Legislative Council

Thursday, 25th November, 1954.

CONTENTS.

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

QUESTIONS.

LAND RESUMPTION.

(a) As to Government Action.

Hon. A. F. GRIFFITH asked the Chief Secretary:

What action has the Government taken with respect to the motion carried by this House in relation to land resumption by the State Housing Commission?

The CHIEF SECRETARY replied:

The attitude of the Government was expressed by me when speaking on the motion. The Government is unaware of any "gross unfairness," but on the contrary all cases are being dealt with on a most generous basis in accordance with original intentions. No departure from the initial proposals is deemed necessary.

(b) As to Government's Attitude.

Hon. A. F. GRIFFITH (without notice) asked the Chief Secretary:

Do I take it, from the answer given by the Chief Secretary to my previous question, that the attitude of the Government is to treat with disdain, the motion passed in this House on the question of land resumption, and to completely ignore it?

The CHIEF SECRETARY replied:

The hon. member's assumption in that respect is not correct. The Government gives consideration to all motions passed by either House of Parliament; but as the result of consideration given to this motion, the Government decided that no alteration in its original policy was necessary.

LOCAL GOVERNMENT BOUNDARIES.

As to Alterations.

Hon. N. E. BAXTER asked the Chief Secretary:

(1) Has the Chief Secretary received the complete report of the commissioner appointed to inquire into local government boundaries?

(2) If the reply is in the affirmative, would the Chief Secretary advise the House—

(a) whether it is proposed to alter the local government boundaries: and

(b) if so, when does the Chief Secretary anticipate his decision will be finalised?

The CHIEF SECRETARY replied:

(1) Yes.

(2) The matter is receiving the consideration of Cabinet.

FIRE BRIGADE QUARTERS, IRWIN-ST.

As to Alterations and Employment of Permanent Firemen.

Hon. F. R. H. LAVERY asked the Chief Secretary:

(1) What is the nature and extent of structural alterations and/or renovations recently carried out and/or still in progress on fire brigade quarters in Irwin-st. Perth?

(2) What is the estimated cost of such work?

(3) Were tenders called for such work; if so, what tenders were received, and what were the prices tendered?

(4) Has any of this work been done by permanent employees of the Fire Brigades Board normally engaged on the work of fire prevention and/or fire suppression?

(5) If such work has been, or is being done by permanent firemen, does the performance of such work tend to reduce the standard of fire brigade efficiency which the chief and senior officers endeavour to establish and maintain?

(6) Is it considered advisable that firemen required to respond to fire calls should be allotted to building alterations and/or renovations at a point a considerable distance removed from the engines room of the headquarters station in Murray-st.?

(7) Is it correct that some firemen have been registered or re-rostered to ensure that these men would be excluded from crews detailed to respond to fire calls?

(8) Is it correct that certain firemen have been instructed not to board a fire engine about to leave head station in response to a fire call and that such men have been further instructed to return to the work on board quarters in Irwin-st. whence they had hastened in response to the alarm bells?

(9) Does the Minister support the Fire Brigades Board's policy in using permanent firemen on such work as structural alterations and renovations to board property?

The CHIEF SECRETARY replied:

(1) Alterations to two two-storey quarters to provide accommodation for four families.

(2) The tender accepted was for £4,547.

(3) Yes. Mr. A. Doubikin, £4,547, and Mr. W. T. Robinson, £4,838.

(4) Painting and minor improvements such as fencing, concrete paving etc., has been, and is being, done by employees of the Fire Brigades Board to fire brigade quarters and property in Irwin-st.

(5) No.

(6) No objection is seen.

(7) No.

(8) No. The crews of every turn-out vehicle respond to the bells, but the number of appliances turned out is governed by the information received at the station as to the extent, nature and location of the fire.

(9) I am not aware that it is the board's policy to use firemen on structural alterations; but I would have no objection to their being employed on work of a minor nature which did not interfere with their fire-fighting duties.

WORKERS' COMPENSATION ACT AMENDMENT BILL SELECT COMMITTEE.

Extension of Time.

On motion by Hon. H. Hearn, the time for bringing up the report of the select committee was extended for one week.

BILL—SOIL FERTILITY RESEARCH.

Received from the Assembly and read a first time.

BILLS (2)—THIRD READING.

1, Inspection of Machinery Act Amendment.

2, Plant Diseases Act Amendment.

Returned to the Assembly with amendments.

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.41] in moving the second reading said: The object of this small Bill is to permit parents or guardians of children attending any school in the State to insure the children with the State Government Insurance Office against injury sustained at school or while going to and returning from school.

For some time the Parents and Citizens' Association Federation has been concerned at the cost to parents of medical and hospital expenses incurred as a result of accidents to schoolchildren. Many parents have found it difficult to meet these bills. The federation endeavoured to inaugurate a suitable insurance scheme with the private insurance companies, but the premiums quoted were too high. As a result, the federation approached the State office, which, after very careful consideration and quite an amount of negotiation, suggested a scheme which was acceptable to the federation.

This scheme was brought into operation on the 1st July last, and covered 45,000 children attending State schools affiliated with the Parents and Citizens' Association Federation. The scheme has proved so successful that requests to join it have been received from State schools not affiliated with the federation and from the principals and the parents and friends' associations of the private colleges and schools in the State. The State office is prepared to accept this responsibility.

The premium charged will be that now operating; that is, 3s. 6d. annually for each child, with a maximum of 10s 6d., irrespective of the number of children in the family. The children are covered while going to or from school; while attending school; and while taking part in any organised sporting activity. Since the scheme was inaugurated five months ago, approximately 100 claims, ranging from very small to quite substantial amounts have been received and paid.

When the scheme was initiated, cognisance was taken of any payment to which the parents would be entitled under the Commonwealth health benefit scheme, but the experience has been so satisfactory that the federation has been advised that claims will be met upon the production of receipted accounts, irrespective of whether or not the parent has a claim against any health benefit society. That concession is being applied as from the commencement of the scheme, and parents who have shown the necessary deductions on their claim forms will have such amounts refunded to them.

The State office is not concerned in making any substantial profit from the scheme, but is only desirous of rendering a service to the community. If, at the expiration of the current financial year, the experience is sufficiently satisfactory, the present nominal premium will be reduced. The proposal in the Bill is an excellent one, and I trust it will receive the approbation of the House. I move—

That the Bill be now read a second time.

HON. J. G. HISLOP (Metropolitan) [4.44]: I approve of the Bill, but I would like the Chief Secretary to give consideration to the suggestion of adding the word "university" after the word "schools." A university student is just as much a liability to his parents as a child going to school; and until he is able to earn his own living, an insurance scheme such as this would prove to be of great benefit to the parents of a student attending the university. If my suggestion meets with the approval of the Chief Secretary, in Committee I propose to move that the word "university" be inserted.

Hon. Sir Charles Latham: Have they stopped climbing poles and committing that sort of act?

On motion by Hon. H. Hearn, debate adjourned.

BILL—MINING ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [4.46] in moving the second reading said; This Bill contains two proposals. The first is in connection with exploration for diamonds. During the past 12 months or so, a reputable local syndicate, comprising jewellers and one or two medical practitioners, has been searching for diamonds in the Nullagine district. About 50 to 60 years ago, a number of diamonds, some of reasonable quality, were found in this area; but until the recent activities of the syndicate, very little subsequent action had been taken.

The syndicate has sufficient confidence in the existence of diamonds in the area to wish to equip a complete field survey party to prospect the locality. This party would have to be led by a geologist experienced in diamond prospecting and mining. As there is no such person available in Australia, he will have to be obtained from South Africa.

There is, however, a difficulty to overcome. Section 277 of the principal Act provides that, apart from alkali and alluvial prospecting, approval may be given applicants to prospect over defined areas of a maximum of 300 acres. This approval is termed "a right of occupancy," and is granted for not more than one year, with the right of renewal for similar periods. The Minister has the power to grant a right of occupancy for more than one year; but if that is done, the terms and conditions of the right have to be tabled in Parliament within 14 days of the grant.

In regard to alkali prospecting, an area of 5,000 square miles which must not exceed 100 miles in length—can be granted; while for alluvial prospecting the limit is 100 square miles, of a length of not more than 10 miles. The granting of a right of occupancy does not prevent any person holding a miner's right from entering onto the area and prospecting for gold and minerals, except where the right of occupancy is for alkali prospecting.

On the 2nd June, 1954, six rights of occupancy—or temporary reserves, as they are also termed—were granted to the syndicate, which is called the Mineral Prospecting Syndicate, the chairman being Mr. L. K. Rosenthal. The geological reconnaissance of these areas did not yield any positive results, and therefore the syndicate wishes to widen its search. To warrant the expense of a wider exploratory programme, and the bringing of an experienced diamond geologist from South Africa, it would be necessary to give the syndicate the right to search over greater areas than 300 acres. The Bill seeks, therefore, to allow a maximum of 5,000 acres to be granted for diamond exploration. There seems to be a mistake there. Previously my notes mentioned 5,000 square miles, but the notes I have here refer to "5,000 acres." However, I will have that error rectified later. The area is the same as is given for alkali prospecting; and, as provided for that type of prospecting, could not exceed 100 miles in length. The syndicate asked for from 10,000 to 20,000 square miles but it is considered that this would be too large an area to grant. It seems to me that there has been a mistake in stating, "5,000 acres." I should imagine that that should read, "5,000 square miles."

Hon. Sir Charles Latham: The Bill says 5,000 square miles.

The MINISTER FOR THE NORTH-WEST: Yes. The second amendment deals with coalmining. The Western Australian Coal Industry Tribunal is constituted under Part XIII of the Mining Act to deal with coalmining industrial matters. The tribunal possesses wide powers; but under Section 316 (4) and Section 323 of the principal Act, any party to a decision or settlement made by the tribunal may appeal to the Arbitration Court.

The proposal in the Bill is to remove the right of appeal to the Arbitration Court. The reason for this is that the Coal Industry Tribunal is an expert body, whose members have a very thorough knowledge of the industry and its peculiar difficulties and problems. The Arbitration Court has

not this insight into coal matters; and it is considered that it is rather an anomaly that the decisions of an expert body could be subject to review by the court. This point of view has been recognised by the Commonwealth Government, and the governments of the coalmining States of New South Wales and Queensland.

The Joint Coal Board appointed by the Commonwealth Government does not have its decisions reviewed by the Arbitration Court, and the decisions of the coal boards of Queensland and New South Wales are not subject to appeal. Those coal boards are similar to our tribunal. I have been advised that the arrangements in the Eastern States are very satisfactory. The coal industy is a rather specialised one; and while there is no question that the Arbitration Court is an expert body so far as general industrial matters are concerned, it would have little practical knowledge of coal operations. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

BILL—MILK ACT AMENDMENT.

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendments Nos. 1, 2 and 4 made by the Council, and had agreed to amendment No. 3 subject to a further amendment now considered.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

No. 3. Clause 2, page 2—Delete all words after the word "Act" in line 9 down to and including the word "woman" in line 11.

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to the Council's making a further amendment to delete the words "'Act' in line 9" in the amendment and substitute in lieu the words "milk in line 10."

The MINISTER FOR THE NORTH-WEST: I move—

That the amendment be agreed to.

Hon. C. H. HENNING: I hope the Committee will accept this. The proposed composition of the board is five—a chairman and four other members. One of these is to be actively engaged in dairying, and one is to be the representative of the consumers. During the previous debate there was little or no opposition to the representative of the consumers of milk, and this is all that the amendment suggests. As the board members are elected for certain terms of office, I take it a member can be removed only under certain conditions, or by resigning. But no alteration can be made to the board until a vacancy becomes due. It is the prerogative of the Minister to decide that the remaining member of the board shall be the consumers' representative if a vacancy occurred. This is a fair and reasonable amendment and if the Committee accepts it, I hope the Act will operate for a long time before it is amended again.

Hon. L. A. LOGAN: I do not agree to the further amendment. During the second reading debate, I said that the existing Milk Board had done an excellent job. I voted against the second reading because I did not want an alteration in the personnel. This is a further attempt by the Assembly to put another member on the board, and within a couple of years the board could become an entirely new one. That is wrong in principle. Unless the Minister can give a guarantee that the remaining member will act as the consumers' representative, I am inclined to vote against the amendment. I object to persons who have done a good job being put out of office. I would like the opinion of members as to whether they consider Mr. Wade and Mr. Stannard as the representatives of the consumers.

The MINISTER FOR THE NORTH-WEST: I assure Mr. Logan that there is no intention of displacing Mr. Wade, who will be the representative of the consumers. His appointment continues for another two years; and I have received an assurance from the Minister that, if he should be in office in two years' time, no alteration would be made.

Hon. J. G. HISLOP: I feel worried about the amendment. We should not alter the constitution of the board. I can foresee what will happen; as soon as we put a representative of the producers on the board, we shall have a request for a representative of the consumers, and then of the distributors. When that happens, we shall be back to the tragic days of 1948. I oppose the Assembly's amendment.

Hon. Sir CHARLES LATHAM: I welcome the Minister's assurance. It is not wise to have boards representing various sections of the public. If we have three businessmen possessing the requisite knowledge, that is all we require. It is encouraging to hear that Mr. Wade will continue on the board. He is a good member, and has a wide knowledge of the industry. When I was Minister, one of the Eastern States asked for information about our board; and, in the absence of the chairman, Mr. Wade was asked to go there and assist. Matters of this sort should not be made political playthings. We should have a board composed of the men best qualified for the work.

Hon. L. CRAIG: The board will consist of a chairman and two other members, and it has been decided that one shall be

a representative of the producers. The other member must represent somebody, and he could be called the consumers' representative, but the board would still be the same. The amendment is merely a face-saver.

Question put and passed; the Assembly's amendment to the Council's amendment agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

BILL—CANNING LANDS REVESTMENT.

Received from the Assembly and read a first time.

BILL—MARRIED WOMEN'S PROTECTION ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the Council's amendments.

BILL—LIMITATION ACT AMENDMENT.

Report of Committee adopted.

BILL—NATIVE WELFARE.

In Committee.

Resumed from the previous day. Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 43 had been partly considered and postponed.

Clauses 44 and 45—agreed to.

Clause 46—Section 45 repealed:

Hon. Sir CHARLES LATHAM: For a long time Japanese pearlers were landing on the coast of Australia, and we know what was happening to the native people. If we repeal Section 45, I presume that the Government has some method by which control can be exercised.

