. TONKIN: Complaints were made fairly recently that certain persons were ringing up the wives of prominent men—

Mr. Manning: To keep us away from the Esplanade.

Hon. J. T. TONKIN: —and making obscene statements to those wives and the police tapped the telephone lines in order to try to find out who was doing it.

Mr. Bovell: That was alright.

Hon. J. T. TONKIN: Oh, they did tap them then?

The Attorney General: You said that the police tapped the telephone lines of parliamentarians.

Hon. J. T. TONKIN: I said that Governments tapped telephone lines.

Mr. Bovell: Since when has the Police Force been the Government?

Hon. J. T. TONKIN: The Government has to take the responsibility for the actions of its departments.

Mr. Grayden: They did not do it under direct instruction.

Hon. J. T. TONKIN: So it is no good denying that telephone lines are tapped, because they were.

Mr. Griffith: You are splitting pretty fine straws.

Mr. Grayden: The police tap them every day.

Mr. Oldfield: Tell us what happened on the Esplanade.

Hon. J. T. TONKIN: I have told the hon. member and he has plenty in his lap to deal with. If I were he I would not buy into this argument.

The Minister for Lands: He is only trying to help you.

Hon. J. T. TONKIN: Yes, I know.

Mr. SPEAKER: Order! We will come back to the motion now.

Hon. J. T. TONKIN: Another point I wish to make is that when I saw Gorddard he was not actually working; he was on leave from the office. It was not during his working hours or during his luncheon break from his work. He was away from his job.

The Attorney General: Well, when the hon. member is a Minister he will have no objection to the Opposition adopting such tactics. That is what I want to know.

Hon. J. T. TONKIN: I would not be surprised if the Government, when in Opposition, intended to do it.

The Attorney General: You would not have any objection? That is the thing.

Hon. J. T. TONKIN: Make no mistake about this: If there is a change in government and the Attorney General finds himself over here, and he sees an opportunity of gaining information from a department to use against the Government, he will do so.

The Attorney General: He would not, but you would have no objection?

Hon. A. R. G. Hawke: The Attorney General will not even be in the House after the next election.

Mr. Bovell: Is that a threat or a promise?

The Acting Premier: Did the hon. member say that on the 12th August he had been refused the papers?

Hon. J. T. TONKIN: Yes, the 12th August. The Public Service Commissioner said that it seemed to him that the questions I asked could not have been framed unless information had been supplied either by a member of the Public Service, a member of the general public, or by someone else. The Public Service Commissioner was pretty safe in that contention because he embraced practically everyone. For his information I can say that

my questions were framed not on information supplied by any member of the Civil Service but upon information supplied to me by a member of the public.

The Attorney General: He must have got it from a civil servant, if that is the case.

Hon. J. T. TONKIN: The Minister is saying so; I am not. In conclusion, I want to remind the House of this: During the last three or four years I have brought forward a number of matters respecting which I have complained strongly. There are many matters about which I was not happy. I did not bring them before the House at all but took them to the departments concerned. One very important and serious matter I took to the chairman of the Housing Commission himself. I gave him the information available to me and left the rest to him. He followed it up by reporting the matter to the Commission and later he sent me a letter asking me to disclose the source of my information. I obtained that information only by giving an undertaking that I would respect the confidence of the person who gave it to me. He said he was in business and would be a marked man if his name were disclosed. That is not an isolated instance.

There was another matter that I took to the Minister for Housing himself, and requested that he should allow me to bring the person who was making the complaint before him and also the person against whom the complaint was made. The Minister refused to take any action. When I told him I would be forced to bring the matter up in Parliament, he replied, "The ball is at your feet." That indicates the encouragement extended to a member to give information to a department in order to get action taken with respect to it. That indicates why we are obliged to bring matters before Parliament. On a subject of such importance, when information is given to me I would not be justified in making imputations in this House without some corroboration of the information I possessed. Therefore I sought to get it. I did so in the way usually adopted by members, namely, by asking questions first and then subsequently asking for the tabling of papers.

Both those methods failed. Thus I was forced—again I repeat, in the public interest—to take the further step which has caused the Government to bring this motion before the House today. It refers unfairly to the methods used by the member for Melville for which there is not the slightest justification at all. However much the Acting Premier or anyone else tries to show that I have adopted unfair methods, the arguments are confined to an isolated instance. So I say, Mr. Speaker, I consider the action I took was in the public interest and was completely justified. I close by asking the Government to have a proper investigation into the financial aspects associated with the Housing Commission.

Papers Tabled.

The ACTING PREMIER: I would like to know, Mr. Speaker, whether I would be in order in tabling the papers that have been referred to.

Mr. SPEAKER: Certainly.

The ACTING PREMIER: I have here the original letters from the member for Melville, the civil servant in question, the chairman of the Housing Commission and the Public Service Commissioner, to which I referred in the course of my speech in moving the motion, and I move—

That these papers be laid on the Table of the House.

Motion put and passed; papers tabled.

Debate Resumed.

HON. A. R. G. HAWKE (Northam) [5.6]: It is clear that the Government rushed in with this motion without giving the matter very much consideration and without making any attempt to get all the facts. One can only express disappointment at the fact that the Public Service Commissioner arrived at the conclusions he did without having had any prior consultation whatsoever with the member for Melville.

Mr. Hutchinson: No new relevant facts have been brought forward by the Opposition.

Hon. A. R. G. HAWKE: What has that to do with the point I am making?

Mr. Hutchinson: You said the Government had not brought forward all the facts.

Hon. A. R. G. HAWKE: I did not say anything of the kind. What I said was that I thought the Public Service Commissioner was at fault in arriving at certain conclusions and making an approach to the Government in connection with them, without having had any prior consultation of any kind with the member for Melville.

