

in industry, who are the sufferers, and their families are receiving only 43 per cent. of the premiums that are paid, then something in the nature of an inquiry is required.

I do not know whether the big insurance buildings that we see around the city are absorbing all that money, but those buildings are only bricks and mortar; they are not human beings. It would appear that human beings are suffering in order that these bricks-and-mortar monuments can be erected. Whilst I have breath in my body and whilst I am the member for Swan, I do not want to see this sort of injustice perpetrated.

I think the average organisation, if it found its costs were excessive, would have an inquiry into them. On the other hand, if the main body of workers in industry receive only 43 per cent. of the collected premiums, I feel they are getting a pretty raw deal indeed.

I am daily coming in contact with unfortunate persons who are suffering disabilities as a result of the Workers' Compensation Act in this State today. I come into daily contact with their families, and I am finding the reaction, because of the loss of the breadwinner, or the husband or father of the family, felt by some families 20 years after an accident.

It is up to us to do something about this matter, and I feel the member for Mt. Hawthorn should be complimented on drawing the attention of the House to the necessity for doing something worth while. After all, as I said earlier, whilst the Government claims to have included some worth-while amendments in 1960, out of 11 amendments there are only two that have anything to do with improving the workers' compensation benefits; and out of those two, one had already been proposed by the Minister for Labour in the Labor Government and the other did not actually give the benefit that it purported to give.

So I feel we should support the amendment; and I hope that even some members on the Government side might have enough of the milk of human kindness in them to be able to see their way clear to come to this side of the House when the division is taken.

Debate adjourned, on motion by Mr. Rowberry.

BILLS (2): RETURNED

1. Law Reform (Statute of Frauds) Bill.
2. Lotteries (Control) Act Amendment Bill.

Bills returned from the Council without amendment.

House adjourned at 9 p.m.

Legislative Council

Thursday, the 13th September, 1962

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

NARROGIN AGRICULTURAL SCHOOL

Cost of Poultry Shed

1. The Hon. G. C. MacKINNON asked the Minister for Mines:

Would the Minister please advise the cost of erection of the new poultry shed recently constructed at the Narrogin Agricultural School?

The Hon. A. F. GRIFFITH replied:

If the honourable member is referring to all four poultry sheds the cost was approximately

£11,000 spread over two financial years. No separate estimate has been taken out for the most recent single shed erected.

2. and 3. *These questions were postponed.*

BILLS (2): INTRODUCTION AND FIRST READING

1. Money Lenders Act Amendment Bill.
Bill introduced, on motion by The Hon. H. K. Watson, and read a first time.
2. Constitution Acts Amendment Bill.
Bill introduced, on motion by The Hon. E. M. Heenan, and read a first time.

BILLS (3): THIRD READING

1. Local Government Act Amendment Bill.
Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and transmitted to the Assembly.
2. Grain Pool Act Amendment Bill.
Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.
3. Superannuation and Family Benefits Act Amendment Bill.
Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

STAMP ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 12th September, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [2.40 p.m.]: This small Bill has been introduced to correct two anomalies in the levying of stamp duty. The matter was overlooked in 1941 when a Bill relating to this Act was introduced. At that time a concession of stamp duty was brought into operation to apply in the case of co-operative societies, certain provident societies, and the like; but apparently the requirements of building societies were overlooked. The concessional advantage given to the institutions I have mentioned meant that instead of the stamp duty being fixed at 1 per cent., it was reduced to $\frac{1}{2}$ per cent., or 5s. per cent. The purpose of the schedule contained in clause 2 of the Bill is designed to correct that oversight.

The other part of clause 2 deals with transactions associated with resumed land. Before dealing with that point I should

say that in respect of the transference of shares of building societies the lower rate of stamp duty will apply at the concessional scale. Regarding the second point—transactions which are associated with resumed land—such land is usually resumed by local authorities and under the Town Planning Act in connection with town planning schemes. After subdivision and the determination of the alignment of roads and similar matters, some of the land, in a redesigned form—in some cases it is resubstituted land—is returned to the original owner. The anomaly arises because at present the original owner has to pay the normal stamp duty on such a transaction.

The Hon. L. A. Logan: But the person gets back his block of land.

The Hon. F. J. S. WISE: That is right. Normally the stamp duty is 5s. for every £25 of the value, but the Bill will enable the transfer to be made at a flat rate of 10s.; this provision is contained in clause 2, paragraphs (b) and (c). I understand that to be the reason for the introduction of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 12th September, on the following motion by The Hon. L. A. Logan (Minister for Child Welfare):—

That the Bill be now read a second time.

THE HON. R. F. HUTCHISON (Suburban) [2.45 p.m.]: I rise to support this Bill. The first amendment in the Bill provides that the Director of Child Welfare shall be made the guardian of wards of the State, and in most cases this is a very desirable provision. At the present time some difficulty exists in respect of applications. When a child is starting out in life it is necessary to obtain the signature of the parent or guardian on certain documents. Often the mother has to apply to the Director of Child Welfare for his help in the matter, but the Bill will simplify the procedure.

In the case of sudden illness, when an anaesthetic has to be administered to, or an operation has to be performed on, a ward of the State, the Bill will empower the Director of Child Welfare to act. I would not like to see anything being made restrictive in regard to this matter.

While I was in Queensland it was brought to my notice that every child in that State, whose mother received assistance from the State, became a ward of the State. I consider that to be a bad system. In this State a ward of the State means a child who has been committed to the care of the Child Welfare Department, and the Act has that aspect to recommend it. This provision in the Bill carries forward an idea of mine, to which I shall refer when I deal with another measure. I would rather see the Director of Child Welfare become more than a guardian. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

GUARDIANSHIP OF INFANTS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 12th September, on the following motion by The Hon. L. A. Logan (Minister for Child Welfare)—

That the Bill be now read a second time.

THE HON. R. F. HUTCHISON (Suburban) [2.50 p.m.]: This Bill, which is also a small one, has my support. As members know, the amount of £2 10s. per week for the support of a child was introduced some years ago, and this amount is not in conformity with today's costs. For the sake of the children we should all agree with this Bill. The reason for the increase may lie in the reduced value of the pound.

The Hon. G. Bennetts: Do you think that 100 per cent. increase is too steep?

The **PRESIDENT** (The Hon. L. C. Diver): Order!

The Hon. R. F. HUTCHINSON: I think it is reasonable. It is subject to a person's ability to pay it. The department has to foot the Bill, anyway. An amount of £5 per week today would be of the same value as £2 10s. in 1926. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Child Welfare) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 8 amended—

The Hon. L. A. LOGAN: Mr. Bennetts said, by way of interjection, that the amount of £5 is too much. I wish to point out, however, that £5 is the maximum. It does not have to be that amount, but a person cannot be made to pay more.

The Hon. G. Bennetts: I am thinking of a person who has a family of three children.

The Hon. L. A. LOGAN: This figure is the maximum. A person cannot be made to pay more than £5 for each child.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

JUSTICES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 12th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. R. F. HUTCHISON (Suburban) [2.55 p.m.]: I propose to have more to say in connection with this Bill, as I am not satisfied with it. This Bill deals with the recovery of maintenance orders. As I understand it, no variation is being made in the method of recovery payments. A wife is still forced to take out a warrant against her husband in order to enforce payment of maintenance. I have no objection to the enforcement of payments from the husband, but we still have the picture of a wife going through unnecessary worry and mental stress because if she wants to enforce an order she has to sign a warrant for the imprisonment of her husband. I have always maintained, and I still maintain, that this should be the responsibility of the Director of Child Welfare.

I am not concerned about the wife who has no children; I am concerned about the wife who has a family of young children. She has the worry of having to find three meals a day for them. When she gets her order through the court, things could be made a lot easier and a lot better for her. Upon a wife getting a maintenance order through the court, the Director of Child Welfare should be responsible for seeing that the order is carried out.

In connection with my speech on this matter in 1960, I thought the Minister had promised me something—which he has not kept—when I withdrew my amendment.

If the Director of Child Welfare became responsible for carrying out the court's order, he could apply to the police to see that the order was served on the defaulting husband. At the moment a wife still has to wait to see whether her husband is going to pay maintenance, and each day her children have to be fed. The indignity involved has not been altered.

When a wife obtains a court order and has legal custody of the children, the Child Welfare Department should come into the picture and the police should act as they do with judgment summonses. It would mean no more work for the police to enforce maintenance orders, or for the Director of Child Welfare to issue commitment warrants, if they become necessary. If defaulting husbands knew they would have to deal with the police and that their wives were no longer required to follow them about in order to issue them with a commitment warrant, they would have a different attitude altogether. They would have a better attitude from a psychological point of view. I have always maintained that the Act has this fault in it.

This Bill does not appear to be different from what we have had before. However, it has been tidied up to the extent that if a man is sent to prison, that does not cancel the debt. However, that does not make much difference; because in most cases defaulting people have no intention of paying; and it is a true saying that one cannot get blood out of a stone. It is a waste of public money to keep these defaulting husbands in gaol, and a far better and more commonsense method would be to give the Child Welfare Department, under the control of the director, the power to deal with these cases. He should be able to take the place of the mother in these cases and issue the warrant against the defaulting husband. This would save the State thousands of pounds a year; because if the defaulting husband knew that the matter was being handled by the department, and the police could trace them anywhere they went, much more money would be recovered than under the present arrangement.