The MINISTER FOR THE NORTH-WEST: The days are past when the section was necessary, and it is impracticable to apply it. The pearling fleets nowadays are very small.

Sir Charles Latham: It is not a question of the smallness of the fleets but of the natives consorting with the crews.

The MINISTER FOR THE NORTH-WEST: If the natives were of that type, they would probably still travel the two miles. Half of the missions in the Kimberleys are located on rivers, creeks or islands, and, if the law were enforced, would have to be moved two miles inland.

Hon. C. W. D. BARKER: The section was inserted many years ago when the pearling fleet was comparatively large and did enter the creeks, but that is not done today. Under the Act, it is unlawful for a native woman to be in Broome. The luggers now go out from Broome and return to that port, and do not enter the creeks.

Hon. Sir CHARLES LATHAM: Only recently, the Commonwealth Government entered into an agreement with the Japanese with regard to pearling, and the restriction contained in the section was one of the conditions imposed on the Japanese. I am doubtful whether the section should be repealed.

Hon. C. W. D. BARKER: That is so much rot. The coast has been divided into zones and the Japanese are fishing 260 miles off it. They can land on the Australian coast only if they are in distress. I do not think we would have anything to fear if this clause were passed.

Clause put and passed.

Clauses 47 to 49—agreed to.

Clause 50—Section 50 repealed:

Hon. N. E. BAXTER: I move an amendment—

> That after the word "licence" in line 27, page 18, the words "at his discretion" be inserted.

Hotel licensees should have some rights in regard to their businesses. If this clause were agreed to in its entirety it could have an adverse effect on hotel businesses, and that is not fair. I feel sure that the great majority of licensees in the State would provide accommodation for natives if they were decently clad and clean. But I do not agree that they should have to provide that accommodation, and that is what this clause will mean if it is agreed to in its present state.

Under the Licensing Act a licensee has to provide accommodation to any person; and if this clause is agreed to, he will have to provide accommodation for a native if it is requested, because the native will have the same status as a white man. The licensee should be given discretion. If a native were refused accommodation, he could go to the police and demand it; and the police officer would have no option but to force the licensee to provide the accommodation, or charge him with a breach of the licensing Act.

Hon. C. H. SIMPSON: I shall support the amendment; and then, when the clause is put, I shall vote against it even if it is amended. Most of the difficulties would arise in the country rather than in the metropolitan area. Most country towns have only one hotel each; and it is used by travellers passing through and sometimes by local folk as well. Licensees do not want to be placed in the position where they have to provide food and accommodation; and under this clause natives

would have the right to go into any part of the hotel, even the bar, and receive a non-intoxicating drink.

I have had a number of wires and letters from hotelkeepers in my electorate, and representatives of the road boards are unanimous in opposing this clause. While I was prepared to co-operate in cleaning up the old Act and I thought certain necessary alterations ought to be made, I do not agree with this proposition. During the second reading I expressed the view that the Bill was doing a lot towards emancipating the natives, and giving them an opportunity to advance themselves a step further on the road towards receiving full citizenship rights. But it is not advisable to rush that process. If a person gets a lot all at once, he does not value it highly; but if he earns what he receives, he places more value on the privileges that are extended. I do not think the natives expect this.

The practice has been that if a station-owner or manager stayed at a hotel, and travelling with him he had a native servant to look after the children, that person would be accommodated in a spare room, not necessariily on the licensed premises. The rooms are comfortable, and these people are provided with the necessary meals; but they do not go into the hotel dining-room or occupy rooms which are normally set aside for travellers. In some cases the standard of our country hotels has not been as high as it ought to have been, and hotel licensees feel that this clause will have the effect of lowering it. I support the amendment, but I shall vote against the whole clause.

Hon. J. G. HISLOP: If the clause is to be amended, I think the words Mr. Baxter wants inserted should be inserted after the word "permit." I would prefer the clause to read "that any holder of such licence may permit at his descretion any native exempted" and so on. I think I shall vote against the clause. Like Mr. Simpson, I have had a number of letters from reputable hotelkeepers who fear this provision. There is an area in the city where natives seem to congregate: I refer to the corner of Wellington-st. and Barrack-st. Hotelkeepers around that area feel that if this clause is agreed to, it will make the position difficult for them.

One hotel manager rang me and said that if the clause were passed his hotel could easily degenerate, and he would be prepared to give up hotel business rather than accept it. He pointed out that most of the rooms in his premises are double rooms; and when a woman rings him from the country and asks for accommodation, she has to be put into a double room. He said that if a native were admitted he could not possibly put anyone else in to share the double room.

The Minister for the North-West: He would be foolish to do so.

Hon. J. G. HISLOP: Yes. But the moment he accommodates a native, he has the other bed in the double room vacant, and it cannot be used. Mr. Baxter's amendment should be agreed to, but the clause should be opposed completely.

Hon. H. L. ROCHE: That seems to me the proper attitude for us to adopt. Whilst this relieves the licensee of obligation under this measure it does not relieve him of obligation under the Licensing Act. An opinion I have had given me is to the effect that it would create a most anomalous situation; and that whilst the proviso to Section 50 of the Native Administration Act as amended would protect the licensee from prosecution for a breach of Section 50, it would afford him no protection for a breach of Section 51 of the Licensing Act. If the Minister had genuinely wished to provide for the objections raised, he would have ensured that further amendments were made. I would like to protect the licensee and delete this altogether from the Bill.

The MINISTER FOR THE NORTH-WEST: I have received correspondence from the Commercial Travellers' Association and from the Licensed Victuallers' Association.

Hon. Sir Charles Latham: And from individual hotels.

The MINISTER FOR THE NORTH-WEST: No. In fact, I know one hotelkeeper who is prepared to accept this. The hon. member knows him too. He is prepared to accept it provided it is amended.

Hon. Sir Charles Latham: The amendment may provide something different.

The MINISTER FOR THE NORTH-WEST: Members are taking an extreme view and are picturing an aboriginal of the poorest type demanding accommodation. There are some very decent, clean types of natives.

Hon. Sir Charles Latham: There would be no objection to them.

The MINISTER FOR THE NORTH-WEST: But they are not allowed on the premises.

Hon. Sir Charles Latham: They are if they are less than half-castes.

The MINISTER FOR THE NORTH-WEST: They are prohibited both under the Native Administration Act and the Licensing Act from remaining or loitering on the premises. This amendment applies only to those natives who have exemption certificates; in some cases they are entitled to drink when holding an exemption certificate. I would refer members to Section 50, Subsection (2), of the original Act which indicates that the native himself is guilty.

Hon. C. H. Simpson: I do not think he is allowed to drink any alcoholic liquor.

The MINISTER FOR THE NORTH-WEST: Section 151 of the Licensing Act says that no person who is the holder of a publican's general licence, or a wayside house licence shall permit an aboriginal native to remain on or loiter about his licensed premises. The penalty is £10. There is a proviso which states that this section shall not extend to prevent the lawful employment by any person holding any such licence of any aboriginal native on the licensed premises with the consent in writing of the Commissioner of Native Affairs. So it is possible for the licensee to employ a native with the consent of the commisioner. I would like members to read the proviso to Clause 50. There are some good classes of natives whose employers find difficulty in obtaining accommodation for them in small towns. In one case there was a builder employed to do some work to the hotel. He took his employee with him to the hotelkeeper who could not put him up even if he wished to.

Hon. C. H. Simpson: My brother is a hotelkeeper, and he did.

The MINISTER FOR THE NORTH-WEST: The licensee could employ him with a permit and have him around the premises. In the North the natives are the main source of labour. I think the amendment is a good one, and with my further amendment, the position could be cleared up satisfactorily. My further amendment is to absolve the licensee from the provision of Section 151 for the purpose of food and lodging.

Hon. N. E. BAXTER: I agree with the Minister. Before putting the amendment on the notice paper I consulted Mr. Watts. He informed me that this Bill would take precedence over what is on the statute book, and I suppose he would know something about it. This takes precedence over Section 151.

Hon. C. W. D. BARKER: I am glad the Minister is prepared to accept the amendment. I also support it. I think the Minister has met the requirements of those opposed to the clause. If this is left to the discretion of the hotelkeeper there will be nothing to fear. He will give the native accommodation if he is clean and respectable, and will refuse it if he is not.

Hon. A. F. GRIFFITH: Mr. Barker is a mountain of contradiction. A fortnight ago when speaking on another Bill, we heard him say that some natives owned 60 dogs and came to Perth by plane for Christmas holidays.

The CHAIRMAN: I would ask the hon. member to confine his remarks to the amendment.

Hon. A. F. GRIFFITH: With respect, Mr. Chairman, I would say that the quality of the native who is going to stay at the hotel is in question. The Minister said he would be of good standard. Mr. Barker says he is so financial that he can afford to have 60 dogs and come to Perth by plane for Christmas.

The Minister for the North-West: You want even the decent ones to sleep in the bush.

Hon. A. F. GRIFFITH: It was my intention to vote against the clause but at the moment I have an open mind as to whether the amendment will meet the situation.

Hon. C. H. SIMPSON: I want to sound a note of caution on the question of the licensee being protected by a provision in the Native Administration Act which could override, as Mr. Baxter suggests, the section in the Licensing Act. I have the greatest respect for the legal ability of Mr. Watts; but another legal opinion was expressed to me that the licensee of a hotel would feel that the Licensing Act was the overriding Act. I still propose to move that the clause be deleted; but I would be happier to have the addition of the provision suggested by the Minister to that proposed by Mr. Baxter in case my later amendment does not receive support. I feel then that the licensee would be in a position to use his discretion and to bar a native whom he did not think measured up to the required standard; and he would have no qualms in exercising his discretion and allowing him to remain following the Minister's amendment to protect him. The opinion I received was from a good lawyer.

Amendment put and passed.

Hon. N. E. BAXTER: I move an amendment—

> That the words "exempted from the provisions of this Act" in lines 28 and 29, page 18, be struck out.

The removal of these words will give the licensee discretion to accommodate natives, whether they have exemption or not.

The MINISTER FOR THE NORTH-WEST: It does not matter much whether these words are retained or not; they are really superfluous. Subsection (2) of Section 50 of the Act provides that any native not exempted from the provisions of the Act who enters, remains on, or loiters about licensed premises is guilty of an offence. Subsection (1) provides that any person who is the holder of a licence under the Licensing Act for the sale of spirituous or fermented liquors who permits or suffers any native not exempted from the provisions of the Native Administration Act to remain in or loiter about his licensed premises is guilty of an offence. So both the licensee and the native would be guilty. However, we are not touching that at the

moment. It is merely desired to add a proviso so that decent natives can be given accommodation. The proposal is not to repeal Section 50, the provisions of which will remain.

Hon. Sir Charles Latham: The marginal note says, "Section 50 repealed."

The MINISTER FOR THE NORTH-WEST: The marginal note is incorrect. It does not matter whether the words are removed from the proviso or not; the position is covered in the section; and both the licensee and the native would be committing an offence unless the native was exempted.

Hon. N. E. BAXTER: I think the Minister has not got this correct. Section 50 provides that it shall be unlawful for any native who is not exempted to loiter about premises. The proviso is to the effect that any native exempted from the Act can be accommodated at the discretion of the licensee. I want to make the provision wider than that. I do not want it to be confined to exempted natives alone. If the words are retained, natives without exemption cannot be accomodated.

The MINISTER FOR THE NORTH-WEST: The only way for the hon. member to achieve his desire would be to amend Section 50, which does not refer simply to loitering, but also to remaining on licensed premises. If a publican allows him to remain on the premises, the publican commits an offence, unless the native is exempted. The native also commits an offence. If the hon. member desires to go as far as he says, this clause will have to be recommitted. At the moment we are merely seeking to insert a proviso.

Hon. A. F. GRIFFITH: I take it that this amendment deals only with natives exempted from the Act. Mr. Baxter wants to provide for natives who are not exempted. Take the case of a visiting football team, consisting of 17 white men and one native who is not exempted from the Act. The native could not be fed on licensed premises.

Hon. L. C. Diver: Some football teams have four or five native players.

Hon. A. F. GRIFFITH: That is so. No one wants to see men eating in the kitchen while their team-mates have their food in the dining-room.

Hon. N. E. BAXTER: The words it is proposed to remove were not in the original Bill, but were inserted in another place. If the Minister looks at the section again he will find it provides that a native with exemption can enter licensed premises, but that it is unlawful for an unexempted native to do so.

Hon. C. H. HENNING: I understand that citizenship rights cannot be granted to a native until he reaches the age of 21. At what age is an exemption certificate granted? I cannot find anything in the Act about that. The removal of these words would ease the restrictions we are trying to ease and allow desirable natives to obtain accommodation. I cannot understand the Minister's opposition.

The MINISTER FOR THE NORTH-WEST: I did not oppose the amendment. I merely pointed out that it matters very little whether the words are deleted or not. I have no objection to their removal. They were inserted in another place. Originally the clause was intended to repeal Section 50, as is indicated in the marginal note. We are now amending Section 50; and I suggest that we should delete from Subsection (1) of Section 50 the words, "any native not exempted from the provisions of this Act". I expect the clause would have to be recommitted. I imagine I would be in order in moving an amendment that Section 50 be amended by deleting certain words. Would that be in order, Mr. Chairman?

The CHAIRMAN: Provided we have not passed that stage.

The MINISTER FOR THE NORTH-WEST: I do not think we have passed it.

Several members interjected.

The MINISTER FOR THE NORTH-WEST: I do not know what the objection is. I thought members wanted all natives to have the right to go to a hotel. Now there seems to be some objection. I cannot understand what members want.

Hon. A. F. Griffith: I think you are a bit touchy.

The MINISTER FOR THE NORTH-WEST: I am not. The hon. member knows the history of this Bill. It is no use trying to put up an Aunt Sally. It is no good members saying they want to do something which it is almost impossible to do. I have already said I have no objection to these words being removed, because they are superfluous.

Hon. C. H. Simpson: What was the original amendment you had in mind?

The MINISTER FOR THE NORTH-WEST: I had in mind the deletion of the words, "not exempted from the provisions of this Act" in lines 4 and 5 of Subsection (1) of Section 50.

Hon. C. H. Simpson: I think that would defeat the object you have in mind.