Mr. Hutchinson: I was referring to what you said a few sentences previously.

Hon. A. R. G. HAWKE: I cannot help it if the member for Cottesloe gets a furlong behind.

Hon. A. A. M. Coverley: Which he usually does.

Hon. A. R. G. HAWKE: I was making the point that the Government in dealing with this matter had not obtained all the facts.

Mr. Hutchinson: And I said that no new relevant facts had been introduced.

Hon. A. R. G. HAWKE: I will oblige the member for Cottesloe by retreating a furlong in order to deal with the point that he makes, if he considers it important.

Mr. Hutchinson: You suggested it and I merely remarked upon it. What would you have done in a like case?

Hon. A. R. G. HAWKE: What I was saying was that the Government, before coming to Parliament with a motion of this kind, should have checked up with the member for Melville regarding his side of the case. Why should the Public Service Commissioner, in the first place, and the Government, in the second place, decide upon a course of action such as the one now adopted when their decisions were based entirely on information provided by one side? Does the member for Cottesloe believe in that sort of activity?

Mr. Hutchinson: You are still not discussing the point I mentioned. I merely waited until you finished what you were saying before I pointed out that no new relevant facts had been brought in regarding this matter.

Hon. A. R. G. HAWKE: That has not the slightest bearing on my argument.

Mr. Hutchinson: Why did you mention it?

Hon. A. R. G. HAWKE: I can only conclude that for some obscure reason the member for Cottesloe is not showing his customary lucidity.

Mr. Hutchinson: Your conclusion is wrongly drawn.

Hon. A. R. G. HAWKE: I am trying to say very clearly that the Government and the Public Service Commissioner had no right to arrive at set conclusions and make set decisions upon this matter entirely on the basis of information which came to them from one side only.

Mr. Hutchinson: Do not you think the Public Service Commissioner should be perturbed about a matter of this kind?

Hon. A. R. G. HAWKE: The member for Cottesloe has become entirely hopeless! I am not saying anything about whether the Public Service Commissioner should be perturbed, or disturbed, about a matter of this kind. I made not the slightest reference to that phase. All I am saying is that I am extremely disappointed to find that the Public Service Commissioner should arrive at a certain conclusion and make an approach to the Government on the basis of that conclusion, when a vital party to the whole matter, as he must have known, had not had an opportunity to present his side of the case to him. I would be extremely disappointed to know that the member for Cottesloe would tell us that he believes the Public Service Commissioner should have arrived at his conclusion without having heard the other side of the case.

Mr. Hutchinson: But has any new fact been brought forward by the Opposition?

Hon. A. R. G. HAWKE: That has no bearing on the matter.

Mr. Hutchinson: I follow your point.

Hon. A. R. G. HAWKE: Does the member for Cottesloe suggest that in a court of law a defendant should be given no opportunity to state his case before the magistrate's decision is reached? If the member for Cottesloe should think more seriously and carefully about the matter he will appreciate my argument, and I would be surprised if he was not in agreement with me. However, let us agree with the member for Cottesloe in his contention that the member for Melville has brought forward no new facts of any kind. How could the Public Service Commissioner or any Ministers of the Crown have any knowledge when they arrived at their conclusions and reached their decision as to what facts or other information the member for Melville would be able to bring forward in connection with this matter? Obviously they could have no such knowledge, so equally obviously the Public Service Commissioner, for whom I have the greatest personal respect, has in my judgment done a most unjust thing.

I could understand the Government rushing into this matter and tearing up to Parliament at full speed with a motion of censure against the member for Melville, because they would be actuated by party political motives. I do not blame them for that in the slightest degree. If they think they can gain some political advantage against the member for Melville in this matter, there is no law in the country that prevents them from following that course. I think, however, the effect of rushing to Parliament with this motion will be likely to be very beneficial to the member for Melville and more likely than not to react detrimentally to the Government. Had this matter been considered calmly by Ministers, I believe they would have made much more inquiry before deciding to approach Parliament and move the whole machinery of the Legislative Assembly in order to try to do something to the detriment of the member for Melville.

Member: Crucify him!

Hon. A. R. G. HAWKE: I consider that the Premier or the Acting Premier could very well have had a talk with the hon. member about the whole situation. All said and done, Ministers of the Crown are supposed to be fair-minded. They have taken certain oaths of office that are supposed to be binding on them. I am not suggesting that they should or could honour those oaths to the extent of 100 per cent.; no Minister could do that, but they are supposed to mete out even-handed justice and obtain all the facts of a situation before taking action, the result of

which could unfairly affect the reputation, character and standing of anybody in the community.

What effort did any Minister put forward to obtain all the facts of the case before deciding to come to Parliament with a decision already made and asking Parliament to approve that decision? Did the Acting Premier make any effort to approach the member for Melville to obtain his side of the case? Did the Attorney General who, because of his position in the Government, might have been expected to act, make any move or any approach in order to get the hon. member's side of the case so that Cabinet, when considering the whole matter, would be able to weigh the facts, look fairly and squarely at the information given by Gorddard to the Public Service Commissioner and at the information by the member for Melville? Did the Attorney General make any such attempt? Of course not. Neither did any other Minister.

Mr. Hutchinson: That, of course, is no defence.

Hon. A. R. G. HAWKE: I am not suggesting that it is a defence. At the moment, I am not defending anything or anybody. I am simply stating that the Public Service Commissioner in the first instance, and the Government in the second instance, arrived at their conclusion and made their decision completely upon an ex parte statement.

The Attorney General: I do not think you would agree that the Public Service Commissioner should be able to cross-examine a member of Parliament, whatever Ministers might or might not have done.

Hon. A. R. G. HAWKE: Does the Attorney General suggest that I implied that the Public Service Commissioner should compulsorily—

The Attorney General: Or at all.

