

# Legislative Council

Tuesday, the 8th November, 1960

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

## BILLS (5)—ASSENT

Message from the Lieutenant-Governor and Administrator received and read notifying assent to the following Bills:—

1. Country High School Hostels Authority Bill.
2. Health Act Amendment Bill (No. 2).
3. Metropolitan Region Town Planning Scheme Act Amendment Bill.
4. Coal Mine Workers (Pensions) Act Amendment Bill.
5. Stamp Act Amendment Bill (No. 2).

## WESTERN AUSTRALIAN GOVERNMENT RAILWAYS COMMISSION

### Tabling of Papers

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [4.34]: I move—

That the following papers be laid upon the Table of the House:—

Western Australian Government Railways Commission—Comparative Statement for the last five years.

By way of explanation I would like to say that a request was made for the annual report of the Commission to be tabled in the Legislative Assembly. The report has been prepared, but has not yet been printed, and is consequently not ready for tabling. The information I have here, in the form of a comparative statement, covers the last five years, and is being tabled for the information of members.

Question put and passed.

Papers tabled.

## QUESTION ON NOTICE

### STATE HOUSING COMMISSION HOMES

*Hilton Park, Hamilton Hill East, and Willagee Park*

The Hon. R. THOMPSON asked the Minister for Mines:

- (1) What is the total number of State Housing Commission homes constructed during the current financial year in the areas of—
  - (a) Hamilton Park;
  - (b) Hamilton Hill East; and
  - (c) Willagee Park?
- (2) What proportion of this number of homes will be—
  - (a) rental;
  - (b) purchase; and
  - (c) leasehold?

The Hon. A. F. GRIFFITH replied:

- (1) (a) Nil—area is built out.  
 (b) 70.  
 (c) 15—area is built out.
- (2) (a) 34 per cent.  
 (b) and (c) 66 per cent. This dependent on the applicants. I might say that purchase and leasehold are one and the same thing—merely two methods of purchasing.

## QUESTION WITHOUT NOTICE WORKERS' COMPENSATION ACT

### *Second Reading of Amending Bill*

The Hon. E. M. HEENAN asked the Minister for Mines:

Could he give the House any indication as to when the second reading of the Bill to amend the Workers' Compensation Act is likely to take place?

The Hon. A. F. GRIFFITH replied:

I understand that the Bill referred to will be introduced into the Legislative Assembly in the very near future.

## NEW BUSINESS: TIME LIMIT

### *Suspension of Standing Order No. 62*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [4.41]: I move—

That Standing Order No. 62 (limit of time for commencing new business) be suspended during the remainder of the session.

I do not think there is any necessity for me to make a lengthy explanation in connection with this motion. It is the usual type of motion moved in the House by its Leader at the stage when the session looks like drawing to a conclusion. When I say, "Looks like drawing to a conclusion," I mean we are hoping that we will be able to finish the session, as I have indicated previously, towards the end of November.

As I was reminded the other night by Mr. Loton, who was quicker off the mark than I was, under our Standing Orders we cannot introduce new business after 11 p.m.; and the suspension of this Standing Order will permit that to be done in the interests of finalising the session.

**Question put and passed.**

## FISHERIES ACT AMENDMENT BILL

### *Report*

Report of Committee adopted.

### *Third Reading*

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government [4.43]: I move—

That the Bill be now read a third time.

I previously mentioned to members that I would obtain some information for them; and I will now reply to Mr. Ron Thompson in regard to crayfishing at Garden Island. Dr. R. W. George, Curator of Invertebrates at the Western Australian Museum, and an authority on crayfish, collected and measured samples of the commercial crayfish from Garden Island during two periods last year. The first sample of 27 specimens collected from the southern end of

the island during March, had a mean measurement of 2.8 in. and a size range from 2.3 in. to 3.5 in. The measurements were made from the rear end of the rostral horns to the end of the carapace. Therefore the mean measurement was greater than the minimum legal length of 2.75 in.

During November and December a second sample containing 112 specimens was measured by the new method which has recently been gazetted, viz., along the mid-dorsal line from the anterior edge of the pronounced ridge which joins the front edges of the rostral horns immediately posterior to the eyestalks to the posterior margin of the carapace. By this method, the minimum legal length is 3 in.

The mean of the sample which was collected from the north end of Garden Island in about 20 ft. of water was 3.1 in., and the size range was 2.2 in. to 3.8 in. In addition, at least 77 of the specimens were immature and their mean length was 3.1 in., which is also above the minimum legal length. The size at maturity of this sample would, therefore, be above 3.1 in.

Dr. George has collected similar samples from various points over the whole range of distribution of Western Australian crayfish, and has advised that the samples from Garden Island do not differ in form or in length-frequency pattern from any other samples collected in similar areas at other parts of the coast. It is evident, therefore, that the crayfish from Garden Island do grow to a size above the minimum legal length. Moreover, they are identical in form and growth pattern to the entire crayfish population.

For the information of other members, the name and address of the consignor or deliverer of fish is all that is necessary. Persons consigning or delivering fish are not always licensed fishermen. Fish are sometimes bought on the beach and sent for processing by the buyer who, not being a licensed fisherman, would not have a licensed fishing boat.

If a license is suspended, the fisherman who held that license is no longer licensed and may not lawfully engage in the taking of fish for sale. If he were a skipper, he would not be able to continue catching fish for sale, even as a crew member. There would be nothing to stop him from securing a licensed fisherman to stand in for him as skipper during his suspension, but he could not be on the boat himself. The matter of skippering contracts is at present outside the scope of the legislation. It is considered that Mr. Ron Thompson's proposal is not one with which the Fisheries Department, whose duty is to manage the fisheries and not to arbitrate in relation to contracts of service, should be asked to concern itself.

The provision concerning assignment, etc., of fish is a new one, and as far as can be seen at this moment, it will cover all eventualities. However, if later on it

appears that the powers now sought are too narrow, or that anything has been omitted, consideration can be given to amendments.

The desirability or otherwise of prohibiting the processing of fish at sea is at present under consideration. Some undesirable features; e.g., the processing of small crayfish and female crayfish from which the berry has been removed, have been associated with certain freezer boats, but it is believed the new law will simplify control of the activities of such boats.

**Question put and passed.**

**Bill read a third time, and returned to the Assembly with amendments.**

## **TOTALISATOR AGENCY BOARD BETTING BILL**

### *Second Reading*

Debate resumed from the 2nd November.

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines—in reply) [4.48]: The last few days have afforded me an opportunity to study the speeches that have been made by those members who are opposed to this Bill. Those who are opposed to the Bill appear to be of the opinion that the measure will fail for financial reasons. As I proceed, I want to try to give in some detail information regarding the questions that were raised during the course of the second reading debate.

Mr. Willesee sought clarification in regard to the question of the 15 per cent. commission that is to be deducted by the board in relation to bets communicated to an on-course totalisator. That this matter requires further explanation is fully appreciated. I would like to submit the following example for consideration, particularly by the honourable member. Let us consider a set of circumstances of this nature: The number of 5s. units communicated to the on-course totalisator being 400, the board's commission out of that would be 15 per cent. The number of winning units to the board out of the total of 400 would be 40. The dividend declared on the winner would be £1 10s. The figures covering the whole of these transactions would then read—I am now turning the units into pounds: The amount received by the board would be £100, being 400 units of 5s. at a time. Less commission at 15 per cent. would make it £15. The amount paid to the on-course totalisator would be £85. The dividends received from the on-course totalisator—40 winning bets at £1 10s.—would be £60. The amount paid to the winning investors by the board, £60. It will therefore be seen that the profit to the board is the original 15 per cent.; and in the case I have given as an example it would be the sum of £15.

Had the winning dividend not been £1 10s. but, say, £3 10s., then the board would have had an amount of £14 to pay its winning investors. At the same time, it would have received an identical amount from the on-course totalisator. Thus, the gross profit to the board must remain 15 per cent. in connection with all moneys invested on the on-course totalisator.

Perhaps the confusion arose in the mind of the honourable member over the belief that the sum of £85 would be invested on the on-course totalisator for each £100. received by the board. Actually, the investment is not in pounds, shillings, and pence but according to the number of 5s. units invested on the particular race concerned.

A point requiring, perhaps, some personal explanation was made by Mr. Strickland when he was addressing the House. He said he had reason to believe that some people who were in Parliament, and others out of Parliament—and some who were, perhaps, Ministers of the Crown at the present time—went to a bookmakers' dinner on one occasion. I helped the honourable member in his statement by admitting that I myself had been to a bookmakers' dinner. The year was 1958, if my memory serves me correctly. I also interjected and told the honourable member that I had no hazy recollection of what I said at that dinner, but that my recollection was vivid on the point.

What I said was simply this: As one who had voted against the legislation that was introduced to set up starting price betting shops, I was prepared to admit that the circumstances which were prevailing at the time of the dinner were better than the circumstances which had previously prevailed in the State when there was unlawful betting. But I hasten to say that at no time did I give the people at that dinner any indication whatsoever that my remarks could be interpreted as my personal intention to support any other form; because I knew that in the first place the legislation was experimental; and, in the second, that it had a limitation of life, and had to come before Parliament for further consideration.

I do not believe, in any case, that what I said was interpreted as an assurance that I would support any other legislation to continue starting price betting. I do not believe that the people who attended the dinner interpreted my remarks in such a way; because they gave a considerable amount of money to, shall I say, a political belief that was not mine, to try to see whether the party of which I have the honour of being a member could be defeated at the polls.

The honourable member also said that some of these bookmakers, or a number of them, had taken out long leases of their premises in anticipation. All I can say to

him is this: They are much better book-makers than they are businessmen, because nobody knew better than they did that not only was the limitation of the legislation in existence by reason of the Act itself, but their licenses were determinable from year to year and were subject to renewal. So it could not be said that anybody could take a long lease with any assurance that the business would be continued.

I do intend to traverse in some detail—and perhaps more fully—the three main points on which it is considered that this whole matter will turn. As I have said, it is asserted by those people who are opposed to the Bill that it will fail simply because of the financial aspect of the proposition. It is agreed that the three points in question are—

- (1) the turnover;
- (2) the gross profit, being the margin between bets received and bets paid; and
- (3) the cost of running the scheme itself.

It has been stated in opposition that the present system should not be changed because it is an efficient one. This matter is not in dispute. As I said a minute ago, I was prepared to admit that starting price betting shops were, in fact, better than the former way of life we knew. But that does not mean to say that the Government, and many people in the State, do not share the view that the present licensed premises bookmaking system has had, and is still having, an adverse effect upon the racing industry. In making the change, the Government is of the opinion that it will be of great assistance to the racing industry; not only in sustaining it, but in expanding it. And after all, the maintenance of the racing industry is, surely, one of the essentials in maintaining any system of betting, whether it be this or any other.

So far as the Government is concerned, the promotion of the industry is of paramount importance. If we are going to have racing, then it is important to promote an industry to make it of such a nature that it can be attractive to those people who patronise it. The figures which will be developed will clearly show how the racing industry will benefit as a result of the changes proposed in the Bill.

I will now turn to the three main points at issue and discuss them, one by one, in a little more detail. First of all, let me take the turnover. Mr. Wise is not correct when he claims that the Government has accepted the estimate put up by Mr. Smythe, the General Manager of the New Zealand Totalisator Agency Board. At the same time, however, it is correct to say that some attention has been given to the views that have been expressed by Mr. Smythe, who is somewhat of an authority, or an expert, on this matter.

It is important, of course, to bear in mind that the estimate of £7,500,000 for the whole State, furnished by Mr. Smythe, was given in the belief that the system to operate in this State would be substantially the same as the system which operates in New Zealand. This, of course, is far from the position. The Western Australian legislation, as it is intended, is not the same as that in operation in New Zealand. Those responsible for putting up the estimate under the system envisaged for this State are of the opinion that if the New Zealand scheme were introduced here, the turnover for the whole State would be less than the £7,500,000 estimated by Mr. Smythe.

The Hon. H. K. Watson: Seven million five hundred thousand pounds.

The Hon. A. F. GRIFFITH: Yes. It is believed that if the New Zealand system were to be introduced into Western Australia, the turnover for the whole of the State would probably be in the vicinity of £6,000,000. Under the system proposed it is believed that the turnover in the metropolitan area will be £6,500,000, and that when the country areas are also covered the total turnover will be £11,500,000.

What are the reasons for thinking that the turnover for this State under the system proposed will be much higher than it would be if the New Zealand system were introduced into Western Australia? It is considered that the three main items which will influence turnover are as follows:—

- (1) The scope for betting.
- (2) The facilities provided for patrons.
- (3) The scope for reinvestment on the day of the race meeting concerned.

The scope for betting, of course, is affected considerably by the closing time prior to the scheduled starting time of any particular event. I am informed that in New Zealand the closing time for doubles is two hours before the event, and for other betting it is one and a half hours before the scheduled starting time. Under the scheme proposed for Western Australia, doubles betting will be permitted right up to the time of the start of the first leg. Other betting will close 45 to 60 minutes before the scheduled starting time, but will be on again approximately 30 minutes prior to the start of each race, and betting will be permitted to go on within reasonable limits.

So members can see that in the first case the position here will be substantially different from the conditions which prevail in New Zealand. As far as normal wagering is concerned, within limits it will be possible for punters to bet right up to the scheduled starting time. Thus it will be seen that there is a marked difference from what is proposed for this State and what operates in New Zealand. I might add that in New Zealand betting

is restricted to doubles and win and place wagering. In time it is envisaged that in this State betting will be permitted by way of doubles, quinellas, win, and place, as well as up-the-lot betting, for a win, for a place, and each way. In respect of the facilities, by way of comparison—

The Hon. A. L. Loton: Did you say it will be possible to have up-the-lot betting?

The Hon. A. F. GRIFFITH: In the course of time. In New Zealand very few facilities are provided for the punter; he is given only the barest information required to enable him to place his bet, and there are no race broadcasts or payments out on the day of the race. No information is provided in regard to the jockeys and no seating accommodation is available.

The Hon. H. C. Strickland: There is through the Press.

The Hon. A. F. GRIFFITH: In New Zealand?

The Hon. H. C. Strickland: Yes; two special sporting papers are issued.

The Hon. A. F. GRIFFITH: And the pay-out is the day after the race.

The Hon. H. C. Strickland: Yes; you bet on the Saturday and you get paid on the Monday.

The Hon. J. J. Garrigan: They would have to wait till the Monday.

The Hon. A. F. GRIFFITH: Not in this State.

The Hon. J. J. Garrigan: Would the board pay on the Sunday?

The Hon. A. F. GRIFFITH: No.

The Hon. H. C. Strickland: In New Zealand the bettors don't get paid till the day afterwards.

The Hon. A. F. GRIFFITH: That is so. The pay-out is made on the next business day after the race meeting. If this system is introduced, as it is hoped, the pay-out will be on the same day.

The Hon. J. J. Garrigan: On the same day?

The Hon. A. F. GRIFFITH: Yes; it will be as quick as is provided by the starting-price facilities now.

The Hon. H. C. Strickland: In New Zealand it has been found that on occasions the tates have not had enough cash to pay, and so would not have been able to pay out on the same day.

The Hon. A. F. GRIFFITH: I cannot make any comment about that. However, when these second reading interjections have finished, I will carry on. In this State broadcasts will be as at present; and other information, similar to that provided now by the licensed premises bookmakers, will be available.

The scope of reinvestment, of course, is mainly dependent upon the speed of the pay-out on the day of the race concerned; and we have already travelled this ground

to some extent. In New Zealand payment is not made till the next business day. This means that once an investment is made with the New Zealand Totalisator Board the punter has lost the control and use of his money until the next business day, irrespective of whether the horse wins or not. Thus if he requires a number of bets in any one day he has to finance all the bets from the original sum of money he had in his pocket.

In this State the position will be different. Under the proposed scheme it is believed that the pay-out after each race will, as I said a few moments ago, be just as speedy as the pay-out at present given by the licensed premises bookmakers. There is no authority given to a New Zealand punter for reinvestment either out of winnings or refunds due. In this State, bearing in mind that betting will be permitted on Eastern States racing, which starts about two hours ahead of the races in this State, on local gallops during the afternoon, and on trotting during the evening, the punter will have something like 18 opportunities for reinvestment during the course of the full day's programme. I repeat: That is vastly different from the facilities provided for the New Zealand punter.

It is claimed by some who say they are experts in this matter that the reinvestment is something like four or five times as great as the original investment. Those who have studied the position on behalf of the Government do not fully subscribe to this view. I think that point should be borne in mind. It is the opinion of some experts that reinvestment is sometimes four or five times as great as the original investment, but it is not believed that that will be the case here. It is reasonable to assume, however, that a system which provides for a pay-out on the day of the race, and as soon as convenient after the completion of each race, must have a better turnover potential than a system that will not pay out before the next business day. I think that is a reasonable conclusion to draw.

The Hon. H. K. Watson: The punter will have ample opportunity to divest himself of all his money by the end of the day.