I think the system we have at present is a wasteful one. It is not effective, and has not proved effective over the years. When we are faced with a situation such as that we should try to do something about it and get something which will suit us better. To alter the Justices Act in the way this Bill does will not achieve much at all in a real sense. The Minister, when introducing the Bill, said—

The present method of enforcing payments of maintenance orders is set out in section 155 of the parent Act. Under the existing law, a defaulter is liable to have a warrant of execution taken out against him. In the event of his possessing neither goods nor chattels on which levy of the amount

of the warrant may be made, he faces a warrant of commitment. Therefore, he must pay amounts due in full or serve default in gaol.

That simply means he goes to gaol and is kept there at public expense. Under my suggestion the position would be very much different.

The Hon. G. C. MacKinnon: Would you favour a garnishee order on his wages?

The Hon. R. F. HUTCHINSON: That would all be dealt with under my proposition; but I am talking about the Bill. In the early days it was possible to get a garnishee on their wages, but I have some very mixed feelings about that, because I do not think it proved to be the right thing to do. I think there is another way of going about this matter. At present it means one person taking action against another, and that is the weakness of the system. A defaulting man knows his wife's weaknesses; and I say quite truthfully that there are many women who are suffering great hardship because they will not sign a commitment order putting the father of their children in prison. A father might be the biggest waster on earth, but that is a woman's attitude; it is a human attitude, and that is the trouble.

I think defaulting husbands would pay more if my suggestion were adopted, and they would not be kept in gaol at the public's expense. The present system is a terrific waste of public money, and this is what I tried to point out last year. If my amendment had been adopted it would have relieved the situation; and that is why I was so upset when the Minister promised me he would look into the matter but apparently did nothing about it. Admittedly an investigation was made, but what on earth is the good of an investigation if nothing follows it? We have a stereotyped idea about the law; it seems that nothing must be done to alter the law. But there is always something new and better coming forward all the time in our society, and if any change is for the better it should be adopted.

If my suggestion were put into practice it would save wives the worry they now experience, and undeservedly so in my opinion. It would also help the children because they suffer through their mothers being worried. After the father has deserted the family the mother has to battle to put food into the children's little mouths, and she has to go to the Child Welfare Department to make all the necessary arrangements. Therefore, we should do everything possible to take some of the worry from her shoulders. Any man who will not provide for his own begotten children is not much of a citizen, but there are some of them around and they are the type who should be dealt with by the law itself.

There are many cases which go through the Children's Court, and I would have a committee set up, under the chairmanship of the Director of Child Welfare, to resolve these cases instead of putting the onus on the wives. Many of the cases that come before the Children's Court involve minor stealing offences, and similar small offences, and I think they could be better resolved by a committee than by the Children's Court. After all, those who work in the Child Welfare Department are trained men, and they should be well trained because people's happiness and lives may depend on the early training.

I am not at all happy with this Bill, although I intend to support it because it has some merit in it. I would not throw any Bill out of the window if it had some good in it, but I tell the Minister that I intend to try to do something to get over this difficulty; and I want to do all I can to help deserted mothers and relieve them of the necessity to sign warrants of execution against the fathers of their children. I object most strongly to that procedure and I support the Bill with those reservations.

I hope the Minister will take cognisance of the points I have made; and I certainly hope we will not have a provision in our Act which is now in the Queensland Act under which if the mother goes to the Child Welfare Department for assistance her child automatically becomes a ward of the State. That is completely wrong in my view and I do not want anything like that to happen here. I support the Bill with those reservations.

THE HON. G. C. MacKINNON (South-West) [3.8 p.m.]: When Mrs. Hutchison first mentioned this matter a couple of years ago I supported her, and I well recall the Minister promising to investigate the matter; and I have no doubt he has investigated it. I suppose there are difficulties in accomplishing something along the lines Mrs. Hutchison has suggested, but it seems a reasonable proposition that if a man can pay he should pay; and it is in the interests of the Child Welfare Department to see that he does pay, because the department pays out money to assist in those cases where the man does not pay or if the husband is not able to assist in any way.

There is a lot to be said in favour of removing from the wife the need to issue a summons, such as she has to do at present. I have had cases, and I suppose other members have also had cases, like this; and it does seem very hard on the women. I think we must bear in mind that over a number of years certain people—and not the least of them is Mrs. Hutchison—have fought for women's rights on the basis that women are equal with men, and that they should have equal rights and responsibilities with men.

This, of course, is where the chickens come home to roost; because the people who know the situation with regard to a woman want her to be given some protection; and yet we have been told for years that women can do everything as well as, if not better than, men. Of course obviously they cannot.

The Hon. F. R. H. Lavery: All circumstances being equal.

The Hon. G. C. MacKINNON: I agree. But none of those people who go on about women's rights will get down to tacks. When a woman marries and lives with her husband she generally has two or three children and, as a rule, leaves the business side to the husband to look after. If and when the husband shoots through, the woman just does not know where to start.

Yet for years the law has been changed a little each time, because of pressure, and because of the fundamental idea that women should have every equality with the male. That is the sort of thing that happens; and that is the sort of disadvantage that accrues in the very work that Mrs. Hutchison has done in many fields of social endeavour.

As one who does not believe that women can be equal in every ability with men, I support Mrs. Hutchison on this particular question; because when a woman has had two or three children, and has become unaccustomed to looking after the business side of things, it does prove a very real hardship when her husband leaves her. On the other hand it might not always be the husband's fault. But that does not alter the fact that the wife must follow through by taking action against the husband to a point where he is committed to gaol. That is not good.

To my mind it is desirable that a system should be developed whereby once the wife has proved that she has been deserted and that there is an obligation on the man to pay certain moneys—and I believe there is always that obligation—it becomes the duty of the Child Welfare Department to follow it up. I know of some of the difficulties, but I have yet to hear of a concise and completely satisfactory explanation to prove to me that this is impossible.

I know, for instance, that naturally enough there is a certain amount of sympathy engendered for the man by other men; and I have known of cases where an order has come through for a fellow who may be living under the name of Tom Jones, when his description obviously fits Bill Smith. The word is dropped in his ear that the authorities are getting close to him, so he picks up his tools and moves on to the next town, thus avoiding the order. I know that does take place.

But I repeat that I have not had it conclusively proven to me that the fundamental idea enunciated a couple of years

ago, in much the same circumstances as these, by Mrs. Hutchison and myself, is not a feasible proposition. In many cases I think it would be. I know the Child Welfare Department is extremely sympathetic. I know of one case where the department made good the money even prior to the action, so that the woman could have something to live on. But she still had to take the necessary legal steps to place her husband in gaol.

I was not very happy about it at the time. In spite of the general publicity we find in women's magazines today, we must realise that when a woman leaves the occupation she followed before getting married; and when she gets married and rears a family, she generally loses touch with the business side; so when she is deserted by her husband she is placed at a distinct disadvantage, and it takes her some time to recover and handle her business affairs. These things are not very often realised.

The Hon. R. F. Hutchison: Her first duty is to her children.

The Hon. G. C. MacKINNON: Mrs. Hutchison has mumbled something about her first duty being to her children. That is the sort of thing that will always divide a woman from a man, and that is what the honourable member will not realise—that a woman's first duty is to her children. Her first duty is to her children whether it involves service on a jury or anywhere else. That fact affects her whole life, her thinking, and her freedom of action. That is one thing we must bear in mind. I intend to support the Bill; but I am still not happy with the general explanation given to us on the previous occasion when we brought the matter up.

THE HON. G. BENNETTS (South-East) [3.18 p.m.]: I support the remarks made by Mrs. Hutchison. I have heard Mr. MacKinnon say that the first duty of a mother is to protect her children. But is that the case today? I know of an instance which came to my notice only last week of a mother of three children who had been living with her husband, and both of them were earning big money. The daughter of this family fell by the wayside as a direct result of the neglect of the mother going out to work and not bothering to look after her children.

I support this measure. I feel that the officers of the Child Welfare Department are far more qualified to look into the circumstances of such cases than is anybody else. Some of these young married women with two or three children, even though they may have plenty of ability, find on occasions that it is a great mental strain to look into these things. They get very worked up about these matters, and they are not able to decide what action to take.

We must remember that some of the husbands who desert their wives are nothing more nor less than bullies. In some cases it is possible they make threats to the effect that if they are gaoled they will do some harm to the children or to the wife. So there is a great strain on the wife, and I think the Child Welfare Department is the proper authority to take the necessary action.

I know of at least two cases where I would say the blame was on the wife, and not on the husband. The two wives to whom I am referring were very pleased to keep their husbands in gaol; they could not get them in there quick enough, and only because they wanted their boy friends to live with them at home. Summonses are issued regularly so that these women can have the pleasure of entertaining their boy friends at home. It is not always the fault of the husband; it can be the fault of the wife. When this sort of thing takes place, the welfare officers can make inquiries in order to prevent these husbands from being put in gaol.

The matter brought up by Mrs. Hutchison is good; and I think the Minister should work out a system in connection with it and give it a 12 months' trial. I support the Bill.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.21 p.m.]: We were going along plain sailing until we came to the Justices Act Amendment Bill. This Act does not come under my jurisdiction; it is under that of the Minister for Justice. But in an endeavour to achieve uniformity in payments for maintenance it was decided we would do it under the principle of the Married Women's Protection Act and in accordance with the Justices Act.

I would remind Mr. MacKinnon that as a result of representations made by Mrs. Hutchison in this House I promised an inquiry. As I have said already this session, Mrs. Hutchison had left for an extended trip to Europe. I wrote to her asking her to put in writing what she wanted and she asked for time so that she could come back and then give the matter consideration. I acceded to that request. On her return I arranged for her to see the Director of Child Welfare and the senior officer handling maintenance in the department, which she did.