Hon. A. R. G. HAWKE: —have dragged the member for Melville to his office to cross-examine him?

The Attorney General: I do not think the Public Service Commissioner should have asked him at all.

Hon. A. R. G. HAWKE: My view is that the Public Service Commissioner, acting on the basis of fair play and reasonable dealing, could have contacted the member for Melville and suggested that a matter had arisen in one of the departments concerning him and, that in the interests of getting the truth and arriving at a proper conclusion, it was desirable to have a discussion.

The Attorney General: I disagree. I say that if anyone could have done that, it would have been one of the Ministers.

Hon. A. R. G. HAWKE: I think the Public Service Commissioner should have done it, seeing that he was going to arrive at

a certain conclusion and make an approach to the Government on a basis that was extremely detrimental to the member for Melville.

The Attorney General: The Public Service Commissioner has merely made a report.

Hon. A. R. G. HAWKE: What right had the Public Service Commissioner to prejudge the case before he had made any attempt to learn the reasons that had prompted the hon. member to act as he did?

The Attorney General: He merely reported to the Government, and it was his duty to do that.

Mr. Bovell: The end indicated by the evidence did not justify the means.

Hon. A. R. G. HAWKE: There was no written evidence from the member for Melville.

Mr. Bovell: What about the letter read here today?

Hon. A. R. G. HAWKE: What was the letter?

Mr. Bovell: It is on the Table of the House.

Hon. A. R. G. HAWKE: The hon. member contends that the letter contains evidence justifying the Public Service Commissioner in arriving at his conclusion and reporting to the Government. What evidence was contained in that letter?

Mr. Bovell: The attempt to get an officer to depart from his duty and give information that had come to his knowledge in his official capacity.

Hon. A. R. G. HAWKE: The letter was written quite openly, and the envelope was not marked "Personal", "Private", or "Confidential." The member for Melville knew quite well that if Gorddard, after reading the letter, decided to refer it to his superior officer, he might do so. All that the letter asked Gorddard to do was to consider the question of having a consultation at some time or place convenient to both.

Mr. Bovell: And the reasons for that conversation were specific.

Hon. A. R. G. HAWKE: The member for Vasse is speaking in a tone that is not at all convincing and can scarcely be heard half-way around the Chamber.

Mr. Griffith: Would you yourself resort to similar action to get information?

Hon. A. R. G. HAWKE: That would depend entirely upon the circumstances.

Mr. Griffith: You are evading the point.

Mr. Hutchinson: In any circumstances, would you do that?

Hon. A. R. G. HAWKE: It would depend upon the circumstances.

Mr. Griffith: Would there be any circumstances in which you would act in that way?

Hon. A. R. G. HAWKE: There might be.

Mr. Griffith: In the public interest?

Hon. A. R. G. HAWKE: There might be.

Mr. Griffith: If you were a Minister and you were informed that your Under Secretary was doing something that was incorrect, what would you do to him?

Hon. A. R. G. HAWKE: I doubt whether I would do very much.

Mr. Griffith: I am sure you would speak very severely to him.

Mr. SPEAKER: Order!

Hon. A. R. G. HAWKE: All of this is hypothetical. It depends entirely upon the circumstances. The point we should concentrate upon is the practical situation with which we are dealing. Had I been the Public Service Commissioner or a Minister, I would have demanded, before reaching a decision that the member for Melville be given an opportunity to make any statement he desired relevant to what Gorddard had reported.

Mr. Griffith: I am sure you know in your own heart how you would have dealt with any Under Secretary who had given away information that you did not desire should be given away, whether it was right or wrong.

Hon. A. R. G. HAWKE: The point at issue is whether or not the Public Service Commissioner, and subsequently Ministers, should have given the member for Melville an opportunity to present his side of the case.

Mr. Griffith: It is an evasion on your part.

Hon. A. R. G. HAWKE: There is not the slightest scrap of evasion about it. All I am arguing—and evidently the member for Canning does not agree—is the principle that any person in such circumstances should be given an opportunity to be heard before being judged.

Mr. Griffith: I passed no opinion on that. I asked you what action you would have taken had any Under Secretary of yours given away information that you did not desire should be given away.

The Attorney General. He is being judged now.

Hon. A. R. G. HAWKE: He is not being judged by members on the Government side because they judged him earlier this week. Make no mistake about that! Therefore it is quite out of place for members on the Government side to endeavour to convey the impression that they are merely judging the matter now after having heard the case put by the Acting Premier and the point of view put by the member for Melville.

Mr. Grayden: In the position in which the member for Melville found himself, how would you have acted?

Hon. A. R. G. HAWKE: How can I say in what way I would have acted in circumstances in which I have never been placed? The member for Nedlands, if he had never been similarly situated, could not say. It is easy to criticise the other fellow, be superior, get on a pedestal and pat ourselves heavily on the back, but I have lived long enough and had practical experience enough to realise that it is not always easy to decide what we as individuals would do in a set of circumstances in which we have never been placed. We know what we think we would do. I know what I think I would have done in these circumstances, but that does not help the situation.

Irrespective of where we sit in this House, we realise that the member for Melville is always actuated by the strongest of motives to serve the public good. I believe every member will admit that. Any person who is anxious to serve the public good and has strong motives impelling him to do so to the greatest possible extent might easily take a step that could possibly be open to some question, especially when he has been baulked in this direction, that direction and other directions when trying to obtain information to serve the public good.