The Hon. A. F. GRIFFITH: As I just heard someone mention, that is fair comment. In the metropolitan area at present there are about 106 licensed premises bookmakers whose aggregate turnover is approximately £12,100,000 per annum. In arriving at the estimate of £6,500,000 for the metropolitan area, a close analysis has been made of the turnover of each bookmaker in the metropolitan area, including the number of bets laid. The number of bets laid gives a fairly good guide as to whether the business of the particular bookmaker concerned mainly comprises

credit betting, where the bets are somewhat larger; or mainly comprises cash betting, where the average bet will fall somewhere between 10s. and £1.

A schedule of the districts in which it is considered totalisator agencies will be set up has been prepared, and turnover fixed relative to each district. It will be appreciated, of course, that some districts or centres will have more than one agency. For example, in Perth, which includes the city and its environs, it is believed that about 14 agencies will be opened, whereas in Fremantle it is expected that four or five will be opened. The final analysis of the situation indicates that in all some 55 agencies will be operating in the metropolitan area when the new system is fully set up.

It is believed that the average turnover in these 55 agencies will be about £118,200 per annum which, if realised, will give an annual turnover of about £6,500,000. When the totalisator agency board covers the whole of the metropolitan area it is expected that about £1,000,000 per annum by way of credit betting will pass from the metropolitan area to the country areas still covered by licensed premises bookmakers. At present the turnover of licensed premises bookmakers in country areas is just over £5,000,000 per annum; thus, when the totalisator agency board occupies the metropolitan area only, it is believed that the turnover of licensed premises bookmakers in the country will approximate £6,000,000 per annum.

At this stage then, the total turnover will be £12,500,000 as against £17,250,000 at present. When the totalisator agency board covers the major portion of the whole of the State, it is believed that the total combined turnover will be reduced from £12,500,000 to £11,500,000. This latter figure, however, will possibly be exceeded by, perhaps, £250,000 from those areas still to be covered by licensed premises bookmakers.

On the figures available it would appear reasonable to assume that under the proposed system, which in most cases will allow betting right up to the scheduled time, and will not be a radical departure from the system in operation at present, a turnover in the metropolitan area of £6,500,000 can be achieved. In short, it is anticipated that the turnover in the metropolitan area will drop by £5,600,000, from £12,100,000 to £6,500,000—a drop of something like 47 per cent.; and surely it must be agreed that that estimate is a conservative one.

Dealing with the question of the gross profit margin, Mr. Wise pointed out that the gross profit margin of the totalisator agency board could not, in his opinion, exceed 14.75 per cent. It is considered that there is merit in this argument, and the figures submitted by the honourable

member are appreciated. However, this profit figure of 14.75 per cent. is one which might apply to the totalisator agency board in its infancy, or perhaps during the transitional period, bearing in mind that the system will take a little time to get going; and it is not reasonable to assume that it will not take some little time to become operative. It could not be expected that the system would become fully operative one second after it started; there would have to be some trial period.

When the metropolitan area is finally set up it is expected that the bulk of the money held by the board will either be reinvested on the on-course totalisator or placed in a totalisator pool. In conceding that the gross profit margin of the totalisator agency board might be, as Mr. Wise said, 14.75 per cent., the honourable member went on to make the point that in his opinion it would be less. He gave us his reason for this difference between the additional payout that would be required of bookmakers if they were to pay out at tote odds, and not at starting prices as at present. It was claimed that this additional pay-out would amount to something in the vicinity of 7 per cent. to 10 per cent. of the turnover.

I have reached the stage when some interesting figures can be developed. It has been claimed on behalf of the licensed premises bookmakers that their gross profit margin is 10 per cent. on turnover. If such is the case, then it necessarily follows that they must be paying back to punters 90 per cent. of the amounts wagered. This 90 per cent. is paid on the basis of tote odds for a place, and starting price for a win.

If the bookmakers are required to pay out 7 per cent. to 10 per cent. more, by not paying the starting price on winning bets, it means that their total payout—when dividends are paid at tote odds for both win and place—will fall between 97 per cent. and 100 per cent. of the bets that were received from punters. In short, after meeting expenses and turnover tax they will be operating at a loss. I have yet to be convinced that they will be so operating.

It has been argued that in the Eastern States, on-course punters betting on the totalisator would lose 13.25 per cent. of the investments made. We claim that the off-course punters in this State, wagering on events run in Melbourne and Sydney and being paid on the basis of totalisator odds, would receive back between 97 per cent. and 100 per cent. of their investments. If that is the case, then it means that the punters in this State who are some 2,000 miles removed from these races must be far better punters and far better informed than their co-punters attending the race-courses in Sydney and Melbourne.

This must be so if the claims made on behalf of the licensed premises bookmakers are correct. It does not, however, appear to follow the dictates of commonsense. One

would normally think that a person attending racecourses in Melbourne or Sydney; with the betting ring as a guide; with the tote indicator as a further guide; with better knowledge of the state of the track and of the betting fluctuations; with a better knowledge of current form; and with the opportunity of watching the appearance of the horses would be much better informed than the punter who is sitting down in the betting shop in this State and making bets on Eastern States races.

The Hon. G. Bennetts: It shows we have a better judgment of horseflesh.

The Hon. A. F. GRIFFITH: I thank the honourable member for the usual help he gives me. We know that at times starting price commissions are worked. Some are successful, but most are not.

The Hon. F. R. H. Lavery: Ask Bill Purvis where he puts his commissions on.

The Hon. A. F. GRIFFITH: If you, Mr. President, are interested to have this information, I suggest you ask the honourable member. I do not know where Mr. Purvis puts them on. As against this, it is well known that the Melbourne and Sydney totalisators are much stronger than the totalisator in this State. Many owners, trainers, other informed persons, and even the bookmakers themselves, who finance their books on races in Sydney and Melbourne, bet on the tote. It is difficult for the Government to accept the view that off-course punters in this State, betting on Eastern States races, fare better than the on-course punters in those other States.

As indicated earlier, the totalisator agency board in this State will be engaged in up-the-lot betting. In theory if £100 is invested on race one, for reinvestment up-the-lot in subsequent races, only £85 approximately would be returned from the first race for reinvestment in the later races. At this stage the turnover is £100, being the original amount invested on the first race up-the-lot in subsequent races. After deducting 15 per cent., there will be £85 available for reinvestment in the subsequent races.

The Hon. A. L. Loton: What about the investment of the winnings?

The Hon. A. F. GRIFFITH: I gave an example of the way in which a bet of £100 will travel. I do not know whether the honourable member was present when I gave that example.

The Hon. A. L. Loton: I have been here all the time.

The Hon. F. J. S. Wise: What will be the specific units?

The Hon. A. F. GRIFFITH: In what respect?

The Hon. F. J. S. Wise: The units of bets to be accepted.

The Hon. A. F. GRIFFITH: As far as the totalisator agency board is concerned, I understand it will be in amounts of 5s. I believe also that whilst the unit of 5s. will apply to the totalisator agency board, there is nothing to stop an agency from writing any bets of 2s. 6d. they receive. After deducting 15 per cent. from the £100 invested—as I was illustrating a little while ago—£85 will be available for reinvestment in subsequent races. This amount of £85 will again be subject to a deduction of 15 per cent. which means that only £72 15s. will—

The Hon. A. L. Loton: That is not all-up betting.

The Hon. A. F. GRIFFITH: The honourable member is better advised on this than I am.

The Hon. A. L. Loton: I am on this.

The Hon. A. F. GRIFFITH: There is the Committee stage of this Bill. If there are any queries about this matter, they can be raised at that stage.

The Hon. A. L. Loton: I am only seeking information.

The Hon. A. F. GRIFFITH: I am very glad to be able to give the information. If I have not the information at my fingertips—from these notes—I shall endeavour to obtain it, as I so often do when dealing with other legislation.

Referring to the example again, the second investment would leave £72 15s. to be returned to successful punters. Thus, the margin available to the board would be £27 5s. When expressed on the original turnover, and that is how the turnover is calculated, the profit margin is 27½ per cent., and not 16½ per cent. as our figures show. Thus, if only 5 per cent. arises out of reinvestment by way of up-the-lot betting, it could be calculated that if the margin of 16½ per cent. were available on 95 per cent. of the betting, the total margin on the full turnover would be approximately 6.9 per cent.

As previously mentioned, the margin available to the authority in New Zealand, after meeting taxation, is 9.25 per cent. Let us assume the distribution was approximately 3.125 per cent. on turnover. Thus, New Zealand has 6.125 per cent. to cover everything else. As .5 per cent. is set aside for capital and establishment charges, it necessarily follows that the cost of running the scheme is approximately 5.625 per cent.

In this State figures advanced on behalf of the Licensed Premises Bookmakers' Association indicate that after deducting stamp duty and turnover tax, the cost of running the business of the licensed premises bookmakers falls between 4.4 per cent. and 4.8 per cent. In preparing the estimates a figure of 7.25 per cent. has been used for the purpose of running the board in this State. This amount of 7.25 per cent. comprises administration and

running costs amounting to 6 per cent., and capital and establishment charges amounting to 1.25 per cent.

Thus if the gross margin is 16.25 per cent., after meeting the 7.25 per cent. costs plus another 5 per cent. for turnover tax, there will be 4 per cent. available for distribution among the clubs. In addition, the totalisator agency board is to receive  $1\frac{1}{2}$  per cent. from the on-course totalisator turnover, and this has been calculated as being worth £37,500.

It is believed that with a monopoly in the metropolitan area, the cost of writing bets, paying bets, and providing facilities similar to those provided by licensed premises bookmakers, should be about as much to the board as it is to the licensed premises bookmakers at present. As mentioned, this figure would be in the vicinity of 4.4 per cent. to 4.8 per cent.

Thus we are working on a margin of 6 per cent. for everything other than the capital and establishment charges. This means there will be a margin of between 1.2 per cent. and 1.6 per cent. of the turnover to cover all those expenses in connection with the totalisator scheme which are not required to be met by the licensed premises bookmakers.

If we take the average of 1.2 per cent. and 1.6 per cent., the figure is 1.4 per cent. When expressed on a turnover of £6,500,000, which is the anticipated turnover, it amounts to £91,000 per annum. To this figure must be added the £37,500, which I referred to a moment ago, from the on-course totalisator investments. The total would amount to £128,500 which would become available for the additional expenses not required to be met by the licensed premises bookmakers.

The additional expenses to be met by the board will mainly relate to more collating of the betting information inside the agencies, and the transmission of such information to central headquarters; and, where applicable, by central headquarters to the on-course totalisator. It is felt, however, that this figure of £128,500 is more than ample to cover the expenses likely to be met in those directions.

Some remarks concerning Eastern States racing, and the tote pool system were made. At the present time three systems are under consideration. They are as follows:—

1. A deduction of 20 per cent. from losing bets only, in lieu of 15 per cent. from all bets. Figures furnished to the Royal Commission indicate that a 20 per cent. deduction from losing bets is the equivalent of 15 per cent. from all bets.

2. The placing of all the bets received on Eastern States events into a totalisator pool, and paying out on the following basis—

- (a) Where the local dividend falls between 75 per cent. and 125 per cent. of the Eastern States

dividend, the actual amount of the dividend declared by the local tote pool.

- (b) Where the local tote dividend is less than 75 per cent. of the Eastern States tote dividend, the local tote dividend to be brought up to 75 per cent. of the other dividend.

- (c) Where the local tote dividend is more than 125 per cent. of the Eastern States tote dividend, the local tote dividend to be reduced to 125 per cent. of the other dividend.

3. Placing all the money received on Eastern States races into a local tote pool, and declaring dividends after deducting 15 per cent. commission on the basis of distributing the remainder in these proportions—

- (a) 60 per cent. of such remainder to the holders of tickets on the winner;

- (b) 25 per cent. to the holders of tickets on the second horse; and

- (c) 15 per cent. to the holders of tickets on the third horse.

Of the three schemes mentioned, the second is considered to be the most likely to be adopted. If this scheme is adopted it will be possible, subject to proper audit control within each agency, to transmit the information to central tote headquarters after each event is run. The only information that will be necessary to be furnished by the agency is the total amount of investment on the particular race, both win and place, plus the investments on the three placed horses. This will greatly reduce the transmission costs as compared with the New Zealand system. It will also permit betting in large amounts right up to the time of the start.

It is believed that this guarantee of a dividend of not less than 75 per cent. of the Eastern States dividend will prove very satisfactory to punters in this State. Recently a Western Australian horse named Aquanita won a race in Melbourne on Caulfield Cup day. On the Perth race-course, bookmakers betting on this event laid Aquanita quite heavily at 4 to 1. Aquanita started at 5 to 1, which is the equivalent of 30s. on the totalisator, and the totalisator dividend in Melbourne was 35s. Under the system proposed no doubt Aquanita would have paid, under a local totalisator pool, less than 75 per cent. of the Eastern States dividend of 35s., which is 26s. 3d. Thus the totalisator agency board in such a case would have paid 26s. 3d. to off-course punters in this State, as against 25s. which local on-course bookmakers paid, and 30s. which local off-course licensed premises bookmakers paid.

On the same day a horse called Ilumquh won the Caulfield Cup and started at 12 to 1. Thus licensed premises bookmakers in



this State, for a straight-out investment of 5s., paid 65s. This horse paid 83s. on the tote at Caulfield. On this particular event the W.A. Turf Club on the Perth racecourse conducted a tote on the Caulfield Cup, and the winner, Ilumquh, paid £7 12s. 6d. This, of course, is another clear indication of how punters in this State are not as well informed on Eastern States racing as are their counterparts on the course in the Eastern States.

Under the proposed system this dividend of £7 12s. 6d. on the local tote would have been reduced to 83s. plus 25 per cent., which works out at £5 3s. 9d. Thus it will be seen that by guaranteeing a dividend of somewhere between 75 per cent. and 125 per cent. of the appropriate Eastern States dividend, the scheme actually operates under a dividend equaliser system.

In time it is believed that the only money not placed in an on-course or local tote pool will be the late betting in small amounts on local gallops and trots.

The cost of transmitting the information on doubles, quinellas, and Eastern States races to the local tote pool will be considerably less than the cost in New Zealand. Take doubles for instance. In New Zealand they close two hours before the starting time of the first leg, and collate the whole of the information throughout the 300 branches and agencies. If there are 16 horses in each of the two events, the combinations total 256. Under the system proposed here with proper audit control in each branch, betting will be permitted right up to the starting time of the first leg. The information to be collated and transmitted will be the information relative to the total investment in the agency and the number on the one winning combination, as against, say, 16 combinations under the New Zealand scheme.

The same will apply in quinella betting, where betting will take place right up to the start of the race, and the only information to be transmitted to the central tote headquarters will be the total investment on the race and the number on the winning combination.

In regard to straight-out and place and up-the-lot betting, if proposal No. 2 is adopted—and this is the one most favoured at this stage—then betting up to any amount whatever will be permitted right up to the time of the start. The only information to be collated and transmitted will be in relation to total investment and the investment on the three placed horses.

A lot has been said in regard to bookmakers versus totalisator odds. It has been claimed that if the bookmakers had to pay out on totalisator odds, it would increase their pay-out somewhere between 7 per cent. and 10 per cent. of the turnover. An analysis of this matter has been made at Treasury level. An examination of one licensed premises bookmaker, considered to be average and one who properly collates

his information, showed that as far as straight-out winning bets go, over a total of 137 races in Sydney, Melbourne, and Perth, the additional pay-out at totalisator odds would have amounted to £34 2s. 9d. only for the full 137 events. The turnover of this particular bookmaker for straight-out betting approximated only £8,000 on these 137 events. Thus, the additional pay-out amounted to .4 of 1 per cent. on turnover. I might add that the race which Aquanita won at Caulfield on the 15th October would have cost this particular bookmaker an additional £19 5s. had he paid out at tote odds instead of starting price.

The Hon. H. C. Strickland: You are not going to pay totalisator odds are you? You are only going to pay 75 per cent. of totalisator odds.

The Hon. A. F. GRIFFITH: The honourable member is just endeavouring to confuse me.

The Hon. H. C. Strickland: No I am not.

The Hon. A. F. GRIFFITH: Is not the honourable member?

The Hon. H. C. Strickland: I am merely seeking information.

The Hon. A. F. GRIFFITH: Let us continue now, and any queries the honourable member has he can make during the Committee stage when I shall probably be better able to answer them.

The Hon. H. C. Strickland: I thought you had studied this over the week-end.

The PRESIDENT: Order please!

The Hon. A. F. GRIFFITH: This accounts for over half the total difference of £34 2s. 9d. The analysis also showed that out of the 137 races surveyed, this particular bookmaker did not hold any money for 16 of the winners, and for a further 16 winners he held £1 or less straight out.

