

I have known quite a few people who would not be witnesses; and I have read notices that have been sent out to witnesses asking them the circumstances under which they witnessed a card. A member of the community could be almost afraid to witness the signature of a person seeking enrolment for the Legislative Council because the card says that a witness is supposed to have a fair knowledge as to the correctness of what is stated on the card.

The Hon. A. F. Griffith: Why didn't your Government change this form?

The Hon. J. D. TEAHAN: It would have had it been able to do so.

The Hon. A. F. Griffith: Don't tell me that. It could have.

The Hon. J. D. TEAHAN: It attempted on many occasions to alter the qualifications for enrolment.

The Hon. A. F. Griffith: Your Government could have altered the card as easily as anything.

The Hon. J. D. TEAHAN: Why the card is so involved, I do not know; and from his statements the Minister partly agrees with me. The claim for enrolment should be a simple one. A person submits a taxation return and his signature is quite sufficient. He just certifies that what he has stated in his return is correct. The Taxation Department accepts his signature until it finds reason to do otherwise. That department does not suspect the person who submits a return. It does this only when there is a good reason for doing so.

There is no need for me to labour the question, because the whole thing is so obvious. A person who is a housewife should be enrolled as her standing in the community is sufficient. I will say no more but offer my support for the Bill. I also wish there were a few more women in this House.

Debate adjourned, on motion by The Hon. C. H. Simpson.

### CONSTITUTION ACTS AMENDMENT BILL (No. 2)

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Justice), read a first time.

### CHILD WELFARE ACT AMENDMENT BILL (No. 2)

#### *Returned*

Bill returned from the Assembly without amendment.

*House adjourned at 5.54 p.m.*

## Legislative Assembly

Wednesday, the 17th October, 1962

### CONTENTS

	Page
<b>PARLIAMENT HOUSE—</b>	
Visits of Strangers during Sittings	1777
<b>QUESTIONS ON NOTICE—</b>	
Canning Highway-Kwinana Freeway Interchange: Proposed Commencement Date	1782
Commonwealth-State Housing Funds—	
Reserves: Amount and Derivation, etc.	1784
Use for Games Village	1784
Crayfishing: Closed Seasons	1782
Electoral Enrolments: Rectification of Errors	1779
Electricity Supplies at Pinjarra: Connection to Houses Occupied by Natives	1779
Flashing Lights: Installation on Vehicles	1781
High School at Albany: Site and Erection	1782
Kalamunda High School: Establishment of Oval	1778
Legal Practitioners—	
Admissions to Practise	1780
Appointments to Crown Law Department	1780
Holders of Annual Practice Certificates	1780
Registration and Admission of Clerks as Practitioners	1780
Unprofessional Conduct	1780
Milk: Bulk Pick-up Scheme	1779
Motor Driver's License: Disqualification under Section 80 of Traffic Act	1781
Motor Vehicle Licenses: Waiving—	
Conditions and Categories	1783
Pig Research Station: Establishment and Site	1783
Plants: Diseases and Insect Pests—	
Codling Moth: Eradication Cost	1778
Inspection at Kalgoorlie Entry Point	1778
Population of Western Australia: Figures at End of 1928 and 1961	1779
Public Buildings—	
Inspection during Construction: Legal Position	1777
Totalisator Agency Board Premises: Opening Dates, etc.	1782
University of Western Australia—	
Law Faculty Students and Lecturers	1779
West Northam School—	
Approval of Plans, and Inspections	1777
Electrical System	1777
Replacement of Roof	1777
Roof on North-South Section: Weight and Composition	1777
<b>QUESTIONS WITHOUT NOTICE—</b>	
Empire Games Holiday: Government's Decision	1785
Mundaring Weir: Use of Water for Kalamunda District, and Replenishment	1785
Ord River Scheme: Reasons for Delay	1784
Parliament House: Members' Interviews with Constituents	1785
<b>ORDERS OF THE DAY—</b>	
Postponement of No. 6	1814
<b>MOTION—</b>	
Chevron-Hilton Hotel Site: Utilisation for Public Purposes	1815

## CONTENTS—continued

BILLS—	Page
Child Welfare Act Amendment Bill (No. 2) : 3r. ....	1786
Constitution Acts Amendment Bill (No. 2) : 3r. ....	1785
Death Penalty Abolition Bill : 2r. ....	1800
Electoral Act Amendment Bill : Report ....	1786
Factories and Shops Act Amendment Bill—Intro. ; 1r. ....	1785
Health Act Amendment Bill (No. 3)—Intro. ; 1r. ....	1785
Road Closure Bill—Intro. ; 1r. ....	1785
Totalsator Agency Board Betting Act Amendment Bill—2r. ....	1786
Defeated ....	1800

The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

## PARLIAMENT HOUSE

*Visits of Strangers during Sitzings*

**THE SPEAKER (Mr. Hearman):** The practice has developed among members of bringing strangers into parts of the House where strangers should not be allowed. I refer to the members' common room. The House Committee rules make it quite clear that strangers must be entertained in the visitors' room only. Apart, of course, from the public gallery and the Speaker's gallery that is the only part of the building in which strangers should be allowed.

It has also come to my notice that one or two members are taking visitors through the library and billiard room during sitting hours. During the time the House is sitting, particularly, strangers must be kept to the appropriate parts of the building set aside for them.

## QUESTIONS ON NOTICE

## WEST NORTHAM SCHOOL

*Roof on North-South Section: Weight and Composition*

1. Mr. HAWKE asked the Minister for Works:

- (1) What was the total weight of the now-destroyed roof which was placed on the north-south section of the new West Northam State School?
- (2) Into how many blocks of concrete was the roof affixed?
- (3) What was the size of each block of concrete?
- (4) What were the proportions of gravel, cement, sand, and so on in each block?

*Replacement of Roof*

- (5) Has a decision yet been made regarding the methods to be used to affix a new roof to the section of the school building in question?
- (6) If so, who made the decision regarding the new methods?
- (7) In what essential respects will they differ from the methods previously used?
- (8) If no such decision has yet been made, when is one likely to be made, and who will be responsible for making it?

*Electrical System*

- (9) Were any suggestions or recommendations made by officers or employees of the Public Works Department for alterations to the electrical system or any other part of the new West Northam State School building during the time the building was being constructed?

*Approval of Plans, and Inspections*

- (10) Were the plans for this building approved by the appropriate officers of the Public Works Department?
- (11) How many inspections of the building were made during the course of construction by the appropriate officers of the Public Works Department?

Mr. WILD replied:

- (1) 75,600 lb.
- (2) 17.
- (3) Six—18 in. x 7 in. x 6 in.  
Eleven—18 in. x 18 in. x 9 in.
- (4) Standard mix of 4 : 2 : 1 was used. This means: 4 parts of metal, 2 parts of sand, 1 part of cement. There was no gravel used.
- (5) No.
- (6) and (7) Answered by No. (5).
- (8) A decision on method and responsibility is expected shortly.
- (9) No.
- (10) The plans were submitted to the Public Works Department for a check on lay-out.
- (11) None. The responsibility of seeing the construction conforms to specification is that of the private architect.

## PUBLIC BUILDINGS

*Inspections during Construction: Legal Position*

2. Mr. HAWKE asked the Minister for Works:

- (1) What is the name of the existing law which provides for careful and regular inspection of public buildings during the course of their construction?

- (2) What classes of buildings are covered by that law?
- (3) How regularly have such buildings to be inspected?

Mr. WILD replied:

- (1) The Health Act 1911-1956 provides for the submission of plans prior to the erection, extension, or alteration of any public building. It does not provide for particular inspections during the course of construction but no permit for its use is given until it is inspected by officers appointed by the Health Department.
- (2) "Public Buildings" is defined in the Health Act as "any hospital or benevolent or other asylum, or any theatre, opera house, concert room, music or assembly hall, where forming part of/or appurtenant to licensed victuallers' premises or not, or any school, church, chapel or meeting house, and shall include any other building, structure, tent, gallery, enclosure or platform whatsoever, in or upon which numbers of persons are usually or occasionally assembled".
- (3) No definite period laid down, but every public building may be inspected by any public health official or officer of the local authority at any time.

#### KALAMUNDA HIGH SCHOOL

##### *Establishment of Oval*

3. Mr. DUNN asked the Minister for Education:

In view of the fact that the Kalamunda area is being transferred to the metropolitan water scheme and will therefore have the necessary water to cater for the needs of the proposed high school oval, can he make arrangements for the work on the oval to commence immediately?

Mr. LEWIS replied:

Under the Metropolitan Water Supply Department rules no school is permitted to utilise scheme water for oval reticulation. It is understood that work is in hand at the present time to determine the supply of water from an underground source before proceeding with the oval development.

#### PLANTS: DISEASES AND INSECT PESTS

##### *Codling Moth: Eradication Cost*

4. Mr. DUNN asked the Minister for Agriculture:

- (1) What is the cost to the State of the codling moth outbreak—
  - (a) in money paid out by the Government;

- (b) in money paid out of trust funds;
- (c) in direct charges against the growers?

- (2) Could he also advise what is the total estimated loss to growers?

##### *Inspection at Kalgoorlie Entry Point*

- (3) In view of the expected influx of visitors to see the Commonwealth Games, can he give an assurance that every care will be taken at the Kalgoorlie point of entry, giving special attention to the inspection of the boots of cars (which in many cases are locked) to ensure no introduction into this State of any plant disease or fruit fly?

Mr. NALDER replied:

- (1) The costs of eradication of the last outbreak of codling moth at Bridgetown, which occurred in 1956 and was eradicated by 1959, were as follows:—

	£
(a) Moneys paid by the Government, excluding salaries of officers concerned	31,979
(b) Moneys paid from the Fruit Growing Industry Trust Fund	12,057
(c) Direct charges against growers	nil
Total	£44,036

- (2) All direct losses incurred by growers were compensated. However, growers incurred additional expenses through the labour costs involved in the application of the spraying treatments, and some by being compelled to have their fruit packed in central packing sheds instead of on their own properties. Also, some growers received lower prices for fruit diverted from the main local markets to such places as Kalgoorlie, etc.
- (3) Arrangements have already been made so that, during the period of the Commonwealth Games, special care will be taken to inspect passenger trains at Kalgoorlie and all vehicles brought over by train at Parkeston. In addition, all road transport will be checked at a road block to be established at Norseman. This action will be taken to ensure that no serious plant disease, including fruit fly, is introduced into the State.

**MILK***Bulk Pick-up Scheme*

5. Mr. RUNCIMAN asked the Minister for Agriculture:

- (1) As the Department of Agriculture and the Milk Board were represented at a conference in Melbourne on bulk milk pick-up, would he make a statement re-regarding their recommendations?
- (2) Is he aware of the concern felt by some producers, especially those with small quotas, that a bulk milk pick-up scheme might be forced upon them?

Mr. NALDER replied:

- (1) Representatives of the Milk Board and the Department of Agriculture, in the capacity of observers, attended the bulk milk conference in Melbourne, in conformity with the board's policy of being fully informed on the development of bulk milk pick-up. No decision or recommendation regarding bulk milk pick-up in this State will be made by the board without prior consultation with producers, the Farmers' Union, treatment plants, and the Government.
- (2) Some expressions of concern have been made to the board on behalf of producers with small contracts that a bulk milk pick-up scheme might be forced upon them.  
The interests of all parties, including the dairymen with small contracts, will receive full consideration when the matter is dealt with by the Milk Board.

**ELECTRICITY SUPPLIES AT  
PINJARRA***Connection to Houses Occupied by  
Natives*

6. Mr. RUNCIMAN asked the Minister for Electricity:

- (1) Is it intended to connect native houses with the S.E.C. in Pinjarra?
- (2) If so, when will it be done?

Mr. NALDER replied:

- (1) On the 15th October, 1962, the State Electricity Commission received from the Department of Native Welfare, an application for supply to three houses and the Anglican Mission Centre on Reserve 25503, Pinjarra. Supply will be offered under the contributory extension scheme.
- (2) When the Department of Native Welfare has signed the usual agreement.

7. *This question was postponed.*

**ELECTORAL ENROLMENTS***Rectification of Errors*

8. Mr. EVANS asked the Minister representing the Minister for Justice:

With regard to persons who claim a vote at an election by virtue of section 122A of the Electoral Act, what steps are taken in the case of—

- (a) those persons whose ballot papers are admitted as valid votes, and
  - (b) those persons whose ballot papers are not so admitted;
- to ensure that in category (a) the absence of the electors' names on the printed rolls is rectified and that in category (b) correct enrolment is effected?

Mr. BRAND replied:

- (a) The enrolments of electors whose ballot papers are admitted are adjusted on the official rolls as may be necessary.
- (b) In the case of a Legislative Assembly election, claim cards are sent to those persons whose ballot papers are not admitted, and follow-up action is taken to ensure that correct enrolment is effected.

**POPULATION OF WESTERN  
AUSTRALIA***Figures at End of 1928 and 1961*

9. Mr. GUTHRIE asked the Premier:

What was the approximate population of Western Australia on the 31st December, 1928, and the 31st December, 1961?

Mr. BRAND replied:

The 31st December, 1928—414,621.  
The 31st December, 1961—746,169.

**UNIVERSITY OF WESTERN AUSTRALIA***Law Faculty Students*

10. Mr. GUTHRIE asked the Minister for Education:

- (1) How many first-year students entered the Faculty of Law at the University of Western Australia at the commencement of the University year in 1954, 1955, and 1956?
- (2) How many of the students graduated subsequently with the degree of LL.B., and in what years?
- (3) How many students graduated with the degree of LL.B. at the end of the University years in 1957, 1958, and 1959?
- (4) How many full-time lecturers were engaged in the Faculty of Law at the University of Western Australia in the years 1928 and 1961?

(5) How many part-time lecturers were engaged in the Faculty of Law at the same University in the years 1928 and 1961?

(6) How many students studied law at the University of Western Australia in the years 1928 and 1961?

Mr. LEWIS replied:

Matters pertaining to the University of Western Australia are not my responsibility but I have ascertained for the benefit of the honourable member that the information will be made available to him on application to the registrar.

## LEGAL PRACTITIONERS

### *Admissions to Practise*

11. Mr. GUTHRIE asked the Minister representing the Minister for Justice:

(1) How many legal practitioners were admitted to practise by the Supreme Court of Western Australia in each of the calendar years 1925, 1926, 1927, 1959, 1960, and 1961?

### *Holders of Annual Practice Certificates*

(2) How many legal practitioners held Annual Practice Certificates in—  
(a) the metropolitan area; and  
(b) the country; or  
(c) if the dissections are not available, in the State at the 31st December, 1928, and the 31st December, 1961?

### *Appointments to Crown Law Department*

(3) How many legal practitioners were employed or held offices or appointments in the Crown Law Department, Perth (exclusive of judges, magistrates, and practitioners in sub-departments, i.e., Titles Office) as at the 31st December, 1928, and the 31st December, 1961?

(4) What were the respective offices and salaries of each such person at each such date?

(5) How many magistrates were there in—

(a) the metropolitan area;

(b) the country as at the 31st December, 1928, and the 31st December, 1961?

### *Registration and Admission of Clerks as Practitioners*

(6) How many individual Indentures or Agreements for Articles of Clerkship in respect of Articled Law Clerks were registered by the

Barristers Board of Western Australia under the Legal Practitioners Act in each of the years 1920, 1921, and 1922?

(7) How many of the clerks registered in each of those years were subsequently admitted as legal practitioners by the Supreme Court of Western Australia?

### *Unprofessional Conduct*

(8) How many complaints were received by the Barristers Board of Western Australia concerning legal practitioners (exclusive of complaints concerning the handling of pecuniary funds) alleging unprofessional conduct in each of the calendar years 1928 and 1961?

Mr. BRAND replied:

(1) 1925—8;

1926—8;

1927—3;

1959—8;

1960—16;

1961—11.

(2) The following information has been obtained from the Barristers' Board:—

(a) 92 in 1928; 196 in 1961.

(b) 50 in 1928; 52 in 1961.

(c) See above.

(3) The 31st December, 1928—3.

The 31st December, 1961—13.

(4) The 31st December, 1928—

£

Solicitor-General and Parliamentary Draftsman .... 1,500

Solicitor and Parliamentary Draftsman .... 852

Crown Prosecutor .... 756

The 31st December, 1961—

Solicitor-General .... 4,418

Chief Parliamentary

Draftsman .... 4,118

Crown Solicitor .... 3,798

Crown Counsel .... 3,718

Chief Crown Prosecutor .... 3,118

Conveyancer .... 3,118

Senior Assistant Parlia-

mentary Draftsman .... 3,118

Assistant Parliamentary

Draftsman .... 2,722

Assistant Crown Counsel .... 2,722

Assistant Crown Solicitor .... 2,722

Solicitor Grade 2 .... 2,050

Solicitor Grade 3 .... 1,564

Solicitor Grade 1 (Tem-

porary Staff) .... 2,722

(5) The 31st December, 1928—

(a) 4;

(b) 9.

The 31st December, 1961—

(a) 11 (including Special Magistrate, Children's Court, Perth).

(b) 9.

- (6) and (7) The Barristers' Board advises as follows:—

	1920	1921	1922
Articles registered	6	10	4
Clerks subsequently admitted	6	8	3

- (8) The board advises that three formal complaints alleging unprofessional conduct were received in 1928, and four in 1961.

### MOTOR DRIVER'S LICENSE

#### *Disqualification under Section 60 of Traffic Act*

12. Mr. GUTHRIE asked the Minister for Police:

- (1) Has he read the report headed "Some Long Bans are not fair: Magistrate," appearing on page 20 of *The West Australian* newspaper on Tuesday, the 16th October, 1962?
- (2) If so, will he give consideration to the views of the magistrate?
- (3) Adverting to his answers to Question No. 1 on the notice paper of the Legislative Assembly on Tuesday, the 9th October, 1962, will he—
  - (a) accepting that his answer to question No. (4) is a correct interpretation of section 60 of the Traffic Act (which is doubtful) and ignoring the condition expressed in question No. (5), please answer question No. (5) contained in that question;
  - (b) indicate whether he is satisfied with the provisions of section 60 in particular, and other sections in general, requiring automatic suspensions of licenses;
  - (c) agree, or otherwise, that it may be preferable for Parliament to fix a minimum and a maximum period of suspension for each offence and leave it to the court to fix the actual period of suspension in each case within those limits?

Mr. CRAIG replied:

- (1) Yes.
- (2) This is a deterrent section, intended to materially assist in overcoming the tendency by irresponsible in the unlawful use of other people's vehicles. The provisions of section 33A may be later invoked by the person concerned, and if there is a proven necessity for the issue to him of a driver's license the court may set aside

the suspension and authorise the issue of an extraordinary license to meet the circumstances.

- (3) (a) A recent Crown Law Department ruling regarding section 60 of the Traffic Act reads as follows:—

"a second or any subsequent offence means a second or subsequent offence committed after a previous conviction or previous convictions, as the case may be, for an offence under the section."

Thus, where a person is charged on one or more counts, for a breach of section 60 and has not been previously convicted for a breach of section 60, each such offence is dealt with as being a first offence, and the 12 months' disqualification must be imposed in respect of each conviction, such disqualifications to be cumulative.

In the case of a person under 17 years, the disqualification does not commence until the date of the seventeenth anniversary of his birthday, or upon the expiry of a period of prior disqualification, if any, whichever is the later date. Question No. 5 of the 9th instant now covered in paragraph (c) hereunder.

- (b) Yes.

- (c) Disagree, as the provisions of section 33A give the courts power to remove wholly or in part, with or without conditions, suspensions imposed as the result of existing legislation.