Her requests were taken to Mr. Taylor, the magistrate of the Married Persons' Relief Court, and they were considered by Mr. Taylor in conjunction with Mr. Green of the Crown Law Department. After that all of the matters were raised at the conference of the Attorneys-General of Australia. So, if that is not carrying out an investigation into the

problem I do not know what is. The Attorneys-General said it could not be done.

The Hon. G. C. MacKinnon: I accept the fact that you have carried out the investigations.

The Hon. L. A. LOGAN: Many maintenance orders are made in the courts of Western Australia and a lot of them are fulfilled without anyone's knowledge. The first thing we try to do, whether our department is concerned or whether it is the Married Persons' Relief Court, is to try to get a reconciliation. If that fails and there is to be a separation, a general maintenance order is made out. Probably 50 per cent. of these orders are never heard of again and the husbands continue to pay maintenance either direct to the wife or through an intermediary.

There are some cases where the wife happens to get along even though the maintenance order is not paid. She does not come to the department for assistance; and that is something we do not want her to do. However, if she gets in financial trouble she goes to the clerk of the court and says, "My maintenance order is not paid." He says, "You will have to sign a statement to that effect if you want an order of execution against your husband to make him pay." What is wrong with that?

The Hon. R. F. Hutchison: Everything.

The Hon. L. A. LOGAN: She is admitting in writing that her husband is not paying the maintenance order the court awarded her. Surely the signing of a warrant of commitment does not put a fellow into prison.

The Hon. R. F. Hutchison: It is meant to.

The Hon. L. A. LOGAN: The warrant is an order, and the man either pays or goes to prison. When the order of commitment has been finally issued, many men pay.

The Hon. F. R. H. Lavery: A lot don't, too.

The Hon. L. A. LOGAN: Yes; but when a woman signs an order of commitment she does no more than that. The court arranges for a policeman to take the order of commitment out. She does not have to do anything about it.

The Hon. F. R. H. Lavery: We don't want her to sign the commitment order.

The Hon. L. A. LOGAN: Who will do it?

The Hon. F. R. H. Lavery: An officer of the Child Welfare Department.

The Hon. L. A. LOGAN: Would the honourable member like the responsibility of having to sign an order of commitment to put another wife's husband in gaol?

The Hon. F. R. H. Lavery: If it is proved by the court she is entitled to maintenance.

The DEPUTY PRESIDENT (The Hon. W. R. Hall): Order! The Minister should address the Chair and cease encouraging interjections.

The Hon. L. A. LOGAN: I bow to your direction, Mr. Acting President. When a woman seeks assistance she signs a procuration order and the department does the rest. She does not come into the picture. If the maintenance is not paid, the department chases the offender. The woman does not have to worry.

The Hon. R. F. Hutchison: That is only half the story.

The Hon. L. A. LOGAN: These people are chased in and out of corners, and over the whole of Australia. They are the most artful dodgers I know of. They are past masters at dodging the police. When one reads the files, one can readily appreciate how difficult it is to trace them. If we catch up with them, they are usually not worth powder and shot. We get cases where a man leaves his wife, or the woman leaves her husband; they both go off with someone else, and there are one, two, three, or four children to further complicate matters.

I repeat that the situation is not as bad as it has been painted—nowhere near it. Once a woman seeks assistance she signs a procuration order and we do the rest. If the people Mrs. Hutchison complains about will go to the Children's Court and sign a procuration order, we will handle it. I cannot offer more than that.

This amending Bill will make for uniformity in regard to maintenance under the Married Persons (Summary Relief) Act, which is a better way of handling it than in the past under separate Acts. I hope the House accepts that explanation.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

INTERSTATE MAINTENANCE RECOVERY ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 12th September, on the following motion by The Hon. L. A. Logan (Minister for Child Welfare):—

That the Bill be now read a second time.

THE HON. R. F. HUTCHISON (Suburban) [3.32 p.m.]: This is the fourth of the series of Bills, and I am going to support it, too, but with some reservations. We could attach to this Bill all that has

been said on the previous measures. In this instance the Minister, or the department, is admitting that what Mr. MacKinnon and I have said is necessary.

There must be some kind of reciprocal laws. The laws of Australia should, as a matter of fact, be one on this matter; and this is one of the weaknesses of having the sovereign rights of States.

Now that travel is so easy and fast, and people are able to get from one State to another so quickly, there must be some way of protecting those who have orders against fathers for maintenance. I do not agree, however, with the way this is being done. I think it could still be done as I said when I spoke just a while ago. A wife should not have to issue a warrant for the commitment of her husband. It is no good the Minister piously saying that the wife does not have to sign the necessary paper. The wife has to sign it before the department will take any action. Of course we know that the department can take action once she has signed it, but it is her signature that goes on the document.

The women I am speaking about are the ones who suffer injustice and hardship because they do not want to sign the necessary paper. After all, the man concerned is the father of the woman's child. As the Minister has said, it may not be the father's fault altogether. There may be incompatibility of temperament; and these days there are many stresses that cause a marriage to break up. But the children have to be looked after. If the mother has small children, she cannot go out to work without neglecting them.

I reared a family of children single-handed, and I put nothing before them. I certainly had to work, and I ran a private boarding-house where I could look after the children and provide a home for them; and that is about the only avenue left to women who are conscientious and believe that their children's needs come first. Many women are forced to neglect their children by going out to work.

It is common sense to me that there is immense waste in human endeavour, and time and effort; and loss of money to the State as well as to the families, just because we go to law. I do not doubt that the Minister carried out his investigation to the best of his ability, but I still say that what is done is wrong. The people who are being chased now are being chased by the police, if it is a matter of going interstate.

The Hon. L. A. Logan: They have been for a long time if they go interstate.

The Hon. R. F. HUTCHISON: It is all right for the Minister to say that, but I am pointing out how to get over it. We have to take into account the psychology of these people; because there is the matter of the psychology between the husband and the wife. Then the original trouble turns

to spite because the wife is forced to take out a commitment warrant. I have seen that happen; I could mention women who have done it, because some of them have lived in my house. When a woman does that, bitterness comes in and, whereas the husband and wife might have been reunited after a year or two with the children growing up, the fact that a woman has been forced to put her husband into gaol closes the door for ever; and that is what the Minister is doing; and he can wrap it up in whatever fine words he likes! This causes an estrangement for life, and an undeserved indignity is placed on the children.

The father might have plenty of good in him. He might be ill, or suffering from all kinds of stresses, but we shut the door when we force his wife to put him in gaol; and I have seen children grow up and turn against the mother in those circumstances, not knowing the full reasons in the case.

Women do not like to sign these committal orders, and as a result there are plenty of women going without the things they should have. They are unjustly treated because of this.

The law courts or the legal fraternity would be the last ones I would go to to change anything of this description, because of their old-fashioned prejudice; and they have plenty of it! They do not have a forward-looking mind at all. Psychology today is no different from what it was 20 or even 10 years ago. There is nothing on earth that cannot be done if one has the will. We can change anything in the laws of a country.

I am happy to know that I have one sympathetic thinker on the opposite side of the House, and I thank him for his reasoning. It was very good and it was put forward in better language, perhaps, than I have used.

This measure shows the necessity for everything that we said on the last Bill. It shows there is a necessity for taking action through the police. The old psychology still holds as far as I am concerned, namely, if a man knows he is dealing with the police, to him his wife is out of the matter and is not the big bad wolf in the situation. That is the answer to the legal side of the question. He is the natural and proper person to support his children and therefore he should be forced to do so.

As for the husband remarrying or even living with a *de facto* wife, I am not concerned with that aspect, although I know it often happens. I am concerned with the legal situation as it stands. A wife who is a mother should not be forced to take action to put her husband in gaol, because it deprives her of her just rights and places a stigma on her children. Also, it costs the State a great deal of unnecessary expense, running into thousands of pounds.

THE HON. L. A. LOGAN (Midland—Minister for Child Welfare) [3.41 p.m.]: I certainly would like to obtain the formula that would enable me to save the State thousands of pounds.

The Hon. R. F. Hutchison: You give me the authority and I will show you.

The Hon. L. A. LOGAN: Ever since the Interstate Maintenance Recovery Act has been on the statute book we have been obliged to take action to recover money from defaulting husbands who are often scattered throughout Australia. The amendments in this Bill are designed to bring the Act into line with other legislation.

Today, a maintenance order can be varied. It is of no use taking out an order in Western Australia for service in the Eastern States. In the past if a variation in an order was required in the Eastern States it could not be made, but this amendment will rectify that. The collection of maintenance money from defaulting husbands has been going on for a long time—ever since I have been a Minister, anyhow. How this amendment will save the State thousands of pounds, as suggested by Mrs. Hutchison, I do not know.

The amount of money recovered from husbands living outside the State is not great, but that it is not larger is not from the want of trying by departmental officials. If an order has been served on a husband and he fails to pay maintenance, inquiries are made as to his whereabouts and invariably it is discovered that he has changed his address. A further summons is issued and the husband is sought out again. The number of man hours spent by various authorities in trying to locate defaulting husbands is tremendous and the labour involved costs a great deal of money, which expenditure, of course, is met by the taxpayers of the State.

However, the action that is taken against defaulting husbands is taken in the interests of the deserted wife and her children and because those men are failing to fulfil their obligations. It is necessary that they should be run to earth in order that every penny possible can be extracted from them to the limit of their responsibilities. When one studies the files on these cases one can appreciate that in the bad cases any further attempt to recover maintenance from the defaulting husband is impossible and, therefore, invariably the amount is written off.

The Hon. R. F. Hutchison: Nothing is impossible.

The Hon. L. A. LOGAN: What if a defaulting husband is 62 years of age and is in receipt of the invalid pension? Would the honourable member still want him to pay maintenance? How could he pay maintenance?