In regard to the position of the Government, it is estimated that if the existing system were to continue, the Government would receive the £775,000 per annum from off-course betting. Based on a turnover of £6,500,000 for the totalisator agency board in the metropolitan area, and £6,000,000 from licensed premises bookmakers in country areas, it is estimated that the revenue to be received by the Treasury will be £767,000, made up as follows:—

	£
Turnover tax, licensed premises bookmakers, country areas	195,000
Investment tax, all sources	196,000
Stamp duty	33,000
Registration fees	18,000
Turnover tax on totalisator agency board, which will be 5 per cent. of £6,500,000	325,000
Total	767,000

This represents a worsening of the position to the extent of £8,000 per annum. When the totalisator scheme covers the whole of the State, assuming there is no return to the Treasury from licensed premises bookmakers, the position is then calculated to be as follows:—

	£
Investment tax .....	186,000
Turnover tax on totalisator agency board, 5 per cent. of £11,500,000 .....	575,000
<b>Total</b> ....	<b>761,000</b>

This is a worsening of £14,000 per annum. It has been calculated that if the present system remained, the revenue derived by racing clubs from off-course betting would approximate £175,000 per annum. If the gross margin available to the board is 16.25 per cent.—and there is no reason to think otherwise—and 7.25 per cent. does cover administration costs, capital, and establishment charges—and here again there is no reason to think otherwise—after meeting its 5 per cent. turnover tax, the board will have available for distribution to the clubs 4 per cent. of £6,500,000, which is £260,000 plus £37,500, representing the 1½ per cent. from the on-course totalisator turnover.

If we take this £37,500, which is fairly certain, from the £175,000, the difference is £137,500. Thus, in order to achieve the same result as at present, the board, on its turnover of £6,500,000, would only require a net surplus of about 2.12 per cent. to enable it to give the clubs a similar return to that which they now enjoy. It is believed however that the amount available to the clubs will be 4 per cent. of the turnover, plus the £37,500 per annum.

When the totalisator agency board covers the whole State on a turnover of £11,500,000, it is believed that the return to the clubs will be £497,500, which is £322,500 more than they receive at present. This is based on a net profit of 4 per cent. on £11,500,000, which is £460,000, plus £37,500 already mentioned from the on-course totalisator.

The board will have available to it the following funds:—

- £50,000 to be made available by the Turf Club and the Trotting Association.
- £37,500 per annum from the on-course totalisator.
- 1½ per cent. of the turnover which, when the metropolitan area is properly covered, will amount to £81,250 per annum, and when the whole State is covered, will amount to £143,750 per annum.

As to the extent to which in the early stages the Government will require to guarantee loans by the board, this will greatly depend upon—

- the mechanisation of the totalisator scheme; and

- whether the board leases or rents its premises or acquires same outright.

At the present time, the system is planned to be manually operated but with some mechanical accounting equipment. It is also intended as far as possible to lease or rent the premises required.

Mention has been made to what part the newspapers are to play. As yet, no approach has been made to the newspapers, but the Press appears to be favourable to the new scheme. It is expected that it will co-operate by publishing information similar to that furnished now, plus the totalisator agency board's official numbers to identify the horses concerned.

No approach has yet been made to the radio stations. It is, however, expected that they will carry on similarly to what is being done at the present time. It is fully envisaged that the board will have to pay for their services similarly to what the licensed premises bookmakers are now doing. This has been allowed for, however, in the 6 per cent. running costs.

It is expected that the radio will be used far more extensively than it is at present for the broadcasting of winning dividends. This should speed up the pay-out, particularly in country areas. No doubt the position will have to be discussed with Tates Press agency. When the board first starts to operate in the metropolitan area, it will start with one agency only; and it is expected that it will receive and pay for the same service as is now given to licensed premises bookmakers.

As more tote agencies are established and bookmakers become fewer in number, then consideration will be given to using the radio for the purpose of dissemination of information, and using an organisation like Tates Press Agency for the receipt of incoming messages from totalisator agencies. In short, finally the radio will be used for outgoing messages, and the telephone system for incoming messages. In this way it should be possible to keep the telephone lines from being cluttered up.

I repeat that the Government is confident that all of the figures mentioned can be achieved; and they might even be improved upon. I mentioned earlier something about the additional 1½ per cent. on the on-course totalisator. We stand by the claim that the increase from 13½ per cent. to 15 per cent. in the duty payable on the on-course totalisator will not worsen the position of the on-course tote investor.

With the off-course investment there will be a better spread of money over the horses engaged in the race. With the heavier investment that will result, price movements will not be as susceptible to the same degree of change as at present. It is well known that the more money on the tote the better the dividends. There is a good example of this at hand in this

State. The tote at Gloucester Park is much better patronised than the tote on the racecourses, and the trotting dividends are appreciably better than the racing dividends. In addition, the on-course patron will benefit from the additional amenities the clubs will be able to provide under the new scheme.

The whole matter has been under discussion for some months between representatives of the Turf Club, the Trotting Association, and Treasury officials. Discussions have also taken place with the Chairman of the Victorian Totalisator Agency Board (Sir Chester Manifold), and the previous Secretary of the V.R.C. (Mr. Morrison). Discussions also took place in Melbourne in June last with Mr. Smythe, the General Manager of the New Zealand Totalisator Agency Board, when he was there for a period of about three weeks to assist the Victorian racing authorities with the introduction of their scheme. It is, however, expected that here the introduction of the proposed change will be more easily accomplished than the introduction of the new system in Victoria.

What is required for the successful conduct of an off-course totalisator? That is a question that is posed. The Press, the radio, a good telephone service, premises, betting material, and trained clerks are needed. All of those are existent here at the present time.

The Hon. G. Bennetts: And plenty of good punters.

The Hon. A. F. GRIFFITH: That goes without saying. I would like to have one final word on illegal betting. The Government, whilst concerned about the illegal backer, is more concerned about the illegal bookmaker. I agree with the members of the Opposition when they say that there is a lot of illegal betting in New Zealand despite the existence of an off-course totalisator scheme in that country. I would bring under notice the fact that in New Zealand there is no pay-out on the day of the race, as has already been mentioned. The illegal backer in New Zealand is a person who is interested in payment out on the day of the race as distinct from the system which prevails. He can only be paid at tote odds as there are no bookmakers at all in New Zealand.

Thus if reasonable facilities are provided to off-course punters in this State, and it is intended that they be reasonable, and payment is made on the day of the race, it is felt that, subject to the penalty clauses now in the Bill, it should be possible to keep illegal betting down to the barest minimum and, perhaps, completely eradicate it.

Finally I must say just a little more in regard to payment out according to totalisator odds as compared with starting price. A report obtained from a visitor from this State to New Zealand in 1953 showed that

for 1952-53 in New Zealand, the off-course totalisator punter, in addition to the 17.35 per cent. statutory deduction, lost 2.69 per cent. In short, the off-course punter lost to his co-punter on the course. This, of course, makes commonsense. That this pattern has continued since 1953 was confirmed by Mr. Symthe during the discussions which took place in Melbourne in June last.

Thus it is difficult to see what risk the Government is taking in holding as a bookmaker the later betting on races and trots when the basis for payment out on such betting is 100 per cent. back, less 15 per cent. and fractions and unclaimed dividends. I have endeavoured to cover the points raised.

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

**Ayes—16.**

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray

(Teller.)

**Noes—13.**

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. G. E. Jeffery
Hon. F. R. H. Lavery	

(Teller.)

**Majority for—3.**

**Question thus passed.**

**Bill read a second time.**

*In Committee*

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

**Clauses 1 to 3 put and passed.**

**Clause 4—Application of Act:**

The Hon. F. J. S. WISE: It was interesting to hear the Minister's opening remarks with respect to how he had studied the question over the week end, when it was obvious he dare not lose his place when relating, in his reply to the debate, the results of his studies.

I am wondering whether the Minister can tell us what is in the mind of the Government in regard to which portions of the State will be declared immediately following the proclamation of the Act, and which portions will be declared progressively following the proclamation of the Act; and whether it is anticipated that licenses will be issued within the prescribed radiuses.

The Hon. A. F. GRIFFITH: I want to make it quite clear that I appreciate the remarks of the honourable member. I am not one who professes to know everything; and I am certainly not one who professes to know everything about betting. In difficult matters one is, of course, guided,

just as, I am sure, Mr. Wise was guided, and accepted advice and guidance when he was on this side of the Chamber.

It is intended gradually to introduce the totalisator scheme in the metropolitan area, and subsequently to extend it to the country areas. As a region is declared—I am informed each region will be declared by proclamation—to be a totalisator agency area, the actions of the Betting Control Board will cease in that area.

The present activities of the board will continue to apply to areas other than the regions covered by the totalisator scheme. In some parts, particularly in the remote areas, it is envisaged that they will always be covered by the activities of the licensed premises bookmakers under the Betting Control Act; and a little later in this sitting we will be dealing with a Bill to amend that Act. By that measure it is proposed to extend the life of the Betting Control Act with a view to making it permanent; and it is proposed to amend it so that it will dovetail with the Bill with which we are now dealing.

The Hon. F. J. S. WISE: The Minister did not answer my question. What does the Minister anticipate will be the first radius or area which will cover the proclaimed district? How many premises does the Government anticipate being able to handle within a given period; say, within 12 months of the proclamation of the Act? Have there been, or will there be, negotiations in regard to the taking over of existing premises held by licensed bookmakers, or will there be established entirely new premises? All such matters come within the ambit of this clause. What is to be done? The Committee is entitled to have some information because it has had none on that point.

The Hon. A. F. GRIFFITH: Initially, there will be one agency in the metropolitan area; that is, one set of premises. As the system grows, in and around the month of June, 1961, the board will start to grow and establish agencies at the rate of about one a month, or as is desired from time to time.

The Hon. H. C. STRICKLAND: During my second reading speech I mentioned that some of the licensed premises bookmakers had entered into long-term leases of their premises. Following the Minister's advice that there will be one agency at the commencement of the totalisator scheme, will he now inform us whether that agency will be set up in licensed premises that are already established, or will it be housed in entirely new premises? Further, have there been any negotiations to take over any of the existing premises occupied by licensed bookmakers in the light of this Bill being passed?

The Hon. A. F. GRIFFITH: The agency could be set up in one of the existing premises or it could be housed in entirely new premises. There have been no negotiations in that respect to date.

The Hon. E. M. HEENAN: I understood the Minister to convey the impression that the activities of this board might never be extended to certain remote areas. Can I deduce from that statement that the Eastern Goldfields and the Murchison are likely to be regarded as remote areas and therefore beyond the operations of the proposed board?

The Hon. A. F. GRIFFITH: I cannot say definitely what the areas will be except that I have referred to them as "remote areas." I understand that in New Zealand two out of every 11 agencies are losing agencies; and, as a result of experience, the advice to the Government is that it should ensure that it is not caught in the same way.

The Hon. F. J. S. WISE: It seems obvious from the reply given to Mr. Heenan by the Minister that, as was anticipated by several speakers when they were speaking to the second reading of the Bill, for all time there will be throughout the State starting-price bookmakers. They are the people who were denounced and roundly condemned by the present Government when any form of legislation to control betting was introduced. It now seems that the Government will gladly grasp at the opportunity to enlist the services of the S.P. bookmakers in those areas where the proposed board will not be able to handle betting at a profit; but it will, on the other hand, conduct its operations wherever a profit can be shown to the Treasury. That is one aspect.

I would like to ask the Minister a question on another important aspect. Can we get information from the Minister on the defined line from the central point where the totalisator board will operate during, say, the first 12 months? As this matter has been so carefully scrutinised, the Minister must have something on which to base an estimate as to where the board's operations will be controlled. To what point is that radius to extend; and how many years will it take to control an area within, say, a radius of 20 miles from the centre of Perth?

The Hon. A. F. GRIFFITH: I understand that the locations of the 55 proposed metropolitan districts are known, but the situation with respect to the country areas has not been fully considered. However, that will be done as the board's operations extend.

The Hon. F. J. S. WISE: What time do you expect to elapse before the 55 metropolitan districts are governed by the board?

The Hon. A. F. GRIFFITH: Not within the first 12 months.

The Hon. F. R. H. LAVERY: I have been sitting here quietly listening to the debate and, as a member of this Committee, I was wondering whether we are to be given any information on what is to happen in regard to the operations of this proposed board. Are we to give *carte*

*blanche* to this Bill. Immediately Parliament rises, will the provisions of this measure be put into effect?

During his second reading speech, the Minister said—as mentioned by Mr. Heenan—that there would be remote areas in which the totalisator agency board would never operate. I have consulted the dictionary and the word “never” means “not at any time.” Yet, in the speech which he made a few moments ago, the Minister quoted an elaborate set of figures showing what will happen when the proposed totalisator agency board takes control. Having that in mind, is it not possible for him to tell us here and now where the first agency will operate from and when?

The Hon. A. F. GRIFFITH: I thought the information I gave to the Committee was extremely detailed. If I used the word “never” in respect to some of these remote areas—

The Hon. F. R. H. Lavery: The Minister did use it.

The Hon. A. F. GRIFFITH: I am not denying that I did. It is similar to using the word “always” in the same circumstances.

The Hon. F. J. S. Wise: “Hardly ever.”

The Hon. A. F. GRIFFITH: The figures quoted in respect to the whole of the State were meant to indicate that it would be the whole of the State in which the totalisator agency board will operate.

**Clause put and passed.**

**Clause 5 put and passed.**

**Clause 6—Constitution of Authority:**

The Hon. F. J. S. WISE: It is almost axiomatic that a large committee or board is less efficient than one which is reasonably proportioned and well represented. I can see no reason for the establishment of this board with a personnel of seven. As presented to us in the Bill, the proposed board will have only one Government representative, who will be in the minority. He will be the representative of the Minister and he will be chairman. In that part of the Bill it is provided that there shall be a deputy chairman who will be nominated, as will the other three members who will have votes. It will be noted that this Bill is not identical in this particular with the one originally introduced into this Parliament.

The Bill has been varied to include a representative of country clubs in each class of racing; that is, galloping and trotting. I point out to the Committee, that no matter from where the members of the board may be nominated, they will all represent identical interests in so far as each group of three persons is concerned. To ensure that this authority will be effective, I intend to suggest that its members should be reduced in number from seven

to five, and that two members should represent the racing association and two members the trotting association; retaining in the clause the provision that one member, in each case, shall represent country interests.

We would then have a workable authority, and one in which the Government would not be dominated by interests which have a monopoly over racing in this State. As members know, in a following clause, it is proposed that the Government shall guarantee unlimited sums of money for unspecified purposes, so why should the Government representative be in the minority? Further, I would point out to the Committee that this authority will have power to gamble as a bookmaker on the one hand and as a punter on the other.

It will hold certain moneys and act as a bookmaker; and, if in the view of its members, too much money is held for one particular horse which might cause the authority some financial embarrassment, the authority, in its judgment, may lay the money off. As I said when speaking to the second reading debate, the best judges of racehorses are unable to decide whether their horses will win or lose; and when, as they sometimes do, they back them heavily, they often lose. When a bookmaker on the course makes a book for the favourite, he does not always win. So who is to be the judge for this authority? Whilst it is to be both bookmaker and punter the Government representative should not be outvoted by six to one.

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

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

Page 5, line 23—Delete the word “seven” and substitute the word “five.” I move this amendment for the reasons I have already mentioned.

The Hon. A. F. GRIFFITH: As the honourable member indicated, when the Bill was first introduced in another place, it was proposed that the number on the board should be seven; and an amendment was inserted in the Assembly to provide that one of the seven, or six, should be a person nominated by country racing clubs and one should be nominated by the country trotting clubs. To a large degree that tidied up the position and ensured representation from country racing clubs and country trotting clubs.

This matter has been gone into very closely both by the Turf Club and the Trotting Association, and the situation will be that the board will carry on the activities now being undertaken on the course. Who better than those so well versed and experienced with totalisators to be in charge of this board? If the number is reduced, it will alter the whole basis of representation, and might make a mess of things. The Government is charging the

totalisator board with the responsibility, and is setting up the authority to carry out the functions of the totalisator board. Probably some of the nominees of the association or the club will consist of people interested in the racing industry; and with all their experience it is reasonable to suggest they will be careful in their selection. Do not let us alter the situation; let us maintain a reasonable balance. I hope the Committee will not accept the amendment.

**Amendment put and negatived.**

**Clause put and a division taken with the following result:—**

**Ayes—16.**

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. S. T. J. Thompson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. D. Willmott

(Teller.)

**Noes—12.**

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. W. F. Willesee

(Teller.)

**Majority for—4.**

**Clause thus passed.**

**Clauses 7 to 9 put and passed.**

**Clause 10—Remuneration of members:**

The Hon. H. C. STRICKLAND: It seems that the Government has made a very intense investigation and examination of figures, and has satisfied itself that its financial position is quite secure. In summarising its findings, no doubt the Government would have set aside a proportion for expenses.

The Hon. F. J. S. Wise: Plus a margin for error.

The Hon. H. C. STRICKLAND: No doubt the Government will have allowed for the amounts necessary to pay the chairman and other officers of the board. Subclause (2) mentions travelling allowances. Usually Government servants have these expenses laid down under a formula—the Chairman of the State Electricity Commissions gets so much, and the Chairman of the Lotteries Commission is allowed so much while travelling within the State and outside of it, and so on. I wonder whether the Minister could give us some idea of the remuneration to be paid to the chairman and members of the board?