### FLASHING LIGHTS

#### *Installation on Vehicles*

13. Mr. HALL asked the Minister for Police:

- (1) Have regulations been introduced to enforce all vehicles to have flashing lights fitted; and, if so, when were such regulations introduced?
- (2) If regulations have been introduced, what is the position regarding combination vehicles (cars, caravans, and trailers)?
- (3) Are tractors and earth-moving vehicles compelled to have flashing lights fitted?
- (4) What is the effect of the regulations on motorbikes and scooters which have fitted illuminated indicators?

Mr. CRAIG replied:

- (1) Illuminated indicators, or flashing lights, must be fitted to—
  - (a) motor cars registered for the first time on and after the 1st January, 1960;
  - (b) any other motor vehicle (except a tractor, other than a prime mover type and a motorcycle) registered for the first time on and after the 1st January, 1961.
- (2) Trailers registered for the first time on and after the 1st January, 1961, are required to be so fitted; and the combination of two vehicles usually operates on a six lamp system, four on the towing unit and two on the trailer. A relay switch enables the towing vehicle to operate singly.
- (3) No.
- (4) Such indicators are not compulsory and if fitted do not conform with the specifications laid down in the regulations. Hand signals must be given.

#### HIGH SCHOOL AT ALBANY

##### *Site and Erection*

14. Mr. HALL asked the Minister for Education:

- (1) It is the intention of the Government to build a three-year high school at Albany?
- (2) If so, has a site been selected, and where is it situated?
- (3) When is it anticipated that building of this high school will commence?

Mr. LEWIS replied:

- (1) Yes.
- (2) Sites are being investigated in various areas of the Albany Municipality and Shire Council.
- (3) Not known.

15. *This question was postponed.*

#### CRAYFISHING

##### *Closed Seasons*

16. Mr. JAMIESON asked the Minister for Fisheries:

- (1) Did the Fisheries Department receive a request to alter the closed season for crayfishing from the persons engaged in the industry?
- (2) Why has no action been taken on the proposal to have two closed seasons, one during the spawning months, so as to protect the industry?
- (3) Is it not a fact that spawning takes place in the summer months, when fishing can do the most harm to the future of the industry?

Mr. ROSS HUTCHINSON replied:

- (1) At a recent meeting of the Fisherman's Advisory Committee, Fremantle fishermen suggested that the waters be closed to crayfishing for varying periods of from one to two months from the 1st January.
- (2) Under section 24 (2) of the Fisheries Act it is illegal for any person to take or have in his possession any female crayfish having eggs or spawn attached beneath its body. It is considered that the additional restriction suggested would have little effect on the abundance of crayfish. However, the over-all situation in regard to closed seasons is being kept constantly under review.
- (3) Berried females are found in greatest number during December and January.

#### CANNING HIGHWAY-KWINANA FREEWAY INTERCHANGE

##### *Proposed Commencement Date*

17. Mr. D. G. MAY asked the Minister for Works:

- (1) In view of the fact that preliminary decisions have been made respecting a feasible design of the Canning Highway-Kwinana Freeway interchange, coupled with the concern being expressed by residents in this area, will he indicate the proposed commencement date?
- (2) Is it intended for the Freeway to fly-over Canning Highway?
- (3) When will the residents who will be affected by the interchange be advised?

Mr. WILD replied:

- (1) The Main Roads Department has not yet fixed a date for commencing the construction of the interchange.
- (2) No decision has been reached. Plans and models are still being examined.
- (3) When a decision is reached in accordance with answer No. (1).

#### TOTALISATOR AGENCY BOARD PREMISES

##### *Opening Dates, etc.*

18. Mr. D. G. MAY asked the Minister for Police:

- (1) Will he advise the opening dates of the following Totalisator Agency Board premises—
  - (a) Gosnells;
  - (b) Kelmscott;
  - (c) Riverton?

- (2) What was the name of the licensed premises bookmaker at Kelmscott prior to the T.A.B. taking over?
- (3) What is the name of the new manager or agent, T.A.B. premises at Riverton?

Mr. CRAIG replied:

- (1) (a) The 24th February, 1962.  
(b) The 13th October, 1962.  
(c) The 13th October, 1962.
- (2) Mervyn Frederick Schofield.
- (3) Mervyn Frederick Schofield—an agent of the board.

### MOTOR VEHICLE LICENSES: WAIVING

#### *Conditions and Categories*

19. Mr. DAVIES asked the Minister for Police:

Under what conditions and for what categories are motor-vehicles licenses—

- (a) waived;
- (b) partially waived?

Mr. CRAIG replied:

The Traffic Act provides that a license is required for every vehicle that uses the roads. Licences for such vehicles are never waived, but there is provision for the issue of licenses without payment of any fee, or upon payment of a reduced fee. In this regard the honourable member's attention is drawn to section 11 of the Traffic Act which details circumstances under which free or concessional licenses shall be issued. In addition, section 21A provides for the issue of free licenses to overseas visitors.

Further to those categories as described, the Minister has power to approve the issue of a license for any vehicle without payment of the prescribed fee. The existing policy in this regard is:—

- (a) For the issue of free licenses:
  - (i) Consular representatives: two free licenses are issued to career representatives of any one foreign country.
  - (ii) Religious, charitable, and philanthropic organisations.
  - (iii) Totally and permanently incapacitated ex-servicemen and civilian invalid pensioners whose gross income does not exceed the basic wage.
  - (iv) Boy Scout groups.

(v) Vehicles engaged in interstate transport operations.

(vi) Vehicles registered in the name of the British and Commonwealth Empire Games Council.

(b) For the issue of concessional licenses:

- (i) Totally and permanently incapacitated ex-servicemen and civilian invalid pensioners whose gross income is not more than £3 per week in excess of the basic wage.
- (ii) Interchangeable semi-trailers where the number of such vehicles exceeds the number of prime movers (hauling vehicles) owned by the same person.
- (iii) Certain vehicles owned by commercial interests where the vehicle uses the roads to a very limited extent.
- (iv) Certain vehicles owned by professional fishermen where the vehicles use roads to a very limited extent.

20. *This question was postponed.*

### PIG RESEARCH STATION

#### *Establishment and Site*

21. Mr. CORNELL asked the Minister for Agriculture:

- (1) What is the present position regarding the pig research station and when and where is it likely to be established?
- (2) What has been the reason for the delay in setting up this station?

Mr. NALDER replied:

- (1) It has been decided that the pig research station will be located near Medina where an area has been reserved sufficient for this and other research station activities. Planning is being considered at the present time.
- (2) Investigations were necessary to determine the most suitable area which could accommodate both the pig research station and the vegetable research station which it is necessary to move from Wembley. It was also deemed advisable to await the arrival of the recently appointed officer, who would direct pig research, before making a final decision.



# COMMONWEALTH-STATE HOUSING FUNDS

## Use for Games Village

22. Mr. GRAHAM asked the Minister representing the Minister for Housing:

The Minister for Housing, in reply to questions, having advised that the Games Village has involved an expenditure (actual and anticipated) of £907,935; that it is Commonwealth-State Housing Agreement funds which are being used; that the cost will not be debited or deducted from any year's allocation of funds; that the whole of the costs will be met from reserves of the Commonwealth-State Housing Agreement; and that reserves set aside from rental factors since 1945 (including Commonwealth recoup) total approximately £502,000:

(1) Is any or all of this last-mentioned amount being used for the Games Village?

(2) If so, from what source or sources is the balance of £406,000 being obtained?

(3) If not, from where are the funds being obtained?

*Reserves: Amount and Derivation, etc.*

(4) What reserves are held under the Commonwealth-State Housing Agreement?

(5) Under what headings are they held?

(6) What is the amount of each?

(7) How are they derived?

(8) On what previous occasions have these funds been used for other than their purported purpose?

(9) For what purposes were the funds so used?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) General reserves.

(3) Answered by No. (2).

(4) £2,029,267.

(5) and (6) Reserves—	£
Land Drainage	136,367
Construction contingencies	40,000
General	542,731
	<hr/>
	£719,098

Provisions—

Maintenance	854,169
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Insurance	162,000
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Vacancies and defaults	294,000
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	<hr/>
	1,310,169

Total	<hr/>
	£2,029,267

(7) Surpluses derived from rental factors, sale of houses, and sale of land.

(8) A loan to State Housing Act of £500,000 made during the year 1955-1956.

(9) Housing.

## QUESTIONS WITHOUT NOTICE

### ORD RIVER SCHEME

#### Reasons for Delay

1. Mr. TONKIN asked the Minister for Works:

Why did the Minister, when making a public statement about his concern over the delay on the Ord River irrigation scheme, blame the trade unions instead of placing the blame where it rightly belonged? Will the Minister give the full reasons for the delay which has occurred, in order that the public of Western Australia may be properly informed regarding the situation?

Mr. WILD replied:

Yes; I will be delighted to do that. I would say that the main reason for the delay on the Ord River irrigation scheme has been brought about by a situation which is pretty general throughout Australia today in regard to boilermakers. It would be very useful for the people of Western Australia to realise that up until yesterday there has been a "darg" on riveters. Only 50 rivets per day are being done. There are 11 boilermakers on the scheme and there are between 540 and 550 rivets per day being done. It takes three men to do that: one to heat up the rivet; one to put it in the hole; and a boilermaker to do the job.

It was anticipated by the contractor that they would do 125 rivets per day. I had a very close look at the total figures for last month. I can only repeat that the boilermakers on the scheme are doing slightly better than 50 rivets per man per day; and that is for a 10-hour day.

2. Mr. TONKIN asked the Minister for Works:

Will the Minister acknowledge that the work of the boilermakers is only a very small part of the work involved? Will he also state emphatically that the weather conditions had no bearing on the situation?

Mr. WILD replied:

I would say, certainly, that the boilermaking is only part of the whole picture.

Mr. Tonkin: A very small part.

Mr. WILD: But if the boilermakers do not do a sufficient amount of riveting per day, it is impossible for the painters, who have to follow them, to carry on. I admit that it is hot up there; I repeat that they are working a 10-hour day and there has, obviously, been a "darg" put on the riveters who are doing only a little better than 50 rivets per man per day.

### EMPIRE GAMES HOLIDAY

#### *Government's Decision*

3. Mr. HEAL asked the Premier:

Some time ago the Government announced that it had decided not to grant an extra day's holiday to the Public Service during the Empire Games period? Will the Premier be good enough to reconsider that decision, with a view to granting some holiday to the Public Service during the Empire Games period?

Mr. BRAND replied:

No. The Government has decided it would not proclaim a public holiday. Anyone who is interested, so far as the Government employment side is concerned, can make satisfactory arrangements for attending any function in connection with the Games.

### PARLIAMENT HOUSE

#### *Members' Interviews with Constituents*

4. Mr. GRAHAM asked the Speaker:

(1) Do I understand, from his remarks earlier this afternoon, that either he, or the Joint House Committee—or both—forbid a member from interviewing and discussing business in one of the offices made available for members; and that, as a consequence, a private member is required to discuss his business in the Strangers' Room, where other members are perhaps entertaining strangers over glasses of beer, or cups of tea, and where, in very many cases, there could be a large number of persons present?

(2) If that be so, will he have the matter reviewed in order that members of Parliament seeking to do their duties and to serve their constituents and others, might be treated reasonably instead of like so many naughty schoolboys?

The SPEAKER (Mr. Hearman) replied:

(1) and (2) The rules of the House Committee, which have stood for many years, are quite clear on this point. If the honourable member will refer to the rules of the House Committee he will see there is no ambiguity at all. It is a situation which has been maintained here ever since I can remember. However, I will take the matter up at the next House Committee meeting.

### MUNDARING WEIR

#### *Use of Water for Kalamunda District, and Replenishment*

5. Mr. CORNELL asked the Minister for Works:

In view of the transfer of the Kalamunda district from the Goldfields Water Supply Scheme to the Metropolitan Water Supply Scheme, from what source will the water be drawn? If it is to be drawn from Mundaring, will the Minister take steps to increase the volume of water available from that source?

Mr. WILD replied:

I understand that in the first instance water will be drawn from Mundaring. For the information of the honourable member, I think I am right in saying that this year somewhere in the vicinity of 700,000,000 gallons of water have been gravitated from Serpentine to Mundaring to make up for the draw of water from that dam.

### BILLS (3): INTRODUCTION AND FIRST READING

1. Road Closure Bill.

Bill introduced, on motion by Mr. Bovell (Minister for Lands), and read a first time.

2. Health Act Amendment Bill (No. 3).

Bill introduced, on motion by Mr. Ross Hutchinson (Minister for Health), and read a first time.

3. Factories and Shops Act Amendment Bill.

Bill introduced, on motion by Mr. Davies, and read a first time.

### CONSTITUTION ACTS AMENDMENT BILL (No. 2)

#### *Third Reading*

MR. BRAND (Greenough—Premier)  
[5 p.m.]: I move—

That the Bill be now read a third time.

**THE SPEAKER (Mr. Hearman):** This Bill will require a constitutional majority for the third reading.

**Question put.**

**THE SPEAKER (Mr. Hearman):** I have counted the House and, there being no dissentient voice, I certify that the question has been carried by an absolute majority.

**Question thus passed.**

Bill read a third time and transmitted to the Council.

### **CHILD WELFARE ACT AMENDMENT BILL (No. 2)**

*Third Reading*

Bill read a third time, on motion by Mr. Craig (Minister for Transport), and passed.

### **ELECTORAL ACT AMENDMENT BILL**

*Report*

Report of Committee adopted.

### **TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL**

*Second Reading: Defeated*

Debate resumed, from the 26th September, on the following motion by Mr. Tonkin (Deputy Leader of the Opposition):—

That the Bill be now read a second time.

**MR. CRAIG** (Toodyay—Minister for Police) (5.4 p.m.): No-one would doubt the sincerity of purpose of the Deputy Leader of the Opposition in his desire to assist the aged people of this State; nor, for that matter, would any member disagree with the sentiments he expressed towards those people.

This Government and past Governments have accepted their responsibilities towards alleviating distress and making conditions more agreeable for the people to whom he referred. It is suggested in this Bill that the Act be amended in the section dealing with unclaimed dividends that are normally paid into the funds of the board, so that they shall be diverted to the Old People's Welfare Council of Western Australia. Here I must express my disagreement, and I will explain the reasons why in the course of my remarks.

The honourable member considers the Totalisator Agency Board acts both as a totalisator and as a bookmaker, and as such he believes it should be placed on the same plane as a licensed bookmaker to whom an application, if I might so call it, can be made for a winning bet, the bettor having lost his ticket. But the T.A.B. does not recognise any such claims, because it considers it is operating as a totalisator.

Might I say that the T.A.B. is being consistent in that regard inasmuch as there is no totalisator—whether it be on-course or off-course—anywhere in the world that recognises claims for winning bets by people who have either lost or destroyed their tickets inadvertently.

If we go back to November, 1960, when all off-course legislation was before Parliament, it will be found that the Deputy Leader of the Opposition then claimed that if the board were to pay out on Melbourne and Sydney racing at totalisator odds, it must prove a great financial flop. There certainly now appears to be a somewhat radical change in thinking. Also, it was only a couple of weeks ago when we were considering another Bill dealing with the Totalisator Agency Board, in which an amendment was proposed and subsequently agreed to providing that portion of the money held in reserve—I refer to the 1½ per cent. that is placed in reserve—should be used for refurnishing the T.A.B. premises.

The honourable member opposed this suggestion most strongly on the ground that the board would be taking the risk of placing itself in a very unfinancial position because of any possible claims that might be made against it later. However, in introducing his Bill he considers that the handing over, or the paying, of these unclaimed dividends to the Old People's Welfare Council would not affect the financial stability of the board in any way. There again I feel his thinking, so far as the financial resources of the board are concerned, is not consistent.

Dealing with the question of unclaimed dividends, the reasons why a bettor who has lost a ticket cannot make a claim, or the reasons why the board will not recognise such a claim, can possibly fall into three groups. Firstly, there are those people who have genuinely lost a winning ticket—and that covers a winning place ticket; there are those who genuinely think they have lost a winning ticket but in fact have not done so; and there are those who misrepresent the position.

I can recall instances where our own Lotteries Commission has announced that the first prize has been won by such-and-such a ticket bearing a *nom de plume*, with no other method of recognition; and members can recall the publicity given to the hundreds of applications that have been made by people claiming to have had that particular ticket.

Might I also quote another parallel? If the honourable member lost a pound note or a five-pound note in a fire, and it occurred in front of witnesses, his claim on the Treasury for another note would not be recognised. So it is understandable why the board looks on a totalisator ticket in the same way as the Treasury looks on a five-pound note.

Mr. Tonkin: Where did you get that information from? You are all at sea there. If you can quote just the number you can get the money from the Treasury.

Mr. CRAIG: If a person dropped a five-pound note into a fire he would not see the number as it was falling. If a person inadvertently destroyed a currency note he would have no claim on the Treasury, despite the fact that there were witnesses who were present at the time and who could say that the note was destroyed; unless, of course, the person concerned took the precaution beforehand of noting the number.

Mr. Tonkin: If you take just the number of a tote ticket to the T.A.B. you do not get your money.

Mr. CRAIG: No; but the honourable member would not worry about taking the number of a totalisator ticket. To continue, there are other very good reasons why claims on lost tickets are rejected. Firstly, once claims were admitted they would multiply very quickly and an army of staff would be required to deal with them. Secondly, the organisation would be, I consider, wide open to graft. Those on the inside handling the issuing of tickets would have a knowledge of unpaid tickets and could easily graft with people on the outside. Thirdly, to admit some claims and reject others would eventually lead to public criticism; there would be talk of more graft and corruption. The board in rejecting all claims is at least being consistent; and it removes itself from suspicion.

In 1960 the present legislation was before Parliament; and when it was being discussed with the racing and trotting bodies, it was agreed that the board should pay a turnover tax of five per cent. This tax rate was fixed in the belief that the board would experience a gross profit margin of 16½ per cent.; and this would have been the margin had the board continued to operate the totalisator pools on Eastern States racing in lieu of paying out at the appropriate on-course totalisator odds.

In 1960, Parliament was advised, in the belief that the board would experience a gross profit margin of 16½ per cent., that the racing and trotting bodies would receive £297,500 per annum from the scheme whilst the metropolitan area only was covered. However, for the year ended the 31st July, 1962, the surplus of the board, which it made available to the racing and trotting bodies, was only £223,747. So it can be seen that there was something like £74,000 less than was expected would be made available to the clubs in the first year.

It will therefore be realised that as yet the racing and trotting bodies have not approached the figures expected at the time it was agreed that the board should pay a turnover tax of five per cent.

From his knowledge of racing and bookmakers' figures, the Deputy Leader of the Opposition should know that in paying out at the Melbourne and Sydney actual totalisator odds and meeting a turnover tax of five per cent., together with administrative expenses of about six per cent., and appropriating 1½ per cent. to reserve account, the board faces an extremely hard task. The gross profit margin on Eastern States racing is about 13½ per cent. Thus it will be seen that whilst the Government receives five per cent. by way of turnover tax, there is only one per cent. available to the racing and trotting bodies.

I know the Bill is a step in the direction of helping an under-privileged group. The Government, however, is fully aware of its responsibilities in this direction and will take whatever steps it considers necessary in accordance with the finance available to it. I think this is the policy that is followed by all Governments. To alter the formula in any way at this stage could only result in the racing and trotting bodies seeking a review of all the financial provisions of the Act, and particularly the amount of turnover tax paid on Eastern States racing.

As matters now stand, it is essential that revenue from unclaimed dividends be retained by the board to form part of the surplus money to be distributed to the racing and trotting bodies. I would remind all concerned that when the original measure was before the House in 1960 the Government made it clear that the matter of paramount importance with off-course betting was the preservation and expansion of the racing and trotting industry. This is consistent with the Government's attitude on any industry. Nothing has happened since the legislation first became operative to warrant a change at this stage.

The racing and trotting bodies definitely need the revenue obtained from the unclaimed dividends. Therefore, I am opposed to the Bill, notwithstanding it has been advanced mainly to aid old people in need of help. But to allow it to go through would be tantamount to breaking the agreement reached with the racing and trotting bodies.