The Hon. F. R. H. Lavery: He would not be supporting his children.

The Hon. G. Bennetts: No, he would not be supporting any children.

Sitting suspended from 3.45 to 4.5 p.m.

The Hon. L. A. LOGAN: I have put forward all I wanted so say.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 12th September, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. F. R. H. LAVERY (West) [4.8 p.m.]: This short Bill seeks to correct an anomaly in the legislation which was discovered by the Crown Law Department when the Act was about to be proclaimed. I cannot understand how the error occurred, because when the original Bill was before this House last year—and it was a private member's Bill—the Minister introduced an amendment, which provided for two members to be appointed by the Governor: one member to be nominated by the association who shall be a member of the association; and one member to be nominated by the West Australian Chamber of Manufactures (Inc.) who shall be a representative of the Australian Paint Manufacturers Federation (W.A. Branch).

When the Act was about to be proclaimed it was discovered there were to be five members of the board—the four I have mentioned and a chairman—instead of three. As for myself, I would be happy with five members being appointed to that board, because with a board of three the master painters will only have one representative. I am sure that organisation would prefer to have two members on the board, seeing that it is one of the parties covered by the Act. The painters' union is just as much affected by the Act as the master painters, but it has not a representative on the board.

While I support the measure, I want to raise a query on two points which have arisen in my investigation of the matter. Under the Builders' Registration Board the maximum that can be paid to any member for his services is 48 guineas per year; however, the maximum payments which can be made to members of the

Painters' Registration Board are 200 guineas a year for the chairman, and not exceeding 100 guineas a year for each member. The maximum amounts payable to members of the Painters' Registration Board are almost twice as great as the maximum amounts which are paid to members of the Builders' Registration Board.

In addition members of the Painters' Registration Board will be able to recoup out-of-pocket expenses, but not exceeding £50 per annum. I am wondering whether the members of this board, other than the chairman, will have a great deal of work to do. I cannot understand why such high remuneration has been fixed.

I want to point out that the master painters would be very happy to have one more representative on the board; the painters' union would also like to have representation on it. The Bill has been introduced for the purpose of getting over the anomaly that has arisen, and I support the second reading.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.13 p.m.]: When the 1961 Bill, which became an Act, was presented to this House, five members were proposed for the board; but an amendment was made and the number was reduced to three. The error which has arisen can be found in section 7 of the Act which provides for two members to be appointed by the Governor, two to be nominated, and a chairman. That makes a total of five, but that was not the intention. The Bill has been introduced to put that matter into the proper perspective.

In regard to the remuneration of board members, I cannot make any comparison between the Builders' Registration Board and the Painters' Registration Board because I do not think it is a proper comparison.

The Hon. F. R. H. Lavery: They both have the same chairman.

The Hon. A. F. GRIFFITH: Yes, but they are hardly comparable. The honourable member said that he doubted whether the members of the Painters' Registration Board will have very much work to do; in that case we might as well do without the legislation. Members will recall that last year I gave the Bill faint praise, and my attitude was this: If Parliament was determined to pass the Bill, it should be passed in a form which was workable. In so doing the mistake occurred.

That is all I can say concerning the matter. There is no doubt that we have to pass this amending Bill in order to get the measure into its proper form.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Section 7 amended—

The Hon. F. R. H. LAVERY: I would like to correct a statement which I made earlier. When I referred to the Chairman of the Painters' Registration Board receiving 200 guineas and the Chairman of the Builders' Registration Board receiving 48 guineas, I said that the former would not have as much work to do. I really wanted to know the difference between the work undertaken by the chairman of the Painters' Registration Board the Chairman of the Builders' Registration Board. What is the reason for the difference between the 48 guineas and the 200 guineas?

The Hon. A. F. GRIFFITH: I do not know. This is a private members' Bill. Had it been a Government Bill I would have ensured, to the best of my ability, that I had a full description of it, and I would then have given more details of what was going to happen. But in connection with this Bill, I do not know what is going to happen.

The Hon. F. J. S. Wise: Who introduced it in another place?

The Hon. A. F. GRIFFITH: Mr. Graham, who sat in the gallery of this Chamber when the Bill was being dealt with.

The Hon. F. J. S. Wise: I mean this amending Bill.

The Hon. A. F. GRIFFITH: This is a Government Bill, because the Government felt it had an obligation to a private member to rectify something which was found to be wrong in connection with the printing.

The Hon. F. J. S. Wise: To make it workable.

The Hon. A. F. GRIFFITH: Yes; but I still cannot say to what extent the board will work.

Sometimes in these matters we are not as vigilant as we should be. Last year we were not as vigilant as we might have been; neither was the other Chamber. Even now my attention has been drawn to the fact that there is a printing error in this Bill. On page 2, line 31, the word "Manufacturers" appears. I understand that the correct name is the West Australian Chamber of Manufacturers. Is it sufficient, Mr. Deputy Chairman, that the Clerk be instructed to make the alteration, or shall I, move an amendment?

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): It will be sufficient for the Clerk to make the alteration.

The Clerk was authorised to make the correction.

The Hon. A. F. GRIFFITH: There is another small error at the top of page 3. In line 2, the words, "Manufactures Incorporated" appear. The word, "Incorporated" is unnecessary. The word, the "Manufacturers" pertains to the Australian paint manufacturers' organisation. I move—

Page 3, line 2—Delete the word "Incorporated."

It occurs to me, Mr. Deputy Chairman, that the amendment should be regarded as a typographical error and the word "Incorporated" should be deleted by the Clerk on the instruction of this Chamber.

The Hon. F. J. S. Wise: We have had to accept Bills more mutilated than this, as being a fair print.

The Hon. A. F. GRIFFITH: It seems a pity to hold up the Bill for another three or four days. I ask for leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. A. F. GRIFFITH: In order to put the record in order, I take it, Mr. Deputy Chairman, that you will direct the Clerk to delete the word as being a typographical error?

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): The Clerk has been so advised.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 12th September, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. R. THOMPSON (West) [4.25 p.m.]: When I first looked at this Bill last night I could not see anything in it with which I could disagree; but after taking it home with me and studying it I found a lot in it with which I could disagree. I refer, first of all, to the part which deals with the control of speed boats. I think Mr. Lavery and Mr. Davies will agree with me that some form of legislation is desirable against the users of these boats which have constituted a nuisance at Beryl Place on the Canning River for several years.

In 1960 an amendment to the Act was brought down which appeared to have solved the problem; namely, that regulations could be made and such boats controlled. The situation has improved a

little at Beryl Place and Deep Water Point, but not everything that is desired has been achieved up to this stage.

That part of the Bill which deals with the mooring of boats is, I think, a good one, provided it is going to be kept within limits. I do not think any member of this Chamber would like us to reach the stage where big business firms could have a monopoly over an area for mooring purposes, or where a particular club had a monopoly in an area. The Swan and Canning Rivers are part of our heritage and they are there for the use of the general public. We do not want to see the whole foreshore cluttered with moored boats. Provided that mooring facilities are made available to people, I agree with that part of the Bill.

Proposed paragraph (ia) of section 207 says—

the registration of any, or any class of, pleasure boat, limited in their application to time, place or circumstance, the cancellation of, and the fees payable on, registration.

A further subclause gives powers of regulation. I am not completely happy with this portion of the Bill. This is something which is being added to the Act, and I disagree with it.

The Hon. A. F. Griffith: Is it the regulation-making power you don't like?

The Hon. R. THOMPSON: If the Minister will listen to me, he will follow what I am saying. Since 1955 the number of pleasure craft on the Swan, Canning, and Murray Rivers has grown out of all proportion; and a separate Bill is needed to deal with the situation. We are tying ourselves up with something which is completely foreign to sporting craft. I hope, before I am finished, that I will be able to convince this House that there should be a completely new Act to deal with pleasure craft. All that will happen under the legislation envisaged here is that we will give power to the Minister to make regulations. Regulations should be made to support legislation; but here we have no knowledge of the regulations which are envisaged and we are giving a blank cheque to the Minister. I do not think it is going to be acceptable to the public or the people who own boats, and rightly so.

The Hon. F. D. Willmott: They asked for it.

The Hon. R. THOMPSON: They did not ask for it, as I will prove. Most people refer to power craft on the river as speedboats; but as near as I can find out there are only 12 boats on the Swan River which are classified as speedboats, and they are the boats which enter competitive speed races. They are the little boats that seem to jump and whiz over the waves at 20 to 30 knots, and make all the noise in the world and annoy everybody. There are plenty of power craft, or utility boats as

they could be called, and most of them are designed with a planing hull. They are powered with motors varying in horsepower between 10 and 60, and some boats have twin 40-horsepower outboard motors fitted to them. In the main they are used as utility boats. I would hazard a guess and say that of the boats on the Swan River only about 8 per cent. are used for skiing.

The Hon. F. R. H. Lavery: What percentage did you say?

The Hon. R. THOMPSON: About 8 per cent. One can see the numbers of boats which are used on the Swan River and which go to Rottnest Island, Rockingham, Coogee, and other beaches along the coast for the weekend. Those boats were built for that purpose and they move from place to place at a very fast speed. Some of them are capable of 20 to 30 knots.

I know that I am not permitted to refer to *Hansard* when discussing the debate which took place in the other Chamber, but apparently, from information gained from those debates, boats over 12 horsepower will be restricted to a 5-knot limit. I for one do not agree with that, and I hope other members will not agree to such a regulation which would restrict power boats to a 5-knot limit in navigable channels. There should be no limit at all, because a boat with a planing hull travelling at 5 knots will create more wake and will be less manoeuvrable and more dangerous than a boat travelling at a cruising speed of up to 20 knots; and at 20 knots it would create less nuisance, because of there being less wake, to people in the shallows. There should be no restriction placed on speed in a navigable channel for any boat used for fishing or family entertainment.