The Hon. A. F. GRIFFITH: Much of this will depend on circumstances; on whether the chairman is full-time or part-time. A little later the general manager is provided for, and it will depend on what part he has to play. Could the honourable member tell me what other form of legislation includes travelling expenses?

The Hon. H. C. Strickland: Under a formula.

The Hon. A. F. GRIFFITH: They are not laid down in legislation. The salaries of the chairmen of various instrumentalities are laid down; the salary of the chairman of the Betting Control Board is laid down, but not his travelling expenses. The same thing would apply here. In any case the remuneration which the members of the board will be reasonably entitled to receive will be infinitesimal in calculating the whole. If it were £5,000 or £10,000 it would still be a small amount by comparison. The Bill provides that whatever amount the Governor determines, then that shall be the amount. It is not reasonable to ask what the travelling expenses will be. It will depend upon the circumstances at the time.

The Hon. H. C. STRICKLAND: I was more interested in the proposed salary for the chairman than the allowances. I take it the Government will have examined that question; and I hope it will also advertise the position. When it advertises the position the public will know what the salary will be. The position of Principal Architect was advertised; there was no secret about that salary.

The Hon. J. Murray: Did the Betting Control Board advertise?

The Hon. A. F. Griffith: I venture to suggest that whoever the chairman may be, he will be most carefully chosen.

The Hon. F. R. H. LAVERY: I have already protested earlier this evening, and I hope my protest this time will be the last. I am concerned about this matter because we are changing a system that has operated for the past three years. We are not amending it but completely changing it. Despite the interjection by Mr. Murray, it was known what the salary of the original chairman of the Betting Control Board would be. This Committee should also know what this salary is to be before it votes on this clause tonight.

The Hon. A. F. GRIFFITH: The Chairman of the Betting Control Board was appointed by a Government. This Bill provides that the chairman shall be appointed by the Government. Do not cavil about things we know are in the measure.

The Hon. F. R. H. LAVERY: I want it to be clearly understood that when I am speaking to the Minister through you, Mr. Chairman, he must get it well into his mind that I am speaking on the subject matter before us. I am not being personal with the Minister at all; I am referring to the Government.

The Hon. A. F. Griffith: I believe you are not being personal.

The Hon. F. R. H. LAVERY: I am not interested in who the chairman of this board will be, but I would like to know

what the Government proposes to pay him. I accept the point made by the Minister that the Government will not appoint somebody who is not capable of doing this job. It is reasonable to assume that whoever is appointed chairman of this board will require a reasonably high salary; and I want to know what that salary will be.

The Hon. F. J. S. WISE: I think it is idle for the Minister to suggest that this is such an infinitesimal amount that it does not matter very much. These are the sorts of things that would amount to large sums; and I venture to suggest this will be one of the things, which, in regard to an examination of likely costs, has been carefully scrutinised. There must be an estimate of the cost of this board, the cost of its chairman, the cost of its members, and the cost of its deputies, because provision is made for the payment of the deputies. There must be some estimate somewhere, whether it be £10,000 or £20,000 per annum. It is not a trifling sum, and I think the Committee is entitled to some idea of what has been assessed, because we have been assured all these things have been so carefully assessed.

The Hon. A. F. GRIFFITH: I was not endeavouring to be evasive on this point. I appreciate that Mr. Wise, Mr. Lavery, or anybody else, is entitled to question me upon any subject they think fit. I also appreciate Mr. Lavery's statement that there is nothing personal in his remarks. We never get to that stage here, fortunately. I would like to quote the following from the Betting Control Act—

The Chairman and other members of the Board and their deputies are entitled to such remuneration, allowances, and leave of absence as are prescribed.

The Hon. F. J. S. Wise: That is all right.

The Hon. H. C. Strickland: We did not claim to be making any money.

The Hon. A. F. GRIFFITH: It is similar in this measure. The position of the Chairman of the Betting Control Board was not an advertised one. I think he gets £3,500 per year. To the best of my knowledge the chairman of this board will be carefully selected; and as far as I know, it would be safe to say that the salary will be commensurate with the functions of the man appointed. Speaking completely from memory, I think the Betting Control Board was reconstituted at some stage and the allowances of the chairman and deputy chairman were altered.

The Hon. H. C. Strickland: Reduced.

The Hon. A. F. GRIFFITH: Whether they were reduced or increased, the point is well made—they were altered from time to time. I did not intend to indicate it was an infinitesimal amount. I said that when taking the whole into consideration the percentage of salary or remuneration that would go to board members would be

infinitesimal. I think it would be. I am not trying to evade anything. I think the salary will be commensurate with the functions they will have to perform at the time of appointment, and from time to time.

The Hon. F. J. S. WISE: I think it would be better for the Minister to say either that he does not know or that it has not been calculated, because the basis for this calculation is very definitely not on the immense turnover, which involves millions, but on whatever the profit may be. We are simply asking whether the cost will be £20,000 or £30,000, or whatever the estimate might be for this important item. We want to know the cost of the salaries or emoluments of the members of the board.

The Hon. A. F. GRIFFITH: As near as can be estimated the amount will be somewhere between £5,000 and £10,000. That is the most straightforward answer I can give at this moment. I am not stating that figure in order to say to you, Mr. Chairman, that it will be that amount; but it is anticipated that it will be something of that order. It will come out of the 1.4 per cent. and out of the £91,000 plus the £37,500 added together. Basically that is the position.

Clause put and passed.

Clause 11 put and passed.

Clause 12—Convening of meetings and meetings of Board:

The Hon. F. J. S. WISE: A clause recently passed deals with the nomination and appointment of deputies for each individual person, including the appointment of a deputy for the chairman. This clause deals with the convening of meetings of the board—the first meeting, and the future meetings. It deals with the number of members who shall form a quorum; and if members follow the clause more closely they will see that it provides—

The chairman or, in his absence, the person appointed his deputy, shall preside.

The Hon. E. M. Heenan: Where is that in the Bill?

The Hon. F. J. S. WISE: Page 9, lines 18 and 19. It is clear that the chairman or his deputy are the only two people entitled to preside over a meeting. That is absolutely and definitely clear. Let us continue—

All questions shall be decided by a majority of votes of the members present and voting; and—

This is the point on which I am at variance—

—the chairman, or other member presiding, has a deliberate vote, and in the event of an equality of votes, has a casting vote.

There can only be one other member presiding, and that is the deputy of the chairman.

The Hon. A. F. Griffith: That is right.

The Hon. F. J. S. WISE: Why do we not say so?

The Hon. A. F. Griffith: We have.

The Hon. F. J. S. WISE: We have not. Paragraph (d) reads—

The chairman, or other member presiding—

The Hon. A. F. Griffith: Before the honourable member moves an amendment I would like to have an opportunity to speak on this matter.

The Hon. F. J. S. WISE: I am going to move to delete the words "or other member presiding."

The Hon. A. F. Griffith: I have no objection to your moving an amendment but I would like to give an explanation before you do so.

The Hon. F. J. S. WISE: I am quite reasonable.

The Hon. A. F. GRIFFITH: I can see the point quite clearly. The words "other member" as Mr. Wise said, can apply only to the deputy. Therefore, the draftsman considers it is quite plain. Would this be acceptable to the honourable member? Strike out the words "other member" and insert the words, "his deputy when." The paragraph would then read, "the chairman, or his deputy when presiding."

The Hon. F. J. S. WISE: That is the objective I am trying to seek.

The Hon. A. F. Griffith: The honourable member can move the amendment if he cares to.

The Hon. F. J. S. WISE: I do not mind the Minister taking my business; but he saw no merit in the suggestion initially. I strenuously point out to the Committee, following the line of thought that is always advanced to us by Dr. Hislop, that unless a thing is plainly stated in conformity with the other parts of a clause, it is not properly stated. I move an amendment—

Page 9, line 23—Delete the words "other member" and substitute the words "the person appointed his deputy when."

The Hon. A. F. GRIFFITH: That is perfectly all right with me. I do not propose stealing the honourable member's thunder. The suggestion I made contained three words, and this amendment contains six words. However, it means the same thing, and I am willing to accept it.

The Hon. H. K. WATSON: I am not opposing the amendment. I merely rise to express the opinion that the existing words in the clause are, in my opinion, much clearer and much more concise than the verbiage introduced by the honourable member.

The Hon. A. F. Griffith: I think so, too.

The Hon. A. R. JONES: I feel that I must share the opinion of Mr. Watson because, unless I have read the Bill in- correctly, the words "deputy chairman" have not been mentioned in any clause other than clause 12. Paragraph (b) of subclause (2) says that the chairman or, in his absence, the person appointed his deputy, shall preside; which means that any member of the quorum can be appointed chairman.

The Hon. F. J. S. Wise: It does not mean that. You are wholly wrong.

The Hon. A. R. JONES: Then the words to be proposed are necessary.

The Hon. A. F. GRIFFITH: Clause 8 provides for the appointment of the deputies, and they must be appointed by the Governor.

The Hon. F. J. S. Wise: To act in their respective offices.

The Hon. A. F. GRIFFITH: The draftsmen say it is all right as it is. But if it is clarification the honourable member seeks, I am not going to oppose it.

The Hon. G. C. MacKINNON: I am confused now. Clause 8 deals with deputies for each of the members. Surely the deputy of the chairman in clause 12 would not necessarily be a deputy in the sense of clause 8. Could the deputy of the chairman be an ordinary member of the board?

The Hon. A. F. Griffith: Clause 6 deals with the constitution of the body, and clause 8 deals with the appointment of a deputy to the board.

#### Amendment put and passed.

The Hon. A. L. LOTON: Paragraph (b) of subclause (2) mentions that the chairman or, in his absence, the person appointed his deputy, shall preside. I am wondering who appoints the deputy. The Betting Control Act definitely states that the deputies are to be appointed by the W.A. Turf Club and the W.A. Trotting Association; that the deputies shall be chosen by the committees of those associations. Are these deputies to be appointed by the Governor or by the respective associations, as under the Betting Control Act?

The Hon. A. F. GRIFFITH: I think, at the outset, it would be best if I made it clear that the chairman and the deputy chairman are to be appointed by the Governor.

The Hon. A. R. Jones. Where does it say that?

The Hon. A. F. GRIFFITH: In clause 8.

The Hon. A. R. Jones: That is why I say it is necessary to clarify clause 12.

The Hon. A. F. GRIFFITH: And the deputies, in accordance with the board constituted under clause 6, are to be appointed under clause 8.

Clause, as amended, put and passed.

Clauses 13 to 17 put and passed.



### Clause 18—Expenses of establishment of Board and its operations:

The Hon. F. J. S. WISE: This is the clause which provides for the moneys to be advanced for a term without interest by the Turf Club and the Trotting Association. The provision for the repayment of the loans is included in subsequent clauses. At least one of the bodies concerned in this finance was confident that it could find all of the money necessary for the establishment of a totalisator, because it said so in sworn evidence before the Royal Commissioner. It said there would be no difficulty whatever in finding the establishment costs and £300,000 if necessary. But the Government has run away from the suggestion and has in a subsequent clause, become the guarantor of moneys unspecified in volume, unlimited in the duration of the loan, and unspecified in purpose.

I think we should test the feeling of the Government and those who are so carefully supporting the Government in this Bill, to see whether they prefer to have outside money voluntarily available—stated on sworn evidence to be available—for this purpose; or whether we are going to have the State involved in large unspecified sums from the board and guaranteeing its commitments. I therefore move an amendment—

Page 12, line 9—Delete the word “fifty” and substitute the words “one hundred.”

I suggest that this is to be an institution run by the very entities which in this Bill are providing £50,000 and which are, according to the Minister, and the analysis given by him this evening, to run it; and they will maintain a handsome profit for themselves. There need be no pretence at all as to whether or not they have the assets. Look at their balance sheets! The balance sheets of one of these organisations would show it to be worth very many hundreds of thousands of pounds unentailed—clear untrammelled assets, with liquid assets. It is making an offering to provide £300,000 to the Government to set up this institution. Why not, as I said during an earlier speech on this Bill, since it is anxious to lend the money, alleviate its anxiety and let it lend a lot more?

I think that what is suggested is quite wrong; especially when we have to listen week after week to Ministers in this House speak—and we read the same thing in the newspapers—of the unavailability of moneys for very desirable purposes of State. Yet the Government can offer, in the next clause to this, in unqualified form, vast sums of money. So let the clubs do what they want to do. That is the purpose of my amendment—to test the *bona fides* of the clubs and of the Government on this point.

The CHAIRMAN (The Hon. W. R. Hall): The question is that the word “fifty” in line 9, page 12 be deleted with a view to inserting the words “one hundred.”

The Hon. F. J. S. WISE: My attention has been drawn to the fact that the word “fifty” appears earlier in the clause. I refer to page 11, line 36. Unfortunately I am using an interleaved copy of the Bill and I missed the first mention of the word “fifty.” I therefore move an amendment—

Page 11, line 36—Delete the word “fifty” and substitute the words “one hundred.”

The Hon. A. F. GRIFFITH: I can remember one occasion when I first became a member of the Legislative Assembly and, because of my inability, due to inexperience, to follow the Committee stages as quickly as I should have been able to do, I found myself lost and could not move an amendment because we had already passed certain words. However, I shall not take any exception to it on this occasion, despite the fact that we have already passed those words.

### Point of Order

The Hon. F. J. S. WISE: Mr. Chairman, on a point of order, those words are quite unwarranted. I intervened before the question was put to make sure that the position was corrected. No apology is needed there.

The Hon. A. F. GRIFFITH: I do not want to be taken the wrong way.

The Hon. F. J. S. WISE: Don't let that spirit enter into it.

The Hon. A. F. GRIFFITH: All right, I won't.

The Hon. F. J. S. WISE: You had better not.

The Hon. A. F. GRIFFITH: I merely related something that happened to me.

The Hon. F. J. S. WISE: You are on the wrong ground there.

The CHAIRMAN (The Hon. W. R. Hall): Order!

The Hon. A. F. GRIFFITH: I will not get on to the wrong ground.

The Hon. F. J. S. WISE: You can't put those things over.

### Committee Resumed

The Hon. A. F. GRIFFITH: The point raised by the honourable member regarding the ability of one club, because of its finances, being able to do something may be, and is, quite right; but the fact remains that the other club is not as well off, and it can find only £25,000. It feels that, as it is part and parcel of the proposition, it should be entitled to participate in this scheme on an equal basis. It is considered reasonable that, because one club can find only £25,000, a sum of £50,000 is a reasonable one in the circumstances.

The Hon. H. C. STRICKLAND: I must disagree with the Minister when he says that one club is not wealthy. If my memory serves me correctly the Turf Club received something like £100,000 for land

which it had at Bulls Creek. Its balance sheet also shows that it has a substantial sum of money invested and, of course, its assets by way of properties are enormous. Therefore, I cannot accept the Minister's statement as an excuse.

The Hon. A. F. GRIFFITH: I would like to explain that that is the information I have, even to the extent that I understand the Turf Club will have to take out an overdraft to find the money.

**Amendment put and a division taken with the following result:—**

**Ayes—12.**

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. R. Thompson

(Teller.)

**Noes—16.**

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. S. T. J. Thompson

(Teller.)

**Majority against—4.**

**Amendment thus negated.**

**Clause put and passed.**

**Clause 19—Borrowing powers of the Board:**

The Hon. F. J. S. WISE: On the passing of this Bill the clause gives the right to appropriate moneys borrowed on the Treasurer's guarantee. No further Parliamentary sanction is necessary. The Treasurer may guarantee any unspecified sum for the various purposes of the board and, after approval has been given for it to borrow money, the Treasurer guarantees the repayment of that money, whether it is borrowed by way of mortgage, debenture, or charge on any of its real or personal property, present or future—it is as wide as the poles. The clause in the Bill will enable a guarantee to be made on behalf of the Crown with respect to all moneys borrowed and the interest due thereon; there is no limit in the Bill.

It can cover the activities of the board as a bookmaker and a punter. Moneys held as wagers on Eastern States racing are held at the discretion of the board as a bookmaker. They do not need to be laid off or invested in any tote.

The Hon. H. C. Strickland: They have socialised the betting business.

The Hon. F. J. S. WISE: Yes. In addition when, in the judgment of the board, it has a dangerous sum of money for one horse or horses, it becomes a punter and arranges for the money to be placed on the tote in the Eastern States. If the horse on which the money is invested does not run a place, that money is irretrievably

lost. So that the matter cannot get out of hand, and in order to limit it, I move an amendment—

Page 12—Insert after subclause (2) in lines 24 to 33 the following to stand as subclause (3):—

(3) The liability of the Treasurer at any one time under any guarantee or guarantees given by him under this Act shall not exceed in the aggregate the sum of two hundred and fifty thousand pounds inclusive of interest and any other charges.

I have deliberately made it a substantial sum so that no action of mine in opposing the Bill—because all of us knew it would pass; both Government parties had to vote for it; their members are not making their own decisions—

The Hon. G. Bennetts: They were made for them.