The attitude of the Minister for Housing to questions asked in this Chamber has to a very large extent been one of avoidance, evasion and suppression. That point of view is held, not only by members on this side of the House but also by some members on the Government side and by some Liberal members in the Legislative Council. Consequently we have to ask ourselves whether we as members of this Parliament, pledged to serve the best interests of the electors and the public good, are going to permit ourselves continually to be pushed off, to be baulked and to be evaded by a Minister who, for reasons best known to himself, seeks to suppress vital information. He seeks to postpone the giving of it and puts forward excuses and reasons at times which are not at all convincing. In conclusion, I say the circumstances of this case do not in any degree justify Parliament in carrying a motion of this description. If the motion is carried it will have no effect upon the public mind except to promote sympathy for the member for Melville, because the great majority of men and women in this State will know, beyond any shadow of doubt, that it is rammed full of party politics.

MR. GRAYDEN (Nedlands) [5.32]: I have listened to the charges made by the Acting Premier, and the answers given by the member for Melville. I feel that we

should get down to the central issue—the principle involved in this case—rather than be put off by a smokescreen of side issues and evasions. The member for Melville, in opening his address, expressed the opinion that the Government would ram the motion through no matter what evidence was put forward by the member for Melville and his supporters on that side.

Mr. Graham: You know that is perfectly true.

Mr. GRAYDEN: I see his opinion is shared by the member for East Perth.

Hon. A. A. M. Coverley: And others.

Mr. GRAYDEN: If that view is correct, and it is to hold water, it must mean that the member for Melville and the member for East Perth consider that every member on this side of the House is dishonest and could not vote according to his own conscience.

Mr. Graham: You are mere ciphers; I will say that.

Mr. GRAYDEN: The member for East Perth may be talking from his personal experience—

Mr. Graham: You are quite right; I have watched you for years.

Mr. GRAYDEN: —in his party. I feel that if there were only one honest man on this side of the House, it would be impossible for the Government to push the motion through in the face of obvious facts. If the member for Melville had put forward new facts, opposing the Government's facts which the Acting Premier put forward, there would need to be only one honest man on this side of the House to have the motion defeated.

Mr. Graham: We will see presently.

Mr. May: There may be more than one.

Mr. GRAYDEN: But it is quite obvious that not a single new fact was put forward by the hon. member. He did make an explanation of why he took these certain actions. The thing to do is to examine the explanation to see whether his reasons validate the actions he took. The member for Melville pointed out that all members of Parliament receive a great deal of information. That is quite so. Members of Parliament receive much information from many different sources, but the point is that the information is volunteered. When, say, a school teacher, an employee of the railways, or a public servant comes to a private member and volunteers information, he is taking a risk which he already knows about, and the responsibility for taking the initiative is his. If his action is discovered and he suffers any penalty, he has brought it on himself, and is aware of that fact.

But in this case, the hon. member asked the civil servant for information, and so it is an entirely different proposition. The

civil servant here does not voluntarily risk his job, but is asked to risk it; and that is a horse of an entirely different colour. The member for Melville considers, with a great deal of justification, that a civil servant is a servant of the State and not the Government, but the member for Melville went on to say that if a civil servant sees anything which he considers wrong, he should make it public or pass it on to the right channels—members of Parliament—so that it can be made public.

This leads to two things. First of all, it puts that civil servant, who may see only one side of the case, because other sections in the same department, or other departments, might also deal with the matter involved, in the position of judging whether there is something wrong or right about a certain action. Secondly, it leads to this: It says, if that proposition is correct, that the tradition which the British Civil Service has carried out ever since its inception is entirely wrong, because it has never been a tradition of the British Civil Service that a civil servant, if he thinks a thing is wrong, should make it public. It has never been, and I hope it never will be.

I feel that the traditions of the Civil Service, which have stood the test of a great number of years, should not be thrown away, dismissed or abolished because of the opinion of a single member of Parliament. If we allow that proposition to become widespread and accepted by the civil servants, then we destroy the greatest tradition of the British Civil Service. The member for Melville admitted that, by the meeting and the conversation, the civil servant mentioned was exposed to the risk of being dismissed from his job. He said that at the very beginning he informed the civil servant of the risk involved. But earlier in his remarks the hon. member said that the civil servant, Mr. Gorddard, had a very accurate recollection of events, and had given a very clear and coherent account of the happenings of that day. The only point on which they were at variance, in connection with the statement issued by Mr. Gorddard, was on the question of the day they met which the hon. member thought was a Monday morning and not a Saturday morning. The rest he accepted.

In this statement it appears that, in reply to the member for Melville, who said that a Royal Commission was coming up, that Gorddard would be a witness and that the member for Melville would find out all these facts, Mr. Gorddard said that would be the time and place to answer any questions. In the face of that, who gave the warning? Does it appear that when Mr. Gorddard said, "I feel I should not answer these questions until the Royal Commission, because that is the time and place," it was likely that the member for

Melville was urging upon him the risk involved in answering the questions? The member for Melville said that the civil servant, Mr. Gorddard, pointed out the regulations himself and the consequences of any breaches of them.

It was not the member for Melville, but Mr. Gorddard, according to the hon. member's own statement, who pointed out these regulations. So we have Mr. Gorddard pointing out that a Royal Commission would be the time and place to answer any questions; and we also have Mr. Gorddard pointing out the Civil Service regulations involved, and the risks he would be taking, and why he should not answer the questions. In view of these circumstances, it appears that it was Mr. Gorddard who was the one more aware of the risk involved. If the member for Melville warned him, as he stated, and pointed out the possibilities of any action, why was it necessary for Mr. Gorddard to make these statements later in the interview?