The MINISTER FOR THE NORTH-WEST: On further consideration, what I suggested would not meet the case. The only way to do it would be to repeal Section 50, and I would like to move in that direction.

The CHAIRMAN: There is an amendment before the Chair.

The MINISTER FOR THE NORTH-WEST: One does not know what one can do until one is stopped!

Hon. L. A. LOGAN: Probably all the controversy arises from the acceptance of this amendment in another place. Section 50 deals only with natives who are not exempted. Exempted natives today are allowed to go into a hotel. If we amend this provision as Mr. Baxter intends, we shall say to the licensee, "If you think he is a fit and proper person to be received into your hotel for a meal and for lodging, you may admit him." If the Minister accepts the amendment, he will clear the air.

The Minister for the North-West: I have no objection to it.

Hon. J. G. HISLOP: The only way to deal with this is to make a separate clause of it. I suggest that the clause be postponed so that the proviso can be redrafted in that way.

Hon. N. E. BAXTER: I do not agree with Dr. Hislop, for the simple reason that this proviso states that nothing in the section "shall render it unlawful." This has to be referred to the Licensing Act. The licensee must be protected. If the word "unlawful" were left out, action might be taken against the licensee under the Licensing Act. Section 50 provides that a native, without exemption, is not allowed to remain or loiter on licensed premises. If he does, both he and the licensee are liable. The proviso here is that it shall not be unlawful for a native to be on licensed premises for the purpose of having food and lodging. In other words, the licensee can use his discertion in this matter. The native can sign the book and he is then registered as being there for food and lodging; but no other native would be permitted to loiter about the premises. After closing time we are not allowed to loiter about licensed premises unless our names are in the book. The position is much the same.

The Minister for the North-West: I will accept the amendment.

Hon. C. H. SIMPSON: I do not like these words being taken out of the proviso. Section 50 states that a limited number of natives can go into a hotel. That comes about by providing that they shall be exempted natives.

Hon. L. A. Logan: Where is the expression "exempted natives" in Section 50?

Hon. C. H. SIMPSON: It says "not exempted," which means to say that if they were exempted they would be eligible to go on to hotel premises without rendering the licensee liable. The idea of another place was that Section 50, instead of being repealed, should be retained subject to this proviso. The inclusion of the words "at his discretion" is a good one because it gives the licensee further discretionary power; but if the words "exempted from the provisions of this Act" are taken out, there will be nothing to stop any number of natives going on to premises, and that was never intended.

Hon. C. W. D. BARKER: I support Mr. Baxter. If we want to allow any native to be admitted to have food and lodging, it is easy to do it. What is suggested here will allow them to apply for food and lodging, but not to go on to licensed premises and stay there willy-nilly.

The MINISTER FOR THE NORTH-WEST: Mr. Henning wanted to know the provision relating to permits and exemptions. Section 72 gives the Minister power to issue them to any natives, so that youths under 21 can obtain exemption certificates.

Hon. F. R. H. LAVERY: I support the amendment. The words "at the discretion of the licensee" having been added, it is easy to see that the amendment suggested by Mr. Baxter is the right one.

Amendment put and passed.

The MINISTER FOR THE NORTH-WEST: I have explained Section 151 of the Licensing Act. It has been said that a later amendment overrides an earlier provision. I have not been able to find it in the Interpretation Act. although I know it is there.

Hon. Sir Charles Latham: It is Section 24.

The MINISTER FOR THE NORTH-WEST: To clear up the position, I move an amendment—

> That after the word "lodging" in line 31, page 18, the following words be added:—"and provided further that for the purposes of this section the provisions of Section 151 of the Licensing Act, 1911-1953, do not apply."

The CHAIRMAN: Does the Minister think it is necessary to put in the word "and?"

The MINISTER FOR THE NORTH-WEST: It was included on Crown Law advice. Section 151 of the Licensing Act means that a licensee can employ natives under permit, but he cannot allow those who are not employed by him to remain about the premises. Under this provision there is no doubt that if a licensee gives a meal to a native who is not employed by him, he will be absolved from the Licensing Act. I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR THE NORTH-WEST: I move an amendment—

> That after the word "lodging" in line 31, page 18, the following words be added:—"and for the purposes of this proviso the provisions of section

one hundred and fifty-one of the Licensing Act, 1911-1953, shall not apply."

The effect of the amendment would be to exempt a licensee from prosecution if he were providing a native with a meal or bed.

Hon. N. E. BAXTER: The amendment has no real purpose as the position is covered by Section 24 of the Interpretation Act. When the licensee wants information as to the position, he will not think of going to the Native Welfare Act, when it is on the statute book. Obviously, he will consult the Licensing Act; and so I think it would be advisable for the Government to amend Section 151 of that Act to cover the position. I hope the Committee will not agree to the amendment.

The MINISTER FOR THE NORTH-WEST: I do not agree with Mr. Baxter, as the session is drawing to a close and a Bill to amend the Licensing Act would have to pass through all stages in both Houses; whereas this measure has already passed through another place. I agree that there would be no harm in including a suitable provision in the Licensing Act next session. There is no doubt that licensees will be notified by their association of the effects of this legislation when it becomes law; and I submit that the licensee would have no knowledge of the relevant section of the Interpretation Act, which says that a later Act overrides a previous Act.

Hon. N. E. BAXTER: I hope the Government will bear in mind the necessity for amending the Licensing Act, and I think the Committee should reject this amendment.

The Minister for the North-West: Why do you object to it?

Hon. N. E. BAXTER: Because it is including something that is already provided for.

The Minister for the North-West: The amendment seeks to make clear the intention.

Amendment put and passed.

Hon. C. H. SIMPSON: As I said earlier, I intend to vote against the clause because there is considerable resistance to it in country centres where its operation is likely to be felt. Those concerned in country areas are familiar with the operation of Section 50 of the Act, and the exemptions proposed to be catered for by this clause are to some extent already actual practice. I respect Mr. Baxter's opinion as he has experience in this regard. I also had experience in my brother's hotel and another establishment for about six years; and, although both this Act and the Licensing Act were then somewhat different, I have an idea of the practical measures taken to deal with the various contingencies. That fact is that in most country hotels—I think I could say all of them—accommodation for natives is provided in separate buildings, in which there are odd bedrooms. That was the practice I adopted. I allowed them accommodation in part of the premises not actually on the licensed premises, and they had their meals in the kitchen; and that suited everyone concerned.

In the first place, Section 50 was divided into two subsections, one of which placed a penalty on the licensee if he permitted a native, not exempt from the provisions of the Act, to remain on or loiter about his premises. The other part of the section placed a penalty on the native, in similar circumstances. There is a proviso that any native, an employee of the hotel, shall be exempted from these provisions under a permit granted by the commissioner. In another place that was amended by adding a proviso that the section would not apply to any native employed on licensed premises under a permit granted by the commissioner. Now, by this clause, we are seeking to amend Section 50 by adding another proviso whereby it will not be unlawful for any licensee to permit any native exempted from the provisions of the Act to enter and remain on his licensed premises for the purpose of having food and lodging. So far, so good. That is quite a good provision.

Then we went a bit further and struck out the words, "not exempted from the provisions of this Act." That meant that Subsections (1) and (2) of Section 50 dealt with natives who were exempted; and then, in the proviso, we provided for all natives and did away for any need for a permit to be obtained by them from the commissioner. This seems to me to be inconsistent.

The Minister for the North-West: The native shall enter the licensed premises at the discretion of the licensee.

Hon. C. H. SIMPSON: Admitted. He can accommodate any native at his discretion, because any native who is not exempted has now been covered by Subsections (1) and (2).

Hon. N. E. Baxter: They are ordinary natives, the same as those who are provided for in the proviso.

Hon. C. H. SIMPSON: By inference that means that natives who are exempted can be on licensed premises. By inference, also, Subsection (2) means that any native with a permit can be allowed on licensed premises and not be subject to any penalty. That is the sense of the section as I read it. Now we have the words "a licensee at his discretion can lawfully admit any native to his premises for the purpose of having food and lodging." I admit that, in principle, that might be quite all right. However, we know that a racket was worked with the bona fide travellers' clause

by men who desired to obtain liquor after hours. They would sign the visitors' book as lodgers and so were entitled to have a drink after the hotel had closed.

This provision could lend itself to such a practice. Many licensees in the outback provide natives with liquor whenever they get a chance; and so long as they are not caught, it is all right. By this provision the licensees of those hotels could admit natives—some of whom earn good money—and it could be said that they were present on the premises for the purpose of obtaining food and lodging. They could be, but it could be depended upon that they would drink at the same time. Mr. Neville, who was previously Commissioner of Native Affairs, has stated that drink has a more serious effect on natives than on white men. The clause as it now stands presents an element of danger.

I am merely trying to keep my promise to the road boards, the licensees in that area, private persons and travellers, all of whom have asked me to do all I can to have this clause defeated so that Section 50 will remain in the Act. All the people concerned have become accustomed to the present state of affairs. They have found ways and means of meeting those difficulties which it has been suggested might occur. If Clause 50 is retained it will help travellers in the sense that in country hotels they will not be faced with the possibility of sharing a room with a native who, although he might be acceptable to the licensee, might not conform to our ideas of what is acceptable.

In the Bill we have done a tremendous amount to emancipate the native from his old conditions. For the time being we should let him serve a period of probation. After he has proved himself, he can apply for citizenship rights. In the meantime white people can become more accustomed to mixing with natives, and later we can amend Section 50 in accordance with the intention of this clause.

Recently, whilst I was in a shop in Moora, having a soft drink, two young natives entered in a filthy state. Apparently they had been working on a motorcar, because they were covered in grease from head to foot. I know that white men in a similar position would have hesitated before entering the shop, and would probably have asked another to go in and obtain their wants. I merely cite that incident to show the attitude of natives at present. Also, when a native has a few drinks, he becomes assertive and cheeky. By this clause we are presenting him with an excellent opportunity to obtain drink; and when he does so he will demand accommodation; and the licensee, at his discretion, will have to admit him. We should leave Section 50, which has been tried over the years, as it is. I oppose the clause.

The MINISTER FOR THE NORTH-WEST: Mr. Simpson has forgotten that a great change has taken place in the circumstances surrounding this clause since we received protests from various organisations. I have one protest here from the Licensed Victuallers' Association dated the 9th October, and another dated the 12th October from the Commercial Travellers' Association; but their protest was against the deletion of Section 50 of the Native Administration Act.

Hon. C. H. Simpson: That is so.

The MINISTER FOR THE NORTH-WEST: We do not intend to deal with that section. The Bill has passed through another place and we have now reached the stage where discretion is left with the licensee to permit a native to enter his premises. All the licensee requires to say to any native who asks for a meal or a bed is, "I am sorry; I cannot oblige you." By doing so, he is not committing an offence; and if the native becomes objectionable he can call a policeman, in the same way as he can if he has trouble with any white man or woman. I cannot see any objection to this clause now. I repeat that all the protests were against the repeal of Section 50. If a licensee decides that a native is acceptable, he can give him food and lodging without infringing the provisions of the Licensing Act.

Hon. C. H. Simpson: Which I did 30 years ago.

The MINISTER FOR THE NORTH-WEST: But the hon. member is objecting to this clause now. There were 98 natives serving in the forces during the last World War, and the hon. member wants to deny them the right to have a meal and a bed at a hotel.

Hon. C. H. Simpson: They can obtain citizenship rights.

The MINISTER FOR THE NORTH-WEST: These men do not possess citizenship rights because they will not apply for them. They say they should not be obliged to apply for such rights. We have raised the standard of living of the boys at McDonald House; but should they travel to a country town that has only one hotel, to engage in some sporting fixture, they would have to revert to the conditions they previously experienced. The Licensing Act is rather confusing when it refers to natives. Under that Act no licensee can allow a native to enter a hotel unless he has employed him under a permit. The Licensing Act and the Native Administration Act require tidying up to make them uniform. The clause merely seeks to afford discretion to the licensee to give a native a meal and a bed.

Hon. A. F. Griffith: The only fear I have is that the licensee will give a native more than food and lodging.

The MINISTER FOR THE NORTH-WEST: We know why liquor affects the coloured person more than the white. It is because the coloured person is not allowed to purchase good, wholesome drink; he is pedalled with "steam" which is half methylated spirt, and half water and wine. What law in a country is not broken?

Hon. C. H. Simpson: We do not make it easy for laws to be broken.

The MINISTER FOR THE NORTH-WEST: I would like to know any hotel in this State which has to depend for its trade on business with natives. If there is one, it would be in a very isolated place.

Hon. C. H. Simpson: Those are the ones I am referring to.

The MINISTER FOR THE NORTH-WEST: What is the policeman doing?

Hon. C. H. Simpson: Often no policeman is stationed there.

The MINISTER FOR THE NORTH-WEST: I know of no town in the North-West in which a police constable is not stationed; that is, no town which has a hotel.

Hon. N. E. Baxter: Mukinbudin has no policeman, but it has a hotel.

The MINISTER FOR THE NORTH-WEST: The policeman is stationed five or ten miles away. The intention of the clause is to provide a decent native with the opportunity of getting a meal or bed in a hotel if the licensee is agreeable.

Hon. H. K. WATSON: I wish to correct a statement by the Minister. He mentioned a protest being made by the hotelkeepers, and said it was made in October last before the Bill had been amended in another place. The protest from hotelkeepers in my province, and I believe from those in the other provinces, was made on the 10th November, not last month. The general purport of the protest was, not as the Minister said, against the repeal of Section 50, but against the amendment or the repeal of Section 50. There is nothing to fear about the scrupulous licensees, but the provisions of the Act at the moment allow the unscrupulous ones to play fast and loose.

Hon. F. R. H. LAVERY: Mr. Watson referred to the unscrupulous hotelkeepers, but no member has mentioned anything about the unscrupulous gallon licence holders. In one country place where I was holidaying last Christmas, plenty of liquor was dished out to natives at the back of a grocer's shop.

Hon. Sir Charles Latham: That is a violation of the law.

Hon. F. R. H. LAVERY: I agree. But some people in the metropolitan area violate the law every day by driving across an intersection at 25 miles an hour instead of the 15 permitted by law. Now that this Bill has been amended, it would be very much in the interests of hotelkeepers to police the provisions. Irrespective of the feelings of commercial travellers and others who have complained, I am sensible enough to believe that no hotelkeeper would be stupid enough to allow a person in a filthy condition to enter his dining-room, or to lodge in his bedrooms. Would any of us allow a dirty white man into our homes or into our dining-rooms? Of course not! And neither would hotelkeepers in the country allow filthy natives, or for that matter filthy white persons, into their hotels. The intention of this provision has been so improved by the amendment made before the tea suspension that we should have no fear of rejecting Mr. Simpson's point of view.