The Hon. F. J. S. WISE: —would be thought to be capricious. I have moved it in order to be realistic. The amendment will give to the board an opportunity to get sufficient money by way of guarantees for all of its valid purposes.

The Hon. A. F. GRIFFITH: The Government does not consider that it is giving these guarantees so that the money can be used in respect of the betting industry. The facts simply are that the present system has left racing in such a rundown condition, so far as the racing clubs are concerned, that one of the clubs in particular is in difficulties.

This matter has been gone into very carefully by the Government with the Turf Club, the Trotting Association, and Treasury officials. All the parties feel confident that the limitation in the amendment is necessary.

It is reasonable to assume that on a matter such as this the board should not be hamstrung in any way. It should be free to act during the trial period. No Treasurer will place himself in the position where he has to give a guarantee for any amount of money. The situation will be watched very closely by him.

The Hon. A. L. LOTON: I do not favour the idea of giving the Government an open cheque. In the last few weeks the Treasurer has made the statement that there is a shortage of loan funds. Even the Minister for Local Government when speaking in this Chamber to the town planning measure said the Government did not have sufficient funds for this or that purpose. Furthermore, Parliament agreed by legislation to make to Australian Paper Manufacturers Ltd. advances amounting to a considerable sum for a specified period. The conditions of the repayment of those advances are laid down by statute.

In the clause before us the Government is prepared to give guarantees of unlimited sums to be borrowed by the board. In

my view the amendment is too restrictive, and if the limitation had been £350,000 I would have agreed to the amendment. If the board cannot function efficiently on a £350,000 guarantee from the Government, the matter can be referred to Parliament at a later stage.

The Hon. C. H. SIMPSON: I support the clause as it stands, because it gives authority to the Treasurer to provide the necessary funds. Invariably, the Treasurer is also the Premier and the leader in Cabinet. He is the one who has to place the policy of his party before the supporters of the Government. It is necessary to give him discretionary power to provide the funds that are necessary.

The Treasurer is responsible for all the financial commitments of the State. We should trust him to use his discretion in respect of the guarantee of advances. I cannot see anything wrong with the clause. The whole thing seems to rest on the responsibility of the Treasurer.

In my view the clause has been carefully drafted, and it places the financial responsibility where it should be placed. I must therefore oppose the amendment.

The Hon. G. BENNETTS: I support the amendment. I do not believe in the principle of the Government giving an open cheque to any authority. Often when members apply for funds to provide for requirements such as schools and water supplies for their districts, they receive the reply that there is a shortage of funds.

If the Commonwealth Grants Commission were to examine this clause under which the Government is to guarantee unspecified amounts to a gambling institution, it would not view the provision favourably. Recently additional taxes, such as increased rail freights, have been imposed by the Government, because had it not increased the charges the Grants Commission would have penalised this State; yet here the Government is giving an open cheque to a gambling organisation to raise what money is likes.

The Hon. A. F. GRIFFITH: The Government is not giving an open cheque, and no money will change hands. This is not a case of the Government being short of loan funds and not being able to meet the requirements of the various electorates. The clause merely provides for a guarantee by the Government of the borrowings of the totalisator agency board. It is anticipated that the amount required will be £250,000, or £300,000 at the most. If Mr. Wise is agreeable to accept the suggestion of Mr. Loton to limit the guarantee to £350,000, I am prepared to accept the amendment. The Government feels sure that this amount is a reasonable limitation.

The Hon. H. K. WATSON: I subscribe to the view that there ought to be some limitation. It has been said that this matter rests on the Treasurer; and we can rely

on his good sense. But we have on record where, under the Industries Advances Act, no limitation was provided, and the Treasurer guaranteed a car park to the extent of £250,000. That amount was guaranteed not within the authority of an existing Act. Parliament had to pass a special Act to validate the guarantee. Despite the integrity of Treasurers such things happen.

I would be happy to see a limitation placed on this clause—whether it be £250,000 or £350,000. If the figure is arrived at and the Treasurer feels that the limit should be extended he could apply to Parliament subsequently. If he could put up a case I have no doubt Parliament would approve of the extension of the guarantee.

The Minister said this was not a question of the outlay of funds, but merely one of guarantee. Guarantees can come home to roost. The guarantee came home to roost in the case of Chamberlain Industries. That started off with being a guarantee.

The Hon. F. J. S. WISE: In view of the remarks made I ask leave to withdraw my amendment.

**Amendment, by leave, withdrawn.**

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

Page 12—Insert after subclause (2) in lines 24 to 33 the following to stand as subclause (3):—

(3) The liability of the Treasurer at any one time under any guarantee or guarantees given by him under this Act shall not exceed in the aggregate the sum of three hundred and fifty thousand pounds inclusive of interest and any other charges.

I sought in the first place to specify a limit which seemed to me to be reasonable. Since the Minister has agreed to accept the limitation of £350,000, and other members have supported the idea, I do not wish to make any unfavourable comments.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 20—Authorising off course totalisator bets and bets with Board in accordance with this Act:**

The Hon. H. C. STRICKLAND: I would like the Minister to convey to us the advice he has been given as to the most favourable course to adopt in cases where the board bets on its own behalf, and bets as a bookmaker by retaining the wagers. If I understand the Minister correctly, he said that where the board becomes a bookmaker it is most likely that it will pay out at 75 per cent. of the totalisator odds in respect of Eastern States races, or local races where the bets are held by the board.

The Hon. A. F. GRIFFITH: On Eastern States racing it is proposed to pay between 75 per cent. and 125 per cent. It must be appreciated that this totalisator board will not start with the swing of a pendulum as a board on this day or that day. Its expansion must be gradual and therefore in the first instance it must of necessity operate, as the honourable member says, as a bookmaker.

The Hon. H. C. STRICKLAND: Now that the Committee has agreed that the Treasurer will be able to play around with an amount up to £350,000, surely that is a starting point, without taking from the investor 25 per cent. of the totalisator odds. That is what is going to happen.

The Hon. A. F. GRIFFITH: It is, of course, only 15 per cent.; but again the Government is not going to rush straight into this. There is going to be a totalisator board set up under the authority of Parliament with a particular job to do, and it is going to carry out its work as gradually and efficiently as possible. Lots of things this authority will do will be done from time to time, and not immediately.

The Hon. H. C. STRICKLAND: I think we may be at odds in connection with this matter. The Minister said it would be only 15 per cent. If the intention is that 75 per cent. should remain, I would say that the difference would be 25 per cent. Surely the Minister does not mean that the Government is going to take 15 per cent. totalisator investment tax off as well. If I understood the Minister's remarks in his second reading speech, this board will most likely adopt this system under regulations, whereby, in a case such as that of Aquanita, instead of paying the 32s. 6d. for a place, the board would pay 75 per cent. of that 32s. 6d. The poor old punter is going to get knocked around. Not only is he going to be taxed 3d. for his 5s. bet, but he is going to lose 25 per cent. of the totalisator dividend as well.

The Hon. A. F. GRIFFITH: I have just been briefed a little on this point, and I will endeavour to explain it. We commence by taking off 15 per cent. We then have 85 per cent. left, and the dividend is struck on that. Where the dividend is lower than 75 per cent. of the Melbourne odds, the board will bring it up to 75 per cent. Where it is more than 125 per cent., it will bring it down.

The Hon. H. C. Strickland: The punter will lose both ways.

The Hon. A. F. GRIFFITH: No.

The Hon. H. C. STRICKLAND: Yes. Where the board's pool does not represent 75 per cent. of the totalisator odds, the Treasurer—the bookmaker—will bring it up to the 75 per cent.; and he is going to balance his budget inasmuch as where it is more than 125 per cent. he is going to reduce it, and take it off the punter both ways.

The Hon. F. J. S. WISE: I think this can be explained in other words. The illustration I would use would be in a case where an aborigine was assisting his boss on a shooting expedition, and they had shot a crow and a duck. The station-owner would say to Jackie, "Will you have the crow and I will have the duck, or will I have the duck and you have the grow?" The punter will get the crow all the time.

The Hon. A. F. GRIFFITH: Whilst that is a very good story, I do not think that will be the case, because nine out of every ten bets will range between 75 per cent. and 125 per cent. That is the situation.

Clause put and passed.

Clauses 21 to 23 put and passed.

Clause 24—Percentage of off course bets to belong to Board:

The Hon. F. J. S. WISE: I take it that on the passing of this Act there will be no revenue from any other Act associated with taxation on betting or bets which will go to any of the clubs, but that the revenue for the clubs will come solely from the collections made under this legislation. If that is so, I already feel very sorry for the clubs.

The Hon. A. F. GRIFFITH: It is not intended that it shall be so, but in this transitional period it is expected that the clubs will be given something reasonably near what they are receiving now.

Clause put and passed.

Clause 25 put and passed.

Clause 26—Board to set aside percentage of bets to meet operation costs, etc.:

The Hon. F. J. S. WISE: I am sorry to be so inquisitive, but I am interested to know whether this percentage is included in the 7.25 per cent. which is supposed to cover all the costs?

The Hon. A. F. Griffith: The 1½ per cent.?

The Hon. F. J. S. WISE: Yes.

The Hon. A. F. Griffith: Yes.

The Hon. F. J. S. WISE: I want to make quite sure that later on there will be no misunderstanding and argument.

The Hon. A. F. Griffith: The board has to set aside 1½ per cent.

The Hon. F. J. S. WISE: And it is included in your calculations of the 7.25 per cent.?

The Hon. A. F. Griffith: Yes.

Clause put and passed.

Clause 27 put and passed.

Clause 28—Allocation of the funds of the Board:

The Hon. F. J. S. WISE: I am wondering whether the Minister can define more clearly what is meant by "from time to time." Why not make some specific period when the money shall be made available

to the clubs? There might be a long period between time and time, and I think that in the interests of the racing clubs some specific period ought to be prescribed.

The Hon. A. F. GRIFFITH: The expression "from time to time" is not an unusual one. But there is this transitional period for the scheme to get under way. The board will determine, as the clause says, from time to time. It must be borne in mind that on the board are representatives of the Turf Club, the Trotting Association, and the Government; and I think the distribution will be arranged as conveniently as possible.

The Hon. H. K. WATSON: The position as I see it is even a little clearer than the Minister just explained. The certainty is contained in the latter part of sub-clause (1).

**Clause put and passed.**

**Clauses 29 to 34 put and passed.**

**Clause 35—Minimum amount of a bet:**

The Hon. E. M. HEENAN: This clause provides that the minimum amount of any bet shall be such as will be prescribed, but being an amount of not less than 2s. 6d. This means that the minimum bet could be anything above 2s. 6d., but I would like to ensure that it was definitely 2s. 6d., because the great number of people who bet do so in amounts of less than 2s. 6d. I therefore believe that 2s. 6d. as a minimum will be reasonable and will be convenient to a lot of people who are accustomed to bet, such as the working-class people, those on pensions, invalids, and those in the small income brackets. Those sections of the community form a large proportion of the people who bet off the course.

It is my view that a minimum bet above 2s. 6d. would be a hardship to these people. In order to ensure that the minimum bet shall be 2s. 6d., I move an amendment—

Page 22, line 40—Delete the word "less" and substitute the word "more."

Whilst this would make it mandatory for the minimum bet to be 2s. 6d., it would not prevent anyone from having a bet of 5s., £1, or more. This would meet the convenience of many people whose financial resources are such that a 2s. 6d. bet is within their means.

The Hon. A. F. GRIFFITH: I appreciate what the honourable member has in mind, but an amendment of this nature will complicate matters. I hope the Committee will let the provision remain as it is on the assurance—and this is in the Bill, too—that the minimum bet can be 2s. 6d., but that the bets must be transferred to the totalisator in units of 5s. In the case of credit betting, it may be necessary to prescribe a minimum of 5s. or 10s. This amendment would complicate operations in that regard. I ask Mr. Heenan to accept the assurance that it is the

intention that the board will accept bets of 2s. 6d. at the agency source. But when they are transmitted to the totalisator they will be transmitted in units of 5s.

The Hon. H. K. WATSON: Even with the clause as it stands, the minimum bet will not be less than 2s. 6d. I am unable to appreciate the view that this will create hardship on people who, perhaps, should be putting the 2s. 6d. away to pay for something else.

I understand that in New Zealand the minimum bet is 5s. on a double and 10s. for a straight-out or place bet. It seems to me that we will be creating an enormous amount of clerical work for the organisation, and that we will bring about complications by this amendment. Inasmuch as the minimum bet in New Zealand is 10s. it seems to me that the minimum bet here should be not less than 5s.

The Hon. H. C. STRICKLAND: I do not see any complications in this, and neither do the racing clubs in South Australia, because two-and-sixpenny totalisators operate on the racecourses there. Many people who have a bet do not expect to make a lot of money, but they enjoy the sport of racing more as the result of their betting. There are owners in that category.

Mr. Watson said that a person who bet in halfcrowns might not be able to afford it. We know that. But Mr. Watson and his confederates were successful in superimposing a 10 per cent. tax on the half-crown bettor by way of the investment tax against which we fought so hard last year. The person betting away from the race course pays 2s. 9d.—2s. 6d. for the bet and 3d. for the Government; and this is collected by the bookmaker, so the work is done for nothing. If a sixpenny bet is made, the bookwork is no different from what it is for a larger bet, because a ticket is written out for each bet.

I feel that the racing clubs would attract many more people to the courses if they had a two-and-sixpenny tote such as there are at some of the racecourses in South Australia.

The Hon. E. M. HEENAN: I am pleased to have the Minister's assurance that people will be able to make a two-and-sixpenny bet. The minimum is to be not less than 2s. 6d. If the minimum were prescribed at 5s. or 10s. it would be a hardship on people who could not afford to bet in those amounts; and, worse still, it would undoubtedly give rise to illegal betting. In view of the Minister's assurance that people will be able to bet in units of 2s. 6d., I ask leave to withdraw my amendment.

**Amendment, by leave, withdrawn.**

The Hon. A. F. GRIFFITH: On the subject of doubles and quinellas, the minimum will probably be 5s.

The Hon. E. M. Heenan: I understand that.

The Hon. A. F. GRIFFITH: But the wherewithal will be there for a two-and-sixpenny bet. Whilst it is not much more trouble to write two two-and-sixpenny bets rather than one 5s. bet, it is a little more trouble. Nevertheless, there is no desire to take away from the small bettor the opportunity to bet. I am told that the average bet is 18s., but we do appreciate that there are many people who bet in halfcrowns.

Clause put and passed.

Clauses 36 to 39 put and passed.

Clause 40—Non-application of sections 38 and 39 to Board's officers, etc.:

The Hon. F. J. S. WISE: The last two paragraphs of this clause will make lawful one or two things which at present are unlawful.

The Hon. A. F. Griffith: Are you referring to paragraphs (a) and (b) on page 25?

The Hon. F. J. S. WISE: Yes. A lot of money has been spent by starting-price bookmakers all over the State in getting information to give to their patrons. As a result, quite a large amount of money has been made by some organisation. Some bookmakers have paid large sums to get this information—information concerning the amount of dividends; details associated with starters and non-starters, and other things.

The Hon. G. C. MacKinnon: Tates Press?

The Hon. F. J. S. WISE: Yes. In addition we can recall how the Turf Club vigorously fought the getting away of information, by any means at all, from the courses. Now we are not only to condone it, but we are to sanction it and applaud it; and we are to allow someone to make money out of it because we are going to waive any part of any law which renders it an offence to do this.

I am wondering whether the Minister can answer this: Is it the plan of the Government to handle what is arranged for in subclauses (3) and (4) of this clause; or is it to be handed over to some other person or group of persons?

The Hon. H. K. Watson: You mean paragraphs (a) and (b) of subsection (2).

The Hon. F. J. S. WISE: Yes. I have been talking without having the Bill open. These subclauses provide for a radio service to broadcast information, which is something never heard of before in the history of racing in this State. Who is going to get the profits for doing this? Will it be the board; or are we going to pay some opulent person or group of persons, or some instrumentality huge fees for this service? This is something the board might like to retain as revenue for itself. The board will otherwise have to pay some concern that has never

helped the sentiment of having licensed or delicensed off-course operations—I refer to the Press—for this service.

The Press has been very blatant, by the information it gives, in inciting people to bet, but it has been most vocal in its condemnation of those who cater for people who wish to bet. But this provision will give the Press an opportunity to make a lot of money. I suggest the Government should look at this provision. I do not believe in the Crown granting largesse to people who adopt those methods when, in this measure, it is within the right of the Crown to retain any income it can get.

The Hon. A. F. GRIFFITH: When the honourable member uses the expression, "the Government," I presume he means the totalisator board.

The Hon. F. J. S. Wise: Yes; it is synonymous.