Another aspect which occurs to me is that even if the member for Melville did not remind Mr. Gorddard, he, Mr. Gorddard, must surely have been aware that there was a possibility that within a few years the member for Melville would be a Cabinet Minister. This is an important point, because it is a hidden threat to the actions of the member for Melville. This man must know that the hon. member takes a keen interest in housing; that he is the Deputy Leader of the Opposition, and that if there is any change in Government he, in all probability, would become a Cabinet Minister. And, knowing the member for Melville's keen interest in housing, he must surely know that in the event of a change of Government there would be a strong possibility of his becoming Minister for Housing. That being the case, would this man not feel inclined to bow down to the wishes of the member for Melville? This aspect of the hidden threat must have played some part in influencing this member of the Civil Service firstly, in meeting the member for Melville and, secondly, in having a long conversation with him.

This brings us to the crux of the matter. Is it right and proper that an hon. member should use any authority which he has in this House, whether directly or indirectly, to force or attempt to force, or try to gain, outside of his official capacity, official information from any civil servant?

Mr. Hoar: Why are you not honest and putting the real blame on the Minister?

Mr. GRAYDEN: The member for Melville then went on and challenged the use of the word "methods," in the plural, in the motion. I am no great student of English, but to my mind the use of the word "methods" is fully justified. There

is the method of writing to a civil servant at his home address, there is the method of meeting a civil servant apart from his office hours, and there is the method of getting a civil servant to ring up a member of Parliament at his home. So in this case I feel that the use of the word "methods" is fully justified.

Now we come to the central proposition put up by the member for Melville and the Leader of the Opposition. They said that because of the hon. member's undoubted interest in public affairs, and his desire to help the people of this State in their problems—and I do not doubt that for one moment—he was justified in taking this action. That statement would indicate that they believed that without those circumstances the action was wrong.

Hon. A. R. G. Hawke: The Leader of the Opposition did not say that at all.

Mr. GRAYDEN: No, but the inference was there.

Hon. A. R. G. Hawke: No, it was not.

Mr. GRAYDEN: Having put up the argument that because of those circumstances the hon. member's action was justified, it seems to me that if those circumstances are taken away, there is some grave doubt as to whether—

Hon. A. R. G. Hawke: The Leader of the Opposition did not say it was justified. You are all over the ship.

Mr. GRAYDEN: I feel that the argument used by the Leader of the Opposition was all over the ship when he came to the central point—

Hon. A. R. G. Hawke: I did not say what you tried to make out I said.

Mr. GRAYDEN: —that all other methods were unavailable. If the proposition that in the circumstances there could be no other way is correct, which I do not believe it to be, and the public interest justified this action, I would say it falls to the ground because the member for Melville did not exhaust all other avenues first. He did not exhaust all other avenues of obtaining this information, and it was not until the 3rd September, almost a month after writing to Gorddard, that he moved the motion in regard to the tabling of the papers on the Australian houses and which motion now appears on the notice paper. Surely that motion is one of the weapons at his command; one which he can use to obtain this information. If he has not used that weapon in his arsenal, before he approaches Gorddard, then I say that the argument that the circumstances justify the action must fall to the ground.

The letter which was written is sufficient evidence on its own to indicate that before all other methods had been exhausted, the member for Melville took into his own hands the approaching of a

civil servant at his private home, and asking that man to meet him outside office hours in an endeavour to obtain official information. I believe, and I am sure that a great number of members believe, that to be an improper action. If there are those who would excuse the action on the ground that the circumstances justified it, I would point out that the main weapon for obtaining the information had not, at that date, been used. Until it was used, there was no guarantee that the information would not be readily available. On those grounds I must support the motion.

THE MINISTER FOR HOUSING (Hon. G. P. Wild—Dale) [5.50]: As the officer concerned, and the central figure in this controversy is a member of the State Housing Commission, I feel it my responsibility to put forward the views held by the chairman of the State Housing Commission, the senior officers and myself in regard to this unfortunate happening. I, like the Acting Premier, deplore having to be associated with a motion of this nature.

Hon. A. R. G. Hawke: Ahem!

The MINISTER FOR HOUSING: I am certain that if the Deputy Leader of the Opposition could now withdraw his quill he would do it very quickly, because I am sure that upon reflection, quite apart from the few words that have been addressed to him this afternoon, he would realise that what he did is not what we in Australia call "cricket." I would say that his action concerning this temporary public servant was like hitting a man below the belt. This temporary public servant probably had in mind what the member for Nedlands has just said. Governments come and go and there is a possibility that after the next election, or possibly the one after that, there will be a change of Government and this man will then come under the command of the new Minister for Housing, and that might be the Deputy Leader of the Opposition.

Let us have a look at one or two of the statements made by the member for Melville in defence of his action. He quoted a question that he asked in this House and I intend to read it for the benefit of members, because the Deputy Leader of the Opposition was not able to quote from "Hansard" and could not get the question word for word. So that it may be clear, I will quote the question which was asked early in August, before the hon. member wrote this letter to Gorddard. The question was—

Has the point ever been raised in connection with these houses that certain costs or charges were excessive or fictitious and payment should be withheld?

My reply to that question was—

When it was found necessary to arrange importation of houses it was realised that costs of imported houses would exceed costs of houses erected with locally produced materials and to that end the Commonwealth Government has approved of a subsidy of £300 per house against the increased cost.

Mr. Graham: Of course, that is not a reply.

The MINISTER FOR HOUSING: Members will realise that that question is addressed to me as the Minister for Housing and, as members realise, every Minister—and this includes the Deputy Leader of the Opposition when he was a Minister—has to refer these questions to his departmental officers so that replies can be given to the questions asked. The hon. member's question, in effect, asked whether, as Minister for Housing, I knew of any reason why payment for these houses should be withheld because the charges were excessive. The reply, quite naturally, was that when it was found necessary to arrange for the importation of houses, it was realised that costs of imported houses would exceed costs of locally built homes. If the hon. member wants to pin part of his defence on those questions, I maintain that they should have been more in the nature of—

Has any officer of the State Housing Commission refused to make payment for these houses?