The MINISTER FOR THE NORTH-WEST: It was said by Mr. Watson that he had received a protest letter. I would like to read this one addressed to me and dated the 5th October, 1954, from the General Secretary of the Licensed Victuallers' Association. It says—

> Re Native Administration Bill.
>
> You are aware of the Bill now before the Legislative Assembly to amend the parent Act. My members are concerned by the proposal to delete Section 50 of the Act. If carried, this would mean that natives (within the meaning of the Act) could utilise all the facilities of an hotel, including the lounge, dining-room, accommodation, bath and toilet facilities (excluding the right to be served with liquor).

Objection was levelled at the repeal of the whole section, but this provision does nothing of the kind. It seeks to allow decent natives to have a meal and bed if the hotelkeeper is agreeable.

Hon. C. H. SIMPSON: The Minister read only the beginning of that letter. The story would have been much more complete if he had read the whole of it. I intend to carry on from where he left off. It says—

> Whilst appreciating the desire to improve the lot of the native, and only after considerable discussion and thought on the matter, my members have reluctantly come to the conclusion that the proposal is an impossible one, and could only lead to much dissent and trouble.
>
> It is an unfortunate fact that the general upbringing and standard of hygiene of the average person classed as a native within the meaning of the Act is, with few exceptions, far below the standard customarily performed and expected by the general population, particularly in a public place such as an hotel.

As you know, hotelkeepers have to cater for the public, particularly the travelling public, and are expected to provide a high standard of service and accommodation to suit the most critical of tastes.

It seems almost unnecessary to point out that present standards could hardly be maintained with natives utilising hotel facilities, particularly beds and toilet facilities; such use would be strongly resented, especially by female guests who customarily patronise hotels. Business would certainly fall off and consequently standards could not be maintained, let alone improved.

These remarks apply particularly to country centres where there is a local native population and where trouble frequently occurs even under the present restrictions placed upon natives. If given unrestricted right to use hotels for residential and dining purposes, natives will almost assuredly find ways and means of obtaining much greater supplies of liquor than they already do, and that will only lead to more trouble. We feel sure that the police officers stationed in various centres where natives are resident will readily inform you of the dangers in this direction.

My committee is convinced that the intended course is not the immediate solution for the assimilation of the respectable native, but recognises the endeavours of authority to reward the better class native with citizenship rights because of his appreciation and adaptation to the manner of living of the white population.

Much as it is regretted, we are of the very considered opinion that the education of the native population as a whole has not yet reached the stage where unrestricted assimilation into the social life of the community is possible and we are reluctantly compelled to place our views officially before you with the request that you strongly oppose the amendment to the Act in its present form. We might say that there are other aspects of the Bill, which, as citizens, we do not agree with, but we are confining our criticism to the part of the Bill with which my members are directly concerned.

It is hoped that you will give this matter your earnest consideration.

I agree that Section 50 has been retained. All the remarks contained in the letter are really an amplification of the remarks I have put before the Committee. I am concerned about the amendments made, particularly that one relating to the proviso which exempts natives from the provisions of the Act. While I admit that the discretionary power given is a big step forward, and that it has removed an objectionable feature, I still think that there are certain places which would welcome that deletion because, to my mind, it would be an excuse to harbour natives. I think it is inevitable that they would secure drink while they were there. While I am in agreement with the move to improve the lot of the natives, this is one matter that could well be left in abeyance until hotelkeepers, the public and the natives themselves become accustomed to the idea.

The MINISTER FOR THE NORTH-WEST: My reason for not reading the remainder of the letter was that it is a protest against the lifting of all restrictions. Surely we have now arrived at something that is reasonable and acceptable! I would be prepared to gamble that not one licensee ever refused a native who was in uniform either a bed, a drink or a meal.

Hon. C. H. Simpson: Were they not exempted?

The MINISTER FOR THE NORTH-WEST: No one took exception at that time. They were good fellows while they were prepared to fight for the country; but when they returned from the war, it was a case of back to the wood heap. One of the greatest pitfalls for the natives is that, after they have received some education and they apply for jobs, they are treated as outcasts and are thrown back on the wood heap.

Hon. Sir Charles Latham: I think many of them throw themselves back.

The MINISTER FOR THE NORTH-WEST: They are forced back. If a decent native is not to be permitted to stay in a hotel—

Hon. C. H. Simpson: He could get exemption or citizenship rights.

The MINISTER FOR THE NORTH-WEST: The natives who fought for those things are entitled to have them.

Hon. C. H. Simpson: They can get them on application.

The MINISTER FOR THE NORTH-West: Yes, on approval; but those rights cannot be taken from any hobo, gaol bird or murderer. Why penalise the natives? The provision would leave the decision entirely to the licensee. I hope that members will support the clause.

Clause, as previously amended, put and passed.

Clauses 51 to 57—agreed to.

Clause 58—Section 61 amended:

Hon. L. A. LOGAN: This deals with the admission as evidence of a confession of guilt by a native. On the second reading, I stated that a lot of natives had

been educated and should not be covered by this provision of the Act. I move an amendment—

That after the word "by" in line 14, page 20, the following be inserted:—

(a) Adding after Subsection (1) the following proviso:—

Provided that nothing in this subsection shall apply to natives living or domiciled in the South-West Land Division; and

(b)

Full bloods will still need some protection, but the natives in the South-West Land Division can reasonably be expected to know what the law is.

The MINISTER FOR THE NORTH-WEST: The hon. member indicated that the natives in the South-West Land Division were educated and should be able to look after themselves, and I am trying to reconcile that statement with the remarks of other members a little while ago that the natives are so low.

Hon. A. F. Griffith: I do not think anyone said they were low.

The MINISTER FOR THE NORTH-WEST: Then I withdraw and use the word "undesirable." At any rate, I raise no serious objection to the amendment.

Hon. C. H. SIMPSON: I am in sympathy with the remarks of Mr. Logan and the Minister. When I first read the amendment, I thought it would be the complete answer to this question; but on considering it closely, we find that the qualification is one of locality, not of the character of the native. The person concerned might move about, and there is the disadvantage that centres like Kalgoorlie, Yalgoo, Meekatharra, Cue, Mt. Magnet and Broome—places where there are a lot of natives who could conform to the standard of those in the South-West—would be cut out.

Such natives have been in touch with white civilisation and know the difference between right and wrong. Some, I am afraid, know too much, and are inclined to play on certain protection afforded by the Act, because they know that whatever they say cannot be used against them in a court. When I raised the question before, the Minister said that these admissions of guilt previous to trial applied only to offences punishable by death or imprisonment. There are many offences so punishable in which natives are concerned and in which they understand the implications of a confession equally as well as does a white man; but quite a number of cases have failed because that was the main evidence available and it could not be used. Let me give one or two instances from official sources. In the case of Thomson (complainant) appellant and Brockman (defendant) respondent, reported in "W.A. Law Reports," 21st April, 1939, the following appears:—

A police constable, in the course of his duty of obtaining evidence against a half-caste aboriginal native suspected of the criminal offence of having carnal knowledge of a girl under sixteen years of age, obtained a confession from the suspected person that he was responsible for the girl's condition of pregnancy. The criminal charge was not proceeded with.

On a subsequent application by the mother of the child for an affiliation order against him under the Child Welfare Act, 1907-1927, it was sought to use the confession so obtained.

Held: That such confession was inadmissible.

Hon. C. W. D. Barker: Where was that?

Hon. C. H. SIMPSON: At Broome. That was a case where a confession was made, the police were prepared to accept it and there was no question of the standard of intelligence; and yet the confession could not be used as evidence because of the provision in Section 60 (1).

The section contains five subsections. Subsections (2), (3) and (4) have been cancelled, but Subsection (5) remains. At first I was inclined to seek to repeal the whole section because I thought that Subsection (5) was the same as Subsection (2) of the previous section; but on closer examination I find that that is not so. Although my amendment is in line with Mr. Logan's it goes a little further in asking for the repeal of Subsection (1). In 1951, three appellants appealed to the Supreme Court and the case appears under the heading of "Bolton and others (defendants) appellants, and Neilson complainant) respondent." It reads—

The three appellants and one other were charged with stealing and receiving. All the accused were natives within the meaning of the Native Administration Act, 1905-47. All the accused pleaded guilty. The plea was approved by the protector and was accepted by the court and each of the accused was sentenced to six months' imprisonment.

Held: That a protector approving a plea of guilty by a native has not carried out his statutory duty unless, before doing so, he has satisfied himself not only of the actual guilt of the accused, but also as to the existence of admissible evidence to establish such guilt.

The provisions for the protection of natives contained in section 60 of the Native Administration Act, 1905-47, considered.

The appeal succeeded and the admission of the natives was ruled out under that subsection, even though their guilt and mental capacity were obvious. They went unpunished. Here is another case of Louis (appellant) and the King (respondent). It reads—

> The appellant, a native, was tried before a jury at the Court of Sessions, Broome, on the charge of unlawful and indecent assault. During the trial evidence was led by the Crown as to statements made by the accused while in custody. The evidence was objected to by the defence, it being contended that the statements were not admissible by reason of section 60 (1) of the Native Aministration Act, 1905-47. The evidence was received on two independent grounds, namely—
>
> (1) such statements not being express admissions of guilt nor being statements covering all the evidence of the crime did not amount to "admissions of guilt or confessions," and—
>
> (2) that the statements were not "sought or obtained."
>
> Held: (a) The words "admission of guilt or confession" are sufficiently wide to include any statement which is incriminating in a material particular.

This was a case involving a white woman. The appeal was granted and the native went unpunished because the evidence could not be accepted.

The Minister for the North-West: Probably he could not speak English.

Hon. C. H. SIMPSON: No; the man admitted everything. There was another case in Perth where some natives assaulted a man and knocked him about badly. They admitted the crime, but that evidence could not be accepted. The man who was robbed could not identify the natives because it was a dark night; and as a result, they went unpunished. The Minister ought to read the commissioner's report regarding association between white men and native girls. The girls know the law as well as anyone else, and they frankly admit what they are doing. But their evidence cannot be accepted. The girls say to the police officers, "We do not mind telling you because you cannot take what we say as evidence against us." The police feel a sense of frustration because they cannot take action.

The Minister for the North-West: They can under another Act.

Hon. C. H. SIMPSON: The permission of the protector has to be obtained to launch a prosecution against the white men concerned.

The Minister for the North-West: There is another Act which can be used.

Hon. C. H. SIMPSON: Yes; but it is very difficult. In these cases intelligent natives were involved, but their confessions could not be taken as evidence; whereas an illiterate white man has to stand the racket if he is involved in similar circumstances. Natives have been caught loitering on premises, but they could not be charged because the only evidence was that which would be given by the natives themselves. They would give it willingly; but under this section of the Act, it could not be accepted.

While I agree with the spirit of Mr. Logan's amendment, I do not think it goes far enough, and the clause should be deleted altogether. A good many provisions relating to tribal natives have been struck out because there is no longer any need for them. There is a standard book of Archbold's which is brought out year after year in the form of different editions. It is similar in its way to May's "Parliamentary Practice" and is a standard work of reference for the guidance of police officers, judges and the courts. It lays down the rules for the conduct of questioning and the attitude of judges. It is the result of the recommendations of a panel of 12 judges who took many months to draw up these rules. I accept Mr. Logan's amendment, but afterwards I shall move to strike out the subsection to which I have referred.

Hon. C. W. D. BARKER: I support the amendment because I think it is a good one. Natives in the South-West Land Division are advanced. There are many in the northern and other parts of the State who are also advanced, but the majority of them still want some protection. Mr. Simpson quoted several cases; and I could quote several, too, giving the other side of the story. One native was tried before a J.P. in the North regarding the parentage of a child. The J.P. asked the native point blank who was the father and he said to the J.P., "You are." We could not take a confession from a man like that. Natives are not so far advanced that they understand the law.

Hon. L. Craig: No magistrate or judge has to accept evidence.

Hon. C. W. D. BARKER: That is so.

Hon. L. Craig: You are presuming that they do.

Hon. C. W. D. BARKER: No. The station natives need protection, and I think we should provide it for them.

Hon. L. A. LOGAN: I intended to widen the area at first, and make it south of the 26th parallel. But I realised that a number of full-bloods would be included. It is difficult to work out a line of demarcation, and I decided on the South-West Land Division.

Hon. L. Craig: It is very good.

Hon. L. A. LOGAN: It is not possible to cover everything, and I hope the Committee will agree to this amendment.

Hon. Sir CHARLES LATHAM: Do I understand that this applies only to Subsection (1)?

The Minister for the North-West: Yes.

Hon. Sir CHARLES LATHAM: In that event, it will be difficult. In the case of murder a judge will not accept a plea of guilty. The prisoner must be tried, and it looks as though natives will be placed in a worse position than a white person. I think some consideration should be given to that side of it.

The MINISTER FOR THE NORTH-WEST: Offences are still committed that natives used to commit many years ago, such as cattle spearing and stealing. They cannot be fined because they have no money.

Hon. Sir Charles Latham: It is an offence punishable with death.

The MINISTER FOR THE NORTH-WEST: Or imprisonment in the first instance. In those days, when they committed those specific offences, the natives were rounded up and chained.

Hon. A. F. Griffith: Does not the Act provide that they should not be interrogated before trial?

The MINISTER FOR THE NORTH-WEST: That may be so. I was going to wait until Mr. Simpson had moved his amendment, but since the position has arisen I will proceed. It is estimated that there are still 6,000 natives in the North who are on the fringe of civilisation; they still go to cattle stations and help themselves.

Hon. Sir Charles Latham: And spear some bullocks.

The MINISTER FOR THE NORTH-WEST: I do not know whether there has been any case in the last five years of a native spearing cattle or stock, but that does not mean there may not be, especially when the North Kimberley is developed.

Hon. C. H. Simpson: Do not the native courts deal with those offences?