The Hon. A. F. GRIFFITH: I would suggest that, to use that expression from time to time, the board might find itself in a position where it should also transfer its affections—if I may use that expression—from one set of circumstances to another. Members will recall that in the reply I made to the debate on the second reading of the Bill I stated that no approach, had been made to the Press as yet, and that no approach had been made to a broadcasting station to disseminate racing news. However, I understand that for the time being Tates Press will be used for the incoming racing information, and the results will be broadcast from the radio station itself. The results, of course, are not broadcast until after each race has been run.

In the interests of conducting the totalisator board, the members will have to change their minds in regard to some aspects of the totalisator operation. It is sufficient to say that negotiations of this nature will probably be necessary from time to time in accordance with what happens and in accordance with the deliberations the board makes as it proceeds from one point to another.

The Hon. A. L. LOTON: I would like the Minister to clarify one point for me in regard to this clause. From the preamble to subclause (2), I understand that any provision in this Act should have priority over the provision in any other Act. Therefore, would the wording of paragraph (a) of subclause (2) enable anyone on the race course, or even outside it, after a dividend had been declared by the board, to use the "tic tac" system of signals to communicate the dividend to some other person?

The Hon. A. F. Griffith: You mean the individual?

The Hon. A. L. LOTON: Yes; that is, in regard to passing information. Some years ago, during the running of races in the metropolitan area, certain persons

used to go to the racecourse, and one such person would set himself up in a tower outside the racecourse, while another person inside the racecourse, used to convey, by means of the Morse code and other methods, information to the individual in the tower. According to this clause apparently anyone who commits such an act would be infringing the regulations of the racing club or the trotting association.

The Hon. A. F. GRIFFITH: It would be unlawful for any person to do that. Anyone who reads books realises that such practices do occur.

The Hon. H. C. Strickland: Nat Gould, for instance.

The Hon. A. F. GRIFFITH: In paragraph (a) of subclause (2) emphasis is laid on the words "through the Board" in the last line of that paragraph.

The Hon. H. K. Watson: Also, in the last line of paragraph (b) there are the words "declared on the totalisator or by the Board." That would apply to a totalisator agency as well as to the totalisator on the racecourse.

The Hon. A. F. GRIFFITH: If any person adopted the methods of communication referred to by Mr. Loton it would certainly be unlawful.

Clause put and passed.

Clause 41 put and passed.

Clause 42—Prohibition of betting with minors, intoxicated persons, etc.:

The Hon. H. C. STRICKLAND: It is about time the age limit was reduced to enable minors of 18 to have a bet. If young men are eligible for acceptance for the fighting forces at 18, surely they are eligible to attend a racecourse or a totalisator agency in the city for the purpose of having a bet. Paragraph (d) of this clause states that no person shall employ anyone under the age of 21 years. That is imposing rather a stringent penalty when any lad of 16 years of age can become an apprenticed jockey; and I would say that at that age, or at least at 18 years of age, most of them would know more about racing than any member of a totalisator agency board.

Many persons under the age of 18 have a bet. If they do not bet directly, they get someone else to bet for them. If the law were carried out to the letter many of these picnic race meetings would be upset. They are generally held once a year and many young people under 21 years of age attend such race meetings and buy a ticket on the totalisator. Further, there is no restriction on a minor buying a ticket in a lottery which, after all is said and done, is a bet or a gamble. We should therefore relax the law in regard to minors betting, because I am certain that, as the provision now stands, it could not be properly administered throughout the State. On Saturday, at Rockingham, I saw a policeman

taking the names of four young men because they had entered a betting shop to ascertain the result of a certain race. They had not laid any bet in that shop, but obviously they had got someone to place a bet for them in the metropolitan area before they went to Rockingham for a swim. That is a good example, in my opinion, why the law in this regard should be relaxed.

The Hon. G. BENNETTS: With regard to juveniles and young people under 18 years of age being allowed to bet, we should review our legislation because many of them today are betting under the lap. Many young men are earning fairly good money in these times, and if they are not allowed to bet legally they will certainly make their bet by some underhanded method. I can recall some years ago, on the goldfields, seeing a queue of boys ranging upwards from 10 years, placing bets on the totalisator.

The Hon. J. M. Thomson: What did the authorities do about that?

The Hon. G. BENNETTS: I do not know. Although I do not agree with that, I cannot see anything wrong with a young man of 18 years having a bet. If minors are so inclined, they will place a bet on a horse through someone else if they are not legally permitted to do so themselves.

The Hon. J. M. Thomson: But they are not actually laying the bet in that case.

The Hon. G. BENNETTS: That is so; the person who puts the bet on for them would be held responsible.

The Hon. G. C. MacKINNON: In view of the remarks made by the two previous speakers, the Minister should take steps to strengthen the law to ensure that many of the juveniles referred to are prevented from betting in the future. I do not think any one of us wants to encourage juveniles to bet. I think the age limit of 21 years is fair enough.

The Hon. F. R. H. LAVERY: To a point I agree with the two previous speakers that the age limit could be reduced. When the Betting Control Board was established, one of the happy features was that the proverbial Saturday afternoon drunks and young men under 21 years of age were prohibited from entering licensed premises.

Like others who do not bet, I do not visit betting shops for the purpose of betting. When a change was mooted in the present system, I made it my business to visit some of these betting shops with friends of mine who are interested in betting; and it was a pleasure to see how well these shops were conducted.

I am not entirely happy with the provision to reduce the age limit, but I do think the word "knowingly" on page 25, line 21, should be struck out. I would make it obligatory that no matter what the age of

the person, when the new system came into being it should be continued as is the case at the moment.

The Hon. A. F. GRIFFITH: There has grown up in our vocabulary a word the spelling of which is "betcha." We hear so many Australian boys and girls using that word. As a Parliament we should not encourage our youth to gamble. I do not bet on race horses, but I have a complete tolerance for the man who wishes to do so. Personally, I might like to engage in other forms of gambling.

The point raised by Mr. Lavery would make things worse. If we took out the word "knowingly" the man charged would have no defence. We should give him the opportunity to defend himself. In addition to that, provision is made in the Betting Control Act, for the age to be 21 years and it is 18 for employment on the totalisator board. On the other hand the Licensing Act provides for the age of 21.

The Hon. H. C. Strickland: That is drinking.

The Hon. A. F. GRIFFITH: Gambling and drinking go together.

The Hon. H. C. Strickland: What is it in the Defence Act?

The Hon. A. F. GRIFFITH: Every betting shop in the metropolitan area is alongside a hotel. Drinking and gambling go together.

The Hon. H. C. Strickland: No. Have not they got bars on the racecourses?

The Hon. A. F. GRIFFITH: We should not make this alteration; we should leave it as it is.

The Hon. A. L. LOTON: If we leave paragraph (d) in I can see that hardship could be caused to boys and girls who have just left school. Surely hundreds of competent typists who might be 20 years of age would be eligible for appointment to this office should a position be advertised. This provision would preclude them from appointment. I think we could reduce the age from 21 to 18 in the case of employment with the totalisator agency.

The Hon. A. F. GRIFFITH: Let us give this a trial as it is. If it imposes hardship we can amend it later when the legislation comes back, as it is bound to do. Similar conditions prevail in the Betting Control Act at the moment. Let us leave it at 21 and see how it works out.

The Hon. A. R. JONES: I would like to see this continue for longer than just the time being. I would not like to think we are encouraging young people to go in for betting, particularly when there are more exhilarating forms of sport. If we reduce the age to 18 we would encourage more people to bet; and surely that is not our aim. Racing is a dying sport anyway, so why encourage our young people under the age of 21 to bet? It stunned me to hear what Mr. Bennetts

said about boys of 10 years of age being allowed to bet through the totalisator system. The Minister for Mines should advise the Minister for Police of what he has heard with a view to getting this aspect tightened up.

The Hon. J. M. A. CUNNINGHAM: I support Mr. Bennetts entirely in what he has said. It is quite true that children of 10, 11 and 12 years of age line up in Kalgoorlie to lay their bets. I was shocked to see some of these children betting—some of them wearing short pants. Let us leave it as it is and not encourage young people to bet.

Clause put and passed.

*Sitting suspended from 9.39 to 10.4 p.m.*

Clauses 43 and 44 put and passed.

Clause 45—Unlawful betting:

The Hon. H. C. STRICKLAND: One of the accompanying Bills intends to provide that all betting away from the racecourse must be on the totalisator. No bookmaker will be allowed to bet the odds. I would like the Minister to advise what is going to happen about pre-post betting on the Melbourne Cup, and on the Perth Cup and other major races throughout the State such as the Kalgoorlie Cup, and so on. What effect will it have? Apparently there will be no ante post betting.

The Hon. A. F. GRIFFITH: The position as I understand it is that such conditions will be covered by the on-course bookmakers.

The Hon. H. C. STRICKLAND: Subsection (2) says that subsection (1) of this section does not apply to any bookmaker who is the holder of a license under the Betting Control Act, 1954, which entitles him to carry on the business of a bookmaker in person upon a racecourse. What effect will that have at Tattersall's Club, where there is the calling of the card on the Melbourne Cup, and the calling of the card on the Perth Cup. The calling of the card is attended, by invitation, by a large number of people. It has been a standing event for very many years. Will that still carry on?

The Hon. A. F. GRIFFITH: Can the honourable member tell me whether what goes on now is legal or otherwise?

The Hon. H. C. STRICKLAND: I do not know. But I think that provision in this connection was made in the Betting Control Act. I have not had time to look through it.

The Hon. A. F. Griffith: It is illegal.

The Hon. H. C. STRICKLAND: I think provision was made in the Betting Control Act for settling and betting in Tattersall's Club. I am wondering what is likely to occur now.



The Hon. A. F. GRIFFITH: I understand that technically the action which takes place at Tattersall's Club is illegal. It has apparently gone on for some considerable time. I cannot say whether it will be allowed to go on, but it is reasonable to suspect that it will.

The Hon. A. L. LOTON: Section 23 of the Betting Control Act says—

(1) No person shall make a bet at or in a place, or at or in a public place, either personally or by means of an agent, or by post, telegraph, telephone or other manner, whether of the same kind as or a different kind from any manner specified in this paragraph.

(a) unless the place is registered under this Act as registered premises—

I would have thought Tattersall's Club was registered premises.

The Hon. H. K. Watson: No.

The Hon. A. L. LOTON: The section continues—

—or is a race course where a race meeting or a trotting meeting is being held under license issued under the Racing Restriction Act, 1917; or

(b) unless the bet is made in accordance with the provisions of this Act.

The Hon. A. F. GRIFFITH: When we get on to another piece of legislation the honourable member may find there are some additional words to be added there; namely, "or the Totalisator Betting Board Act, 1960."

The Hon. H. C. STRICKLAND: The definition of "bookmaker," mentions "turf commission agent." Concerning the illegal position mentioned by the Minister, could the men concerned be acting as turf commission agents the night before the Melbourne Cup?

The Hon. A. F. GRIFFITH: I can only say what has been imparted to me: that the action of the calling of the card at Tattersall's Club is, in fact, illegal. It has been permitted to go on, but as a Minister of the Crown I cannot say that it will go on.

The Hon. F. J. S. Wise: It is unlikely that it will stop.

The Hon. A. F. GRIFFITH: I cannot even say that. I cannot make a comment about something which is not within my control. I can suggest that perhaps it is reasonable to suspect that it will continue in the way it has gone on over a number of years.

The Hon. H. C. STRICKLAND: There we have the fish and the flesh again. From time to time tonight the Minister, when we have sought information, has not been able to advise us clearly. He has retreated into the phrase that during the transition stage, or during the beginning

of the implementation of this Bill, there will be difficulties that will iron themselves out. It seems to me that the Government has been suffering from twilight sleep. It does not appear to be able to see properly in bringing forth this little baby of theirs.

I will admit that the Minister is not the Minister who will be administering the Act, but concerning some of these questions—and particularly the last one—I am surprised at the Minister saying that it is illegal, but that the Government is still going to condone it. If we are going to blink at certain aspects, this Bill will bring about the position I referred to in my second reading speech. It is going to scramble the law in relation to betting, and we are going to have a lot of illegal betting. If we are going to have fish, let us have fish.

The Hon. H. K. Watson: But didn't you have fish when you were a Minister?

The Hon. H. C. STRICKLAND: I think it was provided for.

The Hon. H. K. Watson: I think you had grilled fish.

The Hon. H. C. STRICKLAND: If we had stinking fish, there is every reason for us to bury it now.

The Hon. E. M. HEENAN: I think it is eminently clear that all betting, other than at the totalisator agency and with registered bookmakers on the racecourse, will be illegal within the specified areas. Under the present system it has been customary to go to the premises bookmaker and have doubles on the Melbourne Cup or the Perth Cup. That is going to be eliminated, and it is well for us to understand that. The old order is being changed fairly drastically.

We might be able to take a double or have a bet on the Perth Cup a month or two ahead, but it will have to be done on the racecourses within the defined areas. Perhaps if one goes to Kalgoorlie or Hall's Creek, the bookmaker will be able to accommodate one if he is carrying on under the former system. However, I think it is as well for people in and around Perth to realise that their betting is going to be confined to the racecourse or the totalisator.

The Hon. W. F. WILLESEE: Further to the point raised by Mr. Heenan with regard to pre-post betting on the large events, if a course bookmaker is betting pre-post, would there be any reason why he could not continue to bet until the running of the race? Would there be any reason why a person could not ring him at his home and make a pre-post bet with him, off the course?

I see no reason why a registered bookmaker, who opens a book on the 10th November for a race to be run on the 30th November, cannot accept bets at prices he has quoted during that period rather than the restricted period when he

was on the course, because it is a pre-post book. At the same time there are certain bookmakers who will take bets under those conditions. I do not see how we can differentiate.

The Hon. A. F. GRIFFITH: I assure Mr. Strickland it is not my desire to withhold any information whatever. I give to him and to every member, all the information within my ability to give. If I lack in some respect, it is because I am not able to find out. It was the Government of which Mr. Strickland was a member that was responsible for the Betting Control Act. A cursory glance at that Act indicates no provision dealing with Tattersalls Club. So the situation that prevails now existed when the Betting Control Act was introduced by the previous Government.

I cannot give an assurance that the law will continue to be broken. I would not if I could. Seeing what went on for some time before the Betting Control Act was passed, it is reasonable to assume that it will continue to obtain.

The Hon. H. C. Strickland: It should not.

The Hon. A. F. GRIFFITH: The Government of which Mr. Strickland was a member did nothing to stop it.

The Hon. H. C. Strickland: You are supposed to be cleaning it up.

The Hon. A. F. GRIFFITH: A man who wants to get set on a race for a post bet cannot do it on the tote; he must do it with a bookmaker. People have said they have taken long odds on horses months before the acceptances were in. They can do that with the on-course bookmaker but not with the tote.

Clause put and passed.

Clause 46 put and passed.

Clause 47—Loitering in street:

The Hon. F. J. S. WISE: Could the Minister tell us whether this clause has been lifted from some existing statute, or whether it is one that has been written into this legislation specifically?

The Hon. A. F. GRIFFITH: If members refer to the findings of the Royal Commissioner on betting they will see he made a certain recommendation which emanated from the South Australian Gaming Act. It has apparently operated satisfactorily in that State. Sir George Ligtwood, in his report, said that if the totalisator agency board was to be operated successfully it would be necessary to have provisions of this nature in this legislation.

The Hon. R. THOMPSON: I move an amendment—

Page 28, line 29—Insert before the word "member" the word "uniformed." We all know what happened prior to betting shops being licensed. We know that constables would pick up stooges who

happened to be loitering about. I think it is necessary a person should know that it is a policeman who is telling him to move on.

From the following clauses it will be seen that if a policeman had a grudge against some person, a lot of spite could be engendered. The old type of policeman has gone; and we know that policemen today are waiting to pin something on young people for actions which might be considered unlawful. Policemen today are younger, but no doubt they will want to do their jobs.

The Hon. F. J. S. WISE: I would not care if the policeman had on pyjamas. The entire clause is distasteful. It has no reference to anything associated specifically with this legislation. If a person were standing in any part of Hay Street, or in any suburb, conversing with a friend, he could be told to move on. If one were doing a bit of window shopping with one's wife—which is the safest type of shopping—one would be loitering, and could be told to move on. It has nothing to do with wagering on totalisators.

If a person is causing an obstruction to traffic in any street, or blocking anybody else's view of a TV set, or a hat, an officious policeman could tell that person to move on. If the person said he was validly looking at something, and the policeman did not believe him, he could be fined £20 or given two months' imprisonment, even though he might be a most respected citizen. We know, that under the Criminal Code, other means are used for people who bet on footpaths, and so on. But this provision has no place in a Bill of this kind which provides for illegal betting. This is a dragnet clause, and I oppose it.

The Hon. R. F. HUTCHISON: I agree with Mr. Wise. It is a wrong and dangerous clause. It reminds me of the incident I related when the Local Government Bill was being considered; namely, that when my mother was looking in a shop window in Melbourne she was told by a policeman that she could not loiter with "that encumbrance." She was pushing a pram with me inside it! It is an impertinence on the part of the Government, to endeavour to put this over the people of Western Australia. I oppose the clause.