The hon. member should not ask a Minister a question like that and then try to hang his hat on it and say that he did not get an answer to it.

Hon. J. T. Tonkin: I did not want to set a snare in sight of the bird.

The MINISTER FOR HOUSING: Let us have a look at the events leading up to this point.

The Acting Premier: You could have made the question more plain. Even I did not know what your question meant until today.

The MINISTER FOR HOUSING: I do not know the officer concerned—he is only a temporary officer of the Civil Service—but at present he is prostrate because of the events that have transpired. He had a very good idea of what would happen in Parliament following his interview with the Public Service Commissioner. I understand he is a married man with a family, and he replied to a letter from a man who is well known in the community and is an ex Minister of the Crown. As the member for Nedlands said, after the next election this man might be a Minister of the Crown once more. However, this temporary civil servant received a letter from the hon. member asking to

see him; this letter was sent to the man's private address. Human beings are very frail and I would suggest that if members put themselves in Gorddard's place many of them would do exactly the same thing.

Gorddard knew he was doing wrong in accordance with the Public Service Regulations, but he was a temporary civil servant and a married man. In the back of his mind would be the thought that Governments come and go and consequently he went along and met the member for Melville outside the Palace Hotel and then, according to the Deputy Leader of the Opposition in his defence, Gorddard was warned as to the consequences. Then they went down to the Esplanade where, to judge from the statement given to Mr. Taylor, they discussed the question for 45 minutes. According to the member for Melville, Gorddard gave him no information during all that time.

Many days elapsed before Gorddard reported the matter to his section leader who, in turn, went to see Mr. Brownlie; who subsequently came to see me. During the intervening three weeks, from the time he had the discussion with the member for Melville, Gorddard must have seen statements in the Press to the effect that questions were being asked in the House about the Austrian houses. Bearing in mind what the hon. member had told him about asking for a Royal Commission, the strain became too great for Gorddard and he approached Mr. Herlihy who in turn went to the chairman, and subsequently Gorddard went to see the Public service Commissioner.

In trying to justify his action, the member for Melville indicated that he was unable to get information that he wanted. It is well for us to stop and think for a moment about the date that the letter was written. On the same day—that is the 12th August—the hon. member asked me if I would be prepared to make available to him the papers in connection with the Austrian houses. My reply was that as certain matters in connection with the contract were under consideration with the Crown Law Department the papers could not be made available at present. That was not a flat refusal. But on the same day that he asked that question, he put quill to paper—the one that he would like to withdraw—and asked this man to meet him. That was on the same day that I said the papers could not be made available at present.

Another point I want to mention is the accessibility of the Minister for Housing as far as members of the Opposition are concerned. The Deputy Leader of the Opposition said that on one occasion he had tried to see me in connection with Captain Bruce and that I had refused to see him. I did, and that took place 12 months ago. As I mentioned in this House I took my

stand on the ground that the man in question was an officer of the State Saw Mills, which was under my control, and I did not believe in going over the heads of my departmental officers. It was the General Manager's responsibility to see the Deputy Leader and then if it was necessary the member would appeal to me.

Hon. J. T. Tonkin: I had been there first.

The MINISTER FOR HOUSING: I challenge the Deputy Leader of the Opposition to say that I have refused to see any other member of the Opposition since I have been a Minister. Any member who might have approached me in this House personally with a file or some problem relating to his electorate has been told by me immediately that I would do all I could in the matter. I have not always been successful, but I would like any hon. member to rise in his place and say that he has been to me since I have been the Minister for Housing and said, "Wild, I have someone who is to be evicted; I have had some trouble with one of your departments; will you have a look at it and that I have refused to do so."

In order to concentrate all the inquiries from members of Parliament, members know that last year one man was appointed to deal with all of them. When any member came to me I did not say, "Go to Mr. Butler." I always said, "I will have a look at it; bring it back in two or three days and see if I have been able to do something." The Deputy Leader of the Opposition cannot say he has ever availed himself of the opportunity, as have the other members on that side of the House. Before I knew anything about the writing of this letter I said to the Deputy Leader of the Opposition during my speech on the Address-in-reply debate when I referred to the Austrian houses—

While I remain a member of this Government I will not allow the hon. member to smear the reputations of officers who come under my control. It is nearly time that he abandoned this witch hunt in which he always seems to be engaged and came down and had a discussion with me or Mr. Brownlie in a constructive frame of mind.

By that I was indicating that I was throwing out the olive branch to the Deputy Leader of the Opposition to try to get him to come into line with other members of the Opposition, who seemed to be quite happy and prepared to come to me in the House and say, "Wild, can you do this for me?" Unfortunately the Deputy Leader of the Opposition has not availed himself of that so he cannot say that in this instance, when it comes to the question of the Austrian houses, that I have denied giving him the right; he has never given me the opportunity to deny giving him that right.

The Deputy Leader is an old and seasoned campaigner and a man who has been in this House three times or more as long as I have, and there is no need for me to tell him what his rights and privileges in Parliament are. He knows full well that instead of getting hold of this poor temporary public servant and standing him up—as I maintain he did—by the terrible risk to which he put that man, he should have taken the opportunity of doing what he did only a few days ago.

On the 12th August, when I said to him that the papers were not available at the moment, instead of going into his office or wherever he wrote that letter he should have written out a little notice calling for the papers to be laid upon the Table of the House. But he did not do that until something like a month later. The main point at issue, and one that has been studiously avoided both by the Leader of the Opposition and his Deputy, is the effect this is going to have on public servants. As the member for Nedlands has said we have here a public service built up on the old traditions; it does not matter what the colour of the Government is, whether it is read, white or brindle, they would serve the Government just as faithfully as they are serving the present Government.