The MINISTER FOR THE NORTH-WEST: Those natives do not understand what is being said; nor can they make themselves understood. The provision is to protect them. As Mr. Barker said, they will say anything and mimic. The following example might sound fantastic, but it is absolutely true. Five bucks were brought in, chained together and then chained to a tree. In those days there was a reward for catching cattle stealers. These five bucks were accompanied by the entire tribe. There were little fellows who could just toddle, and womenfolk, and all of them were natives. Most of them had never seen a white man or a horse before. One fellow had apparently done the raiding of native camps and the station, and could understand a bit of the lingo. One of the blacks told us that the fellow with the lumps on his head had been hit on the head to make him say "yes"; but apparently he was too shrewd and preferred to take the bumps.

Hon. Sir Charles Latham: Was that done by a policeman?

The MINISTER FOR THE NORTH-WEST: I do not know who did it.

Hon. H. L. Roche: How long ago was that?

The MINISTER FOR THE NORTH-WEST: In 1920.

Hon. Sir Charles Latham: At that time there were some bad cases in the North.

Hon. L. Craig: It is very desirable in the North but no longer necessary in the South-West Division.

The MINISTER FOR THE NORTH-WEST: I have spoken only in order to give reasons why the provision should be retained. We have many more natives in the North who will continue to need protection.

Hon. N. E. BAXTER: I agree with the amendment moved by Mr. Logan, and I think the entire section of the principal Act should be given a lot more examination before we continue along the lines proposed in the amending Bill, on which Mr. Logan bases his amendment. I would refer members to the subsections of Section 61 of the principal Act. If the amendment is placed at the end of Section 61 of the principal Act, and the subsection is still retained, we shall be doing something towards helping the position. I would suggest that the Minister postpone the clause before we make a mess of it by further debate.

Progress reported.

BILL—TRAFFIC ACT AMENDMENT (No. 2).

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the Council's amendments.

BILLS (2)—FIRST READING.

1, Public Service Act Amendment.

2, Bookmakers Betting Tax.

Received from the Assembly.

BILL—BETTING CONTROL.

Second Reading.

Debate resumed from the previous day.

HON. N. E. BAXTER (Central) [8.58]: In speaking to this Bill, I would first like to stress my approval of the Government's action in bringing such a measure before Parliament to deal with betting on horse-racing in this State. The reason I do so is that I think it is a matter for public discussion, and discussion by Parliament in order to help us to find some solution for the present unsavoury position. This does not mean that I approve of the Bill.

The Chief Secretary: Just a sugar-coated pill.

Hon. N. E. BAXTER: I am sorry if I surprised the Chief Secretary. Members opposite have said that the previous Government did not have sufficient courage to bring a Bill of this nature before Parliament.

Hon. C. W. D. Barker: Is not that right?

Hon. N. E. BAXTER: No, it is not; because the trend of betting on horse-racing throughout Australasia has not only been a matter for consideration in this State; it has also been considered right throughout Australia and in New Zealand for some years. In some of the other States, an endeavour has been made to control betting on horse-racing, and New Zealand has adopted the totalisator system. I feel that our previous Governments were wise to sit back and watch the development of attempts made by other States and by New Zealand to control betting, because this whole business is a matter of great concern to the welfare of the public of Western Australia, and, indeed, to the whole of Australia. I freely admit that it is almost impossible to wipe out gambling in Australia, or anywhere in the world for that matter, because wherever one goes one finds people gambling, no matter what attempts are made to stop them.

Hon. R. J. Boylen: Do you not think it should be controlled?

Hon. N. E. BAXTER: Yes. But the Bill will in no way improve the situation; it will only aggravate it.

Hon. R. J. Boylen: What did your Government do?

Hon. N. E. BAXTER: I will tell the hon. member.

Hon. R. J. Boylen: It passed the buck to a Royal Commission.

Hon. N. E. BAXTER: This Bill will lead to shady and immoral practices. That will result from the amount of money that will be involved in betting both on the course and off the course; and I know full well that today there are shady practices connected with horse-racing. We all know that, and must admit it.

Hon. E. M. Davies: And you are prepared to continue the system?

Hon. N. E. BAXTER: No. I will tell the hon. member shortly what I suggest.

Hon. F. R. H. Lavery: Can you prove the statement you made?

Hon. N. E. BAXTER: Yes. This Bill will give the public every facility to gamble, and people will do so beyond their means.

The Chief Secretary: Can they not do that now?

Hon. N. E. BAXTER: The hon. member knows where that money will go to.

The Chief Secretary: What stops them doing it now?

Hon. N. E. BAXTER: The money will go into the pockets of a few individuals, and from those pockets can come all the trouble over horse-racing that one could think of. The situation will be aggravated by the provisions in the Bill allowing credit betting. I am rather surprised that the Government should have introduced a measure containing provision for betting to be done by credit. Does that mean that the Government does not want to limit betting, but rather to increase it? It appears to me that the Government wishes to increase betting rather than restrict it.

The Chief Secretary: Do you think that you could introduce any law to stop credit betting?

Hon. N. E. BAXTER: Yes. The adoption of the totalisator system would stop credit betting.

The Chief Secretary: Do you think it would? Credit betting will go on till the world ends, and no law will stop it.

Hon. N. E. BAXTER: Nobody can get credit through the totalisator.

The Chief Secretary: Credit can be got by telephone.

Hon. Sir Charles Latham: Not on a totalisator.

The Chief Secretary: They do not need a totalisator to have credit betting.

The PRESIDENT: Order!

Hon. N. E. BAXTER: The matter of credit betting on a totalisator—

The Chief Secretary: I am not talking about the totalisator. Credit betting will go on till the end of the world.

Hon. N. E. BAXTER: I disagree with the provision in the Bill that permits credit betting, because I think that is one of the biggest dangers associated with this problem. People will get themselves into financial difficulties, particularly the working men whom the majority of members opposite are supposed to represent. I am astounded that a Government that says it represents the working man should have introduced a Bill of this kind which will take money out of the working man's pocket and put it into the pockets of a few individuals.

The Chief Secretary: Where is credit betting provided for in the Bill?

Hon. J. D. Teahan: That is what I would like to know.

The Chief Secretary: Credit betting is allowed on the racecourse; but if the hon. member will read the Bill, he will find that it is to be cash betting in shops.

Hon. N. E. BAXTER: I have read the Bill.

The Chief Secretary: Read it again.

Hon. N. E. BAXTER: I am not going through the Bill clause by clause to please any member.

Hon. Sir Charles Latham: You would not be allowed to.

Hon. N. E. BAXTER: That provision is contained in the Bill, and I stand up to what I have said. I saw s.p. betting operating prior to the depression, when I was a young fellow; and I saw what happened.

Hon. J. J. Garrigan: And it is still going on.

Hon. N. E. BAXTER: To a certain extent; but it is limited today. I do not like the present situation; I have already said so. But this Bill is not the solution.

The Chief Secretary: It never is, when one attempts to do anything.

Hon. E. M. Davies: Tell us what we should do.

Hon. N. E. BAXTER: I will get on to that very shortly.

Hon. Sir Charles Latham: Do not be impatient! Give the man a chance!

Hon. N. E. BAXTER: Under the present system, bad as it may be, there is a reluctance on the part of a lot of people to bet, because it is illegal. It is not as simple to bet today as it would be to go into legalised betting shops such as this Bill proposes to foist upon the State. The system could be likened to chain stores in which people mooch around, and where they buy a lot of goods that they do not require. If s.p. betting shops are legalised, people will go into them and make bets although they are not interested in horses. They will do that because the facilities are available. If s.p. betting establishments are legalised, many people will commence betting who never worried about it before because the practice was illegal. They will not at present go down back lanes or stand around the streets where bookmakers are to be found. A lot would not be seen going into betting shops today.

Hon. J. J. Garrigan: They would not be ashamed if it were legal.

Hon. N. E. BAXTER: They are ashamed today—thank Heaven!—and that keeps down gambling. It is not the man who is well off that puts money into the pockets of the s.p. bookmakers, or into the pockets of other kinds of bookmakers. It is the working men who do that with their small donations. They do not back the favourites, because they have no inside information. They pick the names of horses out of the lists in the papers, and in goes their money on long-priced horses.

Hon. E. M. Davies: You seem to be very well versed on the question.

Hon. N. E. BAXTER: I have had quite a lot of experience.

Members: Ah!

Hon. N. E. BAXTER: I will tell members about it.

The Chief Secretary: You have been an s.p. bookie, have you?

Hon. N. E. BAXTER: I suppose that some members in this House are not aware that at least 30 per cent. of the total turnover in bookmaking stays in the pockets of the bookmakers. That is a pretty decent net profit year in and year out. That is why the bookmakers have beautiful big houses and motorcars. That is why they have launches and yachts. Those things all come out of the working man's pocket. And Labour members, who profess to represent the working man, want to see that extended.

Hon. J. J. Garrigan: We want to see it controlled.

Hon. N. E. BAXTER: Our duty is to clean up the situation in the best possible manner.

The Chief Secretary: You had six years to do it.

Hon. N. E. BAXTER: We need to limit the betting as much as we can. That is our duty to the public; and I do not think any member can deny it. I believe that the totalisator system is the answer to this problem.

The Chief Secretary: In the city, yes.

Hon. R. F. Hutchison: You do believe in betting, then?

Hon. N. E. BAXTER: I believe in the right of a person to have a bet. I am not a wowser.

Hon. C. W. D. Barker: What is the difference with regard to the totalisator?

Hon. N. E. BAXTER: There is a vast difference between the system suggested in the Bill and a properly controlled totalisator system.

The Chief Secretary: You know very well that it is impossible.

Hon. N. E. BAXTER: If members knew—

The Chief Secretary: You know nothing about it; I am satisfied of that.

Hon. N. E. BAXTER: The Government would have us believe that the totalisator system cannot be introduced in this State.

Hon. C. W. D. Barker: It has been proved to be impossible.

Hon. N. E. BAXTER: That is just a story. We have been assured that the matter has been gone into, and that the system proposed in the Bill is the only one that can be operated. It is stated that the totalisator system could not be established here. I ask members not to believe one word of that.

The Chief Secretary: Will you tell me where I was wrong in what I said last night?

Hon. N. E. BAXTER: I will prove to the Chief Secretary where he was wrong. I say that the totalisator system can be established in this State.

The Chief Secretary: Anybody can say anything. To prove it is a different matter. Prove your statement!

Hon. N. E. BAXTER: I will deal with this matter now. Nearly every s.p. man in this State within reasonable limits—I would say up to 200 or 300 miles—can, at any time when racing is being conducted, get through to the metropolitan area on the telephone and lay off any money. That is a well-known fact.

The Chief Secretary: We are not worrying about local betting. How about Eastern States betting?

Hon. N. E. BAXTER: In my own time I will explain that as I go along. I am dealing first with the establishment of a totalisator in the State to handle betting on racing. I will deal with racing in the Eastern States shortly for the benefit of the Chief Secretary.

The Chief Secretary: I have heard a lot of other experts. I suppose another one will not hurt.

Hon. N. E. BAXTER: I am no less an expert than those who framed the Bill. Try as hard as I might, I could not be. I was referring to the telephone system of betting, and mentioned that facilities were available which could be used with the totalisator instead of by the s.p. bookmaker. It would not be impossible, at centres within a reasonable distance, to have a number of tickets conveyed to the totalisator from those districts a reasonable time before the start of any race. There are those who are prepared to carry out such a scheme.

Hon. R. J. Boylen: Until they are asked to do so!

Hon. N. E. BAXTER: New Zealand has been quoted as an example of how hard it is to deal with the proposition in this State. However, one fact which has been lost sight of is that, in New Zealand, 10 race meetings are held per day. That means that the totalisators have to cope with 10 meetings daily. In this State one race meeting is held daily on which people would normally bet.

Hon. R. J. Boylen: You do not know that 10 are held daily in New Zealand.

Hon. N. E. BAXTER: If the hon. member will look up the records, he will find—

Hon. R. J. Boylen: I have no need to do so; I know.

Hon. N. E. Baxter: The hon. member knows that there are 10 race meetings daily in New Zealand. That fact was mentioned by a member of his party in a certain place.

Hon. R. J. Boylen: It is not so.

Hon. N. E. BAXTER: Somebody is wrong, then; but it is not I.

The Chief Secretary: New Zealand owns its own phones; we do not.

Hon. N. E. BAXTER: For the benefit of Mr. Boylen, I will cut the number to five.

Hon. R. J. Boylen: I was merely correcting your statement.

Hon. N. E. BAXTER: The statement was not mine. It was made by a member of the hon. gentleman's party. It would be better for him to be corrected. Cutting the number in half—

Hon. R. J. Boylen: Wipe out the other half.

Hon. N. E. BAXTER: We have one race meeting daily in this city. Very seldom is there a race meeting in a country centre at the same time as racing is held in the metropolitan area. So the totalisator would experience no difficulty in handling the situation here. The Chief Secretary referred to Eastern States racing. He said that people bet on Eastern States racing and local racing at a ratio of 6 to 4, if I remember correctly.

The Chief Secretary: I said there was twice as much betting on Eastern States events.

Hon. N. E. BAXTER: That makes it all the better. The Chief Secretary wanted to know how dividends would be computed and said that they would be small. The bettors, he said, would get their money back, less, perhaps, a percentage. If his assertion is correct, the same would apply, to a worse extent, to racing on local courses. If double the money is wagered on Eastern States races as is wagered on local courses the difference on the local courses must be less in proportion.

Hon. C. W. D. Barker: How would you get on with a race in Melbourne at 12 o'clock and one in Sydney at 12.5?

Hon. N. E. BAXTER: The hon. member does not understand the set-up. Betting on the tote is closed an hour and half before the race is run. That period might be able to be cut down by half an hour, depending on how the control board handles the matter.

Hon. C. W. D. Barker: What would you—

Hon. N. E. BAXTER: The hon. member wants me to gallop through my speech, but I shall deal with the subject in my

own way and in my own time. The totalisator would be controlled by a board. I can assure the House that the trotting tote could be used for all the Eastern States races, and that arrrangement would not interfere with the tote at the gallops which are our afternoon races.

The Chief Secretary: What sort of a dividend would you get in the case I quoted last night?

Hon. N. E. BAXTER: I shall deal with that in a moment. The scratchings come out pretty early for Eastern States races, so that phase could be handled fairly easily. I have been on many racecourses and my experience of the totalisator prices compared with what is paid by the bookmakers is that in nearly every case they are practically the same. This applies particularly when favourites win. The totalisators would therefore, maintain a reasonable return in respect of ordinary wagers on Eastern States and local races. There would be no argument about the dividend.