Ski boats and speedboats are the only classes which should be registered; but from what I can understand after following the debates in another place, boats over 12 horsepower will have to be licensed; but a boat does not need to have a motor of over 12 horsepower for it to be able to travel at speeds in excess of 12 knots. A fibre glass boat with a 10 horsepower motor can easily do 15 to 20 knots, according to the design of the craft. As I said, the only boats which should be licensed are the ski boats and the speedboats, and a place in the river should be set aside for them, and their activities should be rigorously policed to make sure that they are not offending in any way. I have no worries about the penalties, because I think we must penalise people who break the law in this respect.

But with legislation of this kind we are going to penalise only one class of people. There is a well-known businessman in town for whom a launch is just being completed. The motors are of 160 horsepower and the boat will be capable of travelling at 30 knots. It is obviously a launch, and it will not come within the

ambit of this legislation. There is the *Hiawatha*, which is owned by West Australian Newspapers Ltd. It is capable of 12 knots; and then there is the *Islander*. It is not a pleasure craft, and it will not come within the framework of this legislation. It is a Fairmile boat and these boats were built as air-sea rescue boats with a speed of 18 knots. They can cause just as much damage and are just as much a danger as a powerboat or an outboard motorboat.

The Hon. A. F. Griffith: Wouldn't the *Islander* be licensed?

The Hon. R. THOMPSON: Yes, but I am saying that type of boat—the *Pollyanna* is another one, also the *Calypso*—would not come within the ambit of this legislation, according to what I have read and what I have heard of the debates in another place.

The Hon. J. G. Hislop: Is there a *Pollyanna* on the river now?

The Hon. R. THOMPSON: Yes, Rowley Smith has it.

The Hon. A. F. Griffith: Do you think these boats should come within the ambit of this Bill?

The Hon. R. THOMPSON: No, I do not. I say the boats which have planing hulls, or boats which are being used for pleasure, such as for going to and from Rottnest Island and the beaches along the coast, and as a family convenience, should not come within the ambit of this Bill. The only boats which should be covered are those used as ski boats, and the speedboats which are used for competitive racing.

This is only a shadow of the Bill which was introduced into another place last year; and if we are going to license craft, let us do the thing properly. We cannot single out one section of boats and say we are going to license them, and then only, but that as regards the yachts and cabin cruisers we are not going to take any action. I would hazard a guess and say that we have had fewer accidents with power craft than we have had with sailing craft.

The Hon. A. L. Loton: Have you figures to prove that?

The Hon. R. THOMPSON: No, I would definitely like to see that clause taken out of the Bill, and composite legislation introduced modelled on legislation that is in force in America. There they have an Act known as the Model Pleasure Boating Act. I have borrowed what I believe is the only copy of that Act in Western Australia, and although I do not intend to read it all, the Act is set out in a booklet and various comments are made upon it. It deals with those matters which should be controlled so far as users of the river are concerned, and I understand that our conditions and American

conditions are similar. The American legislation was drafted in consultation with the Outboard Boating Club of America which has published this booklet and has written the comments on the legislation. There is one item here which reads as follows:—

Speed Laws:

Speed laws are often proposed because many people wrongly suppose there is a necessary relationship between excessive speed on the one hand and danger, excessive noise and damaging wakes on the other.

As all experienced boatmen realise, a slow moving craft can often be more hazardous than one which is moving more rapidly. Statistics prove speed is hardly ever a contributing factor to boating fatalities. What may be true in an automobile on a concrete highway does not automatically apply to a boat.

Contrary to what those unfamiliar with boats might believe, it is easily possible for a fast moving motorboat to create less wake and wash than one proceeding much more slowly. (This is certainly true of craft with planing hulls.)

As a result of improvements in modern engines, the noise problem is no longer a factor. This model act gets to the core of the problem by requiring adequate muffling devices.

If we are to be practical we must also recognise that only under very unusual conditions can an observer tell with the required legal accuracy how fast a motorboat is travelling. There is simply no feasible method of enforcing such a regulation. The objective of preventing excessive speed when it is dangerous or inappropriate can be attained by using the sections of this model act curbing careless operation and reckless operation.

It goes on to state—

Another common misapprehension is the existence of a relationship between boating safety and horsepower.

If a boat is underpowered, it is no good; and if it is overpowered it is still no good. Boats are built to a scale and the correct power must be used, so that they will plane. There is another section which states—

In bad weather a motorboat will require as much power as the hull will accommodate in order to hold a course against the sea or to assist other boats in danger of foundering.

Here is another section—

The Objective: to keep boating safe. In the drive to pass legislation, it is often assumed that boating is somehow not a safe recreational outlet. Many persons are surprised when it

is pointed out to them that, despite the rocketing popularity of the sport, the total number of boating fatalities is actually decreasing. The fact is: boating is one of the safest of all sports. There is no need to view with alarm the fabulous growth of the family sport of boating.

The legislation goes on to say—

Restrictive boating legislation should be held to the absolute minimum consonant with safety. Such laws as are necessary should be practical and grounded in commonsense. These laws must, above all things, be enforceable.

This legislation of ours must also be sensible and practicable. That is not like the proposition we are having placed before us on a plate here. In our case we are asked by the Minister to pass this Bill, and are told that the Minister will rely on the committee that has been formed to guide him in the regulations he will bring down later. If we pass this legislation now it means that we will have it back with us in bits and pieces for many years to come.

I feel we should remove the provisions dealing with powerboats and pleasure boats and have a completely new Bill drafted for that purpose. I am sure that everyone interested in boating will give all the assistance possible in this matter. I have had some notes forwarded to me, at my request, from Mr. Bruce Gaskin, President of the Outboard Boating Association. These notes represent the views of the people who use high-powered runabouts and cruisers which are not employed for water skiing. I do not propose to read those notes.

I do feel, however, that we will do an injustice if we bring down legislation that will restrict people who observe the rules of navigation on the river, and who do not create a nuisance at all. In the second place, I think we will do an injustice to the half-dozen or so firms that have set themselves up around the city and whose turn-over is in excess of £1,000,000 a year. I have been given that figure as being gospel truth.

We can see it is a big industry which runs into about £1,250,000 when we include the sales of outboard motors and the figures of the smaller firms and people who handle boat equipment. I will support the legislation up to the point where it refers to the registration of any class of pleasure craft. If the Minister would reframe that clause to include boats used for water skiing or speedboat racing, I will agree with him.

The Hon. F. R. H. Lavery: Do you intend to amend it?

The Hon. R. THOMPSON: I do not want to take the business out of the Government's hands. I want to be helpful, if I can, and ensure that we get decent legislation which will not re-act against anybody. Both Mr. Lavery and I have had enough trouble from boats used for water skiing on the Canning River; and I do not want a repetition of these people annoying those who wish to sleep a bit late on Sunday mornings. I would like to see a more complete Bill to deal with that section of the water public to whom I have referred.

The Hon. A. F. Griffith: There is not the slightest reason why you should not move an amendment.

The Hon. R. THOMPSON: I do not think it would do the Act any good for me to put into it something with which I do not agree. I feel we should have a completely new Bill to deal with pleasure craft; it should be divorced entirely from marine craft, which have nothing to do with the matter at all. These boats do not ply for hire or come under the harbour master's jurisdiction. The whole thing is as silly as this: We can say to any driver of a motorcar of over 12 h.p. on the road, "You must register, but those who drive motorcars under 12 h.p. do not have to worry at all."

The Hon. A. F. Griffith: That is quite different. In the first place, the driver of a motorcar has to be competent and have a license to drive a motorcar.

The Hon. R. THOMPSON: This American legislation points that out most carefully. I think it provides a fine of 100 dollars.

The Hon. A. F. Griffith: Do you think people who drive speedboats should have a license to do so?

The Hon. R. THOMPSON: The Minister should not try to make me commit myself to something that is in his mind.

The Hon. A. F. Griffith: It is not in my mind; I thought it might be in yours.

The Hon. R. THOMPSON: It is not in my mind. I cannot support that part of the Bill to which I have referred, neither do I think any member of this House could reasonably support it. Members may take my word for this—and, as I have said I only hazard a guess—that it is approximately only 8 per cent. of the people who are causing a nuisance on the river. So it is not an acceptable proposition that we should have legislation like this which will affect 92 per cent. of the other boat owners.

Let the Minister redraft the Bill if he wishes at this stage, and give it a life of, say, 12 months, so that it may deal with speedboats and boats towing skiers, only; and then in the next 12 months let us bring forward a complete measure which will deal with all phases of river craft—legislation that will control activities on the river

and make it safe for swimming, boating, and other forms of aquatic sport, such as rowing.

I do not propose to delay the House any further, but I would say that any member could go into the half-dozen boating firms around town and find that the literature of every one of them concentrates on family fun. I do not think there is any illustration of a water ski attached to a boat. All their literature stresses family wellbeing and the fun the family can have. In the great majority of cases that is exactly what is taking place on the Swan River.

If members refer to *Hansard*, I think they will find that members in another place mentioned the fact of there being 12 powerboats towed on trailers from Naremburn to Lake Leschenaultia. The country people can enjoy water sports; and to say that a section of the community which lives several hundred miles out of town can bring their boats to the Swan River, and, if they want to go to Rottnest, can only travel at 12 knots, is quite ridiculous. It is a 12-mile journey.

On the one hand, we find the Tourist Development Authority building numerous launching pads for just this type of craft—this sport also is being subsidised by the Government—and on the other hand, the people concerned are to be denied the use of the water because it is only the type of boat to which I have referred that will have to register.