MR. GRAYDEN (South Perth) [5.17 p.m.]: I would not normally disagree with the Minister for Police because usually I have the greatest respect for anything he says. However, when he rose to speak on this Bill he said that no-one would doubt the sincerity of purpose of the member for Melville in introducing this legislation. For a start I dispute that statement and I will give my reasons. Firstly, I oppose the Bill because I believe that even if this money were available—and the Minister has made it clear that it is not—surely it should be distributed among all deserving charities and not to one particular

deserving section of our community which is already well served, as the member for Melville knows.

The introduction of this Bill is a despicable action by the member for Melville because, by introducing it, he is making a political football of the old people of Western Australia. He is singling them out and raising their hopes, knowing full well they would not get the assistance which is held out in front of them. The member for Melville would not make a promise of this kind to the waterside workers, because they would see through it and he would suffer in consequence. But he looks to one of the most deserving bodies of our community—that is, the Old People's Welfare Council—and, offering this organisation £20,000, he says, "This will be distributed among you if I can get Parliament to agree to it," knowing perfectly well that he cannot get Parliament to agree.

If Parliament is to make this money available to any organisation it should pass it to the Lotteries Commission, which body would distribute it among several worthwhile charitable organisations as it has done with its own funds throughout the years. So when the Bill is closely examined one realises the type of action it represents.

In his speech on this subject, the member for Melville made a statement which, when analysed, is completely insincere. He said—

We can safely assume that there will be approximately £20,000 a year from this source. But suppose it did vary. Suppose it was a couple of thousand pounds less, or, £5,000 or £6,000 more. I am sure the Old People's Welfare Council would not object to receiving the money on that account. I can visualise that they could do a marvellous job with this money in such a way as to make the old people in this State the envy of old people in other parts of the world.

Let us consider that statement for a start. It is suggested that this paltry sum of £20,000 be distributed among, say, 20,000 old people in Western Australia. In other words, this would mean that each aged person would receive £1. This is the large sum which the member for Melville would have us believe would be a magnificent contribution to make the old people of this State the envy of other old people throughout the world. However, one has only to think about such a statement for one moment to realise how ridiculous it is.

There is hardly one suburb in Perth where the sum of £20,000 has not already been spent on welfare centres for the old people in the metropolitan area. Everything is being done to make these places available and to staff them in order to assist and care for our aged citizens. Yet, notwithstanding that all this work has already

been done and that a great deal more is contemplated, the member for Melville would have us believe that if £20,000 were made available to these aged people it would change their plight and they would become the envy of other old people throughout the world.

Mr. Toms: It would assist quite a lot.

Mr. GRAYDEN: I will continue to quote the statement made by the member for Melville, which is as follows:—

We could provide for their recreation and enjoyment, and their care and hospitalisation—

On what? On this £20,000, when sums far in excess of this amount have already been spent in almost every sector of our city!

Mr. Rowberry: Give us one instance!

Mr. GRAYDEN: If the member for Warren had accompanied a party of members of Parliament a few days ago, in company with the newly-elected member for the Suburban Province (The Hon. H. R. Robinson); he would have seen many new buildings erected in the Perth Road Board area and he would have been extremely impressed. If he doubts what I say I suggest that he contact Mr. Robinson who will undoubtedly arrange for him to inspect these places.

Mr. Toms: That is only one suburb you are selecting.

Mr. GRAYDEN: The Perth Road Board covers several suburbs, as the member for Bayswater well knows. Reiterating the statement by the member for Melville—

We could provide for their recreation and enjoyment, and their care and hospitalisation—

All on this sum of £20,000! The member for Melville then went on to say—

This source of income would not be a worry to the Government but it would enable these people really to get busy in the attainment of the object which they have set out to reach. I repeat: It would commence a new era for this section of the community, and I can think of nothing better for this State at a time when visitors are coming here for the Empire Games, than for us to advertise what we are prepared to do for our citizens. It would become widely known throughout the world as a deliberate attempt on the part of the community to shoulder the responsibility and to do in a magnificent way a worth-while job:

I would be amazed if overseas visitors coming to Perth were agreeably surprised if the Government of this State suddenly made available £20,000 from the funds of the Totalisator Agency Board, when it is already responsible for the expenditure of large sums of money annually in this direction. In fact, I think their reaction would be to the contrary, especially when they

discovered the money was derived from such a source and is supposed to be a magnificent contribution to the welfare of the old people of Western Australia.

Mr. Oldfield: Don't you think that Mr. Cleaver would like £20,000 to spend on his Swan Cottage Homes?

Mr. GRAYDEN: The member for Melville continued his remarks as follows:—

no fiddling about with it; no token help, but substantial assistance in a way never before possible. What an example and encouragement for others to do likewise!

One has only to analyse those statements extracted from the speech made by the member for Melville when he introduced his Bill to realise their insincerity. It is patently obvious what the member for Melville has done. We know he is the one man in this House who has consistently—over the months and, indeed, since the inception of the T.A.B.—opposed, more so than any other member, the activities of the Totalisator Agency Board. He has peered into every chink of the armour of the T.A.B. searching for a loop-hole by which he can destroy it.

Mr. Rowberry: And he will find plenty, too.

Mr. GRAYDEN: He has not been very successful, as this Bill will indicate. After searching in vain to find a chink in the armour of the T.A.B. he then says, "If I cannot destroy it I will try to spend some of the surplus money of the T.A.B." What an admission by the member for Melville that this body has proved it has been successful in its activities!

Repeatedly last year he prophesied the T.A.B. would never be a financial success. He said it would involve the State in huge losses. Now it has been discovered that this body has a small surplus the member for Melville says, "We are going to spend that money." When we take into consideration that he is the one member who has continued to oppose the T.A.B., and when we realise the insincerity of the statements he has made—including those I have already quoted—we can appreciate how despicable it is for the member for Melville to introduce a Bill of this kind—a measure aimed at the old people of Western Australia.

For that reason I oppose the Bill and I repeat that if this money were made available it should be handed to the Lotteries Commission for distribution among many worth-while charitable organisations.

MR. DAVIES (Victoria Park) [5.28 p.m.]: I would probably be the least qualified in this House to talk on racing matters. My association with the T.A.B. has consisted of only one or two visits to agencies on odd occasions to find out what attraction they have for punters. I believe this

is a matter that does require the attention of the House because of the ultimate good it can do.

After listening to the speech of the member for South Perth, I feel it was remarkable in two ways: firstly, for the number of times he used the word "despicable"; and, secondly, because he did not advance any alternative to this proposal or attempt to move an amendment to support his suggestion or argument that it would be a good thing if this money went to the Lotteries Commission for distribution among worth-while charitable bodies.

He was at liberty to move accordingly; and, on the strength of his argument he might have won some votes from this side of the House. I would like to see this money go to charity, particularly the Old People's Welfare Council, which has been mentioned. It would at least enable that council to do some good among the very many community charitable organisations in Western Australia.

Members will recall that when we were dealing with the Estimates the other evening, of all the money that has been made available to various charitable organisations, only £4,500 was listed as maintenance grants for the social centres for the aged. That is a very small amount when the number of centres and the number of people who use them from time to time are taken into consideration. To my mind the unclaimed money does not belong to the T.A.B.

Unfortunately, I could not hear all the Minister said in his contribution to the debate because of the noise going on in the Chamber, although I stood in several parts of the House I could not follow clearly the figures he gave. Morally this money belongs to the public of Western Australia, particularly to those who made the bets. I did hear the Minister make a comment about the number of bets unclaimed and the action which can be taken to recover the unclaimed money. He said there was some difficulty experienced in tracing the numbers on the tickets. I understood him to mean that if the numbers could be supplied there was a chance for a punter to get the money back. However, he said earlier that no totalisator in the world pays out on a ticket which cannot be produced. If he would like an instance where such necessary information has been supplied to the T.A.B. in this State I would be only too pleased to give it to him.

On the 27th September last some bets were made at agency No. 39A of 926 Albany Highway, Victoria Park. Three horses were coupled in three different ways in quinellas, and the tickets concerned were Nos. 5206, 5207, and 5208. Unfortunately the wrong tickets were discarded by the punter, possibly because of the difficulty in

deciphering the hieroglyphics stamped on the tickets. One would need to be something of a Rhodes scholar to interpret them. The ticket that was retained was not the winning ticket. This winning quinella paid a dividend of £7 12s. When the error was discovered the punter was not very pleased.

However, the manager of the agency was most co-operative because he knew the number of the winning ticket and that the bet had not been collected, and he could remember the bet being placed, because three bets were placed at one time coupling three horses in three different ways. The manager was good enough to furnish a statement indicating that the bet had been placed and that no winning ticket had been presented. The punter concerned also made a statement as to what happened, and I understand that was in the form of a statutory declaration.

All that information was submitted to the T.A.B. The bet was placed on the 27th September, and the case was forwarded to the board almost immediately. The reply received from the board was dated the 4th October, less than a week after the race in question. The following is the letter received by the punter from the board:—

I acknowledge receipt of your claim and advise that it is not possible for the Board to recognise any claim in regard to payment of lost or destroyed tickets.

Regulation 19 (2) (a) covering this matter reads as follows:—

A dividend or refund in respect of a bet in cash made with the Board shall be paid only upon the presentation and surrender, at the totalisator agency where it was issued, of the totalisator ticket issued by the Board for that bet.

Whilst the Board has no desire to profit through patrons losing or destroying tickets, it is bound by its regulation and cannot pay unless the original ticket is presented for payment. As far as known, all totalisators throughout the world follow the same rule.

It is regretted, therefore, that the claim cannot be considered unless the ticket is produced.

If that were a typewritten letter one would feel the matter had been given some consideration by the board, but it is a roneoed letter, and no doubt it is churned out by the hundreds.

Mr. Craig: That substantiates the point I made that the board receives a large number of such claims.

Mr. DAVIES: It appears no consideration of the case was given by the board. I understood the Minister to say that where

the numbers of the tickets were supplied the matter would be given some consideration.

Mr. Craig: I did not say that at all. Members opposite said that.

Mr. DAVIES: That was the construction I placed on the remarks made by the Minister. I could not hear him clearly.

Mr. Craig: I can just hear you.

Mr. DAVIES: One can imagine a working man, who lost that amount of £7 12s. and was not able to get back even his stake, being a little annoyed. I suggested to the punter that the money was going to the T.A.B., and the bulk of it would probably find its way to the racing clubs. Because of the procedure observed in this House I am prevented from repeating the comment made by this man. He was anything but happy in being informed that the racing clubs would benefit from his misfortune. Apparently, as the Minister said, hundreds of these claims are submitted to the board; therefore hundreds of pounds must be going into the T.A.B. every week as unclaimed money.

Mr. Craig: The amount runs into anything up to £20,000 a year.

Mr. DAVIES: That is a fair amount. I do not think that all the unclaimed dividends would be as large as this one. Personally I feel—and this punter also indicated to me—it would be a wonderful idea for some worthy cause rather than the racing clubs, to benefit from the misfortune of this man. It is a paradox that most punters have not very much time for racing clubs, and they consider the clubs to be fairly well off with money, so there is no need for them to get more than they are getting. Driving past the Ascot racecourse it will be apparent to anyone that the Turf Club is in a fairly good financial position.

Mr. Craig: It was not before the T.A.B. was established.

Mr. Oldfield: Rubbish!

Mr. DAVIES: From reports appearing in the Press, and from observation of the racecourses, apparently extensive alterations and improvements are being carried out to the Belmont and the Ascot courses. Looking from the corridor of this House towards Belmont one can see a gleaming red roof. That is the roof of the Ascot grandstand which has just been repainted, ready for the opening of the new season. Apparently from what one reads in the newspapers a considerable amount of money has been spent on improvements to that course. No doubt the Turf Club believes it will attract more patrons to the course. That being the case, there is less reason for the racing clubs to be given the bulk of the unclaimed money—money which does not morally belong to them.

The point was raised by the previous speaker that the Old People's Welfare Council has been singled out for assistance. I want to point out that on page 26 of today's *Daily News* there is an interesting article headed "What are we doing for our aged?" It goes on to reveal that one-ninth of the population of Western Australia is more than 60 years old. More than 68,500 of the people of this State are of pensionable age; that is, women of more than 60 years, and men of more than 65 years of age. Surely this must be the biggest single group of people in the community; but not all of them require assistance. No doubt some of them have been able to save something for their old age.

Further on in that newspaper article, it is revealed that half of the old people could do with some aid. The main significance in the article is the statement made by the chairman of the Old People's Welfare Council to the effect that old people must be educated to dispose of their homes and go into community cottage flats. That is easier to say than to do. Many old people have not a home to dispose of, and to go into one of these flats requires a considerable outlay—in some cases £800. If all old people had that kind of money they would be in a fairly sound position and would not desire to go into community flats. We have to consider and give our attention to old people who are in need of suitable accommodation, where they can receive medical treatment and assistance, and where meals are provided to those who are unable to prepare their own.

There are a number of these old people's settlements in the metropolitan area. The newspaper article I referred to mentions that in the past two years four new centres—at Scarborough, Hammersley, South Perth, and Claremont—were opened. The article gives credit to the Department of Public Health for its assistance in establishing those centres. Apart from that department, various local authorities, as well as the Lotteries Commission, have assisted in this direction. We should not forget the great community effort made by the people in the districts where those centres have been established.

The newest of the centres—the Stirling Highway Social Centre for Senior Citizens—was opened at the end of July. On any day of the week 70 senior citizens attend there. I do not have to refer to that centre, however, because there is a very good one in Victoria Park, situated at 5 Mackie Street. It was one of the earlier centres established in this State, and it set the pattern for some of the others. Although it has been in existence for a number of years the Victoria Park centre is not out of debt. It cannot obtain additional financial assistance from the Government, and it is run on a shoestring budget.

It is a wonderful centre to serve the old people in the electorate. In a month it serves between 500 and 600 meals, and double that number of afternoon teas. The charges are very nominal, and if they were to be increased the old people would not come along. The centre provides television, cards, recreation amenities, social afternoons, picnic outings, and all the things which go with a centre of this type. It is doing a wonderful job, but it cannot hope to get out of debt for many years to come.

The centre is being run on a very tight budget, and the people helping to run it are also doing other worth-while community work and cannot devote the whole of their activities to the centre. It is a strange fact that people in the community who are prepared to work for the good of the community usually find themselves being appointed to all kinds of committees. In the case I am referring to, the same thing has happened; and the people who are assisting to raise money for the centre also have to raise money for other worthy groups—such as the parents and citizens' association—within the electorate.

If the Old People's Welfare Council had a sum of £20,000 a year allocated to it, although that amount would not be very much when divided among the 60,000-odd old people in this State, because it would be only 6s. 8d. per head, the money would be very helpful. However, that analogy of so much per head is absolutely absurd. The honourable member who spoke along those lines earlier should realise that as it has been proposed in the Bill to allocate the money to a committee which can do most good with it, it will not be divided in the way he suggested. It will be used in centres where the old people can obtain and enjoy the amenities provided.

If the Old People's Welfare Council were given £20,000 a year I am quite certain it would be extremely delighted. That body would be able to assist the old people's centre in Victoria Park, where a few thousand pounds would help to wipe off the debt. That centre would then be free of worry, and those working to raise money to run it would be able to devote their time to other worthy activities. That is the best and fairest way in which the money could be spent. I close on this note: I do not think the T.A.B. has any moral right to the money in question, and it ought to be paid over to charity.

**MR. OLDFIELD** (Maylands) [5.45 p.m.]: It is quite obvious from the remarks of the Minister and also those of the member for South Perth how little they have studied this problem. The member for South Perth held forth in his usual manner and said that he thought there would be merit in the argument put forward by the Deputy Leader of the Opposition if the money went to the Lotteries Commission



for distribution amongst various charities. As the member for Victoria Park pointed out, it would be quite in order for the member for South Perth to support the second reading; and then, in Committee, to move an amendment. If such an amendment were submitted it would no doubt be given every consideration and possibly a lot of support.

I would ask the member for South Perth what Mr. Richard Cleaver—a Federal member and one who is very close to him and is interested in providing homes for the aged—would do if he was suddenly offered £20,000 or £30,000 a year.

Mr. O'Neil: This Bill does not propose to make this money available for that purpose.

Mr. OLDFIELD: I know that; but I am asking a hypothetical question as to what he would do. He would do the same as these other people. He would go to the Commonwealth Government and state that he had £20,000, whereupon the Commonwealth Government would make available a further £40,000. He might obtain a little more from the Lotteries Commission and would be able to build his amount up to, say, £60,000 or more a year. For that amount of money it would be possible to build 30 or more pensioner flats a year similar to those built in Maylands. That would be a very worthy cause.

As the amount is only about £15,000 to £20,000 a year—and it could possibly grow to £30,000—it would not be very much if distributed amongst all the charities. However, £20,000 a year ultimately would grow to £60,000 with Commonwealth assistance; and I cannot think of a better way of spending this money, which does not rightfully belong to these racing bodies. It has been retained because successful punters do not only lose their winnings but they lose their stakes if they have tickets torn in halves, as in such circumstances they are not able to claim.

Mr. Craig: It is not wrongfully taken from them.

Mr. OLDFIELD: It must be wrongfully taken; because if a punter inadvertently tears a ticket in half he is not paid, even if he presents the two halves. On the other hand if a person tears a pound note in half, and presents the two halves, it is accepted by the banks or anyone.

Mr. Craig: If you tear a totalisator ticket in half you can still present it.

Mr. OLDFIELD: That is how little the Minister knows!

Mr. Craig: Didn't you read in the paper that one of the English cricketers in Kalgoorlie was paid when he presented a torn ticket?

Mr. Jamieson: That was not to the T.A.B. totalisator. That was on the race-course.

Mr. OLDFIELD: That is always the way, because on the course the tickets are machine-issued. It just shows how little the Minister knows about his own T.A.B.

Mr. Craig: I know it is working very satisfactorily.

Mr. OLDFIELD: If a punter tears his ticket in half he is not allowed to collect his winnings or stake. The T.A.B. could overcome that situation by printing a number on the two halves so that if a ticket were torn in half and the punter were able to produce the two halves with the numbers tallying, he could be paid his money. But no! The T.A.B. does not do that, because it wants to retain this money which does not belong to it. That is typical of the attitude of the T.A.B. It wants to grab every shilling it can, whether fairly or unfairly.

The argument the T.A.B. offers as to why it will not pay out on a torn ticket is that a person could put two tickets together, tear them in half, and then take the bottom half of one and the top half of the other one and present the two halves as the winning ticket. To overcome that situation, a number could be printed on both top and bottom and then no-one could do anything like that.

For years the totalisator paid out if a ticket were torn into even eight or 10 pieces provided the pieces matched because an indelible stamp was used and the tickets were printed on special paper. In addition to that, a serial letter ran down both sides. If the pieces matched, the punter was paid. That happened always.

Mr. O'Neil: What does the totalisator do with unpaid dividends?

Mr. OLDFIELD: I always understood they reverted to the Government but I think they now go to the race clubs. I believe there was a time—prior to the era of off-course betting—when the money used to go into Consolidated Revenue. I think the member for East Melville would remember that if he thought for a while. When that situation changed, I do not know.

Reference was made in some of the speeches, and also by way of interjection, to the fact that racing bodies have only had prosperity since the T.A.B. was established. I would point out that that is not true. They were getting quite a lot of money under the old off-course S.P. betting system.

Mr. Craig: Not as much as now.

The SPEAKER (Mr. Hearman): That has nothing to do with this Bill, has it?

Mr. OLDFIELD: It has inasmuch as reference was made to the fact that clubs required this extra money in order to be able to conduct their affairs. I would like to point out that apart from the fact that these clubs do not need the money because they are affluent now, the money would

be much better utilised for the purpose suggested by the Deputy Leader of the Opposition.