The Chief Secretary: How can you pay a dividend when 98 per cent. of the bets are on one horse?

The PRESIDENT: Order! I ask the Chief Secretary to refrain from interjecting.

Hon. N. E. BAXTER: I think the Chief Secretary is just trying to bolster up a case that has no foundation.

The Chief Secretary: I am talking of facts, not fiction.

Hon. N. E. BAXTER: That might happen in an isolated case. If the public are so gullible as to bet on one horse and it happens to win, they deserve a small dividend. But what happens if the horse does not win? They lose their money. If it wins, they at least get some of their money back. The totalisator system has a big bearing on the welfare of the people, because only a small percentage is taken out of the investment and the rest is returned to the public. This does not happen with bookmakers.

Hon. R. J. Boylen: Yes, it does.

Hon. N. E. BAXTER: A big percentage of the money goes into the pockets of the bookmakers; whereas under the totalisator system, it would go back to the people to be spent by them. If this Government had introduced a Bill to provide a totalisator system and set up a board to administer that system in the State, commencing with the metropolitan area and extending to wherever it was found to be practicable—

Hon. F. R. H. Lavery: You would still make it impossible to extend betting.

Hon. N. E. BAXTER: If the hon. member will keep quiet for a minute, I will continue with my argument. If the totalisator system were introduced here and extended as far as was found practicable with the present telecommunications, and bookmakers were licensed in the far distant centres, because I am not adverse to the public in those places being catered for—

Hon. R. F. Hutchison: What are you arguing about?

Hon. N. E. BAXTER: I am arguing on the rights and wrongs of this. I got as far as extending this to—

Hon. R. J. Boylen: To Beverley.

Hon. N. E. BAXTER: No, to Merredin, and even further—to Albany and Geraldton. It could be extended that far almost immediately the Act was brought into force to establish a totalisator system. In addition, the board could have the right to legalise starting-price bookmakers beyond the perimeter of the tote system; but it would have to advise the s.p. operators that as soon as the telecommunications were extended, they, the operators, would no longer be allowed to continue because the totalisator system would take over. By a progressive policy, practically the whole State could be covered by such a system within a few years. I do not think that can be refuted. The aim eventually would be so to extend the totalisator system as to do away with all bookmakers in Western Australia—on the course and off the course—because while we have bookmakers on the course, s.p. bookmakers will attempt to operate. The job of policing the provisions of the Bill will be phenomenal. Who will check on all the starting-price bookmakers throughout the State to see that they pay their taxes and otherwise conform to regulations?

Hon. C. W. D. Barker: The Licensing Court functions.

Hon. N. E. BAXTER: Yes, but it is concerned with only about 460 hotels in the State.

The PRESIDENT: Order! I must ask members to refrain from interjecting, They will have a chance to speak.

Hon. N. E. BAXTER: In Mukinbudin there is no policeman. A bookmaker there could have a book with stamped tickets in it—an authentic book—and in addition he could have one containing unstamped tickets; and whereas to a stranger he could issue a stamped ticket, the man he knows he could give an unstamped one. By this means he could scale the taxation. This will not increase taxation.

Hon. E. M. Davies: When did you arrive at these opinions?

Hon. N. E. BAXTER: When sleeping down at Fremantle like the hon. member does. Anyone would think I was born yesterday.

Hon. E. M. Davies: You sound like it.

Hon. N. E. BAXTER: I think I have have had a vaster experience than the hon. member, even taking into account his age.

Hon. E. M. Davies: Booming yourself!

Hon. N. E. BAXTER: I am booming myself. When one hears such inane remarks as those made by the hon. member, one should boom oneself.

Hon. F. R. H. Lavery: Are we discussing the Bill, or are we discussing personalities?

The PRESIDENT: Mr. Baxter is within his rights; but I would like him to address his remarks to the Chair and not to individual members.

Hon. N. E. BAXTER: I was addressing the Chair. The hon. member made a comment which rather riled me. I apologise if I overstepped the mark. Had this matter been handled properly by the Government and had the Government proceeded on the right lines to establish a decent totalisator system throughout the State by going to the responsible people who handle horse-racing in Western Australia, it would have found that they would possibly have borne the cost of establishing the scheme, or most of it. I am sure the Government could have made satisfactory arrangements with both the W.A. Turf Club and the W.A. Trotting Association to assist in handling the betting proposition here, both financially and otherwise, and so have solved the problem in a decent way. I feel that the approach that has been made to this proposition is a very poor one. I cannot agree to the Bill by a long shot; so I have no option but, in the interests of the public of Western Australia, and because of my duty as one of their representatives, to vote against the second reading.

HON. L. A. LOGAN (Midland) [9.28]: When dealing with a Bill of this nature one must of necessity give it very deep and serious consideration. As one who, during his seven years as a member of this House, has tried to get the Government to do something in connection with the sordid conditions which operate today, I can only say that I appreciate the fact that this Government is endeavouring to do something. Whether what it proposes will do the job, and whether it is the right method, has yet to be shown; but at least it is attempting to do something. Rather than criticise the Government for its efforts, we should give it more assistance and advice on what would be the best method.

To my mind there are two issues: One is to accept the shocking conditions that exist today; and the other is to accept the Bill, and amend it to conform to our wishes. I will deal with totalisators later. At present we have not got a measure before us dealing with a totalisator system, so we cannot take it into consideration. Last night Mr. Simpson spoke for quite a long while and the only two points he raised against the Bill were something that happened in England in 1306.

Hon. C. H. Simpson: No.

Hon. L. A. LOGAN: Somewhere about that time. It might have been 1066.

Hon. C. H. Simpson: Nearly all my speech was devoted to the experience of the Eastern States, not to England. That was only incidental

Hon. L. A. LOGAN: I was referring to Mr. Simpson's statements in opposition to the Bill and said he referred in the first place to what happened in England. I was going to add that he also spent considerable time on what had happened in South Australia. We have heard a lot of what happened in that State 12 or 15 years ago, and the result of the Act passed there; but no information has been given us as to what the Act contained. Not even the Chief Secretary told us that; so how can we compare conditions in South Australia with what may be the position in this State under this measure?

Hon. N. E. Baxter: You could have read the Act.

Hon. L. A. LOGAN: Possibly; and so could other members. But I say the onus is on those who hold up South Australia as an example to give us a comparison of the two measures. From some of the comments I have heard about women and children being in betting shops there, and women with children in prams standing on the footpaths outside betting shops, I would say that if such conditions were allowed under the South Australian Act, it could not have been comparable with the measure that is before us for consideration. We must be given a fair comparison of the two measures if we are to compare what obtained in South Australia with the position in this State. Mr. Simpson also wanted to know who sponsored the Bill; but if we read the report of the Commissioner of Police we may discover the answer. In his 1953 report he said—

> The law is totally inadequate. There is not the slightest doubt that something should be done to effectively control starting price betting. This can only be done by means of an Act giving the police power to control the practice to the extent considered necessary. Notwithstanding that such has been advocated many times I again strongly urge that early consideration be given to the matter.

That was the report presented to the Minister in charge of the department and the same statement has been made by the commissioner each year for the last four or five years. It is repeated again in the

1954 report; yet Mr. Simpson asks who sponsored the Bill! Surely when a Minister in charge of the Police Department receives from the commissioner a report such as that, he should act upon it! That is only commonsense.

We also heard about the effect of betting shops on juveniles in South Australia. Under this measure, no person under 21 years of age is allowed in a betting shop; and so the juvenile will not come into the picture. The right method would have been to discover the faults in the South Australian Act and make sure they were not included in this legislation, as in that way we would have secured a good Bill; but that can probably be done if the measure passes the second reading and goes into the Committee stage.

A lot of people outside this House who have taken an interest in the Bill seem to be prepared to make it an issue above all other aspects of legislation in Western Australia, and say they will favour or reject a candidate for election to Parliament simply because he votes a particular way on this measure. If that is the kind of electors we have—people who will elect a Government on an issue such as this—I believe they should think twice before coming to that conclusion. We have heard about pressure being put on members in regard to this Bill.

I have received one letter from a person who does not live in my electorate, and one from a lady who said she represented 12 other ladies. Apart from that, three organisations wrote to me, and that is all the mail I have had on this question. Even the churches have come into the picture. I respect them and their views, but expect them to respect mine also, because I think that when it comes to Christian principles, mine are just as good as theirs, whether I support this measure or not.

Much was made of what has been said in the past by Labour members not only in this State, but also in South Australia. Particular mention was made of what was said by the late Philip Collier; but that was a long time ago, and this is 1954. If he had been alive today and realised the conditions that now exist, I think there is a big chance that his opinion would have been altered. We have also had the spectacle of an outsider—a South Australian—being brought to this State, at whose expense I do not know, to tell us what we already know. Surely we, in this State, are capable of making up our own minds, reviewing the position and dealing with our own legislation without having an importation into the State telling us what to do! I do not know who footed the Bill, but I would say it must have been considerable.

It was said by Mr. Simpson that some of the letters he received were very pointed. There was one that I received that was pointed, because it said that if I voted for the Bill, certain people would not vote for me at the next election. I repeat that if there are some who make an issue of this kind over and above all the other legislation in the State, it is a poor look-out for us. Much has been said about betting being a social evil, and no one could agree with that more than I do. But have we not that social evil with us already, in every town in the State from Esperance to Wyndham? It is with us; and when a Government attempts to do something to control it, we find a hue and cry being raised. What advances have been made to the Government by these organisations over the last four or five years asking it to suppress or alter the existing conditions? Not many!

In my opinion the composition of the proposed control board will spell success or failure to the legislation. A bad board will have bad results, but a good board will result in nothing but good. The question is whether we are to carry on under today's conditions or make an effort to improve them. The report of the Commissioner of Police for 1954 states—

> Starting price off-the-course betting continues its well established practice throughout the State and will continue while the present law and the limited means of enforcing it exists. I express the hope that a suitable betting Act will shortly be brought into existence which will enable more effective control to be maintained and abolish the present undesirable procedure of utilising the obstruction clauses of the traffic regulations to penalise starting price betting operators who practise in the street.

They are strong words coming from the Commissioner of Police. Surely he is a man whose knowledge and integrity we should take notice of! Some members do not seem to consider that report worthy of much thought. Looking at the social evil as it exists today and the horror some people express about betting shops, I would point out that there are betting shops in nearly every town in this State today; and that where they are operating, the community is law-abiding in this regard. The unsavoury conditions exist where s.p. betting is done on the streets or in back lanes, where 20 or 30 people group themselves in a lane bordered by lavatories. Are those the conditions that we wish to perpetuate? That is apparently what some members want; I do not.

If we desire further evidence on the position, the answers to questions I asked in this House as to the number of convictions and the amounts paid in fines will give some idea of what I mean. The amount in fines paid at Geraldton, where for some reason or another betting shops have not been allowed to operate for many

years, was £3,894; and the operators are still being fined £20 every Saturday. That is a point I might mention.

Hon. A. F. Griffith: Is it lucrative—

Hon. L. A. LOGAN: That is another unsatisfactory state of affairs.

Hon. A. F. Griffith: I said it must be lucrative to stand the strain.

Hon. L. A. LOGAN: Another unsavoury feature is that people betting in the street are not breaking any law but are fined under the Traffic Act; and it is objectionable to me that we, as members of Parliament, have to put up with that while the men operating betting shops and breaking the law by keeping common gaming houses are lightly penalised. Do we want that sort of thing to continue? What kind of Police Force will we have if those conditions are perpetuated?

Unfortunately, it is weakening our police administration today. The existing situation has brought the police into ridicule. Quite often we have the spectacle of 30 or 40 men grouped around a bookmaker, interfering with nobody. Then a policeman comes along and picks up one of them, leaving the remainder standing where they are. Are they not obstructing the traffic in the same way as the one who was picked up? In this instance the police are taking action against something that is not illegal because of a stupid set-up which has been condoned by somebody.

I did not complete the figures that I was quoting in connection with the amount of fines that have been imposed. As I have said, although it is not illegal to bet on the street, in Geraldton the punters have paid £3,894 in fines. In Bunbury, Albany, Collie, Northam, Boulder and Carnarvon, all of which towns have betting shops, except Collie—in that town the bookmakers operate openly in the street—the total amount of fines collected was £3,919. That represented a difference of only £25 in excess of the fines imposed on bettors in Geraldton alone. Do members want those conditions to continue? I do not! If members do not accept the Bill, they will permit that sort of thing to go on.

Hon. N. E. Baxter: Do you think the Bill would stop that?

Hon. L. A. LOGAN: At least it would make the s.p. man who wanted to bet inside a shop, legally entitled to do so. It would also enable a punter to bet legally in a shop. Further, if a bookmaker wanted to accept a bet outside betting premises he would not be able to do so legally. Surely that would make the position much easier for the police than by attempting to deal with the conditions in existence today.

I do not know how many betting shops will be licensed, but a strong betting board would ensure that justice was done. I quite believe that there will be quite a few bookmakers that will go out of business if the Bill is passed. But who will they be? They will be those men who today are acting as stooges for the big bookmakers. Mr. Heenan cited the case of the poor unfortunate old-age pensioners who took the rap for the man whom the police could not get hold of. Then we have the position of young men, who are trying to obtain enough money to build a home, allowing themselves to be picked up by the police and taken to court in order that the man behind the scenes may be protected. Do we want that sort of thing to continue? I do not.

I hope that this board, if it is constituted, will take into consideration that the man who remains behind the scenes all the time has not had a conviction recorded against him. Yet, in my opinion, he has done more to foster and encourage betting and the breaking of the law than the unfortunate individual who operates in the street because he does not have a telephone or a shop for the purpose of accepting bets.

Under the Bill it will be illegal for a bookmaker to hold more than one betting shop. Admittedly dummying may still be practised. I know it is hard to detect. But at least the Bill will give us something to work on. It must be remembered, too, that all betting transactions will have to be recorded; and as a result, the Taxation Department will enter the picture. If a bookmaker submits his taxation return and does not show his true figures, it will not be long before the Taxation Department will be on his ginger and will want to know the reason why.

Hon. N. E. Baxter: What happens when a bookmaker submits his taxation return now?