Things have come to a sorry pass if any member of Parliament, no matter on which side he may be, could get hold of a temporary, or any other public servant, and say that he wanted to see him in the public interest because he thought there was something wrong. If the members of the British Parliament cannot get the information they require by question they move for the papers to be laid on the Table of the House.

Hon. J. B. Sleeman: You could not get much information in this House.

Mr. SPEAKER: Order!

The MINISTER FOR HOUSING: It is an inherent right that we have in our British Parliaments, and our Australian Parliaments, and members on the other side cannot deny it. They know full well, and the Deputy Leader of the Opposition knows too, that if he had gone about this matter the right way, instead of endeavouring to bring in temporary public servants he could have come into this House and could have done the same as he did last week when he moved that the papers be laid upon the Table. Unfortunately he approached a temporary civil servant and placed him in a most embarrassing position.

The Acting Premier: It was always thus.

The MINISTER FOR HOUSING: Members of the Civil Service are not at all happy about this because they are wondering among themselves who is going to be the next.

Mr. Hoar: Do you know the result of this motion?

The MINISTER FOR HOUSING: So I say it is up to this Parliament to maintain the high standard of prestige of the Civil Service, and I join with other members on this side of the House, and deplore the action of the member for Melville in putting this unfortunate man in the invidious position he has. I support the motion.

THE ACTING PREMIER (Hon. A. F. Watts—Stirling—in reply) [6.8]: I listened with a great deal of interest to the member for Melville when he replied to this motion, and I must confess that at no time of the period in which I have been in this House have I heard anything which was less calculated to rebut accusations such as those that have been made against the hon. member today. On the contrary, all that he said amounted to a plea of guilty with facts which, in his opinion justified his guilt; that is all it was. It was impossible for him to deny the communication which he wrote; it was impossible for him to deny the circumstances in which he met the public servant; it was impossible for him to deny that he desired to obtain information from the civil servant.

He endeavoured to indicate that he did not ask questions, but he sought by seeing the reception or the reaction of the civil servant to his conversation to determine what information might be available to him were he able to obtain it at some other time. At least that is as I understood him. I think the most striking of all the remarks of the hon. member were those he made when he told us that he warned the civil servant in question. As near as I could note it at the time this is what he said—

I made it clear to Gorddard the risk he ran of information being given by someone to the department and he suffering in consequence.

Let us suppose for one moment that that was the attitude of the hon. member. I can only believe that after a very considerable number of years he has spent in his parliamentary life he was aware of the duties of public servants and the regulations that governed them. If he had not been aware he could have hardly taken the attitude he said he did when he warned the public servant of the risk he ran. If the hon. member did not know of the regulations to which I refer there was little if any need to issue any such warning.

Hon. J. T. Tonkin: I cannot follow that, because if it could be clearly shown that the information came from him then regulations or no regulations he would be in trouble.

The ACTING PREMIER: Very well, if the hon. member wishes let us admit that for the purposes of discussion. In either event it seems to resemble the case of a man who might go to the employee

of a firm—in some way, perhaps by writing him a letter—and ask him to meet him. When he met the employee he could say to him, "I want you to break into your employer's safe and get me out some valuable papers and bring them to me. I warn you of the risk you run; you may get five years."

Mr. Styants: That is a very poor analogy.

The ACTING PREMIER: It is not. A person who did that would after the offence were committed be an accessory to that offence. So would a person who warned a civil servant in the circumstances be equally an accessory to that offence.

Hon. J. T. Tonkin: He had to be informed that it was intended to publish the information.

The ACTING PREMIER: It does not matter whether it is private business or any other business; the fact is that it is an offence. It has been made an offence obviously with the approval of both Houses of Parliament in that the regulations have stood upon the statute book for a considerable time and were not disallowed when promulgated. So it is equally an offence with any other offence and anybody who contributes to it is an offender.

Sitting suspended from 6.15 to 7.30 p.m.

The ACTING PREMIER: Before tea, I was about to refer to the fact that the member for Melville said that he had been told that an officer of the Housing Commission would not authorise payment of certain accounts, and that in consequence he began then to justify his subsequent actions in this matter. I cannot for one moment concede that whatever he may have heard in that direction could justify his taking the action he did. It may have justified his taking one of half a dozen other actions on which there is no need for me to elaborate at present, but there could not be any justification at all for the action which he took in approaching this civil servant, obviously with the intention, if the civil servant was responsive enough of inducing him to break the regulation and offend against the principles which were supposed to govern his occupation.

So I do not regard that, and I am sure nobody else would regard it, as a defence in this matter, unless one is prepared to accept the principle that the end justifies the means; and I am not, and I do not think very many other people would be as a general rule, prepared to accept that principle as being a good one or one that should be the criterion of responsible people.

The hon. member also referred to his reaction to the Minister for Housing's not answering questions to his satisfaction. He

said that he received replies to his questions that dissatisfied him and he decided then to write to Mr. Gorddard and, later on in response to an interjection from me, he said that it was on the 12th August that he had been refused the papers in connection with these Austrian pre-fabricated homes. As it was on the 12th August that he wrote to Mr. Gorddard, it was in consequence of that refusal that he did write the letter referred to. I have before me the questions which were asked on that matter on the 12th August and No. 8, the last of the series, was as follows:—

Will he make available all papers in connection with these houses?

To that the Minister for Housing replied—

As certain matters in connection with this contract are under consideration by the Crown Law Department the papers cannot be made available at present.

Even suppose that an abrupt refusal at that stage to make the papers available at all to the hon. member could have justified any subsequent action—which I deny—it would be quite obvious to members who reflect on that answer for one moment that it was not such an abrupt refusal.

Hon. J. T. Tonkin: Of course it was!