Accordingly, I will support the first few provisions which refer to mooring, etc., but I will have no part of those sectional provisions which restrict one type of boat-user on the river to the exclusion of others.

THE HON. F. R. H. LAVERY (West) [4.56 p.m.]: I wish to speak on this Bill for a few minutes, because it is very vital to the electorate I represent. I have played an active part in trying to overcome the difficulties of the people who live on the edges of the Swan River. Mr. Ron Thompson mentioned that separate legislation should be introduced to govern the use of pleasure boats on the Swan River or elsewhere; and I think there is some merit in that suggestion.

This matter is not something which has been brought to the notice of the Government only this year. Some considerable time ago when another Government was in office this same matter was causing great concern. In the meantime, however, over 1,000 boats have been added to those on the river. These boats are of all sizes and descriptions. I would also point out that over 1,000 new outboard motors have been purchased in the last 12 months for use in and around the Swan River. This has presented a most difficult situation.

I would like to refer to an officer whose job it is to assist in the administration of the Marine Act of Western Australia.

His name is Mr. K. Forsyth; and the State should be proud of this officer because of his efficiency, and the assistance he has provided in the use of the harbours and the waterways of the State. He has been most unselfish with his time, and is to be commended for the efficiency of his methods and his great courtesy. He is always prepared to meet people, even in his private hours, if he feels he can do something to help to make the river safer than it is at present, or what it will be in the next couple of years.

Mr. O'Neil, the member for Canning, and I were asked to attend a meeting of the progress association at Mt. Pleasant some three years ago. The representatives of the skiing association were also present, and they said that if there was a satisfactory way to control ski boats and other pleasure craft on the river, their association would be pleased to co-operate and play its part in policing its members. That was accepted by the members of the association at that time. In the meantime a deputation was taken to the Minister for Works who administers this Act; and last year he produced a Bill to try to overcome some of the troubles that were occurring on the river.

As soon as he produced this Bill great pressure was brought upon him by a number of pleasure-boat owners and, in my opinion, he rightly decided to allow the Bill to lapse until this year so that he could spend a little more time in investigation to see whether a measure could be brought forward which would be fair to all. I agree with Mr. Ron Thompson that this is a sectional Bill; but I would also say to the House that so far as the administrative officer is concerned—I am referring to Mr. Forsyth—it has been most difficult for him to make recommendations to his Minister in order that this Bill could be brought before Parliament.

This is not the first time that Mr. Ron Thompson, Mr. Davies, myself, and Mr. O'Neil, from another place, have spoken in Parliament about this matter; and although the measure has some shortcomings, at least it is a commencement to do something for the safeworking of the waters of the Swan and Canning Rivers. I refer particularly to those rivers because it is on them that the problem has arisen.

Beryl Place in the Mt. Pleasant area was a spot where about 700 schoolchildren used to have swimming lessons. However, because of the skiing that now takes place it is not even possible for children to train there. There is a possibility that the passing of this measure will bring commonsense to that 8 per cent. of people spoken about by Mr. Ron Thompson. They have no respect for the comfort of their fellow-citizens.

The Hon. N. E. Baxter: What part of the Bill will do that?

The Hon. F. R. H. LAVERY: The registration under proposed section 16A, by which the Minister may grant a license. If this Bill is passed it will be necessary to have certain regulations which will be laid upon the Table of the House and, from time to time, we will be able to agree to them or disallow them. While I agree with Mr. Ron Thompson that this measure is not all that we desire, it is at least a move forward. I have given the history of the events that led up to the presentation of the Bill to Parliament. The measure is required because of what is going on on the river.

We find that some parents have been buying boats and making them available to their boys who are under the age of 16 years. These lads have become fairly proficient with their boats, but, from time to time, they are like some of the motorists who are prepared to take risks. They think it is very smart; and because of this they become potential killers by being a menace to swimmers.

The Shire of Melville, after consultation with Mr. Forsyth and the Swan River Conservation Board, agreed to two sites on the Canning River for the launching of ski boats, and it was thought that, as a result, we would have had some control. But unfortunately it did not work out that way, human nature being what it is. I am sorry to say it, but it is my belief that half the accidents on the water and on land are caused by nothing else but selfishness. There is a group of selfish people in the community who think everybody should get out of their way while they go through.

It is because of this attitude that this measure has had to be presented to Parliament. The Bill is not all that we desire, but perhaps some measure of control will be achieved as a result of its passing. The proposed new section 16A reads as follows:—

16A. (1) The Minister may grant a license to any person conferring on that person the right to use exclusively, or in common with another person or other persons, the waters specified in the license, for the purpose of mooring vessels.

(2) A license may be granted under this section upon such terms and subject to such conditions as the Minister thinks fit.

I cast no reflection on the Minister, but this provision is as wide as the Swan River itself. There is nothing to say what the conditions will be. Presumably they will be in the regulations; but I think

Parliament should know now what is intended. Paragraph (h) of section 207 of the Act reads as follows:—

- (h) prohibiting the use of any specified waters by any vessel or by any person in charge of the vessel;

To that paragraph is added the words—regulating, or prohibiting, the use of any specified waters for any purpose or purposes;

That language would be all right in the Supreme Court of Western Australia, or in the High Court of Australia, but a boy with a ski boat would not know what it meant. I believe these words are being added to this section of the Act because of the difficulty experienced in making these particular regulations under that Act. I agree with Mr. Ron Thompson when he said that we need a completely new Act to deal with this problem. Then the Bill says—

- (ia) the registration of any, or any class of, pleasure boat, limited in their application to time, place or circumstance, the cancellation of, and the fees payable on, registration.

That is another paragraph to be added to follow paragraph (i) which reads as follows:—

prescribing safety regulations in connection with navigation, mooring and berthing of vessels.

The Hon. A. R. Jones: Can you tell us what that means?

The Hon. F. R. H. LAVERY: No. I am going to ask the Minister whether, before the third reading takes place, he can tell us what it means. The paragraph can be found on page 451 of the 1948 Statutes.

The Hon. A. F. Griffith: Section 207 is the general regulations section in the Act and this is a covering clause for this type of craft.

The Hon. F. R. H. LAVERY: The Minister has told me something I could not find out. The last paragraph to be added to section 207 reads as follows:—

Without limiting the powers conferred by subsection (1) of this section, the Governor may, by regulation, empower the Department to regulate, by notices published from time to time in the *Government Gazette*

One of the worries of the average person today is that laws are passed in Parliament and nobody hears anything about them until suddenly charged with some offence. This clause may be necessary, but I think it should go further than the *Government Gazette*. Added to that should be "from time to time in the newspapers of our State," because I believe that after people buy a boat and fit it with an outboard motor they can be

charged with an offence which they do not know they have committed. If any registrations are to take place, a copy of the regulations should be given to the people who are licensed, even if they have to pay for them.

The Hon. A. F. Griffith: Every man is deemed to know the law. The necessity for that is that you cannot plead ignorance of the law as a defence to an act.

The Hon. F. R. H. LAVERY: I agree; but it would be better if we told the people who are about to be licensed that they had to do certain things and what the license involved. Over the last two or three months we have been able to read quite a lot in the paper about new models of motorcars—model so and so is able to do 90 miles an hour and model so and so 105 miles an hour. However, one sees nothing in the papers to say that one has to travel at 35 miles per hour like Fred Lavery has to; Hayden Bunton, too. It would be much better if the traffic regulations which are brought in by the Police Department were published from time to time. I am sure if these regulations were made available to the Press it would be pleased to publish them in the interests of safety.

As far as this Bill is concerned my main interest is the safety of the people who use our waters for pleasure. The residents of Applecross and Mt. Pleasant have been harassed for three or four years by people who do not think beyond themselves. If it were not for those people this Bill would not be before the House.

While I agree with Mr. Ron Thompson that it would be better to have a separate measure, let us pass this Bill and get something on our statute book which will allow the officers of the department to take the necessary action for the safety of life and for the comfort of adult people and children who use our God-sent waterways. I support the Bill.

THE HON. A. R. JONES (Midland) [5.14 p.m.]: I do not desire to say much, because I know very little of this subject. However, I have been impressed by the suggestion put forward by Mr. Ron Thompson; and it would seem to me that this is tackling the position in completely the wrong way. I think Mr. Thompson said sufficient to convince us of that.

It seems there is very little in the way of legislation necessary to bring about what is desired—that is, to ensure the safety of those people who wish to do certain things on the river in the way of boating, skiing, and so on, and also to provide relief for those who live close to the river and do not want to be annoyed by noises.

If the measure is passed and ratified, who is going to police it? Our Traffic Act provides that we cannot create noises or discharge effluent, and so on, and I have been complaining about those sorts of

things for the last 10 years, but nothing has been done. So what is the use of making laws and regulations if they are not going to be policed? Whilst I recognise that something must be done, the Bill seems to be a terrible hotchpotch, and I would ask the Minister to explain what the devil it all means.

My friend here has been looking up the parent Act and the amendments to it, and none of us can say exactly what it means. I hope the Minister can; he may have done so when he introduced the measure. Anyhow, if he can tell us what it means, he has been well informed or he is able to read this sort of Bill. This is a terrible hotchpotch, and whilst it is necessary to have legislation for this summer, and I suppose we will have to give consideration to passing the Bill, I shall agree to it very reluctantly indeed.

THE HON. N. E. BAXTER (Central) [5.17 p.m.]: Boat owners raised this matter some time ago and asked me to make some inquiries to find out what were the provisions covered by the Bill. Mr. Ron Thompson gave a fairly wide coverage of the situation in respect of pleasure boats. I agree with what Mr. Jones said. The Bill was either hastily put together, or it was put together with the purpose of confusing people.