Far from being poverty stricken, the racing bodies in Western Australia own more racecourses and trotting tracks than exist in any other capital city in Australia.

Mr. Craig: Do they hold as many meetings?

Mr. OLDFIELD: I would say "Yes"—in the metropolitan area. I have not gone into the details but I know that in the metropolitan area here, there are far more trotting grounds and racing tracks than in any other capital city in Australia, including the large metropolis of Sydney and that of Melbourne. Here, for instance, for racing we have the headquarters at Ascot, the course at Belmont, and the one at Helena Vale. For trotting we have the Richmond Raceway and Gloucester Park—and very fine racing and trotting tracks they are, too.

In Adelaide there are two racecourses but no trotting track. The trotting there is held at the showgrounds. In Melbourne, which is four times the size of Perth, there is not one trotting track, let alone two. There the trotting is held on the showgrounds.

Mr. Bovell: But Western Australia is the home of trotting.

Mr. OLDFIELD: They still race for larger stakes and get bigger crowds there. In Sydney—

The SPEAKER (Mr. Hearman): This has not much to do with the Bill.

Mr. OLDFIELD: The racing clubs and trotting clubs here are amongst the wealthiest in Australia. They must be if they can afford to keep far more trotting and racing tracks in use than are kept anywhere in any capital city of Australia.

For those reasons I say that the Bill was well thought out. The idea of putting this money to the use suggested by the Deputy Leader of the Opposition is meritorious. There is insufficient capital to distribute amongst all charitable bodies; but as it can be swollen on the two-to-one basis by the Commonwealth, we would be able to build a considerable number of pensioner cottages each and every year for the comfort of aged folk—far more than we are able to at the moment.

Mr. Craig: Is it the function of the board to provide houses for pensioners?

MR. HALL (Albany) [5.54 p.m.]: This Bill is very commendable and the member for Melville should be congratulated on its introduction.

The member for South Perth indicated that he believed the member for Melville had some sinister motive for introducing

this measure. I have here the annual report for 1961-62 of the Old People's Welfare Council of Western Australia. On the back of this report are listed the 53 organisations associated with this council. If the member for Melville is a villain, he is in company with other good villains, such as the Anglican Church, the Armadale Over 60 Club, the Australian Association of Occupational Therapists, the Australian Association of Social Workers (W.A. Branch), the Australian Red Cross Society, the Baptist Union of W.A., the Bassendean Road Board, the Belmont Park Shire Council, the Braille Society for the Blind of W.A. (Inc.), the Business and Professional Women's Club, the Catholic Church, and the Churches of Christ—just to name a few of them. I will not weary members by reading the whole 53.

The member for Melville realised that this money could be utilised very well. We all know that people lose their tickets and others inadvertently tear them up. I am sure many of us have seen others looking on the floor for their tickets. I myself lost a ticket once, although fortunately there was not a great amount involved. Some of the money has accumulated, of course, because people do not even bother to try to collect their winnings. The same situation occurs with regard to banks. How many accounts are never closed although never operated on? The same situation is occurring with regard to betting.

This money should be diverted towards the fulfilment of the better welfare of the State. No doubt the State and Commonwealth Governments are doing as much as is possible along these lines. The State Housing Commission is certainly endeavouring to help by drafting plans and allowing grants of land. However, very much more could be done to assist the aged people in this State; and, indeed, in the Commonwealth. This is one way in which that assistance could be granted.

We should pay a compliment to the *Daily News* for the article, "What are we doing for our aged?" which appears in today's issue. We do not very often pay compliments to the *Daily News* because mostly we feel it does not write things up as we feel they ought to be written up. However, the publication of that article is very appropriate today when this matter is under discussion.

I am not going to quote from the article because the member for Victoria Park has already ably done so. However, if the money were diverted from this fund, great assistance could be given to the aged people in this State. For instance, I recently asked the Minister for Electricity what assistance could be given to aged people who were occupying homes which did not have the charge for electricity included in their rent. His reply was virtually to the effect that there was nothing in the schedule which could be altered to

assist. What better way would there be to assist than to divert some of this money about which we are speaking in order to ease the situation of some of these pensioners who not only have to pay rent but also have to pay a certain amount for electricity.

Another way in which these old folk could be helped by the diversion of this money would be in regard to phones. This is especially necessary when these folk are not only old, but are also sick. In many cases the doctor concerned states that it would be desirable for his patient to have the phone installed. Of course, because of lack of money, the patient cannot do so. The Commonwealth authorities feel that they have done sufficient to help the aged—although I do not think so. They make no allowance for the use of telephones by aged people. This money could be used so that those people might have the telephone installed free, or possibly have their bills reduced. Those are two items—electricity and telephones—in connection with which some of the money could be used. Another use for the money would be to provide recreation centres for these folk. These days, lives are prolonged by the use of drugs. The member for Melville covered that matter very aptly.

We should ensure that these people are provided with some means of entertainment. I can think of no better way of using the money than providing recreation facilities at aged centres. These facilities could include bowling greens and croquet lawns, because such facilities are just as necessary as outdoor facilities for the young people and the not-so-young people who play football and other sports.

It is just as important to give folk recreation towards the end of their journey as it is to provide it for young people. Aged centres could be established where meals could be supplied, similar to the Meals-on-Wheels service. We should confine ourselves to keeping aged people on their feet, just as the health fraternity is keeping them alive. One way of doing that would be to provide them with recreation in association with sporting centres. I hope we will be able to implement something of that nature in Albany very shortly.

Aged people do not want charity. They are prepared to help themselves. In Albany the Pensioners' League is prepared to pay £500 for an old bowling club, the greens of which are in perfect condition, in order to establish a type of centre where aged people can have recreation at any time they wish; where they can rest; and where they can obtain a meal. What finer channel could be found through which to use these funds?

There is another field of opportunity in connection with people who are not so capable and are confined to hospitals. The Minister for Health pointed out that the costs involved at "C"-class hospitals

amount to between £9 to £14 a week. Most of the aged people prefer to remain in their own particular areas, but they cannot meet the financial encumbrance forced upon them in connection with "C"-class hospitals. This organisation could provide a subsidy which would ease the hospital costs for such people. Many members know of aged people who need to be cared for, and they want to see them remain in their own areas.

There is one project at Albany which, I believe, would be of advantage to the State. I refer to the establishment of cottages under a pensioners' cottage scheme to be called the May Holman Home; and its purpose is to provide convalescent facilities for aged people when they leave hospital. I think this is the only project of its kind, apart from the pensioners' cottage scheme at Esperance. Aged people will be able to convalesce there for a moderate payment, if not free of charge. A proportion of the funds could be channelled to that particular project, where aged people would be able to convalesce at moderate cost.

**MR. FLETCHER** (Fremantle) [6.3 p.m.] I wish to speak briefly to the motion moved by the member for Melville. I do not know why I bother to attempt to counter the arguments submitted by the member for South Perth. Like, I hope, others, I deplore the use of the word "despicable" and the reflection upon the integrity of our Deputy Leader. To try to imply improper motives is, I think, an unfortunate—I will not use the word "despicable"—attack by the member for South Perth. I suggest, Sir, that it was only because of your preoccupation with your duties that, I regret to say, you overlooked Standing Order 132, which reads as follows:—

No member shall digress from the subject matter of any Question under discussion; and all imputations of improper motives, and all personal reflections on members, shall be considered highly disorderly.

I refer to that Standing Order—

The **SPEAKER** (Mr. Hearman): I must point out that references to Standing Orders and points of order must be taken at the time.

**MR. FLETCHER:** Very good, Sir. I am not necessarily drawing your attention to this particular Standing Order, but the attention of the member for South Perth. I say he should not indulge in such an offence, in the manner in which he did, particularly against a member of the standing of the Deputy Leader of the Opposition; or, in fact, any member of this House. I deplore such bitter vitriolic attacks. Like the member for Victoria Park, I know little about the subject of betting; but I did notice that the Minister, when speaking, ignored the fact that the money is—morally at least—illegally retained.

The retention of this money, which does not belong to anybody except those who, unfortunately, lost the tickets which made that money possible, is, I declare, morally illegal.

I do, however, say that the Minister—and I commend him for it—did not do as the member for South Perth did and imply improper motives by members of the Opposition. He made his reply on a dignified level. I submit there is no hypocrisy on the part of the Labor Party; that it is a genuine attempt to help. I am sure that the bettors who lost those tickets would feel happier about the disposal of the money in the manner outlined by the Deputy Leader of the Opposition.

I make the assertion that the senior citizens of Fremantle would be very happy to receive a proportion, or a small allocation, of the £20,000 to £30,000; and I could put that allocation to immediate use on their behalf in their kitchen, in which tiles already need replacing and other amenities need to be provided.

The member for South Perth said: "Where would £20,000 or £30,000 go among them all?" So he suggests that nothing should be given. I think that is a very negative attitude; and I submit that all the member for South Perth is concerned about is the fact that Labor, in sponsoring this Bill, and supporting it, will get some credit to which its members are justly entitled, because the money, if the Bill were passed, would be used for such a laudable purpose.

In opposing the Bill the Government puts itself in a very bad light, and its attitude is small recompense to our senior citizens who have raised their families and paid their taxes over a lifetime and who now, in the evening of their lives, receive an inadequate pension. This money could well be used to assist those on inadequate pensions. These are the people who have helped the Australian economy to improve over the years, and throughout their working life, by contributions in work and money; and now their children are continuing to make a contribution towards the economy of Australia.

Whatever we did to assist those people would be well received; and if this Bill were passed it would be to the credit not only of the Opposition but also of the Government. Basically the position gets down to this: Who is to get the money—the horses or the pensioners? It is as simple as that. If the money is not to be used to help the aged people it will go back to the racing clubs.

Mr. Bovell: How much would each pensioner get if the money were distributed?

Mr. FLETCHER: I will deal with that. Even if the money assisted only one club, or one centre—

Mr. O'Connor: It would be about 6s. each.

Mr. FLETCHER: Even if it meant only one pack of cards for each centre.

Mr. Bovell: Is that a year?

Mr. O'Connor: Yes.

Mr. FLETCHER: The Minister is trying to sidetrack me. I repeat: Even if it would help only one social centre—

Mr. Bovell: I am seeking information.

Mr. FLETCHER:—wherever aged peoples' clubs or centres exist, finance from this course would be of some assistance, and would bring a lot of happiness to the people in those centres. As I said, even if it meant only a pack of cards for each centre it would be of some assistance because it would enable those people to play cards and engage in other social activities. For the honourable member to say that it would mean only 6s. a year each is ridiculous. I would say that £20,000 to £30,000 would go a long way towards making a lot of old people much happier than they are today.

Apparently the member for South Perth, and other members who have interjected, have nothing to suggest; but I think members on the Government side should join with us and pass this Bill because a lot of goodwill would be achieved by the distribution of £20,000 or £30,000. After all, the money does not belong to the Government, and it does not belong to the T.A.B. It is the people who have lost their tickets who have made the money available; and, in effect, by the passing of this Bill the Government would be giving nothing away. I ask members on the Government side to repudiate the attitude of the member for South Perth and join with us in supporting this measure.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [6.11 p.m.]: I am grateful to all members who participated in the debate, no matter what they said, because at least it gave me an indication of what they thought and what their attitude was to the proposal. I regret there were not more speakers from the Government side, even though they might all have been opposed to me. It is clear that the Government made a decision on this question and decided that it was to be a party matter. That is very regrettable, because the proposal is not a party one.

It is not a proposal to take any money from the Government. If it were agreed to it would not cost the Government 1s. As a matter of fact, similar money in Victoria goes to Consolidated Revenue because the T.A.B. Act in that State provides that unclaimed money shall not be distributed to anybody, but shall be paid into Consolidated Revenue.

I am amused at some of the suggestions that £20,000 odd would not be much good. The Minister for Lands said, "How much

would each get from the £20,000?" I ask a similar question with regard to this matter: The Government intends to give the Boy Scouts Association this year the sum of £1,250. How much is each boy scout going to get? The Government gives the Braille Society for the Blind £1,250 a year. How much is each blind person going to get? It gives the Children's Protection Society £200. How much is each child in that society going to get from that £200? It gave the Civilian Maimed and Limbless Association £2,000 last year, and this year the estimate is £1,000. How much is each individual in that association going to get? Is it an argument that we should cut it out altogether because each person will not get much?

Mr. Bovell: The member for Fremantle indicated that their pensions should be supplemented, and that is why I asked the question.

Mr. TONKIN: Surely we do not consider the granting of subsidies on the basis of how much it means to each person! If we did, not one of these subsidies would be granted, for the simple reason that on that form of argument nobody would get very much out of it. So one could go on. There is a sum of £300 for the Goldfields Fresh Air League, and £500 for the Girl Guides Association. How much would each girl guide get out of that? Who would reasonably suggest that these amounts, made available by the Treasury, are not welcomed by the associations that get them, and that the associations are not grateful for this financial assistance?

Take the Surf Life Saving Association. It is granted the magnificent sum of £2,000 for its activities. How far does that go if one computes it on the basis of the number of people involved in the activity? Why, to use an argument of that type is puerile!

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. TONKIN: Before the tea suspension I was giving some illustrations in rebuttal of one of the legitimate arguments which were advanced by those opposed to the Bill. I propose to complete my illustrations along those lines and then to deal with the only other legitimate argument. I say "legitimate argument" because there was the third argument advanced by the member for South Perth which was outside the scope of the Standing Orders.

I was aware of this the whole time the honourable member was speaking because almost from the commencement of his speech he was breaking Standing Order No. 132, to which the member for Fremantle drew attention. He ought to have known it was out of order to impute to a member of this House improper motives. I refrained from drawing your attention to it, Sir, because I did not think it was worth worrying about in view of the source from which the statement came.

When he speaks, apparently the honourable member does so with one objective in mind—namely, if one slings enough mud some of it is bound to stick; and I suppose it will. That is unfortunate for the individual at whom the mud is slung, and as a good deal of it is slung at me I have just to put up with it. Nevertheless, as members know, such action is outside the Standing Orders and is similar to hitting one below the belt when one is in the ring. If the honourable member wants to continue to hit below the belt—

#### *Point of Order*

Mr. GRAYDEN: On a point of order, Mr. Speaker, I object to the statement made by the member for Melville and I ask for it to be withdrawn.

The SPEAKER (Mr. Hearman): Which particular statement do you object to?

Mr. GRAYDEN: The statement that I hit below the belt.

The SPEAKER (Mr. Hearman): In view of the fact that the honourable member did say some very hard things about the member for Melville, I think he ought to be prepared to expect that he will say something in return. It is true that the honourable member breached the Standing Orders and I could have taken action to prevent his making such statements, but I allowed him to continue. Therefore, I think he must expect something to be said in return. I cannot see how the statement that the honourable member is hitting below the belt is any worse than his saying that the member for Melville's action is despicable.

#### *Debate Resumed on Motion*

Mr. TONKIN: That disposes of one of the arguments, and as there were only three, that leaves two remaining. One of them was that if £20,000 were given to the old people, how much would that be each? The honourable member then added that that was an argument against giving the money to the old people. I was proceeding to show that many organisations receive far less from the Government, but the Government does not withhold the assistance because it does not mean very much to each person. In the Estimates an amount of £4,500 is made available this year for maintenance grants for social centres for the aged. That is a direct grant from the Government. If we again pose the question, "How much is that each?", we say it is not worth having.

The proposal to give from £20,000 to £25,000—and I believe it would reach £25,000 a year before very long—is an attempt to give to the old people about half as much as the Government gives to the Kindergarten Union. One realises quite readily that many children have to be catered for by the Kindergarten Union; that the salaries of the teachers have to be paid; that substantial buildings have

to be erected; and that, in fact, it is an educational system. The grant to the Kindergarten Union by the Government last year amounted to £43,500. The proposal in this Bill would give to the Old People's Welfare Council a sum which would be approximately half that amount and would enable that organisation to do far more than the Kindergarten Union is able to do with the amount advanced to it. So it is a very weak argument to fall back on to say that this Bill, which aims at giving from £20,000 to £25,000 a year regular income to the Old People's Welfare Council, should be defeated on the ground that if one works that out on a *per capita* basis it does not amount to very much for each individual.

I do not think we should waste any more time on that argument, because it is no argument at all. That leaves only one other argument; namely, that the racing clubs cannot afford to lose the money. The Minister was at some pains to show that the expectations of the Totalisator Agency Board were not realised. I find that difficult to follow because from my reading of statements in the Press the impression is gained that it has done far better than anticipated.

Mr. Craig: They are supposed to be the figures for the past 12 months.

Mr. TONKIN: Everything I have read in the Press shows that it has done particularly well.

Mr. Craig: That is quite so. I tried to explain that one has to take into consideration that there has been reduced turnover tax, increased overheads, and so on.

Mr. TONKIN: There has been no reduced turnover tax. It is still the same, and the investment tax is still the same; and the Minister overlooks the fact that last year the turnover of the Totalisator Agency Board amounted to £7,300,000, and it has already prophesied that its turnover for this financial year will be over £10,000,000.

Mr. Craig: Quite correct.

Mr. TONKIN: From a turnover of £7,300,000 it was able to make available to the racing clubs the sum of £223,747, which the Government supplemented with a direct subsidy from Consolidated Revenue to the extent of another £51,436 in the first five months of the last financial year; that is, for five months only. So that last year the racing clubs in Western Australia received from the Totalisator Agency Board, and from the Government by way of direct subsidy, no less a sum than £275,183.

If they are struggling to make ends meet, I am sorry for them. I would point out, however, that there are a number of organisations in a far worse position. The

Old People's Welfare Council has a part-time secretary, because it cannot afford to pay for a full-time secretary. But there is no part-time secretary at the racing club.

It was suggested it was wrong to propose that some £20,000 should go to the Old People's Welfare Council; the question was asked as to why we should not distribute that amount amongst a number of charities. That argument was used by the very person who said, "How much each will they get from £20,000?" Of course, if we start to break up £20,000 amongst numerous organisations not one of them will get any substantial benefit.

The very purpose of this Bill is to do something worth while for one organisation—a very worthy organisation; namely, to give it an assured income which would permit it to engage a full-time secretary for the co-ordination of the work of the other worthy organisations like Meals-on-Wheels, housewives' organisations, and so on, so that all of them could be encouraged to expand their activities, making the advantages to the old people manifold.

That was the purpose of the very substantial annual income which would have been assured to those people under this Bill. I am told that some 55,000 old people could in some way or other derive tremendous benefit if this income were assured to the Old People's Welfare Council. Of course it is beyond my capacity to prove that the loss of from £20,000 to £25,000 a year to the racing and trotting clubs will be as great a disadvantage to them, as the gain of this money would be an advantage to the Old People's Welfare Council.

I do not know how I can prove that; but I do have a very strong opinion about it—a very strong opinion. I believe the acquisition of an annual income of from £20,000 to £25,000 a year would be of immeasurably greater benefit to the old people, than the loss would be grievous to the racing clubs; because on present indications the racing clubs can expect at least £300,000 a year from the T.A.B.

Suppose they only get £280,000 a year because of our proposal to give £20,000 to the old people. Are they going to suffer such a grievous disadvantage because of that; a disadvantage which would justify us in withholding this money from the old people? If that is the view of the members of the Government they are entitled to it; but I cannot share such a view. It would appear that this great concern for the racing industry must not be jeopardised in any way. The old people must not get any advantage lest it hamper the racing clubs. That is the argument of members on that side of the House. They say the T.A.B.'s operations did not come up to expectation, so we cannot afford to take this £20,000 from the racing clubs

and give it to the old people. They say we cannot afford it. That is the argument they put forward on that side—and it is the only argument in addition to the one about how much each of them would get.