Hon. L. A. LOGAN: He does not have to submit particulars of his betting transactions; but under the Bill he will be forced to do so. I have no brief for the s.p. bettor. I have not had a bet with s.p. operators for the last two years, and I had very few before that; but I am concerned with what goes on now. I happened to be in Kalgoorlie last week-end and I walked into three betting shops merely out of curiosity. Nobody was outside the shop. When one entered the premises boards could be seen all around the walls, which gave information about races that were being held in every part of Australia. Broadcasts of races could be heard all the time. I could not see any drunks; but there was a man in the corner who paid out if a punter had a win.

Hon. Sir Charles Latham: And did not the police take action there?

Hon. L. A. LOGAN: I have already quoted the figures. There is more than one betting shop in Kalgoorlie, and there are quite a

few in Boulder. Those shops that are in existence today are doing a much better job than the bookmaker who operates in the street with 30 or 40 men standing around him in the close proximity of hotel lavatories. This Bill will take betting away from hotels. The other day one hotelkeeper said to me, "I should be against the Bill because I know what it will do to my trade; but I can see that it is a move in the right direction, and I am in favour of it."

Let us get back to the telephone bettor. I defy anybody in Western Australia to tell me how much s.p. betting is conducted in betting shops, on the street or over the telephone. Some people condone s.p. betting by telephone. They consider that that is the best method of all. But are they not getting down to class distinction by holding that opinion? On a Saturday a man could remain at home close to his wireless in order to listen to the racing broadcasts and lay his bet by telephone; but the ordinary working man would not be able to do that because, firstly, he would not be granted any credit; and, secondly, he probably would not possess a telephone.

The amount of s.p. betting that is done in this State is colossal. The Bill may bring it out in the open, so that we will know what is going on. Although I am not concerned about what the Government will obtain in revenue if the Bill becomes law, I think it is entitled to some share of the profits from the business. We have heard a great deal about the money from s.p. betting going into the pockets of only a few bookmakers. If the Bill becomes law, it will spread the proceeds among several.

Hon. H. K. Watson: Will the Bill stop betting?

Hon. L. A. LOGAN: S.p. betting has increased every year under the conditions that exist today. If the Bill does increase betting in s.p. shops, is that going to do any harm? I cannot see any difference between the proposed system and the one at present, which is uncontrolled; but if the Bill is passed, we will have some control over betting. I do not admit for one minute that the Bill will not increase betting, but I venture to say that it will not increase to any great extent. In South Australia, when the figures for s.p. betting showed an increase, it also meant that betting had been brought out into the open, and the same applies to New Zealand. One can bet only to one's economic limit. If a man has £2 in his pocket and he wants to waste it on betting, that is his own concern. Whether he spends it on beer or racehorses is no concern of ours. Spending money on clothes to excess is unnecessary: but are we to stop people doing that?

Hon. L. C. Diver: You are going from the sublime to the ridiculous.

Hon. L. A. LOGAN: I am doing nothing of the sort.

Hon. N. E. Baxter: Have you read the interpretation of "betting" in the Bill?

Hon. L. A. LOGAN: The Bill will do away with the bad conditions that exist today. If I could obtain a guarantee that something to deal with this problem would be introduced within three months that would be better than this Bill, I would give it my consideration. Let me cite another instance of today's conditions.

In Northam there were 93 convictions and fines imposed totalled £599, but the large bookmaker in Northam was penalised very seldom. It was the small bookmaker endeavouring to break into the business who was continually convicted, while the big man got off scot-free. Do we want that sort of thing to continue? I do not.

Some members would like to see betting operations decrease, and I applaud their attitude; but how are we going to do that? Every time we turn on the wireless or read a newspaper we are reminded that racing is being conducted either in this State or in some other part of the Commonwealth. Therefore every facility is provided for the bettor. If it is intended to stop betting, these mediums of information should be stopped. If racing information can be kept from the public, the incidence of betting will be greatly reduced. Apparently, from the figures given the A.B.C., the "B" class radio stations, and the newspapers are catering for the public, the same as any businessman will cater for his customers. If they require that amount of time and that amount of newspaper space to give racing information, is it not obvious that they are supplying a great need? While that continues, I cannot see how it is possible to reduce betting in this State.

A lady of my acquaintance who a few years ago would have looked upon betting on racehorses as something to be ashamed of, has changed her mind. Every Saturday she sits by her radio and places bets over the telephone. That is one angle which both the State and Federal Governments should tackle if it is desired to reduce betting. Much has been said about the totalisator system, but it is not so easy to put it into operation off the course as Mr. Baxter suggested. I give him my definite opinion as to what a totalisator system would do in Western Australia. It would increase betting by at least 30 to 40 per cent. over the volume of betting in legalised shops.

Hon. N. E. Baxter: How do you make that out?

Hon. L. A. LOGAN: If evidence is required, let us see what happened in New Zealand. In the first year of its operation there was a turnover of £135,000, but four years later that figure rose to over £19,000,000.

Hon. L. C. Diver: How many new shops were established?

Hon. L. A. LOGAN: I do not know that that has much to do with it. In 1953, the turnover was £14,000,000. How many more extra totalisators were there? Only a few in the country areas; but the turnover increased by over £4,000,000 in 12 months.

Hon. N. E. Baxter: That is no criterion that the same thing would happen here.

Hon. L. A. LOGAN: With those few extra shops, the betting increased by millions of pounds, but all the business did not come from the few extra totalisator agencies. There is proof that the totalisator will increase betting.

Let us turn to our own racing and trotting courses and see what happened since a decent totalisator system was put in. People who used to go to the races, and who would not have dreamed of having a bet with a bookmaker, nowadays bet through the totalisator. That happens on the local course; and do not forget that our children bet there! Immediately facilities are given under the tote system, they are made use of. Do not make any error about that!

I go so far as to say that if this system could operate in Western Australia, I would prefer it to the betting shops; but such an alternative is not before us. Mr. Baxter said that all we had to do was to link up a few telephones to operate a totalisator. That is stretching the point. Even on the Trotting Association's own grounds, a person who tried to get a bet from the leger into the main enclosure on a treble could not do it.

I have studied the totalisator system quite a lot and the conditions under which it applied. The very fact that we are two hours behind Victoria and New South Wales aggravates the position considerably in setting up a tote in Western Australia. For a tote to operate, one main machine is required where all bets are rung through by telephone. That is essential. So we have fellows here on Saturday morning operating a tote receiving bets from all over the city and country on Eastern States races. What kind of a totalisator system would we have with that set-up? Not a very good one. The information given by the Chief Secretary was not very far off the mark. Where there is a popular Western Australian horse running, the people of this State are on it to a man and woman.

Hon. N. E. Baxter: That happens once in a blue moon.

Hon. L. A. LOGAN: Quite often. It would surprise members to know the number of people in this State who backed "Rising Fast" in the last Melbourne Cup.

Hon. N. E. Baxter: And there was a greater number that backed the other horses.

Hon. L. A. LOGAN: The percentage that backed "Rising Fast" would be 70 or 80.

Hon. N. E. Baxter: No.

Hon. L. A. LOGAN: Go and ask the starting-price bookmakers! I do believe that with more extensive study, and with some means of overcoming the distances, something might be accomplished. I only hope and trust that if the proposed board is set up, it will be instructed by the Government of the day to start with that idea in the metropolitan area first and then gradually extend it to country districts. One of the difficulties will be telephones. With all the telephones already operating every Saturday on the races, unless those connections can be severed it will mean that persons who have waited for many years for telephones will be denied them. It is a fact also that the State has no control over telephones.

Hon. N. E. Baxter: Do you not think starting-price bookmakers will want them?

Hon. L. A. LOGAN: They have them today. The telephones must be taken from them. To my knowledge, there are about 600 telephones tied up in this State every Saturday morning to take bets in Perth.

Hon. N. E. Baxter: That is only part of it.

Hon. L. A. LOGAN: It must be realised that it is a tremendous industry, for which we are trying to do something. A lot of consideration and study is needed before we can get on to the basis of totalisator betting. Remarks have been made on the effect of legalised betting on Saturday afternoon sport. Present methods of starting-price bookmaking killed Saturday afternoon sport long ago. So this is another furphy to put across the line. In Kalgoorlie, where there are s.p. betting shops, Saturday afternoon sport is still evident. Yet in Geraldton, with s.p. bookmakers on the streets, it is hard to get anyone to go to sporting fixtures, except a few hockey and tennis players who are not betting types. Do not get the idea that this will stop Saturday afternoon sport; because that has been the effect under today's conditions. Even Mr. Baxter did not tell us about the conditions in his own town. There is a man operating in a shop who has been charged once in the last 11 years. Is there anything wrong with such a shop? Is it disorderly? No. He wants the man in Beverley to stop there to be fined once in 11 years, and my bookies to be fined every week.

Hon. H. K. Watson: Your fellows will raise a statue to you after this.

Hon. L. A. LOGAN: I am not worried about them. I have studied this question for seven years while I have been in this House, and I am prepared to stand up to my own convictions. Another sordid aspect which brings the Police Force into degradation is the present method of

fining. If a person is operating a shop, he is keeping a common gaming house; and if charged, he is fined from £40 to £60. If a man is a bookie on the street, he is fined 30s. in Collie, but £20 somewhere else.

Hon. Sir Charles Latham: The maximum under the Act is £20.

Hon. L. A. LOGAN: Boulder has had 45 convictions for a total of £1,057 fines, an average of £23 per conviction. That is given in the report of the Commissioner of Police. Let us look at the figures for other places. In Albany, it is £13 for a conviction; in Boulder, it is £23; in Bunbury, it is £11; in Collie, it is 30s.; and in Geraldton, it is £14. I do not know how it is worked out because it varies so much. In Northam the average fine is £5 10s., and in Carnarvon it is £15. Why the variation?

Hon. A. F. Griffith: Who is responsible for that?

Hon. L. A. LOGAN: I do not know. I have been endeavouring to find out for several years, but have not been able to get an answer. Is there something wrong with the present-day conditions that we have to put up with it? If so, let us make a change so that there can be more uniformity.

Getting back to police raids, I was speaking about the sordid conditions and degradation of the Police Force. What happens today is this: Instead of a man being picked up for betting on premises, because it would be a charge for keeping a common gaming house, the operator is warned ahead that a raid is going to take place. What happens when the raid takes place? A man in front of the shop with a book—

Hon. J. G. Hislop: Who warns him ahead?

Hon. L. A. LOGAN: Is it not obvious? Who is going to pick them up in the first place? A man is picked up in the street outside the shop and is charged with obstructing the traffic, not with keeping a common gaming house. That is what is going on. Do members want these conditions to continue? If they do, I do not. The Act is so weak that the police cannot do anything about it. The Commissioner of Police has told us that he needs power under the Act and that he cannot deal with the position in the present state of the law. Is not that obvious?

The Bill proposes to give power to stop illegal betting and keep the s.p. bookmakers off the streets. At Kalgoorlie last Saturday afternoon, one could have fired a cannon down the street without hitting anybody. I saw two women in one s.p. shop and one in another and they had reached the age of discretion. Is there any trouble at Albany, Bunbury or Carnarvon because betting shops exist there? Let us be factual in this matter.

I am concerned about the unsavoury conditions that exist at present, conditions that the police are unable to deal with. Let me read some remarks from the annual report of the commissioner—

> A further disturbing feature is the fact that, over a long period of years, some country towns have received much more consideration than others in the control exercised over starting price betting, which is the cause of a great deal of discontent, and this should and would be eliminated by the introduction of an Act to control the practice generally.

That is what is proposed under this Bill.

> This feature is also responsible for dissatisfaction amongst police officers, who find it exceedingly difficult to administer the law according to many and varied local standards. It also has a detrimental effect on the efficiency, conduct and discipline of the police force.

Those are very strong terms, coming from the Commissioner of Police.

Hon. L. C. Diver: Then why does he not stop it?

Hon. L. A. LOGAN: Because he has not the necessary power or backing of the law to do so. When the Commissioner of Police cannot do it, the Minister has not the power to compel him to take action, and so we need some system whereby the Minister can control the Commissioner so that he will see that the work is done. I do not like to make charges against anybody, but what I am about to say is something that goes on. A policeman approaches an s.p. operator and has a bet, and if the horse does not win, he does not pay, but if the horse wins, he collects. That is the stage we have reached under existing conditions.

Hon. Sir Charles Latham: It is just as well that you are in the House when making a statement like that.

Hon. L. A. LOGAN: S.p. bookmakers have told me that is a fact, and I am here to let the people know what is going on. I am trying to tell the hon. member what is occurring, but apparently he does not want to know.

Hon. Sir Charles Latham: The Bill will not make bad policemen good policemen.

Hon. L. A. LOGAN: What we need is a law which can be upheld and enforced, and under which the Commissioner of Police can direct every man under his control to do his job. Under existing conditions, he cannot do that. Therefore men are picked up in the street on a charge of obstructing the traffic.

Hon. Sir Charles Latham: Why did not you introduce a Bill making provision along those lines?

Hon. L. A. LOGAN: Because it is not my duty to do so. That is the duty of the Government.

Hon. Sir Charles Latham: Why did not the Government do it?

Hon. L. A. LOGAN: The previous Government had six years of office and did not do it.

The Chief Secretary: The Government of which Sir Charles Latham was a member had an opportunity to do it and did not.

The PRESIDENT: Order!

Hon. L. A. LOGAN: The present state of affairs continued during the six years of the term of office of the previous Government and nothing happened. That is the position at present. Now that the Government has introduced a Bill which, if passed, will enable the Commissioner of Police and his men to do their job, members are not satisfied. We do not want the existing state of affairs to continue. I do not know whether this measure will become law, or whether it will pass the second reading. If it does so, I consider that some of the penalties should be increased, particularly if a man breaks the law a second time. Then he should lose his license immediately and be called upon to pay a heavy fine. I intend to support the second reading.

HON. H. K. WATSON (Metropolitan) [10.23]: I agree with Mr. Logan that the present position in regard to the control of betting is certainly nothing to be admired and leaves much to be desired, but I cannot see how the proposals contained in the Bill will either remedy or improve the position. I have studied the measure, and it seems to me that the main result of passing it will be to encourage the whole community to bet like the Watsons.

The Chief Secretary: One of them does not bet too much.