The Hon. A. F. Griffith: Don't be silly.

The Hon. F. R. H. Lavery: It was the result of two years' hard work.

The Hon. N. E. BAXTER: If anybody did two years' work on it, they did not work very hard.

The Hon. A. F. Griffith: Do you think anybody would introduce a Bill for the purpose of confusing you? Read the two main sections.

The Hon. N. E. BAXTER: Clause 3 seeks to amend section 207 of the principal Act by adding immediately after paragraph (i) of subsection (1) the following paragraph:—

(ia) the registration of any, or any class of, pleasure boat, limited in their application to time, place or circumstance, the cancellation of, and the fees payable on, registration.

What does that really mean? The principal Act is couched in simple language in paragraphs (a) to (j). How can we tell, by looking at the Bill, what it is all about? It is to regulate anything and everything. It gives no information as to what is intended to be regulated or what is intended to be included in the regulations. It may prescribe that a boat shall have some number painted on it, or its name painted along its full length; or it could include anything that can be prescribed by regulation.

The Hon. A. F. Griffith: You think that is the intention?

The Hon. N. E. BAXTER: I do not say so, but that could be done because the Bill gives no indication of what is intended. It is not very clear. The provision in the Bill is similar to paragraphs (g) and (h) in the parent Act which deal with "regulating the use of waters by vessels," and "prohibiting the use of any specified waters by any vessel or by any person in charge of the vessel." The provision in the Bill could be combined with paragraphs (g) and (h) of the principal Act because they mean practically the same thing except for the use of the words in the Bill "purpose" or "purposes" which could mean water skiing and that sort of thing.

I think the Bill is a very poorly put together one, and I am not very happy about supporting it. I agree with Mr. Ron Thompson that if we had something like the American legislation, so that we had a clear-cut measure, we might have a Bill worth considering. I do not agree that we should have a separate Act because division 2 of part VIII of the principal Act deals with private pleasure boats, and any amendments could be embodied in that division.

I ask the Minister to have a look at the amending Bill and tell us what it is all about and what is proposed to be included in the regulations.

Debate adjourned, on motion by The Hon. A. F. Griffith (Minister for Mines).

PILOTS' LIMITATION OF LIABILITY BILL

Second Reading

Debate resumed, from the 12th September, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. R. THOMPSON (West) [5.21 p.m.]: Once again I find myself asking the Minister what the legislation is about. I have the Commonwealth Navigation Act in front of me: and I spent considerable time studying it last night, but I cannot understand why a Bill of this type is necessary when the position is already covered by the Commonwealth Act which has control, in Australian waters, of every movement of ships; and a pilot has to be a certified pilot to take charge of a ship. The only thing I can see that the Bill tends to do is to take liability from a pilot.

There is no other Act in Western Australia to which we can refer in respect of this Bill. I do not know the reason

for the measure. If we look at section 350 of the Commonwealth Act, which the Minister mentioned, we find it says—

(1) No pilot shall be personally liable in pecuniary damages for any damage or loss occasioned by his neglect or want of skill.

(2) The Commonwealth shall not be liable for any damage or loss occasioned by the neglect or want of skill of any pilot.

The section of that Act relating to pilots deals with many things. It says what a pilot shall do and what the master of a vessel shall do when a pilot boards the vessel; and it provides various penalties for neglect of duty, drunkenness, and so on.

The Minister should inform the House just exactly why the legislation is being introduced, because, as I see it, every ship that enters Australian territorial waters comes under the control of the Commonwealth Navigation Act; and the officers of the port authorities are responsible to see that the law is carried out. They are even responsible for the loading and unloading regulations when the ship is tied up to the wharf. The Commonwealth Marine Branch is responsible for the loading and unloading of ships; the movement of ships; and everything else appertaining to them while they are in Australian territorial waters.

Every member should have a look at the Bill to find out what is meant by it and why we are passing bald legislation—and it appears to be just bald legislation to me—when we cannot see the reason for it, because the position is already covered comprehensively by the Commonwealth Act.

The Hon. A. F. Griffith: Does that Act limit the liability of a pilot?

The Hon. R. THOMPSON: I have just read out the section to which the Minister refers, and it states—

No pilot shall be personally liable in pecuniary damages for any damage or loss occasioned by his neglect or want of skill.

The Hon. A. F. Griffith: That is the Commonwealth Act?

The Hon. R. THOMPSON: Yes.

The Hon. A. F. Griffith: Last night I was told we should introduce an Act of our own and not rely on a Commonwealth Act. Now you do not want me to do that. This puts me in a bit of a quandary.

The Hon. R. THOMPSON: I would say the Minister should introduce an Act to include everything that is in the Commonwealth Act. If he is going to pick one provision out of a Commonwealth Act—

The Hon. A. F. Griffith: You are picking one out of a Commonwealth Act.

The Hon. R. THOMPSON: No, I am not. This is the Bill the Minister introduced.

The Hon. A. F. Griffith: I know.

The Hon. R. THOMPSON: The Minister picked out one section.

The Hon. A. F. Griffith: Have a look at the explanatory notes, and you will see that this is the result of a State conference.

The Hon. R. THOMPSON: Yes; but what is the reason for it?

The Hon. A. F. Griffith: To limit the liability of a pilot.

The Hon. R. THOMPSON: There are 425 sections in the Commonwealth Act, and the Minister has picked out one section to include in the State legislation, so I would say there are 424 other sections which would still apply to the movement of ships in Australian and Western Australian waters. Yet we have a measure before us that will deal with only one section of the Commonwealth Act. I want to know why that is; and I think the House will want to know, too. The Minister's speech states—

Pilotage authorities in all States were asked at the 16th Conference of the Australian Port Authorities held in 1959, to seek the amendment of the relevant State Acts—

We have not got any relevant State Acts. To continue—

—so as to bring them into conformity with the terms of the old section 350 (1) of the Commonwealth Navigation Act, as relating to claims against pilots arising from the incidents occurring in the course of duty.

There is nothing wrong with the Act; it has stood the test of time. No pilots have been proceeded against for a breach of the Act or for a breach of duty. If a pilot is drunk and takes over a ship, the moment he boards the ship the master, in accordance with the Commonwealth Act, is liable to a £50 penalty if he does not give control of the vessel to the pilot.

I do not know whether the pilot was drunk when the *Lygnern* ran on to a rock in the 1930's, but the ship was definitely off-course. Why should not a pilot have to face the music in such a case? I should say the Bill will exempt him if he does anything wilfully, but if anyone does something wilfully I think he should have to face a court of summary jurisdiction.

The Hon. J. G. Hislop: Has this Bill any value in view of the Commonwealth Act?

The Hon. R. THOMPSON: That is what I am trying to find out. I do not know why out of 425 sections in the Commonwealth Navigation Act only one section is to be included in this State legislation.

I do not intend to support the Bill at this stage, because I think all members will want to know its purpose. It is repeating

a provision of the Commonwealth Act. Why is it being brought into the Western Australian legislation?

Debate adjourned, on motion by The Hon. A. F. Griffith (Minister for Mines).

POLICE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 12th September, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. E. M. HEENAN (North-East) [5.30 p.m.]: This is a very short Bill to amend the Police Act. I do not think any member will criticise or oppose the provisions contained in clauses 2 and 4. Last night Mr. Wise explained the purpose of those two clauses, the first dealing with the type of person usually referred to as a "Peeping Tom", and the other dealing with the circumstances which arose last year when an irresponsible person broadcast misleading information concerning a boat off the north-west coast which caused the authorities a great deal of anxiety and expense. In respect of those two proposals, therefore, the Bill has great worth.

Clause 3, however, is extremely controversial because it proposes to amend an Act dealing with slot machines that became operative last year. I cannot see how the relevant clause in this Bill is going to have any over-all effect on the problem it is designed to solve. In fact, I am critical of the legislative means adopted by the Government in attempting to control slot machines. I can recall going to school in Adelaide when I was 14 or 15 years of age, and that I used to pass an arcade in which there were a number of slot machines. By placing a penny in one of them and by turning a lever one could view various harmless pictures of London and other famous cities. Another machine might enable the viewer to see pictures of girls dancing, and that kind of thing.

On reflection, I am quite certain that they were harmless machines; and, in those days, when I could afford it, I would insert a penny in one of them which I am sure did not cause me or any other person who used them any harm. I am talking now of 40 or 50 years ago, and I point to that experience to illustrate that slot machines have been in operation in Australia for a very long time and there are still a number of them being operated in Perth today.

During the summer months I sometimes take my lad and a few of his friends to Scarborough Beach; and after having a swim, an ice cream, and a cool drink, we often go into one of the milk bars on the promenade in which there are some of these slot machines and by inserting a

small coin in one of them one can try one's skill at making a ball roll up and down. There is a good deal of fun in playing the game.

I have never attempted to prevent the boys from spending up to 1s. on those machines to try their skill. They afford young people a certain amount of amusement and thrill, and I do not think anyone could object to them, even when they are carried on and exploited fairly extensively by those persons conducting city fun parlors.

On the other hand, I think all responsible people object to gambling machines. I am sure we are all proud of the fact that the poker machines which have become part and parcel of Sydney life have not been permitted in Western Australia. I wholeheartedly endorse the action of the Licensing Court a few years ago when it banned poker machines from clubs. I have not had the experience of seeing these machines in operation in New South Wales; but, from what I have heard, the craze that has developed among a large number of people as a result of operating these poker machines has become almost a scandal, and they are causing a great deal of worry to the authorities concerned.