So there is no argument left really. The Minister did attempt to show some inconsistency on my part—though what that had to do with the merits of the proposition, I do not know—and said I alleged that the Totalisator Agency Board was really a bookmaker, and therefore it should not claim the same operations as a tote and withhold money on the presentation of torn tickets.

I did say the Totalisator Agency Board was operating as a bookmaker; and I still say it. I will tell the Minister something which possibly he does not know. It is also the opinion of a prominent member of the board. Does the Minister know that recently when the Royal Commissioner came over from New South Wales, one of the very influential members of the board asked specially for an opportunity to make a statement? He told the Royal Commissioner he was opposed to what the board was doing, because it was acting as a bookmaker and gambling with the bettors' money. If the Minister wants the member's name, I shall tell it to him. I have read the evidence. I had it here while I was in my seat last night. There we have a member of the Totalisator Agency Board itself giving evidence to the Royal Commissioner, that the board is operating as a bookmaker and gambling with the bettors' money.

Mr. Craig: But he is only one member of the board.

Mr. TONKIN: I know; but he is an influential member of the board.

Mr. Craig: He can express his views if he wishes.

Mr. TONKIN: Of course he can!

Mr. Craig: But that does not mean the board agrees with him.

Mr. TONKIN: I merely quote that to show that I am in good company when I say the Totalisator Agency Board is operating as a bookmaker. I am not alone; I am not like a shag on a rock!

Mr. Craig: What has this to do with the Bill?

Mr. TONKIN: I am only referring to it because the Minister introduced it. It is of no use the Minister saying, "What has this to do with the Bill?" When speaking to the measure the Minister introduced the topic, and I am entitled in my reply to meet that argument. I am merely pointing out that in my view—which is well supported—the Totalisator Agency Board is operating as a bookmaker; and therefore it should do as the bookmakers do, and not what the totes do. That is the

point. The bookmakers have to pay on torn and lost tickets. If the Minister goes to the races—

Mr. Craig: Which I do not.

Mr. TONKIN: I understood the Minister went to the races recently and got some kindling of a desire to go again; so he may possibly do so. If he does go to the races, and he happens to bet with a bookmaker, and in his excitement destroys his ticket—as some cricketer did recently according to the newspaper; but he was able to find his torn tickets later he would get paid on them, which he could not have done had he bet off the course—the Turf Club would insist, if the ticket was on a winner, that after a period of time the Minister be paid. That is what occurs in connection with bookmakers. As the T.A.B. is in that category, and not in the category of a totalisator, it should be obliged to do as bookmakers do and pay out the money.

The fact of the matter is that the £20,000 a year which falls into the lap of the T.A.B. does not really belong to it or to the racing clubs; it is money which the board is well aware it has lost. Its records show that the money has been lost. The only difference is that the T.A.B. does not admit the claims which are lodged for the unclaimed money, for various reasons; but it knows that the winning tickets have been issued against the money, therefore the money does not belong to it.

In ordinary commerce if people have unclaimed money, such as trustees and the like, they are not allowed to retain the money and call it their own; they have to make a return of the money to the Government. That is the practice all over the world, and the money has to be paid into Consolidated Revenue. The people concerned are not allowed to regard the money as a windfall and stick to it. Why should there be a different code in connection with money which everybody knows does not belong to the T.A.B.?

In cases where undoubted proof can be advanced that the money belongs to the person who is claiming it, I can see no valid argument for the board to refrain from paying out; but the board does refuse to pay. I am saying that under those circumstances it is not right the board should be allowed to pass such money over to the racing clubs. What right have the racing clubs to it? It is not ordinary revenue in the sense of the money being revenue. This Government is not interested in it, as the Government of Victoria is, because the money that is unclaimed in Victoria has to be paid into Consolidated Revenue.

Mr. O'Neil: What happens to unclaimed bets made with bookmakers on the course?

Mr. TONKIN: The bookmaker on the course keeps a book in which are recorded credit and cash bets. Obviously the credit bettor is in no risk of losing, because he has no ticket to lose. He is in a much

more advantageous position than the cash bettor who is issued with a ticket by the bookmaker. There is nothing else in the book to identify a cash bet, except that bookmakers have very good memories.

I have often come across instances on the course of a bettor complaining to a bookmaker that he had lost his ticket. In most cases the bookmaker says straight out, "I can remember you having such a bet." The bookmaker can mostly describe the bet from memory. The bookmaker in those cases will say, "If nobody presents that ticket you can come along later and I will pay you." Frequently the bookmakers do pay. There is a stipulated time specified by the racing clubs in regard to the payment of unclaimed bets. If a bet is claimed by a stipulated time the bookmaker is able, under the rules of the club, to pay out.

Mr. O'Neil: What happens if no claim is made?

Mr. TONKIN: In that event the bookmaker keeps the money.

Mr. Craig: That is what I say should operate in respect of the T.A.B.

Mr. TONKIN: The T.A.B. goes further. It does not pay even if a claim is made and there is no doubt about the genuineness of the claim. The T.A.B. does not pay under the circumstances in which bookmakers pay. The case mentioned by the member for Victoria Park was a good one. There was an example of a bettor who had three tickets in sequence. The clerk in the agency remembered the bettor making the bets. The bettor destroyed the wrong tickets in the sequence, and he was unable to obtain payment. The T.A.B. knew that no-one else had claimed the money, and it was assured by one of its own operatives that the bettor had made the bet, but it still refused to pay. That is the difference between a totalisator and a bookmaker. I am complaining of that very thing: the T.A.B. is not a totalisator but a bookmaker, and therefore it should be obliged to do as bookmakers do. However, it does not. It has a regulation to legalise what it does and the money is retained in its funds.

As the board is not morally entitled to the money—it is legally entitled to it by virtue of the regulation—it should not pay the money over to the racing clubs. It should be used by way of a donation to the old people of the State, from the bettors who have lost their tickets, because the chances are that later on these very punters will benefit indirectly from the fact that they were unable to collect their money. They will receive the benefits bestowed by the Old People's Welfare Council.

I think that is a highly proper method for using the unclaimed money. It would be some measure of compensation to the punters in later years for what they were

deprived of earlier. To give the money to the racing clubs for the purposes to which they put the money is hard to justify in view of the very substantial sums which they are receiving and which, under present circumstances, they will continue to receive.

Finally the question comes to this: Is it more desirable for this unclaimed money, under the circumstances which I have outlined, to be given to the racing clubs to enable them to erect additional buildings for the use of their patrons, or to paint existing buildings and otherwise improve the amenities for the dwindling number of racegoers; or is it more proper to utilise the money to enable services such as Meals-on-Wheels, the Housewives' Association, and others which operate under the Old People's Welfare Council to be considerably expanded? There is no doubt in my mind as to which is preferable.

If Parliament is not prepared to take the step which I am recommending it should take, then it will be to the shame of Parliament. I was present at the opening of the Old People's week this afternoon, and I heard the Minister for Health make what I thought was a very good speech, in which he told the old people not to think they were growing old, but to adopt the right attitude to old age and to get as much enjoyment out of life as possible. He said it was a good thing—and I agree with him—that because of the advances of science and medicine people were remaining alive for a longer span than they did formerly. I gathered from the Minister's speech that as he was a vice-patron of this organisation which he was addressing he most certainly would be in favour of this proposal to guarantee to this organisation the required income of £20,000 per year. But apparently that is not to be.

He will say one thing in one place, say nothing in another, but vote in the opposite direction from that which his speech indicated he would be likely to go. That conduct is hard to justify. Of course, there may be reasons. It has to be remembered that the persons connected with this organisation are the leading persons in Western Australia in various fields of activity.

This is not an organisation which is peculiar to Western Australia alone. There are branches in the other States; and they are affiliated with the Old People's Welfare Council of Australia, the patron of which is His Excellency the Governor-General (The Right Hon. Viscount de Lisle). Affiliated with that Australia-wide organisation are the Old People's Welfare Councils of Victoria, of New South Wales, of Queensland, of South Australia, and of Western Australia; and the patron, office bearers, and executive committee for 1961-62 of the



Western Australian organisation are His Excellency the Governor (Sir Charles Gairdner), Patron; Vice Patrons, The Right Hon. The Lord Mayor of Perth, and The Minister for Health (The Hon. Ross Hutchinson). The Chairman is Dr. Harper; the Hon. Treasurer is Mr. Wesley Moore; and there is a fairly long executive of very worthy persons.

Those people are voluntarily giving their time in the interests of the old people of Western Australia because they believe that somebody should do something for them; and they are trying to do that with a completely inadequate income. If we are honest with ourselves and believe this is worth-while work which should be encouraged and expanded in the knowledge that the number of persons to be administered to will increase, then here is our opportunity without hurt to anybody. That is the point: without hurt to anybody. It is an opportunity to give substantial assistance which will enable these people to do a worth-while job.

Are we to say, "No"? If we are, for what reasons? Surely not the reasons advanced already: that it does not mean much per head and that the racing clubs cannot afford it—and there has not been another reason advanced. Not a single other reason has been put forward from that side except those I have already mentioned. If the case against this Bill is to rest on those reasons, it is a pretty weak case and shows that there must be some hidden reason which members of the Government are not prepared to bring out into the light of day. If that is so it is a shocking state of affairs.

Mr. Craig: That is not so.

Mr. TONKIN: If there are other reasons, why did we not hear them? I listened carefully to every word that was uttered to see what arguments could possibly be advanced against the proposal; and, as I have already said—and it cannot successfully be refuted—there were only two legitimate arguments, and I have dealt with both of them to show there is very little substance in either.

If the Government's case rests on them, it is one of the weakest cases I have ever heard. So whatever the outcome of the decision of the Assembly, if it goes against the proposal I say it would be hard for this Parliament to justify such action. I for one would not want to carry the shame of it. If this were a proposal to take from somebody else more worthy, then I could understand some opposition to it, but it is not such a proposal at all. Nor does it propose—because it simply could not, coming from a private member—to impose upon the Government an obligation to make a payment out of Consolidated Revenue. So it cannot be opposed on that ground.

If it is opposed at all, it is only opposed because the members of the Government want to oppose it and not because they can find any justifiable reason for so doing.

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

#### Ayes—21

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. D. G. May
Mr. Curran	Mr. Moir
Mr. Davies	Mr. Norton
Mr. Evans	Mr. Oldfield
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Sewell
Mr. Hall	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. H. May
Mr. Jamieson	

(Teller.)

#### Noes—21

Mr. Bovell	Mr. I. W. Manning
Mr. Cornell	Mr. W. A. Manning
Mr. Court	Mr. Mitchell
Mr. Crommelin	Mr. Nalder
Mr. Dunn	Mr. Nimmo
Mr. Gayfer	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Guthrie	Mr. Wild
Mr. Hart	Mr. Williams
Mr. Henn	Mr. O'Neill
Mr. Lewis	

(Teller.)

#### Pairs

Ayes	Noes
Mr. Rowberry	Mr. Burt
Mr. Heal	Mr. Hutchinson
Mr. Hawke	Mr. Brand

The SPEAKER (Mr. Hearman): The voting being equal, I give my casting vote with the Noes.

Question thus negatived.

Bill defeated.

## DEATH PENALTY ABOLITION BILL

### Second Reading

MR. GRAHAM (Balcatta) [8.12 p.m.]: I move—

That the Bill be now read a second time.

This Bill is a compromise. It differs in the final clause from the Bill I introduced on the last occasion when I embarked on a move to abolish the death penalty in Western Australia. This Bill seeks to have a trial period of five years from the 1st July, 1963, during which time no sentence of punishment of death shall be pronounced, recorded, or inflicted.

It is two years since last I introduced legislation seeking the objective, but on a permanent basis. Earlier, in 1941, the then member for Subiaco, Mrs.—later Dame—Florence Cardell-Oliver, introduced a Bill for a similar purpose, and earlier again, in 1927, Mr. Harry Mann, then member for Perth, introduced similar legislation which, incidentally in that instance, was passed by the Legislative Assembly, but for some unaccountable reason was defeated by one vote on the first reading when it reached the Legislative Council.

Mr. Mann and Dame Florence Cardell-Oliver were, of course, members of what is now known as the Liberal Party, in earlier times being under different names. I emphasise that point in order to illustrate that there is not necessarily a party complexion in regard to outlook in connection with this matter. I feel that this Bill warrants the support of the majority of members. It should certainly receive the support of those members who are opposed to capital punishment.

The measure provides a trial period of five years after which the law, if in fact it became law, would cease to have effect. Those who are opposed to the abolition of capital punishment because they feel that the death sentence is a deterrent—without any evidence whatever but merely because of something they have heard or imagined over the years—will be given an opportunity to prove their theory and to establish how wrong is the sponsor and the supporters of this measure.

The test has been made in many parts of the world; and here, I repeat, would be an opportunity for a trial to be undertaken in our own State. I want to make the point clearly and firmly that this temporary period that I propose in the Bill is not to be construed in any way as being indicative of a weakening on my part. I am just as determined in my resolve today as ever I was that in any country which claims to be civilised the taking of human life deliberately by the State plays no part. I have the history and experience of every part of the world to support the contention that the rate of murder is not likely to increase with the abolition of the death penalty.

Perhaps at this stage I should quote from the report of the Royal Commission appointed by the Government of Great Britain, which inquired into matters pertaining to the death penalty. This commission made extensive inquiries the world over—the most exhaustive examination which has been made in the history of the world—and the labours of that commission extended from 1949 to 1953. On page 23 of that report is stated the following:—

The general conclusion which we have reached is that there is no clear evidence in any of the figures we have examined that the abolition of capital punishment has led to an increase in the homicide rate or that its reintroduction has led to a fall.

The great majority of those who were members of the commission were persons whose political sympathies are not in accord with my own. Their report was, I repeat, based on evidence gathered from every corner of the world and extending over generations of experience.

I trust that this Bill will be debated on as high a plane as a subject which is so serious, and, indeed, so sickening in certain aspects, would warrant. I make the

statement that there is no member of this Parliament who is bound by party platform or policy to vote against this measure; and I hope that even those who disagree in principle and who have some fears and some reservations will give an opportunity for us to see this principle experienced in Western Australia. Experience indicates—and I have the whole world to support me—that there will be nothing whatsoever to lose and very many things to gain.

Mr. Crommelin: They still have the death penalty in America.

Mr. GRAHAM: In certain parts.

Mr. Crommelin: In a great number of States.

Mr. GRAHAM: Which, of course, proves exactly nothing. I will deal more fully with the member for Claremont in a moment. I hope members will give me an opportunity of presenting my case; and I hope that every member who feels so disposed will avail himself of the opportunity of making his contribution in whatever form he desires. I am satisfied that, with the authority at my command, I will be able to answer more than satisfactorily any criticism there might be of the principle contained in my Bill.

I know that I am given to interjection not infrequently; but again, I make a plea, because of the subject with which this measure deals, that we, perchance, endeavour to be, shall I say, on a little better behaviour than is normally the case—and I include myself in that category.

Let me say here and now that it is not my intention in any way whatsoever to point the finger of scorn at, or to criticise the position of, any Government of Western Australia irrespective of political colour in connection with this matter.

Perhaps there is another preface to my general remarks. It is usually bandied about by the thoughtless that those who oppose capital punishment—hanging by the neck until the victim is dead—do so because they have some distorted type of mind which is sympathetic towards the wrongdoer and has little regard for the victim. That, of course, is palpably untrue. Those of us who are abolitionists—to use a term frequently used in Great Britain—have exactly the same feeling for the victim of a murder and for the relatives and friends of the unfortunate person. We have no undue sympathy—or, shall I say, no sympathy in very many cases—for the person who has perpetrated the offence. The difference in outlook is, of course, with respect to the form of punishment. We feel very deeply with regard to what the State and officialdom do; that they have scant respect for human life when they go through these various processes which we call the carrying out of an execution.

In bygone days, when the world was less educated and less civilised, there was scarcely any regard for human beings as such. Indeed, all the emphasis was on property and possessions. Human life was cheap; and we know that constituted authority not only took life, but it condoned and encouraged, and gave effect to, tortures in many different directions. But, surely, in this the 20th century we in Western Australia have progressed from those days.

With a view to making my remarks shorter than would otherwise be the case—and I am afraid my remarks are going to be somewhat lengthy in regard to this matter—I propose to quote from earlier discussions. First of all, I will quote from a speech given by Mrs. Cardell-Oliver when submitting her Bill in 1941. She was discussing the scant regard which was had for the sanctity of human life, and was speaking of a period a couple of centuries ago. This is what she said—

I believe there were some 200 counts at that time for which capital punishment could be inflicted: the felling of a tree, the stealing of a sheep, the robbing of a rabbit warren or stealing from a dwelling goods to the value of 5s. or upwards were crimes sufficient to incur the infliction of capital punishment. Even children were not immune. A boy of 13 was hanged for stealing a silk handkerchief and a child of nine was condemned to be hanged for stealing two pennyworth of paint from a broken shop window. When Sir Samuel Romilly endeavoured to abolish capital punishment for these trivial offences the then Solicitor-General said in no uncertain voice, that there would be no protection for the public.

That was not very long ago. I have a copy of the address given by Mr. Harry Mann who, in his remarks, said this—

At the end of the 18th century the criminal law was especially ferocious and indiscriminate regarding the application of capital punishment to all forms of crime. In fact, in 1800, upwards of 200 crimes were punishable by the application of capital punishment. Almost every crime in the calendar was punishable by death, even down to stealing, unless the article purloined was of less value than 1s.

Mr. Davy: If you scribbled your name on London Bridge in those days, you were liable to be hanged.

Mr. Mann: Yes.

Mr. Mann went on to say—

By 1819 the number of crimes punishable by death had been reduced to 180. There was an awakening of public feeling in England at the time,

and many prominent men took the lead regarding the question of capital punishment.

While this occurred from 100 to 200 years ago, all of us will shudder and shrink to think that persons so recently in our history should have been responsible for permitting and condoning the type of activity I have outlined; just as, I daresay, in another generation or two people will wonder how it was possible for us in Western Australia in the 1950's and the 1960's to go through this terrible business of carrying out executions.

I hope and trust that we have learned and developed since that time. I would like members—particularly the newer members—to appreciate there is nothing new or novel in this half-baked Bill of mine. I say "half-baked" because it is for a temporary period. I propose to quote from some of the remarks I made when introducing a similar Bill in 1960, but without the time limit. I said as follows:—

It may be of some interest to note what appeared in the *Australian Law Journal* of the 23rd June, 1960. I quote—

Today the death penalty survives in only four countries of Western Europe—Britain, the Irish Republic, France and Spain—and in practice it is invoked by increasing rarity both in the United States and in the States of the Commonwealth.

Returning to my own speech—

Apocryphos of that, the last execution carried out in Queensland was in the year 1913. The Government of Queensland abolished capital punishment in the year 1922. It is rather interesting, incidentally, to note that the rate of murders based on a per million of population basis has actually declined in Queensland since the last execution; that is to say, since the Government of the day—and indeed the Governments of the day—decided that there should be no further executions; and since the power to impose this penalty was removed by statute in the year 1922.

In New Zealand the date of the last execution was 1935. Capital punishment was abolished there in 1941; although, for reasons I am unable to ascertain, it was restored in 1950.

I went to the trouble of ascertaining the reasons which I need not outline here, but I quote a newspaper clipping which, no doubt, members saw published in *The West Australian* on the 13th October, 1961. It is headed, "N.Z. Votes to End Death Penalty," and is as follows:—

The New Zealand Parliament tonight voted to abolish the death penalty for murder.

In one of the most dramatic divisions in years, Attorney-General Ralph Hanan led nine Government rebels across the floor of the House to vote with the Labour Opposition.

By 41 voters to 30 they carried an amendment moved by the Government back-bencher Ernest Aderman to remove the death penalty for aggravated murder from the Crimes Bill now before Parliament.