The Hon. G. BENNETTS: At present if one is obstructing the traffic, a policeman has the right to ask one to move on. If one is on the edge of the footpath the policeman has no authority to interfere—one must be blocking the crosswalk before one can be asked to move on. If this Bill is passed the policeman would have the right to ask one to move on no matter where one was standing.

I would like to mention something that happened to me: I was talking to the Chairman of the Cunderdin Road Board in front of Boans on one occasion. We

were standing on the edge of the footpath when a young, and officious, policeman came up and appeared to be very hostile that we should be talking on the footpath. I asked him to call an inspector, to measure the distance, and to see whether he had the authority to shift us. I said, "We will remain here."

After five minutes an inspector whom I knew came along. I told him what happened and he said the constable had no right to remove us from the edge of the footpath. If a young officious police constable, under the provisions of this Bill, were to act in a similar manner, he could arrest a person for being on the edge of a footpath.

The Hon. A. F. GRIFFITH: This provision is not as dreadful as some members would have us believe. It is not often that members here have been approached by a police constable asking them to move over to the edge of the footpath, because they were standing on the building side of the pavement. I might say that I have been standing in a picture queue and I have been requested by a police officer to move over, because he had the right to do so.

Section 50 of the Police Act empowers an officer of the Police Force to demand from a person his name and address, and he does not have to give a reason. That power is not abused by the police. They are well trained, and are generally held in high esteem by the public. They make mistakes, as we all do, from time to time.

The Hon. R. F. Hutchison: What does this provision mean—if members of the Police Force think that anyone is betting?

The Hon. A. F. GRIFFITH: If the police reasonably think that persons are breaking the law under this legislation.

The Hon. R. F. Hutchison: The provision does not say that.

The Hon. A. F. GRIFFITH: An amendment has been moved to insert the word "uniformed." We should not attempt to take away from members of the Police Force their powers for the carrying out of their duties. The way to ascertain the *bona fides* of anyone who claims to be a police officer is to ask for his badge of authority. If I were to say to any member here, "Move over," when he was standing on a pavement, I know what reception I would get.

Take the case of plain clothes police officers who are on duty at the show-grounds during the Royal Show. It cannot be suggested that the showmen do not know their identity because they are not in uniform. There is nothing dreadful in this provision, and there is even a more stringent provision in the Police Act and in other legislation.

The Hon. F. R. H. Lavery: It is not in the Betting Control Act.

The Hon. A. F. GRIFFITH: That may be so. This provision will be exercised very carefully by the police.

The Hon. A. R. JONES: I appreciate the fact that under the Police Act similar powers are given to police officers. If that is the position, why is there a need for including the provision in this Bill? If the Government considers it necessary to have this provision in the Bill, the provision should contain a reference to betting. I suggest the clause should be worded as follows:—

No person standing in any street, if suspected of being a party to illegal betting shall refuse to move on when requested by a member of the Police Force.

That would give a clear indication of the meaning of the provision, and people would know that if they were suspected of betting illegally they could be moved on.

The Hon. E. M. DAVIES: I am disgusted that the Government has included a provision such as this in a Bill relating to betting. The Minister said that similar provision exists in the Police Act. We all know that members of the Police Force have the authority to move persons who obstruct the traffic. The provision states—

No person standing in any street shall refuse or neglect to move on when requested by a member of the police force of the State so to do, or shall loiter, whether such loitering causes or tends to cause any obstruction to traffic or not, in any street or public place after being requested by a member of that police force not to so loiter.

What is the reason for the inclusion of this provision? It leads me to believe there is reason other than the one given by the Minister. I do not know a great deal about betting, totalisators, or horse racing; but when I see a provision such as this in a Bill which relates to betting I feel in duty bound to express my dissatisfaction and disgust. An amendment has been moved, but I do not think it will make any difference, except that the members of the Police Force will be in uniform. If we respect ourselves we should not allow this clause to be passed.

The Hon. A. F. GRIFFITH: This clause has been included for a purpose. If we are to have a successful totalisator agency board we will have to quell illegal betting. In addition to assisting members of the Police Force to move persons who are suspected of illegal betting, the provision is designed to cope with loitering outside totalisator agencies.

I am told that at present when business is brisk in one of the licensed premises, some of the patrons stand on the footpath outside the shop, and it is necessary for the police to remove them. For that reason the police should have this power

in the clause. I did not say this power was in the Police Act; I said that Act contained a more stringent provision.

The Hon. E. M. HEENAN: I am impressed by the remark of Mr. Davies that if we respect ourselves we should not allow this clause to be passed. As the Minister said, it has been included for a specific purpose. The purpose is to regulate crowds or congregations of people near totalisator agencies.

Up to that point I grudgingly admit that it may have some merit, because I anticipate that when this legislation is put into operation it will have the effect of creating many lawbreakers out of people who, for many years past, have had a great deal of freedom in the matter of betting; who have been used to placing their bets in the licensed premises on Saturday afternoons; and who have been used to taking doubles on important races, such as the Railway Stakes-Perth Cup, without having to go to the race course. The Government is correct in anticipating that the Police Force will have a lot to do.

The Hon. J. J. Garrigan: Why put the onus on them?

The Hon. E. M. HEENAN: However, Parliament has passed the Bill, and that is that. But no self-respecting community is at this stage in its history going to allow such a clause to become part of the law of the State. The provision is not only to be confined to people around betting shops; but any person lawfully standing in any street, whether he is causing an obstruction or not, can be ordered by a policeman to move on. It is intended, of course, to apply only to people near betting shops, but it will actually apply to the whole community. I do not want to live in a State where the police have that power.

I know that most policemen are decent and would probably not make use of this provision, but there are bound to be those who will use it, and that will be a great infringement of the liberty of the ordinary citizen. This we should not allow even if there be some small justification in dispelling crowds around betting shops. The Police Act already contains ample provision for the police to demand the name and address of a person.

The Hon. A. F. Griffith: Not the right to move him on.

The Hon. E. M. HEENAN: No, but a policeman can demand his name and address. Sections 65, 66, and 67 of the Police Act deal with many offences and amply cover any situation with which the police may have to deal. The liberties of the people must be safeguarded. The police have never had the opportunity that is contained in this clause, and they should not have it now. I do not think that any amendment can have any virtue in it. The Government is unwise to persist with the clause.

The Hon. A. L. Loton: You only have to be under suspicion of betting.

The Hon. E. M. HEENAN: Yes. It means that if a person's wife or friend is standing in a street she could be told to move on. This is so at present if such a person is obstructing the traffic; but this clause is one which needs very careful scrutiny.

The Hon. F. R. H. LAVERY: The Crimes Act at present before the Federal Parliament fades into oblivion when compared with this clause. It is the most damaging provision that has ever been included in any Bill; and I do not care who takes offence at what I say.

I was a Metro bus driver for 10 years, and therefore I know of the queues that were formed by those waiting for buses. The situation is the same today, and constables have the right to ask people to move into line. However, no one can take offence at this, and no one can deny that the police now have the right to demand a person's name and address.

I was concerned in a strike here in 1936 in the bus industry. At that time the police tracked us everywhere we went while we were picketing. If we were doing something wrong the police told us very nicely. But they did not have this provision under which to work. If they had, what they could have done to us!

Just think for a moment what the words "no person standing in any street" convey. The clause then continues, "shall refuse or neglect to move on." I agree that people should not refuse to move on if they are asked decently to do so. But that the police should have such power as is contained in this clause is shocking. I would not care whether the Labor Party was in power, I would still say the same thing. I, as a responsible citizen of this community—one of the 80 executive members of the State—cannot conscientiously agree to this provision.

I do not care what legislation is passed, there are some things like betting which cannot be stopped. I know that all laws have to have protective provisions in them, but I do not think that even the Commissioner of Police, as I know him, would desire this clause. Are we going to revert to the situation where policemen will, for the sake of a few pounds, close their eyes to illegal betting? Of course we do not want that situation to arise, and I will do all I can to see that it does not. It was for this reason that I was pleased with the introduction of the legislation to legalise premises bookmakers.

Mr. Ron Thompson's amendment does not mean anything as it cannot improve this clause. There is only one way to do that; and I am appealing to members of the Committee not to pass this clause. I know that at times we are all bound by our Party policies, but I do hope that this will be one of the occasions when that will

not be so. It has been agreed that this legislation shall be passed, but do not let us spoil it and have it said that members of Parliament in Western Australia took from the people their liberties; because that would be the effect of this clause.

The Hon. J. M. THOMSON: I cannot see that a person who is lawfully standing on a street would need to fear—

The Hon. L. A. Logan: Of course not.

The Hon. J. M. THOMSON:—any repercussions under this clause.

The Hon. A. F. Griffith: None whatever.

The Hon. J. M. THOMSON: If a person is approached by a police officer and requested to move on, and the person is lawfully engaged upon business or waiting for an appointment, he can so inform the policeman. If he asks the policeman the reason he has to move on and he is told that the policeman suspects him of being engaged in betting, such a person can prove to the satisfaction of the police constable that such is not the case.

If a person is at a particular spot on lawful business, he has a perfect right to tell the constable this. He cannot ask the constable on what authority he is questioning him because we know that he has that authority. But he has the right to question the policeman.

The Hon. H. C. Strickland: No, he has not.

The Hon. J. M. THOMSON: Where in the clause is it stated that a person cannot question a policeman as to why the policeman has ordered him to move on?

The Hon. H. C. Strickland: In the first line.

The Hon. J. M. THOMSON: It is all very well for the members to giggle and laugh. They have made their point, and they had a perfect right to do so; and I have a right to express my opinions, and I intend to do so. I fail to see why there is any need for alarm, because in this clause a person has the right to tell a policeman he is at a certain place on lawful business. A person has the right to do that under common law.

The Hon. E. M. Heenan: No; he has not.

The Hon. J. M. THOMSON: Even if he has to prove it in court, it only needs one case to be proved and that will be the end of it.

The CHAIRMAN (The Hon. W. R. Hall): I ask members to let the honourable member proceed without so many interjections.

The Hon. R. F. Hutchison: It is camouflage with a big "C."

The Hon. J. M. THOMSON: I have not heard that word for a long time.

The CHAIRMAN (The Hon. W. R. Hall): I think the honourable member had better address the Chair.

The Hon. J. M. THOMSON: I will resume my seat after having made my contribution to the debate.

The Hon. J. MURRAY: Members appear to have interpreted the clause in the worst possible way, and to have presupposed that it will be harshly administered by the Police Department. There are certain provisions in the Police Act with regard to loitering, but because the Government has put this clause into the Bill it indicates that this power will be used only in relation to illegal betting.

The Hon. R. F. Hutchison: You read it and see.

The Hon. F. R. H. Lavery: In that case why are not the words "illegal betting" used?

The Hon. J. MURRAY: The whole Bill covers betting under a T.A.B. system. Provision is also made in the Betting Control Act to cover loitering in front of registered premises; and it is difficult to define the words "in front of registered premises." But to say that a policeman would shift somebody along if he were looking in a shop window in Hay Street is drawing the long bow.

If a policeman sees someone loitering in a back lane he should have the authority to shift him along. Mr. Lavery mentioned that unionists were shifted; but the police did not interfere with them; they were told that they were going over the fence and to cut out the nonsense. The same thing would occur under this legislation, because we have a reasonable Police Force.

The Hon. E. M. Davies: If they have the authority now why do they want it under this legislation?

The Hon. H. C. STRICKLAND: As Mr. Murray has pointed out, the Betting Control Act already provides for loitering in connection with betting. But this is a different provision altogether. This is a dragnet clause; and it is all very well to say that the police will not abuse it. A good policeman carries out his duties according to the law and it is not for him to interpret it in his own way. If he sees people loitering in the street, according to the law if this Bill is passed it will be his duty to move them on.

For Mr. Jack Thomson to say that a person could stand up and argue the point with a policeman is ridiculous because the policeman would be fully protected. Under this clause he does not have to tell a person why he is being moved on. While there is sufficient protection to cover loitering under the Betting Control Act, I see no reason why this clause should be in the Bill.

The Hon. A. F. GRIFFITH: I think we have to understand clearly the purpose of this clause. No member wants to see illegal

betting introduced as a result of this legislation, and all we are trying to protect is the innocent person. I venture to suggest that there should be no fear whatever about a policeman coming along and asking Mr. Strickland, for instance, to move along if he is waiting for his wife. A policeman would accept an explanation.

The Hon. R. F. HUTCHISON: Would he? How do you know?

The Hon. A. F. GRIFFITH: Even if he did not he would have to bring the person before the court and a charge would have to be proved. The case would have to be heard by a trained magistrate.

The Hon. N. E. BAXTER: Whose word would be taken?

The Hon. A. F. GRIFFITH: The magistrate would make a finding according to the circumstances and the evidence. The police know the people likely to break the law; they are well informed upon the point. They do not go around haphazardly administering the law. This clause is intended to assist in preventing illegal betting. If the amendment were agreed to a uniformed policeman would be seen from miles away. The only way to stop people from breaking the law is to have both plain clothes and uniformed policemen.

This clause is not as bad as it sounds and it will not be exercised in the manner suggested by some members. Members should have a little faith in their own Police Force and the fact that this clause will assist in preventing illegal betting.

The Hon. R. F. HUTCHISON: After listening to the Minister I gasp for breath, particularly after some of the speeches we have heard him make in this Chamber. He is presupposing that when this legislation comes into operation there will be illegal betting; and do not let us forget that this legislation will not apply to the whole of Western Australia, such as is the position in New Zealand. I saw the system in operation there and I know the illegal betting that goes on.

What will be the reaction of the ordinary decent Australian if a policeman comes up to him and asks him to move on? He is just as likely to punch the policeman on the nose, and then he will end up in the police court. I know the spite that some of these policemen have. At one time I was associated with a number of members of the Police Force because I boarded them at my place in Francis Street. I know some of the things that go on; although most policemen are worthy men. This is an unworthy clause, and we have no right to offend the dignity of ordinary people by passing it.

I did not intend to enter the debate, because I am not interested in betting, but I saw the things that went on before the Labor Government introduced the present system. The fact that the Minister presupposes that there will be illegal betting

under this legislation indicates that the system will not be as satisfactory as the present one.

The Minister said that even if a person were taken before a magistrate he would soon be able to prove his innocence. Why should a person's dignity be hurt in that way? What redress has a person got when he has been proved innocent? I am not casting any reflections on the Police Force, but I can see what will happen. I can see the Government getting a slap in the face with this legislation, because Western Australia is too big for a totalisator system.

We are controlled in a reasonable sense; and betting in the shops is done in a decent and respectable manner. This provision will be a tragedy, and I vigorously oppose the clause which, if passed, will be an indictment of members in this Chamber.

The Hon. J. M. A. CUNNINGHAM: Is it not the duty of the Government when introducing legislation to anticipate possible infringements of the law it seeks to introduce? I think every Labor member has spoken on this measure, and in the second reading debate the repetition as to the impossibility of this Bill working was obvious. The whole theme of the debate centred on the various means which would be adopted by illegal bettors.

#### *Point of Order*

The Hon. W. F. WILLESEE: On a point of order, Mr. Chairman, I never made any mention of illegal bettors and the means they would adopt, and I ask the honourable member to withdraw the remark.

The CHAIRMAN (The Hon. W. R. Hall): Mr. Willesee has asked that the honourable member withdraw his remark.

#### *Committee Resumed*

The Hon. J. M. A. CUNNINGHAM: I congratulate the honourable member, and I withdraw my remarks. I also withdraw them as they affect any other member who did not happen to speak in this vein. The debate seemed to centre on the penal clauses. It is not such a dreadful thing at all. Time and again in the city, and in the country districts, policemen have asked me to move on in the most courteous manner, and I have done so. I have not seen anyone get a punch on the nose because a person happened to be asked to move on.

I draw the attention of members to section 45 of the Interpretation Act which will be found on page 181 of our Standing Orders. This provision may be in the Police Act, and a person can be charged for loitering under that Act. There is no great hardship in this measure, because a person cannot be charged with a betting

offence and for loitering. He cannot be charged twice for the same offence anyway. Section 45 states—

Where any act or omission constitutes an offence under two or more Acts, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts, but shall not be liable to be punished twice for the same offence.

Under the provisions of this Bill the police will have the right to move on people whom they think might be engaged in betting, or who may intend to bet in a laneway, and so on. If one is not contemplating such an act, what has one to worry about? If I were asked to move on I would do so willingly.

The Hon. R. F. Hutchison: You are very docile.

The CHAIRMAN (The Hon. W. R. Hall): Order! The honourable member should be allowed to continue his speech without interruption. Members have the right to speak as often as they wish, and we will get on much faster if there are no interruptions.

The Hon. J. M. A. CUNNINGHAM: It is not causing me any concern at all, Mr. Chairman. I cannot see any great hardship in this; nor can I see carloads of offenders being carted off to the police station.

The Hon. A. R. JONES: I would ask the Minister whether it is necessary to have clause 47 in the Bill. Perhaps the Minister could consult with the Minister in another place with a view to tidying up the clause. In the meantime, I suggest that consideration of the clause be postponed.