The ACTING PREMIER: It was, in fact, a mere statement that they could not be made available at present, and did not and could not be taken to indicate that they would not be made available at any subsequent time, which is a postulation that the hon. member expects us in justification of this matter, to believe. I say that if words mean anything, the words "at present" mean exactly what they say—that the papers cannot be made available at present. Therefore there was not a refusal at that stage to produce them at all, so there was not even the scintilla of justification which the hon. member seeks to impress upon the House was sufficient for this subsequent action.

He also referred to "a major scandal," and I think that in talking to Mr. Gorddard he said that if it was a major scandal it was proper for that person to give him information. The hon. member has had a good number of major scandals brought up in this House, a sizeable proportion of which has been found to be with little or no foundation. I think it would have been highly preferable for him, having some recollection of some of those in his mind, had he taken a more sedate course, shall I say, in this matter and gone about the business in a more co-operative fashion, rather than increased the feeling which his actions in past matters have no doubt created in some quarters that he was inclined to fly off at a tangent, as it were, or take exception to incidents which were only half proven at the time.

The hon. member also tried to create in our minds the idea that there was an analogy in the regulation governing the teaching profession which requires teachers not to approach members of Parliament in relation to their occupation. There again the circumstances are by no means analogous. In this case, the hon. member—not openly but secretly—approached a civil servant; the civil servant did not openly approach the hon. member. It is the hon. member in this case who is bringing about a breach of regulation, if any breach occurs, and not the employee. So it cannot be said, I think that that affords any justification at all for its defence. In short, I would submit that the net result of the hon. member's review of the situation is that he has confirmed all the major facts that were alleged against him; that he has not disproved any of them, but rather completely the reverse.

I would like to have a couple of words on the remarks made by the Leader of the Opposition to the effect that the Government rushed into this matter without getting at the facts. I think that the facts as related by me, in as factual a way as I could possibly manage, were almost identical with those that were related by the member for Melville himself.

Hon. A. R. G. Hawke: Even if that were so, it is not the point, is it?

The ACTING PREMIER: It does not justify, I submit, a statement that we rushed in without getting at the facts, because it is quite clear we got at the facts.

Hon. A. R. G. Hawke: You did not try to get them all.

The ACTING PREMIER: We have got them all, so how can it be alleged that we did not try? If we have not achieved that good result, it is quite clear we have done everything possible and necessary to obtain the facts.

Hon. A. R. G. Hawke: Did any Minister of the Government have any discussion with the member for Melville prior to the motion being moved as to the views of the hon. member?

The ACTING PREMIER: No. That, I think, is not the point. The hon. member said that the Government had rushed in without getting at the facts. I am simply saying that in the net result it has been quite clear that there were no facts that the Government did not acquire.

Hon. A. R. G. Hawke: I am saying that the Government acted on a one-sided statement of the case.

The ACTING PREMIER: The House will act on a two-sided statement of the case, and it will have the same result.

Hon. A. R. G. Hawke: And the decision on that was made before this motion was debated.

The ACTING PREMIER: I have already said, and repeat with the greatest emphasis at my command, that this motion would not have been moved in this House had it not been for the desire to prevent further activity of this kind in regard to the Civil Service in this State and, in short, for the purpose of ensuring that the Civil Service is allowed to carry on its functions in the manner intended and provided by law. In those circumstances, there being no other reasons, I submit the motion.

Question put and a division taken with the following result:—

Ayes	22
Noes	21
Majority for	1

Ayes.

Mr. Abbott	Mr. Manning
Mr. Brand	Mr. Nalder
Dame F. Cardell-Oliver	Mr. Nimmo
Mr. Cornell	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Griffith	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Hill	Mr. Wild
Mr. Hutchinson	Mr. Yates
Mr. Mann	Mr. Bovell

(Teller.)

Noes.

Mr. Brady	Mr. McCulloch
Mr. Butcher	Mr. Moir
Mr. Graham	Mr. Needham
Mr. Guthrie	Mr. Nulsen
Mr. Hawke	Mr. Rodoreda
Mr. J. Hegney	Mr. Sewell
Mr. W. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly
Mr. May	

(Teller.)

Pair.

Aye.	No.
Mr. McLarty	Mr. Coverley

Question thus passed; the motion agreed to.

House adjourned at 7.46 p.m.

JOINT SITTING.

Legislative Council and Legislative Assembly.

Tuesday, 30th September, 1952.

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FEDERAL SENATE VACANCY.

In accordance with the Standing Orders passed by both Houses of Parliament and approved by Executive Council, the members of the Legislative Council and the Legislative Assembly met in joint sitting in the Legislative Council Chamber to fill the vacancy in the representation of Western Australia in the Senate of the Federal Parliament caused by the death of Senator Edmund Stephen Roper Piesse.

The President of the Legislative Council (Hon. Sir Harold Seddon), in accordance with the Standing Orders, took the Chair at 4.41 p.m. He was accompanied by the Speaker of the Legislative Assembly (Hon. C. F. J. North).

Election.

The PRESIDENT: This joint sitting has been called for the purpose of electing a senator to the Senate in place of the late Senator E. S. R. Piesse. I am now prepared to receive nominations.

The DEPUTY PREMIER (Hon. A. F. Watts-Stirling): I propose—

That William Charles Robinson, road board secretary, of Pingelly, be elected to fill the vacancy in the Federal Senate due to the death of Senator Edmund Stephen Roper Piesse.

I have Mr. Robinson's assurance that, if elected, he is prepared to act.

The MINISTER FOR WORKS (Hon. D. Brand—Greenough): I second the motion.

The PRESIDENT. Are there any further nominations? Having ascertained that there are no further nominations, I declare Mr. William Charles Robinson duly elected. That concludes the Joint Sitting.

The President left the Chair.