To continue quoting from my remarks made in 1960—

In Belgium there have been no executions since the year 1863—save one, and that was during the 1914-18 war. In Denmark the last execution was in 1892; for 40 years they carried on, until 1933 when the death penalty was entirely abolished. In Italy, the last execution took place in 1876. The death penalty in that country was abolished in 1890; it was restored in 1931; and it was again abolished in 1944. In the Netherlands, the last execution was held in 1860. The death penalty was abolished in 1870 in that country.

In Norway, the last execution took place in 1876, and capital punishment was abolished in 1905. In Sweden, the last execution was held in 1910, and the abolition of the death penalty took place in 1921. In Switzerland, the last execution took place in 1924, and the abolition of the death penalty occurred in 1942.

That gives some idea of the picture in European countries and in the State of Queensland in the Commonwealth of Australia. Of course, it is true that in the State of New South Wales there has not been an execution for, I would say, some 30 or 40 years. I am not aware of any terrible things having happened there as a consequence of the abolition of the death penalty. In any event, the State of New South Wales was one of the places investigated by the British Royal Commission to which I made reference a little earlier.

It would appear, as I have said, that the more civilised a country becomes, the less prone it is to take human life. In the lesser civilised country, human sacrifice and the taking of human life mean nothing. But we who call ourselves Christians and base our outlook and our Statutes upon Christian principles, little by little are throwing off this idea of treating human life as though it were worth nothing. We are doing this not only in respect of those in the community who are killers, but in respect of people suffering from other complaints: those who are physically handicapped; those who are lunatics or suffering from some mental affliction; and those who are diseased.

It is not so long ago in our history when the State, in its broadest sense, took all sorts of punitive action against these unfortunate people or treated them in a most inhumane manner: chaining them for a lifetime in a darkened cell; turning hoses on them; throwing buckets of water over the heads of these unfortunate people. Why? Because there was not the respect for humanity that there is now and also because the people of those days did not fully understand the diseases and the complaints which I have mentioned.

Even today, whilst medicine and science in their broadest senses have expanded considerably, our understanding of the human brain is still very far short of perfection. There are the extremes of a person with a brilliant mind and a person with a diseased mind, but there is no clear definition between the balance of the two people. A little bit in one direction and a person is in full possession of his faculties and a little in the other direction and he is insane. It only requires some circumstance or some twist and the person can move from one stage to the other. Why and how, we are at a loss to understand.

In Western Australia today there are some ten persons who are probably as decent citizens as any of us who are in this Chamber. By this time next year those persons, unknown to themselves at this moment and without any idea of breaching the law, will be arraigned before the courts on murder charges. Whilst the law stands as it is it becomes the obligation of the court to impose a sentence of death.

The form that the British Homicide Act takes is surprising to many people. There was an attempt made to legislate to classify types of murder or forms of murder. Under recent legislation in Great Britain there is no death penalty for giving a victim poison, or for throttling or suffocating him, or for hitting him over the head, or knifing him. But when a gun is used, and under certain circumstances where prison officials are involved, or murder is portion of an action to undertake robbery, then capital punishment is enforceable. So we see that in Great Britain the death penalty, to all intents and purposes, has already disappeared: because clemency is shown to many of those charged under the headings that I have roughly described—that is to say, the Royal prerogative of mercy is applied.

I should devote a little time to this matter of a deterrent. As a matter of fact, that is about the only peg on which the opponents to this Bill could hang their case. I have already indicated that the British Royal Commission, after a world-wide examination, has come to the definite conclusion that nowhere in the world is there any evidence to show that the absence or the presence of the death penalty has made any difference whatever.

What is the position in Western Australia? I asked some questions recently; and what did we find?

Here I hasten to assure members that there is nothing party-political about the fact that I am using certain periods of Governments, but during the last three years of the previous Labor Government—that is to say, a non-hanging Government—there was a total of 22 murders in Western Australia. In the next three years, which were the first three years of this Government, there were 26 murders, and there were two hangings during that period. Liberal-Country Party Governments—and I do not necessarily condemn them for this—believe there are times when the death penalty should be allowed to take effect; and if the public generally is not aware of that it would have been emphasised by the fact that there were two hangings in Western Australia during the first three years of this Government, and during the same period there were 26 murders in Western Australia as compared with 22 for the earlier period.

Significantly enough in the 10 months following the two hangings—and these are the latest figures that were supplied to me when I asked the question on the 16th August—there were 11 murders in Western Australia—11 murders in a short 10 months, the greatest rate of murders for any time during the period under review. So, if we can deduce anything from those figures which were supplied to me by the Minister for Police only a few weeks ago, it is that they bear out what the British Royal Commission found from its exhaustive inquiry on the subject.

I have already suggested—and this, of course, is the experience in Western Australia—that in those places where the death penalty is retained in law, Governments are less and less inclined to enforce it, indicating that even Governments are starting to move with the times. There have not been any protests or outbursts on the part of the public when the Government has not, to use a term, allowed the law to take its course.

If those who are opposed to the abolition of capital punishment, on the grounds that it is a deterrent, really believe it to be so, then surely they, as a Government, should avail themselves of every opportunity to provide the deterrent in order to avoid, as far as possible, further murders taking place thereafter. In other words, if it is thought that the people who commit murder are cold, calculating people, whose minds are perfectly balanced, surely they would know that if they committed a murder then for certain they would hang; because this is a Government which believes in hanging.

But Governments which apply leniency in this regard in this State, in other States, and in other parts of the world,

do so because they have some doubts as to the efficacy of hanging, or the taking of human life by the State, as a deterrent.

I think it is obvious to all of us that when it appears likely an execution is to take place there is a revulsion of feeling on the part of large, prominent, and influential sections of the community. On other occasions I have read lists of people, prominent in every walk of life, who have associated themselves with appeals to the Government; and we are familiar with that having occurred in the United States of America, Great Britain, and of course in Victoria at this very moment.

I am unaware of there ever having been a storm of protest on an occasion when a Government anywhere has exercised the Royal prerogative. Even those who are closest to the victims of murder associate themselves with protests about the carrying out of hangings. We all remember that the father of the young chap who was murdered by Tapci in Western Australia was one of the first to sign the petition pleading with the Government that Tapci should not hang.

Mr. H. May: He should not have been hanged, either.

Mr. GRAHAM: I quote from the *Daily News* of the 7th August, 1962, under the heading of "Don't Hang Mother's Killer: Cleric"—

The Rev. George Hall said today that he was shocked at the State Government's decision "to hang the man who murdered my mother."

"I will do everything I can to prevent Tait from being hanged," he said.

Further down it states—

Mr. Hall said: "I do not believe in the death sentence being carried out on any man, no matter how ghastly his crime might have been.

"As a Christian minister I must act to try to save this man's life. My conscience tells me that I must try to help him.

"I would not feel worthy of facing my congregation unless I tried to influence the Government to change its decision."

So it is not a matter of starry-eyed theorists, or people of that nature; because in the last case I mentioned, a man whose own mother was shockingly murdered is pleading that this relic of prehistoric times, employed now, fortunately, in only two or three cases as against several hundred in earlier times, should be dispensed with and some other form of punishment be inflicted upon the person responsible.

We have of course the pathetic situation in Victoria at the present time where people in all walks of life are protesting to the Government in connection with the

hanging which is scheduled to take place in that State next Monday morning. Here is an extract from an article which appeared in this morning's Press—

An anti-hanging committee has been conducting a vigorous campaign to save Tait from the gallows, university students and churchmen have petitioned against carrying out the sentence, meetings and debates have been held, television panels have discussed it and strong editorials have appeared against capital punishment in all Melbourne's daily newspapers.

Students have paraded through the city with placards denouncing capital punishment.

And so on. It is seen, therefore, that this form of punishment, based on the false notion that it is a deterrent, is repugnant to a great many people—even those who have suffered the most grievous loss, and who might normally be expected to feel revenge at all costs—and they feel that this is something which should not be contemplated by a State.

One of the offshoots of these executions is that they have a tendency to develop a feeling of sympathy in the mind of the public because all of those who are opposed to capital punishment as a principle would rush to protest today, to protest next month, without knowing who the murderer is or the circumstances surrounding the crime. It is the principle involved, the form of punishment they rush to protest against. Because it pertains to a person it would appear that a feeling of sympathy is being engendered towards that person who is responsible for the ghastly crime, not on account of his being guilty, not on account of his being inflicted with punishment, but because of the form of punishment that is being inflicted.

We are aware of the effect it has upon juries—the reluctance they have to convict the accused person. We know that they bring in verdicts of not guilty when it was obvious that the accused was guilty. We know that juries have altered their verdict to show that the accused is guilty of manslaughter, unlawfully wounding, or some similar charge, instead of bringing in a verdict of guilty of murder or wilful murder. The following is a quote from the *Parliamentary Debates* of 1961:—

The reluctance of juries to convict was illustrated by Lord Suffield, when speaking in the House of Lords in 1833.

He said:—

I hold in my hands 555 perjured verdicts delivered in Old Bailey over 15 years for the single offence of stealing from dwellings. The value of the goods stolen was estimated to be 40s. and the verdict returned by the juries was that the value was 39s. When

legislation raised the capital indictment to goods of the value of £5, the jury raised their verdict to £4 19s.

Those perjured verdicts were returned with absolutely one object, and that was to save life. The convicted persons knew full well that they had a hundred-to-one chance of being acquitted and therefore thefts were common. But juries took a very different view after capital punishment was abolished and life was consequently not at stake. The convictions became sure and it was then that crime decreased.

As a matter of fact, in the few countries that still retain capital punishment, the records show that very few of those who are found guilty of murder are in fact executed; and many are found not guilty, or, if found guilty, on some lesser charge. This is because of the abhorrence of the members of the public, including members of juries—at the part they might have to play in putting the noose around someone's neck. There is also the abhorrence of those about the place in which the convicted person might be incarcerated. Officials and prisoners alike are affected by capital punishment being carried out on the gaol premises, and I well remember that Comptroller of Prisons McKillop met an early death on account of his taking drugs, to which he became addicted because he was compelled to witness a hanging in Western Australia.

That, I know, is an extreme case; but, to a greater or lesser degree, others who were associated with that activity must, if they are normal human beings, have some impression stamped on their minds and their outlook. There is no need for me to dwell on the person who volunteers his services to place the rope around another's neck and to operate the lever, because there is something shameful about that act. There is complete silence and secrecy surrounding his identity. Nobody knows any of the details of whom the person is, where he comes from, and what his fee is.

I emphasise this point of shame because when the members of the Royal Commission in Great Britain investigated, among other things, the various methods of taking human life when the death penalty had been imposed, they suggested that perhaps there should be a medical panel appointed which could insert some type of poison in the bloodstream of the convicted person which would have instant effect. However, no member of the British Medical Association would entertain such a suggestion.

If it is nothing to be ashamed of and it is part of the law, there it should remain; but, of course, medical practitioners are decent, educated persons possessing

normal feelings, and it would only be a substandard person, possessing feelings similar to those of an animal, who would offer his services to carry out a hanging as takes place in certain parts of the Commonwealth of Australia.

I have stressed, and I re-emphasise, that capital punishment is on its way out. I will briefly run through this extract of the report taken from *The West Australian* dated Tuesday, the 21st August, 1962. It reads as follows:—

**Corporal Punishment Out, Says Law Expert.**

Penal law overseas was moving away from capital punishment and corporal punishment had been abandoned altogether except in Britain.

Mr. Eric Edwards, Senior Lecturer in Law at the University of W.A., said this at Fremantle yesterday when he returned from a 12-months' overseas tour.

He carried out research into the law of homicide at the North-western University, Chicago, for nine months.

Mr. Edwards, who returned in the *Neptunia*, said corporal punishment had been discarded many years ago in American prisons.

The existing trend of rehabilitation for criminals was strong overseas, and new penal codes avoided mention of retribution or revenge in the sentences.

In Britain, quoting from an article taken from the *Daily News* of the 27th August, 1962, the following was reported:—

**Extreme Punishment Group Folds Up.**

An organisation to spread the use of the scaffold, the whip, the cane and the birch has folded up through lack of support.

Surely those details indicate the trend that is developing in Great Britain! Quoting another headline and extract taken from *The West Australian* dated Saturday, the 14th October, 1961—

**Hang-and-Flog is Defeated at Tory Talks.**

London, Friday.—Britain's hang-and-flog-them advocates in the Conservative Party were hanged, drawn and quartered themselves at Brighton last night.

Their motion at the party's annual conference, to extend the death penalty—

Members will recall the earlier broad outline I gave in regard to the existing position under the Homicide Act in Great Britain—

—and to introduce the birch, was overwhelmingly defeated on a show

of hands without it being necessary to take a ballot among the 3,800 delegates.

I could quote case after case on similar lines showing that this is the growing trend in those remaining parts of the world where capital punishment is still inflicted.

As I have already indicated, this Bill proposes that there shall be a ban on capital punishment for a trial period of five years. I have made it operative from the 1st July next year, instead of from the 1st January, because I understand—for reasons which I do not comprehend—that certain pieces of legislation follow a pattern of going to Great Britain for the Royal assent.

I suggest, therefore, that the accent should be on reform, treatment, and rehabilitation. I know there are some members who are afraid that those who are convicted of murder will be placed in gaol for a short period, and then released and given an opportunity to set upon an unsuspecting public. It might be interesting to read this extract, again from Britain, and incidentally quite up to date. I am quoting from a publication called *Hanged by The Neck*. It reads—

On the 12th March, 1961, *The Observer*—

that is a newspaper—

reporting a parliamentary reply about violent offences by released murderers gave these details of the sentences served by 76 convicted murderers released during the previous five years.

Members should follow these details closely. One of them was released less than a year after he was imprisoned; two of them were released after a year's imprisonment; two after two years; one after three years; one after four years; three after five years; two after six years; six after seven years; 16 after eight years; 26 after nine years; 10 after 10 years; five after 11 years; and one after 20 years.

That indicates what the authorities in Britain feel with regard to those who have committed the offence of murder. If they consider the circumstances warrant it, irrespective of the duration of the sentence, they release them. I have a couple of paragraphs that I would like to read—again from the British Royal Commission—to indicate the experience there has been in cases nearer home; because in every country releases are made after a certain period—on some occasions long, and on some short. On New South Wales the following was their report:—

In general such prisoners after release behaved well. Very occasionally the murderer with a previous record of criminality will again come into conflict with the law, but seldom for a serious offence.

In Queensland the report says—

In the 50 years—1900 to 1950—four released murderers committed subsequent offences.

None of them, incidentally, a murder. The report says that in South Australia—

No prisoner released after a life sentence has been returned for a breach of conditions.

That is to say, for committing other offences. The report then goes on to deal with New Zealand and states—

So far as memory goes no prisoner released after a conviction of murder has broken any of the conditions of his release, or committed any offence or been returned to prison.

In the case of South Africa the report points out that—

Recommitments of this class of prisoner are exceedingly rare occurrences.

Surely if a person commits any breach of the law, the purpose of an enlightened society in its Criminal Code, and other laws, should have as its essence the desire to heal, to reform, to cure, and to make the offender such that it will be possible to return him to society.

I do not think any normal person commits a murder. Through passion, or some other development, a person's balance goes. The deed might appear to be a cold and calculated scheme to take the life of another. As we are aware, there are some persons whose minds unfortunately are affected for days; some for weeks; and some permanently. It requires only a spasm or a minor dislocation, and a person who might otherwise be a decent citizen will commit this perhaps most serious of all crimes—the taking of the life of another.

I have spoken in Perth to those who were close friends of individuals who subsequently became murderers. In the case of one such person, Royston Rennie, who was hanged, those who knew him—I did not—considered him to be a very fine, happy, type of person whom nobody would suspect of committing an offence, let alone the serious one of taking the life of another; and committing robbery into the bargain. So as I indicated earlier, the dividing line of being in full command of one's senses and being around the bend—as the saying goes—is exceedingly small; and we should be thankful that up to date we have not taken that corner—or so we think.

It only requires, perhaps in the case of all of us, a particular circumstance which might make us see red and, for that short passage of time, we forsake our better judgment and say and do perhaps, on occasions, most extreme things which, in our normal moments, we would not contemplate for one second. I have indicated, surely, that it has been borne out by experience in other parts of the world—and

of course here—that it is possible for persons who have committed this most terrible of crimes to be nursed back to health.

I am taking the advice of somebody for whom I suppose all of us have a great deal of respect; and I hope he does not mind my using his name. I received a letter from the University, Nedlands, dated the 11th August, 1960, at the time I introduced my Bill on the last occasion. It reads as follows:—

I am delighted that somebody is at last going to do something about the death penalty. I feel that it is very likely that your public support would be increased if you proposed a trial period of five or 10 years, with the Act to be reviewed at the end of that time.

Wishing you well in your campaign,

Yours sincerely,

(Signed) Robert Orr, M.A., Ph.D.

Senior Lecturer in Politics at the University.

I have demurred, I have been prepared to compromise, and I have accepted his suggestion, and taken the shorter of the terms in the hope that those members—and surely there are not many of them—who still hold fast to this taking of a life at all costs, will be prepared in Western Australia to give a five years' trial to this legislation in order to confirm what has been confirmed in other parts of the world, but has apparently met with some scepticism in Western Australia. There is nothing to lose from passing this measure; there is everything to gain.

I do not want members to suggest that one or two murders might take place consequent upon the alteration of this law which will only have application for a period of five years. I have already indicated—I am not doing so in a party-political sense—that when a Labor Government was returned the number of murders did not increase; in fact it decreased. The steepest increase in the number of murders followed the two hangings in Western Australia; but I am not blaming the hangings for that fact. The increase in the number proves that in Western Australia the taking of human life by the State does not act as a deterrent force, and that is on all fours with what I have been suggesting throughout my remarks.

Perhaps I can do no better than to quote from the summary which the then Attorney-General (Mr. Watts) gave in 1960 in reference to the case I had made out. I regret I have spoken for so long, but when one has had to read a report of about 1,000 pages, study various documents and earlier records and references, and speak on numerous occasions on this matter, one finds it extremely difficult to compress one's thoughts sufficiently in a



short speech. As I mentioned to my colleagues, it would have been an easy matter for me to stand up and ask members to refer to the relevant volumes and pages of *Hansard* to find the case I am making, but that would not suffice.

I conclude by quoting the words of the then Attorney-General (Mr. Watts) in 1960 as recorded on page 1298 of the 1960 *Hansard*. Summarising the points of my case he said—

(1) That the taking of human life with the sanction of the law is abhorrent, and should find no place in modern civilisation.

(2) That capital punishment is irksome and repugnant to very many sentient beings in our midst, and the Legislature should have regard to the public conscience.

(3) That there is a trend throughout the world towards the elimination of the death penalty.

(4) That the death penalty is not a deterrent.

(5) That the death penalty causes a reluctance on the part of juries to find a true verdict on the evidence.

(6) That the death penalty is contrary to the teachings of religion and Christian principles.

(7) That all murderers are persons suffering from some degree of insanity (whether observable or not).

(8) That the law should be directed solely to the detention, treatment, and reform of murderers.

(9) That there is no such thing as degrees of murder.

Those remarks summarise my case and indicate all that I desire to say on this measure. I trust that members will give unbiased consideration to it.

Today the death penalty in Western Australia applies to the crimes of piracy, treason, and wilful murder. To me the death penalty is abhorrent. The fact that it applies to piracy and treason, under the Statutes of Western Australia, is brought about to a large extent academically. Can any member quote when there was, or from a practical point of view when there is, the likelihood of anyone being charged under the State law for those two types of crimes?

In any event I stand by my principles on this matter by averring that under no circumstances should the State, of its own volition, take human life. Let the guilty person be incarcerated for all time if he is an incorrigible type of person incapable of being reformed or cured; let him remain in prison for a long time by way of example—not that this should be the objective of the law.