The Hon. A. F. GRIFFITH: I have no objection whatever to postponing discussion on this clause, if that is the wish of the honourable member. We could go on with the other clauses after postponing this one.

The Hon. H. K. WATSON: What is the question before the Chair, Mr. Chairman?

The CHAIRMAN (The Hon. W. R. Hall): There is an amendment before the Chair, to insert the word "uniformed" before the word "member" in line 29, page 28.

The Hon. H. K. WATSON: I am surprised how many members have spoken to this clause without mentioning the amendment.

The CHAIRMAN (The Hon. W. R. Hall): Their speeches have been tied up with the clause and the amendment.

The Hon. H. K. WATSON: I pay a tribute to your tolerance, Mr. Chairman.

The CHAIRMAN (The Hon. W. R. Hall): All the speeches have been tied up with the amendment, although the word "uniformed" has not been used very often.

The Hon. H. K. WATSON: I have listened a great deal to the debate, and my tolerance is exhausted. I feel that the Minister should ask you to put the amendment.

The CHAIRMAN (The Hon. W. R. Hall): Unless the Minister wishes to move for consideration of the clause to be postponed, my duty is to put the amendment.

The Hon. A. F. GRIFFITH: A request has been made for the postponement of this clause.

The CHAIRMAN (The Hon. W. R. Hall): If the postponement of the clause is to be moved, the amendment should be withdrawn.

The Hon. R. THOMPSON: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. A. F. GRIFFITH: I move—

That further consideration of the clause be postponed.

The Hon. W. F. WILLESEE: It would be more in keeping with the remarks of Mr. Jones that the clause be postponed with a view to the Minister considering the suggestions which have been made by that honourable member.

The Hon. A. F. Griffith: I shall consult Mr. Jones on this clause.

Motion put and passed; the clause postponed.

#### Clause 48—Removal:

The Hon. R. THOMPSON: I consider this clause should be removed from the Bill. It is as objectionable as any provision in the Crimes Act, or in the Police Act Amendment Bill which is before another place. This provision states—

(1) If any member of the Police Force of the State has reasonable grounds for suspecting that on any place upon which any sport of a kind usually attended by the public is then being carried on or conducted, or in any other place, any person is guilty of, or has on that day been guilty of, betting on any horse race or races contrary to the provisions of any Act, that member of the Police Force may, without warrant, arrest that person and remove him from that place.

The police officer need only have reasonable grounds for suspecting a person before removing him. I consider that the word "reasonable" should be deleted. I refer to subclause (4) which states as follows:—

No person who has been so removed from any such place shall, during the day on which he was so removed, re-enter or be again upon that place, or any place contiguous thereto.

The place could be the person's home or his land. It refers to any place.

The Hon. J. M. Thomson: It does not refer to a person's home specifically.

The Hon. R. THOMPSON: In my view it does not exclude a person's home. I hope the Committee will not agree to this clause.

The Hon. H. K. WATSON: The deletion of the word "reasonable" from the clause would not achieve the objective sought by Mr. Ron Thompson, who considers this provision is very harmful. By deleting the word, a police officer need only have grounds for suspecting, instead of reasonable grounds. I will not agree to the deletion of the word.

The Hon. A. F. GRIFFITH: This is an important clause. It has been included for the express purpose of breaking down illegal betting. The proposal to delete the word "reasonable" will make the provision more severe.

The Hon. R. Thompson: I have not moved any amendment.

The Hon. A. F. GRIFFITH: Under this clause police officers will have the right to remove a person from any place upon which any sport is conducted, or any other place. The inclusion of the word "arrest" in subclause (1) means that the police officers can remove a person from the place. No offence is committed unless the person concerned re-enters the place on the same day. It is a protective and a necessary provision.

#### Clause put and passed.

Clause 49—Penalty for persons warning offenders of the approach of members of the Police Force:

The Hon. F. R. H. LAVERY: My objection to this provision is the penalty. It states that for a first offence the penalty shall be £75, and for a second or subsequent offence the penalty shall be imprisonment for not more than six months. It is natural for some people to warn others. That happens every day amongst school children, footballers and cricketers.

In my view the penalty is too severe, and to test the feelings of the Committee I move an amendment—

Page 29, line 36—Delete the word "seventy" and substitute the word "twenty."

The Hon. A. F. GRIFFITH: I appreciate Mr. Lavery's point of view, but I would say this to him: These penalties are necessary in order that we do not revert to a state of affairs which the honourable member himself would abhor. I refer to the state of affairs that existed before the introduction of legalised S.P. betting.

With that in mind, it must be obvious that the penalties for these breaches must remain as laid down in the Bill. Therefore, I hope the honourable member will not persist with his amendment or, if he does, that the Committee will not agree

to it. It is positively necessary, if we are going to prevent illegal betting, that the penalties set out in the Bill should remain.

The Hon. F. R. H. LAVERY: I am concerned only with the penalty for a first offence and I wish to persist with my amendment.

The Hon. H. K. WATSON: I assume this clause is subject to the ordinary rule that the penalty expressed is a maximum penalty and that a magistrate will have discretion in whatever penalty is imposed. I think that should meet the wishes of Mr. Lavery.

#### Amendment put and a division taken with the following result:—

Ayes—12.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heeran	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise

(Teller.)

Noes—16.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. G. Hslop

(Teller.)

#### Majority against—4.

#### Amendment thus negatived.

#### Clause put and passed.

#### Clause 50 put and passed.

Clause 51—Reasonable suspicion sufficient to set up a prima facie case:

The Hon. F. J. S. WISE: This clause places the onus of proof on the person charged with an offence.

The Hon. E. M. Davies: They must have got this out of the French law.

The Hon. F. J. S. WISE: All that is necessary for the charge to be successfully carried against a person is for the person hearing the evidence to have a suspicion raised in his mind. The person charged is then guilty. That is what the clause says. That is pretty tough. It is as bad as the goldstealing clauses. It is a very difficult thing for a person charged, or accused of doing something, to be responsible for proving he is not guilty. It is quite out of conformity with the normal practice of British justice.

This is a type of offence or alleged offence where nothing may have been seen by the person making the arrest or charging the other person. He only has to suspect this person made a bet with someone and he can arrest that person and charge him with an offence; and provided a suspicion can be aroused in the mind of a magistrate, that person is guilty. That is a most unfair proposition; and I would



hope that this clause, like one of its predecessors, will, if the Minister intends to persist with it, will be postponed in order to have another look at it and get something which will conform more to British justice.

The Hon. H. K. WATSON: It is, or was, an ancient tradition of British justice that a man was innocent of any offence until he was proved guilty. However, over the years, and particularly in recent times—and I say this with regret—various modifications of that rule have been made whereby the onus of proof has, to a certain extent, been transferred from the complainant to the defendant. Where this is so, it is generally because of the difficulty, if not the impossibility, of proving, according to strict legal rules of proof, what one knows to be the truth of the position. This clause is simply to meet those peculiar circumstances.

We know that in the old days before the legalising of betting premises, it was extremely difficult to prove that a man had actually taken or was given a bet, although all the material might be on hand.

I point out that the clause does not say, as Mr. Wise inferred, that the magistrate only has to have reasonable suspicion that the bet was made and the man is guilty. The clause does not say that; it simply states that if he has reasonable suspicion, it shall be deemed *prima facie* evidence that he committed the offence. It does not say that it shall be conclusive evidence, as it is still open to the person charged to prove to the satisfaction of the court that he was not guilty of the offence.

In those circumstances I do not think that any real objection can be taken to the clause, particularly as there are precedents for it in other legislation.

The Hon. A. F. GRIFFITH: The remarks made by Mr. Watson were very helpful. Mr. Wise stated that a provision of this nature is out of conformity with normal practice in British law. With respect, I say it is not. There are a number of examples to prove that it is not.

The Hon. F. J. S. Wise: You support the idea, do you, of finding a person guilty under those circumstances?

The Hon. A. F. GRIFFITH: I support the clause under these circumstances; and this is another clause in the Bill which is very necessary indeed, in order that the measure, when it becomes an Act, will operate in the way it is intended to operate. As Mr. Heenan will know as a practising lawyer on the goldfields, if a person is found with gold in his possession he has to prove that he came by it lawfully. The onus of proof is on him.

The Hon. G. Bennetts: That is no reason for its inclusion here.

The Hon. A. F. GRIFFITH: It is an example of the same sort of law. It has been included because of a recommendation in the Royal Commissioner's report on betting in which he said it would be necessary, when introducing this law, to have stringent clauses in respect to penalties.

If members would refer to section 32A of the Traffic Act they would find that reasonable suspicion is all that is necessary before a penalty is imposed for certain offences. This is also the case under sections 104 and 105 of the South Australian Lottery and Gaming Act, and under section 181 of our Licensing Act. Also this provision is contained in a subsection of section 181 of the Victorian statute, and in section 132 (1) of the Queensland Liquor Act.

Only last week did we pass a Bill to amend the Fisheries Act, and that Bill placed the onus of proof on certain fishermen. Therefore, for members to say that the provision contained in this Bill is not in conformity with the law, is not accurate.

Getting back to the gold-stealing charge, I think every goldfields member knows that the onus of proof is on the man who has gold in his possession. The point is that the individual has to prove his innocence, not that the Crown has to prove its case. In exceptional cases it is necessary to have a law of this nature; and it is necessary here. If we did not have it, the defence would simply suggest to the magistrate that there was no case to answer. There would be many instances of there being no case to answer. I hope this clause will be left intact because it has an express purpose; and I hope that sufficient explanation has been given to show that it will serve its purpose.

The Hon. E. M. HEENAN: The Minister mentioned the Traffic Act.

The Hon. A. F. Griffith: The section dealing with blood tests.

The Hon. E. M. HEENAN: Nothing that the Minister has said convinces me that this drastic provision is necessary. It is contrary to our concepts of justice to presuppose that a man is guilty on some *prima facie* case submitted by the prosecution. I do not see any justification for departing from that principle in this instance. The Minister mentioned that the general rule has been subject to a few exceptions. The Minister mentioned the Gold Buyers Act. I know, for a fact, that many grave injustices have been perpetrated because of the section in the Gold Buyers Act providing that a person in possession of gold shall have placed on him the onus of proving that he came by the gold lawfully.

I think I can speak for almost every other goldfields member when I say that there have been a number of instances on the goldfields where the gravest injustices have been perpetrated; where gold has

been planted on people for malicious reasons; where they have been found to be in possession of the gold and could not give a satisfactory explanation to the court as to how they came by it. The fact that they were in possession of it was *prima facie* evidence of their guilt. That has happened on a number of occasions.

Over the years there has been much criticism of that provision in the Gold Buyers Act. This clause in the Bill under discussion relates to prosecutions for unlawful betting, and for being in public places for betting purposes. I think that if anyone is charged under either of these sections the police should prove the charges against him in the normal way; and unless the case is proved in the normal way, the individual should be given the benefit of the doubt and acquitted. Members can rest assured that if this clause is adopted in its present form, the onus will be placed on persons to prove their innocence; and, in the light of the evidence of the police that they were suspicious of the man's behaviour, of his movements, or of other incidents, the person concerned will undoubtedly be convicted.

I think this is somewhat analogous to the earlier provision, which met with a considerable amount of opposition, concerning people being asked to move on who were merely standing in a street. I think it is going altogether too far. We should not throw away principles for expediency. I hope the House will value the liberty of the individual and that it will think very seriously before transgressing on that liberty by adopting the principle proposed in this measure.

The Hon. G. BENNETTS: I support every word that Mr. Heenan has said. We cannot mention names of persons, or of cases, but we do know of instances that have taken place. The Western Australian is recognised as the best type of Australian in the Commonwealth. The State is noted for that—especially the goldfields, from where some of us come. The Western Australian is looked upon as a decent type of person. Let us keep that record and not bring in this sort of legislation that has been introduced in other States. Let us keep this State free of any Act which places the onus of proof on the individual. A person could have a betting ticket in his pocket, and be arrested by a policeman; and he would have to prove his innocence.

Let the police prove it. They are the people who should prove it; not the individual. I say that we should keep the State clean from legislation of this nature, and we should not allow this provision in the Act.

The Hon. G. C. MacKINNON: I think all of us, in our hearts, agree with Mr. Heenan and regret the necessity for this type of clause. I am sorry that we are living in a somewhat more complicated age, society, and civilisation than when the

original concepts of our law were laid down. When we are legalising what is probably the most popular form of gambling, it might pay us to look at results achieved by States where gambling has been legalised, and all sorts of technical loopholes have been left in the law.

Take the position in America. We all remember the Chessman case, where appeals went on for years on mere technicalities. In that country it has become almost impossible to pin down anyone who is engaged in any form of illegal activity, particularly gambling.

Whenever we start to organise a particular activity we find some distasteful clauses included in the legislation. I call to mind a similar provision introduced a couple of years ago into the potato legislation. It was considered contrary to the original concepts of British justice, but it was necessary. The fact that we have to go to the trouble of regulating and legalising gambling within the community is distasteful to many people, but because it is necessary we must have clauses of this kind. I hope the Committee will agree to the retention of the clause.

**Clause put and passed.**

**Clause 52—Unlawful betting on licensed premises:**

The Hon. R. THOMPSON: An interesting position arises in this clause in respect to Tattersall's Club, because the club's premises are licensed; and, if the Bill is passed, calling a card there will be an offence. In addition, the licensee or the person responsible for the premises would also be committing an offence. I point out that position to the Minister.

The Hon. A. F. GRIFFITH: The position is simply that what is being done now in Tattersall's Club is illegal. Calling the card is illegal but paying out is not, because that is not a betting process. It will be up to the Minister in charge of the legislation to take whatever action he considers right and proper. I realise that Tattersall's Club premises are licensed premises; but in respect to other licensed premises, clause 46 deals with betting in public places, and this clause provides for the penalty. I think the honourable member has made a good point, but I do not think it departs from the general principle of betting on licensed premises.

**Clause put and passed.**

**Clauses 53 to 56 put and passed.**

**Postponed clause 47—Loitering in street:**

The Hon. A. F. GRIFFITH: In order to facilitate the business I suggest to members that we agree to this clause as it is, and I give an undertaking that I will adjourn the third reading stage till tomorrow so that an opportunity will be given to Mr. Jones, the Minister in charge of the legislation, and myself to confer on the matter; and then the Bill can, if

necessary, be recommitted by any member. I hope members will accept my undertaking.

The Hon. A. R. JONES: In order to facilitate the business, I am prepared to accept the Minister's assurance.

The Hon. H. C. STRICKLAND: I fail to see how it will help the business to postpone the clause. I do not doubt the Minister's assurance, but why proceed in this way? We are opposed to the whole clause.

The Hon. A. F. GRIFFITH: I realise that the honourable member's party is opposed to the whole clause, but the procedure I have suggested will facilitate our business. If we agree to the clause tonight, I will move that the adoption of the report be taken at the next sitting. I can assure the Committee that tomorrow, when the report of the committee is to be adopted, further discussion on this clause will take place, bearing in mind that it is the desire of the honourable member to reconsider the clause. I have no ulterior motive except to complete the Committee stage at this sitting.

**Postponed clause put and a division taken with the following result:—**

**Ayes—16.**

Hon. C. R. Abbey	Hon. G. O. MacKinnon
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. J. G. Hialop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray

(Teller.)

**Noes—12.**

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. W. P. Willesee

(Teller.)

**Majority for—4.**

**Clause thus passed.**

**New clause 56:**

The Hon. A. L. LOTON: I move—

Page 33—Insert the following to stand as clause 56:—

56. (1) The Board shall prepare and submit to the Minister, not later than the thirtieth day of September in each calendar year, a report on the exercise and performance by the Board of its powers, functions and duties under this Act during the twelve months ended on the preceding thirty-first day of July.

(2) The Minister shall lay the report of the Board before each House of Parliament within six sitting days of that House after the receipt of the report by the Minister.

I point out to the Committee that I have moved for this new clause to be inserted in view of the provision appearing in clause 6 at the top of page 6 of the Bill.

The Hon. A. F. GRIFFITH: For the information of the Committee, the amendment is quite acceptable as far as I am concerned.

The Hon. A. R. JONES: On a point of information, could the mover of the motion or the Minister advise me whether the board would have to submit a report to cover the period from, say, October or January to the 30th June following, because a period of 12 months would not have elapsed?

The Hon. A. L. LOTON: I consulted the Minister for Police on this point and he conferred with the Attorney-General, and they were responsible for the drafting of this new clause. Evidently, they had prior information as to when the legislation would be proclaimed, and they prescribed these dates to coincide with the date of the proclamation.

**New clause put and passed.**

**Schedule put and passed.**

**Title put and passed.**

**Bill reported with amendments.**

## **ACTS AMENDMENT (SUPERANNUATION AND PENSIONS) BILL**

### *First Reading*

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

*House adjourned at 12.25 a.m.  
(Wednesday).*

## **Legislative Assembly**

Tuesday, the 8th November, 1960

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