Hon. H. K. WATSON: The introduction of this Bill might serve a good purpose if the Chief Secretary can enlighten us where that expression emanated; but, as the Chief Secretary indicated, I am not afraid of being afflicted with the disease. When I say that the Bill will have the effect of encouraging and promoting betting, I think we have only to look at the example of New Zealand and to recall what was said by Mr. Logan. While betting in the Dominion was illegal, it was kept within reasonable limits, but once it was legalised, it increased by leaps and bounds, so much so that when the tote was introduced in the first year of operation the turnover was £135,000, but it was not long before it reached £1,000,000 and last year it had reached the extraordinary figures of £18,000,000 or £19,000,000.

It seems to me that members should read the latest report of the Totalisator Board, which is the betting control board in New Zealand, to find out that the board does not regard itself as a control body. It regards itself as a betting promotion board, and in its last report promised to obtain bigger and better results, to encourage more people to bet and to show a bigger turnover and a bigger profit. A country is not well governed when betting becomes a major industry, and particularly a major legalised industry. Yet that is the position which is rapidly developing in New Zealand.

When I was in the Dominion about nine months ago, I made some inquiries, and responsible sections of the community were very definitely alarmed at the hold that legalised betting had taken on the country.

Hon. E. M. Heenan: How long were you there?

Hon. H. K. WATSON: A fortnight. This Bill might have had something to commend it if we were breaking entirely new ground; if, being dissatisfied—as I think everyone must be—with the existing state of affairs, we adopted the attitude, "This looks like an alternative that nobody else has tried. We will give it a trial and see how it works. It might work or it might not but we will give it a trial." However, we have the position that we are not sailing on uncharted seas. We have the actual experience of South Australia and of Tasmania to which to turn in order to obtain some idea as to how similar provisions have operated in those States; and I suggest that it would be a grave and foolhardly act to embark with our eyes open upon the endorsement of a system that has proved to be futile, tragic and really dangerous in those States.

That certainly was the position in South Australia. Last night Mr. Simpson gave definite information of the position as it existed in South Australia; and, after the Act had operated for some years, the legislature in that State repealed it. That Act, so far as I can see, was for all practical purposes identical with this Bill. Mr. Logan complained that members who had spoken and had referred to South Australia, did not tell him or the House what was in the South Australian legislation. I would not have been surprised had he said that the Chief Secretary, in introducing the Bill, likewise refrained from any lengthy discussion as to its contents. But to anyone who has read the South Australian Act and who has read the Bill, it is clear that this measure is drafted on the provisions of the South Australian Act. Far from making the control more stringent than that which obtained in South Australia, the control envisaged under this measure will be more loose and irresponsible.

Also, Mr. Logan mentioned the complaints about juveniles frequenting betting shops in South Australia, and referred to the provisions in this Bill which he said will prevent juveniles from entering betting shops. The same provision obtained in the Act in South Australia. Actually, their legislation was more strict than this Bill, under which a bookmaker will be fined for dealing wth a person under the age of 21 if he knowingly bets with him. Under the South Australian Act a penalty was imposed upon the bookmaker for betting with a person under the age of 21 or allowing him to be on the premises, and the person under the age of 21 was likewise subjected to a penalty. As a matter of fact, this Bill is based largely upon the South Australian Act.

The South Australian Act provides that the control board may register premises on which a licensed bookmaker may carry on his business. It also provides that the board may, in respect of a club which is registered under the Licensing Act, grant a licence to a portion of that club. Let us compare the similar provision in the Bill before us. There is no reference to the club being a licensed one; any blessed club can apply to the bookmakers' licensing board for a licence. In South Australia the provision was obviously limited and meant to apply to clubs such as Tattersalls, which are registered under the Licensing Act. There is no such provision in this measure. It simply provides for any club.

Moreover, the South Australian Act provided that if a race meeting was held at a racecourse which was more than 25 miles from the G.P.O. Adelaide, and any part of it was within 10 miles in a direct line from any registered premises at which bookmakers were permitted to carry on business on such race meeting, no person could, after one o'clock on the day on which a race meeting was held, carry on business as a bookmaker on those premises. There is no similar provision in this Bill. When Mr. Logan says, "Tell us what is in the South Australian Act. You cannot reasonably refer to the results that came to light under that Act and say that that is a fair indication of what will happen under this Bill," I say very definitely that it could happen. The most broad-minded person will tell us that the most unsavoury things happened under the South Australian Act and they are equally likely, if not more certain to operate and be found under the Western Australian legislation.

The Bill also provides that a bookmaker may carry on business on licensed premises and that the board may register any premises, and also that it may register premises and entitle bookmakers to carry on business where more than one bookmaker is operating. That, of course, follows the Tasmanian system. I had a look at that system when I was there this year and I would be very sorry to see it in operation in this State. They have a legalised system in the centre of Hobart and the drill is that one makes one's way down a side lane next to one of the principal hotels in the heart of the city and after passing the latrines—just as Mr. Logan mentioned tonight—one enters a barn about the size of this Chamber, or a little bigger, and there one finds the place filled with men, women and youths, and probably 20 bookmakers plying their hire at various stalls around the building.

That occurs mid-week and Saturdays, and apparently every day that a race meeting is held either on the mainland or in Hobart itself. I happened to be there on a Wednesday; there were no local races at the time, but meetings were being held on the mainland. This particular organisation, right in the heart of Hobart, in the most undesirable spot at the back of a hotel, was carrying on business. I say that a similar set-up is contemplated under this measure.

The Chief Secretary: Where is that?

Hon. H. K. WATSON: The Bill says that the bookmaker may carry on either at single premises or at premises where more bookmakers than one may carry on business.

The Chief Secretary: It does not say anything such as you describe.

Hon. H. K. WATSON: It is an odds on bet that that is what will happen.

The Chief Secretary: No.

Hon. H. K. WATSON: All I can say is that the Chief Secretary was not very informative about the contents of the Bill when he moved the second reading.

The Chief Secretary: I gave you the principles.

Hon. H. K. WATSON: I would advise members to study it carefully before they record their votes, because it will certainly do many more things in my opinion—

The Chief Secretary: I gave you the principles of the Bill. It is purely a Committee measure.

Hon. H. K. WATSON: I cannot see any principle in the Bill. So far as I can see it completely lacks principles. Bad and all as the present system is, this Bill offers no solution.

Hon. E. M. Heenan: What is your idea?

Hon. H. K. WATSON: Bad and all as the present system is, I would say that it is to be preferred to the proposals contained in this measure.

The Chief Secretary: I have not heard you so easily satisfied before.

Hon. H. K. WATSON: I am not easily satisfied, but it is a most difficult problem. Betting has always been with us and always will be with us. So have abortion and

prostitution. The Government says we cannot stop betting; therefore we will legalise it. Are we going to expect that the Government will take the same attitude in due course with abortion and prostitution?

Hon. E. M. Heenan: What about the drink traffic?

Hon. H. K. WATSON: We are not discussing the drink traffic.

Hon. E. M. Heenan: It is analagous.

Hon. H. K. WATSON: It is not. I am dealing with subjects which are illegal.

The Chief Secretary: So was the drink traffic until it was licensed.

Hon. H. K. WATSON: The Government says that we cannot control betting. But it seems to me that the existence of a certain amount of evil which cannot be controlled is to be preferred to legalising it and encouraging everyone to have an open go.

Hon. E. M. Heenan: Do you not think it is your duty to make some positive suggestion for removing these situations?

Hon. H. K. WATSON: I would say that the proposals which have recently been introduced into the Queensland Parliament provide a much more satisfactory way, and a much more positive way of attempting to control betting than the proposals contained in this Bill.

Hon. L. A. Logan: Have you been in any of the shops in Western Australia?

Hon. H. K. WATSON: No, I cannot say that I have.

Hon. L. A. Logan: You have no experience, and you are not in a position to talk about what goes on.

The PRESIDENT: Order!

Hon. H. K. WATSON: But I have seen the groups of which Mr. Logan made mention. Shops do operate—the hon. member told us that they operate—because someone is not enforcing the law. That is the only reason why they operate.

Hon. E. M. Heenan: What do you think of the views of the Commissioner of Police?

Hon. H. K. WATSON: I have not risen to answer interjections from all the non-party members in this House who are going to deal with this Bill in a "non-party" way! I am making my own brief contribution and telling members how I intend to vote on the Bill. The question has often been asked, "What do we have a Legislative Council for?" with the preposition in its proper place, at the end of the sentence! I would suggest that members have an opportunity on this Bill to demonstrate and give an answer to the question as to what we have a Legislative Council for. In my view it is the duty and task of this Council to prevent going on to the statute book any legislation which members consider to be harmful and contrary to the best interests of the people of Western Australia. I feel this is such a Bill, and I intend to vote against the second reading.

HON. L. C. DIVER (Central) [10.46]: When introducing the Bill the Chief Secretary asked whether we were satisfied with the present conditions pertaining to s.p. betting. I say emphatically, "No, we are not!" The mere fact that the Commissioner of Police, who is clothed with certain powers, at present allows his officers to exercise those powers in one part of the State, while officers in other parts avoid taking similar steps does not mean that we must agree with such a state of affairs in a country that is called democratic. The Chief Secretary also asks us to consider whether the position would improve if betting premises were legalised.

Again I emphatically say, "No!" If improper practices are allowed to be carried on as they are today, what guarantee have we that they will cease once a limited number of people who are conducting illegal off-the-course betting in Western Australia are registered? What guarantee have we that the unsuccessful applicants, who do not get a licence, will not continue betting in the same manner as now?

Hon. E. M. Heenan: You realise that on-course betting is illegal?

Hon. L. C. DIVER: I do; but I also realise that there was a Royal Commission appointed in 1948 to look into this matter, and one of its recommendations was that that position should be rectified. But the Government of the day—and the present Government, up till now—made no move to correct the position.

Hon. W. F. Willesee: Do you think Parliament should force people on the racecourse only?

Hon. L. C. DIVER: I do not.

Hon. E. M. Heenan: You must have it one way or the other.

The PRESIDENT: Order!

Hon. L. C. DIVER: Unfortunately, Mr. President, the good Lord did not bless me with sufficient eloquence to convince members in a matter of 20 minutes. Firstly, I feel that we should not force this along a certain path. Every member here is a representative of the people, and it is the people's will we are here to carry out to the best of our ability. We must not overlook that fact, no matter what course we adopt on this legislation. As sure as night follows day, if our actions do not meet with the approval of the majority of the people, then the Labour Party cannot claim to subscribe to democracy for which they have always said they stood. That being

so, we should allow the majority to determine this position. Whatever legislation is passed, let it be in such a form, and let there be provision in it, for the people to determine by local option poll in each locality what they want in that locality. Surely that answers the hon. member's question.

Mention has been made about legalising totalisators. If legislation is to be passed, I trust it will provide for off-course totalisators. We are told that such a system could not be put into operation in this State; but it would appear that that statement has been made by those who are not familiar with the working of the tote. According to the evidence presented to the Royal Commission on s.p. betting in 1948, a representative of Automatic Totalisator Ltd. of Sydney gave evidence, and said that the company was prepared to establish off-course totalisators at Albany, Bunbury, Boulder, Busselton, Carnarvon, Collie, Geraldton, Coolgardie, Narrogin, Northam, Wagin, York, Three Springs, Katanning, and possibly Wyndham. That is an initial move; but members would like to laugh it aside, and make believe that they know more than the people who conduct this business.

Hon. E. M. Davies: Of course they claim that; it would be in their interests.

Hon. L. C. DIVER: Of course it would! And that is why the Government has brought this legislation forward. I wonder in whose interests the legislation would be! This document will tell members who will get the rake-off from s.p. betting.

Hon. R. J. Boylen: It was not brought in for that purpose, and you know it.

Hon. L. C. DIVER: It justifies the statement that in three meetings the bookmaker received £5,000 in bets and still retained 25 per cent. of that money after settlement.

Hon. R. J. Boylen: You cannot prove that.

Hon. L. C. DIVER: That was the evidence before the Royal Commission. Apparently we are talking to some members who do not wish to listen. It must have been a fact or the Royal Commission would not have reported it.

Hon. E. M. Davies: The Government that appointed the commission took no notice of it.

The PRESIDENT: Order! Please allow the hon. member to proceed!

Hon. L. C. DIVER: The report of the Royal Commission goes on to say that the South Australian Betting Commission of 1933 recommended the introduction of off-course totalisators as the most suitable medium for that form of betting. It further recommended that the totalisator should be controlled by the State Totalisator Board to comprise certain members appointed by the Government and the racing clubs. It was contemplated that the State totalisator pool should be entirely separate from the course totalisator, and should provide facilities for a pool on racecourses in other States as well as on South Australian racing. The report proceeded to say that it was now a matter of history that the commission's recommendation was not followed, but that instead the South Australian Government introduced the licensing of betting shops which has proved so disastrous an experiment. In the face of that, how can we carry on off-the-course betting shops in this State? They stand condemned.

Hon. F. R. H. Lavery: Is that a South Australian or a Western Australian report?

The PRESIDENT: Order! The hon. member will have his chance to speak.

Hon. L. C. DIVER: There were also other recommendations concerning off-the-course betting. But one thing stands out boldly; and that is that the Government, in the terms of reference, asked the commissioners not to report on the legalising of betting shops. But notwithstanding that, and by a strange method of reasoning, on the evidence it considered, the commission was in favour of it. It is beyond me how it came to that conclusion; because, as has been mentioned by Mr. Watson, the totalisator system in New Zealand has grown substantially. A lot of people say it has increased betting; I do not think it has. It has brought all this under-cover money, or a substantial amount of it, to the light of day; and we can now see the flow of the betting transactions of the people of New Zealand.

The totalisator also brings in a considerable amount of revenue and has much to recommend it. Anyone who wishes to invest on the totalisator can do so as he would on a slot machine. The totalisator will never approach him; there are no amenities, it is just a straightout machine. There are no personal contacts, as is the case with the betting shops. With the use of the totalisator there are not the inducements for improper practices as exist with s.p. shops. A totalisator would not permit of bets being laid during the week in connection with Saturday betting so that certain arrangements could be made for improper practices on the racecourse.

I trust that if the House agrees to the second reading, the Bill will be amended to make certain that it is incumbent upon the board to install totalisators as soon as possible in every town of any consequence. I oppose the second reading.

On motion by Hon. J. D. Teahan, debate adjourned.

House adjourned at 11.2 p.m.