I say to those who are prepared, for the first time, to venture into this field of reform, that they can rest certain in the

knowledge that the Bill will have effect for a period of five years, after which it will lapse, unless a similar Bill is introduced. Of course, the return of the Labor Government had the effect of abolishing capital punishment in Western Australia for a period of six years. Figures are available to show that nothing went wrong during that time.

If after five years of experimentation my expectations are realised—as has been proven the world over—and are found to be sound, then the legislation can be extended for a further period of five years, or the death penalty can be abolished altogether. There is nothing courageous in so doing, because the same has been done in many parts of the world.

I say that capital punishment will be abolished completely in Western Australia; that is based on a historical fact the world over, and by passing this measure we will not be out of step. It is merely a question of when. I am advocating that capital punishment be abolished as from the 1st July, 1963, and that an opportunity be given to us five years later to look at the question again. I hope and trust, indeed I am confident from the experience the world over, that it will become a permanent feature in Western Australia. I say that capital punishment has gone; it is only a matter of deciding on the date.

I appeal to members, none of whom are bound by any party platform or policy to vote against this Bill, to be constructive, and to bring about an opportunity to prove this legislation about which, in my mind, there is no doubt whatsoever.

#### Point of Order

Mr. W. A. MANNING: I would like a ruling, Mr. Speaker, in regard to the clause in the Bill which limits the term of this legislation. In many instances it is an easy matter to apply a limited term; for instance, in a Bill which seeks to establish an authority to stand for five years. But in a Bill such as the one before us, which seeks to amend seven Acts, the position is that at the end of five years the amendments that are made all over the place in seven Acts will have to be adjusted.

In a period of five years quite a number of things can happen to the seven Acts in question. They can be amended and the phraseology altered. Clause 8 (3) on page 8 seeks to amend section 19 of the principal Act by deleting lines 7 and 8. If they are deleted how will it be possible in five years' time to insert again lines 7 and 8 when the Act has been amended?

Mr. H. MAY: They can be inserted in the place from where they were deleted.

Mr. W. A. MANNING: In five years' time lines 7 and 8 may not refer to the same subject.

Mr. Guthrie: The Act itself may have been repealed.

Mr. W. A. MANNING: Many things can happen in five years. The deletions which are made in various parts of the seven Acts will have to be reintroduced. It is a jigsaw puzzle to me; and I cannot imagine, once these Acts are separated, how they can be put back together again. It would be simple if none had been amended in the meantime; but who can say they will not be amended during the next five years? And if they are amended it would be practically impossible to apply the clause.

#### *Speaker's Ruling*

The SPEAKER (Mr. Hearman): I think the Bill is in order at the moment. The question raised by the honourable member is an extremely hypothetical one; and, furthermore, I cannot presume that any amendments made in the meantime to the Acts concerned will necessarily take into account the fact that this Bill has passed into law. Therefore, as far as I can see, the Bill is in order.

#### *Debate Resumed on Motion*

MR. COURT (Nedlands—Minister for Industrial Development) [9.21 p.m.]: I have, as is desirable and necessary, listened carefully to the honourable member's introduction of his Bill; and I want to say at the outset that the Government is opposed to the measure.

Mr. Graham: For political reasons?

Mr. COURT: The honourable member asked to be heard in silence, and we honoured his wish, even though he said some things that were not quite fair or right. We oppose the Bill, and for very good reasons, which I hope to give briefly. This is a matter on which one could speak for the next two or three hours giving details and quoting all sorts of statistics and we would get no further in trying to convince the honourable member or some of those supporting him; and we would literally achieve nothing except boring the House and putting a tremendous lot of unnecessary material in *Hansard*. This is something that cannot be resolved with statistics.

One can quote a number of murders in any one year as against another year, and one can quote when there was capital punishment and when there was not, but that does not get one anywhere. Whether this penalty is to be suspended for a period of three, five, or ten years, or whether it is to be abandoned for ever, the principle is the same.

I want to invite the attention of the House, particularly of new members, to the fact that last year the Government, when Mr. A. F. Watts was the Attorney-General, introduced a Bill which amended the law in respect of capital punishment. We made a major amendment; and it is only virtually a few months—and not more than a year—since that move was made. That amendment was passed by both Houses of

Parliament and became law. If the honourable member is talking about trial periods, it is just as cogent to advocate that that Act be given a trial period as it is to introduce a new one for a trial period.

I repeat that legislation has been on the statute book for something less than a year, and there are no changed circumstances in Western Australia since 1961 which would highlight the need for any major amendment of the law in this State in respect of capital punishment. In introducing his Bill the honourable member went back into the dark ages and created a certain amount of atmosphere. I felt he was just creating atmosphere because many things talked about which sound so diabolical when stated today, of course, are relics of the dark ages. One could talk about industrial conditions of 200 years ago—talk about a thousand and one things that happened 200 years ago, and it is hard to believe they ever existed. But we have moved a long way since then; and it is no good trying to consider this measure today in an atmosphere of those times around which the honourable member based so much of his case.

In his introduction he several times referred to "this non-hanging Government"—I think that was the phrase he used—implying the Labor Government was a non-hanging Government and the Liberal Party—Country Party Government was a hanging Government. That does not stand up to the test of history in this State, because Labor Governments have allowed the law to take its course when the judge has passed the verdict. Admittedly, not in recent years; but Labor Governments have, in fact, done so in the past—they have, in fact, allowed the law to take its course.

It is well known to members that if the Government does not make a recommendation to Executive Council for a sentence to be commuted in some way, the law takes its course and the sentence passed by the judge has to be carried out. I want to emphasise this for the information particularly of the new members to whom the honourable member has appealed. With the law in its present form, the death sentence under the 1961 Statute does not have to be carried out. The right of the Executive Council to recommend that the penalty of death be commuted to a lesser penalty is in the law; and nothing was done in 1961 or since to alter that, and there is no law to affect the Royal prerogative in this matter.

Governments have always been extremely careful with this power that is in their hands. They have always given the matter the utmost thought. The procedure is that there is a report from the trial judge—the man who heard all the evidence; the man who is in a position to express an impartial and judicial opinion on the matter that has been considered by him

and by a jury, and a decision made. After he passes the sentence, a report is, in due course, available to Cabinet for consideration; and it is only after considering that report—and always at great length—that a final decision is made.

Before the 1961 amendment was passed the death sentence could be passed for something other than wilful murder. The death sentence could be passed by a judge after due trial and the decision of a jury in respect of murder. But following the 1961 amendment this was limited to wilful murder; and it is as well we should understand clearly what wilful murder is. In introducing the Bill in 1961, Mr. Watts explained as follows:—

The first part is to abolish the death penalty in respect of the crime of murder and to retain it in respect to the crime of wilful murder. It is quite clear that the last-mentioned crime, as defined by the Criminal Code, involves an actual intent to kill, and that is clear, from the definition, which reads, "The unlawful killing of another intending to cause his death or that of some other person."

He went on to say—

I wish to make it clear that the amendment in this Bill will in no way limit or abrogate the right of Executive Council to recommend that the penalty of death be commuted to a lesser penalty in the same way as has always been available if it appears that there are circumstances which warrant such recommendation. In that regard, there is nothing to affect the Royal prerogative.

I think that summarises the position very simply, clearly, and factually; and it comes down to a straight-out question as to whether the Government supports an extension of the amendment that was made in 1961, or whether it wants the law to remain as it is; and in this matter the Government wants the law to remain as it is, always realising that the power of the Royal prerogative is in no way impaired. In other words the Government of the day, after hearing the trial judge's report will sit down and consider each particular case on its merits and then make a recommendation.

In recent years it has been the practice of Labor Governments to say that the sentence should be commuted to some other form of punishment—life imprisonment, and so on. It is true also that during the life of this Government there have been cases when the crime has been so heinous the Government has felt that the death penalty should be carried out.

I think there is a tendency, of course, to allow emotionalism to intrude too much into our consideration of this matter. There never seems to be a properly-balanced

presentation of the emotions of the people, by and large, when one of these cases is in the spotlight, as is the situation in Victoria at present, and as has been the situation in Western Australia; for instance in the Thomas case which occurred during the life of this Government. I am quite sure that the average man in the street was in accord with the Government's decision in that matter because there was a man for whom medical opinion held no hope, and he would kill again if he had the chance. That was the considered medical opinion in that matter; and surely the Government of the day had some responsibility in that case. It had some responsibility to the people. The details of his crime are well known to all members of the House. They were shocking.

Mr. H. May: Do you mean that the same man could do that again? Of course not!

Mr. COURT: There is ample provision in our law—

Mr. H. May: I know.

Mr. COURT:—for a man who is insane to be dealt with in a special way. I do not think that the honourable member would be able to name one case in Western Australia of a man being hanged after he was declared by the medical profession to be insane. I do not think a single case could be quoted. I certainly do not know of one.

Mr. H. May: There is a difference in Victoria at present regarding medical opinion.

Mr. COURT: We do not want to get involved in particular cases.

Mr. H. May: You do not go into this thing thoroughly; that is what I am trying to point out.

Mr. COURT: If the honourable member wants to deal with that case, the Victorian Government in its effort to be just has turned over backwards. It has brought in a medical man from another State who is opposed to capital punishment. This man has nevertheless stated that the person in question is sane.

Mr. H. May: That does not make him any better than the other one.

Mr. COURT: I do not think we will get anywhere by discussing individual cases. I have noticed the attitude of members in this House when various crimes have been under discussion. For instance, no-one would deny there was a different atmosphere amongst members of this Chamber and amongst members of the general public when that man was sentenced to death for his shocking crime against that little girl.

Mr. Graham: He would not have been hanged for that in Britain.

Mr. COURT: He was not in Britain for one thing.

Mr. Graham: I know; but I say he would not have been hanged had he been in Britain.

Mr. COURT: There was an entirely different atmosphere in the street and in this Chamber. I do not think anyone would deny that the emotional reaction and the reaction in every other way in respect of that case was much stronger than even in the case of Thomas; and goodness only knows that was bad enough! Many people who had previously expressed some concern about the death penalty in the case of Thomas had no compunction about it in the latter case when the little girl was involved.

When a person has committed a murder, not only has someone been killed but a lot of other people have been very deeply hurt—probably for life. It is true that we do not see petitions, nor are processions arranged down the street by people trying to stir up public emotion on behalf of the relatives and friends of the victim because, thank goodness, those people have more respect for the feelings of the relatives than to go wandering around the streets with banners. It is the silence of the public which really reflects its feelings in this matter—the respect for the persons who have been so deeply grieved and so deeply hurt. In many cases young children—

Mr. Bickerton: What about the murderer's relatives and friends and the hurt and grief they suffer when he is hanged?

Mr. COURT: —are affected for life by the loss of a father through the actions of a murderer. We must bear in mind that this penalty is only provided for the crime of wilful murder—a man who intends to kill.

Mr. Jamieson: It is essentially an emotional reaction again.

Mr. COURT: These people who march around with banners and petitions apparently have no emotions.

Mr. Jamieson: Yes they have!

Mr. COURT: They have no feelings.

Mr. Jamieson: Yes they have!

Mr. COURT: If they had they would be a bit silent and have regard for the victims of the particular murderer—the children, wife, mother and father, and other relatives of the person who had been murdered.

Mr. Hawke: Does not hanging create a second set of relatives of a second victim?

Mr. COURT: The circumstances are not comparable in any way.

Mr. H. May: It certainly did in the case of Thomas.

Mr. Bickerton: It is killing.

Mr. H. May: I know it did in that case because I know the details.

The SPEAKER (Mr. Hearman): Order!

Mr. Graham: What about the guilty man's relatives?

Several members interjected.

Mr. O'Connor: Are the courtesies regarding interjections to be extended to only one side of the House?

Mr. Guthrie: Always is the case in this House!

Mr. COURT: I do not think we will worry about the niceties of the interjections. As I said before, it would not matter if one spoke here quoting statistics for the next two or three hours. It would not change the position one iota. This matter has to be contemplated on the basis of what is considered best for the Government of the State. We have made a decision in the matter. We made one in 1960. In 1961 we fulfilled a promise made in 1960 and met the commitment we entered into in that year.

Before I conclude I want to put beyond doubt two particular points. One of these was the honourable member's reference to the summary of nine points made by Mr. Watts when he was Attorney-General in 1960. I am not suggesting that the honourable member deliberately did this, but when he quoted these points the second time it sounded as if he was putting them forward as Mr. Watts's own views.

Mr. Graham: No.

Mr. COURT: Mr. Watts quoted those nine points purely as his summation of what he thought the honourable member's speech was meant to convey when he introduced his Bill in 1960.

Mr. Graham: That is precisely what I said.

Mr. COURT: The first time the honourable member said that, but when he came back to it I say, with respect, that he gave the impression that they were Mr. Watt's ideas.

Mr. Graham: Oh, no!

Mr. COURT: Mr. Watts was only summarising the speech made by the honourable member and then he went on to deal with each one of the points and oppose the Bill.

Mr. Graham: I was about to say that in point of fact he opposed it.

Mr. COURT: As long as that is understood. The second point I want to mention before I conclude is in regard to education and rehabilitation. We all agree with that principle so far as those who have fallen on sorry days are concerned. We all believe in that principle.

Mr. J. Hegney: That is humanity.

Mr. COURT: That is so. Education and rehabilitation should be basic in any form of prison legislation and administration of the law. The whole emphasis on the part of the administration at present—led by

the Minister—is to increase more than ever before in this State's history the degree of rehabilitation and education.

This programme is not going as fast as the Minister would like but it involves money and trained personnel. However, he has taken some very positive steps in the matter in regard to normal forms of crime and to some of those people who are unfortunate enough to be addicted to alcohol.

It is basic to the Government's policy—and I hope to the policy of any Government—to place emphasis on education and rehabilitation, and these two factors should receive a high priority.

That, of course, is entirely different from the question of whether a man should have capital punishment administered in the case of wilful murder; and the Government of the day has to accept responsibility, based on all the facts—the trial judge's report, and its own assessment of the position—in deciding whether the capital punishment sentence will be carried out.

It is the Government's view that the present law should be allowed to remain, and for that reason I oppose the Bill.

**MR. GUTHRIE (Subiaco) [9.40 p.m.]:** Before dealing with the subject matter, I do suggest to the member for Balcatta that he give a little bit of thought to what the member for Narrogin raised. I am not questioning your ruling, Mr. Speaker. I think, on reflection, that unquestionably your ruling is correct. This is not the place to raise an objection to this form of draftsmanship, but I must concede that I cannot remember seeing an Act of Parliament in this form. I have seen Acts of Parliament which read to the effect that notwithstanding any provision contained in any other Act, whether they be mentioned in general or in particular, for a period of five years there shall be no death penalty. But with this procedure of deleting words for a period of five years I can visualise great difficulties. Some of these Acts may be repealed, and they may be re-enacted in different form and with different names.

I would like to have more time to think about it; but I do suggest to the member for Balcatta—and I do not propose to press it any further—that he should perhaps discuss with the draftsman, if this Bill is proceeded with, whether or not it will produce some legal difficulties in future. At the moment I find it very hard—as did the member for Narrogin—to visualise the legislation if subclause (2) (a) of clause 3 of the Bill is proceeded with. Suppose at the end of five years there is no section 18. What happens then? I find it hard, at this point of time, to visualise what the effect would be. I think we would be passing legislation which would be nonsensical, and I do not

think that is the function of any Parliament. I suggest, with respect, that the matter should be looked into a little further.

Turning to the subject matter of the Bill, I have already spoken on this subject twice in the last two years. This will be the third occasion in slightly more than two years. I spoke at great length—for 41 minutes—on the 21st October, 1960. I do not intend to inflict that on the House tonight. That was the occasion of the second reading debate of the Death Penalty Abolition Bill in 1960 which was introduced by the present member for Balcatta who was then the member for East Perth. If any member is sufficiently interested to know what my views were on that occasion, he will find them in *Hansard*, vol. 156, on pages 1306 to 1311.

I took the trouble the other night to read through that speech very carefully to see whether there was anything in it that I could not stand by tonight. There is one passage which I think I should amplify a little. That is the only portion to which I wish to make any reference, and it is to be found at the bottom of page 1310, continuing over to page 1311. For the benefit of the House, I will read that passage. I had been referring to the question of the Royal prerogative, and the remarks of the British Royal Commission on the Royal prerogative which appeared on page 212, paragraph 607, of the British Royal Commission's report. I said as follows:—

Finally, at the bottom of page 213 and continuing on to the top of page 214—

Those are references to the British Royal Commission. To continue—

—the commission dealt with four alternatives. The fourth point has some merit with the commission—

With due respect, I think that should have read "found some merit with the commission". I will proceed—

—although it rather staggers me that it could. Nevertheless, I will read it to the House for the benefit of members. It is as follows:—

and the following is the quotation which I read to the House from the report of the Royal Commission:—

The fourth is the proposal to give discretion to the jury to decide in each individual case whether there are such extenuating circumstances as to justify the substitution of a lesser sentence for the sentence of death. We have reached the conclusion that, if capital punishment is to be retained, and at the same time the defects of the existing law are to be eliminated, this is the only practicable way of achieving that object. We recognise that it involves a fundamental change.

in the traditional functions of the jury in Great Britain and is not without practical difficulties.

For these reasons its disadvantages may be thought to outweigh its merits. If this view were to prevail, the conclusion to our mind would be inescapable that in this country a stage has been reached where little more can be done effectively to limit the liability to suffer the death penalty, and that the real issue is now whether capital punishment should be retained or abolished.

That is the end of the quotation from the British Royal Commission's report. I then went on to say—

I merely read that to the House without making any comment; but, quite frankly, without giving it a lot of thought, I would not be prepared to comment on it favourably.

That is the end of what I propose to read from my speech. Boiled down, what the fourth alternative of the British Royal Commission means is that the question of whether or not the death penalty should be imposed should be left to the jury. Members will recollect from what I read that I expressed some amazement about it. I would stress that the words I actually said were as follows:—

I merely read that to the House without making any comment; but, quite frankly, without giving it a lot of thought, I would not be prepared to comment on it favourably.

Mr. Graham: But the Royal Commission did not comment on it favourably, did it?

Mr. GUTHRIE: No. If the member for Balcatta will recall, I have already said that I saw no reason to change anything that I said in 1960, subject to this one amplification. It may be thought—although I was not accused of this in the last session of Parliament—that I was somewhat inconsistent when last year I supported the Bill introduced by the then Attorney-General, Mr. Watts, which became law as the Criminal Code Amendment Act, 1961, and which did something of that nature—although it did not do it in those terms; it did it in the form of making murder exempt from the death penalty and, in effect, leaving it to the jury to have the alternative verdict of murder as opposed to wilful murder, which would enable the jury, in effect and to some extent, to decide the fate of the accused or the convicted person.

I merely make that amplification: that I did support that view, and I still support it; namely, that I am quite prepared to leave it to the jury to determine that they can bring in the lesser verdict of murder if they so wish, they hearing all the evidence, seeing all the witnesses, and seeing the accused.

That does not go to the extent that the British Royal Commission did in suggesting the principle, which I still find revolutionary, of leaving punishment generally in the hands of the jury. The punishment in this instance should not be left in the hands of the jury, because once they had brought in a verdict of murder it would be for the judge to pass sentence and for the Royal prerogative to be exercised at some later stage and not at that time.

If any member is interested in what I said last year, it can be found in *Hansard*, vol. 159, on pages 1004 and 1005. Returning to what I said in 1960, I propose, for the benefit of the House, to repeat something which I said then. It is to be found in *Hansard*, vol. 156, on page 1307. I was commenting on the report of the British Royal Commission again, and I said as follows:—

Having also referred to some comments given to the Commission by the Archbishop of Canterbury, the Commission then made its own comments, which were to this effect—

and I quoted the following from the Royal Commission's report:—

Whatever weight may be given to this argument, the law cannot ignore the public demand for retribution which heinous crimes undoubtedly provoke; it would be generally agreed that, though reform of the criminal law ought sometimes to give a lead to public opinion, it is dangerous to move too far in advance of it.