The Hon. A. F. Griffith: They are a very lucrative source of income to the Government.

The Hon. E. M. HEENAN: I do not stand second to anyone in my desire that these machines will never be allowed in Western Australia. I am wholeheartedly against any gambling machine, and I consider it sound when we do not encourage gambling. I fully realise that young people should not have the opportunity to gamble placed before them even to the extent of inserting pennies, sixpences, or shillings, into a machine, to win chocolates or other prizes. It would not be wise for young people to be afforded such opportunity. I strongly object to all machines that are used for gambling purposes.

However, this clause presents some difficulty. The people who operate gambling machines are usually shrewd and callous to an extent, and they are not concerned about corrupting the morals of young people or the damage that can be done by encouraging the gambling instinct. I am wholeheartedly on the side of the police or any other authority in showing no consideration for the people who operate such machines.

Nevertheless, we have to be careful that in attempting to stamp out this unsavoury trend we do not inflict an injustice on the man who is operating a machine from which amusement and enjoyment can be derived in the form I have mentioned. It appears to me that the measure passed last year makes illegal any machine that can be operated by any person who exhibits a degree of skill and earns for himself the privilege of having another game

free of charge; but to my mind there is nothing wrong with that type of slot machine. If, on the insertion of a coin into one of these machines, one has a bit of luck by putting the balls provided into the allotted holes, and thereby wins a chance to play again, there is nothing wrong in that. I would object if the operator won 5s. as a result of his skill; but for him to be rewarded by having another game free of charge, to my mind does not seem to be wrong or harmful.

This morning a number of members of this State Parliament attended a demonstration of these innocent machines, or fun machines. Although I have not discussed with other members the impressions which they drew—I left before the demonstration was completed—I feel they were all satisfied that the machines were harmless, and it would be unfair for Parliament to do anything that would place them in the category of other machines used for gambling purposes.

If we have a look at last year's Act and the proclamation which was issued in the *Government Gazette* of the 16th February, 1962, plus the provisions in the Bill now before us, the conclusion is inescapable that these machines and the people who operate them, and the people who have paid a lot of money to purchase them, are going to be prejudiced—or could be prejudiced. They are going to be put in the position where practically all of these machines will be classed as being illegal and it will be left to the police to sort out the innocent ones. It is going to be left to the discretion of the police to decide which ones are allowed to carry on. That seems an awkward and unsatisfactory way of dealing with a situation which, we all agree, warrants strict control.

I am informed that South Australia has an Act which provides, in a more or less simple form, that anyone who operates machines for gambling purposes will be fined up to £500. It causes me some wonderment that some simple approach to the problem, such as the South Australian law provides, should not have been adopted in Western Australia. As I said in my opening remarks, the small provision in this measure does not greatly worsen the situation in my opinion. Apparently some of these gambling machines—or the machines which are used for gambling—are operated from the office of the premises. The customer pays his 1s. at the office and the machine is worked by remote control. The idea is to get around the existing law, and I understand that this amendment is to cope with that situation.

But over-all, the law which we have established seems to be awkward. It appears to link all of these machines into the one category and those who operate the innocent machines will have to do so, more or less, at the whim of the police. If some

little inducement is offered in the way of another free shot if the operator is able to succeed at his first shot, the law will be transgressed. To me, that seems to be taking things too far. Last year's Act, with this year's amending proclamation, creates that state of affairs. Surely there is nothing wrong with having another shot as a reward for a successful first shot.

The Hon. A. F. Griffith: You say that situation is brought about by the proclamation?

The Hon. E. M. HEENAN: I did say that, but I think I am wrong. I think it is brought about by the 1961 Act.

The Hon. G. C. MacKinnon: I think you are right.

The Hon. A. F. Griffith: How do you relate that to the fact that this morning you were able to go and see one of these amusement places operating in full swing?

The Hon. E. M. HEENAN: Last year's Act empowered the police to prohibit certain types of gambling machines. The provision states that certain machines are exempt; for instance, a machine which provides music, or a machine which enables two or more people to play after the insertion of only one coin or token—a game entirely of skill.

The Hon. G. C. MacKinnon: Some of these machines can be operated by one person only.

The Hon. E. M. HEENAN: If one reads last year's Act and the present Bill and the proclamation which has been issued, I think, as I said earlier, the conclusion is inescapable that these innocent machines fall under the provisions of the Act or the proclamation in some way or other. If they do not, the Commissioner of Police can suggest a proclamation to the Government.

Those are my thoughts on the subject. The present Bill gives us an opportunity to express our views on this situation, and I hope those views will induce the Government to make a more practicable approach to the subject. I think we all agree that we should make it as hard as possible for the operators who use these machines for gambling purposes. The heavier the penalty, perhaps the better it will be. I do not think we should stop young people—or even old people—from having some fun on the innocent machines. Of course, it is said that undesirables congregate in these places and waste their money, and an undesirable atmosphere is created. We do not want that state of affairs either, but I think the police have ample authority under the Police Act to cope with that situation.

The man who gave us the demonstration this morning impressed all of us as being a decent and responsible type of young man, and he assured me that he had very little trouble with behaviour. There were

notices in the building prohibiting anyone under the age of 16 years, and those notices stipulated that the behaviour had to be approved of. I will be glad to hear some of the views of other members who were present this morning, but that is the impression I got from the situation as I saw it. Therefore, I hope the Government will have another look at this amendment.

THE HON. G. C. MacKINNON (South-West) [5.57 p.m.]: I was one of those who went to have a look at these machines being demonstrated this morning. Whilst I do not think it would be any grave loss to our civilisation to see them banished from the face of the earth, there are one or two aspects on which I would like to hear the Minister's views. It appears that the only bone of contention with the type of machines that we inspected this morning was the sentence read by Mr. Heenan, "and any other consideration or advantage."

The machines that we saw were electrically operated and the object of the game was to score a certain figure. I can see where that phrase in last year's Act would cover certain aspects which could be linked with gambling on that type of machine with which there is some skill. I think the better definition of skill would be practice or dexterity. It is a matter of being able to time one's shots. A flick at the right time can keep the ball going a little longer. The distinction between that type of machine and the gambling machine is that there is no skill attached to the latter; it is entirely a matter of luck and the game could be played with one's eyes shut. The distinction between the two machines is clear. Using a little dexterity one can get a high score, and a fellow with a little practice can always beat the beginner. Each score is kept separately, and the player who is able to score more than a given number of points receives a free turn at the machine.

In another type of machine three aeroplanes fly across a panel. The player has to line them up and shoot them down; if he is successful he is given two or three turns at the machine, free of charge.

The only complaint made by the person who gave us the demonstration was against the prohibition of machines which he classed as machines requiring skill or dexterity. He has no objection to the banning of the gambling machines.

The idea of awarding a free turn at the machine as a prize is to induce the players to continue playing; but I do not suppose that the awarding of free turns at the machine will prove fatal to our way of life. The type of machine I am referring to is quite harmless; but the Minister may have a different view. In essence there is not much difference between trying to

reach a certain score and so obtain a free shot at the machine, and trying to hit the jackpot in a gambling machine.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [6.3 p.m.]: The only issue relates to the amendment to section 89A of the Act. Last year an amendment was passed which prohibited the use of gambling machines in this State, and I agree with that objective entirely. We should certainly not do anything to increase the incidence of gambling in Western Australia, and this State should not obtain revenue from the licensing of the gambling machines known as "one-armed bandits" which is done in New South Wales.

Some operators of gambling machines were able to overcome the provision in section 89A by closing the slot on the machine and adopting manual operation of it. By doing that they were able to remove the machine from being classified as a gambling machine. As Mr. Heenan said, the operators are smart, and they were able to find a loophole in the Act. If the amendment is agreed to, section 89A(3) will read as follows:—

For the purposes of this section, "slot machine" means a machine that is operated by the insertion of a coin or valuable token or, if not so operated, that is designed for entertainment or amusement and is made available for use, in the place where it is then situated, on the payment, or the prospect of payment, of any valuable consideration; but does not include any machine that—

Then follow the five paragraphs of that provision.

Some members saw a demonstration of these machines this morning. Obviously the police have not touched that operator, and do not intend to do so. That is shown by the fact that members were able to see the demonstration. The amendment in the Bill is intended to cover the loophole which some operators have found in the section. By closing the slot in the machine and by substituting some other way of operating it, they have overcome that provision.

Mr. Wise asked me to give an assurance about the so-called innocent machines—a matter referred to by both Mr. Heenan and Mr. MacKinnon. They claimed that nothing should be done to prevent their operation. In my view these establishments where young people congregate and where they are encouraged to play the machines should be discouraged. I would prefer to see the young people spending their time at home or in healthy recreation and sport, rather than spending it on these machines.

I consulted the Minister for Police regarding the assurance sought by Mr. Wise. He has perused the speech made by Mr. Wise, and has asked me to give this House an assurance that it is not intended to interfere with machines of skill. I reiterate that obviously machines requiring the use of skill are considered by the police to be all right in the circumstances which exist at the present time, because some members were able to see them demonstrated.

That is the situation. The other sections of the Bill are not in question. I think members will support the Bill, and I do not think there is any necessity for me to make further comment at this point of time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 6.10 p.m.

Legislative Assembly

Thursday, the 13th September, 1962

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The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE

GREEN CRAYFISH

Aden Cray Pot Tests

1. Mr. NORTON asked the Minister for Fisheries:
 - (1) Has he seen the Aden cray pot which is purported to catch green crayfish?
 - (2) Are any experiments being carried out with the Aden cray pot by the State Fisheries Department or the C.S.I.R.O. in Western Australian waters in respect of the green crayfish found in waters north of Shark Bay?