Those were the words of the British Royal Commission; and it must be borne in mind what the commission had in mind. To emphasise this I shall quote again what I had to say on that occasion. I quote from page 1308 of the same volume of *Hansard*—

We must carry public opinion with us, because society must feel that their Criminal Code is an adequate protection. If they feel the Criminal Code is out of step, then they cannot have confidence that the law is their protection.

The British Royal Commission emphasised that point very significantly. It is all-important that the public must have confidence in the law as it is; and the cold hard figures are that throughout Australia the majority of people in this country are in favour of the retention of the death penalty; and that includes Labor voters.

Mr. Davies: It has never been tested.

Mr. J. Hegney: Do you take any notice of Gallup polls?

Mr. GUTHRIE: I do take notice of Gallup polls—

Mr. Bickerton: When they suit you.

Mr. GUTHRIE: —but I do not consider the results as being conclusive. However, it is interesting to read the latest Gallup

poll conducted throughout Australia on this very subject, in April and May of this year.

Mr. Fletcher: They didn't ask me.

Mr. GUTHRIE: Maybe they did not, but opinions were taken from various people and percentages were derived State by State regarding those who were in favour of the retention of the death penalty, and those who would substitute life imprisonment for it. The figures are as follows:—

State	Retention of the Death		Life		No Opinion
	Penalty	%	Imprisonment	%	
Tasmania	63	22	13		
W.A.	61	28	11		
S.A.	61	33	6		
Victoria	54	35	11		
Q'land	54	37	9		
N.S.W.	50	41	9		

It is also significant that another question was put to the people, the question being that if there was a death penalty in existence, and the death sentence was imposed, should it be carried out or not? On this question 65 per cent. of people interviewed throughout Australia said, "Carry it out"; 23 per cent. said, "Don't carry it out," and 12 per cent. were undecided. It is also interesting to note that throughout Australia those figures were derived from various people, 66 per cent. of whom were Liberal-Country Party voters and 64 per cent. Labor voters.

Mr. Bickerton: How did they know which way they voted?

Mr. GUTHRIE: I agree that we cannot entirely rely on Gallup polls, but those who bring forward the proposition that we should abolish the death penalty must bear in mind that one of the most important features about it is that the public must have confidence that their criminal law is in fact adequate; and the onus is on those who would change the law, and change the law completely, to establish the point; or, alternatively, they should educate the public in that regard. The onus is not on those who would merely retain the law to produce conclusive evidence to support their contentions.

I suggest there is an obligation on those who support the proposal to abolish capital punishment to produce conclusive evidence that the public of Western Australia, in a large majority, are satisfied to bring about this change; and at no time, in any of the debates in this House, have I heard anybody endeavour to produce such testimony. It is possible to convene public meetings and educate people, and it is possible for those who wish to do so to conduct their own Gallup polls to test public opinion on this matter.

Mr. Jamieson: And ask questions in your own way to suit your own ends, which is what is done with Gallup polls.

Mr. GUTHRIE: No; questions can be asked in such a way as to test public feeling on the matter. These things can be decided and the questions can be framed in such a way that they are not hard to answer. But that has not been done and no such evidence has been produced.

Mr. Jamieson: That is what the Gallup people do. They can dramatically change public opinion from one month to another according to the way they ask their questions.

Mr. GUTHRIE: That is a matter of opinion.

Mr. Jamieson: They did it in the aid-to-schools issue.

Mr. GUTHRIE: That again is a matter of opinion. In any event I repeat what I said previously in this House: We find an uncertain state in the public mind; we find ourselves in this House with 24 members who, whether they like it or not, are pledged to vote for the abolition of capital punishment; and there is in my mind very grave doubts as to whether 100 per cent. of the people they represent in Parliament are behind them. I also have very grave doubts as to whether members opposite have a majority of the public behind them; and, as I also said previously, while that state of affairs exists I would not, as one individual, be prepared to take the responsibility, bearing in mind that my one vote cast with the other side would pass this Bill, of voting for this measure.

The remedy lies in the hands of the Labor Party to unshackle itself; and if its members are not prepared to unshackle themselves and get the resolution in regard to this matter withdrawn from their party platform, although they have said that it is not a party-political matter, I am not prepared to support a measure such as this. While members opposite have said that there is nothing party-political about this question, until it is removed from their platform, so leaving them free to vote as they would please, it must be considered to be a political question so far as they are concerned. For those reasons, and while the Labor Party likes to play politics on this question, I will always oppose it.

Mr. Jamieson: That's a nice principle, that is. The principle of the gutter!

Mr. O'Connor: You should know all about that.

Debate adjourned, on motion by Mr. Davies.

## ORDERS OF THE DAY

### Postponement of No. 6

MR. NALDER (Katanning—Minister for Agriculture) [9.57 p.m.]: I move—

That Order of the Day No. 6 be postponed.

I understand this matter has been arranged with the member for Canning and agreement has been reached.

**MR. D. G. MAY (Canning)** [9.58 p.m.]: I would just like to state that the item has been postponed because of a request from the Minister for Works—he was not ready to go on with the debate. I was quite happy to go on with it, but the Minister was not ready, and that is why I agreed to the item being postponed. I can see no reason why it should not be proceeded with, but the Minister asked me whether I would be prepared to defer this matter until the next private members' day. I thought I should explain the reason for the Deputy Premier's request that the Order of the Day be postponed.

**Question put and passed.**

## CHEVRON-HILTON HOTEL SITE

### *Utilisation for Public Purposes: Motion*

Debate resumed, from the 10th October, on the following motion by Mr. Hawke (Leader of the Opposition):—

That in the opinion of this House all of the Crown or Government land referred to in the Chevron-Hilton Hotel Agreement Act, 1960, should now be reserved in the name of the State of Western Australia and be used in the future only for worth-while public purposes.

**MR. JAMIESON (Beeloo)** [9.59 p.m.]: I asked questions earlier in the year in regard to this matter, and they possibly led to the introduction of this motion; although I know my leader has always taken a keen interest in this particular question. I would like to point out that the Chevron-Hilton Hotel agreement had a considerable effect on the public—not only the ratepayers of the Perth City Council, who had to find a large sum of money to purchase the Christian Brothers' College so that it could be transplanted to its present position, but also on many other people who were affected by having a new parking area allocated under the terms of the original agreement Bill. I think that if it were to come before Parliament again—and surely it must, as has been indicated by the Premier—to be allocated for another purpose, we should ensure it is reserved and set aside as an open space for future public purposes other than that purpose which was proposed in the Chevron-Hilton hotel agreement.

The only feature that concerns me is that we, as a Parliament, seem to be left with a white elephant on our hands because in view of the foundations for the hotel having been laid, any person who wanted to use the site now for the erection of some other type of building could be faced with thousands of pounds of expenditure to make the site suitable so that he might proceed with the purpose he had in mind. In view of the fact that the company has left the foundations for the

hotel on the site it would be of little use to the Government, and Parliament particularly, if some future activity were contemplated on that site. Fortunately, the foundations are well hidden and it is only on those odd occasions when a garden party is held in Government House gardens that most of the shabby construction can be seen by members of the general public.

I commend the motion and say that the site should be reserved for some future purpose together with the other ground that exists in the square bound by St. George's Terrace, Victoria Avenue, and Barrack Street. Private ownership of this section of that square would not be in harmony with the surrounding area. That is one of the reasons why I was against the proposal for the Chevron-Hilton company to build a hotel on this site when the legislation was previously before Parliament.

If the land is retained it will harmonise with the remainder of the setting and the other public buildings that are situated there. That is a most desirable object. We should not have a higgledy-piggledy group of buildings and conditions when it is possible to retain the area in its existing state for public purposes and when it is bounded by roads on three sides. If that is done it will be a good feature of town planning. Because of those reasons I support the motion by the Leader of the Opposition to retain this land for future public use.

**MR. GRAHAM (Balcatta)** [10.4 p.m.]: First of all, I am bitterly disappointed at the attitude of the Government. It had its fling with the grandiose conception of having a hotel of international standard erected on Her Majesty's domain. I was bitterly opposed to that proposition in the first place; not against the proposal for the construction of a high-class hotel, but against its being situated in that locality. That land belongs to the people. Yet the Government, being so engrossed in the proposal, and being able to push its proposition through Parliament by weight of numbers, apparently lost sight of the moral obligation that is placed upon it to retain this land for use by the people instead of granting it to a company for a commercial venture, which company expects to get a handsome return; the handsomer the better, as a matter of fact.

That being the case, surely, on all scores, this concern should have set about acquiring land for itself. I have no objection to the Government assisting the company to obtain suitable land for the erection of a hotel. I am aware of the fact that the Lord Abbot of New Norcia has, for some time, been approaching the State Government, the Commonwealth Government, and other authorities to dispose of a large piece of land not far removed from the



site under discussion. That land is bounded broadly by Bennett Street, Wellington Street, Hill Street, and Goderich Street. It is a fairly large tract.

Those members who have some knowledge of the locality will admit that at least portion of it is on a mound—if I may use that expression—and if a hotel of many storeys were constructed on it, its guests, apart from those on the first couple of floors, would have an unobstructed view across to the southern shore of the Swan River and for many miles around.

It would be easy to obtain an area of land upon which to erect a hotel, develop gardens, and construct a parking area, approaches, and internal roads which would take up a fair proportion of the total area, and for which any company or person could be called upon to pay a fair sum. It might cost about £200,000 for the piece of land that would be required.

Anybody engaged in business or desiring to acquire the land for the erection of a hotel needs must buy the land from someone offering it for sale. Therefore, why this company should be handed a portion of the public estate, I do not know. That is why there was no-one more delighted than myself when the whole transaction became a flop. At least the land has been saved and still remains in the hands of the people.

My leader is extremely anxious that this House should record its opinion that the land should be retained for all time for public purposes. If there is to be a Chevron-Hilton hotel erected in Perth let the company concerned look elsewhere for a suitable site. I know of a site which was available up until recently and which I think is still available. It is close to the heart of the city, and has easy access to main roads, to the airport, and to facilities generally. Public utilities are available on the site.

I do not know what would happen if Perth or Western Australia wanted to make a second leap forward or lurch forward, if a second group came along and wanted to build an international hotel; and this Government, or a similar Government were in office. Would it offer such a group or company the Perth Esplanade or portion of King's Park, or what, as a site for the hotel?

As I have said on many occasions, this Government feels it is doing a job for Western Australia—whatever that means—if it is handing out parcels of this State to certain favoured sections, or groups of interests. I regard Western Australia—if I may offer my interpretation—as being the people of Western Australia. I consider that a great disservice was done by the Government in its being prepared to

hand over a portion of open space—certainly public property—which was virtually in the heart of the city, to a concern for commercial purposes. The land belongs to the people and it should be retained by the people.

I recall there being a Bill before this House some years ago—I cannot remember its title—which had something to do with the new Town Hall and approximately its present location. There was a mixed division on the proposition as to whether the Perth City Council should be allowed to construct roads through Stirling Square. The majority of members voted that there should be a bar on the construction of roadways in that people's estate. The Labor Party was on the Opposition side of the House then, as now; but the amendment seeking to save that park from that portion of its fate was agreed to.

The point there is that there was more flexibility a few years ago than there is now. Private members who sit behind the Government today feel on every issue—even on the amendment of a minor clause of a Bill—that it would mean the downfall of the Government, or that it would constitute treachery to the Government, if they exercised their judgment or good sense in resolving the matter either one way or the other. So they become part of a machine. But sooner or later they will grow sick to death of being mere ciphers.

There is nothing party-political about this motion. Here we had a venture which turned out to be a flop, and the land accordingly is still possessed by the Government as trustees for the people of Western Australia. The motion seeks an expression of opinion that we, the members of this Assembly, desire that land to be retained in perpetuity for public purposes. There is nothing wrong with that. To my mind it is commendable, and I hope there will be some members of the Government parties—one would satisfy me—who will vote with the Opposition, and according to their conscience, which I am certain will be in favour of the motion we are now considering.

**MR. HAWKE** (Northam—Leader of the Opposition) [10.13 p.m.]: When discussing this motion the Premier was under the quite wrong impression that I had, during the course of my speech in moving the motion, advocated that the land in question, or portion of it, should be used for the purpose of establishing homes for the aged people to live in.

**Mr. Brand:** I agree I was mistaken.

**Mr. HAWKE:** I had no such intention in mind; and of course I never said anything in my speech which would in any way indicate that was the purpose, or one of the purposes, I had in mind.

I am totally opposed to any individual, or to any group of individuals having any right at all, permanently, to occupy this land. I want the land to remain public in character, public in ownership, and public in use. I want that because in my view the land is wonderfully well situated to be so retained, and so used. We are very fortunate indeed in Western Australia to have so much open land almost in the heart of the city.

Those who are in charge of Governments, or local governments, in many other cities of the world, would give I do not know how much to have open public land of that size so conveniently located in their own cities. I am of the opinion that land could be developed to provide a wonderful rest place, and a wonderful service for people who come into the city from day to day and have business to transact, and then have spare time to spend in the city. They could very well spend that spare time down there in a way which would be extremely beneficial to them.

What I advocated was that the land could very well be developed for rest-centre purposes, more particularly for aged people coming into the city, but for other people as well. The site could be developed with lawns and gardens and shrubs; there could be buildings to be used as rest centres in order that people in the city who have an hour to spare, or who have two hours or more of leisure on their hands, could go there in order to rest and recuperate prior to commencing their journeys out of the city to the suburbs in which they live.

Such a centre could also be developed to an extent where interested welfare organisations could provide for the aged—and perhaps other people—refreshments for which, of course, the visitors would pay. The land in question could be developed in a manner which would be of great credit to the State and the city, and which would confer considerable benefits in relation to well-spent and constructive leisure for the people who would use the facilities. If the land were to be so developed I am certain the facilities would be greatly in use, and would prove to be a wonderful advantage to a large number of people.

The Premier tells us that when representatives of the Chevron-Hilton company saw representatives of the Government, the company representatives laid it down that only one of two nominated sites would be acceptable to the company. The first such site was in King's Park, and the other was this land in St. George's Terrace east of Government House. I daresay one cannot blame the representatives of any company for trying to get away with that sort of thing; but to quite a large extent

I think it was a damn cheek on the part of the company representatives to take such a stand.

After all is said and done the company in question is a commercial company; it is a company which operates and expects to make a profit. Why it should think for one moment it could come here and say, "Either this piece of land or that piece of land, or we will not have any interest in establishing a hotel in Perth at all?"

Mr. Brand: To be quite fair to the company's representatives, there was the evidence that Parliament had agreed to sell this area to the Taxation Department. Prior to that and as a result of the Select Committee on Public Buildings, it was to be used for the Public Service, as I mentioned in my speech.

Mr. HAWKE: That does not touch the point I am discussing. I maintain the representatives of Chevron-Hilton could easily, and at not very great expense at that time, have purchased land in a suitable location within the city on which to build their proposed hotel. In fact, the land on the other side of St. George's Terrace, which faces the land covered by this motion, would have been very suitable, I should think, as a location for their hotel.

Mr. Brand: Not quite to the same extent as to enable the conception of a tourist centre and hotel.

Mr. HAWKE: I think the land there would have been adequate; although I admit I do not know its measurement. Quite a big area, bounded by St. George's Terrace, Victoria Avenue, Hay Street, and Irwin Street, is involved. I cannot imagine that the type of hotel with all the facilities which any hotel has in mind could not have been located in that area. It is true those interested would have to pay much more for that land, because it is improved land on which many buildings are erected, than for Crown land on the opposite side of St. George's Terrace.

The Chevron-Hilton Hotel Group is a commercial and very powerful company engaged in the hotel business to make as much profit as possible. I do not think it has any right to nominate two sites and to insist on having one of those sites; otherwise it would not be interested in establishing a hotel in Perth. However, that hotel is out of the picture now.

There is no obligation on any Government—in fact, quite the opposite—to hold this land off St. George's Terrace in the hope that some day some big and powerful company will say, "This is a suitable piece of land. We are prepared to build a hotel or some other commercial structure on it. Please make available the land to us as cheaply as you are able to." That is not the responsibility or the duty of the State. It is the responsibility of the company concerned to obtain its own land; and there is no doubt, as the member for

Balcatta said, there is plenty of land available within the city block or in the city area. Such companies should be prepared to go after and secure suitable land for the purpose of building upon it. That was what other companies, which have established enterprises in the city, the suburbs, or the country, had to do.

Therefore, it is not the duty or obligation of any Government to dispose of the land in question near Government House to any private company which takes a fancy to it. The land belongs to the people. It has always belonged to them and it should remain in the name of the people of the State. It should be developed in such a way as to give the greatest possible benefit to the greatest number of people.

I think the land in question has great possibilities in that direction. I am positive in my own mind the Government and the city council can co-operate to improve the land for community purposes. I am positive there are very worthy and public-spirited welfare organisations ready to co-operate also.

Mr. Brand: The city council has already shown its interest and desire to co-operate, as illustrated in its negotiations with Christian Brothers' College, as a result of which the college was moved to another area. That land has become a special feature of town planning within the city.

Mr. HAWKE: I fully understand that. I am anxious the land should be developed exclusively for the benefit of the community. The land should be retained in the name of the people of Western Australia. I am anxious to get as much co-operation as possible between the Government, the Perth City Council, and the appropriate welfare organisations for the purpose of developing the land along the lines I have suggested. There could be better ideas than mine as to how this land might be developed and made available to those people who might care to use it from day to day.

I want to clear completely from the mind of any member on the Government side the idea that I want homes to be erected on this land for permanent occupation by individuals or groups. I would be as hotly opposed to such a proposal as I would be to the proposal to make the land available to a commercial company, or to make the land available for occupation permanently by individuals. That would be entirely against my outlook and principles on the matter. I want the land to be used only for the best community purposes available.

We cannot have within the city too much open land. There is no greater asset to the people, to the city, or to the State than to have plenty of open spaces within the city. That requirement will become

more and more necessary as the years go by when buildings will be constructed several storeys higher than most of the buildings in the city block at the present time, and a greater requirement in the future because of the increasing use of motor vehicles in the city, with the exhaust fumes and other matter which rise in the air and pollute it to some extent, thereby creating hazards to health.

On that ground, which is very strong ground indeed, I claim it is the absolute duty of Parliament, of the Government, and of public authorities to take every possible step to ensure this public land will not be disposed of to a private company; and that it will be retained by the State in the name of the people to be used always to the best possible advantage for the benefit of our citizens.

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

#### Ayes—20

Mr. Bickerton	Mr. Jamieson
Mr. Curran	Mr. Kelly
Mr. Davies	Mr. D. G. May
Mr. Evans	Mr. Molr
Mr. Fletcher	Mr. Norton
Mr. Graham	Mr. Oldfield
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. H. May

(Teller.)

#### Noes—22

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. I. W. Manning
Mr. Cornell	Mr. W. A. Manning
Mr. Court	Mr. Mitchell
Mr. Craig	Mr. Nalder
Mr. Cronmellin	Mr. Nimmo
Mr. Gayfer	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Guthrie	Mr. Wild
Mr. Hart	Mr. Williams
Dr. Henn	Mr. O'Neill

(Teller.)

#### Pairs

Ayes	Noes
Mr. Rowberry	Mr. Dunn
Mr. Heal	Mr. Burt
Mr. Toms	Mr. Hutchinson

Majority against—2.

Question thus negatived.

House adjourned at 10.31 p.m.

## Legislative Council

Thursday, the 18th October, 1962

### CONTENTS

	Page
<b>QUESTIONS ON NOTICE—</b>	
Driving Licenses : Suspensions—	
Remarks by Magistrate A. G. Smith ....	1819
<b>Esperance—</b>	
Increase in Rates ....	1819
Reservation of Location E.17 ....	1819
Resumption of Land by Railways Department ....	1819